

33rd Annual Report 2010-11



Legal Services Commission of South Australia

www.lsc.sa.gov.au



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33rd Annual Report 2010-11

Legal Services Commission of South Australia

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Chairman's Report 2010-11

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The Honourable John Rau MP
Attorney-General
Level 11
45 Pirie Street
ADELAIDE SA 5000

Dear Attorney-General

I am pleased to present the Annual Report of the Legal Services Commission for the year ended 30 June 2011 pursuant to section 33 of the *Legal Services Commission Act 1977*.

The Commission has again had a busy year, reflecting a continuing high demand from the South Australian community for legal education, advice, minor assistance and representation services. The Commission was pleased that you were able to attend its first meeting for the year to hear first hand some aspects of those legal assistance services.

The Commission acknowledges the additional funding provided by the State under the Cabinet decision of May 2010. This, combined with sound financial management, higher than expected trust interest receipts and a slight reduction in the number of grants of aid made in State criminal law matters left the Commission's budget position, in respect of State matters, in a more satisfactory position than at the corresponding time in the previous year.

A significant event for the year was the commencement of the National Partnership Agreement on Legal Assistance Services between the Commonwealth of Australia and the States and Territories including South Australia.

The Review of the Commission, announced by you in February, includes an examination of the Commission's fee structure, how it provides legal assistance and its operations,

Chairman's Report 2010-11

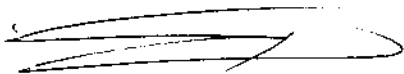
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including an analysis of criminal matters assigned to in-house Commission lawyers and external lawyers.

The Commission has worked actively with the Review Committee and its consultants. It has provided them with considerable amounts of data and other information as well as a lengthy submission. The Commission looks forward to participating in the consideration of the Review's findings with yourself and the Committee.

The Commission, and the South Australian community, continues to be well served by the generous cooperation of many in the private legal profession in the delivery of legal aid services.

Your continued interest and support, as Attorney-General, shown towards the Commission and the legal assistance services it provides has been a source of encouragement to the Commission and its staff. We look forward to working with you to meet the challenges of 2011-12.



D J ESZENYI
Chairman

03

Director's Report 2010-11

04

In June 2010 the State Government entered into a new National Partnership Agreement on Legal Assistance Services (NPA) with the Commonwealth Government.



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.

Director's Report 2010-11

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.

Director's Report 2010-11

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

Legal Services Commission Functions 2010-11



The Commissioners. Front (L–R): Mr Hamish Gilmore, Ms Dymphna Eszenyi, Ms Maurine Pyke QC, Mr Michael Dawson.
Back (L–R): Ms Wendy Purcell, Mr Andrew English, Mr David Meyer, Mr David Mazzone, Mr Michael Burgess, Ms Tracee Micallef.

The Legal Services Commission ('the Commission') was established under the Legal Services Commission Act 1977 ('the Act'). Under section 10(1) of the Act, the Commission's functions are to:

- | | | |
|---|---|---|
| b) provide, or arrange for the provision of, legal assistance in accordance with this Act; | of their rights, powers, privileges and duties under the laws of the Commonwealth or the State; | 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; |
| c) determine the criteria upon which legal assistance is to be granted in pursuance of this Act; | 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; | 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; |
| 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; | h) cooperate and make reciprocal arrangements with persons administering schemes of legal assistance in other States and Territories of the Commonwealth or elsewhere; | 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 |
| e) establish such local offices and other facilities as the Commission considers necessary or desirable; | ha) cooperate with any body established by the Commonwealth for the purpose of the administration of legal aid and provide it with such statistical and other information as it may reasonably require; | k) perform such other functions as the Attorney-General may direct. |
| f) 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) | | |

Legal Services Commission Functions 2010-11

Eligibility for legal aid

Section 10(2) of the Act requires the Commission, in setting criteria for eligibility for legally aided representation, to have regard to the following principles:

- a) that legal assistance should be granted in pursuance of this Act where the public interest or the interests of justice so require; and
- b) that, subject to paragraph (a) of this subsection, legal assistance should not be granted where the applicant could afford to pay in full for that legal assistance without undue financial hardship.

Special considerations

Section 11 of the Act requires the Commission in the exercise of its powers and functions to:

- a) seek to ensure legal assistance is provided in the most efficient and economical manner;
- b) use its best endeavours to make legal assistance available to persons throughout the State;
- c) have regard to the recommendations of any body established by the Commonwealth for the purpose of advising on matters pertaining to the provision of legal assistance;
- d) have regard to the following factors:
 - i) the need for legal assistance to be readily available and easily accessible to disadvantaged persons;
 - ii) the desirability of enabling all assisted persons to obtain the services of legal practitioners of their choice;
 - iii) the importance of maintaining the independence of the legal profession;
 - iv) 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.

Who can get Legal Aid

Legal aid is not granted for all legal problems. For example, if it is a criminal matter, there must be a reasonable likelihood of imprisonment. Family law matters must usually involve a genuine dispute over children and reasonable steps must have been taken to try and resolve the dispute. In assessing an application for aid the Commission takes into account personal income and assets plus that of anyone with whom the applicant has a financial relationship. In assessing the application for a grant of aid the Commission considers:

- **income**—money received after allowing for tax, childcare, reasonable rent or mortgage payments and the number of children cared for
- **assets**—savings, investments and property, excluding the home the applicant lives in, a car and household furniture of average value
- **chances of success**—a merit test is applied to assess the matter has a reasonable chance of success.

Legal aid may be granted subject to a financial contribution or a charge can be placed over real estate, so that legal costs can be paid at a later date when the property is sold or transferred.

Legal Services Commission Functions 2010-11

What the Commission does

The Commission provides a range of legal services to members of the public:

- legal representation to people eligible under criteria set by the Commission in accordance with Section 10(2) of the Act
- free legal advice and minor legal assistance, either at a Commission office by appointment, in a gaol or over the telephone
- a free duty solicitor service to eligible people attending metropolitan and some country State and Federal Magistrates Court, Youth Courts and the Family Court who have not yet consulted a legal practitioner
- a range of free publications explaining the law in simple terms, available from Commission offices, various community organisations and on the Commission website
- Law Handbook Online at www.lsc.sa.gov.au provides plain english information
- an extensive range of legal education programs, some free and others fee-paying

Commission members

The membership of the Commission is prescribed in Section 6 of the Act.

There are ten members; nine of whom are appointed by the Governor on the nomination of various bodies, the tenth being the Director. Membership of the Commission is set out in *Appendix 2*.

Public participation in developing Commission policy

Under the Act, the Commission is responsible for developing policy as to how the Act is applied. One Commissioner appointed by the Attorney-General represents the interests of assisted persons in that process. In addition, the Commission consults regularly with the State and Commonwealth Governments, the Courts, representative bodies of the legal profession, community legal centres and other community organisations. Members of the public are allowed access to certain Commission documents available under the *Freedom of Information Act 1991*. Information about access is set out in *Appendix 1*.

Organisational structure

A chart showing the organisational structure of the Commission is shown as *Appendix 3*.

Community Involvement 2010-11

During the year members of staff, in their own time, contributed to the development of their respective professional associations as well as the other groups referred to in *Appendix 4*.

The Year in Review 2010-11

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Our Vision is to provide quality legal assistance to people in South Australia.

The Corporate Planning Strategy this year placed emphasis on improving our processes for data collection and reporting requirements so as to ensure maximum efficiencies in service provision.

In the past financial year the Commission delivered over 129 800 direct client services comprising:

- 14 170 grants of legal aid for representation
- 16 443 duty solicitor services
- 66 672 telephone advice services
- 28 237 face to face advice appointments
- over 47 publications available in print or for online download
- CLE initiatives creating legal education and information opportunities for clients and community workers.

For 2010-11 the Commission's Law Handbook Online website received an increase in traffic of 24% on the year prior. With over 46 270 monthly visitors, it continues to be the State's premier free online source regarding South Australian law.

Commissions Goals

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

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Highlights 2010-11

National Partnership Agreement

In June 2010 a new National Partnership Agreement (NPA) on Legal Assistance Services was signed between the State of South Australia and the Commonwealth. The major thrust of the National Partnership Agreement is the provision of early intervention, prevention and education services, whilst still providing means tested representation for Commonwealth law matters. The Commonwealth have recognised that early intervention in legal matters minimises the cost to both clients and funders and have expanded Commonwealth priorities to include providing early intervention, prevention and education services in both Commonwealth and State law matters.

Senior Commission staff have been involved in developing appropriate frameworks to provide programs and services for disadvantaged Australians in accordance with access to justice principles, while also addressing targets set out in the NPA.

Performance will be evaluated against the broad goals of sector reform that promote a client-centred focus and include comprehensive access to information, seamless referral, improved coordination and the linking of legal aid services with other service providers so as to ensure a 'joined up' delivery of services to disadvantaged people.

South Australian Legal Assistance Forum

The South Australian Legal Assistance Forum (SALAF) is a jurisdictional forum established pursuant to clause 29 of the National Partnership Agreement.

The forum exists to advocate on the behalf of socially and economically disadvantaged persons to improve legal assistance services to such persons and to consider matters involving social justice within the public interest.

Current SALAF projects include an examination of the alleged under-utilisation of diversionary procedures introduced by the Shop Theft (Alternative Enforcement) Act, and an initiative aimed at securing fee exemptions for community legal centres when they subpoena SAPOL records.

Communication

In April 2011 the Commission also appointed a new Communications Officer, Mr Nick Ramage, to co-ordinate marketing and information, as well as assist promote the work of the Commission.

Recognition of Commissioner and Senior Staff

The Commission welcomed the news that the talents and energies of our in-house counsel, Mr Mr Greg Mead SC, Chief Counsel, and Paul Muscat SC, Manager, Criminal Law Practice Division were recognised by their appointment as Senior Counsel in October 2010.

The Commission was also pleased to present two long term staff members with their respective awards marking 25 Years of Special Service. Kathy Walker (Assignments) and Commission Chief Counsel, Greg Mead SC were presented in 2011 with their awards by Director, Hamish Gilmore, who highlighted their vital contribution to the Commission in providing access to justice.

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High Court Special Leave to Appeal Applications

During the year, the Commission's Chief Counsel, Mr Greg Mead, SC, and the Criminal Practice Division Manager, Mr Paul Muscat SC made two applications for special leave to appeal to the High Court.

In *Watson v The State of South Australia*, the High Court refused to grant special leave to appeal against a refusal by the Governor in Council to grant parole, despite a recommendation in favour by the Parole Board. The Court held that the "plain and ordinary language" in the Correctional Services Act is to be interpreted as providing the Governor-in-Council with a broad and unfettered discretion and so determined that the matter did not enjoy reasonable prospects of success warranting a grant of special leave.

In *P, GA, v The Queen* special leave to appeal was granted by the High Court. The High Court's grant of special leave to appeal will allow the common law doctrine of retrospectivity, particularly in relation to its application to the criminal law and rape in marriage, to be fully explored and tested. The appeal is listed to be heard in September, 2011 with the High Court sitting in Adelaide.



The Expect Respect! team celebrating at the 2010 Premier's Awards – Showcasing Excellence in the Public Sector

Expect Respect

The Commission was proud to have its highly successful sexual assault prevention project *Expect Respect!* nominated as a finalist for the 2010 Premier's Award for excellence in the public sector in the Building Communities category. The Premier's Awards recognise those projects that have shown innovation, improved the quality of service to South Australians, brought about lasting improvements, and built partnerships with people and groups in our wider community.

Expect Respect! is a drama based participatory legal education project performed by young people for young people. It highlights the important work being undertaken in engaging young people in legal education around the law of consent, sexual assault and

cyber safety. Since its inception in May 2010 some 2400 young people around Adelaide and regional South Australia have participated in this exciting and interactive legal education program.

What's the Law— a DVD Resource

The Commission is a member of a strategic group of legal aid commissions across Australia responsible for developing legal educational materials for new migrants who attend Adult Migrant Education classes. A DVD entitled *What's the Law* will assist new migrants to learn about Australian law through ten photo stories covering a broad range of legal topics, including such things as buying a car, dealing with Centrelink, and ways of responding to family violence .

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Student Placements at the Commission

During 2010-11 the Commission continued its long standing commitment in mentoring student placements. Sixteen Community Legal Education and Practical Legal Training student placements were provided within the workplace training, working in various sections of the Commission.

In 2011, the Commission also sponsored five indigenous law cadets under the National Indigenous Cadetship program. In addition to undertaking legal studies through to graduation, each cadet undertakes an annual 12 week fulltime placement in differing areas of the Commission. The Commission offers placements to a number of final year law students undertaking the Graduate Diploma in Law Practice.

Each week the Commission also has secondary school students undertaking job placements. In 2010 the Commission also mentored a law graduate from Germany, who enjoyed a three month placement with the Commission to learn more about the Australian legal system, and in particular our correctional services.



National Indigenous Cadetship program placements: (L-R): Peter Brown, Jamila Sekiou and Ebony Groves.

Law Week 2011

The Law Week program in May each year provides opportunities for people from all walks of life to gain new perspectives on legal and justice issues. Law Week this year saw the Commission establish information areas at shopping centres across the state to spread the word about the range of legal aid and information services available to the community. Commission staff at shopping centres in Elizabeth, Tea Tree Plaza, Arndale, Noarlunga, Mt. Barker, Pt Augusta and Whyalla were available to talk with the public about legal issues and also to inform them of the variety of legal advice and education resources available to them. Commission staff this year also set up a display at the Sir Samuel Way Building (District Court) as part of the Courts Open Day. Staff volunteers promoted the Commission's services, including the Legal Help Line, and supplied brochures and pamphlets to assist members of the public with their enquiries.



Walk for Justice—Team Legal Services during Law Week 2011.

Commission Conference

On Friday 13th May 2011, Legal Services Commission staff and Commissioners, guest speakers, members of interstate Commissions, private legal practitioners and guests all gathered at Whalers Inn Resort, Victor Harbor, for the 2011 Legal Services Commission Conference.

After the official welcome by Director, Hamish Gilmore, there followed a special evening performance of *Expect Respect!* which saw the participation of a number of the delegates.

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Dymphna Eszenyi, LSC Chair, introduces Conference keynote speaker, Hieu Van Le AO, Lieutenant Governor.

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Expect Respect! has been presented in schools by the Commission with great success since May 2010, so as to engage young people in discussions about the legal and social implications of non-consensual sexual activity and sexual violence.

Before the workshop sessions on Saturday, respected Ramindjeri elder Marj Tripp gave delegates a Welcome to Country, and LSC Chair, Dymphna Eszenyi introduced South Australian Lieutenant Governor, Hieu Van Le AO, who spoke of his perilous journey in the 1970s as a refugee fleeing Vietnam by small boat, and spending months at sea before arriving in Darwin.

Topics for the workshops that followed included, *Addiction & Criminal Law; Addiction & the Family Court; Electronic Crime*, and *The Impact of Social Networks on Youth*.

For the Electronic Crime workshop Professor Jill Slay AO from the University of South Australia, and Detective Senior Sergeant Barry Blundell from SAPOL discussed cyber crime and how

easily individual security can be compromised on-line.

The Conference provided a valuable forum for the exchange of new ideas and to reflect on future challenges, while enabling colleagues to meet from across our central, regional and country offices.

Joint Initiative with the Fair Work Ombudsman

A new *Workers' Rights* booklet and a series of sixteen factsheets about workplace entitlements have been produced to assist employees understand their rights and obligations, and to provide information about common work related problems. The *Workers' Rights* project has been a joint initiative between the Legal Services Commission and the Working Women's Centre SA, and was funded by the Australian Government through a Fair Work Ombudsman initiative to produce educational materials about the Fair Work Act 2009.

Family Lawyer and Aboriginal Legal Rights

The Commission has continued to have a family lawyer outposted to the Adelaide office of the Aboriginal Legal Rights Movement (ALRM) to provide family law assistance services to Aboriginal persons who either attend at ALRM seeking legal assistance or who are referred through the Commission. The outposted lawyer's workload principally consists of seeing advice clients who are referred directly from ALRM and acting for clients as a casework lawyer pursuant to a Commission grant of legal aid. As our lawyer is an accredited Independent Children's Lawyer this work also includes appointments as an ICL where there is an aboriginal child involved incourt proceedings. This collaboration has worked for the benefit of both organisations. As our lawyer is 'embedded' at ALRM we have been involved in ALRM functions, training days and important events for Aboriginal clients e.g. NAIDOC Week, Sorry Day and is a ready reference for clients who need specialist family assistance, the Commission lawyers have also benefitted from the perspective our lawyer has been able to bring to the practice as a whole.

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APY Anangu Work Expo.

Child Support Unit Services Online with Facebook

In response to the need to engage with clients who use the internet to identify and contact services, the Child Support Unit launched a Facebook profile in April 2011. This is in line with a recommendation in the Client Survey 2008-10. 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. The response has been encouraging with an increase in the number of callers saying they learnt about the Commission's services from the internet.

Anangu Work Expo 2011

Liz Ahern, Legal Education Officer at the Commission, in April 2011 travelled to the APY Lands to attend the ANANGU Work Expo in a 10 day whirlwind trip of over 3 000kms.

As part of the travelling Expo, Liz visited six remote communities over five days, setting up a display in each place, giving information about the Legal Services Commission especially LSC services for Aboriginal people (legal advice and court circuits), and discussing career and training opportunities for young people.

The Legal Services Commission and South Australia's Strategic Plan

The Commission's performance against relevant State Strategic Plan Targets which are also reflected in the Commission's goals and values:

T 1.7

Performance in the public sector—customer and client satisfaction with government services

Increase the satisfaction of South Australians with government services by 10% by 2010, maintaining that level of satisfaction thereafter.

- In September 2008 the Commission commenced a survey of its clients. It engaged Harrison Research Pty Ltd to assist in the process following the completion of a preliminary research planning exercise.
- The Commission views the survey as part of the development of a regular program of obtaining feedback from clients, and is in line with a State Government initiative focusing attention on improving client satisfaction. As part of that focus, the Government has adopted the use of certain core questions, referred to as the Canadian Common Measurement Tool in satisfaction surveys.
- The survey involved interviewing by telephone at least 858 clients from nine separate client sub-groups.

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The survey also included administering on-line questionnaires to groups of Commission staff, and to private practitioners.

The objectives are

- Measure levels of satisfaction within different client groups served by the Commission
- Identify opportunities whereby the Commission can improve service delivery to clients
- Provide a benchmark against which to compare future survey results.

Clients were asked how satisfied they were with the service provided

	11 point scale from questionnaire <i>Clients (n=872)</i>	Converted to 5 point CMT scale <i>Clients (n=872)</i>
Overall quality of service delivery	8.0	4.2
Accessibility of the service	8.3	4.3
Amount of time it took to get the service	8.1	4.2
Overall satisfaction with practitioner or advisor	8.3	4.3
Agreement with...		
I was treated fairly	8.1	4.2
I was informed of everything I had to do to get the service	8.2	4.3
Staff were knowledgeable and competent	8.4	4.4
Staff went the extra mile to make sure I got what I needed	7.7	4.1
Importance of...		
I was treated fairly	9.5	4.8
I was informed of everything I had to do to get the service	9.5	4.8
Staff were knowledgeable and competent	9.5	4.8
Staff went the extra mile to make sure I got what I needed	9.3	4.7

by the Commission overall, on a scale from 0-10; 0 was not at all satisfied and 10 was extremely satisfied.

Across all client groups with the exception of those refused a grant of aid, satisfaction with the Commission is very high, averaging 8 out of 10. Satisfaction is also high for accessibility (averaging 8.3 out of 10) and timeliness (averaging 8.1 out of 10).

The core questions based on the Common Measurement Tool are highlighted in the table below.

T 1.8

Performance in the Public Sector – government decision making

Become by 2010, the best performing jurisdiction in Australia in timeliness and transparency of decisions which impact the business community (and maintain that rating).

- The Commission participates in National Best Practice Benchmarking. Key performance indicators include time taken to process legal aid applications. In South Australia 95% of applications for aid are processed within 5 days.

T 1.9

Performance in the Public Sector – administrative efficiency

Increase the ratio of operational to administrative expenditure in State government by 2010 and maintain or better that ration thereafter.

- Some 96.09% of the Commission's expenditure in this financial year was directed to legal representation and/or services for the community. 82.63% was spent on legal representation, both by the private legal profession doing legal aid work and by in-house lawyers. 13.46% was spent on Access Services which include telephone and face to face advice, community education, and legal information available to the community through the website and Law Handbook Online.

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T 3.13

Energy efficiency— government buildings

Improve the energy efficiency of government buildings by 25% from 2000–01 levels by 2014.

- A full report is contained in Appendix 8.

T 5.1

Boards and Committees

Increase the number of women on all State government boards and committees by 50% on average by 2008, and maintain thereafter by ensuring that 50% of women are appointed, on average, each quarter.

- The Legal Services Commission comprises 4 female Commissioners and 6 male Commissioners. The staff of the Commission comprise 149 females and 52 males.

T 5.2

Chairs of Boards and Committees

Increase the number of women chairing State government boards and committees to 50% by 2010.

- The Chairman of the Commission is female.

T 6.1

Aboriginal Wellbeing

Improve the overall wellbeing of Aboriginal South Australians.

- The Commission conducts regular circuits to the APY Lands to ensure accessible and culturally appropriate representation to these remote communities.

T 6.22

People with disabilities

Double the number of people with disabilities employed by 2014.

- The Commission employs 3 staff who self report as having a disability.

T 6.23

Women (executive levels)

Have women comprising half of the public sector employees in the executive level (including Chief Executives) by 2014.

- The Executive level of the Commission comprises 2 female and 6 males.

T 6.24

Aboriginal employees

Increase the participation of Aboriginal people in the South Australian public sector, spread across all classifications and agencies to 2% by 2010 and maintain or better those levels through to 2014.

- 1.46% of Commission staff are indigenous. Further information is available in the *Human Resources* chapter.

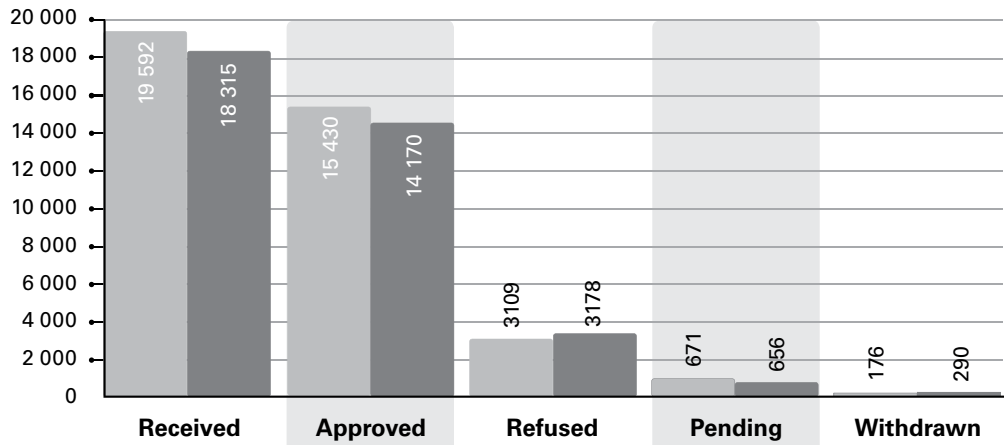
Outputs 2010-11 1 July to 30 June inclusive

Applications

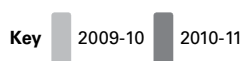
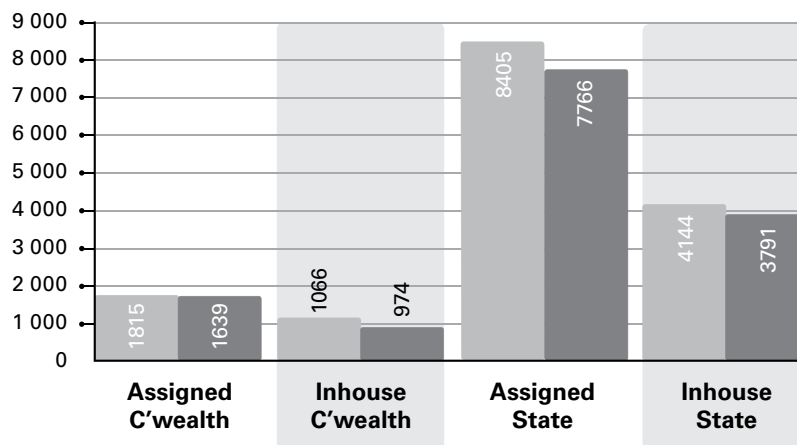
Received and Processed

The Commission received **18 315** applications for aid this financial year (a decrease of **1 277** on 2009-10) and approved **14 170** (a decrease of **1 260** on 2009-10).

018



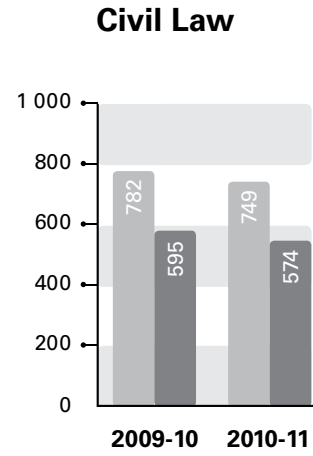
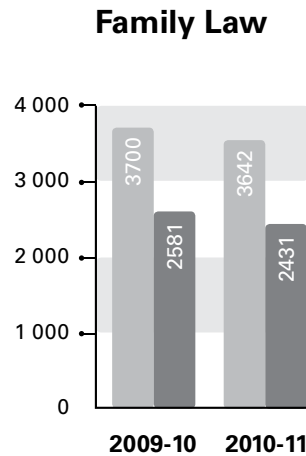
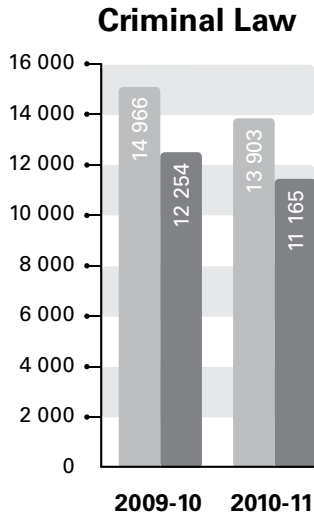
Assigned/Inhouse by State/Commonwealth



Outputs 2010-11 1 July to 30 June inclusive

Applications

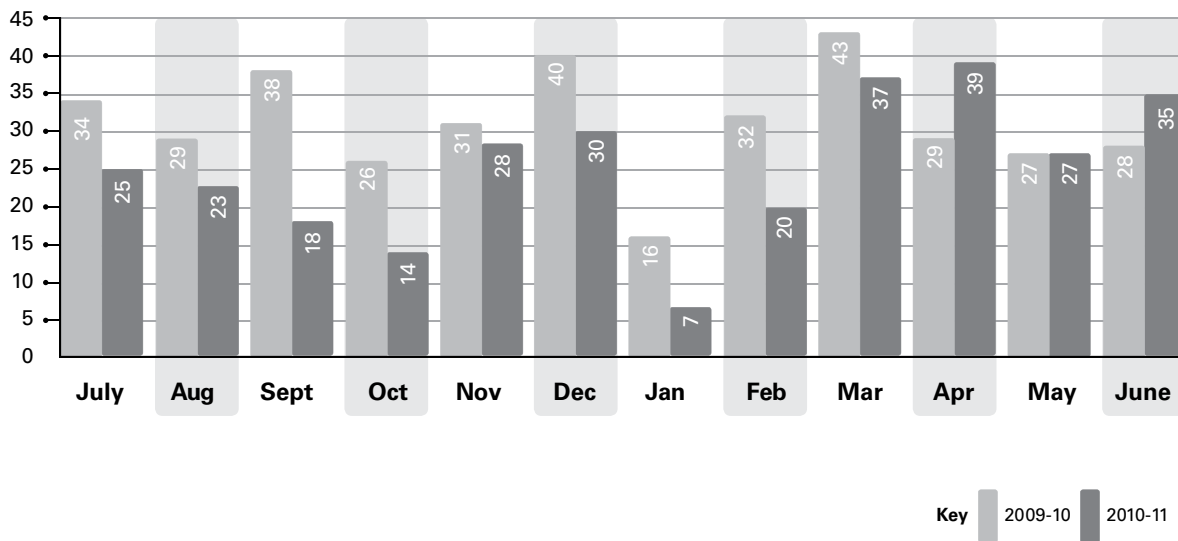
Received & Approved by Law Type 2009-11



019

Family Law Section Services Number of Independent Child Lawyer Appointments

The number of Independent Children's Lawyers appointed to 30 June was **301** compared to **371** for the corresponding period last year which represents a decrease of **70** appointments



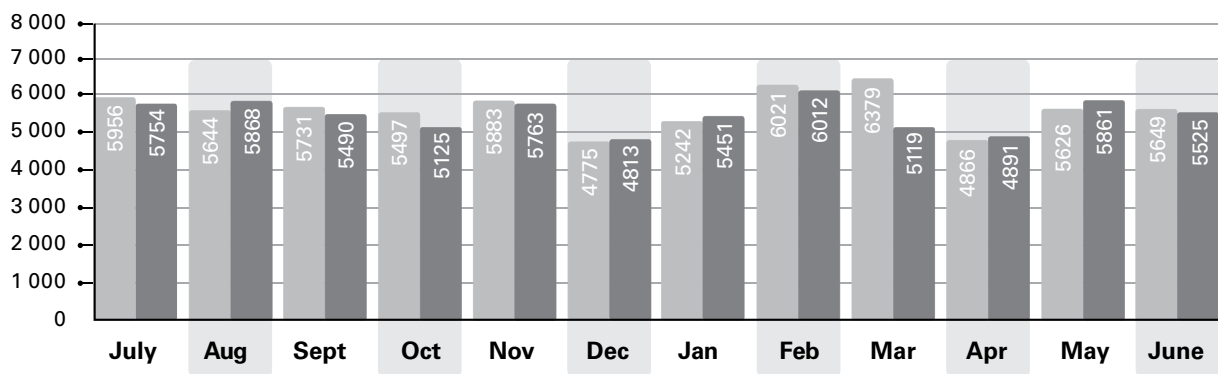
Outputs 2010-11 1 July to 30 June inclusive

Advice Services

Telephone Advice

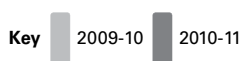
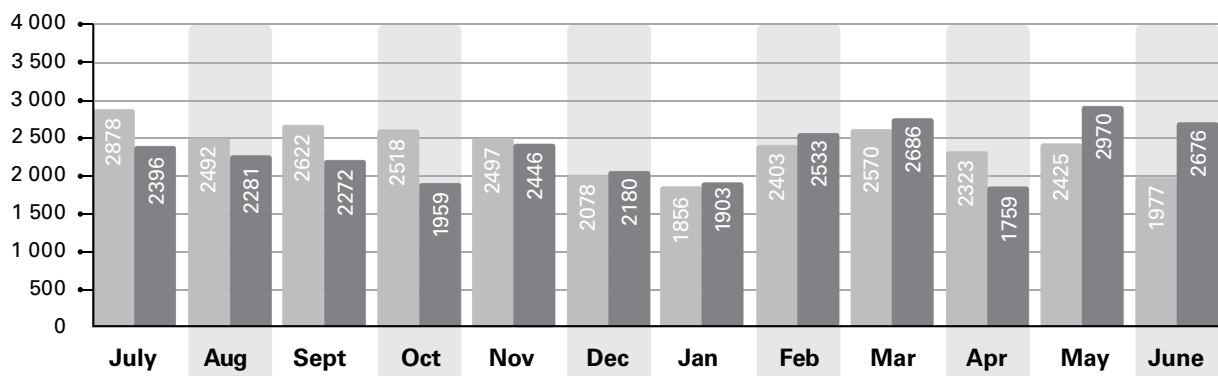
The year to date total number of telephone information services entered on LA Office as at 30 June was **66 672** compared to **67 269** for the corresponding period last year. This represents a decrease of **597** calls. *LA Office Data*

020



Face to Face Advice

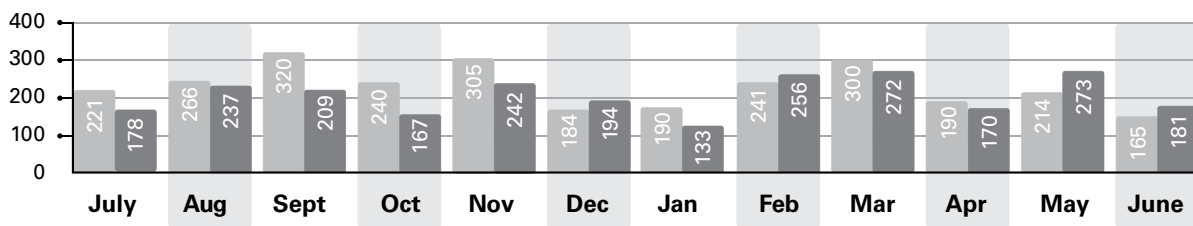
The year to date total number of face to face advice services entered on LA Office as at 30 June 2011 was **28 237** compared to **28 641** for the corresponding period last year. This represents a decrease of **404** for face to face advice services. *LA Office Data*



Child Support Unit

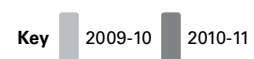
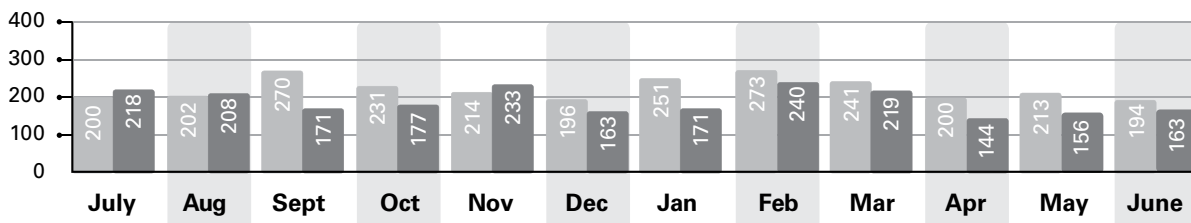
Appointments – face to face

The year to date total number of advice appointments entered on LA Office as at 30 June was **2512** compared to **2836** for the corresponding period last year which represents a decrease of **324** appointments. *Child Support Unit Data*



Appointments – Telephone

The year to date total number of telephone advice appointments entered on LA Office as at 30 June was **2263** compared to **2685** for the corresponding period last year which represents a decrease of **422** in advices. *Child Support Unit Data*



Our Clients 2010-11

022

The Commission is committed to providing clients with accessible information, advice and representation to meet their legal needs. We recognise our role in ensuring that people have equal access to justice within the legal system.

A total of 15 452 services were provided to clients who were born in a non-English speaking country.

Services by Client Origin 2010-11

Country of Birth	Grants of Aid	Advice Services	Duty Lawyer Services
Not collected	10	4 209	2 866
Not stated	502	1 172	722
Born in Australia	10 047	13 695	9 390
Indigenous Australians	1 867	514	1 383
English speaking country	561	1 892	578
Non-English speaking country	1 183	12 765	1 504
Total	14 170	34 247	16 443

All Tables show the number of services provided and contain clients who have used the service more than once during the period

Aid Granted Services by Age Bracket, Gender and Law Type 2010-11

Age Bracket	Family				Crime			Civil				Total
	Female	Male	Other*	Total	Female	Male	Total	Female	Male	Other*	Total	
0 - 17	105	110	109	324	230	816	1 046	95	114	71	280	1 650
18 - 20	82	33	0	115	200	1 016	1 216	21	3	0	24	1 355
21 - 30	590	220	0	810	670	3 114	3 784	73	37	0	110	4 704
31 - 40	452	306	0	758	599	2 323	2 922	52	42	0	94	3 774
41 - 50	189	143	0	332	311	1 247	1 558	14	22	0	36	1 926
51 - 65	41	38	0	79	99	473	572	4	22	0	26	677
66+	6	5	0	11	9	53	62	1	2	0	3	76
Not provided	1	1	0	2	1	4	5	1	0	0	1	8
Total	1 466	856	109	2 131	2 119	9 046	11 165	261	242	71	574	14 170

**Other includes matters involving children and where the application for legal aid is from more than one gender*

Our Clients 2010-11

Legal Advice Services by Age Bracket, Gender & Law Type 2010-11

Age Bracket	Family				Crime			Civil				Total
	Female	Male	Other	Total	Female	Male	Total	Female	Male	Other	Total	
0 - 17	63	21	1	85	33	111	144	149	1 080	2	1 231	1 460
18 - 20	195	54	0	249	91	314	405	274	703	0	977	1 631
21 - 30	1 888	794	0	2 682	275	847	1 122	1 842	1 738	0	3 580	7 384
31 - 40	2 770	1 201	2	3 973	234	598	832	2 207	2 728	0	4 935	9 740
41 - 50	2 349	1 255	2	3 606	189	488	677	1 548	1 805	0	3 353	7 636
51 - 65	668	462	0	1 130	125	368	493	1 194	1 484	0	2 678	4 301
66+	109	108	4	221	42	112	154	740	828	0	1 568	1 943
Not provided	38	21	2	61	7	6	13	50	28	0	78	152
Total	8 080	3 916	11	12 007	996	2 844	3 840	8 004	10 394	2	18 400	34 247

023

Includes prison service and child support unit

	Female	Male	Other	Total
Family	12 662	5 649	1	18 312
Crime	5 256	5 967	108	11 331
Civil	22 562	14 466	1	37 029
Total	40 480	26 082	110	66 672

Telephone Advice Services by Gender and Law Type 2010-11

Birth dates are not collected for Telephone Advice

Duty Lawyer Services by Age Bracket, Gender and Law Type 2010-11

Age Bracket	Family			Crime				Civil			Total
	Female	Male	Total	Female	Male	Other	Total	Female	Male	Total	
0 - 17	3	0	3	362	1 091	2	1 455	1	2	3	1 461
18 - 20	10	7	17	319	1 432	1	1 752	2	2	4	1 773
21 - 30	234	131	365	885	3 941	2	4 828	3	18	21	5 214
31 - 40	316	264	580	735	2 783	0	3 518	4	14	18	4 116
41 - 50	190	214	404	408	1 614	3	2 022	4	10	14	2 440
51 - 65	101	123	224	185	706	0	891	2	10	12	1 127
66+	11	23	34	19	132	0	151	1	4	5	190
Not provided	8	13	21	22	78	0	100	0	1	1	122
Total	873	775	1 648	2 935	11 777	5	14 717	17	61	78	16 443

Our Clients 2010-11

Promoting Independence

The Legal Services Commission of South Australia recognises our organisation's role in ensuring that aged people and people with disabilities have equal access to justice within the legal system.

The LSC Disability Action Plan identifies a number of strategies to review and improve access to our services and Commission buildings for people with a range of disabilities.

The Commission employs a Client Relations Co-ordinator to assist clients in their dealings with the Commission.

A telephone typewriter service is available to clients.

The Commission collects information on disability in our nationally mandated Legal Aid database, LA Office. These statistics do not include every client who has a disability as the provision of this information is voluntary. The data is drawn from information provided about a client's receipt of a disability support allowance or when the assistance provided relates to a disability specific problem.

The following table shows the number of identifiable clients in receipt of disability or aged allowances who accessed our services this year.

024

Services to clients receiving age and disability pension

2010-11	Age			Disability				Total Pension
	Female	Male	Total	Female	Male	Other	Total	
Grants of Aid	15	65	80	530	1612	2	2144	2224
Legal Advice interviews	561	591	1152	996	1329	4	2329	3481
Duty Lawyer	16	85	101	412	1501	2	1915	2016
Total	592	741	1333	1938	4442	8	6388	7721

Human Resources 2010-11

In addition to ongoing program requirements, the Human Resources Branch has concentrated its activities in the following operational activities in this year.



Glen Wadrop, Manager, Human Resources

1. Personal Development Review Program

- This new program was introduced into the Commission in October 2010.
- Managers were given intensive training by an external consultant on both the benefits of this program and the agreed processes to be followed.
- All staff then attended information sessions. As it is a new program, it will be jointly reviewed by staff and management 12 months from implementation.

2. Employment conditions

- An extensive review was undertaken of the impact of the Public Sector Act 2009 on the terms and conditions of employment for Commission staff.
- While it was affirmed that Commission staff are not public sector employees, administrative arrangements were put in place with the Commissioner for Public Employment to ensure that Commission staff have access to public sector positions and transferability of all entitlements.
- Changes were made to Commission Human Resource policies to reflect this situation.

3. Occupational Health, Safety and Welfare

- An on-line OHSW program was also successfully implemented this year. All staff have completed this program.
- A review of OHSW policies and procedures was undertaken to ensure compliance with WorkCover performance standards.
- An external review was also undertaken of the Commission's fire evacuation procedures and recommendations adopted.

4. Student programs

- The Commission has sponsored five indigenous law cadets under the National Indigenous Cadetship program. In addition to undertaking legal studies through to graduation, each cadet undertakes an annual 12 week fulltime placement in differing areas of the Commission.
- In addition to this program, the Commission places a number of final year law students undertaking the Graduate Diploma in Law Practice.
- Each week the Commission also has secondary school students undertaking work experience.

Employee Numbers, Status and Gender

Number of Employees	Total
Persons	205
Full-time equivalent	184.87

Gender	% Persons	% FTE's
Male	27.32	29.59
Female	72.68	70.41

Status of Persons	Total
Separated from the agency during the last 12 months	21
Recruited to agency during 2010-11 financial year	28
Recruited to agency during 2010-11 financial year and were active/paid at June 2011	22
On leave without pay at June 2011	1

Number of Employees by salary bracket

Salary Bracket	Male	Female	Total
\$0 - \$50 399	5	50	55
\$50 400 - \$64 099	14	52	66
\$64 100 - \$82 099	14	27	41
\$82 100 - \$103 599	13	17	30
\$103 600+	10	3	13
Total	56	149	205

Status of Employees in current position

FTEs	Ongoing	Short-term contract	Long-term contract	Casual	Total
Male	37.7	9.0	8.0	0	54.7
Female	113.07	12.5	4.6	0	130.17
Total	150.77	21.5	12.6	0	184.87

PERSONS	Ongoing	Short-term contract	Long-term contract	Casual	Total
Male	39	9	8	0	56
Female	130	14	5	0	149
Total	169	23	13	0	205

Human Resources 2010-11

Number of Executives by status in current position, gender and classification 2010-11

Classification	Ongoing		Tenured		Untenured		Other		Male		Female		Total
	Male	Female	Male	Female	Male	Female	Male	Female	Total	% Exec	Total	% Exec	
Executive A	0	0	0	1	4	0	0	0	4	50%	1	13%	5
Executive B	0	0	0	0	0	1	0	0	0	0%	1	13%	1
Executive C	0	0	0	0	1	0	0	0	1	13%	0	0%	1
Executive D	0	0	0	0	1	0	0	0	1	13%	0	0%	1
Total	0	0	0	1	6	1	0	0	6	76%	2	26%	8

027

Number of Aboriginal and/or Torres Strait Islander Employees

Salary Bracket	Aboriginal Employees	Total Employees	% Aboriginal Employees
\$0 - \$50 399	0	55	0%
\$50 400 - \$64 099	0	66	0%
\$64 100 - \$82 099	2	41	4.88%
\$82 100 - \$103 599	1	30	3.33%
\$103 600+	0	13	0%
Total	3	205	1.46%

Total days leave taken

Leave Type	2010-11
Sick Leave	1473.99
Family Carer's Leave	138.49
Miscellaneous Special Leave	194.1

Cultural and linguistic diversity

	Male	Female	Total	% of Agency
Number of employees born overseas	13	28	41	20%
Number of employees who speak language(s) other than English at home	10	11	21	10.2%

Number of Employees by age bracket by gender

Age Bracket	Male	Female	Total	% of Total
15 - 19	0	1	1	0.5%
20 - 24	4	4	8	3.9%
25 - 29	8	10	18	8.8%
30 - 34	5	21	26	12.7%
35 - 39	1	12	13	6.3%
40 - 44	4	16	20	9.8%
45 - 49	11	24	35	17.1%
50 - 54	10	24	34	16.6%
55 - 59	5	25	30	14.6%
60 - 64	6	9	15	7.3%
65+	2	3	5	2.4%
Total	56	149	205	100%

Total number of employees with disabilities

according to Commonwealth DDA definition

Employees	Number
Male	0
Female	3
Total	3
% of Agency	1.46%

Types of disability *where specified*

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

Number of Employees using voluntary flexible working arrangements by gender

Leave type	Male	Female	Total
Purchased Leave	0	0	0
Flexitime	16	99	115
Compressed weeks	0	2	2
Part-time	4	54	58
Job share	0	0	0
Working from home	0	0	0

Human Resources 2010-11

Occupational Health Safety and Injury Management

Table 1: OHS Notices and corrective action taken	Total
• Number of notifiable occurrences pursuant to OHS&W Regulations Division 6.6	Nil
• Number of notifiable injuries pursuant to OHS&W Regulations Division 6.6	Nil
• Number of notices served pursuant to OHS&W Act s35, s39, and s40 (Default, improvement and prohibition notices)	Nil

Note: The Commission is not an SA government exempt employer but has based its Occupational Health Safety & Welfare Programme 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 any injury.

For workers compensation purposes the Commission has been assessed as a low risk employer and accordingly pays a low workers compensation premium. For 2010-11, the premium cost was 0.54% of total salary remuneration. This amounted to \$80 324 for the 2010-11 year.

029

Table 2: Agency gross workers compensation expenditure 2010-11 (compared with 2009-10)	2010-11 \$m	2009-10 \$m	Variation \$m + (-)	% Change \$m + (-)
• Income maintenance	Nil	Nil	Nil	Nil
• Lump Sum Settlement Redemption - Sect 42	Nil	Nil	Nil	Nil
• Lump Sum Settlement Permanent Disability - Sect 43	Nil	Nil	Nil	Nil
• Medical/Hospital Costs combined	Nil	Nil	Nil	Nil
• Other	Nil	Nil		
• Total Claims Expenditure	Nil	Nil	Nil	Nil

Table 3: Meeting Safety Performance Targets	Base: 2005-06 Numbers or %	Performance: 12 months to end of June 2011*			Final Target Numbers or %
		Actual	Notional quarterly target**	Variation	
1. Workplace Fatalities	Nil	Nil	N/A		
2. New Workplace Injury Claims	2	Nil	N/A		Nil
3. New Workplace Injury Claims Frequency Rate					
4. Lost Time Injury Frequency Rate***					
5. New Psychological Injury Claims	Nil	Nil	N/A		
6. Rehabilitation and Return to Work	Nil	N/A	N/A		
6a. Early Assessment within 2 days	2	N/A	N/A		
6b. Early Intervention within 5 days	2	N/A	N/A		
6c. RTW within 5 days	1	N/A	N/A		
7. Claims determination	2	N/A	10 days		
7a. Claims determined in 10 business days	2	N/A	N/A		
7b. Claims still to be determined after 3 months	Nil	N/A	N/A		
8. Income maintenance payments for recent injuries	Nil	Nil	N/A		
2008-09 Injuries at 24 months development	Nil	N/A	Nil		
2009-10 Injuries at 12 months development	Nil	N/A	Nil		

* Except for Target 8, which is YTD, for Targets 5, 6c, 7a and 7b, performance is measured up to the previous quarter to allow reporting lag.

** Based on cumulative reduction from base at a constant quarterly figure.

*** Lost Time Injury Frequency Rate for new lost-time injury/disease for each one million hours worked.

This frequency rate is calculated for benchmarking and is used by the WorkCover Corporation.

Formula for Lost Time Injury frequency rate (new claims): $\frac{\text{Number of new cases of lost-time injury/disease for year} \times 1\,000\,000}{\text{Number of hours worked in the year}}$

Our Services 2010-11

030

Legal representation is provided by private legal practitioners, and by the Commission's in-house practice.



*Gabrielle Canny, Deputy Director
Manager, Representation*



Karen Lehmann, Manager, Assignments

National Partnership Agreement on Legal Assistance Services

In June 2010 a new National Partnership Agreement on Legal Assistance Services was signed between the State of South Australia and the Commonwealth.

The major thrust of the National Partnership Agreement is the provision of early intervention, prevention and education services, whilst still providing means tested representation for Commonwealth law matters.

The Commonwealth have recognised that early intervention in legal matters minimises the cost to both clients and funders and have expanded Commonwealth priorities to include providing early intervention, prevention and education services in both Commonwealth and State law matters.

Legal Representation

Legal representation is provided by private legal practitioners, and by the Commission's in-house practice.

The Assignments Section of the Commission manages the grants of aid processes to maximise the availability of legal assistance to economically and socially disadvantaged South Australians.

Representation by private practitioners

The input of private lawyers in the legal aid system continues to be substantial. Applications in which no solicitor is nominated ('unclaimed' applications) are, if approved, assigned to the in-house practice. If there is conflict or other reasons apply they are assigned to a private practitioner.

Applications for Aid Processed 2010-2011

Of the 18 315 applications received by the Commission to process 8 285 (45%) were lodged by private practitioners on behalf of their clients. These applications are known as 'claimed' applications because the client has nominated the solicitor of their choice. If approved, claimed applications in which a private practitioner is nominated are in most cases

Our Services 2010-11

referred back to that practitioner. Those applications in which a solicitor from the Commission's in-house practice is nominated are in most cases assigned to that in-house solicitor.

Of the 14 170 applications for aid that were approved this year, 9405 (66%) of legal aid grants were assigned to private lawyers, and 4764 (34%) to the in-house practice.

Fee Scale Payments

As in previous years fee scales were again the subject of discussions with the Law Society. The Commission increased its fee scales for payments to private practitioners across the board, effective from 1 November 2010.

Statutory Charge Report as at 30 June 2011 – 1. Summary

Year	Amount Secured GST excl*	GST	Amount Recovered	Interest Levied **	Administration Fee Levied ***
1992-93	168 244	Nil	Nil	Nil —	Nil
1993-94	439 991	Nil	73 785	487 (Due 1/7/93)	Nil
1994-95	594 046	Nil	197 504	2 551 (Due 1/7/94)	Nil
1995-96	503 993	Nil	227 045	14 994 (Due 1/7/95)	Nil
1996-97	556 046	Nil	261 888	28 660 (Due 1/7/96)	Nil
1997-98	456 176	Nil	243 789	72 (Due 1/7/96)	Nil
1998-99	263 880	Nil	250 210	Nil	2 750
1999-00	360 977	Nil	253 335	Nil	23 420
2000-01	629 306	36 135	297 450	Nil	67 530
2001-02	688 879	67 059	609 803	Nil	75 250
2002-03	720 747	67 030	569 448	Nil	55 500
2003-04	1 046 674	101 604	885 825	Nil	51 700
2004-05	948 859	92 551	590 485	Nil	63 710
2005-06	758 695	71 762	726 033	Nil	48 970
2006-07	732 171	71 989	793 987	Nil	44 950
2007-08	1 002 285	96 587	764 477	Nil	56 100
2008-09	926 844	90 129	566 399	Nil	46 500
2009-10	938 593	91 889	593 891	Nil	41 660
2010-11	981 065	94 702	644 975	Nil	46 450
Total	\$12 717 471	\$881 432	\$8 550 329	\$46 609	\$624 490

* total amount secured during each financial year ** interest was levied between 1/7/92 and 30/6/96

*** the charging of an Administration Fee commenced on 1/10/98

Our Services 2010-11

Statutory Charge Report as at 30 June 2011

2. Cost secured analysis

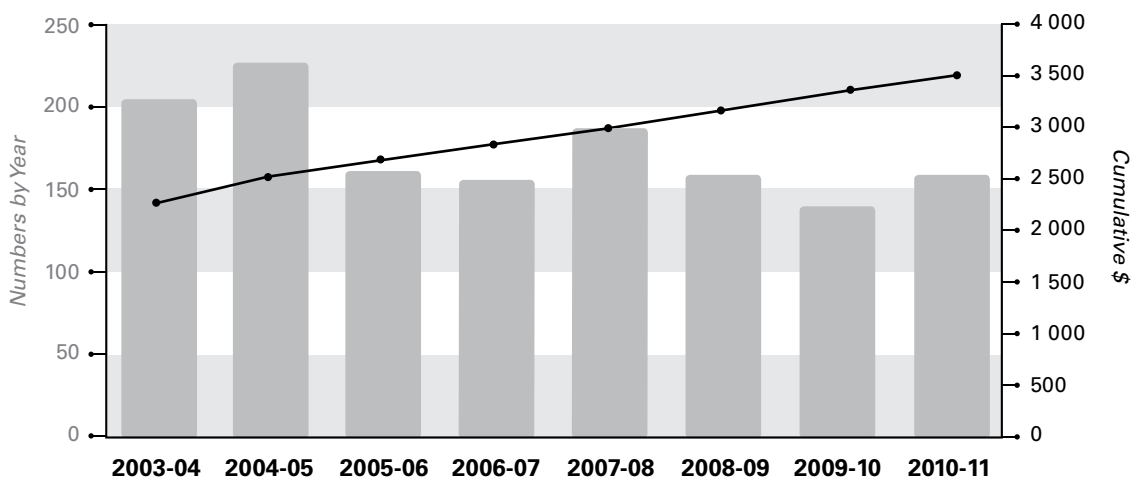
a) As at the 30th June, 2011 the Commission has taken **3446** Statutory Charges securing a total of **\$12 717 471** (GST exclusive). In the reporting period **156** charges were taken. Refer to graph (i) and (ii).

b) **901** of these charges securing **\$5 048 576** (GST exclusive) remain outstanding. An average of **\$5603** (GST exclusive) is secured by each charge. Refer to graph (iii)

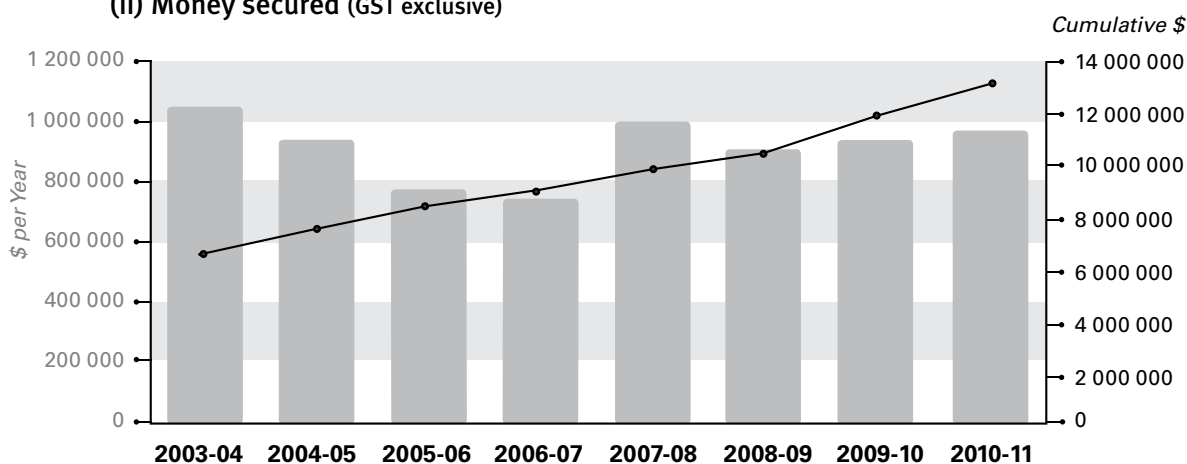
c) Of the total charges outstanding **803** secure funds for legal proceedings which have finalised or are no longer funded by the Commission. The balance of **98** secure costs of ongoing matters, therefore the costs secured by these charges will increase.

032

(i) Number of charges taken



(ii) Money secured (GST exclusive)



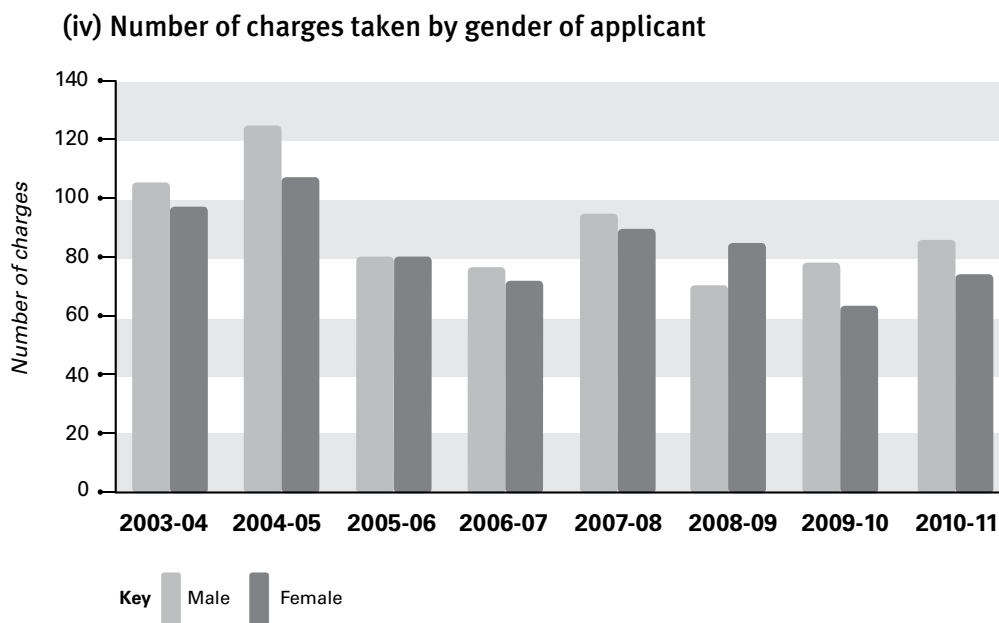
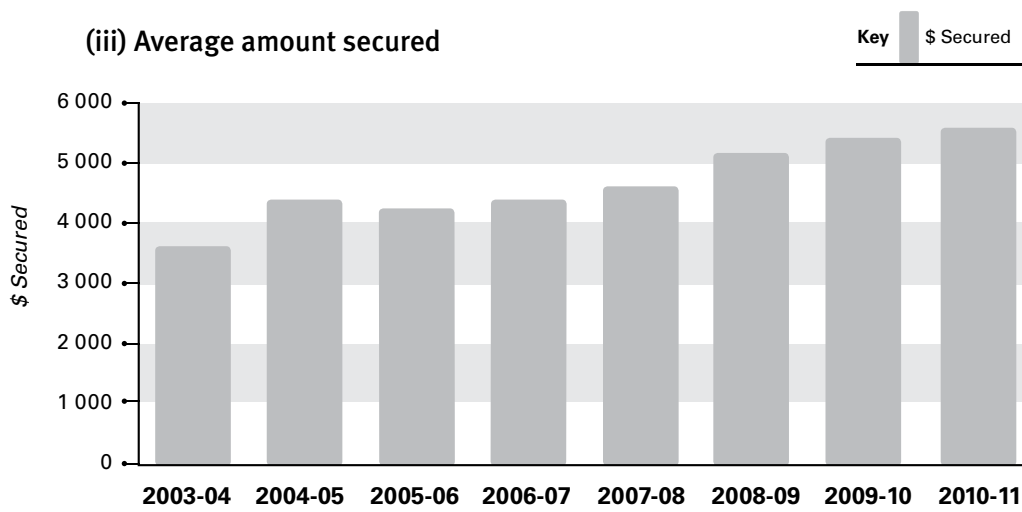
Key By Year Cumulative

Our Services 2010-11

Statutory Charge Report as at 30 June 2011

d) Of the charges taken in the 2010-11 financial year **83** were taken for aid granted to male applicants and **73** were taken for aid granted to female applicants. Refer to graph (iv).

e) In the reporting period **66** were taken for criminal law matters, **87** for family law matters and **3** for civil matters. **88** were for proceedings under Commonwealth law and **68** for proceedings under State law.



Our Services 2010-11

Statutory Charge Report as at 30 June 2011



3. Money recovered analysis

a) 2483 of the 3446 charges taken have been removed. The Commission has received \$8 550 329 from payments. In the reporting period 107 charges were removed. Refer to graph (v) and (vi) and table (vii).

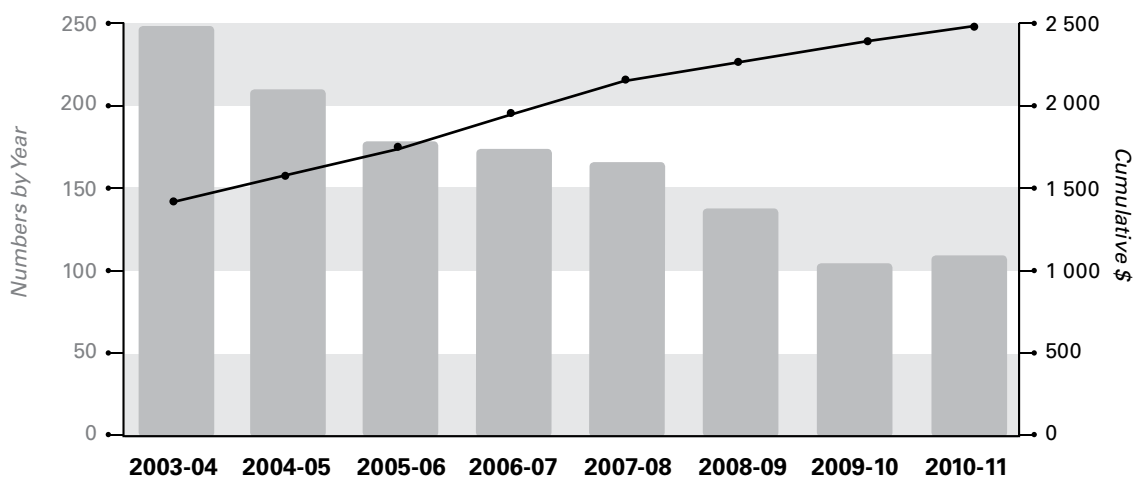
b) The slow down in the real estate market and the tightening of banks lending guidelines have reduced the number of our client's selling and mortgaging or refinancing their real estate. In the reporting period the Commission recovered three large Statutory Charge contributions of \$137 290, \$20 395 and \$18 650.

c) In the reporting period the Commission had bad debts due to non recovery of charges of \$42 692 (GST inclusive). This amount included two charges securing \$25 726, in total waived following an appeal to the Commissioners.

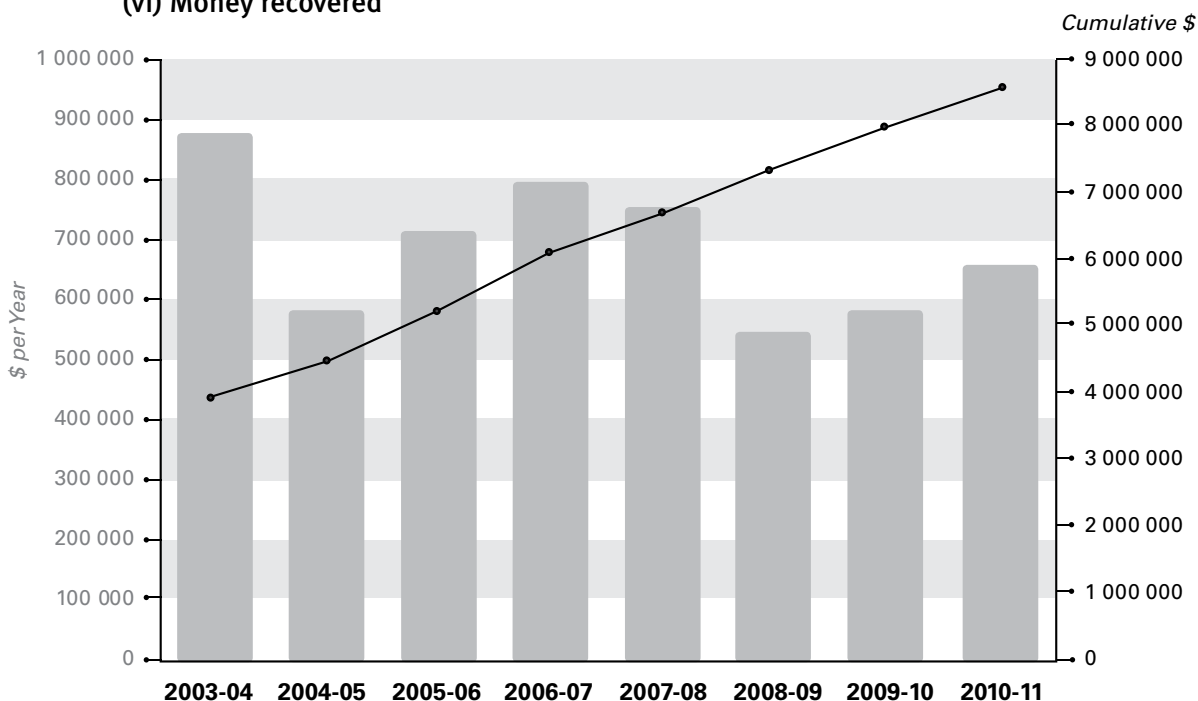
034

Key  By Year  Cumulative

(v) Number of charges removed



(vi) Money recovered



Our Services 2010-11

Statutory Charge Report as at 30 June 2011

d) If a charge contribution is paid within

- six (6) months the charge contribution is reduced by **\$300** for charges taken for aid granted after 1.10.03 and **\$250** for charges taken for aid granted between 1 October 1998 and 30 September 2003,
- two (2) years the charge contribution is reduced by **\$150** and
- if paid within four years the charge contribution is reduced by **\$100**.

The amount of this type of reduction totals **\$12 168** (GST incl.)

4. Operations

- a) The Commission has requested an amendment to Legal Services Commission Act to put the Commission (not the Director) in the same position as if a Notice of Charge were an encumbrance for the purposes of the Real Property Act. A Bill has been passed by the House of Assembly and is anticipated to be read in the Legislative Council at the sitting beginning in September 2011.
- b) The Commission now offers payment by credit card and clients are using this option.

(vii) Charges removed by reason

Reason	Number of charges	
	2009-10	2010-11
Paid/Sale	23	34
Paid/Financed	28	19
Paid Voluntary	24	22
Property Settlement*	11	14
Finalised	0	0
Waived Mortgagee Sale/Shortfall	2	0
Part Payment/Balance Cancelled	0	1
Deceased Estate	1	4
Substitute	5	3
Waived Sale/Shortfall	0	1
Survivorship	1	1
Recovered Other	0	2
Waived on appeal	1	2
Waived/No Equity	1	0
Waived	0	4
Waived/mtgee/sale	2	0
Correction	0	0

* Some funds received as a result of a property settlement may initially be recorded as Paid/Financial or Paid/Sale.

Criminal Law In-House Practice 2010-11

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In-house legal practitioners and support staff play a vital role in delivering representation services to those who qualify for a grant of legal aid. The criminal law in-house practice provides eligibility tested representation, free duty solicitor services in the Magistrates and Youth Courts in Adelaide, metropolitan and some country locations including the APY Lands, a free after hours custody advice service, a free prison advisory service, and an eligibility tested Youth Legal Service.



Paul Muscat SC, Manager, Criminal Law Practice Division

The in-house practice provides expert advice on criminal matters to the Policy, Access Services and Assignments Sections, and is a major contributor to the Commission's publications and Community Legal Education program.

Representation

The in-house criminal practice, at its Adelaide and regional offices, represents people who have received a grant of legal aid. They appear before the State's criminal courts, at all levels, from the Magistrates and Youth Courts through to the District and Supreme Courts and also before the Court of Criminal Appeal and the High Court of Australia. The service extends from representation at police interview (including through the after hours custody advice service), to advice and representation through the courts, committal hearings, trial, sentence and appeal, and appearances before the Parole Board.



(L) Chief Counsel, Greg Mead SC with (R) Manager Criminal Law Practice Division, Paul Muscat SC.

Duty Solicitor Service

In-house duty solicitors provide free legal advice and minor initial representation (for remand, bail and simple guilty pleas) to people on their first appearance in court on criminal charges. The Commission's Adelaide and regional offices provide this service in the Magistrates Court and the Youth Court.

Demand on the duty solicitor services throughout metropolitan Adelaide and country SA has increased 9% on the year prior. Over the past twelve months the Commission's duty solicitors have provided advice or representation to 16 443 people. *Appendix 6* contains further details.

Prison Advisory Service

Free advice services are provided to prisoners in metropolitan and country prisons by in-house criminal law solicitors from the Adelaide and Port Augusta/Whyalla offices.

After Hours Custody Advice Service

The After Hours Custody Advice Service has been in operation for nineteen years and is still going strong. The Criminal Law Section co-ordinates and operates the voluntary after hours service, providing legal advice by telephone to persons who are in police custody and charged with serious offences. In such cases arresting police officers telephone the after hours service and arrange for the person in their custody to speak with one of the Commission's solicitors who provides them with legal advice over the telephone. If the matter is serious enough, such as in cases of a murder, or if the person doesn't fully comprehend what is being said to them over the telephone (for example because they are suffering from an intellectual disability or psychiatric condition), then the solicitor will usually attend at the police station to provide the necessary advice. This service operates between 5.00pm and 9.00am each week night and from 5.00pm Friday until 9.00am Monday. This is an important part of the Commission's criminal law service as it provides access to legal advice to persons



Greg Mead SC, Chief Counsel

who find themselves in vulnerable situations in police custody and who would generally not have access to the services of a private lawyer.

Youth Legal Service

This service provides representation to children appearing before the Youth Court charged with criminal offences or involved in Care and Protection Applications brought by Families SA. The Commission is the major provider of representation in these areas in the State, using its own specialist counsel in Care and Protection Applications.

Drug Court

The Drug Court is a post-plea, pre-sentence rehabilitation program for recidivist offenders, where drug dependence and the accompanying lifestyle are key causes of their offending. The main program gives these defendants a one year period to "prove themselves" through a strict

regime of rehabilitative practices, supervised by the court. Strict home detention bail, frequent drug testing and participation in extensive therapeutic programs are all monitored and reported back to the supervising magistrate before whom the defendants appear every two to four weeks throughout their participation. Successful completion of the rigorous program guarantees defendants the suspension of the inevitable jail sentence they will receive for their offences. Approximately forty percent of clients receive a suspended sentence.

The Commission provides the services of two specialist in-house lawyers for Drug Court clients under a special funding arrangement with the Attorney-General's Department. These lawyers represent the majority of participants on the program.

During 2010-11 the Legal Services Commission continued to play a major role in the operations of the Drug Court. The Commission's in-house lawyers made approximately 900 separate appearances on behalf of legally aided clients, spread over almost one hundred sitting days. Formally representing around forty clients at any one time between them, the Commission's lawyers were pleased to report that by year's end they had appeared in over twenty "graduation" ceremonies.

Hidden in these statistics is the fact that the Commission's lawyers, through their regular presence at court, are also often the first port of call for other participants when trouble strikes and are often called upon to give advice to other lawyers, their clients and the court. They also represent the Commission at both the Steering Committee and User Group meetings held throughout the year. Generally playing a monitoring role at these meetings, the Commission's lawyers have advocated to ensure that new practices and procedures introduced into the Drug Court Program are as fair and equitable as possible.

Just in terms of cost of imprisonment, the monetary savings are large. When to this is added the reduced rates and seriousness of reoffending, and the health and social/familial benefits of the rehabilitative process, it becomes clear that the Drug Court is a worthwhile program for the Commission to continue to support.

Diversion Court

The Criminal Law Practice Division has two solicitors who specialise in the Magistrates Court Diversion Program. This program aims to provide offenders with an intellectual disability or suffering from a mental illness, with an alternative means of resolving their criminal charges. Participation in the program is directed towards assessment and

treatment of their illness or disability, rather than having criminal sanctions imposed. Where clients successfully participate and complete an intervention program, the Court can exercise its powers under section 19C of the *Criminal Law (Sentencing) Act 1988* to release the defendant without conviction or penalty. The Commission receives numerous referrals from Disability Services SA and is on call to them after hours in the event that any of their clients are arrested or need advice about whether or not to participate in an interview with police. The Commission also regularly presents seminars to staff of Disability Services SA, keeping them updated with developments in the criminal law and to stress the importance of obtaining legal advice for their clients before allowing them to proceed to an interview with the police. Studies have shown that intellectually disabled individuals do not understand the right to remain silent and will often agree with propositions put to them by police officers and are therefore at a clear disadvantage when being interviewed.

Aboriginal Issues

Demand for representation from Aboriginal clients has risen again in this financial year and the Commission continues to receive referrals from the Aboriginal Legal Rights Movement.

Criminal Justice Ministerial Taskforce Update

The Criminal Justice Ministerial Taskforce met again in December 2010. A new Attorney-General has resulted in a close consideration of the Taskforce's recommendations, many of which are now being acted upon with legislative changes looming so as to ensure greater efficiency in finalising matters before the District Court. It has been determined that as much legislative work is being undertaken by Government, it is only necessary to meet to consider Bills as they are drafted to ensure that proper effect is being given to the recommendations.

Meetings with the Chief Magistrate

The Director and the Manager of the Criminal Law Practice continued to meet regularly with Chief Magistrate, Elizabeth Bolton, to discuss common matters affecting the operations of the Court and the Commission and ways to improve the efficiency of cases moving through the Court.

Video Conferencing to Correctional Institutions

Improvements continue to be made in the ability of Commission lawyers to utilize video conferencing facilities to the prisons, thereby making it easier and quicker to access clients. Currently the Commission is the only organisation outside of the court system that has and

operates video conferencing facilities. In this regard the Commission has access to video suites at Adelaide, Elizabeth, Noarlunga, Port Augusta, the APY Lands and Whyalla. We are also able to access our clients by use of video technology at Yatala, Mobilong, Mount Gambier and Port Augusta prisons.

The facilities are not only an excellent way to keep in contact with clients or to finalise instructions, but save an enormous amount of travelling time between office and the prisons.

Senior Counsel Appointments

In October 2010 the Chief Justice made the appointments of Senior Counsel to two members of the Criminal Law Practice Division— Chief Counsel, Greg Mead SC, and the Criminal Law Practice Division, Manager, Paul Muscat SC.

Magistrates Court Process Redesign Project

The Chief Magistrate has commissioned the Magistrates Court Process Redesign Project to identify and implement improvements in court processes. The project aims to maximise the use of available resources to enhance the quality and efficiency of the court processes. Luke Davis and Paul Muscat SC have been representing the Commission at these meetings, and attended a three day workshop

in May 2011 to analyse the processes, develop improvements and create an implementation plan. All key stakeholders are involved including the police, victims of crime and the DPP.

Committal Process Review

The Attorney-General has commissioned an evaluation of committal processes in South Australia. The Office of Crime Statistics and Research has been tasked to evaluate committal hearings. The broad questions relating to the evaluation include, whether the committal process is operating in accordance with the legislation, whether there is a continued need for committals and if so what changes, either legislative or administrative, are required to ensure an effective committal process.

In March 2011, Andrew English and Paul Muscat SC, Manager, Criminal Law Practice Division, met with Jane Marshall, Evaluation Manager at OCSAR, and expressed their views about committal processes in South Australia. The Commission considers that they are a critical and essential part of the criminal justice system and whilst improvements can always be made, committal hearings should never be abolished.

APY Lands Court Circuit

In May 2011, Tim Weiss, the Commission's Northern Regional Manager, and Paul Muscat SC, Manager, Criminal Law Practice Division, travelled

to the APY Lands court circuit.

The remote aboriginal communities see the Magistrates Court visit, on average, once per month. Magistrate Ms McInness SM conducts the circuit adopting a strong restorative justice approach similar to how the "Nunga Court" operates in metropolitan Adelaide.

This means that the views of the victim, who either appears personally or through the NPY Womens Council representatives, the views of the community as expressed through an aboriginal elder and those of the defendant and his or her family, are all taken into account in arriving at a sentencing outcome that is both just and fair for all concerned. Certainly the co-operative approach has particular benefits of inclusion in these small aboriginal communities where all the parties are known to each other.

Ms McInness SM has a very deep and thorough understanding of the familial and community issues that exist on the APY Lands, through her extensive consultations with members of the communities, the APY Lands police officers and other interested stakeholders such as Family and Youth Services, Correctional Services and the Womens Council representatives. She conducts the court in a very inclusive manner and feedback from the Courts Circuit is extremely positive with all participants very satisfied with the process.

Continuing Professional Development

This year the Commission's criminal lawyers have been engaged in a number of Continuing Legal Education programs either provided internally or through external providers such as *The Law Society* or *Advocacy Institute of Australia*. Staff professional development of this nature is of particular importance to the practice of our lawyers. It ensures that their skill base and knowledge of the law, particularly at a time where there continues to be significant changes in the criminal law, is continually being updated.

The in-house training sessions are fully attended by the section lawyers, including video links to the Commission's Port Augusta and Whyalla criminal lawyers.

The Criminal Law Practice division held its annual training day on 28 October 2010. A number of presentations, relevant to the daily practices of our lawyers, were given by experienced in-house counsel.

Topics covered included parole issues in sentencing, arrest rights and early advice, and an overview of the amended drug laws in SA. Training of this nature is not only vitally important to improve the skill base of in-house lawyers but also provides an excellent opportunity for the section to gather as a whole to meet with colleagues from across the Commission's range of central, regional

and country offices. It is good for morale and demonstrates the strong collegiate spirit and camaraderie which exists within the section.

The Commission's criminal lawyers also continue to be involved in further education by assisting the Law Society when requested. In-house practice lawyers are involved in teaching PLT and GDLP students, presenting evening CLE's to the profession on behalf of the Law Society and attending as advocacy instructors at the Law Society's GDLP Advocacy Workshops held at the Sir Samuel Way Building.

This is recognition that the Commission's in-house practice lawyers are highly experienced and respected members of the legal profession and their skills are often sought after by the Law Society. This involvement with the Law Society, particularly with teaching the law students, provides the Commission with invaluable standing within the profession while fostering legal aid as a career environment of choice for graduating legal professionals.

In addition, Lana Chester, the Commission's senior solicitor at the Youth Legal Service has been involved in presenting seminars to young people on behalf of the Legal Services Commission on the Youth Court including the Court's jurisdiction and procedure, the rights of young people, arrest and custody, police interviews and the role of support persons, mobile phones, social media and their associated legal risks.

A number of the section have attended external professional training seminars including:-

- ANZAAPL seminar on suicide presented by the Deputy State Coroner.
- Law Society seminar on DNA profiling evidence in criminal trials.
- Law Society seminar—Defences in Drug Cases.
- How to negotiate with the DPP by senior prosecutor John Wells.
- Cross examination in Criminal Trials by Judge Millsteed and Marie Shaw QC and chaired by Justice David.
- Weekend Advocacy Workshop facilitated by the Australian Institute of Advocacy.
- ANZAAPL weekend conference on cybercrime, mental health issues and the internet.

In May 2011 the Criminal Law Section Mandatory CPD program commenced.

The sessions are held immediately following the section's monthly meeting, with a different criminal law topic being delivered to section lawyers either by one of the in-house criminal lawyers or an external guest speaker. The current criminal law program runs until December and will provide an opportunity for the Commission's in-house lawyers to accrue seven points towards the total necessary for the re-issue of their practising certificates.

Family Law In-House Practice 2010-11

The Commission's family lawyers, at its Adelaide and Regional Offices, provide advice and representation to people who qualify for legal aid in family law matters. The practice also provides specialist advice on child support through the Child Support Unit and, through its Duty Lawyer service, assists unrepresented parties at all sitting days of the Family Law Courts. In addition, the Family Dispute Resolution Unit and the Commission's Child and Family Counsellors provide family law conferencing and general family dispute resolution services to clients.



Graham Russell, Manager, Family Law Practice Division

Changes to the family law system

There were again a number of important changes to the family law system in the past year. While the proposed merger of the Family Court and the Federal Magistrates Court has not yet taken place, the Courts have continued to operate as one administrative entity in a large number of areas. Over 90% of all applications are now filed in the Federal Magistrates Court, which during the year celebrated its 10th anniversary. The Family Court continues to hear the most complex cases including those cases where allegations of sexual abuse or serious physical abuse have been made. These cases are heard by the Court under its Magellan Case Management System.

There were significant changes to the Court filing fees structure during the year which impacted upon clients of the Commission. All clients now have to pay

a filing fee when they lodge applications in court, even if they are lodging consent orders. There is a process for parties to apply for a deferral of payment in certain cases and a reduction in the amount paid if a party is in receipt of legal aid or is unable to pay the fee in full. These changes are to be reviewed at the end of the financial year.

The Attorney-General also introduced legislation to amend the children's provisions of the Family Law Act following a number of enquiries and reports into the impact of the shared parenting amendments of 2006. The legislation seeks to place greater emphasis on the safety of parties and the protection of children and if passed will impact significantly on a majority of our client's cases, which frequently include allegations of family violence.

Child Support Unit

The Commission continues to provide specialist advice and representation to clients with respect to child support matters through its specialist Child Support Unit.

The Unit provides legal advice in all child support related areas however the majority of casework in this area involves establishing the parentage of children, which then allows the carer of those children to access the child

Family Law In-House Practice 2010-11

support system, and applications under the Family Law Act by adult children who require continued financial support from their parents because of their continued study past the age of 18 years or because they have a physical or mental disability which limits their ability to obtain paid employment.

In this latter area, the Child Support Unit has developed a strong, on-going relationship with the South Australian Public Trustee which is empowered to act as Litigation Guardian in cases where an adult child's disability has prevented him or her from giving instructions.

The Child Support Unit has explored some innovative ways of communicating with clients and promoting its services in 2010-11. In recognition of the increasing reluctance of many clients to answer calls from a private number, CSU staff were given the means to contact clients by text message directly from their computers. This has assisted staff to stay in touch with clients for whom traditional means of communication are increasingly irrelevant.

In response to the need to engage with clients who use the internet to identify and contact services, the CSU launched a Facebook profile in April 2011. This is in line with a recommendation in the Client Survey 2008-10. 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. The response has been encouraging with an increase in the number of callers saying they learnt about the service from the internet.

Family Dispute Resolution Unit

The Commission's Family Dispute Resolution Unit conducts a lawyer assisted dispute resolution service in family law matters. This Family Law Conferencing program complements and fits between the services offered by community based mediation organisations, such as the Family Relationship Centres, and the Family Law Courts. The program particularly assists clients who have complex issues and whose matters require the support and advice of legal representation in the negotiation process.

There has been continued growth in the number of conferences convened by the program, with an increasing number of matters being referred to the Unit by the Family Law Courts. An on-going referral pathway between the Courts and the Family Dispute Resolution Unit enables timely and reliable scheduling of conferences.

Notwithstanding the more complex nature of the matters conferenced by the Unit, the percentage of settled and partially settled conferences remains steady at about 85% of matters.

Community Education

Members of the Family Law Practice Division were active in providing community education services to many organisations. Independent Children's Lawyers have continued to present at the TAFE Interagency Course to staff of SAPOL and Families SA about their role and its inter-relationship with these agencies and the Courts. The Section also assists in the provision of Commission programmes such as the monthly Family Law Information Sessions held at TAFE and beamed to many country areas by video-conferencing, and the Commission's Law for Community Workers Course.

South Australian Family Pathways Network

The Commission is represented on the Steering Committee and remains an active member of the SA Family Pathways Network, which comprises the major organisations in the family law system in South Australia.

During the year, the Network established a regular newsletter and expanded its service directories which detail family law services (legal and non-legal) available to clients of the family law system and which are distributed widely each school term. A co-operative venture with the Barwon South FLPN has resulted in a two-state conference being held in May (one day at Mt Gambier, the second day at Portland). The conference was

Family Law In-House Practice 2010-11

held over two days, and examined the similarities and differences clients face in the Green Triangle region of south-east South Australia and western Victoria.

The Network also commenced production of a short film, supported by funding from the SA Film Corporation. The film is based on an aboriginal dreamtime story and promotes the concept of 'child focus' and the availability of family relationship centres.

Family Law Casework

As part of its co-operative approach to family law, the Commission has entered into an agreement, in partnership with community legal centres, to provide legal services to each of the five Family Relationship Centres in South Australia. A Commission family lawyer principally provides legal advice services to FRC clients who are referred for this purpose as part of their intake procedures and at other times during the course of mediations conducted by the FRC as well as after agreements have been reached. This innovation has built on the existing good relationships the Commission has with the FRCs and we have worked co-operatively to ascertain how referrals can best take place and how our services can best be used.

The Commission has continued to have a family lawyer outposted to the Adelaide office of the Aboriginal Legal Rights Movement to provide family law

assistance services to Aboriginal persons who either attend at ALRM seeking legal assistance or who are referred through the Commission. The outposted lawyer's workload principally consists of seeing advice clients who are referred directly from ALRM and acting for clients as a casework lawyer pursuant to a Commission grant of legal aid. As our lawyer is an accredited Independent Children's Lawyer this work also includes appointments as an ICL where there is an aboriginal child involved in court proceedings.

This collaboration has worked for the benefit of both organisations. As our lawyer is 'embedded' at ALRM we have been involved in ALRM functions, training days and important events for Aboriginal clients e.g. NAIDOC Week, Sorry Day and is a ready reference for clients who need specialist family law assistance. The Commission lawyers have benefited from the perspective our lawyer has been able to bring to the practice as a whole.

The Section also continued its program of assisting other sections within the Commission in understanding our practice of family law. In the past, secretarial staff and advisers from the Access Services programme have been involved in visits to the Court to see its operation. This year we recognised the importance of the Commission's Records Section and ran a programme over a number of months when staff spent time

at the Courts with our lawyers observing the courts in action and meeting court staff and family law identities. We then held a half-day training session about 'the life of a family law file' and they attended one of the Section's regular meetings. This was successful in ensuring that the family lawyers and Records staff got to know each other personally and had an understanding of each others' roles at the Commission particularly and in the family law system generally.

Independent Children's Lawyers

In 2010-11 the Commission made 301 Independent Children's Lawyers appointments. This compared with 371 appointments for the previous financial year.

While the number of filings in the Family Law Courts has continued to decrease during this financial year possibly as a result of the emphasis on dispute resolution processes, it is clear that the number of difficult matters proceeding through the court system has not reduced.

The Commission has continued to honour all ICL orders made by the courts.

In line with the restructuring of the Family Law Courts, almost all of the appointments have been ordered by the Federal Magistrates Court. The exceptions are typically ICL orders made by the Family Court as part of its Magellan Project. This case management system

Family Law In-House Practice 2010-11

provides special procedures for cases where there have been allegations of sexual abuse or serious physical abuse. At the present time, there are about 50 Magellan matters at various stages in the Court's system.

Family Law Duty Lawyer

The Commission has two Duty Lawyers who are based at the Family Law Courts and are present at the court each sitting day to assist unrepresented parties by providing a range of services to enable these clients to manage their appearances in court and receive assistance in making applications for legal aid or being referred to private family law practitioners or other community services, as appropriate.

In addition, the Family Courts Duty Lawyers have assisted in other aspects of the section's practice, including community presentations and support for lawyers during times of leave and are valuable resource to the Commission and the Courts.

Liaison

The Family Law Practice Division has continued its regular liaison with other sections of the Commission dealing with family law issues as well as with external organisations.

External liaison involved the following organisations—

- Interstate legal aid commissions—the Family Law Working Group and Dispute Resolution Working Group.
- The Family Law Courts—regular meetings with Judges, Federal Magistrates and Court staff, representation on a number of the Courts committees e.g. the Family Court's Community Reference Panel.
- Child Support—the Child Support Agency, South Australian Stakeholders Engagement Group.
- Family Dispute Resolution providers—Family Relationship Centres and other community based service providers.
- Other organisations—the Aboriginal Legal Rights Movement, community legal centres, Grandparents FOR Grandchildren.
- The Law Society—through Family Law Section membership and representation on committees.
- The SA Pathways Network—a collaboration of the major service providers in the area of family law.

Access Services 2010-11

The Legal Services Commission provides the professional legal resources to enable fast access to the justice system for those seeking information or advice about their personal legal rights.

The Access Services Program has been developed as the major part of an early intervention strategy provided through the Legal Services Commission and accessible to anyone in South Australia. It complements the Commission's Representation Program and is available for the assistance of people in the early resolution or clarification of their legal problems.



Christopher Boundy, Manager, Access Services

Between 1 July 2010 and 30 June 2011 Legal Services Commission staff provided more than 95 000 advisory services through the Access Services Program to people seeking legal information or advice about their personal legal rights.

Advice

Advice from qualified lawyers is provided by telephone as well as through interviews by appointment. A free legal information and referral service is also provided by para legal and legal staff.

The Legal Help Line is the Commission's widely publicised 1300 free call number which is generally the first point of contact for many clients.

More than 66 000 calls were handled through the Legal Help Line in the past year. This valuable, free resource is available to the public from 9am to 4.30pm each business day, and provides the opportunity for people to obtain

legal advice in an early timeframe, and to be better informed about their rights and responsibilities. Many callers are able to receive the legal information that they require straightaway, or they can be referred to a specialist agency appropriate to their particular legal needs.

For the consideration of more complex matters, more than 28 000 booked advice appointments were provided during 2010-11, most of which were face to face, but a number of them were provided by telephone so as not to disadvantage regional or remote clients, or those with mobility issues. Documents that may be relevant can be provided electronically prior to a booked appointment if necessary.

Personal appointments are available at each of the Commission's offices located at Adelaide, Noarlunga, Elizabeth, Holden Hill, Port Adelaide, Mount Barker, Whyalla and Port Augusta. Regular outreach services are provided at Murray Bridge. Clients can also gain access to extensive legal information through the Legal Services Commission's Law Handbook on-line.

The Legal Service Commission's Advice Staff provide general legal advice and specialist advice in areas of high demand. Specialist advice is given in respect to migration law, domestic violence situations and Centrelink matters. Advisers regularly visit metropolitan prisons to provide information and advice to inmates on family law and child support matters. In the past year more than 1200 of these services were provided.

Specialist Services

Migration

The demand for advice and assistance in migration matters remained high throughout the year. In each application for assistance a 'merit test' ensures that the Commission's resources are allocated prudently, and this also reflects in the high rate of success achieved on behalf of visa applicants.

Migration lawyers received growing numbers of requests for assistance with onshore protection visa applications, as well as permanent spouse visa applications made pursuant to the family violence provisions. The Legal Services Commission has developed a profile within the South Australian community as the appropriate referral point for this type of visa applications, and it is anticipated that the need for assistance in these type of matters will continue to increase. In addition, specialist legal assistance was provided to asylum seekers located at the Inverbrackie Detention Facility, Woodside.

Through a regular process of tender and contract the Commonwealth government provides the framework and financial support for the Legal Services Commission to provide migration advice and assistance to eligible visa applicants living in the community. This is referred to as the Immigration Advice and Application Assistance Scheme (IAAAS). In response to increased demand, funding of \$40 000 under this scheme

in 2009-10 increased to more than \$90 000 in 2010-11. Many of the beneficiaries of this specially funded legal service were victims of domestic violence needing advice and assistance with visa applications.

Domestic Violence

Domestic violence is experienced by people in many sectors of the community. As part of its Access Services Program, the Legal Services Commission employs experienced legal and para-legal Advisers to provide expert assistance and referral support for victims who find themselves in such circumstances.

Centrelink

Specialist legal advice on Centrelink entitlements is provided at our Adelaide office, and at the Administrative Appeals Tribunal (AAT) for clients involved in litigation with Centrelink. A legal adviser is also available to provide pre-hearing advice to those unrepresented applicants who are due to appear at the AAT in Commonwealth workplace injury compensation matters.

Family law and child support advice in prisons

Commission staff visit the Adelaide Remand Centre, Yatala Labour Prison, the Adelaide Womens' Prison and the Mobilong Detention Centre. A pre-booked telephone advice service is available for prisoners in rural and regional prisons.

Public Service Association Legal Services Scheme

The legal advisory service provided by the Legal Services Commission to members of the Public Service Association (PSA) has been in operation for more than nineteen years. The service was implemented following negotiations between the Attorney General's Department, the Legal Services Commission and the Law Society of South Australia.

The legal advice and referral service covers a diverse membership, including government departments and statutory authorities, and all financial members of the PSA. Also included are members of the Community and Public Sector Union/State Public Services Federation (SA Branch) which is the principal trade union representing workers who provide community services to South Australians.

During the year the Commission's role was expanded to include the management of the scheme on behalf of the PSA (including supervision of the referral work to panel solicitors) as well as the provision of general legal advice and information through the telephone advice line for PSA members.

Access Services 2010-11

Library

The library at the Legal Services Commission is a highly valued resource which enables legal staff at the Commission and private practitioners undertaking legal aid matters to access cases and other legal resources. The Librarian and a Library Assistant provide staff with training in legal research and on-line facilities, as well as information and updates on case law and legislative changes, news of recent legal publications, and alerts about topical legal events.

In 2010-11 the Librarians dealt with almost 800 requests for assistance. Of these requests approximately 70% were from Commission staff members, and 20% from private lawyers working on legal aid matters.

Community Legal Education

Community legal education is one of the important functions of the Commission pursuant the Legal Services Commission Act 1977, which requires the Commission and its staff "*...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*".

In 2010-11 legal information and education sessions were delivered to over 8,800 people through the Community



New Migrant Legal Education Program, Legal Education Officers, (L-R) John Mugabushaka and Alice Hall.

Legal Education (CLE) program, which has been designed to bring legal and civic education to identified groups in need, and to those community sector providers who work with socially and economically disadvantaged people.

One of the desired outcomes of the National Partnership Agreement (NPA) struck between the Commonwealth and the State and Territory governments in 2010, has been the targeted delivery of preventative legal services such as community legal education, legal information and referral. In response to the NPA, and in accordance with other stated outcomes in the Agreement, the Commission has produced a new Community Legal Education Strategic Plan through which the Commission aims to deliver legal assistance services to people who experience, or who are at the risk of experiencing social exclusion: new migrants, young people, older persons and Aboriginal people.

This strategic plan guides the work of the Commission's lawyers and educators

in their delivery of legal education and information to meet the needs of hard-to-reach audiences, including the priority client groups. We are continuing to investigate the unmet legal education requirements of marginalised groups, such as people with a disability, prisoners, and those with chronic health issues.

Highlights

- The Commission is a member of a strategic group of legal aid commissions across Australia responsible for developing legal educational materials for new migrants who attend Adult Migrant Education classes. A DVD entitled *What's the Law* will assist new migrants to learn about Australian law through ten photo stories covering a broad range of legal topics, including such things as buying a car, dealing with Centrelink, and ways of responding to family violence.
- A new *Workers' Rights* booklet and a series of sixteen factsheets about workplace entitlements have been produced to assist employees understand their rights and obligations, and to provide information about common work related problems. The *Workers' Rights* project has been a joint initiative between the Legal Services Commission and the

Access Services 2010-11

Working Women's Centre SA, and it was funded by the Australian Government through a Fair Work Ombudsman initiative to produce educational materials about the Fair Work Act 2009.

- A series of Free Legal Information Sessions (FLIS) on topics such as juvenile justice, Wills and Advance Directives, child support and family law have been presented at the Adelaide Campus of TAFE SA, and at other sites, and broadcasted via videoconferencing facilities to metropolitan, rural and remote sites around South Australia. This year, the Commission introduced an on-line registration system for FLIS registrants resulting in a huge increase in attendances, with some sessions booked out.
- Access Services staff set up a display at the Sir Samuel Way Building (District Court) as part of the Courts Open Day during Law Week in May. Staff volunteers promoted the Commission's services, including the Legal Help Line, and supplied brochures and pamphlets to assist members of the public with their enquiries.
- The Director, Hamish Gilmore, joined staff and colleagues taking part in an early morning 'Walk for Justice' in May to help raise funds for JusticeNet SA, a pro bono clearinghouse that facilitates access to justice in South Australia.



Expect Respect! Youth Legal Education Program.

- As part of the Commission's drama-based sexual assault prevention initiative *Expect Respect*, a youth friendly resource, 'Sex, Consent and the Law', was produced and widely distributed. The pocket sized booklet proved to be one of the Commission's most popular publications, with 10 000 copies handed out in schools and agencies across the youth sector.

Youth Education

The Commission has continued to expand its delivery of performances of *Expect Respect* promoting respectful relationships amongst young people. Over 2400 young people have now attended a live *Expect Respect* performance workshop in a school or youth centre in Adelaide, or in regional centres.

Expect Respect was selected as a finalist for the prestigious *2010 Premier's Awards for Excellence in Public Service* under the category of 'Building Communities'. The nomination provided important

recognition for this fresh approach to engaging young people in a dialogue on sensitive topics such as sexual assault and consent. Following keen interest in the *Expect Respect* program from interstate legal aid commissions, the Commission has proposed undertaking a national tour to seed similar projects across Australia.

Expect Respect has in the past received funding from the Office of the Minister for the Status of Women, the Hon Gail Gago MLC, including funding and encouragement to extend the program to Aboriginal young people and young people with a disability. The Commission hopes to continue providing this drama based education for young people, and will explore new programs to focus on topics such as knife crime, the consequences of offending, cyber safety and relationship violence.

Another initiative of the Commission in the youth sector has been the conduct of juvenile justice training seminars to assist youth workers to better

Access Services 2010-11



Juvenile Justice Seminar 2011: presenter, Senior Solicitor, Lana Chester

understand the legal issues facing young people, and the likely consequences of youth offending. These seminars were attended by over 250 youth sector workers.

Migrant education

CLE staff members delivered educational sessions to over 3000 new migrants in the past year, the highest number of session attendances since the Commission began its migrant education program in 2004. The legal education staff undertook extensive consultation with migrant community groups to ensure that sessions were suitable to the needs of their constituents. As a result, we achieved greater awareness of our services and at the same time improved community relations across South Australia by responding to the community education requests from within the multicultural sector. Much of the educational work focused on the needs of the Bhutanese Community, the African Women's Federation, the Muslim Women's Association, Afghan women,

the Overseas Chinese Association and the Burundian community. Partnerships were also developed with specialist training service providers such as English Language Services (TAFE), LM Training Specialists, the Multicultural Communities Council, Centrelink Multicultural Forums, Australian Refugee Association, the Migrant Resource Centre and Lutheran Community Care.

The Commission hosted an Open Forum on Sharia Law for Muslim women and community workers from migrant and domestic violence services. With an emphasis on the inter-relationship between Sharia Law, Family Law and efforts to combat Domestic Violence, the forum highlighted the complexity of the problems encountered by Muslim women when dealing with the family law system in Australia.

'Need Legal Help' cards were printed in the following community languages: Albanian, Amharic, Arabic, Bosnian, Burmese, Chinese, Croatian, Dari, Dinka, Filipino, French, Greek, Hindi, Italian, Kirundi, Khmer, Kurdish, Nepali,

Persian, Polish, Russian, Serbian, Somali, Spanish, Swahili, Thai, Tigrinia, Uighur, Vietnamese.

Commission staff also participated in a series of seminars and consultations convened by Multicultural SA, Attorney General's Department, and in collaboration with representatives from Commonwealth, State and local government departments and agencies, explored how best to coordinate settlement services for humanitarian entrants in South Australia.

The Commission's commitment is to continue to assist new migrants in South Australia by improving their understanding of the law, and how to access legal assistance.

Aboriginal education

The Commission is part of an enterprising pilot program teaching legal studies at TAFE to young Aboriginal people in Port Augusta. The scheme provides support for Aboriginal young people to study and gain work experience as an introduction to careers in law. The Commission will provide teaching through the *Law for Community Workers* course, and placements for Aboriginal students at our Port Augusta office.

One student commented:

'I honestly have to say this would be one of the few classes that I have felt comfortable in during my years of schooling, and I'm actually excited to go to every class because of all the knowledge everyone has to offer and share. I look forward to attending future classes.'



Law for Community Workers Course: rear-centre: *Liz Ahern, Legal Education Officer, with students in Port Augusta.*



Legal Community Workers 2010 Presentation. (L-R): *Christopher Boundy, Manager, Access Services and Priscilia Abonge*

ANANGU Work Expo

Legal Education Officer, Liz Ahern travelled to the APY Lands in April 2011 to attend the ANANGU Work Expo in a ten day whirlwind trip of over 3000kms. As part of the travelling Expo, Liz visited six remote communities over five days, setting up a display in each place, providing information about the Legal Services Commission, especially its services for Aboriginal people (legal advice and court circuits) and discussing career and training opportunities with young people.

The Commission's yellow Pitjantjatjara business cards were handed out to approximately 800 people across the Lands as were the fridge magnets and cards promoting the Commission's Whyalla/Port Augusta offices.

The presentations in each community were very well received, and as a result many more Aboriginal people now have information about not only the Commission's varied services, but also of the prospective career paths available.

Law for Community Workers course

The Law for Community Workers course consists of weekly two hour lectures per semester of 21 weeks in two accredited subjects in the TAFE SA certificate IV in Justice Studies. The course was originally developed in 1989 for Aboriginal Legal Rights Movement field officers and the Commission's paralegal staff, and since 1996 has been video-conferenced across the state to allow rural and remote students to attend. Staff from both original organisations still attend to enhance their knowledge along with a wide range of community workers (an average of 40 enrolments) across the state annually. Each year half a dozen scholarships are provided to students from new and emerging communities.

Aboriginal Law Cadets at the Legal Services Commission

The Commission's five law cadets continued their university studies in 2010 and spent 12 weeks' placement at various Commission offices over the long vacation. They shadowed a variety of lawyers in their daily work—giving legal advice, observing them in trials and attended hearings in a variety of courts and tribunals in addition to gaining some customer service and administrative experience.

Access Services 2010-11

Information and Referrals

The Library and Community Legal Education staff continued to ensure that all Advisers had access to the legal knowledge that they required to maintain their skills and to provide effective advice. In 2010-11 this work included the maintenance of the Law Handbook Online.

Law Handbook Online

The popularity of Law Handbook Online [www.lawhandbook.sa.gov.au] grew 24.4% with an average of 46 270 visits each month, and it is widely acknowledged as the premier resource for free legal information in South Australia. The Legal Services Commission website [www.lsc.sa.gov.au] experienced user growth of 10.69% with an average of 11 515 monthly visits.

Website

The Commission recognises that it is important to actively maintain its public profile with stakeholders and the community. The website enhances the provision of information about the Commission's services and the promotion of the value of legal aid to the community. New on-line improvements include an ordering facility for publications, a seminar registration form, and a services directory for referrals to other legal and non-legal services. The services directory is a searchable database containing some 270 services available to clients.

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Website Page-views

	2009-10	2010-11
Law Handbook online	-	1 818 962
LSC site	-	403 627
Total	2 177 414	2 222 589
State Law	1 271 081	1 388 585
Commonwealth Law	906 333	834 003
Criminal Law	421 783	592 783
Civil Law	1 455 793	1 222 608
Family Law	299 839	407 198

CLE Sessions by attendees

	2009-10		2010-11	
	Attendees	Info Sessions	Attendees	Info Sessions
Criminal Law	844	30	2021	46
Civil Law	812	33	696	31
Family Law	1117	47	973	60
The Law in General	5083	141	5182	182
Total	7856	251	8872	319
by State	4198		5308	
by Commonwealth	3658		3564	

Access Services 2010-11



*Law Week 2011:
Courts Open Day –
Sir Samuel Way Building*

Publications Distributed

	2009-10	2010-11
Family Law	44 300	41 800
Criminal Law	10 300	15 300
Civil Law	65 750	75 800
Total	120 350	132 900
State Law	76 050	91 100
Commonwealth Law	44 300	41 800

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Community Engagement

We maintain strong professional relationships with:

- Aboriginal Legal Rights Movement
- Aboriginal Family Violence Legal Services
- Aged Rights Advocacy Service
- Alliance for the Prevention of Elder Abuse
- Community Legal Centres
- Domestic Violence services
- Financial counselling services
- Housing Legal Clinic
- JusticeNet SA
- Law Foundation of South Australia
- Law Society of South Australia
- Magistrates Court Legal Advice Service
- Migrant community groups
- Settlement services
- TAFE SA
- Women's Legal Service

We promote awareness of our services and improved community relations across South Australia by:

- delivering community education sessions
- attending multicultural festivals and events
- working with local services and Community Legal Centres in regional areas
- attending multicultural forums and networking with multicultural sector representatives
- providing information through publications and training sessions
- providing editorials and advertisements in community newspapers and magazines.

Other items

The Commission has introduced a Continuing Professional Development Program to help legal staff to comply with the new mandatory professional scheme in South Australia. A CPD Training Calendar and Register has been developed to deliver suitable training and to record staff attendances at internal and external events.

Support Services, Infrastructure 2010-11

Information and Communication Technology, Facilities Management and Recordkeeping functions of the Commission are performed within the Infrastructure Section.



Neil Trager, Manager, Infrastructure

The functions of the Infrastructure Section include:

Facilities Management

The Commission's nine offices and chambers are supported from the Adelaide Office.

Achievements this year included:

- security review including the phasing in of a secure interview room at each of the metropolitan offices / Chambers;
- installing new security monitoring software to link all LSC Offices / Chambers and to incorporate CCTV monitoring;
- renovations to Family Dispute Resolution (FDR) suite; and
- upgrading the provision of delivery / collection of all Australia Post and DX mail direct to all metropolitan offices.

Recordkeeping

Achievements this year included:

- implementation of a revised structure of the Records Unit
- review off-site storage of records arrangements
- implementation of a Records Management Strategy and 5 year plan, and
- development and submission of a budget bid for an Electronic Data Records Management System.



Mr Robert Zanin, Manager, ICT

Information and Communication Technology

Achieving the Commission's aims requires the availability of efficient and effective ICT to ensure services are provided in a timely manner for our clients and that Commission staff have the information and equipment to carry out their day to day tasks. The ICT Section has responsibility for the provision of ICT services, ranging from PC desktop maintenance, application support and help desk services through to maintaining the infrastructure and training staff in use of ICT systems.

Legal Aid (LAW) Office

During the year, the Commission installed a number of releases of LA Office. These releases incorporated changes to strengthen the stability of the software, improve workflow and increase the amount of data displayed within screens resulting in improvement in system usability.

The Commission is continuing with the LA Office Modernisation Project to modernise the LA Office system to deliver and incorporate functional improvements to enhance the Commission's service delivery. This project is a collaboration between South Australian, Queensland and Western Australian Legal Aid Commissions

Both a system supplier (Technology One) and ICT consultants (KDN Services) have been engaged to assist the Commission to successfully deliver the replacement for LA Office system, titled LAW Office.

The Project, which originally focused on the evaluation and selection of the most appropriate system to replace LA Office, is now concentrating on the implementation of LAW Office system within LSC. Many staff across the Commission have provided input in progressing the Project to this point.

Some of the key activities include:

1. Review and realignment of Business Processes;
2. Review of System Configuration including Clauses, Automatic Document Generation (ADG) Letters and Security Groups;
3. Data-migration, and
4. Computer Hardware review.

LSC's program areas and business units will undertake testing and training activities. The go-live date of the LA Office system is being targeted for early 2012.

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Legal Services Commission of South Australia

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Finance

2010-11

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Finance Report 2010-11

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The Commission is funded by the State and Commonwealth Governments. The State Government provides funding for State law related legal matters and State projects and the Commonwealth Government provides funds for Commonwealth law related legal matters and Commonwealth projects.

The National Partnership Agreement on Legal Assistance Services was entered into between the Commonwealth of Australia and States and Territories, effective from 1 July 2010. Pursuant to that Agreement, the Commonwealth Government committed funding to South Australia for the next four financial years until 30 June 2014.



Chinh Dinh-Pham, Finance Manager

The State Government funds State criminal law and State Child Protection (In Need of Care) matters and reimburses the Commission for expenditure in excess of the Commission's caps for approved State Criminal Expensive Cases that exceed those caps. State expensive cases are subject to a Case Management Plan which has to be approved by the Attorney-General.

The Commission receives income from the Law Society pursuant to the Legal Practitioners Act (LPA), 1981. LPA income is made up of Statutory Interest, Solicitor's Trust Accounts Interest and Excess Guarantee funds which are then used for State related matters.

The Commission also generates income from investments, client contributions, costs recovered, education courses, sale of enduring Power of Attorney Kits and it actively pursues other funding, including State and Commonwealth funding, where the projects delivered provide a service for the South

Australian community and are related to, and enhance, services currently being delivered.

Over the years, the Commission has expanded its duty solicitor services to enable a duty solicitor to be available when certain regional and country Magistrate and Youth courts are in operation. Matters heard before regional and country courts mainly relate to State law. The service is provided by both country private practitioners funded by the Commission and Commission solicitors.

For the year ended 30 June 2011, the Commission completed the year with a consolidated operating surplus of \$2 493 000. The improved result is due to additional revenue from Government, interest received from LPA sources, interest on investments, clients contributions and costs recovered. In addition, the State Government reimbursed \$532 000 for expensive cases which was not included in the Commission's budget.

The Commission's cash reserve balance at 30 June 2011 was \$15 260 000. The Commission allocates the cash into State and Commonwealth portions. Part of the cash is specifically reserved for future liabilities and the uncommitted portion is held for future operating expenditure as presented at *Table 5*.

The detailed 2010-11 financial reports are presented at *Tables 1 to 5* and forecasts for 2011-12 and 2012-13 are shown at *Table 6*.

Table 1 Legal Services Commission of South Australia
**Income and Expenditure - Commonwealth and State
 by Output Allocations as at 30 June 2011**

	2010-11 Total Actual	2010-11 Commonwealth Actual	2010-11 State Actual
Income			
Statutory Interest	1 519 160	-	1 519 160
Interest on Solicitor's Trust Account	2 153 690	-	2 153 690
Excess Guarantee Fund	163 240	-	163 240
Interest on Investments	864 810	478 250	386 560
Costs Recovered and Contributions	434 160	200 240	233 920
Government Grants - Commonwealth	14 946 000	14 946 000	-
Government Grants - State	18 047 000	-	18 047 000
Commonwealth IAAAS Funding	93 500	93 500	-
Statutory Charges	981 060	467 220	513 840
State Expensive Criminal Cases	532 130	-	532 130
Other Income	869 820	310 520	559 300
Total Revenues from Ordinary Activities	40 604 570	16 495 730	24 108 840
Expenditure			
Assignments	1 873 820	608 330	1 265 490
Private Practitioner Representation			
Criminal Law Services	10 517 510	276 760	10 240 750
Family Law Services	4 094 810	4 094 810	-
Family Dispute Resolution	951 690	951 690	-
Civil Law Services	497 530	18 020	479 510
Civil Law - Veteran's Matters	56 640	56 640	-
Child Support Services	1 860	1 860	-
In-House Representation			
Criminal Law Services	5 550 070	88 550	5 461 520
Criminal Law Duty Lawyer Services	1 472 000	29 710	1 442 290
Family Law Services	3 706 240	3 706 240	-
Family Law Duty Solicitor Services	280 630	280 630	-
Family Law Dispute Resolution	606 130	606 130	-
Civil Law Services	384 280	-	384 280
Child Support Services	1 179 770	1 179 770	-
Telephone & Face to Face Advice	3 422 100	2 597 930	824 170
Migration	1 008 480	1 008 480	-
Community Education Services	628 760	462 740	166 020
Culturally & Linguistically Diverse Program	61 110	61 110	-
Legal Education & Awareness Project	136 480	105 420	31 060
Strategic Services	1 149 440	574 720	574 720
Other Expenditure			
State Expensive Criminal Cases	532 130	-	532 130
Total Expenses from Ordinary Activities	38 111 480	16 709 540	21 401 940
Net Result from Ordinary Activities	2 493 090	- 213 810	2 706 900

Table 2 Legal Services Commission of South Australia
Commonwealth Government Funding as at 30 June 2011

Financial Year	2005-06 \$'000	2006-07 \$'000	2007-08 \$'000	2008-09 \$'000	2009-10 \$'000	2010-11 \$'000
Annual Funds	12 215	12 440	12 701	12 981	14 055	14 946

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Table 3 Legal Services Commission of South Australia
State Government Funding as at 30 June 2011

Financial Year	2005-06 \$'000	2006-07 \$'000	2007-08 \$'000	2008-09 \$'000	2009-10 \$'000	2010-11 \$'000
Annual Funds	11 292	11 483	13 698	14 496	16 445	18 047

In addition the State Government separately funded the following:

	2010-11 \$'000
State Expensive Cases	532
Total Other State Funding	532

Table 4 Legal Services Commission of South Australia
Schedule of Cash Financial Overview as % of Total Expenditure
as at 30 June 2011

Output	2008-09	% Expenditure	2009-10	% Expenditure	2010-11	% Expenditure
In House Practices	10 549 000	30.42	11 375 000	29.67	11 340 000	29.66
External Practices	17 781 000	51.28	20 124 000	52.49	19 765 000	51.69
Expensive Cases	289 000	0.83	373 000	0.97	513 000	1.34
Access Services	4 731 000	13.64	5 084 000	13.26	5 145 000	13.46
Strategic Services	1 108 000	3.20	1 151 000	3.00	1 138 000	2.98
Capital Expenditure	217 000	0.63	229 000	0.60	333 000	0.87
Total Cash Expenditure	34 675 000	100.00	38 336 000	100.00	38 234 000	100.00

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Table 5 Legal Services Commission of South Australia
Cash Reserves and Other Commitments as at 30 June 2011

Financial Year	\$ Commonwealth	\$ State	\$ Total
<i>Comprised of:</i>			
Provision for Legal Commitment	1 202 000	2 890 000	4 092 000
Expensive Case Reserve	100 000	—	100 000
Long Service Leave Reserve	1 472 000	1 472 000	2 944 000
Computing System Replacement Reserve	1 250 000	1 250 000	2 500 000
Desktop Replacement Reserve	225 000	225 000	450 000
Office Accommodation Reserve	2 700 000	400 000	3 100 000
<i>Uncommitted Funds at 30 June 2011</i>	998 000	1 076 000	2 074 000
Total Cash Reserves 30 June 2011	7 947 000	7 313 000	15 260 000

Provision for Legal Commitment

The Commission issues certificates of legal commitment for each matter approved for legal aid. The Commission has a future legal commitment of \$4 092 000 on legal matters referred to private practitioners, which are still to be finalised.

Expensive Cases Reserve

The Commonwealth expensive cases reserve was not used in the 2010-11. The Commission has retained an expensive cases reserve of \$100 000 for Commonwealth cases that may exceed the Commission caps and for which separate funding will not be sought from the Commonwealth.

Long Service Leave Provisions

The Commission has a long service leave staff entitlement of \$ 2 944 000 at 30 June 2011. Sufficient reserves are held to cover both State and Commonwealth long service leave liabilities.

Asset Replacement Reserve

The Commission allocated a reserve for desk top replacement and an additional amount to the computing system replacement reserve. In addition, the office accommodation reserve was also brought forward from the previous financial year. The Commonwealth Government has agreed to allow the Commission to use up to \$2 300 000 of surplus funds to upgrade existing office accommodation, and to expand the Family Dispute Resolution facilities.

Table 6 Legal Services Commission of South Australia
Cash Draft Budget Outline 2011-12 and 2012-13

	2011-12			2012-13		
	State \$'000	Commonwealth \$'000	Total \$'000	State \$'000	Commonwealth \$'000	Total \$'000
Cash Reserves B/Fwd 1 July	7 313	7 947	15 260	5 625	4 098	9 723
Receipts	23 571	16 860	40 431	23 982	17 158	41 140
Total Anticipated Receipts	23 571	16 860	40 431	23 982	17 158	41 140
Expenditure						
In-house Representation, Child Support and Family Dispute Resolution	6 948	4 574	11 522	7 122	4 688	11 810
Private Practitioner Representation	12 286	6 159	18 445	12 593	6 313	18 906
Advice & Minor Assistance	1 565	3 357	4 922	1 604	3 441	5 045
Community Legal Education	534	501	1 035	547	514	1 061
Commonwealth New Initiatives	-	500	500	-	513	513
Culturally & Linguistically Diverse Project	-	62	62	-	64	64
Assignment Services	1 290	620	1 910	1 322	636	1 958
Directorate	586	586	1 172	601	601	1 201
Other Asset Purchase	175	175	350	179	179	359
Computing System Replacement	1 250	1 250	2 500	-	-	-
Computer Assets Replacement	225	225	450	-	-	-
Leasehold Improvements	400	2 700	3 100	0	0	0
Total Anticipated Expenditure	25 259	20 709	45 968	23 969	16 947	40 916
Net Cash Position	- 1 688	- 3 849	- 5 537	14	210	224
Cash Reserves 30 June	5 625	4 098	9 723	5 639	4 308	9 947

Notes to Table 6: The above table is based on a 'no activity change' outcome in the years 2011-12 and 2012-13.

Table 7 Legal Services Commission of South Australia
Value of Invoices or Accounts paid for 2010-11

	Number of Accounts Paid	% of Accounts Paid (by number)	Value in \$A of Accounts Paid	% of Accounts Paid (by value)
Paid by Due Date	31 803	97.3%	\$25 585 078	96.6%
Paid within 30 days	802	2.5%	\$835 018	3.2%
Paid more than 30 days from Due Date	91	0.2%	\$51 511	0.2%
Total	32 696	100%	\$26 471 607	100%


Legal Services Commission of South Australia
Auditor-General's Letter 2011



Government of South Australia
Auditor-General's Department

Our Ref: A11/111

12 September 2011

Mr David Meyer 
Acting Chairman
Legal Services Commission of South Australia
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Dear Mr Meyer

**The audit of the Legal Services Commission
for the year ended 30 June 2011**

The audit of the accounts of the Legal Services Commission for the year ended 30 June 2011 has been completed.

The scope of the audit covered the principal areas of the financial operations of the Commission and included the test review of systems and processes and internal controls and financial transactions.

The notable areas of audit coverage included:

- payroll
- legal expenditure
- other expenditure
- revenue
- receipting and banking
- cash and cash equivalents
- fixed assets.

The audit coverage and its conduct is directed to meeting statutory audit responsibilities under the *Public Finance and Audit Act 1987* and also the requirements of Australian Auditing Standards.

In essence, two important outcomes result from the annual audit process, notably:

- The issue of the Independent Auditor's Report (IAR) on the integrity of the Commission's financial statements

Legal Services Commission of South Australia
Auditor-General's Letter 2011

- The issue during the year of the audit management letter advising of system, process and control matters and recommendation for improvement.

In this regard, returned herewith are the financial statements of the Legal Services Commission together with the IAR, which is unmodified.

My Annual Report to Parliament indicates that an unmodified IAR has been issued on the Commission's financial statements.

In addition, during the year an audit management letter was forwarded to the Commission, detailing findings and recommendations from the audits of the areas reviewed. The findings and recommendations relate to weaknesses noted in financial systems and processes and associated internal controls, and improvements needed in these areas. The response to the letter and matters raised therein was received and will be followed up in the 2011-12 annual audit.

My Annual Report to Parliament includes summary commentary for the Commission on the matters raised and responses received, and specifically indicates those matters that were assessed as not meeting a sufficient standard of financial management, accounting and control.

Finally, I would like to express my appreciation to the management and staff of the Legal Services Commission in providing assistance during the year to my officers in the conduct of the annual audit.

Yours sincerely



S O'Neill
Auditor-General

enc



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**To the Chairperson
Legal Services Commission of South Australia**

As required by section 31 of the *Public Finance and Audit Act 1987* and section 25 of the *Legal Services Commission Act 1977*, I have audited the accompanying financial report of the Legal Services Commission of South Australia for the financial year ended 30 June 2011. The financial report comprises:

- a Statement of Comprehensive Income for the year ended 30 June 2011
- a Statement of Financial Position as at 30 June 2011
- a Statement of Changes in Equity for the year ended 30 June 2011
- a Statement of Cash Flows for the year ended 30 June 2011
- notes, comprising a summary of significant accounting policies and other explanatory information
- a Certificate from the Acting Chairman, the Director and the Finance Manager.

Member's Responsibility for the Financial Report

The members of the Legal Services Commission of South Australia are responsible for the preparation of the financial report that gives a true and fair view in accordance with the Treasurer's Instructions promulgated under the provisions of the *Public Finance and Audit Act 1987* and Australian Accounting Standards, and for such internal control as the members of the Legal Services Commission of South Australia determine is necessary to enable the preparation of the financial report that is free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

My responsibility is to express an opinion on the financial report based on the audit. The audit was conducted in accordance with the requirements of the *Public Finance and Audit Act 1987* and Australian Auditing Standards. The auditing standards require that the auditor comply with relevant ethical requirements and that the auditor plan and perform the audit to obtain reasonable assurance about whether the financial report is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial report. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial report, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation of the financial report that gives a true and fair view in order to design audit procedures that are appropriate in the circumstances.

An audit also includes evaluating the appropriateness of the accounting policies used and the reasonableness of accounting estimates made by the members of the Legal Services Commission of South Australia, as well as the overall presentation of the financial report.

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

Opinion

In my opinion, the financial report gives a true and fair view of the financial position of the Legal Services Commission of South Australia as at 30 June 2011, its financial performance and its cash flows for the year then ended in accordance with the Treasurer's Instructions promulgated under the provisions of the *Public Finance and Audit Act 1987* and Australian Accounting Standards.

S O'Neill
AUDITOR-GENERAL
12 September 2011

Legal Services Commission of South Australia
Income Statement 30 June 2011

Legal Services Commission of South Australia
STATEMENT OF COMPREHENSIVE INCOME
FOR THE YEAR ENDED 30 JUNE 2011

	Note	2011 \$'000	2010 \$'000
Expenses			
Employee benefits expenses	4	15 470	14 051
Private Practitioner services	2.16	17 976	18 006
Private Practitioner services - Other expensive State matters	5	513	373
Supplies and services	6	3 630	3 706
Depreciation and amortisation expense	7	268	233
Other expenses	8	<u>97</u>	<u>75</u>
Total expenses		<u>38 155</u>	<u>37 344</u>
Income			
Legal Practitioners Act revenue	9	3 836	2 919
Statutory charges		1 024	967
Interest revenue		865	656
Costs recovered and contributions	10	434	412
Other income	11	<u>870</u>	<u>583</u>
Total income		<u>7 029</u>	<u>5 537</u>
Net cost of providing services		<u>31 126</u>	<u>31 807</u>
Revenues from Governments			
Commonwealth Government:			
Funding agreement	12	14 946	14 054
IAAAS Income	12	94	40
State Government:			
Funding	13	18 047	18 445
Expensive cases - Other matters	13	<u>532</u>	<u>373</u>
Total revenues from Governments		<u>33 619</u>	<u>30 912</u>
Net Result		<u>2 493</u>	<u>(895)</u>
Total Comprehensive Result		<u>2 493</u>	<u>(895)</u>

The above statement should be read in conjunction with the accompanying notes

Legal Services Commission of South Australia
Balance Sheet 30 June 2011

Legal Services Commission of South Australia
STATEMENT OF FINANCIAL POSITION
AS AT 30 JUNE 2011

	Note	2011 \$'000	2010 \$'000
Current assets			
Cash and cash equivalents	21	15 260	13 493
Receivables	14	1 635	1 377
Other current assets	15	<u>420</u>	<u>504</u>
Total current assets		<u>17 315</u>	<u>15 374</u>
Non-current assets			
Property, plant and equipment	16	1 018	1 111
Intangible assets	16.1	510	-
Statutory charge debtors	17	<u>5 049</u>	<u>4 618</u>
Total non-current assets		<u>6 577</u>	<u>5 729</u>
Total assets		<u>23 892</u>	<u>21 103</u>
Current liabilities			
Legal payables		1 102	1 283
Payables	18	572	309
Employee benefits	19	<u>997</u>	<u>1 077</u>
Total current liabilities		<u>2 671</u>	<u>2 669</u>
Non-current liabilities			
Payables	18	177	190
Employee benefits	19	<u>2 797</u>	<u>2 510</u>
Total non-current liabilities		<u>2 974</u>	<u>2 700</u>
Total liabilities		<u>5 645</u>	<u>5 369</u>
Net assets		<u>18 247</u>	<u>15 734</u>
Equity			
Asset revaluation surplus	2.9	79	79
Other reserves	20	100	100
Retained earnings		<u>18 068</u>	<u>15 575</u>
Total equity		<u>18 247</u>	<u>15 754</u>
Commitments	22,23		
Contingent liabilities	25		

The above statement should be read in conjunction with the accompanying notes

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Legal Services Commission of South Australia
Cash Flow Statement 30 June 2011

Legal Services Commission of South Australia
STATEMENT OF CASH FLOWS
FOR THE YEAR ENDED 30 JUNE 2011

	Note	2011 Inflows (Outflows) \$'000	2010 Inflows (Outflows) \$'000
Cash flows from operating activities			
Cash outflows			
Employee benefits payments		(15 233)	(15 276)
Supplies and services		(3 915)	(4 141)
Private Practitioner services		(18 288)	(18 318)
Private Practitioner services - Other expensive State matters		(339)	(373)
GST payments on purchases		<u>(2 312)</u>	<u>(2 248)</u>
Cash used in operations		<u>(40 087)</u>	<u>(40 356)</u>
Cash inflows			
Legal Practitioners Act receipts		3 797	2 730
Costs recovered and contributions		466	362
Statutory charge receipts		645	594
Interest received		851	644
GST receipts on revenue		218	174
GST recovered from the ATO		2 094	2 074
Other receipts		<u>798</u>	<u>558</u>
Cash generated by operations		<u>8 867</u>	<u>7 136</u>
Cash flows from Governments			
Commonwealth Government:			
Funding agreement		14 946	14 054
IAAAS income		94	40
State Government:			
Funding		18 047	16 445
Expensive Cases - Other matters		<u>358</u>	<u>373</u>
Total cash flows from Governments		<u>33 445</u>	<u>30 912</u>
Net cash provided by (used in) operating activities	21	<u>2 225</u>	<u>(2 308)</u>
Cash flows from investing activities			
Purchase of property, plant and equipment		<u>(458)</u>	<u>(228)</u>
Cash used in investing activities		<u>(458)</u>	<u>(228)</u>
Net increase in cash and cash equivalents		1 767	(2 537)
Cash and cash equivalents at the beginning of the financial year		<u>13 493</u>	<u>16 030</u>
Cash and cash equivalents at the end of the financial year	21	<u>15 260</u>	<u>13 493</u>

The above statement should be read in conjunction with the accompanying notes

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Legal Services Commission of South Australia
Statement of Changes in Equity 30 June 2011

Legal Services Commission of South Australia

STATEMENT OF CHANGES IN EQUITY FOR THE YEAR ENDED 30 JUNE 2011

	Asset Revaluation Surplus	Other Reserves	Retained Earnings	Total
	\$'000	\$'000	\$'000	\$'000
Balance at 30 June 2009	79	328	16 242	16 649
Net result for 2009-10	-	-	(895)	(895)
Transfer between equity components	-	(228)	228	-
Balance at 30 June 2010	79	100	15 575	15 754
Net result for 2010-11	-	-	2 493	2 493
Balance at 30 June 2011	79	100	18 068	18 247

The above statement should be read in conjunction with the accompanying notes

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Legal Services Commission of South Australia
Note Index 30 June 2011

Legal Services Commission of South Australia

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NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

1. Objectives of the Legal Services Commission of South Australia

The Legal Services Commission (the Commission) was established under the *Legal Services Commission Act 1977* (the Act) to provide, or arrange for the provision of legal assistance in accordance with the Act. The objective of the Commission is to provide clients with accessible information, advice and representation to meet their legal needs.

2. Summary of Significant Accounting Policies

2.1 Statement of Compliance

The financial statements are general purpose financial statements. The accounts have been prepared in accordance with relevant Australian Accounting Standards and Treasurer's Instructions and Accounting Policy Statements promulgated under the provisions of the *Public Finance and Audit Act 1987*.

Except for AASB 2009-12, which the Commission has earlier adopted, Australian Accounting Standards and interpretations that have recently been issued or amended but are not yet effective have not been adopted by the Commission for the reporting period ending 30 June 2011.

The Commission's Statement of Comprehensive Income, Statement of Financial Position and Statement of Changes in Equity have been prepared on an accrual basis and are in accordance with historical cost convention, except for the valuation of the library, which is at an independent valuation.

The Statement of Cash Flows has been prepared on a cash basis.

The financial statements have been prepared based on a twelve month operating cycle and presented in Australian currency.

2.2 Comparative Figures

The presentation and classification of items in the financial statements are consistent with prior periods except where a specific accounting policy statement or Australian Accounting Standard has required a change.

Where presentation or classification of items in the financial statements have been amended, comparative amounts have been reclassified unless reclassification is impracticable.

The restated comparative amounts do not replace the original financial statements for the preceding period.

2.3 Rounding

All amounts in the financial statements have been rounded to the nearest thousand dollars (\$000).

2.4 Taxation

The Commission is not subject to income tax. The Commission is endorsed by the Australian Taxation Office (ATO) as an income tax exempt charity and as a Public Benevolent Institution. The Commission is liable for Goods & Services Tax (GST).

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

- where the GST incurred by the Legal Services Commission of SA as a purchaser 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;

- receivables and payables, which are stated with the amount of GST included.

The net amount of GST recoverable from, or payable to, the ATO is included as part of receivables or payables in the Statement of Financial Position.

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

2.5 Income and Expenses

Income and expenses are recognised to the extent that it is probable that the flow of economic benefits to or from the Commission will occur and can be reliably measured.

Income and expenses have been classified according to their nature in accordance with Accounting Policy Framework II *General purpose Financial Reporting Framework* paragraph APS 3.5 and have not been offset unless required or permitted by a specific accounting standard.

Government Funding

The Commission receives funding from the State and Commonwealth Governments, which are recognised as income when monies are received.

Government Funding Expensive Cases

The Commission recognises expensive case funding when the amount has been approved and can be reliably measured.

Other Revenue

Other revenue is recognised as it accrues.

2.6 Current and Non-Current Classification

Assets and liabilities are characterised as either current or non-current in nature. The Legal Services Commission of SA has a clearly identifiable operating cycle of 12 months. Therefore assets and liabilities that will be realised as part of the normal operating cycle will be classified as current assets or current liabilities. All other assets and liabilities are classified as non-current.

2.7 Cash and Cash Equivalents

For the purposes of the Statement of Cash Flows, cash and cash equivalents includes cash at bank and deposits at call that are readily converted to cash and are used in the cash management function on a day-to-day basis.

2.8 Property, Plant and Equipment

In accordance with Accounting Policy Framework III *Asset Accounting Framework* and the Commission's revaluation policy, property, plant and equipment are recognised at written down current cost unless the fair value of the group (at the time of acquisition) is greater than \$1 million.

2.9 Asset Revaluation Surplus

The asset revaluation surplus includes the net revaluation increments and decrements arising from the revaluation of non-current assets.

2.10 Impairment

All non-current tangible and intangible assets are reviewed for indication of impairment each reporting date. Where there is an indication of impairment, the recoverable amount is estimated. An amount by which the asset's carrying amount exceeds the recoverable amount is recorded as an impairment loss.

For revalued assets an impairment loss is offset against the asset revaluation surplus.

2.11 Depreciation and Amortisation of Non-Current Assets

All non-current assets, having a limited useful life, are systematically depreciated/amortised over their useful lives in a manner that reflects the consumption of their service potential. Amortisation is used in relation to intangible assets such as software, while depreciation is applied to physical assets such as plant and equipment.

The useful lives of all major assets held by the Legal Services Commission of SA are reassessed on an annual basis.

The value of leasehold improvements is amortised over the estimated useful life of each improvement, or the unexpired period of the relevant lease, whichever is shorter.

Depreciation/amortisation for non-current assets is determined as follows:

Class of Asset	Depreciation Method	Useful Life (Years)
Plant & Equipment		
Computers	Straight Line	3-5
Office equipment	Straight Line	5-13
Furniture and fittings	Straight Line	13
Leasehold improvements	Straight Line	10
Intangibles	Straight Line	3-5

2.12 Payables

Payables include creditors, accrued expenses and employment on-costs.

Creditors represent the amounts owing for goods and services received prior to the end of the reporting period that are unpaid at the end of the reporting period. Creditors include all unpaid invoices received relating to the normal operations of the Legal Services Commission of SA.

Accrued expenses represent goods and services provided by other parties during the period that are unpaid at the end of the reporting period and where an invoice has not been received.

All payables are measured at their nominal amount and are normally settled within 30 days from the date of the invoice or date the invoice is first received in accordance with Treasurer's Instruction 11 Payment of Creditor's Accounts.

Legal Payables represent invoices for work completed prior to 30 June 2011 received by the Commission up to and including 22 July 2011. Amounts billed after this date are reflected in legal expense commitments as disclosed at Note 22.

Employment on-costs include superannuation contributions and payroll tax with respect to outstanding liabilities for salaries and wages, annual leave and long service leave.

The Legal Services Commission of SA makes contributions to several superannuation schemes operated by the State Government and a Commonwealth scheme. These contributions are treated as an expense when they occur. There is no liability for payments to beneficiaries as they have been assumed by the Superannuation Schemes. The only liability outstanding at balance date relates to any contributions due but not yet paid to the Superannuation Schemes.

2.13 Employee Benefits

Provision has been made in the financial statements for the Commission's liability for employee benefits arising from services rendered by employees to balance date. Related on-costs consequential to the employment of employees have been included in the determination of the liability. In accordance with Accounting Policy Framework IV Financial Asset and Liability Framework, the employment on-costs component is included in creditors. The aggregate of employee benefits is disclosed at Note 19.

1. Annual Leave

Provision has been made for the unused component of annual leave at balance date. The provision has been measured at the amounts expected to be paid when the liability is settled, plus related on-costs. A salary inflation of 4 percent has been applied to employee benefits which are expected to be settled in the next 12 months.

2. Sick Leave

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

3. Long Service Leave

The liability for long service leave is recognised after an employee has completed 5 years (2010 - 5.5 years) of service. An actuarial assessment of long service leave undertaken by the Department of Treasury and Finance based on a significant sample of employees throughout the South Australian public sector determined that the liability measured using the short hand method was not materially different from the liability measured using the present value of expected future payments. This calculation is consistent with the Commission's experience of employee retention and leave taken.

4. Superannuation

Salaries and related payments include superannuation contributions paid by the Commission under the following categories:

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- (a) The Commission paid an amount to Comsuper towards the accruing government liability in respect of currently employed contributors to the Commonwealth Superannuation Fund. Payments amounted to \$60 000 (2010 - \$59 000).
- (b) The Commission contributed to various superannuation schemes towards the accruing government liability for superannuation in respect of all employees. Payments amounted to \$1 375 000 (2010 - \$1 350 000).

2.14 Workers Compensation

The Commission pays a worker's compensation levy to the WorkCover SA to provide insurance coverage in relation to workers compensation. These contributions are treated as an expense as they occur. There is no liability to claimants as they have been assumed by WorkCover SA.

2.15 Financial Instruments

The Commission's accounting policies, including the terms and conditions of each class of financial asset and financial liability recognised at 30 June 2011, are as follows:

Financial Assets

Cash and cash equivalents (Note 21) comprises cash and deposits at call with the South Australian Government Financing Authority and are recorded at cost. Interest revenues are recognised as they accrue. Interest rates are at market rates and have fluctuated between 4.40% and 5.10% for the year ended 30 June 2011 (2010 - 2.90% and 4.67%).

Receivables (Note 14) include client debtors and other debtors and are reported at amounts due.

The Commission is exposed to credit risk associated with amounts due from clients with respect to contributions for legal aid and other sundry charges. The credit risk relating to the financial asset recognised in the Statement of Financial Position is recorded at the carrying amount.

Allowance for impairment loss is based on past experiences and expected changes in client credit rating and is reviewed at each reporting date. As at 30 June 2011, there is no evidence to indicate that financial assets are impaired.

Financial Liabilities

Legal creditors are raised for amounts billed from private practitioners for approved cases undertaken but unpaid. They are normally settled within 30 days.

Creditors are raised for amounts billed but unpaid and are normally settled within 30 days.

All financial instruments are valued at the carrying amount as per the Statement of Financial Position, which approximates net fair value.

2.16 Private Practitioner Services

Comprise solicitor's fees, counsel fees and disbursements due to private practitioners for approved cases undertaken during the year.

2.17 Trust Funds

Pursuant to the Legal Practitioner's Act 1981 the Commission holds funds in trust on behalf of clients. As at 30 June 2011, the total funds held were \$68 000 (2010 - \$117 000). These funds are not controlled by the Commission. As such they are not recognised in the financial statements.

3. New and revised accounting standards and policies

In accordance with amendments to APS 4.8 within Accounting Policy Framework II General Purpose Financial Statements Framework, effective 1 July 2010, the Commission has disclosed all employees whose normal remuneration is equal to or greater than the base executive level remuneration. Previously, APS 4.8 within APF II required the Commission to disclose all employees whose normal remuneration was equal to or greater than \$100 000. This change is reflected in note 4.

Legal Services Commission of South Australia
Notes to and Forming Part of the Financial Statements 30 June 2011

Except for AASB 2009-12, which the Commission has earlier adopted, the Australian accounting standards and interpretations that have recently been issued or amended but are not yet effective, have not been adopted by the Commission for the reporting period 30 June 2011. The Commission has assessed the impact of the new amended standards and interpretations and considers there will be no impact on the accounting policies or the financial statements of the Commission.

4. Employee benefits expenses

	2011 \$'000	2010 \$'000
Salaries and wages	13 092	12 730
Superannuation	1 435	1 409
Long service leave	594	427
Payroll tax	314	307
Workers compensation	<u>75</u>	<u>78</u>
Total employee benefits expenses	15 470	14 951

Remuneration of employees

	Number of Employees	
	2011 No	2010 No
The number of employees whose remuneration received or receivable falls within the following bands:		
\$127 500 to \$130 699*	-	-
\$130 700 to \$140 699	4	2
\$140 700 to \$150 699	3	3
\$150 700 to \$160 699	1	1
\$160 700 to \$170 699	1	-
\$170 700 to \$180 699	1	1
\$180 700 to \$190 699	1	1
\$190 700 to \$200 699	-	1
\$200 700 to \$210 699	1	-
\$230 700 to \$240 699	1	1
\$250 700 to \$260 699	1	1
\$300 700 to \$310 699	<u>-</u>	<u>1</u>
Total number of employees	14	12

* This band has been included for the purposes of reporting comparative figures based on the executive base level remuneration rate for 2009-10.

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

The total remuneration received by these employees for the year was \$2 380 000 (2010 - \$2 231 000).

Accounting Policy Change

In accordance with the revised Accounting Policy Framework II *General Purpose Financial Statements Framework*, the Commission has changed its accounting policy and now discloses all employees who receive remuneration equal to or greater than the base executive remuneration level rather than all employees who receive remuneration equal to or greater than \$100 000. The impact of this change in accounting policy is the number of employees disclosed has reduced by 17 for 2011 and 18 for 2010.

5. State Expensive Case matters

The Commission is required to provide litigation services pursuant to the Criminal Law (Legal Representation) Act 2001 for State matters that exceed the Commission's prescribed funding cap. These matters are separately funded by the State Government (refer Note 13).

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Legal Services Commission of South Australia
Notes to and Forming Part of the Financial Statements 30 June 2011

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6. Supplies and services

	2011 \$'000	2010 \$'000
Supplies and services provided by entities external to SA Government		
Accommodation	1 377	1 318
Computing and communications	852	807
Travel	189	131
Office requisites	256	257
Library	201	185
Consultancy fees	68	42
Other	<u>234</u>	<u>295</u>
Total supplies and services - Non SA Government entities	<u>3 177</u>	<u>3 035</u>
Supplies and services provided by entities within SA Government		
Accommodation	185	182
Computing and communications	226	251
Travel	61	57
Office requisites	10	19
Consultancy fees	-	15
Other*	<u>171</u>	<u>147</u>
Total supplies and services SA Government entities	<u>653</u>	<u>671</u>
Total supplies and services	<u>3 830</u>	<u>3 706</u>

*Includes Auditor's remuneration of \$58 000 (2010 - \$58 000), for auditing the accounts. The auditors provided no other services and received no other benefits.

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

	Number	2011 \$'000	Number	2010 \$'000
Below \$10,000	5	12	4	6
Between \$10 000 and \$50 000	<u>2</u>	<u>56</u>	<u>2</u>	<u>51</u>
Total paid/payable to the consultants engaged	<u>7</u>	<u>68</u>	<u>6</u>	<u>57</u>

7. Depreciation and amortisation expense

	2011 \$'000	2010 \$'000
Depreciation		
Plant and equipment	183	136
Total depreciation	<u>183</u>	<u>136</u>
Amortisation		
Leasehold improvements	86	87
Intangible assets	-	10
Total amortisation	<u>86</u>	<u>97</u>
Total depreciation and amortisation expense	<u>269</u>	<u>233</u>

8. Other expenses

	2011 \$'000	2010 \$'000
Statutory charge bad debts	43	28
Other bad debts	<u>54</u>	<u>47</u>
Total other expenses	<u>97</u>	<u>75</u>

Legal Services Commission of South Australia
Notes to and Forming Part of the Financial Statements 30 June 2011

9. Legal Practitioners Act revenue

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

	2011 \$'000	2010 \$'000
Statutory interest account	1 519	1 237
Interest on Legal Practitioners Trust account	2 154	1 679
Legal Practitioners Guarantee Fund	<u>163</u>	<u>3</u>
Total Legal Practitioners Act revenue	3 826	2 919

10. Costs recovered and contributions

	2011 \$'000	2010 \$'000
Costs recovered	145	151
Contributions*	<u>289</u>	<u>261</u>
Total costs recovered and contributions	434	412

*In addition, contributions of \$635 000 (2010 - \$752 000) in relation to referred cases were paid or are payable directly to private practitioners by clients.

11. Other income

	2011 \$'000	2010 \$'000
Other income from entities external to the SA Government	588	438
Other income from entities within the SA Government	<u>282</u>	<u>145</u>
Total other income	870	583

12. Commonwealth Government

A National Partnership Agreement on Legal Assistance Services was entered into between the Commonwealth of Australia and States and Territories. The agreement was effective from 1 July 2010. Pursuant to that Agreement, the Commonwealth Government contributed funding of \$14 946 000 to South Australia. Under the prior funding arrangements, \$14 054 000 was received from the Commonwealth Government.

As at 30 June 2011, \$7 947 000 (2010 - \$8 191 000) remains in cash and cash equivalents for future commitments. Included in this amount is \$2 300 000 for accommodation projects.

The Legal Services Commission is also party to a separate agreement with the Commonwealth of Australia to provide services under the Immigration Advice and Application Assistance Scheme (IAAAS).

13. State Government

In 2010-11 the State Government contributed funding of \$18 047 000 (2010 - \$16 445 000).

The Legal Services Commission of South Australia 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 \$532 000 (2010 - \$373 000) for approved expensive cases that exceeded the Commission cap.

14. Receivables

	2011 \$'000	2010 \$'000
Legal Practitioners Act debtors	917	879
Goods and Services Tax	287	284
Client debtors and other debtors	<u>431</u>	<u>214</u>
Total Current Receivables	1 635	1 377

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Legal Services Commission of South Australia
Notes to and Forming Part of the Financial Statements 30 June 2011

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15. Other current assets

	2011	2010
	\$'000	\$'000
Prepayments	359	391
Prepaid salaries and wages	61	113
Total other current assets	420	504

16. Property, plant and equipment

	2011	2010
	\$'000	\$'000
Leasehold improvements at fair value	865	861
Less: Accumulated depreciation	629	543
Plant and Equipment at fair value	1 882	1 710
Less: Accumulated depreciation	1 391	1 208
Library	291	291
Total property, plant and equipment	1 018	1 111

Valuation of Library

The Commission obtained an independent revaluation of the library at market or fair value. The library collection comprises reports/major works, journals, loose-leaf services and a mix of dictionaries, encyclopaedias, statutes, etc. The revaluation was undertaken by the Australian Valuation Office, which valued the library at \$291 000.

16.1 Intangible assets

	2011	2010
	\$'000	\$'000
Computer software	89	83
Computer software in progress	504	-
	593	83
Less: Accumulated amortisation	83	83
Total intangible assets	510	-

16.2 Reconciliation of non-current assets

	Leasehold improvements	Plant and Equipment	Library	Property Plant & Equipment Total	Other Computer Software	Intangible Assets Total
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Balance at 1 July 2010	861	1 710	291	2 862	83	83
Add: Additions	4	176	-	180	510	510
Adjustments	-	(4)	-	(4)	-	-
Balance at 30 June 2011	865	1 882	291	3 038	593	593
Accumulated Depreciation						
Balance at 1 July 2010	543	1 208	-	1 751	83	83
Add: Depreciation expense	86	183	-	269	-	-
Balance at 30 June 2011	629	1 391	-	2 020	83	83
Net Book Value						
As at 30 June 2010	318	502	291	1 111	-	-
As at 30 June 2011	236	491	291	1 018	510	510

Legal Services Commission of South Australia
Notes to and Forming Part of the Financial Statements 30 June 2011

17. Statutory charge debtors

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

	2011 \$'000	2010 \$'000
Statutory charge debtors	5 049	4 618
	<u>5 049</u>	<u>4 618</u>

18. Payables

	2011 \$'000	2010 \$'000
Current		
Creditors	395	126
Accrued expenses	53	47
Employment on-costs	124	136
Total current payables	<u>572</u>	<u>309</u>
Non-current		
Employment on-costs	177	190
Total non-current payables	<u>177</u>	<u>190</u>
Total payables	<u>749</u>	<u>499</u>

19. Employee benefits

	2011 \$'000	2010 \$'000
Current		
Annual leave	849	886
Long service leave	148	191
Total current employee benefits	<u>997</u>	<u>1 077</u>
Non-current		
Long service leave	2 797	2 510
Total non-current employee benefits	<u>2 797</u>	<u>2 510</u>
Total employee benefits	<u>3 794</u>	<u>3 587</u>

The total current and non-current employee expense (ie aggregate employee benefit plus related on-costs) for 2010-11 is \$1 121 000 and \$2 974 000 respectively.

20. Other reserves

Movements during the year were:

	2011 \$'000	2010 \$'000
Commonwealth Expensive Case reserve:		
Balance at 1 July	100	100
Balance at 30 June	<u>100</u>	<u>100</u>
State Legal Assistance Scheme reserve:		
Balance at 1 July	-	228
Less: Transfer to retained earnings	-	228
Balance at 30 June	<u>-</u>	<u>-</u>
Total other reserves	<u>100</u>	<u>100</u>

Commonwealth Expensive Cases

The Commission did not use the Commonwealth Expensive Case allocation in 2010-11.

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Legal Services Commission of South Australia
Notes to and Forming Part of the Financial Statements 30 June 2011

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21. Cash flow reconciliation

Cash and cash equivalents as at the end of the financial year as shown in the Statement of Cash Flow is reconciled to the items in the Statement of Financial Position as follows:

	2011	2010
	\$'000	\$'000
Deposits at call - South Australian Financing Authority	15 100	13 500
Cash	<u>160</u>	<u>(7)</u>
Cash and cash equivalents as recorded in the Statement of Financial Position	15 260	13 493
Cash and cash equivalents as recorded in the Statement of Cash Flows	15 260	13 493

Reconciliation of net cash provided by operating activities to net cost of providing services:

	2011	2010
	\$'000	\$'000
Net cost of providing services	(31 126)	(31 807)
Add revenues provided by Government	33 619	30 912
Add/less non cash items		
Depreciation and amortisation	269	233
Bad debts	97	75
Changes in Assets/Liabilities		
Increase in Statutory Charge debtors	(431)	(437)
Increase in receivables	(355)	(260)
Decrease/(increase) in prepayments	84	(286)
Increase/(decrease) in employee provisions	207	(162)
Increase/(decrease) in payables	22	(154)
Decrease in legal payables	<u>(161)</u>	<u>(422)</u>
Net cash provided by (used in) operating activities	2 225	(2 308)

22. Legal expense commitments

As at 30 June 2011, the Commission has a future commitment of \$3 213 000 (2010 - \$4 548 000) on legal cases referred to private practitioners which are still to be finalised. The Commonwealth and State components are as follows:

	Commonwealth		State	
	2011	2010	2011	2010
	\$'000	\$'000	\$'000	\$'000
Legal expense commitments	1 202	1 355	2 011	3 193

In addition the Commission has a future commitment of \$1 279 000 (2010 - \$405 000) on State expensive cases which will be funded separately. The Commission is also funding a further 24 cases relating to murder. To date, none have been identified as potential expensive criminal cases because funding is in its early stages. However, history suggests that some may require additional funding.

The Commission reviewed outstanding legal commitments and determined that commitments less the underutilisation factor of 25.20% Commonwealth and 33.28% State (2010 - 24.38% and 32.93%) would be recognised on all outstanding amounts raised since January 2010 (ie the previous 18 months). Commitments raised prior to this date have not been recognised. If any file prior to this date is reactivated, new commitments will be raised.

In the normal course of business, further commitments may be required on recognised legal cases. It is not possible to quantify that amount.

na

Legal Services Commission of South Australia
Notes to and Forming Part of the Financial Statements 30 June 2011

23. Commitments for expenditure

At the reporting date the Commission had the following obligations under non-cancellable operating leases. The obligations are not recognised as liabilities in the Statement of Financial Position. The operating leases held by the Commission are property leases with penalty clauses equal to the amount of the residual payments remaining for the lease term. The leases are payable one month in advance. The option to renew the lease is held by the Commission. There are no existing contingent rental provisions.

	2011 \$'000	2010 \$'000
Operating Lease commitments:		
Not later than one year	466	438
Later than one year but not later than five years	<u>175</u>	<u>544</u>
Total operating lease commitments	<u>641</u>	<u>982</u>

	2011 \$'000	2010 \$'000
Remuneration commitments:		
Not later than one year	2 607	2 946
Later than one year but not later than five years	<u>3 872</u>	<u>2 802</u>
Total remuneration commitments	<u>6 479</u>	<u>5 748</u>

The amounts disclosed as remuneration commitments, includes only those commitments arising from written contracts for executive and other written service contracts.

24. Related party disclosures

The members of the Commission who have held office during the financial year are:

Ms Dymphna Eszenyi (Chairman) Reappointed 20 January 2011

Mr Michael Burgess
Mr Michael Dawson
Mr Andrew English
Mr Hugh Gilmore
Mr David Mazzone Reappointed 17 January 2011
Mr David Meyer
Ms Tracee Micallef
Ms Wendy Purcell
Ms Maurine Pyke, QC. Reappointed 24 March 2011

The members of the Commission are appointed by the Governor in accordance with the provisions of the Legal Services Commission Act 1977 and include partners of legal firms. In the ordinary course of business the Commission enters into transactions with legal firms, some of which are associated with members of the Commission. Payments made to these firms are in accordance with the Commission's scale of fees and are payments that apply to practitioners generally.

The number of members whose remuneration received or receivable fell within the following bands was:

	Number of Members	
	2011	2010
\$NIL	1	1
\$1 - \$10 000	1	2
\$10 001 - \$20 000	7	7
\$20 001 - \$30 000	<u>1</u>	<u>1</u>
Total	<u>10</u>	<u>11</u>

The total remuneration received or due and receivable by these members was \$118 000 (2010 - \$120 000).

Amounts paid to a superannuation plan for members was \$10 000 (2010 - \$10 000).

25. Contingent liabilities

At balance date and at the date of certification of the financial statements by the Commission there was no known contingent liability. However, legal expense commitments existed as disclosed at Note 22.

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Legal Services Commission of South Australia
Certification of the Financial Report 30 June 2011

Legal Services Commission of South Australia

CERTIFICATION OF THE FINANCIAL STATEMENTS

We certify that the attached general purpose financial statements for the Legal Services Commission of South Australia:

- complies with relevant Treasurer's instructions issued under section 41 of the *Public Finance and Audit Act 1987*, and relevant Australian accounting standards;
- are in accordance with the accounts and records of the Legal Services Commission of SA; and
- presents a true and fair view of the financial position of the Legal Services Commission of SA as at 30 June 2011 and the results of its operation and cash flows for the financial year.

We certify that the internal controls employed by Legal Services Commission of SA for the financial year over its financial reporting and its preparation of the general purpose financial statements have been effective throughout the reporting period.



Chinh Dinh-Pham
FINANCE MANAGER
31 August 2011



Hugh James Gilmore
DIRECTOR
31 August 2011



David Meyer
ACTING CHAIRMAN
31 August 2011

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Appendix 1

Freedom of Information

Access to Commission documents

Policy documents

The following Commission policy documents may be inspected free of charge:

- Assignments Policy Manual
- Agreement between the Commonwealth of Australia and the State of South Australia in relation to the provision of legal assistance.

Other documents

The Commission has a computerised records management system and databases that record details of accounts, clients, legal aid cases, legal aid files, legal advice and duty solicitor attendances. Hard copy files are maintained for each grant of aid and the location of these files is recorded in the computerised records management system. Management and administrative files are also maintained, with their location being recorded on a manual system.

Arrangements can be made to inspect documents available under the *Freedom of Information Act* at 82-98 Wakefield Street, Adelaide between 9.00 am and 5.00 pm on ordinary working days. Copies may be purchased at a fee of 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 Legal Services Commission's offices:

Commission Offices

Adelaide

82-98 Wakefield Street,
Adelaide 5000

Elizabeth

Windsor Building,
Elizabeth Centre,
Elizabeth 5112

Holden Hill

Tenancy 7
560 North East Road
Holden Hill 5088

Mount Barker

18 Walker Street
Mount Barker 5251

Noarlunga

Noarlunga House
Colonnades Shopping Centre,
Noarlunga Centre 5168

Port Adelaide

306 St Vincent Street
Port Adelaide 5015

Port Augusta

13 Flinders Terrace
Port Augusta 5700

Whyalla

Tenancy 7
169 Nicolson Avenue
Whyalla 5600

Appendix 2

Members of the Legal Services Commission 2010-11

The Chairman, nominated by the South Australian Attorney-General:

Ms Dymphna Eszenyi *BA, LLB*

Appointed Chairman 20 January 2005.

One person to represent the interests of assisted persons, nominated by the South Australian Attorney-General after consultation with the South Australian Council of Social Service Incorporated:

Mr Michael Dawson *BA, Dip Ed*

Appointed 16 February 2006.

Three nominees of the South Australian Attorney-General:

Mr Michael Burgess *B Ec, FCA*

Appointed 20 November 1997.

Ms Wendy Purcell *BA, LLB*

Appointed 16 February 2006.

Mr David Mazzone *B Com (ACC)*

Appointed 17 January 2008.

Three nominees of the Law Society of South Australia:

Mr David Meyer *LLB*

Appointed 21 August 1997.

Ms Maurine Pyke *QC*

Appointed 24 March 2005.

Ms Tracee Micallef *LLB, GDLP, B Com*

Appointed 6 November 2008.

One nominee of the employees of the Legal Services Commission:

Mr Andrew English *LLB*

Appointed 16 July 2010.

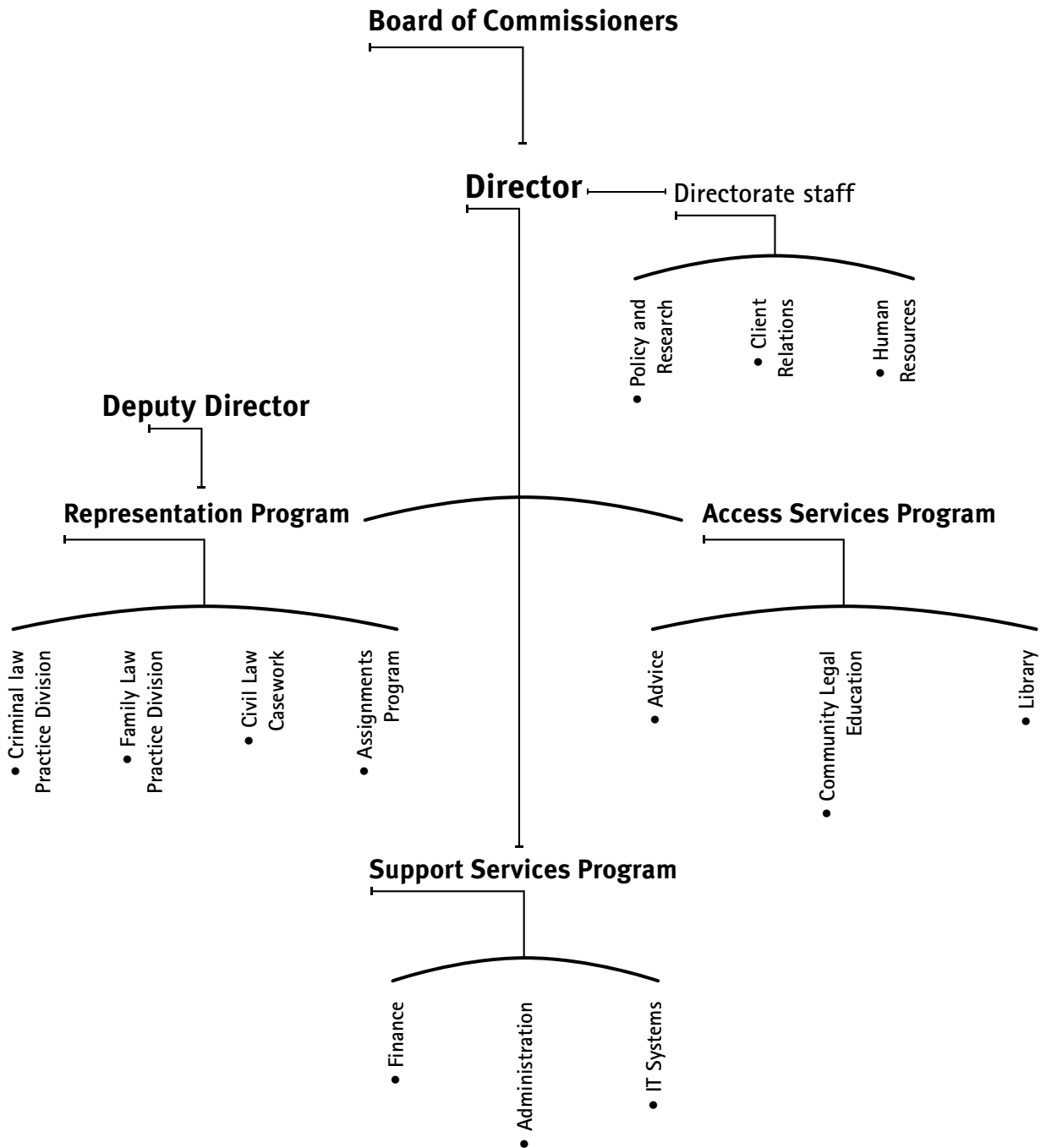
The Director of the Legal Services Commission:

Mr Hamish Gilmore *B Ec*

Appointed Director 17 June 1999.

Appendix 3

Organisation Structure of the Legal Services Commission 30 June 2011



Appendix 4

Community Involvement 2010-11

Staff membership of various community organisations

- Adelaide Community Consultative Group
- Administrative Appeals Tribunal User Group Meeting
- AIJA SA Executive Committee
- Alliance For Prevention Of Elder Abuse
- Child Support Agency, Regional Registrars Advisory Panel
- Child Support Issues Group
- Children's Access Program Management Committee
- Domestic Violence & Aboriginal Family Violence Gateway Service Board
- Family Law Section, Law Council of Australia
- Hills Domestic Violence Reference Group
- International Commission of Jurists
- Justice Portfolio Agency Finance Committee
- Justice Portfolio Learning & Development Task Group
- JusticeNet SA
- Juvenile Justice Awareness Group
- Juvenile Justice Detention Options Group
- Law Foundation Scholarship Committee
- Law Society, Advocacy Committee
- Law Society, Criminal Committee
- Law Society, Family Law Committee
- Law Society, Human Rights Committee
- Law Society, Justice Network Meeting, (ex Law Week Committee)
- Law Society, Practical Legal Training Committee
- Law Society, Professional Standards Committee
- Law Society, Public Sector Lawyers Committee
- Magistrates Court Diversionary Program Steering Committee
- Magistrates Court Drug Court Steering Committee
- Magistrate Courts User Groups
- Migration Review Tribunal & Refugee Tribunal, Community Liaison Committee
- National Legal Aid, National Statistics and Grants Management Working Group
- National Legal Aid, Civil Law Working Group
- National Legal Aid, Consumer Credit Working Group
- National Legal Aid, Criminal Law Working Group
- National Legal Aid, CLE Working Group
- National Legal Aid, Family Dispute Resolution Working Group
- National Legal Aid, Family Law Working Group
- National Legal Aid, Finance Working Group
- National Legal Aid, Human Resources Working Group
- Northern Community Legal Centre, Management Committee
- Office of Multicultural & International Affairs, Multicultural Good Practice Network, Reference Group
- Prisoners Advocacy
- School Mock Trials Competition Coaches, Judges
- South Australian Council of Social Service Inc. Policy Council
- South Australian Consumer Law Consultative Forum
- South Australian Pathways Network
- Southern Community Justice Court and Courts User Design Project
- Southern Domestic Violence Action Group Inc
- Southern Justice Network Forum
- Women's Information Service Support Group

Appendix 5

Applications

Applications for Aid received by source 2010-11

Source	Total	%
Child Support Unit	356	1.94%
Community Law Centre	11	0.06%
Direct from Client	5 684	31.03%
Duty Lawyer	2 859	15.61%
Family Court	29	0.16%
Federal Magistrates Service	279	1.52%
Interview	458	2.50%
Other Agency	80	0.44%
Prison	249	1.36%
Private Practitioner	8 285	45.24%
Reciprocity—Transfer Commission	3	0.02%
Unknown	22	0.12%
Total	18 315	100.00%

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Applications for Aid processed 2010-11

Application Status	Family	%	Crime	%	Civil	%	Total	% All Law Types
Pending	186	5.11%	452	3.25%	18	2.40%	656	3.59%
Assigned	1 537	42.20%	7 538	54.22%	330	44.06%	9 405	51.41%
In-house	894	24.55%	3 627	26.09%	244	32.58%	4 765	26.04%
Refused	977	26.82%	2 066	14.86%	135	18.02%	3 178	17.37%
Withdrawn	48	1.3%2	220	1.58%	22	2.94%	290	1.59%
Total	3 642	100.00%	13 903	100.00%	749	100.00%	18 294	100.00%

21 applications for aid received were not processed by 30 June 2011

Appendix 5 continued

Case Matters Approved by Primary Matter Group Category 2010-11

		Inhouse % of all approved	Assigned % of all approved	Total Number approved matters	Total % of all approved matters	
Family	Child Support	97.03	100.00	269	1.90	
	Children	14.69	85.31	1 280	9.03	
	Contempt	8.77	91.23	57	0.40	
	Dissolution	82.61	17.39	23	0.16	
	Family Dispute Resolution	47.51	52.49	461	3.25	
	Independent Children's Lawyer	58.33	41.67	300	2.12	
	Injunctions (Family)	66.67	33.33	3	0.02	
	Maintenance	100.00	0	10	0.08	
	Property Settlement	53.57	46.43	28	0.20	
	Total Law Family	36.77	63.23	2 431	17.16	
Crime	Assaults (excluding Sexual Assaults)	37.07	62.93	2 838	20.03	
	Burglary, Break and Enter	33.13	66.87	1 135	8.01	
	Drugs Commonwealth Offences	57.14	42.86	14	0.10	
	Drugs Dealing and Trafficking	18.08	81.92	437	3.08	
	Drugs Manufacture	19.52	80.48	210	1.48	
	Drugs Possess/Use	20.41	79.59	49	0.35	
	Environmental	53.85	46.15	13	0.09	
	Extortion	0	100	6	0.04	
	Fraud, misappropriation and deception	40.95	59.05	337	2.38	
	Handling, Receiving and Unlawful Possession of Stolen Goods	21.36	78.64	206	1.45	
	Homicide	29.06	70.94	203	1.43	
	Motor Vehicle Driving Offences	31.20	68.80	1 141	8.05	
	Motor Vehicle Other and Related Offences	33.12	66.88	317	2.24	
	Offences against Good Order	38.6	61.4	114	0.80	
	Offences against Government security	0	100	1	0.01	
	Offences against Justice Procedure	29.82	70.18	1 972	13.92	
	Offences against Person	32.63	67.37	95	0.67	
	Offensive behaviour Offences	46.67	53.33	60	0.42	
	Other Criminal Law Matters/Offences	61.54	38.46	13	0.09	
	Property Damage (Criminal)	37.36	62.64	273	1.93	
	Prostitution and related offences	33.33	66.67	3	0.02	
	Rape and Sexual Offences	36.70	63.30	406	2.87	
	Robbery	37.72	62.28	334	2.36	
	Theft and Other Dishonest	29.18	70.82	771	5.44	
	Unlawful Possession of Other Weapons	23.04	76.96	217	1.53	
	Total Law Crime	32.49	67.51	11 165	78.79	
	Civil	Administrative Law	42.18	57.82	571	4.03
		Miscellaneous (Civil)	66.67	33.33	3	0.02
Total Law Civil		42.31	57.69	574	4.05	
TOTAL CASE MATTERS		33.62	66.38	14 170	100.00	

Appendix 5 continued

Applications

Applications for Aid Refused by Reason 2010-11

Reason Refused	Family	%	Crime	%	Civil	%	Total	% Total Refused
Guidelines	243	24.87%	883	42.74%	81	60.00%	1 207	37.98%
Guidelines and Means	68	6.9% ⁶	338	16.36%	7	5.19%	413	13.00%
Means	485	49.64%	689	33.35%	32	23.70%	1 206	37.95%
Means and Merit	9	0.92%	4	0.19%	1	.74%	14	0.44%
Means, Merit and Guidelines	44	4.51%	100	4.84%	1	.74%	145	4.56%
Merit	24	2.46%	44	2.13%	7	5.19%	75	2.36%
Merit and Guidelines	74	7.57%	5	0.24%	6	4.44%	85	2.67%
No Jurisdiction	29	2.97%	3	0.15%	0	0.00%	32	1.01%
Other	1	0.10%	0	0.00%	0	0.00%	1	0.03%
Total	977	100.00%	2 066	100.00%	135	100.00%	3 178	100.00%

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Protection Applications 2010-11

	Assigned	In-House	Refused/Withdrawn	Pending	Total
Adult	269	1	53	10	333
Child	39	241	3	0	283
Total	308	242	56	10	616

Appendix 6

Duty Lawyer Services

Duty Lawyer Criminal Law Services by Court location and Work Type 2010-11

Court Location	Advice only	Advice and Information	Adjourned/Mention	Contested Bail Application	Hearing	Legal Aid Application	Mention	Minor Legal Assistance	Negotiations Draft/Terms	Other	Plea	Referral	Total
Adelaide	1 785	382	128	642	2	8	1 817	2	1	316	439	10	5 532
Amata	0	0	4	1	1	0	2	0	0	0	8	0	16
Berri	97	24	54	37	2	0	85	0	0	3	48	0	350
Christies Beach	105	67	47	374	0	0	248	1	0	13	90	0	945
Cooper Pedy	3	0	29	2	0	0	12	0	0	0	28	0	74
Elizabeth	444	30	91	972	1	1	785	2	0	55	240	0	2 621
Ernabella	0	0	8	0	0	0	2	0	0	0	10	0	20
Fregon	0	0	2	0	1	0	2	0	0	1	6	0	12
Holden Hill	385	58	28	421	1	0	744	0	0	156	114	0	1 907
Indulkana	0	0	16	1	1	0	3	0	0	0	20	0	41
Kanpi	0	0	0	0	0	0	0	0	0	0	1	0	1
Leigh Creek	2	0	7	1	0	0	0	0	0	0	6	0	16
Maitland	0	0	0	0	0	0	1	0	0	0	0	0	1
Marla	0	0	3	0	0	0	0	0	0	0	1	0	4
Millicent	5	1	2	0	1	0	5	0	0	0	8	0	22
Mimilli	0	0	1	0	0	0	2	0	0	0	8	0	11
Mount Barker	22	4	1	7	0	0	72	0	0	2	14	0	122
Mount Gambier	8	3	19	11	12	0	33	0	0	0	47	0	133
Murray Bridge	3	0	4	3	0	0	35	0	0	0	8	0	53
Noarlunga	0	0	0	1	0	0	1	0	0	0	0	0	2
Pipalyatjarra	0	0	1	0	1	0	3	0	0	0	2	0	7
Port Adelaide	24	200	248	402	3	0	590	0	3	47	145	0	1 662
Port Augusta	46	0	190	127	5	0	44	0	0	12	104	0	528
Victor Harbor	12	2	0	0	0	0	15	0	0	0	0	0	29
Waikerie	28	6	9	0	0	0	4	0	0	1	6	0	54
Whyalla	56	8	154	166	20	0	47	0	0	8	95	0	554
Total	3 025	785	1 046	3 168	51	9	4 552	5	4	614	1 448	10	14 717

Appendix 6 continued

Duty Lawyer Services

Duty Lawyer Services All Types by Court and Work Type 2010-11

Work Type	Youth Court	Magistrates Court	Family Court	Federal Magistrates Court	Not applicable to a court	Total
Adjourned/Mention	45	1 004	1	86	6	1 142
Advice and Information	72	697	86	662	327	1 844
Advice Only	34	3 006	2	24	9	3 075
Contested Bail Application	128	3 023	1	13	4	3 169
Explaining Consent Orders	1	2	3	9	2	17
Hearing	1	50	0	3	2	56
Legal Aid Application	0	10	1	54	24	89
Mention	648	3 884	0	22	10	4 564
Minor legal Assistance	3	5	11	157	20	196
Negotiations/Draft Terms	1	3	1	38	2	45
Other	0	593	0	14	13	640
Plea	153	1 294	0	1	0	1 448
Referral	9	0	2	49	19	79
Urgent Hearing	0	0	0	75	4	79
Total	1 115	13 571	108	1 207	442	16 443

'Not Applicable to a Court' includes Family Law Duty Services where no Court was nominated

Appendix 7

Client Relations

Client Relations Contacts 1 July 2010 - 30 June 2011

Basis of contact	Protection Application	PDR	Child Support	Family	Criminal	Civil	General	Total	% of all Contacts
Refusal of aid	16	0	4	392	272	0	0	684	50.4%
Entitlement to legal aid	0	0	4	264	104	12	0	384	28.3%
Child representation	0	0	0	0	0	0	0	0	0.0%
Commission service	0	32	4	32	0	0	0	68	5.0%
Statutory charge	0	0	0	0	4	0	0	4	0.3%
Private practitioner service	4	0	0	48	16	0	0	68	5.0%
Discrimination	0	0	0	24	0	0	0	24	1.8%
Conditions of aid (other than statutory charge)	0	0	0	0	4	0	0	4	0.3%
CAP	0	0	0	32	0	0	0	32	2.4%
Complaint to MP, Ombudsman etc.	0	0	0	16	12	4	0	32	2.4%
Other	0	0	0	16	12	12	16	56	4.1%
Total	20	32	12	824	424	28	16	1356	100.0%

Appendix 7 continued

Client Relations Notes

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Refusal of aid

In 2009-10 and again in 2010-11 complaints about the refusal of aid made up 50% of all contacts received. Enquiries about entitlement to aid rose from 26% in 2009-2010 to 28% in 2010-11.

Family Law remains the chief source of complaint about the refusal of aid (57% this year, 52% last year). The proportion of complaints in criminal matters about refusal of aid has fallen to 40% in 2010-11 from 47% in 2009-10. Complaints about aid refusal in civil matters have remained very low. There were no complaints about the refusal of aid in civil law matters this year however there were 12 enquiries about entitlement to aid in civil law matters. The level of complaints about refusal of aid in civil matters has fallen dramatically over the past 12 years, reflecting the fact that the guidelines restricting access to aid in civil matters have now been in place for some years.

Of the family law refusal complaints, 192 (43%) were on means, 132 (30%) were on merits and 120 (27%) were on guidelines. Note, some applications are refused on more than one ground.

Of the criminal aid refusal complaints 60 (20%) related to guidelines, 216 (73%) related to means, and 20 (7%) related to merit.

There were four complaints about refusal of aid in child support matters.

Entitlement to legal aid

As in previous years majority of enquiries regarding entitlement to legal aid were in family law matters, (70%). 26% of enquiries related to criminal matters, 3% of complaints were received in civil matters, 1% in child support matters.

Child representation

Child representation complaints rose this year from eight complaints last year to 12 complaints this year.

Commission service and process

Complaints about Commission service and processes totaled only 68 this year and represented only 5% of all complaints and enquiries received. In view of the vast number of client contacts occurring per year in case work and advice services, the number of service and process complaints is low and reflects a very good level of service.

Statutory charge

Statutory charge complaints or enquiries in 2009-10 numbered 11, with only four enquiries received in 2010-11.

Private practitioner services

We continue to receive a small number of complaints (68) which more appropriately belong to the private practitioner or Legal Practitioners Conduct Board, reflecting a lack of understanding of the respective roles of the Commission, the Law Society and the Legal Practitioners Conduct Board.

Discrimination

This year we received 24 complaints of discrimination, however the majority of those complaints related to just one applicant.

Cap

There were 32 complaints relating to Cap issues. All of these complaints related to Family Law matters. These are very difficult matters to assist with given that there are generally serious family law concerns involved.

Complaint to Ombudsman, Attorney-General, Members of Parliament

The number of complaints and enquiries made through the Ombudsman, Members of Parliament, the Attorney-General etc varied from 41 enquiries last year to 32 enquiries made in 2010-11.

Of the total of 32 complaints or enquiries received, 16 related to Family Law matters, 12 to Criminal Law matters and four to Civil Law.

Other

There were also, as always, a few complaints inappropriately brought to us, such as complaints against the Family Court, and Community Legal Centres. Also, as usual, many matters presenting as complaints when examined turn out to be enquiries either for advice or to discover the progress of an application for aid or appeal.

Appendix 8

Energy Use/Energy Management

As part of the Government's commitment to energy efficiency, Government agencies are required to undertake a range of measures to reduce their output of greenhouse gases. In particular, energy use in Government buildings must be cut by 15% over the ten years from 2000-01 to 2009-10 (as an interim target) and a further 10% by 30 June 2014.

In the year 2009-10, the Legal Services Commission had a 0.38% per cent decrease or 7 Gigajoules (Gj) of energy used in buildings.

During 2004-05, as part of the energy audit, it was determined that the Commission had not been billed by the landlord, as specified in the lease, for electricity on an area first leased by the Commission since May 2003. In 2010-11 this has resulted in an increase in 416 Gj (\$30 263).

The Commission increased the size of its Adelaide Office by 263 square meters on 1 July 2004, the specific energy consumption for this area cannot be isolated. On a pro rata basis this was 103 Gj (\$6673).

2006-07 was the first full year of the Mount Barker Office which in 2010-11 consumed 51 Gj (\$3709) of energy.

2007-08 was the first full year of the Port Augusta Office which in 2010-11 consumed 47 Gj (\$3429) of energy.

In January 2009 the Whyalla Office moved to a new area of 646 m² from an area of 263 m² this was an increase in area of 383 m² or 242%. In July 2009 333 m² was subleased leaving an increase area of 50 m² that on pro rata basis would consume 12 Gj (\$827) of energy.

Without the last five changes the Commission's energy consumption would have been 1188 Gj. In the 2010-11 year the Commission has decreased energy consumption by 7 Gj.

Legal Services Commission	Energy Use (Gj)	Expenditure	Greenhouse Gas Emissions (Tonnes CO ₂)
2000-01	2 116	\$85 795	652
2007-08	1 965	\$104 302	458
2008-09	1 850	\$107 813	432
2009-10	1 825	\$112 134	425
2010-11	1 818	\$119 849	424
Target 2012	1 693		522

Appendix 9

Expensive Criminal Cases Funding Agreement

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, 45 Pirie Street, Adelaide SA 5000

Appendix 9

Expensive Criminal Cases Funding Agreement

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ANNEXURE A THE PRINCIPAL AGREEMENT

Appendix 9

Expensive Criminal Cases Funding Agreement

Page 1 of 3

----- End of Receipt -----
Receipt Name Print
THIS DEED is made the *SECOND* day of *DECEMBER* 2004

BETWEEN:

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

AND

THE LEGAL SERVICES COMMISSION a body corporate pursuant to the Legal Services Commission Act 1977 of 82-98 Wakefield Street, Adelaide, 5000, in the State of South Australia (the "Commission")

RECITALS:

- A. The Attorney-General and the Commission entered into a deed dated 29 January 2003 (the "Principal Agreement"), and described as the Expensive Criminal Cases Funding Agreement, a copy of which is annexed hereto.
- B. The parties have agreed to vary certain of the terms and conditions of the Principal Agreement and to record the same in this Deed.

THE PARTIES AGREE AS FOLLOWS:

1. DEFINITIONS AND INTERPRETATION

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

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Expensive Criminal Cases Funding 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.

Appendix 9 Expensive Criminal Cases Funding Agreement

6. **CONFIRMATION OF PRINCIPAL AGREEMENT**

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

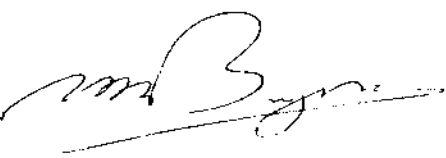
EXECUTED by the parties unconditionally as a deed.

SIGNED by **THE HONOURABLE**)
MICHAEL ATKINSON,)
ATTORNEY-GENERAL FOR THE STATE)
OF SOUTH AUSTRALIA in the presence of:)



.....
 Witness
 [Print Name: Susan Decca]

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

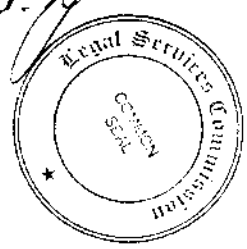


.....
 Chairperson COMMISSIONER
 [Print Name:]

.....
 Director
 [Print Name: Helen James Giorio]



.....
 Director/Secretary
 [Print Name: Peter John Tassett]



Appendix 9

Expensive Criminal Cases Funding Agreement

Annexure A: The Principal Agreement (pages 1-9)

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EXPENSIVE CRIMINAL CASES FUNDING AGREEMENT

COPY

AGREEMENT dated

29th January

2003

BETWEEN:

COMMISSIONER OF STATE TAXATION

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


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10-10/2003 11:05:06 00719148-0
DEED

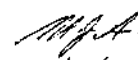
AND

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.


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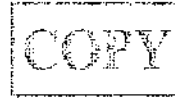
CSO 21537

15 November 2002

Appendix 9

Expensive Criminal Cases Funding Agreement

AGREED TERMS:



1. DEFINITIONS

In this Agreement unless a contrary intention is evident:

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

2. INTERPRETATION

2.1 In this Agreement unless a contrary intention is evident:

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

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Expensive Criminal Cases Funding Agreement

- 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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Expensive Criminal Cases Funding Agreement

6. CASE MANAGEMENT PLANS

COPY

- 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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Expensive Criminal Cases Funding Agreement

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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Expensive Criminal Cases Funding Agreement

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COPY

7. COMMISSION'S OBLIGATIONS

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

8. REIMBURSEMENT OF COSTS

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

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9. APPLICATION OF CONTRIBUTIONS

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

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

10. CONFIDENTIALITY

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

11. AUDIT

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

12. NO ASSIGNMENT

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

13. SURVIVAL

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

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Appendix 9

Expensive Criminal Cases Funding Agreement

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



14. **COUNTERPARTS**

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

15. **ENTIRE AGREEMENT**

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

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

16. **PROPER LAW**

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

17. **JURISDICTION OF COURTS**

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

18. **MODIFICATION**

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

19. **SEVERANCE**

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

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Appendix 9 Expensive Criminal Cases Funding Agreement

- 19.1 the provision must be read down for the purposes of the operation of that 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.

COPY

EXECUTED by the parties unconditionally as a deed.

SIGNED by THE HONOURABLE)
MICHAEL ATKINSON,)
ATTORNEY-GENERAL FOR THE STATE)
OF SOUTH AUSTRALIA in the presence of:)



Witness [Signature] 21/11/02
 [Print Name: HELEN WIGGTON]

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



[Signature]
 Chairperson
 [Print Name: BRIAN WITHERS]

Appendix 9

Expensive Criminal Cases Funding Agreement

Schedule 1: Contents of Defence Proposal *(pages 1-2)*

Page 1 of 2

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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Expensive Criminal Cases Funding Agreement


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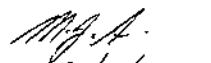
- (c) to proof distant expert witnesses other than by telephone, video-link, email or other methods of long distance communication; or
- (d) to prove formally any aspect of the defence case which the prosecution will agree; or
- (e) to call evidence in person where the prosecution will agree to the tender of documentary evidence to the same effect, and this is permitted by the rules of evidence;

transcript of anything said by the court about this course of action, and the reasons why such course of action is necessary for the defence.

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

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Terms of Reference for the LSC Review 2010-11

1. BACKGROUND

- 1.1. On 17 May 2010 Cabinet approved additional funding for the Legal Services Commission (LSC) as follows:
- 2009-10: \$1 million
 - 2010-11: \$2 million
 - 2011-12: \$2.191 million
 - 2012-13: \$2.479 million
 - 2013-14: \$2.831 million
- 1.2. This approval was subject to and on the basis that the Commissioner agreed to a comprehensive review of its legal fee structure payable for legal aid work done in the State's criminal courts, its related operations and the provision of related legal services; and
- 1.3. The Legal Services Commission Review (LSCR) has been established for this purpose.

2. RESPONSIBILITIES / TERMS OF REFERENCE

- 2.1. The terms of reference assume an ongoing commitment to Section 11 (a) and (b) of the Legal Services Commission Act 1977 and a review of subsection (d).
- 2.2. **Section 11—Principles on which Commission operates**
- In the exercise of its powers and functions the Commission must:
- (a) seek to ensure legal assistance is provided in the most efficient and economical manner;
 - (b) use its best endeavours to make legal assistance available to persons throughout the State; and
 - (d) have regard to the following factors:
 - (i) *the need for legal assistance to be readily available and easily accessible to disadvantaged persons;*
 - (ii) *the desirability of enabling all assisted persons to obtain the services of legal practitioners of their choice;*
 - (iii) *the importance of maintaining the independence of the legal profession; and*
 - (iv) *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.*
- 2.3. The Committee is required to provide a report by 30 July 2011 setting out recommendations as to the following topics. It should be noted that, at the request of the Committee the Attorney-General may amend the terms of reference to meet the objectives of the review.
- 2.4. In particular, the review will report on the following specific issues:
- 2.4.1. (i) Fee Structure**
- Including:
- a) Review current fee structure;
 - b) Consider possible modifications to the fee structure, which would create incentives to counsel to read and consider material and advise their clients accordingly in line with the proposed discounted guilty plea scheme;
 - c) Recommending options to implement a new structure; and
 - d) Consider requirements as to any policy or legislative changes, which would be required as a result of modifications (if any) to the fee structure.

2.4.2. (ii) Provision of Legal Assistance

Including:

- (a) Review of the current policy, which gives defendants the choice to apply for legal aid directly to the LSC or, if a defendant wishes to be represented by a particular private lawyer, where possible, granting that request;
- (b) Consider the implementation of a policy where:
 - (I) Defendants are allocated a lawyer designated by the LSC; and
 - (II) Lawyers who do legal aid work need to:
 - A. comply with an accreditation process;
 - B. be subjected to ongoing review;
 - C. be subject to termination and exclusion of further legal aid work upon failure to comply with a mandatory review or in the event that a determination has been made regarding a failure to meet an adequate standard of service; and
- (c) Consider recommendations as to the content and implementation of such a policy.

2.4.3. Operation of LSC

Including:

- (a) Collect, analyse and provide data (and relevant budget details) as to the assignments of criminal matters in the 2009-10 period to in-house LSC lawyers as compared to external lawyers;
- (b) Analyse the ten external lawyers who, in the 2009-10 period received the highest amount of assignments and provide the details of the assignments and the payments to them;
- (c) Consider reforms in legal aid undertaken in other jurisdictions (e.g. Public Defender Services in New Zealand and New South Wales) and recommend any options that may be beneficial in South Australia; and
- (d) Review the funding model for the LSC and recommend any changes that could be implemented.

3. MEMBERSHIP

A LSCRC committee will be established to oversee the review and shall comprise of:

- Martin Hinton QC - Solicitor General (Chair)
- Michael Abbott QC - Barrister
- Ralph Bonig - President of the Law Society of South Australia
- Paul Muscat SC - Legal Services Commission
- Representative from the Office of the Director of Public Prosecutions
- Project Secretariat - Tanya Brooks and Jay McGrath - Attorney-General's Department
- External Consultant

4. MEETING FREQUENCY

The LSCRC will meet as required and as determined by the Committee.

5. REPORT AND TIMEFRAME

The LSCRC will provide a written report to the Attorney General prior to 30 July 2011.

The report is to be prepared as a briefing paper specifically for the use of the Attorney-General in relation to the review of the Legal Services Commission with the purpose of making a submission to Cabinet.

