

The Year in Review 2010-11

010

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.

The Year in Review 2010-11

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.

The Year in Review 2010-11

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 .

The Year in Review 2010-11

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.

The Year in Review 2010-11



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

014

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.

The Year in Review 2010-11



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.

The Year in Review 2010-11

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.

The Year in Review 2010-11

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.