



LAW AND JUSTICE
FOUNDATION

OF NEW
SOUTH WALES

Annual Report

2012





November 2012

The Hon. Greg Smith SC
Attorney General of NSW
Parliament House
Macquarie Street
SYDNEY NSW 2000

Dear Attorney

I present to you a copy of the Annual Report of the Law and Justice Foundation of NSW for the financial year 2011–2012.

This report has been prepared in accordance with the *Law and Justice Foundation Act 2000* (NSW) and approved by the Foundation's Board of Governors.

I would be grateful if you could arrange for the tabling of the report in both Houses of Parliament as soon as practicable.

Yours sincerely

A handwritten signature in black ink, appearing to read "Paul Stein", with a long horizontal line extending to the right.

Paul Stein
Chair
Board of Governors

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Our organisation

About the Foundation

Who we are

The Law and Justice Foundation of NSW is an independent, statutory, not-for-profit organisation established in 1967 to improve access to justice for the people of NSW. It is incorporated in NSW by the *Law and Justice Foundation Act 2000* (NSW).

Our purpose

Our purpose is to advance the fairness and equity of the justice system, and to improve access to justice for socially and economically disadvantaged people.

What we believe

The Foundation's purpose is underpinned by the following beliefs:

- a fair and equitable justice system is essential for a democratic, civil society
- reform should, where possible, be based on sound research
- people need accurate, understandable information to have equitable access to justice
- community support agencies and non-government organisations play a critical role in improving access to justice for disadvantaged people.

What we do

- Identify legal and access to justice needs, particularly of socially and economically disadvantaged people
- Identify effective legal system reforms and access to justice initiatives through evaluation and research
- Improve access to justice through:
 - contributing to the availability of understandable legal information
 - supporting projects and organisations that improve access to justice
 - disseminating information about access to justice and effective reforms and initiatives.

Our goals and objectives

Goal 1: Identify legal and access to justice needs through rigorous, evidence-based research and the analysis of information from internal and external sources

- 1.1 Develop a sustained assessment of legal and access to justice needs, particularly of socially and economically disadvantaged people (the A2JLN Program)
- 1.2 Respond to emerging access to justice issues in NSW

Goal 2: Identify effective reforms, initiatives and programs to address legal needs

- 2.1 Identify what is known
- 2.2 Learning new lessons

Goal 3: Improve access to justice through the support and conduct of selected projects, community legal education and referral programs, and the dissemination of data, analysis and information

- 3.1 Support Projects – the Grants Program
- 3.2 Facilitate legal sector relationships and coordination
- 3.3 Community legal education and referral program
- 3.4 Disseminate data, analysis and information to improve access to justice

Goal 4: Optimise the capacity and capabilities of the Foundation through cost-effective resource and information management

- 4.1 Develop the information management capabilities of the Foundation
 - 4.2 Manage resources efficiently and cost-effectively
-

The Board of Governors

The Board consists of eight members who are appointed for a term of three years. The Board determines policies for the implementation of the objects of the Foundation. The Director conducts and manages the affairs of the Foundation in accordance with the directions of the Board. Board members at 30 June 2012 were as follows:

The Hon Paul Stein AM QC is the Chair of the Law and Justice Foundation Board of Governors. He became a Judge in 1983 and was appointed to the Land and Environment Court in 1985. In 1997 he was appointed to the Court of Appeal where he remained until his retirement in 2004. He has undertaken a number of reports and reviews for the Government, and is the former Chair of the Board of the Environmental Protection Authority. He has chaired committees and associations, in particular the Council of the Community Justice Centres and the National Consumer Affairs Advisory Council. He has contributed articles and papers on environmental, administrative and consumer law, as well as human rights and discrimination.



Jason Behrendt is an Aboriginal solicitor at Chalk and Fitzgerald Lawyers and Consultants specialising in advising Aboriginal corporations and land councils in relation to Native Title and Commonwealth and State environmental legislation. Prior to this he worked with the Human Rights and Equal Opportunity Commission, reporting on the operation of the *Native Title Act 1993*.



Geraldine Daley is a Director of the Incorporated Legal Practice Colin Daley Quinn. She is a Graduate of the Australian Institute of Company Directors. Geraldine was a Law Society Councillor from 2001 to 2010 and served on a number of committees during this time. She is a Solicitor Advocate, a Dispute Resolution Practitioner and an Administrative Decision Maker.



The Hon. Shaoquett Moselmane MLC was elected to the Legislative Council of the NSW Parliament in December 2009. Prior to his election to the NSW Parliament, he was the Mayor of Rockdale City Council and ran his own legal practice. Shaoquett has a long-standing involvement with multicultural communities throughout NSW.



Geoff Mulherin CSC has been Director of the Foundation since November 2000.



The Hon Kevin Rozzoli AM is the Chair of the Foundation's Investment Sub-Committee. He was the member for the NSW electorate of Hawkesbury from 1973 until his retirement from politics in 2003, and from 1988 to 1995, he was the Speaker of the Legislative Assembly. Kevin was admitted to the NSW Bar in 1985. He is an Associate of the Centre for Democratic Institutions (ANU), and on the Board of a number of not-for-profit organisations including the Public Interest Advocacy Centre, Environmental Defenders Office, and the Australasian Study of Parliament Group. For the past 30 years Kevin has been Chair of the Haymarket Foundation.



John Sheahan SC has been in practice at the bar since 1985, and appointed as senior counsel in 1997. His principal areas of practice are corporate law, competition and banking and finance. In 2004 he was Counsel Assisting the Special Commission of Inquiry into certain transactions involving James Hardie. He is a past President of the Public Interest Law Clearing House and currently a member of the Board of the Haymarket Foundation.



The eighth governor position was vacant.

Message from the Chair



2011–2012 has been another busy and challenging year for the Foundation. Importantly,

I am pleased again to be able to report that, as it worked to achieve its statutory objects, the Foundation adhered to its commitment to two key principles:

- maintaining a mature approach to our independent status, where we are seen to be a credible and trusted organisation and using our expertise to contribute to a fair, equitable and accessible justice system; and
- aiming for quality, evidence-based work in all we do, particularly in our research work.

Operations

Not long after we published our first research report in the Access to Justice and Legal Needs program and had begun our NSW Legal Needs Survey, the Senate Legal and Constitutional References Committee, in their *Legal aid and access to justice* report recommended that:

“...there needs to be better understanding of the level of demand and unmet need for legal assistance across the country...The Committee commends the Law and Justice Foundation for its efforts in assessing the demand and unmet legal need for legal services in NSW... and believes that similar research should be undertaken nationally”.

A feature of the Foundation’s work in recent years has been its preparedness to take on the long and demanding projects to assess legal needs – both met and unmet. The Access to Justice and Legal Needs (A2JLN) program is an example of this. The *Legal Australia-Wide Survey* – a substantial project within that program – is another.

We are thankful to National Legal Aid for providing funding support to enable us to expand what was to be a NSW survey into a national level survey of legal need. Yet to undertake such a project at the national level, and in particular to do analyses at each jurisdictional level, involves an enormous amount of hard, detailed work over an extended period. That hard work was rewarded by the end of the reporting year with completion of the reports, and while not published until October 2012, I am pleased that the impact this research will have is already apparent.

In February we published two important reports: *Australian Mental Health Tribunals: space for fairness, freedom, protection & treatment?* and *The NSW Mental Health Review Tribunal: an analysis of clients, matters and determinations*. These reported on what

is probably the first substantial empirical research of this kind undertaken into mental health tribunals in Australia, and the NSW Mental Health Review Tribunal in particular. We were very happy to join our partners from Sydney University and the University of Western Sydney in undertaking this research to provide valuable new insight into the operations of the tribunal.

The Foundation’s grants and plain language programs continued to positively contribute throughout the year. The detail of this and our other work is contained in the rest of this report. At this point I would like to turn my comments to our strategic planning and funding.

Strategic overview

The Foundation is committed to ensuring all funds received from the Public Purpose Fund (PPF) are directed appropriately to achieve our statutory objects, and by doing so, advance the purposes of Section 292 of the *Legal Profession Act 2004*.

A brief glance at the remainder of this report, and at our goals and strategies in particular, reveals how all of the activities we undertake – identifying legal need of the community, identifying what works to address this legal need, providing information about the justice system to the community, supporting projects to improve access to justice to the community – contribute directly to achieving our statutory objects.

For a number of years now the Foundation has linked its strategic planning cycle to the three-year funding cycle of the PPF – our principal source of funding. 2012 was the final year in the current three-year funding cycle and thus was the year in which we undertook fresh strategic planning in preparation for our 2012–2015 PPF funding submission. This strategic planning and submission preparation comes on top of the normal work of the Foundation, and I thank the staff for their hard work in assisting the Board in undertaking this process.

In early 2012 we received advice from the PPF Trustees that for this year and perhaps longer, funding approved would be on an annual basis rather than a three-year basis. Further, unfortunately, not only was the PPF unable to support the modest funding increase we had sought to accelerate our effort towards our ‘What works’ strategy, our core allocation was reduced by a significant amount. The sound investment performance of the Foundation’s reserves may have been a factor in this decision.

The Foundation has been prudent to maintain a modest level of reserves, an essential strategy given the long

term nature of many of our projects. Three years ago, the Foundation's reserves were negatively impacted by the Global Financial Crisis (GFC). In response, the Foundation undertook a fresh review of its reserves and investment policies and I am very pleased to report that over the three years to the end of June 2012, the Foundation's reserves had returned to around pre-GFC levels. It is important to note, however, that this growth was due entirely to sound investment strategy; none of that increase was due to any under-commitment of our PPF allocation. Rather, over the three years of the current strategic plan, our operational expenditure essentially equalled operational income (PPF and other income).

The Foundation thanks the PPF Trustees for their ongoing support of the work we do. The Foundation is keen, in whatever financial circumstances, to work as efficiently and as effectively as possible with the resources allocated to us to achieve our statutory objects, and by doing so contribute to achieving the intent of Section 292 of the *Legal Profession Act 2004*.

Conclusion

Once again it has been a pleasure to serve as Chair of the Board of the Foundation and to work with the staff and Board members. The staff can be very satisfied with their work and I thank them, the Director and my fellow Board members for their commitments to the goals of the Foundation during the year.

I would like to thank all those individuals and agencies that have supported us in a range of ways — by working with us on the important research we do, by providing expert opinion on grant applications, by sponsoring the Justice Awards and thereby making it possible for people from all over NSW to attend this wonderful event, and in a range of other ways. Your support has been essential to us achieving what we do and I thank you most sincerely.

Finally, as I write this in the first few months of the new financial year, I am conscious of how incredibly busy 2012–2013 is becoming and I would encourage everyone to take an interest in the valuable work of the Law and Justice Foundation of NSW.

Paul Stein
Chair, Board of Governors
November 2012

Excerpt from the *Law and Justice Foundation Act 2000*

5 Objects of Foundation

(1) The objects of the Foundation are to contribute to the development of a fair and equitable justice system which addresses the legal needs of the community and to improve access to justice by the community (in particular, by economically and socially disadvantaged people).

(2) Without limiting section 6, in attaining its objects the Foundation may do any one or more of the following:

(a) conduct and sponsor research (including inter-disciplinary research) into the law, the justice system, alternative dispute resolution and the legal profession,

(b) collect, assess and disseminate information about the justice system,

(c) conduct and sponsor projects aimed at facilitating access to justice and access to information about the justice system,

(d) promote education about the justice system.

Director's message



2011–2012 was another demanding but enjoyable year working at the Foundation. It was a year in which hard work and persistence were required more than ever, particularly as much research effort had to remain committed to completing the

enormous *Legal Australia-Wide Survey (LAW Survey)*. However, as usual, the year also included the completion of some important shorter term goals, as well as the publication of reports at the end of other long term analysis. These are covered in some detail throughout the report. I will just mention a few highlights.

Justice Awards

The Justice Awards in 2011 was again a wonderful celebration to recognise those individuals and organisations that have made a substantial contribution to improving access to justice in NSW, particularly for socially and economically disadvantaged people. John McKenzie was a most worthy and popular winner of the Justice Medal, but it was great that once again the Awards allowed the 'spotlight' to shine on all nominees for all Awards.

Over and above the recognition of the nominees' great work, the Awards also provide a means of raising awareness in the sector of many key legal issues that are affecting the community and disadvantaged people in particular, and revealing those organisations and individuals that are working to address those issues. Each year I never fail to be impressed by what people do and which organisations and projects are making important contributions, often at a very local level. From this perspective, the Justice Awards represent a very important source of information for the Foundation and for anyone else looking to improve access to justice in NSW.

Core activities

While the Justice Awards is an important facet of the Foundation's work, it is only a very small and, in many ways, non-core element of that work. Our core work focuses on our three key operational goals—identifying legal need in the community, identifying what works to address that need, and undertaking practical steps to improve access to justice, such as supporting projects to overcome barriers and facilitating the availability of plain language information about the law for the community. Whilst much effort was committed over the

year to the completion of the LAW Survey, there were many other highlights, including the following:

Within our 'Identifying legal needs' goal:

- Through the Legal Assistance Services Data Digest the Foundation continued to bring together data standardised from across NSW public legal assistance services and selected ABS demographic data, to provide information on the type of legal matters about which enquiries are made, the demographic characteristics of those who are seeking legal assistance and the pathways service users take to resolve their problems. While the Data Digest Online provided accessibility to the data providers, we received and responded to numerous enquiries in relation to legal need analysis and interpretation from a range of agencies across the justice sector.
- With funding from the Commonwealth Attorney General's Department, the Foundation commenced follow-up research to *Recruitment and retention of lawyers in regional, rural and remote New South Wales*, published in September 2010. The aim of the follow-up is to take a similar snapshot two years on from the original research to get a better understanding of the particular challenges for each region and to identify changes over time in those areas.

As part of our 'What works' goal there were a number of highlights:

- 'Legal assistance by video-conferencing: what is known?' This *Justice Issues* paper published in November 2011 reported on an extensive search for and review of existing research into the use of video-conferencing to deliver legal assistance, particularly for disadvantaged clients in regional, rural and remote areas. Importantly, the project was conducted as part of a strategy of undertaking systematic reviews of the available literature as a first step in trying to identify what is known about what works to address legal need.
- 'Effectiveness of public legal assistance services: a discussion paper'. This *Justice Issues* paper was close to final at the end of the reporting year and is the first of a number that we intend to publish which will explore some of the key concepts and terms that are used frequently in the legal assistance service sector, but often without adequate definition. Through this paper and others, we hope to promote discussion about these concepts and to contribute to better planning and measurement of effectiveness of legal assistance services, thus improving access to justice for those using those services. Drafts of this discussion

paper were presented to the National Legal Assistance Advisory Board for consideration on two occasions during the year.

- As mentioned in the Chair's report, in February 2012 we published two important reports, one into the operation of mental health tribunals in Australia and the other dealt particularly with the NSW Mental Health Review Tribunal. The reports contain a wealth of information not previously available and demonstrate the value of rigorous independent evidence-based research.
- This year saw us begin a two-year strategic research alliance with Legal Aid NSW. Through this alliance Legal Aid is demonstrating its commitment to having the best available information upon which to base its service provision decisions. Our commitment has initially been to provide advice and training on the establishment of evaluation as an important part of legal service delivery programs, as well as undertaking the evaluation of Legal Aid's Family Law Early Intervention Unit Duty Lawyer Service. While this project was still ongoing at the end of the reporting year, it has been an important commitment of research effort of the Foundation and both the Foundation and Legal Aid are learning much from the alliance.

The Foundation's grants program continued to support a largely community-initiated source of ideas and projects about access to justice, legal needs and what might address these needs. These complement our own legal needs research work.

I am pleased to report that over the year our grants program was able to support initiatives that improved access to justice for a range of groups including women, victims of domestic violence, people in rural, regional and remote areas, people from culturally and linguistically diverse backgrounds and refugees. Through other strategies, such as training materials for court, library and other workers, our grants program assisted members of the community generally.

The Foundation remains keen wherever possible to integrate our research, grants and community legal education program elements. Therefore, we wish to use the grants program as much as possible to not only support projects and interventions that have the potential to improve access to justice and to overcome barriers, but also to make sure that these projects are effectively and appropriately evaluated so that the right lessons can be learned. In other words, our grants program, apart from improving access to justice through the projects themselves, will ideally become a significant source of quality evaluation to contribute to our 'What works' strategy. Of course, we need adequate funds to achieve this, as proper evaluation of the effectiveness

of an intervention or legal assistance service can be expensive. To date our funding has only enabled us to make limited progress in this direction. Nevertheless, for projects where good lessons can be learned, the value of proper evaluation of effectiveness cannot be overstated.

Conclusion

As I mentioned at the start of this overview, it has been a challenging year, but a most rewarding and enjoyable one nonetheless. I sincerely thank all the staff at the Foundation for their tireless effort throughout the year. The LAW Survey project has been particularly demanding – dominating the working lives of a number of staff, but also diverting work to other staff to allow the LAW Survey team to focus almost exclusively on that project. As we will see in the following years, though, this commitment will be worth it. All staff of the Foundation can be proud of what they have achieved and of the impact that their work is having.

I would like to thank the Chair and the Board of the Foundation who continue to provide direction, guidance, advice and patience in the right measure for the work that we do. I would also like to thank all those organisations and supporters who have worked with us, sponsored our events or contributed to our other projects, for your commitment to improving access to justice in NSW.

Geoff Mulherin
Director
November 2012

Performance 2011–2012

The Foundation has established four goals against which it develops activities and measures its performance. The following section describes how we performed against these goals in 2011–2012.



Identify legal and access to justice needs through rigorous, evidence-based research and the analysis of information from internal and external sources

Strategy 1.1: Develop a sustained assessment of legal and access to justice needs, particularly of socially and economically disadvantaged people (the A2JLN Program)

Access to Justice and Legal Needs Program (A2JLN)

The Foundation's A2JLN program is a major research program that aims to provide a rigorous and sustained assessment of legal and access to justice needs in NSW, especially of disadvantaged people. The program comprises a series of projects involving consultations and submissions, literature analysis, original survey work and qualitative and quantitative analyses.

To date, A2JLN has provided significant information regarding the legal and access to justice needs of the community, and of socially and economically disadvantaged people in particular. This information has been used by government, community and other organisations to develop policy and plan service delivery.

The program's objectives are to examine the ability of disadvantaged people to:

- obtain legal assistance, including information, basic legal advice, initial legal assistance and legal representation
- participate effectively in the legal system, including access to courts, tribunals and formal alternative dispute resolution mechanisms
- obtain assistance from non-legal early intervention and preventative mechanisms, non-legal forms of redress and community-based justice
- participate effectively in law reform processes

Importantly, the program adopts three research methodology streams, to approach the issue of legal need from three different intersecting directions.

- **Expressed legal need**

Data routinely collected by not-for-profit legal service providers such as Legal Aid NSW, LawAccess NSW and community legal centres provides a valuable

source of information about the types of legal inquiries these services receive and how they vary for different communities.

- **Unexpressed (Unmet) legal need**

Policy-makers and service providers often ask whether those seeking legal assistance represent the majority of people with legal needs. Modelled on leading recent international research, the Foundation's legal needs surveys are providing the first empirical insight into both expressed and unexpressed need (that is, need for which assistance has not been sought) in the community.

- **Reports targeting particular disadvantaged groups and particular issues**

As the first two methodologies are unlikely to adequately cover some particular disadvantaged groups or some particular issues affecting these groups, the third methodological stream of the A2JLN program includes qualitative analyses of the legal needs of selected groups.

Legal Assistance Services Data Digest

The Legal Assistance Services Data Digest (LASDD) brings together standardised data from NSW public legal assistance services and selected ABS demographic data. It contains information on the type of legal matters about which inquiries are made, the demographic characteristics of those seeking legal assistance and the pathways that service users take to resolve their legal problems. The data is used to provide information on the pattern of expressed legal need across different geographic areas of NSW, changes in expressed legal need over time, and to identify the expressed legal need of different demographic communities.

The Data Digest Online (DDO) is a web based application that provides access to this data for participating agencies. The DDO currently presents data by interactive tables, charts and maps. In this reporting year, the DDO was updated with the latest data sets from each agency and refinements were made to the interactive dashboards, maps and reports.

In the upcoming year, the Foundation will work closely with participating agencies to support their use of the DDO and identify areas for further development. The Foundation expects to increase our use of the LASDD data in multi-disciplinary themed papers on legal need and service provision.

Legal Australia-Wide Survey (LAW Survey)

The LAW Survey is a large-scale national legal needs survey involving telephone interviews with a representative sample of 20,716 residents across Australia. It is the largest survey of its kind ever conducted worldwide and measures both legal need that is 'expressed' through the use of services and 'unmet' legal need. The project has been an enormous undertaking that has yielded nine major reports—a report on Australia as a whole and a report on each state/territory.

The survey provides a wealth of empirical data to inform policy and legal service delivery in each Australian jurisdiction, such as:

- the demographic groups that are particularly vulnerable to experiencing legal problems
- the number of people who don't take action to resolve legal problems
- the adverse impacts of legal problems on broader life circumstances

- the barriers people face in addressing their legal problems
- the demographic groups that are less successful in finalising their legal problems
- the pathways people follow when grappling with legal problems.

During the 2011–2012 financial year, work on the project included:

- incorporating the feedback from the external review of the NSW and Australia reports
- drafting the reports for the other seven states/territories
- internal checking of the data analyses and reports for each jurisdiction
- copyediting the nine reports.

Drafts of the initial nine LAW Survey reports were completed in the 2011–2012 financial year, with the publication of all nine reports scheduled for the latter half of 2012. The reports on Australia as a whole, NSW, QLD, WA and Victoria were released in October 2012. We anticipate the results will have a significant impact and broad-ranging relevance for legal service delivery in NSW and across Australia.

Beyond the initial nine reports, the unprecedented size of the LAW Survey dataset provides the opportunity for pioneering analyses in the area of legal need. For

A2JLN Reports to date

- *Access to justice background paper* (2003)
- *Access to justice roundtable* (2003)
- *Public consultations report* (2003)

Service provider analysis

- *Data digest: a compendium of service usage data from NSW legal assistance and dispute resolution services, 1999–2002* (2004)
- *Data Digest Online: set of interactive, online reports allowing the presentation, comparison and mapping of legal assistance data, available to participating agencies through password-protected access*

Quantitative surveys

- *Bega Valley pilot* (2003)
- *Justice made to measure: NSW legal needs survey in disadvantaged areas* (2006)
- *NSW Legal Needs Survey in disadvantaged areas: Campbelltown* (Justice Issues Paper 4, 2008)
- *NSW Legal Needs Survey in disadvantaged areas: Fairfield* (Justice Issues Paper 5, 2008)
- *NSW Legal Needs Survey in disadvantaged areas: Nambucca* (Justice Issues Paper 6, 2008)
- *NSW Legal Needs Survey in disadvantaged areas: Newcastle* (Justice Issues Paper 7)
- *NSW Legal Needs Survey in disadvantaged areas: South Sydney* (Justice Issues Paper 8, 2008)
- *NSW Legal Needs Survey in disadvantaged areas: Walgett* (Justice Issues Paper 9, 2008)

- *The legal needs of people with different types of chronic illness or disability* (Justice Issues Paper 11, 2009)

Qualitative research

- *The legal needs of older people* (2004)
- *No home, no justice? The legal needs of homeless people* (2005)
- *On the edge of justice: the legal needs of people with a mental illness in NSW* (2006)
- *Taking justice into custody: the legal needs of prisoners* (July 2008)
- *Taking justice into custody: the legal needs of prisoners – summary report* (Justice Issues Paper 2, 2008)
- *By the People, for the People? Community participation in law reform* (2010)
- *By the People, for the People? Community participation in law reform – summary report* (Justice Issues Paper 13, 2011)

Integrated Methods

- *Pathways to justice: the role of non-legal services* (Justice Issues Paper 1, 2007)
- *Fine but not fair: fines and disadvantage* (Justice Issues Paper 3, 2008)
- *Cognitive impairment, legal need and access to justice* (Justice Issues Paper 10, 2009)

example, it enables fine-grained analyses on rare but significant legal problems and on the legal needs of under-researched demographic groups, such as people with a disability, single parents and Indigenous people.

Communicating results

We communicate the results of our research through a number of media, including:

- publishing and disseminating full research reports in hardcopy and on our website
- making all of the information readily accessible via our search engine, Just Search, which allows searchers to browse all reports, browse by disadvantaged group or search all information using keyword searches
- conducting targeted presentations to key stakeholders and organisations
- presenting results at conferences
- conducting fresh analysis and using this data to answer ad hoc questions from key organisations
- presenting results at conferences
- conducting fresh analysis and using this data to answer ad hoc questions from key organisations.

Strategy 1.2: Respond to emerging access to justice issues in NSW

Recruitment and retention of lawyers in regional NSW

In September 2010, the Foundation released its report *Recruitment and retention of lawyers in regional, rural and remote New South Wales*. During the current financial year, a presentation by the authors Michael Cain and Suzie Forell to the first National Rural Regional Law and Justice Conference 2010, was published as an article in the *Deakin Law Review*, v. 16 no. 1, 2011.

In June 2011, the Foundation received funding from the Commonwealth Attorney-General's Department to undertake a follow up study on the recruitment and retention of lawyers in remote, rural and regional NSW. The purpose of this second study was to build upon the work of the first 'RRR' lawyers study in identifying which areas of NSW are most affected by difficulties in recruiting and retaining lawyers providing public legal assistance services, and to explore the differing characteristics of these areas.

In addition, this second study aimed to:

1. identify changes over time in the nature of recruitment and retention problems experienced by different areas
2. identify reasons for the escalation or diminution of problems in particular areas of NSW
3. explore the impact of general population decline on lawyer availability in RRR NSW.

This study is due for reporting in early 2013.

Requests for legal needs information

The A2JLN program continues to build a significant and well-represented body of knowledge about the legal and access to justice needs of the community. Where resources allow, the Foundation endeavours to provide data and analysis in response to enquiries from the legal sector. Examples of the data we provided this year include:

- Information for Cooperative Legal Service Delivery Strategic Planning meetings
- A regional analysis of LawAccess data for Legal Aid NSW
- An analysis of victims' compensation matters for Legal Aid NSW
- A regional profile of the Mid-North Coast region for the Mid-North Coast Community Legal Centre
- A regional profile of the North-West region for Legal Aid NSW

Information analysis and external consultation

In addition to our formal program of identifying access to justice and legal needs, the Foundation continually monitors activity across the sector by:

- tracking relevant literature
- regular stakeholder consultation
- attending conferences and workshops
- maintaining relationships with frontline practitioners from government and non-government organisations.

Strategy 2.1: Identify what is known

While we continue to build a significant and well respected body of knowledge about the legal and access to justice needs of disadvantaged people in NSW, the logical next step is to identify strategies that will meet those needs.

In 2011–2012, the Foundation continued its investigation of ‘what works’, with the aim of providing the legal assistance sector with high quality research and evaluation evidence regarding what is effective in addressing legal needs in the community, to support and inform their policy development, planning and operations.

Systematic review

This program aims to systematically review existing studies and evaluation reports to identify reforms or models of legal services delivery that effectively address key legal and access to justice needs identified through the A2JLN research program and elsewhere.

To facilitate a consistent and rigorous approach to the literature, the Foundation is further refining a methodology for the systematic review and appraisal of evaluation and research in the legal assistance sector.

As part of this project, and with special project funding from the Public Purpose Fund, the Foundation undertook a broad search for published studies and other documents concerning the effectiveness of public legal assistance services and strategies. The Foundation can now efficiently draw upon the literature collected to review available research on a wide range of legal assistance strategies.



Legal assistance by video conferencing: what is known?

In recent years there has been an increasing drive to improve access to legal services and the efficiency of legal service provision through

the use of video conferencing technology. This paper reports on an extensive search for and review of existing research into the use of video conferencing to deliver legal assistance, particularly to disadvantaged clients, clients in regional, rural and remote (RRR) areas, and clients in custody. The limited yield of the search

was supplemented with the considerable experience and insights of service providers who have used video conferencing for legal assistance, and a small number of methodologically more rigorous studies and systematic reviews that have evaluated the use of video conferencing for health services. Key findings included:

- The volume and quality of available research into the use of video conferencing for the provision of legal assistance is very limited, with no studies able to provide conclusive evidence about the ‘effectiveness’ of video conferencing compared to telephone and ‘in-person’ services for legal assistance.
- The strongest finding that can be drawn from the literature is that the uptake of legal assistance by video conferencing, particularly in rural Australia, has been far less than had been expected by the service providers. The limited uptake of video conferencing where it has been made available has limited the potential impact of this technology in broadening access to legal help.
- While further research is required to identify the relative impact of any or all of the following factors, the uptake and use of video conferencing for legal assistance appears to be affected by:
 - the convenience, privacy and confidentiality of video conferencing compared to other available modes of assistance
 - whether video conferencing offers services or benefits that are not already available through existing legal services, including services available by telephone, such as access to specialist services or more timely assistance
 - the quality and reliability of the video conferencing (e.g. drop outs, picture quality)
 - the willingness of clients, lawyers and the host service at the client end to use this form of technology for legal assistance.

The paper was published in November 2011 as Issue 15 in the Foundation’s *Justice Issues* series.



Effectiveness of public legal assistance services: a discussion paper

The Foundation has been exploring fundamental questions regarding what is ‘effective’ in the public and community legal assistance sector, how it is currently measured, and what are the options and opportunities for the future. A draft discussion paper was prepared

and has been circulated at the National Legal Assistance Advisory Board on two occasions. Taking into account feedback from this group and other reviewers, the discussion paper is due for publication later in 2012. This paper is part of the Foundation's broader aim to encourage and support evidence based practices in the sector.

Strategy 2.2: Learning new lessons

Strategic research alliance with Legal Aid NSW

The Foundation has formed a research alliance with Legal Aid NSW in order to build a strategic evidence base for the delivery of legal services to disadvantaged people in NSW. Under this alliance, the research expertise of the Foundation is being used to explore what works in legal service delivery and how best to gauge the effectiveness of different legal assistance strategies in a meaningful and sustainable way. Support is also being provided to Legal Aid NSW to build their internal capacity to integrate evaluation into project planning. The Foundation intends to use the lessons learned in evaluating legal assistance strategies with Legal Aid NSW to contribute to the monitoring and evaluation of legal assistance services more broadly.

Evaluation of the Family Law Early Intervention Unit Duty Lawyer Service

The first major project under the strategic alliance with Legal Aid NSW has been the evaluation of the Family Law Early Intervention Unit (EIU) Duty Lawyer Service at Parramatta Family Law Courts.

Legal Aid NSW requested that the Foundation evaluate the EIU Duty Lawyer Service as part of Legal Aid's broader family law early intervention strategy. The evaluation focuses on the duty law scheme operating at the Parramatta Family Law Courts as this was the first site at which the EIU duty services commenced. The evaluation commenced in March 2012 and is due for reporting in late 2012. The scope of this evaluation project has been framed by:

- the timeframe in which a report is required
- limitations in the data available and restricted time to collect new data
- a focus on building capacity within Legal Aid NSW for ongoing monitoring and evaluation.

Research partnerships

The Foundation continues to be involved in research partnerships with various Australian universities on projects aimed at evaluating and learning lessons from existing mechanisms for meeting legal and access to justice needs.



Mental Health Tribunals review project

Australian Mental Health Tribunals: space for fairness, freedom, protection & treatment? by Terry Carney, David Tait, Julia Perry, Alikki Vernon & Fleur Beaupert, Themis Press, Sydney, 2011.

The NSW Mental Health Review Tribunal: an analysis of clients, matters and determinations by Michael Cain, Maria Karras & Terry Beed, Law and Justice Foundation of NSW, Sydney, 2011.

These reports are the culmination of a four year research project, supported by a linkage grant from the Australian Research Council, to examine Australian Mental Health Tribunals (MHTs). In undertaking this project, the Law and Justice Foundation of NSW was part of a partnership including University of Sydney, University of Canberra (later University of Western Sydney) and Mental Health Tribunals in NSW, Victoria and ACT, with the Foundation focussing on the NSW MHRT. The reports provide a comprehensive examination of mental health tribunal hearings in Australia.

Australian Mental Health Tribunals deals with mental health theories, concepts and laws, and their application to the day-to-day operations of the various MHTs. The NSW Mental Health Review Tribunal report gives fresh understandings of the management of people with a mental illness by providing a detailed description and analysis of the characteristics of a sample of mental health clients with the NSW MHRT who were tracked for a period of almost five years.



Negotiating by the light of the law (norm forms project)

This study compares the effect of fixed rules and discretionary principles on negotiation in legal disputes. The research entailed a categorisation of rules in terms of the degree of discretion — developed following an extensive literature review — to create simulation experiments for solicitors. The study was published in September 2012.

Strategy 3.1: Support projects – the Grants program

The Foundation's Grants Program supports innovative ideas developed at the community level to improve access to justice.

Over the past year the Grants Program attracted applications seeking funding to address issues concerning a wide range of need for legal information and early intervention. These grants will result in the delivery of new services, the production of legal information and community legal education resources and the provision of other support to a range of audiences.

Grants approved

In 2011–2012 the Foundation approved cash grants totalling \$170,088.

GENERAL

Video on the Australian legal system

Legal Information Access Centre (LIAC),
State Library of New South Wales

AMOUNT: \$49,998.18

PROJECT NEED: Ten years ago LIAC produced a video on the Australian legal system for use in its training of library staff working in LIAC centres. With changes to the legal system and the ever expanding groups of professionals for whom LIAC is providing training, this video will be updated and given a more contemporary style, increasing its applicability for those who are in turn providing legal information, and education about Australia's legal system, to the community.

INTENDED OUTCOME: A video explaining the Australian legal system for use in training LIAC library staff, NSW courts staff, HSC legal studies teachers and students, and workers providing legal information to the public.

WOMEN

Domestic violence and renting

Hawkesbury Nepean Community Legal Centre

AMOUNT: \$10,865.00

PROJECT NEED: The new *Residential Tenancies Act 2010* includes new options available to victims of domestic violence, which are varied and complicated. Victims of domestic violence living in rented accommodation need clear and accurate information on their rights and responsibilities as tenants, as well as up to date information about where to seek further advice and assistance.

INTENDED OUTCOME: A plain language booklet, available in both hardcopy and online formats, that clearly sets out relevant information about the new *Residential Tenancies Act 2010* and provisions for victims of domestic violence, plus a list of referral agencies.

Identifying family violence: resources for general practitioners

Women's Legal Services NSW

AMOUNT: \$4,988.18

PROJECT NEED: Women experiencing domestic violence are frequently unaware that it is a legal issue and that legal remedies are available. GPs are well placed to identify signs of domestic violence and they require information about the legal framework and how to refer women for help.

INTENDED OUTCOME: A resource for general practitioners to assist them to identify and respond to presentation of domestic violence issues by female patients.

RURAL, REGIONAL AND REMOTE

NACLC conference 2012

National Association of Community Legal Centres (NACLC)

AMOUNT: \$5,000.00

PROJECT NEED: Workers in rural, regional and remote parts of NSW often have fewer opportunities to access professional development and participate in networking opportunities with workers from other community legal centres.

INTENDED OUTCOME: To enable CLC workers from rural, regional and remote areas of NSW to attend the 2012 national conference in Adelaide.

CLCNSW State Conference 2012

Community Legal Centres NSW (CLCNSW)

AMOUNT: \$5,000.00

PROJECT NEED: Workers in rural, regional and remote parts of NSW often have fewer opportunities to access professional development and participate in networking opportunities with workers from other community legal centres.

INTENDED OUTCOME: To enable CLC workers from rural, regional and remote areas of NSW to attend the 2012 state conference in Sydney.

CULTURALLY AND LINGUISTICALLY DIVERSE

Domestic violence reporting in CALD communities in Fairfield LGA

Fairfield City Council

AMOUNT: \$35,450.00

PROJECT NEED: There is evidence of under-reporting of domestic violence within some cultural groups in the Fairfield local government area. A range of myths and misconceptions about the crime of domestic violence seem to exist and these may prevent victims and others from reporting.

INTENDED OUTCOME: A DVD for Vietnamese and Arabic speaking communities, which discusses and addresses existing myths regarding domestic violence, explains the criminal justice process and provides referral details for those who want more information, advice and assistance. The DVD will be available for use by community workers and lawyers who provide information and services to members of these cultural groups.

Family fundamentals – CALD seminars

Child Abuse Prevention Service (CAPS)

AMOUNT: \$13,954.50

PROJECT NEED: Access to correct and culturally appropriate information on family law, child abuse and domestic violence, as well as referral information, can be difficult for women from some ethnic groups who come from countries where the law in these areas is different or doesn't exist.

INTENDED OUTCOME: A series of seminars on family law, healthy relationships and child protection, with referrals available to legal advice and assistance, for African and Arabic community members living in Western Sydney. The seminars will be delivered in familiar settings through partnerships with community organisations who already provide services to women and children from these communities.

Improving access to justice for the Mandaean community

South West Sydney Community Legal Centre

AMOUNT: \$4,500.00

PROJECT NEED: Members of the Mandaean community living in Liverpool have expressed the need for plain language legal information about the NSW and Australian legal system.

INTENDED OUTCOME: A series of legal education seminars covering a range of topics including the Australian legal system, immigration, family law and domestic violence, to be presented to the Mandaean community in English and Arabic, and supported with relevant written materials.

REFUGEES

Information update for asylum seekers

Refugee Advice and Casework Service (RACS)

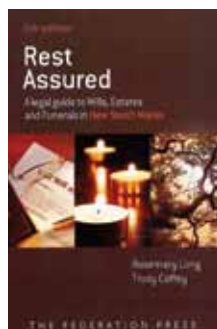
AMOUNT: \$40,411.82

PROJECT NEED: There is an enormous and growing need for legal information and advice for refugees that cannot be met by available legal service providers. Many refugees who cannot afford legal assistance are preparing their own applications for asylum in Australia and require accurate plain language information on the process for seeking approval.

INTENDED OUTCOME: Eight factsheets for asylum seekers, three of which will be translated into the top six languages of asylum seekers, providing information on protection visas and how to apply for humanitarian and compassionate Ministerial intervention.

Grant products produced in 2011–2012

GENERAL



Rest assured: a legal guide to wills, estates and funerals in New South Wales, 5th edition

Legal Information Access Centre (LIAC), State Library of NSW

PROJECT NEED: Three editions of the popular publication *Rest assured: a legal guide to wills, estates and funerals in New South Wales* have been published to date. Substantial

changes to succession laws have occurred over the last few years as part of a national trend to harmonise laws in this area. This made it necessary to revise the last edition to ensure it was up to date with reliable and accurate plain language information on wills, estate planning and funerals.

OUTCOME: The updated book highlights the legal processes that accompany death. It discusses recent changes to the law and explains what to consider when writing a will, how to change a will, how to make a power of attorney or leave instructions if you are incapacitated, how to plan ahead for end of life issues, how to obtain probate, what to do if there is no will and how to arrange a funeral.



Social justice opportunities booklet

National Pro Bono Resource Centre (NPBRC)

PROJECT NEED: NPBRC identified a gap in information for law students seeking paid or voluntary

opportunities as a lawyer in the area of social justice.

OUTCOME: A career guide for law students and new lawyers on how to get involved in improving social justice through volunteering with both legal and non legal

organisations, pro bono work and internships. This project was collaboratively funded with the Victoria Law Foundation.



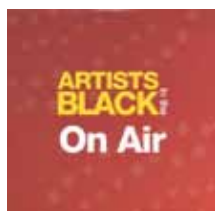
Toongabbie Legal Centre website

Toongabbie Legal Centre
PROJECT NEED: The Toongabbie Legal Centre is a recently established (non funded)

community-based legal centre operating in Western Sydney. It was set up and staffed by volunteers and lawyers offering pro bono services and free legal consultations. The Centre wanted to make information about its services more readily available to its community and to improve avenues of access to their service.

OUTCOME: A website providing information about the services available at the Centre.

INDIGENOUS AUSTRALIANS



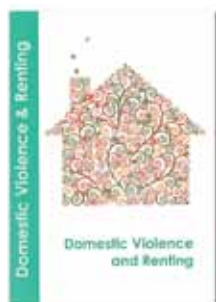
Artists in the black on air

Arts Law Centre of Australia
PROJECT NEED: Consultations with Indigenous people working in the arts revealed that they had limited knowledge of their legal rights in relation to their creative work, and

how to protect Indigenous culture and their intellectual property. They were also unaware of how to seek advice and assistance. It was identified that radio programs are an effective way of disseminating information to Indigenous people.

OUTCOME: A CD containing five short audio information segments for Indigenous artists and their communities, that has been distributed to Indigenous and non-Indigenous radio networks. The CD is available as a stand-alone resource that can be used by those delivering legal information advice sessions, or for artists to listen to themselves. The CD also contains information about further sources of advice and assistance.

WOMEN



Domestic violence and renting booklet

Hawkesbury Nepean Community Legal Centre

PROJECT NEED: The new *Residential Tenancies Act 2010* includes new options available to victims of domestic violence which are varied and complicated. Victims of domestic violence

living in rented accommodation need clear and accurate information on their rights and responsibilities as tenants, as well as up to date information about where to seek further advice and assistance.

OUTCOME: A plain language booklet, available in hardcopy and online formats, that clearly sets out relevant information about the new *Residential Tenancies Act 2010* and provisions for victims of domestic violence, plus a list of referral agencies.

GAY AND LESBIAN



Respect My Decisions: It's My Right! Booklet

ASLaRC Aged Services Unit, Southern Cross University

PROJECT NEED: Reports to legal and community services by GLBTI people reveal that many in this community are denied their legal rights in regards to end-of-life care. Like many in the broader

community, there is a need for information and referral to appropriate advice for the purposes of writing a will and preparing enduring power of attorney, enduring guardianship and advanced health care directives.

OUTCOME: A plain language guide to advanced end-of-life care planning for GLBTI people, which includes information about where to find further advice and assistance. The guide is available in hardcopy and online formats.

Grantseekers workshops

The Foundation conducted two workshops for intending grant applicants that provided information on the LJF Grants application process. Workshop participants were assisted with identifying practical and achievable aims, developing strategies to achieve their project aim and planning a suitable evaluation strategy. The highlight of the workshops were the 'Q&A' sessions with people who have previously project managed an initiative funded by the Foundation. In their interviews, people reflected on the lessons learned in managing a grant funded project and shared valuable reflections and insights on how to keep a project on track and deliver a successful outcome for the community.

A joint presentation on grant writing tips, tools and tricks was provided with the Victoria Law Foundation at the National Community Legal Centres conference in Hobart in October 2011.

Strategy 3.2: Facilitate legal sector relationships

The Foundation continues to participate in and support the work of the NSW Legal Assistance Forum (NLAF), which promotes collaboration and coordination in the provision of legal services in NSW to socially and economically disadvantaged people. The NLAF Project Manager is based at the Foundation.

Strategy 3.3: Community legal education and referral program

Research indicates that a lack of knowledge of the law, legal processes and existing legal assistance services in the community may lead to poor outcomes in resolving legal problems, particularly for those who are socially and economically disadvantaged.

Community legal education and referral initiatives have the potential to play a critical role in addressing this need.

NSW Legal Assistance Forum (NLAF)

The work of NLAF in 2011–2012 has focused on strategies to address recruitment of lawyers in rural, regional and remote communities in NSW, access to legal services for prisoners, coordination and collaboration across agencies in the domestic violence sector, free employment law services for people at risk of social exclusion, fines and traffic law, particularly licence disqualification and suspension and developing a legal sector response to disasters and emergencies in NSW.

Regional, rural and remote (RRR) working group

In response to the research of the Law and Justice Foundation of NSW about recruitment and retention of lawyers in RRR NSW, the working group developed a proposal to facilitate the professional development of solicitors and increased access to legal services in Far West and North Western NSW.

Prisoners Forum

The forum has focused on issues such as the authorisation process for legal and non legal visitors to prisons, mapping legal outreach services to correctional centres across NSW, legal information for prisoners, lawyer/inmate communication, inmate access to interpreters for legal interviews, women in custody (including pregnant women and older women), the NSW Work and Development Orders Scheme and opportunities for

prisoners to access the scheme, security scanning procedures in correctional centres and prisoners and homelessness.

Domestic violence working group

The working group engaged with NSW Police about ways to work together particularly in relation to issues of training for both police and staff of Legal Aid NSW.

Employment law service working group

The working group produced a report that maps the provision of free employment law services in NSW and the demand for such services, and identifies gaps in the current provision of legal services as well as recommendations to address these findings.

The working group engaged with the Department of Education, Employment and Workplace Relations to discuss the significant demand for employment law services in NSW and the lack of a funded specialist employment law service in NSW to meet this demand. It has also developed a proposal to increase the capacity of the public legal sector to provide assistance in employment law matters to certain disadvantaged groups in the community through the Unfair Dismissals Project.

Fines and traffic law working group

The working group aims to reduce the number of people who experience legal problems

associated with fines, licence suspension and disqualification, particularly young people and Aboriginal people affected by lack of alternative transport.

The working group has provided advice and feedback to the NSW Department of Attorney General and Justice Licence Disqualification Working Party about practical and workable options for licensing non-licensed drivers.

Legal response to disasters and emergencies working group

NLAF formed a working group with the aim of developing an action plan so that the legal sector in NSW is prepared to respond to disasters and emergencies in a quick, effective and coordinated manner.

The working group developed a checklist setting out the NSW legal sector's response to disasters and emergencies in NSW.

Providing advice

The Foundation provides advice about producing high quality plain language legal resources and the provision of targeted community legal education (CLE) for different groups within the community. We work with both legal and non-legal services, and play an important role in connecting non-legal organisations with legal service providers. The Foundation's legal information staff provide advice (where resources allow) to community groups or legal service providers planning to produce a plain language legal resource or develop a CLE program, and can assist with providing information on publishers/producers, user testing and the provision of useful checklists.

Publishing Toolkit

One of the key resources the Foundation makes freely available is the Publishing Toolkit, which can be downloaded from our website at <http://www.lawfoundation.net.au/information/publishing/toolkit>. The Toolkit was augmented during the year with a practical factsheet on how to project manage the production of a video.

Seminars and workshops

As part of its capacity building program in the production and publishing of plain language legal resources, the Foundation ran a 'User Testing' seminar in May 2012. User testing is a process of testing a new resource with its intended audience, before it is finalised, in order to ensure that it is accessible, appropriate for the audience's information needs and useful. User testing is vital for ensuring the production of a quality product that will be taken up and used as intended. Four speakers presented case studies on the user testing that they undertook when developing a range of resources and the seminar participants also had the opportunity to test out the Tenants Union website and provide feedback on its usability.

USER TESTING SEMINAR SPEAKERS



Two key messages from the speakers emerged:

- User testing is an important step when new resources are being developed, both to ensure a good quality product that meets the needs of users, and to encourage take up and use, even ownership, of the final product. Any project plan must allow time and budget for doing this and doing it well.
- The developers of the resource are not the users of the resource, and it's the users' views that should influence the final resource.

Plain Language Law database and newsletter

The Foundation maintains a searchable database of plain language legal resources for use by anyone who needs plain language information about the law, whether for themselves or as a service provider/community worker. It also publishes six editions of the Plain Language Law newsletter per year, which is distributed to over 1200 subscribers from a broad range of community, legal and government sectors.

NSW Legal Information and Referral Forum

The Legal Information and Referral Forum (LIRF) is coordinated and hosted by the Foundation. It meets three times a year and brings together key legal service providers who produce plain language legal information and refer clients with legal problems. At meetings this year, speakers have presented on what is known about legal assistance by video conferencing and settlement issues and legal information needs for newly arrived migrants and refugees. The new Legal Aid NSW website was presented to the group. Two subcommittees of LIRF, representing the agencies who catalogue and distribute plain language legal information were also formed: the first group finalised the common taxonomy that we use to describe and organise legal information. The second group developed and agreed upon a number of strategies for sharing information about new and changed legislation that affects the plain language legal information we distribute. Both initiatives assist all of us to be more efficient in providing plain language legal information to the community, and ensure better referral between our agencies.

Strategy 3.4 Disseminate data, analysis and information to improve access to justice

Collecting, assessing and disseminating information about the justice system is a key component of the Foundation's activities. We communicate the results of our research through a number of media, including:

- publishing and disseminating full research reports in hardcopy and on our website
- making the information readily accessible via our search engine, Just Search, which allows searchers to

- browse our reports, browse by disadvantaged group or search for information using keyword searches
- conducting targeted presentations to key stakeholders and organisations
- presenting results at conferences
- conducting fresh analysis and using this data to answer ad hoc questions from key organisations
- conducting the annual Justice Awards

Justice Access Research Alert

The Foundation's bi-monthly Justice Access Research Alert (JARA) e-newsletter continued to keep more than 600 subscribers up to date with the latest research on access to justice. All resources listed in JARA since its inception in 2004 are catalogued in Just Search.

2011 Justice Awards

The 2011 Justice Awards were celebrated on 24 October 2011 at a dinner at Parliament House, with over 360 guests attending the event.

Overall, 44 nominations were received in the seven award categories presented on the evening: the Justice Medal, the Aboriginal Justice Award, the Pro Bono Partnership Award, the Law and Justice Volunteer Award, the Community Legal Centres NSW Award, the Law Society President's Award and the LIAC Centre of Excellence Award.

This year the Law and Justice Address was delivered by Dr Tom Calma, whose speech focussed on the defence of human rights and social justice, reconciliation, and recognition of Aboriginal and Torres Strait Islanders in the Australian Constitution.

Justice Medal: John McKenzie

Sponsored by the Law and Justice Foundation NSW, the Justice Medal is the pre-eminent Award for outstanding individual achievement in improving access to justice, especially for socially and economically disadvantaged people. The Patron of the Foundation and former Chief Justice of Australia, Sir Anthony Mason AC KBE, presented the Justice Medal to John McKenzie, for his unwavering commitment, over the past 30 years, to improving access to justice for Aboriginal people and to ensuring the underlying causes of Aboriginal over-representation in the criminal justice system are strategically pursued.

Aboriginal Justice Award

Sponsored by the NSW Attorney General's Department and presented to an Aboriginal person, or a group of Aboriginal people, demonstrating outstanding commitment to improving access to justice for Aboriginal people in NSW. The Hon. Greg Smith SC, NSW Attorney General, presented the 2011 Aboriginal

Justice Award to Jan Fennell, for her commitment to developing and initiating projects to foster a healthy relationship between the police and communities in Far West NSW. Jan's initiatives have helped her local community to find local solutions to problems such as truancy, anti-social behaviour, crime and alcohol. Jan Fennell is currently Aboriginal Community Liaison Officer at NSW Police in Menindee.

Pro Bono Partnership Award

Sponsored by the National Pro Bono Resource Centre, this award is presented to a partnership between private law firms, community organisations and/or community legal centres in NSW that has developed an outstanding pro bono legal assistance relationship, resulting in improved access to justice for disadvantaged people in the community. This year the Award was presented to the partnership between Women's Legal Services NSW, Blake Dawson, Clayton Utz, Freehills, NSW Bar Association and the Office of the Director of Public Prosecutions. This partnership has resulted in positive change for victims of sexual assault and the establishment of a permanent, statewide service dedicated to advising and representing victims to assert the Sexual Assault Communications Privilege, to prevent the disclosure of victims' personal counselling records in court.

Law and Justice Volunteer Award

Sponsored by The New South Wales Bar Association and presented to an individual, or a group of individuals, who, in a voluntary capacity, demonstrate outstanding commitment to improving access to justice in NSW. This year there were joint winners of the Award.

Kat Armstrong received the Award in recognition of her commitment to helping women in the criminal justice to re-establish themselves in the community, and her work as one of the founders of Women in Prison Advocacy Network.

Janice Daisley received the Award in recognition of her 30 year commitment to People with Disability, where her high level advocacy and leadership skills have earned her the respect of ministers, senior public servants and the broader community.

Law Society President's Award

Sponsored by The Law Society of New South Wales and presented to an individual solicitor for participation in the Law Society's Pro Bono Scheme. This award recognised the outstanding commitment to pro bono work by Jim Marsden.

Community Legal Centres NSW Award

Sponsored by the Community Legal Centres NSW and presented to an individual who, in a voluntary capacity in a NSW community legal centre, has demonstrated

outstanding commitment to improving access to justice in NSW. This year's winner was Michael Steinfeld, who has volunteered at Kingsford Legal Centre on a fortnightly basis for its evening clinic for 27 years. He has assisted thousands of disenfranchised clients at the Centre, and provided pro bono assistance to prisoners at Long Bay.

LIAC Centre of Excellence Award

Sponsored by the Legal Information Access Centre (LIAC), the Centre of Excellence Award recognises innovative and creative projects that increase community awareness of and access to LIAC. Coffs Harbour City Library and Lismore City Library were presented this award for showcasing LIAC services and increasing the use of their library's legal resources.



Top right: Sir Anthony Mason presents John McKenzie with the Justice Medal.
Centre right: The Hon. Greg Smith, Attorney General, presents Jan Fennell with the Aboriginal Justice Award.
Below: Winners of the 2012 Justice Awards



Communicating Foundation work

Conferences and presentations

The Director and staff are regularly invited to present on the Foundation's work. Invitations this year included:

- Suzie Forell was part of a panel discussion entitled 'CLE: What Works When?' *CLC NSW State Conference*, 8-10 May 2012
- Suzie Forrell presented a paper, 'Video technology and legal practice in rural communities', at the *2nd National Rural and Regional Law and Justice Conference*, Coffs Harbour, 18-20 May 2012
- Michael Cain presented a paper, 'Population residualisation and its impact on country lawyers: how can we better support lawyers and legal services in RRR areas?' at the *2nd National Rural and Regional Law and Justice Conference*, Coffs Harbour, 18-20 May 2012
- Suzie Forell and Michael Cain presented a workshop, 'Evaluation: What is it and why bother?' to Legal Aid NSW on 1 June 2012

Geoff Mulherin:

- Plenary presentation 'Legal needs and how to meet them; what do we know?' presented to *National Legal Aid Best Practice Conference* in Darwin, 6-8 July 2011
- Delivered a presentation on the Foundation's research results to the NSW Review of Legal Assistance Services on 4 October 2011
- Plenary presentation: 'Building an evidence-based understanding of the civil justice system and the needs of clients' presented to the *AJJA Australasian Court Administrators Conference* in Sydney, 6 October 2011
- Presentation on LAW Survey to meeting of National Legal CEOs in Adelaide on 10 November 2011
- Delivered a presentation 'Legal needs and how to meet them; what do we know?' to Law Council National Policy Lawyers Forum on 29 November 2011
- Presented 'Making Data Work' to the *Civil Justice Evidence Base Symposium* in Melbourne on 25 May 2012

Participation on boards, trusts and committees

Throughout the year staff actively promote the Foundation's work through their participation on steering groups and community legal networks.

- Access to Justice Roundtable, Geoff Mulherin
- Community Legal Education Workers Forum, Jane Kenny and Abigail Gray
- Cooperative Legal Services Delivery Program Steering Committee, Jane Kenny
- Evidence-base for the Civil Justice System Reference Group, Geoff Mulherin
- Law Society of NSW, Pro Bono Disbursements Trust Fund, Geoff Mulherin (Trustee)

- Legal Information Access Centre Board, Paul Stein and Geoff Mulherin
- National Legal Assistance Advisory Board, Geoff Mulherin
- NSW Legal Assistance Forum (NLAF), Geoff Mulherin and Jane Kenny
- NLAF Disasters and Emergencies Working Group, Jane Kenny
- NLAF Employment Services Working Group, Jane Kenny
- NLAF Learning and Development Reference Group, Jane Kenny
- NLAF Prisoners Legal Information Team, Jane Kenny
- NLAF RRR Working Group, Geoff Mulherin, Suzie Forell and Michael Cain
- Philanthropy Australia's Addressing Homelessness Affinity Group, Jane Kenny
- University of Sydney, Socio-legal Studies Reference Group, Geoff Mulherin
- NSW Review of Legal Assistance Services Working Group, Geoff Mulherin

Optimise the capacity and capabilities of the Foundation through cost-effective resource and information management

Strategy 4.1: Develop the information management capabilities of the Foundation

The Foundation continues to implement cost-effective knowledge and information management systems to ensure that we make optimum use of organisational intelligence. Our approach involves:

- prompt reporting by staff of relevant information gathered from attendance at conferences and seminars
- use of consistent filing systems and taxonomies to ensure that knowledge is easily accessed
- use of integrated databases which allow the Foundation to keep track of expertise in the justice sector and inform relevant people and organisations of our activities
- maintaining a professional library function to support our research, plain language and grant activities.

During the year the Foundation finalised a Functional Retention and Disposal Authority with the State Records Authority governing the handling of Foundation records in accordance with the *State Records Act 1988*.

Strategy 4.2: Manage resources efficiently and cost-effectively

Responsible and prudent strategic and business planning is central to the Foundation's performance management system.

All operations during the 2011–2012 year conformed to the Business Plan, and were put into operation the final year of the 2009–2012 Strategic Plan.

The Business Plan for 2012–2013 was devised with the aim of achieving organisational objectives and is aligned with the strategic plan. Planning entailed a review of the achievements and outstanding activities at the end of the previous period and the allocation of realistic timelines and resources for undertaking projects and other work.

During the year the 2012–2015 Strategic Plan was finalised, along with the parallel funding submission for the same period.

Business management

The Board of Governors met regularly over the year, monitoring the Foundation's performance through regular reports against the Business Plan. The

Investment Sub-Committee continues to monitor the investment portfolio performance on a quarterly basis and provide reports to the Board. Investments have continued to provide solid returns in line with benchmarks, contributing to the overall financial position.

Human resource management

Our human resource management is governed by two principles: recruitment, development and retention of high quality staff, and continuous improvement in systems and procedures. We take a flexible approach to the organisational structure to manage changing business imperatives.

Staff training

The Foundation has an active staff learning and development program. The structured training undertaken by Foundation staff in 2011–2012 consisted of courses, visits to other organisations in the sector and attendance at seminars. The Foundation holds regular meetings where staff members have the opportunity to present on matters of interest and the latest trends and developments in the access to justice area.

Information technology

The Foundation maintains an effective information system with the aim of making IT services reliable and secure to support the Foundation's activities with minimal disruption. The Foundation has previously identified a need to upgrade IT infrastructure to improve productivity. During 2012 all PCs and operating software were updated, with upgrades to servers and security equipment planned for 2013.

Financial report

Governors' report

The Governors of the Law and Justice Foundation of New South Wales ("the Foundation") submit herewith the annual financial report for the financial year ended 30 June 2012. In order to comply with the provisions of the *Law and Justice Foundation Act 2000*, the Governors report as follows:

The names of the Governors of the Foundation during or since the financial year are:

- P. Stein
- K. Rozzoli
- J. Behrendt
- J. Sheahan
- G. Daley
- S. Moselmane
- G. Mulherin

Principal activities

The Law and Justice Foundation of New South Wales was established under the *Law and Justice Foundation Act 2000* ("Act") as a reconstitution of the Law Foundation of New South Wales.

Pursuant to Section 5 (1) of the Act, the objects of the Foundation are to contribute to the development of a fair and equitable justice system which addresses the legal needs of the community and to improve access to justice by the community (in particular, by economically and socially disadvantaged people).

Pursuant to Section 5 (2) of the Act, the Foundation may do any one or more of the following:

- conduct and sponsor research (including interdisciplinary research) into the law, the justice system, alternative dispute resolution and the legal profession,
- collect, assess and disseminate information about the justice system,
- conduct and sponsor projects aimed at facilitating access to justice and access to information about the justice system,
- promote education about the justice system.

The Law and Justice Foundation of New South Wales operates predominantly in the geographical area of New South Wales.

Review of operations

The net surplus for the year ended June 2012 of \$20,887 (2011: net surplus \$407,941) was comprised of an operating deficit of \$(144,797) (2011: operating surplus \$43,836) and investment returns of \$165,684 (2011: \$364,105). The reduction in operating result was mainly due to both increased employment costs (as extra staff were engaged to assist with the completion of several major projects, including the national legal

needs survey) and an increase in the amount of grants provided. Although the composition of the Foundation's investment portfolio remained unchanged, lower returns in Australian and global financial markets resulted in a fall in investment returns for the 2012 year.

Change in state of affairs

During the financial year there was no other significant change in the state of affairs of the Law and Justice Foundation of New South Wales other than any referred to in the financial statements or notes thereto.

Subsequent events

There has not been any matter or circumstance, other than that referred to in the financial report or notes thereto, that has arisen since the end of the financial year, that has significantly affected or may significantly affect, the operations of the Law and Justice Foundation of New South Wales, the results of those operations, or the state of affairs of the Law and Justice Foundation of New South Wales in future financial years.

Indemnification of officers and auditors

During the financial year, the Law and Justice Foundation of New South Wales paid a premium in respect of a contract insuring the Governors of the Foundation (as named above) and all officers of the Law and Justice Foundation of New South Wales and of any related body corporate against a liability incurred as such by a governor or an officer to the extent permitted by the *Law and Justice Foundation Act 2000*. The contract of insurance prohibits the disclosure of the nature of the liability and the amount of the premium.

The Law and Justice Foundation of New South Wales has not otherwise, during or since the financial year, indemnified or agreed to indemnify a governor, officer or auditor of the Law and Justice Foundation of New South Wales or any related body corporate against any liability incurred as such by a governor, officer or auditor.

On behalf of the Board of Governors

..... Paul
GOVERNOR
Sydney, 7/11/12

.....
GOVERNOR
Sydney, Nov 2012

Independent Auditor's Report to the members of Law and Justice Foundation of New South Wales

We have audited the accompanying financial report, being a special purpose financial report, of the Law and Justice Foundation of New South Wales, which comprises the statement of financial position as at 30 June 2012, the statement of comprehensive income, the statement of cash flows and the statement of changes in equity for the year then ended, notes comprising a summary of significant accounting policies and other explanatory information, and the Governor's declaration as set out on pages 24 to 35.

Governors' Responsibility for the Financial Report

The Governors of the entity are responsible for the preparation and fair presentation of the financial report and have determined that the basis of preparation described in Note 1, is appropriate to meet the financial reporting requirements of the Law and Justice Foundation Act 2000 and is appropriate to meet the needs of the members. The Governor's responsibility also includes such internal control as the Governors 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

Our responsibility is to express an opinion on the financial report based on our audit. We conducted our audit in accordance with Australian Auditing Standards. Those standards require that we comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance 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 and fair presentation of the financial report in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the Governors, as well as evaluating the overall presentation of the financial report.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Opinion

In our opinion, the financial report presents fairly, in all material respects, the financial position of the Law and Justice Foundation of New South Wales as at 30 June 2012 and its financial performance for the year then ended in accordance with the financial reporting requirements of the accounting policies as described in Note 1 to the financial statements.

Basis of Accounting and Restriction on Distribution and Use

Without modifying our opinion, we draw attention to Note 1 to the financial report, which describes the basis of accounting. The financial report has been prepared to assist the Law and Justice Foundation of New South Wales to meet the financial reporting requirements of the Law and Justice Foundation Act 2000. As a result, the financial report may not be suitable for another purpose. Our report is intended solely for the members and should not be distributed to or used by parties other than the members.

Deloitte Touche Tohmatsu
DELOITTE TOUCHE TOHMATSU

Gaile Pearce

Gaile Pearce
Partner
Chartered Accountants
Sydney, 12 November 2012

Governors' declaration

As detailed in Note 1 to the financial statements, the Law and Justice Foundation of New South Wales is not a reporting entity because in the opinion of the Board of Governors there are unlikely to exist users of the financial report who are unable to command the preparation of the reports tailored so as to satisfy specifically all of their information needs. Accordingly, this 'Special Purpose Financial Report' has been prepared to satisfy the Board of Governors' reporting requirements under the *Law and Justice Foundation Act 2000*.

The Board of Governors declares that:

- a) the attached financial statements and notes thereto comply with Accounting Standards to the extent described in Note 1 to the financial statements;
- b) the attached financial statements and notes thereto give a true and correct view of the financial position and performance of the Law and Justice Foundation of New South Wales;
- c) in the Governors' opinion, the attached financial statement and notes thereto are in accordance with the Law and Justice Foundation Act 2000; and
- d) in the Governors' opinion, there are reasonable grounds to believe that the Law and Justice Foundation of New South Wales will be able to pay its debts as and when they become due and payable.

On behalf of the Board of Governors

.....
GOVERNOR

Sydney 7/11/12

.....
GOVERNOR

Sydney 7 Nov 2012

Financial statements

Statement of Comprehensive Income for the Financial Year Ended 30 June 2012

| | Note | 2012 \$ | 2011 \$ |
|--|------|----------------------|-----------------------|
| Operating revenue | 2(a) | 2,618,950 | 2,503,483 |
| Employment related expense | | (1,937,834) | (1,832,771) |
| Consultants and contractor expenses | | (19,914) | (22,657) |
| Premises costs | | (224,889) | (206,071) |
| Depreciation expense | 5 | (17,559) | (13,054) |
| Grants and projects costs | | (144,745) | (82,705) |
| Audit fees | 15 | (26,200) | (25,570) |
| Justice Awards expenses | | (69,547) | (58,864) |
| Insurance costs | | (20,635) | (20,968) |
| Information technology & related costs | | (215,127) | (130,871) |
| Other expenses from ordinary activities | | (87,297) | (66,116) |
| Operating Surplus / (deficit) | | <u>(144,797)</u> | <u>43,836</u> |
| Investment income | 2(b) | 165,684 | 364,105 |
| Net Surplus / (deficit) before income tax expense | | <u>20,887</u> | <u>407,941</u> |
| Income tax expense relating to ordinary activities | 1(e) | - | - |
| Total Comprehensive Income for the Year | | <u><u>20,887</u></u> | <u><u>407,941</u></u> |

Notes to the financial statements are included on pages 28 to 35

Statement of Financial Position as at 30 June 2012

| | Note | 2012 \$ | 2011 \$ |
|---|-------|------------------|------------------|
| CURRENT ASSETS | | | |
| Cash assets | 11(a) | 213,174 | 411,076 |
| Receivables | 3 | 32,763 | 35,942 |
| Investments | 4 | 4,909,647 | 4,908,760 |
| Other current assets | | 74,949 | 55,922 |
| TOTAL CURRENT ASSETS | | <u>5,230,533</u> | <u>5,411,700</u> |
| NON-CURRENT ASSETS | | | |
| Property, plant and equipment | 5 | 54,895 | 17,218 |
| Other assets | | 1,053 | 1,053 |
| TOTAL NON-CURRENT ASSETS | | <u>55,948</u> | <u>18,271</u> |
| TOTAL ASSETS | | <u>5,286,481</u> | <u>5,429,971</u> |
| CURRENT LIABILITIES | | | |
| Trade and other payables | 6 | 199,391 | 173,096 |
| Provisions | 7 | 169,068 | 148,948 |
| Grants and external projects allocated- not drawn | 8 | 783,438 | 1,010,517 |
| TOTAL CURRENT LIABILITIES | | <u>1,151,897</u> | <u>1,332,561</u> |
| NON-CURRENT LIABILITIES | | | |
| Provisions | 9 | 64,070 | 47,783 |
| TOTAL NON-CURRENT LIABILITIES | | <u>64,070</u> | <u>47,783</u> |
| TOTAL LIABILITIES | | <u>1,215,967</u> | <u>1,380,344</u> |
| NET ASSETS | | <u>4,070,514</u> | <u>4,049,627</u> |
| EQUITY | | | |
| Accumulated surplus | | 4,070,514 | 4,049,627 |
| TOTAL EQUITY | | <u>4,070,514</u> | <u>4,049,627</u> |

Notes to the financial statements are included on pages 28 to 35

Statement of Cash Flows for the Financial Year ended 30 June 2012

| | Note | 2012 \$ | 2011 \$ |
|--|-------|-------------|-------------|
| <i>Cash Flows from Operating Activities</i> | | | |
| Receipts from customers and grants | | 2,471,416 | 2,880,067 |
| Interest received | | 7,612 | 15,932 |
| Payments to suppliers, employees, and grants and projects | | (2,785,558) | (2,488,024) |
| <i>Net Cash from / (used in) Operating Activities</i> | 11(b) | (306,530) | 407,975 |
| <i>Cash Flows from Investing Activities</i> | | | |
| Proceeds on sale of investment securities | | 2,200,000 | 450,000 |
| Payment for investment securities | | (2,301,726) | (1,210,898) |
| Dividends and interest received | | 265,590 | 331,154 |
| Proceeds from disposal of fixed assets | | - | - |
| Payment for fixed and other assets | | (55,236) | (8,365) |
| <i>Net Cash used in Investing Activities</i> | | 108,628 | (438,109) |
| NET DECREASE IN CASH HELD | | (197,902) | (30,134) |
| CASH AT BEGINNING OF FINANCIAL YEAR | | 411,076 | 441,210 |
| CASH AT END OF FINANCIAL YEAR | 11(a) | 213,174 | 411,076 |

Statement of Changes in Equity for the Financial Year ended 30 June 2012

| | Note | 2012 \$ | 2011 \$ |
|---------------------------------|------|------------|------------|
| Opening Balance | | 4,049,627 | 3,641,686 |
| Net surplus for the year | | 20,887 | 407,941 |
| Closing Balance | | 4,070,514 | 4,049,627 |

Notes to the financial statements are included on pages 28 to 35

1. Summary of accounting policies

Financial reporting framework

The Law and Justice Foundation of New South Wales is not a reporting entity because in the opinion of the Board of Governors, there are unlikely to exist users of the financial report who are unable to command the preparation of reports tailored so as to satisfy specifically all of their information needs. Accordingly, this “Special Purpose Financial Report” has been prepared to satisfy the Governors’ reporting requirements under the *Law and Justice Foundation Act 2000*.

The financial report has been prepared in accordance with the *Law and Justice Foundation Act 2000* (“The Act”), the basis of accounting and disclosure requirements specified by Australian Accounting Standards AASB101 Presentation of Financial Statements, AASB107 Cash Flow Statements, AASB1031 Materiality and AASB108 Accounting Policies Changes in Accounting Estimates and Errors.

Basis of presentation

The financial report has been prepared on the basis of historical cost and except where stated, does not take into account changing money values or current valuations of non-current assets. Cost is based on the fair values of consideration given in exchange for assets.

Critical accounting judgements

In the application of the entity’s accounting policies, management is required to make judgements, estimates and assumptions about carrying values of assets and liabilities that are not readily apparent from other sources. The estimates and associated assumptions are based on historical experience and other factors that are considered to be relevant. Actual results may differ from these estimates. The estimates and underlying assumptions are reviewed on an ongoing basis. Revisions to accounting estimates are recognised in the period in which the estimate is revised if the revision affects that period only, or in the period of the revision and future periods if the revision affects both current and future periods.

Adoption of new and revised Accounting Standards

In the current year, the entity has adopted all of the new and revised Standards and Interpretations issued by the Australian Accounting Standards Board (the AASB) that are relevant to its operations and effective for the current annual reporting period.

Significant accounting policies

Accounting policies are selected and applied in a manner which ensures that the resulting financial information satisfies the concepts of relevance and reliability, thereby ensuring that the substance of the underlying transactions or other events is reported.

The following significant accounting policies have been adopted in the preparation and presentation of the financial report:

a) Grant and project expenditure

Grant expenditure in excess of \$5,000 requires the approval of, and is at the discretion of, the Board of Governors. Grants of \$5,000 or less can be approved by the Director. Those approved in the current financial year are reported as expenses in the Statement of Comprehensive Income, to the extent approved.

Grant and project allocations not drawn at the expiry of the project are, after systematic review by recipients and management, written back to the Statement of Comprehensive Income.

In a minor number of instances, grants are advanced by way of loan. Repayment of the loans is usually considered remote. Notwithstanding the advance of the funds as loans they are nevertheless treated as grants, as described above. If the loans or a portion thereof are repaid, the amounts are brought to account as income in the period in which they are repaid.

b) Income allocation

Grants received from the Public Purpose Fund for general operations have been brought to account as income at a monthly accrual of \$175,104. This represents 1/12th of the annual allocation for Law and Justice Foundation of New South Wales core activities which in the financial year ended 30 June 2012 totalled \$2,101,250.

Grants received from the Public Purpose Fund for specific projects are brought to account as income to match expenses as and when they are incurred for the project.

c) Depreciation

Depreciation is provided on leasehold improvements, furniture and fittings and office equipment. Depreciation is calculated on a straight-line basis so as to write off the net cost or other revalued amount of each asset over its expected useful life. Leasehold improvements are depreciated over the period of the lease or estimated useful life, whichever is shorter, using the straight-line method.

The following estimated useful lives are used in the calculation of depreciation:

| | |
|------------------------|-------------------|
| Leasehold improvements | Term of the lease |
| Furniture and fittings | 10 years |
| Office equipment | 3 years |

d) Recoverable amount of non-current assets

Non-current assets are written down to recoverable amount where the carrying value of any non-current assets exceeds recoverable amount. In determining the recoverable amount of non-current assets, the expected net cash flows have not been discounted to their present value.

e) Income tax

The Law and Justice Foundation has been granted exemption from Income Tax under Section 50-55 of the *Income Tax Assessment Act 1997*.

f) Employee entitlements

Provision is made for benefits accruing to employees in respect of wages and salaries, annual leave and long service leave when it is probable that settlement will be required and the amounts are capable of being measured reliably.

Provisions made in respect of wages and salaries, annual leave and long service leave expected to be settled within 12 months, are measured at their nominal values.

Provisions made in respect of long service leave which are not expected to be settled within 12 months are measured as the present value of the estimated future cash outflows to be made by the Law and Justice Foundation of New South Wales in respect of services provided by the employees up to the reporting date.

g) Payables

Trade payables and other accounts payable are recognised when the Foundation becomes obliged to make future payments resulting from the purchase of goods and services.

h) Acquisition of assets

Assets acquired are recorded at the cost of acquisition, being the purchase consideration determined as at the date of acquisition plus costs incidental to the acquisition.

i) Goods and Services Tax

Revenues, expenses and assets are recognised net of the amount of Goods and Services Tax (GST) except:

- i. where the amount of GST incurred is not recoverable from the Australian Taxation Office ("ATO"), it is recognised as part of the cost of acquisition of an asset or as part of an item of expense; or
- ii. for receivable and payables which are recognised inclusive of GST.

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

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

j) Receivables

Trade receivables and other receivables are recorded at amounts due less any provision for doubtful debts.

k) Investments

Section 16 of the Act provides that '...the Foundation may invest money held by it in any investment in which a trustee may invest funds in accordance with the *Trustee Act 1925*'. The Foundation's investment policy complies with the Act and, to at least the extent required, the *Trustees Act 1925*.

Given the long-term nature of much of the Foundation's work (2–4 years), and the need from time to time to use more than the annual allocation from the Public Purpose Fund for major projects, the Foundation maintains some reserves. These reserves are invested in accordance with the Foundation's investment policy in a mixture of index funds and managed investment facilities with the aims of maintaining the real value of invested capital and to generate income to supplement the grants received from the Public Purpose Fund to cover any shortfall to expected annual expenditure.

Investments in financial assets are included in the financial statements at fair value at balance sheet date period. Gains and losses on revaluation of investments to fair value are recognised as revenue or expenses respectively in the Statement of Comprehensive Income. Realised gains and losses on sale are recognised as revenue or expenses respectively in the Statement of Comprehensive Income. Dividend income is recognised on a receivable basis on the date that shares are quoted ex-dividend. Interest from fixed securities and discount securities is recognised as income on the basis of the accumulated entitlement that would be received on the disposal of the security according to the trading practices accepted by the market for the relevant security. Interest on cash on deposit is recognised in accordance with the terms and conditions which apply to the deposit.

l) Revenue recognition

Sale of goods and disposal of assets

Revenue from the sale of goods and disposal of other assets is recognised when the Foundation has passed control of the goods or other assets to the buyer.

Rendering of services

Revenue from a contract to provide services is recognised by reference to the stage of completion of the contract.

m) Non-current assets held for sale

Non-current assets classified as held for sale are measured, with certain exceptions, at the lower of carrying amount and fair value less cost to sell. Non-current assets are classified as held for sale if their carrying amount will be recovered principally through a sale transaction rather than through continuing use. This conduct is regarded as met only when the asset is available for immediate sale in its present condition subject only to terms that are usual and customary for such a sale and the sale is highly probable. The sale of the asset must be expected to be completed within one year from the date of classification, except in the circumstances where sale is delayed by events or circumstances outside the Foundation's control and the Foundation remains committed to a sale.

n) Leased assets

Operating lease payments are recognised as an expense on a basis which reflects the pattern in which economic benefits from the leased asset are consumed.

o) Going concern

The financial report for the year ended 30 June 2012 has been prepared on the basis that the Law and Justice Foundation of New South Wales is a going concern, which assumes continuity of normal business activities and the realisation of assets and the settlement of liabilities in the ordinary course of business. The appropriateness of adopting a going concern basis of accounting is largely dependent upon the continuation of allocations from the Public Purpose Fund. It is expected that these allocations will continue in the short term. The Board of Governors expect the Public Purpose Fund to provide funding for an additional year from July 2013. The Law and Justice Foundation of NSW also has an accumulated surplus of \$4,070,514 as at 30 June 2012, which will allow the organisation to continue its normal business activity and settle their liabilities as they fall due, for a period of not less than 12 months from the date this financial report is signed. Based on this, the Board of Governors are satisfied that the adoption of the going concern basis of accounting is appropriate.

p) Comparative information

Where necessary comparative amounts have been reclassified and repositioned for consistency with the current year accounting policy and disclosures. Further details on the nature and reason for the amounts that have been reclassified and repositioned for consistency with the current year accounting policy and disclosures, where considered material, are referred to separately in the financial statements or notes thereto.

| 2. Revenue | Note | 2012 | 2011 |
|---|-------------|------------------|------------------|
| | | \$ | \$ |
| (a) Operating Revenue | | | |
| Public Purpose Fund – recurrent funding | | 2,101,250 | 2,050,000 |
| Public Purpose Fund – other projects | | 365,762 | 290,696 |
| Legal aid commissions' contributions | | 47,903 | 32,771 |
| Sales revenue: sale of goods | | 368 | 518 |
| Rendering of services: | | | |
| Justice Awards | | 45,818 | 46,114 |
| Other | | 25,360 | 44,537 |
| Interest revenue: other financial assets | | 7,612 | 15,932 |
| Royalties | | 24,877 | 22,915 |
| Total Operating Revenue | | 2,618,950 | 2,503,483 |
| (b) Investment Income | | | |
| Dividends and interest on investments | | 266,523 | 324,908 |
| Profit / (Loss) on sale of investments | | (5,504) | 16 |
| Unrealised gain / (loss) arising from the revaluation of current assets – investments | | (95,335) | 39,181 |
| Total Investment Income | | 165,684 | 364,105 |
| 3. Receivables | | | |
| Trade debtors | | 8,635 | 22,078 |
| Refund of imputation credits | | 14,797 | 13,864 |
| Other receivables | | 9,331 | - |
| | | 32,763 | 35,942 |
| 4. Investments | | | |
| Managed investment portfolios | | 3,002,299 | 2,948,242 |
| Managed investment portfolio – cash facility | | 375,653 | 475,678 |
| Managed index funds | | 1,531,695 | 1,484,840 |
| | | 4,909,647 | 4,908,760 |

5. Property, plant and equipment

| | Leasehold Improvements | Furniture & Fittings | Office Equipment | Total |
|-----------------------------------|-----------------------------------|-------------------------------------|-----------------------------|------------------|
| | \$ | \$ | \$ | \$ |
| Gross Carrying Value | | | | |
| Balance as at 01 July 2011 | 326,616 | 84,627 | 198,700 | 609,943 |
| Additions | 6,500 | 1,361 | 47,375 | 55,236 |
| Transfers | - | - | - | - |
| Write offs | - | - | - | - |
| Disposals | - | - | - | - |
| Balance as at 30 June 2012 | 333,116 | 85,988 | 246,075 | 665,179 |
| Accumulated Depreciation | | | | |
| Balance as at 01 July 2011 | (326,616) | (79,728) | (186,381) | (592,725) |
| Depreciation Expense | (1,637) | (1,600) | (14,322) | (17,559) |
| Transfers | - | - | - | - |
| Write offs | - | - | - | - |
| Disposals | - | - | - | - |
| Balance as at 30 June 2012 | (328,253) | (81,328) | (200,703) | (610,284) |
| As at 30 June 2011 | - | 4,899 | 12,319 | 17,218 |
| As at 30 June 2012 | 4,863 | 4,660 | 45,372 | 54,895 |

Aggregate depreciation allocated, whether recognised as an expense or capitalised as part of the carrying amount of other assets during the year:

| | 2012 | 2011 |
|-----------------------------|---------------|---------------|
| | \$ | \$ |
| Leasehold improvements | 1,637 | 101 |
| Office furniture & fittings | 1,600 | 1,213 |
| Office equipment | 14,322 | 11,740 |
| | <u>17,559</u> | <u>13,054</u> |

6. Trade and other payables

| | | |
|--|----------------|----------------|
| Trade payables | 136,841 | 105,215 |
| Other payables | 34,713 | 25,850 |
| Payables to third parties (legal needs survey) | - | 2,073 |
| Accrued wages & salaries (note 10) | 27,837 | 39,958 |
| | <u>199,391</u> | <u>173,096</u> |

7. Current provisions

| | | |
|--|----------------|----------------|
| Provision for annual leave (note 10) | 134,853 | 109,772 |
| Provision for long service leave (note 10) | 34,215 | 39,176 |
| | <u>169,068</u> | <u>148,948</u> |

8. Grants and external projects not drawn

| | | |
|---------------------|----------------|------------------|
| Grants | 167,801 | 217,029 |
| External projects | 569,768 | 747,619 |
| Tied grants payable | 45,869 | 45,869 |
| | <u>783,438</u> | <u>1,010,517</u> |

9. Non-current provisions

| | | |
|--|--------|--------|
| Provision for long service leave (note 10) | 64,070 | 47,783 |
|--|--------|--------|

10. Employee benefits

| | 2012 | 2011 |
|---|----------------|----------------|
| | \$ | \$ |
| The aggregate employee benefit liability recognised and included in the financial statements is as follows: | | |
| Provision for employee benefits: | | |
| Current (note 7) | 169,068 | 148,948 |
| Non-current (note 9) | 64,070 | 47,783 |
| Accrued wages and salaries (note 6) | 27,837 | 39,958 |
| | <u>260,975</u> | <u>236,689</u> |

11 Notes to statement of cash flows

(a) Reconciliation of Cash

For the purposes of the Statement of Cash Flows, cash includes cash on hand and in banks. Cash at the end of the financial year as shown in the Statement of Cash Flows is reconciled to the related items in the Balance Sheet as follows:

| | | |
|--|----------------|----------------|
| | <u>213,174</u> | <u>411,076</u> |
|--|----------------|----------------|

(b) Reconciliation of Net Surplus to Net Cash Flows from Operating Activities

| | | |
|--|------------------|----------------|
| Net Surplus | 20,887 | 407,941 |
| Depreciation of non-current assets | 17,559 | 13,054 |
| Net unrealised (gain) / loss arising from the revaluation of investments | 95,335 | (39,181) |
| (Profit) / Loss on sale of investments | 5,504 | (16) |
| Dividends and interest received | (266,523) | (324,908) |
| (Increase)/Decrease in assets | | |
| Receivables | 4,112 | (16,611) |
| Other current assets | (19,027) | (20,305) |
| Increase/(Decrease) in liabilities | | |
| Payables | 26,295 | 28,562 |
| Provision current | 20,120 | 38,666 |
| Provision non current | 16,287 | 3,327 |
| Grant and projects allocated – not drawn | (227,079) | 317,446 |
| Net Cash from/(used) in Operating Activities | <u>(306,530)</u> | <u>407,975</u> |

12. Financial instruments

(a) Significant accounting policies

Details of the significant accounting policies and methods adopted, including the criteria for recognition, the basis of measurement and the basis on which revenues and expenses are recognised, in respect of each class of financial asset, financial liability and equity instrument are disclosed in Note 1 to the financial statements.

(b) Credit risk exposures

Credit risk refers to the risk that a counter party will default on its contractual obligations resulting in financial loss to the Foundation. The Foundation has adopted the policy of only dealing with creditworthy counter parties and obtaining sufficient collateral or other security where appropriate, as a means of mitigating the risk of financial loss from defaults. The Foundation measures credit risk on a fair value basis.

The carrying amount of financial assets recorded in the financial statements, net of any provisions for losses, represents the Foundation's maximum exposure to credit risk without taking into account the value of any collateral or other security obtained.

(c) Interest rate risk exposures

The Foundation's exposure to interest rate risk and the effective weighted average interest rate by maturity periods is set out in the following table. For interest rates applicable to each class of asset or liability, refer to individual notes to the financial statements.

Exposures arise predominantly from assets and liabilities bearing variable interest rates as the consolidated entity intends to hold fixed rate assets and liabilities to maturity.

| 2012 | Average Interest Rate | Fixed Interest Rate Maturity | Variable Interest Rate \$ | Non-interest Bearing \$ | Consolidated Total \$ |
|----------------------------------|--------------------------|---------------------------------|---------------------------------|-------------------------------|-----------------------------|
| Financial Assets | | | | | |
| Cash and deposits | 4.25% | - | 213,174 | - | 213,174 |
| Receivables | - | - | - | 32,763 | 32,763 |
| Other current assets | - | - | - | 74,949 | 74,949 |
| Investments | - | - | - | 4,909,647 | 4,909,647 |
| Total | | - | 213,174 | 5,017,359 | 5,230,533 |
| Financial Liabilities | | | | | |
| Trade creditors & other payables | - | - | - | 199,391 | 199,391 |
| Total | | - | - | 199,391 | 199,391 |
| Net financial assets | | - | 213,174 | 4,817,968 | 5,031,142 |
| 2011 | | | | | |
| 2011 | Average Interest Rate | Fixed Interest Rate Maturity | Variable Interest Rate | Non-interest Bearing | Consolidated Total |
| Financial Assets | | | | | |
| Cash and deposits | 4.50% | - | 411,076 | - | 411,076 |
| Receivables | - | - | - | 35,942 | 35,942 |
| Other current assets | - | - | - | 55,922 | 55,922 |
| Investments | - | - | - | 4,908,760 | 4,908,760 |
| Total | | - | 411,076 | 5,000,624 | 5,411,700 |
| Financial Liabilities | | | | | |
| Trade creditors & other payables | - | - | - | 173,096 | 173,096 |
| Total | | - | - | 173,096 | 173,096 |
| Net financial assets | | - | 411,076 | 4,827,528 | 5,238,604 |

13. General

The Law and Justice Foundation of New South Wales was established under the *Law and Justice Foundation Act 2000*, to contribute to the development of a fair and equitable justice system which addresses the legal needs of the community and to improve access to justice by the community; and to conduct and sponsor research with the law, the legal system, law reform and other similar activities pursuant to Section 5 of the said Act. The Law and Justice Foundation of New South Wales operates predominantly in the geographical area of New South Wales.

14. Economic dependency

The Law and Justice Foundation of New South Wales is dependent on allocations from the Public Purpose Fund. It is expected that these allocations will continue in the short term, until the current annual agreement ceases in June 2013. The Board of Governors expect the Public Purpose Fund to provide funding for an additional year from July 2013. The Law and Justice Foundation of NSW also has an accumulated surplus of \$4,070,514 as at 30 June 2012, which will allow the organisation to continue its normal business activity and settle their liabilities as they fall due, for a period of not less than 12 months from the date this financial report is approved.

15. Remuneration of auditors

| | 2012 | 2011 |
|-------------------------------|-------------|-------------|
| | \$ | \$ |
| Auditing the financial report | 26,200 | 25,570 |

16. Employees

| | | |
|--|----|----|
| Number of employees at end of financial year | 22 | 25 |
|--|----|----|

17. Commitments for expenditure

| | | |
|---|----------------|----------------|
| Non cancellable operating lease payments: | | |
| Not longer than one year | 200,458 | 194,024 |
| Longer than one year and not longer than five years | 219,502 | 419,960 |
| Longer than five years | - | - |
| | <u>419,960</u> | <u>613,984</u> |

The Foundation currently leases office space in Pitt St Sydney. The current lease commenced on 15 July 2009 and expires in July 2014 with an option to extend for a further five years.

18. Subsequent event

There has not been any matter or circumstance, other than that referred to in the financial report or notes thereto, that has arisen since the end of the financial year, that has significantly affected or may significantly affect, the operations of the Law and Justice Foundation of New South Wales, the results of those operations, or the state of affairs of the Law and Justice Foundation of New South Wales in future financial years.

19. Additional organisation information

Principal Place of Business

Level 14 130 Pitt St
Sydney NSW 2000
Phone: (02) 8227 3200

Acknowledgements

The Law and Justice Foundation of NSW acknowledges and thanks the many people and organisations who support our work by commenting on grant applications, serving on committees, reviewing draft publications, providing advice or contributing to specific Foundation programs.

Organisations

Chalk & Fitzgerald
Clayton Utz
Community Legal Centres NSW Inc
Consumer Credit Legal Centre NSW
Department of Attorney General
and Justice NSW
Gilbert + Tobin
Herbert Smith Freehills
King & Wood Mallesons
LawAccess NSW
Law Society of NSW
Legal Aid Commission of ACT
Legal Aid Commission of QLD
Legal Aid Commission of TAS
Legal Aid Commission of WA
Legal Aid NSW
Legal Information Access Centre
Legal Services Commission of SA
Legal Services Research Centre, UK
Mental Health Review Tribunal NSW
Minter Ellison
National Pro Bono Resource Centre
NSW Bar Association
Northern Territory Legal Aid
Commission
Seven Wentworth
State Library of NSW

Individuals

Mr Enzo Accadia, Library Manager,
Coffs Harbour City Council
Mr Dor Achiek, Hills Holroyd
Parramatta Migrant Resource
Centre
Ms Robyn Ayres, Executive Director,
Arts Law Centre of Australia
Ms Annette Bain, Executive Director,
Freehills Foundation
Professor Eileen Baldry, School of
Social Sciences and International
Studies, University of New South
Wales
Dr Nigel Balmer, Legal Services
Research Centre, UK
Dr Anne Benjamin, Honorary
Coordinator, Toongabbie Legal
Centre
[The late] Ms Joan Bielski AO
The Hon. Justice Reginald Blanch
AM, Chief Judge, District Court
of NSW
The Hon. Catherine Branson QC,
(former) President, Australian
Human Rights Commission
Ms Jemima Brewer, Partner,
Artemis Legal
Ms Louise Burton, Manager,
Membership Services, Philanthropy
Australia
Dr Tom Calma, National
Coordinator, Tackling Indigenous
Smoking

Ms Helen Campbell OAM, Executive
Officer, Women's Legal Services
NSW
Ms Fay Carroll, Aboriginal
Community Liaison Officer,
Department of Education and
Training NSW
Professor Terry Carney, Director of
Research, University of Sydney
Ms Noelene Carr, CEO, Thiyama-li
Family Violence Service
Mr Terry Chenery, CEO, Hunter
Aboriginal Children's Services
Mr Craig Cockburn, Nowra
Courthouse
Ms Anna Cody, Director, Kingsford
Legal Centre & Chair, Community
Legal Centres NSW
Mr John Corker, Director, National
Pro Bono Resource Centre
Ms Lynne Dalton, CEO, Centre for
Volunteering NSW
Ms Kathleen Davis-Stewart, Circle
Sentencing Elder, Nowra Local
Court
Mr Ian Day, Chief Executive Officer,
COTA NSW
Mr Brian Debus, Principal, Menindee
Central School
Magistrate Doug Dick, Wollongong
Court House
Ms Priscella Engall, Community
Settlement and Development
Officer, Hills Holroyd Parramatta
Migrant Resource Centre
Ms Julianne Evans, Acting Director,
LawAccess NSW, Department of
Attorney General and Justice
Mr John Feneley (former) Deputy
President, Mental Health Review
Tribunal NSW
Mr Alistair Ferguson, Chairperson,
Bourke Alcohol Working Group
Ms Monica Ferrari, Manager,
Community Legal Education, Civil
Justice Program, Victoria Legal Aid
Mr Phillip French, Director, Australian
Centre for Disability Law
Mr Jeff Gamble, Traffic Offenders
Program
Mr Kevin Gardner, Principal Policy
Officer, Housing NSW
Ms Melodie Gibson, Aboriginal
Community Development Officer,
City of Sydney
Mr Paul Gibson
Ms Liz Giles, Manager, Homelessness
Unit, City of Sydney
Ms Maria Girdler, Manager,
Macquarie Legal Centre
Mr Laurie Glanfield AM, Director-
General, Department of Attorney
General and Justice NSW
Mr Richard Glover
Ms Louise Goodchild, Frederick
Jordan Chambers

Mr Bill Grant AM, CEO, Legal Aid NSW
Mr Damian Griffiths, Executive Officer,
Aboriginal Disability Network
Dr Anne Grunseit, Research Fellow,
Public Health, School of Public
Health, University of Sydney
Mr Prabha Gulati, Director, Asylum
Seekers Centre
Mr Mark Harris, Senior Registrar –
West, Court Services, Department
of Attorney General and Justice
Mr John Hatzistergos, (former NSW
Attorney General)
Ms Deirdre Hyslop, Principal Advisor,
Women's Services, Corrective
Services NSW
Ms Lisa Jackson Pulver, Head, Muru
Marri Indigenous Health Unit,
UNSW School of Public Health and
Community Medicine
The Hon. Greg James QC, President,
Mental Health Review Tribunal
NSW
Ms Michelle Jeuken, Executive
Director, Corporate Information,
Department of Family and
Community Services
The Hon. Michael Kirby AC CMG
Captain Nesan Kistan, Salvation
Army
Mr Geoff Lindsay SC, NSW Bar
Association
Ms Janet Loughman, Principal
Solicitor, Women's Legal Services
NSW
Ms Jenny Lovric, Program Manager,
Cooperative Legal Service
Delivery Program, Strategic
Planning & Policy, Legal Aid NSW
Mr Tony McAvoy, Frederick Jordan
Chambers
Mr Gregor Macfie, (former) Executive
Officer, Tenants' Union of NSW
Mr Charles Madden, Metropolitan
Aboriginal Land Council
Ms Gaby Marcus, Director,
Australian Domestic and Family
Violence Clearinghouse
Mr Colin Markham, University of
Wollongong
Ms Rachael Martin, Principal
Solicitor, Warringa Baiya Aboriginal
Women's Legal Centre
The Hon. Sir Anthony Mason AC KBE
Mr Steve Maxwell, Registrar,
Liverpool Court
Mr Abraham Deng Michael
Mr Gerry Moore, (former) CEO,
Aboriginal Legal Service (NSW/
ACT)
Mr Paul Morris, Metropolitan
Aboriginal Land Council
Ms Sharon Mumford, Manager,
Prison Program, SHINE for Kids
Cooperative

Mr Michael Mundine, CEO, Aboriginal Housing Company
 Mr Peter Noble, Principal Solicitor, Loddon Campaspe Community Legal Centre
 Ms Natalie Neumann, Co-convenor, CLC NSW Community Legal Education Workers Group/CLE Coordinator, Women's Legal Services NSW
 The Hon. Judge Stephen Norrish QC
 Mr Steve O'Connor, Aboriginal Legal Service (NSW/ACT)
 Ms Sonya Pell, Assistant Director, Salvation Army
 Mr Shane Phillips, CEO, Tribal Warrior Association

Professor Pascoe Pleasence, Legal Services Research Centre, UK
 The Hon. Tanya Plibersek MP
 Mr Thomas Prexl, Liverpool Local Court
 Rev. Father Chris Riley AM
 Ms Christine Robinson, Director, Wirringa Baiya, Aboriginal Women's Legal Centre
 Mr Arthur Rorris, South Coast Trades and Labour Council
 Ms Violet Roumeliotis, Chief Executive Officer, Metro Migrant Resource Centre
 Mr Todd St Vrain, External Engagement Manager, University of Technology Sydney

Ms Frances Sims, Director, Public Library and Community Learning Services
 The Hon. Greg Smith SC MP, NSW Attorney General
 Professor David Tait, Justice Research Group, University of Western Sydney
 Ms Sue Walden, LIAC Manager, Legal Information Access Centre, State Library of NSW
 Mr Stuart Westgarth, (former) President, Law Society of NSW
 Mr Chris Wheeler, Partner, King & Wood Mallesons

Law and Justice Foundation of New South Wales

Level 14, 130 Pitt Street,
 Sydney NSW 2000
 GPO Box 4264,
 Sydney NSW 2001
 tel (02) 8227 3200
 fax (02) 9221 6280
 www.lawfoundation.net.au
 lf@lawfoundation.net.au
 ABN 54 227 668 981

Staff listing

Michael Cain SENIOR RESEARCHER (*part-time*)
 Vyna Chua ASSISTANT ACCOUNTANT (*part-time, maternity leave from Dec 2011*)
 Dr Christine Coumarelos PRINCIPAL RESEARCHER (*part-time*)
 Dr Erol Digiusto SENIOR RESEARCHER (*to Feb 2012*)
 Amber du Moulin EXECUTIVE ASSISTANT (*part-time, from Feb 2012*)
 Suzie Forell SENIOR RESEARCHER (*part-time*)
 Abigail Gray PROJECT OFFICER (*part-time, to Apr 2012*)
 Jo Harmer ASSISTANT ACCOUNTANT (*part-time, from Jan 2012*)
 Dr Reiny Iriana RESEARCHER
 Maria Karras SENIOR RESEARCHER (*part-time*)
 Jane Kenny GRANTS AND LEGAL INFORMATION MANAGER
 Maria Leonardis COMMUNICATIONS AND PUBLICATIONS MANAGER
 Catriona Mirrlees-Black SENIOR RESEARCHER (*part-time*)
 Geoff Mulherin DIRECTOR
 Erika Murray GRANTS OFFICER (*part-time, to Jun 2012*)
 Deborah Macourt SENIOR RESEARCHER (*part-time*)
 Simon Miller WEB AND PUBLISHING COORDINATOR (*to Jun 2012*)
 Dr Hugh McDonald SENIOR RESEARCHER
 Sheridan Old EXECUTIVE ASSISTANT (*part-time, from Feb 2012*)
 Dr Julie People SENIOR RESEARCHER (*maternity leave from Mar 2012*)
 Stephanie Ramsey RESEARCHER
 Anna Russell LIBRARY TECHNICIAN (*part-time*)
 Emma Ward ADMINISTRATION AND COMMUNICATIONS OFFICER
 Maureen Ward LIBRARY TECHNICIAN (*part-time*)
 Therese Warfield EXECUTIVE ASSISTANT AND OFFICE MANAGER (*to Nov 2011*)
 Dr Zhigang Wei RESEARCHER
 Richard Wood FINANCE AND ADMINISTRATION MANAGER (*part-time*)
 Assoc Prof Terence Beed SENIOR RESEARCH FELLOW
 Cinzia Cavallaro PUBLISHING CONSULTANT (*to Dec 2011, short term appointment*)
 Megan Laufer CASUAL RESEARCH ASSISTANT (*to Nov 2011*)

NSW Legal Assistance Forum (NLAF)

Judith Levitan NLAF PROJECT MANAGER (*part-time*)

