



LAW AND JUSTICE
FOUNDATION

OF NEW
SOUTH WALES

Annual Report

2004





22 November 2004

The Hon Bob Debus MP
Attorney General of NSW
Level 36, Governor Macquarie Tower
1 Farrer Place
SYDNEY NSW 2000

Dear Attorney

I have pleasure in presenting a copy of the Law and Justice Foundation's Annual Report for the financial year 2003–2004.

In accordance with Section 19 (1) of the *Law and Justice Foundation Act 2000*, the Annual Report exhibits a true and correct view of the financial position of the Law and Justice Foundation as at 30 June 2004, and of the transactions of the Law and Justice Foundation with respect to the period of 12 months to that date.

The Annual Report has been submitted to and approved by the Law and Justice Foundation Board of Governors, and is available for inspection at the office of the Law and Justice Foundation.

I would be grateful if you would lay the Annual Report before the Houses of Parliament as soon as is practical.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Tony Fitzgerald'.

Tony Fitzgerald
Chairman

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About the Law and Justice Foundation

Who we are

The Law and Justice Foundation is a statutory body, established in 1968 to improve access to justice for people in NSW. It is incorporated in New South Wales by the Law and Justice Foundation Act 2000 (NSW).

Our purpose

The Foundation's mission is to advance the fairness and equity of the justice system, and to improve access to justice, especially for socially and economically disadvantaged people.

What we believe

- ◆ 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 for 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 organizations that improve access to justice
 - Disseminating information about access to justice and effective reforms and initiatives.

Our goals and objectives

Identify legal and access to justice needs

Identify needs through rigorous, evidence-based research, and the analysis of information from internal and external sources.

1.1 Develop, through a multi-component research program, a 'statement' of the particular legal and access to justice needs of socially and economically disadvantaged people.

1.2 Collect, maintain and analyse information from internal and external sources to assess legal and access to justice needs.

Identify effective reforms, initiatives and programs

Identify effective reforms, initiatives and programs through research, evaluation and consultation

2.1 Complete current research identifying and evaluating reforms and initiatives.

2.2 Identify and conduct priority research tasks and other activities.

Improve access to justice

Facilitate improved access to justice through legal information and community legal education, and the support of selected projects

3.1 Contribute to the development of and access to high quality, understandable, legal information that enhances access to justice and meets the needs of the community.

3.2 Identify, facilitate and sponsor appropriate projects that contribute to advancing the development of a fair, equitable and accessible justice system.

3.3 Effectively disseminate information about access to justice and legal need and effective reforms, initiatives and programs to address these needs.

Use best practice management and communication practices

Optimise the use of resources through the highest standards of management and effective communication.

4.1 Develop the information management capability to support the strategic intent and the mission of the LJF.

4.2 Implement best practice management systems which enable the effective use of resources and build a cooperative and productive work environment.

4.3 Implement a comprehensive external communications strategy.

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.

The Hon. G.E. (Tony) Fitzgerald AC, QC is Chair of the Board. His first judicial appointment was to the Federal Court. He was the inaugural President of the Queensland Court of Appeal and moved to the NSW Court of Appeal in 1998, retiring in April 2001. From 1987–89 he conducted the Queensland Corruption Inquiry. In 1990–91 he conducted an inquiry into the conservation, management and use of Fraser Island and the Great Sandy Region. In November 2001 he completed a study into *Community Justice Issues in Cape York Indigenous Communities*. He is a mediator, arbitrator & dispute resolution consultant.



Geoff Mulherin CSC has been Director of the Foundation since November 2000. He is an Associate of the Research Institute for Asia and the Pacific at the University of Sydney, and is a former Army Officer. His experience includes cease-fire dispute resolution in the Middle East for the United Nations and leadership of humanitarian relief operations in remote areas of Indonesia.

Jason Behrendt is the NSW Attorney General's most recent appointee to the Law and Justice Foundation's Board of Governors. He is an Aboriginal solicitor at Chalk & 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 then-Commissioner Mick Dodson to prepare HREOC's reports on the operation of the *Native Title Act*.



Annette O'Neill is a Senior Member of the Consumer, Trader and Tenancy Tribunal, a Member of the Administrative Decisions Tribunal, Deputy Chair of the Public Interest Advocacy Centre and a consultant social worker. She was until 2002 Chair of the Centennial Park and Moore Park Trust and a Member of the Board of Studies in Social Work at Sydney University. For eight years she was the Senior Member of the Social Security Appeals Tribunal.

The Hon. Kevin Rozzoli was the Member of Parliament for Hawkesbury from 1973 until his retirement from politics in the March 2003 election. Between 1988 to 1995 he was the Speaker of the Legislative Assembly. He is Chairman of The Haymarket Foundation Ltd. and Chairman of the National Drug and Alcohol Research Centre. Mr Rozzoli was admitted to the NSW Bar in 1985.



The Hon. Janelle Saffin was a member of the NSW Legislative Council until March 2003. She was Deputy Chair of the Joint Parliamentary Review Committee and sat on the Law and Justice Review Committee. She is a lawyer/educator with experience in advocacy, community development and education. She is active in many legal organisations and advocates for rural and regional people.

Bret Walker SC is a Senior Counsel at the NSW Bar and a former President of the Bar Association of NSW and Chairman of the National Criminal Law Liaison Committee of the Law Council of Australia. He was President of the Law Council of Australia 1997–1998. He has been a member of the Board of Governors since 1993.



Pauline Wright is a solicitor with the law firm PJ Donnellan & Co. She has a special interest in civil liberties. Ms Wright is currently Vice President of the NSW Council for Civil Liberties and a Councillor of the Law Society of New South Wales.

Message from the Chairman

This has been yet another busy and productive year for the Foundation and, significantly, it has been the first year of a new three-year strategic plan—the first full plan implemented since the legislative redirection of the Foundation in 2000. The statutory objects of the Foundation require us to contribute to the development of a fair, equitable and accessible justice system, particularly for economically and socially disadvantaged people. In this plan we have been able to formulate and articulate coherent strategies to enable the Foundation to efficiently and effectively achieve these objects, within resource allocations.

The work and output of the Foundation is covered in more detail by the Director and in the rest of this Annual Report. However, there are a few areas that deserve particular attention. First, through the new framework for our strategic and business plans, the Foundation has sought to establish a logical and sequenced mechanism for improving access to justice. Beginning with a major goal of identifying legal and access-to-justice need, the plans include goals that focus the Foundation's evidence-based approach to assessing the reforms, interventions and programs that 'work' most effectively, and that seek to make a practical contribution to improving access to justice. This latter goal includes some of the programs for which the Foundation has already established a reputation for performance, such as supporting the availability of easily-understandable legal information and community legal education, and supporting other innovative projects that will improve access to justice. However, it also involves the dissemination of up to date information about access to justice and effective reforms to areas of need.

I am pleased to be able to report that, with the launch by the Attorney General in late March of the first three major reports of the Access to Justice and Legal Needs Program, the new strategic plan is well under way. With several other publications reporting on different aspects of the Program's work, the Foundation is well on the way to providing what will be an unrivalled evidence base for future work and planning—not merely for the Foundation but also, more importantly, to guide policy makers and service providers.

Of course, the accessibility of such valuable information and other Foundation products is vital if we are to gain the impact that this research deserves. The accessibility of information—where and when and by whom it is required—has always been a concern of the Foundation. Around the world and in all sectors of endeavour, too much duplication



and waste occurs. Many trials and programs are tested but their lessons rarely reach much beyond the confines of the specific program or jurisdiction, because of a lack of useful access to the data. Therefore, in parallel with the specific research work and other projects of the Foundation, particular effort has been devoted to establishing leading-edge online search and analysis tools to ensure the Foundation's output is readily accessible to all. Over the next 18 months we hope these tools will begin to become available.

Behind all of the Foundation's work is a commitment to a number of key standards. These principles—independence,

innovation, evidence-based approach (emphasising empirical research and evaluation), collaboration and providing an accountable, value-for-money service to the community—underpin the Foundation's approach to all we do.

On behalf of the Board of Governors, I would like to thank all the individuals and organisations that have assisted the Foundation in its work throughout the year. I would also particularly like to thank the Director and staff of the Foundation.

Tony Fitzgerald
Chairman, Board of Governors
November 2004

Director's Overview

2003/04 has proved to be a most challenging yet rewarding year for the Foundation. Charged with a new strategic framework, the staff of the Foundation—often in collaboration with and supported by a range of external individuals and organizations—worked hard to produce effective outcomes in all work areas throughout the year.

Identifying Legal and Access to Justice and Needs

A major focus of our work this year was the Foundation's important and ambitious program of balanced, rigorous and evidence-based research to identify the legal and access to justice needs of socially and economically disadvantaged people. There is more detailed discussion of the program's progress and achievements later in the report. However, I would like to mention three important aspects of the work.

Firstly, we are gratified that the first three major reports to come from the program, launched by the Attorney General in late March (the *Public Consultations Report*, the *Data Digest* and the *Bega Legal Needs Pilot Survey*), have been well received across the sector. We are particularly pleased that the data and analysis published in the research is already being used by government and non-government legal service providers to plan their operations. We are also pleased that the program received an extremely positive review in the June 2004 report of the Senate Legal and Constitutional References Committee into Legal Aid and access to justice. The Committee's report commended the Foundation for its legal needs research in NSW and recommended that "the Law and Justice Foundation study would be a good model on which to base a (national) survey".

Secondly, the ground-breaking nature of the research should be highlighted. The Foundation's program involves quantitative and qualitative data collection and analysis, and, by using a range of methodologies is, for the first time, gaining a picture of both *expressed* need (through legal service providers) as well as *hidden* need. This latter aspect is being gained through original survey and, importantly,



by interview-based work aimed at some of the most vulnerable in the community, including homeless people and people with a mental illness.

Finally it is important to mention that following from the launch of the first three reports, more reports will be published in the very near future. When incorporated into our planned online search tool, these will provide an enormously useful resource for anyone concerned with access to justice and meeting legal need.

Identifying Effective Legal System Reforms and Initiatives

Work continued on a number of longer-term research and evaluation projects that will contribute to the general understanding of the effectiveness of selected reforms and interventions in relation to the justice system. These projects are discussed in more detail later in the report, and include research and evaluation of the effect of the transfer of race, sex and disability discrimination disputes from HREOC to the Federal Magistrates Service and the Federal Court, and—published in July 2004—the evaluation of case management reforms in both the NSW District Court and the Victorian County Court.

Improving Access to Justice

The Foundation has two major strategies focused on practical steps to improve access to justice in the near term:

- ♦ contributing to the availability of understandable legal information for the community; and
- ♦ supporting projects through our Grants Program, generally initiated at the community level, that meet legal needs and improve access to justice.

The Foundation has a long history of leadership in providing access to understandable legal information and education for the community. A substantial component of our Grants Program each year remains committed to supporting the publication of such material. However, any such support is only provided for publications which conform to established quality guidelines, and with the Foundation assisting in other ways to ensure that quality and sustainable publications result. In addition to this work, however, much effort is also directed towards supporting the capacity of a range of other organizations to provide legal information in plain language, to encouraging the provision of such information online, informing the community as to what information is available, and, with the establishment of the NSW Legal Referral Forum, to improving the quality of referral for people with legal problems in NSW.

The Foundation's Grants Program remains a vital part of our work. In particular, this Program provides an avenue through which new and innovative proposals to improve the fairness, equity and accessibility of the justice system can be identified and, where appropriate, supported and evaluated. It is also a Program through which community driven access to justice initiatives can be attempted in a more responsive manner and timeframe than might otherwise be possible.

Details of the projects supported during the year are contained later in the report. However, it is pleasing to report that the Foundation was able to support projects that met identified legal needs of people with complex communications needs, homeless people, indigenous people, victims of sexual assault, people living in rural, remote and regional communities, unrepresented litigants, employees, migrants, refugees, men from a non-English speaking background dealing with family separation and residence legal issues, and people wishing to participate in environmental decision making processes.

Management, Communications and Information Systems

None of the work of the Foundation could effectively occur without sound and supportive accounting, financial management and information management processes. The Foundation takes pride in its accountable and cost-effective performance in all we do. Nevertheless we are continually seeking to improve the ways in which we effectively manage our operations and communicate our product to the community.

2003/04 has been another demanding year for the staff of the Foundation. I would like to commend all staff for their commitment, enthusiasm and professionalism throughout the year. All remained committed to getting the best outcomes in all they did, and I thank them all for their perseverance and hard work. I would also like to thank the Members of the Board of Governors of the Foundation, and the Chair, The Hon Tony Fitzgerald in particular, for their guidance and involvement throughout the year. Finally I would thank all the external individuals and organizations who have worked with us over the year. All have given generously of their time, and many were prepared to provide ready access to their internal data for the purposes of our research. Thank you for your support, and we look forward to working with you over the year ahead.

Geoff Mulherin
Director
November 2004

Strategic priorities 2003–2004

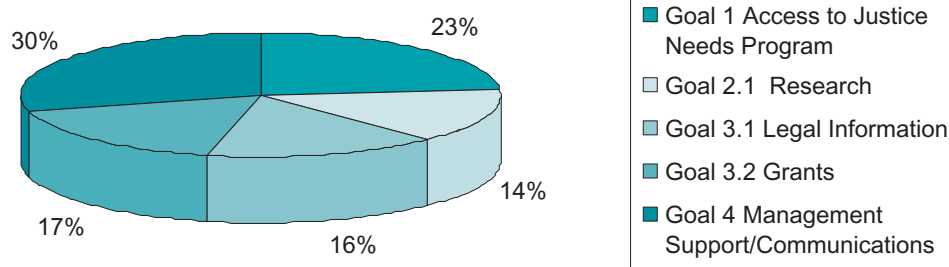
The highest priority in this business year was Goal 1 of the Strategic Plan:

Identify the legal and access to justice needs of the community, particularly of socially and economically disadvantaged people.

To achieve this, the Foundation has continued conducting the Access to Justice and Legal Needs Program.

At the same time, we continued research aimed at identifying effective programs and initiatives for improving access to justice, as well as continuing to improve access to justice through understandable legal information, grants and information dissemination strategies.

How our resources were allocated



Summary of achievements

Identify Legal and Access to Justice Needs

Access to Justice and Legal Needs Program

The Foundation continued to work on the *Access to Justice and Legal Needs Program* in 2003/2004. Our achievements included the production of the following three reports which were launched by Attorney General, Bob Debus, at Parliament House on 26 March, 2004:

- ◆ *Public Consultations Report*, which summarises the submissions received and the views put forward on the Program's terms of reference by individuals, peak bodies, government and non-government organizations and others working with disadvantaged people.
- ◆ *Data Digest*, an analysis of data collected by the main publicly funded NSW legal service providers on the nature of inquiries received, the demographic characteristics of inquirers, and how they resolved their legal issues.
- ◆ *Quantitative Legal Needs Survey*, which examines responses to the Foundation's survey of legal needs in the Bega Valley local government area.

In September and October 2003 the Foundation undertook a telephone survey of more than 2400 people in six NSW local government areas—the largest quantitative legal needs survey conducted in Australia in over 30 years. Analysis of the results of the surveys is continuing and we expect to report the results in early 2005.

Studies into the legal needs of older people, people experiencing homelessness and people with mental illness also made significant progress during 2003–04.

Identify effective reforms

- ◆ The research project *Australian and German Civil Litigation* is continuing, with preliminary results suggesting that court processing times in Germany are shorter than those in New South Wales.
- ◆ Research is continuing into the following projects: Community-based Mediation in Family Law, Models of Contract Law, Norm Forms and Related Studies and Enforcing Human Rights in Australia. These projects will be completed in 2004/2005.

Improve Access to Justice

Legal Information

The process of capacity building continued in 2003/2004 with a view to supporting the development of and access to plain language legal information. Projects and initiatives included:

- ◆ Distribution of the Plain Language Law Newsletter
- ◆ Participation in the Justice Sector Metadata Standards Reference Group
- ◆ Convening the Online Legal Information Network
- ◆ Convening the Legal Referral Forum

Grants

The Foundation provided \$243,936 in grants and additional in-kind grants to support projects that could help to improve access to justice for socially and economically disadvantaged people in our community, including:

- ◆ Indigenous communities
- ◆ People with disabilities
- ◆ Migrants and refugees
- ◆ Homeless people
- ◆ Women
- ◆ People from rural, regional and remote areas
- ◆ Tenants

Justice Awards

The Foundation conducted the fifth annual Justice Awards at Parliament House in October 2003. Over 300 people attended and the following awards were presented:

- ◆ The Justice Medal
- ◆ The Aboriginal Justice Award
- ◆ The Law and Justice Volunteer Award
- ◆ The Law Society President's Award
- ◆ The Combined Community Legal Centres Group Award
- ◆ The LIAC Centre of Excellence Awards.



The 2003 Justice Awards: Maxine McKew, MC; Professor Larissa Behrendt, presenter of the Law and Justice Address; and The Hon. Tony Fitzgerald

GOAL 1

IDENTIFY LEGAL AND ACCESS TO JUSTICE NEEDS

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

STRATEGIES

- 1.1 Develop, through a multi-component research program, a 'statement' of the particular legal and access to justice needs of socially and economically disadvantaged people.
- 1.2 Collect, maintain and analyse information from internal and external sources to assess legal and access to justice needs.

STRATEGY 1.1

Develop, through a multi-component research program, a 'statement' of the particular legal and access to justice needs of socially and economically disadvantaged people

To achieve its objects, the Law and Justice Foundation must be able to identify and assess the legal and access to justice needs of the community. To do this, we have established a comprehensive needs identification system that obtains and analyses information and data from diverse sources, including the Foundation's own knowledge systems, targeted, specific research, and a comprehensive range of external agencies.

Access to Justice and Legal Needs Program

The Foundation is undertaking a major research program to identify the particular legal and access to justice needs of disadvantaged people in NSW. The program comprises a series of projects involving consultations and submissions, literature analysis, original survey work, and quantitative and qualitative analyses. We believe this will provide significant information regarding the legal and access to justice needs of socially and economically disadvantaged people.

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 advocacy and support, including non-legal early intervention and preventative mechanisms, non-legal forms of redress and community based justice
- ♦ participate effectively in law reform processes

2003–04 saw the completion of the first stage of the program, culminating in the launch of the first three reports in late March 2004 by the New South Wales Attorney General, the Hon. Bob Debus. These reports were the *Public Consultations Report*, *The Data Digest* and the *Quantitative Legal Needs Survey — Bega Valley (Pilot)*

ACOSS is aware that there are too few sources of rigorous information about legal needs in NSW and elsewhere in Australia. The Foundation's program helps fill this gap and should serve as a model of national significance.

— Mr Andrew McCallum
President of ACOSS

Public Consultations Report

The principal aim of the *Public Consultations* project was to identify, engage and involve key stakeholders and organisations in the identification of particular issues and areas which needed to be examined further in the course of the overall program. The project involved a general call for public submissions, a series of individual consultations with professional, government and non-government stakeholders, and a series of roundtable discussions and workshops. The final report details the contributions and submissions of more than 100 individuals and organisations.

The *Public Consultations Report* was the first step undertaken following program development and it had important flow-on benefits for the overall Access to Justice and Legal Needs Program. While the literature review had led the Foundation to form initial views about categories of disadvantage and the barriers faced by disadvantaged groups, consultation enabled us to clearly identify the different types of disadvantage, particularly those about which the least is known.

The *Public Consultations Report* records the submissions and contributions made to the Foundation. These were collated according to program objectives but otherwise not analysed to ensure that the community had the opportunity to express their views.

Some submissions and contributions drew on, or paralleled, findings from earlier related reports. Issues such as the high cost of legal services and the lack of availability of legal aid, the intimidating formalities of court procedures and the risk of ‘costs’ orders, were mentioned as key barriers for the community generally.

A number of contributors highlighted the existing mechanisms and innovations to assist disadvantaged people. Such ‘positives’ included the value of specialist legal services for people with disabilities and the potential for greater use of ombudsmen, industry based complaint-handling bodies and other quick and inexpensive dispute resolution mechanisms.



The Data Digest

Underpinning the *Data Digest* study was the recognition that potentially valuable data about community legal needs is collected daily by numerous service delivery organisations, both government and non-government. The full value of the data, however, has been largely unrealised as it has not been presented in a way which allows for comparison across services. The *Data Digest* goes some way to performing this task and provides a snapshot of expressed legal need in the community. It will inform both the studies on particular disadvantaged groups and the legal

needs surveys conducted in metropolitan, regional and remote NSW during Stage Two of the program.

The *Digest* analyses data, collected by the main publicly-funded legal service providers in NSW, relating to the nature of legal inquiries received, the demographic characteristics of inquirers and the pathways they took

to resolve their issues. The data, which covers the period 1999 to 2002, was kindly supplied by the:

- ◆ Chamber Magistrate Service
- ◆ LawAccess NSW
- ◆ Legal Aid Commission of NSW Information/Advice Service
- ◆ Legal Aid Commission of NSW Duty Lawyer Service
- ◆ Legal Information Access Centre, State Library of NSW
- ◆ NSW Community Legal Centres (generalist and specialist)
- ◆ Women’s Information and Referral Service.

Also included in the *Digest* is a brief overview of published demographic data on the users of non-court dispute resolution agencies in NSW.

The analysis (Data Digest) provides us with so much information that we can use in targeting our services. It has also been a very valuable ‘quality control’ exercise as we now check the accuracy and completeness of data entered by the customer services officers on a regular basis.

— Ms Megan Thomas, Director, Law Access NSW

Community Legal Centres such as Marrickville will benefit in a number of ways from the resources produced under the Foundation's Access to Justice and Legal Needs program. The Data Digest—the first comprehensive attempt in NSW to compile information on expressed legal need in the community—will give us a better understanding of the bigger picture, while the reports on selected groups will offer an insight into the legal needs of some of our most economically and socially disadvantaged clients.

— Ms Janet Loughman, Principal Solicitor, Marrickville CLC

Breaking new ground, the *Digest* is the first analysis of its type in NSW to allow comparison of inquiries across services and as such is already being used as a planning tool by service providers. By highlighting gaps and inconsistencies in data collection, the *Digest* suggests the development of more consistent collection processes. The Foundation hopes the *Digest* will act as a catalyst for the establishment of common data collection protocols across agencies—an initiative which would improve the quality of information available to policy makers and service providers.

Quantitative Legal Needs Survey — *Bega Valley (pilot)*

As an essential precursor to Stage Two of the program, the Foundation conducted a pilot legal needs survey in the Bega Valley local government area. This area was chosen principally because Australian Bureau of Statistics data indicated that the area is socio-economically disadvantaged, but also because of local interest in such a study.



A total of 306 people—a sample of 1.5 per cent of the population—participated in the telephone survey which covered:

- ◆ legal issues faced in the previous 12 months
- ◆ how these were handled
- ◆ how services were accessed
- ◆ the barriers to obtaining assistance
- ◆ perceptions of outcome

- ◆ the demographic characteristics of participants—gender, age, income, education, Indigenous status, whether born in a predominantly English-speaking country, and chronic disability.

The *Bega Valley Pilot* gives a valuable insight into the legal needs of this community, with implications for similar communities. Its primary purpose, however, was to refine the methodology for a much larger survey across six local government areas in rural, regional and urban NSW to be conducted in Stage Two.

Further Research

The three reports released under the program so far are the foundation for, and introduction to, the significant body of research to follow, with the majority of reports still to be published. Among the upcoming reports is an analysis of the largest quantitative legal needs survey conducted in Australia in over 30 years. In September and October 2003, the Foundation undertook a telephone survey of more than 2400 people in six NSW local government areas—Campbelltown, Fairfield and South Sydney in the Sydney metropolitan area, Newcastle in regional NSW and Nambucca and Walgett in rural/remote NSW. Analysis of the results of the surveys is continuing, with the results expected to be reported in early 2005.

Studies into the legal needs of older people, people experiencing homelessness and people with mental illness also made significant progress during 2003–04. These studies are looking at the ability of disadvantaged people to participate in the law reform process and are due to be published during 2004/2005. These reports, together with those on other selected disadvantaged groups, will build on material obtained in earlier stages of the program.

All reports will also be published on the Foundation's website and in 2005 the Foundation will provide an online search facility so that findings can be accessed cumulatively.

STRATEGY 1.2

Collect, maintain and analyse information from internal and external sources to assess legal and access to justice needs

Analysing information from external consultation and information sources

In addition to our formal program of identifying access to justice and legal need, the Foundation monitors access to justice and legal need on an ongoing basis. We do this

through a variety of measures, including monitoring relevant literature, carrying out consultations with relevant stakeholders, attending conferences and workshops and maintaining interactive relationships with frontline practitioners from government and non-government organisations. The information gathered is coded using our disadvantaged group and area of law taxonomies, and analysed using Nvivo, a qualitative analysis research tool. We use the knowledge gained through this informal monitoring process to inform our ongoing research program and for other activities such as grants and legal information dissemination.



GOAL
2

IDENTIFY EFFECTIVE REFORMS, INITIATIVES AND PROGRAMS

Identify effective reforms, initiatives and programs through research, evaluation and consultation

STRATEGIES

- 2.1 Complete current research identifying and evaluating reforms and initiatives.
- 2.2 Identify and conduct priority research tasks and other activities.

STRATEGY 2.1

Complete current research identifying and evaluating reforms and initiatives

The Foundation's research program carried out as part of this Strategy involved in-house projects, collaborative Australian Research Council (ARC) funded research projects in conjunction with university researchers, and in-kind assistance to Foundation grant holders.

Civil Process Reform

This study, published in July 2004, evaluated the impact of the 1996 case management reforms of the New South Wales District Court and the Victorian County Court. The results are based on data from the Court databases, and surveys of solicitors and litigants. The project was funded by the Foundation, with a major contribution from the County Court of Victoria.

The reforms differed in the two courts. In New South Wales, case management is rules-based or default driven. In Victoria, a judge actively managed each proceeding through orders made shortly after commencement and thereafter as necessary.

The study found that in both courts, case processing time was significantly reduced under the new reforms, although there had been little change in the percentage of cases settling early in the litigation process.

The impact on litigant costs differed significantly between the two States, with costs in New South Wales increasing by more than twice the inflation rate over the same period, while costs in Victoria held steady. Apart from new case management regimes, other factors undoubtedly contributed to these findings. In New South Wales the *Legal Profession Reform Act* came into effect from July 1994. Corresponding legislation in Victoria occurred in 1997. Lawyers in both jurisdictions indicated that the quality of the litigation had been improved by the reforms.

The results of this report provide an important resource for governments and courts contemplating or undertaking any future civil process reforms.

Community-based Mediation in Family Law

This ongoing project is an examination of community-based mediation in the family law system. It traces the impact of the 'shadow of the law' on the process and outcomes of family and child mediation in the context of the Family Court's increased outsourcing of mediation services. The research is based on extensive fieldwork, involving observation of mediation sessions and in-depth interviews with parties to mediation, mediators and lawyers. The research is being conducted in collaboration with Monash University under an Australian Research Council (ARC) SPIRT grant and is due to be completed in 2004/2005.

Enforcing Human Rights in Australia

This project is examining the effect of the transfer of race, sex and disability discrimination disputes from the Human Rights and Equal Opportunity Commission (HREOC) to the Federal Magistrates Service or Federal Court. The research draws on interviews with complainants, respondents, lawyers and HREOC staff, as well as available case data. It evaluates the ability of disadvantaged complainants to enforce their rights in this newly mandated forum. It is being conducted in collaboration with Griffith and Monash Universities under an ARC SPIRT grant and is due to be completed in 2004/2005.

Norm Forms and Related Studies

This study compares the effect of fixed rules and discretionary principles on negotiation in legal disputes. The research has been based on an extensive literature review and the results of simulated experiments. From the literature review, a categorisation of rules in terms of the degree of discretion was developed. Using this categorisation, experimental instruments were created for the simulation experiments in which solicitors participated. Preliminary results indicated that a simplified system, based on discretionary principles, is potentially easier to apply than are fixed rules. The project was conducted in collaboration with Monash University under an ARC SPIRT grant and the report is due to be completed in 2004/2005.

Models of Contract Law

Using experimental techniques, this project evaluated the utility of Contract Law codes in dispute resolution. The findings suggest that it would be beneficial to codify Australian contract law, using a model based either on the UNIDROIT Principles of International Commercial Contracts or the Australian Contract Code, with some preference for a model based on the latter. The authors

concluded that there are no clear disadvantages, and some advantages, to using broad principles to determine legal rights, without the need for elaboration by specific rules. The research was conducted in collaboration with the Universities of Melbourne and Newcastle under an ARC SPIRT grant. The report is due to be published in 2004/2005.

Australian and German Civil Litigation — a comparative and empirical analysis

This study compares processes in civil litigation in Germany and Australia, and identifies factors contributing to differences in cost and delay. It draws on data from the Supreme and District Courts of New South Wales and from the Regional Court of Stuttgart. The study is being conducted in collaboration with the Universities of New South Wales and Newcastle under an ARC SPIRT grant. Preliminary data suggest that court processing times in Germany are shorter than those in New South Wales. A report on the findings is due to be completed in 2004/2005.

STRATEGY 2.2

Identify and conduct priority research tasks and other activities

Mental Health Review Tribunal project

The Foundation has agreed to act as Industry Partner in an application for an ARC Linkage Grant with Professor Terry Carney and Dr David Tait to examine Mental Health Review Tribunals (MHRTs) in NSW, ACT and Victoria.

MHRTs have the power to determine whether involuntary detention or other forms of treatment are appropriate for mentally ill people, and must strike a balance between the mentally ill person's right to treatment and their rights to freedom from coercion, protection from danger and fairness of legal processes.

If the study receives funding, it will aim to identify best practice reforms which enhance the procedural fairness of MHRT hearings and the therapeutic outcomes for mentally ill people. This aim will be addressed both within the theoretical framework of 'Therapeutic Jurisprudence' and empirically. At the empirical level, both quantitative and qualitative analysis will be undertaken. Quantitative analysis will include reporting stocks, flows, types of applications, decisions, outcomes, and attitudes to aspects of the process. Qualitative analysis will include procedural analysis of hearings; content analysis of interviews; and comparative case study analysis based on factors such as jurisdiction, hearing style and use of legal representation.

GOAL 3

IMPROVE ACCESS TO JUSTICE

Improve access to justice through legal information, community legal education, the support of selected projects and the dissemination of knowledge about legal and access to justice needs and effective programs.

STRATEGIES

- 3.1 Contribute to the development of, and access to, high quality, understandable, legal information that enhances access to justice and meets the needs of the community.
- 3.2 Identify, facilitate and sponsor appropriate projects that contribute to advancing the development of a fair, equitable and accessible justice system.
- 3.3 Effectively disseminate information about access to justice and legal need, and effective reforms, initiatives and programs to address these needs

STRATEGY 3.1

Contribute to the development of, and access to, high quality, understandable, legal information that enhances access to justice and meets the needs of the community

Capacity building

The Foundation assisted service providers wishing to increase access to the law through community legal information and education in a range of ways. As well as maintaining an up-to-date web site with resources on writing in plain language, reaching target groups and using technology, we also provided advice to community and government organisations in areas such as online publishing, legal information needs of specific groups, and effective referral. For example we provided information to:

- ♦ Redfern Legal Centre and the Mental Health Coordinating Council about online publishing.
- ♦ Commonwealth Attorney General's Department and the Legal Aid Commission of NSW about research into effective legal referral.
- ♦ Immigrant Women's Speakout to help them produce radio materials in languages other than English.
- ♦ Women's Legal Resources Centre about research into the legal information needs of young women.

Legal information

Plain Language Law Newsletter

The Plain Language Law email newsletter continues to provide up to date information about plain language legal information and education. There are now over 900 subscribers from a variety of organisations, including legal assistance agencies, community groups and government departments. This is a 50 per cent increase in subscribers from last year. The newsletter can be found at <www.lawfoundation.net.au/information/pll/newsletter.html>.

Legal information standards

The Foundation continued to contribute to the development of common standards for legal information across the justice sector through participation in the Justice Sector Metadata Standards Reference Group and the Australian Institute of Judicial Administration Legal Thesaurus Project.

Online Legal Information Network

In 2002, the Foundation established the Online Legal Information Network (OLIN) and continues to provide secretariat support for the network. OLIN is a NSW-based network of people from non-profit organizations (including

Thank you for sending on this fabulous resource. Would you mind if I reproduced this material in our newsletter? We are the peak body for community-based organisations in Western Sydney... Some of the resources you have outlined in this newsletter would be very useful to these organisations and the communities they work with.

— Claire Edmonds, Western Sydney Community Forum

government and non-government). It provides a forum for building knowledge, exchanging information and discussing issues in relation to online delivery of legal services.

Over the past year, OLIN has held several informative and well attended workshops. *Multilingual information on the web*, hosted by the NSW Attorney General's Department, looked at the most effective ways of communicating with specific cultural groups and technical issues involved in putting translated information onto the web and covered the most effective ways of communicating with specific cultural groups.

Another popular workshop was *Justice Sector Metadata: Marketing your website*, which was held in partnership with LawAccess NSW. Metadata enables search engines to find information on the web by tagging it in ways that make it easily retrievable. The seminar was attended by over 30 people from both government and community sectors, including representatives from the Attorney General's Department NSW, Australian Consumer Association, Tenants' Union, Legal Information Access Centre, NSW Department of Corrective Services, Arts Law Centre of Australia, Indigenous Law Centre, Youth Action Policy Association and the Legal Aid Commission of NSW.

Papers from all OLIN meetings are published on the Law and Justice Foundation of NSW website.

Just wanted to say what an important resource the OLIN network is, and what a great job you have done with organising! Hope to participate more next year.

— Meaghan Vosz, Counsellor / Advocate
NSW Rape Crisis Centre

NSW Legal Referral Forum

The Legal Referral Forum was established by the Foundation to improve the quality of referral for people with legal problems in NSW. The Forum brings together organisations to discuss their common concerns and potential areas of cooperation and the Foundation acts as convener.

The initial participating organizations were: the Legal Aid Commission of NSW, the Law Society of New South Wales, Community Legal Centres, the Legal Information Access Centre, LawAccess, the National Pro Bono Resource Centre. After a positive evaluation of the Forum's activities from participants, membership was widened in 2004 to include the Family Court, the Federal Magistrates Court, the NSW Local Court, the Bar Association and PILCH.

The key activity of the Forum during 2003 was the development of a checklist of legal referral competencies for staff referring clients. The competencies, each with sub components, are:

- ♦ Value and respect the customer
- ♦ Identify the information and referral needs of the customer
- ♦ Communicate effectively and appropriately with all customers
- ♦ Make referrals appropriate to the needs of the customer
- ♦ Know the law and legal system
- ♦ Know the service providers
- ♦ Participate in and know about your own agency.

The checklist is already proving useful for community organisations putting together training materials for their volunteers. Further details of the legal referral competencies can be found at <www.lawfoundation.net.au/information/referral/competencies.html>.

STRATEGY 3.2

Identify, facilitate and sponsor appropriate projects that contribute to advancing the development of a fair, equitable and accessible justice system

Grants Program

The Law and Justice Foundation's grants program plays an important role in achieving its objects by providing financial and other support to projects designed to overcome barriers to justice, particularly those projects initiated at the community level.

Our grants program is rigorous in its focus on projects directed at priority need areas which will produce realistic, effective and sustainable outcomes. We ensure all relevant parties are involved in the projects we support and the organisations undertaking the project have the capacity to achieve the outcomes.

In 2003, our grants program was enhanced by the development of the specialist legal information grants program to support the production of high quality, relevant legal information resources to increase understanding of the

law and legal system, especially for those who are socially and economically disadvantaged. Staff at the Foundation have continued to work with grant applicants to assist with the identification of need, existing resources, research, and appropriate publishing services. Priorities for legal information resources in 2004 have been updates of existing products, publishing existing products to the web, including the development of websites which provide access to these resources, and translations of existing materials, modified to be culturally appropriate as necessary.

The Foundation uses the expertise and experience of independent practitioners to advise on the quality and relevance of grant applications.

Grants approved in 2003/2004

In 2003/2004 the Foundation approved cash grants totalling \$243,936.

DISABILITY

Seminar on the rights of children with a disability who have a non-English speaking background

Multicultural Disability Advocacy Association

Amount: \$10,000

Due for completion: 2004

The Foundation provided \$10,000, just over half the total funding required, for the Multicultural Disability Advocacy Association to conduct seminars for parents from non-English speaking backgrounds about the rights of their children. The Multicultural Disability Advocacy Association is seeking further funding of \$9,938.00 from the Department of Disability, Ageing and Home Care for this project.

Outcome: These seminars will provide information for parents of children with disabilities about the services that can assist them, including advocacy support and legal advice services. The information is to be made available in up to six community languages.

HOUSING AND TENANCY

Updated edition of Tenants' Rights Manual

NSW Tenants' Union

Amount: \$23,000 (including GST)

Due for completion: end 2004

A grant was provided to the Tenants' Union of NSW, a peak body representing the interests of all NSW tenants, to update their *Tenants' Rights Manual*. Tenants in NSW need information about their legal rights and obligations when renting. The aim of this project is to make available to tenants current and valuable information about renting and the law.

Outcome: This publication will be distributed to workers and volunteers throughout NSW who provide tenants with information and advocacy, ensuring that the information they provide is up to date and correct. It will be available directly to tenants through bookshops, the Tenants' Union and tenants' advice and advocacy services.

2nd Edition of the Share Housing Survival Guide

Inner Sydney Tenants' Advice and Advocacy Service (RLC)

Amount: Up to \$5,000 (including GST)

Due for completion: 2004

A grant was provided to the Inner Sydney Tenants' Advice and Advocacy Service (Redfern Legal Centre) to update and publish the *Share Housing Survival Guide* online. People in vulnerable housing circumstances need help to protect their interests and resolve problems without the need for legal intervention. The Guide aims to provide accurate and current information regarding share housing law in NSW.

Outcome: This publication will provide information to enable people in vulnerable housing circumstances to better protect their interests and resolve problems without the need for legal intervention. This online publication will contribute to housing security, especially for young people, by helping tenants in share-housing arrangements to advocate for themselves.

DRUG LAWS

Rough Deal: Your Guide to Drug Laws

McKenzie Cox Solicitors

Amount: \$15,000 (including GST)

Due for completion: 2004

The Foundation has agreed to an underwriting grant for the production of the second edition of *Rough Deal: your guide to drug laws*. The author, Steve Bolt, will be updating this resource to reflect recent changes to the law in this area. The Foundation recognises the vital role the publication plays in informing people about their rights and responsibilities in relation to NSW's drug laws.

Outcome: This publication will increase knowledge about legal issues and responsibilities regarding drug laws in NSW.

ENVIRONMENTAL LAW

Online version of Updated Environmental Law Toolkit

Environmental Defenders' Office

Amount: \$1,500 (including GST)

Due for completion: 2004

The Foundation's grant will enable the Environmental Defender's Office to update the online version of the *Environmental Law Toolkit: a Guide for Assisting Public Participation in Environmental Decision Making in NSW*. The complex and rapidly evolving nature of environmental law places a significant burden on community members wishing to participate in environmental decision making processes.

The project aims to provide members of the community with the knowledge and skills they need to participate effectively in environmental law decision-making processes through an updated, online, plain English language guide to NSW environmental and planning law.

Outcome: The online version of this Toolkit will be an accessible source of information which can be updated more efficiently and consistently, improving the accuracy of the resource and also reducing the resource intensity of subsequent printed versions.

HOMELESS PEOPLE

Homeless Persons' Legal Rights (Pilot) Project

Gilbert + Tobin Centre of Public Law

Amount: Up to \$9,000 (including GST)

Due for completion: 2005

The Foundation has provided a grant to support the development of the Homeless Persons' Legal Rights Pilot Project. Homelessness is recognized as a significant social problem in Australia, and the aim of this project is to develop an online legal information resource that will be useful for both lawyers and non-lawyers working to improve access to justice for homeless people.

Outcome: The grant will fund the development of twelve Resource Bulletins identified by the Centre as necessary for community building and networking. The bulletins will assist the Centre to inform, advise and help homeless people and those organisations working with homeless people. They will be published online and evaluated.

INDIGENOUS COMMUNITIES

Exploration and development of a sustainable model for an Indigenous cadetship scheme for the community legal sector.

CLC Consortium — Redfern, Inner City, Marrickville and Kingsford Legal Centres and Warringa Baiya Aboriginal Women's Legal Service

Amount: \$1,377 (including GST)

Due for completion: 2003

In 2002, the Foundation made a small grant of \$3000 to a consortium of community legal centres (Redfern, Inner City, Marrickville and Kingsford Legal Centres, Warringa Baiya Aboriginal Women's Legal Service) in order to develop options for a sustainable model for an Indigenous cadetship scheme for the community legal sector. The consortium investigated current schemes and possible funding sources, and consulted with various stakeholder groups, including Indigenous organisations, private law firms, universities, government agencies, The New South Wales Bar Association and the Law Society of New South Wales.

In 2003/2004 the Foundation approved a further \$1,377 to enable a more thorough options paper to be developed.

Outcome: The consortium released a final report, which included the development of a best practice model for all Indigenous cadetship schemes.

WOMEN

Online Counselling Service

NSW Rape Crisis Centre

Amount: \$30,000 (including GST)

Due for completion: 2005

The Foundation provided a grant of \$30,000 to the NSW Rape Crisis Centre to establish an Online Counselling Service. Sexual assault continues to be the most under-reported crime in NSW and very few women currently contact a crisis service to report a sexual assault. Women aged between 15 and 24 are most at risk from sexual violence and this group is more likely to have access to, and be 'comfortable' with, communicating via the internet.

This project aims to increase the number of women seeking legal and medical advice after being sexually assaulted. The Online Counselling Service will be established to run over 24 hours a day across NSW, offering real time crisis intervention and a referral service.

Outcome: The aim of this project is to increase the number of women seeking legal and medical advice after being sexually assaulted. It will be of particular benefit to young women, women in rural and remote areas and women with a disability.

COURT PROCESSES

Facilitating Access to legal services for rural, remote and regional communities

National ProBono Resource Centre

Amount: \$25,029 (including GST)

Due for completion: 2005

The Foundation provided a grant to the National Pro Bono Resource Centre to trial a model relationship between rural and remote community legal centres and city-based pro bono law practices in order to improve access to legal services for people in rural and remote areas. There is an identified lack of access to legal services for disadvantaged people in these areas. Existing initiatives will be documented and support provided to enhance these initiatives to increase the involvement of law firms in rural, remote and regional pro bono legal work, based on understandings developed through the trial process.

Outcome: The project aims to improve access to legal services for disadvantaged and marginalised people in rural, remote and regional communities by increasing the availability and quality of pro bono legal services. It will document existing initiatives and provide support to enhance these initiatives from information gathered during the trial.

Representing yourself in court

College of Law

Amount: \$25,000 (including GST)

Due for completion: 2004

The Foundation provided a grant to the College of Law to produce an information video for self-represented litigants. This will give an overview of court proceedings, including the main participants in the court process and the roles of participants, as well as the 'geography' of the court.

The number of people representing themselves continues to rise, with studies suggesting this is because they are unable to afford legal representation and do not meet the criteria for legal aid. Self-represented litigants have been identified as a disadvantaged group who have a higher failure rate when conducting their own litigation. While it has been recognised that resources that provide assistance with

information and self help mechanisms are not a substitute for legal advice, this project aims to help people who wish to represent themselves to understand the judicial process and be better equipped to deal with court proceedings.

Outcome: This project will assist in the dissemination of information about the justice system. By informing self-represented litigants about court proceedings, it will help them present their cases more effectively and reduce the burden on them, as well as on court administrators.

Expert witness conferences in medical negligence cases

University of Sydney

Amount: \$16,757 (including GST)

Due for completion: 2005

The Foundation provided a grant to the University of Sydney to conduct a pilot study on the practice of conferences between medical expert witnesses in medical negligence cases that are conducted pursuant to Section 13CA of the Supreme Court Rules. It will include an in-depth analysis of people who are participating in this process to determine whether there are significant problems with the expert conference procedure.

Section 13CA of the Supreme Court Rules was introduced in 2000 and directs parties to provide the court with a joint report, outlining matters in dispute. It is supposed to make savings in legal and court costs to all parties and to improve the efficient determination of claims in cases involving conflicting expert evidence.

The aim of this project is to ensure that access to justice for the victims of medical negligence is properly and fairly achieved or improved by court-directed expert witness conferences.

Outcome: This project will produce a report and assessment on the efficiency of the current process with recommendations for improvements of the process overall.

LEGAL PROCESSES

Getting off the referral roundabout

Kingsford Legal Centre

Amount: \$19,617 (including GST)

Due for completion: 2004

The Foundation provided a grant to the Kingsford Legal Centre for the production and distribution of a plain language training video on how to make an effective referral to legal

and associated providers. The video will include a written training kit and checklist. This video and kit will be used by legal information and service providers as a teaching and induction tool for law students, volunteer lawyers, staff and community workers regarding the principles and practicalities of referrals.

Outcome: This referral kit will assist the community legal sector to make more effective referrals. Making an effective referral for people who are seeking legal help is a challenging task that requires both strong interpersonal skills and up to date knowledge of a diverse and complex range of service providers to whom an appropriate referral can be made.

EMPLOYMENT

An Employees' Guide to Unfair Dismissal (2nd Edition)

Inner City Legal Centre

Amount: \$14,320 (including GST)

Due for completion: 2004

Funding was provided to the Inner City Legal Centre to update their guide to unfair dismissal. The aim of this publication is to provide relevant information to employees in NSW who have been terminated, or threatened with termination, from their employment and do not have access to private legal advice or representation for socio-economic reasons. Both Federal and State legislation has been significantly amended since the first publication in 1998.

Outcome: This will provide a legal resource, both in hard copy and online, on State and Federal unfair dismissal laws. It will also help to protect self-represented applicants in the Industrial Relations Commission.

FAMILY LAW

Men of non English-speaking background and separation

Uniting Care Burnside

Amount: \$27,000 (including GST)

Due for completion: 2004

This grant has been provided by the Foundation for the Uniting Care Burnside Cabramatta to produce an information booklet, *NESB Men and Separation*.

For their children's sake as well as their own, people need information to negotiate the legal system in the event of marriage breakdown and divorce. The aim of this project is to produce a booklet that specifically targets non-English

speaking men and that addresses family and individual needs during marriage breakdown and divorce proceedings.

Outcome: This project will develop a resource booklet in English as well as two community languages (Arabic and Vietnamese) targeted at fathers from non-English speaking backgrounds who are in the process of separation and divorce.

MIGRANTS AND REFUGEES

Development of Refugee Law Practice and Procedure Training Seminars and Resource Handbook

Refuge Advice and Casework Service

Amount: \$11,924 (including GST)

Due for completion: 2004

The Foundation has provided a grant to the Refugee Advice and Casework Service to develop a legal education training program and accompanying handbook. Refugees and asylum seekers are both economically and culturally disadvantaged when seeking access to justice and there is limited free legal assistance available to them.

The project will produce a comprehensive practice-based kit. It will assist new migration agents in community legal centres and the pro bono community, student refugees' law support groups, migration agents and legal practitioners acting pro bono in migration matters and members of the Asylum Law Practice Area on <www.ProBono.net>.

Outcome: This program aims to increase the numbers of practitioners able to assist in the early stages of refugee protection and improve access to justice for asylum seekers and refugees in NSW by training people working in the field.

WEBSITE MIGRATION AND HOSTING SITES

Following its decision to withdraw from hosting community organisations' websites on its server, the Foundation approved grant funding to the following organisations to enable migration of their web sites to alternative service providers:

Australian Lawyers for Human Rights

Amount: \$1,200 (including GST)

National Women's Justice Coalition

Amount: \$3,740

Scoping Study for AVCWL move

National Association of Community Legal Centres

Amount: \$1,472

CAPACITY BUILDING

Travel support for Community Legal Centres National Conference Hobart (August/September 2003)

National Association of Community Legal Centres

Amount: \$3,000 (including GST)

The grant was provided to the Conference Organising Committee of the Community Legal Centres National Conference to assist with attendance costs of workers from rural and regional community legal centres in NSW who provide services to socially and economically disadvantaged communities.

Outcome: Staff of community legal centres in regional, rural and remote areas were able to attend the conference and benefit from the training-related capacity-building aspects of the program.

In-kind grants

As well as cash grants, the Law and Justice Foundation sometimes provides in-kind assistance to community and other organisations through research assistance, strategic advice and other efforts that add value to an organisation. In 2003–2004, the Foundation has provided the following in-kind assistance:

Legal Theatre Project: South West Sydney Legal Centre

In 2002/2003, the Foundation provided a grant to the South West Sydney Legal Centre to trial a community theatre to inform newly arrived migrants and refugees in south western Sydney about their legal rights and responsibilities. The project focuses on legal issues identified by the migrants and refugees themselves.

The Foundation is providing in-kind assistance to evaluate the project and ensure that the effectiveness of the method is properly assessed. A report on the evaluation is due to be completed in 2004/2005.

Outcome: As well as the workshops and performances, the Foundation's evaluation of the legal theatre methodology—a relatively unknown community legal education method—will be made widely available to other community agencies.

Being on the Street

The Foundation gave advice regarding research design to the Western NSW Community Legal Centre for the youth project *Being on the Street*.

Exploration of the Use and Availability of Diversionary Options in an Indigenous Context: Newcastle University

In 2002/2003, the Foundation provided a grant to Newcastle University to collect, analyse and disseminate information regarding the availability and rates of Indigenous participation in diversionary schemes in the criminal justice system. In 2003/2004, the Foundation followed this up with in-kind assistance, reviewing a draft report on this project and suggesting changes to the author.

Grant Products Launched in 2003/2004

CREDIT AND DEBT

Research and policy project on debt collection practices

Consumer Credit Legal Centre

The Consumer Credit Legal Centre has conducted a research and policy project on debt collection practices. Debt collectors operate in an environment of increased credit access by some vulnerable income groups, and many socially and economically disadvantaged people do not understand the debt collection practices or their rights in relation to debt collection.

Outcome: The report published as a result of this research will enable the Consumer Credit Legal Centre to lobby for changes to law and procedures in relation to debt collection.

Arabic-language radio project on credit and debt issues

Consumer Credit Legal Centre NSW Inc.

The Foundation provided a grant to the Consumer Credit Legal Centre to develop a series of Arabic-language radio spots based on credit and debt issues. The project involved the production of a CD Rom called *Talking Money in Today's Language*. It was produced in the form of short plays for radio, based on true life scenarios.



Outcome: As well as informing listeners of Arabic-language radio about credit and debt issues, the project is being evaluated for its effectiveness as a radio community awareness campaign.

MENTAL HEALTH

Update of the Mental Health Rights Manual

Mental Health Coordinating Council

The Foundation funded the 2nd online edition of the *Mental Health Rights Manual* which updates information about the *Mental Health Act* and the rights of people with mental illness. It also includes information for carers, advocates, service providers and the general public. Use of the Manual will be evaluated for its effectiveness.

Outcome: The updated online *Mental Health Rights Manual* will help people with mental illness to understand their rights and responsibilities in relation to treatment, work, family relationships and education.

FAMILY LAW



Audio version of Women and Family Law (7th edition)

Royal Blind Society

To enable equitable access to justice, the Foundation provided a grant to the Royal Blind Society to produce an audio version of the popular Women's

Legal Resources Centre publication, *Women and Family Law* (7th edition).

Outcome: This tool will assist visually impaired women to understand the law as it impacts on their relationships with other partners and children. The audio version of *Women and Family Law* will be widely available to visually impaired women throughout NSW.

INDIGENOUS PEOPLE



Don't be Shame. Let's Yarn

Wirringa Baiya Aboriginal Women's Legal

The Foundation provided a grant to the Wirringa Baiya Aboriginal Women's Legal Centre to update its brochure, *Don't be Shame. Let's Yarn*, which targets women and children who are victims of violence. The pocket-sized brochure has information about different types of violence and discrimination and includes contact numbers for obtaining help.

Outcome: This updated a resource that helps Indigenous women and children find out where to seek legal advice, particularly in relation to domestic violence issues.

HOUSING AND TENANCY

Shelter Briefs: Tenancies, communities and the (re) development of public housing estates – a background paper

Shelter NSW

The Foundation provided a small grant to Shelter NSW to conduct a one-day seminar on the redevelopment of public housing estates. Shelter NSW has produced a background paper from the seminar, called *Tenancies, communities and the (re) development of public housing estates*. The paper includes issues concerning tenancy management, stock management and social and economic development.

Outcome: This paper will be useful in educating and informing participants of the key challenges in the redevelopment of public housing.

Rights for Boarders Now! You can do something about it

The Tenant's Union

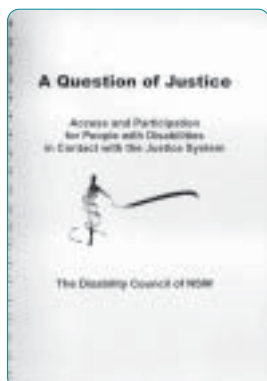
The Foundation provided a grant to the Tenants' Union of NSW to produce a campaign kit and poster called *Rights for Boarders Now!*

This aims to increase awareness of the lack of statutory protection for boarders and lodgers amongst the community and welfare sector.

Outcome: This grant provides a resource that increases knowledge of legal rights for boarders, particularly in the community and welfare sector.



DISABILITY



A Question of Justice — Access and Participation for People with Disabilities in Contact With the Justice System

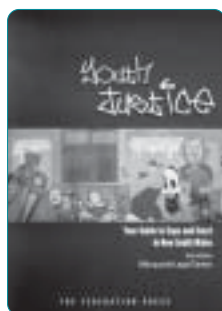
Disability Council of NSW

The Foundation provided a grant to the Disability Council of NSW to research the issues of access and participation for

people with disabilities in contact with the justice system. Their report, *A Question of Justice*, is available in hard copy and online from the Disability Council of NSW. It is also available in audio cassette and Braille versions.

Outcome: This report highlights the difficulties people with disabilities have in accessing justice when they come into contact with the justice system in NSW.

YOUNG PEOPLE



Youth Justice — Your Guide To Cops And Courts In NSW (3rd edition)

The Foundation provided an underwriting grant of up to \$5000 to assist with the production of an updated version (3rd edition) of this publication. A project of the Macquarie Legal Centre, *Youth*

Justice is a comprehensive and practical guide to the police and criminal justice system in NSW for children and young people and anyone supporting them. It is helpful to lawyers, social workers, youth workers, advocates, teachers, counsellors, parents or friends.

Outcome: This is a plain English guide to the law for young people and anyone who is supporting them.

Future directions: Research seminar for grant applicants

Many grant applications to the Foundation are from community organisations which have a good understanding of gaps in access to justice, from a ‘coalface’ perspective, but lack strong research experience. To address this issue, the Foundation is developing a research seminar for organisations seeking Foundation support for research projects. The seminar will highlight the purpose of evidence-based research, and assist community organisations in identifying appropriate aims and research questions, identifying the capabilities necessary to conduct evidence-based research, and locating external research expertise when required.

STRATEGY 3.3

Effectively disseminate information about access to justice and legal need, and effective reforms, initiatives and programs to address these needs

Online Communication

Law and Justice Foundation Website

www.lawfoundation.net.au

The Foundation’s website provides comprehensive information about our activities as well as being a gateway to various online legal information resources. The website is designed to ensure that information is accessible and understandable for all.



The Law and Justice Foundation's Home page — www.lawfoundation.net.au

JARA — Justice Access Research Alert

In May 2004, the Foundation launched a new electronic newsletter to provide up to date information about current research and initiatives in access to justice, with a particular focus on research on the needs of those who are economically and socially disadvantaged. JARA is free and is published bi-monthly.

Weblaw

www.weblaw.edu.au

WebLaw is a cooperative subject gateway to internet resources for Australian legal researchers. The Foundation, in collaboration with a number of university libraries, established Weblaw in 1999 and subsequently received funding for the project from the Australian Research Council. It is now administered by the University of Queensland.

Weblaw is a distributed cataloging system, based on a central database model. Participating organisations take

responsibility for a particular subject area or areas and provide annotated records for quality internet legal resources in this area. The sites are checked and updated each month. Quality control is assured because participating organisations adhere to common selection criteria and quality guidelines, as well as to the designated metadata and thesaurus schema. The Foundation continued to contribute to Weblaw in 2003/2004 by providing records relating to Family Law.

Future directions: JUST search

In order to improve access to our research, the Foundation has begun work on an advanced online search facility that will enable searchers to quickly find material about the legal needs of disadvantaged groups. The search facility will provide access to relevant material from Law and Justice Foundation research, other relevant literature and community legal education projects. It will also highlight key organisations working with particular disadvantaged groups.

GOAL 4

USE BEST PRACTICE MANAGEMENT AND COMMUNICATION PRACTICES

Optimise the use of resources through the highest standards of management and effective communication.

STRATEGIES

- 4.1 Develop the information management capability to support the strategic intent of the Law and Justice Foundation.
- 4.2 Implement best practice management systems, which enable the effective use of resources and build a cooperative and productive work environment.
- 4.3 Implement a comprehensive external communications strategy.

STRATEGY 4.1

Develop the information management capability to support the strategic intent of the Law and Justice Foundation

The Foundation continued to maintain high quality information systems to support its activities.

The Foundation's library supports our research activities through its reference and document delivery services. The library maintains a database of literature on access to justice

which is a valuable resource for researchers. The library also holds an archive of all Foundation publications and grant products dating back to the Foundation's inception in 1968.

A set of common thesauri have been developed to improve retrieval of information held by the Foundation. These are used across all Foundation information systems, including research, grants and contacts information.

The Law and Justice Foundation Contacts Directory has been redesigned. The new directory has improved functionality for searching and producing mail outs, increased efficiencies in data entry, and has a range of features to improve data quality.

STRATEGY 4.2

Implement best practice management systems, which enable the effective use of resources and build a cooperative and productive work environment

Strategic and Business Planning

The Foundation has a commitment to a high performance culture and a process of research and review underpins its approach to organisational development. An operational blueprint for the Foundation was drafted and is being updated and revised on an ongoing basis to provide a clear up-to-date reference on the organisation. This blueprint is available to all staff and has been incorporated into the staff induction program.

Responsible and prudent business planning is central to the Foundation's performance management system. Our 2003–2004 Business Plan operationalised the first year of the Foundation's revised Strategic Plan spanning 2003–2006, which was prepared as a result of the Foundation's strategic planning review and its new funding allocation from the Public Purpose Fund.

In order to continue progress towards the achievement of its objects, the Foundation's 2004–2005 Business Plan was developed through a review of this year's performance, and in continued alignment with the revised Strategic Plan 2003–2006.

The Foundation's performance management system was complemented by prudent budget preparation aligned, as in previous years, to its business objectives.

Business Management

The Foundation maintained its sound financial management and, as in previous years, the annual independent audit was completed without qualification.

The Board continued to monitor the Foundation's performance through the quarterly reports provided by the Managers and the monthly reports submitted by the Director. The quarterly reporting mechanism was streamlined and formats standardised, to ensure speed of delivery and accuracy of information.

The Board monitored the financial situation of the Foundation through the monthly financial reports submitted for approval. These reports also highlight items or transactions of special interest for Board consideration.

The Foundation's investment strategy was again reviewed and adjusted as required to ensure its continued alignment with the Foundation's investment objectives.

All service level agreements were reviewed and renewed as required.

The electronic filing system has been updated to suit current activities. The culling of archived documents and the archiving of inactive documents was completed according to current policies.

A PC upgrade plan for the Foundation office was developed and implemented during the year, the objective being to increase productivity and shorten work downtime created by IT difficulties and software incompatibilities. PCs were upgraded and a uniform operating system platform and identical office software were made accessible from all PCs in the office.

Human Resources Management

The guiding principle for the Foundation on staffing matters remains its commitment to continually improve systems and procedures to build a cooperative and productive work environment and to recruit, develop and retain the highest quality staff.

The Intranet is regularly updated and continues to provide a directory of all Foundation policies and procedures. It is accessible to all staff.

Performance reviews, as part of the Foundation's performance management system, were completed for all staff.

A comprehensive induction program is in place. This year 10 new staff members have been through the program.

Staff meetings, managers meetings and project team meetings provide various opportunities for consultation and discussion between all staff and management.

In 2003, changes in the Occupational Health and Safety legislation focused our attention on reviewing existing OHS policies, establishing an OHS Committee and developing an action plan to ensure compliance with the new legislation.

An OHS committee was set up, its constitution was developed and it began implementing the required compliance action plan.

Staff training and development has included attendance at conferences and seminars, professional courses and training specifically relevant to the work of the Foundation, including professional writing and presentation skills, research skills, as well as the required Nvivo and SPSS refresher courses undertaken by most of the researchers.

Director Geoff Mulherin, Grants Manager, Lyn Francis and Researcher, Emily McCarron, attended the Australian Consortium for Social and Political Research Incorporated (ACSPRI) 2004 Winter School Program held at the University of Queensland in June 2004. They took part in the course, *Using Mixed Methods in Research and Program Evaluation* which was conducted by Dr Delwyn Goodrick, Department of human Services Melbourne and Dr Gordon Emmerson, Victoria University of Technology. This was an introductory course examining the use of mixed methods and program evaluation. The course covered:

- ♦ The characteristics of qualitative and quantitative research designs and methods
- ♦ The benefits and suitability of combining both types of research
- ♦ The applications of mixed methods in practice
- ♦ Validity and trustworthiness issues in mixed method designs.

Other staff development activities

- ♦ Law and Justice Foundation staff visited LawAccess and LIAC to increase their knowledge of these services. This helps staff to make appropriate referrals and assists researchers working on Access to Justice and Legal Needs Projects.
- ♦ Staff attended training in using styles in Word.



At the CLSD model launch: Monique Hittler, Legal Aid Commission of NSW; The Hon, Bob Debus MP, Attorney General; and Geoff Mulherin

STRATEGY 4.3

Implement a comprehensive external communications strategy

Effective communication is essential to informing the wider community about the Foundation's work and the results of its research. The Foundation focuses on strong two-way communication processes to build closer links with other relevant groups, and to keep people informed and up-to-date about our work. In this financial year, this has been particularly important to the implementation of the *Access to Justice and Legal Needs Research Program*.

As well as actively working to build and maintain strategic relationships with key bodies, the Foundation has continued to use a variety of targeted communication channels, including conferences, online services, our publications and special events.

Developing and Maintaining Strategic Relationships

Launch of Cooperative Legal Service Delivery (CLSD) model

On June 8, the Attorney General, Bob Debus, launched a new partnership, the Cooperative Legal Service Delivery (CLSD) model. The Law and Justice Foundation was an active participant in the steering committee, made up of government, community and private sector agencies, which worked to develop this new model of service delivery.

The CLSD model seeks to bring together key legal service providers in a coordinated and regional approach to the planning and delivery of legal services. It encourages stronger collaborative relationships to ensure these legal services respond to the legal and access to justice needs of disadvantaged communities. The CLSD model is being piloted in the Central Far West and the Northern Rivers regions of NSW with central coordination provided by the Legal Aid Commission of NSW.

This important initiative was informed by the Law and Justice Foundation's independent research, including the 2001 report, *Gateways to the Law: an exploratory study of how non-profit agencies assist clients with legal problems*, and data obtained from three reports produced as part of the Law and Justice Foundation's Access to Justice and Legal Needs Project.

Memorandum of Understanding with the Legal Information Access Centre, State Library of NSW

A memorandum of understanding (MOU) was signed between the Law and Justice Foundation of NSW and the Legal Information Access Centre, State Library of NSW. Through the MOU the Foundation and the State Library cooperate to:

- ♦ Plan and implement strategies to support the timely production of plain language legal information publications that meet community needs.
- ♦ Plan and implement strategies to promote the services and capabilities of each organisation.
- ♦ Combine the presentation of the LIAC Centre of Excellence Awards with the annual Law and Justice Foundation Justice Awards.
- ♦ Continue to acknowledge LIAC as a joint initiative of the parties.
- ♦ Support the implementation of the LIAC model in other jurisdictions.

The Foundation and LIAC have worked together under the MOU in a range of areas, including consulting on legal information needs, inclusion of the LIAC Centre of Excellence Awards into the Justice Awards and joint promotion of legal information resources. The Foundation's Chairman, Tony Fitzgerald, and Director, Geoff Mulherin, are members of the LIAC Board. LIAC provides referee reports for legal information grants for inclusion in the Foundation's Plain Language Law newsletter, and is also a participant in the Legal Referral Forum, convened by the Foundation.



Justin O'Sullivan, Queensland Law Foundation; Mary Walters, The Law Foundation of South Australia; Prof. Kathy Laster, Executive Director, Victoria Law Foundation; and Geoff Mulherin

Memorandum of Understanding with the Victoria Law Foundation

As part of the agreement between the Foundation and the Victoria Law Foundation to cooperate on funding, management and operational issues, the Foundation's Business Manager, Ana Berger, visited Victoria to advise them on setting up their grants and general accounting processes. The Knowledge and Legal Information Manager, Sue Scott, also gave advice to the VLF on their new *Rural Law Online* initiative.

Participation on Committees

During the year our staff members participated in the following committees:

- ♦ Legal Aid Commission of NSW, Cooperative Legal Service Delivery Model Steering Committee, Lou Schetzer
- ♦ National Pro Bono Resource Centre, Pro Bono/RRR Community Legal Centres Facilitation Program, Lou Schetzer
- ♦ Rape Crisis Centre, Online crisis and intervention referral service reference group, Sue Scott
- ♦ Family Law and Legal Assistance Division of the Commonwealth Attorney-General's Department, Family Law Online Stakeholder Committee, Sue Scott
- ♦ Law Society of New South Wales, Online Services Committee, Sue Scott
- ♦ Pro Bono Disbursements Committee, Geoff Mulherin
- ♦ LIAC Board, Geoff Mulherin and Tony Fitzgerald

Conferences

In promoting the output of the Foundation during the year, our staff attended the 2nd National Pro Bono Conference. Sue Scott and Lou Schetzer presented papers on the NSW Legal Referral Forum and on Legal Needs research respectively.

Catherine Lloyd presented a paper on the Foundation's Grants Program at the National Association of Community Legal Centres Conference in September 2003.

Visits

In April 2004, we hosted a group of Indonesian Superior Court Judges, here as part of an AusAID-funded annual Federal Court/Australian Legal Resources International training program.

Presentations

In April 2004, Geoff Mulherin gave a graduation speech at the University of Western Sydney.

Newsletters

Law and Justice Foundation Bulletin

The Foundation's Bulletin is produced twice a year to highlight the Foundation's activities, including new grants products, research reports and legal information initiatives. It is available in printed form and distributed to more than 2000 people nationally. It is also published on the Foundation's website at www.lawfoundation.net.au.

Law and Justice Foundation e-Bulletin

Produced quarterly, with a subscriber list of approximately 2000, the Law and Justice Foundation's e-Bulletin is a source of regular emailed information on Foundation activities, events and grants information.

Special Events

2003 Justice Awards

Over 300 people attended the fifth annual Justice Award night, held at Parliament House on 13 October 2003. Hosted by the Chair of the Law and Justice Foundation's Board of Governors, the Hon. Tony Fitzgerald AC, QC, the Justice Awards celebrated the achievements of a diverse group of individuals. The Law and Justice Address was delivered by Professor Larissa Behrendt, who spoke about current initiatives to improve access to justice for Indigenous people.

The 2003 Justice Award winners were:

2003 Justice Medal

The Justice Medal is presented to an individual for outstanding achievement for improving access to justice in NSW, especially for socially and economically disadvantaged people. The Medal was presented by the Hon. Sir Anthony Mason AC, KBE.

The 2003 Justice Medalist was Betty Hounslow, of The Fred Hollows Foundation, for her contribution to community organisations and CLCs, including Marrickville CLC and PIAC, and her seven years as the Director of ACOSS. Betty has improved access to justice both through individual casework and at the level of organisational and legislative reform, showing exceptional determination and perseverance in her work and a strong commitment to intellectual rigour and fairness.

Major Joyce Harmer of the Salvation Army was Highly Commended for her assistance at court to both offenders and victims of crime and their families.



Sir Anthony Mason AC, KBE, Patron of the Foundation, with Betty Hounslow, winner of the 2003 Justice Medal

2003 Aboriginal Justice Award

The Aboriginal Justice Award is presented to an Aboriginal person who demonstrates an outstanding commitment to improving access to justice for Aboriginal people in NSW. Developed in consultation with the Aboriginal Justice Advisory Council, the Award was sponsored by the NSW Attorney General's Department and presented by the Hon. Bob Debus MP, NSW Attorney General.

The 2003 Aboriginal Justice Award winner was Hewitt Whyman of the Central Southern Aboriginal Legal Service (ALS), who has been a dedicated champion for access to justice for Aboriginal people. He has been closely involved in issues at a practical "grass roots" levels as well as driving high level policy-making at Central Southern ALS. He is chairman of Binaal Billa Regional ATSIC Council, founding member of the NSW Coalition of Aboriginal Legal Services and on the NSA Justice Advisory Council.

Special Commendations were presented to:

- ♦ Ray Jackson, of West Dubbo's Gordon Centre, for his exceptional ability to engage, consult and persuade others to work positively to reduce crime in Dubbo's Aboriginal community.
- ♦ Brian Freeman and Michelle Knight of the Yulawirri Nurai Indigenous Association. Brian supports Aboriginal inmates and their families, including helping find employment for prisoners released from gaol. Michelle is the only Aboriginal women's post-release case management officer in NSW, providing housing, health and legal advice and support to Aboriginal women leaving Mulawa, Emu Plains or Grafton gaols.



Mrs. Whyman accepts the Aboriginal Justice Award from the Hon. Bob Debus MP, NSW Attorney General on behalf of Hewitt Whyman

2003 Law and Justice Volunteer Award

This Award is presented to an individual who, in a voluntary capacity, has demonstrated outstanding commitment to improving access to justice in NSW. The Award was sponsored by The New South Wales Bar Association and was presented by Ian Harrison SC, Senior Vice President, The New South Wales Bar Association.

The winners of the 2003 Law and Justice Volunteer Award were the CRC Court Support Volunteers who provide a community link and "human face" to the court system. The forty volunteers help victims of crime, defendants, witnesses in court proceedings and their friends and family members, by providing information on court procedure and sources of legal assistance, offering emotional support in court and making referrals to community and government agencies.

Donna Carson was Highly Commended for her work as a court support volunteer in the Manning region.



Ian Harrison, SC, Senior Vice President of The NSW Bar Association (far left) with a group of CRC Court Support Volunteers



Mario Licha, winner of the Law Society President's Award with Robert Benjamin, President of the Law Society of NSW

2003 Law Society President's Award

This Award is presented to an individual solicitor for participating in the Law Society's Pro Bono Scheme. The Award was sponsored by the Law Society of NSW and was presented by the President, Robert Benjamin.

The 2003 Law Society President's Award went to Mario Licha of Lazarus & Associates for his commitment to, and support for, the Law Society's Pro Bono scheme.

Combined Community Legal Centres Group Award

This Award is 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. The Award was sponsored by the Combined Community Legal Centres Group and presented by John Longworth, of Dettmann and Dettmann Solicitors, the 2002 CLC Award winner.



John Longworth, 2002 winner, with Kate Eastman, 2003 winner of the Combined Community Legal Centres Group Award

The Award went to Kate Eastman who has provided a range of voluntary assistance at Redfern Legal Centre over many years.

Roger De Robillard, from the Inner City Legal Centre and the Macarthur Legal Centre Volunteers were Highly Commended for their dedication in providing advice and assistance to clients.

2003 LIAC Centre of Excellence Awards

These Awards are presented for innovative achievement by Legal Information Access Centres in NSW public libraries in providing plain language legal information to the community. The Awards are sponsored by LIAC and were presented by the Hon. Justice Mahla Pearlman, President of the Library Council. Two public libraries were awarded LIAC Centre of Excellence Awards:



Tony Fitzgerald (far left), The Hon. Mahla Pearlman AM, President, Library Council (far right), and representatives from the Inverell Public Library and the Upper Murray Regional Library

- ♦ Inverell Public Library, for its innovative Shop-A-Docket Law Week campaign
- ♦ Upper Murray Regional Library, for its collaboration with Legal Aid and Albury-Wodonga Community Legal Service in developing *Find the Law in Albury-Wodonga*.

The Law and Justice Foundation would like to acknowledge with gratitude the support provided by the following people and organisations. Their support was by way of commenting on grant applications, membership of committees, reviewing publications, providing advice, or by contributing to specific Foundation programs.

ORGANISATIONS

Aboriginal Justice Advisory Council	Intellectual Disability Rights Service
ACCC Court Support Scheme (CRC Justice Support Inc)	Kingsford Legal Centre
ACOSS	Law Society of NSW
Albury Wodonga Community Legal Service	LawAccess NSW
Anglicare Migrant Services	Legal Access Services Pty Ltd
Arts Law Centre of Australia	Legal Aid Commission of NSW
Association of Children's Welfare Agencies	Legal Referral and Counselling Service, St John's Anglican Church Darlinghurst
Australian Law Reform Commission	Legal Information Access Centre, State Library of NSW
Australian Plaintiff Lawyers Association	Livermore Consulting
Bega Valley Shire Council	Macquarie Legal Centre
Blue Mountains Community Legal Centre	Marrickville Legal Centre
Canterbury-Bankstown Migrant Resource Centre	Mental Health Coordinating Council
Centrelink	Multicultural Disability Advocacy Association of NSW
Centre for Community – Outback NSW	National Association of Community Legal Centres
Coalition of Aboriginal Legal Services	National Centre for Crime & Justice Statistics
Combined Community Legal Centres Group (NSW) Inc	National Pro Bono Resource Centre
Commonwealth Attorney General's Department	National Women's Justice Coalition
Communications Law Centre	NCOSS
Continuing Professional Education Department, College of Law	New South Wales Bar Association
Domestic Violence Advocacy Service (NSW)	North and North West Community Legal Service Inc
Eden Community Access Centre	NSW Attorney-General's Department
Eden Drop-in Centre	NSW Bureau of Crime Statistics & Research
Environmental Defenders Office	NSW Commission for Children & Young People
Family Court of Australia - Sydney	NSW Council for Intellectual Disability
Federal Magistrates Court	NSW Department of Corrective Services
Garden of Eden Caravan Park	NSW Department of Juvenile Justice
Gudu-wondjer Aboriginal Corporation	NSW Disability Discrimination Legal Centre
Hunter Community Legal Centre	NSW Law Reform Commission
Immigration Advice and Rights Centre	NSW Local Courts
Indigenous Law Centre	NSW Users & AIDS Association
Inner City Legal Centre	Office for Women, NSW Premier's Department
Inner West Tenants' Service	

People with Disabilities (NSW) Inc.
 Public Interest Advocacy Centre
 Public Trustee NSW
 Queensland Children Services Tribunal
 Redfern Legal Centre
 Retirement Community Segment, Centrelink
 Shelter NSW
 Shoalcoast Community Legal Centre Inc.
 Shopfront Youth Legal Centre
 Social Justice Project, Faculty of Law, University of NSW
 Southern Women's Housing Scheme
 TAFE Illawarra Institute, Bega Campus
 Tennant Creek Regional Legal Access Project
 Tranby College
 Twofold Aboriginal Corporation
 Uniting Care Australia
 Welfare Rights Centre
 Western Aboriginal Legal Service
 Wirringa Baiya Aboriginal Women's Legal Centre Inc.
 Youth Action & Policy Association NSW
 Youth Justice Coalition

INDIVIDUALS

Ms Margaret Allison, former Director General, Department of Ageing, Disability and Home Care
 Ms Anita Anderson, former Director, NSW Local Courts
 Mr Stephen Andrew, Executive Director, Information, Communication & Technology Services, Family Court of Australia
 Ms Catherine Asbridge, Registry Manager, Sydney, Family Court of Australia
 Ms Noelene Baker
 Professor David Barker, Dean, Faculty of Law, University of Technology, Sydney
 Mr Peter Barnes, Software AG
 Ms Ricci Bartels, Coordinator, Fairfield Migrant Resource Centre
 Ms Becky Batagol, Postgraduate Researcher, Faculty of Law, Monash University
 Ms Jenna Bateman, Executive Officer, Mental Health Coordinating Council
 Dr Terry Beed, Fellow of St Andrew's College, University of Sydney
 Mr Jason Behrendt, Chalk & Fitzgerald

Mr Robert Benjamin, President, Law Society of NSW
 Ms Julie Bishop, Director, National Association of Community Legal Centres
 Mr Dennis Bluth, Abbott Tout Solicitors
 Professor Ben Boer, Faculty of Law, University of Sydney
 Ms Jaclyn Booton, Department of Performance Studies, University of Sydney
 Professor Stephen Bottomley, Director of the Centre for Commercial Law, Australian National University
 Ms Kirsten Bowman, Legal Aid Commission of NSW
 Ms Robyn Boyd, Coordinator, Women's Legal Resources Centre
 Dr A J Brown, Key Centre for Ethics, Law, Justice & Governance, Griffith University
 Mr Mark Burdack, former Director, Law Access NSW
 Dr Anthony Buzzard, Chairman, Medico Legal Section, Royal Australasian College of Surgeons
 Mr Phillip Byrne, Tenants' Union of NSW
 Mr Kevin Byrne, Executive Director, Disability Council of NSW
 Ms Gillian Calvert, Commissioner, NSW Commission for Children & Young People
 Ms Helen Campbell, Director, Redfern Legal Centre
 Mr Bernard Carlon, Executive Director, Education and Community Programs, Department of Environment and Conservation
 Mr Trevor Carlyon, Executive Director, Kids Helpline
 Professor Terry Carney, Faculty of Law, University of Sydney
 Mr Steve Cassar, Legal Aid Commission of NSW
 Ms Danielle Castles, Legal Aid Commission of NSW
 Mr Visakesa Chandrasekaram, Community Development Worker, South West Sydney Legal Centre
 Mr Ian Collie, Hilton Cordell Productions
 Ms Grace Concannon, Family Court
 Mr John Connor, Campaigns Director, Australian Conservation Foundation
 Dr Elizabeth Coombs, Assistant Director General, Office for Women, NSW Premier's Department
 Ms Lisa Corbyn, Director General, Department of Environment and Conservation
 Mr John Corker, Director, National Pro Bono Resource Centre
 Mr Richard Coverdale, former Director of Publishing, Victoria Law Foundation
 Ms Ara Creswell, Chief Executive Officer, Australian Federation of Homelessness Organisations

Associate Professor Chris Cunneen, Director, Institute of Criminology, University of Sydney

The Hon. Bob Debus, MP, NSW Attorney General

Ms Kirsty Delaney, Executive Officer, Youth Action & Policy Association

Ms Veronica Dermatties, Acting General Manager, Botany Migrant Resource Centre

Professor John Dewar, Pro-Vice Chancellor (Business and Law), Griffith University

Ms Poppy Drekis, Executive Officer, Young Lawyers NSW

Dr Paul Dwyer, Department of Performance Studies, University of Sydney

Ms Melanie Dye, Federal Magistrates Court

Ms Susan Edwards, Reader in Law, University of Buckingham

Associate Professor Fred Ellinghaus, Law School, University of Melbourne

Mr Bill Farmer, Secretary, Department of Immigration and Multicultural and Indigenous Affairs

Ms Jane Farnsworth, National Pro Bono Coordinator, Mallesons Stephen Jaques

Ms Jane Floyd, Manager Web Communications, NSW Attorney General's Department

Mr Barry Foster, Director, Specialist Units, NSW Department of Education & Training

Mr Phillip French, Executive Officer, People with Disabilities

Mr Chris Gabelish, Geraldton Resource Centre

Associate Professor Beth Gaze, Monash University Law School

Ms Frances Gibson, former Director Kingsford Legal Centre

Professor Jeff Giddings, Faculty of Law, Griffith University

Mr Laurie Glanfield, Director General, NSW Attorney General's Department

Ms Sue Gorst, Assistant Director, Office for Women, NSW Premier's Department

Mr Con Gouriotis, Director, Casula Powerhouse Arts Centre

Mr Bill Grant, Chief Executive Officer, Legal Aid Commission of NSW

Ms Julia Haraksin, Coordinator, Disability Strategic Plan, NSW Attorney General's Department

Mr Ian Harrison, SC, Senior Vice President, New South Wales Bar Association

Ms Julie Harrison, NSW Attorney General's Department

Ms Anna Hartree, Coordinator, Kingsford Legal Centre

Dr Matthew Harvey, Lecturer, Monash University Law School

Ms Robyn Henderson, Director General, Office for Women, NSW Premier's Department

Mr Don Henry, Executive Director, Australian Conservation Foundation

Ms Joan Hughes, Chief Executive Officer, Carers NSW

Mr Geoff Hunter, General Manager, Real Estate Institute of NSW

Professor Rosemary Hunter, Dean of Law, Griffith University

Ms Brigid Inder, former Director, Combined Community Legal Centres Group (NSW) Inc.

Ms Miranda Jakich, A/Manager, Communications, Legal Aid Commission of NSW

Ms Shauna Jarrett, Chair, Human Rights Committee, Law Society of NSW

Mr Stan Jarrett, Council Member, Aboriginal Justice Advisory Council, NSW Attorney General's Department

Mr Roger Johnson, Director, The Regional Institute Ltd

Mr Adam Johnston, A/Investigation Officer, Community Services Division for the Ombudsman

Ms Michelle Jones, Coordinator, Tenants' Union of NSW

Ms Francene Kanaar, National Pro Bono Coordinator, Allens Arthur Robinson

Mr Steve Karas, Principal Member, Refugee Review Tribunal

Mr Stepan Kerkyasharian, Chairperson & CEO, Community Relations Commission

Ms Robyn Kruk, Director General, NSW Department of Health

Professor Kathy Laster, Executive Director, Victoria Law Foundation

Ms Françoise Le Cossec, Language Professionals

Ms Ilona Lee, former Manager, NSW Multicultural Health Communication Service

Mr John Longworth, Dettmann & Dettmann Solicitors

Ms Rosa Loria, Centre Manager, Botany Migrant Resource Centre

Ms Janet Loughman, Principal Solicitor, Marrickville Community Legal Centre

Ms Jenny Lovric, National Pro Bono Resource Centre

Ms Gaby Marcus, Manager, Violence Against Women Specialist Unit, NSW Attorney General's Department

Ms Annette Marfording, Senior Lecturer, Faculty of Law, University of New South Wales

Commissioner Ken Maroney, NSW Police Service

- The Hon. Sir Anthony Mason, AC, KBE, Patron of the Foundation
- Dr Richard Matthews, A/Deputy Director General, Strategic Development, NSW Department of Health
- Ms Cheryl McCoy, Director, Operational Policy and Programs, NSW Police
- Ms Kate McKenzie, former Director General, Department of Industrial Relations
- Ms Lorna McKenzie, eBusiness Manager, Office of Industrial Relations, NSW Department of Commerce
- Ms Elizabeth McKibbin, former Manager, Legal Information Access Centre
- Ms Margaret Miller, Volunteering NSW
- Senior Judge Neil Milson, Drug Court of NSW
- Mullenjaiwaka, Barrister, Sydney Chambers
- Mr David O'Connor, Director General, NSW Office of Fair Trading
- Dr Sev Ozdowski, Human Rights Commissioner
- Ms Jill O'Meara, Communications Advisor, Workers Compensation Commission
- Ms Genevieve O'Neill, Project Officer, Legal Aid Commission of NSW
- Professor Stephen Parker, Deputy Vice-Chancellor & Vice President, Monash University
- The Hon. Mahla Pearlman, AM, President, Library Council
- Ms Mary Perkins, Executive Officer, Shelter NSW
- Associate Professor Debora Picone, NSW Health
- Mr Laurie Pincott, Executive Director, Australian Medical Association (NSW)
- Mr John Pinnock, Telecommunications Industry Ombudsman
- Ms Margaret Piper, Executive Director, Refugee Council of Australia
- Ms Polly Porteous, Director, Combined Community Legal Centres' Group NSW
- Mr Ivan Potas, Director, Research and Sentencing, Judicial Commission of NSW
- Mr Guha Prasad, Manager, Matthew Talbot Hostel
- Ms Jane Pritchard, Law Access NSW
- Ms Cleonie Quayle, Coordinator, Tranby College
- Mr Gordon Renouf, former Director, National Pro Bono Resource Centre
- Mr Alan Robertson, Shoalcoast Community Legal Centre
- Mr John Robertson, Secretary, Labour Council of NSW
- Ms Natalie Ross, Inner City Legal Centre
- The Honourable Ronald Sackville, Federal Court of Australia
- Ms Eva Scheerlinck, Chief Executive Officer, Australian Plaintiff Lawyers Association
- Ms Deborah Sharp, Director, Community Justice Centres, NSW Attorney General's Department
- Dr Choong Siew-Yong, Australian Medical Association
- Ms Bridget Sordo, Law Society of New South Wales
- The Honourable J J Spigelman, AC, Chief Justice of NSW, NSW Supreme Court
- Ms Sandra Stevenson, Coordinator, PILCH
- Ms Anne Stringer, Intellectual Disability Rights Service
- Mr David Syme, Director, National Alternative Dispute Resolution Advisory Council
- Mr Phillip Taylor, Partner, Freehills
- Mr Brenton Taylor, Executive Director, Local Government Association of NSW
- Mr Brendon Thomas, Executive Director, Aboriginal Justice Advisory Council, NSW Attorney General's Department
- Ms Megan Thomas, Director, LawAccess, NSW
- Dr Leanne Togher, University of Sydney
- Ms Sue Walden, Acting Manager, Legal Information Access Centre
- A/Professor Pamela Warton, Head, School of Education, Macquarie University
- Dr Don Weatherburn, Director, NSW Bureau of Crime Statistics and Research
- Mr Peter Webb, Opticon
- Professor David Weisbrot, President, Australian Law Reform Commission
- Ms Faye Williams, Executive Officer, Local Community Services Association
- Mr George Williams, Director, Gilbert + Tobin Centre of Public Law
- Ms Helen Williams, Director, Continuing Legal Education, College of Law
- Ms Judy Williamson, Carers NSW
- Professor Ted Wright, Belle Wiese Professor of Legal Ethics, Dean of Law and Head, School of Law, University of Newcastle

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 2004. 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 the financial year are:

- | | | |
|------------------|------------|--------------|
| ♦ G E Fitzgerald | ♦ D Mills | ♦ P Wright |
| ♦ K Rozzoli | ♦ B Walker | ♦ G Mulherin |
| ♦ A O'Neill | ♦ J Saffin | ♦ J Behrendt |

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 inter-disciplinary 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 2004 operating net surplus was \$167,060. The 2003 operating net deficit was \$330,556.

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


GOVERNOR
Sydney, 8 Nov 04


GOVERNOR
Sydney, 8/11/04

Auditor's Report



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INDEPENDENT AUDIT REPORT TO THE BOARD OF GOVERNORS
OF LAW AND JUSTICE FOUNDATION OF NEW SOUTH WALES

Scope

We have audited the attached financial report, being a special purpose financial report, of Law and Justice Foundation of New South Wales ("the Foundation") for the financial year ended 30 June 2004 as set out on pages 6 to 23. The Board of Governors of the Foundation are responsible for the financial report and have determined that the accounting policies used and described in Note 1 to the financial statements which form part of the financial report are appropriate to their needs. We have conducted an independent audit of the financial report in order to express an opinion on it to the Board of Governors of the Foundation. No opinion is expressed as to whether the accounting policies used, and described in Note 1, are appropriate to the needs of the Board of Governors or the reporting requirements under the Law and Justice Foundation Act 2000.

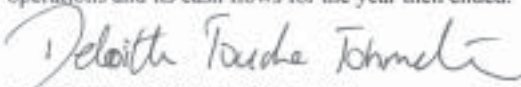
The financial report has been prepared to satisfy the Board of Governor's information needs. We disclaim any assumption of responsibility for any reliance on this audit report or on the financial report to which it relates to any person other than the Board of Governors, or for any purpose other than that for which it was prepared.

Our audit has been conducted in accordance with Australian Auditing Standards. Our procedures included examination, on a test basis, of evidence supporting the amounts and other disclosures in the financial report and the evaluation of significant accounting estimates. These procedures have been undertaken to form an opinion whether, in all material respects, the financial report is presented fairly in accordance with the accounting policies described in Note 1 to the financial statements. These policies do not require the application of all Accounting Standards and other mandatory professional reporting requirements in Australia.

The audit opinion expressed in this report has been formed on the above basis.

Audit Opinion

In our opinion, the financial report of Law and Justice Foundation of New South Wales presents fairly in accordance with the accounting policies described in Note 1 to the financial statements, the financial position of Law and Justice Foundation of New South Wales as at 30 June 2004 and the results of its operations and its cash flows for the year then ended.


DELOITTE TOUCHE TOHMATSU


Samantha Lewis
Partner
Chartered Accountants

Sydney, 8 November 2004

Statement by the Board of Governors

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 '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 fair 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, 8/11/04



GOVERNOR
Sydney, 8/11/04

Financial Statements

Statement of Financial Performance for the Financial Year Ended 30 June 2004

	Note	2004 \$	2003 \$
Revenue from ordinary activities		4,373,793	3,047,491
Employee benefits expense		(1,178,560)	(1,181,691)
Premises costs		(222,602)	(207,301)
Depreciation expense		(27,983)	(44,601)
Grants and projects costs		(265,936)	(204,965)
Accounting fees		(20,727)	(17,273)
Legal Needs Survey costs		(63,367)	-
Information Resource costs		(115,950)	-
Justice Awards Expenses		(31,453)	-
Printing costs		-	(71,359)
Insurance costs		(29,312)	(28,654)
Cost of disposals of Investments		(2,011,136)	(1,323,702)
Other expenses from ordinary activities		(239,707)	(297,289)
Surplus/(Deficit) from ordinary activities before income tax expense	2	<u>167,060</u>	<u>(329,344)</u>
Income tax expense relating to ordinary activities	1(e)	-	-
Net surplus/(deficit)		<u>167,060</u>	<u>(329,344)</u>
Adjustment to retained profits at 1 July 2002 as a result of the adoption of AASB 1028 "Employee Benefits"		-	(1,213)
Total Changes in Equity Other than those Resulting from Transactions with Owners as Owners		<u><u>167,060</u></u>	<u><u>(330,557)</u></u>

Notes to the Financial Statements are included on pages 40 to 47

Statement of Financial Position as at 30 June 2004

	Note	2004 \$	2003 \$
CURRENT ASSETS			
Cash assets		1,659,065	1,338,503
Receivables	4	38,825	61,970
Other current assets	5	25,241	24,248
Other financial assets	6	3,405,398	3,456,056
TOTAL CURRENT ASSETS		<u>5,128,529</u>	<u>4,880,777</u>
NON-CURRENT ASSETS			
Property, plant and equipment	7	486,820	485,120
TOTAL NON-CURRENT ASSETS		<u>486,820</u>	<u>485,120</u>
TOTAL ASSETS		5,615,349	5,365,897
CURRENT LIABILITIES			
Payables		83,015	88,123
Provisions	8	46,568	102,769
Grants and external projects allocated- not drawn		690,209	550,186
TOTAL CURRENT LIABILITIES		<u>819,792</u>	<u>741,078</u>
NON-CURRENT LIABILITIES			
Provisions	9	17,116	13,438
TOTAL NON-CURRENT LIABILITIES		<u>17,116</u>	<u>13,438</u>
TOTAL LIABILITIES		<u>836,908</u>	<u>754,516</u>
NET ASSETS		<u>4,778,441</u>	<u>4,611,381</u>
EQUITY			
Accumulated surplus	11	4,778,441	4,611,381
TOTAL EQUITY		<u>4,778,441</u>	<u>4,611,381</u>

Notes to the Financial Statements are included on pages 40 to 47

Statement of Cash Flows for the Financial Year Ended 30 June 2004

	Note	2004 \$	2003 \$
CURRENT ASSETS			
Cash assets		1,659,065	1,338,503
<i>Cash Flows from Operating Activities</i>			
Receipts from customers and grants		1,832,783	1,647,129
Interest received		166,270	132,140
Payments to suppliers, employees, and grants and projects		(2,055,964)	(1,864,971)
Dividends received		98,477	88,075
<i>Net Cash Provided by Operating Activities</i>	12(b)	41,566	2,373
<i>Cash Flows from Investing Activities</i>			
Proceeds on sale of investment securities		1,889,171	1,143,717
Proceeds on the maturity of investment securities		800,000	-
Payment for investment securities		(2,380,492)	(1,234,385)
Payment for fixed assets		(29,683)	(10,012)
<i>Net Cash Provided by/(Used in) Investing Activities</i>		278,996	(100,680)
NET INCREASE/(DECREASE) IN CASH HELD		320,562	(98,307)
CASH AT BEGINNING OF FINANCIAL YEAR		1,338,503	1,436,810
CASH AT END OF FINANCIAL YEAR	12(a)	1,659,065	1,338,503

Notes to the Financial Statements are included on pages 40 to 47

Notes to the Financial Statements for the Financial Year Ended 30 June 2004

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 “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 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.

The financial report has been prepared in accordance with the *Law and Justice Foundation Act 2000*, the basis of accounting specified by all Accounting Standards and UIG Consensus Views, and the disclosure requirements of Accounting Standards AASB 1001 “Accounting Policies”, AASB 1018 “Statement of Financial Performance”, AASB 1034 “Financial Report Presentation and Disclosures” and AASB 1040 “Statement of Financial Position”.

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 \$3,000 requires the approval of, and is at the discretion of, the Board of Governors. Grants less than \$3,000 can be approved by the Director. Those approved in the current financial year are reported as expenses in the statement of financial performance, 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 financial performance.

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**

Public Purpose Fund income is brought to account at a monthly accrual of \$141,666. 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 2004 totaled \$1.7 million.

The Law and Justice Foundation of New South Wales also approves and administers a number of specific purpose grants for which the Trustees of the Public Purpose Fund allocate to the Law and Justice Foundation additional monies. These are accounted for separately from the Law and Justice Foundation’s core income.

(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.

With regard to the Strata Title at Reid House, the Board of Governors has not been able to differentiate between the land and building content of the investment and accordingly attribute the whole amount to land. This amount is not depreciated.

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

Leasehold improvements	4 years
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, sick leave, and long service leave expected to be settled within 12 months, are measured at their nominal values using the remuneration rate expected to apply at the time of settlement.

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) Capital Gains Tax

No provision has been made for capital gains tax which may arise in the event of revalued assets being sold as no decision has been made to sell any of these assets.

(j) 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 receivables 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 is recoverable from, or payable to, the ATO is classified as operating cash flows.

(k) Receivables

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

(l) 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 (two–four 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 a range of investments across property, debentures and equities with the aims of ensuring the continuity of income for Foundation operations and to obtain some growth in the capital base over the medium to long term. The asset allocation of the proportion of equities matches that of an investor wishing to gain prudent growth at a return higher than term and bank deposits over the longer term.

Investments in quoted shares are included in the financial statements at market value at balance date and movements in the value of investments are recognised in the statement of financial performance in the period in which they arise. Debentures are recorded at an amount equal to the net proceeds received. Interest revenue is recognised on an accrual basis. Dividend revenue is recognised on a receivable basis.

(m) Litigation Support Fund

The Law and Justice Foundation of New South Wales has operated a scheme known as the Litigation Support Fund ('the Fund') which has funded the disbursements of litigants who have strong cases but who, without the support provided by the Fund, would not be able to pursue their cases. The Fund was set up on the basis that no monies are repayable for cases which fail. While only cases evaluated as low risk were supported, for prudential reasons, a general provision for doubtful debts, has been established.

The Law and Justice Foundation of New South Wales has discontinued the scheme, however, until all funded cases are completed, there will be loans outstanding.

(n) 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.

Rental Revenue

Revenue from the rental of premises is recognised on an accrual basis.

(o) Going Concern

The financial report for the year ended 30 June 2004 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, but may cease at the end of the current three-year agreement in June 2006.

(p) 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.

(q) Changes in Accounting Policies

In accordance with Accounting Standard AASB 1028 "Employee Benefits", on 1 July 2002 the company changed its policy for recognising provisions for annual leave. Under the new policy the amount of the provision is calculated using the remuneration rate expected to apply at the time of settlement, rather than the remuneration rate that applies at reporting date.

(r) Impacts of adopting Australian equivalents to IFRS

For reporting periods beginning on or after 1 January 2005, the Foundation must comply with Australian equivalents to International Financial Reporting Standards ("IFRS") as issued by the Australian Accounting Standards Board.

The Board will oversee the implementation of Australian Equivalents to IFRS at the Foundation. The Board will perform:

- ♦ an impact study to identify key differences in accounting and disclosure requirements of IFRS
- ♦ business issues associated with Australian Equivalents to IFRS
- ♦ develop an implementation plan

This financial report has been prepared in accordance with Australian Accounting Standards and Urgent Issues Group Consensus Views ("Australian GAAP"). As at 30 June 2004, the differences between Australian GAAP and Australian Equivalents to IFRS have not been identified.

2. SURPLUS/(DEFICIT) FROM ORDINARY ACTIVITIES

	<i>2004</i>	<i>2003</i>
	\$	\$
Surplus/(deficit) from ordinary activities before income tax includes the following items of revenue and expense:		
Operating Revenue		
Public Purpose Fund	1,700,000	1,500,000
Sales revenue:		
Sale of goods	1,065	2,711
Rendering of services	<u>43,563</u>	<u>48,528</u>
	44,628	51,239
Rental revenue	105,769	95,095
Interest revenue:		
Litigation Support Fund	19,476	18,130
Other financial assets	<u>106,798</u>	<u>112,300</u>
	126,274	130,430
Royalties	230	159
Dividends	98,477	88,075
Write back of grants and projects	29,258	38,141
Other	<u>-</u>	<u>634</u>
	<u>2,104,636</u>	<u>1,903,774</u>
Non-operating Revenue		
Proceeds from the sale of:		
Investments	1,889,171	1,143,717
Net increment arising from the revaluation of non-current assets :		
Investments	<u>379,986</u>	<u>-</u>
	<u>4,373,793</u>	<u>3,047,491</u>
Expenses		
Employee Benefits Expenses	1,178,560	1,181,691
Premises Costs	222,602	207,301
Depreciation of plant and equipment	27,983	44,601
Grants and projects	265,936	204,965
Accounting fees	20,727	17,273
Legal Needs Survey costs	63,367	
Information Resource costs	115,950	
Printing costs	-	71,359
Justice Awards costs	31,453	
Insurance costs	29,312	28,654
Bad debt		195
Other costs	239,707	282,278
Cost of disposals of investments	2,011,136	1,323,702
Net decrement arising from the revaluation of non-current assets:		
Investments	<u>-</u>	<u>14,816</u>
	<u>4,206,733</u>	<u>3,376,835</u>

3. SALE OF ASSETS

	2004	2003
	\$	\$
Sale of assets in the ordinary course of business have given rise to the following profits and losses:		
Net Losses from disposal of investments	<u>121,965</u>	<u>179,985</u>

4. RECEIVABLES

Trade Debtors	34,395	17,543
Interest Receivable	4,430	44,427
Litigation Support Fund 1(n)	3,520	3,520
Litigation Support Fund Provision		
For Doubtful Debts	<u>(3,520)</u>	<u>(3,520)</u>
	<u>38,825</u>	<u>61,970</u>

5. OTHER CURRENT ASSETS

Prepayments	<u>25,241</u>	<u>24,248</u>
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6. OTHER FINANCIAL ASSETS

Shares – at market value	2,805,399	2,056,056
Debentures – at cost	<u>600,000</u>	<u>1,400,000</u>
	<u>3,405,399</u>	<u>3,456,056</u>

7. PROPERTY, PLANT AND EQUIPMENT

	Buildings	Office Leasehold Improvements	Furniture & Fittings	Office Equipment	Total
Gross Carrying Value					
Balance at 30 June 2003	442,010	173,908	75,267	296,141	987,326
Additions	-	-	-	29,683	29,683
Disposals	-	-	-	-	-
Balance at 30 June 2004	<u>442,010</u>	<u>173,908</u>	<u>75,267</u>	<u>325,824</u>	<u>1,017,009</u>
Accumulated Depreciation					
Balance at 30 June 2003	-	(172,519)	(60,578)	(269,109)	(502,206)
Depreciation	-	(1,281)	(5,712)	(20,990)	(27,983)
Disposals	-	-	-	-	-
Balance at 30 June 2004	<u>-</u>	<u>(173,800)</u>	<u>(66,290)</u>	<u>(290,099)</u>	<u>(530,189)</u>
Net Book Value					
As at 30 June 2003	<u>442,010</u>	<u>1,388</u>	<u>14,689</u>	<u>27,033</u>	<u>485,120</u>
As at 30 June 2004	<u>442,010</u>	<u>108</u>	<u>8,977</u>	<u>35,725</u>	<u>486,820</u>

The Reid House property was independently valued on 16 August 2002 by G. Paton FAPI, FREI, AIAMA, AFAIM. The valuation of \$1,050,000 was based upon a current market direct comparison basis. The valuation was not made in accordance with a regular policy of revaluations and has not been brought to account in the financial statements.

	2004	2003
	\$	\$
Aggregate depreciation allocated, whether recognised as an expense or capitalised as part of the carrying amount of other assets during the year:		
Buildings	-	-
Leasehold improvements	1,281	6,217
Office furniture & fittings	5,712	7,073
Office equipment	<u>20,990</u>	<u>31,311</u>
	<u>27,983</u>	<u>44,601</u>

8. CURRENT PROVISIONS

Provision for annual leave (note 10)	46,568	66,769
Provision for redundancy (note 10)	<u>-</u>	<u>36,000</u>
	<u>46,568</u>	<u>102,769</u>

9. NON-CURRENT PROVISIONS

Provision for long service leave (note 10)	<u>17,116</u>	<u>13,438</u>
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10. EMPLOYEE BENEFITS

The aggregate employee benefit liability recognised and included in the financial statement is as follows:

Provision for employee benefit:

Current (note 8)	46,568	102,769
Non-current (note 9)	17,116	13,438
Accrued wages and salaries (i)	<u>-</u>	<u>31,803</u>
	<u>63,684</u>	<u>148,010</u>

(i) Accrued wages and salaries are included in the current payables balance.

11. ACCUMULATED SURPLUS

Balance at beginning of financial year	4,611,381	4,941,938
Adjustment to opening retained profits on initial adoption of AASB 1028		
"Employee Benefits" (note 1(q))	-	(1,213)
Net surplus/(deficit) for the financial year	<u>167,060</u>	<u>(329,344)</u>
Balance at end of financial year	<u>4,778,441</u>	<u>4,611,381</u>

12. NOTES TO STATEMENT OF CASHFLOWS

	2004	2003
	\$	\$
(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 statement of financial position as follows:		
Cash	1,659,065	1,338,503
(b) Reconciliation of Operating Surplus/(Deficit) from Operating Activities to Net Cash Flows from Operating Activities		
<i>Operating Surplus/(Deficit)</i>	167,060	(329,344)
(Profit)/Loss on sale of other financial assets	121,965	179,985
Depreciation of non-current assets	27,983	44,601
Net (increment)/decrement arising from the revaluation of investments	(379,986)	14,816
<i>(Increase)/Decrease in assets</i>		
Receivables	23,145	3,868
Other current assets	(993)	(5,296)
<i>(Decrease)/Increase in liabilities</i>		
Payables	(5,108)	6,451
Provisions	(52,523)	37,438
Grant and Projects allocated - not drawn	<u>140,023</u>	<u>49,854</u>
<i>Net Cash from Operating Activities</i>	<u>41,566</u>	<u>2,373</u>

(c) Non-Cash Financing and Investing Activities

The net increment for the revaluation of investments from cost to market value was \$379,986.

13. 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 Foundation does not have any significant credit risk exposure to any single counterparty or any group of counterparty having similar characteristics.

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.

2004	Average Interest Rate	Fixed Interest Rate Maturity	Variable interest rate	Non-interest bearing	Consolidated Total
Financial assets					
Cash and deposits	4.62%	-	1,659,065	-	1,659,065
Receivables	-	-	-	38,825	38,825
Other current assets	-	-	-	25,241	25,241
Investments	5.47%	1,191,543	-	2,213,856	3,405,399
Total		1,191,543	1,659,065	2,277,922	5,128,530
Financial Liabilities					
Trade creditors and accruals	-	-	-	83,015	83,015
Total		-	-	83,015	83,015
2003					
	Average Interest Rate	Fixed Interest Rate Maturity	Variable interest rate	Non-interest bearing	Consolidated Total
Financial assets					
Cash and deposits	4.65%	-	1,338,503	-	1,338,503
Receivables	-	-	-	61,970	61,970
Other current assets	-	-	-	24,248	24,248
Investments	4.65%	1,682,294	-	1,773,762	3,456,056
Total		1,682,294	1,338,503	1,859,980	4,880,777
Financial Liabilities					
Trade creditors and accruals	-	-	-	88,123	88,123
Total		-	-	88,123	88,123

14. 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.

15. ECONOMIC DEPENDENCY

The Law and Justice Foundation of New South Wales is dependent on allocations from the Public Purpose Fund. The Foundation is required to resubmit its application for funds every three years. The current funding arrangement expires in the financial year ending 30 June 2006.

16. REMUNERATION OF AUDITORS

	2004	2003
	\$	\$
Auditing the financial report	20,000	18,000

17. EMPLOYEES

	2004	2003
	No.	No.
Number of employees at end of financial year	22	19

18. ADDITIONAL ORGANISATION INFORMATION

Registered Office and Principal Place of Business

Level 14
130 Pitt St
SYDNEY NSW 2000
Tel: (02) 9221 3900

Law and Justice Foundation of New South Wales

ADDRESS	Level 14, 130 Pitt Street, Sydney NSW 2000
POSTAL	GPO Box 4264, Sydney NSW 2001
DX	984 Sydney
TEL	(02) 9221 3900
FAX	(02) 9221 6280
WEBSITE	www.lawfoundation.net.au
EMAIL	lf@lawfoundation.net.au

Staff Listing

Tara Alridge

RECEPTIONIST/CLERK
(from February 2004)

Samuel Ardasinski

RESEARCH ASSISTANT – CASUAL
(from March 2004)

Ana Berger

BUSINESS MANAGER

Myra Cheng

RESEARCH ASSISTANT – CASUAL
(September–October 2003)

Christine Coumarelos

PRINCIPAL RESEARCHER – PART-TIME
(from September 2003)

Sarah Ellison

RESEARCHER
(until November 2003)

Dr Ann Eyland

STATISTICAL CONSULTANT
(until July 2003 but continuing occasional work as a consultant)

Antonia Fontana

RESEARCH ASSISTANT – PART-TIME
(from October 2003)

Suzie Forell

SENIOR RESEARCHER – PART-TIME
(from October 2003)

Lyn Francis

GRANTS MANAGER – PART-TIME
(from March 2004)

Abigail Gray

PROJECT OFFICER

David Green

RESEARCH ASSISTANT – CASUAL
(from June 2004)

Julie Harders

CONSULTANT – EVENTS COORDINATOR
(January–April 2004)

Nicola Henderson

RESEARCHER
(from September 2003)

Angela Higgs

EXECUTIVE ASSISTANT/GRANTS
ADMINISTRATOR – PART-TIME
(until June 2004)

Jenny Kaldor

RESEARCH ASSISTANT – CASUAL
(until March 2004)

Maria Karras

SENIOR RESEARCHER

Sam Lebovic

RESEARCH ASSISTANT – CASUAL
(December 2003)

Catherine Lloyd

GRANTS AND COMMUNICATIONS
MANAGER
(until January 2004)

Merona Martin

COMMUNICATIONS MANAGER – PART-TIME
(from April 2004)

Emily McCarron

RESEARCHER
(from January 2004)

Christine Miller

LIBRARY TECHNICIAN – PART-TIME
(until August 2003)

Simon Miller

WEB AND PUBLISHING COORDINATOR

Geoff Mulherin

DIRECTOR

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