



Annual Report

2020





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Publisher

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Letter of transmittal

26 November 2020

The Hon. Mark Speakman MP SC
Attorney General of NSW
52 Martin Place
SYDNEY NSW 2000

Dear Attorney

I present to you a copy of the Annual Report of the Law and Justice Foundation of New South Wales for the financial year 2019–20.

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

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

Yours sincerely

A handwritten signature in black ink, appearing to read 'SC', representing Sharon Cook.

Sharon Cook
Chair
Board of Governors

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Our organisation

About the Law and Justice Foundation of New South Wales

Who we are

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

Our purpose

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

What we believe

Our purpose is underpinned by the following beliefs:

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

What we do

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

Our goals and objectives

Goal 1: Identify legal need and what works to address that need

- 1.1 Identify legal and access to justice need
- 1.2 Support policy development and planning service delivery
- 1.3 Identify what works to address legal need
- 1.4 Respond to priority access to justice issues

Goal 2: Improve access to justice

- 2.1 Support projects – our grants program (no new grants post December 2018)
- 2.2 Facilitate legal sector relationships and coordination
- 2.3 Community legal education and referral program
- 2.4 Disseminate data, analysis and information to improve access to justice

Goal 3: Cost-effective operations support

- 3.1 Develop the information management capabilities of the Foundation
- 3.2 Manage resources efficiently and effectively

Board of Governors

The Board consists of eight members who are appointed for a term of up to 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 terms of appointment for most Board members expired during June 2020, and a number were replaced on or before 30 June. As a result, the following 11 Board members are listed as serving during the 2019–20 financial year.



Sharon Cook (from 30 June 2020) is the current Chair of the Law and Justice Foundation Board of Governors. Sharon is the Group Executive, Legal &

Commercial Services at NAB, responsible for Legal, Corporate Affairs (including Social Impact), Governance, Complaints, Remediation and the Customer Advocates. She has been prominent in the legal profession for over 25 years, working for top tier private law firms, initially as a litigator and later as Managing Partner. She is a champion of women in the legal profession and has been a leader in addressing mental health and well-being among lawyers. In 2012 she was named as one of the *Australian Financial Review's* inaugural Women of Influence.



Michael Fordham SC (from 15 June 2020) is a Senior Counsel who specialises in Inquests, Commissions and Inquiries, medical negligence and

historical institutional child sexual abuse. Michael was previously the Course Director of the NSW Bar Practice Course and has an extensive interest and involvement in advocacy training. Michael was admitted to the New South Wales Bar in 1996 and was appointed Senior Counsel in 2012.



Steven McAuley (from 15 June 2020) is a Councillor of the Law Society of NSW. One of the Principal Solicitors of McAuley Hawach Lawyers, Steve

formerly worked for a Judge of the Supreme Court of NSW. Steve is also a member of the Specialist Accreditation Board, the Professional Conduct Committee and the Elder Law, Capacity and Succession Committee of the Law Society of NSW. Steve is also an Accredited Specialist – Commercial Litigation.



Dr Hugh McDermott MP (from 3 February 2020) is the Member for Prospect in the NSW Legislative Assembly. He is Chair of the State

Parliamentary Labor Party Legal Affairs Committee and Chair of the NSW Opposition Disaster Readiness and Response Taskforce. Hugh is also a Member of the Joint Parliamentary Committee on the Ombudsman, the Law Enforcement Conduct Commission and the Crime Commission. Prior to his election Hugh was a practicing Barrister and Director of the Postgraduate Financial Crimes Program at the Australian Graduate School of Policing and Security.



Professor Julie Stubbs is a criminologist and Professor in the Faculty of Law at the University of New South Wales. She was previously

Professor of Criminology at the University of Sydney, where she had been Director of the Institute of Criminology. Before becoming an academic, she was a senior researcher with the NSW Bureau of Crime Statistics and Research.



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



The Hon. Paul Stein AM QC (until 29 June 2020) was the Chair of the Law and Justice Foundation Board of Governors for the majority of the

reporting period. He became a judge in 1983 and was appointed to the Land and Environment Court in 1985. In 1997, he was appointed to the Court of Appeal where he remained until his retirement in 2004. He has undertaken a number of reports and reviews for the government, and is the former Chair of the Board of the Environment Protection Authority. He has chaired committees and associations, in particular the Council of the Community Justice Centres and the National Consumer Affairs Advisory Council. He has written numerous articles and papers on environmental, administrative and consumer law, as well as on human rights and discrimination.



Jason Behrendt (until 29 June 2020)

is the Managing Director of Chalk & Behrendt. For the last 20 years he has advised Aboriginal corporations and land councils in relation to land rights, native title and Commonwealth and state environmental legislation. He is currently the Chair of the Indigenous Issues Committee at the Law Society of NSW and a member of the Indigenous Legal Issues Committee of the Law Council of Australia.



Coralie Kenny (until 14 June 2020) is

a financial services lawyer who has worked in-house in wealth management for over 20 years. She is a former Councillor, Treasurer and Junior Vice-President of the Law Society of NSW, and former chair of the Society's In-house Corporate Lawyers' Committee and Business Law Committee. She is the Chair of the Law Council of Australia's SME Business Law Committee, and is a former Director of the Public Interest Advocacy Centre and Legal Super Pty Ltd.



The Hon. Kevin Rozzoli AM

(until 30 June 2020) was the Chair of the Foundation's Investment

Sub-Committee. He was the member for the New South Wales electorate of Hawkesbury from 1973 until his retirement from politics in 2003, and from 1988 to 1995 was the Speaker of the Legislative Assembly. He was admitted to the New South Wales Bar in 1985. He is on the board of a number of not-for-profit organisations including the Environmental Defenders Office, the Medical Advances Without Animals Trust, the Accountability Round Table, and for the past 32 years he has been Chair of the Haymarket Foundation.



John Sheahan QC (until 14 June

2020) has been in practice at the Bar since 1985 and was appointed as Senior Counsel in 1997. His principal areas of

practice are corporate law, competition, and banking and finance. He is a past president of the Public Interest Law Clearing House (now Justice Connect) and currently a member of the board of the Haymarket Foundation. In 2014 he was appointed to the Takeovers Panel.

Year in review



Message from the Chair

On 29 June 2020, the Foundation farewelled the Hon Paul Stein AM QC, who served as Chair of the Board of Governors for 15 years. As he was Chair for the entire 2019–20 period, I invited Paul to write a reflection of his time as a final message to the Foundation’s community.

Sharon Cook
Chair
Board of Governors
November 2020

Message from the Outgoing Chair



I’d like to begin by thanking the new Chair of the Foundation, Sharon Cook, for generously inviting me to reflect upon my 15 years as Chair of the Foundation, a term that concluded just at the end of this reporting year. Fifteen years may seem

a long time on paper, but in fact the Foundation’s work and achievements have been such that any Board member would remain as enthusiastic about their role as when they started, no matter how long their tenure.

In 2005, I took over as Chair of the Foundation from the Hon Tony Fitzgerald AC QC, who had overseen a major strategic re-direction of the Foundation. With a new Act, a new name and a new mandate, the Foundation set about its work to contribute to the development of a fair and equitable justice system that met the legal needs of the community and to improve access to justice, particularly for socially and economically disadvantaged people. While the Foundation had many important programs, such as its Grants program, the most significant and influential in achieving its new statutory mandate was its research function.

Pioneering research into understanding legal need and supporting legal assistance services

On my commencement as Chair, the Foundation’s innovative access to justice and legal needs research program (A2JLN) was well underway. Yet, it was perhaps with the publication in 2006 of *Justice Made to Measure*, the first major legal needs survey in NSW, that attention began to be particularly drawn to the Foundation’s new research focus. While focusing on six disadvantaged regions in NSW, *Justice Made to Measure* nevertheless gave a clear suggestion that the picture of legal need in the community was not necessarily what the formal justice system thought it to be.

Recognising the new and important insight possible from the new legal needs survey methodology, National Legal Aid approached the Foundation to support us to conduct a national comprehensive legal needs survey, published in 2012 as the *Legal Australia-Wide (LAW) Survey*.

By all measures the LAW Survey was a remarkable piece of work – at the time the largest survey of its kind in the world (and still the second largest). The survey’s methodology allowed comprehensive analysis of legal need in every state and territory,

as well as nationally, and a deeper analysis of how those needs were experienced by people themselves as opposed to how those needs were understood by the formal system. The LAW Survey gave rigorous and representative insight into the legal problems people experience and their prevalence, the vulnerability of different people to legal problems, the action taken or not taken by people in response to these problems (and the reasons for these actions), and the outcomes achieved.

While it is impossible to summarise the breadth of what was revealed through the LAW Survey in this reflection, I can say that the survey's findings and ongoing analysis have influenced policy and legal assistance service practice in Australia and internationally. And it continues to do so. In Australia, it is pleasing to see the principles that come from the LAW Survey and key follow-on reports such as *Reshaping Legal Assistance Services* (2014) influencing to various degrees the work of the legal assistance sector. The influence of the LAW Survey can also be seen behind key government policy on legal services, such as the Commonwealth's *National Partnership Agreement for Legal Assistance Services* and in various areas of NSW policy such as the *2018 Civil Justice Action Plan*.

Of course, the Foundation's research program went well beyond legal needs surveys.

Notably, over the last 15 years, the Foundation has pioneered how legal assistance data in NSW can be accessed, improved and utilised in conjunction with other data (such as legal need data) to provide the necessary insights to support effective planning and delivery of legal assistance services.

For example, the Foundation's Legal Assistance Services Data Digest (LASDD) pioneered the harmonisation of service data from various legal assistance services into a useful combination, presented within a tool that allowed that data to be matched to legal need data. This combination of data established, for the first time, the possibility of a data model where needs and services could be potentially contrasted and mapped to assist in achieving the best outcomes for those in legal need.

Other aspects of the Foundation's research program also stand out in my mind. The Foundation's efforts to undertake research to identify what strategies are most effective and cost-effective to address the legal needs of the community is one such stream of work. Another is the Foundation's more recent work with all civil courts and tribunals in NSW to

analyse 12 months' data to generate a sound picture of what is happening in NSW courts. A first for NSW, the study helped answer questions such as 'who is using the courts and why', 'what are the outcomes they achieve' and 'how long does it take' and so on.

With this work and with all the Foundation's other rigorous empirical research work, the findings are not always what even well-informed people with extensive experience in the traditional system would have expected. Indeed, that is the very point and value of this sort of research and the insights it provides. The ability to undertake this sort of research, to identify key issues and to take action regardless of departmental policies and priorities at any given time, is the value of an independent organisation like the Foundation.

Connecting research with service delivery – the Grants program

That independence has never come through isolation. Rather, the Foundation's quantitative and qualitative research expertise has always been built upon sound engagement strategies with the justice system and, particularly given its mandate, with the legal assistance sector and those who work with them.

As well as its research activity, other Foundation programs have contributed to this engagement. Most notable among these was the Foundation's Grants program.

However much we may have been tempted to think that our research gave us many of the answers, it was our Grants program that kept our feet on the ground to ensure that what we were researching and interpreting actually made sense in the real world of legal services delivery and, in particular, that service to disadvantaged people. Throughout my time as Chair of the Foundation, my fellow Board members and I considered the Grants program a very valuable part of the work we did.

Importantly, the Grants program provided an avenue by which legal assistance services, and others who worked with them to meet the legal needs of disadvantaged people, could approach the Foundation with proposals for innovative ways to meet particular needs and to overcome barriers for people experiencing legal problems, but unable to resolve them or get the assistance they needed.

In 2017, the Foundation's 50th anniversary gave me cause to review the Foundation's Grant-making history. The review revealed that in many areas – such as domestic and family violence, child abuse,

legal needs of Aboriginal and Torres Strait Islander people, and people with disability – the Foundation was identifying and supporting initiatives years (and, in some cases, decades) before these achieved mainstream recognition. Again, this made clear to me the value of an independent organisation truly engaged with the sector.

Justice Awards

Over the 15 years of my time on the Board, a highlight was the Justice Awards. While never a major part of the Foundation’s work, the Justice Awards nevertheless proved to be a valuable program. On one level, they were designed to recognise the work done to improve access to justice for the people of NSW right across the state. This in itself was always an important achievement because, while most of those featuring in the Awards did not do the work for recognition, it became clear to us that the recognition provided by the awards (even to those simply nominated) was highly treasured by those in a sector which often receives little remuneration or thanks.

In fact, the benefits of the Justice Awards went well beyond this. Importantly, the Awards became an effective way to identify the key justice issues and barriers experienced by the people of NSW, as well as acknowledging those individuals and organisations who are working to address those problems. The Justice Awards then served to bring those issues and that work to the attention of wider circles of influence, whether senior justice

officials, judges, legal practitioners, and private pro bono firms through the annual Justice Awards themselves, or, sometimes more importantly, through local media and political attention in their home towns or regions.

The Justice Awards opened new doors to new initiatives and new partnerships. It was always pleasing to see, at the Awards dinner itself, representatives of law firms or other senior justice figures making contact with community groups and community legal sector workers with the intent of creating new partnerships to address some of the barriers.

Time of change

I could reflect further on some of the other programs of the Foundation, but space prevents me, other than to say that the Foundation’s collaboration with the State Library of NSW to establish the much envied Legal Information Access Centre (LIAC) and network of plain language legal information across the state, as well as the Foundation’s collaboration with Legal Aid and community legal centres to establish the NSW Legal Assistance Forum (NLAF), are two worthy of special mention.

It is with much sadness, however, that my final years with the Foundation have been impacted by declining income to a point that the Foundation wasn’t able to keep performing the breadth of work we believed it needed to do in order for it to adequately achieve its statutory mandate. The Board was faced with a situation whereby to maintain its

Excerpt from the *Law and Justice Foundation Act 2000*

5 Objects of Foundation

- (1)** The objects of the Foundation are to contribute to the development of a fair and equitable justice system which addresses the legal needs of the community and to improve access to justice by the community (in particular, by economically and socially disadvantaged people).
- (2)** Without limiting section 6, in attaining its objects the Foundation may do any one or more of the following:
 - (a)** conduct and sponsor research (including inter-disciplinary research) into the law, the justice system, alternative dispute resolution and the legal profession,
 - (b)** collect, assess and disseminate information about the justice system,
 - (c)** conduct and sponsor projects aimed at facilitating access to justice and access to information about the justice system,
 - (d)** promote education about the justice system.

valuable research program the Foundation needed to suspend both its Grants program and the Justice Awards program and some of the other smaller programs.

The future is, of course, a challenge for the new Board and I will limit my comments in that regard, other than to say that for the Foundation to remain the valuable asset that it is, it needs an appropriate funding mechanism to ensure it has a minimum adequate level of core funding with sufficient predictability of that funding.

Thank you

It is appropriate that I thank many people for their support to me, to the Board and to the Foundation over the last 15 years. First, I would like to thank the staff of the Foundation over that time. As the NSW Attorney-General recently wrote me, “...*the Foundation has never failed to meet its statutory purpose... and has produced an ocean of important work...*”, and this is entirely due to the work of the staff at the Foundation whose commitment is second to none. I thank all staff, past and present, for their commitment and their efforts, and what they have achieved. To the Board members over the years that contributed so much of their energy, skills and expertise, thank you.

I would also like to thank the many external organisations and individuals who have worked to support the Foundation over those 15 years. From private pro bono firms to government departments, legal aid commissions, community legal centres, Aboriginal legal services, the Law Society of NSW, the NSW Bar Association, individuals, academics, and many others – in various contexts – these groups and individuals have given their time and expertise willingly. Their efforts have helped to keep the Foundation engaged with the community, contribute to important research projects, provide confidential reviews of Grant applications and Justice Award nominees and project proposals, and provided a myriad of other support.

It has also been my honour to have had Sir Anthony Mason as Patron of the Foundation throughout my tenure. I know the Director benefitted from his meetings with Sir Anthony on many occasions, and Sir Anthony and Lady Patricia’s involvement in the Justice Awards process was always a highlight of our year.

I would also like to thank the NSW Attorneys-General who have maintained confidence in my role as Chair over the past 15 years. I thank them for their support and their confidence, and for the opportunity to work with this wonderful organisation for the time that I did.

Finally, I would like to thank and especially acknowledge the extraordinary contribution of the Director, Geoff Mulherin. He has been in the position for 20 years, 15 years with me as Chair of the Board. His contribution has been immeasurable. His unbounded energy has established a national and international reputation for the Foundation. Geoff has indeed been magnificent in leading our staff and leading major projects. He has also proved adept at government relations and with his intense contact with community groups. At the same time Geoff has kept me and Board members constantly in touch with all issues affecting the Foundation and its work. Indeed, it has to be said that his contribution has and continues to be above and beyond the call of duty.

Let me finish by again thanking incoming Chair, Sharon Cook, for the opportunity to offer this reflection. I congratulate her and the new Board members on their appointment to the Board of Governors of the Foundation and give you my sincere best wishes for your stewardship of the Foundation over the years ahead.

Paul Stein AM QC
Chair, 2005–2020
Board of Governors
November 2020



Message from the Director

2019–20 was a year of challenge and change for the Foundation, as it was for many organisations. Most obvious perhaps, the COVID-19 pandemic, particularly as it necessitated an unexpected move to remote working, not only changed the way we worked among ourselves, but with all of the others we work with. Our engagement with the sector shifted from frequent face-to-face contact and visits, to online meetings and communications. Importantly, since our research engages with and focuses on the legal assistance sector (LAS) and the legal needs of the community, these major operational changes to legal services prompted by the pandemic flowed on to us such that our working relationships with these services changed too.

Another challenge over the year has been the unprecedented commitment to support the Commonwealth, the states and territories and the LAS in developing and preparing for the new National Legal Assistance Partnership 2020–2025 (NLAP) – the new five-year funding program for legal assistance services. This work has involved a substantial range of conceptual thinking, data analysis and reporting and professional advisory work, and other requirements for the sector and for the jurisdictions. This is discussed later in the report.

And as the year drew to a close, as the terms of appointment of many of the existing Board of Governors came to an end, the Attorney-General appointed a number of new Governors to provide a new-look Foundation Board.

Data to support the legal assistance sector

About ten years ago the then Secretary of the Commonwealth Attorney-General's Department

(AGD) described the work of the Foundation as “the epidemiology of law”. With the impact of COVID-19 many more Australians would now understand his description, and our work with data and information to support the LAS in particular and to support the delivery of the most effective services to meet the legal needs of the community has been a particular focus during the year.

As part of our work with the Commonwealth AGD, we have undertaken an analysis of service delivery data of all Aboriginal and Torres Strait Islander Legal Services and Community Legal Centres across the country to develop “National Pictures” of services delivered. This is the first time any such analysis has been undertaken and has been a major undertaking. The reports will be released in the new financial year and will provide important insight into legal assistance service delivery, which will be of particular use to the NSW Department of Communities and Justice, as well as other states’ justice departments and to the LAS more broadly. We hope to publish a similar report on Legal Aid Commissions in the coming year.

Of course, service data is only one part of the information necessary to support legal assistance services deliver services effectively and efficiently to those most in need. During the year the Foundation worked on the development of two interactive online data tools to support collaborative service planning in NSW and to support the Australia-wide implementation of the NLAP. The Foundation has brought together data from the Australian Bureau of Statistics, the Department of Social Security, NSW crime data and the Foundation’s own series of “need for legal assistance services” (NLAS) indicators. These have been mapped for access through a range of geography levels to support collaborative service

planning at the local level throughout NSW, at the jurisdictional level and ultimately at the national level.

COVID-19 had an impact on the Foundation's data work and in particular our work to bring legal needs data and service delivery data together. In April we were about to publish two new *Data Insights in Justice* papers that utilised legal need and service delivery data in this way to provide new insight into the experience of employment and housing legal problems in the community. With the arrival of the pandemic, and its anticipated impact on issues such as employment, housing, tenancy and related issues, we delayed the publication of these two papers to allow for reconsideration. We hope to publish them in the new financial year.

Data was an important feature in much of the work we have done during the year, including in relation to our collaborative projects with Legal Aid NSW. Across a range of projects, our work using and analysing Legal Aid data (in combination with other evaluation methodologies) assisted Legal Aid in identifying effective and efficient strategies and to help them plan and deliver their services. Particularly noteworthy projects are discussed later in this report.

Our research alliance with Victoria Legal Aid (VLA) will come to an end in the first half of the

next financial year, as will our alliance with Legal Aid NSW. These alliances have allowed us to work closely with the sector to evaluate programs and to identify what works to address the legal needs of the community. During the year, we undertook the review of VLA Information Services which provided great insight into the relevance, use and effectiveness of legal information services.

In the year ahead, the Foundation will continue to work closely with Legal Aid NSW to best support the people of NSW.

Other features of the year

The OECD again approached the Foundation – this time to work with them in relation to the impact of COVID-19 on justice systems. On behalf of the Foundation and the OECD I chaired the OECD's Global Roundtable on the impact of COVID-19 on access to justice on 28 April involving heads of justice departments and the justice sector from over 100 countries. This was followed by the Foundation and the OECD co-authoring a report *Access to Justice and the COVID-19 Pandemic*.

The Foundation continued to provide support for the Grants that had been awarded before the conclusion of the Grants program during the last financial year. Those projects completed and those moving towards completion during the year



Foundation Director Geoff Mulherin chairs the Virtual OECD Global Policy Roundtable on Equal Access to Justice on 28 April 2020.

are important projects that can lead to positive outcomes for disadvantaged people across NSW experiencing legal problems. These are discussed later in this report.

Opportunities and challenges to look forward to

The Foundation's close involvement with the NLAP development process provides some hope for new opportunities in the years ahead. The implementation of the new NLAP, with the additional planning and monitoring obligations it places upon states and territories and the legal assistance services, provides some potential for the Foundation to maintain and expand its influence through its evidence-based analysis to inform the planning and delivery of legal assistance services that meet the needs of the community.

Of course, core funding for the Foundation – both in terms of its quantum and its short-term nature – remains an ongoing challenge.

Thank you

I would like to thank the staff of the Foundation most sincerely for their hard work and unwavering commitment during this year of change. Whether this work is recognised through publication or, particularly this year, through behind-the-scenes influence on key government funding and policy documents, the staff at the Foundation should be proud that they are assisting legal service providers to plan and deliver services as effectively as possible, and policy makers to develop and implement sound policy based on the evidence they have delivered.

This year our engagement with the LAS and with governments has been more national than in most years. I would particularly like to acknowledge Legal Aid NSW, the Aboriginal Legal Services NSW/ACT and Community Legal Centres NSW for their ongoing engagement, support and collaboration. I would also like to thank the Aboriginal and Torres Strait Islander legal services, community legal centres and legal aid commissions from all states and territories for their support and commitment to

the Foundation's work. We look forward to working with you all into the future.

Similarly, I also acknowledge our ongoing relationship with staff at the Commonwealth AGD. While we regularly work with them, this year has seen a unique level of engagement. We very much appreciate their confidence in the Foundation's work, as well as their willingness to listen to and adapt ideas, and where possible, to take on board the research and evidence-based input from the Foundation. We look forward to working with them into the future as well.

As always, we are grateful for support from the Attorney-General of New South Wales, the Hon. Mark Speakman SC MP, as well as staff in the NSW Department of Communities and Justice. I also extend thanks to the Law Society of NSW, particularly Law Society Presidents Richard Harvey and Elizabeth Espinosa, as well as the Public Purpose Fund Trustees for their essential support for the Foundation.

I must make a special mention in this report to the outgoing Board members, quite a number of whom had served the Board for many years with unwavering enthusiasm. Over the course of each of their tenures, their advice and commitment has been invaluable. They have generously given great support both to me and the Foundation as we worked collectively to achieve the Foundation's statutory objects. I particularly thank the outgoing Chair, the Hon Paul Stein AM QC, whose wise counsel and strategic leadership served the Foundation very well.

While we farewell a number of Board members, we also welcome the newly appointed Board members, including new Chair, Sharon Cook. This provides the Foundation with an exciting opportunity to engage with a new group of leading members of the community and profession. The staff and I look forward to building on the Foundation's great work with you all into the future.

Geoff Mulherin
Director
November 2020

Performance 2019–2020

Goal 1: Identify legal need and what works to address that need

Using rigorous evidence-based research, evaluation and analysis, identify the legal and access to justice needs of the community, and what works (for whom, in what circumstances and at what cost) to address those needs; and to use this analysis to support effective policy development and service delivery.

Overview

The following strategies underpin the Foundation's research work:

- **Identify legal and access to justice need** (its nature, distribution across the community, the vulnerability of particular groups etc.)
- **Identify what strategies work** to address legal need (in particular circumstances, cost-effectiveness etc.)
- **Support policy development and planning service delivery**
- Engage with the legal assistance sector and **respond to priority and emerging access to justice issues.**

These strategies contribute to the achievement of the Foundation's statutory objects, and in particular, to supporting the development of the most appropriate policy and the delivery of the most effective and cost-effective legal services.

Within Goal 1, projects often yield insights and results relevant across two or more of the strategies. For example, a project to evaluate a legal assistance program will support the planning and delivery of legal assistance services, and will also likely yield findings that enhance our knowledge of what legal needs exist and what is effective in meeting them.

In this report, projects are grouped (and reported on) within the most relevant strategy, but in some cases findings may be reported in more than one strategy.

Responding to priority access to justice issues

The Foundation's work is ultimately directed towards providing rigorous, evidence-based research and analysis to support policy development

and assist in the planning and implementation of effective service delivery.

While all of our research projects are directed in this way, increasingly, the Foundation is using its research data and skills to respond to issues arising in the justice sector within New South Wales and, where appropriate (and funded), across Australia. These projects range from small projects based on the further analysis of recent Foundation work (and data) to new research directed at important contemporary issues that also contribute to the achievement of our statutory objects.

Strategy 1.1 Identify legal and access to justice needs

Use rigorous evidence-based research, evaluation and analysis to identify the legal and access to justice needs of the community.

Access to Justice and Legal Needs research program

The Foundation's Access to Justice and Legal Needs (A2JLN) program has sought to provide a rigorous and sustained assessment of legal and access to justice needs in New South Wales, especially of disadvantaged people. The program comprises a series of projects involving consultations and submissions, literature analysis, original survey and field work, and qualitative and quantitative analyses.

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

The program has included examination of the ability of disadvantaged people to:

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

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

Expressed legal need

Data routinely collected by not-for-profit legal service providers such as Legal Aid NSW, LawAccess NSW and community legal centres provide a valuable source of information about the types of legal enquiries these services receive and how they vary for different communities.

Importantly, though, is that over time the A2JLN program has revealed the limitations of using the need ‘expressed’ to existing legal assistance services as an indication of general legal need. In the resource-constrained legal assistance sector, ‘supply’ is largely independent of ‘need’. Broader assessments of legal need are required.

Unexpressed legal need

Policy makers and service providers often ask whether those seeking legal assistance represent the majority of people with legal needs. The Foundation’s legal needs surveys in Australia provide empirical insight into both expressed and unexpressed need (that is, need for which assistance has not been sought) in the community.

Targeted studies

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

Criminal Court data

More recently, the Foundation has begun to access and utilise criminal court data as a means of

identifying criminal legal need relevant for legal assistance services.

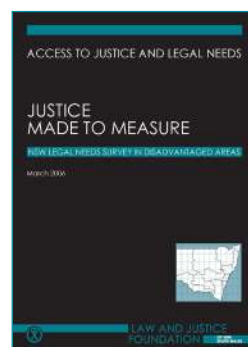
A sustained assessment

It is important to see individual projects within the A2JLN Program as part of an overall whole, and to consider project findings as cumulatively adding to our understanding of legal need. Table 1 on the following page sets out all publications produced as part of the A2JLN Program. These reports and publications should be interpreted in that context.

Legal needs surveys

Quite early in our A2JLN program, it became clear to the Foundation that existing legal reforms and ‘legal need’ assessments were generally centred on the perspective of the formal institutions of justice, rather than the needs of the community as they experienced them. Further, as the A2JLN program began to examine the service delivery data in detail, we began to see the limitations of such measures of ‘expressed need’ to adequately describe the actual legal needs of the community. In effect, this data only records the legal problems within a limited range of issues dealt with by a limited range of not-for-profit service providers, and for those in the community that actually engaged with these services.

The Foundation’s mandate was to obtain a much more comprehensive picture of the legal needs of the community, and to achieve this we looked to the emerging area of ‘legal need surveys’ that had begun to provide new and important insights into the legal needs of citizens in the UK. As a result, the Foundation’s research has included substantial representative surveys of what legal problems were



Justice made to measure: NSW legal needs survey in disadvantaged areas (left) published in 2006 and the Legal Australia-Wide Survey: legal need in Australia (right) published in 2012.

Table 1. Major Access to Justice and Legal Needs reports

2003	Access to justice background paper
2003	Access to justice roundtable
2003	Public consultations report
Service provider analysis	
2004	Data digest: a compendium of service usage data from NSW legal assistance and dispute resolution services, 1999–2002
2004	Data Digest Online: set of interactive, online reports allowing the presentation, comparison and mapping of legal assistance data, available to participating agencies through password-protected access
2014	The development of the Legal Assistance Service Data Digest and Data Digest Online
Quantitative surveys	
2003	Bega Valley pilot
2006	Justice made to measure: NSW legal needs survey in disadvantaged areas
2008	NSW Legal Needs Survey in disadvantaged areas: Campbelltown (<i>Justice Issues paper 4</i>)
2008	NSW Legal Needs Survey in disadvantaged areas: Fairfield (<i>Justice Issues paper 5</i>)
2008	NSW Legal Needs Survey in disadvantaged areas: Nambucca (<i>Justice Issues paper 6</i>)
2008	NSW Legal Needs Survey in disadvantaged areas: Newcastle (<i>Justice Issues paper 7</i>)
2008	NSW Legal Needs Survey in disadvantaged areas: South Sydney (<i>Justice Issues paper 8</i>)
2008	NSW Legal Needs Survey in disadvantaged areas: Walgett (<i>Justice Issues paper 9</i>)
2009	The legal needs of people with different types of chronic illness or disability (<i>Justice Issues paper 11</i>)
2012	Legal Australia-Wide Survey: legal need in Australia
2012	Legal Australia-Wide Survey: legal need in New South Wales
2012	Legal Australia-Wide Survey: legal need in Queensland
2012	Legal Australia-Wide Survey: legal need in South Australia
2012	Legal Australia-Wide Survey: legal need in Tasmania
2012	Legal Australia-Wide Survey: legal need in the Australian Capital Territory
2012	Legal Australia-Wide Survey: legal need in the Northern Territory
2012	Legal Australia-Wide Survey: legal need in Victoria
2012	Legal Australia-Wide Survey: legal need in Western Australia
2013	Law and disorders: illness/disability and the experience of everyday problems involving the law (<i>Justice Issues paper 17</i>)
2016	How people solve legal problems: level of disadvantage and legal capability (<i>Justice Issues paper 23</i>)
2017	Personal injury problems: new insights from the Legal Australia-Wide Survey (<i>Justice Issues paper 22</i>)
2017	It's personal: business ownership and the experience of legal problems (<i>Justice Issues paper 24</i>)
2018	Fines: are disadvantaged people at a disadvantage? (<i>Justice Issues paper 27</i>)
2019	Quantifying the legal and broader life impacts of domestic and family violence (<i>Justice Issues paper 32</i>)
2019	Uptake of legal self-help resources: what works, for whom and for what? (<i>Justice Issues paper 30</i>)
2020	Employment-related problems and enquiries to legal assistance services in NSW (<i>Data Insights in Justice paper 1</i>) (forthcoming)
2020	Housing-related problems and enquiries to legal assistance services in NSW (<i>Data Insights in Justice paper 2</i>) (forthcoming)
Qualitative research	
2004	The legal needs of older people
2005	No home, no justice? The legal needs of homeless people
2006	On the edge of justice: the legal needs of people with a mental illness in NSW
2008	Taking justice into custody: the legal needs of prisoners
2010	By the People, for the People? Community participation in law reform
Integrated methods	
2007	Pathways to justice: the role of non-legal services (<i>Justice Issues paper 1</i>)
2008	Fine but not fair: fines and disadvantage (<i>Justice Issues paper 3</i>)
2009	Cognitive impairment, legal need and access to justice (<i>Justice Issues paper 10</i>)
2019	Conducting legal needs surveys in the Australian context (<i>Justice Issues paper 31</i>)

actually experienced by individuals, the actions they took (or did not take) in response to them, the assistance sought, and the outcomes achieved. Importantly, legal needs surveys do not rely on individuals being able to identify a problem as legal or having a possible legal resolution. They are based not on opinion but rather on recollection of problems, impacts of the problems, actions taken in response to the problems and outcomes of the problems.

After a pilot survey in Bega Valley and then a survey targeting six disadvantaged regions in NSW (see the Foundation report *Justice made to measure*) in October 2012, the Foundation published a series of nine major reports on findings from the LAW Survey. At that time, the LAW Survey was the largest national legal needs survey conducted anywhere in the world. It involved telephone interviews with a representative sample of 20,716 residents across Australia. Analyses were conducted and a report was produced, for the first time, for each Australian jurisdiction and for Australia as a whole, detailing legal need among the community as individuals experienced that legal need.

The reports had an immediate and continuing impact on informing and underpinning policy and service delivery at the national and state/territory level. The LAW Survey has proved particularly powerful because it provides:

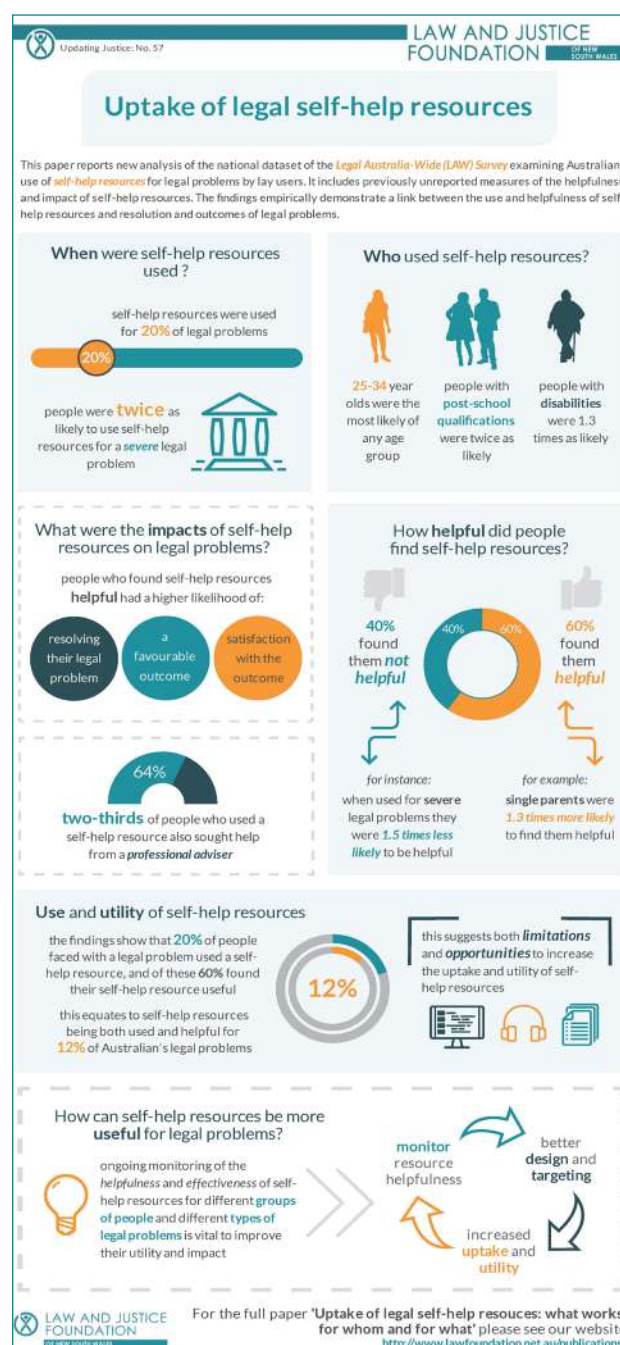
- the most comprehensive and rigorous study ever conducted in Australia examining the legal problems that people experience, actions they take, where they go for advice, the barriers they face to obtain that advice, and the outcomes they achieve
- the first-ever rigorous means of comparison of legal needs, responses and outcomes between the Australian jurisdictions
- a sound basis for comparing legal needs, responses and outcomes between Australia and other jurisdictions internationally, giving policy makers and service providers confidence in drawing on a broader range of research findings to inform their work.

While fieldwork for the LAW Survey was completed in 2008, ongoing use of the survey's findings remains appropriate, as findings in legal needs surveys conducted overseas since then suggest the LAW Survey's broad findings remain valid. Nevertheless, much has changed in many parts of Australian society – substantial population growth, developments in online technology that have generated new legal issues and new avenues for resolving disputes. In recognition of the particular impact of such change, in 2014, the Productivity

Commission recommended that legal needs surveys be conducted regularly, commencing no later than 2016. Of course, we must also now consider the impact of bushfires and the COVID-19 pandemic, key drivers of change in 2020.

Further analyses of the LAW Survey dataset

Notwithstanding the age of the survey, legal need surveys in a range of jurisdictions across the globe reveal similarities and consistencies with the LAW Survey findings. Thus, while a new survey is needed, we can still be confident that the key findings remain relevant today. The LAW Survey dataset, therefore, remains the best source of representative data about



the legal needs of the Australian community and until a new survey is available, some important new insights have been reported during the year.



***Uptake of legal self-help resources: what works, for whom and for what?*, Justice Issues paper 30, December 2019**

Work was completed on a new Justice Issues paper (*JI No. 30. Uptake of legal self-help*

resources: what works. For whom and for what?) examining the use of self-help resources to resolve legal problems and was published in December 2019.

This paper reports new analysis of the LAW Survey dataset examining Australians' use of self-help resources (SHRs) to resolve legal problems. The findings show links between the use and helpfulness of SHRs. LAW Survey respondents only used SHRs for 20% of legal problems and when people did use SHRs they were only rated as helpful for 60% of legal problems. People generally used SHRs alongside other strategies for resolving their legal problems, which suggests that they should be viewed as a complementary strategy rather than a standalone legal assistance service strategy.

The authors found that only a minority of people appear capable of effectively using SHRs – with many people not using them, not finding them helpful or not achieving satisfactory outcomes. The evidence suggests that while investment in SHRs is appropriate for some types of legal problems and some people, caution should be exercised. While digital technology offers the opportunity to facilitate access to SHRs, the findings suggest that uptake and effectiveness will vary according to both the type of legal problem and user demographics. Digital SHRs may be best viewed as a means to meet the needs of the 'missing middle' rather than a substitute for legal advice for public legal assistance clients.

The case for a new legal needs survey



***Conducting legal needs surveys in the Australian context: challenges and options*, Justice Issues paper 31, July 2019**

Legal needs surveys are the most reliable way of gaining an understanding of the legal

needs of the community. They provide essential information for the design and delivery of effective legal assistance services. Australia's first legal needs survey, the LAW Survey, was conducted in 2008. Australia has undergone rapid change in the last ten years, including major population growth and a digital transformation in service delivery.

A new legal needs survey to support effective legal assistance services is overdue. But that raises a number of questions:

- Who should participate?
- What types of legal problems should be covered?
- What questions should be asked?
- Which interview format should be used? Face-to-face, phone, online or post? A combination?
- How many people should be interviewed?

This *Justice Issues* paper profiles the many factors that must be taken into account in designing a new legal needs survey.

The strength of legal needs surveys is that they give government and service providers the opportunity to hear direct from the public about their everyday legal problems and what actions they take to resolve them. Australia needs a regular assessment of legal needs to ensure policy and service delivery is most effectively targeted and makes best use of available resources.

Strategy 1.2 Support policy development and planning service delivery

Combining our knowledge gained in identifying legal need and what works to address that need, with rigorous analysis of legal sector and other data, to support the planning and delivery of legal services.

Data Insights in Justice

During 2019–20, we worked on two new *Data Insights in Justice* research papers, looking at employment-related and housing-related problems and enquiries to legal assistance services. While both reports were due for release just prior to the COVID-19 outbreak, they are now being reconsidered for a post-COVID environment. The papers bring together legal needs data (including data from the LAW Survey) and service delivery data to develop a better picture of how legal assistance services are addressing legal need in the community in specific legal problem areas.

The case for a new LAW Survey

An effective and efficient justice system that meets the legal needs of the community will only be possible with a sound understanding of those needs. Empirical legal needs research in Australia and around the world gives a clear picture – the majority of day-to-day legal needs of the community do not find their way to the formal legal ‘system’. Only a very small percentage are resolved through a court, tribunal or formal dispute resolution process.

Legal needs surveys are the only way to get a accurate, representative picture of the legal needs of the community from the citizen’s perspective. The Foundation’s LAW Survey (2012) remains Australia’s most comprehensive and rigorous assessment of legal needs in the community.

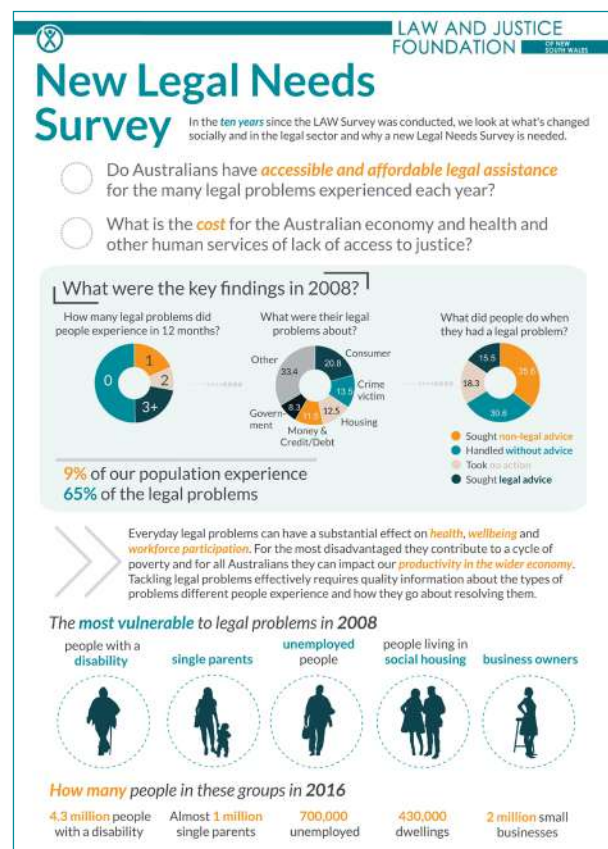
It is data from the LAW Survey that allowed the Foundation to identify, quantify and understand the full range of legal problems faced by victims of family and domestic violence – published recently in our influential report, *Quantifying the legal and broader life impacts of domestic and family violence* (Justice Issues Paper 32). The paper, which presented new interrogation and analysis of the LAW Survey dataset, was widely referenced throughout the course of this reporting period.

This was the first time such analysis has been undertaken, and it was only possible because of the nature of the LAW Survey methodology and data. Without regular legal needs surveys, the true picture of legal needs experienced by the community, and

vulnerable people in particular, is impossible to assess.

The Productivity Commission, in its 2014 report *Inquiry into Access to Justice Arrangements*, recommended regular legal needs surveys be conducted in Australia with the next to be in 2016. This has not occurred.

A decade on from the LAW Survey, and particularly in light of the recent COVID-19 pandemic, a new legal needs survey that tracks the demographic, economic and service delivery changes is more important than ever.



Both papers highlight that, in the tightly funded legal assistance environment, simply assessing legal need based on services delivered is inadequate to developing a true understanding of legal need in the community. Service data alone only helps us understand the legal needs of those people who have accessed those services. The papers demonstrate the value of bringing together data reflecting legal need and service delivery data, since this combination offers better insights into how legal assistance services are addressing that legal need.



Employment-related problems and enquiries to legal assistance services in NSW, Data Insights in Justice Issues paper 1, forthcoming 2020

A good understanding of the characteristics of people who experience employment-related legal problems is crucial to planning legal assistance services that meet the needs of the community. It is important that legal assistance services are designed with these people in mind to ensure services match the need.

Bringing together legal needs data from the LAW Survey and service data from the *New South Wales Legal Assistance Services Data Digest*, this paper provides a snapshot of people with employment-related legal needs in NSW that can inform policy development and service planning. The types of employment-related legal problems experienced include dismissal, redundancy, poor work conditions, discrimination, harassment and victimisation.

The *Legal Assistance Services Data Digest* provided comprehensive data on the three main generalist public legal assistance services: Legal Aid NSW, LawAccess NSW, and NSW community legal centres. There were 19,500 enquiries about employment-related legal problems recorded in 2016, equating to 6% of enquiries overall.

What does the data show?

According to the LAW Survey, age is the most significant predictor for experiencing employment-related legal problems, with younger men and women (aged 18 to 24) reporting the highest rates (10.7%).

In 2016, over 19,500 employment-related enquiries were recorded in the Data Digest, with more than half received by LawAccess NSW (54%). NSW community legal centres (25%) and Legal Aid NSW (21%) received the rest.

The Data Digest also showed there were 5.4 employment-related enquiries per 1,000 of the NSW working population in 2016, with more enquiries made by women (53%) than men (47%). The LAW Survey shows that although women have a lower prevalence of employment-related problems, compared to men, they are more likely to seek assistance when they do have a problem.

Indigenous people comprised 4.3% of employment-related problem enquiries in the Data Digest, equivalent to 10.8 per 1,000 of the NSW Indigenous working population.



Housing-related problems and enquiries to legal assistance services, Data Insights in Justice Issues paper 2, forthcoming 2020

A similar approach was taken to understanding the profile of people experiencing housing-related problems in NSW and their engagement with legal assistance services. Once again, this paper

brought together legal needs data (the LAW Survey) and service data (the Data Digest) to develop important key findings that can inform service planning.

What does the data show?

In NSW, 13% of the population aged 15 and over reported having experienced a problem in relation to housing over the previous 12 months. Formal advice for such problems was sought by 51.3% of respondents in the state, and this advice was sought from a not-for-profit legal assistance provider in 8.3% of housing-related problems.

Just under 27,200 housing-related enquiries were made in 2016, which translates to a rate of 4.5 enquiries per 1,000 of the NSW population aged 15 and over.

Importantly, the distribution of housing enquiries by problem type (that is, the service data) presents a different pattern to that of experienced housing problems as found by the LAW Survey, (that is, legal needs data). Nearly half (48.6%) of enquiries were about tenancy issues but the majority of problems experienced were neighbour-related (69.4%).

The rate of housing enquiries is highest for the 35 to 44 age group at 5.3 per 1,000, while people aged 25 to 44 are more likely to enquire about tenancy than their older counterparts, who are more likely to field enquiries about neighbour-related problems.

The rate of enquiries per 1,000 of the female population aged 15 and over (5.2) was higher than that of males (3.6), a finding that is consistent across all age groups and housing problem types.

Indigenous clients comprised 5.8% of the housing-related enquiries in 2016, which translates to a rate of 11.1 per 1,000 of the Indigenous population compared to 4.3 per 1,000 for the non-Indigenous population. Compared with enquiries from non-Indigenous clients, there were higher numbers of eviction-related problems among Indigenous clients.

Commonwealth legal assistance sector planning strategic advice project

In early 2019 the Commonwealth Attorney-General's Department (AGD) approached the Foundation to provide expert support and advice as they undertook the very difficult and complex task of developing all that would be required with the introduction of a new and evolved national 'partnership' arrangement for the 2020–2025 period (the National Legal Assistance Partnership

'... the Foundation has been engaged to help improve legal assistance arrangements and to strengthen its underlying research and analytical evidence base. Many of you will already be familiar with the Foundation's work. They are independent and have extensive expertise in research, data analysis, legal assistance and the justice system. We have asked them to help develop a comprehensive range of resources and tools that will be available to the sector to assist us all to plan and deliver legal assistance services.'

*Commonwealth Attorney-General's
Department to the legal assistance sector
8 July 2019*

(NLAP)). On 1 July 2020, this replaced the National Partnership Agreement on Legal Assistance Services 2015–2020 (NPA) and the Indigenous Legal Assistance Program 2015–2020 (ILAP).

The Foundation entered into a first Memorandum of Understanding (MOU) with the AGD in April 2019 to perform a number of tasks that covered a comprehensive range of issues, including commenting on the content of key policy proposals, detailed analysis of legal service provider data across the country, and the development of tools and guides to assist the states and territories, and the sector, to undertake effective collaborative service planning.

A second addendum lasting the entire 2019–20 financial year, was entered into in June 2019 which substantially extended the scope and intensity of the support provided by the Foundation.

A third addendum to the MOU was entered into in April 2020 which further extended the scope and work of the support provided by the Foundation throughout the 2020–21 year, to particularly focus on the implementation of the NLAP.

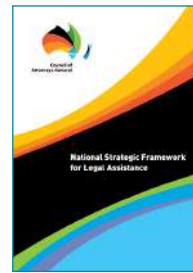
During the reporting period, the Foundation undertook several key tasks, as follows.

Strategic and technical advice

The Foundation provided the Commonwealth with frequent strategic and technical advice in relation to a range of relevant issues including research and evaluation methodologies, issues relating to data collection, quality, interpreting and analysis, and other areas relevant to the planning and delivery

of legal assistance services that came within the Foundation's expertise.

National Strategic Framework for Legal Assistance Services

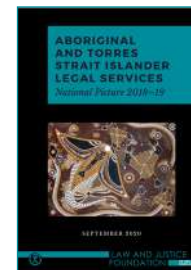
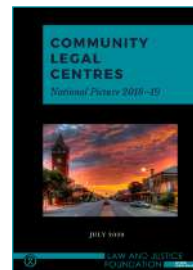


The Foundation provided extensive advice in relation to the development of the National Strategic Framework, in effect, the guiding direction document for the purposes and funding of all legal assistance in Australia, including those services outside the NLAP.

Importantly, the document details 24 outcomes for legal assistance services and has allowed the Foundation to encourage the Commonwealth AGD to relate all NLAP work towards the achievement of these outcomes.

Performance Indicators. The new NLAP, as with all government-funded programmes, required performance indicators. While the main responsibility sat with the Commonwealth AGD, the Foundation was able to ensure that performance indicators in the NLAP were focused on those outcomes defined in the National Strategic Framework.

National Pictures of legal assistance services delivered



During the reporting period, the Foundation undertook an analysis of a year's service delivery data from two of the

three main legal assistance services (Aboriginal and Torres Strait Islander Legal Services (ATSILSs) and community legal centres (CLCs)), and commenced a similar exercise with NSW Legal Aid Commission data. This is the first time any such comprehensive 'picture' or analysis of service delivery data has been attempted in Australia (and, perhaps, globally).

These National Pictures, while not published by the end of the reporting year, serve a number of important purposes including:

- Providing a comprehensive snapshot of the services provided by ATSILSs across Australia
- Providing a similar comprehensive snapshot of services provided by CLCs across Australia

- Identifying and highlighting the challenges faced by the legal assistance sector in data collection and data utilisation
- Identifying key areas for future work to improve the quality and comprehensiveness of the legal assistance service data to make it more useful for service delivery planning
- Providing a sound data ‘start point’ for the new governance arrangements of the NLAP, including the new responsibilities for the Department of Communities and Justice in NSW
- Assisting in the provision of useful data for the implementation of collaborative service planning.

Data roadmap for legal assistance services

Based on its work analysing the legal assistance sector’s service data (as part of National Picture work), the Foundation worked progressively on identifying and collating the various data issues that required resolution on the road to a more coherent and useful data environment. An interim report is due to be published in the first half of the 2020–21 year.

Data Resource

Throughout the period of the NPA, the Foundation maintained an online Collaborative Planning Resource (CPR), which included useful data tools and planning guidance. As part of its work both in support of the Commonwealth implementation of the NLAP and, separately for the implementation of collaborative service planning in NSW, during the period the Foundation developed a prototype data tool that will be further enhanced and finalised during the next financial year to assist with collaborative service planning in NSW and Australia.

Key guidance for NLAP implementation

The NLAP includes requirements for the states and territories and the legal assistance sector to undertake a range of activities with the overall aim of improving knowledge about the sector and a progressive improvement in the planning and delivery of services to meet the needs of the community. While these guides are to be provided to the sector by the Commonwealth AGD, the Foundation is examining ways to provide the most appropriate support to the sector. These guides include:

- **Service model case study guidance.** There has long existed large knowledge gaps concerning the complexities, challenges and costs of delivering legal assistance services across NSW and the nation. The Foundation has developed

a new case study model to begin to capture this information over the term of the NLAP.

- **Client survey guidance.** Client surveys, if done well, can give much insight into the quality and effectiveness of services and the like. While the Foundation’s remit on this task has been limited to guidance on how the client survey results are reported, it is impossible to separate methodology from reporting. We are considering providing our own guidance paper on conducting client surveys.
- **Time spent / activity monitoring guidance.** The Foundation commenced providing advice to the Commonwealth on how to approach this complex task.

Data Standards Manual



The National Legal Assistance Data Standards Manual (DSM) was first introduced in 2015/16. Its purpose is to guide the collection of service data to support the legal assistance sector. Whilst a good initiative, the DSM, through the life of the NPA and ILAP, had a number of

deficiencies, and lacked clarity and accuracy in a number of areas. The Foundation has provided, and continues to provide, key input to the Commonwealth AGD and the sector in relation to bringing the DSM in line with the new NLAP and, in due course, future legal assistance service data strategy.

Supporting collaborative legal service planning – the evolution

Interest in the use of administrative data (that is, legal assistance service delivery data), in combination with other key data (such as legal needs data) to inform the planning, funding and delivery of legal assistance services has grown substantially over the last 10 years.

The Foundation pioneered this use of legal service data for the purpose of assisting service planning in New South Wales, beginning with the publication of the *Data Digest Compendium* in 2004, which described the type of legal matter, the demographic characteristics of people who seek assistance from services and the pathways they took to resolve their problems during the period 1999 to 2002.

In 2009, the Foundation released the Data Digest Online (DDO) to participating legal assistance services in New South Wales. This enabled, for the

Service delivery data and legal need

The challenge faced by legal assistance services to address the legal needs of the community involves multiple steps, including:

- identifying the legal needs of the community, as well as locating or mapping that need,
- identifying what strategies ‘work’ most effectively and efficiently to address those legal needs experienced by the community, and
- then targeting, monitoring and evaluating services to continually review and improve outcomes for clients.

It is essential to use a number of data and other information sources (i.e. legal needs data, socio-demographic data, service delivery data, etc) ideally in a thoughtful and nuanced combination, to support the planning and delivery of appropriate services to meet this challenge. Legal needs insight in Australia, for example, will be gained through the combination of a range of sources, including

legal need surveys, demographic data from the Australian Bureau of Statistics (ABS), court data, social service and other official data sources, relevant infrastructure data (such as transport, social housing and similar data), as well as regional and local knowledge gained through community engagement.

Legal service data (‘administrative data’) is one of the important data sources ideally available to service providers and planners. Principally it provides insight into the targeting and delivery of services – and thus the extent to which the legal needs of the community in Australia are being addressed with legal assistance services.

Service data does not, however, provide a comprehensive picture of legal need.

Thus through the Foundation’s efforts such as the Collaborative Planning Resource we continue to aim to develop and maintain a range of relevant data sources together to support the planning and delivery of legal assistance services.

first time, service and sociodemographic data to be manipulated and displayed in various formats such as tables, charts or maps. Underpinning the DDO was the Legal Assistance Services Data Digest (LASDD) database, which brings together comparable service data from a range of agencies with sociodemographic data.

Supporting Collaborative Service Planning at the national level

In 2015 the Foundation was engaged by the Commonwealth AGD to develop a Collaborative Planning Resource (CPR) to support all Australian jurisdictions in planning legal assistance service delivery in accordance with the requirements of the National Partnership Agreement on Legal Assistance Services 2015–2020 (NPA).

In developing a resource to support planning at the national level, the Foundation drew upon its experience working with legal service and sociodemographic data in the New South Wales context and its breadth of knowledge of the legal assistance services sector.

Collaborative Planning Resource

The Foundation’s Collaborative Planning Resource comprises two separate resources:

- *Collaborative Planning Resource – Service Planning*
- *Collaborative Planning Resource – Jurisdictional Data.*

The Foundation’s report, *Collaborative Planning Resource – Service Planning (CPR–SP)*, outlines research evidence on the vulnerability of the ‘priority groups’ identified in the NPA to experiencing legal problems and how they respond to their legal problems, including the barriers they face in seeking help and their capability to resolve these problems. It also identifies the implications for designing legal service delivery for priority groups, including pathways to assistance and service options appropriate to their needs and capabilities.

The second component, *Collaborative Planning Resource – Jurisdictional Data (CPR–JD)*, brings together data on the geographic distribution for each state and territory of the priority groups for service. It also presents the geographic distribution of a set of

new indicators of *Need for Legal Assistance Services* (NLAS) developed by the Foundation for this purpose.

2018 Collaborative Planning Resource update

The *2018 Collaborative Planning Resource* update was released on 8 December 2017. It updated the CPR–JD component and comprises five NLAS indicators, and priority group data for a range of geographic levels: Local Government Area Level (LGAs), postcode and Statistical Areas (SA1, SA2, SA3). The five NLAS indicators are:

- NLAS(Capability) – a count of people aged 15 to 64 who are likely to need legal assistance should they experience a problem due to their low level of personal income and educational attainment
- NLAS(ATSI) – a count of people identifying as Aboriginal or Torres Strait Islander aged 15 and over with a low personal income
- NLAS(CALD) – a count of people for whom English is not their main language, aged 15 and over with a low personal income
- NLAS(65+) – a count of people aged 65 and over with low personal income and educational attainment
- NLAS(\$52K) – a count of people aged 15 to 64 with moderate personal income and low educational attainment.

The data is available in an interactive online tool, hosted by Tableau Public, which can be accessed from the Foundation’s website. Data for all Australia is available in maps, tables and downloadable files.

During 2018–19, an additional Tableau Public dashboard was released to show how the prevalence of priority groups across Australia had changed between the 2015 Collaborative Planning Resource and the 2018 Collaborative Planning Resource.

2019–20 Collaborative Service Planning for NLAP

During the 2019–20 reporting year, the Foundation worked on developing the next generation of collaborative planning resources to support the new legal assistance funding agreement.

Consultation with the sector (in particular, through direct consultation, including the national Inter-Governmental Committee (IGC) and the IGC Advisory Group) and engagement with the Commonwealth AGD’s NLAP preparation work guided this development.

Supporting Collaborative Service Planning in New South Wales

Prior to 2000, there was very little information available on the extent of legal need in New South Wales. With the establishment of our Access to Justice and Legal Need (A2JLN) program in 2002, the Foundation has sought to address this evidence gap. The Legal Assistance Services Data Digest project was established to gain insight through the analysis of legal services delivery data collected by legal assistance services as they met the needs of disadvantaged people in the community.

Legal Assistance Services Data Digest

Building on the DDO, the Legal Assistance Services Data Digest (LASDD) brought together standardised data from New South Wales public legal assistance services and selected Australian Bureau of Statistics (ABS) demographic data. It contains information on the types of legal matters about which inquiries are made, the demographic characteristics of those seeking legal assistance and the pathways that service users take to resolve their legal problems. The data has been used to provide information on the pattern of expressed legal need across different geographic areas of New South Wales, how it changes over time and how it varies in different communities. Perhaps more importantly, the use of service delivery data in this way gives greater insight into the level and nature of services delivered to meet the legal needs of the community.

Since the adoption of the new CLASS data system by Community Legal Centres NSW, the LASDD has not received community legal centre data. The most recent complete year of data is 2016.

NSW Collaborative Service Planning and data tool 2020

As part of the development of collaborative service planning amongst the legal assistance sector in NSW, the Foundation has been a key member of the NLA Collaborative Service Planning Working Group, and during the period developed prototype data tools to support collaborative planning at the jurisdictional and the regional level.

In November 2019, the Foundation participated in regional collaborative service planning activities in the four collaborative service planning ‘pilot’ regions (Central Coast, South Coast, Central Tablelands and Northern Rivers). This participation included consulting in relation to the data tool. In the first half

of 2020, the Foundation again participated in the next phase of planning activities in the four pilot regions.

The prototype data tool was developed by the end of the financial year. Further enhancement and finalisation through a process of consultation will occur during the 2020–21 financial year.

Cooperative Legal Service Delivery data packs

The Foundation has continued to support the Cooperative Legal Service Delivery (CLSD) planning process and provides regional reports throughout the year, as required.

Each CLSD data pack provides a snapshot of the region with statistics by LGA and by postcode, including maps with population numbers, the Foundation’s NLAS indicators, and a demographic profile of clients who made enquiries to legal assistance services. These ‘Expressed Legal Need’ data packs can be downloaded from our website and provide a convenient reference tool to assist with facilitating the planning and enhanced service coordination in each of the CLSD regions.

Planning tool to assist the Aboriginal Legal Service (NSW/ACT) Ltd

In 2018, the Aboriginal Legal Service (NSW/ACT) Ltd (ALS) approached the Foundation to explore how data might be used to estimate workload for ALS offices and assist with planning their Criminal Law Practice services. The Foundation sourced criminal court statistics on finalised matters involving Aboriginal and/or Torres Strait Islander defendants from BOCSAR to develop a proxy indicator of potential demand for ALS services in New South Wales.

The data was processed to create an interactive online tool available via Tableau Public that can be used to display the number of finalised matters involving Aboriginal and/or Torres Strait Islander defendants by level of court (Local, Children’s, District, Supreme) and by court location. The data can also be filtered by ALS Office, ALS Region or ALS cluster. The purpose of the tool is to help the ALS plan to meet demand for their Criminal Law Practice services.

Data for the 2012–16 period was first published in July 2018.

During the reporting year, we received 2018 and 2019 data from BOCSAR and undertook preparatory work and data analysis for updating the resource.

Further discussion with the ALS was required before the tool could be updated and that did not occur before 30 June.



OECD Access to Justice and the COVID-19 Pandemic

In April 2020, the OECD approached the Foundation to seek its support in conducting a global roundtable to gather information in relation to the impact of the COVID-19 pandemic on the justice system, as well as to produce a policy brief on this issue.

On 28 April 2020, the Director chaired a global roundtable, attended by representatives of well over 100 countries/jurisdictions.

Over April and May, the Director contributed to the development of the policy brief. Co-authored by the OECD and the Foundation, this brief explores the immediate and medium-term impacts of the COVID-19 crisis for justice systems and their users. The paper was officially released in the second-half of 2020.

Among other insights, it offers nine key lessons justice systems can take away from the crisis to develop more robust, people-centred practices and contribute to an inclusive economic recovery. Foremost among these is the need to seize the opportunity the pandemic presents for significant access to justice reform, as well as underlining the need for more and better data to inform service planning, as demonstrated by the effectiveness and agility of health services to respond to the crisis through reliance on data.

Strategy 1.3 Identify ‘what works’ to address legal need

Identify strategies, initiatives and programs that are effective (for whom, in what circumstances and at what cost) to address the legal needs of the community.

Strategic research alliance with Legal Aid NSW

The Foundation formed a strategic research alliance with Legal Aid NSW in 2012 in order to build an evidence base to assist with planning and delivering legal assistance services to people in New South Wales. The research expertise of the Foundation is used to evaluate legal service delivery and how

best to gauge the effectiveness of different legal assistance strategies in a meaningful and sustainable way.

Support was also provided to Legal Aid NSW to build its internal capacity to integrate evaluation into project planning. The Foundation draws on the lessons learned in evaluating legal assistance strategies with Legal Aid NSW to contribute to the monitoring and evaluation of legal assistance services more broadly.

School lawyer programs: Literature scan for Legal Aid NSW, December 2019

The Foundation undertook a literature scan of available research and evidence on education-justice partnerships to inform Legal Aid NSW on the effectiveness of these programs and a jurisdictional environmental scan reviewing the education-justice partnerships available in legal service organisations in Australia, New Zealand, Canada and the United States.

While school lawyer programs appear to be a relatively recent development within Australia, school-based legal clinics have existed in the United States since the 1960s, with more modern incarnations of these programs operating since at least the mid-1990s. However, there have been few published evaluations of these programs.

Just over thirty pieces of literature were identified during the literature scan. The most recent and relevant evaluation was that of the WEStjustice School Lawyer Project in Victoria. Although none of the evaluations of education-justice partnerships reached the rigorous standards to demonstrate effectiveness, two studies that used more rigorous methods to assess the effectiveness of community legal education delivered to students outside of school lawyer programs do provide support for potential benefits of school lawyer type programs. When all the literature is considered together, it was concluded that while not definitive, there was evidence to suggest that school lawyer programs can provide a number of potential benefits for students and their families.

Extended Legal Assistance: Review, June 2020

Extended Legal Assistance (ELA) was developed as a new service model by Legal Aid NSW to provide a method of delivering ongoing services to clients who would otherwise only qualify for one-off discrete legal assistance services. The service aims to reflect

the complexity, focus and intensity that is involved in taking carriage of these legal problems, having benefits for individual clients and operationally for the legal assistance service.

The Foundation reviewed the use of ELAs across Legal Aid NSW's three law practice areas, finding that each practice area had adopted differing business rules for the use of ELAs. For instance, Civil Law Division generally had a cap of five matters for each ELA, Criminal Law limited an ELA to one matter and Family Law recommended a limit of five hours work per ELA. The review identified opportunities to establish consistent units of work across the practice areas to limit the potential for inappropriate use of ELAs and enable organisation-wide performance monitoring and evaluation. In response to the recommendations, a number of policy changes were identified by Legal Aid NSW.

A review of current coronial practices in Australia, forthcoming.

Legal Aid NSW asked the Foundation to conduct a jurisdictional environmental scan to review the use of culturally specific practices, policies, strategies in Australian coronial courts.

A scan of the research literature was also conducted, and 31 pieces of literature were identified as containing relevant information and included in the literature review. The aim of this project was to bring together the available evidence to support coroners courts and/or legal assistance services seeking to improve culturally appropriate services and practices.

A variety of service models are applied across Australia and various jurisdictional characteristics may have informed the development of these service models. Smaller jurisdictions may opt for a holistic service model where service staff are trained in culturally competent approaches and agreements with external specialist associations may provide additional support. Larger jurisdictions may opt to have specialist services in-house to ensure culturally appropriate support is available. The development of these services will be informed by jurisdictional characteristics such as the number of cases, the proportion of culturally and linguistically diverse people (including Aboriginal and Torres Strait Islander people) who come under the purview of the Coroners Court, legislation, and available funding.

Pathways to grants

Following a review of their advice services, Legal Aid NSW wanted to understand the extent to which advice was used as a pathway to grant of aid applications. This research analysed all grant of aid applications made during 2018–19 and the services received by the clients making these applications, in the 12 months prior to the date of their grant of aid application. The findings showed that pathways to grant applications vary across areas of law, with advice services a more common pathway for Civil and Family law matters, and duty services a more common pathway for Criminal law matters. Legal Aid NSW will use the findings to inform their work on client journeys.

Evaluation workshops

A series of workshops on evaluation were delivered by Foundation research staff to senior staff members at Legal Aid NSW. The workshops took place in July, August and September 2019.

The training comprised three separate sessions, each delivered twice, for groups of up to 20 staff. More than 60 staff members attended in total. The first workshop provided an introduction to evaluation, the second workshop focused on the development of evaluation plans using ‘real life’ Legal Aid NSW projects or programs, and the final workshop covered research methods (including qualitative and quantitative methods), with a specific focus on survey design and analysis.

Ad hoc advice and other work

Under the alliance with Legal Aid NSW, the Foundation also provided ad hoc advice and/or data analysis related to areas such as:

- The Cooperative Legal Service Delivery (CLSD) program
- Evaluation
- Mapping
- Using service data for planning.

Research alliance with Victoria Legal Aid

In June 2015, the Foundation began a research alliance with Victoria Legal Aid. As with Legal Aid NSW, the alliance enables the Foundation to explore the effectiveness of frontline legal service delivery and further build the evidence base through examination of what works and why.

Review of Victoria Legal Aid Information Services

The alliance was renewed in 2018 and a two-year project commenced to review the role of Victoria Legal Aid information services. This work will assist Victoria Legal Aid to understand more about where legal information sits within their service provision and will inform decisions about which services are provided to which clients and when. This research also provides insight into the effectiveness of information services as a means of meeting the legal needs of the community.

Stage A included a literature scan of research evidence on legal information services, a draft information services program logic and a paper outlining options for evaluating information services. These were completed in 2018–19.

Stage B comprised an assessment of the value of Victoria Legal Aid’s telephone information service.

Beginning in April 2019 and continuing into the present reporting period, Legal Help, Victoria Legal Aid’s telephone-based first-point-of-contact, recruited clients to participate in the research. Legal Help officers and lawyers recorded some details of the calls, including how well they assessed they had met the client’s needs. A report on this stage of the research was submitted to Victoria Legal Aid at the end of June 2019.

Between April and June 2019, more than 100 clients were interviewed by telephone from the Foundation’s offices about the problem that prompted their call and their experience of the service they had received from Victoria Legal Aid.

A follow-up online/telephone survey was conducted with these clients an average of three months later. This explored how clients utilised the information they received and the impact this had on the resolution of their problem.

A report on this research was submitted to Victoria Legal Aid in March 2020, with publication due in the next financial year. Key findings included the following:

- There was clearly a considerable demand for Legal Help’s services, with many thousands of calls to the service each month. Moreover, most of the clients participating in the research said the problems they were calling about were having a substantial impact on their quality of life, with half of the problems described as having a severe impact, emotionally and/or financially.

- People of Aboriginal and Torres Strait Islander background and those for whom English was not a first language were well represented, highlighting the value of providing culturally appropriate training and support of interpreters.
- Client expectations of the service varied, with a substantial proportion often looking for more specific and personalised direction or active assistance and representation.
- Clients' immediate experience of the service is almost universally positive and their evaluations of the service overall remain high.

Western Australia Collaborative Service Planning Resilience Project

Following discussions in 2018, the Foundation entered into an agreement with Legal Aid Western Australia, on behalf of the WA Collaborative Services Planning group, to provide assistance with exploring resilience and wellbeing issues for frontline staff.

The Foundation assisted with a series of focus groups and interviews with a cross-section of staff members about the main sources of pressure they face, and exploring the most beneficial short- and long-term initiatives to address those pressures. Focus groups were conducted in Perth, and one regional location, Kalgoorlie, in March 2019. An online survey for legal assistance program managers was in the field for two weeks in May 2019.

Substantial analysis occurred during the reporting period and the final report was submitted to Legal Aid Western Australia in November 2019.

Strategy 1.4 Respond to priority access to justice issues

Engage with the sector and respond to priority and emerging access to justice issues.

In addition to our formal research program, the Foundation continually monitors activity across the sector by:

- tracking and reporting relevant literature (*Justice Access Research Alert*)
- regular stakeholder consultation including visits to legal service providers and related organisations across New South Wales
- participating in key legal sector review and advisory bodies
- attending conferences and workshops
- maintaining relationships with frontline practitioners from government and non-government organisations.

Supporting evidence-informed practice

The Foundation encourages a culture of evidence-informed practice through attendance at conferences and delivering presentations, and through publishing summaries in the area of access to justice and legal need in the bimonthly *Justice Access Research Alert* (JARA) newsletter.

The Director and staff gave a number of presentations on the Foundation's work in the reporting year.

Presentations

- 'What people need from the justice system: a person-centred approach', Family Law Forum, 3 May 2019, Geoff Mulherin (presented)
- AES: Facilitated Discussion-Evaluation & Qualitative Research Methods, discussion and presentation by Dr Robert Carr, NSW Department of Planning, Industry and Environment, 18 July 2019, Geoff Mulherin (attended)
- 'Is it time to define the role of CLCs?', National Conference of the National Association of Community Legal Centres, 28 August 2019, Geoff Mulherin (presented)
- Health Justice 2019 Conference, 24–25 September 2019, Delphine Bellerose and Maria Karras (attended)
- 'A distinct role for generalist CLCs', Community Legal Centres NSW Quarterly Conference, 26 November 2019, Geoff Mulherin (presented)
- 'NSW Collaborative Service Planning – Data Resource', South Coast Community Legal Centres, 7 May 2020, Geoff Mulherin and Catriona Mirrlees-Black (presented)
- 'NSW Collaborative Service Planning – Data Resource', Northern Rivers Community Legal Centre, 12 May 2020, Geoff Mulherin and Catriona Mirrlees-Black (presented)
- 'NSW Collaborative Service Planning – Data Resource', Central Coast Community Legal Centre, 13 May 2020, Geoff Mulherin and Catriona Mirrlees-Black (presented)
- 'NSW Collaborative Service Planning – Data Resource', Legal Aid NSW, 6 May 2020, Geoff Mulherin and Catriona Mirrlees-Black (presented)
- 'Law and Justice Foundation work', Commonwealth Attorney-General's Department Advisory Group, 21 May 2020, Geoff Mulherin and Catriona Mirrlees-Black (presented)
- 'Law and Justice Foundation work', Commonwealth Attorney-General's Department Inter Governmental Advisory Group, 22 May 2020, Geoff Mulherin and Catriona Mirrlees-Black (presented)

Growth of collaboration with the OECD

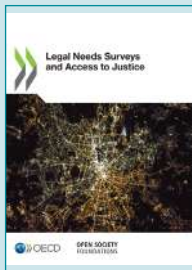
'The OECD is without any doubt one of the most consequential international economic and policy governance bodies in the world today. Through its work over the past six decades, it makes a difference to the daily lives of billions of people all around the world.'

Mathias Cormann, Australian Finance Minister (8 October 2020)

In 2015, the OECD approached the Foundation to seek our involvement in their new access to justice program.

They were already utilising the Foundation's work and wrote to the then NSW Attorney-General Gabrielle Upton, informing her that *'the work of the Foundation has been an important source of inspiration for the development of this OECD initiative. The Foundation's multi-disciplinary research approaches and evidence-based policy solutions and tools prove very useful to the international community and OECD member countries.'*

The Foundation's research has strongly influenced key aspects of the OECD's work, including the following two reports.



Legal Needs Surveys and Access to Justice (2019)

The Foundation's expertise and experience in legal needs surveys, especially through the LAW Survey, was an important contribution to this global guidance for the conduct of legal needs surveys.



Equal Access to Justice for Inclusive Growth (2019)

This report draws heavily on the Foundation's model of identifying and addressing the legal needs of the community from a person-centred perspective.

The Director of the Foundation was invited to be an inaugural member of the OECD Advisory Group on Accessible and People-Centred Justice.

'I am writing to thank you for your leadership in promoting the global work on access to justice. The New South Wales' Law and Justice Foundation has played a significant role in shaping the OECD work on access to justice. The Foundation's empirical research strongly contributed to building the international evidence base in understanding legal needs, in what works in meeting those needs, and in the development of a business case for justice services, as also featured in some OECD reports.'

Marcos Bonturi (Director, Public Governance Directorate, OECD) to NSW Attorney-General Mark Speakman (25 April 2019)



COVID-19 and OECD-LJF collaboration

Once COVID-19 struck in early 2020, the OECD again approached the Foundation to assist in their policy development in response to the pandemic. As a result, the Foundation moderated the 'Virtual OECD Policy Roundtable on Equal Access to Justice' (28 April 2020), attended by justice department heads and other representatives from over 100 countries.



OECD and the Law and Justice Foundation co-publish access to justice and COVID-19 brief

The report focused on the immediate and medium-term consequences of the COVID-19 crisis for justice systems and their users.

Key engagements 2019/2020

The Director and staff maintain regular visiting and consultation programs throughout Australia, engaging with Aboriginal Legal Service offices, Legal Aid offices, community legal centres, courts and other Department of Justice officials, Family Violence Prevention Legal Services, neighbourhood centres, Members of Parliament, regional law societies, and various community groups and other relevant human services agencies.

This ensures the Foundation's research is well grounded in the practical reality of legal service delivery and the needs of diverse communities.

Key engagement during the reporting period is summarised below

New South Wales

- Aboriginal Legal Service (NSW/ACT) Ltd
- Aboriginal Over Representation Steering Committee
- Attorney-General's Department NSW, Attorney-General, Chief of Staff and Advisers
- Australian Pro Bono Centre
- Children's Court of NSW
- Cooperative Legal Service Delivery Program
- Community Legal Centres Australia
- Community Legal Centres NSW
- Department of Family and Community Services NSW
- Department of Communities and Justice NSW
- Gilbert + Tobin
- Health Justice Australia
- Human Rights Commission
- Hunter Community Legal Centre
- Justice Connect
- LawAccess NSW
- Law Society of NSW
- Legal Aid NSW
- Newcastle Law School Advisory Board
- NSW Legislative Council
- NSW Bar Association
- NSW Law Reform Commission
- Public Interest Advocacy Centre
- Shadow Attorney-General of New South Wales
- Shopfront Youth Legal Centre
- South West Sydney Legal Centre
- Women's Domestic Violence Court Advocacy Service
- Women's Safety NSW

- Youth Law Australia (formerly National Children's and Youth Law Centre)

Australian Capital Territory

- Australian Bureau of Statistics
- Commonwealth Attorney-General's Department
- Law Council of Australia
- Legal Aid ACT
- National Legal Aid
- Women's Legal Centre ACT

Northern Territory

- Department of the Attorney-General and Justice
- North Australian Aboriginal Justice Agency (NAAJA)
- Northern Territory Association of Community Legal Centres
- Northern Territory Legal Aid

Queensland

- Aboriginal and Torres Strait Islander Legal Service Queensland
- Community Legal Centres Queensland
- Department of Justice and Attorney-General
- Legal Aid Queensland

South Australia

- Aboriginal Legal Rights Movement
- Attorney-General's Department
- Community Legal Centres South Australia
- Community Justice South Australia
- Legal Services Commission of South Australia
- National Aboriginal and Torres Strait Islander Legal Services (NATSILS)

Tasmania

- Community Legal Centres Tasmania
- Tasmanian Aboriginal Community Legal Service

Victoria

- Federation of Community Legal Centres Victoria
- Inner Melbourne Community Legal Centre

- Shadow Attorney-General of Australia
- Victorian Aboriginal Legal Service
- Victoria Law Foundation
- Victoria Legal Aid

Western Australia

- Aboriginal Legal Service WA
- Community Legal WA
- Legal Aid Western Australia

International engagement

In the reporting period, the Foundation's Director, Geoff Mulherin, moderated the 'Virtual OECD Policy Roundtable on Equal Access to Justice' on 28 April 2020. The Director is also a member of the OECD Advisory Group on Accessible and People-centred Justice.

Goal 2: Improve access to justice

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

Overview

Beyond our research work, the Foundation has always employed a number of other strategies to improve access to justice:

- Support legal projects – our grants program
- Facilitate legal sector relationships and coordination
- Community legal education and referral program
- Disseminate data, analysis and information to improve access to justice.

In December 2018, the Board of Governors of the Foundation had to make the difficult decision to cease the grants program, due to lack of funding. Since its inception, the grants program has made a valuable contribution to the legal assistance sector, providing essential seed funding for projects and trials of innovative approaches to service delivery. The cessation of the grants program leaves a gap as community organisations have few avenues from which they can seek support for pioneering ideas to improve access to justice.

Nevertheless, the ongoing projects supported by the Foundation's grants program will continue to provide new insights as innovative solutions to improving access to justice are trialled in different settings and contexts.

Strategy 2.1 Support projects – the grants program

Prior to the cancellation of the grants program in December 2018, the Foundation approved projects through a selection process that met all of the Foundation's criteria in that they were:

- **responsive to greatest need** – aim to meet the needs of those groups, or address those issues, for which there is greatest need
- **research informed** – informed by the most up-to-date research and by relevant community input
- **likely to succeed** – highly likely to achieve their aim
- **rigorously assessed** – robust in the face of a rigorous internal and external assessment process

- **providers of broader lessons** – likely to yield lessons for the sector, particularly in relation to what works to address legal needs in the community.

The Foundation believes that its strict criteria have played a fundamental role in ensuring that all the projects supported by our grants program have not only benefited communities but also yielded important lessons for the sector as a whole. This source of intelligence has now been lost to the sector as a result of the cancellation of this valuable initiative.

Completed grants

CHILDREN AND YOUNG PEOPLE

LevelUP

Mid North Coast Community Legal Centre

AMOUNT: \$145,000

PROJECT NEED: Young people transitioning from out-of-home care (OOHC) to independence are among the most vulnerable and disadvantaged groups in society. Pre-care and often in-care experiences of abuse and neglect, accelerated transitions to adulthood, and a lack of ongoing support once the young person 'ages out' of OOHC all contribute to subsequent diminished life outcomes compared to those of the general population. Many of the problems of disadvantage have a civil legal dimension, and young people exiting OOHC have been found to be particularly vulnerable to civil legal problems.

OUTCOME: Mid North Coast Community Legal Centre trialled a service that provided specialist legal advice, education and support to young people transitioning from OOHC to independence and adult legal responsibility in the Mid North Coast FACS region. The project solicitor engaged with 45 young people as clients on an ongoing basis, with each client having on average 5-8 legal matters that were often complex and intertwined. Project staff provided a total of 123 training and engagement sessions between January 2018 and December 2019, delivering education to local service provider staff and directly to vulnerable young people themselves.

LOW INCOME

'Change management' – making the transfer of social housing management better!

Tenants' Union of NSW

AMOUNT: \$69,123

PROJECT NEED: The period 2017–2020 saw the transfer of 18,000 public housing tenancies to community housing providers in four regions across New South Wales: Hunter New England, Shoalhaven, Mid North Coast and North Sydney. To facilitate this, the *Housing Act 2001* (NSW) was amended, impacting on the rights of tenants. These transfers also brought tenancies in contact with the social security system in a new way because community housing tenants are entitled to Commonwealth Rent Assistance. This means tenants must navigate two large bureaucracies with different rules, legal foundations, and methods of communication. Past experiences in much smaller transfer programs have identified issues such as rent arrears through administrative error, reduction in amenity, and psychological impacts as areas of concern.

OUTCOME: This project aimed to minimise negative outcomes and foster best practice in law and policy during the transfer of tenancies from public to community housing providers. The project delivered community legal education to affected residents, developed plain language legal information for those clients, and produced a report on the process that outlined learnings and recommendations to government and community housing providers. The report, *Change Management: Social Housing Management Transfers Program Best Practice*, was published on 25 May 2020.

YOUTH LAW

Hunter Youth Law Service

Hunter Community Legal Centre

AMOUNT: \$49,300

PROJECT NEED: Hunter Community Legal Centre (HCLC) identified the need for young people aged 15 to 24 appearing in the Children's Court on criminal charges to receive assistance with their civil and family law problems. These problems are often ignored and allowed to escalate with negative consequences. HCLC intended to provide access to justice for young people with civil and family law problems in the Hunter Region.

OUTCOME: The project trialled and evaluated the provision of a youth lawyer from HCLC at the

Hunter Valley Children's Court on criminal list days, to provide civil and family law advice and assistance to young people waiting for their criminal matters to be called. The project successfully increased HCLC's service delivery to young people aged 0-24 by 40%. This age group had previously represented only 10% of the centre's clients. In 2019, this had increased to approximately 14% of clients. The project laid the foundations for further assistance to young people, with HCLC continuing to provide the Hunter Youth Law Service at the Broadmeadow Children's Court at the request of NSW Department of Communities and Justice.

Grants currently active

CHILD PROTECTION



Parents Helping Parents: Parent Peer Support Project

Newcastle Law School

AMOUNT: \$49,990

PROJECT NEED: Research conducted by the Newcastle Law School and Life Without Barriers, with support from Family Inclusion Strategies in the Hunter (FISH), found that parents in the care and protection jurisdiction in the Hunter Valley lack support in their parenting role. They find it very difficult to participate in legal and other processes they encountered and described their relationships with their children being damaged, which further reduces the chance of their children being returned to their care.

INTENDED OUTCOME: The project will provide education, support and advocacy to parents, including some support delivered by trained and supervised peers (that is, parents who have successfully navigated the child welfare system and can use this experience to help others).

DOMESTIC AND FAMILY VIOLENCE

Domestic and family violence podcast series

Women's Domestic Violence Court Advocacy Services NSW

AMOUNT: \$49,767

PROJECT NEED: Research shows that podcasts are becoming increasingly popular in the community but there are no Australian podcasts that focus on this aspect of domestic and family violence. There is a need for innovative education resources and for resources which are discreet and do not compromise the safety of women

experiencing violence. There is also a need for information which can inform and educate the friends and family of these women, as they are most likely to be the first contacts and supports.

INTENDED OUTCOME: The project will produce a series of eight podcasts, each utilising an engaging narrative approach to improve community knowledge about domestic and family violence, as well as address experiences of marginalised women such as Aboriginal women, CALD women, and women with a disability.

INDIGENOUS AUSTRALIANS

Aboriginal and Torres Strait Islander participation in child protection decision-making in NSW

University of Technology Sydney

AMOUNT: \$43,446.50

PROJECT NEED: This project will address the gap in knowledge concerning the failure to hear, or give appropriate weight to, Indigenous voices in child welfare decision-making in NSW. It will also address the need to both define what meaningful participation entails, and propose how to implement processes in which meaningful participation, as provided for in s. 12 of the *Children and Young Persons (Care and Protection) Act 1998* (NSW), can be given effect.

INTENDED OUTCOME: The project will document compliance with, and breaches of, the rights of Indigenous families and organisations to participation in child protection decision-making in NSW, as well as develop practical ways to implement Indigenous peoples' participatory rights in child protection decision-making. The project is nearing completion.

Bugmy Evidence Library

Aboriginal Legal Service (NSW/ACT) Limited

AMOUNT: \$36,241.20

PROJECT NEED: The High Court judgment in *Bugmy v The Queen* (2013) stated that 'In any case in which it is sought to rely on an offender's background of deprivation in mitigation of sentence, it is necessary to point to material tending to establish that background'. There is no current ready access to material to satisfy that evidentiary requirement identified by the Court.

INTENDED OUTCOME: This project will produce and make freely available a body of material regarding the social disadvantage of certain Aboriginal communities, for use as evidence in sentencing matters. The library will be used for any Aboriginal

offenders being sentenced from the communities profiled for whom evidence of social disadvantage is appropriate.

LOW INCOME

Debtors' Guide to Local Courts in NSW (4th edition)

Macarthur Legal Centre

AMOUNT: \$32,400

PROJECT NEED: This plain language guide about the debt recovery system for people facing debts in NSW has been widely used by financial counsellors, community workers, legal practitioners and debtors representing themselves since 1991. Significant changes to the law and debt recovery practices in the last few years mean that the current edition is now out of date and a new guide is needed.

INTENDED OUTCOME: A thoroughly revised and updated edition of the *Debtors' Guide to Local Courts in NSW*. New information on the Work Development Orders scheme and the Financial Ombudsman Service will be included.

Strategy 2.2 Facilitate legal sector relationships and coordination

NSW Legal Assistance Forum

The Foundation continues to participate in and support the work of the NSW Legal Assistance Forum (NLAF), which promotes collaboration and coordination in the provision of legal services in New South Wales to socially and economically disadvantaged people. The Foundation is a member of the Executive Group of NLAF (with Legal Aid NSW and Community Legal Centres NSW) and provides administrative and operational support to the NLAF Project Manager, who is based at the Foundation's office. Foundation staff also participate in NLAF's working groups.

Cooperative Legal Service Delivery Program

The Cooperative Legal Service Delivery (CLSD) Program, managed by Legal Aid NSW, is a regionally-based approach to legal service delivery in New South Wales. It aims to improve outcomes for economically and socially disadvantaged people by building cooperative and strategic networks of key legal services and community organisations. The Foundation is a member of the CLSD Program Steering Committee and regularly attends regional meetings. The Foundation contributes to CLSD regional planning days through the provision of

NSW Legal Assistance Forum

The NSW Legal Assistance Forum (NLAFF) promotes collaboration and coordination in the development of legal services. Bringing together key legal service providers from government, not-for-profit organisations and the private sector, NLAFF meets quarterly and, during the reporting year, operated five working groups. NSW Attorney-General Mark Speakman SC attended a forum meeting on 11 September 2019, while representatives from the Commonwealth Attorney-General's Department attended forum meetings on 11 September 2019, 4 December 2019 and 17 June 2020.

In 2019–20, NLAFF was chaired by Brendan Thomas, CEO Legal Aid NSW. In addition to the five working groups, NLAFF received reports from the Legal Information and Referral Forum (LIRF) and Legal Aid NSW's Cooperative Legal Service Delivery (CLSD) Program.

Fines and Traffic Law Working Group

The Fines and Traffic Law Working Group (FTLWG) continued its focus on the impact of bicycle helmet fines, particularly on young people. The FTLWG collaborated with Dr Julia Quilter, Associate Professor, School of Law, University of Wollongong. Dr Quilter presented the findings of her research project and recommendations for reform to the NLAFF Plenary Group in June 2020. In March 2020, the FTLWG made a submission to the Chief Commissioner of State Revenue, Commissioner of Fines Administration on Draft Ministerial Guidelines for the purposes of administering amendments to the *Fines Act 1996* (NSW).

Prisoners Forum

In August 2019, Berindah Aicken and Kathy Saul gave a presentation on Corrective Services' Statewide Disability Service (SDS), outlining the numbers and profiles of individuals in custody with a disability and the role of SDS in assisting with re-integration and pre-release planning. In December 2019, the Prisoners and Identification Subcommittee of the Prisoners Forum, also a Subcommittee of the FTLWG, obtained agreement from Births Deaths and Marriages for the provision of 3,000 free birth certificates to vulnerable prisoners in NSW who fit identified eligibility requirements.

Aboriginal Incarceration Working Group

The Aboriginal Incarceration Working Group (AIWG) focused on developing strategies and plans to address the problem of Aboriginal overrepresentation in New South Wales adult prisons. In November 2019 and February 2020, members of the AIWG and nominees participated in workshops hosted by Legal Aid NSW and facilitated by The Behavioural Insights Team.

Recommendations for interventions and advocacy around bail conditions arising

from the workshops have been shared with the Criminal Justice Board with a view to considering implementation and resourcing of the proposed interventions.

Collaborative Service Planning Working Group

The Collaborative Service Planning (CSP) Working Group significantly progressed its work with pilots focusing on service planning for Community Legal Education services and outreach advice. From September 2019 to June 2020 four pilots were located at Central Tablelands, South Coast, Northern Rivers and Central Coast Community Legal Centres. The pilot regions had regular planning meetings and have shared outcomes and feedback, which will contribute to an evaluation of the pilots. The CSP Working Group continued its work on proposed catchment areas for collaborative service planning purposes, reaching in principle agreement in March 2020 to proceed with metropolitan catchments of Sydney South-West, Sydney West and Central Sydney. The CSP Working Group is also exploring a prototype, developed by the Law and Justice Foundation of NSW, for a new Collaborative Planning Resource.

Doli Incapax Working Group

The *Doli Incapax* Working Group held its inaugural meeting on 18 November 2019. The aim of the Working Group is to develop strategies to promote the consistent application of the presumption of *doli incapax* in NSW. The Working Group has focused its attention on practical steps to promote the consistency of the application of the principle of *doli incapax* in NSW, and has begun work on an information hub for defence practitioners. It is also engaging with the NSW Police to explore opportunities for collaborating on police training and development materials as they relate to *doli incapax*.

tailored data packs, of which a complete series were published in 2018–19. This year, the Foundation remained an active member of the Steering Committee and addressed data-related ad hoc queries from the Committee and regional coordinators.

Strategy 2.3 Community legal education and referral program

Research indicates that lack of knowledge of the law, legal processes and existing legal assistance services in the community may lead to poor outcomes in resolving legal problems, particularly for those who are socially and economically disadvantaged. Community legal education and referral initiatives have the potential to play a critical role in addressing this need.

Building capacity

For many years, the Foundation has provided advice on producing high-quality plain language legal resources and developing targeted community legal education (CLE) for different groups within the community. Working with both legal and non-legal services, we played an important role in connecting non-legal organisations with legal service providers. Due to our reduced capacity, the Foundation has now ceased providing advice to legal assistance service providers and community groups on developing plain language legal resources or CLE programs.

Increasing access to plain language legal information – Plain Language Law newsletter

The Foundation publishes our *Plain Language Law* (PLL) newsletter six times a year, which provides information about upcoming CLE, and new plain language law resources and guides to the law. PLL is broadcast to more than 1,400 subscribers from the community, legal and government sectors.

Legal Information and Referral Forum

The Foundation established the Legal Information and Referral Forum (LIRF) in 2002 to address the challenge of the ‘referral roundabout’ in the legal assistance sector and it has performed the role of convenor ever since. Over the years, participants have consistently reported that LIRF is a valuable tool to facilitate information sharing so that disadvantaged people can be directed to where they can best get help for their legal problems.

LIRF illustrates the value that the Foundation, as an independent organisation, brings to the legal

assistance sector. As a body working across the sector, it has been able to respond in a timely and agile manner to identify information needs.

The Foundation was successful in arranging to hand over the role of LIRF convener to the Legal Information Access Centre (LIAC) at the State Library of NSW and Legal Aid NSW (as joint convenors) to continue the valuable work of the forum. The Foundation remains an active participant in LIRF.

Participation in community legal education networks

Foundation staff members regularly attend sector training, education and networking activities, such as Community Legal Centres NSW Quarterly training days to present sessions on current research findings and evaluation.

Strategy 2.4 Disseminate data, analysis and information to improve access to justice

Communicating results

We communicate the results of our research in a number of ways, including:

- publishing our research reports in hard copy and on our website
- publishing short papers, summary papers and excerpts of research reports to make our research results as accessible as possible
- publishing regular email research alerts and social media notifications to promote our research
- making most of our reports readily accessible via our online search engine, JustSearch
- conducting targeted presentations to key stakeholders and organisations
- presenting results at conferences.

Email newsletters

The Foundation disseminates information through our targeted email newsletters: *Plain Language Law* (PLL) and *Justice Access Research Alert* (JARA).

Justice Access Research Alert

The Foundation publishes our *Justice Access Research Alert* (JARA) newsletter six times a year, which contains summaries of recent publications in the area of access to justice and legal need, including research, government reports and statistics. JARA is broadcast to more than 1,200 subscribers including policy makers and those responsible for service

planning and delivery. The content in JARA is identified and the abstracts written by Foundation staff. The primary focus of JARA is Australian research though it includes some research from other jurisdictions.

Participation on boards, trusts and committees

Throughout the year staff actively promoted the Foundation's work through their participation on steering groups, community legal networks and advisory boards and committees.

- Cooperative Legal Service Delivery Program Steering Committee, Delphine Bellerose
- Legal Information Access Centre (LIAC) Advisory Board, Geoff Mulherin
- NSW Legal Assistance Forum (NLAF), Geoff Mulherin, Catherine Carpenter
- NSW Pro Bono Disbursements Trust Fund, Geoff Mulherin (Director)
- OECD Advisory Group on Accessible and People-centred Justice, Geoff Mulherin
- Public Interest Advisory Centre Board, Coralie Kenny (Foundation representative)
- Review of the Indigenous Legal Assistance Program Advisory Group, Geoff Mulherin
- Review of the National Partnership Agreement on Legal Assistance Services Advisory Group, Geoff Mulherin
- Victoria Legal Aid Sector Innovation and Planning Committee, Catriona Mirrlees-Black
- University of Newcastle Law School Advisory Board, Geoff Mulherin

Goal 3: Cost-effective operations support

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

Strategy 3.1 Develop the information management capabilities of the Foundation

The Foundation continues to implement cost-effective knowledge and information management systems to ensure that we make the best use of organisational intelligence.

Our approach involves:

- prompt reporting by staff of relevant information gathered from attendance at conferences and seminars and from the range of sector engagement activities we undertake
- use of consistent filing systems and taxonomies to ensure that knowledge is easily accessed
- use of integrated databases which allows the Foundation to keep track of expertise in the justice sector and inform relevant people and organisations of our activities.

Strategy 3.2 Manage resources efficiently and effectively

Responsible and prudent strategic and business planning is central to the Foundation's performance management system. All operations during the 2018–19 year conformed to the Business Plan.

The Business Plan for 2019–20 was developed with the aim of achieving organisational objectives. Planning entailed a review of the achievements and outstanding activities at the end of the previous period, and the allocation of realistic timelines and resources for undertaking projects and other work.

Business management

The Board of Governors met regularly over the year, monitoring the Foundation's performance through regular reports against the Business Plan. The Investment Sub-Committee continued to monitor

the investment portfolio performance on a quarterly basis and provide reports to the Board as appropriate.

Human resource management

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

Staff training

The Foundation has an active staff learning and development program. The structured training undertaken by Foundation staff in 2019–20 consisted of courses, visits to other organisations in the sector, and attendance at conferences and seminars.

Information technology

The Foundation maintains an effective information system with the aim of making IT services reliable and secure to support our activities with minimal disruption. As a result of the COVID-19 pandemic many staff have been working from home. In the coming year the IT system will be reviewed to improve flexibility and accessibility for staff working off-site.

The reduction in operations and available resources continued the 'pause' on our plans for a major upgrade to the Foundation website, the aim of which is to make it more user-friendly and to improve the communication of our research and other work. Development work has commenced on a micro-site to provide the sector with evidence and information to meet their reporting requirements under NLAP. Planning on the main website is expected to recommence in late 2020.

Financial report

Governors' report

The Governors of the Law and Justice Foundation of New South Wales ("the Foundation") submit herewith the annual financial report for the financial year ended 30 June 2020. In order to comply with the provisions of the *Law and Justice Foundation Act 2000* and the *Australian Charities and Not-for-Profits Commission Act 2012*, the Governors report as follows:

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

S. Cook (appointed 30 June 2020)
M. Fordham (appointed 15 June 2020)
S. McAuley (appointed 15 June 2020)
H. McDermott (appointed 3 February 2020)
J. Stubbs
G. Mulherin
P. Stein (term expired 29 June 2020)
J. Behrendt (term expired 30 June 2020)
C. Kenny (term expired 14 June 2020)
K. Rozzoli (term expired 30 June 2020)
J. Sheahan (term expired 14 June 2020)

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:

- (a) conduct and sponsor research (including interdisciplinary research) into the law, the justice system, alternative dispute resolution and the legal profession,
- (b) collect, assess and disseminate information about the justice system,

- (c) conduct and sponsor projects aimed at facilitating access to justice and access to information about the justice system,
- (d) promote education about the justice system.

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

Review of operations

The net surplus for the year ended June 2020 of \$507,179 (2019: \$49,457) comprises an operating surplus of \$459,962 (2019: deficit \$(33,697)) and investment returns of \$47,217 (2019: \$83,154).

In prior years, low levels of core funding forced the Foundation to reduce its operations, primarily through reducing the number of staff. Notwithstanding this reduction the Foundation was able to conduct important work for key external clients, including assisting the Commonwealth AGD in implementing the NLAP, and undertaking several research projects for both Legal Aid NSW and Victoria Legal Aid. The additional revenue from this work, combined with reduced costs, resulted in a substantial surplus for the year. It is anticipated that this surplus will be committed to one or more major projects in 2020–21.

Whilst the additional project-based revenue helps the bottom line it does make planning of resources difficult. Low core funding, on an annual basis, with no advanced notification of the amount allows only a low level of staffing with reduced capacity and ability to react to opportunities, including requests from the sector for evaluation assistance and advice.

The Board will prioritise improvement in the reliability, timing and quantum of core funding in the coming year.

Change in state of affairs

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

Subsequent events

COVID-19

Subsequent to the end of the financial year there continues to be considerable economic impacts in Australia and globally arising from the outbreak of COVID-19 and government actions to reduce the spread of the virus. As the severity and duration of the economic impact of COVID-19 is unknown at the date of signing the financial report, the Governors are unable to determine with certainty any financial effects the outbreak of the virus may have on the Foundation in the coming financial period. The biggest potential impact is the effect of continued low interest rates on the capacity of the principal source of core funding – the Public Purpose Fund. No future financial effects arising for the economic impacts of the virus have been included in the financial results for the year ended 30 June 2020.

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



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GOVERNOR
Sydney, 14 October 2020



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GOVERNOR
Sydney, 14 October 2020

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

Opinion

We have audited the financial report, being a special purpose financial report, of the Law and Justice Foundation of New South Wales (the "Entity") which comprises the statement of financial position as at 30 June 2020, the statement of profit or loss and other comprehensive income, the statement of changes in equity and the statement of cash flows for the year then ended, and notes to the financial statements, including a summary of significant accounting policies and other explanatory information, and the Governors' declaration.

In our opinion, the accompanying financial report of the Entity is in accordance with Division 60 of the Australian Charities and Not-for-profits Commission Act 2012 (the "ACNC Act") and the Law and Justice Act 2000, including:

- (i) giving a true and fair view of the Entity's financial position as at 30 June 2020 and of its financial performance for the year then ended; and
- (ii) complying with Australian Accounting Standards to the extent described in Note 1, and Division 60 of the *Australian Charities and Not-for-profits Commission Regulation 2013*.

Basis for Opinion

We conducted our audit in accordance with Australian Auditing Standards. Our responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Financial Report* section of our report. We are independent of the Entity in accordance with the auditor independence requirements of the ACNC Act and the ethical requirements of the Accounting Professional and Ethical Standards Board's APES 110 *Code of Ethics for Professional Accountants (including Independence Standards)* (the "Code") that are relevant to our audit of the financial report in Australia. We have also fulfilled our other ethical responsibilities in accordance with the Code.

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

Emphasis of Matter – Basis of Accounting

We draw attention to Note 1 to the financial report, which describes the basis of accounting. The financial report has been prepared for the purpose of fulfilling the Governors' financial reporting responsibilities under the ACNC Act and the *Law and Justice Foundation Act 2000*. As a result, the financial report may not be suitable for another purpose. Our opinion is not modified in respect of this matter.

Other information

The Governors' are responsible for the other information. The other information obtained at the date of this auditor's report comprises the governor's report included in the Entity's annual report for the year ended 30 June 2020, but does not include the financial report and our auditor's report thereon.

Our opinion on the financial report does not cover the other information and we do not express any form of assurance conclusion thereon.

In connection with our audit of the financial report, our responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial report or our knowledge obtained in the audit, or otherwise appears to be materially misstated. If, based on the work we have performed, we conclude that there is a material misstatement of this other information, we are required to report that fact. We have nothing to report in this regard.

Responsibilities of the Governors' for the Financial Report

The Governors of the Entity are responsible for the preparation of the financial report that gives a true and fair view and have determined that the basis of preparation described in Note 1 to the financial report is appropriate to meet the requirements of the ACNC Act and the *Law and Justice Foundation Act 2000* and the needs of the members. The Governors' responsibility also includes such internal control as the Governors determine is necessary to enable the preparation of the financial report that gives a true and fair view and is free from material misstatement, whether due to fraud or error.

In preparing the financial report, the Governors are responsible for assessing the ability of the Entity to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the Governors either intend to liquidate the Entity or to cease operations, or has no realistic alternative but to do so.

Auditor's Responsibilities for the Audit of the Financial Report

Our objectives are to obtain reasonable assurance about whether the financial report as a whole is free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with the Australian Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of this financial report.

As part of an audit in accordance with the Australian Auditing Standards, we exercise professional judgement and maintain professional scepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the financial report, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Entity's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Governors.
- Conclude on the appropriateness of the Governors' use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Entity's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the financial report or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the Entity to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial report, including the disclosures, and whether the financial report represents the underlying transactions and events in a manner that achieves fair presentation.

We communicate with the Governors regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

Deloitte Touche Tohmatsu

DELOITTE TOUCHE TOHMATSU



Cheryl Kennedy
Partner

Chartered Accountants
Sydney, 16 October 2020

Governors' declaration

As detailed in Note 1 to the financial statements, the Law and Justice Foundation of New South Wales is not a reporting entity because in the opinion of the Board of Governors there are unlikely to exist users of the financial report who are unable to command the preparation of the reports tailored so as to satisfy specifically all of their information needs. Accordingly, this 'Special Purpose Financial Report' has been prepared to satisfy the Board of Governors' reporting requirements under the *Law and Justice Foundation Act 2000* and the *Australian Charities and Not-for-Profits Commission Act 2012*.

The Board of Governors declares that:

- a) the attached financial statements and notes thereto comply with Accounting Standards to the extent described in Note 1 to the financial statements;
- b) the attached financial statements and notes thereto give a true and correct view of the financial position and performance of the Law and Justice Foundation of New South Wales;
- c) in the Governors' opinion, the attached financial statement and notes thereto are in accordance with the *Law and Justice Foundation Act 2000* and the *Australian Charities and Not-for-Profits Commission Act 2012*; 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



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GOVERNOR

Sydney, 14 October 2020



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GOVERNOR

Sydney, 14 October 2020

Financial statements

Statement of Profit or Loss and other Comprehensive Income for the financial year ended 30 June 2020

	Note	2020 \$	2019 \$
Operating revenue	2(a)	2,049,811	1,912,817
Employment related expense		(1,040,955)	(1,329,229)
Consultants and contractor expenses		(49,177)	(18,133)
Premises costs		(19,764)	(155,858)
Depreciation expense	5,6	(260,804)	(81,454)
Grants and project costs		–	(149,057)
Audit fees	18	(27,015)	(26,700)
Insurance costs		(15,836)	(16,439)
Information technology & related costs		(103,773)	(99,509)
Interest on lease liabilities		(14,501)	–
Other expenses from ordinary activities		(58,024)	(70,135)
Operating Surplus / (Deficit)		459,962	(33,697)
Investment income	2(b)	47,217	83,154
Net Surplus before income tax expense		507,179	49,457
Income tax expense relating to ordinary activities	1(e)	–	–
Net Surplus		507,179	49,457
Other comprehensive income for the year, net of tax		–	–
Total Comprehensive Profit for the Year		507,179	49,457

Notes to the financial statements are included on pages 50 to 62

Financial statements

Statement of financial position as at 30 June 2020

	Note	2020 \$	2019 \$
CURRENT ASSETS			
Cash assets	14(a)	168,670	505,081
Receivables	3	–	–
Investments	4	3,528,431	3,181,214
Other current assets		51,959	41,746
TOTAL CURRENT ASSETS		<u>3,749,060</u>	<u>3,728,041</u>
NON-CURRENT ASSETS			
Property, plant and equipment	5	15,883	31,162
Right-of-use assets	6	282,122	–
Other assets		238,188	92,268
TOTAL NON-CURRENT ASSETS		<u>536,193</u>	<u>123,430</u>
TOTAL ASSETS		<u>4,285,253</u>	<u>3,851,471</u>
CURRENT LIABILITIES			
Trade and other payables	7	121,033	125,934
Provisions	8	224,546	266,633
Lease Liabilities	9	269,150	–
Grants and external projects not drawn	10	466,286	781,183
TOTAL CURRENT LIABILITIES		<u>1,081,015</u>	<u>1,173,750</u>
NON-CURRENT LIABILITIES			
Provisions	11	9,655	13,310
Lease Liabilities	12	22,993	–
TOTAL NON-CURRENT LIABILITIES		<u>32,648</u>	<u>13,310</u>
TOTAL LIABILITIES		<u>1,113,663</u>	<u>1,187,060</u>
NET ASSETS		<u>3,171,590</u>	<u>2,664,411</u>
EQUITY			
Accumulated surplus		3,171,590	2,664,411
TOTAL EQUITY		<u>3,171,590</u>	<u>2,664,411</u>

Notes to the financial statements are included on pages 50 to 62

Financial statements

Statement of cash flows for the financial year ended 30 June 2020

	Note	2020 \$	2019 \$
<i>Cash Flows from Operating Activities</i>			
Receipts from customers and grants		1,883,092	2,196,541
Interest received		2,493	3,978
Payments to suppliers, employees, and grants and projects		(1,526,071)	(1,910,584)
<i>Net Cash from Operating Activities</i>	14(b)	359,514	289,935
<i>Cash Flows from Investing Activities</i>			
Proceeds on sale of investment securities		800,000	1,000,000
Payment for investment securities		(1,144,618)	(1,126,829)
Dividends and interest received		44,618	76,828
Payment for fixed and other assets		(152,726)	(4,329)
<i>Net Cash (used by) Investing Activities</i>		(452,726)	(54,330)
<i>Cash flows from Financing Activities</i>			
Repayment of lease liabilities		(228,698)	–
Interest paid on lease liabilities		(14,501)	–
<i>Net Cash (used in) Financing Activities</i>		(243,199)	–
NET (DECREASE)/INCREASE IN CASH HELD		(336,411)	235,605
CASH AT BEGINNING OF FINANCIAL YEAR		505,081	269,476
CASH AT END OF FINANCIAL YEAR	14(a)	168,670	505,081

Statement of changes in equity for the financial year ended 30 June 2020

	2020 \$	2019 \$
Opening Balance	2,664,411	2,614,954
Net surplus for the year	507,179	49,457
Closing Balance	3,171,590	2,664,411

Notes to the financial statements are included on pages 50 to 62

1. SUMMARY OF ACCOUNTING POLICIES

Financial Reporting Framework

The Law and Justice Foundation of New South Wales is not a reporting entity because in the opinion of the Board of Governors, there are unlikely to exist users of the financial report who are unable to command the preparation of reports tailored so as to satisfy specifically all of their information needs. Accordingly, this “Special Purpose Financial Report” has been prepared to satisfy the Governors’ reporting requirements under the *Law and Justice Foundation Act 2000* and the *Australian Charities and Not-for-Profits Commission Act 2012*.

The financial report has been prepared in accordance with the *Law and Justice Foundation Act 2000* (“*The Act*”) and the *Australian Charities and Not-for-Profits Commission Act 2012*, the recognition and measurement requirements specified by all Australian Accounting Standards and Interpretations, and the disclosure requirements of AASB101 Presentation of Financial Statements, AASB107 Cash Flow Statements, AASB108 Accounting Policies Changes in Accounting Estimates and Errors and AASB 1054 Australian Additional Disclosures.

Basis of Presentation

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

Critical accounting judgements

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

Adoption of new and revised Accounting Standards

In the current year, the Foundation has adopted all of the new and revised Standards and Interpretations issued by the Australian Accounting Standards Board (the AASB) that are mandatory for the current annual reporting period.

New and revised Standards and amendments thereof and Interpretations effective for the current year that are relevant to the Foundation include AASB 15 ‘Revenue from Contracts with Customers’, AASB 1058 ‘Income of Not-for-Profit Entities’, AASB 16 ‘Leases’ and the relevant amending standards.

AASB 1058 ‘Income of Not-for-Profit Entities’ and AASB 15 ‘Revenue from Contracts with Customers’

In the current year, the Foundation has applied AASB 1058 ‘Income of Not-for-Profit Entities’ and AASB 15 ‘Revenue from Contracts with Customers’ from 1 July 2019 using the modified retrospective approach where the comparative period information is not restated.

AASB 1058 clarifies and simplifies the income recognition requirements that apply to not-for profit (NFP) entities, in conjunction with AASB 15. The new income recognition requirements shift the focus from a reciprocal/non-reciprocal basis to a basis of assessment that considers the enforceability of a contract and the specificity of performance obligations.

The core principle of the new income recognition requirements in AASB 1058 is that when a NFP entity enters into transactions where the consideration to acquire an asset is significantly less than the fair value of the asset principally to enable the entity to further its objectives, the excess of the asset recognised (at fair value) over any ‘related amounts’ is recognised as income immediately. An example of a ‘related amount’

Notes to the Financial Statements

is AASB 15 and in cases where there is an 'enforceable' contract with a customer with 'sufficiently specific' performance obligations, income is recognised when (or as) the performance obligations are satisfied under AASB 15, as opposed to any excess above the related amounts that would be immediate income recognition under AASB 1058.

Under AASB 15, an entity recognises revenue when (or as) a performance obligation is satisfied, i.e. when 'control' of the goods or services underlying the particular performance obligation is transferred to the customer. AASB 15 introduces a 5-step approach to revenue recognition, which is more prescriptive than AASB 118.

The Foundation has performed an assessment of its revenue streams and notes that the application of AASB 15 and AASB 1058 did not result in any adjustments on transition as at 1 July 2019.

Grant income

Based on an analysis of the Foundation's underlying arrangements for grants as at 1 July 2019, the Foundation has assessed that the adoption of the new income requirements do not have a significant impact on the amounts recognised in the Foundation's financial statements. Grants that do not meet the 'enforceability' and the 'sufficiently specific' criteria to fall in scope under AASB 15 would therefore be recognised as income once the Foundation controlled the relevant asset (assuming no other related amounts are applicable) under AASB 1058, which is in line with the current income recognition under AASB 1004.

AASB 16 'Leases'

The Foundation has adopted AASB 16 from 1 July 2019, using the modified retrospective approach. AASB 16 provides a comprehensive model for the identification of lease arrangements and their treatment in the financial statements for both lessors and lessees. The standard replaced AASB 117 'Leases' and for lessees has eliminated the classifications of operating leases and finance leases.

AASB 16 has changed how the Foundation accounts for leases previously classified as operating leases under AASB 17, which were off balance sheet.

On initial application of AASB 16, for all leases in scope, the Foundation:

- Recognises right-of-use assets and lease liabilities in the statement of financial position, initially measured at the present value of the future lease payments;
- Recognises depreciation of right-of-use assets and interest on lease liabilities in the statement of profit or loss;
- Separates the total amount of cash paid into a principal portion (presented within financing activities) and interest (presented within operating activities) in the statement of cash flows; and
- Recognises the present value of the lease payments on the statement of financial position classified between current and non current repayments.

On initial application of AASB 16 at 1 July 2019, there was no impact on the financial statements as the Foundation had only one month of a premises lease remaining for which it used the practical expedient to expense as incurred.

Significant Accounting Policies

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

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

a) Grant and Project Expenditure

Grant expenditure in excess of \$5,000 requires the approval of, and is at the discretion of, the Board of Governors. Grants of \$5,000 or less can be approved by the Director. Those approved in the current

Notes to the Financial Statements

financial year are reported as expenses in the Statement of Comprehensive Income, to the extent approved.

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

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

b) Income Allocation

Grants received from the Public Purpose Fund for general operations have been brought to account as income at a monthly accrual of \$120,437. 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 2020 totalled \$1,445,250.

Grants received from the Public Purpose Fund for specific projects are recognised in accordance with the revenue recognition policy for grant funding (see note 1 (l)).

c) Depreciation

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

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

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

d) Recoverable Amount of Non-Current Assets

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

e) Income Tax

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

f) Employee Entitlements

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

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

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

g) Payables

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

Notes to the Financial Statements

h) Acquisition of Assets

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

i) Goods and Services Tax

Revenues, expenses and assets are recognised net of the amount of goods and services tax (GST) except:

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

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

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

j) Receivables

Trade receivables and other receivables are recorded at amounts due less allowance for expected credit loss.

k) Investments

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

To meet reasonable contingency requirements and to provide sufficient guarantee of resources to meet forward commitments at any time, including completion of important long-term projects, the Foundation maintains some reserves. These reserves are invested in accordance with the Foundation’s investment policy with the aims of generating reasonable returns having regard to the investment timeframe and maintaining the real value of invested capital. Reserves are currently invested in cash facility trusts operated by NSW Treasury Corporation.

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

Derecognition of financial asset

The Foundation derecognises a financial asset only when the contractual rights to the cash flows from the asset expire, or when it transfers the financial asset and substantially all the risks and rewards of ownership of the asset to another entity. On derecognition of a financial asset measured at amortised cost, the difference between the asset’s carrying amount and the sum of the consideration received and receivable is recognised in profit or loss.

Notes to the Financial Statements

l) Revenue Recognition

Revenue comprises revenue from grants, royalties and the provision of other services and is measured at the fair value of the consideration received or receivable.

Grant funding

A number of the Foundation's programs are supported by grants received from other bodies. These grants are assessed to determine if the contract is enforceable and contains sufficiently specific performance obligations. In cases where these conditions are met, the transaction is accounted for under AASB 15 where income is recognised when the performance obligations are satisfied. Otherwise, the transaction is accounted for under AASB 1058 by recognising the cash (or other asset) and any related financial statement element such as a financial liability with the surplus recognised as income immediately.

Rendering of other services

Revenue from the provision of other services is recognised over time by reference to the stage of completion of the contract; under AASB 15 this is when the customer has consumed the benefits of the service and the performance obligation has been satisfied.

m) Non-current assets held for Sale

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

n) Leases

Right-of-use assets

A right-of-use asset is recognised at the commencement date of a lease. The right-of-use asset is measured at cost, which comprises the initial amount of the lease liability, adjusted for, as applicable, any lease payments made at or before the commencement date net of any lease incentives received, any initial direct costs incurred, an estimate of costs expected to be incurred for dismantling and removing the underlying asset, and restoring the site or asset.

Right-of-use assets are depreciated on a straight-line basis over the unexpired period of the lease or the estimated useful life of the asset, whichever is the shorter. Where the Foundation expects to obtain ownership of the leased asset at the end of the lease term, the depreciation is over its estimated useful life. Right-of-use assets are subject to impairment or adjusted for any remeasurement of lease liabilities.

The Foundation has elected not to recognise a right-of-use asset and corresponding lease liability for short-term leases with terms of 12 months or less and leases of low-value assets. Lease payments on these assets are expensed to profit or loss as incurred.

Lease liabilities

A lease liability is recognised at the commencement date of a lease. The lease liability is initially recognised at the present value of the lease payments to be made over the term of the lease, discounted using the Foundation's incremental borrowing rate. Lease payments comprise of fixed payments less any lease incentives receivable, variable lease payments that depend on an index or a rate, and any anticipated termination penalties.

When a lease liability is remeasured, an adjustment is made to the corresponding right-of-use asset, or to profit or loss if the carrying amount of the right-of-use asset is fully written down.

Notes to the Financial Statements

o) Going Concern

The financial report for the year ended 30 June 2020 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.

For the year ended 30 June 2020, the Foundation made a surplus of \$507,179 (2019: \$49,457) and generated net cash inflows from operating activities of \$359,514 (2019: \$289,935).

The financial report has been prepared on a going concern basis as a result of the following:

- The Law and Justice Foundation of NSW has an accumulated surplus of \$3,171,590 as at 30 June 2020, net current assets of \$2,668,045 and investments of \$3,528,431, which will allow the organisation to continue its normal business activity and settle their liabilities as they fall due, for a period of not less than 12 months from the date this financial report is signed.
- Whilst the Foundation is dependent upon the continuation of allocations from the Public Purpose Fund, it is expected that these allocations will continue in the short term. The Board of Governors expect the Public Purpose Fund to provide funding for an additional year from July 2021.

Based on this, the Board of Governors are satisfied that the adoption of the going concern basis of accounting is appropriate.

- p)** New and revised Australian Accounting standards in issue but not yet effective. At the date of authorisation of the financial report, the Standards and Interpretations listed below were in issue but not yet effective. The Governors are still in the process of assessing the full impact of the application of the below standards on the Foundation's financial statements.

Standard/Interpretation	Effective for annual reporting periods on or after	Expected to be initially applied in the financial year ending
AASB 2018-7 Amendments to Australian Accounting Standards – Definitions of Materiality	1 January 2020	30 June 2021
AASB 2019-1 Amendments to Australian Accounting – References to the Conceptual Framework	1 January 2020	30 June 2021
AASB 2019-5 Amendments to Australian Accounting – Disclosure of the Effect of New IFRS Standards not yet issued in Australia	1 January 2020	30 June 2021
AASB 2020-1 Amendments to Australian Accounting Standards – Classification of Liabilities as Current or Non-Current	1 January 2022	30 June 2023
AASB 1060 General Purpose Financial Statements – Simplified disclosure for For-Profit and Not-for-Profit Entities	1 July 2020	30 June 2021

Notes to the Financial Statements

2. REVENUE

	2020	2019
	\$	\$
(a) Operating Revenue		
Public Purpose Fund – recurrent funding	1,445,250	1,410,000
Public Purpose Fund – Other Projects	132,028	–
Other project funding	469,200	473,895
Interest revenue: Other financial assets	2,493	3,978
Royalties	840	24,944
Total Operating Revenue	2,049,811	1,912,817
(b) Investment Income		
Dividends and interest on investments	44,618	76,828
Profit/(Loss) on sale of investments	150	798
Unrealised gain/(loss) arising from the revaluation of current assets – investments	2,449	5,528
Total Investment Income	47,217	83,154
3. RECEIVABLES		
Trade debtors	–	–
	–	–
4. INVESTMENTS		
Managed investment – working capital facility	1,295,201	1,326,500
Managed investment portfolio – cash facilities	2,233,230	1,854,714
	3,528,431	3,181,214

Notes to the Financial Statements

5. PROPERTY, PLANT AND EQUIPMENT

	Leasehold Improvements	Furniture & Fittings	Office Equipment	Total
	\$	\$	\$	\$
Gross Carrying Value				
Balance as at 01 July 2019	212,386	91,569	153,172	457,127
Additions			6,806	6,806
Disposals				
Balance as at 30 June 2020	212,386	91,569	159,978	463,933
Accumulated Depreciation				
Balance as at 01 July 2019	(208,368)	(89,638)	(127,959)	(425,965)
Depreciation Expense	(4,018)	(1,931)	(16,136)	(22,085)
Disposals				
Balance as at 30 June 2020	(212,386)	(91,569)	(144,095)	(448,050)
As at 30 June 2019	4,018	1,931	25,213	31,162
As at 30 June 2020	–	–	15,883	15,883

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

	2020	2019
	\$	\$
Leasehold improvements	4,018	41,772
Office furniture & fittings	1,931	18,264
Office equipment	16,136	21,418
Premises lease	238,719	–
	260,804	81,454

Notes to the Financial Statements

6. RIGHT OF USE ASSETS

	Right of use Asset \$	Total \$
Gross Carrying Value		
Balance as at 01 July 2019	–	–
Additions	520,841	520,841
Transfers	–	–
Write offs	–	–
Disposals	–	–
Balance as at 30 June 2020	<u>520,841</u>	<u>520,841</u>
Accumulated Depreciation		
Balance as at 01 July 2019	–	–
Depreciation expense	(238,719)	(238,719)
Transfers	–	–
Write offs	–	–
Disposals	–	–
Balance as at 30 June 2020	<u>(238,719)</u>	<u>(238,719)</u>
As at 30 June 2019	<u>–</u>	<u>–</u>
As at 30 June 2020	<u>282,122</u>	<u>282,122</u>

Contractual maturities of undiscounted lease liabilities as at 30 June 2020 is set below:

Less than a year	275,032
Longer than 1 year and not longer than 5 years	22,993
Greater than 5 years	–
	<u>298,025</u>

7. TRADE AND OTHER PAYABLES

	2020 \$	2019 \$
Trade payables	95,335	107,995
Other payables	11,800	11,800
Accrued wages & salaries (note 13)	13,898	6,139
	<u>121,033</u>	<u>125,934</u>

8. CURRENT PROVISIONS

Provision for annual leave (note 13)	116,255	95,364
Provision for long service leave (note 13)	108,291	171,269
	<u>224,546</u>	<u>266,633</u>

9. CURRENT LEASE LIABILITIES

Lease Liability – Premises	<u>269,150</u>	<u>–</u>
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Notes to the Financial Statements

10. GRANTS AND EXTERNAL PROJECTS NOT DRAWN	2020	2019
	\$	\$
Grants	64,738	215,409
External projects	401,548	565,774
	<u>466,286</u>	<u>781,183</u>
11. NON-CURRENT PROVISIONS		
Provision for long service leave (note 13)	<u>9,655</u>	<u>13,310</u>
12. NON-CURRENT LEASE LIABILITIES		
Lease Liability – Premises	<u>22,993</u>	<u>–</u>
13. EMPLOYEE BENEFITS		
The aggregate employee benefit liability recognised and included in the financial statements is as follows:		
Provision for employee benefits:		
Current (note 8)	224,546	266,633
Non-current (note 11)	9,655	13,310
Accrued wages and salaries (note 7)	13,898	6,139
	<u>248,099</u>	<u>286,082</u>
14. NOTES TO STATEMENT OF CASH FLOWS		
(a) Reconciliation of Cash		
For the purposes of the Statement of Cash Flows, cash includes cash on hand and in banks. Cash at the end of the financial year as shown in the Statement of Cash Flows is reconciled to the related items in the Balance Sheet as follows:		
	<u>168,670</u>	<u>505,081</u>
(b) Reconciliation of Net Surplus to Net Cash Flows from Operating Activities		
<i>Net Surplus/(Deficit)</i>	507,179	49,457
Depreciation of non-current assets	260,804	81,454
Net unrealised (gain)/loss arising from the revaluation of investments	(2,449)	(5,528)
(Profit)/Loss on sale of investments	(150)	(798)
Dividends and interest received	(44,618)	(76,828)
Interest paid on lease liabilities	14,501	–
<i>(Increase)/Decrease in assets</i>		
Receivables	–	98,914
Other current assets	(10,213)	4,855
<i>Increase/(Decrease) in liabilities</i>		
Payables	(4,901)	(32,722)
Provision current	(42,087)	(7,782)
Provision non-current	(3,655)	(8,452)
Grants and projects allocated – not drawn	(314,897)	187,365
<i>Net Cash from/(used in) Operating Activities</i>	<u>359,514</u>	<u>289,935</u>

Notes to the Financial Statements

15. FINANCIAL INSTRUMENTS

(a) Significant Accounting Policies

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

(b) Credit Risk Exposures

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

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

(c) Interest Rate Risk Exposures

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

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

2020

	Average Interest Rate	Variable Interest Rate \$	Non-interest Bearing \$	Consolidated Total \$
Financial Assets				
Cash and deposits	0.00%	168,670	–	168,670
Receivables	–	–	–	–
Other current assets	–	–	51,959	51,959
Investments	–	–	3,528,431	3,528,431
Total		<u>168,670</u>	<u>3,580,390</u>	<u>3,749,060</u>
Financial Liabilities				
Trade creditors & other payables	–	–	121,033	121,033
Total		<u>–</u>	<u>121,033</u>	<u>121,033</u>
Net financial assets		<u>168,670</u>	<u>3,459,357</u>	<u>3,628,027</u>

Notes to the Financial Statements

2019

	Average Interest Rate	Variable Interest Rate \$	Non-interest Bearing \$	Consolidated Total \$
Financial Assets				
Cash and deposits	1.40%	505,081	–	505,081
Receivables	–	–	–	–
Other current assets	–	–	41,746	41,746
Investments	–	–	3,181,214	3,181,214
Total		<u>505,081</u>	<u>3,222,960</u>	<u>3,728,041</u>
Financial Liabilities				
Trade creditors & other payables	–	–	125,934	125,934
Total		<u>–</u>	<u>125,934</u>	<u>125,934</u>
Net financial assets		<u>505,081</u>	<u>3,097,026</u>	<u>3,602,107</u>

16. 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.

17. ECONOMIC DEPENDENCY

The Law and Justice Foundation of New South Wales is dependent on allocations from the Public Purpose Fund. It is expected that these allocations will continue in the short term, until the current annual agreement ceases in June 2021. The Board of Governors expect the Public Purpose Fund to provide funding for an additional year from July 2021. The Law and Justice Foundation of NSW also has an accumulated surplus of \$3,171,590 as at 30 June 2020, which will allow the organisation to continue its normal business activity and settle their liabilities as they fall due, for a period of not less than 12 months from the date this financial report is approved.

18. REMUNERATION OF AUDITORS

	2020 \$	2019 \$
Auditing the financial report	<u>27,015</u>	<u>27,000</u>

19. EMPLOYEES

Number of employees at end of financial year (FTE in 2020 = 7.2)	10	11
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Notes to the Financial Statements

20. COMMITMENTS FOR EXPENDITURE

Non cancellable operating lease payments:

	2020	2019
	\$	\$
Not longer than one year	497	18,613
Longer than one year and not longer than five years	–	–
Longer than five years	–	–
	<u>497</u>	<u>18,613</u>

In July 2019 the Foundation entered into a new two-year lease for the existing office premises at 222 Pitt St Sydney. The lease commenced on 1 August 2019 and expires on 31 July 2021. The effects of this lease are shown in the accounts in accordance with AASB 16.

21. SUBSEQUENT EVENT

COVID-19: Subsequent to the end of the financial year there continues to be considerable economic impacts in Australia and globally arising from the outbreak of the COVID-19 virus and government actions to reduce spread of the virus. As the severity and duration of the economic impact of COVID-19 is unknown at the date of signing the financial report, the Governors are unable to determine with certainty any financial effects the outbreak of the virus may have on the Foundation in the coming financial period. The biggest potential impact is the effect of continued low interest rates on the capacity of the principal source of core funding – the Public Purpose Fund. No future financial effects arising for the economic impacts of the virus have been included in the financial results for the year ended 30 June 2020.

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.

22. ADDITIONAL ORGANISATION INFORMATION

Principal Place of Business
Level 13, 222 Pitt St
SYDNEY NSW 2000
(02) 8227 3200

Declaration of independence

Deloitte.

Deloitte Touche Tohmatsu
ABN 74 490 121 060

Grosvenor Place
225 George Street
Sydney, NSW, 2000
Australia

Phone: +61 2 9322 7000
www.deloitte.com.au

Board of Governors
Law and Justice Foundation of New South Wales
Level 13, 222 Pitt St
Sydney NSW 2000

14 October 2020

Dear Governors,

Law and Justice Foundation of New South Wales

In accordance with Subdivision 60-C of the *Australian Charities and Not-for-profits Commission Act 2012*, I am pleased to provide the following declaration of independence to the Governors of Law and Justice Foundation of New South Wales.

As lead audit partner for the audit of the financial statements of Law and Justice Foundation of New South Wales for the year ended 30 June 2020, I declare to the best of my knowledge and belief, there have been no contraventions of:

- (i) the auditor independence requirements as set out in the *Australian Charities and Not-for-profits Commission Act 2012* in relation to the audit; and
- (ii) any applicable code of professional conduct in relation to the audit.

Yours faithfully

Deloitte Touche Tohmatsu

DELOITTE TOUCHE TOHMATSU



Cheryl Kennedy
Partner
Chartered Accountants

Staff

Delphine Bellerose, Senior Researcher (part-time)

Bianca Blanch, Senior Researcher (from April 2020)

Kerryn Butler, Senior Researcher (from February 2020)

Catherine Carpenter, Communications and Publications Manager (part-time to May 2020)

Vyna Chua, Assistant Accountant (part-time)

Kimberly Jane, Executive Officer (part-time from April 2020)

Maria Karras, Senior Researcher (part-time)

Catriona Mirrlees-Black, Senior Principal Researcher (part-time)

Geoff Mulherin, Director

Richard Wood, Finance and Administration Manager (part-time)

Consultant

Associate Professor Terence Beed, Senior Research Fellow

NSW Legal Assistance Forum (NLAF)

Sinéad Eastman, NLAF Project Manager (part-time from September 2019)

Acknowledgements

Organisations

Aboriginal and Torres Strait Islander Legal Service (Qld) Ltd
Aboriginal Legal Rights Movement Inc (ALRM)
Aboriginal Legal Service (NSW/ACT) Ltd
Aboriginal Legal Service of Western Australia (ALSWA)
Attorney-General's Department South Australia
Central Australian Legal Aid Service
Commonwealth Attorney-General's Department
Community Legal Centres Australia
Community Legal Centres NSW
Community Legal Centres Queensland
Department of Family and Community Services (NSW)
Department of Justice & Regulation (Victoria)
Department of Justice and Attorney-General (Queensland)
Department of Communities and Justice (NSW)
Federation of Community Legal Centres (Victoria) Inc.
Inner Melbourne Community Legal Centre
Law Council of Australia
Law Institute Victoria
Law Society of NSW
Legal Aid ACT
Legal Aid NSW
Legal Aid Queensland
Legal Aid Western Australia
Legal Information Access Centre, State Library of NSW
Monash University
National Aboriginal and Torres Strait Islander Legal Service (NATSILS)
North Australian Aboriginal Justice Agency (NAAJA)
Organisation for Economic Cooperation and Development (OECD)
Tasmanian Aboriginal Community Legal Service (TACLS)
Victoria Aboriginal Legal Service
Victoria Law Foundation

Victoria Legal Aid
Victorian Civil and Administrative Tribunal
Victorian Legal Services Board & Commissioner

Individuals

Iain Anderson, Commonwealth Attorney-General's Department
Nassim Arrage, Community Legal Centres Australia
Priscilla Atkins, North Australian Aboriginal Justice Agency
Cheryl Axleby, National Aboriginal and Torres Strait Islander Legal Services
Winnecke Baker, Legal Aid NSW
Nigel Balmer, Victoria Law Foundation
Moo Baulch, Domestic Violence NSW
Kylie Beckhouse, Legal Aid NSW
Kirsten Bowman, Legal Aid NSW
Naomi Brown, Legal Aid Western Australia
Alan Cameron AO, Chair, NSW Law Reform Commission
Helen Campbell OAM, Women's Legal Service NSW
Stuart Campbell, Legal Aid NSW
Gabrielle Canny, Legal Services Commission SA
Andrew Cappie-Wood, NSW Department of Communities and Justice
Gaby Carney, Legal Aid NSW
Claire Chaffey, *Law Society Journal*
Naomi Cheetham, Legal Aid NSW
Kim Chow, Legal Aid NSW
Jane Cipants, Legal Aid NSW
Klaire Coles, Caxton Legal Service
Peter Collins, Aboriginal Legal Service of Western Australia Ltd
Alexandra Colquhoun, Legal Aid NSW
Helen Cooper, Legal Aid NSW
Michelle Corcoran, Adviser to Commonwealth Attorney-General
John Corker, Australian Pro Bono Centre
Michael Coutts-Trotter, NSW Department of Communities and Justice
Suzan Cox, Legal Aid NT
Anne Cregan, Gilbert + Tobin

Professor Rosalind Croucher, Australian Human Rights Commission

Simone Czech, NSW Department of Communities and Justice

Melissa Davidson, Commonwealth Attorney-General's Department

Rory Downey, Aboriginal & Torres Strait Islander Legal Service (Qld) Ltd

Fiona Dowsley, Department of Justice and Community Safety, Victoria

Laurel Draffen, Community Legal Centres NSW

Chris Dubrow, Community Legal Centres Australia

Shane Duffy, Aboriginal & Torres Strait Islander Legal Service (Qld) Ltd

Dennis Eggington, Aboriginal Legal Service of Western Australia Ltd

Elizabeth Espinosa, Law Society of NSW

David Evenden, Legal Aid NSW

Jackie Fitzgerald, BOCSAR

Arlia Fleming, Elizabeth Evatt Community Legal Centre

Hayley Foster, WDV CAS NSW Inc

Kate Greenwood, Aboriginal & Torres Strait Islander Legal Service (Qld) Ltd

Carolyn Guterres, Department of Justice South Australia

Kate Halliday, Legal Aid NSW

Michelle Hannon, Gilbert + Tobin

Alison Harris, Legal Aid WA

Richard Harvey, Law Society of NSW

Tamsyn Harvey, Commonwealth Attorney-General's Department

Lynne Haultain, Victoria Law Foundation

Ariane Hermann, Commonwealth Attorney-General's Department

Graham Hill, Legal Aid WA

Monique Hitter, Legal Aid NSW

Carolyne Howard, NSW Attorney-General's Department

Cameron Hume, Victoria Legal Aid

Doug Humphreys OAM, Law Society of NSW

Jane Hutchinson, Community Legal Centres Tasmania

Katrina Ironside, Community Legal Centres NSW

Kerry Jackson, Commonwealth Attorney-General's Department

Sharryn Jackson, Community Legal WA

Joan Jardine, Commonwealth Attorney-General's Department

Judge Peter Johnstone, President, Children's Court of NSW

Rosy Jolic, Victoria Legal Aid

Michelle Jones, Legal Aid NSW

Kate Kelso, Legal Aid NSW

Ashwinny Krishna, Federation of Community Legal Centres Victoria

Shameeta Kuhadas, Department of Justice South Australia

Tim Leach, Community Legal Centres NSW

Judith Levitan, Legal Aid NSW

Jenny Lovric, Aboriginal Legal Service (NSW/ACT) Ltd

Emma Maple-Brown, Herbert Smith Freehills

Pip Martin, Legal Aid NSW

Bridget McAloon, Victoria Legal Aid

Katy McDougall, Legal Aid Western Australia

Serina McDuff, Federation of Community Legal Centres Victoria

Fiona McLeod SC, Law Council of Australia

Catherine McMorrine, Community Legal Centres South Australia

Nadine Miles, Aboriginal Legal Service (NSW/ACT) Ltd

Chelly Milliken, Legal Aid NSW

Rosslyn Monro, Community Legal Centres Queensland

Roxanne Moore, National Aboriginal and Torres Strait Islander Legal Services

Arthur Moses SC, Law Council of Australia

Rebecca Neil, Legal Aid NSW

Adam Nott, Commonwealth Attorney-General's Department

James Okeby, Community Legal Centres Australia

Meredith Osborne, Legal Aid NSW

Fleur Paech, Commonwealth Attorney-General's Department

Sandra Pantic, Commonwealth Attorney-General's Department

Cherie Pittman, Legal Aid NSW

Chris Povey, Justice Connect

Sean Robertson, Office of the NSW Attorney-General

Wayne Robertson QC, Law Foundation of British Columbia

Trina Robinson, LawAccess NSW

Elena Rosenman, ACT Association of Community
Legal Centres
Calinda Sacilotto, Department of Justice South
Australia
Catherine Samuels, FACS Legal
Philippa Scarf, LIAC, State Library of NSW
Jane Selwood, NSW Department of Communities
and Justice
Gregory Shadbolt, Aboriginal & Torres Strait
Islander Legal Service (Qld) Ltd
Elizabeth Simpson, Legal Aid NSW
Rebecca Simpson, Legal Aid NSW
Louise Smith, Legal Aid NSW
Professor Tania Sourdin, University of Newcastle
The Hon. Mark Speakman SC, NSW
Attorney-General
Ruby Steele, Legal Aid NSW
Angela Stengel, Australian Broadcasting Corporation
Jane Stewart, Legal Aid Western Australia
Jeremy Styles, Aboriginal Legal Service
(NSW/ACT) Ltd

Janet Taylor, Northern Territory Association of
Community Legal Centres
Brendan Thomas, Legal Aid NSW
Michael Tidball, Law Society of NSW
Lesley Turner, Aboriginal Legal Service
(NSW/ACT) Ltd
Dr John Vallance, State Library of NSW
Gayan Vithanage, Commonwealth Attorney-General's
Department
Janet Wagstaff, LawAccess NSW
Nerita Waight, Victorian Aboriginal Legal Service
Co-operative Ltd
Bevan Warner, Victoria Legal Aid
Karly Warner, Aboriginal Legal Service
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