LAW AND JUSTICE FOUNDATION OF NEW SOUTH WALES

Annual Report

2019

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Publisher
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Front cover image: Albury, NSW, courtesy of Denis Binnion.

Typeset by: Midland Typesetters Pty Ltd.
Printed by: Fineline Printing Australia Pty Ltd.
© Law and Justice Foundation of New South Wales, December 2019

ISSN 1832-7281
ISBN 978-0-6484225-4-9

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Letter of transmittal

17 December 2019

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 2018–2019.

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

Paul Stein
Chair
Board of Governors

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Contents

Our organisation

About the Law and Justice Foundation of New South Wales 7
Our goals and objectives 7
Board of Governors 8

Year in review

Message from the Chair 9
Message from the Director 12

Performance 2018–2019

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

1.1 Identify legal need 15
1.2 Identify what works to address legal need 20
1.3 Support policy development and planning service delivery 26
1.4 Respond to priority access to justice issues 29

Goal 2: Improve access to justice

2.1 Support projects – the grants program 33
2.2 Facilitate legal sector relationships and coordination 36
2.3 Community legal education and referral program 36
2.4 Disseminate data, analysis and information 38

Goal 3: Cost-effective operations support

3.1 Develop the information management capabilities of the Foundation 39
3.2 Manage resources efficiently and effectively 39

Financial report

Governors' report 40
Auditor's report 42
Governors' declaration 44
Financial statements 45
Declaration of independence 60

Acknowledgements 62

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

Goal 2: Improve access to justice

2.1 Develop projects – our grants program (ceased 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 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. There were seven Board members during the 2018–2019 financial year, with one position remaining vacant.

The Hon. Paul Stein AM QC is the Chair of the Law and Justice Foundation Board of Governors. He became a judge in 1983 and was appointed to the Land and Environment Court in 1985. In 1997, he was appointed to the Court of Appeal where he remained until his retirement in 2004. He has undertaken a number of reports and reviews for the government, and is the former Chair of the Board of the 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 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 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, is a member of the Society's Business Law Committee and former chair of the Society's In-house Corporate Lawyers' Committee and Deputy Chair of its Business Law Committee, Ethics Committee and Licensing Committee. She is also a member and former 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.

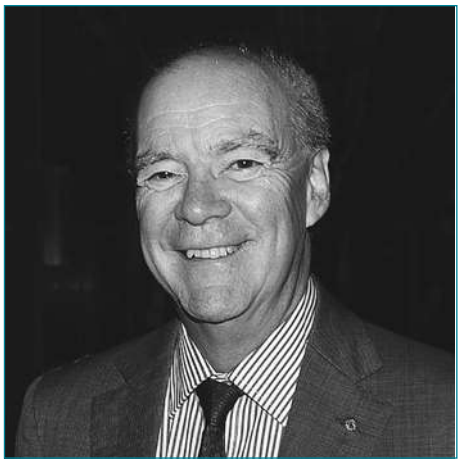
Geoff Mulherin CSC has been Director of the Foundation since November 2000.

The Hon. Kevin Rozzoli AM is the Chair of the Foundation's Investment Sub-Committee. He was the member for the 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 Medical Advances Without Animals Trust, the Accountability Round Table, and for the past 33 years he has been Chair of the Haymarket Foundation.

John Sheahan QC 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). In 2014 he was appointed to the Takeovers Panel.

Professor Julie Stubbs is a criminologist and Professor in the Faculty of Law at UNSW Sydney. 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.

Year in review



Message from the Chair

A watershed year

I am very pleased to be able to report that the Foundation continued to produce work of great value during the year – work that is widely recognised across NSW, Australia and internationally. My comments below, and elsewhere in the report, touch on some of this achievement, recognition and influence, and I thank our many supporters and collaborators for their engagement and confidence.

However, despite this value and impact, the Foundation's core funding remains at too low a level to sustain the full range of work for which it is mandated by statute to undertake. I have been warning of the dangers of this situation for some time, but this year, sadly, the Board has been forced to cut some important programs. The Foundation's impact is likely to diminish as a result of this in the years to come.

The positives

Let me start, though, with some of the positives over the year.

Despite the need for a new national Legal Needs Survey to follow on from the now 10-year-old LAW Survey, the Foundation has continued to lead in its legal needs work. A highlight was, for the first time, being able to quantify the legal and broader life impacts of domestic and family violence. The results, which are reported in a little more detail later in the report, are startling. For example, respondents who had experienced domestic and family violence in the previous 12 months were 10 times more likely than others to experience other legal problems not directly related to the violence. This sort of finding is critical to our understanding of the legal needs of the community as people experience them, and can only be achieved through the type of rigorous research undertaken by the Foundation.

Other research highlights include, again using LAW Survey data, an examination of the use of self-help resources – who uses them, why they are used, and are they effective? The findings provide essential insight to underpin reforms and innovation in the delivery of justice services. Again, this insight only comes through the type of rigorous research undertaken by the Foundation.

Other highlights during the year include:

- the publication of reports providing new insight into the civil justice jurisdiction of the Land and Environment Court, and the Supreme Court;
- the update to the planning tool to assist the Aboriginal Legal Service better identify and estimate demand and thus better plan for the delivery of its criminal law services;

- engagement by the Commonwealth Government for the Foundation to provide extensive analysis and advice in relation to the new legal assistance services funding agreement and develop resources to support the effective planning and delivery of legal services;
- ongoing work in support of research alliances with Legal Aid NSW and Victoria Legal Aid; and
- provision of important grant funding and related support to key new initiatives including:
  - a project to provide appropriate education and support to disadvantaged parents involved in the care and protection system;
  - the development of an innovative community legal education podcast about domestic and family violence; and
  - an innovative youth law service in the Hunter region seeking to address civil and family law problems of young people whilst they are involved in criminal proceedings on Children's Court list days.

The negatives

Despite these and many other important positives that you can read about later in this report, during this year, because of the continued underfunding, the Board of the Foundation was forced to cut some significant programs.

Grants program: Since its creation in 1967, the Foundation has been relied upon as a source of support to address identified needs and to test innovative solutions in a manner far more timely than ordinarily possible with the mechanics of government. In the past the Foundation's grants program played a major role in the establishment of the College of Law; the Australasian Legal Information Institute (AustLII); the Public Interest Advocacy Centre; the Legal Information Access Centre; the development of plain language legal information; the introduction of legal studies into the school curriculum in NSW; providing the first online legal portal for legal services; and pioneering many of the online avenues now employed by all courts in NSW and across Australia.

These high-profile examples aside, a look at the projects funded by the Foundation over many years demonstrates that this program provided an avenue for those dealing with the legal problems of disadvantaged people in the community to seek support to trial and implement grass-roots identified solutions to address these needs. As a result, the Foundation supported projects and innovations such as those targeted at women experiencing domestic violence, people with a disability, and Aboriginal and Torres Strait Islander people in the justice system, many years before they became areas of public priority or government focus.

This asset to the people of NSW has now been lost.

The Justice Awards: The NSW Justice Awards have long been an avenue not just to recognise the work done by people across NSW to improve access to justice for the community, particularly disadvantaged people, but more importantly, to identify and shine light on the key legal needs faced by people across all parts of NSW and the work being done to address those needs. Much of that work is, of course, performed by volunteers in a wide variety of settings ranging from assisting women to obtain AVOs in court, through to supporting people with intellectual disability in police stations and teaching literacy skills in prisons. Their nomination for the Justice Awards was a unique, and often the first, public recognition of their contribution.

A year did not go past without new issues, new strategies, and newly-identified groups emerging as part of the Justice Awards process. The Awards served a major function for that part of the justice system that seeks to address the legal needs of ordinary citizens in bringing the sector together.

This asset to the people of NSW has now been lost.

There have been other cuts as well, most notably in the areas of the capacity building the Foundation provided to the community sector in relation to the development of plain language legal information resources and legal referral processes in a complex environment.

Declining NSW influence?

Despite the reductions the Foundation has continued to produce great work during the year, but this has come with significant pain as important functions and valuable staff have been lost.

It is noteworthy that the inadequate core funding currently provided to the Foundation stands in contrast to the increased funding being provided through the Victorian Government and Victorian Legal Services Board to the Victoria Law Foundation. Having appreciated the work of the Law and Justice Foundation of NSW for many years, the Victorian Government identified the need for such a research body and hence is 'growing' the Victorian Law Foundation to emulate the Law and Justice Foundation. Importantly, they recognise

the importance of growing a high-quality research capability at the same time as linking that with an active grants program and other programs.

"We value the support of the Public Purpose Fund for the Foundation's work, and I would strongly encourage the Trustees, and the NSW Government, to appreciate the enormous value that they can accrue with what is only a very modest increase to the Foundation's funding."

We are happy to see the Victoria Law Foundation developing and being supported as it is: there is much work to be done to provide the evidence needed to improve access to justice. My caution is that if we in New South Wales wish to maintain the influence in the legal assistance policy area nationally and beyond, then the Foundation needs a return to a level of adequate core funding. We value the support of the Public Purpose Fund for the Foundation's work, and I would strongly encourage the Trustees, and the NSW Government, to appreciate the enormous value that they can accrue with what is only a very modest increase to the Foundation's funding.

Acknowledgements

Despite the major challenges during the year, the Foundation's staff have continued to produce work of a very high standard that is extremely well regarded across the state, the nation and the globe. A glance at the remainder of this report will attest to how productive the 2018–19 year has been for the Foundation.

I would like to thank most sincerely the staff of the Foundation for their continued commitment and dedication in the face of adversity. All members of the Foundation can be proud of their achievements and the work they have done this year.

As always, it has been a great pleasure to serve as Chair to the Board of the Foundation and I am sure all other Board members are proud to serve on it. I thank them for their commitment to the Foundation, and I thank the Director, Geoff Mulherin for his work throughout the year. I would also like to thank the Attorney General of New South Wales, the Hon. Mark Speakman SC MP, for his support. Finally, I would like to thank all other organisations and individuals who have worked with and assisted the Foundation with its work over the year. I look forward to working with you all into the future.

Paul Stein
Chair
Board of Governors
November 2019

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.

Message from the Director

I began my message in the 2017 Annual Report referring to a question that I am often asked: "*How is the Foundation going*"? The context of the question is, of course, the difficult funding position the Foundation has experienced over the last few years, and whether it can maintain the quantity and quality of its work. In 2017 my response was:

> "*we have probably never had more impact or been more in demand, but we have probably never had such little income nor been in such a precarious financial position.*"'

My answer today is very similar, although during this reporting year the Foundation was forced to cut a number of key programs due to its continued underfunding. While I am very happy with the output level and quality of the Foundation this year, simply put it cannot be sustained without a return to adequate funding.

The Chair in his message has dealt with the implications of the Foundation's inadequate funding, and they have also been highlighted where necessary throughout the rest of the report. I would like to focus here on some of the key highlights of our work over the year.

Performing beyond its funding level

In so many ways the work of the Foundation is having impact well beyond that which would be expected of an organisation of its size. With increasing importance given by many to the need for sound evidence to inform policy development, and the planning and delivery of legal services to address the legal needs the community, there are some truly exciting prospects for the type of work that the Foundation does.

Highlights of our work during the year include work reexamining the LAW Survey dataset. This has allowed – for the first time – the quantification of the legal and broader life impacts of domestic and family violence, findings which have only been possible because of the type of the work undertaken by the Foundation. It is as a result of this type of research that we can see understand the legal experiences of the community from their perspective, as opposed to what the 'legal system' – notwithstanding good intentions – perceives them to be.

The need to conduct a new national Legal Needs Survey is crucial. During the year the Foundation conducted consultations, published a paper in relation to the challenges and technical requirements to conduct the survey, and sought essential financial support for such a survey. We hope that at some point soon, the widely recognised need for a new survey will be accepted by those able to fund such a project.

Nevertheless, it is important to note that this aspect of the Foundation's legal needs research has had enormous impact in New South Wales, across Australia and internationally over recent years and continues to do so. For example, the Foundation's work has been the inspiration behind the Victorian Government's refocusing and increased funding of the Victoria Law Foundation to develop a research capability similar to that of the Law and Justice Foundation of NSW. The legal aid commissions in New South Wales, Victoria and Western Australia have, during the year, engaged the Foundation to undertake important work.

Further, and significantly, the Commonwealth Attorney-General's Department engaged the

Foundation during the year to assist it in an extensive range of tasks to support the development of the new five-year funding agreement for legal assistance services and to provide the data and information tools to support the legal assistance sector. That work continues beyond this reporting period into the new financial year. While the detail of this work will be reported in next year's annual report, it is appropriate to acknowledge at this point the Foundation's important influence, due to its expertise and knowledge of the legal needs of the community, what strategies work to address those needs, and what is needed to assist in the planning and delivery of effective services.

An influence that, unfortunately, may be about to wane substantially, unless the Foundation's funding shortfalls are addressed.

During the year also, the OECD published a new global report entitled *Equal access to justice for inclusive growth: putting people at the centre*. This report is heavily based on the Foundation's work and the OECD openly acknowledge the Foundation's leadership and inspiration and expertise in this area. As the OECD wrote in April to the Attorney General of New South Wales, the Hon. Mark Speakman SC MP:

> '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 the 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.'

Last grants

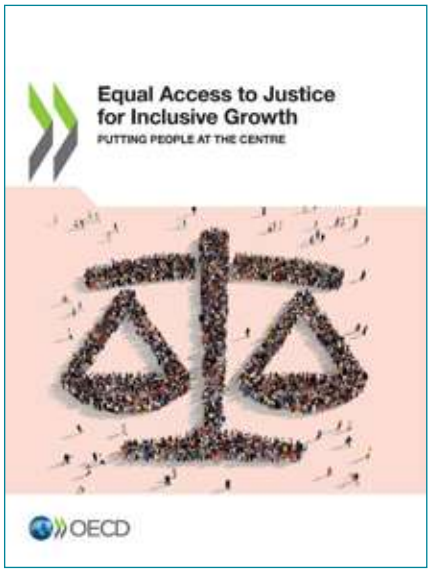
There is no doubt that in part the effectiveness of the Foundation's research is the fact that its work has, for its entire life, been closely connected with the organisations working across the state providing legal assistance to the people of New South Wales and disadvantaged people in particular. The Foundation's grants program has played an important part in this engagement, providing a realistic conduit for ideas and initiatives generated by those working at the coalface to be assessed, supported, trialled and evaluated.

Importantly, also, is the fact that the Foundation's grants program performed an important capacity building function through its very nature, supporting the development and evaluation of appropriate projects. Later in the report we detail the criteria employed by the Foundation when considering grants and is easy to see that the grants program was no easy target. Rather, project proposals needed (in summary) to be:

- targeted at the most disadvantaged
- based on sound evidence and research
- supported by appropriate argument as to why this approach was likely to succeed
- likely to yield knowledge about the efficacy of the approach for the sector and the broader justice system.

People-centred service delivery

In March 2019 the OECD published its report *Equal access to justice for inclusive growth: putting people at the centre* which links more people-centred justice services to the achievement of inclusive and sustainable growth and development – globally and in individual nations. Importantly, the report drew major inspiration from the Law and Justice Foundation's research work. The report's framework parallels the Foundation's internationally recognised research strategies of identifying and measuring legal and justice needs, mapping and locating those needs, and identifying 'what works' to most effectively address them.



This capacity has now been lost to the legal assistance sector in New South Wales.

Nevertheless, the Foundation was able to make final grants for some very important projects. The Chair has already touched on these and they are covered in more detail later in the report. Projects such as a podcast series to reach women experiencing domestic and family violence, and a trial of a service addressing the civil and family legal needs of young people facing criminal court in the Hunter region, are examples of the strength that has been the Foundation's grants program.

Conclusion

I encourage readers to read this report to gain insight into the work and achievements of the Foundation during the year. In doing so readers will understand why it is such a difficult task to sum up our performance. The outputs, in terms of the insights we have provided and the important initiatives we have supported, speak for themselves. They also show we can take pride in the work we are doing to support the sector, and be cautiously excited that there are signs that the sort of rigour and evidence we promote will be valued properly in the future. Yet, on the other hand, we lament the loss of important capabilities and valued staff.

Let me conclude by thanking those who have contributed during the year.

First, I'd like to thank sincerely all those who worked with us across government and across the legal assistance sector and across various communities. Our work would not be possible without your support and engagement, and we appreciate that support immensely. We appreciate that you value our independence and our rigour, and our willingness to always work closely with you.

I would like to thank the Attorney General of New South Wales, the Hon. Mark Speakman SC MP, and those in the Department of Justice NSW for their support during the year. I would also like to thank the Commonwealth Attorney-General's Department staff who have remain convinced of the need to bring more rigour and evidence to the planning and delivery of legal assistance services, and value the work of the Foundation as one means of contributing to this.

We have received important support from the Law Society of New South Wales and the Law Council of Australia during this year, and I would like to thank both of those organisations, their officers and, especially, their Presidents – Elizabeth Espinosa and Arthur Moses SC respectively – for that support.

It has, as always, been a great pleasure to work with the Board of the Foundation and I would like to thank the Chair and the Board for their support throughout the year.

Finally, and most importantly, I would most sincerely like to thank the staff of the Foundation for their hard work and commitment to achieving the best possible outcomes in difficult circumstances. There is no doubt that this year was particularly tough for the staff. Halfway through the financial year the Board was forced to make the extremely difficult decision to cut the grants program, the Justice Awards and a number of smaller programs. The Foundation is a small organisation with a dedicated team, and the environment of ongoing inadequate funding has placed obvious pressures on the staff. Nevertheless, their commitment has been unwavering and for that I commend them most sincerely.

Geoff Mulherin
Director
November 2019

Performance 2018–2019

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

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 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.

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.

See Table 1 for publications produced as part of the Access to Justice and Legal Needs Program.

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 actually experienced by individuals, and 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.

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 (*Justice Issues paper 4*)
2008	NSW Legal Needs Survey in disadvantaged areas: Fairfield (*Justice Issues paper 5*)
2008	NSW Legal Needs Survey in disadvantaged areas: Nambucca (*Justice Issues paper 6*)
2008	NSW Legal Needs Survey in disadvantaged areas: Newcastle (*Justice Issues paper 7*)
2008	NSW Legal Needs Survey in disadvantaged areas: South Sydney (*Justice Issues paper* 8)
2008	NSW Legal Needs Survey in disadvantaged areas: Walgett (*Justice Issues paper* 9)
2009	The legal needs of people with different types of chronic illness or disability (*Justice Issues paper 11*)
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, (*Justice Issues paper 17*)
2016	How people solve legal problems: level of disadvantage and legal capability (*Justice Issues paper 23*)
2017	Personal injury problems: new insights from the Legal Australia-Wide Survey (*Justice Issues paper 22*)
2017	It's personal: business ownership and the experience of legal problems (*Justice Issues paper 24*)
2018	Fines: are disadvantaged people at a disadvantage? (*Justice Issues paper 27*)
2019	Quantifying the legal and broader life impacts of domestic and family violence (*Justice Issues paper 32)*
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 (*Justice Issues paper 1*)
2008	Fine but not fair: fines and disadvantage (*Justice Issues paper 3*)
2009	Cognitive impairment, legal need and access to justice (*Justice Issues paper 10*)

The reports had an immediate 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.

The fieldwork for the LAW Survey was completed in 2008 and Australia is in desperate need of a new legal needs survey. See box.

Further analyses of the LAW Survey dataset

Nevertheless, the LAW Survey dataset 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.

A *Justice Issues* paper presenting new interrogation and analyses of the LAW Survey dataset in relation to the legal needs of people experiencing domestic and family violence was published in 2018–19. Work was also completed on a paper examining the use of self-help resources to resolve legal problems and publication is anticipated in November 2019.

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 representative picture of the legal needs of the community from the citizen's perspective.

The Foundation's LAW Survey, published in 2012, remains the most comprehensive and rigorous assessment of the legal needs of the community conducted in Australia. The Productivity Commission in its 2014 report *Inquiry into Access to Justice Arrangements* recommended a legal needs survey be conducted in Australia every five years.

It is now a decade since the field work for the LAW Survey was conducted and changes in Australia's demography, economy and service delivery may have had impacts on the extent and nature of legal need in Australia and the pathways available to address these legal needs.

The Foundation is currently seeking support for the conduct of a new legal needs survey to make a fresh assessment of, and to fill 'gaps' in, our understanding of the legal needs of the community.

***Quantifying the legal and broader life impacts of domestic and family violence*, Justice Issues paper 32, June 2019**

This paper provides the first quantitative assessment of the legal and related problems that often coincide with domestic and family violence (DFV). Analyses of the LAW Survey dataset underlined the serious nature of DFV victimisation and revealed the gamut of severe legal problems and adverse life impacts that often result from, or accompany, DFV. Survey respondents who had experienced DFV in the previous 12 months were 10 times more likely than others to experience other legal problems, including a wide range of family, civil and criminal law issues. Their odds of experiencing family law problems were especially elevated – a massive 16 times higher than for other respondents.

Survey respondents who had experienced DFV were also at least three times more likely to experience 10 of the other 11 legal problem types examined, including criminal law problems and civil law problems related to employment, financial, government payment, health, housing, personal injury and rights issues.

These findings demonstrate the 'compounding effect' of DFV victimisation, reinforcing the need for accessible public legal assistance services for those who experience DFV. The results highlight the importance of ongoing government funding to support initiatives that provide wrap-around assistance for DFV such as Domestic Violence Units (DVUs) and the Family Advocacy Support Services (FASS) as well as initiatives that link victims to legal and human services outside the court system.

Media

Quantifying the legal and broader life impacts of domestic and family violence garnered significant attention in the media. In her President's Message column in the June 2019 issue of the *Law Society Journal*, Elizabeth Espinosa observed that a coordinated response across all jurisdictions is required to combat domestic and family violence. Reporter Amy Dale followed up with a feature article on domestic violence in the July 2019 issue. Journalist and former lawyer Georgina Dent dedicated a Women's Agenda blogpost to the paper (see below).

Media releases were published by the Women's Domestic Violence Court Advocacy Service NSW Ltd NSW (now Women's Safety NSW) and the Women's Legal Service Queensland. The paper featured in newsletters published by Analysis and Policy Observatory, ANROWS, Australian Housing Institute, Australian Institute of Family Studies, Community Legal Centres NSW and Victims' Support Services (South Australia).

Elizabeth Espinosa's President's message (*LSJ*, June 2019), Amy Dale's feature article (*LSJ*, July 2019) and Georgina Dent's *Women's Agenda* post.

***Uptake of legal self-help resources: what works, for whom and for what?*, Justice Issues paper 30, November 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 per cent of legal problems and when people did use SHRs they were only rated as helpful for 60 per cent 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 survey 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 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.

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, to replace the existing 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, more substantial MOU, lasting the entire 2019–2020 financial year, was entered into in June 2019 which extended the scope and intensity of the support provided by the Foundation – and thus the influence of the Foundation.

During the reporting period, the Foundation commenced aggregating data from all of the legal assistance service providers – that is Aboriginal and Torres Strait Islander Legal Services (ATSILS), community legal centres (CLCs) and legal aid commissions. Our work involves harmonisation of these multiple datasets at the national level to provide a useful source of information to the sector.

Civil court and tribunal data

The Foundation was engaged by the Department of Justice NSW in October 2015 to provide the first-ever comprehensive picture of the 'business' of New South Wales civil courts and tribunals. Work was completed on, and reports into the Supreme Court and the Land and Environment Court published, during this reporting year.

The aim of the project was to examine the availability, quality and utility of court and tribunal administrative data as evidence for decision-making, and identify changes required to optimise the data to better inform policy. This involved investigating the availability, quality and utility of current court and tribunal administrative data as evidence for decision-making, and identifying changes required to optimise the data for this purpose. The Foundation conducted an in-depth review and analysis of civil court and tribunal files and data.

The following key questions for investigation were identified by the Department:

- What types of matters are brought to the courts and tribunals?
- What is the monetary value of these matters?
- Who are the parties in these matters?
- To what extent do parties participate in or defend the court and tribunal process?
- Are the parties represented?
- How do matters progress to finalisation, and how long do they take?
- What outcomes are achieved and to what extent do these compare to the orders sought?

Where feasible, administrative unit record data as captured by each court or tribunal management information system was analysed to provide answers to the questions. The quality of this information was assessed by comparison with the information held on casefile documents for a representative sample of matters. In total, across the Local Court, the NSW Civil and Administrative Tribunal (NCAT), the District Court, Land and Environment, and Supreme Court, over 1,000 paper and electronic casefiles were reviewed.

Reports on the Local Court, NCAT and the District Court were published in the 2016–17 period.

This is the first time such an investigation of civil court and tribunal data has been undertaken, and the findings have been informing decision-making and driving some reform in New South Wales. Further work is needed to optimise the data for policy purposes and to achieve realistic data collection and management practices.

> '… 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.'
>
> *Email from the Commonwealth Attorney-General's Department to the legal assistance sector 8 July 2019*

Data insights in civil justice report series

The Foundation's reports on the Land and Environment Court and the Supreme Court were published in 2018, completing the *Data insights in civil justice* series of nine reports.

***NSW Land and Environment Court*, July 2018**

The Land and Environment Court of New South Wales is the first specialist environmental superior court in the world, having an appellate and review jurisdiction in relation to planning, building, environmental, land valuation, mining and other land related matters.

This aim of this report was to examine the quality and utility of the Land and Environment Court administrative data for informing policy and practice.

Analysis showed that nearly two-thirds (63.0%) of the claims in the six months of data were appeals of planning-related matters – the majority being in respect of a non-residential property, which includes multi-unit and other large developments (42.1% of all claims), rather than residential (single unit dwelling) property (10.9%). Some 8.1 per cent of the claims were 'tree disputes'. The report concluded that the JusticeLink data could be used to provide reliable information about who uses the court, for what purpose and with what outcomes.

***NSW Supreme Court*, November 2018**

This 'point-in-time' study of nearly 7,000 civil cases first finalised in the Supreme Court in 2016, split across nine Common Law Division lists and 15 Equity Division lists completes this series of nine reports.

The aim of this report was to investigate the quality and utility of Supreme Court data on the JusticeLink system for informing policy and practice.

The report found that about one in five civil cases involved *Possession of land* claims (mortgagee repossessions) while about one in six cases involved *Family provision* claims on deceased estates.

Analysis showed that Supreme Court cases took an average of 10 months, with about 20 per cent being closed within two months while 9 per cent took longer than two years – and a small number took more than 10 years. Duration varied considerably by list with *Professional negligence* cases and *Technology and construction* cases taking more than two years on average. The quickest were *Corporations* list cases, which were resolved in less than four months on average.

The Foundation found that the data varied in terms of its utility for analysis and for informing policy, with some data items requiring considerable modification. The report concluded that limitations of the data restricted the ability to answer key questions such as how many parties are self-represented and how much Supreme Court matters are worth. Several changes that could improve the reliability and utility of the data for policy development, court management and administration were identified, including a data dictionary and coding changes.

Data to support collaborative service planning

Interest in the use of administrative data, (that is, legal assistance service delivery data), to inform the planning, funding and delivery of legal assistance services has grown substantially in 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 2014 the Foundation released the Data Digest Online (DDO) to participating legal assistance services in New South Wales which, for the first time, enabled 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 Service Data Digest (LASDD) database, which brings together comparable service data from a range of agencies with sociodemographic data.

Supporting Collaborative Service Planning at national level

In 2015 the Foundation was engaged by the Commonwealth Attorney-General's Department 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).

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

2015 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), published in 2015, outlines research evidence on the vulnerability of the 'priority groups' identified in the National Partnership Agreement on Legal Assistance Services 2010–2015 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

The 2018 Collaborative Planning Resource was released on 8 December 2017. It comprises five Need for Legal Assistance Services (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.

Locating demand: updating the Need for Legal Assistance Services indicators, Justice Issues paper 28, December 2018

In 2015, the Foundation developed the first set of Need for Legal Assistance Services (NLAS) indicators, which provide a census-based measure of the geographic distribution of potential demand for legal assistance services. This paper describes how the Foundation updated and expanded the NLAS indicators with data from the 2016 Census data. For example, the population increased by nearly 2 million people between the 2011 Census and 2016 Census and resulted in an increase in the number of culturally and diverse members of the community (20.2% of the population aged 15 and above). The

number of people identifying as Aboriginal and/or Torres Strait Islander also increased (up from 2.5% of the population in 2011 to 2.8% in 2016).

With the release of 2016 Census data, the functionality of NLAS was reviewed and two new indicators were introduced: NLAS(65+) and NLAS($52k). NLAS(65+) enabled people aged 65 and over to be added to the NLAS(Capability) count to cover the full 15+ age range. NLAS($52k) was developed in recognition that some legal assistance providers have a higher level of financial eligibility for some or all of their services.

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 Service 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 Service Data Digest

The Legal Assistance Service 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.

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

Nevertheless, the LASDD remains a valuable data resource to understand expressed legal need. Reports drawing on this data were prepared during 2018–19 and will be released in 2019–20. LASDD data is also included in the Cooperative Legal Service Delivery (CLSD) data packs (see below).

Cooperative Legal Service Delivery data packs

The Foundation published a full set of reports covering all 12 Cooperative Legal Service Delivery (CLSD) regions containing the most recent available data (2016 Census and 2016 LASDD data) in March 2019. 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 Need for Legal Assistance Services (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 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 2012–2016 period was first published in July 2018. In March 2019, it was updated to include 2017 data.

Project to explore feasibility of expansion of ALS planning tool project to other states and territories

The Foundation was engaged by the Commonwealth Attorney-General's Department to investigate the viability of producing a planning tool similar to that created for the Aboriginal Legal Service (NSW/ACT) Ltd across the country, and specifically in a second Australian state/territory. Requests for data were sent to all states and territories. There were mixed responses concerning access, availability and quality. This process highlighted key current deficiencies in the data collected nationally in relation to Aboriginal and Torres Strait Islanders before the criminal courts, and will hopefully contribute to increased efforts at greater national consistency and quality.

Analysis was completed using the data supplied by Queensland. The Foundation submitted its report, including both findings from the Queensland data analysis and more general findings from the feasibility study, to the Attorney-General's Department in March 2019.

> "The project has highlighted another area where improvements are needed in data collection, monitoring and analysis across the justice system. Despite the high incarceration rate for Aboriginal and Torres Strait Islander people being a priority national issue, at present it is impossible to get an accurate picture of the situation with Aboriginal and Torres Strait Islander accused within the criminal justice system across Australia.
>
> The Foundation's work has highlighted the important deficiencies and need for improvement."
>
> *Geoff Mulherin, Director*

Support for implementation of 'Cameron Review' application-based funding for community legal centres

The New South Wales Attorney General Mark Speakman SC MP announced a review of NSW Government support for community legal centres in September 2017. Alan Cameron AO was appointed to conduct the review, delivering his report in December 2017. The NSW Government, based on one of the key recommendations, announced that it was adopting an application-based funding model in August 2018. To support this process, it engaged the Foundation to develop a tool for community legal centres summarising the evidence on legal need in New South Wales and to provide ad hoc advice.

***Evidence of legal need in NSW to support the Cameron Review implementation,* September 2018**

This report provides evidence of legal need in New South Wales, building on more than 20 years of legal needs research undertaken by the Foundation and others internationally. The report contains two sections.

Section 1 provides data on priority groups, as well as information on the experience of legal problems and multiple disadvantage. Strategies for making services more appropriate and accessible for each priority group are identified. The Foundation's new *Need for Legal Assistance Services community legal centre* indicator (NLAS (CLC)) is introduced. This indicator provides a count of people likely to need and qualify for legal assistance from a community legal centre if they were to experience a legal problem and can be used to compare potential demand across geographic areas.

Section 2 provides data by 22 CLC catchment regions. At the time of the review there were 18 catchment regions that were covered by a New South Wales generalist CLC and four regions that were not being covered by a generalist CLC. This section includes information on the location of other legal assistance services in each catchment region, as well as data on the priority groups to provide a profile of the catchment region.

***An indicator of need for community legal centres: introducing NLAS(CLC),* Justice Issues paper 29, February 2019**

In support of the implementation of the Cameron Review the Foundation developed a new Need for Legal Assistance Services indicator called NLAS(CLC).

The NLAS(CLC) indicator provides evidence of how need for legal assistance services may be distributed across the state. While the NLAS(CLC) indicator is a useful tool for service planning, it is important to be aware of the following:

- Need for services will vary over time depending on the prevalence of legal problem experience, with significant fluctuations for unexpected events such as local job losses and natural disasters.
- Need for services does not necessarily translate directly into demand. People experiencing problems have to know that they require assistance, be aware that services are available and have access to those services.
- It provides only a count of residents – that is where people usually spend the night, which is not necessarily where they spend the day or where they access services.

The specific design of services within an area will require local information about the profile of potential clients to ensure they are both accessible and appropriate.

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 is also being 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.

***Developing a triage framework: linking clients with services at Legal Aid NSW*, April 2019**

The Foundation was asked by Legal Aid NSW to develop a research methodology, and accompanying research tools, to enable Legal Aid NSW to systematically collect information and report on current triage practice. Within the context of demand for services outstripping supply, triage is an important means to match potential clients to services appropriate to their legal need and capability.

The report identifies the clients who Legal Aid NSW seeks to serve, under what circumstances and for what issues and to what level. Drawing on the relevant literature, the report identifies a set of triage principles and provides examples of the context in which they may be applied. It provides a conceptual basis for further investigating and developing a systematic triage service model.

Service delivery in remote communities: Remote Preferred Provider Scheme

Providing timely and appropriate legal assistance services in regional and remote parts of New South Wales remains a key challenge, especially in specialist areas of the law and legal practice such as the care and protection jurisdiction. In order to address this challenge, Legal Aid NSW had developed a model aimed at ensuring children and parents in the Broken Hill and Moree areas were adequately represented and supported – the Remote Preferred Provider Scheme (RPPS) – even where there were insufficient local solicitors with this expertise in these jurisdictions.

The Foundation was asked by Legal Aid NSW to examine whether its RPPS is an appropriate and sustainable service model. This report identifies the impact of the RPPS and offers recommendation on how it might be enhanced.

Developing a strategic advice framework

The Foundation was asked by Legal Aid NSW to assist with development of a Strategic Advice Framework (SAF). The SAF is intended to support provision of consistent, client-centred legal advice and minor assistance. It provides guidance to support lawyers exercise professional judgement and discretion concerning how to tailor advice and minor assistance services depending on the legal need and capability of the client, and the service context and capacity. The Foundation produced material setting out the strategic, policy and research context, and developed a SAF for consultation across Legal Aid NSW practice areas. Legal Aid NSW subsequently commenced trials of the SAF in some of its services.

Literature scan on multidisciplinary legal practices

At the request of Legal Aid NSW, the Foundation conducted a literature scan on what is known about multidisciplinary legal practice service models where legal assistance agencies employ and embed social workers in legal teams. The report was delivered in September 2018.

Evaluation workshops

Planning began for a series of workshops on evaluation which will be delivered by Foundation research staff Maria Karras, Hugh McDonald and Terry Beed to senior staff members at Legal Aid NSW.

The training will comprise three separate sessions, each delivered twice, for groups of up to 20 staff. The first workshop will provide an introduction to evaluation. The second workshop will focus on the development of evaluation plans using 'real life' projects or programs. The final workshop will cover data collection methods – including qualitative and quantitative methods, with a specific focus on survey design and analysis. The training will be provided in July, August and September 2019.

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:

- Cooperative Legal Service Delivery (CLSD) Program
- CLE evaluation workshop
- 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.

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 will also provide 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 (see below), a draft information services program logic and a paper outlining options for evaluating information services. These were completed in 2018–19.

Stage B, which comprises an evaluation of the impact of telephone information service to clients, commenced during the reporting period and will conclude in late 2019.

Between April 2019 and June 2019 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, 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 survey will take place during 2019–20 to explore how clients utilise the information they receive and the impact this has on problem resolution.

A report on this research will be submitted to Victoria Legal Aid in the next reporting period.

Loss of Foundation programs and services in 2018–2019

The 2018–2019 reporting year saw the Law and Justice Foundation of NSW cease a number of key programs due to inadequate funding. The Foundation receives core funding from the Public Purpose Fund, however since 2012 this funding has decreased to an inadequate and unsustainable level. The net result is that while the Foundation continues to maintain its outstanding and influential research capability, the value the Foundation provides the community in NSW, and the legal assistance sector in particular, has been diminished. This is highlighted by the following losses:

Cancellation of 2018 Justice Awards

For the first time since 1999, the Justice Awards did not take place in 2018. It was with great reluctance that the Board made the decision to cancel this key annual event which brings the justice sector together to recognise people and community groups for their outstanding work to improve access to justice for disadvantaged individuals and communities. No other forum duplicates the contribution of the Justice Awards.

Grants program

The Foundation's grants program has, over many years, supported countless projects to improve access to justice. Importantly, being a prime avenue for community-driven ideas to be 'aired' and rigorously assessed, the Foundation's grants program identified and supported key initiatives long before they were mainstream issues. The Foundation's support for projects aimed at reducing domestic violence as far back as the 1980s is just one example of this. But in addition to losing this 'issue identifying' role, and a pathway for new resources to be developed, the loss of the grants program has reduced the Foundation's ability to insert sound research and evaluation methods into legal sector initiatives.

Capacity building in developing plain language legal information resources

The Foundation has always maintained strong links with legal assistance service providers and community organisations. Drawing on the evidence together with our substantial expertise, our legal information staff have provided ad hoc advice on the development of plain language legal resources and community legal education initiatives for many years. This capability has also been lost during the reporting year.

Legal Information Referral Forum

In 2001, through its research work and sector engagement, the Foundation identified the need for a forum that brought the key parts of the sector together to address the challenges of the 'referral roundabout' – and how to best direct disadvantaged people most effectively to where they can best get help. The Foundation established the Legal Information and Referral Forum (LIRF) in 2002 and has convened it ever since. The Forum includes the Department of Justice NSW, Legal Aid NSW, LawAccess NSW, Tenants' Union of NSW, Legal Information Access Centre at the State Library of NSW, Australian Pro Bono Centre, Justice Connect, Seniors Rights Service and the Immigration Advice and Rights Centre. Although the Foundation no longer has the resources or capacity to continue in the role, we were pleased to be able to hand over the responsibility for convening LIRF, thus ensuring that its valuable work continues.

A loss of influence and impact for NSW?

The Foundation is very pleased that the Victorian Government and justice sector have appreciated the value of, and need for, a body like the Law and Justice Foundation of NSW, and that they are supporting the expansion of our sister organisation – the Victoria Law Foundation. Significantly, as they grow their research capability, it is in a context of maintaining other key programs, such as their grants and legal information program. Should the pattern of inadequate funding allocations for the Law and Justice Foundation continue, we – and New South Wales – will lose its position of influence in Australian legal assistance policy to Victoria.

***Victoria Legal Aid: information services literature scan*, November 2018**

The aim of this literature scan was to locate and summarise the research evidence on legal information services. The Foundation identified 69 studies published between 2013 and 2018. We also examined 34 legal service organisations in Australia, New Zealand and Canada, analysing the channels they use to reach their audience.

Three key themes of effectiveness, barriers and innovation and technology emerged from the scan of literature. The report was well received, drawing praise in particular from UK access to justice expert Professor Roger Smith OBE.

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. Analysis of the interviews, focus groups and survey commenced in June. A report will be submitted to Legal Aid Western Australia in the next reporting period.

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 our work in the reporting year.

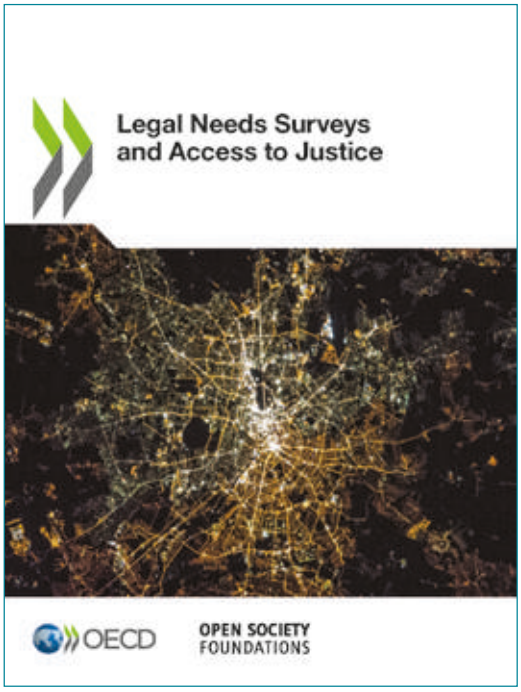
Presentations

- 'Planning and delivery of legal assistance services', Equal Access to Justice, OECD Policy Roundtable Latvia, 5 July 2018, Geoff Mulherin (via videolink)
- 'Victoria Legal Aid Information Services/ Resources Logic Workshop', 30 July 2018, Maria Karras (with Amanda Wilson)
- 'Mapping Court finalisations with Aboriginal defendants: using data to inform service planning', Just Futures – Shaping our vision beyond 2020 National Association of Community Legal Centres, 29 August 2018, Delphine Bellerose (with Nadine Miles)
- 'Mapping catchments and identifying gaps: a joint research project', Just Futures – Shaping our vision beyond 2020 National Association of Community Legal Centres, 29 August 2018, Sarah Randell (with Holly Brooke)
- 'Thoughts on incorporating specialist services into the planning of legal assistance services', Just Futures – Shaping our vision beyond 2020, National Association of Community Legal Centres, 29 August 2018, Geoff Mulherin
- 'Measurement, data and access to justice', Strengthening Access to Justice and Tracking Progress with National Civil Justice Policy and Measurement Frameworks Workshop, Open Society Justice Initiative, New York, 26–27 September 2018, Geoff Mulherin
- 'ATSILS service planning pilot project', National Aboriginal and Torres Strait Islander Legal Services (NATSILS) Forum presentation, 16 October 2018, Geoff Mulherin
- 'Evidence of legal need in NSW to support the Cameron Review implementation', Information

session held for CLCs prior to their application submission, 23 & 29 October 2018, Sarah Randell
- 'Making the justice system responsive to people's needs', 6th OECD World Forum on Statistics, Knowledge and Policy: The Future of Well-being, Korea, 27–29 November 2018, Geoff Mulherin
- 'Using data to map catchments and identify gaps', 6th Biennial ACSPRI Social Science Methodology Conference 2018, 12–14 December 2018, Sarah Randell
- 'Justice is open to everyone in the same way as the Ritz Hotel: what does court data tell us about the parties to civil cases?', 6th Biennial ACSPRI Social Science Methodology Conference 2018, 12–14 December 2018, Catriona Mirrlees-Black
- 'Building Bridges, Breaking Barriers', National Access to Justice and Pro Bono Conference, Canberra, 13–15 March 2019, Geoff Mulherin
- 'Justice pathways for indigenous communities' and 'Towards a people-centred justice ecosystem: inspiring policy change' (moderator), 5th Global Roundtable on Equal Access to Justice, Lisbon, 27–28 March 2019, Geoff Mulherin
- 'What people need from the justice system: a person-centred approach', Family Law Reform Forum, Attorney-General's Department, Sydney, 3 May 2019, Geoff Mulherin

Importance of legal needs surveys

For almost 20 years, the Law and Justice Foundation has been a leader in identifying the legal needs of the community. Legal need surveys (LNS) are a critical component of this work, and the Foundation's LAW Survey remains one of the largest and most comprehensive such surveys in the world. Recognising the importance of LNS in understanding the legal needs of communities, the OECD led the establishment of a small international group of expert organisations, including the Foundation, to develop guidance on the conduct of LNS as a means of promoting access to justice and inclusive growth globally. In November 2018 the OECD published its report *Legal Need Surveys* and *Access to Justice*, and through it the Foundation's leadership in understanding legal need and access to justice is recognised.



Engagement with the sector in NSW

The Director and staff maintain regular visiting and consultation programs throughout all parts of New South Wales, engaging with Aboriginal Legal Service offices, Legal Aid NSW 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.

Sydney

- Aboriginal Legal Service (NSW/ACT) Ltd
- Attorney General of New South Wales, Chief of Staff & Advisers
- Australian Human Rights Commission
- Australian Pro Bono Centre
- Children's Court of NSW
- Community Legal Centres NSW (Quarterly meeting NSW CLCs)
- Department of Family and Community Services NSW
- Department of Justice NSW
- Health Justice Australia
- Herbert Smith Freehills
- Justice Connect
- LawAccess NSW
- Law Society of NSW
- Legal Aid NSW
- National Children Youth Law Centre
- National Association of Community Legal Centres
- NSW Bar Association
- NSW Law Reform Commission
- Public Interest Advocacy Centre
- Shadow Attorney General of New South Wales
- Shopfront Youth Legal Centre

Broken Hill

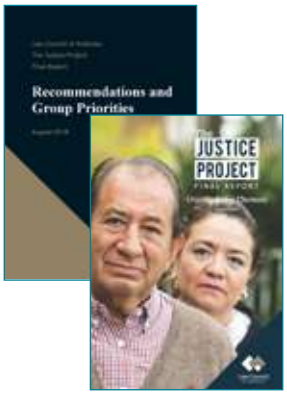
- Aboriginal Legal Service
- Broken Hill Court Registrar
- Department of Family and Community Services NSW office
- Far West Community Legal Service
- Legal Aid NSW office
- Warra Warra Family Prevention Legal Service

Moree

- Aboriginal Legal Service
- Department of Family and Community Services NSW office
- Moree Court Registrar
- Moree Family Support Inc

Newcastle

- Hunter Community Legal Centre
- Newcastle Court Registrar
- Newcastle Law School



The Justice Project

The Law Council of Australia completed The Justice Project, its national review into the state of access to justice for people who face significant economic and social disadvantage, in 2018. Launched at Parliament House in Canberra in August 2018, The Justice Project Final Report included hundreds of references to the Foundation's research across the 1,493-page publication.

Foundation Director Geoff Mulherin sat on The Justice Project Steering Committee, which was chaired by former High Court Chief Justice, the Hon. Robert French AC.

Engagement with national and international bodies

The Director and staff establish and maintain links with centres interstate and abroad working in similar and complementary ways to improve access to justice. These include government agencies, professional bodies and universities.

The Foundation's Director, Geoff Mulherin travelled as a guest of the OECD to the 6th *OECD World Forum on Statistics, Knowledge and Policy: The Future of Well-being* held on 27-29 November 2018 in Korea and presented the Foundation's legal needs work to the forum. He attended *Justice 2030: Time for Action* as a guest of the Open Society Justice Initiative of the Open Society Foundations in New York after the Opening Session of UN General Assembly on 25 September 2018. He represented the Foundation at the OECD to the 5th *Global Roundtable on Equal Access to Justice* and the Praia Group on Governance Statistics Technical Workshop on 26-28 March 2019 in Lisbon, Portugal, where the Foundation's work was recognised and included in a key OECD document launched at the Roundtable

Key engagement within Australia during the reporting period is summarised below.

ACT

- Commonwealth Attorney-General's Department
- Justice Project launch (Parliament House)
- Law Council of Australia
- Legal Aid ACT

Northern Territory

- Central Australian Legal Aid Service
- North Australian Aboriginal Justice Agency (NAAJA)

Queensland

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

South Australia

- National Aboriginal and Torres Strait Islander Legal Service (NATSILS)
- Attorney-General's Department South Australia
- Aboriginal Legal Rights Movement Inc (ALRM)

Tasmania

- Tasmanian Aboriginal Community Legal Service (TACLS)

Victoria

- Department of Justice & Regulation
- Federation of Community Legal Centres (Victoria) Inc.
- Inner Melbourne Community Legal Centre
- Law Institute Victoria
- Monash University
- Victoria Aboriginal Legal Service
- Victoria Law Foundation
- Victoria Legal Aid
- Victorian Civil and Administrative Tribunal
- Victorian Legal Services Board & Commissioner

Western Australia

- Aboriginal Legal Service of Western Australia (ALSWA)
- Legal Aid Western Australia

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 employed the following 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 cancel the grants program, due to lack of funding. Since its inception, the grants program has made a valuable contribution to the legal assistances sector, providing essential seed funding for projects and trials of innovative approaches to service delivery. The cancellation 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 three grants totalling $149,057. The projects chosen to be supported through the grants program all met the Foundation's criteria in that they are:

- ***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.

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: This project will provide education, support and advocacy to parents, including some support delivered by trained and supervised peers, who are parents who have successfully navigated the child welfare system and can use this experience to help others. The project will be made up of a short induction to the care and protection system workshop, information and learning resources and peer court support.

Contribution of the Foundation's grants program

The Foundation has been at the forefront of supporting innovative initiatives aimed at improving access to justice for socially and economically disadvantaged people since its creation in 1967. Throughout its history, the Foundation has successfully identified the unmet legal needs of the community and, working within its statutory mandate and capacity, responded to these needs without the need to wait for government action.

Many of the Foundation's initiatives have become 'part of the furniture' within the Australian legal sector and broader community. For example, the Foundation played an important role in the establishment of the College of Law, the Australasian Legal Information Institute (AustLII), the Public Interest Advocacy Centre (PIAC) and the Legal Information Access Centre (LIAC).

Catalyst for reform

Due to its nature as an independent body, the Foundation has been able to support important initiatives, often years before the issue has became a focus of public attention and government action.

- **Women experiencing domestic violence:** The Foundation supported the Illawarra Legal Centre to conduct a community legal education program in 1987. The Foundation supported an evaluation of the Redfern Legal Centre Women's Domestic Violence Assistance Scheme in 1991, which was instrumental in the establishment of Domestic Violence Court Assistance Schemes throughout NSW. Today, 29 Women's Domestic Violence Court Advocacy Services (WDVCASs) operate in 114 local courts in NSW and are supported by peak body Women's Safety NSW (see over).
- **Aboriginal and Torres Strait Islander peoples:** The Foundation supported the Aboriginal Law Research Unit (now the Indigenous Law Centre, UNSW Law) in its infancy, providing a grant in 1983 for research on native title. As early as 1988, the Foundation supported research into the removal of Aboriginal children from their families under the NSW care and protection system – not previously identified as an issue.
- **People with disability:** The Foundation supported the NSW Law Reform Commission to undertake a review of the law and practice in relation to people with intellectual disability which culminated in major reform including the enactment of the *Mental Health (Criminal Procedure) Amendment Bill 2005*. In 1997, the Foundation supported the Disability Council NSW to examine the participation for people with disabilities in the justice system.
- **Youth justice:** The Foundation began supporting youth justice projects, including a pioneering study on child sexual abuse, as early as 1985. In 1988, the Foundation supported the Youth Justice Project, which produced a ground-breaking report called *Kids in Justice: A Blueprint for the Nineties* in 1990. A subsequent inquiry led to the *Young Offenders Act 1997* which saw the introduction of police warnings, cautions and youth justice conferences.

Support for community legal centres

Throughout its history, the Foundation has actively supported initiatives led by community legal centres. Examples include: support for Marrickville Legal Centre to develop a youth law guide; support for the Elizabeth Evatt Community Legal Centre to develop a training package for community workers on domestic violence against older women; assistance for the Immigration Advice and Rights Centre to translate factsheets into community languages; and support for the Australian Centre for Disability Law to produce the first handbook on using disability discrimination law in NSW (see over).

Loss to New South Wales

As a result of the cancellation of the Foundation's grants program, New South Wales has lost this important avenue for trialling new initiatives which would not otherwise find support. Opportunities to share lessons on 'what works' to meet legal needs in the community have also been lost.

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 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 which utilise an engaging, narrative approach to increasing community knowledge about domestic and family violence. The podcasts will focus on seeking a protection order and how to access support from services. The podcasts will also provide information for family and friends on the types of support women may need to achieve safety when experiencing violence. They will explore the intersectional experiences of marginalised women such as Aboriginal women, CALD women, rural women, LGBTIQ people and women with a disability.

YOUTH LAW

Hunter Youth Law Service

Hunter Community Legal Centre

AMOUNT: $49,300

PROJECT NEED: Hunter Community Legal Centre 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 which are often ignored and allowed to escalate with negative consequences.

INTENDED OUTCOME: This project will trial and evaluate the provision of a youth lawyer from Hunter CLC at the Hunter Valley Children's Courts on criminal list days, to provide civil and family law advice and assistance to young people waiting for their criminal matters to be called.

Grant outcomes and products

Grant products launched in 2018–2019 which have resulted from funding provided by the Foundation in prior years included a new edition of a valuable resource on disability discrimination law and an animation to communicate important information about local planning processes to low literacy and CALD audiences.

DISCRIMINATION

Update to booklet: Using Disability Discrimination Law in New South Wales

Australian Centre for Disability Law

PROJECT NEED: The earlier edition of this key resource has been provided to clients, carers, parents and the public by the Australian Centre for Disability Law to help them understand how they can identify and address issues of disability discrimination. The booklet required updating to reflect changes to the names of courts and tribunals and new case law. Case studies based on significant recent decisions by the courts on the provision of audible announcements on public transport (*Graeme Innes v RailCorp*) and travelling with assistance animals on airplanes (*Mulligan v Virgin Australia Airlines*) are planned additions.

OUTCOME: A 24-page booklet written in plain English which contains information about disability discrimination law is available in hard copy and to download from the Australian Centre for Disability Law website. It provides comprehensive information in a handy format for a wide target audience including people with disability, carers, support persons, parents, disability advocacy organisations, community legal centres, libraries, not-for-profit organisations, students and the public at large.

GENERAL

Waterloo Redevelopment Masterplan Process Whiteboard Animation

Inner Sydney Regional Council For Social Development (trading as Inner Sydney Voice)

PROJECT NEED: The Waterloo Social Housing Estate was being redeveloped under a specific planning process, the State Significant Precinct (SSP). It is part of the SSP requirements that the proponent (Urban Growth NSW) engages with the community. Many in the community are unable or unwilling to participate in the consultation process, due to mistrust of government, access issues (for

example access to interpreters), low or no literacy or simply feeling disempowered.

OUTCOME: A whiteboard animation video to inform residents about how to have their say as part of the statutory planning process was produced by Inner Sydney Voice. The video has been used by workers from a range of participating services who showed it to clients in both group and individual discussions to inform them about the community consultation process. The video is also available on YouTube.

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.

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. The Foundation was forced to cease providing advice to legal assistance service providers and community groups on developing plain language legal resources or CLE programs in December 2018 due to our reduced capacity.

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 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. Unfortunately, this value is sometimes not adequately appreciated by those not close to the legal assistance sector. Forced by inadequate funding, the Foundation made the difficult decision to relinquish the role of convener of the Legal Information and Referral Forum (LIRF) in December 2018.

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 in March 2019.

NSW Legal Assistance Forum

The NSW Legal Assistance Forum (NLAF) promotes collaboration and coordination in the delivery of legal services. Bringing together key legal service providers from government, non-for-profit organisations and the private sector, NLAF meets quarterly and operates working groups that focus on specific issues in the legal sector.

In 2018–19, NLAF was chaired by Brendan Thomas. NLAF received reports from the following groups:

- Community Legal Centres NSW – Learning and Development Group
- Law and Justice Foundation of NSW – Legal Information and Referral Forum (LIRF)
- Legal Aid NSW – Cooperative Legal Service Delivery (CLSD) Program.

The Department of Justice NSW and the New South Wales Attorney General's Office provided quarterly updates to NLAF, and the Commonwealth Attorney-General's Department provided half yearly updates.

Fines and Traffic Law Working Group

The Fines and Traffic Law Working Group (FTLWG) focused on the issue of the disproportionate impact of bicycle helmet fines on young people and in Aboriginal communities, and of the prevalence of bike fines in particular communities. In March 2019, the FTLWG made a submission to the Sentencing Council on sentencing of repeat traffic offenders. Stephen Brady, Chief Commissioner of State Revenue, Commissioner of Fines Administration and Deputy Secretary of Revenue NSW, delivered a presentation on the work being done to improve customer experience, change behaviour and create a fairer fines process. Meredith Osborne from Legal Aid NSW is the Chair of the FTLWG.

Prisoners Forum

The Prisoners Forum focused on the issues of drivers licences for people leaving prison, and inadequate AVL facilities in police stations and prisons. In November 2018, Peter Sharp and Helen Reynolds gave a presentation on the JUST Connect collaborative online booking system. Other issues considered included proposed changes to disability support pension payments for people in custody (later reversed by the government) and Supreme Court bail application changes. In February 2019, the group heard from Distinguished Professor Elizabeth Sullivan of University of Technology Sydney on the Connections Program which assists prisoners with a history of illicit drug user transition back to the community. Rebecca Simpson from Legal Aid NSW provided an update on a project to improve the way that prisoners apply for grants of Legal Aid which included a trial allowing prisoners to send in applications by mail. Camilla Pandolfini from PIAC is the Chair of the Prisoners Forum.

Aboriginal Incarceration Working Group

The aim of the Aboriginal Incarceration Working Group (AIWG) is to develop strategies and plans to address the problem of Aboriginal overrepresentation in New South Wales adult prisons by focusing on breaches of conditional liberty. The AIWG held its inaugural meeting on 20 February 2019 and is chaired by Legal Aid NSW CEO Brendan Thomas. In May 2019, Jackie Fitzgerald from the NSW Bureau of Crime Statistics and Research (BOCSAR) presented data relating to bail conditions and bail breaches in NSW which demonstrated that there is a significantly higher number of bail breaches for Aboriginal people compared to non-Aboriginal people.

Collaborative Service Planning Working Group

The Collaborative Service Planning Working Group was set up in August 2018 to establish an agreed framework to progress a more comprehensive approach to collaborative service planning in New South Wales. The group is chaired by Gaby Carney from Legal Aid NSW and monthly meetings have focused on developing proposed catchment areas. The CSP Working Group published a discussion paper which sought the views of legal assistance service providers on proposed catchments. It proposes to pilot collaborative service planning in three catchment areas which align with existing Cooperative Legal Service Delivery (CLSD) regions.

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.

Sarah Randell presented to community legal centres on the *Evidence of legal need in NSW to support the Cameron Review implementation* in September and October 2018.

Strategy 2.4 Disseminate data, analysis and information

Communicating results

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

- publishing our research reports in hardcopy, on our website, and on USB sticks
- 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.

- Community Legal Centres NSW Learning and Development Group, Jane Kenny (to December 2018)
- Community Legal Education Workers Network, Jane Kenny (to December 2018)
- Cooperative Legal Service Delivery Program Steering Committee, Delphine Bellerose, Jane Kenny (to December 2018)
- Law Council of Australia Justice Project Steering Committee, Geoff Mulherin
- Legal Aid NSW CLE Consultative Committee, Jane Kenny (to December 2018)
- Legal Information Access Centre (LIAC) Advisory Board, Geoff Mulherin
- NLAF Prisoners Legal Information Team, Jane Kenny (to December 2018)
- NSW Legal Assistance Forum (NLAF), Geoff Mulherin, Jane Kenny (to December 2018), Catherine Carpenter
- NSW Pro Bono Disbursements Trust Fund, Geoff Mulherin (Director)
- OECD Expert Roundtable on Equal Access to Justice, Geoff Mulherin
- OSJI-OECD Civil Justice Advisory stream, 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
- University of Newcastle Law School Advisory Board, Geoff Mulherin
- Victoria Legal Aid Sector Innovation and Planning Committee, Catriona Mirrlees-Black.

Cancellation of 2018 Justice Awards

For the first time since 1999, the Justice Awards did not take place in 2018, following the announcement in March that the event was being cancelled due to inadequate funding for the Foundation.

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 2018–2019 year conformed to the Business Plan.

The Business Plan for 2018–2019 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 continues to monitor the investment portfolio performance on a quarterly basis and provide reports to the Board as appropriate. With the fall in available reserves to the minimum core level the Board determined to reduce operations in line with the continued low level of core funding.

As a result, the Board cancelled the 2018 Justice Awards and cancelled the longstanding and innovative grants program. These cancellations, along with corresponding reductions in staff, resulted in reduced current and ongoing expenses. Regrettably this also has the effect of reducing the Foundation's capacity for engagement across the sector.

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 2018–2019 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.

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. Funds permitting, planning is expected to recommence in late 2019.

Financial report

Governors' report

The Governors of the Law and Justice Foundation of NSW ('the Foundation') submit herewith the annual financial report for the financial year ended 30 June 2019. 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 or since the financial year are:

P. Stein
J. Behrendt
C. Kenny
G. Mulherin
K. Rozzoli
J. Sheahan
J. Stubbs

Principal activities

The Law and Justice Foundation of NSW was established under the *Law and Justice Foundation Act 2000* ('the Act') as a reconstitution of the Law Foundation of NSW.

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 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.

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

Review of operations

The net surplus for the year ended June 2019 of $49,457 (2018: deficit $524,868) comprises an operating deficit of $(33,697) (2018: $(595,335)) and investment returns of $83,154 (2018: $70,467).

Concerned at the continued low level of core funding the Board was forced to reduce operations, including not holding the Justice Awards in 2018 and suspending the grants program. Associated reductions in staff from these and other programs resulted in reduced expenses for the financial year and will for ongoing years. Regrettably this also has the effect of reducing capacity and organisational and sector knowledge built up over many years.

This reduction in expense, combined with additional revenue, resulted in an improved financial result. While core funding remained at low levels, additional revenue was received from work for key players in the legal assistance sector, including providing the evidence base as recommended by the Cameron Review of CLC funding, and assisting the Commonwealth Attorney-General's Department in addressing the key recommendations of the National Partnership Agreement on Legal Assistance Services (NPA) and the Indigenous Legal Assistance Program (ILAP). While the additional project-based revenue helps the bottom line, it does make planning of resources difficult. Low core funding allows only a low level of staffing with reduced capacity and ability to quickly react to opportunities, including requests from the sector for assistance and advice. The general effect is a reduction in the evidence base to support the effective allocation of resources to support those in need of legal assistance services.

The Board will continue to seek improvement in the reliability, timing and quantum of core funding.

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 NSW other than any

referred to in the financial statements or notes thereto.

Subsequent events

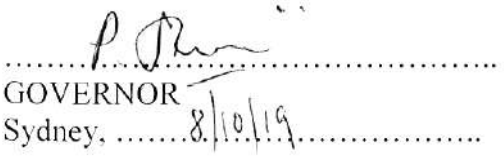
There has not been any matter or circumstance, other than that referred to in the financial report or notes thereto, that has arisen since the end of the financial year, that has significantly affected or may significantly affect, the operations of the Law and Justice Foundation of NSW, the results of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

Indemnification of officers and auditors

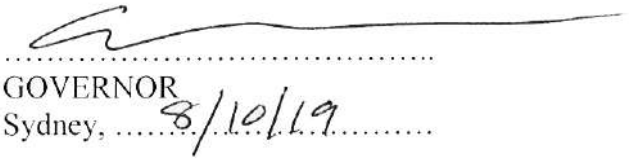
During the financial year, the Law and Justice Foundation of NSW paid a premium in respect of a contract insuring the Governors of the Foundation (as named above) and all officers of the Law and Justice Foundation of NSW and of any related body corporate against a liability incurred as such by a governor 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 NSW 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 NSW or any related body corporate against any liability incurred as such by a governor, officer or auditor.

On behalf of the Board of Governors



GOVERNOR
Sydney, 8/10/19



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Sydney, 8/10/19

Deloitte Touche Tohmatsu
ABN 74 490 121 060

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Sydney, NSW, 2000
Australia

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Independent Auditor's Report to the members of 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 2019, 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 2019 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* (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 2019, 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.

Liability limited by a scheme approved under Professional Standards Legislation.
Member of Deloitte Asia Pacific Limited and the Deloitte Network

Deloitte.

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, 9 October 2019

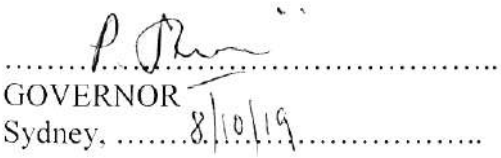
Governors' declaration

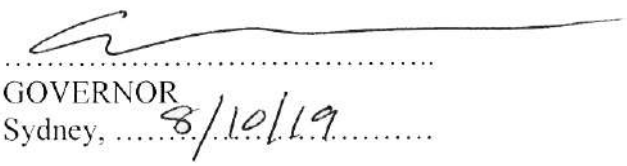
As detailed in Note 1 to the financial statements, the Law and Justice Foundation of NSW is not a reporting entity because in the opinion of the Board of Governors there are unlikely to exist users of the financial report who are unable to command the preparation of the reports tailored so as to satisfy 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 NSW;
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 NSW will be able to pay its debts as and when they become due and payable.

On behalf of the Board of Governors





Financial statements

Statement of Profit or Loss and other Comprehensive Income for the financial year ended 30 June 2019

	Note	2019 $	2018 $
Operating revenue	2(a)	1,912,817	1,681,566
Employment related expense		(1,329,229)	(1,515,959)
Consultants and contractor expenses		(18,133)	(42,472)
Premises costs		(155,858)	(147,010)
Depreciation expense	5	(81,454)	(75,980)
Grants and project costs		(149,057)	(224,123)
Audit fees	15	(26,700)	(28,800)
Justice Awards expenses		–	(67,579)
Insurance costs		(16,439)	(15,496)
Information technology & related costs		(99,509)	(97,094)
Other expenses from ordinary activities		(70,135)	(62,387)
Operating (Deficit)		(33,697)	(595,335)
Investment income	2(b)	83,154	70,467
Net Surplus/(Deficit) before income tax expense		49,457	(524,868)
Income tax expense relating to ordinary activities	1(e)	–	–
Net Surplus/(Deficit)		49,457	(524,868)
Other comprehensive income for the year, net of tax		–	–
Total Comprehensive Profit/(Loss) for the Year		49,457	(524,868)

Notes to the financial statements are included on pages 48 to 59

Financial statements

Statement of financial position as at 30 June 2019

	Note	2019 $	2018 $
CURRENT ASSETS			
Cash assets	11(a)	505,081	269,476
Receivables	3	–	98,914
Investments	4	3,181,214	3,048,059
Other current assets		41,746	46,601
TOTAL CURRENT ASSETS		3,728,041	3,463,050
NON-CURRENT ASSETS			
Property, plant and equipment	5	31,162	108,287
Other assets		92,268	92,268
TOTAL NON-CURRENT ASSETS		123,430	200,555
TOTAL ASSETS		3,851,471	3,663,605
CURRENT LIABILITIES			
Trade and other payables	6	125,934	158,656
Provisions	7	266,633	274,415
Grants and external projects not drawn	8	781,183	593,818
TOTAL CURRENT LIABILITIES		1,173,750	1,026,889
NON-CURRENT LIABILITIES			
Provisions	9	13,310	21,762
TOTAL NON-CURRENT LIABILITIES		13,310	21,762
TOTAL LIABILITIES		1,187,060	1,048,651
NET ASSETS		2,664,411	2,614,954
EQUITY			
Accumulated surplus		2,664,411	2,614,954
TOTAL EQUITY		2,664,411	2,614,954

Notes to the financial statements are included on pages 48 to 59

Statement of cash flows for the financial year ended 30 June 2019

	Note	2019 $	2018 $
Cash Flows from Operating Activities			
Receipts from customers and grants		2,196,541	1,894,325
Interest received		3,978	3,826
Payments to suppliers, employees, and grants and projects		(1,910,584)	(2,389,364)
Net Cash from/(used in) Operating Activities	11(b)	289,935	(491,213)
Cash Flows from Investing Activities			
Proceeds on sale of investment securities		1,000,000	2,300,000
Payment for investment securities		(1,126,829)	(1,626,670)
Dividends and interest received		76,828	76,670
Payment for fixed and other assets		(4,329)	(42,126)
Net Cash (used by)/generated by Investing Activities		(54,330)	707,874
NET INCREASE/(DECREASE) IN CASH HELD		235,605	216,661
CASH AT BEGINNING OF FINANCIAL YEAR		269,476	52,815
CASH AT END OF FINANCIAL YEAR	11(a)	505,081	269,476

Statement of changes in equity for the financial year ended 30 June 2019

	2019 $	2018 $
Opening Balance	2,614,954	3,139,822
Net (deficit)/surplus for the year	49,457	(524,868)
Closing Balance	2,664,411	2,614,954

Notes to the financial statements are included on pages 48 to 59

Notes to the Financial Statements for the financial year ended 30 June 2019

1. SUMMARY OF ACCOUNTING POLICIES

Financial reporting framework

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

Adoption of new and revised Accounting Standards

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

New and revised Standards and amendments thereof and Interpretations effective for the current year that are relevant to the entity include AASB 9 'Financial Instruments', and the relevant amending standards.

Impact of initial application of AASB 9 'Financial Instruments'

In the current year, the entity has applied AASB 9 'Financial Instruments' (as amended) and the related consequential amendments to other AASB Standards that are effective for an annual period that begins on or after 1 July 2018.

AASB 9 introduced new requirements for:

- The classification and measurement of financial assets and financial liabilities;
- Impairment of financial assets; and
- General hedge accounting.

Details of these new requirements as well as their impact on the entity's financial statements are described below.

All recognised financial assets that are within the scope of AASB 9 are required to be measured subsequently at amortised cost or fair value on the basis of the entity's business model for managing the financial assets and the contractual cash flow characteristics of the financial assets.

Management reviewed and assessed the entity's existing financial assets as at 1 July 2018 based on the facts and circumstances that existed at that date and concluded that the initial application of AASB 9 has not had any impact on the entity's financial assets in respect of their classification and measurement:

- The entity's investments that were measured at in financial assets that were previously classified at fair value through profit or loss continue to be measured at fair value through profit or loss under AASB 9.
- Loans and receivables under AASB 139 that were measured at amortised cost continue to be measured at amortised cost under AASB 9 as they are held within a business model to collect contractual cash flows and these cash flows consist solely of payments of principal and interest on the principal amount outstanding.

A significant change introduced by AASB 9 in the classification and measurement of financial liabilities relates to the accounting for changes in the fair value of a financial liability designated as at FVTPL attributable to changes in the credit risk of the issuer. This change in accounting policy has not affected the entity's accounting as all of the entity's financial liabilities were continued to be measured at amortised cost using the effective interest method as at 30 June 2019.

In relation to the impairment of financial assets, AASB 9 requires an expected credit loss model as opposed to an incurred credit loss model under AASB 139. The expected credit loss model requires the entity to account for expected credit losses and changes in those expected credit losses at each reporting date to reflect changes in credit risk since initial recognition of the financial assets. In other words, it is no longer necessary for a credit event to have occurred before credit losses are recognised. AASB 9 requires a simplified approach for measuring the loss allowance at an amount equal to lifetime ECL for trade receivables. Given no significant receivable write-offs in relation to the entity's income streams, the application of the AASB 9 impairment requirements has not resulted in any material additional loss allowances to be recognised as at 1 July 2018.

Hedge accounting requirements of AASB 9 have not had any material impact on the entity's financial statements as the entity did not hold any hedging instruments as at 30 June 2019.

Significant accounting policies

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

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

a) Grant and project expenditure

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

Grant and project allocations not drawn 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 $117,500. This represents 1/12th of the annual allocation for Law and Justice Foundation of NSW core activities which, in the financial year ended 30 June 2019 totalled $1,410,000.

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 NSW in respect of services provided by the employees up to the reporting date.

g) Payables

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

h) Acquisition of assets

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

i) Goods and Services Tax

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

i. where the amount of GST incurred is not recoverable from the Australian Taxation Office ('ATO'), it is recognised as part of the cost of acquisition of an asset or as part of an item of expense; or

ii. for receivable and payables which are recognised inclusive of GST.

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

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

j) Receivables

Trade receivables and other receivables are recorded at amounts due less 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 entity 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.

l) Revenue recognition

Revenue comprises revenue from grants, royalties and the provision of other services.

Grant funding

A number of the Foundation's programs are supported by grants received from other bodies. If conditions are attached to a grant which must be satisfied before the Foundation is eligible to receive the contribution, recognition of the grant is deferred until those conditions are satisfied.

Where a grant is received on the condition that specified services are delivered to the grantor, this is considered a reciprocal transaction. Revenue is recognised as services are performed and at year end a liability is recognised until the service is delivered

Revenue from a non-reciprocal grant that is not subject to conditions is recognised when the Foundation obtains control of the funds, economic benefits are probable and the amount can be

measured reliably. Where a grant may be required to be repaid if certain conditions are not satisfied, a liability is recognised at year end to the extent that conditions remain unsatisfied.

Rendering of other services

Revenue from the provision of other services is recognised by reference to the stage of completion of the contract.

m) Non-current assets held for sale

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

n) Leased assets

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

o) Going concern

The financial report for the year ended 30 June 2019 has been prepared on the basis that the Law and Justice Foundation of NSW 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 2019, the Foundation made a profit of $49,457 (2018: deficit $524,868) and generated net cash inflows from operating activities of $289,935 (2018 outflows: $491,213).

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 $2,664,411 as at 30 June 2019, net current assets of $2,554,291 and investments of $3,181,214, 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.
- While 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 2020.

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.

Standard/Interpretation	Effective for annual reporting periods on or after	Expected to be initially applied in the financial year ending
• AASB 15 Revenue from Contracts with Customers	1 July 2019	30 June 2020
• AASB 1058 Income of Not-for-Profit Entities	1 July 2019	30 June 2020
• AASB 1059 Service Concession Arrangements: Grantors	1 July 2019	30 June 2020
• AASB 2016-8 Amendments to Australian Accounting Standards – Australian Implementation Guidance for Not-for-Profit Entities	1 July 2019	30 June 2020
• AASB 2018-8 Amendments to Australian Accounting Standards – Right-of-Use Assets of Not-for-Profit Entities	1 July 2019	30 June 2020
• AASB 16 'Leases'	1 July 2019	30 June 2020

The Governors are still in the process of assessing the full impact of the application of the above standards on the company's financial statements. The directors do not intend to early apply the standard and intend to apply the full retrospective method upon adoption.

2. REVENUE

	2019 $	2018 $
(a) Operating Revenue		
Public Purpose Fund – recurrent funding	1,410,000	1,380,000
Other project funding	473,895	248,019
Rendering of services:		
Justice Awards	–	49,551
Interest revenue: Other financial assets	3,978	3,826
Royalties	24,944	170
Total Operating Revenue	1,912,817	1,681,566
(b) Investment income		
Dividends and interest on investments	76,828	76,670
Profit/(Loss) on sale of investments	798	906
Unrealised gain/(loss) arising from the revaluation of current assets – investments	5,528	(7,109)
Total Investment Income	83,154	70,467

3. RECEIVABLES

Trade debtors	–	98,914
	–	98,914

4. INVESTMENTS

Managed investment portfolio – working capital facility	1,326,500	1,192,224
Managed investment portfolio – cash facilities	1,854,714	1,855,835
	3,181,214	3,048,059

5. PROPERTY, PLANT AND EQUIPMENT

	Leasehold Improvements	Furniture & Fittings	Office Equipment	Total
	$	$	$	$
Gross Carrying Value				
Balance as at 01 July 2018	212,386	91,569	148,843	452,798
Additions			4,329	4,329
Disposals				–
Balance as at 30 June 2019	**212,386**	**91,569**	**153,172**	**457,127**
Accumulated Depreciation				
Balance as at 01 July 2018	(166,596)	(71,374)	(106,541)	(344,511)
Depreciation Expense	(41,772)	(18,264)	(21,418)	(81,454)
Disposals				–
Balance as at 30 June 2019	**(208,368)**	**(89,638)**	**(127,959)**	**(425,965)**
As at 30 June 2018	45,790	20,195	42,302	108,287
As at 30 June 2019	**4,018**	**1,931**	**25,213**	**31,162**

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

	2019 $	2018 $
Leasehold improvements	41,772	41,772
Office furniture & fittings	18,264	18,264
Office equipment	21,418	15,944
	81,454	75,980

6. TRADE AND OTHER PAYABLES

Trade payables	107,995	97,763
Other payables	11,800	53,520
Accrued wages & salaries (note 10)	6,139	7,373
	125,934	158,656

7. CURRENT PROVISIONS

Provision for annual leave (note 10)	95,364	120,436
Provision for long service leave (note 10)	171,269	153,979
	266,633	274,415

8. GRANTS AND EXTERNAL PROJECTS NOT DRAWN

Grants	215,409	258,553
External projects	565,774	335,265
	781,183	593,818

9. NON-CURRENT PROVISIONS

	2019 $	2018 $
Provision for long service leave (note 10)	13,310	21,762

10. EMPLOYEE BENEFITS

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

Provision for employee benefits:		
Current (note 7)	266,633	274,415
Non-current (note 9)	13,310	21,762
Accrued wages and salaries (note 6)	6,139	7,373
	286,082	303,550

11. NOTES TO STATEMENT OF CASH FLOWS

(a) Reconciliation of Cash

For the purposes of the Statement of Cash Flows, cash includes cash on hand and in banks. Cash at the end of the financial year as shown in the Statement of Cash Flows is reconciled to the related items in the Balance Sheet as follows:	505,081	269,476

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

Net Surplus/(Deficit)	49,457	(524,868)
Depreciation of non-current assets	81,454	75,980
Net unrealised (gain)/loss arising from the revaluation of investments	(5,528)	7,109
(Profit)/Loss on sale of investments	(798)	(906)
Dividends and interest received	(76,828)	(76,670)
(Increase)/Decrease in assets		
Receivables	98,914	61,255
Other current assets	4,855	(41,912)
Increase/(Decrease) in liabilities		
Payables	(32,722)	(81,603)
Provision current	(7,782)	(33,283)
Provision non-current	(8,452)	8,032
Grant and projects allocated – not drawn	187,365	115,652
Net Cash from (used in) Operating Activities	289,935	(491,213)

12. FINANCIAL INSTRUMENTS

(a) Significant Accounting Policies

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

(b) Credit Risk Exposures

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

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

(c) Interest Rate Risk Exposures

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

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

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		505,081	3,222,960	3,728,041
Financial Liabilities				
Trade creditors & other payables	–	–	125,934	125,934
Total		–	125,934	125,934
Net financial assets		505,081	3,097,026	3,602,107

2018

	Average Interest Rate	Variable Interest Rate $	Non-interest Bearing $	Consolidated Total $
Financial Assets				
Cash and deposits	1.40%	269,476	–	269,476
Receivables	–	–	98,914	98,914
Other current assets	–	–	46,601	46,601
Investments	–	–	3,048,059	3,048,059
Total	–	269,476	3,193,574	3,463,050
Financial Liabilities				
Trade creditors & other payables	–	–	158,656	158,656
Total		–	158,656	158,656
Net financial assets		269,476	3,034,918	3,304,394

13. GENERAL

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

14. ECONOMIC DEPENDENCY

The Law and Justice Foundation of NSW 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 2020. The Board of Governors expect the Public Purpose Fund to provide funding for an additional year from July 2020. The Law and Justice Foundation of NSW also has an accumulated surplus of $2,664,411 as at 30 June 2019, which will allow the organisation to continue its normal business activity and settle their liabilities as they fall due, for a period of not less than 12 months from the date this financial report is approved.

15. REMUNERATION OF AUDITORS

	2019 $	2018 $
Auditing the financial report	27,000	27,000

16. EMPLOYEES

Number of employees at end of financial year (FTE in 2019 = 8.2)	11	14

17. COMMITMENTS FOR EXPENDITURE

Non cancellable operating lease payments:

	2019 $	2018 $
Not longer than one year	18,613	149,737
Longer than one year and not longer than five years	–	18,125
Longer than five years	–	–
	18,613	167,862

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.

18. SUBSEQUENT EVENT

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

19. ADDITIONAL ORGANISATION INFORMATION

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

Declaration of independence

Deloitte.

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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

8 October 2019

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 the lead audit partner for the audit of the financial statements of Law and Justice Foundation of New South Wales for the financial year ended 30 June 2019, 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 sincerely

Deloitte Touche Tohmatsu
DELOITTE TOUCHE TOHMATSU

Cheryl Kennedy
Partner
Chartered Accountants

Liability limited by a scheme approved under Professional Standards Legislation.

Member of Deloitte Asia Pacific Limited and the Deloitte Network.

Staff

Delphine Bellerose, Researcher (part-time)
Catherine Carpenter, Communications and Publications Manager (part-time)
Kathy Chard, Executive Assistant (part-time, from February 2019)
Vyna Chua, Assistant Accountant (part-time)
Dr Christine Coumarelos, Senior Principal Researcher (part-time)
Maria Karras, Senior Researcher (part-time)
Jane Kenny, Grants and Legal Information Manager (to December 2018)
Dr Hugh McDonald, Senior Researcher
Catriona Mirrlees-Black, Principal Researcher (part-time)
Geoff Mulherin, Director
Annette O'Brien, Executive Assistant (maternity leave from January 2019)
Sarah Randell, Researcher
Richard Wood, Finance and Administration Manager (part-time)

Consultant
Associate Professor Terence Beed, Senior Research Fellow

NSW Legal Assistance Forum (NLAF)
Lillian Leigh, NLAF Project Manager (part-time to June 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 NSW

Community Legal Centres Queensland

Department of Family and Community Services NSW Legal

Department of Justice & Regulation (Victoria)

Department of Justice and Attorney-General (Queensland)

Department of 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)

National Association of Community Legal Centres

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

Maria Anastasi, NSW Land and Environment Court

Iain Anderson, Attorney-General's Department

Nassim Arrage, National Association of Community Legal Centres

Cheryl Axleby, National Aboriginal and Torres Strait Islander Legal Services

Nigel Balmer, Victoria Law Foundation

Moo Baulch, Domestic Violence NSW

Kylie Beckhouse, Legal Aid NSW

Kellie Blakemore, Department of Justice NSW

Naomi Brown, Legal Aid Western Australia

Alan Cameron AO, Chair, NSW Law Reform Commission

Helen Campbell OAM, Women's Legal Service NSW

Andrew Cappie-Wood, Department of Justice NSW

Gaby Carney, Legal Aid NSW

Claire Chaffey, *Law Society Journal*

Naomi Cheetham, Legal Aid NSW

Jane Cipants, Legal Aid NSW

Michelle Corcoran, Adviser to Commonwealth Attorney-General

John Corker, Australian Pro Bono Centre

Michael Coutts-Trotter, Department of Justice NSW

Anne Cregan, Gilbert + Tobin

Professor Rosalind Croucher, Australian Human Rights Commission

Simone Czech, FACS

Chris D'Aeth, NSW Supreme Court

Sarah Dainty, NSW Land and Environment Court

Fiona Dowsley, Department of Justice and Community Safety, Victoria

Laurel Draffen, Community Legal Centres NSW

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Jackie Fitzgerald, BOCSAR

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Jeannie Highet, NSW Supreme Court
Monique Hitter, Legal Aid NSW
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Cameron Hume, Victoria Legal Aid
Doug Humphreys OAM, Law Society of NSW
Katrina Ironside, Community Legal Centres NSW
Kerry Jackson, Attorney-General's Department
Joan Jardine, Attorney-General's Department
Judge Peter Johnstone, President, Children's Court of NSW
Rosy Jolic, Victoria Legal Aid
Michelle Jones, Legal Aid NSW
Sanjay Kumar, Department of Justice NSW
Tim Leach, Community Legal Centres NSW
Jenny Lovric, Legal Aid NSW/Aboriginal Legal Service (NSW/ACT) Ltd
Emma Maple-Brown, Herbert Smith Freehills
Bridget McAloon, Victoria Legal Aid
Fiona McLeod SC, Law Council of Australia
Katy McDougall, Legal Aid Western Australia
Nadine Miles, Aboriginal Legal Service (NSW/ACT) Ltd
Chelly Milliken, Legal Aid NSW
Roxanne Moore, National Aboriginal and Torres Strait Islander Legal Services
Arthur Moses SC, Law Council of Australia
Adam Nott, Attorney-General's Department
James Okeby, National Association of Community Legal Centres
Meredith Osborne, Legal Aid NSW
Fleur Paech, Attorney-General's Department
Polly Porteous, Community Legal Centres NSW
Chris Povey, Justice Connect
Mark Riboldi, Community Legal Centres NSW
Sean Robertson, Office of the NSW Attorney General
Wayne Robertson QC, Law Foundation of British Columbia
Trina Robinson, LawAccess NSW
Catherine Samuels, FACS Legal
Jane Sanders, The Shopfront Youth Legal Centre
Philippa Scarf, LIAC, State Library of NSW
Jane Selwood, Department of Justice NSW
Professor Tania Sourdin, University of Newcastle
The Hon. Mark Speakman, NSW Attorney-General
Angela Stengel, Australian Broadcasting Corporation
Jane Stewart, Legal Aid Western Australia
Jeremy Styles, Aboriginal Legal Service (NSW/ACT) Ltd
Maureen Tangney, Department of Justice NSW
Brendan Thomas, Legal Aid NSW
Michael Tidball, Law Society of NSW
Lesley Turner, Aboriginal Legal Service (NSW/ACT) Ltd
Naomi Ubrihien, NSW Supreme Court
Dr John Vallance, State Library of NSW
Gayan Vithanage, Attorney-General's Department
Janet Wagstaff, LawAccess NSW
Leonie Walton, NSW Land and Environment Court
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Karly Warner, National Aboriginal and Torres Strait Islander Legal Services
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