Enhancing Access to Justice

– the History of Legal Aid Queensland –

1979–2004

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INTRODUCTION

The beginning of Legal Aid in Queensland

In Australia, access to the justice system for disadvantaged people was traditionally provided on a voluntary basis by the legal profession. The exception was in respect of people charged with serious indictable offences where the state paid private practitioners appointed by the court to represent them. Very limited assistance was available for committals proceedings. In Queensland, the Ryan Labor government had, for this purpose, instituted the Public Defender's Office as part of the Public Curator's Office established within the Department of Justice in 1916. Otherwise, the availability of free legal assistance for those unable to pay for it depended on the continuing goodwill of the private profession.

From the late 1950s, a number of factors came to influence this situation and heralded changes which were to shape the provision of legal aid services for the future. At base was an increasing recognition on the part of both the government and the legal profession that the concept of legal aid, if it was to continue to be effective in practice, needed to operate within a formal structure backed by an adequate funding system. There had been informal discussions from time to time about possible courses to be pursued but the catalyst for serious debate proved to be the post-war social welfare program planned by the British Labor government. Legal aid was one aspect under consideration and a comprehensive study was made of the options for the delivery of an achievable, effective service. The "Report of the Committee on Legal Aid and Legal Advice in England and Wales", published in May 1945 and known as the Rushcliffe Report, set out the basis for its recommendations, the most significant of which were that legal aid should be provided and administered by the legal profession, and wholly funded by the state.

With its other recommendations which reflected the general philosophy shaping the administration of public services in this period, the committee delivered what was to be an influential model for the provision of legal aid. It proposed a countrywide system of area committees and local committees comprised of solicitors and "the occasional Bar representative". The local committees were to decide applications and grant certificates of aid where appropriate, while appeals against these decisions were to be referred to area committees. Panels of local practitioners were to be differentiated according to location and area of jurisdiction and adequately remunerated to represent legally aided clients. Clients had the right to engage any solicitor on the local panel. As it was considered essential for the legal aid authority to be able to give legal advice, area offices were to be established and staffed by full-time solicitors available to give advice, for a fixed fee, after working hours and in emergency situations. In places where the population was too small to warrant opening an office, the area committee would arrange for solicitors to conduct advice sessions at predetermined times, the solicitors to be paid a fixed fee per session. For centres not covered under these arrangements, an itinerant or mobile lawyer service was proposed.

A duty lawyer in all courts "to enable persons in need to have access to the professional help they require" was considered so elementary as to preclude further debate. In addition, the committee recommended a public awareness campaign to publicise the benefits of the scheme and continuing support for Citizens Advice Bureaux as important referral agents for the scheme. In the matter of financial accountability, area committees were to forward estimates of expenditure to the Law Society, which then reported to the Lord Chancellor. There were also annual reporting requirements.

The issue of who should have administrative control of a formal, statutory-based, legal aid scheme has tended to be the critical point of dissention, and often an obstacle to its realisation, whenever the introduction of such a scheme is under consideration. Making frequent reference to the evidence presented by witnesses, the committee set out the three available options: administration by the state, by local authorities or by "the lawyers themselves." Making certain to refer to the widely quoted sentiment that, rather than representing individual taxpayers and constituents, "the proper business of government is to govern", it concluded that conflict of interest, parties to litigation involving legally assisted people, and the possibility of political influence or bias, were reasons to disqualify the state or local authorities from consideration. Members declared themselves to be overwhelmingly in support of the reasons given for the legal profession to administer the scheme. They highlighted the solicitor-client confidentiality relationship that was not available to the state or local authorities, but the most important reason remained the legal profession's long-standing, relevant experience which they considered essential to ensure administrative competence.

It was more in the committee's discussion of the reasons for seeking to institute a formal legal aid scheme that many practitioners found a personal relevance. It noted that, while lawyers had voluntarily provided most of the free access to the justice system, recent changes meant that it was becoming increasingly difficult for them to continue to do so. As the body of law had grown and become more

complex, together with a trend towards increased recourse to litigation, they could not be expected to offer a service on the same basis to meet the needs of disadvantaged clients throughout the country.

On a smaller scale, Queensland had arrived at the same point. Lawyers wanting to make a contribution to society through their work had long advised and represented clients free or at reduced rates. For similar reasons to those outlined in the Rushcliffe Report, they were finding it hard to maintain this service. With mortgages and escalating overheads a fact of professional life, as well as their ongoing responsibility to fee-paying clients, they could not take on every client in need, and it seemed that each year there were more people in need. Smaller law firms and those in small regional centres were particularly affected. Allied to this was a sense of frustration or dissatisfaction that they could not devote sufficient time or resources to provide what they considered to be a satisfactory standard of assistance. The Queensland Law Society (QLS) had for many years offered an informal assistance scheme which, in essence, involved the referral of applications for assistance in certain areas of law to private practitioners and which depended entirely on their goodwill. Governments were also aware of the need for initiatives to provide more equitable access to the justice system. Against this background, the idea of a formal legal aid scheme with a legislative base, monitored by the government and incorporating some level of payment to lawyers, gained support across the legal profession and in government circles. For Barry Smith, solicitor and later Director of Legal Aid, a not uncommon viewpoint was summed up in the words of one solicitor who for years had undertaken free or 'pro bono' legal work:

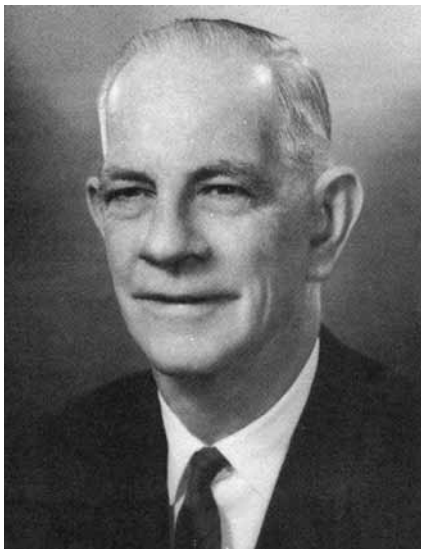
> One could say that there was a selfish motive in that the solicitors wanted to be paid for their work but I think there was a recognition that, rather than squeezing pro bono people in between cases and giving them second-rate service because you couldn't give them the time required, it was a genuine desire to provide a service for these people.

While the concept of the scheme won approval in principle, there were crucial decisions to be made before it could be put into practice. They concerned what form a legal aid scheme would take, who was eligible for assistance, who would pay for the scheme and who would control it.

The Legal Assistance Committee

Queensland's formal legal aid scheme came into operation in May 1966 with the opening of the Legal Assistance Office at QANTAS House in Queen Street, Brisbane. It was the outcome of lengthy and intensive negotiations between the Queensland Government and the QLS and reflected developments in approaches to the provision of legal aid by the Australian Government, the states, Britain and other Commonwealth countries. In her history, *The Queensland Law Society Inc. 1928-1988*, Helen Gregory gives a comprehensive account of the issues in debate, the stances of the various participants in the negotiations, and the events that culminated in agreement on the type of legal aid scheme to be introduced in Queensland. It is well recognised that no project, however worthy, can succeed without political will, nor is the necessary government support for legislative initiatives gained without a sponsor. In this instance, the sponsor was Attorney-General, Dr (Sir) Peter Delamothe who was dedicated to introducing legislation to implement a

series of social welfare reforms in Queensland. The Country-Liberal Coalition government was already investigating a number of models for a legal aid scheme, including that proposed by the Rushcliffe Report, through an advisory committee whose members included a QLS representative. The issue remained one of controlling any such scheme, whether government or privately funded. South Australia had many years previously established a precedent in introducing a government-funded scheme administered by the legal profession. The response of the Law Council of Australia to the various, largely unsuccessful, attempts by state bodies in this direction was to urge them to hold out for the South Australian model. Of all the other states and the territories, only Victoria successfully instituted a variation of the South Australian model with the passing of the *Legal Assistance Act* 1963.



Dr (Sir) Peter Delamothe

Delamothe acted as broker in the negotiations between the government and the QLS while encouraging the QLS to find a formula which would satisfy both government and legal profession aims. As Helen Gregory recounts, the QLS on behalf of the legal profession was determined to retain control, because legal aid related to what the profession did, because of the implications for the income stream of its members, and because of the implicit belief that legal practitioners were the best equipped to control and administer a statutory scheme.

The negotiations might have come to nothing but for the decision by Australian trading banks in 1965 to impose bank charges on solicitors' trust accounts. Subsequently, the banks were persuaded to forego some of the profit they had enjoyed over years of investing this money, to pay interest on the trust accounts. Concern about the possibility of the government using the interest for its own purposes spurred the QLS to formulate a proposal for a legal aid scheme funded by the profession through the application of the interest funds. It proposed administrative control in exchange for providing a scheme costing the government nothing. The QLS agenda included making provision from the interest money for replenishing the Fidelity Fund, which guaranteed solicitors' professional liabilities and which had been seriously depleted after several large payouts, recouping administrative costs and financing the QLS legal education program. Other provisions sought included the exclusion of a government representative from the administrative body, the formulation by the QLS of guidelines for assistance and the right of clients to have the solicitor of their choice. The latter provision was an attempt to head off the obvious criticism of the QLS scheme as certain to promote patronage.

Delamothe sponsored the uncontroversial passage of the Legal Assistance Bill through Queensland parliament early in December 1965. The lack of interest by members might be attributed to their focus on

the salary increases they hoped to vote themselves to achieve parity with the Public Service scale. In any event, it was an initiative that everyone could feel good about supporting. One note of disapproval, aired in *The Courier-Mail* of 9 December, referred to Delamothe's shabby treatment of the banks, in reply to which he happily conceded that he might have "twisted their arms a little". It was a very satisfactory conclusion to a long campaign. In his biography, *The Delamothe Story*, he is quoted as declaring: "If I'm remembered for nothing else, I hope it will be for having introduced Legal Aid to Queensland." Sir John Rowell, chairman of the Legal Assistance Committee, added his tribute: "If it had not been for Sir Peter's enthusiasm and whole-hearted support, it is extremely doubtful that the concept would ever have come to realisation."

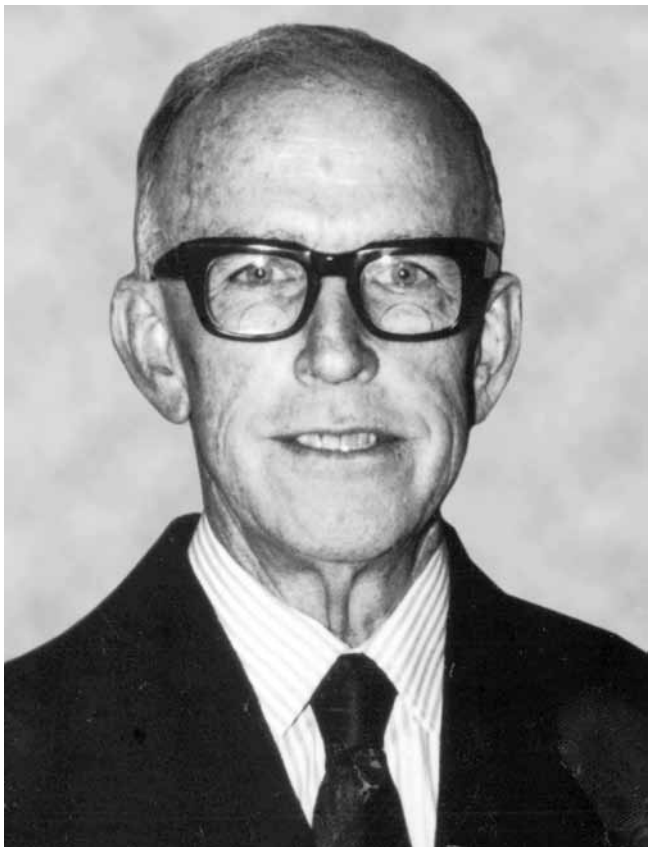
The *Queensland Legal Assistance Act* 1965 provided for a legal aid scheme based generally on the Rushcliffe model as expressed in the 1949 United Kingdom legal aid statute, with variations reflecting Queensland's smaller size and the influence of the model introduced in Victoria. The significant departure from the English model was the absence of government funding. The scheme was funded from a percentage of the interest on most solicitors' trust accounts to provide legal advice and representation for eligible applicants in civil matters, with a limited capacity for representation at committals.

The legislation provided for the appointment of a statutory authority, the Legal Assistance Committee (LAC), to administer the scheme. As an independent statutory body not in receipt of government funding, the committee was not subject to government direction, and it also took pains to confirm its independence from the Law Society. It comprised three members, the two representatives nominated by the QLS being (Sir) John Rowell, appointed chairman, and (Sir) Sholto Douglas. Both past presidents of the society, they had carried the bulk of the work involved in negotiations and had never wavered in their determination to see the scheme established. Rowell apparently was guarantor for the $20,000 bank overdraft required to cover initial administration costs and grants of aid. The government representative was J. P. O'Callaghan, a former Crown Solicitor, whose experience and tact contributed to the smooth running of the scheme in those early days. The ministerial advisory committee was retained, with Rowell the QLS representative.

Solicitor Stephen Le Fanu, seconded from the Justice Department, stood in as full-time secretary to the LAC until the appointment in September 1966 of Dan Hempenstall, who had had a long and colourful career as a criminal lawyer. In addition to the Brisbane office, offices were opened subsequently in Townsville, Rockhampton and Toowoomba, with arrangements gradually being made for referral centres at Ipswich, Inala, Sandgate, Redcliffe and Wynnum to have the services of a solicitor at least one day a week.

In keeping with the English model, the LAC was charged with appointing district committees to be comprised of local practitioners and others with legal training or experience. Three district committees were quickly established: the Southern District Committee in Brisbane, the Central District Committee in Rockhampton and the Northern District Committee in Townsville. They were responsible for organising panels of local solicitors and barristers

Sir John Rowell – Chairman, Legal Assistance Committee



J. P. O'Callaghan

who had indicated their willingness to undertake legal assistance work at the prescribed rate of fees. The level of fees paid depended on the funding available and the number of applications but was expected to be around 75 percent of the normal professional rate. There was also provision for the removal of a practitioner from a panel on evidence of professional misconduct. District committees processed client applications which, if approved by them, were allocated to a solicitor on the local panel. Clients were able to nominate their choice of solicitor from the panel. Applications were subject to a means test and a merit test, that is, the matter had to have a reasonable chance of success. Under the regulations attached to the legislation, the LAC, after consultation with the Law Society, set the means test guidelines which were to be reviewed periodically. The test did not apply to legal representation in the Childrens Court or for the duty lawyer service in the Magistrates Court. The right of appeal against the rejection of applications by district committees was to the LAC and its decisions were final.

Meeting of the Legal Assistance Committee (1966) - D. Hempenstall, R. Smith, P, Delamothe, J. Rowell, S. Douglas, J.P. O'Callaghan, B. Yorke

Thus Queensland achieved its first formal legal aid scheme with an administrative structure and functional range based on the English model. It was limited in scope and widely regarded as a creature of the Queensland Law Society but it established the foundation on which the later, more comprehensive scheme was built. In this context, its operations, by identifying issues relating to procedure and practice, contributed to the ongoing consideration of ways in which the overall provision of legal aid services might be improved.

The first of these, and its obvious effect on the scheme, soon became apparent. That there was a need for the scheme was confirmed by the unexpectedly high number of applications in the first few years. On average, around 4,500 applications were received each year, just over one-quarter of which were approved, with the result that the value of the certificates issued to solicitors for legal assistance work soon outstripped the funds available. One important indicator of future trends was the preponderance of applications for assistance in divorce proceedings and related matters. This had been a sensitive issue among practitioners, some of whom refused to consider taking these cases on a 'pro bono' basis and who were opposed to legal assistance funds being used for this purpose. But even the requirement of a substantial cost contribution by clients before legal assistance was approved and the later imposition of a monthly quota failed to stem the demand. Another issue was the provision of legal assistance in criminal matters. As Helen Gregory explains, with the service offered by the government-funded Public Defender confined to representation of people charged with indictable offences, the lack of assistance available in this area of law was of concern to both the Law Society and the Queensland Bar Association. Given the funding situation, however, the LAC was in no position to expand its operations.

In December 1970, an amendment to the original legislation increased the proportion of solicitors' trust accounts on which bank interest was paid from one half to two thirds of the lowest balance held over the previous 12 months. Although the government remained immovable in its refusal to inject any state

money into the scheme, additional funds became available once the QLS Fidelity Fund reached the target retention figure of $600,000. It was then no longer necessary to allocate 50 percent of the bank interest payments for this purpose. The number of applications received and approved increased, more staff were taken on and, in 1971, the LAC moved to a larger office at the corner of Queen and George Streets. The *Legal Assistance Act* was amended in 1971 to extend eligibility for assistance to residents of Queensland involved in litigation in other Australian states and, in what proved to be a temporary foray into this area, to preliminary hearings in the Magistrates Court for people facing a sentence if convicted of 14 years or more. This function was taken over by the Public Defender's Office in 1974 when, having been separated from the Public Curator in 1967, it was constituted an independent statutory authority under the *Public Defence Act* 1974. LAC staff had previously made initial appearances on behalf of clients in the Childrens Court and, in the role of duty solicitor, to enter a plea of guilty or request an adjournment on clients' instructions. After 1971, the LAC was confined to providing the funds for this work which was carried out by private practitioners under the direction of the Law Society.

The Australian Legal Aid Office

In 1972, the Whitlam-led Labor government was voted into office, an important aspect of its policy platform having been a commitment to social justice through comprehensive reform of the social welfare system. In anticipation of a change of government, leading social scientists and welfare practitioners had produced a considerable body of work which represented a blueprint for reform. In the area of law reform, equality of access to the justice system was identified as a basic right and, from there, it was not difficult to conclude that there was no mechanism in place to safeguard this right. Throughout Australia, access to the justice system for 'poor', socially disadvantaged people, those who lacked the means to pay for legal services, particularly in criminal matters, was through the goodwill of lawyers, self-representation, or the limited assistance schemes in operation in some states. Government members supported, as part of an overall reform agenda, a means-tested, comprehensive legal aid scheme, initiated, funded and administered by the Commonwealth on a national scale, but it was by no means a priority. Moreover, even given its widest interpretation, the validity of the constitutional basis for the Commonwealth's incursion into a previously unchallenged area of state responsibility remained in question. For the private legal profession, it signified a bid to 'nationalise' legal services, especially to those of its members who had watched the campaign to 'nationalise' medical and pharmaceutical services by the post-war Labor government renewed in the area of health insurance. Nevertheless, its interests were well-represented in the Senate where the Coalition parties held the majority and were likely to block any proposal for enabling legislation.

Social welfare reform including legal aid tended to be overshadowed by the big issues of economic management, universal health care and the Australia Plan, by which the Commonwealth planned to bypass the states and use local government as an instrument of change. Legal aid was a matter that certainly provoked heated debate between academic sociologists and welfare practitioners on one side

and the private legal profession on the other, but it remained a minor issue and is largely absent from the accounts of the period by political commentators and historians. The exception was provided by the then Senator Lionel Murphy, Attorney-General and Minister for Customs and Excise in the Whitlam government, who supplied the political 'know-how' and determination necessary to ensure its realisation. Murphy's comprehensive law reform program addressing areas such as environmental law, racial discrimination and a Bill of Rights attracted controversy and constant opposition from the start.

Opposition to his proposals to establish a Family Court and institute what came to be called 'no-fault' divorce provisions was even more marked. But his legal aid proposal was an early success, its certain defeat in the Senate carefully avoided. The Australian Legal Aid Office was established in July 1973 to administer his vision of a national scheme. In *Lionel Murphy: a Political Biography*, Jenny Hocking observes that this administrative body was established by means of a budget entry: "Murphy had learned an important tactical lesson from his experience with the family law regulations, he would not repeat the error of relying on the Senate to accept another policy development which was opposed by key sectional interests." As for the Commonwealth moving into a previously state-dominated sphere of activity, she comments: "In instituting a federally funded legal aid system, Murphy was again pushing the Constitution in a federal direction which was clearly arguable but unprecedented."

On 13 December 1973, Murphy delivered a ministerial statement to the Senate outlining the philosophy of the scheme and provisions for its operation:

> In July 1973 I announced a major step in the provision of legal aid services to persons in need, particularly disadvantaged persons. This was the establishment of a salaried legal service called the A.L.A.O. that will have offices throughout Australia. It will provide legal advice and assistance on all matters of Federal law, including the Matrimonial Causes Act, to everyone in need; and on matters of both Federal and State law, to persons for whom the Australian Government has a special responsibility, for example: pensioners, aborigines, ex-servicemen and newcomers to Australia. ...
>
> The Government has taken action because it believes that one of the basic causes of the inequality of citizens before the law is the absence of adequate and comprehensive legal aid arrangements throughout Australia. This is a problem that will be within the knowledge of every honourable senator who will on many occasions have had to inform citizens seeking assistance with their legal problems that there is nothing that he can do for them; that they will need to go and see a private solicitor. With some exceptions, we in Australia have been slow to respond to the need of the ordinary citizen for ready and equal assistance when confronted with a legal problem or court proceedings.
>
> The ultimate object of the Government is that legal aid be readily and equally available to citizens everywhere in Australia and that aid be extended for advice and assistance short of litigation as well as for litigation in all legal categories and in all courts.

In 1974, the Commonwealth established the Australian Legal Aid Office (ALAO), with offices in several locations in each Australian state. The first regional office was opened in Ipswich on 20 April. Senator Murphy reaffirmed the goals of ALAO he had set out the previous year when he officiated at the opening of the Brisbane office on 4 October. Together with those established in regional Queensland towns, the offices were intended to offer

free legal advice, as well as assistance with litigation in various areas of law for clients who passed means and needs tests. It was to be a 'shop-front' legal service delivered by salaried, professional staff in a non-threatening, readily accessible environment. According to one commentator, it was expected that people would come to see the ALAO as just another shopping centre facility, along with the chemist and the supermarket. In the event, the offices were generally small, poorly outfitted and lacked all but basic staff and client amenities. This did not deter the dozens of legal professionals with an unwavering commitment to social justice who applied for positions with the ALAO. They saw the new body giving them the opportunity to 'make a difference' and assist the disadvantaged in Australian society, an opportunity they believed was not so readily available in private legal practice. The establishment in their area of an ALAO office with full-time, salaried lawyers was of concern to members of regional professional associations, especially those who had been undertaking legal aid work. Fears that it posed a threat to their livelihood were allayed by provision for ALAO referrals to local private practitioners and a fee scale of around 85 to 90 percent of the normal rate. As was to be repeatedly demonstrated over the years, a legal aid service proved to be good for business. Its accessibility brought in people who had never previously approached a lawyer, with the result that more clients either consulted private practitioners directly or were referred and funded by legal aid.

While the ALAO was clearly effective in addressing "the unmet need" for access to the legal process, as discussed in the February 1974 Report of the Australian Legal Aid Review Committee, its lack of a statutory basis and the questionable constitutional validity of its activities left it vulnerable to attack from political and state professional interests. The review committee, chaired by R. F. Turner, was appointed in July 1973 to advise on further provisions required for a comprehensive, effective scheme. Although its discussion on the optimum model for the delivery of government-controlled legal aid to "the vast numbers of people presently denied the service" was inconclusive, the committee's report highlighted the problem of determining a sustainable funding commitment. It recorded strong support for the development of community legal centres using the "Neighbourhood Legal Centre" model in operation in the United States. With this model:

> Salaried Legal Services are established in districts which show a high degree of social deprivation according to social indicators...
> ...services are close to the client group, operate on flexible day and evening hours, generally do not have a city office atmosphere which many of the poor find intimidating, and are closely linked with local welfare and community organisations.
>
> By developing services at a local level and involving volunteers and non-lawyers in the running of the services, these Offices have gained acceptance by the group served and in doing so bring the law to the people and demystify both law and lawyers.

Over the following two decades in Australia, community legal centres became invaluable to the efforts of statutory legal aid organisations to improve public access to the justice system. Moreover, they came to be the means by which the organisations were able to foster cooperative relationships with local communities and community welfare services.

Following the publication of the Legal Aid Review Committee's Final Report, the Commonwealth Legal Aid Bill was drafted. With the reluctant assent of state professional bodies, it provided for the creation of an independent statutory authority, the Australian Legal Aid Commission, to administer the operations of the Australian Legal Aid Office. The Bill was presented to parliament in June 1975 but its reference to the Senate fell victim to the political crisis which culminated in November with the fall of the Whitlam government and its subsequent replacement by the Fraser-led Coalition government. In Queensland, as elsewhere, the two legal aid schemes continued to operate side by side and attracted an ever-increasing number of clients. As Helen Gregory notes, the ALAO did relieve some of the pressure on the LAC scheme. By 1975, an average of 10,000 clients a month was being seen by the 100 full-time ALAO lawyers employed nationally, with the outlays on referrals to private practitioners running at around one million dollars a month. Moreover, at the time the decline in the property market began to affect the funding available to the LAC, the Commonwealth made non-repayable grants to the states in 1974, 1975 and 1979. They were to assist state legal aid authorities to improve services to those clients for which it had a constitutional responsibility.

In the mid-1970s, legal advice services, the forerunner of community legal centres, were developing as a third option for access to free legal assistance. Following the lead of the Fitzroy Legal Service opened in Melbourne in 1972, they emphasised the concepts of community, public education and preventative action. Initially run entirely by volunteer lawyers, allied professionals and administrators, they provided them with an opportunity to make a contribution to social justice by assisting people they saw as poor and consequently powerless in the context of the legal system. Offering not only legal advice but also referral to appropriate community organisations, legal service centres gradually became the central point of communication for increasingly diverse assistance networks. In Queensland, the Baroona Legal Service was established in 1976, becoming the Caxton Street Legal Service in 1980 when it moved to new premises. The Law Society sponsored community lawyer centres staffed by private practitioners on a voluntary basis in Brisbane and major regional towns, and provided basic administrative expenses for both these 'shopfront' undertakings. The society also initiated and funded a duty lawyer service, administered by the LAC, which was extended, within a relatively short time, to courts throughout the state.

People seeking legal assistance were, through these developments, confronted with a range of options in the services available. Although the provision of legal aid had come a long way in a decade, there were clearly problems associated with it. Despite the cooperative efforts of heads of legal aid bodies across Australia to standardise funding levels and eligibility guidelines, it was confusing for service providers and potential clients, many of whom had little experience or understanding of the justice system. Legislative provisions and the areas of law covered differed from state to state and between the ALAO and the state body. It was still possible for clients refused aid in one state to have it granted in another state for the same matter, while the question remained whether or not existing services were reaching those most in need. The Legal Aid Review

Committee's report had, for example, noted deficiencies in the provision of legal aid in criminal courts and in regional areas, and identified the problems of juveniles, migrants, social casualties and prisoners as in need of urgent attention. As well as the inevitable cost inefficiency of duplicated, non-integrated services, there were persistent complaints from practitioners doing legal aid work that both ALAO and LAC accounts for payment often took months to finalise. Some ALAO staff and private practitioners were critical of an apparently leisurely approach to ALAO caseloads and the exercise of individual discretion, not only in terms of financial eligibility but also of merit. One view was that it was the duty of the ALAO to support the right of all financially eligible people to test their case in court and, given the relatively open-ended Commonwealth funding arrangements and the lack of overall centralised control, there was certainly the opportunity to provide that support. In *Legal Aid and Legal Need*, sociologists M. Cass and J. Weston refer to the effect of the failure of the 1975 Commonwealth Legal Aid Bill to gain the assent of federal parliament, which would have established the ALAO as an independent statutory authority. ALAO staff remained Commonwealth Government employees and:

> as another administrative unit within an established bureaucratic empire, the nature and style of the services of the ALAO were inevitably determined on a day to day basis by senior personnel of the Minister's department, the Public Service Board and Treasury. As such, the ALAO, lacking statutory independence, remained from the outset highly vulnerable to internal manipulation and/or frustration of Senator Murphy's original intent.
>
> (quoted in R. Coates, "A History of Legal Aid in Australia", Paper presented to the 4th Annual Colloquium of the Judicial Conference of Australia, *The 20th Century – A Century of Change*, n.d.)

From the mid-1970s, there were regular consultations on the future of legal aid in Australia involving representatives of the Commonwealth Government, the various professional bodies and state legal aid authorities. The Commonwealth had adopted an overall federalist policy orientation which meant encouraging the states to undertake the functions for which they had constitutional responsibility. It was also concerned to impose limits on future funding before it became an intractable problem. As such, it was not averse to the idea of state-based independent statutory authorities administering an amalgamated scheme which would stop the existing overlap and duplication in the operation of the two systems. State and legal profession representatives were caught up in a balancing act between quarantining legal aid administration from direct government control and securing continued Commonwealth funding.

Agreement was reached for the creation of the Commonwealth Legal Aid Commission, to coordinate, monitor and advise independent state legal aid authorities to be established under state legislation. The staff and operations of the ALAO and other legal aid schemes were to be brought under the administration of each state authority. Separate provision was made for the operation and funding of existing Aboriginal legal services. Implementation of the new arrangements was to be effected by Commonwealth-state agreements ratified under complementary Commonwealth and state legislation. Negotiations then moved on to the representative composition of both the Commonwealth and state bodies and the formula for Commonwealth subsidy funding.

The Queensland Legal Aid Commission

Under the 'Ellicott' reforms introduced by the then Attorney-General in the new federal Coalition government, the Commonwealth retained its role in legal aid firstly by funding the statutory commissions to provide services in federal matters according to the Commonwealth/State agreements and, secondly, through the Legal Aid Commission. The Commonwealth Legal Aid Commission was constituted in July 1977. Its principal function was to advise the Commonwealth Government about, and coordinate and monitor, the cooperative National Legal Aid Scheme. By these provisions, the Commonwealth moved from being a service provider to being responsible for the funding of federal matters and pursuing national equity and efficiency. The commission was transformed into the Legal Aid Council in 1981.

Following behind Western Australia, South Australia and the Australian Capital Territory, Queensland enacted the *Legal Aid Act 1978 (Queensland)* on 6 June 1978. The Act provided for a Legal Aid Commission of Queensland (LACQ), to be an independent statutory corporation answerable to, but not controlled by, the relevant minister, and listed its responsibilities and functions. The commission was to be responsible for the administration of the Legal Aid Office (Queensland) (LAO). It comprised seven members, including the Chairman, representatives nominated by the Queensland Bar Association, the Minister for Justice and the Commonwealth Attorney-General, and one member representing the interests of assisted persons. Appointments were for two year terms and there was provision for the appointment of additional members. The commission met for the first time on 11 July 1979. The inaugural Chairman was (Sir) John Rowell, previously Chairman of the Legal Assistance Committee. Commissioners were G. L. Davies, Q.C., G. A. Murphy, H. E. Petersen, J. P. O'Callaghan, A. W. Wynne, and the assisted persons' representative, Rev. Dr Charles Noller, a social worker of considerable standing and experience.

Signing of the Commonwealth/State Agreement, 1979. Pictured left to right: Bill White; William (Bill) Lickiss, Commonwealth Attorney-General; Sir John Rowell, LAC Chairman; Sir Joh Bjelke-Petersen, Queensland Premier.

Within its overall responsibility for delivering legal aid services in Queensland, the commission was to determine the guidelines for grants of legal aid and for payments to private practitioners undertaking legal aid work, having regard to the amount of funding available for the purpose. With the exception of the duty lawyer service and representation in the Childrens Court, applications had to pass means and merit tests, although there was provision for grants of aid where clients contributed to costs. The commission's duties covered administrative matters, protecting the independence of the private legal profession, deciding priorities as to the classes of persons and matters eligible for assistance, and maintaining its relationship with the Commonwealth, including the furnishing of statistics as required. The 1978 legislation determined the framework within which Queensland Legal Aid was to operate and articulated service goals the organisation worked towards achieving to an effective standard over the next 25 years. Among them were the provision of a duty lawyer service at courts and tribunals throughout the state, recommendations for law reform, financial support for voluntary legal aid bodies in association with the Commonwealth, use of other relevant services such as marriage guidance counsellors to assist clients, public education, and work experience opportunities for law students. Funding remained tied to a percentage of the interest on solicitors' trust accounts, but additional input of Commonwealth funds for matters of federal responsibility was provided for under the Commonwealth/State Agreement of June 1979. There was no state funding for the work of the commission.

They were busy, often stressful, months between the commission's first meeting and 3 December 1979, the date the Minister for Justice and Attorney-General had decided legal aid services were to be available to the public. An important initial decision was the appointment of a Director, responsible to the commission, to administer the day-to-day operations of the organisation. Following a competitive selection process, Barry Smith was appointed to the position on 24 September 1979. A well-known Brisbane solicitor, he was familiar with the conceptual and practical aspects of legal aid, having undertaken both 'pro bono' and legal assistance work during thirteen years of private practice. In many respects, it was helpful that, not having been on the staff of either the ALAO or the LAC, he brought a fresh perspective to the position. At the same time, it meant he had little idea of the administrative details of the two schemes. Amalgamating two distinct organisational cultures and launching an entirely new scheme within a few months was very much a case of being 'thrown in at the deep end'. As he recalled: "I was given two months to bring the organisations together, find new premises, set up systems, meet the staff and reassure the panels of solicitors listed for each organisation." One of the positive aspects was the advice and support he received from heads of other state legal aid authorities. Out of the discussions they had over problems, ways of dealing with them, pros and cons of various systems and methods of implementing them, they developed a constructive relationship which became a hallmark of the evolution of legal aid services throughout Australia.

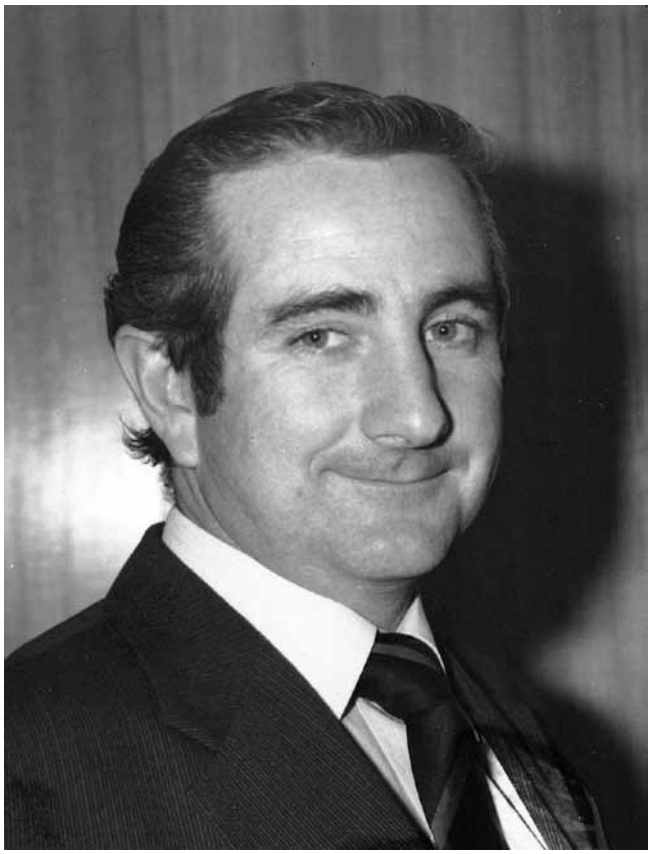
In Smith's view, industrial relations was the crucial issue to be settled at this point. As independent statutory authorities, the LAC and the new Legal Aid Commission were outside the public service staffing structure and there was no specific state industrial award covering legal aid staff. By contrast, the ALAO was described as a highly unionised organisation, benefiting from the higher level of rights and conditions under which Commonwealth employees generally worked. It was essential to have experienced staff in place if the Legal Aid Office was to commence operations by December, and the logical place to find them was among LAC and ALAO employees. Invited to transfer to the new organisation, some declined while others wanted to remain in government employment and were found positions in other agencies. ALAO staff were understandably concerned that they would lose their existing rights and entitlements if they agreed to a transfer. It was not a problem to be resolved overnight and negotiations continued for some months.

Pat Trapnell, appointed Finance and Administration Officer for the LAO, had a personal commitment to the concept of legal aid and was attracted by the challenge of making the new scheme operational. In those early months, the different financial records of the two organisations were maintained and both accounting systems were still running. The ALAO system was based on numerical referrals while the LAC used traditional accounting procedures. As far as Trapnell was concerned, to implement a new system did not call for "reinventing the wheel." It was "a matter of looking at how the Legal Aid offices were operating all around the state, taking the best of the two systems and combining them into the one system."

Accountant John Krebs was another important contributor to this process. Protection of existing rights and entitlements had been agreed by both levels of government and was implicit in the Legal Aid legislation. Trapnell was authorised to make a written offer to prospective staff which clarified the preservation of entitlements, a key aspect of which was the safeguarding of their permanent status. Dan Hempenstall, who was appointed secretary to the commission, is remembered as being particularly effective in a liaison role, helping to resolve a problematic situation by talking through employment issues with everyone in the two organisations.

All staff from the LAC and 37 of the 51 ALAO staff made the transfer. Among the ALAO staff were John Hodgins who had joined the Brisbane office in 1977, Neil Waite, Dianne Clarke (Smith), from Ipswich, where Rosemarie Coxon had also been working, as well as David Hook, a solicitor at the Brisbane office since 1978. Paul Wonnocott, who was appointed senior solicitor in 2004, and receptionist Lurline Jones, former ALAO Rockhampton staff, continued on in the commission's Rockhampton office. Making up a team which continued until 1997 when Lurline retired, was Colleen Johnson, now a grants officer. She had been in charge of the Legal Assistance Committee's office there and decided to transfer to the new organisation. During the months when the two systems were still running, she occupied a small room in the ALAO's office. She remembers she had little in the way of work to occupy the days and felt very much apart from the comings and goings of the incumbent ALAO staff.

Of critical importance to the commission's operations was the retention of the panels of private practitioners willing to undertake legal aid work in association with its offices in Brisbane, Townsville, Cairns, Mackay, Rockhampton, Ipswich, Inala, and Southport. As a result of general dissatisfaction, particularly with the slow payment of accounts, many of them had dropped out of the scheme. With just 22 staff practitioners, four of them part-time, the commission depended on private practitioners to carry out all but a small percentage of its work. Barry Smith spent considerable time meeting with them and encouraging them to support the commission.



Barry Smith – Director of Legal Aid 1979-1990.

As his colleagues confirmed, he knew just about everyone in the legal world and he was good at persuasive argument, but it was his obvious sincerity and commitment to Legal Aid that, more often than not, won over the waverers. By December, with the provisions that payment would be approximately 80 percent of the standard rates and that clients were free to nominate their choice of lawyer from the panel lists, over 1,000 solicitors and 143 barristers had agreed to undertake legal aid work. When time permitted, and often accompanied by Sir John Rowell, Smith visited regional areas to meet local practitioners. On one occasion, they had to resort to an offer of free drinks after work to get members of a local District Association to a meeting. Not only was it a matter of securing the local panel listings but also of setting up the District Committees for which the legislation provided.

District Committees represented an important link between the LAO, District Associations and local practitioners. By ensuring a measure of private practitioner input into, and supervision of, the legal aid process at a local level, their formation answered concerns that legal aid was controlled by a centralised statutory authority. In the first six months, two committees for the Southern District were appointed in Brisbane, two in Townsville and one in Mackay for the Northern District, and one in Rockhampton for the Central District. By 1981, another had been established in Cairns. During 1980, the commission had consulted with members of the Downs and Far South Western Law Association regarding the lack of work for the Toowoomba Legal Aid office and, with the association's agreement, closed the office in December 1980. Cutting losses and redirecting resources to more effective ends had become routine for the commission, so that the savings effected by closing Toowoomba were directed towards funding the opening of an office at Woodridge.

As set out in the LAO's first report to June 1980, District Committees' responsibilities included:

> the consideration of requests for assistance in criminal proceedings, Supreme Court matters, Appeals from all jurisdictions, dissolution of marriages, and practitioners' accounts of a complicated or disputed nature.

As such, they constituted the first tier of a two-tier appeals process provided for by the *Legal Aid Act*. Where an applicant for legal aid was dissatisfied with a decision made by a staff practitioner or by a committee, there was provision for the decision to be reconsidered. If the applicant was dissatisfied with the outcome, the next step was a written application for the matter to be referred to a Review Committee. W. J. White, a member of the commission, was Chairman of the first Review Committee. The members were R. K. Hill and the commission's nominee, H. E. Petersen. In October 1980, J. P. O'Callaghan replaced White as Chairman and commission member, G. A. Murphy, replaced H. E. Petersen who had resigned from the commission. Alternating with them were J. A. Glynn for the Chairman, D. J. Wadley and G. L. Davies. Among both senior and junior members of the private legal profession, there was clearly a strong commitment to taking one's turn and devoting the time to assist Legal Aid in these administrative matters.

The Legal Aid Office (Queensland): Testing the water

Headquarters for the LAO were located in Macarthur Chambers in the AMP building in central Brisbane. Queensland Premier, (Sir) J. Bjelke-Petersen, accompanied by the Commonwealth Attorney-General, Senator P. Durack, and the Queensland Attorney-General and Minister for Justice, W. D. (Bill) Lickiss, officially opened the Legal Aid Office (Queensland) there on 24 January 1980. It was a case of 'making do' in those early days. Conditions were cramped, offices were basic and there was nothing in the way of dedicated interview rooms. As Dianne Clarke recalled, clients and female staff sharing the same bathroom facilities made for some interesting situations. Colin Marshall, appointed Education and Liaison Officer in 1984, occupied what he called the Trocadero. The décor, left over from a previous tenant, featured a domed ceiling framed by light bulbs. This was the commission's meeting room and his desk had to be moved out whenever a meeting was scheduled.

Eleanor Williams (Rees) started work for the commission in 1983. She had an interview, did some tests and the next day was offered a job as a typist. There were four typists, their desks placed one behind the other in a central room, with the solicitors' offices around the sides of the room. The space was dominated, she said, by "piles and piles" of typing, and tapes waiting to be transcribed. Each typist worked for two solicitors who dictated the file entries and correspondence on tape. Eleanor wiped one of the tapes and thought she would lose her job, but there were no repercussions. Along with her secretarial and clerical colleagues, she had no complaints about the organisation. It was a good working environment, with lots of laughter and friendship.

Social activities occupied an important place in this environment. From the first, the annual Christmas party was established as a highlight of the year. It was held in the commission meeting room and everyone in the organisation attended. Other social events were gradually added to the calendar, often with senior staff including the Director, masterminding the festivities. Guests from other

Legal Aid Commission (1980-1983) - *back row*: Geoff Davies, Charles Noller, Bill White; *front row*: Gerry Murphy, Sir John Rowell, John O'Keefe.

organisations and from the legal profession were invited to some of them, with the aim of fostering cooperative working relationships across the justice system. Informal gatherings after work at a favourite watering-hole across the street from Macarthur Chambers added to the 'work hard, play hard' legend which soon attached to the organisation. Both professional and administrative staff appreciated any opportunities to get together outside the office to discuss the experiences and issues of their clients' cases and ways to make improvements. Colouring these discussions was reconciling their commitment to social justice with a sense of frustration. It often seemed that their efforts were unlikely to resolve the legal problems of their clients or to go anywhere near meeting the demand for assistance to people in need.

The commission and senior staff gave tacit approval to even the liveliest of these social occasions, acknowledging the stressful nature of legal aid work conducted on a daily basis and the potential for 'burnout'. Barry Smith was remembered as a hard taskmaster, relentless in his monitoring of the smallest administrative detail to achieve high operational standards for the organisation. At the same time, he was known to be fair and he commanded the loyalty of all his staff. He defended them against outside criticism and always provided the opportunity for explanations when problems arose or mistakes occurred. He might have asked them to work half the night and Saturdays to clear a backlog of cases or accounts but there was often a meal together at the end of it. Although not a drinker, he was always ready to put his hand in his pocket when the occasion required, and it was not uncommon for him to appear in the office with wine or chocolates for a celebration.

By the end of June 1981, LAO had received 14,619 applications for legal aid, 11,707 of which were approved. Half of the applications received and approved were in relation to Commonwealth Family Law matters. Civil Law was the next largest category with just under 5,800 applications, and Criminal Law around a quarter of this figure. There was no information on legal aid clients. However, there were already indications of the issues and trends which would affect the direction and substance of Legal Aid operations in the future. The first was the shortfall between Commonwealth funding for matters "in the federal area" which in 1981 was for 7,500 cases to be referred to private practitioners, and the number of cases LAO was able to provide for these matters. Although, as the LAO's 1981 Annual Report sets out, steps were taken to alleviate the immediate problem:

> With the approval of the Commonwealth Government, cases for the month of June were funded from costs and contributions collected from legally assisted persons whose cases had earlier been successfully completed and who had received sums of money in relation thereto.

The system and level of Commonwealth funding was to remain a salient issue for a considerable time. In the short term, more funds had to be allocated each year to grants for matters relating to federal areas of responsibility. Overall, Commonwealth grants accounted for just over 50 percent of the LAO's annual funding base which, for 1981, was $6,006,774. Ninety-one percent of approved applications for that year were referred to private practi-

tioners for a total payment of around $3.5 million That some ALAO referrals remained current highlighted an issue that was to continue to be controversial. The preference for line item accounting and an annual balanced budget failed to reflect a basic feature of the legal aid scheme, that the commitment and expenditure of funds for approved applications did not necessarily fall within the one financial year.

Another issue which related to the preponderance of Family Law matters was the time it took LAO staff to process them. The Commonwealth acknowledged the problem and, accordingly, agreed to raise its share of administrative costs to 72 percent. Although not solely to do with Commonwealth matters, it raised the commission's awareness of the need to ensure that its staff lawyers were able to focus on practising law, rather than spending endless amounts of time on administrative tasks. In the 1981 Annual Report, the Chairman also noted the lack of legal aid services in various areas of the state, the need to address the provision of services in relation to the lower courts, and the difficulty of obtaining reliable statistics. Under consideration by the commission at the time was a Commonwealth proposal to fund the development of a national computer system to streamline administrative procedures and to assist the gathering of statistical information for all legal aid authorities. By 1981, only Tasmania and the Northern Territory had not enacted legal aid legislation.

The number of lawyers in the Brisbane office increased to 15. Among the newcomers were Anne McMillan, Jeremy Ward, Terry O'Gorman and Sue Currie. K. W. Dillon and R. J. Campbell were appointed to the new positions of Assistant Directors for the Brisbane and Townsville offices respectively, while Dan Hempenstall was classified Executive Officer. During this period, there were also a number of resignations affecting all LAO offices and requiring permanent staff to do relieving work in the various offices until replacements were appointed. Of particular note was the retirement of Ted Pearce who had been a stalwart of the Legal Assistance Committee for 12 years. Relieving work continued for many years, with professional and administrative staff filling vacancies in regional offices where they were constantly reminded of the differences in local culture, client needs and legal practice. For senior staff, it provided an opportunity to monitor day-to-day operations and standards of client service and referrals procedures, to liaise with local practitioners, identify problem areas and any workplace issues that might not have been passed on to head office.

Innovation and expansion

With everything from basic forms to operational procedures to devise and put into place, a period of consolidation was declared, perhaps the only one in Legal Aid history. Subsequently, organisational effort was directed towards achieving the service aims set out in the legislation. In August 1981, a Legal Aid office was opened in Woodridge, an outer Brisbane suburb identified as an area of high demand for legal aid services. In association with its opening, a duty lawyer service free to anyone charged with a criminal offence commenced at the Beenleigh Magistrates Court which serviced the high population growth/low socio-economic status areas of Beenleigh and Logan. There was no office accommodation available, so the staff

lawyers on roster usually conducted interviews with clients at a table set up near the entrance to the courthouse. Later arrangements to replace the table with a caravan were welcomed by all. Private practitioners were initially reluctant to put their names on the duty lawyer rosters, leaving staff lawyers in regional offices battling to service local courts. But once sole practitioners and those in small firms and small towns realised its advantages in terms of regular work and additional income, it was not long before filling the duty rosters presented little difficulty. Behind this accomplishment was the long process of meeting with Magistrates, court officials, and representatives of the Law Society and District Associations.

David Hook

In securing solicitors and barristers for the panels, it also helped that the commission subsequently approved two rather controversial incentives. The first concerned the payment of fees to barristers. It was learned that they were reluctant to participate in the scheme owing to the failure of solicitors already paid by Legal Aid to pass on the barristers' fees within a reasonable time. Breaking with legal tradition, the LAO was finally able, in 1989, to arrange direct payment to barristers. The second saw Legal Aid benefiting from the Law Society's decision to reverse its previous stance which was intended to avert any charge of patronage with its duty lawyer scheme. Under the new scheme, the duty lawyer was one of the three practitioners or legal firms he or she named, from which defendants chose a lawyer to represent them. The Legal Aid duty lawyer service has maintained the same system in nominating three preferred suppliers, one of which may be the duty lawyer. Although the three-month trial of a duty lawyer in the Family Court, begun in March 1981, was discontinued due to lack of response, the service was gradually extended to Magistrates Courts throughout Queensland and to Childrens Courts. There was initial resistance to LAO's service to prisoners which, after a successful three-month trial commencing in October 1980 at HM Prison, Boggo Road, Brisbane, was approved by the commission. In addition to the duty lawyer, David Hook was responsible for implementing this service and extending it to the state's mental institutions. He recalled:

> It involved talking with the Prisons staff who, naturally, were opposed to the scheme. They didn't want duty lawyers coming in stirring up the prisoners, and the same applied to the staff of the mental institutions. But the proof was in the pudding. It didn't cause much bother; in fact, it took a lot of the problems off the staff, so they became quite cooperative.

By 1984, the Legal Aid Office through its Criminal Law Division was working in conjunction with the QLS and District Law Associations to provide the duty lawyer service throughout Queensland, with its solicitors participating in the QLS duty lawyer roster for the Brisbane Childrens Court.

The Hon. Sam S Doumany officially opening the Woodridge branch of the Legal Aid Office (Queensland), September 1981

Terry O'Gorman giving legal advice outside Beenleigh courthouse

The provision of a service to prisons, mental health institutions, and then for incapacitated people in hospitals and homes, was indicative of the direction in which a major aspect of Legal Aid policy was to develop, that of identifying and connecting with groups in the community for whom access to the justice system was either problematic or non-existent. During 1980-81, a start was made on providing assistance to voluntary legal aid agencies. The commission made grants to Kalparrin Welfare Centre and Caxton Street Legal Service, and supported the latter's application for Commonwealth funding for the following year. There were also discussions with the newly-opened South Brisbane Legal Service about possible assistance. Soon after, the Commonwealth took over principal funding for state-based community legal centres. It became the responsibility of LAO to make recommendations to the Commonwealth concerning the requirements of such centres and to distribute the Commonwealth funds. Commission funds also continued to be allocated to centres for dedicated purposes. Recognising an important area of unmet need it was then unable to address, the commission granted financial assistance to the Youth Advocacy Centre towards the establishment of specialist services for children appearing in the Childrens Court. The centre was the idea of LAO staff member Anne McMillan and Father Wally Dethlefs, a Catholic priest who had a long history of working with children at the Wolston Park institution. In addition to the work contributed by volunteers, John Rowell and Barry Smith were strong supporters of the centre and Legal Aid became involved in its administration. Gwen Murray, who went from the LAO to be the temporary receptionist, remained with the centre, while David Hook spent four months there setting up basic systems and liaising with other youth organisations.

Also on the centre's management committee was Legal Aid social worker, Merrilyn Walton. Queensland was the first legal aid authority in Australia to appoint a social worker. There was opposition from a number of quarters, usually on the grounds that available funds would be better spent on granting legal aid to more people. As the Commonwealth's Legal Aid Task Force Report of 1985 put it, although social workers might enable legal authorities to give a better service to clients, their employment had no "tangible value". Commission members supported the proposal and, for LAO staff, the contribution of social workers to achieving a better service was evident from the beginning. According to Barry Smith, Merrilyn Walton was the right person in the job at the right time. She not only developed a casework and report service in conjunction with staff lawyers in all areas of law, but was also at the forefront of educating practitioners and clients to the benefits of including social workers in the legal aid process. Of significance was the recognition that, in many instances, legal issues represented only one aspect of the problems for which clients sought assistance. A second social worker, Beverley Fitzgerald, was appointed and arrangements made for student placements at LAO. Before she resigned in March 1984 to take up a senior position in New South Wales, Walton undertook the first comprehensive assessment of LAO policies and services. It included statistical information on clients and their needs, both met and unmet, to be used as the basis for discussion on possible future directions for the organisation.

Although necessarily limited at first, an education program, another concept to attract criticism from the Legal Aid Task Force, was drawn up under the two headings of disseminating information about legal aid to the community at large and providing access for practitioners to continuing legal education. The latter program was seen as important for professional development, allowing staff lawyers to remain up-to-date with the latest theories, changes to legislation and in the practice of law, as well as providing them with the opportunity to present papers on their areas of special interest or experience. The legal education sessions were held both separately and in conjunction with the QLS legal education program. The schedule for public talks on the legal aid scheme, often given after hours, covered widely differing audiences, from schoolchildren to families living at the Wacol Migrant Centre. According to Ross Beer, public education was very much a part of the staff's commitment to Legal Aid from the outset. In 1982, for example, he agreed to the Superintendent's request to give a lecture to the TAFE Skills for Living and Working class at Woodford prison. A wide range of subjects was covered in the course which was funded by the Commonwealth Education Department and organised through the Aboriginal Education section of TAFE. A dedicated schools education program was next to be developed, staff solicitors lectured to Legal Practice Course students at the Queensland Institute of Technology, and closely supervised work experience placements were arranged for them at Legal Aid offices. Provision was made for one graduate each year to be employed for twelve months and the first of them, Phillip Ryan, started work in November 1983.

The commission became involved in planning for the annual Queensland Law Society-sponsored Law Day and contributed a substantial level of funds and staff services. From there, it was a short step to Brisbane's annual Exhibition where, at the Legal Aid stall, staff distributed information leaflets and provided brief legal advice sessions. Another important step in building Legal Aid's public image was to confirm its standing in the justice system overall and in the more specific areas of legal aid and law reform. Staff members attended and organised national and local conferences on legal aid issues, the different areas of law, and proposals for law reform. In one example recorded in the Annual Report for 1983, when public comment was invited on proposed amendments to the *Mental Health Act*, the commission organised a seminar bringing together relevant professional, non-professional and government representatives. Among its outcomes were the commission's recommendations, among them being provision for a duty lawyer to assist otherwise unrepresented people appearing before the proposed Patients Review Tribunal. Another example was the seminar on the Childrens Court the commission organised in 1981 to consider ways of "increasing legal services for the benefit of children who had been in conflict with the law." Attending the seminar were representatives of the private legal profession, the Public Defender's Office, Department of Children's Services, Aboriginal and Torres Strait Islander Legal Service, Juvenile Aid Bureau, University of Queensland's Social Work Department, welfare agencies and the incumbent Childrens Court Magistrate. Over time, due to its unrivalled experience in many areas of legal practice and its strong public advocacy record, the organisation was accorded a central consultat-

Barry Smith, Sam Doumany and Geoff Gargett at the Law Day

ive role in the reform process. In all its efforts to improve and expand the scope of services to people in need of assistance, LAO took pains to emphasise the value of the cooperative relationships formed with a wide range of judicial, professional and community bodies.

With the building blocks of the scheme in place, it was an appropriate time to advance the LAO's primary goal, which was to ensure that "no person should be denied legal assistance because of the inability to afford it" (quoted in the National Legal Aid Advisory Committee's "Funding, Providing and Supplying Legal Aid Service", *Discussion Papers on Legal Aid Policy and Services*, Canberra, 1989). It would remain difficult for legal aid workers to accept that, despite commitment and hard work, many people in need were refused or did not have access to assistance. Sensitive to this level of unmet need, LAO staff were conscious of, and continued to respond to, an implied pressure from within and outside the organisation for more to be done. To this end, in 1982, the commission reviewed its guidelines. The level of funding was not a crucial issue at this time. Although money would always be a scarce resource, what was available was managed

Legal Aid stall at the Ekka

judiciously. Unlike Commonwealth grants expenditure which was calculated on a defined number of referrals per year and was thus potentially 'open-ended', the LAO linked grants approval rates to available funding, as provided in the legislation, while the system of issuing certificates for the maximum expenditure determined on each approved application allowed reasonable control over its funding commitments. As was noted in the 1981-82 Annual Report, for example, savings amounting to "hundreds of thousands of dollars" were achieved following a review of the policy of granting legal aid for maintenance proceedings and the associated procedural requirements laid down by the Department of Children's Services. Subsequent changes in Commonwealth procedures relating to the payment of Supporting Parents' Benefit, allowed LAO to vary its guidelines in this area without disadvantaging clients. These savings were then directed to supporting the 18 percent increase in legal aid grants projected for the following year.

Private practitioners undertaking legal aid work were assured that the new scale of fees, effective from 1 July 1982, confirmed rates of approximately 80 percent of standard professional rates. At the same time, the commission adopted a more liberal means test for grants of aid and instituted a service aimed at giving everyone the opportunity to access free legal advice, in order:

> to ensure that its services are available, not only to the unemployed and other disadvantaged members of the community but to all others, who although perhaps in employment, cannot afford to become involved in legal proceedings of one form or another that would place an excessive strain on their financial resources.

Initially, staff solicitors, and private practitioners to a lesser extent, gave free legal advice to everyone who requested it in person, but this provision was soon amended to introduce a charge of ten dollars, later raised to twenty dollars, for people able to consult a private practitioner without undue financial hardship. This did little to reduce the demand and, although the number of staff solicitors was increased, workloads increased all the same. By 1983, just under 34,000 advices were given, all but 8,000 by staff, at the same time as the number of applications by private practitioners for legal aid on behalf of clients was rising steadily. Applications received increased from 17,568 to 21,766, of which 16,497 were approved. The 8,755 approvals for civil law matters, which included a new category of defamation actions, put that area ahead of the 8,706 family law matters, with criminal law registering about half these figures. The mobile lawyer service was initiated during this period. Operating out of the Rockhampton and Mackay Legal Aid

Mobile Lawyer Service - Colleen Johnson and Neil Waite outside Barcaldine courthouse

offices, it aimed to provide legal assistance to people in country areas who would otherwise have to bear the cost of travelling long distances to access legal services. Covering an average of 40,000 kilometres each year, solicitors and administrative staff visited centres along the railway line as far west as Longreach and Winton, as well as Gladstone and the mining towns of Moranbah, Dysart and Clermont.

Legal advice

The then Commonwealth Attorney-General, Senator Gareth Evans, and his successor, Lionel Bowen, responded to the issue of escalating costs in the provision of legal aid, particularly in respect of the higher gross payment to private practitioners for legal aid work, by advocating a substantial increase in permanent inhouse practitioners. A 'special purpose' Commonwealth grant was subsequently allocated to Legal Aid authorities to meet a national target of 26 percent of all approved cases to be undertaken by inhouse staff. Assisted by the grant, as set out in the Annual Report, the number of LAO staff practitioners had increased by 1984 to 29, with an additional nineteen in the regional offices. As a result, with office accommodation even more cramped, the Brisbane office was extended to occupy three floors of Macarthur Chambers and the offices in Southport and Mackay were relocated to larger premises. Staff caseloads doubled but the overall percentages changed little, due to a further substantial increase in private practitioner applications on behalf of clients, accounting for 76 percent of all applications. For the LAO and other legal aid authorities, it was thought to be more productive to address the issue by considering ways of achieving

the basic tenets of economy, efficiency and effectiveness in the use of available resources. Moreover, the overtones of nationalisation this response carried had the potential to alienate the private practitioners on whom they continued to depend for the bulk of their legal aid services.

In the LAO offices, solicitors interviewed everyone seeking legal advice and assistance and processed the applications for grants of legal aid, whatever the area of law. Clients' cases were allocated first to staff, then to private practitioners, and there was an understandable tendency for staff solicitors to want to supervise the latter cases. This was resented by the private solicitors who, also understandably, did not take kindly to having salaried lawyers looking over their shoulders and telling them what to do. It was, to some extent, a form of quality control. File management was by a basket system, where files for processing, approvals, and accounts for payment were allocated to various baskets. As one of the aims was to improve the turnaround time for processing applications and paying private practitioner accounts, staff were urged to clear the baskets as their first task each morning. This was not always possible and, from time to time, after-hours sessions were necessary to clear the backlog. Generally, the system had worked well enough for a small organisation and for small numbers of clients but, with the rate of expansion showing no signs of levelling out, changes to administrative structures and procedures became a priority.

Dan Hempenstall retired in July 1982 after 16 years with Legal Aid in Queensland, first as Secretary to the Legal Assistance Committee for 14 years and then as Executive Officer to the Director. On his death three years later, Barry Smith paid tribute to a remarkable man who had made a significant contribution to advancing legal aid in Queensland. As a young private practitioner he remembered how tough Hempenstall had been with approving the applications he sent in and, on his appointment as Director, was apprehensive about working with him. But Hempenstall "extended the hand of friendship", and turned out to be a man "with a tough exterior but a soft centre." He was especially effective in helping to achieve good working relationships during the amalgamation of the ALAO and the LAO. According to Smith: "Whatever positive achievements were made during those early days, Dan played a major role."

Dan Hempenstall's retirement

A new administrative structure and other changes

A divisional administrative structure in the Brisbane office was the major change among the range of administrative and operational changes introduced over the following years. Five divisions were created: Criminal Law, Family Law, Referrals, Administration and Research. After a competitive application process, Dianne Clarke was appointed Assistant Director, Family Law Division, R. J. Campbell continued as Assistant Director, Townsville, David Hook was appointed Assistant Director, Criminal Law Division, and also took over responsibility for Civil Law cases, approvals for which had largely remained Dan Hempenstall's province until his retirement. Referrals of approved cases to private practitioners became the responsibility of the Referrals Division. John Hodgins was appointed Assistant Director, Fred Grant, Michael Purcell and Ken Hanrahan the solicitors and Rosemarie Coxon secretary for the new division. The creation of a dedicated area for referrals acknowledged the need for a more professional approach to processing them to free-up staff lawyers to focus on casework. Hanrahan was given the task of developing a precedent package. Hodgins recollects a busy office where the staff worked through their caseloads, processed referrals and handled phone enquiries during the day, and took the accounts home to do at night. It was perhaps not surprising that referrals work tended to take second place behind casework. In 1983, Hodgins was appointed Assistant Director, Executive Officer, his responsibilities to include regional offices and, in 1984, Ross Beer took over from him as Assistant Director, Referrals.

Ross Beer

Beer had started with LAO in 1981 as a base-grade lawyer, having previously been a lecturer in law at the now Queensland University of Technology (QUT). After a period as a general lawyer, he was transferred in 1983 to the Inala office as officer-in-charge. It was an experience he found surprisingly enjoyable, especially as he was virtually his own boss. Even then, he had a fondness for memos aimed at improving administrative procedures.

> The letters regarding the present position of certificates are brought up in one month's time. It is only when the certificate is issued on a file that the file is brought up in three months' time from the date of the issue of the certificate. So just make sure that everyone has got it clear on this bring up system.
>
> Every certificate that is issued is brought up in three months. Every letter that I write is brought up in one month. There is no letter that I write that is not brought up on the month.
>
> (*Smith's Weekly*, May 1983)

In 1984, he returned to the Brisbane office to head the Referrals Division. Despite name changes along the way, from Referrals to Assignments to Grants, in his view, the core purchasing role of the division has not essentially changed over 20 years. Heads of divisions were responsible for maintaining legal practice standards within their areas and, as this involved monitoring their files, it was some time before staff solicitors accepted what they saw as an intrusion into the solicitor-client confidentiality relationship. David Hook took to waiting back after everyone had gone home, then putting notes on files about what should be done. Sooner than he expected, they accepted the advice and started to bring clients' cases to him for discussion. It became less of an issue as the guidelines became standardised into a routine process and were made available to clients and the legal profession. In 1983, new guidelines were determined. They were the first comprehensive, indexed, legal aid guidelines in Australia and, as such, would provide the model for other legal aid authorities and for the proposed national guidelines. The commission's decision in 1984 to publish the revised guidelines not only helped to remove any possible connotation of secrecy but also to streamline the process by reducing the number of applications unlikely to meet the grants' approval criteria.

The introduction of time-costing ran a similar course. Barry Smith carried out some trials himself when he was looking for the reasons interviewing solicitors might spend ten minutes or an hour on initial client interviews. Despite some scepticism that it was a viable limit, he was able to show that a satisfactory interview could be completed in twenty minutes. Moreover, working to a set time limit required a professional approach which had the advantage of limiting personal involvement in clients' problems and ensuring that legal issues remained the focus of the interview. Defining the time period and linking it to the expenditure allocated to the different legal procedures which grants of aid might involve, allowed a more precise estimate of funding commitments as well as statistical information for management purposes. Some staff solicitors resigned, considering that, with these changes, Legal Aid was becoming more and more like a commercial firm. Mostly, they came to terms with the ever-increasing workload and the need for efficiency measures to deal with it, but not without at least one attempt to make known their feelings about the new regime:

> Report on the experimental development of a race of Super Legal Aid Officers –
>
> prototype was female:
>
> Since birth she had been programmed with selecting standard letters with variable clauses and a basic rejection technique (taking care to reject 37.5% of all applications only and not know why)
>
> At maturity, it was projected that she would be able to:
>
> 1. process applications for legal aid in 35 seconds;
> 2. Consult and advise clients in 1 minute;
> 3. Assess and to pay legal aid accounts in 8 minutes.
> 4. Undertake a school lecture program in 8 minutes
> 5. Undertake her own audit and 8000 cases in any given month.
>
> (*Smith's Weekly* No. 13. May 1985)

Another change given a mixed reception by LAO employees was the introduction of computers. In 1982, the commission had approved the calling of tenders for the installation of a small data entry and word processing system. As the Annual Report for the year recorded, its purpose was, "to assist the administrative and financial needs of the office."

This proposal did not proceed, having been replaced soon afterwards by a Commonwealth proposal to fund a comprehensive national computer system. The Commonwealth's main aims were to assist the standardisation of guidelines and service delivery models, and to facilitate the collection of statistical information on the performance of legal aid authorities throughout Australia. Hopes for a quick, problem-free process were soon seen to be unrealistic. Developing a comprehensive national system was a complex undertaking and, by today's standards, the technology available was still in its infancy. The trial runs were conducted in the Brisbane office. John Hodgins then had the responsibility of overseeing the installation of the Computerised Legal Aid Services System (CLASS) in all regional offices where operational status was finally achieved early in 1986. The processing of statistics was initially quite unreliable, being often a matter of guesswork, according to more than one staff member faced with reconciling widely differing results. The aim was to generate monthly returns analysing inhouse work rates and, from there, to establish a benchmark for comparison of work rates across the different areas of operations. There were a few shocked reactions to the figures produced and more than a few arguments about their validity. At least one senior manager also retained a manual system which, while good for staff morale, provoked further debate about the disparity between the two sets of results.

Most of the support staff were not fazed by the prospect of working on computers. Once they knew that comprehensive training and ongoing technical support were available and were reassured that no jobs would be lost, they tended to regard it as an interesting challenge. Some private solicitors had

The computerised office - Judy Mothershaw, Legal Aid support staff member since 19XX

difficulty with the changeover, especially if their own offices were not computerised. The Director took the 'we're-all-in-this-together' approach in replying to complaints, writing to a solicitor on one occasion: "unfortunately for both of us, we live in a technological age where data collection is said to be both necessary and beneficial." At least, it was hoped, the standardised procedures possible with computers would see the end of letters from them such as this one forwarded on from a regional office:

> We regret any inconveniene caused by our quoting the long certificate number in relation to our account of the ...th instance. ...
> As a result of the urgent councilin and the advise of the couniler, a consent order was made on that day in relation to custody in respect of the children. The respondent however appears in person and was not in a position to, or was not prepared to conseed anything conserning maintenance. ...
>
> (*Smith's Weekly*, May 1983)

Pat Trapnell was one person with a very positive view of computerisation. Designated Senior Administration and Finance Officer in the Administrative Division, he was responsible for all support services to professional staff and for the organisation of staff across all the different Legal Aid sectors, including regional offices. His section also included records and a small information technology support unit. He saw computerisation as one of Legal Aid's great achievements, enabling the organisation to bring about significant improvements in cost efficiency, in the level of access and the range of available services, and, generally, in its capacity to look after people in need. In his view, its success, and the achievement of a national system, once again owed a great deal to the calibre of the people heading legal aid authorities in Australia and their commitment to a cooperative effort. As an organisation, Legal Aid was by no means unique in having to go through a process of trial and error in developing systems and software programs to meet all its requirements and those of the national system. Nor was it remarkable to have times of intense frustration, when computers were 'down' or office staff uncertain about what to do next.

Pat Trapnell and John Krebs

As the volume of professional work increased, administrative and support staff found themselves equally under pressure. Following a comprehensive review of office procedures, the creation of an 'overflow' section successfully addressed the management of temporary peak work loads and relieving staff. "Does anyone know how to stop files getting lost?", the Education and Liaison Team's half-joking question published in a 1984 edition of *Smith's Weekly*, was expected to be a thing of the past as records management was streamlined. Once word processors were operational and the problems with computerising client index and file locations resolved, standardising much of the required documentation was achievable. Other changes instituted to reduce client waiting time owed much to the informed input of front office staff. Reducing the time for processing applications and for payment of accounts remained a priority. Directed by John Krebs, the Accounts section undertook the daunting task of introducing a computerised system for paying private practitioners. In conjunction with these changes, a program of conferences and training sessions for clerical and support staff was developed, with particular attention being paid to building relationships between staff in Brisbane office, those in regional offices and, where possible, their counterparts in other legal aid authorities.

Research, Education and Communications

Research was the fifth division formed in the organisational restructuring. The Education and Liaison Team (ELT) had been formed in 1983 to investigate and advise on improvements to services and systems. Within the ELT was a Research Team, the purpose of which was to assist in giving effect to certain provisions of the Legal Aid legislation:

> The main purpose of research here is to evaluate the performance of the Legal Aid office to ensure legal services are being provided effectively, efficiently and economically (S.11(1), to recommend law reform (S.11(2) (a), and to carry out educational programmes. (S.11(2) (b) (*Smith's Weekly*, March 1984)

In 1984, ELT published an indicative list of its research topics. They included, Merrilyn Walton's survey of practitioners and of clients refused legal aid, possible legislative amendments, liaison with other state bodies towards confirming a national, uniform set of guidelines, development of alternative dispute resolution forums, addressing the legal needs of disadvantaged groups, formulation of guidelines for evaluating community legal centres, and availability through the Legal Aid library of legal opinions, articles, cases and recent legal developments. The recognition of research and development as an essential management aid was a mark of Legal Aid's increasing professionalism in organisational matters and in its approach to improving assistance to people in need.

In 1984, Colin Marshall was appointed Education and Liaison Officer for the division which comprised three social workers, a research assistant and support staff. A former lecturer in social work at the University of New South Wales, he had extensive experience working with prisoners and long-term psychiatric patients. As his job title indicated, he was engaged in structuring an appropriate, effective community education program and consolidating links with a wide variety of community groups, as well as arranging seminars with principal stakeholders on reform proposals. One example Marshall recalled was the review of the *Mental Health Act* where Legal Aid was looking for assistance in formulating its submission. He worked with consumer advocacy groups, community centres and government departments, among others, to help ensure that the submission reflected community needs and the role Legal Aid might play in meeting them. Another was organising and coordinating a seminar on proposed Family and Community Development legislation. At the same time, he said, he had a relatively free hand in determining what he did, as Barry Smith had in mind a greater focus on researching and evaluating policy issues that would shape the direction and form these initiatives should take. The key concepts were relevance and effectiveness. He saw Legal Aid developing not so much as a peak representative body in matters of reform but as having a more active role than delivering services to disadvantaged people. In some respects, it could be seen as an advocacy role but, in general, it meant the adoption of a much stronger social welfare perspective. It then became a matter of reconciling this broader perspective with statutory limitations and the LACQ's inherently conservative view of its capacity to improve access to the justice system.

Communications, or public relations, was an important corollary to these activities. It was arranged for staff specialists to be available for media interviews

and talk-back radio sessions. In addition to this public aspect, Marshall took an interest in furthering the efforts previously made to foster informal links among Legal Aid staff. A work environment in which staff retained a personal identity and had the means to share their various work experiences, often in a light-hearted way, had already been recognised as important. In September 1982, Dianne Clarke, Ross Beer, Debbie Friedman and Ken Hanrahan, solicitors in the Family Law Division, collaborated on producing *Smith's Weekly*, a newsletter for the "information and enjoyment of all staff members of the LAO throughout Queensland". Clarke was the first 'Editor-in-Chief'. It contained occasional articles on legal issues or changes to legislation affecting Legal Aid practitioners but, for the most part, the emphasis was on humour. There were cartoons, personal news, reports of activities organised by the Social Club, of which Rosemarie Coxon became the long-serving secretary, and contributions from staff in the various offices. These contributions often provided Head Office with feedback, positive or otherwise, on new work developments. The June 1983 newsletter reported on activities at the Annual Staff Conference, among the highlights of which were "Barry's buffet", renditions of legal aid songs, and a touch team competition where "Bob Campbell from the country, Merrilyn Walton from the city, and Debbie Friedman distinguished themselves". At its conclusion:

> It was a sad parting when our bush brothers returned to their far flung outposts of Legal Aid, but we can all take solace in ... knowing that in Queensland's remote legal frontiers the Legal Aid Guidelines are as much misunderstood, maligned and misinterpreted as they are in the Brisbane Office.

Taking the opportunity to keep staff informed of management concerns, as well as proposed changes and initiatives, Barry Smith wrote a 'Director's Note' column, sometimes in a light-hearted vein.

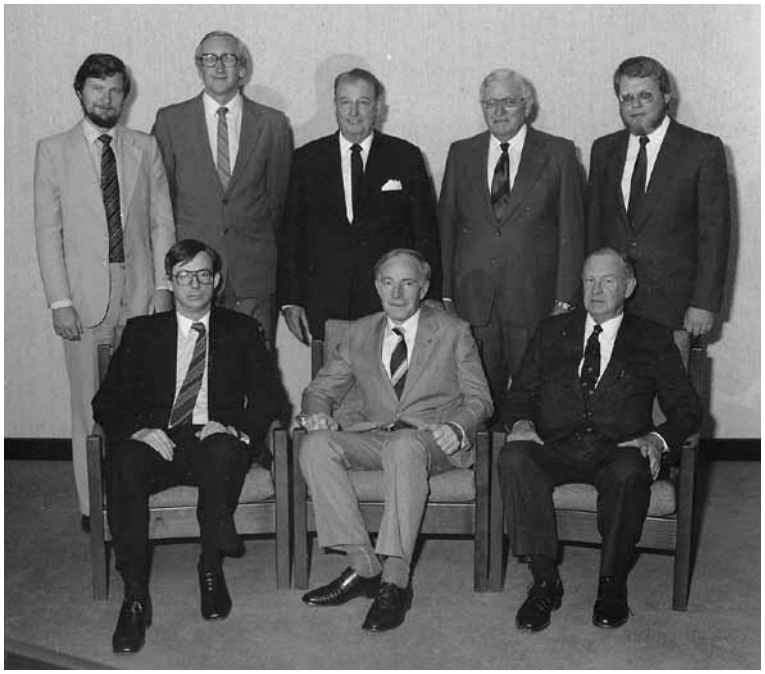
> For the younger members of the staff, I should point out that the title of the current newsletter has not arisen out of any respect for the Director's surname, but in fact was the name of an Australia-wide publication which ceased to exist just after the second World War. Perhaps there is a subtle meaning in naming the first issue 'Smith's Weekly'. To avoid any suggestion that I too should go out of existence, I would encourage some original thought being provided for a more appropriate title for this publication.

In the event, it remained *Smith's Weekly*, with Marshall doing duty as Editor until it ceased publication in 1986. It had been overtaken by the publication of *Head Note*, the first issue of which appeared in March 1985 and which he also ended up editing. A high-quality, illustrated newsletter in journal format, it was intended to have more serious content aimed at a wider readership than inhouse staff. As noted in the first issue, it was:

> designed to promote links with legal firms participating in legal aid work ... to keep practitioners aware of developments in legal aid and to increase understanding of aspects of the LAO. ... The newsletter will also be used to introduce professional staff so that private practitioners dealing with the Office will have some background knowledge and an image of the person behind the telephone or letter.

Another of its functions was to "keep practitioners abreast of policy changes in the administration of legal aid without necessitating an update of the guidelines with each minor change." In the days before access to online information databases became standard, it was a small but positive step towards keeping practitioners up-to-date.

By 1985, there were new members appointed to the Legal Aid Commission. Law Society nominees Gerry Murphy and John O'Keefe, and the Commonwealth Attorney-General's nominee, John Jerks, were replaced by Geoffrey Gargett, Peter Channell and Richard Moss respectively. As Chairman, Sir John Rowell, continued to emphasise each year, all the representatives who served as commissioners brought to the task hard work and a capacity to put the interests of Legal Aid ahead of sectional interests. Hard work and commitment also distinguished members of the District Committees, especially those in north Queensland who travelled long distances for their regular meetings which usually lasted from early morning till well into the night.



Legal Aid Commission (1983-1986) - Back row left to right: Peter Channell; Charles Noller; Sir John Rowell; Bill White; Richard Moss. Front row left to right: Geoff Davies; Neville Harper, Minister for Justice; Geoff Gargett.

A conference telephone link was introduced in 1985 to assist country applicants to present their appeals, the overall total of which had risen from under 100 to over 650 in five years. At the same time, two further Review Committees were appointed. Among the District Committee Chairmen appointed in 1979, Hugh Grant in Rockhampton, S. C. White in Mackay, and J. G. Thompson and A. J. Boulton in Townsville, had stayed on, while A. A. (Tony) Steindl, who was a Southern District Committee member from the inception of the Legal Assistance Committee in 1966 and a Southern District Committee Chairman from 1979, resigned to become a Review Committee Chairman.

Two years later, Sir John Rowell announced the death of one of the leading contributors to Legal Aid in Queensland. Chairman of the Review Committee until the time of his death in April 1987, James Patrick (Jim) O'Callaghan had first become associated with Legal Aid in his position as Parliamentary Draftsman. He drafted the 1965 Legal Assistance Committee legislation and the subsequent *Legal Aid Act* 1978, on both occasions being the government's nominee on the administrative bodies the legislation established. Rowell said of him:

> In my long and valued association with Jim O'Callaghan I learnt to appreciate his wealth of knowledge of the law and his tremendous capacity for hard work. He had a deep understanding of the needs of the community and most importantly a great deal of common sense. I consider myself honoured to have been so closely associated with him over the years in such a worthy cause.

To many of the senior staff of Legal Aid, he was a calm presence in an often hectic environment and a fount of sensible advice.

Issues of Funding and Control

Also imminent during 1985 were changes to the overall administration of Commonwealth Legal Aid. While the principal concern behind the proposed changes was to rein in the funding situation which, to many, appeared to be out of control, the entire national legal aid 'industry' as it was frequently referred to, was clearly in need of review. Among the issues required to be addressed in the context of assessing future policy directions were: the failure to define what 'legal aid' was, rather than what it was intended to do, what constituted an effective national administration authority, the need for a national audit facility, the standardisation of guidelines and procedures across all Australian legal aid bodies, and the difference between 'need' and 'demand' for services. The new Commonwealth/State funding arrangements reflected the Commonwealth Legal Aid Task Force's observation that it was essential to implement:

> an annual commitment limit that will accurately indicate the Commonwealth liability and at the same time enable the Commonwealth to exert far greater control over Commonwealth cash outlays.

The LAO noted the proposed funding cutbacks under the new arrangements but continued to lobby for increased allocations to cover Family Law and other Commonwealth matters. Queensland representatives, Barry Smith and Pat Trapnell, recall being encouraged by the meetings they had with representatives of other legal aid authorities, where they determined a common, mutually supportive basis for ensuing discussions with the Commonwealth representatives. One issue, or negotiating point, in setting Commonwealth funding limits remained the definition of area of responsibility. A substantial number of people seeking legal aid received some form of Commonwealth benefit, while others could be identified as belonging to minority groups, for which the Commonwealth also had constitutional responsibility. Overall, however, the Commonwealth tended towards a policy of providing funding, with certain conditions attached to its expenditure, for the state authorities to administer and deliver legal aid services in the areas for which it had responsibility.

It became even more important to secure accurate statistical information from state authorities as a means of control and to assist in forward expenditure planning. Statistical information and analysis was to be provided by the Commonwealth's Computerised Legal Aid Services System (CLASS) which had been installed in all state legal aid offices but, even in 1986, continuing technical problems left it far short of this goal.

Amendments to the Queensland legal aid legislation in 1986 provided for the LAO to have more direct control over grants and appeals processes. The year was marked by resignations of senior legal staff and considerable difficulty in finding replacements for them. Senior managers and clerical staff did relieving work for extended periods and, in the Brisbane office, all staff were rotated among the different divisions. Some clerical officers like the variety of work this entailed, while others such as Eleanor Williams, preferred to remain in one area. Secretaries to divisional heads were not rotated and, with this in mind, she applied for the position of Secretary to the Director which had become vacant. Although she thought she had little prospect of success, the job

was hers when the first person appointed decided not to take up the position. She learnt as she went along. Commission meetings were daunting at first, but Pat Trapnell was very helpful in 'showing her the ropes'. She arranged the catering for commission and other meetings. It was all done 'inhouse' and, on occasions, she made the sandwiches herself. Recording the minutes in shorthand, she worried about the gaps when she had to break off to fetch cups of tea for the commissioners and was relieved when she was able to change over to tapes. Before the end of each meeting, Sir John Rowell would call on Pat Trapnell to bring in the refreshments and the Chairman's toast signalled the close of business. While the resignation of staff was disruptive, Barry Smith found a positive aspect. Everyone who resigned went into private practice and he saw this as consolidating the relationship between Legal Aid and the private profession. They had been well-trained at Legal Aid, had a depth of experience rarely available elsewhere, and were in a position to educate more people about the organisation and its work. The resignations also compelled consideration of improved work conditions. Previously, a commitment to social justice might have been enough, but attracting and retaining experienced professional and administrative staff required more competitive pay rates and conditions, the possibility of a career path, and professional development through education programs.

In 1986, assisted by the increases in statutory interest payments, the Legal Aid Office was still able to meet its commitments within the available funding structure. However, recognising the need to improve cost efficiency while responding to changing needs, the commission embarked on a comprehensive review of its operations, drawing on the results of Merrilyn Walton's evaluation survey. While participating in the ongoing discussions regarding a national means test, it instituted revised thresholds and guidelines which, as the 1986 Annual Report stated: "have kept the means test in step with economic trends and community expectations." Some changes were also made to the net disposable assets threshold. As well as the changes being made available in published form, a telephone message service with updated information on eligibility criteria was installed in the Brisbane office. While acknowledging the need to address the lack of services to regional and remote areas, the commission cited financial restraints as the reason for not opening new offices in these areas. Instead, it was proposed to offer new ways for people to access legal aid services. One example was the means-tested telephone advice and referral service, called "Q8" after the Q8 Telephone District west of Roma where the service had a three-month trial. Callers phoned to register their enquiry with the Brisbane office where staff contacted a local solicitor to return their call. The service was then extended to cover an area from east of Winton, Longreach, Mitchell and St. George, to the Northern Territory, South Australian and New South Wales' borders. Years later, Colin Marshall received approval to set up a phone/fax advice service for people similarly disadvantaged by distance, which entailed people using local government phone/fax facilities. Problems with availability and confidentiality resulted in the service being discontinued after a trial period, but both these initiatives showed that the use of technology could provide alternative ways of accessing legal aid services.

Inevitably, the concentration of population in south-east Queensland translated into high levels of demand for legal aid services in that region and dictated the opening of new regional offices at Maroochydore in 1985/86 and at Toowoomba in 1987. Unveiling the commemorative plaque with Sir John Rowell at the opening of the Toowoomba office, the Attorney-General and Minister for Justice, the Hon. Paul Clausen noted that, between 1980 and 1987, Legal Aid's annual budget had risen from around seven million dollars to twenty million dollars, a clear indication of the expansion in legal aid services and the growing cost of providing them. The Toowoomba opening was significant, he added, as this was the first Legal Aid office west of the Great Dividing Range.

A new District Committee was appointed in Toowoomba, chaired by Pat Nunan, president of the Downs and Western Law Association, and another at Southport in response to the high demand recorded at the Southport office in recent years. Two more Review Committees were also constituted, allowing more frequent meetings and a corresponding reduction in the time taken to determine appeals. In this period, after David Hook and a staff solicitor from Legal Aid, Western Australia, had completed a comparative nationwide survey of regional offices for the national association of legal aid authorities, the LAO subsequently reviewed the operations of its regional offices. Especially in non-metropolitan areas, it was clear that the extension of services such as duty lawyer and work undertaken on behalf of the Public Defender to Magistrates and Childrens Courts throughout Queensland had stretched their resources. Reports of the growing numbers of children appearing in court unrepresented, particularly in regional areas, highlighted the child representation work started in the early 1980s by John Hodgins and Dianne Clarke in Legal Aid's Family Law Division. Family Law went on to establish the first dedicated Child Representative legal aid service in Australia.

In 1985, it was decided to cut back on the mobile lawyer service operating out of the Rockhampton office. The office serviced an immense area, west to the border and south to Hervey Bay and the mobile lawyer service made regular visits to towns along the railway as far west as Longreach and Winton. While in any given year client numbers were not high, it was an attempt by Legal Aid to redress the inequality of access Queensland's vast spaces engendered. While doing relieving clerical work at

?? Staff at the opening of the Maroochydore office, 1985/86 ?? Michael Purcell (L), Colin Marshall (R)

the Rockhampton office, Rosemarie Coxon accompanied the lawyer going on the western run. The early duty lawyers might have had to consult with clients sitting under a tree outside the Magistrates Court but it was nothing for staff on the western run to interview clients in their cars at any mutually convenient location. She found herself typing up wills and other documents in the back seat of the car or taking down client information with the typewriter perched on the bonnet. They stayed in the local pub where, she remembers, the evening meal was served at 6pm and, after that, apart from the public bar, the town shut down for the night. She was impressed with the pioneering work of the service but was more than happy to leave it to other, hardier souls. In 1982, Bob Campbell and Bob Dunstan from Townsville had travelled to Normanton, Georgetown and Karumba to investigate starting a mobile lawyer service to the Gulf, but nothing was to come of this initiative for some years. The Mackay office service to Moranbah, Dysart and Clermont continued, as did the regular visits by Rockhampton staff to Gladstone, but the trend was to encourage more participation by local private practitioners. One of the original staff solicitors at the Rockhampton office, Paul Wonnocott, did not agree with but was philosophical about the service being discontinued. In his view, it represented an irreplaceable link between Legal Aid and its potential clients in rural areas, demonstrating that the organisation was aware of their difficulties in accessing legal advice and was working to assist them. Moreover, he saw some of the regional and remote area access strategies instituted in recent years as simply reinstating the original links forged by regional office staff.

Official opening of the Toowoomba office, 16 July 1987 –

ABOVE: The Hon. Paul Clauson, Minister for Justice and Attorney-General (Qld) with Sir John Rowell, Chairman, Legal Aid Office (Qld)

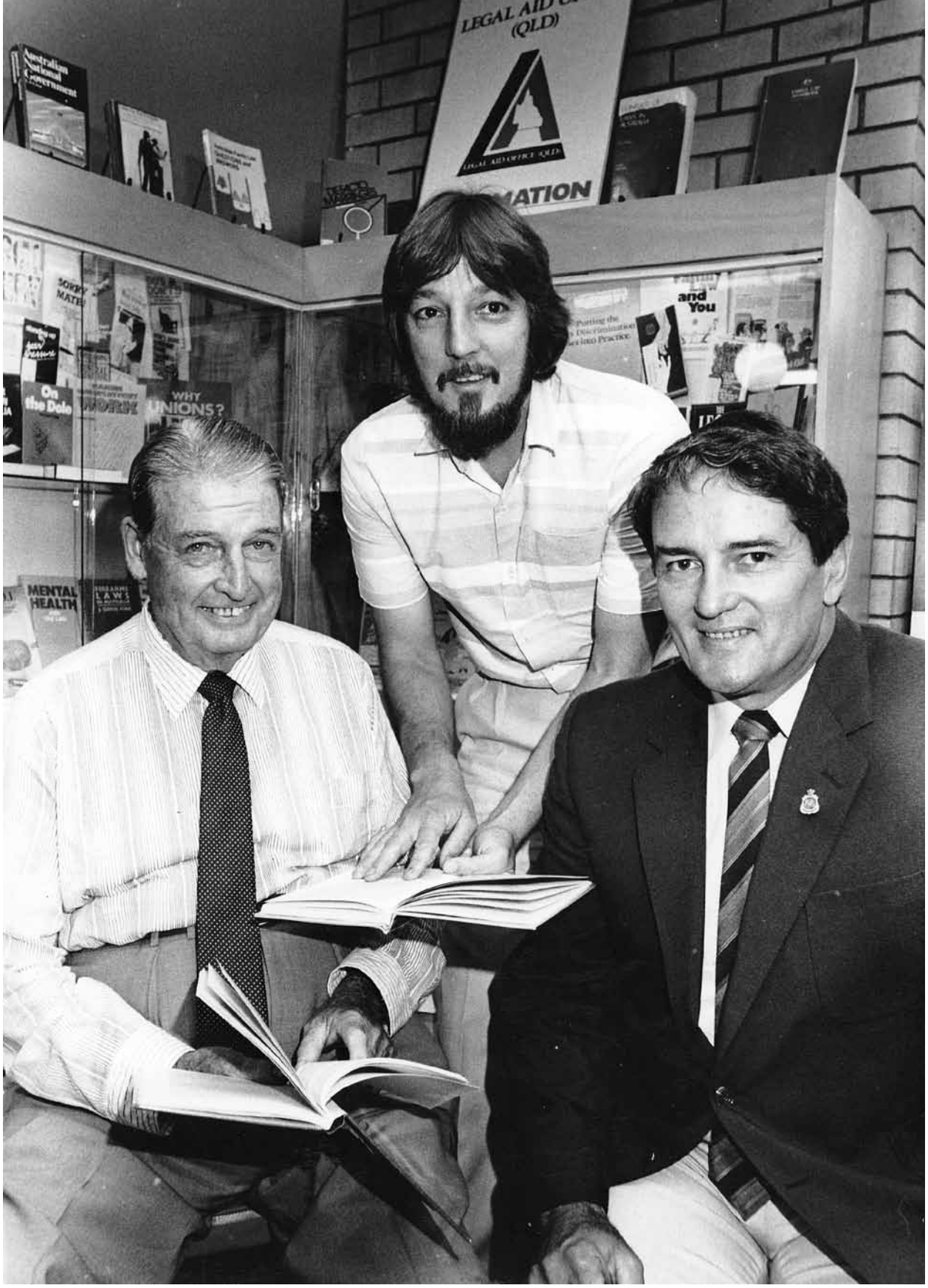
BELOW: Sir John Rowell, Chairman, Legal Aid Office (Qld), the Hon. Paul Clauson, Minister for Justice and Attorney-General (Qld), some guy ? and another guy ?

Launch of the Duty Lawyer Handbook –

TOP: The Hon. Paul Clauson, Minister for Justice and Attorney-General (Qld) *right* with Sir John Rowell *centre* and Barry Smith *left*

BOTTOM: ?, Louise Wobke and Ross Felmingham

In association with the duty lawyer accreditation scheme administered by the Queensland Law Society, Legal Aid developed the Duty Lawyer Handbook. According to the 1986 Annual Report, it "summarises laws and sentencing options available and provides a quick reference for solicitors considering a defence or plea in mitigation." Intended to ensure an acceptable standard of service, they were welcomed by Magistrates and Crown Prosecutors as contributing to the reduction of unnecessary delays in court proceedings. In the area of community legal education, more use was made of published information. Brochures were distributed through all Legal Aid offices on such topics as *Your Case in the Magistrate's Court*, *Family Law* and *Motor Vehicle Accidents*, as well as a new series, *The Law Books for Non-Lawyers*, accompanied by information on government and voluntary welfare agencies. There was still some criticism of the allocation of Legal Aid resources to assist people outside the legal aid eligibility criteria but, for the organisation, it acted as an initial filtering process. The aim was to help people determine if their problem was a legal matter, if they might be eligible for legal aid and if, using the published information available, they could resolve the matter themselves or with a private practitioner. In this way, the number of inappropriate applications for legal aid might be reduced.



Inspecting the "Law Books for Non-Lawyers" – *L-R:* Sir John Rowell, ???, Bob King

Assessing Performance

In 1986, although legal assistance had risen over seven years by nearly 40 percent, legal advice by 30 percent and duty lawyer services almost doubled, applications for assistance fell for the first time and approved applications declined for the second year in a row. All areas of law experienced an overall decline in applications, in contrast to the continued increases recorded to 1985. Due to changes in guidelines which extended the scope of eligible matters, particularly after 1983, civil law recorded the highest application figures of the three areas. The greatest reduction was in Family Law, to some extent attributable to a commission decision concerning property settlements but more because nearly all the substantial number of applications for assistance in divorce matters were rejected. Since the Commonwealth did not fund divorce matters, these applications were outside Legal Aid guidelines. Barry Smith had been made aware that women came to a Legal Aid office for help in filling out application forms to commence divorce proceedings, even though they knew they were not eligible for legal aid. The forms were so complicated he had difficulty completing them himself, leading him to wonder how any one not legally trained could be expected to do so. The simplification of all forms relating both to Legal Aid processes and all aspects of the justice system became the objective of an ongoing campaign by Legal Aid.

The community divorce service established in mid-1986 was another example of what was becoming a characteristic approach, applying flexibility and a capacity for innovation, to the issue of assisting the legal needs of those outside its formal eligibility guidelines. In a cooperative venture with the QLS, the Queensland Bar Association, QIT, and the Family Court of Australia, as represented on a steering committee, the Legal Aid Office set up the service to "assist people seeking a divorce but unable to afford a private practitioner." There was a stringent means test and a fee of $20 to cover administrative costs. The after-hours service was run on a volunteer basis by staff practitioners, members of the Family Law Practitioners' Association and QIT Legal Practice Course students. Dianne Clarke's initiative in arranging for several children's books to be purchased for the library helped to create a sympathetic, yet informative environment. The books were available to be read on the premises and were intended to help children understand some of the issues involved and parents understand divorce from a child's perspective. Where there were difficulties finding volunteers in regional centres, approval was given for staff solicitors to run community 'do-it-yourself' classes to help people prepare their own divorces. It later became possible to extend the community divorce service from Brisbane to some regional centres. A survey of the first 200 clients showed 80 percent to be women, while 90 percent received a Commonwealth pension or benefit and had little in the way of disposable assets. A potential client tried phoning a Legal Aid office to cancel her appointment but the phone was reported to be out of order. As she later explained:

> The reason I thought I had better cancel is to stop myself making the same mistake for the third time. If I don't get divorced I won't make the mistake of getting married again." (*Smith's Weekly*, September 1986)

Even if the story was apocryphal, light-hearted moments were relatively rare. There was still resistance to the idea of providing legal assistance for divorce applications. Legal Aid was routinely criticised for providing a service which encouraged divorce and the consequent break-up of families, while also either topping up the coffers of private family law practitioners or undermining their livelihood.

The culmination of the review process was the Legal Aid Commission Conference "Towards 1990", held in November 1986. Opened by the Attorney-General and Minister for Justice, the Hon. Neville Harper, and attended by representatives of organisations involved in the delivery of legal aid services, its purpose, as stated in Legal Aid's 1987 Annual Report, was to "examine issues and plan priorities for the next three years." The first day was taken up with presentations on, and a critical review of, the relationship of Legal Aid with organisations with a specific interest in the delivery of legal aid services. Worldwide trends in legal aid were discussed on the second day, with particular reference to the potential role of alternative dispute resolution processes. Discussion papers developed by Colin Marshall and his assistants supplied the material for the six working groups established to consider the application of the conference findings to shaping Legal Aid policy for the future. The areas addressed by the working groups were: Legal Assistance, Duty Lawyer, Legal Advice, Poverty Law Review, Administration/Management, and Education/Promotion.

The Community Divorce Service - X and Michael Habermann (R) with a client

Changes to the means test and the scale of fees payable to private practitioners were approved following a comprehensive review in 1987. They were published in booklet form and available to all barristers and solicitors undertaking legal aid work, and to numerous organisations who might refer their clients for legal assistance. Taken overall, the fee scales for solicitors were 80 percent of an existing statutory scale or relevant scale of reference. The commission agreed to the Queensland Bar Association's proposal for Counsel to be paid 80 percent of a proper fee. Also determined were fee scales for allied professionals including accountants, social workers and psychologists. Private practitioners were advised of changes to streamline payment of their accounts, the payment of an advice fee if their client's application was refused on the grounds of merit, and revised procedures relating to clients' initial contributions to costs.

Heavy workloads and constant changes continued to dominate LAO operations but, as Colin Marshall had observed from long experience, it was possible to be very busy without being very effective. Particularly after the 1986 conference, there was a heightened understanding of the need to examine more efficient, effective and alternative ways to achieve the organisation's goals. One immediate outcome was the preparation of a corporate plan, the principal focus of which was strategic planning for the following three-year period. All such deliberations and decisions were informed by wide-ranging discussions among senior executive staff. Robust debate had long been encouraged, with the result that even if participants did not agree with a final decision or a policy determination, they had been given the opportunity to present their different viewpoints and to come to an understanding of the reasons for outcomes. As many of them agreed, it was a matter of trust that no penalties attached to expressing their opinions in these forums. This understanding was put to the test on the presentation of a proposal to change the method of assessing and approving applications for grants of legal aid. The proposal involved not simply changes to existing administrative arrangements but a complete shift in the concept of responsibility for this process.

Paralegals and Grants of Aid

It was almost an article of faith that only lawyers had the professional experience and expertise to process grant applications in accordance with the defined guidelines. That certainty began to be challenged in the mid-1980s. The matter was discussed at the 1986 Legal Aid Planning Conference where a number of factors requiring consideration were identified. As the means test was set by the guidelines which were subject to periodic review by the Legal Aid Commission, legal expertise was not essential for its application. For the merit test, on the other hand, it was assumed that their knowledge of the law and experience in court proceedings made lawyers indispensable to the process. As the number of applications continued to rise, the increasing cost of using professional staff for this task in terms of the organisation's resources became a matter of concern. In addition, the pressure of work and the priority given to casework meant that delays and backlogs in processing were not uncommon. The situation where a lawyer, having granted legal aid to a client, wanted to run the case also remained an issue.

The potential inherent in the development of computer technology assisted the position of the senior managers who believed that the process was not necessarily the exclusive province of professional staff and that, by taking a different approach, greater cost efficiency could be achieved. Over time, it became possible to standardise and make publicly available application and information procedures, guidelines for granting or rejecting legal aid, notifications of decisions on applications, and the grounds for initiating reviews of decisions. Just as importantly, the technology became user-friendly and thus readily accessible. It was proposed to deliver this new method by training and employing administrative staff, designated 'paralegals', whose work would be supervised by lawyers.

The first training course commenced in 1988 was devised and coordinated by Barry Smith and Ross

Beer, then Assistant Director, Referrals Division. Inhouse staff were encouraged to sign up for the classes which were held over six months and covered a range of subjects. According to a report in the April 1990 issue of *Head Note*, "The aim of this training was to give Legal Aid staff appropriate knowledge about the law and the legal system, additional management and administrative skills and a detailed knowledge of Legal Aid guidelines and procedures." To test the commitment of participants and to answer any criticism that the training schedule interfered with the working day, the classes took place after hours and the final test on a Saturday. Out of the initial group of 40, six qualified as paralegals, four being appointed in January 1989 to the Brisbane office, one to Toowoomba and one to Cairns. Other courses followed and, by 1990, 18 paralegals had successfully competed for positions in Legal Aid offices across the state. As with all Legal Aid initiatives, ongoing training was an integral element of the employment of paralegals and essential to their effectiveness. Kenn Crompton was appointed coordinator of training which included inhouse weekly seminars in the Brisbane office, with transcriptions available to regional staff, and participation in the Basic Seminars run as part of the Queensland Law Society's continuing legal education program. Paralegals soon proved their value in relieving lawyers of a considerable administrative workload, enabling them to devote more of their time to professional practice. Contrary to expectations and after reconsidering what most had simply assumed, many solicitors in regional offices were in favour of the change. Paul Wonnocott in the Rockhampton office was only too pleased to hand over this responsibility to Colleen Johnson and was never less than confident about her capacity to handle the new procedures. A 1990 *Head Note* report described the range of work paralegals were to undertake:

> ... management of files of Legal Aid clients being assisted by private practitioners, costing, research and assisting in the legal advice scheme. In the regional offices, most paralegal staff work in administrative roles related to the management of referrals files. In the Brisbane Office, some specialise in costing and administrative tasks while others have a broader role. The paralegal workers in the Criminal Law and Family Law Sections assist in legal advice, research legal issues and instruct in Court. Another worker assists clients with small claims and provides financial counselling.

Dorothy Adams, now Business Development Manager for Legal Aid Queensland, was in the first intake of paralegals and one of the four appointed to the Brisbane office. Joining Legal Aid in 1982, she worked as a secretary before successfully applying for administrative positions in the Records and Accounts sections. After the separate Referrals Division was established, she did general administrative work in the division for over a year before volunteering to move to the cost assessing section then headed by Bob Potter. Given her long-standing fascination with figures, it proved to be a very satisfying move. The section dealt with files covering all grants of aid across the different areas of law and she remembers inheriting files from a solicitor who had previously been doing her job. From time to time the Director requested that she do the accounts for private solicitors undertaking legal aid cases. These accounts proved to be very complex, requiring reference to court scales of extraordinary detail which ran to hundreds of pages of documentation.

At that time, Legal Aid funded civil matters including property settlements. Clients anticipating recovering property or large amounts of money offered their houses as surety until they were able to pay back their legal costs. Dorothy worked with these clients, drafting the relevant documents, arranging mortgages and lodging them at the Titles Office. She also had some experience in the process of debt-recovery, when clients refused to repay costs to Legal Aid. Legal proceedings might be commenced and, under Bob Potter's supervision, she drafted court documents and summonses. This range of experience, challenging at the time, laid the foundation for her next move in the early 1990s. The Cost Recovery section which had previously linked with Costs in the Grants Division was transferred to Corporate Services. A new Recoveries Unit was set up, to be headed by the Senior Recoveries Officer, a position for which Dorothy successfully applied. No longer supervised by a solicitor, she had total responsibility for debt recovery.

Dorothy Adams

For many Legal Aid lawyers, it was a difficult transition and one that took some time to finalise. Among inhouse staff, some hung doggedly on to what they insisted was their rightful role in the grants process while, across the spectrum of practitioners undertaking legal aid work, there remained some feeling that the new system was bound to deliver unsatisfactory results. The shift of responsibility away from lawyers had some implications for the profession's review role in the grants process. Since the inception of Legal Aid, District Committees comprised of local practitioners, with one Legal Aid representative on each committee, represented a first-tier review mechanism for appeals against grants' decisions. Specially appointed Review Committees provided the second and final appeal mechanism. In themselves, District Committees were an important bridge between the Brisbane Legal Aid headquarters and the centralised control it embodied, and the private practitioners on whom the organisation largely depended to fulfil its charter. In tandem with the changeover to using administrative staff for processing grants, the efficacy of the two-tier review system came into question. The outcome of discussions involving the Director and senior managers was a preference for a one-tier review system, but this significant change was not implemented until 1997 when the LAC approved the appointment of an External Review Officer. Ross Beer recalled that the changeover to a one-tier system had the support of national Grants Managers. In 1993, they had discussed best practice standards in this area. One of the elements of best practice they all agreed on was that there should be one external tier of review. Their view, with its national base, was persuasive when the proposal was put to the Legal Aid Board for its decision.

Caboolture office opening: LEFT: Peter O'Sullivan, Eleanor, John Stanford & Brian Hughes; CENTRE: Ross Beer, John Hodgins, X & X; RIGHT: X, X, Colin Marshall, X & X

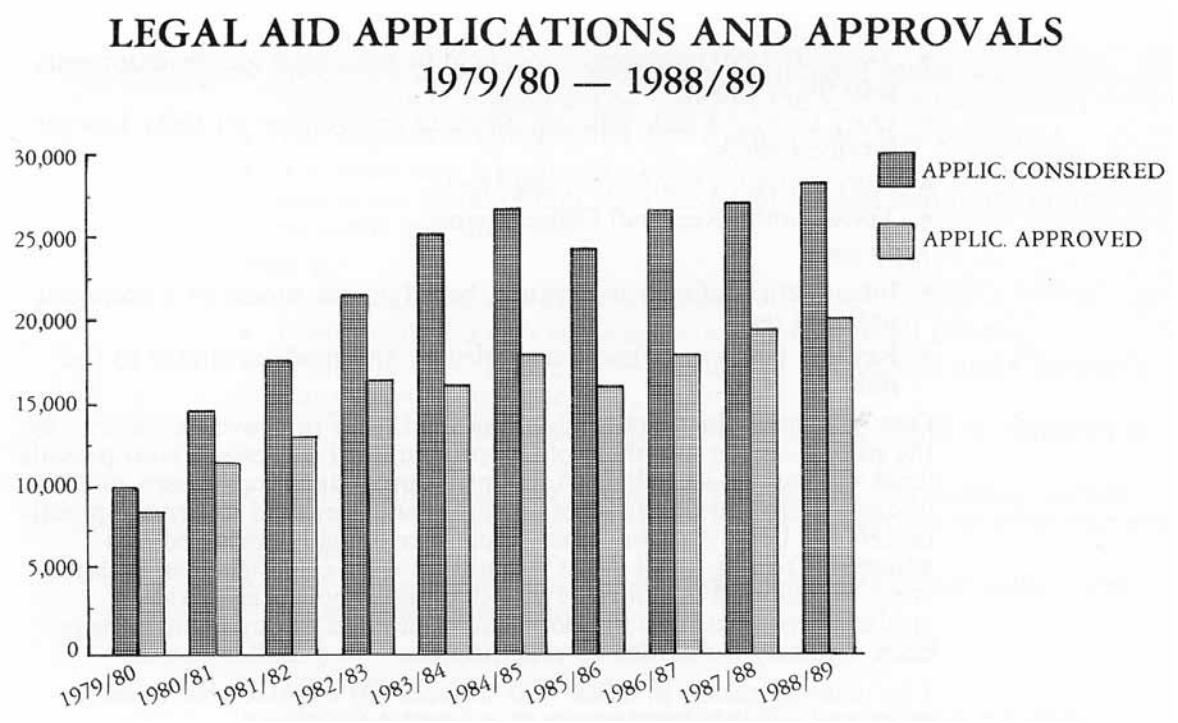
Caboolture office opening: Barry Smith, Sir John Rowell and The Hon. Paul Clausen

Bundaberg office opening: Sir John Rowell looks on as The Hon. Paul Clausen unveils the plaque.

Bundaberg office opening: X, Charles Noller & Col Pearson

There were several important events to record during 1989. The most satisfying for the commission as a whole, "a cherished, long-term objective" as the Chairman expressed it in the Annual Report, was the opening of two regional offices, one at Bundaberg and the other at Caboolture. The first relieved much of the burden imposed by geography on the Rockhampton office and the second acknowledged Caboolture as the centre of one of the fastest growing residential areas in south-east Queensland. At the 10-year mark in its existence, it was an appropriate time to present a summary of Legal Aid's activities for the period.

More applications for grants of aid than ever before were processed in 1987/88. There were 28,360 applications, of which 20,027, or 71 percent were approved. By area of law, confirming the trend of previous years, civil law and family law were about equal, with 38 percent and 39 percent respectively. However, civil law registered 44 percent rejections compared with 18 percent for family law and just over 21 percent for criminal law. Over 40 percent of the civil law rejections were on merit grounds, while across all areas of law, guidelines and merit accounted for just over seven percent of rejections. There were 47,773 legal advices given, 32,796 by staff practitioners. Civil law dominated this service with 49 percent of the total. Of the applications arising from Legal Advice, 6,666 were approved out of a



APPLICATIONS CONSIDERED 1980/81 – 1988/89
(Brisbane Office and Regionals)

Branch	80/81	81/82	82/83	83/84	84/85	85/86	86/87	87/88	88/89	% Difference 87/88 88/89
Brisbane	7,773	8,738	10,684	12,047	12,620	10,271	11,127	10,284	10,319	+ 0.3
**Bundaberg	—	—	—	—	—	—	—	—	51	—
**Caboolture	—	—	—	—	—	—	—	—	278	—
Cairns	910	1,133	1,165	1,198	1,494	1,162	1,441	1,575	1,675	+ 6.4
Inala	459	549	728	635	548	162	124	132	160	+ 21
Ipswich	1,367	1,479	1,655	2,808	3,029	2,815	3,107	1,898	1,917	+ 1.0
Mackay	565	624	780	1,076	1,139	977	977	996	1,224	+ 23
Maroochydore	—	—	—	—	—	1,385	1,544	1,498	1,491	+ 0.5
Rockhampton	1,513	1,840	1,961	2,435	2,735	2,270	2,460	2,475	2,895	+ 14.6
Southport	921	1,262	2,052	2,094	1,984	1,890	2,351	2,142	2,210	+ 3.2
Toowoomba	—	—	—	—	—	—	32*	2,149	2,194	+ 2.1
Townsville	1,331	1,327	1,459	1,625	1,693	1,712	1,415	1,710	1,655	– 3.2
Woodridge	—	619	1,282	1,552	1,636	1,757	2,195	2,267	2,291	+ 1.0
Total	14,619	17,571	21,766	25,470	26,875	24,401	26,773	27,125	28,360	+ 4.6

* **NOTE:** Part June 1987 only
** **NOTE:** Offices opened April and June 1989 respectively

LEGAL ADVICE – LEGAL AID SOLICITORS IN REGIONAL OFFICES

Regional	1982/83	1983/84	1984/85	1985/86	1986/87	1987/88	1988/89	% Difference 87/88 & 88/89
Brisbane	11,441	11,538	11,522	10,518	10,484	10,427	10,028	– 4
*Bundaberg	—	—	—	—	—	—	35	—
*Caboolture	—	—	—	—	—	—	280	—
Cairns	1,541	1,909	1,724	1,227	2,010	2,242	2,180	– 3
Inala	1,366	1,923	2,210	1,738	1,786	1,868	1,741	– 7
Ipswich	1,392	1,654	1,957	1,893	1,952	1,644	1,585	– 4
Mackay	1,599	2,689	2,631	2,088	1,830	1,794	1,818	+ 1
Maroochydore	—	—	—	1,858	1,845	1,565	1,412	– 10
Rockhampton	2,163	2,614	2,892	2,675	2,372	2,235	2,194	– 2
Southport	2,535	2,601	3,118	2,904	3,358	3,456	3,644	+ 5
Townsville	1,431	2,011	1,607	2,870	3,130	3,177	3,339	+ 5
Toowoomba	—	—	—	—	30	1,305	1,211	– 7
Woodridge	2,178	2,692	2,960	2,811	3,128	3,428	3,329	– 3
Total	25,619	29,631	30,621	30,582	31,925	33,141	32,796	– 1

* Offices opened June and April 1989

total of 8,297, 39 percent of which were retained inhouse. For the 12 month period, duty lawyers represented 46,447 defendants, 37,125 of whom were represented by private practitioners. The increase in the numbers of clients represented and the associated costs for this service were evident in the historic figures showing that expenditure in 1980/81 was $125,684 whereas in 1987/88 it was $816,963. Payments to private practitioners for all legal aid work increased from around $1 million for 1979/80 to $12.4 million for 1987/88.

The following charts give comparative figures for applications and approvals, applications considered and legal advice given by each office.

Among the staff members who left during 1989 was Dianne Clarke, who resigned to return to private practice after eleven years with Legal Aid. From 1982, she was Assistant Director of the Family Law Division. Being mostly comprised of female solicitors, it was referred to by the highly competitive, and mostly male, Criminal Law Division as 'the Pearls Brigade'. It developed into the largest Family Law practice in Queensland. Much in demand as a guest speaker and lecturer, she was an active member of several Family Law-associated bodies and organised numerous seminars for this area of law. During a six-month rotation as Assistant Director, Referrals Division, Clarke compiled the first comprehensively indexed legal aid guidelines in Australia. From the perspective of distance, she regards the establishment of separate representation for children as the most worthwhile achievement of her years with Legal Aid.

Librarian Helen Demack resigned to take up the position as Head Librarian of the Principal Registry of the Administrative Appeals Tribunal. In addition to securing a comprehensive collection of legal texts and reference resources for head office, she had overseen the establishment and maintenance of reference libraries in all regional offices. She made a particular contribution to strengthening the working relationship among law libraries with its potential for beneficial interchanges of ideas and material. As she saw it, her big failure was in not being able to persuade the Director that the library should be automated. She suggested to David Bratchford, a librarian with experience in information databases, that he should apply for the position. On his appointment, he discovered there was informal management support for her suggestion. So computerising the library holdings started in an informal way. A

Dianne Clarke's farewell: Justice Lambert, Peter Channell, Ross Beer and Dianne Clarke

Dianne Clarke's farewell: Dianne Clarke and X

computer was found for him and the software he ordered was approved and delivered. Being averse to bureaucratic complexities, at first he tended to initiate something new and ask permission later. He soon realised the degree of trust in the organisation that allowed staff "to run with the ball" if they had a good idea, so long as they were able to justify it and were prepared to live with their mistakes. When Bratchford started as Librarian, it was very much in the old, personal style, with people visiting the library and asking his help to research information. Aware that the same service was not available in regional offices, he identified early on the direction library services should take. This was to use computer technology to provide such services as up-to-date databases for all Legal Aid staff and for everyone associated with legal aid work.

A New Scenario

During the year, a public announcement confirmed that a proposed merger between the Legal Aid Office and the Public Defender's Office would proceed. The commission had also decided that Legal Aid would acquire its own premises. A recent change in its accounting system to accrual accounting had facilitated a more accurate picture of Legal Aid's position in relation to funding commitments to approved grants of aid which might be carried over from one year to the next. While the LAO's substantial cash reserves and investments were to back these commitments, it was considered advisable to direct some of the funds towards purchasing a headquarters building for the organisation. The existing office had long been too small to accommodate its scope of activities, staff numbers and administrative systems, and lacked secure yet comfortable facilities for client meetings. The proposed merger with the Public Defender's Office would only put more pressure on the available space. The decision to purchase the three-story building in Herschel Street, Brisbane was made on sound financial grounds relevant to the times. There were additional benefits, apart from what seemed to be a luxurious amount of office space. The building was located adjacent to the Family and Magistrates Courts, was well served by public transport, and was considered to have a non-threatening presentation for clients. There was also ample parking.

The composition of the Legal Aid Commission continued to change as members came to the end of their statutory terms. Manus Boyce, Q. C., retired from the commission being elevated to the District Court Bench in March 1988. He was replaced as the Queensland Bar Association's nominee by V.

K. (Kerry) Copley. Orazio (Ray) Rinaudo and Peter Channell remained as the QLS nominees while, on the retirement in January 1988 of E. M. Haddrick, C. B. S. (Bryan) Fernando was the sole Commonwealth Attorney-General's nominee. In November 1989, a new commission was appointed for an interim term of three months in anticipation of new legislation being enacted early in 1990. Peter Short was nominated in place of Peter Channell for the QLS, Maurice Swan was the second Commonwealth nominee, and accountant Murray Anderson joined commissioner Colin Pearson as nominees of the Queensland Minister for Justice. The commission was not excluded from the significant changes the LAO was about to experience. Within a few months, there would be changes to its legislative base, constitution and membership, and a new Chairman after Sir John Rowell announced his retirement in April 1990.

THE 1990s: TOWARDS ECONOMY, EFFICIENCY AND EFFECTIVENESS

The Chinese salutation, "May you live in interesting times" might well have applied to Legal Aid in the early 1990s. If the organisation's staff, particularly at the senior level, thought they had been fully occupied before, they were about to gain a new appreciation of their capacity for work.

A change of government and changes for Legal Aid

On 2 December 1989, the Goss-led Labor Party, campaigning on a reform platform, convincingly won government in Queensland in the aftermath of the Fitzgerald Commission of Inquiry (*Report of a Commission of Inquiry Pursuant to Orders in Council, 1989)*. Among the proposed legislation presented during the first session of the new parliament was the Legal Aid Act Amendment Bill. The Attorney-General, the Hon. Dean Wells, preceded its introduction on 1 March with a bluntly-worded ministerial statement attacking the previous Coalition government for engaging in 18 months of "futile and expensive wrangling with the Commonwealth". This had delayed, he argued, the signing of the new Commonwealth/State funding agreement with the result that, added to the previous government's failure to approve its budget, the Legal Aid Commission had been allowed to lapse.

The Commonwealth Government had warned of reduced funding for state and territories' legal aid authorities after 1986. According to Barry Smith and Pat Trapnell, who conducted negotiations with Commonwealth representatives, there was never any difficulty justifying expenditure to the Commonwealth. Once all the legal aid authorities had settled their different views over what should be included or excluded from statistical returns and agreed on a national system, the resulting statistical information supplied to Commonwealth requirements usually supported Queensland's funding claims. However, as the cost of legal aid services continued to escalate, the Commonwealth determined to limit its exposure.

The proposal for the new Commonwealth/State Agreement was intended to tighten the conditions of its specific purpose legal aid grants by tying Commonwealth funding to a higher proportionate funding contribution from the states. The previous government had refused to consider the Commonwealth's terms and, by the end of 1989, Queensland was the only state or territory not to have signed a new agreement.

In another measure signifying a reduced status for legal aid on the national policy agenda, the Commonwealth Government had downgraded the Legal Aid Council to an advisory body. In 1988, the *Commonwealth Legal Aid Amendment Act* replaced the Legal Aid Council with the National Legal Aid Advisory Committee (NLAAC) in a purely advisory role to the minister, and provided for a National Legal Aid Representative Council. In its 1989 publication, "Funding, Providing and Supplying Legal Aid Services": *Discussion Papers on Legal Policy and Services*, the NLAAC identified critical policy issues and made recommendations in the context of the Commonwealth's relationship to the provision of legal aid on a national scale. Despite exerting some influence on policy directions, it made no headway on the long-standing issue of a national controlling or coordinating authority. The issue was revived by the NLAAC's replacement, the Access to Justice Advisory Committee, chaired by Professor Ronald Sackville in 1993. That committee's report stated:

> In order to achieve the goals of national equity and efficiency, we propose the establishment of an Australian Legal Aid Commission (ALAC). This body, which should have only a small membership, should be responsible (among other things) for:
>
> - developing minimum legal aid eligibility standards throughout Australia;
> - monitoring and coordinating legal aid commissions to identify best practices and reduce duplication; and
> - administering Commonwealth legal aid programs, such as a national legal aid fund for public interest test cases.
>
> (quoted in R. Coates, "A History of Legal Aid in Australia").

The Australian Legal Assistance Board, the national authority subsequently established, was again confined to an advisory role which it fulfilled until abolished on the change in government in 1996.

One of the drawbacks of the terms of the new agreement was the failure to make provision for the anticipated further increases in both demand for, and costs of, legal aid services. Moreover, Legal Aid's prudence in holding cash reserves against contingent liabilities had worked against it in one respect, as it meant Legal Aid had been able to fund the overflow of Commonwealth matters from its own resources. The Commonwealth had nominated a 40 percent state contribution for 1989-90, rising to 45 percent from then on, to bring it into line with all other states and territories except South Australia and Western Australia. Although the estimate of added state expenditure ranged from $1.5 million to $3.2 million, depending on factors such as the timing of the long overdue increase in Public Defender's fees, the eventual amount was calculated to be $3.4 million annually. In return for the increased state contribution, Legal Aid was expected to deliver more equitable services with maximum efficiency and at minimum cost.

The merger of the Public Defender's Office with the Legal Aid Commission was one of the conditions of the Commonwealth/State Agreement. Two issues were prominent in the consequent discussions between the LAC, the PDO and the relevant government departments that continued through 1990. The first was the increase in costs to the LAC if the 'user-pays' principle applied to the PDO for court transcripts, record books, court filing fees and related costs was transferred to the LAC. On the recommendation of an internal ministerial committee, it was agreed that these charges would be waived for the LAC.

The second issue was the status of employees of the new statutory authority required to be created by the merger. In the end, the preference was for all salaried staff under the *Public Sector Management and Employment Act* to remain under the Act, and for non-public servants to transfer over in the fullness of time. After some considerable debate on the related issue of the power of the Chief Executive Officer in staff matters, it was decided in favour of the responsible minister. Finally, in the lead up to the presentation of the enabling legislation to Parliament, the LAC won the retention of the name Legal Aid Commission for the new authority over the proposed Legal Services Commission.

The new Commonwealth/State Agreement eventually signed in January 1990 was intended to reflect the Commonwealth's changed policy perspective on its legal aid responsibilities. The outcome for Queensland was a Commonwealth commitment, according to the Queensland Attorney-General, to providing approximately 60 percent of Legal Aid's total annual outlays. Conditions attached to the grant included more stringent reporting requirements and the establishment of priorities, subject to periodic review, for the delivery of legal aid services. The 12-month delay before the signing of the agreement was, more than anything, a function of a change in government, a new policy agenda, together with the haggling and political point-scoring traditionally associated with negotiations on Commonwealth/State funding responsibilities and arrangements.

In the Second Reading of the Legal Aid Amendment Bill, the Attorney-General's principal concern was with his direct responsibility for the offices of the Crown Solicitor, the Director of Public Prosecutions and the Public Defender which, he declared, the previous government had left in "a state of neglect". The merger of the Legal Aid Commission with the Public Defender's Office, he declared, was in line with his government's policy on legal aid. It would ensure "the continued efficiency of the Public Defender's Office" and address the need for the development of "a career path for lawyers in the Attorney-General's Department". He went on to conclude that it was an essential step in view of the "lack of experienced lawyers who are prepared to sacrifice potential significant earnings to be employed in state service ..." While other government representatives, speaking from experience as volunteers, supported the extension of community legal centres, it was left to future Attorney-General, Rod Welford, to refocus the debate on the principles underpinning his government's support for legal aid:

> Access to justice is a fundamental principle upon which Labor Governments at State and Federal levels have supported the provision of Government funds for legal services. An essential part of Labor's concept of social justice is that no-one in the Australian

> community should be deprived of access to the courts, and access to representation before the courts, simply because of financial disability.

After outlining the contribution, however limited, of the Legal Aid Office and the PDO to date, his view was that there was "no sensible reason why those functions need to be conducted by a separate office."

The legislative amendments, assented to in April 1990, provided for an expanded commission to include the Public Defender, then Ms. Barbara Newton, a representative of the independent community legal services, the first of whom was Mr. Peter See, and the Director of Legal Aid. The Chairman was now the President, nominated by the Attorney-General from among the serving commissioners, his term to be coterminous with that of the commissioners. There was also provision for the establishment of a fees committee to recommend the scale of fees, and any proposed increases, to be paid to private practitioners undertaking legal aid work. It resulted from a decision in 1989 by the commission which proved to be both controversial and divisive within the organisation. The healthy cash reserves which facilitated the purchase of Legal Aid's new headquarters building encouraged the commission to decide in favour of a new increase in private practitioners' fees. There were tensions within the commission as members attempted to tread a fine line between retaining the services of the private profession on which it still depended to deliver the bulk of legal aid services and honouring Legal Aid's commitment to assisting more clients. Within the organisation, senior managers found their capacity for robust debate tested even more than usual. Analysis of statistical returns indicated a potential disaster and, according to one senior staff member, demonstrated conclusively that the increase in fees could only be achieved by severely depleting the LAO's reserves. According to Cabinet documents, Wells determined that the commission's decision and its approval by the relevant minister in the previous government were invalid. They had been made during the 'caretaker' period before the newly-elected government was installed and Westminster principles of government precluded any decisions being made during this period.

Construction in progress, Herschel Street office, 1989-1990

Opposite page -
ABOVE: Queensland Premier Wayne Goss officially opens the new office
BELOW: Barry Smith, Sir John Rowell and the Legal Aid Commision with Premier Wayne Goss and Attorney-General Dean Wells


LEGAL AID OFFICE qld
THIS OFFICE OF
THE LEGAL AID OFFICE (QUEENSLAND)
WAS OFFICIALLY OPENED ON 26TH APRIL 1990
BY
THE Hon. W. K. GOSS, M.L.A.,
PREMIER OF QUEENSLAND
IN THE PRESENCE OF
THE Hon. DEAN WELLS, M.L.A.,
ATTORNEY-GENERAL OF QUEENSLAND
MEMBERS OF THE LEGAL AID COMMISSION OF QUEENS
SIR JOHN POWELL, O.B.E., CHAIRMAN, D.G. NOLLER, C. PEA
R. RINALDO, O.B.S. FERNANDO, V.K. COPLEY, Q.C., M.C. SW
R.J. SHORT, M.G. ANDERSON, B.B. SMITH

New headquarters and new appointments

Taking the prize for understatement, "LEGAL AID OFFICE CHANGE OF ADDRESS" was the headline for the March 1990 *Head Note*. Then followed the announcement that "From the start of business on Monday, March 12, 1990, the Legal Aid office will operate at its new premises, 44 Herschel St. Brisbane, Q. 4000." The Building Committee set up in June 1989 to oversee the building's construction and adaptation for Legal Aid's requirements was chaired by Ross Beer and included several commissioners and senior managers. It consulted outside specialists, was advised by staff members on work space and equipment requirements, and had the building completed on time and on budget. The description in *Head Note* underlined how much of an improvement it was on the offices at Macarthur Chambers.

> The Herschel St. building gives staff and clients a secure and pleasant work space. The ground floor includes the main public enquiry area, interview facilities, public toilets and baby change rooms as well as facilities for conferences, mediation and other meetings. There is a specialized children's and family interview room.
>
> Improved work spaces for staff are complemented by a pleasant and functional amenities room – something unavailable in the previous building. The first, second and third floors of the new building provide other interview and meeting spaces as well as functional areas for professional, administration, stenographic and clerical staff of the L. A. Office.

The public deliberations on the future of the Legal Aid organisation were unsettling for all concerned and there was some serious perusal of other job opportunities. However, the major changes were all at the top level of the organisation. At the end of April 1990, Sir John Rowell retired from the commission after more than 25 years of guiding legal aid services. It would take more than a few sentences to do justice to the contribution Rowell made to improving access to legal assistance for disadvantaged people. He was persistent as well as dedicated, and retained the goodwill of everyone, from government to business and professional representatives, with whom he negotiated to bring into being, firstly the Legal Assistance Committee and then the Legal Aid Commission. Although it might be said in hindsight that his was a conservative hand at the wheel, it was appropriate for the times and guaranteed that Legal Aid successfully negotiated the early years of its development. Stephen Keim, an experienced Caxton Street Legal Service volunteer with a declared commitment to social justice, was

Sir John Rowell's farewell

Barry Smith's farewell

Stephen Keim

appointed President under the amended legislation on 1 May.

Barry Smith surprised everyone by announcing his resignation as Director on 2 July and immediately starting in his new appointment as Director-General of the Queensland Justice Department. There was the feeling that, with another merger in the offing, he thought it was time for a new face and a new approach. So his resignation after 10 years as Director was tinged with considerable personal regret. In overseeing the establishment and development of the organisation since its inception, Smith had set Legal Aid firmly on the path towards achieving its core purpose of delivering a high standard of legal assistance to people in need. Said to be tough on his staff as he pursued a goal of excellence, he nevertheless commanded their loyalty and trust. An enthusiastic 'ideas' man, willing to take a risk on an innovative proposal, he had expended consider-

Barry Smith's farewell
ABOVE LEFT: Stephen Keim, Dean Wells, Barry Smith and John Hodgins
BELOW LEFT: A special performance by staff members

John Hodgins

able personal effort in fostering constructive relationships with private practitioners and community welfare organisations throughout the state.

John Hodgins was confirmed as Acting Director from 2 July to December 1990. The difficulty of Hodgins' position was widely acknowledged within the organisation. He was expected to keep Legal Aid running smoothly during a period of great uncertainty for everyone, without any guarantees when it came to the appointment of a permanent Director. If he stayed on, he had no idea of the calibre of the applicants who might be competing against him, but he decided to back himself. He took the opportunity during these months to read and consult widely on viable options for the future direction of legal aid while working, as he put it, "as many hours as there were in the day" to demonstrate his capabilities. Here he had a strong base of experience on which to draw. This included private practice, the Commonwealth Attorney-General's Department, and the ALAO in Canberra. A staff member from the inception of the LAO in 1979, he had started the Referrals section, in his capacity as Executive Officer had overseen the installation of the CLASS computer system in all the regional offices and, since the resignation of Dianne Clarke, was Assistant Director, Family Law, with responsibility also for Civil Law and the southern Regional Offices. Above all, his commitment to social justice and to improving access to legal assistance was unmistakable.

The merger

The date of the official merger of the LAO and the PDO was set for 28 March 1991. The Attorney-General addressed Legal Aid staff in November 1990 and the following February presented the Legal Aid Amendment and *Public Defence Act* Repeal Bill to Queensland Parliament. The new body was to be called the Legal Aid Commission of Queensland or the Legal Aid Office and, to ensure that the merger was not seen as a takeover, the historically significant title of "Public Defender" would be retained. The two main aims of the legislation were:

"(1) the delivery of legal aid services by a broad-based, multi-talented group of legal professionals; and

(2) production of efficiencies which will ensure greater availability of legal assistance and more efficient use of available legal funds."

His statement that "it will drive the legal aid dollar further", acknowledged the underlying aim of accessing Legal Aid funds to assist the perennially under-resourced Public Defender's Office. For some years, the LAO had assisted the PDO to carry out its responsibility for providing representation for defendants charged with criminal offences. In summary, it acted as its agent free of charge in centres outside Brisbane, represented accused persons before the court where the Public Defender was unable to do so, and helped prisoners to apply for assistance from the Public Defender and to communicate further instructions. As the demand for these services increased, generating heavier workloads for regional office staff, their potential to affect staff capacity to carry out Legal Aid services became an issue. The need for discussions with the PDO to rationalise the situation had been on the Legal Aid agenda since the 1986 review of its operations.

On the eve of the merger, the President told LAO staff:

> While the experiences and culture of both offices are different, they have in common a high degree of talent and a high level of dedication to ensure a high level of service to the public. ...
> Many advantages will flow from the merged organisation. Staff of the new organisation will be able to acquire a broader and more fulfilling professional experience. The general public and the private profession will benefit from a continuity of administration.
>
> (*Head Note* February 1991)

In his address to them, the Attorney-General summed up his expectations:

> There will be changes. There will be adjustments we will all have to make. There will be all sorts of everyday problems that will require different solutions. But we will find that the end result will be a larger, more effective legal aid unit, in which economies of scale are possible that could not have been achieved before, and in which rationalisation, and the elimination of duplication, will leave more of our people free to devote their energies to discovering ways of assisting those we are here to serve.

To encourage cordial relations between the two organisations, he announced a semi-formal function, to be followed by a much less formal social gathering" to be held the night before the officer merger. The commission, he said, wanted the staff, "- the key to the strength of the organisation – to meet and get to know the commission, its personnel and its workings." (*Head Note* March 1991)

The legislation provided that, for criminal proceedings undertaken by the Public Defender, the legal aid client's right to choose a legal adviser was no longer guaranteed and that, as previously, no merit test would apply to these proceedings. Another provision guaranteed the preservation of PDO staff's existing rights, status and benefits. For veterans of the ALAO/LAO amalgamation in 1979, it was a reminder of the problems encountered in resolving industrial relations issues. In 1991, it was to prove little different. It was said to be a clash of two diametrically opposed cultures and, at the forefront, was the need to integrate over 200 LACQ staff with around 80 PDO staff. Since the PDO staff were employed under the *Public Service Management and Employment Act*, while the LAO staff were not covered under any state industrial award, there had to be major changes in the united job classification system. The

lowest common denominator of the two systems was the public service classification and remuneration system and, in a convoluted process, the LAO system was adapted to the public service system, the LAO's classification band widths remaining broader until subsequent Enterprise Bargaining Agreements were finalised. The first of these was approved by the Industrial Relations Commission in 1995, at the same time as a state industrial award was lodged. The agreement linked improvement in productivity and workplace savings with increases in salary and incorporated flexible work arrangements in recognitions of staff family responsibilities. Two further agreements have since delivered improved pay and conditions and, following its more recent participation in broader public service agreements, the LAO award sits above a range of other, relevant awards.

One beneficial outcome of the need to address industrial relations issues was a greater focus on providing a secure working environment for LAO staff or, as Ken Raymer put it, there was growing recognition of the 'people' factor in organisational management. When the Human Resources section was established in 1992, Raymer was its first manager. Having worked for a number of years in public sector finance and human resources, he joined Legal Aid because he saw it as a challenging and rewarding opportunity. Moreover, as a small organisation, it had a more personal environment and was distinguished by its commitment to assisting disadvantaged people. In his view, the merger led the LAO to move more towards a public service mode of operation, not least because it was obliged to take on the various public sector reforms the government had instituted at the time. Among them were the application of public sector management principles, such as the Structural Efficiency Principle, the Performance Planning and Review System for senior executives, Public Sector Ethics, Freedom of Information and Equal Opportunity provisions, and a commitment to achieving economy, efficiency and effectiveness in LAO operations. A principal objective of Human Resources has been to maintain an optimum working environment. According to Raymer, this translates on a day-to-day basis into making sure everyone receives the correct pay on time and the correct leave entitlements. It is one aspect of the broader aim of keeping attrition rates low. When, for example, wage parity with other public sector agencies was adopted, the previous rate of staff losses to other agencies was immediately reduced. It did not mean that the staff's commitment was any less, but the reality was that commitment alone did not pay mortgages, nor advance careers. Other constructive services introduced were the Employee Assistance Program to provide free access to confidential counselling, a booklet, *Applying for a Position in the Legal Aid Office,* and an Induction Handbook

Ken Raymer

for new staff. Over the years, the provision of safe, flexible working conditions, equal pay, challenging work and access to training and development has been recognised as the key to retaining a productive workforce for whom the grass is not greener elsewhere.

The business of merging the two organisations had another dimension. Terry Kelly was an administration officer with the PDO and a member of the Merger Working Party. Starting straight from school as an office junior, he was promoted to preparing court papers and spent most of his days at the Boggo Road prison. When the Administration Officer retired, he was appointed to the position where he had responsibility for human resources, records and accounts management. At the time of the merger, the PDO had about 80 staff. They had access to a small computer facility, with a file system and word processing but, as the LAO had the larger mainframe system, the PDO system was incorporated into it. The administrative section of the merger covered all human resources issues, such as determining pay and conditions under the new arrangement, and the associated legal contracts. Kelly found his time taken up with the complex process of reconciling the very different regimes of the two organisations. During the same period, he assisted with the relocation of staff and offices in the new Herschel Street building and, after Brian Hughes, his counterpart in Legal Aid retired, he assumed responsibility for all Legal Aid premises. As the Legal Aid Office has grown, so has the scope of Kelly's responsibilities. They have included re-siting the new computer system at Head Office, supervising the fourth floor addition there, and directing the ongoing relocation, upgrading and maintenance of Legal Aid offices throughout Queensland. By the end of 1991 alone, offices at Inala, Mackay and Woodridge had either been relocated or upgraded.

Terry Kelly

Initiatives for expansion

In the midst of these changes, improvements to legal aid services continued to be developed and implemented. The Legal Aid legislation now provided for "the possibility of aid to proprietary limited companies in some circumstances". On behalf of the Commonwealth, the LAO also assumed responsibility from July 1990 for processing legal aid applications in respect of veterans' disability pension appeals from the Veterans' Appeals Board to the Administrative Appeals Tribunal. These applications were not means tested but were subject to a merit test. Louise Wobke, the first Duty Lawyer Clerk appointed in 1988 was replaced by Geoff Boalth who, under the supervision of Criminal Law Assistant Director, David Hook, streamlined the duty lawyer roster. Unrostered appearances and duplicated attendance were largely eliminated in the service which had expanded to cover up to 100 Magistrates and Childrens Courts. The means test, revised to reflect changes in the poverty line and cost of living index, was published and distributed in pamphlet form and, as a precursor to comprehensive changes scheduled for this area, a new Legal Aid advice

form was introduced. According to the December, 1990 *Head Note*: "The revised format is easier to complete and provides private practitioners with a tear off section to record instructions. The first page of the form will be returned to the Legal Aid Office so that an advice fee can be paid."

More than 100 talks were given by staff to schools, community groups and tertiary institutions, representing just one part of a considerable expansion of the Legal and Community Education programs. Two self-help kits developed by the team of Karen Fletcher, John Hodgins, Hellen Czaus (Shilton) and Colin Marshall provided easy instructions for people in matters relating to the Small Claims Tribunal and the Small Debts Court. Their popularity encouraged plans for more self-help kits for areas not covered under Legal Aid guidelines. That they were a means of saving on costs was also being demonstrated. When reductions in the scope of Legal Aid services became necessary, the production of information brochures and self-help kits assisted the LAO to honour its commitment to providing alternative forms of assistance. The decisions to cease funding matters relating to drivers' licence disqualifications and first and second drink driving charges under the *Traffic Act* were early examples. Published in July 1991, the Plain English Policy Manual was a particularly satisfying achievement for the Education and Liaison Section in their efforts to improve public access to, and understanding of, legal aid services.

On 8 November, the Premier opened the new Legal Aid office in Mackay. With its spacious ground-floor location representing a substantial upgrade on the previous two offices they had occupied, its completion was welcomed by staff and clients alike.

Perhaps the highlight of the year's advances was the official recognition for Legal Aid's initiative in commencing Early Intervention Conferences in family law matters. In 1985, the Community Justice Project, sponsored by the Parks Legal Service in South Australia, reported finding that "many conflicts that divide communities and which can make the life of the parties a misery are escalated rather than solved by legal action." The report supported mediation services, the first of which was offered in Sydney in 1979 through Community Justice Centres, as a means of "helping with problems for which the legal and welfare systems offer no useful solutions." The concept of mediation was also supported by the Family Law Conference that year. It urged greater efforts be made to resolve spousal disputes by negotiation rather than by legal action which was always expensive and, more often than not, tended to exacerbate the problems.

Stephen Keim, Queensland Premier Wayne Goss and John Gassner at the official opening of the Legal Aid Office in Mackay, 8 November 1989/1990?

For these reasons, Legal Aid decided in 1989 to commence mediation sessions on a trial basis. Ross Beer did the first one. With no rules or procedures, it was a learning experience for everyone involved. What was in dispute might have been a small matter but it had wide ramifications, and when it was resolved by this means, the effectiveness of mediation could not be ignored. Inevitably, its use provoked considerable debate and met opposition from Law Society representatives, some private practitioners and Legal Aid staff, their position being that mediation was not a proper professional role for lawyers. Moreover, their expertise was in the law and the adversarial processes, not in playing umpire. Social workers, on the other hand, were concerned about individual rights, arguing that participation had to be voluntary. Barry Smith knew from experience that mediation had to be compulsory, otherwise the parties might agree to it and then not turn up. So followed the process of setting up rules and negotiating with private practitioners. Panels of appropriately qualified persons to chair mediation sessions were drawn up, vetting and approval procedures determined and a training program organised. The Law Society accepted the Legal Aid training program and, on meeting other requirements determined by the QLS, Legal Aid-trained chairpersons were eligible for the list of Legally Accredited Mediators. Social workers came to have an important role, contributing pre-conferencing counselling and reports on participants, and acting as co-chairpersons.

Bernadette Rogers

By 1990, mediation or Legal Aid Conferencing, as it was called, was successfully established. The process of implementing the Early Intervention Conference (EIC) in Family Law matters was greatly assisted by a cooperative relationship with the Family Law Court's Counselling Service, and the EIC, as directed by the Family Court, became a compulsory precondition for applications for legal aid in Family Law custody and access matters, The Commonwealth funded training for chairpersons and a program evaluation by the Key Centre for Strategic Management at Queensland University of Technology (QUT) to assess the efficiency of procedures in place and the cost savings to Legal Aid and to clients. A Conferencing Section was located in the newly structured Community Services Division, with responsibility for monitoring the quality and effectiveness of the EIC program. The concept was gradually extended to other jurisdictions. After a six-month trial period in the Magistrates Court, compulsory mediation resulted in all matters being settled before they went to court. A similar trial period in the Criminal Court was equally successful. One measure of the program's effectiveness was the need to appoint a Conference Coordinator and a Conference Organiser. Bernadette Rogers and Ursula Gray were the first appointees to these positions, Catherine Bradfield subsequently replacing Gray as Conference Organiser. With regional offices conducting around 40 percent of the total number of Early Intervention Conferences by 1992, they initially spent much of their time on the road, visiting

regional offices to conduct training sessions on EIC requirements and procedures.

The principle of mediation was also central to Child Support Forums introduced during 1990-91. Following a referral of state powers, the Commonwealth had responsibility for child support matters, a responsibility it funded while delegating its administration to state legal aid authorities. The demand for legal aid assistance was immediate and extensive, requiring staff to be increased to two solicitors and six support personnel. Even so, staff from other areas had to be pressed into service on at least one occasion to clear the substantial backlog of applications. To relieve this pressure and to encourage the parties to settle matters and avoid expensive legal intervention, it was decided that no application for legal aid in this area would be considered without prior attendance at a Child Support Forum. Legal Aid's Family Law Division established the Child Support Unit to administer the Child Support Forums, the stated aim of which was to assist custodial parents obtain maintenance for their children. The first Coordinator appointed was described in the December 1990 *Head Note* as "energetic solicitor, Lisa O'Neill". It was a useful attribute to have as, over the next few years, she was responsible with her support team for conducting forums around the state. Such was the demand that, despite their regular tours, waiting time remained at around three months. Facilities and training programs were gradually put in place to enable regional staff to conduct forums in their local area.

Planning strategic management

As Acting Director, John Hodgins, had a central role in negotiating the different aspects of the merger between Legal Aid and the Public Defender's Office. The experience was another factor in his developing a clear image of the direction Legal Aid should take to have an effective future. The opportunity to put forward the key elements as he saw them came at the retreat organised at Clear Mountain Resort from 15-17 March 1991. For the members of the commission and senior managers who attended, propinquity and days of organised discussion helped to promote understanding of respective viewpoints and laid the groundwork for consensus on crucial issues of policy and operations management. Out of it came the formulation of a Corporate Plan, the first for Legal Aid, and a commitment to forward strategic planning. A related outcome was the LACQ's review of the organisational structure to ensure the achievement of goals identified under the Corporate Plan. The new structural arrangements acknowledged the merger with the Public Defender's Office and accommodated shifts in organisational focus. John Hodgins was confirmed as Legal Aid's new Director after successfully navigating the competitive application process. Three Assistant Directors with responsibility for Criminal Law, Family Law and Assignments, the new title for Referrals, were to be appointed, and three managers in charge of Regional Offices, Corporate Services and Community Services. Graham Quinlivan was appointed Assistant Director, Family Law, Ross Beer, Assistant Director of Assignments, and Michael Shanahan, senior lawyer in the Public Defender's Office, Assistant Director, Criminal Law. Pat Trapnell and David Hook, who both had key roles in the merger negotiations, left

the organisation, having unsuccessfully applied for reappointment.

It was generally agreed, particularly among senior staff, that Hodgins introduced his own, different, management style to Legal Aid. With the 'changing of the guard' in 1990s, there was a shift away from the previous, largely hierarchical, management approach. His preferences were for flatter management structures, organisational management principles, flexibility of operations, the application of technology to improve the efficiency and range of services, and consultation and participation in decision-making. While not personally effusive, he encouraged initiative and made a point of being available for an informal talk to anyone on the staff. For Eleanor Williams, who was reappointed as secretary to the Director, it was one of the most trying aspects of her job. She admitted she often wanted to restrict this open access, especially when the daily schedule was more hectic than usual. While, it has been suggested, toes were trodden on in pursuit of an overall objective, managers were encouraged to debate their opposition to proposals under discussion. Generally, the Director's viewpoint tended to prevail, as it was couched in terms of a comprehensive plan to achieve an optimum result for the organisation and its goals.

It would give a misleading impression of the organisation to cast the fundamental changes to its administration in terms of the imposition of a public service-type bureaucracy. A more apt description was that these changes represented a progression towards instituting professionalism in the administrative regime. Driving it was the aim of high quality services delivered with efficiency and economy. In

Eleanor Williams (Rees)

the context of these aims, no aspect of day-to-day operations was too small to be excluded from the ongoing processes of compliance, evaluation and review that became a feature of organisational life throughout the 1990s.

Although it required some adjustment to see Legal Aid as a corporation in the business of delivering legal assistance services, the elements of its Corporate Plan set out in the Annual Report for 1990-1991 were by this time standard for most government departments and statutory authorities. For the first time, the organisation's mission, goals and

values were all formally defined and these definitions were never altered over the course of Legal Aid's operations. The wording consciously left open to a variety of interpretations, it was determined that Legal Aid's mission was "To enhance access to justice in Queensland". The goals of the Legal Aid Commission were defined as:

1. To provide access to quality legal representation for financially and socially disadvantaged people.
2. To provide a quality legal advice and information service to financially and socially disadvantaged people.
3. To contribute to the growth of community awareness of the individual's rights and obligations under the law.
4. To propose and promote appropriate law reform.
5. To work with courts, tribunals, government departments and other agencies involved in the legal system to promote the efficiency of that system.
6. To be recognised as an efficient provider of excellent legal services.
7. To recruit, train and retain a highly motivated and skilled staff.

The commission's values were established as:

Community – we exist to serve the community and we value our place within it.

Commitment – we are committed to providing the highest standard of service.

Dignity – we recognise every person's worth and treat them with respect.

Apart from the restructuring to accommodate the three major administrative Divisions of Family Law, Criminal Law and Assignments, the range of Legal Aid functions was expanded and organised into three further Divisions. The Community Services Division, with Colin Marshall appointed to the position of Manager, incorporated Education and Liaison, Legal Advice and Information, Social Work, and the Library. The creation of the Corporate Services Division reflected the complexities of records, human resources and general services management required to be addressed in the merger process. Sections within this Division which included Support Services, Computer Services, Records, and Reception were gradually streamlined into Human Resources, Financial Resources and Office Services. Denise Dawson was appointed Manager in 1992. Reception was then moved to Community Services. Regional Offices' management comprised the sixth Division, Erna Hayward being appointed Manager in late 1991. Each of the Divisions was to submit an annual strategic plan, with service targets and agreed performance measures or indicators expected to be a standard requirement within 12 months. Target projections, performance indicators and quality assurance, statistical reporting requirements and monitoring and evaluation, in other words, the language and tools of organisation management are unremarkable in this day and age. But, at the time, it was a foreign regime for most Legal Aid staff. It required shifts in attitudes for them to integrate on a day-to-day work basis the concepts of assisting disadvantaged people, professional ethos, and an essentially business orientation.

Living with evaluations and reviews

The comprehensive review of the Assignments Division in 1991 undertaken by outside consultants Dr Peter Long of Network Australia who analysed its practices, processes and workflow, and KPMC Peat Marwick Management Consultants in regard to family law costs, was the first of an ongoing process of evaluation for Legal Aid's administrative units. As the Division's functions were central to Legal Aid operations, of primary importance was cost efficiency while maintaining a high quality service and maximum access for clients. There was a further review by Coopers and Lybrand the following year which resulted in a new approach to its operations. Task force groups comprised of Division staff and staff from the Records section were given responsibility for reviewing the processing of applications and the training of private practitioners, particularly in submitting accounts. Performance goals for faster returns were developed, covering notification times for results of applications, responding to complaints and settling accounts. Monthly reports of costs and reviews of client files were instituted to ensure regular, routine assessment of funding commitments. In short, it was a blueprint for a system of cost control for all Legal Aid offices. Under structural changes introduced in 1992, managers were appointed for the Family and General, Criminal and Costs sections within the Division. Responsibility was delegated to them for staff work and training in their sections, for formulating and implementing divisional strategies, and generally responding to client needs and expectations.

However, in 1991, a review of all organisational aspects was indicated, given the record figures returned for legal aid, legal advice and duty lawyer services, a drop in staff numbers and the decline in overall funding. Applications were now being received for Prescribed Criminal Proceedings, previously handled by the Public Defender's Office. They covered:

- Committal proceedings in the Magistrates Court in respect of charges where the maximum penalty exceeds 14 years.
- All indictable offences in the Childrens Court at every stage of the proceedings.
- All District and Supreme Court criminal proceedings.
- References to the Mental Health Tribunal in respect of any prescribed criminal proceedings.
- All appeals to the Court of Criminal Appeal and to the High Court in respect of criminal charges.
- Breaches of probation and community service in District and Supreme Courts.
- Any other proceedings, not being a civil proceeding, that the commission determines.

As anticipated, the effect of the merger was reflected in the 51 percent increase in criminal law applications, with a 17.5 percent increase in those relating to Public Defender/Prescribed Criminal Proceedings. In addition, since no merit test was applied to Prescribed Criminal Proceedings, criminal law approval rates rose, while those for civil and family law were reduced. The Director noted in the Annual Report for 1990-91:

> The Criminal Law Division faces many challenges. Procedures need to be simplified, a more certain costing system developed, assignment administration

of prescribed criminal proceedings decentralised and prescribed criminal law proceedings conducted in-house in regional offices. Such measures will create cost-efficiency and productivity gains.

The idea of applying cost-efficiency principles to their legal practice was anathema to some former Public Defender's staff who for some considerable time believed it compromised their professional standards. Time-recording remained an issue but, according to David Holliday, Senior Solicitor, Crime Coordination, in the Legal Practice, it tended to become more an issue of changing entrenched work practices and incorporating it into daily work routines. In his experience, staff needed to see a personal benefit to comply with new practices. If that was absent and training sessions made little difference, it came down to staff having to accept the bottom line of following management instructions. In line with other Divisions, strategies were introduced to raise inhouse workloads in the Criminal Law Division. They included weekly reporting on workload levels, weekly case file review, inhouse counsel reporting on quality of briefs received, and instructing officers assessing the performance of inhouse counsel. As the first results showed, staff had no difficulty meeting performance targets under the new regime. Holliday was one of the first PDO staff to move to LAO after the merger. He worked in the Assignments Division managing the Criminal Law section of grants. It was a learning experience for him as the Justice Department had always administered the grants of aid on behalf of the PDO which, he said, "was purely a professional service." Under the new structure, he was responsible for managing the new strategies which included setting targets for the number of current files for each solicitor. He recalled it took him months to realise that files were never being finalised, so that individual casework figures remained high. Eventually, he worked out a solution, shifting to recording how many grants of aid had been opened for a given period.

A crisis of funding

In spite of measures such as Early Intervention Conferences, Community Education Programs, Information and Advice brochures aimed at reducing the number of applications for legal aid, the tightening of guidelines and a substantial increase in staff workloads, the costs of legal aid services reached new heights. Payments to private practitioners in 1990-91 rose to $23.8 million compared to $19.7 million in 1989-90 and $12.3 million in 1988-89. Although it was well known that the Public Defender's Office had for some time been under-resourced, it seemed that the cost to Legal Aid of taking over the PDO's criminal defence service had been underestimated. The signs were already apparent that Legal Aid was heading towards serious funding difficulties. As President, Stephen Keim had the task of disclosing the extent of the problem and its likely effect on staff, clients and private practitioners alike. A continuing fall in interest on trust accounts, and a major defalcation by a solicitor requiring the Law Society's Fidelity Guarantee Fund to be topped up from the interest, meant an estimated reduction of $4.5 million in available funds. Moreover, Commonwealth funds had not increased in real terms. In the short term, the decision was made to meet the deficit from the LACQ's cash reserves and to defer the planned addition of a fourth floor to the Herschel Street building intended to accommodate

PDO staff still working in the MLC building. Finally, he warned, cutting services was inevitable, as was the prospect of reduced fees and work for private practitioners in view of the $5.5 million reduction in Legal Aid income projected for 1991-92.

Keim set out the full extent of the crisis in the 1992 Annual Report, expressing in blunt terms his opinion that governments had a responsibility to address the fundamental issue of the continued instability of Legal Aid funding.

> The Commission has had to make more drastic changes to its guidelines, to take effect in 1992/93. The result is that the Commission can no longer consider itself a comprehensive provider of legal assistance. The Commission work is now concentrated on criminal law, particularly the more serious criminal cases, and the area of custody and access disputes in family law.
>
> The changes must have serious effects on the ability of disadvantaged people to obtain access to justice outside the limited areas mentioned, on the cash flow and financial viability of those members of the legal profession who have made their services available to do the work of the Commission in preference to other types of work. ...
>
> ... Governments, both State and Federal, have to address the priority accorded to the provision of legal services to disadvantaged people.

The returns for the 1991-1992 year showed a $10 million deficit resulting from a further decline in the level of interest received from solicitors' trust accounts. The state government made a one-off payment of $3 million to Legal Aid for the purpose of eliminating LACQ's ongoing deficit. There were no funding reserves available and, as Keim observed, technological advances, making it unnecessary in the future for large balances to be retained in the trust accounts, militated against a return to high levels of interest on these accounts. In his view, uncertainty remained the central issue. The government's gesture had contributed nothing towards securing a stable funding base on which the commission could plan the effective delivery of legal aid services. Then followed a devastating period for Keim, for the commissioners and for senior managers. As many of them have never forgotten, they spent long hours going over and over the figures, attempting to decide what cuts to services would have the least consequences for clients and for private practitioners. As far as they could recall, no jobs were lost in the organisation. After two rounds of review and assessments, decisions on the cutbacks were finalised, with priority given to areas where it was possible for the LAO to offer "some form of alternative service." The changes, to take effect in the 1992-93 year, were summarised in the 1991-92 Annual Report. They included:

> ... abolishing Legal Aid funded legal advice from private solicitors, tightening of guidelines for granting legal aid in family and civil law matters, increasing the legal advice fee to $40 for people who do not pass the means test, and reducing the fees paid to service providers by 10%.

While the effects of the funding crisis remained apparent for some considerable time, one immediate consequence was a series of government-initiated reviews of Legal Aid operations. Their thoroughness and exhaustive critical appraisal was an unsettling experience at the time and then there was the process of evaluating and acting on their recommendations. There was criticism that still persists to some degree that the policy direction opted for

in the wake of the funding crisis and the external reviews of its operations was not so much determined by the extent of available funding resources as an unwillingness 'to rock the boat'. In other words, it was argued, Legal Aid had tailored its policies to fit with existing perceptions of the place it occupied in the overall justice system.

The Public Sector Management Commission had a reform agenda, the main purpose of which was to stop the perceived politicisation of the public service by introducing contract-based employment for senior management in public sector departments and authorities. It was also charged with instituting management practices in these entities to ensure economy, efficiency and effectiveness. In this respect, the commission's recommendations followed the standard schedule recommended for implementation across the public sector. The report on LAO services was generally positive. Ongoing consultation, in which Colin Marshall played an important liaison role, contributed to recommendations that, overall, reflected the direction of current thinking within the organisation. The annual surveys producing a profile of LAO clients and assessing service delivery objectives provided information for the subsequent LAO priorities review. Criminal and family law were identified as its core responsibilities, under-represented client groups as youth, women, and residents of rural and remote areas. They became priorities for the allocation of LAO resources and improved services. By this stage, Legal Aid had already implemented or was planning services addressing these priorities. They included the Telephone Information Service with special facilities for rural users, the Phone/Fax service for a similar client group, the Domestic Violence Unit, the legal information and advice 'outreach' van operating out of Rockhampton and the Youth Legal Aid section. The PSMC recommendation for the private tendering of duty lawyer services was also in the process of being implemented. After a successful trail at the Holland Park Magistrates Court, tendering was extended to Magistrates Courts in Brisbane, Inala and Townsville.

In 1994, the CJC's report on *The Sufficiency of Funding for the Office of the Director of Prosecutions and the Legal Aid Office Queensland* was published. In essence, it confirmed what the LAO already knew of the problems of funding and providing a comprehensive service in the area of criminal law and the impact of the integration of PDO and LAO services in this area. The report acknowledged that funding criminal law within the LAO had been at the expense of services in the family and civil law areas. In its 1993 submission to the CJC Inquiry, Legal Aid had addressed several issues which militated against any immediate resolution of the problems. Chief among them were, the difficulty of defining what constituted 'sufficiency of funding', and the effect of external influences, such as changes to legislation and the practices and procedures of other institutions in the justice system.

The publication in May 1995 of the Commonwealth Government's *Justice Statement* summed up the Commonwealth's position on the provision of legal aid throughout Australia. It was simple enough to confirm that measures should be taken to improve inequalities of access to justice but the Commonwealth declined to take a proactive role. It continued to maintain its position of delegating administrative responsibility to state and territory legal aid authorities for the extent and delivery of

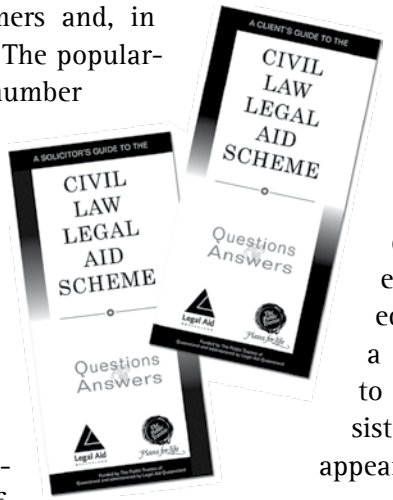
legal aid services. Responding to the findings of the *Justice Statement*, the Commonwealth provided additional funding, subject to statistical support and other control conditions, specifically to improve access and the effectiveness of information, advice and casework services. Associated proposals evaluated by the LAO included, multimedia information kiosks, personal computer (PC)-based video conferencing facilities, a Telephone Typewriter Service for people with hearing and speech disabilities, a Consumer Protection Unit and expanded family law services. To a large extent, these external review processes shaped the direction of Legal Aid's strategic planning and its operations agenda for the foreseeable future.

The solution-oriented approach and Total Quality Service

Subsequent to the organisational restructuring in 1991, a General Law section was added to the Family Law Division. Consisting of a solicitor, law clerk and personal assistant, it focused on anti-discrimination and criminal compensation cases. One casualty of the 1992 crisis was the funding of grants of aid for civil litigation. It was a decision taken with considerable regret and there was some feeling that Legal Aid had failed its clients in withdrawing this service. Out of this situation came the Civil Law Legal Aid Scheme (CLLAS), which proved to be a very successful alternative service. While success is said to have many parents, there is little doubt that the scheme would not have commenced without the cooperative effort of the Public Trustee, the Queensland Law Society, the Queensland Bar Association and the Department of Justice, together with Legal Aid. Ross Beer believes that the contribution of the Public Trustee has remained largely unrecognised in that his support was critical to putting in place the funding arrangements underpinning the scheme. The basic concept was for these funds to be applied in respect of outlays for the preparation of claims regarding those civil law matters where costs could be awarded by a court or tribunal. Funding took the form of a one-off payment for professional costs to the solicitor and, where appropriate, to Counsel for an advice on liability. Where the case was successful, solicitor and Counsel might charge a normal fee, while the client repaid the outlay, thereby maintaining the level of available funding. Legal Aid undertook to administer the scheme and guidelines were determined. Financially eligible applicants who were formally refused legal aid could have their matter referred to CLLAS where it was assessed for merit. The list of solicitors approved to undertake matters, although reviewed quarterly, was always open to new nominations.

The scheme was inaugurated in May 1993. The Public Trustee provided initial funding of $4 million to be applied in respect of most civil matters, with the exception of business or commercial disputes, and priority given to personal injury claims. In 1994-95, a coordinator was appointed, and one of his priorities was a tour of regional offices to familiarise staff with the new service available to clients. Largely due to the way the scheme operated, it was noted in 1994-95 and 1995-96 that 90 percent of all applications to CLLAS were those refused legal aid. Over the same period, as the process became established, the rate of approval for applications to CLLAS rose from 30 percent to 77 percent. Subsequently, the guidelines were extended firstly

to cover business operators and farmers and, in 2001, to public interest and test cases. The popularity of the scheme was evident in the number of cases undertaken and the success rate of claims. In 2000-2001, 230 claims were successfully completed involving the awarding of costs from $2,000 to $2 million, while the 140 successful claims finalised over 2002-2003 registered a total payout of almost $9.5 million. A review of its operational efficiency in 2000 was followed by the introduction of simplified procedures. Under the guidance of newly-appointed coordinator Murray Brown, an information package for both solicitors and the general public was compiled and made available on the Legal Aid website, and the funding calculation for the most common types of cases was standardised. Although the number of applications during 2002-2003 decreased by 12 percent, perhaps reflecting the availability of other means of pursuing civil law issues, CLLAS proved in its 10 years of operations to be an effective, alternative means of access to legal assistance in an area largely closed to Legal Aid services.



The allocation of resources to identified priorities was facilitated by the LAO adopting the 'solution oriented approach'. Its adoption gave substance to what had been discussed for some time within the organisation, that to retain its capacity to respond to unmet needs that changed as the social environment and the laws that governed it changed, the LAO had to move away from a reactive orientation to service delivery. As outlined in the 1992-93 Annual Report, "the 'solution oriented approach' emphasises delivering appropriate solutions for legal problems, rather than delivering traditional legal services just because they are traditional." In this context, it was seen to be of crucial importance to demonstrate that the quality of its staff and its services was equal to, if not better than, the private equivalent. The image of Legal Aid as a second-rate service for people unable to afford private legal assistance had persisted over the years since this wry sketch appeared in a 1986 issue of *Smith's Weekly*.

> Q. When is a solicitor not a solicitor?
> A. When he/she is in the employ of the LACQ
>
> At least that is what a District Court Judge seemed to think at a recent trial in Brisbane. Upon the solicitor's oral application for criminal compensation on behalf of the complainant, the trial judge expressed reservations regarding her right of appearance in his court and after a rather embarrassing and lengthy cross-examination of the duties, functions and scope of solicitors at the LAO(Q), it became apparent that the judge's reservations were not with regard to whether such an oral application could be made at the trial but rather, whether a legal aid solicitor had any right of appearance in courts generally. Solicitors will be relieved to hear that he gave her the benefit of the doubt.

In 1994, deriving from the concept of Total Quality Service (TQS), the Total Quality Service Development Plan was finalised. Its objective was to "increase staff abilities in customer service, leadership, involvement, communication, strategic planning, and continuous improvement." The customer was reaffirmed as the focus of Legal Aid operations and TQS the means of utilising staff, Legal Aid's "greatest resources" to achieve continuing improvement in the processes

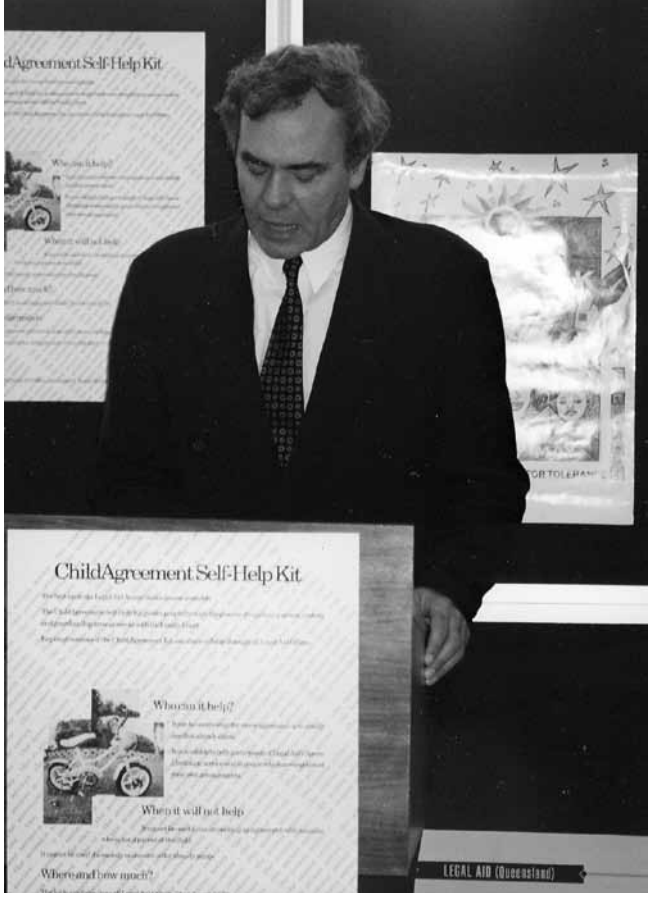
attached to high quality, economical service delivery. An active program of community education and law reform also contributed to building Legal Aid's image as a quality service organisation.

During this period, staff activities in these areas was again expanded, one noteworthy aspect being participation in national forums and programs. Regional offices joined in the Community Education initiatives, the Mackay office, for example, holding an 'open day' to familiarise local organisations with Legal Aid services, and several offices offering work experience placements for high school students. Contributing to bringing about a coordinated national approach to all aspects of legal aid, was the formation of a National Community Legal Education Workers Group, a joint undertaking by Legal Aid and community legal centre representatives. *The Child Agreement Self-Help Kit* aimed at assisting parents, where the relationship has broken down, to come to an agreement themselves on matters relating to their children, clearly answered a need as it went into a second reprint. It was also proposed that community organisations, libraries and schools be able to purchase the National Continuing Legal Education Register which was developed to promote the sharing of information and resources.

In the area of law reform, Criminal Law Division staff made a number of submissions addressing proposed changes, including the Final Report of the Criminal Code Review Committee, and the *Vagrants, Gaming and Other Offences Act*. A highlight was the amendment, as a result of their submission, of the *Bail Act* in July 1993, to give Magistrates the power to grant bail in relation to all charges under the *Drugs Misuse Act*. Staff also spent time

The launch of the Child Agreement Self-Help Kit - John Hodgins; Queensland Attorney-General Dean Wells; Commonwealth Attorney-General Michael Lavarch; Julianne Schafer

liaising with relevant officials to improve efficiency in duty lawyer and prison visiting services. Hellen Shilton represented Legal Aid on the Crime Reparation Advisory Committee and at Prisoners' Community Group meetings. Assistant Director, Michael Shanahan participated in a number of working groups reviewing proposed legislative amendments, one of them being an amendment to the *Justice Act* for the purpose of reforming the Committals process. This in turn opened the way for the commencement in October 1994 of the Ipswich Committals Project. Legal Aid staff were seconded to the project which was state-government funded for a trial period. Cooperation with representatives of the Office of the Director of Public Prosecutions, Chief Stipendiary Magistrate, and Queensland Police Service Consultation contributed to a reduction in the number of matters committed for trial. Supported by these encouraging results, the project was later extended to Brisbane. Legal Aid Counsel, by then established as a separate entity, continued to consolidate its relevance to the evaluation of law and professional reform proposals by making submissions on volumes four, five and six of the CJC's Report on police powers, on the *Mental Health Act*



Queensland Attorney-General Dean Wells launches the Child Agreement Self-Help Kit

Peter O'Sullivan, Commonwealth Attorney-General Michael Lavarch and John Hodgins at the Child Agreement Self-Help Kit launch

review and on the Corrective Services Commission legislation. Counsel staff also commenced circuit court work. Besides delivering cost savings, it was seen as an opportunity to establish constructive professional links with members of the judiciary and with regional court officials and private practitioners.

Among the contributions to law reform made by Family and General Law Division staff were submissions in respect of Magistrates Court rules, Administrative Appeals Tribunal decision-making, *de facto* property and sterilisation of young persons. Staff also represented Legal Aid at executive level on the family Law Practitioners Association, the Domestic Violence Council, the Family Law Practitioners Association and the Family Law Case Management Committee. In keeping with the Division's focus on separate representation for children, staff had a significant role in this area at the national level and also developed the separate representative training manual.

Coming from Canberra with a background of experience in child representation in both government and private practice, Assistant Director Graham Quinlivan was appointed Senior Legal officer in the Family Law Division in 1989. He was acting deputy to John Hodgins and when the new appointments were being decided in 1991, he successfully applied for the Assistant Director position. As he recalled, he was a senior manager with limited managerial experience. So he was 'tossed in at the deep end' but with the lifeline of the Director's total support. He found it was a matter of preparing soundly-based proposals for any initiatives he planned to introduce and, by producing results, being in a position to lobby for more resources. Under Quinlivan, the

Division built on its reputation for excellence in Child Representation services. His personal input was also considerable. An early proposals was for a National Training Program for Child Representatives. The program was developed by the Family Law Division in consultation with the Family Court and the Family Law section of the Law Council of Australia. The first training program was held in Victoria in March 1996, with other states following on. The recipient of an Australia Day Award for his contribution, Quinlivan was the National Legal Aid representative on the Council which had " a real Queensland flavour", as its members included Dianne Smith (Clarke) and Michael Haberman whom he described as "an icon in Family Law in Queensland". With the Steering Committee consisting of representatives from other legal aid authorities, the program's development proved to be an interesting process as the merits of the different models in practice were argued.

Michael Shanahan

As he and other inhouse Family Law solicitors commented, on more than one occasion, Family Law practitioners made up a cooperative, committed group. Coming from outside Queensland, he took some time to understand the collegiate atmosphere that prevailed. Family lawyers encouraged informal meetings where they discussed problems and issues and ways to change the system. One example was finding members and chair persons for the Legal Aid Conferencing panels. As much of the groundwork had been laid by Family Law solicitors and barristers in the 1980s, there was no shortage of enthusiastic candidates. Moreover, this cooperative approach, where resolution was the preferred option, contributed to the success of the Early Intervention Conference in Queensland. In his experience, Family Law in other states was more confrontational and litigation the preferred option. Another example was the Law Society's first Family Law Accreditation Program, for which he was an Executive Committee member and which accredited 80 percent of participants in the first program.

A new President, organisational changes and new programs

In December 1994, Stephen Keim came to the end of a difficult term as President. The new President was Michael Baumann, a Gold Coast solicitor and

former Law Society President who was well-known for his support of legal aid. In his Introduction to the 1994-95 Annual Report, Baumann noted his goal on being elected President was to encourage an harmonious relationship between the LACQ and the private legal profession. The profession was one of the commission's partners in efforts "to ensure the smooth and efficient operation of the justice system", besides playing a crucial role in the delivery of legal aid services. Patrick McMorrow was the replacement for Maurice Swan, with another barrister, Maureen Lewis, the second Commonwealth nominee. Deputy Director-General of the Department of Justice, Kent Maddox represented the Minister, Peter Carne the QLS and social worker Stephanie Belfrage represented the interests of legally assisted persons. Accountant Don Richards replaced Terry O'Dwyer and solicitor Debra Searles represented the interests of independent legal services.

Graham Quinlivan

Organisational restructuring during 1994-95 resulted in a regrouping of functional responsibilities. The Divisions engaged in professional legal practice, the Criminal Law and Family and General Law Divisions, formed the new Legal Practice Division. Also established within the Division were Specialist Services, Solicitor Advocates and Criminal Preparation units. Within Specialist Services were the Appeals Unit, the Mental Health Unit which dealt with matters relating to the Mental Health and Patient Review Tribunal, as well as the Anti-Discrimination and Victims of Crime Compensation Units within the General Law section. Several maximum awards were obtained in compensation cases by staff acting as solicitor advocates. Staff of the Preparation unit worked on the Brisbane Committals Project during 1995. The functions of the Assignments Division remained unchanged, but tendering for duty lawyer services was extended to additional Magistrates Courts and the processing of applications for prescribed criminal offences was decentralised to the regional offices. Under the information and advice section of the Regional and Community Services Division, an outreach legal advice service to Capalaba, Beenleigh and Redcliffe commenced, and an outreach van visited communities in central and

south-west Queensland. To assist farmers affected by the drought, a Farm and Finance service operating from the Toowoomba office provided free legal advice and support to those with severe debt problems. A new office at Mount Isa raised the total of regional offices to 13.

As the range of Legal Aid services continued to expand and to address the provision of access for people in regional and rural areas, it meant that regional offices took on more responsibilities in relation to their delivery. There was a more than 20 percent increase in legal advice given in the Cairns, Caboolture, Maroochydore and Woodridge offices, increases in family law applications resulted in family law specialists being appointed to the Southport and Maroochydore offices. As demand continued for the Community Divorce service, the Brisbane and Caboolture office arranged for private practitioners to process divorce applications in blocks, thereby reducing the costs involved. Staff at the Southport and Cairns offices conducted audits of the firms tendering to undertake District Court criminal matters. All these measures pointed to customer service, particularly the relationship of counter staff to people visiting Legal Aid offices for assistance, being of critical importance in maintaining high standards of service delivery. Following a review of regional office operations and consultation with regional office staff, the use of designated customer service officers was extended from the Brisbane office to regional offices and new efficiency measures introduced. Up-to-date legal information was provided through *Telelink* fact sheets as a means of enabling counter staff to filter requests for assistance so that the office solicitors saw only those requiring legal advice. To reduce waiting time for clients and

Michael Baumann

the time lost when appointments were not kept, designated clinic sessions replaced the long-standing 'appointments-only' arrangement.

Positions were created for Customer Service Officers to work at the front counter processing applications for legal aid 'on the spot'. Among them were Colleen Johnson in Rockhampton, Marg Pattrick in Cairns, Helen Wells in Bundaberg, and Louise Curtis who joined the Ipswich office in 1995 as a Conference organiser. At the time, Curtis had to help clear a backlog of around 200 conferences for family law matters. Following her appointment as a Grants Officer, she worked on the reception desk taking phone calls and interviewing clients. As other regional office staff had found, being a local

resident and having worked in a solicitor's office for some years helped her provide information for clients and often refer them to appropriate local welfare agencies. Like them, she had a personal information folder containing all "the bits and pieces" of information she collected in responding to clients' queries. As she described it: "You'd do your best to help clients with their immediate problems but you didn't have the information on the computer as you do now. Whether in person or over the phone, you'd work out ways to help them. You'd then keep that information in your folder for the next person wanting similar information." In Brisbane, Janice Hawes was appointed a Customer Service Officer at the front counter. She recalls it being a very basic service at the time. There was some information available on the computer but the system was difficult to use and so slow that no one ever used it. As a result, she said, customer service staff were "the best bush lawyers in Queensland." At that stage, there was no filtering and everyone was able to see a solicitor, whether they had a legal issue or not. It was a matter of having clients fill in a form and then sending them on to the solicitor. As far as processing grants was concerned, the guidelines were set out clearly but sometimes applications, mostly on the borderline for eligibility, were refused because of a shortage of funding. She recalls some clients understandably being upset. Grants Officers learnt how to respond to clients in these situations, making sure to inform them immediately of the decision to refuse their application and their right of appeal against the decision.

Solicitors in regional offices had come to appreciate the capacity of Grants and Customer Service Officers to relieve them of time-consuming office tasks which were clearly identifiable as administrative responsibilities monitored by set guidelines and procedures. This was brought home to Linda Debenham when after a period as second solicitor in the Toowoomba office with a major role in casework and legal advice, she was transferred to Mackay. She was the sole solicitor and there was no dedicated Grants Officer. As she recalled, "it was like stepping back in time." Together with a very broad casework load, she found herself again having to take on the role of processing and deciding on grants applications.

Regional services and professionalism in planning

It had become abundantly clear that what was required was an evaluation of client services and strategic planning to improve their efficiency and relevance to Legal Aid service goals. The development of a policy development or 'think-tank' facility was an indication of the professionalism which was becoming apparent in Legal Aid's approach to these 'whole-of-organisation' management issues. In 1995, Rosemary Van Haeften was appointed second-in-charge of the Regional and Community Services Division. She had worked for other statutory agencies but eventually found the machinery of bureaucracy frustrating and the work too impersonal. In Legal Aid, she saw an opportunity to close the gap between the work she did and how it affected clients. Part of it was with performance issues, dealing with complaints and mentoring senior staff in relation to them. From there came the development of performance standards, client service strategies, together with the training to implement them, and a

systematic framework for evaluating clients' needs. These became the components of the performance improvement programs she managed. Professional and administrative staff contributed their ideas, expertise and experience to shaping the programs which were applied across all areas of Legal Aid operations.

A similar regime applied to policy development. If, as she explained, it concerned the granting of aid in a particular area of law, it was a matter of bringing together grants' specialists with 'area of law' specialists to consider the implications for operations' management. In her view, it was not appropriate, and probably not efficient, to have a designated central policy unit, as was standard practice in many organisations. Although now designated Principal Policy Officer, Van Haeften has seen her role as more of a facilitator for selected projects, 'picking people's brains', as it were, gathering information, bringing the appropriate people together to discuss and recommend appropriate strategies to follow, shaping these recommendations and forwarding them for consideration by senior management. The Chief Executive Officer might then make a submission to the commission for its approval of the recommendations. A striking example of policy development and her evaluation and facilitating role was the establishment of the Legal Aid Call Centre.

Customer service facilities which were the responsibility of the Regional and Community Services Division had consisted of a small telephone information service for regional offices and also the Brisbane front counter. In Brisbane, as she described it, were several work stations where counter staff took turns answering the telephone. The central switchboard operators directed calls to the customer service staff if they thought they could assist the callers with information. Staff all had their individual folders of information to help them answer queries. Van Haeften remembers taking a turn one day when the counter was short-staffed and found it was possible to be helpful even if you had to "wing it a bit." However, this was a potentially dangerous situation. There was a high possibility of giving wrong information and the distinction between giving legal information and legal advice was not clearly defined in many instances. As a result, discussions began on the possibility of instituting a more professional, standardised service to operate on a statewide basis. The aim was to eliminate the need for regional staff to deal constantly with calls for information or having to decide whether or not a referral for legal advice was appropriate.

What was required, it was determined in the preliminary stages of developing the strategy, was the provision of consistent and comprehensive information and advice. To mark the difference between information and legal advice, there needed to be professional input into determining what constituted matters reserved for legal advice. To provide a statewide service along these lines, there would have to be a centrally-located Call Centre to allow control over training, monitoring of calls and overall service delivery. In the light of the piecemeal information base staff worked from, it was seen as essential to have some means of ensuring accurate and up-to-date information and the capacity to upgrade it to accommodate the changes that would inevitably occur. It was to take more than a year for the proposal for the Call Centre to be developed to the trial stage. The central elements for successful

implementation were staff selection and training, operations' management and appropriate computer technology.

Applications for computer technology

Although Information Technology Services was a separate section within Corporate Services in the 1991 restructuring, there had been a small IT unit since computers were introduced in the early 1980s. Terry Tan, currently LAQ database administrator, has been on the IT staff since 1986. Alison O'Hara started work with Legal Aid the same year. Working firstly in Accounts, then as a solicitor's clerk in Assignments, she had first-hand experience of the original system. On receiving the assessing solicitors' decisions on grants of aid, she entered the data and printed out the certificates for Grants of Aid which were then sent on to solicitors or clients. Until the transfer to the Windows program in the early 1990s, codes were used to access the information. She recalled that there were so many codes just to get into the menu screen and then more codes to read the screen. It seemed only slightly more advanced than punch cards. Clerks also did the statistics for LASSIE, the Commonwealth Statistical Information System.

On the basis of her experience, she was transferred to the Help Desk of IT Services. By 1992 it was apparent that a new system was required and by 1994 the section was well into developing LA Office, the core software for all Legal Aid statistics and client and applications information. O'Hara and another IT staff member wrote the specifications and did all the inhouse training. Clerical staff volunteered as testers and it was important for her to have the outside perspective of the users' point of view. They were encouraged to suggest any changes to make the program more user-friendly. Helen Wells, Grants Officer in the Bundaberg office, was one of the original testers. When time allows, she still does some testing and appreciates that any suggestions she makes are taken seriously. When computers were introduced, Wells agreed it was a big change for all office staff as it affected the whole work pattern of the organisation but, as she said, "you don't' work for Legal Aid if you don't like change." Like O'Hara, Wells started as a solicitor's clerk doing data entry for grant applications. She was then given responsibility for the office finances and part of the responsibility for reception. After the new technology and associated changes came in, her job title was Administrative Coordinator. Adapting to these changes made for very busy days but, she recalls, the office always seemed to be busy, with too few staff in those days trying to cover too much work.

Janice Hawes was another of the original testers for LA Office. She had worked as a switchboard operator at Centrelink and initially had the same job at Legal Aid on the switchboard for the Grants, then the Assignments, Division. She moved to Records where she was responsible for opening the mail and attaching correspondence to relevant files. She remembers the mail room on the first floor as a happy place to work. Standing around the central sorting table, staff were known to sing songs and, as Legal Aid was then going through the merger with the Public Defender's Office, the courier who brought the mail over from the MLC building, on occasions, brought them something for morning tea. Her next move was to the Costs section of Grants

where she was responsible for paying accounts. As one of the testers of LA Office, she was in a position to learn the new system "inside out". With the comprehensive training available, she found few of the staff she worked with had any difficulty with the new system. Coming from the more sophisticated equipment in operation at Centrelink, she regarded the previous system as "nothing less than a dinosaur" and considers that LA Office has stood the test of time.

In 1995, Queensland alone developed its own system, the other states electing to stay with the original system and attempt to upgrade it. In August that year, the section won the Project Application category at the Queensland Information Technology and Telecommunications Awards for Excellence, beating 142 entries from more than 70 companies. In the event that other legal aid authorities decided to change over to LA Office, the head of the IT section, Geoff Barrack, set up the separate entity, Barrack Consulting. O'Hara, two programmers and a systems analyst made up his team. They leased the computers and space on the first floor from the LAC, and were permitted to use the source code which LAC owned. Over six years LA Office was developed further and when all the Australian and New Zealand legal aid authorities decided to buy the rights to use the system, they did the developmental work for them. Barrack subsequently retired and the consultancy was disbanded. The LAC brought in the firm, Technology One, together with its financial software package FinanceOne, and Barrack wrote the software to enable its integration with other parts of the existing system. Before it was disbanded, the Barrack Consulting team worked to bring LA Office to a stable stage where it could be 'frozen' while the organisation decided on its options for future computer development. O'Hara had taken unpaid leave for this period and then returned to Legal Aid and to her current position. Formally designated LA Office Business Owner within LAQ, she is responsible for all aspects of LA Office within the organisation, some examples of which are routine procedures, checking data integrity in liaison with the business analyst, developing new ideas, and ensuring maximum usage.

In Library Services, the Development Plan for improved efficiency provided for electronic library and information and retrieval systems. With a primary focus on improving access to education and information resources for Legal Aid staff and external service providers, Library staff worked towards making available online the collections catalogue, electronic journals and a range of databases. Previously they had toured regional offices regularly to check on library maintenance but, with the new systems in place, further communication was generally by email. As always, losing the personal contact was a matter for regret but not having to travel around the state meant more time was available for achieving planned objectives. These included the provision of the comparable sentencing database to external users and, with input from Criminal Law Division staff, continuing the publication and distribution of the *Queensland Criminal Law Bulletin*.

The capacity of computer systems to enhance communication links among regional offices, internal staff and private practitioners was recognised as an essential component of planning to extend and improve both grants processes and the availability

of information. In the mid-1990s, electronic mail and office automation was installed, leading to the operation of a single statewide mail network. The mail process QIT won an Australian Quality Council award and was a finalist in the National Quality awards in 1995. All staff were provided with computers and upgraded word processing software and, as they were developed, access to Intranet and email programs. Through LA Office, existing functions were enhanced, among them electronic file retrieval, conferencing, electronic lodgement and *pro forma* invoicing. An electronic funds transfer system introduced in 1995 took some time to be accepted by private practitioners. The application of technology to broaden the scope of access to free legal advice was again evident in the trialling of a PC Video Legal Advice service to Redcliffe. The first of its kind in Australia, it enabled a solicitor in the Brisbane office to give face-to-face advice to a client in Redcliffe through the video link. The trial was extended to Charleville in July 1996.

The project approach

In 1994, approval was given for the six-month trial of a pilot program for a new service, Youth Legal Aid (YLA). After positive feedback and evaluation, it was officially launched in February 1996, with three staff members, including Coordinator Mark Green. They provided a high standard of specialised duty lawyer, court representation and legal advice services free to young people under 18 years of age and acted as separate representatives for them in disputed parents or guardians' care and protection matters. Assisted where appropriate by social workers, they also had the customary Legal Aid responsibility of promoting education, training and reform advocacy. One of its first contributions to law reform was the submission prepared by Green and John Hodgins to the Scrutiny of Legislation Committee of the Justice Department on proposed amendments to the *Juvenile Justice Act of* 1992. Some of the amendments were considered to discriminate against children and to compromise their rights without justice necessarily being served, Legal Aid's position being summed up as:

> The basic right to legal representation and information is an unquestioned given for adults facing the justice system. However, Legal Aid is concerned that children do not have the same rights under the *Juvenile Justice Act*. They now enter the justice system at a disadvantage which needs to be addressed through legal representation and awareness of the rights and responsibilities.

As Colin Marshall had observed, if the profile of Legal Aid clients over time was analysed, a high proportion of them were young people. Legal assistance for them tended to be related to criminal matters but, if a broader view was applied, they were disadvantaged, perhaps disabled, in any number of ways, and mostly poorly informed about their rights in the justice system. Similar disadvantages applied to women who were under-represented in Legal Aid's client profile and faced serious barriers in accessing legal assistance. In his view, it was a matter of working within government policy parameters to obtain funding, and reordering priorities to make available a small number of staff to initiate a service. As outlined in Legal Aid's 1995 submission "Increased Access to Legal Services by Women", there were no short-term cost savings attached to this type of program. What was offered was a case-

work and advice service. Just as importantly, there was the opportunity to provide information and education, and to bring pertinent issues into public and profession discussion forums in order to effect constructive change. A successful submission for state government funding enabled Women's Legal Aid to be officially launched in March 1996. Based at the Woodridge office, the staff comprising Coordinator Cathy Taylor, social worker Josephine Rinaudo and legal officer Susan Masotti, its basic function was to offer legal advice and casework to women of the Logan area. A much broader responsibility, where progress was often difficult to measure, was to liaise with complementary organisations to promote a cooperative approach to assisting women. A major aim was to identify gender equity and other issues relevant to developing an overall women's policy. In addition to their education and information operations, conference participation and representation on key community organisations, the unit also conducted staff training to promote a more understanding approach to assisting women.

Matters relating to small debts claims and consumer complaints had always been outside Legal Aid guidelines for assistance. In response to concerns expressed by representatives of government and various welfare agencies, Legal Aid had published self-help kits as an alternative means of assistance in these areas. In another example of the organisation's capacity for flexibility, in 1995, the LACQ approved the proposal for Legal Aid to set up a Consumer Protection Unit. Launched in October 1996, the unit was expected "to develop guidelines, monitor advice and casework, and network with regional offices, financial counsellors and other relevant organisations to attract priority matters of a social justice nature." This definition of its role expanded on the initial concept of providing "advice and representation on consumer credit disputes as well as community education programs." As Simon Cleary recalled, it encouraged the aim of bringing about systemic changes in this area and led to the unit establishing its place within an Australia-wide cooperative network.

A lawyer who had previously spent some years at Sydney's Redfern Legal Centre often advising clients on consumer credit problems, Cleary was appointed to run the unit. He embarked on a challenging schedule assessing demand for consumer protection assistance and building up relationships with other agencies in this field. The high level of demand for legal assistance was immediately apparent but unlikely to be met in the near future, even on a small scale. From this standpoint, the process of filtering was developed in cooperation with statewide

Josephine Rinaudo, Cathy Taylor, and Susan Masotti

agencies such as Financial Counselling Services, Queensland, Lifeline and the Salvation Army. As he explained, some of their clients in need of financial counselling might have an associated legal problem requiring specialist advice. If there was a wider application of the issue and representation of the case had the potential to effect changes, Legal Aid would take on the case. Where, for instance, a finance company repossessed a client's car, there was the capacity to give legal advice, to show the client how best to address the problem, a course of action to take, how to write appropriate letters, and the extent of consumers' legal rights. It was possible for changes strengthening consumer protection to result from this type of intervention.

The links Cleary established during this period extended beyond Queensland and promoted an encouraging collegiate atmosphere. Comparatively well-resourced in this area, lawyers at other Legal Aid Commissions around Australia were generous with advice. Those at New South Wales Legal Aid, for example, responded whenever called upon to give advice or discuss matters informally. Commonwealth agencies, and even Community Legal Centres in Melbourne and Perth, also gave the Unit productive professional support.

In the September 2002 edition of *Head Note*, CEO John Hodgins wrote: "a very small unit within Legal Aid Queensland – the Consumer Protection Unit – has been making a significant impact in the consumer protection area". Stephen Roche, President of the Australian Plaintiff Lawyers Association (APLA) described the Unit's lawyers, Catherine Uhr, Loretta Kreet and Simon Cleary, as "little, irritating stones, because they cause discomfort to those who

Launch of the Consumer Protection Unit: Paul Friedman, Lex MacGillivary, Michael Baumann, Suzanne X, Simon Cleary and Alan Ducret

are used to having their own way." Awarding them the Association's inaugural Civil Justice Award for Queensland, he said: "APLA wishes to recognise the efforts of people who seek no reward, no publicity, no kudos, but who achieve beneficial changes to society by their efforts..." In the years since its establishment, the Unit has been fully occupied, not only fulfilling its charter but also developing comprehensive public education program and consumer advocacy targets. A twice-weekly telephone advice service has each year given hundreds of people access to legal expertise and helped keep the Unit alert to current concerns and new 'scams' or 'unfair' practices being tried on consumers.

1996: Access to services on the rise

Increases in all areas but one of Legal Aid operations were registered for 1996. Applications considered for grants of legal aid rose 16 percent to 36,719, 53 percent of which were for criminal law matters, 30 percent for family law and 17 percent for civil law. Approved applications increased by 19 percent, spread across all areas of law. Staff solicitors handled 6,479 cases, a nine percent increase, while there was a 23 percent increase in private practitioner cases. Casework in regional offices increased by eight percent and by 10 percent in the Brisbane office. Legal Advice was received by 40,024 clients, an increase of 12 percent, with 51 percent of them women. Additional funds saw an increase to 2,336 in family law conferences, with a 61 percent settlement rate. The duty lawyer service in the Magistrates and Childrens Courts represented 46,647 defendants. There was a decrease in the numbers represented by Legal Aid staff and a corresponding increase of nine percent in representation by private practitioners. Although the telephone system had been upgraded and the Bilingual Information Service for Spanish and Vietnamese-speaking clients was well-patronised, the Telephone Information Service registered an overall decrease in usage, the only area of Legal Aid operations to do so.

The 1997 Commonwealth/State Legal Aid Funding Agreement

In November 1996, the Commonwealth Government notified all legal aid authorities in Australia that the Commonwealth/State Legal Aid Agreement would cease on 30 June 1997. Central to the new terms of agreement proposed by the Commonwealth were reduced real funding levels, nominated areas for funding and the priority given to children's interests and the use of alternative dispute resolution services. The proposed agreement did not cover funding for Community Legal Centres. In the course of considering their options, LAO and state government representatives held a series of discussions to prepare the government's submission to the Australian Senate Legal Constitutional References Committee Inquiry into Legal Aid. The 'whole of government' submission incorporated advice from departments involved in the delivery of legal aid services. It identified some of the factors influencing the level of demand for legal assistance, including changes deriving from court or tribunal rulings. One example was the recent High Court ruling in the *Dietrich* case which led to courts having the power to stay prosecution of criminal matters until the defendant obtained legal representation. The submission highlighted the unmet need in relation to services for women, ethnic communities, mentally and physically disadvantaged people, Aborigines and children but commended the initiatives Legal Aid had implemented to address this need.

As in 1990, there was a disparity between the Commonwealth and the LACQ estimates of the cost of Commonwealth legal aid matters. Based on figures for 1995-96, the Commonwealth estimated this to be $18.42 million and proposed to offer no less than $14.4 million, the amount calculated on a *pro rata* basis. Based on the same figures, the LACQ put the cost at $21 million and emphasised it had expended approximately $2.5 million of its own funds to provide an acceptable level of service. It estimated that services for Commonwealth matters and persons

accounted for as much as 80 percent of its annual expenditure. As Queensland cabinet documents for the period show, on Queensland's rejection of the Commonwealth terms, Federal Attorney-General, Darryl Williams, agreed to try to have the previous $18 million funding level restored. Since the signing of a further agreement with reduced Commonwealth funding was inevitable, it then became a matter of determining ways to accommodate it without curtailing legal aid services to an unacceptable degree.

As Cabinet documents for the period set out, the state government's response to the Commonwealth was to propose that the Queensland legal aid authority confine itself to state matters, with the possibility of tendering to cover Commonwealth matters on an agency basis. Together with the reduced funding base, this called for Legal Aid to be more responsive to market forces in terms of a cost-efficient operation that was competitive with private legal services. The government proposed structural changes to the LACQ, as well as changes to bring Legal Aid policy decisions under more direct government control and to end the legal profession's dominance of the commission. Of immediate concern to everyone in Legal Aid as discussions continued over some months was the proposal to reduce significantly the size of the Legal Aid 'bureaucracy'. Since Legal Aid's successful preferred supplier system had already demonstrated the cost benefits of tendering the delivery of more services to the private profession, high levels of professional and support staff were no longer necessary. The LACQ argued that it could cover the government-estimated annual shortfall of $4.9 million by reducing some services and tightening guidelines but principally by instituting more comprehensive cost-efficiency measures within the existing policy and administrative structure. One example was the proposed Telephone Call Centre due to commence operations in 1997. The Commonwealth/State Agreement was duly signed, and the terms of the Agreement and the outcome of these discussions were embodied in new legislation, the *Legal Aid Queensland Act 1997*.

Under the Agreement, the Commonwealth guaranteed an $18 million annual payment to be allocated to:

- cost of grants of legal assistance for matters arising under Commonwealth law and being matters of priority (including alternative dispute resolution or any other service directed towards resolution of a legal matter);
- child support (previously funded separately under the Commonwealth/State Agreement);
- cost of Commonwealth matters arising from duty lawyer, legal advice and community legal education services; and
- Community Legal Centre administration.

In these allocations, priority was to be given to services addressing the needs of children and spouses at risk, and to services offering non-litigation resolution of family law matters. State government funding increased by $3.2 million to $14.3 million, to be allocated to grants of aid in respect of state law matters, Community Legal Centres, the Brisbane/Ipswich Committals Project, and the various recurrent administrative costs. Funding for serious criminal proceedings was determined a priority in the allocation of state funds.

Under the 1997 legislation, the Legal Aid Office (Queensland) became Legal Aid Queensland and the Legal Aid Commission became the Board of Legal Aid Queensland. A new logo was commissioned for the new entity, although corporate uniforms displaying the logo, later introduced for Customer Service Officers, did not survive for long. Following the model introduced in Victoria, the Board comprised five members, three of them members of the previous commission. Members were accountants Leonie Taylor and Des Knight, Margaret Wilson, Q. C., and Colin Barnett, representing the interests of legally assisted persons. Michael Baumann retained his position, now named Chairperson, Board of Legal Aid, Queensland. Absent were Commonwealth and state government representatives, a representative of independent legal services, and the Director of Legal Aid. It was expected that the smaller numbers and the Board's composition would bring "a more business-like approach" to Legal Aid administration.

For Legal Aid management and staff, the events of 1998-97 heralded a new round of reviews, evaluations and strategic planning to demonstrate the organisation's capacity to adjust to change and to continue delivering comprehensive legal aid services economically, efficiently and to benchmark quality standards.

Out with the old and in with the new...
LEFT: the Legal Aid Commission / Legal Aid Office (Qld) logo, and
RIGHT: the updated Legal Aid Queensland logo

SPECIALISTS AND PARTNERS IN A CHANGING ENVIRONMENT

A Regime of Change

The influence of the Commonwealth/State Legal Aid Agreement and the state government's policy determinations, as expressed in the 1997 Legal Aid Queensland legislation, on LAQ was immediately apparent. Changes were made to the organisational structure and to administrative practices, new programs were introduced and existing procedures and entities modified or refined.

The regime of change appeared to be instituted to accommodate government requirements. However, closer examination of the following years showed it to be part of an already considered progression towards LAQ's stated aims, the elements of which were shaped by both short and long-term strategic planning. Informing this planning was the collection of statistical data, as well as on-going surveys, reviews and evaluations. This gave LAQ a superior information base from which to conduct discussions with external stakeholders about the future direction of its operations. Moreover, it had one of the largest legal practices in Queensland and was the acknowledged leader in several areas of legal aid services at the national level. Despite clearly being at the top of its game, LAQ embarked on what might be described as a campaign to demonstrate that it was an efficient business organisation. Much of the impetus came from staff members. Not surprisingly, they saw it as a challenge to demonstrate benchmark standards of legal practice and administrative efficiency all directed towards improving legal assistance services.

Chief Executive Officer, John Hodgins, made a clear statement of LAQ's management agenda and the steps taken in its framing:

> We put a lot of time, resources and effort over the year into carefully mapping out and assessing our strategic direction. This involved the participation of staff from right across the organisation.
>
> It involved many workshops and meetings. It involved a great deal of research and discussion. It involved precise analysis of where we are and where we want to go.

In many respects, the proposed changes or extensions to services put forward by external policy makers were already in place or in the planning stage. In his overview of the 1997/98 year, Hodgins had listed some of them, such as the establishment of the Call Centre, the preferred supplier scheme, more use of technology to improve services and efficiency, the streamlining of the appeals process and the simplification of the applications and approvals process. LAQ had also participated in the study conducted by the National Centre for Social and Economic Modelling to test the feasibility of simplifying the means test process. Chair of the LAQ Board, Michael Baumann, added the successful introduction of computer video advice services, also noting the 125,000 information calls in the nine months the Call Centre had been operating, an eight percent increase in legal advices, 11 percent more family law conferences settled and six percent more defendants assisted by duty lawyers.

Victims of Crime Compensation Unit launch - (L-R): Michael Baumann, Andrew Brown, Mandy Albert, Hon. Denver Beanland MLA, Paul Friedman, Helen Paulger and Mark Victorson

Among further innovations was the Victims of Crime Compensation Unit launched in April 1998. State government funding enabled the abolition of the means test for all victims of crime. The unit operated on a 'no win, no pay' basis but, unlike private firms undertaking the same work, guaranteed a cap on victims' legal costs whatever the size of a payout. During 1997, LAQ gained a new, distinctive corporate logo and, in December that year, launched a dedicated website to provide access to information on its structure, funding, services and guidelines. A broader range of publications and self-help kits was planned for later inclusion.

In the short term, the question at issue was whether or not LAQ was showing the effects of the widely-publicised funding cuts and the consequent speculation about its capacity to maintain the extent and quality of its services. The figures for 1997-1998 held part of the answer. The number of applications for LAQ differed little from the previous year, approvals decreased slightly and their spread across all areas of law remained consistent with previous years. Inhouse casework figures showed a six percent decline but, contrary to some expectations about the impact of the preferred supplier scheme, the expenditure of $22 million on assigned cases to private practitioners and the number of approved cases referred to them showed little change.

With quality and cost-efficiency two major goals, LAQ set-out to demonstrate a comparable cost-ef-

ficiency with the private profession. That it took up the challenge was reflected in the inclusion of a new sub-heading in annual reports highlighting service performance which was "cost-competitive with private practice." It was certainly satisfying for LAQ to be among the seven organisations nominated as finalists for the Australian Quality Awards for Business Excellence.

New cost-efficiency measures included consideration of a criminal law predictive pricing model to enable accurate predictions of funding requirements to meet demand, and the simplification project which trialled the use of a simplified merit test for processing applications. The primary dispute resolution program was expanded beyond its core early intervention conferences to include case appraisal conferences for certain matters in the Family Court and consideration of a property arbitration program.

Although cost-efficiency might have occupied much of the organisation's thinking at this time, considerable effort continued to be directed towards service improvements and law reform. Family Law staff consulted with Griffith University on a review of the Family Law Act and with the Office of Women's Affairs on the effects of the 1996 amendments to the Act. Procedures for investigating child abuse complaints were the subject of meetings between Domestic Violence Unit staff and the Queensland Police Service. Counsel took a substantial role in law reform through submissions in a number of areas. They included proposals for reform of the Mental Health Tribunal, proposed guidelines for receiving evidence by videoconferencing, and the review of the Criminal Law (Sex Offenders Reporting) Bill and Police Powers. The Family Law division maintained its reputation as a leader in training initiatives with two new programs, a Family Law Update for regional solicitors and community legal centre staff, and Basics in Family Law for non-family law solicitors.

Two major changes to the organisation were effected soon after the enactment of the 1997 Legal Aid Queensland legislation. The first was a comprehensive restructuring which reduced the number of divisions to three. The Legal Practice Division now incorporated Criminal Law, Family Law and General Law and was responsible for all aspects of the practice of law within LAQ. Other sections within the division were Social Work, Regional Legal Practice, Farm Finance Service, Women's Justice Network and the Legal Support Team. Counsel subsequently agreed to join the Legal Practice. While administrative and legal practice efficiency was a prime reason for locating both Counsel and Criminal Law within the overall legal practice base of LAQ operations, it may also have been a response to Cabinet discussions on agency model options prior to the 1997 legislative amendments. One of the options under discussion was to re-establish criminal law outside LAQ since it was perceived at the time to operate virtually as a separate entity within the organisation. The new arrangement supported the formation of specialist units, two examples of which were in criminal law. The first was the serious litigation team which undertook inhouse the "complex and difficult criminal law cases", therefore significantly reducing expenditure on outsourced professional fees. The second was the solicitor advocates team. Among its duties were representing clients in relation to Commonwealth and state matters in Magistrates and District Courts, in Supreme Court bail applications

and conducting appeals from the Magistrates Court to the District Court. In 2000, the team's joint submission with the Director of Public Prosecutions on the effectiveness of drug rehabilitation programs as a condition of Supreme Court bail made a contribution to the state government's decision to fund the Drug Court pilot in 2002.

The Preferred Supplier

The second major change was the introduction of the preferred supplier scheme. Following the change in LAQ's status to that of purchaser and provider of services, LAQ announced in October 1997 that it was moving to the preferred supplier model for the delivery of legal aid services. The scheme commenced in February 1998. Associated with its introduction were several policy and procedural changes. Up until now clients had the choice of an inhouse solicitor or their own preference from the extensive panel of private solicitors willing to undertake legal aid work. This choice was no longer available and, together with private practitioners, inhouse solicitors became preferred providers of services to be purchased. Firms applying to be approved as preferred suppliers signed a contractual agreement with LAQ, the exception being remote area suppliers who worked under an informal agreement. The Grants division set the budgets for, and managed, grants of aid, referrals, and monitored performance and casework targets. It managed the duty lawyer service, primary dispute resolution, the Civil Law Legal Aid Scheme and community legal centres as these programs came within the division's responsibilities. An entirely independent status was planned for a separate audit section established within the division to carry out the regular audits of providers of legal services both inhouse and external.

It was to be expected that institutions such as the Queensland Law Society might raise the possibility of the preferred supplier scheme being detrimental to the interests of its members. According to *Funding Justice*, the Criminal Justice Commission (CJC) report on funding for Legal Aid Queensland published in September 1999, its adoption would result in a deterioration in the quality of the legal aid work private practitioners undertook and, consequently, the quality of LAQ services. Reviewing the scheme after four years in operation, CEO John Hodgins set out the position in a comprehensive statement for the December 2001 issue of *Head Note*. Rejecting the CJC's criticism, he declared that the scheme had met its aim:

> "of providing a more effective and efficient system of delivering quality legal services by private legal practitioners doing legal aid work.
>
> The quality of lawyers undertaking legal aid work has not deteriorated and (that) the public is receiving a quality service from the private practitioners who undertake legal aid work. "

He also dismissed as unsubstantiated the CJC's concern about perceptions of legal aid work being "juniorised", particularly in the area of criminal law. As he explained, it was logical that some proportion of legal work, whether or not it was LAQ work, would always be carried out by junior lawyers. In his view, the recommendation to raise criminal lawyer fees for LAQ work was a separate issue.

The policy emphasis on collecting statistical information on all LAQ's areas of operations proved of

benefit in demonstrating the successes of the preferred supplier scheme. Early surveys of the pattern of LAQ referrals to private practitioners had shown that, out of the 1,000 registered practitioners, less than half of them had undertaken LAQ work in the previous 12 months. Under the new scheme, private practitioners who were approved to be registered as preferred suppliers made the choice to guarantee their services for LAQ work for a specified time period. By 2001, there were 400 preferred suppliers located around Queensland.

Victims of Crime Compensation Unit launch

The scheme had advantages for both LAQ and the private profession. The scheme offered efficiency and certainty of referrals for the participants and the flexibility for LAQ to incorporate suggested improvements to its operation by incorporating practice and case management standards in its service agreements with preferred suppliers. In the light of its past experience, LAQ adopted the simple strategy of looking after its preferred suppliers. At a senior level, it involved a wide-ranging liaison role, and the introduction and management of processing reforms through the electronic lodgement of applications, notifications and payment of accounts. The advances in computer technology also enabled preferred suppliers to access LAQ's comprehensive information and education databases made available through library services. Of particular value was the comparable sentencing database. On the more direct level, Grants officers were encouraged to build relationships with the preferred suppliers in their area.

Community Legal Centres

In line with the purchaser-provider system, the administration of Community Legal Centres (CLCs) was transferred to the Grants division as a separate section on 1 July 1998. Rosemarie Coxon took over management of the program in October 1998. Prior to that time it was managed by the Policy and Education Unit.

In his paper (presented in 1999), "*A History of Legal Aid in Australia*", R. Coates, Director of the Northern Territory Legal Aid Commission, had observed that governments still treated CLCs as cheaper deliverers

of certain legal services than the private profession, but warned that CLCs still depended on the goodwill of their volunteer staff. He articulated his concerns about CLC funding being linked to conditions for their operations and the increasing degree of control over their future direction. One special area of concern was the requirement for CLCs to enter into service agreements: "that are highly prescriptive in relation to the services that can be provided, as well as imposing extensive data reporting requirements." This inevitably progressed, in his view, to CLCs being involved in purchaser-provider arrangements and suggestions for the amalgamation of certain services, the cessation of others and expansion into new areas. In this way, governments came to control which services the CLCs provided to disadvantaged people.

LAQ has provided both funding and volunteer support for CLCs since its inception. By 1986, nine CLCs were receiving Commonwealth Government funding while LAQ provided a further 18 percent of the Commonwealth total for specific projects. A CLC funding sub-committee was appointed the same year, chaired by Legal Aid Commissioner, Rev. Dr Charles Noller. Its purpose was to evaluate the work of the centres, to liaise with them and to make recommendations on the funding applications to the Commission. The Commission then forwarded recommendations to the Commonwealth.

In 1991, the Queensland Government made a contribution of $100,000, recorded as its first funding of this area of legal services, to save several centres from closing. By 1992, when funding applications from 21 CLCs throughout Queensland were approved, increased accountability measures were introduced. LAQ finalised an agreement linked with funding approval which required each centre to furnish a standard statistical summary and to complete a draft service agreement form to be negotiated annually with each centre. A total of $1,770,615 was distributed to 17 centres the following year but, although the service agreement was given a trial, it did not proceed to the formal stage owing to the national statistics project then in train.

In 1999, at the instigation of the Commonwealth Attorney-General's Department, a review was conducted into CLCs in Queensland. The CLC Advisory Group, in its report, acknowledged the vital partnership between CLCs and legal aid organisations and encouraged staff to continue as CLC volunteers. The group recommended if any additional funding became available in the future, four regions should be targeted to receive this funding. In order of priority those areas were Inala, Wide-Bay Burnett, Logan and Redcliffe. In early 2004, Taylor Street Community Legal Service at Hervey Bay commenced receiving funding from the Commonwealth Government.

An injection of state government funding during 2001 allowed LAQ and the Queensland Association of Independent Legal Services (QAILS) to enter into a four year funding model. Three components were taken into account when developing the model – salaries, on-costs and operating expenses. Under the formula developed, the majority of CLCs received additional funding, with some receiving substantial increases. Any remaining funds were made available to all CLCs through a tender process for the purpose of providing additional services. Thanks to the new model three CLCs - Care Goondiwindi, Logan Legal

Advice Centre and the Nundah Community Legal Centre, received funding.

After several years of negotiation between the Commonwealth Attorney-General's Department, the legal aid commissions and the National Association of Community Legal Centres, a new three year service agreement came into operation as of 1 January 2003. Because of a delay with negotiations, the first agreement was for a two and a half year period. In addition to other reporting requirements, under the new agreement, CLCs were required to complete a client satisfaction survey twice a year and an annual audit against Commonwealth set service standards and performance indicators.

As State Program Manager, Rosemarie Coxon was responsible for working with CLCs to manage the day-to-day operations of the funding program. In this role Rosemarie was responsible for monitoring compliance of CLCs within the terms and conditions of the service agreement including compliance with accountability and reporting requirements, performance against activity targets and compliance with quality assurance measures.

Staff – the best resource

From its introduction in 1994, the organisational philosophy of total quality service had as its basis the empowerment of staff and their full utilisation as an irreplaceable resource. It called for a renewed focus on client service, identified the client as the main arbiter of quality and, linked to the solution-oriented approach to services, represented the means of achieving efficiency, effectiveness and quality in their delivery. The adoption of the total quality service concept opened the way for two further organisational features to be developed. The first was the formation of self-managed work teams (SMWTs). Following a successful trial utilising inhouse Legal Practice staff, 17 teams were formed within the Brisbane office of the Legal Practice in August 1997. For regional offices, the concept of the semi-autonomous work team (SAWT) was applied to each office and the senior solicitor was nominated as the team coordinator. By 2000, all areas of the Grants and Corporate Services divisions had been formed into teams, two senior teams, the Business Performance Team and the Quality, Technology and Innovation Team had been added and the concept of cross-functional work teams was under consideration. The provision of training programs and the support of a coach network were considered essential to the successful implementation of the teams concept and the nomination of team leaders would help maintain their effectiveness. While the concept was intended to bring about a shift away from an hierarchical management structure, it also encouraged the formation of teams based on specialist areas of law and specialist skills.

Teams were subject to controls, primarily the quarterly Quality Assurance Systems Audits and a regular reporting schedule to senior management. As formally defined in LAQ's Instrument of Delegation, teams had the capacity to manage their business, including budgets and staffing requirements. Delegation was intended to foster participation in workplace decisions, so that they were the outcome of consultation and discussion rather than being imposed from above. There were forums for discussing new ideas, proposals for improvements

and the possibility of co-operative action, as well as issues arising from workplace conditions.

The 'Team of Teams' concept was introduced in 2000 and endorsed after a review conference in February 2000. The traditional staff performance and planning review processes were replaced by a 360 degree feedback appraisal system during the same year.

Training and development, according to the head of the Human Resources team, Ken Raymer, is an important element in the progressive work environment LAQ endeavours to provide. Public Defender Brian Devereaux has instituted inhouse training for junior professional staff to enable them to be competitive in applying for higher-level job vacancies both within the organisation and in the commercial market. Professional staff have access to comprehensive legal education programs while a range of education and training activities are available for non-professional staff. Weekly inhouse seminars on topics such as the effects of legislative changes and developments in particular areas of law, a telephone hook-up for staff in regional offices and on-line programs all make a contribution. In addition, each division has a budget for attendance at seminars and conferences and there is provision for conference leave. Staff members are encouraged to improve their skills base through higher qualifications and the Study and Research Assistance Higher Education Contribution Schemes are available to support their efforts. For example, Dorothy Adams, received assistance to complete the Public Sector Management course while flexible working arrangements enabled Diana Falcomer to complete a law degree while employed as an administrative assistant in the Townsville office. On graduation as a solicitor, she successfully applied in January 2003 for appointment to a position in LAQ's Domestic Violence Unit.

Victims of Crime Compensation Unit launch

Career training and development facilities have wider implications for LAQ's status as a quality service provider. As Ken Raymer pointed out, LAQ's future lies in the quality of the staff it can attract and keep. To this end, there is an active recruitment policy or, as he explains, "we line up with all the private firms and other government agencies to interview law students looking for employment". In 1998,

Karen Chapman, Legal Practice Coordinator, initiated a vacation clerkship program for law students, one of its aims being to "ensure a continuous flow of talented new lawyers into social justice areas of law." Rachael Moore, the first graduate recruit, completed her summer clerkship early in 1999 and was the first graduate recruit employed as an alternative to doing articles. She subsequently completed the Bar Practice Course in 2001. LAQ is now seen as a positive career choice for lawyers. The organisation has the largest family and criminal law practices in Queensland, offers the opportunity of experience in specialist areas of law and the means of contributing to social justice initiatives and reforms. In addition, employment with LAQ has already proved to be a stepping stone to higher-level positions in both private and judicial sectors.

One striking example of the benefits of teamwork was the upgrading of the Grants handbook. In June 2004, at a conference in Nashville, Tennessee, Library Manager David Bratchford was announced as the winner of an award from database software company Inmagic for innovative information solutions. He was the first to acknowledge that it was essentially a team effort involving input from many LAQ staff including members of the Communication and Information team, Grants and Legal Practice. An indispensable reference for assessing and determining grants of aid, the handbook was an electronic resource that had grown to the extent that it comprised hundreds of static web pages. It had become difficult to find information and the content had to be manually updated whenever there were changes to guidelines or procedures. It was a laborious process.

Six months was required to scope the project and lay the groundwork. No-one, not even the team, realised at the time what an enormous project it was. The Grants division wanted it retained in book form but with extra functionality. This called for an innovative approach that stretched the existing software beyond its usual application, and there were long sessions of trying out different ways to resolve the consequent problems. Librarian Claudia Davies did the design and much of the information architecture. Web designer Andrew McCurdy gave assistance when his other work allowed, while Davies, together with Tabatha Needham from the Communication and Information team, did most of the data entry. Each chapter of the handbook was designated an author who was responsible for updating their chapter. Ensuring content is updated is an ongoing responsibility of each of the 11 authors. Kristen Lawson from the Grants division, who coordinated the project alongside Bratchford, had the challenge of overseeing the content. It was no easy task to ensure that the content was standardised in format and style, checked for accuracy and then broken down into small, logical pieces before it was entered into the database. The handbook was launched in October 2003. The advances the team achieved and the innovations they devised to convert it to an accessible electronic resource, against considerable odds, motivated them to apply for the award.

The award for the Grants handbook was one example of the variety of awards LAQ staff have received. They were keen to compete with other organisations to gain recognition for their capacity to deliver innovation and excellence in the nominated areas. Among a satisfyingly long list were the Justice Department 1997 Australia Day awards

Grants Handbook Launch

to three staff members, Listings manager Charles Claxton for customer service, Women's Legal Aid coordinator, Cathy Taylor, for building community networks and Rockhampton regional office solicitor, Paul Wonnocott, for his commitment to improving legal services for disadvantaged people. Others were the prestigious *Quality in Law* Award in 1998 for "outstanding achievement in the area of quality management and best practice in the legal profession throughout Australia", an award from Workscope Inc. "for demonstrated commitment to Equal Employment Opportunities for all Queenslanders", and the *Queensland Public Sector –Best Training* Initiative, one of Queensland's most sought-after awards. According to many of the staff who shared in the awards, it was exciting at the time but, having made their point, they generally preferred to direct their energies towards achieving further improvements. In 1997, LAQ had introduced a reward and recognition program for staff achievements which were presented each year at a formal ceremony followed by a barbecue.

Awards represented one of several factors contributing to LAQ's standing within the justice system. Another was its recognition as an organisation whose staff had high level experience and expertise to make important contributions to the justice system in matters of law reform, and proposed new services and modifications to existing services. There were numerous examples. Anne Anderson, a senior solicitor at the Caboolture office was seconded to work with the Drug Court pilot program, which commenced in June 2000 at the Ipswich, Beenleigh and Southport Magistrates Courts. In 1998, Public Defender Michael Shanahan was a member of the Minister for Police and Corrective Services Committee to overview the implementation of the *Police Powers and Responsibilities Act* 2000. Deputy Public Defender Deborah Richards and Louise Shepherd, also from Counsel, were members of the Task Force on Women and the Criminal Code, while Simon Cleary sat on the Attorney-General's Working Party on Motor Vehicle Dealerships. James Hall, a legal officer with the Committals/Duty Lawyer team, was seconded to the Mental Health Unit of Queensland Health for 12 months during which he assisted in the drafting of the new Mental Health legislation.

In 2002, the Attorney-General announced proposed changes to the criminal jurisdiction in Queensland to move some matters usually dealt with in the higher

courts down to the Magistrates Court, with the aim of increased efficiency and cost savings to the community. Very early in the process, Department of Justice officers invited senior solicitor Howard Posner and Public Defender Brian Devereaux to contribute to discussions on the proposed changes. The third related factor confirming LAQ's standing in the justice system was its acknowledgement as a source of skilled, experienced practitioners for judicial and other justice system appointments. Some examples are the appointments of Michael Shanahan and Deborah Richards to the District Court; and John Lock, Di Fingleton, Joan White, Christine Clements, Pam Douse and Dermot Kehoe to the Magistrates Court.

A Strategic Plan

The second developmental feature associated with the advent of total quality service and the formation of teams was the production of LAQ's first formal strategic plan. At the end of the consultation process, in which all staff and many external stakeholders participated, the organisation had formulated a three-year plan directed towards the objectives of awareness, access, quality of service and organisational capability. As set out in the 1998-1999 annual report, the objective of awareness was - *to improve community awareness and support for our services and for Legal Aid Queensland to be seen as a prime agency in the justice system*; for access - *to improve access through technology and cooperative arrangements*; for quality of service - *to deliver quality customer focused legal services*; and for organisational capability - *to develop people and systems to maximise organisational capability*. The awareness strategy was shaped principally by the findings of internal and external surveys which gave a relatively low rating to public and stakeholder understanding of LAQ's objectives and services.

In 1998 Colin Marshall retired after making a significant contribution to the organisation in his role as Manager, Policy and Education. In his 13 years with LAQ, he had enjoyed using his non-lawyer status to encourage lawyers to broaden what he saw as their traditional legalistic mind-set when considering LAQ policy issues. As the central figure in the Policy and Education Unit, he had been a force behind advances in policy development, communication and public access to LAQ information and had consolidated cooperative relationships with a range of government and welfare agencies. Regarded as a visionary by some LAQ staff, he wrote the successful submissions for the funding which resulted in the establishment of Women's Legal Aid and Youth Legal Aid. His final successful submissions contributed to the development of regional access networks and the associated establishment of the Women's Justice Network. In the organisational restructuring undertaken in 1998, the Policy and Education Unit was disbanded. Women's Legal Aid and Farm Finance came under the Legal Practice, the policy functions were split between the Grants and Corporate Services divisions, and the Community Education Unit was absorbed into the Communication and Information team.

Anthony Brown, a journalist, filled the position of public relations and media officer in the new team. Anthony, who resigned in 2000, went on to become a successful novelist, publishing *'The Boys from Ballymore'* in 2001. Current program coordinator,

Colin Marshall's retirement

Miranda Greer, also a journalist, was appointed in 2001 as head of the team's media, public awareness and publications section. Planning to increase public awareness involved an extensive range of activities, from media exposure, advertising, participation in relevant public events, liaison with government departments and other agencies, organising media coverage of new LAQ services, and helping to devise and distribute information publications from fact sheets to self-help kits. Advances in electronic communication have made an important contribution to the teams' progress in meeting the awareness objectives.

Client service remained a high priority for LAQ and this was evidenced in the establishment of the Call Centre in 1997, which replaced the telephone information service that had been in operation since 1991. Its opening was the culmination of a long course of planning and consultation undertaken by a dedicated project committee. The committee of experts had negotiated its way through the attendant legal, human resources and technological issues to arrive at a workable structure. Then followed a period of trials, checks and adjustments before the system was cleared to start.

During the second reading debates on the *Legal Aid Queensland Bill* in 1997 the call centre was recognised for its innovative and effective approach to assisting people with legal problems. The following year, the Attorney-General, the Hon. Matt Foley, made it the subject of a ministerial statement. Drawing parliament's attention to the call centre winning the Australian Telemarketing and Call Centre Association's award (under 50 staff), he nominated it as "the benchmark against which all other call centres of a similar size should be measured."

There was a logical progression to the next stage where a client service centre was instituted and its staff designated client information officers. With improved efficiency always to the fore, customer surveys were introduced. They provided information about problems clients experienced when accessing services. In February 2002, the renamed client information centre registered its one millionth call. This achievement reflected the meticulous attention

to detail and the careful steps taken to put in place high standards of operational efficiency, information bases and training programs, central to which was competence and the capacity for sensitivity in assisting callers.

The rationale behind the call centre/client information centre was to have an operationally reliable centre of expertise available for callers everywhere. No matter where they were located or who they spoke to, callers would receive equivalent information and standard of service. Another feature would be the capacity to refer callers to other more appropriate agencies across the legal, welfare and government spectrum. Both depended on access to a user-friendly, comprehensive and accurate database.

Opening of the Call Centre - Back row L-R: Michael Baumann, John Hodgins, X, X, Denise Doust. Front row L-R: X, X

Development of the database was done inhouse, all the different system functions were successfully integrated, and the staff themselves maintain and update the contents as required.

Denise Doust was working on a recruitment exercise for call centre telephone operators and supervisors when the position of client information centre manager was advertised. She liked the idea of using her marketing skills and experience in directly helping LAQ's clients. She was appointed to the position of Call Centre Manager in 1997 and has managed the team ever since. To ensure reliability and accuracy, solicitors with experience in the advice program, Elizabeth Shearer and Leanne Turner, wrote the database content. Early on, it was emphasized that call centre operators give legal information, not legal advice. Doust agreed that it can be a fine line and staff are encouraged to challenge whether or not certain material should be classed as legal advice. Currently Elizabeth Shearer, in her role as senior legal consultant of the Civil Justice Practice, has the final say as to the database content.

Call centre operators work under pressure, firstly because of the time constraints and secondly because of the often distressing situations clients recount, for which they may need urgent assistance. It is a challenging and often stressful role. As a result, extensive training is provided to the operators, to help them manage the pressure experienced.

In addition to the technical aspects of the job, considerable emphasis is placed on developing interpersonal skills, since it is the application of these skills that tends to determine client satisfaction with

Client Information Officer Penny Neller

the service. Together with the monitoring of quality service standards, regular client feedback is now incorporated into the operational schedule although, in view of the very few quiet periods experienced, finding time for it remains a problem. At the same time, virtually every aspect of call centre operations is measurable. The extensive data collected means that statistical evidence is available to support any proposals for extra funding, extra staff or an expansion of call centre services.

In the aftermath of the 1992 funding crisis, payments to private practitioners for giving legal advice were abolished and, although arrangements were subsequently modified, the delivery of legal advice fell principally on inhouse solicitors. Although the call centre filtering process had a positive effect, the drain on resources, particularly those of regional offices, continued to be of concern. For 1997-1998, the overall increase of eight percent in legal advices given by inhouse solicitors to 48,421 people exceeded the forecast five percent increase. For example, Women's Legal Aid recorded an increase of 28 percent and, in addition, the Child Support Forum Unit and regional offices advised 6,280 liable parents and carer parents. A further 136 advices were given under the Vietnamese Solicitor project, the joint LAQ and Office of Ethnic and Multicultural Affairs project located in the Inala office. While the Farm Finance Service operating out of the Toowoomba and Rockhampton offices registered a 93 percent increase, there was an almost 50 percent drop in telephone advices to people in remote communities.

One measure to reduce the overload was explored with the trial in 1999 of a telephone legal advice service during which Brisbane inhouse solicitors gave advices to people in the Caboolture and Toowoomba areas. It resulted in a marked drop in client requests for face-to-face interviews. Feedback showed that clients would used the service for its convenience and because it was cheaper and quicker than seeing a solicitor in person. It also had the potential to reach one of LAQ's priority groups, as 60 percent of the callers during the trial were women, more than half of whom were seeking advice on family law matters. The free service commenced in Brisbane and was soon extended to all clients throughout Queensland. It was available during fixed telephone sessions staffed in Brisbane by the First Advice Contact Team (FACT) and by solicitors in the regional offices.

The telephone advice service supervised by FACT coordinator, Elizabeth Shearer, was one part of the functions of the advice program formed within the Legal Practice. Legal advice was delivered to clients face-to-face or by telephone, videoconferencing, and outreach visits to prisoners in south-east Queensland and clients in the Brisbane and nearby areas. In addition, FACT maintains and updates the information and referral database which has been freely available on the Internet since 1998. As a cross-functional team, FACT works with the Communication and Information team on LAQ's range of self-help kits. The legal advice tool kit was developed as an electronic database resource for advice lawyers to give them easy access to accurate information for their clients.

New faces, new challenges

New members appointed to the LAQ Board by 1998 were barrister Peter Applegarth and Ruth Matchett, head of QUT's School of Human Services. Ruth is a former Director-General of the Department of Family Services and Aboriginal and Torres Strait Islander Affairs and chaired the Domestic Violence Taskforce. With the approaching millennium, the Board found itself presiding over a new phase in LAQ's history. However, Michael Baumann was unable to enjoying the fruits of his years of sustained effort as the LAQ Board chairperson. On his appointment as a Federal Magistrate, he vacated the Board chair in June 2000. The new chairperson was lawyer Brian Kilmartin. New Board members were social worker and counsellor Suzanne Staal, appointed in July 2000, and Zoe Rathus, coordinator of the Women's Legal Service, appointed in November 2001. Ian Dearden, a former LAQ employee and renowned criminal defence and anti-discrimination lawyer, was appointed to the Board in July 2003.

Other important staffing changes within the organisation had occurred during this time. When Public Defender Michael Shanahan, was appointed to the District Court, David Holliday and Howard Posner took up positions designated senior solicitor, crime coordination, within the Legal Practice. Nicky Davies was appointed Senior Legal Consultant Family Law. Elizabeth Shearer occupied a similar position in the Civil Justice Practice and Dennis Campbell came from executive hospital management to be senior manager, Corporate Services.

A new agreement with the Commonwealth in 2000 provided for increased funding of $19 million over four years. In 2001, the state government announced it would honour an election promise of long-term funding for LAQ with $10 million to be allocated over the following four years. It was a welcome change for the CEO and the senior managers who had lived with the worsening of LAQ's funding situation since the heyday of the mid-1980s. It was also a vindication of the organisation's commitment to demonstrating the standard of business efficiency and quality service required to assure a viable, stable level of funding support. As John Hodgins declared in the 1999-2000 annual report: " ... most people who come to us seeking assistance will get it." By way of illustration, he cited the 5,000 legal advices provided by LAQ's child support services during the previous year and the 57,000 defendants represented in the Magistrates and Children's Courts through the duty lawyer scheme. He continued, "we expect to increase (fees) in coming years with a significant

Board of Legal Aid Queensland - (L-R): Ian Dearden, Zoe Rathus, Suzanne Staal, Leonie Taylor and Chairman, Brian Kilmartin

boost in funding...". The new Commonwealth agreement came into effect in July 2000 and the extra funding it provided covered family law, criminal law and veterans' affairs matters within Commonwealth jurisdiction. The overall increase in funding allowed for investment in improving information services and expanding primary dispute resolution services. For the first time since 1992, there was an increase in fees paid to private practitioners under the preferred supplier scheme.

Access Strategies

Against this background, LAQ was able to focus more specifically on services for the categories of people, particularly women, children, young people and Indigenous people, together with people living in rural and regional Queensland, who still did not have equitable access to legal assistance. Over the years it implemented four access strategies including: Women's Legal Aid, the Rural and Regional Strategy, the Integrated Indigenous Strategy and the Youth Legal Strategy. A central feature of the strategies was the importance attached to fostering constructive, cooperative relationships with community-based organisations. The policy of trying to extend LAQ services to cover all localities was giving way to one of constructing networks and partnerships aimed at resolving people's legal problems within a community support framework.

Women's Legal Aid

The 1994 report of the Australian Law Reform Commission, *Equality Before the Law: Justice for Women*, had identified the lack of adequate legal services in rural and isolated locations and the difficulty of providing them in sparsely populated areas. Women, and in particular Indigenous women, were "profoundly disadvantaged" in terms of access to the justice system, since services to cater for their needs were "virtually non-existent". In 1994, LAQ set-up a working party to examine issues raised in the discussion paper. This prompted a proposal to the Department of Justice and Attorney-General, which led to the establishment in 1995 of Women's Legal Aid (WLA) to coordinate an integrated strategy to meet the legal needs of women in Queensland, provide direct services in the Logan area and conduct community education and information programs. WLA would also work to meet the needs of Indigenous and non-English speaking women.

The unit was established in Woodridge and originally comprised a coordinator, legal officer and social worker. In the formative years, the unit was

very active in the local Woodridge community and participated in local initiatives to address women's needs, particularly in the area of domestic violence. WLA staff actively participated in domestic violence initiatives, including the Integrated Community Response to domestic violence in the Logan Valley. WLA was awarded a domestic violence prevention award for its participation in the development of a book featuring local women's stories about their experiences with violence.

An evaluation of the effectiveness of WLA began in 1999. The subsequent reported commended WLA on its work-to-date, particularly noting the high-level of service delivery offered to clients. The report encouraged WLA to concentrate its efforts more closely on LAQ's response to its women clients as opposed to the broader task of monitoring the way the legal system in its entirety responds to women. This was considered to be an insurmountable task for such a small unit. As a result, WLA concentrated its efforts on service delivery and looking for ways to improve LAQ's response to women. WLA has also made it a priority to identify and work with women who are particularly disadvantaged in their access to legal aid and the legal system. These may be women who have complicated or multiple legal problems, have difficulties in accessing services, or require specialist services or support, such as social work assistance.

In 2000 Tracey de Simone joined WLA as coordinator after working in human rights law and for the Department of Families in the area of domestic violence. That same year she was successful in obtaining funding from the Department of Families to provide court support for female victims of domestic violence who were seeking protection orders in the Brisbane Magistrates Court. The service was established in 2001 and has operated as part of the WLA team ever since. When the *Domestic and Family Violence Protection Act 1989* was extended in March 2003 to protect people not just in spousal relationships but those in intimate personal or dating relationships, and family or information care relationships - Women's Legal Aid was successful in securing additional funding for a second court assistance worker who was appointed in October 2003.

LAQ's access strategies frequently work together to develop programs or initiatives to assist clients. The staff of the four strategies are aware of an "overlap" between their client-bases and therefore recognise the need for constant collaboration. An example of this cooperation was seen in a report commis-

Pictured at the 2004 Queensland Domestic and Family Violence Awards - (L-R): Raquel Aldunate, John Hodgins, Dermot Kehoe, Sabrina Stokes and Marcia Laurie

sioned in 2001 to assess the way women in rural and regional communities accessed LAQ services. The report was a joint project between WLA and the rural and regional strategy. It highlighted the fact that many women in rural and regional Queensland had difficulties in accessing LAQ services and the legal system in general and recommended a range of actions to help ease the problem. These included providing regular training sessions on family law and domestic violence to community organisations which were often the first point of call for women who were looking for help with a particular legal problem. The report identified Filipino women living in rural and regional Queensland as being particularly restricted in their access to the legal system. Statistically, they were also more likely to be victims of domestic violence. In response, Women's Legal Aid developed publications and resources, which were translated into Tagalog, to provide information to Filipino women. The development of resources for Filipino women was an ongoing project, leading to the creation of pocket-sized information packs in 2003, which explain women's legal rights if they are experiencing violence and want to separate from their partner. A complementary brochure which explains the legal system was also produced. The printed resources were launched by Professor Julie Stubbs in June 2003, who has completed significant research regarding the high domestic homicide rate among Filipino women. WLA won a 2004 Queensland Domestic and Family Violence Prevention Award for these resources.

WLA and the rural and regional strategy are currently working together on a project with Griffith University to research the access of disadvantaged women to LAQ services.

Best Practice Guidelines - Women's Legal Aid coordinator Tracey de Simone and Anjanette Humphries

WLA was also instrumental in developing best practice guidelines for lawyers and others involved in the legal system outlining how to work with clients who had been affected by violence. The guidelines were created in 2001 in response to concerns about the way women who had been victims of violence were treated in the legal system, particularly in the area of family law. The guidelines provide practical information for several different professional groups including child representatives, family law conference chairpersons and call centre staff to assist

them in providing a sensitive service to women. The guidelines were launched by the Attorney-General, Rod Welford, in 2002 and have been identified as an extremely useful resource by practitioners. A further set of guidelines were developed in 2004 for working with clients affected by sexual assault.

In 2004, WLA had grown to include a coordinator, legal officer, trainee legal officer, a social worker, two court assistance workers and a social worker. The unit provides services mainly in the areas of family law, domestic violence, criminal injuries compensation, as well as care and protection matters.

Rural and Regional Strategy

The Women's Justice Network (WJN) was funded initially as a pilot scheme from the Commonwealth Government's Regional Telecommunications Infrastructure Fund. Its purpose was to provide rural and Indigenous women in south-west Queensland with a level of access to legal advice, information and support services comparable to that of women in urban centres. Access was by means of community-based videoconferencing facilities and an online legal database. The scheme was approved and received funding under the Commonwealth's "Networking the Nation" program and was launched in March 1999, in Charleville.

The team behind the WJN included manager Louise Whitaker and team members Christine D'Aquino and Gwen Currie. The team established 18 sites with videoconferencing facilities throughout south-western Queensland and eight legal advice service provider sites. These sites were in addition to similar LAQ facilities already operating in the Brisbane and Rockhampton offices and community access points in Redcliffe and Charleville, as well as Rockhampton and Woodford prisons. The teams dedication and hard work were recognised when they were awarded the Legal Aid Queensland Award for Excellence that year. They were also joint winners of a Premier's Award for Excellence in public sector management for services to rural and regional Queensland.

The third report of the Senate Legal and Constitutional References Committee published in 1998 acknowledged the advances the application of technology made in promoting equality of access to legal services in rural and regional areas of Australia. However, it was contended, there was no substitute for face-to-face contact and the success of regional services was directly related to the level of community consultation and participation. At both Commonwealth and state levels of government, the issue of improved access, particularly for women and Indigenous people, remained a feature of the LAQ policy agenda. In 1999, LAQ received Commonwealth funding which allowed a service to be established for central western Queensland through the Western Queensland Justice Network (WQJN). The WQJN is based in Mount Isa and extended the area serviced via videoconferencing and legal advice services and gave priority to building organisational partnerships to provide essential support resources.

In the 1999-2000 Annual Report, John Hodgins stated: "We have developed a regional strategy which involves working with agencies throughout the state to deliver a state-wide network of legal aid services." The partnership net was thrown wide to include state and local government agencies, local

Western Justice Network - (L-R): Louise Whitaker, Gwen Currie and Chris D'Aquino

law firms, local courts and community centres. By 2001, 45 Community Access Points (CAPs) were established across Queensland, from Stanthorpe to Camooweal in the far west and Cooktown in the far north. From November 1998, the LAQ information and referral database was available online, the feasibility of self-help kits was being assessed, as was the provision of online information resources for LAQ workers in remote areas. The CAPs program was an example of the virtually 'bottomless pit' of innovative ideas and approaches to improving legal assistance access and delivery. It was equally clear that no reasonable idea was denied the opportunity of being considered.

A social worker with a particular interest in feminist management, Louise Whitaker joined LAQ in 1998. She managed the WJN project for the initial three years and was attracted to the project because it offered an opportunity to build support networks for women. She and other project team members, Christine D'Aquino, Gwen Currie and Margaret Haylock, drove thousand of kilometres through rural areas meeting people and talking to them about their legal needs. Initially they met a lot of scepticism about videoconferencing. In the tradition of 'the bush', people preferred face-to-face contact. The project team set up 21 community sites and signed up eight legal service providers, three of which were internal LAQ providers. The external providers included the Toowoomba Community Legal Service, Aboriginal and Torres Strait Islander Women's Legal and Advocacy Service. Arrangements were also made for the providers to have regular meetings to get to know and support one another.

While the WJN project was still running, LAQ was developing its Rural and Regional strategy. Whitaker successfully applied for the position of coordinator and immediately started consultation with regional office staff to identify where improved access was needed in their areas. There was no statistical profile available, so it was a matter of visiting a town, meeting with residents and simply asking them which organisations they would approach if they were in trouble. The sites for CAPs were determined on this basis and within the resources available. Telephone advice was introduced concurrently and this development enabled regional offices to dedicate more resources to community liaison and training.

Maintaining community organisation networks and partnerships, which provide the foundations for the Rural and Regional Strategy, takes considerable

time. In her role as coordinator, Whitaker spent much of each year travelling to support the participants and continues to do so. She consults with them either personally, or by videoconferencing, on ways to improve both access to legal services and the cooperative model of resolving clients' problems.

In partnership with Women's Legal Aid and Griffith University's Professor Rosemary Hunter, the Rural and Regional Strategy successfully applied for funding for the "Women in Legal Aid: Identifying Disadvantage" project. Its focus is on assessing fairer ways to allocate scarce funding resources so that urgent needs are given priority and a more equitable distribution among disadvantaged groups achieved. Its findings are also expected to fill a gap in international comparative literature on the subject.

In 2004, a review of the 46 CAPs in operation is under way. Louise and regional office staff continue regular contact with CAPs. Louise, Paul Wonnocott, senior solicitor at Rockhampton, and the WQJN staff have recently completed a tour of central-western Queensland as part of the review and to have some face-to-face time with people in the region. One of the aims of on-going consultation is to identify gaps in rural and regional services and to devise ways of filling them within the existing resources parameters.

Integrated Indigenous Strategy

A range of government and other inquiries has long registered the unique problems of Indigenous people and the high level of unmet need among Indigenous women for access to social and legal assistance. Since its inception, the Commonwealth-funded Aboriginal and Torres Strait Islander Legal Services (ATSILS) has been directed by Indigenous people who also have comprised the majority of its field officers. As recorded on many occasions, they worked constructively to improve the relationship between Indigenous people and the justice system. At the same time, there have never been a sufficient number of them to cover the work of the service, especially in Western Australia and Queensland.

ATSILS and LAQ were separate entities but they adopted a cooperative approach to providing legal services. For cultural as well as geographic reasons, women were grossly under-represented in the figures of Aboriginal people who had access to legal assistance. Moreover, it is sometimes not possible for ATSILS to represent both parties to a dispute. Studies such as the 1998 survey of Queensland women carried out by the Office of Women's Policy confirmed that exposure of Aboriginal women to domestic violence is almost double that of the female population as a whole, while the incidence of sexual assault and child abuse is equally high. Their vulnerability to consumer fraud has been another significant issue. In 1998, the Commonwealth government announced it had under consideration a proposal to transfer responsibility for ATSILS to state LAQ bodies. The transfer did not proceed but, subsequently, the Aboriginal and Torres Strait Islander Commission (ATSIC) which had responsibility for ATSILS initiated some restructuring and increased funding for the service.

In response to the identified service gap LAQ created the Integrated Indigenous Strategy. The Integrated Indigenous Strategy was launched in October 1999 in conjunction with the opening of the new LAQ

Sharenne Bell meeting with the Indigenous community in Napranum

office in Cairns where it was to be based. In February 2000, LAQ entered a new phase of community partnerships with its signing of the Memorandum of Understanding with the Aboriginal and Torres Strait Islander Advisory Board. During the year, coordinator Sharenne Bell, together with community liaison officer May Mooka and consultant Sue Johnson, conducted the Clients Needs and Access Survey. They travelled throughout the Gulf and Cape York to meet and consult with the people living in 14 remote communities. As Sharenne Bell confirmed, the survey:

> revealed that services for victims of crime, family matters and consumer issues are areas of high need. ...
>
> It became clear that where there is no legal presence, a community is vulnerable to exploitation and people's legal rights can be compromised.
>
> There's been a hesitation in accessing legal services in the past because of the personal experiences people have had and that has led to a broader community distrust of the justice system. ... If we're going to be successful in providing services that really meet people's needs, we need to create links with the communities and rebuild trust.

The *"Northern Outreach"* report on the survey results, written by Sharenne Bell and Sue Johnson, was launched by Attorney-General Rod Welford in November that year. It provided the information base for LAQ's new outreach legal service for remote Indigenous communities in the regions surveyed.

The Integrated Indigenous Strategy Unit (IISU) was established and IISU community liaison officers were appointed in 2001 to operate out of the Cairns, Townsville and Rockhampton regional offices, with provision for a fourth position in the Mount Isa office. In July 2000, an Indigenous legal telephone hotline was inaugurated as part of LAQ's central call centre operations. Within a short time, its use by Indigenous people from several remote communities confirmed its value as an access service for them. Under an associated program within the Civil Justice and Legal Advice program, lawyers based at LAQ's Cairns and Townsville offices staff a general legal advice and assistance outreach service and undertake criminal compensation casework to Palm Island and the Gulf and Cape York regions. Helena Wright is now the unit coordinator.

Helena Wright and her team have established the unit's role in discussion forums and conferences and in public information and education events such as NAIDOC Week. Together with the Communication and Information team, they have worked to raise the profile of LAQ and its remote and regional area services by contributing to local publications, developing culturally appropriate resources, producing community service announcements, speaking on Indigenous radio and encouraging community and client feedback. Within LAQ, they conduct staff training sessions, with particular emphasis on staff who are the first point of contact for Indigenous clients. The aim is to familiarise them with Indigenous cultural needs and appropriate approaches to communicating with Indigenous people.

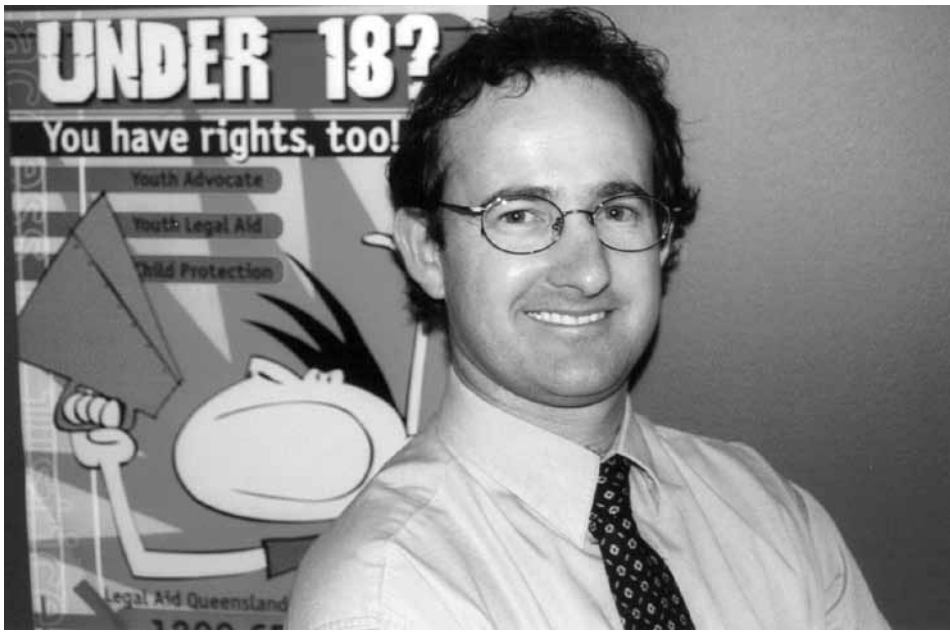
An important step in fostering cooperative relationships to improve service delivery was taken in 2002 when members of the Strategic Women's Action Group (SWAG) began a working association with the North West Aboriginal and Islander Community Association (NWAICA). Comprising staff from the Legal Practice, IISU, Regional Access, Family Law, Domestic Violence and Women's Legal Aid, SWAG worked with NWAICA on *Yugar Bumi*, an educational program on domestic and family violence prevention for women in Brisbane's north-west Aboriginal community. In conjunction with Maroochydore office staff, SWAG was also investigating ways to improve service delivery to Indigenous clients in that area and had started collecting information on Indigenous service providers in the south-east Queensland region. In keeping with LAQ's commitment to the Indigenous Justice Agreement, the aim was to produce a resource for staff working with Indigenous clients affected by domestic and family violence. LAQ contributed to the drafting of the

IISU Community Liaison Officers (L-R): X, Peter Edson, X, X, with Project Officer Cloudina Saunders and Coordinator Helena Wright

agreement, which was signed by the relevant justice agencies such as Police, Corrective Services and Families. The aim of the agreement was to attempt to reduce the over-representation of Indigenous people in the justice system. LAQ also had a role in "The 10-year partnership" a whole-of-government strategy to reduce inequalities for Indigenous people through social and economic change, the Cape York Justice Study which addressed the need for urgent measures to reduce alcohol-related domestic and family violence in the region and the inaugural Indigenous Family Violence Prevention Forum held in November 2001.

Youth Strategy

The scope of LAQ's services to youth had been steadily expanding since the establishment of Youth Legal Aid in 1996. LAQ's Youth Strategy, which was launched in February 2001 facilitated the coordination of specialist services teams working in cooperation with regional offices and preferred suppliers. One of them was the Youth Legal Aid team which represented young people charged with a criminal offence. Under the leadership of Sue Ganasan, one of its priorities, in keeping with its aim of improving the operation of the justice system for young people, was to focus on reducing the number of juveniles in detention. For this purpose, it took referrals for bail applications and sentence reviews for juveniles from all over Queensland. Youth Legal Aid also embarked on an intensive program of training for youth workers and a public information and access campaign to raise awareness among young people about their legal rights.



Youth Advocate Simon Cleary

At another level, LAQ recognised the need for an advice and representation service for young people in civil matters such as employment, education disputes, consumer protection and discrimination. In 2000, Simon Cleary was appointed Youth Advocate. It was a state government funded initiative, the aim of which was advocacy for young people, on an individual as well as systemic basis, on their rights under the law.

Cleary brought to the position a similar casework approach in relation to legal issues impacting on youth as he used in the Consumer Protection Unit. It was to be alert to the wider, systemic lessons which could be learnt from representing individual clients, and to use casework experience to help clarify a

point of law or a situation, or bring about change in the system.

LAQ is the largest provider of legal services to young people in Queensland. Again this has meant an emphasis on nurturing cooperative relationships with a range of agencies and their representatives, from community services to those within the justice system. As Cleary pointed out, regional offices are important contact and education points. The regional offices have provided a base to arrange and conduct a series of workshops for youth workers in regional areas. The workshops not only delivered skills training but, through the personal contacts made, strengthened coordinating networks and provided instances of rights issues to be taken up. Public advocacy and participation in public youth forums are high priorities. Media interviews and radio talk-back sessions have proved valuable for education purposes and for demonstrating LAQ's commitment to assisting young people. In response to concerns expressed by young clients and in the media, a Schoolies Legal Advice team was set up in 2003, to advise and represent young people in disputes, and to clarify and publicise the scope of young people's rights as they applied to the end-of-year school student celebrations.

In February 2003, LAQ hosted a national youth justice professionals conference. The conference set out with the aim of improving the effectiveness of the youth justice system. In typical LAQ style, the conference encouraged all those who worked in the youth justice sector to come together to find innovative ways to improve the system for young people. It also provided an excellent opportunity for networking, with many people forming ongoing relationships at the event which have led to improved service provision. The conference focused on four specific areas affecting young people including drugs and substance abuse, mental health and disabilities, education and family and the administration of the youth justice system. The nearly 400 delegates and 40 guest speakers who attended the conference had the opportunity to develop a set of recommendations about how to improve the youth justice system which were provided to relevant state and federal government departments and agencies for their consideration. Organised inhouse by LAQ's communications officer Elizabeth Saint (from the Communication and Information team), the project

Elizabeth Saint with keynote speaker at the Youth Justice Conference, Rev. Tim Costello

was overseen by two consultative committees which provided direction regarding issues such as appropriate speakers and topics to be covered. All the feedback from those who attended the conference was extremely positive.

Core Legal Services

In the years since 2000, with its funding base secure and strategic plans in place, LAQ has looked to consolidate its core criminal, family and civil law services.

In 2003, there were 90 Criminal Law Practice professional staff, 13 of whom were Counsel. Over 18,000 criminal cases were funded for the year and Brisbane and regional office solicitors appeared as duty lawyer for a total of 25,550 defendants in Magistrates Courts. Mental Health Unit members appeared in the majority of hearings before the Mental Health Court which, under the provisions of the *Mental Health Act 2000*, replaced the Mental Health Tribunal in 2002. The Serious Litigation Team is comprised of three units – the Serious Crime Team, Appeals Unit and Mental Health Unit, which all focus on specialised areas of criminal defence. The team also brief to Counsel serious crime cases involving corporate, constitutional and tax matters as well as murder trials. Among the more recent influences on its operations has been the rise in use of forensic experts in a variety of matters, the continuation of the South-East Queensland Pilot Drug Project for which LAQ provides a Drug Court solicitor, and the formation of the Mental Health Court which superseded the Mental Health Tribunal.

Some changes have been introduced to the duty lawyer service which is currently coordinated by John Dean within the Grants division. One of the first LAQ services to be tendered to preferred suppliers, the duty lawyer for two of the Brisbane Magistrates Courts is now supplied by inhouse lawyers. In some regions, as Dean explains, a roster

Public Defender Brian Devereaux

system operates which balances the work loads of the regional offices and the availability of preferred suppliers. In one regional office, for example, inhouse staff might be rostered on for three days a week whereas preferred suppliers in another region might do the roster for the entire week. In 2004, the Queensland Law Society withdrew from the Duty Lawyer Accreditation scheme, handing over the training and accreditation to LAQ. Criminal practice staff have updated the Duty Lawyer Handbook, are supervising the production of a new training video and have instituted a mentoring program for new duty lawyers. The Committals/Duty Lawyer service based in Brisbane has a staff of seven solicitors and one support officer. Their evident success in improving the figures for resolving defendants' matters at the Magistrates Court level has contributed to the efficient service which now characterises the criminal law practice.

Just as successful have been the aims of offering a unified comprehensive legal defence service which operates from the Magistrates Courts to the Court of Appeal, and even to the High Court, and one which is of a comparable standard to any private defence team. There are few major criminal cases in Queensland that do not have LAQ involvement. Despite the often intense media attention 'high profile' criminal cases or defendants attract, Head of Counsel, Brian Devereaux, considers one of LAQ's principal strengths is its thorough, coordinated and professional approach to serious criminal matters. In his capacity as Public Defender, he noted:

> LAQ may be proud of the manner in which the staff of this office conducted the case of (name removed

> for confidentiality purposes) . From the time ... first became our client, his matter was handled with utmost professionalism. Although a number of people were involved at different stages, the case was seamlessly co-ordinated.
>
> The organisation had the good corporate judgment to fund the case well. No compromise was made in the conduct of .... s defence. The reputation of the office is enhanced as a result. In fearlessly defending the unpopular accused we confirm the independence of the legal profession and safeguard the rights of individuals.

For the solicitors who remember the days of the Public Defenders Office, it was a confirmation that the independence to defend an accused person's right to a court hearing was being preserved.

The family law practice has continued along the expansion path. Over the past two years, it has recorded, for example, a 15.7 percent increase in approvals for grants of aid to its inhouse solicitors. Allocated the largest slice of Commonwealth funding to LAQ, its priorities, in line with the Commonwealth priorities, are the safety of a child or spouse at risk and the resolution of family law matters by alternative, non-litigious processes. The substantial growth in the work of its specialist Domestic Violence and Child Protection Units has largely reflected changes to the legislative provisions in these areas. The Child Support Unit's sharp increase in legal advices and casework was related to clearing the backlog of cases following a restructure to clarify client access pathways. Overall, there has been a decline in demand as other legislative or procedural provisions are introduced which has resulted in unit staff being deployed to areas of higher demand.

Senior Legal Consultant Family Law and area-of-law specialist, Nicky Davies, first came to the family law division in 1996 as a child representative working in the Family Court. Then there were eight to 10 professional staff, including social workers, and three to four administrative staff. There was also a small Domestic Violence Unit. After a period in a regional office, she was appointed Senior Solicitor in Family Law and to her present position in 2001. During that time, the Family Law Practice has expanded to include 40 lawyers. One of the biggest changes she has seen has been the increase in family law solicitors employed in regional offices. The first one was appointed in 1996 and there are now 13. In this situation, communication is vital. There are bi-monthly links, email and on-going development of information networks through LAWeb. The Family Law Notes and Family Issues Network help keep all family law specialists up-to-date. Preferred suppliers undertake around 70 percent of family law work, and from 50 percent to 60 percent of child representation work. Close links are maintained with the Queensland Law Society and the Family Law Practitioners Association. Davies is currently vice-president of the association.

Davies is a trained mediator, having completed courses organised by the QLS and Bond University. LAQ gives training a high priority and, she notes, it is one of the things the organisation does well. Family Law takes considerable pains over its training and education role, part of which is arranging internal and external seminars. Staff members also give talks to community groups and organisations as well as to school and university students. In recent months, she has given a series of presentations on changes to the Family Court Rules and their

implications for the delivery of LAQ services. In her view, recent changes within the Family Law Practice have been less about restructuring and more about rearranging the composition of teams and functions to accommodate changes in service needs. One of them is the reduction in child support work which now mainly relates to obtaining evidence of paternity through DNA testing. The Child Protection and Domestic Violence specialist units have a distinct identity and Social Work has been established as a separate team.

Child representatives act as "best interest advocates" where the priority is to act in the best interests of the child. As Nicky Davies explains, if a child expresses a particular wish, it is part of the role to make the court aware of that wish. To make submissions regarding the best interests, they gather and assess information on the entire family and particular members of the family from a range of independent allied professionals.

As legislative provisions and environmental conditions continue to change, they will present on-going challenges for family law practitioners to meet. A case in point is the division, considered by most practitioners to be artificial and unnecessary, between the Commonwealth responsibilities for family disputes and the state responsibilities for child protection and domestic violence, which then require discrete representation processes and separate applications for grants of legal aid.

The *Child Protection Act* 1999 which came into force in March 2000 provided for the Department of Families, Youth and Community Care to apply to the Children's Court for a Child Protection Order where there is reason to believe a child is suffering harm and there is no parent able or willing to give the child protection. Under the Act, parents and the child may be legally represented in the court case. The court can order that the child be separately represented in respect of the court proceedings. To meet the anticipated increase in demand for legal assistance in response to the provisions of the Act, LAQ established the Child Protection Unit in 1999. Following a successful submission by Sue Hirst, coordinator Family Law, who also had considerable input into the drafting of the legislation, the state government agreed to fund the Child Protection Program. As set out in the 1999/2000 annual report, within 18 months the unit had:

> ... carried out extensive training of LAQ staff, developed protocols with the Department of Families, Youth and Community Care and provided information to the Magistracy about the provision in the Act relating to the representation of children.

Megan Giles was appointed in 1999 as coordinator of the program from a background of working in Youth Legal Aid, the Committals project, the Solicitor Advocate team and a period as a duty lawyer based in the Cairns office. The Child Protection Program ran for an initial trial period of 12 months. During that time, Megan assessed the implications of the legislation for LAQ in terms of the resources needed and how they would be provided and funded for a state-wide service. The evaluation carried out at the end of the trial period recommended it become an on-going service and the program was funded as part of the state government's overall funding allocation to LAQ. As Giles describes it, the work of the unit is to provide separate child representation services in child protection cases in the Children's

Services Tribunal. Another part of her role is to assess how LAQ funds child protection matters generally for both parents and children and then, as LAQ's representative, to review and comment on proposed changes or amendments to legislation. Her broader goal was to establish LAQ as a recognised stakeholder in all aspects of child protection from the early intervention mechanisms at one end of the spectrum to court proceedings at the other. Its staff have built up relationships with other government agencies and there is now regular consultation on issues that affect all their operations. One of the outcomes has been the development of a protocol between LAQ and the then Department of Families regarding the separate representation of children in child protection and Children's Services Tribunal hearings.

Another of the specialist units within family law, the Domestic Violence Unit, was formed in 1992 "to help people living in violent situations." In 1999 the state government made additional funds available for its operations to be expanded. In 1996, LAQ had launched the first domestic violence information kit and the following year was awarded a certificate of merit in the Australian Violence Prevention awards "for its role as a major contact and referral service for clients and service providers throughout the state." In October 1999, LAQ's Violence Against Women Strategy was launched and Linda Debenham was appointed the Domestic Violence Unit's new coordinator in 2000. She had previously set up the Domestic Violence Service in Mackay where she was the solicitor in the LAQ office. As she explained, the first domestic violence legislation, the *Domestic Violence (Family Protection) Act 1989* was unique in that its aim was to change social values. For that reason, it was some years before any momentum developed towards implementing ways of trying to resolve the stark social problems it identified.

Domestic violence services have routinely been affected by changes to legislation or by the effects of differing interpretations of existing legislation. In March 2003, the *Domestic Violence Legislation Amendment Act 2002* came into force. It extended the granting of protection to "people who are abused in intimate personal relationships, family relationships and informal care relationships." Together with the extensive publicity directed towards the issue of child and family abuse and the means of preventing it, the unit recorded a steady increase in the number of grants of aid approved for protection order matters. An interesting change over this period, Debenham says, is in the way they represent clients. Earlier, they simply processed client's domestic violence order applications and they were then referred to LAQ private practitioners. This was largely because there were too few staff to undertake casework with them on their family law problems. With the expanded unit, they have been able to do the family law casework. It has benefited the clients in eliminating the need to repeat their stories to several different lawyers. Moreover, the unit has developed a high degree of expertise in this area. As with other specialist LAQ areas, training and education are very important aspects of their work, and Debenham takes a major role in the training programs for court and refuge workers.

Another is the unit's relationships with community agencies which refer a high percentage of its clients. The unit has commenced a program with the Beenleigh Domestic Violence Court Service. It

is a unique service, Debenham explains, in that it operates from the courthouse. All the women are referred initially to the Court Service and may then be referred on to the LAQ Domestic Violence Unit. The collaboration has been very successful and more than half its referrals come from the program. A justice reform role has been consolidated over this period and, in collaboration with Women's Legal Aid, there has been a proposal for representation of public interest cases to test relevant aspects of the justice system.

Although managed within the Grants division, Primary Dispute Resolution (PDR) has a direct service link with family law through its principal stream, the Family Law Conference Program and its second, smaller stream, the Property Arbitration Program. LAQ continues to be a leader in PDR and is the only legal aid authority in Australia to operate two distinct PDR programs. As an indication of the extent of its operations, for 2002-2003, PDR processed 5,318 approved cases, all but 148 of which were for family law conferences. In 2000, an intensive evaluation of efficiency and client needs in relation to its operations was followed by a successful submission to the Commonwealth government for funding new program initiatives. In 2001, the PDR program introduced two initiatives to streamline the process, the main aim of the new intake program being to ensure that only appropriate matters were referred for early intervention conferences in family law. Current coordinator Bernadette Kasten highlighted the importance of the feedback received from stakeholders in formulating these programs and for the external evaluation that followed their introduction. A critical factor in the successful running of the programs was the selection and accreditation of conference chairpersons and arbitrators. The selection criteria was subject to review and reformulation and independent panels of social science and law professionals were appointed.

Another service to come out of what Kasten describes as the PDR team's continuing commitment to finding ways to provide a quality yet efficient service involves maximising the professional expertise of the programs' social workers. Commencing in the second half of 2004, the Conference Resolution Support Intervention (CRSI) is a post-family law conference service, usually delivered by telephone, which recognises the need to offer on-going support for family members. As outlined in the July 2004 issue of *LAQ Intouch*, they can receive:

> information and assistance from a social worker in understanding the agreement and their role in parenting arrangements, discussing strategies to avoid or reduce the potential for future conflict and provide referrals to other support agencies.

Training in regard to the new service will be added to the PDR teams already extensive training program for LAQ staff and for external participants which include community legal centres and preferred suppliers. The high standard of the LAQ PDR service was confirmed at the first National PDR Training Forum held in July 2002 where the major focus was on the intake process and screening for domestic violence. Further confirmation of the PDR program's effectiveness was received when the Commonwealth allocated funding in July 2003 for its expansion.

The third segment of LAQ's core services is the Civil Justice Program incorporating the Legal Advice Program. As indicated previously, the Legal Advice

Program is responsible for all aspects of legal advice and incorporates FACT and the Prison Duty Lawyer Service. The Civil Justice Program incorporates the Consumer Protection Unit, the Cape and Gulf Legal Outreach Service, and the Farm and Rural Legal Service which operates from the Toowoomba office and has informal links with the Rural and Regional Strategy.

Another element of Civil Justice is the Anti-Discrimination Unit. In 2003, Yasmin Gunn, who had been on 12 months secondment to the Anti-Discrimination Commission, was appointed to the position of full-time anti-discrimination officer:

> to maintain a state-wide focus on the delivery of anti-discrimination legal services contributing to the development of policy and law reform and increasing the level of community education about anti-discrimination issues.

Interviewed for the June 2003 issue of *Head Note*, Gunn said she would be instituting workshops on the changes to anti-discrimination law for all regional offices. It would mean more cases being handled inhouse and LAQ becoming a centre for expertise in this area. The Victims of Crime Compensation Unit within the Civil Justice Program was renamed Criminal Injuries Compensation Unit and a new coordinator, Justin Stevenson, appointed in 2004. While having a considerable role in the amount of costs recovered in compensation matters being increased, unit members expanded their activities in other directions. One of these was to facilitate the spread of information through more frequent meetings with solicitors and regularly updating the precedents database. In addition, unit services became available during 2001 in the Cape York and Gulf regions as a means of improving access for Indigenous residents. The initiative included provision for training and assisting staff working in this service.

Patterns and Trends

As the 25th year of LAQ draws to a close, its philosophical and operational identity is clearly established. Within the framework of what is a highly individual identity, patterns of organisational life and trends for the future can be traced.

One of the most striking features in this context is the role technology has played in advancing LAQ's strategic goals. The successful implementation of a range of systems and facilities has enabled the organisation to achieve a high standard of business efficiency. In the Grants division, the engine room of the organisation's business as a purchaser-provider, electronic processing through e-commerce of all aspects of the business, from receiving and assessing applications to paying provider accounts and managing overall budgets has enabled continuous improvement in performance. The introduction of Grants online for inhouse service providers is another stage in the on-going refinement of the grants system. Moreover, all aspects of the system are available to all services providers and the publication of the guidelines for eligibility for grants of aid has rendered it open and accessible. A future aim considered to be within reach is to refine the system to a point where it virtually runs itself while delivering the required standards of efficiency.

Equally striking is the difference technology has made to communication. At a basic level, it is pos-

sible, by means of an internal system, to telephone or email everyone on staff, whether they are in the Mount Isa office or close by. It has not only enhanced efficiency in day-to-day activities but has strengthened informal links that contribute to LAQ's corporate spirit. Where the dissemination of information is concerned, all staff, service providers and, in some instances, partner agencies are able to access an impressive range of relevant information. Particularly valuable are the regularly updated databases which cover topics from comparable sentencing to the latest legislative or procedural changes. The LAQ website provides an information service for the public and, for people wanting more specific details about legal assistance. The service has been enhanced by the addition of information sheets and self-help kits. The possibilities in the field of education have been comprehensively explored. One aspect is on-line access to the library's reference collection. Other aspects include the availability of training programs for administrative staff, including those in regional offices, and similar facilities for continuing legal education and accreditation programs.

The call centre represented a significant advance in applying technology to improving client services. An important development following on from the call centre concept has been the extension of the telephone legal advice service. It has had a significant impact on organisational efficiency and on the capacity of clients to access LAQ services. The 'tyranny of distance' was reduced as services became available to clients in all parts of the state. The installation of videoconferencing facilities not only in rural and regional areas but also in prisons and courts has opened up a new phase in the provision of access to LAQ services.

Outside the field of technology, a defining characteristic of LAQ has been its investment in policy development. A result of this investment has been the intensive focus on the gathering and analysis of statistical information on all aspects of its operations, its client group and levels of need and demand, and on many aspects of the wider environment in which it is located. Central to the process is the commitment to a regime of continuing surveys, reviews and evaluations. The outcome is LAQ's capacity to support its position on the funding of services, set its direction and respond to change. A recent case in point was the decision to investigate the possibility of abolishing the assets test for eligibility for grants of aid for people in receipt of social security benefits. Trials carried out by LAQ confirmed it was feasible within the framework of overall funding provisions. In keeping with the general agreement among legal aid authorities in Australia for the standardisation of legal aid processes and provisions, the proposal was put to a national forum. Finally, LAQ can be characterised by the leading role it has consolidated in public advocacy and in pursuing reforms to the law and to its operation through the justice system. With the depth of experience and expertise associated with LAQ staff in all areas of law, few proposals for changes to the justice system proceed without LAQ representatives taking part in the consultation process. This status has been a contributory factor, along with a solid record of successful service on behalf of its clients, to LAQ being able to demonstrate that disadvantaged people can receive a service comparable to none.

In recent years, as its access strategies have been more comprehensively developed, LAQ has undergone a philosophical shift in its approach to the delivery of legal aid services. While it was often the sole formal service provider in the early years, other entities now function to provide a variety of social and legal services to people in need. The emphasis for LAQ is on sharing responsibilities and, to this end, the organisation has directed its energies to building cooperative relations and partnerships with associated service providers in areas ranging from Indigenous education to domestic violence support. Courts, preferred suppliers and community legal centres are integral to shared responsibilities and service networks.

In terms of strategic aims, LAQ's organisational capability is amply demonstrated. Criminal law continues to register the highest number of clients, the expansion in the demand for family law services places pressure on funding resources, and the growth of specialist teams and access services addresses the on-going issue of removing the barriers to LAQ for people with unmet needs.

From its start as a small organisation providing legal assistance for a restricted clientele, LAQ has evolved into an efficient, high quality deliverer of comprehensive legal assistance services. It is characterised by a commitment to its role that has survived a number of serious setbacks. On each occasion, the collective organisation took a step back, assessed its strengths and weaknesses, directed its energies to making the necessary changes, and emerged as a highly efficient operation without compromising its quality of service. According to many people in the organisation, much of it is a reflection of leadership style. As has been the case since the inception of LAQ, its people have been its most valuable resource. The individuals may have changed over the years but the commitment of its staff to social justice, the characteristic that makes LAQ one of a kind, remains as strong as always.

ABOUT THE AUTHOR

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