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Statement of Compliance

The Hon Jim McGinty MLA Attorney General

In accordance with Section 66 of the Financial Administration and Audit Act 1985, we submit the Annual Report of Legal Aid Western Australia, covering the period 1 July 2001 to 30 June 2002. This report has been prepared in accordance with the provisions of the Financial Administration and Audit Act 1985.

At the date of signing, we are not aware of any circumstances that would render the particulars in this Annual Report misleading or inaccurate.



Malcolm McCusker QC
Chairman



George Turnbull
Director



Section 1
At a Glance





Our Mission

To provide quality legal services to those in need and to assist the community to access justice.

Vision

To be recognised as a leader in the coordination and delivery of legal assistance services that reflect community expectations and are responsive to need.

Our Values

Customer focus - We care about the people we serve and treat them with respect. We value the support of the general community.

Staff - People in our organisation are valued and respected. We encourage and recognise individual and team effort and foster participation in decision making.

Innovation and change - We encourage innovation and creativity in our activities.

Integrity - We are professional and take pride in the way in which we deliver our services. We are honest and ethical.

Quality - We strive for excellence in everything we do.

Communication - We support each

other and our clients by striving to communicate effectively and openly.

Accountability - Each of us is responsible for the decisions we make and the services we provide.

Our performance is linked to our organisational goals.

Value for money - We work to ensure that legal aid funding is used to provide maximum benefit to the community.

Our social responsibility and social values - We have a positive commitment to law reform, human rights and the environment.

Culture - We encourage a vibrant and supportive work environment.

About Legal Aid Western Australia

Legal Aid WA provides information and resources to assist the community with their legal concerns, and offers a range of services aimed at target groups or individuals with particular legal problems.

Through its seven regional offices and main office in Perth, and working in partnership with private practitioners and other service providers, Legal Aid WA is committed to providing equitable access to services, regardless of regional and time constraints.

Assistance is designed to help people resolve their problems at the earliest opportunity, to improve their access to the law, to avoid unnecessary litigation, and to ensure that legal representation is in keeping with community expectations for fairness.



Our Outcome, Output and Services

Outcome

Our outcome is to ensure that the community and target groups have access to and are provided with quality legal services. This is achieved through our range of services. Clients can access these services either in person, on the telephone, in writing, through the duty lawyer service, through a private lawyer, or through other organisations such as Community Legal Centres. Once a client has sought assistance, their needs are matched to the most appropriate service in order to maximise the number of clients assisted with the most effective use of resources.

Some clients may need to be referred to a number of different services. For example, a client accessing duty lawyer assistance or telephone information may be advised to lodge an application for legal aid. Representation is provided by either in-house lawyers or private practitioners. Where clients are not eligible for legal aid, they may be referred to other Legal Aid WA services or to outside organisations for assistance.

Outputs

Our outputs represent the range of business services provided to meet different client needs. The outputs distinguish between services provided to the general community and specific target groups.

Legal Aid WA uses effectiveness and efficiency indicators to assess how its outputs contribute to the achievement of its outcome. Effectiveness is measured by the extent of access to services by the general community and target groups. Unit costs are used to measure efficiency (see Section 9 for full report on Performance Indicators).



Legal Aid WA Services

Service outputs provided to the general community.

Telephone advice line, and face-to-face legal advisory services:

Assists members of the public to identify legal problems, understand the alternatives for resolution and the resources available to them in pursuing a legal solution. Provide referrals to appropriate sections of Legal Aid and to other agencies where appropriate.

Duty lawyer services:

Ensures that members of the public brought before the courts have access to legal advice so that they understand the options available or responding to legal proceedings in which they are involved.

Service outputs provided to specific target groups.

Legal advice and minor assistance services:

Assists with the resolution of legal problems through advice and self-help services designed to minimise the need for legal representation including the preparation of court documentation.

Development services:

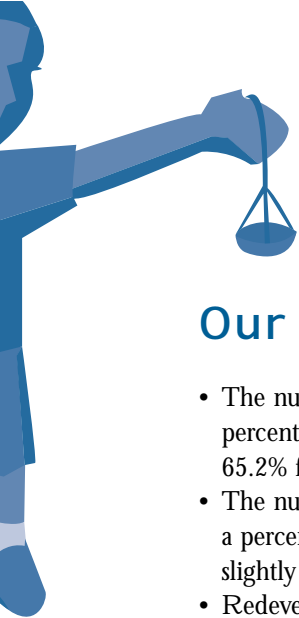
Improve the reach and service potential of Legal Aid WA and identified stakeholder agencies such as courts and Community Legal Centres through initiatives such as knowledge based resource systems, publications and self-help kits and paralegal training.

Assessment services for a grant of aid:

In appropriate circumstances, arrange for the supply of legal representation to priority clients, including children, so that community expectations for a fair and equitable justice system are preserved.

Legal representation:

Provides legal representation to priority clients, including children, on a range of family, civil and criminal law matters.



Our Organisation

- The number of legal staff employed as a percentage of total employees increased to 65.2% from 57.8% in 2000/01.
- The number of regional staff employed as a percentage of total employees decreased slightly to 17.4% from 20% in 2000/01.
- Redevelopment and upgrading of electronic information services available through Legal Aid WA's website.
- Commenced use of the legal resource database providing legal staff on-line access to contemporary legal information.
- Provision of "Circuit" intranet facility to all staff to enhance internal communications.

Customer Focus

Legal Aid WA's customers come from all walks of life, although the majority of applicants are dependent on Centrelink benefits.

An Access and Equity Policy ensures that clients are not disadvantaged because of means, age, gender, disability, language, culture, race or geographical location.

Most importantly, Legal Aid WA's network of seven regional offices ensures that more than 40 regional centres across the State, including the Christmas and Cocos Islands, are visited regularly by regional staff.

In addition, a Service Charter and Practice Standards guide ensures that services are confidential and independent, easily accessible, fully equipped to handle every issue, flexible to suit individual needs, and informative and supportive. A summary of Legal Aid WA's client profile can be found on page 66.

Legal Aid Guidelines

The type of legal assistance provided by Legal Aid WA is governed by public interest considerations implicit in State and Commonwealth priority and eligibility guidelines. These guidelines specify who is eligible for a grant of legal aid, the matters for which legal aid can be granted, the way matters are allocated between private practitioners and in-house lawyers, and the amount people must pay towards the cost of their assistance.

It is the responsibility of Legal Aid WA's assessment and case management section to determine the financial eligibility and legal merit of applications for legal aid, and to assess whether their legal matter is a priority. Assessors must also determine whether there are sufficient funds for legal representation to be provided, or whether the matter can be dealt with more cost effectively through another Legal Aid WA service, or should be referred to an outside organisation, such as a Community Legal Centre. Once a grant of aid has been made, the case is managed until its completion.

These decisions are all subject to reconsideration and review to ensure fairness in the assistance provided to Legal Aid WA clients.





Client Satisfaction Survey

Legal Aid WA undertakes an annual survey to determine the effectiveness indicator for “provision of quality legal services.” The annual satisfaction indicator alternates between family law and criminal law clients. For the 2001/02 annual report, family law clients were surveyed.

The three family law client groups included as part of this year’s client satisfaction surveys were Legal Advice/Minor Assistance, Alternative Dispute Resolution and Grants of Aid. As a result of the survey, the overall satisfaction rating was determined as 74.3%. The grants of aid clients were the most satisfied group, with a satisfaction rating of 81%. Alternative dispute resolution clients had a satisfaction level of 72% and legal advice clients had a rating of 69%.

For the first time, the survey included finding out how useful the website is and how frequently it is accessed by Community Legal Centres. A survey of Community Legal Centres found that the website achieved a 75% rate of satisfaction, in terms of usefulness and appearance. About 70% of the Community Legal Centres who knew about the Legal Aid website use it at least once a week.

Interestingly, the results demonstrated that:

- The more assistance that clients receive from Legal Aid WA, the greater their satisfaction tends to be;
- The highest levels of satisfaction tends to involve the people at Legal Aid WA, rather than the results that were achieved; and

Community Legal Centres generally find the Legal Aid website easy to navigate and provides much useful general information, but more specific information on certain aspects of the law would be appreciated.

What Happens when we Don’t Get it Right

Not everyone is left satisfied after dealing with Legal Aid WA. This may be because they have been refused a grant of legal aid or because they are unhappy with the service provided on a grant of aid or otherwise.

Reconsideration and review of a refusal to grant legal aid.

Every person who is refused a grant of legal aid has a statutory right to request reconsideration and then review of that decision.

Reconsideration

Reconsiderations are conducted by the Legal Aid Assessor who made the original decision on the file. Reconsiderations are often granted when further relevant information is provided. In 2001/2002, there were 1506 reconsiderations. If an application is refused on reconsideration, the applicant can request that the matter to go to review.

Review

Reviews are conducted by an independent Review Committee consisting of two private legal practitioners who practice law in the relevant area and a lay person from the community. The Review Committee considers the information provided by the Legal Aid Assessor and any further information provided by the applicant either in person, by telephone or in writing before making its decision. All decisions made by the Review Committee are final and the applicant has no further right of redress. There were 311 reviews in 2001/02.

Complaints, Urgent Correspondence and Ministerials

All complaints, urgent correspondence and Ministerials received by Legal Aid WA are forwarded to our Complaints Co-ordinator who is the Executive Project Officer in the Directorate section in our Perth office. The Complaints Co-ordinator is responsible for ensuring that all time frames set in relation to these matters are met.

This year Legal Aid WA received:

- 45 complaints (most relating to refusals to grant or extend legal aid or alleged poor service from either in-house or private lawyers or from other Legal Aid staff;
- 20 urgent correspondences (mainly from Members of Parliament making enquiries on behalf of constituents relating to refusals to grant or extension of legal aid); and
- 45 Ministerials (30 of which related to client matters most concerning refusals to grant or extend aid).

Complaints

The Complaints Co-ordinator listens to all oral complaints made either in person or by telephone, notes the relevant details and forwards the matter to the appropriate manager for resolution. All written complaints are forwarded to the Complaints Co-ordinator who acknowledges receipt within 48 hours. The complaint is then immediately assigned to the relevant manager to prepare a written response within seven days.

The response must address all issues raised and set out the action that has or will be taken as a result. The response must also, where appropriate, advise the complainant of their rights to seek redress under the Legal Practitioner's Act. The complaint and the response are then forwarded to the Director of Legal Aid to consider whether any further remedial action is required.

Urgent Correspondence and Ministerials

All urgent correspondence and Ministerials are forwarded to the Executive Project Officer. The matter is then immediately assigned to the relevant manager to prepare a written response within three days. The response must address all issues raised and set out, where appropriate, the action that has or will be taken. The draft response is then forwarded to the Director of Legal Aid to consider whether any further action is required.



What We are Doing to Improve Our Performance

Legal Aid WA is taking some significant steps that we hope will improve our performance in the next year and reduce the number of requests for review and reconsideration, complaints, urgent correspondences and Ministerials that we receive.

These steps include:

- **Electronic lodgement:**

This will result in a simpler, faster and more user friendly process that is more efficient and cost effective than the current system. In some cases, e-lodgement will allow the solicitor submitting the application for aid, using a tick box approach, to decide whether aid should be granted. We are confident that the introduction of e-lodgement will lead to a reduction in the number of decisions sent for reconsideration and review.

- **Performance management system for legal staff:**

This year we have introduced a comprehensive performance assessment and development system for our Articled Clerks and Restricted Year Practitioners. This ensures that their progress and development is formally monitored and that training and other work related issues are addressed at an early stage. Legal Aid WA hopes to extend the performance management system to other legal staff in the near future.

- **Paralegal training:**

Legal Aid WA is currently developing a comprehensive paralegal training program for paralegals at Legal Aid WA and in other agencies.

- **Communication skills:**

We are continually looking at ways to improve our written and oral communication skills. Our Infoline staff, junior legal staff and paralegals receive training on communicating effectively with the public. We are also looking at updating and improving the standard text clauses that appear in many of our grant of aid and refusal of aid letters. We are confident that our ability to communicate effectively in this area will improve significantly with the introduction of e-lodgement.



Director's Report

In accordance with our Strategic Plan, the Commission continues to develop the range of services available for people who do not qualify for legal aid but nevertheless have to represent themselves in court.

Families and partnerships is the theme running through this year's report. New and continuing partnerships have enabled the Commission to provide and facilitate the provision of services to people who do not have a lawyer particularly in the area of family law. These services include legal advice, letters of negotiation, mediation and the preparation of court documentation. Some of Commission's partners over the last year included:

- Community Legal Centres
- The Family Court Information Service
- The Family Court Columbus project
- The Joondalup Family Violence Court
- Notre Dame University
- Private Practitioners

The Commission has also introduced a comprehensive new ADR program that provides varying levels of legal advice, mediation and negotiation services in the area of family law. The ADR program aims to assist people to resolve their problems without resorting to litigation.

This year the Commission has also made significant technological advances with a major upgrade of our website and the development of on-line legal resources that can be used by many of our external

partners as well as by staff within the Commission. Advances in technology have also improved our ability to deliver services to people in remote and regional areas.

I take this opportunity to thank the private profession for their continuing contribution in providing high quality legal services on behalf of the Commission at significantly reduced rates. Private practitioners also provide pro bono legal services that greatly assist many of our clients.

I would also like to acknowledge the invaluable work provided by the other volunteers who assist the Commission on an ongoing basis.

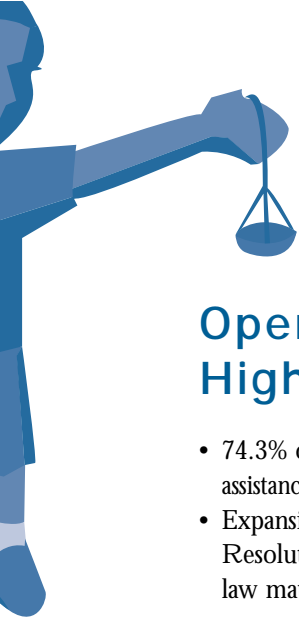
I also express my gratitude and appreciation to the dedicated staff at the Commission who have worked hard all year with limited resources and whose efforts continue to make a difference to those who are less fortunate in our community.



George Turnbull
Director of Legal Aid

Section 2
Highlights
2001/2002

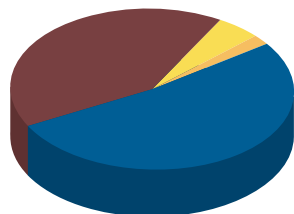




Operational Highlights

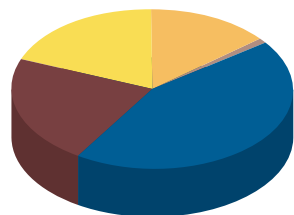
- 74.3% of clients were satisfied with the assistance they received in family law matters.
- Expansion of our Alternative Dispute Resolution (ADR) Program for family law matters including the construction of a purpose built Dispute Resolution Centre.
- Significant restructure of Legal Aid WA's Advice and Information Services to promote better service delivery and to improve the reach and service potential of Legal Aid WA and other identified stakeholders such as the courts and Community Legal Centres.
- Continuation of our close working relationships with specialist courts such as the Joondalup Family Violence Court and the Perth Drug Court.
- Administration of a specifically allocated State fund to assist investors to take legal action on finance broker matters.

Where the Funds have Come From



52%	State Government
41%	Commonwealth Government
5%	Client Contributions
2%	Other Income

Where the Dollars are Spent



44%	Employee Related Expenses
22%	Client Casework Expenses - State Law
19%	Other Operating Expenses
14%	Client Casework Expenses - Commonwealth Law
1%	Other Client Service Expenses

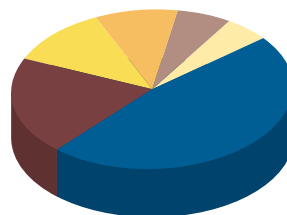
Our Performance

(see Section 8 for statistical summary)

Services Provided Without a Grant of Legal Aid

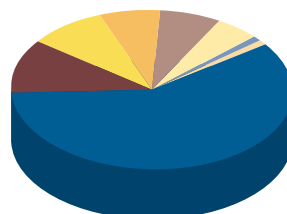
- 76% of services were available to the general public with no eligibility guidelines restricting access, compared to 75% in 2000/01.
- 79% of applicants had income of less than \$251 per week. 51% of applicants had no income at all.
- 29661 (19%) clients were assisted through the duty lawyer service, a decrease of 0.5% on last year.
- 25030 clients were assisted with minor assistance and legal advice, the same as last year.
- 68930 (45%) clients were assisted on the telephone Infoline, an increase of 14% on last year.
- 7205 (5%) clients were assisted with face to face services, an increase of 4.5% on last year.
- 24 different publications were provided to clients and members of the public, an increase of 5% over the previous year.

Occasions of Service by Service Type



45%	Telephone Information Line
19%	Duty Lawyer
11%	Legal Advice and Minor Assistance
9%	Assessment and Case Management
6%	Legal Representation
5%	Face to Face Services

Resource Allocation by Service



59%	Legal Representation
11%	Assessment and Case Management
9%	Legal Advice and Minor Assistance
7%	Duty Lawyer
7%	CLE and Other Services
5%	Telephone Information
1%	Face to Face Information
1%	ADR Program



Applications for Grants of Aid

- The proportion of clients submitting applications for legal aid around the State were 82% in Perth, 11% in Bunbury, 2% in South Hedland, 2% in Broome and 3% in Kalgoorlie.
- 66% of applications granted related to criminal matters, 31% to family matters, and 3% to civil matters.
- 12.9% of approved applicants for legal aid were indigenous.
- 53% of legal aid grants were referred to private practitioners, the same percentage as in 2000/01.
- 67% of applications received for legal aid were granted, compared to 68.2% granted in 2000/01.
- The majority of reasons (71%) for legal aid refusals related to guidelines.
- The number of reconsideration and reviews as a percentage of refusals decreased to 40% from 42% in 2000/01.
- 62% of files in 2001/02 were finalised within six months, compared to 61% in 2000/01.
- 378 grants of aid were made for Alternative Dispute Resolution (ADR) of family law matters.

Achievement of Key Strategies

In 2001/02, a number of initiatives aimed at improving the quality of legal services provided by Legal Aid WA were introduced and expanded upon in accordance with the Strategic Plan's goals in the key areas of customer service, service improvement, communication, information and measurement, and people management.

Customer Service

Goal: *Development of strategies to ensure equity of access to services, regardless of regional and time constraints.*

- **Community Legal Centre partnerships:**
In a pilot project, the Northern Suburbs Community Legal Centre has been funded to provide the full range of legal services traditionally offered through Legal Aid WA. This project has been operating well and will continue in 2002/2003.
- **Referral protocols:**
Legal Aid WA and the Federation of Community Legal Centres are continuing with protocols to ensure effective client referral between services, and to minimise the referral "merry-go-round".
- **Self help:**
In 2001/2002 Legal Aid WA has continued to extend services to clients unable to be assisted with a grant of aid through the provision of information and self-help kits and manuals in electronic and print form. Self help services continue to be in high demand.
- **Court assistance:**
Duty lawyer and prison visiting services continue to provide advice, information and assistance to individuals appearing in Western Australian courts without legal representation. The Duty Lawyer and Client Services sections of Legal Aid WA are currently looking to develop a Minor Assistance Program to operate out of the Perth Court of Petty Sessions.



Service Improvement

Goal: *Extending access to services through appropriate use of technology, and developing management information systems to promote continuous improvement in the services delivered.*

- **E-lodgement of applications:**
Key administrative processes continued to be reviewed in 2001/2002 with the aim of introducing electronic lodgment of applications. The project will commence in November 2002.
- **On-line information services:**
The updated Legal Aid WA web site has been expanded to maximize public access. There are over 160 pages of legal information, assistance and referrals. A number of self help kits are also able to be downloaded from the site. Since September 2001, the web site has attracted over 50,000 visits and is used by many organisations to order their printed publications. 76% of clients surveyed found the web site useful.
- **Information and publications:**
A new content management system has been implemented which is used for review and updating of web pages. Updating of other printed publications is done simultaneously and coordinated through the Communications section. In addition, publications have been made available on Circuit, the Legal Aid intranet facility.

- **Legal resource and referral databases:**
The databases and templates have now been converted to a web-enabled format for better speed links to Legal Aid WA's regional offices and other partners (including Community Legal Centres) to assist in service provision across the State.
- **Communication services:**
Legal Aid WA's Perth office has continued to expand its telephone, fax, email and postal services for those clients in regional areas unable to be assisted through local offices. Clients can make an appointment with the Perth office to discuss their legal issue through the range of communication services available.
- **Outreach:**
Outreach to locations throughout the State where there are no Legal Aid WA offices, including regional centres, ensures that clients have access to legal services, irrespective of their location.

Communications

Goal: *Implementing strategies that ensure open and clear communication about our services with our customers and the community.*

- **Upgraded web site:**
Legal Aid WA's web site has been redeveloped and upgraded enabling electronic delivery of contemporary legal information to the community and service partners. Recent survey results indicate that service providers are using the service and that the quality of the information available to them is high.
- **Increasing awareness:**
Ongoing advice and training for Community Legal Centres, Legal Aid WA regional offices, government agencies, and other relevant service providers increases awareness of the services available through Legal Aid WA, including specialist assistance available through the Child Support Legal Unit and the Domestic Violence Legal Unit. A pilot self-paced paralegal training course has been set up for regional offices and strategic partners. This will be further developed in 2002/2003.



- **Legal Resource Database:**
Legal Aid WA's front line services and the quality of legal information available to the public continued to be enhanced through the development of the legal resource database, which summarises legal, procedural and case law issues across criminal law, civil law and family law matter types.
- **Family Court Information Service:**
The Family Court Information and Referral Service was piloted in March 2002. It operates two mornings per week at the Family Court with paralegal staff knowledgeable in family law matters. The Service provides legal information and referral to other Legal Aid WA services. It is hoped that the Service will be expanded in the 2002/2003 year.

People Management

Goal: *Developing a workforce with portable skills that respond to new challenges and which values professionalism.*

- **Skills Development:**
A number of training and workplace initiatives have ensured the continuing upgrade and maintenance of quality service delivery to clients. This has included enhanced paralegal training, a dedicated training officer and the introduction of performance assessment and development systems for junior lawyers and articulated clerks, the expansion of our mentor program, the conversion of a position into a principal counsel role with an emphasis on advocacy training and the development of competency standards and consistency of staff performance at various classification levels.
- **Library and Information Services:**
The library continues to promote the use of electronic resources by providing hypertext links from the Library databases and electronic judgment bulletins to the full-text of Supreme Court Judgments on external web sites. The Library also offers customised one-on-one training, and customised group training to meet specific subject needs, in the use of electronic resources.

Challenges Faced

Legal Aid Guidelines

- **Family Law Matters:**
Legal Aid WA has experienced an ever-increasing demand for Family Law assistance in 2001/2002. The challenge posed by this demand is being met in part by the expansion of Alternative Dispute Resolution services. The substitution of ADR grants for traditional litigation grants and managing client expectations of what assistance can be provided, remain a key challenge for Legal Aid WA in this area.
- **Criminal Law Matters:**
Legal Aid WA imposed restrictions on the granting of Legal Aid for some Court of Petty Sessions charges from May 2001 onwards. These restrictions have continued in the 2001/2002 financial year, again resulting in an increase in the number of serious and complicated matters being dealt with by duty lawyers. The restrictions are partly attributable to the continuing increase in District Court trials. District Court trials are given funding priority, often reducing the availability of in-house lawyers to take on matters in the Court of Petty Sessions.



Performance

- **Operational reform:** Legal Aid WA has continued to meet the challenge of providing Legal Aid in the most cost effective, economic and efficient manner in 2001/2002. Continuing reforms in this area are reported on against the goals and strategies aspired to on page 14.
- **Staff performance:** The challenge of meeting service delivery strategies has been met by the establishment of rotation programs for junior practitioners, paralegals and secretarial staff. Legal Aid WA is continuing to support the multi-skilling of staff and flexible use of resources.

Future Outlook

Building on ongoing improvements and performance measures that have been implemented over the past few years, Legal Aid WA will continue to review its administrative processes with a view to introducing electronic application lodgement and other cost saving efficiencies in the next 12 to 18 months.

The proposed changes recognise Legal Aid WA's evolutionary processes in the training, development and placement of paralegal staff within the organisation to become more involved in application assessment, and assist in cost saving initiatives. Any changes will incorporate feedback from other sections within Legal Aid WA, other Legal Aid Commissions and the wider legal community.

In bringing about change, Legal Aid WA aims to:

- Simplify policy guidelines to clearly identify Legal Aid WA priorities.
- Simplify Legal Aid WA policies and determination processes to provide certainty to clients and their solicitors.
- Provide quick, transparent and fair determinations of applications for grants of legal aid, and quick and effective appeal mechanisms.
- Make it easier for clients to interact with Legal Aid WA through greater use of technology in the grants process.
- Provide high quality customer service to legal aid applicants, private practitioners and other stakeholders.

Section 3
Our Partners and
New Initiatives





Our Partners in Family & Civil Law

Legal Aid staff and other service providers around the State work together to meet the needs of Legal Aid clients.

Participating in the Columbus Project

The Columbus Project commenced in the Family Court of Western Australia on 2 July 2001. Participants in the project experience individual case management with a Court Counsellor and a Registrar in child welfare matters involving domestic violence and/or child abuse. Legal Aid WA's undertaking to fund Separate Representatives in all matters filtered into the Columbus Project has resulted in the approval of 60 grants of aid. Legal Aid WA's involvement in the project has broadened the criteria for which aid would ordinarily be granted for a Separate Representative and this has contributed to a significant growth in the number of grants made in the area of Separate Representation.

Private Practitioners

Private Practitioners play an integral role in the provision of legal representation to recipients of grants of aid. Grants are allocated to private practitioners either at the request of the applicant or in certain circumstances, as a random selection from Legal Aid's Panel of Practitioners. In the last year, 53% of approved applications were directed to private practitioners.

In recognition of a commitment to provide legal assistance in the most efficient, effective and economical manner, Legal Aid WA has commenced a project to implement electronic lodgement of applications for legal assistance which will introduce among other initiatives, a certification process through the use of checklists. There are substantial benefits to be gained by both private practitioners and clients through the simplification of the application and assessment processes, making it easier and quicker to do business with Legal Aid WA.

It is anticipated that the provision of a more cost effective grants process will provide savings that can then be redirected into funding additional client services. Stage 1 of the project is due to commence in November 2002 and will involve a small group of selected private practitioners in the areas of criminal and family law.

Family Court Information and Referral Service

The Client Services section of Legal Aid WA has been working with the Family Court of WA in piloting the Family Court Information and Referral Service. It is an outreach service that operates at the Family Court in Perth. The service has been operating since March 2002. It is conducted by experienced paralegal staff who are very knowledgeable in family law matters. The service provides predominantly legal information to in person litigants referred to it from the court itself. It also provides referrals to other Legal Aid WA services including the Minor Assistance Program, appointments for legal advice and assistance with legal aid application for representation or a referral to the ADR program. Currently the service is operating two mornings per week, but will be expanding in 2002/2003.



Community Legal Centres

During 2001/2002 Legal Aid WA continued to administer the Community Legal Services Funding Program. Commonwealth funding was provided to 18 centres, 4 of which also received State funding. State funding was also provided to the Federation of Community Legal Centres WA.

In 2001/2002 one off Commonwealth funding was provided for rural women's projects at Bunbury Community Legal Centre, Sussex Street Community Legal Service and for a joint video conferencing project between Welfare Rights & Advocacy Service, Consumer Credit Legal Service, Northern Suburbs Community Legal Centre and Rural Community Legal Service Northam. The video conferencing project was a successful initiative piloting a system of linking clients in rural areas by video with legal workers in specialist centres in Perth.

Legal Aid WA strengthened its close working relationship with Community Legal Centres in the area of family law by participating in regular family law network meetings with legal centres and the Family Court. In 2001/2002, Legal Aid WA entered into service protocols with Community Legal Centres to maximise use of limited resources and to improve service to clients in the area of family law as well as streamlining referrals within the sector.

The Commonwealth projects for a new national data system for Community Legal Centres (the Community Legal Services Information System – CLSIS) and service standards were progressed.

Legal Aid WA was represented on the Consultative Committee for development of the new data system. CLSIS and service standards will be introduced in all Commonwealth funded Community Legal Centres in 2002/2003.

Immigration

Legal Aid WA continues to provide services through contracts with the Department of and Multicultural Affairs to provide migration legal advice and application assistance to clients.



Our Partners in Criminal Law

Drug Court

Legal Aid WA has joined the Department of Justice, the Police Service, drug treatment agencies, and welfare services funded through the Western Australian Drug Abuse Strategy Office in trialling Drug Court programs at Perth's Children's Court, Court of Petty Sessions and District Court. The Department of Justice and Western Australian Drug Abuse Strategy Office initiative is aimed at offenders who have committed crimes and who have an illicit drug dependency. If offenders follow through on agreed treatment and monitoring requirements, they are likely to receive a sentence involving ongoing treatment and rehabilitation in the community. If they do not follow through, they are sentenced in the normal manner.

Duty Lawyer Services

Some duty lawyer services are jointly funded by Legal Aid WA and the Department of Justice to provide legal advice and representation. These include the Hakea video link duty lawyer service and the Joondalup Family Violence Court Duty Lawyer Service.

Court User Reference Groups

Legal Aid WA meets regularly with courts around the State as part of stakeholder reference groups. The groups provide an opportunity for stakeholders to raise any concerns or problems experienced with court services, such as effective interviewing facilities and managing court lists.

Notre Dame University Partnership

Since August 2000 a joint program has existed between Notre Dame University, Legal Aid, the Magistrates' Courts, and the Western Australia Police Service.

This project involves developing and producing information to be used in up-to-date legal educational materials such as fact and information sheets to be distributed to unrepresented litigants at the Petty Sessions, Local Court and related agencies. Students spend a period of two weeks researching a topic, and in this time spend time in the court, with the Legal Aid solicitor, talking to court staff, police prosecutors and other affected persons. They also spend time in documenting their findings and ultimately producing their information sheet.

A number of information sheets have been developed. These are currently being formatted and enhanced for plain language context by the Magistrates' Courts. The information sheets will become available to the various court users by the end of June 2002. Topics to date include Extraordinary Driver's Licence Applications, Court Etiquette, How to Serve a Summons and Spent Convictions. In time an unrepresented litigants manual will be developed from these information sheets and they will also be posted on the Department of Justice internet site.

Legal Aid WA is an important participant in this program as it provides supervision and guidance to the students, as well as providing them with access to information and technical support.

"This project is an excellent example of university, government and community partnership."

Lies Donovan, Customer Services Manager
Magistrates Courts, Department of Justice

"My experiences at Legal Aid have been both challenging and rewarding and have involved visiting metropolitan prisons as well as assisting clients in detention before court appearances. Legal Aid staff are to be commended for their continued dedication to a vocation that is at times extremely wearing. It is in my view a task that is completely motivated by an overriding obligation to serve the interests of humanity."

Jonathan Wagenaar, Final Year Law Student
University of Notre Dame Australia



Our Partners in General

Referrals

The referral database commenced operation during the year to provide front line service staff with access to information on the range of legal and non-legal assistance available throughout the State. The database comprises contact details for more than 500 Western Australian agencies and services.

Paralegal Training

Legal Aid WA has continued to offer paralegal training courses to other service providers, for which there has been increasing demand. The development of paralegal skills is integral to improving the quality of legal services available to clients throughout the State. In the coming year, courses will be extended, and the course will also be converted for use as a 'self paced learning package' to meet the needs of regional-based Community Legal Centres.

Educating the Community

Legal Aid WA's partners continue to benefit from community legal education forums, with enrolments for the year's 16 sessions being made by 81 external agencies for a total of 232 participants. Aimed at increasing community awareness of the rights and responsibilities imposed by our legal system, topics covered include professional standards, negligence, family law (both children and property issues), child support, domestic

violence, dealing with Centrelink (in conjunction with the Welfare Rights Advice Service) and personal credit and debt (in conjunction with the Community Credit Legal Service). The Community Development Program has also provided resources and advice to assist other agencies present legal forums within different geographic and non-geographic communities across the State, and assists in a number of regional education programs, such as the Prisoner Pre-Release Education Program undertaken in Bunbury.



New Initiatives

Alternative Dispute Resolution Unit

A major initiative of Legal Aid WA during this financial year has been the expansion of our Alternative Dispute Resolution (ADR) Program for family law matters. This initiative became possible following receipt of Commonwealth funding of \$735,000 in April 2001, designated for the purpose of alternative dispute resolution.

The projects undertaken during the year have been the construction of a purpose built Dispute Resolution Centre, the development and running of a four tiered conference system and training courses for our Chairpersons.

The Dispute Resolution Centre

The Dispute Resolution Centre commenced operation in late February of 2002 and was officially launched by Julie Bishop MHR on behalf of the Federal Attorney General on 3 April 2002.

The Centre has been designed to ensure that clients feel welcomed, comfortable, empowered and disposed towards resolving their disputes. The design combines the operational and aesthetic requirements necessary to promote the resolution of conflict.

There are three conference rooms which each have two break out rooms attached. One of the conference rooms has an observation room for training purposes. As some conferences involve matters in which there have been allegations of domestic violence, Legal Aid WA has designed the Centre to maximise the safety of clients, staff members and Chairpersons.

During the next financial year we intend to run a schools competition to obtain children's artwork for display in the centre. This will assist us to ensure that clients, Solicitors, Chairpersons and our staff keep the needs of children in the forefront of their minds.



Ashburton Conference Room



Lobby Area



Blackwood Conference Room



Ashburton Conference Room

The Four Tiered Conference Program

The features of the four-tiered (ADR1 to 4) Conference program are:

ADR1

- Very minor family law disputes where there have not been any allegations of domestic violence and the practicalities of contact arrangements are the major focus.
- Legal advice is given before and after the Conference and legal assistance is given to formalise, prepare and lodge any agreement reached at the Family Court.
- No legal representation at the Conference. The Conference is chaired by a qualified mediator.

ADR 2

- Contact disputes involving relatively simple issues where there may be a Domestic Violence Order in place.
- As well as legal advice before the conference and the preparation and lodgement at the Family Court of any agreement reached at the Conference, the Solicitor giving the advice attends the conference with the client.



- The Chairperson will have attended the Legal Aid Chairpersons Course and will be a legal practitioner with more than 5 years post admission experience or a qualified mediator (pursuant to Regulation 60 of the Family Law Regulations).

ADR 3

- For more difficult contact issues, residence disputes and property matters where the net assets of each party does not exceed \$100,000. The greatest percentage of ADR matters fall into this category and most involve child welfare issues.
- A Domestic Violence Order may be in place.
- As in ADR 2 conferences the grant of legal aid includes legal advice before the conference, the attendance of the lawyer who has given the advice at the conference. It also includes the preparation and lodgement of any agreement reached at the Conference at the Family Court.

ADR4

- This is a late intervention conference for serious family law disputes involving contact and/or residence and/or property issues that have failed to settle where there is ongoing litigation in the Family Court.
- There may be a Domestic Violence Order in place.
- Most matters involve expert medical, psychological or psychiatric reports and can involve issues such as child abuse and alienation.
- A Child Representative may have been appointed and, if so, that person will attend the conference. If there has been an allegation of child abuse a conference will not be convened unless a child representative has been appointed.
- The Chairperson allocated to the conference has the same qualifications as for the ADR 2 and 3 Conferences.

The conference process, involving careful preliminary screening of clients and managed by Chairpersons who have been trained in its operation, is the main feature of the ADR program. The process facilitates the efforts of our clients to resolve their dispute through negotiation and discussion between themselves rather than litigation and to “own” any agreement that is achieved.

Training Courses for Chairpersons

In August 2001, Professor John Wade, a widely published pioneer of the practice of mediation in Australia and the founder of the Dispute Resolution Centre at Bond University, trained eight (8) Western Australian professionals from Family Law and Mediation backgrounds to be trainers for our Chairpersons Training Course. During 2001, two (3) three day courses have been run and 38 Chairpersons have been trained to chair ADR 2 to ADR 4 Conferences. A training course has also been run for ADR 1 Chairpersons.

Evaluation

The expanded ADR Program commenced operation in February 2002. Between the 1st July 2001 and 6 May 2002 Legal Aid WA convened 141 conferences. For this period, the agreement rate was a very successful 80%. In the recent Legal Aid WA Client Survey 50 ADR Conference clients were questioned about their experience of the ADR Conference process. Over 80% of the people questioned felt that the Chairperson explained the conference process, identified the relevant issues, clarified each parties interests and made communication easier. This demonstrates the benefits of our Chairpersons Training Course. 88% of these Conference clients would recommend the ADR Conferencing program to others, including 75% of those who did not reach an agreement. Importantly, 96% of the clients surveyed felt physically safe whilst at the Dispute Resolution Centre.

Partnerships

Our experience in the development of the expanded ADR Program has demonstrated that there is a great deal of support and goodwill for our work amongst people involved in alternative dispute resolution. Dynamic partnerships have been forged between agencies, organisations and individuals committed to this process including the Family Court, Relationships Australia and Community Legal Centres. These partnerships will have ongoing benefits in respect of the further development and improvement of the program and its accessibility to our client base.



Development Services

Legal Aid WA decided to expand its developmental energies by restructuring the Legal Advice and Information Services section to promote expansion of service delivery and development strategies.

In January 2002, the section devolved into 3 sections; Client Services (responsible for Advice and Minor Assistance Services), and a subsection of that unit, Frontline Services (responsible for Infoline and Inperson Information Services).

The third section, Development Services, has a holistic Statewide service approach to the development and delivery of knowledge based resources and systems. The aim is to improve the reach and service potential of Legal Aid WA and identified stakeholder agencies such as courts and Community Legal Centres. A number of projects are underway including:

- The Legal Resource Database now comprises some 130 specific legal topics, each with approximately 5 legal matter types contained within them. It ranges across the broad legal spectrum with the exception of commercial law. In response to demand, this service and the Referral Database have undergone a systems upgrade to make possible external access for non-profit agencies. The majority of Community Legal Centres and the Family Court of Australia are already “online”.

- The Referral Database provides Statewide referrals for clients needing other than Legal Aid WA assistance. It includes financial counsellors, access to emergency housing and refuges; youth support services, drug and alcohol counselling, health and income supports and many more. In excess of 500 agencies are listed.
- Publications, kits and information sheets supplement advice and information services to the public on a range of topics. They assist clients and other service providers to resolve legal issues without the need for direct legal representation. The website and some more general publications are designed as a public information tool to inform and refer the public to appropriate resources.
- The Legal Documentation Precedents and Templates Project has finalised a comprehensive set of family law materials. These range from negotiating letters to formal court materials including a range of adaptable orders, prompts and links to library resources for use in the minor assistance program. There are in excess of 70 applications already in use. Inhouse Practice materials will be integrated into this application to produce a single Agency point for family law resources. In future access will be extended to Community Legal Centres.
- This financial year, Legal Aid WA entered into a pilot project with the Northern Suburbs Community Legal Centre for the provision of 1,000 hours of advice and minor assistance services to identified Legal Aid WA targets groups. This project has been successful in extending access to services in the northern suburbs, and in developing a close relationship with the legal centre. Given the success of the pilot to date, Development Services hope to undertake further local projects of mutual interest in the future. Over the next 12 months, a rural project based in the mid west will be developed.



- Paralegal Development and Training has been reviewed over the year, with core competencies for various levels identified. Additional competencies are being developed for various sections with specialised work requirements. All paralegal officers in Legal Aid WA will be required to undertake the core components with specialist components strongly recommended. This initiative will be trialled in the new financial year, and following an evaluation, will be adapted and extended across the Agency in incremental steps.
- The Distance Paralegal Training Package has been formalised and offered to regional paralegal officers and a number of country Community Legal Centres. We hope to gain accreditation and partner with existing training services to offer a jointly developed training package of this nature.

Finance Brokers

In July 2001, the Government announced that it would fund investors' legal actions to recover losses from defaulting finance brokers and borrowers, and those who provided professional services to those persons. Legal Aid WA was authorised to administer the necessary arrangements for funding.

Funding was available to those investors who met the criteria specified in the Finance Brokers' Litigation Fund Guidelines, namely:

- The likelihood that their court action

would be successful, and

- The likelihood that a defendant would be able to pay a judgment for damages and costs.
- Funding was not available to investors intending to sue the State.
- If an action was successful and legal costs were recovered from a defendant, investors were to refund those costs to Legal Aid.
- The amount of funding set aside was \$1,125,000.00.

The Finance Brokers' Legal Unit was established, initially with five personnel, and it began processing applications from investors as they were received.

An Information Pack was developed which provided extensive information about the Fund and the Legal Unit was made available. Approximately 200 of these packs were distributed.

Enquirers were advised by Legal Aid that applications for funding had to be received by Legal Aid on or before 14 September 2001.

A total of 707 investors applied for aid either as individuals (36) or as part of a syndicate (32 syndicate applications with syndicate sizes ranging from 4 to 63 members were received.)

The total estimated loss is approximately \$34 million.

A total of 387 investors received a grant of aid. This is 54% of all investors who requested assistance. The grant of aid was to enable them either to conduct test cases, obtain advice from counsel regarding the merits of their case, or to carry out investigations into the circumstances of the default.

290 investors (42%) had their matters pended either to await the outcome of test cases, or to allow a liquidator to progress their matter, or to allow losses to be crystallized, or to await the provision of further details or evidence.

Only 4% of applicants for aid could not be assisted.

18 initial grants of aid, followed by 15 subsequent grants,



have been made to 8 separate legal firms who currently are undertaking the necessary legal work for investors.

Legal proceedings have commenced in respect of 5 applications for aid, but no case has yet come to trial.

A successful outcome has already been achieved in one matter where, through the efforts of the assigned lawyer, the sum of \$761,000.00 has been obtained for payment to investors.

To date, Legal Aid WA has committed \$230,000.00 in aid from the funds provided.

Criminal Law Costs Scales

Following on from recommendations made by a Law Society Sub-Committee on Costs Scales, Legal Aid WA has approved a 10 per cent increase on Schedule 1 of the current scale. The increase will take effect from 1 July 2002 and will apply not only to new grants of aid, but also to all extensions of aid granted after that date.

Section 4

Report on Operations

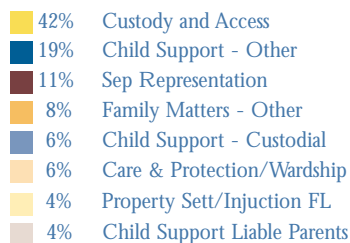
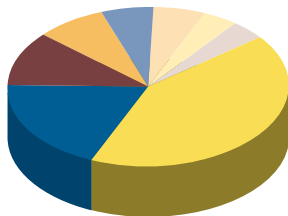




Family Law

People affected by family law matters can access a range of Perth-based and regional services to resolve their legal problems through both litigation and non-litigation alternatives. Services include legal representation, the telephone Infoline, Legal Advice Bureau, Minor Assistance and publications, and specialist advice and assistance is also available for child support and domestic violence matters.

Family Law Grants Approved by Matter Group



Family Law services are provided by:

- In-house Family Law lawyers
- Private practitioners
- Regional offices
- Domestic Violence Legal Unit
- Child Support Legal Unit
- Alternative Dispute Resolution program
- Legal Advice and Information Service
- Publications and self-help kits

Legal Representation

Where an application for legal aid is successful, a client will be allocated an in-house lawyer or private practitioner to conduct their case for matters involving child welfare, including separate representation of children, residence, contact, recovery of children, and injunctions. The increased availability of funds for representation in 2001/2002 relieved some of the demands being placed on minor assistance services.

Information and Advice

Information on family law matters is available throughout the State at Legal Aid WA Offices and through the Infoline. The Infoline has experienced an 8% increase in service delivery in family law matters. In 2001/2002 approximately 42% all calls to the Infoline dealt with family law matters. Of these the Infoline was able to resolve 78% of the calls with advice, publications and self help materials. The majority of calls concerned contact, residence, property settlement and divorce.

Family Law Legal Advice Bureaux are provided at Legal Aid offices throughout WA. Clients are provided with either face to face advice or by telephone for clients in remote areas. Some bureaux are conducted by volunteer solicitors who provide this invaluable service on a pro bono basis. In 2001/02 48% of legal advice provided, other than by a grant of aid, related to family law matters. The majority of advice given related to residence and contact issues.

Minor Assistance assists target group clients who do not qualify for a grant of aid and who will be representing themselves in court. Clients must qualify under an informal means and merit test and be referred from another service. The program provides assistance for an average time of up to three hours. Assistance includes negotiating settlements, preparing consent orders, preparing or responding to court orders, and preparing clients for court appearances without representation. In 2001/02, 52% of minor assistance services related to family law and child support issues. Residence and contact issues being the areas of most demand.



Significant Cases

Child representation usually involves the more difficult child welfare cases, and sometimes the most protracted litigation in the Family Court. As child representation is usually financed by Legal Aid, the costs incurred can be huge, especially when most parties are not in a position to contribute much. Legal Aid does, however, have occasional successes in recovering costs of child representation. One such case involved litigation relating to a young child which started in 1991, and which proceeded to a 27 day hearing in 2000. Four child representatives were involved over the years. The issue of costs of the trial was finalised in April 2002 when a judge ordered that one party, who had significant financial resources, contribute \$40,000 towards the costs of the child representative, and the other party, who had lesser, but not insignificant financial resources, contribute \$20,000. The judge noted that the behaviour of the parties during the proceedings had contributed to the high costs involved, which included various professionals such as psychiatrists and psychologists. The judge was also prepared to make an order charging the property of one of the parties with payment of that party's contribution.

A woman's six-year-old son was removed from her care and placed by the Department for Community Development in the care of the husband because the woman's drinking problem became significantly worse. The son had been living with his mother for about 2 years after she had separated from her husband. When the matter was dealt with on an interim basis in the Family Court, the husband obtained an interim residence order. By the time the case went to trial, the son had lived with the husband on an interim basis for about 14 months and he had a well-established status quo in his favour. The judge made a residence order in favour of the mother. This case is significant because it is contrary to the commonly held legal position that if one party has a well established status quo then that position will be maintained. Add to this the mother's alcohol problem and it would seem impossible that the order would be made in her favour. This case is a rare exception to the principle, particularly as far as the Family Court is concerned.

Family Court Assistance

In March 2002 an Information and Referral Service was commenced as a pilot program for in person litigants attending the Family Court in Perth. Referrals to the service are from the court itself. Legal Aid staff provide information and self help literature to clients, assist with Legal Aid applications or make appointments for clients to access legal advice or assistance through the Minor Assistance Program. The assistance can be drafting negotiating letters or court documents.

Publications

Legal Aid WA has developed a number of pamphlets to assist clients coming before the courts on family matters, with issues such as child contact, Family Court directions, relocation of children, and violence restraining orders covered. Information on all matters is available on the Legal Aid WA website, www.legalaid.wa.gov, as well as kits that clients can download.



Child Support

Legal Aid WA has a specialist Child Support Legal Unit, which can advise and support families who have problems with child support. The Unit is completely independent of the Child Support Agency and can help both people seeking child support and those who are responsible for paying it.

Child Support (child maintenance) is an issue of great importance to many Western Australian families. However, many people also find that dealing with child support can be frustrating, confusing and overwhelming. Difficulties with child support can cause families a lot of stress and anxiety.

Free information forums are run weekly, which explain how the child support system works and what people can do to make sure that they are paying or getting the right amount of child support. People needing further individual help, may be able to see a child support lawyer or paralegal to get help with:

- Negotiating with the other parent
- Changing a child support assessment
- Preparing documents for the Child Support Agency or Family Court
- Proving or challenging who is the father of a child
- Making or cancelling child support agreements
- Getting maintenance for children after they turn 18
- Getting maintenance where the other parent lives overseas

People in country areas can get help over the phone through the Unit's 1800 telephone number. The Unit has clients from all over the State, including from as far away as Kununurra and Esperance.

Child Support Information Forums

The Child Support Legal Unit of Legal Aid WA runs weekly information forums for parents about child support. These forums explain the 'mysteries' of the child support system and what people can do to make sure it is as fair as possible. They tell people how child support is calculated, how they can change assessments, how to make agreements and where to get further help.

The information forums are free and there are separate forums for those seeking child support and those paying child support. In 2001/2002, over 1000 people came to an information forum. Feedback from clients is always very positive:

"This should be mandatory for all people with children who are separating."

"Bl#@y brilliant! I wish I had known about these forums 7 years ago."*

"I've been trying to sort things out for the last 2 years and this is the first time I've been able to get any decent help. Thank you Legal Aid."

The forums also encourage parents to try to negotiate with each other and focus on the fact that child support is about their children, rather than them and their ex-partner. Probably the best thing about the forums is that people say that they feel empowered and reassured that they can navigate their way through the child support system.



Child Support Thank You Letters

'I wanted to thank you for all your help and especially for your patience in helping me prepare my details for this case - I would never have been able to succeed without it!'

'Thanks so much for your help during this year, couldn't have done it without you.'

"Thank you so very much for all your help, guidance and preparation - even the Child Support Agency were impressed! They acknowledged that a lot of work had gone into preparing for my application.'

'Thank you so much for your help and kindness for this and previous years, you do a wonderful job and I appreciate it very much!'

Child Support Client Stories

A mum with 2 young children came to the Child Support Legal Unit for help. The mother was only getting \$5 per week in child support, had extra costs due to the children's disabilities and was finding it very hard to survive on a benefit. She knew that the father could afford to pay a lot more, but she didn't know how to prove it. The Unit helped her prepare a change of assessment application to the Child Support Agency. This included doing a search, which showed that the father owned 4 properties. This information was given to the Agency, along with a request for further financial information. The information showed that the father had a family trust with an income of over \$200,000 per year and the client's assessment was therefore increased by the Agency to a more suitable amount.

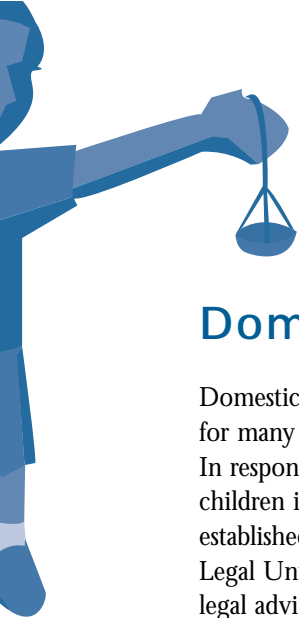
A young dad had recently been retrenched from a well-paid job. Whilst he was working, he had always paid child support for his children under a child support agreement with his ex-wife. However, he could no longer afford to pay this amount. He had told the Child Support Agency about the change in circumstances, but his ex-wife was unhappy about any change to the agreement. The Child Support Legal Unit encouraged his ex-wife to get legal advice from a Community Legal Centre and then helped negotiate an agreement whereby the amount paid was reduced until the client found work and his ex-wife received some of a redundancy payout.

The Child Support Legal Unit helped a grandmother get a reasonable amount of child support for her teenage grandson, who was in her care. The Senior Case Officer who made the decision, told the client that she could tell that the Unit had helped prepare her case and that the excellent quality of her application was reflected in the favourable outcome.

The Unit assisted a client who was paying child support for 2 children. The client could not understand why there was an assessment, as he did not think he was the father of the children, he had never lived with the mother, had never signed the birth certificate and had not seen the mother for 2 years when the second child was born. The Unit followed up the matter with the Child Support Agency. The assessment had been made on the basis that the mother had alleged that the client had signed a statutory declaration saying that he was the father of the children. When queried, the Child Support Agency could not find the statutory declaration. When the Agency questioned the mother about the existence of the statutory declaration, she withdrew her claim for child support. The case was closed and all arrears extinguished.

Future initiatives of the Child Support Legal Unit include:

Ensuring clients have greater access to relevant information and are able to download relevant documents from the Legal Aid website and improving strategies for services to regional and remote areas.



Domestic Violence

Domestic Violence is a devastating reality for many Western Australian families. In response to the needs of women and children in this situation, Legal Aid established a specialist Domestic Violence Legal Unit in 1994. The Unit provides legal advice, representation, initial counselling, and support to women and their families in situations of domestic violence. Services are targeted at women as they represent 90% of cases of domestic violence. The Unit is the only specialised legal unit providing domestic violence services in the State. The Unit works to support and empower women in situations of domestic violence and help ensure their safety.

Services provided to women include:

- A Duty Lawyer service at the Perth Court of Petty Sessions each day, to help women with initial restraining order applications
- Legal advice, both in person and on the telephone in relation to restraining orders and domestic violence related matters
- Representation in defended restraining order hearings
- Initial counselling and support from a qualified counsellor
- Initial advice on family law issues to do with children
- Assistance with dealing with the police and government departments with domestic violence related matters
- Referrals to other relevant services.

The Unit has strong networks with women's refuges, the police, the courts, the Department of Justice, and other community and government agencies.

As part of its role, the Unit has provided training on restraining order and domestic violence related issues to police, the judiciary, health workers, lawyers, women's refuges and Legal Aid staff.

The Unit is also very active on law reform and policy issues and has actively contributed to the Auditor General's review of restraining orders and the State Government's review of the restraining order legislation.

'Thank you for the support and encouragement that you have offered me...you (have) given me the strength to start my life again'

'Everyone does something for a living...but some people actually make a difference'

'Thank you for your help with my restraining order problems... I feel a great sense of relief that I can now get on with my life again without so much stress'

Domestic Violence Student Placement Thank You Letter

'Thank you so much for all of the help and guidance that you have given me over the past few months. I have learnt so much from my stay here at the DVLU that will help me on my future career'

Lorraine Ackroyd, ECU Student Placement, 2001



Domestic Violence Client Stories

A young woman from the Middle East and her 2 children had suffered severe and long-term violence from her husband. The violence included numerous threats to kill the woman if she ever left the marriage. After an incident in which her husband beat her with a hose, the woman left the home and the husband was charged with assault. Her husband then applied for residence of the children alleging that the woman was incapable of looking after the children. A lawyer from the Domestic Violence Legal Unit helped the woman get a violence restraining order against her husband and a grant of aid for help with the Family Court proceedings about what would happen with the children. The woman succeeded in getting orders for residence of the children and supervised contact for the children with the husband.

A woman had split from her husband three years ago. There had been a previous Misconduct Restraining Order because of the ex-husband's constant harassment. That order expired at the end of 2001. During a contact visit with the children, the ex-husband became violent, smashing the client's house contents and assaulting her. A Duty Lawyer from the Domestic Violence Legal Unit helped the woman get a further order, this time a Violence Restraining Order. The lawyer also referred her to the Client Services section of Legal Aid to receive family law advice about the children having contact with their father in the future.

An Aboriginal woman had been experiencing violence within her de-facto relationship. She had previously sought hospital treatment as a result of an assault against her. Although she had fled the family home, she hadn't been able to take the children with her. A family member encouraged her to seek help and accompanied her to an appointment at the Domestic Violence Legal Unit. A lawyer from the unit assisted the woman in gaining a Violence Restraining Order. The Order removed the de-facto partner from the family home and returned the children to the woman. The Lawyer also assisted the woman in making an application for Legal Aid for Family Court orders in relation to the children.

Future Outlook for the Domestic Violence Legal Unit

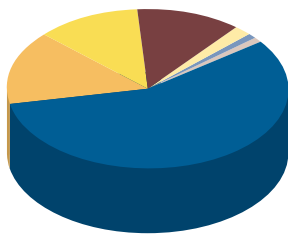
The Domestic Violence Legal Unit is presently working on a number of collaborative projects that will see a more coordinated response to domestic violence in the future. This includes participating on the new State Family Violence Coordinating Committee.



Civil Law

People affected by civil law matters can access a range of Perth-based and regional advice and self-help services, ranging from Legal Advice Bureau and Minor Assistance through to publications and the telephone Infoline. Grants of legal aid for representation in civil law matters are extremely limited.

Civil Law Grants Approved by Matter Group



57%	Personal Injury
15%	Administrative
12%	Contracts
12%	Professional Negligence
2%	Public Interest
1%	Property
1%	Matters Following Death

Civil Law services are provided by:

- In-house Civil Law lawyers
- Private practitioners
- Duty lawyers
- Regional offices
- Frontline Services
- Publications and self-help kits

Legal Representation

State grants of legal aid for representation by private practitioners in civil law matters are confined to 'disbursement only' grants. An example of disbursements may be the medical reports required for personal injury or criminal injury compensation claims.

Legal representation can also be provided by in-house lawyers, with the main area of representation relating to criminal injuries compensation claims.

Commonwealth grants of legal aid are largely for veteran's affairs matters, with representation provided for a small number of immigration appeals. Representation is also provided by in-house lawyers pursuant to Legal Aid WA's contracts with the Department of Immigration and Multicultural Affairs.

Although, with the limitations imposed by guidelines in providing representation for civil law matters, the majority of cases are settled without litigation through other services provided by Legal Aid WA. In addition, a number of civil matters relate to small debt and tenancy issues, and clients may therefore be referred to other organisations for assistance, such as the Consumer Credit Legal Services or the Tenants Advisory Service. Clients may also be referred to the Guardianship and Administration Board in appropriate cases.

Information and Advice

Information is available through Legal Aid WA's Infoline. Information is provided on many areas of civil law including debt, contractual disputes, motor vehicle accident issues, mental health law, tenancy, bankruptcy, wills and deceased estates, insurance disputes and criminal injuries compensation. In 2001/02 Infoline experienced an 8% increase in demand from the previous year. Civil matters represented 41% of calls received on the Infoline. Contractual issues constituted the greatest number of call enquiries followed by questions about debt and unfair dismissal. 68% of all civil inquiries to Infoline were able to have the call resolved by providing advice, publications or self help kits.

Legal Advice Bureaux throughout the State have given advice on a variety of topics. The majority of enquiries concerned contractual issues and motor vehicle accidents. Specialist services continue to be available in unfair dismissal issues.

Minor Assistance in civil law matters includes providing advocacy and/or negotiations and support with for example government agencies, insurance companies, debtors, creditors, retailers, banks, bailiffs, real estate agencies. Where the matter cannot be resolved, the client is assisted with preparing and filing court documents, including initiating or responding summonses, applications for further particulars of claim or defence, seeking to set judgment aside or applying for a summary judgment. Likewise assistance is provided in preparing the in person litigant for hearings. In 2001/02 the majority of minor assistance matters involved contractual issues and motor vehicle accidents.



Duty Lawyers

Duty lawyer representation of clients in civil law matters is limited to cases such as conciliation conferences, particularly in unfair dismissal applications. In the case where conciliation is not successful, clients may be referred to advice or minor assistance services, where assistance can be provided for the client to represent themselves in any further hearings.

Publications and Information Services

Publications and information services available through Legal Aid WA play an important role in the self help services available to clients with civil legal problems. They range from simple information pamphlets through to self help kits and manuals, web pages, and comprehensive legal and referral databases.

Department of Immigration and Multicultural Affairs

Legal Aid WA has successfully tendered to the Department of Immigration and Multicultural and Indigenous Affairs to provide migration legal advice and application assistance to clients. As part of this program, talks have been given to various community groups about a variety of migration law issues. Workers from women's refuges have been particularly interested in presentations covering the domestic violence provisions in the Migration Act.

Clients who are in Australia on spousal visas and who are enduring domestic violence fear they must remain in the relationship or their partner will ensure they are returned to their country of origin, perhaps without their children. These provisions enable survivors of domestic violence to apply for permanent residence in their own right. Feedback from these presentations has been very positive. After attending these talks, refuge workers have assisted their clients to obtain legal advice through Legal Aid WA to make an application for permanent residence and for assistance in family law matters.

Client Services

Our Client Services Section developed as a result of a restructure of our Legal Advice and Information Service in January 2002. People who do not qualify for a grant of legal aid can access a range of Perth based and regional advice and self-help services, ranging from the Legal Advice Bureau and Minor Assistance Programs through to front line services such as our Infoline and In Person Information Services.

Legal Advice Bureaux

Legal Aid WA conducted 20,880 Legal Advice Bureaux services this year, which represents a 0.03% decrease in 2001/02. Family law matters accounted for 60% of Legal Advice Bureaux provided. The average length of each Legal Advice Bureau service was 23 minutes.

Minor Assistance Program

Legal Aid WA conducted 4149 Minor Assistance services this year, which represents a 1.5% increase in service delivery for this program in 2001/02. Family law – including child support accounted for 62% of Minor Assistance provided. The average length of each Minor Assistance session given was 1 hour 44 minutes.



Infoline

The Telephone Infoline took approximately 68,500 calls this year, which represents an 8% increase in demand for assistance in 2001/02. Despite the increase to the service the response times dealing with each call continued to be maintained with 63% of calls being answered immediately and an average of 86% answered within 3 minutes. The average wait in queue was 64 seconds.

An average of 290 callers per day have accessed the Infoline for assistance in 2001/02, with an average call length of 6 minutes and 30 seconds. During the year, improvements were made to the Statewide appointment system assisting the Infoline advisers with the response times.

48% of the calls concerned State law matters of which civil law matters represented 37% and criminal matters 11%. 42% of calls related to Commonwealth law matters, the vast majority being family law matters. 10% of calls were administrative.



Infoline advisers at work



'A partnership of working together'

Martin Roestenburg and Gordon Fonceca staff the front counter of Client Services. They have been working together for three years. Here they relate some of their experiences...

'Martin and I - also known as Ebony and Ivory - have been working together at the Legal Aid reception desk for 3 years. In a normal day we encounter anything from a desperate mother pleading for the return of her child to a homeless person who has been charged with a criminal offence. I continue to learn something new each day. No matter what problems the client has, each client is treated with sensitivity and respect.'

'People ask what our survival strategy is, how have we lasted this long? Working together in a partnership means there is someone there to use as a sounding board and to debrief with.'

Gordon Fonceca

I first started working on the front counter in February 1999. Never in my wildest dreams could I have imagined the vast experiences and challenges I would encounter dealing with people from every imaginable cultural, socio-economic and religious background. We assist the young and old; the disabled and infirm; people with mental illness and many others, the list is endless. Our duties can be as varied as giving information to being an entertainer or a baby-sitter!

Often people expect us to be able to wave a fairy wand and make all their problems disappear. We just can't do that. However, what we can offer is an unbiased and understanding ear and a smile. We can't perform miracles, but we can give our best service.

Gordon and I working together means we have a mutual forum in which to give support and encouragement, especially after the pressures of a particularly harrowing day.'

Martin Roestenburg

'Helping people to help themselves'

The 2002 Articled Clerks have just completed a three - month rotation in the Client Services section of Legal Aid. Articled Clerk Richard Klimek relates his experience.

'Working in Client Services involves staffing the Infoline and assisting with Legal Advice Bureaux and Minor Assistance. As Articled Clerks, we had some concerns about our ability to meet the expectations this rotation placed upon us. However, once we began the rotation we found our performance stretched rapidly to mirror those expectations.'

The general consensus amongst the Articled Clerks is that Client Services has offered us an intensely practical experience with a high level of client contact. We have come to realise that the best way to help a client is to "help them help themselves". We have learnt that the best thing we can do for clients is not to send them away with just legal advice about their problem but to empower clients to address their own legal issues.'

Richard Klimek
Articled Clerk

Feedback from in person litigants who have been assisted by Client Services Staff:

Dear Sandra,

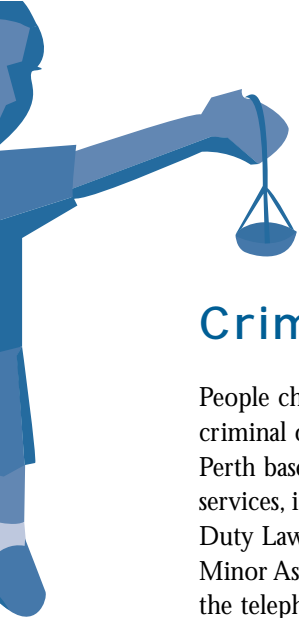
Thank you for your time and effort. You have helped make sense of a messy situation which I would have found extremely difficult and stressful to tackle on my own.

Your service and compassion will not be forgotten.

Thank you, Paul



Gordon Fonceca



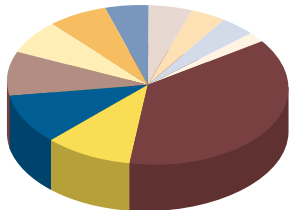
Criminal Law

People charged with or convicted of criminal offences can access a range of Perth based and regional criminal law services, including legal representation, Duty Lawyer assistance, Prison Visits, Minor Assistance, Legal Advice Bureau, and the telephone Infoline to resolve their legal problems.

Criminal Law Services are provided by:

- In-house Criminal Lawyers
- Private practitioners
- Regional Offices
- Duty Lawyers
- Front line Services
- Publications and self-help kits

Criminal Law Grants Approved by Matter Group



- 37% Burglary, Stealing, Breaking in & Entry, Dishonesty Offence
- 10% Justice Procedure, Good Order
- 10% Assaults Excluding Sexual Assault
- 9% Drug & Related Offences
- 7% Robbery & Extortion
- 7% Motor Vehicle, Traffic & Other
- 5% Other
- 5% Sexual Offences
- 4% Offence Against a Person
- 4% Fraud, Misappropriation/Deception
- 2% Other Criminal Matters

Casework

Where an application for legal aid is successful, a client will be allocated an in-house practitioner or private practitioner to conduct their case. Legal Aid's in-house criminal law practitioners work in the Criminal Law Section and Youth Law Team at the Perth office and also at the regional offices throughout the State. Practitioners represent clients in all criminal jurisdictions in the State for pleas of guilty, trials and appeals.

The Criminal Law Section has recently gained the services of Gail Archer, formerly of the Director of Public Prosecutions, who took up the new position of Principal Counsel in January 2002.

'I began my career at the Crown Solicitors Office in early 1989 before moving to the office of the Director of Public Prosecutions (DPP). While at the DPP, most of my time was spent conducting jury trials. When the opportunity arose to be the Principal Counsel at Legal Aid, I decided it was time for a new challenge. My role involves appearing as counsel in complex criminal matters and assisting the professional development of junior practitioners. Since starting at Legal Aid, I have developed a continuing legal education program; a series of lectures delivered by myself and by experienced external practitioners on a range of legal topics. I have also been involved in advocacy training for government lawyers and am about to conduct an advocacy training course specifically for Legal Aid WA restricted practitioners. I originally arranged to take up the position of Principal Counsel for just a year but have found the role so challenging and rewarding, and management so supportive, that I intend to remain beyond that time.'

Gail Archer, Principal Counsel





Youthlaw

Legal Aid's Youthlaw team continue to provide a high standard of representation for children on criminal matters. In addition to providing legal representation, our lawyers are also equipped to address the special needs of children as clients. This encompasses an understanding of welfare, mental health and multi-cultural issues. The majority of matters conducted this year were indictable, requiring representation at a superior court level before the President of the Children's Court. These involved complex issues such as homicide, psychiatric defences and fitness to plead arguments along with numerous test cases. For example the Youth Law team ran a test case on the power of police to put children in a police cell when they detain them under child welfare legislation for their care and protection. There were also several trials of age determination involving medical evidence as to biological proof of age.

In 2001/2002 the Youthlaw team conducted network meetings with stakeholders including Rangeview Detention Centre, Police Prosecutions, Court Staff and Community Mental Health Services. Youthlaw also continues to build and enhance its close working relationship with Juvenile Justice and the Drug Court Team (CATS).

Legal Aid's Youthlaw team continue to provide a high standard of representation for children on criminal matters. In addition to providing legal representation, our lawyers are also equipped to address the special needs of children as clients.

The Duty Lawyer and Prison Visiting Service

The Duty Lawyer Service provides legal advice and representation to defendants on the day of their appearance in court. The service is critical to the proper operation of the Courts of Petty Sessions and Children's Courts throughout the State, especially as the number of unrepresented defendants continues to increase. Duty lawyers provide concise and relevant information to the courts which avoids unnecessary delays. They also provide a safeguard against incorrect pleas and non-disclosure of relevant information to the court.

"The Duty Lawyer Service also provides to the courts a place of quick referral for defendants who are unable to represent themselves or who in attempting to do so disclose potential defences or other matters on which they clearly need advice."

Steven Heath, Chief Stipendiary Magistrate

"Prosecutors from the WA Police Service Prosecuting Branch interact on a daily basis with the duty lawyers from Legal Aid. We maintain a close working relationship notwithstanding the existing adversarial system present in the Courts of Petty Sessions. It is acknowledged by the WA Police Prosecuting Branch that the duty lawyers have a difficult task to perform within the courts given the limited preparation time afforded to them and the numbers of defendants they represent on a daily basis. Given the workload pressure placed upon them, they must be congratulated on their performance. In the vast majority of cases they provide an effective and efficient service, performing admirably under difficult conditions."

Darryl Lockhart, Superintendent
WA Police Prosecuting Branch



Legal Aid WA has forged a unique relationship with Hakea Prison, the major adult male remand facility in Western Australia. A duty lawyer appears in the Hakea Prison Video Link Court every day and also deals with prisoners' legal enquiries. Legal Aid has also prepared education modules to assist unrepresented prisoners and have provided technical advice to assist in improving legal reference material in the prison's library. A joint submission relating to the video link by the Department of Justice and Legal Aid WA to the Premier's Awards was a finalist in the management improvement category in November 2001.

"Hakea Prison values the relationship it has developed with the Legal Aid Commission of Western Australia and appreciates the pro-active approach taken in the provision of legal services to unconvicted persons."
Bob Jennings, Superintendent
Hakea Prison

Prison Visits

Legal Aid attends Hakea, Acacia, Bandyup and Casuarina Prisons every week to visit and assist prisoners. Other prisons are visited upon request. Our regional offices also provide services to regional prisons.

Publications

Legal Aid and the Aboriginal Legal Service have jointly developed a Prisoner Legal Information Kit to inform prisoners about the services available, the meaning of legal words and the video link. Legal Aid WA has also developed a Prison Offences Kit to provide prisoners with information about prison offences and procedure. The Department of Justice distributed these kits to prison libraries in late 2001.

The Duty Lawyer Service is greatly assisted by the work of the Court Welfare Service (Inc). Legal Aid Western Australia is very grateful for this assistance. Court Welfare provides many hours of service each week assisting duty lawyers, people attending court and their families. Volunteers demonstrate a friendly, team orientated approach to helping people.



Court Welfare Volunteers – Debbie Cooke, Jenny Brown, Lisa Telford, Dorothy Costello



Advice and Information

Information is provided by paralegal staff either face to face or by telephone on the Infoline. In 2001/02, 11% of all calls received by Infoline concerned criminal law matters. Of these charges, assaults, drink driving offences and stealing constituted the 3 main areas of enquiry.

Legal Advice is provided to clients on a broad range of topics. In 2001/02 the majority of advice was given on issues concerning offences against the person, burglary/stealing/breaking and entry and assaults.

Minor Assistance

Types of Minor Assistance provided include:

- assisting the client to obtain the statement of material facts;
- writing pleas in mitigation;
- assisting clients to write to the prosecution to reduce/withdraw/change the charge;
- preparing clients for court by going through witness statements and writing questions for cross examination.

In 2001/02, the most common areas of assistance in criminal law were for offences against the person, burglary/stealing/breaking and entry and assaults.

Family Violence Court

The Family Violence Court, launched in December 1999, operates at the Joondalup Court of Petty Sessions. This Court demonstrates how agencies can work together to address the problem of family violence. The Court provides a targeted response to the problem of domestic violence by both supporting victims of domestic violence in obtaining misconduct and violence restraining orders and directing defendants charged with criminal offences connected with family violence into a specialist court. The Court can order offenders to attend programs directed at rehabilitating perpetrators of family violence.

Legal Aid, with financial assistance from the Department of Justice, provides a duty lawyer each Tuesday to represent criminal defendants appearing in the Family Violence Court. Legal Aid also sits on the Management Committee for the Family Violence Court.

“The Family Violence Court at Joondalup deals with this serious issue with a new interagency and holistic approach. I would like to thank the Legal Aid Commission for its enthusiastic and sustained assistance in providing highly competent counsel to help find solutions, rather than to address the problems.”

KM Boothman, Stipendiary Magistrate

“As a final year law student from Notre Dame University, I was placed with the Joondalup Family Violence Court. My project was to develop pamphlets for people using the court for the hearing of family violence related criminal charges. During my project I got to spend time with lawyers, court staff, and Police to learn about the running of the court. This was all done under the supervision and encouragement of Jane Stewart and Michelle Airey from Legal Aid. Before completing the project I was working towards a career in the commercial law area. It wasn't until I worked on the Family Violence Project that I realised I wanted to begin my career in a more people-oriented environment like Legal Aid. I am now in my Restricted Practice year at Legal Aid WA and am truly grateful for the partnership that Legal Aid WA and Notre Dame have for providing me with the opportunity to work at Legal Aid WA.”

Caroline Brookes, Restricted Year Practitioner
Legal Aid Western Australia



Drug Court Unit

Legal Aid's Drug Court Unit is dedicated to the provision of legal services to the Drug Court pilot program currently running in the Central Law Courts in Perth. The Drug Court lawyers provide advice and representation to defendants appearing in the Drug Court. This is done in the traditional manner in court, as well as during Drug Court team meetings, which is something unique to this specialised court. The lawyers also participate in Drug Court meetings in respect of the practice and procedures of the court and are active in providing information and assistance about the court to the profession and others.

Our Drug Court Unit is a vital component of the Drug Court as the vast majority of defendants are unrepresented. In addition, the continuity provided to the Drug Court team by the regular and specialised involvement of lawyers and other staff is an important key to the success of the court. In November 2001 the Drug Court team including Legal Aid WA staff were awarded second place in their category at the Statewest Awards. The \$500 prize was presented to Magistrate Wager who accepted on behalf of the whole team.



Fiona Calley, Senior Drug Court Lawyer

"In early 2001 I commenced work with Legal Aid as a duty lawyer. I took the opportunity to work in the Drug Court on occasions and then on 3 December 2001 I started in the position of Acting Senior Drug Court Lawyer. This position has proved to be both challenging and rewarding and happily, will continue until December this year."



Legal Aid WA has shown a commitment to the Drug Court and an understanding that a specialist court requires specialist services. The lawyers are not only skilled advocates but have also gained a level of expertise in the areas of addiction, treatment and holistic services available. These special skills of the Drug Court lawyers enable them to work with the Drug Court team members to assist the court to set up individual programs of treatment, lifestyle supports and accountability so that offenders who are prepared to make lifestyle changes will face a sentencing option other than immediate imprisonment.

The enthusiasm and commitment of the first Drug Court lawyer, Ms Michelle Airey, was recognised by the Criminal Lawyers Association in 2001 when she was awarded the first Andrew Hodge Commemorative prize – in recognition of her commitment, enthusiasm and innovative approach to setting up the Drug Court Unit and to assisting the Drug Court and participants. The high standard of advocacy and the level of commitment introduced to the Court by Ms Airey has been adopted by the other Drug Court Legal Aid lawyers including Joanna Wiese, Angus Hockton, Fiona Calley and Kelly Bajgerytsch.

Katrina Lane presently holds the paralegal position. Ms Lane has worked with the Drug Court coordinator and the Assistant to the prosecution to set up an induction program for prospective participants. Ms Lane's role is to present the program both to defendants in custody and on bail.

She has supported Drug Court participants and their families to prepare for the weekly court appearances required by the Drug Court Regime and has ensured that prospective participants who have been remanded in custody have a full understanding of the court's expectations and their obligations to the court and the community before their release is considered.

The Perth Drug Court Pilot would not have been able to support participants as successfully without the hard work and dedication of the staff of the Legal Aid Drug Court Unit.

The Legal Aid Drug Court Unit staff have respectfully and professionally balanced their obligations to their clients as the providers of legal services with their roles in the Drug Court team. The lack of specialist and supportive legislation has, at times, made this role a very difficult one. It is to the credit of Legal Aid WA that the professionalism and dedication of the staff within the unit is of such a high standard."

*Julie Wager Stipendiary Magistrate
Drug Court Magistrate*



Library and Information Services

The library maintains an up-to-date collection of traditional and electronic legal materials to support the research, reference and information services available to all Legal Aid WA staff. The services provided by the library have recently been extended to all Community Legal Centres in Western Australia.

The main focus this year has been to provide improved access to electronic resources tailored to meet the information needs of staff. Major changes introduced during the year include:

- The library databases can now be accessed through a web browser;
- 'Circuit', Legal Aid's intranet, provides links to the library databases for ease of access;
- Information sessions and practical training sessions in using electronic resources are offered to Legal Aid WA staff;
- Library bulletins are disseminated electronically and where appropriate links to external web sites are included.

Regional Offices in the Year of the Outback

Legal Aid has seven regional offices that provide legal assistance to regional and rural Western Australia. It is often a challenge to ensure that even the most remote communities have access to justice.

People who live in regional areas often have unique difficulties when it comes to obtaining legal assistance. The most common problems faced include the lack

of services available (both community and private services), the distance involved in travelling to obtain assistance, and the ever-present problem of conflicts of interest in a small town.

Service providers trying to assist people in these areas also have many hurdles to overcome. Trying to assist your client who may be 200km away can be difficult, particularly when the client does not have easy access to telephone, fax, or other services.

Life in a Legal Aid regional office, as these stories indicate, usually involves a bit of innovative thinking to overcome these challenges.

Overcoming the Tyranny of Distance

Mrs X was involved in a dispute with her ex-husband over arrangements for their son. She was advised that her next step was to write a letter to her ex-husband outlining her proposals for an agreement. She needed assistance to write this letter, and qualified for assistance through the Minor Assistance Program to help her write the letter, but she lived quite a distance from the nearest Legal Aid WA office. A telephone appointment was arranged with a paralegal from the Bunbury office. The interview was conducted over the telephone, and once Mrs X's letter was completed by the paralegal, it was emailed to her. Mrs X was then able to print the letter on her own computer, sign it, and then send it to her ex-husband.

This same procedure was used later on when the client required further assistance to make a Family Court application.

Christmas and Cocos Islands and the Family Court

Under an arrangement with the Commonwealth Government, Legal Aid provides services to Christmas and Cocos (Keeling) Islands. Both are over 2,000 kms from Perth, and the Family Court of Western Australia does not go on circuit to either of the Islands. The airfares from both Islands to Perth are very expensive, so it is very difficult for Island residents to attend Perth to attend the Family Court.



Legal Aid and the Family Court have entered into an arrangement whereby divorce applications, matters in their early stages and matters proceeding on an undefended basis may be dealt with by way of the Family Court telephoning the Island resident and holding the 'hearings' over the telephone.

This first of these 'hearings' occurred when the solicitor for the Islands service assisted an Island resident who wished to obtain a divorce in the Family Court of Western Australia. When the documents were ready to file, Legal Aid asked the Court to agree to hear the application for interlocutory orders (our client needed to dispense with service) in the absence of the applicant who could not afford to travel to Perth for a court appearance. The court contacted us and advised that it would deal with both applications (for the interlocutory order and the final order) in the Registrar's chambers by way of a telephone hearing. The telephone hearing was of great assistance to the applicant and in the event both applications were entirely successful. The court advised that hearing the matter by telephone was a first for the court, and the particular Registrar/Magistrate said that he would be happy to proceed in this way again for Christmas and Cocos (Keeling) Islands residents.

Since then, there have been two other Island residents who have proceeded through their Family Court applications in this way and there is soon to be a third.

Outreach Services

Legal Aid remains committed to providing quality services to people in the bush. All regional offices provide some outreach services, with some lawyers spending several days "on the road" at a time. Where possible, telephone assistance is also provided to anywhere in the State.

Increasing Access to Resources

Being a solicitor in a small regional office can sometimes mean you don't have access to the same resources that are available to your colleagues in Perth. In the past this has often required the Legal Aid Library to find and sometimes photocopy material and send it to the regional office.

Regional office solicitors now have access to most of the information they need from their computer. From their desktop they can now access legislation, cases, library books and articles, plus a whole range of legal commentary programs and web sites. If a hard copy is needed, it can be printed or ordered from the library.

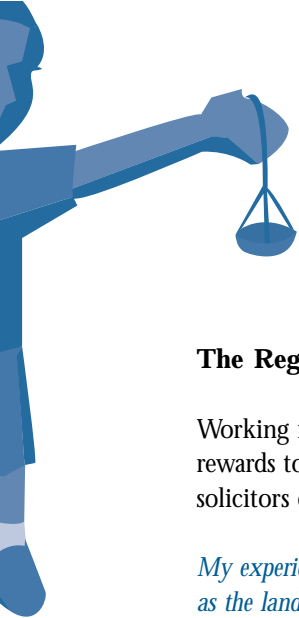
Articles in a Regional Office

by Caroline Brookes

As part of my articles year at Legal Aid, I undertook a four-week rotation in the Kalgoorlie regional office. The best thing about working in the Kalgoorlie office was the wide variety of law I got to experience. While in Perth an Articled Clerk might work specifically in family or criminal Law, in a regional office you can experience a little bit of everything! In Kalgoorlie I would often go along with the Duty Lawyer to the Kalgoorlie Court of Petty Sessions in the morning, then spend the afternoon working on family or civil law.

Working in the Kalgoorlie office was also a fantastic opportunity to work in a small team environment. Working under only three solicitors meant I felt much more involved in the goings on of the office. I was able to work on more complex matters under supervision and I feel my confidence in my legal work grew during the four weeks of my rotation.

I would highly recommend a regional rotation to other Articled Clerks. Working in a regional office is a fantastic experience that can only add to the skills of an Articled Clerk.



The Regional Experience

Working in a regional office has its rewards too, as one of our South Hedland solicitors describes...

My experience in a regional office is as unique as the landscape and wildlife. Apart from the advantage of living a 2 minute drive from work, there is the kaleidoscope of work that you get to perform.

You are not restricted to file work, nor to duty lawyer or minor assistance. In a regional office you get to do all of these types of work. Similarly, you are not restricted to simply family, criminal or civil law - you do them all. This means that you are constantly learning and challenged by the work. It also means that you are never tired by the same area or type of work.

A wonderful part of working in the Pilbara office is that you get to drive all over the surrounding country side and wonder at the beauty of it all. The long stretches of red dirt coupled with large mountainous ranges and sparkling aqua oceans. The animals that range from wedge tail eagles to large bungarras and roaming dingoes. Other fascinating small animals that visit your home are geckos, cute little frogs and insects that you have never experienced before. Insects that are harmless but big

The sunsets and walks along the beach are magnificent. Bright orange and pink skies are the backdrop for turtles laying their eggs high up on the beach and scrambling crabs trying to get back to their homes before the tides wash them away. The fish are abundant but don't seem to like getting onto the end of my line. No fish yet but still trying!

If you have never lived in a country town before, like me, then it is worth spending some time in one. It is a challenge to leave your home and family and friends but it is a experience that you will never forget and one that can enrich your life and add to the multitude of things we say we will do but never seem to get there.



George Turnbull, Director, Legal Aid,
with Naomi Brown, Kimberley Community Legal Service



Regional Thank You Letters

“Just a note to say thankyou for the quick and efficient service you gave me. I appreciate it that you took the time to fit me in wherever possible. It’s good to know that there are people like you that are customer focused”

Letter to front office staff, Bunbury Office

“This is simply to say thank you for what you did for me along these past few weeks in your Fremantle office. Needless to say that your assistance paid off since I received earlier today a reasonable fine – Thanking you again for your precious time and effort to make me obtain what seemed at the beginning unattainable”

Letter to Kerrie, front desk, Fremantle Office

“Just a short note to say thank-you for all your help. It is a pleasant change to find someone willing to give a helping hand. I wish you all the best for your future.”

Letter to Fremantle Legal Aid office

“Thank you so much for all your help and guidance over the past 12 weeks. I have learnt an invaluable amount from my time working with you, which hopefully I will be able to put into practice soon! Once again thanks for your time and help; it is greatly appreciated.”

Letter from University of Notre Dame placement student Sarah Withnall to David, solicitor, Fremantle Office

Section 5

Our Organisation





Commissioners are appointed by the Governor of Western Australia with provision for:

- A Chairman, who must be a lawyer with at least seven years experience, appointed on the nomination of the State Attorney General.
- Four members, nominated by the State Attorney General, two of whom are lawyers nominated by the Law Society and one (not being a lawyer) who has administrative experience at a senior level.
- One member, a non-lawyer, nominated by the Minister for Fair Trading.
- Two members nominated by the Commonwealth Attorney General.

NB: The Commonwealth Attorney General has declined to replace members whose terms expired in 1999/00 and from 28 April 2000, the Commission has operated without Commonwealth representatives.

Legal Aid WA is an independent statutory authority that operates under the Legal Aid Commission Act 1976 and complies with requirements outlined in State and Commonwealth funding agreements. Legal Aid WA is managed by a Director, who is the Chief Executive Officer, and is responsible to a Board of Commissioners (the Commission). The Director is also an ex-officio member of the Commission.



Board of Commissioners

Profiles



Malcolm McCusker was appointed as Chairman of the Commission in December 1982 and is the Western Australian Attorney General's nominee. After graduating from the University of Western Australia, he returned as a part-time lecturer and helped to devise the content of the final LLB year. Since his admission to practice in 1961, he has appeared as counsel in a wide range of commercial and criminal cases before the District and Supreme Courts, Federal Court, High Court and Privy Council. He was appointed Queen's Counsel in January 1982. In 1989, as special inspector, he conducted an investigation into the collapse of the Rothwells Merchant Bank. In 1992-93 he was Chairman of the Western Australian Constitutional Committee and is currently Chairman of the Advisory Board to the Western Australian Constitutional Centre.



George Turnbull was appointed Legal Aid WA Director in June 1999. He was first admitted to practice as a barrister and solicitor of the Supreme Court of Victoria in 1973. Mr Turnbull was until June 1998 the Director of the Victorian Office of the Australian Government Solicitor, and was previously Director of the New South Wales and South Australian Offices. During the 1980s, he was Deputy Crown Solicitor and Director for Western Australia.



Richard Bayly was appointed a Commissioner in July 1997 as a nominee of the Law Society of Western Australia. He graduated from the University of Western Australia with a law degree in 1973 and 1976. Mr Bayly was employed by Wesfarmers, London in 1977 and then acted as a solicitor with the Aboriginal Legal Service from 1979 until 1981. He has practised as a partner of Bayly & O'Brien since 1981, specialising in criminal law. Mr Bayly was recently appointed President of the Criminal Lawyers Association, after holding the position of Treasurer since 1988.



Patrick Walker was appointed a Legal Aid Commissioner on 14 December 1999 as a nominee of the Minister for Fair Trading. He was appointed Chief Executive Officer and Commissioner for Fair Trading in June 1998. Prior to this, he had extensive management experience in local government with his most recent positions including Chief Executive Officer at the City of Subiaco (1993 to 1998) and Chief Executive Officer at the Town of Narrogin (1986 to 1993). He is a former Western Australian President and National Director of the Institute of Municipal Management (IMM). He is currently a member of the Medical Board of Western Australia.



Patricia Blake is the community legal centre (CLC) nominee to the Board of Commissioners. Ms Blake obtained a Bachelor of Social Work (Hons) from Curtin University in 1991 and Post-Graduate Degree in Public Policy from Murdoch University in 1998. She was employed at Community Legal and Advocacy Centre for five years as a Welfare Rights Advocate, and in 1995 was seconded to the position of Resource and Policy Officer for the Federation of CLCs' Secretariat. Ms Blake is currently employed as Manager of the Gosnells Community Centre (also a CLC). Throughout her employment in CLCs, Ms Blake has been an active member of the Federation of CLCs, having held the position of State Representative for three years and then the position of National Funding Representative for a further three years.



Rick Cullen was appointed a Commissioner in January 1995 as a nominee of the Law Society of Western Australia. He is a graduate of the University of Western Australia in Science (1969) and Law (1975) and since his admission as a lawyer in 1977 has practised in a variety of law areas, concentrating on commercial litigation areas over the last 10 years. He practiced as a member of the firm McManus Cullen and Clements from 1979 until 1989 when he became a partner of Dwyer Durack. He was a Councillor of the Law Society of Australia's Access to Justice Committee, has also been a National Director of the Australian Brain Foundation and is on the Board of the Perth Bone and Tissue Bank.



Raymond Hughes was appointed in January 1999 and is the current nominee of the Western Australian Attorney General as a person with "administrative experience at a senior level". He is also on the Audit Committee, He has been a Chairman and a Director on several statutory corporations. Mr Hughes is currently the Chief Executive Officer and a Director of the Western Australian Treasury Corporation. He is a member of the Australian Society Certified Practising Accountants and is a member of the Audit Committee.

Frequency of Meetings

The Commission meets monthly and as required. 10 meetings were held in 2001/02.

Disclosure

The Legal Aid Commission Act 1976 requires members to disclose their pecuniary interests in matters being considered and about to be considered, and to have such disclosure recorded in the minutes of that meeting. In terms of financial interests, Rick Cullen is a partner of Dwyer Durack and Richard Bayly is a partner of Bayly & O'Brien. These firms received professional fees from Legal Aid WA during the year for representation of legally aided clients on assigned matters.

Remuneration

Remuneration is fixed by the Governor on advice from the Salaries and Allowances Tribunal. Rates were last varied on 16 November 1999. Fees are not payable to members who are employed elsewhere in the public sector. The Chairman receives \$17,100 per annum and ordinary members \$6,800 per annum.



Organisational Structure Legal Aid Western Australia

Board of Commissioners

George Turnbull
Director

Legal Practice Division

Lex Payne
General Manager

Gail Archer
Principal Counsel

Jasmine Shawcross
Solicitor in Charge
Family & Civil

Ron Smith
Solicitor in Charge
Criminal/Youthlaw

Peter Huxtable
Manager
Regional Offices

Andrew Robson
Manager
**Duty Lawyer &
Prison Visiting**

Michael Hovane
Manager
**Domestic Violence & Child Support
Legal Units**

Program Coordination Division

Bevan Warner
General Manager

Chris Slattery
Manager
Development Services

Ruth Reader
Manager
Client Services

Maureen Kavanagh
Manager
Assignments

Colleen Brown
Solicitor
**Alternative Dispute
Resolution**

Allison Currie
Manager
Community Legal Centre Funding Program

Corporate Services Division

Vacant
General Manager

Murray Cribb
Manager
Finance

Jack Trainor
Manager
Human Resources

Greg Robins
Manager
Information Management

Section 6

Our Employees



Human Resources Issues

Employee Assistance Program (EAP)

A professional and confidential counselling service continues to be available to all staff and their families through the private firm, Occupational Services of Australia Pty Ltd.

The program is promoted to staff, including at induction courses for new employees. There was a decrease in its use in the reporting year of the service provider as against last year.

Employee Profile 2001/02

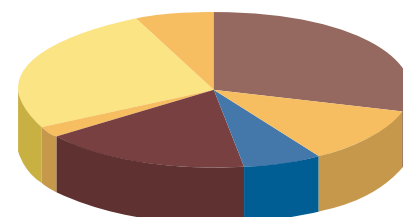
Level 2000/01	Lawyers			Paralegal			Administration			Article Clerks			TOTAL	TOTAL	%	%
	P	O	C	P	O	C	P	O	C	P	O	C				
1							18	3					35	21	16.7%	10.0%
2				3	2		19	10		9			40	43	19.0%	20.5%
3		6		17	11		7	1		1			39	43	18.6%	20.5%
4		10	6				1						19	17	9.0%	8.1%
5	2	13		1	1		2	5					24	24	11.4%	11.4%
6	1	13					1	1					11	16	5.2%	7.6%
7	7	7					1	1					15	16	7.1%	7.6%
8	2	3					2						11	7	5.2%	3.3%
9	12	3											12	15.4	5.7%	7.3%
Class 1							1						0	1	0.0%	0.5%
Class 2	1	2											3	3.2	1.4%	1.5%
Class 3													0	0	0.0%	0.0%
Class 4	1												0	1	0.0%	0.5%
Special		1											0	1.4	0.0%	0.7%
Division																
TOTAL	85			41			73			10			210	209	100%	100%

Relates to number of persons, including part time and is not a measure of full time equivalent positions.

P – Permanent Employee O – Contract Employee C – Casual Employee

FTE's per Category of Employee 2001/02

Category	No. of FTE's	Perth Office (FTE's)	Regional Office (FTE's)
Lawyers	73.70	57.96	15.74
Paralegals	36.12	32.12	4.00
Article Clerks	10.0	10.0	0.00
Administration	63.83	51.55	12.28
TOTAL	183.65	151.63	32.02



■ Lawyers
■ Paralegals
■ Article Clerks
■ Administration



Equity and Diversity Plan 2002-2005

An equity and diversity plan was developed that provides for strategies for the development of awareness of equal employment opportunity principles amongst management and staff and its application in work practices and the operations of Legal Aid.

A working partnership has been established with specialised agencies for work experience for people with disabilities and where appropriate, employment opportunities.

Legal Aid has traditionally and will continue to provide specialized support to EEO groups, including the purchase of voice activated or special office equipment, mentoring arrangements and support for those who return to work after a long period of absence.

Legal Aid continues to perform well in the representation of designated EEO groups within the workforce in this agency.

These groups are represented in the workforce as follows:

- Women 74.3%
- Culturally diverse 6.9%
- Mature workers 45years> 38%
- Youth 7.9%

In addition, 37.25% of Legal Aid WA female employees fell within the \$47,150 and above salary bracket.

Male-Female Staff Ratio 2001/02

	Legal	Non Legal	Total	%
Female	53	100	153	74
Male	31	24	55	26
TOTAL	84	124	208	100

Years of Service by Total Number of Employees

Years of Service	No. of Employees	Lawyers	Paralegals	Admin	Article Clerks	%
0-5	137	58	20	50	9	61.71
6-10	34	14	10	10		15.32
11-15	30	13	5	11	1	13.51
16-20	13	5	2	6		5.86
21+	8	1	3	4		3.60
TOTAL	222	91	40	81	10	100



Training and Development

Legal Aid's strategic approach to training has resulted in development of a competency based paralegal training program as well as progressing of a competency based framework in the areas of recruitment, selection and performance management.

Guidelines have been developed for the career progression of staff solicitors, identifying the need to:

- attract new graduates and provide career progression prospects and increase the retention of staff; and
- increase mobility between areas within Legal Aid WA for both professional and support staff to increase their skills acquisition.

A series of seminars dealing with a range of legal topics are conducted by senior members of staff and are available to employees. Legal Aid WA is also working with the Law Society of WA to present lectures to staff and members of the legal profession generally. In view of the interest generated in these lectures and seminars, it is anticipated that they will continue into the future.

Workplace Initiatives

A rotation system which includes all regional offices has been developed which enables secretaries, paralegal officers, articulated clerks and junior solicitors to work in various areas of Legal Aid WA for a specific period of time.

This program is designed to not only enhance the skills development of each participant but also to assist in his or her career progression.

Legal Aid WA has continued its commitment to flexible working practices in 2001/02 with 40% of staff working on a part time basis which has assisted them in balancing their domestic and work commitments.

Staff are also encouraged to avail themselves of secondment opportunities, with one staff member being seconded to the DPP, another being seconded to the Department of Consumer and Employment Protection whilst an employee from the Crown Solicitor's Office is currently on secondment to this organisation. One staff member is currently on unpaid leave working for a humanitarian agency overseas.

Legal Aid WA has continued to respond to staff employment requirements where operational requirements allow and have expanded the part home based working arrangement to provide for several employees.

Staff Achievements

- Drug Court lawyer Michelle Airey was awarded the inaugural Andrew Hodge Commemorative Prize in recognition of her contribution to establishment of the Drug Court Unit and to assisting the Drug Court and participants. She has also contributed to the Drug Court policies, protocols and procedures. The prize is awarded to a young lawyer involved in the field of criminal law who has shown a keen interest in the progressing of that area of the law.



Irene Hughes,HR and Debbie MacLennan, Directorate



- In November 2001 a joint submission by the Department of Justice and Legal Aid for the establishment of video link technology in a range of prisons, juvenile detention and remand centres was a finalist in the Management Improvement category at the Premier's Awards.

The facility provides users in remote and regional areas better access to justice and has improved case management in regional centres as well as eliminating the need to transport witnesses and interpreters to various parts of the State.

The use of the video link means that there is less need to transport prisoners to court, saving time and other resources as well as reducing security risks. Staff lawyer, Shane Rebbeck received a Certificate of Appreciation from the Wooroloo Prison Education Centre for his work among pre-release prisoners. Shane has been providing a legal advice and education service for over 12 months, assisting prisoners on a wide range of legal issues on a one to one basis as well as lecture sessions.

Human Resources Information System

A new human resources information system was implemented this year which has streamlined the leave approval process as well as giving access to other human resource information.

The capacity to manage leave requirements of the organisation on an ongoing basis and providing up to date information has been substantially enhanced.

Individual staff members are now able to access their own information relating to leave entitlements, current pay roll details and pay roll history and other personal matters.

The new system allows staff to up date their personal information "on line" and assists managers in preparing corporate leave and other rosters in their business units. The system also provides charts and lists of staff both in individual work areas and the organisation as a whole detailing staff currently on leave, those with approved future leave and staff that will need to take leave so that organisational objectives can be met.

Articled Clerks

Legal Aid continues to be a well sought after place of employment for law graduates entering the profession with 110 applications for Articled Clerk positions being received in 2001/02.

This year a historically high number of 9 Articled Clerks were accepted. There is a strong emphasis on quality training being provided to equip them in their professional lives including rotations through the various areas of Legal Aid WA.

Articled clerks are provided with an ongoing Professional Development Program and the benefit of a Mentor Program which provides feed back to them and the opportunity to raise issues of concern in their professional development.

An evaluation of the Professional Development Program was undertaken involving the Articled Clerks of 2001 and the majority considered the program to have been beneficial to them.



Vacation Clerks

Legal Aid WA's winter and summer clerkship program continues to provide valuable work experience for law students. This year 32 students were engaged, a substantial increase from the 23 students who were accepted last year. A structured approach enables students to gain experience in different areas of Legal Aid WA, providing practical experience and an understanding of the values and practices of the organisation. As in previous years, Frontline Services provides law students with part time and casual employment through the telephone Infoline service where they experience the delivery of frontline information services to a varied clientele.

Conditions of Employment

This year the former work place and enterprise bargaining agreements, which applied exclusively to this organisation were replaced by the Government Officers Salaries, Allowances and Conditions Agreement 2002 and the Government Officers Salaries and Conditions Award 1989 which have application through the public sector.

In recent years various agencies had operated under their own agreements which had lead to a disparity in salaries and conditions amongst staff who were undertaking similar duties but working for different agencies. Now, employees undertaking similar tasks throughout the public sector will have the benefit of similar conditions of employment.

Although the conditions of employment of staff in Legal Aid WA have not altered substantially compared with the conditions under the previous agency workplace and enterprise bargaining agreements, staff obtained pay rises effective from July 2001 and effective from January 2002 to bring them in line with other public sector employees.

The Government Officers Salaries and Conditions Agreement 2002 does allow for some conditions under the previous agreements to be retained and this aspect is currently under consideration.

Worker's Compensation

Claims for workers' compensation increased to 6 this year compared with 4 claims last year. One long term outstanding claim and 5 recent claims were finalised. As a result of these claims, factors affecting workers' compensation claims have increased.

The following four factors are indicators of workers' compensation at Legal Aid WA.

Premium/Contribution Rate	0.80
Cost of claims incurred per \$100 wage bill	1.3649
Frequency Rate/Lost Time	0
Rehabilitation Success Rate	n/a

Section 7 Compliance Report



Statement of Compliance with Relevant Written Law

Responsible Minister

Attorney General of Western Australia

Enabling legislation

Legal Aid Commission Act 1976

Other relevant legislation impacting on Legal Aid WA activities

Copyright Act 1968 (Cth)

Disability Discrimination Act 1992 (Cth)

Disability Services Act 1993

Equal Opportunity Act 1984

Family Law Act 1975 (Cth)

Financial Administration and Audit Act 1985

Freedom of Information Act 1992

Government Employees Housing Act 1964

Government Employees Superannuation Act 1987

Government Financial Responsibility Act 2000

Industrial Relations Act 1979

Land Administration Act 1997

Legal Contributions Trust Act 1967

Legal Practitioners Act 1893

Library Board of Western Australia Act 1951

Minimum Conditions of Employment Act 1993

Occupational Health, Safety and Welfare Act 1984

Public and Bank Holidays Act 1972

Public Sector Management Act 1994

Racial Discrimination Act 1975 (Cth)

Salaries and Allowances Act 1975

Sex Discrimination Act 1984 (Cth)

State Records Act 2000

Transfer of Land Act 1893

Workers' Compensation and Rehabilitation Act 1981

Workplace Agreements Act 1993

Audit Committee

Legal Aid WA's Board of Commissioners operates an Audit Committee with responsibility for assessing and reporting on:

- The effectiveness of systems and standards of internal control.
- The management of business risk.
- Compliance with legislation, standards, policies and procedures.
- The quality and reliability of management reporting.

The Audit Committee has unfettered access to management and can avail itself of independent professional advice any time. The Audit Committee has developed a three-year strategic audit plan and monitors progress of the annual audit program, including management follow-up of audit findings. The Audit Committee is assisted by Internal Auditors and a representative of the Auditor General at its meetings. The Committee met four times during the year.

Statement of Compliance

In the administration of Legal Aid WA, we have complied with the Public Sector Standards in Human Resource Management, the Western Australian Public Sector Code of Ethics and our Code of Conduct.

We have put in place procedures designed to ensure such compliance and conducted appropriate internal assessments to satisfy that the statement made above is correct.

The applications made for breach of standards review and the corresponding outcomes for the reporting period are:

Number of applications lodged	(1)
Number of breaches found	(0)
Number still under review	(0)



George Turnbull
Director

30 June 2002



Information Statement

The Freedom of Information Act 1992 requires that an Information Statement be made available to members of the public and that this should be updated every 12 months. The objective of this statement is to assist the public in gaining information held by Legal Aid WA in accordance with Section 96 of the Freedom of Information Act 1992.

The Information Statement includes:

- The structure and functions of Legal Aid WA.
- How Legal Aid WA's services affect the public.
- How the public may participate in the formulation of departmental policy.
- The types of documents held by Legal Aid WA.
- How members of the public may obtain access to these documents.

It is the aim of Legal Aid WA to make information available promptly and at the least possible cost. Whenever possible, documents will be provided outside the FOI process.

Any formal requests made under the Freedom of Information Act 1992 should be directed to:

*Freedom of Information Coordinator
Legal Aid Western Australia
55 St George's Terrace
PERTH WA 6000
Tel: 9261 6263*

In 2001/02, two requests were made under the *Freedom of Information Act 1992* – one for personal information and one for non-personal information. Access to the personal information was granted in full, and access to the non-personal information was denied. The average processing times for these requests was three days.

Other Accountability Measures

Strategic Plan

Legal Aid WA has a Strategic Plan that is reviewed annually and endorsed by the Board of Commissioners.

Risk Management

Legal Aid WA has a Risk Management Program that complies with the requirements of the Financial Administration and Audit Act 1985. A Risk Management Policy and a Risk Register outlining the key risks and mitigation strategies have been developed.

Policies and Procedures

Legal Aid WA maintains written policies and procedures covering key areas of operation. During the year key corporate management policies were updated in a format for deployment via the agency's Intranet.

Financial Reporting

Actual financial results are reviewed against budget each month. Reports on performance are produced quarterly and submitted to the responsible Minister (the Attorney General).

Protection of Assets

A register of assets exceeding \$1,000 in value is maintained, and a comprehensive Disaster Recovery Plan is maintained which sets out the procedures for responding to adverse events and for protecting information assets.



Professional Standards

Legal Aid WA complies with the Law Society of Western Australia's Quality Practice Standards. Law Society accreditation is subject to annual audit and comprehensive evaluation of professional practice standards. Standards of professional practice are documented and communicated to staff covering:

- Appropriate expertise.
- Conflicts of interest.
- Confirmation of instructions, costs, timing and client expectations.
- Recording of activity.
- Review of files.
- Authority levels.
- Progress reports and variations to instructions.
- Billing.
- Changes in personnel and training.
- Document management.
- Handling of complaints.

Advertising and Market Research

During 2001/02, advertising and market research payments were made to:

Advertising agencies	
Marketforce Productions	\$22,294.58
Market research	
English Kretschmar	\$7,093.75

Paper Recycling

Legal Aid WA operates a paper recycling scheme.

Customer Focus Outcomes

See Section 1 for reports on customer focus achievements for 2001/02.

Disability Services

Last year an upgrade of the website of Legal Aid WA ensured that it was compatible with the various software applications designed for people with disabilities. This year Legal Aid WA has maintained its 'Bobby Approved' status, which is an accreditation that requires web sites to comply with accessibility guidelines for users with a disability.

Training seminars for community workers in the disability sector were promoted and an increased number of disability workers attended these sessions compared with last year.

The Community Development Officer has also increased disability agency contacts with the other services provided by Legal Aid WA and provided a range of supplementary resources for these agencies to disseminate legal information and undertake community legal education.

Training has also been undertaken by staff on the topics of *Working With Clients With a Mental Illness and People With Mental Illness or Intellectual Disability and the Criminal Justice System*.

The Human Resources Branch has established contacts with agencies involved in the placement of people with disabilities and this year two staff members with disabilities were employed.



State Domestic Violence Action Plan

In 2001/02, Legal Aid continued its strong involvement with the State Government's Domestic Violence Action Plan through participation on the Action Plan Implementation Committee (APIC) and other collaborative projects such as the Joondalup Family Violence Court, the Family Court of Western Australia's Columbus Project, the Metropolitan Hospitals' Family and Domestic Violence Hospital Protocols and the Department of Justice's Review of the Special Needs of Women in Custody.

Legal Aid WA also contributed to the review of APIC and will be a participating member of its successor, the newly created Family Violence Coordinating Committee. Some of the interdepartmental projects being progressed at present include looking at the provision of restraining orders through the criminal justice system by prosecuting authorities and better coordination of court services in conjunction with the Police, Victim Support Service and Women's Refuges.

Legal Aid WA has also implemented domestic violence screening procedures and protocols in relation to its own Alternative Dispute Resolution program and is looking at the extension of these protocols and best practice principles to Legal Aid services more generally. These will ensure a high level of awareness and support to clients in situations of domestic violence.

State Government's Plan for Young People

In response to "ACTION: A State Government Plan for Young People, 2000-2003", Legal Aid WA has demonstrated its commitment to young people through the following services:

- A Duty Lawyer for criminal matters in the Children's Court in metropolitan and major regional centres;
- The Youthlaw section provides a Legal Advice Bureau for children, giving advice in all areas of law, including assisting children to apply for legal aid;
- Representation for children in Care and Protection jurisdiction, and for the separate representation of children in applications for residence and contact before the Family Court in appropriate matters.

Promotions

Promotions undertaken by Legal Aid WA during the year included:

- Participation by Fremantle Regional Office staff and Perth staff in Law in the Stores, held during Law Week at the Woolstores;
- South Hedland Legal Aid staff had a stall at the "Welcome to Hedland" event. Law Week;
- Development Services staff manned stalls at the Lesbian and Gay Pride Fair Day and the Vincent Multicultural festival, as well as sharing stall resources with a number of CLCs for their promotions;
- Participation in the Justice of the Peace conference in Esperance; and
- Attendance at the Domestic Violence Memorial March in April 2002.

Evaluations

Data Analysis Australia conducted the annual "Client Satisfaction Survey and Measurement" in 2001/02. The evaluation is undertaken to measure efficiency and effectiveness performance indicators for Legal Aid WA. More information on the Client Satisfaction Survey is on page 8.

Section 8
Statistical
Summary





Client Profile

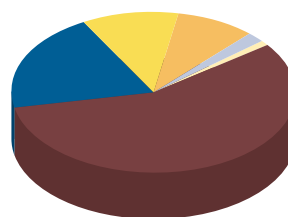
Note Regarding Data Sources

Two separate data sources have been used in compiling the statistical summary, National Legal Aid (NLA) and Legal Aid WA internal Figures (MIS). Where there has been a variation between the two sets of figures, the internal MIS figures have been used on the basis that they have greater inherent integrity and to ensure consistency with audited efficiency performance indicator/output unit costings.

Duty Lawyer Services by Inhouse and Private Practitioners 2000/2001 (source: NLA)

	No. occasions service (NLA)	%
Inhouse	18551	63
Assigned	10902	37
TOTAL	29453	100

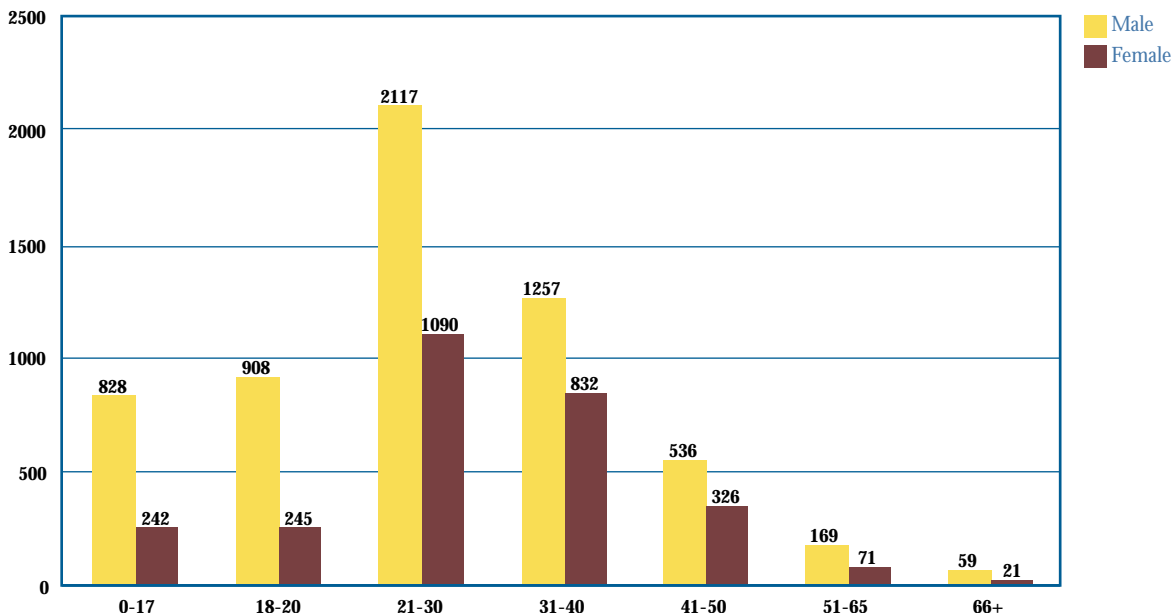
Percentage of Applicants Approved by Law Type and Gender (source: NLA)



Client Approved Profile by Class of Law and Gender (source: NLA)

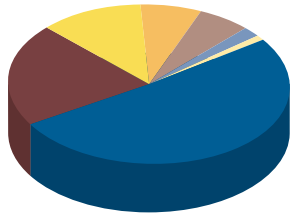
	No. clients
Female (Civil)	124
Female (Criminal)	964
Female (Family)	1742
Male (Civil)	140
Male (Criminal)	4976
Male (Family)	756
Gender unknown	288
TOTAL	8990

Applicants Approved by Age Group and Gender (source: NLA)





Applicants by Weekly Income



51%	\$0
21%	\$251+
12%	\$151 to \$200
7%	\$201 to \$250
6%	\$101 to \$150
2%	\$51 to \$100
1%	\$1 to \$50

Indigenous Applicants Approved (source: NLA)

Law Type	2001/2002 %		2000/2001 %	
Civil	19	1.6	14	1.2
Criminal	974	84	1,003	88
Family	166	14.4	123	10.8
TOTAL	1,159	100	1,140	100
As % of Total Applicants Approved	12.9	13.1		

Assessment, Case Management, Legal Representation and Other Services

Occasions of Service by Service Type (source: MIS, Callscan and LAIS)

	No. (2001/02)	%	No. (2000/01)	%	% change in no's. from last year	% change in share from last year
Assessment and Case Management	13,070	8	13,147	9	-1	-1
Legal Representation	9,294	6	8,970	6	4	0
Legal Advice and Minor Assistance	25,030	16	25,030	17	0	-1
Telephone Information Line	68,930	45	60,295	42	14	3
Face to Face Services	7,205	5	6,896	5	4	0
Duty Lawyer	29,661	20	30,009	21	-1	-1
TOTAL	153,190	100	144,347	100	6	



Applications Received by Class of Law (source: MIS)

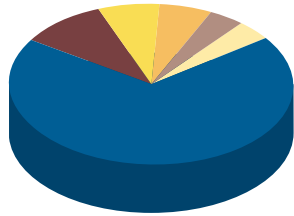
	No. 2001/2002	% applications received	No. 2000/2001	% applications received	% change
Civil	828	6	801	6	3
Criminal	8,363	60	8,048	61	4
Family	4,710	34	4,298	33	10
TOTAL	13,901	100	13,147	100	6

Applications Granted by Class of Law (source: MIS)

	No. 2001/2002	% applications granted	No. 2000/2001	% applications granted	% change
Civil	262	3	267	3	-2
Criminal	6,119	66	5,902	66	4
Family	2,913	31	2,801	31	4
TOTAL	9,294	100%	8,970	100	4

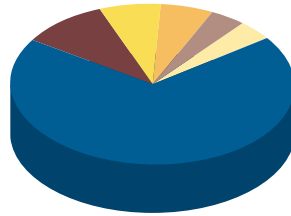


Reasons for Refusal- Family Law



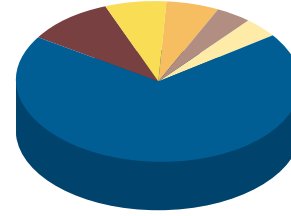
69%	Guidelines
10%	Means
7%	Merit
6%	Merit & Guidelines
4%	Guidelines & Means
4%	Means & Guidelines

Reasons for Refusal- Criminal Law



77%	Guidelines
10%	Means
5%	Merit
3%	Guidelines & Means
3%	Merit & Guidelines
2%	Means & Guidelines

Reasons for Refusal- Civil Law



66%	Guidelines
10%	Merit
9%	Means
5%	Merit & Guidelines
3%	Guidelines & Means

Applications Refused by Class of Law (source: MIS)

	No. 2001/2002	% applications received	No. 2000/2001	% applications received	% change
Civil	606	12	544	12	1
Criminal	2,236	47	2,503	54	-11
Family	1,942	41	1,598	34	22
TOTAL	4,784	100	4,645	100	3

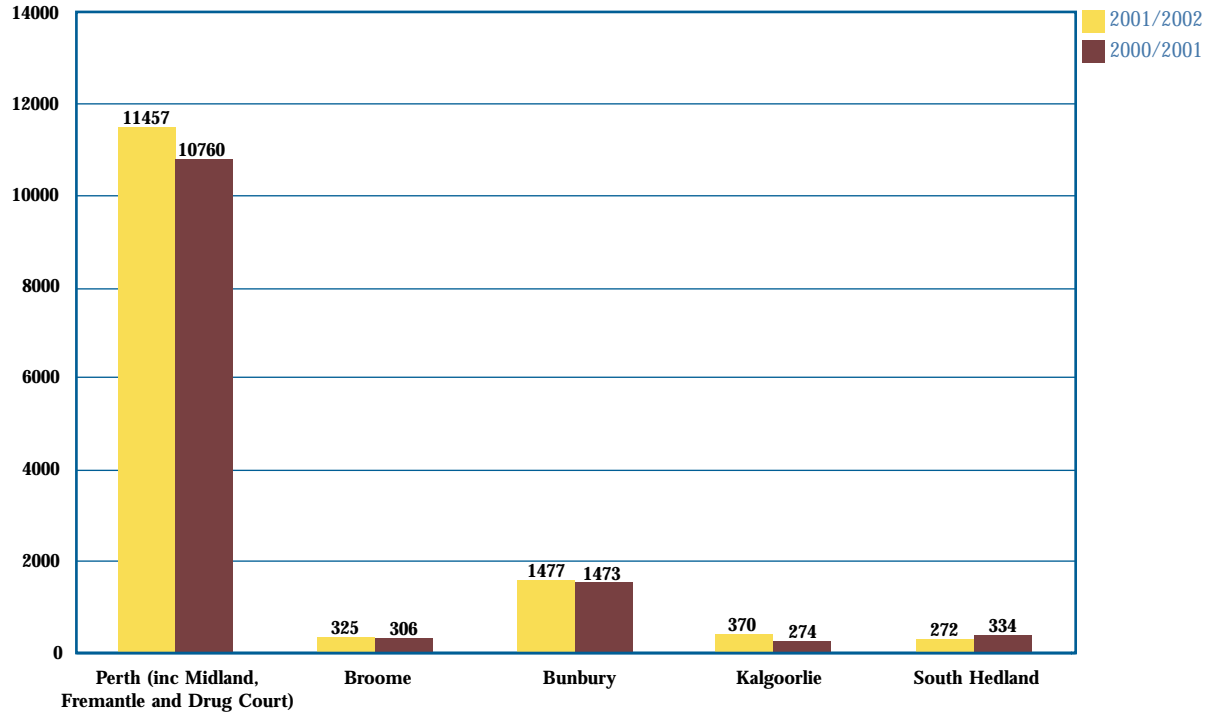
Reconsideration and Review of Decisions (source: MIS)

	Reconsideration	% change 00/01-01/02	Review	% change 00/01-01/02	Total	% change 00/01-01/02
2001/02						
Confirmed	901	-4	229	-13	1,130	-6
Varied	530	-12	67	-3	597	-10
Pending	75	17	15	-17	90	10
TOTAL	1,506	-6	311	-11	1,817	-7
	Reconsideration	% change 00/01-01/02	Review	% change 00/01-01/02	Total	% change 00/01-01/02
2000/01						
Confirmed	939	-13	262	-11	1,201	-12
Varied	602	4	69	-4	671	3
Pending	64	42	18	64	82	46
TOTAL	1,605	-6	349	-7	1,954	-6



Applications Received by Office

(source: MIS)



Casework (Approved Grants) Assigned to Inhouse and Private Practitioners

(source: MIS [does not include matters both State and Commonwealth])

2001/2002	Inhouse	%	External	%	Total
Civil	50	20	205	80	255
Criminal	2,802	46	3,303	54	6,105
Family	1,487	51	1,425	49	2,912
TOTAL	4,339	47	4,933	53	9,272

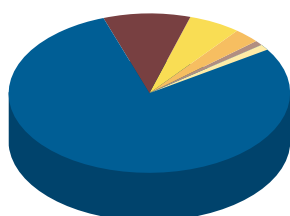
2000/2001	Inhouse	%	External	%	Total
Civil	83	31	184	69	267
Criminal	2,654	45	3,248	55	5,902
Family	1,476	53	1,325	47	2,801
TOTAL	4,213	47	4,757	53	8,970

Finalisations (source: LA Office/SQL Reports)

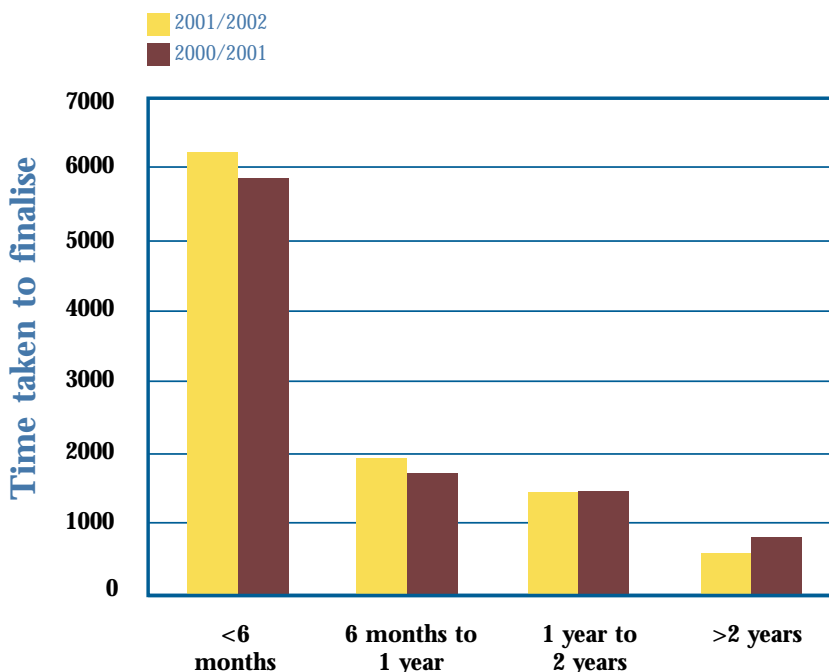
Time taken to finalise	Number of files finalised				
	2001/2002	%	2000/2001	%	% change
Within 6 months	6,200	62	5,789	60	7
6 months to 1 year	1,865	19	1,670	17	12
1 year to 2 years	1,337	13	1,397	15	-4
More than 2 years	559	6	752	8	-26
Less reopened files	123		84		
Total	9,838	100	9,524	100	3



Distribution of Practitioners by Certified Payments Earned 2001/2002



- 79% Under \$20,000
- 10% \$20,000 to \$49,999
- 6% \$50,000 to \$99,999
- 3% \$100,000 to \$149,000
- 1% \$150,000 to \$199,999
- 1% \$200,000 and over



Value of Certified Costs Paid to Private Practitioners (Top 20 firms – all classes of law) 2001/2002

Firm	\$
Ian Hope	\$326,336
McDonald & Sutherland	\$305,386
Ferrier Athanasiou & Kakulas	\$279,894
Jamieson Johnston	\$251,712
Andree Horrigan	\$231,179
Donna M Webb and Associates	\$226,436
Gunning Barristers & Solicitors	\$207,540
David Manera	\$204,746
Bayly & O'Brien	\$193,452
Sicard Crisp & Bannerman	\$185,422
Kott Gunning	\$172,144
Pacy Solicitors	\$152,548
GC & KC Christou	\$147,363
Paterson & Dowding	\$145,626
Paul Sullivan	\$143,420
Rattigan Kearney & Bochat	\$133,905
Hossen & Co	\$133,009
Dwyer Durack	\$132,989
Anderson Josland	\$127,778
Carr & Co	\$122,807

Section 9

Performance Indicators





Statement of Certification Performance Indicators for the Year ended 30 June 2002

The Hon Jim McGinty BA BJuris (Hons)
LLB JP, MLA
Attorney General

The following performance indicators for Legal Aid Commission of Western Australia provide measures of Legal Aid WA's effectiveness and efficiency in achieving its outcomes.

We hereby certify the performance indicators are based on proper records, are relevant and appropriate for assisting users to assess the performance of Legal Aid Commission of Western Australia and fairly represent the performance of Legal Aid WA for the financial year ended 30 June 2002.



Malcolm McCusker QC
Chairman



George Turnbull
Director

30 June 2002



Auditor General

**To the Parliament of
Western Australia**

**LEGAL AID COMMISSION
OF WESTERN AUSTRALIA
PERFORMANCE INDICATORS
FOR THE YEAR ENDED
JUNE 30, 2002**

**Matters Relating to the
Electronic Presentation of the
Audited Performance Indicators**

This audit opinion relates to the performance indicators of the Legal Aid Commission of Western Australia for the year ended June 30, 2002 included on the Commission's web site. The Commission is responsible for the integrity of the Commission's web site. I have not been engaged to report on the integrity of the Commission's web site. The audit opinion refers only to the performance indicators named below. It does not provide an opinion on any other information which may have been hyperlinked to or from these performance indicators. If users of this opinion are concerned with the inherent risks arising from electronic data communications, they are advised to refer to the hard copy of the audited performance indicators to confirm the information included in the audited performance indicators presented on this web site.

Scope

I have audited the key effectiveness and efficiency performance indicators of the

Legal Aid Commission of Western Australia for the year ended June 30, 2002 under the provisions of the Financial Administration and Audit Act 1985.

The Commission is responsible for developing and maintaining proper records and systems for preparing and presenting performance indicators. I have conducted an audit of the key performance indicators in order to express an opinion on them to the Parliament as required by the Act. No opinion is expressed on the output measures or quantity, quality, timeliness and cost.

My audit was performed in accordance with section 79 of the Act to form an opinion based on a reasonable level of assurance. The audit procedures included examining, on a test basis, evidence supporting the amounts and other disclosures in the performance indicators, and assessing the relevance and appropriateness of the performance indicators in assisting users to assess the Commission's performance. These procedures have been undertaken to form an opinion as to whether, in all material respects, the performance indicators are relevant and appropriate having regard to their purpose and fairly represent the indicated performance.

The audit opinion expressed below has been formed on the above basis.

Audit Opinion

In my opinion, the key effectiveness and efficiency performance indicators of the Legal Aid Commission of Western Australia are relevant and appropriate for assisting users to assess the Commission's performance and fairly represent the indicated performance for the year ended June 30, 2002.

D D R PEARSON
AUDITOR GENERAL
August 30, 2002



Performance Indicators for 2001 – 2002

Services are provided through Legal Aid to ensure:

“The community and target groups have access to, and are provided quality legal services.”

This outcome is achieved through the provision of a range of services designed to meet the different needs of the community and specific target groups. Services include:

- general information and advice to the community, for example, via a telephone information service, or where necessary, via a duty lawyer service
- legal assistance, for example, offering self-help advice to clients to help them resolve a legal problem, or providing an out-reach preliminary consultation service, and
- legal representation, where in special circumstances and when no other solution is considered appropriate, a person may be recognised as in need of assistance.

The form and extent of assistance provided through Legal Aid is regulated by policies and procedures relating to clients means, the nature and seriousness of their legal problem and the availability of resources.

Effectiveness Indicators

The two key aspects of the outcome sought by Legal Aid as a result of the services provided are “access to legal services” and “service quality”.

Access to legal services is measured by Legal Aid in terms of:

- the extent to which legal services are made available to the general community and to target groups
- the extent to which the general community and target groups use the available services.

The quality of legal services is measured by Legal Aid in terms of client satisfaction with particular aspects of service delivery, for example the effect the assistance had in helping them understand their legal situation, and how well they believed the lawyer represented them in court.

The purpose of reporting the following performance indicators is to enable government and the community to monitor the effectiveness and efficiency of Legal Aid WA in achieving its agreed outcomes.

Explanatory Notes for Effectiveness Indicators

1. Services where no eligibility criteria apply to regulate access include telephone information services, community education services, and duty lawyer services.
2. Applicants for a grant of aid must satisfy certain criteria.
3. In areas of family law only, some applicants are assisted via a grant of aid to pursue a resolution through non-litigation options.
4. Telephone information and community education services include telephone information service both in Perth metropolitan and regional areas, policy advice sessions, community legal education and training, face to face consultation, and Family Court information services.
5. Legal advice services include minor assistance where a solicitor or paralegal (under the supervision of a solicitor) provides personal assistance of up to three hours in drafting negotiation letters, applications and court documentation in most areas of law for non-complex matters.
6. Figures for legal representation services represent the number of cases where legal representation is supplied. A case is defined as an application for aid where a grant has been made.



Technical Notes for Effectiveness Indicators

Survey Methodology

Where possible, the surveys were designed to allow meaningful comparisons to be made to the most recent Family Law customer satisfaction surveys, which were conducted for inclusion in the 1999-2000 Annual Report.

Questionnaire

The questionnaires were designed to balance the conflicting needs of maintaining compatibility with previous years' surveys and improving the questionnaire structure. This year's surveys were heavily based on those used in previous years. One area in which the questionnaires were changed substantially was replacing four point scales of satisfaction with five point scales (with 1 being very negative responses, and 5 being very positive). This is more in line with the requirements and is the recommended approach. This was the first year that the Website Users survey was run. Therefore, there is no issue of maintaining comparability with previous surveys. This survey was targeting agencies rather than individuals, so the questions were developed to reflect this target.

Legal Aid WA drafted a questionnaire which was modified where appropriate by Data Analysis Australia with the agreement of Legal Aid WA.

Survey Population

The target population for the Alternative Dispute Resolution (ADR) Family Conferencing Program survey is those clients who entered the ADR Family Conferencing Program between 1 July 2001 and 30 April 2002, and who have attended a conference. It is possible that a small number of clients have been accepted into the ADR program but have not yet had their conference. These clients are out of scope of the survey. There were 167 clients who were in-scope of the ADR program survey. The target populations for the Legal Advice and Grants of Aid surveys were those clients who received these respective types of assistance from Legal Aid between 1 October 2001 and 30 April 2002. The target population sizes were 2,128 for Legal Advice and 757 for Grants of Aid.

The Website Users Survey was conducted as a Census of all Community Legal Centres in Western Australia. The list of the Community Legal Centres was provided by Legal Aid WA. For each centre, Legal Aid WA also provided a contact name of the most appropriate person to answer the questionnaire on the Centre's behalf.

Sample Sizes

The sample sizes for the three Family Law client groups' satisfaction surveys were designed to balance the requirements of obtaining accuracy to within about 5% and having sufficient sample sizes for each survey group to allow valid statistical analysis at the individual survey level and to make comparisons between the surveys. The requirements of surveying a target of 400 clients in total also had to be satisfied.

The following table shows the breakdown of the sample into the three survey areas.

Client Group	Population Size (N)	Responses (N)	Standard Error	Response Rate
Legal Advice	2,128	258	+/-5.72%	31%
Alternative Dispute Resolution	167	50	+/-11.6%	48%
Grants of Aid	757	92	+/-9.58%	29%
Total	3,052	400	+/-4.57%	

Table 1. Responses and Standard Error Rate.

The overall level of accuracy obtained from this design is 4.57%. The accuracy levels for the individual surveys are higher, but still within acceptable error bounds. The sample of 400 was allocated proportionally between Legal Advice and Grants of Aid, after 50 clients were allocated to the ADR survey (proportional allocation would have given too small a sample to the ADR survey, which would not allow statistically valid conclusions to be made about this service area). Each of the samples was selected randomly. The in-scope clients for each survey were randomly ordered, and given an index of 1,...,N.. The first n clients in the list were then selected to be included in the survey.

There were 25 Community Legal Centres to be surveyed in the Website Users survey.

Survey Implementation

To sustain comparability in methodology to past client satisfaction surveys, telephone interviewing was used. Computer Aided Telephone Interviewing (CATI) was used to conduct the surveys. The CATI system is scripted to guide the interviewer through the interview so that interviewer bias is minimised and data quality is improved over paper-based alternatives. The interviewers were instructed to make three attempts to contact each client selected in the survey before deeming that client non-contactable and replacing them with the next client in the sampling list. Since the Website Users questionnaire was targeted at agencies instead of individual respondents, pre-contact was made in the form of an email which had an explanatory letter and a copy of the questionnaire.

Nominated representatives from each of the surveyed Community Legal Centres were asked to corroborate with other staff at the centre to obtain appropriate responses to the questions. Staff were asked not to fill in the questionnaires and return them, but to have the answers ready for when a fieldworker contacted them to conduct a telephone interview. Centres which had not heard of the Legal Aid website were screened out of the survey. The CATI system was used to conduct this survey as well.

Estimation Methodology

In the previous survey, satisfaction levels were calculated as the sum of responses on the positive side of neutral (that is, agree and strongly agree), expressed as a percentage of the total number of responses including not applicable. This year, satisfaction levels were calculated as the sum of the non-missing responses on the positive side of neutral (that is, agree and strongly agree), expressed as a percentage of the total number of responses excluding not applicable. It was decided to exclude the not applicable from the denominator because their inclusion can artificially deflate the observed satisfaction levels.

Where multiple responses were allowed, percentages were calculated as the number of clients who gave that response divided by the total number of respondents for that question. Thus, the sum of the percentages could sum to greater than 100%.

The denominator in the percentage is not always equal to the sample size. This is because the denominator is calculated as the number of responses to that particular question, and each question could have different numbers of responses due to clients refusing to answer a particular question, or being skipped past the question due to an earlier response.



The outcome of services provided through Legal Aid is to ensure the community and target groups have access to, and are provided quality legal services.

	2001-02	2000-01	1999-00	1998-99
TO INDICATE THE EXTENT TO WHICH LEGAL SERVICES ARE ACCESSIBLE TO THE GENERAL COMMUNITY AND TARGET GROUPS				
<i>The extent to which legal services are made available to the general community and to target groups (based on occasions of service)</i>				
Community Services				
Percentage of all services where no eligibility restrictions apply to regulate access	76%	75%	75%	72%
Target Group Services				
Applications approved for a grant of aid as a percentage of all applications received	65%	68%	68%	72%
Applications approved for a grant of aid to pursue non litigation resolution as a percentage of all grants of aid approved (family law only)	13%	18%	4%	13%
<i>The extent to which the general community and target groups use the available services (based on occasions of service/1000 pop. *)</i>				
Community Services				
Usage rate for telephone information and community education services	37.0	37.7	35.0	31.7
Usage rate for duty lawyer services	15.5	15.8	14.8	15.7
Target Group Services				
Usage rate for legal advice services	13.0	13.2	12.3	12.8
Usage rate for legal representation services	4.8	4.7	4.7	5.2
TO INDICATE A QUALITY LEGAL SERVICE				
% of clients satisfied with service provided				
Criminal	-	83% (+/-4%)	-	88%
Family	74% (+/-4%)	-	82% (+/-4%)	-
Website	75% (+/-4%)	-	-	-

* Figures based on population estimates at December 2001, 2000, 1999 and 1998 respectively (source: ABS)

Efficiency Indicators

The efficiency of Legal Aid in providing services is measured in terms of the cost per occasion of service for each of the following business service outputs.

Business service outputs provided to the general community

1. Telephone advice line services
2. Face to face legal advisory services
3. Duty lawyer services

Business service outputs provided to specific target groups

1. Legal advice and minor assistance services
2. Assessment services for a grant of aid
3. Legal representation

The cost per occasion of service for each business service output of Legal Aid

	2001-02	2000-01	1999-00	1998-99
TO INDICATE THE EXTENT TO WHICH LEGAL SERVICES ARE PROVIDED IN A COST EFFICIENT MANNER¹				
Cost (\$) per occasion of service for service outputs to the general community				
Telephone Information Line Services				
2001-02 expenditure of \$1,208,979 for 68,930 occasions of service	17.54	18.95	19.33	14.41
Face to Face Advisory Services²				
2001-02 expenditure of \$203,335 for 7,205 occasions of service	28.22	36.30	57.41	46.15
Duty Lawyer Services				
2001-02 expenditure of \$1,812,273 for 29,661 occasions of service	61.10	56.67	54.23	61.89
Cost (\$) per occasion of service for service outputs to specific target groups				
Legal Advice and Minor Assistance Services³				
2001-02 expenditure of \$2,313,135 for 25,030 occasions of service	92.41	78.19	81.72	75.30
Assessment and File Management Costs in Terms of the Number of Applications for a Grant of Aid				
2001-02 expenditure of \$2,821,821 for 13,070 occasions of service	215.90	191.60	195.82	185.57
Assessment and File Management Costs in Terms of the Number of Grants of Aid				
2001-02 expenditure of \$2,821,821 for 8,463 occasions of service	333.43	280.82	289.83	258.67
Legal Representation				
2001-02 expenditure of \$15,188,306 for 9,294 occasions of service	1,634.20	1,779.32	1,793.81	1,500.12
Expensive Cases				
2001-02 expenditure of \$347,842 for 17 occasions of service	20,461.29	-	-	-
Finance Brokers				
2001-02 expenditure of \$386,461 for 387 occasions of service	998.61	-	-	-

Explanatory Notes for Efficiency Indicators

1. Total expenditure for 2001-02 is \$26,494,816. Of this, \$2,206,461 could not be reliably attributed to specific service outputs (see table 'Community service expenditure not attributed to specific outputs').
2. Prior to 2000-01 indicator represents Perth Infoline only.
3. Representing 2001-02 legal advice expenditure of \$1,404,527 for 20,881 occasions of service (cost per occasion of service \$67.26), and 2001-02 minor assistance expenditure of \$908,608 for 4,149 occasions of service (cost per occasion of service \$218.99).



Performance Indicators for 2001-02

Service Costs According to State and Commonwealth Law Matters ¹	2001-02 State Law Matters			2001-02 C'wealth Law Matters		
	Total Cost \$	Occasions of Service	Cost per Occasion of Service \$	Total Cost \$	Occasions of Service	Cost per Occasion of Service \$
Service Outputs to the General Community						
Telephone Information Line Services	601,897	36,238	16.61	607,082	32,692	18.57
Face to Face Advisory Services	111,623	3,552	31.43	91,712	3,653	25.11
Duty Lawyer Services	1,772,820	29,080	60.96	39,452	581	67.90
Service Outputs to Specific Target Groups						
Legal Advice and Minor Assistance Services²	1,150,554	9,979	115.30	1,162,582	15,051	77.25
Assessment and File Management Costs in Terms of Applications for a Grant of Legal Aid	1,563,757	9,305	168.06	1,258,065	3,765	334.15
Assessment and File Management Costs in Terms of Grants of Aid	1,563,757	6,642	235.43	1,258,065	1,821	690.86
Legal Representation	9,179,215	6,642	1,381.99	6,009,092	2,652	2,265.87
Expensive Cases	347,842	17	20,461.29	-	-	-
Finance Brokers	386,461	387	998.61	-	-	-

1. Total expenditure for 2001-02 is \$26,494,816. Of this, \$2,206,461 could not be reliably attributed to specific service outputs (see table 'Community service expenditure not attributed to specific outputs').

2. State Law Matters representing 2001-02 legal advice expenditure of \$757,099 for 8,426 occasions of service (unit cost \$89.85), and 2001-02 minor assistance expenditure of \$393,455 for 1,553 occasions of service (unit cost \$253.35).

Commonwealth Law Matters representing 2001-02 legal advice expenditure of \$647,428 for 12,455 occasions of service (unit cost \$51.98), and 2000-01 minor assistance expenditure of \$515,154 for 2,596 occasions of service (unit cost \$198.44).



Community Service Expenditure Not Attributed to Specific Service Outputs	State Law Matters	C'Wealth Law Matters	Total
	\$938,874	\$1,267,587	\$2,206,461
Alternative Dispute Resolution	2,254	6,577	8,831
Community Legal Education	116,837	122,521	239,358
Policy Advice	70,145	33,332	103,477
Publications	167,477	90,303	257,780
Community Development	141,898	122,146	264,044
Services to Indian Ocean Territories	-	151,990	151,990
Refugee Tenders	10,874	88,654	99,528
Community Legal Centres	32,211	125,071	157,282
Prison Visiting	106,789	18,091	124,880
ADR Program	-	358,492	358,492
Other Inhouse Practice	21,059	-	21,059
PDR Casework	-	148,400	148,400
Drug Court Casework	269,330	2,010	271,340

Acknowledgments

Survey Data used to assess the quality of legal services were collected and analysed by Data Analysis Australia.

Section 10

Financial Statements





Statement of Certification Financial Statements for the Year ended 30 June 2002

The Hon Jim McGinty BA BJuris (Hons)
LLB JP, MLA
Attorney General

The accompanying financial statements for Legal Aid Western Australia have been prepared in compliance with the provisions of the *Financial Administration and Audit Act 1985* from proper accounts and records to present fairly the financial transactions for the year ended 30 June 2002, and the financial position as at 30 June 2002.

At the date of signing, we are not aware of any circumstances which would render the particulars included in the financial statements misleading or inaccurate.

A handwritten signature in white ink, appearing to read 'Malcolm McCusker'.

Malcolm McCusker QC
Chairman

A handwritten signature in white ink, appearing to read 'George Turnbull'.

George Turnbull
Director

A handwritten signature in white ink, appearing to read 'Murray Cribb'.

Murray Cribb
Principle Accounting Officer

30 June 2002



Auditor General

**To the Parliament of
Western Australia**

**LEGAL AID COMMISSION
OF WESTERN AUSTRALIA
FINANCIAL STATEMENTS
FOR THE YEAR ENDED
JUNE 30, 2002**

**Matters Relating to the
Electronic Presentation of the
Audited Financial Statements**

This audit opinion relates to the financial statements of the Legal Aid Commission of Western Australia for the year ended June 30, 2002 included on the Commission's web site. The Commission is responsible for the integrity of the Commission's web site. I have not been engaged to report on the integrity of the Commission's web site. The audit opinion refers only to the statements named below. It does not provide an opinion on any other information which may have been hyperlinked to or from these statements. If users of this opinion are concerned with the inherent risks arising from electronic data communications, they are advised to refer to the hard copy of the audited financial statements to confirm the information included in the audited financial statements presented on this web site.

Scope

I have audited the accounts and financial statements of the Legal Aid Commission of Western Australia for the year ended June 30, 2002 under the provisions of the Financial Administration and Audit Act 1985.

The Commission is responsible for keeping proper accounts and maintaining adequate systems of internal control, preparing and presenting the financial statements, and complying with the Act and other relevant written law. The primary responsibility for the detection, investigation and prevention of irregularities rests with the Commission.

My audit was performed in accordance with section 79 of the Act to form an opinion based on a reasonable level of assurance. The audit procedures included examining, on a test basis, the controls exercised by the Commission to ensure financial regularity in accordance with legislative provisions, evidence to provide reasonable assurance that the amounts and other disclosures in the financial statements are free of material misstatement and the evaluation of accounting policies and significant accounting estimates. These procedures have been undertaken to form an opinion as to whether, in all material respects, the financial statements are presented fairly in accordance with Accounting Standards, other mandatory professional reporting requirements in Australia and the Treasurer's Instructions so as to present a view which is consistent with my understanding of the Commission's financial position, its financial performance and its cash flows.

The audit opinion expressed below has been formed on the above basis.

Audit Opinion

In my opinion,

- (i) the controls exercised by the Legal Aid Commission of Western Australia provide reasonable assurance that the receipt, expenditure and investment of moneys and the acquisition and disposal of property and the incurring of liabilities have been in accordance with legislative provisions; and
- (ii) the Statement of Financial Performance, Statement of Financial Position and Statement of Cash Flows and the Notes to and forming part of the financial statements are based on proper accounts and present fairly in accordance with applicable Accounting Standards, other mandatory professional reporting requirements in Australia and the Treasurer's Instructions, the financial position of the Commission at June 30, 2002 and its financial performance and its cash flows for the year then ended.

D D R PEARSON
AUDITOR GENERAL
August 30, 2002



Legal Aid Commission of Western Australia
Statement of Financial Position
For the Year ended 30 June 2002

	Note	2001/02 \$	2000/01 \$
CURRENT ASSETS			
Cash Assets	2	5,416,695	5,750,063
Restricted Cash Assets	3	4,534,958	4,336,484
Receivables	4	590,210	584,532
Other Assets		12,915	21,931
Total Current Assets		10,554,778	10,693,010
NON-CURRENT ASSETS			
Property, Plant Equipment and Vehicles	5	1,538,841	1,259,781
Receivables	4	3,018,122	2,974,371
Total Non-Current Assets		4,556,963	4,234,152
Total Assets		15,111,741	14,927,162
CURRENT LIABILITIES			
Payables	6	7,160,254	7,140,911
Provisions	7	1,430,575	1,156,728
Total Current Liabilities		8,590,829	8,297,639
NON-CURRENT LIABILITIES			
Provisions	7	1,289,538	1,224,203
Total Non-Current Liabilities		1,289,538	1,224,203
Total Liabilities		9,880,367	9,521,842
Net Assets		5,231,374	5,405,320
EQUITY			
Accumulated Surplus	8	547,593	926,764
Reserves	9	148,823	142,072
Asbestosis Account Reserve	3	4,534,958	4,336,484
Total Equity		5,231,374	5,405,320

The Statement of Financial Position should be read in conjunction with the accompanying notes.



Legal Aid Commission of Western Australia
Statement of Financial Performance
For the Year ended 30 June 2002

	Note	2001/02 \$	2000/01 \$
COST OF SERVICES			
Expenses from Ordinary Activities			
Legal Services Expenses	10	9,861,664	9,745,603
Employee Expenses	11	11,613,202	10,168,057
Net loss on disposal of non-current assets	17	8,247	-
Other Expenses from Ordinary Activities	12	5,011,703	4,646,037
Total Cost of Services		26,494,816	24,559,697
Revenues from Ordinary Activities			
Revenue from services	14	1,353,477	1,098,722
Commonwealth Grants and Contributions	15	10,615,551	9,370,540
Legal Contribution Trust	13	-	151,139
Net profit on disposal of non-current assets	17	-	7,840
Interest Revenue	18	510,462	631,097
Implicit Interest	4	(4,550)	27,594
Other Revenue from Ordinary Activities	16	308,965	475,111
Total Revenues from Ordinary Activities		12,783,905	11,762,043
Net Cost of Services	21	(13,710,911)	(12,797,654)
REVENUES FROM GOVERNMENT			
Consolidated Fund – Recurrent Appropriation	19	13,530,214	12,592,431
Total Revenues from Government		13,530,214	12,592,431
Change in Net Assets		(180,697)	(205,223)
Net increase (decrease) in asset revaluation Reserve	9	6,751	40,000
TOTAL CHANGES IN EQUITY OTHER THAN THOSE RESULTING FROM TRANSACTIONS WITH OWNERS AS OWNERS		(173,946)	(165,223)

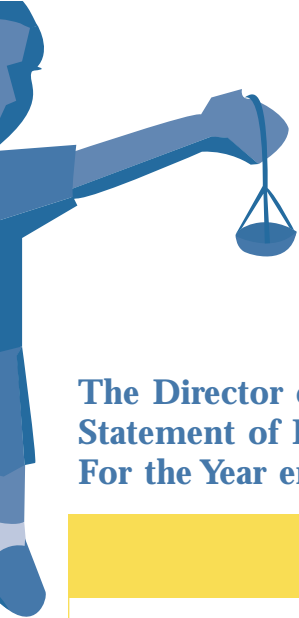
The Statement of Financial Performance should be read in conjunction with the accompanying notes.



Legal Aid Commission of Western Australia
Statement of Cash Flows
For the Year ended 30 June 2002

	Note	2001/02 \$ Inflows (Outflows)	2000/01 \$ Inflows (Outflows)
CASH FLOWS FROM GOVERNMENT			
Recurrent Appropriation		14,488,000	12,877,600
Net Cash Provided by Government		14,488,000	12,877,600
Utilised as follows:			
CASH FLOWS FROM OPERATING ACTIVITIES			
Payments			
Payments for legal services		(10,164,140)	(8,517,709)
Employee Costs		(10,242,675)	(9,279,598)
Supplies and Services		(5,776,920)	(5,538,952)
GST Payments to Taxation Authority		(1,628,046)	(1,126,616)
Receipts			
Sale of Goods and Services		1,169,086	1,190,264
Commonwealth Grants and Contributions		10,271,551	9,721,540
Interest received		549,857	577,765
GST receipts on sales		35,895	61,717
GST receipts from Taxation Authority		1,571,527	1,064,899
Other Receipts		192,309	510,239
Legal Contribution Trust		–	151,139
Net Cash Used in Operating Activities	21	(14,021,555)	(11,185,312)
CAST FLOWS FROM INVESTING ACTIVITIES			
Purchase of Non-Current Physical Assets		(693,717)	(464,302)
Proceeds from sale of Non-Current Physical Assets		92,379	302,560
Net Cash Used in Investing Activities		(601,338)	(161,742)
CASH FLOWS FROM OPERATING AND INVESTING ACTIVITIES		(14,622,893)	(11,347,054)
Net Increase/(Decrease) in Cash Held		(134,893)	1,530,546
Cash Assets at the Beginning of Financial Year		10,086,547	8,556,001
Cash Assets at the End of Financial Year	20	9,951,653	10,086,547

The Statement of Cash Flows should be read in conjunction with the accompanying notes.

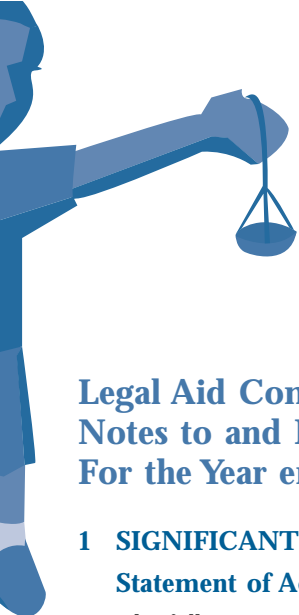


**The Director of Legal Aid in Trust
Statement of Receipts and Payments
For the Year ended 30 June 2002**

	2001/02	2000/01
	\$	\$
FUNDS ON HAND 1 July	34,066	23,790
RECEIPTS in Year		14,979
Interest Received in Year	771	314
	34,837	39,083
PAYMENTS in Year	13,112	5,000
Bank Charges	48	17
FUNDS ON HAND 30 June	21,677	34,066
Represented by Funds in BANKWEST	21,677	34,066

George Turnbull
Director of Legal Aid

Murray Cribb
Principal Accounting Officer



Legal Aid Commission of Western Australia Notes to and Forming Part of the Financial Statements For the Year ended 30 June 2002

1 SIGNIFICANT ACCOUNTING POLICIES

Statement of Accounting Policies

The following accounting policies have been adopted in the preparation of financial statements. Unless otherwise stated these policies are consistent with those adopted in the preceding year.

(a) General

- (i) The financial statements are prepared in accordance with Financial Administration and Audit Act 1985.
- (ii) Subject to the exceptions noted in these accounting policies, the financial statements have been drawn up on the basis of historical cost principles.
- (iii) The accrual basis of accounting is being applied.
- (iv) The financial statements constitute a general purpose financial report which has been prepared in accordance with Australian Accounting Standards and Urgent Issues Group (UIG) Consensus Views as applied by the Treasurer's Instructions. Several of these are modified by the Treasurer's Instructions to vary application, disclosure, format and wording. The Financial Administration and Audit Act and the Treasurer's Instructions are legislative provisions governing preparation of financial statements and take precedence over Australian Accounting Standards and UIG Consensus Views. The modifications are intended to fulfil the requirements of general application to the public sector, together with the need for greater disclosure and also to satisfy accountability requirements.

If any such modification has a material or significant financial effect upon the reported results, details of that modification and where practicable the resulting financial effect are disclosed in individual notes to these financial statements.

The statements have been prepared on the accrual basis of accounting using the historical cost convention, with the exception of certain non-current assets which subsequent to initial recognition, have been measured on the fair value basis in accordance with the option under AAS 38(5,1).

(b) Depreciation

All non current assets having a limited useful life are systematically depreciated over their useful lives in a manner which reflects the consumption of their future economic benefits.

Depreciation is provided for on the straight line basis, using rates which are reviewed annually. Useful lives for each class of depreciable asset are:

Buildings on Freehold Land	20 to 40 years
Furniture and Fixture	5 to 13 years
Leasehold Improvements	6 to 20 years
Office Equipment	5 to 20 years
IT Equipment	3 to 4 years
Motor Vehicle	6 years

(c) Grants of Aid

The commission has applied Statement of Accounting Concepts 4 "Definition and Recognition of the Elements of Financial Statements" in accounting for Grants of Aid.

Grants of Aid are recognised as a liability on approval of a grant of aid based on a provisional cost estimate. The provisional cost estimate reflects the estimated cost of the assignment based on the relevant scale of fees.

Levies towards the cost of aid by Legal Aid clients are recognised as an asset on approval of the grant of aid. Provision for bad debts is provided for in accordance with paragraph 4(iii).

The treatment better reflects the financial position and results of Commission operations and reflects industry practice.



Legal Aid Commission of Western Australia

Notes to and Forming Part of the Financial Statements

For the Year ended 30 June 2002

(d) Valuation of Non Current Assets

The Commission has a policy of valuing land and buildings at fair value. The annual revaluations are undertaken by Valuer General's Office. The Commission also has some furniture and equipment recorded at valuation amount, which were revalued on the 1st June 2002 on the basis of net current replacement cost. The revaluation was provided by the Valuer General's Office. Increments have been taken to assets revaluation reserve. Decrements have been offset against previous increments (if any) relating to the same class of assets and the balance (if any) charged against profits. Other assets are recognised at cost.

(e) Employee Entitlements

Annual Leave

This entitlement is recognised at current remuneration rates and is measured at the amount unpaid at the reporting in respect to employees' service up to that date.

Long Service Leave

A liability for long service leave is recognised, and is measured as the present value of expected future payments to be made in respect of services provided by employees up to the reporting date, after the officer has completed three years of service. An actuarial assessment of long service leave was carried out at 30 June 2002, and it was determined that the actuarial assessment of the liability was not materially different from the liability reported. This method of measurement of the liability is consistent with the requirements of Australian Accounting Standards AAS 30 "Accounting For Employee Entitlements".

Superannuation

Staff may contribute to the Superannuation and Family Benefits Act scheme, a defined benefits pension scheme now closed to new members, or to the Gold State Superannuation Scheme, a defined benefit and lump sum scheme now also closed to new members. All staff who do not contribute to either of these schemes become non-contributory members of the West State Superannuation Scheme, an accumulation fund complying with the Commonwealth Government Superannuation Guarantee (Administration) Act 1992.

The liability for superannuation charges incurred under the Superannuation and Family Benefit Act Pension Scheme, together with the pre-transfer service liability for employees who transferred to the Gold State Superannuation Scheme, are provided for at balance date.

The liability for superannuation charges under the Gold State Superannuation Scheme and West State Superannuation Scheme are extinguished by the quarterly payment of employer contributions to the Government Employees Superannuation Board.

The note disclosure required by paragraph 51 (e) of AAS 30 (being the employers share of the difference between employees accrued superannuation benefits and the attributable net market value of planned assets) has not been provided. State Scheme deficiencies are recognised by the State in its whole of Government reporting. The Government Employees Superannuation Board's reports are not structured to provide the information for the Commission. Accordingly, deriving the information for the Commission is impractical under current arrangements, and thus any benefits thereof would be exceeded by the cost of obtaining the information.

(f) Leased Assets

The Commission has entered into a number of operating lease arrangements for buildings, office equipment and a motor vehicle, where the lessors effectively retain all of the risks and benefits incident to ownership of the items held under the operating leases. Equal instalments of the lease payments are benefits charged to the operating statement over the lease term, as this is representative of the pattern of to be derived from the leased property.

(g) Grants and Appropriations

Grants and Appropriation are recognised as revenues in the period in which the Commission gains control of the appropriate funds.



Legal Aid Commission of Western Australia

Notes to and Forming Part of the Financial Statements

For the Year ended 30 June 2002

(h) Receivables

Unsecured Debtors

Unsecured debtors are recognised at the amounts receivable as they are due for settlement no more than 42 days from the date of recognition.

Collectability of receivables is reviewed on an ongoing basis. Debts which are known to be uncollectable are written off. A provision for doubtful debts is raised where some doubts to collection exists.

Secured Debtors

Secured debtors balances are only payable to the Commission on the sale or other alienation of the property. Due to the long term nature of these debts, a provision for discount is raised which enables the balance to be shown at the Net Present Value.

Collectability of receivables is reviewed on an ongoing basis. Debts which are known to be uncollectable are written off. A provision of doubtful debts is raised where some doubts to collection exists.

(i) Payables

Payables, including accruals not yet billed, are recognised when the Commission becomes obliged to make future payments as a result of a purchase of assets or services. Trade payables are generally settled within 30 days. Grant of aid commitments are settled as the case progresses. Given time constraints matters can be outstanding for between 3 months and 2 years.

(j) Accrued Salaries

Accrued salaries represent the amount due to staff but unpaid at the end of the financial year, as the end of the last pay period does not coincide with the end of the financial year. The Commission considers the carrying amount approximates net fair value.

(k) Comparative Figures

Comparative figures are, where appropriate, reclassified so as to be comparable with the figures presented in the current financial year.

2 CASH ASSETS

	2001/02 \$	2000/01 \$
Bank Accounts	5,411,320	5,744,688
Cash on Hand - Petty Cash	5,375	5,375
	5,416,695	5,750,063

3 RESTRICTED CASH ASSETS

The Asbestosis Account was established in January 1989 to fund the granting of legal aid in relation to asbestos-related actions.

The Commission pays into the Account all amounts that it receives as costs recovered from asbestos-related actions by plaintiffs to whom the Commission has granted legal aid. The overall costs of those actions are met from the Account. The cash is restricted for Asbestosis matters only.

	2001/02 \$	2000/01 \$
Balance of Funds 1 July 2001 – Opening Balance	4,336,484	4,081,880
Revenue		
Recovered Costs	8,527	15,215
Interest	202,610	245,699
	4,547,621	4,342,794
Expenditure		
Private Practitioners	12,663	6,310
Balance of Funds 30 June 2002 – Closing Balance	4,534,958	4,336,484



Legal Aid Commission of Western Australia
Notes to and Forming Part of the Financial Statements
For the Year ended 30 June 2002

4 RECEIVABLES

	2001/02 \$	2000/01 \$
Current		
Unsecured Debts	955,102	882,633
Less: Provision for doubtful debts	(364,892)	(298,101)
	590,210	584,532
Non Current		
Secured Debts	3,882,281	3,833,980
Less: Provision for doubtful debts	(20,000)	(20,000)
Less: Provision for discount	(844,159)	(839,609)
	3,018,122	2,974,371
	3,608,332	3,558,903

Secured Debts

Legal assistance may be granted subject to a condition that the legal costs be secured by a charge being lodged against property registered in the name of the legally assisted person. Full payment of the debt secured is required on sale or other alienation of the property.

History has shown that the average repayment period of secured debts is around eight years. No interest is charged on the outstanding debt. In accordance with AAS 15 an implicit interest adjustment is made to take account of this long term repayment aspect.

Secured debtors were discounted at 5.795% (2001:5.845%) using the 5 year government bond rate as at 30 June 2002.

(iii) Provision for Doubtful Debts

	2001/02 \$	2000/01 \$
Balance 30 June 2001	318,101	422,733
Bad Debts Written off 2001/02	(3,025)	(10,853)
	315,076	411,880
Provision 2001/02	69,816	(93,779)
	384,892	318,101

Debts Written off for 2001/02 were authorised by –

	2001/02 \$	2000/01 \$
The Accountable Commission	3,025	10,853

(iv) Provision for Discount

	2001/02 \$	2000/01 \$
Balance 30 June 2001	839,609	867,203
Implicit Interest Charge/(Writeback)	4,550	(27,594)
Provision 2001/02	844,159	839,609



Legal Aid Commission of Western Australia
Notes to and Forming Part of the Financial Statements
For the Year ended 30 June 2002

5 NON-CURRENT ASSETS – PROPERTY, PLANT, EQUIPMENT AND VEHICLES

(i) Profits and losses on disposal of non-current assets are taken into account in determining the results for the year.

	2001/02 \$	2000/01 \$
Land		
At Fair Value (l)	67,000	–
At Valuation 2001		67,000
Accumulated Depreciation	–	–
Net Value	67,000	67,000
Buildings		
At Fair Value (l)	298,000	–
At Valuation 2001	–	300,000
Accumulated Depreciation	(11,960)	(6,000)
Net Value	286,040	294,000
Fixtures and Fittings		
At Cost	27,863	27,863
Accumulated Depreciation	(16,063)	(13,742)
Net Value	11,800	14,121
Leasehold Improvements		
At Cost	958,311	564,374
Accumulated Depreciation	(470,272)	(423,520)
Net Value	488,039	140,854
Furniture and Equipment		
At Valuation	69,235	236,680
At Cost	941,254	1,027,723
Accumulated Depreciation	(575,134)	(772,722)
Net Value	435,355	491,681
Motor Vehicles		
At Cost	289,282	278,760
Accumulated Depreciation	(38,675)	(26,635)
Net Value	250,607	252,125
Total Net Value of Assets	1,538,841	1,259,781

(l) Land and Buildings

The revaluations were provided by the Valuer General's Office as at 1 July 2001 and represent the valuations in the Government Property Register managed by the Government Property Office. The valuation was provided on the basis of current market value using "curb side" estimate.



Legal Aid Commission of Western Australia Notes to and Forming Part of the Financial Statements For the Year ended 30 June 2002

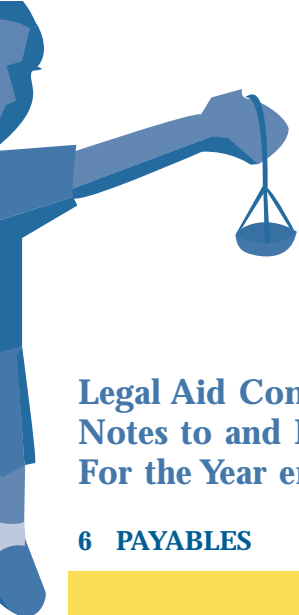
Furniture and Equipment

Furniture and Equipment was revalued on 1 June 2002 on the basis of net current replacement costs. The revaluation was provided by Valuer General's Office.

(ii) Reconciliations

Reconciliations of the carrying amounts of property, plant, equipment and vehicles at the beginning and end of the current and previous financial year are set out below.

	Land	Buildings	Fixtures and Fittings	Leasehold Improvements	Furniture and Equipment	Motor Vehicles	Total
	\$000	\$000	\$000	\$000	\$000	\$000	\$000
2002							
Carrying amount at start of year	67,000	294,000	14,121	140,854	491,681	252,125	1,259,781
Additions				393,937	171,572	128,208	693,717
Disposals					(13,071)	(87,554)	(100,625)
Revaluation increments		(2,000)			8,751		6,751
Revaluation decrements					(9,599)		(9,599)
Depreciations		(5,960)	(2,321)	(46,752)	(185,366)	(42,172)	(282,571)
Write-off of Assets <\$1,000					(28,613)		(28,613)
Carrying amount at the end of year	67,000	286,040	11,800	488,039	435,355	250,607	1,538,841
2001							
Carrying amount at start of year	129,000	353,000	12,537	86,679	514,257	240,066	1,335,539
Additions			4,080	76,812	200,444	182,966	464,302
Disposals	(-60,000)	(-94,677)		(1,285)	(7,488)	(131,267)	(294,717)
Revaluation increments	(2,000)	42,000					40,000
Depreciation		(6,323)	(2,496)	(21,352)	(215,532)	(39,640)	(285,343)
Carrying amount at the end of year	67,000	294,000	14,121	140,854	491,681	252,125	1,259,781



Legal Aid Commission of Western Australia Notes to and Forming Part of the Financial Statements For the Year ended 30 June 2002

6 PAYABLES

	2001/02 \$	2000/01 \$
Provisions of Grant of Aid	5,428,970	5,867,772
Accrued Salaries	210,052	174,348
Staff Benefit Fund	30,616	70,661
Accrued Expenses	190,174	310,332
Government Grants in Advance	1,298,761	715,000
Unclaimed Monies	1,681	2,798
	7,160,254	7,140,911

(i) Payables

The Commission considers the carrying amounts of accounts payable approximate their net fair values.

(ii) Accrued Salaries

Amounts owing for the 6 working days from 21 June – 30 June 2002 (2001 – 22 June to 30 June, 6 working days)

7 PROVISIONS

	2001/02 \$	2000/01 \$
Current		
Annual leave	908,031	804,960
Long service leave	522,544	351,768
	1,430,575	1,156,728
Non Current		
Long service leave	828,696	677,948
Superannuation	460,842	546,255
	1,289,538	1,224,203

The superannuation liability has been established from data supplied by the Government Employees Superannuation Board.

8 EQUITY

	2001/01 \$	2000/01 \$
Accumulated Funds		
Opening Balance	926,764	1,488,951
Less: Adjustment to Opening Surplus (I)	–	(102,360)
Less: Transfer to Asbestosis Reserve Account	(198,474)	(254,604)
	728,290	1,131,987
Change in Net Assets Resulting from Operations	(180,697)	(205,223)
Closing Balance of Accumulated Surplus	547,593	926,764



Legal Aid Commission of Western Australia
Notes to and Forming Part of the Financial Statements
For the Year ended 30 June 2002

9 RESERVES

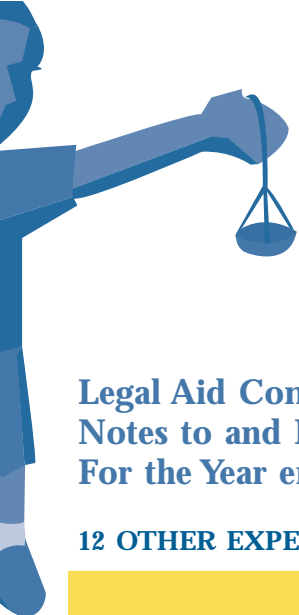
	2001/02	2000/01
	\$	\$
Asset Revaluation		
Opening Balance	142,072	102,072
Net Revaluation Increment		
Land		(2,000)
Buildings	(2,000)	42,000
Furniture	8,751	–
Closing Balance	148,823	142,072

10 LEGAL SERVICE EXPENSES

	2001/02	2000/01
	\$	\$
Grant of Aid Expenses		
Assignment Costs	9,505,141	9,481,323
Asbestosis Case Costs	20,957	11,178
	9,526,098	9,492,501
Other Service Expenses		
Legal Advice	109,182	10,312
Duty Lawyer	226,384	242,790
	9,861,664	9,745,603

11 EMPLOYEE EXPENSES

	2001/02	2000/01
	\$	\$
Salaries and Staff Related Expenses		
Salaries	10,219,570	8,437,786
Annual Leave Expense	97,846	637,373
Long Service Leave Expense	323,011	150,142
	10,640,427	9,225,301
Staff Related Expenses		
Superannuation	845,029	752,116
Superannuation Provision		
State Superannuation – Pre Transfer	(85,413)	1,708
State Superannuation – Pension Liability	–	–
Commonwealth Superannuation – Past Liability	–	(29,711)
Staff Training	47,812	45,891
Other Staff Related Expenses	165,347	172,752
	972,775	942,756
	11,613,202	10,168,057



Legal Aid Commission of Western Australia
Notes to and Forming Part of the Financial Statements
For the Year ended 30 June 2002

12 OTHER EXPENSES FROM ORDINARY ACTIVITIES

	2001/02	2000/01
	\$	\$
Communications	345,820	360,270
(i) Services & Contracts	3,431,340	3,218,723
Consumables	514,692	547,569
Maintenance	133,524	149,634
Bad Debts Written Off	3,025	10,853
Doubtful Debts Expense	66,791	(106,656)
Depreciation		
Buildings	5,960	6,323
Office Equipment	46,311	41,739
IT Equipment	131,543	165,909
Motor Vehicles	42,172	39,640
Fixtures and Fittings	2,321	2,495
Leasehold Improvements	46,752	21,351
Furniture	7,512	7,886
	282,571	285,343
	4,777,763	4,465,736
Other	233,940	180,300
	5,011,703	4,646,036

	2001/02	2000/01
	\$	\$
(ii) Services and Contracts include		
Audit Fees for		
Audit by the Office of the Auditor General	23,000	21,500
	23,000	21,500

13 LEGAL CONTRIBUTION TRUST

	2001/02	2000/01
	\$	\$
Legal Contribution Trust	-	151,139
	-	151,139

Monies received from the Law Society of WA as a periodic distribution from the Legal Contribution Trust as required by Section 14 (1c) (ii) of the Legal Contribution Trust Act 1967.



Legal Aid Commission of Western Australia
Notes to and Forming Part of the Financial Statements
For the Year ended 30 June 2002

14 REVENUE FROM SERVICES

	2001/02	2000/01
	\$	\$
Client Contributions and Fees on Grants of Aid	845,758	651,550
Cost Recoveries on Grants of Aid	294,759	252,351
Recovered Costs on Asbestosis Matters	8,527	15,215
Legal Advice Fees	120,887	76,186
Duty Lawyers Fees	56,447	52,883
Community Legal Education	27,099	50,538
	1,353,477	1,098,723

15 COMMONWEALTH GRANTS AND CONTRIBUTIONS

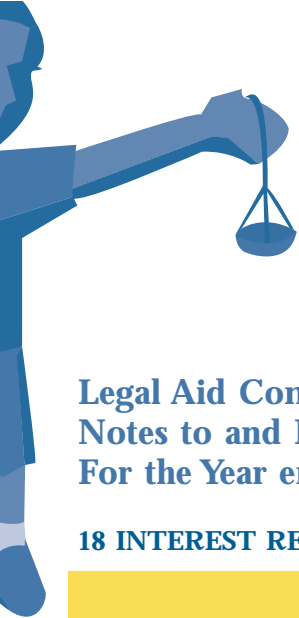
	2001/02	2000/01
	\$	\$
Operating Grants	10,425,801	9,170,500
Christmas/Cocos Islands	189,750	200,040
	10,615,551	9,370,540

16 OTHER REVENUE FROM ORDINARY ACTIVITIES

	2001/02	2000/01
	\$	\$
State – Specific Purpose Contributions	146,856	161,400
Other Misc. Income	166,273	200,405
Department of Immigration and Ethnic Affairs	(4,164)	113,307
	308,965	475,112

17 NET PROFIT (LOSSES) ON DISPOSAL OF NON-CURRENT ASSETS

	2001/02		2000/01				
	\$		\$				
	Furniture and Equipment	Motor Vehicles	Land	Buildings	Furniture and Equipment	Motor Vehicles	Leasehold Improvements
Profit on Sale of Non-Current Assets							
Assets Written Down Value	–	31,082	60,000	92,882	828	37,273	1,285
Gross Proceeds on Disposal of Asset	3,767	33,773	70,323	94,677	8,631	39,227	1,285
Loss on Sale of Non-Current Assets							
Asset Written Down Value	13,071	56,473			6,663	93,994	
Gross Proceeds on Disposal of Asset	748	54,091			621	86,001	
Net Profit/(Loss)	(8,556)	309	10,323	1,795	1,761	(6,039)	



Legal Aid Commission of Western Australia
Notes to and Forming Part of the Financial Statements
For the Year ended 30 June 2002

18 INTEREST REVENUE

	2001/02	2000/01
	\$	\$
Interest on Legal Aid Operational Funds	307,852	385,398
Interest Earned on Asbestosis Account	202,610	245,699
	510,462	631,097

19 CONSOLIDATED FUND - RECURRENT APPROPRIATION

	2001/02	2000/01
	\$	\$
State Government Funding		
State Government Funding	13,530,214	12,591,431
	13,530,214	12,591,431

20 RECONCILIATION OF CASH

For the purpose of the Statement of Cash Flows, cash includes cash resources and restricted cash resources.

	2001/02	2000/01
	\$	\$
Cash Resources		
Bank Accounts	5,411,320	5,744,688
Cash on Hand	5,375	5,375
	5,416,695	5,750,063
Restricted Cash Resources		
Asbestosis Account	4,534,958	4,336,484
	9,951,653	10,086,547



Legal Aid Commission of Western Australia
Notes to and Forming Part of the Financial Statements
For the Year ended 30 June 2002

21 RECONCILIATION OF NET CASH USED IN OPERATING ACTIVITIES TO NET COST OF SERVICES

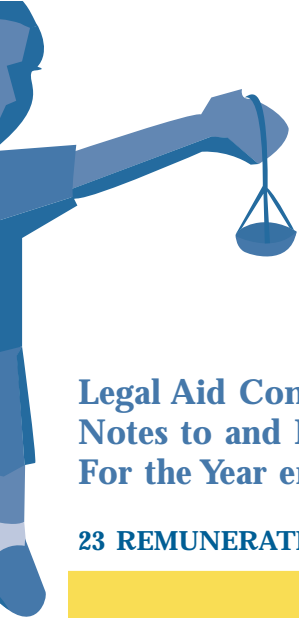
	2001/02	2000/01
	\$	\$
Net Cash Used in Operating Activities	(14,021,555)	(11,185,312)
Non Cash Items		
Depreciation	(282,571)	(285,343)
Net profit (loss) on disp. of non-current assets	(8,246)	7,840
Accrued assets	-	-
Asset write down	(38,212)	-
Changes in Assets and Liabilities		
Increase (decrease) in Accounts Receivable (II)	(37,986)	38,232
Increase (decrease) in Prepayments	(9,016)	(246)
Decrease (increase) in Accounts Payable	938,442	(1,733,698)
Increase (decrease) in Provision for Doubtful Debts	66,791	104,632
Decrease (increase) in Annual and Long Service Leave	(424,595)	67,811
Decrease (increase) in Provision for Superannuation	85,413	86,070
Accounts Receivable write down	-	-
Adjustment to opening surplus	-	102,360
Change in GST in receivables/payables	20,624	-
Net Cost of Services	(13,710,911)	(12,797,654)

- (I) This is the net GST paid/received, ie. cash transactions.
 (II) This reverses out the GST in accounts receivable and payable.

22 LEASING COMMITMENTS

At 30 June 2002, the following commitment existed in respect of operating leases.

	2001/02	2000/01
	\$	\$
Amount Payable		
Not later than 1 year	1,804,518	1,522,632
Later than 1 year and not later than 2 years	1,733,529	1,596,643
Later than 2 years and not later than 5 years	1,837,768	3,185,818
Later than 5 years	128,625	239,517
	5,504,440	6,544,610

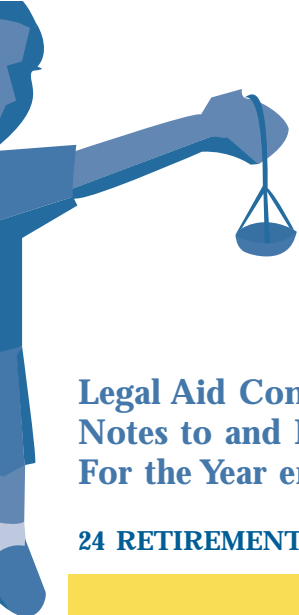


Legal Aid Commission of Western Australia
Notes to and Forming Part of the Financial Statements
For the Year ended 30 June 2002

23 REMUNERATION OF ACCOUNTABLE COMMISSION AND SENIOR STAFF

	2001/02	2000/01
	\$	\$
Total fees, salaries and other benefits received by members of the Accountable Commission:	203,929	205,920
Total salaries and benefits received or due for the financial year by Senior Officers :	326,280	437,491
Number of members of the Accountable Commission whose fees, salaries and other benefits fell within the following bands:		
\$0 – \$10,000	3	3
\$10,000 – \$20,000	1	1
\$160,000 – \$170,000	1	1
	5	5
Number of Senior Officers whose salaries, fees and benefits fell within the following bands:		
\$0 – \$40,000	–	–
\$40,000 – \$50,000	–	–
\$50,000 – \$60,000	–	–
\$60,000 – \$70,000	–	–
\$70,000 – \$80,000	–	–
\$80,000 – \$90,000	1	1
\$90,000 – \$100,000	–	–
\$100,000 – \$110,000	–	3
\$110,000 – \$120,000	1	–
\$120,000 – \$130,000	1	–
\$140,000 – \$150,000	–	–
	3	4

The number of “Senior Officers” has been reduced by one following an organisation restructure.



Legal Aid Commission of Western Australia
Notes to and Forming Part of the Financial Statements
For the Year ended 30 June 2002

24 RETIREMENT BENEFITS

	2001/02	2000/01
	\$	\$
Paid or became payable for members of the Accountable Commission		
Contributions to:		
Gold and West State Super Scheme	13,638	10,353
Contract Termination Payment	-	-
Paid or became payable for Senior Officers other than members of the Accountable Commission.		
Contributions to:		
Gold and West State Super Scheme	28,815	41,369
Other Superannuation Schemes	-	-
Redundancy Payments	-	81,706

25 CLIENT TRUST FUNDS

Monies held in trust for persons who are or have been assisted persons are held in a centralised trust fund.

	2001/02	2000/01
	\$	\$
Balance of funds 1 July 2001	17,000	246,339
Receipts	866,511	848,019
	883,511	1,094,358
Payments	882,147	1,077,359
Balance of funds 30 June 2002	1,364	17,000

In addition to the above, individual interest bearing trust accounts in the name of the Director of Legal Aid in trust for "clients" are administered by the Legal Aid Commission.

These accounts are used when substantial amounts are involved or the Court so directs. At 30 June 2002 there was one account maintained at BankWest with a total balance of \$21,677 compared to three such accounts at the conclusion of 2000/2001 totalling \$34,066.



Legal Aid Commission of Western Australia Notes to and Forming Part of the Financial Statements For the Year ended 30 June 2002

26 INDIAN OCEAN TERRITORIES

The Commission provides a full range of legal services to the residents of Christmas and Cocos Islands. The service is provided pursuant to the service delivery agreement with the Commonwealth government.

Opening Balance 2001	\$10,298
Receipt from Commonwealth	\$189,750
Client Contributions	\$848
Expenditure	-\$208,378
Closing Balance 2002	-\$7,482

27 INTEREST RATE RISK EXPOSURE

The following table summarises interest rate risk to the Legal Aid Commission at at 30 June 2002.

Floating Interest Rate	Fixed Interest Maturing In			Non-interest Bearing	Total	Ave. Interest Rate	
	6 months or less	6 months to 1 year	More than 1 year			Floating	Fixed
\$	\$	\$	\$	\$	\$		
Financial Assets							
Cash	5,416,695				5,416,695	4.60%	
Restricted Cash	4,534,958				4,534,958	4.98%	
Debtors				3,608,332	3,608,332		
Financial Liabilities							
Creditors				7,160,254	7,160,254		

The following table summarises interest rate risk to the Legal Aid Commission at at 30 June 2001.

Floating Interest Rate	Fixed Interest Maturing In			Non-interest Bearing	Total	Ave. Interest Rate	
	6 months or less	6 months to 1 year	More than 1 year			Floating	Fixed
\$	\$	\$	\$	\$	\$		
Financial Assets							
Cash	5,750,063				5,750,063	4.85%	
Restricted Cast	4,336,484				4,336,484	4.73%	
Debtors				3,558,903	3,558,903		
Financial Liabilities							
Creditors				7,140,911	7,140,911		

Notes – Floating interest rates represent the most recent applicable to the instrument at balance date.

Fair Value – The carrying amount of financial assets and financial liabilities recorded in the financial statements are not materially different from their net fair values, determined in accordance with the accounting policies disclosed in note 1 to the financial statements.

Credit Risk – Secured creditors are secured by way or caveat or memorial over creditors' properties. All other financial assets are unsecured. In respect of all financial assets, the carrying amount represents the Commission's maximum exposure to credit risk in relation to these assets.



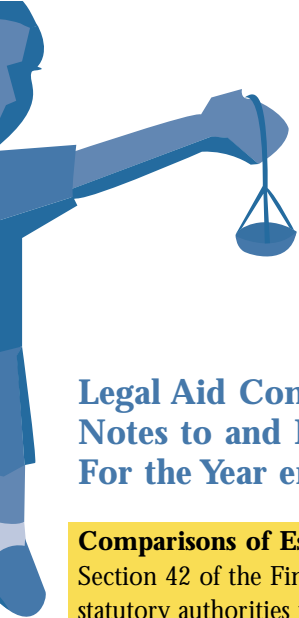
Legal Aid Commission of Western Australia Notes to and Forming Part of the Financial Statements For the Year ended 30 June 2002

28 EVENTS OCCURRING AFTER BALANCE DATE

These were no events occurring after balance date which related to any conditions existing at balance date or were material in relation to the financial statements.

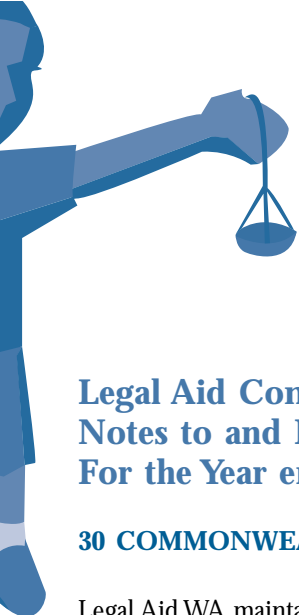
29 EXPLANATORY STATEMENT

Comparisons of Actual Results With Those of the Preceding Year	2001/2002	2000/20001	Variation
Details and reasons for significant variations between actual revenue and expenditure and the corresponding item of the preceding year are detailed below. Significant variations are considered to be those greater than 10% over the preceding year or abnormal in nature.	Actual	Actual	(%)
	(\$)	(\$)	(%)
Expenses from Ordinary Activities			
Employee Expenses	11,613,202	10,168,057	14%
Increases primarily relates to additional salary outlays associated with Government Wages Parity Initiative.			
Revenues from Ordinary Activities			
Revenue from Services	1,353,477	1,098,722	23%
Increases primarily relates to additional client contributions, fees on grant of aid and legal advice fees.			
Other Operating Revenue	308,965	475,111	-35%
Reduction primarily relates to lower revenue of \$117,471, related to non renewal of Refugee Tender with Commonwealth Government.			
Legal Contribution Trust	0	151,139	< 100%
2000/01 Actual being funds received as periodic contribution from The Law Society of WA from the Legal Contribution Trust.			
Interest Revenue	510,462	631,097	-19%
Reduction in interest received owing to lower interest rates.			
Implicit Interest	-4,550	27,594	-116%
In the year 1999/2000 an audit recommendation was adopted in respect of AAS15, Fair Value of Revenue. This discounted the value of the secured debtors. For 2001/02 there was little movement in the debtor account. This combined with a reduction in the discount interest rate resulted in the movement shown.			
Revenues from Government			
Commonwealth Grants and Contributions	10,615,551	9,370,540	13%
Primary increases relate to additional funding under Commonwealth Funding Agreement (\$746,000) and specific funding to establish Programme Dispute Resolution initiative (\$385,000).			



Legal Aid Commission of Western Australia Notes to and Forming Part of the Financial Statements For the Year ended 30 June 2002

Comparisons of Estimate and Actual Results	2001/2002	200/2001	Variation
Section 42 of the Financial Administration and Audit Act requires statutory authorities to prepare annual budget estimates. Treasurer's Instruction 945 requires an explanation of significant variations between these estimates and actual results. Significant variations are considered to be those greater than 10% of budget.	Actual	Estimate	
	\$	\$	%
Revenue from Services			
Revenue from Services Additional revenue resulting from greater than anticipated income from client contributions and recoveries and legal advice fees.	1,353,477	1,133,024	19%
Other Operating Revenue Actual was less than budget due to the non-renewal of the Immigration Services Tender from Commonwealth Government.	308,965	396,103	-22%
Interest These was no budget provision of interest earned on the Asbestosis Account which amounted to \$202,610.	510,462	348,386	47%
Implicit Interest The actual for implicit interest is subject to movements in interest rates which may increase or decrease. Hence no budget is estimated for this item.	-4,550	0	>10%

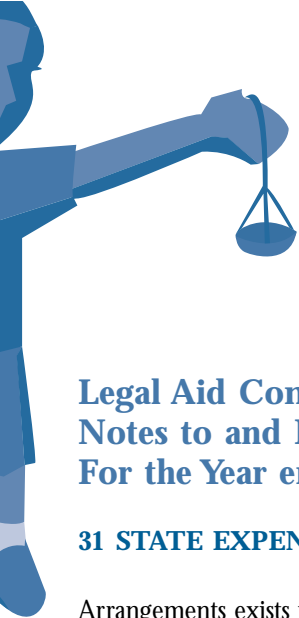


Legal Aid Commission of Western Australia
Notes to and Forming Part of the Financial Statements
For the Year ended 30 June 2002

30 COMMONWEALTH EXPENDITURE

Legal Aid WA maintains systems to distinguish the actual cost of delivering Commonwealth and State funded services. These systems utilise activity data to produce accrual costs. Costs in relation to funding arrangement with the Commonwealth Attorney General's Department in 2001/2002 were:

	\$'000's
Income	
Commonwealth Funding – Recurrent	9,741
Commonwealth Funding – Expensive Cases	74
Commonwealth Funding – ADR Grant	560
Community Legal Centres	3,210
Contribution / Cost Recovery	756
Total Income	14,341
Expenditure	
Family Law Legal Representation	5,171
Civil Law Legal Representation	157
Criminal Law Legal Representation	808
Assessment and Case Management	1,244
Total Cost of Legal Representation	7,380
Duty Lawyer Services	39
Community Legal Centre	3,210
Community Legal Centres (Administration)	
Legal Advice and Minor Assistance	1,151
Telephone Information and Referral	602
Face to Face Advisory Services	91
Community Legal Education	121
Alternative Dispute Resolution	758
Regional Telephone Information	
Policy Advice	33
Publications	89
Community Development	120
Prison Visiting	18
State Law Matters	487
Total Cost of Non-Litigation Services	6,719
Total Expenditure	14,099
Surplus/(Deficit)	242



Legal Aid Commission of Western Australia Notes to and Forming Part of the Financial Statements For the Year ended 30 June 2002

31 STATE EXPENSIVE CASES

Arrangements exist with the State Government for additional funding to be provided to ensure expensive criminal trials involving serious charges are not delayed through lack of legal representation. Expensive cases are categorised as matters where the cost of the legal representation are expected to exceed \$20,000.

The reconciliation of the expensive cases fund for 2001/02 is as follows:

Budget Funding	285,169
Adjustment Relating to Prior Years	1,971
Supplementary Funding 2001/02	576,000
Expenditure 2001/02	(408,912)
Available Funds 30 June 2002	454,228

**Legal Aid WA**

www.legalaid.wa.gov.au

INFOLINE 1300 650 579

TTY (Hearing impaired) 1800 241 216

Perth Office

55 St George's Terrace, Perth, WA 6000

Telephone: (08) 9261 6222

Facsimile: (08) 9325 5430

Goldfields Regional Office

42 Maritana Street, Kalgoorlie, WA 6430

Telephone: (08) 9091 3255

Facsimile: (08) 9091 2077

**Southwest and Great Southern
Regional Office**

Koombana Court, 141 Victoria Street,
Bunbury, WA 6230

Telephone: (08) 9721 2277

Facsimile: (08) 9721 2060

Fremantle Regional Office

Shop 7, Queensgate Centre, William Street,
Fremantle, WA 6160

Telephone: (08) 9335 7108

Facsimile: (08) 9335 1338

Midland Regional Office

DOLA Building

Cnr Midland Sq. and The Avenue, Midland, WA 6056

Telephone: (08) 9274 3327

Facsimile: (08) 9274 3595

Kimberley Regional Office

40 Dampier Terrace, Broome, WA 6725

Telephone: (08) 9192 1888

Facsimile: (08) 9192 1520

Pilbara Regional Office

28 Throssell Road, South Hedland, WA 6722

Telephone: (08) 9172 3733

Facsimile: (08) 9172 2061

Christmas/Cocos Islands Office

Administration Building Gaze Road,

Christmas Island, Indian Ocean, WA 6798

Telephone: (08) 9164 7529

Facsimile: (08) 9164 7162