

LEGAL AID
WESTERN AUSTRALIA



ANNUAL REPORT
2003 - 2004



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 2003 to 30 June 2004. 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

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Legal Aid WA is pleased to present throughout this year's Annual Report a number of artworks depicting family and children's themes.

David Guhl or Dave, as he likes to be known, is a young local artist who constantly struggles to survive the complexities of daily living. Dave has physical and intellectual disabilities as a result of being born with the disabling condition Downs Syndrome. Regardless of his disabilities, Dave's many achievements are a testament to his courage and determination.

Dave entered his first piece of artwork into the ACROD Art Awards in 2001 winning first place. The City of Vincent purchased the piece to display in their office. In 2002, he entered three pieces of artwork in the ACROD exhibition. One piece won first prize and two were sold to one of the judges of the competition.

Dave then had a very successful year in 2003, gaining second prize in the Citizen Advocacy "As We Were" Art Exhibition in the Popular Choice vote. He also won first prize in the DADAA (WA)/ACROD Art Award, and was equal first in the People's Choice category.

The vibrant, bold colour and style of Dave's artwork reflects his happy, positive personality. As well as his artworks, Dave works part time in the motor industry, enjoys dancing, swimming and golf and is a member of the DADAA dance company.

David Guhl
Artist



Section 1 At a Glance



Legal Aid WA Services

Services provided to the general community

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

Assists people to identify and solve legal problems, by understanding the choices for resolution and the resources available to them. Provides initial legal advice and information including referrals to sections of Legal Aid WA and to other agencies where appropriate.

Duty Lawyer services:

Makes sure people appearing before the courts have access to legal assistance and helps them to understand the options available for responding to legal actions in which they are involved.

Services for specific groups

Legal advice and self help services:

Assists in solving legal problems through advice and self-help services designed to reduce the need for legal representation including preparing court documents.

Community and Education services:

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

Legal representation:

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

Alternative Dispute Resolution (ADR):

In suitable circumstances, an ADR conference provides an alternative solution for family disputes through a process other than the court system. Services range from very minor disputes through to late intervention conferences for serious family law disputes including those involving domestic/family violence.

Chairman's Report

Legal Aid WA is an independent statutory authority that operates under the *Legal Aid Commission Act 1976*. It complies with requirements set out in State and Commonwealth funding agreements and practises open, accountable governance and management.

The Legal Aid Commission plays an important role in the administration of justice in Western Australia. Often as the provider of last resort, it is pivotal in assisting the most disadvantaged in our community, ensuring access to justice for those that cannot afford to pay for a lawyer. Legal Aid WA is also at the forefront of changes and improvements to the justice system, working closely with key stakeholders and actively participating in law reform where appropriate.

Legal Aid WA is constantly looking for new ways to make each dollar go further as demand for services continues to exceed available funds. This year particular emphasis was placed on making better use of technology, including the introduction of Grants Online, video conferencing and the provision of practical supports for community agencies so they can better utilise our knowledge resources.

High priority was also given to extending the range of services available for self-representing litigants and other disadvantaged groups, particularly in regional, remote and rural areas. These areas will again be targeted in 2004/2005.

Each year Legal Aid WA undertakes a Client Satisfaction Survey. This year the overall satisfaction rate for the family law clients surveyed was 74%. As in previous years, a clear trend has now emerged indicating that the more assistance clients received from Legal Aid WA the more satisfied they are. This year clients were particularly satisfied with our Alternative Dispute Resolution services in the area of family law with an overall satisfaction rate of 79%. 88% of ADR clients also indicated that they would recommend the service to others (in some cases even where their own matter had not been settled).

Independence in the decision making process is maintained by Legal Aid WA's external review process for applications for legal aid. Review Committees, each consisting of two private practitioners with relevant expertise and a layperson from the community, volunteer their time to make final determinations, where requested, on applications for aid. This year 257 matters were sent to review with 15.9% successful in obtaining a grant of aid.

This Annual Report provides an interesting, accurate and informative overview of Legal Aid WA's performance and objectives for 2003/2004, reporting on key achievements, new initiatives and the major services provided. All statistical information is presented in a clear and understandable way. Performance reporting is balanced with general information, case studies, staff profiles and reflections from a range of stakeholders. I hope that the information it provides is useful and of assistance to you.



Malcolm McCusker QC
Chairman Legal Aid WA



Director's Report

Legal Aid WA's core focus of providing equitable access to legal assistance to those most in need regardless of regional and time constraints continued in 2003/2004. We also maintained our focus on providing services in the most cost effective, economic and efficient manner. This year we aimed to:

- help people resolve their legal problems as soon as possible;
- make it easier for people to get legal help especially if they belonged to a disadvantaged group;
- improve services for people in rural, regional and remote areas;
- help people find alternatives to going to court; and
- provide high quality legal services.

This year's Senate Inquiry into Legal Aid and Access to Justice identified a number of key issues many of which we have already progressed in 2003/2004 and will continue to progress in 2004/2005. These include:

- **Providing better information on self-representing litigants and their effect upon the justice system:** We regularly meet with government, the courts and the judiciary to discuss issues surrounding self representing litigants. We have also continued to enhance the services we provide to them. In particular, we have improved and expanded our Minor Assistance Program in both metropolitan and regional areas.
- **Providing better services for women particularly indigenous women and women in rural, regional and remote Australia:** These are already high priority areas for Legal Aid WA. Most of the assistance we provide to women is in the area of family law and domestic violence. This year we continued to expand our family law Alternative Dispute Resolution program with new services introduced in the Midwest, Gascoyne, Southwest and Great Southern areas and a 64% increase in conferences provided across the State.

We also formed a new partnership with the Aboriginal Legal Service of Western Australia and aim to build on this relationship over the next 12 months.

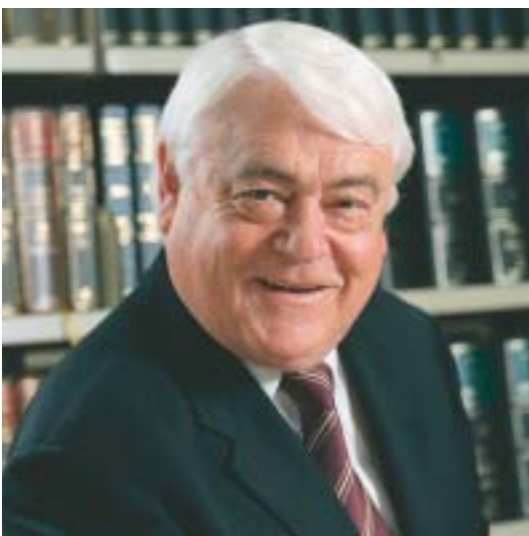
- **Providing action and/or incentives to enable legal aid commissions to open and maintain new regional and remote offices throughout Australia:** We are currently looking at the possibility of financing new regional offices in Geraldton, Albany and possibly Kununurra, subject to agreements with funders on appropriate resourcing.
- **Better use of technology such as videoconferencing to improve services in rural, regional and remote areas:** In 2003/2004 we continued to make better use of technology to improve service delivery particularly in rural, regional and remote areas. 2004/2005 will see a continuation of effort in this area with renewed emphasis on: remote area computing, including the use of video conferencing; the provision of practical supports for community agencies so they can better utilise our knowledge resources; and the implementation of best practice records management and document systems.
- **Some action to address sustainability (eg staffing) impacting the community legal services sector:** In 2003/2004 we continued to build and maintain our partnering arrangements with the community legal sector providing greater accessibility to legal advice and self help services. We also seconded several legal staff to Community Legal Centres in Rockingham and Geraldton who, amongst other things, assisted with staffing levels.

• **Generalised support for duty lawyer schemes in specialised jurisdictions:**

We continue to provide specialised duty lawyer services in the Children's Court and the Joondalup Family Violence Court. In 2004/2005 specific Commonwealth funding has been allocated to expand our services in the Family Court.

In 2003/2004 Legal Aid WA maintained strong links with legal aid offices in other states and made significant contributions at a national level. In 2004/2005 Legal Aid WA will continue to play a pivotal role at the national level with the commencement of my term as chairman of National Legal Aid.

At a local level, we have continued to focus on staff development and the improvement of our professional development programs, with particular emphasis on the recruitment and training of junior legal staff and paralegals. We also continued regional rotations for junior lawyers and plan to expand this program to include more senior lawyers in the near future.



The private profession continued to play a significant role in the provision of legal aid services in Western Australia. In 2003/2004, 60% of legal aid grants were referred to private practitioners, compared to 57% in 2002/2003. I take this opportunity to thank the private profession for providing high quality legal services on behalf of the Commission at significantly reduced rates. I also thank them for the provision of many pro bono legal services that greatly assist many of our clients and for volunteering their valuable time to sit on our Review Committees and participate in other consultative processes. I would also like to acknowledge the invaluable and tireless work provided by the many other volunteers who continued to assist the Commission.

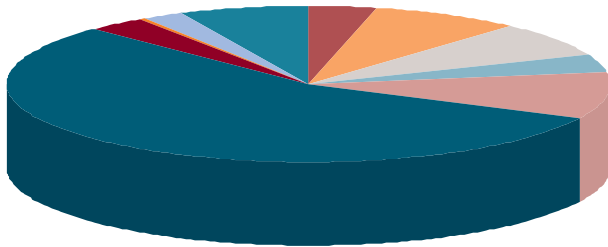
The continued improvement and expansion of our Grants Online project this year continues to greatly improve our efficiency in processing grants of aid and has given private practitioners a bigger role in determining which applicants receive aid. Thank you to the private practitioners who participated in our pilot program and provided valuable feedback on the operation of this service. We are continuing to expand Grants Online and plan to introduce it in-house over the next 12 months.

I also express my thanks to all Legal Aid WA staff for their continuing efforts and many outstanding achievements in 2003/2004. There are never enough resources to adequately assist everyone in need in our community. Sometimes this can make working at Legal Aid WA a thankless task. Every year our dedicated and diligent staff work tirelessly to make the most of what is available and provide assistance to those who are less fortunate or disadvantaged in our community.

George Turnbull
Director of Legal Aid

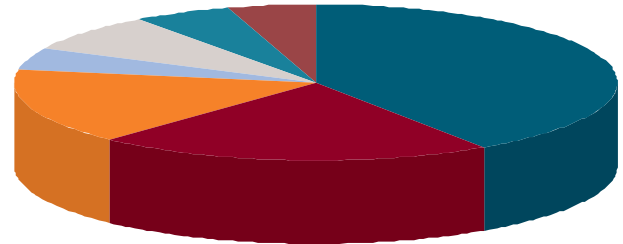
Budget and Service Delivery Highlights

RESOURCE ALLOCATION BY SERVICE



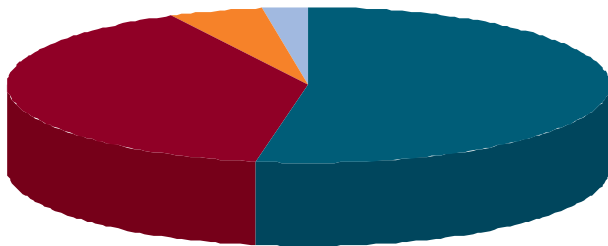
- 55% Legal Representation
- 3% Child Support Services
- 1% Face to Face Services
- 2% ADR Program
- 7% Other Community Services
- 3% Telephone Information Line
- 8% Duty Lawyer
- 7% Legal Advice
- 4% Minor Assistance
- 10% Assessment and Case Management

OCCASIONS OF SERVICE BY SERVICE TYPE



- 41% Telephone Information Line
- 21% Duty Lawyer
- 16% Legal Advice
- 4% Minor Assistance
- 8% Assessment and Case Management
- 5% Legal Representation
- 5% Face to Face Services

WHERE THE FUNDS HAVE COME FROM



- 53% State Government
- 40% Commonwealth Government
- 5% Other Income
- 2% Client Contributions

- Operating surplus of \$220,451, after adjusting for a repayable advance of \$767,000.
- Unsecured debts decreased by \$71,724 or 6.7%.
- Expenditure on legal representation (excluding Commissions of Inquiry) increased by \$384,791 or 2.3%.
- Revenue from the State Government increased by 2.8% or \$428,997, after adjusting for a repayable advance of \$767,000.
- Revenue from the Commonwealth Government under the 2000 Funding Agreement increased by 10% or \$1,111,471.

Legal Representation

- Average unit cost for legal representation decreased by 2.2% against the previous year. The average cost of assessing applications for grants of aid decreased by 24%.
- Applications for a grant of legal aid increased over the previous year by 4% with the most significant increase in family law applications of 8%. The approval rate remained consistent with the previous year's result of 65%.
- Grants of aid awarded for the year increased by 3.5% with family law matters increasing by 12%.
- Grants of aid awarded for Alternative Dispute Resolution conferences increased significantly over the previous year (69%).

Non-Litigation Service Delivery

- Legal Aid WA provides non-litigation services in five primary areas – telephone advisory services, face to face advisory services, legal advice services, minor assistance services and child support services.
- Four of the five areas recorded increases in the number of occasions of service over the previous year, with significant increases in minor assistance (41%), legal advice (17%) and child support services (11%).
- Significant variations in average unit costs from the previous year were recorded in legal advice (up 14% influenced by greater prison visiting services), and minor assistance (down 9%).
- The number of alternative dispute resolution conferences increased by 64% over the previous year, with the success rate increasing from 78% to 87%.

Regional Services

- This year Legal Aid WA focused on expanding services to Geraldton, Midwest, Gascoyne, Albany and Mandurah regions, and strengthening services in Central Wheatbelt and Goldfields regions.
- Expanding the ADR Conferencing program in the South West, Great Southern and Midwest.
- Increasing ADR Solicitors and Chairpersons.
- Improving technology to assist geographically isolated clients including the ability to deliver training to staff. The use of video conferencing, telephone, email, mail and facsimile provides options to make sure people receive assistance as quickly as possible.

Commissions of Inquiry

During the year Legal Aid WA realised expenditure related to providing legal representation in support of two Commissions of Inquiry established by the State Government.

- Expenditure totalling \$475,538 to enable legal representation for police officers called before the Police Royal Commission. The Police Royal Commission has finalised its operations.
- Expenditure totalling \$226,167 in support of legal actions to recover losses from defaulting finance brokers and borrowers, and those who provided "professional services" to those persons.

“
I recently wrote to your department regarding information over a dividing fence on my property and received all necessary information in record time, which prompted this reply. It was so refreshing to receive the reply so I wish you and all involved my thanks for a top job over this matter. Earlier this year I attempted to gain information from another service over the possible compulsory acquisition of my home and the result was so different. After waiting 3 months and a reminder to the CEO I received a letter with a weak excuse for the delay and not one piece of information. Many thanks keep up the good work.”

“
I had a client today who said how wonderful the people on the Infoline were. She has contacted the Infoline several times and commented that the people she had spoken to were always helpful, and “just lovely”. The main thing for her was that she was never made to feel like she was asking a silly question or that she was “dumb”.

This client was not aware when she first contacted Legal Aid WA that she had any legal capacity to see her grandchildren, and is just delighted that she does!”

“
Please pass on to all staff that the 3 - 4 times I have had contact with your service they have been awesome”.



Section 2 Highlights and Special Projects

Family Court Initiatives

Working with The Family Court

Legal Aid WA continues to maintain its position at the forefront of the family law justice system. This is provided by our in house family law services, private practitioners working on grants of legal aid and strong links with the Family Court and community agencies.

We continue to strengthen our close working relationship with the Family Court and other legal service providers including Community Legal Centres in the area of family law by participating in regular meetings to consider and implement appropriate responses and strategies in the family law arena. Our Family Court Information and Referral service continues to be provided by experienced paralegals to in-person litigants who have been referred to the service by the Family Court. The continued sharing of knowledge and resources between our agencies is critical in the development of public materials for clients and practitioners.

Legal Aid WA also plays an important role for children involved in particular family law conflicts by providing those children with access to a Child Representative.

Separate Representation for Children

Disputes about children are never easy or straightforward. The justice system places priority on the welfare, wellbeing and the best interest of a child when settling conflicts about children. Determining what is in the best interest of a child can be a difficult process and in these cases a Child Representative is appointed to assist the court. The appointment of a Child Representative is becoming a more common practice in Family Court matters.

A Child Representative's role is to act, promote and investigate the child's best interests and to form an impartial opinion based on evidence. Submissions are provided to the court on this basis. Child representative's ensure that the court has all relevant information to make a decision in the best interests of the child/children, based on factual information and not from personal views or opinions of the case. Separate representation is provided to children in both the Family and Children's Courts.

Different Jurisdiction, Different Focus

In the **Children's Court**, the Child Representative acts on the instructions of the child in care and protection matters and attends all pre-hearing conferences with the focus on resolving the matter without the need for a trial. The child must be of an age to understand the meaning of care and protection and be able to explain their legal position to a legal representative. The Child Representative will represent a child if the matter goes to trial and ensures that the child's legal position is made known to the Magistrate or Judge.

In the **Family Court**, the Child Representative's role is to promote the best interests of the child. The Child Representative is not bound by any information or direction given by the child. In gathering the relevant material, the Child Representative will liaise with relevant stakeholders. This could involve government and non-government agencies, health practitioners, educational institutions and any other organisation with which the child is involved. There may be circumstances where the Child Representative considers further investigation by an appropriate expert such as a child psychiatrist, child psychologist or a social worker is required. In these cases the expert will interview all relevant parties both individually and collectively and prepare a written report for the court's consideration.

Separate representation in the Family and Children's Courts does not offer the child a confidential relationship; Child Representatives are obliged to disclose any information concerning the safety and welfare of the child.

Legal Aid WA has two senior lawyers working exclusively in this area. For private practitioners wanting to work as a Child Representative, practitioners must be on the Legal Aid WA panel and have addressed the specific criteria required to work in this area. In most cases, Child Representatives must have five years post admission experience and have attended Child Representative training as prescribed by Legal Aid WA.



Profile: Joy Taylor: Solicitor - Child Representative

After completing a Bachelor of Arts and a Diploma in Teaching, Joy embarked on a successful teaching career spanning various secondary schools in Western Australia, Victoria and Canberra. After a career that included 15 years of teaching Maths and English in the public and private school systems, Joy was ready for a new challenge! Joy's keen interest in social justice and her continuing desire to work with people, inevitably led her to pursue a career in law.

Joy completed 5-year articles with various law firms and in a range of disciplines, including commercial and civil law. However, Joy's experiences as a teacher had fine-tuned her skills in reflective listening and communication with young people and it soon became clear that Joy's passion lay in working with children within the context of family law. In 1997, Joy completed the Child Representative training course and soon after, was invited to join the Family Law section of Legal Aid WA as a full-time Child Representative in Western Australia. Joy successfully completed the advanced Child Representative training course in 2001.

During her time at Legal Aid WA, Joy has also undertaken specialised training in the area of mediation. She has also completed the training for chairing conferences in the Alternative Dispute Resolution centre at Legal Aid WA (ADR) and has recently undertaken an advanced chairperson's training course. Joy's specialised skills in mediation and child representation have been put to good use in various training courses run by Legal Aid WA. In February 2004, Joy was involved in developing and conducting the first Child Representative training course run by Legal Aid WA, which was successfully completed by 25 practitioners. Joy has also been one of the trainers in the 2004 Solicitors ADR and Chairpersons ADR training course.

Joy sees her role as a Child Representative as a form of conflict resolution but with a focus on the child. Joy assists the parties to develop skills to understand the impact that family conflict has on children and her enthusiasm for her work is clear.

"The role of the child representative is to try and get the parties to focus on what is in the best interests of the child. When people are able to work together to resolve a dispute in a way that ultimately assists the child, it is incredibly rewarding for me to see that you can make a difference."

Joy Taylor

Joy is acutely aware of the unique role that child representation plays within the legal profession: "The child representative is probably the only role in a branch of law where the solicitor is not acting on the instructions of one party." Joy believes that the Child Representative will play a greater role in the future as the Family Court moves more towards conferencing and conciliation rather than litigation of disputes.



Joy Taylor

Major Changes to the Family Court Rules

Major changes to Family Court rules were implemented in March 2004. These changes require parties to make genuine attempts where practical to negotiate settlements or consider alternative dispute services rather than commence legal proceedings. Parties are required to fully disclose all matters concerning children and financial issues prior to the first case assessment at any Family Court hearing.

We anticipate the requirements to negotiate and consider alternative dispute services will increase the number of applicants directed to our ADR family law conferencing program and Minor Assistance program.

Specific Commonwealth funding in 2004/2005 has been provided to expand services in the Family Court.

Family Law Specialised Panels

Legal Aid WA operates panels of practitioners for the allocation of legal aid assignments to lawyers in private practice.

In 2003 Legal Aid WA introduced special panels for criminal matters with inclusion on the panel based on the experience of the practitioners. These resulted in more clients being assigned to practitioners with the expertise to carry out the relevant work in a more equitable distribution of the available work. Legal Aid WA has now extended the specialised panels to the family law area. In June 2004, Legal Aid WA called for applications from private lawyers for the following three panels:

- Family Law Roster Panel for general family law grants including grants for representation at Alternative Dispute Resolution family conferences.
- Child Representatives Panel for representation of children in both the Family Court and Children's Court.
- Alternative Dispute Resolution (ADR) Chairpersons Panel for the role of chairing family conferences.

To be placed on a specialised panel applicants need to meet certain selection criteria. In all three panels training in specialised areas is a prerequisite. The panels will be used when the applicant for aid has not nominated a private practitioner to act and there is no capacity in our in-house practice to take the case.

The Alternative Dispute Resolution Program

Alternative Dispute Resolution program

Legal Aid WA offers an Alternative Dispute Resolution (ADR) program to people who are experiencing family law disputes as an alternative to legal action. The aim of the ADR program is to assist as many family law clients as possible to achieve fair and durable agreements by expanding access to our services and better managing the client process.

People with a dispute about children, property or child support matters that do not come under the responsibility of the Child Support Agency are given the opportunity to receive independent legal advice and to attend an ADR Conference chaired by an independent experienced practitioner who will try to help them reach an agreement about the dispute.

The ADR conferencing program can be provided face to face or via video or telephone conferencing technology to assist people in regional, remote and rural regions of Western Australia.

Achievements

This year there was a 64% increase in the number of conferences held. A priority focus has been on raising awareness of the program, delivering training to staff, private lawyers and contract mediators and streamlining entry processes for clients.

During 2003/2004 a further 24 new ADR conference Chairpersons were trained to extend the ADR program to regional communities. Ongoing training was offered to solicitors during the year who represent clients in ADR conferences. Currently 95 solicitors have attended the training including regional solicitors. Continued training is offered and delivered to internal and external participants of the program.

In the recent Legal Aid WA Client survey, 78% of people who attended a conference were satisfied with the ADR process, 88% of clients reached an agreement, 64% of the conferences were still working six months later and 88% of the clients surveyed would recommend the service to others (including those who did not reach an agreement).

Evaluation

The evaluation of the ADR program has begun with the establishment of a "Community of Practice" (COP). The COP, made up of ADR chairpeople will provide feedback to improve service delivery and increase Legal Aid WA's knowledge resources.

Future Directions

Alternative resolutions to Family Court legal action (in appropriate cases) have been increasingly recognised by separating parties and others as preferred processes for resolving post separation issues.

The model used in the ADR program involves a higher level of self-determination and involvement by the parties in post separation arrangements than those available through the conventional court system. The involvement of parties in decision-making often leads to a workable arrangement, an outcome we see as desirable. We will continue to work with all of our stakeholders to ensure that we are assisting clients to reach the best possible outcomes available.

Over the next twelve months we will be focusing on quality improvements for the overall program in particular the work completed by the Chairperson at the conference. We will also continue to raise awareness of the program including focusing on our client intake process to increase the flow of applicants into the conferencing program.

Legal Aid WA Alternative Dispute Resolution Centre

Key Strategy- Customer Service

Development of strategies to ensure equity of access to services regardless of regional and time constraints

Offering greater accessibility to family law alternatives for people living in regional, rural and remote regions with use of telephone and video conferencing technology and building strong community links.

Our ADR program provides many clients with an alternative cost effective avenue for resolving their disputes.



Community Legal Centres

Community Legal Centre Funding - 2003/2004

In September 2003 the Joint Review of Community Legal Centres in WA reported to government and was accepted by the Commonwealth and State Attorneys General.

The Review found that Community Legal Centres improve citizenship, make a positive contribution to the community and should be actively supported by all levels of government. In particular, the Review identified the need for a State funding program for Community Legal Centres in WA and recommended that a State funding program be established.

In October 2003 the West Australian Attorney General, Jim McGinty MLA, announced the creation of a State funding program for Community Legal Centres in the amount of \$1.125 million. Eight metropolitan and regional Community Legal Centres will receive funding to establish new legal services. These services include new regional centres in Peel and Gascoyne, and an integrated legal service for mental health consumers.

During 2003/2004 Commonwealth Community Legal Centre funding of \$3.1 million was provided to 18 Community Legal Centres in WA, four of which also received State funding. The Association of Community Legal Centres WA will receive State funding for sector development, including a management support project for centres.

This year the new data system for centres, Community Legal Services Information System (CLSIS), was installed in all centres. The new data system provides for all financial accountability reports, budgets and output targets to be entered and transmitted electronically to Legal Aid WA. Training and implementation of the system was completed in November 2003 and all centres were online by January 2004.

New service standards were implemented in all funded centres. The standards cover key areas of service delivery in centres including Information & Referral, Advice, Casework, Law Reform & Policy, Community Legal Education, Accessibility, Organisational Management, Data Management and Client Satisfaction. Centres conducted self-audits this year to measure compliance against the standards.

Domestic Violence Legal Workers Network

Specialist domestic violence solicitor positions at Community Legal Centres in Fremantle (CLAC), Rockingham (SCALES) and Gosnells (Gosnells CLC) have been funded under the State program as part of a network of domestic violence services based in Community Legal Centres.

The recurrently funded solicitor positions will allow the centres to provide specialist advice and assistance to women seeking violence restraining orders and follow up assistance on other legal issues for this target client group.

The network aims to increase cooperation between services and focus on training and skill development in the area of domestic violence assistance. The network will work cooperatively with the existing Women's Law Centre and other domestic violence service providers.

Partnering Arrangements

Legal Advice and minor assistance services provided through our service partners, Northern Suburbs Community Legal Centre and Gosnells Community Legal Centre continue to expand. In 2003/2004 an additional 1,134 appointments for assistance were provided. New protocols to ensure clients are appropriately referred in matters where a conflict of interest has arisen have been developed.

Expanding Services

Aboriginal Legal Service

Legal Aid WA commenced negotiations with the Aboriginal Legal Service this year to build relationships and cooperation to expand services for our mutual clients. In 2004/2005 we will continue to build on this relationship and finalise a memorandum of understanding establishing protocols and agreements designed to promote cooperation and service delivery for clients.

Goal Achievement - Customer Service

Development of strategies to ensure equity of access to services regardless of regional and time constraints

Continuing strong partnership links with Community Legal Centres. We continue to ensure effective client referrals between services to minimise the referral merry-go-round.

Community Contact Points

Legal Aid WA's regional offices have a strong history and relationship with their local communities, working with a number of community organisations that provide highly valued support and resources for outreach services. Throughout the year we have extended and developed community contact points to areas where Legal Aid WA has no local presence, particularly in the Peel and large areas of the Midwest.

Community Contact Points provide people with access to a confidential interview room and the use of telephone, facsimile, copier and printing facilities.

Requirements to be a Legal Aid WA Community Contact Point include:

- providing services to people on a low income or with some other social or cultural barrier to accessing legal services.
- providing a private interview space with access to a telephone or video conference unit.
- the ability to confidentially send and receive documents by fax, post and email.
- attendance at an induction training session on Legal Aid WA services.
- the ability to provide space for Legal Aid WA publications and other legal resources.

Community Contact Points are now available in the Mandurah area and developments are in process in outlying parts of the Murchison area. We continue to support and provide training to community agency staff as appropriate.

Increasing Access to Legal Services in the Mandurah Region

People in the Peel-Mandurah area have made more calls to the Infoline than people in any other region in Western Australia for the past two years.

Legal services are limited in this area particularly for people seeking help in family law disputes. There are few private solicitors who practice in family law matters. The closest Community Legal Centre is Southern Communities Advocacy and Legal Education Service (SCALES), situated in Rockingham which provides services to a large number of people from the Rockingham catchment area. The Peel Community Legal Centre is based in Pinjarra providing services to a limited area; not extending to towns such as Waroona (60km inland from Mandurah).

Legal Aid WA offers legal advice appointments at the Mandurah Court and Citizens Advice Bureau offices. Appointments are made through the Legal Aid WA Infoline. Legal assistance is in high demand with 98% of available appointments booked within 24-38 hours of being released with approximately 66% of the appointments for people seeking advice on family law matters.

Factors contributing to the high demand for legal assistance in family law matters include:

- the demographics of the Mandurah area;
- rapid population growth with a high proportion of young families and retirees;
- high unemployment especially youth unemployment;
- lack of public and rental housing options; and
- lack of legal services available in the Mandurah area.

In responding to increasing unmet demand, Legal Aid WA has been working towards building relationships with community agencies to establish better access to Legal Aid WA's services for clients. Community Contact Points (CCPS) provides facilities for legal advice appointments, the use of telephone, facsimile, copier, internet and printing facilities as well as a secure and private address to receive mail. Legal Aid WA provides training to community agencies staff members on the referral and assistance guidelines.

Community Contact Points (CCPS) have been established at the Waroona Community Centre and Mandurah Citizens Advice Bureau. These CCPS are operating as pilot projects, which Legal Aid WA expects to extend to other isolated areas in future years.

Goal Achievement - Communications

Implementing strategies that ensure open and clear communication about our services with our customers and the community

Our Perth office continues 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 issues through the range of communication services available.

Social Security Law Project

Following an audit of the availability of civil law services across the State in 2003-2004 the need for expanded services to clients requiring help on social security issues was identified as a high need area. The Joint Review of Community Legal Centres supported these findings in September 2003 that noted (page 80):

“As social security laws become more complex and prosecution targets have increased, more people are finding themselves at possible threat of court action over alleged breaches or changed eligibility.

The risk of losing income, fines and possible imprisonment is significant ...”

Issues arising from social security disputes often cross the traditional boundaries between civil and criminal law. Disputes concerning eligibility may be simultaneously listed before an administrative tribunal and allegations of fraud resulting from an alleged overpayment (the subject of which is before the tribunal) may also be listed in the criminal courts. In addition, other issues with legal implications such as child support, the impact of domestic violence and the availability of community support systems for people with disabilities also impact significantly.

Many people finding themselves in dispute about social security matters are unrepresented. Indeed, the Registrar at the Administrative Appeals Tribunal (AAT) indicated that the majority of applicants appealing a decision were unrepresented, with 20% being represented at the First Conference.

These issues required a “rethinking” of Legal Aid WA service practices and development of systems and protocols to promote good client responses across a number of service sections. In October 2003, Legal Aid WA initiated a 6-month project to develop strategies responsive to all aspects of client need. Objectives included:

- Increased information, resources and precedents for the public and for practitioners dealing with social security appeals and prosecutions.
- Development of information, advice, minor assistance and representation capacity to handle social security disputes in the SSAT or the AAT.
- Increased Duty Lawyer capacity to handle social security prosecutions within an integrated agency response strategy.

Particular emphasis was placed on working with other agencies to maximise staff skills in priority areas, and to ensure minimisation of duplicated effort. In particular, sound collegiate relationships with relevant community legal centres, key tribunals and Centrelink were established.

A major objective of the project was to raise the knowledge base of Legal Aid WA staff; specifically junior practitioners and those working in information and advice services or as duty lawyers. A range of training sessions were held covering internal and external social security review mechanisms, prosecution issues, how Centrelink calculates payments and overpayments, and research techniques and tools. Other training undertaken included services provided by relevant community agencies and the role of the Commonwealth Ombudsman’s Office etc. In all, over 40 internal and external participants engaged in these various sessions, with an average of 19 per session. A further 12 regional participants undertook training via a video-conference link.

Internal service standards and protocols were established as well as inter-agency referral protocols to ensure smooth transmission of client information and referrals as needed. Precedent letters, court and other documentation were established. A community of practice discussion group was established to exchange relevant information and case summaries. Legal Resource Database materials have been put in place.

The project was handed over to general service provision in April 2004. By that time a significant increase in the number of clients assisted through information and advice had occurred. Representation numbers are expected to steadily increase as community awareness of our capacity grows.

In all, this initiative has been characterised by good will from all sections of Legal Aid WA and enormous support from community agencies and the government departments and tribunals concerned. These external agencies were pivotal to enabling Legal Aid WA to rapidly identify and develop the resources and responses needed to implement good service strategies and our thanks go to them for their help. Particular mention should be made of the support provided by the Welfare Rights and Advocacy Service and the Community Legal and Advocacy Centre.

Development and Training

Articled Clerks and Restricted Practitioners

The Articled Clerk program continues to be the major entry point for legal practitioners into Legal Aid WA. Successful applicants are given a two-year contract that includes Articles and the Restricted Practice Year. Our program includes:

- a comprehensive Induction Program;
- completion of six two month rotations for Articled Clerks and two six months rotations for Restricted Practitioners;
- a weekly in-house Professional Development Program that covers Professional and Administrative Standards, Special Client Groups, an overview of Legal Aid WA Business Units/Sections, Advocacy and Court Procedures and General Legal issues;
- intensive Advocacy Workshops in criminal and family law and other ongoing general training programs and seminars; and
- participation in a structured Mentor Program.

Articled Clerk Reflections

"From my own experience, and that of my friends, the main hurdle for every Articled Clerk is confronting an immense knowledge deficit. At times, the study and practice of law seem so far apart that all past academic achievements pale in comparison to taking clear instructions from a client.

However, at Legal Aid WA Articled Clerks are privileged to have an employer who understands this hurdle and has implemented a complete development program to assist us in our path to professional excellence. I know that the training and support that we have received has made us the envy of Articled Clerks in other firms!

I have found the articles experience extremely rewarding. Apart from the opportunity to amass practical skills and knowledge, I have particularly enjoyed the positive work environment at Legal Aid - all staff are equally respected and appreciated (including humble Articled Clerks!)."

*Kate Parnell
Articled Clerk
Legal Aid WA*

"I was really excited about getting Articles at Legal Aid WA. Prior to this, I had spent 12 months at Legal Aid WA as an Infoline Adviser. That experience gave me some valuable insights into the client base, staff expertise and organisational values that form the building blocks of Legal Aid WA.

From day one, Articled Clerks are given incredible opportunities to learn and develop essential skills of advocacy. The professional development is five-star and staff members are very approachable. Each clerk also has a personal mentor (an admitted practitioner) to provide guidance and confidential advice over a cup of coffee.

The Articled Clerk program is very "hands-on." No sitting in a back room doing discovery! Within a couple of months into my clerkship, I had the opportunity to appear in a Court of Criminal Appeal Motions Day. On occasions such as these, Articled Clerks are given leave to appear on behalf of Legal Aid WA as friends of the court. I learnt to breathe and talk at the same time in front of a Supreme Court judge! Legal Aid WA has been a great start to my career."

*Asta Mendis
Articled Clerk
Legal Aid WA*

Articled Clerks 2004



Career Planning

The Career Planning Rotation Program encourages staff to identify and prioritise the different sections at Legal Aid WA they would like to work in and provides managers with the logistical support to make these rotations a reality.

The program for legal practitioners and secretaries continues to provide a range of career development opportunities at both a junior and senior level. The introduction of a regional rotation program has been successfully piloted by junior legal staff and will be extended in the coming year to provide rotation opportunities to senior practitioners in the regions.

The development of a structured paralegal career development and rotation program is underway and will become operational in 2004/2005.

Key Strategy- People Management

Developing a workforce with portable skills that respond to new challenges and which values professionalism

Skills development: We continue to place importance on training and workplace initiatives to ensure that quality services are delivered to clients. New initiatives include nationally accredited paralegal training, more training seminars and advocacy workshops and more opportunities for junior staff to work closely with senior staff on very complex matters.

Reflections from a Regional Restricted Practitioner

"Whilst on circuit to the Laverton Court of Petty Sessions I sat down at the park bench outside the court and thought about what I could write for an article covering my experiences as a restricted practitioner in a regional office.

I looked over to my right where I saw the Juvenile Justice Officer conducting a mediation session between a young offender, his mother, and the victim, on the park bench next to me. On the grass to my left I had just interviewed a young Aboriginal boy who was in court that day. He had come down with his parents from a remote community. The Magistrate had called the parents into court to get their view on the matter and discuss possible solutions for the child. The ALS court officer was interviewing another client, squatting in the red dirt (the colour of which you only find out here!).

Earlier the police prosecutor had been obtaining instructions from the court orderly (who was also a police officer and respected local). They had been trying to find a community that would be suitable for another offender to live in. I had also just driven out to an indigenous community with the Juvenile Justice Officer to meet clients. We had nearly everyone in the vicinity pointing us in the right direction as to where we could find the people.

What amazed me from that one day was the community and family oriented approach to what really are community problems. My experiences in a regional office has shown me that the legal issues don't fall away in the country, but there is a real emphasis on knowledge sharing and joint problem solving. These issues affect everyone in such small communities and need to be dealt with that way.

I was also lucky enough last month to do the much sought after Esperance circuit. On one day I managed to do the usual duty lawyer list, assist a number of women in restraining order matters as well as giving legal advice on family and civil law matters. I was also called back into court by the Magistrate on a residential tenancies matter to assist a 79 year old lady who Homeswest were trying to evict.

The variety of work and variety of ways in which we can assist people is something I have really enjoyed as part of working in a regional office. Often clients will have several legal problems in diverse areas. Rather than being referred to separate sections and separate solicitors within Legal Aid WA we have the opportunity to see the same client on all matters allowing us to build a rapport which is beneficial to both ourselves and the clients.

The opportunity to work in a regional office as a junior lawyer is an opportunity that has not only broadened my understanding of legal processes but has influenced my whole approach to legal practice in the community".

Briony McGinty
Goldfields Regional Office Kalgoorlie



Profile - Team work and Personal Career Development

A pilot project was introduced in 2003 with a view to identifying a range of training outcomes for ongoing professional and personal development and multi-skilling of staff within the Alternative Dispute Resolution Unit. A program of emotional intelligence and personality profiling was followed up with a series of tailored individual and team training interventions.

The program has had positive outcomes for improved teamwork, as well as providing personal and career development for staff. It also identified a range of improvements that Legal Aid WA will consider adopting to further strengthen our recruitment, induction and ongoing training processes for paralegal and frontline staff throughout the organisation. The success of the pilot has led to the program being extended to the Assignments Unit, with consideration being given to making the program available to other sections in Legal Aid WA.

Child Representative Training

Legal Aid WA plays a key role in the operation and management of Child Representatives throughout Western Australia. Legal Aid WA is the independent body that oversees the appointment of every Child Representative. The role of Child Representative demands broad-based training in matters relevant to child protection, child development and family dynamics.

Legal Aid WA has the responsibility of ensuring that every Child Representative has completed the specialised training course and has the relevant experience and skill to fulfill the role.

Prior to this year, Western Australian practitioners were required to travel to the eastern states to complete their training through the Family Law Section of the Law Council of Australia. However, in February 2004, Legal Aid WA conducted the first training course in Perth, which was successfully completed by 25 practitioners.

Training sessions using Video Technology

During 2003/2004 a monthly training strategy commenced linking regional offices into video conferencing with the Perth Office. This program delivers training on a broad range of issues including various Legal Aid WA initiatives and corporate governance matters, development of an agency wide domestic violence strategy and best practice guidelines, issues concerning accredited paralegal training and operations concerning Articled Clerks and Restricted Year Practitioners, the Quality Practice Standards Audit and the requirements and implementation of the pending records management project, changes to the law and development of resources and knowledge to assist in providing services to clients living in regional, remote and rural areas.

As part of our commitment to sharing resources with our service partners relevant sessions are open to regional Community Legal Centres and Aboriginal Legal Service staff to attend if they wish.

Legal Aid WA State Conference

The Legal Aid WA State Conference proved to be the highlight of the training calendar. Legal Aid staff members, including a large number of representatives from Regional Offices met in Perth for a three day Conference. A number of topics of diverse nature were included to address training needs across all job categories. These included Legal Education, Technology, Stress Management, Communication, Management and Leadership and Administrative matters. It afforded the opportunity for knowledge to be shared, views exchanged and staff members across the State to meet in person.

"The Conference was invaluable - I got to meet people who I had only previously spoken to on the phone. The various sessions enhanced my understanding of many of the Legal Aid WA procedures and I was able to disseminate meaningful information in my office on my return, now operating more efficiently as a result. It also improved morale for remote regional offices to feel part of the wider Legal Aid WA team. The Forensic Advocacy training was also extremely beneficial to myself and colleague."

*Lee Jones, Solicitor-In-Charge
South Hedland Office*

Goal Achievement - People Management

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

Through our Performance and Development System for our staff we are better able to respond to identified skills development and challenges in the area of performance management.

Rotations and Career Planning opportunities continue for both senior and junior legal staff with a significant number of junior lawyers participating in rotations of 6 to 12 months over the next 18 months.

Community Focus

Legal Education and Training for our staff and Community

A wide variety of seminars, lectures and advocacy workshops were presented by senior members of staff and external legal professionals.

A number of programs, particularly those related to specialised areas of the law, were opened up to the general legal profession, hosted by Legal Aid WA and facilitated by specialists in the respective area:

- Intense Forensic Advocacy Training;
- The “Wednesday Seminars” in criminal law. Aimed at junior lawyers, experienced in-house and private criminal lawyers present these seminars on a pro bono basis;
- A series of seminars on “Mentally Impaired Defendants”;
- Guest speakers on Domestic Violence issues;
- A series of seminars on the Duty Lawyer Service;
- Ongoing external Conference, Seminar and Workshops attendance on Legal, Management and Leadership, Communication, Policy Development and Project Management type topics;
- In-house training on IM related issues, use of Legal Aid WA database and web-based resources including use of the intranet and internet; and
- Video conferencing training for our regional offices and service partners; and Library/Research training sessions.

Community Worker Training Courses

The LawTalk! series continues in high demand. This series aims to provide community based agencies with a strong overview of various legal topics so they can better inform their clients and identify legal issues in a timely manner.

This year, in excess of 230 participants enrolled, representing in excess of 80 agencies. Topics included:

- Dealing with Centrelink
- Sacked for No Good Reason (unfair dismissal)
- Credit where it’s due (personal debt)
- A Reasonable Standard (duty of care and negligence)
- Stand up! Speak out! (basic advocacy skills)
- In the Child’s Best Interest (family law and children) x 2
- Half of Everything?? (family law and property)
- Relationships Violence and the Law (domestic violence and restraining orders)
- How much is enough? (child support)
- Crimes and Misdemeanours (Criminal law).

Attendees included financial counsellors, mental health service workers, community support agencies and government agency officers. Whilst most were from Perth, a number of agencies sent workers from areas such as Mandurah, Northam and Yanchep.

Due to high demand from regional areas, we are presently working with organisations in Peel and the Murchison area to deliver these sessions outside Perth.

Goal Achievement - Communications

Implementing strategies that ensure open and clear communication about our services with our customers and the community

We continue to provide advice and training for Community Legal Centres, our regional offices, government agencies, and other relevant service providers to increase the awareness about the services available through Legal Aid WA, including specialist assistance available through the Domestic Violence Legal Unit and the Child Support Legal Unit.

Working with Law Students

Legal Aid WA has a strong and continuing commitment to enabling law students to have the opportunity to work in a legal environment and experience the wide range of services offered whilst undertaking their studies.

This year 29 vacation clerkships were offered to senior law students from the University of Western Australia, Murdoch University and the University of Notre Dame to participate in a two week program during the semester break and at the end of the academic year.

The students are engaged in research, assisting staff solicitors in the preparation of cases prison visits as well as observing court proceedings and the operation of Legal Aid WA.

Prior to the commencement of the vacation clerkship, students are provided with a three hour induction program on the functions and structure of Legal Aid WA.

"I undertook a two week vacation clerkship with Legal Aid WA during the winter of my penultimate year. I spent one week with the Criminal Law section and one week with the Drug Court. The clerkship has been a wonderful learning experience, which I have thoroughly enjoyed. Everybody at Legal Aid WA has been welcoming, helpful and informative. I have participated in a variety of activities including research work, observing client interviews and attending court appearances. I have always been interested in criminal law and it has been interesting to see it in practice. My clerkship with Legal Aid WA has confirmed and developed my desire to work in this area. Thanks to everyone at Legal Aid WA for the opportunity and hospitality!"

Sarah Costa
Murdoch University

Volunteers

Court Welfare Officers

Many courts benefit from the services of volunteer court welfare officers who assist defendants appearing in court on a given day.

The assistance from the voluntary court officers to defendants appearing in court is invaluable as the court welfare officer will often be the first person the defendant speaks to when he or she attends court and can assist in reassuring defendants and pointing them in the right direction.

Their assistance to the Duty Lawyer particularly when there are large numbers of defendants wanting to see the Duty Lawyer continues to be invaluable. They assist in helping people with information and referral to the Duty Lawyer Service at the court.

Special Projects

Grants Online

Legal Aid WA is committed to providing a faster, more efficient service to practitioners. The process of using internet and email technologies to lodge applications for legal aid has been in operation for over a year. With the introduction of Grants Online system, Legal Aid WA is embracing new technologies that provide the means to communicate electronically with private practitioners providing a faster service to clients.

Grants Online enables practitioners to deal with Legal Aid WA via a web based application over the internet. The benefits of using Grants Online include:

- faster application turn around (usually within 48 hours).
- easier communication with Legal Aid WA (electronic versus standard postal methods).
- ability to submit tax invoices electronically.
- timely payment of accounts (option of direct credit to practitioners' bank account).
- instant access to progress of applications.
- easy to use forms and checklists.
- simplified means test in some circumstances.

Grants Online is able to accept applications for legal assistance in all areas of law. Applications lodged for criminal and family law matters have checklists so practitioners are aware of the information that needs to be submitted and to assist with the assessment of the application. A certification process in a number of areas results in automatic grants to the submitting practitioner.

"My experience with grants online has been completely positive. From the team that came out to explain it...to the process of applying for grants and communicating with my assessor I have found the project to be extremely professional and efficient."

*Jeremy Noble
Barrister & Solicitor*

After an initial pilot stage involving three firms, 54 private firms have now been connected. Grants Online will be extended to more private practitioners next year. Grants Online will also be extended to include our In-house Practice, Duty Lawyer and Prison Visiting Service and Community Legal Centres over the next 12 months.

Records Management

Legal Aid WA identified records management as a priority in 2003/2004 to meet the requirements of legislative changes to Section 19 of the State Records Act 2000; a Record Keeping Plan was submitted to the State Records Office in March 2004 for approval.

The Record Keeping Plan has identified a range of improvements to be implemented during the next financial year. We have placed a significant emphasis on records and document management and initiated a number of strategies to progress towards compliance with the legislative requirements.

A project management team has been established to progress the implementation of our records and documentation management system.

The project will also include identification of training requirements for staff involved in the management of record keeping and the development of a Records Management Awareness program to be incorporated into the Legal Aid WA induction manual for new employees. During the implementation phase all staff will be required to attend specific training in this area.

Key Strategy - Service Improvement

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

Continuing implementation of electronic lodgement of applications for aid will improve response times and realise substantial efficiencies.

“
‘Hi Marguerita, I am a sister of one of your clients... It is not often that she gets to cry tears of joy and whilst we know she still has struggles to face, your assistance ... put her in the best possible position. Again, I really do thank you for taking the time to help and guide her. Sometimes it does just take one person to make a difference.

“
Dear Nawdy thank you so very much for your understanding and support.

“
‘Marguerita, thought I would drop you a line as a result of my wife’s (court case)... I believe the judgement for lump sum maintenance is a good compromise for all concerned. It is a hell of a lot better than the \$10 per week currently being paid. Thank you for such quality assurance and a caring nature. Your support has helped (my wife) to achieve her aims on each occasion. I have seen you put your heart into more than just a job. Again I can only say thank you.

“
‘Just a brief note to say a very big thankyou for all your help and input...(Prayers really get answered). The Lord knows we need it...Thanks all’.

Section 3 Report on Operations

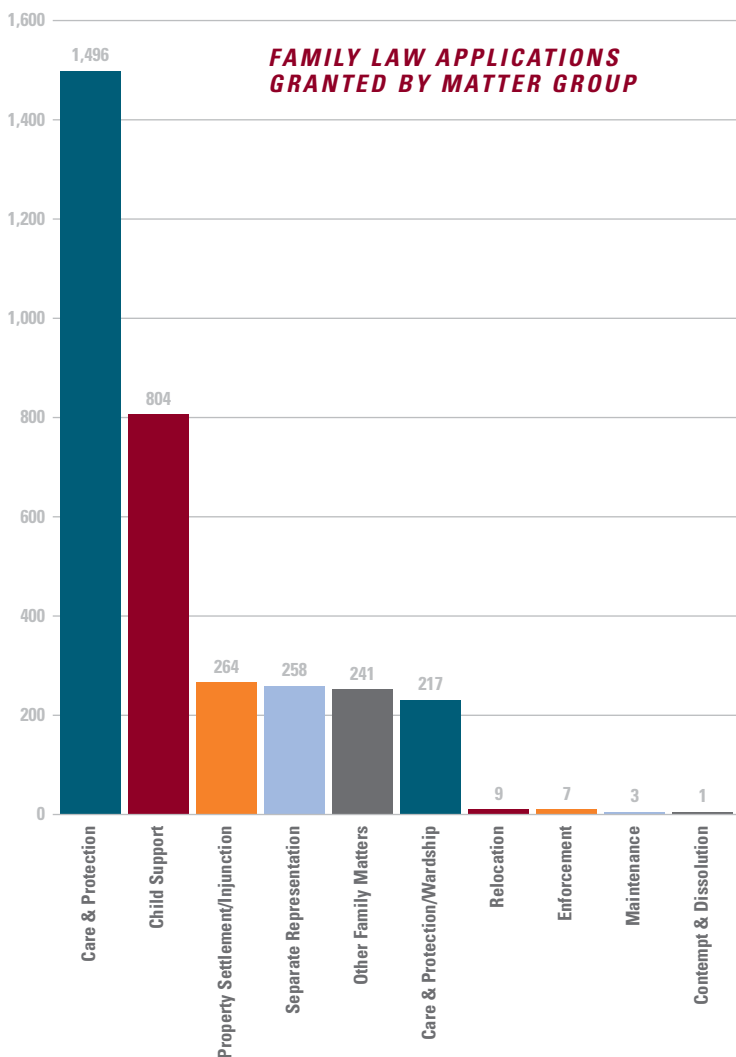


Family Law Services

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 Infoline, Legal Advice Bureau, Minor Assistance and publications. Specialist advice and assistance is also available for child support and domestic violence matters.

Casework

Family law applications for legal aid include requests for representation in the Family Court, the Children’s Court and the Court of Petty sessions. The types of proceedings are varied and include matters involving separate representation of children, child welfare, property and restraining orders. Family law applications received in 2003/2004 increased by 9% compared to last year and made up an increased proportion of all applications (35%). Consistent with this growth, the number of grants of aid approved increased 12%.



Case Study

Some people are assisted by more than one section at Legal Aid WA depending on their circumstances. A recent case study started with our Frontline Services section providing initial information and advice to a client who had recently separated from her partner and arrangements for the children were in dispute. The father had entered into a relationship with a new partner and her children, contact with his children became irregular, transportation of the children became a safety issue and overnight contact became increasingly stressful for the children. Attempts to negotiate and reach agreement about the contact issues based on advice provided to the client failed. To find a resolution the client made an appointment with our Client Services Section for legal advice, and the matter was identified as suitable for Legal Aid WA’s Alternative Dispute Resolution (ADR) conferencing program. An application for a grant of legal aid was submitted by the client to attend an ADR conference. The application was assessed as suitable to be referred to an ADR conference and the husband was invited to attend. The father agreed to attend a conference. A child psychologist report based on the eldest children’s wishes was considered to be of assistance in resolving the dispute; consent was required by both parents before the conference could proceed. The father did not give consent, as the wishes of children over the age of 10 are viewed as important, the ADR conference was considered not appropriate.

Contact continued to deteriorate and the father contacted Legal Aid WA seeking reconsideration to attend an ADR conference. The client was given a grant of aid to an in-house lawyer from the Family Law division. An appointed clinical psychologist interviewed the mother and father as well as the eldest children, and prepared a report. Finally the parents attended an Alternative Dispute Resolution conference, where the Chairperson mediating the dispute and the solicitors acting for the parties were provided with a copy of the psychologist report to assist with resolving the contact dispute. Both parties reached an agreement and consent orders were filed at the Family Court.

Civil Law Services

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 services through to publications and our Infoline.

Grants of legal aid for representation in civil law matters are extremely limited. Our in house lawyers provide some representation on criminal injuries compensation claims. State grants of legal aid are usually confined to 'disbursement only' grants for medical reports on personal injury or criminal injury compensation claims. Commonwealth grants of legal aid are largely for veteran's affairs matters, with representation provided for a small number of immigration appeals. We also provide representation in line with contracts with the Department of Immigration, Multicultural and Indigenous Affairs.

Social security issues including both civil and criminal aspect has been identified as an area of high need. Following on from the completion of a successful project to establish an integrated social security practice, staff resources have been allocated to provide a dedicated resource for delivery of services in this area. A growth in minor assistance services as well as case representation in this area is anticipated.

Immigration Advice and Application Assistance Scheme

For over 10 years Legal Aid WA has successfully tendered to the Department of Immigration, Multicultural and Indigenous Affairs to provide migration, legal advice and application assistance to clients.

This year we provided application assistance to clients in the community, and in the immigration detention centre at Perth Airport. Advice and application assistance has been provided across a broad range of visa types, including close ties, spousal and protection visas. Assistance has been provided to clients appealing to the Migration Review Tribunal and to the Refugee Review Tribunal.

We have continued to provide significant support and assistance to clients who have arrived in Australia on spousal visas and have been subject to domestic violence. The domestic violence provisions in the Migration Act allow these clients to apply for permanent residence in their own right. Legal Aid WA works closely with community groups, refuges and government agencies to provide information, education and advice to these clients and their support workers. We also provide talks to various community groups on a variety of migration law issues, including domestic violence and asylum seekers.



Client Services

Our Client Services section is the main entry point for people seeking assistance from Legal Aid WA. Clients can access legal information, advice, assistance with document drafting and court preparation, and referrals to other agencies in the event that Legal Aid WA cannot assist.

In a joint initiative with Development Services, Client and Frontline Services have worked with community agencies to set up "community contact points" to support isolated clients to access Legal Aid WA's services. The community agencies support telephone appointments by providing a confidential interview room and the use of telephone, facsimile, copier and printing facilities. Legal Aid WA provides training, referral and assistance guidelines for staff and other ongoing support, as well as lawyers to advise and assist clients. We hope to expand this initiative next year.

Legal Advice Services

Clients can make appointments for legal advice in a range of family, criminal and civil law matters. These appointments may be conducted in person, at various places around the State, or they can be via telephone or video conference.

As indicated last year, Client Services has increased its capacity to offer a wider range of civil law advice and assistance by taking on social security matters, whether at initial stages, or assisting clients who will be dealing with Social Security Appeals Tribunal and Administrative Appeals Tribunal appeals.

Commencing late May 2004, there has been additional capacity to offer face-to-face legal advice services in Geraldton. This is a welcome addition to services in that region.

This year, Legal Aid WA provided 25,620 advice appointments, which was a 17% increase from last year.

Minor Assistance Program - Helping Self-Represented Litigants

Minor Assistance at Legal Aid WA is a service designed to help clients deal with and progress their own legal matters across a range of family and civil law areas. Assistance is provided by solicitors and paralegal advisers, who may draft letters and documents, help a client prepare to represent themselves in court, and negotiate their way to settling a legal dispute.

This year minor assistance appointments were mainly conducted in person at various locations around the State. However, as we aim to be able to offer minor assistance wherever a client might be, we also used telephone, email, mail, fax and videoconference facilities to provide services to clients who were unable to attend appointments in person.

Over the past year, Legal Aid WA provided 6,883 minor assistance appointments across the State representing a 41% increase in service delivery over the past 12 months.

Employee Profile: Katrina Ironside Solicitor Client Services

Katrina came to Legal Aid WA in 2002 part way through her articles year. Prior to her arrival at Legal Aid WA, Katrina worked for four and a half years at Gosnells Community Legal Centre.

In the Client Services Section, Katrina sees clients for short legal advice appointments in the morning and for extended minor assistance appointments in the afternoon. Minor assistance is an additional service provided to some clients for the purpose of drafting letters or court documents. Appointments are booked in the fields of family, civil and criminal law, although due to her extensive experience at Gosnells Community Legal Centre, family law is Katrina's speciality.

While at Gosnells, Katrina was involved in the development of that Centre's Family Law Outreach Program, which produced information seminars for the public on family law. Katrina has maintained her interest in legal education since coming to Legal Aid WA.

In her time here, Katrina has been involved in producing family law resources for self-represented litigants, providing training on family law issues to paralegals and new advisers for the Infoline, and mentoring new staff of the section in client-interview techniques.

Legal Aid WA organises seminars on various topics once a month for members of Community Legal Centres, Katrina has given speeches on advocacy, children & property issues, and family law.

In her spare time, Katrina enjoys her position as the inaugural secretary of Human Rights WA, an organisation set up to promote community education on human rights issues.

Through her work as a solicitor in Client Services and her involvement in legal education, it is clear Katrina is drawn to working with people. When asked why family law interests her, Katrina explains: "It is something I fell into. It's an area of law that's so much more about people rather than straight law. It's an area that's relevant to people's everyday lives."



Katrina Ironside
Solicitor, Client Services

Frontline Services

Frontline Services incorporates the Infoline and the Front Counter of Client Services.

Infoline

The Infoline offers an holistic dispute resolution service to callers seeking legal assistance. A caller to the Infoline can expect to be provided with a range of options to help them find the best possible solution for their legal issue. The Infoline staff are experienced paralegals who can provide clients with appropriate assistance such as information or a referral, initial legal advice, appointments for legal advice or minor assistance.

Infoline continues to book Legal Advice Bureau and Minor Assistance Program appointments for Perth and Regional offices and now offers video conferencing to clients in a limited number of regional areas.

The Infoline advisers come from a range of community-based backgrounds and some advisers are also undertaking relevant studies such as law, and justice studies or are currently studying a University Law Degree. The Infoline provides an opportunity for law students to experience working in a fast paced legal environment with hands on client work complimenting their studies. Legal Aid WA also benefits from staff that are focussed and committed to providing clients with legal assistance.

Infoline advisers use Legal Aid WA's Legal Resource database for each call, which ensures all information is up to date and correct. All legal advice is provided under close supervision by a senior solicitor and calls are regularly monitored by Team Leaders.

Challenges

This year is the first full year of operation of our current telephone system (installed in May 2003). The number of lines into the Infoline has increased giving us greater capacity to monitor demand. As predicted, the demand was higher than we were previously able to measure. Unfortunately, Legal Aid WA resources could not be increased to meet the uncovered demand.

In 2003/2004 the Infoline received 139,252 calls, an increase of 84% compared to 2002/2003.

Unfortunately, without extra staff resources, we were not able to meet a proportion of this uncovered demand. Some additional resources have been allocated for next year, which will go some way towards meeting the demand.

The average call length last year was 7.20 minutes, which has increased to 8.31 minutes in 2003/2004. 34% of all calls were answered immediately and 51% of calls were answered within three minutes, the average wait in the queue was 267 seconds. There are many factors that have contributed to this over the year. The three main areas are the significant increase in callers to the Infoline, changes to the family law rules requiring a greater amount of explanation to callers and clients being provided with extensive telephone legal advice so they can be referred to Legal Aid WA's ADR program.

Approximately 41% of all calls to the Infoline are family law matters. Of these the Infoline was able to resolve 75% of calls with information or advice, publications and self-help materials and provided 25% with a referral to Community Legal Centres. The majority of calls were seeking information on contact, property settlement and residence.

Front Counter

Our Front Counter is staffed by paralegals so that clients who attend in person can receive the same legal advice and information they would receive from the Infoline. The Front Counter staff book and check in clients attending Client Services for appointments and book and maintain our register of private practitioners who volunteer their time to offer legal advice appointments. Legal Aid WA Application Forms are checked and collected by Front Counter staff and clients are referred to non-legal services as required.

Infoline advisers



Goal Achievement - Service Improvement

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

Our Frontline Services and the quality of legal information available to the public continued to be enhanced through our Legal Resource Database, which summarises legal, procedural and case law issues across family law, civil law and criminal law matter types.

Regional Services

We provide a range of legal services to regional, remote and rural areas of Western Australia through our State-wide Infoline, family law alternative dispute resolution conferences, minor assistance and legal advice from our head office, and through our seven regional offices in Bunbury, Broome, Christmas Island, Fremantle, Kalgoorlie, Midland, South Hedland.

This year we have:

- expanded services in the Bunbury, Midland, Fremantle, Rockingham, Mandurah, Albany, Central Wheatbelt and the Midwest/Gascoyne regions particularly in the area of family law.
- expanded Alternative Dispute Resolution conferencing services to South West, Great Southern and Midwest regions.
- continued to expand video conferencing facilities to provide services to rural, regional and remote clients and staff training.
- strengthened services in the Central Wheatbelt and Goldfields regions.
- expanded legal advice services in Geraldton.
- continued rotation of restricted year practitioners to Regional offices.
- participated in developing domestic violence strategies for the Fremantle community.

Midwest Services

Legal Aid WA continued to provide a range of services in the Geraldton region throughout the year, including legal advice, duty lawyer services and Alternative Dispute Resolution conferences.

Challenges

One of our ongoing challenges is to continue to meet the increasing demand for services in regional areas. Geographical remoteness, clients with first languages other than English, clients with other special needs, a lack of legal services and conflicts of interest are examples of the types of issues we face when providing services to rural, regional and remote communities.

Technology is helping us overcome some of these hurdles with video conferencing, telephone, email, mail and facsimile to provide assistance to people as quickly as possible.

The limited number of private lawyers available to do legal aid work creates some difficulties for our clients, mainly in the area of family law and particularly in the Pilbara region with an increasing population in the mining region. This has partially been addressed by the expansion of our Alternative Dispute Resolution program.

Slip into Broome Time

Profile: Janie Gibbs, Broome Solicitor

Janie Gibbs came to Legal Aid WA in 2001 to do her articles having just completed her law degree at the University of Western Australia. In 2002, she decided to go to the South Hedland office to spend her Restricted Practice Year. Having every intention to come back to Perth at the end of 12 months, Janie has remained in the far north for the past three years, spending time at our South Hedland office, and more recently, as a solicitor in our Broome office.

The work of a regional lawyer at Legal Aid WA is varied. Janie's work covers the core areas of criminal and family law, as well as legal advice sessions on an array of wide-ranging legal issues. She acts as a duty lawyer all over the Kimberley and flies to almost all court locations, including remote Aboriginal communities.

Sometimes court has to be cancelled because cultural business is taking place at an Aboriginal community; sometimes there is a cyclone to avoid. And sometimes a plane crash prevents her getting to court, as Janie relates:

"On one occasion another plane crashed into ours. Admittedly our plane was still on the ground and we weren't in it but as we were walking across the tarmac another plane ran straight into ours. Needless to say we didn't go on circuit that day."

With court work at so many remote locations, Janie has developed a strong admiration for the landscape:

"When we do manage to get into the plane it can be a breathtaking experience. All that red dirt (called pindan) and endless blue skies are not to be sniffed at. Then the rains come and there are huge and never ending lakes where there only used to be dry dusty flats. There are also some pretty spectacular ranges in the Kimberly that look purple when the light is low. When you land there are great big green tree frogs the size of a bread plate that you have to fight for the toilet and geckos and lizards frolicking in the sun. Apparently there are crocs out there but I still haven't seen one."

The reason for Janie's move to a regional office was to broaden her legal experience. With numerous court appearances, including two District Court trials and a few Supreme Court matters, she has achieved this goal. But it is the unpredictability and variety of the work, as well as the captivating environment that keeps her there.



Specialist Legal Units

Child Support Legal Unit

Inequity in the payment of child support often creates conflict and distrust between parents and damages the process of creating a supportive family structure for the children.

Child support (financial support for children) is an issue that touches many Western Australian families. Whilst some people deal with child support without difficulty, many others find the system confusing. Both parents, the children and family members suffer stress. Often there are things parents can do to make sure the child support system works more fairly for their family but they are unaware of what to do or need help to do it.

Legal Aid WA has a specialist Child Support Unit that assists people to manage their child support matters. Our Unit helps both those seeking child support and those who are responsible for paying. We assist by providing advice, help with negotiations and the preparation of documentation for the Child Support Agency and the Family Court (including applications for maintenance for children over 18). We can help people sort through many of the difficulties they are having with child support and “navigate” their way successfully through the child support system and the interlocking Centrelink requirements.

The Unit works closely with other agencies to raise awareness of child support issues, support other services and foster effective interagency partnerships and referrals. We have a very active outreach and training program. This year we conducted outreach programs in conjunction with the Child Support Agency and Community Legal Centres in the Murchison, Great Southern, Pilbara and metropolitan area. This has linked the Unit with Community Legal Centres, women’s refuges, the Aboriginal Legal Service, electoral offices, Centrelink staff, rural counsellors and other workers and agencies.

During the past 12 months we have also provided training for staff from Centrelink, women’s refuges and Community Legal Centres, tertiary students and other non-government agencies about child support laws and processes.

Case study

A mother came to the Child Support Legal Unit for help to change her child support assessment. Her ex-husband was a very successful real estate agent, however, due to non-disclosure of commissions and minimisation of his tax, he was only paying child support based on an income of about \$20,000 pa. The Unit helped the client show her ex-husband’s real income by discovering his numerous investment properties, checking his sales from advertisements and calling for relevant documents. The client was successful and the Child Support Agency recalculated child support based on the ex-husband’s real income of about \$110,000 pa.

The children’s standard of living was raised appropriately; enabling their care to meet not only their basic needs but also enables them to enjoy some further activities in line with their father’s income.



Domestic Violence Legal Unit

Family and domestic violence is a devastating reality for many Western Australian families and is a major concern for Legal Aid WA. Matters involving domestic violence receive a high priority. Domestic violence is not just a legal and social issue it is also a fundamental human rights issue.

Our Domestic Violence Legal Unit was established in 1994 to provide an holistic response to domestic violence. The Unit provides legal representation, initial counselling, advice, referrals and support to women around restraining order and safety issues. The Unit seeks to empower women to make decisions concerning their own lives and safety.

The Unit also takes a very active role in law reform and policy issues. The Unit was identified as a major stakeholder by the State Government for input on the new Domestic Violence Bill and made a number of extensive submissions. The Manager of the Unit was also seconded as a consultant to the Department of Justice to work on the Bill. The Bill involves major changes to restraining order and criminal laws. These changes recognise that domestic violence involves more than just physical violence and can include emotional abuse, property damage and other conduct that can be just as harmful and also important indicators of risk to safety.

Training other workers who deal with clients in situations of domestic violence is also an integral part of the Unit's services. This year, the Unit provided training on restraining order and domestic violence issues to Women's Refuges, hospital staff, university students and other community agencies. The Unit also provided training to other Legal Aid WA staff, through social worker and trainer Ann O'Neill, who trained over 70 staff on dealing with clients in domestic violence.

Creating valuable partnerships with other service providers is an important part of creating an holistic approach to domestic violence. This year the Unit has continued its role in the multi-agency Domestic Violence Advocacy Service Central (DVAS Central) and has also continued participation in regular meetings with the Police, Community Legal Centres, Women's Refuges and Regional Domestic Violence Committees.

Our future direction is to:

- introduce best practice principles across all of our services in the area of family and domestic violence; and
- develop strategies to pursue domestic violence as a human rights issue.

Drug Court

The Drug Court Unit consists of two lawyers, a paralegal and an administrative assistant. The Unit provides specific legal advice and representation to participants in a Drug Court program.

In addition, the paralegal in the Drug Court Unit assists the court by providing information sessions to prospective participants.

This year our Drug Court Unit opened 203 files and provided 3,289 services in relation to those files. The operation of the court has changed this year with the introduction of the Pre-Sentence Order, enabling the court to deal with more serious charges and allowing a participant to remain with the Drug Court for up to 2 years if placed on a Pre-Sentence Order.

Duty Lawyer & Prison Visiting Service

Duty Lawyer services are provided in Courts of Petty Sessions and Children's Courts by in-house lawyers and private practitioners. They provide legal advice and representation on a range of criminal and traffic matters, dealing with pleas of guilty, adjournments and applications for bail. Duty lawyers also provide advice on pleas of not guilty, however, they do not provide representation at the subsequent hearing.

This service is provided on a daily basis at the Perth Central Law Courts, the Video Link Court at Hakea Prison and on set days at the Fremantle, Armadale and Joondalup Courts. A staff lawyer attends the Joondalup Family Violence Court each Tuesday to represent defendants charged with offences relating to family violence. The Duty Lawyer service continues to be provided at the East Perth Court on Saturday mornings.

Paralegals visit Acacia, Bandyup, Casuarina and Hakea prisoners each week. A staff lawyer visits Nyandi on a monthly basis. Regional offices provide services to regional prisons.

*This year Duty Lawyers assisted *34,695 clients at an average unit cost of 69.56 per client.*

*Includes number of clients assisted in the drug Court.

Police Royal Commission

The Royal Commission into Police Corruption, headed by the Honourable Geoffrey Kennedy QC began in Western Australia on 1 July 2002 and ended on 31 January 2004 with the submission of the final report to the Attorney-General.

Legal Aid WA administered the fund established by the State Government to provide legal assistance to serving and former police officers and public servants employed by the Police Service called as witnesses or served with notices or summonses by the Royal Commission. This fund does not form part of the Legal Aid Fund referred to in the *Legal Aid Commission Act* and is not administered in accordance with its provisions.

Over 200 eligible officers applied for legal representation/advice and were assisted under the fund with the total amount of funds expended being \$1,106, 411.11. We are currently finalising all accounts associated with the Police Royal Commission.

Goal Achievement - Customer Service

Development of strategies to ensure equity of access to services regardless of regional and time constraints.

Duty Lawyer and Prison Visiting Services continue to provide advice, information and assistance to individuals appearing in Western Australian courts without legal representation.

Finance Brokers

In July 2001 Legal Aid WA commenced administering a fund provided by the State Government for investors to start legal actions to recover losses from defaulting finance brokers and borrowers, and those who provided professional services to them. A total of 707 investors applied for aid either as individuals or as members of syndicates, with syndicate sizes ranging from four to 63 members. Their total estimated loss was approximately \$34 million.

Initially 387 investors (54%) received aid (however only 18 grants of aid were made as most grants were to syndicates). The grant 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. 18 subsequent grants of aid have been made. 290 investors (42%) had their matters pending 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 could not be assisted.

A total of 36 grants of aid have been made to date. Legal Aid WA has committed \$542,467 to fund litigation by investors, with \$414,048 of that amount already paid to lawyers for the litigants.

Approximately 240 investors who received financial assistance through the fund have either settled their claims or are currently involved in litigation including:

- four cases involving 38 investors which were settled out of court in the investors' favour after writs were issued in the Supreme Court or the Federal Court.
- one case involving approximately 52 investors where funding was provided to engage a lawyer to negotiate with the Receiver of a finance broker, resulted in a very substantial payout to the investors.
- 8 cases involving approximately 170 investors where proceedings are ongoing in court.

In addition, the Government has funded a number of legal investigations on behalf of investors to determine whether it was worth proceeding with particular cases. In some, the legal advice received was not to proceed because there was no reasonable expectation of actually recovering damages from a defendant.

Thank you very much for all you, and the Legal Aid team, have done for us with regard to helping us getting some of our money back through losses incurred through what became known as the Mortgage Brokers Scandal.

Most of our capital loss has now been recovered.

We would not of proceeded if it was not for the help of Legal Aid WA.

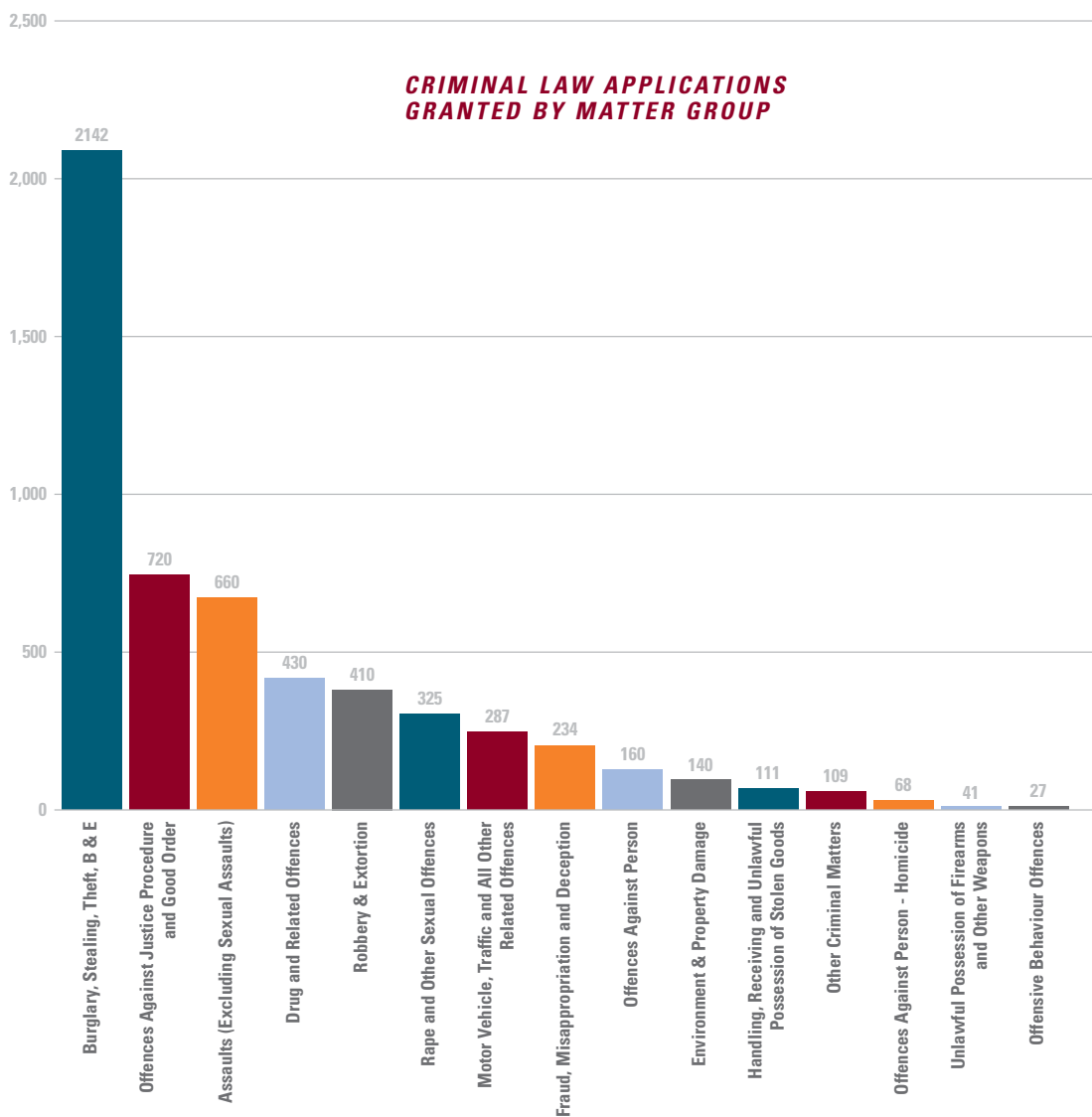
Today I have also written to Jim McGinty to thank him for government help when it was so much needed, at such a traumatic time as we experienced.

Criminal Law Services

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.

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. Our in-house criminal law practitioners work in the Criminal Law Section and Youthlaw Team at the Perth office and also at the regional offices throughout the State. Practitioners represent clients in all criminal jurisdictions for pleas of guilty, trials and appeals.



Children's Issues

The representation of children on criminal matters requires specialised skills. In addition to legal representation, it also encompasses a detailed understanding of welfare, mental health and multicultural issues. Lawyers who act for children in the Criminal Justice System must also be skilled in addressing the particular and special needs of children as clients. Our Youth-Law Team is a specialist team with five lawyers who provide representation for children on criminal matters.

Most matters required representation at a superior court level before the President of the Children's Court. Many involved complex issues, including appeals and psychiatric defences.

A Duty Lawyer service is provided in the Perth, Joondalup and Midland Children's Courts. Every second Friday intensive legal advice and representation is provided to young people participating in the Drug Court programme at the Perth Children's Court. A Duty Lawyer will visit Juvenile Detention Centres to take instructions and give legal advice.

In the coming year Legal Aid WA will be extending a Duty Lawyer service to the Mandurah Children's Court.

Mentally Impaired Defendants

We continue to provide a dedicated lawyer to represent mentally impaired defendants. Defendants with a mental illness or an intellectual disability continue to be remanded to appear in the noon list on a Tuesday at the Court of Petty Sessions. The Intellectual Disability Diversion Program, which runs on this noon list, is a joint initiative between the Department of Justice and the Disability Services Commission. The program looks at specific needs and goals of a person with an intellectual disability setting out a program for the person to complete.

During the year a range of training was delivered in dealing with issues arising with mentally impaired clients. People with mental and intellectual disabilities often need more time than most clients to take instructions from, explain the legal process to, and to give legal advice. Some clients can be easily distracted or simply do not understand what is happening to them, this is certainly a challenging aspect of advising people with such disabilities. Part of the role as a mentally impaired defendants lawyer involves liaising with medical staff and negotiating with Police Prosecutions and the Department of Public Prosecutions. Many negotiations with the prosecution have been successful and have led to a good outcome for clients.

*Evan Shackleton,
Solicitor Criminal Law Section*

Profile Evan Shackleton

Solicitor Criminal Law Section

Evan Shackleton came to Legal Aid WA in 1996 as an Articled Clerk having completed his law degree at the University of Western Australia.

Evan's path to a career in law was unusual. He left high school at an early age and went travelling around Australia. He worked for two years as a youth worker in Alice Springs and came to Perth where he got jobs working at petrol stations and in restaurants washing dishes. One day, an acquaintance suggested he go to university. So Evan decided to get his TEE equivalency at Canning College, and then went onto the University of Western Australia, where he did one year of an Arts degree before transferring into law.

Upon arriving at Legal Aid WA, Evan was placed into Articled Clerk rotations. He did a stint in Family Law, but spent most of his articles in the Criminal Law Section. The first 6-9 months of his restricted practice year was also spent in Criminal Law, before moving on to the Duty Lawyer Section for approximately two years. Six months of his time at Duty Lawyer was interrupted by a period in the YouthLaw Section.

Having been at Legal Aid WA seven years, he has now decided to move into his own private practice as a criminal law barrister and solicitor. He sees this as an important step in his career development.

Evan's interest in criminal law is clear. "It's an ever-changing area, a people area like family, but non-paper based. That suited my weaknesses and strengths fairly well. I like the fact that it involves lots of court work and evidence. Understanding the rules of evidence is challenging. That's the bit that drew me to crime."

Evan leaves with no regrets about his time at Legal Aid WA. "It was my first choice in applying for articles. It's the best place to get training, by miles. If I had my time again, I'd do it the same."

At Evan's farewell presentation, the Director of Legal Aid WA praised Evan's outstanding qualities. Describing him as an asset to Legal Aid WA, he said that Evan was straight-forward, had good management qualities and would be, if not already, one of the best trial lawyers this town has ever seen.



Development Services

Publications and Information Services

The changes to family law procedures required major content changes of online and hard copy publications.

In addition to regular reviews and maintenance of all materials, two major productions have been released. A thorough outline for workers is contained in the manual entitled *"Unfair and Unlawful Dismissals and Contractual Benefits Claims"*.

The second production was developed together with the Community Legal and Advocacy Centre, and covers the procedure for making claims for criminal injuries compensation. The *"Criminal Injuries Compensation Manual"* was designed as a complete and stand alone manual complete with sample letters and directions about obtaining reports and other documentation necessary for completing an application. It is designed for use by practitioners or self-representing litigants and is broken into 12 separate segments so the publication can be used in stages or as a whole.

Knowledge Systems

The Legal Resource Database

During the year the accredited paralegal training modules were made available internally through a password protected extranet site. Students enrolled in the Certificate IV Business (Legal Studies) course adapted for Legal Aid WA and Community Legal Centres are now able to access all the theoretical requirements online.

The internet website providing legal information to the public continues to expand and receive positive feedback from many non-legal community organisations. The users access this service to understand the impact of the law on many of their clients' difficulties, and to determine suitable solutions for their clients.

Our commitment to expanding legal resources throughout the community has been enhanced through additional resources available to these agencies through our password protected extranet site. During the past year, Legal Aid WA has made its family law documentation precedent materials available online, and has provided access to comprehensive instructions about unfair dismissals and criminal injuries compensation, together with extensive legal information and the documents and materials required to pursue these applications.

The Legal Aid WA Website

"The Our Partners" section has continued to expand as a resource for service expansion strategies. The Grants Online facility now covers all three areas of law and a growing number of firms are registered. Legal Resources continue to grow with two new major manuals for workers and practitioners - "Unfair and Unlawful Dismissals" and "Criminal Injuries and Compensation" available online.

Our client satisfaction survey indicated a drop in partner satisfaction from 90% to 80%. Generally this is believed to indicate greater partner expectations since the resourcing capacity of this service has increased. A review of content, presentation and navigation is currently underway in order to more accurately respond to these expectations and needs.

This review is part of a general overhaul of the website as a public information tool and as a service expansion strategy for our partners and other stakeholders. The first phase of this overhaul will be the new look website with easier navigation and better search tools. This phase will take effect early in the 2004/05 financial year.

Family Law Precedents

Our Family Law Precedent system provides standard templates and precedent materials, a reference framework for court reports, CCH references and other practical supports for most family law negotiations and court applications. This system is made available to Legal Aid WA staff and our "not for profit" service partners.

We are currently in the process of updating our Family Law Precedents system to include specific requirements for self representing people in the Family Court.

Referrals

Our electronic referral database provides a valuable resource for Legal Aid WA staff to easily and appropriately refer clients to over 400 services, agencies and departments by searching the referral database for assistance in:

- compliant handling
- counselling
- courts and tribunals
- emergency accommodation and relief
- financial counselling
- government departments
- legal advice
- mediation
- minor assistance
- legal representation
- specialised services
- supervised contact and handover.

Goal Achievement - Communications.

Implementing strategies that ensure open and clear communication about our services with our customers and the community

Our Website continues to provide ready access to selected Legal Aid WA applications (eg internet site, electronic appointment system, Legal Resource Database) for the community and service partners.

Assignments

Legal Aid WA's Assignments Section manages funds available for representation by a lawyer under a grant of aid. A grant of aid can be made to an in-house lawyer or a private practitioner. The decision to grant legal aid for representation is made having regard to issues of financial eligibility, the merit of the case and guidelines applicable under funding agreements Legal Aid WA has with both State and Commonwealth governments.

The Assignments Section plays an important role in identifying the best service for a client. Applicants who are ineligible for a grant of aid are referred to Legal Aid WA's Client Services Unit or the Child Support Legal Unit who provide assistance with documentation and advice for people to represent themselves at legal proceedings or to resolve their legal issue outside of the Court process. Referrals are also made to the Duty Lawyer Service so that unsuccessful applicants can still have the benefit of some representation in their Court proceedings. For detailed statistics on the operations of the Assignments Section, please refer to the statistical summary in Section 7 of this report.

Challenges

There are many competing interests for the limited funds available to assist people with their legal issues. Assignments staff are experienced paralegals who assess applications, and decide on what conditions legal aid is granted. In particular they determine if applicants need to make a contribution towards legal fees incurred on their behalf. Legal Aid WA continuously reviews case work in progress to ensure costs are contained within reasonable limits and that funds are available for other eligible cases.

Key Strategy - Information and Measurement

Creating a business environment that uses research data and performance information to shape interventions and assistance that is made available

Legal Aid WA is in the initial stages of a project to implement an Electronic Document and Records Management System (EDRMS).

Goal Achievement - Service Improvement

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

Continuation of the new content management system for reviewing and updating of web pages. Simultaneous updating of other printed publications and publications available on our intranet facility

Information Management Services

Legal Aid WA Information Management service provides records and document management, library services, development and maintenance of business systems, development, maintenance and support of business systems, technical infrastructure and enhancements of our internal and external websites.

This year we have:

- continued to take a lead role in the development of the Australasian Total Legal Solution (ATLAS) project. This is a major application, which will replace our current core business applications providing improved business process and data management;
- developed a Record Keeping Plan in accordance with the requirements of the *State Records Act 2000*;
- installed a broadband communications network system throughout Legal Aid WA;
- commenced major projects as outlined in the Record Keeping Plan including an electronic records and document system which will integrate with our core business;
- negotiated the provision of access to online legal resources with major legal publishers;
- continued to provide a quality library service including access to electronic information on new developments in the law and recent important cases; and the encouraging staff to access web based information.

Our future direction in 2004/2005 is to:

- continue to take a lead role in the development of ATLAS;
- implement the records and document management system and associated processes;
- provide Legal Aid WA lawyers with online access to library information, materials, references and other legal resources;
- continue to encourage staff to access information via the Internet and other online resources and
- continue to enhance and improve the Grants Online application and our Internet and Intranet systems.

“Dear Terri, This is a letter to let you know how much I have appreciated your help with obtaining child support from my first husband... In your professional capacity you undertook this task and made it the easiest thing I have had to do. You really listened and understood what I had to say... You don't know how refreshing it was for me to have someone treat me with dignity and not just like another number or some low life from a dysfunctional family...”

“Andrew, I thought I'd let you know that I had a bit of a win with the CSA... I managed to reduce my debt to the CSA, which has subsequently been paid for by my tax return. So everybody is happy now, including the Ex! Thank you for your time and effort in helping me understand everything.”

“To everyone at Legal Aid Child Support Unit. A very big thank you! Everyone I've dealt with and spoken to has been really helpful and caring. You all deserve medals and huge pay rises. Thanks for everything.”



Section 4 Our Employees

Human Resource Issues

EMPLOYEE PROFILE 2003/04

Level	Lawyers			Paralegal			Administration			Articled Clerks			Total 2002/03	Total 2003/04	% 2002/03	% 2003/04
	P	O	C	P	O	C	P	O	C	P	O	C				
1							22	4	1				26	27	11.7%	10.9%
2							40	3		1	5		43	49	19.3%	19.8%
3	4	7		29			12			1			47	53	21.1%	21.4%
4	9	1		6			2						20	18	9.0%	7.3%
5	17	2		4			11						26	34	11.7%	13.7%
6	10						4						12	14	5.4%	5.6%
7	18	1					1						18	20	8.1%	8.0%
8	7						2						9	9	4.0%	3.6%
9	17												15	17	6.7%	6.9%
Class 1													1	0	0.4%	0.0%
Class 2	2												3	2	1.3%	0.8%
Class 3							1						0	1	0.0%	0.4%
Class 4	3												2	3	0.9%	1.2%
Special Division		1											1	1	0.4%	0.4%
TOTAL	99			39			103			7			223	248	100%	100%

P - Permanent Employee O - Contract Employee C - Casual Employee

FTEs PER CATEGORY OF EMPLOYEE 2003/04

Category	No of FTE's	Perth Office (FTE's)	Regional Office (FTE's)
Lawyers	84.88	63.58	21.3
Paralegals	39.8	33.2	6.6
Articled Clerks	6.5	6.5	0
Administration	81.71	68.71	13
Total	212.89	171.99	40.9

YEARS OF SERVICE BY TOTAL NUMBER OF EMPLOYEES 2003/04

Years of Service	No of Employees	Lawyers	Paralegals	Admin	Articled Clerks	%
0 - 5	157	64	17	70	6	63.31%
6-10	33	13	11	9	0	13.31%
11-15	26	10	5	10	1	10.48%
16 - 20	18	9	4	5	0	7.26%
21-25+	14	3	3	8	0	5.65%
Total	248	99	40	102	7	100%

Employee Relations

In keeping with Public Sector Policy, the use of fixed term contracts has been minimised and more effectively utilised to cover legitimate fix-term arrangements to include maternity leave coverage, project work and extended leave.

The Office of the Public Sector Standards Commissioner carried out a staff survey on Human Resource Standards, Ethics and EEO in May 2004. A satisfying 70% of forms were returned.

The survey results showed:

- A good improvement in the Equity Index for women,
- A positive increase in the employment of people with disabilities,
- Generally positive perceptions about EEO, diversity and harassment in Legal Aid WA.

Staff Development and Training

Joint Consultative Focus Group

A joint consultative focus group worked together to implement a comprehensive policy and guidelines relating to Bullying, Harassment and Inappropriate Behaviour in the workplace.

Outcomes for the group and Legal Aid WA have included:

- increased focus on providing a safe and healthy working environment for all staff;
- the selection and training of four Contact Officers, in addition to the Grievance Officers already in place;
- the implementation of a new policy detailing what constitutes inappropriate behaviour in the workplace, and the procedure, processes and guidelines for resolution of complaints;
- a comprehensive training package for managers and staff in the application of the policy and guidelines; and
- conflict resolution training for managers and supervisors at all levels.

Performance Management and Development System

The Performance Management and Development System implemented in February 2003 has added value to a number of areas in the organization and supports the Training and Development culture that Legal Aid WA is nurturing. With training needs more clearly identified, a more structured investment in staff development initiatives was achieved. Communication channels have been strengthened between staff members and management with an increased developmental approach to assessment interviews. These are held in March of each year and provide the opportunity for objective setting, career planning and a meaningful exchange of feedback relating to performance.

Management and Leadership Training

A positive outcome of both the introduction of the Performance Management and Development System and the newly implemented Bullying, Harassment and Inappropriate Behaviours Policy has been the raised awareness of the importance of leadership and management skills. A range of skills development training in these areas is being offered to managers at both senior and middle management levels and includes a mix of formal leadership programs, coaching skills and in-house seminars.

Accredited Paralegal Training

22 Legal Aid WA paralegal officers graduated from the inaugural Paralegal Training Course nationally accredited through the Certificate IV Business (Legal Studies) framework. This innovative course produces graduates with solid practical and theoretical skills in the types of services provided throughout Western Australia by Legal Aid and Community Legal Centres. Course content included topics such as:

- The Justice System
- Professional Standards
- Family Law and Children
- Child Support and Maintenance
- Criminal Law
- Driving and License Matters
- Tenancy
- Trust Accounting

Graduates were required to show competencies including the ability to apply legal knowledge to tasks, undertake research, prepare and produce legally binding documents and to prove client skills such as interviewing techniques and providing information about the law and legal processes.

In 2004, a further 12 staff members have been enrolled in the course. The course has also been extended to staff members in Community Legal Centres across WA.

The training material has been further developed and modules for external students (including a number from external agencies such as community legal centres) is available online enabling easy access for staff in remote regions and also for use by our service partners participating in the program

“Being a participant in the program has enabled me to obtain a qualification that recognises experiences I have gained working for Legal Aid WA and in private law firms as well as giving me the opportunity to learn about other areas of the law.”

*Shirley Wills
Legal Secretary*

Worker's Compensation

Claims for worker's compensation remain low with no new claims being lodged this year. There are five ongoing claims from previous years. One claim from last year proceeded to a hearing before the case review officer in the Conciliation and Review Directorate of Western Australia in May 2003 and a decision has not as yet been handed down. The following four factors are indicators of worker's compensation at Legal Aid WA:

Premium/ Contribution Rate	0.54
Cost of claims incurred per \$100 wage bill	.5545
Frequency Rate/Lost Time	0
Rehabilitation Success Rate	n/a

Occupational Health and Safety

A number of initiatives have been successful in raising staff awareness of OH&S, including:

- The provision of enhanced information through staff induction programs and access to policies and information via the intranet;
- Increased use of ergonomic good practices in supporting well-being in the workplace;
- The design and implementation of Home Based Working Guidelines, including the introduction of an OH&S self-assessment tool and ergonomic assessment for home based working arrangements.

Security

Legal Aid WA continues to monitor and improve security issues identified throughout the year with an emphasis on providing a safe environment for our staff and clients. This year we implemented the following improvements:

- secure access to all our main floors after hours;
- improved staff access to policies and procedures on how to deal with threatening phone calls via our intranet;
- ongoing training for our frontline staff in dealing with threatening or difficult behaviours, with the emphasis on personal safety;
- ongoing training for staff in recognising, handling and dealing with suspicious articles;
- security guard attendance at our family law conferences that extend beyond office hours; and
- staff attendance at regular fire and emergency drills.

Employee Assistance Program (EAP)

Legal Aid WA continues to offer all staff and their immediate family members access to a professional and confidential counselling service through the OSA Group. Through heightened awareness, there has been a marked increase in staff accessing these services, which provide for debriefing, critical incident counselling, stress management and a range of counselling support services. The use of counselling services for staff has been extended to include work support programs for employees re-entering the workplace after extended sick leave. The program provides the employee with a program tailored to their individual needs and encompasses greater communication between counsellor, medical practitioner and Legal Aid WA to enhance the overall support systems designed to assist the employee back into the workplace.

Online Human Resource Management Technologies

A new Human Resource (HR) Management information system was implemented in November 2003. The system provides all staff with desktop access to a comprehensive range of online employment information.

All HR policies, procedures and guidelines have been reviewed, streamlined and posted on the Legal Aid WA intranet for easy reference.

Section 5 Corporate Governance



Corporate Governance

History of Legal Aid in Western Australia

In the 1960's and 1970's the Law Society of Western Australia began to establish an organised legal aid scheme. Before this, the only subsidised legal help available was the voluntary work undertaken by the private legal profession. In 1974 the Federal Government set up the first Australian Legal Aid office in Fremantle but that office was limited to dealing with Commonwealth law issues or assisting people for whom the Commonwealth had a special responsibility, such as war veterans. From 1974 there were two schemes operating side by side but this was not very efficient. In 1978, through a joint initiative of the State and Federal Governments, an amalgamation took place resulting in the establishment of the Legal Aid Commission of Western Australia. This was the first Commission of its kind in Australia with a head office in Perth and metropolitan regional offices at Fremantle and Midland. Regional offices were also established, firstly in Broome and Bunbury and later in South Hedland, Kalgoorlie and Christmas/Cocos Islands.

About Legal Aid Western Australia

Our Mission is to provide quality legal services to those in need and to assist the community to access justice.

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

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. 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.

Legal Aid WA is committed to providing equitable access to services, regardless of regional and time constraints. Through its network of seven regional offices and the main office in Perth, and working in partnership with private practitioners and other service providers, Legal Aid WA ensures that more than 40 regional centres across the State, including the Christmas and Cocos Islands, are visited regularly by trained staff.

Our Mission is to provide quality legal services to those in need and to assist the community to access justice.

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

Legal Aid Commission

The Legal Aid Commission is the governing body of Legal Aid WA. The Commission is an independent statutory authority that operates under the *Legal Aid Commission Act 1976*. The Commission meets monthly and as required and consists of:

- 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 senior level;
- One member, a non-lawyer, nominated by the Minister of Fair Trading; and
- Two members appointed by the Commonwealth Attorney General (although since April 2000 the Commonwealth Attorney General has declined to replace members whose terms have expired and the Commission has operated without Commonwealth representatives).

Frequency Of Meetings

The Commission meets monthly and as required. Ten meetings were held in 2003/04.

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 was 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.

Director

The Director, who is the Chief Executive Officer, manages Legal Aid WA and is responsible for:

- Long term strategic direction and operational management;
- Administering the scheme of legal assistance established by the Act; and
- Providing legal services to assisted persons and arranging and supervising the provision of such services by practitioners who are members of staff.

The Director is also an ex-officio member of the Commission.

The Executive

The Director is supported in his role by the General Managers of the Legal Practice, Program Co-ordination and Corporate Services Divisions. Together the Director and these General Managers form the Executive. The Executive ensures the effective management of Legal Aid WA and is responsible for overseeing:

- policy making and developing organisational strategies;
- planning and budgeting;
- monitoring and evaluating organisational performance;
- ensuring compliance with Government Reporting and accountability requirements; and
- staff morale and development - achieving a workplace culture that encourages enterprise and values the contribution of staff.

The Executive meets weekly and as required. Other divisional representatives attend Executive meetings as required.

Board Members

Audit Committee

Our Board of Commissioners also 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; and
- the quality and reliability of management reporting.

The Audit Committee has unhindered 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.



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. Mr McCusker attended 9 of the 10 Commission Meetings held in 2003/04.



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. Mr Turnbull attended 10 of the 10 Commission Meetings held in 2003/04.



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 was admitted into practice in 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 is the immediate past president of the Criminal Lawyers Association, and is on the Law Society Council. Mr Bayly attended 9 of the 10 Commission Meetings held in 2003/04.



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. Mr Walker attended 6 of the 10 Commission Meetings held in 2003/04.



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 Legal 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. Ms Blake attended 6 of the 10 Commission Meetings held in 2003/04.

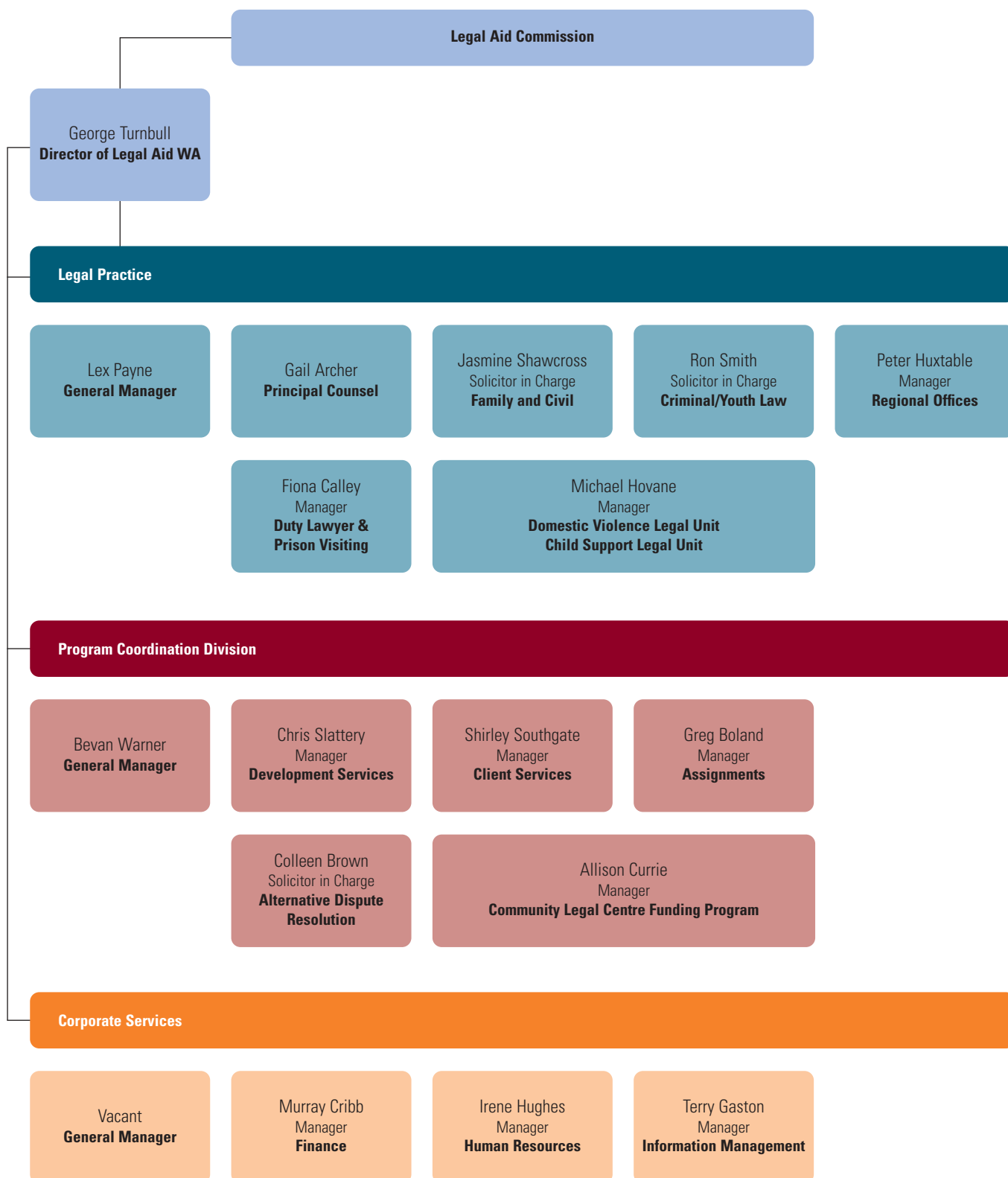


Rick Cullen was appointed a Commissioner in January 1995 as a nominee of the Law Society of Western Australia. He is a graduate of the University of Western Australia in Science and Law and since his admission as a lawyer in 1977 has practised in a variety of law areas, concentrating on commercial litigation over the last 10 years. He was a partner of Dwyer Durack from 1989-2004 and has recently become a partner in Cullen Babington Hughes. He was a Councillor of the Law Society of Western Australia for 13 years and was President of the Society in 1992. He has been a member of the Law Council of Australia's Access to Justice Committee since 1987. Mr Cullen attended 9 of the 10 Commission Meetings held in 2003/04.



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 has been a Chairman and a Director on several statutory corporations. Mr Hughes is a member of the Australian Society Certified Practising Accountants and is a member of the Audit Committee. Mr Hughes attended 10 of the 10 Commission Meetings held in 2003/04.

Organisational Structure - Legal Aid WA





Section 6 Compliance

Reports on Customer Outcomes

Customer Focus

Our customers come from all walks of life, although the majority of applicants are dependent on Centrelink benefits. Our Access and Equity Policy ensures that clients are not disadvantaged because of means, age, gender, disability, language, culture, race or geographical location. Our Service Charter and Practice Standards also ensure that services are confidential and independent, easily accessible, and that our staff are fully equipped to handle every issue, flexible to suit individual needs, and informative and supportive.

Outcomes and Outputs

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 or contact 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. In-house lawyers or private practitioners provide legal representation on grants of aid. Where clients are not eligible for legal aid, they may be referred to other Legal Aid WA services or to outside organisations for assistance.

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 8 for full report on Performance Indicators).

Disability Services

Legal Aid WA continues to maintain its “Bobby Approved” status, which is an accreditation that requires web sites to comply with accessibility guidelines for users with a disability.

Legal Aid WA continued to provide training seminars on a range of topics for working with and dealing effectively with Mentally Impaired Defendants. Speakers with expertise covered extensive topics such as ‘The Consumers Perspective’ and ‘Ethical Issues and Legislative Implications’ in this area of law. The seminars drew a large audience across the legal profession, community service workers, government agencies and the WA Police.

Human Resources continued to work closely with specialist agencies involved in the placement of people with disabilities. Staff members employed for work experience were offered permanent employment in the financial year.

We continue to provide legal representation for Mentally Impaired Defendants. Our dedicated solicitor for Mentally Impaired Defendants represents clients in the various criminal jurisdictions, including the Court of Petty Sessions, the District Court and the Court of Appeal. From this, a valuable relationship has developed with the Disability Services Commission, various hospitals and the courts, which ensures that Legal Aid WA clients are provided with appropriate representation and ancillary services.

Equal Employment Opportunity/Cultural Diversity and Language Services Outcomes

Work continues in achieving the objectives set out in the Equal Employment Opportunity (EEO) Plan. Legal Aid WA has been active in progressing strategies for the employment and retention of EEO groups and raising awareness of EEO principles among management and staff.

Our alliance with specialist agencies continues in support of the placement of persons from EEO groups. This year we continued to support work experience placements and the permanent employment of staff with disabilities.

We have a number of Articled Clerks, Restricted Year Practitioners and Paralegals who have joined Legal Aid WA as mature age staff members. They bring with them a diversity of life experience and knowledge they gained in a range of professions. The following article is a reflection of one of our mature age Restricted Practitioners, Maria Fifiel.

“I decided to take up the study of law after more than twenty years of nursing. At the time I felt my greatest challenge was going to be competing with a much younger group of graduates in a very tight job market. Having been successful in finishing my articles at a Community Legal Centre, I wanted to broaden my learning experience so I applied for a position as a Restricted Year Practitioner at Legal Aid WA.

My memory of the interview at Legal Aid WA was of an experience that left me feeling confident and able to say I was given an opportunity to “give it my best shot”. I found the interview was carried out in a relaxed format and I was able to acknowledge with the interview panel that my knowledge and skills from my previous nursing profession and life skills in general were a valuable consideration when assessing my suitability for the position at Legal Aid WA.

Of course the good news is, I am now pleased to be a part of that great Legal Aid WA team”.

*Maria Fifiel
Restricted Practitioner*

For the second year Legal Aid WA has been nominated for the Prime Minister’s Employer of the Year Award, in the government employer category, as a result of our demonstrated commitment to providing work experience opportunities and employment for persons within EEO groups.

A major focus for Legal Aid WA in the coming financial year is the development of a Cross Cultural and Indigenous Training program to raise awareness of cross-cultural issues. The successful orientation of the Indigenous Traineeship scheme is a key target area for Legal Aid WA in the coming financial year.

Legal Aid WA continues to support and provide flexible work arrangements where possible with 22% of staff working reduced hours or on a part-time basis.

Legal Aid WA is committed to supporting staff in their professional and personal development with 7.5% of staff currently on secondments or taking a career break.

Our induction and orientation training programs continue to be developed to meet the needs of new staff. Future developments will incorporate induction material for staff that have been on extended periods of leave.

Legal Aid WA continues to perform well in the representation of designated EEO groups:

These groups are represented in the workforce as follows:

Women	77.0%
Culturally diverse	9.2%
Mature workers	40.6%
Youth	7.8%

In addition, 37.25% of Legal Aid WA female employees fell within the \$49,293 (GOSAC Level 4(3)) and above salary bracket

MALE-FEMALE STAFF RATIO 2003/04

	Legal	Non-Legal	Total	%
Female	56	115	171	75.3%
Male	30	26	56	24.7%
Total	86	141	227	100%

Cultural Diversity and Language Service Outcomes

This year a review of Legal Aid WA services providing a 'first point of contact' was undertaken to ensure access and equity in services to the public. As a result, specific equity and diversity issues have been included in the Induction process for new staff, providing ongoing training to staff and reviewing the recruitment process to ensure potential new staff understand cultural diversity and equity in our 'first point of contact' service areas.

The Legal Aid WA website has Babel Fish translation available to assist persons with different cultural backgrounds to understand the information listed.

We continue to provide interpreters to assist clients who are seeking legal assistance.

Youth Outcomes

State Government's Plan For Young People

In response to "ACTION: A State Government Plan for Young People, 2000-2003", Legal Aid WA continues to demonstrate 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; and
- the YouthLaw section which 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 charged with criminal offences before Magistrates and the President of the Children's Court;
 - an intensive Duty Lawyer service assisting children on the Children's Court Drug Court Program; and
 - 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.

State Domestic Violence Action Plan

Legal Aid WA is an active member of the Family Violence Coordinating Committee, which comprises senior representatives of all state government departments and relevant non-government agencies.

The Family Violence Coordinating Committee, through the State Family and Domestic Violence Unit, has recently released a new State Strategic Plan in relation to Family and Domestic Violence. The Strategic Plan aims to get government and non-government agencies working together to achieve an holistic approach for those in situations of family and domestic violence.

As part of the Strategic Plan, a specific Action Plan is developed for each financial year. Some of Legal Aid WA's initiatives for the Action Plan for 2004/05 include:

- continuation of our participation in the multi-agency Domestic Violence Advocacy Service (DVAS Central) at Perth.
- mandatory training of all Legal Aid WA staff in family and domestic violence.
- adoption of best practice guidelines for family and domestic violence across all Legal Aid WA services.
- development of protocols for the Police and Department of Public Prosecutions for restraining orders in criminal proceedings.
- training for private practitioners on restraining order and domestic violence issues.
- community legal education for young women in family and domestic violence in partnership with the Youth Legal Service and other community legal centres.
- training for women's refuges on the new restraining order legislation.
- development of a specific network for those agencies providing legal services to people in family and domestic violence.

These initiatives are in addition to the already substantial commitment that Legal Aid WA makes to family and domestic violence including:

- funding of a dedicated Domestic Violence Legal Unit with three solicitors and a psychologist/counsellor;
- priority funding for family law matters where there is family and domestic violence; and
- participation in and funding of the Columbus Program at the Family Court.

Reports on Other Accountability Issues

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; and
- how members of the public may obtain access to these documents.

Our aim is to make information available promptly and at the least possible cost. Whenever possible, documents are 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

This year three requests were received under the *Freedom of Information Act 1992* - two for personal information and one for non-personal information. One of the requests for personal information was approved and one was denied. The non-personal information application was transferred to another agency. The average processing time for each request was seven days.

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

Cheques Act 1986
Copyright Act 1968 (Cth)
Corporations Act 2001 (Cth)
Debtors Act 1871
Disability Discrimination Act 1992 (Cth)
Disability Services Act 1993
Electoral Act 1907
Equal Opportunity Act 1984
Fair Trading Act 1987
Family Law Act 1975 (Cth)
Financial Administration and Audit Act 1985
Financial Transaction Reports Act 1995
Freedom of Information Act 1992
Fringe Benefits Tax Act 1986
Government Employees Housing Act 1964
Government Employees Superannuation Act 1987
Government Financial Responsibility Act 2000
Income Tax Assessment Act 1936 (Cth)
Industrial Relations Act 1979
Land Administration Act 1997
Legal Contributions Trust Act 1967
Legal Practice Act 2003
Library Board of Western Australia Act 1951
Minimum Conditions of Employment Act 1993
Occupational Health, Safety and Welfare Act 1984
Privacy Act 1988 (Cth)
Public and Bank Holidays Act 1972
Public Interest Disclosure Act 2003
Public Sector Management Act 1994
Racial Discrimination Act 1975 (Cth)
Salaries and Allowances Act 1975
Sales Tax (Exemption and Classification) Act 1992 (Cth)
Sex Discrimination Act 1984 (Cth)
Stamp Act 1921
State Records Act 2000
State Superannuation Act 2000
State Supply Commission Act 1991
Trade Practices Act 1974 (Cth)
Transfer of Land Act 1893
Worker's Compensation and Rehabilitation Act 1981
Workplace Relations Act 1996 (Cth)

Statement of Compliance with Public Sector Standards

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 have 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	(2)
Number of breaches found	(0)
Number still under review	(0)



George Turnbull
Director
30 June 2004

Public Sector Standards

We operate in accordance with public sector standards. This means that, apart from Part 3 of the *Public Sector Management Act 1994*, which has been specifically excluded by section 21 of the *Legal Aid Commission Act 1976*, all public sector standards are observed by our staff. Western Australian Public Sector Standards are contained in the *Public Sector Management Act 1994*. These are standards in human resource management that encourage best practice through open recruitment practices and the equitable treatment of people employed in the sector.

Code of Ethics

Our staff are required to comply with the public sector Code of Ethics. This sets out the principles, values and behaviours staff must adhere to as public sector employees. Three key principles of the Code of Ethics are:

- Justice - being impartial and using power fairly for the common good. Not abusing, discriminating against or exploiting people.
- Respect for persons - being honest and treating people courteously, so that they maintain their dignity and their rights are upheld. Not harassing, intimidating or abusing people.
- Responsible care - protecting and managing with care the human, natural and financial resources of the State. Decisions and actions do not harm the short and long-term well being of people and resources.

Code of Conduct

To comply with Public Sector Standards, we have developed our own Code of Conduct. This sets out the standards applicable to our staff when dealing with customers and work colleagues.

Legal Aid WA Practice Standards

Quality Practice Standards

Our Legal Practice complies with the Law Society of Western Australia's Quality Practice Standard. The Quality Practice Standard is a Law Society initiative aimed at assisting legal practices to improve their relationships with clients and ensure that a consistently high level of service is provided. Law Society accreditation is subject to annual audit and a comprehensive evaluation of our Professional Practice Standards. Legal Aid WA has been accredited for five years. Our Quality Practice Standards set out each standard criteria along with the relevant professional practice standard complying with that criteria.

What Happens when We Don't Get it Right

Public Interest Disclosure Requirements

The *Public Interest Disclosure Act* came into operation on 1 July 2003. The Act covers the disclosure of public interest information and provides protection for persons making disclosures and those who are the subject of disclosures.

The Act provides a system for matters to be reported and investigated and where appropriate, action can be taken.

A public interest disclosure is made when a person discloses to a proper authority, information that tends to show past, present and proposed improper conduct within a public body in the exercise of its functions.

For a disclosure to be covered by the Act, it must be made by a person who:

- believes on reasonable grounds the information is or may be true;
- is made to the appropriate authority; and
- is a disclosure of public interest information.

This information could involve:

- improper conduct;
- an offence under State laws;
- substantial unauthorised or irregular use or mismanagement of public resources; or
- an act or omission that involves a substantial and specific risk of injury to public health, prejudice to public safety or harm to the environment.

The Public Interest Disclosure Officer for Legal Aid WA is the Senior Executive Project Officer. This year no public interest disclosures have been received.

Professional Practice Standards

Our Professional Practice Standards set out the general standards that must be followed by all professional staff.

Law Society Professional Conduct Rules

All legal staff must also abide by the Law Society Professional Conduct Rules.

Not everyone is left satisfied after dealing with us. 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

The Legal Aid WA Assessor who made the original decision on the file conducts reconsiderations. Reconsiderations are often granted when further relevant information is provided. In 2003/2004, there were 1414 requests for reconsiderations (3% less than last year). If an application is refused on reconsideration, the applicant can request that the matter 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 layperson from the community. The Review Committee considers the information provided by the Legal Aid WA 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 257 reviews in 2003/04 (11% less than last year). The number of matters overturned during 2003/04 was 41 (41% less than last year).

Complaints, Urgent Correspondence and Ministerials

All complaints, urgent correspondence and Ministerials received by us are forwarded to our Complaints Co-ordinator. Oral complaints are noted and forwarded to the appropriate manager for resolution. Written complaints, urgent correspondence and Ministerials are acknowledged in writing within 48 hours and assigned to the relevant manager to prepare a written response within 7 days for complaints and within three days for urgent correspondence and Ministerials. 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 original letter and the draft response are then, where appropriate, forwarded to the Director of Legal Aid WA to consider whether any further action is required.

This year Legal Aid WA received:

- 49 complaints (47% more than last year) with most relating to alleged poor service from either in-house or private lawyers or from other Legal Aid WA staff.
- 15 urgent correspondences (12% less than last year) mainly from Members of Parliament making enquiries on behalf of constituents relating to refusals of a grant of legal aid or an extension.
- 32 Ministerials (35% less than last year) with the majority related to refusals of a grant of legal aid or and extension or the alleged poor service from solicitors.

What we are doing to Improve our Performance

We continue to take significant steps to improve our performance and reduce the number of requests for review and reconsideration, complaints, urgent correspondences and Ministerials that we receive. These steps include:

- Electronic lodgement: The continued extension of Grants Online and the general implementation of e-lodgement provides a simpler, faster and more user friendly process that is more efficient and cost effective than the current system. It is envisaged that this process should lead to a reduction in the number of decisions sent for reconsideration and review.

- Performance management system for legal staff: We have a comprehensive performance assessment and development system for all legal staff. This ensures that their progress and development is formally monitored and that training and other work related issues are addressed at an early stage.
- Advocacy Training and Seminar Programs: Our In-house Principal Counsel conducts intensive Forensic Advocacy Workshops for Articled Clerks, Restricted Practitioners and junior lawyers. Senior in-house family lawyers also conduct family law advocacy workshops. We also conduct ongoing training programs and seminars on a wide range of topics including criminal law, domestic violence and mental health issues.
- Paralegal training: A comprehensive paralegal training program is offered to paralegals at Legal Aid WA and other community agencies providing development and career building skills including building knowledge resources.
- Record Keeping: The introduction of the record keeping management plan is well underway creating a easier, simpler 'whole of government ' approach to record management providing a more user friendly process to Legal Aid WA data management.

Other Accountability Measures

Strategic Plan

Our Strategic Plan is reviewed annually and endorsed by the Board of Commissioners. This year we have also introduced regular review meetings that involve all staff with managerial responsibility including regional office staff in an ongoing review of priorities.

Risk Management

Our risk management policy and risk register complies with the requirements of the *Financial Administration and Audit Act 1985*.

The risk register identifies areas of operation where a potential risk exists to Legal Aid WA and strategies that have been delivered to mitigate or remove those risks. The risk register is updated regularly.

Policies and procedures

We maintain written policies and procedures covering key areas of operation. Key corporate management policies can be accessed via the agency's intranet.

Financial reporting

Actual financial results are reviewed against budget and these results are provided to the section managers and relevant general managers. The results are also submitted to the Board of Commissioners on a monthly basis.

Reports on financial performance are produced quarterly and submitted to the Honourable Attorney-General.

Protection of assets

A register of assets that exceed \$1000 in value is maintained and regularly updated. A Disaster Recovery Plan covering assets is also maintained and it establishes procedures covering adverse events and the protection of information.

Advertising And Sponsorship

During 2003/2004, advertising and market research payments were made to:

Advertising agencies	
Marketforce Productions	\$6,148.65
Other	\$ 387.36

Waste Paper Recycling

Legal Aid WA operates a paper-recycling scheme.

Energy Smart policy

Legal Aid supports the Energy Smart Government initiative to achieve a 12% reduction in non-transport related energy use by 2006/2007. The activity based energy performance indicators are used as the primary measure of the effectiveness of Legal Aid WA's energy policy.'

Energy Smart Government Program	Baseline	2003/2004	Variation
Energy Consumption (MJ)	1829236	1,833,397	
Energy Cost (\$)	79,236	82,756	
Greenhouse Gas Emissions (tonnes of CO ₂)	467.6	484	
Performance Indicators			
MJ/sqm	390.78	371.73	-4.88%
MJ/FTE	10219.19	8170.58	-20.05%

Promotions

Promotion of Legal Aid WA at the Tri-Law Careers Fair, a law graduate fair organised by Murdoch, UWA and Notre Dame Universities.

Evaluations

Legal Aid WA is committed to understanding what our client experience of legal aid has been and to address any issues identified where we can. Each year we undertake an annual Client Satisfaction Survey to determine the effectiveness indicator for “provision of quality legal services.” The annual satisfaction indicator alternates between family law and criminal law clients. Family law clients were surveyed for the 2003/04 year. The results of the survey are published and we encourage feedback to help us understand our clients’ positive and or negative experience.

The family law client groups included as part of this year’s survey were Grants of Aid, Legal Advice and Alternative Dispute Resolution. A separate survey was also conducted in relation to Community Legal Centres satisfaction with our online and print publications. As a result of the survey, the overall satisfaction rating for family law clients was 74%. The Alternative Dispute Resolution clients were the most satisfied group, with a satisfaction rating of 79%. Legal Advice clients had a satisfaction rating of 76% and Grants of Aid clients had a satisfaction rating of 61%.

A survey of Community Legal Centres found that the website achieved an 80% rate of satisfaction, in terms of usefulness and appearance. About 63% of the Community Legal Centres who knew about the Legal Aid WA online and print publications used them at least once a week.

The main points of interest resulting from running the surveys were:

- The more assistance that clients receive from Legal Aid WA, the greater their satisfaction tends to be.
- Over 80% of the clients in each client group were satisfied that the lawyer listened to them while they explained their situation. This was the activity that achieved the highest level of satisfaction.
- 97% of clients who participated in an Alternative Dispute Resolution Conference felt physically safe while at Legal Aid WA’s ADR Centre.
- 88% of clients who participated in an ADR conference would recommend it to others and 63% of those who did not reach an agreement would still recommend the ADR program.
- The highest negative responses was in relation to the re-use of the same lawyer’s services with between 22% - 25% of the Legal Advice and Grants of Aid client groups stating that they would not like to use the same lawyer again if a similar situation arose in the future, and
- 21%- 29% of clients were dissatisfied with the ADR Chairperson’s role in generating options and suggestions for reaching a good outcome in a conference.
- Community Legal Centres generally find that Legal Aid’s online and print publications are useful and that is it easy to find the information they require. However there was some feeling that the print publications did not appear welcoming and were not easy to understand. There was also some negative feedback from their clients concerning our website.

Section 7

Statistical Summary



Client Profile

Data Representation 03-04

Aid Granted Profile

1. Aid granted tables and charts exclude Child Support (CSS) and Drug Court (DC) clients.

Services by Service Type

1. Assessment and Case Management, applications received tables and charts, Legal Representation and applications granted tables and charts exclude CSS (separated service type) and DC applications.

Aid Granted

AID GRANTED BY WEEKLY INCOME

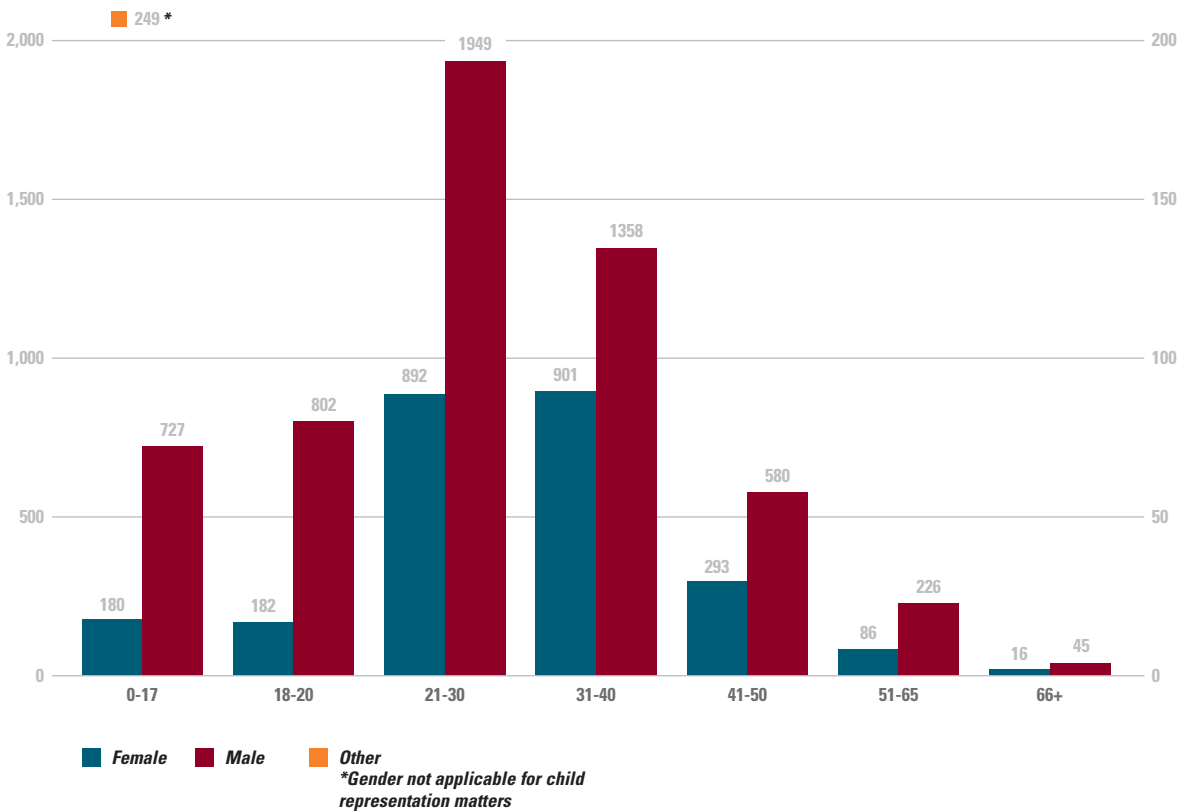
	No.	%
\$0	7,091	83**
\$1-\$50	13	0*
\$51-\$100	30	0*
\$101-\$150	68	1
\$151-\$200	160	2
\$201-\$250	134	2
\$251+	990	12
Total	8,486	100

*0% caused by rounding of percentages

**\$0 bracket includes those assessed as satisfying the simplified means test because they receive a full government benefit.

2,500 ————— 250

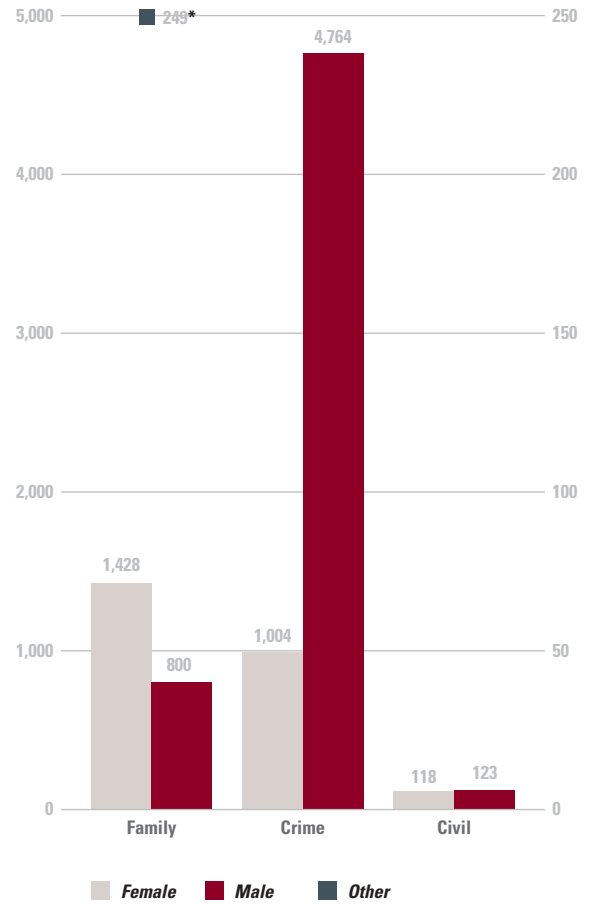
AID GRANTED BY GENDER AND AGE GROUP



INDIGENOUS AID GRANTED

	03-04	%	02-03	%
Family	139	10	148	12
Crime	1,241	88	1,086	86
Civil	23	2	27	2
Total	1,403	100	1,261	100

AID GRANTED BY GENDER AND LAW TYPE



Services by Service Type

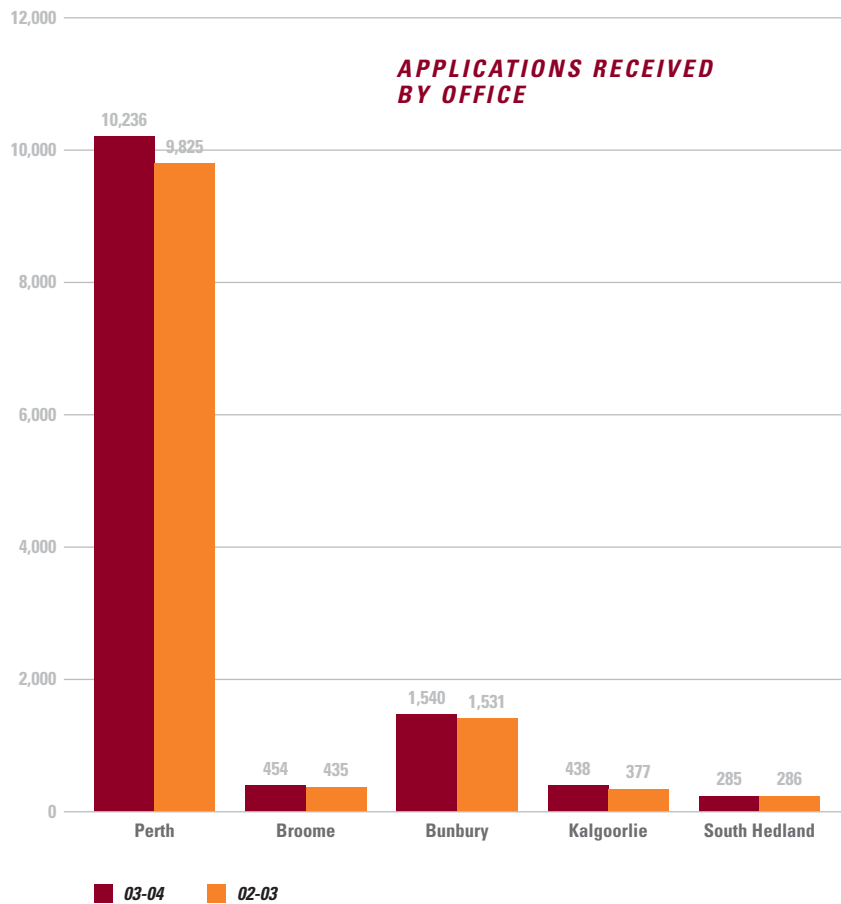
SERVICES BY SERVICE TYPE

	03-04	%	02-03	%	% change
Assessment and Case Management	12,953	8	12,454	8	4
Legal Representation	8,407	5	8,127	5	3
Child Support Assistance	799	0*	721	0*	11
Legal Advice and Minor Assistance	32,503	20	26,766	18	21
Telephone Information Line	65,590	41	64,805	44	1
Face to Face Services	7,547	5	7,684	5	-2
Duty Lawyer	34,695	21	27,894	19	24
Total	162,494	100	148,451	100	9

*0% caused by rounding of percentages

*Gender not applicable for child representation matters

Applications



APPLICATION TURNAROUND TIMES

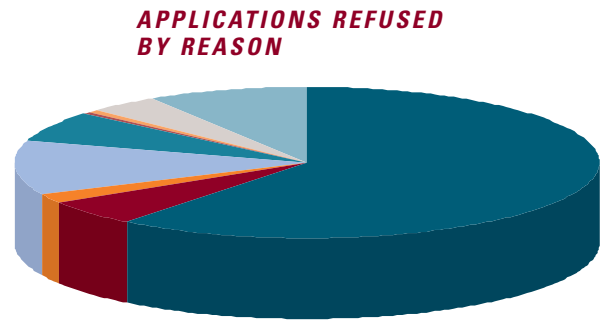
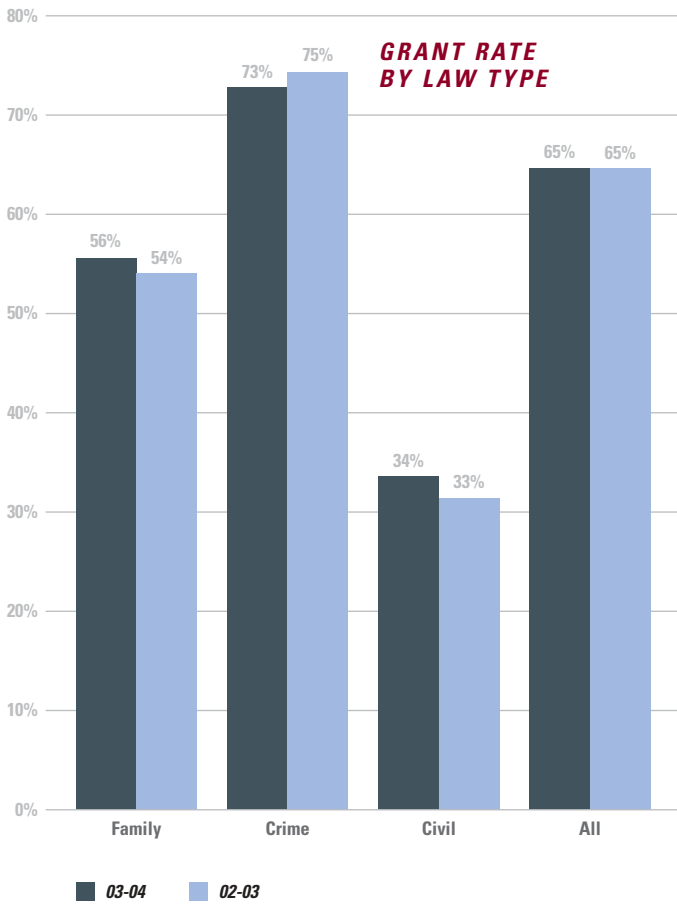
	03-04	%	02-03	%	% change
Same day	3,847	29	3,561	29	8
1-5 days	6,806	53	6,724	54	1
6-10 days	1,104	9	1,396	11	-21
11-15 days	359	3	342	3	5
16-30 days	319	2	259	2	23
30+ days	518	4	172	1	201
Total	12,953	100	12,454	100	4

APPLICATIONS RECEIVED BY LAW TYPE

	03-04	%	02-03	%	% change
Family	4,480	35	4,112	33	9
Crime	7,754	60	7,553	61	3
Civil	719	5	789	6	-9
Total	12,953	100	12,454	100	4

APPLICATIONS GRANTED BY LAW TYPE

	03-04	%	02-03	%	% change
Family	2,500	30	2,236	28	12
Crime	5,664	67	5,632	69	1
Civil	243	3	259	3	-6
Total	8,407	100	8,127	100	3



- 60% Guidelines
- 6% Guidelines and Means (in that order)
- 2% Insufficient Funds
- 11% Means
- 6% Means and Guidelines (in that order)
- 1% Means and Merit
- 1% Means, Merit and Guidelines
- 4% Merit
- 9% Merit and Guidelines

APPLICATIONS REFUSED BY LAW TYPE

	03-04	%	02-03	%	% change
Family	1,833	43	1,608	40	14
Crime	1,983	47	1,884	47	5
Civil	438	10	488	12	-10
Total	4,254	100	3,980	100	7

APPLICATIONS GRANTED BY PRACTITIONER TYPE

	03-04	%	02-03	%	% change
Private					
Family	1,907	38	1,636	35	17
Crime	3,000	59	2,889	61	4
Civil	136	3	183	4	-26
Total	5,043	100	4,708	100	7
Inhouse					
Family	593	18	600	18	-1
Crime	2,664	79	2,743	80	-3
Civil	107	3	76	2	41
Total	3,364	100	3,419	100	-2

RECONSIDERATION

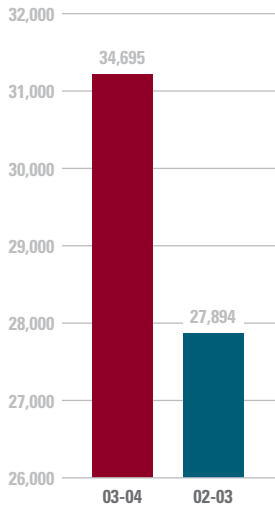
	03-04	%	02-03	%	% change
Confirmed	771	54	837	57	-8
Varied	478	34	471	32	1
Pending	165	12	155	11	6
Total	1,414	100	1,463	100	-3

EXTERNAL REVIEW

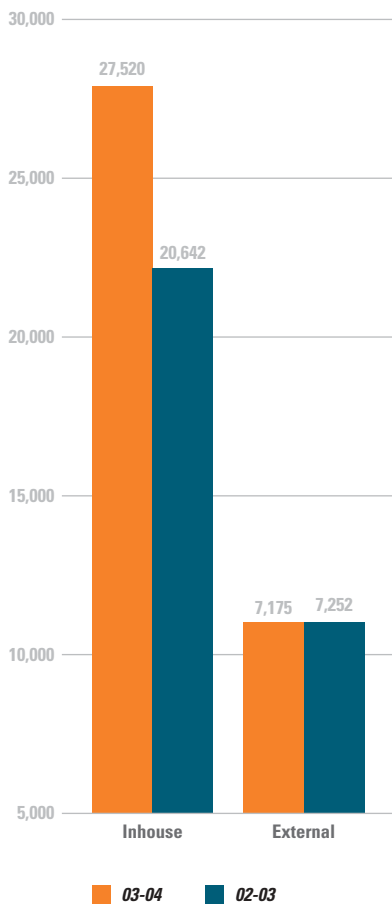
	03-04	%	02-03	%	% change
Confirmed	204	79	205	71	0
Varied	41	16	70	24	-41
Pending	12	5	14	5	-14
Total	257	100	289	100	-11

Duty Lawyer Services

DUTY LAWYER SERVICES

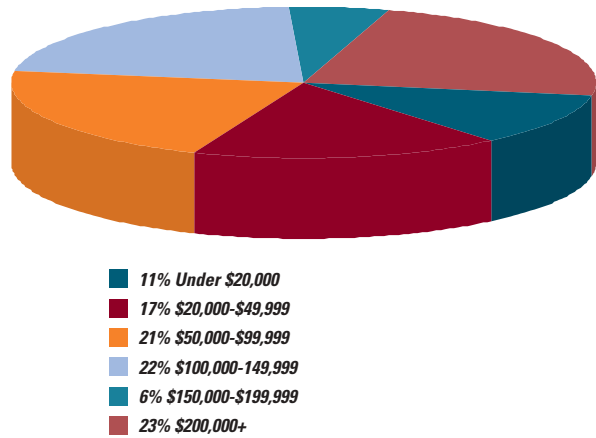


DUTY LAWYER SERVICES BY PRACTITIONER TYPE



Payments

CERTIFIED PAYMENTS TO PRACTITIONERS



CERTIFIED PAYMENTS TO PRACTITIONERS BY TOP 20 RANKING

Firm	\$
Ian Hope	371,554
Sicard Crisp & Bannerman	326,784
McDonald & Sutherland	314,595
Paterson & Dowding	279,125
Donna M Webb and Associates	259,492
Andree Horrigan	259,283
Kott Gunning	212,879
Gunning Young	209,345
Jamieson Johnston	196,270
Bayly & O'Brien	178,232
Rattigan Kearney & Bochat	164,938
Michael Tudori, Barrister & Solicitor	149,346
Pacy Solicitors	143,452
G C & K C Christou (Associates)	137,992
Hammond Worthington Lawyers	137,205
George Giudice Law Chambers	135,968
Ferrier Athanasiou & Kakulas	135,964
J D Hawkins and Associates	125,795
Curt Hofmann & Co.	121,121
Paul Sullivan	120,811

Section 8 Performance Indicators



Statement of Certification

Performance Indicators for the Year ended 30 June 2004

The Hon Jim McGinty MLA
Attorney General

The following performance indicators for the 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 WA and fairly represent the performance of Legal Aid WA for the financial year ended 30 June 2004.



Malcolm McCusker QC
Chairman



George Turnbull
Director
12 August 2004



AUDITOR GENERAL

INDEPENDENT AUDIT OPINION

To the Parliament of Western Australia

LEGAL AID COMMISSION OF WESTERN AUSTRALIA
PERFORMANCE INDICATORS FOR THE YEAR ENDED JUNE 30, 2004

Audit Opinion

In my opinion, the key effectiveness and efficiency performance indicators of the Legal Aid Commission of Western Australia are relevant and appropriate to help users assess the Commission's performance and fairly represent the indicated performance for the year ended June 30, 2004.

Scope

The Commission's Role

The Commission is responsible for developing and maintaining proper records and systems for preparing performance indicators.

The performance indicators consist of key indicators of effectiveness and efficiency.

Summary of my Role

As required by the Financial Administration and Audit Act 1985, I have independently audited the performance indicators to express an opinion on them. This was done by looking at a sample of the evidence.

An audit does not guarantee that every amount and disclosure in the performance indicators is error free, nor does it examine all evidence and every transaction. However, my audit procedures should identify errors or omissions significant enough to adversely affect the decisions of users of the performance indicators.

D D R PEARSON
AUDITOR GENERAL
August 17, 2004

Performance Indicators for 2003 - 2004

Services are provided through Legal Aid WA 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 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 WA as a result of the services provided are “access to legal services” and “service quality”.

Access to legal services is measured by Legal Aid WA 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 WA 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 the 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 Family Law client surveys were designed to allow meaningful comparisons to be made to the most recent Family Law customer satisfaction surveys, which were last conducted for inclusion in the 2001-2002 Annual Report. The CLC survey was implemented to make it consistent with the 2003/04 survey.

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, with some additional questions incorporated into the Legal Advice and ADR surveys. The additional questions were drafted by Legal Aid WA and were modified where appropriate by Data Analysis Australia with the agreement of Legal Aid WA. Although the changes mean that care must be taken when comparing this year's results to last year's, it was felt that the changes would provide more information and improve the interpretability of the results.

This was the third year that the Online and Print Publications Users Community Legal Centres Survey was run. The questionnaire was not changed from last year.

Survey Population

The target populations for Legal Advice, Grants of Aid and ADR surveys were those clients who received these types of assistance from Legal Aid WA in between 1 May 2003 and 30 April 2004. The target population sizes were 3653 for Legal Advice, 406 for Grants of Aid and 252 for ADR.

The Online and Print Publications Users Community Legal Centres 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 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 sample of 400 was allocated proportional to the square root of the population size between ADR, Legal Advice and Grants of Aid. 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 each list were then selected to be included in the survey.

The following table shows the breakdown of the sample into the four survey areas,. Table 1. Sample sizes and resulting levels of accuracy.

TABLE 1. SAMPLE SIZES AND RESULTING LEVELS OF ACCURACY

Client Group	Population Size (N)	Sample Size (n)	Level of Accuracy
ADR	252	66	+/-9.9%
Legal Advice	3,641	250	+/-5.7%
Grants of Aid	406	84	+/-9.1%
Total	4,299	400	+/-4.4%

The estimated level of accuracy obtained from this design is 4.4%, assuming a satisfaction level of 65% for each client group. The accuracy levels for the individual surveys are higher, but still within acceptable error bounds. The achieved overall level was 4.3%.

There were 28 Community Legal Centres to be surveyed in the Online and Print Publications Users Community Legal Centres Survey.

Survey Implementation

Telephone interviewing was adopted to implement the surveys, using a Computer Aided Telephone Interviewing (CATI) system, as it had been used successfully previously, and in order to sustain comparability in methodology to past client satisfaction 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 Online and Print Publications User's questionnaire was targeted at agencies instead of individual respondents, pre-contact was made in the form of a letter which included an explanatory page and a copy of the questionnaire, in order to allow them time to consider their answers to the survey and discuss them with colleagues. To target the best person to respond on the CLC's behalf, the explanatory page asked for the name of the most appropriate person to be passed on to Data Analysis Australia. This contact name was then passed onto the fieldwork company. If a name was not provided, the fieldwork company established the best person

to speak to through the phone call itself.

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 or used the Legal Aid WA online and print publications were screened out of the survey.

Estimation Methodology

Satisfaction levels were calculated as the sum of the non-missing responses on the positive side of neutral (that is, agree and strongly disagree), expressed as a percentage of the total number of responses excluding "not applicables". The "not applicables" were excluded from the denominator because their inclusion can artificially deflate the observed satisfaction levels. This methodology is consistent with that used in 2002.

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 WA IS TO ENSURE THE COMMUNITY AND TARGET GROUPS HAVE ACCESS TO, AND ARE PROVIDED QUALITY LEGAL SERVICES.

	2003-04	2002-03	2001-02	2000-01
TO INDICATE THE EXTENT TO WHICH LEGAL SERVICES ARE ACCESSIBLE TO THE GENERAL COMMUNITY AND TARGET GROUPS				
The extent to which legal services are made available to the general community and to target groups (based on occasions of service)				
Community Services				
Percentage of all services where no eligibility restrictions apply to regulate access	70%	71%	76%	75%
Target Group Services				
Applications approved for a grant of aid as a percentage of all applications received	65%	65%	65%	68%
Applications approved for a grant of aid to pursue non litigation resolution as a percentage of all grants of aid approved (family law only)	40%**	23%**	13%***	18%***
The extent to which the general community and target groups use the available services (based on occasions of service/1000 pop*)				
Community Services				
Usage rate for telephone information and community education services	34.9	34.6	37.0	37.7
Usage rate for duty lawyer services	17.6	14.4	15.5	15.8
Target Group Services				
Usage rate for legal advice services	16.5	13.8	13.0	13.2
Usage rate for legal representation services	4.3	4.2	4.8	4.7
TO INDICATE A QUALITY LEGAL SERVICE				
% of clients satisfied with service provided				
Criminal		71% (+/-4%)		83% (+/-4%)
Family	74% (+/-4%)		74% (+/-4%)	
Website	80%	90%	75% (+/-4%)	

* Figures based on population estimates as December 2003, 2002, 2001 and 2000 respectively (source: ABS)

** Figure does not include Child Support grants of aid

*** Figure includes Child Support grants of aid

EFFICIENCY INDICATORS

The efficiency of Legal Aid WA 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 services
- 2 Minor assistance services
- 3 Assessment services for a grant of aid
- 4 Legal representation
- 5 Child support services

THE COST PER OCCASION OF SERVICE FOR EACH BUSINESS SERVICE OUTPUT OF LEGAL AID.

	2003-04	2002-03	2001-02	2000-01
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				
2003-04 expenditure of \$1,044,299 for 65,590 occasions of service	15.92	14.51	17.54	18.95
Face to Face Advisory Services				
2003-04 expenditure of \$155,357 for 7,547 occasions of service	20.59	22.29	28.22	36.3
Duty Lawyer Services				
2003-04 expenditure of \$2,413,532 for 34,695 occasions of service	69.56	69.38	61.10	56.67
Cost (\$) per occasion of service for service outputs to specific target groups				
Legal Advice Services				
2003-04 expenditure of \$2,147,960 for 25,620 occasions of service	\$83.84	\$73.06	\$67.26	\$58.75
Minor Assistance Services				
2003-04 expenditure of \$ 1,091,569 for 6,883 occasions of service	\$158.59	\$174.38	\$218.99	\$177.82
Assessment and File Management Costs in Terms of the Number of Applications for a Grant of Aid				
2003-04 expenditure of \$2,822,547 for 12,953 occasions of service	217.91	286.28	215.9	191.6
Legal Representation				
2003-04 expenditure of \$15,433,350 for 8,407 occasions of service	1,835.77	1,876.12	1,634.2	1,779.32
Child Support Assistance				
2003-04 expenditure of \$879,024 for 799 occasions of service	1,100.16	1,081.76	-	-
Expensive Cases				
2003-04 expenditure of \$993,838 for 22 occasions of service	45,174.45	29,262.96	20,461.29	-
Finance Brokers				
2003-04 expenditure of \$226,167 for 23 occasions of service	9,833.35	9,770.97	998.61	-

¹ Total expenditure for 2003-04 is \$29,891,092. Of this, \$2,086,432 could not be reliably attributed to specific service outputs (see table "Community service expenditure not attributed to specific outputs.")

SERVICE COSTS ACCORDING TO STATE AND COMMONWEALTH LAW MATTERS¹

	2003-04 State Law Matters			2003-04 Commonwealth 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	481,653	34,070	14.14	562,646	31,520	17.85
Face to Face Advisory Services	66,029	3,094	21.34	89,328	4,453	20.06
Duty Lawyer Services	2,379,857	33,980	70.04	33,675	715	47.10
Service outputs to Specific Target Groups						
Legal Advice Services	1,023,448	10,584	96.70	1,124,512	15,036	74.79
Minor Assistance Services	555,561	2,822	196.87	536,008	4,061	131.99
Assessment and File Management Costs in Terms of Applications for a Grant of Aid	1,106,890	8,988	123.15	1,715,657	3,965	432.70
Legal Representation	9,765,926	6,202	1,574.64	5,667,425	2,205	2,570.26
Child Support Assistance				879,024	799	1,100.16
Expensive Cases	953,166	21	45,388.86	40,672	1	40,672
Finance Brokers	226,167	23	9,833.35			

¹ Total expenditure for 2003-04 is \$29,891,092. Of this, \$2,086,432 could not be reliably attributed to specific service outputs (see table "Community service expenditure not attributed to specific outputs.")

**COMMUNITY SERVICE EXPENDITURE NOT
ATTRIBUTED TO SPECIFIC SERVICE OUTPUTS**

	State Law Matters \$	Commonwealth Law Matters \$	Total \$
Counselling (DVU only)	28,985		28,985
Community Legal Education	124,474	108,180	232,654
Policy Advice	41,711	24,914	66,625
Publications	235,426	149,370	384,796
Community Development	139,825	160,834	300,659
Services to Indian Ocean Territories		188,709	188,709
Refugee Tenders		54,591	54,591
Community Legal Centres		353,875	353,875
ADR Program		597,015	597,015
Police Royal Commission – File Management	475,538		475,538

Acknowledgments

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

Section 9 Financial Statements



Statement of Certification

Financial Statements for the Year ended 30 June 2004

The Hon Jim McGinty MLA
Attorney General

The accompanying financial statements for the Legal Aid Commission of 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 financial year ended 30 June 2004, and the financial position as at 30 June 2004.

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



Malcolm McCusker QC
Chairman



George Turnbull
Director



Murray Cribb
Principal Accounting Officer

12 August 2004



AUDITOR GENERAL

INDEPENDENT AUDIT OPINION

To the Parliament of Western Australia

LEGAL AID COMMISSION OF WESTERN AUSTRALIA
FINANCIAL STATEMENTS FOR THE YEAR ENDED JUNE 30, 2004

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, the acquisition and disposal of property, and the incurring of liabilities have been in accordance with legislative provisions; and
- (ii) the financial statements are based on proper accounts and present fairly in accordance with applicable Accounting Standards and other mandatory professional reporting requirements in Australia and the Treasurer's Instructions, the financial position of the Commission at June 30, 2004 and its financial performance and cash flows for the year ended on that date.

Scope

The Commission's Role

The Commission is responsible for keeping proper accounts and maintaining adequate systems of internal control, preparing the financial statements, and complying with the Financial Administration and Audit Act 1985 (the Act) and other relevant written law.

The financial statements consist of the Statement of Financial Performance, Statement of Financial Position, Statement of Cash Flows and the Notes to the Financial Statements.

Summary of my Role

As required by the Act, I have independently audited the accounts and financial statements to express an opinion on the controls and financial statements. This was done by looking at a sample of the evidence.

An audit does not guarantee that every amount and disclosure in the financial statements is error free. The term "reasonable assurance" recognises that an audit does not examine all evidence and every transaction. However, my audit procedures should identify errors or omissions significant enough to adversely affect the decisions of users of the financial statements.

D D R PEARSON
AUDITOR GENERAL
August 17, 2004

LEGAL AID COMMISSION OF WESTERN AUSTRALIA
STATEMENT OF FINANCIAL POSITION
AS AT 30 JUNE 2004

	Note	2003/04 \$	2002/03 \$
CURRENT ASSETS			
Cash Assets	2	10,074,547	7,962,625
Restricted Cash Assets	3	1,513,435	1,485,071
Receivables	4	984,214	1,055,938
Prepayments		62,018	21,967
Total Current Assets		12,634,214	10,525,601
NON-CURRENT ASSETS			
Property, Plant Equipment and Vehicles	5	1,679,158	1,500,768
Receivables	4	2,922,198	3,029,093
Total Non-Current Assets		4,601,356	4,529,861
Total Assets		17,235,570	15,055,462
CURRENT LIABILITIES			
Payables	6	7,539,834	6,877,878
Provisions	7	1,213,142	1,164,667
Total Current Liabilities		8,752,976	8,042,545
NON-CURRENT LIABILITIES			
Provisions	7	1,532,015	1,645,459
Total Non-Current Liabilities		1,532,015	1,645,459
Total Liabilities		10,284,991	9,688,004
Net Assets		6,950,578	5,367,458
EQUITY			
Contributed Equity	8	595,669	-
Accumulated Surplus	8	4,749,795	506,513
Asset Revaluation Reserves	9	115,043	111,823
Asbestosis Account Reserve	9	1,490,071	4,749,122
TOTAL EQUITY		6,950,578	5,367,458

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 2004**

	Note	2003/04 \$	2002/03 \$
COST OF SERVICES			
Expenses from Ordinary Activities			
Legal Services Expenses	10	10,615,490	10,788,333
Employee Expenses	11	14,267,446	12,649,898
Cost of disposed non-current assets	18	353,586	139,185
Services and Contracts	13	2,999,060	3,249,384
Depreciation expenses	14	409,922	364,947
Other Expenses from Ordinary Activities	4,12	1,574,818	1,345,636
Total Cost of Services		30,220,323	28,537,383
Revenues from Ordinary Activities			
<i>Revenue from operating activities</i>			
Revenue from services	15	1,202,371	1,428,942
Commonwealth Grants and Contributions	16	12,257,878	11,146,029
Distribution from Legal Contribution Trust		131,977	-
<i>Revenue from non-operating activities</i>			
Proceeds from disposal of non-current assets	18	323,114	133,560
Interest Revenue	19	615,764	573,410
Other Revenue from Ordinary Activities	4,17	408,670	359,743
Total Revenues from Ordinary Activities		14,939,774	13,641,684
Net Cost of Services	22	(15,280,549)	(14,895,699)
REVENUES FROM STATE GOVERNMENT			
State Government Grant	20	16,264,780	15,068,783
Total Revenues From State Government		16,264,780	15,068,783
Change in Net Assets		984,231	173,084
Net Increase/(decrease) in asset revaluation Reserve	9	3,220	(37,000)
Total changes in equity other than those resulting from transactions with WA State Government as owners		987,451	136,084

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 2004**

	Note	2003/04 \$ Inflows (Outflows)	2002/03 \$ Inflows (Outflows)
CASH FLOWS FROM STATE GOVERNMENT			
State Government Grant		17,199,660	13,802,580
Net Cash provided by State Government		17,199,660	13,802,580
Utilised as follows:			
CASH FLOWS FROM OPERATING ACTIVITIES			
Payments			
Payments for legal services		(10,900,142)	(10,727,714)
Employee Costs		(12,002,474)	(11,027,347)
Supplies and Services		(6,063,813)	(5,955,550)
GST Payments to Taxation Authority		(1,624,976)	(1,562,915)
Receipts			
Sale of Goods and Services		1,333,371	1,550,571
Commonwealth grants and contributions		12,002,054	11,468,456
Interest received		610,150	564,281
GST Receipts on sales		239,803	81,788
GST Receipts from Taxation Authority		1,469,962	1,495,514
Other Receipts		319,084	154,095
Child Representation Trust		23,364	-
Legal Contribution Trust		131,977	-
Net Cash Used in Operating Activities	22	(14,461,641)	(13,958,821)
CASH FLOWS FROM INVESTING ACTIVITIES			
Purchase of Non-Current Physical Assets		(920,847)	(481,275)
Proceeds from sale of Non-Current Physical Assets		323,114	133,560
Net Cash Used in Investing Activities		(597,732)	(347,715)
Net Cash Used in Operating and Investing Activities		(15,059,374)	(14,306,536)
Net increase/(decrease) in cash held		2,140,286	(503,956)
Cash assets at the beginning of financial year		9,447,696	9,951,653
Cash assets at the end of financial year	21	11,587,982	9,447,696

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

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.

General Statement

The financial statements constitute a general purpose financial report which has been prepared in accordance with Accounting Standards, Statements of Accounting Concepts and other authoritative pronouncements of the Australian Accounting Standards Board, 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 Accounting Standards, Statements of Accounting Concepts and other authoritative pronouncements of the Australian Accounting Standards Board 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.

Basis of Accounting

The statements have been prepared on the accrual basis of accounting using the historical cost convention, except for certain assets and liabilities which, as noted, are measured at fair value.

(a) Depreciation

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

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

Buildings on Freehold Land	20 to 40 years
Furniture and Fixtures	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

(b) 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).

(c) Revaluation of Land and Buildings

The Commission has a policy of valuing land and buildings at fair value. The annual revaluations are undertaken by Valuer General's Office are recognised in the financial statements. 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.

(d) Employee benefits

Annual Leave

This benefit is recognised at the reporting date in respect to employees' services up to that date and is measured at the nominal amounts expected to be paid when the liabilities are settled.

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 2004, 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 Standard AASB 1028 "Accounting For Employee Entitlements".

Superannuation

Staff may contribute to the Pension 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. All of these schemes are administered by the Government Employees Superannuation Board (GESB).

From June 2004, the Treasurer has assumed the liability for pension and pre-transfer benefit superannuation liabilities. The assumption has been designated a contribution by owners under TI 955 (3) (iv). An expenses equivalent to the change in this liability during this year has been included under Employee Expenses.

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

The note disclosure required by paragraph 6.10 of AASB 1028 (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.

Employee benefit on-costs

Employee benefit on-costs are recognised and included in employee benefit liabilities and costs when the employee benefits to which they relate are recognised as liabilities and expenses. (See note 7 and 11)

(e) 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.

(f) Grants

Grants are recognised as revenues in the period in which the Commission gains control of the appropriate funds. Control is normally obtained upon their receipt.

(g) 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 for doubtful debts is raised where some doubts to collection exists.

(h) 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.

(i) 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. (See note 6)

(j) 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

	2003/04	2002/03
	\$	\$
Bank Accounts	10,068,712	7,957,040
Cash on Hand - Petty Cash	5,835	5,585
	10,074,547	7,962,625

3 Restricted Cash Assets

(i) The Asbestosis Account was established in January 1989 to fund the granting of legal aid in relation to asbestosis-related actions. The Commission pays into the Account all amounts that it receives as costs recovered from asbestosis-related actions by plaintiffs to whom the Commission has granted legal aid. During 2003/04, the situation in respect of interest earned on the Account was assessed with legal opinion determining that interest should lawfully be applied to the Legal Aid Fund. The effect of this was to transfer interest earned on the Account from the category of " Restricted Cash Asset " to " Cash Asset ".

	2003/04	2002/03
	\$	\$
Balance of Funds 1 July 2003 - Opening Balance	1,485,071	4,534,958
Revenue:		
~ Recovered Costs	-	-
~ Interest	250,739	226,732
	<u>1,735,810</u>	<u>4,761,690</u>
Expenditure		
~ Private Practitioners	5,000	(12,568)
~ Reclassification to Cash Assets	(250,739)	(3,264,051)
Balance of Funds 30 June 2004 - Closing Balance	1,490,071	1,485,071

(ii) The Child Representation Trust Fund has been established essentially for monies received from clients contributions. These contributions are not received from the aided person being the child, but from other parties to the proceedings, typically being the parents of the child.

	2003/04	2002/03
	\$	\$
Child Representation Trust Fund		
Balance of Funds 1 July 2003	-	-
Receipts	27,179	-
	<u>27,179</u>	<u>-</u>
Payments	3,815	-
Balance of funds 30 June 2004	23,364	-

4 Receivables

	2003/04	2002/03
	\$	\$
Current		
Unsecured debts	1,382,538	1,456,837
Less: Provision for doubtful debts	(398,323)	(400,899)
	<u>984,214</u>	<u>1,055,938</u>
Non Current		
Secured Debts	3,646,975	3,732,245
Less: Provision for doubtful debts	(20,000)	(20,000)
Less: Provision for discount	(704,777)	(683,152)
	<u>2,922,198</u>	<u>3,029,093</u>
	<u>3,906,412</u>	<u>4,085,031</u>

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 5.68% (2003: 4.725%) using the 5 year government bond rate as at June 30, 2004.

(i) Provision for Doubtful Debts

	2003/04	2002/03
	\$	\$
Balance 30 June 2003	420,899	384,892
Bad debts written off 2003/04	(16,746)	(13,196)
	<u>404,153</u>	<u>371,696</u>
Provision 2003/04	14,170	49,203
	<u>418,323</u>	<u>420,899</u>

Debts written off for 2003/04 were authorised by -

the Commission -	<u>16,746</u>	<u>13,196</u>
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(ii) Provision for Discount

	2003/04	2002/03
	\$	\$
Balance 30 June 2003	683,152	844,159
Implicit interest charge / (writeback)	21,625	(161,007)
Provision 2003/04	<u>704,777</u>	<u>683,152</u>

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.

	2003/04	2002/03
	\$	\$
Land		
At Fair Value (I)	50,000	60,300
Accumulated Depreciation	-	-
Net Value	50,000	60,300
Buildings		
At Fair Value (I)	160,000	267,700
Accumulated Depreciation	(14,220)	(17,314)
Net Value	145,780	250,386
Fixtures and Fittings		
At Cost	40,943	27,863
Accumulated Depreciation	(19,627)	(17,842)
Net Value	21,316	10,021
Leasehold Improvements		
At Cost	980,256	967,221
Accumulated Depreciation	(692,651)	(579,927)
Net Value	287,604	387,294
Furniture and Equipment		
At Cost	1,517,718	1,218,351
Accumulated Depreciation	(708,806)	(730,900)
Net Value	808,912	487,451
Motor Vehicles		
At Cost	416,314	359,039
Accumulated Depreciation	(50,767)	(53,722)
Net Value	365,546	305,317
Total Net Value of Assets	1,679,158	1,500,769

(I) Land and Buildings

The revaluations were provided by Department of Land Administration as at 1 July 2003 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.

(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 & Fittings	Leasehold Improvements	Furniture & Equipment	Motor Vehicles	Total
	\$	\$	\$	\$	\$	\$	\$
2003/04							
Carrying amount at start of year	60,300	250,386	10,021	387,294	487,451	305,317	1,500,769
Additions			13,080	13,034	575,545	337,018	938,677
Disposals	(24,300)	(90,406)			(15,451)	(223,429)	(353,586)
Revaluation increments	14,000						14,000
Revaluation decrements		(10,780)					(10,780)
Depreciations		(3,421)	(1,787)	(112,725)	(238,628)	(53,361)	(409,922)
Write - off of Assets < \$1,000							-
Carrying amount at the end of year	50,000	145,780	21,316	287,604	808,912	365,546	1,679,158

6 Payables

	2003/04	2002/03
	\$	\$
Grant of Aid Commitments	5,290,756	5,323,728
Grant of Aid Commitments - Police Royal Commission	0	174,809
Accrued Salaries	652,199	308,539
Staff Benefit Fund	38,969	38,235
Child Representation Trust Fund	23,364	
Accrued Expenses	259,083	411,100
Government Grants in advance	1,275,463	620,303
Unclaimed Monies	0	1,164
	7,539,834	6,877,878

(i) Payables

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

(ii) Accrued Salaries

Amounts owing for the 9 working days from 18 June - 30 June 2004
(2003 - 20 June to 30 June, 7 working days)

7 Provisions

	2003/04	2002/03
	\$	\$
Current		
Annual leave	749,110	786,424
Long service leave	464,032	378,243
	1,213,142	1,164,667
Non Current		
Long service leave	1,532,015	1,240,237
Superannuation	595,669	405,222
Unfunded liability transfer to Treasury	(595,669)	-
	1,532,015	1,645,459

(i) The settlement of annual and long service leave liabilities gives rise to the payment of employment on-costs including superannuation and workers compensation premiums. The liability for such on-costs is included here. The associated expense is included under Salaries and Staff Related Expenses.

(ii) From June 2004, the Treasurer has assumed the liability for pension and pre-transfer benefit superannuation liabilities. The assumption has been designated a contribution by owners under TI 955 (3) (iv). An expenses equivalent to the change in this liability during this year has been included under Employee Expense.

8 Equity

(i) Accumulated Funds

	2003/04	2002/03
	\$	\$
Opening Balance	506,513	547,593
Transfer from Reserve	3,264,051	
Less: Transfer to Asbestosis Account Reserve	(5,000)	(214,164)
	3,765,564	333,429
Change in net assets resulting from Operations	984,230	173,084
Closing balance of accumulated surplus	4,749,795	506,513

Transfer to opening surplus relates to the transfer of interest earned from Asbestosis Account Reserve (See note 3(i)).

(ii) Contributed Equity

	2003/04	2002/03
	\$	\$
Unfunded liability transfer to Treasury	595,669	
Closing Balance	595,669	-

9 Reserves

(i) Asset Revaluation

	2003/04	2002/03
	\$	\$
Opening Balance	111,823	148,823
Net Revaluation Increment/(Decrement)		
Land	14,000	(6,700)
Buildings	(10,780)	(30,300)
Closing Balance	115,043	111,823

The asset revaluation reserve is used to record increments and decrements on the revaluation on non-current assets, as described in accounting policy note 1(c).

(ii) Asbestosis Account Reserve

	2003/04	2002/03
	\$	\$
Opening Balance	4,749,122	4,749,122
Transfer to Accumulated Surplus	(3,264,051)	
Private Practitioners Fees	5,000	
Closing Balance	1,490,071	4,749,122

Transfer from Asbestosis Account Reserve relates to the transfer of interest earned to the Accumulated Surplus (See note 3(i)).

10 Legal Service Expenses

	2003/04	2002/03
	\$	\$
Grant of Aid Expenses		
~ Assignment Costs	10,293,522	10,357,621
~ Asbestosis Case Costs	(5,000)	12,568
	10,288,522	10,370,189
Other Service Expenses		
~ Legal Advice	151,535	232,492
~ Duty Lawyer	175,433	185,652
	10,615,490	10,788,333

11 Employee Expenses

	2003/04	2002/03
	\$	\$
Salaries and Staff Related Expenses		
Salaries	12,304,240	11,118,145
Annual Leave Expense	(70,192)	(121,724)
Long Service Leave Expense	345,474	267,241
	12,579,522	11,263,662
Staff Related Expenses		
Superannuation	1,174,079	1,182,709
Superannuation Provision		
State Superannuation - Pre Transfer	190,447	(55,620)
Staff Training	95,778	68,279
Other Staff Related Expenses	227,620	190,868
	1,687,924	1,386,236
	14,267,446	12,649,898

These employee expenses include superannuation, workers compensation premiums and other employment on-costs associated with the recognition of annual and long service leave liability. The related on-costs liability is included in Provisions at Note 7.

12 Other Expenses from Ordinary Activities

	2003/04	2002/03
	\$	\$
Communications	427,858	403,667
Consumables	534,025	486,516
Maintenance	278,072	211,808
Bad Debts written off	16,746	13,196
Doubtful Debts Expense	(2,575)	36,006
Implicit Interest charge	21,625	-
	1,275,751	1,151,193
Other	299,068	194,443
	1,574,818	1,345,636

13 Services and contracts

	2003/04	2002/03
	\$	\$
Accommodation	1,544,761	1,799,234
Information Technology	841,764	677,736
Other	612,535	772,414
	2,999,060	3,249,384
Audit Fees for	\$	\$
Audit by the Office of the Auditor General	40,000	27,000
	40,000	27,000

14 Depreciation expenses

	2003/04	2002/03
	\$	\$
Depreciation		
Buildings	3,421	5,354
Office Equipment	45,731	54,492
IT Equipment	180,881	139,776
IT Software	9,646	
Motor Vehicles	53,361	51,197
Fixtures and Fittings	1,787	1,779
Leasehold Improvements	112,725	109,655
Furniture	2,370	2,694
Library	-	-
	409,922	364,947

15 Revenue from Services

	2003/04	2002/03
	\$	\$
Client contributions and fees on grants of aid	733,836	837,732
Cost recoveries on grants of aid	302,376	367,214
Recovered Costs on Asbestosis matters	-	-
Legal Advice Fees	83,133	127,337
Duty Lawyer Fees	74,249	65,053
Community Legal Education	8,777	31,606
	1,202,371	1,428,942

16 Commonwealth Grants and Contributions

	2003/04	2002/03
	\$	\$
Operating Grant as per 2000 Funding Agreement	12,047,283	10,935,812
Christmas/Cocos Islands	210,595	210,217
	12,257,878	11,146,029

17 Other Revenue from Ordinary Activities

	2003/04	2002/03
	\$	\$
State - Specific Purpose Contributions	229,699	171,742
Other Misc. Income	117,200	20,096
Dept of Immigration and Ethnic Affairs	61,771	6,898
Implicit Interest writeback	-	161,007
	408,670	359,743

18 Net Gain (losses) on disposal of non-current assets

	2003/04					2002/03	
	Land	Buildings	Furniture & Equipment	Motor Vehicles	Leasehold Improvements	Furniture & Equipment	Motor Vehicles
Gain on Sale of Non-Current Assets							
Asset written down value		90,406	3,251			1,824	16,379
Gross proceeds on disposal of asset		97,604	6,561			4,372	25,227
Loss on Sale of Non-Current Assets							
Assets written down value	24,300		12,200	223,429		5,481	115,500
Gross proceeds on disposal of asset	24,300		32	194,618		1,233	102,727
Net Gain/(Loss)	-	7,198	(8,858)	(28,811)		(1,700)	(3,925)

19 Interest Revenue

	2003/04	2002/03
	\$	\$
Interest on Legal Aid Operational Funds	365,025	346,678
Interest earned on Asbestosis Account	250,739	226,732
	615,764	573,410

20 Consolidated Fund - Recurrent Appropriation

	2003/04	2002/03
	\$	\$
State Government Funding		
State Government Funding	16,264,780	15,068,783
	16,264,780	15,068,783

The Legal Aid Commission is an output of the Department of Justice for the purposes of the State Budget, and receives State Government funding through the Department.

21 Reconciliation of Cash

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

	2003/04	2002/03
	\$	\$
Cash Resources		
Bank Accounts	10,068,712	4,692,989
Cash on Hand	5,835	5,585
	<u>10,074,547</u>	<u>4,698,574</u>
Restricted Cash Resources		
Asbestosis Account	1,490,071	4,749,122
Child Representation Trust Fund	23,364	-
	<u>1,513,435</u>	<u>4,749,122</u>
	11,587,982	9,447,696

22 Reconciliation of Net Cash Used in Operating Activities to Net Cost of Services

	2003/04	2002/03
	\$	\$
Net Cash used in operating activities	(14,461,641)	(13,958,822)
Non Cash Items		
Depreciation	(409,922)	(364,947)
Net profit (Loss) on disp. of Non-Current Assets	(30,472)	(5,625)
Accrued Assets	17,830	21,785
Asset write down	-	
Changes in Assets and Liabilities		
Increase (Decrease) in Accounts Receivable (I)	(91,255)	455,080
Increase (Decrease) in Prepayments	40,051	9,052
Decrease (Increase) in Accounts Payable (I)	272,925	(983,828)
Increase (Decrease) in Provision for Doubtful Debts	(2,575)	36,006
Decrease (Increase) for Annual and Long Service Leave	(340,253)	(145,633)
Decrease (Increase) in Provision for Superannuation	(190,447)	55,620
Accounts Receivable write down	-	
Adjustment to opening surplus	-	
Change in GST in receivables/payables	(84,788)	(14,387)
Net Cost of Services	(15,280,549)	(14,895,699)

(I) This is the net GST paid/received, ie. Cash transactions.

(II) This reverses out the GST in accounts receivable and payable.

23 Leasing Commitments

At 30 June 2003, the following commitment existed in respect of operating leases.

	2003/04	2002/03
	\$	\$
Amount payable:		
Not later than 1 year	1,659,023	1,739,963
Later than 1 year and not later than 2 years	381,220	1,645,564
Later than 2 years and not later than 5 years	343,439	468,175
Later than 5 years.	61,026	106,672
	2,444,708	3,960,374
Representing:		
Non-cancellable operating leases	2,444,708	3,960,374
	2,444,708	3,960,374

24 Remuneration of Members of the Accountable Commission and Senior Officers

	2003/04	2002/03
	\$	\$
The total remuneration of of the members of the Commission is:	322,852	307,783
The total remuneration of senior officers is:	351,833	341,500

The superannuation included here represents the superannuation expense incurred by the Commission in respect of members of the Accountable Commission.

No members of the Commission are members of the Pension Scheme

The number of members of the Commission whose total of fees, salaries, superannuation and other benefits for the financial year, fall within the following bands are:

\$0 - \$10,000	4	3
\$10,000 - \$20,000	1	1
\$250,000 - \$260,000	1	1
	<hr/>	<hr/>
	6	5

The number of Senior Officers other than senior officers reported as members of the Accountable Commission, whose total of fees, salaries, superannuation and other benefits for the financial year, fall within the following bands are:

\$0 - \$40,000	-	-
\$40,000 - \$50,000	-	-
\$50,000 - \$60,000	-	-
\$60,000 - \$70,000	-	-
\$70,000 - \$80,000	1	1
\$80,000 - \$90,000	-	-
\$90,000 - \$100,000	-	-
\$100,000 - \$110,000	-	-
\$110,000 - \$120,000	1	1
\$120,000 - \$130,000	1	1
\$140,000 - \$150,000	-	-
	<hr/>	<hr/>
	3	3

26 Client Trust Funds

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

	2003/04	2002/03
	\$	\$
Balance of Funds 1 July 2003	14,940	1,364
Receipts	684,042	456,557
	<hr/>	<hr/>
Payments	698,982	457,921
	<hr/>	<hr/>
Balance of funds 30 June 2004	18,215	14,940

In addition to the above, individual interest bearing trust accounts in the name of the Director of Legal Aid in trust for "clients" administered by the Legal Aid Commission. These accounts are used when substantial amounts are involved or the Court so directs. At 30 June 2004 there were no accounts maintained at BankWest compared to no such accounts at the conclusion of 2002/2003.

27 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 2003	\$6,501
Receipt from Commonwealth	\$210,595
Client Contributions	\$1,018
Expenditure	<hr/> (206,846)
Closing Balance 2004	<hr/> \$11,268

28 Interest rate risk exposure

The following table summarises interest rate risk to the Legal Aid Commission as at 30th June 2004.

	Floating interest rate	Fixed Interest Maturing in			Non-interest bearing	Ave. Interest Rate		
		Six months or less	6 months to one year	More than one year		Total	floating	fixed
	\$	\$	\$	\$	\$	\$		
Financial Assets								
Cash	10,074,547					10,074,547	5.10%	
Restricted Cash	1,513,435					1,513,435	5.44%	
Debtors					3,906,412	3,906,412		
Financial Liabilities								
Creditors					7,539,834	7,539,834		

The following table summarises interest rate risk to the Legal Aid Commission as at 30th June 2003.

	Floating interest rate	Fixed Interest Maturing in			Non-interest bearing	Ave. Interest Rate		
		Six months or less	6 months to one year	More than one year		Total	floating	fixed
	\$	\$	\$	\$	\$	\$		
Financial Assets								
Cash	4,698,574					4,698,574	4.60%	
Restricted Cash	4,749,122					4,749,122	4.66%	
Debtors					4,085,031	4,085,031		
Financial Liabilities								
Creditors					6,877,878	6,877,878		

Notes: Floating interest rates represent the most recent rate 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 of 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.

29 Events occurring after Balance Date

There 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.

30 Explanatory Statement

Comparisons of actual results with those of the preceding year	2003/2004	2002/2003	
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	VARIATION
	(\$)	(\$)	(%)
Expenses from Ordinary Activities			
Employee Expenses	14,267,446	12,649,898	13%
Increase due to abnormal backdated superannuation expense, increased staffing, and wage increase.			
Cost Of Disposal Of Non - Current Assets	353,586	139,185	154%
Increase due to disposal of land and buildings held in South Hedland and replacement of several motor vehicles. However, the increase is not material when cost of disposal of non-current assets is netted off against proceeds from disposal of non-current assets (net loss increased from \$5,625 in 2003/03 to \$30,472 in 2003/04).			
Depreciation Expenses	409,922	364,947	12%
Increase primarily due to additional IT related depreciation.			
Other Expenses From Ordinary Activities	1,574,818	1,345,636	17%
Increase due to additional IT expenditure in support of regional network, and increased library subscriptions.			
Revenues From Ordinary Activities			
Revenue form Services	1,202,371	1,428,942	-16%
Decrease contributed to by cost recoveries reverting back to more normal levels, and reduced client contributions on grants of aid influenced by lower value of grants awarded and impact of revised means test during the year.			
Commonwealth Grants and Contributions	12,257,878	11,146,029	10%
Increase in line with four year funding agreement.			
Legal Contribution Trust	131,977	-	>10%
2003/2004 actual being funds received as periodic contribution from the Law Society of WA from the Legal Contribution Trust.			

	2003/2004	2002/2003	
	ACTUAL	ACTUAL	VARIATION
	(\$)	(\$)	(%)
Proceeds From Disposal of Non - Current Assets	323,114	133,560	142%
Increased due to disposal of land and buildings held in South Hedland and replacement of several motor vehicles. However, the increase is not material when cost of disposal of non-current assets is netted off against proceeds from disposal of non-current assets (net loss increased from \$5,625 in 2003/03 to \$30,472 in 2003/04).			
Other Revenue From Ordinary Activities	408,670	359,743	14%
Increased revenue contributed to by additional revenue from Department of Justice for assisting with drafting of legislation, immigration tender revenue, and revenue from asset sales.			
Comparisons of Estimate and Actual Results	2003/2004	2003/2004	
	ACTUAL	ESTIMATE	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.			
Expenses from Ordinary Activities			
Legal Service Expenses	10,615,490	9,474,000	12%
Actual expenditure includes \$466,000 for legal representation on Police Royal Commission and \$953,000 for expensive cases (i.e. greater than \$20,000). Budgets for these items were not available when the budget was formulated.			
Cost Of Disposal Of Non - Current Assets	353,586	-	>10%
Increased due to disposal of land and buildings held in South Hedland and replacement of several motor vehicles. However, the increase is not material when cost of disposal of non-current assets is netted off against proceeds from disposal of non-current assets (net loss increased from \$5,625 in 2003/03 to \$30,472 in 2003/04).			
Depreciation Expense	409,922	459,000	-11%
Lower than budgeted due to slower than expected ATLAS implementation and asset replacements deferred pending tender process.			
Other Expenses From Ordinary Activities	1,574,818	1,322,000	19%
Increase due to higher than budgeted IT expenditure in support of regional network, on library subscriptions.			

LEGAL AID COMMISSION OF WESTERN AUSTRALIA
Notes to and forming part of the Financial Statements
for the year ended 30 June 2004

	2003/2004	2003/2004	
	ACTUAL	ESTIMATE	VARIATION
	(\$)	(\$)	(%)
Revenue From Ordinary Activities			
Revenue From Services	1,202,371	1,365,000	-12%
Decrease contributed to by cost recoveries reverting back to more normal levels, and reduced client contributions on grants of aid influenced by lower value of grants awarded and impact of revised means test during the year.			
Legal Contribution Trust	131,977	150,000	-12%
Amount budgeted is an estimate outside control of agency.			
Proceeds From Disposal of Non - Current Assets	323,114	-	>10%
Increase due to disposal of land and buildings held in South Hedland and replacement of several motor vehicles. However, the increase is not material when cost of disposal of non-current assets is netted off against proceeds from disposal of non-current assets (net loss increased from \$5,625 in 2003/03 to \$30,472 in 2003/04).			
Interest	250,739	-	>10%
There was no budget provision for interest earned on the Asbestosis Account which amounted to \$250,739.			
Other Revenue From Ordinary Activities	408,670	215,000	90%
Unbudgeted revenue related to immigration tender, and receipts from Department of Justice providing assistance with drafting of legislation, and video link service.			
Revenues from Government			
State Appropriation	16,264,780	13,935,000	17%
Increase over budget due to revenue related to expensive case expenditure, revenue received in support of expenditure on legal representation costs on the Police Royal Commission, and funding provided in support of ATLAS.			

31 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 arrangements with the Commonwealth Attorney General's Department in 2003/2004 were:

	\$' 000's
Carry Forward Surplus/(Deficit)	(602)
Income	
Commonwealth Funding - Recurrent	11,232
Commonwealth Funding - Expensive Cases	63
Commonwealth Funding - ADR Grant	703
Contribution / Cost Recovery/Sundry	510
Interest	153
TOTAL INCOME	12,661
Expenditure	
Family Law Legal Representation	5,910
Civil Law Legal Representation	78
Criminal Law Legal Representation	607
Assessment and Case Management	1,716
Total Cost of Legal Representation	8,311
Duty Lawyer Services	34
Legal Advice and Minor Assistance	1,661
Telephone Information & Referral	563
Face to Face Advisory Services	89
Community Legal Education	108
Alternative Dispute Resolution	597
Policy Advice	25
Publications	149
Community Development	161
State Law Matters	562
Total Cost of Non-Litigation Services	3,949
TOTAL EXPENDITURE	12,260
2003/04 SURPLUS/(DEFICIT)	401
Closing Surplus/(Deficit)	(201)

NB - Reconciliation excludes transactions related to Community Legal Centres - which are separately identified at Note 34

32 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 legal representation are expected to exceed \$20,000.

The reconciliation of the expensive cases fund for 2003/04 is as follows:

Budget Funding	(232,033)
Adjustment relating to prior years	
Supplementary Funding 2003/04	945,149
Expenditure 2003/04	(961,578)
Available Funds 30/06/2004	(248,462)

Supplementary funding wasn't sought in 2003/04 as the Commission was able to cover the shortfall from cash reserves relating to other special category funding provided during the year. As and when the need arises, supplementary funding will be sought to restore the funding situation within the fund.

33 Special Category Funding

During the course of the year the Commission realised expenditure related to legal representation costs in support of two Commissions' of Inquiry:

(i) Police Royal Commission - to enable police officers before the Police Royal Commission to have legal representation. The Legal Aid Commission raised expenditure and was subsequently reimbursed from a special appropriation maintained by the Department of Justice.

The Police Royal Commission has finalised its operations and all financial transactions relating to the Commission have been concluded.

Financial activity was as follows:

Budget Funding (to Department of Justice)	1,199,892
Expenditure 2002/03	(721,477)
Expenditure 2003/04	(478,415)
Funds remaining as at 30 June 2004	0

(ii) Finance Brokers Legal Fund. In July 2001 the Legal Aid Commission commenced maintaining special funding provided by the State Government for investigators legal actions to recover losses from defaulting finance brokers and borrowers, and those who provided professional services to those persons.

Financial activity was as follows:

Budget Funding (in 2001/02)	1,125,000
Expenditure 2001/02	(336,273)
Expenditure 2002/03	(291,045)
Expenditure 2003/04	(211,787)
Funds remaining 30 June 2004	285,895

34 Community Legal Centres

During 2003/04, State Cabinet endorsed key recommendations into Community Legal Centres (CLCs) including the establishment of a State funding program for CLCs. Legal Aid WA includes transactions related to the State funding program in its financial statements as it has effective decision making over the allocation of the funds.

The Commission does not control the allocation of funding received from the Commonwealth Government for Community Legal Centres in Western Australia and consequently does not include these funds in its financial statements.

Financial transactions related to the State and Commonwealth funding for Community Legal Centres are as follows:

	<u>State</u>	<u>Commonwealth</u>
Opening Balance 01/07/2003	-	127,505
Receipts	1,000,000	3,071,733
Payments	(85,000)	(3,196,271)
Closing Balance 30/06/2004	<u>915,000</u>	<u>2,967</u>

35 International Financial Reporting Standards

The Legal Aid Commission is adopting international accounting standards in compliance with AASB 1 First-time Adoption Equivalents to International Financial Reporting Standards (IFRS).

AASB 1 requires an opening balance sheet as at 1 July 2004 and the restatement of the financial statements for the reporting period to 30 June 2005 on the IFRS basis. These financial statements will be presented as comparatives in the first annual financial report prepared on an IFRS basis for the period ending 30 June 2006.

AASB 1047 Disclosing the Impacts of Adopting Australian Equivalents to International Financial Reporting Standards requires financial reports for periods ending on or after 30 June 2004 to disclose:

1. How the transition to Australian equivalents to IFRS is being managed

The Legal Aid Commission established a project team, monitored by a steering committee that has:

- identified the key differences in accounting policies, disclosures and presentation and the consequential impacts and risks to the agency;
- assessed the changes required to financial management information systems and processes;
- identified the necessary staff and training requirements; and
- prepared a plan to convert accounting policies, financial management information systems and processes so that the Legal Aid Commission can account and report on the IFRS basis.

The project is on schedule with the design and documentation of IFRS financial management systems and processes progressing concurrently with the preparation of an opening IFRS balance sheet in accordance with AASB 1 as at 1 July 2004 (the date of transition to IFRS).

2. Key differences in accounting policies that are expected to arise from adopting Australian equivalents to IFRS

The Legal Aid Commission has identified the following key differences:

- Accounting Standard AASB 136 Impairment of Assets requires an annual impairment test to be performed. The Legal Aid Commission is designated as a not-for-profit entity and the recoverable amount test was applied at the higher of fair value less selling costs and depreciated replacement cost.

A review has indicated that there was no indication of impairment.

Quantitative information relating to the above changes was not known or reliably estimable at the time these financial statements were prepared.



AUDITOR GENERAL

INDEPENDENT AUDIT REPORT

To the Legal Aid Commission of Western Australia

THE DIRECTOR OF LEGAL AID AND OTHERS IN TRUST FINANCIAL REPORT FOR THE YEAR ENDED JUNE 30, 2004

Audit Opinion

In my opinion, the financial report presents fairly in accordance with the cash basis of accounting, as described below, the receipts and payments of The Director of Legal Aid and Others in Trust for the year ended June 30, 2004 and the cash balance at that date.

Scope

I have audited the attached special purpose financial report, consisting of the Statement of Receipts and Payments of the Director of Legal Aid and Others in Trust, for the year ended June 30, 2004. The Director of Legal Aid is responsible for the preparation and presentation of the financial report and the information contained therein, which is based on the records maintained by the Legal Aid Commission of Western Australia. I have conducted an independent audit of the financial report, from the records provided, in order to express an opinion to the Legal Aid Commission of Western Australia.

The financial report has been prepared for distribution to the Commission for the purpose of fulfilling the Director's accountability requirements. I disclaim any assumption of responsibility for any reliance on this report, or on the financial report to which it relates, to any person other than the members of the Commission, or for any purpose other than that for which it was prepared.

My audit has been conducted in accordance with Australian Auditing Standards. My audit procedures included examination, on a test basis, of evidence supporting the disclosures in the financial report. These procedures have been undertaken to form an opinion as whether, in all material respects, the financial report is presented fairly in accordance with the cash basis of accounting whereby receipts are recorded when they are banked, payments are recorded when funds are withdrawn from bank balances, and no assets or liabilities, other than cash and bank balances, are recorded. Accounting Standards and other professional reporting requirements are not applicable to this financial report.

D D R PEARSON
AUDITOR GENERAL
July 30, 2004

**THE DIRECTOR OF LEGAL AID IN TRUST
STATEMENT OF RECEIPTS AND PAYMENTS
FOR THE YEAR ENDED 30 JUNE 2004**

	2003/04	2002/03
	\$	\$
FUNDS ON HAND 1 July 2003	0	21,677
RECEIPTS in year	0	0
Interest received in year		63
	0	21,740
PAYMENTS in year	0	21,724
Bank charges	0	16
FUNDS ON HAND 30 June 2004	0	0
Represented by funds in BANKWEST	0	0

We hereby certify that the Statement of Receipts and Payments has been prepared from proper accounts and records to present fairly the financial transactions for the financial year ended 30 June 2004, and the Funds on Hand as at 30 June 2004.



George Turnbull
Director of Legal Aid



Murray Cribb
Principal Accounting Officer
30 June 2004

Legal Aid Offices

TELEPHONE INFORMATION LINE:

General Enquiries - 1300 650 579

CHILD SUPPORT LEGAL UNIT:

Carer Parents - 9261 6253

Liabe Parents - 9261 6318

Country Callers (Toll-Free) 1800 199 363

DOMESTIC VIOLENCE LEGAL UNIT:

9261 6254 or 9261 6320

TTY (for the hearing impaired): 1800 241 216

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