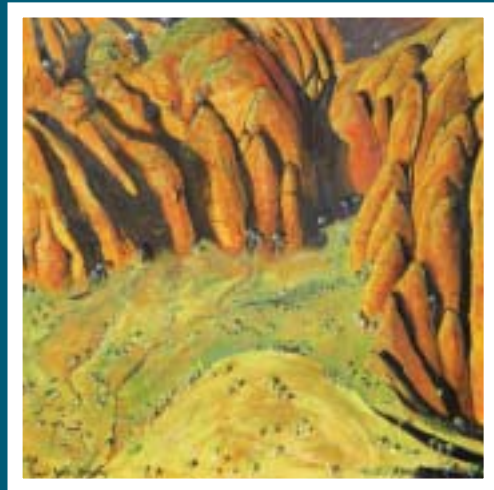
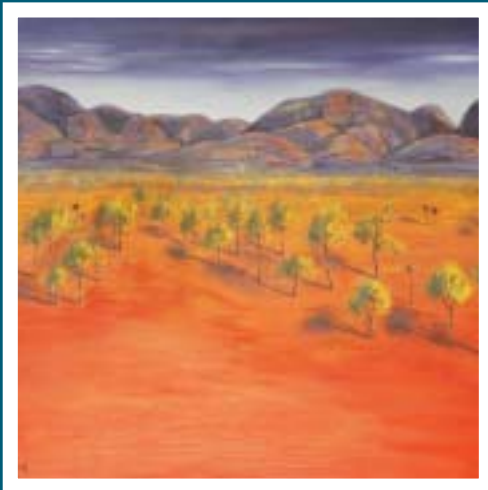




L E G A L A I D
W E S T E R N A U S T R A L I A



A N N U A L R E P O R T
2 0 0 4 - 2 0 0 5

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 2004 to 30 June 2005. 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 regional themes.

About the Artist

Jacqueline Kennaugh has always loved nature. As a child raised in the English countryside, she enjoyed interpreting what she saw into drawings and paintings. When a wonderful school art teacher introduced her to oil paints, her love affair with the creative process really began.

Jacqueline studied in England and began to exhibit and sell her work. On moving to Australia in 1968 she attended Tech in Melbourne, the Victorian Art Society and Cheltenham Art Group. She exhibited in Victoria and New South Wales, winning awards including the Herald Sun Award. In 1976 she moved to Perth and had two successful solo exhibitions. She then took time out from painting to concentrate on raising her family and work responsibilities.

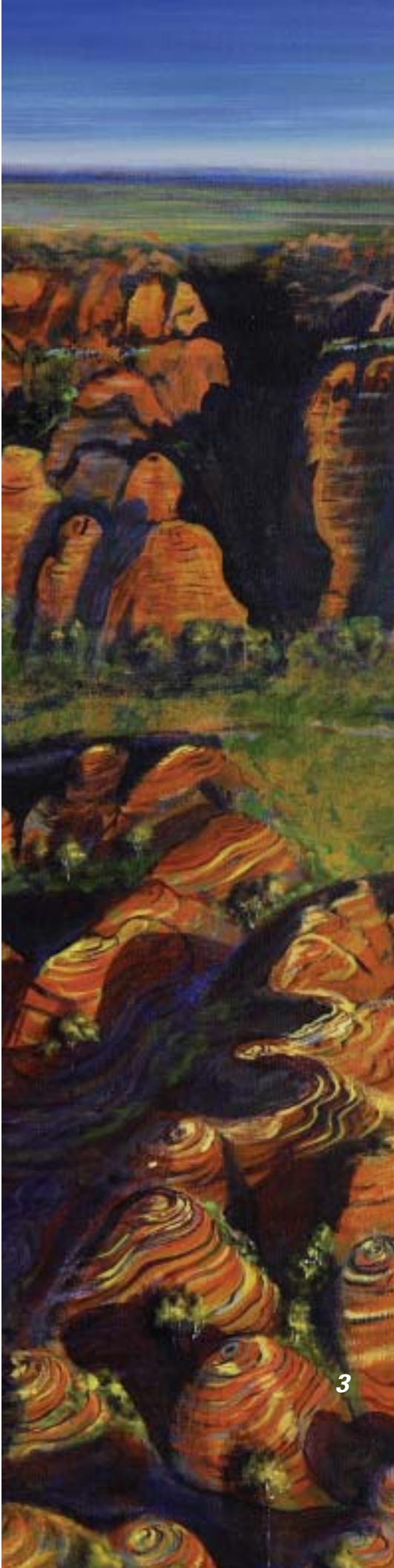
In 2001, Jacqueline retired from business and returned to painting with new vibrance and enthusiasm. Since then, she has held three solo exhibitions and has exhibited with the Melville Council for nine months as their invited artist. Jacqueline is now an active member of Bayswater Art Society, friend of Ellis House Community Art Centre and has exhibited in various group exhibitions, cafes and restaurants.

She loves to experiment with various mediums and techniques enjoying both representational and abstract styles.

Jacqueline believes that her journey as an artist is very much a work in progress.



**SECTION 1
AT A GLANCE**



CHAIRMAN'S REPORT



I have pleasure in presenting the Legal Aid Commission's Annual Report for 2004/2005. The Report provides an accurate, informative, and (I believe) interesting overview of Legal Aid WA's performance during the year, noting its objectives, key achievements, and the major services provided.

The Legal Aid Commission continues to play a very significant role in the administration of justice in Western Australia. The Director and officers of the Commission have regular discussions with other key participants in the justice system, with a view to improving efficiencies and providing the public with greater access to justice. It is particularly pleasing to note that the Commission and The Law Society of W.A. continue to have a close and co-operative professional relationship. The Commission is always mindful that it could not function properly without the support of the private profession, who provide their services for Legal Aid at a substantially reduced rate; and that one of the Commission's statutory duties is to liaise with professional bodies, such as The Law Society, in order to facilitate the use of services provided by private practitioners, in appropriate circumstances.

This year has been an extremely busy one, as a result of a very active legislative program by the State Government which has resulted in many substantive and procedural changes which have inevitably increased the workload of the Commission and its staff, in accommodating those changes.

One of the key areas on which the Commission has focused this year was the establishment of an extensive Family Court Duty Lawyer service. Commission staff, together with Family Court judicial officers, counseling and administrative staff, have worked in close and harmonious co-operation to provide this valuable service to people appearing in the Family Court who are without legal representation. This has not only benefited individual litigants but, I am assured, has greatly assisted the Family Court and produced greater efficiencies within the Court system. It is a most gratifying illustration of the way that the Commission works in a co-operative manner with other parties involved in the justice system, for the public benefit.

During the course of this year, and following helpful discussions and negotiations, the Commission has signed a new four-year funding agreement with the Commonwealth, giving the Commission an effective 15% funds increase and an improved share of Commonwealth funding.

The Commission is constantly searching for new ways to make each dollar go farther, as the demand for services continues to exceed available funds. It is committed to maintaining and improving legal assistance to those appearing on serious charges in Magistrates Courts throughout WA. By the use of modern technology, such as the recently introduced electronic lodgment of applications for legal aid, the Commission aims to reduce administrative and overhead costs, so as to enable a greater proportion of its funds to be used for legal services and representation.

The Commission is an independent statutory authority created by the Legal Aid Commission Act 1976, and is funded by both State and Commonwealth Governments. Independence in its decision making process is maintained by Legal Aid's external review process of applications for legal aid. Review Committees, consisting of two private practitioners with relevant expertise and a lay member from the community, volunteer their time and experience to make final determinations, where requested,

on applications for aid. The voluntary contribution of their time and effort is greatly appreciated. The members of such Committees perform a very valuable task.

In addition to providing direct legal assistance, the Commission develops and maintains a range of legal resources to assist community agencies and members of the public generally. Web based materials, databases, kits and manuals and information sheets are produced and made available by the Commission. They are frequently used, thereby assisting the public to a better understanding of their legal rights and obligations, and to help themselves, which in turn reduces some of the direct burden on the Commission of providing legal assistance.

As part of its yearly Client Satisfaction Survey the Commission canvassed community legal centres to gauge the usefulness of its online and print publications. The survey indicated an 84% rate of satisfaction overall (up from 80% last year) which is a very gratifying result, and reflects well on Commission staff.

This year's Client Satisfaction Survey also surveyed Legal Aid clients who had received assistance in a criminal matter. The overall satisfaction rate for such clients was 72.1%. Those surveyed were particularly approving of the process of applying for legal aid, 85% being satisfied that it was easy to make an application for legal aid, and 82% saying that Legal Aid responded to applications promptly. The same percentage of such clients also said that it was easy to understand the information provided by Legal Aid relating to applications. Satisfaction levels with the lawyer who had represented the clients ranged from 69% to 85%, depending on the nature of the assistance given.

High priority has again been given to extending the range of services available for disadvantaged groups, particularly in regional, remote and rural areas. With the assistance of State Government funding, the Commission is opening new regional offices in Albany and Geraldton, to service the Great Southern, Mid West and Gascoyne regions. The Commission has also introduced a Mid West Outreach program with a focus on Northam and surrounding wheatbelt towns. In conjunction with the community legal services sector the Commission also obtained Commonwealth approval to apply surplus funds to establish a video conference network throughout the Kimberley, Goldfields, Geraldton and Bunbury regions.

Legal Aid WA has completed another difficult but successful year, responding to the challenge of balancing the high demand for its services with limited funds. The Director, Mr George Turnbull, and all of the Commission's staff are to be commended on this achievement, on their dedication to the objectives of the Legal Aid Commission, and on the high degree of professionalism which they continue to display.

I also congratulate those concerned in the production of this informative and "reader-friendly" Report. Statistical information is presented in a clear and understandable way. Performance reporting is balanced with general information, case studies, staff profiles and the views of a range of stakeholders.



*Malcolm McCusker AO QC
Chairman Legal Aid WA*

DIRECTOR'S REPORT

Determining the type and extent of assistance provided to clients is pivotal to Legal Aid's operations. With funding limitations our focus remains on providing services in the most cost effective and efficient manner. As not all clients who require assistance qualify for a grant of aid under funding guidelines the Commission continues to expand its range of alternative services to help clients resolve their legal problems. Close collaboration with private practitioners, justice agencies and other legal service providers is essential to meeting the legal needs of the growing numbers of people who cannot afford a lawyer, particularly people in rural, remote and regional W.A.

Expansion of regional services is the theme running through this year's report. In 2004/05 the Commission secured funding for the establishment of two new regional Offices in Albany and Geraldton. The new offices will significantly increase services in those regions and address the shortage of lawyers available to do legal aid work. Conflicts of interest present ongoing problems for regions with limited service providers and the presence of a Legal Aid office goes a long way to ensuring that all parties to proceedings receive some assistance.

Again with the assistance of State funding the Commission is managing a State based community legal centre funding program. As part of the funding program a new centre in Peel has been established as well as an outreach service in the Gascoyne operating out of the Geraldton Resource Centre. The Commission has also obtained Commonwealth approval for the release of funds to establish a video conference network between the Commission, Geraldton Resource Centre, Kimberly Community Legal Services, Goldfields Community Legal Centre and Bunbury Community Legal Centre. To complement the effort directed at improving access for people in rural, remote and regional WA, the Commission also introduced a Mid West Outreach program in Northam and surrounding wheatbelt towns.

With the significant focus on the expansion of legal aid services to rural and regional areas during the year the difficulty of attracting and retaining lawyers in the bush has been highlighted. There is no simple solution and it goes beyond simply increasing fees. In the context of issues highlighted by the Senate Inquiry into Legal Aid and Access to Justice (June 2004) and the emerging mandatory continuing legal education policy for the West Australian profession, the Commission and the Law Society of Western Australia commenced discussions about how to improve access to professional development in regional areas, especially the isolated parts in the north and east of the State. The Aboriginal Legal Service and Community Legal Centres Association also expressed an interest in working together to solve the profession wide problem. A partnership has now been formed and a project to develop a professional support model for lawyers in country W.A. commenced. The project also incorporates the wider issues of attraction and retention of country lawyers.

On 23 March 2005, the Commission entered into a Memorandum of Understanding with the Aboriginal Legal Service of Western Australia. The Memorandum provides for the two organisations to support each other in their work to improve, extend and expand access to legal services to Aboriginals and Torres Strait Islander peoples throughout Western Australia. The Aboriginal Legal Service and the Commission have had an informal working relationship for many years and the agreement formalises this relationship and has expanded on it. It is intended that both organisations will be sharing staff training opportunities and utilising the knowledge, skills and resources of both organisations.

Specific purpose funding has been provided by the Commonwealth for the establishment of a new Family Court Duty Lawyer service to assist people who seek to represent themselves in Family Court matters before the Family Court. Legal Aid WA Family Court Service has built upon a part time paralegal service previously provided and now includes a Duty Lawyer service, Legal Advice appointments and other forms of assistance (including drafting of court documents and assisting with applications for a grant of legal aid). The Family Court Service also provides a very important role as a focal point of liaison between the Commission and the Family Court and other family law service providers. Also consistent with the move towards more court-based services, a six-month trial of a Legal Advice service at the Administrative Appeals Tribunal in Perth was initiated in April 2005. The service provides an advice bureau fortnightly and is able to advise on eligibility for legal aid and make other referrals as appropriate.

During 2004/05, the Commission at the request of the Department for Community Development assisted the Department by providing independent legal advice to individual persons in cases of substantiated abuse whilst the person was a child in the care of the Department. Funding was provided by the Department and over 100 matters dealt with by the In-House Practice. Further cases have been identified by the Department for Community Development as requiring independent legal advice. With limited in-house capacity to take on further matters, arrangements have been reached with the Department to manage a fund to grant aid to private practitioners to provide independent legal advice.

The private profession continues to play a significant role in the provision of legal aid services in Western Australia. In 2004/05 62 % of legal aid grants were referred to private practitioners, compared to 60% in 2003/04. Private practitioners submit 24% of all applications and key strategies aimed at simplification of the application for aid process through Grants Online has continued to be a target for administrative savings. The expansion of the merits certification/checklist approach continues to give private practitioners a bigger role in determining which applicants receive aid. Grants Online is presently used by 58 firms, accounting for 50% of all applications received from or rostered to private practitioners and over 20% of all applications received. Feedback has been overwhelmingly positive. A new enhanced version of Grants Online incorporating smart forms (improved save ability and reduction in pages), simplified extension requests, superior search functionality and intelligent questions (questions are shown/hidden depending on previous answers) was released in June 2005. Further enhancements are planned for 2005/06.

The Career Planning and Rotation Programs for legal practitioners continue to provide a range of career development opportunities at both junior and senior levels. The Regional Rotation Program in particular has enjoyed continued success with a number of senior legal practitioners taking advantage of an opportunity to rotate or transfer to another regional or metropolitan position, as well as a number of junior practitioners from Perth Office being afforded regional rotation experience. The continuing legal education of staff is the subject of a major review within the Commission with a working party of legal practitioners currently working on the development and implementation of a comprehensive training framework. The Commission's aim is to obtain accreditation as a provider of continuing legal education in accordance with criteria established by the Legal Practice Board of W.A.



There are never enough resources to assist everyone in need in the community and I would therefore like to publicly acknowledge the valuable work of volunteers and, in particular, those members of the private profession who provide their services free of charge to assist in meeting that need.

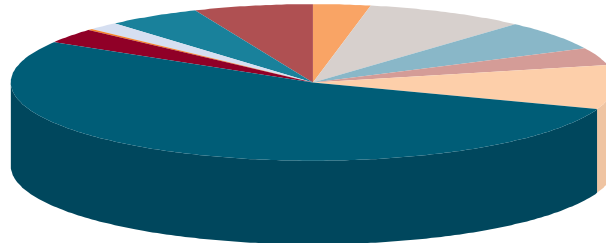
I would also like to take the opportunity to congratulate our Chairman, Mr Malcolm McCusker AO QC who in January 2005 was awarded the Order of Australia. In June 2005 he was also named Western Australian Citizen of the Year in the Professions Category. Under Mr McCusker's Chairmanship, the Commission has evolved from a small centrally focussed agency delivering a limited range of services to a much larger organisation operating in a vastly more sophisticated environment.

Finally, I would also like to express my thanks and gratitude to all the Commission staff for their continued dedication. Despite the every day challenge of stretching available resources, our staff tirelessly strive to provide responsive and quality legal assistance to meet the needs of our ever increasing client base.

George Turnbull
Director of Legal Aid

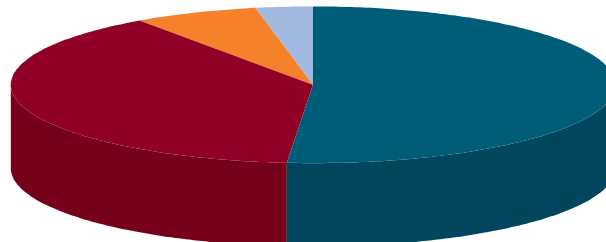
BUDGET AND SERVICE DELIVERY HIGHLIGHTS

RESOURCE ALLOCATION BY SERVICE



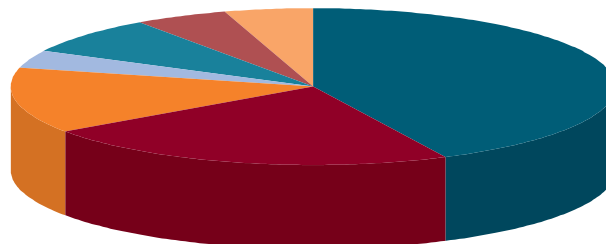
- 53% Legal Representation
- 3% Child Support Services
- 1% Face to Face Services
- 2% ADR Program
- 5% Other Community Services
- 6% State CLC Program
- 3% Telephone Information Line
- 8% Duty Lawyer
- 6% Legal Advice
- 3% Minor Assistance
- 9% Assessment and Case Management

WHERE THE FUNDS HAVE COME FROM



- 51% State Government
- 39% Commonwealth Government
- 7% Other Income
- 3% Client Contributions

OCCASIONS OF SERVICE BY SERVICE TYPE



- 43% Telephone Information Line
- 22% Duty Lawyer
- 14% Legal Advice
- 4% Minor Assistance
- 8% Assessment and Case Management
- 5% Legal Representation
- 5% Face to Face Services

- Operating surplus of \$1,561,963 boosted by a contribution of \$764,000 from the State Government for the establishment of two new regional offices.
- Revenue from the State Government increased by \$1,877,699 or 11.5% and from the Commonwealth Government increased by \$1,428,298 or 11.7%.
- Revenue from activities increased by \$2,389,824 or 16%.
- Expenditure on legal representation (excluding Commissions of Inquiry) increased by \$1,323,279 or 8.1%.
- Expenditure of \$1,885,963 on the new State Community Legal Centre program.
- Net assets increased by \$1,561,963 to \$8,512,542.

LEGAL REPRESENTATION

- Applications for a grant of legal aid decreased in comparison to the previous year by 3%, with the most significant reduction in criminal law applications of 4%. The approval rate remained consistent with the previous year's result of 65%.
- Grants of aid awarded for the year, under the influence of reduced applications received, decreased by 3%. Despite an overall decrease, family law grants increased by 2%.
- Grants of aid awarded for Alternative Dispute Resolution conferences continued to increase being 5% more than last year.

NON-LITIGATION SERVICE DELIVERY

- Legal Aid WA provides non-litigation services in five primary areas - telephone advisory services, face to face legal advice, minor assistance services, child support services and alternative dispute resolution services.
- There was an increase in service delivery for our telephone advisory services (4%). However, there was a decrease in services for legal advice (11%) and minor assistance (5%).
- Clients continued to seek help in all areas of family law, as well as a range of civil law problems, particularly involving unfair dismissals and other employment law problems, contract and debt problems, motor vehicle accidents as well as social security matters.

REGIONAL SERVICES

During the year, Legal Aid WA focused on:

- consolidation and expansion of its Wheatbelt services, including the establishment of the Wheat Belt Outreach Service as a separate business unit;
- funding and preparation for establishment of the Midwest and Gascoyne regional office in Geraldton and the Great Southern Regional office in Albany;
- greater emphasis on the provision of Commonwealth law services in regional areas, especially family law, including consolidation and expansion of the ADR conferencing program;
- the continued use and expansion of technology services in the country, particularly video conference, with both a staff and client perspective; and
- the support of the rural regional and remote (RRR) contact centres.

SPECIAL FUNDING

During the year, Legal Aid WA received special funding for various projects.

- **Corruption and Crime Commission:** special funding was received from the State Government to assist serving and former public officers called as witnesses or served with notices or summons' by the Corruption and Crime Commission. The fund is still in its infancy.
- **Department for Community Development:** The Department for Community Development asked Legal Aid WA to provide independent legal advice to individual persons in cases of substantiated abuse whilst the person was a child in the care of the Department. During the year expenditure totalling \$129,227 was realised.
- **Finance Brokers:** Expenditure totalling \$115,705 was realised in support of legal actions to recover losses from defaulting finance brokers and borrowers, and those who provided "professional services" to those persons.

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:

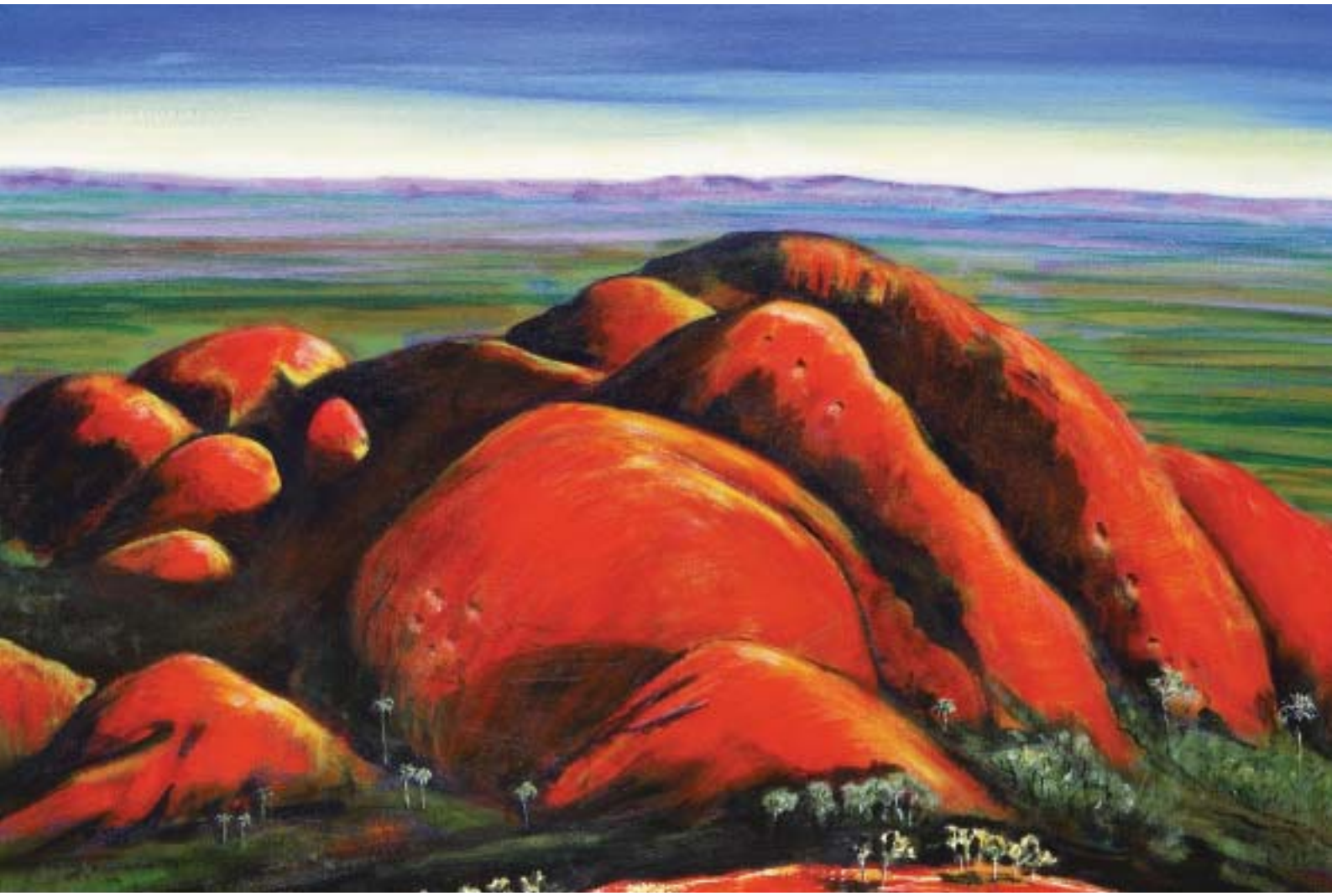
Improves the reach and service potential of Legal Aid WA and identified stakeholder agencies such as courts and Community Legal Centres by providing knowledge based resources systems, publications, self-help kits and paralegal training.

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.



**SECTION 2
HIGHLIGHTS AND
SPECIAL PROJECTS**

CONGRATULATIONS TO OUR CHAIRMAN

Congratulations to Malcolm James McCusker A.O. QC, Chairman of the Legal Aid Commission, who in January 2005 was awarded an Order of Australia in the Australia Day Honours list for service to the legal profession, particularly in the fields of criminal and commercial law, to the business and finance sectors, and to the community through a range of health, church, cultural and sporting organisations. In June 2005 he was also named Western Australia Citizen of the Year in the Professions category.

Mr McCusker was born in Perth in 1938. He attended Perth Modern School, and after deciding to study law at the University of Western Australia, he spent his first year juggling full-time studies with a full-time job at the Shell Oil Company. His lecturers included future High Court Justices Ron Wilson and John Toohey, future Supreme Court Justice John Wickham, future Family Court Justice Ian McCall and the future Supreme Court Chief Justice, the late Sir Francis Burt. He saved enough from employment in his first year, to attend full time in the following years. He had been unsure about law as a career, but says he was inspired to continue with his legal studies by the contract lectures of Sir Francis Burt (then Burt QC). There were "about a dozen" students in his graduating class, including the current Chief Justice, the Hon. Justice David Malcolm AC CitWA, the former Solicitor-General of WA, Mr Peter Panegyres, and the well known sports commentator, George Grljusich. On graduating, he was articled to Bob Wallace (who later became a Supreme Court Justice) at the firm Kott, Wallace and Gunning.

Within six months of his admission to practice in December 1961, Mr McCusker became a partner at Kott, Wallace, Gunning. Within his first year of admission, he had made his first Full Court appearance - a remarkable achievement. He modestly explains that in those days the legal profession was smaller with a more collegiate atmosphere and greater opportunities for elevation into positions of high responsibility. After working at Kott, Wallace, Gunning for six years practising mainly in commercial law, he founded his own firm in 1968, which became (when Ron Harmer joined him) McCusker & Harmer. In January 1982 he was appointed Queen's Counsel. In December 1982 he was appointed Chairman of the Legal Aid Commission and still holds this position today. In 1989, as Special Inspector, he conducted an investigation into the collapse of 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. In 2003 he was appointed the first Parliamentary Inspector for the Corruption and Crime Commission.

Under Mr McCusker's chairmanship, the Legal Aid Commission of Western Australia has evolved from a small, centrally focussed agency delivering a limited range of services to a much larger organisation operating in a vastly more sophisticated environment. The Commission has established specialist legal aid services in the areas of child support, domestic violence, immigration, youth law and alternative dispute resolution, and introduced many other initiatives, including technological innovations such as electronic submission of some applications for grants of legal assistance, resulting in process efficiencies and improved dissemination of information, and contemporary financial management practices resulting in the Commission receiving the Auditor General's award for excellence in financial reporting in 2001.

Mr McCusker's commitment to the law is demonstrated by his willingness to undertake pro bono work. His representation of the Mickelbergs is testament to this dedication. He first became involved in this well known case when Henry Wallwork QC (later a Supreme Court Justice) asked him if he would do a High Court appeal pro bono for Peter Mickelberg. The Mickelbergs' appeal was recently allowed and their convictions quashed. Mr McCusker described this as a highlight of his career, in a campaign that he had been involved in, with numerous appeals, for some 18 years.

Malcolm McCusker's contribution to Western Australia extends beyond the justice system. He has provided ongoing financial support to a number of charitable institutions including medical research, particularly through the McCusker Foundation for Alzheimer's Disease Research, of which he is patron. The research team of 20 staff and postgraduate students has been supported for the last 14 years by the McCusker family. He was a member of the Institute for Medical Research Fundraising Appeal, is a keen supporter of surf lifesaving activities in Western Australia, and has been a member and trustee of the Special Air Services Resources Trust since 1998. Mr McCusker also had a long association with tertiary legal education, lecturing part time at the University of Western Australia in both the Law and Commerce Faculties for over 20 years. He was also a member of the Murdoch University Senate for 6 years, and co-sponsored a new building at the Murdoch Law School.

Mr McCusker has maintained an interest in farming, which began in his early days of practice. He currently owns a 25,000-acre wheat, sheep and cattle farm at West Calingiri, Western Australia. He believes that his experience in farming and his dealing with the "down to earth" people involved in farming, has helped him to stay grounded and gain a deeper understanding of people.

Mr McCusker has appeared as counsel in a wide range of commercial and criminal cases in the District and Supreme Courts, the Federal Court, High Court, and even the Privy Council (not long before such appeals ceased). A member of the Independent Bar, and currently the most senior practicing silk in Western Australia, he continues to practice the full breadth of the law, a profession in which he still finds both fascination and satisfaction.

REGIONAL EXPANSION PROJECT: GREAT SOUTHERN, MIDWEST AND GASCOYNE

With the assistance of State Government funding, Legal Aid WA is in the process of opening two new regional offices in Albany and Geraldton to service the Great Southern, Midwest and Gascoyne regions.

Staffed by three full time lawyers, an office supervisor/paralegal and a legal secretary, each new regional office will undertake the full range of legal aid work including:

- Grants of legal aid
- Minor Assistance
- Legal Advice Bureau
- Duty Lawyer
- In person Information
- Continuing Legal Education

Both the Albany and Geraldton offices will be equipped with purpose built Alternative Dispute Resolution conference facilities to assist people to resolve their disputes particularly in the area of family law. These conference facilities will be made available to the wider community at low cost.

We anticipate that the new regional offices will:

- result in increased service delivery;
- address the shortage of lawyers available to do legal aid work;
- result in improved family law services, particularly in relation to urgent family law matters such as the recovery of children who have been taken without consent, or matters involving violence which now can be dealt with immediately;
- result in improved Children's Court representation, particularly in Albany where there are no Duty Lawyer services in the Albany Children's Court;
- improve services where there is a conflict of interest: Conflicts present ongoing problems for regions with limited service providers. Even where there is a Community Legal Centre, there are often only a few other service providers for people seeking assistance. Thus the party which gets in first to the Legal Centre gets advice and assistance and the other party quite likely misses out or, even if they do get telephone advice, effective follow up assistance may well be problematic.

- improve our presence in the community. Local Legal Aid WA offices are part of the local community and accrue the necessary knowledge to respond effectively to local situations.
- result in the provision of immediate in person assistance. Often being able to handle matters in person and quickly can reduce the level of frustration, anxiety and anger particularly in family law matters, avoiding the potential for violence.
- Result in better mediation services: The Family Court requirement to attempt mediation means that suitable mediation services need to be available in the regions. Experience has shown that our Alternative Dispute Resolution program works much more effectively where there is a local Legal Aid WA office in the hub town of a region.
- improve access to justice for remote clients. Both new regional offices will be equipped with state of the art video conferencing facilities

Great Southern

Our new Great Southern regional office opened in Albany on 27 June 2005. This initiative will help us to provide more comprehensive services in the Great Southern region and in the Southwest region, which previously serviced the Great Southern area from our Bunbury office.

At this stage the office is located at 104 Aberdeen Street, Albany, however during the next 12 months we will be looking for more suitable longer-term accommodation that can house our planned Dispute Resolution Centre.

Midwest and Gascoyne

Our new Midwest and Gascoyne regional office opened on 19 August 2005.

The office is located at Unit 7 The Boardwalk, Foreshore Drive, Geraldton. A purpose built Dispute Resolution Centre will also be located in Unit 8 The Boardwalk, Foreshore Drive, Geraldton and should be completed by late August 2005.

Midwest and Gascoyne office in Geraldton

DID YOU KNOW

Regional Offices play a key role in service delivery at Legal Aid WA. In 2004/2005 our regional offices delivered:

- 23% of our total legal aid applications
- 54% of our total Minor Assistance Program;
- 35% of our total Legal Advice Bureau services;
- 49% of our total Duty Lawyer services;
- 33% of our total In Person Information;
- 14% of our total Policy Advice; and
- 10% of our total Continuing Legal Education.

Great Southern office in Albany



WHEATBELT OUTREACH SERVICE

The Service

The Wheatbelt Outreach Service (originally called Midwest Outreach Service) was established as a separate business unit in November 2004 to deal specifically with the provision of legal services to the Midwest of Western Australia. Previously duty lawyer and advice services were provided out of the Midland Office

A legal advice bureau operates from Northam on three Fridays each month. . The legal advice bureau covers the areas of civil law, family law and criminal law. On the fourth week of the month there is a three day advice bureau service provided in Geraldton. In 2005-2006, this part of the service will be taken over by the newly formed Geraldton office as will telephone advice currently provided by either the Outreach Solicitor or the Midland office.

Additional assistance is provided by the minor assistance program in which clients are helped with drafting of letters of demand, summons' and various family law documents. The drafting of documents is usually undertaken by the Outreach Solicitor back in the Perth office with support from other staff.

The minor assistance program enables clients to pursue legal remedies that would not ordinarily be covered by a grant of legal aid

The Wheatbelt Outreach Service solicitor, Jack Trainor, also travels to Northam each Monday to provide Duty Lawyer services and will also soon be appearing in the Merredin Magistrates Court on a monthly basis. At present Duty Lawyer services in Merredin are provided through the Midland office.

The Duty Lawyer service consists of providing representation before the presiding magistrate on matters for which a plea in mitigation is required and obtaining adjournments for legal advice prior to the matter coming back to court.

Clients appearing on charges that will ultimately proceed in the superior courts are also represented, however such representation only covers procedural or interim issues.

The Duty Lawyer service covers matters that would not ordinarily attract a grant of legal aid and provides assistance to persons who otherwise would appear unrepresented in the magistrate's court.

Currently the Outreach Service provides assistance to clients from Northam, York, Toodyay, Wundowie, Beverley, Cunderdin, Dowerin, Goomalling, Corrigin, Merredin, Geraldton, Northampton, Dongara and Greenough.

With a fully operational office in Geraldton shortly, it is anticipated the Wheatbelt Outreach Service will concentrate on other areas where the need for legal services is currently not being met such as the coastal

towns up to Jurien and inland to Moora and other towns. An increase in demand in this region is expected as more prospective clients become aware of the existence of this service.

The Solicitor

Jack Trainor has worked for Legal Aid WA since 1987. He spent the majority of that time working in what is now known as Assignments. He has also worked in the Finance Brokers Unit, as Human Resources Manager and as Special Projects Officer. He has been the Outreach Solicitor since the role was established in November 2004.

Prior to his employment with Legal Aid WA, Jack worked as the solicitor for the Farmers Union of WA, now known as the Farmers Federation. Part of his duties included representation of the Farmers Union in several industrial law cases involving the pastoral industry, negotiations with the relevant union and government departments, as well as representing individual farmers in civil proceedings for damages and defending farmers who had been subject to prosecution.

Jack has found himself very busy with the Outreach Service and has had a very good response to Legal Aid WA's presence in the Wheatbelt. There is no longer a Community Legal Centre operational in Northam and only one other legal firm in town, so there is a real demand for the service.

Jack considers that Legal Aid WA is providing an important service and servicing a need that is in many respects untapped. As the outreach solicitor he is required to take a holistic approach to the problems of the people he sees. Very often the legal problem is a symptom of underlying problems and this requires Jack to delve into referrals and financial matters in addition to the more obvious problem. These problems are further complicated by the lack of resources in country areas compared to the resources available in Perth. Jack has also found that, in country areas, it is important for the clients to know their solicitor. By visiting these areas and spending time with his clients, Jack is able to provide a more personalised and effective service than is possible through telephone assistance.

Jack Trainor



Key Strategy - Customer Service

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

The establishment of the Wheat belt Outreach Service to provide the Midwest of WA with access to Duty Lawyer, legal advice and minor assistance services.

REGIONAL COMMUNITY INITIATIVES

Community Legal Centres

During 2004-2005 there was a strong focus on working with Community Legal Centres (CLCs) in rural, regional and remote (RRR) areas.

The National Community Legal Centre Conference was held in Adelaide in September 2004. At the conference, Legal Aid WA and representatives of regional CLCs formed the RRR CLC Working Party. Representatives of the Aboriginal Legal Service and Indigenous Women's Network also participate in the working party. The working party was established to examine special issues facing RRR centres, including difficulties in recruitment of solicitors and supervision of junior practitioners.

The RRR working party has proved to be a successful initiative. As a result of combined CLC and Legal Aid WA efforts, Commonwealth approval was granted to establish a video conference network between Legal Aid WA, Geraldton Resource Centre, Kimberley Community Legal Services, Goldfields CLC and Bunbury CLC. This exciting new project will mean that regional centres and Legal Aid WA will be linked by video conference technology for training and other purposes.

Work is continuing on the project examining supervision of restricted practitioners in country areas and ongoing professional support and training for country lawyers.

Community Contact Points

Legal Aid WA's regional offices have a strong history and relationship with their local communities. 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.

Key Strategy- Customer Service

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

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

- 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 Point centres provide people with access to Legal Aid WA services including the availability of a confidential interview room for people to be provided telephone legal advice by one of Legal Aid WA's solicitors. Legal Aid WA continues to offer legal advice appointments at the Mandurah Court. Appointments are made through the Legal Aid WA Infoline.

Legal Aid WA provides training to community agencies staff members on the referral and assistance guidelines.

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

Regional Office Video-links

Legal Aid WA's Development Services' monthly Video-link with regional staff delivered service updates on a large diversity of matters, and a further eight legal update sessions covering legislative and other changes. Legal updates covered a diversity of matters including the civil and criminal law and procedural changes included in domestic violence legislation, the Magistrates Court Act and Regulations, Simple Offences legislation, the requirements under offender reporting, and an overview of the operations and requirements in the State Administrative Tribunal and a range of family law initiatives.

Community Legal Centres with access to video link equipment are invited to these sessions. This initiative will be expanded in the next financial year, as a greater number of rural Community Legal Centres will have access to equipment. Further, Legal Aid WA's response to the advent of mandatory continuing legal education, as a prerequisite for renewal of professional practice certification from 2006, will include delivery of accredited training both to, and in conjunction with, Community Legal Centres and other like-minded organisations such as the Aboriginal Legal Service.

LEGAL EDUCATION PROJECTS

Mandatory Continuing Legal Education (CLE) for Legal Practitioners

During the year, Development Services established a project to examine how the mandatory CLE requirement for legal practitioners can be met, and how we can support our community partners as well as ensure any initiatives have regional application and accessibility. Existing materials are being examined to determine how they can be revised and updated for inclusion as accredited materials. Documentation development includes a process to identify audience, outcomes, ensure continuing legal integrity and to identify the particular significance of the materials to the various criteria established by the Legal Practice Board of WA. Development Services will continue to work closely with regional offices and external service partners on this initiative.

Lawyers In Country WA

Legal Aid WA, in collaboration with the Law Society of Western Australia, Aboriginal Legal Services of WA (ALS) and the Association of Community Legal Centres (WA) (CLCs), has recently embarked upon a project to address the problems facing country lawyers.

Western Australia is the largest geographical jurisdiction in the world. There are 148 country lawyers in regional WA, often in isolated towns and cities. Attraction and retention of lawyers is difficult, with some vacancies remaining unfilled for many months and others filled only by very junior staff. In 2006, all WA lawyers will be required to comply with mandatory Continuing Legal Education requirements as a condition of the renewal of their annual

practice certificate. However, practical and continuing legal educational resources are not readily available to country lawyers.

The Senate Inquiry into Legal Aid WA and Access to Justice (June 2004) acknowledged the particular disadvantage experienced by clients seeking to access legal services in rural areas. The report recommended investigating options to increase services in non-metropolitan areas, developing a coordinated approach to service delivery and strategies to attract and retain lawyers in non-metropolitan areas.

At the Legal Aid Congress in Queensland in November 2004, the issue of diminishing legal services in areas outside the metropolitan area raised considerable interest and concern. One of the key recommendations arising out of the Congress was to investigate mechanisms for cooperative arrangements among service providers in the rural, regional and remote areas and other stakeholders who can develop long term strategies which see professional service providers return to the bush.

Initiatives are already underway in Queensland and New South Wales that offer examples for partnership arrangements across the legal sector.

It was in this context that Legal Aid WA and the Law Society of Western Australia commenced discussions in 2004 about how to improve access to professional development in the WA bush, especially the isolated parts north and east of Perth. The ALSWA and CLCs subsequently expressed an interest in working together to solve the profession wide problem. This led to the formation of a partnership to supervise the project which incorporates the wide issues of attraction and retention of country lawyers. By June 2005, the project proposal was ready for advertisement. It is envisaged that the project will commence in September 2005 and conclude by the end of March 2006.

The country lawyers project is aimed at improving the employment and retention of lawyers in country WA and improving access to professional development for country lawyers. The project has two elements. The first element is piloting several programs and assessing their effectiveness. The programs include remote Continuing Legal Education, judicial briefings, mentoring and building local capacity. The second element is analysing, reporting and making recommendations about ongoing issues, including analysing the pilot projects and developing an industry-wide solution for the recruitment and retention of rural lawyers.

The difficulties inherent in providing legal services to regional areas of Australia are particularly pronounced in Western Australia. This ongoing problem is one that Legal Aid WA considers it extremely important to address. It is hoped that the Lawyers in Country WA Project will lead to significant improvements in this area.

Key Strategy- 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.

PROFILE: ANNIE GRAY - SOLICITOR/MANAGER, ISLANDS SERVICE

Annie Gray has always kept herself busy. She worked for approximately five years in private practice both in Sydney and in Perth before becoming involved in community law. Since then, she has worked part time for Fremantle Community Legal Centre (formerly Community Legal and Advocacy Service), a Community Legal Centre in Fremantle. At the same time, she has worked part time in a number of other positions, including as Deputy Chair of the Homeswest Independent Appeals Tribunal, senior case manager at the National Native Title Tribunal and supervising the Infoline at Legal Aid WA. Since January 2001 she has worked part time for Legal Aid WA as Solicitor/Manager of the Islands Service, while continuing her work with Fremantle Community Legal Centre.

As manager of the Islands Service, Annie travels to Christmas Island (approximately 2650km north west of Perth) once a month excluding January. She stays for 3, 5 or 7 nights each visit (depending on the availability of flights!). She travels to Cocos (Keeling) Islands if someone has been charged with an offence, although this is not a common occurrence. The Christmas Island office is also staffed by Nora Koh, a paralegal officer who lives on the Island, and whose assistance is a huge benefit to Annie.

The population of Christmas Island fluctuates over time. Approximately 60% of the population is Chinese with the remainder made up of Muslim, Malay and Caucasian people. The population is currently around 1100 people, but increases and decreases depending upon the number of asylum seekers arriving and contractors involved in capital works. The nature of the population at any one time can determine the type of work that is required of Annie.

Annie's work is nothing if not varied. She is involved with community legal education, she provides legal advice bureau, Duty Lawyer and minor assistance, as well as assisting people under grants of aid. Her work covers family, criminal and civil law. Her work is funded by a service delivery arrangement with the Commonwealth.

Annie says the bulk of her work is made up of minor assistance work. For example, one of many tasks that is relatively simple on the mainland is filing for a divorce. This task becomes more complicated on the Island due to language difficulties and an unreliable and slow mail service. This is an area in which Annie can help by assisting people with applications, by filing documents at the court with requests for telephone hearings and by arranging service of court documents either on the mainland or on the Island. Annie and Nora have even resorted to role-playing to explain to their clients how to effect service of their documents!

Annie also has an important role to play in providing community legal education to the Island's population. Each trip Annie tries to provide some training to a particular community group such as the hospital staff, the police, the Justices of the Peace and even the Christmas Island Women's Association. She has provided group training and has provided information to teachers for their professional learning program. Her talks vary according to the audience and cover all manner of civil, family and criminal matters. The island also has a bi-weekly newspaper, The Islander. Legal Aid WA provides an article for the paper each month, translated into English, Chinese and Malay. Nora does the Chinese translation.

The location of her office and the nature of her clients make Annie's job special, and it is the clients who are the favourite part of her job. She loves the informality of the Island, even when clients walk straight into her office without an appointment. Another Legal Aid WA employee, Judith Quinlivan, has spent time on the Island with Annie. Judith says of Annie "she was really well respected and regarded by all of the community, including Chinese, Malay and 'white fellas'. It was really obvious to all that she was completely committed to her individual clients and also the community outreach kind of work ... There is a real sense of Annie being part of the community even though she comes and goes. They love her there!"



**Annie Gray
outside
Christmas
island
Courtroom**

FAMILY COURT SERVICES

During the 2004-2005 financial year the Commonwealth government provided funding to the Legal Aid Commissions in each state to provide Duty Lawyer assistance to self represented litigants at the Family Court. A National Protocol for the service was developed in consultation with National Legal Aid, the Family Court of Australia, the Family Court of Western Australia and the Federal Magistrates Court. Locally, Legal Aid WA staff and Family Court judicial, counselling and administrative staff worked closely together to establish appropriate protocols and workflow processes for the delivery of the service in Perth.

On Tuesday 29 March 2005 the service, called Legal Aid WA Family Court Services, commenced operation.

Legal Aid WA Family Court Services builds upon the paralegal service Legal Aid WA has previously offered at the Family Court and encompasses:

- a Duty Lawyer service (two lawyers available each day);
- legal advice bureau appointments;
- minor assistance (drafting of court documents, assisting with applications for grants of legal aid etc); and
- liaison between Legal Aid WA and the Family Court, and other family law service providers.

The service functions as a provider of and referral point for the full range of Legal Aid WA family law services, rather than simply a stand-alone Duty Lawyer service. It operates from 9.00am to 4.00pm each weekday. The first point of contact at the Family Court for client referrals is the assessment counter on the ground floor.

Clients Requiring Representation:

Our clients are people who:

- have an imminent court date (either the same day or the next day);
- have a matter in the General List;
- have been served with court documents and have not had an opportunity to respond;
- feel they are unable to represent themselves on the day;
- may fit into the guidelines for the Legal Aid WA Minor Assistance Program where Client Services have assessed that it would be beneficial to have a Duty Lawyer represent them on the day.

Duty Lawyers' Role

The Duty Lawyers can:

- give legal advice;
- apply for adjournments;
- appear on behalf of clients in short matters;
- negotiate between parties or with the other party's solicitor;
- prepare minutes of consent orders for presentation to the court on the day;
- prepare simple court documentation such as recovery order applications and supporting affidavits;
- not represent clients in trials.

Conflict:

In offering this service Legal Aid WA is aware of the potential for conflicts of interest to arise. Where a conflict of interest is identified, we endeavour to provide the affected in-person litigant with a service equivalent to that which would have been offered had there not been a conflict. Circumstances may also arise where a client requires urgent legal assistance that our in-house practice is not in a position to provide on the day.

Referrals from Legal Aid WA Family Court Services are offered to members of the Legal Aid WA Family Law Panel to enable these people, in appropriate circumstances, to access legal advice and assistance from a private practitioner. The Director of Legal Aid WA has provided panel members with information about the service and the arrangements associated with the referral process.

Trends:

Since the commencement of the operation of the service:

- Client numbers are increasing, from 223 in April to in excess of 300 in July;
- It is apparent that many people use the Family Court as their first contact point after a relationship breakdown and are unsure of the process that follows separation. These people often require referrals for non-legal assistance such as counselling and other emergency support from Family Court Services staff;
- Most clients require assistance in relation to residence and contact matters and a high proportion of these are seeking recovery and/or location orders; and
- Family Court Services staff are well placed to identify and make appropriate and timely referrals of clients into the Legal Aid WA Alternative Dispute Resolution (ADR) program.



The Family Court Services team

IMPROVING SERVICES FOR ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLES IN WA.

Feedback from the Family Court Registry Staff on the progress of the services:

Clients often see the Family Court as their first port of call for advice when faced with difficult situations in their family law disputes, particularly when they identify a need for a recovery order, assistance with document completion on an urgent basis or feel that they are unable to properly represent themselves in court.

The Court is unable to give legal advice or complete documentation for clients. Prior to the introduction of Legal Aid WA Family Court Services, the Court directed clients to a support service. Clients often became distressed and agitated by the redirection, felt it was all too hard and didn't follow through with court processes or alternative dispute resolution.

With the introduction of Legal Aid WA Family Court Services, the court staff have reported a marked decrease in aggression from clients at the main reception area as they can be told that Legal Aid Duty Lawyer services are available and they may be able to get immediate assistance at the Court without being redirected elsewhere. The benefits of this service therefore extend beyond the clients' perceptions of a positive service, to improving the general working day for Court Staff. The presence of Legal Aid at the Court has had a major impact on resolving children's matters where proceedings have newly commenced.

Key Strategy - Customer Service

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

Family Court Services established to provide full range of family law services including Duty Lawyer services, legal advice and minor assistance to those who are unrepresented before the Family Court.

During 2004-2005, a working group comprising members from Legal Aid WA and the Aboriginal Legal Service of Western Australia (Inc) (ALS) met regularly to consider how an already close working relationship could be extended even further to achieve better legal outcomes for Aboriginal and Torres Strait Islander peoples in WA.

Around 15% of Legal Aid WA clients are from Aboriginal and Torres Strait Islander backgrounds. Legal Aid WA is committed to understanding cultural sensitivities that may have a bearing on their legal issues, and to working cooperatively with ALS to develop and expand resources and training opportunities that will benefit our mutual clients.

On 23 March 2005, these discussions culminated in a Memorandum of Understanding signed by the Chairman of Legal Aid WA, Malcolm McCusker, AO, QC, and Victor Woodley, President of the Executive Committee of the Aboriginal Legal Service.

The Memorandum sets out our organisations' desire to utilise the knowledge, skills and resources of both organisations to maximum effect and to minimise duplication of effort in order to extend and expand service to Indigenous clients across WA. An implementation plan was adopted establishing priorities and activities to be undertaken during the next financial year, including:

- identification of appropriate contact people within various sections to promote prompt and effective communication, and development of those relationships;
- sharing resource information including library and Information Technology systems knowledge;
- shared access to training opportunities; and
- provision of cross-cultural training by ALS staff for Legal Aid WA personnel.

Legal Aid WA looks forward to expanding its knowledge and capacities through these links with ALS in the future.

DEPARTMENT FOR COMMUNITY DEVELOPMENT MATTERS

In January 2004, the Department for Community Development formally requested assistance from Legal Aid WA to provide independent legal advice to individual persons in cases of substantiated abuse whilst the person was a child in the care of the Department. Many of these persons are still children (that is, under 18 years of age). An agreement was reached with the Department for Community Development to provide \$50,000 to help fund the cost of one lawyer to provide the legal advice. Just over 100 matters have been referred in house for advice under the initial arrangement.

Towards the end of 2004, Legal Aid WA reached maximum in house capacity for these matters and the Department for Community Development agreed to provide Legal Aid WA with a further \$165,000 to arrange for private lawyers on Legal Aid WA's panel to investigate and advise in relation to a further 80 cases. The majority of the funds provide for private practitioners fees with disbursements (mainly medical and psychological) and provision for Legal Aid WA's cost of administering the "scheme" making up the balance. Funds authorised under grants of legal aid for this part of the scheme have now been committed for the amount provided.

The Department for Community Development has notified Legal Aid WA that there are a further 120 cases requiring independent legal advice. Legal Aid WA is arranging for private lawyers on Legal Aid WA's panel to investigate and advise in relation to all of these further matters. An additional allowance has been agreed to cover private lawyers fees in acknowledgment for the extra time that is being experienced in investigating these matters. Also, the amount allowed for disbursements and for Legal Aid WA's administration costs were increased under new funding arrangements for the additional 120 cases.

To date, Legal Aid WA has issued writs in the District Court against the Department alleging abuse in care on behalf of six children. Those cases are still in progress.

In a number of other cases, rather than proceeding against the Department, the appropriate course of action has been identified as a claim for criminal injuries compensation because of a criminal offence perpetrated against the child. A number of those matters have reached conclusion including one in which a ward of the state was placed at a private children's home and a home based carer perpetrated physical abuse on the child.

There are a number of unique aspects to the project. One is the high level of cooperation between the various Government agencies involved - the Department for Community Development, Legal Aid WA, State Solicitor's office, Public Trustee, Assessor of Criminal Injuries Compensation and the District Court. Although contentious matters are being investigated and litigated, there is scope for the various agencies involved to liaise and co-operate to produce appropriate outcomes for the children affected whilst ensuring that administrative and legal costs are kept within reasonable limits.

The unique aspects of this project highlighted a need to inform and educate the private solicitors carrying out the work involved and to this end Legal Aid successfully conducted a seminar for 22 private practitioners in June 2005.

Key Strategy - Customer Service

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

Expansion of court based services into the specialist area of the Administrative Review Tribunal is aimed at providing timely access to advice services and referrals where appropriate and to target an identified gap in services available for social security clients.

ADMINISTRATIVE APPEALS TRIBUNAL LEGAL SERVICE

A six month trial of a duty advice service based at the Administrative Appeals Tribunal in Perth commenced in mid April 2005. The service provides an advice bureau fortnightly.

The service is for unrepresented parties currently involved in proceedings in the Administration Appeals Tribunal. The service is limited to legal advice and the Legal Aid WA lawyer does not, as part of the service, represent appellants at conferences or hearings in the tribunal. This is in line with court based services now in operation in New South Wales, Victoria and Queensland. The service is free with the usual fee for legal advice being waived during the trial period.

Advice appointments are limited to advice about immigration, social security and veteran matters. The Legal Aid WA lawyer on duty is also able to advise on eligibility for a grant of legal aid and make other referrals as necessary. Applications for legal aid can be taken from appellants where it is considered appropriate and representation in the proceedings then provided under a grant of aid.

The Administration Appeal Tribunal continues to refer clients who have not yet commenced proceedings to Legal Aid WA in the usual way.

The Service has definitely been helping from our point of view. People seem to be coming better prepared when they attend Conferences. They also seem to be relieved to be able to access the Service to get independent advice about proposals for settlement of their claim.

*Barry Johnson, District Registrar,
Administrative Appeal Tribunal*

THE SOCIAL SECURITY PROJECT

The project was successfully transitioned over to general service provision and we are happy to report the project completed the following:

- The necessary resources for service delivery were identified and made available both in hard copy and online
- Key service partners were located and service strategies developed to ensure smooth interactions for clients and each other
- Key internal staff were drawn together to develop an integrated service package - notably staff from Assignments, the In-house Practice, the Duty Lawyer Service, Frontline Coordinators and Client Services.
- Six well attended training and information sessions were held for staff in Perth and a specific session for regional staff via video conferencing
- The qualifications and experience needed by a practitioner to provide In-house Practice services were identified and a permanent staff member was employed to carry this initiative past inception phase into standard service delivery

We continue to monitor and further develop resources and materials in this field.

REFLECTION FROM A RESTRICTED YEAR PRACTITIONER: KATE PARNELL

As a newly admitted restricted year practitioner (RYP) in the Southwest Regional Office, life has been exciting, challenging and certainly quite hectic over the last 5 months.

Appearing before the same two Magistrates several times a week, every week, can be daunting - but it also reaps its rewards. A definite highlight of the year so far was recently conducting my first trial - and sitting down with the Magistrate to have a friendly chat afterwards!

A typical week involves providing duty lawyer services to clients in Bunbury Magistrate's Court, as well as travelling out to smaller courts such as Busselton and Bridgetown. Then the rest of the week is taken up with casework for criminal and family matters, including ADR conferences and Magistrate's Court trials, legal advice bureau and minor assistance. Needless to say I'm usually exhausted by the end of the week!

Anyone who has 'gone regional' will tell you that it's the diversity of the work and clients that really amazes and challenges you. I've been asked for advice on just about every topic imaginable across the spectrum of family, civil and criminal law.

I find that the most rewarding aspect of working in a regional community is helping clients navigate difficult and stressful times in their lives, usually in several different areas at once.

A typical example of multi-tasking legal advice was my first 'file' client. He was a middle-aged man with serious criminal charges pending in Magistrate's Court, and significant mental health issues. While he was remanded in custody, I negotiated with his landlord to hold off on pursuing unpaid rent until my client was sentenced, and assisted my client with his problems with Centrelink. Following his release from custody on a suspended sentence, I helped with follow-up advice on the tenancy issue, a referral to financial counselling and negotiation letters regarding his family law dispute as well. It was all made incredibly worthwhile when he went to extreme measures to thank me in person - hitchhiking from

Boyup Brook into Bunbury, and waiting for me at Court for over an hour, just to say thank you.

For me, the experience of working in a regional office has been invaluable and highly enjoyable, and one I would strongly recommend to any practitioner!

Kate Parnell

RECORDS MANAGEMENT

Legal Aid WA has made substantial progress towards meeting its business requirements for the effective management of all agency records and documents, both in paper and electronic formats.

The Hummingbird electronic records and document management system (DMS) has now been installed at Legal Aid WA. It is currently being used by Records staff and by other staff within the Information Management branch. Electronic document management functionality will be rolled out across the agency in the coming months. The system will be mandatory and is anticipated to have a major impact on the work practices of all staff. Existing non-compliant records repositories, both paper and online, will be progressively shut down.

The agency has placed a significant emphasis on development of policies, strategies and systems in this area. A complete review of its administrative file system has been completed and a new business classification system has been approved and partially implemented. All previously existing administrative files have been closed and new files created in the new DMS. Work is now in progress to bring all grant application and client representation files into the system.

A training and awareness program has been established. As a result, most staff have undertaken at least introductory training in records management principles. Newly appointed staff are also required to go through this process. Information Management and Records staff have all received additional training in relevant components of the system.



The Grants Online (GOL) system continues to be expanded and refined for user functionality, efficiency, and design.

In terms of its continued development, GOL has recently undergone major improvements associated with the website. The home page now presents statistics illustrating the number of outstanding requests (giving them a status of saved or submitted), the number of requests that have been processed in the last seven days, and the total submitted requests for the year to date. Significant progress has been made in simplifying and improving the client search function and the submission and payment of tax invoices. The format of the application form has also undergone extensive enhancement with the introduction of intelligent questions. Questions are shown/hidden depending on previous answers.

GOL is presently used by 58 firms, accounting for 50% of applications received from or rostered to private practitioners, and over 20% of all applications received. A further 26 firms have expressed a current interest in being connected to GOL. It is envisaged that the in-house practice and all in-person and postal applications will be incorporated into the GOL system. The objective remains to ultimately standardise electronic lodgement and make it mandatory for private firms who undertake Legal Aid WA work (apart from the few firms who generate limited number of applications). It is anticipated that all current private firms will adopt GOL by the end of 2005.

Grants Online - Regional Experience

GOL has been particularly well received by regional legal firms who undertake Legal Aid WA work. One of the first regional areas to incorporate GOL into workplace practice was Geraldton, and the comments below accurately sum up the general consensus regarding the benefits of GOL.

Ms Jan Tracey, who has been the dedicated Legal Aid WA officer for Geraldton, also comments on the many practical advantages of using GOL in regional areas:

"I have been the dedicated Grants Online (GOL) Assessor for over a year now. I have found it mutually beneficial dealing with all Geraldton solicitors, specifically the various problems faced in areas where criminal courts sit on a circuit basis. It became clear to me that the District Court circuit matters take a lot longer to get to trial than they do in the Perth Metropolitan area, as they continue on a round of Status Conferences with trials eventually listed on a number basis.

GOL has assisted both myself and the solicitors in dealing with any requests far quicker than using the post service, as sometimes letters can take as long as a week to reach Geraldton and vice versa. The comments made by solicitors in this area confirm this. I have also been able to provide direct contact details to Community Law Centres in Geraldton when they need to contact Legal Aid WA in relation to their client's applications, thus creating a valuable rapport with those service providers".

*Jan Tracey
Grants On-line Assessor*

"The advantages I have experienced with Grants Online are:

- 1. A set contact person at Legal Aid WA to whom I can direct most queries. (Jan, you are great!).*
- 2. Quick turnaround on requests for grants of aid.*
- 3. Easy submitting of bills.*
- 4. Prompt payment of accounts.*
- 5. Saves on postage and paper shuffling.*

In general, I have found the system to be great and am very happy."

*Ms Alison Camp
Solicitor*

"We have found the system to be extremely successful. Turnaround on grants has been extremely fast and efficient. We also feel having a designated Assessor has helped to streamline the system and to build good relationships. Service has been much improved."

*Susan J Ellis
Solicitor*

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.

Together with enhancement of electronic lodgement and management of applications for aid expansion of merits certification/checklist approach continues to improve response times for practitioners participating in Grants Online and realise substantial efficiencies.

VOLUNTEERS

Court Welfare Service

In 2005, Legal Aid WA nominated the Court Welfare Service for the Golden Swan Citizen of the Year Award. This nomination was made in recognition of their ongoing contribution as a voluntary service association.

Court Welfare provides a range of services in courts throughout Western Australia, including welfare services, assisting people applying for restraining orders, assisting defendants, assisting Duty Lawyers, and assisting the courts.

Court Welfare Service members have been providing voluntary assistance in Western Australian Courts for over 30 years. In 2005, the Service had 80 members aged between 40 and 75 years who, on average, assisted around 700 people per week in Courts of Petty Sessions, Children's Courts and District Courts in Western Australia.

In addition to providing invaluable assistance to court users, the Court Welfare Service also provides tremendous logistical support to the courts themselves and to the Duty Lawyer services run by Legal Aid WA. At a busy court a single Duty Lawyer will regularly advise and represent in excess of 20 clients before the lunchtime break. The administrative and other supports provided by Court Welfare to the Duty Lawyers are invaluable. Put simply, the Duty Lawyer service and in turn the courts themselves, could not run as effectively or efficiently without the assistance of Court Welfare. This is particularly so with difficult clients who may have to wait some time before being seen by a lawyer and dealt with by the court. The Court Welfare Service also provides valuable assistance to applicants in restraining order matters and to other courts upon request.

Review Committees

Not every person who applies for legal aid will receive a grant of aid. However, anyone who is refused a grant of aid can request a reconsideration of that decision. If aid is refused again, the applicant can request that the matter go to review. It is at this point that the hard work of the members of Legal Aid WA's Review Committees comes into play.

Reviews are conducted by independent Review Committees, consisting of two private legal practitioners who practice law in the relevant area and a layperson from the community. There are seven different committees, each of which specialises in a different area. Each committee meets 6 or 7 times per year. The members of each committee are volunteers and are independent of Legal Aid WA. They play an extremely important role for Legal Aid WA in ensuring that appropriate decisions are made in relation to grants of aid. Applicants also appreciate the fact that they can attend Review Committee Meetings and speak to the members themselves. Those clients who are unable to attend in person are able to put their case by telephone. Legal Aid WA extends its thanks to all of the members of the review committees for the services they provide, and congratulates the most long-standing members, Bruce Goetze, Gino Monaco and Anne Hawkins.

WORKING WITH LAW STUDENTS

This year Legal Aid WA continued to maintain strong links with the law schools at Murdoch, Notre Dame and the University of Western Australia. This has proved mutually beneficial - Legal Aid WA benefits from the assistance law students provide and the students benefit from the hands on experience, training and professional development opportunities available.

This year:

- 275 law students applied to participate in our winter and summer clerkship program. Of these, 25 have been chosen to undertake a 2 week placement that will provide them with the opportunity to gain practical experience in different areas of the law while developing an understanding of the values and practices of our organisation.
- We also continue to employ law students on a part-time and casual basis on our Infoline. These students benefit from the 'hands-on' experience of delivering information and advice on diverse areas of law to a wide range of clients and gain first hand knowledge about our organisation.

"I have found my time at Legal Aid WA as an Infoline Advisor to be incredibly rewarding. I have been working on the Infoline for the past four years and as an advisor, provide assistance and information on a wide range on legal issues to the community. This can vary greatly and in any one day, I can go from giving initial advice to a client on a Family Court procedure to referring another client onto a centre for emergency housing. The experience of dealing with a wide range of legal issues has been great in allowing me to establish a sound understanding of many different areas of law and gain a better appreciation of the processes involved in the legal system.

Working on the Infoline has also allowed me to further develop my client service skills. At Legal Aid WA, we deal with a diverse range of clientele and on the Infoline we are often the first point of call for clients, who may be distressed or unsure of their legal options. One recent anxious client called seeking information regarding her family law matter and expressed appreciation for the helpful service that was provided, stating that the Infoline advisor was both courteous and empathetic towards her situation. It is this positive feedback that we receive from clients that makes the job even more rewarding.

In my time as an advisor, the Legal Aid WA environment has been very supportive, with the teamleaders, supervising solicitors and managers always happy to share their time and knowledge. Overall, working at Legal Aid WA on the Infoline has been an invaluable experience and has served to validate my desire to continue with work of this nature."

Sharni Redfearn, Infoline Advisor

Key Strategy- People Management

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

We continue to expand the use of law students in the provision of legal services through winter and summer clerkships as well as employment with the added benefit of hands on experience for students.



**Sharni Redfearn,
Infoline
Advisor**

Student Comments about vacation clerkships at Legal Aid WA

"Legal Aid WA offers an excellent introduction to office administration, operational management of incoming work, variety of work duties and an overview of the realities of working in a busy legal office for students who are unfamiliar with a corporate work environment or a government work environment."

"I attended a seminar on "How to manage difficult clients" by Legal Aid WA, for the benefit of the court welfare workers at the Perth Magistrates Court. This was a fantastic seminar. The strategies and techniques discussed by Leah Young and Jane Stewart on managing difficult clients will continue to be with me hopefully well into my time in legal practice."

"Thank you for giving this opportunity. This was one of the best clerkships I've had."

"My clerkship with Legal Aid WA has been an excellent learning opportunity. The work was varied, challenging and interesting and the people were always more than supportive, friendly and informative. It was an excellent insight into the organisation's values and culture."

"Legal Aid WA is unique in providing such early exposure to clients. I have thoroughly enjoyed working with the clients and consider this to be the most important part of a Legal Aid WA clerkship."

"I had a really wonderful and incredibly interesting/eye-opening time here at Legal Aid WA. I feel the rotation I had has given me exposure to a good cross-section of the work of Legal Aid WA and its staff and clients. I have thoroughly enjoyed it all, and really appreciate the opportunity."

In terms of suggestions - only that I would have appreciated the opportunity of a brief taste/exposure to the other units/sections of Legal Aid WA that I didn't get to rotate into, as I realise each section does quite discrete work in different ways."

"I thoroughly enjoyed my time with Legal Aid WA. Gained invaluable exposure and insight into various aspects of criminal practice. The staff in both sections were welcoming and most prepared to guide and assist."

Overall, the two weeks here at Legal Aid WA have been fantastic. Staff have been incredibly helpful and have talked openly about cases they have been working on as well as their experiences in law more generally."

"I really enjoyed my time at Legal Aid WA ... You do place a lot of emphasis on the fact that vacation clerks get a lot of work to do, and that it is real work, and this is true - I got some great research work, especially from Youth Law. However, the real benefit of my clerkship was not doing work - just following around solicitors, going to court, sitting in on interviews, reading files etc. This gave me a real impression of what it is like to work at Legal Aid WA ... The people in both sections were fantastic also. Everybody is very busy, however, people always found time to talk to me, give me advice, explain things to me. Thanks for giving me the opportunity to have this experience!"

SECTION 3
REPORT ON OPERATIONS



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

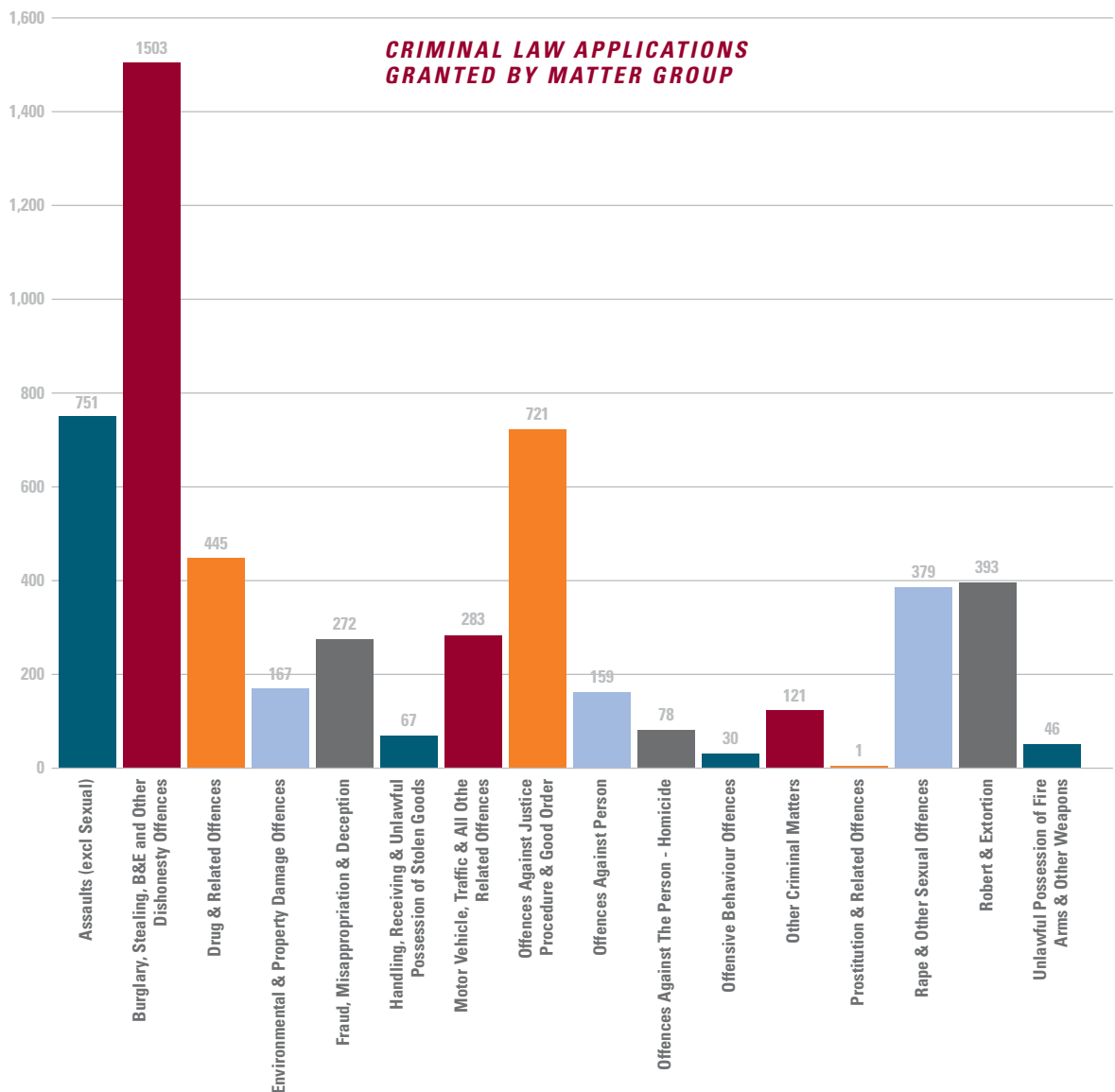
Where an application for legal aid is successful, a client will be allocated an in-house practitioner or private practitioner to conduct their case. Legal Aid WA's in-house criminal law practitioners work in the Criminal Law Section and Youth Law Team at the Perth office and also at the regional offices throughout the State. Practitioners represent clients in all criminal jurisdictions 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 require representation at a superior court level before the President of the Children's Court. Many involve complex issues, including appeals and psychiatric defences.

A Duty Lawyer service is provided in the Perth, Joondalup and Midland Children's Courts. In the past year, Legal Aid WA extended its Duty Lawyer service to the Mandurah Children's Court. The Duty Lawyer is in attendance on the first Monday of every month. If on-going grants of aid are required, they



are then assigned to other Youth Law team members for future representation. 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.

Mentally Impaired Defendants

Legal Aid WA continues to provide a dedicated solicitor to represent mentally impaired defendants. The solicitor represents clients in the various criminal jurisdictions, including the Magistrates Court and the District Court. The Intellectual Disability Diversion Program 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. The solicitor has maintained an ongoing relationship with the Disability Services Commission, various hospitals and the courts. This ensures that clients are provided with appropriate representation and ancillary services

Duty Lawyer and Prison Visiting Services

Duty lawyer services are provided in Magistrates Courts 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 subsequent hearings.

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 provide a service at the East Perth Court on Saturday mornings.

Paralegals visit Acacia, Bandyup, Casuarina and Hakea prisoners each week. A staff lawyer visits Boronia on a monthly basis. Other prisons are visited upon request. Regional offices provide services to regional prisons.

Case Study

A recent case of interest dealt with by the Criminal Law section involved a client suffering a first episode of psychosis triggered by paranoid schizophrenia. The client was charged with armed robbery after using a replica pistol to hold up a bank. The robbery was related to the client's belief that the whole incident would be captured by the bank's security cameras which he believed were linked to other surveillance devices monitoring his life. He was also charged with traffic and police charges a few weeks earlier when he drove to Channel 10 studios demanding to know why his life was being monitored by the media.

Psychiatric reports indicated that this man was so unwell at these times that he had lost the capacity to control his actions and could not understand that his behaviour was wrong. By the time he was granted aid, he had been remanded in custody and was being treated in a secure mental health institution.

His lawyer from the Criminal Law section negotiated with the police over the traffic and police charges and the Prosecuting Division agreed to withdraw those charges given that this was the client's first episode of psychosis, he had no previous record of convictions and was now undergoing intensive psychiatric treatment.

Negotiations with the Director of Public Prosecutions in relation to the bank robbery were naturally more complex. A conviction for armed robbery would normally result in a term of imprisonment, even for a first offender. A finding of not guilty due to insanity would result in a custody order. In practice, a custody order generally means an indefinite stay in a maximum security prison subject to an order from the Governor.

The client spent a long period of time in a secure mental institution before he was eventually released on bail to return home under the supervision and treatment of his psychiatrist. His improvement was slow but steady and ultimately the Director of Public Prosecutions agreed that they would accept a plea of guilty on the basis that his capacity to control his actions at the relevant time was severely impaired and that it was not appropriate to imprison him. The Supreme Court placed him on a two-year Intensive Supervision Order with conditions that he maintain his psychiatric treatment.

Several months later, the client's social worker reported that he had made significant progress under a new medication regime, was still living at home and had returned to work for the first time since his first psychotic episode.

Drug Court

The 2004-2005 period has seen significant changes occur in the Drug Court and major changes for Legal Aid WA's Drug Court Unit to embrace. The promotion to the District Court Bench of Judge Julie Wager signalled the end of an era for the Drug Court and the beginning of a new period for all those involved with the Drug Court.

The Drug Court is bigger than its individual team members but the role played by Judge Wager was an exceptional one. She has been the driving force of the Drug Court since its inception and has guided the Drug Court through many obstacles and is largely responsible for the success that the Drug Court enjoys today.

Legal Aid WA's Drug Court Unit comprises of two lawyers and a paralegal. The Drug Court Unit is dedicated to the provision of legal services to the Drug Court program which is currently running out of Court 55 in the Central Law Courts in Perth.

Legal Aid WA maintains its policy of rotating lawyers through the Drug Court - this continues to work well and exposes lawyers to the workings of a Court that practices in the area of therapeutic jurisprudence.

The task of the lawyers within the Drug Court Unit is to provide advice and representation to defendants appearing in the Drug Court. This is done in the traditional manner in Court, as well as during Drug Court team meetings, which is something unique to this specialised Court.

The profile of those defendants who are currently seeking assistance from the Drug Court has also changed dramatically. The recent introduction of the Pre-Sentence Order has seen those asking for inclusion onto a Drug Court programme coming to the Court with more serious offences and more complex personal circumstances. This change in the "Drug Court client" has seen the role of the Drug Court lawyer expand with the taking on of a higher number of District Court pleas.

The paralegal continues to provide necessary back up to the lawyers in many ways, including the taking of instructions and the performance of various tasks in the office, which cannot be undertaken by the lawyers while they are in Court. A further important role of the paralegal is the presentation of the Drug Court Information Session, which is compulsory for all defendants.

Legal Aid WA's Drug Court Unit still remains a vital component of the Drug Court, as the vast majority of defendants come to the Drug Court unrepresented. The increased seriousness and complexity of matters that are now coming before the Drug Court signals both a challenging and exciting time ahead for those involved with the Drug Court.

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. A new service, the Legal Aid WA Family Court Service was introduced during the year. The service is based at the Family Court of Western Australia and provides a duty lawyer service as well as advice, minor assistance and referrals.

Casework

Family law applications for legal aid include requests for representation in the Family Court, the Children's Court and the Magistrates Court. The types of proceedings are varied and include matters involving separate representation of children, child welfare, property and restraining orders. Consistent with the total number of applications for legal aid received in 2004-2005, the number of family law applications decreased by 3% compared to the previous year. Despite the decrease in applications, the number of grants of aid approved increased by 2%.

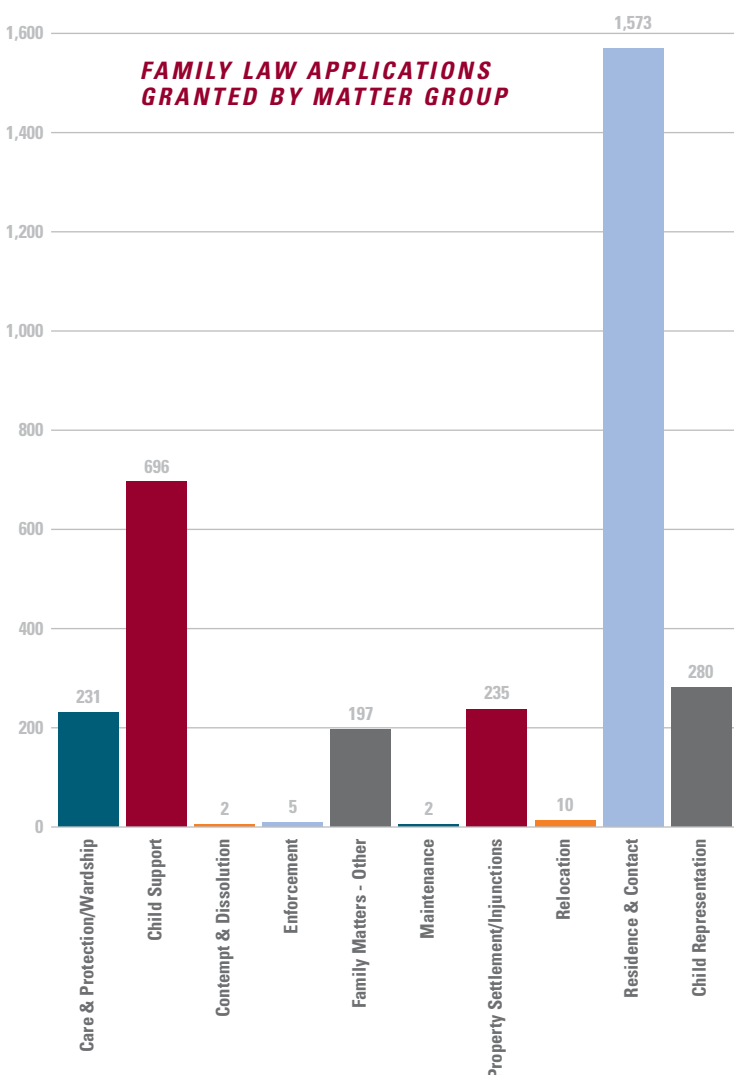
Children's Issues

Child representation is provided to children in both Family Court proceedings and in Children's Court care and protections proceedings.

The Family Court appoints a child representative when the parties raise serious issues that affect the welfare of a child. The child representative is appointed to promote the best interests of the child. All child representatives receive specialised training and Legal Aid WA has two senior lawyers working exclusively in this area. The child representative is not bound by any information or direction given by the child. In gathering the relevant information, the child representative will liaise with relevant stakeholders, which could involve government and non-government

agencies, health practitioners, educational institutions and any other organisation with which the child is involved. In some circumstances the child representative may arrange for further investigation by an appropriate expert such as a child psychiatrist, child psychologist or a social worker. Part of the child representative's role is to encourage parties to take part in alternative dispute resolution strategies. This could involve participating in late intervention mediation conferences when a matter is due to proceed to trial. In 2004-2005, Legal Aid WA approved 247 grants of aid for child representatives in Family Court proceedings.

In the Children's Court, the child representative acts on the instructions of the child. The child must be of an age to understand the meaning of care and protection and be able to instruct their legal representative. The child representative attends all pre-hearing conferences to try to resolve the matter without a trial. At trial, the child representative appears for the child and ensures that the child's legal position is made known to the Magistrate or Judge. In 2004-2005, Legal Aid WA approved 33 grants of aid for child representatives in Children's Court proceedings.



Case Study

Applications for legal assistance in care and protection matters normally commence with a grant of legal aid for advice and investigation and for negotiations with the Department for Community Development ("the Department"). This occurs after a child has been apprehended by the Department because the Department has ascertained the child is in need of care and protection. The reasons for these apprehensions vary enormously. In many cases there is merit in some of the allegations being made and the solicitor's role is to represent the client and assist them to work with the Department with a view to having the children returned or to negotiate a consent order. Legal Aid WA very rarely funds trials to fight care and protection applications because the Department's case usually has sufficient merit to warrant the application. Sometimes, however, the Department gets it wrong.

Such was the case with the apprehension of R. He was a twelve year old boy with a borderline intellectual disability, a huge imagination and a propensity to tell stories. One day on the school bus he told a girl he wanted to impress he was being abused by his father. The girl told her mother, the mother told the school, the school told the Department. R was interviewed and as a result of the interview R was apprehended and placed in foster care. R later withdrew his statement about the sexual abuse to the police, to a Departmental psychologist, and to his grandmother.

The psychologist could not find conclusively that the father had either physically or sexually abused R. Likewise, a medical examination of R also found no evidence of abuse. Nor was there any evidence of R ever having complained previously to any educational or health professional of any form of abuse.

R's father, who was represented by the family law in-house practice, denied the allegations. He was supported by his wife, his family and his landlord neighbour, who viewed R as a grandson. All reported R's parents as being caring and having been heavily involved over the years attending to R's intellectual and physical needs.

Despite R withdrawing his allegations and the psychologist's report, the Department did not want to return R to his family. R was attending a new school and did not want to return home to his old one where he had been held back a year and suffered teasing.

Legal Aid WA agreed to fund solicitors for both of R's parents and for a child representative at the trial. Negotiations continued to take place with Department but to no avail. The court found in favour of the parents and R was collected by the parents the afternoon of the decision. R's parent's enrolled R in a new school with a similar programme to that he was undertaking during his period of apprehension. His parents undertook to ensure he received counselling and undertake a protective behaviours course.

The whole exercise was a new and valuable experience for the Family Law Unit.

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 allow for representation 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 aspects, have 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

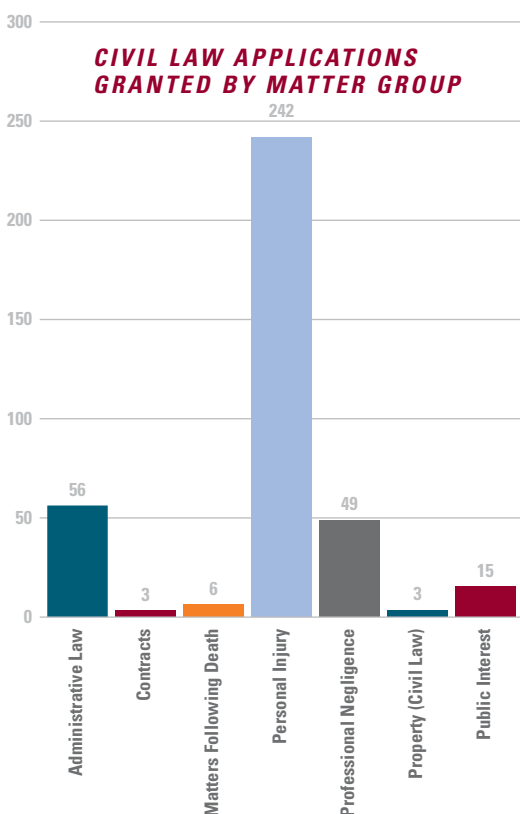
For over 10 years Legal Aid WA has successfully tendered to the Department of Immigration, Multicultural and Indigenous Affairs to provide migration, legal advice and application assistance to clients.

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 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 resident 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.

Department for Community Development Matters

A new service is the provision of independent legal advice to individual persons in cases of substantiated abused whilst the person was a child in the care of the Department. Funding has been provided by the Department for Community Development for the provision of that advice. Just over 100 matters have been referred in-house for advice under the initial arrangement. Further matters have been referred to private lawyers. There are a further 120 cases requiring independent advice.



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.

Frontline Services

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

Infoline

The Infoline offers a dispute resolution service to callers throughout Western Australia who are 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, such as legal information, a referral, initial telephone legal advice, making appointments for legal advice or to see some one in our minor assistance program including limited appointments via video link in some limited regional areas.

The Infoline is staffed by experienced paralegals who come from a range of community-based backgrounds. Some are undertaking relevant studies such as law and justice studies while others 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.

Access to Legal Aid WA's Legal Resource database ensures each caller receives up to date and correct legal information relevant to his or her legal issue. All legal advice is provided under close supervision by a Senior Solicitor and calls are regularly monitored by Team Leaders.

Statistics

In 2004-2005 the Infoline received 71,420 calls, a slight decrease of 2% compared to 2003-2004.

The overall average call length decreased to 8.08 minutes in 2004-2005 compared to 8.31 minutes for 2003-2004. 46% of all calls were answered immediately and 69% of calls were answered within three minutes, the average wait in the queue was 92 seconds.

Approximately 38% of all calls to the Infoline are family related, 44% were crime and civil related and 18% were administrative calls. 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 based organisation.

The majority of calls were seeking information on contact, property settlement, residence, assault, driving and traffic offences, contract, debt owed by client and unlawful/unfair dismissal.

Front Counter

The Front counter is staffed by paralegal advisers who provide a range of services to people who attend in person. A person can expect to be provided with the same legal advice and information they would receive from the Infoline.

The Front Counter staff filter general enquires, book and check in clients attending legal appointments in the Client Services section, assist people with Legal Aid WA application forms and where appropriate refer people to non-legal services as required.

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.

The demand for legal advice continues to be high, across all areas of law. Client Services continues to target its legal advice services to people who are most in need, by reference to financial means, and also by focussing on clients who are in a position to resolve their own situation with appropriate legal guidance and support.

Where Legal Aid WA does not have the capacity to assist clients with legal advice, clients are referred to a range of external services. In 2004-2005, Client Services worked with Development Services on updating and improving the Referral Database, which is an important source of information about options available to clients seeking assistance.

This year, Legal Aid WA provided 22,140 occasions of advice services, a 13.58% decrease from last year.

Minor Assistance Program - Helping Self-Represented Litigants

This year, Legal Aid WA continued to provide its Minor Assistance Program, a service designed to help clients deal with and progress their own legal matters across a range of family and civil law areas. The Minor Assistance Program is an important service option available to clients who are not eligible for a grant of aid for legal representation. 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.

Minor Assistance was 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 6 067 minor assistance appointments across the State representing a 11.86% decrease in service delivery over the past 12 months.

REGIONAL SERVICES

Legal Aid WA provides a range of legal services to regional, remote and rural areas of Western Australia. Those services are provided in a number of ways – through the State-wide Infoline, through legal advice and minor assistance provided from head office in Perth, through family law alternative dispute resolution conferences, and through the seven regional offices based in Bunbury, Broome, Christmas Island, Fremantle, Kalgoorlie, Midland and South Hedland.

There have been a number of significant developments in the provision of regional services during the past year, including the following:

- Preparation for the establishment of the Midwest and Gascoyne regional office in Geraldton and the Great Southern regional office in Albany
- Consolidation and expansion of the Wheatbelt Outreach Service;
- Continued expansion of the use of technology services in the country including video links with regional staff and video conferencing with staff and clients;
- Greater emphasis placed on the provision of Commonwealth law services, particularly family law;
- Encouragement of the rotation of junior lawyers through regional offices; and
- Embarking on a project, in collaboration with the Law Society of Western Australia, Aboriginal Legal Services of WA and the Association of Community Legal Centres (WA), to address the problems facing lawyers in country Western Australia.

Challenges

One of the key challenges in the provision of regional services is to improve services where there is a conflict of interest: conflicts present ongoing problems for regions with limited service providers. Even where there is a Community Legal Centre, there are often only a few other service providers for people seeking assistance. Thus the party which gets in first to the Legal Centre gets advice and assistance and the other party quite likely misses out or, even if they do get telephone advice, effective follow up assistance may well be problematic. It is hoped that the opening of the new regional offices servicing the Midwest and Gascoyne and the Great Southern areas will assist in addressing this problem.

An ongoing challenge is always to meet the growing demand for services in regional areas. This is compounded by the variety of problems faced by regional offices when providing services. Those problems include distance, language problems, clients with special needs, a lack of legal services and conflicts of interest. Again, it is hoped that the opening of the new regional offices will assist in meeting the growing demand for services and in addressing these additional problems.

Key Strategy - Communications

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

Critical services including telephone, fax, email and postal services are provided by the Perth office for clients in regional areas who are unable to be assisted through local offices or agencies. Clients can make an appointment with the Perth office to discuss their legal issues through the range of communication services available.

Case Study

An interesting case facing the South Hedland team during the year involved representing a client who was charged with robbery in circumstances of aggravation. This is a potentially very serious charge. A person who is found guilty of this offence faces a maximum penalty of 20 years' imprisonment.

The client, an aboriginal man, was driving with his family on his way to his daughter's birthday party, when he saw some tools by the side of the road. He noticed a number of people drive past, stop to look at the tools and drive off again. The client decided to pick up the tools and put them in his car.

After he had collected them, a young employee of the company who owned the tools came by and said that the tools might belong to his company. The client allegedly told him "finders keepers" and drove off. The owner of the tools alleged that the client hit him when he made this comment. The client denied this.

When he returned home, the client left the tools on the verandah of the local community house.

The client was charged with robbery in circumstances of aggravation. The offence of robbery involves stealing something and using violence to obtain the thing. The offence is committed in circumstances of aggravation if the offender does bodily harm to any person. Stealing involves taking something with an intent to permanently deprive the owner of the thing.

When the matter went to trial, the lawyer argued that the client was not guilty of robbery because he was not guilty of stealing the tools. The client insisted that he never meant to permanently deprive the owner of his tools. The lawyer argued that leaving the tools on the verandah of the community house was proof of this intention. The jury agreed and the client was found not guilty.

Profile: Tanya Wotherspoon - Supervisor, Broome Office

Tanya has a long history with Legal Aid WA. She first began working for Legal Aid WA in October 1989 as an administrative officer and was appointed office supervisor after 12 months. Tanya took parental leave in 1993 and subsequently resigned in 1995. She briefly tried working in private practice but soon returned to Legal Aid WA's Broome office. She was again appointed the Office Supervisor of the Broome office in April 2003. Tanya has lived in Broome since she was 19, which almost makes her a local, and she can't think of anywhere better to live! She loves the small town environment of Broome, the beaches, the proximity of everything which means it takes five minutes to get to work in the morning and the pace of life which is just that much slower than it is in Perth.

Tanya's current role involves providing paralegal services as well as supervising other staff and general administrative duties. There is a real mix of work taken on in Broome. The majority of casework involves criminal matters but the advice given to clients also covers family matters and civil matters, from defamation to debt, tenancy to criminal injuries compensation. Tanya also often finds herself undertaking jobs that are not quite within her job description - it is not uncommon to find her catching blue tongue lizards, dealing with bee infestations or chasing small birds around the office.

Tanya considers that Broome has its own particular challenges because it is such a small town and because of its isolated location. Most legal advice provided to clients has to be provided by telephone because of the remoteness of many of the clients. As a result there is little face-to-face legal advice provided, except for criminal matters at court. This can cause problems, particularly with indigenous clients, who may have language difficulties, are not comfortable on the telephone and who simply wait until a problem is huge before seeking advice because of the difficulties involved. The office often has many problems with conflicts of interest, as they are the only legal office in town that provides legal advice for a nominal fee, apart from the Aboriginal Legal Service.

Tanya loves working in a small office because "everyone does everything and everyone is exposed to everything". She is continually surprised by clients, and has even gone shopping for suitable court attire for them. She loves the people she works with and the view of the bay from the office window. Mostly, she loves the benefits in working for an organisation where she can help people and make a difference.

Her colleague Janie Gibbs says, "Tanya is much loved. She has a fantastic sense of humour mixed with absolute and total dedication to her work. She is the backbone of the office and makes sure that everything runs smoothly and everyone is kept happy. She is extremely supportive and encouraging to all staff."

**Tanya
Wotherspoon**



DOMESTIC VIOLENCE LEGAL UNIT

Family and domestic violence is an issue that affects many in the community and cuts across all areas of the law. Often domestic violence can be hidden or masked, due to fear, embarrassment, lack of recognition and minimisation of what is occurring. In recognition of the devastating affects of domestic violence and its insidious nature, Legal Aid WA has specific strategies for screening, identifying and responding to family and domestic violence and domestic violence matters receive a very high priority.

Legal Aid WA also has a commitment to funding Family Court cases involving family and domestic violence and providing advice, support and representation to victims of violence with restraining orders. A major part of that commitment is the funding of a specialist Domestic Violence Legal Unit within Legal Aid WA. The Unit provides:

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

In October 2004, the Domestic Violence Legal Unit marked its 10th anniversary by holding a forum on Family and Domestic Violence, Human Rights and the Law. The forum looked at the (then) pending new restraining order legislation, particularly in relation to the impact of violence on children and the concept of 'emotional abuse'. The forum was opened by His Honour Chief Justice Malcolm, who praised the work of the Unit and its staff. Speakers included Her Honour Judge Martin from the Family Court of Western Australia, Deputy Chief Magistrate Woods, Family Court expert Dr Phil Watts, and academic and researcher Dr David Indermaur. One of the highlights of the forum was Ms Roia Atmar speaking about her experiences of the legal system in relation to the domestic violence that she and her children had suffered.

The Domestic Violence Legal Unit is also actively involved in law reform and policy issues. The Unit made a significant contribution as one of the principal stakeholders for the Acts Amendment (Family and Domestic Violence) Amendment Act 2004. The Unit also initiated a project with the Department of Public Prosecutions for prosecutors to actively consider seeking restraining orders in criminal offences when offenders are sentenced. This project culminated with a specific process for prosecutors to seek restraining orders for victims in criminal matters being contained in the new 2005 'Prosecution Policy and Guidelines', released in June 2005.

The Unit continues to be committed to a collaborative approach to addressing domestic violence. The Unit has maintained its strong networks with Women's Refuges, the Police, the Courts, the Department of Justice, the State Family and Domestic Violence Unit, Amnesty International and other community and government agencies. As part of this collaborative approach, the DVLU has continued its involvement in DVAS Central, a multi-agency co-located domestic violence support service and provides a lawyer to the centre on one afternoon per week.

Training workers from agencies who may deal with clients in situations of domestic violence, is another integral part of the Unit's services. During the past 12 months, the Unit was one of the principal, if not the principal provider of training on the new restraining order legislation.

The Unit has also pursued the issue of training on dealing with domestic violence clients for all Legal Aid WA staff. To this end the Unit has provided training to all articulated clerks, Client Services and new Family law staff and hopes to have a policy endorsing mandatory training of all Legal Aid WA staff in the near future.



DVLU unit at anniversary celebrations

Key Strategy - Communications

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

Continuing education of staff in community organisations and government agencies in dealing with domestic violence and this year emphasis on the new restraining order legislation

CHILD SUPPORT LEGAL UNIT

Child support is an issue that touches many Western Australian families. If parents feel that the child support system is not working fairly, it can cause stress and have the potential to negatively impact on the relationship they have with each other and their children. Although some people deal with child support without difficulty, many others find the child support system confusing. Often there are things that either parent can do to make sure that the child support system is working more fairly but they are unaware of what to do, or need help to do it.

Legal Aid WA has a specialist Child Support Legal Unit that helps people with child support matters. We help people sort through the sometimes confusing processes involved with child support and related Centrelink requirements. Our Unit is independent of the Child Support Agency and helps both people paying child support and people seeking or receiving child support. We can help with:

- Legal advice
- Talking to the other parent
- Writing up, varying or discharging agreements
- Preparing documents
- Proving who is the father of a child through DNA testing
- hearings at the Child Support Agency and Family Court
- Getting child support where the children are over 18
- Getting child support where a parent is overseas

If the Unit has already seen one parent, we can arrange for the other parent to get legal advice and help from somewhere else. Mothers on Centrelink benefits are required to take action to get child support otherwise they have their payments reduced or cancelled. We can also help these mothers by paying for the DNA testing to prove who is the father of their child.

Part of the service is to also provide weekly information 'forums' to those receiving or seeking child support. These forums cover important information about the how the child support system works and what to do if you are not receiving a fair amount. Feedback about the forums is always extremely positive.

The Child Support Unit works closely with other agencies to train and educate workers and the community about child support and the services we provide. In the past 12 months we have conducted outreach to the Pilbara, Kimberley, Great Southern and Bunbury areas. We have also provided training to Centrelink, women's refuges, financial counsellors, Community Legal Centres and young women's groups.

At the invitation of the Jayida Burru Abuse and Violence Prevention Forum and Ngunga Women's Group a paralegal from the unit attended a Kimberley Aboriginal Women's Bush Meeting with the Child Support Agency to talk about child support and Centrelink issues. The presentation was very successful and as a result of subsequent networking a number of local Aboriginal agencies were identified as contacts through which Aboriginal women (many of whom might not have their own phone) could telephone the unit for assistance.

In 2005, the Unit made submissions to the Commonwealth Government's Task Force on Child Support. In June 2005, the Task Force released a report called 'In the Best Interests of Children – Reforming the Child Support Scheme'. It is not clear yet whether the Government will accept and implement the recommendations in the report. If they do, this will result in major changes to the way child support is calculated.

Case study 1

A mother came to the Child Support Legal Unit for help with getting a fair level of child support for her 3 children. Her husband had been living in Australia and paying child support based on his income of about \$90,000 pa. The husband left Australia to move overseas where he had no job. The mother believed that her husband had left Australia mainly for the purpose of avoiding paying child support. Our Unit was able to advise the mother that the country the father had moved to had a reciprocating agreement with Australia for child support. The mother applied for child support and the husband was assessed to pay the minimum of \$5 per week as he had no income. Our Unit then assisted the mother to apply to change the assessment on the basis that the husband had an income earning capacity. The application was successful and the husband had to pay child support from overseas on the basis of him having an income of AUS \$90,000 pa.

Case study 2

A father who had been unemployed for the past 3 years had recently obtained a high paying job overseas. There were substantial arrears of child support despite the fact that the man had been unemployed as he had not sought to change his previous child support assessment. When the man went to board his flight to go to his new job, he discovered that the Child Support Agency had got a Departure Prohibition Order stopping him from leaving Australia until he paid the arrears. The man sought help from the Child Support Legal Unit. The Unit helped the client appeal the Agency's decision to stop him from travelling overseas and assisted him to successfully reduce the arrears to an amount reflecting the fact that he had been out of work. The result enabled the client to take up his employment and start to pay child support and back pay the reduced amount of arrears.

ALTERNATIVE DISPUTE RESOLUTION UNIT

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.

Results

Over 450 family conferences were held in Western Australia during 2004-2005. These were conducted using a variety of means including face-to-face, shuttle, telephone and video link up. An increasing number of conferences involved third parties including grandparents, child representatives and other major people in the lives of the separating families that used the service.

Agreement was reached in 89% of the conferences.

Rural Offices

In line with our move to offer the ADR program to regional and remote communities, the training of regional lawyers and chairpersons has continued throughout the year. With the imminent opening of Legal Aid's Dispute Resolution Centres in Geraldton and Albany, the ADR program is expected to expand even further offering greater alternatives to regional clients.

Continuous Improvement Emphasis

This year, the program continued to expand though not as dramatically as in past years. The emphasis has been on training to increase the quality of the program by consolidating and increasing the knowledge and skills of all its staff and panel members. The ADR Unit has employed two experienced clinical staff - (1) a senior mediator and (2) a clinical services co-ordinator. Both work with the Solicitor in Charge and other ADR staff. The need for clinical expertise becomes greater each year as families struggle with more and more complex dynamics and challenges.

Training

Training and supervision to be provided will satisfy and exceed the requirements of the Family Law Regulations 60 and 61. These regulations specify a minimum qualification, a minimum number of training hours and minimum number of supervision hours. The objective of the training and supervision is to promote 'self reflective' practice by all practitioners. The training in new skills and the capacity to review one's own practice will mean that practitioners will learn to continuously monitor their own performance.

Two 2-day training courses for active chairpersons were held in May, June and July 2005.

Evaluation - "Community of Practice" (CoP)

During 2004-2005, the CoP established among Chairpersons continued to develop. One of the key developments of the CoP was the launching of the CoP website. Although still in the early stages of development, the website is providing members with the ability to exchange and gather information and provide feedback on ideas for practice, knowledge and service delivery. When fully implemented, this tool will provide ongoing opportunity for evaluation, and dovetail with the vision of continuous improvement.

Reaching Out into the Community

The ADR Unit has involved itself in a number of activities during the year including:

- Sponsorship of the Schools Conflict Resolution and Mediation (SCRAM)
- Hosting of the Leading Edge Alternative Dispute Resolvers (LEADR) accreditation video assessments
- Delivery of training to various outside services including the Family Court Counselling and Mediation Service and Community Legal Centres
- Participation in the Family Relationship Centre Workshop in Perth in June 2005
- Participation in the national Legal Aid PDR Forum in Brisbane
- Hosting interstate visitors including Commonwealth Attorney General's Department, Victoria Legal Aid office and the Law Council of Australia

COMMUNITY LEGAL CENTRE FUNDING

Case Study

The family law ADR solicitor represented Mr B for an ADR conference for children and matrimonial property issues. The parties had separated after being together for almost 20 years.

At the commencement of the ADR process, relations between the parties were strained although they tried to be polite and civil 'for the sake of the children'. Matrimonial property issues can cause difficulties because of the financial issues involved. Likewise, there were shared care issues to be negotiated.

Both of the solicitors and the chairperson were amiable and positive throughout the conference and the negotiation process. The parties visibly relaxed during the conference and started communicating spontaneously with each other. The matter settled on a high note, both happy with their compromises.

Three months later, the solicitor who represented Mr B ran into him in Perth CBD. He and Mrs B and the children were in town on an outing together. All looked very relaxed and happy and Mrs B readily came up and said hello. No, they had not reconciled, but they commented that the ADR conference process had enabled them to iron out their communication difficulties. It is not often as a family lawyer that you end up with both your client and the other party happy to see you, let alone speak to you. It is the potential for such a situation to occur that makes being an ADR solicitor so rewarding at times.

Key Strategy- Customer Service

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

The continuing expansion of the Alternative Dispute Program into regional offices and the use of telephone and video conferencing technology offer real options to many clients who are involved in family disputes.

2004-2005 was the first year of operation of the State Community Legal Services Program. The State government provided recurrent funding for a new centre in Peel, a new outreach service in Gascoyne operating out of Geraldton Resource Centre, a new Domestic Violence Network (with services in Gosnells CLC, CLAC at Fremantle and SCALES in Rockingham), a new holistic legal service at the Mental Health Law Centre, additional funding for the Consumer Credit Legal Service and a new bush lawyer outreach service at the Environmental Defender's Office WA.

It has been a very successful and productive year for the new State services. The Attorney General, Jim McGinty, MLA launched the new premises of Mental Health Law Centre in November 2004 and then attended the official opening of Peel Community Legal Services in December 2004 at the centre in Mandurah.

Work continued on a new service agreement, to be used for both Commonwealth and State funding. The new agreement will be implemented in 05/06 and will run for a 3-year term. The data system used by all centres (Community Legal Services Information System - CLSIS) underwent an upgrade in 2004 and a new centre reporting tool (the Data Query System - DQS) was implemented.

SPECIAL FUNDING

Crime Corruption Commission

The Corruption and Crime Commission (CCC) was established under the Corruption and Crime Commission Act 2003 on 1 January 2004, to reduce the incidence of corruption and misconduct in the public sector, as well as having limited functions with regard to organised crime.

Legal Aid WA receives funding from the State Government for serving and former public officers called as witnesses or served with notices or summons' by the CCC or the Parliamentary Inspector.

The Fund is still in its infancy and continues to be open to applications.

Finance Brokers

Legal Aid WA continues to administer the fund provided by the State Government to finance litigation instituted by investors seeking to recover losses incurred in failed finance brokers matters.

An action commenced in the Federal Court of Australia has been settled for a large sum of money and on terms favourable to a syndicate of twenty investors. Two court actions have been discontinued after counsel advised that there were no reasonable prospects of recovery for the investors involved and litigation in nine other proceedings in court is continuing. Some other syndicates are still investigating preliminary matters before deciding whether or no to commence actions.

DEVELOPMENT SERVICES

Internal and External Resources

A core function of the Development Services Unit is to develop and maintain knowledge resources for internal users and for the public. To this end, it manages a large number of public web-based materials, databases, kits and manuals and information sheets as well as a set of family law precedent clauses and letters used by practitioners to assist litigants-in-person through negotiations and the preparation of court materials. As far as practicable, all resources are made available to our service partners, particularly those providing not-for-profit legal services to the community.

This financial year has been extremely busy as a result of an active legislative agenda by, particularly, the State Government where changes to the law and procedure impacted on most database and web pages. The following provides an overview of activities undertaken to maintain these resources:

The Legal Resource Database

This resource is designed to support legal advice services and covers around 140 separate legal matter types across the range of issues of most concern to the legal aid target population. As a result of considerable legislative change, in excess of 100 of these pages were either completely revised or amended, and several new resources developed to cover matters such as amendments to the Sentencing Act, commencement of the State Administrative Tribunal, offender reporting, the complete revision of the Magistrates Court Act and changes to domestic violence law and procedure.

Kits, Manuals and Information Sheets

In addition to the legal content of the database, around 54 resources are produced to support service delivery, including manuals, training materials and information sheets to support legal advice and information services. All internal resources and support materials are made available to not-for-profit service partners such as Community Legal Centres through the password protected extranet service available to them.

Newly developed materials during this year included an 85 page manual jointly developed by Legal Aid WA and the Community Legal and Advocacy Centre covering all matters necessary to making a criminal injuries compensation claim (inclusive of sample letters to obtain police and medical reports, sample statements to support the claim and guides for late applications, applications by minors and the options to appeal decisions).

As part of a national initiative to rationalise the range of publications covering family law matters, we participated in developing and producing a new publication designed to help people understand the range of issues, options and services available in this area. Entitled "Untying the Knots" it contains a nationally maintained Commonwealth Law component with a separate section dealing with state law issues such as defacto property arrangements, wills, family violence, changing names, debt and other matters.

Web Resources

The public website continues to be popular with the general public and non-legal service providers as a source of initial information about the law and where to obtain further assistance. Equally impacted by the heavy legislative agenda that affected the Legal Resource Database, over half of all these pages needed to be revised and updated.

The extranet service to not-for-profit legal services has continued to expand and meet with approval by users. Protected by user identified passwords, it provides these services with access to the Legal Resource Database, a range of manuals and other publications used to support legal services, learning materials for the accredited Certificate IV paralegal training course and other In-house Practitioner training materials. These agencies are encouraged to use the resources for their own internal training and service delivery strategies, and to adapt materials as necessary for community legal education within their own localities. Our Community Development Worker provides assistance and additional resources to support this strategy.

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 development of knowledge resources for internal and external users that both supports legal advice and minor assistance services and provides source of information about the law for the public.

Family Law Precedents

This is a system of precedent letters, clauses, orders and other resources designed to merge with family court documentation software. Originally designed to support self-represented litigant services, a complete review of these resources has been undertaken to include materials for use in the In-house Practice, and to incorporate materials designed for people seeking help with Child Support. A single, coded system is being developed that will form the basis for an organisational approach to best practice documentation in this area of law.

Pre-action negotiating letters and other materials supporting recent changes to procedural requirements in the Family Court have been added to the system.

In addition, the current precedents were made available to service partners such as Community Legal Centres for their own use through CD Roms. This means that external users may now access the precedent material without the need for specific software. Users are notified of any changes to these resources and the availability of updated CD Roms as they occur.

External Training

Training on various legal issues was provided to:

- The Deaf Society (3 sessions on family law, civil law and the legal system)
- police prosecutor training (from defence perspective)
- New workers at the Peel Community Legal Centre
- Criminal law systems and issues for Gosnells CLC
- The Citizens Advice Bureau in Perth and Mandurah about Legal Aid WA services

The Community Development Officer based in Development Services also maintained the role of co-convenor of the Community Legal Education Working group (CLEWS WA.), a group comprising Legal Aid WA, Community Legal Centres and other government departments

The service strategy for external training has been refocussed in order to provide resources and support to community agencies and other service partners so they can deliver public education strategies locally. This effectively replaces the former strategy of providing training directly to the public insofar as it focuses on targeted individuals and services with strong local links, thereby facilitating greater "on-the-ground" penetration.

Training materials are made available to regional offices and service partners through our website. The Community Development Officer continues to take a proactive role through CLEWS and other forums to provide resources and training about how to conduct legal education strategies in local communities.

Community Development and Consultations

In order to properly undertake Development Services functions, it is imperative that good working relationships with a range of organisations and services is nurtured. Major involvements this year included:

- Regular attendance at Magistrates Court Meetings (involving representation from the police, Justice, AIMS, criminal law practitioners) to consider how to address public resourcing needs inclusive of the major changes in both the criminal and civil law jurisdictions. These meetings promote sharing of information as well as materials developed by the participating services.
- Regular collation and dissemination of Legal Aid WA information for Community Legal Centres through the monthly CLC Online Bulletin
- Negotiation with the Aboriginal Legal Service resulting in development of a Memorandum of Understanding between our services
- Consultation with the Mental Health Law Centre, Disability Services Coordinators and peak organisations concerned with services for people with mental or intellectual disabilities to determine service needs and issues for this client group
- Continuation of links with the Midwest Project participants to promote strong service links between our services leading up to the opening of our Geraldton regional office
- Development of a "train-the-trainer" strategy for community workers designed to assist them to use and adapt Legal Aid WA materials in their local Community Legal Education strategies. This is felt to be a more effective use of limited Legal Aid WA resources to meet local area needs through local area contacts and expertise.
- Participation in workshops about racial vilification and systemic racism with the Office of Multicultural Affairs and the Equal Employment and Opportunity Commission
- Participation at the National Legal Aid WA Community Legal Education Best Practice Working Party meeting to further national strategies and other issues identified by the Directors for action by this working party.

ASSIGNMENTS

The Assignments section performs a crucial role within Legal Aid WA. Its principle function is to assess applications for legal assistance in view of limited resources, competing interests, and eligibility and priority guidelines established through funding agreements with the Commonwealth and State governments.

Assignments take into account three essential factors in its assessment of applications: the relevant state or commonwealth guidelines designed to prioritise type of matters funded; the financial eligibility of the applicant (measured in accordance with the National Means Test); and the merit and prospect of success of the applicant's case.

Its function is not limited to approving or declining applications for aid, but frequently extends to assisting applicants who are deemed ineligible for a grant of aid in accessing alternative services, including but not limited to (Legal Aid WA's) Client Services division (for preparation of documents and minor assistance); the Child Legal Support Unit; the Duty Lawyer Service, which provides for valuable assistance to clients in criminal law proceedings, as well as Community Legal Centres in WA.

Challenges

Legal Aid is working hard to preserve current levels of assistance provided to persons appearing on serious charges in Magistrates Courts throughout WA, and to improve the level of representation that can be provided to this group. One way to achieve this is to reduce the proportion of administrative costs involved in providing legal representation. The Assignments section consistently strives to provide a fair, efficient, equitable and cost-effective service.

Assessors form the core of the section and are experienced, and multi-skilled paralegals. In assessing applications for aid, they analyse large and often complex information, interpret and apply legislation, and effectively liaise with various internal sections and external agencies, including legal practitioners, to facilitate the most appropriate and beneficial assistance for the client.

The Assignments section has the relatively onerous responsibility of meeting the needs of applicants while managing limited delegated funds in the interests of the wider community. At any given time there are many applications of varying nature and merit, which must be prioritised, and not everyone will be assisted. In balancing needs of applicants and the available funds, Assessors will use discretion where appropriate to request that applicants make financial contributions towards the costs of their legal matter. Assessors will also conduct reviews of active matters to ensure costs are kept within reasonable limits and that funds are available for other matters.

Assignments has also been at the forefront of implementing electronic lodgement in the form of Grant Online, which although is still being enhanced, has already proved to be a much quicker and simpler method of submitting and processing applications, which has produced direct benefits for applicants and legal practitioners.

Changes To Commonwealth Guidelines

The Commonwealth Government has introduced, as part of a four-year funding agreement with Legal Aid WA, changes to the relevant Eligibility and Priority Guidelines. The areas that have been impacted upon by the changes include, but are not limited to the following:

- Property Settlement
- Information, Location and Recovery Order matters
- International Child Abduction matters
- Illegal Fishing
- War Veterans Affairs

INFORMATION MANAGEMENT SERVICES

The Information Management section provides technical infrastructure and communications capacity across the Legal Aid WA agency and to key partners. It develops and supports office and line of business systems including all internal and external web services. Additionally it provides records and document management services and library services as well as training and support for staff utilising systems and infrastructure.

During the last financial year we have participated in a national initiative to develop specifications for replacing our major line of business system. These specifications will be used as a basis for the initiation of new projects over the next two years to improve business processes in key business areas.

Considerable effort has also been directed to the implementation and roll out of the Hummingbird electronic records and document management system. This has been a significant achievement due to the complex nature of the product and the necessity for it to seamlessly integrate with all desktop office systems. The initial roll-out is anticipated to be completed in the coming year.

During the year there has been significant development of the Grants Online system to deliver a more robust, flexible and user-friendly system for legal practitioners submitting legal aid applications via the web. Key features include an updated look and feel, a simplified extension of aid process, improved search capabilities and a tax invoice form for use with outstanding paper applications. The system also allows content of an application to be tailored to meet user needs and to respond more quickly to changes in State and Commonwealth legislation.

Legal Aid WA also acquired and configured a new Content Management System for the more effective management of web materials. This system is currently being implemented and will enable business areas to create and update web content more easily with less reliance on Information Management staff assistance.

Significant improvements to the telecommunications infrastructure, including broadband links with the Magistrates Court and the Family Court of Western Australia have been achieved. The technical infrastructure for two new regional Legal Aid WA offices at Albany and Geraldton has been set up. Enhancements have also been made to the server environment at the Perth office

The Information Management section is also engaged on a program to increase its level of maturity as an Information Management/Information Technology service provider. This includes improvements to our planning processes, project management, infrastructure management, information management practices and governance as a whole. This will involve both a training program internally and also more exposure to what other agencies are doing with regard to establishing best practice. A key component of this is developing our internal staff profile and bringing certain core activities in the technical area back in-house.

Future Challenges

The section faces challenges with the integration of its key business systems. The introduction of an enterprise strength electronic records and document management system (Hummingbird) is complex as it impacts on the work practices of all staff. Additionally, it needs to integrate as intuitively as possible with the existing Office and Email systems. This poses both technical and business challenges that need to be addressed in the 2005-2006 financial year.

The ageing of our major business system, Legal Aid Office, which is becoming expensive to operate and maintain is also an issue for the agency. We are currently adding functionality to both the front and back end of this system, and at the same time undertaking necessary functional specifications work that will guide our future direction which includes the progressive de-commissioning of the product. In the meantime it is likely that certain interfaces will need to be built between Legal Aid Office and our Hummingbird environment, to allow users to utilise our client information efficiently regardless of which system it is located on. We will also be keenly observing the efforts of other Legal Aid Commissions in other states and leveraging opportunities that become available.

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

The implementation of the Records and Document Management System currently underway will significantly improve client management and record keeping practices throughout the agency.

“
Dear Sir/Madam,

I am writing to you because I have been a client of Legal Aid since October 2004. The person that has been handling my case is Terri Scurria. Terri has been absolutely wonderful to me during times of crisis, not only has she been very professional and thorough in her duties regarding my case, but also very caring and understanding towards me in a very emotional and traumatic time of my life.

I would appreciate it if you would let Terri know that she has had a client who is so very thankful and grateful to her for her professional manner. I know that this particular career path would be a very demanding and sometimes thankless task, and so by you speaking with Terri regarding this letter I am sure would make her feel at least appreciated.

I thank you for taking the time to read this fax.”

“
Dear Marguerita,

Thank you for your letter of 21st June, 2004.

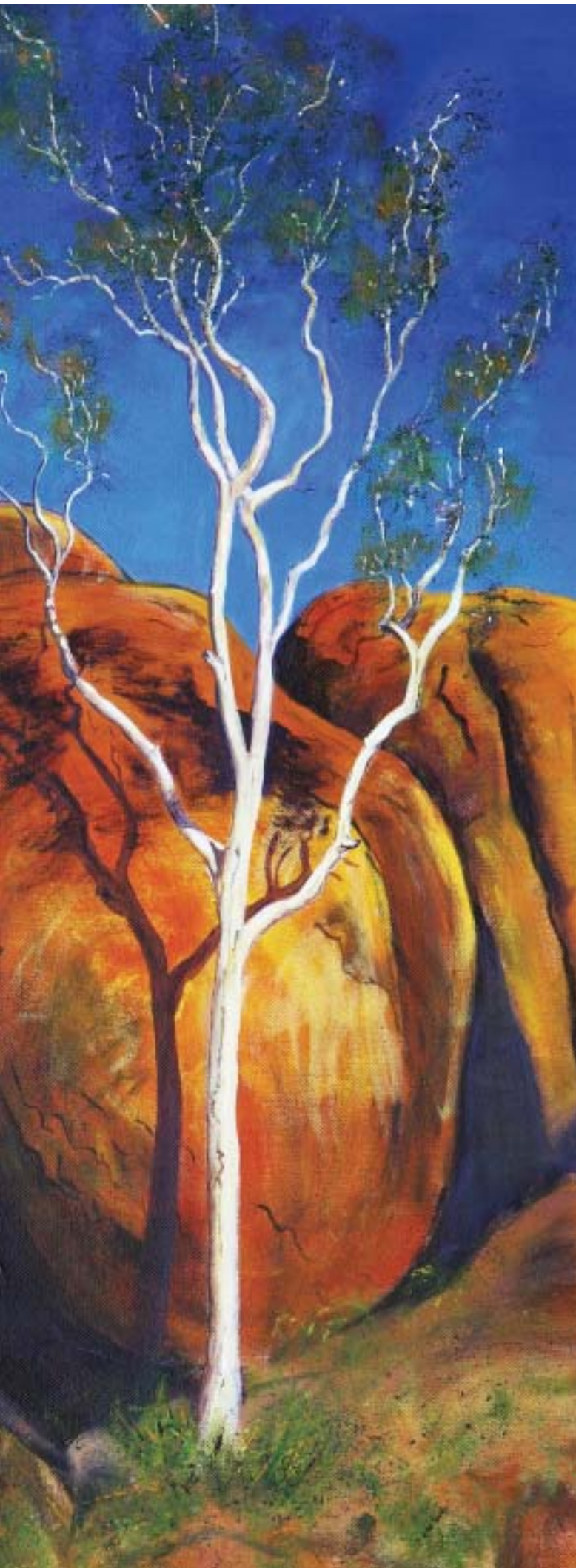
It was so nice to know that someone actually cares enough to follow up and for that I thank you.

Everything seems to be going along okay; payments are correct and being made on time and the communication between my ex and myself is polite enough.

Please close my file and if I require your assistance in the future, I will contact you.”

“
To Lee,

I just wanted to say thankyou very much from the bottom of my heart for representing me.”



SECTION 4 OUR EMPLOYEES

HUMAN RESOURCES ISSUES

EMPLOYEE PROFILE 2004/05

Level	Lawyers			Paralegal			Administration			Articled Clerks			Total 2004/05	Total 2004/05	% 2003/04	% 2004/05
	P	O	C	P	O	C	P	O	C	P	O	C				
1							14	4					27	18	10.89%	6.79%
2				10	2		41	5			5		49	63	19.76%	23.77%
3	5	3		33	2		11						53	54	21.37%	20.38%
4		3		14			5						18	22	7.26%	8.30%
5	21			1			11						34	33	13.71%	12.45%
6	8						5	2					14	15	5.65%	5.66%
7	21	1					1						20	23	8.06%	8.68%
8	3	1					2	1					9	7	3.63%	2.64%
9	20	1											17	21	6.85%	7.92%
Class 1	2												0	2	0.00%	0.75%
Class 2	2	1											2	3	0.81%	1.13%
Class 3							1						1	1	0.40%	0.38%
Class 4	2												3	2	1.21%	0.75%
Special Division		1											1	1	0.40%	0.38%
TOTAL	84	11	0	58	4	0	91	12	0	0	5	0	248	265	100%	100%

Includes staff on LWOP: 9.13 Females/1 Male P - Permanent Employee O - Contract Employee C - Casual Employee

FTES PER CATEGORY OF EMPLOYEE 2004/05

Category	No of FTE's	Perth Office (FTE's)	Regional Office (FTE's)
Lawyers	90.46	62.96	27.5
Paralegals	41.21	35.41	5.8
Articled Clerks	5	5	0
Administration	86.12	73.44	12.68
TOTAL	222.79	176.81	45.98

CATEGORY OF EMPLOYEE FTES 2004/05



CATEGORY OF EMPLOYEE FTES 2004/05

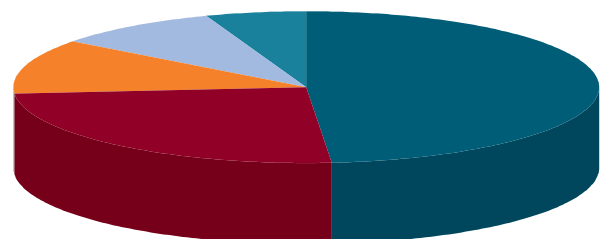
Category	Perth Office Part-time	Perth Office Full-time	Regional Office Part-time	Regional Office Full-time	Total
Lawyers	7.96	55.00	0.50	27.00	90.46
Paralegals	7.41	28.00	1.80	4.00	41.21
Article Clerks		5.00			5.00
Administration	10.44	63	4.68	8.0	86.12
TOTAL	25.81	151.00	6.98	39.00	222.79

■ Part-time - Perth
■ Part-time - Regional
■ Full-time - Perth
■ Full-time - Regional

YEARS OF SERVICE BY TOTAL NUMBER OF EMPLOYEES 2004/05

Years of Service	No of Employees	Lawyers	Paralegals	Admin	Articled Clerks	%
0 - 5	129	50	25	49	5	48.68%
6-10	66	27	13	26	0	24.91%
11-15	31	12	7	12	0	11.70%
16 - 20	24	11	4	9	0	9.06%
21-25+	15	4	4	7	0	5.66%
TOTAL	265	104	53	103	5	100%

YEARS OF SERVICE BY TOTAL NUMBER OF EMPLOYEES 2004/05



■ 0 - 5
■ 6 - 10
■ 11 - 15
■ 16 - 20
■ 21 - 25+

EMPLOYEE RELATIONS

Fixed Term Contracts

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

Legal Aid WA Agency Specific Agreement 2005

A new Agency Specific Agreement was successfully negotiated and formally registered through the WA Industrial Relations Commission on 7 April 2005. The Agreement provides for a 2 year contract of service for Articled Clerks and Restricted Practitioners, a consistent Performance Assessment and Development Scheme for all staff and the right for staff to apply for voluntary regression.

Joint Consultative Committee

The recent establishment of a Joint Consultative Committee has been welcomed as an additional means of consulting with staff on important issues relating to their employment at Legal Aid WA. It also provides an important forum for union members to raise any concerns as they arise and provides the assurance that these will be escalated as appropriate for consideration in a timely manner.

Worker's Compensation

Claims for worker's compensation remain low with two new claims being lodged this year. There are four ongoing claims from previous years. The following four factors are indicators of worker's compensation at Legal Aid WA:

Premium/ Contribution Rate	0.48
Cost of claims incurred per \$100 wage bill	0.1246
Frequency Rate/Lost Time	0
Rehabilitation Success Rate	n/a

Occupational Health and Safety

Healthy Office environments

Ergonomic consultants have continued to undertake assessments of workstations and offices and provide relevant recommendations as an injury prevention strategy.

Recommendations have been applied to work station design, office renovations and modifications. The Human Resources Branch has invested in the purchase of ergonomic equipment to support individual occupational, health and safety needs.

Staff embarking on home-based work arrangements are provided with an occupational health and safety self assessment tool for assessment of their home offices and the provision of specialist ergonomic consultation where applicable.

Focus on Wellness

A Wellness Program for staff was introduced during the year. A range of short seminars are being run, with these being designed to encourage staff to incorporate healthy habits into their working day and lives in general. Sessions have focussed on techniques for managing stress, healthy eating, the benefits of good posture and achieving life balance. Our staff have been invited to contribute to the setting of the Wellness Program in 2005-2006 by ranking their preferences from a range of available seminars.

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.

In addition to the standard counselling services to staff, OSA Group also provided a range of in-house services for the benefit of Legal Aid WA staff including regular debriefing sessions to selected staff in frontline roles, critical incident counselling, stress management seminars and tailored team development programs.

The use of counselling services for staff included 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.

Performance Assessment and Development Scheme

All of our staff are required to take part in the Performance Assessment and Development Scheme. Managers conduct assessment and development interviews each March so that the process links into budget requirements for the following financial year. Similar format reports are used for Articled Clerks and Restricted Practitioners. However, these reports have fixed tasks and objectives (rather than objectives set by the employee) and less emphasis is placed on rating the performance of Articled Clerks.

Criteria Progression

A criteria progression model for our in-house practice solicitors based on continued development is in place. The model provides ongoing support for lawyers in their generic roles and allows them to progress to higher levels once set criteria have been reached without going through a competitive selection process.

Career Planning

The Career Planning Program gives junior staff the opportunity to play a significant role in shaping their own legal careers, develop new skills and experience, and gain a better understanding of the broader objectives of the agency. The 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.

In February 2004, I had the opportunity to spend time in the Domestic Violence Legal Unit for approximately 5 months. As I had previously spent all my time with the Legal Aid Commission in client services since late 1998, this was an exciting and also "out of my comfort zone" experience for me. I enjoyed the court work and indeed found that my people skills acquired in Client Services assisted me greatly in dealing with my clients at court. I met many new people while spending time at DVLU and admired the team approach required by various departments when dealing with domestic violence. In August 2004, I then began working in family law and had many opportunities to practice my court skills in both the children's and family courts. I was and continue to be impressed by the team approach of the family law unit and willingness to share experiences and (luckily for me!) precedents!!!! Finally (but wait there's more) in late December 2004 I began working in the civil law section as part of a special project. My job is now more investigative and I am enjoying and sharpening different skills to those I have used in the past. I am most grateful for the opportunities that I have been given in the three varying rotations from Client Services to DVLU, Family and Civil law sections.

Sandra Wendel, Solicitor

In-house Legal Training

Seminars, lectures and advocacy workshops presented by senior members of staff and outside professionals continue to be available to staff as part of their ongoing legal education. This training includes:

- ADR and mediation training for family law matters;
- Restraining Orders and training in relation to other Domestic Violence issues;
- numerous other courses, such as Managing Difficult Behaviours, Writing in Plain English, Dealing with People under the Influence of Drugs and Alcohol, are also run as required;
- in-house training on IT related issues, including use of the intranet and internet;
- video conferencing training for our regional offices and service partners; and
- advanced library training sessions.

Training materials were also developed and materials placed online. Major new materials include:

- The Criminal Injuries Compensation Manual
- Social Security resources
- Wills and probate
- Employment law
- SAT Training materials

Legal updates are also regularly forwarded to all staff on Circuit Forums and the Legal Resource Database (LRDB) Mailing List, inclusive of matters before the legislature, procedural developments and information about how the courts and tribunals are handling various matters (for example, child evidence in sexual offences prosecutions etc).

Paralegal Training

Certificate IV in Business (Legal Administration)

During 2004 a further 12 Legal Aid WA paralegals graduated with a Certificate IV in Business (Legal Administration). This was the second year the program was offered to paralegal staff. A total of 34 staff have now completed the course and a further eight enrolments are anticipated in 2005. This will represent approximately 90% of paralegals currently employed at Legal Aid WA having completed the course and obtained a formal qualification.

Improved technology means that all resources and self-paced learning packages are now available online, making the program more accessible to regional staff members and remote area community workers. Two Legal Aid WA regional staff members completed the program in 2004 with a further two due to participate in 2005.

The course offers:

- pre-recognition of existing skills and builds on these to further meet national quality assurance standards and the competencies defined in the nationally accredited training package;
- learning outcomes which facilitate proficiency in a number of key areas specific to the range of services provided by our paralegals;
- new staff the opportunity to direct and control the pace of their own learning by tapping into the self paced training package available online; and
- a means of multi-skilling and support for the rotation of our paralegals agency wide.

Competency is achieved through a combination of skills recognition, accompanied by a portfolio of evidence prepared by each of the participants. Gaps in learning are addressed via the completion of

self-directed learning modules accessed online and also through formal training and assessment delivered in-house.

The overwhelming success of the Certificate IV in Business (Legal Studies) has been due to the enthusiastic involvement of a diverse range of staff who have contributed to the development, ongoing maintenance and monitoring of the program, including:

- a cross section of staff who have received training and now hold Workplace Assessing qualifications, enabling all formal assessments to be carried out in-house;
- managers and lawyers who act as content specialists in their respective areas and also form an integral part of the assessment process;
- our Development Services team who produced and updated the course materials in conjunction with guidance and support from Central West College of TAFE;
- our Human Resources team who coordinate the program each year and organise the end of year graduation ceremony;
- Central West College of TAFE who, as our partner and RTO, provide the necessary quality assurance processes;
- our staff who have wholeheartedly embraced the opportunity to consolidate their skills and knowledge by completing the qualification.

Comments from 2004 Graduates

"Completing the course from a regional office was a great and thoroughly enjoyable experience. I had access to useful, very informative and easy to follow reading materials and online resources. I had the support of my Solicitor in Charge, assisting in answering questions as well as support from office colleagues and the HR Branch. I would highly recommend this course to fellow regional staff members."

Leanne Jeffery, Office Supervisor, Kalgoorlie

"The course was relatively easy, not in terms of content, but in course design and delivery allowing many barriers commonly encountered by mature age students to be conquered, enabling a recognized qualification to be obtained and to pursue a career in my chosen field. The strength of this course lies in that it was sensitive and responsive to competing demands to include full-time employment, family, sporting and financial commitments."

Janet Woodward, Paralegal Assessor

2004 Paralegal Graduates



Key Strategy - People Management

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

Continuing legal education of staff is subject of major review and a working party of legal practitioners are developing a comprehensive training framework for legal practitioners working with accreditation as provider of continuing legal education the aim.

Articled Clerks and Restricted Practitioners

Our aim in recruiting law graduates to our Articled Clerk Program is to select and train outstanding lawyers who will make significant contributions to the legal profession in Western Australia. The program is the primary entry point for junior lawyers into our organisation. Successful applicants are given a two-year contract that includes Articles and the Restricted Practice Year.

Gaining employment at Legal Aid WA has become extremely competitive. In 2004, we received over 140 articled clerk applications for a handful of positions. One of the reasons we have become such a sought after employer is the excellent reputation we have developed in the legal sector for providing quality training and producing quality staff.

Our legal trainees:

- complete a comprehensive two week induction program;
- complete six rotations, including one to a metropolitan regional office during the Articles year and two rotations of 6 months during the restricted year;
- attend a weekly in-house Professional Development Program;
- attend intensive advocacy workshops in criminal and family law and other ongoing general training programs and seminars; and
- participate in a structured mentor program.

Reflection from an Articled Clerk

My first few months as an Articled Clerk at Legal Aid WA have been an extremely positive experience. As an Articled Clerk at Legal Aid WA the main emphasis is placed on my professional development. I have been exposed to a balanced mix of training, observation and on the job practical experience. My contributions are valued and I am always offered a level of support and encouragement that inspires me to move forward. We also have a lot of fun, both at work and planning all the social club functions.

*Helen De Brito
Articled Clerk 2005*

Reflection from a Restricted Year Practitioner

My rotation to the Pilbara regional office gave me the opportunity to have it all. Your professional life spans the whole Pilbara from the stunning coastline, to the spectacular gorges and deserts - and the legal work is as varied. As a regional lawyer you'll be expected to work in family law, criminal law, employment law, civil law, social security law, admin law... so it's the perfect opportunity to develop the skills to be a well rounded advocate. In a small office you have the autonomy to run your own case load, with the support of senior staff, as well as the chance to be on your feet as Duty Lawyer, and also assisting people through legal advice and minor assistance.

Kate Davis, Restricted Year Practitioner

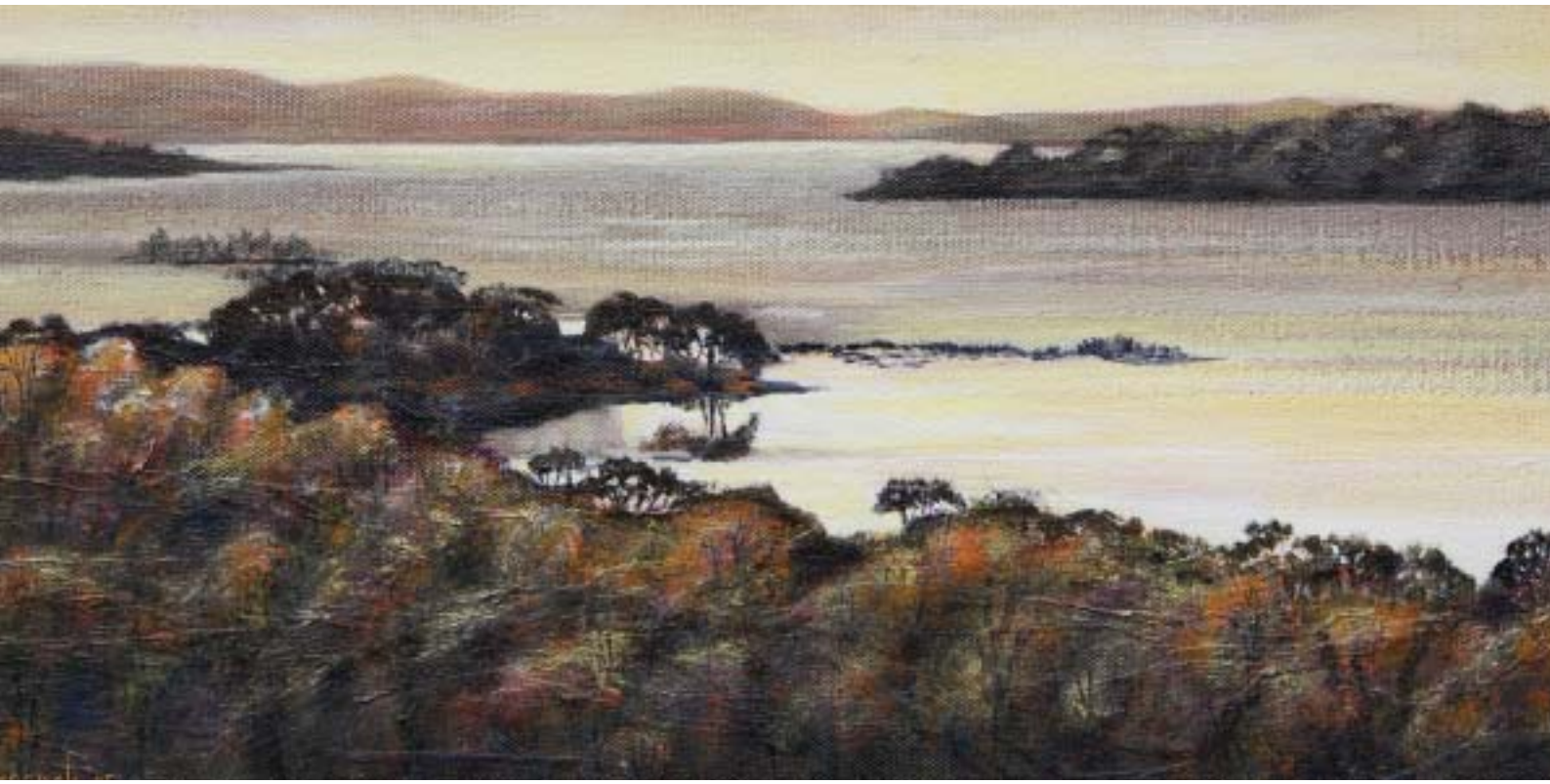
Key Strategy - People Management

Continuing legal education of staff is the subject of a major review.

A working party of legal practitioners are developing a comprehensive training framework for legal practitioners with accreditation as a provider of continuing legal education the aim.

2005 articled clerks





SECTION 5 CORPORATE GOVERNANCE

History of Legal Aid in Western Australia

In the 1960s and 1970s 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. The head office was in Perth and metropolitan regional offices were in Fremantle and Midland. Regional offices were also established, firstly in Broome and Bunbury, later in South Hedland, Kalgoorlie and Christmas/Cocos Islands, and more recently in Geraldton and Albany.

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. However, 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 2004-2005.

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 interest, Richard Bayly is a partner of Bayly & O'Brien. This firm 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 Tribunals. Rates were last varied on 16 November 1999, at which time the Chairman's fees were increased by 42% and the Commissioners' fees by 55%. That was the first increase since 1988. Fees are not payable to members who are employed elsewhere in the public sector. The Chairman receives \$18,639 per annum and ordinary members \$7,412 per annum. These fees are comparable with other Legal Aid Commissioner throughout Australia, with an average Chairman's fee of \$19,095 and average Commissioners' fees of \$7,113.

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.

Executive

The Director is supported in his role by the General Managers of the Legal Practice and Program Coordination 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.

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 at any time. The Audit Committee has developed a three-year 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 Audit Committee met 3 times this year.

Board Members

Commission Meeting - Port Hedland, 13 and 14 October 2004

For the first time in many years, the Board of the Legal Aid Commission held its monthly meeting in a regional area. The meeting was held at Port Hedland on 13 and 14 October 2004. The meeting commenced at the South Hedland regional office by way of a discussion with staff on current issues impacting the office. An open forum meeting was then convened at a venue in South Hedland to hear from Justice, Courts, ALS, Police and community representatives on the state of legal service delivery and unmet demand in the region. Key issues arising from these discussions included:

- The lack of services for dependants requiring psychiatric assessment and community based treatment programmes for the mentally ill, including accommodation services.
- The lack of effective bail and hostel facilities, particularly for young people, notwithstanding the success being achieved at the Yandayarra Community.
- The difficulties attracting and retaining lawyers in regional areas. This has led to a coordinated approach being adopted by the Law Society, Legal Aid WA and CLCs
- The impact of fines enforcement legislation and the suspension of driving licences on employment prospects of Aboriginal people.
- The close collaboration evident amongst service providers and the Courts on overcoming scheduling and travel difficulties associated with servicing large distances.



Malcolm McCusker AO QC 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. Since January 2004 he has been Parliamentary Inspector to the Corruption and Crime Commission. In 2005 he was appointed an Officer of the Order of Australia, and later received the award of "Citizen of WA" for the Professions. Mr McCusker attended 10 of the 10 Commission Meetings held in 2004-2005.



George Turnbull was appointed Director of Legal Aid WA 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 2004-2005.



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 and O'Brien since 1981, specialising in criminal law. Mr Bayly is a past president of the Criminal Lawyers Association, and is on the Law Society Council. Mr Bayly attended 8 of the 10 Commission Meetings held in 2004-2005.



Patrick Walker was appointed a Legal Aid Commissioner on 14 December 1999 as a nominee of the Minister for Fair Trading. He was appointed Commissioner for Fair Trading in June 1998. Prior to this, he had extensive local government management experience including holding the positions of Chief Executive Officer at the City of Subiaco and Chief Executive Officer at the Town of Narrogin. 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 8 of the 10 Commission meetings held in 2004-2005.



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 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 2004-2005.

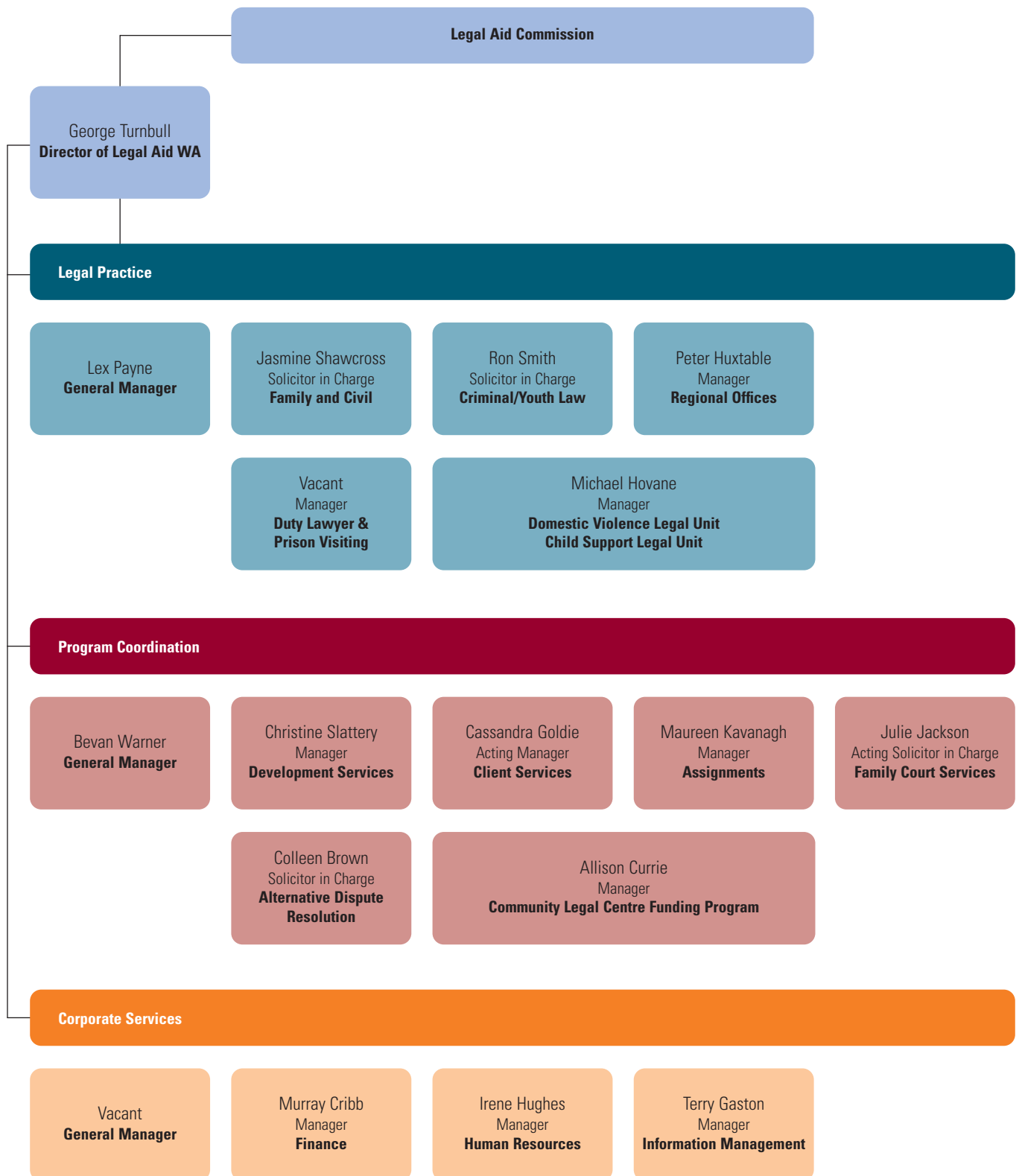


Raymond Hughes was appointed in January 1999 and is the current nominee of the Western Australian Attorney General as a person with "administrative experience at a senior level". He has been a Chairman and a Director on several statutory corporations. Mr Hughes is a member of the Australia Society Certified Practising Accountants and is a member of the Audit Committee. Mr Hughes attended 9 of the 10 Commission Meetings held in 2004-2005.



Lynda Wennstrom was appointed in August 2004 and is the Community Legal Centre (CLC) nominee to the Board of Commissioners. Ms Wennstrom has been employed by the City of Fremantle at the Community Legal & Advocacy Centre (CLAC) (now known as Fremantle Community Legal Centre) since 1987 following graduating with a Diploma in Welfare Studies. Her initial role was as a Welfare Rights Worker delivering advocacy in areas such as financial counselling, tenancy and Centrelink. In 1992 she applied for and was appointed Coordinator of CLAC. She has completed many roles in the sector, including serving time as Chairperson and Secretary of the Financial Counsellor's Association, Chairperson of the Federation of Community Legal Centres and she is currently Chairperson of No Interest Loans WA (Inc). Ms Wennstrom is also active in the present Community Legal Centres Association. Ms Wennstrom attended 8 of the 10 Commission Meetings held in 2004-2005.

Organisational Structure - Legal Aid WA



SECTION 6 COMPLIANCE



Customer Focus

Legal Aid WA 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, independent and easily accessible, and that our staff are fully equipped to handle every issue, are flexible to suit individual needs, and are 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 a full report on Performance Indicators.

Equal Employment Opportunity

Cultural Diversity and Language Services Outcome

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 the 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 employment of staff with disabilities. Our Articled Clerk intake for the year included the appointment of two indigenous law graduates.

Comment from a new Indigenous member of staff:

The idea of studying, let alone law, was a huge step for me given that Indigenous Australians are not only perceived negatively but have a lot of self doubt. Finding a law firm that would give me the opportunity to complete my articles training was going to be a very difficult task. So when Legal Aid WA rang and informed me that they have chosen me out of so many people they interviewed, I was thrilled. I have now been working with Legal Aid WA since 24 January and have completed my Regional and Client Service rotations. I am currently in the Domestic Violence Legal Unit and I have found that throughout my training and work experiences I have learnt a great deal but realise that this is just the beginning. Legal Aid WA is an exciting place to work as there is never a dull moment. Although sometimes I may feel overwhelmed because I have to appear in court, I know it's my nerves that I have to control as I am quite capable of completing the set tasks. I have found my colleagues very helpful and friendly and they are a great bunch of people to work with. I cannot thank Legal Aid WA and their Selection Panel enough for giving me this opportunity as I have been blessed.

Louise Romano, Articled Clerk 2005

Our Corporate Induction Program now includes Cross Cultural Indigenous Training. This useful seminar for new staff is presented by Aboriginal Legal Service staff in the spirit of the recently signed Memorandum of Understanding between Legal Aid WA and the Aboriginal Legal Service. It is aimed at raising the awareness of cross cultural issues for staff in frontline service delivery roles throughout Legal Aid WA, as well as preparing staff and the organisation for the successful orientation of Indigenous Australians to the staff at Legal Aid WA.

Family Friendly Work Arrangements

Legal Aid WA continues to provide family friendly and flexible work arrangements where possible, with 15% of staff working on a reduced hours, at home or on a part-time basis. A further 20 members of staff are enjoying additional leave due to their participation in the 44/52 leave scheme to accommodate up to 8 weeks pre-purchased leave to cover school holidays. Two staff members are participating in the deferred salary scheme which allows for a pre-purchased year off work to enjoy a career break.

The number of staff working from home has increased this year and has specifically benefited a number of staff returning to work after a period of parental leave.

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

These groups are represented in the workforce as follows:

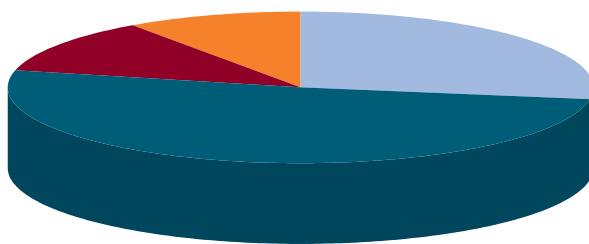
Women	78%
Culturally diverse	11%
Mature workers	38%
Youth	8%

In addition, 37% of Legal Aid WA female employees fell within the \$50,156 p.a. (GOSAC Level 4(1)) and above salary bracket

MALE-FEMALE STAFF RATIO 2004/05

	Legal	Non-Legal	Total	%
Female	73	135	208	78%
Male	31	26	57	22%
TOTAL	104	161	265	100%

Includes staff on LWOP: 9.13 Females/1 Male



■ Legal - Female
■ Non-Legal - Female
■ Legal - Male
■ Non-Legal - Male

After giving birth to my daughter in March 2004, I was relieved to be able to take a year of parental leave. However, as that year drew to a close and as the job of parenting my daughter became more manageable, I debated what I should do about returning to work. Although I looked forward to the chance to get back into the workforce, I did not want to spend too much time away from my daughter. I approached Legal Aid WA about working on a reduced hours basis and the possibility of doing that work primarily from home, not expecting that I would get what I asked for. I was astounded at the positive response I received. I was assisted all along the way and I always felt that Legal Aid WA was committed to providing staff with family friendly options. I was given the opportunity to work from home two days a week. I was set up with a computer and access to Legal Aid WA's computer network, which meant it was like sitting at a computer in the office. People ran around involving me in various project work, as I was not in a position to take on casework. I began coming into the office on a fortnightly basis so that I was able to keep in touch with what was happening and so that I felt a part of the office team. And throughout all this I had the flexibility to continue looking after my daughter and spending a majority of time with her. Although I had not initially considered working from home to be a workable option, it has become the perfect solution for me thanks to the efforts of all those at Legal Aid WA who have made it a possibility.

Kathy Bogoyev, Solicitor

Disability Services

During the year, Human Resources staff have continued to maintain and develop contacts with agencies involved in the placement of people with disabilities. A number of work placements were provided this year and a further two staff members with disabilities were employed.

Support workers linked to a number of staff with disabilities attend the workplace on a regular basis. As well as providing ongoing support for the staff member, the support worker also provides co-worker training and assistance to management and other staff as appropriate.

Staff also received training during the year on the topic of Deaf Awareness. In return, Legal Aid WA provided three education sessions to the Deaf Society on the subjects of Family Law, Civil Law and the Legal System generally.

Legal Aid WA undertook consultation with the Mental Health Law Centre, Disability Services Coordinators and peak organisations for people with mental or intellectual disabilities to determine service needs and issues. The feedback was that these groups were satisfied with the services and resources provided to their client base and their own workers and organisations.

Legal Aid WA continues to provide legal representation for mentally impaired defendants. Our dedicated solicitor for mentally impaired defendants represents clients in the Magistrates Court and the District Court. The solicitor has maintained an ongoing relationship 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.

The Legal Aid WA website has maintained its "Bobby Approved" status, which is an accreditation that requires web sites to comply with accessibility guidelines for users with a disability. Although Legal Aid WA's publications are not designed for a particular audience, they do maintain clear, plain English and are written at a maximum of Year 10 reading level.

Youth Outcomes

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

- a Duty Lawyer for criminal matters in the Children's Court in metropolitan and major regional centres, expanded this year to include the Mandurah Children's Court;
- a 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
- Family Law lawyers represent children in the Care and Protection jurisdiction and are appointed separate representatives of children in applications for residence and contact before the Family Court in appropriate matters.

State Domestic Violence Action Plan

Legal Aid WA is a member of the State Family Violence Coordinating Committee, which comprises senior representatives from all state government departments and the Women's Council for Domestic, and Family Violence Services.

The Coordinating Committee has responsibility for drafting and coordinating a State Domestic Violence Strategic Plan and yearly Action Plans. Initiatives involving Legal Aid WA in the 2004-2005 Action Plan included the following:

- Continuation of participation in the multi-agency family violence service Domestic Violence Advocacy Support (DVAS) Central at Perth;
- Mandatory training of all Legal Aid WA staff on domestic violence issues;
- Adoption of best practice guidelines for domestic violence across all Legal Aid WA services;
- Development of protocols for the Department of Public Prosecutions to seek restraining orders in criminal proceedings;

REPORTS ON OTHER ACCOUNTABILITY ISSUES

- Training for private practitioners on restraining order and domestic violence issues;
- Community legal education for young women in domestic violence in partnership with the Youth Legal Service;
- Training for Women's Refuges on the new restraining orders legislation; and
- Development and support of a specific network for those agencies providing legal services to people in domestic violence.

All of the above matters in the Action Plan have been achieved with the exception of two, being mandatory domestic violence training for all Legal Aid WA staff and best practice guidelines for domestic violence across Legal Aid WA. These two are presently being progressed and are part of a broader review of family law services at Legal Aid WA.

Our strong commitment to family and domestic violence is reflected by the fact that Legal Aid WA has a dedicated specialist Domestic Violence Legal Unit and funds family law and restraining order matters where domestic violence is involved as a matter of priority.

Corruption Prevention

Legal Aid WA continued to develop risk management strategies and raise staff awareness in the area of corruption prevention, as highlighted below:

- A number of key staff attended an information session presented by the Corruption and Crime Commission (CCC). The session highlighted the functions of the CCC and provided details of the notification guidelines.
- Legal Aid WA participated in a staff survey carried out by the CCC to profile integrity in the Western Australian public sector.
- The Public Interest Disclosure Act 2003 staff guidelines are now displayed on the Legal Aid WA staff intranet site.
- Legal Aid WA operates a Gifts Register for gifts offered and accepted by staff.

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 the statement is to assist the public in gaining information held by Legal Aid WA in accordance with section 94 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.

The Information Statement document is now available from Legal Aid WA's website.

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 Georges Terrace
PERTH WA 6000
Tel: 9261 6263

This year four requests were received under the *Freedom of Information Act 1992*. Two were for personal information and two for non-personal information. One of the requests for personal information was withdrawn, and the other was provided with copies of all documents. Of the other two, one was advised that even if the documents existed they would be exempt under clauses 3, 8 and 14 of the Act. This applicant requested an internal review, which upheld the initial decision. The applicant then requested an external review by the Office of the Information Commissioner. All files and documents identified by Legal Aid WA were assessed by the Information Commissioner, who decided that there were no documents held that fell within the scope of the applicant's request. The other application is ongoing.

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(Cth)
Copyright Act 1968 (Cth)
Corporations Act 2001 (Cth)
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(Cth)
Government Employees Housing Act 1964
Government Financial Responsibility Act 2000
Income Tax Assessment Act 1997 (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 Injury Management 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	1
Number of breaches found	0
Number still under review	0



George Turnbull, Director, 30 June 2005

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 Standards. 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 six years. Our Quality Practice Standards and Professional Practice Standards are both available to all staff via the Circuit web page.

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.

Public Interest Disclosure Requirements

The *Public Interest Disclosure Act* provides a system for the reporting and investigation of public interest information. That is, information that tends to show past, present or proposed improper conduct within a public body in the exercise of its functions. 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 Wheatbelt Outreach Solicitor. This year no public interest disclosures have been received.

Record Keeping Plans

Legal Aid WA's Recordkeeping Plan was provisionally approved in November 2004 subject to continued progress being made in certain areas identified for improvement. A formal review of progress is due by November 2005. Once all outstanding actions have been addressed, it is envisaged a further review will take place five years after the original submission date.

An evaluation of the efficiency and effectiveness of the agency recordkeeping system led to the decision to acquire and install the Hummingbird electronic records and document management system (DMS). The system is still being implemented but has already led to significant improvements in recordkeeping practices. Benchmark performance

measurements have been agreed and will be used to evaluate the impact of the new system and its associated policies and procedures.

A new Business Classification System (BCS) has also been developed and is being used to create new files in the DMS. The BCS is subject to ongoing evaluation and refinement.

A training and awareness program has been established. Approximately 80% of staff have now received at least introductory training in records management principles utilising an online web based training program specifically tailored for WA government agencies. All newly appointed staff will also receive this training as part of their induction. Training in the understanding and usage of the BCS is also underway.

An analysis of the efficiency and effectiveness of the recordkeeping training programme will be carried out during the 2005-2006 financial year. The analysis will also extend to the agency's induction program. Anecdotal evidence to date suggests that the recordkeeping knowledge of staff has significantly increased.

Other Accountability Measures

Strategic Plan

Legal Aid WA's Strategic Plan 2000-2005 has not been updated.

With the recognition of the need for a comprehensive review of the pathways through which our clients currently travel to access our services with particular focus on family law services, a formalised strategic plan has been postponed.

It is anticipated that the review will highlight areas for improvement in the way Legal Aid WA manages a client's entry to access our services and their progress through the system, particularly focussing on where there is a need for the client to access a number of different services from within Legal Aid WA.

The review will involve staff, at the 'coalface', input as a key element in ensuring that plan for model service delivery within WA will not only improve client service but also provide direction for Human Resources and Information Management activities into the future.

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 contains strategies that have been designed to mitigate or remove those risks. The risk register is updated regularly.

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:

- Improved secure access for staff outside of normal working hours (8.30- 5.30pm);
- secure keypad entry to a number of sections;
- ongoing training for our frontline staff and entry level legal staff in dealing with threatening or difficult behaviours, with the emphasis on personal safety;
- secure front desk facilities to our registry area;
- ongoing staff attendance at regular fire and emergency drills.

Policies and Procedures

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

Financial reporting

Actual financial results are reviewed monthly 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.

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 2004-2005, advertising and market research payments were made to:

Advertising agencies:	
Marketforce Productions	\$8,283.45
Other	\$625.27

Waste paper recycling

Legal Aid WA has continued to contribute towards the State's waste management and recycling objectives by operating a paper recycling scheme. Confidential and other documents from 9, 240-litre bins were collected and destroyed throughout the year.

Energy Smart policy

Legal Aid WA 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	2004/2005	Variation
Energy Consumption (Megajoules)	1,829,236	1,833,397	
Energy Cost (\$)	79,236	81,279	
Greenhouse Gas Emissions (tonnes of CO ₂)	468	466	
Performance Indicators:			
Megajoules/sqm	391	372	-4.92%
Megajoules/FTE	9,239	8,046	-12.91%

Promotions

Promotions undertaken by Legal Aid WA during the year included:

- promotion of Legal Aid WA at the Tri-Law Careers Fair, a law graduate fair organised by Murdoch, UWA and Notre Dame Universities; and
- attendance at the Domestic Violence Memorial March.

WHAT HAPPENS WHEN WE DON'T GET IT RIGHT

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

Reconsideration and Review of a Refusal to Grant Legal Aid

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

Reconsideration

Reconsideration of a decision to refuse legal aid is carried out by the assessor who made the original decision on the file. Often a reconsideration will result in an approval for aid when further relevant information is provided as part of the reconsideration process. In 2004-2005, there were 1283 requests for reconsiderations (9% less than the previous year). The number of matters varied following reconsideration was 482 (1% more than the previous 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. Before making its decision, the Review Committee considers the information provided by the case managing assessor and any further information provided by the applicant. The applicant can provide information either in person, by telephone or in writing. All decisions made by the Review Committee are final and the applicant has no further right of redress. There were 163 reviews in 2004-2005 (37% less than the previous year). The number of decisions overturned during 2004-2005 was 35 (15% less than the previous year).

Complaints, Urgent Correspondence and Ministerials

All complaints, urgent correspondence and Ministerials received by Legal Aid WA are forwarded to the complaints coordinator. Oral complaints are noted and forwarded to the appropriate manager for resolution. Written complaints, urgent correspondence and Ministerials are acknowledged in writing with 48 hours and assigned to the relevant manager to prepare a written response. A written response is provided within seven 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 right to seek redress under the *Legal Practice Act 2003*. 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:

- 36 complaints (27% less than the previous year). Four of those complaints were beyond the control of Legal Aid WA, involving refusals to grant legal aid because the matter type was not within our guidelines. Fourteen of those complaints involved family law matters in which the complainant was not satisfied with the result of their case. Eleven complaints related to alleged poor service from Legal Aid WA staff.
- 3 urgent correspondences (80% less than the previous year). Two of these matters related to refusals of a grant of legal aid. One advised of new contact details.
- 21 Ministerials (34% less than the previous year). Seven of these matters involved complaints about representation. Two concerned refusals of a grant of legal aid. The remainder were communications about funding, the budget and other general matters.

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 correspondence and Ministerials that we receive. These steps include:

- Performance management system for legal staff: All staff are required to take part in the performance assessment and development scheme. 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: Senior in-house lawyers conduct forensic advocacy and family law advocacy workshops for articulated clerks, restricted year practitioners and junior lawyers. We also conduct seminars, lectures and workshops on a wide range of topics, which are made available to all staff as part of their ongoing legal education. We continue to place importance on training and workplace initiatives to ensure that quality services are delivered to clients.

- Paralegal training: An accredited Paralegal Training Program offering a formal qualification in Certificate IV in Business Legal Studies is in place. The program has been extended to include Paralegals in Community Legal Centres, offering skill development, acquisition of knowledge in both areas of Family and Criminal Law and ultimately enhancing service delivery.
- The opening of the Legal Aid WA Family Court Services and the plans for new offices in the Great Southern, Mid West and Gascoyne regions has offered clients improved services, particularly in the area of family law, and should improve Legal Aid WA's position in the community.
- The introduction of the Family Court service has highlighted the need to understand the interaction of our services particularly in family law jurisdiction and the pathways through which our clients travel to access our services. A comprehensive review of client pathways has commenced to improve service and management of all client dealings with Legal Aid WA
- Over the next year there will be increased focus on providing more client focused processes and information repositories. Efficient and easy retrieval of client information will support improved matching of services to our clients
- The Grants Online system will be expanded to include use by all private practitioners as well as implementation within our legal practice section and service delivery points. This is expected to enable a significant streamlining of business processes and the opportunity to go fully electronic as far as information and recordkeeping is concerned.
- Information repositories will be made more accessible and relevant to other stakeholders in the legal sector, especially our key clients and Community Legal Centres. There will also be more focus on ensuring that staff are trained in and more aware of our own information resources and precedents.
- Maintaining and building on a number of internal networks to keep information flowing between sections, improve service flow and assist in identifying issues needing further action.

Evaluations

Each year we undertake a 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. This year criminal law clients were surveyed.

The criminal law client groups included as part of this year's survey were Grants of Aid, Duty Lawyer, Drug Court and Legal Advice/Minor Assistance. A separate survey was also conducted on Community Legal Centres. As a result of the survey, the overall satisfaction rating for criminal law clients was 72.1% up from 71.7%. The Grants of Aid clients were again the most satisfied group in this area of law, with a satisfaction rating of 81%. Duty Lawyer clients had a satisfaction rating of 74% and Legal Advice/Minor Assistance clients had a satisfaction rating of 55%. The Drug Court had a satisfaction rating of 84%.

We were also interested to find out how useful our online and print publications were and how frequently accessed by our key stakeholders, the Community Legal Centres. A survey indicated a 84% rate of overall satisfaction up from 80% last year. About 48% of the Community Legal Centres who use the online and print publications, either for their personal reference or to refer clients to it, use it at least once a week.

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

- The more intense the service the client receives from Legal Aid WA, the greater their satisfaction tends to be.
- Satisfaction levels with the clients experience of applying for legal aid ranged between 82% and 85% for various aspects of the application. Most (86%) were satisfied with the ease of making an application.
- Apart from this response, the highest rated statement in each of the four client categories was that they were satisfied the lawyer listened to them while they explained their situation.
- The highest negative response was to the re-use of the same lawyer's services, with between 24% and 41% of the clients in each client group stating that they would not like to use the same lawyer again if a similar situation arose in the future.
- Community Legal Centres generally find that Legal Aid WA's online and print publications are useful and that it is easy to find the information they require. The overall satisfaction with the Legal Aid WA print and online publications has increased from 80% to 84% in the past year.

**SECTION 7
STATISTICAL
SUMMARY**



SERVICES BY SERVICE TYPE

SERVICES BY SERVICE TYPE

	04-05	%	03-04	%	% change
Assessment and Case Management	12,589	8	12,953	8	-3
Legal Representation	8,146	5	8,407	5	-3
Child Support Assistance	689	0	799	0	-14
Legal Advice and Minor Assistance	28,207	17	32,503	20	-13
Telephone Information Line	69,506	43	65,590	41	6
Face to Face Services	7,628	5	7,547	5	1
Duty Lawyer	36,242	22	34,695	21	4
Total	163,007	100	162,494	100	0

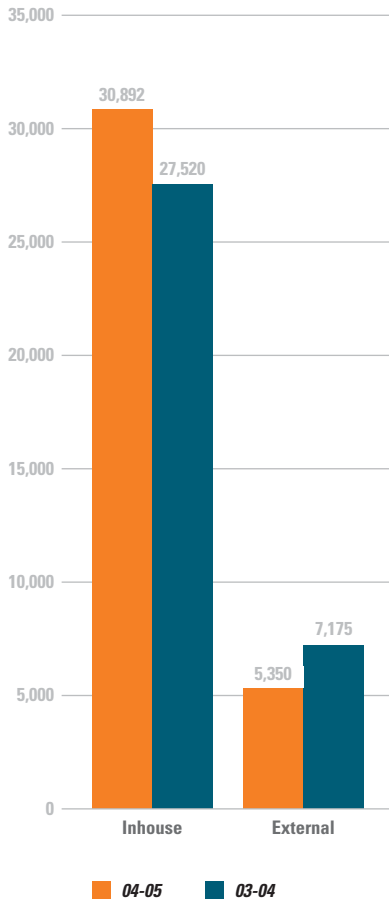
*0% caused by rounding of percentages

DUTY LAWYER SERVICES

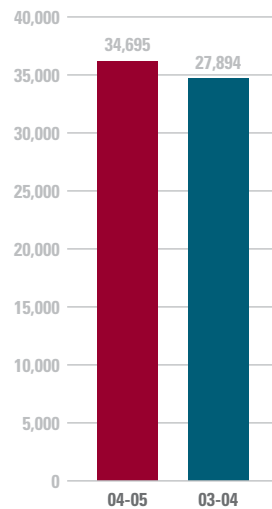
DUTY LAWYER SERVICES BY OFFICE AND LAW TYPE

Office	Family	%	Crime	%	Civil	%	Total
Central Law Courts	21	3	15,343	44	21	10	15,432
Family Court Services	112	17	40	0	0	0	169
Domestic Violence Unit	438	67	87	0	0	0	592
All Other Offices	84	13	19,908	56	188	90	20,249
Total	655	100	35,378	100	209	100	36,442

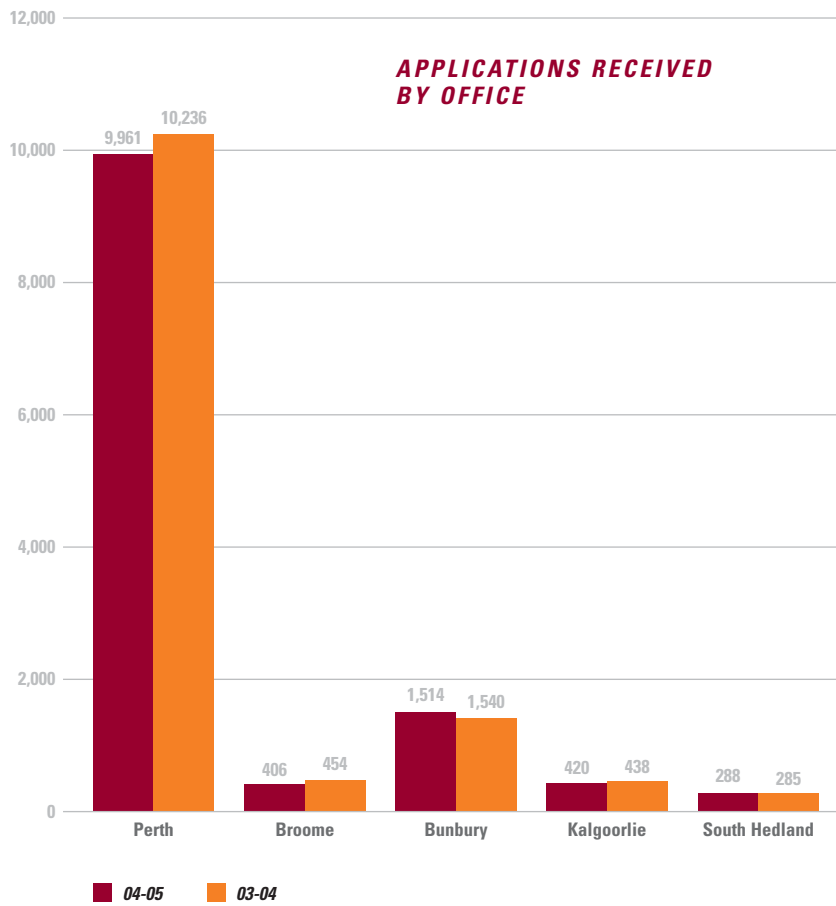
DUTY LAWYER SERVICES BY PRACTITIONER TYPE



DUTY LAWYER SERVICES



APPLICATIONS RECEIVED



APPLICATIONS RECEIVED BY LAW TYPE

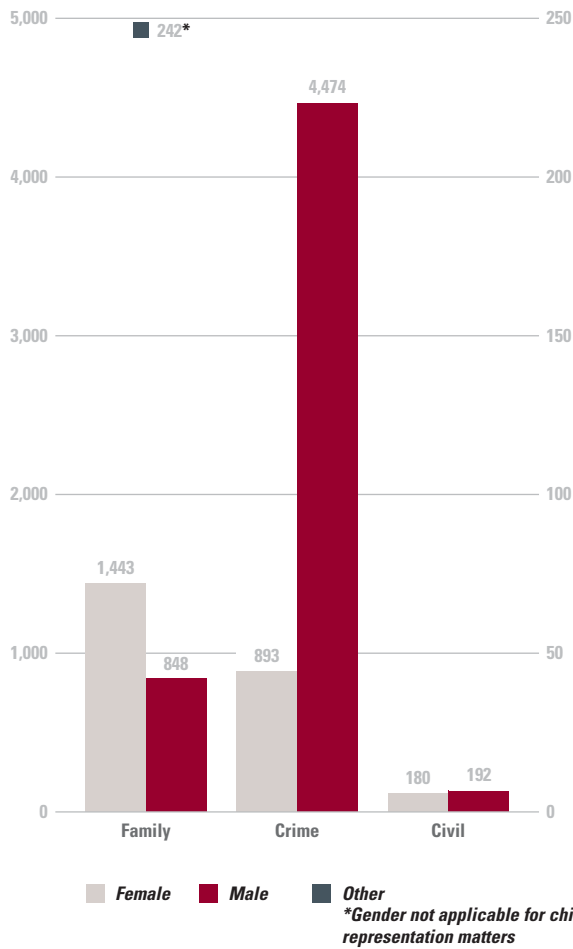
	04-05	%	03-04	%	% change
Family	4,339	35	4,480	35	-3
Crime	7,469	59	7,754	60	-4
Civil	781	6	719	5	9
Total	12,589	100	12,953	100	-3

APPLICATION TURNAROUND TIMES

	04-05	%	03-04	%	% change
Same day	3,356	29	3,847	29	-13
1-5 days	6,570	53	6,806	53	-3
6-10 days	1,424	9	1,104	9	29
11-15 days	421	3	359	3	17
16-30 days	345	2	319	2	8
30+ days	473	4	518	4	-9
Total	12,589	100	12,953	100	-3

APPLICATIONS GRANTED

AID GRANTED BY GENDER AND LAW TYPE



AID GRANTED BY WEEKLY INCOME

	No.	%
\$0	6,730	81
\$1-\$50	10	0
\$51-\$100	40	0
\$101-\$150	60	1
\$151-\$200	168	2
\$201-\$250	129	2
\$251+	1,135	14
Total	8,272	100

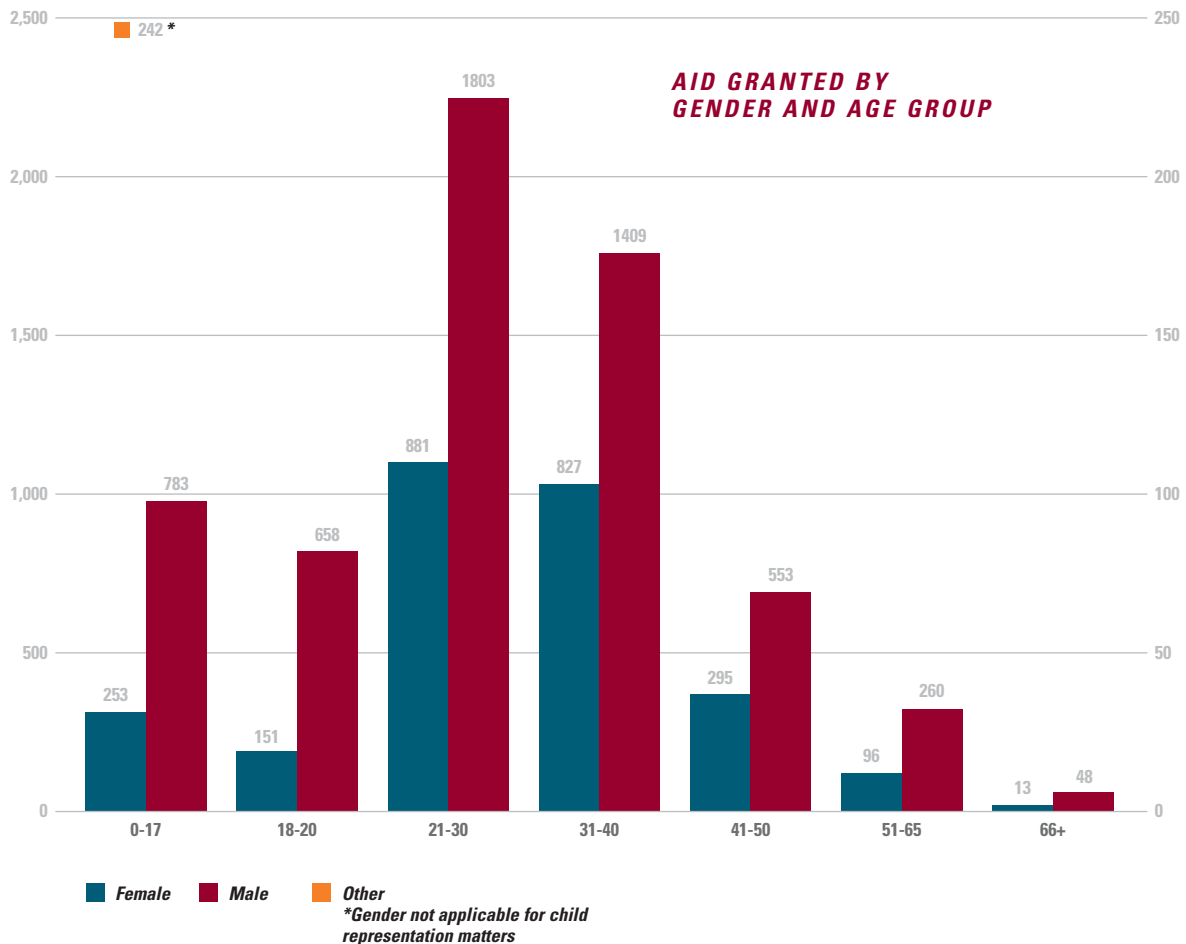
*0% caused by rounding of percentages

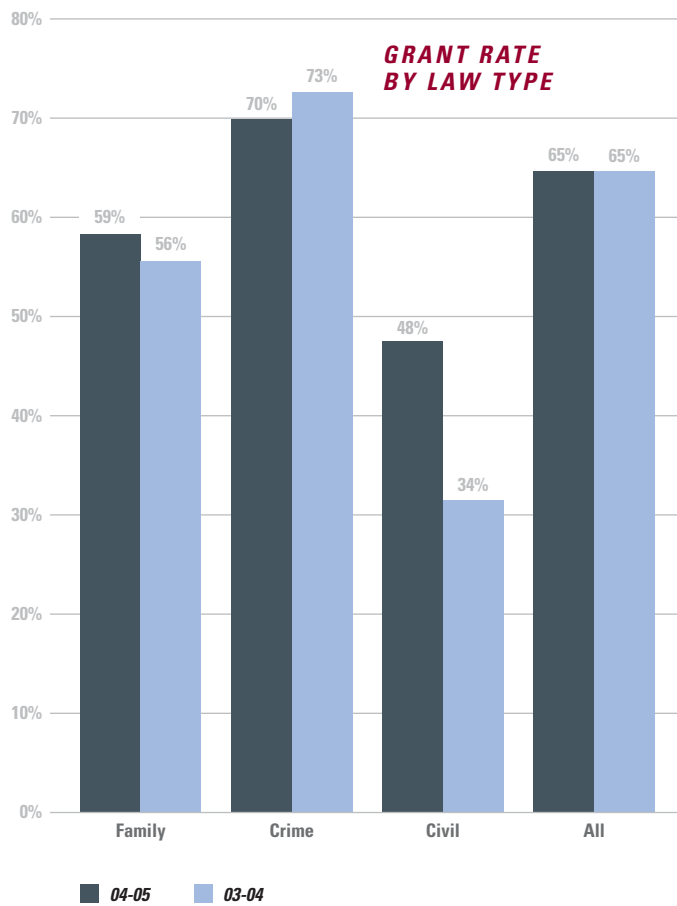
**\$0 bracket includes those assessed as satisfying the simplified means test because they receive a full government benefit.

INDIGENOUS AID GRANTED

	04-05	%	03-04	%
Family	162	12	139	10
Crime	1,178	83	1,241	88
Civil	75	5	23	2
Total	1,415	100	1,403	100

AID GRANTED BY GENDER AND AGE GROUP





APPLICATIONS GRANTED BY LAW TYPE

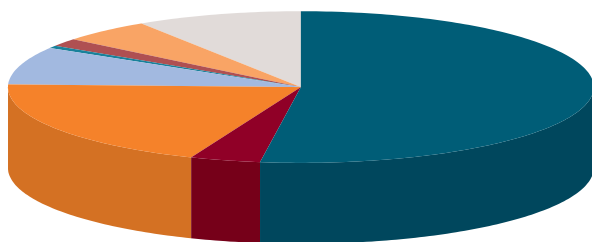
	04-05	%	03-04	%	% change
Family	2,543	31	2,500	30	2
Crime	5,230	64	5,664	67	-8
Civil	373	5	243	3	53
Total	8,146	100	8,407	100	-3

APPLICATIONS GRANTED BY PRACTITIONER TYPE

<i>Private</i>	04-05	%	03-04	%	% change
Family	2,035	40	1,907	38	7
Crime	2,796	56	3,000	59	-7
Civil	202	4	136	3	49
Total	5,033	100	5,043	100	0
<i>Inhouse</i>					
Family	508	16	593	18	-14
Crime	2,434	78	2,664	80	-9
Civil	171	6	107	2	60
Total	3,113	100	3,364	100	-7

APPLICATIONS REFUSED

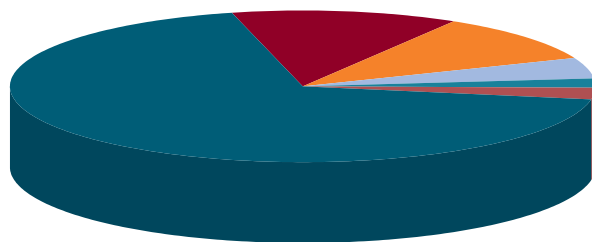
APPLICATIONS REFUSED BY REASON



- 52% Guidelines
- 4% Guidelines and Means
- 19% Means
- 8% Means and Guidelines
- 1% Means and Merit
- 2% Means, Merit and Guidelines
- 5% Merit
- 9% Merit and Guidelines

PAYMENTS

CERTIFIED PAYMENTS TO PRACTITIONERS



- 67% Under \$20,000
- 13% \$20,000-\$49,999
- 10% \$50,000-\$99,999
- 5% \$100,000-149,999
- 6% \$150,000-\$199,999
- 23% \$200,000+

APPLICATIONS REFUSED BY LAW TYPE

	04-05	%	03-04	%	% change
Family	1,510	36	1,833	43	-18
Crime	2,195	53	1,983	47	11
Civil	461	11	438	10	5
Total	4,166	100	4,254	100	-2

RECONSIDERATION

	04-05	%	03-04	%	% change
Confirmed	650	50	771	54	-16
Varied	482	38	478	34	1
Pending	151	12	165	12	-8
Total	1,283	100	1,414	100	-9

EXTERNAL REVIEW

	04-05	%	03-04	%	% change
Confirmed	122	75	204	79	-40
Varied	35	21	41	16	-15
Pending	6	4	12	5	-50
Total	163	100	257	100	-37

CERTIFIED PAYMENTS TO PRACTITIONERS BY TOP 20 RANKING

Firm	\$*
Ian Hope	396,705
McDonald & Sutherland	274,271
Donna M Webb And Associates	271,467
Andree Horrigan	261,043
Paterson & Dowding	250,085
Calverley Johnston	241,410
Kott Gunning	233,463
Ferrier Athanasiou & Kakulas	218,172
Sicard Crisp	200,922
Bayly & O'Brien	189,688
Hammond Worthington Lawyers	187,979
Gunning Young	170,380
Beau Hanbury	170,130
David Manera	167,536
Pacy Solicitors	160,633
Clairs Keeley	146,547
Rattigan Kearney & Bochat	139,503
Hylton Quail	137,452
George Giudice Law Chambers	135,187
Christie & Strbac	132,453

*Certified payments include professional fees and disbursements



SECTION 8 PERFORMANCE INDICATORS

CERTIFICATION OF PERFORMANCE INDICATORS

FOR THE YEAR ENDED 30 June 2005

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 Legal Aid WA's performance, and fairly represent the performance of Legal Aid WA for the financial year ended 30 June 2005.



Malcolm McCusker AO QC
Chairman



George Turnbull
Director

25 August 2005



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, 2005

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 30 June 2005.

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
25 August 2005

Services are provided through Legal Aid WA to ensure:

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

This 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 advice and self-help services to clients to help them resolve a legal problem, or providing an out-reach preliminary consultation service,
- community and education services, for example, publications and self-help kits,
- legal representation, where in special circumstances and when no other solution is considered appropriate, a person may be recognised as in need of assistance, and
- alternative dispute resolution process for family disputes.

Determining the type and extent of assistance provided to people is critical to Legal Aid's operations. Decisions about the appropriateness of the service 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 by the extent to which legal services are made available to the general community and to target groups.

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 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

Each year Legal aid undertakes an annual Client Satisfaction Survey, alternating between family law and criminal law clients. Criminal law clients were surveyed for the 2004/05 year. Where possible, the surveys were designed to allow meaningful comparisons to be made to the most recent Criminal Law customer satisfaction surveys, which were conducted for inclusion in the 2002-2003 Annual Report.

Questionnaire

The questionnaires were designed to balance the conflicting needs of maintaining compatibility with previous years' surveys and improving the questionnaire structure. This year's surveys were heavily based on those used in previous years. The survey instrument continues to use five point scales (with 1 being very negative responses, and 5 being very positive).

This was the fourth year that the Online and Print Publications Users Community Legal Centres Survey was run. The only change to the questionnaire from last year was the addition of two questions dealing the Community Legal Centre Bulletin newsletter produced by Legal Aid to keep the sector informed of relevant developments. 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. These questions add a new dimension to the Community Legal centre's survey. Although the changes mean that care must be taken when comparing this year's results to last year's, it was felt the changes would provide useful information from a key stakeholder group.

Survey Population

The target populations for the Duty Lawyer, Legal Advice, Grants of Aid and Drug Court surveys were those clients who received these respective types of assistance from Legal Aid WA in these between 1 May 2004 and 30 April 2005. The target population sizes were 4,633 for Duty Lawyer, 599 for Legal Advice, 502 for Grants of Aid and 109 for the Drug Court.

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 four Criminal 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.

When examining the client lists for the surveys, it was found that the number of clients who appeared in the Drug Court in the last 18 months was very small. There were only 108 clients of the Drug Court with valid phone numbers, which resulted in 17 successful interviews. It was decided to include all 17 in the sample. The remainder of the sample of 400 was allocated proportional to the square root of the population size between Duty Lawyer, Legal Advice and Grants of Aid. Each of the samples was selected randomly.

As the number of interviews required was dependent on the number of Drug Court interviews, slightly more than 400 interviews were conducted to ensure that the minimum requirements were met. The estimated level of accuracy obtained from the target sample sizes was 4.4%, assuming a satisfaction level of 70% for each client group. The accuracy levels for the individual surveys are higher, but still within acceptable error bounds. The achieved overall level was 4.8%. The following table shows the breakdown of the sample into the four survey areas, after adjusting for the low number of successful Drug Court interviews.

TABLE 1. SAMPLE SIZES AND RESULTING LEVELS OF ACCURACY

Client Group	Population Size (N)	Sample Size (n)	Level of Accuracy
Duty Lawyer	4,633	208	±5.8%
Legal Advice	599	100	±8.9%
Grants of Aid	502	79	±7.9%
Drug Court	109	17	±19.7%
Total	5,843	404	±4.8%

There were 30 Community Legal Centres to be surveyed in the Online and Print Publications Users Community Legal Centres Survey.

The survey response rate for criminal law clients was 58% and an 87% response rate was achieved for Community Legal Centres.

Survey Implementation

To sustain comparability in methodology to past client satisfaction surveys, telephone interviewing was adopted, using a Computer Aided Telephone Interviewing (CATI) system.

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 Users questionnaire was targeted at agencies instead of individual respondents, pre-contact was made in the form of an email and fax which had an explanatory letter and a copy of the questionnaire, in order to allow them time to consider their answers to the survey and discuss them with colleagues. 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 that had not heard of or used the Legal Aid WA online and print publications were screened out of the survey. The CATI system was used to conduct this survey as well.

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 2002/2003.

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.

DESIRED OUTCOMES AND KEY EFFECTIVENESS INDICATORS

Desired Outcome: The right to justice and safety for all people in Western Australia is preserved and enhanced

	2003 Actual	2004 Actual	2005 Target	2005 Actual	Reasons for Significant Variance between 2005 Target and 2005 Actual
Community Services - where no eligibility restrictions apply to regulate access as a percentage of total services provided.	71%	70%	77%	72%	Target for 2005 reported incorrectly as 77%. Correct target for 2005 should be 72%.
Target group services - applications approved for a grant of aid as a percentage of all applications received	65%	65%	64%	65%	
Percentage of clients satisfied with service provided: - Criminal Law	71%	-	75%	72%	
Percentage of clients satisfied with online and print publications	90%	80%	80%	84%	Increase in satisfaction influenced by ease of comprehension and relevance of website content.

Service 1: Legal Aid Assistance ⁽ⁱ⁾

Key Efficiency Indicators	2003 Actual	2004 Actual	2005 Target	2005 Actual	Reasons for Significant Variance between 2005 Target and 2005 Actual
State Law:					
Average cost per call	13	14	12	13	
Average cost per service: face to face information	25	21	21	21	
Average cost per service: duty lawyer service	70	70	76	78	
Average cost per legal advice	82	97	102	99	
Average cost per minor assistance	228	197	210	203	
Average cost per application processed	157	123	120	143	Increase due to unanticipated time required in assessing civil grants in particular Department of Community Development abuse cases.
Average cost per legal representation	1,558	1,575	1,591	1,818	Increase due to case mix shift to more superior court work involving more complex issues and higher fees.

(i) The community and target groups require access to and the provision of quality legal services. This service contributes to an orderly community by responding to demand for legal assistance through application of priority guidelines. This is achieved through the provision of eligibility and merit tests to enable legal representation to be provided to legally aided clients by grants of aid and assignment of cases to in-house or private practitioners. Legal advice, duty lawyer services and community legal education is provided to assist the wider community to access fair solutions to legal problems at the earliest opportunity. Minor assistance service is designed to provide hands on help to clients in progressing their own legal matter.

Key Efficiency Indicators	2003 Actual	2004 Actual	2005 Target	2005 Actual	Reasons for Significant Variance between 2005 Target and 2005 Actual
Commonwealth Law:					
Average cost per call	17	18	14	18	Increase influenced by 22% lower than projected calls.
Average cost per service: face to face information	20	20	19	26	Impacted by new family court rules relating to pre-action procedures increasing length of service and the commencement of the new Family Court Services program in March 2005.
Average cost per service: duty lawyer service	58	47	56	88	Increase influenced by a more time intensive service delivered at the Family Court since March 2005 (services are 150% more expensive).
Average cost per legal advice	67	75	80	94	Increase due to a 17% reduction in outputs again due to impact of new family court rules and influence of the new Family Court Services program in March 2005.
Average cost per minor assistance	140	132	160	178	Increase influenced by an increase in the complexity of services and high staff turnover resulting in increased induction and training costs with reduced outputs of 15%.
Average cost per application processed	583	433	421	487	Increase influenced by a reduction in applications received and increase in grants for primary dispute resolution involving intensive screening.
Average cost per legal representation	2,842	2570	2,512	2,716	Increase due to a 6% increase in the private practitioner fee scale from September 2004.
Cost per child support service	1,082	1,100	1,033	1,394	Increase influenced by a 14% decrease in outputs as a result of unfilled extended staff leave.

“
Dear Ruth

Thankyou for your fantastic manner and direct, professional advice. I could not have asked for a better lawyer to represent me.

You have made a difficult situation as easy as possible.

Thanks again, you're great!!

”

“
Dear Tracey,

Thank you for your time and patience!”

ADR client

”

“
Dear Andrew

I would like to take the opportunity to sincerely thank you for your support and help with the child support agency. I am very happy with everything you have done for me. You gave me hope when I didn't think there was any, especially in the situation I came to be in. I would have no hesitation in recommending your quality services. I sincerely thank you once again.

”

“
Dear Sylvia

*Thank you so much for all your help and support. I really couldn't have got through this without you. I truly appreciate everything you've done.
THANKS.*

”

SECTION 9
FINANCIAL STATEMENTS



STATEMENT OF CERTIFICATION

Financial Statements for the Year ended 30 June 2005

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 2005, and the financial position as at 30 June 2005.

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.



George Turnbull
Director



Murray Cribb
Principal Accounting Officer



Malcolm McCusker AO QC
Chairman

25 August 2005



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, 2005**

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 Legal Aid Commission of Western Australia at 30 June 2005 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
25 August 2005

LEGAL AID COMMISSION OF WESTERN AUSTRALIA
STATEMENT OF FINANCIAL POSITION
AS AT 30 JUNE 2005

	Note	2004/05 \$	2003/04 \$
CURRENT ASSETS			
Cash Assets	2	11,437,211	10,074,547
Restricted Cash Assets	3	1,518,917	1,513,435
Receivables	4	1,446,100	984,214
Prepayments		10,280	62,018
Total Current Assets		14,412,507	12,634,214
NON-CURRENT ASSETS			
Property, Plant Equipment and Vehicles	5	1,874,436	1,679,158
Receivables	4	2,911,910	2,922,198
Total Non-Current Assets		4,786,347	4,601,356
Total Assets		19,198,854	17,235,570
CURRENT LIABILITIES			
Payables	6	7,556,942	7,539,834
Provisions	7	1,496,705	1,213,142
Total Current Liabilities		9,053,647	8,752,976
NON-CURRENT LIABILITIES			
Provisions	7	1,632,666	1,532,015
Total Non-Current Liabilities		1,632,666	1,532,015
Total Liabilities		10,686,313	10,284,991
Net Assets		8,512,541	6,950,579
EQUITY			
Contribution by Owner	8	595,669	595,669
Capital Reserve	8	2,460,353	-
Capital Investment Fund	8	1,054,437	-
Accumulated Surplus	8	2,775,968	4,749,795
Asset Revaluation Reserves	9	140,043	115,043
Asbestosis Account Reserve	3	1,486,071	1,490,071
TOTAL EQUITY		8,512,541	6,950,578

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

LEGAL AID COMMISSION OF WESTERN AUSTRALIA
STATEMENT OF FINANCIAL PERFORMANCE
AS AT 30 JUNE 2005

	Note	2004/05 \$	2003/04 \$
COST OF SERVICES			
Expenses from Ordinary Activities			
Legal Services Expenses	10	10,992,114	10,615,490
Employee Expenses	11	15,215,554	14,267,446
Cost of disposed non-current assets	18	207,820	353,586
Services and Contracts	13	3,540,474	2,999,060
Depreciation expenses	14	535,318	409,922
Other Expenses from Ordinary Activities	4,12	3,443,834	1,574,818
Total Cost of Services		33,935,115	30,220,323
Revenues from Ordinary Activities			
Revenue from operating activities			
Revenue from services	15	1,301,945	1,202,371
Commonwealth Grants and Contributions	16	13,686,176	12,257,878
Legal Contribution Trust		901,049	131,977
Revenue from non-operating activities			
Proceeds from disposal of non-current assets	18	188,350	323,114
Interest Revenue	19	708,761	615,764
Other Revenue from Ordinary Activities	4,17	543,317	408,670
Total Revenues from Ordinary Activities		17,329,598	14,939,774
Net Cost of Services	22	(16,605,517)	(15,280,549)
REVENUES FROM STATE GOVERNMENT			
State Government Grant	20	18,142,479	16,264,780
Total Revenues From State Government		18,142,479	16,264,780
Change in Net Assets		1,536,963	984,231
Net Increase/(decrease) in asset revaluation Reserve			
Reserve	9	25,000	3,220
Total changes in equity other than those resulting from transactions with WA State Government as owners		1,561,963	987,451

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

LEGAL AID COMMISSION OF WESTERN AUSTRALIA
STATEMENT OF CASH FLOWS
AS AT 30 JUNE 2005

	Note	2004/05 \$ Inflows (Outflows)	2003/04 \$ Inflows (Outflows)
CASH FLOWS FROM STATE GOVERNMENT			
State Government Grant		18,134,301	17,199,660
Net Cash provided by State Government		18,134,301	17,199,660
Utilised as follows:			
CASH FLOWS FROM OPERATING ACTIVITIES			
Payments			
Payments for legal services		(10,803,647)	(10,900,142)
Employee Costs		(15,307,788)	(12,002,474)
Supplies and Services		(6,867,790)	(6,063,813)
GST Payments to Taxation Authority		(1,801,986)	(1,624,976)
Receipts			
Sale of Goods and Services		1,399,214	1,333,371
Commonwealth grants and contributions		13,683,341	12,002,054
Interest received		670,766	610,150
GST Receipts on sales		113,929	239,803
GST Receipts from Taxation Authority		1,620,198	1,469,962
Other Receipts		363,819	319,084
Child Representation Trust		9,482	23,364
Legal Contribution Trust		901,049	131,977
Net Cash Used in Operating Activities	22	(16,019,413)	(14,461,641)
CASH FLOWS FROM INVESTING ACTIVITIES			
Purchase of Non-Current Physical Assets		(935,092)	(920,847)
Proceeds from sale of Non-Current Physical Assets		188,350	323,114
Net Cash Used in Investing Activities		(746,742)	(597,732)
Net Cash Used in Operating and Investing Activities		(16,766,155)	(15,059,374)
Net increase/(decrease) in cash held		1,368,145	2,140,286
Cash assets at the beginning of financial year		11,587,982	9,447,696
Cash assets at the end of financial year	21	12,956,127	11,587,982

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

**THE DIRECTOR OF LEGAL AID AND OTHERS IN TRUST
STATEMENT OF RECEIPTS AND PAYMENTS
FOR THE YEAR ENDED 30 JUNE 2005**

	2004/05	2003/04
	\$	\$
FUNDS ON HAND 1 July 2004	0	0
RECIPTS in year	0	0
Interest received in year	0	0
	<hr/>	<hr/>
PAYMENTS in year	0	0
Bank charges	0	0
FUNDS ON HAND 30 June 2005	0	0
	<hr/>	<hr/>
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 2005, and the Funds on Hand as at 30 June 2005.



George Turnbull
Director of Legal Aid



Murray Cribb
Principal Accounting Officer

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 Standard 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	50 years
Furniture and Fixture	5 to 13 years
Leasehold Improvements	6 to 20 years
Office Equipment	5 to 10 years
IT Equipment	3 to 4 years
Motor Vehicle	2 to 3 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(i).

(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 Department of Land Information (Valuations Services) and are recognised in the financial statements. 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 2003, 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 expense 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 employer's share of the difference between employee's 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 motor vehicles, where the lessors effectively retain all of the risks and benefits incidental to ownership of the items held under the operating leases. Equal instalments of the lease payments are charged to the operating statement over the lease term, as this is representative of the pattern of benefits 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

	2004/05	2003/04
	\$	\$
Bank Accounts	11,431,076	10,068,712
Cash on Hand - Petty Cash	6,135	5,835
	11,437,211	10,074,547

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 receive as costs recovered from asbestosis-related actions by plaintiffs to whom the Commission has granted legal aid.

	2004/05	2003/04
	\$	\$
Balance of Funds 1 July 2004 - Opening Balance	1,490,071	1,485,071
Revenue:		
~ Recovered Costs	-	-
~ Interest	-	250,739
	1,490,071	1,735,810
Expenditure		
~ Private Practitioners	4,000	5,000
~ Reclassification to Cash Assets	-	(250,739)
Balance of Funds 30 June 2005 - Closing Balance	1,486,071	1,490,071

(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.

	2004/05	2003/04
	\$	\$
Child Representation Trust Fund		
Balance of Funds 1 July 2004	23,364	-
Receipts	36,000	27,179
	59,364	27,179
Payments	26,518	3,815
Balance of funds 30 June 2005	32,846	23,364

4 Receivables

	2004/05	2003/04
	\$	\$
Current		
Unsecured debts	1,789,409	1,382,538
Less: Provision for doubtful debts	(343,309)	(398,323)
	<u>1,446,100</u>	<u>984,214</u>
Non Current		
Secured Debts	3,559,710	3,646,975
Less: Provision for doubtful debts	(20,000)	(20,000)
Less: Provision for discount	(627,800)	(704,777)
	<u>2,911,910</u>	<u>2,922,198</u>
	<u>4,358,010</u>	<u>3,906,412</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 5.10% (2004: 5.68%) using the 5 year government bond rate as at June 30, 2005.

(i) Provision for Doubtful Debts

	2004/05	2003/04
	\$	\$
Balance 30 June 2004	418,323	420,899
Bad debts written off 2004/05	(10,076)	(16,746)
	<u>408,247</u>	<u>404,153</u>
Provision 2004/05	(44,938)	14,170
	<u>363,309</u>	<u>418,323</u>

Debts written off for 2004/05 were authorised by -

the Accountable Commission -	<u>10,076</u>	<u>16,746</u>
------------------------------	---------------	---------------

(ii) Provision for Discount

	2004/05	2003/04
	\$	\$
Balance 30 June 2004	704,777	683,152
Implicit interest charge / (writeback)	(76,977)	21,625
Provision 2004/05	<u>627,800</u>	<u>704,777</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.

	2004/05	2003/04
	\$	\$
Land		
At Fair Value (I)	75,000	50,000
Accumulated Depreciation	-	-
Net Value	75,000	50,000
Buildings		
At Fair Value (I)	160,000	160,000
Accumulated Depreciation	(17,420)	(14,220)
Net Value	142,580	145,780
Fixtures and Fittings		
At Cost	40,943	40,943
Accumulated Depreciation	(22,051)	(19,627)
Net Value	18,892	21,316
Leasehold Improvements		
At Cost	1,156,390	980,256
Accumulated Depreciation	(815,421)	(692,651)
Net Value	340,969	287,604
Furniture and Equipment		
At Cost	1,798,708	1,517,718
Accumulated Depreciation	(915,981)	(708,806)
Net Value	882,727	808,912
Motor Vehicles		
At Cost	475,202	416,314
Accumulated Depreciation	(60,933)	(50,767)
Net Value	414,269	365,546
Total Net Value of Assets	1,874,436	1,679,158

(I) Land and Buildings

The revaluations were provided by Department of Land Information as at 1 July 2004 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.

(iii) 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
	\$	\$	\$	\$	\$	\$	\$
2004/05							
Carrying amount at start of year	50,000	145,780	21,316	287,604	808,912	365,546	1,679,158
Additions				176,134	430,479	331,375	937,988
Disposals					(6,512)	(201,307)	(207,819)
Revaluation increments	25,000						25,000
Revaluation decrements							-
Depreciations		(3,200)	(2,424)	(122,769)	(325,584)	(81,345)	(535,322)
Write - off of Assets < \$1,000					(24,569)		(24,569)
Carrying amount at the end of year	75,000	142,580	18,892	340,969	882,726	414,269	1,874,436

6 Payables

	2004/05	2003/04
	\$	\$
Grant of Aid Commitments	5,487,878	5,290,756
Grant of Aid Commitments - Police Royal Commission	-	-
Accrued Salaries	-	652,199
Staff Benefit Fund	53,805	38,969
Child Representation Trust Fund	32,846	23,364
Accrued Expenses	369,970	259,083
Government Grants in advance	1,612,233	1,275,463
Unclaimed Monies	210	-
	7,556,942	7,539,834

(i) Payables

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

(ii) Accrued Salaries

Amount owing is nil as last pay occurred on the 30 June 2005.
(2004 - 18 June to 30 June, 9 working days)

7 Provisions

	2004/05	2003/04
	\$	\$
Current		
Annual leave	885,621	749,110
Long service leave	611,084	464,032
	1,496,705	1,213,142
Non Current		
Long service leave	1,632,666	1,532,015
Superannuation	-	595,669
Unfunded liability transfer to Treasury	-	(595,669)
	1,632,666	1,532,015

(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 2003, 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 expense equivalent to the change in this liability during this year has been included under Employee Expenses.

8 Equity

(i) Accumulated Funds

	2004/05	2003/04
	\$	\$
Opening Balance	4,749,794	506,513
Less: Transfer to Capital Reserve	(2,460,353)	-
Less: Transfer to Capital Investment Fund	(1,054,437)	3,264,051
Add: Transfer from Asbestosis Account Reserve	4,000	(5,000)
	1,239,004	3,765,564
Change in net assets resulting from Operations	1,536,964	984,230
Closing balance of accumulated surplus	2,775,968	4,749,794

Adjustment to opening surplus relates to the transfer of interest earned from Asbestosis Account Reserve.

(ii) Contribution by Owner

	2004/05	2003/04
	\$	\$
Opening Balance	595,669	-
Unfunded liability transfer to Treasury	-	595,669
Closing Balance	595,669	595,669

9 Reserves

(i) Asset Revaluation

	2004/05	2003/04
	\$	\$
Opening Balance	115,043	111,823
Net Revaluation Increment/(Decrement)		
Land	25,000	14,000
Buildings	-	(10,780)
Closing Balance	140,043	115,043

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

	2004/05	2003/04
	\$	\$
Opening Balance	1,490,071	4,749,122
Transfer to Accumulated Surplus	-	(3,264,051)
Private Practitioners Fees	(4,000)	5,000
Closing Balance	1,486,071	1,490,071

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

10 Legal Service Expenses

	2004/05	2003/04
	\$	\$
Grant of Aid Expenses		
~ Assignment Costs	10,661,588	10,293,522
~ Asbestosis Case Costs	4,000	(5,000)
	10,665,588	10,288,522
Other Service Expenses		
~ Legal Advice	183,383	151,535
~ Duty Lawyer	143,143	175,433
	10,992,114	10,615,490

11 Employee Expenses

	2004/05	2003/04
	\$	\$
Salaries and Staff Related Expenses		
Salaries	13,111,636	12,304,240
Annual Leave Expense	136,510	(70,192)
Long Service Leave Expense	247,704	345,474
	13,495,850	12,579,522
Staff Related Expenses		
Superannuation	1,213,067	1,174,079
Superannuation Provision		
State Superannuation - Pre Transfer	83,202	190,447
Staff Training	129,775	95,778
Other Staff Related Expenses	293,659	227,620
	1,719,704	1,687,924
	15,215,554	14,267,446

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

	2004/05	2003/04
	\$	\$
Communications	446,703	427,858
Consumables	597,831	534,025
Maintenance	259,114	278,072
Bad Debts written off	10,076	16,746
Doubtful Debts Expense	(55,014)	(2,575)
Implicit Interest charge	-	21,625
State CLC Program	1,885,963	116,000
Other	299,162	183,068
	3,443,834	1,574,819

13 Services and contracts

	2004/05	2003/04
	\$	\$
Accommodation	1,622,713	1,544,761
Information Technology	956,013	841,764
Other	961,747	612,535
	3,540,474	2,999,060
Audit Fees for	\$	\$
Audit by the Office of the Auditor General	42,000	40,000
	42,000	40,000

14 Depreciation expenses

	2004/05	2003/04
	\$	\$
Depreciation		
Buildings	3,200	3,421
Office Equipment	42,929	45,731
IT Equipment	258,698	180,881
IT Software	21,798	9,646
Motor Vehicles	81,345	53,361
Fixtures and Fittings	2,424	1,787
Leasehold Improvements	122,765	112,725
Furniture	2,159	2,370
Library	-	-
	535,318	409,922

An increase in depreciation rate from 15% to 20% for Motor Vehicles has increased the depreciation expense for 2004/05.

15 Revenue from Services

	2004/05	2003/04
	\$	\$
Client contributions and fees on grants of aid	779,073	733,836
Cost recoveries on grants of aid	339,953	302,376
Recovered Costs on Asbestosis matters	-	-
Legal Advice Fees	75,380	83,133
Duty Lawyer Fees	87,288	74,249
Community Legal Education	20,251	8,777
	1,301,945	1,202,371

16 Commonwealth Grants and Contributions

	2004/05	2003/04
	\$	\$
Operating Grant as per 2004 Funding Agreement	13,490,520	12,047,283
Christmas/Cocos Islands	195,656	210,595
	13,686,176	12,257,878

17 Other Revenue from Ordinary Activities

	2004/05	2003/04
	\$	\$
State - Specific Purpose Contributions	148,773	229,699
Other Misc. Income	188,718	117,200
Dept of Immigration and Ethnic Affairs	128,849	61,771
Implicit Interest writeback	76,977	-
	543,317	408,670

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

	2004/05		2003/04			
	Furniture & Equipment	Motor Vehicles	Land	Buildings	Furniture & Equipment	Motor Vehicles
Gain on Sale of Non-Current Assets		\$				\$
Asset written down value		40,266		90,406	3,251	
Gross proceeds on disposal of asset	1,250	45,455		97,604	6,561	
Loss on Sale of Non-Current Assets						
Assets written down value	6,512	161,041	24,300		12,200	223,429
Gross proceeds on disposal of asset	1,909	139,735	24,300		32	194,618
Net Gain/(Loss)	(3,353)	(16,117)	-	7,198	(8,858)	(28,811)

19 Interest Revenue

	2004/05	2003/04
	\$	\$
Interest on Legal Aid Operational Funds	444,018	365,025
Interest earned on Capital Reserve	205,004	
Interest earned on Asbestosis Account	59,740	250,739
	708,761	615,764

20 Consolidated Fund - Recurrent Appropriation

	2004/05	2003/04
	\$	\$
State Government Funding		
State Government Funding	18,142,479	16,264,780
	18,142,479	16,264,780

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.

	2004/05	2003/04
	\$	\$
Cash Resources		
Bank Accounts	11,431,075	10,068,712
Cash on Hand	6,135	5,835
	11,437,210	10,074,547
Restricted Cash Resources		
Asbestosis Account	1,486,071	1,490,071
Child Representation Trust Fund	32,846	23,364
	1,518,917	1,513,435
	12,956,127	11,587,982

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

	2004/05	2003/04
	\$	\$
Net Cash used in operating activities	(16,019,413)	(14,461,641)
Non Cash Items		
Depreciation	(535,318)	(409,922)
Net profit (Loss) on disp. of Non-Current Assets	(19,471)	(30,472)
Accrued Assets	2,896	17,830
Asset write off	(24,570)	-
Changes in Assets and Liabilities		
Increase (Decrease) in Accounts Receivable (I)	328,726	(91,255)
Increase (Decrease) in Prepayments	(51,738)	40,051
Decrease (Increase) in Accounts Payable (I)	(25,286)	272,925
Increase (Decrease) in Provision for Doubtful Debts	55,014	(2,575)
Decrease (Increase) for Annual and Long Service Leave	(384,214)	(340,253)
Decrease (Increase) in Provision for Superannuation	-	(190,447)
Accounts Receivable write down	-	-
Adjustment to opening surplus	-	-
Change in GST in receivables/payables	67,858	(84,788)
Net Cost of Services	(16,605,517)	(15,280,547)

(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 2005, the following commitment existed in respect of operating leases.

	2004/05	2003/04
	\$	\$
Amount payable:		
Not later than 1 year	1,905,984	1,659,023
Later than 1 year and not later than 2 years	1,795,994	381,220
Later than 2 years and not later than 5 years	5,139,791	343,439
Later than 5 years.	8,962,648	61,026
	17,804,418	2,444,708
Representing:		
Non-cancellable operating leases	17,804,418	2,444,708
	17,804,418	2,444,708

24 Remuneration of Members of the Accountable Commission and Senior Officers

	2004/05	2003/04
	\$	\$
The total remuneration of of the members of the Accountable Commission is:	378,865	329,909
The total remuneration of senior officers is:	403,542	370,675

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

No members of the Accountable Commission are members of the Pension Scheme.

The number of 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 - \$10,000	4	4
\$10,000 - \$20,000	1	1
\$280,000 - \$290,000	-	1
\$320,000 - \$330,000	1	-
	6	6

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
\$80,000 - \$90,000	1	-
\$90,000 - \$100,000	-	-
\$100,000 - \$110,000	-	-
\$110,000 - \$120,000	-	-
\$120,000 - \$130,000	-	1
\$130,000 - \$140,000	-	1
\$140,000 - \$150,000	2	-
	3	3

The 2003/04 totals have been adjusted to reflect the changes in the calculation.

25 Client Trust Funds

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

	2004/05	2003/04
	\$	\$
Balance of Funds 1 July 2004	18,215	14,940
Receipts	296,535	684,042
	314,750	698,982
Payments	273,577	680,767
Balance of funds 30 June 2005	41,172	18,215

In addition to the above, individual interest bearing trust accounts in the name of the Director of Legal Aid in trust for 'clients' are administered by the Legal Aid Commission. These accounts are used when substantial amounts are involved or the Court so directs. At 30 June 2005 there were no accounts maintained at BankWest compared to no such accounts at the conclusion of 2003/2004.

26 Indian Ocean Territories

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

Opening Balance 2004	11,268
Receipt from Commonwealth	195,656
Client Contributions	1,630
Expenditure	(187,405)
Closing Balance 2005	21,149

27 Interest rate risk exposure

The following table summarises interest rate risk to the Legal Aid Commission as at 30th June 2005.

	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	11,437,211					11,437,211	5.45%	
Restricted Cash	1,518,917					1,518,917	5.45%	
Debtors					4,358,010	4,358,010		
Financial Liabilities								
Creditors					7,556,942	7,556,942		

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		

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.

28 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.

29 Explanatory Statement

Comparisons of actual results with those of the preceding year	2004/2005	2003/2004	
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			
Cost Of Disposal Of Non - Current Assets	207,820	353,586	-41%
Decrease reflects significant disposal specific to 2003/04 of land and buildings held in South Hedland.			
Services and Contracts	3,540,474	2,999,060	18%
Increase due to higher outlays in areas of accommodation, professional practice certificate fees, consulting, travel, information technology, and audit fees.			
Depreciation Expenses	535,318	409,922	31%
Increase primarily due to additional IT related depreciation.			
Other Expenses From Ordinary Activities	3,443,834	1,574,818	119%
Increase primarily due to additional expenditure of \$1,769,963 on new State based CLC program.			
Revenues From Ordinary Activities			
Commonwealth Grants and Contributions	13,686,176	12,257,878	12%
Increase in line with new four year funding agreement effective from 1 July 2004.			
Legal Contribution Trust	901,049	131,977	583%
Increase due to revised distribution arrangements by the Law Society of WA in respect of the Legal Contribution Trust.			
Proceeds From Disposal of Non - Current Assets	188,350	323,114	-42%
Decrease reflects significant disposal specific to 2003/04 of land and buildings held in South Hedland.			
Interest Revenue	708,761	615,764	15%
Increase in line with increases in interest rates over respective periods and higher value of funds on deposit.			

LEGAL AID COMMISSION OF WESTERN AUSTRALIA
Notes to and forming part of the Financial Statements
for the year ended 30 June 2005

	2004/2005	2003/2004	
	ACTUAL	ACTUAL	VARIATION
	(\$)	(\$)	(%)
Other Revenue From Ordinary Activities	543,317	408,670	33%
Increase primarily due to recognition of \$83,202 as revenue being superannuation liability assumed by the Treasurer (treated as equity injection in prior year).			
State Government Grant	18,142,479	16,264,780	12%
Increase due to additional expenditure in 2004/05 related to clearing of backlog in District Court (\$450,000), funding for establishment of two new regional offices (\$764,000), and funding provided in support of new State based CLC program (\$1,936,017), offset by funding provided in 2003/04 of \$478,415 on the Police Royal Commission not being repeated.			
Comparisons of Estimate and Actual Results	2004/2005	2004/2005	
	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	10,992,114	9,735,038	13%
Expenditure for 2004/05 includes \$450,000 provided by Government after the State budget was handed down related to clearing backlog of cases in the District Court, and \$767,524 on expensive cases (greater than \$20,000) which do not get provided for in the budget.			
Cost Of Disposal Of Non - Current Assets	207,820	0	>10%
Cost of disposal of non current assets and proceeds from disposal of non current assets are items which are not budgeted for.			
Other Expenses From Ordinary Activities	3,443,834	1,550,022	122%
Increase primarily due to expenditure of \$1,885,963 in 2004/05 on new State based CLC program, the details of which were undetermined when the budget was formulated.			

	2004/2005	2003/2004	
	ACTUAL	ACTUAL	VARIATION
	(\$)	(\$)	(%)
Revenue From Ordinary Activities			
Legal Contribution Trust	901,049	125,000	621%
Increase due to revised distribution arrangements by the Law Society of WA.			
Proceeds From Disposal of Non - Current Assets	188,350	0	>10%
Cost of disposal of non current assets and proceeds from disposal of non current assets are items which are not budgeted for.			
Interest	708,761	612,584	16%
Increase in line with increases in interest rates over respective periods and higher value of funds on deposit than anticipated.			
Other Revenue From Ordinary Activities	543,317	410,458	32%
Unbudgeted revenue primarily related to immigration tender.			
Revenues from Government			
State Appropriation	18,142,479	14,206,300	28%
Increase over budget due to several unbudgeted items being provision for clearing of backlog in the District Court (\$450,000), funding in support of new State based CLC program (\$1,936,017), funding for establishment of two new regional offices (\$764,000), and funding for expensive cases (\$961,578) which is not provided as part of the budget process.			

30 Commonwealth Expenditure

Legal Aid WA maintains systems to distinguish the cost of delivering Commonwealth and State services. The Commonwealth "Legal Aid Monies" (as defined in the Commonwealth Funding Agreement for the period 2004/05 to 31 December 2008) were expended for the purpose of the provision of legal aid services in accordance with the Agreement and attributed in accordance with the the Commonwealth Attribution Statement contained in the Agreement, as set out below:

	\$' 000's
Carry Forward Surplus/(Deficit)	(201)
Income	
Services Payment	13,367
Interest	200
Costs Recovered	47
Contributions	434
Expensive Cases Revenue	73
Other	52
TOTAL INCOME	14,173
Expenditure	
Information Services	677
Community Legal Education and Publication Services	451
Legal Advice Services	1,172
Minor Assistance Services	555
Child Support Services (non - litigation)	970
Duty Lawyer Services:	
- Family Law	150
- Criminal Law	79
- Civil Law	-
PDR Services (Grants)	784
Litigation Services (Grants):	
- Family Law	5,252
- Criminal Law (excluding expensive cases)	288
- Criminal Law (expensive cases)	79
- Civil - Veterans	26
- Civil - Migration	32
- Civil - Other	18
Assignment Services:	
- PDR	807
- Litigation	1,130
Strategic Services	782
Other	528
Total Expenditure	13,780
2003/04 SURPLUS/(DEFICIT)	393
Closing Surplus/(Deficit)	192

NB - Reconciliation excludes transactions related to Community Legal Centres - which are separately identified at Note 33

31 State Expensive Cases

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

The reconciliation of the expensive cases fund for 2004/05 is as follows:

Opening Balance 01/07/2004	(248,462)
Adjustment relating to prior years	
Supplementary Funding 2004/05	1,054,000
Expenditure 2004/05	(725,237)
Available Funds 30/06/2005	80,301

32 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) 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)
Expenditure 2004/05	(115,705)
Funds remaining 30 June 2005	170,190

(ii) DCD Legal Fund. In January 2005 the Legal Aid Commission commenced maintaining special funding provided by the Department for Community Development (DCD) for private lawyers to investigate and provide advice as to claims that children may have been abused whilst in care of DCD.

Funding in 2004/05	154,000
Expenditure 2004/05	129,227
Funds remaining 30 June 2005	24,773

33 Community Legal Centres

During 2003/04, State Cabinet endorsed key recommendations into Community Legal Centres (CLC's) including the establishment of a State funding program for CLC's. 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:

	State	Commonwealth
Opening Cash Balance 01/07/2004	915,000	2,967
Receipts	1,674,500	3,205,465
Payments	(1,936,017)	(3,097,817)
Closing Cash Balance 30/06/2005	653,483	110,615

34 Impact of Adopting Australian Equivalents to IFRS

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 AIFRS 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;
- implemented the changes required to financial management information systems and processes;
- identified and provided the necessary staff and training requirements; and
- implemented 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 from 1 July 2005.

The project is on schedule and documentation of IFRS financial management systems and processes is progressing concurrently with the preparation of AIFRS financial statements for 30 June 2005 in accordance with AASB 1 for comparative reporting purposes on 30 June 2006.

2. The impact of adopting AIFRS including the key differences in accounting policies

The amendments/impacts disclosed are managements best estimates at the time of preparing the 2005 Financial Statements and that the amounts/impacts may change in circumstances where the accounting standards and/or interpretations applicable to the first AIFRS Financial Statements are amended or revised.

Reconciliation of total equity as presented under previous AGAAP to that under AIFRS:

	30 June 2005	1 July 2004
	\$000	\$000
Total equity under previous AGAAP	8,513	6,951
Adjustments to accumulated surplus/(deficiency):		
Derecognition of computer software as Property, Plant Equipment and Vehicles (i)	(125)	(139)
Recognition of computer software as Intangibles (i)	125	139
Derecognition of workers compensation on-costs as Employee Entitlement Liabilities (Current) (ii)	(7)	(6)
Recognition of workers compensation on-costs as Other Provisions (Current) (ii)	7	6
Derecognition of workers compensation on-costs as Employee Entitlement Liabilities (Non-Current)	(8)	(8)
Recognition of workers compensation on-costs as Other Provisions (Non-Current) (ii)	8	8
Total equity under AIFRS	8,513	6,951

(i) AASB 138 requires computer software that is not an integral part of a tangible asset to be classified as an intangible asset. Computer Software has been re-classified as an intangible asset with a finite life. The Commission does not carry any other acquired intangible assets with indefinite useful lives nor does it carry any internally generated intangible assets.

(ii) AASB 119 requires for workers compensation costs that are a consequence of employing employees, but which are not employee benefits, to be separately disclosed as liabilities and expenses when the employment to which they relate has occurred.

Reconciliation of surplus/(deficit) for the period as presented under previous AGAAP to that under AIFRS:

	30 June 2005
	\$000
Surplus/(deficit) for the period under previous AGAAP	2,776
Derecognition of workers compensation on-costs as Annual Leave Provision expenses (iii)	(4)
Derecognition of workers compensation on-costs as Long Service Leave Provision expenses (iii)	(11)
Recognition of workers compensation on-costs as Other Employment On-cost expenses (iv)	15
Surplus/(deficit) for the period under AIFRS	2,776

(iii) Derecognition of workers compensation on-costs as an employee benefit expense.

(iv) Separate recognition of workers compensation on-costs incurred as a consequence of employing employees, but which are not employee benefits.

(v) 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.

LEGAL AID OFFICES

Telephone Information Line:

General Inquiries – 1300 650 579

Child Support Legal Unit:

Carer and Liable Parents – 9261 6253

Country Callers (Toll-Free) – 1800 199 363

Domestic Violence Legal Unit

9261 6254 or 9261 6320

TTY (for the hearing impaired): 1800 241 216

www.legalaid.wa.gov.au

Perth Office

55 St Georges Terrace, Perth WA 6000

Telephone: (08) 9261 6222

Facsimile: (08) 9325 5430

Goldfields Regional Office

Suite 3, 120 Egan Street, Kalgoorlie WA 6430

Telephone: (08) 9091 3255

Facsimile: (08) 9091 2077

Southwest and Great Southern Regional Office

Koombana Court, 141 Victoria Street, Bunbury WA 6230

Telephone: (08) 9721 2277

Facsimile: (08) 9721 2060

Fremantle Regional Office

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

Telephone: (08) 9335 7108

Facsimile: (08) 9335 1338

Midland Regional Office

DOLA Building, Cnr Midland Square and The Avenue, Midland WA 6056

Telephone: (08) 9274 3327

Facsimile: (08) 9274 3595

Kimberley Regional Office

40 Dampier Terrace, Broome WA 6725

Telephone: (08) 9192 1888

Facsimile: (08) 9192 1520

Pilbara Regional Office

28 Throssell Road, South Hedland WA 6722

Telephone: (08) 9172 3733

Facsimile: (08) 9172 2061

Christmas/Cocos Islands Office

Administration Building, Gaze Road, Christmas Island, Indian Ocean WA 6798

Telephone: (08) 9164 7529

Facsimile: (08) 9164 7162

Great Southern Regional Office

104 Aberdeen Street Albany WA 6332

Telephone: (08) 9892 9700

Facsimile: (08) 9892 9777

Midwest and Gascoyne Regional Office

Unit 7 The Boardwalk, 273 Foreshore Drive, Geraldton WA 6530

Telephone: (08) 9921 0200

Facsimile: (08) 9921 0255