



LEGAL AID  
WESTERN AUSTRALIA

Annual Report **2012-2013**

# Statement of Compliance

FOR YEAR ENDED 30 JUNE 2013

**HON MICHAEL MISCHIN MLC**

**ATTORNEY GENERAL**

In accordance with section 63 of the *Financial Management Act 2006*, we hereby submit for your information and presentation to Parliament, the Annual Report of the Legal Aid Commission of Western Australia for the financial year ended 30 June 2013.

The Annual Report has been prepared in accordance with the provisions of the *Financial Management Act 2006* and the *Legal Aid Commission Act 1976*.



Stuart Shepherd  
Chairman

Date: 22.08.2013



George Turnbull  
Director

Date: 19/8/13

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# 1 CHAIRMAN'S REPORT

As Chairman of the Legal Aid Commission of WA, I continue to be impressed by the hard work and dedication of both management and staff. Together, they constitute a compassionate and innovative organisation which performs worthily in often difficult, sometimes confronting, circumstances.

In October 2012, my fellow Commissioners and I visited Legal Aid WA's Pilbara office in Port Hedland. The adversities which arise from the isolation of Pilbara communities and the area covered by the various Pilbara court circuits, combined with the somewhat less than ideal working conditions in many places, re-affirmed to us the calibre of the Commission's staff in our regions.

What is true in the regions is also true in our urban centres. The task of delivering access to justice to those of limited means *throughout* the State requires a broad community effort. Legal Aid WA is a major and integral part of a coalition of justice agencies working towards the common good of all Western Australians.

Unsurprisingly, an issue never far from the Commission's business is the source and levels of the public funding which enables the Commission to undertake its essential work.

Like all public sector bodies, Legal Aid WA has continued to face significant constraints on funding in recent years. Legal Aid WA has responded to these challenges by promulgating a culture of innovation, which has delivered benefits to the delivery of services to those requiring assistance and the Western Australian legal community generally. It is a culture which strives to deliver more for less.

In the past 12 months, Legal Aid WA has delivered nation-leading online legal practice initiatives which provide online continuing professional development for practitioners. The value of the program to all practitioners and, particularly, those in the regions with limited access to alternative sources of legal education is beyond doubt.

By way of further example, Legal Aid WA has made available to the general community, documentary style productions developed in-house by Legal Aid WA staff to assist parents considering separation and rolled out a dedicated website designed to assist young car buyers with legal issues which arise from such purchases. By providing these resources, without charge, Legal Aid WA hopes to raise awareness of potential difficulties and lessen the need for "after the event" assistance.

The benefits achieved both by community initiatives and by the work of Legal Aid WA in its traditional form facilitates a more fair and efficient Justice System. There can be no doubt that the Western Australian community achieves outstanding value for money from the entire range of services provided by Legal Aid WA.

An important component of Legal Aid WA's service delivery capacity is the private legal profession, which provides representation to clients who successfully apply for a grant of legal aid.

Throughout 2012 and 2013 a major review has been undertaken of the role of the private profession in the representation of vulnerable members of the community, and, in particular, the arrangements under which private lawyers qualify to provide services pursuant to grants of legal aid.

As might be expected, grants are made in a wide range of matters with differing levels of gravity and complexity.

Among the recommendations of the Commission's review is the implementation of a graduated scale of qualification to make sure that private lawyers are assigned to matters of a complexity which is appropriate to their level of training and experience.



One of the reasons for this recommended change is a perceived trend towards what has been described as the “juniorisation” of practitioners accepting grants of legal aid for more complex matters. It is of prime importance to the Commissioners to ensure that a member of the public who qualifies for a grant of aid is represented by a legal practitioner who is sufficiently skilled to provide appropriate advice and representation in the matter for which aid is granted.

I have been encouraged by the positive response of the profession to the proposed changes in private practitioner panel arrangements. The implementation of the new arrangements is now a major task being undertaken by Legal Aid WA. I expect the private profession to continue to support and engage in this important quality assurance initiative.

My fellow Commissioners and I continue to be impressed by the calibre of Legal Aid WA’s in-house practice. A highlight of this year’s activity from a practice perspective was the successful application to the High Court in the matter of *Yates*.

The appearance before the High Court of Legal Aid WA lawyers Karen Farley and Natalie Sinton demonstrates very clearly the skill and expertise offered by Legal Aid WA’s in-house practice. Commissioners frequently receive positive comments concerning the quality of representation provided by Legal Aid WA lawyers from members of the Judiciary and the profession.

During the past year I had an opportunity to spend time with members of the in-house practice at the Family Court of Western Australia. These practitioners are, to a degree, based at the Court. The level of co-operation between the court and Legal Aid lawyers is very high and allows for effective and efficient representation of those qualifying for assistance.

Another matter requiring significant consideration by the Commission throughout the past year has been the future accommodation of Legal Aid WA, principal Perth office following the expiration of its current lease in 2015.

The business case presented to Commissioners to support the proposed relocation from current premises was rigorous. A detailed financial analysis of alternative potential locations was affirmed by independent external audit scrutiny.

Consequently, the Commission has entered into a lease pre-commitment at 32 St Georges Terrace, the site of the former May Holman Centre. The location has obvious advantages for an organisation with a strong focus on legal representation arising from its proximity to the major courts.



The Commissioners were satisfied that the decision manifested an appropriate balance between value for money and functionality for the services provided by Legal Aid WA. The arrangement has given Legal Aid WA some input into the design of the refurbished building. We are confident that, from 2015, it will provide a highly valued new workspace for all of Legal Aid WA's Perth office staff.

Separately to office accommodation, in the past year, Legal Aid WA relocated its data centre from within its current premises at 55 St Georges Terrace to a secure facility in Perth's northern suburbs. The relocation of the data centre allows for a much higher level of physical security to Legal Aid WA's substantial database of client information. Before consenting, the Commissioners sought and received a particular assurance that the privacy of client information would not in any way be compromised as a result of the relocation.

The role of Commissioner involves the consideration of a wide range of matters concerning the governance and management of Legal Aid WA. In my role as Chairman I am fortunate to be assisted by a group of extremely able fellow Commissioners. In July 2012 we welcomed Ms Kate Beaumont as a new Commissioner. Kate brings to the Commission a wealth of relevant experience from her role as Executive Officer of the Welfare Rights and Advocacy Service.

To all my fellow Commissioners, I extend thanks on behalf of Legal Aid WA and my personal gratitude for your effort and support throughout 2012-2013.

Finally, I thank George Turnbull and the entire team at Legal Aid WA for another successful year. Legal Aid WA has provided outstanding service for the people of Western Australia throughout 2012-2013. I look forward to working together with its management, staff and Commissioners to meet the challenges which lie ahead.

**Stuart Shepherd**  
**Chairman**

## 2 CHIEF EXECUTIVE OFFICER'S REPORT

2012-13 has been a very important year for the legal assistance sector as a whole, with a significant evidence base emerging concerning the level of unmet legal need in our society and the level of public investment required to meet this need.

The long awaited release of the Access to Justice and Legal Needs study by the Law and Justice Foundation of New South Wales provided one of the strongest insights to date into the legal issues facing ordinary Australians. This seminal research effort showed that in the 12 month period prior to the survey, just over half of Western Australians in the sample group had experienced some form of legal problem. The study also showed that disadvantaged people were generally more vulnerable to legal problems; many people take no action to solve their legal problems, resulting in poor outcomes; and most people resolve their legal problems without reference to any form of legal advice or information.

Throughout 2012-13 a review of legal assistance programs was undertaken by the Allen Consulting Group, at the request of the Commonwealth Attorney General's Department. The review was commissioned under the terms of the National Partnership Agreement on Legal Assistance Services and evaluated the quality, efficiency and cost-effectiveness of all four Commonwealth funded legal assistance programs as a national system.

More recently, in June 2013, the Commonwealth Government asked the Productivity Commission to undertake an inquiry into Australia's system of civil dispute resolution. A key focus of the inquiry will be how costs can be constrained while promoting access to justice and equality before the law.

Each of these substantial bodies of research will provide an important base of knowledge upon which the legal assistance sector can work collaboratively towards a more efficient allocation of resources, to


improve access to justice for all Australians.

I am pleased to report that in Western Australia there continues to be a strong collaborative effort between Legal Aid WA, the Aboriginal Legal Service of WA, Aboriginal Family Law Services, and the many community legal centres across the State. There is certainly recognition across all of these agencies of the importance of delivering services in a collaborative way, and this in turn works to ensure that scarce legal assistance resources are allocated in a more efficient manner.

Within Legal Aid WA a number of important management initiated reforms were commenced in 2012-13. The task of fairly assessing the many thousands of applications received for grants of legal aid each year represents a significant overhead within Legal Aid WA's operations. An independent external reviewer has made a number of recommendations to improve the efficiency and effectiveness of this function, and these are now being implemented as a matter of urgency.

Another important reform initiative has been the review of panel arrangements for private practitioners who provide services under grants of aid. A number of changes have been recommended which prescribe levels of experience and competence for practitioners seeking to represent clients on complex matters. A more stringent audit regime has also been recommended to ensure that services are delivered within applicable guidelines. I expect that the new arrangements will be implemented on a graduated basis over the next 18 months.





Against the background of these important strategic issues, it was business as usual for Legal Aid WA's core service delivery role throughout 2012-13. For some areas of output there were moderate increases over this period. Grants for legal representation in the State jurisdiction were up by 4.88 per cent on the previous year; duty lawyer services for State and Commonwealth matters increased by just over 4 per cent; and telephone information services increased by 2.6 per cent. The number of applications for aid for Commonwealth matters fell by 9 per cent, driven largely by fewer applications for Commonwealth crime related matters, particularly those concerning people smuggling.

One continuing area of concern is the decline of 3.19 per cent in the number of grants of aid for Commonwealth family law matters over 2012-13. It is important to note that this decline does not indicate a reduction in demand for family law assistance. It does, however, reflect the increasingly high unit costs associated with providing representation in the complex family law matters which Legal Aid WA handles. For many of these matters, Legal Aid WA funds an independent children's lawyer. This type of litigation is inherently expensive and comes with the added cost of a range of expert reports. As a consequence, it is very difficult to increase the quantity of representation within the limited fixed funding base for family law provided by the Commonwealth.

For Legal Aid WA to be able to improve its level of output in the area of family law, there needs to be a significant improvement in funding from the Commonwealth Government. Under current arrangements, Western Australia receives the second lowest level of per capita funding for legal assistance of all the States and Territories. Factors of population growth and cost escalation will see Western Australia's position drop to the lowest per capita funding by 2015-16. Legal Aid WA, strongly supported by the Western Australian Government, will continue to make the case for an improved Commonwealth funding base in 2013-14 and beyond.

Looking to the future, Legal Aid WA entered into a lease pre-commitment for new office space at 32 St Georges Terrace, which will become available in July 2015. The planning for this new accommodation is now well underway and provides Legal Aid WA with the first opportunity in over twenty years to operate with a brand new office fitout. This new space presents many opportunities to provide better services to our clients and adopt more modern work practices. Our new location affirms the eastern end of St Georges Terrace as an emerging legal precinct in the city, with the courts, State Solicitor's Office and Office of the Director of Public Prosecutions for Western Australia all within very close proximity. Internally and externally, this will be a very good work environment for Legal Aid WA staff.

As is the case every year, Legal Aid WA relies on the very strong cooperative spirit which exists between the various stakeholders in the legal assistance sector. I especially wish to acknowledge the ongoing support of the Aboriginal Legal Service of WA, the Community Legal Centre Association of WA, and Aboriginal Family Law Services. Legal Aid WA also maintains vitally important links with the legal profession, the State and Commonwealth Attorney General's Departments, the WA Police Service and the Department for Child Protection and Family Support.

I wish to acknowledge the strong support that Legal Aid WA has received throughout the year from State Attorney General, the Hon. Michael Mischin MLC. The Attorney's active advocacy for improved funding arrangements from the Commonwealth is especially appreciated. Also worthy of acknowledgement is the Attorney's strong support for the legal assistance sector in Western Australia. This was highlighted in January 2013 when the Premier and the Attorney jointly announced new State funding for an Aboriginal Family Violence Prevention Legal Service in the Perth metropolitan area. Although this area of service delivery is traditionally funded by the Commonwealth, the decision of the State to commit resources represents an important step forward in closing a major gap in service delivery.





Legal Aid WA is also very grateful for the proactive interest and support shown by newly appointed Commonwealth Attorney-General, the Hon. Mark Dreyfus QC MP. The additional short term funding for the legal assistance sector as a whole, which Mr Dreyfus has facilitated during his term as Attorney General, is very welcome. The Attorney's visit to Legal Aid WA in May 2013, to announce funding for a collaborative online initiative between Legal Aid WA and the Geraldton Resource Centre, was very well received by staff, who had the opportunity to discuss issues directly with the Attorney.

As is always the case, Legal Aid WA's Board of Commissioners continued to provide valuable guidance and governance support throughout 2012-13. The composition of the Board – prescribed under the *Legal Aid Commission Act 1976* – remains a key strength. The combination of legal, administrative and community backgrounds provides a breadth of knowledge and experience which is extremely helpful with the wide range of matters the Commissioners are required to consider. Chairman, Stuart Shepherd completed his second year in this role and I am delighted to report that he has established a very welcome rapport across the organisation.

Finally, thank you to all of the Legal Aid WA team, throughout Western Australia. The excellent feedback I continually receive regarding the quality of your work from people outside of the organisation is a testament to the outstanding contribution you make in delivering access to justice.

**George Turnbull**  
**Director of Legal Aid**

## 3 OVERVIEW OF AGENCY

### 3.1 EXECUTIVE SUMMARY

#### Cost of services and sources of funds

In 2012-13 the total cost of services delivered by Legal Aid WA amounted to \$66.225 million, an increase of \$1.209 million or 1.86 per cent on the 2011-12 total cost of \$65.016 million. The main sources of expenses were employee costs at \$30.032 million (an increase of 1.18 per cent) and payments to private legal practitioners at \$20.82 million (an increase of 2.8 per cent). The number of full time equivalent employees as at 30 June 2013 was 307, compared with 301 for the same time in 2012.

Legal Aid WA derives the majority of its funding through Commonwealth and State Government grants. In 2012-13 Commonwealth grants and contributions totalled \$22.960 million, an increase of \$2.07 million (or 9.9 per cent) on the Commonwealth contribution for 2011-12. State Government funding for 2012-13 was \$38.639 million, an increase of \$2.16 million or 5.9 per cent on the previous year.

A net operating surplus of \$1.51 million was recorded for the 2012-13 financial year.

#### Outputs

The total number of applications received for legal representation for State and Commonwealth matters did not change significantly in 2012-13, with 13,37 applications received in 2012-13 and 14,191 applications received in 2011-12. This continues to reflect the position that demand for legal representation as measured by the number of applications is self regulating, with practitioners generally only lodging applications for aid in circumstances where there is a reasonable chance of the application being approved. Within this total, however, there were some notable variations. Applications for Commonwealth family law grants decreased by 6.7 per cent, while applications for Commonwealth criminal matters decreased by 46 per cent. The decline in the number of applications received for Commonwealth criminal law matters reflects a significantly reduced number of applications for aid in relation to social security fraud matters and people smuggling that were received in Western Australia. Applications for State family law matters increased by 4.7 per cent in relation to care and protection matters for children at risk and applications for State civil law matters increased by 9.7 per cent. Applications related to State criminal law matters decreased by 7.6 per cent.



In 2012-13, 72 per cent of applications for legal representation for State matters were approved, which increased by 6 per cent from 2011-12. The approval rate for Commonwealth matters was 53 per cent in 2012-13, which increased by 1 per cent from the approval rate for 2011-12.

Within the State jurisdiction, demand for non-grant of aid services was varied against outcomes for 2011-12. Notable increases were recorded in the areas of State face to face information (up by 14.44 per cent) and duty lawyer services (up by 4.38 per cent). Minor assistance and advocacy for State matters fell by 11.84 per cent in 2012-13. The 50,562 duty lawyer services for State matters is the second highest number recorded for Legal Aid WA.

For Commonwealth matters, demand decreased for most non-grant of aid services. Notable variations were recorded for face to face information (down by 13.50 per cent) and duty lawyer services (down by 16.43 per cent).

### **Our clients**

Legal Aid WA's client base for grants of aid is overwhelmingly male, with 59 per cent of grants being awarded to males, predominantly in the area of criminal law, where they accounted for 82 per cent of all grants. Women were awarded 71 per cent of all grants of aid in the area of family law. The majority of clients who receive grants of aid fall within the age bracket of 21 to 30 years, with 31 to 40 years also highly represented. Males dominate across all age brackets.

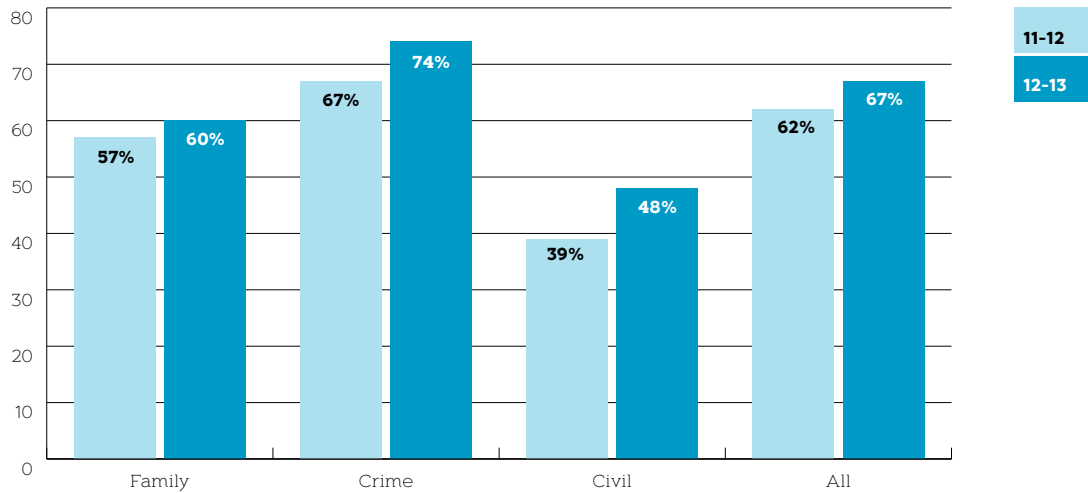
### **Our organisation**

As at 30 June 2013, Legal Aid WA was employing 307 full time equivalent employees.

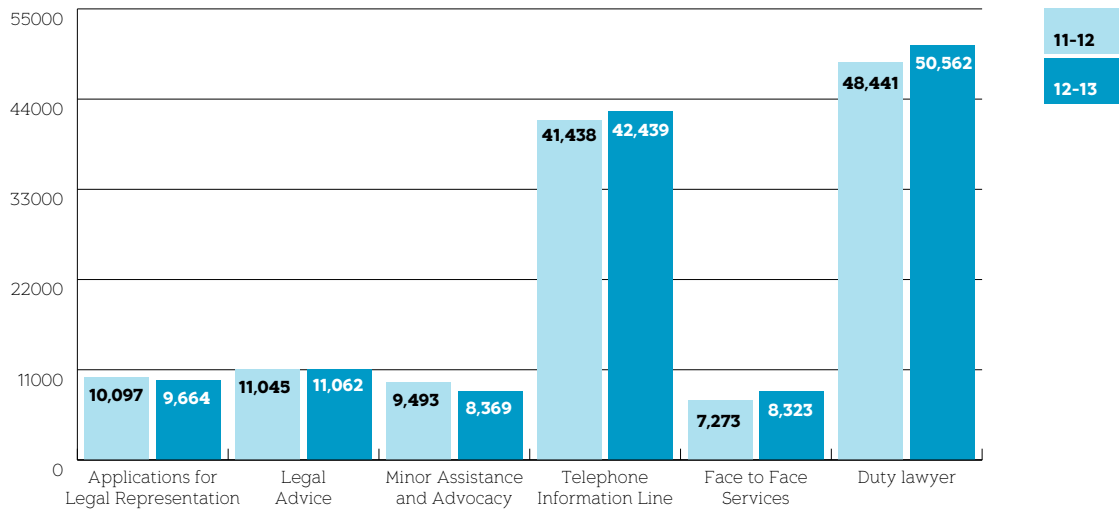
Legal Aid WA's head office is located at 55 St Georges Terrace, Perth. The organisation also maintains a significant presence in other parts of Western Australia, with regional offices located at Fremantle, Midland, Bunbury, Albany, Geraldton, Kalgoorlie, South Hedland, Broome, Kununurra and satellite offices on Christmas Island and in Carnarvon. In addition to the permanent office presence in major regional centres, Legal Aid WA maintains a presence in many towns and remote communities through attendance at circuit court visits and legal education programs.



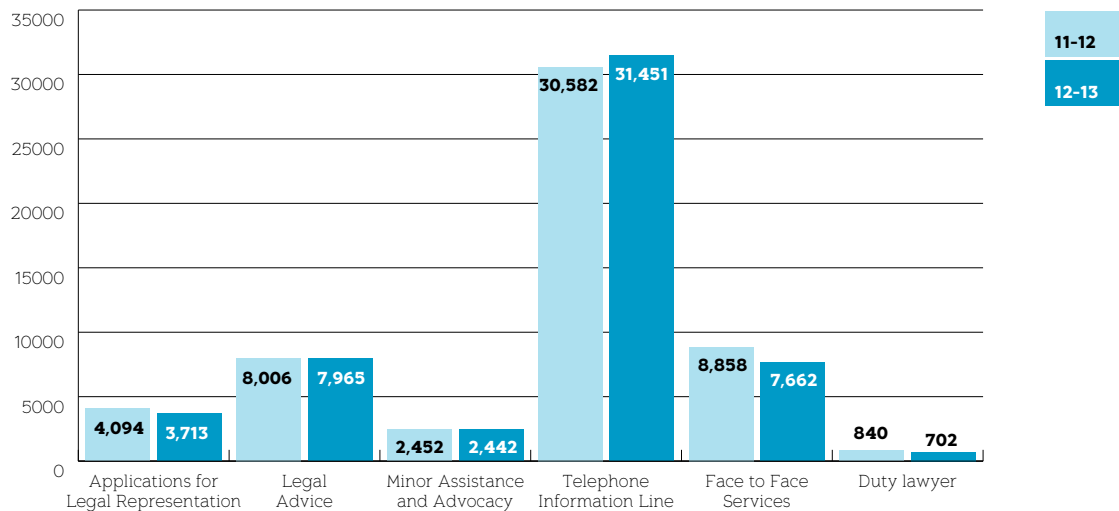
### GRANT RATE BY LAW TYPE



### SERVICES OTHER THAN LEGAL REPRESENTATION (STATE)

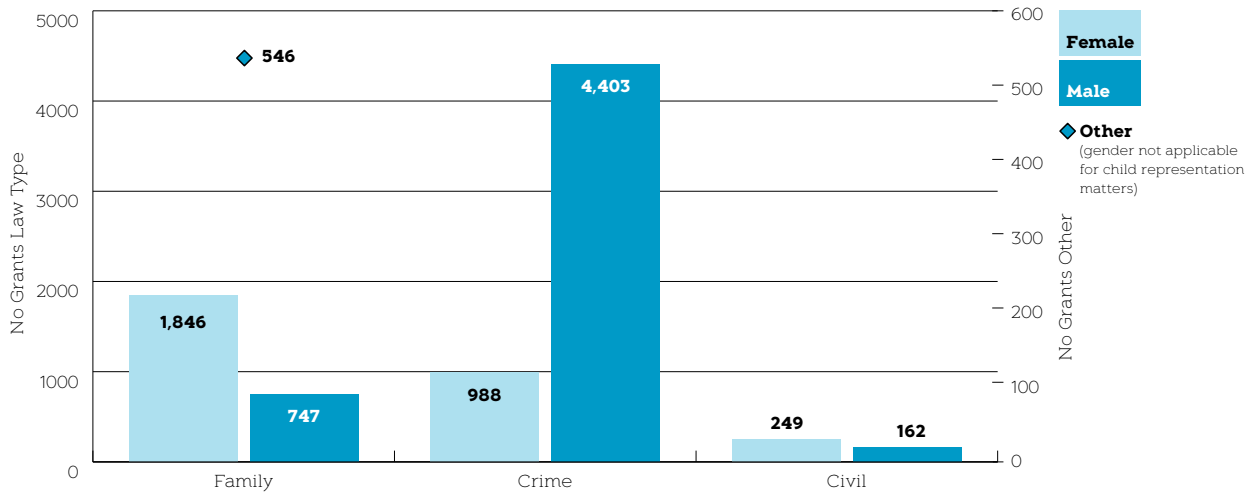


### SERVICES OTHER THAN LEGAL REPRESENTATION (COMMONWEALTH)

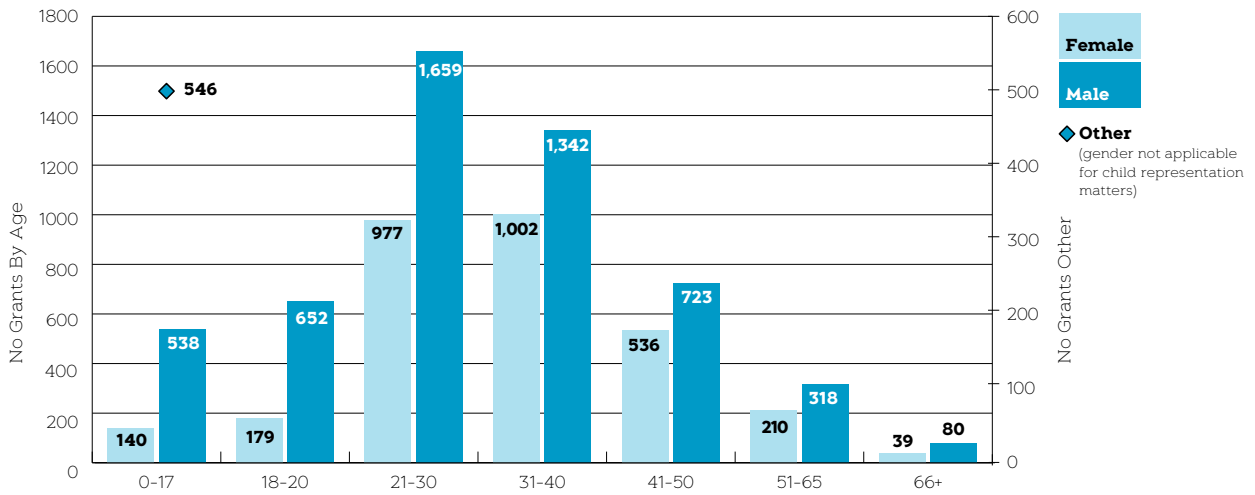




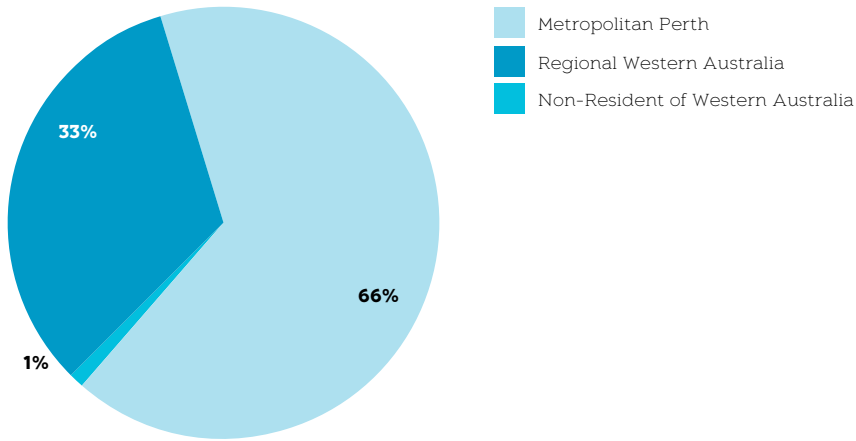
### AID GRANTED BY GENDER AND LAW TYPE



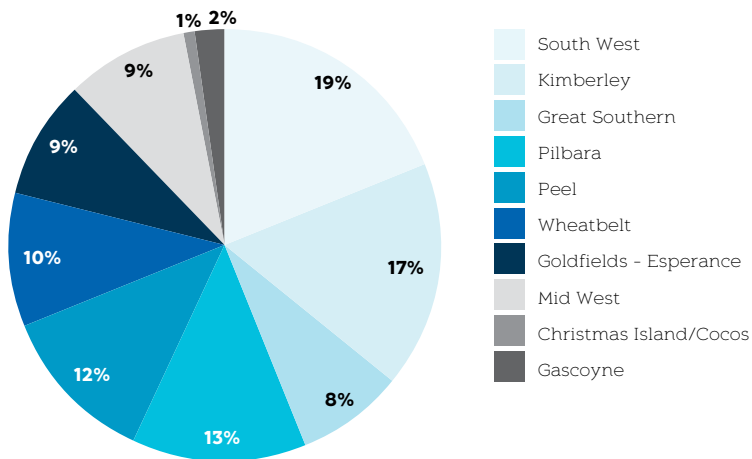
### AID GRANTED BY GENDER AND AGE GROUP



**RESIDENCY OF LEGAL AID CLIENTS IN 2011-12**



**RESIDENCY OF LEGAL AID CLIENTS IN 2011-12 LIVING IN REGIONAL WA**



## 3.2 OPERATIONAL STRUCTURE

### Name of agency

Legal Aid Commission of Western Australia

### Enabling legislation

*Legal Aid Commission Act 1976*

### Form of agency

Legal Aid WA is an independent statutory authority

### Responsible Minister

Attorney General of Western Australia

### Accountable authority

Part II of the Legal Aid Commission Act establishes the Commission and Part III creates the position of Director of Legal Aid and the power to employ staff. The Director and staff of Legal Aid WA are accountable to the Commission which exists by way of a Board of Commissioners.

The Board of Commissioners 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 of Western Australia and one (not being a lawyer) who has administrative experience at a senior level;
- one member, a non-lawyer, is nominated by the Minister of Commerce who is responsible for consumer protection;
- two members appointed by the Commonwealth Attorney-General.

Since April 2000, the Commonwealth Attorney-General has declined to replace members whose terms have expired and the Commission has operated without Commonwealth representatives. In July 2012, Cabinet approved the nomination of Ms Kate Beaumont by the State Attorney General as a

replacement for Ms Lynda Wennstrom who completed her term of appointment in December 2011.

In 2012-13 there were 11 normal meetings held and 1 extraordinary meeting of the Commission. The Chairman of the Legal Aid Commission receives \$18,600 per annum and ordinary members who are not public servants receive \$7,400 per annum.

The Board of Commissioners operates with the support of an Audit Committee. The Audit Committee is chaired by Mr Dion Smith. Mr Bradley is a member of the Audit Committee.

While there is no formal reporting relationship to a Minister, the Director of Legal Aid provides advice to the State Attorney General on an ongoing basis. It is also noted that for budget and general administrative purposes the Attorney General is the responsible Minister for the *Legal Aid Commission Act 1976*.

## 3.3 COMMISSION MEMBERS

### Mr Stuart Shepherd – Chairman



Stuart Shepherd was appointed Chairman of the Legal Aid Commission in June 2011, as the Western Australian Attorney General's nominee. Mr Shepherd studied law at the University of Western Australia and was admitted to practice in the

Supreme Court of Western Australia in 1987. He undertook his articled clerkship at Keall Brinsden and was subsequently employed at Clayton Utz, primarily in commercial litigation and dispute resolution. For eight years Mr Shepherd practiced in the UK where he was a partner at Burton Copeland London, acting principally in corporate and commercial litigation, corporate regulation, disciplinary and major fraud, trade and industry, tax and excise prosecutions. He has been instructed in numerous cross-jurisdictional matters involving the United States, Scotland, Switzerland, Liechtenstein,





Gibraltar and the Channel Islands. He was a member of a panel of solicitors acting pro bono for inmates on death row in the Bahamas. Since returning to Perth, Mr Shepherd has practiced at Mallesons and was a partner at Bennett & Co and Lavan Legal. He has been a member of the Law Society's Courts Committee and Brief Editorial Committee and is currently the legal member on the Joondalup Health Campus, Human Research Ethics Committee. He has lectured in advocacy for the Articles Training Program and regularly presents seminars on areas relevant to his practice. Mr Shepherd was called to the bar in 2008. Mr Shepherd attended 10 of the 11 normal Commission meetings and 1 extraordinary meeting held in 2012-13.

**Mr George Turnbull - Director of Legal Aid WA**



George Turnbull was appointed Director of Legal Aid WA in June 1999 and was reappointed for a further five year term in 2012. 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 11 of the 11 normal Commission meetings and 1 extraordinary meeting held in 2012-13.

**Ms Belinda Lonsdale**



Belinda Lonsdale was appointed a Commissioner in January 2006 as a nominee of the Law Society of WA. She graduated from the University of Western Australia in 1991 with a Law degree and again in 1999 with an MBA. Ms Lonsdale was a Senior Associate with

Dwyer Durack from 1997 until 2003 where she practiced principally in criminal law. In 2003 she

went to the Bar and joined Albert Wolff Chambers. She was President of the Criminal Lawyers' Association in 2005 and 2006. In 2006 Ms Lonsdale was Convenor of the 10th International Criminal Law Congress, held in Perth. In 2007 she was elected to the Council of the Law Society of WA. In 2011, Ms Lonsdale was elected as a member of the WA Bar Association Council. Ms Lonsdale attended 9 of the 11 Commission meetings and 1 extraordinary meeting held in 2012-13.

**Mr Brian Bradley, PSM**



Brian Bradley was appointed a Commissioner in January 2010 as the nominee of the Minister for Commerce. Mr Bradley is the Director General of the Department of Commerce.

He has been a member of the Commission for Occupational Safety and Health since 1998 and was Commissioner for WorkSafe from 1998 to 2004. Mr Bradley is a current member of the WorkCover Board serving as Chairperson from 2000 to 2005. Mr Bradley is the current Western Australian member on the Safework Council. Mr Bradley attended 9 of the 11 Commission meetings held in 2012-13.

**Mr Dion Smith**



Dion Smith was appointed a Commissioner in December 2010 as a nominee of the State Attorney General. He holds a Bachelor of Economics from the University of Western Australia, and Masters of Business Administration from the

University of NSW/ University of Sydney. He began his career in recruitment for Integrated Workforce (now part of the Programmed Group), where he held various management and executive positions, in both sales and operations. From there he moved to TSS Weststaff from 2007 to 2011, and finally onto Mining People International, where his last role was General



Manager Sales and Strategy. He has served on the Board of two publicly listed recruitment and professional services companies as an Executive Director. He was also a Board Member for the WA State Branch of Save the Children from 2006 – 2008. He is currently working for Real Institute as Executive General Manager Business Development. Dion has four children and is involved in many voluntary activities through the school and sports communities. Mr Smith attended 10 of the 11 Commission meetings held in 2012-13.

**Mr John Prior**



John Prior was appointed a Commissioner in March 2012 as a nominee of the Law Society of WA. Mr Prior was admitted to practice in the Supreme Court of Western Australia on 20 December 1985. He was a partner with Williams Ellison, Barristers and Solicitors, from 1993-2005 and in the year 2006 commenced practice as an independent barrister at Francis Burt Chambers, Perth. He practices in the areas of criminal law, liquor licensing and sporting tribunals and accepts briefs to appear as both prosecution and defence counsel in all criminal law jurisdictions. He was President of the Criminal Lawyers Association of Western Australia from 1998-2000, was a Councillor of the Law Society of Western Australia from 2006-2011 and Convenor of the Criminal Law Committee from 2003-2010. He has also been a member of the Racing Penalties Appeals Tribunal of Western Australia since 1993 and is a member of the Investigation Tribunal for Western Australian Amateur Football League since 1998. He has been legal counsel for the Fremantle Football Club since 1995. He chaired the Western Australian Health Minister’s Ministerial Task Force on Drug Law Reform in 2001-2004. Mr Prior attended 9 of the 11 Commission meetings and 1 extraordinary meeting held in 2012-13.

**Ms Kate Beaumont**



Kate Beaumont was appointed a Commissioner in July 2012 as a nominee of the State Attorney General. Ms Beaumont has been employed at the Welfare Rights & Advocacy Service since 2001, where she currently holds the position of Executive Officer. Ms Beaumont has previously worked for 19 years in Tasmania, New South Wales and Western Australia as an officer of the Department of Social Security and Centrelink. She has had extensive involvement in community based legal and justice organisations, including serving as the former President and current Vice President of the National Welfare Rights Network; the Community Legal Centres Association of WA representative on the cross-jurisdictional CLC Stakeholder Committee; Ministerial appointee to the Department of Human Services’ Service Delivery Advisory Group; and Board Member of the Employment Law Centre, the Midland Debt Legal Advisory Service and the Street Law Centre WA. Ms Beaumont is also Chairperson of Tenancy WA. Ms Beaumont holds a Bachelor of Social Work degree from Curtin University. Ms Beaumont attended 9 of the 10 Commission meetings since her appointment in July 2012, and 1 extraordinary meeting held in 2012-13.



### 3.4 DIRECTOR OF LEGAL AID

The Director, George Turnbull, is also the Chief Executive Officer. Under section 19 of the *Legal Aid Commission Act* the Director is responsible for:

- administering the scheme of legal assistance established by the Act; and
- providing legal services to assisted persons and arranging and supervising the provision of such services by practitioners who are members of staff.

The Director is also an ex-officio member of the Commission. The Director is appointed by the Governor on the recommendation of the Commission and was reappointed for a further five year term in June 2012.

### 3.5 BOARD OF MANAGEMENT

The day to day management of Legal Aid WA is the responsibility of the Director of Legal Aid, who is supported by a Board of Management which consists of the Directors of each of the organisational Divisions.

In line with functions prescribed under section 15 of the Act, Legal Aid WA delivers services in the areas of criminal law, family law, civil law, general legal advice and practice development. The delivery of these services is supported by an internal corporate services function which provides services in the areas of finance, information management and human resources.

More generally, across all divisions Legal Aid WA plays an important role in community legal education and the law reform agenda through its strong expertise in those areas of the law which have a direct impact on the day to day lives of most citizens.

The current Board of Management structure was constituted in 2008. All Directors have legal qualifications and hold a current unrestricted Practising Certificate for Western Australia.



**George Turnbull**

Director of Legal Aid WA  
Joined Legal Aid WA in 1999



**Colleen Brown**

Director Client Services  
Joined Legal Aid WA in 1996.



**Maureen Kavanagh**

Director Criminal Law  
Joined Legal Aid WA in 1993.



**Jane Stewart**

Director Legal Practice  
Development  
Joined Legal Aid WA in 1994.



**Julie Jackson**

Director Family Law  
Joined Legal Aid WA in 1987.



**Malcolm Bradshaw**

Director Business Services  
Joined Legal Aid WA in 2009.



**Lex Payne**

Director Regions  
Joined Legal Aid WA in 1985.



**Justin Stevenson**

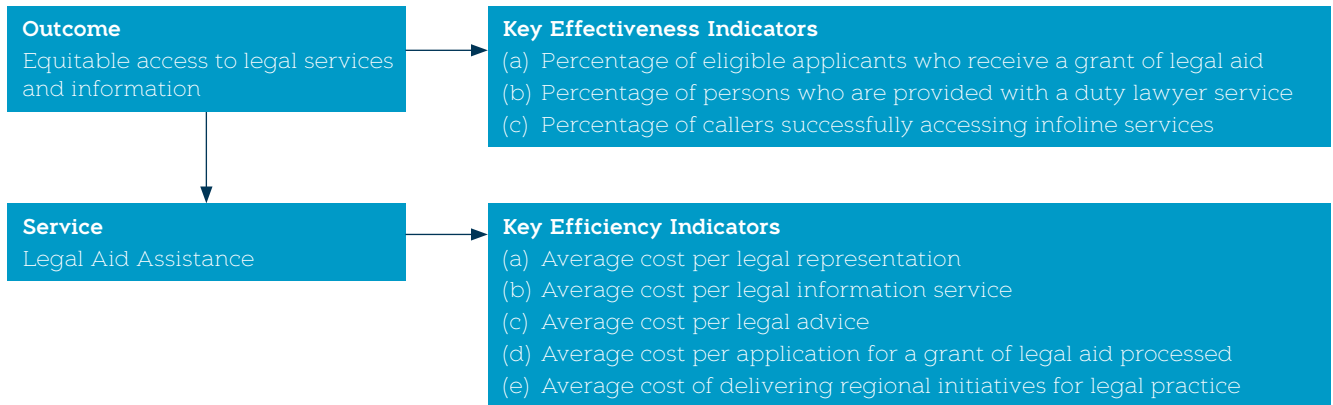
Director Civil Law  
Joined Legal Aid WA in 2010.





### 3.7 PERFORMANCE MANAGEMENT FRAMEWORK

#### 3.7.1 Outcome Based Management Framework



#### Government Goal

Greater focus on achieving results in key service delivery areas for the benefit of all Western Australians.

#### Agency Level Government Desired Outcome

Equitable access to legal services and information.

#### Agency Service Delivered

Legal Aid Assistance.

#### Our Services

The community and target groups require access to and the provision of quality legal services. This service responds to the 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.



For the community		For target groups			For legal service providers
Information and advice	Duty lawyer services	Legal advice, Minor assistance and Advocacy	Legal representation	Community education services	Regional initiatives for legal practice
To assist members of the public to identify legal problems, understand the alternatives for resolution and the resources available to them in pursuing a legal solution. Includes referral to other agencies and is delivered through public counters in all offices and by 1800 INFOLINE	To ensure that members of the public brought before the courts have access to legal advice so that they understand the options available for responding to legal proceedings in which they are involved. Available at all Magistrate's Court sittings throughout WA, the Family Court of WA and the Children's Court.	To assist people facing legal issues with advice and practical help, including advocacy, drafting of negotiating letters and the preparation of court documentation. Delivered by lawyers and at all office locations, and by paralegal staff under supervision of Solicitors.	To ensure persons from priority groups are legally represented to the extent that is necessary and commensurate with their particular individual need. Includes assessment and case management for persons who are refused assistance. Includes all services provided pursuant to a grant of aid, including Alternative Dispute Resolution (ADR).	To ensure priority groups and partner organisations have access to relevant publications, self help kits, community legal education and knowledge resources sufficient to build their capacity and self-reliance in navigating the justice system. Includes electronic access to some legal aid systems and resources, by partner agencies.	To increase the presence of lawyers in regional and remote areas of Western Australia and to ensure legal practice training and professional development is available to providers of legal services in regional and remote areas of Western Australia. Country lawyers are employed, trained and supervised by Legal Aid WA and training and professional development is delivered through legal practice training and interactive online learning systems.

### Changes to Outcome Based Management Framework

There were no changes to the Legal Aid WA's Outcome Based Management Framework during 2012-13.

### Shared Responsibilities with Other Agencies

The Legal Aid Commission did not share any responsibilities with other agencies in 2012-13.



## 4 AGENCY PERFORMANCE

### ACTUAL RESULTS VERSUS BUDGET TARGETS

#### FINANCIAL TARGETS

	2012-13 Target <sup>(1)</sup> \$000	2012-13 Actual \$000	Variation <sup>(2)</sup> \$000
Total cost of services (expense limit) <i>(sourced from Statement of Comprehensive Income)</i>	64,862	66,225	-1,363 <sup>(a)</sup>
Net cost of services <i>(sourced from Statement of Comprehensive Income)</i>	37,068	37,126	-58
Total equity <i>(sourced from Statement of Financial Position)</i>	17,411	20,894	3,483 <sup>(b)</sup>
Net increase/(decrease) in cash held <i>(sourced from Statement of Cash Flows)</i>	-3,295	5,208	8,503 <sup>(c)</sup>
Approved full time equivalent (FTE) staff level	336	307	29 <sup>(d)</sup>

1. As specified in the budget statements for 2012-13.

2. Further explanations are also contained in Note 32 'Explanatory statement' to the financial statements.

a. The variation is due to additional legal service expenses incurred for grants of legal aid relating to criminal expensive cases (\$2,332,000), offset by lower than expected employee benefit expenses (\$950,000).

b. The variation is due to the net increase in cash held explained below, offset by an increase in the provision for legal services.

c. The variation is due to additional State Government grant funding (\$3,095,000), additional Commonwealth Government grant funding (\$2,552,000), lower than expected employee benefit payments (\$1,910,000) and legal services payments (\$1,658,000), offset by lower than expected revenue from services (\$1,324,000).

d. There were a reduced number of Country Lawyer placements available in stakeholder non-government organisations during 2012-13 (7 FTE), 14 FTE positions in the Law Graduate program filled vacant substantive positions and 8 FTE positions which have a recruitment process underway or the position is under review.

## SUMMARY OF KEY PERFORMANCE INDICATORS

	2012-13 Target <sup>(1)</sup>	2012-13 Actual	Variation <sup>(2)</sup>
<i>Outcome: Equitable access to legal services and information.</i>			
Key Effectiveness Indicators:			
<b>Percentage of eligible applicants who receive a grant of legal aid</b>	74%	75%	1%
<b>Percentage of persons who are provided with a duty lawyer service<sup>(3)</sup></b>	25%	25%	-
<b>Percentage of callers successfully accessing infoline services</b>	88%	78%	(10%)
Service: Legal Aid Assistance			
Key Efficiency Indicators:			
<b>Average Cost per legal representation</b>	\$3,591	\$3,759	(\$168)
<b>Average cost per legal information service</b>	\$32	\$34	(\$2)
<b>Average cost per legal advice</b>	\$205	\$199	\$6
<b>Average cost per application for a grant of legal aid processed</b>	\$285	\$396	(\$111)
<b>Average cost of delivering regional initiatives for legal practice</b>	\$14,879	\$11,220	\$3,659

1. As specified in the budget statements for 2012-13.

2. Explanations for the variations between target and actual results are presented in Disclosures and Legal Compliance under the Performance Indicators for 2012-13.

3. This key indicator represents the extent to which duty lawyer services are available to ensure that all members of the public brought before the courts have access to legal advice so that they understand the options available for responding to legal proceedings in which they are involved. Duty lawyer services are available at the Magistrate's Court throughout Western Australia, the Family Court of Western Australia and the Children's Court. Persons appearing before the Court may also choose to have their own legal representation, they may be represented by another legal assistance service provider, or they may choose to represent themselves.

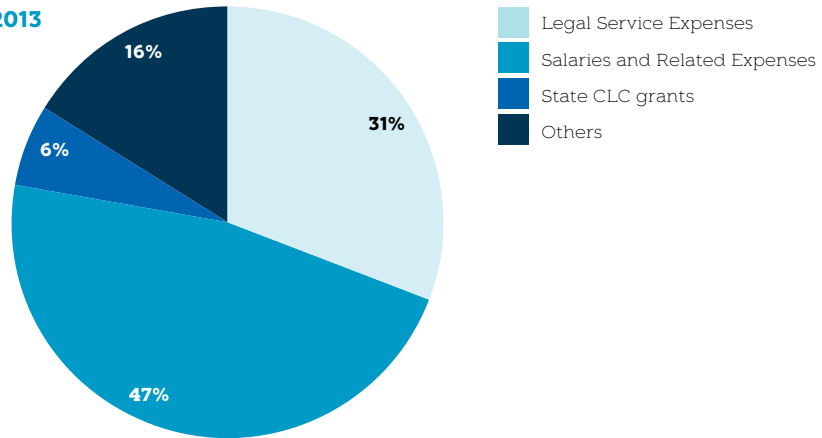
The Department of the Attorney General implemented a new case management system in 2012-13 and can no longer provide information on appearances for civil cases in the Magistrate's Court and Children's Court. The information on appearances for criminal cases in the Magistrate's Court and Children's Court, and on appearances for family cases in the Family Court remain the same as prior years. Duty lawyer services provided by Legal Aid for the corresponding civil cases have been removed from the indicator and prior three-year outcomes have been re-instated for consistency purposes. During 2011-12 year, duty lawyer services provided for the corresponding civil cases represented 3.8 per cent of total duty lawyer services provided.



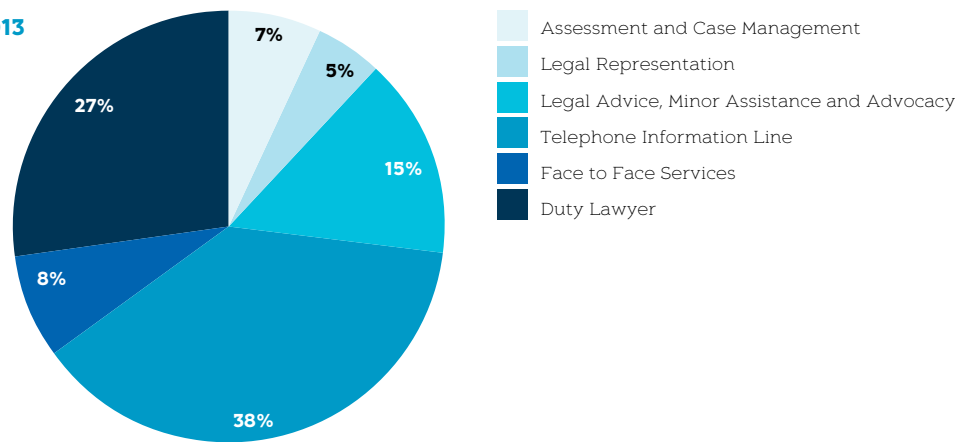
### ALLOCATION OF RESOURCES TO SERVICES

Determining the type and extent of assistance provided to people is critical to Legal Aid WA's operations. Decisions about the appropriateness of the service provided are regulated by policies and procedures relating to the client's means, the nature and seriousness of their legal problem and the availability of resources.

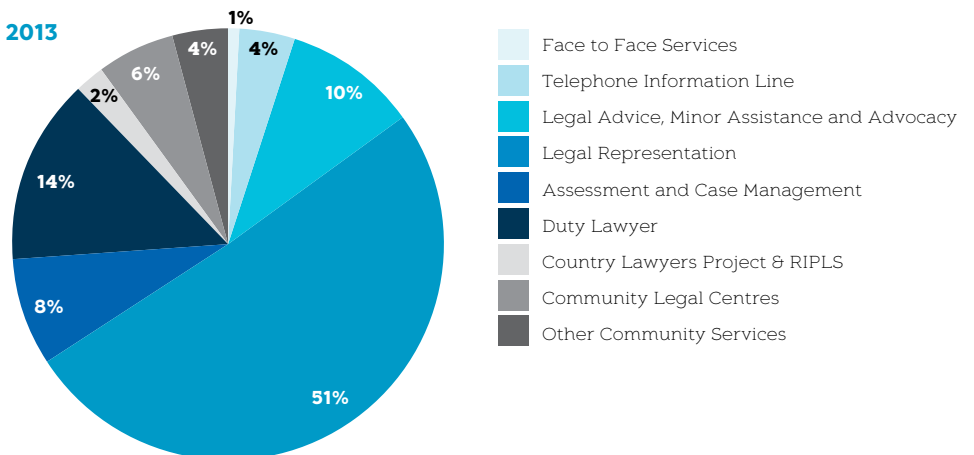
#### ALLOCATION OF RESOURCES 2013



#### OUTPUTS BY SERVICE TYPE 2013



#### RESOURCES BY SERVICE TYPE 2013



## 5 REPORT ON OPERATIONS

### 5.1 CRIMINAL LAW DIVISION

#### Main functions

- Duty lawyer services in the Magistrate's Courts and the Children's Court.
- Legal advice and minor assistance to clients on criminal matters.
- Legal representation for clients where grants of aid have been awarded.
- Prison visiting information service.
- Preparing and presenting criminal appeals.
- Briefing private legal practitioners, where appropriate.

#### Issues and achievements for 2012-2013

- Preparation of a successful application to the High Court in the matter of *Yates* for the applicant to be released from a Western Australian prison on the basis that his continued incarceration conflicted with applicable Western Australian law.
- Continued cooperation with members of the Bar to mentor junior Legal Aid WA lawyers and have them act as instructing solicitors in major criminal matters before the Supreme Court of Western Australia. Throughout 2012-13 several Legal Aid WA lawyers have been given the opportunity to junior senior members of the Bar on serious matters before the court, including murder and armed robbery.
- Ensuring that vulnerable clients facing serious matters before the Magistrate's Courts receive legal representation in situations where, due to funding restrictions, representation would not ordinarily be available. This approach is providing Legal Aid WA's duty lawyers with the opportunity to prepare for and conduct trials. This provides a very important addition to their level of skill and experience.
- Additional pressure continued to be placed upon the duty lawyer service in metropolitan courts as a consequence of the reduced service delivery capacity of the Aboriginal Legal Service of WA.

- Established a duty lawyer service for the pilot Mental Health START Court pilot, supported by a 20 month funding arrangement announced in the 2012 State Budget.
- Continued to convene a series of case conferences with presentations to staff from eminent legal professionals and experts. Presenters in 2012-13 included the Hon. Justice Mazza, the Hon. Anthony Graham QC, and Dr Christine Bassindale.

#### Issues and challenges for 2013-2014

- Develop strategies to enhance the day to day use of mobile technology for practitioners. A priority during 2013-14 will be the development of electronic forms and templates which can be used to instantly record and store client information, with integration into case management systems across the agency being the ultimate aim.
- Continue to assist the courts to develop and implement specialist programs, such as the Mental Health START Court and the Family Violence Court. In 2013-14 this will include monitoring the effectiveness and efficiency of Legal Aid WA's deployment of resources into these programs.
- Continue to develop and expand community legal education programs. The highly successful Youth Law hypothetical aimed at school children presented again during Law Week in 2013 will continue to be developed.
- Increase duty lawyer service delivery in response to the withdrawal of services by the Aboriginal Legal Service of WA and general increases in the number of people appearing before the Magistrate's Courts. This will include allocating additional resources to the new Magistrate's Court in Northbridge, which will ultimately include after hours operation.
- Continue to attract eminent practitioners to present case conferences to in-house practitioners, as part of a program of ongoing professional development. Access to case conferences for regional staff is now being accessed through the digital capture and online storage of presentations.

## 5.2 FAMILY LAW DIVISION

### Main functions

- Legal representation for children as the independent children's lawyer in family law proceedings and child representatives in child protection matters.
- Dispute resolution services within the scope of family law and child protection.
- Legal representation for parties involved in family law and child protection litigation and dispute resolution processes.
- A range of functions provided by the Domestic Violence Legal Unit, including violence restraining order duty lawyer services; representation in defended hearings, telephone advice and assistance; and family violence education and victim support in partnership with other agencies.
- Duty lawyer services in the Family Court and the Children's Court which include the provision of legal advice, document preparation, legal representation in court, advocacy with the Department for Child Protection and Family Support (CPFS) and other agencies, and information and referrals to other non legal support services.

### Issues and achievements for 2012-2013

- The Signs of Safety program continued to grow in 2012-13. The lawyer assisted mediation program utilises the CPFS signs of safety risk assessment framework to engage parents in decision making about the care arrangements for their children in an effort to divert protection and care matters from the Children's Court. This program is undertaken in partnership with CPFS, King Edward Memorial Hospital and the Perth Children's Court. The number of legally assisted Pre-hearing Conferences was 58% higher compared to the previous financial year.
- Completion of the Coordinated Family Dispute Resolution Pilot. This Pilot, funded by the Commonwealth Attorney-General's Department, was conducted between March 2011 – April 2013, with Legal Aid WA the lead agency coordinator in Western Australia working closely with 12 service partners in the delivery of coordinated clinical and legal services to victims and perpetrators of family violence.

Co-mediated legally assisted family dispute resolution conferences were held in appropriate cases. The Pilot included specialised risk assessment by experienced domestic violence workers and men's workers.

- The Integrated Services Reference Committee, managed by Legal Aid WA, continued its examination of the merits of integrating the protection and care jurisdiction of the Children's Court of WA into the Family Court of WA. This Committee was established in 2010 with the endorsement of the State Attorney General and includes stakeholder representation from the Family Court of WA, the Children's Court of WA, Department for Child Protection and Family Support, and the State and Commonwealth Attorney-General's Departments.
- Substantial ongoing input to State and Commonwealth law reform initiatives in the area of family law, child protection and domestic violence during 2012-13. This input into a range of Commonwealth and State initiatives and reviews will continue, both locally and through National Legal Aid, in 2013-14.
- Significant contribution to the Australian Institute of Family Studies research into whether Independent Children's Lawyers improve outcomes for children in Family Court proceedings which was commissioned by the Commonwealth Department for the Attorney-General.
- Presentation with CPFS of a paper on the Signs of Safety Program at the World Congress on the Rights of Children and Youth (Sydney, March 2013), resulting in a resolution from the Congress supporting the use of the program.
- Presentation to the National Collaboration meeting of key stakeholders in family law and child protection systems hosted by the Commonwealth Department of the Attorney-General and ongoing contribution to the national collaboration agenda.
- Domestic Violence Unit (DVLU) initiated a regular legal training program for refuge workers in partnership with the Women's Council.
- DVLU participated in the 20 year Review of the Gender Bias Report.

### Issues and challenges for 2013-2014

- Growing and developing the in-house family law practice, with an emphasis on establishing a succession plan for emerging independent children's lawyers and child representatives.
- Continue to work with the Family Court of WA and the Department for Child Protection and Family Support (CPFS) to identify and implement necessary professional development and practice and process changes to respond to recent family violence amendments to family law legislation with a particular focus on information sharing arrangements with CPFS.
- Implement and monitor the use of family domestic violence common risk assessment principles into Legal Aid WA family law services.
- Further develop the Signs of safety program and to seek funding to expand the program to regional Western Australia.
- Continue to work with key stakeholders to examine the merits of integrating the protection and care jurisdiction of the Children's Court with the Family Court of WA.

## 5.3 CIVIL LAW DIVISION

### Main Functions

- Advice and representation in a broad range of civil law matters.
- Duty Lawyer services at Administrative Appeals Tribunal (AAT) and the State Administrative Tribunal (SAT).
- Administering the Civil Litigation Assistance Scheme (CLAS).
- Advice, minor assistance and advocacy in civil law matters provided through Legal Aid WA's Social Inclusion Program, for clients with complex or multiple needs.
- Currently providing the Legal Aid WA service to the Indian Ocean Territories (Christmas Island and Cocos Islands).

### Issues and achievements for 2012-2013

- Successful appeal to the Supreme Court of Western Australia in an important case regarding the rights of a person in the Human Rights Stream of the State Administrative Tribunal with respect to the making of guardianship and administration orders: *S v SAT* [No.2][2012] WASC 306. This is now a leading case in this area of law.
- Provided representation in a number of other important cases, including matters involving gender reassignment; disability access to public buildings, Prohibited Behaviour Orders; and a complex matter involving the reunification of a child abandoned in Australia with the child's mother in China.
- In collaboration with pro bono support from the Bar, provided representation before the Federal Magistrates Court on asylum seekers' judicial review applications.
- Representation and assistance in numerous mortgage foreclosure, credit default and tenancy eviction matters for vulnerable and disadvantaged clients.
- Development and launching of the "My Car - smart buying and financing" website as a source of information for car buyers, particularly the young and inexperienced.

### Issues and challenges for 2013-2014

- Continue to develop the civil law program to ensure that it meets client needs and values a human rights based approach to access to justice.
- Work collaboratively with other Legal Aid WA divisions and external agencies to identify and prioritise client needs and deliver civil law services.
- Continue to provide legal advice and representation services in matters which overarch the immigration, civil, criminal and family law jurisdictions.
- Continue to develop the role played by the Social Inclusion Program in providing targeted advice and minor assistance to the most disadvantaged people in our community.
- Increase the number of successful outcomes for funding under the Civil Litigation Assistance Scheme.





### Social Inclusion Program

Legal Aid WA's Social Inclusion Program provides access to justice for individuals whose personal circumstances create significant barriers when seeking to access remedies for legal problems. These circumstances may include, for example, physical or mental disability, homelessness or limited fluency in the English language. Through the engagement of Legal Aid WA lawyers and support staff, assistance can be provided to resolve relatively small problems, which in turn make big differences in peoples lives.

*Pictured above are members of Legal Aid WA's Social Inclusion Program team – Tarna Bulman, Shane Riebeling, Justin Stevenson, Alison Pidgeon, Isabel Gonsalves and Tiffany Henderson.*

### CASE STUDY – INSURANCE

A client presented as homeless and in severe financial hardship. She suffers from a number of physical and mental health issues, including Spina Bifida, Systemic Lupus Erythematosus and depression.

In 2012, a candle caused a house fire at the client's leased property, resulting in extensive damage. The owner's insurer claimed \$20,241.60 from the client, made up of \$11,966.00 for repairs and \$8,275.60 in lost rent.

The client had little prospect of paying the claim, however the stress of the debt was affecting her health and well-being. Legal Aid WA's Social Inclusion Program asked the insurer to write off the debt, given the client's circumstances. It was also claimed that the insurer failed to mitigate its loss, taking 25 weeks to repair the damage and re-let the property.

The insurer agreed and has permanently ceased recovery action against the client.

### CASE STUDY - TENANCY

A client was referred by Legal Aid WA's Care and Protection team. She suffers from severe panic and bipolar disorders and is under the direction of the Armadale Mental Health Clinic.

The client was facing eviction from her Department of Housing tenancy due to non payment of rent and squalor issues. She has refused the Department of Housing entry to carry out inspections as she feared eviction. She was desperate to keep her tenancy as stable accommodation was vital to reunification with her children, who were currently under the care of the Department for Child Protection and Family Support.

Legal Aid WA's Social Inclusion Program undertook negotiations with the Department of Housing and the client was granted a fixed term, six month lease on the condition that she work with a community organisation to assist with standards and address rent arrears and issues with pets.



## 5.4 REGIONS DIVISION

### Main functions

- Operates regional offices from locations outside of the Perth CBD, with offices at Fremantle, Midland, Bunbury, Albany, Kalgoorlie, Geraldton, South Hedland, Broome, Kununurra, and satellite offices at Carnarvon and Christmas Island. Each office operates as a microcosm of the broader Legal Aid organisation, offering services in areas including duty lawyer and legal representation of criminal and family law matters.
- Provides duty lawyer support for court circuits to remote areas of Western Australia.
- Manages the Community Legal Centre funding program and the Country Lawyers Program, on behalf of external agencies.

### Issues and Achievements for 2012-2013

- Continued to maintain a full time lawyer presence at Carnarvon to provide legally aided services to the Carnarvon, Gascoyne and southern Pilbara regions.
- Continued to experience further increases in demand (over last year) in some metropolitan and regional locations for duty lawyer services following the withdrawal of the Aboriginal Legal Service of WA from some of these areas.
- The Commonwealth Indigenous Family Violence Prevention Legal Services Program (IFVPLS) and the WA Family Violence Prevention Legal Service Aboriginal Corporation (Aboriginal Family Law Services) remain strong advocates for the Country Lawyers Program and are continuing to work with the program to fill a number of vacant lawyer positions in regional areas of Legal Aid WA due to the constant difficulties that these agencies and the IFVPLS program face in recruiting directly to their vacant positions.
- Obtained engineering reports regarding Legal Aid WA's South Hedland Office building structure, electrical and mechanical services with recommendations for remedial action during 2013-14.

- Considered solutions for future office accommodation in Bunbury and Fremantle.
- In partnership with other community agencies have provided intensive community legal education and legal advice to remote Aboriginal communities in both the West and East Kimberley.

### Issues and Challenges for 2013-2014

- With the ongoing participation in the Country Lawyers Program by participating agencies, Legal Aid WA needs to secure ongoing funding for the coordination and management of the program. Legal Aid WA may also need to assess its position in regards to the specific recruitment of law graduates into the Country Lawyers Program over the next 12 months. The last country lawyer specific graduate intake was in 2012.
- Respond to increases in demand for Legal Aid WA services as a result of the withdrawal of the Aboriginal Legal Service of WA from a number of regional and suburban courts. Securing sufficient resources to place an additional duty lawyer at each of the Broome and Midland Offices will be critical in this regard.
- Carry out structural and maintenance repairs to Legal Aid WA's South Hedland Office and continue to develop solutions for future office accommodation in Bunbury and Fremantle.
- Recruit an Aboriginal and Torres Strait Islander Community Legal Education/Liaison Officer to be based at the Kununurra Office to build relationships and assist lawyers and Aboriginal and Torres Strait Islander clients in working together.



### **COMMUNITY LEGAL CENTRES PROGRAM**

Independent community legal centres perform an essential role throughout Western Australia providing legal advice, information and representation to members of the community on a wide range of matters. Many community legal centres provide specialised services in areas such as tenancy, employment law, youth legal issues and consumer advocacy. Community legal centres are funded jointly by the Commonwealth and State Government, with Legal Aid WA managing the funding program and providing governance oversight on behalf of the funding bodies.

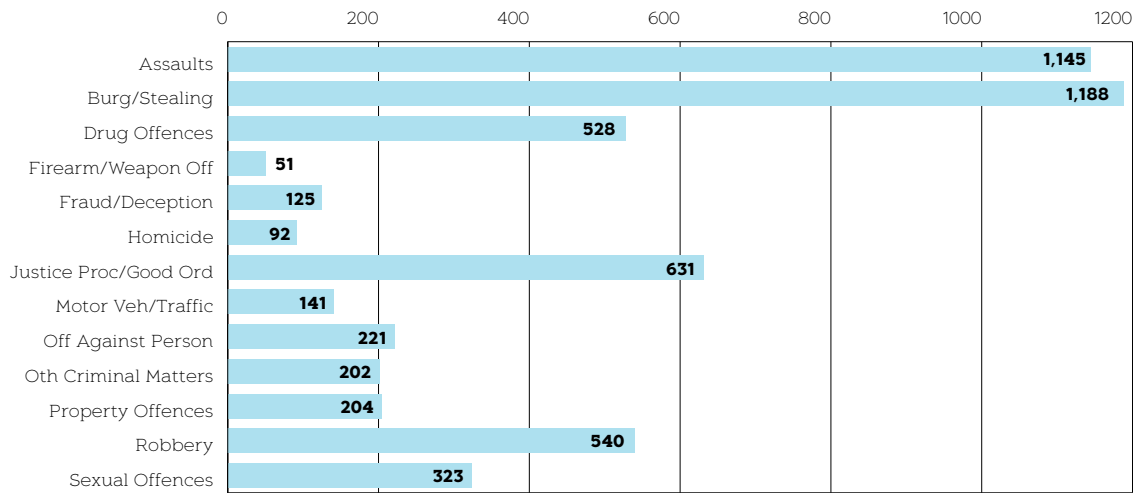
*Allison Harris of Legal Aid WA (pictured above, right) is responsible for managing the Community Legal Centres Program. Allison is pictured at the Wheatbelt Community Legal Centre in Northam with Joan Jardine, who is Director of the Community Legal Services Section of the Legal Assistance Branch of the Commonwealth Attorney-General's Department.*

**COMMUNITY LEGAL CENTRE FUNDING 2012-2013**

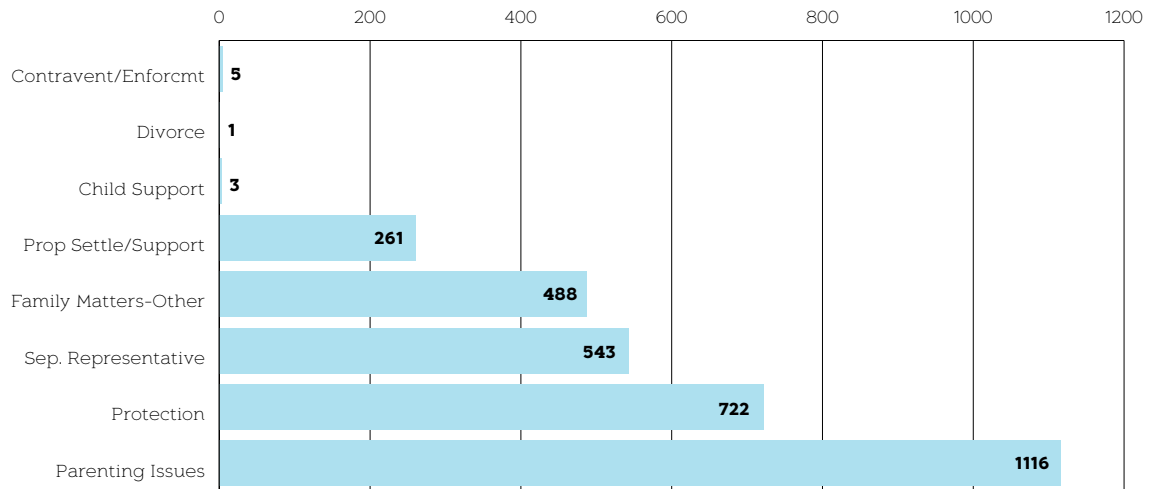
Centres	Commonwealth CLC Funding	Commonwealth One-Off CLC Funding	Family Relationships Centre Funding	Interest Donation	Legal Contribution Trust Funding	State Community Legal Centre Funding	Country Lawyer Program	TOTALS
Albany CLS	\$259,364.00		\$34,940.00		\$53,500.00		\$7,000.00	<b>\$354,804.00</b>
Bunbury CLC	\$187,256.00		\$27,952.00			\$51,703.00	\$7,119.00	<b>\$274,030.00</b>
CASE for Refugees	\$122,760.00					\$6,690.00		<b>\$129,450.00</b>
Citizens Advice Bureau					\$81,400.00	\$51,703.00		<b>\$133,103.00</b>
CLC Association				\$11,586.92		\$144,419.00		<b>\$156,005.92</b>
Consumer Credit Legal Service	\$134,916.00					\$359,175.00		<b>\$494,091.00</b>
Environmental Defenders Office (WA)	\$95,088.00					\$117,005.00		<b>\$212,093.00</b>
Fremantle CLC	\$87,348.00		\$25,884.00			\$126,920.00		<b>\$240,152.00</b>
Geraldton RC	\$359,084.00	\$120,348.00	\$53,576.00			\$131,046.00	\$7,000.00	<b>\$671,054.00</b>
Goldfields CLC	\$257,484.00		\$32,872.00				\$7,000.00	<b>\$297,356.00</b>
Gosnells CLC	\$225,912.00	\$190,000.00	\$25,884.00			\$207,602.00		<b>\$649,398.00</b>
Kimberley CLS	\$404,804.00	\$20,000.00	\$34,940.00		\$111,119.00		\$7,000.00	<b>\$577,863.00</b>
Mental Health Law Centre								<b>\$692,893.00</b>
Northern Suburbs CLC	\$276,944.00		\$25,884.00		\$300,000.00			<b>\$602,828.00</b>
Peel CLC			\$46,588.00			\$402,421.00	\$63,000.00	<b>\$512,009.00</b>
Pilbara LS	\$338,460.00						\$7,000.00	<b>\$345,460.00</b>
SCALES	\$191,936.00	\$33,250.00	\$25,884.00			\$148,206.00		<b>\$399,276.00</b>
Street Law Centre WA Inc	\$72,472.00				\$148,500.00			<b>\$220,972.00</b>
Sussex Street CLS	\$324,328.00		\$25,884.00		\$114,120.00	\$7,358.00		<b>\$471,690.00</b>
Tenants Advice Service*	\$142,240.00							<b>\$142,240.00</b>
Welfare Rights & Advocacy Service	\$198,632.00				\$37,200.00	\$14,382.00		<b>\$250,214.00</b>
Wheatbelt CLC					\$253,340.00		\$7,000.00	<b>\$260,340.00</b>
Women's Law Centre	\$436,864.00	\$120,348.00	\$41,096.00					<b>\$598,308.00</b>
Youth Legal Service WA	\$85,460.00				\$71,000.00	\$213,091.00		<b>\$369,551.00</b>
Practice Cert. Rebate - All Centres					\$32,400.00			<b>\$32,400.00</b>
SACS Supplementation Payment	\$33,512.00							<b>\$33,512.00</b>
	<b>\$4,234,864.00</b>	<b>\$483,946.00</b>	<b>\$401,384.00</b>	<b>\$11,586.92</b>	<b>\$1,202,579.00</b>	<b>\$2,674,614.00</b>	<b>\$112,119.00</b>	<b>\$9,121,092.92</b>

\* Tenants Advice Service closed in December 2012. \$71,120 was paid out for the 2012-2013 year, the remaining \$71,120 is being held awaiting a new service.

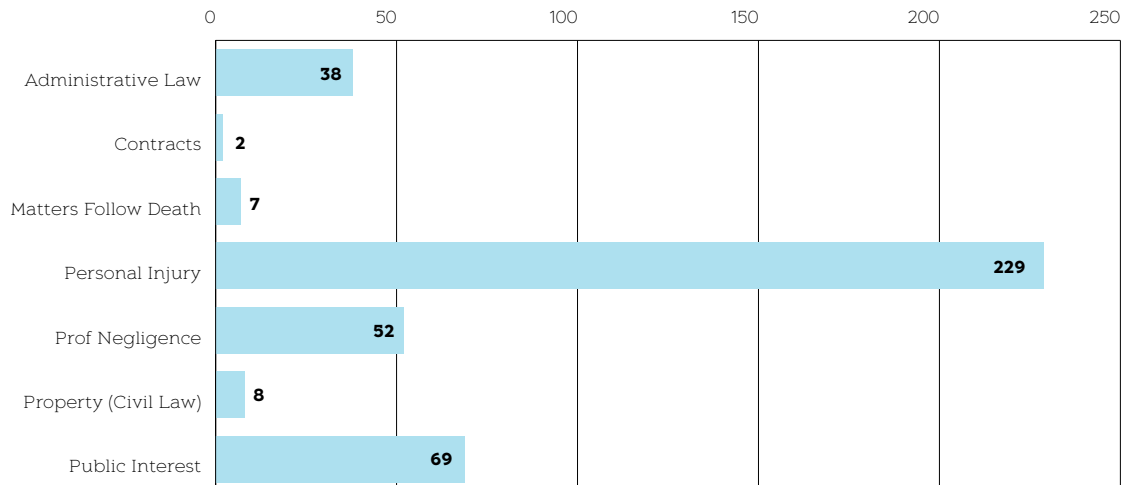
### CRIMINAL LAW APPLICATIONS GRANTED BY MATTER GROUP



### FAMILY LAW APPLICATIONS GRANTED BY MATTER GROUP



### CIVIL LAW APPLICATIONS GRANTED BY MATTER GROUP



## 5.5 LEGAL PRACTICE DEVELOPMENT DIVISION

### Main functions

- Manages Legal Aid WA's annual Quality Legal Practice certification by the Law Society of WA and enhances professional practice standards through programs of continuing professional development, as required under the *Legal Profession Act 2008* and associated delegated legislation.
- Manages the legal training program for Graduates-at-Law and Restricted Practitioners.
- Provides legal training services to Legal Aid WA lawyers, law graduates and the broader legal profession through the delivery of the annual 'Summer Series' professional development seminars, other in-person training and through Legal Aid WA's online Train-N-Track platform.
- Manages the Clayton Utz and Jackson McDonald pro-bono circuit programs, which place commercial lawyers into metropolitan and remote Legal Aid WA practice areas around Western Australia.
- Maintains a process of continuous improvement for the delivery of technology based training solutions.

### Issues and achievements for 2012-2013

- Completed the roll out of the Train-N-Track online learning platform, which now has 952 registered users (574 lawyers), houses 63 online modules (36 legal, 16 graduate and 11 admin) and operates as a booking manager for major in-person training events. From February 2012 to July 2013 Train-N-Track awarded 7360 Continuing Professional Development points to Western Australian lawyers.
- Secured funding, through the Commonwealth National Broadband Network Regional Legal Assistance Program for NBN WA Stage 2, to work in partnership with Geraldton Resource Centre, to harness NBN capabilities to deliver new video conferencing capabilities and interactive online modules to directly assist disadvantaged and/or vulnerable people in Geraldton and the professional staff servicing them.

- Delivered the three day annual Summer Series of legal professional development for the local profession in areas of family ,criminal and civil law, with Legal Aid WA providing a complimentary entry to lawyers operating in the not-for-profit sector.
- Continued to provide training programs that promote personal and professional resilience and personal safety of Legal Aid WA staff working in frontline positions.
- Implemented a recruitment and placement plan for junior Legal Aid WA lawyers that fosters the development of quality practitioners and provides targeted legal service resources to better meet client needs.

### Issues and challenges for 2013-2014

- Deliver the National Broadband Network Regional Legal Assistance Program, NBN WA Stage 2 project.
- Develop an online module content creation template to assist with the development of online content for deployment into Train-N-Track.
- Continue to deliver and enhance online and in-person programs to strengthen the personal and professional resilience personal safety of practitioners and other staff who, through the nature of their day-to-day work, are placed in situations of extreme pressure.
- Review Legal Aid WA's security policies as they relate to client interactions for all relevant Legal Aid WA staff.
- Review Legal Aid WA's Performance and Development System (PADS).
- Continue to develop a platform for the orderly storage and retrieval of Legal Aid WA's multi-media resources.





#### **LEGAL AID WA TELEPHONE INFORMATION SERVICE**

A key frontline service provided by Legal Aid WA is the InfoLine, which in 2012-13 received 73,890 calls from members of the public. For many people, the InfoLine is a first point of contact for legal information or referral to another legal assistance service. The InfoLine consistently records growth in the number of calls received each year. As a result of this growth, Legal Aid WA will expand its InfoLine facility in 2013-14.

*Pictured above is InfoLine operator Samantha Roberts with Federal Attorney-General the Hon. Mark Dreyfus QC MP. The Attorney visited Legal Aid WA in May 2013 and took time to visit the InfoLine centre and listen to calls from members of the public.*

## 5.6 CLIENT SERVICES DIVISION

### Main functions

- Assessing applications for grants of aid.
- Providing an information and telephone referral service for queries of a general nature from members of the public.
- Providing legal advice and minor assistance for members of the public requiring initial advice and/or assistance with handling their own legal issues.
- Providing legal information and education on a range of legal issues to the public and external stakeholders through various options, including the internet.
- Engaging the private profession to act in a wide range of criminal, family and civil law matters.

### Issues and achievements for 2012-2013

- Undertook the Intake Assessment and Referral review project and produced independent formal recommendations.
- In response to continuing, increased demand for grants of aid for indictable matters and more complex family law matters, successfully applied periodic adjustments to Legal Aid WA's eligibility criteria to ensure that the awarding of grants remains within budget capacity.
- Increased the budget spend on matters involving an Independent Children's Lawyer in line with a specific concentration on matters involving family violence.
- Commenced a Family Violence Property Pilot involving women in violent relationships who ordinarily could not access representation.
- Commenced Private Practitioner Panel Review implementation.
- Finalists for the Premiers Awards and the Institute of Public Administration Awards for our family law package "When Separating".
- Developed and delivered a further high conflict chapter "Parents that Fight" to the "When Separating" series for distribution during 2013.

- "When Separating" website had 130,787 page views, over 8,000 YouTube hits, 17,000 written publications distributed.
- Successful collaboration with a non-profit community organisation on Human Rights – Human Rights are Aussie Rules (HRAR). The program has delivered workshops to 2600 school children in 50 schools throughout WA.
- "What's the Law" program delivered to 579 participants, 859 kits have been distributed to local and regional service providers (including targeted mail out to libraries).
- Public website continues to grow and develop with a revamp of the family and domestic violence resources with over 1,000,000 page views.
- 9% increase in completed InfoLine calls this last financial year, up from 72,989 in 2011-2012 to 79,736 in 2012-2013.
- 12% increase in legal advice, minor assistance and advocacy services for our area.

### Issues and challenges for 2013-2014

- Continue to increase the level of audit scrutiny on private practitioners who accept assigned grants of aid to ensure that the acquittal of all funds from Legal Aid WA is undertaken in accordance with relevant guidelines.
- Continue to work on the upgrade of the Grants Online system focusing on improving functionality.
- Implement the recommendations of the Intake Assessment and Referral Project.
- Implement the recommendations of the Private Practitioner Panel Review.
- Install a new InfoLine system to increase Legal Aid WA's ability to respond to an increasing client demand for information and legal advice.
- Continue to expand Legal Aid WA's electronic community legal education capability.





### MULTIMEDIA FOR COMMUNITY LEGAL EDUCATION

Web-based multi-media now gives Legal Aid WA a much wider reach into the community. In 2012-13 Legal Aid WA launched a number of multi-media community legal education tools, including the My Car website and the latest instalment in the When Separating video series.



#### My car smart buying and financing

*My Car smart buying and financing* responds to concerns about financially vulnerable young people facing large debts and bankruptcy as a result of buying a car. The website, produced by Legal Aid WA's Civil Law Division, provides legal information covering all aspects of car purchasing, financing, loan repayments, car repossession, warranties and guarantees.

The web pages are designed to engage a younger audience. A loan repayment estimator and three 30 second videos are included in the web pages.

#### When Separating: Parents that Fight

*When Separating: Parents that Fight* is the latest instalment in a seven episode video and linked website resource that is designed to provide positive dispute resolution resources for anyone involved in a family separation. The videos can be watched on Youtube, through the Legal Aid WA website or other high traffic websites. Other resources, such as to-do lists and contacts for further help, are available on the website and complement the videos.

The original *When Separating* videos were launched in May 2012. In 2012/2013 there have been more than 150,000 page views on the *When Separating* website, more than 8,000 viewings of the *When Separating* videos. Legal Aid WA has also distributed 17,000 flyers, posters and DVDs.

*When Separating* is a project of Legal Aid WA's Client Services Division.

**LEGAL AID WA PRIVATE PRACTITIONERS PANEL  
TOP 30 FEE EARNERS  
FOR THE PERIOD 1/07/2012 TO 30/06/2013**

1	Ian Hope	\$440,738.08
2	Reader Lawyers & Mediators	\$420,652.95
3	Bannerman Solicitors	\$338,796.75
4	Shadgett Legal Pty Ltd	\$303,850.42
5	McDonald & Sutherland	\$289,071.55
6	J D Hawkins and Associates	\$280,346.19
7	Ferrier Athanasiou & Kakulas Pty Ltd	\$270,350.16
8	Calverley Johnston	\$265,706.72
9	Simon Watters	\$262,977.09
10	David Mckenzie Legal Pty Ltd	\$234,588.60
11	CMS Legal	\$219,188.58
12	CPK Legal	\$214,564.24
13	Justine Fisher	\$213,723.92
14	Carol Penn Lawyer	\$203,334.00
15	Kott Gunning	\$195,470.44
16	David Manera	\$179,137.80
17	Owen Criminal Lawyers	\$174,363.42
18	Susan Jean Crisp	\$174,350.00
19	Pacy Solicitors	\$172,225.90
20	LMB Barristers & Solicitors	\$170,891.18
21	Rod Keeley	\$167,992.50
22	Kevin Prince Barrister & Solicitor	\$153,586.20
23	Christopher Stokes and Associates	\$150,320.85
24	Jeffrey Paul S Gore	\$147,694.80
25	Fort Legal	\$147,609.01
26	Holden Barlow	\$146,724.55
27	Andrew Williams Barrister & Solicitor	\$143,139.14
28	Marc Saupin	\$139,175.65
29	Millington Legal Pty Ltd	\$130,360.50
30	Marilyn Loveday	\$126,003.10

## 5.7 BUSINESS SERVICES DIVISION

### Main functions

The Business Services Division provides corporate services to support the operation of all other divisions of Legal Aid WA. The key services delivered by Business Services are:

- Finance, including overall financial management, internal audit and administration services.
- Information management, including management of information systems and technology.
- Human resources, including training, recruitment, performance monitoring and payroll services.
- Assistance on matters of policy which require coordination across Legal Aid WA and other parts of Government.
- Providing a secretariat to Legal Aid WA's Board of Commissioners.

### Issues and achievements for 2012-2013

- Finalised a major lease negotiation for Legal Aid WA to relocate to new head office premises at 32 St Georges Terrace, from 1 July 2015.
- Managed the relocation of Legal Aid WA's central information technology infrastructure from its historical on site location at 55 St Georges Terrace to a dedicated secure facility in Perth's northern suburbs.
- Completed a substantial analysis and report into demand for legal assistance services in Geraldton, with the cooperation of the Aboriginal Legal Service of WA, Geraldton Resource Centre and Aboriginal Family Law Services.
- Established a reconstituted Work Health Safety Standing Committee, reflecting the objectives of forthcoming changes to occupational health and safety law.
- Completed and implemented Legal Aid WA's first business continuity plan.

### Issues and challenges for 2013-2014

- Brief interior designers on the new fitout arrangements for Legal Aid WA's new premises at 32 St Georges Terrace.
- Continue to develop a comprehensive risk management strategy, which includes ongoing management of Legal Aid WA's Risk Register and risk treatment plans, as well as business continuity and disaster recovery plans for the organisation.
- With assistance from other Divisions, develop improved arrangements for monitoring employee performance. This includes establishing a performance management system which links desired outcomes under Legal Aid WA's Strategic and Business Plans to the expected deliverables of individual Directors and their Divisions.
- Continue to enhance the role of the Jurisdictional Forum, established as a communications and information sharing mechanism under the National Partnership Agreement for Legal Assistance Services.
- Coordinate a national response on behalf of all State and Territory legal aid commissions to the Productivity Commission's Inquiry into Access to Justice Arrangements.

## 6. SIGNIFICANT ISSUES IMPACTING UPON THE AGENCY

### 6.1 COMMONWEALTH FUNDING UNDER THE NATIONAL PARTNERSHIP AGREEMENT FOR LEGAL ASSISTANCE SERVICES

Legal Aid WA receives in the order of 33.90 per cent of its total funding from the Commonwealth Government, under the National Partnership Agreement for Legal Assistance Services (NPA). The NPA commenced in 2010-11 and is due to expire on 30 June 2014. To date the Commonwealth has not provided any indication of potential funding arrangements beyond the expiry of the NPA.

For Legal Aid WA, the level of funding provided through the NPA has been disappointing. Notwithstanding the issues of distance and sparseness of population centres throughout the State – which adds to the cost of delivering legal assistance services – Western Australia receives the second lowest level of funding on a per capita basis of all the States and Territories.

At the core of the problem is a funding distribution formula which is resulting in an inequitable distribution of legal aid funding across the nation. The Commonwealth does not disclose the elements of the formula, making it difficult to understand how funding decisions are determined.

A recent review of the NPA by the Allen Consulting Group, and a recently initiated inquiry into access to justice arrangements by the Productivity Commission, will hopefully apply some external scrutiny to the funding formula. However, until there is greater transparency in the application of the funding formula, Legal Aid WA will have difficulty accepting that the funding provided to Western Australia is appropriately determined.

#### JURISDICTIONAL FORUM

Under the terms of the National Partnership Agreement on Legal Assistance Services, a Jurisdictional Forum is convened which brings together the providers of legal assistance services to consider issues of cooperation, collaboration and joined-up service delivery.

Western Australia's Jurisdictional Forum is hosted and administered by Legal Aid WA. Its membership includes Legal Aid WA, the Community Legal Centres Association of WA, the Aboriginal Legal Service of WA, Aboriginal Family Law Services, and the State and Commonwealth Attorney-General's Departments.

In June 2013, the Jurisdictional Forum met in Geraldton and visited the offices of the Geraldton Resource Centre, the Aboriginal Legal Service of WA and Legal Aid WA.

*Pictured at the Geraldton Court are (from left to right) Mary Cowley (Aboriginal Family Law Service); Lex Payne (Legal Aid WA); John Perrett (Community Legal Centres Association of WA); Karen Merrin (Community Legal Centres Association of WA); George Turnbull (Legal Aid WA); Gary Burlingham (Commonwealth Attorney-General's Department); John Bedford (Aboriginal Legal Service of WA); and Marjorie Todd (Commonwealth Attorney-General's Department).*





# COURTHOUSE





LEGAL AID  
WESTERN AUSTRALIA

Financial Disclosures  
and Legal Compliance  
**2012-2013**

## 7. DISCLOSURES AND LEGAL COMPLIANCE

### 7.1 AUDITOR GENERAL'S OPINION ON FINANCIAL STATEMENTS AND KEY PERFORMANCE INDICATORS



#### Auditor General

##### INDEPENDENT AUDITOR'S REPORT

To the Parliament of Western Australia

##### LEGAL AID COMMISSION OF WESTERN AUSTRALIA

##### Report on the Financial Statements

I have audited the accounts and financial statements of the Legal Aid Commission of Western Australia.

The financial statements comprise the Statement of Financial Position as at 30 June 2013, the Statement of Comprehensive Income, Statement of Changes in Equity and Statement of Cash Flows for the year then ended, and Notes comprising a summary of significant accounting policies and other explanatory information.

##### *Commission's Responsibility for the Financial Statements*

The Commission is responsible for keeping proper accounts, and the preparation and fair presentation of the financial statements in accordance with Australian Accounting Standards and the Treasurer's Instructions, and for such internal control as the Commission determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

##### *Auditor's Responsibility*

As required by the Auditor General Act 2006, my responsibility is to express an opinion on the financial statements based on my audit. The audit was conducted in accordance with Australian Auditing Standards. Those Standards require compliance with relevant ethical requirements relating to audit engagements and that the audit be planned and performed to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the Commission's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances. An audit also includes evaluating the appropriateness of the accounting policies used and the reasonableness of accounting estimates made by the Commission, as well as evaluating the overall presentation of the financial statements.

I believe that the audit evidence obtained is sufficient and appropriate to provide a basis for my audit opinion.

##### **Opinion**

In my opinion, the financial statements are based on proper accounts and present fairly, in all material respects, the financial position of the Legal Aid Commission of Western Australia at 30 June 2013 and its financial performance and cash flows for the year then ended. They are in accordance with Australian Accounting Standards and the Treasurer's Instructions.



### **Report on Controls**

I have audited the controls exercised by the Legal Aid Commission of Western Australia during the year ended 30 June 2013.

Controls exercised by the Legal Aid Commission of Western Australia are those policies and procedures established by the Commission to ensure that the receipt, expenditure and investment of money, the acquisition and disposal of property, and the incurring of liabilities have been in accordance with legislative provisions.

#### *Commission's Responsibility for Controls*

The Commission is responsible for maintaining an adequate system of internal control to ensure that the receipt, expenditure and investment of money, the acquisition and disposal of public and other property, and the incurring of liabilities are in accordance with the Financial Management Act 2006 and the Treasurer's Instructions, and other relevant written law.

#### *Auditor's Responsibility*

As required by the Auditor General Act 2006, my responsibility is to express an opinion on the controls exercised by the Legal Aid Commission of Western Australia based on my audit conducted in accordance with Australian Auditing and Assurance Standards.

An audit involves performing procedures to obtain audit evidence about the adequacy of controls to ensure that the Commission complies with the legislative provisions. The procedures selected depend on the auditor's judgement and include an evaluation of the design and implementation of relevant controls.

I believe that the audit evidence obtained is sufficient and appropriate to provide a basis for my audit opinion.

### **Opinion**

In my opinion, the controls exercised by the Legal Aid Commission of Western Australia are sufficiently adequate to provide reasonable assurance that the receipt, expenditure and investment of money, the acquisition and disposal of property, and the incurring of liabilities have been in accordance with legislative provisions during the year ended 30 June 2013.

### **Report on the Key Performance Indicators**

I have audited the key performance indicators of the Legal Aid Commission of Western Australia for the year ended 30 June 2013.

The key performance indicators are the key effectiveness indicators and the key efficiency indicators that provide information on outcome achievement and service provision.

#### *Commission's Responsibility for the Key Performance Indicators*

The Commission is responsible for the preparation and fair presentation of the key performance indicators in accordance with the Financial Management Act 2006 and the Treasurer's Instructions and for such controls as the Commission determines necessary to ensure that the key performance indicators fairly represent indicated performance.

#### *Auditor's Responsibility*

As required by the Auditor General Act 2006, my responsibility is to express an opinion on the key performance indicators based on my audit conducted in accordance with Australian Auditing and Assurance Standards.

An audit involves performing procedures to obtain audit evidence about the key performance indicators. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the key performance indicators. In making these risk assessments the auditor considers internal control relevant to the Commission's preparation and fair presentation of the key performance indicators in order to design audit procedures that are appropriate in the circumstances. An audit also includes evaluating the relevance and appropriateness of the key performance indicators for measuring the extent of outcome achievement and service provision.

I believe that the audit evidence obtained is sufficient and appropriate to provide a basis for my audit opinion.

**Opinion**

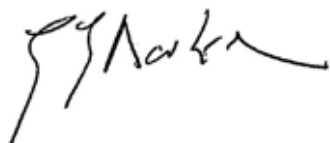
In my opinion, the key performance indicators of the Legal Aid Commission of Western Australia are relevant and appropriate to assist users to assess the Commission's performance and fairly represent indicated performance for the year ended 30 June 2013.

**Independence**

In conducting this audit, I have complied with the independence requirements of the Auditor General Act 2006 and Australian Auditing and Assurance Standards, and other relevant ethical requirements.

**Matters Relating to the Electronic Publication of the Audited Financial Statements and Key Performance Indicators**

This auditor's report relates to the financial statements and key performance indicators of the Legal Aid Commission of Western Australia for the year ended 30 June 2013 included on the Commission's website. The Commission's management is responsible for the integrity of the Commission's website. This audit does not provide assurance on the integrity of the Commission's website. The auditor's report refers only to the financial statements and key performance indicators described above. It does not provide an opinion on any other information which may have been hyperlinked to/from these financial statements or key performance indicators. If users of the financial statements and key performance indicators are concerned with the inherent risks arising from publication on a website, they are advised to refer to the hard copy of the audited financial statements and key performance indicators to confirm the information contained in this website version of the financial statements and key performance indicators.



GLEN CLARKE  
DEPUTY AUDITOR GENERAL  
Delegate of the Auditor General for Western Australia  
Perth, Western Australia  
23 August 2013

## DISCLOSURES AND LEGAL COMPLIANCE

### FINANCIAL STATEMENTS

#### **Certification of Financial Statements For the year ended 30 June 2013**

The accompanying financial statements of the Legal Aid Commission of Western Australia have been prepared in compliance with the provisions of the *Financial Management Act 2006* from proper accounts and records to present fairly the financial transactions for the financial year ending 30 June 2013 and the financial position as at 30 June 2013.

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



Lee Baker

**Chief Finance Officer**

Date: 16/8/2013



George Turnbull

**Director**

Date: 19/8/13



Stuart Shepherd

**Chairman**

Date: 19.08.2013

**LEGAL AID COMMISSION OF WESTERN AUSTRALIA**  
**STATEMENT OF COMPREHENSIVE INCOME**  
For the year ended 30 June 2013

	Note	2013 \$	2012 \$
<b>COST OF SERVICES</b>			
<b>Expenses</b>			
Employee benefits expense	6	30,031,898	29,680,798
Supplies and services	7	5,099,154	5,253,826
Depreciation and amortisation expense	8	780,758	746,793
Accommodation expenses	9	3,813,106	3,363,271
Legal services expenses	10	20,820,044	20,252,447
Loss on disposal of non-current assets	16	-	16,516
Other expenses	11	5,680,048	5,701,907
<b>Total cost of services</b>		<b>66,225,008</b>	<b>65,015,558</b>
<b>Income</b>			
<i>Revenue</i>			
User charges and fees	12	2,434,133	3,009,242
Commonwealth grants and contributions	13	22,959,941	20,891,192
Interest revenue	14	1,313,521	1,790,814
Other revenue	15	2,389,439	3,182,897
<b>Total Revenue</b>		<b>29,097,034</b>	<b>28,874,145</b>
<i>Gains</i>			
Gain on disposal of non-current assets	16	1,576	-
<b>Total Gains</b>		<b>1,576</b>	<b>-</b>
<b>Total income other than income from State Government</b>		<b>29,098,610</b>	<b>28,874,145</b>
<b>NET COST OF SERVICES</b>	28	<b>37,126,398</b>	<b>36,141,413</b>
<b>Income from State Government</b>			
State Government grant		38,283,339	36,234,339
Services received free of charge		6,556	
Royalties for Regions Fund		349,181	239,003
<b>Total income from State Government</b>	17	<b>38,639,076</b>	<b>36,473,342</b>
<b>SURPLUS FOR THE PERIOD</b>	27	<b>1,512,678</b>	<b>331,929</b>
<b>OTHER COMPREHENSIVE INCOME</b>			
<b>Items not reclassified subsequently to profit and loss</b>			
Changes in asset revaluation surplus		370,000	329,000
Changes in asbestosis reserve		-	-
Gains/(losses) recognised directly in equity		-	-
<b>Total other comprehensive income</b>	27	<b>370,000</b>	<b>329,000</b>
<b>TOTAL COMPREHENSIVE INCOME FOR THE PERIOD</b>		<b>1,882,678</b>	<b>660,929</b>

The Statement of Comprehensive Income should be read in conjunction with the accompanying notes.

LEGAL AID COMMISSION OF WESTERN AUSTRALIA  
STATEMENT OF FINANCIAL POSITION

As at June 2013

	Note	2013 \$	2012 \$
<b>ASSETS</b>			
<b>Current Assets</b>			
Cash and cash equivalents	28	29,640,721	24,544,480
Restricted cash and cash equivalents	18, 28	1,223,623	1,217,213
Receivables	19	3,341,442	2,919,628
Other current assets		19,458	48,722
<b>Total Current Assets</b>		<b>34,225,245</b>	<b>28,730,043</b>
<b>Non-Current Assets</b>			
Restricted cash and cash equivalents	18, 28	667,676	562,146
Receivables	19	3,810,774	3,815,952
Property, plant and equipment	21	2,981,723	2,708,674
Intangible assets	22	950,944	1,235,146
<b>Total Non-Current Assets</b>		<b>8,411,117</b>	<b>8,321,917</b>
<b>TOTAL ASSETS</b>		<b>42,636,361</b>	<b>37,051,960</b>
<b>LIABILITIES</b>			
<b>Current Liabilities</b>			
Payables	24	15,547,296	11,807,871
Provisions	25	4,284,557	4,463,950
Other current liabilities	26	122,618	159,242
<b>Total Current Liabilities</b>		<b>19,954,471</b>	<b>16,431,063</b>
<b>Non-Current Liabilities</b>			
Provisions	25	1,787,843	1,609,528
<b>Total Non-Current Liabilities</b>		<b>1,787,843</b>	<b>1,609,528</b>
<b>TOTAL LIABILITIES</b>		<b>21,742,314</b>	<b>18,040,591</b>
<b>NET ASSETS</b>		<b>20,894,047</b>	<b>19,011,369</b>
<b>EQUITY</b>			
Contributed equity	27	595,669	595,669
Reserves		2,468,567	2,098,567
Accumulated surplus		17,829,811	16,317,133
<b>TOTAL EQUITY</b>		<b>20,894,047</b>	<b>19,011,369</b>

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

**LEGAL AID COMMISSION OF WESTERN AUSTRALIA**  
**STATEMENT OF CHANGES IN EQUITY**  
For the year ended 30 June 2013

	Note	Contributed equity \$	Reserves \$	Accumulated surplus \$	Total equity \$
<b>Balance at 1 July 2011</b>	27	595,669	1,769,567	15,985,204	18,350,440
Changes in accounting policy or correction of prior period errors		-	-	-	-
<b>Restated balance at 1 July 2011</b>		595,669	1,769,567	15,985,204	18,350,440
Surplus		-	-	331,929	331,929
Other Comprehensive Income		-	329,000	-	329,000
Total comprehensive income for the period		-	329,000	331,929	660,929
<b>Balance at 30 June 2012</b>		<b>595,669</b>	<b>2,098,567</b>	<b>16,317,133</b>	<b>19,011,369</b>
<b>Balance at 1 July 2012</b>		595,669	2,098,567	16,317,133	19,011,369
Surplus				1,512,678	1,512,678
Other Comprehensive Income			370,000		370,000
Total comprehensive income for the period		-	370,000	1,512,678	1,882,678
<b>Balance at 30 June 2013</b>		<b>595,669</b>	<b>2,468,567</b>	<b>17,829,811</b>	<b>20,894,047</b>

The Statement of Changes in Equity should be read in conjunction with the accompanying notes.

**LEGAL AID COMMISSION OF WESTERN AUSTRALIA**  
**STATEMENT OF CASH FLOWS**  
For the year ended 30 June 2013

	Note	2013 \$	2012 \$
<b>CASH FLOWS FROM STATE GOVERNMENT</b>			
State Government Grant		38,213,948	36,430,415
Royalties for Regions Fund		349,181	239,003
<b>Net cash provided by State Government</b>		<b>38,563,129</b>	<b>36,669,418</b>
Utilised as follows:			
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>			
<b>Payments</b>			
Employee benefits		(30,219,639)	(28,622,993)
Supplies and services		(5,000,508)	(5,337,275)
Accommodation		(3,710,830)	(3,315,893)
Legal services		(17,437,102)	(19,102,767)
GST payments on purchases		(3,133,698)	(3,863,303)
Other payments		(5,549,630)	(5,719,230)
<b>Receipts</b>			
User charges and fees		2,141,467	2,675,731
Commonwealth grants and contributions		23,108,890	20,726,921
Interest received		1,273,144	1,588,889
GST receipts on sales		304,199	216,609
GST receipts from taxation authority		2,911,677	3,657,719
Other receipts		2,355,041	3,983,605
<b>Net cash provided by/(used in) operating activities</b>	28	<b>(32,956,988)</b>	<b>(33,111,987)</b>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>			
<b>Payments</b>			
Purchase of non-current physical assets		(405,474)	(1,262,948)
<b>Receipts</b>			
Proceeds from sale of non-current physical assets	16	7,515	11,608
<b>Net cash provided by/(used in) investing activities</b>		<b>(397,959)</b>	<b>(1,251,340)</b>
Net increase/(decrease) in cash and cash equivalents		5,208,181	2,306,089
Cash and cash equivalents at the beginning of period		26,323,839	24,017,750
<b>CASH AND CASH EQUIVALENTS AT THE END OF PERIOD</b>	28	<b>31,532,020</b>	<b>26,323,839</b>

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



## 7.2 FINANCIAL STATEMENTS AND NOTES

### NOTE 1. AUSTRALIAN ACCOUNTING STANDARDS

#### General

The Commission's financial statements for the year ended 30 June 2013 have been prepared in accordance with Australian Accounting Standards. The term 'Australian Accounting Standards' includes Standards and Interpretations issued by the Australian Accounting Standards Board (AASB).

The Commission has adopted any applicable new and revised Australian Accounting Standards from their operative dates.

#### Early adoption of standards

The Commission cannot early adopt an Australian Accounting Standard unless specifically permitted by TI 1101 *Application of Australian Accounting Standards and Other Pronouncements*. There has been no early adoption of Australian Accounting Standards that have been issued or amended (but not operative) by the Commission for the annual reporting period ended 30 June 2013.

### NOTE 2. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

#### (a) General statement

The Commission is a not-for-profit reporting entity that prepares general purpose financial statements in accordance with Australian Accounting Standards, the Framework, Statements of Accounting Concepts and other authoritative pronouncements of the AASB 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 Management Act* and the Treasurer's instructions impose legislative provisions that govern the preparation of financial statements and take precedence over Australian Accounting Standards, the Framework, Statements of Accounting Concepts and other authoritative pronouncements of the AASB.

Where modification is required and has had a material or significant financial effect upon the reported results, details of that modification and the resulting financial effect are disclosed in the notes to the financial statements.

#### (b) Basis of preparation

The financial statements have been prepared on the accrual basis of accounting using the historical cost convention, except for land and buildings which have been measured at fair value.

The accounting policies adopted in the preparation of the financial statements have been consistently applied throughout all periods presented unless otherwise stated.

The financial statements are presented in Australian dollars and all values are rounded to the nearest (\$).

Note 3 'Judgements made by management in applying accounting policies' discloses judgements that have been made in the process of applying the Commission's accounting policies resulting in the most significant effect on amounts recognised in the financial statements.

Note 4 'Key sources of estimation uncertainty' discloses key assumptions made concerning the future, and other key sources of estimation uncertainty at the end of the reporting period, that have a significant risk of causing a material adjustment to the carrying amounts of assets and liabilities within the next financial year.

#### (c) Reporting entity

The reporting entity comprises the Commission. There are no related bodies. Refer to note 36 'Related bodies'.

#### (d) Contributed equity

AASB Interpretation 1038 *Contributions by Owners Made to Wholly-Owned Public Sector Entities* requires transfers in the nature of equity contributions, other than as a result of a restructure of administrative arrangements, to be designated by the Government (the owner) as contributions by owners (at the time of, or prior to transfer) before such transfers can be recognised as equity contributions. Capital appropriations have been

designated as contributions by owners by TI 955 *Contributions by Owners made to Wholly Owned Public Sector Entities* and have been credited directly to Contributed equity.

The transfer of net assets to/from other agencies, other than as a result of a restructure of administrative arrangements, are designated as contributions by owners where the transfers are non-discretionary and non-reciprocal.

### **(e) Income**

#### **Revenue recognition**

Revenue is recognised and measured at the fair value of consideration received or receivable. The following specific recognition criteria must also be met before revenue is recognised for the major business activities as follows:

#### **Sale of goods**

Revenue is recognised from the sale of goods and disposal of other assets when the significant risks and rewards of ownership transfer to the purchaser and can be measured reliably.

#### **Provision of services**

Revenue is recognised on delivery of the service to the client or by reference to the stage of completion of the transaction.

#### **Interest**

Revenue is recognised as the interest accrues.

#### **State Government Grant**

State Government Grants are recognised as revenues at fair value in the period in which the Commission gains control of the appropriated funds. The Commission gains control of appropriated funds at the time those funds are deposited to the bank account. See also note 17 'Income from State Government' for further information.

#### **Grants, donations, gifts and other non-reciprocal contributions**

Revenue is recognised at fair value when the Commission obtains control over the assets comprising the contributions, usually when cash is received.

Other non-reciprocal contributions that are not contributions by owners are recognised at their fair value. Contributions of services are only recognised when a fair value can be reliably determined and the services would be purchased if not donated.

Royalties for Regions funds are recognised as revenue at fair value in the period in which the Commission obtains control over the funds. The Commission obtains control of the funds at the time the funds are deposited into the Commission's bank account.

#### **Gains**

Realised and unrealised gains are usually recognised on a net basis. These include gains arising on the disposal of non-current assets and some revaluations of non-current assets.

### **(f) Property, plant and equipment**

#### **Capitalisation/expensing of assets**

Items of property, plant and equipment costing \$5,000 or more are recognised as assets and the cost of utilising assets is expensed (depreciated) over their useful lives. Items of property, plant and equipment costing less than \$5,000 are immediately expensed direct to the Statement of Comprehensive Income (other than where they form part of a group of similar items which are significant in total).

#### **Initial recognition and measurement**

Property, plant and equipment are initially recognised at cost.

For items of property, plant and equipment acquired at no cost or for nominal cost, the cost is the fair value at the date of acquisition.

#### **Subsequent measurement**

Subsequent to initial recognition as an asset, the revaluation model is used for the measurement of land and buildings and historical cost for all other property, plant and equipment. Land and buildings are carried at fair value less accumulated depreciation (buildings only) and accumulated impairment losses. All other items of property, plant and equipment are stated at historical cost less accumulated depreciation and accumulated impairment losses.

Where market-based evidence is available, the fair value of land and buildings is determined on the basis of current market buying values determined by reference to recent market transactions. When buildings are revalued by reference to recent market transactions, the accumulated depreciation is eliminated against the gross carrying amount of the asset and the net amount restated to the revalued amount.

In the absence of market-based evidence, fair value of land and buildings is determined on the basis of existing use. This normally applies where buildings are specialised or where land use is restricted. Fair value for existing use assets is determined by reference to the cost of replacing the remaining future economic benefits embodied in the asset, i.e. the depreciated replacement cost. Where the fair value of buildings is determined on the depreciated replacement cost basis, the gross carrying amount and the accumulated depreciation are restated proportionately.

Land and buildings are independently valued annually by the Western Australian Land Information Authority (Valuation Services) and recognised annually to ensure that the carrying amount does not differ materially from the asset's fair value at the end of the reporting period.

The most significant assumptions in estimating fair value are made in assessing whether to apply the existing use basis to assets and in determining estimated useful life. Professional judgement by the valuer is required where the evidence does not provide a clear distinction between market type assets and existing use assets.

#### Derecognition

Upon disposal or derecognition of an item of property, plant and equipment, any revaluation surplus relating to that asset is retained in the asset revaluation surplus.

#### Asset revaluation surplus

The asset revaluation surplus is used to record increments and decrements on the revaluation of non-current assets as described in note 21 'Property, plant and equipment'.

#### Depreciation

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

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

Buildings on freehold land	50 years
Furniture and fixtures	5 to 13 years
Leasehold improvements	6 to 20 years
Office equipment	5 to 10 years
IT equipment	3 to 4 years
Motor vehicles	2 to 3 years

Land is not depreciated.

#### **(g) Intangible assets**

##### Capitalisation/expensing of assets

Acquisitions of intangible assets costing \$5,000 or more and internally generated intangible assets costing \$50,000 or more are capitalised. The cost of utilising the assets is expensed (amortised) over their useful life. Costs incurred below these thresholds are immediately expensed directly to the Statement of Comprehensive Income.

Intangible assets are initially recognised at cost. For assets acquired at no cost or for nominal cost, the cost is their fair value at the date of acquisition.

The cost model is applied for subsequent measurement requiring the asset to be carried at cost less any accumulated amortisation and accumulated impairment losses.

Amortisation for intangible assets with finite useful lives is calculated for the period of the expected benefit (estimated useful life which is reviewed annually) on the straight line basis. All intangible assets controlled by the Commission have a finite useful life and zero residual value.

The expected useful lives of each class of intangible asset are:

Software <sup>(a)</sup>	5 to 10 years
(a) Software that is not integral to the operation of any related hardware	

### Licences

Licences have a finite useful life and are carried at cost less accumulated amortisation and accumulated impairment losses.

### Development costs

Research costs are expensed as incurred.

Development costs incurred for an individual project are carried forward when the future economic benefits can reasonably be regarded as assured and the total project costs are likely to exceed \$50,000.

Other development costs are expensed as incurred.

### Computer software

Software that is an integral part of the related hardware is recognised as property, plant and equipment. Software that is not an integral part of the related hardware is recognised as an intangible asset. Software costing less than \$5,000 is expensed in the year of acquisition.

### **(h) Impairment of assets**

Property, plant and equipment and intangible assets are tested for any indication of impairment at the end of each reporting period. Where there is an indication of impairment, the recoverable amount is estimated. Where the recoverable amount is less than the carrying amount, the asset is considered impaired and is written down to the recoverable amount and an impairment loss is recognised. Where an asset measured at cost is written down to recoverable amount, the loss is recognised as a revaluation decrement in other comprehensive income. As the Commission is a not-for-profit entity, unless an asset has been identified as a surplus asset, the recoverable amount is the higher of an asset's fair value less costs to sell and depreciated replacement cost.

The risk of impairment is generally limited to circumstances where an asset's depreciation is materially understated, where the replacement cost

is falling or where there is a significant change in useful life. Each relevant class of assets is reviewed annually to verify that the accumulated depreciation/ amortisation reflects the level of consumption or expiration of the asset's future economic benefits and to evaluate any impairment risk from falling replacement costs.

Intangible assets with an indefinite useful life and intangible assets not yet available for use are tested for impairment at the end of each reporting period irrespective of whether there is any indication of impairment.

The recoverable amount of assets identified as surplus assets is the higher of fair value less costs to sell and the present value of future cash flows expected to be derived from the asset. Surplus assets carried at fair value have no risk of material impairment where fair value is determined by reference to market -based evidence. Where fair value is determined by reference to depreciated replacement cost, surplus assets are at risk of impairment and the recoverable amount is measured. Surplus assets at cost are tested for indications of impairment at the end of each reporting period.

See also note 23 'Impairment of assets' for the outcome of impairment reviews and testing.

Refer also to note 2(n) 'Receivables' and 19 'Receivables' for impairment of receivables.

### **(i) Grant 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 note 19 'Receivables'.

### **(j) Leases**

Operating leases are expensed on a straight line basis over the lease term as this represents the pattern of benefits derived from the leased properties.

### **(k) Financial instruments**

In addition to cash, the Commission has two categories of financial instrument:

- Loans and receivables; and
- Financial liabilities measured at amortised cost.

Financial instruments have been disaggregated into the following classes:

- Financial Assets
  - Cash and cash equivalents
  - Restricted cash and cash equivalents
  - Receivables
- Financial Liabilities
  - Payables

Initial recognition and measurement of financial instruments is at fair value which normally equates to the transaction cost or the face value. Subsequent measurement is at amortised cost using the effective interest method.

The fair value of short-term receivables and payables is the transaction cost or the face value because there is no interest rate applicable and subsequent measurement is not required as the effect of discounting is not material.

### **(l) Cash and cash equivalents**

For the purpose of the Statement of Cash Flows, cash and cash equivalent (and restricted cash and cash equivalent) assets comprise cash on hand and short-term deposits with original maturities of three months or less that are readily convertible to a known amount of cash and which are subject to insignificant risk of changes in value.

### **(m) Accrued salaries**

Accrued salaries (see note 24 'Payables') represent the amount due to staff but unpaid at the end of the financial year. Accrued salaries are settled within a fortnight of the financial year end. The Commission considers the carrying amount of accrued salaries to be equivalent to its fair value.

The accrued salaries suspense account consists of amounts paid annually into a suspense account over a period of 10 financial years to largely meet

the additional cash outflow in each eleventh year when 27 pay days occur instead of the normal 26. No interest is received on this account (see note 18 'Restricted cash and cash equivalents').

### **(n) Receivables**

#### Un-secured debtors

Unsecured debtors are recognised at original invoice amount less an allowance for any uncollectible amounts (i.e. impairment). The collectability of receivables is reviewed on an ongoing basis and any receivables identified as uncollectible are written-off against the allowance account. The allowance for uncollectible amounts (doubtful debts) is raised when there is objective evidence that the Commission will not be able to collect the debts. The carrying amount is equivalent to fair value as it is due for settlement within 42 days.

#### Secured debtors

Secured debtors are recognised at original invoice amount less an allowance for any uncollectible amounts (i.e. impairment). Secured receivables are only payable to the Commission on the sale or other alienation of the secured property. Due to the long term nature of these receivables, a provision for discount is raised which enables the receivable to be shown at Net Present Value. The collectability of secured receivables is reviewed on an ongoing basis and any receivables identified as uncollectible are written-off.

See also note 2(k) 'Financial Instruments' and note 19 'Receivables'.

### **(o) Payables**

Payables are recognised as the amounts payable when the Commission becomes obliged to make future payments as a result of a purchase of assets or services. The carrying amount is equivalent to fair value, as settlement is generally within 30 days.

Grant of aid commitments are settled as the case progresses and matters can be outstanding for between 3 months and 2 years. The Commission considers the carrying amount of grant of aid commitments to be equivalent to the net fair value as the effect of discounting would be immaterial.

See also note 2(k) 'Financial Instruments' and note 24 'Payables'.

#### **(p) Provisions**

Provisions are liabilities of uncertain timing or amount and are recognised where there is a present legal or constructive obligation as a result of a past event and when the outflow of resources embodying economic benefits is probable and a reliable estimate can be made of the amount of the obligation. Provisions are reviewed at the end of each reporting period.

#### **Provisions - employee benefits**

All annual leave and long service leave provisions are in respect of employees' services up to the end of the reporting period.

#### **Annual leave**

The liability for annual leave expected to be settled within 12 months after the reporting period is recognised and measured at the undiscounted amounts expected to be paid when the liability is settled.

Annual leave not expected to be settled within 12 months after the reporting period is recognised and measured at the present value of amounts expected to be paid when the liabilities are settled using the remuneration rate expected to apply at the time of settlement.

When assessing expected future payments consideration is given to expected future wage and salary levels including non-salary components such as employer superannuation contributions, as well as the experience of employee departures and periods of service. The expected future payments are discounted using market yields at the end of the reporting period on national government bonds with terms to maturity that match, as closely as possible, the estimated future cash outflows.

The provision for annual leave is classified as a current liability as the Commission does not have an unconditional right to defer settlement of the liability for at least 12 months after the reporting period.

#### **Long service leave**

The liability for long service leave is recognised after an employee has completed three years of service based on remuneration rates current at the end of the reporting period.

An actuarial assessment of long service leave undertaken by PricewaterhouseCoopers Actuaries at 30 June 2012 determined that the liability calculated using the short-hand measurement technique for a period of no greater than two years provided that the estimate is not materially different from the liability determined using the present value of expected future payments. This calculation is consistent with the Commission's experience of employee retention and leave taken.

Unconditional long service leave provisions are classified as current liabilities as the Commission does not have an unconditional right to defer the settlement of the liability for at least 12 months after the end of the reporting period. Pre-conditional and conditional long service leave provisions are classified as non-current liabilities because the Commission has an unconditional right to defer the settlement of the liability until the employee has completed the requisite years of service.

#### **Deferred leave**

The provision for deferred leave relates to Public Service employees who have entered into an agreement to self-fund an additional 12 months leave in the fifth year of the agreement. The provision recognises the value of salary set aside for employees to be used in the fifth year. This liability is measured on the same basis as annual leave. Deferred leave is reported as a current provision as employees can leave the scheme at their discretion at any time.

#### **Purchased leave**

The provision for purchased leave relates to Public Service employees who have entered into an agreement to self-fund up to an additional 10 weeks leave per calendar year. The provision recognises the value of salary set aside for employees and is measured at the nominal amounts expected to be paid when the liabilities are settled. The liability is measured on the same basis as annual leave.



### **Superannuation**

The Government Employees Superannuation Board (GESB) administers public sector superannuation arrangements in Western Australia in accordance with legislative requirements. Eligibility criteria for membership in particular schemes for public sector employees vary according to commencement and implementation dates.

Eligible employees contribute to the Pension Scheme, a defined benefit pension scheme closed to new members since 1987, or the Gold State Superannuation Scheme (GSS), a defined benefit lump sum scheme closed to new members since 1995.

Employees commencing employment prior to 16 April 2007 who were not members of either the Pension Scheme or the GSS became non-contributory members of the West State Superannuation Scheme (WSS). Employees commencing employment on or after 16 April 2007 became members of the GESB Super Scheme (GESBS). From 30 March 2012, existing members of the WSS or of the GESBS and new employees have been able to choose their preferred superannuation fund provider. The Commission makes contributions to GESB or other fund providers on behalf of employees in compliance with the *Commonwealth Government's Superannuation Guarantee (Administration) Act 1992*. Contributions to these accumulation schemes extinguish the Commission's liability for superannuation charges in respect of employees who are not members of the Pension Scheme or GSS.

The GSS is a defined benefit scheme for the purposes of employees and whole-of-government-reporting. However, it is a defined contribution plan for agency purposes because the concurrent contributions (defined contributions) made by the Commission to GESB extinguishes the agency's obligations to the related superannuation liability.

The Commission has no liabilities under the Pension Scheme or the GSS. The liabilities for the unfunded Pension Scheme and the unfunded GSS transfer benefits attributable to members who transferred from the Pension Scheme, are assumed by the Treasurer. All other GSS obligations are funded by concurrent contributions made by the Commission to the GESB.

The GESB makes all benefit payments in respect of the Pension Scheme and GSS, and is recouped from the Treasurer for the employer's share. See also note 2(q) 'Superannuation expense'.

### **Provisions - other**

#### **Employment on-costs**

Employment on-costs, including workers' compensation insurance, are not employee benefits and are recognised separately as liabilities and expenses when the employment to which they relate has occurred. Employment on-costs are included as part of 'Other expenses' and are not included as part of the Commission's 'Employee benefits expense'. The related liability is included in 'Employment on-costs provision'.

See also note 11 'Other expenses' and note 25 'Provisions'.

#### **(q) Superannuation expense**

The superannuation expense in the Statement of Comprehensive Income comprises employer contributions paid to the GSS (concurrent contributions), WSS, and the GESBS, and other superannuation funds.

#### **(r) Books and technical journals**

Books and technical journals are recognised as an expense as they are acquired.

#### **(s) Resources received free of charge or for nominal cost**

Resources received free of charge or for nominal cost that can be reliably measured are recognised as income at fair value. Where the resource received represents a service that the Commission would otherwise pay for, a corresponding expense is recognised. Receipts of assets are recognised in the Statement of Financial Position.

Assets or services received from other State Government agencies are separately disclosed under Income from State Government in the Statement of Comprehensive Income.

#### **(t) Comparative figures**

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



### **NOTE 3. JUDGEMENTS MADE BY MANAGEMENT IN APPLYING ACCOUNTING POLICIES**

The preparation of financial statements requires management to make judgments about the application of accounting policies that have a significant effect on the amounts recognised in the financial statements. The Commission evaluates these judgements regularly.

#### **Operating lease commitments**

The Commission has entered into a number of leases for buildings for branch office accommodation. Some of these leases relate to buildings of a temporary nature and it has been determined that the lessor retains substantially all the risks and rewards incidental to ownership. Accordingly, these leases have been classified as operating leases. Also, the Commission has entered into a number of leases for motor vehicles. These leases relate to motor vehicle leases of a temporary nature and it has been determined that the lessor retains substantially all the risks and rewards incidental to ownership. Accordingly, these leases have been classified as operating leases.

### **NOTE 4. KEY SOURCES OF ESTIMATION UNCERTAINTY**

Key estimates and assumptions concerning the future are based on historical experience and various other factors that have a significant risk of causing a material adjustment to the carrying amount of assets and liabilities within the next financial year.

#### **Technological equipment**

The Commission's management determines the estimated useful lives and related depreciation charges for its plant and equipment. This estimate is based on projected useful lives of the assets and it could change significantly as a result of technical innovations. Management will increase the depreciation charge where useful lives are less than previously estimated lives, or it will write-off or write-down technically obsolete or non-strategic assets that have been abandoned or sold.

#### **Grants of aid**

Grants of aid are recognised as a liability initially on the basis of a provisional cost estimate. These estimates are revised as the litigation proceeds and realistic information on associated costs become available.

#### **Leasehold improvements**

Leasehold improvements are amortised over the initial term of the lease even though an option for extending the lease exists. Should the lease agreement be extended before the expiration of the initial term, the period of amortisation of any unamortised balance of leasehold improvements is revised to include the extended term.

#### **Long service leave**

Several estimations and assumptions used in calculating the Commission's long service leave provision include expected future salary rates, discount rates, employee retention rates and expected future payments. Changes in these estimations and assumptions may impact on the carrying amount of the long service leave provision.

#### **Non-current debtors – provision for discount**

Secured non-current debtors for contributions due to the Commission are expected to fully settle their liabilities on sale or other alienation of their properties. These debts are presented at their discounted value to take account of the expected long repayment period. The Commission uses its judgement to determine the average repayment period for settlement of these debts and the selection of an appropriate discount rate.

## NOTE 5. DISCLOSURE OF CHANGES IN ACCOUNTING POLICY AND ESTIMATES

### Initial application of an Australian Accounting Standard

The Commission has applied the following Australian Accounting Standards effective for annual reporting periods beginning on or after 1 July 2012 that impacted on the Commission.

AASB 2011-9	<p><i>Amendments to Australian Accounting Standards - Presentation of Items of Other Comprehensive Income [AASB 1, 5, 7, 101, 112, 120, 121, 132, 133, 134, 1039 &amp; 1049]</i></p> <p>This Standard requires to group items presented in other comprehensive income on the basis of whether they are potentially reclassifiable to profit or loss subsequently (reclassification adjustments). There is no financial impact.</p>
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### Future impact of Australian Accounting Standards not yet operative

The Commission cannot early adopt an Australian Accounting Standard unless specifically permitted by TI 1101 *Application of Australian Accounting Standards and Other Pronouncements*. Consequently, the Commission has not applied early any of the following Australian Accounting Standards that have been issued that may impact the Commission. Where applicable, the Commission plans to apply these Australian Accounting Standards from their application date.

		Operative for reporting periods beginning on/after
AASB 9	<p><i>Financial Instruments</i></p> <p><i>This Standard supersedes AASB 139 Financial Instruments: Recognition and Measurement, introducing a number of changes to accounting treatments.</i></p> <p><i>AASB 2012-6 Amendments to Australian Accounting Standards - Mandatory Effective Date of AASB 9 and Transition Disclosures</i> amended the mandatory application date of the Standard to 1 January 2015. The Commission has not yet determined the application or the potential impact of the Standard.</p>	1 Jan 2015
AASB 13	<p><i>Fair Value Measurement</i></p> <p>This Standard defines fair value, sets out a framework for measuring fair value and requires disclosures about fair value measurements. The Commission has liaised with the Western Australian Land Information Authority (Valuation Services) to ensure that sufficient information will be provided to meet the disclosure requirements of this Standard. There is no financial impact.</p>	1 Jan 2013
AASB 119	<p><i>Employee Benefits</i></p> <p>This Standard supersedes AASB 119 (October 2010), making changes to the recognition, presentation and disclosure requirements.</p> <p>The Commission does not have any defined benefit plans, and therefore the financial impact will be limited to the effect of discounting annual leave and long service leave liabilities that were previously measured at the undiscounted amounts.</p>	1 Jan 2013
AASB 1053	<p><i>Application of Tiers of Australian Accounting Standards</i></p> <p>This Standard establishes a differential financial reporting framework consisting of two tiers of reporting requirements for preparing general purpose financial statements. There is no financial impact.</p>	1 Jul 2013

		Operative for reporting periods beginning on/after
AASB 2010-2	<p><i>Amendments to Australian Accounting Standards arising from Reduced Disclosure Requirements [AASB 1, 2, 3, 5, 7, 8, 101, 102, 107, 108, 110, 111, 112, 116, 117, 119, 121, 123, 124, 127, 128, 131, 133, 134, 136, 137, 138, 140, 141, 1050 &amp; 1052 and Int 2, 4, 5, 15, 17, 127, 129 &amp; 1052]</i></p> <p>This Standard makes amendments to Australian Accounting Standards and Interpretations to introduce reduced disclosure requirements for certain types of entities. There is no financial impact.</p>	1 Jul 2013
AASB 2010-7	<p><i>Amendments to Australian Accounting Standards arising from AASB 9 (December 2010) [AASB 1, 3, 4, 5, 7, 101, 102, 108, 112, 118, 120, 121, 127, 128, 131, 132, 136, 137, 139, 1023 &amp; 1038 and Int 2, 5, 10, 12, 19 &amp; 127]</i></p> <p>This Standard makes consequential amendments to other Australian Accounting Standards and Interpretations as a result of issuing AASB 9 in December 2010.</p> <p>AASB 2012-6 amended the mandatory application date of this Standard to 1 January 2015. The Commission has not yet determined the application or the potential impact of the Standard.</p>	1 Jan 2015
AASB 2011-8	<p><i>Amendments to Australian Accounting Standards arising from AASB 13 [AASB 1, 2, 3, 4, 5, 7, 101, 102, 108, 110, 116, 117, 118, 119, 120, 121, 128, 131, 132, 133, 134, 136, 138, 139, 140, 141, 1004, 1023 &amp; 1038 and Int 2, 4, 12, 13, 14, 17, 19, 131 &amp; 132]</i></p> <p>This Standard replaces the existing definition and fair value guidance in other Australian Accounting Standards and Interpretations as the result of issuing AASB 13 in September 2011. There is no financial impact.</p>	1 Jan 2013
AASB 2011-10	<p><i>Amendments to Australian Accounting Standards arising from AASB 119 (September 2011) [AASB 1, 8, 101, 124, 134, 1049 &amp; 2011-8 and Int 14]</i></p> <p>This Standard makes amendments to other Australian Accounting Standards and Interpretations as a result of issuing AASB 119 Employee Benefits in September 2011. There is no financial impact.</p>	1 Jan 2013
AASB 2012-2	<p><i>Amendments to Australian Accounting Standards - Disclosures - Offsetting Financial Assets and Financial Liabilities [AASB 7 &amp; 132]</i></p> <p>This Standard amends the required disclosures in AASB 7 to include information that will enable users of an entity's financial statements to evaluate the effect or potential effect of netting arrangements, including rights of set-off associated with the entity's recognised financial assets and recognised financial liabilities, on the entity's financial position. There is no financial impact.</p>	1 Jan 2013
AASB 2012-3	<p><i>Amendments to Australian Accounting Standards - Offsetting Financial Assets and Financial Liabilities [AASB 132]</i></p> <p>This Standard adds application guidance to AASB 132 to address inconsistencies identified in applying some of the offsetting criteria, including clarifying the meaning of "currently has a legally enforceable right of set-off" and that some gross settlement systems may be considered equivalent to net settlement. There is no financial impact.</p>	1 Jan 2014

		Operative for reporting periods beginning on/after
AASB 2012-6	<p><i>Amendments to Australian Accounting Standards - Mandatory Effective Date of AASB 9 and Transition Disclosures [AASB 9, 2009-11, 2010-7, 2011-7 &amp; 2011-8]</i></p> <p>This Standard amends the mandatory effective date of AASB 9 <i>Financial Instruments</i> to 1 January 2015. Further amendments are also made to consequential amendments arising from AASB 9 that will now apply from 1 January 2015 and to consequential amendments arising out of the Standards that will still apply from 1 January 2013. There is no financial impact.</p>	1 Jan 2013
AASB 2012-10	<p><i>Amendments to Australian Accounting Standards - Transition Guidance and Other Amendments [AASB 1, 5, 7, 8, 10, 11, 12, 13, 101, 102, 108, 112, 118, 119, 127, 128, 132, 133, 134, 137, 1023, 1038, 1039, 1049, &amp; 2011-7 and Int 12]</i></p> <p>This Standard makes amendments to AASB 10 and related Standards to revise the transition guidance relevant to the initial application of those Standards, and to clarify the circumstances in which adjustments to an entity's previous accounting for its involvement with other entities are required and the timing of such adjustments.</p> <p>The Standard was issued in December 2012. The Commission has not yet determined the application or the potential impact of the Standard.</p>	1 Jan 2013

## NOTE 6. EMPLOYEE BENEFITS EXPENSE

	2013 \$	2012 \$
Wages and salaries <sup>(a)</sup>	27,409,948	27,150,958
Superannuation - defined contribution plans <sup>(b)</sup>	2,621,950	2,529,840
	<b>30,031,898</b>	<b>29,680,798</b>

(a) Includes the value of the fringe benefit to the employee plus the fringe benefits tax component, leave entitlements including superannuation contribution component.

(b) Defined contribution plans include West State, Gold State and GESB Super Scheme (contribution paid).

Employment on-costs expenses, such as workers' compensation insurance are included at note 11 'Other expenses'.

Employment on-costs liability is included at note 25 'Provisions'.

## NOTE 7. SUPPLIES AND SERVICES

	2013 \$	2012 \$
Communications	749,075	645,383
Consumables	1,125,554	1,048,987
Consultants Fees	467,626	405,240
Maintenance	629,189	568,641
Travel	415,017	433,833
Information technology	965,151	1,081,765
Practicing Certificates and Fees	218,534	224,588
Audit Fees <sup>(a)</sup>	149,147	141,243
Other Supplies and Services <sup>(a)</sup>	379,861	704,146
	<b>5,099,154</b>	<b>5,253,826</b>

(a) Includes audit cost, see note 35 'Remuneration of auditor'.

## NOTE 8. DEPRECIATION AND AMORTISATION EXPENSE

<u>Depreciation</u>		
Buildings	8,000	4,000
Office equipment	3,954	4,357
IT equipment	262,434	323,495
Motor vehicles	-	258
Fixtures and fittings	1,348	1,348
Leasehold improvements	220,495	210,046
Furniture	324	325
<b>Total depreciation</b>	<b>496,555</b>	<b>543,829</b>
<u>Amortisation</u>		
Intangible assets	284,203	202,964
<b>Total amortisation</b>	<b>284,203</b>	<b>202,964</b>
<b>Total depreciation and amortisation</b>	<b>780,758</b>	<b>746,793</b>

## NOTE 9. ACCOMMODATION EXPENSES

Lease rentals	3,637,030	3,315,297
Repairs and Maintenance	176,076	47,974
	<b>3,813,106</b>	<b>3,363,271</b>

## NOTE 10. LEGAL SERVICES EXPENSES

	2013 \$	2012 \$
<u>Grant of aid expenses</u>		
Assignment costs	20,582,738	19,984,606
	<b>20,582,738</b>	<b>19,984,606</b>
<u>Other service expenses</u>		
Legal advice	197,812	199,931
Duty lawyer	39,494	67,910
	<b>237,306</b>	<b>267,841</b>
	<b>20,820,044</b>	<b>20,252,447</b>

Asbestosis case costs (cash basis) of \$0 in 2012/13 (\$0 in 2011/12) have not been included under Legal services expenses and are not included in the reported surplus for the period. Asbestosis case funding is specific purpose funding from the Commonwealth Government and is not part of the normal operating activities of the Commission. Asbestosis case costs are reported in the Asbestosis account reserve only under note 18 '*Restricted cash and cash equivalents*'.

## NOTE 11. OTHER EXPENSES

Bad debts written off	62,792	81,988
Doubtful debts expense	105,196	(45,462)
Employment on-costs <sup>(a)</sup>	(1,071)	8,000
Staff training	100,746	152,969
State CLC program	3,989,312	3,898,694
Other staff related expenses	938,815	1,075,140
Other Expenses	484,258	530,578
	<b>5,680,048</b>	<b>5,701,907</b>

(a) Includes workers' compensation insurance and other employment on-costs. The on-costs liability associated with the recognition of annual and long service leave liability is included at note 25 '*Provisions*'. Superannuation contributions accrued as part of the provision for leave are employee benefits and are not included in employment on-costs.



## NOTE 12. USER CHARGES AND FEES

	2013 \$	2012 \$
Client contributions and fees on grants of aid	1,237,097	1,290,311
Recovered costs on grants of aid	996,346	1,476,468
Legal advice fees	27,818	49,469
Duty lawyer fees	128,135	144,464
Freedom of information	30	30
Community legal education	44,707	48,500
	<b>2,434,133</b>	<b>3,009,242</b>

## NOTE 13. COMMONWEALTH GRANTS AND CONTRIBUTIONS

National Partnership Agreement on Legal Assistance Services <sup>(a)</sup>	22,373,497	20,263,532
Country Lawyers Funding <sup>(b)</sup>	100,000	100,000
Christmas/Cocos Islands <sup>(c)</sup>	272,553	527,660
Other Commonwealth Funding <sup>(d)</sup>	213,891	-
	<b>22,959,941</b>	<b>20,891,192</b>

(a) The National Partnership Agreement (NPA) on Legal Assistance Services was enacted in July 2010 for a period of four years. This year represents the third year of the four year agreement. The terms of the funding are generally intended to fund matters within the Commonwealth jurisdiction, the NPA also seeks to promote investments in preventative law and early intervention initiatives. The funded amount for 2012-13 was \$19.917 million, with a further \$2,456,497 in supplementary funding for Commonwealth expensive criminal cases.

(b) Commonwealth Country Lawyers Funding contributes towards the administration costs of placing lawyers in the regions.

(c) The Christmas/Cocos island grant is related to Indian Ocean Territory funding received on an ongoing basis.

(d) Other Commonwealth Funding is for the development of online professional training resources in regional areas.

## NOTE 14. INTEREST REVENUE

Interest earned on Legal Aid Operational Funds	1,374,074	1,578,128
Implicit interest write back on debtors <sup>(a)</sup>	(60,553)	212,686
	<b>1,313,521</b>	<b>1,790,814</b>

(a) Implicit interest was written back at the end of the reporting period and therefore recorded as interest revenue.

## NOTE 15. OTHER REVENUE

	2013 \$	2012 \$
State - Specific purpose contributions	102,354	100,545
Other miscellaneous income	366,171	444,686
Legal contribution trust	1,139,775	1,652,162
CLR placement recoup	781,139	888,269
Department of Immigration and Ethnic Affairs	-	97,235
	<b>2,389,439</b>	<b>3,182,897</b>

## NOTE 16. NET GAIN/(LOSS) ON DISPOSAL OF NON-CURRENT ASSETS

<u>Costs of disposal of non-current assets</u>		
Plant, equipment and vehicles	5,938	28,124
<u>Proceeds from disposal of non-current assets</u>		
Plant, equipment and vehicles	7,515	11,608
<b>Net gain/(loss)</b>	<b>1,577</b>	<b>(16,516)</b>

## NOTE 17. INCOME FROM STATE GOVERNMENT

Appropriation received during the period:		
Legal Aid Assistance Grant <sup>(a)</sup>	36,013,000	35,516,000
Other State Community Legal Centre Funding	2,270,339	718,339
	<b>38,283,339</b>	<b>36,234,339</b>
Services received free of charge from other State government agencies during the period:		
Department of Finance	6,556	-
	<b>6,556</b>	<b>-</b>
Royalties for Regions Fund		
Royalties for Regions Funding <sup>(b)</sup>	349,181	239,003
	349,181	239,003
	<b>38,639,076</b>	<b>36,473,342</b>

(a) The Legal Aid Commission is an output of the Department of Attorney General for the purposes of the State Budget, and receives State Government funding through the Department.

(b) This is a sub-fund within the over-arching 'Royalties for Regions Fund'. The recurrent funds are committed to projects and programs in WA regional areas

## NOTE 18. RESTRICTED CASH AND CASH EQUIVALENTS

	2013 \$	2012 \$
<u>Current</u>		
Asbestosis account <sup>(a)</sup>	1,206,663	1,206,663
Child representation trust fund <sup>(b)</sup>	12,500	3,000
Commonwealth Paid Parent Fund	4,460	7,550
<b>Total Current</b>	<b>1,223,623</b>	<b>1,217,213</b>
<u>Non-current</u>		
Accrued salaries suspense account (27th pay provision) <sup>(c)</sup>	667,676	562,146
<b>Total non-Current</b>	<b>667,676</b>	<b>562,146</b>

(a) These unspent funds held in trust account are only to be used for the purpose of legal aid relating to asbestosis-related actions.

(b) These unspent funds held in the trust fund are only to be used for the purpose of legal aid in relation to child abuse related actions.

(c) These unspent funds held in suspense account are only to be used for the purpose of meeting the 27th pay in a financial year that occurs every 11 years. The amount is not due and payable within the next 12 months.

### The Asbestosis account reconciliation

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

Balance at start of year	1,206,663	1,206,663
<u>Revenue:</u>		
- Recovered costs	-	-
- Interest	-	-
	1,206,663	1,206,663
<u>Expenditure:</u>		
- Private practitioners	-	-
- Reclassification to cash assets	-	-
<b>Balance at end of period</b>	<b>1,206,663</b>	<b>1,206,663</b>

## NOTE 19. RECEIVABLES

	2013 \$	2012 \$
<u>Current</u>		
Debtors - unsecured	3,681,700	3,072,514
Allowance for impairment of receivables	(494,869)	(389,674)
GST receivable	154,611	236,788
<b>Total current</b>	<b>3,341,442</b>	<b>2,919,628</b>
<u>Non-current</u>		
Debtors - secured	4,254,130	4,198,755
Allowance for impairment of receivables	(20,000)	(20,000)
Allowance for discount	(423,356)	(362,803)
<b>Total non-current</b>	<b>3,810,774</b>	<b>3,815,952</b>
<b>Total Receivables</b>	<b>7,152,216</b>	<b>6,735,580</b>
<b>Reconciliation of changes in the allowance for impairment of receivables:</b>		
Balance at start of period	409,674	455,136
Amounts written off during the period	-	-
Amounts recovered during the period	-	-
	409,674	455,136
Doubtful debt expense recognised in the statement of comprehensive income	105,196	(45,462)
<b>Balance at end of period</b>	<b>514,870</b>	<b>409,674</b>

### Debts - Secured

Legal assistance may be granted subject to a condition that 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 shows that the average repayment period of secured debts is approximately eight years. No interest is charged on the outstanding debt. An implicit interest adjustment is made to take account of this long term repayment aspect.

Debtors - secured, were discounted at 3.105% (2012: 2.668%) using the 5 year government bond rate (per Financial Review) at June 30, 2013.

## NOTE 20. OTHER ASSETS

<u>Current</u>		
Prepayments	19,458	48,722
<b>Total current</b>	<b>19,458</b>	<b>48,722</b>

## NOTE 21. PROPERTY, PLANT, AND EQUIPMENT

	2013 \$	2012 \$
<u>Land</u>		
At fair value <sup>(a)</sup>	910,000	540,000
	910,000	540,000
<u>Buildings</u>		
At fair value <sup>(a) (b)</sup>	400,000	400,000
Accumulated depreciation	(8,000)	-
	392,000	400,000
<u>Fixtures and fittings</u>		
At cost	17,966	17,966
Accumulated depreciation	(8,806)	(7,458)
	9,160	10,508
<u>Leasehold improvements</u>		
At cost	2,895,445	2,882,728
Accumulated depreciation	(1,977,398)	(1,756,903)
	918,047	1,125,825
<u>Furniture and equipment</u>		
At cost	2,352,031	2,191,334
Accumulated depreciation	(1,599,514)	(1,558,992)
	752,517	632,341
	<b>2,981,724</b>	<b>2,708,674</b>

(a) Land and buildings were re-valued as at 1 July 2012 by the Western Australian Land Information Authority (Valuation Services). The valuations were performed during the year ended 30 June 2013 and recognised 30 June 2013. In undertaking the revaluation, fair value was determined by reference to market values for land: \$910,000 and buildings: \$400,000 (30 June 2012: land: \$540,000 and buildings: \$400,000). For the remaining balance, fair value of land and buildings was determined on the basis of depreciated replacement cost.

(b) Buildings comparative has been amended to correctly account for the revaluation of buildings on a net basis. In 2012/13 there was no revaluation for buildings as the value remains unchanged.

### Reconciliation:

	Land	Buildings	Fixtures and Fittings	Leasehold Improvements	Furniture and Equipment	Vehicles	Total
2013	\$	\$	\$	\$	\$	\$	\$
Carrying amount at start of period	540,000	400,000	10,508	1,125,825	632,341	-	2,708,674
Additions	-	-	-	12,717	392,757	-	405,473
Disposals	-	-	-	-	(5,868)	-	(5,868)
Revaluation increments	370,000	-	-	-	-	-	370,000
Revaluation decrements	-	-	-	-	-	-	-
Impairment losses <sup>(a)</sup>	-	-	-	-	-	-	-
Impairment losses reversed <sup>(a)</sup>	-	-	-	-	-	-	-
Depreciation	-	(8,000)	(1,348)	(220,495)	(266,713)	-	(496,555)
<b>Carrying amount at end of period</b>	<b>910,000</b>	<b>392,000</b>	<b>9,160</b>	<b>918,047</b>	<b>752,517</b>	<b>-</b>	<b>2,981,724</b>

	Land	Buildings	Fixtures and Fittings	Leasehold Improvements	Furniture and Equipment	Vehicles	Total
2012	\$	\$	\$	\$	\$	\$	\$
Carrying amount at start of period	415,000	200,000	11,856	1,186,712	783,119	258	2,596,945
Additions	-	-	-	180,784	177,399	-	358,183
Disposals	-	-	-	(31,625)	-	-	(31,625)
Revaluation increments	125,000	204,000	-	-	-	-	329,000
Revaluation decrements	-	-	-	-	-	-	-
Impairment losses <sup>(a)</sup>	-	-	-	-	-	-	-
Impairment losses reversed <sup>(a)</sup>	-	-	-	-	-	-	-
Depreciation	-	(4,000)	(1,348)	(210,046)	(328,177)	(258)	(543,829)
<b>Carrying amount at end of period</b>	<b>540,000</b>	<b>400,000</b>	<b>10,508</b>	<b>1,125,825</b>	<b>632,341</b>	<b>-</b>	<b>2,708,674</b>

Where an asset measured at cost is written-down to recoverable amount, an impairment loss is recognised in the Statement of Comprehensive Income. Where a previously valued asset is written-down to recoverable amount, the loss is recognised as a revaluation decrement in the Statement of Changes in Equity.

## NOTE 22. INTANGIBLE ASSETS

	2013 \$	2012 \$
<u>Computer software</u>		
At cost	1,704,760	1,704,760
Accumulated amortisation	(753,816)	(469,614)
Accumulated impairment losses	-	-
	<b>950,944</b>	<b>1,235,146</b>

### Reconciliation:

<u>Computer software</u>		
Carrying amount at start of period	1,235,146	533,346
Additions	-	904,764
Amortisation expense	(284,202)	(202,964)
<b>Carrying amount at end of period</b>	<b>950,944</b>	<b>1,235,146</b>

## NOTE 23. IMPAIRMENT OF ASSETS

There were no indications of impairment to property, plant and equipment or intangible assets at 30 June 2013.

The Commission held no goodwill or intangible assets with an indefinite useful life during the reporting period. At the end of the reporting period there were no intangible assets not yet available for use.

There were no surplus assets at 30 June 2013 that have either been classified as assets held for sale or written off.

## NOTE 24. PAYABLES

<u>Current</u>		
Grant of aid commitments	14,289,189	10,572,924
Accrued expenses	531,656	351,722
Accrued salaries <sup>(a)</sup>	704,477	852,055
Staff benefit fund	21,464	30,600
Income received in advance	-	400
Unclaimed monies	510	170
<b>Total current</b>	<b>15,547,296</b>	<b>11,807,871</b>

(a) Accrued salaries: Amount owing is six (6) salary days as last pay occurred on 20 June 2013 (2012 - The last pay occurred on 21 June 2012).

See also note 2(o) 'Payables' and note 33 'Financial Instruments'



## NOTE 25. PROVISIONS

	2013 \$	2012 \$
<u>Current</u>		
<i>Employee benefits provision</i>		
Annual leave <sup>(a)</sup>	1,476,071	1,850,072
Long service leave <sup>(b)</sup>	2,585,984	2,505,380
Deferred leave	120,908	46,142
Purchased leave	62,917	20,907
	<b>4,245,880</b>	<b>4,422,501</b>
<i>Other provisions</i>		
Employment on-costs <sup>(c)</sup>	38,677	41,449
	<b>38,677</b>	<b>41,449</b>
	<b>4,284,557</b>	<b>4,463,950</b>
<u>Non-current</u>		
<i>Employee benefits provision</i>		
Long service leave <sup>(b)</sup>	1,770,909	1,594,295
	<b>1,770,909</b>	<b>1,594,295</b>
<i>Other provisions</i>		
Employment on-costs <sup>(c)</sup>	16,934	15,233
	<b>16,934</b>	<b>15,233</b>
	<b>1,787,843</b>	<b>1,609,528</b>

(a) Annual leave liabilities have been classified as current as there is no unconditional right to defer settlement for at least 12 months after the end of the reporting period. Assessments indicate that actual settlement of the liabilities is expected to occur as follows:

Within 12 months of the end of the reporting period	1,163,822	1,458,508
More than 12 months after the reporting period	312,249	391,564
	<b>1,476,071</b>	<b>1,850,072</b>

(b) Long service leave liabilities have been classified as current where there is no unconditional right to defer settlement for at least 12 months after the end of the reporting period. Assessments indicate that actual settlement of the liabilities will occur as follows:

Within 12 months of the end of the reporting period	894,223	840,574
More than 12 months after the reporting period	3,462,670	3,259,101
	<b>4,356,893</b>	<b>4,099,675</b>

(c) The settlement of annual and long service leave liabilities gives rise to the payment of employment on-costs including workers' compensation insurance. The provision is the present value of expected future payments.

The associated expense, apart from the unwinding of the discount (finance cost), is disclosed at note 11 'Other expenses'.

### Movements in other provisions

Movements in each class of provisions during the financial year, other than employee benefits, are set out below.

	2013 \$	2012 \$
<u>Employment on-cost provision</u>		
<i>Current</i>		
Carrying amount at start of period	41,449	33,894
Additional/(reversals of) provisions recognised	(2,772)	-
Payments/other sacrifices of economics benefits	-	7,555
<b>Carrying amount at end of period</b>	<b>38,677</b>	<b>41,449</b>
<i>Non-current</i>		
Carrying amount at start of period	15,233	14,788
Additional provisions recognised	-	-
Payments/other sacrifices of economics benefits	-	445
<b>Carrying amount at end of period</b>	<b>16,934</b>	<b>15,233</b>

### NOTE 26. OTHER LIABILITIES

<u>Current</u>		
Department of Child Protection (DCP) Funding in advance	105,658	148,692
Child representation trust fund	12,500	3,000
Commonwealth paid parenting fund	4,460	7,550
<b>Total current</b>	<b>122,618</b>	<b>159,242</b>

### NOTE 27. EQUITY

The Government holds the equity interest in the Commission on behalf of the community. Equity represents the residual interest in the net assets of the Commission. The asset revaluation surplus represents that portion of equity resulting from the revaluation of non-current assets.

#### Contributed equity

Balance at start of period	595,669	595,669
<u>Contribution by owners</u>		
Capital Appropriation	-	-
<b>Total contributions by owners</b>	<b>-</b>	<b>-</b>
<u>Distribution to owners</u>		
Net assets transferred to government	-	-
<b>Total distributions to owners</b>	<b>-</b>	<b>-</b>
<b>Balance at end of period</b>	<b>595,669</b>	<b>595,669</b>

### Capital appropriations

TI 955 *Contributions by Owners Made to Wholly Owned Public Sector Entities* designates capital appropriations as contributions by owners in accordance with AASB Interpretation 1038 *Contributions by Owners Made to Wholly Owned Public Sector Entities*.

### Distributions to owners

TI 955 requires non-reciprocal transfers of net assets to Government to be accounted for as distributions to owners in accordance with AASB Interpretation 1038.

### **Reserves**

	2013 \$	2012 \$
<u>Asset revaluation surplus</u>		
Balance at start of period	891,904	562,904
Net revaluation increments/(decrements)		
Buildings	-	204,000
Land	370,000	125,000
<b>Balance at end of period</b>	<b>1,261,904</b>	<b>891,904</b>
<u>Asbestosis account reserve</u>		
Balance at start of period	1,206,663	1,206,663
<u>Income:</u>		
Recovered costs	-	-
<u>Expenditure</u>		
Private practitioners fees	-	-
<b>Balance at end of period</b>	<b>1,206,663</b>	<b>1,206,663</b>
<b>Total balance at end of period</b>	<b>2,468,567</b>	<b>2,098,567</b>

After all amounts duly payable from the Asbestosis Reserve have been paid, any moneys then remaining in the Reserve shall be available, as part of the Legal Aid fund, to the Commission for application by it under the State Act.

### **Accumulated surplus**

Balance at start of period	16,317,133	15,985,204
Result for the period	1,512,678	331,929
Income and expense recognised directly in equity	-	-
<b>Balance at end of period</b>	<b>17,829,811</b>	<b>16,317,133</b>
<b>Total Equity at end of period</b>	<b>20,894,047</b>	<b>19,011,369</b>

## NOTE 28. NOTES TO THE STATEMENT OF CASH FLOWS

### Reconciliation of cash

Cash at the end of the financial year as shown in the Statement of Cash Flows is reconciled to the related items in the Statement of Financial Position as follows:

	2013 \$	2012 \$
Cash and cash equivalents	29,640,721	24,544,480
Restricted cash and cash equivalents (note 18 'Restricted cash and cash equivalents')	1,891,299	1,779,359
	<b>31,532,020</b>	<b>26,323,839</b>

### Reconciliation of net cost of services to net cash flows provided by/(used in) operating activities

Net cost of services	(37,126,398)	(36,141,413)
<u>Non-cash items:</u>		
Depreciation and amortisation expense (note 8 'Depreciation and amortisation expense')	780,758	746,793
Doubtful debts expense (note 11 'Other expenses')	105,196	45,462
Net (gain )/loss on disposal of property plant and equipment (note 16 'Net gain/(loss) on sale of non-current assets')	1,576	(16,516)
Implicit right back of interest revenue	60,553	(212,686)
<u>(Increase)/decrease in assets:</u>		
Current receivables <sup>(a)</sup>	(421,814)	431,738
Other current assets	29,264	(36,363)
Non-current receivables	5,179	(557,526)
<u>Increase/(decrease) in liabilities:</u>		
Current payables <sup>(a)</sup>	3,739,425	1,621,819
Current provisions	(179,393)	791,946
Other current liabilities	(36,624)	(389,706)
Non-current provisions	178,315	22,360
Net GST receipts/(payments) <sup>(b)</sup>	82,179	571,078
Change in GST in receivables/payables <sup>(c)</sup>	(175,202)	11,025
<b>Net cash provided by/(used in) operating activities</b>	<b>(32,956,988)</b>	<b>(33,111,989)</b>

(a) Note that the Australian Taxation Office (ATO) receivable/payable in respect of GST and the receivable/ payable in respect of the sale/purchase of non-current assets are not included in these items as they do not form part of the reconciling items.

(b) This is the net GST paid/received, ie. cash transactions.

(c) This reverses out the GST in receivables and payables.

## NOTE 29. COMMITMENTS

The commitments below are inclusive of GST where relevant.

### Lease commitments

	2013 \$	2012 \$
Commitments in relation to leases contracted for at the end of the reporting period but not recognised in the financial statements are payable as follows:		
Within 1 year	2,730,314	2,547,316
Later than 1 year and not later than 5 years	16,657,143	4,814,331
Later than 5 years	71,386,584	525,591
	<b>90,774,041</b>	<b>7,887,238</b>
Representing:		
Non-cancellable operating leases <sup>(a)(b)</sup>	90,774,041	7,887,238
	<b>90,774,041</b>	<b>7,887,238</b>

### Non-cancellable operating lease commitments

Commitments for minimum accommodation lease payments are payable as follows:		
Within 1 year	2,595,283	2,393,653
Later than 1 year and not later than 5 years	16,554,672	4,718,094
Later than 5 years	71,386,584	525,591
	<b>90,536,539</b>	<b>7,637,338</b>

(a) The Commission has entered into property leases which are non-cancellable leases with terms ranging up to 15 years, with rent payable monthly in advance. Contingent rent provisions within the lease agreements require that the minimum lease payments shall be increased by a combination of CPI or a pre-determined percentage per annum. Options exist to renew the leases at the end of the various terms for additional terms.

(b) Accommodation operating lease commitments for the financial year only include property and car parking lease expenses as required by Accounting Standards and TI's.

The commitments below are inclusive of GST

Commitments for minimum motor vehicle lease payments are payable as follows:		
Within 1 year	135,031	153,663
Later than 1 year and not later than 5 years	102,471	96,237
Later than 5 years	-	-
	<b>237,501</b>	<b>249,900</b>

(a) The Commission has entered into motor vehicle leases which are non-cancellable leases with terms ranging up to 3 years, with payments payable monthly in advance.

## NOTE 30. CONTINGENT ASSETS AND CONTINGENT LIABILITIES

There are no contingent assets or liabilities in addition to the assets and liabilities included in the financial statements.

## NOTE 31. EVENTS OCCURRING AFTER THE END OF THE REPORTING PERIOD

There were no events after the end of the reporting period, favourable and/or unfavourable, that occurred between the end of the reporting period and the date when the financial statements are authorised for issue.

## NOTE 32. EXPLANATORY STATEMENT

This statement provides details of any significant variations between estimates and actual results for 2013 and between the actual results for 2012 and 2013. Significant variations are considered to be those greater than 10% or \$5 million.

### Significant variances between estimated and actual results for 2013

	2013 Estimate \$	2013 Actual \$	Variation \$
Supplies and services	4,581,274	5,099,154	517,880
Depreciation and amortisation expense	1,113,753	780,758	(332,995)
User charges and fees	2,792,636	2,434,133	(358,503)
Commonwealth grants and contributions	20,556,535	22,959,941	2,403,406
Other revenue	3,045,080	2,389,439	(655,641)

#### Supplies and Services

Supplies and services expenditure was higher than estimated due to major structural building repairs undertaken at the Legal Aid owned South Hedland office and higher than estimated electricity and contractor costs.

#### Depreciation and amortisation expense

Amortisation expenses were lower than estimated due to an error in providing for an internally generated intangible asset in 2012/13 which had already been recognised in the 2011/12 financial accounts.

#### User charges and fees

Recovered costs on grants of aid and client contributions were lower than estimated.

#### Commonwealth grants and contributions

Additional Commonwealth funding was received for expensive criminal cases for Commonwealth matters. A grant of aid for a Commonwealth criminal matter is considered an expensive case when legal costs exceed \$40,000.

### Other revenue

Lower than estimated revenue was recouped from non-government organisations participating in the Country Lawyers program, as a result of a reduced number of Country Lawyer placements being available in stakeholder non-government organisations. The reduction to revenue recouped from the Country Lawyers program is offset by a reduction to salary and salary on costs expenditure.

### **Significant variances between actual results for 2012 and 2013**

	2013 Actual \$	2012 Actual \$	Variance \$
<u>Income</u>			
User charges and fees	2,434,133	3,009,242	(575,109)
Commonwealth grants and contributions	22,959,941	20,891,192	2,068,750
Interest revenue	1,313,521	1,790,814	(477,293)
Other revenue	2,389,439	3,182,897	(793,458)
<u>Expenses</u>			
Accommodation expense	3,813,106	3,363,271	449,835

### User fees and charges

While the total number of grants of legal aid provided to Clients increased, less grants of legal aid were approved for Magistrates Court matters resulting in less costs being awarded in favour of Legal Aid by the courts. Also, contributions from clients were less than the prior year.

### Commonwealth grants and contributions

Commonwealth expensive cases received a large increase in funding which accounted for most of the appreciation from the prior year. Funding related to the NBN was received for the first time in the 2012/13 period. Also see Note 40(v) Special Category Funding for confirmation of the increase in funding.

### Interest revenue

Interest rates continued to fall during the 2012/13 financial year which led to a reduction in interest earned.

### Other revenue

Revenue for the Legal Contribution Trust was down significantly on the previous financial year due to falling interest rates, an increase in legal expenses and an increase in the number of claims paid from the Trust. Funds received in 2011/12 from the Department of Immigration and Ethnic Affairs were a single year item which also contributed to the reduction.

### Accommodation Expense

All areas within the Accommodation expenses experienced an increase from 2011/12. Lease rental expenditure increased by 10% whilst building maintenance increased by 390% due largely to work being undertaken on the South Hedland building.



## NOTE 33. FINANCIAL INSTRUMENTS

### (a) Financial risk management objectives and policies

Financial instruments held by the Commission are cash and cash equivalents, restricted cash and cash equivalents, receivables and payables. The Commission has limited exposure to financial risks. The Commission's overall risk management program focuses on managing the risks identified below.

#### Credit risk

Credit risk arises when there is the possibility of the Commission's receivables defaulting on their contractual obligations resulting in financial loss to the Commission.

The maximum exposure to credit risk at the end of the reporting period in relation to each class of recognised financial assets is the gross carrying amount of those assets inclusive of any allowance for impairment as shown in the table at note 33(c) 'Financial instruments disclosures' and note 19 'Receivables'.

Credit risk associated with the Commission's financial assets is minimal. The Commission has policies in place to ensure that credit risk is minimal. For example, where possible, debts due are adequately secured by way of caveats or memorials over the properties of the debtor. In addition, where such debts cannot be secured either because the amount of the debt is small or the client does not have adequate assets to offer as security, the Commission monitors the debts and communicates with debtors on an ongoing basis to ensure that debts are collected promptly to minimise the amount of irrecoverable debts to be written off. At the end of the reporting period there were no significant concentrations of credit risk.

Credit risk, although minimal, also exists for cash and cash equivalents and restricted cash and cash equivalents. The Commission's exposure to credit risk in respect of such financial instruments arises from default of the counter party (banks) which is highly unlikely. The Commission is a public benevolent institution and as such the primary investment policy objective is to ensure the security and minimise the risk to the Commission's cash reserves. Where alternative options exist for the investment of funds at equivalent levels of risk, those investment options which provide the highest returns on invested funds are used wherever possible. The investment of funds is governed by section 39 of the Financial Management Act. Investments are made in a manner specified in section 37 of that Act.

#### Liquidity risk

Liquidity risk arises when the Commission is unable to meet its financial obligations as they fall due.

The Commission is exposed to liquidity risk through its trading in the normal course of business.

The Commission has appropriate procedures to manage cash flows including drawdown's of appropriations by monitoring forecast cash flows to ensure that sufficient funds are available to meet it's commitments. The Commission attempts to maximise revenues from surplus funds by fixed term deposit investments chosen. The term of investments is based on the annual cash flow budget in order to meet cash requirements in a timely manner. The selection of the term of the investment depends upon the cash flow requirements and the rate of return available for different investment terms.

### Market risk

Market risk is the risk that changes in market prices such as foreign exchange rates and interest rates will affect the Commission's income or the value of its holdings of financial instruments. The Commission does not trade in foreign currency and is not materially exposed to other price risks [for example, equity securities or commodity price changes]. The Commission's exposure to market risk for changes in interest rates relate primarily to surplus, cash and cash equivalents and restricted cash and cash equivalents investments. Other than as detailed in the interest rate sensitivity analysis table at note 33(c), the Commission is not exposed to interest rate risk because apart from amounts of restricted cash, all other cash and cash equivalents and restricted cash are non interest bearing and it has no borrowings.

The Commission's policy is to manage changes in interest rates by using a mix of fixed and variable interest rate investments as appropriate.

### **(b) Categories of financial instruments**

In addition to cash, the carrying amounts of each of the following categories of financial assets and financial liabilities at the end of the reporting period are:

	2013 \$	2012 \$
<u>Financial Assets</u>		
Cash and cash equivalents <sup>(a)</sup>	29,640,721	24,544,480
Restricted cash and cash equivalents	1,891,299	1,779,359
Receivables <sup>(b)</sup>	6,997,605	6,498,792
<u>Financial Liabilities</u>		
Payables	15,547,296	11,807,871

(a) Cash and cash equivalents balance includes petty cash balance.

(b) The amount of receivables excludes GST recoverable from the ATO (statutory receivable).

### **(c) Financial instrument disclosures**

#### Credit risk

The following tables disclose the Commission's maximum exposure to credit risk and the ageing analysis of financial assets. The Commission's maximum exposure to credit risk at the end of the reporting period is the carrying amount of financial assets as shown below. The table discloses the ageing of financial assets that are past due but not impaired and impaired financial assets. The table is based on information provided to senior management of the Commission.

The Commission holds collateral as security relating to the financial assets it holds.

The Commission does not hold any financial assets that had to have their terms renegotiated that would have otherwise resulted in them being past due or impaired.

Aged analysis of financial assets								
	Carrying Amount	Not past due and not impaired	Past due but not impaired				Impaired financial assets	
				Up to 3 months	3 months to 1 year	1 year to six years		More than 6 years
			\$	\$	\$	\$		\$
<b>2013</b>								
Cash & cash equivalents	29,640,721	29,640,721		-	-	-	-	-
Restricted cash & cash equivalents	1,891,299	1,891,299		-	-	-	-	-
Receivables <sup>(a)</sup>	6,997,605			2,254,822	380,297	2,235,582	2,126,904	-
	38,529,625	31,532,020		2,254,822	380,297	2,235,582	2,126,904	-
<b>2012</b>								
Cash & cash equivalents	24,544,480	24,544,480		-	-	-	-	-
Restricted cash & cash equivalents	1,779,359	1,779,359		-	-	-	-	-
Receivables <sup>(a)</sup>	6,498,792	-		1,733,970	262,966	2,463,485	2,038,369	-
	32,822,631	26,323,839		1,733,970	262,966	2,463,485	2,038,369	-

(a) The amounts of receivables excludes the GST recoverable from the ATO (statutory receivable).

### Liquidity risk and interest rate exposure

The following table details the Commission's interest rate exposure and the contractual maturity analysis of financial assets and financial liabilities. The maturity analysis section includes interest and principal cash flows. The interest rate exposure analyses only the carrying amounts of each item.

Interest rate exposure and maturing analysis of financial assets and financial liabilities															
	Weighted Average Effective Interest Rate %	Carrying Amount \$	Interest rate exposure			Nominal Amount \$	Maturity Dates								
			Fixed Interest Rate \$	Variable Interest Rate \$	Non-Interest Bearing \$		Up to 3 months \$	3 months to 1 year \$	1 year to 6 years \$	More than 6 years \$					
<b>2013</b>															
<u>Financial Assets</u>															
Cash and cash equivalents		29,640,721	21,175,661	7,743,052	722,008	-	-	-	-	-	-	-	-	-	-
Restricted cash and cash equivalents		1,891,299	1,874,339	-	16,960	-	-	-	-	-	-	-	-	-	-
Receivables <sup>(a)</sup>	3.105 <sup>(b)</sup>	6,997,605	-	-	6,997,605	-	2,254,822	380,297	2,235,582	2,126,904	-	-	-	-	-
		<b>38,529,625</b>	<b>23,050,000</b>	<b>7,743,052</b>	<b>7,736,573</b>	<b>-</b>	<b>2,254,822</b>	<b>380,297</b>	<b>2,235,582</b>	<b>2,126,904</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<u>Financial Liabilities</u>															
Payables		15,547,296	-	-	15,547,296	-	-	-	-	-	-	-	-	-	-
		<b>15,547,296</b>	<b>-</b>	<b>-</b>	<b>15,547,296</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

(a) The amount of receivables excludes the GST recoverable from the ATO (statutory receivable)

Liquidity risk and interest rate exposure

Interest rate exposure and maturing analysis of financial assets and financial liabilities															
	Weighted Average Effective Interest Rate %	Carrying Amount \$	Interest rate exposure			Nominal Amount \$	Maturity Dates								
			Fixed Interest Rate \$	Variable Interest Rate \$	Non-Interest Bearing \$		Up to 3 months \$	3 months to 1 year \$	1 year to 6 years \$	More than 6 years \$					
<b>2012</b>															
<u>Financial Assets</u>															
Cash and cash equivalents		24,544,480	15,631,191	4,112,723	4,800,566	-	-	-	-	-	-	-	-	-	-
Restricted cash and cash equivalents		1,779,359	1,768,809		10,550	-	-	-	-	-	-	-	-	-	-
Receivables <sup>(a)</sup>	2.668 <sup>(b)</sup>	6,498,792	-		6,498,792	-			1,733,970	262,966	2,463,485			2,038,369	
		<b>32,822,631</b>	<b>17,400,000</b>	<b>4,112,723</b>	<b>11,309,908</b>	-			<b>1,733,970</b>	<b>262,966</b>	<b>2,463,485</b>			<b>2,038,369</b>	
<u>Financial Liabilities</u>															
Payables		11,807,871	-		11,807,871	-			-	-	-	-	-	-	-
		<b>11,807,871</b>	-		<b>11,807,871</b>	-			-	-	-	-	-	-	-

(a) The amount of receivables excludes the GST recoverable from the ATO (statutory receivable)

(b) The interest rate used in the tables above is 3.105% (2012: 2.668%) which is the 5 year government bond rate as at June 30 2013.

(c) The amounts disclosed are the contractual undiscounted cash flows of each class of financial liabilities.

(d) Floating interest rates represent the most recent rate applicable to the instrument at the end of the reporting period.

### Interest rate sensitivity analysis

The following table represents a summary of the interest rate sensitivity of the Commission's financial assets at the end of the reporting period on the surplus for the period and equity for a 1% change in interest rates. It is assumed that the change in interest rates is held constant throughout the reporting period.

The Commission took into account past performance, future explanations, economic forecasts, and management's knowledge and experience of financial markets to determine the movements that are reasonably possible over the next 12 months.

	Carrying amount	-100 basis points		+100 basis points	
		Surplus	Equity	Surplus	Equity
2013	\$	\$	\$	\$	\$
<u>Financial assets</u>					
Cash and cash equivalents <sup>(a)</sup>	29,633,721	(296,337)	(296,337)	296,337	296,337
Restricted cash and cash equivalents	1,891,299	(18,913)	(18,913)	18,913	18,913
Total Increase/(Decrease)		<b>(315,250)</b>	<b>(315,250)</b>	<b>315,250</b>	<b>315,250</b>
2012					
<u>Financial assets</u>					
Cash and cash equivalents <sup>(a)</sup>	24,537,405	(245,374)	(245,374)	245,374	245,374
Restricted cash and cash equivalents	1,779,359	(17,794)	(17,794)	17,794	17,794
Total Increase/(Decrease)		<b>(263,168)</b>	<b>(263,168)</b>	<b>263,168</b>	<b>263,168</b>

(a) Cash and cash equivalents balance does not include petty cash balance.

### Fair values

All financial assets and liabilities recognised in the Statement of Financial Position, whether they are carried at cost or fair value, are recognised at amounts that represent a reasonable approximation of fair value unless otherwise stated in the applicable notes.

## NOTE 34. REMUNERATION OF MEMBERS OF THE COMMISSION AND SENIOR OFFICERS

### Remuneration of members of the Commission

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

		\$		2013	2012
	0	-	10,000	5	5
	20,001	-	30,000	1	1
	450,001	-	460,000	-	1
	490,001	-	500,000	1	-
				<b>\$</b>	<b>\$</b>
Base remuneration and superannuation				417,798	410,653
Annual leave and long service leave accruals				39,960	38,702
Other benefits				34,069	30,000
<b>The total remuneration of the members of the Commission</b>				<b>491,827</b>	<b>479,355</b>

The total remuneration includes the superannuation expense incurred by the Commission in respect of members of the Commission.

No members of the accountable authority are members of the pension scheme.

### Remuneration of senior officers

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

	\$		\$	2013	2012
	140,001	-	150,000	1	1
	150,001	-	160,000	-	1
	160,001	-	170,000	-	1
	170,001	-	180,000	1	-
	180,001	-	190,000	2	-
	190,001	-	200,000	1	3
	200,001	-	210,000	1	-
	210,001	-	220,000	1	1
	220,001	-	230,000	-	1
	230,001	-	240,000	1	-
				<b>\$</b>	<b>\$</b>
Base remuneration and superannuation				1,152,029	1,137,722
Annual leave and long service leave accruals				165,710	157,092
Other benefits				237,163	192,915
<b>The total remuneration of senior officers</b>				<b>1,554,902</b>	<b>1,487,729</b>

The total remuneration includes the superannuation expense incurred by the Commission in respect of senior officers other than senior officers reported as members of the Commission.

There are no senior officers who are members of the pension scheme.



## NOTE 35. REMUNERATION OF AUDITOR

Remuneration paid or payable to the Auditor General in respect of the audit for the current financial year is as follows:

	2013 \$	2012 \$
Auditing the accounts, financial statements and key performance indicators	78,000	74,000

The remuneration of auditor is included at note 7 'Supplies and services'. The remuneration to 30 June 2013 was not accrued as work was not substantially completed. This amount excludes GST.

## NOTE 36. RELATED BODIES

The Commission had no related bodies during the financial year.

## NOTE 37. AFFILIATED BODIES

The Commission had no affiliated bodies during the financial year.

## NOTE 38. SPECIAL PURPOSE ACCOUNTS

### Special Purpose Account

#### (i) Child Representation Trust Fund<sup>(a)</sup>

The child representation trust fund has been established essentially for monies received from client's 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.

Balance at start of period	3,000	6,500
Receipts	9,500	-
Payments	-	(3,500)
<b>Balance at end of period</b>	<b>12,500</b>	<b>3,000</b>

(a) Established under section 16(1)(b) of FMA.

### Special Purpose Account

#### (ii) Client Trust Fund<sup>(b)</sup>

The purpose of the trust account is to hold funds in trust for persons who are or have been assisted persons.

Balance at start of period	117,944	80,556
Receipts	670,460	346,481
Payments	(573,130)	(309,093)
<b>Balance at end of period</b>	<b>215,274</b>	<b>117,944</b>

In addition to the above, individual interest bearing trust accounts in the name of the Director of Legal Aid in trust for "clients" administered by the Legal Aid Commission. These accounts are used when substantial amounts of money are involved or as the court so directs.

(b) Established under section 16(1)(c) of FMA.

## NOTE 39. SUPPLEMENTARY FINANCIAL INFORMATION

### (a) Write-Offs

	2013	2012
	\$	\$
Debts written off during the year that were authorised by the Commission.	<b>62,792</b>	<b>81,988</b>

## NOTE 40. SPECIAL CATEGORY FUNDING

During the course of the year the Commission realised expenditure related to legal representation costs in support of two special categories.

### (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 for 2012/13 is as follows:

Balance at start of period	193,364
Expenditure 2012/13	(26,000)
Funds remaining 30 June 2013	<b>167,364</b>

### (ii) Department of Child Protection (DCP) Legal Fund

A legal fund for private lawyers to investigate and provide advice as to claims that children may have been abused whilst in care of the Department of Child Protection (DCP).

Balance at start of period	148,692	221,064
Funding	302,430	34,050
Expenditure	(345,465)	(106,422)
Balance at end of period	<b>105,658</b>	<b>148,692</b>

### (iii) 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.

Balance at start of period	138,541	33,421
Receipt from Commonwealth	272,553	527,660
User charges and fees	49,050	21,196
Expenditure	(444,794)	(443,736)
Balance at end of period	<b>15,350</b>	<b>138,541</b>

#### (iv) 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 \$26,000. The reconciliation of the expensive cases fund for 2012/2013 is as follows:

	2013 \$	2012 \$
Balance at start of period	228,468	(138,491)
Supplementary funding	2,700,000	2,298,000
Expenditure	(2,859,083)	(1,931,041)
Funds owing at end of period	<b>69,385</b>	<b>228,468</b>

#### (v) Commonwealth Expensive Cases

Arrangements exist with the Commonwealth 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 \$40,000. The reconciliation of the expensive cases fund for 2012/13 is as follows:

Balance at start of period	(1,340,857)	(424,947)
Supplementary Funding	2,456,497	510,532
Expenditure	(472,758)	(1,426,442)
Funds (owing) at end of period	<b>642,882</b>	<b>(1,340,857)</b>

### **NOTE 41. 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
Balance at start of period	2,088,435	144,307
Receipts	4,300,554	5,045,400
Payments	(4,051,212)	(5,060,661)
Balance at end of period	<b>2,337,777</b>	<b>129,047</b>


## 7.3 ADDITIONAL KEY PERFORMANCE INDICATOR INFORMATION

### KEY PERFORMANCE INDICATORS

#### Certification of Key Performance Indicators

We hereby certify that the key performance indicators are based on proper records, are relevant and appropriate for assisting users to assess the Legal Aid Commission of Western Australia's performance, and fairly represent the performance of the Legal Aid Commission of Western Australia for the financial year ended 30 June 2013.

  
**Stuart Shepherd**  
**Chairman**  
Date: 19.08.2013

  
**George Turnbull**  
**Director**  
Date: 19/8/13

## Detailed Information in Support of Key Performance Indicators

Agency funds are limited and determining the extent and type of assistance provided to clients is central to Legal Aid WA operations. This involves allocating resources to services that are available to the general community and to services, including legal representation that is restricted and managed according to the extent of disadvantage a person is experiencing.

**Government Goal:** Greater focus on achieving results in key service delivery areas for the benefit of all Western Australians.

**Agency Level Government Desired Outcome:** Equitable access to legal services and information.

**Agency Services Delivered:** The community and target groups require access to and the provision of quality legal services. 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.

### OUR SERVICES:

For the community		For target groups			For legal service providers
Information and advice	Duty lawyer services	Legal advice, Minor assistance and Advocacy	Legal representation	Community education services	Regional initiatives for legal practice
To assist members of the public to identify legal problems, understand the alternatives for resolution and the resources available to them in pursuing a legal solution. Includes referral to other agencies and is delivered through public counters in all offices and by 1800 INFOLINE	To ensure that members of the public brought before the courts have access to legal advice so that they understand the options available for responding to legal proceedings in which they are involved. Available at all Magistrate's Court sittings throughout WA, the Family Court of WA and the Children's Court.	To assist people facing legal issues with advice and practical help, including advocacy, drafting of negotiating letters and the preparation of court documentation. Delivered by lawyers and at all office locations, and by paralegal staff under supervision of Solicitors.	To ensure persons from priority groups are legally represented to the extent that is necessary and commensurate with their particular individual need. Includes assessment and case management for persons who are refused assistance. Includes all services provided pursuant to a grant of aid, including Alternative Dispute Resolution (ADR).	To ensure priority groups and partner organisations have access to relevant publications, self help kits, community legal education and knowledge resources sufficient to build their capacity and self-reliance in navigating the justice system. Includes electronic access to some legal aid systems and resources, by partner agencies.	To increase the presence of lawyers in regional and remote areas of Western Australia and to ensure legal practice training and professional development is available to providers of legal services in regional and remote areas of Western Australia. Country lawyers are employed, trained and supervised by Legal Aid WA and training and professional development is delivered through legal practice training and interactive online learning systems.

## Effectiveness Indicators

The outcome sought by Legal Aid WA as a result of the services provided is equitable access to legal services and information.

Equitable access to legal services is measured by the proportion of eligible applicants who receive a grant of aid and the extent to which duty lawyer services are available to ensure that all members of the public brought before the courts have access to legal advice, so that they understand the options available for responding to legal proceedings in which they are involved. Determining the type and extent of assistance provided to people is critical to Legal Aid WA's operations. Decisions about the appropriateness of the service provided are regulated by policies and procedures relating to clients' means, the nature and seriousness of their legal problem and the availability of resources.

Equitable access to legal information is measured by the extent to which members of the public are able to access Legal Aid WA's Infoline service to identify legal problems, understand the alternatives for resolution and the resources available in pursuing a legal and non-legal solution.

## DESIRED OUTCOMES AND KEY EFFECTIVENESS/EFFICIENCY INDICATORS

### Agency Level Government Desired Outcome: Equitable access to legal services and information.

Effectiveness Indicators	2009-10 ACTUAL	2010-11 ACTUAL	2011-12 ACTUAL	2012-13 BUDGET	2012-13 ACTUAL	Reasons for significant variance** between current actuals and target and prior year comparative
Percentage of eligible applicants who receive a grant of legal aid	75%	77%	70%	74%	75%	There is no significant variation
Percentage of persons who are provided with a duty lawyer service*	20%	21%	24%	25%	25%	There is no significant variation
Percentage of callers successfully accessing infoline services	86%	89%	86%	88%	78%	The InfoLine experienced higher than expected call demand during the year, with an additional 10% more phone calls being offered to the InfoLine. This coupled with staff shortages during the period resulted in higher abandoned call rate and therefore a reduction in the effectiveness rate.

\*Note: This key indicator represents the extent to which duty lawyer services are available to ensure that all members of the public brought before the courts have access to legal advice so that they understand the options available for responding to legal proceedings in which they are involved. Duty lawyer services are available at the Magistrate's Court throughout Western Australia, the Family Court of Western Australia and the Children's Court. Persons appearing before the Court may also choose to have their own legal representation, they may be represented by another legal assistance service provider, or they may choose to represent themselves.

The Department of the Attorney General implemented a new case management system in 2012-13 and can no longer provide information on appearances for civil cases in the Magistrate's Court and Children's Court. The information on appearances for criminal cases in the Magistrate's Court and Children's Court, and on appearances for family cases in the Family Court remain the same as prior years. Duty lawyer services provided by Legal Aid for the corresponding civil cases have been removed from the indicator and prior three-year outcomes have been re-instated for consistency purposes. During 2011-12 year, duty lawyer services provided for the corresponding civil cases represented 3.8% of total duty lawyer services provided.

### Service: Legal Aid Assistance

Key efficiency indicators	2009-10 ACTUAL	2010-11 ACTUAL	2011-12 ACTUAL	2012-13 BUDGET	2012-13 ACTUAL	Reasons for significant variance between current actuals and target and prior year comparative
Average cost per legal representation	2,744	3,192	3,722	3,591	3,759	There is no significant variation
Average cost per legal information service	25	30	36	32	34	There is no significant variation
Average cost per legal advice	160	195	204	205	199	There is no significant variation
Average cost per application for a grant of legal aid processed	271	282	302	285	396	A high turnover of experienced staff in 2012-13 has resulted in the significant increase in the average cost of assessing and processing applications for grants of legal aid. An external review has been conducted and the recommendations are to be implemented during 2013-14, with the view to producing greater efficiencies and a reduction to the cost of assessing and processing applications in 2014-15.
Average cost of delivering regional initiatives for legal practice	24,482	11,679	16,554	14,879	11,220	The decrease in the 2012-13 average cost is due to the roll out of the new online Learning Management System, which has reduced the cost of delivering CPD training to lawyers in regional and remote areas in WA.

\*\* Note: Significant variances are considered to be those greater than 5%.

## 7.4 MINISTERIAL DIRECTIVES

No Ministerial directives were received during the financial year.

## 7.5 OTHER FINANCIAL DISCLOSURES

### 7.5.1 Pricing policies of services provided

Legal Aid WA charges for goods and services rendered on a full or partial cost recovery basis. These fees and charges were determined in accordance with *Costing and Pricing Government Services: Guidelines for Use by Agencies in the Western Australian Public Sector* published by the Department of Treasury.

### 7.5.2 Capital Works

No capital projects were completed in 2012-13.



## Employee and industrial relations

### EMPLOYEE PROFILE 2012/2013

Level	Lawyers			Paralegal			Administration			Graduates			TOTAL 2011/12	TOTAL 2012/13	% 2011/12	% 2012/13
	P	O	C	P	O	C	P	O	C	P	O	C				
Cadet					1								1	1	0.30%	0.29%
1							5	6					10	11	2.99%	3.24%
2							53	13					65	66	19.40%	19.47%
3				34	7		10	2			6		66	59	19.70%	17.40%
4				12	2		7						17	21	5.07%	6.19%
5				6			7						14	13	4.18%	3.83%
6				1			6						6	7	1.79%	2.06%
7							3						2	3	0.60%	0.88%
8							4						3	4	0.90%	1.18%
9													0	0	0.00%	0.00%
Class 1													0	0	0.00%	0.00%
Class 2													0	0	0.00%	0.00%
Class 3								1					1	1	0.30%	0.29%
Class 4													0	0	0.00%	0.00%
Special Division		1											1	1	0.30%	0.29%
S/C Level 1	6	19											33	25	9.85%	7.37%
S/C Level 2	33	8					1						33	42	9.85%	12.39%
S/C Level 3	10	3											17	13	5.07%	3.83%
S/C Level 4	28	3					1						24	32	7.16%	9.44%
S/C Level 5	5												10	5	2.99%	1.47%
S/C Level 6	25												24	25	7.16%	7.37%
S/C Level 7	1												2	1	0.60%	0.29%
S/C Level 8	3												1	3	0.30%	0.88%
S/C Level 9	1												1	1	0.30%	0.29%
S/C Level 10	4	1											4	5	1.19%	1.47%
<b>TOTAL</b>	<b>116</b>	<b>35</b>	<b>0</b>	<b>53</b>	<b>10</b>	<b>0</b>	<b>97</b>	<b>22</b>	<b>0</b>	<b>0</b>	<b>6</b>	<b>0</b>	<b>335</b>	<b>339</b>	<b>100%</b>	<b>100%</b>

#### Includes staff on LWOP:

2011/2012 LWOP 9 Females

2012/2013 LWOP 13 Females

Note: Legal staff, Psychologists and Librarians paid under GOSAC Specified Callings

**P = Permanent Employee**

**O = Contract Employee**

**C = Casual Employee**

#### Workers Compensation

Three compensation claims of a minor nature were recorded during the financial year. This compares with five compensation claims of a minor nature recorded in 2011-12.

## 7.6 GOVERNANCE DISCLOSURES

### Pecuniary interests

The *Legal Aid Commission Act 1976* requires members to disclose their pecuniary interest in matters being considered and to have such disclosure recorded in the minutes of that meeting. No disclosures were recorded.

### Contracts with Senior Officers

At the date of reporting, no senior officers, or firms of which senior officers are members, or entities in which senior officers have substantial interests, had any interests in existing or proposed contracts with the Legal Aid Commission of Western Australia other than normal contracts of employment of services.

### Insurance premiums to indemnify any director

An insurance premium of \$5,296.50 (incl GST) was paid to Jardine Lloyd Thompson for Director's and Officers' liability insurance.

### Professional conduct

Legal Aid WA and individual legal practitioners employed by or receiving remuneration from Legal Aid WA, are required, where applicable, to comply with the *Legal Profession Act 2008*, *Legal Profession Regulations 2009*, *Legal Profession Rules 2009*, and *Legal Profession Conduct Rules 2010*.

### Application of Accountability Legislation

Section 56 of the *Legal Aid Commission Act 1976* states that the provisions of the Financial Management Act 2006 regulating the financial administration, audit and reporting of statutory authorities apply to and in respect of the Commission and its operations.

## 7.7 OTHER LEGAL REQUIREMENTS

### Expenditure on advertising, market research, polling and direct mail

In accordance with section 175ZE of the *Electoral Act 1907*, the Commission incurred the following expenditure in advertising, market research, polling, direct mail and media advertising:

#### Total expenditure for 2012-13 was \$ 22,643.30

Expenditure was incurred in the following areas:

Advertising Agencies	\$6,238.30	Adcorp	\$5,271.64
		Countrywide Australia	\$440.00
		ABG Pages	\$181.77
		Seek	\$281.25
		Lizart Productions	\$63.64
Market research organisations	\$16,405.00	Advantage Communications and Marketing	\$16,405.00
Polling Organisations	Nil		Nil
Direct mail organisations	Nil		Nil
Media advertising organisations	Nil		Nil

Annual Estimates for the year ending 30 June 2014

	2013-14 PROPOSED \$
<b>OPERATING EXPENSES</b>	
<b><u>Legal Service Expenses</u></b>	
Casework Costs	18,961,253
Disbursements	787,793
Sundry Casework Expenses	76,247
Other Service Expenses	282,282
<b>TOTAL Legal Service Expenses</b>	<b>20,107,575</b>
<b><u>Salaries and Related Expenses</u></b>	
Salaries and Allowances	28,995,775
Staff Related Expenses	4,205,004
<b>TOTAL Salaries and Related Expenses</b>	<b>33,200,779</b>
<b><u>Other Operating Expenses</u></b>	
Communications	896,651
Services and Contracts	5,711,272
Consumables	1,056,091
Maintenance	597,668
Other	547,915
Depreciation	799,904
<b>TOTAL Other Operating Expenses</b>	<b>9,609,501</b>
<b><u>Other Grants</u></b>	
State Community Legal Centres	4,664,130
<b>TOTAL Other Operating Expenses</b>	<b>4,664,130</b>
<b>TOTAL OPERATING EXPENSES</b>	<b>67,581,985</b>
<b>REVENUE FROM SERVICES</b>	
Contributions	2,098,742
Revenue from Services	204,716
Other Operating Revenue	1,622,427
Legal Contribution Trust Fund	1,000,000
Interest Revenue	1,258,696
<b>TOTAL REVENUE FROM SERVICES</b>	<b>6,184,581</b>
<b>NET COST OF SERVICE</b>	<b>(61,397,404)</b>
<b>REVENUE FROM GOVERNMENT</b>	
<b><u>Commonwealth Revenues</u></b>	
Cwth Funding National Partnership Agreement	20,245,000
Cwth Funding Christmas Island	391,904
Cwth Country Lawyers Program	100,000
Cwth Other	1,490,500
<b>TOTAL Commonwealth Revenues</b>	<b>22,227,404</b>
<b><u>State Revenues</u></b>	
State Funding Recurrent	36,353,000
Other Funding State Community Legal Centres	893,000
Other State Funding	258,000
<b>TOTAL State Revenues</b>	<b>37,504,000</b>
<b>TOTAL REVENUE FROM GOVERNMENT</b>	<b>59,731,404</b>
<b>Annual Operating surplus/(deficit)</b>	<b>(1,666,000)</b>

## **Compliance with Public Sector Standards and Ethical Codes**

Legal Aid WA strives to maintain compliance with the Public Sector Standards in Human Resources Management, the Public Sector Code of Ethics and our Code of Conduct.

### **Public Sector Standards**

- Recruitment and Selection training is provided to managers and key recruiters;
- Human Resources quality assure all recruitment and selection processes;
- Standards information is readily available to all staff;
- Standards information is provided to job applicants;
- Ongoing mentoring support is available to managers and recruiters;
- During 2012/2013 two (2) Breach of Standards claims were received. Both claims were investigated. No breach of standard was identified.

### **WA Code of Ethics**

- Ethics issues are raised with the Director of Legal Aid if they arise;
- Legal Aid WA operates a Gift Register;
- All new staff are informed of their obligations under the WA Public Sector Code of Ethics and this information is readily available to staff via the staff intranet and Corporate Induction online training module;
- Online Accountable and Ethical Decision Making training continues to be delivered to staff;
- A trained group of Grievance and Contact Officers are available to all staff;
- No allegations of non-compliance with the WA Code of Ethics were received in 2012/2013.

### **Code of Conduct**

- New staff are informed of and asked to acknowledge their obligations under the Legal Aid WA Code of Conduct. This document is available to all staff via the intranet and online corporate induction module;
- A trained group of Grievance and Contact Officers are available to all staff;
- No allegations of inappropriate behaviour were received in 2012/2013.

## **Recordkeeping Plans**

Legal Aid Western Australia (LAWA) amended recordkeeping plan was approved on 30 August 2012. The plan demonstrates progress towards better practice recordkeeping and compliance with the minimum requirements of SRC Standard 2: Recordkeeping Plans and SRC Standard 6: Outsourcing. In accordance with section 28 of the *State Records Act 2000* the plan for LAWA is to be reviewed within 5 years of its approval date.

In accordance with the State Records Commission Standard 2 and Principle 6 the following information demonstrates Legal Aid WA's compliance.

### **Efficiency and effectiveness of the organisations recordkeeping systems**

An internal audit of recordkeeping was conducted in 2012 which resulted in certain recommendations. Review and implementation of these recommendations are ongoing.

### **The nature and extent of the recordkeeping training program**

Legal Aid WA conducts online training programs for recordkeeping. The Recordkeeping Awareness Training (RAT) is incorporated into the induction package provided to all new staff. A refresher online training program is delivered to all staff 12 months after they have completed the initial program. In-person training is also conducted on Legal Aid WA's Document Management System and Business Classification Scheme to new employees with follow up training as required.

### **Efficiency and effectiveness of the recordkeeping training**

Reviews of the Recordkeeping training is done on an ongoing basis through feedback and evaluation of usage of LAWA's Document Management System and Business Classification Scheme.

### **Organisations induction program addressing employee roles and responsibilities in regard to their compliance with the recordkeeping plan**

Legal aid WA's recordkeeping training which is part of the induction program includes employees' roles and responsibilities in regard to their compliance with the recordkeeping plan.

## 7.8 GOVERNMENT POLICY REQUIREMENTS

### Occupational Safety, Health and Injury Management

*Statement of Legal Aid WA's commitment to occupational safety and health and injury management*

Legal Aid WA promotes safety at work. Everyone is encouraged to take all practicable measures to protect the safety, health and well being of themselves and others within the workplace. We are committed to managing risks by reporting, identifying, analysing, evaluating and treating exposures that are likely to impact on the performance or safety and health of our people. Every employee is recognised as having a role in risk management.

*A description of the formal mechanism for consultation with employees on occupational safety and health measures*

Forums for the circulation of OSH related information include:

- Incident and risk reporting process which provides an avenue for staff to report incidents, hazards or issues relating to resilience matters;
- Reports from the Work Health Safety Committee;
- Safety updates and information circulated to staff via the intranet;
- 'Resilience' training provided to all frontline staff;
- 'Safety First – Working Safely with Clients at Legal Aid WA' training provided to all staff;
- 'OSH for Managers and Supervisors' training provided to all managers and supervisors;
- 'In Person Safety/ Self Defence' training offered to all staff;
- New and existing staff and contractors are provided with OSH information and procedures through the online 'Corporate Induction'. This can be revisited at any time;
- Ergonomic assessments;
- Trained First Aid Officers and Fire Wardens;
- Risk inspections;
- Risk Register.

Legal Aid WA promotes and supports staff wellness by:

- Making an Employee Assistance Program (EAP) available to all staff and their immediate families. The EAP is actively promoted to staff;
- Offering fully subsidised flu vaccinations to all staff and offering fully subsidised inoculations such as Hepatitis to staff working in frontline roles;
- Providing bicycle parking and shower and locker facilities;
- Offering wellness seminars and health assessments;
- Openly discussing resilience related issues and encouraging debriefing practices;
- Making trained Contact Officers available to staff in all parts of our organisation;
- Supporting work-life balance and the use of flexible work options, where operationally suitable;
- Managing the use of accrued leave;
- Interested staff are taking part in the Global Corporate Challenge. All participants are challenged to walk 10000 steps per day or more.

*Statement of compliance with the injury management requirements of the Workers' Compensation and Injury Management Act 1981*

Legal Aid WA adheres to the injury management compliance requirements in accordance with the *Worker's Compensation and Injury Management Act 1981*, and provides consultancy and advisory services to staff managing workplace injuries in accordance with the Act.

*A statement confirming that a self evaluation (annual) or an external accredited assessment (within previous three years) of occupational safety and health management systems has been completed that includes a summary of findings*

Legal Aid WA did not complete an accredited assessment during the reporting period.

Performance Indicator	Comment
Number of Fatalities	0.00
Lost Time Injury/Diseases (LTI/D) Rate	2.00
Lost Time Injury Severity Rate	0.00
Percentage of injured workers returned to work within (i) 13 weeks and (ii) 26 weeks.	All injured workers returned to work within 13 weeks.
Percentage of Managers trained in OSH and Injury management responsibilities.	39%

Fin Year	Number of Fatalities	Number of Lost Time Injury or Disease	Number of Severe Claims	Lost Time Injury Severity Rate
2011/12	0.00	0.00	0.00	0.00
2012/13	0.00	0.00	0.00	0.00

Data Definitions	
Fatalities	Number of compensated work related fatalities
Lost time injury or disease	The number of lost time injury/disease claims where one day/ shift or more was estimated to be lost on claims lodged in the financial year.
Severe Claims	The number of severe injuries (estimated 60 days or more lost from work). An injury resulting in death is considered to have accounted for 60 days or more lost.
Severity Rate	The number of Severe Claims divided by the number of lost time injury/ disease claims multiplied by 100.
Invalid Claims	Cancelled and Declined claims are excluded, however claims with actual lost time recorded are included even though a subsequent approval may have been declined.

## 8. LEGAL AID OFFICES

### PERTH OFFICE

55 St Georges Terrace  
Perth WA 6000

Telephone (08) 9261 6222  
Facsimile (08) 9325 5430

### TELEPHONE INFORMATION LINE

General Inquiries	1300 650 579
National Relay Service: (for hearing and speech impaired)	133 677
Translating and interpreting services	131 450

### WEBSITE

[www.legalaid.wa.gov.au](http://www.legalaid.wa.gov.au)

### FREMANTLE REGIONAL OFFICE

Shop 7, Queensgate Centre  
William Street  
Fremantle WA 6160

Telephone (08) 9336 9100  
Facsimile (08) 9335 1338

### MIDLAND REGIONAL OFFICE

Landgate Building  
1 Midland Square  
Cnr The Avenue & Old Great Northern Highway  
Midland WA 6056

Telephone (08) 9274 3327  
Facsimile (08) 9274 3595

### SOUTHWEST REGIONAL OFFICE

Koombana Court  
141 Victoria Street  
Bunbury WA 6230

Telephone (08) 9721 2277  
Facsimile (08) 9721 2060

### EAST KIMBERLEY REGIONAL OFFICE

98 Konkerberry Drive  
Kununurra WA 6743

Telephone (08) 9166 5800  
Facsimile (08) 9166 5888

### GREAT SOUTHERN REGIONAL OFFICE

Unit 3, 43-47 Duke Street  
Albany WA 6330

Telephone (08) 9892 9700  
Facsimile (08) 9892 9777

### GOLDFIELDS REGIONAL OFFICE

Suite 3, 120 Egan Street  
Kalgoorlie WA 6430

Telephone (08) 9025 1300  
Facsimile (08) 9091 2077

### MIDWEST & GASCOYNE REGIONAL OFFICE

Unit 7, The Boardwalk  
273 Foreshore Drive  
Geraldton WA 6530

Telephone (08) 9921 0200  
Facsimile (08) 9921 0255

### PILBARA REGIONAL OFFICE

28 Throssell Road  
South Hedland WA 6722

Telephone (08) 9172 3733  
Facsimile (08) 9172 2061

### WEST KIMBERLEY REGIONAL OFFICE

Upper Level  
Woody's Arcade  
15-17 Dampier Terrace  
Broome WA 6725

Telephone (08) 9195 5888  
Facsimile (08) 9192 1520

### CHRISTMAS/COCOS ISLANDS OFFICE

Administration Building  
20 Jalan Pantai  
Christmas Island, Indian Ocean WA 6798

Telephone (08) 9164 7529  
Facsimile (08) 9164 7162





#### **COMMITMENT TO REGIONAL WESTERN AUSTRALIA**

Legal Aid WA maintains an extensive presence throughout non-metropolitan Western Australia, with offices in Bunbury, Albany, Kalgoorlie, Geraldton, South Hedland, Broome and Kununurra. There is also a single person office in Carnarvon and a regular presence on Christmas Island. Each of these offices offers the full range of Legal Aid WA services and provides a base for representing clients at circuit courts in many remote parts of the State.

*Melissa McEwen (pictured above) is a Solicitor in Legal Aid WA's Bunbury office. Ms McEwen joined Legal Aid WA as an Articled Clerk under the Country Lawyers Program in 2008. Since that time she has undertaken placements with the Bunbury Community Legal Centre and the Aboriginal Legal Service of WA in Kalgoorlie, in addition to her current role in Bunbury.*

