



LEGAL AID  
WESTERN AUSTRALIA



Legal Aid Western Australia

**ANNUAL REPORT  
2018-2019**

# Statement of Compliance

For the year ended 30 June 2019

## Hon John Quigley MLA

Attorney General

In accordance with section 63 of the *Financial Management Act 2006* (WA), 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 2019.

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



## Hon. Jane Crisford SC

Chair of the Commission

Date: 30/8/2019



## Dr Graham Hill

Director of Legal Aid

Member of the Commission

Date: 30/8/2019

## Contact Details

### Postal

GPO Box L916  
Perth WA 6842

### Street

Level 1, 32 St Georges Terrace  
Perth WA 6000

### Electronic

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

### Infoline

General Enquiries: 1300 650 579  
Telephone: 61 8 9261 6222  
Facsimile: 61 8 9261 6554

# The year at a glance 2018-19

**111,000**

OCCASIONS  
LAWYERS WERE  
PROVIDED TO  
PEOPLE



ESTABLISHED A SENIORS RIGHTS  
AND ADVOCACY SERVICE

SET UP A MORTGAGE  
HARDSHIP SERVICE

APPROVED A NEW  
CORPORATE PLAN

SET UP A NEW  
HEALTH JUSTICE  
PARTNERSHIP



**12%** INCREASE IN  
NEW GRANTS

**2%** INCREASE IN  
DUTY LAWYER SERVICES

**10%** INCREASE IN  
GRANTS OF AID TO  
PEOPLE WHO LIVE  
IN RURAL WA

LAUNCHED THE BLURRED  
BORDERS LEGAL  
COMMUNICATION TOOL

INCREASED SERVICES  
TO ABORIGINAL  
CLIENTS

**by 3%**



WEBSITE PAGE VIEWS  
**Up by 59%**

LAUNCHED  
AN ONLINE CHAT SERVICE

INTRODUCED  
ONLINE QUARTERLY REPORTS

SET UP A  
NETWORK OF VIRTUAL OFFICES



**DELIVERED 29%**  
MORE FAMILY  
VIOLENCE SERVICES  
**COMPLETED 39%** MORE  
FAMILY MEDIATIONS

**REINTRODUCED**  
GRANTS TO FAMILIES  
IN THE PROTECTION  
AND CARE LIST AT THE  
CHILDREN'S COURT

**DELIVERED 12% MORE**  
SERVICES TO PEOPLE  
WITH A DISABILITY  
**18% INCREASE** IN SERVICES  
TO PEOPLE OVER 65

# Who we are

Legal Aid WA is a statutory body set up under the *Legal Aid Commission Act 1976 (WA)*. We provide a range of legal aid services through a statewide network of ten offices and 53 outreach locations. Our focus is upon economically and socially disadvantaged Western Australians. Our aim is to ensure that the most vulnerable people in our community have the protection of the law. In partnership with other agencies we deliver a 'wraparound service' that helps people turn their lives around.

Legal Aid WA was Australia's first Legal Aid Commission and is the largest legal assistance service in Western Australia. We employ 340 staff and have direct access to 429 private lawyers, across 333 firms. The Western Australian Government and the Australian Government fund us to deliver legal aid services. In 2018-19, Legal Aid WA had a budget of \$72.243 million (plus \$12.339 million for Community Legal Centres). A board of six Commissioners determines our policies and sets our direction. The Governor appoints board members nominated by the Attorney General and the Consumer Affairs Minister. Legal Aid WA operates at arm's length from Government but is accountable to the Attorney General of Western Australia, the Hon John Quigley MLA.

## Reading the Annual Report

This Annual Report can be accessed in several different formats.

### Online

This Annual Report is available as a PDF download from [legaid.wa.gov.au](http://legaid.wa.gov.au) as a full report or can be viewed in its individual sections.

## Hard Copy

Printed copies of the report can be viewed at Legal Aid WA, Perth, your regional office and at the:

State Library of Western Australia  
Alexander Library Building, Perth Cultural Centre  
NORTHBRIDGE WA

## Alternative formats

On request, large print or copies of this Annual Report in an alternative format can be obtained from Legal Aid WA.

## Recognising Aboriginal and Torres Strait Islander Peoples

Legal Aid WA acknowledges the Aboriginal owners and custodians of the land on which we live and work. We recognise the spiritual relationship Aboriginal people have with Country and pay deep respect to Elders past and present.

# Contents

<b>1. Chairperson and CEO's message</b>	<b>4</b>
<b>2. About Us</b>	<b>7</b>
Financial summary	7
Our reach 2018-19	8
Our clients	9
<b>3. Overview of Agency</b>	<b>11</b>
Measuring our performance:	11
» Achievements against the <i>Legal Aid WA Corporate Plan</i>	11
» Achievements against the National Partnership Agreement	13
» Achievements against the State Government's Performance Management Framework set out in the budget statements	13
New chat service for Western Australians	15
New mortgage hardship service	16
New elder abuse service	18
Grants to parents in child protection matters	19
Protecting victims of family violence	20
A network of Virtual Offices	21
Health Justice Partnership	22
New legal communication tool	24
Family violence program evaluated and extended	26
Client Safety Framework	27
Speeding up the grants process	28
Dispute resolution	28
New triage service enables fast action	30
New direction for Legal Aid WA	31
Review of assessing decisions	31
Business process reviews	32
Legal Aid WA website	32
Taking the law to where it is needed	34
Legal services to Aboriginal people	36
The Jiji Nyirti Project	38
Reconciliation Action Plan	39
Law Society of WA Quality Practice Standard Audit	40
Client Satisfaction Survey	40
Our partners in the private profession	41
Community Legal Centre funding in WA	43
Collaborative Service Planning & Jurisdictional Forums	45
The year ahead	45
Operation structure	46
Performance Management Framework	53
<b>4. Agency Performance</b>	<b>55</b>
Actual results versus budget targets	55
<b>5. Disclosures and Legal Compliance</b>	<b>57</b>
5.1 Independent Auditor's Report	58
5.2 Certification of Financial Statements	62
5.3 Financial Report for the year ended 30 June 2019	63
5.4 Key Performance Indicators	98
5.5 Ministerial Directions	102
5.6 Other Financial Disclosures	102
5.7 Governance Disclosures	105
<b>6. Other Legal Requirements</b>	<b>107</b>
6.1 Advertising	108
6.2 Annual Estimates	109
6.3 Compliance with public sector standards and ethical codes	113
6.4 Disability Access and Inclusion Plan outcomes	113
6.5 Recordkeeping Plans	114
<b>7. Government Policy Requirements</b>	<b>115</b>
7.1 Occupational safety, health and injury management	116
7.2 Government Building Training Policy	117
<b>Contact Information</b>	<b>118</b>

# 1. Chairperson and CEO's message

---

---

## On behalf of the Board of Legal Aid Western Australia, we are pleased to present the 2018-19 Annual Report.

Legal Aid WA has one plain but powerful purpose: to see that the law protects all Western Australians regardless of poverty or disadvantage. Over the 2018-19 year, we've single-mindedly pursued that purpose by increasing services and introducing new services.

Over the year we provided lawyers to people on 111,000 occasions. That's 111,000 times that disadvantaged Western Australians were not denied equal justice because of poverty or marginalisation. That's 111,000 times that Legal Aid WA gave a voice to people who would otherwise be powerless in the justice system. When you add the services delivered through our telephone Infoline, community legal education, and our website, the total service count exceeds a million services.



**Hon Jane Crisford SC**  
Chairperson



**Graham Hill**  
CEO

## Increased services

Over the financial year, Legal Aid WA increased new grants of aid by 12% and extensions of existing grants of aid by 16%. We also increased duty lawyer services by 2%. We provided duty lawyers to every location where a magistrate presided over criminal lists in Western Australia. Page views of our new website have grown to over a million hits a year. Our Dispute Resolution team delivered 39% more mediations while retaining an amazing 92% settlement rate. Legal Aid WA also expanded community legal education by 71% to reach 30,896 people. We provided 29% more family violence services than we did last year.

## New services

During 2018-19, we introduced an Infochat service. This innovation enables people to get information online by chatting live with our operators. We also opened a network of ten Virtual Offices around the State in locations where Legal Aid does not have a physical office. The financial year saw us expand our mortgage hardship service in response to record personal bankruptcies in the State. Legal Aid WA also set up a Seniors Rights and Advocacy Service to combat elder abuse. We formed an alliance with Advocare for streamlined 'warm referrals' between their Elder Abuse Helpline and our Infoline. People affected by elder abuse now get a fully 'joined-up' service. In May, we set up a new Health Justice Partnership where our lawyers work on site at Next Step Drug & Alcohol Service. Early in the financial year we launched our award-winning Blurred Borders legal communication tool. These materials help Aboriginal people navigate the justice system where English is not their first language. Over the year we added 45 new videos, fact sheets and animations to our website. With over 85,000 page views a month, it has become the authoritative source of legal information for Western Australians. The 2018-19 year also saw us reintroduce grants of aid to families in the protection and care list at the Children's Court.

## Governance

Every successful organisation has a plan and knows where it's heading in the future. To this end, the Board and the management team participated in a planning workshop in August 2018. The materials from that workshop formed the basis of our Corporate Plan. The Plan sets out five high level goals to fulfil our vision for a fair and safe Western Australia. It then sets out six key strategies - things we have to do well if we are to achieve those five goals. Finally, it sets out 42 concrete actions that we will take in support of those six strategies.

In October 2018, Legal Aid WA started publishing Online Quarterly Reports. These reports set out our outputs and financial performance over the quarter. They make us the most open and transparent organisation in the Western Australian public sector.

The Board has closely monitored Legal Aid WA's financial performance. As a result, the organisation finished the financial year very close to budget. Legal Aid WA recognises that to fulfil its mission of serving our State's most disadvantaged, it must also be financially strong.

The Board met ten times during the year. In May 2019, the Board met at our Geraldton office. This meeting was an opportunity for Commissioners to visit the office there, meet staff, hear about local issues and engage with the Geraldton community. It was also a chance to meet with private lawyers who deliver legal aid in Geraldton. It is pleasing to see the strong interest that the Board takes in our regional operations. In March 2019, the Board met at Hakea Prison Complex where the Superintendent briefed Commissioners on current issues at the prison. It is important that Commissioners stay in touch with topics that bear upon our resource allocation decisions.

Over the year, our staff carried out the largest review of business processes in the organisation's history. They participated in 30 workshops, reviewing 20 different business processes. The emphasis was on eliminating unnecessary steps to streamline our workflows. We're rethinking and redesigning the way Legal Aid WA works to improve cycle times, eliminate staff frustration, and improve services to the community. The reviews will also shape future software solutions as we work toward replacing our electronic case management system.

## Thank you

We're grateful to our clients who place their trust in our organisation. Many recipients of legal aid are battling overwhelming disadvantage and marginalisation. We're inspired by their courage in addressing their legal problems and it is a privilege to work with them.

We thank the Western Australian Attorney General, the Hon John Quigley MLA, and the Commonwealth Attorney-General, the Hon Christian Porter MP, for their support of Legal Aid WA. We're also grateful to Carolyn Howard, Ariane Hermann, Adam Nott and Kerry Jackson from the Attorney-General's Department and Dr Adam Tomison, Mark Hainsworth, Lisa Bednarczyk, Mike Andrews and Kim Lazenby from the Western Australian public service for their enthusiasm for Legal Aid. Together we work toward a more just future for Western Australia.

We thank our fellow Commissioners for their able leadership of Legal Aid WA. We also thank the 429 private lawyers who delivered legal aid to the State's most disadvantaged people. They did this work at heavily discounted rates and the legal aid system could not operate without their commitment. We also thank Legal Aid WA's dedicated staff for their tireless work for vulnerable and disadvantaged clients. Their passion, expertise and experience makes our work possible.

## The year ahead

We look to the year ahead with enthusiasm.

We've long been concerned that victims of family violence walk away from Family Court proceedings. They do this out of fear of being directly cross-examined by their ex-partners. Over the coming year, we will eliminate this problem by setting up a Family Violence and Cross-Examination of Parties Scheme. This scheme will protect victims of family violence from having to directly cross-examine or be cross-examined by perpetrators during family law hearings. This new scheme will see Legal Aid WA provide lawyers in final hearings where the parties are self-represented and family violence is an issue.

Without affordable legal help, many people, especially women, agree to unfair property settlements. They give up on their rights to avoid the stress and cost of going to court. To address this injustice, we will start a lawyer-assisted family law property mediation program. We will target this new service at families with a property pool of less than \$500,000. Legal Aid lawyers will support clients through the mediation process. Our lawyers will help separating families divide their property fairly and without having to go to court.

Over the next year, Legal Aid WA will also set up a Bail Support Service based in Perth. This service will focus upon people in custody awaiting trial or sentencing. The statistics show that the courts release half of these prisoners on bail. However, it takes, on average, 42 days before they get bail. The result is overcrowded prisons and harm to people from their time in prison. Legal Aid WA will deploy four duty lawyers to an 'in-reach' service to help eligible people get bail faster. We will also deploy six social workers to help people comply with their bail conditions so that they don't breach bail.

Also, in 2019-20, we will form several new Health Justice Partnerships. These partnerships will see our lawyers on site at health centres around the State. They will take referrals from the social workers, emergency departments and nursing staff. These partnerships will enable us to take the law to hard-to-reach people in need.

We're immensely proud of Legal Aid WA's work in 2018-19. This report tells the story of that year and the many thousands of disadvantaged Western Australians made equal before the law by our services. We remain passionately committed to improving the lives of those most in need. Over the coming year we will work tenaciously to advance the cause of access to justice.

Hon Jane Crisford SC  
Chairperson

Graham Hill  
CEO

# 2. About Us

## Financial summary

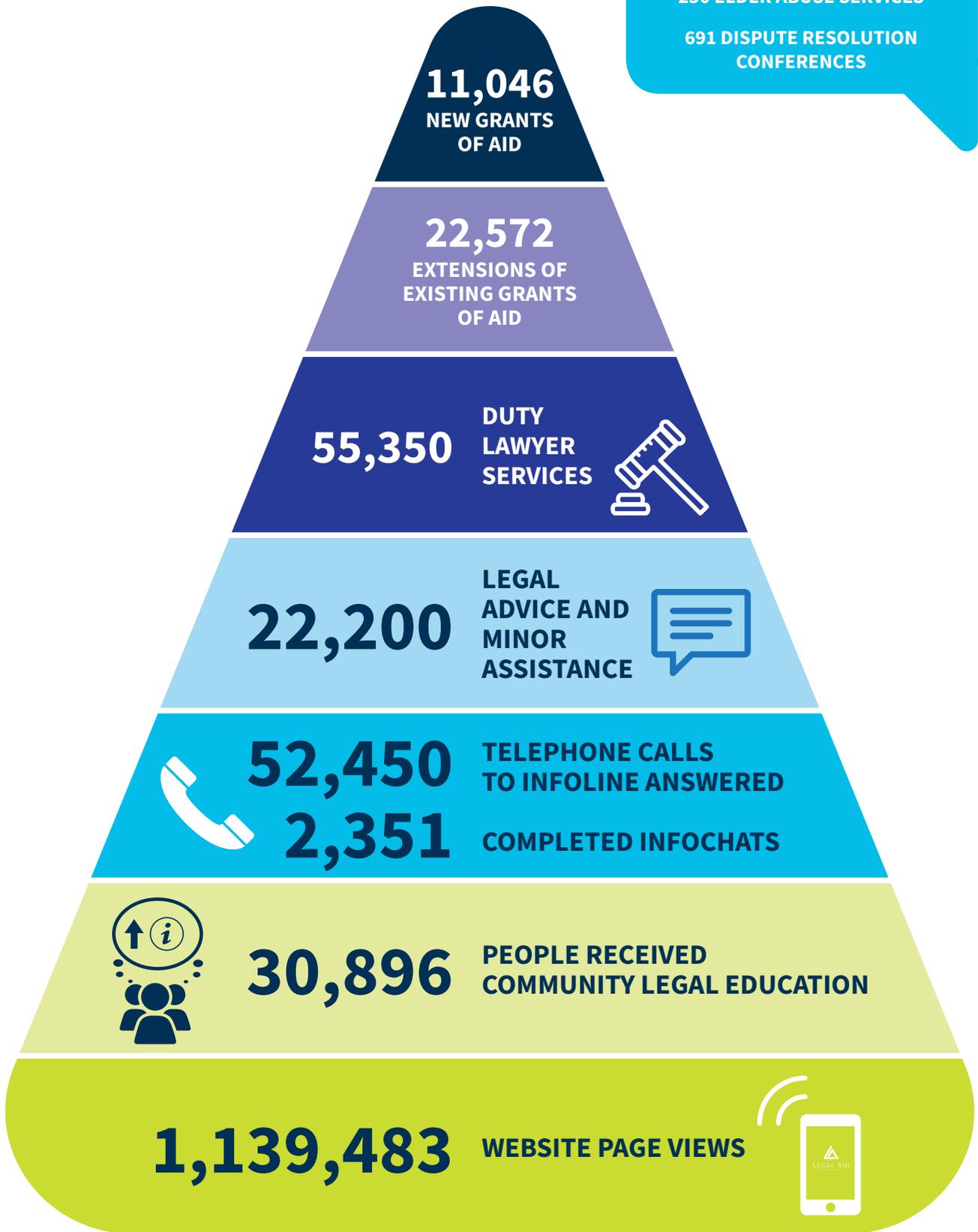
### 2018-19 actual

<b>Commonwealth funding</b>	<b>\$32.6 million</b>
<b>State funding</b>	<b>\$50.1 million</b>
<b>Other income</b>	<b>\$4.6 million</b>
<b>Deficit</b>	<b>\$0.1 million</b>
<b>Total income</b>	<b>\$87.3 million<sup>1</sup></b>
<b>Total expenditure</b>	<b>\$87.4 million<sup>1</sup></b>

<sup>1</sup> Includes \$11.6 million for Community Legal Centres

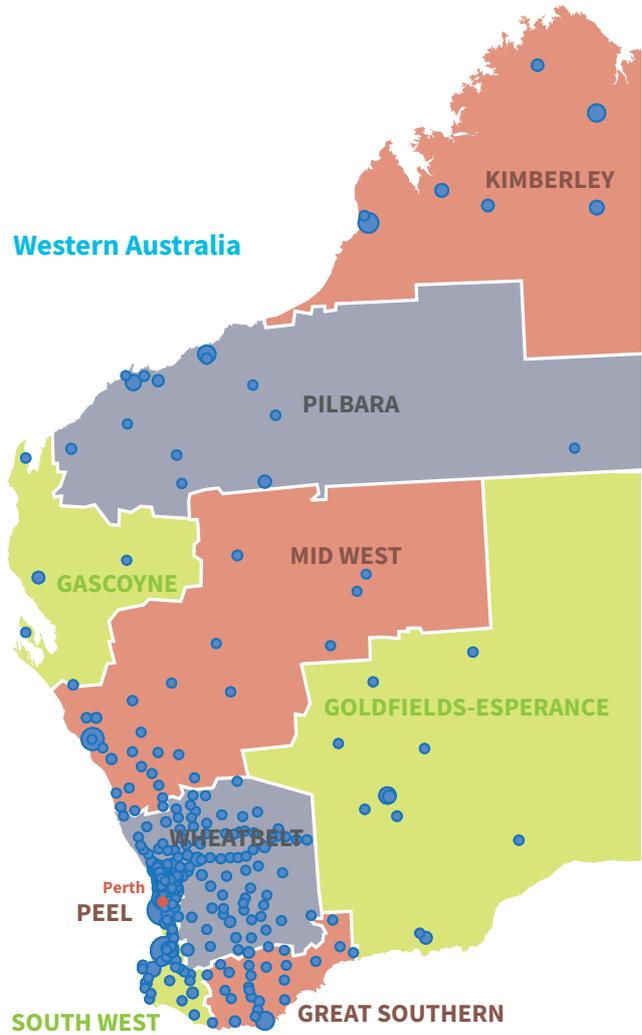
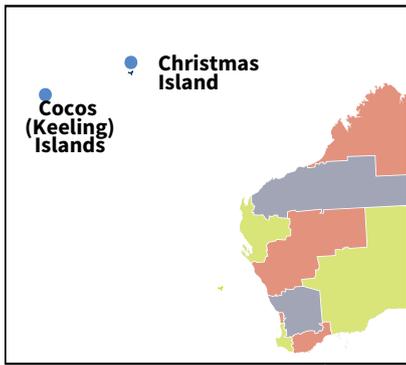
## Our reach 2018-19

40,534 FAMILY VIOLENCE SERVICES  
250 ELDER ABUSE SERVICES  
691 DISPUTE RESOLUTION CONFERENCES

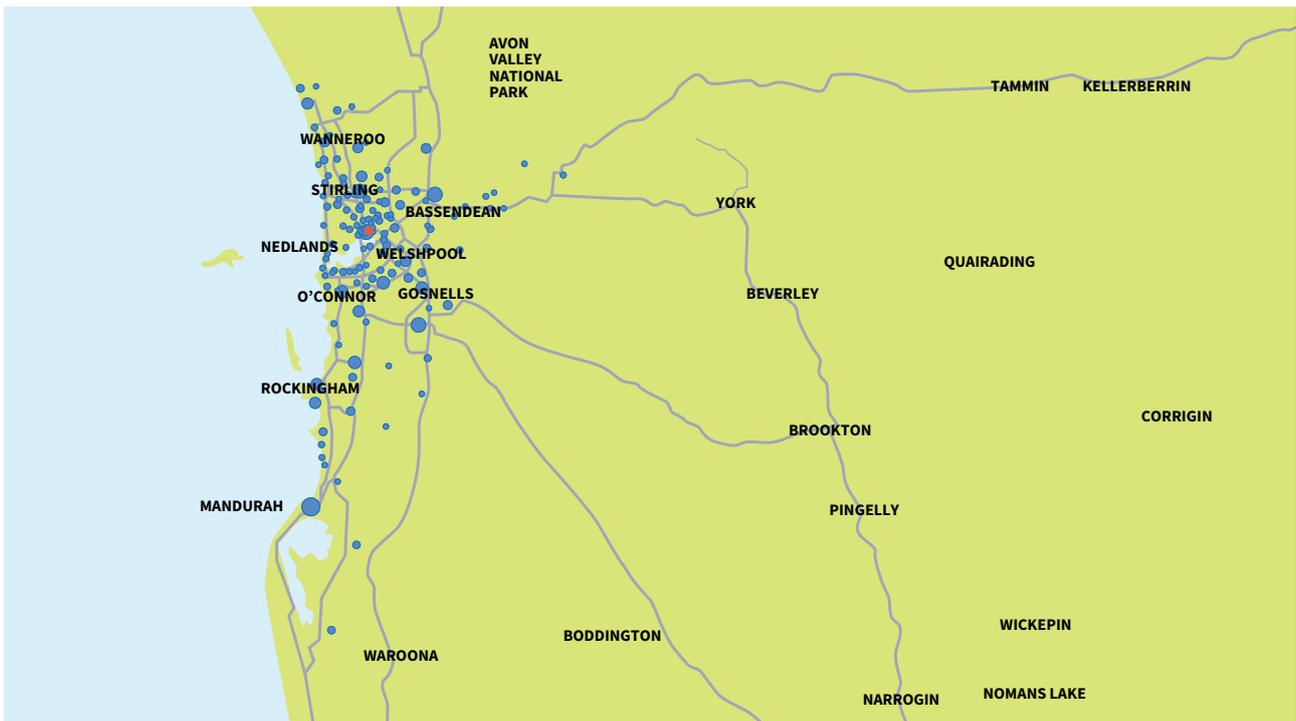


# Our clients

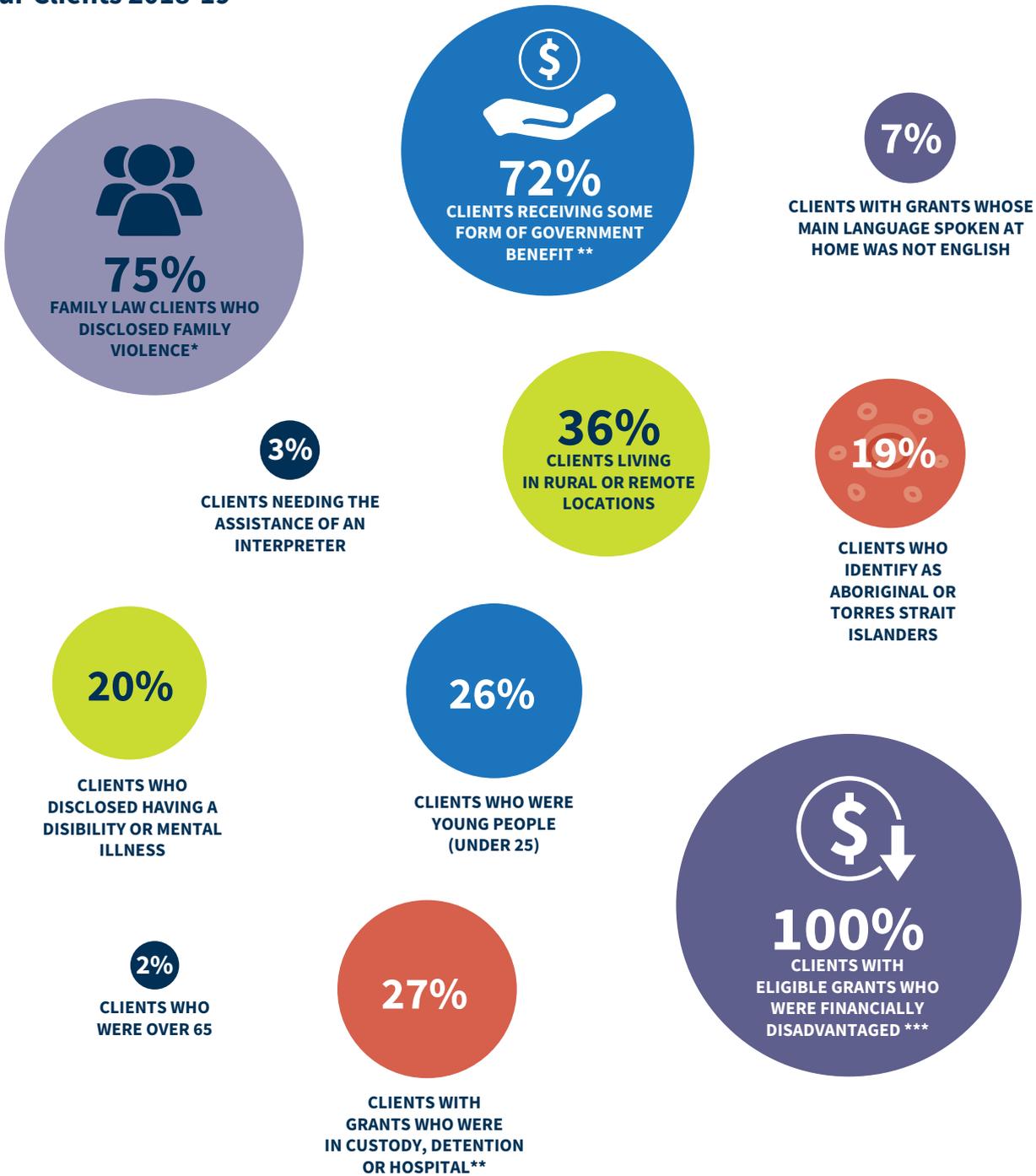
## Where our clients live



## Perth Metropolitan Area



## Our Clients 2018-19



### Foot note

- \* Based on adult family law clients for new grants and duty lawyer only
- \*\* Based on new grants only
- \*\*\* Excludes veteran clients who are not means tested

### Other note

During 2018-19, we helped 37,482 unique clients. Unique clients are individuals who accessed one or more of Legal Aid WA's services. This includes people receiving legal services from lawyers, paralegals and triage, and social workers. It does not include people who received telephone, website or in-person information at all other direct client contact points, or participated in community legal education, Legal Aid WA does not create an individual client record for these people.

# 3. Overview of Agency

## Measuring our performance

### Achievements against the *Legal Aid WA Corporate Plan*.

Legal Aid WA achieved most of the objectives set out in our plan for the 2018-19 year.

#### **Goal 1: To deliver high quality, tailored services matched to needs**

- ✓ Increased family violence services by 29%.
- ✓ Launched 10 Virtual Offices throughout Western Australian metropolitan and regional areas to take the law to where it is needed.
- ✓ Launched the Blurred Borders legal communication tool and delivered 33 community legal education sessions with external stakeholders.
- ✓ Assisted applicants in navigating the process of Administrative Appeals Tribunal Review of National Disability Insurance (NDI) Agency decisions on 88 occasions.
- ✓ Delivered 10% more services to people who live in rural or remote Western Australia.
- ✓ Completed an independent audit of Legal Aid WA's files under the Quality Practice Standard Program.
- ✓ Completed a Client Satisfaction Survey achieving 88% overall satisfaction.

#### **Goal 2: To positively impact the efficiency and effectiveness of the legal system**

- ✓ Increased new grants of aid by 12%.
- ✓ Duty lawyer services up 2%.
- ✓ Delivered 39% more family mediations (with an average 92% settlement rate) saving court time.
- ✓ Introduced grants of aid to families in the protection and care list at the Children's Court.
- ✓ Reduced the time to determine applications for grants of aid.
- ✓ Contributed to the development of legislation and law reform initiatives, including family violence legislative reforms being considered by the State Government and the new Family Violence Tenancy Laws.

## Measuring our performance

### Goal 3: To develop a holistic service that prioritises areas of disadvantage

- ✓ Set up a mortgage hardship service and helped people under mortgage stress on 554 occasions.
- ✓ Established a Seniors Rights and Advocacy Service (increased services to over 65s by 18%.)
- ✓ Delivered a new Health Justice Partnership.
- ✓ Created an alliance with the Elder Abuse Helpline to deliver a 'joined-up' service - helped elderly people on 250 occasions.
- ✓ Increased services to children, young people and women by 5%.
- ✓ Increased services to Aboriginal Western Australians.

### Goal 4: To strike an appropriate balance in allocating resources between a range of services

- ✓ Provided lawyers to people on 111,000 occasions.
- ✓ Launched an online legal chat service which completed 2,351 chats in 2018-19 with 100% of the clients who contacted the chat service receiving an outcome.
- ✓ Monthly website page views up 59%.
- ✓ Launched new 'videos about the law' webpage with 45 new videos and animations about key legal issues.
- ✓ Increased community legal education by 71%.
- ✓ Delivered training for paralegals at the Community Legal Centres Association of WA quarterly professional development events.
- ✓ Delivered an intensive training course for Aboriginal Family Law Service paralegal and administrative staff.
- ✓ Developed and achieved accreditation of a new course in Community Legal Services.
- ✓ Extensions of existing grants of aid up by 16%.
- ✓ Increased civil law services by 5%.

### Goal 5: To ensure the sustainability of Legal Aid WA and its partners

- ✓ Introduced Online Quarterly Reports.
- ✓ Approved a new Corporate Plan.
- ✓ Agreed to move to Cloud-based services.
- ✓ Reviewed 20 business processes and generated 72 proposals for improvements.
- ✓ Developed a Safety Management Plan to be prepared for WorkSafe accreditation.
- ✓ Delivered professional development for staff and our partners delivering legal aid.
- ✓ Conducted management training for regional leaders.
- ✓ Facilitated a statewide resilience project on the issues affecting frontline workers in the community legal assistance sector.
- ✓ Introduced a Regional Graduate Lawyer Program with two new graduates to start in August 2019.
- ✓ New information security awareness training courses were delivered to all Legal Aid WA staff.
- ✓ New web and remote access information security solutions were implemented to protect the organisation's information resources.
- ✓ Collaboration with the Justice Reform team resulting in 4-year funding for prison in-reach legal representation to people on remand and support to people on bail.

# Measuring our performance

## Achievements against the National Partnership Agreement

The Australian Government's funding of Legal Aid WA is governed by the *National Partnership Agreement on Legal Assistance Funding 2015-20* ('NPA').

The NPA sets out objectives and outcomes that Legal Aid Commissions will achieve by delivering outputs listed in the Agreement. The NPA also includes performance indicators that measure a Legal Aid Commission's progress toward the objectives and outcomes.

The objective of the NPA is a national legal assistance sector that is integrated, efficient and effective, and focused on improving access to justice for disadvantaged people. Another objective is to maximise service delivery within the available resources.

### Selected NPA performance indicators and benchmarks:

- ✓ Proportion of representation services to people experiencing financial disadvantage – 100% (exceeds benchmark of 95%).
- ✓ The number of dispute resolution services held – 2,001 (up by 46%).
- ✓ The percentage of dispute resolution processes resulting in full or partial settlement – 92%.

The number of legal assistance services delivered under the NPA (Commonwealth funded only):

Type of Service	18-19 Service counts
Information and referrals	84,599
Legal advice	6,121
Representation	4,358
Duty lawyer services	2,835
Legal tasks	1,306
Community legal education activities	757

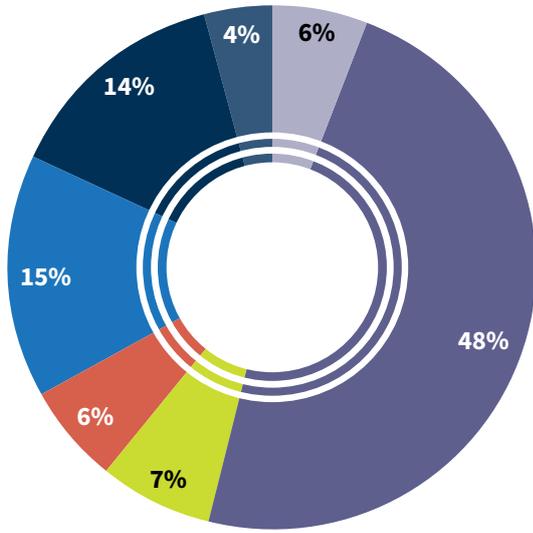
## Achievements against the State Government's Performance Management Framework set out in the budget statements

Legal Aid WA achieved most of the key effectiveness indicators in the budget papers:

- ✓ More than 85% of eligible applicants received a grant of legal aid.
- ✓ More than 20% of people at court were provided with a duty lawyer service.
- ✓ Reduced the average cost per legal representation below budget targets.
- ✓ Reduced the average cost per application for a grant of legal aid processed below budget targets.

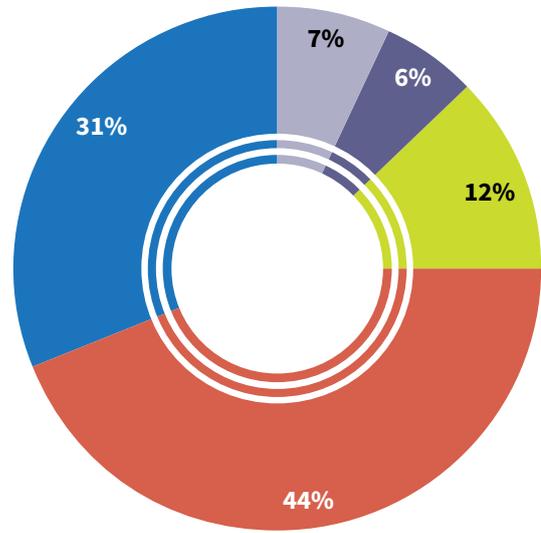
Key Performance Indicators	2018-19 Budget	2018-19 Actual
Percentage of eligible applicants who receive a grant of legal aid	85%	88%
Percentage of persons who are provided with a duty lawyer service	20%	21%
Average cost per legal representation	\$3,859	\$3,792
Average cost per application for a grant of legal aid processed	\$418	\$376

Resources by service type 2018-19



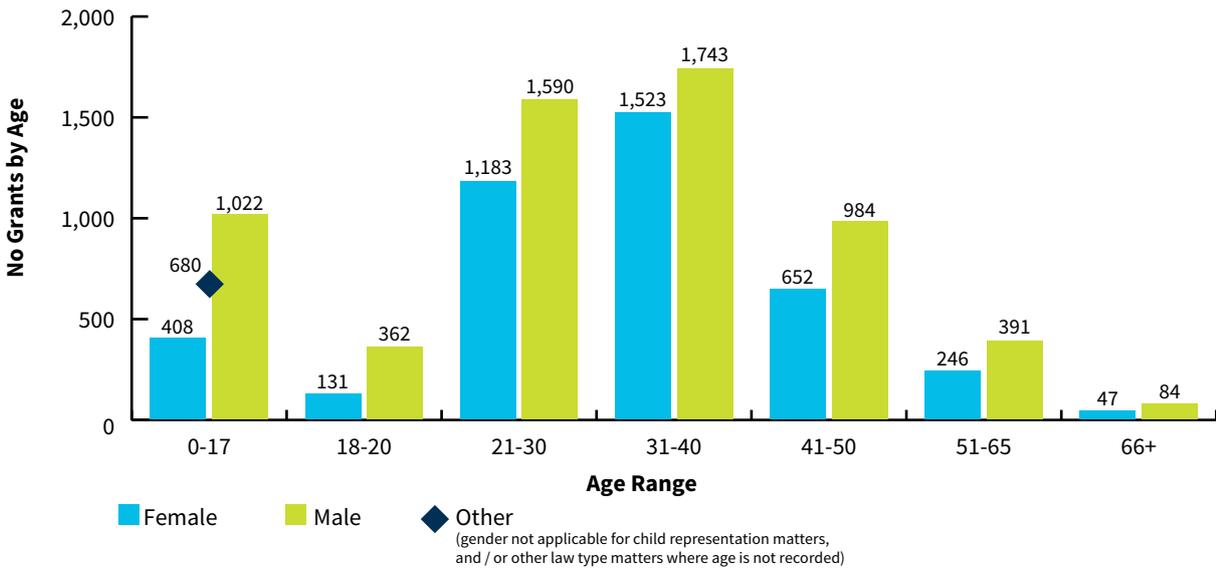
- Assessment and Case Management
- Legal Representation
- Legal Advice & Legal Task
- Information Services
- Duty Lawyer
- Community Legal Centres
- Other Community Services

Outputs by service type 2018-19



- Assessment and Case Management
- Legal Representation
- Legal Advice & Legal Task
- Information Services
- Duty Lawyer

Applications granted by gender and age group



# New chat service for Western Australians

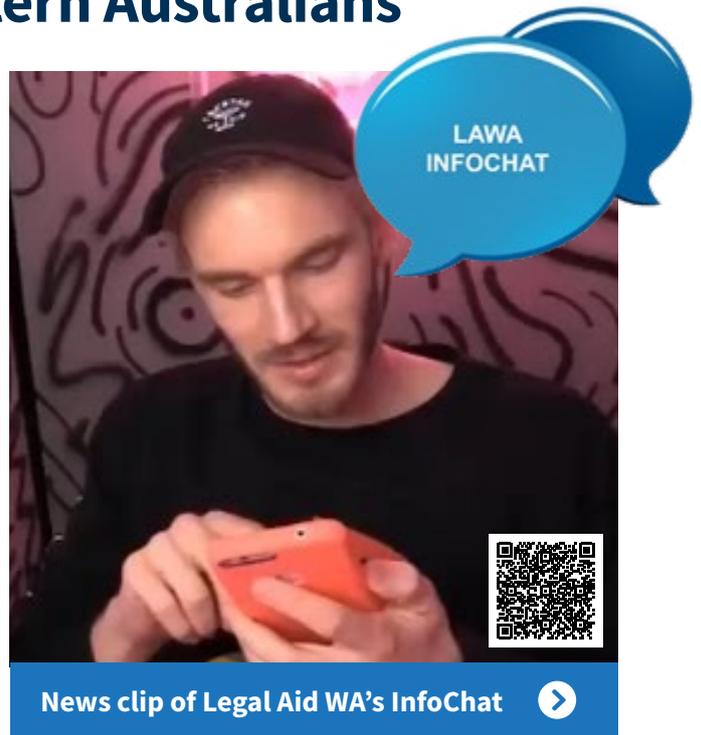
In February 2019, Legal Aid WA launched Western Australia’s first free online legal chat service.

This new service enables people to get legal information by chatting live with Legal Aid staff. The InfoChat team provides fast information to help those struggling to navigate the legal system. People access the service through Legal Aid WA’s website.

It will improve access to justice by giving people a new pathway into Legal Aid. Many Western Australians prefer the convenience and privacy of the online format. Since its launch in February, InfoChat has averaged 24 chats per day.

InfoChat operators can handle up to six client inquiries at a time. It is therefore an efficient way for Legal Aid WA to provide legal information to the community.

To view a news clip on our InfoChat either scan the QR Code using a camera phone or click the link.



### Example Chat

Referrals have 'Hyperlinks' to show more information about the referral link.

We're trying to bring a more personal holistic approach, similar to the InfoLine, to build rapport that the client can come back to LAWA anytime.

## New mortgage hardship service

In March 2019, Legal Aid WA expanded its mortgage hardship service to provide outreach to Baldivis, Midland and Merriwa.

This new service was a response to record demand for legal help arising from home loan defaults. In 2018-19, twice as many people sought help from Legal Aid WA for mortgage stress than in the previous year. Demand for these services was 550% higher than in the boom year of 2013. In 2017-18, Baldivis recorded the highest number of personal bankruptcies in Australia with four other Western Australian postcodes in the top ten.

Legal Aid WA responded to the increased demand by expanding the mortgage hardship service and providing outreach to three of the worst affected locations. The new service makes it easier for people under mortgage stress to access a lawyer experienced in credit and debt matters. We advise people who have been served with a Supreme Court writ for mortgage possession, negotiate with lenders and assist people to lodge complaints with the Australian Financial Complaints Authority (AFCA).

Consumer credit matters, mortgage stress and finance issues form a large part of the work undertaken by the team. They provide advice and minor assistance on these matters and also help self-represented litigants involved in bankruptcy proceedings in the Federal Court. Our team works closely with financial counsellors so that clients get financial advice as well as legal advice.



Legal Aid WA's Justin Stevenson talking about the new Mortgage Hardship Service on ABC Radio

<https://www.abc.net.au/radio/perth/programs/breakfast/legal-aid-mortgage-defaults/10901216>



### The people we help

Margaret called Legal Aid WA for advice after her bank was considering taking action over a credit contract she entered into with her late husband in 2015. The amount advanced under the credit contract was \$130,000. The loan was secured over Margaret's principal place of residence and the balance owing under the agreement was approximately \$85,000 when she contacted us for assistance. Since the passing of her husband, Margaret wanted to sell her property and relocate back to New Zealand to be closer to her daughter. Margaret is 65 years of age and relies on the Disability Support Pension to get by.

Documents obtained from the credit provider revealed that the credit contract was a 12-month bridging loan. The loan term expired in 2016, however the credit provider had not been in contact with Margaret regarding the loan term until after her husband passed away earlier this year. Margaret attended an office of the credit provider and spoke with a representative. It is believed that the representative then lodged an internal complaint on Margaret's behalf. The credit provider initially agreed to refund \$4,600 and to provide Margaret with a 6-month moratorium period on interest and repayments.

After speaking with Margaret, we wrote to the credit provider requesting they refund all interest and fees associated with the account. The letter raised concerns regarding whether the type of loan issued was suitable. We also raised with the credit provider the delay in their decision to enforce the credit contract. Following our letter, the credit provider agreed to refund the interest charged over the life of the loan (\$30,000). In addition, following further discussions, the credit provider also offered to extend the interest free period on the loan until July 2020, to allow Margaret additional time to sell her property without the need to make repayments. Margaret accepted the credit provider's offer.

*\*We have changed the name/s and some facts to protect privacy.*

Media coverage

# Financial advice available

THE key message from the Financial Counselling and Advice Forum in Baldivis last week was everyone is in the same boat and 'so much help is available'.

Baldivis MLA Reese Whibly opened the evening.

"People are spending less and there are businesses shutting down in the shopping centre," he said.

"Many people are experiencing financial difficulties for the first time and they are not wanting to reach out for help.

"Don't be embarrassed or ashamed, everyone is struggling.

"The most important thing is there is so much help available in this community.

"Ignoring it, hoping it just goes away doesn't work; that's when it gets complex, if left and not dealt with."

Financial Counsellors' Association of WA runs a national debt helpline.

"We get about 10 140 calls a day from WA alone," executive officer Bev Jowle said.

"Everyone is feeling the pressure of increased utilities.

"One thing we say is get in early; it's harder to negotiate your way out when you are in arrears."

She noted all the attendees were female.

"We'll talk about sex before we talk about money;

there is so much shame about it," she said.

"With men there is a pride issue, I'm big at telling people to 'get over yourself, it's bigger than you'."

Legal Aid's civil law director Justin Stevenson said they gave free advice.

"There is a whole lot of things we can do," he said.

"Normally we have a means test but we are very relaxed.

"Don't think you can't come to Legal Aid because of your assets."

**HELP IS AVAILABLE**

Legal Aid WA Outreach Baldivis: Call 9201 6256 to make an appointment

Salvation Army Baldivis: www.facebook.com/the-salvationarmybaldivis

Anglicare Rockingham Financial Counselling: Call 1300 11 44 46

National Debt Helpline: Call 1800 007 007

# Financial woes hit home

THE increasing number of people seeking legal help because they can not pay their mortgage has prompted Legal Aid WA to start outreach services in Merriwa, Midland and Baldivis.

The organisation said 112 people sought assistance in January and February after defaulting on home loan repayments and the number was on track to double 2015's record figures.

Last year Legal Aid supported 901 people, a 250 per cent increase from 2013 when 49 people required assistance.

The dramatic jump in cases has prompted Legal Aid to launch outreach facilities at the statewide Mortgage Hardship Service in Perth's worst affected suburbs.

Civil law director Justin Stevenson said WA's current economic position combined with the impacts from the banking Royal Commission had created the perfect storm.

"Ongoing financial hardship in the WA community, with a sustained softening of property prices, unemployment and an end to interest only loans, mean we are only going to see more West Australians struggle to pay their mortgage in 2015," he said.

"It is not just home owners; another area of concern is elderly people who are the guarantors of the loan.

"Lawyers from our statewide Mortgage Hardship Service can provide legal advice to people who are strugg-

gling to make the repayments on their mortgage and provide them with information on their rights, obligations and legal options."

The Merriwa service is based at UnitingCare West's Outer North Hub, which manager Tracy Tsauri said provided emergency relief, housing and financial counselling for families doing it tough.

Ms Tsauri said demand for assistance through a financial wellbeing service, part of the financial counselling network run in partnership with Anglicare WA, had never been higher.

"Our clients are coming to us in record numbers with multiple debts and complex issues, with unemployment and under-employment at the forefront," she said.

Ms Tsauri said bankruptcy rates in the northern suburbs during 2017 and 2018 were among the highest in Australia.



Reaching out... Legal Aid lawyer Alison Pidgeon with Uniting Care West's Tracy Tsauri.  
Picture: Martin Kennelley www.commsupplies.com.au 0481780

# Mortgage default aid

THE increasing number of people seeking legal help because they can't pay their mortgage has prompted Legal Aid WA to start outreach services in Baldivis, Merriwa and Midland.

The organisation said 112 people sought assistance in January and February after defaulting on home loan repayments. The number was on track to double 2015's record figures.

Last year Legal Aid supported 901 people, a 250 per cent increase from 2013 when 49 people required assistance.

The dramatic jump in cases has prompted Legal Aid to launch three outreach facilities of the statewide Mortgage Hardship Service in Perth's worst-affected suburbs.

Civil law director Justin Stevenson said WA's current economic position combined with the effects from the banking Royal Commission had created the perfect storm.

"Ongoing financial hardship in the WA community with a sustained softening of property prices, unemployment and an end to interest-only loans mean we are only going to see more West Australians struggle to pay their mortgage in 2015," he said.

"It is not just home own-



Chris Johns, of the Baldivis Outreach Centre, provides a mortgage hardship service to local residents.

erc; another area of concern is elderly people who are the guarantors of the loan who find themselves subject to possession applications.

"Without assistance from LAWA, homelessness is a real consequence for these West Australians.

"Lawyers from our statewide Mortgage Hard-

ship Service can provide legal advice to people who are struggling to make the repayments on their mortgage and provide them with information on their rights, obligations and legal options."

The Baldivis outreach is in the Wagtail Room at the Mary Davis Library and Community Centre.

## New elder abuse service

In February 2019, Legal Aid WA launched a specialised elder abuse unit to safeguard the rights of older Western Australians.

Legal Aid WA has decades of experience in helping people affected by elder abuse. Over the 2018-19 year, Legal Aid WA decided to better coordinate those services by creating the Seniors Rights and Advocacy Service. This new service provides free legal advice and help to older people who have experienced elder abuse or who are at risk of experiencing elder abuse. It coordinates and triages elder abuse services provided across all practice areas at Legal Aid WA.

The new unit is a response to research indicating that about 5% of over 65s in Western Australia experience an incidence of elder abuse each year.

Legal Aid WA helps older people with elder abuse issues including:

- » domestic violence and restraining orders;
- » guardianship and Administration matters in the State Administrative Tribunal;
- » being a guarantor for loans to adult children;
- » grandparents being denied contact with grandchildren;
- » adult children who refuse to move out;
- » assets for care disputes where the older person moves in with family;
- » misuse of Powers of Attorney;
- » wills being changed where the older person lacks capacity.

In 2018-19, Legal Aid WA services to clients over 65 increased by 18%.

## Joined up service on elder abuse

On 21 June 2019, Legal Aid WA signed a Memorandum of Understanding with Advocare who operate the Elder Abuse Helpline. This alliance gives the Elder Abuse Helpline the capacity to offer legal advice on seniors rights through warm referrals to Legal Aid WA. It also enables Legal Aid to offer our callers information, support, advocacy, and social support services through warm referrals to the Elder Abuse Helpline. Having ‘joined-up’, both organisations can now offer a wraparound service.



### The people we help

Eleanor had allowed her daughter and son-in-law to move into her house temporarily as they were struggling financially. They paid rent for the first few months whilst residing at Eleanor’s house. They then ceased paying rent and had lived in the house for over 2 years when Eleanor came to us for advice.

Eleanor no longer felt comfortable living in the home as her relationship with her daughter and son-in-law had deteriorated and there was threatening behaviour directed to Eleanor. She had nowhere else to live.

We advised Eleanor about applying for a Family Violence Restraining Order and calling the police. We also offered to write a notice to vacate the premises to her daughter and son-in-law. Eleanor requested that we assist her to ask her daughter and son-in-law to leave and we wrote a letter to the daughter and son-in-law requiring them to vacate Eleanor’s house. Within 48 hours of receiving the letter, the daughter and son-in-law had vacated the premises and Eleanor changed the locks.

*\*We have changed the name/s and some facts to protect privacy.*



*Legal Aid WA Chair, the Hon Jane Crisford SC, signing the MOU with Chair of Advocare, Brian O’Keefe*

## Grants to parents in child protection matters

Over the financial year, Legal Aid WA re-introduced grants of aid for families in the protection and care list at the Children's Court.

From 1 January 2019, all respondent parents, who met our means test, could receive a grant of aid. That aid is for initial advice, investigation, negotiation with the Department of Communities and representation at the next court date. Legal Aid WA also committed to extending aid beyond the next court date where cases have reasonable prospects of success. Further, Legal Aid WA will always deem the case as having 'reasonable prospects of success' whenever the Children's Court refers the case to a Pre-Hearing Conference for mediation.

The result is that all eligible parents get a grant of aid for initial advice; for the first court hearing; and for mediation. For parents caught up in the child protection system, this service empowers them with advice; removes the anxiety of having to appear unrepresented at the first court date; and gives them a strong chance of resolving the matter at mediation where they will be represented by a lawyer.

Apart from grants of aid, Legal Aid WA continues to provide extensive duty lawyer services at the Children's Court. Legal Aid WA also funds child representatives (a lawyer to act for the children) in child protection matters. Legal Aid WA funded a child representative on every occasion that the court appointed one in 2018-19.



### The people we help

Monica lived with her boyfriend Ben and her 5-year old daughter Cassie, from a previous relationship. One evening Monica had to go into hospital due to an urgent medical condition and Ben remained at home to look after Cassie. The following day, Cassie reported having a sore stomach at school. The school reported the matter to the Department of Child Protection and Family Services, as they suspected that Cassie had been assaulted.

The Department took Cassie into care and brought an application for a protection order until 18 on the basis that Cassie was at risk of violence from Ben. As soon as Monica found out she immediately separated and got a restraining order against Ben, however the Department continued with their application. At the first court appearance, Monica got help from Legal Aid's child protection Duty Lawyer Service. The duty lawyer submitted to the Department and the court that there was no longer a reason for Cassie to be in care. As the Department continued the proceedings the duty lawyer applied for aid for Monica for representation at a mediation conference.

At the mediation, the Legal Aid lawyer was successful in negotiating for Cassie to be returned to live with Monica.

*\*We have changed the name/s and some facts to protect privacy.*

## Protecting victims of family violence

Legal Aid WA's specialist Domestic Violence Legal Unit helps women, children and men in same sex relationships who are victims of family or domestic violence. For conflict reasons, other men are assisted by our Client Services Unit. Our clients are vulnerable and have often been the victims of long-term family violence at the hands of their partner or a family member.

The Unit provides legal help and social support help. The legal help involves obtaining a Family Violence Restraining Order to protect the person at risk, giving initial advice on parenting matters and linking people with ongoing legal help where needed. The social support help involves safety planning, counselling and referral to ongoing supports for victims of family violence. The Unit is made up of lawyers, paralegals, social support workers and administrative support.

The Unit also partners with other agencies to provide a holistic service at two other sites. The first is the Domestic Violence Advocacy Service (DVAS) in Northbridge, in partnership with Women's Health and Family Services. The other is the Women's Resource and Engagement Network (WREN) in Wanneroo/Joondalup in partnership with the Northern Suburbs Community Legal Centre.

In 2018-19, our Domestic Violence Legal Unit had grants of aid to act for 206 people. The Unit also provided duty lawyer help to another 1,040 people (12% higher than the previous year). Further, the Unit empowered another 806 people with legal advice and supported 362 people with social support and brief counselling services. In 2018-19, the Unit also delivered community legal education to refuge workers and community groups.

Our lawyers combine broad experience in various areas of the law with deep expertise in family violence law. The Unit works hard to make themselves accessible to victims of family violence. The experience of our lawyers enables us to approach family violence in a holistic manner that treats the client rather than just the legal problem.

### Other services and supports to clients experiencing family violence

People experiencing or at risk of family violence are a priority for Legal Aid WA. In addition to services provided through the Domestic Violence Legal Unit, Legal Aid WA provides legal help through:

- » grants of aid for defended parenting and Family Violence Restraining Order proceedings;
- » Family Court, Family Violence Restraining Order and child protection duty lawyer services;
- » mediations for parenting, property and child protection matters;
- » criminal injuries compensation applications;
- » legal advice, information and referrals online, by video/phone, and face-to-face;
- » community legal education.

Legal information, education and advice are important at an early stage. They enable people experiencing family violence to be empowered to exercise their rights and make choices, including to leave abusive partners. This includes many people who may never access the courts or legal system, but for whom legal knowledge is a critical facilitator of early action.



### The people we help

Maria came to Australia from Asia on a spousal visa, to marry Paul, who was an Australian citizen. Maria suffered serious physical, emotional, spiritual and financial abuse during the marriage. Paul controlled who Maria could see and talk to - she was not allowed to work, study or worship at her local church. Paul also prevented her from taking classes to improve her English, which further isolated Maria. The abuse escalated when Maria became pregnant.

Paul told Maria that no one would believe he abused her because she was an immigrant and said he would lose his job if she told anyone or called the police.

When Maria attended Joondalup Hospital for the birth of their daughter Summer, she told a hospital social worker about the abuse who linked her in with help from WREN, a specialist family violence service run by Legal Aid WA in partnership with the Northern Suburbs Community Legal Centre.

At Maria's request, the family lawyer from Legal Aid's Domestic Violence Legal Unit and social support worker at WREN, gave Maria advice and help to:

- » get a Family Violence Restraining Order against Paul;
- » get appropriate Centrelink support and assistance with getting her own private rental;
- » negotiate with Paul's parents to drop a demand that Summer live with them;
- » make statements to the police in relation to offences by Paul;
- » get referrals to 'Safe at Home' to improve the security on Maria's rental property;
- » get advice from a specialist immigration service about Maria's visa situation and support to apply for permanent residency.

*\*We have changed the name/s and some facts to protect privacy.*

## A network of Virtual Offices

In a Western Australian first, Legal Aid WA has taken the law to hard-to-reach people using new face-to-face technology. In June 2019, Legal Aid WA set up a network of Virtual Offices around the State. The Virtual Offices involve the installation of a large screen and camera unit in community centres around Western Australia.

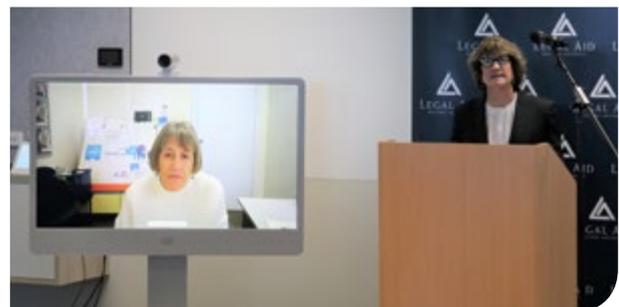
Working with partner organisations, Legal Aid WA opened Virtual Offices in Armadale, Joondalup, Mandurah, Midland, Esperance, Fitzroy Crossing, Karratha, and Leonora.

The offices connect a Legal Aid lawyer to clients who require advice and will provide valuable face-to-face contact for Western Australians who face barriers of remoteness, mobility, disability or safety concerns. The offices have been set up in partnership with local community agencies and will allow people to book an appointment and visit the local facility where the computer technology is located.

These Virtual Offices are all in locations where Legal Aid WA does not have a physical office. They will allow people in those locations to be face-to-face with a Legal Aid lawyer using the technology.

The screens provide as close to an in-person experience as technology can offer. Legal Aid WA recognises how important it is to gain trust and build rapport with a vulnerable client base. This model provides a much more connected experience than a telephone consultation. Advice from Legal Aid WA through these Virtual Offices is free of charge.

Four of these virtual offices are hosted by Citizens Advice Bureau WA, three by Hope Community Services, and one by Karrayili Education Centre.



*Legal Aid WA Chair, Hon Jane Crisford SC, with a screen at the Virtual Office launch event.*

## Health Justice Partnership

In late April 2019, Legal Aid WA launched a Health Justice Partnership with Next Step Alcohol and Drug Service – East Perth. The new service involves a Legal Aid lawyer being on site one day a week.

A Legal Aid WA lawyer works closely with doctors, nurses and allied health staff to ensure a multi-disciplinary approach to the holistic care and support of clients at the Next Step, East Perth rehabilitation service.

These clients are vulnerable to intersecting legal and health problems but are unlikely to turn to legal services for solutions. Health Justice Partnerships transform the way some of the most vulnerable people in our community access legal services, by health and legal services working collaboratively to address a previously unmet legal need.

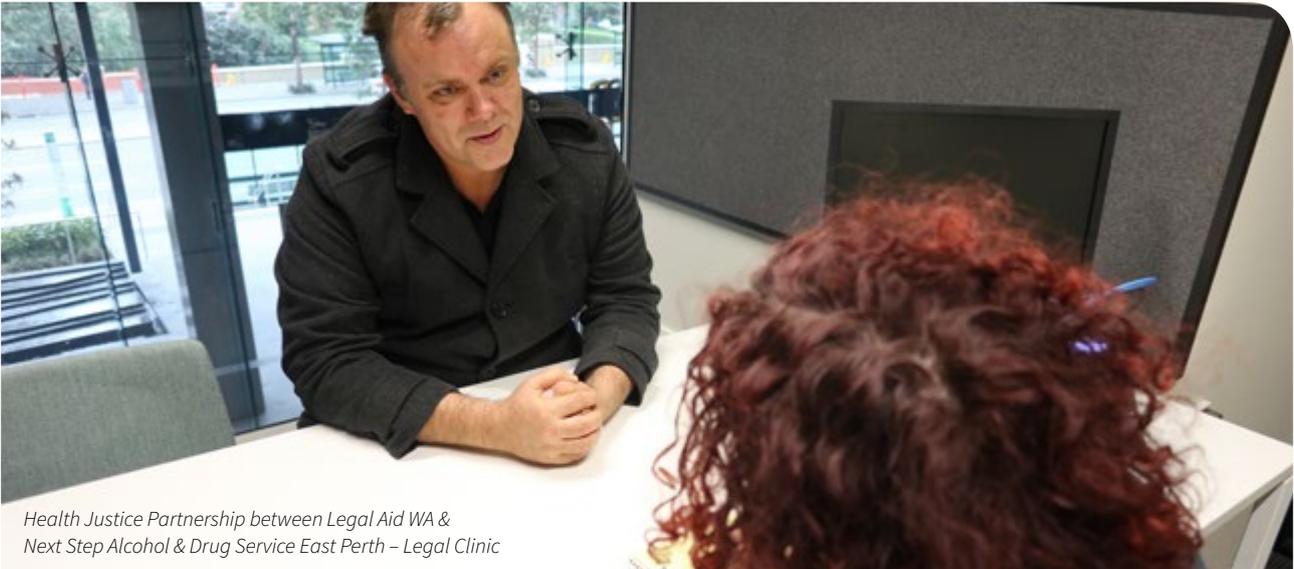
Research shows that over one-fifth of people in Australia experience three or more legal problems in a given year. Legal problems are particularly prevalent among people experiencing social disadvantage, particularly those with chronic ill-health or disability, single parents, the unemployed and people in disadvantaged housing. Legal problems have been found to cluster, for instance around family breakdown, money issues or poor-quality housing often coexist with ‘everyday life’ problems.

Those most vulnerable to legal need commonly face significant barriers to accessing legal help, including: not recognising that a problem has a legal solution; limited knowledge, skills and resources to respond to these problems; having other issues and priorities in their lives; concerns about the stress and possible repercussions of raising the issue; accessibility of services and cost. Nearly one in five Australians take no action for their legal problems. When they do seek advice, they are more likely to ask a non-legal advisor, such as a health professional, than a lawyer.

Legal Aid’s lawyer, on site at the health service, has assisted clients with employment law, protection and care, criminal law matters, debts, fines and tenancy problems. In addition, our lawyer has provided training to health staff about guardianship and administration legal framework.



*Next Step Drug & Alcohol Service*



*Health Justice Partnership between Legal Aid WA & Next Step Alcohol & Drug Service East Perth – Legal Clinic*

### The people we help

Jeremy, was referred to the Health Justice Partnership Legal Clinic at Next Step Alcohol & Drug Service, East Perth by his treating doctor. Jeremy's case was managed by Next Step to assist him to address his alcohol and drug dependencies. They also referred him to Legal Aid WA as part of the Health Justice Partnership with Legal Aid's lawyer on site, this was easy to do

Jeremy was seeking advice about an employment dispute with a large multinational company; child protection proceedings in another State and his carer responsibilities for his elderly mother.

Questions were raised by Jeremy about the treatment he had received from his supervisor during his employment and the pressure he felt to resign from his position because of the verbal abuse he experienced at work. We advised Jeremy about employment law matters and also referred him to the Fair Work Ombudsman to assist him to determine his entitlements.

About 12 years ago, Jeremy's son was removed from his care by the State Department of Child Protection in another State, at Jeremy's initiation, just prior to his imprisonment. He had not seen his son for 10 years. His now 13 year old son had been in foster care since a guardianship order was made 12 years ago. Recently he received a letter from the Department, seeking his views on consenting to the foster family becoming his son's legal guardians until his son attained 18 years of

age. Jeremy was distressed about this decision and wanted advice on how to rebuild the lost relationship with his child. He was offered a warm referral to the legal aid service in the other State, but he wanted to talk to someone local first. We made a referral to Legal Aid WA's Children's Court (Protection) Services to obtain advice on the general principles about child protection matters. Better equipped with this information, Jeremy was then able to follow up with lawyers in the other State to obtain further advice and assistance on whether to agree to orders by consent.

While talking to Jeremy, it was revealed that a warrant for his arrest was likely to exist in another State, after Jeremy breached his parole by leaving the State. Jeremy was advised by the Legal Aid WA lawyer on the best course of action to deal with the warrant and attain his long-term goal of returning to his home State to live, and to be closer to his son.

Jeremy also has carer responsibilities for his elderly mother whom he visits daily. His mother has mental health problems and needs help with her activities of daily living. He is concerned about his mother's future but felt he was already overwhelmed with other things. The Legal Aid WA lawyer discussed future planning issues around his mother's health and finances and gave him information on enduring powers of attorney, enduring powers of guardianship, advance health directives and making a will. He was offered further advice on these when he was able to manage it.

*\*We have changed the name/s and some facts to protect privacy.*

## New legal communication tool

On 19 July 2018, Legal Aid WA launched its new Blurred Borders legal communication tool.

Blurred Borders is a practical tool that uses visual art, plain language and storytelling cards to explain legal concepts. We developed it to address the unique legal issues faced by Aboriginal people who cross the East Kimberley and Northern Territory borders.

Many local people in the East Kimberley don't speak English as a first language. Over recent years, Legal Aid WA saw examples of local people not understanding that a Family Violence Restraining Order did not protect them over the border. In other cases, we saw people breaching bail conditions by not understanding that they had to report to police within the State and not over the border.

The Blurred Borders materials are helping to prevent Aboriginal people in the East Kimberley from being caught in the justice system because they don't

understand what is expected of them. They enable people to better understand the law; to make informed choices; and to actively participate in the legal process.

The Australian Government funded Legal Aid WA to work with the Northern Territory Legal Aid Commission to develop this tool. We produced these resources with high levels of Aboriginal engagement and collaboration. They represent genuine user-centred design. As a result, this tool supports effective two-way legal dialogue between frontline service providers and Aboriginal clients.

In June 2019, the Institute of Public Administration awarded Blurred Borders Gold at their Achievement Awards. The Institute described Blurred Borders as 'representing best practice in collaboration between government and non-government organisations.'

*Legal Aid WA's Blurred Borders team receiving their IPAA Award*





**Quotes about the resources**

***“Before I even said anything, I pointed to the no trouble sticker on the wallet card, and he shook his head and said no trouble. He absolutely understood from a glance at that picture...I just LOVE these resources. Isn’t this why we are here? This gives me hope that people will walk away and actually understand the rules.”***

Judicial Support Officer, Balgo Magistrates Court, East Kimberley

***“I am glad that these cards are here. I could see it in that young boy’s eyes that he was understanding.”***

Resident, Mulan Community, East Kimberley

***“The Blurred Borders resources have made a massive difference, the response and engagement from the youths is overwhelming. It’s improved courts service delivery immensely.”***

Children’s Court Registrar, Darwin, Northern Territory

*Top left: Legal Aid WA’s Chair, the Hon Jane Crisford SC launching the new Blurred Borders legal communication tool  
 Top right: Lindsay Greatorex, Community Liaison & Education Officer from Legal Aid WA’s Broome office with the Blurred Borders tools  
 Bottom left: Blurred Borders Resource Kit – sample contents  
 Bottom right: Legal Aid’s Lindsay Greatorex delivering Blurred Borders training to the community groups in South Hedland*

## Family violence program evaluated and extended

Legal Aid WA provides a Family Advocacy and Support Service to help people in the family law system who are affected by family violence. It is an integrated duty lawyer and social support worker service operating from Family Court registries. People who use the service are self-represented and particularly vulnerable as a result of family violence.

In 2018-19, the Family Advocacy and Support Service provided a total of 2,314 duty lawyer services and 693 social support services to clients in Western Australia. The program ran from Family Court registries at Perth, Geraldton, Kalgoorlie, Broome, Albany and Bunbury.

The Australian Government funded Legal Aid Commissions to provide the Family Advocacy and Support Service from 1 January 2017 to 30 June 2019. Over the last financial year, the Australian Government evaluated the service and found that it saved court time, promoted early resolution and resulted in higher quality interactions between self-represented parties and the courts. Because of the positive evaluation, the Australian Government has agreed to fund this program for another three years. Legal Aid WA is now committed to providing the Family Advocacy and Support Service until 30 June 2022.

*“The evaluation found that the Family Advocacy and Support Service had increased awareness of family violence by clients and stakeholders; increased support for, and help-seeking by, clients; and contributed to positive legal and social outcomes.*

*The evaluation found that the Family Advocacy and Support Service was an effective and important program that fills a gap in legal and social service provision to family law clients with family violence matters.”*

Evaluation 18 October 2018.



### The people we help

Sue had a hearing in the Family Court of WA, about whether her ex-partner Jim, should spend time with their teenage daughter Sarah. Sue and Sarah were experiencing ongoing family violence from Jim - including violence, threats and verbal abuse. Sue had never had legal advice, was scared at seeing Jim, was upset by the court process and was struggling to cope.

The Family Court Magistrate referred Sue to the Family Advocacy and Support Service (FASS) on site at court, where she was seen by a paralegal. The paralegal identified that Sue might need both legal and social support. Sue was linked in immediately with the duty lawyer for legal advice and representation in court. Sue was too distressed to appear in court, so the duty lawyer arranged for her to remain in a confidential safe room. The duty lawyer successfully argued for an adjournment to give Sue more time to apply for legal aid, get full advice and help with filing court documents. With Sue's consent, after the hearing, she was joined by the FASS social support worker who was able to discuss the family violence that was still occurring and options for trying to stay safe and minimise the impacts.

FASS followed up by helping Sue do an application for aid for ongoing legal representation in court and linked Sue with ongoing social support from external agencies.

*\*We have changed the name/s and some facts to protect privacy.*

## Client Safety Framework

Two of the most prevalent and serious risks for Legal Aid WA clients are family violence and suicide. To better support staff to respond to these issues, LAWA is implementing a comprehensive safety risk framework and training across all Legal Aid services – the “Client Safety Framework”.

The Client Safety Framework was originally developed by Victoria Legal Aid in consultation with family violence experts from ‘No to Violence’ (Vic/NSW) and was adapted by Legal Aid for use in Western Australia, with additional content on Aboriginal Family Violence authored by Aboriginal Psychologist, Professor Victoria Hovane.

The framework helps staff to better recognise, understand and respond to client safety issues, make targeted and holistic referrals, and reduce the chance of serious harm being caused by or to a client. The training is supported by 2-day training workshops for staff. The workshops are very practical and include strategies for working with clients who may be experiencing family violence and clients who may be using family violence.

The workshops are being co-facilitated by Legal Aid WA’s Family Violence Consultant, Michael Hovane, together with Mark O’Hare, from Stopping Family Violence, the specialist family violence agency for Men’s Family Violence Behavioural Change programs in Western Australia.

The training started in the Perth office of Legal Aid WA in May 2019 and has been provided initially to all staff in the Family Law Division of Legal Aid WA. The workshops will subsequently be rolled out to Legal Aid’s Criminal, Civil and Client Services Divisions in late 2019 and Legal Aid’s regional offices and staff in early 2020.

In addition to client safety issues, the training also focuses on the risks of vicarious trauma for staff and the importance of self-care.



*Michael Hovane and Mark O'Hare are co-facilitating the training for staff*

**“Legal Aid work can be very demanding and trigger our own emotions, so staff need to remember to look after themselves and each other when dealing with clients experiencing trauma.**

**When everyone is on the same page, we can work together to empower clients as we bring the best family violence knowledge to the work we do.**

**By building family violence awareness, it’s just amazing how incredible the difference is in the work we do - how we work with clients and speak with them and understand their stories in a warm, supportive and holistic way.”**

Michael Hovane

*Staff participate in a group discussion at the training (L-R Chimpo Bulawayo, Jenny Ramsay, Kate Galea)*



## Speeding up the grants process

During the 2018-19 financial year, the Client Services Division introduced new work practices to improve the turnaround times for the assessment of applications and extensions of aid.

Legal Aid WA regards it as essential to determine applications for aid as quickly as possible. Speedy determinations avoid the need for adjournments at court. They also deliver certainty to clients and their lawyers.

The improvements have included dedicating staff resources specifically to deal with all requests in date order, reprioritising the oldest requests and ensuring applications and requests are dealt with within 28 days. Team leaders have run daily reports to identify which matters are to be processed within set timeframes and met regularly with staff to give feedback and assistance to meet these targets.

In addition, we have targeted training for triage staff so that urgent family law applications can be determined immediately at the intake stage rather than flowing through to the assessing section.

These two strategies have resulted in significant improvements in the time taken to assess applications and extension requests at a time where we have had a markedly increased workload.

In 2018-19, we assessed 42,379 requests (applications and extensions) compared to 37,583 in 2017-18, which represents a 12.76% increase in requests for aid and extensions.

In this period, we improved assessing turnaround times with 98% of requests being assessed within 28 days compared to 90% the previous year and 87% being completed within 21 days compared to 82% the previous year.

## Dispute resolution

Legal Aid WA's family dispute resolution helps families in conflict find solutions to disputes. In 2018-19, Legal Aid WA convened 834 mediations - up 39% on the previous year. These mediations achieved a settlement 92% of the time.

In settling large numbers of high-conflict disputes, Legal Aid WA's family Dispute Resolution Program saves thousands of hours of court time. It also enables the parties to tailor their own settlement and prevents the damage to relationships that can result from court proceedings.

A unique aspect of Legal Aid WA's Dispute Resolution Program is that it is able to mediate high-risk cases where family violence is involved or where the court has appointed a lawyer to represent the child. In property cases, all our mediators are qualified lawyers.

Legal Aid WA's telephone helpline, the Family Court, the Children's Court and law firms all refer families to us for dispute resolution. All our dispute resolution is legally assisted and so we offer each party the opportunity to get legal advice before the conference and then attend the conference with the same lawyer. The advice and support that each person gets from a lawyer helps protect more vulnerable parties and ensure that the conference process and outcomes are fair.

Conferences about children are child focused and, where appropriate, child inclusive. Children do not attend the conferences but information about the children, including the dispute's impact on them, is provided to the parents at the conference.

## 2018-19 Family dispute resolution conferences

2018-19

**834**

CONFERENCES

- » **224** child focused and child inclusive conferences (settlement rate 91%)
- » **447** complex child matters with an independent children’s lawyer (settlement rate 92%)
- » **20** property conferences (settlement rate 51%)
- » **143** Signs of Safety (child protection) Pre-hearing Conferences (settlement rate 99%)

2017-18

**599**

CONFERENCES

- » **100** child focused and child inclusive conferences (settlement rate 88%)
- » **329** complex child matters with an independent children’s lawyer (settlement rate 92%)
- » **25** property conferences (settlement rate 81%)
- » **145** Signs of Safety (child protection) Pre-hearing Conferences (settlement rate 95%)

2016-17

**543**

CONFERENCES

- » **168** child focused and child inclusive conferences (settlement rate 88%)
- » **133** complex child matters with an independent children’s lawyer (settlement rate 87%)
- » **58** property conferences (settlement rate 83%)
- » **184** Signs of Safety (child protection) Pre-hearing Conferences (settlement rate 98%)

Legal Aid’s Dispute Resolution team



## New triage service enables fast action

Over the past two years, the Client Services Division has developed a successful Family Law Triage Service. The new service means that urgent matters, referred through the Infoline, front counter, regional offices and the Family Court Services duty lawyer, are identified immediately and referred to triage for intervention. Assistance is then provided over the phone or in person at the level determined necessary. It works in much the same way as triage in the emergency department of a hospital.

During the financial year, our triage staff have provided advice on 962 occasions, provided information on 664 occasions, screened clients for dispute resolution on 61 occasions and processed 302 applications for legal aid.

The matters determined to be needing a grant of aid are in most cases granted on the same day by the triage staff. This service ensures that the clients who present with immediate risk issues are not waiting to get assistance.



*Clients can be provided with immediate family law advice over the phone*



### The people we help

Aisha attended Legal Aid WA's reception seeking advice in relation to her child aged 19 months. Our reception staff identified Aisha as a priority client who required urgent assistance. Reception staff immediately referred Aisha to the triage team for same day assistance.

Aisha and her husband had been married for eight years and were currently separated under the one roof. The client was and had always been the child's primary carer. The client was a CALD (culturally and linguistically diverse) client, born in the middle east and English was her second language. The husband had booked flights to Europe for himself and the child and the travel was imminent.

Although the husband had advised Aisha he was taking the child for two weeks she had not sighted the return tickets and furthermore the husband had employment opportunities in Europe, where his family resided. Aisha did not want the child to go however had no understanding of the law and was under the distinct impression she had no choice. She was also very concerned that if she upset the other party she would have nowhere to live and did not understand her legal rights in relation to property. There was significant and long-term domestic violence.

Aisha met the guidelines for immediate assistance. She was granted aid for an injunction and for a Violence Restraining Order. She received legal advice and her application for aid was taken and assessed on that day. Aisha was also provided with a referral to Centrelink (for assistance with an application for a Crisis Payment). The urgent triage assistance she received prevented the child being taken out of the country, provided her with protection from further violence, housing assistance and other necessary supports.

*\*We have changed the name/s and some facts to protect privacy.*

## New direction for Legal Aid WA

In September 2018, the Board of Legal Aid WA approved a Corporate Plan for the 2019 and 2020 calendar years. This plan sets an exciting new direction for Legal Aid WA.

Every successful organisation has a plan and knows where it is heading in the future. Without a corporate plan, organisations simply drift and react to the pressures of the day. A corporate plan provides a shared purpose, clarity, a sense of direction and sets out measurable goals. It spells out where an organisation is going and how its going to get there.

Our vision is for a fair and safe Western Australia through equitable access to justice. Our Corporate Plan sets out five high-level goals – things we must get right if we are to fulfil that vision. It then outlines six key strategies that will enable us to achieve those goals. As a final step, the plan identifies 42 concrete actions that we will take in support of those strategies.

The Corporate Plan arises from a planning workshop attended by our Board and Executive Management Team in August 2018. Materials from that workshop formed the basis of a draft plan. It also includes the lessons learned from over 100 diagnostic conversations



*Legal Aid WA's Corporate Plan*

with people inside and outside Legal Aid WA. The organisation consulted with staff, took on board suggestions and finalised the Corporate Plan in September 2018.

Legal Aid WA has posted the Corporate Plan on its website. It's a plan that provides us with clarity and focus as we pursue our vision of making Western Australia fairer and safer through greater access to justice.

## Review of assessing decisions

During 2018-19, Legal Aid WA's assessors determined 42,379 applications for aid. Every decision is open for review by an independent Review Committee.

Review Committees are statutory committees which operate under the *Legal Aid Commission Act 1976*.

The role of Review Committees is to make final determinations on:

- (a) Applications for legal aid following refusals, initially and on reconsideration, to grant aid;
- (b) requests for extensions of a grant of aid following refusal, both initially and on reconsideration, to extend a grant;
- (c) the payment required from a legally assisted person towards the cost of providing legal aid either initially, during or at the end of the grant; and

- (d) the amount payable to private practitioners for the provision of services pursuant to a grant of aid.

There are currently five Review Committees, each consisting of two legal practitioners and a layperson. All members are appointed for a 12-month period from 1 July each year.

Review Committee members provide their services on a voluntary basis and make a significant contribution to Legal Aid's commitment to provide access to justice to the people of Western Australia.

During 2018-19, 92 matters went to Review Committees. The Review Committees overturned the assessors' decisions on 19 occasions.

## Business process reviews

Legal Aid WA started reviewing business processes in September 2018. The reviews were to help in considering the replacement of our Client and Grants Management System which is approaching the end of its life cycle. It was considered desirable to review processes prior to developing business requirements and to identify opportunities for improving processes before going to market. Also, an important part of the project scope was to identify operational improvements that we could implement in the short term.

We conducted 30 workshops with staff from functional areas to redesign how we work. The workshops mapped 20 different processes from areas as diverse as intake, assessing and duty lawyer. With forty Legal Aid staff participating in workshops many improvements have been identified, both quick wins and major works. Some of the 72 recommendations made have already been implemented.

Longer term, it is envisaged that current processes will be streamlined and unnecessary steps eliminated. Many transactional processes will be automated by a system or systems freeing up valuable resources and ensuring a faster and more efficient service to clients and practitioners.

An exciting picture is emerging of how Legal Aid WA could work in the future. Western Australians can expect better services and reduced cycle times as a result of these business process reviews.

## Legal Aid WA website

Legal Aid WA has continued to update its website, making it more accessible and intuitive. New videos, animations, infographics and content help us support and educate the general public in new and exciting ways.

Our website now has:

- » 45 new **Quick Answers** videos and animations on Legal Aid services and legal topics in civil, criminal and family law. Each video is accompanied by a new fact sheet on the topic.
- » 7 new **R U Legal?** infographics on topics relevant to young people. For example: cyber bullying, dealing with the police, and school fights.
- » A new **Videos about the law** sub-site housing all the videos we have on the website.
- » A new **R U Legal?** sub-site housing our community legal education resources for young people, parents and educators.
- » A new **Children's Court of WA Violence Restraining Order** sub-site housing videos, factsheets and content from our collaborations with the Children's Court, Youth Legal Service, Aboriginal Legal Service and Department of Education.

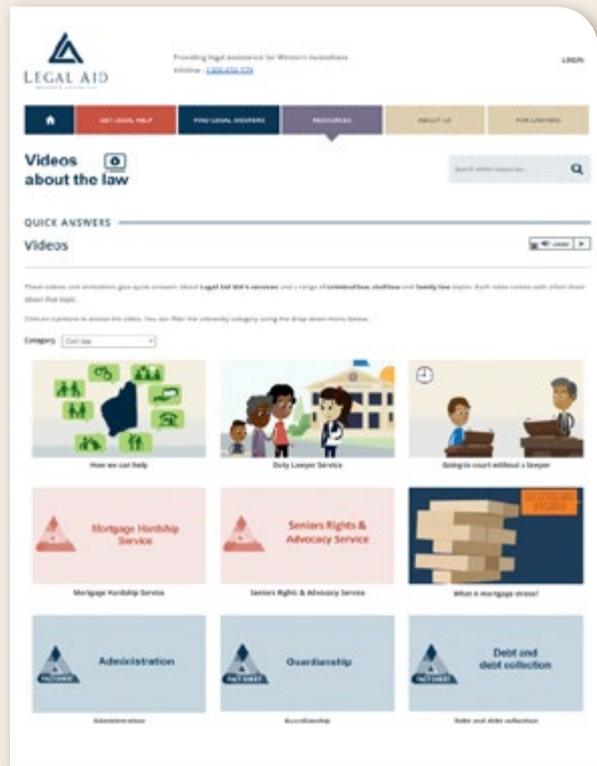
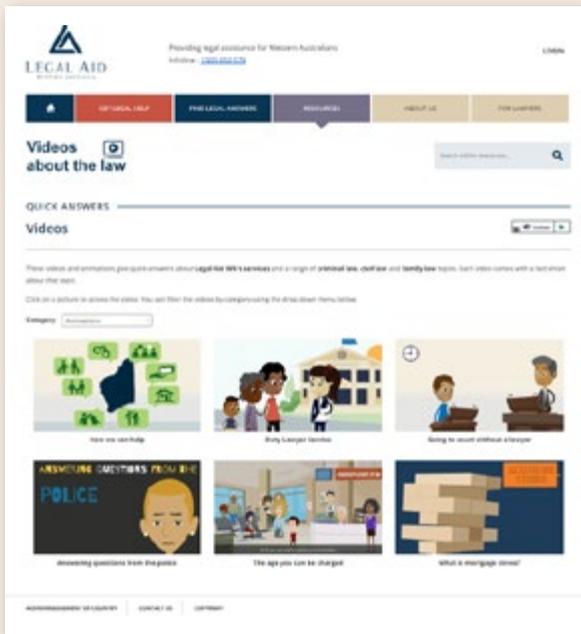
Legal Aid WA's website has become the trusted and authoritative source of legal information for the Western Australian Community, with 1,139,483 unique page views in 2018-19. This is an increase of 59% over the previous year.

**1,139,483**  
**unique page views**

**in 2018-19.**

**This is an increase of 59% over the previous year.**

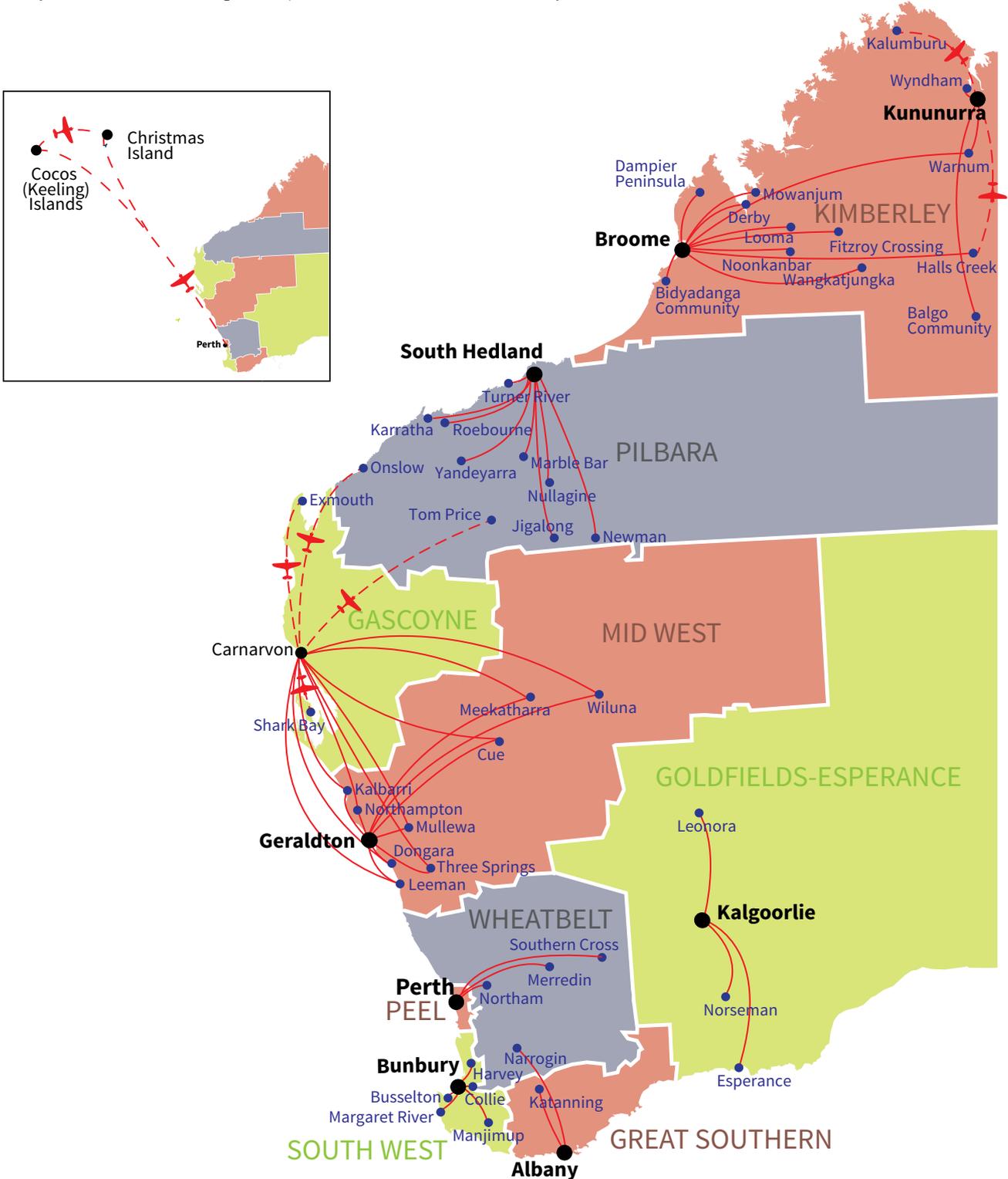




Legal Aid WA Website

## Taking the law to where it is needed

In 2018-19, Legal Aid WA delivered outreach services to 53 remote locations through 980 visits to deliver services that are accessible to Western Australian. Every week our lawyers go out to meet clients where they are needed. Outreach services are delivered to communities outside of the Perth metropolitan areas and major regional centres. Over the year, LAWA provided a duty lawyer service at every location where a magistrate presided over criminal and family lists in Western Australia.





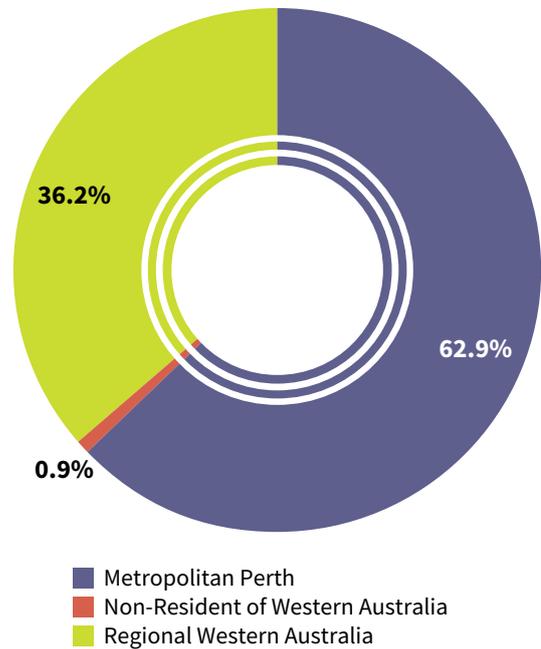
Our lawyer Annie Gray at Legal Aid's office on Christmas Island

### Outreach services in Western Australia

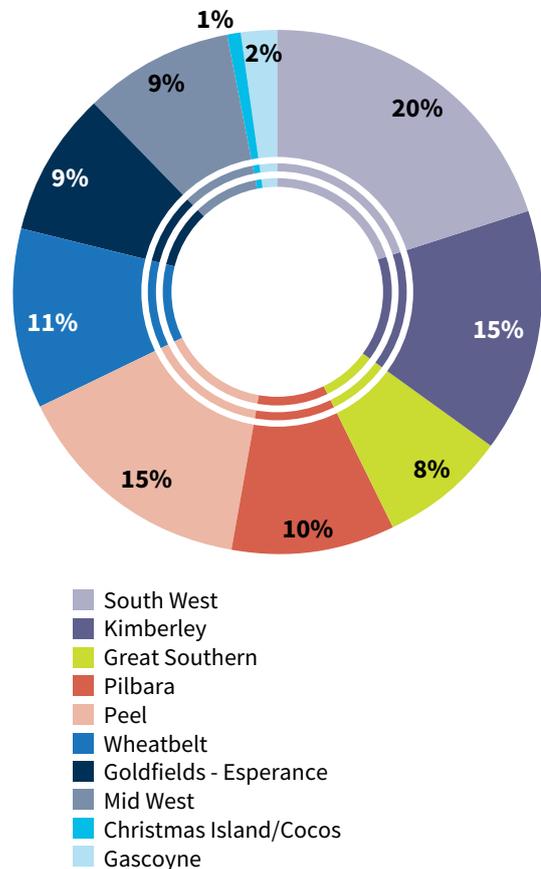
Our outreach includes lawyers at courts, community legal education, and advice clinics in regional and remote communities. In 2018-19, our lawyers visited the following regional and remote locations:

- » Albany Prison (80 visits)
- » Balgo Aboriginal Community and Halls Creek (22 visits)
- » Beagle Bay (1 visit)
- » Bidyadanga Aboriginal Community (10 visits)
- » Busselton (52 visits)
- » Christmas Island (10 visits)
- » Cocos (Keeling) (3 visits)
- » Collie (20 visits)
- » Cue (5 visits)
- » Dampier Peninsula (6 visits)
- » Derby (39 visits)
- » Dongara (7 visits)
- » Esperance (12 visits)
- » Exmouth (5 visits)
- » Fitzroy Crossing (32 visits)
- » Gibb River Station (1 visit)
- » Halls Creek (8 visits)
- » Harvey (12 visits)
- » Home Valley (1 visit)
- » Jigalong Community (6 visits)
- » Kalbarri (4 visits)
- » Kalumburu (20 visits)
- » Karratha (77 visits)
- » Katanning (12 visits)
- » Laverton/Warburton/Blackstone (2 visits)
- » Leeman (1 visits)
- » Leonora (12 visits)
- » Lombadina (1 visit)
- » Looma Aboriginal Community (7 visits)
- » Manjimup (52 visits)
- » Marble Bar (4 visits)
- » Margaret River (12 visits)
- » Meekatharra (6 visits)
- » Merredin (26 visits)
- » Mullewa (2 visits)
- » Narrogin (12 visits)
- » Newman (28 visits)
- » Norseman (12 visits)
- » Northam (104 visits)
- » Northhampton (3 visits)
- » Nullagine (5 visits)
- » Onslow (6 visits)
- » Ravensthorpe (2 visits)
- » Roebourne Regional Prison (4 visits)
- » Shark Bay (1 visit)
- » South Hedland (169 visits)
- » Southern Cross (12 visits)
- » Three Springs (5 visits)
- » Turner River Rehabilitation Centre (3 visits)
- » Wangkatjunka (1 visit)
- » Warmun and Halls Creek (15 visits)
- » Wyndham (27 visits)
- » Yiyili (1 visit)

### Residency of Legal Aid clients in 2018-19



### Residency of Legal Aid clients in 2018-19 living in regional WA





Main: Legal Aid's lawyer, Haley Allan delivering community legal education  
Inset: Temali Howard, Legal Aid WA's Community Liaison & Education Officer at Balgo Community with Gary Njamme and George Lee.

## Legal services to Aboriginal people

Legal Aid WA is one of the State's largest providers of legal services to Aboriginal Western Australians.

In 2018-19, Legal Aid WA provided lawyers to Aboriginal clients on 27,502 occasions. More than 19% of all our clients identified as Aboriginal. Our regional offices in the north of the State primarily service an Aboriginal client base. Legal Aid WA's Kununurra office reported 90% of clients as Aboriginal while Broome reported 78% and South Hedland 76%.

Legal Aid WA provides assistance to Aboriginal clients for criminal, civil and family law problems. We also deliver community legal education to large numbers of Aboriginal Western Australians. The purpose of this community legal education is to prevent legal problems by raising the level of personal legal capability.

In 2018-19, we launched the award-winning Blurred Borders legal communication tool. Developed by Legal Aid WA, these resources use visual art, plain language and storytelling to explain legal concepts around bail and family violence in the East Kimberley

cross-border region. The Blurred Borders tool is now playing a significant role in helping local Aboriginal people, who don't speak English as a first language, better understand court orders.

Legal Aid WA is committed to providing culturally appropriate services to Aboriginal clients and cultural awareness training is compulsory for all staff. Our northern offices employ community liaison and education officers to facilitate access to legal advice, advocacy, minor assistance and representation. They play an important role in achieving better outcomes for Aboriginal people. Legal Aid WA has a target of 3.2% of all staff being Aboriginal and had achieved 2.9% by 30 June 2019.

In 2019-20, Legal Aid WA will reduce the number of Aboriginal adults in prison by setting up a Bail Support Service. This new service will ensure that Aboriginal prisoners on remand in Perth, who are eligible for bail, get bail rapidly. It will also provide social support services to help those clients comply with the terms of their bail.

## The people we help

Carly is a 31-year old Indigenous woman living in a remote area in the Kimberley region of Western Australia. She is bilingual in both Kriol and English. For nearly ten years she was employed full time by the Government of Western Australia.

In 2012, Carly was diagnosed with diabetes whilst she was still employed. Her health deteriorated, resulting in the development of end stage renal failure in 2014. This condition impacted upon her vision and she became legally blind in the same year. Her medical conditions ultimately led to her needing to resign from her employment in May 2014. Her prognosis was that she had less than five years to live. Since leaving her employment she has been receiving the Disability Support Pension.

In December 2015, Carly requested the application forms from her superannuation fund to make a claim for Total Permanent Disability (TPD). She spent some time trying to find a friend or family member who could help her complete the forms. In July 2017, after getting help to complete the forms, Carly submitted them to the superannuation fund, only to be told they were out of date and that she would have to submit her claim online via their eClaim portal.

In July 2018, Carly attended the Legal Aid office in Broome, located almost 300 kilometres from where she lived. She was initially assisted by a solicitor in the Broome office and then referred to the Civil Law Division in Perth.

Carly is required to undertake four and a half hours of dialysis treatment three times a week. The nearest care centre to her home is over 100 kilometres away. She is not readily contactable. There is little to no phone range and emails are typically sent through her brother. Most correspondence is conducted over the phone whilst she is receiving treatment in town.

It was agreed that the Broome office would remain a point of contact for Carly, assisting Carly's lawyer in Perth with local contacts in the Kimberley, communication with Carly and advising on cultural matters that arose.

We assisted Carly to complete her claim for TPD. Her vision impairment and complete reliance on others meant that completing this claim could only be done with appropriate help. We approached the Aboriginal Care Co-ordinator at the treating service to seek their help in obtaining the essential documentation for the claim to proceed. With their assistance, Carly's certified documents were provided, letters and witness statements were given to Carly and read to her, legal advice phone appointments were arranged in a quiet room in the treating service, and various medical reports were obtained.

On 4 January 2019, the TPD claim was approved for \$200,000.

Since the approval of the TPD claim, the funds were deposited and preserved in Carly's superannuation account. A benefit access form is to be completed in order to release the preserved funds. In preparation for the release and acting on Carly's instructions we arranged a warm referral to a financial advisor for Carly to receive advice on suitable options for pension and other regular payments from the preserved amount.

Our community liaison and education officer in the Broome office is assisting our client with wraparound services including financial counsellors from a local Indigenous women's group.

In addition, we have arranged for Carly to receive advice on estate planning and an enduring power of attorney.

A further claim for Salary Continuation Insurance (SCI) is now being pursued on behalf of Carly, and given the successful TPD claim, it is very likely that she will be successful in this claim.

*\*We have changed the name/s and some facts to protect privacy.*

## The Jiji Nyirti Project

The Jiji Nyirti (Little Children) Project is a joint initiative of the Family Court of Western Australia, Legal Aid WA, the Aboriginal Legal Service WA, Aboriginal Family Law Services and the Pilbara Community Legal Service. The project aims to overcome a range of barriers and provide Aboriginal people access to family law services in a culturally appropriate and less formal way. The ultimate objective being to keep Aboriginal children safe within existing family structures.

This successful Australia-first initiative was led by the former Chief Judge of the Family Court, the Honourable Stephen Thackray, in consultation with Martu Elders, advisors and families. The Martu are the traditional Aboriginal people in the East Pilbara region, the project was named “The Little Children”.

While in Newman, the team was based in the local community centre and people were able to attend and go before a magistrate, without an appointment or filling in paperwork, and tell their story. The magistrate was supported by a family consultant (social worker) and an interpreter, where appropriate. Legal Aid WA provided two duty lawyers to support the project.

A major focus of the project was to assist family members, such as grandparents or aunties, to formalise arrangements where they had had long term care of children.

Working collaboratively, the legal services ensured that family members were located and able to access legal services. The project team assisted many Aboriginal families to obtain Family Court orders that gave them parental authority to make decisions for children who were in their care, allowing them to access medical, education and financial support. Orders were also made to support carers to put boundaries in place to keep children safe from a range of risks including exposure to family violence and drug and alcohol abuse.

Legal Aid WA continues to partner with the Family Court to improve access to the Family Court for Aboriginal families in other regional areas by developing a “Family Court Family Way” court process relying on the model developed in the Jiji Nyirti project.



*KJ Rangers women's leadership group with members of the Jiji Nyirti Project team including Legal Aid's Julie Jackson and Brianna Lonnie*

## Reconciliation Action Plan

The Reconciliation Action Plan (RAP) is a strategic document that demonstrates Legal Aid WA's support for the national reconciliation movement. It includes practical actions that will drive Legal Aid's contribution to reconciliation both internally and in the Western Australian communities we serve. The plan is progressed through the Reconciliation Action Plan Working Group and achievements over the last year include:

- » A continued partnership working with Aboriginal community agencies, including a service mapping exercise between Legal Aid WA and the Aboriginal Legal Service of Western Australia to share knowledge of civil law services provided in both agencies, resulting in a number of referrals to Legal Aid's Civil Law Division.
- » A panel discussion facilitated by the Aboriginal Legal Service of Western Australia for Legal Aid WA staff on the work of the Aboriginal Legal Service of Western Australia and effectively working with Aboriginal clients.
- » A significant increase in regional representation of the Reconciliation Action Plan Working Group.
- » Educating our staff and stakeholders on how to work with Aboriginal interpreters through interactive workshops delivered by Aboriginal Interpreting WA with input from Legal Aid WA. One of the Perth workshops was provided for people working in family law and one for people working in criminal law. The workshops were provided in Perth and Kununurra and it is anticipated that further workshops will be delivered in the future.
- » Delivering community legal education sessions in prisons and detention centres. Sessions are designed to empower participants with knowledge about laws relevant to them, get them thinking about choices and legal consequences and inform them about their rights.
- » Committing to actively explore Aboriginal businesses for providing goods and services to Legal Aid WA in alignment with Western Australian Government policy.
- » Participating in the Public Sector Commission Aboriginal School based traineeship pilot program.
- » Successful completion of the Public Sector Commission Aboriginal traineeship program resulting in employment with Legal Aid WA.
- » Establishing of an Aboriginal traineeship program run by our Kununurra office.
- » The Reconciliation Action Plan Working Group continues to collate issues adversely affecting Aboriginal clients and takes a proactive approach in making submissions for systemic change, for example Legal Aid wrote to the Chief Judge of the District Court and the Director of Public Prosecutions about the use of a deceased Aboriginal person's name in court proceedings, due to the cultural concerns about this practice.
- » We celebrated the permanent appointment of Legal Aid's community liaison and education officers in the East and West Kimberley.

## Law Society of WA Quality Practice Standard Audit

Legal Aid WA is committed to delivering high quality legal services to recipients of legal aid. One of the ways we assess our services is through an independent quality audit of our files.

2019 marks the 21st year of Legal Aid WA's participation in the Law Society of WA's Quality Practice Standard Program. The Program requires an annual audit of Legal Aid WA's head office in Perth and a regional office nominated by the auditor.

This year's audit took place in May and covered the Perth and Albany offices. The audit involved reviews

of recently finalised client files and interviews with fee earners.

The auditors confirmed that the Quality Practice Standard system is well implemented, and Legal Aid WA continues to demonstrate a high level of compliance with the requirements of the Quality Practice Standard. There were no systems improvement reports raised, and it was found that Legal Aid WA demonstrates an ongoing commitment to the management of client matters to a high standard.

Next year's regional audit will cover the East Kimberley office.

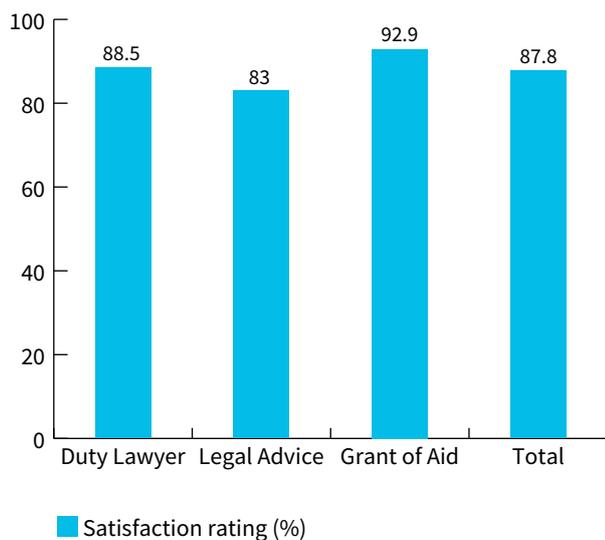
## Client Satisfaction Survey

Legal Aid WA surveys its clients each year, alternating between criminal law clients and family law clients, our two biggest client groups. In 2018-19, the criminal law client group was surveyed. The survey was conducted by an independent contractor and clients were surveyed by telephone.

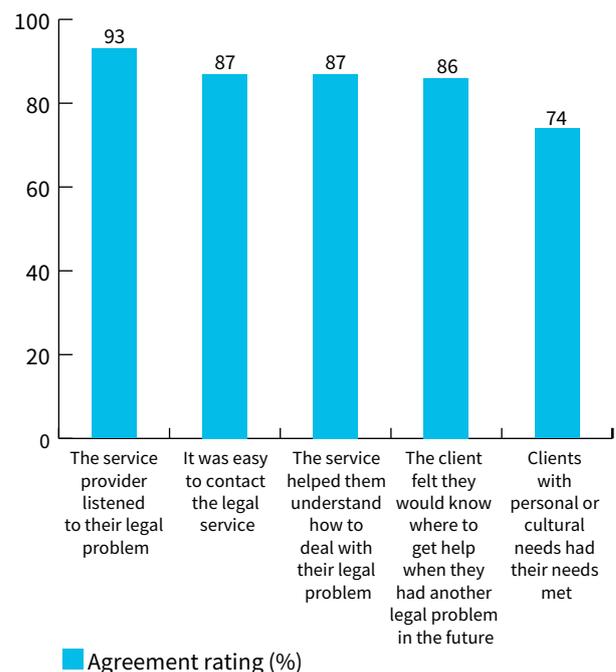
420 criminal law clients from three groups (duty lawyer, legal advice and grant of aid) were asked a comprehensive set of questions about their experience with Legal Aid WA and the services they received.

The overall satisfaction rating for the three groups was 88%, with those clients receiving a grant of legal aid assistance the most satisfied overall with a rating of 93%.

**Criminal law client group**



**Client Satisfaction Survey 2019**



## Our partners in the private profession



In 2018-19, private practitioners delivered **76%** of all grants of legal aid at a cost of \$27.111 million.

In 2018-19, LAWA had **429** private practitioners on the panels and 333 active firms

Legal Aid WA maintains a series of panels and lists to allocate and manage the performance of legal services undertaken by private practitioners. These panels cover criminal law, family law and civil law. Legal Aid WA also manages the Independent Children's Lawyers and Child Representative lists, as well as the Dispute Resolution Chairperson lists.

To qualify for inclusion on the panels or lists, private practitioners must meet minimum criteria and demonstrate that they have the required level of skills and expertise to represent legal aid clients.

As part of the application process, the private practitioners are required to:

- » Sign a Professional Services Agreement in which they agree to meet and comply with the standards and procedures.
- » Consent to the disclosure of certain information to Legal Aid WA by the Legal Practice Board and the Legal Profession Complaints Committee, while applying for or remaining on the Legal Aid WA panels and lists.
- » Meet supervision and ongoing training requirements.

Legal Aid WA acknowledges the significant contribution that the private practitioners provide disadvantaged Western Australians through grants of legal aid. Without the assistance and dedication of the private profession, Legal Aid WA would not be able to maintain the services that are currently provided by the panel and list members.

### 3. Overview of Agency

Rank	Firm	Net Solicitor Fees
1	BANNERMAN SOLICITORS PTY LTD	729,770.80
2	CALVERLEY JOHNSTON	523,226.76
3	AP LEGAL CRIMINAL LAWYERS PTY LTD	454,341.25
4	BARONE CRIMINAL LAWYERS PTY LTD	420,305.20
5	HBR FAMILY LAWYERS	374,695.20
6	FERRIER ATHANASIOU & KAKULAS PTY LTD	354,527.20
7	WAYNE DAWKINS LAWYERS PTY LTD	338,005.80
8	PLATINUM LEGAL	336,564.52
9	IAN HOPE BARRISTER AND SOLICITOR	332,184.30
10	COBALT LEGAL PTY LTD	308,127.38
11	JUSTINE FISHER BARRISTERS & SOLICITORS	294,550.43
12	SHADDICKS LAWYERS PTY LTD	280,642.45
13	MCDONALD & SUTHERLAND	271,131.63
14	MORRIS LAW PTY LTD	261,641.05
15	S.F. RAFFERTY PTY LTD	252,671.57
16	SIMON WATTERS	233,099.50
17	CMS LEGAL	226,329.40
18	BLOXHAM LEGAL	216,493.20
19	DAVID CHARLES MANERA	216,336.72
20	ABIGAIL ROGERS BARRISTERS & SOLICITORS PTY LTD	216,037.31
21	OSWALD LEGAL PTY LTD	210,392.62
22	HURON LEGAL PTY LTD	204,683.40
23	S V PHILLIPS & CO	201,143.80
24	ANTHONY EYERS	200,326.06
25	JONATHAN ADAM DAVIES	196,861.50
26	PAUL WAYNE CATALANO	187,127.60
27	NR BARBER LEGAL	186,633.15
28	SHADGETT LEGAL PTY LTD	185,201.70
29	JEFFREY PAUL SIMON GORE	184,247.80
30	BAILY FAMILY LAW	183,602.10

## Community Legal Centre Funding in WA

Legal Aid WA manages the Community Legal Centre Program in Western Australia.

Community Legal Centres are not-for-profit, community-based organisations that deliver legal services to disadvantaged clients, communities and identified target client groups. Community Legal Centre services are focussed on early intervention strategies to assist clients to resolve their legal problems as early as possible. There are 28 Community Legal Centres in Western Australia and 25 of these are funded under the Community Legal Centre Program.

Community Legal Centres and Legal Aid WA work in partnership with other services in the legal assistance sector to assist some of the most disadvantaged clients in Western Australia.

In 2018-19, the Community Legal Centre Program in Western Australia provided \$11.706 million in Commonwealth and State funding to 25 Community Legal Centres and to the Community Legal Centre Association of WA. The funding is administered under the National Partnership Agreement on Legal Assistance Services (2015 to 2020) and in Western Australia, the funding provided to Community Legal Centres is approximately 54% Commonwealth funding and 46% State funding.

In 2018-19, Community Legal Centres funded under the Program provided legal assistance to 22,850 clients across a wide range of legal matters and met the National Partnership Agreement benchmark of delivering 94.9% of representation services to clients experiencing disadvantage. This demonstrates continued targeting of Western Australia community legal services to those clients most in need.

The top 10 problem types for Community Legal Centre legal matters in 2018-19 were child contact orders, family or domestic violence, tenancy, child residency, parenting issues, credit and debt, property (marriage and de facto), restraining orders, consumer issues and other civil law matters.

In 2018-19, a number of Community Legal Centres' special projects and programs received awards for outstanding service delivery. Street Law Centre, a centre assisting clients who are homeless or at risk of homelessness, received the Attorney General's Community Service Law Award which was presented by the Hon. John Quigley MP during Law Week. Street Law Centre also received a Consumer Protection Community Award for its services in 2019.

#### Community Legal Centre Funding 2018-2019

Centres	Commonwealth CLC Funding	Cth Defined Funding - FDV Services	CPC Funding	State CLC Funding	Other State Grant	SACS (Cth)	TOTALS
Albany CLS	\$154,683	\$126,143	\$53,500			\$49,246	\$383,572
Citizens Advice Bureau			\$81,400	\$62,948			\$144,348
CLC Association				\$175,832			\$175,832
Consumer Credit Legal Service	\$264,323			\$437,299		\$46,352	\$747,974
EDO WA					\$150,000		\$150,000
Fremantle CLC	\$59,658	\$126,143		\$143,422			\$329,223
Goldfields CLC	\$150,911	\$126,143				\$48,585	\$325,639
Gosnells CLC	\$261,028	\$126,143		\$252,756		\$67,895	\$707,822
Humanitarian Group		\$126,143	\$100,000	\$8,145		\$22,121	\$256,409
Kimberley CLS	\$359,695	\$126,143				\$85,198	\$571,036
Mental Health Law Centre				\$843,600			\$843,600
MIDLAS <sup>1</sup>			\$150,000				\$150,000
Northern Suburbs CLC	\$314,756	\$126,143	\$330,000			\$77,317	\$848,216
Northern Suburbs CLC RDLS <sup>2</sup>			\$57,485				\$57,485
Peel CLC	\$14,407	\$126,143		\$489,950		\$24,647	\$655,147
Pilbara LS	\$222,486	\$126,143				\$61,136	\$409,765
RAW	\$177,711	\$126,143		\$159,549		\$53,285	\$516,688
RAWA (PAFVPLS)				\$708,000			\$708,000
South West CLC	\$191,943	\$126,143		\$62,948		\$55,780	\$436,814
SCALES	\$81,645	\$126,143		\$180,442		\$36,438	\$424,668
Street Law Centre WA Inc	\$69,204		\$195,000			\$12,136	\$276,340
Sussex Street CLS	\$208,065	\$126,143	\$114,120	\$8,960		\$58,608	\$515,896
Tenancy WA Incorporated	\$135,824					\$23,819	\$159,643
WRAS	\$290,648			\$54,710		\$50,969	\$396,327
Wheatbelt CLC		\$126,143	\$299,520			\$22,121	\$447,784
Women's Legal Service WA	\$456,404					\$80,036	\$536,440
Youth Legal Service WA	\$81,607		\$71,000	\$259,439		\$14,311	\$426,357
Costs for CLASS/TIS <sup>3</sup>	\$105,000						\$105,000
	<b>\$3,599,998</b>	<b>\$1,766,002</b>	<b>\$1,452,025</b>	<b>\$3,848,000</b>	<b>\$150,000</b>	<b>\$890,000</b>	<b>\$11,706,025</b>

<sup>1</sup> MIDLAS: \$75,000 was paid by the Commission and \$75,000 was paid by the Department.

<sup>2</sup> Northern Suburbs CLC: \$57,485 was paid by the Department of Justice.

<sup>3</sup> Actual payment for CLASS/TIS is \$138,527.10.

## Collaborative Service Planning & Jurisdictional Forums

Legal Aid WA convenes the WA Jurisdictional Forum and Collaborative Services Planning Groups. Both groups met in November 2018 and May 2019.

These forums are established to improve the coordination of legal assistance services. The groups aim to gather evidence of legal need and to analyse this data relating to services, to share information on legal assistance services and to improve the efficiency and effectiveness of legal assistance services in Western Australia.

The Western Australian Jurisdictional Forum and Collaborative Services Planning Group includes representatives from Community Legal Centres, Indigenous Family Violence Prevention Legal Services, the Aboriginal Legal Service of WA, Law Access, Legal Aid WA, the Department of Justice and the Commonwealth Attorney-General's Department.

During the term of the current National Partnership Agreement, the Collaborative Service Planning Group completed significant reports in the areas of mapping domestic violence services, demographic analysis of Western Australia and legal needs mapping. These reports were published in hard copy and on Legal Aid's website at:

<https://www.legalaid.wa.gov.au/lawyers/legal-assistance-sector-planning>

The Community Legal Education Working Group of the Collaborative Service Planning Group has undertaken an extensive audit of all community legal education materials in Western Australia, have created shared community legal education resources and have considered options for greater reach of community legal education in Western Australia (especially to regional and remote areas). The Community Legal Education Working Group is now examining shared professional development and support training for legal assistance sector workers in Western Australia.

## The year ahead

We're excited about what we will do in the year ahead. Over the 2019-20 financial year, Legal Aid WA will:

- » Reduce the number of Aboriginal adults in prison by setting up a Bail Support Service.
- » Prevent victims of family violence walking away from Family Court proceedings out of fear of being directly cross-examined by their ex-partners. We will address this problem by setting up a Family Violence and Cross-examination of Parties Scheme. Prevent examination.
- » Prevent people agreeing to unfair property settlements to avoid the stress and cost of going to court. We will start a lawyer-assisted Family Law Property Mediation Program targeted at families with a property pool of less than \$500,000.
- » Combat family violence by adding a men's support worker to our Family Advocacy and Support Service.
- » Take the law to hard-to-reach people by launching three new health justice partnerships.
- » Reduce cycle times and improve services to clients by implementing improvements identified in 20 business process reviews. These improvements will transform our organisation by streamlining processes and eliminating unnecessary steps.
- » Automate payments to law firms doing Legal Aid work to speed up payment of bills and free up staff resources.
- » Take the law to where it is needed by opening more Virtual Offices in locations where Legal Aid WA does not have a physical office.

## Operational structure

### Name of agency

Legal Aid Commission of Western Australia.

### Enabling legislation

The Legal Aid Commission of Western Australia was established under section 6 of the *Legal Aid Commission Act 1976*, listed as a statutory authority on Schedule 1 of the *Financial Management Act 2006* and is subject to the provisions of the *Public Sector Management Act 1994* with the exceptions of Part 3 and Part 5.

### Responsible Minister

Attorney General of Western Australia.

### Accountable authority

Part II of the *Legal Aid Commission Act 1976* 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 expired and the Commission has operated without Commonwealth representatives.

In 2018-19, there were 10 meetings 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 Dion Smith. Lanie Chopping 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*.

## Commission Members

---



### **Hon Jane Crisford, SC – Chair (appointed July 2017)**

Jane Crisford is the first female Chairperson of the Commission. She has extensive experience in civil, criminal and family law and comes to the Commission as a highly respected practitioner and former member of the judiciary.

Jane studied law at UWA and was admitted to practice in 1978. She worked at the then Crown Law Department and later at Parker & Parker, before becoming an establishing partner at Key & Crisford, which was one of the first all-female legal partnerships in WA. In 1984 she joined the Aboriginal Legal Service of WA as the solicitor-in-charge of its West Kimberley Office and was later solicitor-in-charge of the East Kimberley Office in Kununurra. She was counsel representing Aboriginal families in the Royal Commission into Aboriginal Deaths in Custody. In 1991 she joined Dwyer Durack where she became an accredited family law specialist and later a partner.

Jane joined the independent bar in 1998 and was appointed senior counsel in 2002. She was appointed President of the Equal Opportunity Commission in 2003 and served as a Judge of the District Court of WA from 2004 to 2006. She was then appointed as a Judge of the Family Court of WA and Family Court of Australia from 2006, until her retirement in 2016. She has previously held a number of voluntary positions, including as a member of the Chief Justice's Indigenous Committee, Women Lawyers of WA, the Law Society of WA, Legal Practice Board, WA Bar Association and the Australian Association of Women Judges.



### **Graham Hill - Director of Legal Aid**

Graham Hill started as CEO of Legal Aid Western Australia in May 2018. Graham was the Chair of National Legal Aid from 2017-18. He served as CEO of Legal Aid Tasmania from 2014-18. Before that, Graham spent three years as Deputy Secretary, Courts, at the Department of Justice in Victoria. He was Director of the Legal Branch at the Victorian Department of Premier and Cabinet for eight years. Graham worked for 14 years as a lawyer in private practice and was a partner in a Melbourne law firm. He also served as an Associate to a Federal Court judge. Graham has a Bachelor of Economics and a Master of Laws from Monash University. He also has a specialist doctorate in law from the University of Melbourne.



### **Dion Smith**

Dion Smith is currently Director of Sales and Marketing at MineARC Systems, Perth.

Dion has held various management and executive positions in sales and operations at Vocation in Education, Mining People International, TSS-Weststaff and Programmed Group. He has served on the board of two publicly listed companies as an Executive Director, and for the WA Branch of Save the Children. He holds a Bachelor of Economics from the University of Western Australia, and a Masters in Business Administration from the University of NSW/University of Sydney. Dion has four children and is involved in many voluntary activities on their behalf at school and in the community. Dion was appointed a Commissioner in December 2010, as a nominee of the then State Attorney General.

Dion is also the Chair of the Audit Committee and has held that position since his appointment to Legal Aid WA in 2010.



### **Genevieve Cleary**

Genevieve Cleary has been a barrister at Francis Burt Chambers in Perth since 2015, and practices in the areas of criminal, civil, family and disciplinary matters.

Genevieve has experience in all courts including single judge appeals, the Court of Appeal and the Family Court of Appeal, State Administrative and Administrative Appeals Tribunals and the Coroner's Court. She takes briefs on behalf of accused, appellants, applicants, respondents, the State, Commonwealth and Federal Police, and responds to any actions those agencies take.

Previously, Genevieve worked as a State Prosecutor, Office of the Director of Public Prosecutions for WA, although her criminal law career commenced at Legal Aid WA.

From 2015 to 2017, Genevieve was President of the Criminal Lawyers Association of WA. She is the Chair of the Building Services Board of Western Australia, Deputy Chair of the Scotch College (WA) Foundation and a board member at WA Bar Chambers. From 2010 to 2015, she was Chairperson of the Legal Training Sub-committee, Office of the Director of Public Prosecutions for WA. She has also sat on various committees for the Law Society of WA.



### **Lanie Chopping**

Lanie Chopping is the Director Retail and Services at Consumer Protection (Department of Mines, Industry Regulation & Safety), overseeing the retail, building and services sectors including the automotive industry and product safety regulation. Lanie also oversees consumer protection services across regional Western Australia and the community education and media teams.

A social worker by profession, Lanie first joined Consumer Protection in 2011. Prior to joining Consumer Protection, she worked with the Economic Regulation Authority, having previously worked as the Manager - Social Policy Unit, at the West Australian Council of Social Services, and in community legal centres, including in the Pilbara region of Western Australia.

Lanie is a Leadership WA alumni from 2007 and graduate of the Australian Institute of Company Directors.



### **Steve Toutountzis**

Steve is a Certified Practising Accountant and has an extensive background in finance, procurement, public sector service delivery and policy at an executive and strategic level.

In his former role of Director, Performance and Evaluation – Group 1, Department of Treasury, his responsibilities included analysis and strategic advice to the Western Australian Government on budgetary and financial management issues impacting a range of portfolios including Health, Transport and Social Services. He is currently a member of the North Metropolitan Health Service Board.



### **Elspeth Hensler**

Elspeth Hensler is a barrister at Francis Burt Chambers, practising in commercial matters including banking, corporate, insolvency, revenue, mining, construction and succession matters.

Elspeth is a former Chair of the WA Legal Assistance Forum and former President of Australian Women Lawyers and Women Lawyers of WA. She was a member of the steering committee that produced the 20th Anniversary Review of the Chief Justice's 1994 *Gender Bias Taskforce Report*. She also authored the private residential tenancy and social housing residential tenancy sections of the Lawyer's Practice Manual WA.

Elspeth is a current member of the WA Bar Council and is involved with coordinating the WA Bar Association's response to requests for pro bono assistance, as well as its CPD and Bar Reader courses. She is also Deputy Chair of the Advisory Board of the School of Law at Notre Dame University in Fremantle.

In 2014, Elspeth was presented with the Attorney General's Community Service Law Award and jointly presented with the WA Bar Association Distinguished Service Award. In 2015, she received Women Lawyers of WA's award for Woman Lawyer of the Year.

### Director of Legal Aid

The Director, Graham Hill, is also the Chief Executive Officer. Under section 19 of the *Legal Aid Commission Act 1976* 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 appointed for a five-year term on 7 May 2018.

### Executive Management Team

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

In line with functions prescribed under section 15 of the *Legal Aid Commission Act 1976*, 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 executive management structure was constituted in 2008.

### Administered Legislation

The Authority assists the Attorney General in the administration of the *Legal Aid Commission Act 1976*.

### Other Key Legislation Impacting on Legal Aid WA's Activities

*A New Tax System (Goods and Services Tax) Act 1999;*

*Auditor General Act 2006;*

*Copyright Act 1968;*

*Disability Discrimination Act 1986 (Cwth);*

*Disability Services Act 1993;*

*Equal Opportunity Act 1984;*

*Family Law Act 1975 (Cwth);*

*Financial Management Act 2006;*

*Freedom of Information Act 1992;*

*Fringe Benefits Tax Assessment Act 1986;*

*Government Employees Housing Act 1964;*

*Income Tax Assessment Act 1936 (in relation to staff) and  
Income Tax Assessment Act 1997;*

*Industrial Relations Act 1979;*

*Land Administration Act 1997;*

*Legal Aid Commission Act 1976;*

*Legal Deposit Act 2012;*

*Legal Profession Act 2008;*

*Minimum Conditions of Employment Act 1993;*

*Occupational Safety and Health Act 1984;*

*Public and Bank Holidays Act 1972;*

*Public Sector Management Act 1994 (Part 3 and Part 5  
Exemption);*

*Racial Discrimination Act 1975;*

*Salaries and Allowances Act 1975;*

*State Superannuation Act 2000;*

*State Records Act 2000;*

*State Supply Commission Act 1991;*

*Transfer of Land Act 1893;*

*Workers' Compensation and Injury Management Act 1981;  
and*

*Workplace Agreement Act 1993.*



## Vision

**Equitable access to justice to support a fair and safe community**



## Mission

**To assist the community by providing quality and timely legal help to those who need our assistance**



## Core Values

**Making a difference:**

We're committed to helping people understand and protect their rights

**Client-centred:**

We put clients at the centre of everything we do

**Respect:**

We care about our clients and the community in which we live

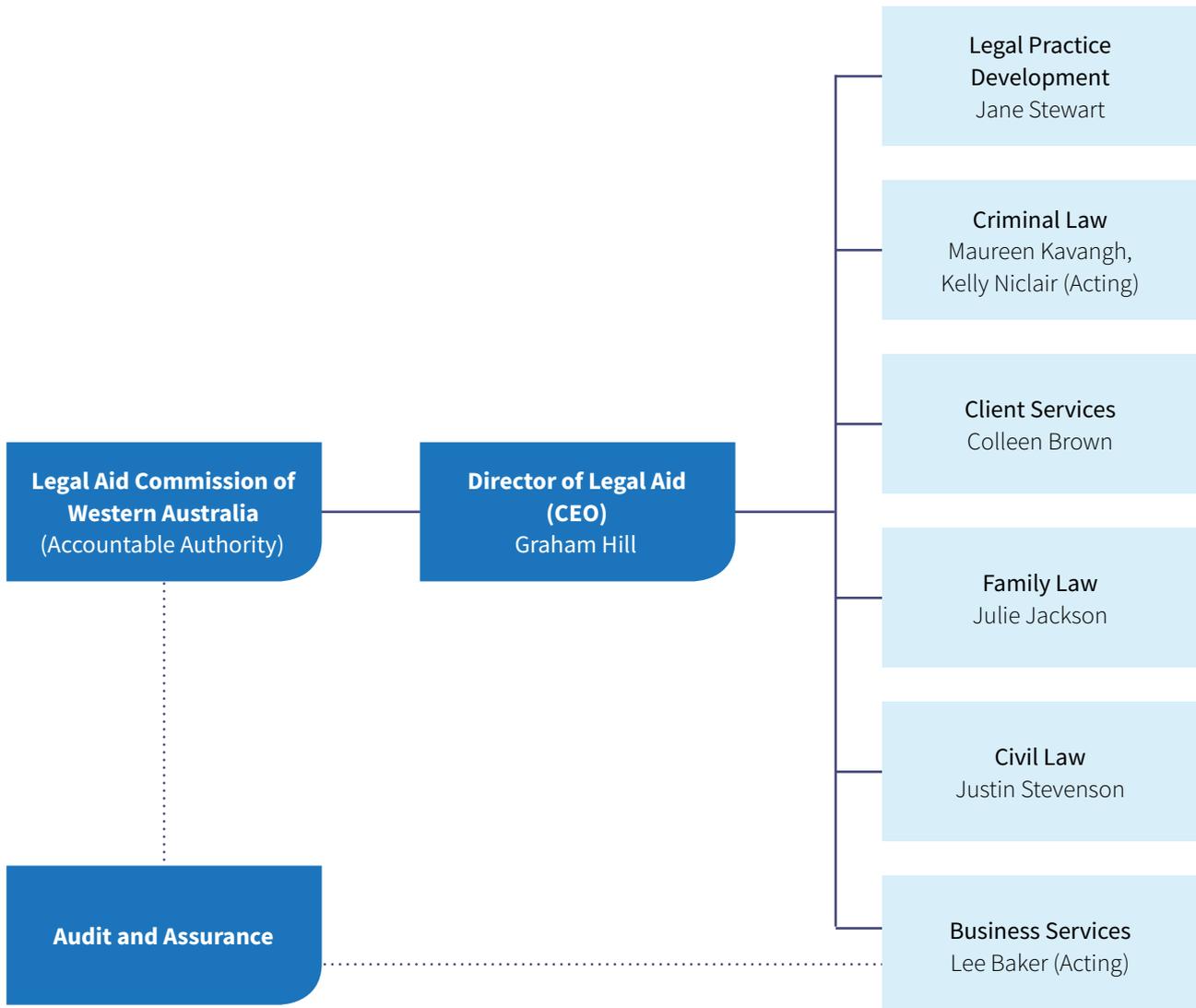
**Innovation:**

We're committed to continuous improvement

**Transparency:**

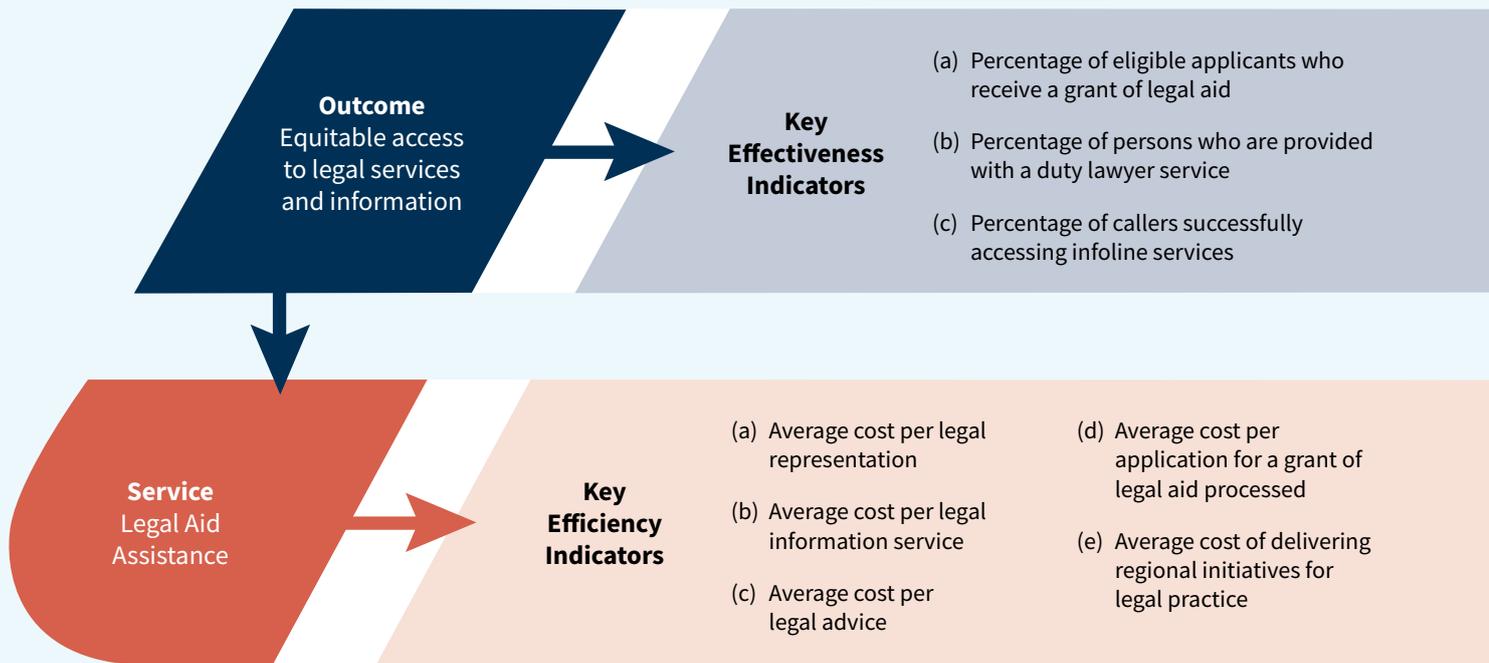
We are an open and accountable organisation

## Organisation Structure - June 2019



# Performance Management Framework

## Outcome Based Management Framework



### Government Goal

Strong Communities: Safe communities and supported families.

### Agency Service Delivered

Legal aid assistance.

### Agency Level Government Desired Outcome

Equitable access to legal services and information.

### 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 and legal tasks	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 1300 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 Magistrates 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 lawyers.	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 2018-19.

### Shared responsibilities with other agencies

The Legal Aid Commission did not share any responsibilities with other agencies in 2018-19.

# 4. Agency Performance

## Actual results versus budget targets

### Financial Targets

	2018-19 Estimates <sup>(1)</sup> \$000	2018-19 Actual \$000	Variation <sup>(2)</sup> \$000
<b>Total cost of services (expense limit)</b> (sourced from Statement of Comprehensive Income)	82,475	87,400	4,925 <sup>(a)</sup>
<b>Net cost of services</b> (sourced from Statement of Comprehensive Income)	46,363	50,267	3,904 <sup>(a)</sup>
<b>Total equity</b> (sourced from Statement of Financial Position)	14,579	19,209	4,630 <sup>(b)</sup>
<b>Net increase/(decrease) in cash held</b> (sourced from Statement of Cash Flows)	(508)	2,115	2,623 <sup>(c)</sup>
<b>Approved salary expense level</b>	31,993	33,596	1,603

1. As specified in the Annual Report for 2017-18.

2. Further explanations are also contained in Note 9.11 'Explanatory statement' to the financial statements.

(a) The increase in total cost of services and net cost of services is largely due to the higher than expected legal service expenses (\$4.1 million).

Higher than estimated cost for state indictable criminal matters and a State expensive case has driven the increase in legal services expenses, for which supplementary funding has been provided.

(b) Total equity is higher than estimated due to the difference in the beginning balance in the original estimate. In 2017- 18, there was a turn-around in accumulated surplus from an estimated deficit of \$1.482 million to a surplus of \$1.988 million. The surplus of 2017-18 was mainly due to funds received from Commonwealth Government under the National Partnership Agreement 2015-2020, Family Advocacy and Support Services Agreements, and Christmas Island Service Delivery Agreement which have not been fully expensed in 2017-18.

(c) The net increase in cash inflow for 2018-19 is largely due to grants of legal aid assistance committed to in 2018-19 but not paid in cash, leaving \$2.226 million of cash remaining to be paid to private practitioners.

## Summary of Key Performance Indicators

	2018-19 Target <sup>(1)</sup>	2018-19 Actual	Variation <sup>(2)</sup>
<b>Outcome: Equitable access to legal services and information.</b>			
<b>Key Effectiveness Indicators:</b>			
Percentage of eligible applicants who receive a grant of legal aid	85%	88%	3%
Percentage of persons who are provided with a duty lawyer service	20%	21%	1%
Percentage of callers successfully accessing Infoline services <sup>(3)</sup>	67%	58%	(9%)
<b>Service: Legal Aid Assistance</b>			
<b>Key Efficiency Indicators:</b>			
Average cost per legal representation	\$3,859	\$3,792	(\$67)
Average cost per legal information service <sup>(4)</sup>	\$57	\$71	\$14
Average cost per legal advice	\$240	\$251	\$11
Average cost per application for a grant of legal aid processed <sup>(5)</sup>	\$418	\$376	(\$42)
Average cost of delivering regional initiatives for legal practice <sup>(6)</sup>	\$200	\$178	(\$22)

1. As specified in the budget statements for 2018-19.

2. Explanations for the variations between actual results and prior years are presented in Disclosures and Legal Compliance under the Performance Indicators for 2018-19.

3. The decline in 2018-19 as compared with target is mainly due to unusual turnover and training of 23 new Infoline officers in the first half of the year resulting in reduced capacity to deliver services.

4. The 2018-19 actual average cost is higher than the 2018-19 target, mainly due to unusual turn over and training of 23 new Infoline officers in the first half of the year resulting in reduced capacity to deliver services.

5. The average cost of assessing and processing of applications for grants of aid has reduced as compared with target due to changes in management of tasks and workflows, overtime being offered and targeting specific tasks in bulk resulting in a more efficient service.

6. The lower average cost in 2018-19 as compared with target is attributed to a 9% increase in lawyers with no increase in the cost of training.



# 5. Disclosures and Legal Compliance

<b>5.1 Independent Auditor's Report</b>	<b>58</b>
<b>5.2 Certification of Financial Statements</b>	<b>62</b>
<b>5.3 Financial Report for the year ended 30 June 2019</b>	<b>63</b>
<b>5.4 Key Performance Indicators</b>	<b>98</b>
<b>5.5 Ministerial Directions</b>	<b>102</b>
<b>5.6 Other Financial Disclosures</b>	<b>102</b>
<b>5.7 Governance Disclosures</b>	<b>105</b>

## 5.1 Independent Auditor's Report



### Auditor General

#### INDEPENDENT AUDITOR'S REPORT

To the Parliament of Western Australia

#### LEGAL AID COMMISSION OF WESTERN AUSTRALIA

#### Report on the Financial Statements

##### **Opinion**

I have audited the financial statements of the Legal Aid Commission of Western Australia which comprise the Statement of Financial Position as at 30 June 2019, the Statement of Comprehensive Income, Statement of Changes in Equity, Statement of Cash Flows for the year then ended, and Notes comprising a summary of significant accounting policies and other explanatory information.

In my opinion, the financial statements are based on proper accounts and present fairly, in all material respects, the operating results and cash flows of the Legal Aid Commission of Western Australia for the year ended 30 June 2019 and the financial position at the end of that period. They are in accordance with Australian Accounting Standards, the *Financial Management Act 2006* and the Treasurer's Instructions.

##### **Basis for Opinion**

I conducted my audit in accordance with the Australian Auditing Standards. My responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Financial Statements* section of my report. I am independent of the Commission in accordance with the *Auditor General Act 2006* and the relevant ethical requirements of the Accounting Professional and Ethical Standards Board's APES 110 *Code of Ethics for Professional Accountants* (the Code) that are relevant to my audit of the financial statements. I have also fulfilled my other ethical responsibilities in accordance with the Code. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

##### **Responsibility of the Commission 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, the *Financial Management Act 2006* 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.

In preparing the financial statements, the Commission is responsible for assessing the agency's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the Western Australian Government has made policy or funding decisions affecting the continued existence of the Commission.

##### **Auditor's Responsibility for the Audit of the Financial Statements**

As required by the *Auditor General Act 2006*, my responsibility is to express an opinion on the financial statements. The objectives of my audit are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Australian Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of the financial statements.

As part of an audit in accordance with Australian Auditing Standards, I exercise professional judgment and maintain professional scepticism throughout the audit. I also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the agency's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Commission.
- Conclude on the appropriateness of the Commission's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the agency's ability to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in my auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify my opinion. My conclusions are based on the audit evidence obtained up to the date of my auditor's report.
- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

I communicate with the Commission regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.

#### **Report on Controls**

##### ***Opinion***

I have undertaken a reasonable assurance engagement on the design and implementation of controls exercised by the Legal Audit Commission of Western Australia. The controls exercised by the Commission 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 (the overall control objectives).

My opinion has been formed on the basis of the matters outlined in this report.

In my opinion, in all material respects, 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 2019.

##### ***The Commission's Responsibilities***

The Commission is responsible for designing, implementing and maintaining controls to ensure that the receipt, expenditure and investment of money, the acquisition and disposal of property, and the incurring of liabilities are in accordance with the *Financial Management Act 2006*, the Treasurer's Instructions and other relevant written law.

**Auditor General's Responsibilities**

As required by the *Auditor General Act 2006*, my responsibility as an assurance practitioner is to express an opinion on the suitability of the design of the controls to achieve the overall control objectives and the implementation of the controls as designed. I conducted my engagement in accordance with Standard on Assurance Engagements ASAE 3150 *Assurance Engagements on Controls* issued by the Australian Auditing and Assurance Standards Board. That standard requires that I comply with relevant ethical requirements and plan and perform my procedures to obtain reasonable assurance about whether, in all material respects, the controls are suitably designed to achieve the overall control objectives and the controls, necessary to achieve the overall control objectives, were implemented as designed.

An assurance engagement to report on the design and implementation of controls involves performing procedures to obtain evidence about the suitability of the design of controls to achieve the overall control objectives and the implementation of those controls. The procedures selected depend on my judgement, including the assessment of the risks that controls are not suitably designed or implemented as designed. My procedures included testing the implementation of those controls that I consider necessary to achieve the overall control objectives.

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

**Limitations of Controls**

Because of the inherent limitations of any internal control structure it is possible that, even if the controls are suitably designed and implemented as designed, once the controls are in operation, the overall control objectives may not be achieved so that fraud, error, or noncompliance with laws and regulations may occur and not be detected. Any projection of the outcome of the evaluation of the suitability of the design of controls to future periods is subject to the risk that the controls may become unsuitable because of changes in conditions.

**Report on the Key Performance Indicators****Opinion**

I have undertaken a reasonable assurance engagement on the key performance indicators of the Legal Aid Commission of Western Australia for the year ended 30 June 2019. The key performance indicators are the key effectiveness indicators and the key efficiency indicators that provide performance information about achieving outcomes and delivering services.

In my opinion, in all material respects, 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 2019.

**The 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 internal control as the Commission determines necessary to enable the preparation of key performance indicators that are free from material misstatement, whether due to fraud or error.

In preparing the key performance indicators, the Commission is responsible for identifying key performance indicators that are relevant and appropriate having regard to their purpose in accordance with Treasurer's Instruction 904 *Key Performance Indicators*.

**Auditor General's Responsibility**

As required by the *Auditor General Act 2006*, my responsibility as an assurance practitioner is to express an opinion on the key performance indicators. The objectives of my engagement are to obtain reasonable assurance about whether the key performance indicators are relevant and appropriate to assist users to assess the agency's performance and whether the key performance indicators are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. I conducted my engagement in accordance with Standard on Assurance Engagements ASAE 3000 *Assurance Engagements Other than Audits or Reviews of Historical Financial Information* issued by the Australian Auditing and Assurance Standards Board. That standard requires that I comply with relevant ethical requirements relating to assurance engagements.

An assurance engagement involves performing procedures to obtain evidence about the amounts and disclosures in the key performance indicators. It also involves evaluating the relevance and appropriateness of the key performance indicators against the criteria and guidance in Treasurer's Instruction 904 for measuring the extent of outcome achievement and the efficiency of service delivery. The procedures selected depend on my judgement, including the assessment of the risks of material misstatement of the key performance indicators. In making these risk assessments I obtain an understanding of internal control relevant to the engagement in order to design procedures that are appropriate in the circumstances.

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

**My Independence and Quality Control Relating to the Reports on Controls and Key Performance Indicators**

I have complied with the independence requirements of the *Auditor General Act 2006* and the relevant ethical requirements relating to assurance engagements. In accordance with ASQC 1 *Quality Control for Firms that Perform Audits and Reviews of Financial Reports and Other Financial Information, and Other Assurance Engagements*, the Office of the Auditor General maintains a comprehensive system of quality control including documented policies and procedures regarding compliance with ethical requirements, professional standards and applicable legal and regulatory 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 2019 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.



DON CUNNINGHAME  
ASSISTANT AUDITOR GENERAL FINANCIAL AUDIT  
Delegate of the Auditor General for Western Australia  
Perth, Western Australia  
29 August 2019

## 5.2 Certification of Financial Statements

### For the year ended 30 June 2019

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 (WA)* from proper accounts and records to present fairly the financial transactions for the financial year ending 30 June 2019 and the financial position as at 30 June 2019.

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



**Lee Baker**  
Chief Finance Officer

Date: 28/8/2019



**Dr Graham Hill**  
Director of Legal Aid  
Member of the Commission

Date: 28/8/2019



**Hon. Jane Crisford SC**  
Chair of the Commission

Date: 28/8/2019

## 5.3 Financial Report for the year ended 30 June 2019

Legal Aid WA has pleasure in presenting its audited general purpose financial statements for the financial reporting period ended 30 June 2019 which provides users with the information about Legal Aid's stewardship of resource entrusted to it. The financial information is presented in the following structure:

### Index

<b>Financial statements</b>	<b>64</b>	<b>5. Other assets and liabilities</b>	<b>79</b>
Statement of comprehensive income	64	5.1 Receivables	79
Statement of financial position	65	5.2 Other assets	80
Statement of changes in equity	66	5.3 Payables	80
Statement of cash flows	67	5.4 Other liabilities	80
<b>Notes to the financial statements</b>	<b>68</b>	<b>6. Financing</b>	<b>81</b>
<b>1. Basis of preparation</b>	<b>68</b>	6.1 Cash and cash equivalents	81
Statement of compliance	68	6.2 Commitments	81
Basis of preparation	68	<b>7. Financial instruments and Contingencies</b>	<b>82</b>
Judgements and estimates	68	7.1 Financial instruments	82
Contributed equity	68	7.2 Contingent assets and liabilities	82
<b>2. Use of our funding</b>	<b>69</b>	<b>8. Other disclosures</b>	<b>83</b>
Expenses incurred in the delivery of services		8.1 Events occurring after the end of the reporting period	83
2.1(a) Employee benefits expenses	69	8.2 Initial application of Australian Accounting Standards	83
2.1(b) Employee related provisions	70	8.3 Key management personnel	85
2.2 Legal service expenses	71	8.4 Related party transactions	86
2.3 Grants and subsidies	72	8.5 Related bodies	86
2.4 Other expenditure	72	8.6 Affiliated bodies	86
<b>3. Our funding sources</b>	<b>73</b>	8.7 Special purpose accounts	87
How we obtain our funding		8.8 Remuneration of auditors	87
3.1 Income from State Government	74	8.9 Equity	88
3.2 User charges and fees	74	8.10 Supplementary financial information	89
3.3 Commonwealth grants and contributions	74	8.11 Explanatory statement	89
3.4 Interest income	75	8.12 Special category funding	95
3.5 Other revenue	75	8.13 Community Legal Centers	97
<b>4. Key assets</b>	<b>75</b>		
4.1 Property, plant and equipment	75		
4.2 Intangible assets	78		

## Statement of comprehensive income

For the year ended 30 June 2019

	Note	2019 \$	2018 \$
<b>COST OF SERVICES</b>			
<b>EXPENSES</b>			
Employee benefits expense	2.1	33,596,015	33,020,429
Supplies and services	2.4	5,582,884	4,851,031
Depreciation and amortisation expense	4.1, 4.2	515,081	598,549
Accommodation expenses	2.4	6,468,603	6,230,378
Legal services expenses	2.2	28,162,396	26,555,185
Loss on disposal of non-current assets		-	14,163
Grants and subsidies	2.3	11,607,067	11,401,547
Other expenses	2.4	1,467,734	1,324,269
<b>Total cost of services</b>		<b>87,399,780</b>	<b>83,995,551</b>
<b>Income</b>			
<i>Revenue</i>			
User charges and fees	3.2	3,075,670	2,610,867
Commonwealth grants and contributions	3.3	32,599,393	34,116,630
Interest income	3.4	1,276,665	819,420
Other revenue	3.5	180,984	330,085
<b>Total Revenue</b>		<b>37,132,712</b>	<b>37,877,002</b>
<b>Total income other than income from State Government</b>		<b>37,132,712</b>	<b>37,877,002</b>
<b>NET COST OF SERVICES</b>			
		<b>50,267,068</b>	<b>46,118,549</b>
<b>Income from State Government</b>			
State Government grant	3.1	48,666,000	48,022,000
Other State Community Legal Centre Funding	3.1	1,377,540	-
Royalties for Regions Fund	3.1	87,652	84,551
<b>Total income from State Government</b>		<b>50,131,192</b>	<b>48,106,551</b>
<b>(DEFICIT) / SURPLUS FOR THE PERIOD</b>		<b>(135,876)</b>	<b>1,988,002</b>
<b>OTHER COMPREHENSIVE INCOME</b>			
<b>Items not reclassified subsequently to profit and loss</b>			
Changes in asset revaluation surplus		1,097	(133,702)
<b>Total other comprehensive income</b>		<b>1,097</b>	<b>(133,702)</b>
<b>TOTAL COMPREHENSIVE INCOME FOR THE PERIOD</b>		<b>(134,779)</b>	<b>1,854,300</b>

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

## Statement of financial position

As at June 2019

	Note	2019 \$	2018 \$
<b>ASSETS</b>			
<b>Current Assets</b>			
Cash and cash equivalents	6.1	12,156,965	9,653,777
Restricted cash and cash equivalents	6.1	174,675	195,821
Receivables	5.1	3,261,241	3,653,359
Other financial assets	6.1	24,500,000	25,000,000
Other current assets	5.2	440,378	573,794
<b>Total Current Assets</b>		<b>40,533,259</b>	<b>39,076,751</b>
<b>Non-Current Assets</b>			
Restricted cash and cash equivalents	6.1	410,032	277,136
Receivables	5.1	5,866,380	5,303,738
Property plant & equipment	4.1	1,274,622	1,599,535
Intangible assets	4.2	553,195	498,028
<b>Total Non-Current Assets</b>		<b>8,104,229</b>	<b>7,678,437</b>
<b>TOTAL ASSETS</b>		<b>48,637,488</b>	<b>46,755,188</b>
<b>LIABILITIES</b>			
<b>Current Liabilities</b>			
Payables	5.3	22,903,358	21,038,326
Provisions	2.1	5,411,934	5,070,555
Other current liabilities	5.4	-	18,525
<b>Total Current Liabilities</b>		<b>28,315,292</b>	<b>26,127,406</b>
<b>Non-Current Liabilities</b>			
Provisions	2.1	1,113,406	1,321,975
<b>Total Non-Current Liabilities</b>		<b>1,113,406</b>	<b>1,321,975</b>
<b>TOTAL LIABILITIES</b>		<b>29,428,698</b>	<b>27,449,381</b>
<b>NET ASSETS</b>		<b>19,208,790</b>	<b>19,305,807</b>
<b>EQUITY</b>			
Contributed equity	8.9	595,669	595,669
Reserves	8.9	137,971	136,874
Accumulated surplus	8.9	18,475,150	18,573,264
<b>TOTAL EQUITY</b>		<b>19,208,790</b>	<b>19,305,807</b>

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

## Statement of changes in equity

For the year ended 30 June 2019

	Contributed equity \$	Reserves \$	Accumulated surplus \$	Total equity \$
<b>Balance at 1 July 2017</b>	595,669	270,576	16,585,262	17,451,507
Surplus	-	-	1,988,002	1,988,002
Other Comprehensive Income	-	(133,702)	-	(133,702)
Total comprehensive income for the period	-	(133,702)	1,988,002	1,854,300
<b>Balance at 30 June 2018</b>	<b>595,669</b>	<b>136,874</b>	<b>18,573,264</b>	<b>19,305,807</b>
<b>Balance at 1 July 2018</b>	595,669	136,874	18,573,264	19,305,807
Changes in accounting policy	-	-	37,762	37,762
<b>Restated balance at 1 July 2018</b>	<b>595,669</b>	<b>136,874</b>	<b>18,611,026</b>	<b>19,343,569</b>
Deficit	-	-	(135,876)	(135,876)
Other Comprehensive Income	-	1,097	-	1,097
Total comprehensive income for the period	-	1,097	(135,876)	(134,779)
<b>Balance at 30 June 2019</b>	<b>595,669</b>	<b>137,971</b>	<b>18,475,150</b>	<b>19,208,790</b>

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

## Statement of cash flows

For the year ended 30 June 2019

	Note	2019 \$	2018 \$
<b>CASH FLOWS FROM STATE GOVERNMENT</b>			
State Government Grant		48,666,000	48,022,000
Other State Community Legal Centre Funding		1,377,540	-
Royalties for Regions Fund		87,652	84,551
<b>Net cash provided by State Government</b>		<b>50,131,192</b>	<b>48,106,551</b>
Utilised as follows:			
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>			
<b>Payments</b>			
Employee benefits		(33,573,259)	(33,293,172)
Supplies and services		(5,431,218)	(4,968,301)
Accommodation		(6,379,898)	(6,368,607)
Legal services		(26,470,411)	(24,328,981)
GST payments on purchases		(5,106,528)	(4,796,576)
Other payments		(12,836,194)	(12,487,362)
<b>Receipts</b>			
User charges and fees		2,579,701	2,314,266
Commonwealth grants and contributions		33,099,393	33,616,631
Interest received		1,170,549	876,294
GST receipts on sales		59,638	75,121
GST receipts from taxation authority		4,967,697	4,615,861
Other receipts		121,507	267,690
<b>Net cash used in operating activities</b>		<b>(47,799,023)</b>	<b>(44,477,136)</b>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>			
<b>Payments</b>			
Purchase of non-current physical assets		(217,231)	(353,485)
<b>Net cash used in investing activities</b>		<b>(217,231)</b>	<b>(353,485)</b>
Net increase in cash and cash equivalents		2,114,938	3,275,930
Cash and cash equivalents at the beginning of period		35,126,734	31,850,804
<b>CASH AND CASH EQUIVALENTS AT THE END OF PERIOD</b>	6.1	<b>37,241,672</b>	<b>35,126,734</b>

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

**Notes to the financial statements for the year ended 30 June 2019****Note 1. Basis of preparation**

The Legal Aid Commission of Western Australia (the Commission) is a WA Government entity and is controlled by the State of Western Australia, which is the ultimate parent. The Commission is a not-for-profit entity (as profit is not its principal objective).

A description of the nature of its operations and its principal activities have been included in the 'Overview' which does not form part of these financial statements.

These annual financial statements were authorised for issue by the Commission on 1 September 2019.

**Statement of compliance**

These general purpose financial statements are prepared in accordance with:

- 1) The *Financial Management Act 2006* (FMA)
- 2) The Treasurer's Instructions (the Instructions or TI)
- 3) Australian Accounting Standards (AAS) - Reduced Disclosure Requirement
- 4) Where appropriate, those AAS paragraphs applicable for not for profit entities have been applied.

The FMA and the Instructions take precedence over AAS. Several AAS are modified by the Instructions to vary application, disclosure format and wording. 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.

**Basis of preparation**

These financial statements are presented in Australian dollars applying the accrual basis of accounting and using the historical cost convention. Certain balances will apply a different measurement basis (such as the fair value basis). Where this is the case the different measurement basis is disclosed in the associated note. All values are rounded to the nearest dollar.

**Judgements and estimates**

Judgements, estimates and assumptions are required to be made about financial information being presented. The significant judgements and estimates made in the preparation of these financial statements are disclosed in the notes where amounts affected by those judgements and/or estimates are disclosed. Estimates and associated assumptions are based on professional judgements derived from historical experience and various other factors that are believed to be reasonable under the circumstances.

**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 transfers 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.

**Notes to the financial statements for the year ended 30 June 2019****Note 2. Use of our funding**

The primary expenses incurred by the Commission in achieving its objectives and the relevant notes are:

	Note	2019 \$	2018 \$
Employee benefits expenses	2.1(a)	33,596,015	33,020,429
Employee related provisions	2.1(b)	6,525,340	6,392,530
Legal service expenses	2.2	28,162,396	26,555,185
Grants and subsidies	2.3	11,607,067	11,401,547
Other expenditure	2.4	13,519,221	12,405,678

**2.1 (a) Employee benefits expenses**

	Note	2019 \$	2018 \$
Wages and salaries		30,664,379	29,405,342
Termination benefits		-	797,136
Superannuation – defined contribution plans <sup>(a)</sup>		2,931,636	2,817,951
		33,596,015	33,020,429

(a) Defined contribution plans include West State Superannuation Scheme (WSS), Gold State Superannuation Scheme (GSS), Government Employees Superannuation Board Schemes (GESBs) and other eligible funds.

**Wages and salaries:** Employee expenses include all costs related to employment including wages and salaries, fringe benefits tax, and leave entitlements.

**Termination benefits:** Payable when employment is terminated before normal retirement date, or when an employee accepts an offer of benefits in exchange for the termination of employment. Termination benefits are recognised when the Commission is demonstrably committed to terminating the employment of current employees according to a detailed formal plan without possibility of withdrawal or providing termination benefits as a result of an offer made to encourage voluntary redundancy. Benefits falling due more than 12 months after the end of the reporting period are discounted to present value.

**Superannuation:** The amount recognised in profit or loss of the Statement of Comprehensive Income comprises employer contributions paid to the GSS (concurrent contributions), the WSS, the GESBs, or other superannuation funds. The employer contribution paid to the Government Employees Superannuation Board (GESB) in respect of the GSS is paid back into the Consolidated Account by the GESB.

GSS (concurrent contributions) is a defined benefit scheme for the purposes of employees and whole of government reporting. It is however a defined contribution plan for commission purposes because the concurrent contributions (defined contributions) made by the commission to GESB extinguishes the commission's obligations to the related superannuation liability.

The Commission does not recognise any defined benefit liabilities because it has no legal or constructive obligation to pay future benefits relating to its employees. 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 and other fund providers administer 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.

## Notes to the financial statements for the year ended 30 June 2019

**Note 2. Use of our funding (continued)****2.1 (b) Employee related provisions**

	2019 \$	2018 \$
<b>Current</b>		
<i>Employee benefits provision</i>		
Annual leave <sup>(a)</sup>	1,791,553	1,577,756
Long service leave <sup>(b)</sup>	3,528,330	3,422,272
Purchased leave	43,334	24,528
	5,363,217	5,024,556
<i>Other provisions</i>		
Employment on-costs <sup>(c)</sup>	48,717	45,999
	48,717	45,999
<b>Total current employee related provisions</b>	<b>5,411,934</b>	<b>5,070,555</b>
<b>Non-current</b>		
<i>Employee benefits provision</i>		
Long service leave <sup>(b)</sup>	1,103,256	1,310,087
	1,103,256	1,310,087
<i>Other provisions</i>		
Employment on-costs <sup>(c)</sup>	10,150	11,888
	10,150	11,888
<b>Total non-current employee related provisions</b>	<b>1,113,406</b>	<b>1,321,975</b>
<b>Total employee related provisions</b>	<b>6,525,340</b>	<b>6,392,530</b>

**(a) Annual leave liabilities:** Classified as current as there is no unconditional right to defer settlement for at least 12 months after the end of the reporting period.

The provision for annual leave is calculated at the present value of expected payments to be made in relation to services provided by employees up to the reporting date.

**(b) Long service leave liabilities:** Unconditional long service leave provisions are classified as current liabilities as the Commission does not have an unconditional right to defer 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.

The provision for long service leave are calculated at present value as the Commission does not expect to wholly settle the amounts within 12 months. The present value is measured taking into account the present value of expected future payments to be made in relation to services provided by employees up to the reporting date. These payments are estimated using the remuneration rate expected to apply at the time of settlement, and 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.

## Notes to the financial statements for the year ended 30 June 2019

**Note 2. Use of our funding (continued)****2.1 (b) Employee related provisions (continued)**

**(c) Employment on-costs:** 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.

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, Note 2.4' and are not included as part of the Commission's 'employee benefits expense'. The related liability is included in 'Employment on costs provision'.

	2019 \$	2018 \$
<b>Employment on-cost provision</b>		
<i>Current</i>		
Carrying amount at start of period	45,999	46,939
Additional/(reversals of) provisions recognised	2,718	(940)
<b>Carrying amount at end of period</b>	<b>48,717</b>	<b>45,999</b>
<i>Non-current</i>		
Carrying amount at start of period	11,888	16,016
Additional/(reversals of) provisions recognised	(1,738)	(4,128)
<b>Carrying amount at end of period</b>	<b>10,150</b>	<b>11,888</b>

**Key sources of estimation uncertainty – long service leave**

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.

Several estimates and assumptions are used in calculating the Commission's long service leave provision, these include:

- Expected future salary rates;
- Employee retention rates;
- Discount rates;
- Expected future payments.

Changes in these estimations and assumptions may impact on the carrying amount of the long service leave provision.

Any gain or loss following revaluation of the present value of long service leave liabilities is recognised as employee benefits expense.

**2.2 Legal service expenses**

	2019 \$	2018 \$
<b>Grant of aid expenses</b>		
Casework	28,014,496	26,444,533
	<b>28,014,496</b>	<b>26,444,533</b>
<b>Other service expenses</b>		
Legal advice	79,034	54,689
Duty lawyer	68,866	55,963
	<b>147,900</b>	<b>110,652</b>
<b>Total legal service expenses</b>	<b>28,162,396</b>	<b>26,555,185</b>

## Notes to the financial statements for the year ended 30 June 2019

## Note 2. Use of our funding (continued)

## 2.3 Grants and subsidies

	2019 \$	2018 \$
State CLC program	5,317,540	5,162,413
Commonwealth CLC program <sup>(a)</sup>	6,289,527	6,039,134
Kimberley Interpreting Service Grant	-	200,000
<b>Total grants and subsidies</b>	<b>11,607,067</b>	<b>11,401,547</b>

(a) Commonwealth Community Legal Centres (CLC) funding comes under National Partnership Agreements from 2015/16. Legal Aid WA includes transactions related to the Commonwealth CLCs in its financial statements for the first time in 2015/16 as it has effective decision making over the allocation of funds.

## 2.4 Other expenditure

	2019 \$	2018 \$
<b>Supplies and services</b>		
Communications	648,139	686,766
Consumables	1,053,531	1,006,562
Consultants Fees	522,436	189,650
Maintenance	796,318	980,029
Travel	626,317	374,860
Information technology	947,309	743,419
Practicing certificates and fees	209,561	198,950
Audit fees <sup>(a)</sup>	160,129	139,959
Other supplies and services	619,144	530,836
<b>Total supplies and services expenses</b>	<b>5,582,884</b>	<b>4,851,031</b>
<b>Accommodation expenses</b>		
Lease rentals	6,360,193	6,151,028
Repairs and maintenance	108,410	79,350
<b>Total accommodation expenses</b>	<b>6,468,603</b>	<b>6,230,378</b>
<b>Other</b>		
Bad debts written off	171,750	477,540
Doubtful debts expense	-	(337,254)
Expected credit losses expense <sup>(b)</sup>	12,815	-
Employment on-costs	980	(5,068)
Staff training	119,956	75,125
Other staff related expenses	465,459	530,558
Plant and equipment	258,682	226,143
Other expenses	438,092	357,225
<b>Total other expenses</b>	<b>1,467,734</b>	<b>1,324,269</b>
<b>Total other expenditure</b>	<b>13,519,221</b>	<b>12,405,678</b>

**Notes to the financial statements for the year ended 30 June 2019****Note 2. Use of our funding (continued)****2.4 Other expenditure (continued)**

(a) Includes audit cost, see note 8.8 'Remuneration of auditor'.

(b) Expected credit losses were not measured in 2017-18 financial year.

**Supplies and services:**

Supplies and services are recognised as an expense in the reporting period in which they are incurred. The carrying amounts of any materials held for distribution are expensed when the materials are distributed.

**Accommodation expenses:**

Operating lease payments are recognised on a straight line basis over the lease term, except where another systematic basis is more representative of the time pattern of the benefits derived from the use of the leased asset. [AASB 117.33]

Repairs, maintenance and cleaning costs are recognised as expenses as incurred.

**Other:**

Other operating expenses generally represent the day-to-day running costs incurred in normal operations.

**Building and infrastructure maintenance and equipment repairs and maintenance:**

Repairs and maintenance costs are recognised as expenses as incurred, except where they relate to the replacement of a significant component of an asset. In that case, the costs are capitalised and depreciated.

**Doubtful debts expense:**

Doubtful debts expense was recognised as the movement in the allowance for doubtful debts. From 2018-19, expected credit losses expense is recognised as the movement in the allowance for expected credit losses. The allowance for expected credit losses of trade receivables is measured at the lifetime expected credit losses at each reporting date. The Commission has established a provision matrix that is based on its historical credit loss experience, adjusted for forward-looking factors specific to the debtors and the economic environment.

**Employee on-cost:**

Includes workers' compensation insurance and other employment on-costs. The on costs liability associated with the recognition of annual and long service leave liabilities is included at Note 2.1(b) Employee related provisions. Superannuation contributions accrued as part of the provision for leave are employee benefits and are not included in employment on-costs.

**Note 3. Our funding sources**

The primary income received by the Commission and the relevant notes are:

	<b>Note</b>	<b>2019</b> <b>\$</b>	<b>2018</b> <b>\$</b>
Income from State Government	3.1	50,131,192	48,106,551
User charges and fees	3.2	3,075,670	2,610,867
Commonwealth grants and contributions	3.3	32,599,393	34,116,630
Interest income	3.4	1,276,665	819,420
Other revenue	3.5	180,984	330,085

## Notes to the financial statements for the year ended 30 June 2019

## Note 3. Our funding sources (continued)

## 3.1 Income from State Government

	2019 \$	2018 \$
<b>Appropriation received during the period:</b>		
Legal Aid Assistance Grant <sup>(a)</sup>	48,666,000	48,022,000
Other State Community Legal Centre Funding	1,377,540	-
	<b>50,043,540</b>	<b>48,022,000</b>
<b>Royalties for Regions Fund</b>		
Royalties for Regions Funding <sup>(b)</sup>	87,652	84,551
	87,652	84,551
<b>Total income from State Government</b>	<b>50,131,192</b>	<b>48,106,551</b>

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

(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.

## 3.2 User charges and fees

	2019 \$	2018 \$
Client contributions and fees on grants of aid	1,667,660	1,340,202
Recovered costs on grants of aid	1,204,935	1,089,083
Legal advice fees	8,966	8,261
Duty lawyer fees	65,688	61,611
Community legal education	128,421	111,710
<b>Total user charges and fees</b>	<b>3,075,670</b>	<b>2,610,867</b>

Revenue is recognised and measured at the fair value of consideration received or receivable.

## 3.3 Commonwealth grants and contributions

	2019 \$	2018 \$
National Partnership Agreement on Legal Assistance Services <sup>(a)</sup>	31,309,000	30,547,000
Christmas/Cocos Islands <sup>(b)</sup>	230,745	337,479
Other Commonwealth Funding <sup>(c)</sup>	1,059,648	3,232,151
<b>Total Commonwealth grants and contributions</b>	<b>32,599,393</b>	<b>34,116,630</b>

(a) The 5 year National Partnership Agreement (NPA) on Legal Assistance Services expires 30th June 2020. 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 2018-19 was \$31.309 million.

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

(c) Other Commonwealth Funding is related to funding provided under other Commonwealth agreements.

## Notes to the financial statements for the year ended 30 June 2019

## Note 3. Our funding sources (continued)

## 3.4 Interest income

	2019 \$	2018 \$
Interest earned on Legal Aid Operational Funds	1,074,248	900,688
Implicit interest write back on debtors <sup>(a)</sup>	202,417	(81,268)
	<b>1,276,665</b>	<b>819,420</b>

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

## 3.5 Other revenue

	2019 \$	2018 \$
Other miscellaneous income	180,984	330,085
	<b>180,984</b>	<b>330,085</b>

## Note 4. Key assets

	Note	2019 \$	2018 \$
Property, plant and equipment	4.1	1,274,622	1,599,535
Intangible assets	4.2	553,195	498,028
<b>Total key assets</b>		<b>1,827,817</b>	<b>2,097,563</b>

## 4.1 Property, plant and equipment

Year ended 30 June 2019	Land \$	Buildings \$	Fixtures and Fittings \$	Leasehold Improvements \$	Office Equipment \$	Work in Progress \$	Total \$
<b>1 July 2019</b>							
Gross carrying amount	100,000	55,000	42,832	2,402,862	2,188,762	45,144	4,834,600
Accumulated depreciation	-	-	(34,562)	(1,509,087)	(1,691,416)	-	(3,235,065)
<b>Carrying amount at start of period</b>	<b>100,000</b>	<b>55,000</b>	<b>8,270</b>	<b>893,775</b>	<b>497,346</b>	<b>45,144</b>	<b>1,599,535</b>
Additions	-	-	-	12,318	71,886	4,246	88,450
Transfer	-	-	-	-	8,664	(8,664)	-
Reclassification	-	-	-	-	-	-	-
Disposals	-	-	-	-	(189,432)	-	(189,432)
Reversal of accumulated depreciation for disposed assets	-	-	-	-	189,432	-	189,432
Revaluation increments/(decrements)	-	1,097	-	-	-	-	1,097
Impairment losses <sup>(a)</sup>	-	-	-	-	-	-	-
Impairment losses reversed <sup>(a)</sup>	-	-	-	-	-	-	-
Depreciation	-	(1,097)	(1,960)	(152,031)	(259,372)	-	(414,460)
<b>30 June 2019</b>							
Gross carrying amount	100,000	55,000	42,832	2,415,180	2,079,880	40,726	4,733,618
Accumulated depreciation	-	-	(36,522)	(1,661,118)	(1,761,356)	-	(3,458,996)
<b>Carrying amount at end of period</b>	<b>100,000</b>	<b>55,000</b>	<b>6,310</b>	<b>754,062</b>	<b>318,524</b>	<b>40,726</b>	<b>1,274,622</b>

## Notes to the financial statements for the year ended 30 June 2019

**Note 4. Key assets (continued)****4.1 Property, plant and equipment (continued)****Initial recognition**

Items of property, plant and equipment and infrastructure, costing \$5,000 or more are measured initially at cost. Where an asset is acquired for no or nominal cost, the cost is valued at its fair value at the date of acquisition. Items of property, plant and equipment and infrastructure 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).

The cost of a leasehold improvement is capitalised and depreciated over the shorter of the remaining term of the lease or the estimated useful life of the leasehold improvement.

**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 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 buildings 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, with the change in the gross carrying amount of the asset. Fair value for restricted use of land is determined by comparison with market evidence for land with similar approximate utility (high restricted use of land) or market value of comparable unrestricted land (low restricted use of land).

Land and buildings are independently valued annually by the Western Australian Land Information Authority (Valuation and Property Analytics) 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.

Land and buildings were revalued as at 1 July 2018 by the Western Australian Land Information Authority (Valuations and Property Analytics). The valuations were performed during the year ended 30 June 2019 and recognised at 30 June 2019. In undertaking the revaluation, fair value was determined by reference to market values for land: \$100,000 (2018: \$100,000) and buildings: \$55,000 (2018: \$55,000).

**4.1.1 Depreciation for the period**

	<b>2019</b>	<b>2018</b>
	<b>\$</b>	<b>\$</b>
<b>Depreciation</b>		
Buildings	1,097	1,298
Fixtures and fittings	1,960	2,503
Leasehold improvements	152,031	152,476
Office equipment	259,372	299,777
	<b>414,460</b>	<b>456,054</b>

**Notes to the financial statements for the year ended 30 June 2019****Note 4. Key assets (continued)****4.1.1 Depreciation for the period (continued)**

As at 30 June 2019 there were no indications of impairment to property, plant and equipment.

All surplus assets at 30 June 2019 have either been classified as assets held for sale or have been written-off.

Please refer to note 4.2 for guidance in relation to the impairment assessment that has been performed for intangible assets.

**Finite useful lives**

All property, plant and equipment 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. The exceptions to this rule include assets held for sale, land and investment properties.

Depreciation is generally calculated on a straight line basis, at rates that allocate the asset's value, less any estimated residual value, over its estimated useful life. Typical estimated useful lives for the different asset classes for current and prior years are included in the table below:

<b>ASSET</b>	<b>Useful life</b>
Buildings	18 years
Furniture and fittings	10 to 20 years
Leasehold improvements	5 to 12 years
Office equipment	4 to 20 years

The estimated useful lives, residual values and depreciation method are reviewed at the end of each reporting period, and adjustment should be made where appropriate.

Land is not depreciated.

Leasehold improvements are depreciated over the shorter of the lease term and their useful lives.

**Impairment**

Non-financial assets, including items of plant and equipment, are tested for impairment whenever there is an indication that the asset may be impaired. 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 its recoverable amount, an impairment loss is recognised through profit or loss.

Where a previously revalued asset is written down to its recoverable amount, the loss is recognised as a revaluation decrement through other comprehensive income.

As the Commission is a not-for-profit agency, the recoverable amount of regularly revalued specialised assets is anticipated to be materially the same as fair value.

If there is an indication that there has been a reversal in impairment, the carrying amount shall be increased to its recoverable amount. However this reversal should not increase the asset's carrying amount above what would have been determined, net of depreciation or amortisation, if no impairment loss had been recognised in prior years.

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 declining replacement costs.

## Notes to the financial statements for the year ended 30 June 2019

## Note 4. Key assets (continued)

## 4.2 Intangible assets

Year ended 30 June 2019	Computer Software \$	Work in Progress \$	Total \$
<b>1 July 2018</b>			
Gross carrying amount	2,224,573	265,160	2,489,733
Accumulated amortisation	(1,991,705)	-	(1,991,705)
<b>Carrying amount at start of period</b>	<b>232,868</b>	<b>265,160</b>	<b>498,028</b>
Additions	-	155,788	155,788
Transfer	199,870	(199,870)	-
Disposal	(1,617,782)	-	(1,617,782)
Reversal of accumulated amortisation for disposed asset	1,617,782	-	1,617,782
Amortisation	(100,621)	-	(100,621)
<b>30 June 2019</b>			
Gross carrying amount	806,661	221,078	1,027,739
Accumulated amortisation	(474,544)	-	(474,544)
<b>Carrying amount at end of period</b>	<b>332,117</b>	<b>221,078</b>	<b>553,195</b>

## Initial recognition

Acquisitions of intangible assets costing \$5,000 or more and internally generated intangible assets costing \$50,000 or more that comply with the recognition criteria as per AASB 138.57 (as noted below), are capitalised.

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.

## Subsequent measurement

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

## 4.2.1 Amortisation and impairment

## Charges of the period

	2019 \$	2018 \$
Amortisation		
Computer Software	100,621	142,496
<b>Total amortisation</b>	<b>100,621</b>	<b>142,496</b>

As at 30 June 2019 there were no indications of impairment to intangible assets.

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 \$221,078 of intangible assets not yet available for use.

## Notes to the financial statements for the year ended 30 June 2019

**Note 4. Key assets (continued)****4.2.1 Amortisation and impairment (continued)**

Amortisation of finite life intangible assets is calculated on a straight line basis at rates that allocate the asset's value over its estimated useful life. All intangible assets controlled by the Commission have a finite useful life and zero residual value. Estimated useful lives are reviewed annually.

The estimated useful lives for each class of intangible asset are:

ASSET	Useful life
Software <sup>(a)</sup>	3 to 10 years

(a) Software that is not integral to the operation of any related hardware.

**Impairment of intangible assets**

Intangible assets with finite useful lives are tested for impairment annually or when an indication of impairment is identified.

The policy in connection with testing for impairment is outlined in note 4.1.1

**Note 5. Other assets and liabilities**

	Note	2019 \$	2018 \$
Receivables	5.1	9,127,621	8,957,097
Other assets	5.2	440,378	573,794
Payables	5.3	22,903,358	21,038,326
Other liabilities	5.4	-	18,525

**5.1 Receivables**

	2019 \$	2018 \$
<b>Current</b>		
Debtors - unsecured	2,842,642	3,256,559
Allowance for impairment of receivables	(83,451)	(229,779)
GST receivable	312,737	340,965
Interest receivable	189,313	285,614
<b>Total current</b>	<b>3,261,241</b>	<b>3,653,359</b>
<b>Non-current</b>		
Debtors - secured <sup>(a)</sup>	6,215,780	5,734,174
Allowance for impairment of receivables	(77,075)	(20,000)
Allowance for discount <sup>(b)</sup>	(272,325)	(410,436)
<b>Total non-current</b>	<b>5,866,380</b>	<b>5,303,738</b>
<b>Total Receivables</b>	<b>9,127,621</b>	<b>8,957,097</b>

(a) 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.

(b) An implicit interest adjustment is made to take account of long term repayment aspect on secured debt. Debtors - secured, were discounted at 1.07% (2018: 2.36%) using the 5 year government bond rate (per RBA website) at 30 June 2019.

## Notes to the financial statements for the year ended 30 June 2019

**Note 5. Other assets and liabilities (continued)****5.2 Other assets**

	2019 \$	2018 \$
Current		
Prepayments	440,378	573,794
<b>Total current</b>	<b>440,378</b>	<b>573,794</b>

Other non-financial assets include prepayments which represent payments in advance of receipt of goods or services or that part of expenditure made in one accounting period covering a term extending beyond that period.

**5.3 Payables**

	2019 \$	2018 \$
Current		
Grant of aid commitments	22,126,330	20,256,361
Accrued expenses	622,408	634,280
Accrued salaries	114,113	112,248
Accrued superannuation	27,693	19,702
Staff benefit fund	12,430	15,531
Unclaimed monies	384	204
<b>Total current</b>	<b>22,903,358</b>	<b>21,038,326</b>

**Payables** are recognised at 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.

**Accrued salaries and superannuation** represent the amount due to staff but unpaid at the end of the reporting period. Accrued salaries are settled within a fortnight after the reporting period. The Commission considers the carrying amount of accrued salaries to be equivalent to its fair value.

'Restricted cash and cash equivalents' (See Note 6.1.1) consists of amounts paid annually, from agency appropriations for salaries expense, into a Treasury suspense account to meet the additional cash outflow for employee salary payments in reporting periods with 27 pay days instead of the normal 26. No interest is received on this account.

**5.4 Other liabilities**

	2019 \$	2018 \$
Current		
Department of child protection and family support funding in advance	-	18,410
Other	-	115
<b>Total current</b>	<b>-</b>	<b>18,525</b>

## Notes to the financial statements for the year ended 30 June 2019

## Note 6. Financing

	Note	2019 \$	2018 \$
Cash and cash equivalents	6.1	37,241,672	35,126,734
Commitments	6.2	81,970,460	88,246,130

## 6.1 Cash and cash equivalents

## 6.1.1 Reconciliation of cash

	Note	2019 \$	2018 \$
<b>Current</b>			
Cash and cash equivalents		12,156,965	9,653,777
Restricted cash and cash equivalents		174,675	195,821
Financial assets held at amortised cost - Term Deposits		24,500,000	25,000,000
<b>Total current</b>		<b>36,831,640</b>	<b>34,849,598</b>
<b>Non-current</b>			
Restricted cash and cash equivalents		410,032	277,136
<b>Total non-current</b>		<b>410,032</b>	<b>277,136</b>
<b>Balance at end of period</b>		<b>37,241,672</b>	<b>35,126,734</b>

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.

## 6.2 Commitments

## 6.2.1 Non-cancellable operating lease commitments

	2019 \$	2018 \$
Commitments for minimum accommodation lease payments are payable as follows:		
Within 1 year	6,795,985	6,518,735
Later than 1 year and not later than 5 years	27,861,954	27,059,186
Later than 5 years	46,989,125	54,352,974
	<b>81,647,064</b>	<b>87,930,895</b>

The Commission has entered into property leases which are non-cancellable leases with various 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.

Accommodation operating lease commitments for the financial year only include property and car parking lease expenses as required by Accounting Standards and Treasurers Instructions.

## Notes to the financial statements for the year ended 30 June 2019

**Note 6. Financing (continued)****6.2.1 Non-cancellable operating lease commitments (continued)**

	2019 \$	2018 \$
Commitments for minimum motor vehicle lease payments are payable as follows:		
Within 1 year	112,053	112,001
Later than 1 year and not later than 5 years	208,881	200,155
Later than 5 years	2,462	3,079
	<b>323,396</b>	<b>315,235</b>

The Commission has entered into motor vehicle leases which are non-cancellable leases with terms ranging up to 7 years, with payments payable monthly in advance.

The Commission has no capital commitments.

**Note 7. Financial instruments and Contingencies**

	Notes
Financial instruments	7.1
Contingent assets and liabilities	7.2
Fair value measurements	7.3

**7.1 Financial instruments**

The carrying amounts of each of the following categories of financial assets and financial liabilities at the end of the reporting period are:

	2019 \$	2018 \$
<b>Financial Assets</b>		
Cash and cash equivalents <sup>(a)</sup>	12,741,672	10,126,734
Receivables <sup>(b)</sup>	-	6,759,495
Financial assets at amortised cost <sup>(b) (c)</sup>	33,314,884	25,000,000
<b>Total Financial assets</b>	<b>46,056,556</b>	<b>41,886,229</b>
<b>Financial Liabilities</b>		
Financial liabilities at amortised cost	22,903,358	21,038,326
<b>Total Financial liabilities</b>	<b>22,903,358</b>	<b>21,038,326</b>

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

(b) The amount of Receivables/Financial assets at amortised cost excludes GST recoverable from the ATO (statutory receivable).

(c) The amount of Financial assets at amortised cost include term deposit.

**7.2 Contingent assets and liabilities**

The Commission has no contingent assets or liabilities in addition to the assets and liabilities included in the financial statements.

**Notes to the financial statements for the year ended 30 June 2019****Note 8. Other disclosures**

	<b>Notes</b>
Events occurring after the end of the reporting period	8.1
Initial application of Australian Accounting Standards	8.2
Key management Personnel	8.3
Related party transactions	8.4
Related bodies	8.5
Affiliated bodies	8.6
Special propose accounts	8.7
Remuneration of auditors	8.8
Equity	8.9
Supplementary financial information	8.10
Explanatory statement	8.11
Special category funding	8.12
Community legal centres	8.13

**8.1 Events occurring after the end of the reporting period**

There were no matters or occurrences have come to the Commission's attention up to the present time which would materially affect the financial statements or disclosures therein or which are likely to materially affect the future results or operations of the Commission.

**8.2 Initial application of Australian Accounting Standards****AASB 9 Financial Instruments**

AASB 9 Financial instruments replaces AASB 139 Financial instruments: Recognition and Measurement for annual reporting periods beginning on or after 1 January 2018, bringing together all three aspects of the accounting for financial instruments: classification and measurement; impairment; and hedge accounting.

The Commission applied AASB 9 prospectively, with an initial application date of 1 July 2018. The adoption of AASB 9 has resulted in changes in accounting policies and adjustments to the amounts recognised in the financial statements. In accordance with AASB 9.7.2.15, the Commission has not restated the comparative information which continues to be reported under AASB 139. Differences arising from adoption have been recognised directly in accumulated surplus.

The effect of adopting AASB 9 as at 1 July 2018 was, as follows:

	<b>Adjustments</b>	<b>1 July 2018</b> \$
<b>Assets</b>		
Receivables	(a), (b)	37,762
<b>Total assets</b>		<b>37,762</b>
<b>Total adjustments on equity</b>		
Accumulated surplus	(a), (b)	37,762
		<b>37,762</b>

## Notes to the financial statements for the year ended 30 June 2019

**Note 8. Other disclosures (continued)****8.2 Initial application of Australian Accounting Standards (continued)**

The nature of these adjustments are described below:

*(a) Classification and measurement*

Under AASB 9, financial assets are subsequently measured at amortised cost, fair value through other comprehensive income (fair value through OCI) or fair value through profit or loss (fair value through P/L). The classification is based on two criteria: the Commission's business model for managing the assets; and whether the assets' contractual cash flows represent 'solely payments of principal and interest' on the principal amount outstanding.

The assessment of the Commission's business model was made as of the date of initial application, 1 July 2018. The assessment of whether contractual cash flows on financial assets are solely comprised of principal and interest was made based on the facts and circumstances as at the initial recognition of the assets.

The classification and measurement requirements of AASB 9 did not have a significant impact to the commission. The following are the changes in the classification of the Commission's financial assets:

- Trade receivables classified as loans and receivables as at 30 June 2018 are held to collect contractual cash flows and give rise to cash flows representing solely payments of principal and interest. These are classified and measured as financial assets at amortised cost beginning 1 July 2018.
- The Commission did not designate any financial assets as at fair value through P/L.

In summary, upon the adoption of AASB 9, the Commission had the following required (or elected) reclassifications as at 1 July 2018:

	<b>AASB 9 Category</b>		
	<b>Amortised cost</b>	<b>Fair value through OCI</b>	<b>Fair value through P/L</b>
	\$	\$	\$
<b>AASB 139 category</b>			
Loans and receivables			
Receivables	6,759,495	6,797,257	-
	<b>8,994,859</b>	<b>-</b>	<b>-</b>

*(b) Impairment*

The adoption of AASB 9 has fundamentally changed the Commission's accounting for impairment losses for financial assets by replacing AASB 139's incurred loss approach with a forward-looking expected credit loss (ECL) approach. AASB 9 requires the Commission to recognise an allowance for ECLs for all financial assets not held at fair value through P/L.

Upon adoption of AASB 9, reduced impairment of \$37,762 was recognised on the Commission's receivables account as at 1 July 2018.

Set out below is the reconciliation of the ending impairment allowances in accordance with AASB 139 to the opening loss allowances determined in accordance with AASB 9:

	<b>Impairment under AASB 139 as at 30 June 2018</b>	<b>Remeasurement</b>	<b>ECL Under AASB 9 as at 1 July 2018L</b>
	\$	\$	\$
Loans and receivables under AASB 139 Financial assets at amortised cost under AASB 9	660,215	(37,762)	622,453
	<b>660,215</b>	<b>(37,762)</b>	<b>622,453</b>

## Notes to the financial statements for the year ended 30 June 2019

**Note 8. Other disclosures (continued)****8.3 Key management personnel**

The Commission has determined that key management personnel include State Attorney General, members of the Commission, and Senior Officers of the Commission. However, the Commission is not obligated to compensate Attorney General and therefore the disclosures in relation to State Attorney General's compensation may be found in the Annual Report on State Finances.

Total compensation for key management personnel comprising members and senior officers, of the Commission for the reporting period are presented within the following bands.

<b>Compensation of members of the Commission</b>	<b>2019</b>	<b>2018</b>
Compensation Band (\$)		
0 - 10,000	5	9
10,001 - 20,000	-	1
20,001 - 30,000	1	-
80,001 - 90,000	-	1
160,001 - 170,000	-	1
440,000 - 450,000	1	-
	<b>7</b>	<b>12</b>
	<b>\$</b>	<b>\$</b>
<b>Total compensation of the members of the Commission</b>	<b>500,130</b>	<b>300,567</b>
<b>Compensation of senior officers</b>	<b>2019</b>	<b>2018</b>
Compensation Band (\$)		
10,001 - 20,000	-	1
80,000 - 90,000	1	-
150,000 - 160,000	1	-
170,001 - 180,000	1	2
180,001 - 190,000	-	1
190,001 - 200,000	2	-
210,000 - 220,000	1	-
220,001 - 230,000	3	1
230,001 - 240,000	1	-
240,001 - 250,000	-	3
250,001 - 260,000	2	2
260,001 - 270,000	1	-
400,001 - 410,000	-	1
	<b>13</b>	<b>11</b>
	<b>\$</b>	<b>\$</b>
<b>Total compensation of senior officers</b>	<b>2,735,237</b>	<b>2,424,627</b>
	<b>\$</b>	<b>\$</b>
<b>Total compensation of key management personnel</b>	<b>3,235,367</b>	<b>2,725,194</b>

Total compensation includes total fees, salaries, superannuation, non-monetary benefits and other benefits incurred by the Commission in respect of key management personnel.

**Notes to the financial statements for the year ended 30 June 2019****Note 8. Other disclosures (continued)****8.4 Related party transactions**

The Commission is a wholly owned and controlled entity of the State of Western Australia. In conducting its activities, the Commission is required to pay various taxes and levies based on the standard terms and conditions that apply to all tax and levy payers to the State and entities related to State.

Related parties of the department include:

- all Ministers and their close family members, and their controlled or jointly controlled entities;
- all senior officers and their close family members, and their controlled or jointly controlled entities;
- other departments and public sector entities, including related bodies included in the whole of government consolidated financial statements;
- associates and joint ventures, that are included in the whole of government consolidated financial statements; and
- the Government Employees Superannuation Board (GESB).

**Material transactions with other related parties**

In 2018/19, the Commission had related party transactions with a member of the Commission.

- The party was assigned client files by the Commission and provided legal services to the Commission's clients. The total payment made to this party were \$73,109 during this period. These payments were arm's length transactions following the Commission's formal assignment processes. As at 30 June 2019 the amount of \$19,359 was payable.

**8.5 Related bodies**

The Commission had no related bodies during the financial year.

**8.6 Affiliated bodies**

The Commission had no affiliated bodies during the financial year.

## Notes to the financial statements for the year ended 30 June 2019

**Note 8. Other disclosures (continued)****8.7 Special purpose accounts****(i) Child Representation Trust Fund**

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

	<b>2019</b>	<b>2018</b>
	<b>\$</b>	<b>\$</b>
Balance at start of period	-	5,000
Receipts	-	-
Payments	-	(5,000)
<b>Balance at end of period</b>	<b>-</b>	<b>-</b>

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

**(ii) Client Trust Fund**

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

	<b>2019</b>	<b>2018</b>
	<b>\$</b>	<b>\$</b>
Balance at start of period	37,343	328,038
Receipts	803,442	540,694
Payments	(833,785)	(831,389)
<b>Balance at end of period</b>	<b>7,000</b>	<b>37,343</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.

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

**8.8 Remuneration of auditors**

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

	<b>2019</b>	<b>2018</b>
	<b>\$</b>	<b>\$</b>
Auditing the accounts, financial statements and key performance indicators	85,189	83,930

The remuneration of the auditor is included at note 2.4 'Supplies and services'. The remuneration to 30 June 2019 was not accrued as work was not substantially completed. This amount excludes GST.

## Notes to the financial statements for the year ended 30 June 2019

## Note 8. Other disclosures (continued)

## 8.9 Equity

The Western Australian 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.

	2019 \$	2018 \$
<b>Contributed equity</b>		
Balance at start of period	595,669	595,669
Contribution by owners		
Capital appropriation	-	-
<b>Total contributions by owners</b>	-	-
Distribution to owners		
Net assets transferred to government	-	-
<b>Total distributions to owners</b>	-	-
<b>Balance at end of period</b>	<b>595,669</b>	<b>595,669</b>

	2019 \$	2018 \$
<b>Reserves</b>		
Asset revaluation surplus		
Balance at start of period	136,874	270,576
<i>Net revaluation increments/(decrements)</i>		
Buildings	1,097	(8,702)
Land	-	(125,000)
<b>Balance at end of period</b>	<b>137,971</b>	<b>136,874</b>

Any moneys in the Reserve shall be available, as part of the Legal Aid fund, to the Commission for application by it under the State Act.

	2019 \$	2018 \$
Accumulated surplus		
Balance at start of period	18,573,264	16,585,262
Change in accounting policy	37,762	-
(Deficit) / surplus for this period	(135,876)	1,988,002
<b>Balance at end of period</b>	<b>18,475,150</b>	<b>18,573,264</b>
<b>Total equity at end of period</b>	<b>19,208,790</b>	<b>19,305,807</b>

## Notes to the financial statements for the year ended 30 June 2019

**Note 8. Other disclosures (continued)****8.10 Supplementary financial information****(a) Write-Offs**

	<b>2019</b>	<b>2018</b>
	<b>\$</b>	<b>\$</b>
Debts written off during the year that were authorised by the Commission	171,750	208,297
Debts written off during the year that were authorised by the Attorney General	-	269,243
<b>Total</b>	<b>171,750</b>	<b>477,540</b>

**(b) Losses through theft, defaults and other causes**

	<b>2019</b>	<b>2018</b>
	<b>\$</b>	<b>\$</b>
Losses of public money and public and other property through theft or default	150	-
Amount recovered	-	-
	<b>150</b>	<b>-</b>

**(c) Gifts of public property**

There were nil (2018:nil) gift of public property during this period.

**8.11 Explanatory statement**

All variances between estimates (original budget) and the actual results for 2019 and between the actual results for 2019 and 2018 are shown below. Narratives are provided for key major variances, which are generally greater than 5% and \$1,747,995 for the statements of Comprehensive income and Cash Flows, and 5% and \$972,750 for the statement of Financial Position.

## Notes to the financial statements for the year ended 30 June 2019

## Note 8. Other disclosures (continued)

## 8.11 Explanatory statement (continued)

## Statement of Comprehensive Income

	Variance Note	2019 Estimate \$	2019 Actual \$	2018 Actual \$	Variance between Estimate and Actual \$	Variance between Actual for 2019 and 2018 \$
<b>Expenses</b>						
Employee benefit expense		31,993,000	33,596,015	33,020,429	1,603,015	575,586
Supplies and services		5,472,000	5,582,884	4,851,031	110,884	731,853
Depreciation and amortisation expense		792,000	515,081	598,549	(276,919)	(83,468)
Accommodation expenses		6,666,000	6,468,603	6,230,378	(197,397)	238,225
Legal Services expenses	1	24,096,000	28,162,396	26,555,185	4,066,396	1,607,211
Loss on disposal of non-current assets		-	-	14,163	-	(14,163)
Community Legal Center Grants		12,088,000	11,607,067	11,401,547	(480,933)	205,520
Other expenses		1,368,000	1,467,734	1,324,269	99,734	143,465
<b>Total Cost of Services</b>		<b>82,475,000</b>	<b>87,399,780</b>	<b>83,995,551</b>	<b>4,924,780</b>	<b>3,404,229</b>
<b>Income</b>						
User charges and fees		2,338,000	3,075,670	2,610,867	737,670	464,803
Commonwealth grants and contributions		32,616,000	32,599,393	34,116,630	(16,607)	(1,517,237)
Interest revenue		950,000	1,276,665	819,420	326,665	457,245
Other revenue		208,000	180,984	330,085	(27,016)	(149,101)
<b>Total Revenue</b>		<b>36,112,000</b>	<b>37,132,712</b>	<b>37,877,002</b>	<b>1,020,712</b>	<b>(744,290)</b>
<b>Gains</b>						
Gain on disposal of non-current assets		-	-	-	-	-
<b>Total Gains</b>		<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Net Cost of Services</b>		<b>46,363,000</b>	<b>50,267,068</b>	<b>46,118,549</b>	<b>3,904,069</b>	<b>4,148,519</b>
<b>Income from State Government</b>						
State Government Grant	2	43,998,000	48,666,000	48,022,000	4,668,000	644,000
Other State Community Legal Centre Funding		2,000,000	1,377,540	-	(622,460)	1,377,540
Royalties for Regions Fund		114,000	87,652	84,551	(26,348)	3,101
<b>Total income from State Government</b>		<b>46,112,000</b>	<b>50,131,192</b>	<b>48,106,551</b>	<b>4,019,192</b>	<b>2,024,641</b>
<b>Surplus / (Deficit) for the period</b>		<b>(251,000)</b>	<b>(135,876)</b>	<b>1,988,002</b>	<b>115,123</b>	<b>(2,123,879)</b>

**Notes to the financial statements for the year ended 30 June 2019****Note 8. Other disclosures (continued)****8.11 Explanatory statement (continued)****Major Variance Narratives****Variations between estimate and actual**

1. Legal Service expenses are higher than the estimates mainly due to higher than expected case cost for state indictable criminal matters and state expensive case.
2. The State Government Grant is higher than the estimates due to \$4.568 million of supplementary funding received for state indictable criminal matters (\$2.624 million) and state expensive criminal case (\$1.944 million).

**Variations between actual results for 2019 and 2018**

There is no key major variations between actual results for 2019 and 2018.

## Notes to the financial statements for the year ended 30 June 2019

## Note 8. Other disclosures (continued)

## 8.11 Explanatory statement (continued)

## Statement of Financial Position

	Variance Note	2019 Estimate \$	2019 Actual \$	2018 Actual \$	Variance between Estimate and Actual \$	Variance between Actual for 2019 and 2018 \$
<b>ASSETS</b>						
<b>Current Assets</b>						
Cash and cash equivalents	1,a	7,948,000	12,156,965	9,653,777	4,208,965	2,503,188
Restricted cash and cash equivalents		229,000	174,675	195,821	(54,325)	(21,146)
Receivables		2,809,000	3,261,241	3,653,359	452,241	(392,118)
Other financial assets	1,a	20,075,000	24,500,000	25,000,000	4,425,000	(500,000)
Other current assets		362,000	440,378	573,794	78,378	(133,416)
<b>Total Current Assets</b>		<b>31,423,000</b>	<b>40,533,259</b>	<b>39,076,751</b>	<b>9,110,259</b>	<b>1,456,508</b>
<b>Non-Current Assets</b>						
Restricted cash and cash equivalents		125,000	410,032	277,136	285,032	132,896
Receivables		5,050,000	5,866,380	5,303,738	816,380	562,642
Property plant & equipment	2	2,394,000	1,274,622	1,599,535	(1,119,378)	(324,913)
Intangible assets	2	763,000	553,195	498,028	(209,805)	55,167
<b>Total Non-Current Assets</b>		<b>8,332,000</b>	<b>8,104,229</b>	<b>7,678,437</b>	<b>(227,771)</b>	<b>425,792</b>
<b>TOTAL ASSETS</b>		<b>39,755,000</b>	<b>48,637,488</b>	<b>46,755,188</b>	<b>8,882,488</b>	<b>1,882,300</b>
<b>LIABILITIES</b>						
<b>Current Liabilities</b>						
Payables	3,b	18,739,000	22,903,358	21,038,326	4,164,358	1,865,032
Provisions		4,868,000	5,411,934	5,070,555	543,934	341,379
Other current liabilities		31,000	-	18,525	(31,000)	(18,525)
<b>Total Current Liabilities</b>		<b>23,638,000</b>	<b>28,315,292</b>	<b>26,127,406</b>	<b>4,677,292</b>	<b>2,187,886</b>
<b>Non-Current Liabilities</b>						
Provisions		1,538,000	1,113,406	1,321,975	(424,594)	(208,569)
<b>Total Non-Current Liabilities</b>		<b>1,538,000</b>	<b>1,113,406</b>	<b>1,321,975</b>	<b>(424,594)</b>	<b>(208,569)</b>
<b>TOTAL LIABILITIES</b>		<b>25,176,000</b>	<b>29,428,698</b>	<b>27,449,381</b>	<b>4,252,698</b>	<b>1,979,317</b>
<b>NET ASSETS</b>		<b>14,579,000</b>	<b>19,208,790</b>	<b>19,305,807</b>	<b>4,629,790</b>	<b>(97,017)</b>
<b>EQUITY</b>						
Contributed equity		596,000	595,669	595,669	(331)	-
Reserves		271,000	137,971	136,874	(133,029)	1,097
Accumulated surplus	4	13,712,000	18,475,150	18,573,264	4,763,150	(98,114)
<b>TOTAL EQUITY</b>		<b>14,579,000</b>	<b>19,208,790</b>	<b>19,305,807</b>	<b>4,629,790</b>	<b>(97,017)</b>

**Notes to the financial statements for the year ended 30 June 2019****Note 8. Other disclosures (continued)****8.11 Explanatory statement (continued)****Major Variance Narratives****Variations between estimate and actual**

1. The combined variance for Cash and cash equivalent and Other financial assets (terms deposits held at period end) between actual and budget is \$8.633 million. The variance is largely due to \$2.226 million of grants of legal aid committed to private practitioners during the year remaining to be paid to private practitioners at year end. In addition, cash payments for capital works are \$1.329 million less than the estimates largely due to postponing the Kalgoorlie Office fit-out, Document Management System upgrade and the redevelopment of LAWAs core grants management into future years. The remaining variances are accounted for by the difference in the beginning balance of cash position in original estimate. Refer to note 4 for further details.
2. Plant and Equipment and Intangible Assets are lower than the estimate by \$1.329 million largely due to the postponement of the Kalgoorlie office fit-out, and upgrades to the Document Management System and redevelopment of LAWAs grants management system.
3. The payables balances are significantly higher than the estimate as a result of increased committed cost in state indictable criminal matters and state expensive case. The committed cost has not been fully paid in 2018-19.
4. The accumulated surplus is higher than the estimates mainly due to the difference in the beginning balance in the original estimate. In 2017- 18, there was a turn-around in accumulated surplus from an estimated deficit of \$1.482 million to a surplus of \$1.988 million. The surplus of 2017-18 was mainly due to funds received from Commonwealth Government under the National Partnership Agreement 2015-2020, Family Advocacy and Support Services Agreements, and Christmas Island Service Delivery Agreement which have not been fully expensed in 2017-18.

**Variations between actual results for 2019 and 2018**

- a. The combined variance for Cash and cash equivalent and Other financial assets between 2018-19 and 2017-18 is \$2.0 million. The variance is largely due to \$4.568 million of state government supplementary funding received in 2018-19 in comparison of \$1.615 million received in 2017-18. The funding is received for state expensive cases and indictable criminal matters, which has not been fully expended in 2018-19.
- b. The payables are higher than the previous year mainly as a result of increased cost in state indictable criminal matters and state expensive case.

## Notes to the financial statements for the year ended 30 June 2019

## Note 8. Other disclosures (continued)

## 8.11 Explanatory statement (continued)

## Statement of Cash Flows

	Variance Note	2019 Estimate \$	2019 Actual \$	2018 Actual \$	Variance between Estimate and Actual \$	Variance between Actual for 2019 and 2018 \$
<b>CASH FLOWS FROM STATE GOVERNMENT</b>						
State Government Grant	1	43,998,000	48,666,000	48,022,000	4,668,000	644,000
Other State Community Legal Centre Funding		2,000,000	1,377,540	-	(622,460)	1,377,540
Royalties for Regions Fund		114,000	87,652	84,551	(26,348)	3,101
<b>Net cash provided by State Government</b>		<b>46,112,000</b>	<b>50,131,192</b>	<b>48,106,551</b>	<b>(4,019,192)</b>	<b>2,024,641</b>
Utilised as follows:						
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>						
<b>Payments</b>						
Employee benefits		(32,076,000)	(33,573,259)	(33,293,172)	(1,497,259)	(280,087)
Supplies and services		(5,457,000)	(5,431,218)	(4,968,301)	25,782	(462,917)
Accommodation		(6,666,000)	(6,379,898)	(6,368,607)	286,102	(11,291)
Legal services	2,a	(24,096,000)	(26,470,411)	(24,328,981)	(2,374,411)	(2,141,430)
GST payments on purchases	3	(3,092,000)	(5,106,528)	(4,796,576)	(2,014,528)	(309,952)
Other payments		(13,905,000)	(12,836,194)	(12,487,362)	1,068,806	(348,832)
<b>Receipts</b>						
User charges and fees		2,486,000	2,579,701	2,314,266	93,701	265,435
Commonwealth grants and contributions		32,616,000	33,099,393	33,616,631	483,393	(517,238)
Interest received		950,000	1,170,549	876,294	220,549	294,255
GST receipts on sales		34,000	59,638	75,121	25,638	(15,483)
GST receipts from taxation authority	3	3,058,000	4,967,697	4,615,861	1,909,697	351,836
Other receipts		788,000	121,507	267,690	(666,493)	(146,183)
<b>Net cash provided by/(used in) operating activities</b>		<b>(45,360,000)</b>	<b>(47,799,023)</b>	<b>(44,477,136)</b>	<b>(2,439,023)</b>	<b>(3,321,887)</b>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>						
<b>Payments</b>						
Purchase of non-current physical assets		(1,260,000)	(217,231)	(353,485)	1,042,769	136,254
<b>Receipts</b>						
Proceeds from sale of non-current physical assets		-	-	-	-	-
<b>Net cash provided by/(used in) investing activities</b>		<b>(1,260,000)</b>	<b>(217,231)</b>	<b>(353,485)</b>	<b>1,042,769</b>	<b>136,254</b>
Net increase/(decrease) in cash and cash equivalents	4	(508,000)	2,114,938	3,275,930	2,622,938	(1,160,992)
Cash and cash equivalents at the beginning of period	5,b	28,885,000	35,126,734	31,850,804	6,241,734	3,275,930
<b>CASH AND CASH EQUIVALENTS AT THE END OF PERIOD</b>		<b>28,377,000</b>	<b>37,241,672</b>	<b>35,126,734</b>	<b>8,864,672</b>	<b>2,114,938</b>

**Notes to the financial statements for the year ended 30 June 2019****Note 8. Other disclosures (continued)****8.11 Explanatory statement (continued)****Major Variance Narratives****Variations between estimate and actual**

1. The State Government Grant is higher than the estimates mainly due to \$4.568 million of supplementary funding received for State expensive criminal case (\$1.944 million) and State indictable criminal matters (\$2.624 million).
2. Legal Service expenses are higher than the estimates mainly due to higher than expected case cost for state indictable criminal matters and state expensive case.
3. GST Payments on Purchase and GST receipt from taxation authority is higher than the estimates mainly due to higher Legal service expenses paid during 2018-19.
4. The net increase in cash inflow for 2018-19 is largely due to grants of legal aid assistance committed to in 2018-19 but not paid in cash, leaving \$2.226 million of cash remaining to be paid to private practitioners.
5. The closing cash for 2017-18 is higher than estimate is due to the turn-around from an estimated deficit of \$1.482 million deficit to a surplus of \$1.988 million in 2017-18. The surplus of that year is mainly due to funds received from Commonwealth government under the National partnership agreement 2015-2020, Family advocacy and support service agreements and Christmas island service delivery agreement which have not been expended in 2017-18

**Variations between actual results for 2019 and 2018**

- a. The increase in 2018-19 is largely due to an increase in the cost for state indictable criminal matters. The case costs for state indictable criminal matters was \$11.525 compared to \$9.422 million in 2017-18.
- b. The closing cash for 2017-18 is higher than 2016-17 than \$3.276 million, the variance is largely due to unexpended funds of \$2.029 million received from the Commonwealth subject to a funding agreement, less capital works payments of \$400,000 and State funding of \$307,000 received for expenses incurred to be incurred in other years.

**8.12 Special category funding**

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

There has been no activity under the Finance brokers legal fund since 2010. In September 2018, the Commission released the remaining funds to expand a mortgage stress service (Note 8.12 (vii)). 12 remaining legal actions involving finance brokers will continue to be funded by internal funding.

	<b>2019</b>	<b>2018</b>
	<b>\$</b>	<b>\$</b>
Balance at start of period	167,364	167,364
Transfer	(167,364)	-
<b>Balance at end of period</b>	<b>-</b>	<b>167,364</b>

**(ii) Department of Child Protection and Family Support 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 and Family Support. The fund was fully utilised in 2018-19, and active cases will continue to be funded by internal funding.

## Notes to the financial statements for the year ended 30 June 2019

## Note 8. Other disclosures (continued)

## 8.12 Special category funding (continued)

	2019 \$	2018 \$
Balance at start of period	18,410	22,120
Funding	-	-
Expenditure	(18,410)	(3,710)
<b>Balance at end of period</b>	<b>-</b>	<b>18,410</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.

	2019 \$	2018 \$
Balance at start of period	105,264	118,793
Receipt from Commonwealth	230,745	337,479
User charges and fees	3,280	51,772
Expenditure	(324,278)	(402,780)
<b>Balance at end of period</b>	<b>15,011</b>	<b>105,264</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 is expected to exceed \$26,000.

	2019 \$	2018 \$
Balance at start of period	330,537	(157,389)
Funding	4,104,000	3,775,000
Client Contributions	227,466	78,653
Assigned expenditure	(4,186,990)	(3,059,210)
Expenditure for IHP disbursements	(2,325)	(161,572)
In-House legal services expenditure	(87,382)	(144,945)
<b>Balance at end of period</b>	<b>385,306</b>	<b>330,537</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 is expected to exceed \$40,000.

	2019 \$	2018 \$
Balance at start of period	(13,100)	340,648
Supplementary Funding	65,837	1,990,651
Expenditure	(13,393)	(2,344,399)
<b>Balance at end of period</b>	<b>39,344</b>	<b>(13,100)</b>

## Notes to the financial statements for the year ended 30 June 2019

**Note 8. Other disclosures (continued)****8.12 Special category funding (continued)***(vi) Commonwealth Proceeds of Crime*

Arrangements exist with the Commonwealth for reimbursement for proceedings where an applicant for aid has property covered by a restraining order under the *Proceeds of Crime Act 2002* (POCA), the costs are reimbursed in accordance with sections 292 and 293 of the Act.

	2019 \$	2018 \$
Balance at start of period	(153,053)	(98,262)
Expenditure	6,270	(54,791)
Reimbursement	-	-
<b>Balance at end of period</b>	<b>(146,783)</b>	<b>(153,053)</b>

*(vii) Mortgage Hardship Service Fund*

In September 2018, the Commission commenced maintaining special funding for the expansion of a mortgage hardship service. The fund was provided by the remaining balance of Finance broker fund (note 8.12 (i))

	2019 \$	2018 \$
Balance at start of period	-	-
Transfer	167,364	-
Expenditure	(47,934)	-
<b>Balance at end of period</b>	<b>119,430</b>	<b>-</b>

**8.13 Community Legal Centres**

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

Commonwealth CLCs funding comes under National Partnership Agreements from 2015/16. Legal Aid WA includes transactions related to the Commonwealth CLCs in its financial statements as it has effective decision making over the allocation of the funds.

Financial transactions for 2018/19 related to the State and Commonwealth funding for CLCs are as follows:

	State	Commonwealth
Balance at start of period	541,393	195,821
Receipts	5,343,654	6,267,750
Payments	(5,317,540)	(6,288,897)
<b>Balance at end of period</b>	<b>567,507</b>	<b>174,674</b>

## 5.4 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 2019.



Hon. Jane Crisford SC  
Chair of the Commission

Date: 28/8/2019



Dr Graham Hill  
Director of Legal Aid  
Member of the Commission

Date: 28/8/2019

## 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:** Strong Communities: Safe communities and supported families.

**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 and legal tasks	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 1300 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 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	2015-16 Actual %	2016-17 Actual %	2017-18 Actual %	2018-19 Budget %	2018-19 Actual %	Reasons For Significant Variance <sup>(1)</sup> Between Current Actuals and Target and Prior Year Comparative
Percentage of eligible applicants who receive a grant of legal aid	87%	85%	86%	85%	88%	There is no significant variation.
Percentage of persons who are provided with a duty lawyer service	20%	20%	20%	20%	21%	There is no significant variation.
Percentage of callers successfully accessing infoline services <sup>(2)</sup>	60%	67%	67%	67%	58%	The decline in 2018-19 as compared with budget and prior years is mainly due to unusual turnover and training of 23 new Infoline officers in the first half of the year.

**Service: Legal Aid Assistance**

Key Efficiency Indicators	2015-16 Actual \$	2016-17 Actual \$	2017-18 Actual \$	2018-19 Budget \$	2018-19 Actual \$	Reasons For Significant Variance <sup>(1)</sup> Between Current Actuals and Target and Prior Year Comparative
Average cost per legal representation	3,754	3,813	4,166	3,859	3,792	There is no significant variation.
Average cost per legal information service	50	56	61	57	71	The increase in 2018-19 average cost as compared with budget is due to unusual turn over and training of 23 new Infoline officers in the first half of the year resulting in reduced capacity to deliver services.
Average cost per legal advice	220	224	236	240	251	The average cost has increased over the years mainly due to the limited availability of grants of aid for criminal Magistrate matters and Care and Protection proceedings with the introduction of more stringent guidelines, in response to reduced funding levels, has impacted the complexity of advice and duty lawyer services in those areas. Additionally with the introduction of the Commonwealth funded Family, Advocacy and Social Support service in the Family Court, and associated counting rules, the ambit and complexity of the service has increased.
Average cost per application for a grant of legal aid processed	435	426	401	418	376	The average cost of assessing and processing of applications for grants of aid has reduced due to changes in management of tasks and workflows, overtime being offered and targeting specific tasks in bulk resulting in a more efficient service.
Average cost of delivering regional initiatives for legal practice <sup>(3)</sup>	204	198	167	200	178	The lower average cost in 2018-19 is attributed to a 9% increase in lawyers with no increase in the cost of training.

**Note:**

- (1) Significant variances are considered to be those greater than 10%.
- (2) New on-line Infoline chat services were introduced in Feb-2019 however are not in the 2018-19 actual result. From the 2019-20 financial year, this indicator will be replaced by the new indicator "Percentage of people receiving an outcome from Infoline services" which includes both traditional Infoline and online chat services.

- (3) LAWA will cease reporting on this indicator from 2019-20 as the cost base is only a fraction of LAWA's total costs. The indicator was focusing on special projects like country lawyer program which ceased to operate from 2015-16. The remaining costs left in the special projects are for the on-line training, which is delivered at a minimal cost.

## 5.5 Ministerial Directions

No ministerial directions were received during the financial year.

## 5.6 Other Financial Disclosures

### 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.

### Capital Works

#### Capital projects incomplete

Project Name	Estimated Total Costs	Estimated Remaining Costs	Expected Completion
<b>Partial refit of the South Hedland regional office</b> The partial refit is part of Legal Aid WA's ongoing investment to ensure office accommodations is maintained to adequately support the delivery of services across Western Australia.	\$248,000	\$244,000	2019-20
<b>Commonwealth assistance with Data Standardisation</b> To facilitate the collection of consistent and comparable data for legal assistance providers, various system enhancements to core systems were made to improve reporting around legal assistance services.	\$83,326	\$18,037	2019-20
<b>Content Server implementation</b> Part of the replacement of Legal Aid's legal management system requires a modern Content Management System to allow documents to be accessed from and shared between new software solutions.	\$303,983	\$148,195	2019-20

#### Capital projects completed

Project Name	Total Costs
<b>Enhancement to LAW Office application – automation of business processes</b> This enhancement will enable Legal Aid WA to automate grant payment processes to external firms which includes automated payments and automated extensions and will deliver business efficiencies.	199,870

## Employment and Industrial Relations

### EMPLOYEE PROFILE 2018/2019

Level	Lawyer		Paralegal		Administration		TOTAL 2017/18	TOTAL 2018/19	% 2017/18	% 2018/19
	P	O	P	O	P	O				
Cadet				1			0	1	0.00%	0.29%
1					5	10	11	15	2.73%	4.42%
2					47	16	59	63	20.00%	18.58%
3			29	5	22	2	57	58	16.36%	17.11%
4			9		6		16	15	5.15%	4.42%
5			2		13		15	15	5.15%	4.42%
6					11	1	10	12	3.03%	3.54%
7					2		2	2	0.61%	0.59%
8					2		3	2	0.91%	0.59%
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%
S/C Level 1	5	11					14	16	5.45%	4.72%
S/C Level 2	37	17			1		53	55	14.85%	16.22%
S/C Level 3	10	4					12	14	2.42%	4.13%
S/C Level 4	33				1		30	34	10.30%	10.03%
S/C Level 5	4						5	4	1.82%	1.18%
S/C Level 6	24						23	24	8.18%	7.08%
S/C Level 7	1						1	1	0.61%	0.29%
S/C Level 8	2						1	2	0.00%	0.59%
S/C Level 9							0	0	0.00%	0.00%
S/C Level 10					5		6	5	1.82%	1.47%
<b>TOTAL</b>	<b>116</b>	<b>32</b>	<b>40</b>	<b>6</b>	<b>116</b>	<b>29</b>	<b>319</b>	<b>339</b>	<b>100%</b>	<b>100%</b>

#### Includes staff on LWOP:

2017/2018 LWOP 11 Females/ 2 Male

2018/2019 LWOP 8 Females/ 0 Male

Note: Legal staff, psychologists and librarians paid under GOSAC Specified Callings

**P = Permanent Employee**

**O = Contract Employee**

### Staff Development

Legal Aid WA is committed to the professional development and care of its employees. Legal Aid WA has a comprehensive in-person and online induction program which includes personal safety and resilience training. This ensures all employees are fully prepared for the work they will be doing.

In addition, Legal Aid WA also provides accredited professional development opportunities for all in-house lawyers and lawyers in the community legal sector, including those based in rural, regional and remote areas of Western Australia. This includes:

- » An annual three-day Summer Series which consists of a series of workshops in criminal, family and civil law.
- » Accredited training online and in-person via Legal Aid WA's learning management system, Train-N-Track. Train-N-Track now has 1474 registered active users (1217 lawyers), houses 143 online modules (118 legal, 18 admin and 7 public facing) and operates as a booking manager for major in-person training events. From 1 July 2018 to 30 June 2019, Legal Aid WA awarded 4858 Continuing Professional Development points to Western Australian lawyers.

### Workers' Compensation

Legal Aid WA is committed to ensuring the highest standards of workplace safety, health and wellbeing to ensure the protection of its employees. No new workers' compensation claims were received during 2018-19. The management of one claim which was received in 2017-18, and one claim which was received during 2016-17, continued.

### Unauthorised Use of Credit Cards

Officers of Legal Aid WA hold corporate credit cards where their functions warrant usage of this facility. Despite each cardholder being aware of their obligations under Legal Aid WA's credit card policy, eight employees inadvertently utilised the corporate credit card for meals, accommodation, taxi fare and airfare change fees. The matters were not referred for disciplinary action as the Chief Finance Officer noted prompt advice and settlement of the personal use amount and, the nature of the expenditure was immaterial and characteristic of an honest mistake.

	<b>2019</b>
	<b>\$</b>
Aggregated amount of personal use expenditure for the reporting period	386
Aggregate amount of personal use expenditure settled by the due date (within 5 working days)	246
Aggregate amount of personal use expenditure settled after the period (after 5 working days)	140
Aggregate amount of personal use expenditure outstanding at balance date	-

## 5.7 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 Legal Aid WA, other than normal contracts of employment of services.

### Insurance premiums to indemnify any Director

An insurance premium of \$12,056 (including GST) was paid to Vero Insurance for Directors 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 Legal Aid WA and its operations.

### Legal Aid Commission Board of Western Australia

Position	Name	Type of Remuneration	Period of Membership	Gross/actual remuneration (annual) \$
Chair	Jane Crisford	Per Annum	12 months	18,600.00
Member	Dion Smith	Per Annum	12 months	7,400.00
Chairman of Audit sub-committee	Dion Smith	Per Annum	12 months	660.00
Member of Audit sub-committee	Lanie Chopping	Not eligible	12 months	0
Member	Lanie Chopping	Not eligible	12 months	0
Member	Genevieve Cleary	Per Annum	12 months	7,400.00
Member	Steve Toutountzis	Not eligible	2 months	0
Member	Steve Toutountzis	Per Annum	10 months	6,228.00
Member	Elsbeth Hensler	Per Annum	12 months	7,400.00
Member	Graham Hill	Not eligible	12 months	0

## Complaints and Freedom of Information

### Complaints

Legal Aid WA regards complaints as a valuable source of information about the quality of our services and a way to highlight new opportunities to improve how we help our clients.

We aim to resolve complaints quickly and fairly and our Infoline and reception staff are trained to explain the complaints process to dissatisfied clients. Our website explains how to make a complaint if we do not meet expectations.

Anyone can make a complaint about our staff, services or private practitioners representing clients under a grant of legal assistance.

This year we received 108 complaints, from users of our services and general community, compared to 69 complaints in 2017-18.

### Nature of complaint

Nature of Complaint	Number received
1. Funding eligibility	5
2. Aid being provided to another party	37
3. Our services and staff	19
4. Services provided by a private practitioner	5
5. Other	42
<b>Overall</b>	<b>108</b>

### Feedback

LAWA encourages all types of feedback, including compliments. This allows us to know when people have had a positive experience, and what we are doing well.

### Freedom of Information

Anyone can apply for access to documents and records held by Legal Aid WA. Whenever possible, documents will be provided outside the Freedom of Information process. If our documents contain personal information about you that is incorrect or incomplete, you can ask us to fix what is wrong.

Legal Aid WA complies with government requirements for the *Freedom of Information Act 1992* and includes information about this process on our website. This year Legal Aid WA received 4 freedom of information requests, compared with 4 in 2017-18. These requests were all managed within the specified time frame of 45 days.



# 6. Other Legal Requirements

<b>6.1 Advertising</b>	<b>108</b>
<b>6.2 Annual Estimates</b>	<b>109</b>
<b>6.3 Compliance with public sector standards and ethical codes</b>	<b>113</b>
<b>6.4 Disability Access and Inclusion Plan outcomes</b>	<b>113</b>
<b>6.5 Recordkeeping Plans</b>	<b>114</b>

## 6.1 Advertising

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

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

**Total expenditure for 2018-19 was \$32,670.24**

Expenditure was incurred in the following areas:

Expenditure	Total	Expenditure	Amount
Advertising agencies	\$18,029.24	Price Consulting Group	\$14,120.70
		Promotion Products	\$3,908.54
Market research organisations	\$14,641.00	Advantage Communications and Marketing	\$14,641.00
Polling organisations	Nil		Nil
Direct mail organisations	Nil		Nil
Media advertising organisations	Nil		Nil

## 6.2 Annual Estimates

### Statement of Comprehensive Income

For the year ended 30 June 2020

	2017-18 Actuals \$000	2018-19 Estimated Actuals \$000	2019-20 Section 40 Estimates \$000
<b>COST OF SERVICES</b>			
<b>Expenses</b>			
Employee benefits expense	33,020	34,392	35,424
Supplies and services	4,851	6,108	5,950
Depreciation and amortisation expense	598	700	6,796
Finance costs	-	-	2,746
Accommodation expenses	6,231	6,692	96
Legal services expenses	26,555	22,779	20,876
Loss on disposal of non-current assets	14	-	-
Grants and subsidies	11,402	12,339	10,341
Other expenses	1,325	1,572	981
<b>Total cost of Services</b>	<b>83,996</b>	<b>84,582</b>	<b>83,210</b>
<b>Income</b>			
<i>Revenue</i>			
User charges and fees	2,611	2,919	2,338
Commonwealth grants and contributions	34,117	32,549	32,651
Interest revenue	819	912	912
Other revenue	330	95	95
<b>Total Revenue</b>	<b>37,877</b>	<b>36,475</b>	<b>35,996</b>
<b>Total income other than income from State Government</b>	<b>37,877</b>	<b>36,475</b>	<b>35,996</b>
<b>NET COST OF SERVICES</b>	<b>46,119</b>	<b>48,107</b>	<b>47,214</b>
<b>Income from State Government</b>			
State Government grant	48,022	45,998	44,935
Services received free of charge	-	-	-
Royalties for Regions Fund	85	85	85
<b>Total income from State Government</b>	<b>48,107</b>	<b>46,083</b>	<b>45,020</b>
<b>SURPLUS/(DEFICIT) FOR THE PERIOD</b>	<b>1,988</b>	<b>(2,024)</b>	<b>(2,194)</b>

## 6.2 Annual Estimates (continued)

## Statement of Financial Position

As at 30 June 2020

	2017-18 Actuals \$000	2018-19 Estimated Actuals \$000	2019-20 Section 40 Estimates \$000
<b>ASSETS</b>			
<b>Current Assets</b>			
Cash and cash equivalents	9,655	8,809	8,351
Restricted cash and cash equivalents	195	195	195
Receivables	3,652	2,861	1,876
Other financial assets	25,000	25,000	25,000
Other current assets	574	574	574
<b>Total Current Assets</b>	<b>39,076</b>	<b>37,439</b>	<b>35,996</b>
<b>Non-Current Assets</b>			
Restricted cash and cash equivalents	277	277	277
Receivables	5,304	5,212	5,120
Right-of-use assets	-	-	58,600
Property plant & equipment	1,600	1,505	1,738
Intangible assets	498	298	862
<b>Total Non-Current Assets</b>	<b>7,679</b>	<b>7,292</b>	<b>66,597</b>
<b>TOTAL ASSETS</b>	<b>46,755</b>	<b>44,731</b>	<b>102,593</b>
<b>LIABILITIES</b>			
<b>Current Liabilities</b>			
Payables	21,038	21,038	21,038
Provisions	5,071	5,071	4,781
Lease liabilities	-	-	4,428
Contract liabilities	-	-	2,624
Other current liabilities	18	18	18
<b>Total Current Liabilities</b>	<b>26,127</b>	<b>26,127</b>	<b>32,889</b>
<b>Non-Current Liabilities</b>			
Provisions	1,322	1,322	1,251
Lease liabilities	-	-	55,982
<b>Total Non-Current Liabilities</b>	<b>1,322</b>	<b>1,322</b>	<b>57,233</b>
<b>TOTAL LIABILITIES</b>	<b>27,449</b>	<b>27,449</b>	<b>90,122</b>
<b>NET ASSETS</b>	<b>19,306</b>	<b>17,282</b>	<b>12,471</b>
<b>EQUITY</b>			
Contributed equity	596	596	596
Reserves	137	137	137
Accumulated surplus	18,573	16,549	11,738
<b>TOTAL EQUITY</b>	<b>19,306</b>	<b>17,282</b>	<b>12,471</b>

## 6.2 Annual Estimates (continued)

### Statement of Changes in Equity

For the year ended 30 June 2020

	2017-18 Actuals \$000	2018-19 Estimated Actuals \$000	2019-20 Section 40 Estimates \$000
<b>CONTRIBUTED EQUITY</b>			
<b>Contributed equity at start of period</b>	596	596	596
Equity contributions during the period	-	-	-
<b>Contributed equity at the end of period</b>	<b>596</b>	<b>596</b>	<b>596</b>
<b>ASSET REVALUATION SURPLUS</b>			
<b>Balance at start of period</b>	271	137	137
Net revaluation increments/(decrements)	(134)	-	-
<b>Contributed equity at the end of period</b>	<b>137</b>	<b>137</b>	<b>137</b>
<b>ACCUMULATED SURPLUS</b>			
<b>Balance at start of period</b>	16,585	18,573	16,549
Changes in accounting policy	-	-	(2,617)
<b>Restated balance at start of period</b>	<b>16,585</b>	<b>18,573</b>	<b>13,932</b>
Surplus / (deficit) for the period	<b>1,988</b>	<b>(2,024)</b>	<b>(2,194)</b>
<b>Contributed equity at the end of period</b>	<b>18,573</b>	<b>16,549</b>	<b>11,738</b>
<b>BALANCE OF EQUITY AT END OF PERIOD</b>	<b>19,306</b>	<b>17,282</b>	<b>12,471</b>

## 6.2 Annual Estimates (continued)

### Statement of Cash Flows

For the year ended 30 June 2020

	2017-18 Actuals \$000	2018-19 Estimated Actuals \$000	2019-20 Section 40 Estimates \$000
<b>CASH FLOWS FROM STATE GOVERNMENT</b>			
State Government Grant	48,022	45,998	44,935
Royalties for Regions Fund	85	85	85
<b>Net cash provided by State Government</b>	<b>48,107</b>	<b>46,083</b>	<b>45,020</b>
Utilised as follows:			
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>			
<b>Payments</b>			
Employee benefits	(33,293)	(34,392)	(35,785)
Supplies and services	(4,968)	(5,807)	(5,657)
Accommodation	(6,369)	(6,692)	(96)
Legal services	(24,329)	(22,779)	(20,876)
GST payments on purchases	(4,797)	(3,090)	(3,090)
GST payments to taxation authority	-	-	-
Interest payment for lease liabilities	-	-	(2,746)
Other payments	(12,487)	(13,840)	(11,462)
<b>Receipts</b>			
User charges and fees	2,314	2,848	2,486
Commonwealth grants and contributions	33,617	32,549	32,651
Interest received	877	912	912
GST receipts on sales	75	34	34
GST receipts from taxation authority	4,616	3,058	3,058
Other receipts	267	675	675
<b>Net cash provided by/(used in) operating activities</b>	<b>(44,477)</b>	<b>(46,524)</b>	<b>(39,896)</b>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>			
<b>Payments</b>			
Purchase of non-current physical assets	(354)	(405)	(1,497)
<b>Net cash provided by/(used in) investing activities</b>	<b>(354)</b>	<b>(405)</b>	<b>(1,497)</b>
<b>CASH FLOWS FROM FINANCING ACTIVITIES</b>			
Repayment of lease liabilities	-	-	(4,085)
<b>Net cash provided by/(used in) financing activities</b>	<b>-</b>	<b>-</b>	<b>(4,085)</b>
Net increase/(decrease) in cash and cash equivalents	3,276	(846)	(458)
Cash and cash equivalents at the beginning of period	31,851	35,127	34,281
<b>CASH AND CASH EQUIVALENTS AT THE END OF PERIOD</b>	<b>35,127</b>	<b>34,281</b>	<b>33,823</b>

## 6.3 Compliance with public sector standards and ethical codes

Legal Aid WA complies with the Public Sector Standards in Human Resources Management and the Public Sector Code of Ethics. The following actions were taken during 2018-2019 to ensure compliance:

- » All recruitment and selection processes were reviewed by an independent person.
- » Legal Aid WA operated a gift register.
- » All employees were asked to acknowledge their obligations under the Public Sector Code of Ethics, the Legal Aid WA Code of Conduct and relevant information, communication technology use policies at the time of their annual performance appraisal or on commencement of employment.
- » Standards information was made available to employees and applicants for positions.
- » The workplace standards induction module was reviewed.
- » Policies and procedures were available to all staff via the intranet.
- » Trained Grievance and Contact Officers are available to all staff.
- » 82% of employees completed Accountable and Ethical Decision-Making training.

One claim was lodged against the Employment Standard in 2018–19. The claim was upheld when reviewed by the Public Sector Commissioner.

## 6.4 Disability Access and Inclusion Plan Outcomes

The *Disability Services Act 1993* requires Legal Aid WA to have a Disability Access and Inclusion Plan (DAIP). Legal Aid WA's first DAIP (2014-2019) was endorsed by the Disability Services Commission in 2015. Legal Aid WA is committed to ensuring that everyone has equal access to legal aid services.

Outcome	Comment	Status
People with disabilities have the same opportunities as other people to access the services of and any events organised by Legal Aid WA.	In February 2019, Legal Aid WA launched online chat as extension of the telephone Information Line. InfoChat is available on Legal Aid WA's website and provides fast information to assist those who may be struggling to navigate the complex legal system. InfoChat provides another way for members of the public to access Legal Aid WA services.  Legal Aid WA provided presentations to various community stakeholders such as aged care nurses, hospital social workers, disability advocates, allied health groups, the Office of the Public Advocate and other disability sector organisations. This has increased public awareness of national DAIP processes and appeal rights and has facilitated a collaborative working relationship between Legal Aid WA and stakeholders.	Ongoing
People with disabilities have the same opportunities as other people to access the building and facilities of Legal Aid WA.	Processes are in place to ensure that any changes to workplace accommodation and public service access areas are accessible to members of the public and employees. Processes are in place to consult with landlords in relation to facilities issues.	Ongoing

Outcome	Comment	Status
People with disabilities receive information from Legal Aid WA in a format that will enable them to access the information as readily as other people are able to access it.	Legal Aid WA's website was redesigned and implemented in 2017-18. Read to text facilities, compliant with the State Government Access Guidelines for Information, Services and Facilities were implemented in July 2018.	Ongoing
People with disabilities have the same opportunities as other people to participate in any public consultation by Legal Aid WA.	No further action has been taken in relation to consultation with the public in relation to Legal Aid WA's DAIP (2014-19).	Ongoing
People with disabilities have the same opportunities as other people to obtain and maintain employment with Legal Aid WA.	Legal Aid WA continued to engage with employees and Job Access to assist with the review and modification of the workplace to support employees with a disability.	Ongoing

## 6.5 Recordkeeping Plans

Legal Aid WA's Recordkeeping Plan was approved on the 30 August 2012. A revised Recordkeeping Plan was approved by the State Records Office on 24 October 2017.

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 organisation's recordkeeping systems

The efficiency and effectiveness of recordkeeping systems is reviewed as part of the Legal Aid WA internal audit process. A new corporate recordkeeping system is being implemented by Legal Aid WA during 2019. The implementation of this system will provide an opportunity to review and improve the efficiency and effectiveness measures for Legal Aid WA's recordkeeping systems.

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

Legal Aid WA conducts online training programs for recordkeeping. The Recordkeeping Awareness Training is incorporated into the induction package provided to all new staff, with a Recordkeeping Awareness refresher training program delivered to all staff every two years after they have completed the initial program. These online courses are amended to reflect any new legislative and/or State Records Office requirements.

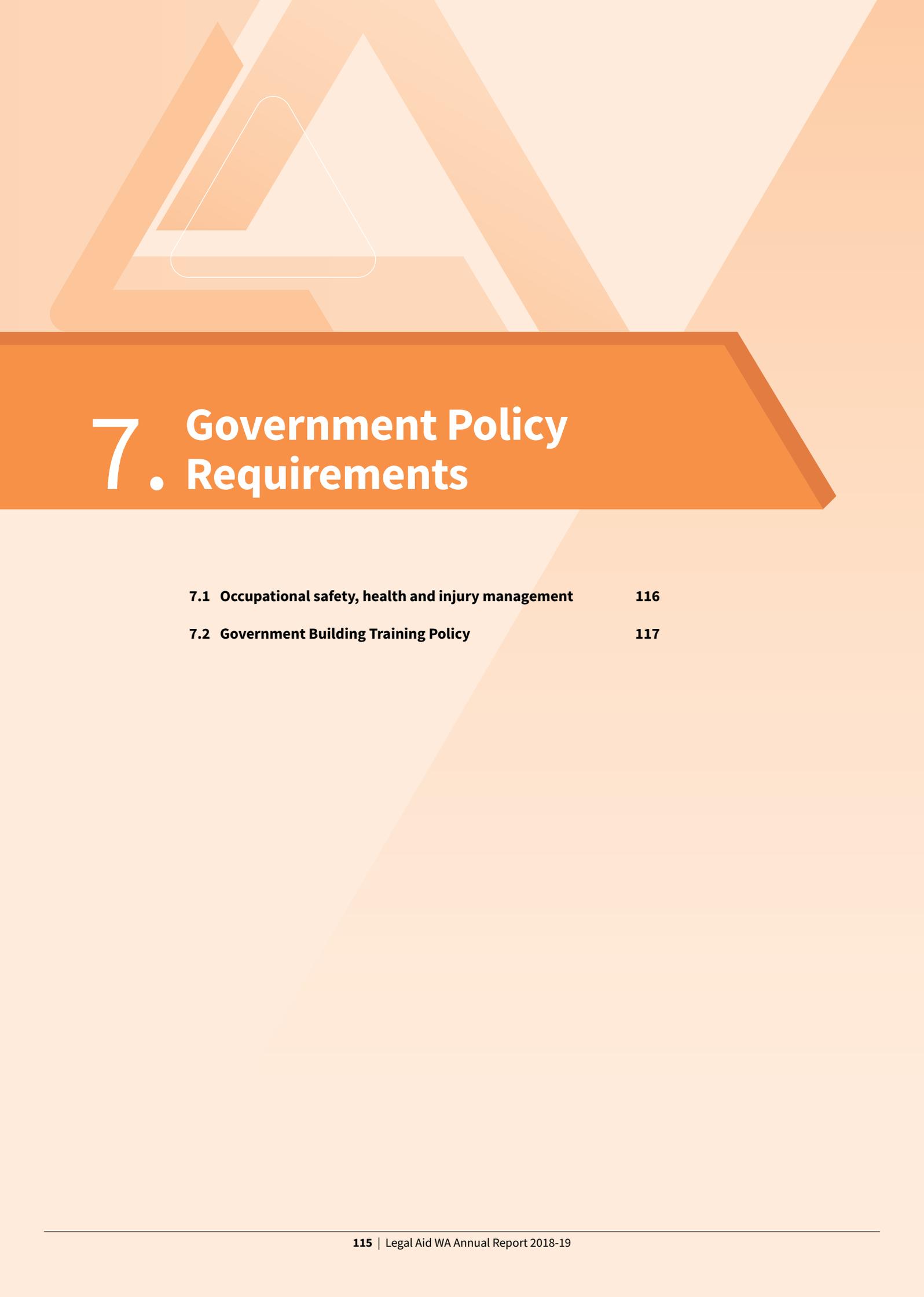
Legal Aid staff will receive new recordkeeping training to support the implementation of the new recordkeeping system.

### Efficiency and effectiveness of the recordkeeping training

The completion of recordkeeping training at induction followed by regular ongoing recordkeeping refresher training is a mandatory requirement for all Legal Aid staff and is measured through the annual staff performance appraisal process.

### Organisation's induction program addressing employee roles and responsibilities in regard to their compliance with the recordkeeping plan

Legal Aid WA's Recordkeeping Awareness Training is incorporated in the induction program. The content covers employee roles and responsibilities in regard to their compliance with the recordkeeping plan.



# 7. Government Policy Requirements

<b>7.1 Occupational safety, health and injury management</b>	<b>116</b>
<b>7.2 Government Building Training Policy</b>	<b>117</b>

## 7.1 Occupational safety, health and injury management

### Statement of Legal Aid WA's commitment to occupational safety and health and injury management 2018-2019

Legal Aid WA is committed to ensuring the highest standards of workplace safety, health and wellbeing to ensure the protection of its employees, contractors and visitors. Legal Aid is implementing improved safety management systems to mitigate risk. During 2018-19 this was demonstrated by:

- » developing appropriate systems for the reporting of work safety and health incidents and the tracking of follow up action;
- » encouraging employees to report incidents or hazards and working together to achieve outcomes;
- » identifying work safety and health risks and acting (as far as practicable) to mitigate the risk;
- » providing programs of workplace safety education, training and awareness;
- » re-establishing the OSH Committee and recruiting new committee members;
- » 82% of managers and supervisors have completed on line occupational safety, health and injury management training. A new online training module was made available in 2018;
- » developing a Safety Management Plan and preparing for audit and Worksafe accreditation.

During 2018-19, Legal Aid WA consulted with employees in relation to occupational safety and health information to staff by:

- » reviewing external workplaces;
- » encouraging staff to report incidents and hazards and responding to reports;
- » providing 'Safety First: Working Safely with clients at Legal Aid's training to all staff;
- » providing occupational safety, health and injury management training to managers and supervisors;
- » providing training to the Occupational Safety and Health Committee;
- » providing a trained staff member to conduct or coordinate ergonomic assessments of individual work station set-ups as required;
- » providing Remote Driver and Remote First Aid training to those undertaking regional Circuit work;
- » providing a trained group of First Aid Officers and Fire Wardens;
- » operating a risk register.

Legal Aid WA promoted and encouraged staff wellness during 2018-19 by:

- » promoting the Employee Assistance Program to all staff;
- » offering fully subsidised flu vaccinations to all staff;
- » offering fully subsidised inoculations e.g. Hepatitis to all staff working in frontline roles;
- » offering training to supervisors in supporting staff in the workplace;
- » offering end of trip facilities and bicycle parking at most office locations;
- » openly discussing resilience related issues and encouraging debriefing practices;
- » managing the use of accrued leave and supporting flexible work practices.

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

Legal Aid WA follows the injury management compliance requirements in accordance with the *Workers' Compensation and Injury Management Act 1981* and provides support to managers and staff who are managing workplace injuries. Injury Management Plans are implemented to support employees to return to work in accordance with the Act.

### Occupational safety and health systems

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

Measure	Actual Results			Results against Target	
	2016-17	2017-18	2018-19	Target	Comment on result
Number of fatalities	0	0	0	0	
Lost time injury and/or disease incidence rate	1	1	0	0	
Lost time injury and/or disease severity rate	0	0	0	0	
Percentage of injured workers returned to work					
(i) Within 13 weeks	100%	100%	100%	100%	
(i) Within 26 weeks	100%	100%	100%	100%	
Percentage of managers trained in occupational safety, health and injury management responsibilities			82%	80%	

## 7.2 Government Building Training Policy

No contracts subject to the Government Building Training Policy were awarded during 2018-19.

# Contact Information

## PERTH OFFICE

32 St Georges Terrace  
Perth WA 6000

PO Box L916  
Perth WA 6842

Telephone (08) 9261 6222  
Facsimile (08) 9261 6554

## SOUTHWEST REGIONAL OFFICE

7th Floor Bunbury Tower  
61 Victoria Street  
Bunbury WA 6230

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

## MIDWEST & GASCOYNE REGIONAL OFFICE

Unit 8, The Boardwalk  
273 Foreshore Drive  
Geraldton WA 6530

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

## TELEPHONE INFORMATION LINE

General Inquiries  
1300 650 579

National Relay Service:  
(for hearing and speech impaired)  
133677

Translating and  
interpreting services  
131450

## WEBSITE

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

## EAST KIMBERLEY REGIONAL OFFICE

98 Konkerberry Drive  
Kununurra WA 6743

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

## PILBARA REGIONAL OFFICE

28-32 Throssell Road  
South Hedland WA 6722

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

## GREAT SOUTHERN REGIONAL OFFICE

Unit 3, 43-47 Duke Street  
Albany WA 6330

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

## WEST KIMBERLEY REGIONAL OFFICE

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

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

## GOLDFIELDS REGIONAL OFFICE

Suite 3, 120 Egan Street  
Kalgoorlie WA 6430

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

## CHRISTMAS/COCOS ISLANDS OFFICE

Administration Building  
20 Jalan Pantai  
Christmas Island,  
Indian Ocean 6798

## CARNARVON SATELLITE OFFICE

Telephone (08) 9921 0200

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





LEGAL AID  
WESTERN AUSTRALIA

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