



Legal Aid Commission of Western Australia

ANNUAL REPORT

2020-2021



Legal Aid Commission of Western Australia

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Acknowledgement of Country and People

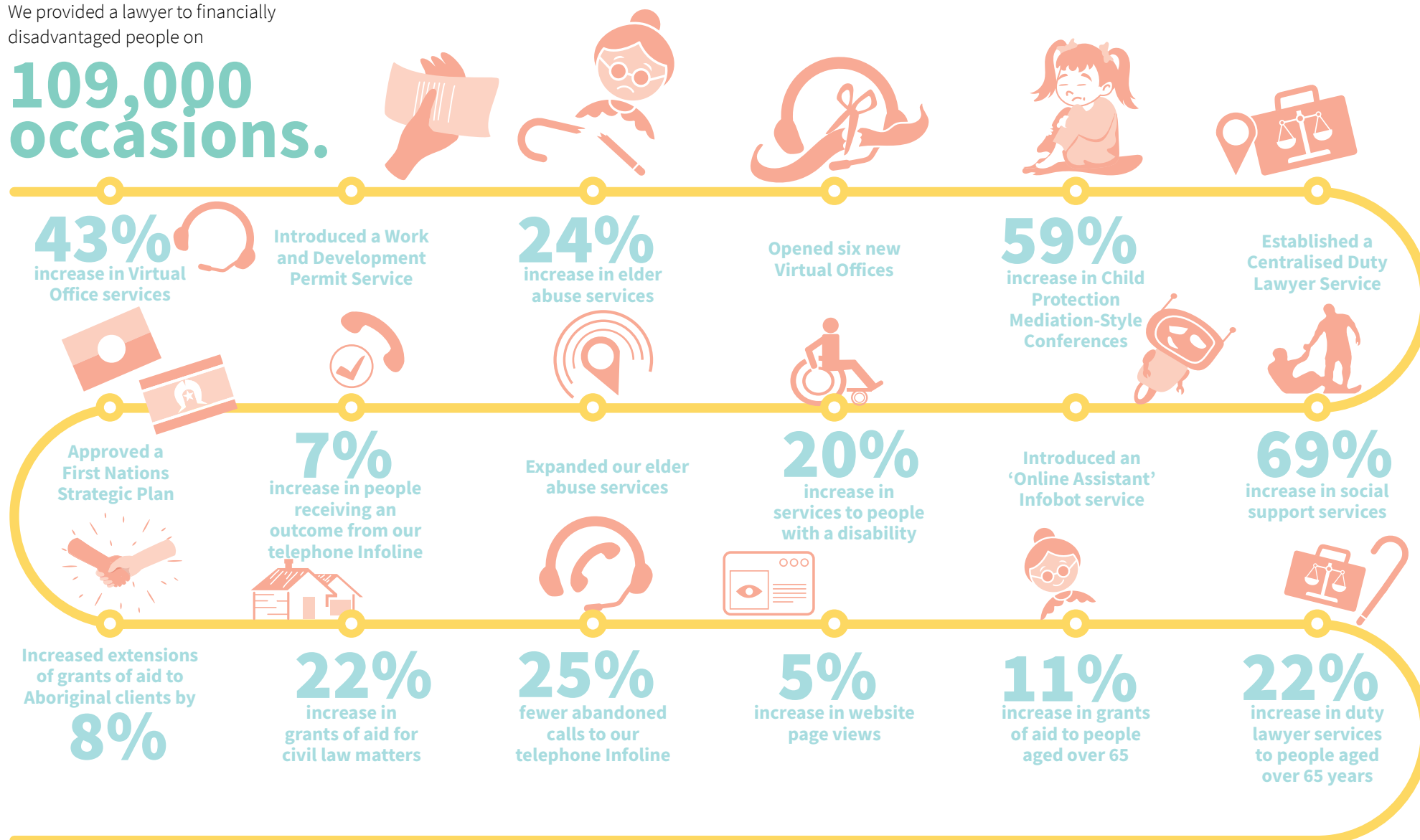
The Legal Aid Commission of Western Australia acknowledges Aboriginal people as the Traditional Custodians of the land on which we deliver our services. We pay our respects to all members of Aboriginal communities and their cultures, and to Elders past, present, and emerging.

Artwork on the inside cover created by artist TJ Worrigal

Our Year

We provided a lawyer to financially disadvantaged people on

109,000 occasions.





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Message from the Chair and CEO

Chair Hon Jane Crisford SC, CEO Dr Graham Hill

On behalf of the Legal Aid Commission of Western Australia, we are pleased to present the 2020-21 Annual Report.

Since its founding in 1976, the Legal Aid Commission of Western Australia (Legal Aid) has been dedicated to delivering equal justice before the law. This year, we recommitted ourselves to combating injustice by introducing new services that are highly accessible. We're making lives better by delivering meaningful access to justice to under-served West Australians. Legal Aid is improving our State by strengthening the social safety net and by giving marginalised people a voice in the legal process. Our new services promote social cohesion and maintain trust and confidence in the justice system. This Report showcases a year marked by major achievement and significant innovation.

Increased services

Over the year, Legal Aid provided lawyers to people on 109,000 occasions. We provided 43% more services through our Virtual Offices than we did the previous year. Elder abuse services increased by 24% and we increased grants of aid to over 65s by 11% and duty lawyer services to over 65s by 22%. As evidence of our planned shift to more holistic services, the year saw us increase social support services by 69%. During 2020-21, Legal Aid increased the capacity of our telephone Infoline and, as a result, 7% more people received an outcome from that service. We increased grants of aid in civil law matters by 22%. To help vulnerable families in the child protection jurisdiction, we increased our successful mediation-style conferences by 59%. Over the year, website page views increased by 5%.

New initiatives

Over the 2020-21 year, we put an end to people in poverty going to jail for unpaid fines. In September 2020 we started our Work and Development Permit Service. This scheme helps vulnerable people resolve unpaid fines by undertaking community work, training or medical treatment. The scheme is open to people in financial hardship, people exposed to family violence, people with a disability, people with a mental illness, and homeless people. Since we introduced this new service, no Western Australian in hardship has gone to jail for unpaid fines.

Over the year of this Report, we eliminated the possibility of courts remanding anyone into custody without legal help. In February 2021, our Centralised Duty Lawyer Service went live. We offer this new service from our Perth office where a duty lawyer provides

remote services by audio or video. The service is to suburban courts on non-arrest and non-remand days when we don't have duty lawyers at court. It means that people taken into custody now get the opportunity to receive legal advice and have a lawyer apply for bail.

Over the year, Legal Aid took the law to where it was needed by opening six new Virtual Offices. These Virtual Offices place screens and camera units in outer suburban, regional or remote locations where we don't have a physical office. They use the latest technology to bring clients face-to-face with a Legal Aid lawyer. Working with partner organisations, we opened Virtual Offices at Busselton, Jurien Bay, Kwinana, Rockingham, Fremantle and Clarkson. Our State-wide network now stands at 16 Virtual Offices.

In January 2021, we empowered West Australians with accessible legal information by launching our InfoBot chatbot service. Half of our website page views occur outside of business hours when the new InfoBot is in action. It guides website visitors to the legal information they need. Over its first six months, the InfoBot proved its value by engaging in over 10,000 chats.

In January 2021, Legal Aid participated in a bold new initiative to help victims of family violence. We provided a family lawyer on site at the new Mirrabooka Family Violence Hub. With ten partner agencies, the hub is a 'one-stop-shop' for victims of family violence. The 2020-21 year also saw us remove another barrier for victims of family violence.

For the first time, we offered online applications for restraining orders. Working in partnership with the Magistrates Court and Department of Justice, victims who seek help from us no longer need to attend court in person. This eliminates a major barrier for people in remote locations.

Over the financial year, we transformed legal assistance in the Pilbara by introducing a suite of new services. These include family violence restraining orders, child protection, unpaid fines, and an Aboriginal community liaison officer. We also boosted the State-wide capacity of our elder abuse services with extra legal and social support resources.

The financial year saw the largest ever examination of our services to Aboriginal West Australians. The result was our First Nations Strategic Plan approved by the Commission in November 2020. Our First Nations Staff Network led and developed this plan which will increase our employment of Aboriginal staff and see new standards of service delivery to Aboriginal clients.

Responding to crisis

The financial year saw Legal Aid WA helping the State through devastating bushfires, a flood, a powerful cyclone and the COVID-19 pandemic. In the case of natural disasters, our disaster response teams helped the relevant communities recover by providing free legal advice at evacuation centres and in 'pop up' clinics. Throughout the pandemic and its associated restrictions, Legal Aid WA maintained services whilst protecting the health of our clients and staff. We boosted services in areas, such as family violence and employment law, which were intensified by the pandemic. We increased our capacity to provide frontline services through the telephone and online chat for a community restricted in its movements. We supported the courts in progressing cases, and we supported our staff to work from home. At no stage did we withdraw any of our vital services from the community. Throughout the pandemic, our staff never wavered in their commitment to disadvantaged people.

The Board

The Board met ten times during the year. In March 2021, the Board met at our Kununurra office. This meeting was an opportunity for Commissioners to visit the office there, meet staff, hear about local issues and engage with the Kununurra community. It was also a chance to visit the Wyndham Work Camp to meet with prisoners and corrections officers. It is pleasing to see the strong interest that the Board takes in our regional operations. In February 2021, the Board met at Wandoo Women's Rehabilitation Prison where the Superintendent briefed Commissioners on current issues at the prison. Unfortunately prison is the ultimate destination for some Legal Aid clients and it is important that Commissioners stay in touch with corrections issues.

During the year, Legal Aid Western Australia farewellled Board members Genevieve Cleary and Alana Padmanabham who were both appointed as magistrates. The Board was well served by these Commissioners and we thank them for their contributions to Legal Aid. Over the year, we welcomed Curtis Ward to the Board.

The year ahead

We're proud of all that our team accomplished in 2020-21 and we look to the year ahead with enthusiasm and confidence.

In 2021-22, we'll start mediating applications for family violence restraining orders to save victims the trauma of a defended hearing. We will embark on the largest expansion in elder abuse services in the State's history. We will upgrade our InfoBot to include more functionality and we'll launch more Virtual Offices. We'll also increase grants of aid to provide more legal representation in our courts.

We're working toward a Western Australia where no one is denied the right to equal justice. Our Commissioners and staff, combined with hundreds of private lawyers, will bring their skills, technology, strategy and reach to deliver on this ambitious future. The bold innovations and commitments set out in this Report are moving us closer to realising this vision.

Thanks

We thank our clients for having the courage to address their legal problems and for placing their trust in us. Many of our clients contend with extreme disadvantage and they inspire us with their spirit, pluck and sacrifice. Their story becomes part of our shared fight for justice.

We thank the dedicated staff of Legal Aid. Their commitment to our clients continues to be an inspiration to us. They don't just act for marginalised people: they stand with them. We are profoundly grateful for the privilege of leading such a remarkable group of people. We also thank the 470 private lawyers who deliver legal aid. We commend them for their unyielding commitment and hard work in delivering legal aid at heavily discounted rates.

We're grateful to the Western Australian Attorney General, Hon John Quigley MP, and the Australian Attorney-General, Senator the Hon Michaelia Cash, for their support of Legal Aid WA. We're also thankful to Adam Tomison, Mark Hainsworth and Helen Pearce at the Department of Justice (WA), Tamsyn Harvey, Adam Nott, Margaret Freyne and Jessica Williams at the Attorney-General's Department. Without their commitment to legal aid, our agency could not deliver such a broad range of services in the high volumes that we do.





1. OVERVIEW

- 1.1 About Legal Aid
- 1.2 2020-21 service highlights
- 1.3 Measuring Our Performance
- 1.4 Our Organisation
- 1.5 Performance Management Framework

1.1 About Legal Aid

WHERE JUSTICE HAS A VOICE

Legal Aid has one plain but powerful purpose: to see that the law protects all Western Australians regardless of poverty or disadvantage.

WHY WE'RE HERE

We're working toward a future where equal justice is a reality for every West Australian.

Every day and in every region, Legal Aid improves the lives of disadvantaged people. Our work saves homes, keeps families together, gives children a better chance in life, prevents wrongful convictions, helps people with a disability get support, reduces Aboriginal incarceration, protects older people from abuse, helps victims escape domestic violence, recovers stolen wages, and keeps people from walking away from their right to a fair outcome. Our steadfast presence around the State promotes trust and confidence in our justice system. We're making Western Australia safer, fairer and more inclusive.

WHO WE ARE

We're a statutory body set up under the *Legal Aid Commission Act 1976 (WA)*. We deliver a range of high quality, life-changing, legal assistance services through 10 offices, 16 Virtual Offices, and 53 outreach locations. As well as our in-house services we can call on the skills of 471 private lawyers across the State. We deliver holistic services that treat the client and not just the legal problem. We aim to provide services that are appropriate, joined-up, culturally safe, targeted, and timely. We're funded by the Western Australian Government and the Australian Government.

HOW WE ACT

These are the behaviours by which we measure ourselves

Making a difference

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

Client Centred

We put our 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

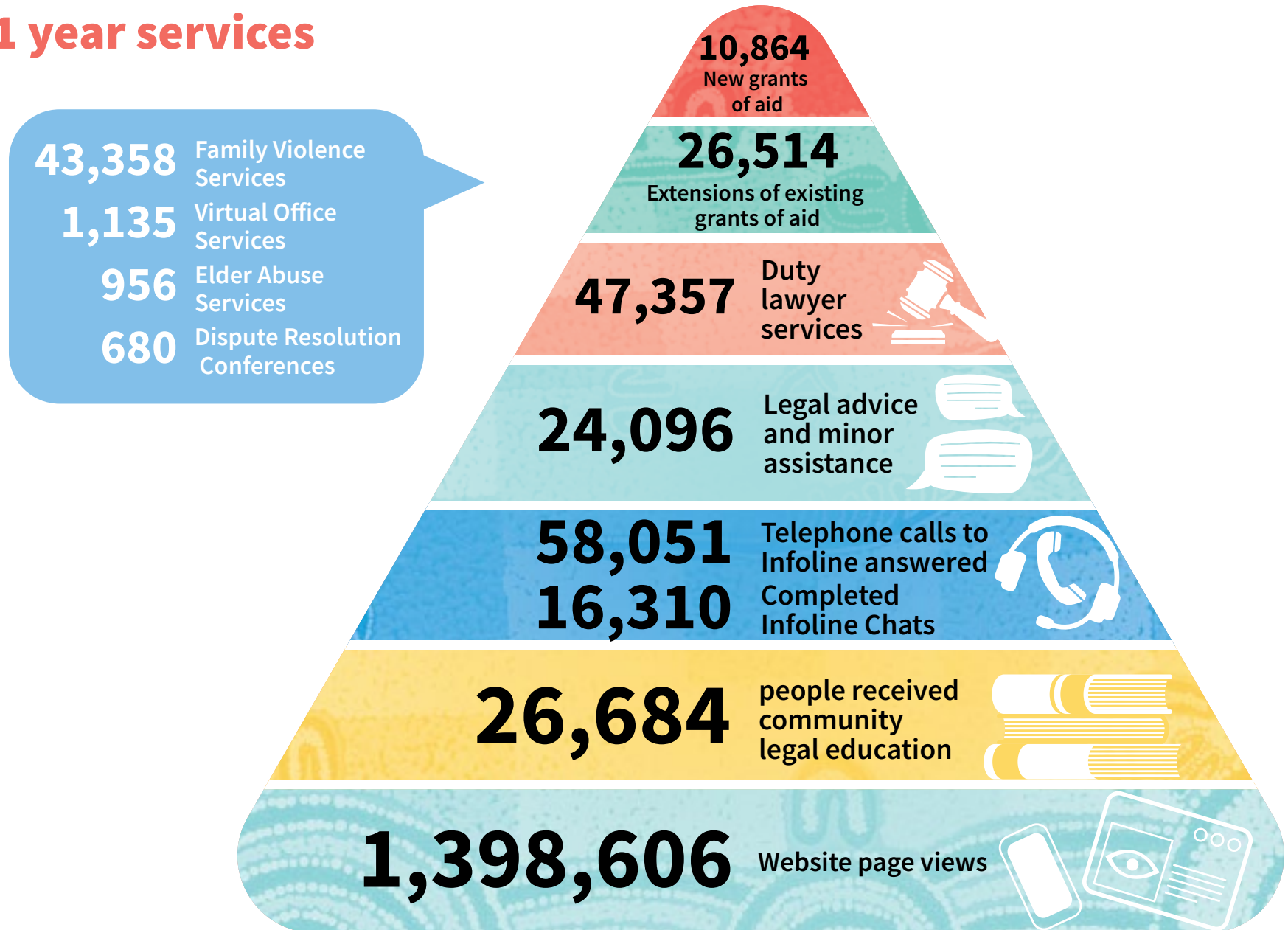
Efficiency

We deliver services in the most effective, efficient and economical manner

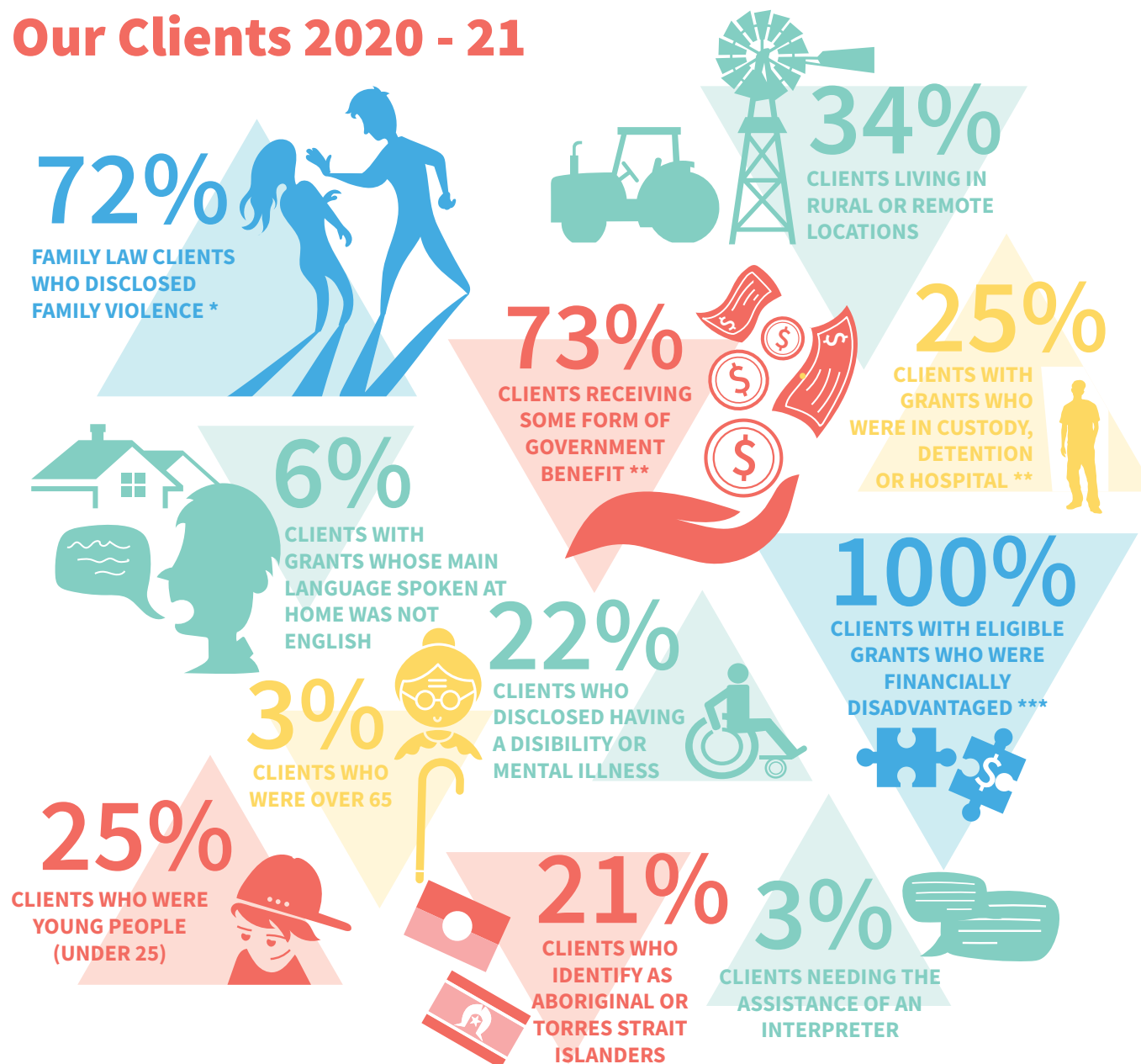
Transparency

We are an open and accountable organisation

2020-21 year services



Our Clients 2020 - 21



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 2020-21, we helped 36,950 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.

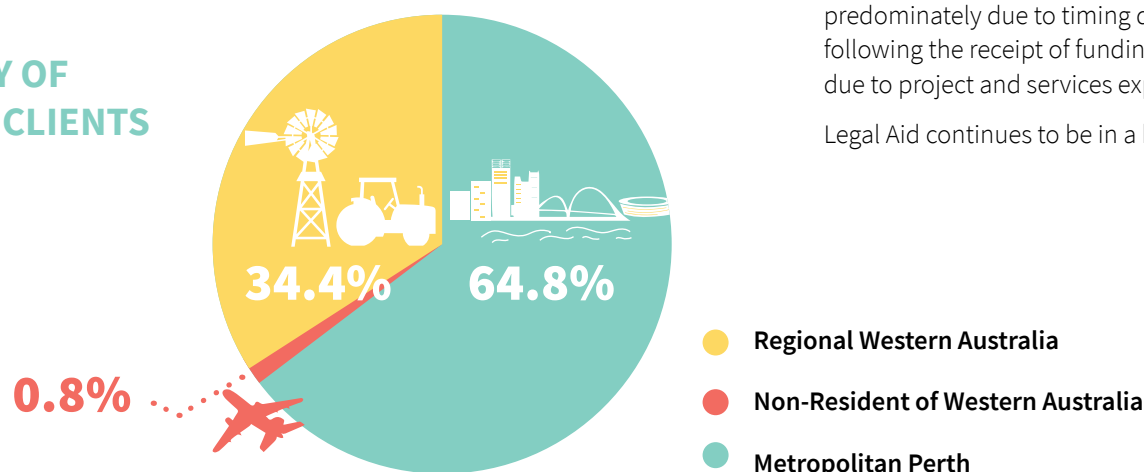
Our Clients

The people we help

The courts often appoint our family lawyer, Robin Cohen, to be the Independent Children's Lawyer or Child Representative. In April 2021, she was involved in a case concerning an 11 year old boy who was suffering from leukaemia. The boy needed life-saving treatment but was refusing all medical care. The Perth Children's Hospital had applied to the Supreme Court for orders enabling treatment to save his life. Robin appeared for the boy as amicus curiae (friend of the court). Robin quickly resolved the legal problem before the Court imposed orders. She had visited the child and struck a deal (as they cooked a crab he had caught earlier). The deal was that if he went to hospital for his treatment, he would be provided with a popular home video game console. Further, if he stayed in hospital and completed the full eight weeks of chemotherapy, he could keep it. Some of the lawyers involved in the case donated toward the cost of the game console.

In his judgment, the Chief Justice of the Supreme Court referred to the direct assistance of Robin who had become involved at short notice. He said that 'Ms Cohen . . . proved to be not only amicus curiae but ipsum bonum amicus curiae (a very good friend of the court).' He went on to describe Robin, and other lawyers who appeared in the matter, as a credit to the legal profession.

RESIDENCY OF LEGAL AID CLIENTS IN 2020-21



Snapshot of Financial Performance

Financial Summary

| | 2020-21 | 2019-20 |
|----------------------|---------|---------|
| | \$000's | \$000's |
| Commonwealth Funding | 42,138 | 37,081 |
| State Funding | 58,704 | 54,978 |
| Other Income | 4,363 | 4,079 |
| Total Receipts | 105,205 | 96,138 |
| Total Expenditure | 103,162 | 98,447 |
| Surplus/(Deficit) | 2,043 | -2,309 |

Both income and expenditure increased during the year primarily due to increase funding for additional projects, services and one off COVID funding. The surplus in 2020-21 was predominately due to timing delays in the rolling out of new projects and services following the receipt of funding. The increase in assets was due to increased cash position due to project and services expended carried over into 2021-22.

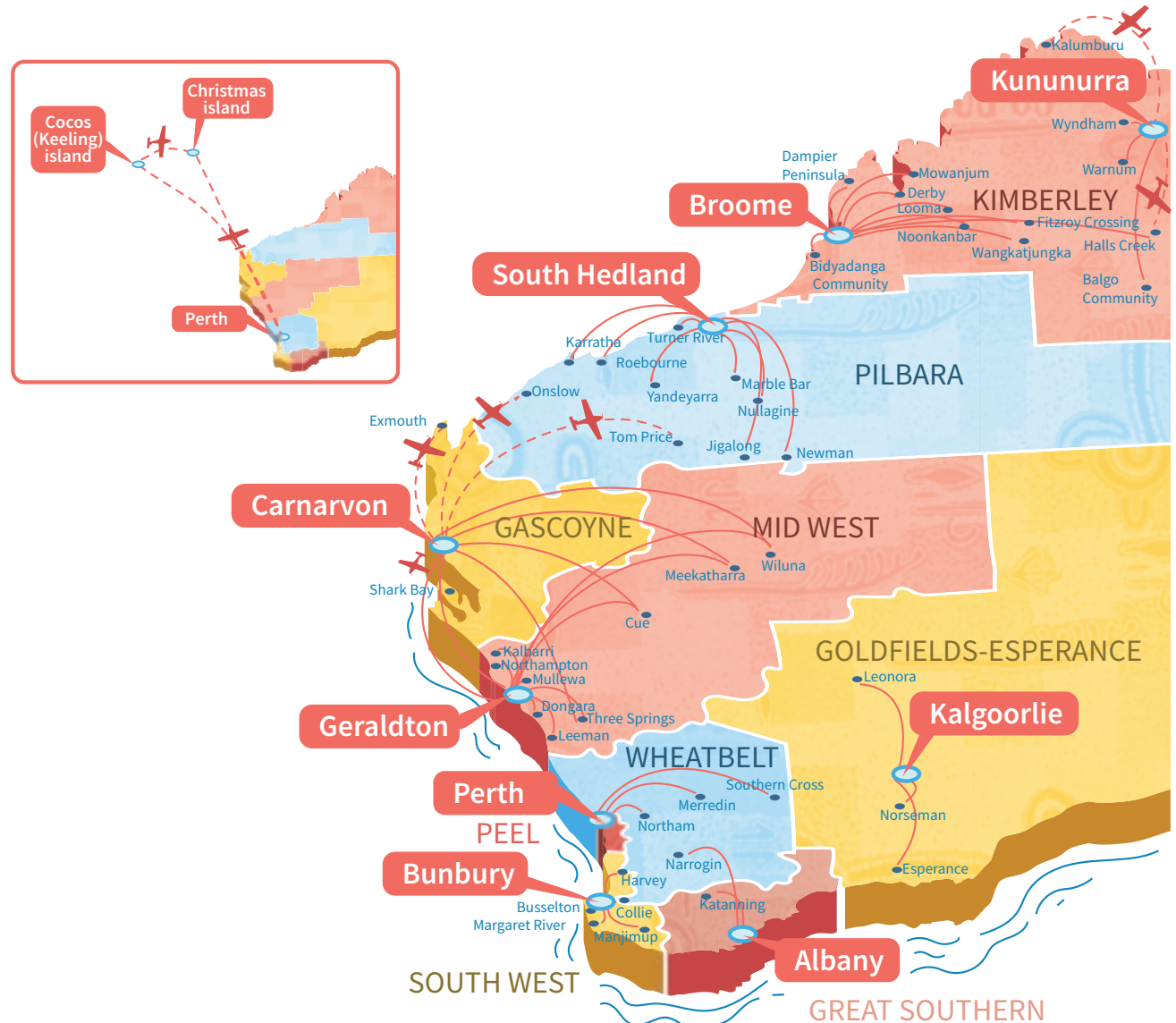
Legal Aid continues to be in a healthy financial position.

Our reach

Celebrating Aboriginal culture

NAIDOC Week celebrations are held across Australia each July to celebrate the history, culture and achievements of Aboriginal and Torres Strait Islander peoples. The week is always a great opportunity for Legal Aid to participate in a range of activities and support our local Aboriginal communities.

At our Kununurra office, Legal Aid held events to recognise the massive contribution of First Nations peoples to our history and culture. Our team joined other local service providers to celebrate NAIDOC on Miriwoong Country with a community day. Legal Aid had a stall with activities for children, water bottles (filled with ice cold water) and fans to hand out. Over the day, Legal Aid staff spoke with over 800 people about our services and how we can help. The event was yet another opportunity for our staff to engage with the community and other service providers. Our NAIDOC week stall made our services more visible and accessible.



New services in the Goldfields region

For the first time, the office started covering the court circuit at Southern Cross and also introduced services when the court travels to the Ngaanyatjarra lands. Over the year, our Goldfields office forged new alliances with community organisations like Hope Community Services and NPY Women's Services. These alliances enable our office to provide more holistic services that treat the client rather than just the legal problem. Our Kalgoorlie team also increased community legal education services and delivered Legal Aid's RU Legal program to schools in the region.

During the year, our Goldfields office moved from premises at the rear of 120 Egan Street to premises at the front. The new street front address will be more visible and more accessible to our clients. It also has improved facilities for meeting with clients and has a conference room to manage Family Dispute Resolution mediations.

Making equal justice a reality for thousands in the Pilbara

In 2020-21, Legal Aid South Hedland office added three new offerings to its already impressive suite of services. Over the year, the office added a family lawyer and a Community Liaison and Education Officer to its staff. Our family lawyer enables us to provide family duty lawyer services at the South Hedland, Karratha and Newman Magistrates Courts. This new role equips our office to provide legal help with family violence restraining orders and in protection and care matters. Having a Legal Aid family lawyer in the Pilbara is a major advance for the community and addresses unmet need for child protection and family violence help. The Community Liaison and Education Officer are making sure our services in the Pilbara are culturally informed and culturally safe. This role is making Legal Aid more accessible to local Aboriginal communities in the region. Our South Hedland office now also offers Work and Development Permit Services that help local people in hardship to reduce or clear their unpaid fines.

In March 2021, the Women Lawyers of Western Australia named our Solicitor in Charge at South Hedland, Melita Medcalf, 'Regional Woman Lawyer of the Year'.



Removing barriers to legal advice in Bunbury

The surveys of legal need show many disadvantaged people do not get professional help with their legal problems. In Bunbury, they tackled this problem by getting all the local service providers together at a location frequented by homeless people. The idea was to remove all barriers to getting advice. Our Bunbury office participated in the event known as "Smart 2 Ask Expo" on 25 February 2021, where staff answered questions and provided legal advice. The Expo connected 50 local service providers with financially and socially disadvantaged people including homeless people. Held at the Bunbury Stirling Street Arts Centre from 10AM to 3PM, the Expo provided free haircuts, free food and free clothing. The Expo's theme was 'Talk to people who can help. Remember.....IT'S SMART TO ASK'. The Expo was well attended and our team provided many people with advice, information sheets and pamphlets on various legal issues. The issues included family law; seniors rights; how Legal Aid's Work and Development Permit Service can help with unpaid fines; tenancy rights; and upcoming court appearances on criminal charges. The Expo enabled Legal Aid to network with, and swap information sheets and pamphlets with, like-minded service providers. It was also a chance to provide advice to hard-to-reach clients in a friendly, caring and collegiate environment.



Our Bunbury team at the Expo

1.2 2020-21 service highlights

In 2020-21 our focus has been on responding to urgent community needs and innovating our service delivery. The bushfires, cyclones, and COVID-19 pandemic have affected the Western Australian Community in 2020-21. In 2020-21 we used innovative technology and targeted services to improve the way we deliver legal assistance to Western Australians and reduce injustice within the legal system.

New services launched

Helping Communities recover from Natural Disaster



Targeted Services

- Elder Abuse
- Your Story disability
- Family Violence Cross Examination Scheme



Reimagining Legal Aid in the Digital Age

- Virtual Office
- Amica
- InfoBot
- Digital Transformation



Treating the Client and not just the Legal Problem

- Social workers
- Reducing Avoidable Remand
- Mirrabooka Family Violence Hub
- Health Justice Partnerships



Expansion to Existing Services

Responding to COVID

- Family violence restraining order
- Mortgage Hardship
- Employment law taskforce
- Lock down Duty Lawyers



Addressing barriers to people accessing justice

- Work and Development Permit Service
- Centralised Duty Lawyer service
- Mentally impaired accused and clients with mental impairment
- National Disability Insurance Scheme appeals to the AAT
- Law reform



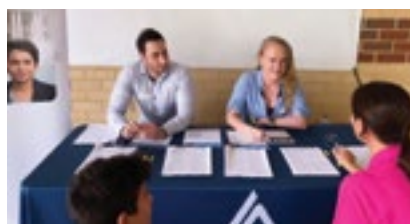
Empowering the community

- Community Legal Education
- Website and social media
- Blurred Borders
- Self-Represented Litigants Service at the Federal Court.



Fighting for Justice for Aboriginal West Australians





Helping communities recover from natural disasters

In 2020-21 Legal Aid provided a free legal service for disaster response after the Wooroloo Bushfires and Cyclone Seroja.

In the immediate aftermath of a natural disaster, legal issues are not uppermost in people's minds. They are concerned about loss of life, destruction of property, where to stay, and the welfare of animals. However, in the days that follow, legal issues emerge as serious problems. Legal Aid has a Disaster Legal Response Plan and can help with:

- Tenancy issues where homes are damaged
- Mortgage hardship
- The replacement of fences with neighbours
- Insurance claims
- The replacement of important documents
- Claims for payments from disaster relief funds

Wooroloo bushfires

For a week in February 2021, the fast-moving Wooroloo bushfire burned across four shires north-east of Perth. It burned an area of 10,900 hectares and destroyed 86 houses and two fire trucks. For two months after the fire, Legal Aid deployed a response team of lawyers to provide face-to-face advice at the Bushfire Recovery Centres at Gidgegannup and Wooroloo. We publicised our services through emergency coordinators and through pamphlets and information sheets in evacuation centres.



Cyclone Seroja

In April 2021, Tropical Cyclone Seroja crossed the Mid-West Coast just south of Kalbarri. It brought heavy rain and hurricane-force wind gusts. This was a region not accustomed to tropical cyclones and that increased the damage caused. One person died at Coral Bay (the same storm caused over 270 deaths in Indonesia and East Timor) and the cyclone inflicted \$330 million in property damage on the Mid West region. In response, Legal Aid provided free legal advice in Northampton, Mingenew, and Mullewa.



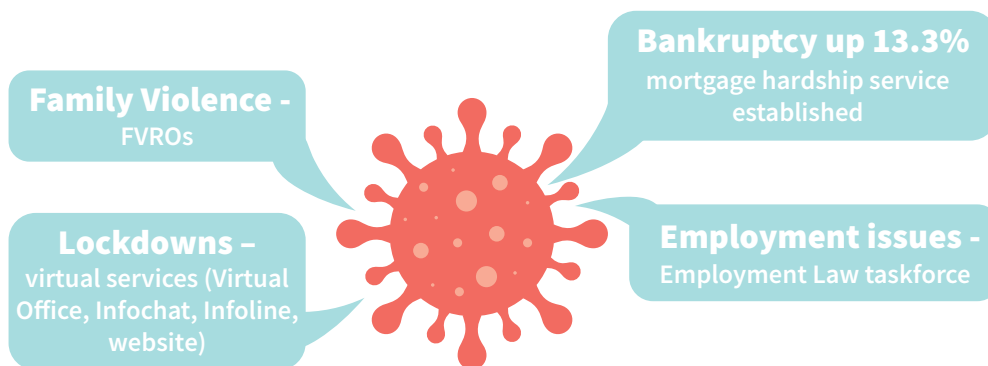
Responding to COVID-19

In 2020-21, Legal Aid continued to support the Western Australian community as it battled the coronavirus pandemic and the associated restrictions.

Legal Aid maintained all its vital services to the community through the February and April 2021 lockdowns and restrictions. At no stage did we withdraw any services from our vulnerable clients. During lockdowns we converted many of our services, including court appearances, to remote service delivery.

Highlights of our COVID response include:

- Bolstering our telephone Infoline to cater to a community working from home
- Boosting family violence services to meet a surge in demand
- Supplementing our employment law, mortgage hardship, elder abuse and immigration services to meet increased demand
- Arranging case conferences to settle criminal matters where jury trials could not go ahead
- Opening new Virtual Offices to meet the demands of a community avoiding unnecessary travel
- Investing in remote access technology so that all Legal Aid services can be delivered by staff working from home
- Improving IT security to eliminate vulnerabilities arising from staff working from home
- Implemented a contemporary digital Content Management System that gives staff quicker access to find, store and view information.



Mortgage Hardship Service saves homes through COVID-19

Legal Aid set up a Mortgage Hardship Service to help the many West Australians who are experiencing financial stress and at risk of losing their homes.

Over the 2020-21 financial year, the team provided 205 services to people experiencing mortgage hardship.

Various Government measures kept personal bankruptcies in 2020 to half of what they had been in previous years. However, in the March quarter of 2021, the number of people who entered a new personal insolvency in Perth rose by 13.3%. We anticipate a steep rise in demand for our Mortgage Hardship Service in the second half of 2021 when bank repayment holidays come to an end.

The Supreme Court of Western Australia provides all defendants in home repossession proceedings with a notice informing them of our service. It is the only service in Western Australia providing advice and help to those who find themselves in the final stages of Supreme Court repossession proceedings.

New COVID-19 employment law taskforce

Our new COVID-19 employment law taskforce has helped thousands of West Australians through the uncertainty of lockdowns and restrictions.

Throughout 2020-21, our employment law taskforce has offered advice and minor assistance to Western Australians who have employment related disputes with their employer. The taskforce uses a triage system to fast track services to people facing imminent limitation periods.

Over the financial year, our team provided 392 advice services to vulnerable clients. The COVID-19 employment law issues included:

- Jobseeker related issues
- Pay and unpaid entitlements
- Stand downs without pay
- Reduced hours
- Employer directions to take leave
- Alternative work arrangements
- Unfair and wrongful dismissals
- Redundancies

The creation of the taskforce enabled Legal Aid to successfully respond to the surge in demand for employment law services. The team also created fact sheets and animations on employment law issues for our website.

New service protects victims of family violence

In 2020-21 Legal Aid and the Magistrates Court Introduced online applications for Family Violence Restraining Orders. Previously the law required people seeking restraining orders to attend court in person to lodge their application. This was a disadvantage for people living in remote areas. It also caused disadvantage for people with a disability. Legal Aid can now lodge applications electronically. We're able to do this in Perth and through our regional offices.

The ability to lodge online applications has made restraining orders more accessible for victims of family violence. Because these applications come through our Domestic Violence Legal Unit, it is a chance for us to give legal advice and social worker support - including safety planning. It is also an opportunity for us to link applicants to other Legal Aid services such as our duty lawyers or grants officers.

In 2020-21, Legal Aid helped 135 clients apply online for family violence restraining orders. This represents 135 times a victim of family violence has benefited from the protection of the law using this pathway.. This service is improving safety and making the law more accessible to otherwise underserved people.

Duty Lawyers in Lockdown

All of our services have continued during the recent lockdowns, including our duty lawyer services that help people in custody. Our duty lawyers provided advice and legal representation to those clients in prison who had scheduled appearances at various courts. During the lockdown our services were delivered via telephone or in person. The Northbridge court handles the accused, who have been arrested overnight and there's an urgency to take instructions and apply for bail. Where an accused is showing cold or flu symptoms, the Northbridge facility keeps them in isolation cells. When assisting these clients our duty lawyers, wear full Personal Protective Equipment to interview clients face-to-face and represent them in court.



Reimagining Legal Aid in the digital age

Legal Aid has embarked on a Digital Transformation program that will improve client services and increase our efficiency. We'll use digital technologies to create new client experiences and to modify existing business processes to meet future requirements.

Legal Aid's electronic grants and client management system is nearing the end of its life. Introduced in 2010, it will be unsupported within five years. Our new digital transformation program will use technology to improve client services, increase productivity and broaden access to justice.

The program is made up of three major projects:

1. Cloud Services Project - we will gain secure access to Office 365 cloud-based services, migrate existing content and implement new cloud services. Moving to the cloud will deliver more flexibility and give us access to enterprise-class technology;
2. Business Process Reviews - this project will implement the recommendations from our business process reviews. In 2019-20, we reviewed our business processes, took a step back and revisited everything we do. We asked big questions like "Can we change our processes in a way that will enable better, faster decision making, create efficiencies and create a better, more personalised customer experience?" As a result, our new electronic systems will implement streamlined and efficient processes;
3. Replacement of our grants management system and our client management systems.

These changes will allow us to create efficiencies by automating manual processes. They will be intuitive and make it easier for clients to access and use our services. They will contribute to the efficiency and effectiveness of courts by speeding up the processing of grants of aid.

Legal Aid began the digital transformation by requesting information from the market. We sought information about the types of products available to meet our needs. By June 2021, various suppliers had put forward ten different solutions to consider. In the second half of 2021, some of those suppliers will demonstrate their products to us. Armed with more information, we will release detailed specifications to the market seeking to contract with a supplier.

Our digital transformation is expected to take several years as we rethink how our organisation uses technology, people and processes to more efficiently deliver legal aid to Western Australians.



Robot divorce a success

Introduced on 30 June 2020, the Amica online dispute resolution tool is now a year old. Developed by Australia's legal aid commissions, amica helps separated couples with children to make parenting arrangements. It can also help separated couples divide their money and property. Amica can provide a person with information about parenting arrangements and the division of assets. The tool uses artificial intelligence and machine learning to suggest an appropriate settlement based on likely court outcomes. If a person wants to go further than just receiving information, amica can send an invitation to her or his former partner and engage in online dispute resolution. The result is an agreed settlement or consent orders the parties can file at the court.

Over the first year of operation, the amica site has received over 26,000 page views from people getting information about likely court outcomes. Over 3,000 couples have started online dispute resolution on amica. The tool has suggested over 700 divisions of assets and over 200 parenting plans to separated couples. Amica has generated over 70 sets of Family Court orders made by consent. In 2020-21 amica was the national winner of the Australian Information Industry Award.

“A genius idea” *David Koch, Sunrise breakfast show.*

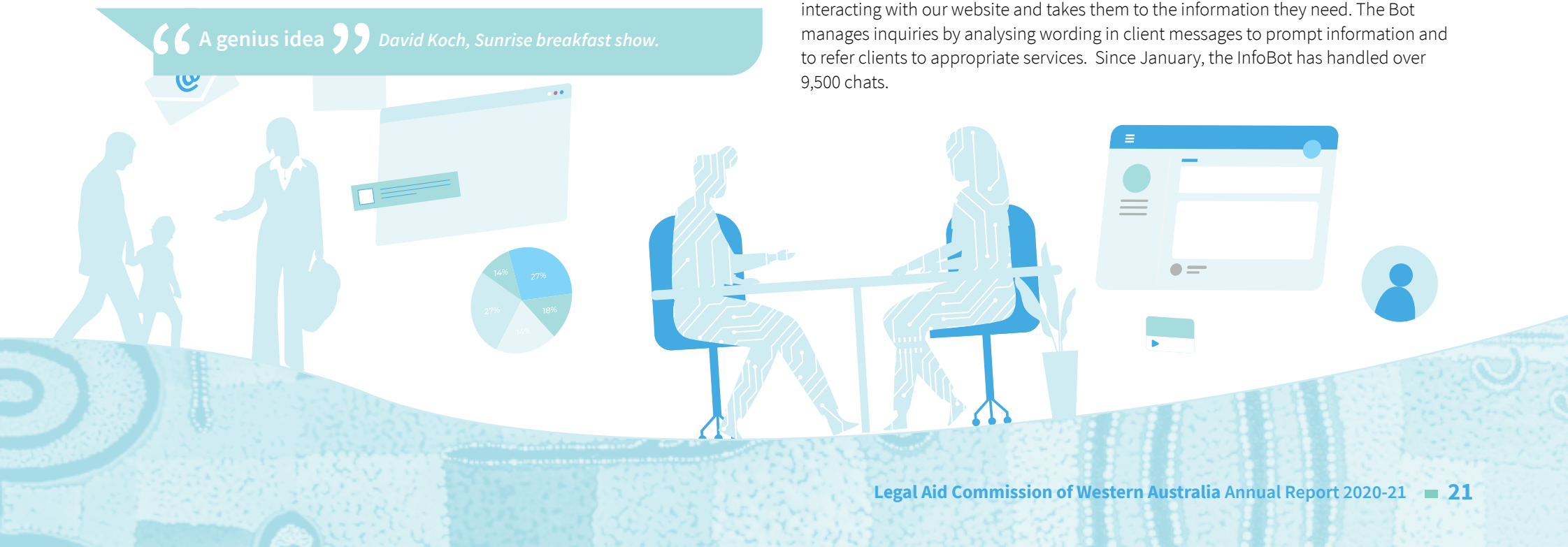
Chat services offer another pathway to access justice

Introduced in February 2019, our online chat service performed strongly through the 2020-21 year. Over the year, our chat officers helped with 16,310 chats were completed in 2020-21. Client surveys indicate 85% satisfaction with this service. Chat services demonstrate our commitment to increasing our accessibility through multiple channels.

InfoChat operates through Legal Aid website. The service invites visitors to the website to chat when they spend more than 15 seconds on any web page. It provides an instant channel of communication with Legal Aid. The accessibility of the service makes it the 'go to' option for youth and time-poor people. The service is compatible with all internet enabled devices. It's also an efficient service because a single chat officer can manage up to six simultaneous client inquiries.

InfoChat allows people experiencing family violence to safely access information or book a 'call back'.

Half of all visits to our website occur on weekends and after hours when our chat officers are not working. With this in mind, Legal Aid introduced a InfoBot service in January 2021 for after-hours inquiries. The InfoBot service provides a guided pathway for people interacting with our website and takes them to the information they need. The Bot manages inquiries by analysing wording in client messages to prompt information and to refer clients to appropriate services. Since January, the InfoBot has handled over 9,500 chats.



Six new Virtual Offices

Legal Aid added six new Virtual Offices to its network in 2021-21. The new offices bring the network to sixteen Virtual Offices across Western Australia.

Legal Aid set up a network of Virtual Offices in locations where we don't have a physical office. The aim is to take the law to where it is needed. The network provides hard-to-reach people with access to justice. We deliver this service in partnership with local community organisations which host our Virtual Offices. These organisations are already providing information, support, advocacy and referral services. The Virtual Office allows them to also offer legal advice by linking the client, face to face, with a Legal Aid lawyer through state of the art technology.

The six new Virtual Offices are in Busselton, Clarkson, Fremantle, Jurien Bay, Kwinana and Rockingham. Citizens Advice Bureau now host 8 of our 16 locations. Hope Community Services, Karrayili Adult Education Centre, Community Resource Centre (Jurien Bay), The City of Wanneroo and Youth Justice Services are our other hosts.

More than 950 West Australians have accessed our Virtual Offices since we launched them. Over 600 of those clients have never previously accessed a Legal Aid service. In the new few months we will open additional Virtual Offices at Manjimup and Narrogin.



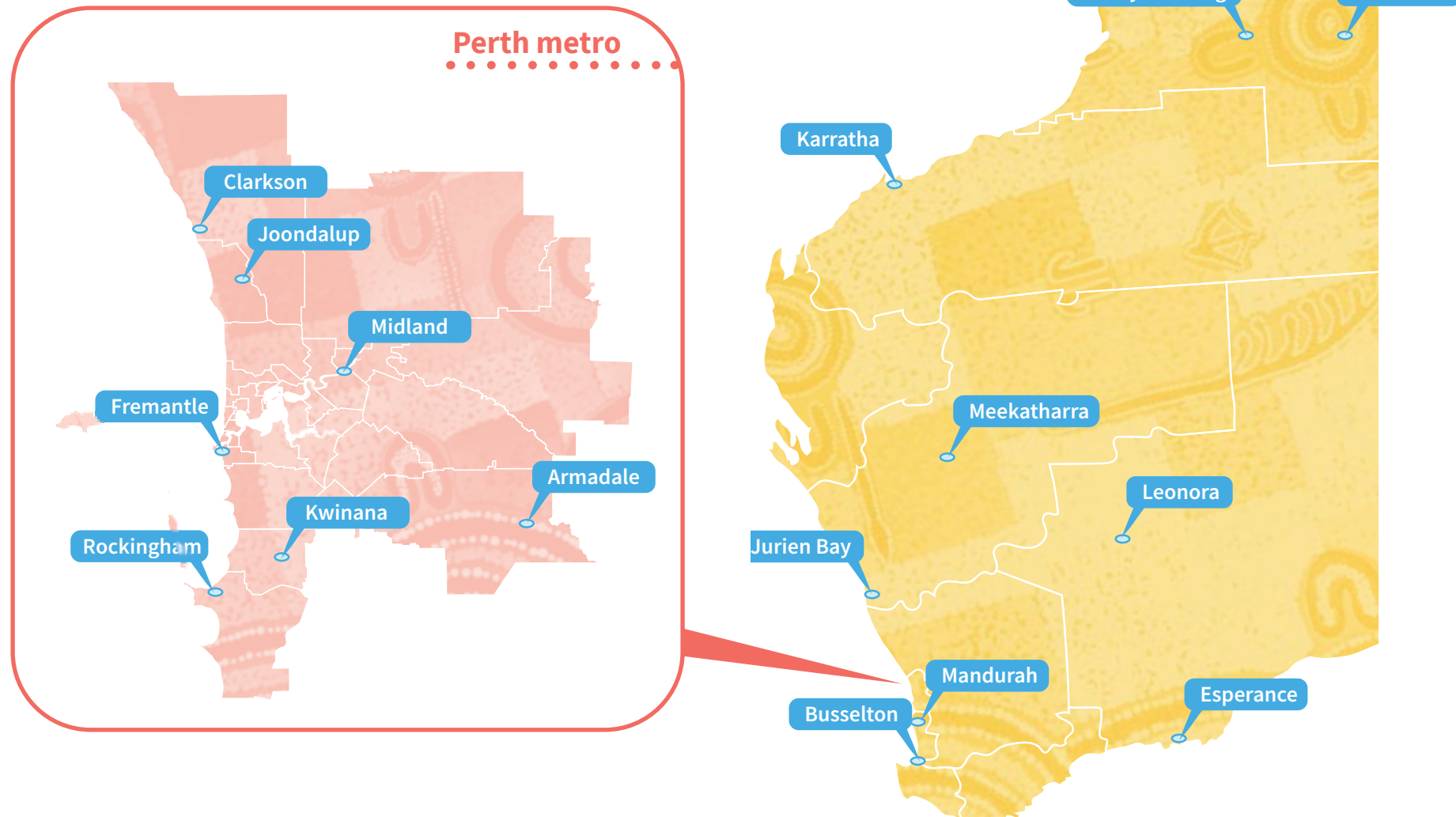
“ Legal Aid Virtual Office is a massive stepping stone to access services. It helps build the bridge for our community to access legal advice, mediation and representation in a court or tribunal if needed. The remote legal assistance takes away the pressure of long-distance travel but still provides a high level of quality services. A lot of services forget about the small remote and regional towns but having Legal Aid in our office allows us to be connected to the Metropolitan with a piece of mind that we are being looked after. Thank you Legal Aid for the initiative.”

Hope Community Services, Leonora

“ The Board of Management and staff of the Jurien Bay CRC are excited to be able to assist in making this service possible in Jurien Bay. Access to legal advice in Jurien Bay has been difficult, if not impossible, for members of our community until now. Individuals in our community have been able to access first-class legal advice through the Virtual Office for help with matters such as tenancy disputes, family law and separation issues, contract terms and conditions, and matters due to be heard in the local Magistrate's Court. Without access to legal advice through the Virtual Office, members of our community are unprepared and poorly informed on their legal rights are responsibilities.”

Community Resource Centre, Jurien Bay

Legal Aid Virtual Offices across the state



Addressing the barriers preventing people from accessing justice

At Legal Aid, we're taking innovative steps to reduce the need for individual legal services. One of the ways we do this is by pursuing improvements in law and policy that result in better outcomes for our clients and the community. To bring justice and fairness to our clients, we have to change the laws and policies that work against them. We create this change through law reform and policy advice. To this end, we regularly consult with Parliamentary Committees, Governments and Departments on law reform issues.

In 2020-21, we made submissions on the following matters:

- The Department of Communities consultation paper on establishing a specialist child protection unit;
- The Legislative Council Legislation Committee inquiry into the Children and Community Services Amendment Bill 2019 (WA);
- The Council of Attorneys General National Framework for Family Violence Information Sharing Policy Paper;
- The Department of Communities review of Family and Domestic Violence Response Teams;
- The Department of Justice review of the Chief Justice's Benchbook;
- The development of the Family Violence Restraining Order Mediation Pilot (Shuttle Conferencing);
- The Revised Code of Inspection Standards for Adult Custodial Services;
- Proposed Amendments to the Bail Act 1982;
- Uniform Evidence Law; The development of the protection and care therapeutic pilot court;
- The National Register of Enduring Powers of Attorney;
- Amendment to the *Magistrates Court (Civil Proceedings) Act 2004*.

We recognise the connections between legal and social issues and we're changing the laws that work against disadvantaged West Australians.

New service launched

In 2020-21, Legal Aid launched a new service that puts an end to people in hardship going to prison for fines they are unable to pay. Our Work and Development Permit Service helps people vulnerable and disadvantaged people, resolve unpaid court fines by undertaking work, training or treatment. We help people in hardship apply to complete approved activities in place of paying the amount owed. The approved activities include community work, medical treatment or training.

The service provides fines triage for clients at the Perth, Rockingham, Joondalup and South Hedland courts. We provide clients with information, advice and legal help with their fines. We help people in hardship get work and development permits to convert fines. Over the year, we also took the service to remote communities in the Pilbara. The service is staffed with a coordinator, a lawyer, two paralegals, an Aboriginal community liaison and education officer, a secretary and an administration officer.

In 2020-21, our Work and Development and Permit Service provided services to 861 clients. The service also held 142 seminars to spread the word about the scheme to government departments and the community sector. We also received an average of 132 phone calls per month to our dedicated service line. The service referred 156 people in hardship to sponsors who are providing education, training or medical treatment to clear or reduce unpaid fines.

“There have been cases where people experiencing genuine hardship who could not pay a fine, have been wrongly imprisoned. It is far better for the individual and for society, in this situation, to be able to do something constructive to work off their debt, rather than being imprisoned at a great cost to the taxpayer. I am pleased eligible people have taken the opportunity to not only wipe the slate clean on unpaid court fines but get a fresh start in their lives.”

Hon John Quigley MP, Attorney General for Western Australia

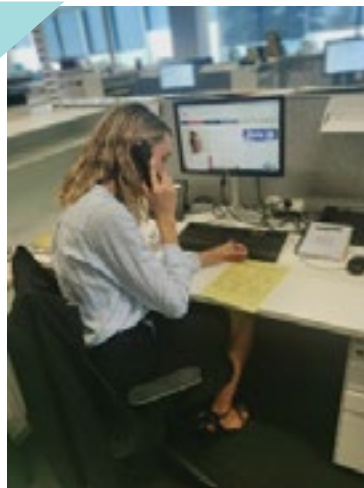
In 2021-22 we will build on and expand relationships with major stakeholder groups. We'll identify strategies to benchmark and evaluate the effectiveness of these new services provided by our scheme.

New service provides access to justice

In May 2021, Legal Aid introduced a Centralised Duty Lawyer Service. This service covers suburban courts on quieter non-arrest days when we don't have duty lawyers in-person at those courts. The Centralised Duty Lawyer Service offers advice and representation to clients who are taken into custody when there is no duty lawyer physically present. The service is offered by a duty lawyer from our Perth CBD office who provides remote services to suburban courts. The service can arrange bail applications so people in custody don't have to wait for the next arrest and remand day. It ensures Legal Aid can give legal advice to all accused in custody. Since the services started, over half of all clients assisted were successful in getting bail. Without the new service, those clients may have unnecessarily spent time in custody.

“ Legal Aid do important work in helping the most vulnerable and disadvantaged members of our community. Having an additional duty lawyer to assist by audio or video will help to ensure that all people taken into custody are given the opportunity to receive legal advice and be represented.”

Hon John Quigley MP,
Attorney General of Western Australia



Delivering justice for mentally impaired accused

A substantial proportion of Legal Aid's clients are people with some form of mental impairment. This includes intellectual disability, brain damage, senility or mental illness. We have significant experience with issues such as a person's fitness to stand trial or the unsoundness of mind defence. Another issue we address is a person's need to access support when they are in custody.

In 2020-21 Legal Aid made improving services to clients with a mental impairment a major priority. In November 2020, Legal Aid launched a protocol setting out best practice standards for representing people with disabilities. The protocol sets a new standard in providing effective representation to people with disabilities. In developing the protocol, we drew on the expertise of the Department of Communities, the Commissioner for Children and Young People, and the Western Australian Institute of Translators and Interpreters. The protocol now serves as a reference point and training tool for staff to ensure we are delivering services in the most appropriate, effective and respectful manner.

At 30 June 2021, Legal Aid is representing 35 mentally impaired accused before the Mentally Impaired Accused Review Board. That's 70% of the total. Our lawyers work closely with other agencies to develop plans for time spent in the community and conditional release back into the community.

Every six months, our lawyers provide training on mentally impaired accused to community corrections officers at the Department of Corrective Services Training Academy. The training covers the relevant law, procedure and the role of the officers. The training equips community corrections officers with an understanding of the relevant law, the role of the Mentally Impaired Accused Review Board, and their own role in supervising mentally impaired accused who are in the community.

Legal Aid also clarifies the law through appeals. In this way, we've played a significant role in developing the law concerning issues relating to mental impairment such as sentencing people with foetal alcohol spectrum disorder. Seventy five percent of Single Judge appeals undertaken by the in-house practice were successful in the 2020-21 financial year.



Appealing NDIS decisions

Legal Aid ensures that people with a disability receive the support that they are legally entitled to from the National Disability Insurance Scheme. Over the year, we provided 174 services to people considering an appeal against an NDIS decision. We provided legal representation to over 20 clients with NDIS cases before the Administrative Appeals Tribunal. Our clients were successful in every appeal.

Our advocacy helped clients:

- Gain access to the NDIS;
- Increase the level of their NDIS funding and support; and
- Clarify the law governing the NDIS.

People with a disability come to Legal Aid for advice about NDIS decisions. In some cases, the NDIS has decided a person is ineligible to access their support. In other cases, the client is already an NDIS participant, but they have decided not to fund certain supports. Having the NDIS provide these supports can be life changing for a person with a disability. In some of our successful appeals, clients have received support worth more than \$200,000. In 2020-21, our team successfully settled all appeals through case conferences and conciliation without any matters going to a defended hearing.

Over the year, our NDIS team has seen a rise in demand for our services due to the continued rollout of NDIS services across Western Australia. Applications for assistance with appeals from Legal Aid WA has grown by over 200%.

Criminal Appeals success in 2020-21

In 2020-21, Legal Aid's in-house practice appealed against Magistrate Court decisions on eight occasions. The Supreme Court upheld six of those appeals - a 75% success rate. These appeals deliver justice to an accused wrongly convicted or subject to an excessive sentence. Apart from the direct benefit to the accused, Legal Aid's appeals also clarify the law and keep sentences proportionate.



Fighting for justice for Aboriginal West Australians

In 2020-21, our First Nations Staff Network led and developed Legal Aid WA's First Nations Strategic Plan.

Under this Plan, Legal Aid envisions a Western Australia where legal help is accessible; where those services are culturally informed, culturally safe, and uniformly excellent; and where justice outcomes are consistent with a Western Australia that recognises Aboriginal people for their wisdom and honours them for their culture.

In developing the plan, our First Nations Staff Network consulted with over 40 Aboriginal organisations, reviewed comparable interstate and international plans, and participated in a one-day planning workshop. The Commission approved the plan without amendment in November 2020. Our Staff Network launched the plan at an event in May 2021.

Our Staff Network designed the First Nations Strategic Plan to:

- Make Legal Aid services more accessible to Aboriginal people;
- Make Legal Aid services more culturally informed and culturally safe;
- Deepen our expertise in Aboriginal-specific legal issues;
- Significantly increase the employment of Aboriginal staff; and
- Seek systemic reforms of laws that work against Aboriginal people.

To achieve those goals, the First Nations Strategic Plan commits us to 51 specific actions. Those actions include:

- A target of 10% Aboriginal workforce at Legal Aid.
- Implementing Best Practice Standards for Representing Aboriginal Clients.
- Setting up a dedicated Aboriginal telephone helpline.
- Create a new role of Coordinator, First Nations Services.
- Setting up an Aboriginal cadetship program and schools-based traineeships for Aboriginal people.
- Offering a comprehensive 'legal health check' whenever a client identifies as Aboriginal.
- Providing specific training to lawyers who deliver legal aid. Training for criminal lawyers on trial and sentencing issues relevant to Aboriginal clients. Training for family lawyers on Aboriginal cultural planning and family structures; and training for child protection lawyers on cultural considerations relevant to care arrangements for children.
- Offering free cultural awareness training for private lawyers who deliver legal aid.
- Representing Aboriginal culture by displaying artefacts in Legal Aid offices.

This Plan will play a role in addressing the disproportionate justice outcomes suffered by Aboriginal people in the criminal justice system, the child protection system and in the family violence lists.

As Western Australia's largest provider of legal assistance services, Legal Aid is well placed to play its part in improving the lives of Aboriginal people. Our First Nations Strategic Plan will see Legal Aid renew its efforts and strive to provide better access to justice for Aboriginal people.



Artist Statement: TJ Worrigal

This painting represents the meeting of Aboriginal Lore & Law with Western Law. It shows the colours of Western Australia with each region and its people in our state represented. The centre circle is the metro region, the far left circle is the Kimberley region the next is the Pilbara region. From the centre up, the circle represents the Wheatbelt, Goldfields and south to Esperance. From the centre down represent the Gascoyne and Midwest. And the circle south represents the Peel, South West and Great Southern.

The Kangaroo, Kangaroo Paw, Swan foot print, and boomerang represents the WA Coat of Arms which symbolise the Western Law in our state. The other cultural symbols such as the spears, the Elders seated, the shields and other tools represent Aboriginal Lore & Law.

This symbolism highlights that when we understand the difference in our cultures, we can all come together respectfully. Pre-colonisation First Nations people had, and still have our own systems. We now must work within this new system. Understanding and respect is needed from both sides moving forward.

Teejay (Thomas John) Cox Worrigal was born in Derby, Western Australia and raised on Gooniyandi country. Gooniyandi country is located in the central Kimberley region of Western Australia and includes the mighty Fitzroy River to the west and runs almost to Halls Creek in the east. Teejay was taught to paint by many elders in his family, but particularly Marjorie Cox (Yiyili) and Frank Gardiner (from Balgo and Billiluna).



Artist TJ Worrigal creating the artwork for the first nations strategic plan

Reconciliation Action Plan

Legal Aid also has a long-standing Reconciliation Action Plan Working Group with representatives from across the agency, including regional offices. The group organised a panel discussion for staff and private practitioners during Reconciliation Week on “What Lawyers Need to Be Aware of To Promote Reconciliation” to promote greater understanding by lawyers of cultural issues. The panel comprised of Jody Nunn, the CEO of Reconciliation WA, Michelle Sims and Temali Howard (Both from Legal Aid).

Aboriginal and Torres Strait Islander clients

Increasing services to Aboriginal and Torres Strait Islander clients

Legal Aid Western Australia is one of the State’s largest providers of legal services to Aboriginal people. In 2020-21, we provided lawyers to Aboriginal people on 29,657 occasions. Over the year, Aboriginal people made up 20% of all Legal Aid clients. Our services to Western Australian Aboriginal people are growing. This financial year, we provided 8% more extensions of grants of aid to Aboriginal clients compared to 2019-20. That’s 38% more than 2018-19 and 68% more than in 2017-18.

We have made better and more accessible services for Aboriginal and Torres Strait Islander clients one of our major priorities. Our aim is to ensure that Aboriginal clients get the best service possible.



Empowering Communities

Legal Aid provides a range of services that are appropriate, tailored to the individual's personal capability, and proportionate to the legal problem. Not everyone needs a lawyer to resolve every legal problem. Many people have the ability to resolve legal problems themselves if they have access to the right information. With this in mind, every year Legal Aid develops new resources to build legal capacity in the community. We provide new fact sheets, videos, self-help guides and kits. These resources are particularly important for areas of law where Legal Aid does not provide a grant of aid.

The new resources we develop provide legal information in ways that are easily accessible for our clients. We provide information in both written and audio visual formats and we ensure clients can download it from our website or share it on social media.

In 2020-21 we provided new resources for the LGBTIQ+ community covering discrimination, international human rights, changing gender, and frequently asked questions. We developed these resources in consultation with the Youth Pride Network in Western Australia.

We also developed our new Staying Safe resource for people experiencing family violence. It provides practical information about safety planning for people leaving an abusive relationship.

We also developed our Valuation Series of videos and fact sheets giving separating couples practical information about valuing cars, furniture, superannuation and debts. We developed these resources to give separating couples the information they need to fairly divide their property.

18,700 views of our videos and animations

750 New Resources were produced



We launched a new Child Protection series of videos and resources to help vulnerable people after the Department has taken their child into care. These resources inform people on preparing a response and telling their story in court. It empowers them to have their say in their child's care plan. It advises them that their rights when dealing with the Department. They also help people understand the role grandparents play in child protection proceedings.

“ The session was again very well received, and the information will be useful for our clients. They are in a position to educate their friends and community about these issues as well now that they are informed themselves. Thank you for delivering two excellent sessions today.”

Coordinator, Adult Migrant English Program, North Metro TAFE Balga

“ Since launching the project, we have been able to reach roughly 40,000 people on social media with information about the fact sheets. The feedback we have received is that young people are incredibly grateful for the resource. This is not only because it helps them better understand their human rights, but also to see a reputable organisation like Legal Aid WA recognise and provide support for the LGBTIQ+ community is incredibly affirming.”

The Acting CEO Sandy McKieran and the Project & Policy Coordinator Charlotte Glance from Youth Pride Network

Raising personal legal capability in family violence

In 2020-21, Legal Aid launched a new community legal education program, Your Family and the Law. This program is made up of education sessions and accompanying resources. It provides practical, common-sense information about family law, family violence and child protection. We deliver this program in an interactive format with hands on activities. It is designed to adapt to a range of audiences including social workers, advocates and case workers, students of adult migrant English programs and other interested community groups.

In early 2021, Legal Aid surveyed a range of stakeholders to determine their legal education needs. More than 75% of respondents sought legal education on family violence issues. We've always delivered legal education on family violence, but Your Family and the Law is the first comprehensive program. We called on Legal Aid lawyers with decades of experience in family law, child protection, and family violence to develop this new program. The resources include a PowerPoint presentation and a new facilitator's pack we can use to support others to deliver the sessions.

Delivery of this program started in April 2021 and we delivered 16 sessions to 321 participants by 30 June. Our workshops were in Perth, Bunbury and Northam. We hope to deliver the program in regional areas this financial year. We expect this program to reach about 1000 people over a full year.

Preventative services for young people

In 2020-21, Legal Aid continued to target young people for community legal education. We're raising the level of personal legal capability to prevent problems from arising. Over the year we visited 115 of schools and delivered legal education to 21,951 young West Australians.

With COVID and its restrictions, young people are spending more time online than ever. This trend has led to more young people seeking help with cyber bullying and image-based abuse. There's also been media reports of young people filming schoolyard fights and sharing the video online. To address these problems, Legal Aid expanded our RU Legal? program and resources. RU Legal? provides practical information for young people, parents and educators about the laws relating to cyber bullying, sexting, image-based abuse, sex and consent, drugs and alcohol and assault. We deliver this program in presentations to schools, youth and community groups, professional associations and young people in detention. Our regional offices also delivered RU Legal? to schools in their regions.

During COVID restrictions in 2020-21, we launched new awareness strategies with the use of animations on assault, image-based abuse and cyber bullying. We also developed a new animation addressing the law on sex and consent. Over the financial year, we ran a State-wide campaign, One Punch Can Change Lives on the consequences of violence.

- 26,684 participants received community legal education from Legal Aid.
- We conducted 553 community legal education activities.
- 750 new resources.

Community Legal Education is a major preventative service. In the year ahead, we have set ourselves the goal of delivering an education session to every young person in Western Australia.





Turning lives around. Reducing recidivism.

Legal Aid delivers a full suite of community legal education to people in prison. Our legal education raises a prisoner's personal legal capability. This enables them to recognise legal issues and prevent problems arising. Research and evaluations show that legal education can empower people to resolve legal issues early before they escalate into much larger legal problems.

In May 2021, Legal Aid started delivering the Inside Out: Learning Law for Life program at the Wandoo Women's Prison. These sessions focus on family violence laws, family law generally, child care and protection laws (including reunification with children) and criminal injuries compensation.

The Inside Out program joins our other legal education programs for prisoners. Since 2018, Legal Aid has delivered legal education to young people in detention at Banksia Hill Detention Centre. We deliver these sessions over four weeks and cover topics that include common criminal offences, dealing with police, and legal issues related to getting a job. We also deliver the Love Bites respectful relationships program to prisoners in Broome and Kununurra. In 2021-22, we will expand our Inside Out program to other Western Australian prisons.



Visual art and storytelling explain legal concepts

In 2020-21, Legal Aid created five new sets of resources that use visual art, plain language and storytelling to make legal concepts understandable. We designed these resources for Aboriginal people who don't speak English as a first language. They have also proven their value with other client groups. The new kits cover tenancy, drivers licences, unpaid fines, bail and family violence.

We identified the new topics after direct requests from Government agencies and through consultations with community organisations. These new resources will help community workers and lawyers explain legal concepts to a range of diverse client groups. They will promote access to justice by empowering clients with legal information they can understand.

Our work in developing these resources won the award for Best Practice in Public Sector Evaluation at the Institute of Public Administration's 2020 Achievement Awards. We continue to provide training to community workers on how to use these resources and how to integrate them into their roles.

There are now over 684 kits at work out in the community.

Story cards



“ I’m just showing appreciation for the Blurred Borders training that I have gained through you. I had a client who had an order from CPFS that had the Blurred Borders child protection story cards. All I can say is ‘brilliant idea’, it helped me break it down even more to explain to her what the stages of her order meant. I printed off the story cards she needed, and she took them with her to recount what we discussed. Thanks to the team again. Awesome outcome.”

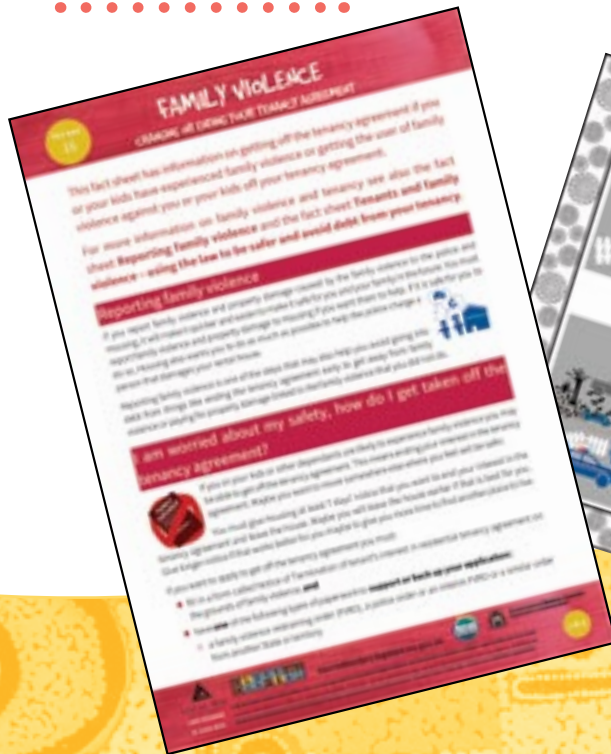
Sarah Birch West Kimberley Regional Prison



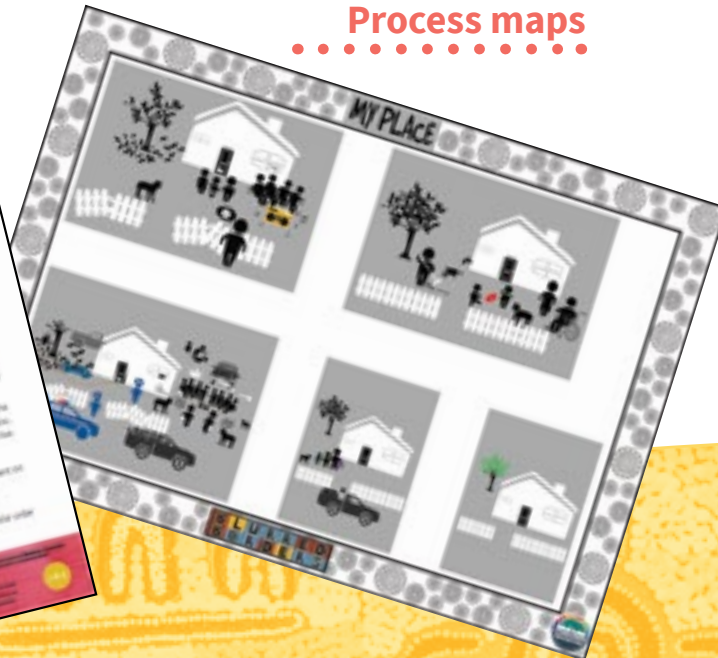
“Thank you so much for sending me the child safety cards - they are terrific. The Blurred Borders materials are really fantastic and they keep on evolving to get better and better. They have really transformed the conversations about how the legal system works. Thanks again.”



Fact sheets



Process maps



Preventing legal problems

With 1.3 million page views a year, Legal Aid's website is the authoritative source of legal information for West Australians. The fact sheets, animations and videos on the website empower people with information that prevents legal problems from arising. Our website is a major preventative service.

In 2020-21, our website recorded 1.3 million page views (Up by 5% based on 19-20 reported website views in the pyramid of services.). 62,851 page views were COVID-related. 700 external organisations now link to our webpage. These organisations include magistrate court, family court, community legal WA. In 2020-21, the most popular website pages were:

1.

**COVID-19: G2G PASS -
Digital travel app**

5.

Sex and consent

9.

**COVID-19: Quarantine
and isolation rules**

2.

**Demerit point
suspension**

6.

References for court

10.

Wills

3.

**Disqualification or
cancellation of licence**

7.

Duties of executors

4.

**Dividing fences and
other boundary issues**

8.

**Extraordinary Driver's
Licence applications**

In 2020-21, we improved the accessibility of our website. We integrated the InfoBot chatbot service into the website to help clients access information and resources after hours. The InfoBot provides a 'guided pathway' for people browsing our website. It takes them to the information that they need without having to trawl through inapplicable pages.

We introduced a new option for clients browsing our website to leave their details and request a priority call back. Where a client needs urgent help with a family law matter, they can also provide information about their circumstances, including documents, through the website for triage. This year we also added new online forms for submitting Freedom of Information requests and for Client Satisfaction Surveys. We also added new COVID-related legal information to help West Australians through the pandemic.

In line with our commitment to provide safe and inclusive services, we changed the design of our website in 2020-21. The Aboriginal and Torres Strait Islander flag and Rainbow flag now feature on our homepage. Our anti-discrimination and inclusivity statement is now accessible from every page on our website. In 2020-21, we added new information and resources specifically for the LGBTIQ+ community.

Over the 20-21 financial year, we reinforced our family law resources with a 'valuations' series of videos and fact sheets to help separating couples divide their property. We included a 'child protection' series of videos and resources for parents, grandparents and careers of children taken into care by the Department of Communities.

Our website now includes an online payments portal. This facility is for the convenience of legal aid recipients whose grant of aid requires a financial contribution. Legal Aid recipients are now able to pay online by card.

Unbundled services to self-represented litigants

The last decade has seen an explosion in the numbers of self-represented litigants before our courts. Legal Aid responded to this trend by setting up a Self-Represented Litigant Service at the Federal Court.

Funded by the Commonwealth, our Self-Represented Litigant Service supports clients who are before the Federal Court in immigration, bankruptcy and fair work (employment law) issues. Covering all three subject matters, our service is unique in Australia. The service supports clients who are representing themselves by helping to prepare documents and explaining court procedures. The service also refers appropriate clients for pro bono legal representation. An important part of the service is providing clients with initial advice on their prospects of success before their matter goes ahead.

In 2020-21, COVID-19 and its restrictions have affected the numbers of clients passing through this service. In terms of immigration issues, few people have entered Australia over the last 18 months. Bankruptcy applications have reduced because of temporary changes to the threshold and the six-month extension of time to respond to bankruptcy notices. Over the last year, the service provided help to self-represented litigants on 166 occasions. Our service anticipates a surge in bankruptcy, migration and fair work matters over the next financial year.

Treating the client and not just the legal problem

Over recent years, Legal Aid has focused on delivering holistic services which treat the client and not just the legal problem. We do this by connecting clients to the services that they need to address underlying issues which give rise to legal problems. These services include emergency housing, drug and alcohol rehabilitation, mental health support, financial counselling and positive lifestyle courses. In this way, we're changing lives and helping clients turn their lives around.

In 2020-21, Legal Aid added an extra seven social workers in our organisation. We've now embedded a total of 12 social support workers in our service delivery. We've located the social workers in our family violence, family law, elder abuse and criminal law services. Our social support workers have backgrounds in social work, psychology, mental health, community advocacy, domestic violence and counselling.

Our clients rarely present with legal problems alone. Issues such as housing, emotional distress, mental health issues, drug and alcohol dependency, family violence, social isolation and financial hardship are linked to their legal issues. Clients with disabilities, chronic health problems, cognitive impairments and language problems also benefit from social worker support as they navigate their way through the legal system.

The people we help:

A client consulted with a Legal Aid lawyer after the Department of Communities took her children from her care. In a private moment with her lawyer, the client confided that she had come to the appointment with her violent partner because he would never allow her to leave home alone. The client was scared, crying, fearful for her safety, and did not know what to do. Furthermore, exposure to family violence was the reason that the Department of Communities had placed her children in care. Our lawyer referred the client to a social worker in our Domestic Violence Legal Unit. The social worker supported the client, organised a taxi and refuge accommodation and ensured she got there safely. The next day our social worker completed a safety plan with the client. Free of domestic violence, the client is now safe, empowered, and reunited with her children. It would have been difficult for any busy legal service to achieve this result without the skills of an in-house social worker.

New family violence service

Legal Aid provides legal help to victims at the new Mirrabooka Family Violence Hub. On 3 December 2020, the State Government and the City of Stirling opened the Naala Djookan Healing Centre at Mirrabooka. With ten partner agencies, this family violence hub is a 'one-stop-shop' for victims of family violence. Victims of family violence can access all of their needs from one location. It simplifies access to specialist family violence services in one safe, inclusive and welcoming location. Legal Aid provides a family lawyer at the hub.

Legal Aid's lawyer triages legal issues, provides advice to clients, trains the workers at other services to identify legal issues, delivers community legal education on family violence, and applies for grants of aid.



Mayor of City of Stirling with Legal Aid staff

Better health and justice outcomes for people experiencing disadvantage

Legal Aid has a health justice partnership with Next Step Alcohol and Drug Service in East Perth. We also have a lawyer on site at the Joondalup Health Campus.

There are thousands of people presenting to our health system with conditions that are driven by underlying legal problems. Medical treatment alone cannot fix the problems affecting their health. The solution requires a partnership between health and legal services to address underlying problems such as debt, housing insecurity, unpaid fines, violence, abuse and neglect.

We've embedded legal help into two healthcare services - Next Step Drug and Alcohol Services and the Joondalup Health Campus. These partnerships have transformed the way some of the most vulnerable in our community access legal services. We're reaching people susceptible to intersecting legal and health problems but who do not ordinarily turn to legal services for help. Our health justice partnerships are taking the law to hard-to-reach clients.

Over the last year, we've expanded the range of our services available to include criminal, family law and civil law advice. Over the financial year, the partnership with Next Step provided 54 services whilst we provided 28 services at Joondalup Health Campus. Legal Aid is laying the foundations to expand health justice partnerships to major metropolitan public hospitals in 2021-22.



Reducing Aboriginal incarceration rates

2020-21 was the first full year of our Reducing Avoidable Remand Service. This service reduces the number of people in remand custody. It provides duty lawyers who deliver a 'prison in-reach service' and targeted bail applications. It also provides social support services to help people get bail and comply with the terms of their bail. Our Reducing Avoidable Remand Service is addressing the over representation of Aboriginal people in custody. It is also reducing the numbers of people with a disability in custody.

Over the year, the Reducing Avoidable Remand Service made 557 bail applications and supplied 861 other legal services. The social support part of the service has helped 412 clients. We're getting bail for people who are eligible for bail but who would not otherwise get legal help. We're protecting the community by helping vulnerable people on bail to comply with the terms of their bail.

The people we help:

Our Reducing Avoidable Remand Service identified a client in custody who would be eligible for bail. The client suffered from schizophrenia, had an acquired brain injury and limited mobility due to chronic leg pain. Although charged with a serious offence, the damage was minimal, and the offending was related to his mental health issues. A magistrate had previously commented that the man would be eligible for bail if it wasn't for a lack of stable accommodation and the absence of care for his mental health issues. Our social support team arranged for the man's local mental health clinic to provide support and arranged suitable community housing. Our duty lawyer then applied for bail and the court granted it. Our bail support worker continued working with the client whilst he was on bail. She ensured he attended appointments with the mental health clinic and he reported to the police station as required. She arranged emergency grocery vouchers and helped the client apply for a fine expiation order and reduced his unpaid fines by \$7,000. When the matter returned to court, our lawyer appeared for the client and the court imposed a \$750 suspended fine.

By arranging bail, our Reducing Avoidable Remand Service saved the client from the adverse effects of unnecessarily spending time in prison. The service also gave the client his best ever chance to turn his life around and avoid further offending.

557 Bail Applications

861 Other duty lawyer services

412 Bail Support clients



Targeted Services

Standing with victims of family violence

Many people escaping family violence settle family law property disputes for less than they are entitled to because they fear being directly cross-examined by their ex-partner. With funding from the Commonwealth Government, we addressed this problem by setting up a Family Violence and Cross-Examination of Parties Scheme. This scheme provides lawyers to self-represented litigants affected by family violence. It saves victims from being questioned by the perpetrator at court.

In 2020-21, we granted aid 138 times to parties where the Family Court has banned personal cross-examination because of family violence. The parties settled 46 of those cases with the help of the lawyer provided through this scheme. To finalise more matters without the need for a hearing, we introduced an early advice grant to identify matters the parties could settle out of court. The result was that 62% of clients finalised their matters without the need for a court verdict.

Our Family Violence and Cross-Examination of Parties Scheme prevents perpetrators from traumatising victims of family violence at court. It ensures victims are able to give clear evidence to the court. The Scheme also serves to resolve matters without the need for a hearing. This saves the Family Court hundreds of hours of sitting time and contributes to the efficiency and effectiveness of the courts.

The Commonwealth budget of May 2021 provided funds to continue and expand this successful scheme.





Promoting women's economic security

In 2020-21 Legal Aid mediated small-value property matters for separated couples.

We've long been concerned many people, especially women, walk away from their entitlements to family law property settlements because of the stress and expense of legal action. With that in mind, we set up lawyer-assisted mediation for property matters of up to \$500,000. Since 1 January 2020, the service has mediated 44 cases and fully settled 34 of those cases with consent orders filed at the Family Court.

68 percent of the cases mediated disclosed family violence. That shows how critical this service is in enabling vulnerable people to succeed with their claims. There are few alternatives to this service, and it fills a gap in family law programs.

The success of this pilot through 2020-21 led to the Commonwealth providing funding to expand and extend this service to 30 June 2023.

Enabling older Western Australians to live with dignity and respect

Legal Aid's Seniors Rights and Advocacy Service provides legal help to older people affected by elder abuse. Over the year, we expanded the service, added social support to the service, and improved our partnerships with other organisations.

Elder abuse can be financial, physical, emotional or psychological. Research shows that about 5% of West Australians over 65 experience an incidence of elder abuse every year. The percentage is higher for people over 80 and for people in aged care. The main perpetrators of elder abuse are adult children of the older person. In early 2019, Legal Aid set up a Seniors Rights and Advocacy Service to combat elder abuse.

Over the 2020-21 financial year, Legal Aid provided 922 services about elder abuse. We recruited an extra lawyer in February 2021 and added a social worker in May 2021. We have an alliance with the Elder Abuse Helpline so that they can directly transfer clients to us and vice versa. The Elder Abuse Helpline offers information, advocacy, support and referral. They can now provide legal advice by transferring the call to our Seniors Rights and Advocacy Service. Many clients don't want to take legal action against their adult children, and, in those cases, our service focuses upon advice and negotiations.

Our service is committed to raising community awareness about elder abuse. We have delivered education sessions on the dangers of Enduring Powers of Attorney, loans to children, granny flat arrangements, and securing loans to adult children.

Our Seniors Rights and Advocacy Service joined the Alliance for Prevention of Elder Abuse. We recently set up the elder abuse community of practice in partnership with Northern Suburbs Community Legal Centre. This community of practice is a forum for legal sector workers in elder abuse to share expertise, knowledge, information and resources.

Apart from legal problems, many older people experiencing elder abuse also suffer health issues, social isolation, homelessness, neglect, mental health and capacity issues. With this in mind, we added a social worker to the Seniors Rights and Advocacy Service in April 2021. We needed social support services so that we're treating the client and not just the legal problem. In this way, we're helping clients make changes that will turn their lives around.

With an ageing population, and greater awareness of elder abuse, we are experiencing ever increasing demand for our services. In response, Legal Aid is planning on the largest ever expansion of our elder abuse services over the next financial year.





Supporting people with a disability

2020-21 was the first full year of service for our Disability Royal Commission Legal Service. Using the name Your Story, we created this service to support people with disabilities, their families and carers to safely share their story with the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability.

The Royal Commission has yet to sit in Western Australian. Nevertheless, in 2020-21 we provided advice to 55 clients and provided ongoing help to 20 clients engaging with the Royal Commission. Sharing a story can be overwhelming for our clients, and sometimes uncovers other issues. We helped with submission preparation, private sessions, grants of aid and helped with Freedom of Information requests. We also referred many clients to other agencies for counselling and advocacy.

Over the year, our Your Story service travelled to the South West, Goldfields and Great Southern regions to engage with community groups and clients. Local disability advocates hosted these visits and made it possible for us to meet with local families and support networks. These meetings enabled us to inform people how they could safely engage with the Royal Commission.

In the coming year, we will focus on the Mid West and the Perth metropolitan area. We anticipate the Royal Commission will visit Western Australia in 2021-22 and many clients will require intensive support in the lead up to giving evidence.

1.3 Measuring Our Performance

Legal Aid is committed to measuring and reporting on its performance. We measure our performance against our Corporate Plan; our funding agreement with the Commonwealth; and the State Government's Performance Management Framework.

Achievements against the Legal Aid WA Corporate Plan

Legal Aid Corporate Plan sets out five high level goals, six key strategies and 39 actions to help achieve our vision for a fair and safe Western Australia through equitable access to justice. Below is a summary of the actions taken in 2020-21 assessed against the targets in the Corporate Plan.

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

-  Increased extensions of grants of aid to Aboriginal clients by 8%
-  Set up a Work and Development Permit Service to convert unpaid fines to community work, treatment or training
-  Increased extensions of grants of aid to young people by 7%
-  Increased child protection mediation style conferences by 59%
-  Established a family violence outreach service at the Mirrabooka family violence hub
-  Successfully completed an independent audit of Legal Aid WA's files under the Quality Practice Standard Program
-  Increased extensions of grants of aid to clients in remote areas by 8%

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

-  Increased grants of aid for Civil Law by 22%
-  Launched a centralised duty lawyer service
-  Supported the new Children's Court therapeutic court by providing a duty lawyer
-  Reduced the time to determine applications for grants of aid
-  Succeeded in 75% of in-house appeals against Magistrates Court decisions
-  Contributed to the development of legislation and law reform initiatives being considered by the State Government and the Parliament
-  Increased grants to people over 65 years by 11%

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

- ✓ Introduced representation at new family violence shuttle conference mediations
- ✓ Increased elder abuse services by 21%
- ✓ Expanded the capacity of our elder abuse services with new lawyers and social support
- ✓ Expanded regional service capacity with extra lawyers in South Hedland and Bunbury
- ✓ 21% increase in services to Western Australians aged over 65
- ✓ Launched a First Nations Strategic Plan to improve service delivery to Aboriginal people
- ✓ Increased total services to people with a disability by 20%
- ✓ Developed and circulated ground-breaking LGBTIQ+ fact sheets to 40,000 Western Australians
- ✓ Added an Aboriginal Community Liaison and Education Officer to our South Hedland office
- ✓ Increased our social support capacity to 12 social workers embedded through the agency
- ✓ Increased social worker services by 69%

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

- ✓ Provided lawyers to people on 109,000 occasions
- ✓ Delivered community legal education to 65% of Western Australian secondary schools
- ✓ Launched six more Virtual Offices
- ✓ Increased online chat services by 4%
- ✓ Provided online support for the amica dispute resolution for separated couples
- ✓ Increased the capacity of the telephone Infoline
- ✓ Website page views increased by 7%
- ✓ Launched an 'Online Assistant' after-hours ChatBot
- ✓ Increased Virtual Office services by 43%
- ✓ 7% more people received an outcome from the telephone Infoline

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

- ✓ Introduced an electronic content management system
- ✓ Delivered professional development training to staff and our partners in the private profession
- ✓ Released online quarterly reports to improve transparency
- ✓ Delivered Client Safety Framework training to Legal Aid WA staff
- ✓ Updated our Safety Management Plan and developed a Work Health and Safety Operational Risk Register
- ✓ Delivered resilience training to private lawyers who deliver legal aid

Achievements against the National Legal Assistance Partnership

The Australian Government's funding of Legal Aid is governed by the National Legal Assistance Partnership Agreement 2020-25 ('NLAP').

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

The objective of the NLAP 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 percentage of dispute resolution processes resulting in full or partial settlement – 85%
- ✓ Total number of information and referrals – up by 29%
- ✓ Total number of community legal education activities – up by 8%
- ✓ The number of legal assistance services delivered under the NLAP (Commonwealth funded only, except for information and referrals which includes State funded services):

| Type of service | 20-21 service counts |
|--------------------------------------|----------------------|
| Information and referrals* | 124,556 |
| Legal advice | 6,264 |
| Representation | 4,095 |
| Duty lawyer services | 2,361 |
| Legal tasks | 1,390 |
| Community legal education activities | 551 |

* Includes 32,013 referral services. Legal Aid WA was unable to provide reliable referral count until 17 August 2020 when a system enhancement was completed, so referral services were not included in the previous report.

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

Selected key effectiveness indicators and benchmarks

- ✓ More than 85% of eligible applicants received a grant of Legal Aid Western Australia
- ✓ 20% of people at court were provided with a duty lawyer service
- ✓ 75% of people receiving an outcome from Infoline services, which is 6% higher than the target

| Key Performance Indicators | 2020-21 Budget | 2020-21 Actual |
|--|----------------|----------------|
| Percentage of eligible applicants who receive a grant of legal aid | 85% | 89% |
| Percentage of people who are provided with a duty lawyer service | 20% | 20% |
| Percentage of people receiving an outcome from Infoline services | 69% | 75% |

1.4 Our Organisation

Enabling Legislation

The Legal Aid Commission of Western Australia is a statutory authority established under the *Legal Aid Commission Act 1976*.

Responsible Minister

The responsible for Legal Aid is the Attorney General, the Hon. John Quigley.

Administered Legislation

Legal Aid administers the *Legal Aid Commission Act 1976*.

Organisation Structure

The Legal Aid Commission of Western Australia's function is to provide legal assistance in accordance with the *Legal Aid Commission Act 1976* and to control and administer the Legal Aid Fund of Western Australia. Legal Aid ensures legal assistance is provided in the most effective, efficient, and economical manner throughout Western Australia.

Members of the Legal Aid Commission of Western Australia are appointed under the *Legal Aid Commission Act 1976*. The Commission is chaired by the Hon. Jane Crisford SC, and its members include Dion Smith, Lanie Chopping, Steve Toutountzis, Genevieve Cleary, Alana Padmanabham Elspeth Hensler, Curtis Ward and the Director of Legal Aid, Graham Hill. The Director of Legal Aid administers the scheme of legal assistance established by the *Legal Aid Commission Act 1976*. The Director is supported by the Executive Management Team and the 365 staff employed by Legal Aid, who assist with the delivery of legal assistance to Western Australians.

Hon Jane Crisford SC, Chair

Jane Crisford is the first female Chair of the Legal Aid Commission of Western Australia. The Governor of Western Australia appointed Jane as Chair in July 2017.

Under Jane's leadership, Legal Aid envisions a future where all Western Australians benefit from the protection of the law regardless of poverty or disadvantage. She has focused on increasing Legal Aid's core services of representation, advice and information, whilst also enabling the launch of innovative new services through advanced technologies. Jane has established a strategic direction for Legal Aid that centres on making Western Australia a fairer, safer, and more inclusive community. Jane 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 Kimberly 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 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.



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Dr Graham Hill

Member, Director and CEO of Legal Aid

Graham Hill started as CEO of the Legal Aid Commission of 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 8 years. Graham worked for 14 years as a lawyer in private practice and was a partner in a Melbourne law firm. He also serviced 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.



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Dion Smith, Member

Dion Smith holds a Bachelor of Economics from the University of Western Australia, and a Masters of Business Administration from the University of NSW/ University of Sydney. With extensive experience in management and executive roles across business strategy, sales and marketing capacities, Dion is currently the Director of Sales and Marketing for global manufacturing company, MineARC Systems.

He has served as an Executive Director on the board of recruitment and professional services companies over many years, and is the current President of the Trinity College and CBC Perth Old Boys Association. Dion was a previous board member for the WA State Branch of Save the Children, and is this year serving on the judging panel of the Telstra Business Awards.

In November 2019, Dion was reappointed as a Commissioner for a further three years.

Dion has four children and is involved in many voluntary activities through the school and sporting communities.



Lanie Chopping, Member

Lanie is the Interim Director General of the Department of Local Government, Sport and Cultural Industries. Prior to that she was the Commissioner for Consumer Protection and A/Executive Director, Consumer Protection (Department of Mines, Industry Regulation and Safety), undertaking a range of statutory roles and responsibilities.

A social worker by profession, Lanie first joined Consumer Protection in 2011. Lanie has also been head of the Priorities Implementation Unit at the Department of Premier and Cabinet in Western Australia, worked in a senior role at the Economic Regulation Authority, managed the social policy unit at the West Australian Council of Social Services, and worked in community legal centres including in the Pilbara region of Western Australia.

Lanie was the inaugural Convenor of the National Regulators Community of Practice Western Australian Chapter. She is a Leadership WA alumni from 2007 and graduate of the Australian Institute of Company Directors.



Elspeth Hensler, Member

Elspeth Hensler is a barrister at Francis Burt Chambers, practicing 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 Australia 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.

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 Women Lawyer of the Year.



Steve Toutountzis, Member

Steve has been in the State Public Service for over 30 years and a member of the Senior Executive Service for over 12 years. His most recent senior position was that of Director of Performance and Evaluation – Group 1, with the Strategic Policy and Evaluation Business Unit of the Department of Treasury. His responsibilities included analysis and strategic advice to government on budgetary and financial management issues impacting Health, Social Services and Transport Portfolios.

Other senior public service positions have included Chief Financial Officer of the former Department of Treasury and Finance and Director of Business Analysis Department of Health. Steve holds a Bachelor of Business from Edith Cowan University and is a Certified Practising Accountant. He is currently also a member of the North Metropolitan Health Service Board and chairs the Finance Committee.



Curtis Ward, Member

Curtis (he/him) is a solicitor at Clairs Keeley Lawyers. He has worked predominately in the area of family law, with a particular focus on matters involving issues of family violence. Curtis has also practised in both criminal and commercial matters, including small business disputes and consumer protection. He has experience in a variety of different workplaces including private practice, the community legal sector and at Legal Aid WA.

Curtis currently sits as the President on the board of Pride Western Australia Inc, a peak LGBTIQ+ community organisation that provides supports to people of diverse gender and sexuality. He has been a member of the Pride WA Board since 2017.

Curtis was previously on the Young Lawyers Committee of the Law Society of Western Australia, sitting as the Social Justice and Human Rights Chair. Curtis is also a selected member of a City of Perth advisory group.



Commission Visit to Kununurra

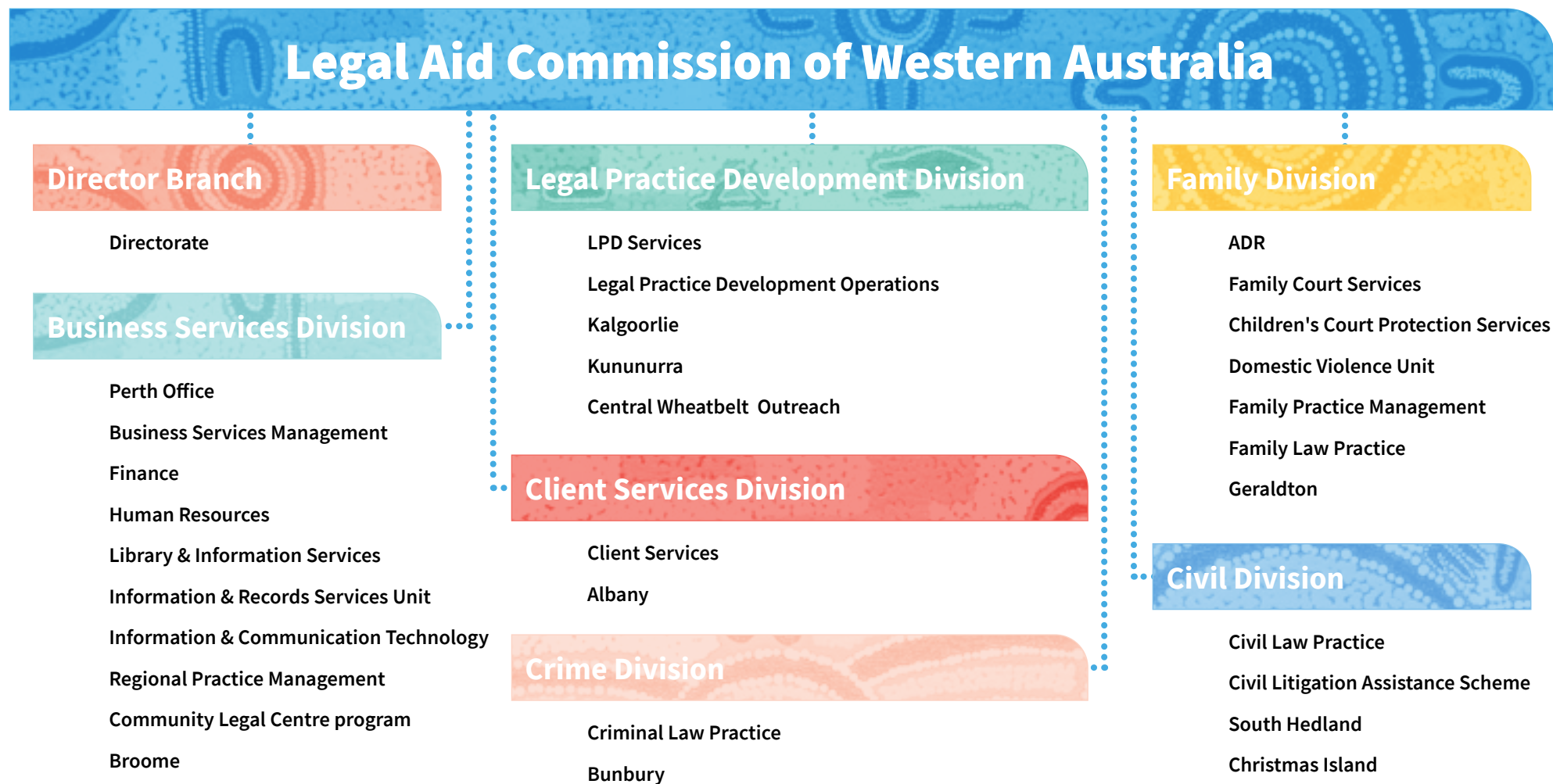
The Commission held its March Board meeting at our Kununurra office. The Commission takes a strong interest in our regional operations. The visit was a chance to meet with our staff at Kununurra and be briefed on the opportunities and challenges in the East Kimberley. Commissioners also met with Legal Aid's allies and partner organisations in Kununurra to hear first-hand about the excellent work our office is doing. Whilst in the East Kimberley, Commissioners visited the Wyndham Work Camp to speak with Corrections Officers and inmates. They are running a successful program which equips prisoners for the workforce when they finish their term. Our Commissioners also visited the Wyndham police station where the Sergeant showcased his successful efforts in reducing youth crime. Commissioners also met with the local magistrate, senior police in Kununurra and Mirriwoong elders. Whilst in the East Kimberley, Commissioners visited the Kununurra and Wyndham courts to see where our staff work.

Commission Visit to Wandoo

Our Board held its February meeting on site at Wandoo Prison. Unfortunately, for many recipients of legal aid, prison is the end of the line. It is therefore important that Legal Aid's Commissioners stay in touch with current issues at prisons. At the prison, the Superintendent gave our Commissioners a briefing on their operations. Most of the prisoners are serving sentences for drug offences and all of them have volunteered for the rehabilitation program at Wandoo. This is the only prison in Australasia that is also a rehabilitation community. Since its inception in 2018, this rehabilitation prison has graduated 150 prisoners and only 3 have reoffended. Compare that to the State average recidivism rate of 33%. The Superintendent also gave Commissioners a tour of the prison and an opportunity to interact with some of the prisoners.



Organisational chart



Staff achievements

Hodge Award

In October 2020, Legal Aid's Giulia Reale-Fucile won the Criminal Lawyers Association Hodge Award. The Association awards this honour to a person who is 'an inspirational role model for other young criminal lawyers.' The winner has to 'demonstrate leadership within the criminal law community' and be a lawyer who 'promotes justice and equality.'

Giulia is a lawyer in our Youth Law Team. She acts for children who are facing charges in the Children's Court. Many of her clients present with significant needs. They are often suffering trauma, homelessness, the effects of family violence, and substance abuse. Frequently they have significant impairment including autism and foetal alcohol spectrum disorder. In this challenging environment, Giulia makes equal justice a reality every day. Each one of her files represents a better outcome for a Western Australian child.

"Impeccable personal presentation is mirrored in reasoned, precise and accurate advocacy for all her clients despite the often challenging circumstances faced in her role as a duty lawyer appearing before the Children's Court. Whilst displaying insight and empathy for her clients' personal circumstances, Ms Real-Fucile's representation is always highly professional. The courtesy shown to clients, the court and other lawyers is an example for all junior lawyers to follow."

Deborah Donovan, Youth Law Services of Western Australia

Regional woman lawyer of the year

In March the Women Lawyers of Western Australia group awarded Melita Medcalf an award for being the Regional Woman Lawyer of the Year. At the awards ceremony, the MC announced the award as going to 'the magnificent Melita Medcalf from the Pilbara Legal Aid office.' This award recognises an exceptional female lawyer working in a rural, regional or remote area of Western Australia. It is given to a lawyer who has made an outstanding contribution to her community and to the legal profession. Melita is a humble and modest person and had to be persuaded to accept the nomination for this award. Over nine years in the Pilbara, she has made a substantial contribution to access to justice for the most disadvantaged people. She has also led our South Hedland office brilliantly and forged a strong team there. The award is richly deserved and we congratulate Melita on this public recognition of her talents.

Yorga Djenna Bidi

In November, 20 inspirational women graduate from the Western Australian Aboriginal Leaders Institute's Yorga Djenna Bidi program. Yorga Djenna Bidi means 'women walking forward together.' This is a five-month leadership program for Aboriginal women. It focuses on self-awareness, building confidence, personal growth, self-mastery, resilience and leadership skills. The aim of the course is to build a community of strong, skilled Aboriginal leaders. This is important work because having Aboriginal women in leadership positions will sustain and encourage others. Legal Aid lawyer Michelle Sims completed the program in 2020-21.

Developing the legal profession

Legal Aid has a proud history of training and developing many of the leaders of Western Australia's legal profession. In 2019, we reintroduced our Regional Graduate Program to provide a development pathway for tomorrow's leading lawyers.

Our Regional Graduate Program is a two-year course. It includes six months intensive and supported on-the-job training in our Perth office followed by 18 months of placements in regional offices. The program attracts outstanding junior practitioners to work in regional WA by offering them the opportunity to fast track their careers.

In 2020-21, the first graduates completed the new program. A graduate completed her regional placement in South Hedland whilst another worked from Albany and Geraldton. A second intake of two more graduates started in 2020 and the program has placed them at our Broome and Kununurra offices.

"The Graduate Program gives you the opportunity to understand and see how Legal Aid works as a whole. It gives you insight into how the different Divisions operate and trains you to work in different areas. When you are later relocated regionally, you then are able to provide legal assistance in different areas. In regional and remote WA, there are often limited options for legal advice and representation, which makes the role of Legal Aid lawyers on the ground crucial to ensuring access to justice."

Legal Aid will continue to expand the program in 2021-22.

Our partnership with private lawyers

In Western Australia, most legal aid is delivered by private lawyers. Legal Aid can call on the skills of over 467 private lawyers across the State. In 2020-21, private lawyers received 79% of all new grants of aid. We couldn't operate the legal aid system without the help of the private profession who deliver aid at heavily discounted rates.

We provide training to private lawyers who receive legal aid work. In 2020, our Youth Justice Team presented "A Practical Guide to Appearing in the Criminal Jurisdiction of the Children's Court". This training is available online for private lawyers who want to take on legal aid criminal work in the Children's Court.

Also this year, we created a new online module on managing grants of aid. This training makes it easier for private lawyers to interact with Legal Aid WA. Legal aid work can be challenging and so this year we also offered training to private lawyers on avoiding burnout and dealing with vicarious trauma. Dr Patrick Michalka and Meneesha Michalka conducted these sessions. "The vicarious trauma seminar run through Legal Aid provided me with positive strategies to manage the confronting aspects of practising as a criminal lawyer" (David Manera, Barrister & Solicitor).



In October 2020, private lawyer Julia Johnston won the Attorney General's Community Service Law Award. Over the last 40 years, Ms Johnston has delivered legal aid to disadvantaged Western Australians on more than 5,000 occasions, and exemplifies the significant contribution made by private lawyers.

“ I accept instructions as an Independent Children's Lawyer, Separate Representative and acting for parties and I believe I will have accepted, at least, 5,000 grants over the course of my practice. I have always felt it important to contribute to the community and provide legal assistance for people who are disadvantaged. I feel it is important for all members of the profession to make a contribution to assisting the disadvantaged members of the community who come in contact with the criminal justice, family law, or child protection systems. I have always found the Commission staff to be cooperative and efficient. ”

Julia Johnston (winner of the Attorney General's Community Service Law Award)

In 2020-21, Legal Aid paid \$21.6 M to Western Australian law firms and self-employed lawyers (not including disbursements), and a further \$1.7 million to practitioners in regional and rural areas.

In the next financial year, Legal Aid will restructure to create a new Division dedicated to servicing private lawyers. This new Division will focus on improving private lawyer interaction with Legal Aid. Providing more support for private lawyers and improving engagement with Legal Aid will be a priority. We will continue to offer free, high quality professional development opportunities for private lawyers who deliver legal aid in

“The legal aid commission offers an essential service to the Western Australian community by supporting and encouraging access to justice for those people unable to afford private assistance. A necessary component of this service is the engagement of private practitioners through grants of aid. The assessment and approval of grants for one off advice appointments through to lengthy complex Supreme Court trials allows greater accessibility to advice, advocacy and ultimately fairness in the criminal justice process. These services are no doubt difficult to manage at the best of times, no more so than during the pandemic of 2020/2021. It is clear the Commission has provided a flexible and adaptable approach to service delivery at times of great uncertainty in an effort to not lose focus on the fundamental concept of access to justice. This has to be acknowledged.”

Kate Turtley-Chappel, Barrister & Solicitor

Top 30 Earners

| Rank | Firm | Net Fees \$ |
|------|--|-------------|
| 1 | SIMON WATTERS | 488,674.41 |
| 2 | MEILLON & BRIGHT LEGAL PTY LTD | 469,017.53 |
| 3 | BANNERMAN SOLICITORS PTY LTD | 463,388.21 |
| 4 | JOHNSTONE CROUSE LAWYERS | 455,062.41 |
| 5 | AP LEGAL LAWYERS PTY LTD | 453,090.47 |
| 6 | BURRA-ROBINSON FAMILY LAWYERS | 427,610.70 |
| 7 | CMS LEGAL | 422,779.50 |
| 8 | PLATINUM LEGAL | 407,232.76 |
| 9 | BAILY FAMILY LAW | 387,871.36 |
| 10 | RM LAW | 364,292.72 |
| 11 | FERRIER ATHANASIOU & KAKULAS PTY LTD | 359,027.24 |
| 12 | JUSTINE FISHER BARRISTERS & SOLICITORS | 352,842.60 |
| 13 | CHELMSFORD LEGAL | 329,784.41 |
| 14 | TONY HAGER BARRISTER | 325,830.37 |
| 15 | PATERSON & DOWDING PTY LTD | 305,365.72 |
| 16 | MCDONALD & SUTHERLAND | 300,201.72 |
| 17 | PATTI CHONG LAWYER | 273,126.92 |
| 18 | GRIFFITHS RICE & CO | 270,455.72 |
| 19 | GEORGE GIUDICE LAW CHAMBERS PTY LTD | 269,369.30 |
| 20 | IAN HOPE BARRISTER AND SOLICITOR | 268,944.07 |
| 21 | CURT HOFMANN & CO | 268,907.93 |
| 22 | LEGAL PATHWAYS PTY LTD (PERTH) | 268,716.05 |
| 23 | DAVID CHARLES MANERA | 267,026.70 |
| 24 | S V PHILLIPS & CO | 258,388.90 |
| 25 | SHADGETT LEGAL PTY LTD | 256,775.43 |
| 26 | SHARON AUBURN BARRISTER | 256,504.17 |
| 27 | NR BARBER LEGAL | 249,927.04 |
| 28 | PAUL NEVILLE BEVILACQUA | 237,503.20 |
| 29 | LISA BOSTON | 229,154.86 |
| 30 | EAGLE BAY LEGAL | 226,791.40 |



Maintaining and updating the profession's skills

Legal Aid provides extensive legal training for the Western Australian legal profession. The profession's standing springs from its unique knowledge and skills. Legal Aid is committed to helping lawyers improve and update their knowledge and skills by regularly refreshing them and sharing latest developments. All lawyers in Australia are required to complete a minimum of ten hours of continuing professional development each year.

To support the legal profession, Legal Aid provides high quality accredited training through in-person events and online modules. Our learning management system now has 1,454 active users. Since 2009, we have organised an annual Summer Series conference to ensure Western Australia's lawyers have access to quality accredited legal training to meet their professional development obligations. We hold the training over three days with a day dedicated to each of criminal law, family law, and civil law.

In February 2021, a COVID lockdown threatened to end our Summer Series conference. At short notice, our team proved their agility by converting the event to a live streamed conference. The event was a great success and enjoyed record attendance by the profession.

Over the financial year, we also delivered three days of in-person training in family law, protection and care law, and family violence restraining orders. We organised the training for internal and external lawyers. It was widely attended by lawyers from the Aboriginal Legal Service, the Aboriginal Family Law Services and various community legal centres. As part of our leadership role in the legal assistance sector, we offered the training free of charge. The training earned CPD points and regional lawyers attended via remote video access. Training of this type builds the capacity of lawyers in areas like child protection. It helps to raise the standard of legal services, deliver better outcomes for children, make victims safer, and help courts operate more efficiently.

Staying well in the law

In 2020-21, Legal Aid launched a series of bold initiatives to protect the physical and mental health of our staff. Mental health and wellbeing in the legal industry is an issue of critical importance. Our lawyers, legal secretaries and paralegals carry out vitally important work every day but sometimes the pressures of that work affect a person's mental health and wellbeing. We're committed to promoting mentally healthy workplaces and creating a work culture that is safer, more resilient and more productive.

Over the financial year, we launched:

- A new onsite psychology program that enables staff to have face-to-face appointments with a psychologist on site;
- A new Wellbeing and Resilience page on our website that is accessible to our staff and stakeholder agencies. It provides them with access to mental health resources and supports;
- A new Health, Safety and Wellbeing Team. This team implements health, safety and wellbeing prevention and risk mitigation initiatives across the organisation;
- A new Professional Wellbeing Committee to oversee the implementation of wellbeing initiatives across Legal Aid WA; and
- Our first wellness survey of staff. We will use the findings of the survey to guide ongoing wellness initiatives and to benchmark the mental health of staff across the organisation.

We also extended our Wellness Mentor Program to over 40 staff who are professionally trained to provide mental health peer support. We rolled out a pilot de-briefing program that facilitated a number of professional group psychology sessions in the criminal and family law divisions. We facilitated professional burnout and vicarious trauma training for all Legal Aid staff and to private lawyers who deliver legal aid.

Over the next year, we will continue to demonstrate our commitment to safe workplaces. Legal Aid will roll out a comprehensive wellness framework that integrates primary, secondary and tertiary mental health initiatives across the organisation. We'll deliver a Mentally Healthy Workplace policy and expand the de-briefing program to more staff.



CLCs

Community Legal Centres deliver legal services to identified target client groups. Of the 28 Community Legal Centres in Western Australia, 25 are funded under the Community Legal Centre Program. In 2020-21 the Community Legal Centre Program provided \$16.5 million in Commonwealth and State funding to Community Legal Centres and to the Community Legal Centre Association of WA.

In 2020-21 the Community Legal Centres Program delivered legal assistance to 22,850 clients. Key areas of need in 2020-21 were family violence, tenancy, child residency, parenting issues, credit and debt, and restraining orders.

COMMUNITY LEGAL CENTRE FUNDING 2020-2021 FOR ANNUAL REPORT

| Centres | Commonwealth CLC Funding 2020-2021 | Commonwealth Defined Funding - FDV Services | SACS | Commonwealth Total |
|---------------------------------|------------------------------------|---|--------------------|--------------------|
| Albany CLS | \$167,870 | \$140,429 | \$64,219 | \$372,518 |
| Citizens Advice Bureau | | | | |
| CLC Association | | | | |
| Consumer Credit Legal Service | \$286,858 | | \$59,753 | \$346,611 |
| EDO WA | | | | |
| Fremantle CLC | \$64,744 | \$140,429 | | \$205,173 |
| Goldfields CLC | \$163,777 | \$140,429 | \$63,367 | \$367,573 |
| Gosnells CLC | \$283,282 | \$140,429 | \$88,260 | \$511,971 |
| Kimberley CLS | \$390,360 | \$140,429 | \$110,565 | \$641,354 |
| Mental Health Law Centre (RUAH) | | | | |
| MIDLAS | | | | |
| Northern Suburbs CLC | \$341,591 | \$140,429 | \$100,406 | \$582,426 |
| Northern Suburbs CLC RDLS * | | | | |
| Peel CLC | \$15,635 | \$140,429 | \$32,509 | \$188,573 |
| Pilbara LS | \$241,454 | \$140,429 | \$79,547 | \$461,430 |
| Regional Alliance West | \$192,861 | \$140,429 | \$69,556 | \$402,846 |
| RAWA (DJINDA) | | | | |
| South West CLC | \$208,307 | \$140,429 | \$72,643 | \$421,379 |
| SCALES | \$88,606 | \$140,429 | \$47,709 | \$276,744 |
| Street Law Centre WA Inc | \$75,104 | | \$15,644 | \$90,748 |
| Sussex Street CLS | \$225,803 | \$140,429 | \$76,287 | \$442,519 |
| Tenancy WA Incorporated | \$147,403 | | \$30,704 | \$178,107 |
| The Humanitarian Group | | \$140,429 | \$29,252 | \$169,681 |
| WRAS | \$315,427 | | \$65,704 | \$381,131 |
| Wheatbelt CLC | | \$140,429 | \$29,252 | \$169,681 |
| Women's Legal Service WA | \$495,314 | | \$103,175 | \$598,489 |
| Youth Legal Service WA | \$88,565 | | \$18,448 | \$107,013 |
| Costs for CLASS/TIS | \$265,547 | | | \$265,547 |
| | \$4,058,508 | \$1,966,006 | \$1,157,000 | \$7,181,514 |

*Northern Suburbs CLC RDLS \$57,485 was paid by Department of Justice

| Centres | Commonwealth COVID19 ONE-OFF | Commonwealth COVID19 ICT | CPC | State CLC Funding | Other State Grant | One-Off State Funding | State ERO Supplementation | TOTALS |
|---------------------------------|---------------------------------|-----------------------------|--------------------|----------------------|-------------------|--------------------------|------------------------------|------------------------|
| Albany CLS | \$74,037.30 | \$20,000.00 | \$53,500 | | | | \$7,887.14 | \$527,942.44 |
| Citizens Advice Bureau | \$74,037.30 | \$20,000.00 | \$81,400 | \$63,288 | | \$44,380 | \$21,208.43 | \$304,313.73 |
| CLC Association | | \$20,000.00 | | \$176,782 | | | \$25,921.70 | \$222,703.70 |
| Consumer Credit Legal Service | \$63,160.00 | \$20,000.00 | | \$439,662 | | \$44,380 | \$64,467.97 | \$978,280.97 |
| EDO WA | | | | | \$150,000 | | \$22,113.46 | \$172,113.46 |
| Fremantle CLC | \$108,274.29 | \$20,000.00 | | \$144,398 | | \$44,380 | \$21,143.71 | \$543,369.00 |
| Goldfields CLC | \$74,037.30 | \$20,000.00 | | | | | | \$461,610.30 |
| Gosnells CLC | \$108,274.29 | \$20,000.00 | | \$254,121 | | \$44,380 | \$37,262.07 | \$976,008.36 |
| Kimberley CLS | \$108,274.29 | \$22,400.00 | | | | | | \$772,028.29 |
| Mental Health Law Centre (RUAH) | \$74,037.30 | \$20,817.83 | | \$848,160 | | \$44,380 | \$124,366.12 | \$1,111,761.25 |
| MIDLAS | \$74,037.30 | \$20,000.00 | \$150,000 | | | | | \$244,037.30 |
| Northern Suburbs CLC | \$108,274.29 | \$57,221.35 | \$330,000 | | | | \$48,649.62 | \$1,126,571.26 |
| Northern Suburbs CLC RDLS * | | | \$57,485 | | | | | \$57,485.00 |
| Peel CLC | \$74,037.30 | \$20,000.00 | | \$492,598 | | \$44,380 | \$70,847.85 | \$890,436.15 |
| Pilbara LS | \$74,037.30 | \$45,000.00 | | | | | | \$580,467.30 |
| Regional Alliance West | \$74,037.30 | \$20,000.00 | | \$160,412 | | \$44,380 | \$23,071.12 | \$724,746.42 |
| RAWA (DJINDA) | \$74,037.30 | | | \$708,000 | | \$44,380 | \$104,375.55 | \$930,792.85 |
| South West CLC | \$74,037.30 | \$20,000.00 | | \$63,288 | | \$44,380 | \$9,279.99 | \$632,364.29 |
| SCALES | \$108,274.29 | \$20,000.00 | | \$181,417 | | \$44,380 | \$26,092.27 | \$656,907.56 |
| Street Law Centre WA Inc | \$74,037.30 | \$20,000.00 | \$195,000 | | | | \$28,747.50 | \$408,532.80 |
| Sussex Street CLS | \$74,037.30 | \$24,000.00 | \$114,120 | \$9,008 | | \$44,380 | \$18,119.48 | \$726,183.78 |
| Tenancy WA Incorporated | \$86,172.00 | \$31,658.00 | | | | | | \$295,937.00 |
| The Humanitarian Group | \$54,137.15 | \$21,832.00 | \$100,000 | \$8,189 | | \$44,380 | | \$398,219.15 |
| WRAS | \$74,037.30 | \$20,000.00 | | \$54,805 | | \$44,380 | \$8,016.13 | \$582,369.43 |
| Wheatbelt CLC | \$74,037.30 | \$20,000.00 | \$299,520 | | | | \$44,156.16 | \$607,394.46 |
| Women's Legal Service WA | \$108,274.29 | \$40,000.00 | | | | | | \$746,763.29 |
| Youth Legal Service WA | \$37,018.65 | \$20,000.00 | \$71,000 | \$260,841 | | \$44,380 | \$47,982.53 | \$588,235.18 |
| Costs for CLASS/TIS | | | | | | | | \$265,547.00 |
| | \$1,926,655.74 | \$582,929.18 | \$1,452,025 | \$3,864,969 | \$150,000 | \$621,320 | \$753,708.80 | \$16,533,121.72 |

1.5 Performance Management Framework

Legal Aid supports the State Government goal of “Strong Communities: Safe communities and supported families” through a targeted outcome of equitable access to legal service and information, that is delivered through the Legal Aid Assistance service. The corresponding key effectiveness indicators measure how the service contributes to achieving the outcome. The key efficiency indicators measure the resources required to deliver the service.

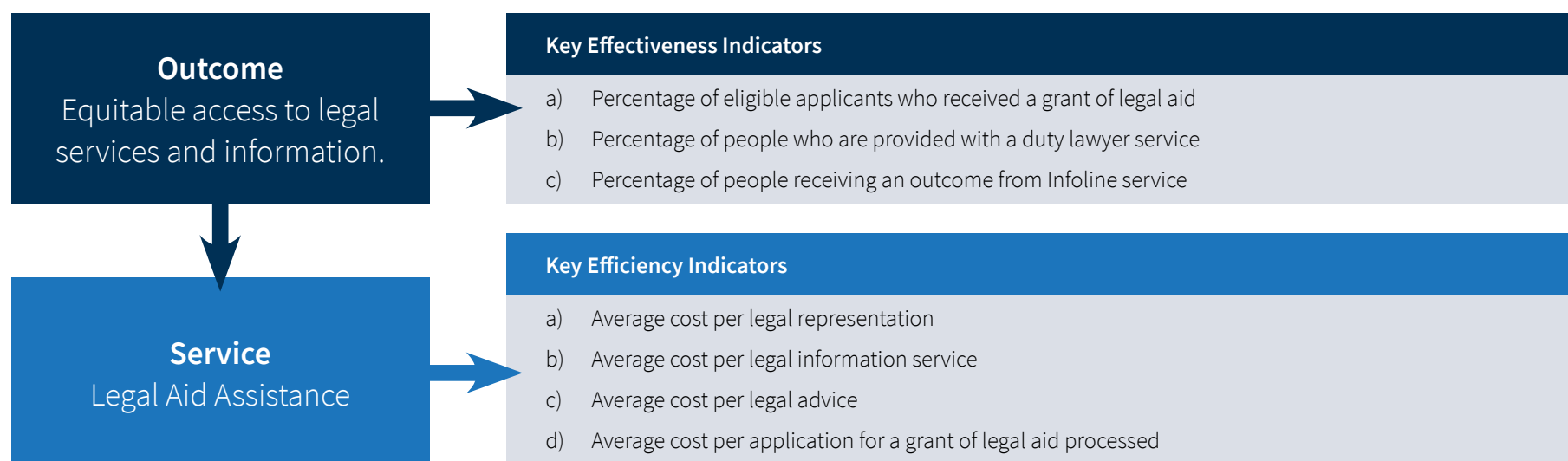
Government Goal

Strong Communities: Safe communities and supported families.

Agency Level Government Desired Outcome

Equitable access to legal services and information.

1.5.1 Outcome Based Management Framework



1.5.2 Changes to Outcome Based Management Framework

There were no changes to the Legal Aid Outcome Based Management Framework during 2020-21.

1.5.3 Shared responsibilities with other agencies

The Legal Aid Commission did not share any responsibilities with other agencies in 2020-21.

| For the community | | For target groups | | |
|--|---|--|---|--|
| Information and advice | Duty lawyer services | Legal advice and legal tasks | Legal representation | Community education services |
| 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 in the community 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. |



2. AGENCY PERFORMANCE

2.1 Financial Targets

2.2 Summary of KPI Indicators

2.1 Financial Targets

The Legal Aid Commission of Western Australia's performance against financial targets set for 2020-21 financial year is outlined in the table below. Further details are provided in the Financial Statements in section 4.

Actual Results versus Budget Targets

| | 2020-21 Estimates ⁽¹⁾ | 2020-21 Actual | Variation ⁽²⁾ |
|--|-------------------------------------|-------------------|--------------------------|
| Total cost of services (expense limit) (sourced from Statement of Comprehensive Income) | 88,252 | 103,162 | 14,910 ^(a) |
| Net cost of services (sourced from Statement of Comprehensive Income) | 55,981 | 56,662 | 681 |
| Total equity (sourced from Statement of Financial Position) | 9,201 | 17,100 | 7,899 ^(b) |
| Net increase/(decrease) in cash held (sourced from Statement of Cash Flows) | (5,097) | 5,033 | 10,130 ^(c) |
| Approved salary expense level | 40,510 | 38,501 | 2,009 ^(d) |

1. As published on the Commission website, as not available when 2019-20 Annual Report was compiled.
2. Further explanations are also contained in Note 8.10 '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 (\$5.5 million) and grant payments to Community Legal Centres (\$10.9 million).

Legal service expenses are higher than the estimates largely due to higher than budgeted costs for State indictable criminal matters (\$1.931 million), State expensive cases (\$2.716 million), and State family matters (0.937 million), Community Legal Centre actual grant expenses are higher than the estimates due to additional distribution to State Community Legal Centres funded by the Proceeds of Criminal Confiscation fund (\$1.395 million), additional Commonwealth funding under National Legal Assistance Partnership Agreement (\$7.030 million), and additional Commonwealth COVID Funding (\$2.510 million).

- (b) Total equity is higher than the estimate is mainly due to higher accumulated surplus (\$7.521 million). The accumulated surplus is higher than the estimates due to lower than budgeted employee benefit expenses, higher revenue, and higher Commonwealth and State funding. The employee benefit expenses are lower than the estimates (\$2.009 million) mainly caused by staff vacancies for positions funded by various Commonwealth programs, including COVID-19 agreement, National Legal Assistance Partnership Agreement and other Commonwealth projects. Revenue for User charges and fees was higher by \$1.550 million. A number of Commonwealth and State agreements and funding arrangements had an increased funding for 2020-21, however the corresponding expenditure was not fully spent by the end of the year due to delay in recruitment caused by COVID-19 snap lockdowns, or delayed in receipt of funding therefore a surplus of \$3.169 million (which includes salary underspends) is to be carried over to 2021-22. The 2020-21 receipt of State supplementary funding has included \$0.462 million funding to cover the 2019-20 overspend of casework costs, and \$0.858 million cumulated unspent funds to be carried over 2021-22.
- (c) The net increase in cash and cash equivalents is higher than estimate is due to higher than expected funding from both Commonwealth (\$13.348 million) and

State government (\$8.182 million), lower than expected purchase for non-current physical assets (\$2.173 million) and lower employee benefits (\$3.435 million). These are offset with higher than expected purchase for legal service (\$5.644 million) and higher other payments (\$10.548 million).

- (d) The approved salary expense level is lower than estimate is mainly caused by staff vacancies for positions funded by various Commonwealth programs, including COVID-19 agreement, National Legal Assistance Partnership Agreement and other Commonwealth projects. The delay in recruitment is caused by COVID-19 snap lockdowns, and/or delays in receipt of funding.

2.2 Summary of KPI Indicators

During the 2020-21 financial year, the Legal Aid Commission of Western Australia reported on three effectiveness and four efficiency indicators. The table below shows to what extent the performance targets were met, exceeded or not met.

Outcome: Equitable access to legal services and information.


| | 2020-21 Target ⁽¹⁾ | 2020-21 Actual | Variation ⁽²⁾ |
|--|----------------------------------|-------------------|--------------------------|
| Key Effectiveness Indicators: | | | |
| Percentage of eligible applicants who receive a grant of legal aid | 85% | 89% | 4% |
| Percentage of people who are provided with a duty lawyer service | 20% | 20% | 0% |
| Percentage of people receiving an outcome from Infoline services | 69% | 75% | 9% ^(a) |

Service: Legal Aid Assistance

| | 2020-21 Target ⁽¹⁾ | 2020-21 Actual | Variation ⁽²⁾ |
|---|----------------------------------|-------------------|--------------------------|
| Key Efficiency Indicators: | | | |
| Average cost per legal representation | \$4,030 | \$4,116 | (\$86) |
| Average cost per legal information service | \$76 | \$78 | (\$2) |
| Average cost per legal advice | \$285 | \$332 | (\$47) ^(b) |
| Average cost per application for a grant of legal aid processed | \$405 | \$426 | (\$21) |

number of court appearances reducing due to the impact of COVID-19 and the increase in the overall number of charges that each client presents to the duty lawyer service. The result of the increased number of charges is that the duty lawyer is less likely to be able to assist the client to resolve their charges at the first appearance. The resulting need for longer duty lawyer legal advice appointments increases the average cost. Further, with the commencement of funding for the Reducing Avoidable Remand project from January 2020, solicitors assigned to the project have undertaken additional duty lawyer appearances and legal advice appointments in order to assist with bail applications and variations or to assist with efficient case resolution. This work has increased the average due to the complexity of the matters and time required to provide each service.

1. As specified in the budget statements for 2020-21.
2. Explanations for the variations between actual results and prior years are presented in Disclosures and Legal Compliance under the Performance Indicators for 2020-21.
 - (a) The achievement of the higher 2020-21 actual than 2020-21 budget, is directly related to the increased resources that were allocated to Infoline in October 2020. The increase resources have resulted in increased Infoline shifts from approximately 134 to 185 per week which reduced the abandonment rate and improved the percentage of people receiving an outcome from Infoline services.
 - (b) The higher than budgeted costs are driven by increased costs of duty lawyer services and the legal advice costs. The increase in average cost per duty lawyer service is explained by the number of duty lawyers remaining the same but



3. SIGNIFICANT ISSUES IMPACTING THE AGENCY

COVID-19 Impacts

The economic impacts of COVID-19 pandemic associated with the ending of the various financial relief responses put in place by both the government and banks, along with the continued snap lockdowns, are fuelling demand for assistance in both family violence and civil law areas such as credit, debt and employment law for West Australians.

Access to Justice

Legal Aid is continuing to work to remove barriers to accessing justice in regional and remote areas that prevent people getting access to legal services they require. This is by using video technology to set up virtual offices in areas without the Commission offices, and by establishing Health Justice Partnerships with major hospitals and medical services to assist in connecting clients with wraparound services including supporting those with mental health concerns and those experiencing family or domestic violence.

Private Practitioner Rate Gap

Private Practitioners undertake 79% of legal aid grants. The hourly rate is currently \$140 per hour and has not increased since September 2010. Although a CPI increase has now been included as part of annual funding model from this year onwards, this does not address the significant gap amassed between 2010 and 2021. Without the gap being addressed, there is a real risk, competent private practitioners will not be available to provide these services to the disadvantaged. The Legal Aid hourly rate paid to private practitioners is \$140 per hour for most services regardless of the level of legal practitioner providing the services. This was compared to the rate for a junior legal practitioner according to the Legal Profession (Supreme and District Courts) (Contentious Business) Reports for each year. For example, the Junior Practitioner hourly rate has increased from \$297 to \$352 per hour (18.5%) compared to the Commission hourly rate remaining at \$140 per hour. It should also be noted that the legal professional rate is adjusted every 2 years.

Digital Maturity

The recent impacts of COVID-19 challenges highlighted to the Commission the need for greater digital maturity to support service delivery. The Commission will need to operate in a Cloud enabled digital environment that will support and allow continuity of services in a more agile manner. The growth in this area requires significant funding to build and then continuously improve these digital Cloud enabled systems to support both front and backend, operational and business systems. Throughout this process there will be the need to identify collaborative opportunities in the digital space with key stakeholders and system based efficiencies to maximise outcomes for improved service delivery with a customer-centric focus.

Developing Trends

Trends identified over the past year have been an increase in grants for offences of violence and an increase in grants for applications for restraining orders. Also, it has been noted that average trial length for superior court trials has increased. The impact of a growth in police resources is yet to be seen. The Commission will continue to respond to developing trends in an agile manner to ensure clients receive the support they require.



4. DISCLOSURES AND LEGAL COMPLIANCE

4.1 Financial Statements

4.2 Additional Key Performance Indicator Information

4.3 Ministerial Directions

4.4 Other Financial Disclosures


4.5 Governance Disclosures

4.6 Other Legal Requirements

4.7 Government Policy Requirements

4.1 Financial Statements

4.1.1 Independent Auditor's report



Auditor General

INDEPENDENT AUDITOR'S OPINION
2021
Legal Aid Commission of Western Australia

To the Parliament of Western Australia

Report on the audit of 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 at 30 June 2021, and the Statement of Comprehensive Income, Statement of Changes in Equity and Statement of Cash Flows for the year then ended
- 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 2021 and the financial position at the end of that period
- in accordance with Australian Accounting Standards, the *Financial Management Act 2006* and the Treasurer's Instructions, and Division 60 of the *Australian Charities and Not-for-profits Commission Act 2021 (ACNC Act)*, Australian Charities and Not-for-profits Commission Regulation 2013.

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 Legal Aid Commission of Western Australia in accordance with the *Auditor General Act 2006*, *ACNC Act* and the relevant ethical requirements of the Accounting Professional & Ethical Standards Board's *APES 110 Code of Ethics for Professional Accountants (including Independence Standards)* (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.

Page 1 of 5

7th Floor Albert Facey House 469 Wellington Street Perth MAIL TO: Perth BC PO Box 8489 Perth WA 6849 TEL: 08 6557 7500

Responsibilities of the Commission for the financial statements

The Commission is responsible for:

- keeping proper accounts
- preparation and fair presentation of the financial statements in accordance with Australian Accounting Standards, the *Financial Management Act 2006*, the Treasurer's Instructions, and the *ACNC Act*
- such internal control as it 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 entity's ability to continue as a going concern
- disclosing, as applicable, matters related to going concern
- using the going concern basis of accounting unless the Western Australian Government has made policy or funding decisions affecting the continued existence of the Legal Aid Commission of Western Australia.

Auditor's responsibilities 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. 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.

A further description of my responsibilities for the audit of the financial statements is located on the Auditing and Assurance Standards Board website. This description forms part of my auditor's report and can be found at https://www.auasb.gov.au/auditors_responsibilities/ar4.pdf.

Report on the audit of controls

Opinion

I have undertaken a reasonable assurance engagement on the design and implementation of controls exercised by the Legal Aid Commission of Western Australia. The controls exercised by the Legal Aid Commission of Western Australia are those policies and procedures established by the Commission to ensure that the receipt, expenditure and investment of money, the acquisition and disposal of property, and the incurring of liabilities have been in accordance with legislative provisions (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 2021.

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 were implemented as designed.

An assurance engagement involves performing procedures to obtain evidence about the suitability of the controls design to achieve the overall control objectives and the implementation of those controls. The procedures selected depend on my judgement, including an 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 in operation, the overall control objectives may not be achieved so that fraud, error or non-compliance 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 audit of 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 2021. The key performance indicators are the Under Treasurer-approved key effectiveness indicators and 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 Legal Aid Commission of Western Australia's performance and fairly represent indicated performance for the year ended 30 June 2021.

The Commission's responsibilities 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 it 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 responsibilities

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 entity'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.

Other information

The Commission is responsible for the other information. The other information is the information in the entity's annual report for the year ended 30 June 2021, but not the financial statements, key performance indicators and my auditor's report.

My opinions do not cover the other information and, accordingly, I do not express any form of assurance conclusion thereon.

Matters relating to the electronic publication of the audited financial statements and key performance indicators

This auditor's report relates to the financial statements, controls and key performance indicators of the Legal Aid Commission of Western Australia for the year ended 30 June 2021 included on the Legal Aid Commission of Western Australia's website. The Legal Aid Commission of Western Australia's management is responsible for the integrity of the Legal Aid Commission of Western Australia's website. This audit does not provide assurance on the integrity of the Legal Aid Commission of Western Australia's website. The auditor's report refers only to the financial statements, controls 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, controls or key performance indicators. If users of the financial statements, controls and key performance indicators are concerned with the inherent risks arising from publication on a website, they are advised to contact the entity to confirm the information contained in the website version of the financial statements, controls and key performance indicators.



Grant Robinson
Assistant Auditor General Financial Audit
Delegate of the Auditor General for Western Australia
Perth, Western Australia
31 August 2021

4.1.2 Certification of Financial Statements

For the year ended 30 June 2021

In the opinion of the Commissioners of the Legal Aid Commission of Western Australia (the Commission):

- (a) The accompanying financial statements and notes have been prepared in compliance with the provisions of the *Financial Management Act 2006* and the *Australian Charities and Not-for-profits Commission Act 2012* from proper accounts and records to present fairly the financial transactions for the year ended 30 June 2021 and the financial position as at 30 June 2021; and
- (b) There are reasonable grounds to believe that the Commission is able to pay all of its debts, as and when they become due and payable.

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.

Signed in accordance with subsection 60.15(2) of the Australian Charities and Not-for-profit Commission Regulation 2013.



Craig Gibson
Chief Finance Officer
Date: 25/8/2021



Hon. Jane Crisford SC
Chair of the Legal Aid
Commission of Western Australia
Date: 25/8/2021



Dr Graham Hill
Director of the Legal Aid
Commission of Western Australia
Date: 25/8/2021

4.1.3 Financial Reports for the Year ended 30 June 2021

The Agency has pleasure in presenting its audited general purpose financial statements for the financial reporting period ended 30 June 2021 which provides users with the information about the Agency's stewardship of resource entrusted to it. The financial information is presented in the following structure:

Statement of Comprehensive Income

For the year ended 30 June 2021

| | Note | 2021 \$ | 2020 \$ |
|---------------------------------------|---------------------|--------------------|-------------------|
| COST OF SERVICES | | | |
| Expenses | | | |
| Employee benefits expense | 2.1 (a) | 38,501,159 | 36,080,371 |
| Supplies and services | 2.4 | 6,543,080 | 5,888,714 |
| Depreciation and amortisation expense | 4.1.1 4.2.1, 4.3 | 6,266,916 | 6,249,053 |
| Finance costs | 6.2 | 2,213,184 | 2,140,629 |
| Accommodation expenses | 2.4 | 1,625,896 | 1,390,801 |
| Legal services expenses | 2.2 | 29,717,519 | 32,968,230 |
| Grants and subsidies | 2.3 | 16,475,637 | 12,477,280 |
| Other expenses | 2.4 | 1,819,084 | 1,252,271 |
| Total cost of services | | 103,162,475 | 98,447,349 |
| Revenue and Income | | | |
| User charges and fees | 3.2 | 3,888,572 | 2,942,311 |
| Commonwealth grants and contributions | 3.3 | 42,138,210 | 37,081,330 |
| Interest income | 3.4 | 262,367 | 826,337 |
| Other revenue | 3.5 | 211,306 | 310,222 |

| | | | |
|---|-----|-------------------|--------------------|
| Total revenue | | 46,500,455 | 41,160,200 |
| Total income other than income from State Government | | 46,500,455 | 41,160,200 |
| NET COST OF SERVICES | | 56,662,020 | 57,287,149 |
| Income from State Government | | | |
| Income from other public sector entities | 3.1 | 58,596,540 | 54,875,540 |
| Resources received | 3.1 | 2,926 | 1,254 |
| Royalties for Regions Fund | 3.1 | 104,974 | 101,603 |
| Total income from State Government | | 58,704,440 | 54,978,397 |
| SURPLUS (DEFICIT) FOR THE PERIOD | | 2,042,420 | (2,308,752) |
| OTHER COMPREHENSIVE INCOME | | | |
| Items not reclassified subsequently to profit and loss | | | |
| Changes in asset revaluation surplus | 8.8 | 378,369 | 3,077 |
| Total other comprehensive income | | 378,369 | 3,077 |
| TOTAL COMPREHENSIVE INCOME FOR THE PERIOD | | 2,420,789 | (2,305,675) |

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

Statement of Financial Position

As at 30 June 2021

| | Note | 2021 \$ | 2020 \$ |
|--------------------------------------|------|--------------------|--------------------|
| ASSETS | | | |
| Current Assets | | | |
| Cash and cash equivalents | 6.3 | 25,724,914 | 27,294,890 |
| Restricted cash and cash equivalents | 6.3 | - | 159,376 |
| Receivables | 5.1 | 3,896,348 | 3,696,496 |
| Other financial assets | 6.3 | 21,000,000 | 14,400,000 |
| Other current assets | 5.2 | 978,495 | 732,760 |
| Total Current Assets | | 51,599,757 | 46,283,522 |
| Non-Current Assets | | | |
| Restricted cash and cash equivalents | 6.3 | 740,155 | 577,593 |
| Receivables | 5.1 | 6,256,375 | 6,199,915 |
| Property plant & equipment | 4.1 | 2,283,992 | 1,164,032 |
| Right of use assets | 4.3 | 63,973,450 | 67,929,236 |
| Intangible assets | 4.2 | 635,408 | 737,448 |
| Total Non-Current Assets | | 73,889,380 | 76,608,224 |
| TOTAL ASSETS | | 125,489,137 | 122,891,746 |

LIABILITIES

Current Liabilities

| | | | |
|-----------------------------|-----|------------|------------|
| Payables | 5.3 | 29,722,806 | 28,658,378 |
| Lease liabilities | 6.1 | 3,771,505 | 3,566,699 |
| Employee related provisions | 2.1 | 6,279,292 | 5,973,152 |
| Contract liabilities | 5.4 | 1,437,008 | 1,178,034 |

Total Current Liabilities

41,210,611 **39,376,263**

Non-Current Liabilities

| | | | |
|-----------------------------|-----|------------|------------|
| Lease liabilities | 6.1 | 64,673,343 | 66,714,578 |
| Employee related provisions | 2.1 | 1,816,778 | 999,151 |
| Contract liabilities | 5.4 | 688,636 | 1,122,774 |

Total Non-Current Liabilities

67,178,757 **68,836,503**

TOTAL LIABILITIES

108,389,368 **108,212,766**

NET ASSETS

17,099,769 **14,678,980**

EQUITY

| | | | |
|---------------------|-----|------------|------------|
| Contributed equity | 8.8 | 595,669 | 595,669 |
| Reserves | 8.8 | 519,417 | 141,048 |
| Accumulated surplus | 8.8 | 15,984,683 | 13,942,263 |

TOTAL EQUITY

17,099,769 **14,678,980**

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 2021

| | Notes | Contributed equity \$ | Reserves \$ | Accumulated surplus \$ | Total equity \$ |
|---|-------|--------------------------|----------------|---------------------------|--------------------|
| Balance at 1 July 2019 | | 595,669 | 137,971 | 18,475,150 | 19,208,790 |
| Initial application of AASB 16 | | - | - | - | - |
| Initial application of AASB 15/1058 | | - | - | (2,224,135) | (2,224,135) |
| Restated balance at 1 July 2019 | | 595,669 | 137,971 | 16,251,015 | 16,984,655 |
| Deficit | | - | - | (2,308,752) | (2,308,752) |
| Other Comprehensive Income | 8.8 | - | 3,077 | - | 3,077 |
| Total comprehensive income for the period | | - | 3,077 | (2,308,752) | (2,305,675) |
| Balance at 30 June 2020 | | 595,669 | 141,048 | 13,942,263 | 14,678,980 |
| Balance at 1 July 2020 | | 595,669 | 141,048 | 13,942,263 | 14,678,980 |
| Surplus | | - | - | 2,042,420 | 2,042,420 |
| Other Comprehensive Income | 8.8 | - | 378,369 | - | 378,369 |
| Total comprehensive income for the period | | - | 378,369 | 2,042,420 | 2,420,789 |
| Balance at 30 June 2021 | | 595,669 | 519,417 | 15,984,683 | 17,099,769 |

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 2021

| Note | 2021 \$ | 2020 \$ |
|--|-------------------|-------------------|
| CASH FLOWS FROM STATE GOVERNMENT | | |
| Funds from other public sector entities | 58,596,540 | 54,875,540 |
| Royalties for Regions Fund | 104,974 | 101,603 |
| Net cash provided by State Government | 58,701,514 | 54,977,143 |
| Utilised as follows: | | |
| CASH FLOWS FROM OPERATING ACTIVITIES | | |
| Payments | | |
| Employee benefits | (37,074,825) | (35,434,464) |
| Supplies and services | (6,518,376) | (6,166,951) |
| Accommodation | (1,604,206) | (1,418,273) |
| Legal services | (29,846,258) | (27,877,033) |
| Finance costs | (2,216,351) | (1,966,400) |
| GST payments on purchases | (6,266,312) | (5,457,706) |
| Other payments | (17,484,581) | (13,483,823) |
| Receipts | | |

| | | |
|---|---------------------|---------------------|
| User charges and fees | 3,359,817 | 2,684,195 |
| Commonwealth grants and contributions | 42,138,210 | 36,968,369 |
| Interest received | 322,416 | 848,866 |
| GST receipts on sales | 40,207 | 50,889 |
| GST receipts from taxation authority | 5,941,354 | 5,249,208 |
| Other receipts | 261,068 | 359,668 |
| Net cash used in operating activities | (48,947,837) | (45,643,455) |
| CASH FLOWS FROM INVESTING ACTIVITIES | | |
| Payments | | |
| Purchase of non-current assets | (1,086,909) | (531,111) |
| Net cash used in investing activities | (1,086,909) | (531,111) |
| CASH FLOWS FROM FINANCING ACTIVITIES | | |
| Payments | | |
| Principal elements of lease payments | (3,633,558) | (3,612,390) |
| Net cash used in financing activities | (3,633,558) | (3,612,390) |
| Net increase in cash and cash equivalents | 5,033,210 | 5,190,187 |
| Cash and cash equivalents at the beginning of period | 42,431,859 | 37,241,672 |
| CASH AND CASH EQUIVALENTS AT THE END OF THE PERIOD | 47,465,069 | 42,431,859 |

6.3

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

Note 1 Basis of preparation

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 principle objective).

A description of the nature of its operations and its principle 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 2021.

Statement of compliance

These general purpose financial statements are prepared in accordance with:

- 1) *The Financial Management Act 2006 (FMA)*
- 2) *Australian Charities and Not-for-profits Commission Act 2012 (ACNC Act)*
- 3) The Treasurer's Instructions (TIs)
- 4) Australian Accounting Standards (AASs) - Reduced Disclosure Requirements
- 5) Where appropriate, those AAS paragraphs applicable for not-for-profit entities have been applied.

The FMA and the TIs take precedence over AASs. Several AASs are modified by TIs 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.

Note 2 Use of our funding

Expenses incurred in the delivery of services

This section provides additional information about how the Commission's funding is applied and the accounting policies that are relevant for an understanding of the items recognised in the financial statements. The primary expenses incurred by the Commission in achieving its objectives and the relevant notes are:

| | Notes | 2021 \$ | 2020 \$ |
|-----------------------------|--------|------------|------------|
| Employee benefits expenses | 2.1(a) | 38,501,159 | 36,080,371 |
| Employee related provisions | 2.1(b) | 8,096,070 | 6,972,303 |
| Legal service expenses | 2.2 | 29,717,519 | 32,968,230 |
| Grants and subsidies | 2.3 | 16,475,637 | 12,477,280 |
| Other expenditure | 2.4 | 9,988,060 | 8,531,786 |

2.1 (a) Employee benefits expenses

| | 2021 \$ | 2020 \$ |
|---|------------|------------|
| Employee benefits | 35,315,744 | 32,978,272 |
| Termination benefits | - | - |
| Superannuation – defined contribution plans | 3,185,415 | 3,102,099 |
| Total employee benefits expenses | 38,501,159 | 36,080,371 |

Add: AASB 16 Non-monetary benefits

Less: Employee Contributions

Net employee benefits

| | |
|------------|------------|
| 330,797 | 279,815 |
| (191,231) | (162,363) |
| 38,640,725 | 36,197,823 |

Employee Benefits: Include wages, salaries and, social contributions, accrued and paid leave entitlements and, paid sick leave and non-monetary benefits (such as medical care, housing, cars and free or subsidised goods or services) for employees.

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.

AASB 16 Non-monetary benefits: non-monetary employee benefits, that are employee benefits expenses, predominantly relate to the provision of vehicle and housing benefits are measured at the cost incurred by the Commission.

Employee Contributions: includes contributions made to the Commission by employees towards employee benefits that have been provided by the Agency. This includes both AASB-16 and non-AASB 16 employee contributions.

2.1 (b) Employee related provisions

| | 2021 \$ | 2020 \$ |
|--|------------------|------------------|
| Current | | |
| Employee benefits provision | | |
| Annual leave | 2,299,250 | 2,183,727 |
| Long service leave | 3,906,789 | 3,733,925 |
| Purchased leave | 16,369 | 1,333 |
| | 6,222,408 | 5,918,985 |
| Other provisions | | |
| Employment on-costs | 56,884 | 54,167 |
| | 56,884 | 54,167 |
| Total current employee related provisions | 6,279,292 | 5,973,152 |
| Non-current | | |
| Employee benefits provision | | |
| Long service leave | 1,800,563 | 990,043 |
| | 1,800,563 | 990,043 |
| Other provisions | | |
| Employment on-costs | 16,215 | 9,108 |
| | 16,215 | 9,108 |
| Total non-current employee related provisions | 1,816,778 | 999,151 |
| Total employee related provisions | 8,096,070 | 6,972,303 |

Provision is made for benefits accruing to employees in respect of annual leave and long service leave for services rendered up to the reporting date and recorded as an expense during the period the services are delivered.

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.

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 is 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.

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 expenditure, Note 2.4' (apart from the unwinding of the discount (finance cost)) and are not included as part of the Commission's 'employee benefits expense'. The related liability is included in 'Employment on costs provision'.

| | 2021 \$ | 2020 \$ |
|---|---------------|---------------|
| Employment on-cost provision | | |
| Current | | |
| Carrying amount at start of period | 54,167 | 48,717 |
| Additional provisions recognised | 2,717 | 5,450 |
| Carrying amount at end of period | 56,884 | 54,167 |
| Non-current | | |
| Carrying amount at start of period | 9,108 | 10,150 |
| Additional/(reversals of) provisions recognised | 7,107 | (1,042) |
| Carrying amount at end of period | 16,215 | 9,108 |

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 with liabilities in 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;
- Discount rates;
- Employee retention 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

| | 2021 \$ | 2020 \$ |
|-------------------------------------|-------------------|-------------------|
| Grant of aid expenses | | |
| Casework | 29,561,051 | 32,819,218 |
| | 29,561,051 | 32,819,218 |
| Other service expenses | | |
| Legal advice | 93,950 | 85,705 |
| Duty lawyer | 62,518 | 63,307 |
| | 156,468 | 149,012 |
| Total legal service expenses | 29,717,519 | 32,968,230 |

2.3 Grants and subsidies

| | 2021 | 2020 |
|---|-------------------|-------------------|
| | \$ | \$ |
| State CLC program | 6,784,538 | 5,943,984 |
| Commonwealth CLC program ^(a) | 9,691,099 | 6,533,296 |
| Total grants and subsidies | 16,475,637 | 12,477,280 |

(a) Commonwealth Community Legal Centres (CLC) funding for 2020-21 comes under National Legal Assistance Partnership Agreement. The Commission included transactions related to the Commonwealth CLCs in its financial statements as it has effective decision making over the allocation of funds.

2.4 Other expenditure

| | 2021 | 2020 |
|---|------------------|------------------|
| | \$ | \$ |
| Supplies and services | | |
| Communications | 628,113 | 602,952 |
| Consumables | 940,690 | 945,030 |
| Consultants fees | 966,369 | 368,551 |
| Maintenance | 1,309,841 | 965,207 |
| Travel | 408,746 | 417,653 |
| Information technology | 984,522 | 1,282,677 |
| Practicing certificates and fees | 221,021 | 226,291 |
| Audit fees ^(a) | 162,522 | 150,551 |
| Other supplies and services | 921,256 | 929,802 |
| Total supplies and services expenses | 6,543,080 | 5,888,714 |

Accommodation expenses

| | | |
|-------------------------------------|------------------|------------------|
| Rental expense | 1,521,422 | 1,307,883 |
| Repairs and maintenance | 104,474 | 82,918 |
| Total accommodation expenses | 1,625,896 | 1,390,801 |

Other

| | | |
|--------------------------------|------------------|------------------|
| Bad debts written off | 167,163 | 287,763 |
| Expected credit losses expense | 209,719 | 11,165 |
| Employment on-costs | 9,824 | 4,409 |
| Staff training | 118,649 | 127,275 |
| Other staff related expenses | 168,356 | 124,945 |
| Plant and equipment | 898,846 | 473,504 |
| Other expenses | 246,527 | 245,540 |
| Total other expenses | 1,819,084 | 1,252,271 |

Total other expenditure

| | |
|------------------|------------------|
| 9,988,060 | 8,531,786 |
|------------------|------------------|

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

Supplies and services expenses 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.

Rental expenses include:

- Short-term leases with a lease term of 12 months or less;
- Low-value leases with an underlying value of \$5,000 or less; and
- Variable lease payments, recognised in the period in which the event or condition that triggers those payments occurs.

Repairs and maintenance costs are recognised as expenses as incurred.

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

normal operations.

Building maintenance and repairs 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.

Expected credit losses is an allowance of trade receivables, 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.

Software modification costs are recognised as expenses as incurred.

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

How we obtain our funding

This section provides additional information about how the Commission obtains its funding and the relevant accounting policy notes that govern the recognition and measurement of this funding. The primary income received by the Commission and the relevant notes are:

| | Notes | 2021 \$ | 2020 \$ |
|---------------------------------------|-------|------------|------------|
| Income from State Government | 3.1 | 58,704,440 | 54,978,397 |
| User charges and fees | 3.2 | 3,888,572 | 2,942,311 |
| Commonwealth grants and contributions | 3.3 | 42,138,210 | 37,081,330 |
| Interest income | 3.4 | 262,367 | 826,337 |
| Other revenue | 3.5 | 211,306 | 310,222 |

3.1 Income from State Government

| | 2021 \$ | 2020 \$ |
|---|-------------------|-------------------|
| Income received from other public sector entities during the period: | | |
| Legal Aid Assistance Grant ^(a) | 57,202,000 | 53,481,000 |
| Other State Community Legal Centre funding | 1,394,540 | 1,394,540 |
| Total grant and subsidies | 58,596,540 | 54,875,540 |
| Resources received from other public sector entities during the period | | |
| Service received free of charge ^(b) | 2,926 | 1,254 |
| Total resources received | 2,926 | 1,254 |
| Royalties for Regions Fund | | |
| Royalties for Regions funding ^(c) | 104,974 | 101,603 |
| Total Royalties for Regions Fund | 104,974 | 101,603 |
| Total income from State Government | 58,704,440 | 54,978,397 |

- (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. The Legal Aid Assistance Grant is recognised as income at the fair value of consideration when the Commission receives the fund.
- (b) Resources received from other public sector entities are recognised as income (and assets or expenses) equivalent to the fair value of the assets, or the fair value of those services that can be reliably determined and which would have been purchased if not donated.
- (c) 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 and are recognised as income when the Commission receives the funds.

Revenue is recognised at the transaction price when the Commission transfers control of the services to customers. Revenue is recognised for the major activities as follows:

- (a) Revenue is recognised at a point-in-time for client contributions and fees on grants of aid. The performance obligations for these client contributions and fees are satisfied when the related cases are finalised.
- (b) Recovered costs on grants of aid relates to the cost reimbursements the Commission seeks from Department of Justice when the cost is awarded in the court for eligible criminal cases. It is out of scope of AASB 15 as it does not give rise to a contract. The revenue of this category is recognised under AASB 1058. The revenue for recovered costs on grants of aid is recognised when the cost award confirmation is received or when the fund is deposited in to bank account.
- (c) Revenue is recognised at a point-in-time for legal advice fees. The performance obligations for legal advice fees are satisfied when the legal advice is provided to the clients.
- (d) Revenue is recognised at a point-in-time for duty lawyer fees. The performance obligations for duty lawyer fees are satisfied when the duty lawyer service is provided to the clients.
- (e) Revenue is recognised at a point-in-time for freedom of information fees. The performance obligations for freedom of information fees are satisfied when the information is provided to the clients.
- (f) Revenue is recognised at a point-in-time for community legal education. The performance obligations for community legal education are satisfied when the "Summer Series" seminar or the online training module is provided to the clients.

3.2 User charges and fees

| | 2021 | 2020 |
|---|------------------|------------------|
| | \$ | \$ |
| Client contributions and fees on grants of aid ^(a) | 1,624,504 | 1,285,114 |
| Recovered costs on grants of aid ^(b) | 2,093,223 | 1,474,971 |
| Legal advice fees ^(c) | 281 | 1,420 |
| Duty lawyer fees ^(d) | 8,457 | 38,691 |
| Freedom of information ^(e) | 60 | - |
| Community legal education ^(f) | 162,047 | 142,115 |
| Total user charges and fees | 3,888,572 | 2,942,311 |

3.3 Commonwealth grants and contributions

| | 2021 | 2020 |
|--|-------------------|-------------------|
| | \$ | \$ |
| Current Grants | | |
| National Legal Assistance Partnership Agreement ^(a) | 35,015,000 | 32,047,000 |
| Christmas/Cocos Islands ^(b) | 284,488 | 329,033 |
| Other Commonwealth funding ^(c) | 6,838,722 | 4,692,336 |
| Capital grants | | |
| Assistance with Data Standardisation Funding ^(d) | - | 12,961 |
| Total Commonwealth grants and contributions | 42,138,210 | 37,081,330 |

Recurrent grants are recognised as income when the grants are receivable, and capital grants are recognised as income when the Commission achieves milestones specified in the grant agreement.

- (a) The 5 year National Legal Assistance Partnership (NLAP) Agreement expires 30 June 2025. The terms of the funding are generally intended to fund matters within the Commonwealth jurisdiction. The NLAP also seeks to promote investments in preventative law and early intervention initiatives. The funded amount for 2020-21 was \$35.015 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.
- (d) The income under Assistance with Data Standardisation funding is recognised when the Data Standardisation software upgrade package is completed.

3.4 Interest income

| | 2021 | 2020 |
|--|----------------|----------------|
| | \$ | \$ |
| Interest earned on Legal Aid operational funds | 287,960 | 800,488 |
| Implicit interest write back on debtors ^(a) | (25,593) | 25,849 |
| | 262,367 | 826,337 |

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

3.5 Other revenue

| | 2021 | 2020 |
|----------------------------|----------------|----------------|
| | \$ | \$ |
| Other miscellaneous income | 211,306 | 310,222 |
| | 211,306 | 310,222 |

Note 4 Key assets

Assets the Commission utilises for economic benefit or service potential

This section includes information regarding the key assets the Commission utilises to gain economic benefits or provide service potential. The section sets out both the key accounting policies and financial information about the performance of these assets:

| | Notes | 2021 \$ | 2020 \$ |
|-------------------------------|-------|-------------------|-------------------|
| Property, plant and equipment | 4.1 | 2,283,992 | 1,164,032 |
| Intangible assets | 4.2 | 635,408 | 737,448 |
| Right-of-use assets | 4.3 | 63,973,450 | 67,929,236 |
| Total key assets | | 66,892,850 | 69,830,716 |

4.1 Property, plant & equipment

| Year ended 30 June 2020 | Land | Buildings | Works of Art | Fixtures and Fittings | Leasehold Improvements | Office Equipment | Work in Progress | Total |
|--|----------------|----------------|--------------|-----------------------|------------------------|------------------|------------------|------------------|
| | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ |
| 1 July 2020 | | | | | | | | |
| Gross carrying amount | 100,000 | 55,000 | - | 42,832 | 2,415,180 | 2,154,725 | 72,930 | 4,840,667 |
| Accumulated depreciation | - | - | - | (38,206) | (1,815,087) | (1,823,342) | - | (3,676,635) |
| Carrying amount at start of period | 100,000 | 55,000 | - | 4,626 | 600,093 | 331,383 | 72,930 | 1,164,032 |
| Additions | - | - | 6,000 | - | 5,364 | 308,873 | 753,913 | 1,074,150 |
| Transfer | - | - | - | - | 636,719 | - | (636,719) | - |
| Reclassification | - | - | - | - | - | - | - | - |
| Disposals | - | - | - | - | (153,733) | (77,423) | - | (231,156) |
| Reversal of accumulated depreciation for disposed assets | - | - | - | - | 153,733 | 77,423 | - | 231,156 |
| Revaluation increments/(decrements) | 130,000 | 248,369 | - | - | - | - | - | 378,369 |
| Impairment losses | - | - | - | - | - | - | - | - |
| Impairment losses reversed | - | - | - | - | - | - | - | - |
| Depreciation | - | (3,369) | - | (611) | (147,457) | (181,122) | - | (332,559) |
| 30 June 2021 | | | | | | | | |
| Gross carrying amount | 230,000 | 300,000 | 6,000 | 42,832 | 2,903,530 | 2,386,175 | 190,124 | 6,058,661 |
| Accumulated depreciation | - | - | - | (38,817) | (1,808,811) | (1,927,041) | - | (3,774,669) |
| Carrying amount at end of period | 230,000 | 300,000 | 6,000 | 4,015 | 1,094,719 | 459,134 | 190,124 | 2,283,992 |

Initial recognition

Items of property, plant & 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 & 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.

Land is carried at fair value.

Buildings are carried at fair value less accumulated depreciation and accumulated impairment losses.

All other property, plant & equipment are stated at historical cost less accumulated depreciation and accumulated impairment losses.

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 2020 by the Western Australian Land Information Authority (Valuations and Property Analytics). The valuations were performed during the year ended 30 June 2021 and recognised at 30 June 2021. In undertaking the revaluation, fair value was determined by reference to market values for land: \$230,000 (2020: \$100,000) and buildings: \$300,000 (2020: \$55,000). For the remaining balance, fair value of buildings was determined on the basis of current replacement cost and fair value of land was determined on the basis of comparison with market evidence for land with low level utility (high restricted use land).

4.1.1 Depreciation and impairment charge for the period

| | Notes | 2021 \$ | 2020 \$ |
|--|-------|----------------|----------------|
| Depreciation | | | |
| Buildings | 4.1 | 3,369 | 3,077 |
| Fixtures and fittings | 4.1 | 611 | 1,684 |
| Leasehold improvements | 4.1 | 147,457 | 153,969 |
| Office equipment | 4.1 | 181,122 | 153,327 |
| Total depreciation for the period | | 332,559 | 312,057 |

As at 30 June 2021, there were no indications of impairment to property, plant and equipment.

All surplus assets at 30 June 2021 have either been classified as assets held for sale or have been written-off.

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:

| ASSET | Useful life |
|------------------------|---------------|
| Buildings | 16 years |
| Furniture and fittings | 10 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.

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

Land and works of art, which is considered to have an indefinite life, is not depreciated. Depreciation is not recognised in respect of these assets because their service potential has not, in any material sense, been consumed during the reporting period.

Impairment

Non-financial assets, including items of plant and equipment, right-of-use asset and intangibles, 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.

4.2 Intangible assets

| Year ended 30 June 2021 | Computer Software | Work in Progress | Total |
|---|-------------------|------------------|----------------|
| 1 July 2020 | \$ | \$ | \$ |
| Gross carrying amount | 806,661 | 552,124 | 1,358,785 |
| Accumulated amortisation | (621,337) | - | (621,337) |
| Carrying amount at start of period | 185,324 | 552,124 | 737,448 |
| Additions | - | 44,566 | 44,566 |
| Transfer | 578,439 | (578,439) | - |
| Disposal | - | - | - |
| Reversal of accumulated amortisation for disposed asset | - | - | - |
| Amortisation | (146,606) | - | (146,606) |
| 30 June 2021 | | | |
| Gross carrying amount | 1,385,100 | 18,251 | 1,403,351 |
| Accumulated amortisation | (767,943) | - | (767,943) |
| Carrying amount at end of period | 617,157 | 18,251 | 635,408 |

- (a) the technical feasibility of completing the intangible asset so that it will be available for use or sale;
- (b) an intention to complete the intangible asset, and use or sell it;
- (c) the ability to use or sell the intangible asset;
- (d) the intangible asset will generate probable future economic benefit;
- (e) the availability of adequate technical, financial and other resources to complete the development and to use or sell the intangible asset;
- (f) the ability to measure reliably the expenditure attributable to the intangible asset during its development.

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 above), are capitalised.

Costs incurred below these thresholds are immediately expensed directly to the Statement of Comprehensive Income.

Cost incurred in the research phase of a project are immediately expensed.

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

| | 2021 | 2020 |
|---------------------------|----------------|----------------|
| Amortisation | \$ | \$ |
| Computer software | 146,606 | 146,793 |
| Total amortisation | 146,606 | 146,793 |

Initial recognition

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.

An internally generated intangible asset arising from development (or from the development phase of an internal project) is recognised if, and only if, all of the following are demonstrated:

As at 30 June 2021 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 \$18,150 (2020: \$552,124) of intangible assets not yet available for use.

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 ^(a) | 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

4.3 Right-of-use assets

| | Notes | 2021 \$ | 2020 \$ |
|----------------------------------|-------|-------------------|-------------------|
| Right-of-use assets | | | |
| Accommodation | | 63,802,866 | 67,695,959 |
| Vehicles | | 170,584 | 233,277 |
| Total right-of-use assets | | 63,973,450 | 67,929,236 |

Additions to right-of-use assets during the 2020-21 financial year were \$ 1,592,157 (2020: \$422,405).

Initial recognition

Right-of-use assets are measured at cost including the following:

- the amount of the initial measurement of lease liability.
- any lease payments made at or before the commencement date less any lease incentives received.
- any initial direct costs.
- restoration costs, including dismantling and removing the underlying asset.

This includes all leased assets other than investment property right-of-use assets, which are measured in accordance with AASB 140 'Investment Property'.

The Commission has elected not to recognise right-of-use assets and lease liabilities for short-term leases (with a lease term of 12 months or less) and low value leases (with an underlying value of \$5,000 or less). Lease payments associated with these leases are expensed over a straight-line basis over the lease term.

Subsequent measurement

The cost model is applied for subsequent measurement of right-of-use assets, requiring the asset to be carried at cost less any accumulated depreciation and accumulated impairment losses and adjusted for any re-measurement of lease liability

Depreciation and impairment of right-of-use assets

Right-of-use assets are depreciated on a straight-line basis over the shorter of the lease term and the estimated useful lives of the underlying assets.

If ownership of the leased asset transfers to the Commission at the end of the lease term or the cost reflects the exercise of a purchase option, depreciation is calculated using the estimated useful life of the asset.

Right-of-use assets are tested for impairment when an indication of impairment is identified. The policy in connection with testing for impairment is outlined in note 4.1.1

The following amounts relating to leases have been recognised in the statement of comprehensive income:

| | 2021 \$ | 2020 \$ |
|--|------------------|------------------|
| Accommodation | 5,678,946 | 5,668,887 |
| Vehicles | 108,805 | 121,316 |
| Total right-of-use asset depreciation | 5,787,751 | 5,790,203 |
| Lease interest expense | 2,213,184 | 2,140,629 |
| Short-term leases | 280,082 | 191,806 |

The total cash outflow for leases in 2020-21 financial year was \$6,126,824 (including principal elements) (2020: 5,944,825).

The Commission's leasing activities and how these are accounted for:

The Commission has leases for vehicles, office and residential accommodations.

The Commission recognises leases as right-of-use assets and associated lease liabilities in the Statement of Financial Position.

The corresponding lease liabilities in relation to these right-of-use assets have been disclosed in note 6.1.

Note 5 Other assets and liabilities

This section sets out those assets and liabilities that arose from the Commission's controlled operations and includes other assets utilised for economic benefits and liabilities incurred during normal operations:

| | Notes | 2021 \$ | 2020 \$ |
|----------------------|-------|------------|------------|
| Receivables | 5.1 | 10,152,723 | 9,896,411 |
| Other assets | 5.2 | 978,495 | 732,760 |
| Payables | 5.3 | 29,722,806 | 28,658,378 |
| Contract liabilities | 5.4 | 2,125,644 | 2,300,808 |
| Grant liabilities | 5.5 | - | - |

5.1 Receivables

| | 2021 \$ | 2020 \$ |
|---|------------------|------------------|
| Current | | |
| Debtors - unsecured | 3,645,278 | 3,289,426 |
| Allowance for impairment of receivables | (273,598) | (78,329) |
| GST receivable | 418,166 | 344,442 |
| Interest receivable | 106,502 | 140,957 |
| Total current | 3,896,348 | 3,696,496 |

Non-current

| | | |
|---|-------------------|------------------|
| Debtors - secured ^(a) | 6,613,926 | 6,517,423 |
| Allowance for impairment of receivables | (85,481) | (71,031) |
| Allowance for discount ^(b) | (272,070) | (246,477) |
| Total non-current | 6,256,375 | 6,199,915 |
| Total receivables | 10,152,723 | 9,896,411 |

(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 0.96% (2020: 0.72%) using the 5 year bond rate (source :Western Australian Treasury Corporation) at 30 June 2021.

Trade receivables are recognised at original invoice amount less any allowances for uncollectible amounts (i.e. expected credit loss). The carrying amount of net trade receivables is equivalent to fair value as it is due for settlement within 30 days.

5.2 Other assets

This section sets out those assets and liabilities that arose from the Commission's controlled operations and include other assets utilised for economic benefits and liabilities incurred during normal operations.

| | 2021 | 2020 |
|----------------------|----------------|----------------|
| | \$ | \$ |
| Current | | |
| Prepayments | 978,495 | 732,760 |
| Total current | 978,495 | 732,760 |

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

| | 2021 | 2020 |
|--------------------------|-------------------|-------------------|
| | \$ | \$ |
| Current | | |
| Grant of aid commitments | 27,624,453 | 27,738,845 |
| Accrued expenses | 1,524,357 | 482,251 |
| Accrued salaries | 505,997 | 379,177 |
| Accrued superannuation | 57,699 | 49,426 |
| Staff benefit fund | 10,085 | 8,295 |
| Unclaimed monies | 215 | 384 |
| Total current | 29,722,806 | 28,658,378 |

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 three months and two 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 accrued by 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.

5.4 Contract liabilities

| | 2021 | 2020 |
|--|------------------|------------------|
| | \$ | \$ |
| Opening balance at the beginning of the period | 2,300,808 | 2,211,174 |
| Additions | 1,380,261 | 1,221,775 |
| Revenue recognised in the reporting period | (1,555,425) | (1,132,141) |
| Closing balance at the end of period | 2,125,644 | 2,300,808 |
| Current | 1,437,008 | 1,178,034 |
| Non-current | 688,636 | 1,122,774 |

The Commission's contract liabilities relates to client contributions on the unfinalised legal cases. Typically, a client contribution is levied prior to the legal service being fully performed on the related case.

5.5 Grant liabilities

| | 2021 | 2020 |
|--|----------|----------|
| | \$ | \$ |
| Opening balance at the beginning of the period | - | 12,961 |
| Additions | - | - |
| Revenue recognised in the reporting period | - | (12,961) |
| Closing balance at the end of period | - | - |

The Commission's grant liabilities relates to capital grant received to develop a data standardisation software upgrade package. The revenue is recognised when the Commission achieves milestones specified in the capital grant agreement.

Note 6 Financing

This section sets out the material balances and disclosures associated with the financing and cash flows of the Commission.

| | Notes | 2021 \$ | 2020 \$ |
|---------------------------|-------|------------|------------|
| Lease liabilities | 6.1 | 68,444,848 | 70,281,277 |
| Finance costs | 6.2 | 2,213,184 | 2,140,629 |
| Cash and cash equivalents | 6.3 | 47,465,069 | 42,431,859 |

6.1 Lease liabilities

| | 2021 \$ | 2020 \$ |
|--------------------------------|-------------------|-------------------|
| Current | 3,771,505 | 3,566,699 |
| Non-current | 64,673,343 | 66,714,578 |
| Total lease liabilities | 68,444,848 | 70,281,277 |

The Commission measures a lease liability at the commencement date and at the present value of the lease payments that are not paid at that date. The lease payments are discounted using the interest rate implicit in the lease. If that rate cannot be readily determined, the Commission uses the incremental borrowing rate provided by Western Australia Treasury Corporation.

Lease payments included by the Commission as part of the present value calculation of lease liability include:

- Fixed payments (including in-substance fixed payments), less any lease incentives receivable; and
- Variable lease payments that depend on an index or a rate initially measured using the index or rate as at the commencement date.

The interest on the lease liability is recognised in profit or loss over the lease term so as to produce a constant periodic rate of interest on the remaining balance of the liability for each period. Lease liabilities do not include any future changes in variable lease payments (that depend on an index or rate) until they take effect, in which case the lease liability is reassessed and adjusted against the right-of-use asset.

Periods covered by extension or termination options are only included in the lease term by the Commission if the lease is reasonably certain to be extended (or not terminated).

Variable lease payments, not included in the measurement of lease liability, that are dependent on sales are recognised by the Commission in profit or loss in the period in which the condition that triggers those payments occurs.

This section should be read in conjunction with note 4.3.

Subsequent Measurement

Lease liabilities are measured by increasing the carrying amount to reflect interest on the lease liabilities; reducing the carrying amount to reflect the lease payments made; and remeasuring the carrying amount at amortised cost, subject to adjustments to reflect any reassessment or lease modifications.

6.2 Finance costs

| | 2021 | 2020 |
|-------------------------------|------------------|------------------|
| Finance costs | \$ | \$ |
| Lease interest expenses | 2,213,184 | 2,140,629 |
| Finance costs expensed | 2,213,184 | 2,140,629 |

'Finance cost' includes the interest component of lease liability repayments.

6.3 Cash and cash equivalents

| | 2021 | 2020 |
|---|-------------------|-------------------|
| Current | \$ | \$ |
| Cash and cash equivalents | 25,724,914 | 27,294,890 |
| Restricted cash and cash equivalents ^(a) | - | 159,376 |
| Financial assets held at amortised cost - Other term deposits | 21,000,000 | 14,400,000 |
| Total current | 46,724,914 | 41,854,266 |
| Non-current | | |
| Restricted cash and cash equivalents ^(b) | 740,155 | 577,593 |
| Total non-current | 740,155 | 577,593 |
| Balance at end of period | 47,465,069 | 42,431,859 |

- (a) Current restricted cash and cash equivalents include Commonwealth CLC funding and Commonwealth paid parental leave funding.
- (b) Non-current restricted cash and cash equivalents include funds held for the purpose of meeting the 27th pay in a reporting period that occurs every 11th year. This account is classified as non current for 10 out of 11 years.

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.

Other term deposits are classified as financial assets held at amortised cost from financial year 2017-2018.

Note 7 Financial instruments and Contingencies

| | Notes |
|-----------------------------------|-------|
| Financial instruments | 7.1 |
| Contingent assets and liabilities | 7.2 |

- (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.
- (d) The amount of Financial liabilities at amortised cost excludes GST payable to the ATO (statutory payable).

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:

| | 2021 \$ | 2020 \$ |
|--|-------------------|-------------------|
| Financial Assets | | |
| Cash and cash equivalents ^(a) | 26,465,069 | 28,031,859 |
| Financial assets at amortised cost ^{(b) (c)} | 30,734,557 | 23,951,969 |
| Total financial assets | 57,199,626 | 51,983,828 |
| Financial Liabilities | | |
| Financial liabilities at amortised cost ^(d) | 98,167,654 | 98,939,655 |
| Total financial liabilities | 98,167,654 | 98,939,655 |

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.

Note 8 Other disclosures

| | Notes |
|--|-------|
| Events occurring after the end of the reporting period | 8.1 |
| Key management personnel | 8.2 |
| Related party transactions | 8.3 |
| Related bodies | 8.4 |
| Affiliated bodies | 8.5 |
| Special purpose accounts | 8.6 |
| Remuneration of auditors | 8.7 |
| Equity | 8.8 |
| Supplementary financial information | 8.9 |
| Explanatory statement | 8.10 |
| Special category funding | 8.11 |
| Community Legal Centres | 8.12 |

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 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 are not obligated to compensate the Attorney General and therefore

the disclosures in relation to State Attorney General's compensation may be found in the Annual Report on State Finances.

The total fees, salaries, superannuation, non-monetary benefits and other benefits for key management personnel comprising members and senior officers of the Commission for the reporting period are presented within the following bands.

Compensation of members of the Commission

| | 2021 | 2020 |
|--|----------------|----------------|
| Compensation Band (\$) | | |
| 0 - 10,000 | 6 | 5 |
| 20,001 - 30,000 | 1 | 1 |
| 470,001 - 480,000 | 1 | 1 |
| | 8 | 7 |
| | \$ | \$ |
| Total compensation of members of the Commission | 532,020 | 529,706 |
| Compensation of senior officers | 2021 | 2020 |
| Compensation Band (\$) | | |
| 80,001 - 90,000 | 1 | - |
| 90,001 - 100,000 | - | 1 |
| 100,001 - 110,000 | 1 | - |
| 120,001 - 130,000 | 1 | - |
| 160,001 - 170,000 | 1 | - |

170,001 - 180,000
 180,001 - 190,000
 190,001 - 200,000
 220,001 - 230,000
 230,001 - 240,000
 240,001 - 250,000
 250,001 - 260,000
 260,001 - 270,000

| | |
|-----------|-----------|
| - | 3 |
| 3 | - |
| 1 | 1 |
| 1 | - |
| 1 | 3 |
| 3 | - |
| - | 2 |
| 1 | 1 |
| 14 | 11 |
| \$ | \$ |
| 2,686,967 | 2,297,721 |
| \$ | \$ |
| 3,218,987 | 2,827,427 |

Total compensation of senior officers

Total compensation of key management personnel

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

8.3 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 & levy payers to the State and entities related to State.

Related parties of the Commission include:

- all Cabinet Ministers and their close family members, and their controlled or jointly controlled entities;
- all senior officers, commissioners and their close family members and their controlled or jointly controlled entities;
- other agencies and statutory authorities, including related bodies included in the whole of government consolidated financial statements;
- associates and joint ventures of a wholly-owned public sector entity
- the Government Employees Superannuation Board (GESB).

Material transactions with other related parties

In 2020-21, the Commission had related party transactions with two members of the Commission.

- One party was assigned client files by the Commission and provided legal services to the Commission's clients. The total payments made to this party were \$6,303 during this period. These payments were arm's length transactions following the Commission's formal assignment processes. As at 30 June 2021 the amount of payable is nil.
- The other party was assigned client files by the Commission and provided legal services to the Commission's clients. The total payments made to this party were \$468,630 during this period. These payments were arm's length transactions following the Commission's formal assignment processes. As at 30 June 2021 the amount of payable is nil.

8.4 Related bodies

The Commission had no related bodies during the financial year.

8.5 Affiliated bodies

The Commission had no affiliated bodies during the financial year.

8.6 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.

| | 2021 | 2020 |
|---------------------------------|----------|----------|
| | \$ | \$ |
| Balance at start of period | - | - |
| Receipts | - | - |
| Payments | - | - |
| Balance at end of period | - | - |

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.

| | 2021 | 2020 |
|---------------------------------|--------------|--------------|
| | \$ | \$ |
| Balance at start of period | 7,000 | 7,000 |
| Receipts | 1,424,337 | 668,968 |
| Payments | (1,426,693) | (668,968) |
| Balance at end of period | 4,644 | 7,000 |

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 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.

8.7 Remuneration of auditors

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

| | 2021 | 2020 |
|--|--------|--------|
| | \$ | \$ |
| Auditing the accounts, financial statements and key performance indicators | 86,900 | 85,189 |

The remuneration of the auditor is included at Note 2.4 ‘Supplies and Services’. The remuneration to 30 June 2021 was not accrued as work was not substantially completed. This amount excludes GST.

8.8 Equity

| | 2021 | 2020 |
|--------------------------------------|----------|----------|
| | \$ | \$ |
| Contributed equity | | |
| Balance at start of period | 595,669 | 595,669 |
| Contribution by owners | | |
| Capital appropriation | - | - |
| Total contributions by owners | - | - |

Distribution to owners

Net assets transferred to government

Total distributions to owners**Balance at end of period****Reserves****Asset revaluation surplus**

Balance at start of period

Net revaluation increments/(decrements)

Buildings

Land

Balance at end of period

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.

Accumulated surplus

Balance at start of period

Change in accounting policy

(Deficit)/surplus for this period

Balance at end of period**Total equity at end of period**

| | - | - |
|--|---------|---------|
| | - | - |
| | 595,669 | 595,669 |
| | 2021 | 2020 |
| | \$ | \$ |
| | 141,048 | 137,971 |
| | 248,369 | 3,077 |
| | 130,000 | - |
| | 519,417 | 141,048 |

| | 2021 | 2020 |
|--|------------|-------------|
| | \$ | \$ |
| | 13,942,263 | 18,475,150 |
| | - | (2,224,135) |
| | 2,042,420 | (2,308,752) |
| | 15,984,683 | 13,942,263 |
| | 17,099,769 | 14,678,980 |

8.9 Supplementary financial information

(a) Write-Offs

During the financial year, \$167,163 (2020: \$287,763) was written off the Commission's asset register under the authority of:

| | 2021 | 2020 |
|--|----------------|----------------|
| | \$ | \$ |
| Debts written off during the year that were authorised by the Commission | 167,163 | 287,763 |
| Total | 167,163 | 287,763 |

(b) Losses through theft, defaults and other causes

| | 2021 | 2020 |
|---|-----------|-----------|
| | \$ | \$ |
| Losses of public money and public and other property through theft or default | 31 | 41 |
| Amount recovered | - | - |
| | 31 | 41 |

(c) Gifts of public property

There were nil (2020:nil) gift of public property during the period.

8.10 Explanatory statement

All variances between annual estimates (original budget) and actual results for 2021, and between the actual results for 2021 and 2020, are shown below. Narratives are provided for key major variances which are greater than 10% and 1% of Total Cost of Services for the Statements of Comprehensive Income & Statement of Cash Flows (i.e. 1% of \$103,162,475), and are greater than 10% and 1% of Total Assets for the Statement of Financial Position (i.e. 1% of \$125,489,136).

8.10.1 Statement of Comprehensive Income

| | Variance Note | 2021 Estimate | 2021 Actual | 2020 Actual | Variance be- tween Estimate and Actual | Variance between Actual for 2020 and 2021 |
|---|------------------|-------------------|--------------------|-------------------|--|--|
| | | \$ | \$ | \$ | \$ | \$ |
| Expenses | | | | | | |
| Employee benefit expense | | 40,510,000 | 38,501,159 | 36,080,371 | (2,008,841) | 2,420,788 |
| Supplies and services | | 6,789,000 | 6,543,080 | 5,888,714 | (245,920) | 654,366 |
| Depreciation and amortisation expense | | 6,454,000 | 6,266,916 | 6,249,053 | (187,084) | 17,863 |
| Finance costs | | 2,073,000 | 2,213,184 | 2,140,629 | 140,184 | 72,555 |
| Accommodation expenses | | 1,537,000 | 1,625,896 | 1,390,801 | 88,896 | 235,095 |
| Legal services expenses | 1 | 24,203,000 | 29,717,519 | 32,968,230 | 5,514,519 | (3,250,711) |
| Community Legal Centre grants | 2, a | 5,563,000 | 16,475,637 | 12,477,280 | 10,912,637 | 3,998,357 |
| Other expenses | | 1,123,000 | 1,819,084 | 1,252,271 | 696,084 | 566,813 |
| Total Cost of Services | | 88,252,000 | 103,162,475 | 98,447,349 | 14,910,475 | 4,715,126 |
| Income | | | | | | |
| User charges and fees | 3 | 2,338,000 | 3,888,572 | 2,942,311 | 1,550,572 | 946,261 |
| Commonwealth grants and contributions | 4, b | 28,790,000 | 42,138,210 | 37,081,330 | 13,348,210 | 5,056,880 |
| Interest revenue | | 911,000 | 262,367 | 826,337 | (648,633) | (563,970) |
| Other revenue | | 232,000 | 211,306 | 310,222 | (20,694) | (98,916) |
| Total Revenue | | 32,271,000 | 46,500,455 | 41,160,200 | 14,229,455 | 5,340,255 |
| Net Cost of Services | | 55,981,000 | 56,662,020 | 57,287,149 | 681,020 | (625,129) |
| Income from State Government | | | | | | |
| Income from other public sector entities | 5 | 50,415,000 | 58,596,540 | 54,875,540 | 8,181,540 | 3,721,000 |
| Services received free of charge | | - | 2,926 | 1,254 | 2,926 | 1,672 |
| Royalties for Regions Fund | | 88,000 | 104,974 | 101,603 | 16,974 | 3,371 |
| Total income from State Government | | 50,503,000 | 58,704,440 | 54,978,397 | 8,201,440 | 3,726,043 |

Surplus / (Deficit) for the period**Other Comprehensive Income**

Changes in asset revaluation surplus

Total other comprehensive income**Total comprehensive income for the period**

| | | | | |
|--------------------|------------------|--------------------|------------------|------------------|
| (5,478,000) | 2,042,420 | (2,308,752) | 7,520,420 | 4,351,172 |
| - | 378,369 | 3,077 | (378,369) | 375,292 |
| - | 378,369 | 3,077 | (378,369) | 375,292 |
| (5,478,000) | 2,420,789 | (2,305,675) | 7,142,051 | 4,726,464 |

Major Variance Narratives

Variances between estimate and actual

1. Legal service expenses are higher than the estimates largely due to higher than budgeted costs for State indictable criminal matters (\$1.931 million), State expensive cases (\$2.541 million), and State family matters (\$1.118 million)

2. Community Legal Centre actual grant expenses are higher than the estimates due to:

- (i) additional distribution to State Community Legal Centres funded by the Proceeds of Criminal Confiscation fund (\$1.395 million),
- (ii) additional Commonwealth funding under National Legal Assistance Partnership Agreement (\$7.030 million), and
- (iii) additional Commonwealth COVID Funding (\$2.510 million).

3. User charges and fees are higher than the estimates largely due to increased client contributions or cost recoveries (\$1.550 million) levied on grants of aid.

4. Commonwealth grants and contribution are higher than the estimate mainly due to below funding being not included in original budget:

- (i) Commonwealth Community Legal Centre funding under National Legal Assistance Partnership Agreement (\$7.03 million).
- (ii) Commonwealth COVID Funding for the Commission (\$1.781 million) and Community Legal Centres (\$2.508 million);

(ii) Family Advocacy and Support Services and Commonwealth National Legal Assistance Partnership Agreement (\$1.024 million),

(iii) Additional funding for Family Violence and Cross-Examination of Parties Scheme (\$681k), and

(iv) Commonwealth expensive criminal cases (\$274k).

5. Income from other public sector entities are higher than the estimate mainly due to:

- (i) supplementary funding (\$6.787 million) received to fund the State indictable (\$1.484 million), expensive criminal matters (\$4.185 million) and State family matters (\$1.118 million), and
- (ii) additional distribution to State Community Legal Centres funded by the Proceeds of Criminal Confiscation fund (\$1.395 million).

Variances between actual results for 2021 and 2020

a. The increase of Community Legal Centre distribution between actual 2021 and 2020 is mainly due to:

- (i) additional distribution under Commonwealth COVID Funding (\$2.509 million) for Community Legal Centres,
 - (ii) increased distribution under both Commonwealth (\$647k) and State funding (\$840k) for Community Legal Centres.
- b. The increase of Commonwealth grants and contributions in 2020-21 is largely due to:
 - (i) increased funding under new National Legal Assistance Partnership (\$1.427 million), and
 - (ii) Commonwealth COVID Funding for the Commission (\$1.781 million) and Community Legal Centres (\$2.509 million).

8.10.2 Statement of Financial Position

| | Variance Note | 2021 Estimate \$ | 2021 Actual \$ | 2020 Actual \$ | Variance be- tween Estimate and Actual \$ | Variance between Actual for 2020 and 2021 \$ |
|--------------------------------------|------------------|------------------------|----------------------|----------------------|--|--|
| ASSETS | | | | | | |
| Current Assets | | | | | | |
| Cash and cash equivalents | 1, a | 9,076,000 | 25,724,914 | 27,294,890 | 16,648,914 | (1,569,976) |
| Restricted cash and cash equivalents | 1, a | 159,000 | - | 159,376 | (159,000) | (159,376) |
| Receivables | | 2,905,000 | 3,896,348 | 3,696,496 | 991,348 | 199,852 |
| Other financial assets | 1, a | 27,522,000 | 21,000,000 | 14,400,000 | (6,522,000) | 6,600,000 |
| Other current assets | | 733,000 | 978,495 | 732,760 | 245,495 | 245,735 |
| Total Current Assets | | 40,395,000 | 51,599,757 | 46,283,522 | 11,204,757 | 5,316,235 |
| Non-Current Assets | | | | | | |
| Restricted cash and cash equivalents | 1, a | 578,000 | 740,155 | 577,593 | 162,155 | 162,562 |
| Receivables | | 6,108,000 | 6,256,375 | 6,199,915 | 148,375 | 56,460 |
| Right-of-use asset | | 63,308,000 | 63,973,450 | 67,929,236 | 665,450 | (3,955,786) |
| Property plant and equipment | | 2,126,000 | 2,283,992 | 1,164,032 | 157,992 | 1,119,960 |
| Intangible assets | 2 | 2,336,000 | 635,408 | 737,448 | (1,700,592) | (102,040) |

| | | | | | |
|--------------------------------------|--------------------|--------------------|--------------------|-------------------|--------------------|
| Total Non-Current Assets | 74,456,000 | 73,889,380 | 76,608,224 | (566,620) | (2,718,844) |
| TOTAL ASSETS | 114,851,000 | 125,489,137 | 122,891,746 | 10,638,137 | 2,597,391 |
| LIABILITIES | | | | | |
| Current Liabilities | | | | | |
| Payables | 28,770,000 | 29,722,806 | 28,658,378 | 952,806 | 1,064,428 |
| Provisions | 5,973,000 | 6,279,292 | 5,973,152 | 306,292 | 306,140 |
| Lease liabilities | 3,986,000 | 3,771,505 | 3,566,699 | (214,495) | 204,806 |
| Contract liabilities | 968,000 | 1,437,008 | 1,178,034 | 469,008 | 258,974 |
| Total Current Liabilities | 39,697,000 | 41,210,611 | 39,376,263 | 1,513,611 | 1,834,348 |
| Non-Current Liabilities | | | | | |
| Provisions | 999,000 | 1,816,778 | 999,151 | 817,778 | 817,627 |
| Lease liabilities | 63,621,000 | 64,673,343 | 66,714,578 | 1,052,343 | (2,041,235) |
| Contract liabilities | 1,333,000 | 688,636 | 1,122,774 | (644,364) | (434,138) |
| Total Non-Current Liabilities | 65,953,000 | 67,178,757 | 68,836,503 | 1,225,757 | (1,657,746) |
| TOTAL LIABILITIES | 105,650,000 | 108,389,368 | 108,212,766 | 2,739,368 | 176,602 |
| NET ASSETS | 9,201,000 | 17,099,769 | 14,678,980 | 7,898,769 | 2,420,789 |
| EQUITY | | | | | |
| Contributed equity | 596,000 | 595,669 | 595,669 | (331) | - |
| Reserves | 141,000 | 519,417 | 141,048 | 378,417 | 378,369 |
| Accumulated surplus | 8,464,000 | 15,984,683 | 13,942,263 | 7,520,683 | 2,042,420 |
| TOTAL EQUITY | 9,201,000 | 17,099,769 | 14,678,980 | 7,898,769 | 2,420,789 |

3, b

Major Variance Narratives: Variances between estimate and actual

1. The combined variance for Cash and cash equivalents, restricted cash and cash equivalents and Other financial assets (terms deposits held at period end) between actual and estimates is \$10.130 million. The variance is mainly due to higher than expected funding from both Commonwealth (\$13.348 million) and State government (\$8.182 million), lower than expected purchase for non-current physical assets (\$2.173 million) and lower employee benefits (\$3.435 million), which are offset with higher than expected purchase for legal service (\$5.644 million) and higher other payments (\$10.548 million). Refer to variance explanation for Statement for Cash Flows for further detail.
2. The balance for the intangible assets is lower is due to delayed Digital Transformation Programs.
3. The accumulated surplus is higher than the estimates due to lower than budgeted employee benefit expenses, higher revenue, and higher Commonwealth and State funding. The employee benefit expenses are lower than the estimates (\$2.009 million) mainly caused by staff vacancies for positions funded by various Commonwealth programs, including COVID-19 agreement, National Legal Assistance Partnership Agreement and other Commonwealth projects. Revenue for User charges and fees was higher by \$1.550 million. A number of Commonwealth and State agreements and funding arrangements had an increased funding for 2020-21, however the corresponding expenditure was not fully spent by the end of the year due to delay in recruitment caused by COVID-19 snap lockdowns, or delayed in receipt of funding therefore a surplus of \$3.169 million (which includes salary underspends) is to be carried over to 2021-22. The 2020-21 receipt of State supplementary funding has included \$0.462 million funding to cover the 2019-20 overspend of casework costs, and \$0.858 million cumulated unspent funds to be carried over 2021-22.

Variances between actual results for 2021 and 2020

- a. The combined variance for Cash and cash equivalent, restricted cash and cash equivalents and Other financial assets between 2020-21 and 2019-20 is \$5.033 million, which is mainly due to unspent Commonwealth COVID funding (\$1.200 million), the receipt of higher State Supplementary funding (\$0.858 million), under spent State funded programs (\$0.533 million) and under spent Commonwealth funded programs (\$0.588m) and higher revenue (\$0.774m). The remainder of the increase is made up of other underspends in salary entitlements and other operating expenses.
- b. The accumulated surplus of 2020-21 is higher than 2019-20 due to the 2020-21 surplus of \$2.042 million for the year In the Income Statement.

Statement of Cash Flows

| | Variance Note | 2021 Estimate | 2021 Actual | 2020 Actual | Variance be- tween Estimate and Actual | Variance be- tween Actual for 2020 and 2021 |
|--|------------------|---------------------|---------------------|---------------------|--|---|
| CASH FLOWS FROM STATE GOVERNMENT | | | | | | |
| Funds from other public sector entities | 1 | 50,415,000 | 58,596,540 | 54,875,540 | 8,181,540 | 3,721,000 |
| Royalties for Regions Fund | | 88,000 | 104,974 | 101,603 | 16,974 | 3,371 |
| Net cash provided by State Government | | 50,503,000 | 58,701,514 | 54,977,143 | 8,198,514 | 3,724,371 |
| Utilised as follows: | | | | | | |
| CASH FLOWS FROM OPERATING ACTIVITIES | | | | | | |
| Payments | | | | | | |
| Employee benefits | | (40,510,000) | (37,074,825) | (35,434,464) | 3,435,175 | (1,640,361) |
| Supplies and services | | (6,383,000) | (6,518,376) | (6,166,951) | (135,376) | (351,425) |
| Accommodation | | (1,537,000) | (1,604,206) | (1,418,273) | (67,206) | (185,933) |
| Legal services | 2 | (24,202,000) | (29,846,258) | (27,877,033) | (5,644,258) | (1,969,225) |
| GST payments on purchases | 3 | (3,092,000) | (6,266,312) | (5,457,706) | (3,174,312) | (808,606) |
| Interest payment for lease liabilities | | (2,073,000) | (2,216,351) | (1,966,400) | (143,351) | (249,951) |
| Other payments | 4, a | (6,937,000) | (17,484,581) | (13,483,823) | (10,547,581) | (4,000,758) |
| Receipts | | | | | | |
| User charges and fees | | 2,486,000 | 3,359,817 | 2,684,195 | 873,817 | 675,622 |
| Commonwealth grants and contributions | 5, b | 28,790,000 | 42,138,210 | 36,968,369 | 13,348,210 | 5,169,841 |
| Interest received | | 912,000 | 322,416 | 848,866 | (589,584) | (526,450) |
| GST receipts on sales | | 34,000 | 40,207 | 50,889 | 6,207 | (10,682) |
| GST receipts from taxation authority | 3 | 3,058,000 | 5,941,354 | 5,249,208 | 2,883,354 | 692,146 |
| Other receipts | | 810,000 | 261,068 | 359,668 | (548,932) | (98,600) |
| Net cash provided by/(used in) operating activities | | (48,644,000) | (48,947,837) | (45,643,455) | (303,837) | (3,304,382) |

Purchase of non-current physical assets

6

Net cash provided by/(used in) investing activities

| | | | | |
|--------------------|--------------------|------------------|------------------|------------------|
| (3,260,000) | (1,086,909) | (531,111) | 2,173,091 | (555,798) |
| (3,260,000) | (1,086,909) | (531,111) | 2,173,091 | (555,798) |

CASH FLOWS FROM FINANCING ACTIVITIES

Payments

Repayment of lease liabilities

Net cash provided by/(used in) financing activities

| | | | | |
|--------------------|--------------------|--------------------|---------------|-----------------|
| (3,696,000) | (3,633,558) | (3,612,390) | 62,442 | (21,168) |
| (3,696,000) | (3,633,558) | (3,612,390) | 62,442 | (21,168) |

Net increase/(decrease) in cash and cash equivalents

7

Cash and cash equivalents at the beginning of period

c

Cash and cash equivalents at the end of the period

| | | | | |
|-------------------|-------------------|-------------------|-------------------|------------------|
| (5,097,000) | 5,033,210 | 5,190,187 | 10,130,210 | (156,977) |
| 42,432,000 | 42,431,859 | 37,241,672 | (141) | 5,190,187 |
| 37,335,000 | 47,465,069 | 42,431,859 | 10,130,069 | 5,033,210 |

Major Variance Narratives Variances between estimate and actual

- Funds from other public sector entities are higher than the estimate mainly due to:
 - supplementary funding (\$6.787 million) received to fund the State indictable (\$1.484 million), expensive criminal matters (\$4.185 million) and State family matters (\$1.118 million), and
 - additional distribution to State Community Legal Centres funded by the Proceeds of Criminal Confiscation fund (\$1.395 million).
- Legal service payments are higher than the estimates largely due to higher than budgeted costs for State indictable criminal matters (\$1.931 million), State expensive cases (\$2.541 million), and State family matters (1.118 million).
- The variances for GST payments on purchases and GST receipt from taxation authority is higher than the estimates mainly due to higher legal service expenses and higher Community Legal Centre grants paid during 2020-21.
- Other payments are higher than estimates mainly due to below funding not included in original budget:
 - Commonwealth Community Legal Centre Grants (\$7.030 million),
 - Commonwealth COVID funding for Community Legal centres (\$2.508 million) and
 - Proceeds of Criminal Confiscation Fund (\$1.395 million)
- Commonwealth grants and contribution are higher than the estimate mainly due to below funding being not included in original budget:
 - Commonwealth Community Legal Centre funding under National Legal Assistance Partnership Agreement (\$7.03 million);
 - Commonwealth COVID Funding for the Commission (\$1.781 million) and Community Legal Centres (\$2.508 million);
 - Family Advocacy and Support Services and Commonwealth National Legal Assistance Partnership Agreement (\$1.024 million),

- (iii) Additional funding for Family Violence and Cross-Examination of Parties Scheme (\$681k),
- (iv) Commonwealth expensive criminal cases (\$274k).
- 6. Purchase of non-current physical assets is lower than the estimates mainly due to delayed Digital Transformation Programs (\$1.798 million) and delayed fit out projects on regional offices (\$316K).
- 7. The net increase/(decrease) in cash and cash equivalents is higher than estimate is due to higher than expected funding from both Commonwealth (\$13.348 million) and State government (\$8.182 million), lower than expected purchase for non-current physical assets (\$2.173 million) and employee benefits (\$3.435 million), which are offset with high than expected purchase for legal service (\$5.644 million) and other payments (\$10.548 million).

Variances between actual results for 2021 and 2020

- a. The increase of other payments in 2020-21 is mainly due to:
 - (i) additional distribution under Commonwealth COVID Funding (\$2.509 million) for Community Legal Centres,
 - (ii) increased distribution under both Commonwealth (\$647k) and State funding (\$840k) for Community Legal Centres.
- b. The increase of Commonwealth grants and contributions in 2020-21 is largely due to:
 - (i) increased funding under new National Legal Assistance Partnership (\$1.427 million).
 - (ii) Commonwealth COVID Funding for the Commission (\$1.781 million) and Community Legal Centres (\$2.508 million).
- c. The increase in the cash and cash equivalents at the beginning of the period is due to increased cash balance from 2018-19 to 2019-20. Refer to 2019-20 financial statement notes for further detail.

8.11 Special category funding

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

(1) 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.

| | 2021 | 2020 |
|---------------------------------|---------------|---------------|
| | \$ | \$ |
| Balance at start of period | 38,438 | 15,011 |
| Receipt from Commonwealth | 284,488 | 329,033 |
| User charges and fees | 3,581 | 2,585 |
| Expenditure | (299,768) | (308,191) |
| Balance at end of period | 26,739 | 38,438 |

(2) 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.

| | 2021 | 2020 |
|-------------------------------------|----------------|------------------|
| | \$ | \$ |
| Balance at start of period | (884,002) | 385,306 |
| Funding | 6,345,000 | 4,558,000 |
| Client Contributions | 116,905 | 137,192 |
| Assigned expenditure | (4,609,076) | (5,834,319) |
| Expenditure for IHP disbursements | (91,953) | - |
| In-House legal services expenditure | (174,783) | (130,181) |
| Balance at end of period | 702,091 | (884,002) |

(3) 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.

| | 2021 | 2020 |
|---------------------------------|----------------|------------------|
| | \$ | \$ |
| Balance at start of period | 1,061,364 | 39,344 |
| Supplementary Funding | 273,676 | 2,287,000 |
| Expenditure | (1,014,443) | (1,264,980) |
| Balance at end of period | 320,597 | 1,061,364 |

(4) 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 293 of the Act.

| | 2021 | 2020 |
|---------------------------------|------------------|------------------|
| | \$ | \$ |
| Balance at start of period | (231,975) | (146,783) |
| Expenditure | (69,549) | (85,192) |
| Reimbursement | 45,472 | - |
| Balance at end of period | (256,052) | (231,975) |

(5) Mortgage Hardship Service Fund

In September 2018, the Commission commenced maintaining special funding for the expansion of a mortgage hardship service. The funding was transferred from the remaining balance of Finance Broker Legal Fund in Financial year 2018-19.

| | 2021 | 2020 |
|---------------------------------|---------------|---------------|
| | \$ | \$ |
| Balance at start of period | 58,329 | 119,430 |
| Transfer | - | 41,387 |
| Expenditure | (19,135) | (102,488) |
| Balance at end of period | 39,194 | 58,329 |

8.12 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 Legal Assistance Partnership Agreement from the 2020-21. The Commission includes transactions related to the Commonwealth CLCs in its financial statements as it has effective decision making over the allocation of the funds.

From 2021-22, both State and Commonwealth CLC programs will be administered by Department of Justice directly.

Financial transactions for 2020-21 related to the State and Commonwealth funding for CLCs are as follows:

| | State | Commonwealth |
|---------------------------------|-------------|--------------|
| Balance at start of period | 533,411 | 159,376 |
| Receipts | 6,276,784 | 9,540,367 |
| Payments | (6,810,195) | (9,699,743) |
| Balance at end of period | - | - |

Commonwealth CLC payments for 2020/21 including accrual of \$7382, which is paid in July 2021.

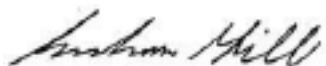
4.2 Additional Key Performance Indicator Information

4.2.1 Certification of KPIs

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 2021.



Hon. Jane Crisford SC
Chair of the Commission
Date: 25/8/2021



Dr Graham Hill
Director of Legal Aid
Member of the Commission
Date: 25/8/2021

4.2.2 KPI Report

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 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 and legal task, and community legal education services are delivered to target groups in the community. Information and advice, duty lawyer services are provided to assist the wider community to access fair solutions to legal problems at the earliest opportunity.

Our Services: Legal assistance services are delivered in accordance with Part V of the *Legal Aid Commission Act 1976* (WA).

| For the community | | For target groups | | |
|--|---|--|---|--|
| Information and advice | Duty lawyer services | Legal advice and legal tasks | Legal representation | Community education services |
| 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 of WA. | 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 in the community 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. |

Effectiveness Indicators

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

Effectiveness indicator percentage of eligible applicants who received a grant of aid measures the proportion of eligible applicants who receive a grant of aid. An eligible applicant for a grant of aid is an applicant who satisfies Legal Aid Western Australia's means and merits tests for legal representation. The indicator represents how equity of access is achieved by measuring the extent to which legal representation can be provided, to those eligible applicants who seek it.

Effectiveness indicator percentage of people who are provided with a duty lawyer service represents the extent to which duty lawyer services are available to ensure that all members of the public brought before the courts have access to legal advice, so that they understand the options available for responding to legal proceedings in which they

are involved. Duty lawyer services are available at the Magistrate Court criminal sittings throughout Western Australia, the Family Court of Western Australia and the Children's Court of Western Australia.

Effectiveness indicator percentage of people receiving an outcome from Infoline services represents the extent to which members of the public receive an outcome to their legal enquiry via Legal Aid WA's Infoline and / or Infochat services. An outcome includes legal information, immediate legal advice, assessment for grant of aid, booking of legal advice appointments and referrals. By expanding from the traditional Infoline services to include an Infochat services, the accessibility to the services are improved as people can access the service on-line.

Desired Outcomes and Key Effectiveness/Efficiency Indicators

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

| Key Effectiveness Indicators | 2017-18 Actual % | 2018-19 Actual % | 2019-20 Actual % | 2020-21 Budget % | 2020-21 Actual % | Reasons For Significant Variance ⁽¹⁾ Between Current Actuals and Target and Prior Year Comparative |
|---|------------------|------------------|------------------|------------------|------------------|--|
| Percentage of eligible applicants who received a grant of legal aid | 86% | 88% | 89% | 85% | 89% | There is no significant variation |
| Percentage of people who are provided with a duty lawyer service | 20% | 21% | 20% | 20% | 20% | There is no significant variation |
| Percentage of callers successfully accessing Infoline services | 67% | 58% | Discontinued | Discontinued | Discontinued | 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. |
| Percentage of people receiving an outcome from Infoline services | n/a | n/a | 68% | 69% | 75% | The achievement of the higher percentage than 2020-21 budget and 2019-20 actual is directly related to the increased resources that was allocated to Infoline in October 2020. As a result, the number of Infoline shifts have increased from approximately 134 to 185 per week, which has reduced the abandonment rate and improved the percentage of people receiving an outcome from Infoline services. |

Service: Legal Aid Assistance

| Key Efficiency Indicators | 2017-18 Actual \$ | 2018-19 Actual \$ | 2019-20 Actual \$ | 2020-21 Budget \$ | 2020-21 Actual \$ | Reasons For Significant Variance ⁽¹⁾ Between Current Actuals and Target and Prior Year Comparative |
|---|-------------------|-------------------|-------------------|-------------------|-------------------|---|
| Average cost per legal representation | 4,166 | 3,792 | 4,178 | 4,030 | 4,116 | There is no significant variation |
| Average cost per legal information service ⁽²⁾ | 61 | 71 | 73 | 76 | 78 | <p>The COVID-19 lock downs has driven the costs of services higher in 2019-20 and 2020-21 as additional supervision for the call centre to work from home or remotely was required. There was also the additional information support required for clients who were unable to attend the Court in person.</p> <p>The increased supervision requirement to set up and launch InfoChat has driven the cost of services higher in 2019-20 and 2020-21 as compared with previous years. Additionally, there has been an increase in average time to provide an information service within the Criminal Law Division since 2019-20 due to the launch of bail support and remand advocacy services. Part of these programs involved prison visiting information services which generally take a longer time to complete.</p> <p>Furthermore, the cost of information services for the Family Law jurisdiction has increased over the years. This is largely a result of the increasing multiple complex needs presented for family matters, especially in matters involving family violence, mental health, alcohol and drugs, and child sexual abuse. Additionally, the non-legal support staff appointed by Commission over the last few years have provided clients with more and greater in-depth information services. The commencement of the pilot child protection court and the electronic filing of Family Violence Restraining Order applications have also required greater and longer information services to be provided.</p> |

Service: Legal Aid Assistance

| Key Efficiency Indicators | 2017-18 Actual \$ | 2018-19 Actual \$ | 2019-20 Actual \$ | 2020-21 Budget \$ | 2020-21 Actual \$ | Reasons For Significant Variance ⁽¹⁾ Between Current Actuals and Target and Prior Year Comparative |
|-------------------------------|-------------------|-------------------|-------------------|-------------------|-------------------|--|
| Average cost per legal advice | 236 | 251 | 289 | 285 | 332 | <p>The higher than budgeted and prior year actual costs are driven by increased costs of duty lawyer services and the legal advice costs. The increase in average cost per duty lawyer service is explained by the number of duty lawyers remaining the same but number of court appearances reducing due to the impact of COVID-19 and the increase in the overall number of charges that each client presents to the duty lawyer service. The result of the increased number of charges is that the duty lawyer is less likely to be able to assist the client to resolve their charges at the first appearance. The resulting need for longer duty lawyer legal advice appointments increases the average cost.</p> <p>Further, with the commencement of funding for the Reducing Avoidable Remand project from January 2020, solicitors assigned to the project have undertaken additional duty lawyer appearances and legal advice appointments in order to assist with bail applications and variations or to assist with efficient case resolution. This work has increased the average due to the complexity of the matters and time required to provide each service.</p> |

| Key Efficiency Indicators | 2017-18 Actual \$ | 2018-19 Actual \$ | 2019-20 Actual \$ | 2020-21 Budget \$ | 2020-21 Actual \$ | Reasons For Significant Variance ⁽¹⁾ Between Current Actuals and Target and Prior Year Comparative |
|--|-------------------|-------------------|-------------------|-------------------|-------------------|--|
| Average cost per application for a grant of legal aid processed | 401 | 376 | 374 | 405 | 426 | The average cost of assessing and processing of applications for grants of aid has increased due to there being a reduction in the number of applications for aid as a consequence of COVID-19 but greater cost allocation. Assessing was impacted by COVID-19 supports such as increased income and rental moratoriums leading to less applications for new grants of aid, however existing grants created an increase in work flow due to matters being delayed and relisted. New applications appeared to decrease in crime with new charges being added to existing grants of aid, as matters were bottlenecked in the courts. There was also a new project in the dispute resolution property pilot which has increased the costs of assessing from previous years, as well as a failure for the autopayments to finalise files that increased costs. |
| Average cost of delivering regional initiatives for legal practice | 167 | 178 | Discontinued | Discontinued | Discontinued | There is no significant variation |

Footnotes:

(1) Significant variances are considered to be those greater than 10%.

(2) Both information and referral services are captured by the existing Outcome-Based Management framework under the Average Cost per Legal Information Services. However, Legal Aid WA was unable to provide reliable referral counts reporting until 17 August 2020 when a system enhancement was completed. Therefore, in the 2020-21 and previous KPI reports, only the cost of referral services was included in this KPI, but not the service counts. Commission has provided 32,013 referral services from 17 August 2021 in 2020-21. The average cost per legal information services is \$58 per service if the number of referral services are included in the service counts. Legal aid WA will include the number of referral services in the target setting from 2021-22 onwards in the annual State budget paper process.

4.3 Ministerial Directions

No Ministerial directions were received during the 2020-21 financial year.

4.4 Other Financial Disclosures

4.4.1 Pricing Policies of Services Provided

The Legal Aid Commission of Western Australia 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 Treasury.

4.4.2 Capital Works

In accordance with Treasurer's Instruction 903 (13) (ii) Legal Aid Commission of Western Australia identifies capital works projects that remain ongoing at the end of the financial year (table 1) and the projects completed during the year (Table 2). Explanations have been provided for variations in actual expenditure that differ from the estimated total cost.

Table 1: Capital projects incomplete

| Project Name | Expected Year of Completion | Estimated Cost to Complete | Estimated Total Cost of Project | Variance from previous financial year | Explanation |
|---|-----------------------------|----------------------------|---------------------------------|---------------------------------------|--|
| Partial refit of South Hedland Regional Office The partial refit is part of the Commission's ongoing investment to ensure office accommodations are maintained to adequately support the delivery of services across Western Australia. | 2021-22 | \$588,130 | \$700,00 | \$235,000 | The increase in total estimated cost is due to increased cost of project to a full fit out to accommodate increased staff numbers. After going out to procure there was overall increase in contractor rates of circa 25% in the northwest driven by COVID identified. |

Table 2: Capital projects completed

| Project Name | Total Cost of Project | Variance from previous financial year | Explanation |
|--|-----------------------|---------------------------------------|--|
| Content Server implementation Part of the replacement of the Commission's legal management system requires a modern Content Management System to allow documents to be accessed from and shared between new software solutions. | \$495,112 | (\$1,888) | Minor accrual variance |
| Partial refit of Kalgoorlie Regional Office The partial refit is part of the Commission's ongoing investment to ensure office accommodations are maintained to adequately support the delivery of services across Western Australia. | \$638,676 | \$374,676 | The increase of total project cost is due to expansion in scope of works to a full relocation and fit out following the procurement process. |

4.4.3 Employment and Industrial Relations

In accordance with Treasurer's Instruction 903(13)(iii) the Commission provides a summary of the number of its employees by category, in comparison with the immediately preceding reporting period, along with information on staffing policies, industrial relations and workers compensation claims.

| Level | Lawyer | Paralegal | Administration | TOTAL 2019/20 | TOTAL 2020/21 | % 2019/20 | % 2020/21 | | | |
|--------------|--------|-----------|----------------|---------------|---------------|-----------|-----------|-----|--------|--------|
| | P | O | P | O | P | O | | | | |
| Cadet | | | | | | | 1 | 0 | 0.00% | 0.00% |
| 1 | | | | | 7 | 11 | 15 | 18 | 2.73% | 4.93% |
| 2 | | | 1 | 1 | 37 | 17 | 67 | 56 | 20.00% | 15.34% |
| 3 | | | 30 | 10 | 24 | 1 | 59 | 65 | 16.36% | 17.81% |
| 4 | | | 10 | | 10 | | 18 | 20 | 5.15% | 5.48% |
| 5 | | | 3 | 1 | 12 | 4 | 19 | 20 | 5.15% | 5.48% |
| 6 | | | | | 10 | 2 | 11 | 12 | 3.03% | 3.29% |
| 7 | | | | | 4 | | 3 | 4 | 0.61% | 1.10% |
| 8 | | | | | 3 | | 2 | 3 | 0.91% | 0.82% |
| 9 | | | | | | | 1 | 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% | 0.27% |
| Class 4 | | | | | | | 0 | 0 | 0.00% | 0.00% |
| S/C Level 1 | 5 | 19 | | | | | 13 | 24 | 5.45% | 6.58% |
| S/C Level 2 | 38 | 16 | | | 1 | | 58 | 55 | 14.85% | 15.07% |
| S/C Level 3 | 12 | 1 | 1 | | | | 16 | 14 | 2.42% | 3.84% |
| S/C Level 4 | 32 | | | | 1 | | 35 | 33 | 10.30% | 9.04% |
| S/C Level 5 | 8 | | 1 | | | | 9 | 9 | 1.82% | 2.47% |
| S/C Level 6 | 22 | | | | | | 22 | 22 | 8.18% | 6.03% |
| S/C Level 7 | 1 | | | | | | 1 | 1 | 0.61% | 0.27% |
| S/C Level 8 | 4 | | | | | | 2 | 4 | 0.00% | 1.10% |
| S/C Level 9 | | | | | | | 0 | 0 | 0.00% | 0.00% |
| S/C Level 10 | 4 | | | | | | 5 | 4 | 1.82% | 1.10% |
| TOTAL | 126 | 36 | 46 | 12 | 110 | 35 | 358 | 365 | 100% | 100% |

Includes staff on LWOP: 2019/2020 2020/2021 P = Permanent Employee O = Contract Employee

Staffing Policies

Working from home

We recognise the value of a flexible workplace culture that is supportive of employee work life balance and wellbeing. Following temporary working from home arrangements implemented to support staff to remotely work during the COVID-19 pandemic and feedback from staff, the Commission implemented new working from home arrangements in September 2020. A flexible approach is considered key to attracting and retaining employees and enabling a responsive and engaged workforce.

Employee Training

Specific programs of training were delivered during 2020-21 to support professional development and objectives identified in individual employee development programs and objectives identified in the Staff Wellbeing Survey.

Graduate Program

The Commission continued to operate a regional graduate program in 2020-21. The program provides comprehensive on the job training and support in all areas of the law and a structured placement in a regional location.

Wellness Mentor Program

As part of the Commission's Wellbeing program and to take active steps to eliminate or minimise psychological risks, where reasonably practicable to do so, the Commission expanded its Wellness Mentor Program in 2020-21.

The role of the Wellness Mentor is to:

- Be available to staff for confidential informal briefing for resilience related issues
- Check in on managers who are providing wellbeing support to staff
- Keep an eye out for staff who are struggling and offer support
- Encourage staff to connect with each other to help build resilience in the workplace
- Share resilience related resources with staff, including referrals to support services
- Provide opportunities for wellness related activities.

Legal Aid has 40 trained Wellness Mentors based in various locations across the State.

Vicarious Trauma

During 2020-21 the Commission offered training on avoiding burnout and dealing with vicarious trauma. Staff learned about neurophysiology and how your brain deals with pain, stress, depression and vicarious trauma along with strategies to keep your brain healthy and happy.

Continuing Professional Development for Lawyers

The Commission provides accredited continuing professional development for lawyers. Training is delivered online and in-person via Legal Aid's learning management system, Train-N-Track. Train-N-Track has 1510 registered active users (1177 lawyers), houses 152 online modules (129 legal, 23 admin) and operates a booking manager for major in-person training events. From 1 July 2020 to 30 June 2021, the Commission awarded 4921 Continuing Professional Development points to Western Australian lawyers.

Industrial Relations

At 30 June 2021 the Commission's FTE count was 324.1 and headcount was 365. The Commission employees are engaged under the Legal Aid Commission Act 1976. Remuneration and working conditions are subject to the Government Officers Salaries Allowances and Conditions Award 1989, the Legal Aid Agency Specific Agreement 2005 and the Public Sector CSA Agreement 2019. The Director of the Commission is appointed under the Legal Aid Commission Act 1976 with the remuneration and terms and conditions set by the Commission.

Workers Compensation

The Commission is committed to ensuring the highest standards of workplace safety, health and wellbeing to ensure the protection of its employees. 3 workers compensation claims were received during 2020-21. 1 claim was considered severe, involving 60 days or more lost time.

4.5 Governance Disclosures

4.5.1 Insurance Premiums

An insurance premium of \$20,762.50 (including GST) was paid to Marsh Pty Ltd for Directors and Officers Liability Insurance in 2020-21.

4.6 Other Legal Requirements

4.6.1 Act of Grace Payments

In accordance with Treasurer's Instruction 319: Act of Grace Payments, all act of grace payments are to be disclosed in the annual report. Requests for an act of grace payment arise from many and varied situations and each request is assessed on the circumstances associated with that particular request. In 2020-21 the Legal Aid Commission of Western Australia recorded no act of grace payments.

4.6.2 Credit Cards

Officers of the Commission hold corporate credit cards where their functions warrant usage of this facility. Despite each cardholder being aware of their obligations under the Commission's credit card policy, eleven employees inadvertently utilised the corporate credit card for meals, groceries, taxi services, parking and petrol. 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.

| | |
|--|-----------|
| Summary of Credit Card Personal Use Expenditure | 2020-21 |
| Aggregate amount of personal use expenditure for 2020-21 | \$ 795.67 |
| Aggregate amount of personal use expenditure settled by the due date (within 5 working days) | \$ 429.22 |
| Aggregate amount of personal use expenditure settled after the period (after 5 working days) | \$ 366.45 |
| Aggregate amount of personal use expenditure outstanding at balance date | \$ 0.00 |

4.6.3 Other Information Required by Legislation

ANNUAL ESTIMATES

Statement of Comprehensive Income

FOR THE YEAR ENDED 30 June 2022

| | | Note 1 | Note 2 |
|---------------------------------------|---------------|----------------|------------|
| | 2019-20 | 2020-21 | 2021-22 |
| | Actuals | Actuals | Section 40 |
| | \$000 | \$000 | Estimates |
| | | | \$000 |
| COST OF SERVICES | | | |
| Expenses | | | |
| Employee benefits expense | 36,080 | 38,501 | |
| Supplies and services | 5,889 | 6,543 | |
| Depreciation and amortisation expense | 6,249 | 6,267 | |
| Finance costs | 2,141 | 2,213 | |
| Accommodation expenses | 1,391 | 1,626 | |
| Legal services expenses | 32,968 | 29,718 | |
| Grants and subsidies | 12,477 | 16,476 | |
| Other expenses | 1,252 | 1,818 | |
| Total cost of Services | 98,447 | 103,162 | - |

Revenue and Income

Revenue

| | | |
|---------------------------------------|--------|--------|
| User charges and fees | 2,943 | 3,889 |
| Commonwealth grants and contributions | 37,081 | 42,138 |
| Interest revenue | 826 | 262 |
| Other revenue | 310 | 211 |

Total Revenue

Total income other than income from State Government

NET COST OF SERVICES

Income from State Government

| | | |
|--|--------|--------|
| Income from other public sector entities | 54,876 | 58,597 |
| Resources received | 1 | 3 |
| Royalties for Regions Fund | 102 | 105 |

Total income from State Government

(DEFICIT) /SURPLUS FOR THE PERIOD

| | Note 1 | Note 2 |
|----------------|---------------|------------|
| 2019-20 | 2020-21 | 2021-22 |
| Actuals | Actuals | Section 40 |
| \$000 | \$000 | Estimates |
| | | \$000 |
| 41,160 | 46,500 | - |
| 41,160 | 46,500 | - |
| 57,287 | 56,662 | - |
| 54,979 | 58,705 | - |
| (2,308) | 2,043 | - |

Note 1: The 2020-21 actuals have been utilised in the table for 2020-21 instead of Estimated Actuals. These align to the Statement of Comprehensive Income in the 2020-21 Annual Report. Explanations on variances between 2020-21 and 2019-20 are contained in Note 8.10 'Explanatory Statement' to the financial statements under section 4 'Disclosure and Legal Compliance'.

Note 2: Due to the delayed 2021-22 State Budget process as a result of State election there currently are no Section 40 Estimates available to include in the Annual Report. Once the State Budget has been approved and available, Legal Aid WA will publish them on our website in compliance with TI 953 Publication and Presentation of Estimates.

ANNUAL ESTIMATES

Statement of Financial Position

AS AT 30 JUNE 2022

| | 2019-20 | Note 1 2020-21 | Note 2 2021-22 |
|--------------------------------------|----------------|-------------------|-------------------------|
| | Actuals | Actuals | Section 40 Estimates |
| | \$000 | \$000 | \$000 |
| ASSETS | | | |
| Current Assets | | | |
| Cash and cash equivalents | 27,295 | 25,725 | |
| Restricted cash and cash equivalents | 159 | - | |
| Receivables | 3,696 | 3,897 | |
| Other financial assets | 14,400 | 21,000 | |
| Other current assets | 733 | 979 | |
| Total Current Assets | 46,283 | 51,601 | - |
| Non-Current Assets | | | |
| Restricted cash and cash equivalents | 578 | 740 | |
| Receivables | 6,200 | 6,255 | |
| Property, plant & equipment | 1,164 | 2,284 | |
| Right of use assets | 67,929 | 63,974 | |
| Intangible assets | 737 | 635 | |
| Total Non-Current Assets | 76,608 | 73,888 | - |
| TOTAL ASSETS | 122,891 | 125,489 | - |
| LIABILITIES | | | |

Current Liabilities

| | | |
|-----------------------------|--------|--------|
| Payables | 28,658 | 29,723 |
| Lease liabilities | 3,567 | 3,772 |
| Employee related provisions | 5,973 | 6,277 |
| Contract liabilities | 1,178 | 1,437 |

Total Current Liabilities

39,376 **41,209** **-**

Non-Current Liabilities

| | | |
|-----------------------------|--------|--------|
| Lease liabilities | 66,715 | 64,674 |
| Employee related provisions | 999 | 1,817 |
| Contract liabilities | 1,122 | 689 |

Total Non-Current Liabilities

68,836 **67,180** **-**

TOTAL LIABILITIES

108,212 **108,389** **-**

NET ASSETS

14,679 **17,100** **-**

EQUITY

| | | |
|---------------------|--------|--------|
| Contributed equity | 596 | 596 |
| Reserves | 141 | 519 |
| Accumulated surplus | 13,942 | 15,985 |

TOTAL EQUITY

14,679 **17,100** **-**

Note 1: The 2020-21 actuals have been utilised in the table for 2020-21 instead of Estimated Actuals. These align to the Statement of Financial Position in the 2020-21 Annual Report. Explanations on variances between 2020-21 and 2019-20 are contained in Note 8.10 'Explanatory Statement' to the financial statements under section 4 'Disclosure and Legal Compliance'.

Note 2: Due to the delayed 2021-22 State Budget process as a result of State election there currently are no Section 40 Estimates available to include in the Annual Report. Once the State Budget has been approved and available, Legal Aid will publish them on our website in compliance with TI 953 Publication and Presentation of Estimates.

ANNUAL ESTIMATES

Statement of Changes in Equity

FOR THE YEAR ENDED 30 June 2022

| | 2019-20 | Note 1 2020-21 | Note 2 20201-22 Section 40 Estimates |
|--|------------------|-------------------|---|
| | Actuals \$000 | Actuals \$000 | Estimates \$000 |
| CONTRIBUTED EQUITY | | | |
| Contributed equity at start of period | 596 | 596 | |
| Equity contributions during the period | - | - | |
| Contributed equity at the end of period | 596 | 596 | - |
| ASSET REVALUATION SURPLUS | | | |
| Balance at start of period | 138 | 141 | |
| Other comprehensive income | 3 | 378 | |
| Balance at the end of the period | 141 | 519 | - |

ACCUMULATED SURPLUS

Balance at start of period

Initial application of AASB 15/1058

Restated balance at start of the period

Surplus / (deficit) for the period

Balance at the end of the period

BALANCE OF EQUITY AT END OF THE PERIOD

| | Note 1 2020-21 | Note 2 20201-22 Section 40 Estimates |
|---------------------------------|-------------------|---|
| 2019-20 Actuals \$000 | Actuals \$000 | Estimates \$000 |
| 18,475 | 13,942 | |
| (2,225) | - | |
| 16,250 | 13,942 | - |
| (2,308) | 2,043 | - |
| 13,942 | 15,985 | - |
| | | |
| 14,679 | 17,100 | - |

Note 1: The 2020-21 actuals have been utilised in the table for 2020-21 instead of Estimated Actuals. These align to Statement of Changes in Equity in the 2020-21 Annual Report. Explanations on variances between 2020-21 and 2019-20 are contained in Note 8.10 'Explanatory Statement' to the financial statements under section 4 'Disclosure and Legal Compliance'.

Note 2: Due to the delayed 2021-22 State Budget process as a result of State election there currently are no Section 40 Estimates available to include in the Annual Report. Once the State Budget has been approved and available, Legal Aid will publish them on our website in compliance with TI 953 Publication and Presentation of Estimates.

FOR THE YEAR ENDED 30 June 2022

Receipts

Net cash provided by/(used in) operating activities

Payments

Purchase of non-current physical assets

Net cash provided by/(used in) investing activities

Principal elements of lease payments

Net cash provided by/(used in) financing activities

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Net increase/(decrease) in cash and cash equivalents

Cash and cash equivalents at the beginning of period

CASH AND CASH EQUIVALENTS AT THE END OF THE PERIOD

| | Note 1 | Note 2 |
|---------------|---------------|------------|
| 2019-20 | 2020-21 | 2021-22 |
| Actuals | Actuals | Section 40 |
| \$000 | \$000 | Estimates |
| | | \$000 |
| 5,190 | 5,033 | |
| 37,242 | 42,432 | |
| 42,432 | 47,465 | - |

Note 1: The 2020-21 actuals have been utilised in the table for 2020-21 instead of Estimated Actuals. These align to the Statement of Cash Flows in the 2020-21 Annual Report. Explanations on variances between 2020-21 and 2019-20 are contained in Note 8.10 'Explanatory Statement' to the financial statements under section 4 'Disclosure and Legal Compliance'.

Note 2: Due to the delayed 2021-22 State Budget process as a result of State election there currently are no Section 40 Estimates available to include in the Annual Report. Once the State Budget has been approved and available, the Legal Aid WA will publish them on our website in compliance with TI 953 Publication and Presentation of Estimates.

4.6.3.1 Expenditure on advertising, Market research

In accordance with section 175ZE of the Electoral Act 1907, the Commission incurred the following expenditure in advertising, market research, polling, direct mail and media advertising: Total expenditure for 2020-21 was \$77,547.00 (GST INC). Expenditure was incurred in the following areas:

| Expenditure | Total | Expenditure | Amount |
|---------------------------------|-------------|---|-------------|
| TOTAL | \$77,547.00 | | |
| Advertising Agencies | | Dept.of Local Government, Sport and Cultural Industries | \$1,050.00 |
| Polling organisations | | Advantage Communications and Marketing | \$7,936.00 |
| Direct Mail organisations | Nil | | Nil |
| Media advertising organisations | | CGM Communications | \$68,561.00 |

4.6.3.2 Disability Access and Inclusion Plan outcomes

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

New activities and significant changes relating to DAIP objectives are summarised below:

DAIP Outcome 1: People with a disability have the same opportunities as other people to access the services of and any events organised by a public authority.

Your Story Disability Legal Service

Your Story is a national service funded by the Australian Government and delivered through National Legal Aid and the National Aboriginal and Torres Strait Islander Legal Services. The service supports people with disabilities, their families, carers and advocates to safely share their story to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability. The Commission commenced providing this service in April 2020.

During 2020-2021 the Commission travelled to the South West, Goldfields and the Great Southern alongside ALSWA and Relationships Australia to engage with community groups and clients. The visits were supported by the great work of local disability advocates who hosted the visits and opened doors for the group to meet with local families and their support networks for the purpose of educating people about how they could engage with the Royal Commission.

55 clients were helped during the year, with more than a third of the clients requiring ongoing assistance to engage with the Royal Commission. The Commission also made referrals for clients to other agencies for counselling and advocacy to a network of organisations in WA funded to support people to engage with the Royal Commission.

NDIS Appeals

The Commission provides advice and legal assistance for people appealing NDIS internal review decisions to the Administrative Appeals Tribunal (AAT). This commonly involves issues such as:

- a decision that a person does not meet the NDIS access eligibility criteria
- a decision not to fund certain supports in a person's plan (for individuals who are already NDIS participants).

The Commission provides advice to both prospective participants and current participants, but also facilitates learning and networking for disability advocacy providers. To ensure continued support through the COVID-19 pandemic, services and engagement with the community has occurred through remote services such as telephone and video conferencing. During 2021-2022 NDIS team has delivered services remotely to ensure continuity of services and community education through the COVID-19 pandemic. The team successfully assisted individuals to access life changing supports for applicants with outcomes including significant increases in supports, obtaining funding for therapeutic intervention, behavioural therapy, support co-ordination, short term accommodation, assistance animals, complex assistive technology, hippotherapy, support workers and support to access the community.

Seniors Rights and Advocacy Service

The Commission's Seniors Rights and Advocacy Service assists older people with decision making incapacity, especially in relation to applications for guardianship and administration matters in the State Administrative Tribunal. This service is targeted at a very vulnerable client group, often facing complex issues such as deteriorating health, hospitalisation, social isolation, homelessness, neglect, mental health problems and capacity issues alongside legal issues. In 2020-2021 the Commission has appointed a social worker to provide a holistic service to ensure that the complex needs of clients are met along with their legal needs. The Commission raises community awareness through education sessions in the community on topics such as potential dangers of EPA's, loaning money to children, granny flat arrangements and becoming guarantors of loans for children.

In the past year, the Commission has worked in partnership and collaboration with various agencies focussed on preventing elder abuse. The Commission has recently joined the Alliance for Prevention of Elder Abuse, Council of the Ageing and has recently established the Elder Abuse Community of Practice in partnership with Northern Suburbs Community Legal Centre. This community of practice was established to provide a forum for practitioners in the legal sector working with older people at risk or of experiencing harm/abuse to discuss and share expertise, knowledge and information, including research.

DAIP Outcome 3: People with disability receive information from a public authority in a format that will enable them to access the information as readily as other people are able to access it.

Legal Aid WA continues to develop a range of legal information and self help resources in video and animation formats. These resources are publicly available and give quick answers about Legal Aid WA's services and a range of criminal law, civil law and family law topics. Each video comes with a fact sheet about that topic. Subtitles are available for people who cannot hear or access the audio. Topics include, but are not limited to elder abuse, financial hardship, legal capacity mortgage and debt, tips on going to court, family violence and family law matters.

4.6.3.3 Compliance with Public Sector Standards and ethical codes

The Commission complies with the Public Sector Standards in Human Resource Management and the Public Sector Code of Ethics. One claim was lodged against the Employment Standard in 2020-21 and was resolved internally.

The following actions were taken during 2020-21 to ensure compliance:

- Recruitment and selection activities were reviewed by an independent person.
- Recruitment and selection training was provided to recruiting managers.
- The Commission operated a gift register.
- The Commission reviewed its Code of Conduct with implementation to occur in 2021-22.
- All employees were required to acknowledge their obligations under the Public Sector Code of Ethics, the Legal Aid Code of Conduct and relevant information management 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.
- Policies and procedures were made available via the Commission intranet.
- Trained Grievance Officers were available.

- 373 employees completed Accountable and Ethical Decision-Making training in the last 5 years.

4.6.3.4 Record Keeping Plan

The Commission's Recordkeeping Plan was approved by the State Records Commission on 24 October 2017. In accordance with the State Records Commission Standard 2 and Principle 6 the following information demonstrates the Commission's compliance.

Efficiency and effectiveness of the organisation's recordkeeping systems

The Commission is committed to efficiently and effectively implementing and maintaining recordkeeping systems and practices that meet business and operational needs, compliance requirements and stakeholder/client expectations. A new corporate recordkeeping system was implemented by Legal Aid in July 2020 and ensures all records are managed in accordance with Legal Aid's recordkeeping plan. The efficiency and effectiveness of recordkeeping systems is reviewed as part of Legal Aid's internal audit process.

The nature and extent of the recordkeeping training program

The Commission conducts online training programs for recordkeeping. The Recordkeeping Awareness Training and Recordkeeping System Training is incorporated into the induction package provided to all new staff. A Recordkeeping Awareness refresher training program is 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 requirements.

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 Commission 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.

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

4.7 Government Policy Requirements

4.7.1 Occupational Safety, Health, and Injury Management

Our commitment

The Commission is committed to pursuing the highest standards of workplace safety, health, and wellbeing. Our goal is to provide a safe and healthy work environment for our employees, contractors, and visitors to the workplace, as far as reasonably practicable.

Our objective is to improve safety and health performance through continuous improvement, to provide a work environment that does not cause harm.

The Commission will achieve this goal by:

- Operating in accordance with the Occupational Safety and Health Act 1984, and its supporting legislation and guidance material.
- Establishing realistic and measurable targets and objectives, that are communicated to the workforce, monitored for achievement and reviewed on an annual basis.
- Clearly defining our targets and objectives within our Work Health and Safety Management Plan to ensure that our activities align with our goal.
- Achieve improvement in safety, health and wellbeing through planning, monitoring, audit and review of our safety management system and activities.
- Providing appropriate WHS resources, support and training to managers,

supervisors and all workers to enable them to carry out their functions safely in accordance with the Work Health and Safety Management Plan.

- Establishing a proactive safety culture where hazards are identified, adequately assessed and mitigation controls are implemented to eliminate or minimise the risk of harm, as far as reasonably practicable.
- Encouraging open, honest, and effective consultation and communication between managers, workers and safety and health representatives with a view to facilitating the resolution of WHS issues.
- Promoting a 'safety and health first' culture across all levels of our organisation. This includes zero tolerance for inappropriate behaviour in the workplace, including any form of intimidating, aggressive or violent behaviour from employees, customers, or visitors.
- Promoting a 'mentally healthy workplace' culture across all levels of our organisation. This includes establishing, promoting, and maintaining the mental health and wellbeing of all staff members through workplace practices, and through encouraging staff to take responsibility for their own mental health and wellbeing.
- Providing training, resources and support to assist employees to build and maintain their own personal resilience to help them cope with psychosocial hazards that they may face at work.
- Establishing a reporting culture where risks, hazards, incidents and near misses are reported consistently and investigated effectively to identify root causes and action taken to prevent reoccurrence.
- Fully implementing the Work Health and Safety Management Plan in order to achieve and maintain certification to the WorkSafe Plan.

To assist in achieving this goal, all workers will be expected to adhere to relevant policies, procedures and guidelines as well as take reasonable care of their own health and safety while avoiding affecting adversely the health and safety of others.

Workers are also expected to voice their concerns and if need be, stop any work activity, where they feel the situation may be a risk of injury or harm to themselves, others, or the environment, without fear of reprisals or blame.

To assist in achieving this goal, all workers will be expected to adhere to relevant policies, procedures and guidelines, take reasonable care of their own health and safety, avoid adversely affecting the health and safety of others.

Workers are also expected to voice their concerns and if need be, stop any work activity, where they feel there may be a risk of injury or harm to themselves, others, or the environment, without fear of reprisals or blame.

Workers compensation and injury management

The Commission follows the injury management compliance requirements of the Workers Compensation and Injury Management Act 1981 (the *Act*) and provides support to managers and employees who are managing workplace injuries. Injury Management Plans are implemented to support employees to return to work in accordance with the Act.

Assessment of the occupational safety and health management system

The Commission approved its first Safety Management Plan during 2020-21 and is in the final stages of implementing the plan. An assessment of the safety management system in line with the WorkSafe Plan is scheduled in 2021.

Reporting

| Measure | Actual results | | | Results against target Comment | |
|--|----------------|---------|---------|---|---------------------------------------|
| | 2018-19 | 2019-20 | 2020-21 | | |
| Number of fatalities | 0 | 0 | 0 | 0 | Remains zero |
| Lost time injury and/or disease incidence rate | 0.34 | 0.65 | 0.92 | Zero (0) or 10% improvement on the previous three (3) years | 1 x severe claim > 60 days lost time. |
| Lost time injury and/ or disease severity rate | 0 | 50 | 66.6 | Zero (0) or 10% improvement on the previous three (3) years | 1 x severe claim > 60 days lost time. |
| % of injured workers returned to work: i) within 13 weeks | 100% | 100% | 100% | Greater than or equal to 80% | Target met |
| ii) within 26 weeks | 100% | 100% | 100% | | |
| % of managers trained in OSH management responsibilities | 82 | 89 | 98 | Greater than or equal to 80% | Target met |

Data Definitions

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

4.7.2 Board and Committee Remuneration

| Position | Name | Type of Remuneration | Period of Membership | Gross/Actual remuneration for the Financial Year |
|------------------------------------|----------------------|----------------------|------------------------------------|--|
| Chair of Commission | Hon Jane Crisford SC | Annual | 1 July 2020 - 30 June 2021 | \$18,600.00 |
| Member of Commission | Genevieve Cleary | Annual | 1 July 2020 - 31 August 2020 | \$1,246.74 |
| Member of Internal Audit Committee | Genevieve Cleary | Per Meeting | 1 July 2020 - 31 August 2020 | \$300.00 |
| Member of Commission | Steve Toutountzis | Annual | 1 July 2020 - 30 June 2021 | \$7,400.00 |
| Member of Internal Audit Committee | Steve Toutountzis | Per Meeting | 1 July 2020 - 30 June 2021 | \$1,500.00 |
| Member of Commission | Elsbeth Hensler | Annual | 1 July 2020 - 30 June 2021 | \$7,400.00 |
| Member of Internal Audit Committee | Elsbeth Hensler | Per Meeting | 28 October 2020 - 30 June 2021 | \$900.00 |
| Member of Commission | Dion Smith | Annual | 1 July 2020 - 30 June 2021 | \$7,400.00 |
| Member of Internal Audit Committee | Dion Smith | Per Meeting | 1 July 2020 - 30 June 2021 | \$600.00 |
| Member of Commission | Lanie Chopping | Annual | 1 July 2020 - 30 June 2021 | \$0.00 |
| Member of Internal Audit Committee | Lanie Chopping | Per Meeting | 1 July 2020 - 30 June 2021 | \$0.00 |
| Member of Commission | Alana Padmanabham | Annual | 17 November 2020 - 18 January 2021 | \$1,252.74 |
| Member of Commission | Curtis Ward | Annual | 25 May 2021 - 30 June 2021 | \$756.35 |
| Member of Commission | Graham Hill | Annual | 1 July 2020 - 30 June 2021 | \$0.00 |
| Member of Audit Committee | Graham Hill | Per Meeting | 1 July 2020 - 30 June 2021 | \$0.00 |

Complaints Handling and Reporting

Overview of the Complaints Process

Legal Aid recognises that the avenues for clients to raise concerns should be as easily accessible as possible. Comments and feedback from complaints help us improve our services to clients. We utilise each the Law Society of Western Australia's Quality Practice standards in implementing our Complaints Policy and the Australian Standard Complaints Handling AS 4269-1995 as best practice for procedures.

Complaints can be made via the following methods:

- In writing via email to info@legalaid.wa.gov.au;
- In writing via post;
- In person at one of our offices; and
- Via a telephone call to 1300 650 579.

We are able to provide any assistance or guidance to our clients on how to progress a complaint. Clients may reach one of our Complaints Team by contacting our Infoline on 1300 650 579 or via email to info@legalaid.wa.gov.au.

The process of submitting a complaint is published on the Legal Aid Western Australia website <https://www.legalaid.wa.gov.au/about-us/contact-us/complaints>.

During the December 2020 review of the Complaints handling policy and procedures, we were able to identify that there was correspondence marked as a complaint which through a triage process could be resolved under rapid resolution. An example being requests for transfers of Grant of aid to another private practitioner. This reduced the time it took to resolve a matter by more than 25% [percentage correct?] (from within 21 days to within 14 days).

Our Complaints handling policy and procedures is overseen by the Director of Business Services on behalf of the organisation.

Overview of Complaints in 2019-20

During 2020-21, Legal Aid received 117 complaints and 32 complaints were resolved under the new Rapid Resolution triage process, which was introduced in December 2020 following a review of the Legal Aid's Complaints Handling Processes. Under Rapid Resolution, each complaint is acknowledged, triaged, and registered to enable easier tracking during investigations.

In December 2020, Legal Aid reviewed its Complaints Policy against the Australian Standard Complaints Handling AS 4269-1995 and implemented some changes in order to streamline the way complaints were dealt with. This allowed us to investigate complaints more efficiently and respond faster. Of the changes we implemented was the introduction of a triaging system. Common complaints we have identified are about refusal for grants of aid, grants of aid provided to the other party in family proceedings, and private practitioners including independent children's lawyers. The complaints coordinator will review the complaint correspondence to determine whether it is suitable for rapid resolution or required to undergo a process of investigation before reaching a resolution. The complaints coordinator will refer the matter to a decision maker who will communicate with the complainant and conduct an investigation into the matter in order to reach a resolution. We are able to identify issues on an as they occur basis and review feedback provided annually and implement changes to reduce them. An example includes the implementation of a Workflow to reduce time spent with back and forth emails and instead keeping updates or additional information in a central location.

On review of the Australian Standard Complaints Handling AS 4269-1995, we have determined that through the triaging process, our organisation is able to reduce the time it would ordinarily take to respond. Examples include complaints about a refusal for a grant of aid or a transfer could be resolved in under 14 days instead of the previous timeframe of 21 days and often in much less time [needs clarification]. The basis of the Legal Aid Western Australia Policy.

| Complaint Code | | No. Complaints |
|---------------------|--|----------------|
| 1. | Refusal of Legal Aid | 11 |
| 2. | Aid to other party | 31 |
| 3. | Against a Legal Aid officer | 21 |
| 4. | Against a Legal Aid service | 17 |
| 5. | Against an assigned private practitioner | 65 |
| Total for 2019/2020 | | 145 |

| Complaint Code | | No. Complaints | No. Complaints identified as concerns to be resolved under rapid resolution |
|---------------------|--|----------------|---|
| 1. | Refusal of Legal Aid | 3 | 6 |
| 2. | Aid to other party | 13 | 12 |
| 3. | Against a Legal Aid officer | 23 | 1 |
| 4. | Against a Legal Aid service | 7 | 5 |
| 5. | Against an assigned private practitioner | 39 | 8 |
| Total for 2020/2021 | | 85 | 32 |

We review our policy annually and provide recommendations to improve. One way we are able to do this is by considering and implementing recommendations and feedback provided the Law Society of Western Australia. Each year we participate in a Quality Practice Standards (QPS) Audit conducted by the Law Society of Western Australia assesses our organisations compliance in areas such as management of feedback of feedback and complaints, conflict of interest and file management and review.

What the future of Complaints looks like at Legal Aid

We are in the process of implementing a workflow to further streamline the complaints process internally and deliver a faster outcome for our clients, this will be achieved by eliminating internal emails as the material to be reviewed will be contained within the workflow and the relevant personnel would have access to, this will ensure we maintain utmost confidentiality in managing complaints matters and other sensitive information.

Legal Aid is also working on the implementation of a client portal which could serve as another avenue for our clients to provide feedback or submit a complaint.

Statement of Compliance

For the year ended 30 June 2021

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 2021.

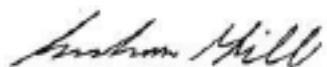
The Annual Report has been prepared in accordance with the provisions of the Financial Management Act 2006 (WA), the *Legal Aid Commission Act 1976* and the *Australian Charities and Not-for-profits Commission Act 2012*.



Hon. Jane Crisford SC

Chair of the Legal Aid Commission
of Western Australia

Date: 08/09/2021



Dr Graham Hill

Director and Member of the Legal Aid
Commission of Western Australia

Date: 08/09/2021





