



LEGAL AID
WESTERN AUSTRALIA



ANNUAL REPORT

2008-2009



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Legal Aid WA takes pride in the calibre of Law graduates who are recruited to its Articled Clerk graduate program. This year's Annual Report features a number of current Articled Clerks who are preparing for regional placements as part of the Country Lawyers Program. We also feature some of our lawyers who are already working in regional Western Australia as part of the Country Lawyers Program. Legal Aid WA has a special commitment to fostering new legal talent and ensuring access to legal services in regional and remote Western Australia.

CONTENTS

Statement of Compliance	1
Overview of Agency	
- Chairman's overview	2
- Chief Executive Officer's report	4
- Executive Summary	6
- Operational structure	8
- Performance management framework	21
Agency Performance	
- Reports on operations	
• Criminal Law	28
• Family Law	30
• Client Services	34
• Regions	38
• Civil	40
• Legal Practice Development	42
• Business Services	43
Significant Issues impacting the Agency	
- Child protection matters in the Children's Court	45
- Commonwealth four year funding agreement	46
Disclosures and Legal Compliance	
- Auditor General's opinion on financial statements and key performance indicators	48
- Certification of financial statements and notes	50
- Financial statement and notes	51
- Certification of performance indicators	95
- Performance indicators	96
- Auditor General's opinion on statement of receipts and payments	104
- Certification of statement of receipts and payments	105
- Ministerial directives	106
- Capital projects	106
- Employees	107
- Governance matters	108
- Advertising	109
- Disability access and inclusion plan outcomes	109
- Compliance with public sector standards and ethical codes	110
- Record keeping plans	111
- Corruption prevention	111
- Occupational safety, health and injury management	112
- Annual Estimates for the year ended 30 June 2010	114

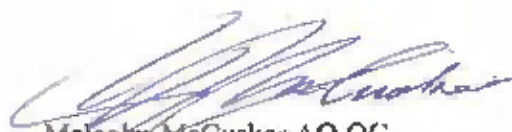
STATEMENT OF COMPLIANCE

STATEMENT OF COMPLIANCE FOR THE YEAR ENDED 30 JUNE 2009

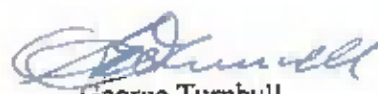
**HON CC PORTER MLA
ATTORNEY GENERAL**

In accordance with section 63 of the Financial Management Act 2006, we hereby submit for your information and presentation to Parliament, the Annual Report of the Legal Aid Commission for the financial year ended 30 June 2009.

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



Malcolm McCusker AO QC
Chairman
Date: 14/9/09



George Turnbull
Director
Date: 10/9/09

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CHAIRMAN'S OVERVIEW



I AM PLEASED TO PRESENT THE LEGAL AID COMMISSION'S ANNUAL REPORT FOR 2008-09.

During the period covered by this Report, the global financial crisis has affected many public sector bodies. The changed economic circumstances have necessarily had an impact on funding for legal aid from both Commonwealth and State Governments. Contemporaneously, demand for the services provided by Legal Aid WA has increased.

Nevertheless, the vital task of delivering access to justice to individuals of limited means continues to be performed, to the extent that is possible within the present financial constraints, by the dedicated and hard working staff of Legal Aid WA.

The driving force and aim of Legal Aid WA has always been, since its establishment on 17 April 1978, to ensure that no individual should be denied access to justice because of his or her lack of means.

In the 12 months covered by this report, over 47,000 defendants to criminal charges in Magistrate's Courts had access to a duty lawyer provided by Legal Aid WA. The duty lawyer service helps people facing court for the first time to understand the process, make informed decisions and be aware of their rights and options. A range of factors, including the considerable increase in our population, and improved detection rates by police, has meant that the demand for duty lawyer services across Western Australia continues to increase. The burden on the duty lawyer service cannot be overstated. The community and the Commission

owe a debt of gratitude to all who participate in it, and enthusiastically shoulder that burden.

Difficult economic circumstances also produce increased pressures and stresses in families. The Family Law practice of Legal Aid WA promotes the use of mediation as preferable to litigation, and regards as paramount the interests of children, both in pre-trial negotiations and at the trial stage in the Family Court.

Child protection matters are particularly demanding, not only professionally but emotionally, and I would like to acknowledge the indefatigable and devoted work of our Family Law team in this area. I also thank the Department for Child Protection and King Edward Memorial Hospital for the co-operation and strong partnership formed with Legal Aid WA.

Deserving of special mention is Legal Aid WA family lawyer Julie Jackson, who was awarded WA Woman Lawyer of the Year in March 2009. Julie's award reflects her personal excellence as a family lawyer. It is most gratifying that the Legal Aid Commission of Western Australia consistently attracts practitioners of such high calibre, with a strong sense of service and dedication to the objectives of Legal Aid WA.

In Western Australia, more than any other State or Territory, remoteness and the "tyranny of distance" are major problems. Legal Aid WA is very conscious of this, and the need to provide service outside the Perth metropolitan area, which it does through its offices in the major

regional centres of Bunbury, Albany, Kalgoorlie, Geraldton, South Hedland, Broome, Kununurra and Christmas Island. These offices provide the full range of services offered by Legal Aid WA, and provide a base from which Legal Aid WA lawyers carry out circuit duties, often going to very remote locations.

2008-09 also marked the first full year of the Country Lawyers Program, which is a collaborative effort between Legal Aid WA and other not-for-profit legal services agencies, such as Community Legal Centres. This Program has been very successful in placing lawyers in locations throughout the State in towns where lawyers have been in short supply, or non-existent, for many years. The Country Lawyers Program is one of the finalists in the 2009 Premier's Awards - a recognition of the proven success of the Program and its value to the non-urban community. It is this kind of innovation and creativity which enables Legal Aid WA to continue to provide services to those most in need, wherever they may be located in this vast State.

Legal Aid WA relies heavily on the assistance of many individuals and organisations in the day to day delivery of its services. I once more take this opportunity to thank the many private practitioners who provide services on behalf of Legal Aid WA. The Commission is very conscious of the considerable disparity between the Legal Aid WA rates, and the "going rates" for legal professional services, and is grateful

to those members of the private profession who are nevertheless prepared to accept briefs for well below commercial fees. I also thank the Judiciary, the Law Society of WA, the WA Police Service, the Aboriginal Legal Service, and Community Legal Centres for their ongoing support and co-operation; and (of course) the Commonwealth and State Governments who provide the funds without which we could not operate, our community would not be a "just society", and the burden on the Court system would become intolerable, with increasing numbers of unrepresented defendants.

It is very pleasing that both the Commonwealth and State Attorneys General have shown a keen interest in legal aid, and an awareness of its importance to the community. I am optimistic that, when economic circumstances improve, that will be manifested in a much-needed increase in funding.

Finally, I wish to thank my fellow Board members for their assistance throughout 2008-09, and the entire team at Legal Aid WA, led by Mr George Turnbull, for yet another year of outstanding service.

Malcolm McCusker AO QC

Chairman

CHIEF EXECUTIVE OFFICER'S REPORT



2008-09 MARKED THE FIRST FULL YEAR OF LEGAL AID WA'S NEW MANAGEMENT STRUCTURE.

The new eight person Board of Management replaced the previous three person Executive structure which had been in operation for several years. The new structure means that specific practice areas are able to have their concerns more effectively handled at the peak decision point in the organisation. The change enabled the very welcome promotion of long term Legal Aid WA staff Maureen Kavanagh, Colleen Brown and Jane Stewart to the Board of Management. The new structure also enabled the welcome addition of new faces to Legal Aid WA, with Bernadette Kasten joining from Legal Aid Queensland and Caroline Wright joining from the State Solicitor's Office.

The departure of Bevan Warner in July 2008 to head up Legal Aid Victoria also enabled the recruitment of Malcolm Bradshaw into the role of Director Business Services. Malcolm joins Legal Aid WA after many years experience with central government agencies.

The issue of funding remains a matter of national concern for all Legal Aid Commissions, including Legal Aid WA. While there is some faint hope that a new funding agreement with the Commonwealth towards the end of 2009 will bring some additional resources, the reality is that our capacity to deliver some services may need to be reviewed if our recurrent funding situation does not improve. Legal Aid WA will be prudent in its financial management and only deliver services to the extent made possible by recurrent funding. Efforts by the

Commonwealth Attorney General to provide additional grants of one-off funding throughout 2008-09 are certainly appreciated and do provide opportunities to make investments which do not have recurrent funding implications, such as the upgrade of equipment. It is also gratifying that the State Attorney General has publicly acknowledged Legal Aid WA's tight funding position and has supported our submissions for additional State funding.

It is the ability of Legal Aid WA to be innovative with current and small amounts of additional funding which enables it to broaden and improve the scope of services it provides to the WA public. In 2008-09 Legal Aid WA established the Civil Litigation Assistance Scheme (CLAS) with an initial cash provision of \$1 million. The purpose of CLAS is for Legal Aid WA to fund worthy civil suits which have a high chance of success on behalf of persons of limited means. It is hoped that over time, through a series of successful actions, the pool of funds available to CLAS will grow and the level of access to civil justice for persons of limited means will improve. 2008-09 also saw the first full year of operation of the Country Lawyers Program (CLP), another significant initiative which operates from a relatively low funding base. Through funding of \$340,000 in 2008-09 (and a further \$475,000 in 2009-10) provided by the Commonwealth, the CLP has almost eliminated the traditionally high vacancy rate which exists for public sector and not-for-profit lawyers in regional Western

Australia. This is particularly important in the north of Western Australia where during 2008-09 Broome was the only centre north of Geraldton which had access to private legal practitioners.

Legal Aid WA has been pleased during 2008-09 to be able to offer its input into approaches for improving the efficiency and quality of outcomes in the justice system. Through close cooperation with the Department for Child Protection, Legal Aid WA is delivering a pilot program for children and their parents who are dealing with care and protection matters in the Children's Court. The 12-month pilot will investigate the effectiveness of diverting where appropriate affected children and their parents from the courts into a conference based management process, with the best interests of the child always the paramount consideration. The cost of the pilot is \$217,000, but the long term benefits for children, families and the justice system are likely to far outweigh this initial investment.

Throughout every year Legal Aid WA relies heavily on the many legal practitioners who agree to undertake Legal Aid WA work for rates of remuneration which are well below the market standard. These practitioners deserve special praise for continuing to take on cases in the knowledge that the Legal Aid WA fee may not cover all their costs. This is certainly a sign of a dedicated legal profession which takes its role in ensuring equal access to justice very seriously.

In addition to the work of the private profession, Legal Aid WA relies heavily on the support network provided by court volunteers, community legal centres, State and Commonwealth Government agencies and the broader not-for-profit sector. I thank all of these individuals and organisations for their assistance and support, which is driven by a genuine belief that better access to justice and understanding of the law creates a better society.

Finally, a special thank you to the Legal Aid WA team who are spread far and wide throughout Western Australia. The issues you handle are often complex and confronting. Your dedication and commitment is without question. The difference you make to our clients is immeasurable.

George Turnbull
Director of Legal Aid

EXECUTIVE SUMMARY

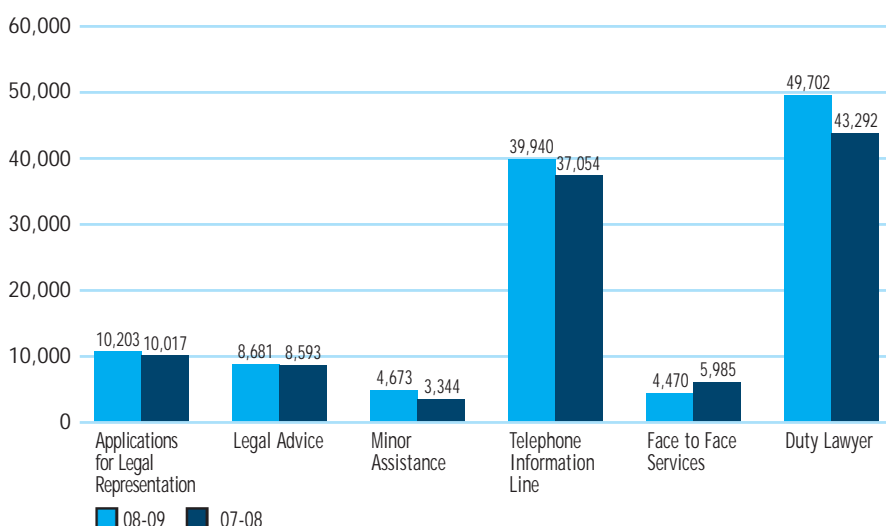
COST OF SERVICES AND SOURCES OF FUNDS

In 2008-09 the total cost of services delivered by Legal Aid WA amounted to \$49.35 million, an increase of \$4.72 million or 10.58 per cent on the 2007-08 total cost of \$44.63 million. The main sources of expenses were employee costs at \$23.48 million (increase of 12.56 per cent) and payments to private legal practitioners at \$14.68 million (increase of 7.9 per cent). The number of full time equivalent employees as at 30 June 2009 was 283, compared with 261 for the same time in 2008.

Legal Aid WA derives the majority of its funding through Commonwealth and State Government grants. In 2008-09 Commonwealth grants and contributions totalled \$16.50 million, a decrease of \$0.44 million or 2.62 per cent on the Commonwealth contribution for 2007-08. The State Government grant for 2008-09 was \$27.08 million, an increase of \$2.99 million or 12.41 per cent on the previous year.

A net operating surplus of \$688,612 was recorded for the 2008-09 financial year.

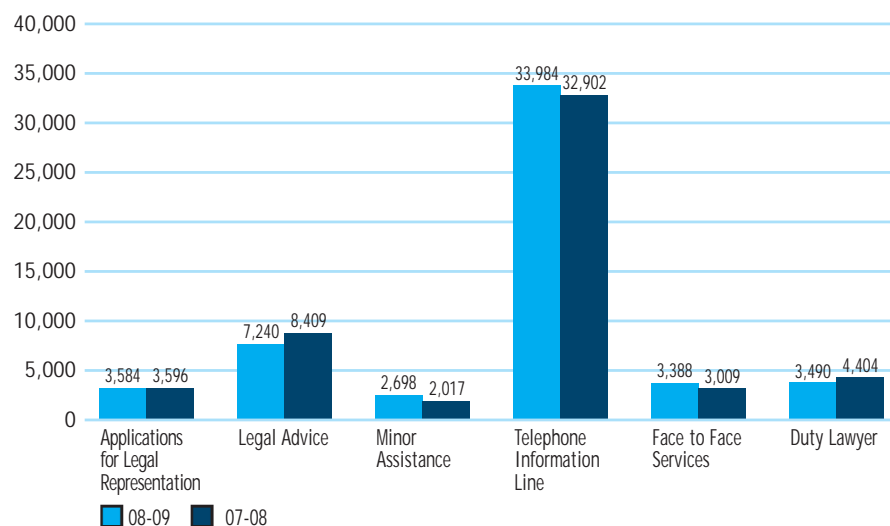
Services other than Legal Representation (State)



Legal Representation Services (State)

	08/09	07/08	Variance from previous year
Family	1033	1112	-7%
Crime	5792	5797	0%
Civil	177	165	7%
Total	7002	7074	-1%
Grant Rate	69%		
Comparable Grant Rate 07/08	71%		

Services other than Legal Representation (Commonwealth)



Legal Representation Services (Commonwealth)

	08/09	07/08	Variance from previous year
Family	1973	2112	-7%
Crime	180	136	32%
Civil	27	35	-23%
Total	2180	2283	-5%
Grant Rate	61%		
Comparable Grant Rate 07/08	63%		

OUTPUTS

The number of applications received for legal representation for State and Commonwealth matters did not change significantly in 2008-09. This reflects the fact that demand for legal representation as measured by the number of applications is self regulating, with practitioners generally only lodging applications for aid in circumstances where there is a reasonable chance of the application being approved. In 2008-09 69 per cent of applications for legal representation for State matters were approved, slightly down on the 2007-08 approval rate of 71 per cent. The approval rate for Commonwealth matters was 61 per cent in 2008-09, down on the 63 per cent approval rate for 2007-08.

Increases in service delivery levels were recorded for most of Legal Aid WA's other outputs, reflecting generally higher levels of demand in the community. Major increases in were recorded for State duty lawyer services which increased by 14.81 per cent and State minor assistance which was up by 39.74 per cent over the previous year.

OPERATIONAL STRUCTURE

NAME OF AGENCY

Legal Aid Commission of Western Australia

ENABLING LEGISLATION

Legal Aid Commission Act 1976

RESPONSIBLE MINISTER

Attorney General of Western Australia

ACCOUNTABLE AUTHORITY

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

The Board of Commissioners meets monthly and as required and consists of:

- a Chairman, who must be a lawyer with at least seven years experience, appointed on the nomination of the State Attorney General
- four members, nominated by the State Attorney General, two of whom are lawyers nominated by the Law Society of Western Australia and one (not being a lawyer) who has administrative experience at a senior level
- one member, a non-lawyer, nominated by the Minister for Consumer Protection
- two members appointed by the Commonwealth Attorney General.

Since April 2000 the Commonwealth Attorney General has declined to replace members whose terms have expired and the Commission has operated without Commonwealth representatives. Throughout 2008-09 the Commission operated without a member nominated by the Minister for Consumer Protection.

In 2008-09 there were nine normal meetings of the Commission. The reduced number of meetings was as a result of reappointments being delayed following the September 2008 State election and the formation of a new State Government. The Chairman of the Legal Aid Commission receives \$18,600 per annum and ordinary members who are not public servants receive \$7,400 per annum.

The Board of Commissioners operates with the support of an Audit Committee and an Information Management Governance Committee. Both committees are chaired by Mr Raymond Hughes.

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

DIRECTOR OF LEGAL AID

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

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

The Director is also an ex-officio member of the Commission. The Director is appointed by the Governor on the recommendation of the Commission and was reappointed for a further five year term in May 2007.

BOARD OF MANAGEMENT & ORGANISATIONAL STRUCTURE

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

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

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

THE COMMISSION MEMBERS AS AT 30 JUNE 2009 ARE:



MR MALCOLM MCCUSKER AO QC - CHAIRMAN

Malcolm McCusker AO QC was appointed Chairman of the Commission in December 1982 and is the Western Australian Attorney General's nominee. After graduating from the University of Western Australia, he returned as a part-time lecturer and helped to devise the content of the final LLB year. Since his admission to practice in 1961, Mr McCusker has appeared as counsel in a wide range of commercial and criminal cases before the District and Supreme Courts, Federal Court, High Court and Privy Council. He was appointed Queen's Counsel in January 1982. In 1989, as special inspector, he conducted an investigation into the collapse of the Rothwells Merchant Bank. In 1992-93 he was Chairman of the Western Australian Constitutional Committee and is currently Chairman of the Advisory Board to the Western Australian Constitutional Centre. From January 2004 to December 2008 he served as Parliamentary Inspector to the Corruption and Crime Commission. In 2005 he was appointed an Officer of the Order of Australia, and later received the award of Citizen of WA for the Professions. Mr McCusker attended 9 of the 9 Commission meetings held in 2008-09.



MR GEORGE TURNBULL - DIRECTOR OF LEGAL AID

George Turnbull was appointed Director of Legal Aid WA in June 1999. He was first admitted to practice as a barrister and solicitor of the Supreme Court of Victoria in 1973. Mr Turnbull was until June 1998 the Director of the Victorian office of the Australian Government Solicitor, and was previously Director of the New South Wales and South Australian offices. During the 1980s he was Deputy Crown Solicitor and Director for Western Australia. Mr Turnbull attended 9 of the 9 Commission meetings held in 2008-09.



MR RAYMOND HUGHES

Raymond Hughes was appointed in January 1999, and is the current nominee of the Western Australian Attorney General as a person with "administrative experience at a senior level". He has held senior positions with the Western Australian Treasury including that of Assistant Under Treasurer (Finance) and was Chief Executive Officer of the Western Australian Treasury Corporation before he retired from that position in 2003. He has served on a number of statutory and private corporation boards as Chairman and a Director. Mr Hughes is a member of the Australian Society of Certified Practising Accountants and is Chairman of the Audit Committee. Mr Hughes attended 8 of the 9 Commission meetings held in 2008-09.

MS LINDA WENNSTROM



Lynda Wennstrom was appointed in August 2004. Ms Wennstrom has been employed at the City of Fremantle since 1987 and is Coordinator of Fremantle Community Legal Centre and Warrawee Women's Refuge. Her initial role was as a welfare rights worker, delivering advocacy in areas such as financial counselling, tenancy and Centrelink. In 1992 she was appointed to the role of Coordinator of the Fremantle Community Legal Centre then in 2007 to the role of Coordinator of Warrawee. Ms Wennstrom has undertaken many roles in the community sector, including serving as the Chairperson and Secretary of the Financial Counsellors Association and Chairperson of the Federation of Community Legal Centres. She is immediate past Chairperson of No Interest Loans WA (Inc) a position which she held for eight years and an Executive Member of the Community Legal Centres Association (Inc). Ms Wennstrom attended 5 of the 9 Commission meetings held in 2008-09.

MR RICK CULLEN



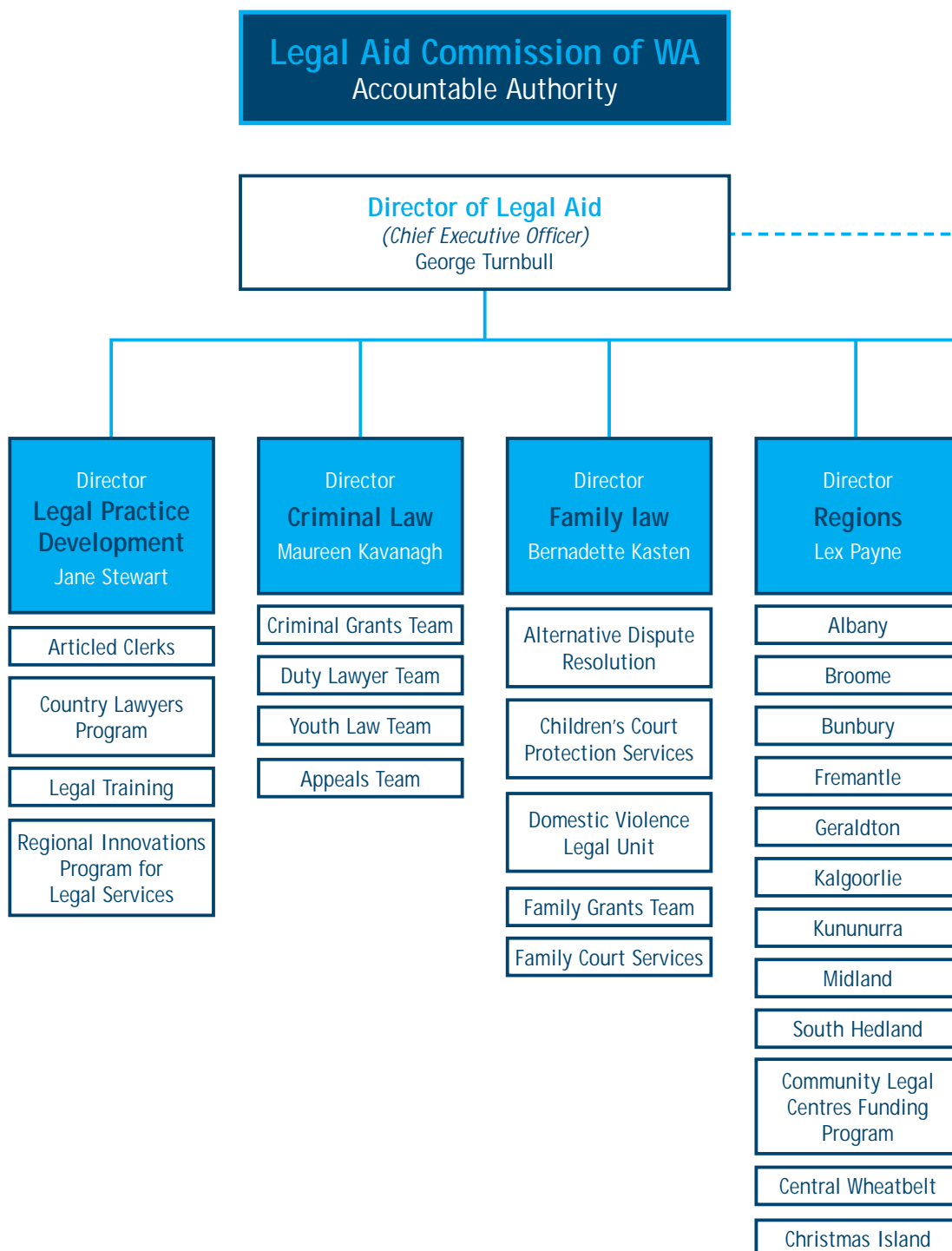
Rick Cullen was appointed a Commissioner in January 1995 as a nominee of the Law Society of Western Australia. He is a graduate of the University of Western Australia in Science and Law and since his admission as a lawyer in 1977 has practised in a variety of areas, concentrating on commercial litigation over the last ten years. Mr Cullen was a partner of Dwyer Durack from 1989 to 2004 and has since become managing partner in Cullen Babbington Hughes. He was a Councillor of the Law Society of WA for 13 years and was President of the Society in 1992. He has been a member of the Law Council of Australia's Access to Justice Committee since 1987. Mr Cullen attended 7 of the 9 Commission meetings held in 2008-09.

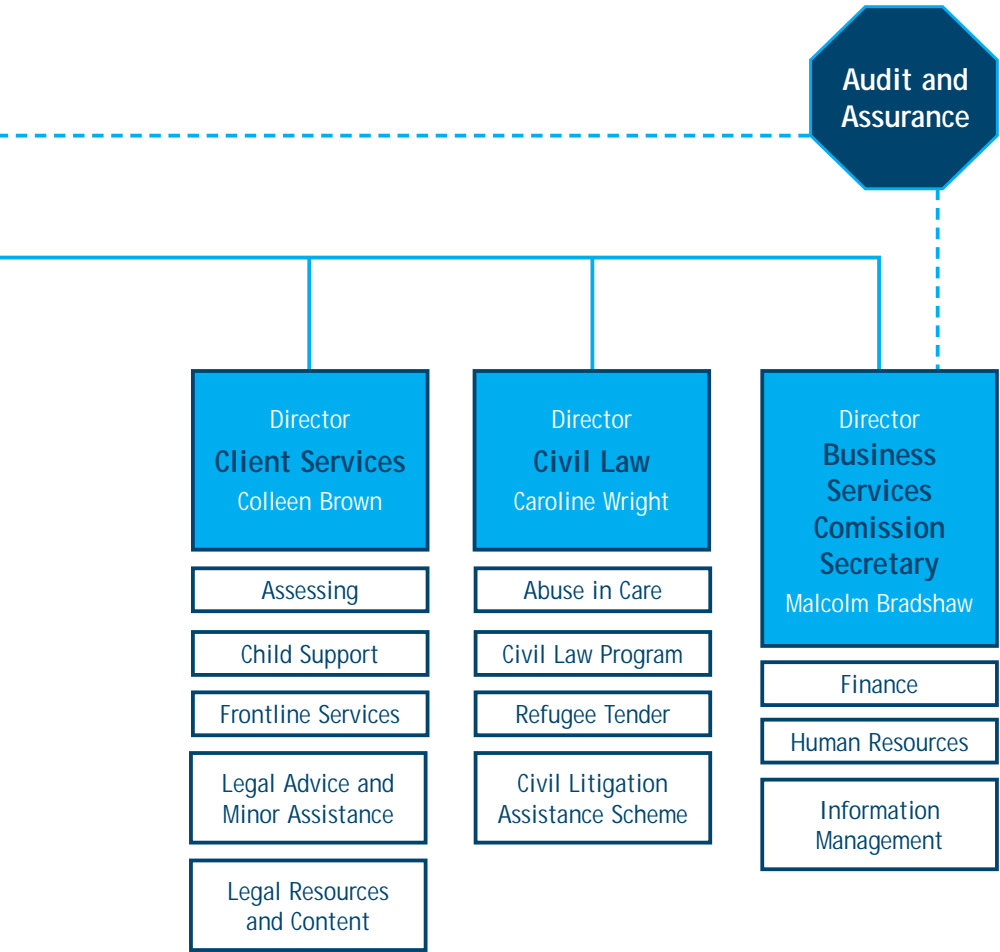
MS BELINDA LONSDALE



Belinda Lonsdale was appointed a Commissioner in January 2006 as a nominee of the Law Society of WA. She graduated from the University of Western Australia in 1991 with a Law degree and again in 1999 with an MBA. Ms Lonsdale was a Senior Associate with Dwyer Durack from 1997 until 2003 where she practiced principally in criminal law. In 2003 she went to the Bar and joined Albert Wolff Chambers. She was President of the Criminal Lawyers' Association in 2005 and 2006. In 2006 Ms Lonsdale was Convenor of the 10th International Criminal Law Congress, held in Perth. In 2007 she was elected to the Council of the Law Society of WA. Ms Lonsdale attended 8 of the 9 Commission meetings held in 2008-09.

LEGAL AID WA ORGANISATION STRUCTURE AS AT 30 JUNE 2009





REPORT ON OPERATIONS

CRIMINAL LAW DIVISION

MAUREEN KAVANAGH - DIRECTOR



Maureen joined Legal Aid WA in 1993 and has held a number of senior management roles including Manager of Assignments and Client Services. Maureen is currently the Director of the Criminal Law Division at Legal Aid WA. In her role Maureen is responsible for the delivery of criminal law services comprising one on one representation under a grant of aid as well as duty lawyer and non litigation services.

Maureen also has an academic background lecturing at Edith Cowan University for almost 10 years and tutoring at the University of Western Australia.

Maureen holds a Commerce degree and a Law degree from the University of Western Australia and was admitted into practice in 1981. She completed a post graduate certificate in Public Sector Management in 2000.

Key functions –

- legal representation for clients where grants of aid have been awarded
- duty lawyer services in the Magistrates Courts
- legal advice and minor assistance to clients on criminal matters
- prison visiting information service.

ANDREW PARKER - TEAM MEMBER PROFILE



Andrew was admitted to practice in 1990 and prior to joining Legal Aid WA in 2003, gained experience in private practice and with the Aboriginal Legal Service in Kalgoorlie. Andrew worked initially in Legal Aid WA's South Hedland office before moving to Perth to take up the role of duty lawyer in 2004.

As a duty lawyer Andrew deals with all sorts of people in all sorts of situations. His easy going nature means that he takes this in his stride and manages to efficiently work through long and ever increasing lists of clients appearing before the Magistrates Court. In his role, Andrew has developed strong relationships with the Court, the Prosecution, court welfare and other support staff. He makes himself available as a mentor to junior staff and assists in training.

Andrew has set a benchmark in duty lawyer services, not only in the delivery of quality services but also in numbers. This year Andrew delivered 2,020 duty lawyer services, a personal best for him and the highest recorded output for a duty lawyer at Legal Aid WA.

FAMILY LAW DIVISION

BERNADETTE KASTEN - DIRECTOR



Bernadette joined Legal Aid WA in September 2008. Bernadette has over 20 years experience in family law and after working 4 years in Melbourne returned to private practice in Queensland first as an associate and then a partner. After a number of years as an Independent Children's Lawyer in Legal Aid Queensland, Bernadette was appointed Dispute Resolution Manager and assisted in the expansion of their dispute resolution services over a number of years. Bernadette is a registered family dispute resolution practitioner and arbitrator.

Key functions -

- legal representation for parties involved in family law disputes or child protection matters
- operating the Domestic Violence Legal Unit within Legal Aid WA
- duty lawyer services in the Family Court and the Children's Court
- legal representation for children as the independent child representative in family law disputes or child protection matters
- Alternative Dispute Resolution services within the scope of family law.

JULIE JACKSON - TEAM MEMBER PROFILE



Julie Jackson is a long standing and popular member of staff at Legal Aid WA. She joined Legal Aid WA in 1985 as a family lawyer and it became evident from an early stage in her career that her bright and endearing personality was particularly suited to working as a children's lawyer. Over the years she has established herself as a recognised leader in representing children in protection and care, family law and criminal law matters. She remains at the forefront of the development of law reform, policy development and legal processes in the protection and care jurisdiction engaging effectively with a wide range of stakeholders both in WA and nationally.

Julie is held in the highest esteem throughout the legal profession and community services sector for her tireless efforts in the development of best practice approaches for the management of families involved in the practice of the law. Moreover, she has an exceptional ability to 'step into the shoes' of those professionals working in the protection and care jurisdiction in bringing all stakeholders together for the purpose of promoting positive change for those clients who find themselves caught up in these jurisdictions.

She is an outstanding representative for Legal Aid WA within the professional and the broader community, an inspirational role model for young women lawyers and a source of exceptional expertise for her peer group and colleagues throughout Legal Aid WA.

In March 2009 Julie's commitment to her clients and her profession were recognised by her peers when she was awarded Western Australian Woman Lawyer of the Year.

CLIENT SERVICES DIVISION

COLLEEN BROWN - DIRECTOR



Colleen was admitted to practice in NSW in 1988 and to practice in WA in 1992. Her journey in law has taken her to different parts of Australia, working in a range of environments including a large-scale national firm in Sydney, regional offices in Port Macquarie and Busselton and a boutique family law firm in Perth. Colleen joined Legal Aid WA in 1996 as a children's representative and thereafter moved to set up the Alternative Dispute Resolution Program at Legal Aid WA in 2001. Her main interest is in intake and assessment and creating clear, positive pathways for clients requiring legal assistance. Colleen is a qualified Independent Children's Lawyer, Arbitrator and Collaborative lawyer.

Key functions -

- assessing applications for grants of aid
- child support
- providing an Infoline and advice service for queries of a general nature from members of the public
- providing a Legal Advice Bureau and Minor Assistance Program for members of the public requiring initial advice and/or assistance with handling their own legal issue
- providing legal information and advice on a range of legal issues to the public and external stakeholders through internet and intranet services.

FRAN MARSH - TEAM MEMBER PROFILE



Fran first joined Legal Aid WA as an articled clerk in 1984 and is currently working as a senior solicitor in the assessing area of Legal Aid WA's Client Services Division. In this role Fran oversees the significant effort required to assess the thousands of applications which are received for grants of legal aid every year. The assessing staff work as a committed team, applying a range of skills to ensure that each application for aid is assessed in an equitable manner and in accordance with the prescribed guidelines for granting aid.

Before joining the assessing team in January 2009, Fran gained wide experience in legal practice, including working as a criminal lawyer in Legal Aid WA's Fremantle office and for the Commonwealth Director of Public Prosecutions. More recently Fran has worked as a criminal lawyer in the Children's Court and as a criminal content lawyer within Legal Aid WA's Legal Resource and Content area.

REGIONS DIVISION

LEX PAYNE - DIRECTOR



Lex was admitted to practice in 1980 and has worked at Legal Aid WA since 1985. Since joining Legal Aid WA, Lex has practiced mainly in the criminal law area as well as taking up senior management roles at Legal Aid WA. In the past, Lex has been the Solicitor in Charge of the Fremantle Office, Solicitor in Charge of the Criminal Law Section, General Manager of the Legal Practice Division and now the Director of Regions. Lex is an active member of the Law Society of WA serving on the Criminal Law Committee and the Law Office Management Committee. Lex is also a member of the Criminal Lawyers Association of WA and the Australian Institute of Judicial Administration.

Key functions -

- managing Legal Aid WA's presence outside of the Perth CBD, with offices at Fremantle, Midland, Bunbury, Albany, Kalgoorlie, Geraldton, South Hedland, Broome, Kununurra and Christmas Island.
- delivering the full range of Legal Aid WA services from each of the regional offices, including duty lawyer and legal representation of criminal and family law matters.
- providing duty lawyer support for court circuits to remote areas of Western Australia
- manage funding associated with the Community Legal Centre program in Western Australia.

JESSICA KOONTZ - TEAM MEMBER PROFILE



Jessica's ten years of service at Legal Aid WA have given her the opportunity to work in different parts of the State and to gain experience in the wide range of services delivered by Legal Aid WA. Since joining Legal Aid WA in 1999 Jessica has worked as a Secretary and Paralegal in the Child Support Legal Unit, an Assessor in the Assessing Section, a Co-ordinator and Secretary in the ADR Unit, a Secretary in the Domestic Violence Legal Unit, a Secretary in the Drug Court and Duty Lawyer Service and a Secretary in the Criminal Law Division. After gaining this broad experience Jessica worked for two years in the Kimberley Regional Office in Broome. Jessica is now the Regional Co-ordination Assistant and provides a range of support for the Director of the Regions Division and all regional offices of Legal Aid WA.

CIVIL LAW DIVISION

CAROLINE WRIGHT - DIRECTOR



Before joining Legal Aid WA in September 2008 Caroline Wright worked at the State Solicitor's Office in a range of areas including civil litigation. She was seconded to the Ministerial office of the former WA Attorney General, Jim McGinty, as Principal Policy Officer, and then worked at the newly established Office of the Commissioner for Children and Young People as Manager of the Legal, Policy and Research team. Caroline is also on the board of the Northern Suburbs Community Legal Centre.

Key functions -

- advice and representation in a limited range of civil cases, such as medical negligence and motor vehicle accidents
- abuse in care cases referred from the Department for Child Protection
- immigration and refugee issues
- criminal injuries compensation
- social security, including a fortnightly duty lawyer service at the Administrative Appeals Tribunal
- administering the Civil Litigation Assistance Scheme.

KATHRYN HOLLOWAY - TEAM MEMBER PROFILE



Kathryn Holloway is the longest serving solicitor in the Civil Law section. She was articled to Legal Aid WA in December 1982 and following her admission Kathryn joined the Civil Law section. During her time at Legal Aid WA, Kathryn has worked on a range of civil litigation matters including personal injury, inheritance, and criminal injuries compensation where clients have suffered significant injury and loss. Currently, Kathryn has a number of the Department of Child Protection 'abuse in care' cases. Kathryn is passionate about working at Legal Aid WA - she can't imagine working anywhere else. She is committed to serving the needs of her clients, many of whom are vulnerable people.

LEGAL PRACTICE DEVELOPMENT DIVISION

JANE STEWART - DIRECTOR



Jane was admitted to practice in 1992 and has worked at Legal Aid WA for the last 15 years. While at Legal Aid WA, Jane has undertaken a variety of senior roles. In her current role she is responsible for training, professional development and career planning of in-house lawyers. Jane manages the Country Lawyers Program, which is a collaborative cross agency initiative aimed at recruiting and retaining lawyers in hard to fill positions in rural, regional and remote Western Australia.

Key functions -

- enhancing professional practice standards through programs of continuing professional development, as required under the *Legal Profession Act 2008*
- managing Legal Aid WA's graduate program
- managing the Country Lawyers Program
- managing the Regional Innovations Program for Legal Services
- managing the delivery of Continuing Professional Development to partner agencies.

HELEN DE BRITO - TEAM MEMBER PROFILE



Helen commenced as Supervising Solicitor in the Legal Practice Development division in December 2008. In this role she is able to combine her talent as a criminal law advocate with a natural flair as both teacher and mentor. Helen began her legal career as an Articled Clerk at Legal Aid WA, having graduated from Murdoch University with first class Honours in Law. Helen's previous experience as a speech and drama coach gave her a natural advantage as an advocate, which combined with Helen's impressive academic focus, quickly developed her reputation as a talented criminal lawyer.

Helen is highly regarded as a mentor by junior lawyers across the organisation. Helen enjoys this role and is busy developing the next generation of top Legal Aid WA lawyers by clinically training Articled Clerks, promoting Legal Aid WA as the employer of choice to law students and managing the vacation clerkship program and annual Articled Clerk intake process.

Helen's achievements in Legal Practice Development include co-ordinating the inaugural Reconciliation Action Plan Indigenous Law Students Program; developing a new clinical training program at the Armadale Magistrates Court as well as a clinical therapeutic jurisprudence training program at the Perth Drug Court. As a legal content trainer Helen has written and delivered numerous training sessions including Duty Lawyer Training Workshops and Legal Ethics Seminars in both Perth and regional areas.

BUSINESS SERVICES DIVISION

MALCOLM BRADSHAW - DIRECTOR



Malcolm joined Legal Aid WA in March 2009 after spending the previous two years as General Manager Corporate and Legal Affairs at Perth Airport. Prior to that Malcolm gained almost 20 years experience in a variety of policy and financial management roles in central WA Government agencies, including Treasury and Premier and Cabinet. Among Malcolm's career achievements are Western Australia's first policy on Public Private Partnerships and Australia's first code to regulate the conduct of lobbyists. Malcolm holds undergraduate and postgraduate degrees in Arts and Law from the University of Western Australia and the Australian National University and has completed the Securities Institute of Australia's graduate course in Applied Finance. Malcolm was admitted to the Supreme Court of the ACT in 2004 and is a Fellow of the Financial Services Institute of Australia.

Key functions -

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

- finance, including overall financial management, internal audit and administrative services
- information management, including management of information systems and technology
- human resources, including training, recruitment, performance monitoring and payroll services
- providing assistance to the practice divisions in their interaction with other areas of government.

NINO PATINO - TEAM MEMBER PROFILE



Nino joined Legal Aid WA in March 1989 and currently holds the role of Finance Supervisor. The various sources of funding and multiple accountabilities to Commonwealth and State jurisdictions add a degree of complexity to Legal Aid WA's accounting systems that is not found in most other agencies. Nino's intimate knowledge of Legal Aid WA's unique accounting environment makes him a highly valued team member, with a level of knowledge that would take many years to replace.

Nino is a very popular team member, particularly among his own team of six accounting officers, to whom he is both manager and mentor. Through his leadership and professionalism Nino sets the very highest standards which reflect positively on Legal Aid WA and the WA public sector.

PERFORMANCE MANAGEMENT FRAMEWORK

Funds are limited and determining the extent and type of assistance provided to clients is central to Legal Aid WA's 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 DESIRED OUTCOME:

The right to justice and safety for all people in Western Australia is preserved and enhanced.

OUR VISION:

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

AGENCY DESIRED OUTCOME:

Is to ensure the community and target groups have access to and are provided with quality legal services.

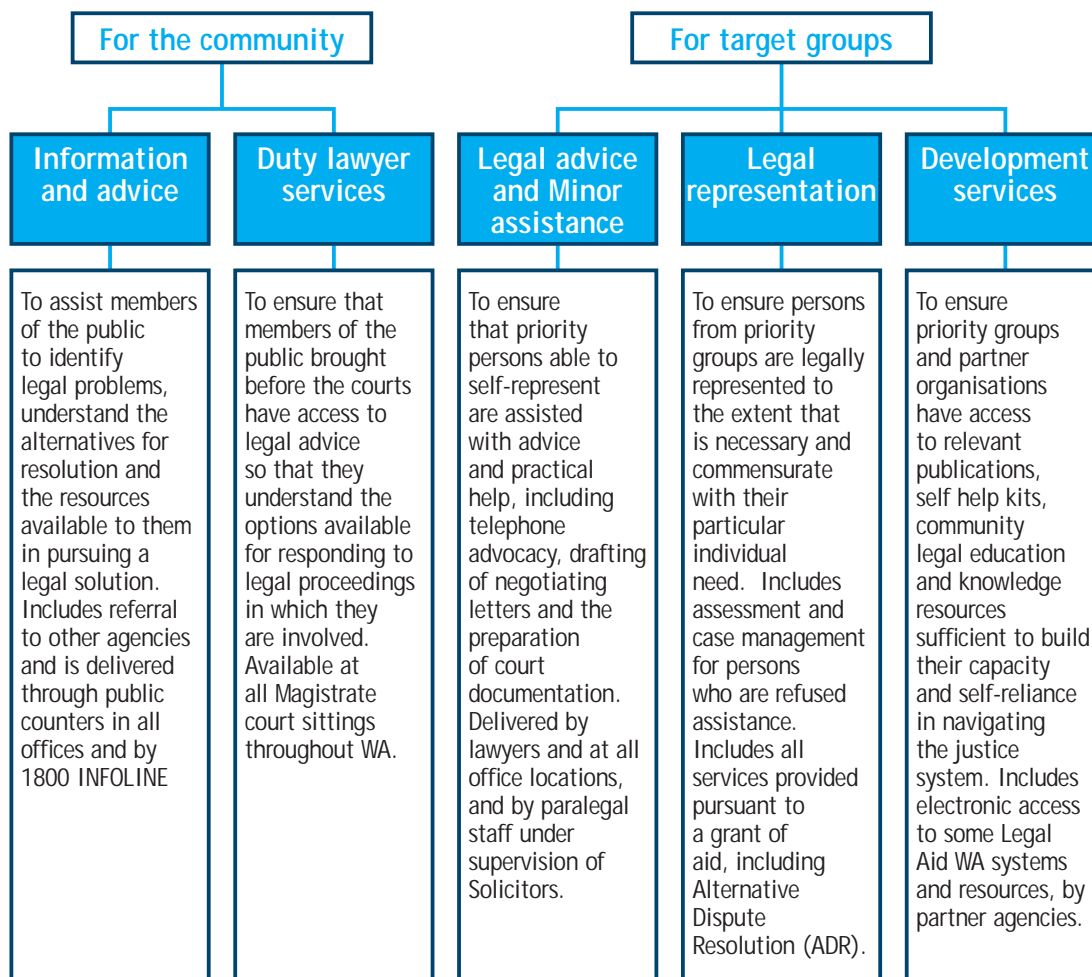
This is achieved through the provision of a range of services; including the formulation of priorities and the administration of eligibility and merit tests to enable legal representation to be provided to clients by way of a grant of aid and assignment of cases to in-house or private practitioners.



Legal Aid WA Articled Clerk Michele Lord. Michele will commence a three year regional placement as part of the Country Lawyers Program in 2010.

OVERVIEW OF AGENCY

OUR SERVICES:



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

EFFECTIVENESS INDICATORS

The two key aspects of the outcome sought by Legal Aid WA as a result of the services provided are "access to legal services" and "service quality".

Access is measured by the application approval rate or the extent to which legal representation can be provided, to those whom seek it. Quality is measured by client satisfaction with particular aspects of service delivery, for example the effect the assistance had in helping them understand their legal situation, and how well they believed the lawyer represented them in court.

EXPLANATORY NOTES FOR EFFECTIVENESS INDICATORS

- 1 Applicants for a grant of aid must satisfy certain criteria for legal representation to be approved.
- 2 In areas of family law only, some applicants are assisted via a grant of aid to pursue alternative dispute resolution.
- 3 Telephone information and community education services include telephone information service both in Perth metropolitan and regional areas, policy advice sessions, community legal education and training, face to face consultation, and Family Court information services.
- 4 Legal advice services include minor assistance where a solicitor or paralegal (under the supervision of a solicitor) provides personal assistance of up to three hours in drafting negotiation letters, applications and court documentation in most areas of law for non-complex matters.

TECHNICAL NOTES FOR EFFECTIVENESS INDICATORS

SURVEY METHODOLOGY

Each year Legal Aid WA undertakes an annual Client Satisfaction Survey, alternating between family law and criminal law clients. This year, criminal law clients were surveyed. The survey instrument was identical to the 2007-08 survey instrument to allow meaningful comparisons to be made. It provided that the neutral rating in the five-point scale used in surveys prior to 2007-08 was again deleted this year and not available to respondents, so as to obtain a more definitive response from clients to the questions asked. Advantage Communications and Marketing Pty Limited again conducted this year's survey.

RESEARCH METHODOLOGY

Survey Populations

The populations for the purpose of the research were all clients from the three criminal Law client groups who had received their respective type of assistance from Legal Aid WA in the past 12 months. Additionally it was decided that a sample population would be drawn from those clients who received assistance while in custody. The population sizes for each client type are shown in the table below.

Legal Aid WA provided contact lists for each client group.

Sample Sizes

The sample sizes for the Criminal Law client groups satisfaction surveys were designed to balance the requirements of obtaining accuracy to within about +/-5 per cent at the 95 per cent confidence level and having sufficient sample sizes for each survey group to allow valid statistical analysis at the individual survey level and to make comparisons between the surveys.

OVERVIEW OF AGENCY

For the Criminal Law client population as a whole, a sample size of 400 would give an error ratio of no more than +/- 5 per cent at the 95 per cent confidence level i.e. where 43 per cent of the sample gives an answer we can be 95 per cent confident that if we had asked the question of the entire relevant population, between 38 per cent and 48 per cent would have picked that answer. However, taking the populations of the 3 survey groups in isolation, in order to minimise the error ratio for data collected from each group within the constraints imposed by the total sample size we gave greater weighting to the Legal Advice and Grants of Aid client groups with smaller populations. While this means that the error ratios of data collected from the smaller client groups are still higher than that obtained from the Duty Lawyer client group with its larger population, these error ratios are not blown out to the degree that would be the case if we merely split the samples according to population numbers. To do this, the initial sample of 400 was allocated proportional to the square root of the population size between each of the client group surveys.

The following table shows the breakdown of the sample into the three survey areas.

Criminal Law Client Group	Population Size (N)	Target Sample Size	Achieved Sample Size (N)	Level Of Accuracy
Duty Lawyer	4424	249	260	+/- 4.1%
Legal Advice	388	74	77	+/- 7.0%
Grants of Aid	428	77	77	+/- 6.9%
TOTAL	5240	400	414	+/- 3.2%

POPULATIONS, SAMPLE SIZES AND LEVELS OF ACCURACY

The estimated overall level of accuracy expected from this was +/- 3.2 per cent assuming a satisfaction level of 86.6 per cent based on previous results. The accuracy levels for the individual surveys are higher but still within acceptable error bounds. The achieved overall level was +/- 3.3 per cent.

Questionnaire Design

The questions used for this year's Criminal Law survey were supplied by Legal Aid WA and the questions used to calculate the satisfaction index were the same as those used in previous years, to allow meaningful comparisons with earlier reports. However, a number of new questions were added and others revised in order to extend the areas covered by the survey, improve the quality of response and provide more meaningful management information.

At Legal Aid WA's request, where respondents were previously asked to rate their agreement to statements as either strongly agree, agree, neutral, disagree or strongly disagree, this year the neutral or neither agree nor disagree response category was dropped from the five point scale. By modifying the scale to four points, respondents were forced to make a choice towards agreement or disagreement. This may impact comparability of results between years.

DATA COLLECTION METHODOLOGY

Surveys were conducted over the telephone using the contact lists provided by Legal Aid WA over a three-week period from 11th May 2009 to 29th May 2009. Calling took place in both business hours and evenings. The majority of residential calls would have been made in the late afternoon, early evening hours from around 4pm – 8pm weekdays and also 9am – 5pm on Saturdays.

Surveys were conducted in accordance with the requirements of the Federal Privacy Act and the Australian Market & Social Research Society (AMSRS) Professional Code of Conduct.

The quality of data collected and the “completeness” of each survey was checked by our supervisory staff before and after input. In addition, a minimum of 10 per cent of all respondents were recontacted to validate the information provided (as required by Market Research Quality Standards).

DATA ANALYSIS AND REPORTING NOTES

To ensure consistency in reporting comparisons with previous survey results, overall satisfaction has been reported as the proportion of the respondents who gave a “net agree” (i.e. strongly agree or agree) response excluding respondents who indicated that a particular aspect was not applicable or didn't know. Results are rounded to the nearest whole number and therefore some totals may exceed 100 per cent.

As indicated previously, where respondents were previously asked to rate their agreement to statements as either strongly agree, agree, neutral, disagree or strongly disagree, this year the neutral or neither agree nor disagree response category was dropped from the five point scale. By modifying the scale to four points, respondents were forced to make a choice towards agreement or disagreement. This may impact comparability of results between years.

OVERVIEW OF AGENCY

DESIRED OUTCOMES AND KEY EFFECTIVENESS/EFFICIENCY INDICATORS

Desired Outcomes: The right to justice and safety for all people in Western Australia is preserved and enhanced and the community and target groups have access to and are provided with quality legal services.

Effectiveness Indicators	2007 Actual	2008 Actual	2009 Target	2009 Actual
Applications approved for a Grant Of Aid as a % of all applications received	71%	69%	70%	69%
Percentage of Clients satisfied with service provided				
Criminal Law	87%	N/A	87%	85%
Family Law	85%	82%	N/A	N/A

Key Efficiency Indicators	2007 Actual	2008 Actual	2009 Target	2009 Actual
STATE LAW				
Average cost per Call	17	17	18	20
Average cost per Service Duty Lawyer	98	105	108	129
Average cost per Legal Advice	113	125	125	177
Average cost per Minor Assistance	187	218	223	206
Average cost per Application Processed	127	176	165	210
Average cost per Legal Representation	1,892	2,089	2,466	2,452

Key Efficiency Indicators	2007 Actual	2008 Actual	2009 Target	2009 Actual
COMMONWEALTH LAW				
Average cost per Call	22	23	23	30
Average cost per service: Face to Face Information	29	30	34	53
Average cost per Service Duty Lawyer	134	138	116	136
Average cost per Legal Advice	126	196	199	197
Average cost per Application Processed	493	498	527	594
Average cost per Legal Representation	2,861	3,776	3,412	3,277
Average cost of Child Support	1,407	1,395	1306	672



Legal Aid WA Articled Clerk Alex Makore. Alex will begin a three year regional placement as part of the Country Lawyers Program in 2010.

REPORT ON OPERATIONS

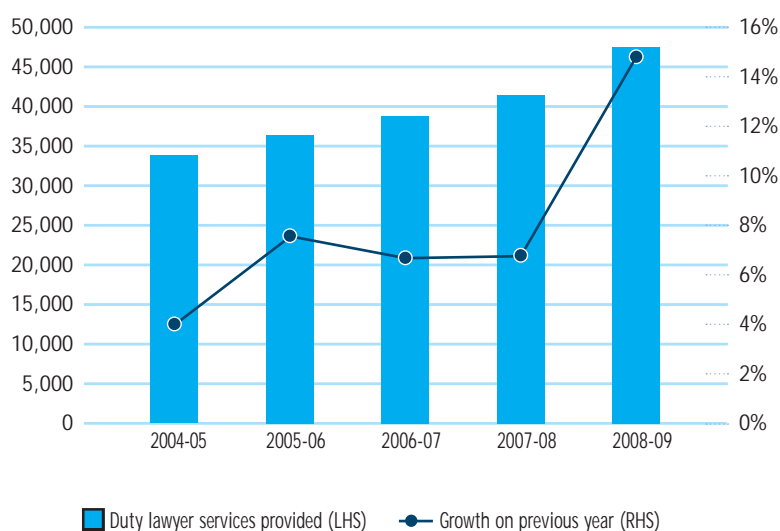
CRIMINAL LAW

In 2008-09 demand for duty lawyer services on State matters increased by 14.8 per cent over the previous year. This level of demand growth is unprecedented and comes after three years of sustained high growth of around 7 per cent per annum. Factors contributing to this growth include:

- duty lawyers being required to spend more time assisting clients where there is no alternative representation, as well as extra sitting days and larger court lists
- increasing rates of criminal interception by the WA Police Service as a result of new information technology which provides better access to criminal record information at the point of arrest
- an increase in demand due to specialised Courts and Court based programs which is being met through the use of senior file lawyers
- increased numbers of outreach Duty Lawyer services (services remote from Legal Aid WA offices) being required to spend more time assisting clients where there is no alternative representation, more occasions requiring attendance at metropolitan and regional Magistrate Courts because of extra sitting days and larger court lists.

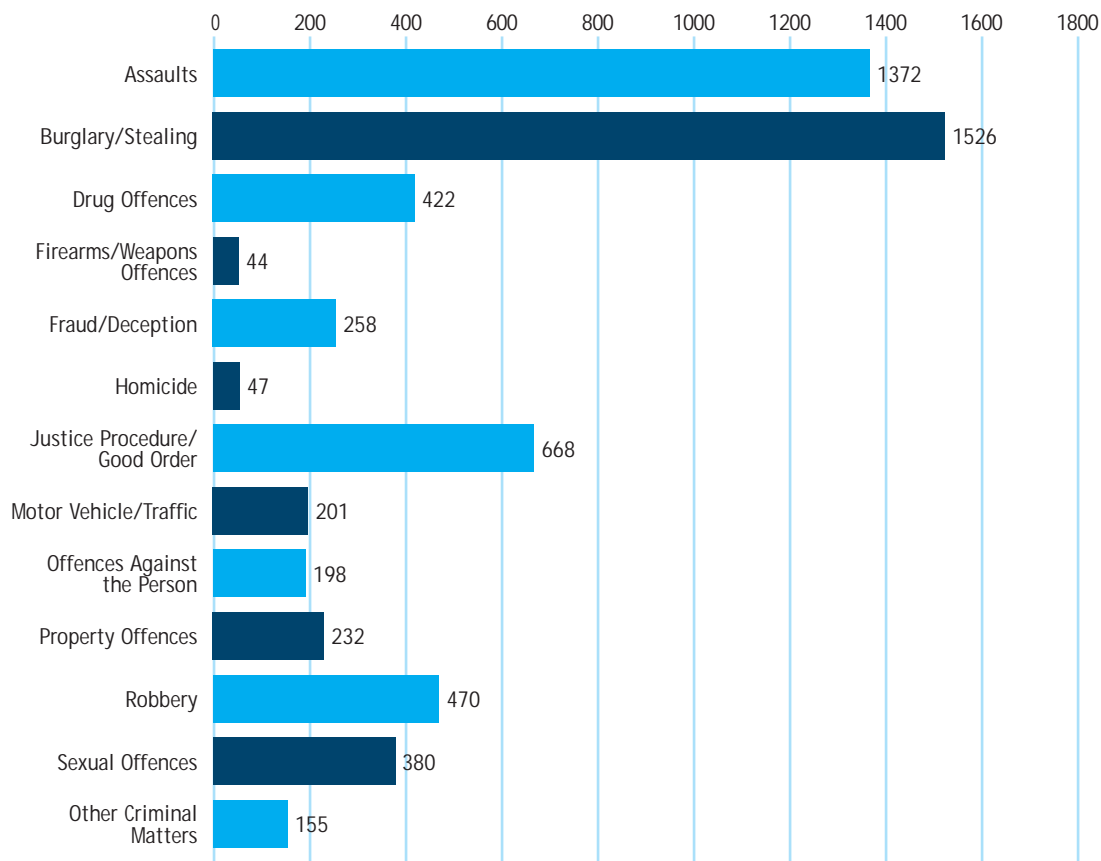
Regardless of the reasons underlying the growth, there remains an expectation among judicial officers and the community generally that Legal Aid WA will make duty lawyers available at every Magistrate's Court on each day of sitting. Throughout 2008-09 Legal Aid WA met this expectation by making lawyers available, although due to the higher levels of demands and restrictions on resource availability, more junior lawyers have been assigned to handle busy court lists. This has resulted in an increase in the amount time taken per matter and, consequently, an increase in the unit cost of delivering duty lawyer services. The high demands for duty lawyer services presents significant resource allocation challenges for Legal Aid WA which will need to be addressed during 2009-10.

Growth in State Criminal Duty Lawyer Services 2004-05 to 2008-09



In 2008-09 assault and burglary/stealing offences dominated the applications granted for criminal law aid. While this is generally in line with patterns in previous years, a clear trend is emerging of strong growth in the number of aid applications granted for assault offences. If this trend continues it is likely that within the next two years assault will overtake burglary and stealing as the number one offence for which criminal law grants of aid are awarded.

Criminal Law Applications Granted by Matter Group



FAMILY LAW

ALTERNATIVE DISPUTE RESOLUTION SERVICE

The Alternative Dispute Resolution (ADR) unit provides a legally assisted family dispute resolution program to help families resolve issues relating to their children and property.

Over the financial year, the ADR unit held 305 conferences across Western Australia. Partial or full settlement was reached in 235 conferences. This represents an overall settlement rate of 77 per cent.

There has been an increasing complexity of the matters entering this program since the introduction of the Commonwealth funded Family Relationship Centres. Matters referred to the program obtain the assistance of lawyer assisted family dispute resolution and often include matters with a history of family violence, drug or alcohol abuse, mental illness or other compounding factors. Despite these complexities, as a result of the commitment of both staff and other professionals engaged in the process, a large proportion of these families are able to resolve their family law issues.

Legal Aid WA has invested in the professional development of its family dispute resolution practitioners (chairpersons) through the provision of a supervision panel providing peer support. Panel members are available to co-facilitate or supervise conferences with other practitioners and to provide professional consultation. This initiative has helped prepare chairpersons for the final national accreditation process legislated for completion by 30 June 2009.

During 2008-09, the Commonwealth Government contracted KPMG to conduct a review of family dispute resolution programs offered by Legal Aid commissions across Australia. The review found the ADR program:

- plays an important role between mediation and litigation
- utilises highly skilled and qualified practitioners within a lawyer assisted process
- provides services that are child focussed and comply with requirements for reporting, accreditation and acceptance of matters suitable for family dispute resolution
- operates a cost-effective service that is cheaper than litigation.

In May the Board of Management endorsed an internal review of the program. The review is scheduled to be tabled in September 2009 and will make recommendations to improve both internal processes and service delivery.

A number of initiatives are already planned to further improve the cost-effectiveness, productivity and availability of the service throughout 2009-10 and to address recommendations arising from the KPMG review.

FAMILY COURT SERVICES

The trend of increasing complexity in the matters presenting to Family Court Services (FCS) continues with the majority of clients being exempt from the requirements of compulsory family dispute resolution. Presenting matters include those that are urgent or those where there are allegations of child abuse, domestic violence of a level that precludes dispute resolution, serious concerns about drugs or alcohol abuse or there are mental health problems. Mandatory reporting of child abuse appears to have had a further impact.

FCS continues to participate in the working group monitoring the operation of the Memorandum of Understanding between the Family Court of WA, the Department for Children's Protection and Legal Aid WA. It also participates in training seminars in support of these services.

An information sharing protocol between the Family Court of WA, the Magistrates Courts of WA, the Department of the Attorney General and Corrective Services together with Legal Aid WA has been established in relation to matters concerning family violence.

Whilst the service continues to assist clients with parenting issues, there is an ongoing “gap” in relation to the ability of low income families to access advice about property related matters. This is particularly concerning in relation to situations of family violence, where there are substantial family debts and /or where the whereabouts of one of the parties is unknown;

CHILDREN'S COURT (PROTECTION) SERVICES

The number of protection and care applications lodged in the Children's Court increased from 628 in 2005/2006 to 1,642 in 2007-08 and increasing numbers continue to be the trend in 2008-09.

More than 60 per cent of these applications are for time limited orders (usually 2 years) and approximately 80 per cent of children are taken into care without a warrant (involving an ex parte application to the Children's Court) notwithstanding that there has usually been a history of the Department for Child Protection (“DCP”) working with the family.

The assistance provided to parents in most cases was the equivalent of an initial grant of Legal Aid WA for “advice, investigation and negotiation with DCP” which is available to all respondents who qualify on the basis of financial means. Some staffing issues have impacted on the service resulting in an increase in the number of matters requiring an application for a grant of aid at an early stage, but the service is confident that this trend will be reversed in the future.

Legal Aid WA, together with DCP, the Children's Court, King Edward Memorial Hospital and the profession are involved in implementing the framework for a child protection conferencing process based on a process identified as “Signs of Safety”. The proposal encompasses a system whereby parents and their legal representatives work with DCP and support agencies either before or (as a court diversion process) after the commencement of protection and care proceedings.

Caseworkers, lawyers and non-government agencies providing support services to families have commenced attending signs of safety training. A pool of Legal Aid WA Alternative Dispute Resolution (ADR) Conference Chairpersons and DCP Signs of Safety practice leaders will be trained during 2009 to facilitate these conferences with a view to a pilot of “signs of safety” based pre and post application conferences commencing before the end of the 2009 calendar year.

A further achievement is the development of a protocol concerning the supervision of self-representing litigants who want to inspect subpoenaed documents. Previously, parents representing themselves have been unable to inspect documents until commencement of proceedings for which the documents had been subpoenaed, due to lack of facilities and limited court resources. The President directed that parents could not inspect documents without the supervision of the legal representatives. In order to assist parents who are representing themselves, where resources allow, the staff from Children's Court Protection Services will provide such supervision.

During the year, we have also produced an information sheet to help respondent parents at the Children's Court apply for legal aid in protection and care matters.

A close working relationship with King Edward Memorial Hospital has been developed to facilitate referrals for mothers who have had (or are about to have) their babies taken into care at birth and in respect of the development of the proposed pre application conference process. The service has also provided seminars to KEMH staff in relation to the protection and care jurisdiction.

DOMESTIC VIOLENCE LEGAL UNIT

Family and domestic violence “FDV” is an issue that affects many in the community, cuts across many areas of the law and is often hidden or masked, due to fear, embarrassment, lack of recognition and minimisation of what is occurring.

Legal Aid WA is committed to providing advice, support and representation to victims of FDV. A major part of that commitment is the funding of a specialist Domestic Violence Legal Unit within Legal Aid WA's Family Law Division. The Unit will enter its 15th year of operation in October 2009 and provides:

- a Duty Lawyer service at the Perth Magistrate's Court each day and the Joondalup Magistrate's Court each Thursday, to help women with initial restraining order applications
- legal advice, both in person and on the telephone in relation to restraining orders and domestic violence related matters
- representation in defended restraining order hearings
- initial counselling, safety planning and support from a qualified counsellor
- initial advice on family law issues to do with children
- referrals to other relevant services.

The unit is actively involved in law reform and policy issues and made a significant contribution as one of the principal stakeholders for the Acts Amendment (Justice) Act 2008. DVLU also maintains representation on various committees that focus on important issues such as ongoing law reform, coordination of domestic violence services across WA and best practice for responding to FDV.

DVLU is committed to a collaborative approach to addressing FDV. It maintains strong networks with Women's Refuges, the Police, Courts, the Department of the Attorney General, the State Family and Domestic Violence Unit (Department for Communities) and other community and government agencies. As part of this collaborative approach, the DVLU has continued its involvement in DVAS Central, a multi-agency co-located domestic violence support service and provides a full time lawyer to the centre. It is also involved in community legal education and has designed and conducted training for various organisations including Canning Division of General Practitioners, Relationships Australia and Department for Child Protection Field Officers.

The Unit plays a major role in ongoing training for Legal Aid WA staff about working with FDV clients.

FAMILY GRANTS

Grants of aid for litigation in the Family Court of Western Australia are provided only in the most complex of matters since most matters are now settled prior to the commencement of court proceedings through family relationship centres, or Legal Aid WA's Alternative Dispute Resolution program.

Most matters assisted through a grant of aid are those where there is a substantial and often protracted dispute, and matters where real concerns about the safety or welfare of the children or a party to the conflict exist.

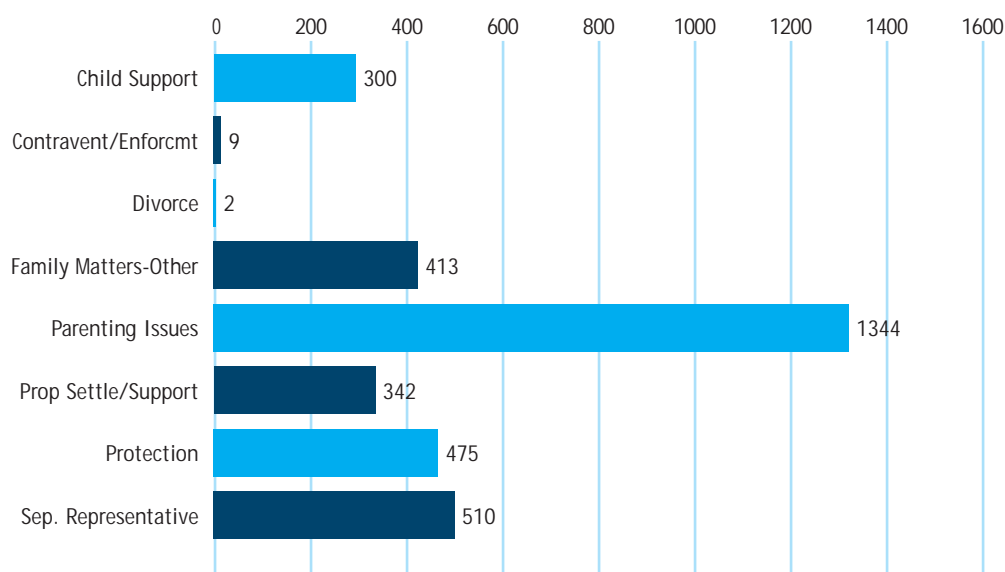
In addition to complex party matters, a major part of the Family Grants Section's file load concerns matters where an Independent Children's Lawyer (“ICL”) is appointed upon request by the Family Court of Western Australia or as Child Representative in Children's Court proceedings.

WOMAN LAWYER OF THE YEAR

Congratulations to Julie Jackson the Solicitor in Charge of Family Court Services and the Children's Court (Protection) Services who received the "Woman Lawyer of the Year" Award in March 2009. The award recognises her role in providing legal assistance to children and their families in the family law and protection and care jurisdictions and for her role in developing improved case management practices in these areas.



Family Law Applications Granted by Matter Group



CLIENT SERVICES

The Client Services Division is the main entry point for people seeking assistance from Legal Aid WA. Clients are able to make an application for a grant of legal aid, access legal information and advice and be provided assistance with document drafting, court preparation and referrals to other agencies if required.

ASSESSING

The Assessing section of Legal Aid WA deals with all aspects relating to the processing of applications for legal assistance. This assessment is required to take into account limited resources, eligibility and priority guidelines established through funding agreements with the Commonwealth and State Governments and competing interests.

Assessors take into account three essential factors in its assessment of applications:

1. the relevant State or Commonwealth guidelines designed to prioritise type of matters funded
2. the financial eligibility of the applicant (measured in accordance with the National Means Test)
3. and the merit and prospect of success of the applicant's case.

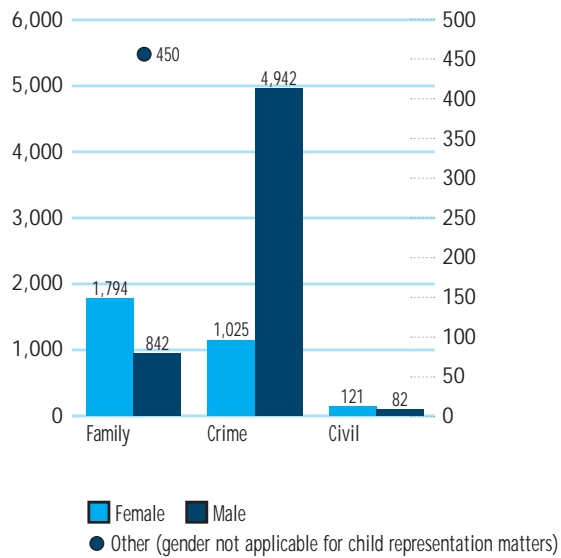
The Assessing section also provides a referral service for applicants who are deemed to be ineligible for a grant of aid by providing advice on other sources of legal assistance, including other services provided by Legal Aid WA and community legal centres.

Top 30 Legal Aid WA Fee Earners 2008-09

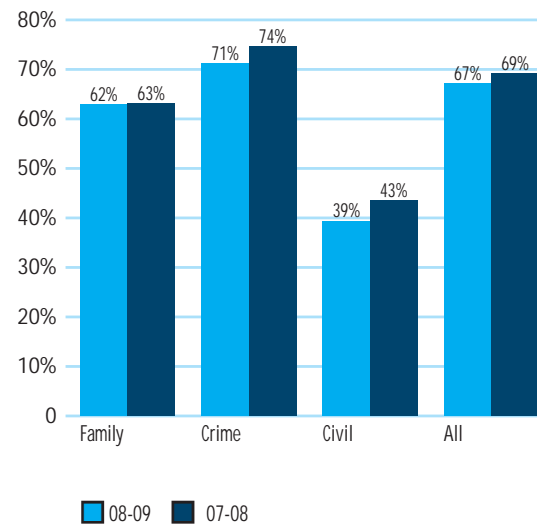
CALVERLEY JOHNSTON	\$511,666.80
IAN HOPE	\$462,632.56
DONNA M WEBB AND ASSOCIATES	\$375,435.87
BANNERMAN SOLICITORS	\$321,574.40
MEREDITH HUNTER & ASSOCIATES	\$288,541.63
MCDONALD & SUTHERLAND	\$239,412.61
READER LAWYERS & MEDIATORS	\$228,218.54
PACY SOLICITORS	\$221,738.00
SHANE REBBECK	\$211,427.34
SAMSON DEFENCE LAWYERS PTY LTD	\$195,964.41
J D HAWKINS AND ASSOCIATES	\$193,468.60
MILLINGTON LEGAL PTY LTD	\$192,606.17
MICHAEL TUDORI & ASSOCIATES	\$190,037.50
PAUL SULLIVAN	\$174,622.48
ANDREE HARRIGAN	\$172,901.03
SUSAN JEAN CRISP	\$166,939.00
JEFFREY PAUL S GORE	\$160,015.80
R J LAWSON BARRISTER & SOLICITOR	\$158,517.58
FERRIER ATHANASIOU & KAKULAS PTY LTD	\$157,557.46
MALCOLM J AYOUB	\$153,999.25
CORINNE GRIFFIN & CO	\$149,127.35
SHADDICKS	\$148,989.81
SIMON WATTERS	\$148,131.25
MEGAN IN DE BRAEKT	\$146,448.46
KLIMEK & CO	\$145,990.75
DWYER DURACK	\$144,009.68
LISA BOSTON	\$140,226.66
ANDREW MAUGHAN & ASSOCIATES SOLICITORS	\$139,316.07
GEORGE GIUDICE LAW CHAMBERS	\$135,904.52
LARINA GIUDICE BARRISTER AND SOLICITOR	\$134,672.40

AGENCY PERFORMANCE

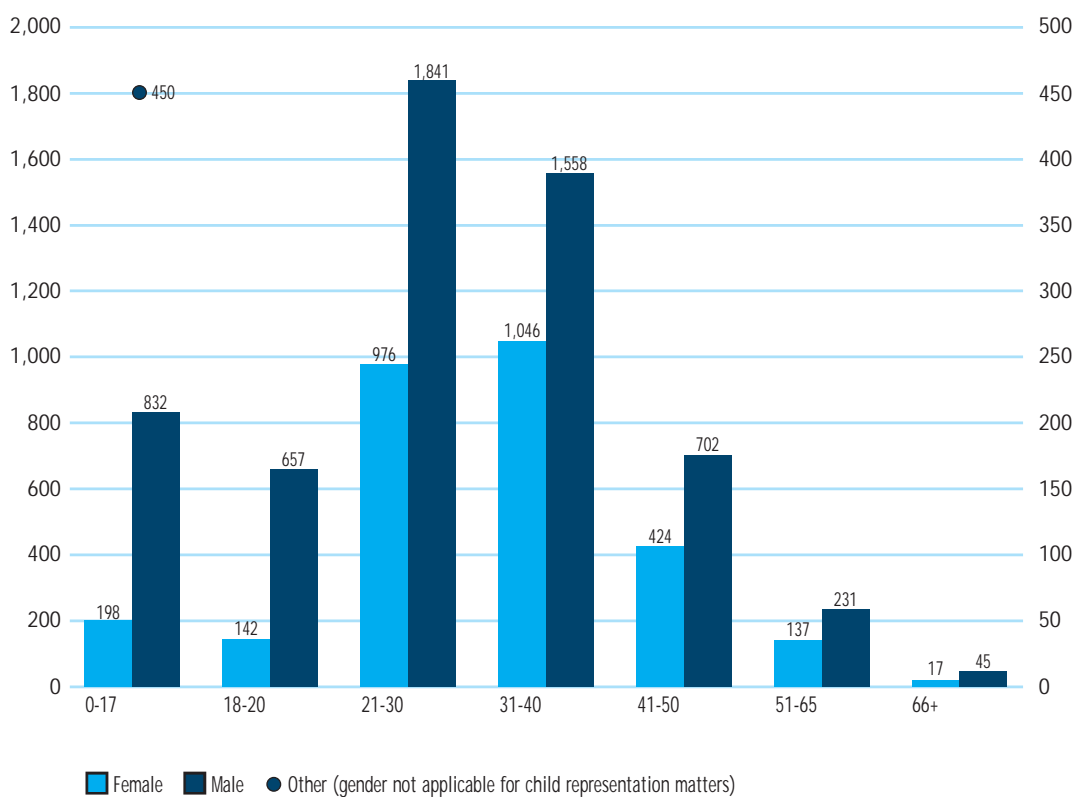
Aid Granted by Gender and Law Type



Grant Rate by Law Type



Aid Granted by Gender and Age Group



CHILD SUPPORT

Child support is an issue that touches many Western Australian families. If parents feel that the child support system is not working fairly, it can cause stress and have the potential to negatively impact on the relationship they have with each other and their children. While some people deal with child support without difficulty, many others find the system confusing. Many people benefit from help with negotiation, and are able to conduct themselves more effectively with specialised support.

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

2008-09 has seen the implementation of the final stage of the most substantial changes to the child support scheme ever undertaken. Twenty years after the initial legislation was implemented the scheme is now more complex but also more responsive to parents dealing with child support issues.

By supporting regional workers and using electronic communication our specialist service is delivered statewide but remains focussed upon providing support to parents who fall within our priority client groups. At June 2008 the Child Support Agency indicated 46 per cent of cases had a paying parent with an annual income of \$25,000 or less. This statistic relates to the period prior to the strong downturn in the economy and at that time more than half of these parents were assessed to have incomes of less than \$10,000 per annum.

Like other services working with young families, the child support service has begun to encounter a higher percentage of parents who are unused to dealing with economic adversity. Whilst some are equipped to access the information and web based tools government agencies make available to them, a percentage of parents are confused and unsure of how to effectively engage with the government supports they now require.

INTAKE AND ADVICE

The Intake and Advice section is the main entry point for people seeking assistance from Legal Aid WA. Clients are able to access legal information, advice, assistance with document drafting, court preparation and referrals to other agencies if required.

Legal Aid WA's telephone information service (Infoline) assists people to access information on a range of options to help them find the best possible solution for their legal issue.

In response to recommendations from a comprehensive review of the Infoline undertaken during 2007-08 a new web based telephone system, the Web Contact Centre (Web CC) was implemented in December 2008.

The Web CC system has brought about significant changes in the way clients presenting with issues are dealt with on the Infoline. Callers self select from a range of options and the calls are now scripted. The caller is then streamed to an adviser with expertise in the chosen area.

The new system assists staff to better manage the call and identify the best pathway for the caller.

Features of the new system include:

- profiling staff into areas of law in which they have specific expertise
- flexibility for staff to provide the service remotely for example at a regional office
- increased queuing capacity; including
- a "call-back" feature for callers who don't want to wait in a queue
- comprehensive reporting functionality which includes matter types of calls, performance results and call trends
- option of providing "real time" supervision and coaching.

The use of telephone scripts has also enabled the collection of vital statistics about Legal Aid WA's client base, including the multiplicity of legal and social issues facing them. This will allow for better planning for the future allocation of funding by providing a source of consistent and measurable information.

In the period 2008-09 the Infoline received 67,174 calls an increase of 17 per cent compared to 2007-08 these results are attributed to the calling capacity the Web CC system provides. Previously many of these callers would have received a busy signal and may not have received assistance from Legal Aid WA.

The Infoline is staffed by experienced paralegals that come from a range of community-based backgrounds. Legal Aid WA's Legal Resource system ensures each caller receives up to date and correct legal information relevant to his or her legal issue.

Legal Aid WA Solicitors Tom Allen and Mark Colwell. Tom and Mark are currently placed with the Indigenous Family Violence Prevention Legal Service in Broome.



REGIONS

The Regions Division comprises two suburban regional offices (Midland and Fremantle) and seven country and remote regional offices including an office at Christmas Island. The Regions Division also includes the Central Wheatbelt Outreach Service which operates out of Perth office.

Each regional office operates as a microcosm of the broader Legal Aid WA organisation offering services in areas including duty lawyer and legal representation in criminal and family law matters as well as advice bureaux and minor assistance for general law matters.

As a rule of thumb, each regional office services the larger regional area as per the defined geographical regions of WA. The regional offices provide circuit duty lawyer support for Magistrate's and Children's Court sittings in almost all areas where the courts sit throughout Western Australia.

The major issue facing the Regions Division in 2008-09 was gaps in staffing at the Pilbara Regional Office and difficulties accommodating the demand for Legal Aid WA services across the whole of the State with fixed staff resources. A key challenge for 2009/2010 for the Regions Division is to try to contain, prioritise and ration the demand for Legal Aid WA services in light of increasing demand for duty lawyer criminal jurisdiction representation throughout the State.

COMMUNITY LEGAL SERVICES PROGRAM

Legal Aid WA continued to manage the Community Legal Services Program (CLSP) in 2008-09; the year saw expansion in the number of centres and total clients assisted by centres in Western Australia. Community legal centres are independent, not for profit organisations that

provide valuable legal services to disadvantaged members of the community. Community legal centres provide a distinct form of assistance and work in co-operation with Legal Aid WA and other legal service providers to improve access to justice.

Total funding to the Community Legal Services Program in Western Australia for 2008-09 was \$7,753,246 comprising \$5,062,726 in Commonwealth funding, \$1,822,181 in State funding and \$868,339 in project funding from the Legal Contribution Trust. In 2008-09 \$1,626,444 in additional one off Commonwealth funding was paid to centres at the direction of the Commonwealth Attorney General, these funds were allocated late in 2007-08 and distributed to centres early in 2008-09. The one off funding was a welcome boost for centres and provided additional funding for a range of projects including community legal education, management support, planning and enhanced legal service delivery.

During 2008-09 funding was provided to 22 centres around Western Australia including 8 centres located in regional and remote areas and 6 specialist centres assisting specialist client groups such as women, youth, tenants, social security recipients, indigenous women, rural women and people with environmental legal issues. State funding was also provided to the Association of Community Legal Centres WA, the peak body representing centres.

CLIENTS ASSISTED BY CENTRES

In 2008-09 community legal centres assisted 23913 clients around WA with a range of legal issues. Centres provided 31620 legal advice services, 19373 legal information services, opened 5915 new cases and continued to assist in 2359 already open cases. Demonstrating a focus on early intervention and law reform,

community legal centres provided 686 community legal education activities around WA and participated in 150 law reform activities.

Community legal centres record client information over 3 broad categories of law; Civil Law, Family Law and Criminal Law. In 2008-09 centres assisted 66 per cent of clients with a Civil Law matter, 24 per cent of clients with a Family Law matter and 10 per cent of clients with a Criminal Law matter.

The top problem types for legal assistance matters for community legal centres in 2008-09 were as follows:

Problem Type
Child Contact
Tenancy - general
Property in marriage
Child residency
Credit & Debt negotiation
Family or domestic violence order

SIGNIFICANT ACHIEVEMENTS

In 2008-09 Geraldton Resource Centre, Bunbury Community Legal Centre, Goldfields Community Legal Centre and Kimberley Community Legal Services participated in the Country Lawyers Project with Legal Aid WA and hosted country lawyer placements for junior lawyers in regional areas.

In 2009 the Citizen's Advice Bureau received the Department of Commerce Richard Fletcher Award for Consumer Protection recognising the important work of this centre for providing legal services to consumers.

A new centre was funded in the Wheatbelt region of WA from Legal Contribution Trust project funding; the Rural (Wheatbelt) Community Legal Service was funded from April 2009. Centre for Advocacy Support and Education (CASE) for Refugees replaced the Multicultural Services Centre of WA as a specialist provider of legal services for migrants funded by the CLSP. CASE commenced funding from April 2009. Sussex Street Community Law Service celebrated refurbishment of its premises in Victoria Park and this was launched by the Commonwealth Attorney General, Robert McClelland, in early 2009.

Commonwealth Community Legal Centre Funding 2008-09	
Albany CLC	\$241,268
Bunbury CLC	\$174,192
CASE for Refugees	\$114,194
Consumer Credit Legal Service	\$58,088
Environmental Defenders's Office	\$88,452
Fremantle CLC	\$81,252
Geraldton CLC	\$285,872
Goldfields CLC	\$239,516
Gosnells CLC	\$210,148
Kimberly CLS	\$328,404
Nothern Suburbs CLC	\$190,204
Pilbara CLS	\$266,692
SCALES	\$120,760
Sussex St CLS	\$301,692
Tenants Advice Service	\$132,312
Welfare Rights & Advocacy Service	\$184,772
Women's Law Centre	\$338,964
Youth Legal Service	\$79,500
TOTAL	\$3,436,282

CIVIL

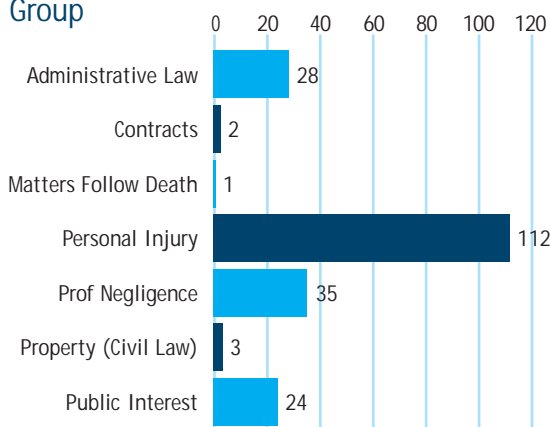
Grants of legal aid for representation in civil law matters are limited. Our in-house lawyers provide some representation on criminal injuries compensation claims, professional negligence and personal injury matters. Legal Aid WA also provides a Duty Lawyer service on a fortnightly basis at the Administrative Appeals Tribunal for clients with social security matters.

In 2008-09, a significant portion of the work of the Civil Law team arose from special funding from the State Department for Child Protection for abuse in care matters from the Commonwealth Department for Immigration and Citizenship for immigration advice.

DCP 'ABUSE IN CARE'

Towards the end of 2003, Legal Aid WA was asked by the Department for Child Protection ("DCP", previously named the Department for Community Development) to manage a scheme for the provision of independent legal advice and representation for children who have been in the care of DCP and who may have been abused, injured or involved in a critical incident. The DCP imperative for the scheme arose from the High Court decision of *Bennett v Minister of Community Welfare (1993) 176 CLR 408*, where the High Court confirmed that the Department has a positive duty to obtain independent legal advice with respect to the possible existence of a cause of action on the part of the [ward or ex-ward] arising out of the circumstances in which he or she sustained injuries whilst in the care of the Department.

Civil Law Applications Granted by Matter Group



DCP continued to provide funding to Legal Aid WA for the abuse in care legal advice scheme for the 2008-09 financial year. A number of the DCP referrals have revealed some strong claims that have resulted in successful claims for Criminal Injuries Compensation and settlements of individual common law actions. Another avenue for some clients was through the Redress WA Scheme. The scheme was established in 2007 for persons who claim they suffered abuse whilst in State care. Legal Aid WA supported this scheme as a vehicle for resolution of potential claims than individual actions through the Courts including issues associated with claims that the State considered to be statute barred. Applications closed on 30 April 2009. In 2010-2011, applications will be assessed by qualified assessors engaged by the Department of Communities and an ex gratia payment determined. These payments will be made dependent upon the applicant signing a "Deed of Settlement and Release" indemnifying the Minister and the State from any current or further legal claims arising from the same experiences of the alleged abuse. The scheme provides for access to legal advice in relation to the "Deed of Settlement and Release". Legal Aid WA also assisted the Aboriginal Legal Service in the coordination of advice and assistance for Redress WA to their clients.

IMMIGRATION

Legal Aid WA continues to provide legal advice and assistance to clients on migration matters in accordance with its contractual obligations with the Department of Immigration and Citizenship who administer the Immigration Advice and Application Assistance Scheme (IAAAS). Legal Aid WA is funded to provide advice and assistance to the most disadvantage and vulnerable clients in the community or in immigration detention for protection visas and non-protection visas (where a person on a spousal visa has been subjected to domestic violence). Funding is provided for assistance at the primary stage (Departmental delegate) and review stage (Refugee Review Tribunal or Migration Review Tribunal). The Civil Law team has two solicitors who are also qualified migration agents with specialized immigration law knowledge.



Legal Aid WA Solicitor Melissa McEwen, currently placed with the Aboriginal Legal Service in Kalgoorlie.

LEGAL PRACTICE DEVELOPMENT

COUNTRY LAWYERS PROGRAM

The Country Lawyers Program ("CLP") was introduced during 2007-08 as a way of increasing the presence of legal practitioners in regional and remote areas of Western Australia. The CLP has been successful in attracting lawyers to Kununurra, Broome, Port Hedland, Geraldton, Kalgoorlie, Bunbury and Albany. With the support of Commonwealth funding, CLP lawyers are employed by Legal Aid WA and placed in non-for-profit legal service providers in regional centres. Training and supervision are provided locally and remotely through the Perth Legal Aid WA office. Salaries and other costs are recouped by Legal Aid WA. Many CLP lawyers are now deciding to remain permanently in the towns in which they have been placed. The CLP has been extremely successful in filling public and not-for-profit sector vacancies for

lawyers, particularly in the north of Western Australia, where there is an acute shortage of private practitioners. Throughout 2009-10 Legal Aid WA will work to seek broader support for the CLP from a range of non-government sources, including the private profession and private companies with a significant presence in regional Western Australia.

REGIONAL INNOVATIONS PROGRAM FOR LEGAL SERVICES (RIPLS)

RIPLS is a Commonwealth funded initiative which will enable Legal Aid WA to develop and deliver interactive online learning systems for Continuing Professional Development. During 2008-09 the first stages of systems and content development was initiated and the first online courses are scheduled for delivery during 2010-11. The online learning environment will give lawyers in regional and remote Western Australia much greater access to professional development activities.



Legal Aid WA forensic advocacy training program at the Perth Central Law Courts.

BUSINESS SERVICES

LA Office is Legal Aid WA's core business system and provides critical functionality to many Legal Aid WA staff. LA Office is ten years old and based upon outdated technologies giving rise to high support and maintenance costs. The existing support contract does not allow for changes that are required to support business improvements. At a national level there has been a move by other Legal Aid Commissions away from LA Office to solutions based upon contemporary system architectures that support increased business flexibility. The potential benefits arising from the replacement of LA Office could include improved efficiencies through the provision of functionality not available in the current system, improved effectiveness through greater automation of business processes, improvements in the timeliness, accuracy and cost of business outputs and reduced risks through the use of an industry standard system that can be supported and upgraded to meet changing business needs.

While a final decision on the solution required to replace LA Office has not yet been made it is anticipated that planning and preparatory work for this project will be required in 2009/10 prior to implementation commencing in 2010/11. The complexities of business process review, data migration, system configuration and testing will result in the implementation not being completed until 2011/12. While a detailed costing for replacement of LA Office has not been finalised it is anticipated that the ongoing recurrent charges will be similar following the implementation of a replacement solution. As such the only net increase will be the one-off costs associated with capital acquisition and project implementation. These costs will be detailed as the project matures and the solution is refined, so that appropriate funding allocations can be managed in forward plans and budgets.

LEGAL AID WA RECONCILIATION ACTION PLAN (RAP)

The RAP has been developed by Legal Aid WA to help continue to build positive relationships between Indigenous and non-Indigenous people.

The RAP Working Group was established in July 2008 and meets monthly to monitor the progress of the actions and provide feedback to the Board of Management on a quarterly basis. The following RAP objectives are in progress:

- an Indigenous Law Student Program has been developed to give students the opportunity to come and experience working life at Legal Aid WA. As participants in a structured work experience program, students will rotate through Family Law, Criminal Law, Civil Law and Client Services
- members of the group met with Indigenous law students from all universities to promote our RAP and raise awareness about opportunities Legal Aid WA offers to Indigenous law students
- all Legal Aid WA staff will attend cultural awareness training during 2009/2010, to raise knowledge and awareness of Aboriginal cultures and the key differences, Aboriginal history, and provide participants with the skills to address people from a different culture with respect.

The RAP has been endorsed by Reconciliation Australia and is available both at www.reconciliation.org.au and Legal Aid WA's website.

COURTHOUSE

Legal Aid WA Solicitor
Jessica Baynes, currently
placed with the Geraldton
office of Legal Aid WA.



CHILD PROTECTION MATTERS IN THE CHILDREN'S COURT

- Legal Aid WA performs an essential role in the Government's response to child protection by providing legal assistance to children who are the subject of child welfare concerns (i.e. physical, sexual, psychological, emotional abuse or neglect) and/or applications for protection orders by the Department for Child Protection and their parents under the *Children and Community Services Act 2004* ("the Act")
- following the implementation of the Act on 1 March 2006 significant demand pressures have arisen in the protection and care jurisdiction. The immediate impact was a more than doubling of applications to the Children's Court and a subsequent increase of 72 per cent increase in applications for grants of aid between 2005/06 and 2006/07. Since that time demand growth has continued at a strong rate with a 23 per cent increase in applications for grants of aid during 2007-08 and a projected further increase of 12 per cent for 2008-09 (see below).

CHILD PROTECTION APPLICATIONS & GRANTS OF AID

Year	Children's Court Applications	Increase %	Legal Aid WA Applications for Aid	Increase %
2004/2005	359			
2005/2006	628	75%	540	
2006/2007	1,342	113%	931	72%
2007/2008	1,642	22%	1153	23%
2008/2009 (projected)	1,806	10%	1290	12%

- Legal Aid WA informed the previous Government of the impact of these demand pressures and supplementary funding of \$250,000 in 2006-07 and \$270,000 in 2007-08 was subsequently provided. At the time of publication Government was considering a request for additional recurrent funding in response to this demand pressure.

COMMONWEALTH FOUR-YEAR FUNDING AGREEMENT

- a new Agreement is currently being negotiated with the Commonwealth. It is anticipated that this Agreement will be finalised prior to December 2009. The current Agreement was negotiated in 2003-2004, and was expressed to operate until the end of 2008. The Commonwealth rolled the Agreement over for a further year, 2009
- the Commonwealth has also indicated that it intends to make a Letter of Offer to State and Territory Attorneys-General about the new Agreement after the May 2009 budget and is organising further meetings with National Legal Aid on this issue
- the Commonwealth has signalled its desire to move away from the rule that Commonwealth money can only be spent on matters arising under Commonwealth laws. It is also understood that the Commonwealth is aware that to do that it will have to make available additional resources to make practical sense on moving away from that rule
- in terms of Commonwealth funding, the Legal Aid Commission of Western Australia currently receives \$7.06 per head of population in Western Australia. This is the second lowest rate of funding by the Commonwealth, with Victoria the lowest at \$6.26 per head. Queensland, which has a similar geographic and client demographic profile to Western Australia, receives \$8.09 per head of population from the Commonwealth.



Legal Aid WA Articled Clerk
Georgia Pickering with Magistrate
Leighton Jones at the Armadale
Magistrate's Court. Georgia will
begin a three year regional
placement as part of the Country
Lawyers Program in 2010.

AUDITOR GENERAL'S OPINION ON FINANCIAL STATEMENTS AND NOTES



Auditor General

INDEPENDENT AUDIT OPINION

To the Parliament of Western Australia

LEGAL AID COMMISSION OF WESTERN AUSTRALIA FINANCIAL STATEMENTS AND KEY PERFORMANCE INDICATORS FOR THE YEAR ENDED 30 JUNE 2009

I have audited the accounts, financial statements, controls and key performance indicators of the Legal Aid Commission of Western Australia.

The financial statements comprise the Balance Sheet as at 30 June 2009, and the Income Statement, Statement of Changes in Equity and Cash Flow Statement for the year then ended, a summary of significant accounting policies and other explanatory Notes.

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

Commission's Responsibility for the Financial Statements and Key Performance Indicators

The Commission is responsible for keeping proper accounts, and the preparation and fair presentation of the financial statements in accordance with Australian Accounting Standards (including the Australian Accounting Interpretations) and the Treasurer's Instructions, and the key performance indicators. This responsibility includes establishing and maintaining internal controls relevant to the preparation and fair presentation of the financial statements and key performance indicators that are free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; making accounting estimates that are reasonable in the circumstances; and complying with the Financial Management Act 2006 and other relevant written law.

Summary of my Role

As required by the Auditor General Act 2006, my responsibility is to express an opinion on the financial statements, controls and key performance indicators based on my audit. This was done by testing selected samples of the audit evidence. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion. Further information on my audit approach is provided in my audit practice statement. Refer www.audit.wa.gov.au/pubs/AuditPracStatement_Feb09.pdf.

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

Legal Aid Commission of Western Australia
Financial Statements and Key Performance Indicators for the year ended 30 June 2009

Audit Opinion

In my opinion,

- (i) the financial statements are based on proper accounts and present fairly the financial position of the Legal Aid Commission of Western Australia at 30 June 2009 and its financial performance and cash flows for the year ended on that date. They are in accordance with Australian Accounting Standards (including the Australian Accounting Interpretations) and the Treasurer's Instructions;
- (ii) the controls exercised by the Commission 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; and
- (iii) the key performance indicators of the Commission are relevant and appropriate to help users assess the Commission's performance and fairly represent the indicated performance for the year ended 30 June 2009.



COLIN MURPHY
AUDITOR GENERAL
31 August 2009

CERTIFICATION OF FINANCIAL STATEMENTS AND NOTES

DISCLOSURES AND LEGAL COMPLIANCE FOR THE YEAR ENDED 30 JUNE 2009

DISCLOSURES AND LEGAL COMPLIANCE

FINANCIAL STATEMENTS

Certification of Financial Statements

The accompanying financial statements of the Legal Aid Commission of Western Australia have been prepared in compliance with the provisions of the Financial Management Act 2006 from proper accounts and records to present fairly the financial transactions for the financial year ending 30 June 2009 and the financial position as at 30 June 2009.

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



Lee Baker
Chief Finance Officer
Date: 19/08/2009



George Turnbull
Director
Date: 19/08/2009



Malcolm McCusker AO QC
Chairman
Date: 21/08/2009

FINANCIAL STATEMENTS AND NOTES

INCOME STATEMENT FOR THE YEAR ENDED 30 JUNE 2009

	Note	2009 \$	2008 \$
COST OF SERVICES			
Expenses			
Employee benefits expense	6	23,477,651	20,857,298
Supplies and services	7	3,620,027	2,945,882
Depreciation and amortisation expense	8	795,274	956,795
Accommodation expenses	9	2,390,119	2,280,826
Legal services expenses	10	14,677,768	13,603,003
Loss on disposal of non-current assets	16	-	9,829
Other expenses	11	4,392,501	3,978,039
Total cost of services		49,353,340	44,631,672
Income			
Revenue			
User charges and fees	12	1,844,585	1,871,321
Commonwealth grants and contributions	13	16,501,433	16,946,221
Interest revenue	14	1,209,124	1,343,564
Other revenue	15	3,388,348	2,442,926
Total Revenue		22,943,490	22,604,031
Gains			
Gains on disposal of non-current assets	16	18,752	-
Total Gains		18,752	-
Total income other than income from State Government		22,962,242	22,604,031
NET COST OF SERVICES	27	(26,391,098)	(22,027,641)
INCOME FROM STATE GOVERNMENT			
State Government grant	17	27,079,709	24,091,168
Total Income From State Government		27,079,709	24,091,168
SURPLUS/(DEFICIT) FOR THE PERIOD	26	688,612	2,063,526

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

DISCLOSURES AND LEGAL COMPLIANCE

BALANCE SHEET AS AT 30 JUNE 2009

	Note	2009 \$	2008 \$
ASSETS			
Current Assets			
Cash and cash equivalents	27	18,466,798	17,947,430
Restricted cash and cash equivalents	18, 27	1,270,131	1,278,631
Receivables	19	4,352,848	2,367,042
Total Current Assets		24,089,777	21,593,103
Non-Current Assets			
Restricted cash and cash equivalents	18, 27	273,217	192,779
Receivables	19	3,010,606	2,900,109
Property, plant and equipment	20	2,299,182	2,789,056
Intangible assets	21	246,351	228,906
Total Non-Current Assets		5,829,355	6,110,850
TOTAL ASSETS		29,919,132	27,703,953
LIABILITIES			
Current Liabilities			
Payables	23	9,159,558	9,190,131
Provisions	24	3,031,932	2,854,860
Other current liabilities	25	4,965,561	3,912,744
Total Current Liabilities		17,157,052	15,957,735
Non-Current Liabilities			
Provisions	24	1,752,571	1,455,319
Total Non-Current Liabilities		1,752,571	1,455,319
Total Liabilities		18,909,623	17,413,054
NET ASSETS		11,009,510	10,290,899
EQUITY	26		
Contributed equity		595,669	595,669
Reserves		1,450,123	1,420,123
Accumulated surplus/(deficiency)		8,963,718	8,275,107
TOTAL EQUITY		11,009,510	10,290,899

The Balance Sheet should be read in conjunction with the accompanying notes.

STATEMENT OF CHANGES IN EQUITY FOR THE YEAR ENDED
30 JUNE 2009

	Note	2009 \$	2008 \$
Balance of equity at start of period		10,290,900	8,475,816
CONTRIBUTED EQUITY	26		
Balance at start of period		595,669	595,669
Balance at end of period		595,669	595,669
RESERVES	26		
Asset Revaluation Reserve			
Balance at start of period		220,043	180,043
Gains/(losses) from assets revaluation		30,000	40,000
Balance at end of period		250,043	220,043
Asbestosis Account Reserve			
Balance at start of period		1,200,080	1,231,224
Private practitioners fees		-	(31,144)
Balance at end of period		1,200,080	1,200,080
ACCUMULATED SURPLUS	26		
Balance at start of period		8,275,107	6,468,879
Change in accounting policy or correction of prior period errors ^(b)		-	(257,299)
Restated balance at start of period		8,275,107	6,211,580
Surplus/(deficit) for the period ^(c)		688,611	2,063,526
Balance at end of period		8,963,718	8,275,107
Balance of equity at end of period		11,009,509	10,290,900
Total income and expense for the period ^(a)		718,611	2,103,526

- (a) The aggregate net amount attributable to each category of equity is: surplus of \$839,092 plus gains from asset revaluation of \$30,000 (2008: surplus of \$2,311,761 plus gains from asset revaluation of \$40,000).
- (b) A change in accounting policy has taken affect with the Commission increasing the asset and intangible asset threshold from \$1,000 to \$5,000. Under AASB 108, voluntary changes in accounting policy and correction of prior period errors are adjusted against the opening balances of each affected component of equity in the comparatives. An adjustment of \$257,299 has been made to Accumulated Surplus/(Deficiency) of 2008.
- (c) 2008 Surplus/(deficit) for the period comparative figure is reduced by \$248,235 in line with the Commission's new asset capitalisation threshold and TI 1101refer note 20 'Property plant & equipment'.

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

DISCLOSURES AND LEGAL COMPLIANCE

STATEMENT OF CASH FLOWS FOR THE YEAR ENDED 30 JUNE 2009

	Note	2009 \$	2008 \$
CASH FLOWS FROM STATE GOVERNMENT			
State Government Grant		26,576,967	24,156,002
Net cash provided by State Government		26,576,967	24,156,002
Utilised as follows:			
CASH FLOWS FROM OPERATING ACTIVITIES			
Payments			
Employee benefits		(22,882,198)	(20,642,851)
Supplies and services		(3,561,223)	(3,007,095)
Accommodation		(2,384,029)	(2,299,157)
Legal services		(14,662,686)	(13,284,720)
GST payments on purchases		(2,996,074)	(2,454,808)
Other payments		(4,328,923)	(3,057,826)
Receipts			
User charges and fees		1,769,784	1,595,996
Commonwealth grants and contributions		17,020,184	16,230,977
Interest received		1,354,654	1,212,110
GST receipts on sales		140,693	242,225
GST receipts from taxation authority		2,767,492	2,241,410
Other receipts		2,196,426	4,534,162
Net cash provided by/(used in) operating activities	27	(25,565,900)	(18,689,577)
CASH FLOWS FROM INVESTING ACTIVITIES			
Proceeds from sale of non-current physical assets	16	120,608	152,422
Purchase of non-current physical assets		(540,370)	(1,675,499)
Net cash provided by/(used in) investing activities		(419,762)	(1,523,076)
Net increase/(decrease) in cash and cash equivalents		591,305	3,943,348
Cash and cash equivalents at the beginning of period		19,418,840	15,475,493
CASH AND CASH EQUIVALENTS AT THE END OF PERIOD	27	20,010,146	19,418,840

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

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2009

1 AUSTRALIAN EQUIVALENTS TO INTERNATIONAL FINANCIAL REPORTING STANDARDS

GENERAL

The Commission's financial statements for the year ended 30 June 2009 have been prepared in accordance with Australian equivalents to International Financial Reporting Standards (AIFRS), which comprise a Framework for the Preparation and Presentation of Financial Statements (the Framework) and Australian Accounting Standards (including the Australian Accounting Interpretations).

In preparing these financial statements the Commission has adopted, where relevant to its operations, new and revised Standards and Interpretations from their operative dates as issued by the AASB and formerly the Urgent Issues Group (UIG).

EARLY ADOPTION OF STANDARDS

The Commission cannot early adopt an Australian Accounting Standard or Australian Accounting Interpretation unless specifically permitted by TI 1101 'Application of Australian Accounting Standards and Other Pronouncements'. No Standards and Interpretations that have been issued or amended but are not yet effective have been early adopted by the Commission for the annual reporting period ended 30 June 2009.

2 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

(A) GENERAL STATEMENT

The financial statements constitute a general purpose financial report which has been prepared in accordance with Australian Accounting Standards, the Framework, Statements of Accounting Concepts and other authoritative pronouncements of the Australian Accounting Standards Board as applied by the Treasurer's instructions. Several of these are modified by the Treasurer's instructions to vary application, disclosure, format and wording.

The Financial Management Act and the Treasurer's instructions are legislative provisions governing preparation of financial statements and take precedence over Accounting Standards, the Framework, Statements of Accounting Concepts and other authoritative pronouncements of the Australian Accounting Standards Board.

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

(B) BASIS OF PREPARATION

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

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

The financial statements are presented in Australian dollars (\$'s).

The judgements that have been made in the process of applying the Commission's accounting policies that have the most significant effect on the amounts recognised in the financial statements are disclosed at note 3 'Judgments made by management in applying accounting policies'.

The key assumptions made concerning the future, and other key sources of estimation uncertainty at the balance sheet date that have a significant risk of causing a material adjustment to the carrying amounts of assets and liabilities within the next financial year are disclosed at note 4 'Key sources of estimation uncertainty'.

(C) REPORTING ENTITY

The reporting entity comprises the Commission and there are no related bodies.

(D) CONTRIBUTED EQUITY

AASB Interpretation 1038 'Contributions by Owners Made to Wholly-Owned Public Sector Entities' requires transfers, other than as a result of a restructure of administrative arrangements, in the nature of equity contributions 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 contributions (appropriations) have been designated as contributions by owners by Treasurer's Instruction (TI) 955 'Contributions by Owners made to Wholly Owned Public Sector Entities' and have been credited directly to Contributed Equity.

Transfers of net assets to/from other agencies other than as a result of a restructure of administrative arrangements, are designated as contributions by owners where the transfers are non-discretionary and non-reciprocal. See note 26 'Equity'.

(E) INCOME

Revenue Recognition

Revenue is measured at the fair value of consideration received or receivable. Revenue is recognised for the major business activities as follows:

Sale of goods

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

Rendering of Services

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

Interest

Revenue is recognised as the interest accrues.

Grants, donations, gifts and other non-reciprocal contributions.

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

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

Where contributions recognised as revenues during the reporting period were obtained on the condition that they be expended in a particular manner or used over a particular period, and those conditions were undischarged as at the balance sheet date, the nature of, and amounts pertaining to, those undischarged conditions are disclosed in the notes.

Gains

Gains may be realised or unrealised and are usually recognised on a net basis. These include gains arising on the disposal of non-current assets and some revaluations of non-current assets.

(F) PROPERTY, PLANT AND EQUIPMENT

Capitalisation/Expensing of assets

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

Initial recognition and measurement

All items of property, plant and equipment are initially recognised at cost.

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

Subsequent measurement

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

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

Where market-based evidence is not available, the fair value of land and buildings is determined on the basis of existing use. This normally applies where buildings are specialised or where land use is restricted. Fair value for existing use assets is determined by reference to the cost of replacing the remaining future economic benefits embodied in the asset, i.e. the depreciated replacement cost. Where the fair value of buildings is dependent on using the depreciated replacement cost, the gross carrying amount and the accumulated depreciation are restated proportionately.

Independent valuations of land and buildings are provided annually by the Western Australian Land Information Authority (Valuation Services) and recognised with sufficient regularity to ensure that the carrying amount does not differ materially from the asset's fair value at the balance sheet date.

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

Derecognition

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

Asset Revaluation Reserve

The asset revaluation reserve is used to record increments and decrements on the revaluation of non-current assets as described in note 20 'Property, Plant and Equipment'.

Depreciation

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

Land is not depreciated and depreciation on other assets is calculated using the straight line method, using rates which are reviewed annually. Estimated useful lives for each class of depreciable asset are:

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

(G) INTANGIBLE ASSETS

Capitalisation/Expensing of assets

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

All acquired and internally developed intangible assets are initially recognised at cost. For assets acquired at no cost or for nominal cost, the cost is their fair value at the date of acquisition.

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

The carrying amount of intangible assets is reviewed annually for impairment when the asset is not yet in use, or more frequently when an indicator of impairment arises during the reporting year indicating the carrying value may not be recoverable.

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

Software (a)	10 years
(a) Software that is not integral to the operation of any related hardware.	

Computer Software

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

(H) IMPAIRMENT OF ASSETS

Property, plant and equipment and intangible assets are tested for any indication of impairment at each balance sheet date. 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. As the Commission is a not-for-profit entity, unless an asset has been identified as a surplus asset, the recoverable amount is the higher of an asset's fair value less costs to sell and depreciated replacement cost.

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

Intangible assets with an indefinite useful life and intangible assets not yet available for use are tested for impairment at each balance sheet date irrespective of whether there is any indication of impairment.

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

(I) GRANTS OF AID

Grants of Aid are recognised as a liability on approval of a grant of aid based on a provisional cost estimate. The provisional cost estimate reflects the estimated cost of the assignment based on the relevant scale of fees.

Levies towards the cost of aid by Legal Aid WA clients are recognised as an asset on approval of the grant of aid. Provision for bad debts is provided for in accordance with *note 19 (i) 'Receivables'*.

(J) LEASES

The Commission holds operating lease arrangements for head office and a number of branch office buildings, office equipment and motor vehicles. Lease payments are expensed on a straight line basis over the lease term, as this represents the pattern of benefits derived from the leased property.

(K) FINANCIAL INSTRUMENTS

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

- Receivables; and
- Non-trading financial liabilities

These have been disaggregated into the following classes:

Financial Assets

- Cash and cash equivalents
- Restricted cash and cash equivalents
- Receivables

Financial Liabilities

- Payables

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

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

(L) CASH AND CASH EQUIVALENTS

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

(M) ACCRUED SALARIES

Accrued salaries (see note 23 'Payables') represent the amount due to staff but unpaid at the end of the financial year, as the pay date for the last pay period for that financial year does not coincide with the end of the financial year. Accrued salaries are settled within a fortnight of the financial year end. The Commission considers the carrying amount of accrued salaries to be equivalent to the net fair value.

The accrued salaries suspense account consists of amounts paid annually into a suspense account over a period of 10 financial years to largely meet the additional cash outflow in each eleventh year when 27 pay days occur in that year instead of the normal 26. No interest is received on this account. *(See note 18 'Restricted cash and cash equivalents').*

(N) RECEIVABLES

Un-secured Debtors

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

Secured Debtors

Secured debtor balances are only payable to the Commission on the sale or other alienation of the secured property. Due to the long term nature of these debts, a provision for discount is raised which enables the balance to be shown at the Net Present Value. The collectability of receivables is reviewed on an ongoing basis and any receivables identified as uncollectible are written-off. The allowance for uncollectible amounts (doubtful debts) is raised when there is objective evidence that the Commission will not be able to collect the debts.

(O) PAYABLES

"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 of trade payables is equivalent to fair value, as they are generally settled within 30 days.

Grant of aid commitments are settled as the case progresses and matters can be outstanding for between 3 months and 2 years. The Commission considers the carrying amount of grant of aid commitments to be equivalent to the net fair value. (See note 23 'Payables')."

(P) PROVISIONS

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

(i) Provisions - Employee Benefits

Annual Leave and Long Service Leave

The liability for annual and long service leave expected to be settled within 12 months after the balance sheet date is recognised and measured at the undiscounted amounts expected to be paid when the liabilities are settled. Annual and long service leave expected to be settled more than 12 months the balance sheet date is measured at the present value of amounts expected to be paid when the liabilities are settled. Leave liabilities are in respect of services provided by employees up to the balance sheet date.

When assessing expected future payments consideration is given to expected future wage and salary levels including non-salary components such as employer superannuation contributions. In addition, the long service leave liability also considers the experience of employee departures and periods of service.

The expected future payments are discounted using market yields at the balance sheet date on national government bonds with terms to maturity that match, as closely as possible, the estimated future cash outflows.

A liability for long service leave is recognised after an employee has completed three years of service. An actuarial assessment of long service leave undertaken by PricewaterhouseCoopers in 2009 determined that the liability measured using the short hand method was not materially different from the liability measured using the present value of expected future payments.

All annual leave and 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 balance sheet date.

Sick Leave

Liabilities for sick leave are recognised when it is probable that sick leave paid in the future will be greater than the entitlement that will accrue in the future.

Past history indicates that on the average, sick leave taken each reporting period is less than the entitlement accrued. This is expected to continue in future periods. Accordingly, it is unlikely that existing accumulated entitlements will be used by employees and no liability for unused sick leave entitlements is recognised. As sick leave is non-vesting, an expense is recognised in the income statement for this leave as it is taken.

Deferred Leave

The provision for deferred leave relates to Public Service employees who have entered into the agreement to self-fund an additional twelve months leave in the fifth year of the agreement. The provision recognises the value of salary set aside for the employees to be used in the fifth year. This liability is measured on the same basis as annual leave. Deferred leave is reported as non-current provision until the fifth year.

Purchased Leave

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

Superannuation

The Government Employees Superannuation Board (GESB) in accordance with legislative requirements administers public sector superannuation arrangements in WA.

Employees may contribute to the Pension Scheme, a defined benefit pension scheme now closed to new members or the Gold State Superannuation Scheme (GSS), a defined benefit lump sum scheme also closed to new members.

The Commission has no liabilities under the Pension or the GSS Schemes. The liabilities for the unfunded Pension Scheme and the unfunded GSS Scheme transfer benefits due to members who transferred from the Pension Scheme, are assumed by the Treasurer. All other GSS Scheme obligations are funded by concurrent contributions made by the Commission to the GESB. The concurrently funded part of the GSS Scheme is a defined contribution scheme as these contributions extinguish all liabilities in respect of the concurrently funded GSS Scheme obligations.

Employees commencing employment prior to 16 April 2007 who were not members of either the Pension or the GSS Scheme became non-contributory members of the West State Superannuation Scheme (WSS). Employees commencing employment on or after 16 April 2007 became members of the GESB Super Scheme (GESBS). Both of these schemes are accumulation schemes. The Commission makes concurrent contributions to GESB on behalf of employees in compliance with the Commonwealth Government's Superannuation Guarantee (Administration) Act 1992. These contributions extinguish the liability for superannuation charges in respect of the WSS and GESBS Schemes.

The GESB makes all benefit payments in respect of the Pension and GSS Schemes, and is recouped by the Treasurer for the employer's share.

(ii) Provisions - Other

Employment On-Costs

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

(Q) SUPERANNUATION EXPENSE

The following elements are included in calculating the superannuation expense in the Income Statement:

- (a) Defined benefit plans - For 2007-08, the change in the unfunded employer's liability (i.e. current service cost and actuarial gains and losses) assumed by the Treasurer in respect of current employees who are members of the Pension Scheme and current employees who accrued a benefit on transfer from that Scheme to the Gold State Superannuation Scheme (GSS); and
- (b) Defined contribution plans - Employer contributions paid to the GSS (concurrent contributions) and the West State Superannuation Scheme (WSS), and the GESB Super Scheme (GESB).

Defined benefit plans - For 2007-08, the movements (i.e. current service cost and actuarial gains and losses) in the liabilities in respect of the Pension Scheme and the GSS transfer benefits are recognised as expenses. As these liabilities are assumed by the Treasurer [refer note 2(p)(i)], a revenue titled 'Liabilities assumed by the Treasurer' equivalent to the expense is recognised under Income from State Government in the Income Statement. See note 17 'Income from State Government'. Commencing in 2008-09, the reporting of annual movements in these notional liabilities has been discontinued and is no longer recognised in the Income Statement.

The superannuation expense does not include payment of pensions to retirees, as this does not constitute part of the cost of services provided in the current year.

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

(R) BOOKS AND TECHNICAL JOURNALS

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

(S) RESOURCES RECEIVED FREE OF CHARGE OR FOR NOMINAL COST

Resources received free of charge or for nominal cost that can be reliably measured are recognised as income and as assets or expenses as appropriate, at fair value.

(T) COMPARATIVE FIGURES

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

3 JUDGMENTS MADE BY MANAGEMENT IN APPLYING ACCOUNTING POLICIES

The judgments that have been made in the process of applying accounting policies that have the most significant effect on the amounts recognised in the financial statements include:

Operating Lease Commitments

The Commission has entered into commercial leases and has determined that the lessor retains all the significant risks and rewards of ownership of the property. Accordingly the leases have been classified as operating leases.

4 KEY SOURCES OF ESTIMATION UNCERTAINTY

The key estimates and assumptions made concerning the future, and other key sources of estimation uncertainty at the balance sheet date that have a significant risk of causing a material adjustment to the carrying amounts of assets and liabilities within the next financial year include:

Technological Equipment

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

Grants of Aid

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

Leasehold Improvements

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

Long Service Leave

The calculation of the long service leave liabilities involves making assumptions regarding the future increases in salaries, probability of employees remaining in service until they become entitled to their pro-rata long service leave, and estimation of the present value of the liability using an appropriate discount rate.

Non-Current Debtors – Provision for Discount

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

5 DISCLOSURE OF CHANGES IN ACCOUNTING POLICY AND ESTIMATES

Initial application of an Australian Accounting Standard

The Commission has applied the following Australian Accounting Standards and Australian Accounting Interpretations effective for annual reporting periods beginning on or after 1 July 2008 that impacted on the Commission.

Review of AAS27 'Financial Reporting by Local Governments', AAS29 'Financial Reporting by Government Departments' and AAS 31 'Financial Reporting by Governments'. The AASB has made the following pronouncements from its short term review of AAS 27, AAS 29 and AAS 31:

AASB 1004 'Contributions';

AASB 2007-09 'Amendments to Australian Accounting Standards arising from the review of AAS's 27, 29 and 31 [AASB 3, AASB 5, AASB 8, AASB 101, AASB 114, AASB 116, AASB 127 and AASB 137]; and

Interpretation 1038 'Contributions by Owners Made to Wholly-Owned Public Sector Entities'.

The existing requirements in AAS 27, AAS 29, and AAS 31 have been transferred to the above new and existing topic-based Standards and Interpretation. These requirements remain substantively unchanged. AASB 1050, AASB 1051 and AASB 1052 do not apply to statutory authorities. The other Standards and Interpretation make some modifications to disclosures and provide additional guidance, otherwise, there will be no financial impact.

Voluntary changes in Accounting Policy

In this financial year the Commission has voluntarily changed its asset capitalisation threshold accounting policy. The Commission increased the asset capitalisation threshold from \$1,000 to \$5,000 for asset recognition under AASB 116 'Property, Plant and Equipment'. Also, the Commission's intangible assets under AASB 138 'Intangible Assets' less than \$5,000 are to be expensed.

The Commission has decided to change the asset capitalisation threshold in line with Treasury Instruction 1101 'Application of Australian Accounting Standards and other Pronouncements' dated 16.06.09. The treasury instruction takes effect from 1 July 2008. In order to comply with AASB 108 'Accounting Policies, Changes in Accounting Estimates and Errors'. Under this standard when a change in accounting policy is applied retrospectively the entity shall adjust the opening balance of each affected component of equity for the earliest prior period presented and the other comparative amounts disclosed for each prior period presented as if the new accounting policy had always been applied.

The financial impact of implementing the changes ordered in TI 1101 on the Commission's financial statements in this first period of use totals \$505,534. The value of property plant and equipment and intangible assets decreased by this amount as well as a corresponding decrease in the Commissions Accumulated Surplus/(Deficiency). Accumulated surplus/(deficiency) comparative figures are adjusted down by \$257,299 and Surplus/(defecit) for the period adjusted down by \$248,234. This new policy necessitated the prior reported balances in the 30 June 2008 Annual Report being restated in this 30 June 2009 Annual Report, refer note 20 'Property plant and equipment'.

Future impact of Australian Accounting Standards not yet operative

The Commission cannot early adopt an Australian Accounting Standard or Australian Accounting Interpretation unless specifically permitted by TI 1101 'Application of Australian Accounting Standards and Other Pronouncements'. Consequently, the Commission has not applied the following Australian Accounting Standards and Australian Accounting Interpretations that have been issued and which may impact the Commission but are not yet effective. Where applicable, the Commission plans to apply these Standards and Interpretations from the application date:

Title	Operative for reporting periods beginning on/after
AASB 101 'Presentation of Financial Statements' (September 2007). This Standard has been revised and will change the structure of the financial statements. These changes will require that owner changes in equity are presented separately from non-owner changes in equity. The Commission does not expect any financial impact when the Standard is first applied.	1 January 2009
AASB 2009-2 'Amendments to Australian Accounting Standards Improving Disclosures about Financial Instruments [AASB 4, AASB 7, AASB 1023 & AASB 1038]'. This Standard amends AASB 7 and will require enhanced disclosures about fair value measurements and liquidity risk with respect to financial instruments. The Commission does not expect any financial impact when the Standard is first applied.	1 January 2009

6 EMPLOYEE BENEFITS EXPENSE

	2009 \$	2008 \$
Wages and salaries ^(a)	21,135,598	18,574,389
Annual leave ^(b)	219,344	158,786
Long service leave ^(b)	412,334	258,713
Deferred leave	(166,763)	166,763
Purchase leave	5,508	22,530
Superannuation - defined contribution plans ^(c)	1,871,630	1,676,117
	23,477,651	20,857,298

(a) Includes the value of the fringe benefit to the employee plus the fringe benefits tax component

(b) Includes a superannuation contribution component.

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

(d) Defined benefit plans include Pension scheme and Gold State (pre-transfer benefit).

(e) An equivalent notional income is also recognised (see note 27 'Income from State Government'). Commencing in 2008-09, the reporting of notional superannuation expense and equivalent notional income has been discontinued.

Employment on-costs such as workers' compensation insurance are included at *note 11 'Other expenses'*. The employment on-costs liability is included at *note 24 'Provisions'*.

DISCLOSURES AND LEGAL COMPLIANCE

7 SUPPLIES AND SERVICES

	2009 \$	2008 \$
Communications	583,707	465,748
Consumables	769,405	706,618
Maintenance	411,096	292,126
Travel	483,868	319,140
Information technology	589,494	522,407
Other ^(a)	782,458	639,843
	3,620,027	2,945,882

(a) Includes audit cost, see note 36 'Remuneration of auditor'.

8 DEPRECIATION AND AMORTISATION EXPENSE

	2009 \$	2008 \$
DEPRECIATION		
Buildings	4,675	4,274
Office equipment	9,563	20,994
IT equipment	268,474	406,917
Motor vehicles	105,238	132,491
Fixtures and fittings	2,122	4,078
Leasehold improvements	354,563	338,361
Furniture	0	1,362
Total depreciation	744,635	908,478
AMORTISATION		
Intangible assets	50,639	48,317
Total amortisation	50,639	48,317
Total depreciation and amortisation	795,274	956,795

9 ACCOMMODATION EXPENSES

	2009 \$	2008 \$
Lease rentals	2,390,119	2,280,826

DISCLOSURES AND LEGAL COMPLIANCE

10 LEGAL SERVICE EXPENSES

	2009 \$	2008 \$
Grant of aid expenses		
- Assignment Costs	14,391,925	13,333,242
	14,391,925	13,333,242
Other service expenses		
- Legal Advice	213,086	219,605
- Duty Lawyer	72,756	50,156
	14,677,768	13,603,003

Asbestosis case costs (cash basis) of \$0 in 2008/09 and \$31,144 in 2007/08 have not been included under Legal Service Expenses and are not included in the reported surplus for the period. Asbestosis case funding is specific purpose funding from the Commonwealth Government and is not part of the normal operating activities of the Commission. Asbestosis case costs are reported in the Asbestosis Account Reserve only under note 18 'Restricted cash and cash equivalents'.

11 OTHER EXPENSES

	2009 \$	2008 \$
Bad debts written off	47,757	47,738
Doubtful debts expense	3,188	40,246
Implicit interest charge ^(a)	-	33,746
Employment on-costs ^(b)	3,901	8,545
Staff training	189,859	95,928
State CLC program	2,722,356	2,733,499
Other staff related expenses	790,130	495,441
Other	635,309	522,896
	4,392,501	3,978,039

- (a) Implicit interest charge was written back during the period and therefore was recorded as other revenue.
- (b) Includes workers' compensation insurance and other employment on-costs. The on-costs liability associated with the recognition of annual and long service leave liability is included at *note 24 'Provisions'*. Superannuation contributions accrued as part of the provision for leave are employee benefits and are not included in employment on-costs.
- (c) 2008 comparatives for other have increased by \$248,235 in line with the Commissions new asset capitalisation policy and TI 1101

DISCLOSURES AND LEGAL COMPLIANCE

12 USER CHARGES AND FEES

	2009 \$	2008 \$
Client contributions and fees on grants of aid	1,036,280	1,102,962
Recovered costs on grants of aid	633,722	577,235
Recovered costs on asbestosis matters	-	-
Legal advice fees	56,409	67,566
Duty lawyer fees	103,373	120,561
Freedom of information	-	60
Community legal education	14,801	2,935
	1,844,585	1,871,321

13 COMMONWEALTH GRANTS AND CONTRIBUTIONS

	2009 \$	2008 \$
Operating grant as per 2004 funding agreement	16,259,098	16,707,110
Christmas/Cocos Islands	242,335	239,111
	16,501,433	16,946,221

14 INTEREST REVENUE

	2009 \$	2008 \$
Interest earned on Legal Aid WA Operational Funds	881,334	963,456
Implicit interest write back on debtors ^(a)	130,463	-
Interest earned on Asbestosis Account	197,327	380,107
	1,209,124	1,343,564

(a) Implicit interest was written back at balance sheet date and therefore recorded as interest revenue.

DISCLOSURES AND LEGAL COMPLIANCE

15 OTHER REVENUE

	2009 \$	2008 \$
State - Specific purpose contributions	145,212	142,841
Other miscellaneous income	763,678	564,872
Legal contribution trust	1,840,942	1,700,586
CLR placement recoup	553,736	-
Department of Immigration and Ethnic Affairs	84,780	34,627
	3,388,348	2,442,926

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

Profits and losses on disposal of non-current assets are taken into account in determining the results for the year.

	2009 \$	2008 \$
COSTS OF DISPOSAL OF NON-CURRENT ASSETS		
Plant, equipment and vehicles	101,856	162,252
PROCEEDS FROM DISPOSAL OF NON-CURRENT ASSETS		
Plant, equipment and vehicles	(120,608)	(152,422)
Net gain/(loss)	18,752	(9,829)

Net gain/(loss) on disposal of non-current assets

	2009					2008	
	Land \$	Buildings \$	Furniture and Equipment \$	Motor Vehicles \$	Leasehold Improvements \$	Furniture and Equipment \$	Motor Vehicles \$
GAIN ON SALE OF NON-CURRENT ASSETS							
Asset written down value	-	-	-	51,736	-	-	59,732
Gross proceeds on disposal of asset	-	-	7,339	70,278	-	-	66,168
LOSS ON SALE OF NON-CURRENT ASSETS							
Asset written down value	-	-	2,938	47,182	-	3,674	98,846
Gross proceeds on disposal of asset	-	-	1,800	41,191	-	273	85,982
Net gain/(loss)	-	-	6,201	12,552	-	(3,401)	(6,428)

See also note 20 'Property, plant and equipment'.

17 INCOME FROM STATE GOVERNMENT

	2009 \$	2008 \$
State consolidated fund ^(a)	26,005,739	23,498,119
DTF Funding	1,073,970	593,049
	27,079,709	24,091,168

- (a) The Legal Aid WA Commission is an output of the Department of Attorney General for the purposes of the State Budget, and receives State Government funding through the Department.
- (b) DTF funding wasn't separately identified in the 2007 - 2008 financial year but has been separately identified in this years comparatives.

18 RESTRICTED CASH AND CASH EQUIVALENTS

	2009 \$	2008 \$
CURRENT		
Asbestosis account	1,200,080	1,200,080
Child representation trust fund	70,051	78,551
	1,270,131	1,278,631
NON-CURRENT		
Accrued salaries suspense account (27th pay provision) ^(a)	273,217	192,779
	273,217	192,779
Total Restricted Cash	1,543,348	1,471,411

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

The Asbestosis account reconciliation

The Asbestosis Account was established in January 1989 to fund the granting of Legal Aid WA in relation to asbestosis-related actions. The Commission pays into the Account all amounts that it receives as costs recovered from asbestosis-related actions by plaintiffs to whom the Commission has granted Legal Aid WA.

DISCLOSURES AND LEGAL COMPLIANCE

	2009 \$	2008 \$
BALANCE OF FUNDS AT START OF YEAR	1,200,080	1,231,224
Revenue:		
- Recovered costs	-	-
- Interest	-	-
	1,200,080	1,231,224
EXPENDITURE:		
Private practitioners	-	(31,144)
Reclassification to cash assets	-	-
Balance of funds at end of year	1,200,080	1,200,080

19 RECEIVABLES

	2009 \$	2008 \$
CURRENT		
Other	-	55,031
Unsecured debtors	4,803,414	2,759,390
less: Allowance for impairment of receivables	(450,567)	(447,379)
Total current	4,352,848	2,367,042
NON-CURRENT		
Secured debtors	3,607,164	3,627,130
less: Allowance for impairment of receivables	(20,000)	(20,000)
less: Allowance for discount	(576,558)	(707,021)
Total non-current	3,010,606	2,900,109
	7,363,454	5,267,151

Secured Debts

Legal assistance may be granted subject to a condition that the legal costs be secured by a charge being lodged against property registered in the name of the legally assisted person. Full payment of the debt secured is required on sale or other alienation of the property.

History has shown that the average repayment period of secured debts is approximately eight years. No interest is charged on the outstanding debt. In accordance with AASB7 an implicit interest adjustment is made to take account of this long term repayment aspect.

Secured debtors were discounted at 5.215% (2008: 6.570%) using the 5 year government bond rate (per Financial Review) as at June 30, 2009.

DISCLOSURES AND LEGAL COMPLIANCE

(i) Reconciliation of changes in the allowance for impairment of receivables

	2009 \$	2008 \$
Balance at start of year	467,379	427,132
Amounts written off during the year	(47,757)	(47,738)
Amounts recovered during the year	-	-
	419,621	379,394
Provision during the year	50,945	87,985
Balance at end of year	470,567	467,379

(ii) Credit risk

Ageing of receivables past due but not impaired based on information provided to senior management, at the balance sheet date.

	2009 \$	2008 \$
Not more than 3 months	2,227,099	1,727,256
More than 3 months but less than 6 months	1,300,512	51,861
More than 6 months but less than 1 year	475,182	735,153
More than 1 year	3,360,661	2,697,851
	7,363,454	5,212,121

Receivables individually determined as impaired at the balance sheet date.

	2009 \$	2008 \$
Carrying amount, before deducting any impairment loss	47,757	47,738
Impairment loss	(47,757)	(47,738)
	-	-

(iii) Allowance for discount

	2009 \$	2008 \$
Balance at start of year	707,021	673,275
Implicit interest charge/(write back)	(130,463)	33,746
Balance at end of year	576,558	707,021

DISCLOSURES AND LEGAL COMPLIANCE

20 PROPERTY, PLANT, AND EQUIPMENT

	2009 \$	2008 \$
LAND		
At fair value (i)	111,000	101,000
Accumulated impairment losses	-	-
	111,000	101,000
BUILDINGS		
At fair value (i)	234,000	214,000
Accumulated depreciation	(33,501)	(28,826)
Accumulated impairment losses	-	-
	200,499	185,174
FIXTURES AND FITTINGS		
At cost	33,532	33,532
Accumulated depreciation	(14,576)	(12,454)
Accumulated impairment losses	-	-
	18,956	21,078
LEASEHOLD IMPROVEMENTS		
At cost	2,988,043	2,953,136
Accumulated depreciation	(1,940,674)	(1,586,111)
Accumulated impairment losses	-	-
	1,047,369	1,367,026
FURNITURE AND EQUIPMENT		
At cost	2,004,069	1,821,349
Accumulated depreciation	(1,245,935)	(1,073,951)
Accumulated impairment losses	-	-
	758,134	747,398
MOTOR VEHICLES		
At cost	321,464	515,993
Accumulated depreciation	(158,240)	(148,613)
Accumulated impairment losses	-	-
	163,223	367,380
	2,299,182	2,789,056

(i) Land and buildings

Freehold land and buildings were revalued at 1 July 2008 by the Western Australian Land Information Authority (Valuation Services). The valuations were performed during the year ended 30 June 2009 and recognised 30 June 2009. In undertaking the revaluation, fair value was determined by reference to market values for Land: \$111,000 and Buildings: \$234,000 (30 June 2008: Land: \$101,000 and Buildings: \$214,000). Valuation Services, the Office of Auditor General and the Department of Treasury and Finance assessed the valuations globally to ensure that the valuations provided (at 1 July 2008) were compliant with the fair value at 30 June 2009.

DISCLOSURES AND LEGAL COMPLIANCE

(ii) Reconciliations

Reconciliation of the carrying amounts of property, plant and equipment at the beginning and end of the reporting period are set out below.

2009	Land \$	Buildings \$	Fixtures and Fittings \$	Leasehold Improvements \$	Furniture and Equipment \$	Motor Vehicles \$	Total \$
Carrying amount at start of year	101,000	185,174	21,078	1,367,026	747,398	367,380	2,789,056
Additions	-	-	-	34,906	291,711	-	326,617
Disposals	-	-	-	-	(2,938)	(98,918)	(101,856)
Revaluation increments	10,000	20,000	-	-	-	-	30,000
Revaluation decrements	-	-	-	-	-	-	-
Impairment losses ^(a)	-	-	-	-	-	-	-
Impairment losses reversed ^(a)	-	-	-	-	-	-	-
Depreciations	-	(4,675)	(2,122)	(354,563)	(278,037)	(105,239)	(744,636)
Write off of assets < \$5,000 ^(b)	-	-	-	-	-	-	-
Carrying amount at end of year	111,000	200,499	18,956	1,047,369	758,134	163,223	2,299,182

2008	Land \$	Buildings \$	Fixtures and Fittings \$	Leasehold Improvements \$	Furniture and Equipment \$	Motor Vehicles \$	Total \$
Carrying amount at start of year	88,000	162,448	36,152	876,843	1,022,070	472,143	2,657,656
Additions	-	-	(1,296)	831,747	650,222	186,305	1,666,978
Disposals	-	-	-	-	(6,000)	(271,919)	(277,919)
Revaluation increments	13,000	27,000	-	-	-	-	40,000
Revaluation decrements	-	-	-	-	-	-	-
Impairment losses ^(a)	-	-	-	-	-	-	-
Impairment losses reversed ^(a)	-	-	-	-	-	-	-
Depreciations	-	(4,274)	(4,079)	(338,360)	(426,947)	(19,149)	(792,809)
Write off of assets < \$5,000 ^(b)	-	-	(9,699)	(3,204)	(491,947)	-	(504,850)
Carrying amount at end of year	101,000	185,174	21,078	1,367,026	747,398	367,380	2,789,056

- (a) Recognised in the Income Statement. Where an asset measured at cost is written-down to recoverable amount, an impairment loss is recognised in the Income Statement. Where an asset measured at fair value is written-down to recoverable amount, the loss is accounted for as a revaluation decrement.
- (b) During this financial year the Commission's asset capitalisation threshold was lifted to \$5,000 for both assets and intangible assets and to \$50,000 for intangible assets developed in-house. In line with Treasury Instruction T1101 the June 30 2008 comparative figures have been adjusted to reflect this change of policy.

21 INTANGIBLE ASSETS

	2009 \$	2008 \$
Computer software		
At cost	399,501	331,417
Accumulated amortisation	(153,151)	(102,511)
Accumulated impairment losses	-	-
	246,351	228,906

(i) Reconciliations

Reconciliations of the carrying amounts of intangible assets at the beginning and end of the current and previous financial years are set out below.

	2009 \$	2008 \$
Computer software		
Carrying amount at the start of year	228,906	259,932
Additions	68,084	17,975
Disposals	-	-
Revaluation increments	-	-
Impairment losses ^(a)	-	-
Impairment losses reversed ^(a)	-	-
Amortisation expense	(50,639)	(48,317)
Write off of Asset < \$1,000	-	-
Write off of asset < \$5,000 ^(a)	-	(684)
Carrying amount at the end of year	246,351	228,906

- (a) During this financial year the Commission's asset capitalisation threshold was lifted to \$5,000 for both assets and intangible assets and to \$50,000 for intangible assets developed in-house. In line with Treasury Instruction T11101 the June 30 2008 comparative figures have been adjusted to reflect this change of policy.

22 IMPAIRMENT OF ASSETS

There were no indications of impairment to property, plant and equipment and intangible assets at 30 June 2009.

The Commission held no goodwill or intangible assets with an indefinite useful life during the reporting period and at balance sheet date there were no intangible assets not yet available for use.

There were no surplus assets at 30 June 2009 that have been classified as assets held for sale or written off.

23 PAYABLES

	2009 \$	2008 \$
CURRENT		
Grant of aid commitments	8,544,499	8,526,897
Accrued salaries (a)	241,313	142,191
Accrued expenses	334,617	488,904
Staff benefit fund	38,914	31,924
Unclaimed monies	215	215
Total current	9,159,558	9,190,131

(i) Payables

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

(a) Accrued salaries

Amount owing is three days as last pay occurred on 25 June 2009 (2008 - The last pay occurred on the 28 June 2008).

24 PROVISIONS

	2009 \$	2008 \$
CURRENT		
Employee benefits provision:		
Annual leave ^(a)	1,545,023	1,325,678
Long service leave ^(b)	1,439,888	1,490,656
Purchased leave	28,038	22,530
Other provisions:		
Employment on-cost ^(c)	18,984	15,996
Total current	3,031,932	2,854,860
NON-CURRENT		
Employee benefits provision:		
Long service leave ^(b)	1,741,338	1,278,236
Deferred leave	-	166,763
Other provisions:		
Employment on-cost ^(c)	11,233	10,320
Total non-current	1,752,571	1,455,319

DISCLOSURES AND LEGAL COMPLIANCE

- (a) Annual leave liabilities have been classified as current where there is no unconditional right to defer settlement for at least 12 months after balance sheet date. Assessments (per PriceWaterhouseCoopers actuary report 30 June 2009) indicate the actual settlement of the Commission's annual leave liabilities will occur as follows.

	2009 \$	2008 \$
Within 12 months of balance sheet date	1,150,261	965,094
More than 12 months after balance sheet date	404,457	368,957
	1,554,718	1,334,051

- (b) Long service leave liabilities have been classified as current where there is no unconditional right to defer settlement for at least 12 months after balance sheet date. Assessments (per PriceWaterhouseCoopers actuary report 30 June 2009) indicate the actual settlement of the Commission's long service leave liabilities will occur as follows.

	2009 \$	2008 \$
Within 12 months of balance sheet date	973,971	898,408
More than 12 months after balance sheet date	2,227,776	1,888,427
	3,201,747	2,786,835

- (c) The settlement of annual and long service leave liabilities gives rise to the payment of employment on-costs including workers compensation premiums as recorded in the provisions table above. The provision is the present value of expected future payments. The associated expense apart from the unwinding of the discount (finance cost) is included at note 11 'Other expenses'.
- (d) Tables for note (a) and (b) above weren't included in 30 June 2008 Annual Report. The 2008 comparisons in the two tables above have been extracted from 30 June 2008: 30 June 2009 Actuary reports compiled by PriceWaterhouseCoopers.

DISCLOSURES AND LEGAL COMPLIANCE

Movements in other provisions

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

Employment on-cost provision

	2009 \$	2008 \$
CURRENT		
Carrying amount at start of year	15,996	12,526
Additional provision	2,988	3,470
Carrying amount at end of year	18,984	15,996
NON-CURRENT		
Carrying amount at start of year	10,320	5,245
Additional provision	913	5,075
Carrying amount at end of year	11,233	10,320

25 OTHER LIABILITIES

	2009 \$	2008 \$
CURRENT		
Government grants in advance	4,895,510	3,834,193
Child representation trust fund	70,051 -	78,551
	4,965,561	3,912,744

26 EQUITY

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

(i) Contributed equity

	2009 \$	2008 \$
Balance at start of year	595,669	595,669
Balance at end of year	595,669	595,669

Capital contributions (appropriations) and non-discretionary (non-reciprocal) transfers of net assets from other State Government agencies have been designated as contributions by owners in Treasurer's Instruction TI 955 and are credited directly to equity.

DISCLOSURES AND LEGAL COMPLIANCE

(ii) Reserves

	2009 \$	2008 \$
(a) Asset revaluation reserve:		
Balance at start of year	220,043	180,043
Net revaluation increments/(decrements):		
Land	10,000	13,000
Buildings	20,000	27,000
Balance at end of year	250,043	220,043
(b) Asbestosis account reserve:		
Balance at start of year	1,200,080	1,231,224
Private practitioners fees	-	(31,144)
Balance at end of year	1,200,080	1,200,080
	1,450,123	1,420,123

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

(iii) Accumulated surplus/(deficit)

	2009 \$	2008 \$
Balance at start of year	8,275,107	6,468,879
Change in accounting policy or correction of prior period errors (a)	-	(257,299)
Restated opening balance	8,275,107	6,211,580
Result for the period	688,611	2,063,527
Balance at end of year	8,963,718	8,275,107

(a) 2008 Comparative figures of accumulated surplus/(deficiency) adjusted down by \$257,299 and result for the period adjusted down by \$248,234 due to the Commission's adoption of the new policy and TI 1101 writing off all non-current assets under \$5,000.

27 NOTES TO THE CASH FLOW STATEMENT

Reconciliation of cash

Cash at the end of the financial year as shown in the Cash Flow Statement is reconciled to the related items in the Balance Sheet as follows:

	2009 \$	2008 \$
Cash and cash equivalents		
Bank accounts	18,460,063	17,940,605
Cash on hand - petty cash	6,735	6,825
	18,466,798	17,947,430
Restricted cash and cash equivalents <i>(Refer note 18 Restricted cash and cash equivalents)</i>	1,543,348	1,471,411
Total Cash and cash equivalents	20,010,146	19,418,840

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

	2009 \$	2008 \$
Net Cost of Services:	(26,391,098)	(21,779,406)
Non-cash items:		
Depreciation and amortisation expense	795,274	956,795
Doubtful debts expense	3,188	40,246
Superannuation expense	-	-
Net (profit)/loss on disposal of non-current assets	(18,752)	9,829
(Increase)/decrease in assets:		
Current receivables ^(b)	(1,901,105)	910,078
Non-current receivables	(110,497)	(57,146)
Increase/(decrease) in liabilities:		
Current payables ^(b)	1,670,655	618,362
Current provisions	177,072	249,470
Non-current provisions	297,252	364,515
(Increase)/decrease in GST receivables/payables ^(a)	(87,889)	28,826
Increase/(decrease) in Asbestosis fund	-	(31,145)
Net cash provided by/(used in) operating activities	(25,565,900)	(18,689,577)

DISCLOSURES AND LEGAL COMPLIANCE

- (a) This reverses out the GST in accounts receivable and payable.
- (b) The Australian Taxation Office (ATO) receivable/payable in respect of GST and the receivable/payable in respect of the sale/purchase of non-current assets are not included in these items as they do not form part of the reconciling item.

28 COMMITMENTS

Non-cancellable operating lease commitments

(a) Accommodation operating lease commitments	2009 \$	2008 \$
Commitments in relation to leases contracted for at the balance sheet date but not recognised as a liability are payable as follows:		
Not later than 1 year	1,661,204	2,102,152
Later than 1 year and not later than 2 years	1,601,687	2,081,106
Later than 2 years and not later than 5 years	4,812,391	6,570,486
Later than 5 years	1,885,568	5,165,124
	9,960,850	15,918,869
Representing:	2009 \$	2008 \$
Non-cancellable operating leases ^(a) ^(b)	9,960,850	15,918,869
	9,960,850	15,918,869

- (a) The property leases are non-cancellable leases with terms ranging up to 10 years, with rent payable monthly in advance. Contingent rent provisions within the lease agreements variously require that the minimum lease payments shall be increased by CPI or a pre-determined percentage per annum.
- (b) These leases are inclusive of GST.
- (c) Accommodation operating lease commitments for 2009 only include property and car parking lease expenses as requested by TI and accounting standards. In 2008 commitments also included outgoings for the Perth office and some regional offices.

DISCLOSURES AND LEGAL COMPLIANCE

(b) Motor vehicle operating lease commitments	2009 \$	2008 \$
Commitments in relation to leases contracted for at the balance sheet date but not recognised as a liability are payable as follows:		
Not later than 1 year	57,842	7,130
Later than 1 year and not later than 2 years	94,328	7,130
Later than 2 years and not later than 5 years	80,388	5,942
Later than 5 years	-	-
	232,557	20,201
Representing:	2009 \$	2008 \$
Non-cancellable operating leases ^(a)	232,557	20,201
	232,557	20,201

(a) These leases are inclusive of GST.

29 CONTINGENT LIABILITIES AND CONTINGENT ASSETS

In addition to the assets and liabilities included in the financial statements, there were no contingent assets nor contingent liabilities (2008: Nil).

30 EVENTS OCCURRING AFTER BALANCE SHEET DATE

There were no events occurring after balance sheet date which relate to any conditions existing at balance sheet date or were material in relation to the financial statements.

31 EXPLANATORY STATEMENT

Significant variances between estimates and actual results for income and expense are shown below. Significant variances are considered to be those greater than 10%.

Significant variances between estimated and actual results for 2009

	2009 Estimated \$	2009 Actual \$	Variation \$
Income			
Other revenue	1,813,534	3,388,348	1,574,814
Expenses			
Depreciation and amortisation expense	1,092,072	795,274	(296,798)
Other expenses	3,864,389	4,392,501	528,112

Other revenue

Higher than expected surplus distribution from the Legal Contribution Trust (\$0.841 million) and revenue recouped from non-government agencies participating in the Country Lawyers program (\$0.553 million).

Depreciation and amortisation expense

Asset capitalisation threshold increased from \$1,000 to \$5,000 in 2008/09 resulting in a reduction to depreciation expenditure against budget.

Other expenses

Increased expenditure associated with the placement of lawyers participating in the Country Lawyers program are offset by revenue recouped from non-government agencies participating in the Country Lawyers program and additional plant and equipment expenditure resulting from the increase to the asset capitalisation threshold from \$1,000 to \$5,000 in 2008/09.

Significant variances between actual results for 2008 and 2009

	2009 Actual \$	2008 Actual \$	Variation \$
Income			
Interest revenue	1,209,124	1,343,564	(134,440)
Other revenue	3,388,348	2,442,926	945,422
State Government grant	27,079,709	24,091,168	2,988,541
Expenses			
Employee benefits expenses	23,477,651	20,857,298	2,620,353
Supplies and services	3,620,027	2,945,882	674,145
Depreciation and amortisation expense	795,274	956,795	(161,521)
Other expenses ^(a)	4,392,501	3,729,804	662,697

Interest revenue

Reduction to interest rate applied to funds on deposit as a result of the decline in economic conditions during 2008/09.

Other revenue

Revenue recouped from non-government agencies participating in the Country Lawyers program (\$0.553 million), Country Lawyer supervision fee revenue recouped from the Commonwealth (\$0.133 million) and additional surplus distribution from the Legal Contribution Trust (\$0.140 million).

State Government grant

Additional funding for the East Kimberley office in Kununurra (\$0.52 million), additional funding for increase to private practitioner fees (\$1.392 million), and additional funding for the PSA salary increase of 4.5% backdated to March 2008 and 4% effective from March 2009 (\$0.644 million).

Employee benefits expense

Additional salary costs associated the PSA salary increase of 4.5% backdated to March 2008 and 4% effective from March 2009 (\$0.644 million), additional salary costs associated with the Country Lawyers program (\$0.908 million), an increase to the provision for leave liability resulting from a lower discount rate used to estimate the present value of the provision for leave and provision for pro-rata entitlements after 1 year of service in comparison to 3 years of service in recent years (\$0.29 million), and the establishment of a new regional office in Kununurra with a complement of 6 staff (\$0.382 million)

Supplies and services

Carry over of IT expenditure relating to specific projects from 2007/08 into 2008/09 (\$0.285 million), additional travel costs associated with the Country Lawyers program incurred in relocating lawyers to regional centres and legal circuit travel requirements and additional costs incurred due to the new CPD requirements for lawyers in 2008/09.

Depreciation and amortisation expense

Asset capitalisation threshold increased from \$1,000 to \$5,000 in 2008/09 resulting in a reduction to depreciation expenditure.

Other expenses

Asset capitalisation threshold increased from \$1,000 to \$5,000 in 2008/09 resulting in an increase in plant and equipment expenditure and additional staff related expenses associated with the Country Lawyers program.

32 FINANCIAL INSTRUMENTS

(A) FINANCIAL RISK MANAGEMENT OBJECTIVES AND POLICIES

The Commission's activities expose it to a variety of financial risks: market risk, credit risk, and liquidity risk. The Commission reviews and agrees on policies for managing each of these risks which are summarised below.

Credit risk

The Commission is open to credit risks in respect of Contributions due from its clients. It has policies in place to ensure that where possible debts due are adequately secured by way of caveats or memorials over the properties of the debtor. Where such Contributions cannot be secured either because the amount of the debt is small or the client does not have adequate assets to offer as security, the Commission monitors the debts on an ongoing basis to ensure that they are collected promptly to minimise the amount of irrecoverable debts to be written off.

Credit risk arising from the other financial assets mainly relate to cash and cash equivalents. The Commission's exposure to credit risk in respect of such assets arises from default of the counter party. The Commission is a public benevolent institution. As such the primary investment policy objective is to ensure the security and minimise the risk to the Commission's cash reserves. Where alternative options exist for the investment of funds at equivalent levels of risk, those investment options which provide the highest returns are used wherever possible. The investment of funds is governed by section 39 of the Financial Management Act. Investments are made in a manner specified in section 37 of that Act.

Interest rate risk

The Commission's exposure to market risk for changes in interest rates relates primarily to the investments of surplus funds and restricted funds.

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

Liquidity risk

Prudent liquidity risk management implies maintaining a balance between sufficient cash to meet obligations as and when they fall due and maximising revenues from surplus funds by investing in interest bearing investments.

The term of the investments will be based on the annual cash flow budget in order to meet cash requirements in a timely manner. The selection of the term of the investment will depend upon the cash flow requirements and the rate of return available for different terms.

Market risk

The Commission does not trade in foreign currency and is not materially exposed to other price risks (for example, equity securities or commodity price changes).

Financial Instruments held by the Commission are cash and cash equivalents, restricted cash and cash equivalents, receivable and payables.

The Commission has limited exposure to financial risks and the overall risk management program focuses on managing the risks identified.

DISCLOSURES AND LEGAL COMPLIANCE

(B) CATEGORIES OF FINANCIAL INSTRUMENTS

The Commission's financial assets and liabilities at the balance sheet date are set out below:

	2009 \$	2008 \$
Financial Assets		
Cash and cash equivalents ^(a)	18,466,798	17,947,430
Restricted cash and cash equivalents	1,543,348	1,471,411
Receivables ^(b)	7,363,454	5,267,151
Financial Liabilities		
Payables	9,159,558	9,190,131

(a) Cash and cash equivalents balance does include petty cash balance.

(b) The amounts of receivables includes the net amount of GST recoverable (acquisition-supply) from the ATO.

(C) CREDIT RISK, LIQUIDITY RISK AND INTEREST RATE RISK EXPOSURES

The following tables summarises the liquidity risk and interest rate risk to the Legal Aid WA Commission as at 30 June 2009.

2009	Floating interest rate	Fixed interest maturing in:			Non-interest bearing	Total	Average interest rate	
	\$	six months or less \$	six months to one year \$	More than one year \$	\$		Floating	Fixed
Financial Assets								
Cash ^{(a) (b)}	18,460,063	-	-	-	-	18,460,063	5.215% ©	
Restricted cash ^{(a) (b)}	1,543,348	-	-	-	-	1,543,348	5.215% ©	
Receivables	-	-	-	-	7,363,454	7,363,454		
Financial Liabilities								
Payables	-	-	-	-	9,159,558	9,159,558		

2008	Floating interest rate	Fixed interest maturing in:			Non-interest bearing	Total	Average interest rate	
	\$	six months or less \$	six months to one year \$	More than one year \$	\$		Floating	Fixed
Financial Assets								
Cash ^{(a) (b)}	17,940,605	-	-	-	-	17,940,605	6.570% ©	
Restricted cash ^{(a) (b)}	1,471,411	-	-	-	-	1,471,411	6.570% ©	
Receivables	-	-	-	-	5,267,151	5,267,151		
Financial Liabilities								
Payables	-	-	-	-	9,190,131	9,190,131		

DISCLOSURES AND LEGAL COMPLIANCE

- (a) Cash and cash equivalents balance does not include petty cash balance.
- (b) Floating interest rates represent the most recent rate applicable to the instrument at balance sheet date.
- (c) The interest rate used in the tables above is 5.215% (2008: 6.570%) which is the 5 year government bond rate as at June 30 2009.

FAIR VALUES

All financial assets and liabilities recognised in the balance sheet, whether they are carried at cost or fair value, are recognised at amounts that represent a reasonable approximation of fair value unless otherwise stated in the applicable notes. In respect of all financial assets, the carrying amount represents the Commission's maximum exposure to credit risk in relation to these assets.

INTEREST RATE SENSITIVITY ANALYSIS

The following table summarises the interest rate sensitivity of the Commission's financial assets at 30 June 2009 on the surplus for the period and equity for a 1% change in interest rates. It is assumed that the change in interest rates is held constant throughout the reporting period.

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

2009	Carrying value \$	-1% change		+1% change	
		Profit \$	Equity \$	Profit \$	Equity \$
Financial Assets					
Cash and cash equivalents ^(a)	18,460,063	(184,601)	(184,601)	184,601	184,601
Restricted cash and cash equivalents	1,543,348	(15,433)	(15,433)	15,433	15,433

2008	Carrying value \$	-1% change		+1% change	
		Profit \$	Equity \$	Profit \$	Equity \$
Financial Assets					
Cash and cash equivalents ^(a)	17,940,605	(179,406)	(179,406)	179,406	179,406
Restricted cash and cash equivalents	1,471,411	(14,714)	(14,714)	14,714	14,714

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

33 REMUNERATION OF MEMBERS OF THE ACCOUNTABLE COMMISSION AND SENIOR OFFICERS

Remuneration on Members of the accountable commission	2009 \$	2008 \$
The number of members of the accountable commission whose total of fees, salaries, superannuation and other benefits for the financial year, fall within the following bands are:		
\$0 - \$10,000	4	4
\$10,001 - \$20,000	0	1
\$20,001 - \$30,000	1	0
\$250,001 - \$300,000	1	0
\$330,001 - \$340,000	0	1
The total remuneration of the members of the accountable Commission is:	\$318,893	\$339,275

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

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

Where a member's remuneration is zero, the member shall be included in a band labelled '\$0 - \$10,000'.

Remuneration of Senior Officers	2009 \$	2008 \$
The number of senior officers other than senior officers reported as members of the accountable commission, whose total of fees, salaries, superannuation and other benefits for the financial year, fall within the following bands are:		
\$0 - \$100,000	1	0
\$100,001 - \$110,000	0	1
\$110,001 - \$120,000	0	0
\$120,001 - \$130,000	1	0
\$130,001 - \$140,000	2	0
\$140,001 - \$150,000	0	0
\$150,001 - \$160,000	0	0
\$160,001 - \$170,000	0	1
\$170,001 - \$180,000	1	0
\$180,001 - \$190,000	1	0
\$190,001 - \$200,000	0	1
\$200,001 - \$210,000	0	0
\$210,001 - \$220,000	1	0
\$220,001 - \$230,000	0	0
\$230,001 - \$240,000	0	0
\$240,001 - \$250,000	0	0
\$250,001 - \$260,000	1	0
The total remuneration of senior officers is:	\$1,265,784	\$478,890

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

DISCLOSURES AND LEGAL COMPLIANCE

34 RELATED BODIES

The Commission has no related bodies.

35 SPECIAL PURPOSE ACCOUNTS

- (i) The child representation trust fund has been established essentially for monies received from client's contributions. These contributions are not received from the aided person being the child, but from other parties to the proceedings, typically being the parents of the child.

Child representation trust fund	2009 \$	2008 \$
Opening balance of funds 1 July	78,551	87,137
Receipts	14,195	59,914
	92,746	147,051
Payments	22,695	68,500
Closing balance of funds 30 June	70,051	78,551

36 SUPPLEMENTARY FINANCIAL INFORMATION

A) REMUNERATION OF AUDITOR

	2009 \$	2008 \$
<i>Remuneration to the Auditor General for the financial year is as follows:</i>		
Auditing the accounts, financial statements and performance indicators. ^(a)	66,000	60,000
	66,000	60,000

The remuneration of auditor is included at note 7 'Supplies and services'. The remuneration to 30 June 2009 was not accrued as work was not substantially completed.

B) WRITE-OFFS

	2009 \$	2008 \$
Debts written off during the year that were authorised by the Accountable Commission.	47,757	47,738

37 CLIENT TRUST FUNDS

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

Client trust account	2009 \$	2008 \$
Opening balance of funds 1 July	224,548	164,332
Receipts	1,101,548	575,405
	1,326,096	739,737
Payments	916,005	515,189
Closing balance of funds 30 June	410,091	224,548

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

38 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.

	2009 \$	2008 \$
Opening balance of funds 1 July	7,250	7,003
Receipt from Commonwealth	242,335	239,111
Client contributions	571	936
Expenditure	(198,518)	(239,800)
Closing balance of funds 30 June	51,638	7,250

DISCLOSURES AND LEGAL COMPLIANCE

39 COMMONWEALTH EXPENDITURE

Legal Aid WA maintains systems to distinguish the cost of delivering Commonwealth and State services.

The Commonwealth "Legal Aid WA Monies" (as defined in the Commonwealth Funding Agreement for the period 2008/09) were expended for the purpose of the provision of Legal Aid WA services in accordance with the Agreement and attributed in accordance with the Commonwealth Attribution Statement contained in the Agreement, as set out below:

	\$'000's
Carry forward surplus/(deficit):	1,781
Income	
Services Payment	15,546
Interest	379
Costs Recovered	25
Contributions	454
Expensive Cases Revenue	1
Other	849
TOTAL INCOME	17,254
Expenditure	
Information Services	1213
Community Legal Education and Publication Services	447
Legal Advice Services	1,451
Minor Assistance Services	449
Child Support Services (non - litigation)	244
Duty lawyer services:	
- Family Law	448
- Criminal Law	30
- Civil Law	4
PDR Services (Grants)	1,360
Litigation services (grants):	
- Family law	6,131
- Criminal law (excluding expensive cases)	402
- Criminal law (expensive cases)	1
- Civil - veterans	5
- Civil - migration	45
- Civil - other	127
Assignment services:	
- PDR	927
- Litigation	1,243
Strategic services	867
Other	1,154
TOTAL EXPENDITURE	16,548
2008/09 SURPLUS/(DEFICIT)	706
Closing surplus/(deficit)	2,487

40 STATE EXPENSIVE CASES

Arrangements exist with the State Government for additional funding to be provided to ensure expensive criminal trials involving serious charges are not delayed through lack of legal representation. Expensive cases are categorised as matters where the cost of legal representation are expected to exceed \$21,000. The reconciliation of the expensive cases fund for 2008/2009 is as follows:

	\$
Opening balance 01/07/2008	(56,202)
Adjustment relating to prior years	-
Supplementary funding 2008/09	-
Expenditure 2008/09	(925,635)
Funds owing 30/06/2009	(981,837)

41 SPECIAL CATEGORY FUNDING

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

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

Financial activity was as follows:

	\$
Budget funding (in 2001/02)	1,125,000
Additional funding 2006/07	200,000
Additional funding 2008/09	455,000
Expenditure 2001/02	(336,273)
Expenditure 2002/03	(291,045)
Expenditure 2003/04	(211,787)
Expenditure 2004/05	(115,705)
Expenditure 2005/06	(112,936)
Expenditure 2006/07	(139,920)
Expenditure 2007/08	(168,269)
Expenditure 2008/09	(138,571)
Funds remaining 30 June 2009	265,493

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

	\$
Opening balance 1 July	754,171
Funding 2008/09	575,705
Expenditure 2008/09	(507,662)
Closing balance of funds 30 June	822,214

42 COMMUNITY LEGAL CENTRES

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

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

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

	State \$	Commonwealth \$
Opening balance of funds 1 July	2,434,115	2,303,813
Receipts	2,906,967	4,052,860
Payments	(2,722,356)	(5,252,869)
Closing balance of funds 30 June	2,618,726	1,103,804

CERTIFICATION OF PERFORMANCE INDICATORS

KEY PERFORMANCE INDICATORS FOR THE YEAR ENDED 30 JUNE 2009

Key Performance Indicators

Certification of Key Performance Indicators

We hereby certify that the 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 2009.



Malcolm McCusker AO QC
Chairman

Date: 21/08/2009



George Turnbull
Director

Date: 19/08/2009

PERFORMANCE INDICATORS FOR 2008 – 2009

Funds are limited and determining the extent and type of assistance provided to clients is central to Legal Aid WA's 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 DESIRED OUTCOME:

The right to justice and safety for all people in Western Australia is preserved and enhanced.

OUR VISION:

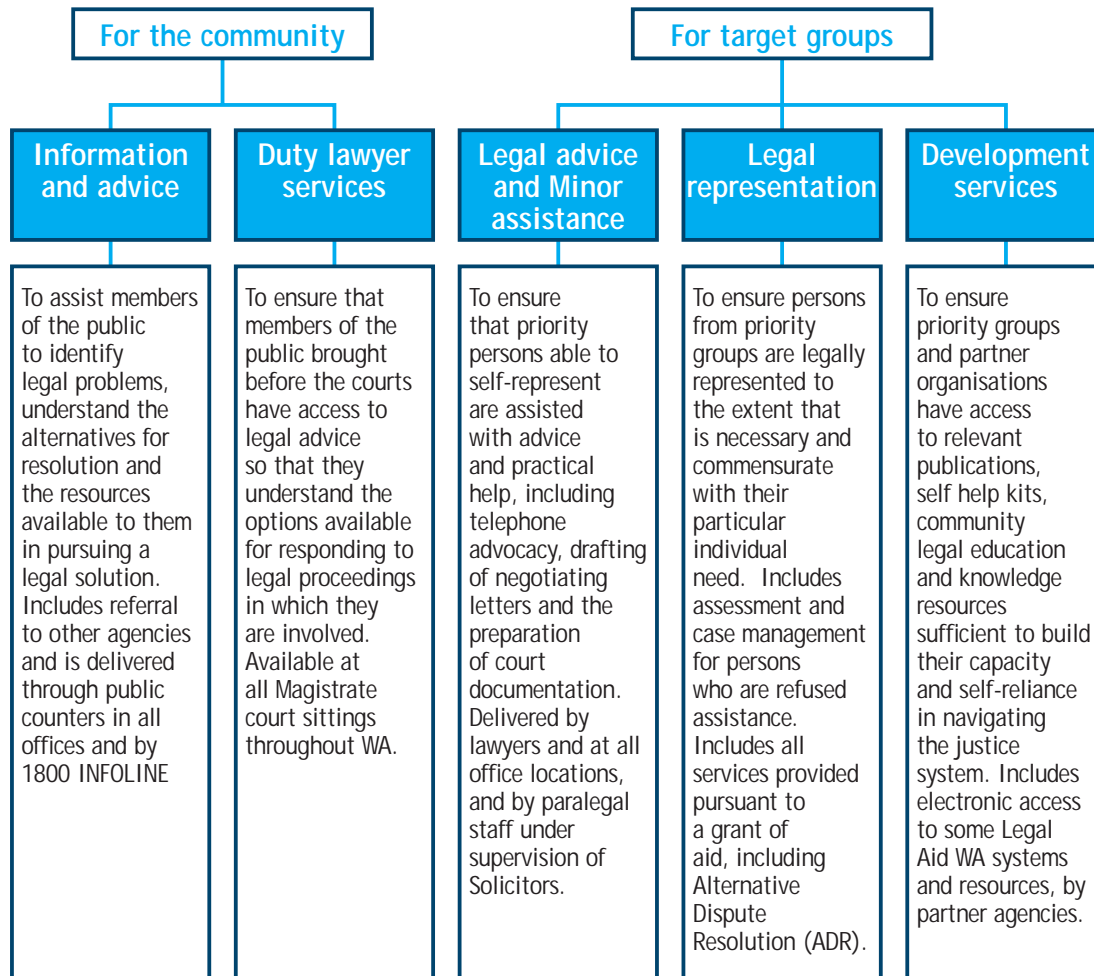
Is to be recognised as a leader in the coordination and delivery of legal assistance services that reflect community expectations and are responsive to need.

AGENCY DESIRED OUTCOME:

Is to ensure the community and target groups have access to and are provided with quality legal services.

This is achieved through the provision of a range of services; including the formulation of priorities and the administration of eligibility and merit tests to enable legal representation to be provided to clients by way of a grant of aid and assignment of cases to in-house or private practitioners.

OUR SERVICES:



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

EFFECTIVENESS INDICATORS

The two key aspects of the outcome sought by Legal Aid WA as a result of the services provided are "access to legal services" and "service quality".

Access is measured by the application approval rate or the extent to which legal representation can be provided, to those whom seek it. Quality is measured by client satisfaction with particular aspects of service delivery, for example the effect the assistance had in helping them understand their legal situation, and how well they believed the lawyer represented them in court.

EXPLANATORY NOTES FOR EFFECTIVENESS INDICATORS

- 1 Applicants for a grant of aid must satisfy certain criteria for legal representation to be approved.
- 2 In areas of family law only, some applicants are assisted via a grant of aid to pursue alternative dispute resolution.
- 3 Telephone information and community education services include telephone information service both in Perth metropolitan and regional areas, policy advice sessions, community legal education and training, face to face consultation, and Family Court information services.
- 4 Legal advice services include minor assistance where a solicitor or paralegal (under the supervision of a solicitor) provides personal assistance of up to three hours in drafting negotiation letters, applications and court documentation in most areas of law for non-complex matters.

TECHNICAL NOTES FOR EFFECTIVENESS INDICATORS

SURVEY METHODOLOGY

Each year Legal Aid WA undertakes an annual Client Satisfaction Survey, alternating between family law and criminal law clients. This year, criminal law clients were surveyed. The survey instrument was identical to the 2007/2008 survey instrument to allow meaningful comparisons to be made. It provided that the neutral rating in the five-point scale used in surveys prior to 2007/2008 was again deleted this year and not available to respondents, so as to obtain a more definitive response from clients to the questions asked. Advantage Communications and Marketing Pty Limited again conducted this year's survey.

RESEARCH METHODOLOGY

Survey Populations

The populations for the purpose of the research were all clients from the three criminal Law client groups who had received their respective type of assistance from Legal Aid WA in the past 12 months. Additionally it was decided that a sample population would be drawn from those clients who received assistance while in custody. The population sizes for each client type are shown in the table below.

Legal Aid WA provided contact lists for each client group.

Sample Sizes

The sample sizes for the Criminal Law client groups satisfaction surveys were designed to balance the requirements of obtaining accuracy to within about +/-5 per cent at the 95 per cent confidence level and having sufficient sample sizes for each survey group to allow valid statistical analysis at the individual survey level and to make comparisons between the surveys.

For the Criminal Law client population as a whole, a sample size of 400 would give an error ratio of no more than +/- 5 per cent at the 95 per cent confidence level i.e. where 43 per cent of the sample gives an answer we can be 95 per cent confident that if we had asked the question of the

entire relevant population, between 38 per cent and 48 per cent would have picked that answer. However, taking the populations of the 3 survey groups in isolation, in order to minimise the error ratio for data collected from each group within the constraints imposed by the total sample size we gave greater weighting to the Legal Advice and Grants of Aid client groups with smaller populations. While this means that the error ratios of data collected from the smaller client groups are still higher than that obtained from the Duty Lawyer client group with its larger population, these error ratios are not blown out to the degree that would be the case if we merely split the samples according to population numbers. To do this, the initial sample of 400 was allocated proportional to the square root of the population size between each of the client group surveys.

The following table shows the breakdown of the sample into the three survey areas.

Criminal Law Client Group	Population Size (N)	Target Sample Size	Achieved Sample Size (N)	Level Of Accuracy
Duty Lawyer	4424	249	260	+/- 4.1%
Legal Advice	388	74	77	+/- 7.0%
Grants of Aid	428	77	77	+/- 6.9%
TOTAL	5240	400	414	+/- 3.2%

POPULATIONS, SAMPLE SIZES AND LEVELS OF ACCURACY

The estimated overall level of accuracy expected from this was +/- 3.2 per cent assuming a satisfaction level of 86.6 per cent based on previous results. The accuracy levels for the individual surveys are higher but still within acceptable error bounds. The achieved overall level was +/- 3.3 per cent.

Questionnaire Design

The questions used for this year's Criminal Law survey were supplied by Legal Aid WA and the questions used to calculate the satisfaction index were the same as those used in previous years, to allow meaningful comparisons with earlier reports. However, a number of new questions were added and others revised in order to extend the areas covered by the survey, improve the quality of response and provide more meaningful management information.

At Legal Aid WA's request, where respondents were previously asked to rate their agreement to statements as either strongly agree, agree, neutral, disagree or strongly disagree, this year the neutral or neither agree nor disagree response category was dropped from the five point scale. By modifying the scale to four points, respondents were forced to make a choice towards agreement or disagreement. This may impact comparability of results between years.

DATA COLLECTION METHODOLOGY

Surveys were conducted over the telephone using the contact lists provided by Legal Aid WA over a three-week period from 11th May 2009 to 29th May 2009. Calling took place in both business hours and evenings. The majority of residential calls would have been made in the late afternoon, early evening hours from around 4pm – 8pm weekdays and also 9am – 5pm on Saturdays.

Surveys were conducted in accordance with the requirements of the Federal Privacy Act and the Australian Market & Social Research Society (AMSRS) Professional Code of Conduct.

The quality of data collected and the “completeness” of each survey was checked by our supervisory staff before and after input. In addition, a minimum of 10 per cent of all respondents were recontacted to validate the information provided (as required by Market Research Quality Standards).

DATA ANALYSIS AND REPORTING NOTES

To ensure consistency in reporting comparisons with previous survey results, overall satisfaction has been reported as the proportion of the respondents who gave a “net agree” (i.e. strongly agree or agree) response excluding respondents who indicated that a particular aspect was not applicable or didn’t know. Results are rounded to the nearest whole number and therefore some totals may exceed 100 per cent.

At indicated previously, where respondents were previously asked to rate their agreement to statements as either strongly agree, agree, neutral, disagree or strongly disagree, this year the neutral or neither agree nor disagree response category was dropped from the five point scale. By modifying the scale to four points, respondents were forced to make a choice towards agreement or disagreement. This may impact comparability of results between years.

DESIRED OUTCOMES AND KEY EFFECTIVENESS/EFFICIENCY INDICATORS

Desired Outcomes: The right to justice and safety for all people in Western Australia is preserved and enhanced and the community and target groups have access to and are provided with quality legal services.

Effectiveness Indicators	2007 Actual	2008 Actual	2009 Target	2009 Actual	Reasons for significant variance between 2009 target and actual and 2008 actual and 2009 actual
Applications approved for a Grant Of Aid as a % of all applications received	71%	69%	70%	69%	
Percentage of Clients satisfied with service provided					
Criminal Law	87%	N/A	87%	85%	
Family Law	85%	82%	N/A	N/A	

DISCLOSURES AND LEGAL COMPLIANCE

Key Efficiency Indicators	2007 Actual	2008 Actual	2009 Target	2009 Actual	Reasons for significant variance between 2009 target and actual and 2008 actual and 2009 actual
STATE LAW					
Average cost per Call	17	17	18	20	New staff and associated training costs, and additional supervisory processes have increased the average cost.
Average cost per Service Duty Lawyer	98	105	108	129	More junior staff utilised thus service takes longer to dispense. Changes in road traffic act has made advice more complex and thus more time consuming and duty lawyers required to spend more time assisting clients where there is no alternative representation at both metropolitan and regional magistrates courts.
Average cost per Legal Advice	113	125	125	177	Ratio of lawyers to paralegals delivering services has increased in 2009, and more junior solicitors taking more time to provide services has increased the average cost.
Average cost per Minor Assistance	187	218	223	206	
Average cost per Application Processed	127	176	165	210	High turnover of staff and associated training costs of new staff, an increase in more complex state family law matters, and the implementation of an electronic grant of aid application system which has resulted in increased queries from private practitioners, has increased the cost of assessing applications for legal assistance.
Average cost per Legal Representation	1,892	2,089	2,466	2,452	Increase in fees paid to private lawyers representing Legal Aid WA clients in the criminal jurisdiction in 2008-09. Increases of between 25% to 40% were made to the daily rate for representation at trials in the supreme court and district court.

DISCLOSURES AND LEGAL COMPLIANCE

Key Efficiency Indicators	2007 Actual	2008 Actual	2009 Target	2009 Actual	Reasons for significant variance between 2009 target and 2009 actual
COMMONWEALTH LAW					
Average cost per Call	22	23	23	30	New staff and associated training costs, and additional supervisory processes have increased the average cost.
Average cost per service: Face to Face Information	29	30	34	53	Additional time demands as a result of legislative changes in family law has increased the complexity of client issues, and high turnover in staff resulting in additional training costs has increased the average cost.
Average cost per Service Duty Lawyer	134	138	116	136	Target was understated due to an error in the recording of the number of services used to formulate the target. The error was resolved in the actual results reported in 2008 and 2009.
Average cost per Legal Advice	126	196	199	197	High turnover of staff and associated training costs, more complex legal and social needs matters directed to Legal Aid WA with the introduction of the new family law legislation in 2007, and the implementation of an electronic grant of aid application system which has resulted in increased queries from private practitioners, has increased the cost of assessing applications for Legal Aid WA.
Average cost per Application Processed	493	498	527	594	
Average cost per Legal Representation	2,861	3,776	3,412	3,277	More complex legal and social needs matters directed to Legal Aid WA. With the introduction of the new family law legislation in 2007, which diverted many matters to dispute resolution programs prior to allowing court filing, and the introduction of alternative service providers such as the family relationship centres across australia, has increased the average cost from 2007.
Average cost of Child Support	1,407	1,395	1306	672	The average cost has reduced in 2009 due to increasing familiarity with the new family law act. Reduced staff supporting this service. And procedural changes to client intake from an in person service to a telephone service for urgent matters only have reduced the average cost.

AUDITOR GENERAL'S OPINION ON STATEMENT OF RECEIPTS AND PAYMENTS



Auditor General

INDEPENDENT AUDIT REPORT

To the Legal Aid Commission of Western Australia

THE DIRECTOR OF LEGAL AID AND OTHERS IN TRUST STATEMENT OF RECEIPTS AND PAYMENTS FOR THE YEAR ENDED 30 JUNE 2009

I have audited the Statement of Receipts and Payments, being a special purpose financial statement, of The Director of Legal Aid and Others in Trust for the year ended 30 June 2009.

The Director's Responsibility for the Financial Report

The Director of Legal Aid and Others in Trust is responsible for the preparation and fair presentation of the Statement of Receipts and Payments. This responsibility includes establishing and maintaining internal controls relevant to the preparation and presentation of the Statement of Receipts and Payments that is free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

Summary of my Role

My responsibility is to express an opinion on the Statement of Receipts and Payments based on my audit. This was done by testing selected samples of the audit evidence. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

The Statement of Receipts and Payments may not be suitable for another purpose. My report is intended solely for the Legal Aid Commission of Western Australia and The Director of Legal Aid and Others in Trust and should not be distributed to or used by parties other than the Legal Aid Commission of Western Australia or The Director of Legal Aid and Others in Trust.

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

Audit Opinion

In my opinion, the Statement of Receipts and Payments of The Director of Legal Aid and Others in Trust presents fairly, in all material respects, the transactions for the year ended 30 June 2009, and the cash balance at that date.

A handwritten signature in black ink, appearing to read 'Colin Murphy'.

COLIN MURPHY
AUDITOR GENERAL
12 August 2009

CERTIFICATION OF STATEMENT OF RECEIPTS AND PAYMENTS

THE DIRECTOR OF LEGAL AID AND OTHERS IN TRUST
STATEMENT OF RECEIPTS AND PAYMENTS
FOR THE YEAR ENDED 30 JUNE 2009

	2009 \$	2008 \$
FUNDS ON HAND 1 July 2008	0	0
RECEIPTS in year	0	0
Interest received in year	0	0
PAYMENTS in year	0	0
Bank charges	0	0
FUNDS ON HAND 30 June 2009	0	0
Represented by funds in BANKWEST	0	0

We hereby certify that the Statement of Receipts and Payments has been prepared from proper accounts and records to present fairly the financial transactions for the financial year ended 30 June 2009 and the Funds on Hand as at 30 June 2009.



George Turnbull
Director of Legal Aid

30 June 2009



Lee Baker
Chief Finance Officer

30 June 2009

MINISTERIAL DIRECTIVES

Nil

CAPITAL PROJECTS

Nil

EMPLOYEES

EMPLOYEE PROFILE 2008-09

Level	Lawyers			Paralegal			Administration			Article Clerks			TOTAL 2007-08	TOTAL 2008-09	% 2007-08	% 2008-09
	P	O	C	P	O	C	P	O	C	P	O	C				
Trainee													0	0	0.33%	0.00%
1							9						16	9	6.00%	2.98%
2				8	1	1	49	2		1			67	62	23.00%	20.53%
3				26	2		19	3		10			50	60	18.67%	19.87%
4				7			6						11	13	3.00%	4.30%
5				6			6						17	12	5.00%	3.97%
6							4	1					3	5	1.67%	1.66%
7							2						2	2	0.33%	0.66%
8							3						3	3	1.67%	0.99%
9													0	0	0.00%	0.00%
Class 1													0	0	0.00%	0.00%
Class 2													0	0	0.00%	0.00%
Class 3							1						1	1	0.33%	0.33%
Class 5													0	0	0.00%	0.00%
Special Division		1											1	1	0.33%	0.33%
S/C Level 1	13	19											22	32	8.33%	10.60%
S/C Level 2	16	2					1						24	19	7.33%	6.29%
S/C Level 3	17	6											18	23	6.00%	7.62%
S/C Level 4	20						1						19	21	7.33%	6.95%
S/C Level 5	7												8	7	1.33%	2.32%
S/C Level 6	24	1											25	25	7.67%	8.28%
S/C Level 7	2												3	2	0.67%	0.66%
S/C Level 8	3												2	3	0.67%	0.99%
S/C Level 9	1												0	1	0.00%	0.33%
S/C Level 10	1												1	1	0.33%	0.33%
TOTAL	104	29	0	47	3	1	101	6	0	0	11	0	293	302	100%	100%

Includes staff on LWOP:

2007-08 LWOP 10 Females / 1 Male

2008-09 LWOP 12 Females / 1 Male

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

P = Permanent Employee

O = Contract Employee

C = Casual Employee

GOVERNANCE MATTERS

PECUNIARY INTERESTS

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

INSURANCE PREMIUMS

An insurance premium of \$5,402.08 (inc. GST) was paid to AIG Australia for Director's & Officer's liability.

PROFESSIONAL CONDUCT

All legal staff must abide by the Law Society Professional Conduct Rules. Our legal practice complies with the Law Society of Western Australia's Quality Practice Standards. The Quality Practice Standard is a Law Society initiative aimed at assisting legal practices to improve their relationships with clients and ensure that a consistently high level of service is provided. Law Society accreditation is subject to annual audit and a comprehensive evaluation of our Professional Practice Standards. Legal Aid WA maintained its accreditation. Our Quality Practice Standards and Professional Practice Standards are both available to all staff via the Circuit web page.

RECONSIDERATION AND REVIEW OF A REFUSAL TO GRANT LEGAL AID WA

When a person is declined a grant of aid from Legal Aid WA they have a statutory right to request reconsideration and then a review of that decision. In 2008-09, there were 384 requests for reconsideration, a 33 per cent decrease in number to the previous year of 573. The number of decisions varied following reconsideration was 145, a 5 per cent percentage reduction to those of the preceding year. Further to the reconsideration process, 108 reviews were conducted by an independent Review Committee consisting of two private practitioners and a layperson. 11 of these decisions to decline aid were varied at review.

AUDIT COMMITTEE

The Board of Commissioners maintains an Audit Committee with responsibility for assessing and reporting on:

- the effectiveness of systems and standards of internal control
- the management of business risk
- compliance with legislation, standards, policies and procedures and
- the quality and reliability of management reporting.

The Audit Committee meets quarterly with the internal auditors and a representative from the Office of the Auditor General invited to attend to assist the Audit Committee. The Committee has unhindered access to management and can avail itself of independent professional advice at any time. The Audit Committee operates with a three-year plan and monitors progress of the annual audit program, including management follow-up of audit findings.

ADVERTISING

Total advertising expenditure was \$52,487.86.
Expenditure was incurred in the following areas:

Advertising Agencies:	
Marketforce Productions	\$ 4,849.16
Talent2	\$13,700.00
Gerard Daniels	\$ 521.27
HMA Blaze Pty Ltd	\$10,750.37
Adcorp	\$12,829.05
Prospect Recruit	\$ 779.01
Market Research Organisations:	
Advantage Communications and Marketing	\$ 9,059.00

DISABILITY ACCESS AND INCLUSION PLAN OUTCOMES

Our Access and Equity policy ensures that clients are not disadvantaged because of means, age, gender, disability, language, culture, race or geographical location. Our Service Charter and Practice Standards also ensure that services are confidential, independent and easily accessible. Complaint handling is centrally managed with documented procedures ensuring thorough scrutiny of all client complaints whether received orally, in writing or via web-mail. The Legal Aid WA website maintains its accreditation under the "Bobby Approved" status, signifying compliance with accessibility guidelines for users with a disability.

Staff continued to maintain and develop contacts with agencies involved in the placement of people with disabilities. A number of work placements were provided this year and two recently employed young people are currently completing a Traineeship. Support workers linked to a number of staff with disabilities attend the workplace on a regular basis. As well as providing ongoing support for the staff member, the support worker also provides co-worker training and assistance to management and other staff as appropriate.

Legal Aid WA continues to liaise with peak organisations providing mental health and intellectual disability services to ensure the broad range of our services meet the needs of these client groups. Legal Aid WA continues to provide legal representation for mentally impaired defendants. Our dedicated Mental Health Solicitor represents clients in the Magistrates Court and the District Court. The solicitor has maintained an ongoing relationship with the Disability Services Commission, various hospitals and the courts, which ensures that Legal Aid WA clients are provided with appropriate representation and ancillary services in relation to criminal law matters.

COMPLIANCE WITH PUBLIC SECTOR STANDARDS AND ETHICAL CODES

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

PUBLIC SECTOR STANDARDS (PSS)

- during 2008-09 our recruitment and selection procedures and policies were reviewed to ensure compliance and to update the process inline with best practice
- recruitment and Selection training using the new procedure documentation was provided to managers and key recruiters
- Human Resources quality assure all recruitment and selection processes
- standards information is readily available to all those involved in selection processes including potential candidates
- ongoing training and support is available to managers and recruiters
- during 2008-09 two Breach of Standards claims were received. Following investigation by OPSSC, no breach of standard was found in relation one claim, one is still under review.

WA CODE OF ETHICS

- ethics issues are raised with the Director of Legal Aid WA if they arise
- Legal Aid WA operates a Gift Register
- all new staff are informed of their obligations under the WA Public Sector Code of Ethics and this information is readily available to staff via the staff intranet and corporate induction module
- information is circulated to staff on integrity topics – Conflict of Interest, Acceptance of Gifts and Secondary Employment
- one report of non-compliance with the WA Code of Ethics was received, and is currently being investigated.

CODE OF CONDUCT

- all new staff are informed of their obligations under the Legal Aid WA Code of Conduct. This document is readily available to all staff via the intranet and online corporate induction module
- workshops designed to address issues such as bullying and harassment in the workplace were conducted with groups of staff and will continue during 2009
- workplace support programs are initiated with individuals as required
- one allegation of inappropriate behaviour against one staff member was received and is currently being investigated.

RECORDKEEPING

The record keeping plan for Legal Aid WA was approved by the State Records Commission in April 2007. The State Records Commission Standard 2 Principle 6 requires that agencies include within their annual report an appropriate section covering the following areas:

The efficiency and effectiveness of the organisation's record keeping systems is evaluated not less than once every 5 years.

With the next revision to the record keeping plan due in April 2012 an evaluation of the efficiency and effectiveness of record keeping systems is planned for 2010/11.

The organisation conducts a record keeping training program.

A dedicated staff member is responsible for the record keeping training program. This includes online record keeping awareness and record keeping refresher courses as well as customised record keeping training. During 2008-09 51 staff completed the online record keeping awareness training course, 43 staff completed the record keeping refresher training course and 33 training sessions were held to raise staff awareness of record keeping.

The efficiency and effectiveness of the record keeping training program is reviewed from time to time.

The efficiency and effectiveness of the record keeping training program was reviewed in March/April 2009 resulting in a number of improvements being made to the record keeping awareness and record keeping refresher courses. While a formal review of the record keeping training program has not taken place client feedback is captured as part of the existing training program. Overall this feedback has been positive with the demand for record keeping training increasing.

The organisation's induction program addresses employee roles and responsibilities in regard to their compliance with the organisation's record keeping plan.

The online induction program includes information on employee roles and responsibilities in regard to their compliance with the record keeping plan.

CORRUPTION PREVENTION

Legal Aid WA continued to develop risk management strategies and raise staff awareness in the area of corruption prevention.

All staff were provided with the opportunity to participate in a Corruption and Crime Commission survey conducted by SAVANT Surveys and Strategies. This survey was designed to educate and raise awareness of public officers in identifying corruption and crime within the public service and their responsibilities in reporting such actions.

Legal Aid WA operates a Gifts Register for gifts offered to and accepted by staff.

OCCUPATIONAL SAFETY, HEALTH AND INJURY MANAGEMENT

RISKCOVER – WORKER'S COMPENSATION LEGAL AID WA COMMISSION OF WESTERN AUSTRALIA 2009 ANNUAL REPORTING – OSH AND INJURY MANAGEMENT DATA

Claims for worker's compensation are low with three (3) new claims being lodged this financial year. There are three (3) ongoing claims from previous years and four (4) claims were finalised during 2008-09. The following factors are indicators of worker's compensation at Legal Aid WA:

Fin Year	Number of Fatalities	Number of Severe Claims	Number of Lost Time Injury/ Diseases	Lost Time Injury Severity Rate
2007-08	0	4	4	100.00
2008-09	0	1	0	0.00

Data Definitions

Financial Year	Claims lodged in the financial year, as at the end of that year.
Fatalities	Number of compensated work related fatalities.
Lost time injury or disease	The number of lost time injury/disease claims where one day/ shift or more was estimated to be lost on claims lodged in the financial year.
Severe Claims	The number of severe injuries (estimated 60 days or more lost from work). An injury resulting in death is considered to have accounted for 60 days or more lost.
Severity Rate	The number of Severe Claims divided by the number of lost time injury/ disease claims multiplied by 100.

STATEMENT OF THE AGENCY'S COMMITMENT TO OSH & INJURY MANAGEMENT.

Legal Aid WA promotes safety at work. Everyone is encouraged to take all practicable measures to protect the safety, health and wellbeing of themselves and others within the workplace. We are committed to managing risks by identifying, analysing, evaluating and treating exposures that are likely to impact on the operational performance or health of our people.

Every employee of Legal Aid WA is recognised as having a role in risk management, from vigilance in the identification of risks to the treatment of risks.

Workplace and employee security is a priority and was an OSH focus during 2009. A risk review was undertaken and existing physical environments were strengthened as a result. To complement physical interventions, our incident reporting mechanisms have been reinforced and a range of training sessions relating to wellness in the workplace were offered staff.

DESCRIPTION OF THE FORMAL MECHANISM FOR CONSULTATION WITH EMPLOYEES ON OSH MATTERS

Forums for the circulation of OSH related information are established. These include:

- incident and risk reporting procedures
- safety Committee, committed to identifying and minimising risk, executing OSH management strategies and providing support to staff through liaison, training and taking formal action as required
- safety updates including procedures and handy hints are circulated to staff the intranet
- “Keeping Yourself Safe” training provided to groups of staff
- OSH information is located on the staff intranet
- all new staff and contractors are provided with relevant OSH information through an online corporate induction that can be revisited at any time
- Ergonomic Assessments
- trained First Aid Officers and Fire Wardens.

Legal Aid WA promotes and supports staff wellness in a variety of ways, including:

- Employee Assistance Program (EAP) available to all staff and their immediate families. The EAP is actively promoted to staff through print and online advertising, corporate induction, manager referral, and information sessions
- fully subsidised flu vaccinations
- inoculations, such as hepatitis are fully subsidised for staff working in frontline roles
- case conferences and debriefing in team environment
- bullying and Harassment awareness sessions
- bicycle parking and shower facilities
- wellbeing seminars.

A range of supports are provided to staff:

- PPC Worldwide (formerly the OSA Group) continues to provide EAP Services to both our employees and their immediate family members. This service is actively promoted throughout our organisation through employee induction, word of mouth, print advertising and referral by management
- Contact Officer Service – Nominated staff located in both metropolitan and regional locations have been trained as Contact Officers. Their role is to provide confidential support to fellow workmates to reach their own conclusions in relation to work or personal related issues and to assist them to facilitate a resolution.

Regular review and maintenance of these strategies ensure compliance and effective injury management.

STATEMENT OF COMPLIANCE WITH THE INJURY MANAGEMENT REQUIREMENTS OF THE WORKERS' COMPENSATION AND INJURY MANAGEMENT ACT 1981

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

ANNUAL ESTIMATES FOR THE YEAR ENDED 30 JUNE 2010

OPERATING EXPENSES	2009/2010 PROPOSED \$
Legal service expenses	
Casework costs - Cwlth	3,817,000
Casework costs - State	8,485,000
Casework costs - DCD Referrals	226,000
Disbursements IHP Cwlth	464,084
Disbursements IHP State	188,113
Disbursements DCD	20,000
State commitment - DCD Referrals	-
Sundry expenses - casework	(37,755)
Other service expenses	316,152
TOTAL LEGAL SERVICE EXPENSES	13,478,594
Salaries and related expenses	
Salaries and allowances	23,053,900
Staff related expenses	4,738,549
TOTAL SALARIES AND RELATED EXPENSES	27,792,449
Other operating expenses	
Communications	601,296
Services and contracts	5,083,217
Consumables	966,002
Maintenance	478,750
Other operating expenses	548,836
Depreciation	838,056
TOTAL OTHER OPERATING EXPENSES	8,516,157
Other grants	
State Community Legal Centres	2,349,000
	2,349,000
TOTAL OPERATING EXPENSES	52,136,200
REVENUE FROM SERVICES	
Contributions	1,656,312
Revenue from services	174,888
Other operating revenue	4,643,819
Legal contribution trust fund	1,000,000
Interest revenue	663,230
TOTAL REVENUE FROM SERVICES	8,138,249
NET COST OF SERVICE	(43,997,951)
REVENUE FROM GOVERNMENT	
Commonwealth revenues	
Commonwealth operating grant 2004/05 fund agreement	15,584,470
Commonwealth - Christmas Island	258,965
TOTAL COMMONWEALTH REVENUES	15,843,435
State revenues	
State consolidated fund - recurrent	23,943,000
Expensive cases - in house	-
State Community Legal Centres	2,399,000
TOTAL STATE REVENUES	26,342,000
TOTAL REVENUE FROM GOVERNMENT	42,185,435
Annual operating surplus/(deficit)	(1,812,516)
Structural Review adjustment	300,000
Adjusted Annual Operating (deficit) / surplus	(1,512,516)

Legal Aid WA OFFICES

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LEGAL AID
WESTERN AUSTRALIA