



LEGAL AID  
WESTERN AUSTRALIA



Legal Aid Commission of Western Australia

# ANNUAL REPORT 2019-2020

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This report is available as a pdf download from the Legal Aid website.  
Alternative formats of this Annual Report are available on request.

## Acknowledgement of Country and People

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

## Cover Art

The cover artwork was created by Gary Njamme. Gary is an active member of the Balgo community in the Tanami desert in Western Australia. His father's country is Walkalli, Lake White, south of Balgo, and his Grandfather's country is around Pippar. Gary provided the following text to accompany the artwork:

*"We are here in the community in the middle. The lawyer, the judge, and the interpreter are talking together about laws and rules on how to help people in court. Teaching people to understand the rules of the court system. I have painted this picture using inspiration from the front cover of the criminal and bail kit, the men sitting on the mat using the cards. The Kangaroo and the Emu symbols around the outside represent the law and the Australian coat of arms, and talking about the law that's been here already. The interpreter is there to explain both sides of the law, kardiya way and cultural way."*

Gary collaborated with Legal Aid to produce the artwork for Legal Aid's Blurred Borders project and resource kit. Blurred Borders is a legal communication tool that uses visual art, plain language, and storytelling to enhance communication between frontline service providers and Aboriginal clients in regional and remote locations.



Gary Njamme

More information on Blurred Borders is available on p22 and at the Blurred Borders website linked by this QR code.



# Our Year at a Glance



We provided a lawyer  
to people on  
**113,000** occasions  
in 2019-20

**5%** increase in new  
grants of aid (**11,588** grants)

**14%** increase in legal  
advice and assistance tasks  
(**25,313**)

**177%** increase in online chat services

**17%** increase in website page views (**1,341,612**)



**8%** increase in grants of aid to  
Aboriginal Western Australians



**11%** increase in grants of aid to  
people living in rural or remote WA



**63%** increase in services to  
people over 75



**21%** increase in services to  
people from non-English  
speaking backgrounds



**9%** increase in  
mortgage hardship services



**12%** increase in family  
violence services



**208%** increase in elder  
abuse services

<b>Developed Regional Service Delivery Plans</b>  To deliver targeted services based on local legal need  <b>page 14</b>	<b>Introduced a Reducing Avoidable Remand Service</b>  To reduce Aboriginal incarceration rates by helping people get bail and stay out of prison  <b>page 20</b>	<b>Launched the Keep 'em Safe resource</b>  To work with communities to develop tools to help communicate child protection legal issues in culturally appropriate ways  <b>page 22</b>	<b>Introduced a Disability Royal Commission legal service</b>  To increase access to justice for people who have a disability  <b>page 27</b>	<b>Launched the Family Violence and Cross Examination of Parties Scheme</b>  To protect and support victims of family violence during court proceedings  <b>page 28</b>	<b>Set up a Family Law Property Mediation Service</b>  To help separating couples reach fair property agreements without going to court  <b>page 31</b>
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# Statement of Compliance

For the year ended 30 June 2020

## **Hon John Quigley MLA**

Attorney General

In accordance with section 63 of the *Financial Management Act 2006 (WA)*, we hereby submit for your information and presentation to Parliament, the Annual Report of the Legal Aid Commission of Western Australia for the financial year ended 30 June 2020.

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

A stylized, handwritten signature in blue ink, consisting of a large loop and a horizontal stroke.

## **Hon. Jane Crisford SC**

Chair of the Legal Aid Commission  
of Western Australia  
Date: 7/9/2020

A handwritten signature in blue ink, appearing to read 'Graham Hill'.

## **Dr Graham Hill**

Director and Member of the Legal Aid  
Commission of Western Australia  
Date: 7/9/2020

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# 1. Overview





## 1.1 Chairperson and Chief Executive Officer's message

### On behalf of the Board we are pleased to present the 2019-20 Annual Report.

Poverty and disadvantage are not new to Western Australia. Legal Aid has been pushing back against both for 44 years. We resolve those critical legal problems which trap people in poverty. The work of Legal Aid stabilises the lives of our clients, works against the downward spiral and instils a sense of hope that improves lives. But poverty and disadvantage have surged over the extraordinary year recorded in this report. The year also saw discontent and demonstrations caused by a loss of trust in our justice system. In this environment, our targeted services and our contribution to social cohesion are more important than ever. This report sets out our organisation's work through 2019-20 in removing legal barriers which perpetuate poverty and social disadvantage.

Over the year, Legal Aid provided lawyers to people on 113,000 occasions. We provided 5% more grants of aid than the previous year. Legal advice and minor assistance increased by 14%. We provided 12% more family violence services. We substantially increased elder abuse services. Our online chat services more than doubled. Website page views were up 17%. There's also evidence that the people seeking our help are more disadvantaged. In 2019-20, we provided 8% more grants of aid to Aboriginal Western Australians than we did in the previous year. Grants of aid to people living in rural or remote areas increased by 11%. Services to Western Australians aged over 75 were up 63% and services to people from a non-English speaking background increased by 21%.

The high level of demand for our services resulted in us finishing the year with a deficit. Instead of cutting services, we drew on our cash reserves to cover this shortfall.

### New services

Many people escaping family violence settle family law property disputes for less than they are entitled to because they fear being directly cross-examined by their ex-partner. In September 2019, we addressed this problem by setting up a Family Violence and Cross-Examination of Parties Scheme to provide lawyers to people affected by family violence.

We've been concerned that some people, especially women, walk away from their entitlements to family law property settlements because of the stress and expense of legal action. With that in mind, we set up lawyer-assisted mediation for property matters of up to \$500,000.

In April we launched a Reducing Avoidable Remand Service which is reducing barriers to bail and avoiding unnecessary prison time for people awaiting trial. This new service is playing an important role in reducing Aboriginal incarceration rates.

Early in the financial year we established a network of eight Virtual Offices around the State. These Virtual Offices take the law to hard-to-reach people using large screen and camera units located in community centres around Western Australia. They remove barriers to accessing justice such as distance, formality and unfamiliarity.

With so many separated couples unable to afford a lawyer, we were pleased to be associated with the June 2020 launch of an online dispute resolution resource. Australia's Legal Aid Commissions developed this online platform. It helps separating couples work out parenting arrangements and divide their property. It combines artificial intelligence and Legal Aid family law expertise to guide people through a step-by-step dispute resolution process.

Later in the year we launched our Disability Royal Commission Legal Service. This new service will help people with disabilities, their families and carers engage with the Royal Commission in a safe manner. Our new service will provide legal education and legal advice.



In recent years, Aboriginal children have been removed from their families in increasing numbers. To counter this trend, we launched our Keep 'em Safe child protection legal communication tool in September 2019. This tool uses visual art, plain language and storytelling to explain legal concepts to families in the child protection system. These new story cards are improving the way frontline services communicate with Aboriginal people in child protection matters. This resource will empower families with information about their rights and duties and make reunion more likely.

In April, we launched a Facebook page which will deliver legal assistance news and updates on developments. The time was right to expand our digital footprint to reach Western Australians right across the spectrum. It will enhance access to justice by letting more people know about our services.

### Improved services

For the first time in our history, our regional offices have developed Regional Service Delivery Plans. Over the year, each of our offices assessed legal need in their region, examined other services available and then planned for the deployment of Legal Aid resources.

In October 2019 we reinforced our integrated duty lawyer and family violence support service by adding a dedicated Men's Support Worker. This extra social worker improves safety by providing behavioural change support to men with a history of using violence. It is available at five Family Court registries and will improve safety for victims of family violence.

In July 2019, our Automated Payments initiative went live. These changes to our grants management system enable us to automatically pay a lawyer's bill where that bill meets our business rules. We're now automatically paying 60% of those lawyer's bills within 5 days. This helps law firms, encourages them to keep delivering legal aid and frees up assessing resources from processing payments.

In 2019 we introduced an innovative new triage system for urgent applications for a grant of legal aid. The result is that we are processing more applications and we're doing it faster and with fewer staff. Speedy assessments of legal aid applications provide certainty to applicants and their lawyers and avoid unnecessary adjournments at court. As a result of this innovation, we're now assessing 54% of all applications within five days.

Over the year we also reviewed the circumstances for approving aid for criminal appeals. As a result of the review, we added more rigour to the process for approving appeals. We introduced a new checklist and template requiring lawyers to provide more detailed advice on merits and evidence. It will make sure that we are only funding appeals which have a real prospect of succeeding.

### COVID-19 response

We're immensely proud of Legal Aid's response to the coronavirus pandemic. From late February 2020, the restrictions gave rise to increased demand for some services. Legal Aid responded by providing more services for family violence, employment law and credit, debt and mortgage hardship matters. We also reinforced our telephone Infoline and chat services to cater to a community working from home. With the Supreme Court postponing jury trials, we funded early resolution case conferences so that defence lawyers could meet with prosecutors and a district court judge to resolve issues in dispute. Throughout the pandemic, we kept all Legal Aid services available to the community. In March, we boosted our capacity to deliver our services remotely in case the health authorities ordered us all home. As a result, Legal Aid can now deliver all our services with staff working remotely.





## Thanks

There are many who have contributed to Legal Aid's strong performance this year. We're grateful to our clients and aid recipients for their faith and confidence in Legal Aid. We're constantly moved by their stories and the grit and courage they show in addressing their legal problems.

We thank Legal Aid's staff for their dedication to the communities we serve. It seems to us that many of our staff look at what they do as a calling and not just a job. For them, 'equal justice under law' is not merely a slogan but something they achieve everyday as they improve the lives of disadvantaged Western Australians. We're also deeply grateful to the 471 private lawyers who delivered legal aid on our behalf over the year. Their unwavering commitment to access to justice sees them provide exceptional services at greatly discounted rates. We also thank our hard-working fellow Commissioners for their outstanding leadership of the organisation.

Our thanks to the Australian Attorney-General, Hon Christian Porter MP, and the Western Australian Attorney General, Hon John Quigley MLA, for their support of Legal Aid. We're also appreciative of the work of Dr Adam Tomison and Mark Hainsworth at the Department of Justice and to Tamsyn Harvey, Ariane Hermann, Carolyne Howard and Jessica Williams at the Attorney-General's Department.

## Looking ahead

We look to the year ahead with confidence and optimism.

In 2020-21, Legal Aid will set up more Health Justice Partnerships at major hospitals so that we can take the law to hard-to-reach people. We'll put an end to poor people going to prison for unpaid fines by establishing a Work and Development Permit Scheme which will convert fines to approved community work, medical treatment or training. In the year ahead, Legal Aid will develop an Online Assistant to provide legal information to people outside of business hours. We will also approve a First Nations Strategic Plan which will set new standards for our service delivery to Aboriginal Western Australians. Another focus in 2020-21 will be to expand

our Seniors Rights and Advocacy Service to increase our capacity to combat elder abuse. Legal Aid will also complete a client engagement project which will embed a 'client first' culture throughout our organisation and shape the design of future services.

Every day and in every region, Legal Aid improves the lives of disadvantaged people. Our work saves homes, keeps families together, gives children a better chance in life, prevents wrongful convictions, helps people with a disability get support, reduces Aboriginal incarceration, protects older Western Australians from abuse, helps victims escape domestic violence, and keeps people from walking away from their right to a fair outcome. Our services foster a safer and more inclusive Western Australia. Our steadfast presence around the State promotes trust and confidence in our justice system. In the year ahead, we will continue to work toward a Western Australia where poverty is no impediment to equal justice.

**Hon Jane Crisford SC**  
Chairperson



**Dr Graham Hill**  
Chief Executive Officer





## 1.2 About Legal Aid

### 1.2.1 About Us

The Legal Aid Commission of Western Australia (Legal Aid) is the largest provider of legal assistance in the State. We believe in equitable access to justice to support a fair and safe community, and are committed to fighting poverty and disadvantage by providing communities with effective, efficient, and economical access to justice.

Each year we provide legal assistance to over 37,700 clients and provide legal information to over 71,500 people in Western Australia. We assist the most disadvantaged and vulnerable members of our community, with 71% of our clients receiving government benefits, 22% living with a disability or mental illness, 19% identifying as Aboriginal, and 24% under the age of 25. We deliver legal services in areas of criminal, family, and civil law through our in-house practice and through our partnership with the private profession, and provide legal information through our Infoline, Infochat, website, and community legal education programs.

Legal Aid has 10 offices throughout Western Australia which are located in areas of high legal need. We are committed to increasing access to justice and innovating to reach isolated and remote communities, and have developed a network of 8 virtual offices and 53 outreach locations that target vulnerable groups who have limited access to justice.

We understand that many legal problems arise from underlying social and personal issues, and as a client centred organisation we are committed to helping our clients by connecting them with targeted wrap-around services which meet their needs. In 2019-20 we provided 1,009 in-house wrap-around services to clients. We are committed to expanding our preventative and early intervention services to keep as many people out of the justice system as possible, and will continue to work collaboratively with our partners in government and the not-for-profit sector to make this possible.



#### Our Vision

Equitable access to justice to support a fair and safe community



#### Our Mission

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



#### Our Values

**Making a difference** We're committed to helping people understand and protect their rights

**Client Centred** We put our clients at the centre of everything we do

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

**Innovation** We're committed to continuous improvement

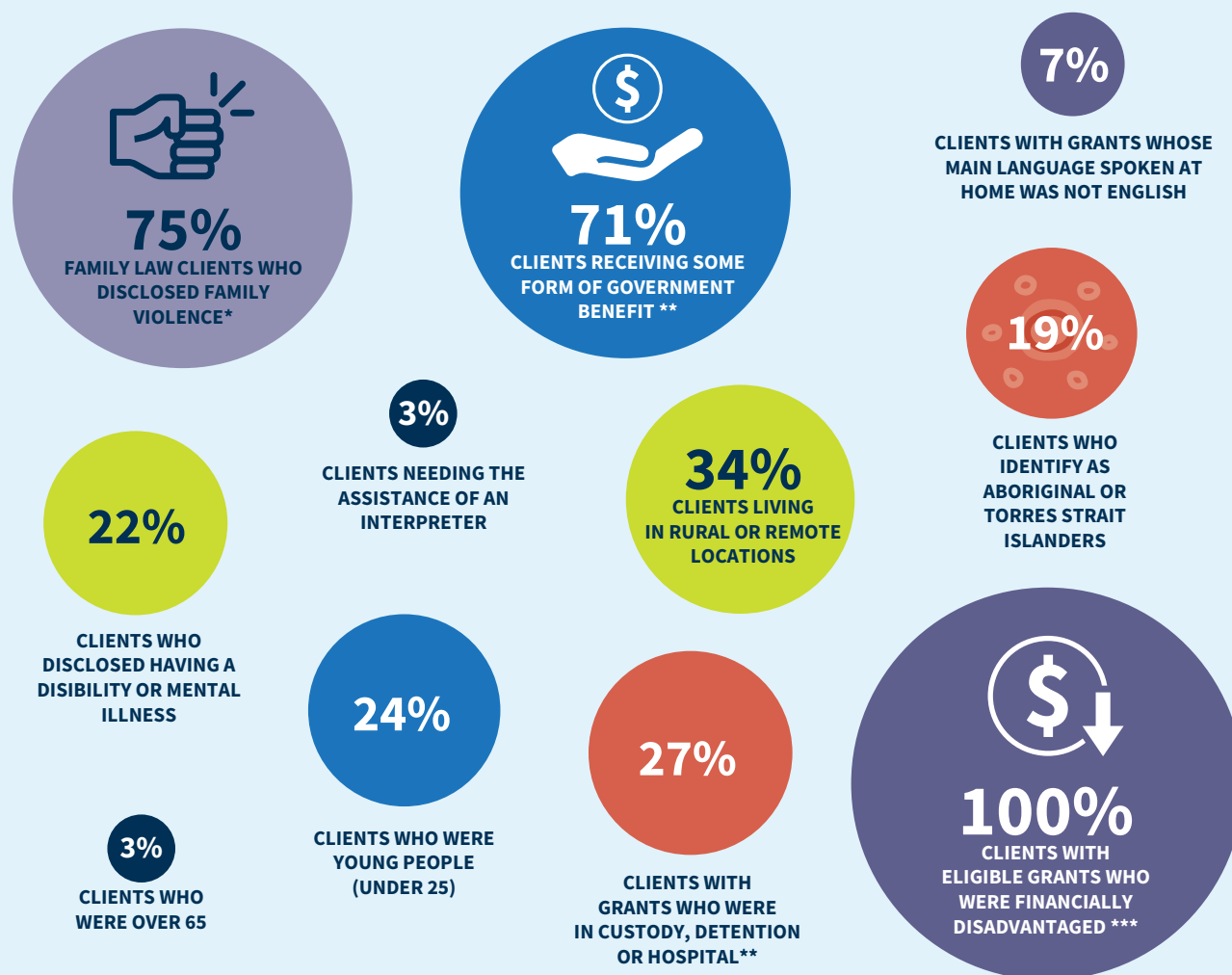
**Transparency** We are an open and accountable organisation



## 1.2.2 Our Clients

Almost all grants of aid provided by Legal Aid are delivered to vulnerable and disadvantaged groups in our community. This includes people experiencing financial distress, mental illnesses, and family violence, and disadvantaged groups including Aboriginal people, people who have a disability, people over 65 years old, people whose first language is not English, and people

who live in remote locations. We are committed to delivering better outcomes for our clients, expanding our services to assist more clients, and improving our services so they are more accessible for our clients. In 2019-20 we assisted 37,707 unique clients and provided lawyers to people on 113,000 occasions.



### Footnote

\* Based on adult family law clients for new grants and duty lawyer only

\*\* Based on new grants only

\*\*\* Excludes veteran clients who are not means tested

### Note

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

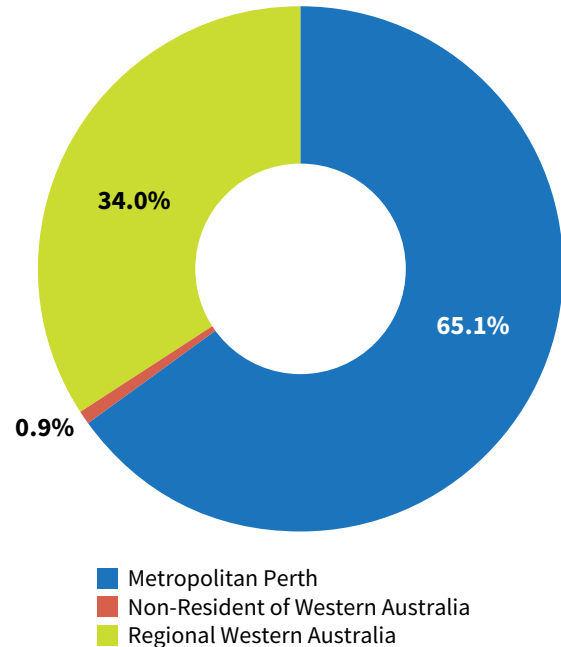


### The People We Help

A Legal Aid lawyer acted for a young man who was facing four charges of home burglary. If convicted of those charges, a magistrate would have had no choice but to impose mandatory imprisonment of two years, and there appeared to be no prospect of successfully defending the charges. The young man had been diagnosed with Foetal Alcohol Spectrum Disorder and had significant intellectual and cognitive impairments. The charges related to him breaking into homes to get food. Because he came from a remote community, Community Corrections had prepared a report saying that there were no services available to support this young man. In other words, there were no programs to stop his re-offending and no alternative to prison.

Our lawyer wasn't content with that and so she created her own comprehensive plan of support. She had him registered with the National Disability Insurance Agency so that he could get specialised support and treatment. She also linked him to the Anglicare support worker in the community and then found him a part-time job doing gardening and maintenance. She was also able to place him in the youth program run by the local Aboriginal corporation. Our lawyer then met with his parents and gave them intensive one-on-one community legal education about the consequences of re-offending. Having put this plan together, our lawyer was then able to convince the prosecutors to change the home burglary charges to lesser charges to avoid the mandatory two years imprisonment. The young man is now back in his remote community and being supported by this comprehensive plan. Without our lawyer's help the young man would have been jailed for two years, he would have emerged from prison with no support in place and would have been likely to re-offend.

### Residency of Legal Aid clients in 2019-20



### The People We Help

A Legal Aid Lawyer acted for a young man who lives in care and comes from a very disadvantaged background. The police had charged our client with aggravated home burglary, alleging that he had stolen \$5,000 in tools from a garage. Our client was emphatic in his instructions that he had not committed this offence. At the two-day trial, our lawyer was able to show that the house and garage had been locked and yet there was no damage to the doors or windows to indicate a break in. There were no fingerprints or DNA evidence to link our client to the garage. His questioning cast doubt about whether the (allegedly) stolen property even existed. As a result of our lawyer's skill, care, and attention to the case, the court found that there was no evidence of forced entry and that the alleged offence was unlikely. The court returned a 'not-guilty' verdict on this charge and our client was free to go.

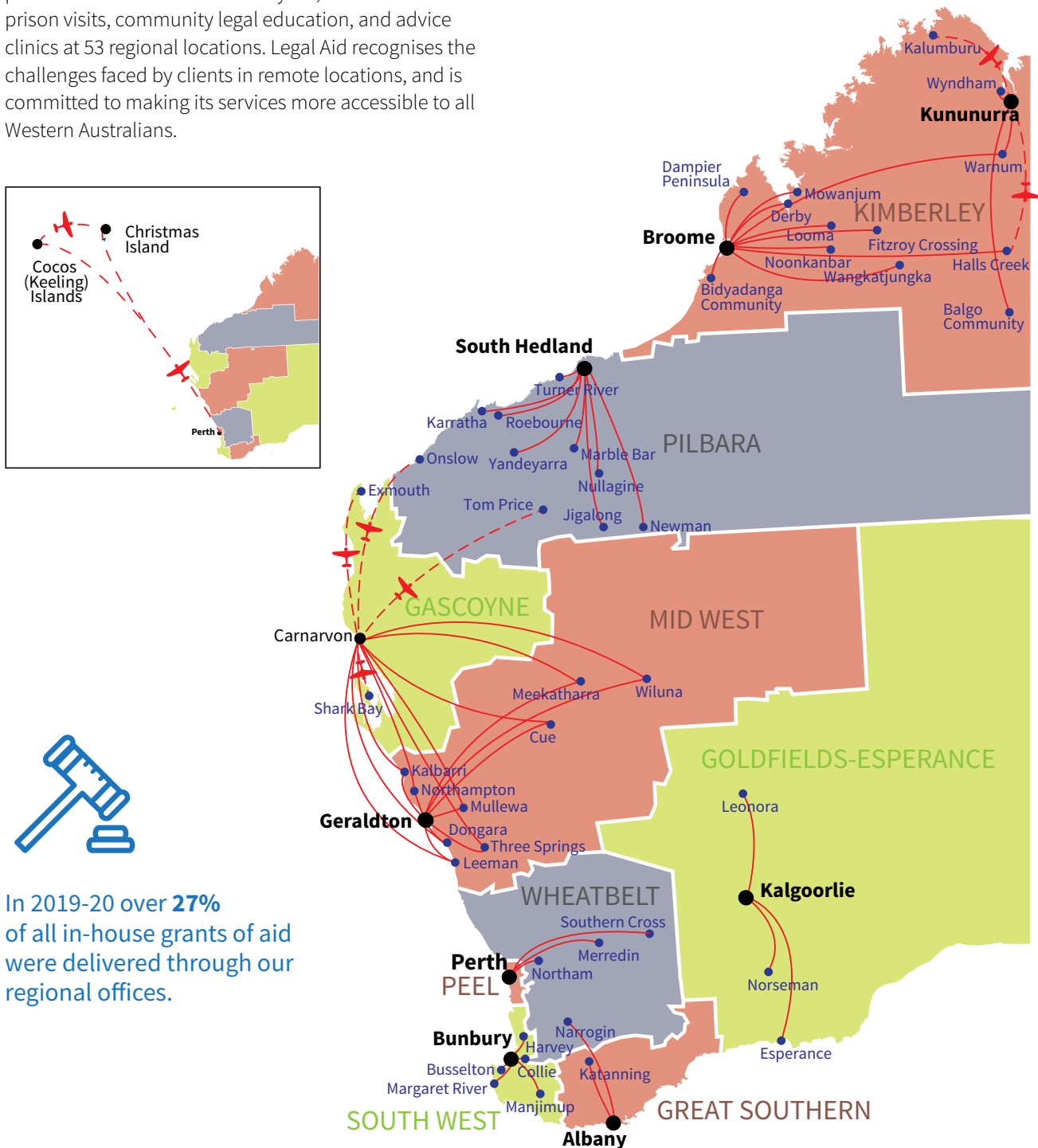


### 1.2.3 Our Locations

In 2019-20 Legal Aid delivered 23,124 services to clients living in rural or remote areas of Western Australia. To support our clients who live in regional locations Legal Aid has 10 offices, and 10 virtual offices throughout Western Australia. Legal Aid also provides a duty lawyer service at every location where a magistrate presides over a criminal or family list, and conducts prison visits, community legal education, and advice clinics at 53 regional locations. Legal Aid recognises the challenges faced by clients in remote locations, and is committed to making its services more accessible to all Western Australians.

During COVID-19 and the ban on regional travel, our regional clients were able to access our services through Virtual Office appointments, and obtain legal information through our Infoline, Infochat, and website.

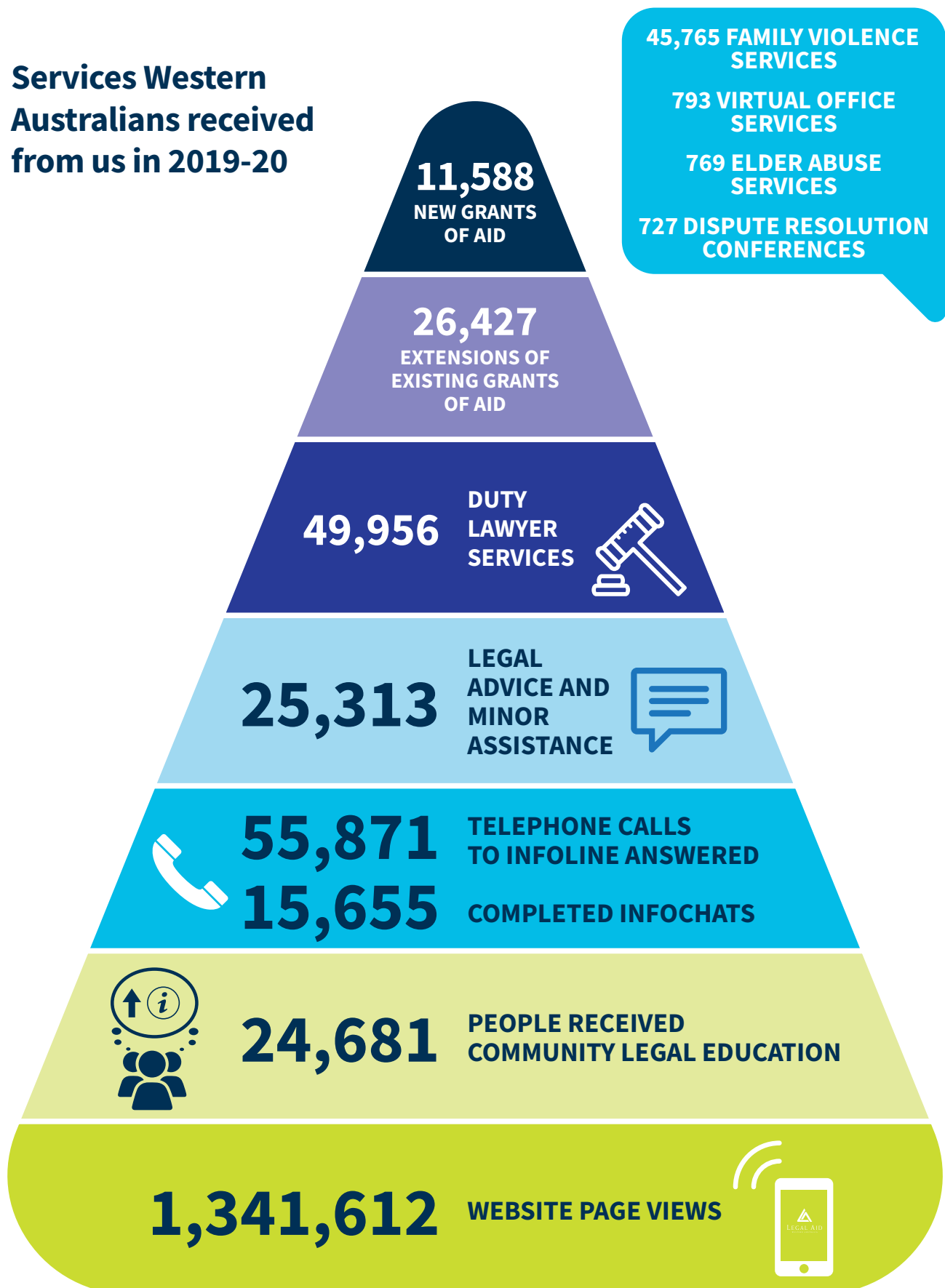
The below map shows the locations we provided services to in 2019-20.



In 2019-20 over **27%** of all in-house grants of aid were delivered through our regional offices.



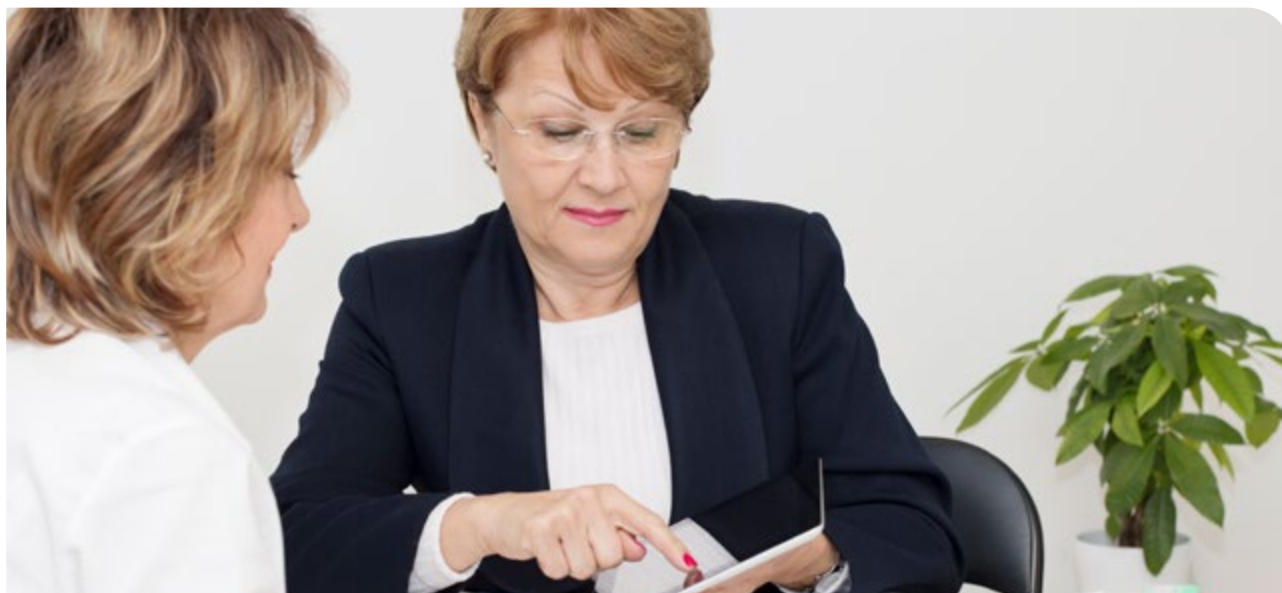
## Services Western Australians received from us in 2019-20







## 1.2.4 Our Services



### Access to Justice

Legal Aid is committed to making legal services accessible to all Western Australians. Legal Aid knows that the legal system is not equally accessible to all people, and acknowledges some groups, such as Aboriginal people, people who have a disability or mental illness, people who live in regional areas, people who do not speak English, and people who experience poverty are severely disadvantaged when they attempt to access justice. Each year we aim to make our services more accessible by engaging with different groups to identify issues, and work together to create solutions. The challenges presented by COVID-19 have also prompted us to reconsider how our services can be delivered either virtually, or with minimal face-to-face contact.

### The People We Help:

Legal Aid helps level the playing field when individuals have to assert their legal rights against the might and resources of Government. A person's legal rights are just a theoretical concept unless they have the legal means to make them real. In a recent case a mother contacted Legal Aid after her son had become a paraplegic following an accident in a remote part of Western Australia, and the State had sued him for the costs of hospital treatment - the family turned to Legal Aid for help. Legal Aid's lawyer negotiated with the State and persuaded them to discontinue their action to recover costs.

The mother wrote to our lawyer:

*"Thank you, thank you so very much, you dear man. I'm so relieved, I am sitting here crying. I'll say it once more as I don't want to embarrass you. You are a very good man, and I appreciate what you have done for both [my son] and me over the past months. I shan't ever forget you and your kindness."*



### New Strategy: Regional Service Delivery Plans

In 2019-20 Legal Aid developed and approved its first service delivery plans for each region in Western Australia. The plans focus on our clients, our staff, our partners and interested parties in regional communities. In developing the plans, our regional offices assessed legal need in their areas and the services already available from other providers. They then considered the best way to deploy Legal Aid resources to match services to need in their regions. The plans focus on providing services that are:

- » **Targeted** so that our services go to those who need them most;
- » **Timely** so that our services resolve issues as early as possible before they escalate into more serious problems;

- » **Wrap-around** so that they treat the client and not just the legal problem by connecting people to the help they need; and
- » **Appropriate** so that the services are tailored to the client needs and proportionate to the legal problem.

The high-level objectives are the same across all regions but each office relies on regionally specific actions, performance measures and timelines. The plans also promote the professional wellbeing and safety of Legal Aid staff.

Regional service delivery plans are providing an effective framework to meet legal need and create certainty, transparency and consistency across all regional offices.



*Legal Aid's Regional Offices*



## New Service: Taking the law to where it is needed - 8 new Virtual Offices

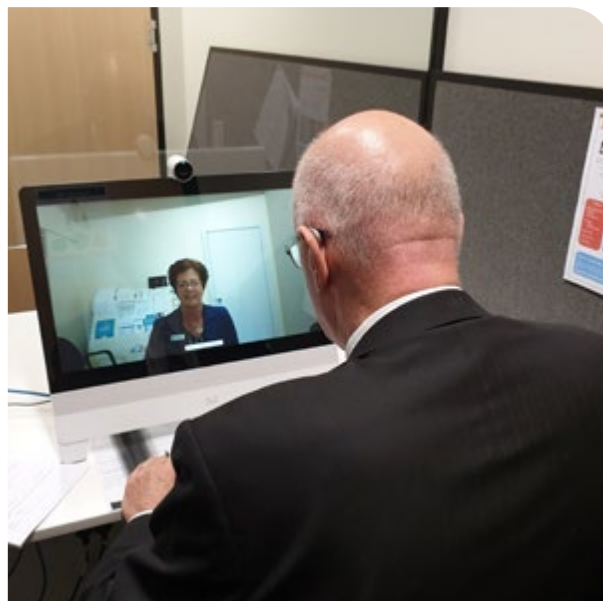
Legal Aid's Virtual Offices are taking the law to hard-to-reach people. The Virtual Offices are local, accessible, embedded in the community and offer a wrap-around service which treats the client, not just the legal problem.

The Virtual Offices are located at 8 community centres around Western Australia. Legal Aid has located all Virtual Offices in places where we don't have a physical office. Each Virtual Office connects our Head Office with the regional area and uses large video screens with cameras to provide a virtual legal appointment. The large screens come as close to an in-person appointment as technology will allow.

The success of this service lies in the collaboration between our legal services, and local wrap-around community services. Legal Aid's partner agencies include the Citizens Advice Bureau, Hope Community Services and Karrayili Education Centre. They use their local connections to identify and address legal issues early before they escalate into larger problems.

Over the last year, the Virtual Offices have provided 871 services. Regional Western Australia accounts for 44% of all Virtual Office services, including 125 services to the remote Fitzroy Valley. The effectiveness of the Virtual Office collaboration was recognised in November 2019 when the Pilbara for Purpose peak body awarded the Pilbara Community Services Excellence Award to Hope Community Services in Karratha. The award was for an 'outstanding demonstration of innovation in collaboration.'

The Virtual Office at the Karrayili Education Centre in Fitzroy Crossing is set up as a 'drop in' centre where appointments aren't necessary. Staff at the local community agency promote the service and encourage people from remote Aboriginal communities to drop in every Wednesday. On that day a Legal Aid lawyer is waiting to provide advice and ongoing assistance. This arrangement has resulted in positive practical outcomes for clients who would otherwise have no access to legal help. In one case, the Virtual Office helped a client remove her lifetime licence disqualification so that she could then take up a job opportunity providing cultural training and support in remote Aboriginal communities.



Virtual Office

### The People We Help

After speaking with our Virtual Office a client said:

*"I've been given the run-around of late in regards to my own legal issues, and I've felt walls coming up whichever way I turned. I've become very disheartened and disillusioned at the whole process of trying to get a fair deal for my children and myself, whilst at the same time attempting to care for my 2 very disabled children. Today I felt at my wits end, dreading the thought of another inevitable weekend, without support or answers, and not knowing how to move forward. That was until I spoke with Mary (Virtual Office Coordinator) late today. She helped me considerably, and explained things in a manner in which I understood. She was kind and considerate and professional, and gave me a sense of worth. I felt she listened and she made a considerable effort to point me in the right direction. I am very grateful. There needs to be a greater number of people such as Mary and the service that the Virtual Office provides, period."*





### The People We Help

A client living in a remote Aboriginal community heard about Legal Aid's Virtual Office located in the Karrayili Adult Education Centre and dropped in at the Centre. Eight years ago, a court had imposed a life time driving suspension on her. The client works as a liaison officer for a regional community program and she needed her licence to see people in other remote communities. She is also an Indigenous soldier serving part-time in the Australian Army and needed her licence for her military service. The client had filed for an extraordinary driver's licence in Broome but was struggling to get to Broome for the hearing. Our lawyer helped the client transfer the matter to Fitzroy Crossing and assisted her to prepare the submissions in support of her application for an extraordinary licence. The client called into the Virtual Office after the court had heard her matter to let us know that the magistrate had granted her the extraordinary licence – a fantastic outcome for our client and her community.

## New Digital Resource: New Virtual Dispute Resolution Service

### amica: Simple, smart separation

On 30 June 2020, Australia's Legal Aid Commissions launched a do-it-yourself mediation tool for separated couples. Known as amica, this new platform enables separating couples to participate in online dispute resolution. It uses smart technology to help couples communicate online and it sets out a step-by-step process to guide parties to a parenting or property agreement.

Australia's Legal Aid Commissions have aimed amica at the 'missing middle' – those people who won't get legal aid but still can't afford a lawyer. amica gives people an idea of what might happen if they go to court. It empowers them with knowledge about their legal rights so that they can resolve their family law issues. Legal Aid estimates that amica could help about 2,000 separated Western Australian couples every year. This online dispute resolution tool will help them get on with their lives without the time, expense and stress of legal action. They'll log on rather than 'lawyer up'. Inevitably, this will reduce pressure on the Family Court of Western Australia and save the community millions of dollars every year.

This ground-breaking new digital tool uses artificial intelligence and smart technology. It analyses asset and income information as well as data on settlement outcomes in similar situations to provide a suggested split of assets.



*Gabrielle Canny at the launch event*



The Australian Government funded Australia's Legal Aid Commissions to develop amica. Legal Aid played a major role in the design and development of this tool. Our family lawyers provided 20% of the case studies that informed the Artificial Intelligence. The CEO of Legal Aid, Dr Graham Hill, served on the project steering committee for the three years of its development. Legal Aid also provides ongoing national support for the 'ask amica' chat service.

Since its launch on 30 June 2020, 360 Australians have signed up to amica every day. In its first month, the amica website received 36,000 page views and engaged with 631 couples. It completed agreements for 23 couples with a suggested property division. This service is available to all Western Australians and is currently free of charge.

**"I am very excited about the potential of this tool. I applaud National Legal Aid for embracing digital technologies to enhance access to justice."**

**Hon Christian Porter MP**  
Attorney-General  
30 June 2020

**amica**

Simple, smart  
separation.



**"My partner and I are separating."**

Ask amica where you stand.



**"How is property divided in a separation?"**

Ask amica where you stand.



### Disability Care in Western Australia

#### National Disability Insurance Scheme

Legal Aid helps many people with a disability get the support that they need from the National Disability Insurance Scheme (NDIS). Our clients come to us if the National Disability Insurance Agency has rejected their application to the NDIS. In many cases, we believe that the application has merit and we get the Administrative Appeals Tribunal to review the decision, and so far our lawyers have never lost a case. Our service ensures that people with a disability are able to access the government support services they are entitled to.

#### The People We Help

Our client had been in hospital for many months with serious heart and breathing problems. She could not go home because her home was not equipped to manage her medical problems. The NDIS had declined to provide funding and support. The client appealed against the decision to the Administrative Appeals Tribunal. Legal Aid's lawyer had the treating doctors give evidence on how the client could return home with disability support. As a result of our lawyer's submissions to the Administrative Appeals Tribunal, the Agency settled the appeal and agreed to our client getting support. The client's husband sent a message of appreciation to Legal Aid thanking our lawyer for the help she provided. He said that our lawyer was *'the most professional, respectful and beautiful person'* to deal with throughout the ordeal. He told us that they were grateful because the client was now home and that our lawyer's representation had changed their lives for the better. People suffering chronic illness would have little hope of battling a major government agency without legal assistance. Without Legal Aid providing access to justice, their legal rights would be theoretical but not enforceable.

### Legal Health Check

In partnership with the Public Transport Authority of Western Australia, Legal Aid delivered free Legal Health Checks at the Perth Train Station in January 2020. Legal Aid lawyers were available to discuss legal issues with anyone who dropped in during the day-long event. Our lawyers were able to help resolve small legal issues, and refer people to other Legal Aid services for more complex legal issues.



### E-connect

E-connect is a collaborative service located in the State Library of Western Australia which helps connect the public to government services. Legal Aid trained 40 library staff on Legal Aid services, how to identify a legal issue, and how to refer vulnerable people to our services. Legal Aid assisted with developing a triage process and provide support on the best ways to engage clients with complex needs.



**Link to E-connect service**







## Duty Lawyer Service

Legal Aid provides a duty lawyer service at courts of summary jurisdiction to ensure disadvantaged people are not denied access to justice. The duty lawyer provides legal advice, help and representation to those people who face disadvantage in court. The disadvantage may be due to a lack of financial resources, lack of understanding of court procedures, language barriers, cultural background, age, physical or mental health, or gender. In 2019-20, Legal Aid provided duty lawyers at every location where a magistrate presided over criminal lists in Western Australia. In family law matters, we provided duty lawyers at every registry and circuit location of the Family Court of Western Australia.

A duty lawyer can give advice to a client about legal options, about how to progress their case, and what might happen in court. Depending on the situation, they can appear for a client in court that day, help prepare court documents, and negotiate on a client's behalf. The duty lawyer service helps self-represented litigants with:

- » Criminal charges in the Magistrates Court or Children's Court
- » Parenting arrangements and child contact at the Family Court of WA in Perth
- » Assistance with care and protection orders at the Perth Children's Court
- » Violence Restraining Orders in Perth and Joondalup Magistrates Court

Legal Aid's duty lawyer service provided 49,956 services to Western Australians in 2019-20. That's nearly 50,000 people who would otherwise be representing themselves in court. The service makes a significant contribution to the efficiency and effectiveness of Western Australian courts.

## Self-represented Litigants' Advice Service at the Federal Courts

The Civil Law Division provides advice and assistance to self-represented litigants at the Federal Circuit Court of Australia and the Federal Court of Australia. The Legal Aid Commission of Western Australia is the only Legal Aid Commission funded to provide this service. Funding of a national self-representation service commenced in 2013-14 and is delivered through a direct funding agreement with the Commonwealth Attorney-General's Department. The funding has been renewed for a further five years, ending 30 June 2025.

The service predominantly assists clients with matters in the fair work, bankruptcy and migration appeals practice areas. Assistance will generally be provided on:

- » Whether there are grounds for proceeding with the application or appeal
- » The likely utility of the application or appeal
- » Court process, procedure and etiquette
- » Disclosure and evidence
- » Drafting documents such as applications, affidavits, statements of claim or defences (it is anticipated that the client will leave the appointment with something to work on like an affidavit, a draft pleading or a form)
- » Drafting court forms
- » Settlement negotiations
- » Preparation for trial and appearing in court to enable the client to present the best possible case in court
- » Appeals, time limits and the importance of complying with directions or orders of the court
- » Other options to resolve the person's legal problems

The service is provided from an office at the Commonwealth Law Courts building by a senior solicitor in the Civil Law Division. The staff at the Perth Registry, both judicial and administrative, have been an extraordinary help and support to this service and we work very closely with the Registry staff to identify clients and to ensure effective service delivery.



### Fighting for Justice for Aboriginal Western Australians

Legal Aid is committed to improving its services to Aboriginal communities and increasing their access to justice by providing culturally safer services, working to reduce incarceration rates, and developing legal resources for Aboriginal communities. We recognise the disadvantage faced by many Aboriginal people and aim to build respectful and inclusive relationships with their communities to better meet their legal needs. In 2020 we launched the Reducing Avoidable Remand service to address the high levels of Aboriginal incarceration, and the Keep 'em Safe legal resources to assist frontline service providers and Aboriginal clients with child protection issues. We also progressed our Reconciliation Action Plan, and created a First Nation's Staff Network for Legal Aid Staff.

#### New Service: Reducing Aboriginal Incarceration

For many years we've been troubled by overcrowding in our prisons and unacceptably high rates of Aboriginal incarceration. We're also aware of the harm that can occur to people who are needlessly in custody while they are awaiting trial. Legal Aid holds that people who are no danger to the community should not be unnecessarily in custody.

To tackle these issues, Legal Aid launched its Reducing Avoidable Remand Service in April 2020. Based at the Perth Magistrates Court, this new service is reducing barriers to bail. It is preventing people being unnecessarily in custody while awaiting trial. It also helps people to comply with their bail conditions.

Before our new service, a quarter of the people in prison were there awaiting trial or sentencing. The courts eventually released half of those prisoners on bail because they were not a risk to the community. However, on average, it was taking 42 days for people to get bail. Spending too long in prison awaiting trial caused unnecessary expense to the community and harm to people in custody. Legal Aid's new Reducing Avoidable Remand service is lessening the number of people in custody awaiting trial or sentencing. It also decreases the length of time people spend in custody before the courts grant them bail or resolves their charges.

At Legal Aid, a remand advocacy team and a bail support team deliver the new service. The remand advocacy team is made up of four lawyers. They quickly arrange bail applications or resolve charges for people in custody who are eligible for bail. Social workers and paralegals staff the bail support team. They provide social supports to make people better candidates for bail and to help them comply with the terms of their bail.



*The Reducing Avoidable Remand Team*



### The People We Help

Our Reducing Avoidable Remand Service discovered an 85 year old Aboriginal woman in custody who suffers from dementia. She had been refused bail by a magistrate even though she had no relevant police record and her charges would usually attract fines. Our lawyer from our Remand Advocacy Service drafted the paperwork for an urgent bail application to the Supreme Court. Another lawyer from our Bail Support Service assisted in gathering information from medical centres showing that doctors had recently diagnosed the client with Alzheimer's disease. Our lawyer drew up a bail support plan and liaised extensively with the client's family to ensure she had proper support upon release. On the basis of this work, the prosecutors did not oppose our application and the Supreme Court granted bail. Our team took the further step of connecting the bail co-ordinator at Melaleuca Remand and Reintegration Facility with the family, so that she could be released as soon as possible.



Image courtesy of the West Australian

### The People We Help

Our team came across a client facing minor charges who had been in custody because he was unable to find \$1,000 to pay his bail. The team had one of our lawyers speak to the client the next day - she was able to take instructions and negotiate with prosecutors so that a court could resolve his matter.

Our lawyer managed to get the client's charges dealt with that week. With her help, he pleaded guilty and the court imposed a \$250 fine and a six-month community based order. As a result of this new service, that's one less person in prison because they are too poor to raise the money for bail.



### New Resource: Empowering Parents in Child Protection Matters

#### Keep 'em Safe resources

On 21 November 2019, Tamsyn Harvey, First Assistant Secretary of the Commonwealth Attorney-General's Department, officially launched Legal Aid's *Keep em Safe* child protection legal resource kit.

Launched in Broome, Legal Aid developed the *Keep 'em Safe* resources following the success of the first two Blurred Borders resource kits on Bail & Criminal Process and Family Violence, which we created to address the unique legal issues faced by Aboriginal people who cross the Western Australian and Northern Territory border.

These award-winning resources use visual art, plain language and storytelling to improve communication between frontline service providers and their Aboriginal clients to ensure better access to justice in regional and remote areas.

Our new *Keep 'em Safe* child protection legal resources will empower local Aboriginal people by making court processes more understandable and accessible. They will be used by lawyers, interpreters, refugees, and support services working with parents and families, to help communicate key concepts.

In June 2020 Legal Aid created a further set of child protection legal resources to assist culturally and linguistically diverse clients in the Perth metropolitan area. These resources use a strength based approach to empower clients and help them engage more in the legal process.

Frontline service providers across the state are now using these resources.

**“Seeing the kit was a lightbulb moment for me ... in my job I am constantly searching for innovative solutions to delivering legal services in courts; I have never come across anything so direct and practical... this is so simple but ingenious and has endless possibilities as a communication tool.”**

**Change Manager**, Parenting Management Hearings Tribunal, Principal Registry, Federal Court of Australia

**“Indigenous people love the cards, they love the story telling process, and as an Indigenous person myself, I love them and they are accepted by the local people.”**

**Community Liaison & Education Officer**, West Kimberley Legal Aid





As reported in the Blurred Borders Final Evaluation published in September 2019

Legal Aid has distributed  
**694** Keep 'em Safe resources  
 to local communities and  
 frontline service providers

We have trained  
**2,858** people  
 to use the resources

**93%** of people who used the  
 resources found them useful



Further information on Blurred Borders:  
 Keep 'em Safe can be found on the Blurred Borders website  
[blurredborders.legalaid.wa.gov.au](https://blurredborders.legalaid.wa.gov.au)





### Reconciliation Action Plan

The Reconciliation Action Plan (RAP) is a strategic document that demonstrates Legal Aid's support for the national reconciliation movement. It includes practical actions which will drive Legal Aid's contribution to reconciliation both internally and in the Western Australian communities we serve. The plan is progressed through Legal Aid's Reconciliation Action Plan Working Group. In 2019-20 the Working Group took the following actions:

- » Legal Aid hosted a training event on working with interpreters in court. This was very relevant to regional Aboriginal clients. Other stakeholders invited included WA Police, the Director of Public Prosecutions and the Aboriginal Legal Services.
- » In December 2019 our Community Liaison and Education Officer established a pilot prison program on healthy relationships. The program was run in the West Kimberley Regional Prison over 6 sessions and has been delivered to both Aboriginal men and women. This is significant as most remand prisoners do not usually get access to development programs.
- » The RAP working group made a number of submissions including:
  - to the Department of Premier and Cabinet and the Attorney General to reduce the rate of Aboriginal imprisonment in WA
  - to the Senate Inquiry into effective approaches to prevention and diagnosis of FASD
  - to the Director of Public Prosecutions on the use of deceased Aboriginal people's names in open court
- » Legal Aid appointed an Aboriginal graduate following the candidate's successful completion of an Indigenous Cadetship Program.
- » Legal Aid appointed an Aboriginal trainee and an Aboriginal school based trainee through the Public Sector Commission Program
- » Legal Aid facilitated work experience placements for Aboriginal law students
- » Legal Aid engaged Kooya Consultancy to facilitate Cultural Awareness Training sessions to staff

- » Legal Aid's Cultural Considerations Checklist for working with Aboriginal people was updated by our Community Liaison and Education Officers to incorporate information useful for private practitioners working with Aboriginal clients in regional areas.
- » Legal Aid Implemented section 51 of the Equal Opportunity Act 1984 to increase representation of Aboriginal and Torres Strait Island staff in Legal Aid northern regional offices
- » Legal Aid organised National Reconciliation Week celebrations, including a screening of In My Blood it Runs in Perth and regional offices, and hosted a traditional morning tea.



*Reconciliation Action Plan - morning tea*

### First Nations Staff Network

Legal Aid created a First Nations Staff Network for staff at Legal Aid who identify as Aboriginal. The Network provides support for staff and advice to the organisation on improving its service delivery to Aboriginal people.





## Protecting the Rights of Older Western Australians

Preventing elder abuse in an ageing Western Australia is everybody's business. As Western Australia faces the inescapable demographic destiny of an ageing population, Legal Aid has expanded its capacity to combat elder abuse. Elder abuse is an act occurring within any relationship of trust which causes harm or distress to an older person. It can be physical abuse, psychological or emotional abuse, financial abuse, or neglect.

There is an ever-increasing incidence of elder abuse in our communities and we remain concerned that with an ageing population, the prevalence of elder abuse is likely to continue. At the 2016 census, 346,184 Western Australians were aged 65 years and over: a 47 per cent increase in numbers since 2006. This age group currently represents 14 per cent of the total WA population. It is projected that by 2050 this age group will increase to 20 per cent of the total population; the number of people aged between 65 and 84 years will double; and the number of people aged 85 years and over will quadruple.

In 2019-20 Legal Aid increased its services in elder abuse by 208% and launched an Elder Abuse Strategic Plan to provide a clear pathway for Legal Aid to improve our services and increase community awareness of elder abuse.



### New Elder Abuse Strategy 2020-21

In response to this emerging issue we launched our first Elder Abuse Strategy. The four key objectives of our two-year strategy are to:

- » Improve our knowledge and skills to identify and respond to elder abuse
- » Increase our engagement with the community to improve awareness of elder abuse and the role that lawyers play in responding to elder abuse
- » Work in partnership with others to ensure joined up service delivery and improved collaboration
- » Improve access to information about older peoples' rights and how to get legal help

In line with our strategy we made enhancements to the information about elder abuse on our website by creating a Seniors Rights and Advocacy Service subsite. The site includes new fact sheets and videos, and we launched a legal health check tool for older Western Australians.

### Collaboration with Northern Suburbs Community Legal Centre

In partnership with the Northern Suburbs Community Legal Centre we established an elder abuse law community of practice, providing practitioners of elder abuse law in the community legal sector an opportunity to share information and innovation in service delivery. The community of practice helps our agencies to identify professional development opportunities and collaborate on identifying areas of law, policy and practice where we can sustainably work together on systemic advocacy and law reform on elder abuse issues.

### Collaboration with Advocare

In 2019 we partnered with Advocare to create a direct referral pathway from Advocare's Elder Abuse Helpline to Legal Aid's elder abuse service. This partnership enables us to work together to improve the range of services available to people affected by elder abuse, share knowledge and skills, and participate in joint training opportunities.

Advocare operate the Elder Abuse Helpline in Western Australia. The Helpline provides information, support, advocacy and referral to people affected by elder abuse. Thanks to this collaboration, the Elder Abuse Helpline can now offer legal advice through direct and streamlined transfers of calls to Legal Aid. Similarly, Legal Aid is able to provide our callers with much more than legal advice through warm referrals to the Elder Abuse Helpline. The collaboration creates a 'joined up service' where the whole is greater than the sum of the parts.



Our Seniors Rights and Advocacy Service delivered **769** services in 2019-20.

**“The community of practice with Legal Aid has created a committed pool of elder abuse practitioners and enabled both organisations to continuously improve standards of service delivery.”**

**Kathy Blitz-Cokis**, Chief Executive Officer, Northern Suburbs Community Legal Centre



### The People We Help

An Aboriginal woman aged in her 60s was living in residential aged care. She identified as Stolen Generation and told us that she felt like a prisoner, that she had been re-institutionalised and had no rights and no voice in deciding where and how she could live. Although a plenary guardian had been appointed by the State Administrative Tribunal after the client received a diagnosis of dementia, it was later identified that the client possessed significant capacity and insight, so a reassessment by a geriatrician was conducted.

Legal Aid represented the client in the State Administrative Tribunal and successfully challenged the appointment of a guardian. The outcome of the assessment was that our client was found to have legal capacity. As a result, our client was able to transfer to a residential aged care facility of her choosing. Our client left the facility and returned to her place of birth to live for the first time since she was removed as a child.

### The People We Help

Our client's daughter made an application to the State Administrative Tribunal seeking orders for guardianship and administration over her. Our client contacted Legal Aid and told us that her daughter wanted her to make a will leaving everything to the daughter. Our client also told us that her daughter had \$200,000 worth of debt. It appeared that the daughter's actions were motivated by financial gain.

Our client refused to change her will to leave her daughter her estate. She had capacity, but the whole experience made her incredibly anxious as she stood to lose all decision-making rights. Her daughter had secretly photographed her diary and taken photographs of her phone and provided this to the State Administrative Tribunal.

We obtained a medical report that clearly stated that the presumption of capacity should not be displaced. We represented our client in the State Administrative Tribunal and the application made by our client's daughter was dismissed, giving our client back her decision-making powers.

## New Service: Free, Independent Legal Support to Share Your Story with the Royal Commission

### Disability Royal Commission

In April 2020, Legal Aid's Your Story Disability Legal Service went live in Western Australia. This service is part of the National Legal Service for the Disability Royal Commission. In Western Australia, this service will help people with disabilities, their families and their carers engage safely with the Disability Royal Commission through the provision of legal education and advice.

Funded by the Australian Government, this service is independent and separate from the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability. In Western Australia, Legal Aid and the Aboriginal Legal Service collaborate on this service. Together we offer state-wide help to people with disabilities who need legal support to share their story.

Some people with disabilities face barriers in sharing their stories because of confidentiality agreements or the fear of retribution. Our service is helping with those problems so that our clients can have their say and the Royal Commission can have the best evidence before it. By 30 June, the new service had completed 26 legal education sessions and provided 19 legal advice services. These figures demonstrate the importance of the new service in helping people with disabilities obtain access to justice.



### Helping Victims of Family Violence

Family violence is a serious and ongoing issue for Western Australian communities. Family violence significantly impacts on a victim's physical and mental health, and exposes children to trauma. During the peak of COVID-19 (April - June 2020) we experienced a 20% increase in demand for our family violence services.

Our services support families who experience domestic violence, through targeted legal services. Legal Aid is committed to helping people break the cycle of family violence through our Family Advocacy and Support Service (FASS) which provides lawyers and social workers to assist unrepresented families in the Family Court. This year FASS introduced a men's social worker to provide expert advocacy, information, referral and a holistic support service to men as they move through the Family Court system. In 2019-20 we launched the Cross-Examination of Parties Scheme which provides a service for victims of family violence in court, whilst Independent Children's Lawyers funded by Legal Aid deliver better outcomes for vulnerable children in court proceedings by representing their interests.

#### New Services for Victims of Family Violence

##### Cross-Examination of Parties Scheme

Legal Aid has long been concerned that many victims of family violence walk away from Family Court proceedings. Others settle family law property disputes for less than they are entitled to. They do this out of fear of being directly cross-examined by their ex-partner in court. Research shows that directly facing a perpetrator of family violence compounds the trauma of that violence. It can also impair a victim's ability to give clear evidence in court.

To address this problem, Legal Aid set up a Family Violence and Cross Examination of Parties Scheme. Funded by the Australian Government, this scheme started on 10 September 2019. This scheme applies where the law bans personal cross-examination because of family violence. In those circumstances Legal Aid will fund legal representation for parties who are self-represented. The scheme funds legal representation for the hearing.

To make the scheme more accessible, Legal Aid implemented a simplified application form. In administering the scheme, Legal Aid works closely with the Family Court of Western Australia to manage ongoing issues.

Over the 2019-20 year, Legal Aid approved 87 applications for legal representation under the scheme. Fifteen of those matters settled their legal action through negotiations undertaken by the legally aided lawyers. Another three settled their claims at mediation and seven matters went to a defended hearing. 62 matters are ongoing.

#### The People We Help

Our client, who is Aboriginal, had called on the police after a severe family violence incident. Police delivered the client to the local hospital which admitted her for several days of treatment. However, several years ago, a magistrate had issued an arrest warrant after our client failed to attend court. As a result of police involvement in this recent family violence incident, she found herself before the court on the arrest warrant. The magistrate indicated that he was not inclined to grant bail. He intended to remand our client in custody until the court could deal with the charge of failing to attend court all those years ago. Our lawyer was determined to see the court grant bail and release the client. The Legal Aid lawyer worked with the local police and obtained their support for her submissions. She demonstrated to the court that the reason for the client failing to appear was because of the family violence and the perpetrator's power and control over the client's movements. Our lawyer made sure that the court fully appreciated the dynamics and practicalities of the family violence experienced by this client. The result was that the magistrate did grant bail. One observer said that *'the work behind the scenes with Legal Aid is the reason she got bail and didn't end up in Regional Prison with the perpetrator'*. Without our lawyer's intervention, a victim of family violence would have had no voice in the justice system and ended up in prison and back in a cycle of family violence.



## Making Victims Safer

### Domestic Violence Legal Unit

For people experiencing family violence, access to legal services is a critical part of their survival and recovery. When legal problems are not addressed they can leave victims of violence at risk of injury or death. To meet these challenges, our Domestic Violence Legal Unit provides holistic services to women, children and men in same sex relationships who are victims of family violence.

The Unit has a dual focus on providing legal assistance and promoting the safety of victims. The Unit is made up of five lawyers, two paralegals, two social workers and administrative support. Our team helps people get restraining orders and represents clients in defended hearings for family violence restraining orders. The Unit services the Perth metropolitan area and provides telephone advice in regional areas. It delivers:

- » Legal advice and assistance in getting Family Violence Restraining Orders in the Magistrates Court (including online);
- » Legal advice on criminal and civil law matters associated with family violence;
- » Social support and safety planning; and
- » Legal education to refugees and external social workers to lift their personal legal capability on family violence matters.

Women's refuges, courts, justice agencies, legal services and private lawyers refer clients to our Domestic Violence Legal Unit. In addition to these services, the unit has key partnerships with external stakeholders. Examples include –

- » WREN, a partnership with Northern Suburbs Community Legal Centre. WREN is a specialist family violence service in the northern corridors of Perth for women experiencing high-end family violence.
- » A Health Justice Partnership with Women's Health and Family Services through their Domestic Violence Advocacy Service in Northbridge. The unit dedicates a lawyer to this service on one day weekly.

In 2019-20, the Unit provided 874 advice services; 783 duty lawyer services; 214 ongoing representation services; and 61 minor assistance services.

In 2019-20, Legal Aid's Domestic Violence Legal Unit made a significant contribution to helping victims live free from violence.

## A Safer Western Australia

### Family Advocacy and Support Service

Legal Aid is committed to helping people break the cycle of family violence. Since 2017 our Family Advocacy and Support Service (FASS) has provided duty lawyers and social workers to assist unrepresented families in the Family Court. The Australian Government evaluated the FASS program in 2018-19 and found it saved court time, promoted early resolution and resulted in higher quality interactions between self-represented litigants and the courts. The evaluation also recommended that there be a standalone men's worker.

In October 2019 we strengthened our service by introducing a dedicated men's support worker who provides expert advocacy, information, referral and a holistic support service to men as they move through the Family Court system.

The men using this service can be victims of family violence, alleged perpetrators, or men with a history of using violence. Using a trauma-informed, culturally safe framework for practice, the men's support worker works collaboratively with male clients to encourage them to engage with counselling services and access social support referrals. In some locations up to 30% of men agree to engage in counselling. Many of the men who see our FASS men's support workers have never engaged in any type of emotional or social support before. Many have never previously shared personal traumas with others. Our new service is providing a critical first in supporting men, improving their safety and the safety of their partners and children.

This new service is available at the Perth registry of the Family Court and at Bunbury, Albany, Geraldton, Kalgoorlie, and Broome when the court circuits around Western Australia.



### Better Outcomes for Western Australian Children

#### Independent Children's Lawyers

Legal Aid funds Independent Children's Lawyers (ICL) to represent vulnerable children in Family Court proceedings. ICLs make sure that the court has the best evidence before it when the judge determines the children's interests. In 2019-20 Legal Aid funded 758 new ICL grants. Legal Aid funded ICLs save the court many hours, ease the stress on the parties, and ensure the right information is before the judge. Every ICL service delivers a better outcome for a Western Australian child.

In a recent decision by Justice O'Brien in the Family Court of Western Australia the value of the work done by an in-house Legal Aid ICL was clearly articulated:

"In those circumstances, the role of the ICL was critical. She conferred with the parties, and distilled their respective proposals so as to narrow the issues and clearly define the matters in dispute. Importantly, she acted independently of the parties to ensure that adequate evidence was before the court to enable a proper determination for the child's benefit. Her cross-examination of the parties was also of considerable assistance, as was her measured approach in her dealings with the parties throughout. In short, the ICL fulfilled her difficult role admirably."

### Reaching Agreements Without Going to Court

#### Family Dispute Resolution

Legal Aid assists families in conflict to find solutions through dispute resolution conferences in property and parenting matters. This service helps families avoid lengthy and expensive court proceedings, and delivers fair negotiated outcomes for families. All Legal Aid dispute resolution conferences are legally assisted, and are chaired by qualified mediators and family dispute resolution practitioners. In 2019-20 Legal Aid conducted 806 dispute resolution conferences.

Conferences involving children are child focused and where appropriate child inclusive. In child inclusive conferences, children don't attend the mediation conferences but they are invited to speak with Legal Aid's child consultant to discuss issues of importance to them. Information about children, including the impact of the dispute on them, is then provided to the parents and family members at the conference.



*Property Mediation Service*

## Preventing Legal Problems

Legal Aid is committed to developing and delivering preventative and early intervention services to keep as many people out of the justice system as possible. We believe that people should know and understand their legal rights, and we are committed to delivering free legal education and legal information to help all Western Australians understand theirs through our Infoline and Infochat services, and the legal resources available on our website. Our Community Legal Education programs deliver targeted information to schools and community groups, and our use of social media helps the community discover and access our services in a new way.

Our early intervention services help people resolve their legal problems before the problem escalates and has to go to court. In 2019-20 Legal Aid developed the Property Mediation Pilot that assists couples who are separating to agree to fair settlements without going to court, and launched the Reducing Avoidable Remand service. More information about the Reducing Avoidable Remand Service can be found on page 20.

### New Service: Faster and Easier Family Law Property Settlements

When couples separate, they often go to court to decide how to divide their property. This legal action adds a heavy burden on people who are already emotionally and financially stressed. Property court proceedings are time-consuming, expensive, and often take a long time to resolve. Without affordable legal help, many people, especially women, agree to unfair property settlements. They abandon their rights to avoid the cost and stress of going to court.

To address this problem, Legal Aid introduced a new Property Mediation pilot in January 2020. Our service helps separated couples resolve their property disputes faster and without having to go to court. Since its launch the service has taken on 122 matters, and facilitated 11 mediation conferences, with an 82% settlement rate. We have aided 11 clients for representation at court where mediation was either not possible or the parties were unable to reach agreement. Our service is funded by the Commonwealth Government for a 2 year pilot, and is available to couples who have less than \$500,000 in assets (excluding superannuation).

Our Property Mediation Pilot has an  
**82%** settlement rate.



### Keeping Mothers and Babies Together Safely

#### Pre-Birth Meetings

Legal Aid provides independent legal advice and representation to vulnerable pregnant mothers who are in danger of having their children taken into care by the Department of Communities. Legal Aid lawyers provide the mothers with legal advice, and assist them to make safety plans for the care of their children. This service empowers the mothers to take actions to prevent their children being taken into care. It also ensures they understand their options and what will happen after the birth of their child.

This service is delivered in partnership with King Edward Memorial Hospital and Fiona Stanley Hospital. Social Workers at the hospitals refer mothers who are experiencing family violence, mental health issues, and drug and alcohol abuse to Legal Aid's service.

In 2019-20 Legal Aid supported mothers at 78 pre-birth meetings. 80% of their babies remained in the care of the mother or a family member, with safety plans in place. The success of the pre-birth meeting process and the importance of actively engaging the mothers and their families in the process has led Legal Aid to develop additional Keep 'em Safe Resources which focus on pre-birth meetings.

More information on Keep 'em Safe can be found on page 22.



#### The People We Help

The Department of Communities was seeking a protection order for our client's one month old baby. The Department's concerns centred around the father's violence toward our client and her consequent depression. Our client had been worn down by years of abuse and had lost her self-confidence. Legal Aid's lawyer empowered this client with clear and encouraging advice about what changes she needed to take to avoid the protection order. As a result, the baby remains in the client's care. The client recognised the difference our lawyer made and said:

*"I thank you very much again for your sound advice and your kind support as it is you who actually gave me the courage and put the fight back in me. You truly did spark the first real hope and belief within that I will actually get through this nightmare and come out of it in one piece again – somewhat wiser and a lot closer to being who I once was before the last five years of tragedy took its toll. But, best of all, I'll be holding the one and only thing that I will never give up on, or ever let go of again: my beautiful and much loved baby boy. My sincere thanks again, you do a wonderful job and you genuinely make a big difference to many women who are walking a very painful and heartbreaking road on the way to getting back their children. Keep giving the hope to those who so desperately need it"*



## Changing Behaviour to Prevent Legal Problems

### Community Legal Education

We believe that early intervention through legal education is the most effective way for people to know their legal rights and understand how to avoid and resolve legal issues. We believe the long term impact of legal education will significantly contribute to reducing conviction and incarceration rates, and will help communities identify and understand legal issues. Legal Aid's Community Legal Education programs aims to give people the information they need to understand the law and avoid legal issues. Our education services target vulnerable young people, older people, those living in regional and remote locations, and Aboriginal people. In 2019-2020 Legal Aid delivered community legal education sessions to 24,681 Western Australians, and partnered with 182 schools and community organisations to deliver the educational programs.

Legal Aid's *R U Legal?* program focuses on increasing awareness of legal issues relevant to young people, including cyber bullying, sexting, and image-based abuse. By empowering young people with the knowledge of what our laws allow and don't allow, they are able to make informed choices about what they do. The program is delivered to young people in detention, primary and secondary school students, as well as parents, educators, social workers, and psychologists.

In 2019-20 Legal Aid launched the new *Keep 'em Safe: Child Protection* plain language resources. These resources were developed in collaboration with Aboriginal communities, and use visual art, plain language and storytelling to explain legal concepts about child protection in a culturally appropriate way. Training and community education on these resources has been rolled out throughout Western Australia, including targeted sessions in the Kimberley region.

More information on Keep 'em Safe can be found on page 22.



**Link to Channel 10 news report on R U Legal? program**





## Free Legal Information: Available to All

### Infochat and Infoline

We believe all Western Australians should be able to quickly and easily access justice. Our phone and messenger services are an accessible way for people to connect to Legal Aid and receive free information and assistance with their legal problems. In 2019-20 Legal Aid provided legal help in 55,871 calls and 15,655 chats. Since the chat service launched in 2019 the average number of chats has doubled to a monthly average of 1,305.

We triage calls to ensure the right service is delivered to clients. The majority of callers receive legal information to help them navigate Western Australia's complex legal system, and where appropriate callers are referred to wrap-around services. If the caller's legal issues are serious and complex, Legal Aid staff can help them immediately get a grant of aid.

**Need legal help? Call Legal Aid 1300 650 579**



**15,655 chats**

**"10/10 with the support  
and you answered all that  
I needed and helped me out  
with my next court date."**

Chat user

**55,871 calls**



**"Thanks again – this gives me  
a little hope when I couldn't  
see any before."**

Caller



## Raising Legal Capability

### Website

We believe that every Western Australian should have access to clear and accessible information which tells them what the laws are, and how the law can affect them. Legal Aid's website is an important early intervention and prevention tool that provides free legal resources which are all available to the public and legal practitioners. It is a trusted and authoritative source of legal information for the Western Australian community which is regularly updated and improved as laws change. The website information covers civil, criminal, and family law matters, and also provides information on how the Western Australian court system works, and guides for how simple legal matters can be resolved without the courts.

In 2019-20 our website was viewed over 1.3 million times, which is a 17% increase on the previous year. New legal information introduced in 2019-20 includes fact sheets, short videos, and animations on employment issues related to COVID-19, family violence, financial hardship, elder abuse, drivers licences, cyberbullying, image-based abuse, and changes to Family Violence Restraining Orders.

Over **1,341,612** visits  
to our website



Link to our website  
[www.legalaid.wa.gov.au](http://www.legalaid.wa.gov.au)



## New Service: Expanding Our Digital Footprint

### Social Media

In April 2020, Legal Aid launched a social media presence to increase community awareness of Legal Aid services, and facilitate access to those services at a time of heightened community need. Our Facebook page has introduced our diverse audience to new Legal Aid programs such as the Work and Development Permit Service, the Reducing avoidable Remand Service and Your Story Disability Legal Support. It has also helped refer visitors to the Legal Aid website to view and download a range of free, practical and up to date resources, including video content, fact sheets, and self-help guides. Our Facebook page has promoted services for family and domestic violence, elder abuse, financial and mortgage hardship, family dispute resolution and disability support. It has also improved understanding of and access to services such as InfoChat, Virtual Office, and Family Advocacy and Support Services for people in remote and regional areas who otherwise have limited access to services.

Since its launch in April 2020 the Facebook page has extended Legal Aid's community reach. It has gained 309 followers and has been liked over 250 times. Each post reaches an average of 594 people.

**309** followers  
**254** likes



Link to our facebook page  
[www.facebook.com/LegalAidWAofficial/](https://www.facebook.com/LegalAidWAofficial/)







# Building a Better Justice System

## Law Reform

Legal Aid promotes access to justice by contributing to law reform and working proactively with the government and other agencies to develop policies which reduce the disadvantages experienced by our clients and which improve the operation of the justice system.

Legal Aid has made law reform submissions on a wide range of criminal law related topics including family violence legislative reform, the legislative response to the Royal Commission on Child Sexual Abuse, trial by judge alone, money laundering and the Crimes Legislation Amendment Bill.

## Fetal Alcohol Spectrum Disorder (FASD)

Legal Aid seeks to ensure people with disabilities are fairly dealt with by the justice system. We also want to make the justice system accessible for people with disabilities. In pursuit of that objective, Legal Aid made a submission to a Senate Inquiry about a proposed bill relating to mentally impaired accused, a submission to a Senate Inquiry into optimising life outcomes for people with FASD, took part in a teleconference with the Disability Royal Commission to assist in identifying issues relevant to outcomes for people with disabilities in the justice system, and also made a submission in support of changes to promote the participation of people with disabilities on juries.

In the submission to the Senate Inquiry relating to FASD, Legal Aid identified the importance of resourcing the justice system to obtain FASD reports, these reports being made available for the ongoing case management of an offender and for applications for NDIS funding. This is to ensure offender management is informed by responding to the cognitive ability of the offender, and so the offender may be able to obtain supportive services through the NDIS. The submission also identifies the need for a service to assist offenders with their access applications for NDIS funding.

## Raising the Age of Criminal Responsibility

Legal Aid promotes reform to ensure appropriate outcomes and the rehabilitation of young offenders. Legal Aid submitted to the Council of Attorneys-General that the age of criminal responsibility should be increased. Legal Aid made a submission on the mandatory registration of young people on the Sex Offenders Register. Two lawyers from our Youth Law Team gave evidence to the Environment and Public Affairs Committee of the WA Legislative Council in August 2019. The submission and evidence demonstrated the adverse impacts of mandatory registration on children and supported the registration being subject to judicial discretion.

## Perpetrators of Adolescent Violence

Legal Aid also participated in the Positive Interventions for Perpetrators of Adolescent Violence in the Home Project. This was a multi-agency project led by the Centre for Innovative Justice at RMIT University in Victoria. The report for this project recommended representation and support for children, the updating of risk management tools, police officers having local referral plans for supportive services, the availability of safe alternative accommodation for children, and culturally appropriate and tailored court responses developed by consultation with local communities.



## New Technology: Automating Manual Processes

### Keeping Private Lawyers Delivering Legal Aid

In July 2019 Legal Aid launched Automated Payments – an innovative new system for paying private lawyers' bills.

To implement Automated Payments, we modified and improved our electronic grants management system.

The new system enables us to automatically pay those private lawyers' bills that meet our business rules.

It streamlines the process by removing the need for staff to manually assess and pay invoices. In 2019-20, Legal Aid received 30,315 invoices for payment from private lawyers – up from 25,527 the year before.

Our Automatic Payment initiative paid 60% of invoices within five business days without the need for manual processing.

In Western Australia, most legal aid is delivered by private lawyers. In 2019-20, Legal Aid was able to call on the skills of 471 private lawyers. The new Automated Payments initiative allows Legal Aid to rapidly pay private lawyers' bills. This improves cash flow to law firms and makes legal aid work more attractive. It helps to keep talented private lawyers available to Legal Aid.

Automated Payments has also made us faster in determining applications for legal aid. It has freed up Legal Aid assessing staff from the manual processing of accounts. We've reallocated those resources to determining applications for legal aid. The result is that we're processing applications for legal aid faster. This innovation represents a significant advance in our services to private lawyers who deliver legal aid.



### 1.2.5 Measuring Our Performance

Legal Aid is committed to measuring and reporting on its performance. Legal Aid currently measures its performance against its 2018-20 Legal Aid Corporate Plan, the National Partnership Agreement, and the State Government's Performance Management Framework.

#### Achievements against the Legal Aid Corporate Plan

Legal Aid's 2018-20 Corporate Plan sets out 5 high level goals, 6 key strategies, and 39 actions to help achieve our vision for a fair and safe Western Australia through equitable access to justice. Below is a summary of the actions taken in 2019-20 to achieve our goals:

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

- ✓ Increased mortgage hardship services by 9%
- ✓ Set up a family law property mediation service
- ✓ Increased family violence services by 12%
- ✓ Introduced a Disability Royal Commission legal service
- ✓ Increased dispute resolution in Commonwealth cases by 4%
- ✓ Launched a network of Virtual Offices across WA
- ✓ Established an outreach migration service at Mirrabooka

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

- ✓ Increased new grants of aid by 5%
- ✓ Increased extensions of existing grants of aid by 17%
- ✓ Launched a Family Violence and Cross Examination of Parties Scheme
- ✓ Increased grants of aid to Aboriginal clients by 8%
- ✓ 19% increase in care and protection grants at the Children's Court
- ✓ Increased grants of aid to people living in regional or remote WA by 11%
- ✓ Introduced early resolution case conferences for serious criminal matters
- ✓ Reduced the time to determine applications for grants of aid
- ✓ Contributed to the development of legislation and law reform initiatives being considered by the State Government and the Parliament

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

- ✓ Introduced a Reducing Avoidable Remand service to reduce incarceration rates
- ✓ Increased elder abuse services by 208%
- ✓ 63% increase in services to Western Australians aged over 75
- ✓ Approved an Elder Abuse Strategic Plan
- ✓ 142% increase in appeals against decisions of the National Disability Insurance Agency
- ✓ 21% increase in services to people from non-English speaking backgrounds
- ✓ Launched a new Reconciliation Action Plan
- ✓ Set up a Work and Development Permit Service to convert unpaid fines to community work, treatment or training

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

- ✓ Provided lawyers to people on 113,000 occasions
- ✓ Increased legal advice and minor assistance by 14%
- ✓ Launched a *Keep 'em Safe* child protection resource
- ✓ Increased online chat services by 177%
- ✓ Participated in the development of online dispute resolution for separated couples
- ✓ Website page views increased by 17%
- ✓ Launched a social media page



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

- ✓ Introduced regional service delivery plans
- ✓ Automated 60% of payments for lawyers bills that meet our business rules
- ✓ Delivered professional development training to staff and our partners in the private profession
- ✓ Transitioned most staff to work from home during the pandemic, introduced flexible working arrangements and provided training in managing remote teams effectively
- ✓ Provided Client Safety Framework
- ✓ Connected over 300 staff to remote desktop access software
- ✓ Increased our service capacity to manage remote desktop access
- ✓ Released online quarterly reports to improve transparency
- ✓ Delivered new information security awareness training to staff
- ✓ Arranged unlimited virtual meeting software accounts to keep staff connected when working remotely
- ✓ Implemented a Wellness Mentor Program and an Employee Wellness Program, together with accredited Mental Health First Aiders

### Achievements against the National Partnership Agreement

The Australian Government's funding of Legal Aid is governed by the *National Partnership Agreement on Legal Assistance Funding 2015-20* ('NPA'). The NPA sets out objectives and outcomes that Legal Aid Commissions will achieve by delivering outputs listed in the Agreement. The NPA also includes performance indicators that measure a Legal Aid Commission's progress toward the objectives and outcomes. The objective of the NPA is a national legal assistance sector that is integrated, efficient and effective, and focused on improving access to justice for disadvantaged people. Another objective is to maximise service delivery within the available resources.

### Selected NPA performance indicators and benchmarks:

Proportion of representation services to people experiencing financial disadvantage  
**100%** (exceeds benchmark of 95%)

The number of dispute resolution services held  
**2,056** (up by 3%)

The percentage of dispute resolution processes resulting in full or partial settlement  
**86%**

Total number of information and referrals  
**up by 14%**

Total number of legal advice services  
**up by 11%**

Total number of legal tasks  
**up by 15%**

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

Type of Service	19-20 Service counts
Information and referrals	96,389
Legal advice	6,771
Representation	4,547
Duty lawyer services	3,008
Legal tasks	1,505
Community legal education activities	511



## Achievements Against the State Government's Performance Management Framework

Legal Aid supports the State Government goal of equitable access to legal services and Information. Legal Aid achieved most of the key effectiveness indicators in the budget papers:

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

Selected Key Performance Indicators	2019-20 Budget	2019-20 Actual
Percentage of eligible applicants who receive a grant of legal aid	85%	89%
Percentage of persons who are provided with a duty lawyer service	20%	20%
Average cost per application for a grant of legal aid processed	\$401	\$374

## 1.2.6 Our Operational Structure

### Enabling Legislation

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

### Responsible Minister

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

### Administered Legislation

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

### Other Key Legislation

Legal Aid complies with a range of laws, including:

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

*Auditor General Act 2006* (WA)

*Copyright Act 1968* (Cth)

*Disability Services Act 1993* (WA)

*Equal Opportunity Act 1984* (WA)

*Family Law Act 1975* (Cth)

*Financial Management Act 2006* (WA)

*Freedom of Information Act 1992* (WA)

*Fringe Benefits Tax Assessment Act 1986* (Cth)

*Government Employees Housing Act 1964* (WA)

*Income Tax Assessment Act 1997* (Cth)

*Industrial Relations Act 1979* (WA)

*Land Administration Act 1997* (WA)

*Legal Deposit Act 2012* (WA)

*Legal Profession Act 2008* (WA)

*Minimum Conditions of Employment Act 1993* (WA)

*Occupational Safety and Health Act 1984* (WA)

*Public Sector Management Act 1994* (WA)

*Racial Discrimination Act 1975* (Cth)

*Salaries and Allowances Act 1975* (WA)

*State Superannuation Act 2000* (WA)

*State Records Act 2000* (WA)

*State Supply Commission Act 1991* (WA)

*Transfer of Land Act 1893* (WA)

*Workers Compensation and Injury Management Act 1981* (WA)

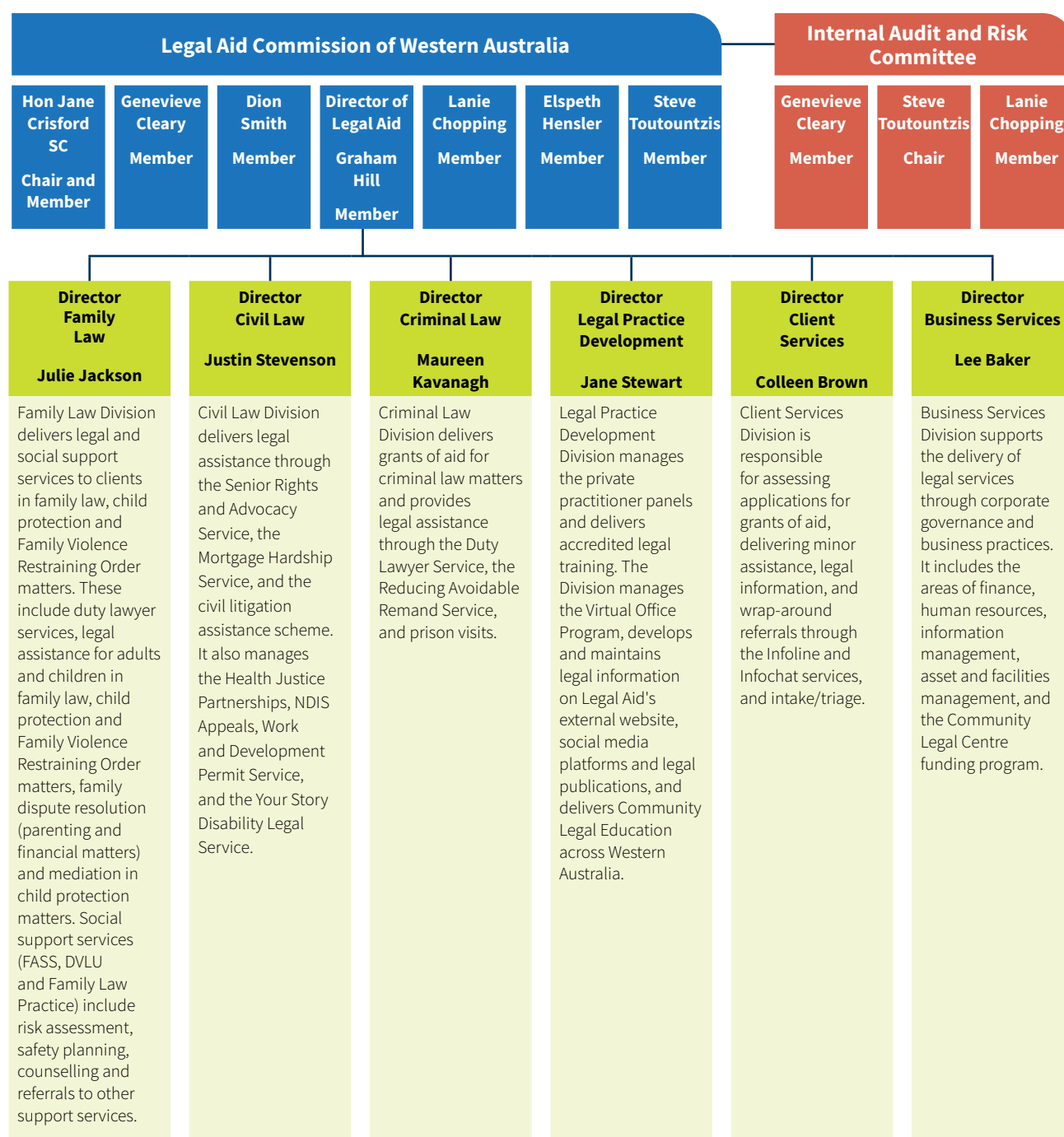




## Organisational Structure

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

The Legal Aid Commission of Western Australia is chaired by the Hon. Jane Crisford SC and its members include Dion Smith, Lanie Chopping, Steve Toutountzis, Genevieve Cleary, Elspeth Hensler, and the Director of Legal Aid, Graham Hill. The Director of Legal Aid administers the scheme of legal assistance established by the *Legal Aid Commission Act 1976*. The Director is supported by the Executive Management Team and the 358 staff employed by Legal Aid, who assist with the delivery of legal assistance to Western Australians.





### Commission Members

Members of the Legal Aid Commission of Western Australia are appointed under the *Legal Aid Commission Act 1976*. The Commission is chaired by the Hon. Jane Crisford SC and its members include Dion Smith, Lanie Chopping, Steve Toutountzis, Genevieve Cleary, Elspeth Hensler, and the Director of Legal Aid, Graham Hill.

#### Hon. Jane Crisford SC, Chair

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



Under Jane's leadership, Legal Aid envisions a future where all Western Australians benefit from the protection of the law regardless of poverty or disadvantage. She has focused on increasing Legal Aid's core services of representation, advice and information, whilst also enabling the launch of innovative new services through advanced technologies. Jane has established a strategic direction for Legal Aid that centres on making Western Australia a fairer, safer, and more inclusive community. Jane has extensive experience in civil, criminal, and family law, and comes to the Commission as a highly respected practitioner and former member of the judiciary.

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

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

#### Dr Graham Hill, Director and CEO of Legal Aid

Graham Hill started as CEO of the Legal Aid Commission of Western Australia in May 2018. Graham was the Chair of National Legal Aid from 2017-18. He served as CEO of Legal Aid Tasmania from 2014-18. Before that, Graham spent three years as Deputy Secretary, Courts, at the Department of Justice in Victoria. He was Director of the Legal Branch at the Victorian Department of Premier and Cabinet for 8 years. Graham worked for 14 years as a lawyer in private practice and was a partner in a Melbourne law firm. He also served as an Associate to a Federal Court Judge. Graham has a Bachelor of Economics and a Master of Laws from Monash University. He also has a specialist doctorate in law from the University of Melbourne.



*"I believe that Legal Aid service delivery will change more in the next 10 years than it has in the last 40."*

**- Graham Hill**

#### Dion Smith, Member

Dion Smith is currently Director of Sales and Marketing at Mine ARC Systems, Perth. Dion has held various management and executive positions in sales and operations at Vocation in Education, Mining People International, TSS Westaff,



and Programmed Group. He has served on the board of two publicly listed companies as an Executive Director, and for the WA Branch of Save the Children. He holds a Bachelor of Economics from the University of Western Australia, and a Masters in Business Administration from the University of NSW/University of Sydney. Dion has four children and is involved in many voluntary activities on their behalf at school and in the community.



### Lanie Chopping, Member

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



A social worker by profession, Lanie first joined Consumer Protection in 2011. Prior to joining Consumer Protection, she worked with the Economic Regulation Authority, having previously worked as the Manager – Social Policy Unit, at the Western Australian Council of Social Services, and in community legal centres, including in the Pilbara region of Western Australia. Lanie is a Leadership WA alumni from 2007 and graduate of the Australian Institute of Company Directors.

### Elsbeth Hensler, Member

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



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

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

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

### Steve Tountountzis, Member

Steve Tountountzis is a Certified Practising Accountant and has an extensive background in finance, procurement, public sector service delivery and policy at an executive and strategic level. In his former role as Director, Performance and Evaluation – Group 1, Department of Treasury, his responsibilities included analysis and strategic advice to the Western Australian Government on budgetary and financial management issues impacting a range of portfolios including Health, Transport, and Social Services. He is currently a member of the North Metropolitan Health Service Board.



### Genevieve Cleary, Member

Genevieve Cleary has been a barrister at Francis Burt Chambers in Perth since 2015, and practices in the areas of criminal, civil, family, and disciplinary matters. Genevieve has experience in all courts including single judge appeals, the Court of Appeal, the Family Court of Appeal, State Administrative and Administrative Appeals Tribunals, and the Coroner's Court. She takes briefs on behalf of accused, appellants, applicants, respondents, the State, Commonwealth, and Federal Police, and responds to any actions those agencies take.



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

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



## Private Practitioners

Our partnership with the private legal profession is essential for the delivery of quality services to disadvantaged Western Australians through grants of legal aid. When a client applies for legal assistance, their application is assessed, and if appropriate, it is assigned to a suitable private practitioner who assists the client with their legal needs. Private practitioners are assigned to matters that they have demonstrated skills and experience on. Matters referred to private practitioners include criminal, family, and civil law matters.

In 2019-20 grants of aid were delivered by 471 private practitioners and 334 firms, for a total cost of \$31,912,615. This equates to 78% of all grants of legal aid delivered in 2019-20. The services delivered by private practitioners form a significant and valuable contribution to how Legal Aid delivers effective, efficient, and economical legal assistance, and how communities can access justice.



**In 2019-20 Legal Aid invested over \$31 million in Western Australian small businesses that provide legal services.**

All private practitioners who are engaged through Legal Aid are required to comply with our standards and procedures, and must demonstrate a sufficient level of skill and expertise to be eligible to represent our clients. Legal Aid conducts regular audits on the private practitioners it engages with to ensure standards and procedures are maintained. To work with Legal Aid private practitioners are required to:

- » Meet criteria and demonstrate they have the skills to represent Legal Aid clients.
- » Sign a Professional Services Agreement in which they agree to meet and comply with our standards and procedures.
- » Consent to the disclosure of certain information to Legal Aid by the Legal Practice Board and the Legal Profession Complaints Committee, whilst applying for or remaining on the panels or lists.
- » Undertake ongoing training requirements and, where appropriate, supervision.

Each year audits are conducted on a percentage of top earners. These audits take priority where firms are deemed high risk due to the amount of money they receive. The table below lists the top 30 earners for the 2019-20 year.

Rank	Firm	Net Solicitor Fees
1	BANNERMAN SOLICITORS PTY LTD	974,315.78
2	AP LEGAL CRIMINAL LAWYERS PTY LTD	440,185.56
3	BURRA-ROBINSON FAMILY LAWYERS	402,844.50
4	PATERSON & DOWDING PTY LTD	362,650.20
5	MEILLON & BRIGHT LEGAL PTY LTD	360,143.39
6	PLATINUM LEGAL	355,345.64
7	HICKMAN FAMILY LAWYERS	342,003.68
8	BAILY FAMILY LAW	339,695.30
9	CMS LEGAL	336,998.20
10	FERRIER ATHANASIOU & KAKULAS PTY LTD	318,892.75
11	JUSTINE FISHER BARRISTERS & SOLICITORS	312,245.07
12	MARA BARONE SC	289,510.67
13	RM LAW	287,179.77
14	MCDONALD & SUTHERLAND	284,323.61
15	WAYNE DAWKINS LAWYERS PTY LTD	273,564.50

Rank	Firm	Net Solicitor Fees
16	SHADGETT LEGAL PTY LTD	270,235.00
17	IAN HOPE BARRISTER AND SOLICITOR	260,618.90
18	GRIFFITHS RICE & CO	250,340.20
19	JONATHAN ADAM DAVIES	248,219.02
20	JOHNSTONE CROUSE LAWYERS	240,549.14
21	EAGLE BAY LEGAL	239,104.80
22	MORRIS LAW PTY LTD	236,210.32
23	TONY HAGER BARRISTER	236,157.35
24	ABIGAIL ROGERS BARRISTERS & SOLICITORS PTY LTD	234,270.05
25	CHELMSFORD LEGAL	227,511.35
26	SIMON WATTERS	225,322.39
27	S.F. RAFFERTY PTY LTD	205,329.90
28	DAVID CHARLES MANERA	202,956.00
29	GEORGE GIUDICE LAW CHAMBERS PTY LTD	202,413.82
30	KLIMEK DASS FAMILY LAW	195,012.40



## Community Legal Centres

Community Legal Centres deliver legal services to identified target client groups. Of the 28 Community Legal Centres in Western Australia, 25 are funded under the Community Legal Centre Program. Legal Aid currently administers the Community Legal Centre Program in Western Australia. In 2019-20 the Community Legal Centre Program provided \$12.6 million in Commonwealth and State funding to Community Legal Centres and to the Community Legal Centre Association of WA.

In 2019-20 the Community Legal Centres Program delivered legal assistance to 19,899 clients. Key areas of need in 2019-20 were family violence, tenancy, child residency, parenting issues, credit and debt, and restraining orders. In 2019-20 CLCs provided 22,717 advice services to clients, 25,874 information services and 32,168 referral services.

### Community Legal Centre Funding 2019-2020

Centres	Commonwealth CLC Funding	Commonwealth Defined Funding - FDV Services	Commonwealth SACS	State CPC	State CLC Funding	Other State Grant	State One-Off	State ERO Supplementaton	TOTALS
Albany CLS	\$158,117	\$127,643	\$57,805	\$53,500				\$4,964.80	<b>\$402,029.80</b>
Citizens Advice Bureau				\$81,400	\$62,461		\$33,763	\$13,350.30	<b>\$190,974.30</b>
Community Legal WA					\$174,472			\$16,317.21	<b>\$190,789.21</b>
Consumer Credit Legal Service	\$270,191		\$54,655		\$433,916			\$40,581.35	<b>\$799,343.35</b>
EDO WA						\$150,000		\$13,920.00	<b>\$163,920.00</b>
Fremantle CLC	\$60,982	\$127,643			\$142,026			\$13,309.56	<b>\$343,960.56</b>
Goldfields CLC	\$154,261	\$127,643	\$57,024						<b>\$338,928.00</b>
Gosnells CLC	\$266,823	\$127,643	\$79,794		\$250,800		\$33,763	\$23,455.76	<b>\$782,278.76</b>
Kimberley CLS	\$367,680	\$127,643	\$100,196						<b>\$595,519.00</b>
Mental Health Law Centre (RUAH)					\$837,075			\$78,286.08	<b>\$915,361.08</b>
MIDLAS				\$150,000					<b>\$150,000.00</b>
Northern Suburbs CLC	\$321,744	\$127,643	\$90,904	\$330,000				\$30,624.00	<b>\$900,915.00</b>
Northern Suburbs CLC RDLS*				\$57,485					<b>\$57,485.00</b>
Peel CLC	\$14,727	\$127,643	\$28,799		\$486,160			\$44,597.36	<b>\$701,926.36</b>
Pilbara LS	\$227,425	\$127,643	\$71,824						<b>\$426,892.00</b>
Regional Alliance West	\$181,656	\$127,643	\$62,566		\$158,315			\$14,522.83	<b>\$544,702.83</b>
RAWA (DJINDA)					\$708,000			\$65,702.40	<b>\$773,702.40</b>
South West CLC	\$196,204	\$127,643	\$65,509		\$62,461		\$33,763	\$5,841.57	<b>\$491,421.57</b>
SCALES	\$83,458	\$127,643	\$42,702		\$179,046			\$16,424.58	<b>\$449,273.58</b>
Street Law Centre									
WA Inc	\$70,740		\$14,310	\$195,000				\$18,096.00	<b>\$298,146.00</b>
Sussex Street CLS	\$212,684	\$127,643	\$68,843	\$114,120	\$8,890			\$11,405.86	<b>\$543,585.86</b>
Tenancy WA Incorporated	\$138,839		\$28,085						<b>\$166,924.00</b>
The Humanitarian Group		\$127,643	\$25,820	\$100,000	\$8,082				<b>\$261,545.00</b>
WRAS	\$297,100		\$60,098		\$54,575			\$5,046.00	<b>\$416,819.00</b>
Wheatbelt CLC		\$127,643	\$25,820	\$299,520				\$27,795.46	<b>\$480,778.46</b>
Women's Legal Service WA	\$466,536		\$94,372						<b>\$560,908.00</b>
Youth Legal Service WA	\$83,419		\$16,874	\$71,000	\$257,432			\$30,204.08	<b>\$458,929.08</b>
<b>Costs for CLASS/TIS</b>	<b>\$127,708</b>								<b>\$127,708.00</b>
	<b>\$3,700,294</b>	<b>\$1,787,002</b>	<b>\$1,046,000</b>	<b>\$1,452,025</b>	<b>\$3,823,711</b>	<b>\$150,000</b>	<b>\$101,289</b>	<b>\$474,445.20</b>	<b>\$12,534,766.20</b>

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





### In-house Excellence

Legal Aid's in-house legal practice delivers legal services for complex legal problems that often span multiple areas of practice and involve vulnerable clients who have experienced extreme disadvantage. Our in-house team has the capacity to comprehensively assist clients with their legal needs and to connect them with wrap around services. Our in-house team consistently delivers excellent results for clients.

Legal Aid's in-house practice is committed to delivering high quality legal services to recipients of legal aid. One of the ways we assess our services is through an independent quality audit of our files with the Law Society's Quality Practice Standard Program. The audit involves a review of recently finalised client files and interviews with fee earners.

In 2019-20 four of our lawyers were recognised for their outstanding achievements and commitment to assisting their communities.

#### Haley Allan, Lawyer of the Year

In 2019 the Law Council of Australia's President's Award named Haley Allan Lawyer of the Year. The award celebrates Haley's work with clients who have complex legal needs in remote Kimberley communities. When not in court, Haley is heavily involved in volunteer work in her local community and has been instrumental in raising over \$200,000 for not-for-profit services to address the impact of violence in the Kimberley, an area that has the highest rate of reported domestic and family violence per capita in the nation.



*"Haley's compassion and dedication to help others is evident through her career and volunteer work. She is a prime example of the commitment legal aid lawyers have when working in remote regions"*

**– Arthur Moses SC, Law Council President**

#### Rebecca Dennison, Rural, Regional, and Remote Woman Lawyer of the Year

In 2020 the Women Lawyers of Western Australia named Rebecca Dennison as Rural, Regional and Remote Woman Lawyer of the Year. The association presented Rebecca with this award "for making an outstanding contribution to the legal profession". Rebecca currently works in Client Services, and this award is a great acknowledgement of her work and her interpersonal skills.



#### Sarah Dewsbury

In January 2020 the WA Governor appointed Sarah Dewsbury as a magistrate in the Children's Court of WA. Sarah had worked in Legal Aid's Youth Law Team and Criminal Law Division for many years. In a media release the Attorney General noted that Sarah's "career has focused on the advocacy of, and justice for, young people in the justice system", and that she will bring her considerable experience to her new role as magistrate.



#### Andrew Mackey

In July 2019 the WA Governor appointed Andrew Mackey a magistrate of the Family Court of Western Australia. Andrew worked at Legal Aid for almost 10 years as solicitor in charge of a number of regional offices and as a family lawyer in the Family Law Division. In a media statement the Attorney General said "Mr Mackey has appeared as trial counsel in jury trials in Western Australia in a range of criminal law matters, provided advice and representation to adult and juvenile offenders in respect of breaches of parole, suspended imprisonment and community-based orders and appeared as a criminal duty lawyer dealing with a high volume of matters" and has previously acted as magistrate of the Family Court in 2017 and 2018.





## 1.3 Performance Management Framework

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

### Government Goal

Strong Communities: Safe communities and supported families.

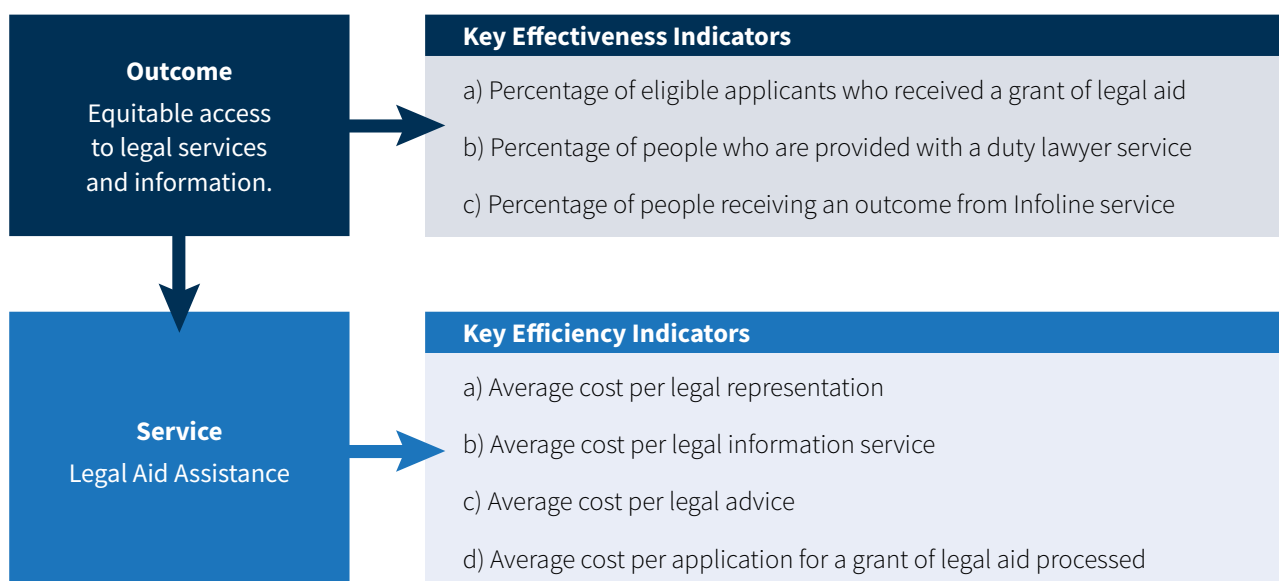
### Agency Level Government Desired Outcome

Equitable access to legal services and information.

### Agency Services Delivered

Legal aid assistance.

### 1.3.1 Outcome Based Management Framework





## Our Services

The community and target groups require access to and the provision of quality legal services. This is achieved through the provision of eligibility and merit tests to enable legal representation to be provided to legally aided clients by grants of aid and assignment of cases to in-house or private practitioners. Legal advice and legal tasks, and community legal education services are delivered to target groups in the community. Information and advice and duty lawyer services are provided to assist the wider community to access fair solutions to legal problems at the earliest opportunity.

For the community		For target groups		
Information and advice	Duty lawyer services	Legal advice and legal tasks	Legal representation	Community education services
To assist members of the public to identify legal problems, understand the alternatives for resolution and the resources available to them in pursuing a legal solution. Includes referral to other agencies and is delivered through public counters in all offices and by 1300 INFOLINE.	To ensure that members of the public brought before the courts have access to legal advice so that they understand the options available for responding to legal proceedings in which they are involved. Available at all Magistrates Court sittings throughout WA, the Family Court of WA and the Children's Court.	To assist people facing legal issues with advice and practical help, including advocacy, drafting of negotiating letters and the preparation of court documentation. Delivered by lawyers at all office locations, and by paralegal staff under supervision of solicitors.	To ensure persons from priority groups are legally represented to the extent that is necessary and commensurate with their particular individual need. Includes assessment and case management for persons who are refused assistance. Includes all services provided pursuant to a grant of aid, including Alternative Dispute Resolution (ADR).	To ensure priority groups in the community and partner organisations have access to relevant publications, self-help kits, community legal education and knowledge resources sufficient to build their capacity and self-reliance in navigating the justice system. Includes electronic access to some Legal Aid systems and resources by partner agencies.

### 1.3.2 Changes to Outcome Based Management Framework

There were two changes to Legal Aid's Outcome Based Management Framework in 2019-20:

#### Effectiveness Indicator

The indicator "Percentage of callers successfully accessing Infoline services" was replaced by the new indicator "Percentage of people receiving an outcome from Infoline services" to capture the new infochat service that launched in 2019.

#### Efficiency Indicator

The indicator "Average cost of delivering regional initiatives for legal practice" was deemed no longer appropriate and was decommissioned in 2019-20 as the cost base is a trivial amount of Legal Aid's total costs.

### 1.3.3 Shared Responsibility with Other Agencies

The Legal Aid Commission did not share any responsibilities with other agencies in 2019-20.



## 2. Agency Performance





## 2.1 Financial Targets

The Legal Aid Commission of Western Australia's performance against the financial targets set for the 2019-20 financial year is outlined in the table below. Further details are provided in the Financial Statements in section 4.

### Actual Results versus Budget Targets

Financial Targets	2019-20 Estimates <sup>(1)</sup> \$000	2019-20 Actual \$000	Variation <sup>(2)</sup> \$000
<b>Total cost of services (expense limit)</b> (sourced from Statement of Comprehensive Income)	83,210	98,447	15,237 <sup>(a)</sup>
<b>Net cost of services</b> (sourced from Statement of Comprehensive Income)	47,214	57,287	10,073 <sup>(a)</sup>
<b>Total equity</b> (sourced from Statement of Financial Position)	12,471	14,679	2,208 <sup>(b)</sup>
<b>Net increase/(decrease) in cash held</b> (sourced from Statement of Cash Flows)	(458)	5,190	5,648 <sup>(c)</sup>
<b>Approved salary expense level</b>	35,424	36,080	656

(1) As specified in the Annual Report for 2018-19.

(2) Further explanations are also contained in Note 8.11 'Explanatory statement' to the financial statements.

- (a) The increase in total cost of services and net cost of services is largely due to the higher than expected legal service expenses (\$12.1 million) and grant payments to Community Legal Centres (\$2.1 million).

Higher than estimated cost for State indictable criminal matters (\$2.2 million), State expensive cases (\$3.8 million), Commonwealth expensive criminal cases (\$1.3 million), State family and civil matters (\$1.1 million) has driven the increase in legal services expenses, for which supplementary funding has been provided. Additional grants of aid for Commonwealth family Independent Children's Lawyer cases (\$1.0 million), Cost of Demand Model funding (\$1.5 million) and a number of newly funded Commonwealth projects contributed to the higher cost of legal expenses.

Community Legal Centre grant payments are higher mainly due to additional distribution funded by the Proceeds of Criminal Confiscation Fund (\$1.4 million), State Equal Remuneration Order supplementation fund (\$0.5 million) and additional Cost and Demand Model funding allocation (\$0.1 million).

- (b) Total equity is higher than the estimate mainly due to the difference in the opening balance in the original estimate.

- (c) The net increase in cash and cash equivalents is higher than estimated due to higher than expected receipts for State and Commonwealth Government funding (\$14.258 million) offset with higher than expected payment for legal service, accommodation and supplies and services (\$8.833 million).





## 2.2 Summary of KPI Indicators

During the 2019-20 financial year, the Legal Aid Commission of Western Australia reported on 3 effectiveness and 4 efficiency indicators. The table below shows to what extent the performance targets were met, exceeded or not met.

	2019-20 Target <sup>(1)</sup>	2019-20 Actual	Variation <sup>(2)</sup>
<b>Outcome: Equitable access to legal services and information.</b>			
<b>Key Effectiveness Indicators:</b>			
Percentage of eligible applicants who receive a grant of legal aid	85%	89%	4%
Percentage of people who are provided with a duty lawyer service	20%	20%	0%
Percentage of people receiving an outcome from Infoline services	69%	68%	(1%)
<b>Service: Legal Aid Assistance</b>			
<b>Key Efficiency Indicators:</b>			
Average cost per legal representation	\$3,814	\$4,178	(\$364) <sup>(a)</sup>
Average cost per legal information service	\$59	\$73	(\$14) <sup>(b)</sup>
Average cost per legal advice	\$245	\$289	(\$44) <sup>(c)</sup>
Average cost per application for a grant of legal aid processed	\$401	\$374	\$27

(1) As specified in the budget statements for 2019-20.

(2) Explanations for the variations between actual results and prior years are presented in Disclosures and Legal Compliance under the Performance Indicators for 2019-20.

(a) The 2019-20 actual is higher when compared with 2019-20 budget due to several factors. There were higher costs granted for both State and Commonwealth expensive criminal matters (including a significant expensive case in the Supreme Court which ran for approximately nine months). This case has impacted on the overall average cost of a grant of legal aid and will continue to impact into the next financial year. The average cost for family law matters has increased due to increased number of both Independent Children's Lawyer appointments in the Family Court and Child Representative appointment's in the Children's Court. There were also other factors like delays in all the superior courts, changes to court practices to accommodate COVID-19 restrictions and a steady increase in the complexity of matters generally.

(b) The 2019-20 actual costs is higher than budget as the foreseen benefits of the InfoChat for the overall agency's total information services presented in the 2019-20 budget may have been overambitious when being set at \$59. This includes the assumption of a higher number of chats and that the Infoline seats would be significantly increased. It did not occur as the funding was applied to increase InfoChat staff instead.

(c) There was an increase in the overall number of charges each client presents to the duty lawyer service, when compared with previous years. The result of the increase is the duty lawyer service is less likely to be able to assist a client to resolve their charges at the first appearance. Accordingly, the need for longer legal advice appointments between duty lawyer services increases the average cost. In addition, the new Reducing Avoidable Remand Service solicitors have been dealing with complex matters which have also have a higher demand on the time required to provide each service.



# 3. Significant Issues Impacting the Agency



## Responding to COVID-19

The COVID-19 pandemic and its associated restrictions gave rise to many new legal problems. Employment law, mortgage hardship problems, family violence, partner visa issues, and credit and debt inquiries all increased. Legal Aid responded rapidly by recalibrating services to provide more assistance in those emerging areas of law. We also reinforced our telephone Infoline, website and chat services to provide for a community staying at home.

Throughout the period of the restrictions, Legal Aid provided more appointments in areas of high need including family violence, employment law, mortgage hardship, elder abuse, consumer protection, credit and debt and financial hardship. We also provided specialist immigration law advice to anyone residing in Western Australia on a temporary visa, such as a partner visa, who was experiencing family and domestic violence. During the pandemic we transitioned to telephone appointments rather than in-person services.

Legal Aid responded to the surge in family violence by increasing the capacity of our telephone Infoline (with a high priority on family violence matters); and enhancing our family violence duty lawyer and legal representation services. We also increased the visibility and accessibility of online information about these issues.

In March 2020, we converted the organisation to deliver services from home – in case we had to. The transition took us from having only five people with remote desktop access software to having over 300 staff connected to work remotely. Our Information Management Team arranged unlimited virtual meeting software so that everyone at Legal Aid could stay connected. They also increased our server capacity to manage the increased load. Legal Aid is now able to perform all its functions and deliver all its vital services remotely.

## Meeting Demand for Independent Children's Lawyers

Under Commonwealth laws the Family Court of Western Australia has the power to appoint Independent Children's Lawyers (ICLs) to represent a child's interest

in parenting orders matters. Funding to support this service is provided by the Commonwealth government to Legal Aid. Over the last decade the number of matters requiring an ICL has doubled, however the funding to support these appointments has not increased at the same rate. Legal Aid is currently funding the extra demand through harvested savings and its limited cash reserves, however this is only a temporary solution. Legal Aid is working with government to find a long-term solution to address this issue.

## Access to Justice

In 2014 the Productivity Commission released a report on Australia's Access to Justice Arrangements. Since then Legal Aid has worked to make its services more accessible, particularly for regional, Aboriginal, and disabled clients. In 2019-20 Legal Aid has focused on using technology and partnerships with other organisations to reach more clients. Our 10 Virtual Offices and 2 Health Justice Partnerships help take the law to where it is needed, and help us connect clients with wrap-around services. Our Keep 'em Safe project and Reconciliation Action Plan have helped us develop culturally appropriate practices for Aboriginal clients.

## Replacement of Legal Aid's Business System

LAW Office is Legal Aid's core system for the management of grants of aid to clients for in-house and private practitioners and capturing key client and service delivery data. The system is based on an ageing software architecture which will not be supported within five years. The successful replacement of LAW Office is critical to improving our business efficiency and service delivery. The replacement of this system is expected to commence in 2021, and is expected to cost \$5-10 million. To reduce the cost and complexity of replacing this complex custom-built application, the underlying business processes are being reviewed and streamlined. This project is the primary technology investment identified in Legal Aid's Strategic Asset Plan 2020-21 to 2029-30.



# 4. Disclosures and Legal Compliance

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## 4.1 Financial Statements

### 4.1.1 Independent Auditor's report



#### Auditor General

##### INDEPENDENT AUDITOR'S REPORT

To the Parliament of Western Australia

LEGAL AID COMMISSION OF WESTERN AUSTRALIA

##### Report on the financial statements

##### Opinion

I have audited the financial statements of the Legal Aid Commission of Western Australia which comprise the Statement of Financial Position as at 30 June 2020, the Statement of Comprehensive Income, Statement of Changes in Equity, Statement of Cash Flows for the year then ended, and Notes comprising a summary of significant accounting policies and other explanatory information.

In my opinion, the financial statements are based on proper accounts and present fairly, in all material respects, the operating results and cash flows of the Legal Aid Commission of Western Australia for the year ended 30 June 2020 and the financial position at the end of that period. They are in accordance with Australian Accounting Standards, the *Financial Management Act 2006* and the Treasurer's Instructions and Division 60 of the *Australian Charities and Not-for-profits Commission Act 2012 (ACNC Act)*, *Australian Charities and Not-for-profits Commission Regulation 2013*.

##### Basis for opinion

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

##### Responsibility of the Commission for the financial statements

The Commission is responsible for keeping proper accounts, and the preparation and fair presentation of the financial statements in accordance with Australian Accounting Standards, the *Financial Management Act 2006*, the Treasurer's Instructions, and the *ACNC Act* for such internal control as the Commission determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

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

##### Auditor's responsibility for the audit of the financial statements

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

Page 1 of 4

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A further description of my responsibilities for the audit of the financial statements is located on the Auditing and Assurance Standards Board website at [https://www.augasb.gov.au/auditors\\_responsibilities/ar4.pdf](https://www.augasb.gov.au/auditors_responsibilities/ar4.pdf). This description forms part of my auditor's report.

### **Report on controls**

#### **Opinion**

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

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

In my opinion, in all material respects, the controls exercised by the Legal Aid Commission of Western Australia are sufficiently adequate to provide reasonable assurance that the receipt, expenditure and investment of money, the acquisition and disposal of property and the incurring of liabilities have been in accordance with legislative provisions during the year ended 30 June 2020.

#### **The Commission's responsibilities**

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

#### **Auditor General's responsibilities**

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

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

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

#### **Limitations of controls**

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



#### Report on the key performance indicators

##### **Opinion**

I have undertaken a reasonable assurance engagement on the key performance indicators of the Legal Aid Commission of Western Australia for the year ended 30 June 2020. The key performance indicators are the Under Treasurer-approved key effectiveness indicators and key efficiency indicators that provide performance information about achieving outcomes and delivering services.

In my opinion, in all material respects, the key performance indicators of the Legal Aid Commission of Western Australia are relevant and appropriate to assist users to assess the agency's performance and fairly represent indicated performance for the year ended 30 June 2020.

##### **The Commission's responsibility for the key performance indicators**

The Commission is responsible for the preparation and fair presentation of the key performance indicators in accordance with the *Financial Management Act 2006* and the Treasurer's Instructions and for such internal control as the Commission determines necessary to enable the preparation of key performance indicators that are free from material misstatement, whether due to fraud or error.

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

##### **Auditor General's responsibility**

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

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

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

##### **My independence and quality control relating to the reports on controls and key performance indicators**

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



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

This auditor's report relates to the financial statements and key performance indicators of the Legal Aid Commission of Western Australia for the year ended 30 June 2020 included on the Commission's website. The Commission's management is responsible for the integrity of the Commission's website. This audit does not provide assurance on the integrity of the Commission's website. The auditor's report refers only to the financial statements and key performance indicators described above. It does not provide an opinion on any other information which may have been hyperlinked to/from these financial statements or key performance indicators. If users of the financial statements and key performance indicators are concerned with the inherent risks arising from publication on a website, they are advised to contact the entity to confirm the information contained in the website version of the financial statements and key performance indicators.

DON CUNNINGHAME  
ASSISTANT AUDITOR GENERAL FINANCIAL AUDIT  
Delegate of the Auditor General for Western Australia  
Perth, Western Australia  
27 August 2020



## Auditor General's Independence Declaration



Our Ref: 5602-04

The Board of Commissioners  
Legal Aid Commission of Western Australia  
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PERTH WA 6000



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### AUDITOR GENERAL'S INDEPENDENCE DECLARATION

To the Board of Commissioners, Legal Aid Commission of Western Australia

As auditor of Legal Aid Commission of Western Australia for the year ended 30 June 2020,  
I declare that, to the best of my knowledge and belief, there have been:

- no contraventions of auditor independence requirements of the *Australian Charities and Not-for-profits Commission Act 2012* in relation to the audit.
- no contraventions of any applicable code of professional conduct in relation to the audit.

DON CUNNINGHAME  
ASSISTANT AUDITOR GENERAL FINANCIAL AUDIT  
Delegate of the Auditor General for Western Australia  
Perth, Western Australia  
17 August 2020





## 4.1.2 Certification of Financial Statements

### For the year ended 30 June 2020

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

- (a) The accompanying financial statements and notes have been prepared in compliance with the provisions of the *Financial Management Act 2006* and the *Australian Charities and Not-for-profits Commission Act 2012* from proper accounts and records to present fairly the financial transactions for the year ended 30 June 2020 and the financial position as at 30 June 2020; and
- (b) There are reasonable grounds to believe that the Commission is able to pay all of its debts, as and when they become due and payable.

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

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

**Craig Gibson**  
Chief Finance Officer

Date: 26/8/2020

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

Date: 26/8/2020

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

Date: 26/8/2020





### 4.1.3 Financial Reports for the year ended 30 June 2020

The Legal Aid Commission of Western Australia has pleasure in presenting its audited general purpose financial statements for the financial reporting period ended 30 June 2020 which provides users with the information about the Legal Aid Commission of Western Australia's stewardship of resources entrusted to it. The financial information is presented in the following structure:

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## Statement of Comprehensive Income

For the year ended 30 June 2020

	Note	2020 \$	2019 \$
<b>COST OF SERVICES</b>			
<b>EXPENSES</b>			
Employee benefits expense	2.1	36,080,371	33,596,015
Supplies and services	2.4	5,888,714	5,582,884
Depreciation and amortisation expense	4.1.1, 4.2, 4.3.1	6,249,053	515,081
Finance costs	6.2	2,140,629	-
Accommodation expenses	2.4	1,390,801	6,468,603
Legal services expenses	2.2	32,968,230	28,162,396
Loss on disposal of non-current assets		-	-
Grants and subsidies	2.3	12,477,280	11,607,067
Other expenses	2.4	1,252,271	1,467,734
<b>Total cost of services</b>		<b>98,447,349</b>	<b>87,399,780</b>
<b>Revenue and Income</b>			
User charges and fees	3.2	2,942,311	3,075,670
Commonwealth grants and contributions	3.3	37,081,330	32,599,393
Interest income	3.4	826,337	1,276,665
Other revenue	3.5	310,222	180,984
<b>Total revenue</b>		<b>41,160,200</b>	<b>37,132,712</b>
<b>Total income other than income from State Government</b>		<b>41,160,200</b>	<b>37,132,712</b>
<b>NET COST OF SERVICES</b>		<b>57,287,149</b>	<b>50,267,068</b>
<b>Income from State Government</b>			
State Government grant	3.1	53,481,000	48,666,000
Other State Community Legal Centre funding	3.1	1,394,540	1,377,540
Services received free of charge	3.1	1,254	-
Royalties for Regions Fund	3.1	101,603	87,652
<b>Total income from State Government</b>		<b>54,978,397</b>	<b>50,131,192</b>
<b>(DEFICIT)/SURPLUS FOR THE PERIOD</b>		<b>(2,308,752)</b>	<b>(135,876)</b>
<b>OTHER COMPREHENSIVE INCOME</b>			
<b>Items not reclassified subsequently to profit and loss</b>			
Changes in asset revaluation surplus	8.9	3,077	1,097
<b>Total other comprehensive income</b>		<b>3,077</b>	<b>1,097</b>
<b>TOTAL COMPREHENSIVE INCOME FOR THE PERIOD</b>		<b>(2,305,675)</b>	<b>(134,779)</b>

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



## Statement of Financial Position

As at 30 June 2020

	Note	2020 \$	2019 \$
<b>ASSETS</b>			
<b>Current Assets</b>			
Cash and cash equivalents	6.3	27,294,890	12,156,965
Restricted cash and cash equivalents	6.3	159,376	174,675
Receivables	5.1	3,696,496	3,261,241
Other financial assets	6.3	14,400,000	24,500,000
Other current assets	5.2	732,760	440,378
<b>Total Current Assets</b>		<b>46,283,522</b>	<b>40,533,259</b>
<b>Non-Current Assets</b>			
Restricted cash and cash equivalents	6.3	577,593	410,032
Receivables	5.1	6,199,915	5,866,380
Property plant & equipment	4.1	1,164,032	1,274,622
Right of use assets	4.2	67,929,236	-
Intangible assets	4.3	737,448	553,195
<b>Total Non-Current Assets</b>		<b>76,608,224</b>	<b>8,104,229</b>
<b>TOTAL ASSETS</b>		<b>122,891,746</b>	<b>48,637,488</b>
<b>LIABILITIES</b>			
<b>Current Liabilities</b>			
Payables	5.3	28,658,378	22,903,358
Lease liabilities	6.1	3,566,699	-
Employee related provisions	2.1	5,973,152	5,411,934
Contract liabilities	5.4	1,178,034	-
<b>Total Current Liabilities</b>		<b>39,376,263</b>	<b>28,315,292</b>
<b>Non-Current Liabilities</b>			
Lease liabilities	6.1	66,714,578	-
Employee related provisions	2.1	999,151	1,113,406
Contract liabilities	5.4	1,122,774	-
<b>Total Non-Current Liabilities</b>		<b>68,836,503</b>	<b>1,113,406</b>
<b>TOTAL LIABILITIES</b>		<b>108,212,766</b>	<b>29,428,698</b>
<b>NET ASSETS</b>		<b>14,678,980</b>	<b>19,208,790</b>
<b>EQUITY</b>			
Contributed equity	8.9	595,669	595,669
Reserves	8.9	141,048	137,971
Accumulated surplus	8.9	13,942,263	18,475,150
<b>TOTAL EQUITY</b>		<b>14,678,980</b>	<b>19,208,790</b>

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



## Statement of Changes in Equity

For the year ended 30 June 2020

	Note	Contributed equity \$	Reserves \$	Accumulated surplus \$	Total equity \$
<b>Balance at 1 July 2018</b>		595,669	136,874	18,573,264	19,305,807
Changes in accounting policy				37,762	37,762
<b>Restated balance at 1 July 2018</b>		<b>595,669</b>	<b>136,874</b>	<b>18,611,026</b>	<b>19,343,569</b>
Deficit		-	-	(135,876)	(135,876)
Other comprehensive income	8.9	-	1,097	-	1,097
Total comprehensive income for the period		-	1,097	(135,876)	(134,779)
<b>Balance at 30 June 2019</b>		<b>595,669</b>	<b>137,971</b>	<b>18,475,150</b>	<b>19,208,790</b>
<b>Balance at 1 July 2019</b>		595,669	137,971	18,475,150	19,208,790
Initial application of AASB 16		-	-	-	-
Initial application of AASB 15/1058	8.2	-	-	(2,224,135)	(2,224,135)
<b>Restated balance at 1 July 2019</b>		<b>595,669</b>	<b>137,971</b>	<b>16,251,015</b>	<b>16,984,655</b>
Deficit		-	-	(2,308,752)	(2,308,752)
Other comprehensive income	8.9	-	3,077	-	3,077
Total comprehensive income for the period		-	3,077	(2,308,752)	(2,305,675)
<b>Balance at 30 June 2020</b>		<b>595,669</b>	<b>141,048</b>	<b>13,942,263</b>	<b>14,678,980</b>

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



## Statement of Cash Flows

For the year ended 30 June 2020

	Note	2020 \$	2019 \$
<b>CASH FLOWS FROM STATE GOVERNMENT</b>			
State Government grants		53,481,000	48,666,000
Other State Community Legal Centre funding		1,394,540	1,377,540
Royalties for Regions Fund		101,603	87,652
<b>Net cash provided by State Government</b>		<b>54,977,143</b>	<b>50,131,192</b>
Utilised as follows:			
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>			
<b>Payments</b>			
Employee benefits		(35,434,464)	(33,573,259)
Supplies and services		(6,166,951)	(5,431,218)
Accommodation		(1,418,273)	(6,379,898)
Legal services		(27,877,033)	(26,470,411)
Finance costs		(1,966,400)	-
GST payments on purchases		(5,457,706)	(5,106,528)
Other payments		(13,483,823)	(12,836,194)
<b>Receipts</b>			
User charges and fees		2,684,195	2,579,701
Commonwealth grants and contributions		36,968,369	33,099,393
Interest received		848,866	1,170,549
GST receipts on sales		50,889	59,638
GST receipts from taxation authority		5,249,208	4,967,697
Other receipts		359,668	121,507
<b>Net cash used in operating activities</b>		<b>(45,643,455)</b>	<b>(47,799,023)</b>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>			
<b>Payments</b>			
Purchase of non-current physical assets		(531,111)	(217,231)
<b>Net cash used in investing activities</b>		<b>(531,111)</b>	<b>(217,231)</b>
<b>CASH FLOWS FROM FINANCING ACTIVITIES</b>			
<b>Payments</b>			
Principal elements of lease payments		(3,612,390)	-
<b>Net cash used in financing activities</b>		<b>(3,612,390)</b>	<b>-</b>
Net increase in cash and cash equivalents		5,190,187	2,114,938
Cash and cash equivalents at the beginning of period		37,241,672	35,126,734
<b>CASH AND CASH EQUIVALENTS AT THE END OF PERIOD</b>	6.3	<b>42,431,859</b>	<b>37,241,672</b>

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



# Notes to the financial statements for the year ended 30 June 2020

## Note 1. Basis of preparation

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

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

These annual financial statements were authorised for issue by the Commission on 1 September 2020.

### Statement of compliance

These general purpose financial statements are prepared in accordance with:

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

The *Financial Management Act 2006* and the Treasurer's Instructions take precedence over AASs. Several AASs are modified by TIs to vary application, disclosure format and wording. Where modification is required and has had a material or significant financial effect upon the reported results, details of that modification and the resulting financial effect are disclosed in the notes to the financial statements.

### Basis of preparation

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

## Judgments and estimates

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

## Contributed equity

AASB Interpretation 1038 Contributions by Owners Made to Wholly-Owned Public Sector Entities requires transfers in the nature of equity contributions, other than as a result of a restructure of administrative arrangements, to be designated by the Government (the owner) as contributions by owners (at the time of, or prior to, transfer) before such transfers can be recognised as equity contributions. Capital appropriations have been designated as contributions by owners by TI 955 Contributions by Owners made to Wholly Owned Public Sector Entities and have been credited directly to Contributed Equity.





## Notes to the financial statements for the year ended 30 June 2020

## Note 2. Use of our funding

### Expenses incurred in the delivery of services

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

	Note	2020 \$	2019 \$
Employee benefits expenses	2.1(a)	36,080,371	33,596,015
Employee related provisions	2.1(b)	6,972,303	6,525,340
Legal service expenses	2.2	32,968,230	28,162,396
Grants and subsidies	2.3	12,477,280	11,607,067
Other expenditure	2.4	8,531,786	13,519,221

### 2.1 (a) Employee benefits expenses

	Note	2020 \$	2019 \$
Employee benefits		32,978,272	30,664,379
Termination benefits		-	-
Superannuation – defined contribution plans		3,102,099	2,931,636
<b>Total employee benefits expenses</b>		36,080,371	33,596,015
Add: AASB 16 Non-monetary benefits		279,815	-
Less: Employee Contributions		(162,363)	-
<b>Net employee benefits</b>		36,197,823	33,596,015

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

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

**Superannuation:** The amount recognised in profit or loss of the Statement of Comprehensive Income comprises employer contributions paid to the GSS (concurrent contributions), the WSS, the GESBs, or other superannuation funds.

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



## Notes to the financial statements for the year ended 30 June 2020

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

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

	2020 \$	2019 \$
<b>Current</b>		
<i>Employee benefits provision</i>		
Annual leave <sup>(a)</sup>	2,183,727	1,791,553
Long service leave <sup>(b)</sup>	3,733,925	3,528,330
Purchased leave	1,333	43,334
	5,918,985	5,363,217
<i>Other provisions</i>		
Employment on-costs <sup>(c)</sup>	54,167	48,717
	54,167	48,717
<b>Total current employee related provisions</b>	<b>5,973,152</b>	<b>5,411,934</b>
<b>Non-current</b>		
<i>Employee benefits provision</i>		
Long service leave <sup>(b)</sup>	990,043	1,103,256
	990,043	1,103,256
<i>Other provisions</i>		
Employment on-costs <sup>(c)</sup>	9,108	10,150
	9,108	10,150
<b>Total non-current employee related provisions</b>	<b>999,151</b>	<b>1,113,406</b>
<b>Total employee related provisions</b>	<b>6,972,303</b>	<b>6,525,340</b>

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

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



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

### 2.1 (b) Employee related provisions (continued)

**(b) Long service leave liabilities:** Unconditional long service leave provisions are classified as **current** liabilities as the Commission does not have an unconditional right to defer settlement of the liability for at least 12 months after the end of the reporting period.

Pre-conditional and conditional long service leave provisions are classified as **non-current** liabilities because the Commission has an unconditional right to defer the settlement of the liability until the employee has completed the requisite years of service.

The provision for long service leave is calculated at present value as the Commission does not expect to wholly settle the amounts within 12 months. The present value is measured taking into account the present value of expected future payments to be made in relation to services provided by employees up to the reporting date. These payments are estimated using the remuneration rate expected to apply at the time of settlement, and discounted using market yields at the end of the reporting period on national government bonds with terms to maturity that match, as closely as possible, the estimated future cash outflows.

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

Employment on-costs, including workers' compensation insurance, are not employee benefits and are recognised separately as liabilities and expenses when the employment to which they relate has occurred. Employment on-costs are included as part of 'Other expenses, Note 2.4' and are not included as part of the Commission's 'employee benefits expense'. The related liability is included in 'Employment on costs provision'.

	2020 \$	2019 \$
<b>Employment on-cost provision</b>		
<i>Current</i>		
Carrying amount at start of period	48,717	45,999
Additional/(reversals of) provisions recognised	5,450	2,718
<b>Carrying amount at end of period</b>	<b>54,167</b>	<b>48,717</b>
<i>Non-current</i>		
Carrying amount at start of period	10,150	11,888
Additional/(reversals of) provisions recognised	(1,042)	(1,738)
<b>Carrying amount at end of period</b>	<b>9,108</b>	<b>10,150</b>

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

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

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

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

Changes in these estimations and assumptions may impact on the carrying amount of the long service leave provision. Any gain or loss following revaluation of the present value of long service leave liabilities is recognised as employee benefits expense.



## Notes to the financial statements for the year ended 30 June 2020

**Note 2. Use of our funding (continued)****2.2 Legal service expenses**

	2020 \$	2019 \$
Grant of aid expenses		
Casework	32,819,218	28,014,496
	<b>32,819,218</b>	<b>28,014,496</b>
Other service expenses		
Legal advice	85,705	79,034
Duty lawyer	63,307	68,866
	<b>149,012</b>	<b>147,900</b>
<b>Total legal service expenses</b>	<b>32,968,230</b>	<b>28,162,396</b>

**2.3 Grants and subsidies**

	2020 \$	2019 \$
State CLC program	5,943,984	5,317,540
Commonwealth CLC program <sup>(a)</sup>	6,533,296	6,289,527
<b>Total grants and subsidies</b>	<b>12,477,280</b>	<b>11,607,067</b>

(a) Commonwealth Community Legal Centres (CLC) funding comes under National Partnership Agreement from 2015-16 to 2019-20. Legal Aid included transactions related to the Commonwealth CLCs in its financial statements for the first time in 2015/16 as it has effective decision making over the allocation of funds.



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

### 2.4 Other expenditure

	2020 \$	2019 \$
<b>Supplies and services</b>		
Communications	602,952	648,139
Consumables	945,030	1,053,531
Consultants fees	368,551	522,436
Maintenance	965,207	796,318
Travel	417,653	626,317
Information technology	1,282,677	947,309
Practicing certificates and fees	226,291	209,561
Audit fees <sup>(a)</sup>	150,551	160,129
Other supplies and services	929,802	619,144
<b>Total supplies and services expenses</b>	<b>5,888,714</b>	<b>5,582,884</b>
<b>Accommodation expenses</b>		
Rental expense <sup>(b) (c)</sup>	1,307,883	6,360,193
Repairs and maintenance	82,918	108,410
<b>Total accommodation expenses</b>	<b>1,390,801</b>	<b>6,468,603</b>
<b>Other</b>		
Bad debts written off	287,763	171,750
Expected credit losses expense	(11,165)	12,815
Employment on-costs	4,409	980
Staff training	127,275	119,956
Other staff related expenses	124,945	465,459
Plant and equipment	473,504	258,682
Other expenses	245,540	438,092
<b>Total other expenses</b>	<b>1,252,271</b>	<b>1,467,734</b>
<b>Total other expenditure</b>	<b>8,531,786</b>	<b>13,519,221</b>

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

(b) Included within rental costs are variable lease payments and low value leases of up to \$5,000. This excludes leases with another wholly-owned public sector entity lessor agency. Refer to note 4.2 for short-term and low value leases expense.

(c) Rental costs included additional cleaning cost of \$19,128 due to COVID-19 pandemic.

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



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

### 2.4 Other expenditure (continued)

**Rental expenses** include:

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

**Repairs and maintenance costs** are recognised as expenses as incurred.

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

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

**Expected credit losses** is an allowance of trade receivables and is measured at the lifetime expected credit losses at each reporting date. The Commission has established a provision matrix that is based on its historical credit loss experience, adjusted for forward-looking factors specific to the debtors and the economic environment.

**Software modification costs** are recognised as expenses as incurred.

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

## Note 3. Our funding sources

### How we obtain our funding

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

	Note	2020 \$	2019 \$
Income from State Government	3.1	54,978,397	50,131,192
User charges and fees	3.2	2,942,311	3,075,670
Commonwealth grants and contributions	3.3	37,081,330	32,599,393
Interest income	3.4	826,337	1,276,665
Other revenue	3.5	310,222	180,984





### Note 3. Our funding sources (continued)

#### 3.1 Income from State Government

	2020 \$	2019 \$
<b>Appropriation received during the period:</b>		
Legal Aid Assistance Grant <sup>(a)</sup>	53,481,000	48,666,000
Other State Community Legal Centre funding	1,394,540	1,377,540
	<b>54,875,540</b>	<b>50,043,540</b>
<b>Service received free of charge from other State government agencies during the period:</b>		
Department of Primary Industries and Regional Development	1,254	-
	<b>1,254</b>	<b>-</b>
<b>Royalties for Regions Fund</b>		
Royalties for Regions funding <sup>(b)</sup>	101,603	87,652
	<b>101,603</b>	<b>87,652</b>
<b>Total income from State Government</b>	<b>54,978,397</b>	<b>50,131,192</b>

(a) The Legal Aid Commission is an output of the Department of Justice for the purposes of the State Budget, and receives State Government funding through the Department. The Legal Aid Assistance Grant is recognised as income at the fair value of consideration received in the period in which the Commission gains control of the appropriated funds. The Commission gains control of appropriated funds at the time those funds are deposited in the bank account.

(b) This is a sub-fund within the over-arching 'Royalties for Regions Fund'. The recurrent funds are committed to projects and programs in WA regional areas. The Commission has assessed Royalties for Regions agreements and concludes that they are not within the scope of AASB 15 as they do not meet the 'sufficiently specific' criterion.

The application of AASB 15 and AASB 1058 from 1 July 2019 has had no impact on the treatment of income from State Government.

#### 3.2 User charges and fees

	2020 \$	2019 \$
Client contributions and fees on grants of aid	1,285,114	1,667,660
Recovered costs on grants of aid	1,474,971	1,204,935
Legal advice fees	1,420	8,966
Duty lawyer fees	38,691	65,688
Community legal education	142,115	128,421
<b>Total user charges and fees</b>	<b>2,942,311</b>	<b>3,075,670</b>

Until 30 June 2019, revenue was recognised and measured at the fair value of consideration received or receivable.

**Note 3. Our funding sources (continued)****3.2 User charges and fees (continued)**

From 1 July 2019, revenue is recognised at the transaction price when the Commission transfers control of the services to customers. Revenue is recognised for the major activities as follows:

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

**3.3 Commonwealth grants and contributions**

	2020 \$	2019 \$
<b>Current Grants</b>		
National Partnership Agreement on Legal Assistance Services <sup>(a)</sup>	32,047,000	31,309,000
Christmas/Cocos Islands <sup>(b)</sup>	329,033	230,745
Other Commonwealth funding <sup>(c)</sup>	4,692,336	1,059,648
<b>Capital grants</b>		
Assistance with Data Standardisation Funding <sup>(d)</sup>	12,961	-
<b>Total Commonwealth grants and contributions</b>	<b>37,081,330</b>	<b>32,599,393</b>

Until 30 June 2019, income from Commonwealth grants is recognised at fair value when the grant is receivable.

From 1 July 2019, current grants are recognised as income when the grants are receivable, and capital grants are recognised as income when the Commission achieves milestones specified in the grant agreement.

- (a) The 5 year National Partnership Agreement (NPA) on Legal Assistance Services expires 30th June 2020. The terms of the funding are generally intended to fund matters within the Commonwealth jurisdiction. The NPA also seeks to promote investments in preventative law and early intervention initiatives. The funded amount for 2019-20 was \$32.047 million.

A new National Legal Assistance Partnership was signed on 23 June 2020 which will provide the Commission funding for the next 5 years and an additional \$15.8 million over the prior agreement to a new total of \$138.426 million.

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



### Note 3. Our funding sources (continued)

#### 3.3 Commonwealth grants and contributions (continued)

(c) Other Commonwealth funding is related to funding provided under other Commonwealth agreements and \$100,000 of initial and additional cash flow boosts as part of COVID-19 government stimulus measures.

(d) The income under Assistance with Data Standardisation funding is recognised when the Data Standardisation software upgrade package is completed.

#### 3.4 Interest income

	2020 \$	2019 \$
Interest earned on Legal Aid operational funds	800,488	1,074,248
Implicit interest write back on debtors <sup>(a)</sup>	25,849	202,417
	<b>826,337</b>	<b>1,276,665</b>

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

#### 3.5 Other revenue

	2020 \$	2019 \$
Other miscellaneous income	310,222	180,984
	<b>310,222</b>	<b>180,984</b>

### Note 4. Key assets

#### Assets the Commission utilises for economic benefit or service potential

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

	Note	2020 \$	2019 \$
Property, plant and equipment	4.1	1,164,032	1,274,622
Right-of-use assets	4.2	67,929,236	-
Intangible assets	4.3	737,448	553,195
<b>Total key assets</b>		<b>69,830,716</b>	<b>1,827,817</b>



## Notes to the financial statements for the year ended 30 June 2020

## Note 4. Key assets (continued)

## 4.1 Property, plant and equipment

Year ended 30 June 2020	Land \$	Buildings \$	Fixtures and Fittings \$	Leasehold Improvements \$	Office Equipment \$	Work in Progress \$	Total \$
<b>1 July 2019</b>							
Gross carrying amount	100,000	55,000	42,832	2,415,180	2,079,880	40,726	4,733,618
Accumulated depreciation	-	-	(36,522)	(1,661,118)	(1,761,356)	-	(3,458,996)
<b>Carrying amount at start of period</b>	<b>100,000</b>	<b>55,000</b>	<b>6,310</b>	<b>754,062</b>	<b>318,524</b>	<b>40,726</b>	<b>1,274,622</b>
Additions	-	-	-	-	129,705	68,685	198,390
Transfer	-	-	-	-	36,481	(36,481)	-
Reclassification	-	-	-	-	-	-	-
Disposals	-	-	-	-	(91,341)	-	(91,341)
Reversal of accumulated depreciation for disposed assets	-	-	-	-	91,341	-	91,341
Revaluation increments/ (decrements)	-	3,077	-	-	-	-	3,077
Impairment losses	-	-	-	-	-	-	-
Impairment losses reversed	-	-	-	-	-	-	-
Depreciation	-	(3,077)	(1,684)	(153,969)	(153,327)	-	(312,057)
<b>30 June 2020</b>							
Gross carrying amount	100,000	55,000	42,832	2,415,180	2,154,725	72,930	4,840,667
Accumulated depreciation	-	-	(38,206)	(1,815,087)	(1,823,342)	-	(3,676,635)
<b>Carrying amount at end of period</b>	<b>100,000</b>	<b>55,000</b>	<b>4,626</b>	<b>600,093</b>	<b>331,383</b>	<b>72,930</b>	<b>1,164,032</b>

## Initial recognition

Items of property, plant and equipment and infrastructure, costing \$5,000 or more are measured initially at cost. Where an asset is acquired for no or nominal cost, the cost is valued at its fair value at the date of acquisition. Items of property, plant and equipment and infrastructure costing less than \$5,000 are immediately expensed direct to the Statement of Comprehensive Income (other than where they form part of a group of similar items which are significant in total).

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



## Note 4. Key assets (continued)

### 4.1 Property, plant and equipment (continued)

#### Subsequent measurement

Subsequent to initial recognition as an asset, the revaluation model is used for the measurement of land and buildings.

Land is carried at fair value.

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

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

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

Land and buildings were revalued as at 1 July 2019 by the Western Australian Land Information Authority (Valuations and Property Analytics). The valuations were performed during the year ended 30 June 2020 and recognised at 30 June 2020. In undertaking the revaluation, fair value was determined by reference to market values for land: \$100,000 (2019: \$100,000) and buildings: \$55,000 (2019: \$55,000). For the remaining balance, fair value of buildings was determined on the basis of current replacement cost and fair value of land was determined on the basis of comparison with market evidence for land with low level utility (high restricted use land).

#### Revaluation model:

(a) Fair Value where market-based evidence is available:

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

(b) Fair value in the absence of market-based evidence:

Buildings and infrastructure are specialised or where land is restricted: Fair value of land, buildings and infrastructure is determined on the basis of existing use.

Existing use buildings and infrastructure: Fair value is determined by reference to the cost of replacing the remaining future economic benefits embodied in the asset, i.e. the current replacement cost. Where the fair value of buildings and infrastructure is determined on the current replacement cost basis, the gross carrying amount is adjusted in a manner that is consistent with the revaluation of the carrying amount of the asset and the accumulated depreciation is adjusted to equal the difference between the gross carrying amount and the carrying amount of the asset.

Restricted use land: Fair value is determined by comparison with market evidence for land with similar approximate utility (high restricted use land) or market value of comparable unrestricted land (low restricted use land).

**Note 4. Key assets (continued)****4.1 Property, plant and equipment (continued)****4.1.1 Depreciation and impairment charge for the period**

	<b>Note</b>	<b>2020 \$</b>	<b>2019 \$</b>
<b>Depreciation</b>			
Buildings	4.1	3,077	1,097
Fixtures and fittings	4.1	1,684	1,960
Leasehold improvements	4.1	153,969	152,031
Office equipment	4.1	153,327	259,372
<b>Total depreciation for the period</b>		<b>312,057</b>	<b>414,460</b>

As at 30 June 2020, there were no indications of impairment to property, plant and equipment.

All surplus assets at 30 June 2020 have either been classified as assets held for sale or have been written-off.

**Finite useful lives**

All property, plant and equipment having a limited useful life are systematically depreciated over their estimated useful lives in a manner that reflects the consumption of their future economic benefits. The exceptions to this rule include assets held for sale, land and investment properties.

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

<b>ASSET</b>	<b>Useful life</b>
Buildings	18 years
Furniture and fittings	10 to 20 years
Leasehold improvements	2 to 12 years
Office equipment	4 to 20 years

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

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

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





## Note 4. Key assets (continued)

### 4.1 Property, plant and equipment (continued)

#### Impairment

Non-financial assets, including items of plant and equipment, right-of-use asset and intangibles, are tested for impairment whenever there is an indication that the asset may be impaired. Where there is an indication of impairment, the recoverable amount is estimated. Where the recoverable amount is less than the carrying amount, the asset is considered impaired and is written down to the recoverable amount and an impairment loss is recognised.

Where an asset measured at cost is written down to its recoverable amount, an impairment loss is recognised through profit or loss.

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

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

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

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

### 4.2 Right-of-use assets

	2020 \$	2019 \$
<b>Right-of-use assets</b>		
Accommodation	67,695,959	-
Vehicles	233,277	-
<b>Total right-of-use assets</b>	<b>67,929,236</b>	<b>-</b>

Additions to right-of-use assets during the 2019-20 financial year were \$ 422,405.

#### Initial recognition

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

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

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

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



#### Note 4. Key assets (continued)

##### 4.2 Right-of-use assets (continued)

###### Subsequent measurement

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

###### Depreciation and impairment of right-of-use assets

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

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

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

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

	2020 \$	2019 \$
Accommodation	5,668,887	-
Vehicles	121,316	-
<b>Total right-of-use asset depreciation</b>	<b>5,790,203</b>	<b>-</b>
Lease interest expense	2,140,629	-
Short-term leases	191,806	-

The total cash outflow for leases in 2019-20 financial year was \$5,944,825 (including principal elements).

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

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

Up to 30 June 2019, the Commission classified leases as either finance leases or operating leases.

From 1 July 2019, the Commission recognises leases as right-of-use assets and associated lease liabilities in the Statement of Financial Position.

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



## Note 4. Key assets (continued)

### 4.3 Intangible assets

Year ended 30 June 2020	Computer Software \$	Work in Progress \$	Total \$
<b>1 July 2019</b>			
Gross carrying amount	806,661	221,078	1,027,739
Accumulated amortisation	(474,544)	-	(474,544)
<b>Carrying amount at start of period</b>	<b>332,117</b>	<b>221,078</b>	<b>553,195</b>
Additions	-	331,046	331,046
Transfer	-	-	-
Disposal	-	-	-
Reversal of accumulated amortisation for disposed asset	-	-	-
Amortisation	(146,793)	-	(146,793)
<b>30 June 2020</b>			
Gross carrying amount	806,661	552,124	1,358,785
Accumulated amortisation	(621,337)	-	(621,337)
<b>Carrying amount at end of period</b>	<b>185,324</b>	<b>552,124</b>	<b>737,448</b>

### Initial recognition

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

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

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

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

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

### Subsequent measurement

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

**Note 4. Key assets (continued)****4.3 Intangible assets (continued)****4.3.1 Amortisation and impairment charges of the period**

	2020 \$	2019 \$
Amortisation		
Computer software	146,793	100,621
<b>Total amortisation</b>	<b>146,793</b>	<b>100,621</b>

As at 30 June 2020 there were no indications of impairment to intangible assets.

The Commission held no goodwill or intangible assets with an indefinite useful life during the reporting period. At the end of the reporting period there were \$552,124 (2019:\$221,078) of intangible assets not yet available for use.

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

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

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

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

**Impairment of intangible assets**

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

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

**Note 5. Other assets and liabilities**

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

	Note	2020 \$	2019 \$
Receivables	5.1	9,896,411	9,127,621
Other assets	5.2	732,760	440,378
Payables	5.3	28,658,378	22,903,358
Contract liabilities	5.4	2,300,808	-
Grant liabilities	5.5	-	-



## Note 5. Other assets and liabilities (continued)

### 5.1 Receivables

	2020 \$	2019 \$
<b>Current</b>		
Debtors - unsecured	3,289,426	2,842,642
Allowance for impairment of receivables	(78,329)	(83,451)
GST receivable	344,442	312,737
Interest receivable	140,957	189,313
<b>Total current</b>	<b>3,696,496</b>	<b>3,261,241</b>
<b>Non-current</b>		
Debtors - secured <sup>(a)</sup>	6,517,423	6,215,780
Allowance for impairment of receivables	(71,031)	(77,075)
Allowance for discount <sup>(b)</sup>	(246,477)	(272,325)
<b>Total non-current</b>	<b>6,199,915</b>	<b>5,866,380</b>
<b>Total receivables</b>	<b>9,896,411</b>	<b>9,127,621</b>

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

(b) An implicit interest adjustment is made to take account of long term repayment aspect on secured debt. Debtors - secured, were discounted at 0.72% (2019: 1.07%) using the 5 year bond rate (source :Western Astralian Treasury Corporation) at 30 June 2020.

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

### 5.2 Other assets

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

	2020 \$	2019 \$
<b>Current</b>		
Prepayments	732,760	440,378
<b>Total current</b>	<b>732,760</b>	<b>440,378</b>

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

**Note 5. Other assets and liabilities (continued)****5.3 Payables**

	2020 \$	2019 \$
<b>Current</b>		
Grant of aid commitments	27,738,845	22,126,330
Accrued expenses	482,251	622,408
Accrued salaries	379,177	114,113
Accrued superannuation	49,426	27,693
Staff benefit fund	8,295	12,430
Unclaimed monies	384	384
<b>Total current</b>	<b>28,658,378</b>	<b>22,903,358</b>

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

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

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

**5.4 Contract liabilities**

	2020 \$	2019 \$
Opening balance at the beginning of the period	2,211,174	-
Additions	1,221,775	-
Revenue recognised in the reporting period	(1,132,141)	-
<b>Closing balance at the end of period</b>	<b>2,300,808</b>	<b>-</b>
<b>Current</b>	<b>1,178,034</b>	<b>-</b>
<b>Non-current</b>	<b>1,122,774</b>	<b>-</b>

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

**5.5 Grant liabilities**

	2020 \$	2019 \$
Opening balance at the beginning of the period	12,961	-
Additions	-	-
Revenue recognised in the reporting period	(12,961)	-
<b>Closing balance at the end of period</b>	<b>-</b>	<b>-</b>

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





## Notes to the financial statements for the year ended 30 June 2020

## Note 6. Financing

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

	Note	2020 \$	2019 \$
Lease liabilities	6.1	70,281,277	-
Finance costs	6.2	2,140,629	-
Cash and cash equivalents	6.3	42,431,859	37,241,672

### 6.1 Lease liabilities

	2020 \$	2019 \$
Current	3,566,699	-
Non-current	66,714,578	-
<b>Total lease liabilities</b>	<b>70,281,277</b>	<b>-</b>

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

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

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

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

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

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

This section should be read in conjunction with note 4.2.

### Subsequent Measurement

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

### 6.2 Finance costs

	2020 \$	2019 \$
<b>Finance costs</b>		
Lease interest expenses	2,140,629	-
<b>Finance costs expensed</b>	<b>2,140,629</b>	<b>-</b>

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



## Notes to the financial statements for the year ended 30 June 2020

## Note 6. Financing (continued)

## 6.3 Cash and cash equivalents

	2020 \$	2019 \$
<b>Current</b>		
Cash and cash equivalents	27,294,890	12,156,965
Restricted cash and cash equivalents <sup>(a)</sup>	159,376	174,675
Financial assets held at amortised cost - Other term deposits	14,400,000	24,500,000
<b>Total current</b>	<b>41,854,266</b>	<b>36,831,640</b>
<b>Non-current</b>		
Restricted cash and cash equivalents <sup>(b)</sup>	577,593	410,032
<b>Total non-current</b>	<b>577,593</b>	<b>410,032</b>
<b>Balance at end of period</b>	<b>42,431,859</b>	<b>37,241,672</b>

(a) Current restricted cash and cash equivalents include Commonwealth CLC funding and Commonwealth paid parental leave funding.

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

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

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



## Note 7. Financial instruments and Contingencies

	Notes
Financial instruments	7.1
Contingent assets and liabilities	7.2

### 7.1 Financial instruments

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

	2020 \$	2019 \$
<b>Financial Assets</b>		
Cash and cash equivalents <sup>(a)</sup>	28,031,859	12,741,672
Financial assets at amortised cost <sup>(b) (c)</sup>	23,951,969	33,314,884
<b>Total financial assets</b>	<b>51,983,828</b>	<b>46,056,556</b>
<b>Financial Liabilities</b>		
Financial liabilities at amortised cost	98,939,655	22,903,358
<b>Total financial liabilities</b>	<b>98,939,655</b>	<b>22,903,358</b>

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

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

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

### 7.2 Contingent assets and liabilities

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

## Note 8. Other disclosures

	Note
Events occurring after the end of the reporting period	8.1
Initial application of Australian Accounting Standards	8.2
Key management personnel	8.3
Related party transactions	8.4
Related bodies	8.5
Affiliated bodies	8.6
Special purpose accounts	8.7
Remuneration of auditors	8.8
Equity	8.9
Supplementary financial information	8.10
Explanatory statement	8.11
Special category funding	8.12
Community Legal Centres	8.13



## Note 8. Other disclosures (continued)

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

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

### 8.2 Initial application of Australian Accounting Standards

#### (a) AASB 15 Revenue from Contract with Customers and AASB 1058 Income of Not-for-Profit Entities

AASB 15 Revenue from Contracts with Customers replaces AASB 118 Revenue and AASB 111 Construction Contracts for annual reporting periods on or after 1 January 2019. Under the new model, an entity shall recognise revenue when (or as) the entity satisfies a performance obligation by transferring a promised good or service and is based upon the transfer of control rather than transfer of risks and rewards.

AASB15 focuses on providing sufficient information to the users of financial statements about the nature, amount, timing and uncertainty of revenue and cash flows arising from the contracts with customers. Revenue is recognised by applying the following five steps:

- Identifying contracts with customers
- Identifying separate performance obligations
- Determining the transaction price of the contract
- Allocating the transaction price to each of the performance obligations
- Recognising revenue as each performance obligation is satisfied.

Revenue is recognised either over time or at a point in time. Any distinct goods or services are separately identified and any discounts or rebates in the contract price are allocated to the separate elements.

In addition, income other than from contracts with customers are subject to AASB 1058 Income of Not-for-Profit Entities. Income recognition under AASB 1058 depends on whether such a transaction gives rise to liabilities or a contribution by owners related to an asset (such as cash or another asset) recognised by the Commission.

The Commission adopts the modified retrospective approach on transition to AASB 15 and AASB 1058. No comparative information will be restated under this approach, and the Commission recognises the cumulative effect of initially applying the standard as an adjustment to the opening balance of accumulated surplus/(deficit) at the date of initial application (1 July 2019).

Under this transition method, the Commission elects not to apply the standards retrospectively to non-completed contracts at the date of initial application.

Refer to Note 3.1, 3.2 and 3.3 for the revenue and income accounting policies adopted from 1 July 2019.

The effect of adopting AASB 15 and AASB 1058 are as follows:

	30 June 2020	Adjustments	30 June 2020 under AASB 118 and 1004
User charge and fees	2,942,311	89,634	3,031,945
Commonwealth grants and contributions	37,081,330	(12,961)	37,068,369
<b>Net Result</b>	<b>40,023,641</b>	<b>76,673</b>	<b>40,100,314</b>



## Note 8. Other disclosures (continued)

### 8.2 Initial application of Australian Accounting Standards (continued)

#### (b) AASB 16 Leases

AASB 16 Leases supersedes AASB 117 Leases and related Interpretations. AASB 16 primarily affects lessee accounting and provides a comprehensive model for the identification of lease arrangements and their treatment in the financial statements of both lessees and lessors.

The Commission applies AASB 16 Leases from 1 July 2019 using the modified retrospective approach. As permitted under the specific transition provisions, comparatives are not restated. The cumulative effect of initially applying this Standard is recognised as an adjustment to the opening balance of accumulated surplus/(deficit).

The main changes introduced by this Standard include identification of lease within a contract and a new lease accounting model for lessees that require lessees to recognise all leases (operating and finance leases) on the Statement of Financial Position as right-of-use assets and lease liabilities, except for short term leases (lease terms of 12 months or less at commencement date) and low-value assets (where the underlying asset is valued less than \$5,000). The operating lease and finance lease distinction for lessees no longer exists.

Under AASB 16, the Commission takes into consideration all operating leases that were off balance sheet under AASB 117 and recognises:

- a) Right of use assets and lease liabilities in the statement of financial position, initially measured at the present value of future lease payments, discounted using the incremental borrowing rate (ranging from 1.7% to 3.2% depends on the length of the lease) on 1 July 2019;
- b) Depreciation of right-of-use assets and interest on lease liabilities in the statement of comprehensive income; and
- c) The total amount of cash paid as principal amount, which is presented in the cash flows from financing activities, and interest paid, which is presented in the cash flows from operating activities, in the Statement of Cash Flows.

The Commission measures concessionary leases that are of low value terms and conditions at cost at inception. There is no financial impact as the concessionary leases the Commission possess are at no cost at the date of transition.

The right-of-use assets are assessed for impairment at the date of transition and the Commission has not identified any impairments to its right-of-use assets.

On transition, the Commission has elected to apply the following practical expedients in the assessment of their leases that were previously classified as operating leases under AASB 117:

- (a) Where the lease term at initial application ended within 12 months, the Commission has accounted for these as short-term leases;
- (b) Initial direct costs have been excluded from the measurement of the right-of-use asset; and
- (c) Hindsight has been used to determine if the contracts contained options to extend or terminate the lease.

The Commission has not reassessed whether existing contracts are, or contained a lease at 1 July 2019. The requirements of paragraphs 9-11 of AASB 16 are applied to contracts that came into existence post 1 July 2019.



## Notes to the financial statements for the year ended 30 June 2020

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

Operating lease commitments disclosed as at 30 June 2019	74,518,600
Less: non lease component <sup>(a)</sup>	(10,603,642)
Operating lease commitments after adjustment as at 30 June 2019	63,914,958
Discounted using incremental borrowing rate at date of initial application <sup>(b)</sup>	54,126,509
Add: Government housing lease not included in operating lease commitments as at 30 June 2019	133,266
Add: Additional Lease liability recognised due to option assessment <sup>(c)</sup>	19,047,281
(Less): Short term leases not recognised as liability	(10,023)
<b>Lease liability recognised at 1 July 2019</b>	<b>73,297,033</b>
Current lease liabilities	<b>3,286,032</b>
Non-current lease liabilities	<b>70,011,001</b>

(a) Variable outgoings are considered as non lease component of accommodation leases, and separated from the calculation, in accordance with AASB 16 and WA Treasury Accounting Policy Guidelines.

(b) The WATC incremental borrowing rate was used for the purposes of calculating the lease transition opening balance.

(c) Lease term includes non-cancellable period of a lease, together with periods covered by an option to extend the lease that the Commission is reasonably certain to exercise that option.

**8.3 Key management personnel**

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

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

<b>Compensation of members of the Commission</b>	<b>2020</b>	<b>2019</b>
Compensation Band (\$)		
0 - 10,000	5	5
20,001 - 30,000	1	1
470,001 - 480,000	1	1
	7	7
	\$	\$
<b>Total compensation of members of the Commission</b>	<b>529,706</b>	<b>500,130</b>





## Note 8. Other disclosures (continued)

### 8.3 Key management personnel (continued)

Compensation of senior officers	2020	2019
Compensation Band (\$)		
80,001 - 90,000	-	1
90,001 - 100,000	1	-
150,001 - 160,000	-	1
170,001 - 180,000	3	1
190,001 - 200,000	1	2
210,000 - 220,000	-	1
220,001 - 230,000	-	3
230,001 - 240,000	3	1
250,001 - 260,000	2	2
260,001 - 270,000	1	1
	<b>11</b>	<b>13</b>
	\$	\$
<b>Total compensation of senior officers</b>	<b>2,297,721</b>	<b>2,735,237</b>
	\$	\$
<b>Total compensation of key management personnel</b>	<b>2,827,427</b>	<b>3,235,367</b>

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

### 8.4 Related party transactions

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

Related parties of the Commission include:

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

### Material transactions with other related parties

In 2019/20, the Commission had related party transactions with a member of the Commission.

- The party was assigned client files by the Commission and provided legal services to the Commission's clients. The total payments made to this party were \$20,732 during this period. These payments were arm's length transactions following the Commission's formal assignment processes. As at 30 June 2020 the amount of \$29,455 was payable.



## Notes to the financial statements for the year ended 30 June 2020

**Note 8. Other disclosures (continued)****8.5 Related bodies**

The Commission had no related bodies during the financial year.

**8.6 Affiliated bodies**

The Commission had no affiliated bodies during the financial year.

**8.7 Special purpose accounts****(i) Child Representation Trust Fund**

The Child Representation Trust Fund has been established essentially for monies received from client contributions. These contributions are not received from the aided person being the child, but from other parties to the proceedings, typically being the parents of the child.

	2020 \$	2019 \$
Balance at start of period	-	-
Receipts	-	-
Payments	-	-
<b>Balance at end of period</b>	<b>-</b>	<b>-</b>

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

**(ii) Client Trust Fund**

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

	2020 \$	2019 \$
Balance at start of period	7,000	37,343
Receipts	668,968	803,442
Payments	(668,968)	(833,785)
<b>Balance at end of period</b>	<b>7,000</b>	<b>7,000</b>

In addition to the above, individual interest bearing trust accounts in the name of the Director of Legal Aid in trust for "clients" administered by the Legal Aid Commission.

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

**8.8 Remuneration of auditors**

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

	2020 \$	2019 \$
Auditing the accounts, financial statements and key performance indicators	85,189	85,189

The remuneration of the auditor is included at note 2.4 'Supplies and services'. The remuneration to 30 June 2020 was not accrued as work was not substantially completed. This amount excludes GST.



## Note 8. Other disclosures (continued)

### 8.9 Equity

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

	2020 \$	2019 \$
<b>Contributed equity</b>		
Balance at start of period	595,669	595,669
Contribution by owners		
Capital appropriation	-	-
<b>Total contributions by owners</b>	-	-
Distribution to owners		
Net assets transferred to government	-	-
<b>Total distributions to owners</b>	-	-
<b>Balance at end of period</b>	<b>595,669</b>	<b>595,669</b>
	2020 \$	2019 \$
<b>Reserves</b>		
Asset revaluation surplus		
Balance at start of period	137,971	136,874
Net revaluation increments/(decrements)		
Buildings	3,077	1,097
Land	-	-
<b>Balance at end of period</b>	<b>141,048</b>	<b>137,971</b>
	2020 \$	2019 \$
Accumulated surplus		
Balance at start of period	18,475,150	18,573,264
Change in accounting policy	(2,224,135)	37,762
(Deficit)/surplus for this period	(2,308,752)	(135,876)
<b>Balance at end of period</b>	<b>13,942,263</b>	<b>18,475,150</b>
<b>Total equity at end of period</b>	<b>14,678,980</b>	<b>19,208,790</b>

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



## Note 8. Other disclosures (continued)

### 8.10 Supplementary financial information

#### (a) Write-Offs

During the financial year, \$287,763 (2019: \$171,150) was written off the Commission's asset register under the authority of:

	2020 \$	2019 \$
Debts written off during the year that were authorised by the Commission	287,763	171,750
<b>Total</b>	<b>287,763</b>	<b>171,750</b>

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

	2020 \$	2019 \$
Losses of public money and public and other property through theft or default	41	150
Amount recovered	-	-
	<b>41</b>	<b>150</b>

#### (c) Gifts of public property

There were nil (2019:nil) gift of public property during the period.



## Notes to the financial statements for the year ended 30 June 2020

## Note 8. Other disclosures (continued)

## 8.11 Explanatory statement

All variances between estimates (original budget) and the actual results for 2020 and between the actual results for 2020 and 2019 are shown below. Narratives are provided for key major variances, which are generally greater than 10% and \$1 million for the Statements of Comprehensive Income, Cash Flows, and the Statement of Financial Position.

## 8.11.1 Statement of Comprehensive Income

	Variance Note	2020 Estimate \$	2020 Actual \$	2019 Actual \$	Variance between Estimate and Actual \$	Variance between Actual for 2019 and 2020 \$
<b>Expenses</b>						
Employee benefit expense		35,424,000	36,080,371	33,596,015	656,371	2,484,356
Supplies and services		5,950,000	5,888,714	5,582,884	(61,286)	305,830
Depreciation and amortisation expense	a	6,796,000	6,249,053	515,081	(546,947)	5,733,972
Finance costs	a	2,746,000	2,140,629	-	(605,371)	2,140,629
Accommodation expenses	1, a	96,000	1,390,801	6,468,603	1,294,801	(5,077,802)
Legal services expenses	2, b	20,876,000	32,968,230	28,162,396	12,092,230	4,805,834
Community Legal Centre grants	3	10,341,000	12,477,280	11,607,067	2,136,280	870,213
Other expenses		981,000	1,252,271	1,467,734	271,271	(215,463)
<b>Total Cost of Services</b>		<b>83,210,000</b>	<b>98,447,349</b>	<b>87,399,780</b>	<b>15,237,349</b>	<b>11,047,569</b>
<b>Income</b>						
User charges and fees		2,338,000	2,942,311	3,075,670	604,311	(133,359)
Commonwealth grants and contributions	4, c	32,651,000	37,081,330	32,599,393	4,430,330	4,481,937
Interest revenue		912,000	826,337	1,276,665	(85,663)	(450,328)
Other revenue		95,000	310,222	180,984	215,222	129,238
<b>Total Revenue</b>		<b>35,996,000</b>	<b>41,160,200</b>	<b>37,132,712</b>	<b>5,164,200</b>	<b>4,027,488</b>
<b>Gains</b>						
Gain on disposal of non-current assets		-	-	-	-	-
<b>Total Gains</b>		<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Net Cost of Services</b>		<b>47,214,000</b>	<b>57,287,149</b>	<b>50,267,068</b>	<b>10,073,150</b>	<b>7,020,081</b>
<b>Income from State Government</b>						
State Government grant	5	44,935,000	53,481,000	48,666,000	8,546,000	4,815,000
Other State Community Legal Centre funding	6	-	1,394,540	1,377,540	1,394,540	17,000
Services received free of charge		-	1,254	-	1,254	1,254
Royalties for Regions Fund		85,000	101,603	87,652	16,603	13,951
<b>Total income from State Government</b>		<b>45,020,000</b>	<b>54,978,397</b>	<b>50,131,192</b>	<b>9,958,397</b>	<b>4,847,205</b>
<b>Surplus / (Deficit) for the period</b>		<b>(2,194,000)</b>	<b>(2,308,752)</b>	<b>(135,876)</b>	<b>(114,753)</b>	<b>(2,172,876)</b>



## Note 8. Other disclosures (continued)

### 8.11 Explanatory statement (continued)

#### Major Variance Narratives

##### Variances between estimate and actual

1. Accommodation expenses are higher than the estimates mainly relates to accounting treatment for the variable outgoings associated with leased office accommodations. These expenses were included in lease liability calculation in estimates, however the actuals were transferred to accommodation expenses due to the revised Treasurer's instruction. Refer to 8.2(b) *a measurement of lease liability* for further detail.
2. Legal service expenses are higher than the estimates largely due to:
  - (i) additional resource allocation for State criminal casework (\$1.461 million) as a result of additional 2019-20 Cost and Demand Model funding,
  - (ii) higher than budgeted costs for State indictable criminal matters (\$2.196 million), State expensive cases (\$3.805 million), Commonwealth expensive criminal cases (\$1.264 million), and State family and civil matters (1.058 million),
  - (iii) additional grants of aid for Commonwealth Family Independent Children's Lawyers (\$1.016 million) cases; and
  - (iv) a number of Commonwealth funded projects were approved and expenses incurred in 2019-20 after the estimates were finalised, which includes the Family Violence and Cross-Examination of Parties Scheme and the family lawyer-assisted mediation trial for eligible property matters.
3. Community Legal Centre actual grant expenses are higher than the estimates due to:
  - (i) additional distribution to State Community Legal Centres funded by the Proceeds of Criminal Confiscation fund (\$1.395 million) replacing the loss of Legal Contribution Trust grant funding,
  - (ii) additional distribution to State Community Legal Centres funded under the State Equal Remuneration Order supplementation (\$0.474 million), and
  - (iii) additional distribution under the 2019-20 Cost and Demand Model funding allocation. (\$0.119 million).
4. Commonwealth grants and contribution are higher than the estimate mainly due to below funding being not included in original budget:
  - (i) Commonwealth Expensive Criminal Cases (\$2.287 million),
  - (ii) extension of Commonwealth funded Family Advocacy and Support Services (\$1.008 million),
  - (iii) Family Violence and Cross-Examination of Parties Scheme (\$0.593 million), and
  - (iv) Family lawyer-assisted mediation trial for eligible property matters (\$0.316 million).
5. State grants and contribution are higher than the estimate mainly due to:
  - (i) supplementary funding (\$5.551 million) received to fund the State indictable (\$3.153 million) and expensive criminal matters (\$2.398 million),
  - (ii) additional State funding (\$0.522 million) received to support staff working from home, additional office cleaning and necessary personal protective equipment in response to the COVID-19 pandemic,
  - (iii) additional Cost and Demand Model funding (\$1.580 million),
  - (iv) additional funding provided by State Government to support the workload in relation to the amendment of the *Fines, Penalties and Infringement Notice Enforcement Act 1994 (WA)* (\$0.232 million), and
  - (v) additional funding (\$0.474 million) received for Community Legal Centre grants for Equal Remuneration Order supplement funding.





## Note 8. Other disclosures (continued)

### 8.11 Explanatory statement (continued)

6. Other State Community Legal Centre funding is higher than estimate due to the additional State grant funding (\$1.395 million) received from Proceeds of Criminal Confiscation fund to replace the loss of Legal Contribution Trust grant funding for Community Legal Centres.

#### Variances between actual results for 2020 and 2019

- a. The variance between actual 2019 and 2020 for depreciation and amortisation expenses, finance cost and accommodation expenses relates to initial application of AASB 16 Leases which changed the recognition of leases from accommodation expenses to finance cost and depreciation expenses. Refer to notes 4.2, 6.2 and 8.2 for further detail.
- b. The increase of legal service expenses in 2019-20 is largely due to:
  - (i) increased demand on State indicatable and expensive criminal cases (\$2.403 million),
  - (ii) increased cost for Commonwealth expensive criminal cases (\$1.252 million),
  - (iii) increased cost pressure in State Family care and protection matters, Applications for Violence Restraining Orders, and separate child representation matters (in total \$0.580 million), and
  - (iv) a number of Commonwealth funded projects have been approved in 2019-20 as compared with prior year which includes grants of aid under the Family Violence Cross-Examination of Parties Scheme and the family lawyer-assisted mediation trial for eligible property matters.
- c. The increase of Commonwealth grants and contributions compared to 2018-19 is mainly due to:
  - (i) increased funding for Commonwealth Expensive Criminal Cases fund (\$2.221 million),
  - (ii) additional funding received for Commonwealth family law projects (\$0.909 million),
  - (iii) additional funding received under Commonwealth National Partnership Agreement 2015-2020 (\$0.738 million), and
  - (iv) additional funding received to expand the Commonwealth Family Advocacy and Support service to include dedicated men's support workers (\$0.334 million).



### Note 8. Other disclosures (continued)

#### 8.11 Explanatory statement (continued)

##### 8.11.2 Statement of Financial Position

	Variance Note	2020 Estimate \$	2020 Actual \$	2019 Actual \$	Variance between Estimate and Actual \$	Variance between Actual for 2019 and 2020 \$
<b>ASSETS</b>						
<b>Current Assets</b>						
Cash and cash equivalents	1, a	8,351,000	27,294,890	12,156,965	18,943,890	15,137,925
Restricted cash and cash equivalents		195,000	159,376	174,675	(35,624)	(15,299)
Receivables	2	1,876,000	3,696,496	3,261,241	1,820,496	435,255
Other financial assets	1,a	25,000,000	14,400,000	24,500,000	(10,600,000)	(10,100,000)
Other current assets		574,000	732,760	440,378	158,760	292,382
<b>Total Current Assets</b>		<b>35,996,000</b>	<b>46,283,522</b>	<b>40,533,259</b>	<b>10,287,522</b>	<b>5,750,263</b>
<b>Non-Current Assets</b>						
Restricted cash and cash equivalents		277,000	577,593	410,032	300,593	167,561
Receivables	2	5,120,000	6,199,915	5,866,380	1,079,915	333,535
Right-of-use asset	3, b	58,600,000	67,929,236	-	9,329,236	67,929,236
Property plant & equipment		1,738,000	1,164,032	1,274,622	(573,968)	(110,590)
Intangible assets		862,000	737,448	553,195	(124,552)	184,253
<b>Total Non-Current Assets</b>		<b>66,597,000</b>	<b>76,608,224</b>	<b>8,104,229</b>	<b>10,011,224</b>	<b>68,503,995</b>
<b>TOTAL ASSETS</b>		<b>102,593,000</b>	<b>122,891,746</b>	<b>48,637,488</b>	<b>20,298,746</b>	<b>74,254,258</b>
<b>LIABILITIES</b>						
<b>Current Liabilities</b>						
Payables	4, c	21,038,000	28,658,378	22,903,358	7,620,378	5,755,020
Provisions		4,781,000	5,973,152	5,411,934	1,192,152	561,218
Lease liabilities	5, d	4,428,000	3,566,699	-	(861,301)	3,566,699
Contract liabilities	e	2,624,000	1,178,034	-	(1,445,966)	1,178,034
Other current liabilities		18,000	-	-	(18,000)	-
<b>Total Current Liabilities</b>		<b>32,889,000</b>	<b>39,376,263</b>	<b>28,315,292</b>	<b>6,487,263</b>	<b>11,060,971</b>
<b>Non-Current Liabilities</b>						
Provisions		1,251,000	999,151	1,113,406	(251,849)	(114,255)
Lease liabilities	5, d	55,982,000	66,714,578	-	10,732,578	66,714,578
Contract liabilities	e	-	1,122,774	-	1,122,774	1,122,774
<b>Total Non-Current Liabilities</b>		<b>57,233,000</b>	<b>68,836,503</b>	<b>1,113,406</b>	<b>11,603,503</b>	<b>66,600,323</b>
<b>TOTAL LIABILITIES</b>		<b>90,122,000</b>	<b>108,212,766</b>	<b>29,428,698</b>	<b>18,090,766</b>	<b>77,661,294</b>
<b>NET ASSETS</b>		<b>12,471,000</b>	<b>14,678,980</b>	<b>19,208,790</b>	<b>2,207,980</b>	<b>(4,529,810)</b>



## Notes to the financial statements for the year ended 30 June 2020

## Note 8. Other disclosures (continued)

## 8.11 Explanatory statement (continued)

## 8.11.2 Statement of Financial Position (continued)

	Variance Note	2020 Estimate \$	2020 Actual \$	2019 Actual \$	Variance between Estimate and Actual \$	Variance between Actual for 2019 and 2020 \$
<b>EQUITY</b>						
Contributed equity		596,000	595,669	595,669	(331)	-
Reserves		137,000	141,048	137,971	4,048	3,077
Accumulated surplus	6, f	11,738,000	13,942,263	18,475,150	2,204,263	(4,532,887)
<b>TOTAL EQUITY</b>		<b>12,471,000</b>	<b>14,678,980</b>	<b>19,208,790</b>	<b>2,207,980</b>	<b>(4,529,810)</b>

## Major Variance Narratives

## Variances between estimate and actual

- The combined variance for Cash and cash equivalent and Other financial assets (terms deposits held at period end) between actual and estimates is \$8.343 million. The variance is due to:
  - \$5.091 million of grants of legal aid committed to private practitioners during the year remaining payable at year end,
  - cash payments for capital works are \$0.966 million less than the estimates largely due to postponing the Kalgoorlie and South Hedland office fit-out, Document Management System upgrade and the redevelopment of Legal Aid's core grants management system into future years,
  - \$2.287 million of Commonwealth expensive cases funding received in 2019-20, was not included in original budget. The funding of \$1.941 million was not fully expended in 2019-20,
  - additional State funding (\$0.522 million) was received to support staff working from home, additional office cleaning and necessary personal protective equipment in response to the COVID-19 pandemic, and funding of \$0.191 million was not fully expended in 2019-20, and
  - the remaining balance relates to a number of Commonwealth funded projects approved in 2019-20 which were not included in original budget. It includes extension of Commonwealth funded Family Advocacy and Support Services, grants of aid under the Family Violence Cross-Examination of Parties Scheme and family lawyer-assisted mediation trial for eligible property matters. The funding was not fully expended in 2019-20.
- The combined variance for current and non-current receivable balances between actual and estimates is due to:
  - estimates projected a higher level of collection giving consideration to early payment incentives provided to the secured debtors whose files were finalised at the end of June 2019; however only 4% of secured debtors have taken that offer, and
  - underestimated level of accrued GST receivable on grant of aid liability at end of year. Refer to point 4 for the variance between estimated and actual for the grant of aid liability (payables).
- The right of use assets balances are higher than estimates due to additional right of use assets recognised from re-assessment of lease options during initial application of AASB 16. Refer to 8.2(b) a measurement of lease liability for further detail.



#### Note 8. Other disclosures (continued)

##### 8.11 Explanatory statement (continued)

4. Payables are higher than the estimates is due to a combination of:

- (i) \$5.091 million of grants of legal aid committed to private practitioners during the year remaining to be paid to private practitioners at year end,
- (ii) underestimated level of accrued GST component on grant of aid liability at end of year (\$0.7 million), and
- (iii) the remaining balance relates to over-estimation of payments for legal aid commitment of prior years. The delay of payment is mainly due to court closure and other restrictions due to the COVID-19 pandemic.

5. The combined variance for current and non-current lease liabilities between actual and estimates is \$9,871,277, which is due to additional lease liability recognised from re-assessment of lease options during initial application of AASB 16. Refer to 8.2(b) a measurement of lease liability for further detail.

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

##### Variances between actual results for 2020 and 2019

a. The combined variance for Cash and cash equivalent and Other financial assets between 2019-20 and 2018-19 is \$5.0 million. The variance is due to:

- (i) \$5.761 million of State government supplementary funding received in 2019-20 in comparison of \$4.568 million received in 2018-19. The funding is received for state expensive cases and indictable criminal matters, which has not been fully expended in 2019-20,
- (ii) \$2.287 million of Commonwealth expensive cases funding received in 2019-20 in comparison of \$65,837 received in 2018-19. The funding was not fully expended in 2019-20, and
- (iii) a number of Commonwealth funded projects have been approved in 2019-20 as compared with prior year which includes grants of aid under the Family Violence Cross-Examination of Parties Scheme and family lawyer-assisted mediation trial for eligible property matters. The funding was not fully expended in 2019-20.

b. The variance for right of use asset between 2019-20 and 2018-19 is due to initial application of AASB 16 Leases in 2019-20.

c. The payable balance in 2019-20 is higher than 2018-19 mainly due to \$5.091 million of grants of legal aid committed to private practitioners during the year remaining payable at year end.

d. The combined variance for current and non-current lease liabilities between 2019-20 and 2019-18 is due to initial application of AASB 16 Leases in 2019 - 20. Refer to 8.2(b) a measurement of lease liability for further detail.

e. The variance for current and non-current contract liabilities between 2019-20 and 2019-18 is due to initial application of AASB 15 Revenue from contracts with customers in 2019 - 20. Refer to 8.2(a) AASB 15 Revenue from Contract with Customers and AASB 1058 Income of Not-for-Profit Entities for further detail.

f. The accumulated surplus of 2019-20 is lower than 2018-19 mainly due to:

- (i) adjustment of \$2,224,135 in the opening balance for initial application of AASB 15 / AASB 1058. Refer to 5.4 contract liabilities and 5.5 grant liabilities for further detail, and
- (ii) deficit of \$2,189,295 for 2019-20.



## Notes to the financial statements for the year ended 30 June 2020

## Note 8. Other disclosures (continued)

## 8.11 Explanatory statement (continued)

## 8.11.3 Statement of Cash Flows

	Variance Note	2020 Estimate \$	2020 Actual \$	2019 Actual \$	Variance between Estimate and Actual \$	Variance between Actual for 2019 and 2020 \$
<b>CASH FLOWS FROM STATE GOVERNMENT</b>						
State Government grants	1	44,935,000	53,481,000	48,666,000	8,546,000	4,815,000
Other State Community Legal Centre funding	2	-	1,394,540	1,377,540	1,394,540	17,000
Royalties for Regions Fund		85,000	101,603	87,652	16,603	13,951
<b>Net cash provided by State Government</b>		<b>45,020,000</b>	<b>54,977,143</b>	<b>50,131,192</b>	<b>9,957,143</b>	<b>4,845,951</b>
Utilised as follows:						
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>						
<b>Payments</b>						
Employee benefits		(35,785,000)	(35,434,464)	(33,573,259)	350,536	(1,861,205)
Supplies and services		(5,657,000)	(6,166,951)	(5,431,218)	(509,951)	(735,733)
Accommodation	3, a	(96,000)	(1,418,273)	(6,379,898)	(1,322,273)	4,961,625
Legal services	4	(20,876,000)	(27,877,033)	(26,470,411)	(7,001,033)	(1,406,622)
GST payments on purchases	5	(3,090,000)	(5,457,706)	(5,106,528)	(2,367,706)	(351,178)
Interest payment for lease liabilities	a	(2,746,000)	(1,966,400)	-	779,600	(1,966,400)
Other payments	6	(11,462,000)	(13,483,823)	(12,836,194)	(2,021,823)	(647,629)
<b>Receipts</b>						
User charges and fees		2,486,000	2,684,195	2,579,701	198,195	104,494
Commonwealth grants and contributions	7, b	32,651,000	36,968,369	33,099,393	4,317,369	3,868,976
Interest received		912,000	848,866	1,170,549	(63,134)	(321,683)
GST receipts on sales		34,000	50,889	59,638	16,889	(8,749)
GST receipts from taxation authority	5	3,058,000	5,249,208	4,967,697	2,191,208	281,511
Other receipts		675,000	359,668	121,507	(315,332)	238,161
<b>Net cash provided by/(used in) operating activities</b>		<b>(39,896,000)</b>	<b>(45,643,455)</b>	<b>(47,799,023)</b>	<b>(5,747,455)</b>	<b>2,155,568</b>



## Notes to the financial statements for the year ended 30 June 2020

## Note 8. Other disclosures (continued)

## 8.11 Explanatory statement (continued)

## 8.11.3 Cash Flows from Investing Activities

	Variance Note	2020 Estimate \$	2020 Actual \$	2019 Actual \$	Variance between Estimate and Actual \$	Variance between Actual for 2019 and 2020 \$
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>						
<b>Payments</b>						
Purchase of non-current physical assets		(1,497,000)	(531,111)	(217,231)	965,889	(313,880)
<b>Net cash provided by/(used in) investing activities</b>		<b>(1,497,000)</b>	<b>(531,111)</b>	<b>(217,231)</b>	<b>965,889</b>	<b>(313,880)</b>
<b>CASH FLOWS FROM FINANCING ACTIVITIES</b>						
<b>Payments</b>						
Repayment of lease liabilities	a	(4,085,000)	(3,612,390)	-	472,610	(3,612,390)
<b>Net cash provided by/(used in) financing activities</b>		<b>(4,085,000)</b>	<b>(3,612,390)</b>	<b>-</b>	<b>472,610</b>	<b>(3,612,390)</b>
Net increase/(decrease) in cash and cash equivalents	8, c	(458,000)	5,190,187	2,114,938	5,648,187	3,075,249
Cash and cash equivalents at the beginning of period		34,281,000	37,241,672	35,126,734	2,960,672	2,114,938
<b>CASH AND CASH EQUIVALENTS AT THE END OF PERIOD</b>		<b>33,823,000</b>	<b>42,431,859</b>	<b>37,241,672</b>	<b>8,608,859</b>	<b>5,190,187</b>

## Major Variance Narratives

## Variances between estimate and actual

1. State government grants are higher than the estimate mainly due to:

- (i) supplementary funding (\$5.551 million) received to fund the State indictable (\$3.153 million) and expensive criminal matters (\$2.398 million),
- (ii) additional State funding (\$0.522 million) received to support staff working from home, additional office cleaning and necessary personal protective equipment in response to the COVID-19 pandemic,
- (iii) additional Cost and Demand model funding (\$1.580 million),
- (iv) additional funding (\$0.232 million) provided by State Government to support the workload in relation to the amendment of the *Fines, Penalties and Infringement Notice Enforcement Act 1994 (WA)*, and
- (v) additional funding (\$0.474 million) received for Community Legal Centre grants for Equal Remuneration Order Supplement Funding.

2. Other State Community Legal Centre Funding is higher than estimate due to the additional State grant funding (\$1.395 million) received from Proceeds of Criminal Confiscation fund to replace the loss of Legal Contribution Trust grant funding for community legal centers.





## Note 8. Other disclosures (continued)

### 8.11 Explanatory statement (continued)

3. Accommodation expenses are higher than the estimates mainly relates to accounting treatment for the variable outgoings associated with leased office accommodations. These expenses were included in lease liability calculation in estimates, however the actuals were transferred to accommodation expenses due to the revised Treasurer's instruction. Refer to 8.2(b) a measurement of lease liability for further detail.

4. Legal service expenses are higher than the estimates largely due to:

- (i) additional resource allocation for State criminal casework (\$1.461 million) as a result of additional 2019-20 Cost and Demand Model funding,
- (ii) higher than budgeted costs for State indictable criminal matters (\$2.196 million), State expensive cases (\$3.805 million), Commonwealth expensive criminal cases (\$1.264 million), and State family and civil matters (1.058 million),
- (iii) additional grants of aid for Commonwealth family Independent Children's Lawyers (\$1.016 million) cases,
- (iv) a number of Commonwealth funded projects were approved and expenses incurred in 2019-20 after the estimates were finalised which includes Family Violence and Cross-Examination of Parties Scheme and family lawyer-assisted mediation trial for eligible property matters, and
- (v) The total of above variance was offset by \$5.091 million of grants of legal aid committed to private practitioners during 2019-20 which remain payable at the end of the year.

5. The variances for GST payments on purchases and GST receipt from taxation authority is higher than the estimates mainly due to higher legal service expenses and higher Community Legal Centre grants paid during 2019-20.

6. Other payments are higher than the estimates mainly due to higher State Community Legal Centre grants:

- (i) additional distribution to State Community Legal Centres funded by the Proceeds of Criminal Confiscation fund (\$1.395 million) replacing the loss of Legal Contribution Trust grant funding,
- (ii) additional distribution to State Community Legal Centres funded under the State Equal Remuneration Order supplementation (\$0.474 million), and
- (iii) additional distribution under the 2019-20 Cost and Demand Model funding allocation (\$0.119 million).

7. Commonwealth grants and contribution are higher than the estimate mainly due to additional funding that was not included in original budget:

- (i) Commonwealth Expensive Criminal Cases (\$2.287 million),
- (ii) extension of Commonwealth funded Family Advocacy and Support Services (\$1.008 million),
- (iii) Family Violence and Cross-Examination of Parties Scheme (\$0.593 million), and
- (iv) family lawyer-assisted mediation trial for eligible property matters (\$0.316 million).

8. The net increase/(decrease) in cash and cash equivalents is higher than estimate is due to higher than expected receipts for State and Commonwealth Government funding (\$14.258 million) offset with higher than expected payment for Legal service, accommodation and supplies and services (\$8.833 million).



## Note 8. Other disclosures (continued)

### 8.11 Explanatory statement (continued)

#### Variances between actual results for 2020 and 2019

- a. The variance between actual 2019 and 2020 for payments for accommodation expenses, Interest payment for lease liabilities and Repayment of lease liabilities relates to initial application of AASB 16 Leases. Refer to notes 4.2, 6.2 and 8.2 for further detail.
- b. The increase of Commonwealth grants and contributions compared to 2018-19 is mainly due to:
  - (i) increased funding for Commonwealth Expensive Criminal Cases fund (\$2.221 million),
  - (ii) additional funding received for Commonwealth family law projects (\$0.909 million),
  - (iii) additional funding received under Commonwealth National Partnership Agreement 2015-2020 (\$0.738 million), and
  - (iv) additional funding received to expand the Commonwealth Family Advocacy and Support service to include dedicated men's support workers (\$0.334 million).
- c. The variance for net increase/(decrease) in cash and cash equivalents 2019-20 and 2018-19 is mainly due to:
  - (i) \$5.761 million of State government supplementary funding received in 2019-20 in comparison of \$4.568 million received in 2018-19. The funding is received for state expensive cases and indictable criminal matters, which has not been fully expended in 2019-20, and
  - (ii) \$2.287 million of Commonwealth expensive cases funding received in 2019-20 in comparison of \$65,837 received in 2018-19. The funding was not fully expended in 2019-20.

### 8.12 Special category funding

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

#### (i) Finance Brokers Legal Fund

In July 2001 the Legal Aid Commission commenced maintaining special funding provided by the State Government for investigators legal actions to recover losses from defaulting finance brokers and borrowers, and those who provided professional services to those persons.

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

	2020 \$	2019 \$
<b>Balance at start of period</b>	-	167,364
Transfer	-	(167,364)
<b>Balance at end of period</b>	-	-



## Note 8. Other disclosures (continued)

### 8.12 Special category funding (continued)

#### (ii) Department of Child Protection and Family Support Legal Fund

A legal fund for private lawyers to investigate and provide advice regarding to claims that children may have been abused whilst in care of the Department of Child Protection and Family Support. The fund was fully utilised in 2018-19, and active cases will continue to be funded by internal funding.

	2020 \$	2019 \$
Balance at start of period	-	18,410
Funding	-	-
Expenditure	-	(18,410)
<b>Balance at end of period</b>	<b>-</b>	<b>-</b>

#### (iii) Indian Ocean Territories

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

	2020 \$	2019 \$
Balance at start of period	15,011	105,264
Receipt from Commonwealth	329,033	230,745
User charges and fees	2,585	3,280
Expenditure	(308,191)	(324,278)
<b>Balance at end of period</b>	<b>38,438</b>	<b>15,011</b>

#### (iv) State Expensive Cases

Arrangements exist with the State Government for additional funding to be provided to ensure expensive criminal trials involving serious charges are not delayed through lack of legal representation. Expensive cases are categorised as matters where the cost of legal representation is expected to exceed \$26,000.

	2020 \$	2019 \$
Balance at start of period	385,306	330,537
Funding	4,558,000	4,104,000
Client Contributions	137,192	227,466
Assigned expenditure	(5,834,319)	(4,186,990)
Expenditure for IHP disbursements	-	(2,325)
In-House legal services expenditure	(130,181)	(87,382)
<b>Balance at end of period</b>	<b>(884,002)</b>	<b>385,306</b>

**Note 8. Other disclosures (continued)****8.12 Special category funding (continued)***(v) Commonwealth Expensive Cases*

Arrangements exist with the Commonwealth for additional funding to be provided to ensure expensive criminal trials involving serious charges are not delayed through lack of legal representation. Expensive cases are categorised as matters where the cost of legal representation is expected to exceed \$40,000.

	2020 \$	2019 \$
Balance at start of period	39,344	(13,100)
Supplementary Funding	2,287,000	65,837
Expenditure	(1,264,980)	(13,393)
<b>Balance at end of period</b>	<b>1,061,364</b>	<b>39,344</b>

*(vi) Commonwealth Proceeds of Crime*

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

	2020 \$	2019 \$
Balance at start of period	(146,783)	(153,053)
Expenditure	(85,192)	6,270
Reimbursement	-	-
<b>Balance at end of period</b>	<b>(231,975)</b>	<b>(146,783)</b>

*(vii) Mortgage Hardship Service Fund*

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

	2020 \$	2019 \$
Balance at start of period	119,430	-
Transfer	41,387	167,364
Expenditure	(102,488)	(47,934)
<b>Balance at end of period</b>	<b>58,329</b>	<b>119,430</b>



## Note 8. Other disclosures (continued)

### 8.13 Community Legal Centres

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

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

Financial transactions for 2019/20 related to the State and Commonwealth funding for CLCs are as follows:

	State	Commonwealth
Balance at start of period	567,507	174,674
Receipts	5,909,889	6,517,826
Payments	(5,943,985)	(6,533,124)
<b>Balance at end of period</b>	<b>533,411</b>	<b>159,376</b>



## 4.2 Additional Key Performance Indicator Information

### 4.2.1 Certification of KPIs

We hereby certify that the key performance indicators are based on proper records, are relevant and appropriate for assisting users to assess the Legal Aid Commission of Western Australia's performance, and fairly represent the performance of the Legal Aid Commission of Western Australia for the financial year ended 30 June 2020.

Hon. Jane Crisford SC  
Chair of the Commission

Date: 26/8/2020

Dr Graham Hill  
Director of Legal Aid  
Member of the Commission

Date: 26/8/2020



## 4.2.2 KPI Report

### Detailed Information in Support of Key Performance Indicators

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

**Government Goal:** Strong communities: Safe communities and supported families.

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

**Agency Services Delivered:** The community and target groups require access to and the provision of quality legal services. This is achieved through the provision of eligibility and merit tests to enable legal representation to be provided to legally aided clients by grants of aid and assignment of cases to in-house or private practitioners. Legal advice and legal task, and community legal education services are delivered to target groups in the community. Information and advice and duty lawyer services are provided to assist the wider community to access fair solutions to legal problems at the earliest opportunity.

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

For the community		For target groups		
Information and advice	Duty lawyer services	Legal advice and legal tasks	Legal representation	Community education services
To assist members of the public to identify legal problems, understand the alternatives for resolution and the resources available to them in pursuing a legal solution. Includes referral to other agencies and is delivered through public counters in all offices and by 1300 INFOLINE.	To ensure that members of the public brought before the courts have access to legal advice so that they understand the options available for responding to legal proceedings in which they are involved. Available at all Magistrates Court sittings throughout WA, the Family Court of WA and the Children's Court of WA.	To assist people facing legal issues with advice and practical help, including advocacy, drafting of negotiating letters and the preparation of court documentation. Delivered by lawyers at all office locations, and by paralegal staff under supervision of solicitors.	To ensure persons from priority groups are legally represented to the extent that is necessary and commensurate with their particular individual need. Includes assessment and case management for persons who are refused assistance. Includes all services provided pursuant to a grant of aid, including Alternative Dispute Resolution (ADR).	To ensure priority groups in the community and partner organisations have access to relevant publications, self-help kits, community legal education and knowledge resources sufficient to build their capacity and self-reliance in navigating the justice system. Includes electronic access to some legal aid systems and resources by partner agencies.





### Effectiveness Indicators

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

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

Effectiveness indicator percentage of people who are provided with a duty lawyer service represents the extent to which duty lawyer services are available to ensure that all members of the public brought before the courts have access to legal advice, so that they understand the options available for responding to legal proceedings in which they are involved. Duty lawyer services are available at Magistrates Court criminal sittings throughout Western Australia, the Family Court of Western Australia and the Children's Court of WA.

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

### Desired Outcomes and Key Effectiveness/Efficiency Indicators

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

Key Effectiveness Indicators	2016-17 Actual %	2017-18 Actual %	2018-19 Actual %	2019-20 Budget %	2019-20 Actual %	Reasons For Significant Variance <sup>(1)</sup> Between Current Actuals and Target and Prior Year Comparative
Percentage of eligible applicants who received a grant of legal aid	85%	86%	88%	85%	89%	There is no significant variation
Percentage of people who are provided with a duty lawyer service	20%	20%	21%	20%	20%	There is no significant variation
Percentage of callers successfully accessing Infoline services <sup>(2)</sup>	67%	67%	58%	Discontinued	Discontinued	The decline in 2018-19 as compared with budget and prior years is mainly due to unusual turnover and training of 23 new Infoline officers in the first half of the year.
Percentage of people receiving an outcome from Infoline services <sup>(3)</sup>	n/a	n/a	n/a	69%	68%	There is no significant variation

**Service:** Legal Aid Assistance

Key Efficiency Indicators	2016-17 Actual \$	2017-18 Actual \$	2018-19 Actual \$	2019-20 Budget \$	2019-20 Actual \$	Reasons For Significant Variance <sup>(1)</sup> Between Current Actuals and Target and Prior Year Comparative
Average cost per legal representation	3,813	4,166	3,792	3,814	4,178	The 2019-20 actual is higher when compared with 2019-20 budget, 2018-19 and 2016-17 actual due to several factors. There were higher costs granted for both State and Commonwealth expensive criminal matters (including a significant expensive case in the Supreme Court which ran for approximately nine months). This case has impacted on the overall average cost of a grant of legal aid and will continue to impact into the next financial year. The average cost for family law matters has increased due to an increased number of both Independent Children's Lawyer appointments in the Family Court and Child Representative appointments in the Children's Court. There were also other factors like delays in all the superior courts, changes to court practices to accommodate COVID-19 restrictions and a steady increase in the complexity of matters generally.
Average cost per legal information service	56	61	71	59	73	<p>The 2019-20 actual costs is higher than budget as the foreseen benefits of the InfoChat for the overall agency's total information services presented in the 2019-20 budget may have been overambitious when being set at \$59. This includes the assumption of a higher number of chats and that the Infoline seats would be significantly increased. It did not occur as the funding was applied to increase InfoChat staff instead.</p> <p>The 2019-20 actual costs is higher than 2017-18 and 2016-17 actual due to the expansion of InfoChat services. Although this increased the accessibility of the service it required additional resources to continue to support both InfoLine and InfoChat services.</p>



#### 4. Disclosures and Legal Compliance

Key Efficiency Indicators	2016-17 Actual \$	2017-18 Actual \$	2018-19 Actual \$	2019-20 Budget \$	2019-20 Actual \$	Reasons For Significant Variance <sup>(1)</sup> Between Current Actuals and Target and Prior Year Comparative
Average cost per legal advice	224	236	251	245	289	There was an increase in the overall number of charges each client presents to the duty lawyer service, when compared with previous years. The result of the increase is the duty lawyer service is less likely to be able to assist a client to resolve their charges at the first appearance. Accordingly, the need for longer legal advice appointments between duty lawyer services increased the average cost. In addition the new Reducing Avoidable Remand project solicitors have been dealing with complex matters which have also had a higher demand on the time required to provide each service.
Average cost per application for a grant of legal aid processed	426	401	376	401	374	The average cost of assessing and processing applications for grants of aid has reduced over the years due to changes in management of tasks and workflows, overtime being offered and targeting of specific digital tasks (autopayments of accounts) resulting in a more efficient service.
Average cost of delivering regional initiatives for legal practice <sup>(4)</sup>	198	167	178	Discontinued	Discontinued	There is no significant variation

Note:

- (1) Significant variances are considered to be those greater than 10%.
- (2) New online Infoline chat services were introduced in Feb-2019 however were not in the 2018-19 actual result. From the 2019-20 financial year, this indicator is replaced by the new indicator "Percentage of people receiving an outcome from Infoline services" which includes both traditional Infoline and online chat services.
- (3) This is the new indicator that replaces the discontinued indicator "Percentage of callers successfully accessing infoline services", therefore, comparable data is not available.
- (4) Legal Aid will cease reporting on this indicator from 2019-20 as the cost base is only a fraction of Legal Aid's total costs. The indicator was focusing on special projects like country lawyer program which ceased to operate from 2015-16. The remaining costs left in the special projects are for online training, which is delivered at a minimal cost.



## 4.3 Ministerial Directions

No Ministerial directions were received during the 2019-20 financial year.

## 4.4 Other Financial Disclosures

### 4.4.1 Pricing Policies of Services Provided

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

### 4.4.2 Capital Works

In accordance with Treasurer's Instruction 903(13)(ii) the Legal Aid Commission of Western Australia identifies capital works projects that remain uncompleted at the end of the 2019-20 financial year and projects that were completed during the 2019-20 financial year. Explanations are provided for variations in actual expenditure that differ from the estimated total cost.

#### Capital Projects Incomplete

Project Name	Expected Year of Completion	Estimated Cost to Complete	Estimated Total Cost of Project	Variance from previous financial year	Explanation of variance
<b>Partial Refit of the South Hedland Regional Office</b> The partial refit is part of Legal Aid's ongoing investment to ensure office accommodations are maintained to adequately support the delivery of services across Western Australia.	2020-21	\$201,000	\$465,000	\$217,000	The increase of total estimated cost is due to the inclusion of a longer term plan for office refurbishment and fit-out.
<b>Partial Refit of the Kalgoorlie Regional Office</b> The partial refit is part of Legal Aid's ongoing investment to ensure office accommodations are maintained to adequately support the delivery of services across Western Australia.	2020-21	\$206,000	\$264,000	Nil	New project in 2019-20
<b>Content Server implementation</b> Part of the replacement of Legal Aid's legal management system requires a modern Content Management System to allow documents to be accessed from and shared between new software solutions.	2020-21	\$28,000	\$497,000	\$193,017	The increase of the total estimated cost is due to expanded project scope, along with delays in go-live date due to COVID-19. This has resulted in additional re-work to bring the project back online after those delays.



### Capital projects completed

Project Name	Total Cost of Project	Variance from previous financial year	Explanation
<b>Commonwealth Assistance with Data Standardisation</b>	83,326*	Nil	Nil
To facilitate the collection of consistent and comparable data for legal assistance providers, system enhancements to core systems were made to improve the reporting of legal assistance services.			

\*Note: During the project \$21,749 of initial consulting cost was directly expensed as the cost did not meet capitalisation criteria.

### 4.4.3 Employment and Industrial Relations

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

#### EMPLOYEE PROFILE 2019/2020

Level	Lawyer		Paralegal		Administration		TOTAL 2018/19	TOTAL 2019/20	% 2018/19	% 2019/20
	P	O	P	O	P	O				
Cadet				1			1	1	0.00%	0.28%
1					4	11	15	15	2.73%	4.19%
2				1	45	21	63	67	20.00%	18.72%
3			29	15	13	2	58	59	16.36%	16.48%
4			10		7	1	15	18	5.15%	5.03%
5			6		13		15	19	5.15%	5.31%
6					9	2	12	11	3.03%	3.07%
7					3		2	3	0.61%	0.84%
8					2		2	2	0.91%	0.56%
9					1		0	1	0.00%	0.28%
Class 1							0	0	0.00%	0.00%
Class 2							0	0	0.00%	0.00%
Class 3					1		1	1	0.30%	0.28%
Class 4							0	0	0.00%	0.00%
S/C Level 1	5	8					16	13	5.45%	3.63%
S/C Level 2	36	21			1		55	58	14.85%	16.20%
S/C Level 3	13	2				1	14	16	2.42%	4.47%
S/C Level 4	34				1		34	35	10.30%	9.78%
S/C Level 5	9						4	9	1.82%	2.51%
S/C Level 6	22						24	22	8.18%	6.15%
S/C Level 7	1						1	1	0.61%	0.28%
S/C Level 8	2						2	2	0.00%	0.56%
S/C Level 9							0	0	0.00%	0.00%
S/C Level 10	5						5	5	1.82%	1.40%
<b>TOTAL</b>	<b>127</b>	<b>31</b>	<b>45</b>	<b>17</b>	<b>100</b>	<b>38</b>	<b>339</b>	<b>358</b>	<b>100%</b>	<b>100%</b>

#### Includes staff on LWOP:

2018/2019 LWOP	8
2019/2020 LWOP	8

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

**P = Permanent Employee**

**O = Contract Employee**



## Staffing Policies

### Recruitment Policy

Legal Aid reviewed its recruitment policies and procedures in 2019-20. The policy will assist Legal Aid to employ a diverse and appropriately skilled workforce utilising innovative recruitment processes that are transparent, contemporary and flexible to enable positions to be filled promptly.

Legal Aid is committed to providing meaningful employment and retention opportunities for Aboriginal and Torres Strait Islander peoples, at all levels within the organisation. To provide employment and career opportunities to Aboriginal and Torres Strait Islander people, Legal Aid advertised some vacancies in remote regional locations using s51, *Equal Opportunity Act 1984*.

In 2019-20 Legal Aid participated in the Public Sector Commission's Aboriginal Traineeship Program and Aboriginal School Based Traineeship Program. Trainees are placed at Legal Aid on a full or part time basis in administration roles while studying towards a nationally recognised Certificate II or Certificate III in Government.

Our Aboriginal Law Cadet completed the Cadetship program in 2020 and has secured a graduate legal position.

### Employee training

Specific programs of training were delivered during 2019-20 to support professional development and objectives identified in individual employee development plans.

This included resilience training, Aboriginal cultural awareness training and training for managers on supporting employees working remotely during the COVID-19 pandemic.

### Graduate Program

As part of its commitment to provide services in regional locations, Legal Aid operated a new graduate program commencing in August 2019. The program provides comprehensive on the job training in all areas of law in Perth with a structured placement in a regional location. The current intake includes two graduates completing a regional rotation and two graduates completing training in Perth.

### Client Safety Framework

Legal Aid continued to deliver Client Safety Framework workshops in 2019-20. The Framework was originally developed by Victoria Legal Aid and helps staff to better recognise and understand client safety issues, make targeted and holistic referrals and reduce the chance of serious harm by or to a client. In addition to client safety issues, the training focusses on the risk of vicarious trauma for staff and the importance of self-care.

### Continuing Professional Development for Lawyers

Legal Aid provides an accredited continuing professional development for lawyers. Training is delivered online and in-person via Legal Aid's learning management system, Train-N-Track. Train-N-Track has 1484 registered active users (1180 lawyers), and houses 160 online modules (137 legal, 23 admin) and operates as a booking manager for major in-person training events. From 1 July 2019 to 30 June 2020, Legal Aid awarded 4677 Continuing Professional Development points to Western Australian lawyers.

## Industrial Relations

At 30 June 2020, Legal Aid's FTE count was 311.6 and headcount was 358. Legal Aid employees are engaged under the *Legal Aid Commission Act 1976*. Remuneration and working conditions are subject to the Government Officers Salaries Allowances and Conditions Award 1989, the Legal Aid Agency Specific Agreement 2005 and the Public Sector CSA Agreement 2019. The Director of Legal Aid is appointed under the *Legal Aid Commission Act 1976* with the remuneration and terms and conditions set by the Legal Aid Commission.



### Workers Compensation

Legal Aid is committed to ensuring the highest standards of workplace safety, health and wellbeing to ensure the protection of its employees. Two workers' compensation claims were received during 2019-20. The management of one claim which was received in 2017-18, and one claim which was received during 2016-17, continued. One claim is considered severe, involving 60 days or more lost time.

## 4.5 Governance Disclosures

### Insurance Premiums

An Insurance premium of \$13,287.12 (including GST) was paid to Jardine Lloyd Thompsons Pty Ltd for Directors and Officers Liability Insurance in 2019-20.

## 4.6 Other Legal Requirements

### 4.6.1 Act of Grace Payments

In accordance with *Treasurer's Instruction 319: Act of Grace Payments*, all act of grace payments are to be disclosed in the annual report. Requests for an act of grace payment arise from many and varied situations and each request is assessed on the circumstances associated with that particular request. In 2019-20 the Legal Aid Commission of Western Australia recorded no act of grace payments.

### 4.6.2 Credit Cards

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

Summary of credit card personal use expenditure	2019 - 20
Aggregated amount of personal use expenditure for the reporting period	\$336
Aggregate amount of personal use expenditure settled by the due date (within 5 working days)	\$325
Aggregate amount of personal use expenditure settled after the period (after 5 working days)	\$11
Aggregate amount of personal use expenditure outstanding at balance date	nil





## 4.6.3 Annual Estimates

### Statement of Comprehensive Income

For the year ended 30 June 2021

	2018-19	Note 1 2019-20	Note 2 2020-21 Section 40 Estimates
	Actuals \$000	Actuals \$000	\$000
<b>COST OF SERVICES</b>			
<b>Expenses</b>			
Employee benefits expense	33,596	36,080	
Supplies and services	5,583	5,889	
Depreciation and amortisation expense	515	6,249	
Finance costs	-	2,141	
Accommodation expenses	6,469	1,391	
Legal services expenses	28,162	32,968	
Loss on disposal of non-current assets	-	-	
Grants and subsidies	11,607	12,477	
Other expenses	1,468	1,252	
<b>Total cost of Services</b>	<b>87,400</b>	<b>98,447</b>	<b>-</b>
<b>Revenue and Income</b>			
<i>Revenue</i>			
User charges and fees	3,076	2,943	
Commonwealth grants and contributions	32,599	37,081	
Interest revenue	1,277	826	
Other revenue	181	310	
<b>Total Revenue</b>	<b>37,133</b>	<b>41,160</b>	<b>-</b>
<b>Total income other than income from State Government</b>	<b>37,133</b>	<b>41,160</b>	<b>-</b>
<b>NET COST OF SERVICES</b>	<b>50,267</b>	<b>57,287</b>	<b>-</b>
<b>Income from State Government</b>			
State Government grant	48,666	53,481	
Other State Community Legal Centre funding	1,378	1,395	
Services received free of charge	-	1	
Royalties for Regions Fund	88	102	
<b>Total income from State Government</b>	<b>50,132</b>	<b>54,979</b>	<b>-</b>
<b>(DEFICIT) /SURPLUS FOR THE PERIOD</b>	<b>(135)</b>	<b>(2,308)</b>	<b>-</b>

Note 1: The 2019-20 actuals have been utilised in the table for 2019-20 instead of Estimated Actuals. These align to the Income Statement in the 2019-20 Annual Report. Explanations on variances between 2019-20 and 2018-19 are contained in Note 8.11 'Explanatory Statement' to the financial statements under section 4 'Disclosure and Legal Compliance'.

Note 2: Due to the delayed 2020-21 State Budget process there currently are no Section 40 Estimates available to include in the Annual Report. Once the State Budget has been approved and available, Legal Aid will publish them on our website in compliance with TI 953 Publication and Presentation of Estimates.



### 4.6.3 Annual Estimates (continued)

#### Statement of Financial Position

As at 30 June 2021

	2018-19	Note 1 2019-20	Note 2 2020-21 Section 40 Estimates
	Actuals \$000	Actuals \$000	\$000
<b>ASSETS</b>			
<b>Current Assets</b>			
Cash and cash equivalents	12,157	27,295	
Restricted cash and cash equivalents	175	159	
Receivables	3,261	3,696	
Other financial assets	24,500	14,400	
Other current assets	440	733	
<b>Total Current Assets</b>	<b>40,533</b>	<b>46,283</b>	-
<b>Non-Current Assets</b>			
Restricted cash and cash equivalents	410	578	
Receivables	5,866	6,200	
Property plant & equipment	1,275	1,164	
Right of use assets	-	67,929	
Intangible assets	553	737	
<b>Total Non-Current Assets</b>	<b>8,104</b>	<b>76,608</b>	-
<b>TOTAL ASSETS</b>	<b>48,637</b>	<b>122,891</b>	-
<b>LIABILITIES</b>			
<b>Current Liabilities</b>			
Payables	22,903	28,658	
Lease liabilities	-	3,567	
Employee related provisions	5,412	5,973	
Contract liabilities	-	1,178	
<b>Total Current Liabilities</b>	<b>28,315</b>	<b>39,376</b>	-
<b>Non-Current Liabilities</b>			
Lease liabilities	-	66,715	
Employee related provisions	1,113	999	
Contract liabilities	-	1,122	
<b>Total Non-Current Liabilities</b>	<b>1,113</b>	<b>66,836</b>	-
<b>TOTAL LIABILITIES</b>	<b>29,428</b>	<b>108,212</b>	-
<b>NET ASSETS</b>	<b>19,209</b>	<b>14,679</b>	-
<b>EQUITY</b>			
Contributed equity	596	596	
Reserves	138	141	
Accumulated surplus	18,475	13,942	
<b>TOTAL EQUITY</b>	<b>19,209</b>	<b>14,679</b>	-

Note 1: The 2019-20 actuals have been utilised in the table for 2019-20 instead of Estimated Actuals. These align to the Income Statement in the 2019-20 Annual Report. Explanations on variances between 2019-20 and 2018-19 are contained in Note 8.11 'Explanatory Statement' to the financial statements under section 4 'Disclosure and Legal Compliance'.

Note 2: Due to the delayed 2020-21 State Budget process there currently are no Section 40 Estimates available to include in the Annual Report. Once the State Budget has been approved and available, Legal Aid will publish them on our website in compliance with TI 953 Publication and Presentation of Estimates.



## 4.6.3 Annual Estimates (continued)

### Statement of Changes in Equity

For the year ended 30 June 2021

	2018-19	Note 1 2019-20	Note 2 2020-21 Section 40 Estimates
	Actuals \$000	Actuals \$000	\$000
<b>CONTRIBUTED EQUITY</b>			
<b>Contributed equity at start of period</b>	596	596	
Equity contributions during the period	-	-	
<b>Contributed equity at the end of period</b>	<b>596</b>	<b>596</b>	-
<b>ASSET REVALUATION SURPLUS</b>			
<b>Balance at start of period</b>	137	138	
Net revaluation increments/(decrements)	1	3	
<b>Balance at the end of the period</b>	<b>138</b>	<b>141</b>	-
<b>ACCUMULATED SURPLUS</b>			
<b>Balance at start of period</b>	18,573	18,475	
Changes in accounting policy	37	-	
Initial application of AASB 16	-	-	
Initial application of AASB 15/1058	-	(2,225)	
<b>Restated balance at start of period</b>	<b>18,610</b>	<b>16,250</b>	-
Surplus / (deficit) for the period	(135)	(2,308)	-
<b>Contributed equity at the end of period</b>	<b>18,475</b>	<b>13,942</b>	-
<b>BALANCE OF EQUITY AT END OF PERIOD</b>	<b>19,209</b>	<b>14,679</b>	-

Note 1: The 2019-20 actuals have been utilised in the table for 2019-20 instead of Estimated Actuals. These align to the Income Statement in the 2019-20 Annual Report. Explanations on variances between 2019-20 and 2018-19 are contained in Note 8.11 'Explanatory Statement' to the financial statements under section 4 'Disclosure and Legal Compliance'.

Note 2: Due to the delayed 2020-21 State Budget process there currently are no Section 40 Estimates available to include in the Annual Report. Once the State Budget has been approved and available, Legal Aid will publish them on our website in compliance with TI 953 Publication and Presentation of Estimates.



## 4.6.3 Annual Estimates (continued)

### Statement of Cash Flows

For the year ended 30 June 2021

	2018-19	Note 1 2019-20	Note 2 2020-21 Section 40 Estimates
	Actuals \$000	Actuals \$000	\$000
<b>CASH FLOWS FROM STATE GOVERNMENT</b>			
State Government grant	48,666	53,481	
Other State Community Legal Centre funding	1,378	1,395	
Royalties for Regions Fund	88	102	
<b>Net cash provided by State Government</b>	<b>50,132</b>	<b>54,978</b>	-
Utilised as follows:			
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>			
<b>Payments</b>			
Employee benefits	(33,574)	(35,435)	
Supplies and services	(5,432)	(6,167)	
Accommodation	(6,380)	(1,419)	
Legal services	(26,471)	(27,877)	
Finance costs	-	(1,966)	
GST payments on purchases	(5,107)	(5,458)	
Other payments	(12,836)	(13,484)	
<b>Receipts</b>			
User charges and fees	2,580	2,684	
Commonwealth grants and contributions	33,099	36,968	
Interest received	1,171	849	
GST receipts on sales	60	51	
GST receipts from taxation authority	4,968	5,249	
Other receipts	122	360	
<b>Net cash provided by/(used in) operating activities</b>	<b>(47,800)</b>	<b>(45,645)</b>	-
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>			
<b>Payments</b>			
Purchase of non-current physical assets	(217)	(531)	
<b>Net cash provided by/(used in) investing activities</b>	<b>(217)</b>	<b>(531)</b>	-
<b>CASH FLOWS FROM FINANCING ACTIVITIES</b>			
Principal elements of lease payments	-	(3,612)	
<b>Net cash provided by/(used in) financing activities</b>	<b>-</b>	<b>(3,612)</b>	-
Net increase/(decrease) in cash and cash equivalents	2,115	5,190	
Cash and cash equivalents at the beginning of period	35,127	37,242	
<b>CASH AND CASH EQUIVALENTS AT THE END OF PERIOD</b>	<b>37,242</b>	<b>42,432</b>	-

Note 1: The 2019-20 actuals have been utilised in the table for 2019-20 instead of Estimated Actuals. These align to the Income Statement in the 2019-20 Annual Report. Explanations on variances between 2019-20 and 2018-19 are contained in Note 8.11 'Explanatory Statement' to the financial statements under section 4 'Disclosure and Legal Compliance'.

Note 2: Due to the delayed 2020-21 State Budget process there currently are no Section 40 Estimates available to include in the Annual Report. Once the State Budget has been approved and available, Legal Aid will publish them on our website in compliance with T1 953 Publication and Presentation of Estimates.



## 4.6.4 Expenditure on Advertising, Market Research, Polling and Direct Mail

In accordance with section 175ZE of the *Electoral Act 1907*, The Legal Aid Commission of Western Australia incurred the following expenditure in advertising, market research, polling, direct mail and media advertising. Total expenditure for 2019-20 was \$92,010.00. Expenditure was incurred in the following areas:

Summary of Advertising in 2019-20

Expenditure	Total	Expenditure	Amount
Advertising Agencies	\$92,010.00	Advantage Communications and Marketing	\$19,630.00
		CGM Communications	\$72,380.00
Polling organisations	Nil	Nil	Nil
Direct Mail organisations	Nil	Nil	Nil
Media advertising organisations	Nil	Nil	Nil

## 4.6.5 Disability Access and Inclusion Plan Outcomes

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

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

In April 2020, Legal Aid created the Coordinator position for the Your Story Disability Legal Service (YSDLS) in Western Australia. The YSDLS is a national service funded by the Australian Government and delivered through National Legal Aid and the National Aboriginal and Torres Strait Islander Legal Services. The YSDLS is independent and separate from the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability. The YSDLS supports people with disabilities, their families, carers, supporters and advocates to safely share their story.

In Western Australia, both Legal Aid and Aboriginal Legal Service WA collaborate to deliver a state-wide legal service for all people with disabilities who require legal support. This service provides assistance for varied matters, including advice on what to do if a confidentiality agreement prevents a person from publicly sharing their story.

The service aims to increase individual and community engagement with the Royal Commission through the delivery of community legal education and stakeholder engagement, the provision of legal advice to individuals, families and carers who wish to make submissions to the Royal Commission, and working with disability advocates and counsellors to ensure people can share their story in a safe way.

To date, the program has completed 26 activities of community legal education and engagement with stakeholders; assisted 10 clients by providing initial legal advice about engaging with the Royal Commission and a further 9 legal advices on other matters. This service is an important means for people with disabilities to obtain meaningful access to justice.



### 4.6.5 Disability Access and Inclusion Plan Outcomes (continued)

#### NDIS Appeals

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

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

Funding may be granted where a matter has a wider community benefit and where a client is experiencing disadvantage and would substantially benefit from legal representation. Legal Aid engages with disability advocacy agencies to assist clients who require legal assistance and support.

#### Elder Abuse

Legal Aid's Seniors Rights and Advocacy Service assists older people with decision making incapacity, especially in relation to applications for guardianship and administration matters in the State Administrative Tribunal.

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

Legal Aid produces a range of legal information and self help audio-visual resources and fact sheets. These resources are publicly available and give quick and accessible answers about Legal Aid's services and a range of criminal law, civil law and family law topics. Subtitles are available for people who cannot hear or access audio. Topics include elder abuse, financial hardship, legal capacity mortgage and debt, tips on going to court, family violence and family law matters.

#### **DAIP Outcome 4: People with disability receive the same level and quality of service from the staff of a public authority as other people receive from the staff of that public authority:**

In February 2019 Legal Aid launched InfoChat. This service enables people to get legal information by instant messaging Legal Aid's InfoChat team via Legal Aid's website. The InfoChat team provides fast and accessible information to help those struggling to navigate the legal system. The online format offers another pathway for people with disability to access our service. In 2019-20, over 15,655 InfoChat services were delivered.



## 4.6.6 Compliance with Public Sector Standards and Ethical Codes

Legal Aid complies with the Public Sector Standards in Human Resources Management and the Public Sector Code of Ethics. No claims were lodged against the Public Sector Standards in Human Resource Management in 2019-20. The following actions were taken during 2019-2020 to ensure compliance:

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

## 4.6.7 Record Keeping Plan

The Legal Aid Commission of Western Australia's Recordkeeping Plan was approved on the 30 August 2012. A revised Recordkeeping Plan was approved by the State Records Office on 24 October 2017.

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

### Efficiency and effectiveness of the organisation's recordkeeping systems

The efficiency and effectiveness of recordkeeping systems is reviewed as part of Legal Aid's internal audit process. A new corporate recordkeeping system is being implemented by Legal Aid in July 2020. The implementation of this system will provide an opportunity to review and improve the efficiency and effectiveness measures for Legal Aid's recordkeeping systems.

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

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

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

### Efficiency and effectiveness of the recordkeeping training

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

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

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





# 4.7 Government Policy Requirements

## 4.7.1 Occupational Safety, Health, and Injury Management

### Statement of Legal Aid's commitment to occupational safety and health and injury management 2019-2020

Legal Aid is committed to ensuring the highest standards of workplace safety, health and wellbeing to ensure the protection of its employees, contractors and visitors. In 2019-20 Legal Aid implemented improved safety management systems to mitigate risk by:

- developing appropriate systems for the reporting of work safety and health incidents and the tracking of follow up action
- encouraging employees to report incidents or hazards and working together to achieve outcomes
- electing a safety representative for regional offices
- 89% of managers and supervisors completing online occupational safety, health and injury management training

During 2019-20 Legal Aid consulted with employees in relation to occupational safety and health information to staff by:

- establishing a working group to focus on safety in reviewing external workplaces
- encouraging staff to report incidents and hazards and responding to reports
- providing 'Safety First: Working safely with clients at Legal Aid' training to all staff
- providing a trained staff member to conduct or coordinate ergonomic assessments of individual work station set-ups as required
- providing Remote Driver and Remote First Aid training to those undertaking regional circuit work
- providing a trained group of First Aid Officers and Fire Wardens
- operating a risk register

Legal Aid promoted and encouraged staff wellness during 2019-20 by:

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



## 4.7.1 Occupational Safety, Health, and Injury Management (continued)

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

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

#### Occupational safety and health systems

Legal Aid did not complete an accredited assessment during the reporting period. The below table reports Legal Aid's performance against the targets for fatalities, lost time injury and disease, return to work, and training of managers and supervisors.

Measure	Actual Results			Results against Target	Comment
	2017-18	2018-19	2019-20		
Number of fatalities	0	0	0	0	Remains zero
Lost time injury and/or disease incidence rate	0	0.34	0.65	Zero (0) or 10% improvement on the previous three (3) years	1 x severe claim > 60 days lost time.
Lost time injury and/or disease severity rate	0	0	50%	Zero (0) or 10% improvement on the previous three (3) years	1 x severe claim > 60 days lost time.
% of injured workers returned to work:				Greater than or equal to 80%	Target met
i) within 13 weeks	100%	100%	100%		
ii) within 26 weeks	100%	100%	100%		
% of managers trained in OSH management responsibilities	94	82	89	Greater than or equal to 80%	9% higher than target

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



## 4.7.2 Board and Committee Remuneration

Position	Name	Type of Remuneration	Period of Membership	Gross/actual remuneration for the financial year
Chair of Commission	Hon Jane Crisford SC	Annual	1 July 2019 - 30 June 2020	\$18,600
Member of Commission	Genevieve Cleary	Annual	1 July 2019 - 30 June 2020	\$7,400
Member of Internal Audit Committee	Genevieve Cleary	Per Meeting	25 March 2020- 30 June 2020	0
Member of Commission	Steve Toutountzis	Annual	1 July 2019 - 30 June 2020	\$7,400
Chair of Internal Audit Committee	Steve Toutountzis	Per Meeting	25 March 2020- 30 June 2020	0
Member of Commission	Elsbeth Hensler	Annual	1 July 2019 - 30 June 2020	\$7,400
Member of Commission	Dion Smith	Annual	1 July 2019 - 30 June 2020	\$7,400
Chair of Internal Audit Committee	Dion Smith	Per Meeting	1 July 2019- 24 March 2020	0
Member of Commission	Lanie Chopping	Annual	1 July 2019 - 30 June 2020	0
Member of Internal Audit Committee	Lanie Chopping	Per Meeting	1 July 2019 - 30 June 2020	0
Member of Commission	Graham Hill	Annual	1 July 2019 - 30 June 2020	0
Member of Internal Audit Committee	Graham Hill	Per Meeting	1 July 2019- 24 March 2020	0

Note: Internal Audit Committee member fees for 2019-2020 were accrued but not paid until July 2020.

Back Cover Image provided by ABC Kimberley: Andrew Seabourne.  
The image features a Legal Aid staff member from the Broome Office.



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