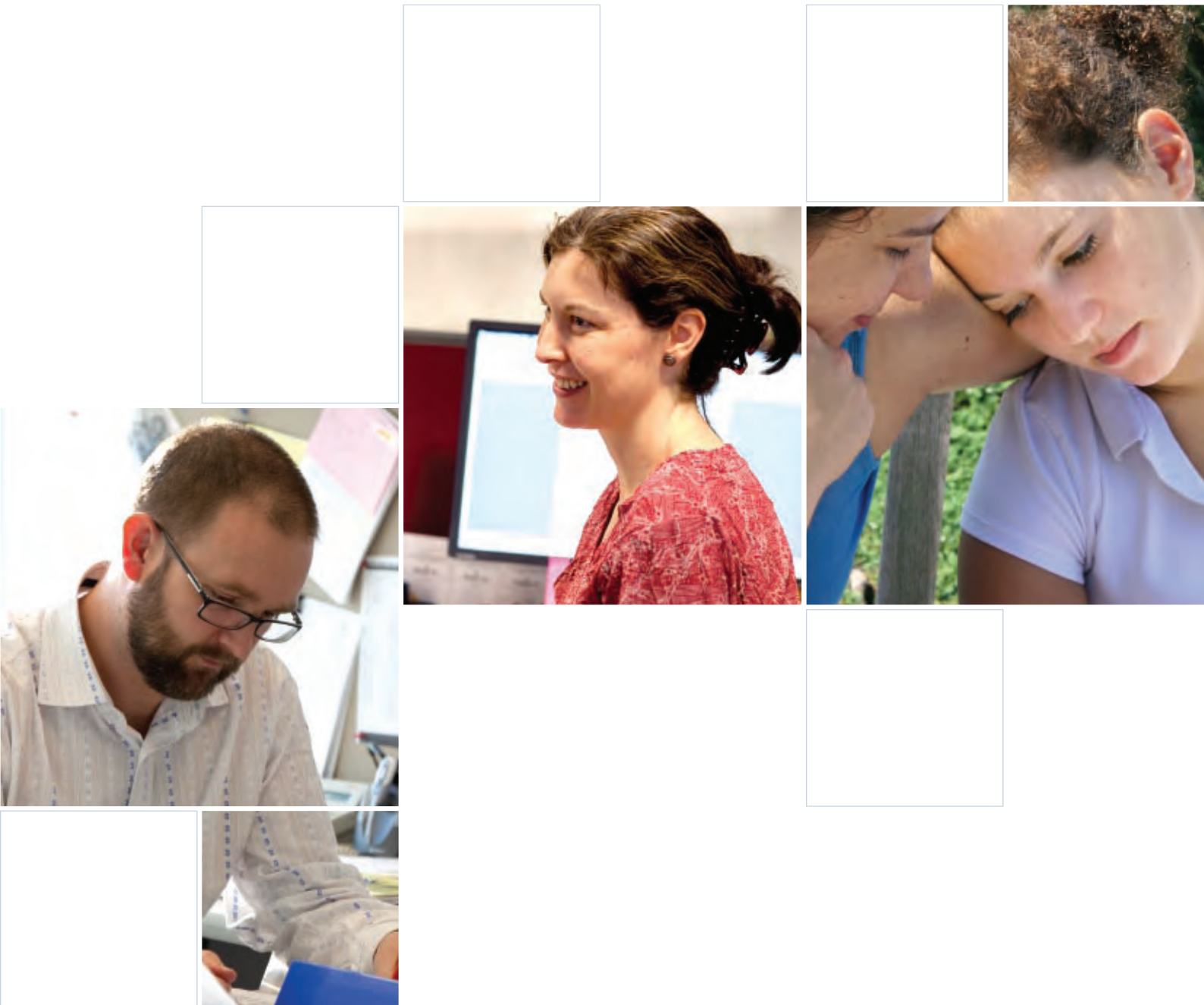


# Victoria Legal Aid

Fourteenth statutory annual report 2008-09



[Letter of submission](#)

The Hon. Robert Hulls, MP  
Attorney-General  
1 Treasury Place  
EAST MELBOURNE Victoria 3002

13 October 2009

Dear Attorney-General

I am pleased to present Victoria Legal Aid's annual report for the year ending 30 June 2009.

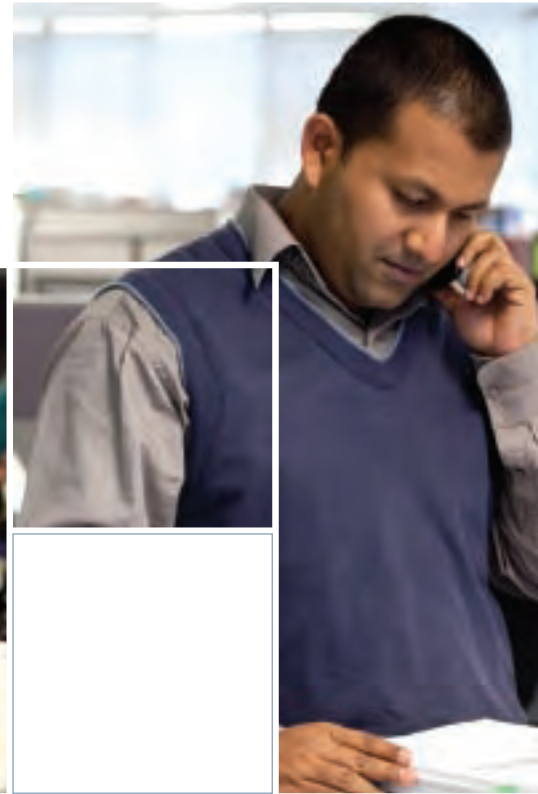
This report outlines Victoria Legal Aid's achievements and financial performance for 2008–09. It has been prepared in accordance with the requirements of the *Financial Management Act 1994*.

Yours faithfully



[John Howie](#)  
Chairperson

# Victoria Legal Aid



## Our vision

Victoria Legal Aid is a leading and responsible force for community access to the legal system and for social justice.

## Our values

Victoria Legal Aid is committed to: serving our clients and community professionally and ethically; acting with integrity, fairness and transparency at all times; respecting and valuing diversity; and pursuing continuous improvement across the organisation.



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## Chairperson's report

Victoria Legal Aid has an important and unique role in our community. Many people will be fortunate to progress through life without the need for subsidised legal assistance. However, for some people, additional support is required to assist them to get the legal help they need to confront difficult life circumstances. Legal aid is an important component of our social safety net and assists vulnerable people to overcome situations of disadvantage, alienation and dislocation. How they access legal help; how they overcome the barriers to getting legal help and representation; or how they challenge the law as it is applied to their situation: these are questions which Victoria Legal Aid can answer.

During the past year, Victoria Legal Aid has assisted many Victorians whose lives were affected by unimaginable tragedy and distress. After the crisis of the Victorian bushfires, Victoria Legal Aid assisted many people to locate lost or destroyed identity papers, and negotiate with credit providers, government departments or insurance providers on the loss of their property. The global financial crisis also had an impact. Victoria Legal Aid helped people with debt advice and consumer law issues, and assisted people to negotiate their household and consumer contracts to enable them to stay afloat financially and in their jobs. This work by Victoria Legal Aid clearly makes a difference to the day-to-day lives of ordinary people and their families.

Keeping up with demand, however, remains a challenge for legal assistance providers. Across all areas Victoria Legal Aid's programs are challenged by increasing levels of demand for advocacy, advice and representation. A snapshot of client demand this reporting year shows that the number of criminal law grants increased by six per cent; demand for duty lawyer services increased by ten per cent; and demand for telephone information and advice work by five and six per cent respectively.

The response of the State Government, which pledged an extra \$24.7 million to Victoria Legal Aid, has been heartening. This substantial commitment during a particularly challenging fiscal year reflects the government's recognition of the value of our legal assistance program in assisting the community. On behalf of the board, I extend my thanks to the Attorney-General, the Hon. Rob Hulls, for the government's continuing commitment to, and recognition of, the role and value of legal assistance programs.

In the year ahead, Victoria Legal Aid will continue its negotiations with the Commonwealth on the National Partnership Agreement to ensure we get the right balance of programs and funding assistance possible, including help to families that we support. Family law is a critical area that needs the close co-operation and collaboration of all national and state partners who have a role in the child protection and family violence prevention areas.

I would like to acknowledge our partners in the provision of legal assistance at the local level, especially those practitioners who continue to make themselves available to accept legally-aided clients and their organisations, including the Law Institute of Victoria, the Victorian Bar, the Federation of Community Legal Centres and the Public Interest Law Clearing House.

## Legal aid is an important component of our social safety net.

I would also like to acknowledge the support of fellow board members Mary Anne Noone, Sue Walpole and Frank King. Their advice and support is invaluable. Frank King has signalled his intention to retire when his term expires in November, having given five years' committed service. His business sense and appreciation of government will be sorely missed. Our Managing Director, Bevan Warner, joined Victoria Legal Aid in August 2008 and his tremendous energy and skills have proven to be a great asset. Special thanks to Mary Bateman for her tireless support to the board. The contribution of the Independent Reviewers Martin Ravech QC, Ron Beazley and Andrea Treble, has also been outstanding, reflecting their hard work and steady commitment.

Finally, I would like to acknowledge the dedication and many achievements of Victoria Legal Aid's executive and staff throughout the past year. Their energy and passion are seemingly boundless, as is their drive for justice.

John Howie  
Chairperson



## Managing Director's report

This year there has been an increased demand for all of our services and once again we have seen record levels of service, despite a 30 per cent reduction in Commonwealth-funded assistance for families in the past 18 months. It remains harder to access assistance for a family dispute in Victoria than anywhere else in the country.

An independent Funding and Functions Review confirmed a rise in the incidence and costs of meeting demand, and resulted in the State Government pledging an extra \$24.7 million to legal assistance programs for the next 12 months. This provides welcome relief, and on top of the one-off injection of funds (\$10.5 million from the State and \$3.2 million from the Commonwealth) allowed for a substantial reduction in the operating deficit—from \$20.3 million last year to \$2.5 million in 2008–09.

The Commonwealth has proposed that provision of legal assistance services be elevated to the status of a National Partnership Agreement. The close connection between legal assistance programs and the prevention of violence against women and children should allow for additional government investments in this important area. Of the 88,732 information calls received by our phone advice line this year, the top two queries related to children's living arrangements and settlement of property after divorce. Left unresolved, or without someone to help, these factors are known triggers for violence and intimidation.

### It remains harder to access assistance for a family dispute in Victoria than anywhere else in the country.

A number of important working relationships have developed over the past year, laying valuable foundations for future collaboration. Victoria Legal Aid has benefited from its membership of the recently established Victorian Legal Assistance Forum—a consortium of state legal service providers committed to identifying, and responding to, unmet legal need in our community. During the aftermath of the Victorian bushfires, Victoria Legal Aid worked alongside community legal centres, the Law Institute of Victoria, the Victorian Bar, Public Interest Law Clearing House and the Law Foundation of Victoria under Bushfire Legal Help. Survivors and their families were assisted to reclaim control over the lives with support to progress the many practical issues that arose in the aftermath of the fires.

The nature of our work with vulnerable communities, and our understanding of the diverse nature of our clients' experiences, place staff in a good position to contribute their insights and ideas for improving legal aid services and the way justice systems operate. People do not present with legal problems alone, and tackling disadvantage involves exploring opportunities for integrated service delivery. This means looking at ways we can be part of the design and position of new services when they are being planned, and communicating the value of legal interventions more broadly in preventative as well as social justice terms.

The year ahead contains substantial challenges with significant changes in criminal procedure to come into effect on 1 January 2010, encouraging early disclosure as a way to reduce delay. This will impact on the way work is undertaken and legal aid services are delivered. We are reviewing panel and fee arrangements with the private profession in anticipation of these changes.

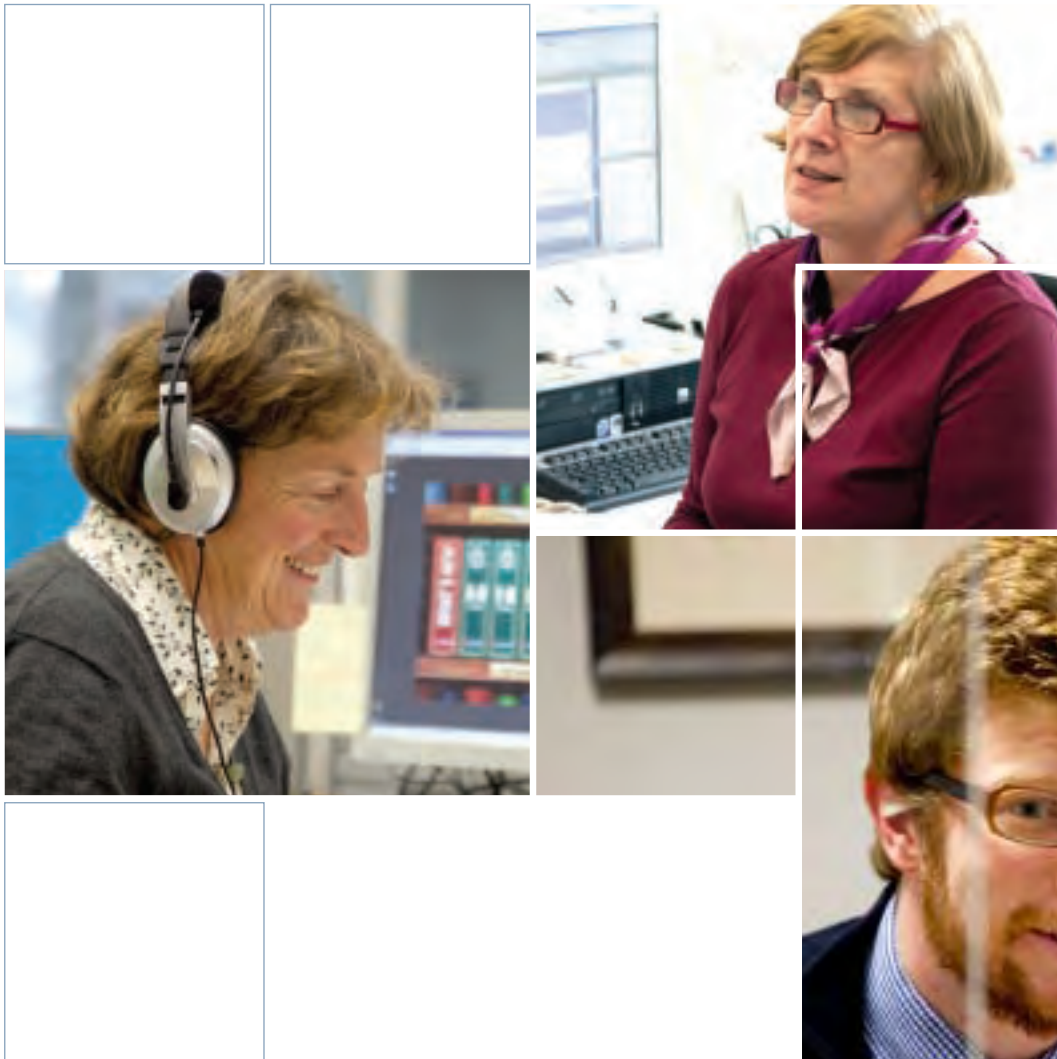
Importantly, the services that we provide help to ensure the institutions and apparatus of government are used fairly and for the benefit of all. The power to penalise or incarcerate, to administer unwanted medical procedures, to limit contact or remove children from their parents, are far-reaching powers, and the provision of legal assistance is a sometimes overlooked measure of fairness. The need for fairness was exemplified in the so-called 'terrorism trials' that returned guilty and not guilty verdicts as well as a retrial for one of the accused. All of the accused, including those found not guilty, spent some two-and-a-half years in custody.

I am reminded on a regular basis of the professionalism and dedication of Victoria Legal Aid staff and wish to thank my fellow board members, the senior executive team and all staff for the wisdom, assistance and generosity they have extended to me throughout my transition year.

Finally, the provision of legal assistance plays an important role in our community, enabling active participation in important life events as well as understanding and respect for our system of laws. I commend this report to readers on that basis.

**Bevan Warner**  
Managing Director

# The year in review





## About Victoria Legal Aid

Our focus is on protecting the rights of socially and economically disadvantaged Victorians. Legal aid is a necessary and integral part of the social safety net, together with services such as health, education and housing. We believe that a person's ability to access the protection of the law is a fundamental community entitlement and government responsibility.

Our clients have limited means and their legal problems may be compounded by financial hardship as well as family breakdown or separation; disability or illness; unemployment, consumer credit or debt problems; language difficulties; and social or geographic isolation. Our clients are at risk of social exclusion from their work, families and communities. We offer practical help so that people can achieve just solutions and become better informed about how to get the information they need to solve their everyday difficulties.

We work collaboratively with community organisations, the private legal profession and other legal assistance organisations so that we can deliver responsive, integrated services that make a real and lasting difference to those who need it most.

### What we do

We provide information, referral, advice and legal representation services in family, civil and criminal law.

In 2008–09, we provided 1,434,288 different services to clients. These included:

- 1,258,230 information services
- 56,989 advice services
- 41,946 grants of legal assistance
- 77,123 duty lawyer services.

### We provide free legal information and referral

Members of the community are able to contact us for general information about legal problems and to understand their options for further help. Victoria Legal Aid has a free telephone legal information service with some multilingual workers, and Victoria's only free public law library. We also provide free publications, including several in community languages, which are available both online and at reception areas of our regional offices. We offer workshops and provide speakers on legal topics for the community. Our website provides up-to-date information on the law.

This year we provided 1,258,230 information and referral services, a record number reflecting our important role in helping members of the Victorian community understand their legal rights and responsibilities. Our free phone service answered 4750 more calls than last year, and our newly updated website attracted 252,589 more visitors this year.

### We provide free legal advice

Our legal advice services are available across Victoria through our 15 offices, as well as at courts, tribunals, mental health hospitals, prisons and other correctional facilities. Our lawyers help people understand their legal rights and obligations, and what options are available to them.

This year we provided 56,989 advice services, which includes minor work such as follow-up phone calls or letters for clients. We provided 3453 more advice sessions than last year—a six per cent increase.

### We provide legal representation

For people who are unable to afford a lawyer, Victoria Legal Aid will consider providing funding, called a grant of legal assistance, to help them solve their legal problem. Through this grant, one of our own lawyers or a private lawyer can give legal advice, help negotiate an agreement, prepare legal documents, or speak for a person in court.

This year we approved 41,946 grants for legal representation in court. This was a very slight variation of 98 grants fewer than last year.

### We provide accessible services across Victoria

We are committed to ensuring that the legal needs of Victorians across the state are at the forefront of our operational focus and our strategic planning processes. We achieve this by:

- operating a network of 14 offices that deliver high quality legal assistance particularly in regional and rural areas
- arranging for private practitioners to conduct legally-aided casework and funding duty lawyer services in areas not covered by one of our offices
- funding community legal centres in over 40 locations around the state.



### We provide duty lawyers across Victoria

Our duty lawyer services help unrepresented people to understand, and take part in, court proceedings. They are available throughout Victoria in the Magistrates', Children's and Family Court, the Federal Magistrates Court, the Mental Health Review Board and the Victorian Civil and Administrative Tribunal.



## The year in review



One of our duty lawyers, Kerry Paull

This year we provided a record number of 77,123 duty lawyer services—a 10 per cent increase from last year.

Of our in-house duty lawyer services, 83 per cent are provided at Magistrates' Courts throughout the state. Of this work, 17 per cent is carried out at the Melbourne Magistrates' Court. The next busiest Magistrates' Court locations are Dandenong, with 13 per cent, and Sunshine, with 11 per cent.

Appearances in the Children's Court account for nine per cent of overall duty lawyer work by our own lawyers.

Private practitioners also play a vital role in helping unrepresented people at court. Without their contribution we would not be able to provide duty lawyer services across all regional areas. This year private practitioners provided 8298 services at 52 different locations, 11 per cent of all services.

### Snapshot: 2008–09

We introduced new services at a number of venues of the Magistrates' Court and the Victorian Civil and Administrative Tribunal.

Increased demand, together with the recent development of special hearing lists for mental health, corrections matters, pre-trial processes, family violence and custody matters, has placed significant strain on our duty lawyer resources. Figure 3 on page 7 shows the significant growth (35 per cent) in duty lawyer services over the past five years.

## Our work in action

There are many people who turn up at court, unprepared and unrepresented, confused by what to expect, and unaware of their rights, options and court protocols.

'It's not uncommon to see people who are not even sure what they are charged with', says Kate Perry, an in-house duty lawyer providing help and representation at the state's busiest hub, the Melbourne Magistrates' Court.

In what can be a formal and intimidating environment, the Victoria Legal Aid sign is a welcome and well-recognised symbol of where to get help.

A fly-on-the-wall observation at Melbourne Magistrates' Court one morning shows just how diverse our duty lawyer work can be. Kate listens to the story of a 20-year-old woman owing many thousands of dollars in traffic fines.

When she was only 18, she had been the victim of a scam by an unscrupulous boss, who had duped her into signing documentation which made her responsible for his fines and traffic offences.

She had become withdrawn and depressed by the enormity of trying to disentangle the hundreds of fines that had been accumulated. Kate's successful efforts to get some of the fines withdrawn leave the young woman delighted and feeling some hope for the first time in months. It would have been quite intimidating for her to know where to start or how to approach the prosecutor and make these representations on her own.

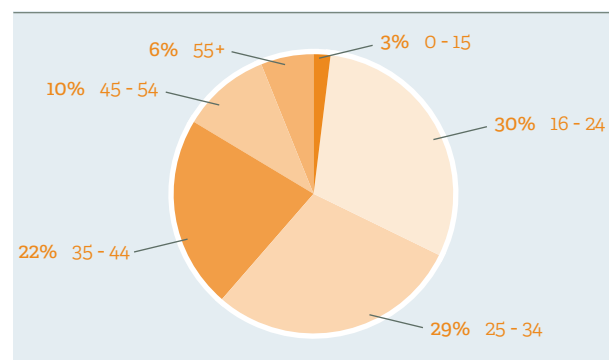
This young woman is one of the large number of our clients who are aged between 16 and 24—in fact, as Figure 1 shows, this group represents 30 per cent of in-house duty lawyer services. The support of a duty lawyer when appearing in court is especially timely for this vulnerable age group where a conviction, heavy fine or imprisonment can have devastating and lasting consequences on life directions.

Our duty lawyers operate at a frenetic pace, unsure of what is ahead of them each day. For another of the team, Kerry Paull, the morning starts with an urgent request from a magistrate to provide advice to an unrepresented man who is being held in the cells. He has already been in custody for more than a year, and the magistrate wants to ensure he understands that he has the option of having his case heard in a different jurisdiction before pleading guilty.

A police officer also pops in to ask for Kerry and her colleagues to act on behalf of a homeless man, who appears to be mentally ill, and has dozens of unpaid fines and a host of minor offences. He had failed to turn up to previous hearings because of a lack of understanding of the court system.

Family violence matters form a major component of our duty lawyer work. Our lawyers this year provided a service on more than 6000 occasions to both applicants and respondents for an intervention order. Many people are unsure how to proceed or do not understand the ramifications of an order.

Figure 1: Age of people assisted by our duty lawyer services



## Our performance

Table 1: Performance snapshot 2008-09

	2007-08	2008-09	Performance variance
<b>Legal representation</b>			
Grants of legal assistance approved – total	42,044	41,946	0.2% ▼
• grants processed within 15 days (%)	96	97	1% ▲
• approval rate (%)	94	93	1% ▼
<b>Grants approved – by practitioner type</b>			
• private practitioner	29,013	28,478	2% ▼
• in-house	13,031	13,468	3% ▲
<b>Grants approved – by area of law</b>			
• criminal	25,409	26,847	6% ▲
• civil	6,457	6,404	0.8% ▼
• family	10,178	8,695	15% ▼
<b>Information services to the community</b>			
• legal information services (calls answered)	84,162	88,732	5% ▲
• publications distributed (printed)	434,125	457,207	5% ▲
• publications distributed (downloaded)	109,036	97,927	10% ▼
• website visits	361,775	614,364	70% ▲
<b>Total</b>	<b>989,098</b>	<b>1,258,230</b>	<b>27% ▲</b>
<b>Duty lawyer services</b>			
• criminal	-	53,100	-
• civil	-	5,497	-
• family	-	10,228	-
• services provided by private practitioners	-	8,298	-
<b>Total</b>	<b>70,364</b>	<b>77,123</b>	<b>10% ▲</b>
<b>Advice (includes minor work)</b>			
• criminal	-	26,018	-
• civil	-	15,651	-
• family	-	15,320	-
<b>Total</b>	<b>53,536</b>	<b>56,989</b>	<b>6% ▲</b>

Table 2: Five-year snapshot: Legal representation

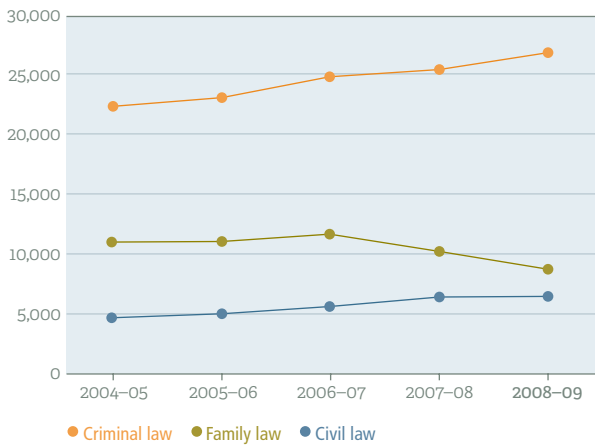
	2004-05	2005-06	2006-07	2007-08	2008-09
<b>Grants of legal assistance</b>					
• received	42,614	43,292	45,200	44,903	45,353
• approved	37,868	39,124	42,020	42,044	41,946
• processed within 15 days (%)	98	98	94	96	97
• assessed	41,870	42,756	44,327	44,816	45,348
• refused	3,686	3,225	2,292	2,897	2,955
• approval rate (%)	90	92	95	94	93
<b>Duty lawyer services</b>	<b>57,187</b>	<b>61,820</b>	<b>63,509</b>	<b>70,364</b>	<b>77,123</b>
<b>Advice (includes minor work)</b>	<b>52,860</b>	<b>56,448</b>	<b>55,482</b>	<b>53,536</b>	<b>56,989</b>

# The year in review



As Figure 2 shows, the most significant trend is the decrease in assistance for family law disputes, with a 30 per cent reduction in Commonwealth-funded assistance to families in the past 18 months.

Figure 2: Five-year trend: grants approved



Victoria Legal Aid introduced a tougher means test in February 2008 and restricted eligibility guidelines, to balance its budget. The effect of this was a sharp contraction in the number of families receiving assistance.

The strongest growth area in the past five years has been in duty lawyer services with an upward trend now evident for advice and minor work.

Compared to 2004-05, this year we provided an additional 19,936 duty lawyer services to unrepresented people at court. This is a growth of 35 per cent over the past five years. (See Figure 3).

In the past year we provided 6759 more services than 2007-08, a growth of 10 per cent.

Figure 3: Five-year growth in duty lawyer services

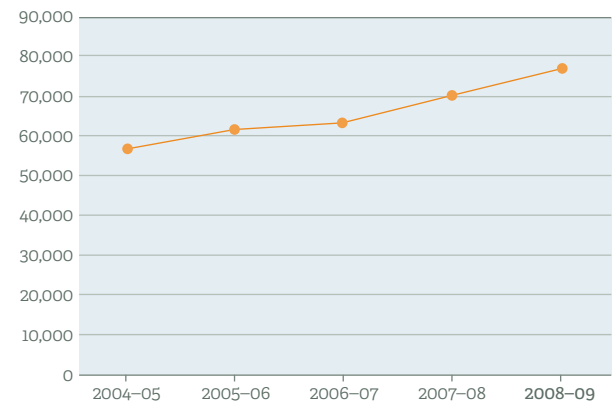


Figure 4: Five-year trend in service delivery



The most significant trend is the decrease in assistance for family law disputes, with a 30 per cent reduction in Commonwealth-funded assistance to families in the past 18 months.



Table 3: Five-year snapshot of information services to the community

	2004–05	2005–06	2006–07	2007–08	2008–09
Publications distributed and downloaded	590,825	672,916	559,360	543,161	555,134
Legal Information Service (phone calls answered)	75,917	73,070	72,254	84,162	88,732
Website visits	244,777	158,278	204,067	361,775	614,364
<b>Total</b>	<b>911,519</b>	<b>904,264</b>	<b>835,681</b>	<b>989,098</b>	<b>1,258,230</b>

The most noteworthy trend in information provision is the substantial increase in visits to our website. A major upgrade in 2007 has strengthened our online presence and our website’s importance as a source of accessible legal information to the community has continued to increase. There has also been considerable growth in calls to our free phone advice service over the past five years. This year the service handled an additional 4570 calls more than last year, including calls to the Bushfire Legal Helpline which we set up in response to the Black Saturday Victorian bushfires.

Table 4: Five-year snapshot of alternative dispute resolution

	2004–05	2005–06	2006–07	2007–08	2008–09
Conferences held	153	387	654	931	876
Rate of settlement (%)	92	86	85	87	88

Our alternative dispute resolution service continues to achieve high rates of full or partial resolution for family law issues involving separated couples and their families. This service provides a very effective alternative for resolving conflict about where children should live and how property should be divided after divorce or separation.

Lawyer-assisted mediation targets at-risk children in high conflict families. Independent research confirms that for every two dollars spent, three dollars is saved, when parents are helped to resolve care plans for their children through mediation.



## Financial overview

This year we significantly reduced our operating deficit, from \$20.3 million to \$2.5 million, because of increased funding from the Victorian Government and a one-off grant from the Commonwealth Government.

Table 5: Financial results 2008-09

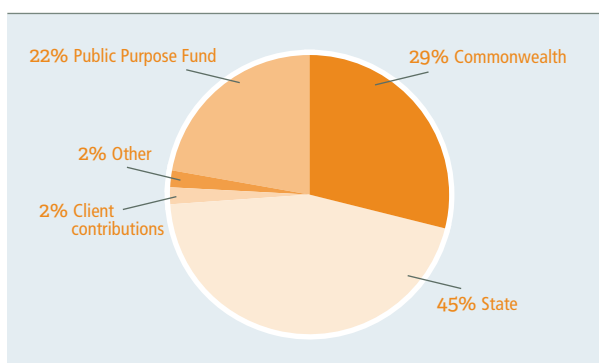
	2004-05 \$'000	2005-06 \$'000	2006-07 \$'000	2007-08 \$'000	2008-09 \$'000
Revenue	90,757	98,114	111,153	119,542	127,403
Expenses	90,629	102,081	117,623	139,847	129,940
Results	128	(3,967)	(6,470)	(20,305)	(2,537)

### Our income

Most of our income is derived from grants from the State and Commonwealth Governments. This year we received additional funding of \$10.5 million from the Victorian Government. We also received an extra, one-off grant of \$3.2 million from the Commonwealth Government. A small proportion of our revenue (\$2.7 million) comes from contributions from clients towards the cost of their legal matter.

Another source of income for Victoria Legal Aid was \$28 million from the Public Purpose Fund. The Public Purpose Fund is made up of interest paid on money that is collected by the Legal Services Board from solicitors' trust accounts. Victoria Legal Aid receives up to 35 per cent of the amount held in the fund, at the discretion of the Attorney-General.

Figure 5: Revenue sources 2008-09

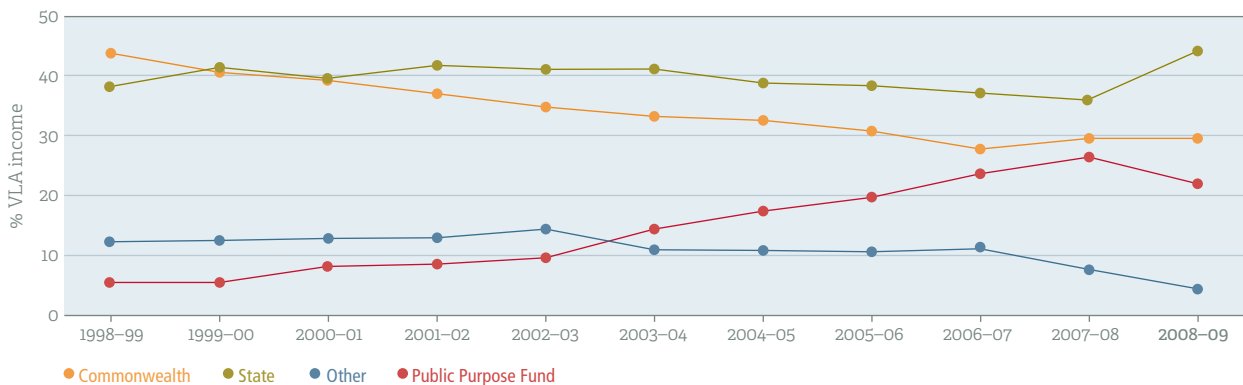


## Long-term income trend

Our income from the Public Purpose Fund has increased significantly over the past decade. It has risen from six per cent of total income in 1998–9 to 22 per cent in 2008–09. The Victorian Government has also increased its share of funding from 38 per cent to 45 per cent, with revenue from all State sources now accounting for 67 per cent of our expenditure. In contrast, in the same period, Commonwealth Government funding has decreased from 44 per cent to 29 per cent of our total income.

Revenue from all State sources now accounts for 67 per cent of our expenditure.

Figure 6: Ten-year income trend



## Our expenditure

Our total expenditure this year was \$129.94 million, down by \$9.9 million. This was mainly due to a reduction in Commonwealth-funded family law services, including services for children.

Payment to private legal practitioners is our most significant expense. Fifty-three per cent of our expenditure (\$68.7 million) is to private lawyers who are delivering legal services to our clients.

Victoria Legal Aid allocated eight per cent of expenditure (\$9.98 million) in direct funding and other sector-wide initiatives to 41 community legal centres, which play an important role in providing advice, information and casework to people in their local neighbourhoods throughout the state. A further \$6.9 million in Commonwealth funds was transferred to community legal centres.

We have maintained a strong focus on service delivery to clients. Figure 8 shows the relative growth of expenditure on legal services compared to administrative costs.

Figure 7: Expenditure 2008-09

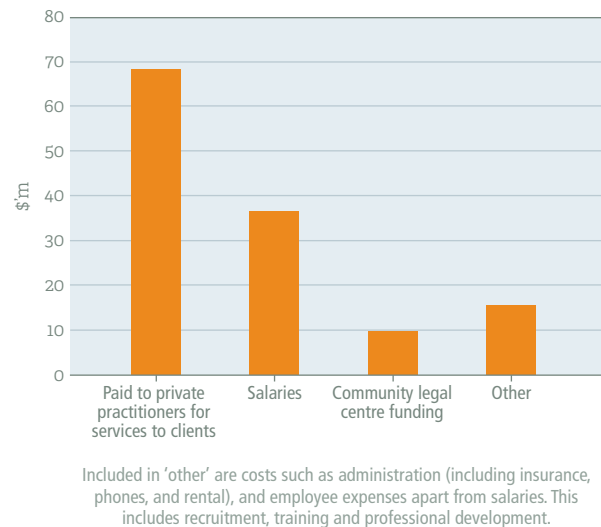
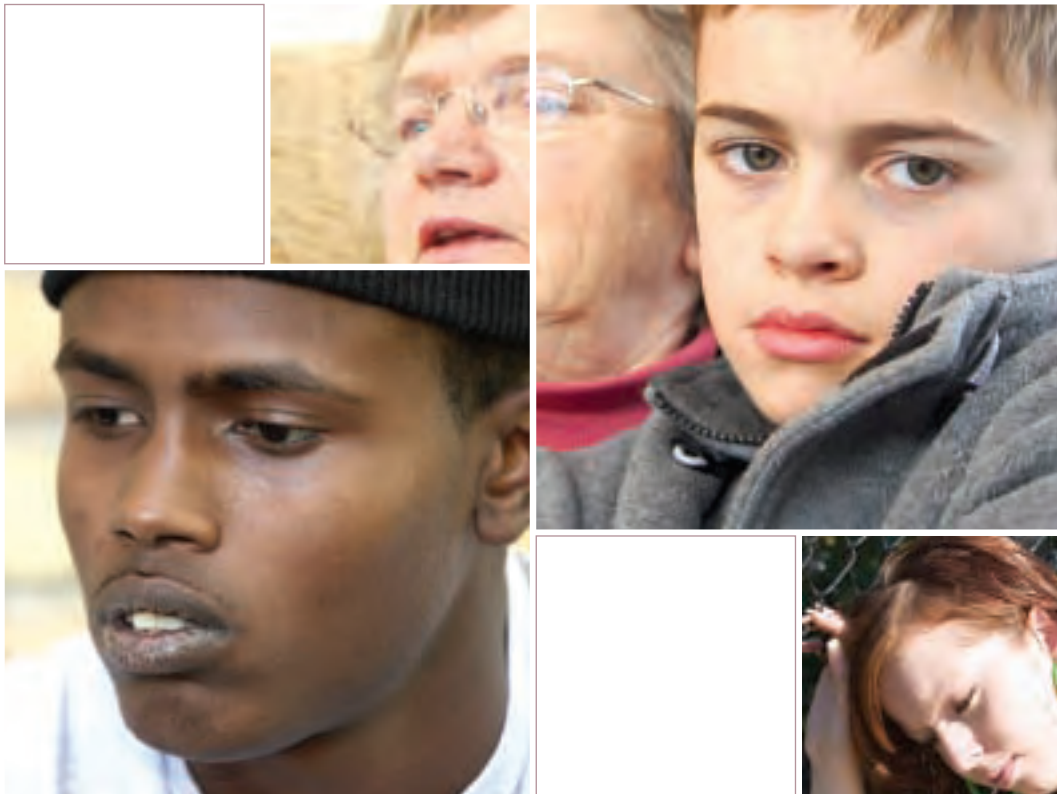


Figure 8: Service delivery to clients vs administrative costs



# Part one: Our clients



## Our clients include people of all ages.

Many of our clients are people who live on the edge of our communities, without adequate supports and safeguards, unsure where and how to get help, and lacking the connections and anchor points that are essential for social inclusion and full participation in our community.

This section provides a snapshot of the people who come to Victoria Legal Aid for assistance, and how our work helps make a difference to their lives.





Our services reach a wide cross-section of the community and benefit many people even if they do not qualify for legal representation.

Our clients are:

- people who receive a grant of legal assistance to be represented by a lawyer in court; these are people with income and assets below a certain level, who cannot otherwise afford to be legally represented
- people we help through our free advice services
- people to whom we provide legal education, information and dispute resolution services
- people who benefit from our role as an advocate for law reform, or as the administrator of the Community Legal Centre Funding Program.

Our clients include people of all ages who may need legal advice, representation or assistance at various stages of their lives.

We recognise that our clients' legal problems do not occur in isolation, and are often part of a cluster of financial, social, and health issues that can become overwhelming. While we play a major role in helping clients understand their rights and obligations when they come into contact with the criminal justice system, we are also proactive in helping clients get advice and information about housing, social support, contracts and consumer debts.

### Who gets a grant of legal assistance?

Victoria Legal Aid provides grants of legal assistance to people who cannot afford a lawyer.

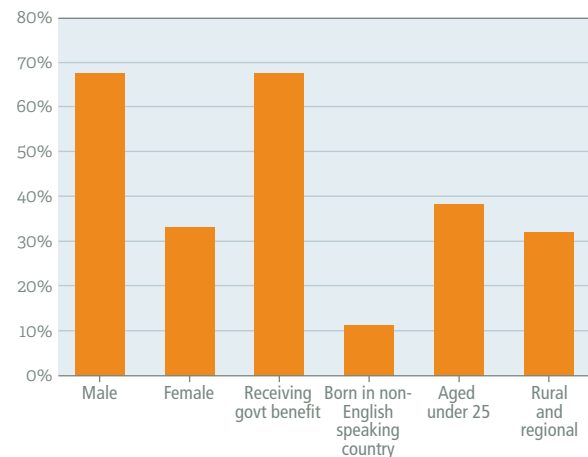
We have clear guidelines about who can get a grant. We look at what the grant is for and whether the case is likely to be successful, as well as whether running the case could benefit the community as a whole.

There is a means test which looks at a person's earnings from work or welfare benefits, as well as assets such as a house or car. The test also assesses whether the applicant has financial support from a spouse, partner or relative.

Our funding agreements require us to apply a means test. This means test is not generous, and many people who are not well-off by community standards do not qualify. In most cases a person needs to be dependent on a social security benefit. Ownership of anything more than a basic older car and some equity in the home can mean a person is not eligible for a grant of legal assistance. The asset threshold is presently reached if a person has \$100,000 home equity, which is quite a low level in today's housing market.

There is no nationally consistent formula for means-testing, and an inequitable distribution of funds between the states means that it is harder to obtain legal aid for a family law matter in Victoria than anywhere else in Australia.

Figure 9: Profile of people who received grants in 2008-09



A tightening of the means test was part of measures introduced by Victoria Legal Aid in 2008 to regularise our finances and has meant that many disadvantaged people now no longer qualify for legal aid.

However, we provide other free services that are not means-tested such as our duty lawyers, advice clinics, telephone advice service and publications. People who are economically disadvantaged but do not qualify for a grant are able to use these services to learn about their rights and get information about the law.

There is no nationally consistent formula for means testing





Christal Augustin from our Sunshine office

### Economic disadvantage

Poverty is the most significant barrier to a person's ability to access justice. Financial disadvantage is often inextricably linked to health, social and legal problems. Relationship pressures, problem gambling, incidental and opportunistic crime, alcohol and substance abuse are strongly associated with financial difficulties and frequently lead to legal problems.

### Making a difference: our work 2008–09

Grants of legal assistance were made to 34,321 people. Of these, 67 per cent are receiving a government benefit or pension.

Our work in civil law reaches many economically disadvantaged Victorians. We represent people with unpaid fines who have 'special circumstances' (those who are homeless, have a disability, or a drug or substance abuse problem). We act on behalf of people with debt problems, Centrelink issues, and housing and tenancy problems.

We have joined an initiative called 'Health Time', run by the Doutta Galla Community Health Centre for low-income people living in the Flemington high-rise flats. Our lawyers regularly attend a monthly informal barbeque, where people living around the housing estate can drop by and talk to health professionals and our staff about health, debt and legal issues in a casual and low-key environment. Many of the people attending are homeless, with a range of drug and alcohol problems as well as legal and health concerns. We have taken part in 14 sessions since becoming involved in this initiative in October 2008.

This year we also worked with financial counsellors to produce a new edition of our publication, *Debt problems: the law, your options*. We distributed 16,307 copies of this free publication this year.

## Serving our clients professionally and ethically

### Our work with a diverse community

Christal Augustin, a senior family lawyer from our Sunshine office, recently gave a talk to newly arrived adult migrants who were studying English. She braced herself for hard-hitting questions about the complexities of our legal system, and was nonplussed when instead the students wanted to discuss dress and grooming habits of the lawyers they had seen on a court tour—including their surprise that the magistrate had a long beard. Although she could see the humorous side of this unexpected focus, the incident brought home to Christal the difference in cultural expectations of the law's look and feel. Many had never before seen a female lawyer and in some countries lawyers have a stricter dress code.

Confusion about the Australian legal system is an issue Christal sees on a daily basis in her work. The Brimbank municipality, where our Sunshine office is located, has the highest proportion of overseas-born residents in Victoria (43 per cent). Christal estimates that more than half her clients are from culturally diverse backgrounds, most being Vietnamese and Sudanese. 'The foyer of our office often resembles a United Nations' General Assembly meeting. At any time there could be up to five or six clients of different nationalities waiting for their appointments with their interpreters.'

Working with clients from these backgrounds brings many more complexities. Legal documents such as marriage certificates may be missing or non-existent; for some clients, the exchange of cattle in a dowry arrangement may have been the only proof of marriage in their countries and there is no paperwork. Clients from some countries may not know their actual date of birth or have difficulty proving it.

But even more of a barrier is simple lack of understanding of Australian law and the assumptions that underpin it. Christal often sees clients from culturally diverse backgrounds who are shocked that their use of physical punishment with their children, which they see as their duty and a demonstration of their love and care for the child, can lead to action by the authorities.

For many migrants the concept that the courts may have a role in overseeing private family relationships is bewildering. Christal recently assisted a Vietnamese man who had for several years passively accepted a situation where his ex-wife denied their children the chance to spend time with him; he was totally unaware that he had legal rights in this situation, viewing it as simply a private tragedy that he had to endure.

Christal is active in local networks for community groups and legal authorities that are building understanding about the cultural issues their clients face.

Christal brings to her work great enthusiasm and a compassionate spirit but sees the privilege as being all hers. 'I enjoy my job here as I feel I am part of the process in ensuring that clients from culturally diverse backgrounds are able to access our legal system.

'Through listening to their personal stories about the journeys that led them to Australia, I have learnt so much about the resilience of the human spirit.'



## Respecting and valuing diversity

We recognise our special responsibility in working with groups that may have particular challenges in getting affordable legal assistance and understanding their legal options.

### Culturally diverse backgrounds

Around 20 per cent of the Victorian community were born in a non-English speaking country. People from these backgrounds face many barriers in getting help with their legal problem. These include language and literacy issues; confusion about where to go to get information; lack of understanding of the legal system; and different cultural expectations and beliefs about family, marriage, relationships and responsibility for children.

### Making a difference: our work 2008–09

Eleven per cent of grants of legal assistance (a total of 4669) were given to persons born in a non-English speaking country.

### Helping address language barriers

This year 3213 calls to our free phone line, the Legal Information Service, were requests for advice about a legal problem in a language other than English. The most commonly requested language was Arabic where we responded to more than 1000 queries. Most calls to our language lines involved questions about family law. The scope and reach of the service is illustrated by the fact that callers from 22 different ethnic groups phoned us for information about the law and their options relating to family violence.

We also used interpreters on 3463 occasions for clients who contacted us for advice and information, or for representation in their legal matter. This covered a spectrum of 35 different languages; the two most common languages were Vietnamese and Turkish.

Among our regional offices, the Sunshine office was the most frequent user of interpreter services with 654 sessions; Vietnamese was the most requested language. The Dandenong office was the second busiest for interpreter use, with 353 sessions and a trend towards increased requests for Arabic and African languages.

Our total expenditure on interpreter services in 2008–09 was \$392,001.

We also publish 32 free community legal education resources in community languages including Arabic, Chinese, Turkish, Farsi, and Vietnamese. This year we distributed 36,716 publications (both printed and downloaded) in other languages. Our most popular translated publications were *You and family law* in Chinese and Arabic, and *Do you have a legal problem?* in Arabic, Vietnamese and Turkish.

This year, for the first time, *Do you have a legal problem?* was translated into three African languages: Somali, Dinka and Amharic. Through our community partnerships we know that people from these newly emerging communities often lack awareness of our services, but particularly need to build their understanding of the legal system. Since being published in May 2009, 1183 copies of this publication have already been distributed.

We ran a Law Week event, 'Is the law working for you?', where our staff and people from community organisations led a lively discussion about access to the law for people from culturally diverse backgrounds.

This year 3213 calls to our free phone line, the Legal Information Service, were requests for advice about a legal problem in a language other than English.



*Managing Lawyer of Victoria Legal Aid's Civil Law Program, Robyn Mills*

### Indigenous people

We aim to work closely with Aboriginal legal services, which were formed from grassroots organisations in the 1970s, and continue to provide community-based, culturally appropriate legal services. We continue to work to ensure that we deliver effective and sensitive services to Indigenous communities.

Indigenous people in Victoria also receive legal information and advice from our staff or via a private practitioner with a grant of legal assistance, particularly in rural and regional areas. Indigenous organisations support people experiencing family violence.

### Making a difference: our work 2008–09

This year we provided 871 grants of legal assistance to clients who identified as Aboriginal or Torres Strait Islander.

To further develop our role as a service provider to Indigenous people in Victoria, our staff have formed a group to work towards achievable, practical strategies that build our capacity to respond to indigenous clients. We support cross-cultural education for our staff, and through our New Lawyer program (see page 45) we offer two positions to first-year and second-year lawyers from an Indigenous background. We also provide four summer clerkships to Indigenous law students. We hope to work with staff with experience and a passion for social justice in this area to take practical steps to build on this good work.

### Older people

Older people can face significant challenges in accessing services. As well as concerns about their financial future after leaving the work force, they may be facing difficult decisions about living options such as nursing homes or retirement villages. They may also be confused about estate planning, and feel the pressure of expectations to support their children and grandchildren. Older people can also be vulnerable to scams and exploitation. With the deterioration of health and mobility, they can be disadvantaged in accessing information in an increasingly computer-based society, and may lack confidence in seeking out options, or knowing where to go for help.

## Our work in action

For one of our clients, the barriers to achieving a just solution to a complex web of health and legal problems could have been insurmountable without the support of Victoria Legal Aid. She is a woman with multiple disabilities including deafness, and has had numerous hospitalisations.

This very vulnerable woman's mother was manipulating her finances, and a series of events led to her being at risk of losing her home. Robyn Mills, Managing Lawyer of our Civil Law Program, speaks with great pride of a long and hard-fought battle to preserve the woman's ownership of her home.

'The Supreme Court eventually ruled 100 per cent in our client's favour, allowing her to keep her home and, more importantly, keeping her from a breakdown. We had two Auslan interpreters available for the full 11 days of her court hearing so that our client could understand and take part in what was going on. Winning this case shows that people with a disability can access legal aid and the court system, and most importantly be treated as equals.'

### Making a difference: our work 2008–09

This year we provided 1256 grants of legal assistance for clients aged over 55.

In partnership with the Office of the Public Advocate, we distributed 46,795 fact sheets and kits about guardianship and power of attorney.

We took a leadership role in helping set up a new specialist legal service, Senior Rights Victoria, which is now providing an information, casework and referral service on matters affecting older people in the community.

# Fair access to services for all



Deputy Premier and Attorney-General Rob Hulls officially launched our South West Coast office in April

## A new Disability Action Plan

This year we developed a new Disability Action Plan which aims to reduce potential barriers that people with a disability might encounter in their dealings with our services.

‘Our priority is making sure we provide appropriate, respectful, easily understood and relevant legal information, advice and representation to people with a disability’, says Carman Parsons, our new Referrals, Access and Equity policy officer. She developed the plan in consultation with advocacy groups.

The plan has led to a commitment to:

- revisit our approach to publications, both printed and online
- look at whether phone lines are accessible to people with speech or hearing impairments
- review duty lawyer and legal advice services to ensure they are accessible to people with a disability
- encourage private practitioners to act for people with a disability through grants of legal assistance.

### People with a disability

The justice system presents many obstacles for people with a disability who are trying to get information, advice or support about their legal problems. These can include inaccessible physical environments and information formats. People with a mental illness or an intellectual disability are consistently shown to be over-represented in the justice system, but their ability to understand what is going on and speak for themselves can be quite compromised.

#### Making a difference: our work 2008–09

In 2008–09 we provided 595 advice services through a specialist outreach program, in which our lawyers visit patients in psychiatric hospitals to advise them of their legal rights.

In partnership with the Disability Discrimination Legal Centre and Villamanta Legal Service, we publish and distribute a resource called *Using disability discrimination law*. This is available in Braille and audio formats. It was revised and updated this year and 10,053 copies, as well as 143 Braille and 64 audio versions, were distributed.

Together with the Mental Health Legal Centre we produce a guide to help people who are experiencing mental health issues, *Patients’ rights*. We distributed 6391 copies this year.

### Women

Women can suffer particular disadvantage in getting help with family and civil law problems, and are especially at risk in situations of family violence. Limited financial resources remain a major concern for many women, particularly in cases of family breakdown.

#### Making a difference: our work 2008–09

Of this year’s 41,946 grants of legal assistance, 14,031 (33 per cent) were to women. Women received 62 per cent of all grants of legal assistance in the Family Law Program, and 58 per cent of grants in the Civil Law Program.

Table 6: Grants of legal assistance to women by law program

Law type	Grants	%
Family	5,398	62
Criminal	4,950	18
Civil	3,683	58

We have taken an active role in working with the Department of Justice and other agencies to develop and implement the new 2008 family violence legislation that offers greater protections for women and children. We also ran seminars to help educate our staff and community legal centre staff about the new laws. (A full outline of this work is on page 23).

Through our phone advice service and publications we also provide information on family violence, including information in other languages.

### Children and young people

The importance of early experiences in shaping life outcomes is well-known, so our role in promoting the rights of children and young people is central to an effective justice system. Decisions about the removal of children from their parents’ care due to protective concerns are extremely sensitive and have far-reaching consequences. We play an important part in advocating for the rights of vulnerable children in these challenging circumstances. Our work also helps to safeguard the rights of young people who have been charged with criminal offences.

#### Making a difference: our work 2008–09

Thirty-eight per cent of grants of legal assistance (15,939) were to people aged under 25.

As can be seen on page 18, people aged under 25 are the largest single group receiving assistance from Victoria Legal Aid via grants and duty lawyer services.

We have a specialist service, the Youth Legal Service, which helps young people, both in matters involving protective concerns, and where young people are charged with criminal offences. We also provided 700 grants of legal assistance so that Independent Children’s Lawyers could represent the interests of children in complex family law matters (this work is described in more detail on page 22).

Our publication, *Am I old enough?*, which covers a wide range of legal topics of interest to young people, is our most popular resource and is in high demand from schools and youth services. We distributed 39,623 copies in 2008–09.



## Part one: Our clients

### Our work in action: 'A country practice'

The 'tyranny of distance' is one of the main challenges in providing quality services to remote areas. For our Loddon-Campaspe office, for example, coverage extends from Bendigo to the border townships of Swan Hill (a two-and-a-half hour drive to the north) and Echuca, as well as towns such as Kyneton and Castlemaine.

Managing Lawyer of this office, Marcus Williams, is part of a team of 15 that, in 2008–09, provided 4993 services to people in this region. 'I guess the biggest challenge is to be able to get out to people and make them aware of what we do, and then provide the best possible access to our services we can.'

Marcus and the team travel extensively, visiting Loddon Prison, Tarrengower Women's Prison, and Malmsbury Youth Justice Centre.

They work in some of Australia's most picturesque court settings. The Bendigo Magistrates' Court is a magnificent building reflecting the wealth and optimism of the gold rush era. Unfortunately, as Marcus explains, many of its facilities have not advanced much since that period. 'There are no computers, and you enter via a basement. Our duty lawyers see clients at a table under a stairwell.'

Nearby Kyneton Court, where a 15-year-old Ned Kelly was tried and acquitted on three counts of armed robbery in 1870, is similarly antiquated. 'There's no interview room, so we interview our clients outside under what we call the legal aid tree,' says Marcus.

Despite these quaint aspects of the local scene, work in a rural office has many advantages, according to Marcus, including the opportunity to engage fully with the local community. 'We have very good relationships with other providers in the area—local solicitors, court staff and police. We have a strong relationship with the community legal centre and work together on joint initiatives, such as an outreach service to Kyneton.'

#### People living in rural and regional areas

Victoria Legal Aid recognises that people living in rural areas face difficulties in accessing many services, not just legal ones. Some of the barriers they face include: lack of lawyers with specialist knowledge and expertise; high transport costs; a smaller pool of legal services leading to potential conflicts of interest; and the need to rely on telephone advice rather than personal contact.

#### Making a difference: our work 2008–09

Thirty-two per cent of grants of legal assistance (13,564) were made to people living outside metropolitan Melbourne. We have eight offices in rural and regional Victoria.

One of our policy objectives is to establish a regional office in each of the major metropolitan and country regions of the state. We will be seeking solutions to close significant gaps in access to legal aid services in areas of regional Victoria, such as Mildura and Swan Hill.

One of Victoria Legal Aid's initiatives this year, the Victorian Legal Assistance Forum (see page 36), will be looking at ways to identify and solve gaps in service delivery in regional Victoria. In June, our Bendigo office held a collaborative forum, the first in a series which will discuss ways forward.



## The people we helped

Figure 10: Gender, age and location across all services

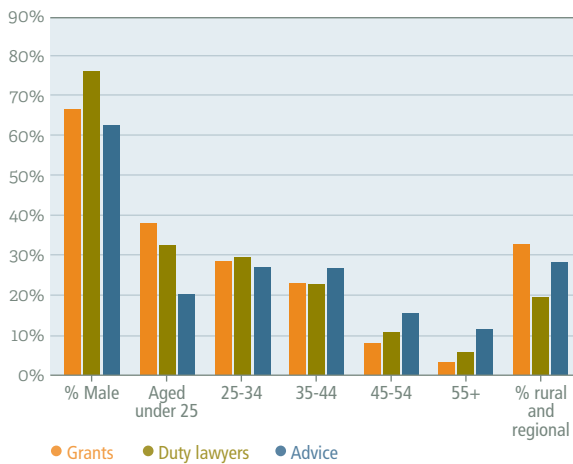
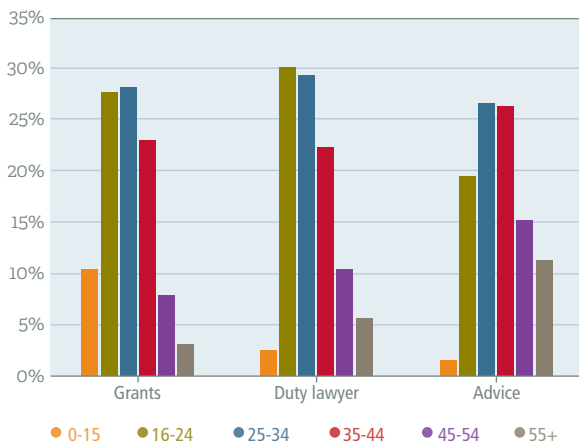


Figure 11: Our services by client age and service type



Note: all figures are based on in-house duty lawyer services only, as full data is not available for private practitioner duty lawyer services. Data is also unavailable for 287 family law duty services and 614 advice services which were manually counted

The people who use our services are predominantly young. This is a consistent trend across all our services: grants of legal assistance, duty lawyers, and advice.

People aged under 25 are the largest group that are receiving grants of legal assistance or using our duty lawyer services.

Overall, more men than women use our services across all service types: grants, duty lawyer, and advice services. In criminal law men receive 82 per cent of all grants of legal assistance. They also form the majority of users of our duty lawyer and advice services.

However, women receive more grants of legal assistance in the areas of family law (62 per cent) and civil law (58 per cent).

Thirty-two per cent of grants of legal assistance are made to people living in rural or regional areas, and they receive 28 per cent of advice services. The proportion of duty lawyer services in rural and regional areas appears lower at 19 per cent, but it should be noted that this figure represents our in-house practice only and does not include private practitioner-provided duty lawyer schemes in many regional areas.

Figure 12: Male/female by law and service type

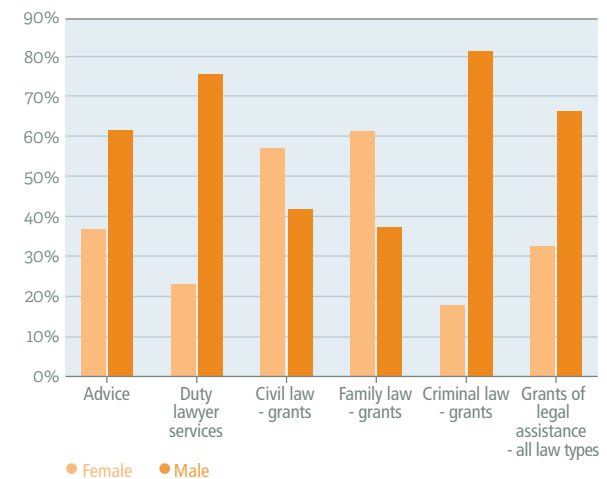
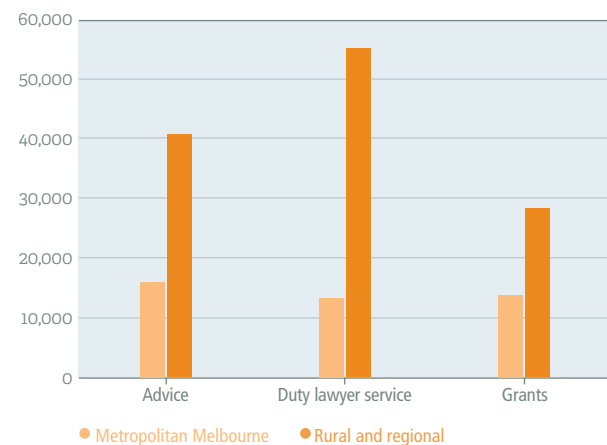


Figure 13: Rural/regional and metro across all service types



## Part two: Our programs





## Our Family Law Program objective:

to assist adults and children to resolve their family disputes and achieve safe and workable care arrangements for children

## Family Law

We help people with legal problems that arise from divorce and separation. Our Family Law Program has a strong emphasis on children's issues. We help families who are in conflict about where their children should live, and how their property should be divided; and in situations where there has been family violence.

### Our performance: at a glance 2008–09

Table 7: Family Law expenditure and services

Funding source	\$million
Commonwealth	28.9
State	12.7
Total expenditure	41.6
Percentage of expenditure	32
<b>Services to clients 2008–09</b>	
Grants of legal assistance	8,695
• in-house (%)	26
• private practitioner (%)	74
Duty lawyer services	10,228
Alternative dispute resolution conferences held	876
• settlement rate (%)	88
Advice (includes minor work)	15,320

Our phone advice service also responded to 29,552 calls from members of the community in relation to family law topics in 2008–09; this was 31 per cent of all matters.

The top three reasons that people sought advice from this service were queries about arrangements for the care of children; property settlement after divorce or separation; and family violence.

We also ran free workshops for people who plan to represent themselves in a family law matter. This year there were 66 workshops, attended by 387 people.

### Overview 2008–09

In 2007–08, pressure on the Legal Aid Fund led to a review of expenditure on grants of assistance in Commonwealth family law matters (see Figure 14). This has led to a decrease in the number of grants of legal assistance available in Commonwealth family law matters in 2008–09.

Because fewer people are eligible for a grant of legal assistance, there has been an increase in the work of our in-house duty lawyer and advice services, as well as the alternative duty lawyer services provided by the Family Law Legal Service and Peninsula Community Legal Centre.

Another factor leading to an increase in demand for advice and duty lawyer services was the amendment to the *Family Law Act 1975* which now includes property matters involving de facto and same sex couples. The introduction of the *Victorian Relationships Act 2008*, and changes to the *Child Support (Assessment) Act 1989*, have also placed extra demands on resources this year.

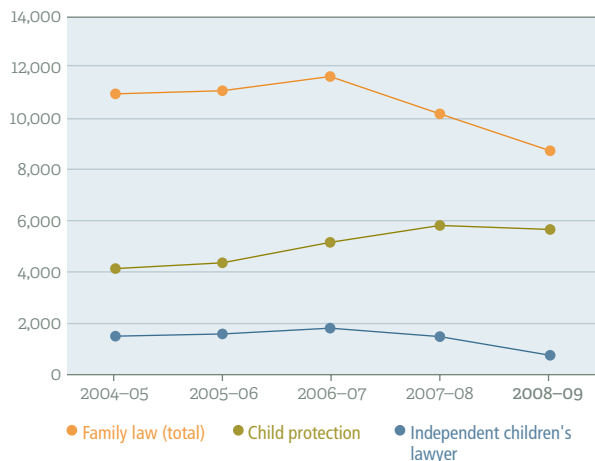
We have continued successful placements of family lawyers in the Albury-Wodonga Community Legal Service and the Aboriginal Family Violence Prevention Legal Service.



## Part two: Our programs



Figure 14: Five-year trend: grants in family law



There has been a 30 per cent decrease in the number of grants of legal assistance available in Commonwealth family law-related matters. Pressures on the Legal Aid fund led to a review of expenditure in this area in February 2008 and the implementation of new restrictive guidelines.

This has had a major impact on our Independent Children's Lawyer program, which was able to provide 736 fewer grants compared to 2007-08, a reduction of 51 per cent.

Figure 15: Profile of people who received grants - family law



### The year ahead: 2009-10

Our priorities next year will be:

- working towards a new National Partnership Agreement which will offer increased flexibility and funding to improve social inclusion and access to justice
- exploring innovative outreach programs with Family Relationship Centres and co-operative arrangements with the Department of Human Services
- working with national and state partners to implement the Prime Minister's National Action Plan to Reduce Violence Against Women 2009, particularly in relation to training and development of risk management tools
- exploring innovative use of alternative dispute resolution across jurisdictions other than family law.

We will also focus on exploring more appropriate models for people from Indigenous and culturally, linguistically or religiously diverse backgrounds. We are also looking to find ways to help unrepresented people in disputes get additional legal advice and support.

A failure to resolve children's living arrangements and the division of property after separation and divorce are known factors for violence and intimidation.



Family lawyers Judy Small and Freia Carlton

## Our work in action

A small furry brown bear takes pride of place in the corner of family lawyer Judy Small's office. It was a gift from a 14-year-old boy that Judy never actually met. But he appreciated that through her efforts he was finally able to be reunited with his mother, with whom he had lost contact over many years of a bitter family dispute. Judy was appointed as an Independent Children's Lawyer by the Family Court to represent the boy's best interests and ensure his point of view was made known to the court.

The gift is testament to the rewards and challenges of this difficult but vital and complex role. The Independent Children's Lawyers look to gather evidence that parents who are in conflict would not otherwise present to the court: evidence from less emotionally involved people such as teachers, counsellors, hospitals, doctors, day care centres and welfare agencies who may have information about the child's wellbeing.

'We are a sort of honest broker between the parties,' Judy explains. The role requires sensitivity and compassion as well as a clear focus on what is best for the child. For some parents the level of intractable conflict and bitterness towards each other has come to overshadow their child's needs.

The role is initially investigative and exploratory, but after gathering as much impartial evidence as possible, an Independent Children's Lawyer is expected where possible to present a preliminary point of view and be able to argue that view in court.

While getting the point of view of the child is an important part of the process, the role encompasses more than being a voice for the child. Sometimes a child's clearly expressed opinion (to live with one particular parent, for example) is not in their best interests, or impractical. On other occasions a child's stated wish is contradicted by his or her behaviour. Judy cites the recent example of a child whose parents were locked in conflict about which school he should attend. Though the child stated that he wished to attend the school his father had chosen, his constant truanting and poor behaviour at that school gave an eloquent message that suggested otherwise.

Although it is distressing to view the pain of the children and their families, Judy finds rewards in sometimes being able to come up with a lateral solution that parents have not previously considered. 'We can help negotiate a third way. It might not be what everybody initially wants but what everyone can live with in the end'.

Our specialist family law services—the Independent Children's Lawyers, Roundtable Dispute Management and the Child Support Legal Service—also help families undergoing the stress of divorce and separation.

## Independent Children's Lawyers

Our objective: to ensure that vulnerable children, at risk of harm due to the conduct of one or both parents, are assisted in court proceedings, and that arrangements are made by the court in the child's best interests

Independent Children's Lawyers are appointed by the family law courts to help determine the best interests of children who are the subject of complex disputes.

Priority is given to situations which involve: allegations of child abuse; serious cultural differences between parents; drug or alcohol problems; or where one of the parents has been alienated from the children.

A quota which has limited the number of services the Independent Children's Lawyers program can provide was introduced in February 2008. A consequence of the quota is that the Independent Children's Lawyers program assisted 736 fewer children exposed to high-risk situations compared to 2007–08. This step was undertaken as Victoria had a rate of referral to the program that was higher than the national average.

## Alternative dispute resolution

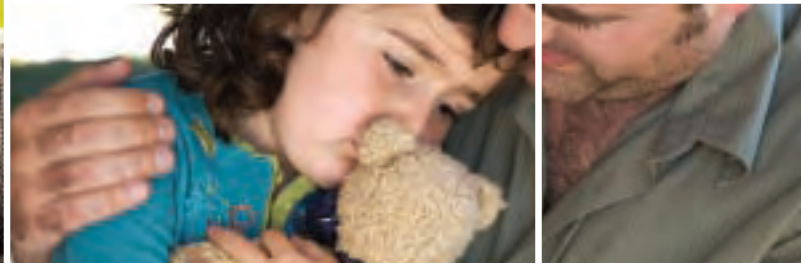
Our objective: to assist adults and children involved in family disputes to reach fair, equitable and sustainable resolution by providing lawyer-assisted dispute resolution services

Through our Roundtable Dispute Management (RDM) program we provide an alternative to expensive court action which often deepens the conflict and tension in families. Conferences are facilitated by an experienced chairperson to help parents and families settle disagreements about where their children live and with whom they spend time.

# Giving children the best start in life



## Part two: Our programs



Parents can meet for an RDM conference in a safe environment. These are often not easy conversations. Sensitivity and empathy are vital, particularly in situations where there is family violence or abuse. If needed, separate rooms and waiting areas are used to prevent contact between people attending conferences.

Every effort is made by the case managers to accommodate the needs of individual clients. Case manager Hannah Sycamore recalls a recent conference that took place in Mildura: 'Everyone involved in the dispute lived there, so the chairperson travelled from Melbourne to Mildura to host it there.' Where long distances are involved, conferences can be held at locations throughout the state, or over the telephone. As Hannah points out, 'Victoria is a big area and many of our clients can't afford to travel long distances.'

**In 2008–09, 876 conferences were held. A full or partial settlement was achieved in 88 per cent of conferences.**

### Child support legal service

**Our objective: to ensure that the child support system operates fairly, and that carers and liable parents have access to independent legal advice and representation**

We provide advice, casework and duty lawyer services about Child Support Agency procedures. We help obtain reviews of Centrelink decisions, appeals to the Social Security Appeals Tribunal, and court orders if needed.

The Child Support Legal Service also provides community education and advice sessions throughout the state. We have an outreach program visiting all our offices and some country locations.

### Family violence

**Our objective: to assist the wider community to reduce the incidence of family violence and to ensure the safety of adults and children who feel the impact of family violence**

We assist people applying for a family violence intervention order, as well as those responding to applications. We recognise that for violence in the community to be reduced, persons experiencing family violence need to be able to obtain protection, while those committing family violence need to be aware of their rights and understand their obligations. We have a role in helping link perpetrators to services that will assist them to change their behaviour.

### Overview 2008–09

We played an active role in the Victorian Government's wholesale review of family violence laws. We also helped put in place services to aid effective implementation of the *Family Violence Protection Act 2008*. Our work included:

- taking part in several reference groups that focused on improving the statewide, whole-of-government response to the problem of family violence
- providing specialist family violence services at the two locations (Heidelberg and Ballarat) of the pilot Family Violence Division of the Magistrates' Court, and the four locations (Werribee, Sunshine, Melbourne and Frankston) of the court's Specialist Family Violence List
- funding specialist family violence legal positions at ten community legal centres in Melbourne and regional Victoria
- rewriting all our highly regarded publications on family violence in light of the new Act
- holding a well-attended seminar on the new laws for our own staff and those from community legal centres.

### Child protection

**Our objective: to assist children at risk of being removed from their families by the state, and their parents, to achieve safe and workable care arrangements**

Our lawyers help promote the interests of children and young people in situations where the Department of Human Services believes they are at risk. 'Our role is to make sure the views of children and young people are clearly articulated to the court,' explains Ros Porter, Managing Lawyer of our Youth Legal Service.

Because of their nature, child protection cases can be very difficult, involving allegations of abuse and sensitive issues of potential harm to the children. The most challenging cases involve children who are at risk of being separated not only from their parents, but also from their siblings. It is important that children and young people have a voice, given the significance of the decisions being made about their future.

'Children generally from the age of seven can be a part of the decision-making; their insight and capacity are often underestimated,' says Ros. 'Kids are also realistic and can accept if they don't get what they want, but it is very powerful if they know they have had a say.' Our Youth Legal Service lawyers help children in these situations understand the court process and guide them through what to expect. Children provide direct instructions to their lawyer and have the same lawyer-client relationship as adults. Ultimately, it is for the Children's Court to decide what is in the best interests of the child.



## Safeguarding vulnerable children

We also assist parents, where they have merit or special circumstances, to contest proceedings and achieve fair outcomes with the Department of Human Services. We negotiate appropriate assistance and services for families to redress any protective concerns.

### Overview 2008–09

We provided 5676 grants of legal assistance in child protection matters this year. Grants in child protection matters have increased by 37 per cent over the past five years.

We also provided duty lawyer services in 1647 situations involving child protection, as well as giving advice in 779 matters.

We have observed an increased workload and strain on the Melbourne Children’s Court, and have been working with the court, the Department of Human Services and other agencies to establish a new Family Division at the Moorabbin Justice Centre.

One of the challenges in setting up the new court has been providing both our in-house lawyers and a new private practitioner duty lawyer panel, so that our clients have access to legal services. Unlike many court cases, one of the complexities is that child protection cases often involve multiple parties who each need their own lawyer.

We are also working with the court, the Department of Justice and the Department of Human Services to develop an improved alternative dispute resolution model for the court.

We are involved in the pilot of an alternative pre-trial dispute resolution process with the Children’s Court and the Department of Human Services, in which parents would be assisted to negotiate with the department over care plans for children considered to be at risk and in need of protection. The aim is to resolve care arrangements for children through consent and without the need for the Children’s Court to order that children be removed from their parents’ care.

### The year ahead: 2009–10

We will work to advance the National Framework For Protecting Australia’s Children 2009–2020, acting early and improving service responses to infants, and parents before children are born, in situations where there is a clear risk of state intervention and child removal.

## Our Civil Law Program objective:

to ensure that people’s legal and human rights are protected and practical access to consumer help and administrative review is available to those in need

## Civil Law

Our Civil Law Program focuses on providing legal services to some of Victoria’s most disadvantaged clients, with specialist services in the areas of refugee and migration law, social security law, guardianship and administration, mental health, fines and anti-discrimination law.

### Our performance: at a glance 2008–09

Table 8: Civil law expenditure and services

Funding source	\$million
State	1.5
Commonwealth	1.8
Total expenditure	3.3
Percentage of expenditure	3
<b>Services to clients 2008–09</b>	
Grants of legal assistance	6,404
• in-house (%)	18
• private practitioner (%)	82
Duty lawyer services	5,497
Advice (includes minor work)	15,651

Our free phone advice service also responded to 47,680 civil law matter queries in 2008–09. This was 49 per cent of all calls answered this year. The most common civil law queries concerned debt, fines, and social security.

### Overview 2008–09

The Victorian *Charter of Human Rights and Responsibilities* has been a major focus of work this year. We have raised a number of Charter issues in residential tenancy proceedings, guardianship applications, and cases involving people with a disability and preventative detention. We have also drawn on the Charter in our law reform work, contributing to submissions on the review of the *Mental Health Act 1986*.



Civil lawyer Stuart Webb

## Part two: Our programs

### Our work in action

Getting your L-plates is an important rite of passage for most young Australians. But for Ethiopian refugee Solomon, it will be even more of an achievement to be able to proudly display his 'Ls' on his car. His path to this milestone has certainly had more pitfalls and complications than that of the average teenager.

Like many refugees who find their way here, Solomon was fleeing a war-torn country where children are frequently separated from their families, and bureaucratic procedures and paperwork have become chaotic and unreliable. When he arrived in Australia, Solomon's immigration papers had him incorrectly listed as an 11-year-old. He was in fact six years older.

This error had serious consequences for Solomon's new life in Australia, as it meant he was ineligible for services and benefits such as Centrelink assistance. He was caught in limbo in the education system, too obviously 'old' to be attending the lower years of secondary school with younger children but not officially the right age to enrol for courses for young adults, which would have helped him adjust to life in his new country.

The Department of Immigration and Citizenship (DIAC) was unwilling to alter Solomon's papers, despite him being quite obviously older than his official listing. One of our civil lawyers, Stuart Webb, embarked on a tenacious campaign to achieve recognition of Solomon's true age and details. Bone density testing proved inconclusive, so Stuart adopted a variety of other tactics to achieve recognition of Solomon's true age.

With the help of the community, he was able to track down a friend of the family who had been present in Khartoum at the time of Solomon's birth. She brought forward photos showing Solomon and her own daughter together as young children. Stuart also worked closely with workers from Multicultural Youth Services and Victoria University, who were able to make professional assessments of Solomon's maturity based on their experience of working with clients of a similar age group.

Based on the evidence marshalled by Stuart, DIAC has now conceded that Solomon is indeed a 20-year-old, and his papers have been amended. Not only is Solomon himself delighted with the result, and eagerly awaiting a chance to acquire those L-plates, but many others of his friends and family who joined the detective quest have developed a much greater respect for the possibilities of Australian law.

Stuart says, 'So many members of the Ethiopian community became involved in helping solve the puzzle of his real age. They now see that the law can work for them too, so I think it will have great spin-offs in encouraging young refugees from the Horn of Africa to know where to come for help.'

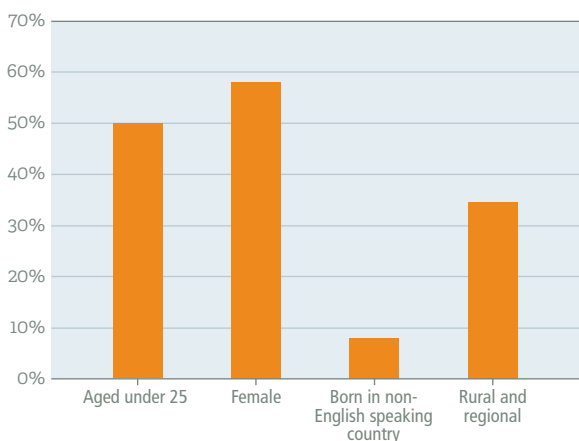
This year lawyers in our Social Security Program have also noticed a marked increase in the number of criminal proceedings involving alleged overpayments.

Another trend the Civil Law Program has noticed has been in the area of housing. Landlords have been making an increasing number of applications for possession on the grounds that the property was being 'used' by the tenant for illegal purposes, including the use of illicit drugs. If landlords succeed in these applications, people can end up homeless, so quality representation to safeguard individual rights is important.

We have used our knowledge and expertise in civil law matters to contribute to many law reform submissions. These include the review into the operation and procedure of the Victorian Civil and Administrative Tribunal, as well as:

- consideration of new guidelines for ministerial intervention under the *Migration Act 1958*
- the National Human Rights Charter consultation
- in conjunction with National Legal Aid, contributing to the inquiry into how alternative dispute resolution methods could be used in civil proceedings, as well as the inquiry into immigration detention reform.

Figure 16: Profile of people who received grants - civil law



### The year ahead: 2009–10

We will be working to improve legal and welfare responses so that problems do not compound for people experiencing financial hardship.



Social security practice lawyer Len Jaffit

## Our work in action

Managing Lawyer Robyn Mills says that safeguarding the human rights of people who are experiencing mental illness is vital. 'We are often the last stop; we do areas of law that many private practitioners don't practise in.'

Robyn is both passionate and proud about the importance of the work she and her team do. She gives an example of a client with a severe mental illness who recently applied for victims of crime compensation after being raped in her own home. It was difficult to separate the consequences of the underlying mental illness from the additional damage and stress caused by the rape.

'My client asked me to come to the Victims of Crime Tribunal hearing with her. I was proud to sit at the bar table and hold her hand as she gave her evidence to the tribunal. The tribunal believed every word she said, and they gave her the maximum amount of over \$16,000. My client was crying on the day. For her it was a vindication of what had occurred; someone believed her; someone accepted her as a human being.'

## Mental health

**Our objective: to ensure that people who are at risk of being involuntarily detained, or receiving unwanted medical treatment, are able to participate in decision-making concerning their lives**

A mentally ill person who is involuntarily hospitalised faces loss of liberty, dignity and the right to make choices about treatment and medication. While there are strict legal requirements governing involuntary treatment, being able to exercise these rights while under the stress of coping with a mental illness can be extremely difficult.

We provide a visiting advice service for inpatients in more than 15 psychiatric facilities throughout Victoria. Our lawyers help explain legal options and represent people at hearings of the Mental Health Review Board.

This year we assisted people with a mental illness by providing advice on 1545 occasions. We also provided 51 grants of legal assistance and 307 duty lawyer sessions for matters relating to mental health.

## Social security

**Our objective: to ensure that eligible persons can access income support, resolve arrangements for managing overpayments, and that Centrelink administers systems that treat clients fairly**

We help people who want to appeal a decision about their entitlement to a Centrelink benefit.

For the majority of our clients whose only income is a social security payment, decisions made by Centrelink can leave them at risk of financial hardship, debt, family breakdown and homelessness. Laws relating to Centrelink entitlements are complex, and understanding entitlements and navigating appeals is difficult for many in the community to negotiate. Our Social Security Program helps people understand their rights and achieve fair solutions.

## Our work in action

We recently acted on behalf of a terminally ill Turkish man. He had become caught in a confusing and distressing situation where Centrelink disputed the terminal nature of his illness. Due to delays in the case and appeals, as well as a relationship breakdown, this man was living in a car and unable to return to his home country where he had family who were able to support him. Our lawyers made many submissions advocating on his behalf, including challenging the nature of the medical evidence and Centrelink's refusal to allow him to travel.

Eventually the appeal was successful and the arrears were paid for the period where he was wrongly denied his disability support pension.



*Migration lawyer Dana Krause*

## Part two: Our programs

### Migration law

Our objective: to ensure that people at risk of detention or of having their visas cancelled are assisted to challenge decisions, rectify an injustice, develop the law and maintain community confidence in the migration system

In helping people obtain a protection visa, we are working for some of the most vulnerable individuals in the community: those who are seeking refuge, or those who have no status to remain legally in our community, and face an uncertain future. Our assistance often means that for the first time in a very long time, families have the prospect of rebuilding their lives in safety.

This year we gave advice in 1967 immigration matters, as well as providing 84 grants of legal assistance and 52 duty lawyer services.

### Our work in action

Lawyers in our migration practice witness at first hand the powerful stories of people who have fled persecution in their own countries and are seeking asylum in Australia.

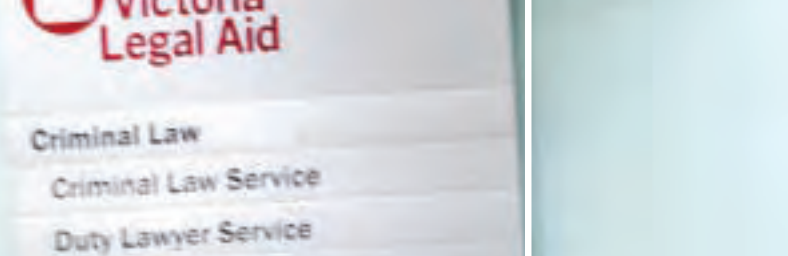
Lawyer Joel Townsend describes the situation of a woman whose family had fled Tibet with the Dalai Lama and had lived her whole life in India, where she was discriminated against, unable to own property, and denied permanent residency. She worked for the Tibetan government-in-exile and on behalf of victims of torture.

She was initially denied her claim to protection in Australia but through our work the Refugee Review Tribunal accepted that she would have no legal right to return to India, and would have been persecuted in China. 'In Australia, her two children are now in primary school; she is working in an aged care home, and studying nursing. She will be a model citizen. She is intelligent, principled and kind. It was a delight to assist her with her claim.'

Another lawyer in the Migration Law Program, Dana Krause, also speaks of the rewards and stresses of her successful efforts to obtain a permanent visa for an Ethiopian-born woman, whose perceived sympathies for the Oromo Liberation Front had led her to be arrested, interrogated and sexually assaulted by military officers. Even before this awful event, the woman had lived a life of profound sadness, having previously experienced prolonged sexual abuse when working as a maid in Saudi Arabia.

At one point, in great distress, the woman had shown Dana the scars on her back from the beatings she had experienced. 'Asylum seekers are extremely vulnerable and desperate. We give them a voice. When a client is granted protection, we feel an incredible sense of relief and satisfaction. The feeling is actually indescribable.'

Our assistance means  
refugees have the  
prospect of rebuilding  
their lives in safety.



## Our Criminal Law Program objective:

to ensure access to quality representation for fair and timely consideration of criminal offences sufficient to safeguard legal and human rights

## Criminal Law

Our Criminal Law Program acts for people who have been charged with a serious criminal offence including: murder and assault; property, dishonesty and fraud offences; and drug and sexual offences. These are called indictable crimes and are usually heard before a judge and jury. We also assist people who have been charged with less serious offences (known as 'summary crime') which are usually heard in the Magistrates' Court.

### Our performance: at a glance 2008–09

Table 9: Criminal Law expenditure and services

Funding source	\$million
State	56.6
Commonwealth	3.2
Total expenditure	59.8
Percentage of expenditure	46
Services to clients 2008–09	
Grants of legal assistance	26,847
• in-house (%)	37
• private practitioner (%)	63
Duty lawyer services	53,100
Advice (includes minor work)	26,018

Twenty per cent of calls to our free phone advice service in 2008–09 were about criminal law matters.

### Overview 2008–09

There has been a significant increase in our duty lawyer, minor work and legal advice services, continuing a similar trend from the past two years. Duty lawyers are spending more time at court as a result of this growing demand. The cases they are seeing are more complex and there has been an upsurge in special needs clients who are presenting at court without first having seen a lawyer.

This year our practice has also acted in a significant number of complex matters in the County and Supreme Courts, and Court of Appeal.

To meet the challenges of our increasingly complex work load, the Melbourne practice has recruited three experienced Managing Lawyers. The practice has been revitalised by this additional legal and management expertise, which has increased support to all staff in the practice.

We have contributed to the development and planning of professional education to help thoroughly prepare our staff for forthcoming legislative changes governing evidence and criminal procedures. The Melbourne practice also supports regional offices by providing mentoring, advice and secondments.

Our prison advice service has continued to provide quality advice, referral and, in some cases, representation to people in custody. Through the year, this service provided advice on 6176 occasions through visits to 20 prisons, remand centres or correctional facilities throughout the state.

Other highlights this year were:

- We helped establish the Summary Procedure Steering Group with Victoria Police, the Department of Justice, the Law Institute of Victoria, the Victorian Bar and the Magistrates' Court. This group prepared for the introduction of the *Criminal Procedure Act*.
- As a result of this work, Victoria Police agreed to second one of our senior lawyers to their Prosecutions Unit. This provides an opportunity for a defence perspective to be incorporated into new police prosecution practices.
- Together with our Civil Law Program, we initiated an outreach service with Doutta Galla Community Health Centre and Flemington-Kensington Community Legal Centre (see page 13).
- With our colleagues in the Civil Law Program, we took part in the Department of Justice's Mental Health Strategy. This has led to the department agreeing to provide four years' funding for legal services at the proposed Mental Health List in the Magistrates' Court.





## Part two: Our programs



- We reviewed our training and induction program for new lawyers. We have put in place more comprehensive induction processes within the Criminal Law Program to support new staff as they take up their challenging roles.

### The year ahead: 2009–10

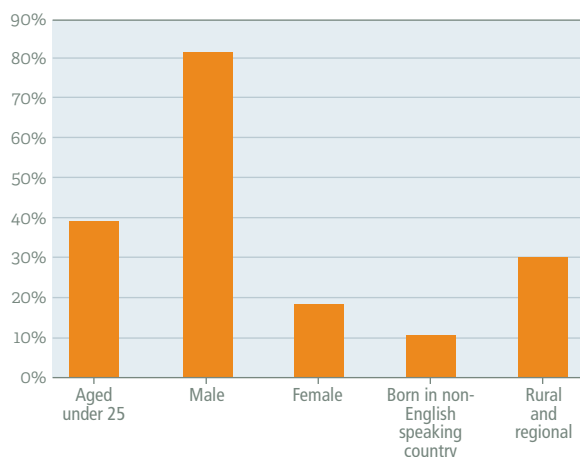
The *Uniform Evidence Act 2008* and the *Criminal Procedure Act 2008* will take effect in the next 12 months. We anticipate that, initially at least, indictable trials may take longer. While the implications of the new law are still being tested, we expect to see an increase in appeals to the Court of Appeal, and further pressure on our duty lawyer services.

We also have concerns that the economic downturn, with its expected consequences such as higher unemployment, stresses on families, and social exclusion, may lead to an increase in summary criminal matters in the Magistrates' Court.

We will continue to provide comprehensive education, training and professional support to our lawyers so that they are well-supported to meet these anticipated demands next year.

We are currently undertaking a review of our criminal law fee structure. This review is looking at ways to reduce delays in the criminal justice system, by promoting early preparation and resolution of cases and issues in dispute.

Figure 17: Profile of people who received grants - criminal law



## Helping young people get back on track

### Our work with young people charged with criminal offences

**Our objective:** to ensure that the legal and human rights of children are protected by providing advice and representation in the Children's Court, so that the juvenile justice system is responsive to individual and community need

We assist young people who have been charged with a criminal offence through our specialist program, the Youth Legal Service. Our lawyers advise young people on their legal options and seek the least intrusive outcomes. Going to court can be a critical turning point in a young person's life, and a custodial sentence should be a last resort. We advocate for young people to get support so they can address factors that contributed to the offending and be diverted from the criminal justice system.

### Overview of 2008–09

Our Youth Legal Service lawyers have noticed a serious fault in the way the law is working with Therapeutic Treatment Orders (TTOs). These orders provide a chance for some young people aged between 10 and 15 showing 'sexually abusive behaviours' to be diverted from the criminal justice system and receive treatment. But some young people are missing out on the legal protection offered by a TTO, mainly where they are already linked in to counselling. The unintended effect is that clients who comply with a TTO and agree to treatment are ending up with a criminal record.

We have also confronted difficulties in the operation of criminal mental impairment laws and support services for young people within the Children's Court jurisdiction.



## Our work in action

‘Everyone is entitled to quality representation, respect, dignity and a fair go’.

With these words, Public Defender Terry Strong, one of our senior in-house criminal lawyers, sets out the values which underpin the work he and his colleagues do on behalf of some of the state’s most disadvantaged clients—those who have been charged with serious (indictable) offences.

‘Many of our clients are very vulnerable and they are at the mercy of a system they don’t understand or have power over. Without good quality representation, they can be left by the wayside. Someone has to stand up for their rights; no-one should be disadvantaged just because they are poor.’

‘Some people have already been dealt much worse hands in life; they are like corks bobbing around in the ocean and quite powerless. Through our work we give them quality services, chances, and opportunities to improve their situation.’

Terry cites a recent example of a man he represented: a 60-year-old, isolated man with a mild intellectual disability who was severely addicted to alcohol. When first seen by Victoria Legal Aid, he was already in jail for a serious assault. Terry believed the man had been wrongly charged with the most serious interpretation of his offence, and the charge should have been a much more minor one, as the man had no previous criminal record. The court agreed, and now ‘he won’t be spending years and years in jail. Without our help, he would have been left by the wayside, as he had no ability to stand up for his own rights.’

Terry feels strongly that it is not just the individuals helped by the Public Defenders that benefit from their advocacy, but the community as a whole. ‘Instead of people feeling done over by the system and becoming angry and alienated, we are treating them with respect; they are less likely to re-offend, and have their chance to turn their lives around. So we all win.’

They are sentiments echoed by his colleague in the Public Defender’s Unit, John McLoughlin. He specialises in work in the Court of Appeal, and spends much of his time poring over transcripts, sometimes many thousands of pages long, to assess whether a client has grounds for an appeal. Appeals on either the severity of the sentence or the conviction itself cannot be issued simply because a client disagrees with the decision; they can only be launched if there are significant flaws in the trial process. John meticulously examines the judgements to assess whether such grounds exist.

‘This stage is the last roll of the dice for a person seeking justice,’ John explains. Decisions made at the Court of Appeal also have a vital role in ‘setting the tone’ of how the law is applied, a sort of ‘public announcement about how cases can be tried’, so being able to correct an individual injustice has a flow-on effect for many others. There is a simple message about the value of this work for the whole community. ‘We all should expect that the only people locked up in our jails are those that should be.’

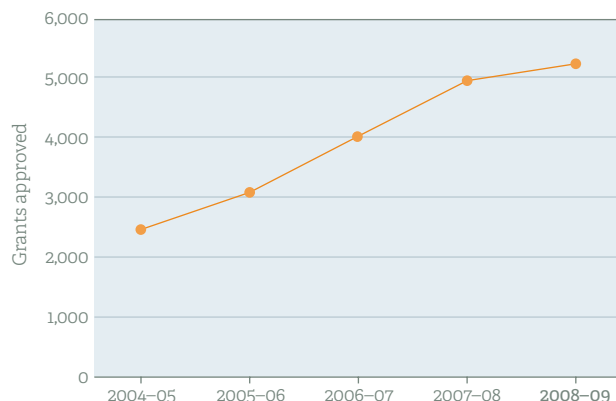
We have participated in the evaluation of the ‘Ropes’ diversion program run by Victoria Police for young offenders, in order that it may move beyond a pilot phase and be available in all Victorian Children’s Courts. We have continued to provide a 24-hour legal phone advice service for young people who are being interviewed by the police.

There has been an increase in the number of young people on remand, which presents challenges for the youth justice system in ensuring that detention is kept as a last resort for young people.

### The year ahead: 2009–10

We will work to improve access to support services for adolescents who have early signs of the onset of mental illness and commit serious offences. We will also work to improve access to treatment and minimise stigma for young people showing signs of sexualised behaviour.

Figure 18: Five-year trend: grants in youth criminal law



‘We should all expect the only people locked up in our jails are those that should be.’



## Part two: Our programs

### Our Access and Equity Program objective:

to ensure that justice services are accessible on an equitable basis throughout the state and are appropriate to need



Professor Pascoe Pleasence

We aim for interventions at early stages before legal and social problems become embedded.

Our law reform activities include:

- preparing submissions for the Commonwealth and Victorian Attorneys-General
- working together with community partners to identify areas of emerging legal need
- participating in evaluations of legislative reforms
- contributing to inquiries undertaken by the Victorian and Australian Law Reform Commissions
- participating in National Legal Aid joint submissions on issues of national importance for our clients.

#### Overview: 2008–09

We are active participants on a number of Victorian consultative committees and working parties including the Sexual Assault Steering Committee, Non-Family Violence Intervention Orders Reference Group, and Criminal Justice Steering Committee.

Our staff have collectively contributed to over 30 major papers and submissions on national and state inquiries. (Examples are listed in Appendix 2, and public submissions are available on our website).

#### Special event in law reform

We hosted a three-day series of presentations on legal need and integrated service design by Professor Pascoe Pleasence, an international expert in the fields of access to justice, the public experience of the law, and social science research methods.

During his visit to Australia, Professor Pleasence attended meetings with legal aid commission staff and community legal centres in Victoria and NSW, where he emphasised the importance of early intervention, innovative outreach and the particular vulnerability of the recently unemployed. Professor Pleasence's address 'Legal aid in tomorrow's world: developments and solutions from research' was webcast nationally and is available from our website.

## Access and Equity

We value a 'whole-of-community' approach to improving access to social justice and providing positive pathways to social inclusion. We collaborate with our partners to help identify emerging legal needs and plan responses and strategies that are both efficient and effective. We also play an active role in building community understanding of the legal system.

### Using our voice for change: law reform and social action

Our objective: to assist justice agencies to improve their services through the identification of inequitable practices and inefficiencies that fail to attain agreed standards

We aim to exert a positive influence on the actions, activities and programs of justice agencies and government service providers. Our clients' ability to access the legal system drives our strategic response to achieving service improvements and efficiencies.

We are regularly called upon to provide advice and input to law reform. We use our practice wisdom and understanding of the justice system to influence public policy, service delivery and program design.

We work to ensure that:

- the legal needs of marginalised and disadvantaged individuals and families are identified
- legislators and funders of legal services are informed and assisted to identify and respond to emerging legal needs.

## Influencing the justice system



Melbourne Law Week event. Our offices in Melbourne, Geelong, Horsham and Bendigo all took part in Law Week which this year had the theme 'The law at work'.

## Building community knowledge of the legal system

**Our objective: to provide effective community education products to increase self-reliance and knowledge in target groups of their rights and responsibilities before the law**

We play an active role in building the community's knowledge of legal rights and responsibilities. We are the primary provider of community legal information and education in Victoria, and offer a telephone information service, workshops and seminars, a public law library, free resources and online information.

Individuals who are equipped with an understanding of the legal system are more confident in seeking legal advice and resolving their problems and disputes. One of the cornerstones of a strong, inclusive and fairer community is a good general understanding of the law, and knowledge of rights and responsibilities. We recognise it is important to play a role in overcoming the barriers that culture, language and literacy can impose on a person's access to the legal system and ability to track down the information they need to solve their problems.

### Communications and community legal education

The search for legal information and assistance can be time-consuming, discouraging and frustrating for people who have little assistance and few resources. Our free publications and workshops help people navigate the complexities of the legal system and work out where to get help. Our community legal education resources are often developed in partnership with community or other justice agencies. We provide accessible, plain-English information so that people can solve their own problems without being drawn needlessly into the legal system.

### Overview of 2008–09

In 2008–09 we produced and distributed 58 publications aimed at increasing people's understanding of the law and how it affects their daily lives. We also published 32 brochures in other languages, including Arabic, Chinese, Farsi, Turkish and Vietnamese. We distributed 555,134 publications, both printed and downloaded, around two per cent more than last year.

We also worked quickly to support the legal sector's combined response to the bushfire emergency by researching and writing community legal education resources, promoting legal services to victims and those that supported them, and developing branding for the phone helpline and website.

We continued to build on our strong partnerships with the community sector and worked on projects to increase access to justice, such as collaborating with the Department of Justice to develop plain-English guides to the fines system.

We have worked with disability organisations to evaluate our disability resources. The distribution of *Diversity News*, a quarterly e-bulletin for community workers, increased from 250 to 500.

*LawGuru*, a resource for our staff, was redeveloped to improve their access to legal information, client resources and reference materials.

We worked with the Magistrates' Court and Victoria Police to redevelop our family violence resources. A new suite of materials now provides simple legal information at key stages in the process.

We worked in partnership with other commissions to publish national child support fact sheets.

### Workshops and seminars

We provide free seminars and workshops on legal topics aimed at minimising the need for individual legal services in the community. This year we ran 66 free workshops for the general public to help people who plan to represent themselves in family law matters. These workshops, which ran in several different locations, were attended by 387 people.

As well as the family law workshops, our staff are very active in giving talks about our work and legal topics to community groups, welfare agencies, schools and newly arrived migrants, as well as taking a role in community awareness activities such as Law Week. More than 100 talks and activities were provided in 2008–09.

### The year ahead 2009–10

We are planning a project to provide information on the Australian family law system for people from culturally diverse backgrounds, especially members of newly arrived communities.

# Building resilience in our communities

## Part two: Our programs

### Our work in action

A prisoner recently used the library to help research law to investigate whether he had options to challenge his conviction. He wrote to the librarians who had helped him to say: 'With your assistance I have a real chance to clear my name with an appeal to the High Court of Australia going ahead...again, thank you. You're a credit to Victoria Legal Aid and from my position every bit of help or kindness is really so much more appreciated. I am grateful.'

#### Public law library

Our library was established in 1982, and is the only specialist law library in Victoria that is open to the public. As well as supporting and resourcing our staff, the library provides an inclusive and responsive information service to the public. Users of the library include people representing themselves in court, students, community legal centre staff, prisoners, other libraries and government agencies.

An average of 90 members of the public per month use the library service. Ninety-five per cent of library reference requests are met within 24 hours.

#### Overview of 2008–09

Our library completed 2693 reference requests and conducted 211 legal research training sessions for our staff.

We developed a new 'Reference resources' section on our website. This means the general community will have free, ready access to this quality information on legal topics and consumer rights.

Other achievements were:

- providing legal research assistance and collection development advice to community legal centres
- developing legal research competencies for our staff
- introducing a library wiki for sharing information within the library.

## Legal rights and obligations

#### Legal information online

Our website provides over 650 pages of current and comprehensive information about legal issues and our services to clients, organisations and the general public. Our records show the site is also well-utilised by private practitioners on our panel and others in the legal profession.

#### Overview of 2008–09

This year our website received 614,364 visits. This was a considerable growth of around 70 per cent from last year's traffic of 361,775 visits, reflecting last year's work in upgrading the site and its content.

We have worked on several projects such as our online service directory, and completing the online Law Handbook.

We have increased the skills of our staff in the use of the internet by providing training. We have also helped develop staff's skills in writing for the internet, and conducted a joint content author forum with the Victorian law courts.

We have taken an active role collaborating with other agencies. We contributed to the establishment of the Victorian Legal Assistance Forum and Bushfire Legal Help websites and helped develop content for the redeveloped Fitzroy Legal Services Law Handbook.

We are also developing a new online tool for staff, called 'communities of practice'. This will mean staff with a passion or interest in a particular work area can share their knowledge and ideas. A pilot involving law reform has been successfully introduced.

Table 10: Most popular legal information topics 2008-09

Most popular Legal Information Service queries	Most popular printed publication	Most popular web pages accessed
Children's living arrangements after separation and divorce	<i>Am I old enough?</i> (resource for young people)	Sex and the law
Settlement of property after divorce	<i>Take control</i> (a kit about how to make a power of attorney)	Child support and maintenance
Family violence	<i>Your rights—police powers</i>	P-plate driving—new law
Fines system	<i>Your day in court</i> (guide to attending the Magistrates' Court)	Dividing your property (family law)
Employment	<i>Right a wrong</i> (guide to making a complaint)	Legal words—definitions



## The first point of call: Our Legal Information Service

This year marks the 20th anniversary of the establishment of our Legal Information Service.

This free phone line, which takes an average of 350 calls per day, is a hub of noisy, passionate and professional activity. Staff answering the phones all have a vast general knowledge of law and community support structures. They are also patient, caring and professional listeners, as they calm, direct and empower callers, helping them over the legal crisis that has led to their call.

As one of our workers, Annie Davis, explains, there is no typical kind of call. These are just some of the calls coming in on an average Monday morning: a single mother from the country wanting paternity testing; a man who lost his home in the Black Saturday bushfires asking for help with the sale of his land; an English woman seeking an Australian divorce; a daughter wanting help to execute her mother's Will; and an old man from country Victoria just wanted someone to listen.

Annie says some of her most challenging, but rewarding, phone calls have involved family violence. She has listened to the stories of overseas-born women who believe they must put up with assaults because their violent spouse sponsors them. Annie deftly hooks them up with a refuge and makes the handover to our human rights lawyers who help them to apply for a visa. Through Annie's skill the caller finds safety and the knowledge that she is not alone.

### Legal Information Service

This phone service provides a free legal information and referral service in English and in other languages. The Legal Information Service is one of the main pathways for people wishing to access our service and get advice or referral to other services who can help.

#### Overview 2008–09

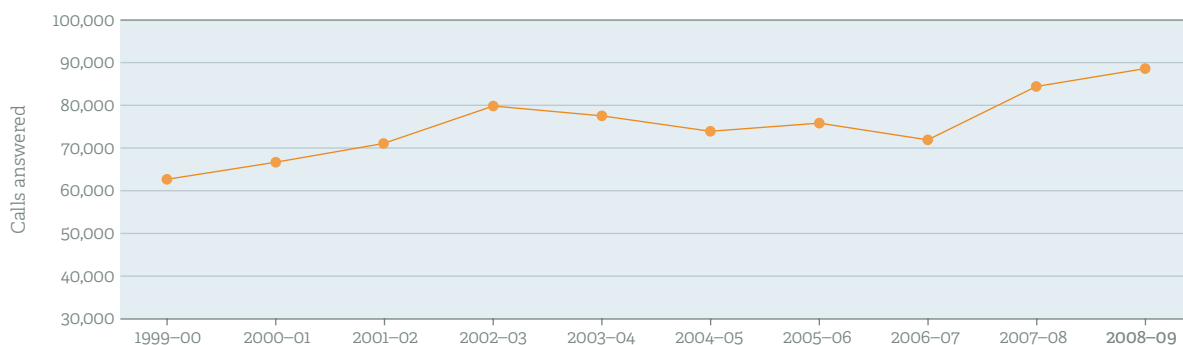
We responded to 88,732 calls, five per cent more than last year.

The service has coped well with the significant increase in demand over the year, while at the same time responding flexibly and quickly to developing community need. Our Legal Information Service staff helped create and staff the Bushfire Legal Help Line which was set up within only a few days of the disastrous Black Saturday bushfires. This service has responded to 1890 calls from people affected by the bushfires.

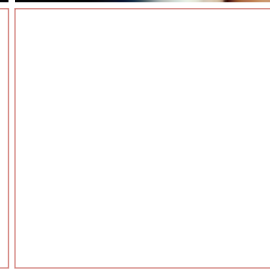
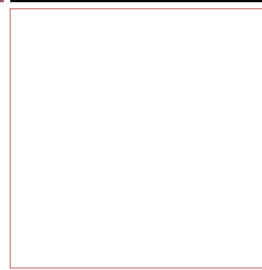
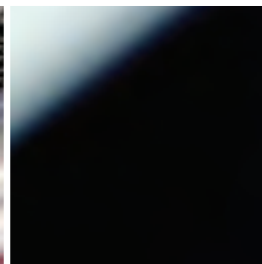
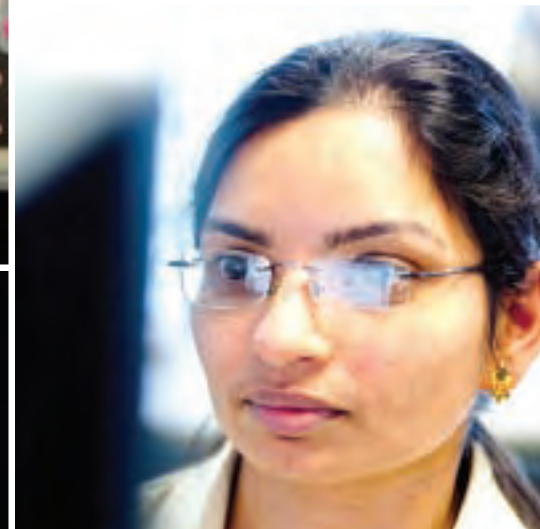
This year the Legal Information Service received 3213 calls from people who needed legal advice in their own language.

We have a free call 1800 number and also responded to 16,495 calls from regional Victoria.

Figure 19: Trend in Legal Information Service calls over 10 years



## Part three: Our partnerships





First VLAF meeting. Standing L to R: Rachna Muddagouni, Hugh de Krester, Bevan Warner, Mat Tinkler. Seated L to R: Antoinette Braybrook, Joh Kirby, Frank Guivarra.

## Our partnerships

Our work and connections with local communities, the private legal profession, and state and national partners, increase our capacity and influence so we can make a real and lasting difference to those who need it most.

Strong partnerships allow us to target finite resources where they are needed and ensure that they are being used in a cost-effective way. We can use our relationships to identify legal needs early and plan integrated service responses. Working together means we can share information and resources, maximise coverage, and minimise duplication.

### Overview of 2008—09

We helped establish a new collaborative venture, the Victorian Legal Assistance Forum. The strength of our partnerships and connections was also demonstrated in our ability to respond quickly to meet the legal needs of those affected by the bushfire emergency in February.

## Better ways of working together

### Victorian Legal Assistance Forum

This year's establishment of the Victorian Legal Assistance Forum (VLAF) is a joint initiative involving all legal assistance providers. VLAF will help promote collaboration in the delivery of Victorian legal services for socially and economically disadvantaged people.

In the past, legal assistance providers sometimes worked together on an ad-hoc basis, and there was often limited scope to have real co-ordination of activities or strategic approaches to address legal needs.

With the opportunity for a collaborative approach, VLAF will address issues related to duplication or overlapping of programs, and how to best use limited resources.

For further information about VLAF please visit the website: [www.vlaf.org.au](http://www.vlaf.org.au)

### Our work in the bushfire emergency

The devastating February bushfires not only led to the tragic deaths of many Victorians, but survivors and relatives of those affected were left with a maze of complex legal problems to navigate. Issues such as insurance, proof of identity, dealing with Wills, coroner's matters, or complex rebuilding regulations could have quickly proved overwhelming for those who were already traumatised by their experiences.

Victoria Legal Aid rallied to help those affected, convening legal sector agencies to form a collaborative partnership, Bushfire Legal Help. Our partners include the Law Institute of Victoria, the Federation of Community Legal Centres, the Public Interest Law Clearing House, the Victoria Law Foundation and the Victorian Bar.

Through this partnership, two main services to help those affected immediately swung into action. The Bushfire Legal Helpline, based at Victoria Legal Aid's call centre, took its first calls on Wednesday 11 February, only four days after the fires, and has since responded to 1890 calls. Our lawyers, along with those from partner agencies, began visiting bushfire relief centres as early as Friday 13 February.

In early March, site visits to relief and recovery centres were replaced by weekly half-day clinics and also specific information sessions about insurance.

Our regional office staff played a crucial role in the efforts, taking up lead roles in co-ordinating outreach services to the affected areas.

Our communications and community education staff produced a legal assistance fact sheet for Department of Human Services' case managers. We also developed a comprehensive Bushfire Legal Help Handbook and ten factsheets which provide information on a range of legal topics that emerged from the bushfires—from tenancy and family law through to Wills and estate management. Our website provided initial information for lawyers and those affected by the bushfires, while the Bushfire Legal Help website [www.bushfirelegal.org.au](http://www.bushfirelegal.org.au) (hosted by the Victoria Law Foundation) was being created.

Project management and co-ordination of services has been critical for the Bushfire Legal Help project's success. Victoria Legal Aid would like to acknowledge the wonderful support from staff, volunteers and the partner agencies over the last six months.

As Managing Director Bevan Warner said, 'One of the positive consequences of the bushfire tragedy is that it has galvanised people into action, into working together to help others. This has happened at Victoria Legal Aid as staff use their skills and experience to help people who have suffered unimaginable trauma.'



## Part three: Our partnerships



Lawyer Joel Townsend, at one of the bushfire relief centres



### Bushfire Insurance Unit

The Bushfire Insurance Unit was set up in April 2009 in response to the number of increasingly complex insurance matters that arose from the bushfires. Four lawyers visited bushfire-affected areas, and along with staff from the Insurance Council of Australia and the Financial Services Ombudsman provided advice and assistance at clinics and information road-shows

The importance of this work was explained by Denis Nelthorpe, Bushfire Insurance Unit lawyer. 'One client who was living in a caravan received confirmation that same afternoon that he was entitled to an accommodation allowance of \$10,000. The money was paid into his bank account the following day.'

Lawyer Jenny Lawton said another client attended a road-show and learnt that \$65,000 could be added to her claim for total loss of house and contents. 'It made an incredible difference to her family's rebuilding plans and recovery outcome.'

The Bushfire Insurance Unit continues to undertake some collaborative community education programs and law reform activities on issues related to the bushfires.

### Community legal centres

**Our objective: to support community legal centres through reciprocal arrangements that enhance the capacity of the community legal sector to respond and address disadvantage**

Community legal centres are independent community organisations that provide free services such as legal advice, casework, community legal education and law reform advocacy. Community legal centres focus on helping people who face economic and social disadvantage, are not eligible for legal aid, and cannot afford a private lawyer.

We administer funding from the Commonwealth and State Governments and help ensure that the centres meet their service agreement requirements, including financial reporting, strategic planning, and service targets.

There are 27 generalist community legal centres across metropolitan Melbourne and rural and regional Victoria, and 26 of these are funded through Victoria Legal Aid's Community Legal Centre Funding Program. Generalist centres help people with issues such as credit and debt, car accidents, family law, victims of crime compensation and neighbourhood disputes.

There are also 25 community legal centres specialising in particular areas of law, such as tenancy, consumer, employment, welfare, human rights, environmental issues and immigration law; or help groups of people, such as young people, women, or people with mental illness or disabilities.

Of these, 14 are funded through our Community Legal Centre Funding Program.

In 2008–09, the Commonwealth provided \$4,903,422 (and an additional \$2,482,254 in one-off funding) to 34 centres within our Community Legal Centre Funding Program. This represented 38 per cent of total funding.

## Innovation

A further \$9,643,934 from the State Government was directly provided by Victoria Legal Aid to 41 community legal centres. This includes our funding of the Federation of Community Legal Centres which is a peak body for community legal centres in Victoria. Our funding of the federation supports a range of sector development work and joint justice initiatives which aim to improve co-ordination and collaboration.

In addition to direct allocation to centres, there were a number of sector-wide initiatives that were funded by Victoria Legal Aid. These included initiatives supporting community legal centre operations such as access to interpreting and translations, professional indemnity insurance, broadband accounts and electronic library resources.

Details of the Community Legal Centre Funding Program are available in Appendix 3.

### Overview of 2008–09:

Community legal centres funded by the program provided over 48,000 information services, 42,000 advice sessions, and 21,500 casework services. They also provided many community legal education, law reform and policy development activities.

Community legal centres played a vital role in helping people affected by the bushfires by participating in Bushfire Legal Help, establishing outreach, education, advice and casework services.

Other initiatives this year were:

- the transfer to our program of a sum of \$123,000, previously provided by the Department of Justice to Anglicare Gippsland to operate the Latrobe Valley Rights Centre. The centre has now merged with the Gippsland Community Legal Centre.
- \$30,000 was provided to the Mental Health Legal Centre to assist with the higher rental costs of their new premises
- \$47,000 was provided to the Peninsula Community Legal Centre to expand the operating hours of its Rosebud branch.

The Multi Business Agreement was settled. This agreement provides for three per cent annual wages rises and a range of improved entitlements for community legal centre staff. It covered the period between 2006–07 and 2008–09. We paid \$263,621 to the 27 centres involved in the agreement (and one centre with equivalent pre-existing conditions) to cover the three per cent wage increase and will pay further amounts to centres for the transitional costs for new or improved entitlements such as 14-week paid parental leave.

The Program Development Officer, a new role established in August 2008, worked extensively with the Federation on sector development and capacity-building initiatives.

Victoria Legal Aid created two places annually for community legal centre managers to join RMIT's Innovation and Service Management program. Four community legal centre staff joined our administration staff in the 'Certificate IV in Legal Service' course run by Victoria University.

## Our relationships

Victoria Legal Aid has developed strong connections and working relationships with the Law Institute of Victoria and the Victorian Bar through a number of collaborative forums.

We are also a member of national organisations promoting collaboration, co-ordination, and sharing of resources, ideas and knowledge. Two of our significant relationships are with National Legal Aid and the Australian Legal Assistance Forum.

### National Legal Aid

We are a member of National Legal Aid, which represents the eight Legal Aid Commissions in the states and territories. National Legal Aid promotes co-ordinated efforts to share resources and systems, enhance best practice, and provide value for money in the delivery of legal aid.

### The Australian Legal Assistance Forum

The Australian Legal Assistance Forum brings together National Legal Aid, the Law Council of Australia, Aboriginal and Torres Strait Islander Legal Services, and representatives from the National Association of Community Legal Centres.

The forum has been established so that these organisations can consider and address Australian legal assistance issues in a co-operative way and make recommendations in a co-ordinated fashion.

## Our partnership with private practitioners

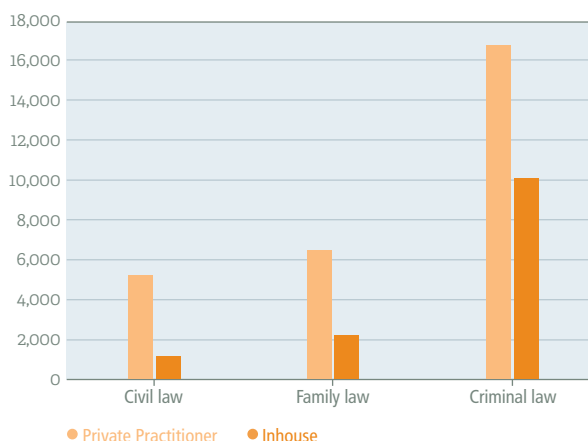
Our partnership with the private legal profession is essential to the provision of quality legal aid services. The significant contribution of private practitioners enables us to provide greater coverage and access to services.

Sixty-eight per cent of grants of legal assistance are for work assigned to private practitioners. Private practitioners undertake 63 per cent of criminal law work involving a grant of legal assistance, while in family law the percentage of privately-assigned work is 74 per cent. Private practitioners are assigned 81 per cent of grants of legal assistance in the area of civil law.

Private practitioners also play a significant role in our duty lawyer programs and provide an essential service in rural and regional communities that are beyond our geographic reach. They are funded by Victoria Legal Aid and co-ordinated by either one of our local offices or by a local Law Association.

Private practitioners this year provided 8298 duty lawyer services, eleven per cent of all services provided.

Figure 20: Grants of legal assistance approved: Private practitioner and in-house work by law category



Victoria Legal Aid wishes to acknowledge the long-running and vital contribution of private practitioners in the provision of this important area of legal aid service delivery.

# Part four: Governance





## Victoria Legal Aid board

Victoria Legal Aid is an independent statutory authority, consisting of a board of directors, supported by seven senior executives.

The board of directors is responsible for ensuring Victoria Legal Aid meets its statutory objectives. The board has five directors who are nominated by the Victorian Attorney-General and appointed by the Governor-in-Council. The board members are:



### John Howie, Chairperson

John Howie is a lawyer and works as Special Counsel with Williams Winter Solicitors. He is President of the Film Victoria Board and a member of the Melbourne Olympic Park Trust. He was first appointed to the board in December 2001.



### Mary Anne Noone

Mary Anne Noone is Associate Professor at the School of Law, La Trobe University, where she co-ordinates the Clinical Legal Education and Public Interest Law Programs. She is also a member of the West Heidelberg Community Legal Service management committee. She has been a member of the board since February 2000.



### Bevan Warner Managing Director, Victoria Legal Aid

Bevan Warner took up his appointment as Managing Director on 4 August 2008. Bevan has a strong knowledge of Australian legal aid systems, having been General Manager of Legal Aid Western Australia for 10 years. Before working in legal aid, he worked in Aboriginal Affairs where he developed an appreciation of the diversity and underlying causes of the over-representation of Aboriginal people in the criminal justice system. He is a National Legal Aid representative and the current chair of the Australian Legal Assistance Forum.



### Frank King

Frank King, who was first appointed to the board in November 2004, has an extensive background in public sector financial management. He is Chair of the Victorian Centre for Adult Education, President of the Emergency Services Superannuation Board, and a board member of the Growth Areas Authority and Social Traders Ltd. He has been an independent member of the Internal Audit Committee of the Parliament of Victoria since 2004.



### Sue Walpole

Sue Walpole is a non-executive director with a background in governance. She was previously the Federal Sex Discrimination Commissioner and Chief Executive Officer of the Legal Practice Board. She has extensive experience in superannuation and the regulation of professions. She was appointed to the board in August 2006.

### About the board

At least one board member must have experience in financial management and one must have experience in either business or government operations. One of the directors is the Managing Director of Victoria Legal Aid. The board meets 11 times each year.

Directors have access to independent legal and other professional advice in relation to their individual obligations as directors. The directors are required to complete a declaration of private interests upon their appointment and in July each year.

The directors are also required to declare any direct or indirect pecuniary interest in a matter being considered by the board or any other matter in which Victoria Legal Aid is concerned.

### Senior executives

In 2008–09 the senior executive team was:



**Judith Sharples**  
**Manager, Family, Youth and Civil Law**

Judith Sharples has substantial knowledge of education and public administration, coupled with a legal background that is firmly grounded in a human rights and civil law framework. Judith is a strong advocate for improving access to justice for young people and their families.



**Diana Dalton**  
**Manager, Human Resources**

Diana Dalton brings to Victoria Legal Aid a strong social justice background. Her previous work with the health and community sector ensures a strong client focus when planning for ways to develop the skills of staff. Her work has focused on strong leadership and management support programs to achieve improvements in the areas of cultural change and leadership development.



**Gabriel Maligeorges**  
**Acting Manager, Knowledge Services**

Gabriel Maligeorges has been Acting Manager of Knowledge Services since September 2008. He has been with Victoria Legal Aid since 1999, working as Manager of the Legal Information Service and other senior roles. Previously Gabriel had extensive experience with non-government and community organisations. He has previously worked in areas to develop organisational capacity and service models to improve access to services for people who have a disability or who come from culturally diverse backgrounds.



**Michael Wighton**  
**Manager, Regional Offices**

Michael Wighton's experience includes 20 years as a lawyer and senior level manager, working with poverty-affected communities. Instrumental in bringing new services and models of service delivery to rural communities, Michael brings a wealth of knowledge in law and government administration, and a commitment to help marginalised and disaffected people across Victoria.



**Darren Morris**  
**Manager, Information Systems**

Darren Morris has overseen the maintenance, development and protection of information assets including the joint development of ATLAS (Australian Total Legal Aid Solution) with Legal Aid NSW. ATLAS provides for online submission assessment, and payment processing functions for grants of aid.



**Justine Hyde**  
**Manager, Knowledge Services**

Justine Hyde has extensive experience in managing libraries, intranets and knowledge management functions. She was previously Chief Information Officer for the Victorian Auditor-General's Office and has also managed information services for law firms in Victoria. Justine has been on maternity leave since September 2008.



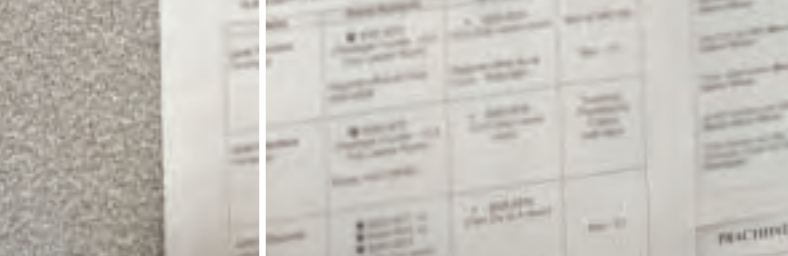
**Tony Matthews**  
**Manager, Finance, Assignments and Business**

Tony Matthews has wide-ranging corporate and financial management expertise gained from working in diverse, client-focused public sector and municipal environments. Tony has managed large organisational projects in the grants program overseeing our relationship with private practitioners, and is the Chief Financial Officer.



**Domenico Calabró**  
**Acting Manager, Criminal Law**

Domenico Calabró has led criminal law teams in regional areas as well as the Victorian Aboriginal Legal Service. He is also a presiding member of the Refugee Review Tribunal and Victorian Civil and Administrative Tribunal and a former member of the Social Security Appeals Tribunal. Maximising the collaborative strengths of our partners in community legal centres, Domenico's experience includes developing strategies to assist Indigenous and refugee communities gain an understanding of Australian criminal law systems.



## Governing legislation

Victoria Legal Aid is a statutory authority established under the *Legal Aid Act 1978*. We are funded by Commonwealth and State Governments. However, we are independent from government.

Our responsibilities are set out in the *Legal Aid Act*, which gives us authority to provide legal aid in accordance with this legislation, and control and administer the Legal Aid Fund.

Under the Act we have the power to:

- work with the government or other relevant bodies to meet the need for legal aid in the community
- investigate, study or research any areas necessary for the purposes of the Act, including new methods of financing and providing legal aid
- make recommendations to the Attorney-General on issues of law reform
- carry out educational programs designed to promote public understanding about rights, powers, privileges and duties under the laws in force in Victoria
- provide financial assistance to voluntary legal aid bodies
- enter into funding arrangements with the Commonwealth
- do all things necessary to perform our functions, such as prioritise the provision of legal aid in state law matters.

We are also required to perform our functions according to any specific written direction given by the Attorney-General. No ministerial directions were given during 2008–09.

### Audit

The Audit Committee assists the board to maintain a sound system of internal control. It provides assurance on the implementation of the risk management framework, including an overview of the scope, quality and outcome of internal and external audits.

The committee has a board-approved Audit Charter that specifies its purpose and objectives, authority, membership, attendance at meetings, and roles and responsibilities.

The Audit Committee meets on a quarterly basis and its membership comprises Victoria Legal Aid non-executive board members. Details of membership are:

#### Ms Sue Walpole

*Chair of Audit Committee 21/05/2009– 30/6/2009*

*Non-executive Audit Committee member*

*1/07/2008–20/05/2009*

#### Mr Frank King

*Chair of Audit Committee 1/07/2008– 20/05/2009*

*Non executive Audit Committee member*

*21/05/2009–30/6/2009*

#### Mr John Howie

*Non-executive Audit Committee member*

The Managing Director, the Manager of Finance, Assignments and Business, and the Manager of the Internal Audit Unit attend all meetings at the invitation of the Audit Committee.

The external Audit Manager has an open invitation to attend all meetings and receives a copy of the meeting papers and minutes. The Audit Committee also meets separately with the Internal Audit Unit without management presence.

The unit's primary purpose is to provide an independent, objective assurance on the performance and reliability of Victoria Legal Aid's systems and processes. The unit also undertakes consulting activity designed to add value and improve operations. A quarterly report is presented at each Audit Committee meeting on the progress of the risk-based internal audit program, which includes control assurance audits, investigation advisory services and consulting activities.

Reports and advice provided by the unit during the year included:

- in-house billing
- private practitioner duty lawyers
- fixed assets
- communications infrastructure
- payroll
- risk management plans
- purchasing policy and procedures.

This year the board decided to outsource its internal audit function to raise its profile and improve oversight. The procurement process had commenced but was not completed as of 30 June 2009.



### Managing our resources

**Our aim is to manage our resources so we can target and deliver legal aid services efficiently, effectively and in an environmentally responsible way.**

We continually seek innovative ways to reduce the cost of our operations, while maintaining a progressive, healthy work environment for staff. We have strong systems in place to ensure that our finances and facilities are maintained effectively. This includes ensuring that client contributions are secured and collected.

#### Overview: 2008–09

We developed an Environmental Sustainability Policy and from this, an action plan was developed. This has led to the introduction of a Sustainability Committee and the implementation of an awareness campaign under the guidance of the ResourceSmart program, including involvement in Earth Hour. A data collection system has been developed for our environmental performance and will form the basis for future reporting.

We now use environmentally sound and 100 per cent recycled paper in all our publications.

Victoria Legal Aid does not own any buildings, however it maintains compliance with building standards and regulations. During the year we continued the office refurbishment schedule and all new building works were undertaken according to relevant standards.

We completed a functions and funding review in consultation with the Department of Justice and KPMG. The review showed that Victoria Legal Aid was an efficient provider of legal aid services. It also provided evidence that demand had increased due to changes in government policies and socio-economic factors such as increased incidences of mental health and substance abuse problems among our client group.

We have established a framework for program management. This will enable us to have a more accurate measure of the effectiveness and value of our work, and a more consistent way to assess whether our programs are meeting their objectives.

#### Special projects

We have continued work on two major projects which are designed to upgrade current work practices and processes, meet future business needs, and make our work more effective.

ATLAS is an advanced electronic grants application management system. It is a joint project between Legal Aid NSW and Victoria Legal Aid.

We completed development of the system during this financial year and ATLAS has been successfully implemented in Legal Aid NSW. Victoria Legal Aid is completing configuration and will roll the system out in the new year.

The Case and Practice Management System is an electronic system for managing the administration of case and practice work. Development has begun, and the system will be available for use at the same time as ATLAS.

#### Information systems

We maintain, develop and protect our information technology assets to ensure our systems are reliable, effective and responsive to organisational and client service needs.

This year we:

- replaced the Regional Office Network with a more reliable and higher capacity solution that will provide for future growth
- rolled out 375 new personal computers to Melbourne office staff. This has provided quicker operation including log-in times and will support ATLAS and the Case and Practice Management System.



## Accountability

**Our aim is to provide our services in a fair, open and accessible manner.**

Our client services charter explains what clients can expect from us and what we expect from them when they use our services. It also advises clients of their rights for review and how to put forward a complaint.

### Independent reviews

Independent reviewers can review a decision of a Victoria Legal Aid officer or another independent reviewer where it relates to a grant of legal assistance. They can also hear and determine matters relating to the proposed removal or exclusion of a lawyer from our referral panel.

In 2008–09, 175 decisions were independently reviewed. Of these 152 were confirmed, and 23 were varied.

We are indebted to our Independent Reviewers, and acknowledge their valuable contribution. They are:

- Mr Martin Ravech, QC (chairperson)
- Mr Ron Beazley
- Ms Andrea Treble.

## Acting with integrity

### Client complaints

We aim to resolve complaints quickly, fairly and without prejudice. In 2008–09, we received 314 complaints compared to 307 last year.

We received 114 complaints about a grant of legal assistance being provided to a person who the complainant believed should not be funded. This is a 22 per cent decrease in the number of complaints received from the previous year.

We cancelled 17 grants after investigation and a further five complaints required Victoria Legal Aid to either vary or impose conditions on the grants provided.

We received 75 complaints about the services provided by private practitioners, including services they provided in relation to a grant of assistance. This represents a 24 per cent decrease from last year. The outcomes of these investigations were:

- Victoria Legal Aid issued one formal reprimand to a private practitioner and has a recommendation for two further formal reprimands pending
- one private practitioner agreed to voluntary removal from Victoria Legal Aid's practitioner panel.

A further 38 complaints were made about Victoria Legal Aid staff, a five per cent increase from last year. Of these, 17 complaints were dismissed, Victoria Legal Aid took action on six of the complaints by making an apology, and resolved 10 complaints by providing further information or an explanation. Three complainants subsequently took their complaint to the Legal Services Commissioner and two complaints are still under investigation.

Twenty-six complaints were referred to another more appropriate organisation, mainly the Legal Services Commissioner, because they deal with private lawyer conduct issues.

There were also 22 miscellaneous complaints this year.

### Records management

We have obligations and responsibilities under the relevant legislation requiring us to make and keep full and accurate records of our business practices.

Our newly introduced Program for Records and Information Management Excellence, which builds basic foundations for effective record-keeping, has continued this year. This framework covers the creation, capture, maintenance and disposal of all our records.

Records staff have contributed to the design of our new electronic system of managing case and practice administration. The aim is to ensure more effective and efficient management and disposal of finalised case records. The yearly program of destruction of files has continued to keep storage costs to a minimum.





*Our recent articulated clerks admitted to practice, L to R: Kelly Farrow, Jen Black, Hannah McHardy, Clare Vierboom and Daniel Webb.*

## Our people

Our aim is to promote a culturally diverse, progressive workplace, and build a team of skilled staff who have the knowledge and support they need to help our clients. We encourage equality of employment opportunity and consultative work practices. Staff have a strong commitment to our aims and values, and we recognise the importance of valuing and rewarding that dedication.

### Overview of 2008–09

#### Learning and development

In 2007–08, we introduced two-day induction workshops for all new employees, called 'Discovering Victoria Legal Aid'. This year we have developed these workshops further, applying what we have learnt so far. The workshops now have a clear focus on finding, making and taking on a role, and action learning projects.

We have developed a managers' guide for local induction. This will focus on what new lawyers need to learn, 'on-the-job' training, and comprehensive learning activities. We are developing these managers' guides further so they can be used in other work areas in the organisation.

We are also introducing a new program called 'VLA Essentials' which will help new legal staff quickly take up their roles, promote consistency across the practice, and complement local area induction.

#### Providing learning opportunities for new lawyers and students

In January 2009 we supported four Indigenous law students through a summer clerkship program. We were also proud to promote the admission to practice of five articulated clerks in April 2009 (they are pictured above).

We offered placements to law students from RMIT, Monash, Melbourne and La Trobe Universities throughout the year. Up to 94 law students this year have had the opportunity to watch duty lawyers and advice services, sit in on trials and listen to hearings through placements at our offices across the state. The two single largest groups to benefit from this were La Trobe University, where 27 law students took up placements, and Deakin University with thirty-two.

Seventy per cent  
of our lawyers  
are women



2008 Articled Clerk Kelly Farrow

## Learning about the law at Victoria Legal Aid

The graduation of last year's five articled clerks marked the end of a long tradition. From 2010 a system of traineeship for new lawyers will be introduced.

All five of the 2008 graduates have chosen to continue their careers at Victoria Legal Aid. One of them, Kelly Farrow, shares her experiences, explaining why she believes Victoria Legal Aid has been a great place to begin her career:

The distinguished former High Court judge Michael Kirby recalled his articled clerkship as a time of excitement and endless variety. He recollected being 'constantly amazed in those far-off days that more people were not sitting in the back rows of the court, watching as these dramas unfolded.'

Working at Victoria Legal Aid delivers daily those same qualities that mesmerised and inspired Kirby: our practice is diverse, intense, and fundamentally concerned with the human experience of the law. As the last of the articled clerks we have been part of a range of legal dramas from the ordinary to the epic, with no shortage of humour, angst, tragedy and exhilaration along the way. No long hours of mindless photocopying for us! We ran our own cases under supervision, appeared or instructed regularly in courts and tribunals, and undertook important and relevant research projects.

Looking back on the year it appears almost as a fast-moving, brightly-coloured montage from a Hollywood blockbuster (accompanied by an adrenalin-pumping soundtrack): we dash between the County and Magistrates' Courts clutching an overflowing file and a hard-won urgent facsimile that could change the course of a criminal trial; we observe the subtleties of negotiation methods and social behaviour in the fraught environment of a family law mediation; we pound the stairs of a regional Magistrates' Court and nervously plan our first plea; we plough through the throng in the Dickensian chaos of the Children's Court; we enjoy the rewards and satisfaction of helping a person to get out of immigration detention after weeks of hard work and long appointments with interpreters; we learn how to respond and advocate in the unfamiliar and initially confronting world of a public hospital psychiatric ward; we swap stories and tips with more seasoned colleagues over a drink; we work with unforgettable clients; and, finally, as we are admitted to practice, we make our affirmations or oaths before proud friends and family.

If, at times, the labyrinthine trickery of a piece of legislation saw us gnashing our teeth, or the complexity of an unusual legal aid eligibility scenario left us baffled, it was a relief to turn to our colleagues. A chat in the corridors could often become a workshop; a moan over a coffee a mini-tutorial. A year of rotating around the organisation was enough to see that Victoria Legal Aid attracts lawyers and administrators who are skilled, passionate and funky individuals.

### Development of management skills

We are strongly committed to providing our staff with encouragement and support when they take on leadership roles.

The People Managers Group, a regular forum of more than 70 staff, is an important opportunity for staff who manage others to be involved in strategic planning in the organisation. This group is now fully self-managed and responsible for setting its own agenda, session design and co-ordination.

Fifty of our managers have been involved with a 'Management Fundamentals' program, a tailored course for our senior administrators and lawyers, offered through RMIT.

### New Enterprise Bargaining Agreement

The Enterprise Bargaining Committee reached agreement on a draft Certified Agreement, consistent with government wages policy of 3.25 per cent per annum, with pay rises expected to be backdated to 4 May 2009.

### The year ahead: 2009-10

The proposed Certified Agreement includes a new model of performance pay. Instead of a rating scale there will be automatic progression for all staff other than those undergoing performance counselling. This will enable a more developmental, conversation-based style of performance management. The new approach, called *Me and my job*, will focus on role conversations and carries on the exploration of role that starts at induction.

A New Lawyers Program, to replace the articled clerk system, will begin in 2010. It will involve a structured two-year development program for all lawyers starting here at a junior level. This program will be complemented with a structured mentoring and buddy program, and link into our other training and development programs.

Our articled clerkship was a year that will go down in history—and with all its frenetic pace, intensive learning curve, challenge, exhaustion and achievement, it will always stand out in my mind. Now that I am working here as a criminal law duty lawyer I find that my questions still flow endlessly. Perhaps that will never change; to quote Michael Kirby again: 'In the law, when one ceases to learn lessons, it is time to retire'.



## Our commitment to merit and equity

We are strongly committed to merit and equity principles. Victoria Legal Aid provides a supportive workplace culture with flexible work practices which provide equal opportunities. As Tables 11 and 13 demonstrate, 77 per cent of our total workforce, and 70 per cent of our 240 lawyers, are women.

Table 11: Employment by gender (%)

Year	Female	Male
2004–05	74	26
2005–06	75	25
2006–07	76	24
2007–08	76	24
2008–09	77	23

This year's development of a Disability Action Plan (see page 16) commits us to take further steps to ensure our organisation is one that is supportive of staff with a disability and encourages people with a disability to work here. The plan, which has been developed through consultation with both staff and the community, aims to further strengthen our approach to the recruitment and retention of people with disabilities.

## Occupational health and safety

In 2008–09, we continued our commitment to a safe and healthy work environment.

An active Occupational Health and Safety committee monitors the work environment, and our staff work with courts and tribunals to improve safety, particularly in security systems, refurbishment of duty lawyer rooms and security protocols.

The nature of our work, including potentially distressing client disclosures and evidence given in some criminal proceedings, can create a real risk of vicarious trauma for our staff. One-quarter of our incident reports involve our staff's interaction with angry and aggressive clients. These challenging aspects of our work are acknowledged from induction and openly discussed throughout the workplace. We provide training in techniques for managing challenging client behaviours and situations.

Improved awareness of these challenges has perhaps contributed to an increase in reported Occupational Health and Safety incidents (see Table 12). Early reporting of incidents is encouraged as staff manage their own health better, and managers become more aware of their role in monitoring their staff's wellbeing. While the number of reported incidents has increased, our WorkCover claims have significantly decreased from 1.21 per cent this year, due to early intervention practices and a quick response to injury reports.

Table 12: Staff wellbeing measures: past five-year performance

Year	Sick leave taken	OH&S incidents reported	WorkCover premium rate
2004–05	2.71	27	1.21
2005–06	2.83	40	0.98
2006–07	3.1	39	0.80
2007–08	3.4	34	0.29
2008–09	3.35	60	0.28

We have continued to implement a comprehensive and holistic program to support staff wellbeing in the workplace. Our staff's utilisation of the Employee Assistance Program, which provides onsite counselling and debriefing services, remains high, indicating strong confidence in the service. The 'Energise' program offers monthly health-related activities, information and services to monitor and promote staff wellbeing.

While concerns about the impact of the work may remain, there are now a number of forums to discuss this, better managing the overall risk.

Table 13: Workforce data

Classification	Female	Male	Total
<b>Executive</b>			
EO2	0	2	2
EO3	2	2	4
	2	4	6
<b>Lawyers</b>			
VLA6	1	3	4
VLA 5	13	11	24
VLA 4	50	25	75
VLA 3	104	33	137
	168	72	240
<b>Para legal</b>			
VLA 3	2	0	2
VLA 2	7	2	9
	9	2	11
<b>Administrative</b>			
VLA6	1	2	3
VLA 5	5	6	11
VLA 4	18	6	24
VLA 3	74	15	89
VLA 2	155	10	165
VLA 1	4	4	8
	257	43	300
<b>Computer systems officers</b>			
VLA 5	0	2	2
VLA 4	1	6	7
VLA 3	5	3	8
	6	11	17
<b>Librarians</b>			
VLA 4	1	0	1
VLA 3	3	1	4
VLA 2	2	0	2
	6	1	7
<b>Total</b>	<b>448</b>	<b>133</b>	<b>581</b>

Note: actual staff numbers at 30 June 2009.  
There were 521.80 equivalent full-time staff as of 30 June 2009.

Table 14: Workforce by category

Division	As of 30 June 2008				As of 30 June 2009			
	Lawyers	Paralegal	Admin, CSO & other	Total	Lawyers	Paralegal	Admin, CSO & others	Total
Directorate	1	0	4	5	2	0	3	5
Human Resources	0	7	10	17	0	7	11	18
Audit	0	0	2	2	0	0	2	2
Criminal Law	38	0	20	58	45	0	22	67
Finance, Assignments & Business	7	0	97	104	11	0	94	105
Family, Youth & Civil	67	1	22	90	59	4	23	86
Regional Offices	115	1	97	213	117	0	103	220
Information Systems	0	0	16	16	0	0	17	17
Knowledge Services	7	0	42	49	6	0	55	61
<b>Total</b>	<b>235</b>	<b>9</b>	<b>310</b>	<b>554</b>	<b>240</b>	<b>11</b>	<b>330</b>	<b>581</b>

## Professional legal education

We provide training opportunities for our lawyers in our core practice areas. In this way we can continue to improve the quality of legal services offered to our clients.

Training is delivered through our professional legal education program, conferences and customised programs.

# Continuous improvement

The aim of our training is to build the core practice skills of lawyers and ensure that all staff members stay up-to-date with the latest developments in law. Training activities cover a wide range of legal topics and practical skills. They also include compulsory fields of continuing professional development so that lawyers can meet their obligations as legal practitioners.

Our lawyers attended 3082 hours of professional legal training this year (an average of 12 hours each). There were 1761 staff attendances in total, including 1287 by lawyers.

In most cases, this training is also offered to community legal centre lawyers. This year we were pleased to welcome 330 community legal centre staff to our training and events.

We were also able to offer training opportunities to private practitioners on our panels. One hundred and twenty-seven panel members attended events such as our Independent Children's Lawyer Seminar, Youth Law and Practice Conference and *Evidence Act* Criminal Law Seminar and Workshop.



Criminal lawyer Kate Perry

Training events and workshops this year included:

- four conferences focusing on our key practice areas of criminal law, family law, youth law, and human rights and civil law
- thirteen sessions on topics as varied as advocacy at the Mental Health Review Board, insurance law and the newly introduced family violence legislation
- a number of all-day events including seminars on criminal law sexual offences, Independent Children's Lawyers, the new *Evidence Act* and three workshops on 'performance skills for advocates'
- ethics foundation and refresher programs delivered over 12 sessions
- workshops on drafting family law affidavits
- plain language workshops
- an anti-discrimination law workshop.

### Broadening work opportunities for our staff

As part of our commitment to advancing our staff's career opportunities, two of our duty lawyers were seconded to work with the Aboriginal Legal Service in the far north Kimberley region, at a time when there was a chronic shortage of lawyers.

Kate Perry spent three weeks in the remote communities of Kununurra, Halls Creek, Kalumburu, Turkey Creek and Wyndham, where she advised and represented Indigenous people charged with a range of offences in the Magistrates Courts. This is her account of her experiences:

'Each morning we would be given a list and spend the rest of the day taking instructions, in searing heat, between court appearances and liaising with others involved such as interpreters, corrections workers, and workers from health and youth services. Aboriginal Court Officers provided invaluable support by locating people and often acting as excellent advocates themselves.

Getting to remote communities is quite a challenge and involves light airplanes and four-wheel-drives when the waters have receded following the wet season. After one particularly harrowing experience in a light plane I opted to return to Kununurra by road with the Aboriginal Legal Service lawyer. It was a much smoother, though unique, ride home—there had been a small detour to go hunting after court. Despite the scorching heat outside, our teeth

could be heard chattering above the blaring of country music on the car stereo. That was because the air conditioning had been blasting for hours in an attempt to keep the animal carcasses in the back of the vehicle refrigerated! It is the first time I have arrived home from court with blood-splattered clothes.

I often felt I was in another country altogether. During my time in Western Australia, police and their supporters marched through Perth streets demanding mandatory sentencing for those convicted of assaulting police officers. One memorable placard read, 'Hang the lawyers with the criminals'.

Each night I would turn the TV's volume above the whirring air conditioning to hear the latest from the coronial inquest into the death of a man—a father, husband and respected elder, who was killed while being transported in a prison escort. On a local level, the Australian Government's stimulus package had led to alcohol restrictions being in full force in Kununurra. Quite aside from the physical beauty of the Ord River, the red earth and boab trees, Melbourne felt a very, very long way away.

I was fortunate to see two Aboriginal Legal Service lawyers in action. I remain in awe of them both. Their legal prowess and ability to maintain a cool head and sharp wit when faced with the unrelenting court lists was staggering. They provide high-level representation in circumstances which constantly raise questions about how the criminal law system responds to offences that are inextricably linked to grossly inadequate health, education and housing.

This was really brought home to me when I acted for several children, who had been arrested and charged with public order offences. The only instructions I could squeeze out of them were that they had arrived at school late. The school's policy is to lock out children who do not arrive on time. The children wanted to join the class but when they were locked out, they threw rocks on the classroom roof to disturb their teacher and classmates. The kids had overslept after being kept up late in overcrowded houses—and yet the school principal had called the police and they were hauled before the court. The magistrate criticised me for informing the court of little beyond the boys' living arrangements and their desire to go to school. I was dumbstruck, and felt impotent, at the criminalisation of their behaviour at such a young age and the high level of policing.

There are also constant reminders that 'white fella' law is being imposed on cultural and legal systems which existed long before coats of arms and air-conditioned courtrooms edged their way into the Kimberley. Another example involved a teenage girl who was charged with unlicensed driving. An old man had asked her to drive him to the river, and she felt she could not refuse out of respect. The court accommodated the deep sense of obligation she felt towards the old man, and her punishment was adjusted accordingly. I also appeared for the old man who was charged with making the girl drive. At the time of the offence he was sick and wanted to go to the river for healing purposes. This cultural background was taken into account by the magistrate as a significant mitigating factor.

The secondment experience left me with more freckles, a deep respect for our northern colleagues, a renewed enthusiasm and commitment to working for access to justice, and a desire to create more of a culture of advocacy back 'home' in Melbourne.'



## Practice support

We have a team of professional support lawyers who assist staff by providing:

- best practice resources such as case commentaries and check-lists
- updates, conferences and workshops on changes to the law
- help on research projects
- up-to-date precedent collections
- training in new or changing areas of practice.

## Overview of 2008–09

This year our practice support lawyers have worked to help develop and review workflows for each practice area. They have worked closely with the team responsible for developing our new electronic system for administering casework. Precedent collections have been further developed and will be able to be uploaded into this new system.

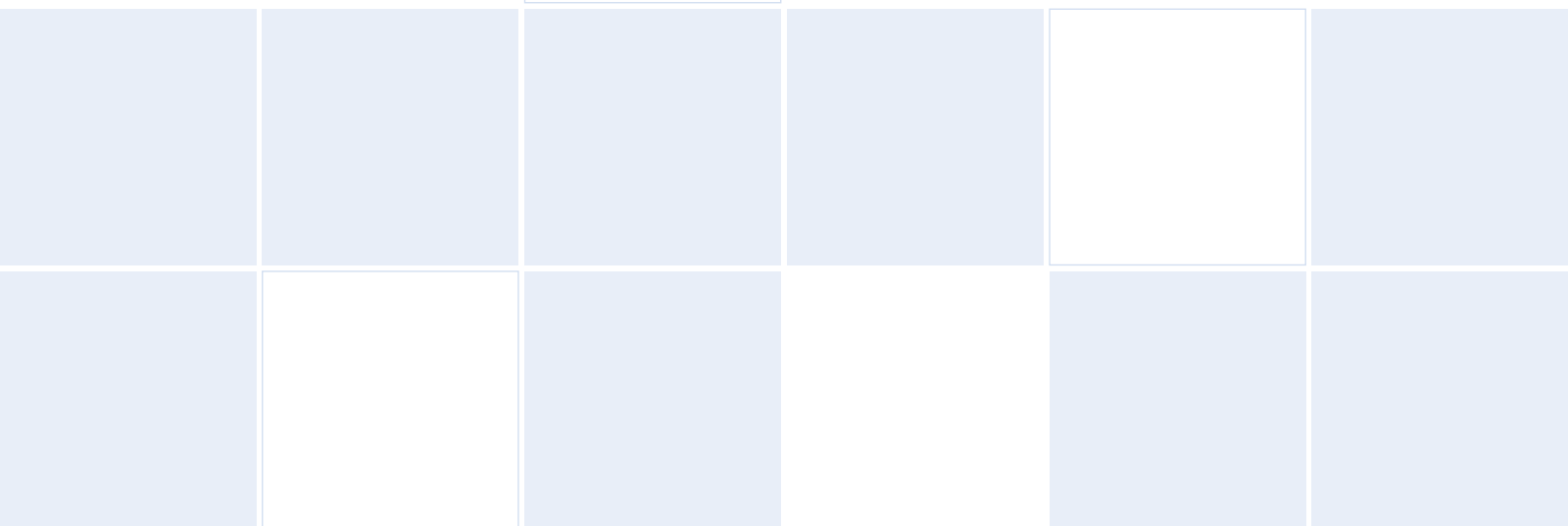
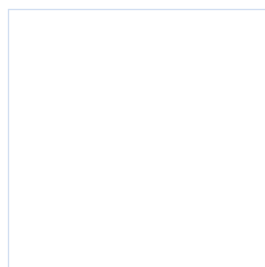
The team plays a major role in keeping staff up-to-date with developments and changes in the law, through regular updates and by developing substantial content for our intranet.

Our practice support lawyers have also actively contributed to law reform work throughout the year, helping to prepare and collate our submissions on the VCAT review, the development of a Magistrates' Court mental health list, and the *Criminal Procedure Act*.

When new legislation is implemented, practice support lawyers work collaboratively to ensure our staff have the proper training and resources so they are ready when new laws take effect. They played a major role in preparing our staff for the implementation of the Family Violence Protection Act and the new Evidence and Criminal Procedure Acts.

Practice support lawyers are also involved in developing and delivering training to legal staff, such as how to run immigration and social security matters, and develop advocacy skills. The team also created a short guide to the family violence legislative changes for our family lawyers.

# Financial report – 30 June 2009



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This financial report covers Victoria Legal Aid as an individual entity

The Victoria Legal Aid is a Statutory Authority of the State of Victoria. The Authority was established under the *Legal Aid Act 1978*. Its principal address is:

Victoria Legal Aid  
350 Queen Street  
Melbourne VIC 3000

## Comprehensive Operating Statement

For the financial year ended 30 June 2009

	Notes	2009 \$'000	2008 \$'000
<b>CONTINUING OPERATIONS</b>			
<b>Income from transactions</b>			
<b>Government</b>			
Commonwealth grant	1e,2	37,571	35,183
State grant	1e,2	55,970	42,897
Public purpose fund	1e,2	28,000	31,860
		<u>121,541</u>	<u>109,940</u>
<b>Operating</b>			
Client contributions	1e,2	2,692	4,173
Costs recovered and appeal cost fund	1e,2	1,330	1,321
Interest on investments	1e,2	903	1,580
Other income		937	2,528
		<u>5,862</u>	<u>9,602</u>
<b>Total income from transactions</b>		<b><u>127,403</u></b>	<b><u>119,542</u></b>
<b>Expenses from transactions</b>			
Case related professional payments		(67,496)	(75,850)
Employee benefits	3	(36,199)	(35,964)
Grants and other payments	2b	(9,982)	(9,079)
Depreciation and amortisation	1f, 3	(2,355)	(2,102)
Other expenditure	3	(12,268)	(14,992)
<b>Total expenses from transactions</b>		<b><u>(128,300)</u></b>	<b><u>(137,987)</u></b>
<b>Net result from transactions (net operating balance)</b>		<b><u>(897)</u></b>	<b><u>(18,445)</u></b>
<b>Other economic flows included in net result</b>			
Net gain / (loss) on non-financial assets	1h, 4a	19	7
Net gain / (loss) on financial instruments and statutory receivables/payables:			
Net actuarial gains / (losses) on receivable amounts	1h, 1l, 4b	(357)	(323)
Net actuarial gains / (losses) on amounts payable	1h, 4c	(1,198)	(1,523)
Net gain / (loss) arising from other economic flows	1h, 4d	(104)	(21)
<b>Total other economic flows included in net result</b>		<b><u>(1,640)</u></b>	<b><u>(1,860)</u></b>
<b>Net result from continuing operations</b>		<b><u>(2,537)</u></b>	<b><u>(20,305)</u></b>

The above Comprehensive Operating statement should be read in conjunction with the accompanying notes.



## Balance Sheet

As at 30 June 2009

	Notes	2009 \$'000	2008 \$'000
<b>Financial assets</b>			
Cash and cash equivalents	1i, 6, 17	10,850	13,902
Accrued Income	17	28	27
Receivables	1j, 7, 17	20,611	22,521
Prepayments		700	622
<b>Total financial assets</b>		<u>32,189</u>	<u>37,072</u>
<b>Non Financial assets</b>			
Property, plant and equipment	1l, 8	11,130	12,579
Intangible assets	1l, 9	4,242	2,001
<b>Total non financial assets</b>		<u>15,372</u>	<u>14,580</u>
<b>Total assets</b>		<u>47,561</u>	<u>51,652</u>
<b>Liabilities</b>			
Payables	1n, 10, 17	20,273	22,704
Provisions	1o, 11	8,694	7,817
<b>Total liabilities</b>		<u>28,967</u>	<u>30,521</u>
<b>Net assets</b>		<u>18,594</u>	<u>21,131</u>
<b>Equity</b>			
Contributed capital	1k, 12a	42,194	42,194
Accumulated deficit	12b	(23,600)	(21,063)
<b>Total equity</b>		<u>18,594</u>	<u>21,131</u>
Contingent Liabilities	1v, 20		
Commitments for expenditure	1u, 18		

## Statement of changes in equity

For the financial year ended 30 June 2009

	Notes	2009 \$'000	2008 \$'000
<b>Equity at start of financial year</b>			
Contributed capital		42,194	42,194
Accumulated deficit		(21,063)	(758)
<b>Total equity at start of financial year</b>		<u>21,131</u>	<u>41,436</u>
Comprehensive result for the year		(2,537)	(20,305)
<b>Total recognised income and expenses for the year</b>		<u>(2,537)</u>	<u>(20,305)</u>
<b>Total equity at end of financial year</b>		<u>18,594</u>	<u>21,131</u>

The above statements should be read in conjunction with the accompanying notes.

## Cash flow statement

For the financial year ended 30 June 2009

	Notes	2009 \$'000	2008 \$'000
<b>Cash flows from operating activities</b>			
<i>Receipts from government</i>			
Commonwealth		36,331	36,734
State		54,642	44,224
Public purpose fund		28,000	31,860
<i>Receipts from operating activities</i>			
Client contributions		3,539	5,362
Costs recovered and appeal cost fund		1,408	1,665
Interest received		922	1,735
Goods and services tax recovered from the ATO		10,090	11,345
Other		1,066	2,813
		135,998	135,738
<i>Payments to suppliers and employees</i>			
Private practitioners		(74,590)	(83,816)
Salaries and related costs		(34,775)	(36,277)
Community Legal Centres		(10,980)	(9,987)
Administration costs		(14,747)	(13,551)
Other		(518)	(845)
		(135,610)	(144,476)
<b>Net cash from / (used in) operating activities</b>	16	388	(8,738)
<b>Cash flows from investing activities</b>			
Payments for non financial assets		(3,569)	(7,636)
Proceeds from sale of non financial assets		128	115
		(3,441)	(7,521)
<b>Net cash used in investing activities</b>		(3,441)	(7,521)
<b>Net decrease in cash and cash equivalents held</b>		(3,052)	(16,259)
Cash and cash equivalents at the beginning of the financial year		13,902	30,161
<b>Cash and cash equivalents at the end of the financial year</b>	1i, 6	10,850	13,902

The above Cash flow statement should be read in conjunction with the accompanying notes.

## Note 1. Summary of significant accounting policies

The following summary explains the significant policies that have been adopted in the preparation of these financial statements.

### (a) Statement of compliance and basis of accounting

The financial report is a general purpose financial report which has been prepared on an accrual basis in accordance with the *Financial Management Act 1994*, applicable Australian Accounting Standards (AASs), which includes the Australian accounting standards issued by the Australian Accounting Standards Board (AASB), AAS 29 Financial Reporting by Government Departments, Interpretations and other mandatory professional requirements.

The financial report also complies with relevant Financial Reporting Directions (FRDs) issued by the Department of Treasury and Finance, and relevant Standing Directions (SD) authorised by the Minister for Finance.

The financial statements were authorised for issue by T Matthews (Chief Finance and Accounting Officer - Victoria Legal Aid) on 19 August 2009.

### (b) Basis of preparation

The financial report has been prepared on the basis of historical cost, except for the revaluation of certain non-current assets and financial instruments. Cost is based on the fair values of the consideration given in exchange for assets.

In the application of AASs management is required to make judgements, estimates and assumptions about carrying values of assets and liabilities that are not readily apparent from other sources. The estimates and associated assumptions are based on historical experience and various other factors that are believed to be reasonable under the circumstance, the results of which form the basis of making the judgements. Actual results may differ from these estimates.

The estimates and underlying assumptions are reviewed on an ongoing basis. Revisions to accounting estimates are recognised in the period in which the estimate is revised if the revision affects only that period or in the period of the revision and future periods if the revision affects both current and future periods.

Accounting policies are selected and applied in a manner which ensures that the resulting financial information satisfies the concepts of relevance and reliability, thereby ensuring that the substance of the underlying transactions or other events is reported.

The functional currency of the Commission is the Australian dollar, which has also been identified as the presentation currency of the Commissions. Amounts in the financial report have been rounded to the nearest thousand dollars, unless otherwise stated.

The accounting policies set out below have been applied in preparing the financial statements for the year ended 30 June 2009 and the comparative information presented for the year ended 30 June 2008.

### (c) Scope and presentation of financial statements

#### *Early adoption of AASB 101 (September 2007)*

As a result of a State wide policy to improve consistency in public sector reporting, the Commission has revised the presentation of its complete set of financial statements to align with the AASB 1049 presentation format, used in the Financial Report for the State and the general government sector. In addition, the Commission has also early adopted the September 2007 version of AASB101.

In keeping with AASB 101 (September 2007) this complete set of financial statements includes the following changes.

#### *Comprehensive Operating Statement*

Income and expenses in the comprehensive operating statement are separated into either 'transactions' or 'other economic flows'.

#### *Balance Sheet*

Items of assets and liabilities in the balance sheet are:

- aggregated into financial and non financial assets;
- classified according to GFS terminology, but retain measurement and disclosure rules under existing accounting standards applicable to the Commission; and
- current versus non-current assets and liabilities are disclosed in the notes where relevant.

### (d) Objectives

The objectives of the Commission as detailed in the Legal Aid Act 1978 are:

- (i) To provide legal aid in the most effective, economic and efficient manner;
- (ii) To manage its resources to make legal aid available at a reasonable cost to the community and on an equitable basis throughout the state;
- (iii) To provide to the community improved access to justice and legal remedies;
- (iv) To pursue innovative means of providing legal aid directed at minimising the need for individual legal services in the community.

## Note 1. Summary of significant accounting policies (continued)

### (e) Revenue recognition

Amounts disclosed as revenue are, where applicable, net of returns, allowances, duties and taxes. Revenue is recognised for each of the Commission's major activities as follows:

#### (i) Government grants

Grants payable by Government are recognised as revenue when the Commission gains control of the underlying assets. Where grants are reciprocal, revenue is recognised as performance occurs under the grant. Non-reciprocal grants are recognised as revenue when the grant is received or receivable. Conditional grants may be reciprocal or non-reciprocal depending on the terms of the grant.

#### (ii) Public Purpose Fund

Monies from the Public Purpose Fund are distributed to the Legal Aid Fund pursuant to section 6.7.9 of the Legal Profession Act 2004. The Public Purpose Fund comprises interest and investment earnings on clients' funds held in solicitor's trust accounts. The amount of any distribution from the Public Purpose Fund to the Legal Aid Fund, can vary from year to year depending on its investment performance and any other calls that may be made on the fund, as set out in the Legal Profession Act 2004.

#### (iii) Client contribution revenue

Revenue from the provision of legal services to clients is recognised at fair value. Contributions for services are only recognised when the fair value can be reliably determined and where the services would normally be purchased.

#### (iv) Sale of goods and disposal of assets

Revenue from the sale of goods and disposal of other assets is recognised when the Commission has passed to the buyer the significant risks and rewards of ownership of the goods or other assets.

#### (v) Interest

Interest revenue is recognised on a time proportionate basis that takes into consideration the effective yield on the financial asset.

#### (vi) Costs recovered and appeal costs fund

Revenue arising from costs recovered and appeal costs fund is recognised when the Commission gains control of the revenue or the right to receive revenue.

### (f) Expenses from transactions

#### (i) Grants payments

Grants and other payments to third parties are recognised as expenses in the reporting period in which they are paid or payable. They include grants made to Community Legal Centres (Note 2b).

#### (ii) Supplies and services

Supplies and services, including case related professional payments, are recognised as an expense in the reporting period in which they are incurred.

#### (iii) Depreciation and amortisation

Depreciation is calculated on a straight line basis to write off the net cost of each item of plant and equipment (excluding cultural assets) over its expected useful life to its estimate residual value. Leasehold improvements are depreciated over the period of the lease or estimated useful life, whichever is the shorter, using the straight-line method. Estimates of useful lives, residual values and depreciation method are reviewed on a regular basis.

The following depreciation rates are used for each major class of depreciable assets:

Furniture, fixture and fittings	10%
IT equipment	33%
Leasehold improvements	10%
Motor vehicles	20%
Office machines & equipment	15%

Intangible assets with finite useful lives are amortised on a systematic (typically straight line) basis over the asset's useful life. Amortisation begins when the asset is available for use. The amortisation period and method for an intangible asset with a finite useful life are reviewed annually at the end of each reporting period, in conjunction with a review for impairment.

### (g) Maintenance and repairs

Assets of the Commission are required to be refurbished on a regular basis. This is managed as part of an ongoing major cyclical maintenance program. The costs of this maintenance are charged as expenses as incurred, except where they relate to the replacement of a component of an asset, in which case the costs are capitalised and depreciated in accordance with note 1(f). Other routine operating maintenance, repair costs and minor renewals are also charged as expenses when incurred.

## Note 1. Summary of significant accounting policies (continued)

**(h) Other economic flows included in net result**

Other economic flows measure the change in volume of assets or liabilities that do not result from transactions.

*(i) Net gain / (loss) on non-financial assets*

Net gain / (loss) on non-financial assets and liabilities includes realised and unrealised gains and losses from revaluations, impairments, and disposals of all non physical assets and intangible assets.

Any gain or loss on the sale of non financial assets is recognised at the date that control of the asset is passed to the buyer and is determined after deducting from the proceeds the carrying value of the asset at that time.

Intangible assets with indefinite lives (and intangible assets not yet available for use) are tested annually for impairment and whenever there is an indication that the asset may be impaired. All other assets are assessed annually for indications of impairment, excluding financial assets (Note 1m).

*(ii) Net gains / (losses) on financial instruments and statutory receivables/payables*

Net gains / (losses) on financial instruments and statutory receivables/payables includes realised and unrealised gains and losses from revaluations by actuarial assessment of legal payables and receivables.

Bad and doubtful debts are assessed on a regular basis. Those bad debts considered as written off by mutual consent are classified as a transaction expense. The allowance for doubtful receivables and bad debts not written off by mutual consent are adjusted as 'other economic flows'.

*(iii) Net gain / (loss) arising from other economic flows*

Other gains / (losses) from other economic flows include the gains or losses from reclassifications of amounts from reserves and/or accumulated surplus to net result, and from the revaluation of the present value of the long service leave liability due to changes in the bond interest rates.

**(i) Cash and cash deposits**

Cash and deposits, including cash equivalents, comprise cash on hand, cash in banks and deposits at call, and highly liquid investments with an original maturity of three months or less, that are readily convertible to cash and are subject to an insignificant risk of changes in value.

**(j) Receivables***Granting of legal assistance*

Pursuant to the Legal Aid Act 1978, as amended, the organisation is empowered to make a grant of legal assistance subject to certain conditions. Under section 24 of the Act the Commission may require a client to:

- a) make a contribution towards the cost of providing assistance;
- b) make a contribution in respect of any out-of-pocket expenses incurred in providing assistance;
- c) pay contributions in such a manner and within such a time as the organisation directs;
- d) provide the organisation with security against costs incurred on their behalf.

In accordance with the Commission's means test and asset guidelines a client may or may not be required to make a contribution towards the cost of their legal assistance.

Under section 46 of the Act all costs payable under the terms of any judgment or order, or of any settlement of an action or claim by a client are payable to the organisation.

Client contribution receivables arise as a result of contributions assessed as above and are recorded at their recoverable amount.

Impairment of debtors are reviewed on an ongoing basis. A provision for doubtful debts is raised for estimated irrecoverable amounts, determined by reference to past default experience. Bad debts are written off when identified.

**(k) Contribution by owners**

Consistent with Interpretation 1038 *Contribution by Owners Made to Wholly-Owned Public Sector Entities* appropriations for additions to net assets have been designated as contributions by owners. Other transfers that are in the nature of contributions or distributions have also been designated as contributions by owners.

## Note 1. Summary of significant accounting policies (continued)

### (l) Non-current assets

#### *Non-current physical assets*

Plant and equipment are measured at cost less accumulated depreciation and impairment.

#### *Leasehold improvements*

The cost of improvements to or on leasehold properties is amortised over the unexpired period of the lease or the estimated useful life of the improvement to the Commission. Leasehold improvements are measured at cost less accumulated depreciation and impairment (Note 1m).

Where applicable, leasehold improvements include a component for leasehold make-good at the end of the lease. A corresponding provision for decommissioning expense is created based on present value of the expected make-good expense.

#### *Cultural assets*

Cultural assets such as artworks that the Commission intends to preserve because of their unique cultural and historical attributes are measured at the cost of replacing the asset.

#### *Intangibles assets*

Intangible assets represent identifiable non-monetary assets without physical substance.

An internally generated intangible asset arising from development 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 benefits;
- (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.

Where no internally generated asset can be recognised, development expenditure is recognised as an expense in the period incurred.

Intangible assets are measured at cost less accumulated amortisation and impairment, and are amortised on a straight line basis over their useful lives as follows:

Capitalised software and development costs 3 - 10 years

#### *Receivables client contributions*

Finity Consulting Pty Limited actuaries perform an annual independent assessment of the net present value of receivables. The analysis undertaken reviews the receivable portfolio, recovery history and the current and forecast financial environment to determine a recoupment pattern. This payment pattern was discounted by 5.55% (2008: 6.6%) which is the forecast earnings rate of the organisation's investment portfolio to determine the net present value.

### (m) Impairment of assets

All assets are assessed annually for indications of impairment.

If there is an indication of impairment, the assets concerned are tested as to whether their carrying value exceeds their recoverable amount.

Where an asset's carrying value exceeds its recoverable amount, the difference is written off by a charge to the operating statement except to the extent that the write-down can be debited to an asset revaluation reserve amount applicable to that class of asset.

The recoverable amount for most assets is measured at the higher of depreciated replacement cost and fair value less costs to sell. It is deemed that, in the event of the loss of an asset, the future economic benefits arising from the use of the asset will be replaced unless a specific decision to the contrary has been made.

### (n) Payables

Payables are recognised when the Commission becomes obliged to make future payments resulting from the purchase of goods and services.

#### *Trade creditors*

The amounts are unsecured and are usually paid within 30 days of recognition. No interest is charged within the first 30 days. Payables are measured at face value.

#### *Legal creditors*

Legal creditors represent amounts owing to the organisation's panel members for legal work undertaken on behalf of the organisation. The amount owing to legal creditors for work performed comprises two components:

- (i) amounts certified but not paid; and
- (ii) amounts incurred not yet invoiced at balance date.

An actuarial assessment was undertaken by Finity Consulting Pty Limited to identify amounts owing to legal creditors for work performed prior to the 30 June 2009 but not yet invoiced. The actuarial assessment includes a prudential margin of 10% of outstanding estimates which is reassessed each year.

No interest charge is applicable.

## Note 1. Summary of significant accounting policies (continued)

## (o) Employee benefits

(i) *Wages and salaries, annual leave and sick leave*

Liabilities for wages and salaries, including non-monetary benefits, annual leave and accumulating sick leave expected to be settled within 12 months of the reporting date are recognised in the provision for employee benefits in respect of employee services up to the reporting date, classified as current liabilities and measured at their nominal values.

Those liabilities that are not expected to be settled within 12 months are recognised in the provision for employee benefits as current liabilities, measured at present value of the amounts expected to be paid when the liabilities are settled using the remuneration rate expected to apply at the time of settlement.

(ii) *Long service leave*

Liability for long service leave (LSL) is recognised in the provision for employee benefits.

- Current liability - unconditional LSL (representing 7 or more years of continuous service) is disclosed as a current liability even where the Commission does not expect to settle the liability within 12 months because it will not have the unconditional right to defer the settlement of the entitlement should an employee take leave or depart within 12 months.

The components of this current LSL liability are measured at:

- Present value - component that the Commission does not expect to settle within 12 months; and
- Nominal value - component that the Commission expects to settle within 12 months.

- Non-current liability - conditional LSL (representing less than 7 years of continuous service) is disclosed as a non-current liability. There is an unconditional right to defer the settlement of the entitlement until the employee has completed the requisite years of service.

This non-current liability is measured at present value. Gain or loss following revaluation of the present value of non-current LSL liability due to changes in bond interest rates is recognised as an other economic flow (refer Note 1h).

(iii) *Employee benefits on-costs*

Employee benefits on-costs (workers compensation, superannuation, annual leave and LSL accrued while on LSL taken in service) are recognised separately from provision for employee benefits.

(iv) *Termination benefits*

Termination benefits are payable when employment is terminated before the normal retirement date. The Commission recognises termination benefits when it is demonstrably committed to terminating the employment of current employees according to a detailed formal plan without possibility of withdrawal. Benefits falling due more than 12 months after balance sheet date are discounted to present value.

(v) *Defined contribution superannuation funds*

Contributions to defined contribution superannuation plans are expensed when incurred (See note 13).

(vi) *Defined benefit superannuation funds*

The amount charged to the operating statement in respect of defined benefit superannuation represents the contribution made by the Commission to the superannuation fund in respect to the current services of current staff of the Commission. Superannuation contributions are made to the plans based on the relevant rules of each plan.

The Department of Treasury and Finance centrally recognises the defined benefit liability or surplus of most Victorian Government employees in such funds.

## (p) Provisions

Provisions are recognised when the Commission has a present obligation, the future sacrifice of economic benefits is probable, and the amount of the provision can be measured reliably.

The amount recognised as a provision is the best estimate of the consideration required to settle the present obligation at reporting date, taking into account the risks and uncertainties surrounding the obligation. Where a provision is measured using the cash flows estimated to settle the present obligation, its carrying amount is the present value of those cash flows.

When some or all of the economic benefits required to settle a provision are expected to be recognised from a third party, the receivable is recognised as an asset if it is virtually certain that recovery will be received and the amount of the receivable can be measured reliably.

## (q) Leased non-current assets

Operating leases are those in which the lessor effectively retains all substantial risks and benefits. Payments made in relation to operating leases are charged to the operating statement in the periods in which they are incurred, as this represents the pattern of benefits derived from the leased assets.

## Note 1. Summary of significant accounting policies (continued)

### (r) Goods and services tax

Income, expenses and assets are recognised net of the amount of associated GST, unless the GST incurred is not recoverable from the taxation authority. In this case it is recognised as part of the cost of acquisition of the asset or as part of the expense.

Receivables and payables are stated inclusive of the amount of GST receivable or payable. The net amount of GST recoverable from, or payable to, the taxation authority is included with other receivables or payables in the balance sheet.

Cash flows are presented on a gross basis. The GST components of cash flows arising from investing or financing activities which are recoverable from, or payable to the taxation authority, are presented as operating cash flow.

Commitments and contingent assets and liabilities are presented on a gross basis.

### (s) Supplies and services

Supplies and services generally represent cost of goods sold and the day-to-day running costs, including maintenance costs, incurred in the normal operations of the Commission. These items are recognised as an expense in the reporting period in which they are incurred. The carrying amount of any inventories held for distribution is expensed when distributed.

### (t) Events after reporting date

Assets, liabilities, income or expenses arise from past transactions or other past events. Where the transactions result from an agreement between the Commission and other parties, the transactions are only recognised when the agreement is irrevocable at or before balance date. Adjustments are made to amounts recognised in the financial statements for events which occur after reporting date and before the date the statements are authorised for issue, where those events provide information about conditions which existed at the reporting date. Note disclosure is made about events between the balance date and the date statements are authorised for issue where the events relate to conditions which arose after the reporting date and which may have a material impact on the results of subsequent years.

### (u) Commitments

Commitments include those operating, capital and other outsourcing commitments arising from non-cancellable contractual or statutory sources and are disclosed at their nominal value and inclusive of GST payable (See note 18).

### (v) Contingent assets and contingent liabilities

Contingent assets and contingent liabilities are not recognised in the balance sheet, but are disclosed by way of a note and, if quantifiable, are measured at nominal value (See note 20).

### (w) Critical accounting estimates and judgements

Estimates and judgements are continually evaluated and are based on historical experience and other factors, including expectations of future events that may have a financial impact on the entity and that are believed to be reasonable under the circumstances.

#### (i) *Critical accounting estimates and assumptions*

##### *Measurement of client receivables*

Client receivables are based on an actuarial assessment which makes reference to annual modelling and historical data on debt recovery.

##### *Measurement of case related professional creditors*

The recognition of private practitioner costs is intrinsically linked to the recovery of client fees. In this respect the recognition of private practitioner related payables is recognised on a similar basis and, therefore, is reliant on an actuarial assessment. The actuarial assessment makes reference to historical data.

### (x) Going concern

Notwithstanding the deficit between current assets and current liabilities, working capital, of \$8.56 million (2008: \$6.36 million) the financial report has been prepared on a going concern basis which contemplates the continuity of business activities and the realisation of assets and settlement of liabilities in the ordinary course of business.



## Note 1. Summary of significant accounting policies (continued)

## (y) New accounting standards and interpretations

Certain new accounting standards and interpretations have been published that are not mandatory for 30 June 2009 reporting period. The Department of Treasury and Finance assesses the impact of these new standards and advises departments and other entities of their applicability and early adoption where applicable.

As advised in Note 1(c) the Commission has early adopted the September 2007 version of AASB 101.

As at 30 June 2009, the following standards and interpretations had been issued but were not mandatory for financial year ending 30 June 2009. The Commission has not, and does not intend to adopt these standards early.

Standard / Interpretation	Summary	Applicable for annual reporting periods beginning or ending on	Impact on financial statements
AASB 2007-3 Amendments to Australian Accounting Standards arising from AASB 8 [AASB 5, AASB 6, AASB 102, AASB 107, AASB 119, AASB 127, AASB 134, AASB 136, AASB 1023 and AASB 1038].	An accompanying amending standard, also introduced consequential amendments into other Standards.	Beginning 1 Jan 2009	Impact expected to be insignificant.
AASB 2009-2 Amendments to Australian Accounting Standards - Improving Disclosures about Financial Instruments [AASB 4, AASB 7, AASB 1023 & AASB 1038].	Requires enhanced disclosures about fair value and measurement and liquidity risk.	Beginning 1 Jan 2009	Impact expected to be insignificant.
AASB 2009-7 Amendments to Australian Accounting Standards [AASB 5, 7, 107, 112, 136 & 139 and Interpretation 17].	The amendments to AASB 5, AASB 7, AASB 139 and Interpretation 17 correct errors that occurred in AASB 2008-12 Amendments to Australian Accounting Standards – Reclassification of Financial Assets – Effective Date and Transition, AASB 2008-13 Amendments to Australian Accounting Standards arising from AASB Interpretation 17 – Distributions of Non-cash Assets to Owners and Interpretation 17 itself. The other amendments reflect changes made by the IASB to its pronouncements.	Beginning 1 Jan 2009	Impact expected to be insignificant.
AASB 2008-3 Amendments to Australian Accounting Standards arising on liquidation from AASB 3 & AASB 127 [AASBs 1, 2, 4, 5, 7, 101, 107, 112, 114, 116, 121, 128, 131, 132, 133, 134, 136, 137, 138, & 139 and Interpretations 9 & 107].	This Standard gives effect to consequential changes arising from revised AASB 3 and amended AASB 127. The Prefaces to those Standards summarise the main requirements of those Standards.	Beginning 1 Jan 2009	Impact not expected to be significant.
AASB 2008-5 Amendments to Australian Accounting Standards arising from the Annual Improvements Project [AASBs 5, 7, 101, 102, 107, 108, 110, 116, 118, 119, 120, 123, 127, 128, 129, 131, 132, 133, 134, 136, 138, 139, 140, 141, 1023 & 1038].	A suite of amendments to existing standards following issuance of IASB Standard Improvements to IFRSs in May 2008. Some amendments result in accounting changes for presentation, recognition and measurement purposes.	Beginning 1 Jan 2009	Impact is being evaluated.

## Note 1. Summary of significant accounting policies (continued)

### (y) New accounting standards and interpretations (continued)

Standard / Interpretation	Summary	Applicable for annual reporting periods beginning or ending on	Impact on financial statements
AASB 2008-6 Further Amendments to Australian Accounting Standards arising from the Annual Improvements Project [AASB 1 & AASB 5].	The amendments require all the assets and liabilities of a for-sale subsidiary to be classified as held for sale and clarify the disclosures required when the subsidiary is part of a disposal group that meets the definition of a discontinued operation.	Beginning 1 Jan 2009	Impact expected to be insignificant.
AASB 2008-7 Amendments to Australian Accounting Standards - Cost of an investment in a Subsidiary, Jointly controlled Entity or Associate [AASB 1, AASB 118, AASB 121, AASB 127 & AASB 136].	Changes mainly relate to treatment of dividends from subsidiaries or controlled entities.	Beginning 1 Jan 2009	Impact not expected to be significant.
AASB 2008-8 Amendments to Australian Accounting Standards - Eligible Hedged Items [AASB 139].	The amendments to AASB 139 clarify how the principles that determine whether a hedged risk or portion of cash flows is eligible for designation as a hedged item should be applied in particular situations.	Beginning 1 Jul 2009	Impact is being evaluated.
AASB 2008-9 Amendments to AASB 1049 for Consistency with AASB 101.	Amendments to AASB 1049 for consistency with AASB 101 (September 2007) version.	Beginning 1 Jan 2009	Not applicable to public sector entities except for certain presentation formats.

### (z) Prospective accounting changes

#### *Service Concessions*

In December 2007, the Australian Accounting Standards Board (AASB) decided that:

- (i) the requirements of Interpretation 12 are not obligatory for public sector grantors; however
- (ii) grantors are required to consider Interpretation 12 when developing their accounting policy under the hierarchy for selecting accounting policies set out in AASB 108 *Accounting Policies, Changes in Accounting Estimates and Errors*.

The AASB did not decide on a preferred accounting policy for grantors, as the International Public Sector Accounting Standards Board (IPSASB) currently has a project looking at accounting for service concessions from an international public sector perspective. The IPSASB is expected to issue an Exposure Draft in May 2009, and a new IPSASB standard is expected around early 2010. Any Australian public sector standard is therefore unlikely before 2010-11.

As a result of the above and the continuing uncertainty and lack of applicable accounting guidance on the recognition and measurement by the State of assets arising from some service concession arrangements, there has been no change in policy and those assets are currently not recognised.

## Note 2. Funding

### (a) The organisation

Funding sources of the organisation consist of the Commonwealth Government, the State Government, the Public Purpose Fund and income comprising contributions paid by assisted persons, costs recovered in legally assisted cases, the Appeal Costs Fund and interest derived from the investment of surplus funds.

### (b) Community Legal Centres

Each year the Commission allocates a portion of its funding and provides certain administration assistance to Community Legal Centres in Victoria. For the year ended 30 June 2009 the organisation allocated \$10.0 million of direct funds (2008: \$9.1m). The organisation has disclosed this transaction in its financial statements as the Board of Victoria Legal Aid has discretionary funding choices over the allocation of State grants.

The organisation does not control the allocation of grants received from the Commonwealth Government and consequently does not include these funds in its financial statements. The total amount received from the Commonwealth for Community Legal Centres to 30 June 2009 was \$6.9m million (2008: \$7.3m).

Grants made by the organisation to Community Legal Centres are reported in the body of the financial statements.

Note 3. Result for the reporting period

	2009 \$'000	2008 \$'000
<b>(a) Expenses from ordinary activities</b>		
Employee benefits		
Salaries and overtime	27,801	27,602
Annual leave and long service leave expense	3,602	3,413
Superannuation	2,722	2,722
Staff development	612	493
Workcover	146	126
Temporary employment cover	637	786
Other	679	822
Total employee benefits	<u>36,199</u>	<u>35,964</u>
Depreciation of property, plant and equipment		
Furniture, fixture & fittings	63	55
Information technology equipment	460	496
Leasehold improvements	1,498	1,243
Motor vehicles	97	97
Office machines & equipment	177	163
Total depreciation	<u>2,295</u>	<u>2,054</u>
Amortisation of intangible assets		
Software	60	48
Total amortisation	<u>60</u>	<u>48</u>
Total depreciation and amortisation	<u>2,355</u>	<u>2,102</u>
Other expenditure from ordinary activities		
Supplies and services		
Debt recovery costs	41	58
Insurance	140	135
Legal fees	249	134
Library	367	349
Motor vehicle and travelling expenses	101	106
Postage and telephones	1,178	1,125
Printing and stationery	867	923
Sundry expenses	550	706
Travel and accommodation	359	355
Contractors	966	3,423
Consultants	296	1,112
Total supplies and services	<u>5,114</u>	<u>8,425</u>
Premises - minimum lease payments	3,532	3,434
Premises - other	2,387	1,982
Information management systems	1,135	1,123
Decommissioning expenses	100	28
Other	0	0
Total other expenditure from ordinary activities	<u>12,268</u>	<u>14,992</u>

#### Note 4. Other economic flows included in net result

	2009 \$'000	2008 \$'000
<b>(a) Net gain / (loss) on non-financial assets:</b>		
Net gain / (loss) on disposal Property, plant and equipment	19	7
<b>(b) Net actuarial gains / (losses) on receivable amounts:</b>		
Net actuarial gains / (losses) on legal debtors net present value	(282)	(303)
Net actuarial gains / (losses) on recognition of outstanding legal debtors	(75)	(20)
Total Net actuarial gains / (losses) on recoverable amounts:	<u>(357)</u>	<u>(323)</u>
<b>(c) Net actuarial gains / (losses) on amounts payable:</b>		
Net actuarial gains / (losses) on movement in legal creditors	(1,198)	(1,523)
<b>(d) Net gain / (loss) arising from other economic flows:</b>		
Net gain / (loss) arising from revaluation of long service leave liability due to changes in discount bond rates	(104)	(21)
Total other economic flows included in net result	<u>(1,640)</u>	<u>(1,860)</u>

#### Note 5. Remuneration of auditors

Remuneration of auditors comprises:

Audit of financial reports: Victorian Auditor General's Office	52	47
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#### Note 6. Cash and cash equivalents

Cash at bank and on hand	5,070	1,852
Term deposits	5,780	12,050
	<u>10,850</u>	<u>13,902</u>

The above figures are reconciled to cash at the end of the financial year as shown in the Cash flow statement as follows:

Balance as above	10,850	13,902
Balance as per statement of cash flows	<u>10,850</u>	<u>13,902</u>

#### Term deposits

The deposits are bearing weighted average interest rates of 3.06% (2008 – 7.38 %).

## Note 7. Receivables

	2009 \$'000	2008 \$'000
<b>(a) Receivables</b>		
Client Contributions		
Secured client contributions receivable	18,553	18,180
Adjustment for impairment	(6,304)	(6,022)
Secured client contributions receivable at net present value	<u>12,249</u>	<u>12,158</u>
Secured client contributions receivable on unfinalised matters	1,847	2,022
Unsecured client contributions receivable	3,484	4,895
Costs recoverable	72	84
	<u>17,652</u>	<u>19,159</u>
Less: Allowance for doubtful debts (b)	<u>(500)</u>	<u>(500)</u>
	<u>17,152</u>	<u>18,659</u>
Sundry receivables		
Australian Taxation Office	3,307	2,982
Other	152	880
	<u>3,459</u>	<u>3,862</u>
Total receivables	<u>20,611</u>	<u>22,521</u>
This is represented by:		
Current		
Due within one year	7,103	8,074
Non-current		
Due beyond one year	13,508	14,447
	<u>20,611</u>	<u>22,521</u>
<b>(b) Movement in provision</b>		
Opening Balance	500	500
Movements during the year:		
Re-assessments and bad debts written-off	(583)	(497)
Increase/(decrease) in provision for re-assessments and bad debt write-downs	583	497
Closing balance	<u>500</u>	<u>500</u>

No interest is charged on receivables.

A provision for doubtful debts has been made for estimated irrecoverable amounts, determined by reference to past default experience.

## Note 8. Property, plant and equipment

	2009 \$'000	2008 \$'000
Information technology at cost	3,846	4,033
Less: Accumulated depreciation	(3,274)	(3,295)
	<u>572</u>	<u>738</u>
Furniture, fixtures and fittings at cost	676	673
Less: Accumulated depreciation	(237)	(174)
	<u>439</u>	<u>499</u>
Leasehold improvements at cost	18,356	18,015
Less: Accumulated depreciation	(9,508)	(8,010)
	<u>8,848</u>	<u>10,005</u>
Motor vehicles at cost	530	467
Less: Accumulated depreciation	(137)	(156)
	<u>393</u>	<u>311</u>
Office machines and equipment at cost	1,512	1,498
Less: Accumulated depreciation	(810)	(633)
	<u>702</u>	<u>865</u>
Cultural assets at cost	176	161
Less: Accumulated depreciation	0	0
	<u>176</u>	<u>161</u>
Total property, plant and equipment	25,097	24,847
Less: Total Accumulated depreciation	(13,966)	(12,268)
Total written down value	<u>11,130</u>	<u>12,579</u>

### Reconciliation

Reconciliations of the carrying amounts of each class of property, plant and equipment, including cultural assets, at the beginning and end of the current and previous financial year are set out below.

	Information technology \$'000	Furniture, fixtures & fittings \$'000	Leasehold improvements \$'000	Motor vehicles \$'000	Office machines & equipment \$'000	Cultural assets \$'000	Total \$'000
<b>2009</b>							
Carrying amount at start of year	738	499	10,005	311	865	161	12,579
Additions	300	3	342	270	14	15	944
Disposals	(6)	0	(1)	(91)	0	0	(98)
Depreciation/amortisation expense	(460)	(63)	(1,498)	(97)	(177)	0	(2,295)
Carrying amount at end of year	<u>572</u>	<u>439</u>	<u>8,848</u>	<u>393</u>	<u>702</u>	<u>176</u>	<u>11,130</u>
<b>2008</b>							
Carrying amount at start of year	699	418	7,789	311	522	98	9,837
Additions	535	136	3,460	197	513	63	4,904
Disposals	0	0	(1)	(100)	(7)	0	(108)
Depreciation/amortisation expense	(496)	(55)	(1,243)	(97)	(163)	0	(2,054)
Carrying amount at end of year	<u>738</u>	<u>499</u>	<u>10,005</u>	<u>311</u>	<u>865</u>	<u>161</u>	<u>12,579</u>

Property, plant and equipment is classified as "Public Safety and Environment" by 'purpose' for which the assets are used, according to one of five 'Purpose Groups' based upon Government Purpose Classifications (GPC).

## Note 9. Intangible assets

	2009 \$'000	2008 \$'000
Software at cost	4,350	2,049
Less: Accumulated amortisation	(108)	(48)
	4,242	2,001

### Reconciliation

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

	Software \$	Total \$
<b>2009</b>		
Carrying amount at beginning of year	2,001	2,001
Additions	2,301	2,301
Amortisation	(60)	(60)
Carrying amount at end of year	4,242	4,242
<b>2008</b>		
Carrying amount at beginning of year	0	0
Additions	2,049	2,049
Amortisation	(48)	(48)
Carrying amount at end of year	2,001	2,001

## Note 10. Payables

### Current

#### Unsecured

Case related professional creditors	14,603	13,972
Trade creditors	5,670	8,732
	20,273	22,704

The average credit period for creditors is 30 days. No interest is charged.

## Note 11. Provisions

		2009 \$'000	2008 \$'000
<b>(a) Provisions</b>			
<b>Current</b>			
Employee benefits:			
- Unconditional and expected to be settled within 12 months:			
- Annual leave	11b	2,550	2,431
- Long service leave	11b	309	555
- Sick leave	11b	172	128
- Executive officer bonus	11b	126	101
- Unconditional and expected to be settled after 12 months:			
- Long service leave	11b	3,219	2,526
Employee benefit on-costs:			
- Unconditional and expected to be settled within 12 months:			
- Annual leave	11b	243	232
- Long service leave	11b	31	56
- Unconditional and expected to be settled after 12 months:			
- Long service leave	11b	322	252
		<u>6,972</u>	<u>6,281</u>
<b>Non-current</b>			
Employee benefits			
- Long service leave (conditional)	11b	756	693
Employee benefit on costs:			
- Long service leave (conditional)	11b	74	69
Decommissioning	11,11c	893	774
		<u>1,722</u>	<u>1,536</u>
<b>Aggregate carrying amount of provisions</b>			
Current		6,972	6,281
Non-current		1,722	1,536
		<u>8,694</u>	<u>7,817</u>
<b>(b) Employee Benefits &amp; related on-costs</b>			
<b>Current employee benefits</b>			
Current employee benefits for annual leave, sick leave, executive officer bonus entitlements			
		2,848	2,660
Current employee benefits for unconditional long service leave entitlements			
		3,528	3,081
		<u>6,376</u>	<u>5,741</u>
<b>Non-current employee benefits</b>			
Conditional long service leave entitlements			
		756	693
<b>Total employee benefits</b>			
		<u>7,131</u>	<u>6,434</u>
Current on-costs			
		596	540
Non-current on-costs			
		74	69
<b>Total on-costs</b>			
		<u>670</u>	<u>609</u>
<b>Total employee benefits &amp; on-costs</b>			
		<u>7,801</u>	<u>7,043</u>
<b>(c) Movement in Provisions</b>			
<b>Decommissioning</b>			
<b>Balance at 1 July 2008</b>			
Additional provisions recognised		24	207
Additions / (reductions) resulting from re-measurement or settlement without cost		0	(51)
Unwind of discount and effect of changes in the discount rate		95	8
<b>Balance at 30 June 2009</b>		<u>893</u>	<u>774</u>

The provision for decommissioning represents the present value of future leasehold make-good expense at the end of the lease. The unexpired term of the leases vary from 1 month to 9 years.



## Note 12. Equity and movements in equity

	2009 \$'000	2008 \$'000
<b>(a) Contributed Capital</b>		
Balance at the beginning of the year	42,194	42,194
Movement during the year	0	0
Balance at the end of the year	<u>42,194</u>	<u>42,194</u>
<b>(b) Accumulated surplus</b>		
Balance at the beginning of the year	(21,063)	(758)
Net result for the year	(2,537)	(20,305)
Balance at the end of the year	<u>(23,600)</u>	<u>(21,063)</u>

## Note 13. Superannuation Funds

The organisation contributes to a number of different superannuation schemes on behalf of staff including:

### (a) Commonwealth Superannuation Scheme

Covers one former employee of the Australian Legal Aid Office who elected to continue contributing to the Commonwealth scheme at the date on which the organisation's predecessor (the Legal Aid Commission of Victoria) commenced operations. Total employer contributions made to this scheme for the period ended 30 June 2009 were zero (30 June 2008: \$5,408 at the employer contribution rate of 28.3%).

The Commonwealth scheme, upon retirement, disability or death, provides defined lump sum benefits based on years of service and final average salary.

### (b) Victorian Government Superannuation

No liability is recognised in the statement of financial position for the Commission's share of the State's unfunded superannuation liability. The State's unfunded superannuation liability is reflected in the financial statements of the Department of Treasury and Finance.

Covers former employees of the State Public Solicitor's Office and any employee who joined the organisation after its commencement date and who elected to contribute to superannuation. The Victorian Government operates three schemes for employees.

Paid employer contributions for the year:

	2009 \$'000	2008 \$'000
State Superannuation Fund – new scheme	215	215
State Superannuation Fund – revised scheme	32	33
VicSuper Pty Ltd	2,162	2,216
Various other	383	271
	<u>2,792</u>	<u>2,735</u>

The employer contribution rate varies between 9% and 17% depending on the particular scheme to which the employee subscribes. The employer contribution rate is 9% for new employees.

Employees under State Superannuation Fund schemes (both new and revised) are entitled to defined lump sum benefits on retirement, disability or death. These benefits are based on years of service and final average salary.

Funds participating during the period ending 30 June 2009:

Superannuation Fund Schemes	Employee Nos.
State Superannuation Fund – new scheme	41
State Superannuation Fund – revised scheme	2
VicSuper Pty Ltd	542
Various other	115

### (c) Outstanding liabilities

The organisation had no amounts outstanding as at the end of the reporting period, to any superannuation scheme. No liability is recognised for the Commission's share of the State's unfunded superannuation liability. There were no loans made between any of the superannuation funds and the Commission during the financial year.

## Note 14. Ministers and Accountable Officers

In accordance with the Directions of the Minister for Finance under the Financial Management Act 1994, the following disclosures are made regarding responsible persons for the reporting period.

### NAMES

The persons who held the above positions in the Commission are as follows:

#### *Responsible Ministers*

Victorian Attorney General	The Hon. Rob J Hulls MLA	1 July 2008 to 30 June 2009
Commonwealth Attorney General	The Hon. Robert McClelland MP	1 July 2008 to 30 June 2009

#### *Responsible Directors*

Chairperson	Mr John Anthony Howie	1 July 2008 to 30 June 2009
Managing Director & Accountable Officer	Mr Anthony William Parsons	1 July 2008 to 3 August 2008
Managing Director & Accountable Officer	Mr Bevan Andrew Warner	4 August 2008 to 30 June 2009
Director	Ms Mary Anne Noone	1 July 2008 to 30 June 2009
Director	Mr Frank King	1 July 2008 to 30 June 2009
Director	Ms Sue Walpole	1 July 2008 to 30 June 2009

### REMUNERATION OF DIRECTORS

Remuneration received or receivable by the Directors in connection with the management of the Commission during the reporting period was in the range:

Income Band	Total Remuneration		Base Remuneration	
	2009 No.	2008 No.	2009 No.	2008 No.
\$10,000 - \$19,999	3	3	4	3
\$30,000 - \$39,999	0	1	0	1
\$40,000 - \$49,999	2	0	1	0
\$180,000 - \$189,999	1	0	1	0
\$210,000 - \$219,999	0	0	0	1
\$220,000 - \$229,999	0	1	0	0
Total number	6	5	6	5
Total amount \$000's	316	303	285	287

### OTHER TRANSACTIONS

Other related transactions and loans requiring disclosure under the Directions of the Minister for Finance have been considered and there are no matters to report other than the Trust Account as per Note 21.

## Note 15. Remuneration of executives

The numbers of executive officers, other than Ministers and Directors, and their total remuneration during the reporting periods are shown in the first two columns in the table below in their relevant income bands. The base remuneration of executive officers is shown in the third and fourth columns. Base remuneration is exclusive of bonus payments and long-service leave payments.

Income Band	Total Remuneration		Base Remuneration	
	2009 No.	2008 No.	2009 No.	2008 No.
\$130,000 – 139,999	0	0	0	1
\$140,000 – 149,999	0	1	0	1
\$150,000 – 159,999	0	0	1	1
\$160,000 – 169,999	0	2	2	1
\$170,000 – 179,999	2	1	0	0
\$180,000 – 189,999	1	0	0	0
\$190,000 – 199,999	0	0	0	1
\$200,000 – 209,999	0	1	0	0
\$210,000 – 219,999	0	0	1	0
\$220,000 – 229,999	1	0	0	0
Total number	4	5	4	5
Total amount \$000's	839	933	770	827

## Note 16. Reconciliation of results from ordinary activities to net cash inflow from operating activities

	2009 \$'000	2008 \$'000
Results from ordinary activities	(2,537)	(20,305)
Depreciation and amortisation	2,355	2,102
Doubtful debts re-assessments and write downs	0	0
Net gain on sale of non-current assets	(19)	(7)
Movement in adjustment for recoverable amount	282	303
Change in operating assets and liabilities		
(Increase) decrease in accrued income	(2)	154
Decrease (increase) in receivables	1,608	152
Decrease (increase) in prepayments	(77)	(103)
Increase (decrease) in trade creditors	(2,673)	7,191
Increase (decrease) in legal creditors	573	1,313
Increase (decrease) in provisions	878	462
Net cash inflow from operating activities	388	(8,738)

## Note 17. Financial instruments

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

The Commission's activities do not expose it to any significant financial risks other than interest rates held on deposit. The Commission does not enter into derivative financial instruments to manage its exposure to interest rate risk.

The Commission does not enter into or trade financial instruments, including derivative financial instruments, for speculative or any other purposes. As the Commission does not enter into financial derivatives no formal policy have been formally adopted.

### (b) Recognised financial instruments

The organisation's accounting policies including the terms and conditions of each class of financial asset, financial liability and equity instrument, both recognised and unrecognised at balance date are as follows:

Recognised financial instruments	Balance Sheet Notes	Accounting policies	Terms and conditions
<b>(i) Financial assets</b>			
Cash at bank and on hand	6	Cash at bank and on hand are stated at their principal amount. Interest is recognised in the Operating Statement when earned.	Cash at bank is held at normal commercial interest rates.
Accrued income		Accrued income is recognised in the Operating Statement when earned, but yet to be received.	Accrued income is dependant on the agreements in place with the third parties for work carried out.
Client contributions receivable	7	Client contributions are actuarially adjusted to their net present value less any provisions for doubtful debts. A provision for doubtful debts is recognised when collection of the full amount is no longer probable.	The organisation can request a client to contribute toward the cost of providing assistance. Clients pay contributions in such a manner and within such a time as the organisation directs. The organisation will often take security against costs incurred on their behalf.
Term deposits	6	Term deposits are stated at their principal amount. Interest is recognised in the Operating Statement when earned.	Term deposits are invested as funds permit at normal commercial rates available at the time of investment.
<b>(ii) Financial liabilities</b>			
Case related professional creditors	10	Liabilities are recognised for amounts to be paid in the future for goods and services received; whether or not billed to the organisation.	Liability is normally settled on 30 day terms.
Trade creditors	10	Liabilities are recognised for amounts to be paid in the future for goods and services received, whether or not billed to the organisation.	Liability is normally settled on 30 day terms.

## Note 17. Financial instruments (continued)

### (c) Interest rate risk exposures

Exposures to interest rate risk are limited to assets and liabilities bearing variable interest rates. The majority of financial assets are term deposits with fixed interest rates and terms. These are held to maturity.

The mature profile of financial assets and liabilities held by the Commission are detailed below.

2009	Notes	Weighted Average interest rate %	Floating interest rate \$'000	Fixed interest maturing in 1 year or less \$'000	Non- interest bearing \$'000	Total \$'000
<b>Financial assets</b>						
Cash at bank and at hand	6	2.90%	5,070			5,070
Accrued income		0%	28			28
Receivables	7	0%		3,307	17,304	20,611
Term deposits	6	3.06%		5,780		5,780
			5,098	9,087	17,304	31,489
<b>Financial liabilities</b>						
Legal payables	10	0%			14,603	14,603
Sundry payables	10	0%		490	5,180	5,670
			0	490	19,783	20,273
Net financial assets (liabilities)			5,098	8,597	(2,479)	11,216

2008	Notes	Weighted Average interest rate %	Floating interest rate \$'000	Fixed interest maturing in 1 year or less \$'000	Non- interest bearing \$'000	Total \$'000
<b>Financial assets</b>						
Cash at bank and at hand	6	7.15%	1,852			1,852
Accrued income		0%	27			27
Receivables	7	0%		2,982	19,539	22,521
Term deposits	6	7.38%		12,050		12,050
			1,879	15,032	19,539	36,450
<b>Financial liabilities</b>						
Legal payables	10	0%			13,972	13,972
Sundry payables	10	0%		490	8,242	8,732
			0	490	22,214	22,704
Net financial assets (liabilities)			1,879	14,542	(2,675)	13,745

### (d) Credit risk

Credit risk refers to the risk that a counterparty will default on its contractual obligations resulting in financial loss to the Commission. The Commission has adopted a policy of obtaining sufficient collateral where appropriate, as a means of mitigating the risk of financial loss from defaults. The Commission measures credit risk on a fair value basis.

The Commission has a significant credit risk exposure to its client contributions receivable balance. These receivables are established on the basis of representation provided to clients and their ability to pay for such services following an assessment of their disposable income and net assets held. Services are provided where individuals do not have sufficient funds to afford privately funded legal representation. In this respect, the likelihood and timing of recovery may vary significantly between individual debtors. The services of a qualified actuary are utilised to establish the recoverable amount of these receivables. The credit risk on liquid funds is limited because the counterparties are banks with high credit-ratings assigned by international credit-rating agencies.

The carrying amount of the financial assets recorded in the financial statements, net of any allowances for losses, represents the Commission's maximum exposure to credit risk without taking account of the value of any collateral obtained.

### (e) Liquidity risk

Ultimate responsibility for liquidity risk management rests with the Board, who have built an appropriate liquidity risk management framework for the management of the Commission's short, medium and long term funding and liquidity. This framework takes into consideration that the Commission is prohibited by the Legal Aid Act 1978 from incurring borrowing costs and, consequent, borrowing funds. The Commission manages its liquidity risk by maintaining adequate cash reserves, and by continuously monitoring forecasts and actual cash flows while matching the maturity profiles of financial assets and liabilities.

## Note 17. Financial instruments (continued)

### (f) Sensitivity analysis

The table below details the commission's sensitivity to shifts in interest rate. The 2008/2009 financial exposures are based on management's best estimates.

Annual risk by risk type	Minimum		Average		Maximum	
	2009 \$'000	2008 \$'000	2009 \$'000	2008 \$'000	2009 \$'000	2008 \$'000
Interest rate	14	30	36	75	58	121

Interest rate analysis is based upon financial assets not exceeding 1 year which are all fixed interest rates. Minimum and maximum exposures are calculated at shifts of 25 basis points and 100 basis points respectively. A net decrease in interest translates into a fall in revenue as investment income is reduced.

### (g) Net fair value of financial assets and liabilities

#### (i) On-balance sheet

The Directors consider the net fair value of cash and cash equivalents and non-interest bearing monetary financial assets and financial liabilities of the Commission approximates their carrying amounts.

The net fair value of other monetary financial assets and financial liabilities is based upon market prices where a market exists or by discounting the expected future cash flows by the current interest rates for assets and liabilities with similar risk profiles.

#### (ii) Off-balance sheet

The Commission has potential financial liabilities which may arise from certain commitments and contingencies disclosed in note 18 and 20. As explained in those notes, no material losses are anticipated in respect of any of those contingencies and the net fair value disclosed below is the estimate of amounts which would be payable by the Commission as consideration for the assumption of those considerations by another party.

The carrying amounts and net fair values of financial assets and liabilities at reporting date are:

	2009		2008	
	Carrying amount \$'000	Net fair value \$'000	Carrying amount \$'000	Net fair value \$'000
<b>On-balance sheet financial instruments</b>				
<b>Financial assets</b>				
Cash and deposits	5,070	5,070	1,852	1,852
Term deposits	5,780	5,780	12,050	12,050
Receivables	20,639	20,639	22,548	22,548
	<u>31,489</u>	<u>31,489</u>	<u>36,450</u>	<u>36,450</u>
<b>Financial liabilities</b>				
Legal payables	14,603	14,603	13,972	13,972
Other payables	5,670	5,670	8,732	8,732
	<u>20,273</u>	<u>20,273</u>	<u>22,704</u>	<u>22,704</u>

Net fair value is exclusive of costs which would be incurred on realisation of an asset and inclusive of costs which would be incurred on settlement of a liability.

## Note 18. Commitments for expenditure

	2009 \$'000	2008 \$'000
<b>Capital commitments</b>		
Commitments for the acquisition of plant and equipment contracted for at the reporting date but not recognised as liabilities, payable:		
Within one year	45	57
	<u>45</u>	<u>57</u>
<b>Intangible assets commitments</b>		
Commitments for the acquisition of intangible assets contracted for at the reporting date but not recognised as liabilities, payable:		
Within one year	14	163
	<u>14</u>	<u>163</u>
<b>Lease commitments</b>		
Commitments in relation to non-cancellable operating leases for office equipment and rental for premises contracted for at the reporting date but not recognised as liabilities, payable:		
Within one year	3,465	3,221
Later than one year but not later than 5 years	10,757	9,906
Later than five years	8,541	9,322
	<u>22,763</u>	<u>22,449</u>
<b>Outsourcing commitments</b>		
Commitments under outsourcing contracts for legal services and maintenance at the reporting date but not recognised as liabilities, payable:		
Within one year	17,949	19,000
Later than one year but not later than 5 years	18,434	19,731
	<u>36,383</u>	<u>38,731</u>

All amounts shown for commitments are nominal amounts inclusive of GST.

## Note 19. Ex-gratia payments

The Commission made ex-gratia payments of \$21,420 during the period to six former employees upon termination of employment (2008: \$108,494 to nine former employees).

## Note 20. Contingent liabilities

The organisation does not have any contingent liabilities or claims of a material nature which have not already been disclosed in these financial statements (2008 Nil).

## Note 21. Trust account

	2009 \$'000	2008 \$'000
<i>Victoria Legal Aid – Ms Judith Sharples Trust account statement of receipts and payments For the year ended 30 June 2009</i>		
Receipts		
Balance at beginning of year	314	511
Amounts received on behalf of clients	694	1,088
	<u>1,008</u>	<u>1,599</u>
Less Payments		
Amounts paid on behalf of clients	806	1,285
Balance at end of year	<u>202</u>	<u>314</u>
This amount is represented by:		
Cash at bank	80	42
Deposits with the Legal Practice Board	122	272
	<u>202</u>	<u>314</u>

Victoria Legal Aid as a corporate entity under the Legal Practice Act 1996 maintains a trust account in accordance with that Act. The Trust Fund does not form part of the organisation's financial statements. It is included for information purposes only and is audited by a private accounting firm.

## Certification of Financial Report

We certify that the attached financial statements for Victoria Legal Aid have been prepared in accordance with Standing Direction 4.2 of the *Financial Management Act 1994*, applicable Financial Reporting Directions, Australian Accounting Standards and other mandatory professional reporting requirements.

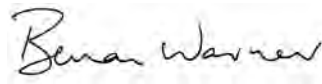
We further state that, in our opinion, the information set out in the Comprehensive Operating Statement, Balance Sheet, Statement of Changes in Equity, Cash Flow Statement and notes to and forming part of the financial statements, presents fairly the financial transactions during the year ended 30 June 2009 and financial position of Victoria Legal Aid as at 30 June 2009.

We are not aware of any circumstance which would render any particulars included in the financial statements to be misleading or inaccurate.



**John Howie**

Chairperson  
19 August 2009



**Bevan Warner**  
Managing Director  
Victoria Legal Aid

Accountable Officer  
19 August 2009



**Tony Matthews**  
Divisional Manager,  
Finance, Assignments and Business  
Victoria Legal Aid

Chief Finance & Accounting Officer  
19 August 2009

# VAGO

Victorian Auditor-General's Office

## INDEPENDENT AUDITOR'S REPORT

### To the Board Members, Victoria Legal Aid

#### *The Financial Report*

The accompanying financial report for the year ended 30 June 2009 of Victoria Legal Aid which comprises the comprehensive operating statement, balance sheet, statement of changes in equity, cash flow statement, a summary of significant accounting policies and other explanatory notes to and forming part of the financial report, and the certification of the financial report has been audited.

#### *The Board Members' Responsibility for the Financial Report*

The Board Members of Victoria Legal Aid are responsible for the preparation and fair presentation of the financial report in accordance with Australian Accounting Standards (including the Australian Accounting Interpretations) and the financial reporting requirements of the *Financial Management Act 1994*. This responsibility includes:

- establishing and maintaining internal controls relevant to the preparation and fair presentation of the financial report that is free from material misstatement, whether due to fraud or error
- selecting and applying appropriate accounting policies
- making accounting estimates that are reasonable in the circumstances.

#### *Auditor's Responsibility*

As required by the *Audit Act 1994*, my responsibility is to express an opinion on the financial report based on the audit, which has been conducted in accordance with Australian Auditing Standards. These Standards require compliance with relevant ethical requirements relating to audit engagements and that the audit be planned and performed to obtain reasonable assurance whether the financial report is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial report. The audit procedures selected depend on judgement, including the assessment of the risks of material misstatement of the financial report, whether due to fraud or error. In making those risk assessments, consideration is given to the internal control relevant to the entity's preparation and fair presentation of the financial report in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of the accounting policies used, and the reasonableness of accounting estimates made by the Board Members, as well as evaluating the overall presentation of the financial report.

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

#### *Matters Relating to the Electronic Presentation of the Audited Financial Report*

This auditor's report relates to the financial report published in both the annual report and on the website of Victoria Legal Aid for the year ended 30 June 2009. The Board Members of Victoria Legal Aid are responsible for the integrity of the website. I have not been engaged to report on the integrity of the website. The auditor's report refers only to the statements named above. An opinion is not provided on any other information which may have been hyperlinked to or from these statements. If users of this report are concerned with the inherent risks arising from electronic data communications, they are advised to refer to the hard copy of the audited financial report to confirm the information included in the audited financial report presented on the Victoria Legal Aid website.

#### *Independence*

The Auditor-General's independence is established by the *Constitution Act 1975*. The Auditor-General is not subject to direction by any person about the way in which his powers and responsibilities are to be exercised. In conducting the audit, the Auditor-General, his staff and delegates complied with all applicable independence requirements of the Australian accounting profession.

#### *Auditor's Opinion*

In my opinion, the financial report presents fairly, in all material respects, the financial position of Victoria Legal Aid as at 30 June 2009 and its financial performance and cash flows for the year then ended in accordance with applicable Australian Accounting Standards (including the Australian Accounting Interpretations), and the financial reporting requirements of the *Financial Management Act 1994*.

MELBOURNE  
21 August 2009

  
D D R Pearson  
Auditor-General

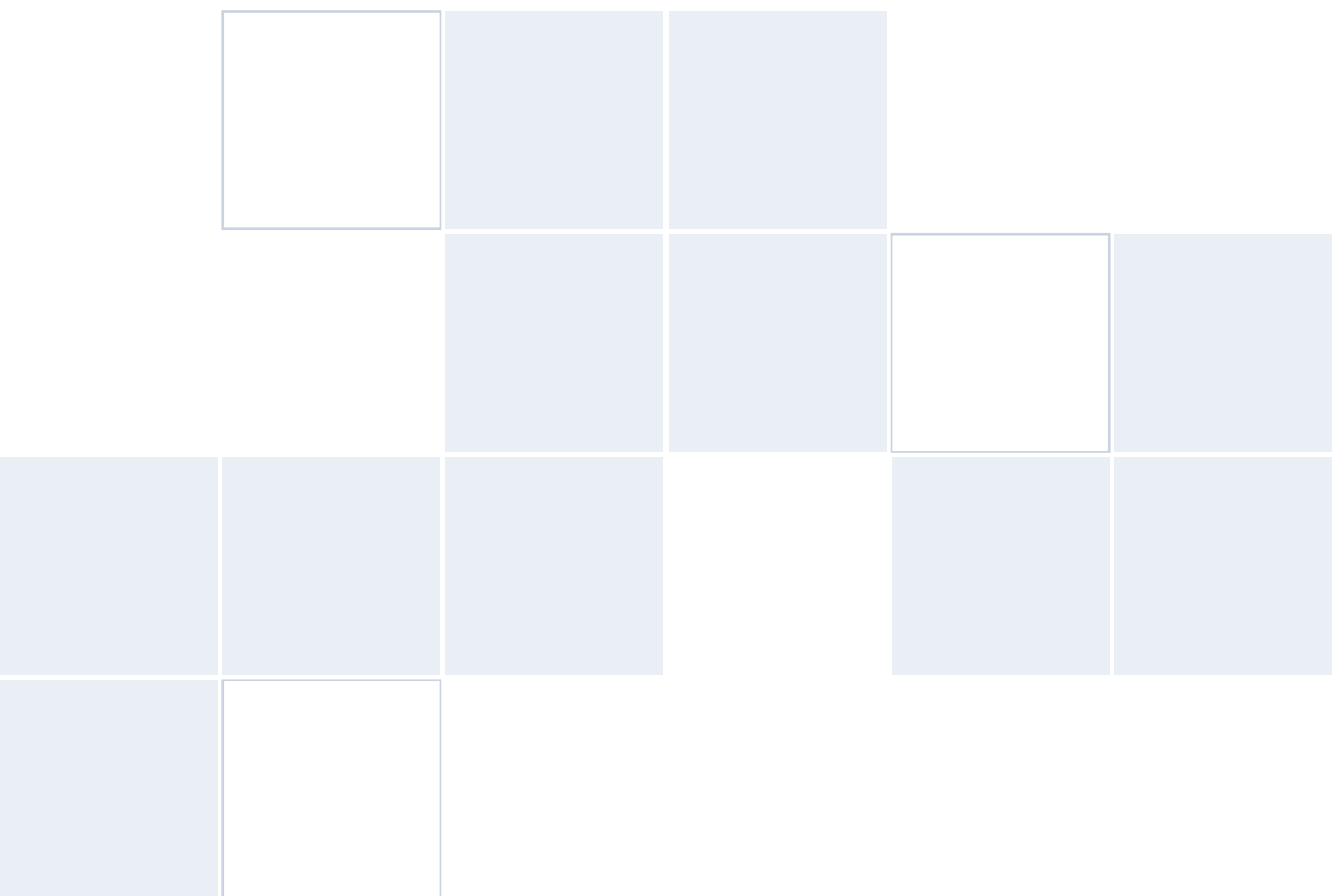
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*Auditing in the Public Interest*



# Appendices



## Appendix 1: Compliance

### Freedom of information

The *Freedom of Information Act 1982* gives members of the public the right to apply for access to information held by Victoria Legal Aid. It applies to documents created by Victoria Legal Aid, as well as those created by other organisations in the possession of Victoria Legal Aid. Information on how to make a request is available at [www.legalaid.vic.gov.au](http://www.legalaid.vic.gov.au)

In 2008–09, 12 requests were accepted and processed. All of these requests were granted in full or in part. The requests relate to documents contained in administrative files. Information located in case files may be released to clients pursuant to the solicitor–client relationship and therefore is not dealt with under Freedom of Information.

### Privacy

We comply with the *Information Privacy Act 2000* and manage personal information in accordance with information privacy principles. We did not receive any privacy complaints during 2008–09. Our privacy policy is available at [www.legalaid.vic.gov.au](http://www.legalaid.vic.gov.au)

### Whistleblower protection

We have established procedures under Part 6 of the *Whistleblowers Protection Act 2002* based on the Ombudsman's guidelines. A copy of the procedures is available at [www.legalaid.vic.gov.au](http://www.legalaid.vic.gov.au)

For the period 2008–09, there were no:

- disclosures made to Victoria Legal Aid
- disclosures referred to the Ombudsman for determination as to whether they were public interest disclosures
- disclosures referred to Victoria Legal Aid by the Ombudsman
- disclosures referred by Victoria Legal Aid to the Ombudsman
- investigations taken over by the Ombudsman
- requests made by whistleblowers to the Ombudsman to take over an investigation by Victoria Legal Aid
- disclosed matters that Victoria Legal Aid declined to investigate
- disclosed matters that were substantiated upon investigation
- recommendations made by the Ombudsman that relate to Victoria Legal Aid.

### National competition policy

Where applicable, we comply with the requirements of the National Competition Policy.

### Victorian industry participation

We did not enter into or complete any contracts over \$3 million in metropolitan Melbourne or \$1 million in regional Victoria, therefore no reporting in relation to the *Victorian Industry Participation Policy Act 2003* is required.

### Consultancies

During 2008–09, a total of 40 approved consultancies were undertaken at a combined cost of \$296,000. Of these, no consultancies were greater in value than \$100,000.

### Additional information available on request

Information listed in Financial Reporting Direction 22 is available on request, subject to the provisions of the *Freedom of Information Act*.

## Appendix 2: Law reform submissions

This is a sample of the submissions we made to Australian legal authorities in 2008–09. For more information visit our website.

Table 15: National law reform submissions

Submission name	National authorities
National Council to Reduce Violence Against Women and Children - Development of a National Plan	Australian Government Office for Women
Ministerial Guidelines on Migration	Department of Immigration and Citizenship
Immigration Detention	Joint Standing Committee on Migration
National Disability Strategy Consultation	Department of Families, Housing, Community Services and Indigenous Affairs
Reply to Submission from Insurance Council of Australia on Proposed Terms of Reference on Business Interruption Insurance	Financial Ombudsman Service
Immigration Detention	Department of Immigration and Citizenship

The following list is a sample of the submissions we made to Victorian legal authorities in 2008–09.

Table 16: Victorian law reform submissions

Submission name	Victorian authority
Unfair Contracts Terms Taskforce	Consumer Affairs Victoria
<i>Mental Health Regulations 1998</i>	Mental Health Division, Department of Human Services
<i>Crimes Mental Impairment and Unfitness to be Tried Act 1997</i>	Attorney-General
Vexatious Litigants Inquiry	Victorian Parliament Law Reform Committee
Mental Impairment Defence	Attorney-General
Tobacco Strategy 2008–2023	Department of Human Services
Administrative Appeals Tribunal Guidelines on Evidence	Administrative Appeals Tribunal
Model Spent Convictions Bill	Department of Justice
Mental Health Act Review	Department of Human Services
Corrections Regulations	Department of Corrections
Victorian Civil and Administrative Tribunal Review	Victorian Civil and Administrative Tribunal
Maximum Penalties for Sexual Penetration of a Child Under 16 years	Sentencing Advisory Council
Community consultations on Non Family Violence Intervention Orders	Department of Justice
Driving while disqualified or suspended	Sentencing Advisory Council
Review of juries' directions	Victorian Law Reform Commission

## Appendix 3: Community Legal Centre Funding Program

Table 17: Community Legal Centre funding 2008-09

Centre	C'wth one-off 2007-08 \$	C'wth 2008-09 \$	C'wth total \$	State VLA total 2008-09 \$	Total \$
Aboriginal Family Violence Prevention and Legal Services	0	0	0	151,739	151,739
Albury Wodonga Community Legal Centre, Upper Murray Family Care	50,131	241,194	291,325	173,573	464,898
Brimbank Melton Community Legal Centre, Community West	46,895	69,341	116,236	395,402	511,637
Broadmeadows Community Legal Centre	38,744	145,980	184,724	236,433	421,158
Casey Cardinia Community Legal Centre	50,000	110,507	160,507	213,291	373,798
Central Highlands Community Legal Centre	35,475	173,454	208,929	248,746	457,675
South West Community Legal Centre, Community Connections Victoria	72,464	183,190	255,654	221,344	476,998
Consumer Action Law Centre	29,611	68,452	98,063	703,804	801,867
Darebin Community Legal Centre	47,543	51,439	98,982	329,079	428,060
Disability Discrimination Legal Service	53,470	176,461	229,931	32,183	262,114
Eastern Community Legal Centre	46,200	128,308	174,508	461,045	635,553
Environment Defenders Office	20,000	88,551	108,551	127,591	236,142
Essendon Community Legal Centre	86,119	51,555	137,674	182,701	320,375
Federation of Community Legal Centres	0	0	0	365,240	365,240
Fitzroy Legal Service	20,000	164,319	184,319	326,192	510,511
Flemington and Kensington Community Legal Centre	65,178	86,783	151,961	176,744	328,704
Footscray Community Legal Centre	50,000	52,205	102,205	283,226	385,431
Barwon Community Legal Service	61,928	355,340	417,268	337,203	754,472
Gippsland Community Legal Service	50,400	239,468	289,868	180,180	470,048
Homeless Persons' Legal Clinic, Public Interest Law Clearing House	96,000	0	96,000	225,554	321,554
Loddon Campaspe Community Legal Centre, Advocacy & Rights Centre	0	0	0	409,143	409,143
Mental Health Legal Centre	0	0	0	316,013	316,013
Monash Oakleigh Legal Service	100,000	133,491	233,491	23,700	257,191
Moreland Community Legal Centre	67,656	90,214	157,870	161,672	319,542
Murray Mallee Community Legal Service	87,049	265,361	352,410	111,392	463,803
North Melbourne Legal Service	73,836	80,702	154,538	160,432	314,970
Peninsula Community Legal Centre	272,731	323,515	596,246	614,020	1,210,266
Refugee and Immigration Legal Service	0	0	0	116,502	116,502
Springvale Community Aid and Advice Bureau	20,000	69,194	89,194	1,335	90,529
Senior Rights Victoria, Council on the Ageing	0	0	0	409,000	409,000
Springvale Monash Legal Service	48,507	290,446	338,953	149,253	488,206
St Kilda Legal Service	50,000	92,477	142,477	213,519	355,997
Tenants Union	89,914	102,703	192,617	442,265	634,882
Welfare Rights Unit	100,000	183,354	283,354	26,559	309,913
West Heidelberg Community Legal Service	92,436	86,748	179,184	136,274	315,458
Western Suburbs Legal Service	94,693	85,212	179,905	140,724	320,629
Whittlesea Community Legal Service	0	0	0	277,972	277,972
Women's Legal Service Victoria	270,000	533,110	803,110	202,199	1,005,309
Wyndham Legal Service	45,100	102,647	147,747	248,187	395,934
Youthlaw	150,174	77,700	227,874	112,503	340,377
<b>Total</b>	<b>2,482,254</b>	<b>\$4,903,422</b>	<b>\$7,385,676</b>	<b>\$9,643,934</b>	<b>\$17,029,609</b>

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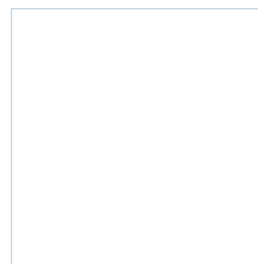
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# Victoria Legal Aid

Fourteenth statutory annual report 2008-09



## Victoria Legal Aid Legal Information Service

Tel: 9269 0120

Country callers: 1800 677 402

### Our offices

#### Melbourne

350 Queen St

Melbourne VIC 3000

Tel: 9269 0120

Country callers: 1800 677 402

#### Roundtable Dispute

Management

338 La Trobe St

Melbourne VIC 3000

Tel: 9269 0500

Country callers: 1800 136 832

### Suburban offices

#### Broadmeadows

##### North western suburbs

Level 1, Building 1

Broadmeadows Station Centre

1100 Pascoe Vale Rd

Broadmeadows VIC 3047

Tel: 9302 8777

#### Dandenong

##### Westernport region

Level 1, 9-15 Pultney St

Dandenong VIC 3175

Tel: 9767 7111

#### Frankston

##### Peninsula region

Cnr O'Grady Ave & Dandenong Rd

Frankston VIC 3199

Tel: 9784 5222

#### Preston

##### North eastern suburbs

42 Mary St

Preston VIC 3072

Tel: 9416 6444

#### Ringwood

##### Outer eastern suburbs

23 Ringwood St

Ringwood VIC 3134

Tel: 9259 5444

#### Sunshine

##### Western suburbs

1/474 Ballarat Rd

Sunshine VIC 3020

Tel: 9300 5333

### Regional offices

#### Ballarat

##### Central Highlands region

Area A, Level 1

75 Victoria St

Ballarat VIC 3350

Tel: 5329 6222

Toll free: 1800 081 719

#### Bendigo

##### Loddon-Campaspe region

424 Hargreaves St

Bendigo VIC 3550

Tel: 5448 2333

Toll free: 1800 254 500

#### Geelong

##### Barwon region

Level 2, 199 Moorabool St

Geelong VIC 3220

Tel: 5226 5666

Toll free: 1800 196 200

#### Horsham

##### Wimmera region

29 Darlot St

Horsham VIC 3400

Tel: 5381 6000

Toll free: 1800 177 638

#### Morwell

##### Gippsland region

Cnr Chapel & George St

Morwell VIC 3840

Tel: 5134 8055

#### Bairnsdale

##### Gippsland region (branch office)

101A Main St

Bairnsdale VIC 3875

Tel: 5153 1975

#### Shepparton

##### Goulburn region

36-42 High St

Shepparton VIC 3630

Tel: 5823 6200

#### Warrnambool

##### South Coast region

185 Fairy St

Warrnambool VIC 3280

Tel: 5559 7222



Lawyers And  
Legal Services