

Victoria Legal Aid

Fifteenth statutory annual report 2009–10



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John Howie

Managing Director

Bevan Warner

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Letter to the Minister

The Hon Rob Hulls, MP
Attorney-General
Level 3, 1 Treasury Place
East Melbourne Vic 3002

Wednesday 18 August 2010

Dear Attorney-General

I am pleased to submit the annual report of Victoria Legal Aid for 2009–10 for presentation to Parliament. The report has been prepared in accordance with the requirements of the *Financial Management Act 1994*.

Yours faithfully



John Howie
Chairperson



Purpose of the annual report

This annual report highlights the key achievements and challenges of 2009–10, and also looks at some of our upcoming initiatives.




How to read this annual report

The report contains three main sections: an overview of the year's highlights, the main body, and detailed financial performance. The main body is also divided into three parts: the first looks at services, achievements and initiatives aligned to our programs and their objectives, the second at our workplace and staff, and the third at the governance of our organisation.

Key

Programs

Accountability for the delivery of services and initiatives is allocated to sub-programs that fall under four programs. The following colours identify each program:

-  Access and Equity Program
-  Civil Justice Program
-  Criminal Law Program
-  Family Law Program

Status

Our progress against each initiative is illustrated by the following icons:

-  Completed
-  Substantially complete
-  Commenced
-  Deferred

Joined-up services

Achieving some of our initiatives relies on working with other service providers in new and flexible ways. These initiatives are identified by the following icon:

-  Joined-up service

Justice and law reform submissions

The following icon identifies where a law reform submission has been made, or where we have helped to formulate public policy.

-  Law reform submission

See Appendix 1: Justice and law reform submissions, p.93.



Our purpose

Victoria Legal Aid (VLA) is an independent statutory authority established under the *Legal Aid Act 1978*. We are funded by Commonwealth and State Governments but operate independently of government.

The statutory objectives of VLA are¹:

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

In so doing, VLA may²:

- co-operate with social service or social welfare organisations
- undertake research
- make recommendations to reform the law
- carry out educational programs
- provide financial assistance to voluntary legal aid bodies.

In performing its functions, VLA must³:

- ensure that legal aid is provided in a manner which dispels fear and distrust
- determine priorities around who gets legal aid and guidelines for the allocation of work between staff and private practitioners
- co-operate with other legal aid commissions and professional associations to facilitate the use of services provided by private legal practitioners
- endeavour to secure the services of interpreters, counsellors, welfare officers and other appropriate persons to assist people where necessary

- inform the public of the services provided by VLA and the conditions on which those services are provided
- encourage and permit law students to participate on a voluntary basis and under professional supervision in the provision of legal aid
- manage the Legal Aid Fund.

We are part of the social safety net. We protect people's rights, and focus on the rights of marginalised and economically disadvantaged Victorians.

We hold government departments and agencies accountable and have lawyers and support staff in offices in most major metropolitan and country regions.

We offer a broad range of services and can fund private lawyers to assist people with a wide range of legal matters, as part of our role and commitment to help protect our democratic way of life.

Vision

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

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
- pursuing continuous improvement across the organisation.

¹ Section 4 *Legal Aid Act 1978*

² Section 6 *ibid*

³ Sections 7 and 8 *ibid*



Our planning and reporting framework

This annual report follows our new program management and reporting framework that came into effect in early 2010, with a new strategic plan to be completed later in the year.



Community justice needs

A National Partnership Agreement signed in early July 2010 provides some new policy directions and additional funds for legal assistance programs.⁴ Prioritising new or expanded services requires consideration of local community needs. The justice principles of accessibility, appropriateness, equity, efficiency and effectiveness inform program design, and our work is guided by our clients' needs for a broad range of legal and non-legal services.⁵ Where appropriate, our work is focused on preventative, early intervention and dispute resolution services to avoid the need for more costly litigation.

Stakeholder engagement

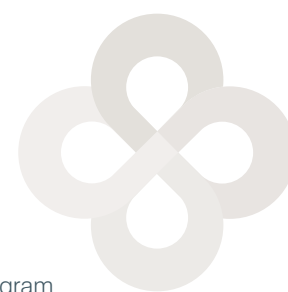
We cannot provide all the help that people need, and our work with partner agencies and stakeholders is important for individual clients, and for systemic reforms to improve justice outcomes more generally. Through our strategic partnerships and collaborations, we aim to develop and deliver initiatives and service innovations that are responsive to community justice needs.

Program business plans

Our services have been arranged into programs and sub-programs with defined objectives to support evaluation of their effectiveness. Introduced in early 2010, each program's business plan aligns financial resources with an overarching purpose and follows a methodology designed to help us put the justice principles into action.

This means that many of the services and initiatives under each of our sub-programs have been informed by: what people need to understand about the options available to them; how we can best meet this need; and how we can intervene early to prevent legal problems from escalating. The plans consider the many pathways through the justice system, as well as appropriate referrals to and from support services outside of the justice system that are needed to help with broader problems in people's lives.

The sub-program initiatives are also informed by the cost and methods of resolving disputes, and whether they are proportionate to the issues. Our achievements and the delivery of these initiatives are the subject of this annual report.



Performance monitoring

We report regularly against our sub-programs to the VLA Board (p.49) and are currently redeveloping our reporting capabilities to track more relevant indicators of performance, and to measure outcomes. In this annual report, those indicators we can report against have been included in the 'at a glance' facts and figures section of each of our program reports.

Strategic plan

We are reviewing our strategic plan in light of the National Partnership Agreement, and to better align it to our accountability framework. This framework seeks to integrate planning, budgeting and performance reporting. We have therefore used our new program management framework to inform the content and structure of the 2009–10 Annual Report. The reporting of achievements is aligned to this new framework and not to our 2008–11 Strategic Plan.

Our new 2010–12 Strategic Plan will prioritise services and initiatives:

- that improve people's access to and experience of the justice system – *Access and inclusion*
- with a preventative focus that are delivered in conjunction with other service providers – *Joined-up services*
- that enhance organisational capability, to influence and respond to a changing environment – *Organisational responsiveness*

Budget

The financial investments applied to our program objectives are limited by the size of the Legal Aid Fund. We are developing systems that will align expenditure types to programs, ensuring more thorough scrutiny of overall performance against our objectives. The 2010–11 budget is cast by expenditure type and by program, with consolidation and refinement of these arrangements to occur throughout the balance of 2010–11.

Policies and strategies

A range of policies, strategies and plans guide our service delivery. These policies are made available to the public through our website at www.legalaid.vic.gov.au and to staff through our intranet. In addition, our strategies enable our private practitioner partners to communicate with us electronically, submit applications for grants of legal assistance and be paid electronically. Our programs and initiatives are also supported through our corporate services business plan.

⁴ Council of Australian Governments, *National Partnership Agreement on Legal Assistance Services*, 2 July 2010. Available at www.federalfinancialrelations.gov.au

⁵ Australian Government Attorney-General's Department, *A Strategic Framework for Access to Justice in the Federal Civil Justice System: A guide for future action*, September 2009. Available at www.ag.gov.au



Our relationships

Our work and connections with local communities, the private legal profession, educational institutions and state and national partners increase our capacity and influence to solve and avoid problems.

Victoria Legal Aid (VLA) has developed strong connections and working relationships in particular with the Law Institute of Victoria, the Victorian Bar and the Federation of Community Legal Centres through a number of collaborative forums. VLA is a member of national organisations that promote collaboration, co-ordination and sharing of resources, ideas and knowledge.

Our staff contribute their practice wisdom and expertise through various state and national consultations on reforms to the law. We second our staff to share our expertise, knowledge and specialisations, and recognise the need to further expand and build on our relationships through meaningful stakeholder engagement.

National Legal Aid

As a member of National Legal Aid, we participate alongside eight legal aid commissions in national consultations of importance, share resources and systems, and enhance best practice in ways that provide value for money in the delivery of legal aid.

More information: www.nla.aust.net.au

Legal Assistance Forums

The Victorian Legal Assistance Forum brings together the Aboriginal Family Violence Prevention and Legal Service (Vic), Federation of Community Legal Centres, Law Institute of Victoria, Public Interest Law Clearing House, the Victorian Bar, Victoria Law Foundation, VLA and the Victorian Aboriginal Legal Service. The forum allows these organisations to plan and advocate for increased access to legal services for socially and economically disadvantaged Victorians, and to develop service delivery models that are responsive to community justice needs.

More information: www.vlaf.org.au

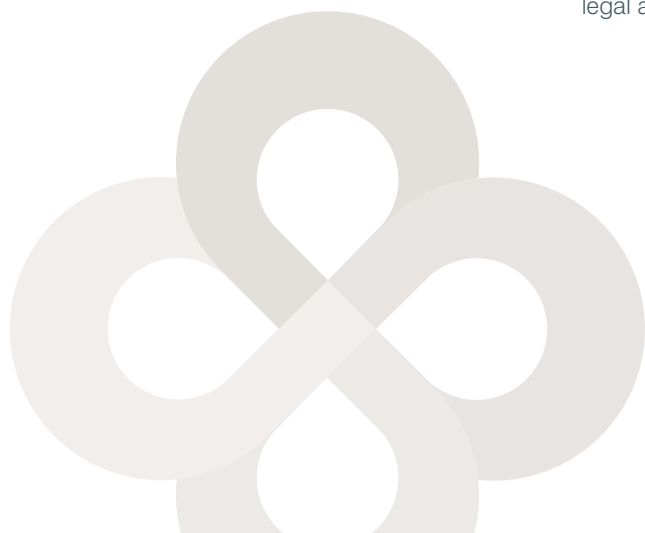
The Australian Legal Assistance Forum brings together National Legal Aid, the Law Council of Australia, Aboriginal and Torres Strait Islander Legal Services, and representatives from the National Association of Community Legal Centres. The forum allows these organisations to address legal assistance issues in Australia in a co-operative way.


More information: www.nla.aust.net.au

Private practitioners

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

In 2009–10, seventy per cent of grants of legal assistance was for work assigned to private practitioners. Private practitioners undertook 65 per cent of criminal law work involving a grant of legal assistance, while in family law the percentage of privately-assigned work was 81 per cent. Private practitioners were assigned 32 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, especially in rural and regional communities. In 2009–10, 10 per cent of duty lawyer services were provided by private practitioners. We are grateful for the support of local law associations, without which these schemes would not work so well.

Community legal centres

Community legal centres (CLCs) are independent community organisations that provide free advice, casework and legal education to their communities. These centres are an integral part of the justice sector.

There are currently 52 CLCs operating throughout Victoria. Twenty-seven centres are generalist centres assisting people with issues such as credit and debt, family law, victims of crime compensation and neighbourhood disputes. There are also 25 CLCs specialising in particular areas of law, such as tenancy, consumer, employment, human rights, mental health, environmental issues and immigration law.

VLA administers funding for 41 of these centres through the CLC Funding Program (p.95). VLA also helps to ensure that the centres meet their service agreements and is increasingly focusing on how it can support the professional development of the sector through joint training initiatives (p.20 and p.22).

In 2009–10, the Commonwealth Government provided \$5 million, a further \$0.9 million for a 12 month Family Relationship Centre/CLC initiative, and an additional \$1.2 million in one-off funding to 34 centres within our funding program. This represented 41 per cent of total funding.

A further \$9.9 million from the State Government was directly provided by VLA to 41 community legal centres.

State Government funding administered by VLA includes funding of the Victorian peak body, the Federation of Community Legal Centres, to support a range of sector development work and joint community justice initiatives.

More information: www.communitylaw.org.au

Educational institutions

VLA has established relationships with many educational institutions to enhance our skill base and to allow law students to participate and be professionally supervised in the provision of legal aid to the community.

Some of these institutions include RMIT and Victoria University through which VLA managers and administrative staff can complete accreditation relevant to their work. We also offer students of Leo Cussen Institute, Deakin University, University of Melbourne and La Trobe University practical legal experience through structured learning programs (p.46).





Highlights of the year

Access and equity program

Making justice services accessible and appropriate to need

See pp.18-23 for more detail

Achievements

- Responded to record demand, answering 92,696 calls, and launched telephone legal information lines for Persian (Farsi) and Greek speakers
- Delivered a series of information talks for newly arrived communities in the Shepparton district
- Performed a play to help increase older people's awareness of rights around door-to-door sales

Challenges and the year ahead

- Meeting increasing demand for free telephone legal information services
- Improving access for hard-to-reach priority client groups
- Delivering effective service information and community legal education activities for hard-to-reach priority client groups
- Improving client referral practices throughout VLA and the wider justice sector

Civil justice program

Protecting legal and human rights

See pp.24-29 for more detail

Achievements

- Provided 14,401 high quality legal advice services and 703 legal representation services
- Established new guidelines to assist vulnerable individuals
- Improved access through regular outreach services
- Increased emphasis on public interest and Charter of Human Rights advocacy
- Expanded our migration practice and helped Unaccompanied Humanitarian Minors in state care to progress their family reunion requests

Challenges and the year ahead

- Meeting the demands of the new Consumer Credit Code
- Embedding appropriate dispute resolution (ADR) practices into service delivery
- Responding to changes at the Victorian Civil and Administrative Tribunal
- Expansion of our equality practice to better respond to individual and systemic discrimination





Criminal law program

Providing quality representation

See pp.30-35 for more detail

Achievements

- Established a specialist in-house mental health team to service the new Assessment and Referral Court
- Represented 28,503 people charged with criminal offences
- Comprehensively reviewed VLA's criminal law fees structure
- Extensive training and support for staff and the profession in the new Criminal Procedure and Evidence Acts
- Assisted 32,894 people at the Magistrates' Court through our Criminal Law in-house Duty Lawyer Service at 46 locations

Challenges and the year ahead

- Improve timeliness of criminal justice in regional Victoria through collaboration with the Office of Public Prosecutions and the County Court
- Resolve a quality framework for legal aid matters with the profession more broadly
- Implementation of changes to VLA's prison advice service
- Effective diversion from the criminal justice system for children and young people

Family law program

Supporting children and families

See pp.36-41 for more detail

Achievements

- Commenced implementing recommendations of the *Report of the Child Protection Proceedings Taskforce*
- In collaboration, organised the presentation of a national Independent Children's Lawyer training intensive
- Delivered information sessions and legal assistance to clients participating in mediation through eight Family Relationship Centres
- Developed stronger links with newly arrived refugees through African mediators

Challenges and the year ahead

- Implementation of the 'new model conference' in the Children's Court
- Adapting to further possible changes to the family violence system
- Review and consolidation of quality and accessible family law services
- Inclusion of arbitration and conciliation services into family law appropriate resolution services



Year in review

Chairperson's review



The challenge of meeting increasing demand with finite resources is an ongoing one. While we managed to deliver good results that are illustrated through the many achievements highlighted in this report, we continue to experience an upward trend in demand for services.

Again this year, more members of our community increased their call for legal assistance. We experienced a five per cent increase in demand for grants of legal assistance, and a 3.3 per cent increase in services provided at court by in-house and private practitioner duty lawyers (pp.12–13).

Planning for the future

It is for these reasons that we are glad a new National Partnership Agreement on Legal Assistance Services was reached between the Commonwealth and all states and territories, covering the next four years. The agreement provides a more secure funding base with which to plan, and will give us greater flexibility in how we deliver our services. It means we will be able to use Commonwealth funding for matters relating to child protection and family violence, something that we did not have the flexibility to do under the previous agreement. The agreement recognises that the safety of families and children is of national importance, and is a welcome recognition that legal assistance for families and children helps promote safety and prevent violence.

We are committed to providing efficient and effective legal services and to safeguarding people's rights. This is especially the case for Victoria's vulnerable and disadvantaged community members for whom legal assistance can have a real and lasting impact in helping to break entrenched cycles of poverty and disadvantage.

The Commonwealth Government has provided an \$8.3 million boost in recurrent funding for 2010–11, and similar amounts for each of the next three years that will help overcome our structural deficit and allow some new services to be developed.⁶ To compensate for the loss of statutory interest and to help meet demand, the State Government also provided an additional \$24.9 million and will do so again in 2011–12. The Attorneys-General commitment to ensuring that Victorians have better and faster access to justice is strengthened by their support of legal aid, and we greatly appreciate this assistance.

⁶ The structural deficit in Commonwealth law services reached \$4 million in 2009–10 (p.58).

⁷ PricewaterhouseCoopers 2009, *Economic value of legal aid: Analysis in relation to Commonwealth funded matters with a focus on family law*, National Legal Aid, p.ix.



The funding provided by governments gives us the security we need to plan and deliver services into the future. It is funding we must manage responsibly, effectively and appropriately to meet Victoria's community justice needs, and there are real economic and social benefits in us doing so.

An independent study into the economic value of legal aid to the family law system demonstrated a saving of up to \$2.25 for every dollar spent, through earlier resolution of disputes and avoiding unnecessary litigation.⁷ The study's evidence of the broader benefits to the community of legal aid's role in keeping families together, or assisting them in matters of debt or mortgage stress, was a welcome recognition and validation of our work.

Responsible management and collaboration

In 2009, Victoria Legal Aid undertook a major review of its services. The results of this review process and the ongoing scrutiny attached to our programs help us to better assess the effectiveness and quality of our services.

Increasingly the development, delivery and review of our services is informed by a broader examination of how Victoria Legal Aid, the justice system, its institutions and the way we work together can significantly support or limit people's capacity to resolve legal problems and produce value.

Our collaboration with others in the justice system is recognition of the way our work can have broad reaching impacts. Most notably this year we worked with Victoria Police and the Department of Justice on the largest reforms to criminal law in Victoria's history, and with the Children's Court and the Department of Human Services on reform of the child protection system.

Acknowledgements

I would like to thank the Board for their hard work throughout the year. Our Board members make a vital contribution to Victoria Legal Aid, addressing their roles with energy and valued experience, and assisting us to realise our goals.

In particular I would like to thank Bevan Warner, Managing Director of Victoria Legal Aid. His energy, skill and focus have helped move Victoria Legal Aid forward, reflected in the many achievements of the year.

Fellow Board members Frank King, Mary Anne Noone, Sue Walpole and Jennifer Shaw have been an immense support. I would like to acknowledge the contribution of Frank King who retired from the Board in November 2009. His sound financial knowledge and wealth of public sector experience will be missed. We welcomed Jennifer Shaw to the Board in March 2010.

I would also like to thank our independent reviewers, Chairperson Mr Martin Ravech QC, Mr Ron Beazley and Ms Andrea Treble.

On behalf of the Board, I would like to express our appreciation of the energy and enthusiasm of the staff of Victoria Legal Aid. Their dedication to the community, and most especially to Victoria's most vulnerable and disadvantaged, reflects their commitment to and unshakable belief in community justice.

John Howie
Chairperson



Five-year trends in service delivery

The following graphs illustrate trends in the delivery of services across the Civil Justice, Criminal Law and Family Law Programs of Victoria Legal Aid.

Five-year trend in grants of legal assistance



In 2009-10, there was a five per cent increase in grants of legal assistance (44,055 in total). The highest increase was for civil law matters, increasing by 9.8 per cent (703 in total).

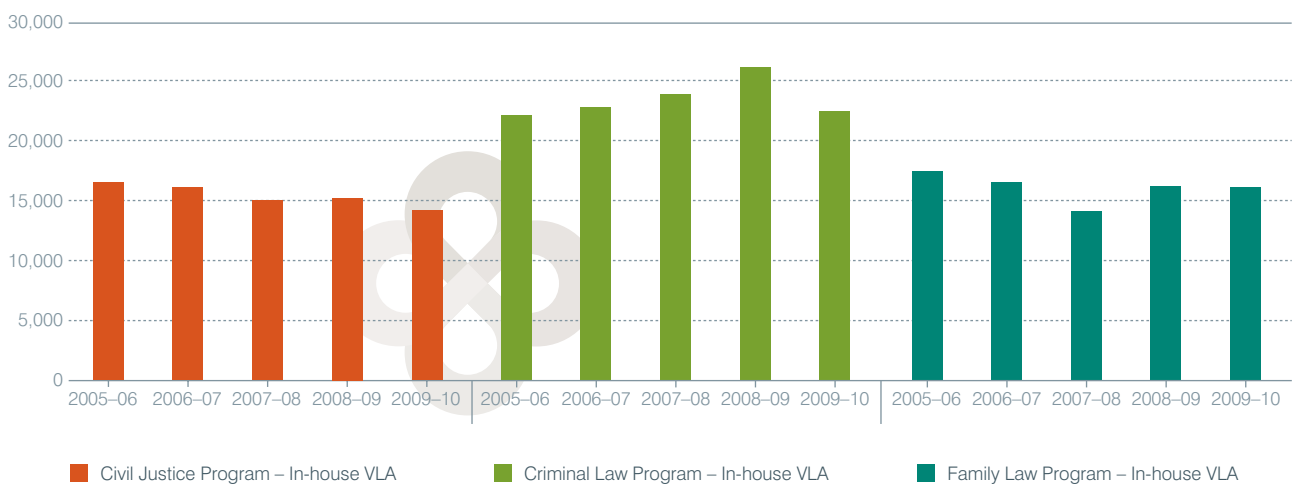


Five-year trend in duty lawyer services

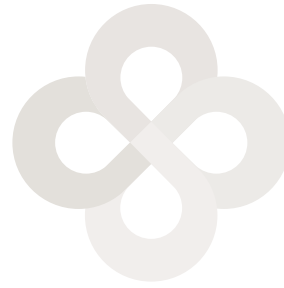


In 2009-10, there was a 3.3 per cent increase in services provided at court by in-house and private practitioner duty lawyers (84,649 in total). The highest increase was for civil law matters, increasing by 16.2 per cent (4,927 in total).

Five-year trend in legal advice (includes minor work)



In 2009-10, there was a 6.9 per cent decrease in legal advice (54,493 in total). The highest decrease was for criminal law matters, decreasing by 12.7 per cent (23,158 in total).



Managing Director's review



We experienced a challenging year, but one that has delivered many achievements and innovations. We laid the foundations for future improvements in service delivery and partnered effectively with a range of government bodies and community-based organisations to advance the interests of our clients and the community as a whole.

Through the experience, expertise and specialisations of our staff, we have been actively involved in improving the justice system to ensure better outcomes for Victorians. Our particular focus is on protecting the rights and improving the longer-term outlook of people vulnerable to the complexity of the justice system.

Innovations and achievements

Victoria Legal Aid was active in the support and development of the Assessment and Referral Court (ARC) List at the Magistrates' Court that commenced sitting in April this year. Two dedicated legal aid mental health lawyers were appointed to the List that was designed specifically to help people with a mental illness, intellectual disability or cognitive impairment. The ARC List will enable many of our clients to receive the specialist support they need. This support assists affected clients to break the cycle of offending, helping them and the community.

Victoria Legal Aid tried out a new way of delivering community legal education in May. We performed a short play followed by a question and answer session as part of the 'Do Not Knock' campaign. It was developed specifically for older people from culturally and linguistically diverse backgrounds. With a growing number of people confused about their rights and experiencing problems with mounting debt and unwanted services, the play was an effective way for us to inform people of their rights around misleading door-to-door sales. It was an engaging way for us to deliver legal information to the community, and supplements the easy-to-read publications and online information we provide.

Alongside our day-to-day work helping Victorians with their legal problems, these innovations show our commitment to early intervention and to delivering the best possible outcomes for our clients and the community. We have also made a number of organisational changes to help us achieve this goal.





This year we aligned our referrals, legal information and education services with our Civil Justice Program. We have consolidated some of our corporate functions and created a new Research and Communications team to support our program delivery. The new team will focus on increasing understanding and awareness of our services and role within the legal and social welfare sectors, building our relationships, and developing an evidence base to support better service delivery.

Enhancing our partnerships

We look forward to continuing our work with stakeholders in the community, legal and social welfare sectors. We made significant progress this year in identifying and working collaboratively with stakeholders in the delivery of legal assistance services throughout Victoria.

Notably, we seconded one of our senior lawyers to the Victoria Police Brief Integration Project to provide a defence perspective to the development of new prosecution practices and procedures. Another of our senior lawyers has been seconded to the Department of Human Services Child Protection Policy and Practice Unit to work on the development of a new model for appropriate dispute resolution in the Children's Court.

In April this year, Victoria Legal Aid held the first in its 'Insight series' that looked at helping people with an intellectual disability with their legal problems. Guests included staff from Department of Human Services, Victorian Council of Social Services, Department of Justice and representatives from disability advocacy groups. It was a meaningful and productive way for us to connect with, and learn from agencies working in this area, and for our guests to gain practical insight into the ways we can help.

Acknowledgements

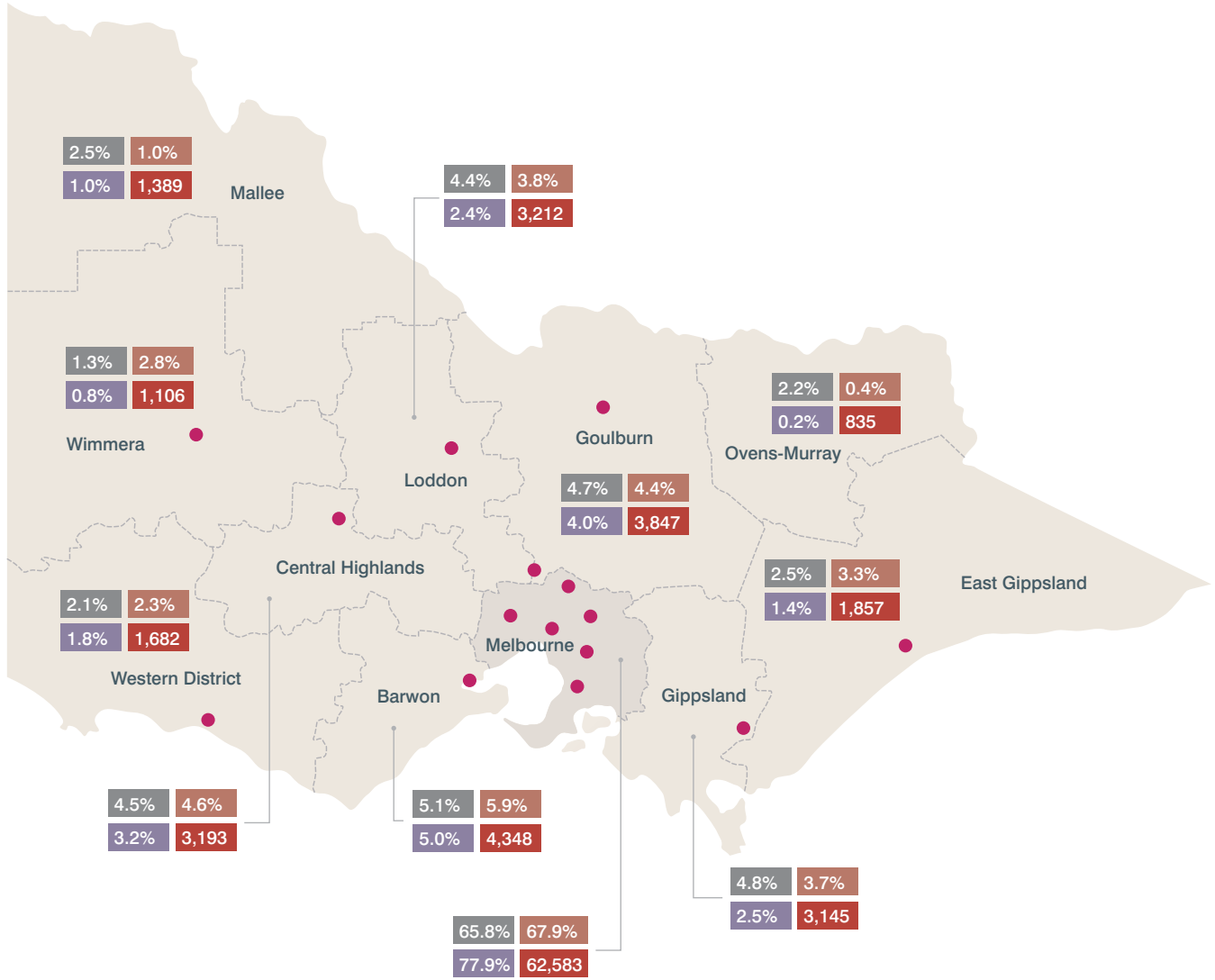
I would like to thank my fellow Board members and the senior executive team for their work and support throughout the year. We have said goodbye to two of our team, and welcomed three. Judith Sharples retired in February 2010, after 22 years. Michael Wighton resigned in June to take up a new role as magistrate. We are extremely grateful to Judith and Michael for the leadership, support and experience they offered to the team.

Saul Holt joined us in September 2009 as Director Criminal Law Services, Kristen Hilton in November 2009 as Director Civil Justice, Access and Equity, and Judy Small was appointed in March 2010 as Director Family, Youth and Children's Law Services.

Along with the other members of the senior executive team I would like to thank all Victoria Legal Aid staff for their contribution to the achievements of the organisation in 2009–10. Their achievements highlighted in this report are the product of their dedication and commitment, and the community is well-served by their presence.

Bevan Warner
Managing Director

Statewide service delivery 2009–10: grants of legal assistance, in-house duty lawyer services, legal advice (includes minor work)



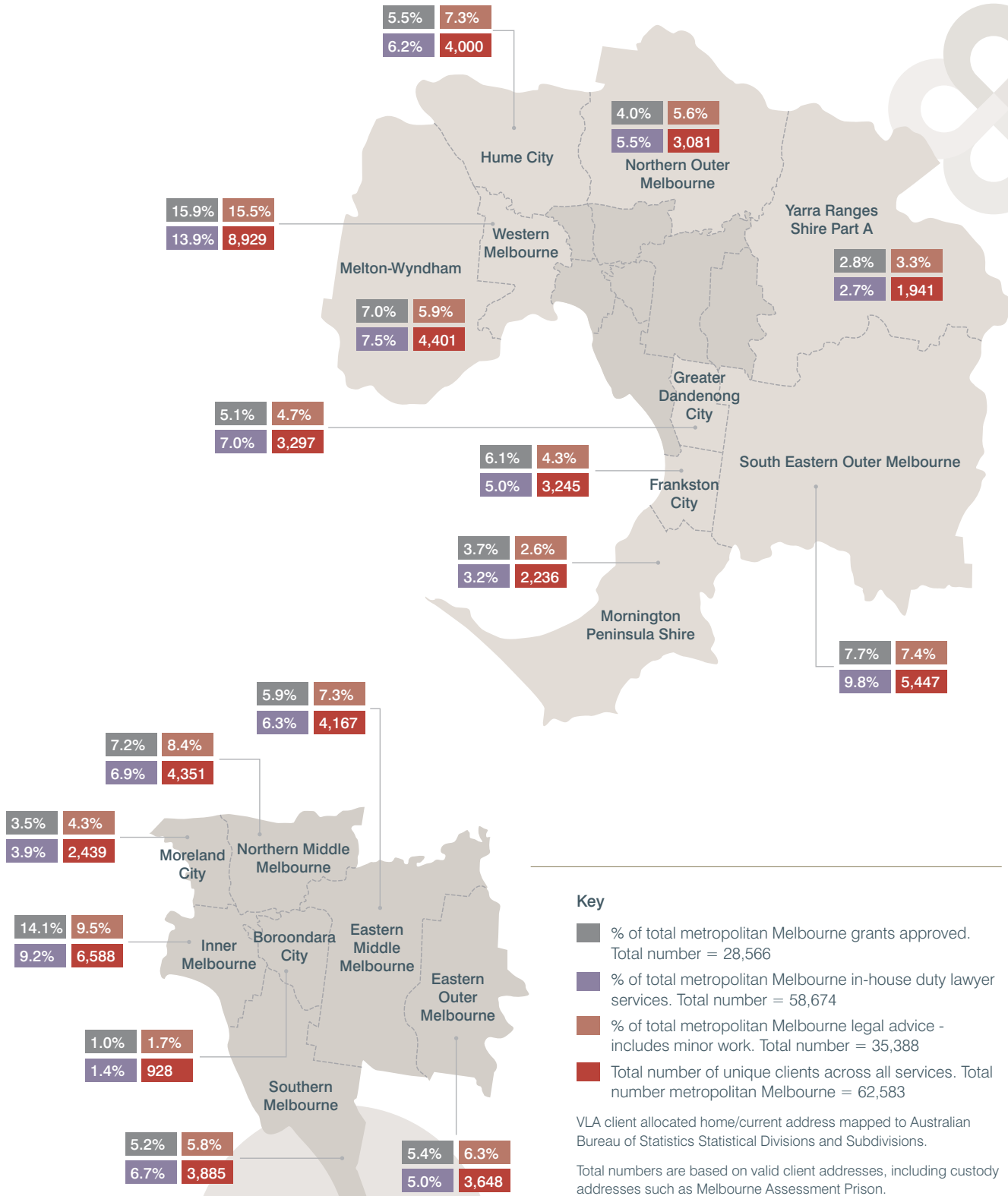
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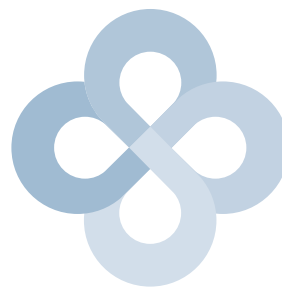
- % of total statewide grants approved.
Total number = 43,414
- % of total statewide in-house duty lawyer services.
Total number = 75,337
- % of total statewide legal advice (includes minor work).
Total number = 52,138
- Total number of unique clients across all services.
Total number statewide = 87,197
- Victoria Legal Aid office

VLA client home/current address mapped to Australian Bureau of Statistics Statistical Divisions.

Total numbers are based on valid client addresses, including custody addresses such as Fulham Correctional Centre, Sale and HM Prison Loddon, Castlemaine.

Metropolitan Melbourne service delivery 2009–10: grants of legal assistance, in-house duty lawyer services, legal advice (includes minor work)





Access and equity program

Making justice services accessible and appropriate to need

Objectives

We will assist people to deal with legal issues by ensuring that VLA services are accessible, efficient and appropriate to need. We will work to promote a more efficient justice system through proactive and collaborative law reform and systemic advocacy.

Objective: Justice and law reform

To promote a more responsive justice system through systemic advocacy, policy change and law reform.

Objective: Community legal education

To increase knowledge of legal rights and responsibilities by providing effective and targeted community legal education products and strategies.

Objective: Community legal centres

To support community legal centres to best respond to disadvantage through the effective administration of funding, good governance and the support of sector innovation.

Objective: Referrals, access and equity


To ensure that VLA services are accessible and that clients understand their legal options at the earliest opportunity and are referred to the most appropriate forms of legal and non-legal assistance.

Achievements

Justice and law reform

Staff use their practice experience to initiate and respond to changes to the law and policy that impact disproportionately on our clients. In 2009–10, this has involved comprehensive oral and written submissions, seeking simplification and greater equity around the Victims of Crimes Compensation Scheme, changes to guardianship and administrative law, changes to State equal opportunity legislation, and a comprehensive response to the proposed changes at the Victorian Civil and Administrative Tribunal.

See Appendix 1, p.93 for a list of submissions.

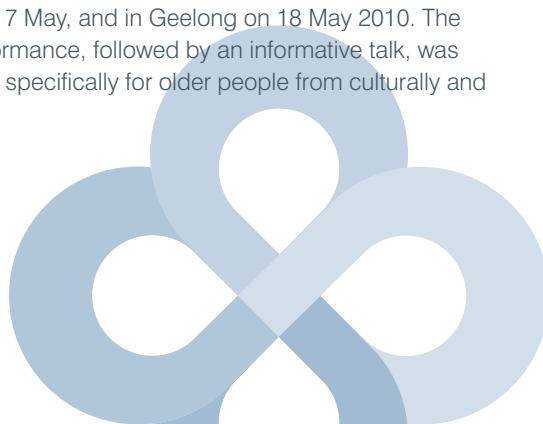
Submissions related to our sub-program achievements are identified throughout this report by 

Information talks in Shepparton

We worked in partnership to develop and deliver a series of four free legal information talks to meet the needs of Shepparton and district's newly arrived Sudanese, Congolese, Afghani and Iraqi communities. There were around 300 attendances from December 2009 to April 2010. Topics included consumer rights, debt problems, driving law, social security, discrimination and immigration law. Interpreters in Dari, Swahili, Sudanese-Arabic, Dinka Arabic and French were present at each talk. As a result of this work, members of these communities now know more about legal issues affecting their lives, and where they can get more information and help. Our partners and co-presenters in this project included members of St Paul's Lutheran Church, Ethnic Council of Shepparton and District, Greater Shepparton City Council, Centrelink, Refugee Immigration Legal Centre, Cutting Edge Uniting Care and Loddon Campaspe Community Legal Centre.

'Do Not Knock' campaign

VLA added its voice this year to the 'Do Not Knock' door-to-door sales campaign, increasing its momentum through an innovative play performed at the Carlton public housing estate on 17 May, and in Geelong on 18 May 2010. The short performance, followed by an informative talk, was developed specifically for older people from culturally and





linguistically diverse backgrounds. The campaign aims to address a growing body of evidence that people are confused about their rights and that some have been misled by door-to-door sales people from, for example, mobile phone and electricity suppliers.

The performance was broadcast on Radio National's Law Report on 1 June 2010, and the campaign stickers and flyers also made an impact in the south-west through VLA's Warrnambool office, across the Wimmera through our Horsham office, and the Central Highlands through our Ballarat office. Our partners in this project included the Consumer Action Law Centre who initiated the campaign, and the Footscray Community Legal Centre who further developed it.

Advisory and working groups

Work began in January 2010 to establish terms of reference for a consumer advisory group. VLA acknowledges that we can improve the effectiveness and appropriateness of our services by actively engaging with the people we help, who may have experienced difficulties accessing justice. Members may include people with a disability, carers, consumers of mental health services, advocates for prisoners' rights, and people from culturally and linguistically diverse (CALD) backgrounds. Working with the group, we hope to help reduce the complexity of the justice system, and enhance the quality of relations and transactions between VLA, members of the community, and the people we work with.

In November 2009, we also established an internal working group to identify and better understand issues facing clients from CALD backgrounds, and to promote best practice

around the use of interpreters and cross-cultural awareness and training. In the same month another group began looking at how we can improve the way we interact with Indigenous people and organisations. The Disability Advisory Group also continued to track progress against our *Disability Action Plan* in 2009–10, including the completion in May 2010 of an access audit of all 18 buildings occupied by VLA (p.55 and p.96).

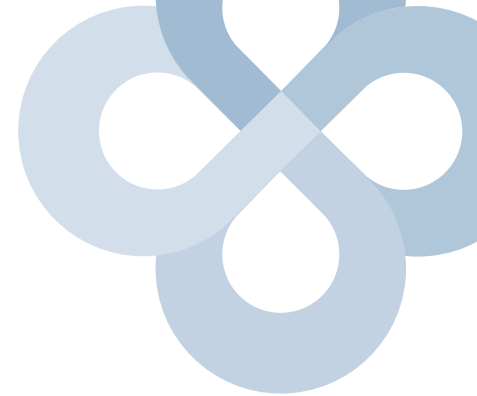
Interpreter and translation services

In November 2009, we launched free telephone legal information lines for Persian (Farsi) and Greek speakers. They are staffed by experienced lawyers and add to VLA's in-house telephone services available to Arabic, Croatian, Italian, Polish, Serbian and Ukrainian speakers. Many of our telephone Legal Information Service staff also speak in-person to community groups. For example, in March 2010 our Greek-speaking lawyer talked to a group of people who work at several Greek aged care homes about powers of attorney and guardianship. In March 2010, we also joined a project initiated by the Department of Justice to explore the viability of a multi-unit model for the provision of interpreter services.

Matt Anker, St Paul's Lutheran Church Pastor, with Sudanese couple James Jowry and Mary Lado, and daughter Liliana. Published with permission of *Shepparton News*

Julia Barling, managing lawyer at VLA Wimmera region office in Horsham. Published with permission of *Wimmera Mail-Times*

Legal Information Service officer Mark Tregonning and actor Marchello D'amico performing a scenario for the Do Not Knock play



Improved referral practices

External referral practices came under the spotlight in 2009–10, with particular emphasis on ensuring quality transactions for callers in the area of employment law. We focused, and will continue to do so, on improved referral practices and greater collaboration between VLA, JobWatch and Fair Work Australia. Our telephone Legal Information Service also continued to help bushfire-affected people throughout Victoria. In April 2010, the dedicated Bushfire Legal Helpline that had operated in partnership with the Law Institute of Victoria, Federation of Community Legal Centres, Public Interest Law Clearing House, the Victorian Bar and Victoria Law Foundation became part of VLA's own telephone Legal Information Service.

In December 2009, we also launched a searchable database containing some 300 VLA services offered to clients. This intranet tool means we can now provide better and more accurate information to clients about the availability of our services across Victoria. It aims to reduce the 'referral roundabout' and assist people's progress through the justice system.

Community legal centres

In 2009–10, the Community Legal Centre Funding Program increased its support of the 41 funded community legal centres (CLCs). Two new positions are now dedicated to providing CLCs with information and advice on financial accountability, data recording and governance practices, strategic planning, and community and partnership engagement. This has greatly enhanced the capacity of CLCs to meet their service agreement requirements under the program. Work is also underway, exploring options that will enable CLCs access to a range of VLA's electronic resources, including LawGuru and our service directory (p.48).

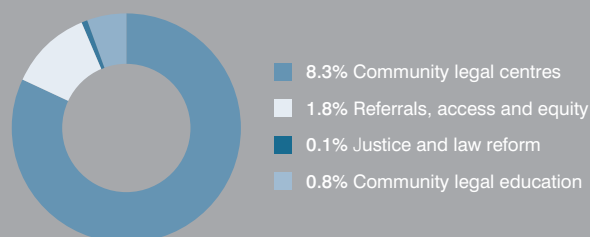
At a glance

Operating expenditure

\$14.3 million (Commonwealth \$3.0 million | State \$11.3 million)

Justice and law reform \$0.2 million | Community legal education \$1.0 million | Community legal centres \$10.8 million | Referrals, access and equity \$2.3 million

Percentage of total VLA operating expenditure (all programs)



Core services

- Produce law reform submissions and contribute to parliamentary inquiries, external working groups and consultations in priority areas
- Deliver targeted community legal education materials and activities, working with the community sector to identify key legal issues
- Administer and monitor community legal centre service agreements and funding, supporting governance functions, staff and financial management and performance
- Provide free telephone Legal Information Service, co-ordinate referrals and review service delivery to ensure best possible access for clients

In March 2010, \$17,425 was allocated to an interim international student legal service clinic provided by the Western Suburbs Community Legal Centre. A pilot international student legal service will commence in 2010–11 following an expression of interest process. Another achievement for 2009–10 is our development, as part of a Commonwealth Government initiative, of partnership projects between 16 CLCs, VLA and Family Relationship Centres (FRCs) for pre-mediation advice and support to FRC clients (p.37).

Challenges and the year ahead

Demand and complex needs

Demand on our free telephone Legal Information Service was stronger than anticipated in 2009–10. Factors including increasing complexity of the law, more complex client needs and piloting 'warm referrals' to our regional offices have also seen a steady rise in average call length. This trend is expected to continue as VLA reaches more people. Our challenge is to continue to provide a quality service with low waiting times, while effectively and appropriately assisting people's progress through the justice system. Achieving this to greater effect will also see VLA work with our partners in the community sector throughout 2010–11 to explore how the Commonwealth Attorney-General's proposed 'no wrong number, no wrong door' policy might work. We are also committed to developing a proposal for a 'shopfront' model that will see VLA adopt a more interactive approach to showcasing how we can help people. We are currently reviewing print and online information about the services we offer, with a focus on simplifying our explanation of legal aid eligibilities for prospective clients, and where to get help.

Interesting facts and figures

- 92,696 calls to Legal Information Service (4% increase on 08–09)
- Top three caller topics: parent/child contact, property settlement, *Family Violence Protection Act 2008*
- 6 mins 21 sec average call duration to Legal Information Service (6 mins 3 sec in 08–09)
- 512,744 publications distributed (12% increase on 08–09)
- Most popular publications: *Am I Old Enough*, *Take control* and information about how to get a family violence intervention order
- 515,972 website visits (19% decrease on 08–09)
- Most popular legal information topics on website: intervention orders, relationship breakdown, children and parenting
- Most popular legal information pages on website: Dividing your property, Sex and the law, Intervention orders
- 2,547 calls to Legal Information Service language lines (20% decrease on 08–09)
- \$341,124 expenditure on interpreter services VLA-wide
- 56 divorce workshops held across Bendigo, Morwell, Ringwood, Shepparton and Melbourne
- 52 community legal centres (CLCs) operate in Victoria
- 41 CLCs funded through a VLA administered funding program
- 10 CLCs contributed to publications, including Financial and Consumer Rights Council and Consumer Action Law Centre with *Debt problems: the law, your options* and Women's Legal Service Victoria with new family violence publications

Access audit findings

VLA supports the findings and recommendations of the access audit conducted throughout the 18 buildings we occupy. Our Disability Advisory Group will help prioritise recommendations for the most urgent work, and in 2010–11 members of the new consumer advisory group will also provide input from a client perspective. Nevertheless, challenges exist around our capacity to deliver on all recommendations, as VLA does not own the buildings. Implementing the audit recommendations will rely on successful negotiation and consultation with building owners (p.55 and p.96).

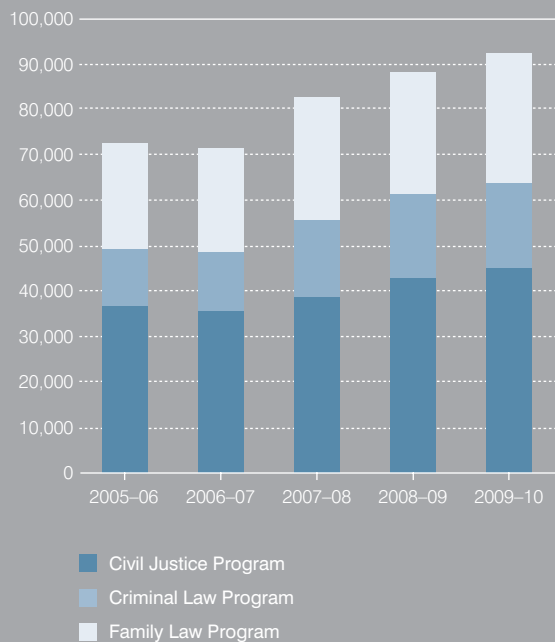
Hard-to-reach communities

We will further explore and deliver legal education and information through a more diverse range of formats targeted to the needs of hard-to-reach audiences and priority client groups. This may include Easy English format, online video and audio formats, translated print products and face-to-face presentations and performance pieces. Work will progress to help address access to justice issues for priority client groups, including remote and regional Victorians, culturally and linguistically diverse communities, people with a disability, older people and Indigenous communities. We look forward to delivering education and information with an early intervention focus that will help Victoria’s most vulnerable communities to achieve better outcomes.

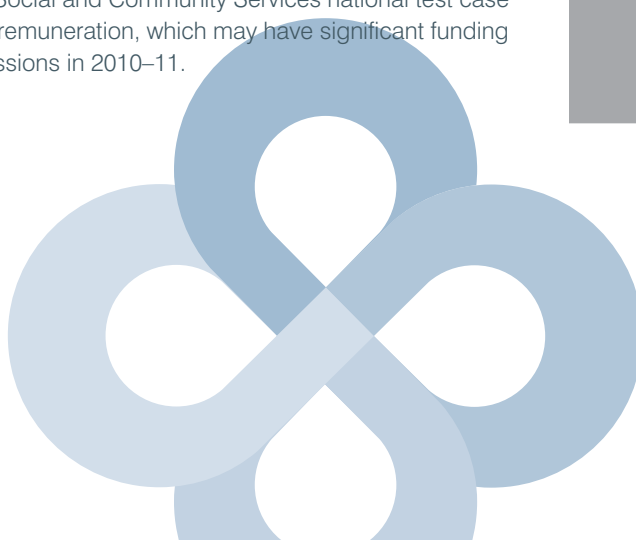
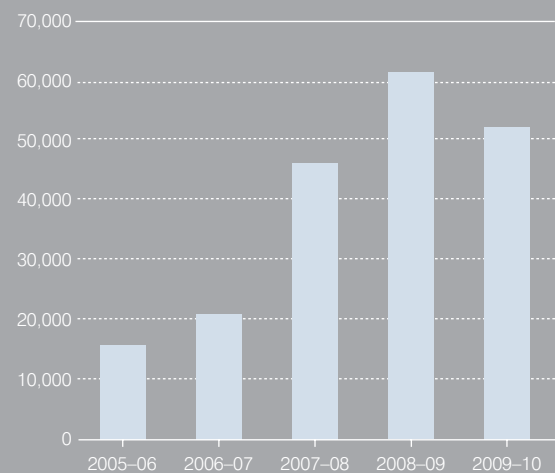
Supporting community legal centres

Under their new service agreements, community legal centres (CLCs) must develop new plans for the services they provide to their local communities, and the methods they use to deliver them. As part of this process, CLCs will identify unmet legal needs in their communities and further develop their approach to community and local stakeholder engagement. The CLC Funding Program team looks forward to supporting CLCs to build their capacity for legal needs analysis, engagement and strategic planning. We will also work toward resolving some challenging issues that may arise, notably around CLC staffing when principal lawyers are absent due to leave, illness or resignation, and funding. VLA will track and manage the current Social and Community Services national test case on staff remuneration, which may have significant funding repercussions in 2010–11.

Five-year trend in calls to Legal Information Service



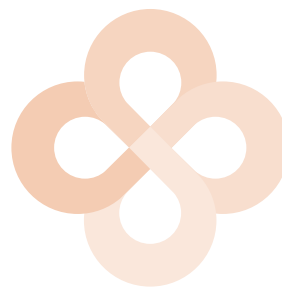
Five-year trend in visits to www.legalaid.vic.gov.au



Access and equity sub-program initiatives

Our initiatives	Status 09-10
Justice and law reform	
Evaluate the impact of law reform and systemic advocacy activities	>
Revise public interest guidelines	⤴
Community legal education	
Diversify community legal education (CLE) mediums. For example, vodcasting and theatre	>
Evaluate and rationalise suite of CLE publications to ensure relevance and accessibility	>
Repurpose existing CLE content for use in other CLE strategies. For example, Legal Basics Project, using simple information to reinforce key messages in face-to-face sessions	⤴
Increase face-to-face CLE activities and evaluate impact. For example, Shepparton CLE talks	>
Implement outcomes of disability evaluation. For example, improved accessibility of all CLE resources	⤴
Contribute to national CLE projects. For example, Grandparents Project	🔗 ⤴
Community legal centres	
Increase support offered to community legal centres (CLCs) in the development and documentation of the Community Legal Service Program Plan	>
Increase liaison with the Referrals, Access and Equity sub-program and referrals to and from CLCs	>
Establish new pilot service for international students	>
Develop new discretionary funding guidelines	>
Co-ordinate project using community development volunteer students to work with individual centres on strategic planning and legal needs research	🔗 >
Conduct joint review with Office of Senior Victorians of funding and governance arrangements for Senior Rights Victoria	🔗 >
Referrals, access and equity	
Review <i>Referrals, Access and Equity Report</i> and develop organisational strategy for referrals	>
Scope feasibility for VLA 'shop front' to improve consumer accessibility	>
Establish VLA consumer advisory group	>
Participate in Victorian Legal Assistance Forum (VLAF) referrals working group	🔗 ✓
Participate in whole of Department of Justice interpreter service contract development	🔗 ⤴

Completed
 Substantially complete
 Commenced
 Deferred
 Joined-up service



Civil justice program

Protecting legal and human rights

Objectives

We will contribute to a fairer, more inclusive and rights-respecting community by providing quality civil and administrative legal advice and representation to people with limited resources. We will contribute to a more efficient and equitable justice system by seeking to change the law and legal processes where they impact disproportionately on disadvantaged people.

Objective: Mental health and disability advocacy

To ensure that people with mental health issues and disabilities are afforded fair and humane treatment under the law by providing timely advocacy to protect the rights of people to participate in decisions that affect them.

Objective: Social inclusion and equality

To ensure that vulnerable people are provided with information and advocacy to help resolve problems that would otherwise lead to entrenched disadvantage.

To promote substantive equality by addressing individual and systemic discrimination through casework, legal education and law and policy reform.

Objective: Migration

To ensure that asylum seekers and other vulnerable non-citizens are provided with appropriate legal assistance and other forms of advocacy to obtain just outcomes.


Objective: Commonwealth entitlements

To assist eligible persons and veterans to access their entitlements by challenging unfair administrative decisions by Centrelink and Veterans' Affairs, through quality legal advice and representation and by encouraging agencies to administer systems that treat clients fairly and respectfully.

Achievements

Increased assistance through guidelines

In 2009–10, we introduced and broadened guidelines to help more people with special circumstances, and more victims of crime. With the Infringement Cases Guideline amended in June 2010 we are now able to assist people whose matters are listed at the Infringements Court and who were homeless at the time of the offence. The Victims of Crimes Guideline introduced in December 2009 also means we can now represent some of the most disadvantaged in our community at the Victims of Crimes Assistance Tribunal. Our first successful compensation claim was made in April 2010, in a case where VLA lawyers in Shepparton acted for a teenage girl who had been assaulted by a fellow student outside her school.

 Review of the Victims of Crime Compensation Scheme, p.93.

Migration practice expansion

Our migration work expanded in 2009–10, resulting in VLA receiving \$25,000 additional funding through the Immigration Advice and Application Assistance Scheme contract. This contract allows VLA to provide some level of representation for immigration applicants in the community or in detention, and to fund cases under the Community Care and Assurances Program. It recognises that, alongside the Public Interest Law Clearing House, our migration practice is uniquely placed to help clients seeking judicial review of migration decisions. We provide free immigration advice and casework, and work as duty lawyers





at the Federal Magistrates Court. The additional funding means that we can continue developing the law in this area, increasing community confidence in the migration system.

Unaccompanied humanitarian minors

Eighty-seven Unaccompanied Humanitarian Minors were assisted from October 2009 to June 2010 through a partnership with other service providers. Our migration lawyers contributed to the Unaccompanied Humanitarian Minors Migration Project by helping with casework and community legal education sessions. The aim of the project was to support these extremely vulnerable members of our newly arrived communities to reunite with their families and help them through their settlement processes. Our partners in this collaboration were lawyers from the South Eastern Migration Advice Service, AMES Settlement Services, Flemington Kensington Community Legal Centre, Public Interest Law Clearing House, and Department of Human Services Minor Refugee Program.

Outreach legal services

VLA provides legal advice and assistance through a range of outreach locations to ensure that those most in need can access justice and protect their rights. In 2009–10, our lawyers assisted psychiatric inpatients through our regular visiting service to Thomas Embling Forensic Centre and Orygen Youth Health in Melbourne. We provided legal advice and assistance in collaboration with Dousta Galla Community Health at social housing estates, and at a drop-in welfare centre based in Melbourne CBD. We also supplemented migration community legal education talks in regional Victoria with free legal advice clinics (p.18).

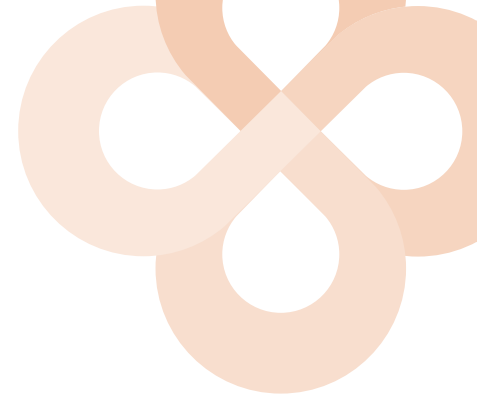
Public interest and Charter of Human Rights

With increasing use of preventive detention regimes in Victoria, we focused this year on protecting the rights of clients who live in locked facilities, and who have limited access to the community beyond locked doors. For some of our clients subject to orders under the *Disability Act 2006*, unsupervised access to the community is not permitted or is severely limited, even when they are progressing well through their rehabilitation program and have responded well to supervised community access. Using relevant provisions under the Charter of Human Rights and Responsibilities, we have helped these clients to contest ‘blanket’ restrictions on access to the community. Our assistance has allowed them community access tailored to their individual circumstances and behaviours.

- ☛ Diversion and Support of Offenders with a Mental Illness – Guidelines for Best Practice, and Guardianship and Administration Information Paper, p.93.

Ian Michaelson, managing lawyer at VLA Shepparton Goulburn region office, assisted our first successful compensation claim at the Victims of Crimes Assistance Tribunal. Published with permission of *Shepparton News*

Heather Young, administration services officer and John Moore, social security lawyer at VLA Ringwood outer eastern suburbs office



Challenges and the year ahead

Expansion of civil and administrative assistance

In 2010–11, VLA will further develop its capacity to assist people with civil and administrative law matters through all of our offices, and in social security matters in particular. As part of this commitment, we will investigate the feasibility of a ‘Workers Hot Line’ to provide immediate support in this very specialised and complex area of law. We will maximise communications, training and internal support mechanisms to orientate all VLA programs to the importance and broad reaching impact of civil law matters and everyday justice.

New national Consumer Credit Code

VLA anticipates helping consumers navigate a new legal landscape in 2010–11, following the Commonwealth Government’s implementation of a new national consumer credit regime. Under the new regime, consumers will have different rights and responsibilities in relation to obtaining credit. New rules around minimum standards for goods and services will also be introduced, along with a national regime of laws relating to unfair consumer contracts. VLA looks forward to working closely with other service providers to help consumers understand this new legal landscape.

 Draft Regulations – Consumer Credit, p.94.

Early intervention and dispute resolution

VLA is committed to embedding appropriate dispute resolution (ADR) practices into our delivery of services in 2010–11. We will focus on areas of everyday justice emphasised in the Commonwealth Attorney-General’s *Strategic Framework for Access to Justice in the Federal Justice System*, and particularly on helping clients with consumer-related disputes. We will also advocate for the implementation of the Charter of Good Administration proposed by the Commonwealth. We see this as one way of ensuring that government agencies, in their earliest interaction with members of the public, apply best possible decision-making practices to administrative law. For example, we would like to see individuals provided with a comprehensive statement of reasons in relation to all migration, social security and veterans’ affairs decisions.

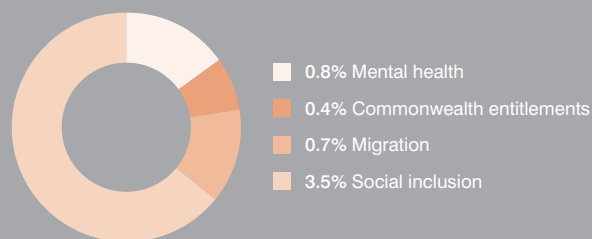
At a glance

Operating expenditure

\$7 million (Commonwealth \$4.3 million | State \$2.7 million)

Mental health and disability advocacy \$1.0 million | Commonwealth entitlements \$0.5 million | Migration \$0.9 million | Social inclusion \$4.6 million

Percentage of total VLA operating expenditure (all programs)



Core services

- Deliver services that focus on helping people deal with their legal issues at the earliest opportunity, including community legal education initiatives, comprehensive advice services and outreach services
- Use negotiation and mediation strategies to achieve just outcomes for clients without the need for litigation
- Advocate for clients’ rights, including representation at Magistrates’, County, Supreme and High Courts litigation, and Victorian Civil and Administrative Tribunal, Administrative Appeal Tribunal, Refugee Review Tribunal, Migration Review Tribunal and Mental Health Review Board proceedings

Interesting facts and figures

- 703 grants of legal assistance (9.8% increase on 08–09)*
- 68.1% in-house grants of legal assistance (68.8% in 08–09)*
- 31.9% private practitioner grants of legal assistance (31.2% in 08–09)*
- 4,927 duty lawyer services (16.2% increase on 08–09)
- 14,401 legal advice – includes minor work (5.1% decrease on 08–09)

VCAT Review

VLA has taken an active role in recommending reforms at the Victorian Civil and Administrative Tribunal (VCAT) to improve its accessibility to clients, transparent decision-making, efficiency and appeal rights. In 2010–11, VLA will continue to work with the President of VCAT in implementing its three-year strategic plan, and will work with the Tribunal to meet a number of its proposed objectives. These include the increased use of appropriate dispute resolution, increased legal services for people who use VCAT, decentralisation of the Tribunal, and community legal education about the role of VCAT and related legal issues.



Transforming VCAT Discussion Paper, p.93.

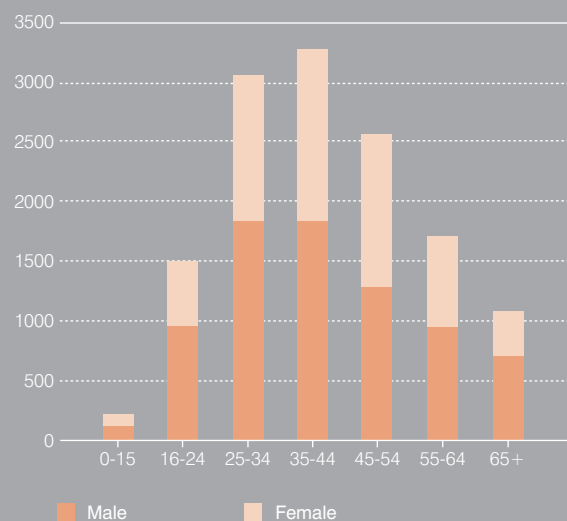
Expanding equality practice

Work is underway to expand VLA's equality practice, with recent significant law reform having recognised the need to address systemic discrimination and inequality within our community. Anti-discrimination legislation has been subject to review and amendment at a Commonwealth level, with discussions about the creation of a single Equality Act. In Victoria, the *Equal Opportunity Act 2010 (Vic)* was passed on 15 April 2010 and will commence operation by 1 August 2011. The new Act contains broader objectives. We look forward to working with other service providers to identify and address areas of systemic inequality, and to playing a strategic and meaningful role in developing jurisprudence under the new Act. The opportunities for positive change in this area are further enhanced by the obligation to interpret the new Act in light of the *Charter of Human Rights and Responsibilities Act 2006 (Vic)*.

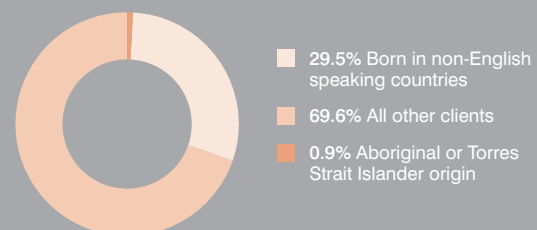
- Highest demand civil law service: legal advice for 35–44 age demographic (2,497 clients – 53.8% male, 46.2% female)
- Top represented age demographic in civil law in-house duty lawyer services: 25–34 year olds (1,037 clients – 60.5% male, 39.5% female)
- 45,108 calls to Legal Information Service on civil law matters (49% of all calls)
- Top three civil law primary matters in calls to Legal Information Service: employment, social security, debt for goods or services

* Note: reporting on child protection cases moved from our Civil Law Program in 2008–09 to our Family Law Program in 2009–10. The 08–09 comparison does not include child protection cases.

Gender and age profile of civil law clients



Grants of legal assistance: percentage clients born in non-English speaking countries and of Aboriginal or Torres Strait Islander origin



Civil justice sub-program initiatives

Our initiatives	Status 09–10
Mental health and disability advocacy	
Improve connections and build capacity in regions	➤
Increase use of dispute resolution methods	/
Expand in-house advocacy practice	➤
Improve referrals processes to and from non-legal service providers	🔗 ➤
Contribute to reform of the Mental Health Act and the Guardianship and Administration Act	✔
Build capacity to engage in public interest litigation and Charter of Human Rights advocacy	➤
Social inclusion and equality	
Implement changes to Infringement guidelines to expand special circumstances categories in line with <i>Infringements Act 2006</i>	✔
Review the case for a tenancy guideline	➤
Expand Equality and Charter of Human Rights practice	➤
Improve connections and build capacity in regions	➤
Expand in-house advocacy practice	➤
Improve referrals processes to and from non-legal service providers	🔗 ➤
Migration	
Increase awareness and knowledge across VLA of deportation cases relating to character cancellations	➤
Trial a student volunteer program	➤
Improve connections and build capacity in regions	➤
Improve referrals processes to and from non-legal service providers	🔗 ➤
Explore alternative funding sources or partnerships to enhance service delivery particularly for unaccompanied minors and family reunion cases	🔗 ➤
Commonwealth entitlements	
Increase share of Veterans' work that is undertaken in-house	➤
Improve connections and build capacity in regions	➤
Increase use of dispute resolution methods	➤
Expand in-house advocacy practice	➤
Improve referrals processes to and from non-legal service providers	➤

✔ Completed
⬆️ Substantially complete
➤ Commenced
/ Deferred
🔗 Joined-up service

The people we help

A woman and her teenage son were re-united in Australia after a VLA lawyer challenged decisions made by the Department of Immigration and Citizenship.

The first the woman knew of being deemed an 'unlawful' resident was when she was taken aside by officials before boarding a plane.

She was visiting the country of her birth to honour the first anniversary of her mother's death, while her teenage son remained in Australia because of schooling commitments.

"The woman had no idea that decisions were being made about her and her son until she was at the airport," said one of our human rights lawyers. "Official letters didn't reach her, telephone interpreter services were not offered."

Some months before, the Department had refused to grant the mother a permanent spouse visa, but then failed to notify the mother of the decision. As a consequence of the refusal, both the mother and her child became 'unlawful' residents which meant that once the mother left Australia, she could not return.

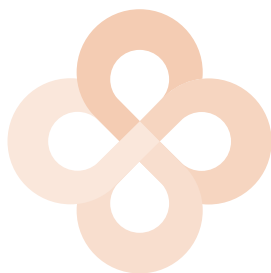
The mother and son were separated for nearly 11 months, with the mother stranded overseas and the boy living with family friends in Australia.

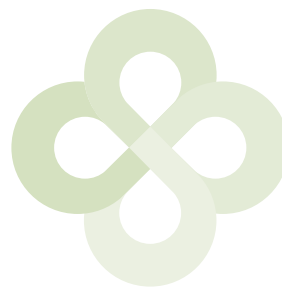
"To expel the woman from the country with no prospect of return, and in doing so depriving her son of her care for an indefinite period, seems to have been an unusually harsh action," said a VLA lawyer in a letter to the Minister for Immigration and Citizenship, calling for the Minister's intervention on humanitarian grounds.

The letter challenged the Department's decision, arguing it was based on out-of-date regulations and that the Department had failed to notify the woman of its decision.

As a result of VLA's advocacy, the Department re-instated the mother's temporary spouse visa, allowing her to return to and reside in Australia with her son. The woman is working in the food industry and her son is continuing his schooling. They are hoping to become permanent residents of Australia.

See www.legalaid.vic.gov.au for more examples of how our work helps make a difference to people's lives.





Criminal law program

Providing quality representation

Objectives

We will provide access to quality advice and representation for people charged with offences who cannot otherwise afford it, with a focus on those who are disadvantaged or at risk of social exclusion. We will influence the criminal justice system to provide timely justice, the fair hearing of charges and appropriate outcomes. We will ensure that people charged with offences are treated with dignity, well informed and guided appropriately through the criminal justice system. We will improve community understanding of criminal justice and behavioural issues.

Objective: Summary crime

To help people charged with summary crimes to achieve timely and appropriate outcomes by targeting finite resources to a range of interventions based on genuine need and by influencing the system to be efficient, fair and respectful to accused people.

Objective: Indictable crime

To achieve timely and appropriate outcomes for people facing serious criminal charges by providing high quality expert advice and representation and by influencing the system to be efficient, fair and respectful to accused people.

Objective: Appellate crime

To maintain client and public confidence in the criminal justice system by ensuring that cases demonstrating legal errors and miscarriages of justice can be tested by higher courts through expert representation and by contributing to the development of the law through senior appellate courts.


Objective: Youth crime

To ensure that children charged with crimes are treated fairly and that outcomes have a therapeutic focus by providing expert advice and representation in a way that reflects the unique status and vulnerability of children.

Achievements

Specialist mental health and crime team

VLA has been intimately involved in the design and implementation of the innovative Assessment and Referral Court that commenced sitting on 22 April 2010 at the Melbourne Magistrates' Court. We established a specialist team of two mental health lawyers to support this three-year pilot that deals holistically and intensively with clients with a mental health illness, intellectual disability or cognitive impairment. Our lawyers service the court and are well placed to become the hub for training and innovation in dealing with this priority client group. This experienced team is the first stage in ongoing plans to orient our criminal law services more effectively towards high priority client groups.

 Diversion and Support of Offenders with a Mental Illness – Guidelines for Best Practice, p.93.

New criminal law acts

The biggest changes to criminal law in Victoria's history came into effect on 1 January 2010 with the *Criminal Procedure Act 2009* and the *Evidence Act 2008*. Training provided by our Practice Support team over the preceding 12 months meant that both our in-house lawyers and private practitioners were well prepared. We ran a full day criminal law evidence and procedure conference on 16 October 2009. We also contributed to the Department of Justice's implementation and co-ordination group for the new Acts, and to a legal change conference with the Law Institute of Victoria on 31 July 2009.





Alongside the Criminal Procedure Act, Victoria Police fundamentally changed the way summary cases are prepared and prosecuted in the Magistrates' Court. VLA worked closely with the Summary Procedure Steering Group to implement these changes and seconded a senior lawyer to the police project team who, for six months, provided a defence perspective to the reforms.

We will continue to review the ways in which, with finite resources, we help people in summary crime. Identifying different ways of managing less serious summary cases, particularly traffic charges, will form an important part of that review.

Criminal law fees review

The structure of criminal law fees has not been comprehensively reviewed for 14 years. As a result, fees are not well aligned with modern court processes, and at times do not effectively encourage and reward good practice. To address these issues, VLA established a project team and a collaborative steering group in early 2009. The group includes representatives from the Victorian Bar, Law Institute of Victoria, Office of Public Prosecutions and the Department of Justice. Following extensive consultation and analysis, the review designed a 'problem model' that identifies how VLA fees can impact the way the criminal justice system functions. The review recommends changes to promote good practice, particularly around early preparation and, where appropriate, early resolution of matters, that should contribute to a meaningful reduction in delays.

Leave to appear at inquest

On 5 March 2010 the State Coroner granted leave for VLA to intervene in an inquest into the fatal shooting of a young person by Victoria Police. It was the first time since the new *Coroners Act 2008* came into effect that the Coroner provided for the participation of an organisation as 'an interested party' on a public interest basis. In granting VLA unrestricted leave to appear, the Coroner emphasised our expertise in youth crime issues, our experience of police interactions with young people experiencing mental health issues, and VLA's expertise in the application of the *Charter of Human Rights and Responsibilities Act 2006 (Vic)*. We look forward to contributing to the inquest, and particularly to the recommendations that the Coroner may make to improve police interactions with young people.

.....
 Independent Persons In Police Interviews with Young People, p.94.

Carrie O'Shea (far right) and Eleanore Fritze (second from right) with Viv Mortell, program manager for the Melbourne Magistrates' Court mental health list and Magistrate John Lesser, head of the ARC List. Eleanore and Carrie are VLA lawyers working on the ARC List

VLA Ringwood lawyer Gorica Milakovic completes the ROPES course, a Victoria Police, Children's Court of Victoria and municipal youth workers joint venture for young offenders

Negotiation skills workshop, a first with prosecutors playing defence lawyers and VLA criminal lawyers playing prosecutors



Challenges and the year ahead

Expertise and quality


Our in-house criminal lawyers, private practitioners and colleagues at the Criminal Bar work to consistently high standards in acting for people accused of crimes. In 2010–11 we will build on these foundations by embedding quality assurance, briefing and supervision processes in the in-house practice, particularly in indictable and appellate crime. We will also continue our work with the Bar and Law Institute of Victoria to support specialist accreditation and credentialing. Victoria’s legal profession is committed to high quality representation and our challenge is to ensure that quality service delivery can be clearly demonstrated to the community.

Criminal law fees review

The recommendations of the review are designed to encourage and reward good practice, while removing barriers to timely and appropriate case resolution. Successful implementation requires support from the courts and prosecution agencies as the work practices of courts, judicial officers and prosecution agencies have a key bearing on the input time that practitioners must commit to individual cases. Good communication with the legal profession and meeting the training and support needs of practitioners will also be key to the implementation of recommendations.

Priority client groups

Among our clients are people who are particularly vulnerable to the complexities of the criminal justice system. They include people with a mental illness, intellectual disability or cognitive impairment, and people from culturally and linguistically diverse (CALD) backgrounds. With tailored training over the next 12 months, we will be better placed to take greater responsibility for these clients, and to appropriately respond to the issues affecting them. VLA will also focus more on reviewing the guidelines for grants of legal assistance so that our most vulnerable clients receive appropriate priority (p.24).

 Diversion and Support of Offenders with a Mental Illness – Guidelines for Best Practice, p.93.

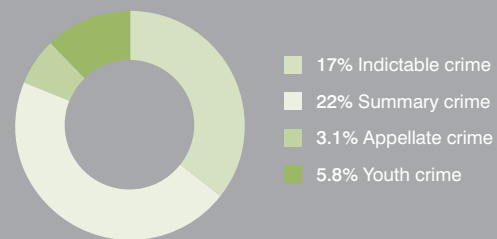
At a glance

Operating expenditure

\$62.8 million (Commonwealth \$2.8 million | State \$60.0 million)

Indictable crime \$22.3 million | Summary crime \$28.8 million | Appellate crime \$4.1 million | Youth crime \$7.6 million

Percentage of total VLA operating expenditure (all programs)



Core services

- Provide duty lawyers at courts, advice in the community, advice in prisons, education and legal representation for summary and indictable crime matters
- Provide legal representation on appeals in the County Court, the Court of Appeal and the High Court
- Provide duty lawyers at courts, advice in the community, advice in youth justice facilities, education and legal representation in youth crime matters

Diversion for children and young people

Victoria's youth justice system recognises that as a community, our first response to children and young people charged with crimes is to help and rehabilitate, not to punish and imprison. Providing bail support and diversion programs is critical to keeping children and young people out of custody, and helping to avoid repeat offending. However, the State Attorney-General has recognised that these services are currently limited in scope and reach, most especially because they are location-based and therefore not available to all children and young people. The Attorney-General formed a steering committee in May 2010 that will comprehensively review and make recommendations for improvement to these services. VLA sits on the committee and in 2010–11 will work to achieve the goals and recommendations identified through the review. We also look forward to aligning our own Youth Crime sub-program with any changes that are introduced.

Prison and youth justice advice and education

In February 2010, VLA re-commenced a review of our prison advice and support services, currently focused on the criminal law issues of prisoners. The review recognises that people in custody have a range of legal needs, including debt, housing, child support, migration and family law matters that, left unresolved, would make their re-entry to the community at the end of their sentence more difficult and less likely to succeed. We would like to be better placed to respond effectively to the varied legal needs of prisoners by providing a broader range of legal services, and developing stronger support for prisoners with intellectual disabilities through identification of gaps and duplications in service delivery.

- 28,503 grants of legal assistance (5.9% increase on 08–09)
- 35.3% in-house grants of legal assistance (37.5% in 08–09)
- 64.7% private practitioner grants of legal assistance (62.5% in 08–09)
- 66,080 duty lawyer services (2.4% increase on 08–09)
- 23,158 legal advice – includes minor work (12.7% decrease on 08–09)
- Highest demand criminal law service: in-house duty lawyer services for 16–24 age demographic (12,782 clients – 81.7% male, 18.3% female)
- 5,829 in-house grants of legal assistance in youth crime, or 20.5% of all criminal law clients (8.4% increase on 08–09)
- 5,862 children appearing in the criminal division of Children's Court represented by VLA through duty lawyer services or casework
- Duty lawyer services delivered at 100 courts, with highest number at Melbourne Magistrates' Court (8,306 appearances)
- 188 clients per court hearing day represented by in-house duty lawyers on summary crime matters (over 264 days)
- 17,810 calls to Legal Information Service on criminal law matters (19% of all calls)
- Top three criminal law primary matters in calls to Legal Information Service: exceeding .05%, other traffic offences, miscellaneous offences

The people we help

A man is piecing together his life after a VLA lawyer successfully argued for his charges to be heard in the new Assessment and Referral Court (ARC) List at the Magistrates' Court.

The man had been charged with reckless conduct endangering life and dangerous driving causing serious injury. If found guilty in the County Court of the most serious charge, the man, who has a mental illness, would have been facing up to ten years' imprisonment.

After extensive negotiations with the prosecutors to withdraw the most serious charges, and a three hour in-court legal battle, the ARC List Magistrate agreed with our specialist mental health lawyer that the case be heard instead in the ARC List. The Magistrate agreed that, given the man's mental illness, imprisoning him would not be an appropriate response.

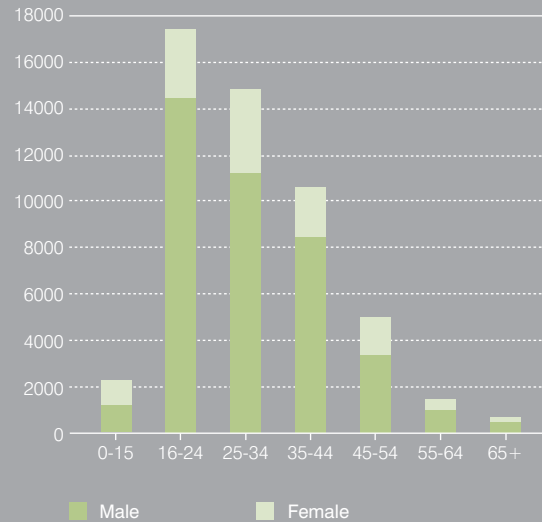
The man has since worked with an ARC List clinical advisor to create an individual support plan. This has led to him finding stable accommodation, pursuing his interest in drawing, and taking part in treatment for an addiction which has long complicated his mental health.

He now attends the court monthly to discuss his progress with the Magistrate, and will have the support of the court for up to 12 months.

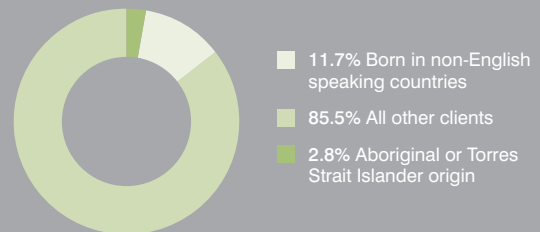
"The man feels so much guilt and shame about the car accident and is trying hard to get his life back on track," said one of our ARC List lawyers, "so it's great to see the court supporting him, and to know that this support will ultimately benefit the community as well."

See www.legalaid.vic.gov.au for more examples of how our work helps make a difference to people's lives.

Gender and age profile of criminal law clients



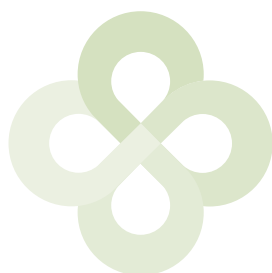
Grants of legal assistance: percentage clients born in non-English speaking countries and of Aboriginal or Torres Strait Islander origin

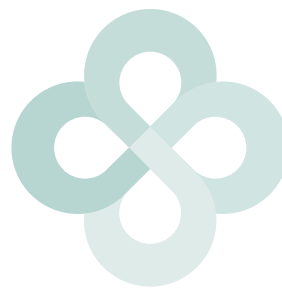


Criminal law sub-program initiatives

Our initiatives	Status 09–10
Summary crime	
Increase in-house advocacy by improving training and implementing advocacy management systems	>
Explore and implement alternative ways of better helping accused people charged with low-level offences	>
Identify further opportunities to hub legal services with non-legal services through outreach	⌘ >
Indictable crime	
Implement supervision and quality assurance requirements for file work and briefing practices, while increasing specialisation in indictable crime throughout the in-house practice	>
Work with Law Institute of Victoria (LIV) and the Criminal Bar Association to support specialist accreditation and credentialing in indictable crime	>
Implement and embed early resolution training, expertise and systems within the in-house practice	>
Review the prison advice service to improve coverage of legal issues, referrals for legal and non-legal issues and partnerships with community organisations	⌘ >
Appellate crime	
Better targeting of appeals in the Court of Appeal	/
Youth crime	
Work with partner organisations to embed the Youth Referral and Independent Person Program (YRIPP) service	⌘ >
Review advice and education services in youth justice facilities to improve coverage of legal issues, referrals for legal and non-legal issues and partnerships with community organisations	⌘ /

-  Completed
-  Substantially complete
-  Commenced
-  Deferred
-  Joined-up service





Family law program

Supporting children and families

Objectives

We will assist adults and children to resolve their family disputes to achieve safe, workable and enduring care arrangements for children. We will assist parents in building their capacity to resolve future disputes without legal assistance by applying finite legal aid resources in areas of most need and to those who are most disadvantaged or at risk of social exclusion.

Objective: Independent children’s lawyers

To ensure that arrangements made by the court are in the children’s best interests by ensuring that children at risk of harm due to the conduct of one or both parents are assisted in family law court proceedings.

Objective: Advice and litigation

To achieve safe, workable and sustainable care arrangements for children whose parents have separated by assisting high conflict families who have been unable to resolve children’s issues utilising mediation services to access the family law courts.

Objective: Child support

To ensure that children of separated parents are financially supported in accordance with the law by ensuring that carer and liable parents have access to independent legal advice and representation where appropriate.

Objective: Child protection

To assist children removed, or at risk of being removed from their families by the State, and their parents, to reach safe, workable and sustainable care arrangements, and to protect families’ rights, by the informed participation of children and parents in decision-making before, during and after child protection proceedings in the Children’s Court.

Objective: Family violence

To contribute to the safety of adults and children impacted by family violence, and to assist in reducing the incidence of family violence, by providing legal services to those adults and children and by actively contributing to public debate and community awareness of family violence.

Objective: Appropriate dispute resolution

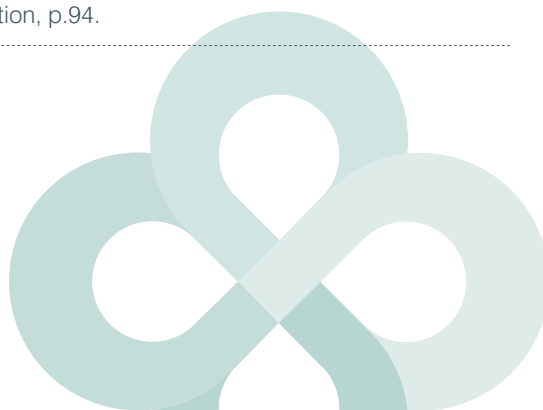
To assist adults and children involved in family disputes to reach a fair, equitable and sustainable resolution by providing lawyer assisted dispute resolution services, and to expand these services to other areas of law.

Achievements

Child protection

VLA established a working group following the release of recommendations of the Child Protection Proceedings Taskforce by the State Government on 1 April 2010. The working group has joint responsibility with other key stakeholders for implementing the *Report of the Child Protection Proceedings Taskforce* that followed the Ombudsman’s Report of November 2009. Work is underway to develop a new model for appropriate dispute resolution (ADR) in the Children’s Court, with emphasis on better preparation and case management. As part of this collaboration, one of our Youth Legal Service lawyers was seconded to work in the Department of Human Services Child Protection Policy and Practice Unit. We also assisted the Victorian Law Reform Commission’s reference into child protection through the secondment of one of our independent children’s lawyers to the team looking at child protection legislation, culture and practice. This commenced on 11 January 2010.

 Reference from the Attorney-General on Child Protection, p.94.





Mediation work with CALD communities

The Roundtable Dispute Management (RDM) service made significant progress in engaging with culturally and linguistically diverse (CALD) communities in 2009–10. We began work in November with the Western Region Health Centre in Footscray, after having identified the need to develop a culturally sensitive mediation practice, specifically for newly arrived refugees. This relationship was established through the Footscray Community Legal Centre’s community development lawyer and enabled us to connect with African mediators in the area. We looked at ways to enhance the knowledge base of African mediators of the Australian legal system and the concept of family dispute resolution. African mediators are also working with us to identify more effective ways to help our African clients. As a result, RDM now has stronger links with these communities and we will continue to improve our case management practice and increase our understanding through this collaboration.

RDM pilot extends assistance

A pilot project was developed in September by our Roundtable Dispute Management (RDM) service and the Women’s Legal Service that allows a lawyer, one day a week, to represent RDM clients who are not eligible for a grant of legal assistance. The types of matters assisted through this pilot would have otherwise been assessed as unsuitable due to ‘capacity’ or ‘power imbalance’ factors. More clients have therefore been able to access our lawyer-assisted family dispute resolution services, and in 2009–10 VLA and the Women’s Legal Service assisted over 20 clients through this pilot.

National independent children’s lawyer training

In 2009–10, our work in the Independent Children’s Lawyer (ICL) sub-program achieved a new level of co-operation and improved co-ordination between our ICL experts, the courts, professionals external to VLA, and private practitioners. With improved co-ordination, VLA in conjunction with the Law Council of Australia and National Legal Aid organised the presentation of a three-day National ICL training intensive in February 2010. The trainers and presenters included highly respected psychologists, psychiatrists, judicial officers and private practitioners, making it a huge success.

Family Relationship Centres project

VLA received approximately \$150,000 funding in January 2010 as part of a Commonwealth Government pilot project to provide legal services through three Family Relationship Centres (FRCs) in Victoria. By maximising our existing resources and through efficient allocation of funding, VLA extended this reach of assistance by providing services through eight FRCs in a partnership that also involved 16 separately funded community legal centres (p.21). As a result, information sessions and legal assistance to clients participating in mediation were provided in Melbourne, Ringwood, Greensborough, Berwick, Chadstone, Frankston, Geelong, Morwell and Traralgon. Over 50 people were assisted through this project from May to June 2010. This is the start of a valuable collaboration between two essential parts of the family law system that have not previously worked together like this.

Training for the ‘new model conference’: Walter Ibbs (VLA), Sue Higgs (Children’s Court), President of the Children’s Court His Honour Paul Grant, Paula Wilson (DHS), Judi Washington (Children’s Court) and Mary Kyrios (DHS)

Acting ADR Manager Walter Ibbs and Domenico Calabrò of VLA workshopping with Siobhan Mansfield, on secondment to DHS



Contravention workshops

VLA developed a contravention workshop in March 2010. This was in response to a request from the family law courts to help clients whose former partners contravened court orders in relation to children. The workshops run monthly and, together with the divorce application workshops already run at VLA, fill an essential gap in legal aid funding which, in 2009–10, did not cover legal representation in these proceedings.

Liabe and carer parents assistance

In 2009–10, our Child Support Legal Services (CSLS) expanded awareness of its services into areas not previously targeted. This involved reviewing and updating our contacts to invite referrals, outreach activities, visiting services and giving talks about people’s rights and obligations. Talks were delivered to Berry Street Northern Family and Domestic Violence Service, Cooroonya Domestic Violence Service, and Wangaratta Child Support Agency Expo. Our staff met representatives from local organisations in the Warrnambool area, including Community Connections, the Aboriginal Family Violence Prevention Legal Service and the local Child Support Agency (CSA). Our staff participated in CSA organised community information sessions in Sunbury and Ringwood. These activities have increased the number of services provided to liable and carer parents, with referrals increasing by around 30 per cent in 2009–10.

Challenges and the year ahead

Child protection

The Ombudsman’s Report of November 2009 brought many and varied challenges, most especially as it was critical of the role lawyers play in adversarial proceedings in the Children’s Court.

The ‘new model conference’ in the Children’s Court will require a different mindset of lawyers and child protection workers. Significant training programs are in place for staff and private practitioners to assist with this transition, and our extensive experience in resolving disputes out of court, including appropriate dispute resolution (ADR), will lend itself well to a less adversarial process. The ultimate challenge of providing better and more positive outcomes for children and families also relies on strengthening collaborative approaches to child protection. The year ahead will see VLA’s Roundtable Dispute Management service trial the first fifty cases under the new model

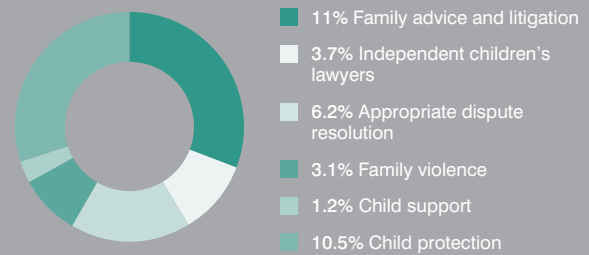
At a glance

Operating expenditure

\$46.8 million (Commonwealth \$28.6 million | State \$18.2 million)

Family advice and litigation \$14.4 million | Independent children’s lawyers \$4.9 million | Appropriate dispute resolution \$8.1 million | Family violence \$4.0 million | Child support \$1.6 million | Child protection \$13.8 million


Percentage of total VLA operating expenditure (all programs)



Core services

- Provide duty lawyer and information services at family law courts
- Provide lawyer-assisted and child-inclusive family dispute resolution services to help settle disagreements about where children live and with whom they spend time
- Provide appropriate dispute resolution services through lawyer-assisted litigation intervention family dispute resolution services
- Promote the interests of children and young people in situations where Department of Human Services believes they are at risk
- Provide legal representation for independent children’s lawyers, child support, child protection and family violence matters

conference. We also look forward to the work of our case managers in family law helping to inform the development of the new Children's Court model. One of our case managers was seconded on 7 July 2010 to the Children's Court to help with the development of its intake model.

 Reference from the Attorney-General on Child Protection, p.94.

Family violence

Family violence is now core business for family lawyers. It is under review by the Commonwealth Government and features prominently in more broad discussions and consultations around social inclusion, appropriate dispute resolution and child protection. The Australian Law Reform Commission's report on its inquiry into family violence legislation at Commonwealth and State levels will undoubtedly provide further challenges. VLA plays an important role in the Victorian Government's *Improved Response to Family Violence* and a key challenge will be for us to continue to provide targeted services in this area that align with our objectives and that respond to, and work with, further changes to the family violence system.

 Family Violence – Improving Legal Frameworks, p.94.

Family law services review

Family law services provided by VLA and our private practitioners will be the subject of a complete and thorough review in 2010–11. We expect to identify opportunities, and look forward to consolidating services and addressing our relationship with the family law courts that were impacted by the restrictions in eligibility imposed after our review of the Legal Aid Fund in February 2008.

Arbitration and conciliation services

VLA will examine the arbitration model proposed by the Commonwealth Attorney-General in 2010–11. We will also expand the scope of matters dealt with in appropriate dispute resolution (ADR) by our Roundtable Dispute Management service. This follows the Commonwealth Attorney-General's announcement of reforms to family law ADR to include arbitration and conciliation services. We look forward to working with our partners to ensure that the proposed hybrid model of mediation-arbitration, as one approach to a new model, is appropriate and that any risks are identified and addressed.

Interesting facts and figures

- 14,849 grants of legal assistance (2.9% increase on 08–09)*
- 19% in-house grants of legal assistance (20.5% in 08–09)*
- 81% private practitioner grants of legal assistance (79.5% in 08–09)*
- 13,642 duty lawyer services (3.6% increase on 08–09)*
- 15,934 legal advice – includes minor work (0.1% decrease on 08–09)*
- Highest demand family law service: legal advice for 35-44 age demographic (3,941 services – 37.8% male, 62.2% female)
- Top represented age demographic in family law grants of legal assistance: 25–34 year olds (3,519 clients – 34% male, 66% female)
- 3,039 grants of legal assistance for 0-15 age demographic (51.2% male, 48.8% female)
- 2,538 grants of legal assistance to Roundtable Dispute Management
- 810 appropriate dispute resolution conferences (8.1% decrease on 08–09)
- 271 fully settled, 434 partially settled and 105 not settled conference outcomes
- Most popular legal information topics on website: intervention orders, relationship breakdown, children and parenting
- Most popular legal information pages on website: Dividing your property, Sex and the law, Intervention orders

* Note: reporting on child protection cases moved from our Civil Law Program in 2008–09 to our Family Law Program in 2009–10. The 08–09 comparison now includes child protection cases.

The people we help

A prisoner is able to keep in touch with his young child, who is the subject of child protection proceedings, following assistance from a VLA lawyer.

The man was seeing his child weekly while he was serving time in Melbourne. But a move to a prison further away from his daughter placed the father’s access in jeopardy.

The man now sees his child fortnightly during ‘family day’ at the prison.

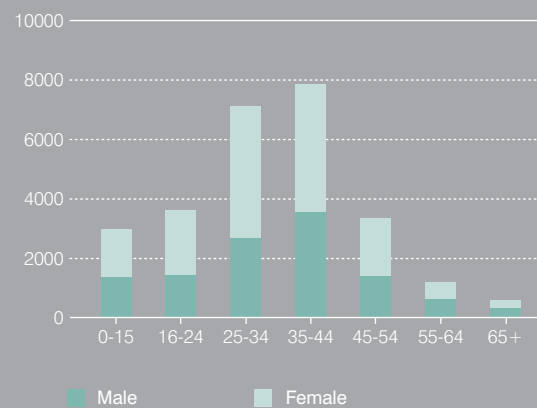
“It is very important that the man maintains contact with his child,” said one of our family lawyers. “Maintaining the family unit gives the man something to work for.”

Victoria Legal Aid believes this example reinforces the notion that a child the subject of child protection proceedings need not miss out on access to a parent serving a period of imprisonment. Opportunities that enable a parent/child relationship to grow and develop are important, provided it is in the best interests of the child.

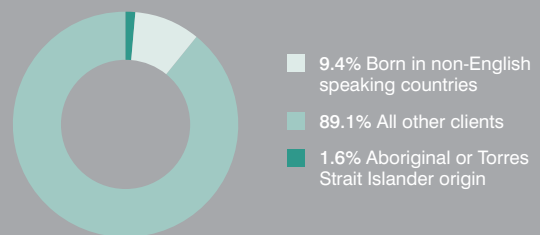
See www.legalaid.vic.gov.au for more examples of how our work helps make a difference to people’s lives.

- 29,778 calls to Legal Information Service on family law matters (32% of all calls)
- Top three family law primary matters in calls to Legal Information Service: parent/child contact, property settlement, *Family Violence Protection Act 2008*
- 56 divorce workshops held across Bendigo, Morwell, Ringwood, Shepparton and Melbourne

Gender and age profile of family law clients



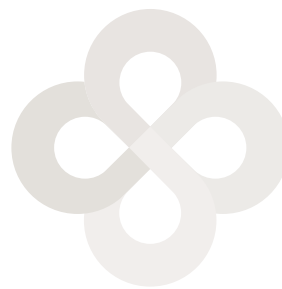
Grants of legal assistance: percentage clients born in non-English speaking countries and of Aboriginal or Torres Strait Islander origin



Family law sub-program initiatives

Our initiatives	Status 09–10
Independent children's lawyers	
Increase in-house advocacy by improving training and implementing advocacy management systems	
Advice and litigation	
Increase in-house advocacy by improving training and implementing advocacy management systems	
Work with Law Institute of Victoria (LIV), the Family Law Bar and the Victorian Bar to support specialist accreditation and credentialing in family law, children's law and related areas	
Review the mix of services provided for family law clients and implement changes as appropriate	
Devise and implement training program in child development	
Child support	
Increase in-house advocacy by improving training and implementing advocacy management systems	
Work with LIV, the Family Law Bar and the Victorian Bar to support specialist accreditation and credentialing in family law, children's law and related areas	
Implement a training program for family violence risk assessment to improve knowledge and skills across the organisation	
Fine tune and monitor information workshops to appropriately address client need, including exploring and implementing new workshops where appropriate	
Identify further opportunities to hub legal services with non-legal services through outreach	 
Child protection	
Joint training program with Department of Human Services (DHS) on appropriate dispute resolution services	 
Work with LIV, the Family Law Bar and the Victorian Bar to support specialist accreditation and credentialing in family law, children's law and related areas	
Build relationships and linkages with regional DHS offices	 
Family violence	
Work with Domestic Violence Resource Centre to devise and implement family violence risk assessment training across VLA	 
Appropriate dispute resolution	
Implement legal advice and lawyer assisted mediation services with Family Relationship Centre providers and Women's Legal Service Victoria	 

 Completed
  Substantially complete
  Commenced
  Deferred
  Joined-up service



Our people and workplace

Employment and conduct principles

VLA applies merit and equity principles when recruiting and appointing staff. Our selection processes ensure that applicants are assessed and evaluated fairly and equitably on the basis of the key selection criteria and other accountabilities, without discrimination.

Upon appointment, all employees are bound by the guidelines outlined in VLA’s *Code of Conduct*. Our Code is aligned with the *Code of Conduct for the Victorian Public Sector* which builds on the employment and conduct principles in the *Public Administration Act 2004*.

VLA also has a suite of employment policies that are implemented across the organisation, including policies about grievance resolution, recruitment, redeployment, equal opportunity, and managing under-performance.

Certified Agreement

Fair Work Australia approved VLA’s application to extend and vary the *Victoria Legal Aid Certified Agreement 2005–08* on 16 September 2009. This had been supported at the ballot by a vast majority of staff, and the revised agreement came into effect with an initial salary increase of 3.25 per cent, backdated to 4 May 2009.

Performance management

A new model called ‘Me & My Job’ came into effect in October 2009. Me & My Job is a developmental, dialogue-based style of performance management, with an exploration of role that carries through from initial staff induction. One-hundred-and-four managers have completed the two-day introductory workshop and a number of staff information sessions have also been conducted for teams across the organisation. All staff can expect to have a two-part role conversation in their anniversary month, producing an agreement to guide performance over the year.

Grievances

Issue resolution processes help maintain healthy and productive working relationships. VLA is committed to ensuring that equity and merit principles are applied throughout the organisation and that work-related grievances are resolved quickly, confidently and without prejudice. One formal grievance was lodged in 2009–10.

Flexible work arrangements

VLA believes that flexibility in the workplace contributes to a supportive and productive work environment. We have policies in place to ensure that staff can work to flexible hours and from home when required. Our job share policy also promotes skills sharing and allows staff to take up opportunities to expand their career development within and outside of the organisation.

Workforce data staffing trends

Staff profile under Part 3 of the *Public Administration Act 2004*

	Ongoing employees ⁽ⁱ⁾				Fixed term and casual employees
	Employees (headcount)	Full time (headcount)	Part time (headcount)	FTE ⁽ⁱⁱ⁾	FTE ⁽ⁱⁱ⁾
June 2010	509	394	115	456.58	97.56
June 2009	500	386	114	448.44	83.11





	2010			2009		
	Ongoing ⁽ⁱ⁾		Fixed term & casual employees	Ongoing ⁽ⁱ⁾		Fixed term & casual employees
	Employees (headcount)	FTE ⁽ⁱⁱ⁾	FTE ⁽ⁱⁱ⁾	Employees (headcount)	FTE ⁽ⁱⁱ⁾	FTE ⁽ⁱⁱ⁾
Gender						
Male	121	117.80	23.30	112	109.40	23.70
Female	388	338.78	74.26	388	339.04	59.41
Age						
Under 25	23	22.40	24.10	27	24.80	14.20
25-34	171	158.35	40.90	158	144.96	37.60
35-44	141	120.36	17.86	141	120.75	15.11
45-54	112	100.77	11.10	106	97.83	11.50
55-64	56	49.30	2.60	60	53.30	3.70
Over 64	6	5.40	1.00	8	6.80	1.00
Classification						
VLA 1	7	7.00	3.00	8	8.00	0.00
VLA 2	142	119.18	23.15	150	126.24	24.60
VLA 3	178	163.70	55.40	172	158.00	41.60
VLA 4	137	124.15	6.50	130	117.86	6.60
VLA 5	40	37.55	1.40	35	33.64	2.60
VLA 6	4	4.00	1.00	4	4.00	1.00
Contract	0	0.00	2.70	0	0.00	0.70
Executive	6	5.60	0.00	6	5.71	0.00
Other	0	0.00	0.00	0	0.00	0.00

Key: 2010 refers to the current 09–10 year, 2009 refers to the previous 08–09 year.

Notes:

- (i) Ongoing employees includes people engaged on an open ended contract of employment and executives engaged on a standard executive contract who were active in the last full pay period of June
- (ii) FTE means full-time staff equivalent
- (iii) All figures reflect employment levels during the last full pay period in June of each year.
- (iv) Fixed term and casuals increased during the year to support the information technology projects currently under development (p.55).



Executive officers

An 'executive officer' is defined as a person employed as an executive officer at an annual remuneration rate not less than an executive officer employed by a Victorian Government department.

Executive officers are classified into two categories. 'Ongoing' executives are responsible for functions or outputs that are expected to be ongoing at the end of the reporting period, and 'special projects' executives are employed for a specific project, generally for a fixed period of time on a specific priority project.

Number of executive officers classified into 'ongoing' and 'special projects'

Class	All		Ongoing		Special projects	
	No.	Variation	No.	Variation	No.	Variation
EO-1	0	0	0	0	0	0
EO-2	2	0	2	0	0	0
EO-3	4	1	4	1	0	0
Total	6	1	6	1	0	0

Breakdown of executive officers into gender for 'ongoing' and 'special projects'

Class	Ongoing					Special projects				
	Male		Female		Vacancies	Male		Female		Vacancies
	No.	Var	No.	Var		No.	Var	No.	Var	
EO-1	0	0	0	0	0	0	0	0	0	0
EO-2	2	0	0	0	0	0	0	0	0	0
EO-3	1	0	3	0	1	0	0	0	0	0
Total	3	0	3	0	1	0	0	0	0	0

Reconciliation of executive numbers

		2010	2009
	Executives with remuneration over \$100,000 (Financial Statement Note 15)	4	4
Add	Vacancies	1	1
	Executives employed with total remuneration below \$100,000	2	1
	Accountable Officer	1	1
Less	Separations	2	1
	Total executive numbers at 30 June	6	6



Occupational health and safety

In 2009–10, we continued our commitment to foster a safe and healthy work environment.

Distressing client disclosures and evidence given in proceedings across a range of jurisdictions can create a real risk of vicarious trauma for our staff. We encourage staff to use professional counselling and debriefing services provided through the Employee Assistance Program (EAP), and usage of these services in 2009–10 remained consistent with previous years. In June 2010 we also launched a mandatory debriefing policy for staff working on matters relating to sexual servitude or slavery, child homicide and sex offences.

Monthly health-related activities, information and services were offered to staff through the popular Energise Program.

An active Occupational Health and Safety (OHS) committee monitors our work environment, and our staff work with courts, tribunals, prisons and other stakeholders to improve safety. This applies particularly to security systems, refurbishment of duty lawyer rooms and security protocols. The OHS committee conducts hazard inspections annually to identify and assess risks.

OHS incident and claim statistics are reported monthly to the VLA Board and figures remained consistent with previous years.

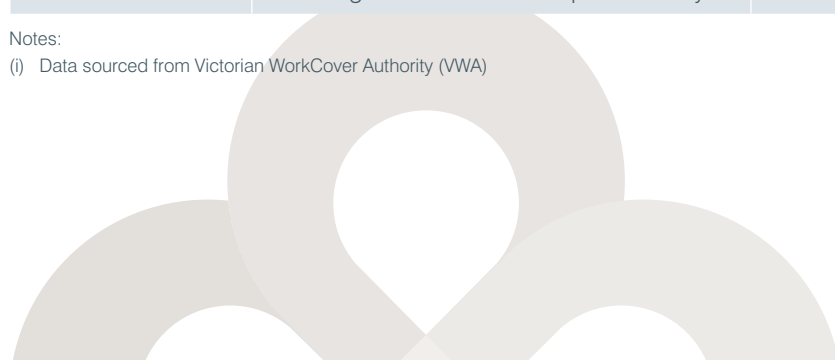
OHS staff continue to monitor ergonomic standards and provide equipment or modify the work environment where necessary. OHS staff participate in induction and provide management advice on OHS and Equal Employment Opportunity (EEO) issues, emphasising self-care and personal wellbeing.

VLA's performance against OHS measures

Measure	Performance indicator	2007–08	2008–09	2009–10
Incidents	No. of incidents	34	60	43
	Rate per 100 FTE	6.72	11.5	7.97
Claims	Total WorkCover claims	8	4	8
	No. of standard claims ⁽ⁱ⁾	1	1	2
	Rate per 100 FTE	0.2	0.19	0.37
	No of lost time claims ⁽ⁱ⁾	1	1	2
	Rate per 100 FTE	0.2	0.19	0.37
	No of claims exceeding 13 weeks ⁽ⁱ⁾	1	1	1
	Rate per 100 FTE	0.2	0.19	0.19
Fatalities	Fatality claims	0	0	0
Claim costs	Average cost per standard claim(i)	\$16,812	\$24,409	\$6,503.50
Return to work	Percentage of claims with RTW plan <30 days	100%	100%	100%

Notes:

(i) Data sourced from Victorian WorkCover Authority (VWA)



Learning and development

VLA Essentials

In 2009–10 we worked toward developing a program, VLA Essentials, that will assist new employees to find, make, and take up their roles within VLA. To be implemented from September 2010 to January 2011, it will provide and enhance fundamental skills and competencies relevant to every individual's role. We will partner with specialised training providers to tailor training specific to VLA's staffing streams: legal professionals, administrative professionals, manager professionals, and corporate professionals.

Leadership development

VLA encourages and supports staff to develop leadership skills and take on leadership roles. The People Managers Group (PMG) is a regular forum of more than 70 staff, designed to give those who manage others an opportunity to be involved in strategic planning in the organisation. In 2009–10, six PMG meetings were held, looking at issues from organisational re-alignment of roles, structure and decision-making under a 'One Practice' model to vicarious trauma and strategies to manage distressing cases.

Fifteen of our senior administrators and lawyers also participated in a tailored Management Fundamentals Program delivered through the Centre for Leadership and Management. A further 17 senior managers, including two from community legal centres, completed their first year Graduate Certificate, and 16 their second year Graduate Diploma in RMIT's Innovation and Service Management Program.

Our staff are encouraged to broaden their networks and knowledge. In February 2010 two of our criminal lawyers attended an eye-opening conference about mental health lists in New Zealand. This greatly assisted VLA's detailed involvement in the new Assessment and Referral Court List (p.30). Closer to home, our staff are encouraged and supported to apply for secondments on the basis of their specialised expertise and professional interest. In 2009–10, lawyers were seconded to the Victoria Police Brief Integration Project (p.31), the Victorian Law Reform Commission's reference into child protection, and the Department of Human Services Child Protection Policy and Practice Unit (p.36).

Traineeship and New Lawyers Programs

The six lawyers accepted into the 2009 Traineeship Program completed their 12-month program. This included their rotation through the organisation, participating in ongoing training and development programs, and linking in to a mentoring and 'buddy' program. Five of these positions were based in our Melbourne office and one at Geelong.

We also recruited 13 lawyers into our New Lawyers Program that commences in September 2010, replacing our previous Articled Clerk Program. As a structured two-year program for first and second year lawyers, it provides comprehensive training and development within VLA and will be linked in with the VLA Essentials Program.

Administration Legal Services Program

Eighteen administrative staff graduated in December 2009 with the Certificate IV in Business (Legal Services), delivered through Victoria University over 18 months. It helped these staff build new relationships and enhance their skills and knowledge of the diverse work carried out across VLA, in turn deepening their understanding of the broader justice system. A second group commenced in mid-2009.

Student opportunities and training placements

Two University of Melbourne law students participated in VLA's Indigenous Summer Clerkship Program, completing rotations in two of our programs over the six-week university break.

We provided 130 Leo Cussen Institute Clinical Experience Program students with the opportunity to observe and participate in advice clinics and attend courts and tribunal duty lawyer services over a half-day session. Nineteen also completed their three-week professional placement at VLA offices.

VLA works with La Trobe University to provide students with practical experience through their Clinical Legal Education subjects. In 2009–10, 24 La Trobe University students gained practical experience through our Preston office, with a focus on ethical legal practice and conduct. Twenty-five law students from Deakin University also completed their Law Clinic elective at our Ringwood and Geelong offices, gaining experience of legal practice in a community legal service.



Professional legal education and practice support

Our Professional Support Lawyer (PSL) and precedents team provides our lawyers with best practice resources such as court manuals, checklists, case commentaries, regular online newsletters with updates on legal developments, specialised training and up-to-date precedent collections.

In 2009-10 the Professional Legal Education (PLE) team continued to offer a wide variety of training opportunities, including law and practice conferences and customised programs. The PLE Program includes training topics that span the compulsory fields of continuing professional development (CPD).

Legal practitioners are required to complete at least 10 units/hours of training each CPD year. In 2009-10, VLA lawyers completed a total of 4,763 hours of CPD through attendance at PLE events at VLA, an average of 19 hours per lawyer (compared with 12 hours in 2008-09). Attendances at PLE events this year totalled 3,214, inclusive of 2,280 attendances by VLA lawyers.

In most cases, training was also offered to community legal centre lawyers and private practitioners. In 2009-10, private practitioners attended VLA training on 290 occasions for events such as our series of lectures and workshops on the new *Evidence Act 2008* and *Criminal Procedure Act 2009* and a forum 'Improving the child protection legal process.'



Major new and amended legislation

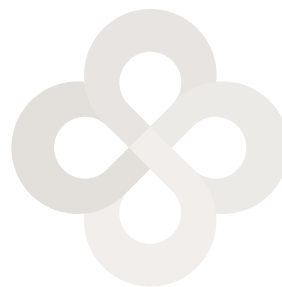
Notably, new legislation to streamline criminal procedure and improve evidence laws commenced on 1 January 2010 with the introduction of the *Criminal Procedure Act 2009* and *Evidence Act 2008*. This required a co-ordinated and comprehensive training and professional support approach, the largest in our history (p.41). We also conducted a series of briefings and a forum in anticipation of the 'new model conference' to be introduced to child protection proceedings in the Children's Court (p.36 and pp.38-39).

Advocacy skills development

In 2009-10, our PLE team worked on developing an Advocacy Training Program for our lawyers. Our advocacy training has until now focused on specific jurisdictions and in 2010-11 we will make a comprehensive and co-ordinated advocacy training program available to all VLA lawyers. From July 2009 to May 2010, our lawyers participated in a range of workshops and skill development opportunities. These ranged from plea-making at the Melbourne Magistrates' Court, brief analysis and an Office of Public Prosecutions plea advocacy moot, to tailored sessions delivered through the Australian Advocacy Institute.

Graduates of the Certificate IV in Business (Legal Services)

The Hon Bill Shorten MP made a keynote address at the first of our Insight series



Increased indictable crime competencies

In April 2010, VLA introduced a 'buddy' system, teaming each of VLA's five public defenders with one of our seven offices located in regional Victoria. This system will enable all VLA lawyers in regional offices access to high quality in-house advice and mentoring on indictable cases, particularly complex indictable cases. As part of this commitment, in 2010–11 VLA's more senior criminal lawyers across Victoria will also mentor our junior lawyers to further develop their competencies in running indictable cases. Previously all indictable cases filed through our metropolitan-based offices were allocated to our criminal lawyers based in Queen Street, Melbourne. This new initiative will ensure clients can access quality legal assistance on their indictable matters at a location convenient to them.

Professional resources

Our lawyers can now access updates on new law via a much improved subscriber-based online resource called LawGuru, launched in October 2009. In 2009–10, LawGuru had 75 subscribers. Staff have visited the site 3,838 times since the October launch, averaging 426 visits per month. Work is also underway, investigating options that will allow community legal centre lawyers and private practitioners access to this system.

A dedicated VLA team operating Victoria's only specialist law library open to the public also supports our lawyers with research, news and current affairs services, and training to enhance professional research skills. In 2009–10, the library completed 2,866 requests for assistance with research and reference, and conducted 168 legal research training sessions for staff at VLA.

Research and communications focus

A research and communications team was formed in August 2009. It was established to help promote our public value and increase understanding of our services and role within the legal and social welfare sectors. The team will help build our external relationships and identify and analyse current research so that we can be sure we are delivering the best possible services.

A highlight in 2009–10 included the first event in our 'Insight series' that aim to showcase the work we do for clients, in this case for people with an intellectual disability. Around 60 people from government and non-government agencies attended the event which featured addresses by Graeme Innes AM and the Parliamentary Secretary for Disabilities The Hon Bill Shorten, MP.





Part three: Our organisation and governance

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

The Board

The Board of Directors is responsible for ensuring VLA meets its statutory objectives. The Board has five directors who are nominated by the Victorian Attorney-General and appointed by the Governor-in-Council.

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 VLA. The Board meets 11 times each year and when required.

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 and the Montsalvat Foundation. He was first appointed to the Board in December 2001.

Bevan Warner

Managing Director, Victoria Legal Aid

Bevan Warner took up his appointment as Managing Director on 4 August 2008. 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. Bevan is a National Legal Aid representative and the current chair of the Australian Legal Assistance Forum.

Frank King

To 29 November 2009

Frank King was first appointed to the Board in November 2004 and 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. Frank has been an independent member of the Internal Audit Committee of the Parliament of Victoria since 2004.

Mary Anne Noone

Mary Anne Noone is Associate Professor at the School of Law, La Trobe University, where she coordinates 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.

Sue Walpole

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

Jennifer Shaw

From 1 March 2010

Jennifer Shaw is VLA's newest Board member. Jennifer has high-level expertise in strategic planning, policy, corporate governance and financial management, with a background in the private, health and justice sectors. Jennifer is currently director of HR&M Business Solutions. Jennifer replaced Frank King.



Senior executive team

The senior executive team includes the Managing Director and meets regularly to plan, discuss and review operational performance. The structure and composition of the executive team altered during 2009–10 with some appointments, departures and changes in role introduced to better reflect our new program management framework.

Kristen Hilton

Director, Civil Justice, Access and Equity from 24 November 2009

Kristen Hilton was previously the Executive Director of the Public Interest Law Clearing House and has extensive knowledge of current civil law issues and the needs of marginalised and disadvantaged individuals. Kristen is a passionate advocate for human rights.

Saul Holt

Director, Criminal Law Services from 7 September 2009

Saul Holt has a Masters of Law in Public Law and in his previous position with the Department of Justice was responsible for assisting the development and the passage through Parliament of the *Criminal Procedure Act 2009*. Saul is committed to advancing the interests of legally-assisted clients and helping VLA build on its strengths as the largest provider of criminal law services in Victoria.

Judith Sharples

Director, Family, Youth and Children's Law Services until 26 February 2010

Judith retired on 26 February 2010 after 22 years of service.

Judy Small

Director, Family, Youth and Children's Law Services from 19 March 2010

Judy Small has extensive knowledge of family law, having worked as a family lawyer for many years in private practice and, from 2004, as the managing lawyer of VLA's Family Law Service. Judy is an Accredited Family Law Specialist and also has a rich background in psychology, social welfare and the arts. Judy is committed to better helping families and children at risk.

Michael Wighton

Director, Legal Practice until 23 June 2010

Michael Wighton was sworn in as a Magistrate on 25 June 2010 after 20 years of service with VLA.

Justine Hyde

Director, Research and Communications from 15 September 2010

Justine has extensive experience leading information and communications management functions in the Victorian State Government and with top-tier commercial law firms. Justine is focused on increasing the understanding of the value of VLA's work and is an advocate of plain language communication. Justine was previously the Divisional Manager, Knowledge Services.

Tony Matthews

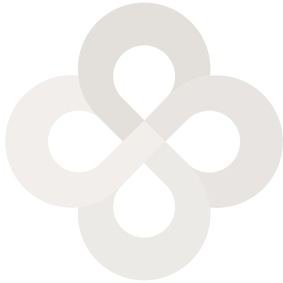
Director, Business Services

Tony Matthews has a Bachelor of Business, is a Certified Practising Accountant (CPA) and has a Master of Business Administration (MBA). Tony has wide-ranging corporate and financial management expertise in diverse public sector and municipal environments and has managed large organisational projects in the Grants Program, overseeing our relationship with private practitioners. Tony is VLA's Chief Financial Officer.

Diana Dalton

Director, Human Resources

Diana Dalton has previous health and community sector experience work and believes in a strong client focus in her planning for ways to develop the skills of staff. Diana focuses on developing strong leadership and management support programs to improve cultural change and skill development.



Organisational structure

Access and Equity Program	Kristen Hilton pp.18-23	Managing Director Bevan Warner	Victoria Legal Aid Board	Attorney-General The Hon Rob Hulls, MP
Civil Justice Program	Kristen Hilton pp.24-29			
Criminal Law Program	Saul Holt pp.30-35			
Family Law Program	Judy Small pp.36-41			
Legal Practice	Position vacant pp.42-48			
Research and Communications	Justine Hyde pp.42-48			
Business Services	Tony Matthews pp.53-61			
Human Resources	Diana Dalton pp.42-48			



Governing legislation

VLA is a statutory authority established under the *Legal Aid Act 1978*. We are funded by Commonwealth and State Governments but 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, VLA has 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.

VLA is also required to perform functions according to any specific written direction given by the Attorney-General. No ministerial directions were given during 2009–10.

Annual Financial Statements and Audit Committee

The Audit Committee assists the Board to fulfil its governance responsibilities. It provides oversight of financial performance and the financial reporting process, and assurance on the operation and 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 VLA non-executive board members.

Ms Sue Walpole

Chair of Audit Committee

Ms Jennifer Shaw

Non-executive Audit Committee member 17 March 2010

Mr John Howie

Non-executive Audit Committee member

The Managing Director and the Director, Business Services attend all meetings at the invitation of the Audit Committee. The external auditor has an open invitation to attend all meetings and receives a copy of the meeting papers and minutes.

Internal audit's primary objective is to assist the Audit Committee discharge its responsibilities. The internal audit function considers the control and risk management practices in place to assess the extent to which these are effective, efficient and economical in assisting us to achieve our objectives and recommending improvements in procedures and systems where necessary.

A report is presented at each Audit Committee meeting on audit activities undertaken, advisory services provided and audit support carried out.

Reports and advice provided by the unit during the year included risk management, stakeholder management, quality of management information, payroll and fixed asset reporting, private practitioner duty lawyer payments and communications.



Identifying and managing risk

VLA outsourced its internal audit function and appointed KPMG in September 2009 for three years, with an option to extend for a further two years.

The internal audit plan for 2009–10 was developed in conjunction with our Audit Committee chair. It involved input from the VLA senior executive team and senior staff, and a review of strategic risk areas and business plans.

KPMG then facilitated the review and development of VLA's risk profile that included updating our risk register. Possible improvements to VLA's risk management framework were

identified using the Victorian Government risk management framework requirements and KPMG's Risk Management Maturity Model.

The outcomes of this internal audit risk management report were used to develop an assurance map and three-year strategic internal audit plan.

See Appendix 7, p.100.

Independent reviews

Independent review of decisions

	2009–10 Number	2008–09 Number
Review of a decision relating to a grant of legal assistance:		
Decision confirmed	163	152
Decision varied	31	23
Review to determine matters relating to proposed removal or exclusion of a lawyer from VLA's referral panel:		
Decision confirmed	0	0
Decision varied	0	0
Total	193	175

VLA is indebted to and acknowledges the valuable contribution of our independent reviewers, Mr Martin Ravech, QC (Chairperson), Mr Ron Beazley and Ms Andrea Treble.



Environmental sustainability

VLA has made significant progress in capturing and interpreting data, and in identifying areas to improve our environmentally sustainable practices. Our Environmental Sustainability Policy and action plan for VLA sets targets for reducing our environmental impact. It prioritises the reduction of our 'carbon footprint' by reducing waste, water use, electricity and gas consumption. Alongside VLA's Sustainability Committee, management and staff, the policy promotes a culture aware of the impacts we make, and proactive in reducing them.

This year includes the results of our first two environmental audits. These audits define our environmental impacts as an organisation and will serve as a baseline from which we will observe and respond to trends. The audits were carried out under the direction of our Sustainability Committee and quantify our electricity and water use, transportation, purchasing, paper, recycling, waste and greenhouse gas emissions.

See Appendix 8, pp.100–105.

Freedom of information

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

In 2009–10, four requests were accepted and processed. Of these, two requests were released in full. A third request was released in part and this decision is currently the subject of Victorian Civil and Administrative Tribunal (VCAT) proceedings. The fourth matter was in progress as at 30 June 2010.

Making a request

Access to documents may be obtained through written request to the freedom of information manager, as detailed in section 17 of the *Freedom of Information Act 1982*. In summary, the requirements for making a request are that:

- it should be in writing;
- it should identify as clearly as possible which document is being requested; and
- it should be accompanied by the appropriate application fee (the fee may be waived in certain circumstances).

Requests for documents in the possession of VLA should be addressed to:

Freedom of Information Officer
Victoria Legal Aid
350 Queen Street
Melbourne Vic 3000

Requests can also be lodged online at www.foi.vic.gov.au

Access charges may also apply once documents have been processed and a decision on access is made (for example, photocopying and search and retrieval charges).

Further information about freedom of information can be found at www.foi.vic.gov.au.

Information privacy

We are committed to protecting the personal privacy of our clients and the people we help. We will only collect, use or disclose personal information where it is necessary to perform legal aid functions or where required by law. We comply with the *Information Privacy Act 2000* (Vic) and our policies and processes for dealing with personal information are developed to comply with the privacy principles available on our website at www.legalaid.vic.gov.au/privacy. We received two privacy complaints during 2009–10.



Information and records management

VLA has obligations and responsibilities under the relevant legislation that requires us to make and keep full and accurate records of our business practices. Our program for records and information management excellence provides the framework for the creation, capture, maintenance and disposal of all our records. In 2009–10, the systematic upgrade of document filing, archiving, retention and destruction continued. This included the purchase of TRIM (an electronic and document records management system), development of specifications to integrate TRIM with VLA’s grants management system ATLAS, and the preparation of a new tender for secondary storage and services for VLA’s inactive records.

Information technology

VLA develops, maintains and protects information technology assets to ensure our systems are reliable, effective and responsive to organisational and client service needs. In 2009–10, we continued our upgrade of work practices and processes through further developing the ATLAS (Australian Total Legal Aid Solution), CPMS (Case and Practice Management System) and Finance One programs. Their implementation has been delayed into 2010–11, to allow for thorough user-acceptance testing, system requirements preparation, and training and support for staff and private practitioners.

Building maintenance

As VLA does not own any buildings, we are exempt from notifying our compliance with the building and maintenance provisions of the *Building Act 1993*. In 2009–10, we continued the office refurbishment schedule and all new building works were undertaken according to relevant standards. An access audit of the 18 building VLA occupies was also completed in May 2010 (p.19, p.22 and p.96).

Client complaints

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.

VLA aims to resolve complaints quickly, fairly and without prejudice. The following 466 complaints were received in 2009–10, compared with 314 in 2008–09. Reasons for this increase in complaints are being investigated, including whether improved complaint handling procedures have brought complaints that may have previously gone undetected or not been recognised to light.

179 about a grant of legal assistance being provided to a person who the complainant believed should not be funded (57 per cent increase on 2008–09), resulting in:

- 24 grants cancelled after investigation
- 5 requiring VLA to either vary or impose conditions on the grants provided.

116 complaints about the services provided by private practitioners, including in relation to a grant of assistance (48.7 per cent increase on 2008–09), resulting in:

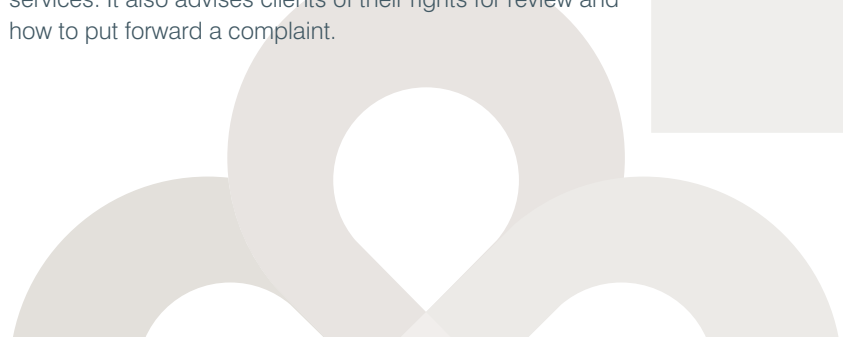
- 6 private practitioners receiving formal reprimands from VLA
- 1 recommendation pending for the removal of a practitioner from the panel pursuant to section 30 of the *Legal Aid Act 1978*.

51 about VLA staff (45.7 per cent increase on 2008–09). Of these:

- 13 complaints were dismissed
- 1 was actioned by making an apology
- 20 were resolved by providing further information or a letter of explanation.

24 were referred to the Legal Services Commissioner in cases that related to the conduct of private practitioners.

62 miscellaneous complaints.



Whistleblowers protection

Established procedures under Part 6 of the *Whistleblowers Protection Act 2002* based on the Ombudsman’s guidelines are available at www.legalaid.vic.gov.au

Disclosures under the Whistleblowers Protection Act

	2009–10 Number	2008–09 Number
The number and types of disclosures made to VLA during the year:		
Public interest disclosures	0	0
Protected disclosures	0	0
The number of disclosures referred during the year by VLA to the Ombudsman for determination as to whether they are public interest disclosures	0	0
The number and types of disclosed matters referred to VLA by the Ombudsman for investigation	0	0
The number and types of disclosures referred by VLA to the Ombudsman for investigation	0	0
The number and types of investigations taken over from VLA by the Ombudsman	0	0
The number of requests made by a whistleblower to the Ombudsman to take over an investigation by VLA	0	0
The number and types of disclosed matters that VLA has declined to investigate	0	0
The number and types of disclosed matters that were substantiated upon investigation and the action taken on completion of the investigation	0	0
Any recommendations made by the Ombudsman that relate to VLA:		
Recommendation regarding file security and management	0	0



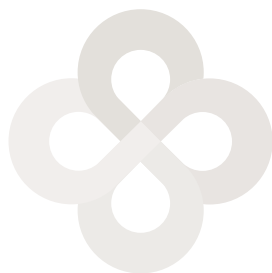


Additional information available on request

In compliance with the requirements of the Standing Directions of the Minister for Finance, information relating to the 2009–10 reporting period to be made available to ministers, members of parliament and the public on request and subject to the provisions of the *Freedom of Information Act 1982* include:

- (a) a statement that declarations of pecuniary interests have been duly completed by all relevant officers of VLA;
- (b) details of shares held by senior officers as nominee or held beneficially in a statutory authority or subsidiary;
- (c) details of publications produced by VLA about our activities and where they can be obtained;
- (d) details of changes in prices, fees, charges, rates and levies charged by VLA for its services, including services that are administered;
- (e) details of any major external reviews carried out in respect of the operation of VLA;
- (f) details of any other research and development activities undertaken by VLA that are not otherwise covered either in the report of operations or in a document which contains the financial statement and report of operations;
- (g) details of overseas visits undertaken including a summary of the objectives and outcomes of each visit;
- (h) details of major promotional, public relations and marketing activities undertaken by VLA to develop community awareness of the services provided by it;
- (i) details of assessments and measures undertaken to improve the occupational health and safety of employees, not otherwise detailed in the report of operations;
- (j) a general statement on industrial relations within VLA and details of time lost through industrial accidents and disputes, which are not otherwise detailed in the report of operations; and
- (k) a list of major committees sponsored by VLA, the purposes of each committee and the extent to which the purposes have been achieved.

The information is available on request from:
Director Research and Communications
Phone: (03) 9269 0366





Report of operations

This section is not part of the audited financial statements.

This year we budgeted for a deficit of \$1 million but ended the year with a surplus of \$6.15 million, the first surplus in five years.

We received \$5 million from the Commonwealth Expensive Cases Fund in June for a completed case from a prior period, and a further \$1.2 million for a number of cases that have not yet been completed. We also received one-off grants totalling \$4.1 million from the Commonwealth during 2009–10 to help meet unfunded demand and for specific initiatives. We are grateful for this assistance and would have returned a deficit if these additional funds had not been provided.

Five year financial summary ⁽ⁱ⁾

	(\$ thousand)				
	2010	2009	2008	2007	2006
Revenue from government ⁽ⁱⁱ⁾	131,197	121,541	109,940	98,658	87,520
Total income from transactions	137,455	127,403	119,542	111,506	98,498
Total expenses from transactions	(131,678)	(128,924)	(137,987)	(118,843)	(103,298)
Net result from transactions ⁽ⁱⁱⁱ⁾	5,777	(1,521)	(18,445)	(7,337)	(4,800)
Net result for the period ^(iv)	6,150	(2,537)	(20,305)	(6,470)	(3,967)
Net cash flow from operating activities	5,367	388	(8,738)	(4,530)	(1,125)
Total assets	51,116	47,561	51,652	63,686	67,716
Total liabilities	26,372	28,967	30,521	22,250	19,810

Notes:

(i) Figures from 2006 to 2010 have been recast based on the comprehensive operating statement format and separation of transactions from other economic flows.

(ii) Income from Government includes both output and special appropriations (p.64).

(iii) The 'net result from transactions' is identical to the 'net operating balance' for the general government sector.

(iv) Includes net result from discontinued operations.





Our income

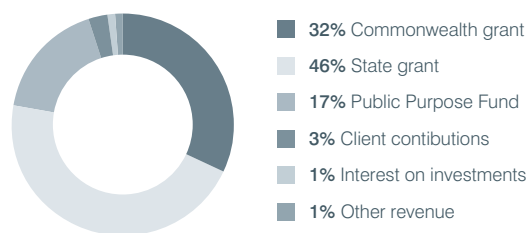
Most of our income comes from the State and Commonwealth Governments.

This year we received additional funding of \$6.2 million from the Commonwealth Expensive Cases Fund and one-off grants from the Commonwealth Government totalling \$4.1 million.

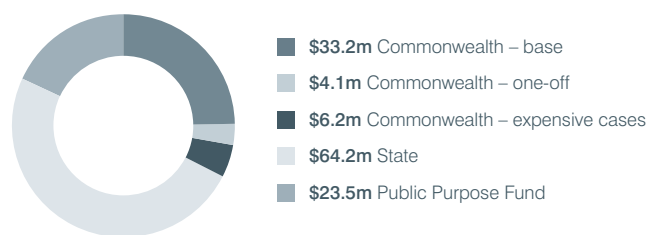
A small proportion of our revenue (\$3.8 million) comes from clients' contributions towards the cost of their legal matter. Client contributions appear to have increased by 40 per cent, however they are only returning to 2007–08 levels.

Another source of our income was \$23.5 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.

Revenue sources 2009–10



Revenue from government 2009–10

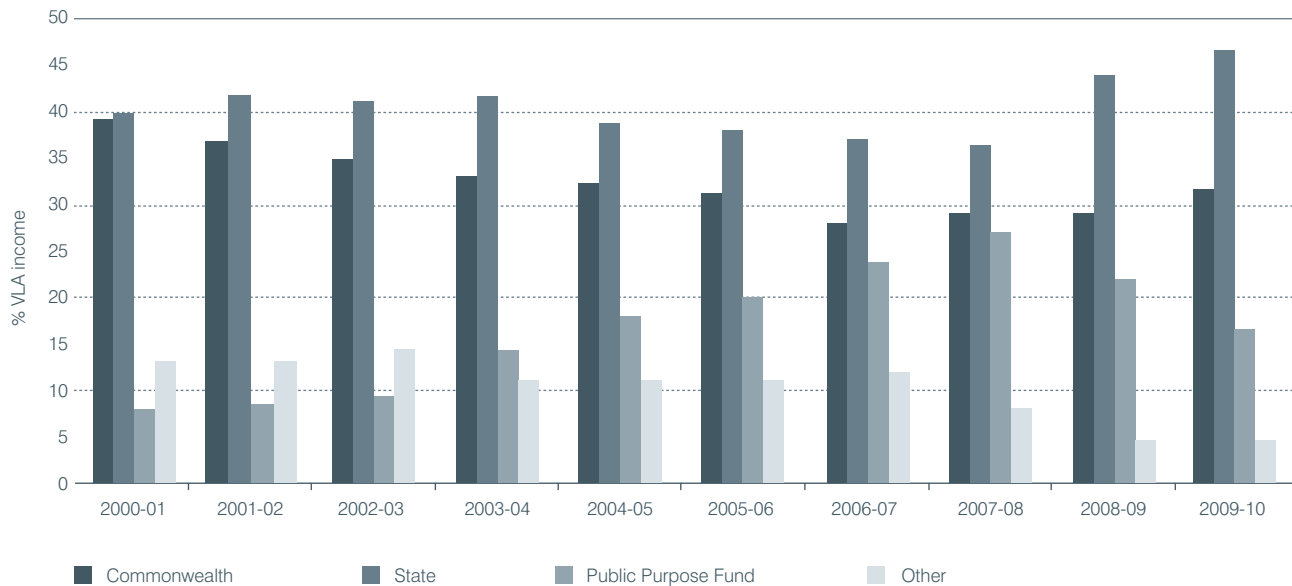




Long-term income trend

Our income from the Public Purpose Fund has increased significantly over the past decade. It has risen from eight per cent of total income in 2000–01 to 17 per cent in 2009–10. The Victorian Government has also increased its share of funding from 40 per cent to 47 per cent over that time, with revenue from all State sources now making up 64 per cent of our income. In contrast, in the same period, Commonwealth Government funding has decreased from 39 per cent to 32 per cent of our total income.

Ten-year income trend



Our expenditure

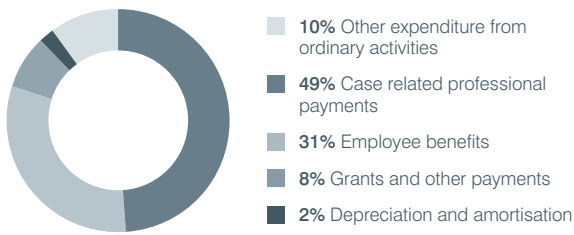
Our total expenditure this year was \$131.3 million, up by \$1.4 million. This was mainly due to salary-related costs. In previous years, deficits were partially controlled by not replacing staff who had departed or by delaying recruitment. We returned to full staffing in 2009–10, recognising our responsibility to support staff with appropriate workloads and to manage work-related stress and vicarious trauma.

Payment to private legal practitioners is our most significant expense. Forty-nine per cent of our expenditure (\$65.3 million)

is to private practitioners who are delivering legal services to clients on our behalf. Total payments to practitioners decreased by four per cent due to higher than usual expenditure on expensive 'terrorism trials' during 2008–09 that were not repeated in 2009–10.

We allocated 7.9 per cent of expenditure (\$10.4 million) to direct funding and other sector-wide initiatives to 43 community legal centres that play an important role in providing advice, information and casework to people in their local neighbourhoods. A further \$5.2 million was transferred to community legal centres from Commonwealth funds.

Expenditure 2009–10



Included in 'other' are administrative costs such as insurance, phones and rental, and non-salary employee expenses such as recruitment, training and professional development.

We have maintained a strong focus on service delivery to clients. The relative growth of expenditure on legal services compared to administrative costs is illustrated below.

Service delivery to clients vs. administrative costs



Accountable officer's and chief finance and accounting officer's declaration

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 2010 and financial position of Victoria Legal Aid as at 30 June 2010.

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
18 August 2010

Bevan Warner
Managing Director
Victoria Legal Aid
Accountable Officer
18 August 2010

Tony Matthews
Director, Business Services
Victoria Legal Aid
Chief Finance and
Accounting Officer
18 August 2010

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 2010 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 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 2010. The Board Members of Victoria Legal Aid are responsible for the integrity of the web site. I have not been engaged to report on the integrity of the web site. 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 web site.

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 2010 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
25 August 2010


D R Pearson
Auditor-General

Level 24, 35 Collins Street, Melbourne Vic. 3000

Telephone 61 3 8601 7000 Facsimile 61 3 8601 7010 Email comments@audit.vic.gov.au Website www.audit.vic.gov.au

Auditing in the Public Interest



Victoria Legal Aid Financial statements – 30 June 2010

Comprehensive operating statement

Balance sheet

Statement of changes in equity

Cash flow statement

Notes to the financial statements



	Notes	2010 \$'000	2009 \$'000
CONTINUING OPERATIONS			
Income from transactions			
Government			
Commonwealth grant	1e,2	43,643	37,571
State grant	1e,2	64,054	55,970
Public purpose fund	1e,2	23,500	28,000
		<u>131,197</u>	<u>121,541</u>
Operating			
Client contributions	1e,2	3,763	2,692
Costs recovered and appeal cost fund	1e,2	1,027	1,330
Interest on investments	1e,2	841	903
Other income		627	937
		<u>6,258</u>	<u>5,862</u>
Total income from transactions		<u>137,455</u>	<u>127,403</u>
Expenses from transactions			
Case related professional payments	1f	(65,337)	(68,120)
Employee benefits	3	(41,147)	(36,199)
Grants and other payments	2b	(10,408)	(9,982)
Depreciation and amortisation	1f, 3	(2,216)	(2,355)
Other expenditure	3	(12,570)	(12,268)
Total expenses from transactions		<u>(131,678)</u>	<u>(128,924)</u>
Net result from transactions (net operating balance)		<u>5,777</u>	<u>(1,521)</u>
Other economic flows included in net result			
Net gain / (loss) on non-financial assets	1h, 4a	(21)	19
Net gain / (loss) on financial instruments and statutory receivables/payables:			
Net actuarial gains / (losses) on receivable amounts	1h, 1l, 4b	(473)	(357)
Net actuarial gains / (losses) on amounts payable	1h, 4c	863	(574)
Net gain / (loss) arising from other economic flows	1h, 4d	4	(104)
Total other economic flows included in net result		<u>373</u>	<u>(1,016)</u>
Net result from continuing operations		<u>6,150</u>	<u>(2,537)</u>
Comprehensive Result	2	<u>6,150</u>	<u>(2,537)</u>

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

Balance Sheet
As at 30 June 2010

	Notes	2010 \$'000	2009 \$'000
Financial assets			
Cash and cash equivalents	1i, 6, 17	12,508	10,850
Accrued Income	17	21	28
Receivables	1j, 7, 17	20,357	20,611
Prepayments		1,324	700
Total financial assets		<u>34,210</u>	<u>32,189</u>
Non Financial assets			
Property, plant and equipment	1l, 8	9,425	11,130
Intangible assets	1l, 9	7,481	4,242
Total non financial assets		<u>16,906</u>	<u>15,372</u>
Total assets		<u>51,116</u>	<u>47,561</u>
Liabilities			
Payables	1n, 10, 17	16,824	20,273
Provisions	1o, 11	9,548	8,694
Total liabilities		<u>26,372</u>	<u>28,967</u>
Net assets		<u>24,744</u>	<u>18,594</u>
Equity			
Contributed capital	1k, 12a	42,194	42,194
Accumulated deficit	12b	(17,450)	(23,600)
Total equity		<u>24,744</u>	<u>18,594</u>
Contingent Liabilities	1v, 20		
Commitments for expenditure	1u, 18		

Statement of changes in equity
For the financial year ended 30 June 2010

	Notes	2010 \$'000	2009 \$'000
Equity at start of financial year			
Contributed capital		42,194	42,194
Accumulated deficit		(23,600)	(21,063)
Total equity at start of financial year		<u>18,594</u>	<u>21,131</u>
Comprehensive result for the year		6,150	(2,537)
Total recognised income and expenses for the year		<u>6,150</u>	<u>(2,537)</u>
Total equity at end of financial year		<u>24,744</u>	<u>18,594</u>

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

	Notes	2010 \$'000	2009 \$'000
Cash flows from operating activities			
<i>Receipts from government</i>			
Commonwealth		43,903	36,331
State		64,054	54,642
Public purpose fund		23,500	28,000
<i>Receipts from operating activities</i>			
Client contributions		3,450	3,539
Costs recovered and appeal cost fund		1,091	1,408
Interest received		828	922
Goods and services tax recovered from the ATO		10,028	10,090
Other		644	1,066
		<u>147,498</u>	<u>135,998</u>
<i>Payments to suppliers and employees</i>			
Private practitioners		(71,329)	(74,590)
Salaries and related costs		(40,990)	(34,775)
Community Legal Centres		(11,449)	(10,980)
Administration costs		(17,843)	(14,747)
Other		(520)	(518)
		<u>(142,131)</u>	<u>(135,610)</u>
Net cash from / (used in) operating activities	16	<u>5,367</u>	<u>388</u>
Cash flows from investing activities			
Payments for non financial assets		(4,268)	(3,569)
Proceeds from sale of non financial assets		89	128
Net cash from / (used in) investing activities		<u>(4,179)</u>	<u>(3,441)</u>
Cash flows from financing activities			
Receipts from State government for monies held in trust		470	0
Net cash from / (used in) financing activities		<u>470</u>	<u>0</u>
Net increase/(decrease) in cash and cash equivalents held		1,658	(3,052)
Cash and cash equivalents at the beginning of the financial year		<u>10,850</u>	<u>13,902</u>
Cash and cash equivalents at the end of the financial year	1i, 6	<u><u>12,508</u></u>	<u><u>10,850</u></u>

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 18 August 2010.

(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 2010 and the comparative information presented for the year ended 30 June 2009.

When necessary, comparative figures have been adjusted to conform to changes in presentation for the current financial year.

(c) Scope and presentation of financial statements

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. Case related legal payments fluctuate depending on demand and types of cases funded. For example during 2009 there were expensive Commonwealth criminal cases that increased expenditure.

(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%
Cultural assets	0%

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.

Note 1. Summary of significant accounting policies (continued)

(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.

(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.

(i) *Monies held in trust*

Monies held in trust are for the purpose of administering specific matters and are held on behalf of the Department of Justice.

(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.

Note 1. Summary of significant accounting policies (continued)

(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.

(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 5.25% (2009: 5.55%) 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.

Note 1. Summary of significant accounting policies (continued)

(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 2010 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.

(o) Employee benefits

(i) *Wages and salaries and annual leave*

Liabilities for wages and salaries, including non-monetary benefits, annual 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).

Note 1. Summary of significant accounting policies (continued)

(o) Employee benefits (continued)

(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.

(vii) Change in Accounting Policy

No provision for sick leave has been recognised at 30 June 2010, as sick leave entitlements are non-vesting and there is no liability to pay accumulated sick leave on termination. Sick leave employee benefits to be taken in future reporting periods are not expected to be materially greater than the benefits which are expected to accrue in those periods.

The Commission has previously recognised a current provision for sick leave employee benefits of \$172,000, calculated as the accumulated sick leave entitlements as at balance date expected to be settled within the following 12 months. For the year ended 30 June 2010, the Commission assessed the balance calculated on this basis as not material to the financial position and performance of the organisation, and has therefore not recognised this provision.

(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.

(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.

Note 1. Summary of significant accounting policies (continued)

(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 \$3.53 million (2009: \$8.56 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.

(y) New accounting standards and interpretations

Certain new accounting standards and interpretations have been published that are not mandatory for 30 June 2010 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 at 30 June 2010, the following standards and interpretations had been issued but were not mandatory for financial year ending 30 June 2010. 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 9 Financial instruments	This standard simplifies requirements for the classification and measurement of financial assets resulting from Phase 1 of the IASB's project to replace IAS 39 Financial instruments: recognition and measurement (AASB 139 Financial Instruments: recognition and measurement).	Beginning 1 January 2013	Detail of impact is still being assessed.
AASB 124 Related party disclosures (Dec 2009)	Government related entities have been granted partial exemption with certain disclosure requirements.	Beginning 1 January 2011	Preliminary assessment suggests that impact is insignificant. However, the Department is still assessing the detailed impact and whether to early adopt.

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 2009-5 Further amendments to Australian Accounting Standards arising from the annual improvements project [AASB 5, 8, 101, 107, 117, 118, 136 and 139]	Some amendments will result in accounting changes for presentation, recognition or measurement purposes, while other amendments will relate to terminology and editorial changes.	Beginning 1 January 2010	Terminology and editorial changes. Impact minor.
AASB 2009-8 Amendments to Australian Accounting Standards – group cash-settled share-based payment transactions [AASB 2]	The amendments clarify the scope of AASB 2.	Beginning 1 January 2010	No impact. AASB 2 does not apply to government departments or entities; consequently this standard does not apply.
AASB 2009-9 Amendments to Australian Accounting Standards – additional exemptions for first-time adopters [AASB 1]	Applies to entities adopting Australian Accounting Standards for the first time, to ensure entities will not face undue cost or effort in the transition process in particular situations.	Beginning 1 January 2010	No impact. Relates only to first time adopters of Australian Accounting Standards.
AASB 2009-10 Amendments to Australian Accounting Standards – classification of rights issues [AASB 132]	The Standard makes amendments to AASB 132, stating that rights issues must now be classed as equity rather than derivative liabilities.	Beginning 1 February 2010	No impact. Departments do not issue rights, warrants and options, consequently the amendment does not impact on the statements.
AASB 2009-11 Amendments to Australian Accounting Standards arising from AASB 9 [AASB 1, 3, 4, 5, 7, 101, 102, 108, 112, 118, 121, 127, 128, 131, 132, 136, 139, 1023 and 1038 and Interpretations 10 and 12]	This gives effect to consequential changes arising from the issuance of AASB 9.	Beginning 1 January 2013	Detail of impact is still being assessed.
AASB 2009-12 Amendments to Australian Accounting Standards [AASB 5, 8, 108, 110, 112, 119, 133, 137, 139, 1023 and 1031 and Interpretations 2, 4, 16, 1039 and 1052]	This standard amends AASB 8 to require an entity to exercise judgement in assessing whether a government and entities known to be under the control of that government are considered a single customer for purposes of certain operating segment disclosures. This standard also makes numerous editorial amendments to other AASs.	Beginning 1 January 2011	The amendments only apply to those entities to whom AASB 8 applies, which are for-profit entities except for-profit government departments.

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 2009-13 Amendments to Australian Accounting Standards arising from interpretation 19 [AASB 1]	Consequential amendment to AASB 1 arising from publication of Interpretation 19.	Beginning 1 July 2010	Departments do not extinguish financial liabilities with equity instruments, therefore requirements of Interpretation 19 and related amendments have no impact.
AASB 2009-14 Amendments to Australian Interpretation – Prepayments of a minimum funding requirement [AASB Interpretation 14]	Amendment to Interpretation 14 arising from the issuance of prepayments of a minimum funding requirement.	Beginning 1 January 2011	Expected to have no significant impact.
AASB 2010-1 Amendments to Australian Accounting Standards - Limited Exemption from Comparative AASB 7 Disclosures for First-time Adopters [AASB 1 & AASB 7]	This amendment provides limited exemptions from the requirements of adhering to AASB 1 and AASB 7 that arise from AASB 2009-2.	Beginning 1 July 2010	These exemptions are unlikely to have an impact on the Department because it is not a first time adoption.
<i>Erratum General Terminology changes</i>	Editorial amendments to a range of Australian Accounting Standards and Interpretations.	Beginning 1 January 2010	Terminology and editorial changes. Impact minor.
Interpretation 19 Extinguishing Financial Liabilities with Equity Instruments	Guidance to assist entity in accounting for transactions that involves extinguishing a liability fully or partially by issuing equity instruments to the creditor.	Beginning 1 July 2010	The impact of this interpretation only affects entities that issue equity instruments.
AASB 1053 Application of Different Tiers of Australian Accounting Standards	This Standard establishes a differential financial reporting framework consisting of two tiers of reporting requirements for preparing general purpose financial statements.	Beginning 1 July 2013	The impact of this Standard may affect disclosures in the financial reports of certain types of entities [public sector entities (except whole of government and general government sector)] where reduced disclosure requirements may apply. The Standard does not affect the operating result or financial position.
AASB 2010-2 Amendments to Australian Accounting Standards arising from Reduced Disclosure Requirements	This Standard makes amendments to many Australian Accounting Standards, including Interpretations, to introduce reduced disclosure requirements to the pronouncements for application by certain types of entities.	Beginning 1 July 2013	Does not affect financial measurement or recognition, so is not expected to have any impact on financial result or position. May reduce some note disclosures in financial statements.

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. Commonwealth revenue is inflated due to a prior period expensive case reimbursement of \$5 million.

(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 2010 the organisation allocated \$10.4 million of direct funds (2009: \$10.0m). 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 2010 was \$5.2m million (2009: \$6.9m).

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

	2010 \$'000	2009 \$'000
(a) Expenses from ordinary activities		
Employee benefits		
Salaries and overtime	32,167	28,565
- excluding Intangible Project costs capitalised	(919)	(764)
Salaries and overtime - not including Intangible Project items	31,248	27,801
Annual leave and long service leave expense	4,546	3,697
- excluding Intangible Project costs capitalised	(141)	(95)
Annual leave and long service leave expense - not including Intangible Project items	4,405	3,602
Superannuation	3,185	2,792
- excluding Intangible Project costs capitalised	(88)	(70)
Superannuation - not including Intangible Project items	3,097	2,722
Staff development	493	612
Workcover	115	146
Temporary employment cover	974	637
Other	815	679
Total employee benefits	41,147	36,199
Depreciation of property, plant and equipment		
Furniture, fixture & fittings	64	63
Information technology equipment	369	460
Leasehold improvements	1,436	1,498
Motor vehicles	107	97
Office machines & equipment	173	177
Total depreciation	2,149	2,295
Amortisation of intangible assets		
Software	67	60
Total amortisation	67	60
Total depreciation and amortisation	2,216	2,355
Other expenditure from ordinary activities		
Supplies and services		
Debt recovery costs	46	41
Insurance	167	140
Legal fees	181	249
Library	502	367
Motor vehicle and travelling expenses	101	101
Operating leases	315	105
Postage and telephones	1,123	1,178
Printing and stationery	832	762
Sundry expenses	526	550
Travel and accommodation	368	359
Contractors	628	966
Consultants	382	296
Total supplies and services	5,171	5,114
Premises - minimum lease payments	3,547	3,532
Premises - other	2,350	2,387
Information management systems	1,498	1,135
Decommissioning expenses	4	100
Total other expenditure from ordinary activities	12,570	12,268

Note 4. Other economic flows included in net result

	2010 \$'000	2009 \$'000
(a) Net gain / (loss) on non-financial assets:		
Net gain / (loss) on disposal Property, plant and equipment	(21)	19
(b) Net actuarial gains / (losses) on receivable amounts:		
Net actuarial gains / (losses) on legal debtors net present value	(380)	(282)
Net actuarial gains / (losses) on recognition of outstanding legal debtors	(93)	(75)
Total Net actuarial gains / (losses) on recoverable amounts	<u>(473)</u>	<u>(357)</u>
(c) Net actuarial gains / (losses) on amounts payable:		
Net actuarial gains / (losses) on movement in legal creditors	863	(574)
(d) Net gain / (loss) arising from other economic flows:		
Net gain / (loss) arising from revaluation of long service leave liability due to changes in discount bond rates	4	(104)
Total other economic flows included in net result	<u>373</u>	<u>(1,016)</u>

Note 5. Remuneration of auditors

Remuneration of auditors comprises:

Audit of financial reports: Victorian Auditor General's Office	50	52
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Note 6. Cash and cash equivalents

Cash at bank and on hand	1,688	5,070
Monies held in trust	470	0
Term deposits	10,350	5,780
	<u>12,508</u>	<u>10,850</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	12,508	10,850
Balance as per statement of cash flows	<u>12,508</u>	<u>10,850</u>

Term deposits

The deposits are bearing weighted average interest rates of 4.58% (2009 – 3.06 %).

Note 7. Receivables

	2010 \$'000	2009 \$'000
(a) Receivables		
Client Contributions		
Secured client contributions receivable	18,925	18,553
Adjustment for impairment	(6,684)	(6,304)
Secured client contributions receivable at net present value	<u>12,241</u>	<u>12,249</u>
Secured client contributions receivable on unfinalised matters	1,303	1,847
Unsecured client contributions receivable	4,005	3,484
Costs recoverable	64	72
	<u>17,613</u>	<u>17,652</u>
Less: Allowance for doubtful debts (b)	(500)	(500)
	<u>17,113</u>	<u>17,152</u>
Sundry receivables		
Australian Taxation Office	3,068	3,307
Other	176	152
	<u>3,244</u>	<u>3,459</u>
Total receivables	<u>20,357</u>	<u>20,611</u>
This is represented by:		
Current		
Due within one year	6,613	7,103
Non-current		
Due beyond one year	13,744	13,508
	<u>20,357</u>	<u>20,611</u>
(b) Movement in provision		
Opening Balance	500	500
Movements during the year:		
Re-assessments and bad debts written-off	(339)	(583)
Increase/(decrease) in provision for re-assessments and bad debt write-downs	339	583
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

	2010 \$'000	2009 \$'000
Information technology at cost	3,656	3,846
Less: Accumulated depreciation	(3,231)	(3,274)
	<u>425</u>	<u>572</u>
Furniture, fixtures and fittings at cost	713	676
Less: Accumulated depreciation	(296)	(237)
	<u>417</u>	<u>439</u>
Leasehold improvements at cost	18,430	18,356
Less: Accumulated depreciation	(10,944)	(9,508)
	<u>7,486</u>	<u>8,848</u>
Motor vehicles at cost	529	530
Less: Accumulated depreciation	(165)	(137)
	<u>364</u>	<u>393</u>
Office machines and equipment at cost	1,535	1,512
Less: Accumulated depreciation	(978)	(810)
	<u>557</u>	<u>702</u>
Cultural assets at cost	176	176
Less: Accumulated depreciation	0	0
	<u>176</u>	<u>176</u>
Total property, plant and equipment	25,039	25,097
Less: Total Accumulated depreciation	(15,614)	(13,966)
Total written down value	<u>9,425</u>	<u>11,130</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
2010							
Carrying amount at start of year	572	439	8,848	393	702	176	11,130
Additions	223	42	74	186	29	0	554
Disposals	(1)	0	0	(108)	(1)	0	(110)
Depreciation/amortisation expense	(369)	(64)	(1,436)	(107)	(173)	0	(2,149)
Carrying amount at end of year	<u>425</u>	<u>417</u>	<u>7,486</u>	<u>364</u>	<u>557</u>	<u>176</u>	<u>9,425</u>
2009							
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>

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

	2010 \$'000	2009 \$'000
Software at cost	7,656	4,350
Less: Accumulated amortisation	(175)	(108)
	<u>7,481</u>	<u>4,242</u>

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 \$
2010		
Carrying amount at beginning of year	4,242	4,242
Additions	3,306	3,306
Amortisation	(67)	(67)
Carrying amount at end of year	<u>7,481</u>	<u>7,481</u>
2009		
Carrying amount at beginning of year	2,001	2,001
Additions	2,301	2,301
Amortisation	(60)	(60)
Carrying amount at end of year	<u>4,242</u>	<u>4,242</u>

Note 10. Payables

	2010 \$'000	2009 \$'000
Current		
<i>Unsecured</i>		
Case related professional creditors	13,654	14,603
Monies held in trust	470	0
Trade creditors	2,700	5,670
	<u>16,824</u>	<u>20,273</u>

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

Note 11. Provisions

	Notes	2010 \$'000	2009 \$'000
(a) Provisions			
Current			
Employee benefits:			
- Unconditional and expected to be settled within 12 months:			
- Annual leave	11b	2,969	2,550
- Long service leave	11b	349	309
- Sick leave	11b	0	172
- Executive officer bonus	11b	81	126
- Unconditional and expected to be settled after 12 months:			
- Long service leave	11b	3,566	3,219
Employee benefit on-costs:			
- Unconditional and expected to be settled within 12 months:			
- Annual leave	11b	282	243
- Long service leave	11b	31	31
- Unconditional and expected to be settled after 12 months:			
- Long service leave	11b	361	322
		<u>7,639</u>	<u>6,972</u>
Non-current			
Employee benefits:			
- Long service leave (conditional)	11b	918	756
Employee benefit on costs:			
- Long service leave (conditional)	11b	94	74
Decommissioning	11,11c	897	893
		<u>1,909</u>	<u>1,722</u>
Aggregate carrying amount of provisions			
Current		7,639	6,972
Non-current		1,909	1,722
		<u>9,548</u>	<u>8,694</u>
(b) Employee Benefits & related on-costs			
Current employee benefits			
Current employee benefits for annual leave, sick leave, executive officer bonus entitlements		3,050	2,848
Current employee benefits for unconditional long service leave entitlements		3,915	3,528
		<u>6,965</u>	<u>6,376</u>
Non-current employee benefits			
Conditional long service leave entitlements		918	756
Total employee benefits		<u>7,883</u>	<u>7,131</u>
Current on-costs		674	596
Non-current on-costs		94	74
Total on-costs		<u>768</u>	<u>670</u>
Total employee benefits & on-costs		<u>8,651</u>	<u>7,801</u>
(c) Movement in Provisions			
Decommissioning			
Balance at 1 July 2009		893	774
Additional provisions recognised		0	24
Additions / (reductions) resulting from re-measurement or settlement without cost		(34)	0
Unwind of discount and effect of changes in the discount rate		38	95
Balance at 30 June 2010		<u>897</u>	<u>893</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

	2010 \$'000	2009 \$'000
(a) Contributed Capital		
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) Accumulated surplus		
Balance at the beginning of the year	(23,600)	(21,063)
Net result for the year	6,150	(2,537)
Balance at the end of the year	<u>(17,450)</u>	<u>(23,600)</u>

Note 13. Superannuation Funds

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

(a) 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.

	2010 \$'000	2009 \$'000
State Superannuation Fund – new scheme	206	215
State Superannuation Fund – revised scheme	32	32
VicSuper Pty Ltd	2,452	2,162
Various other	496	383
	<u>3,186</u>	<u>2,792</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 2010:

Superannuation Fund Schemes	Employee Nos.
State Superannuation Fund – new scheme	40
State Superannuation Fund – revised scheme	2
VicSuper Pty Ltd	562
Various other	122

(b) 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 2009 to 30 June 2010
Commonwealth Attorney General	The Hon. Robert McClelland MP	1 July 2009 to 30 June 2010

Responsible Directors

Chairperson	Mr John Anthony Howie	1 July 2009 to 30 June 2010
Managing Director & Accountable Officer	Mr Bevan Andrew Warner	1 July 2009 to 30 June 2010
Managing Director & Accountable Officer	Mr Tony Arthur Matthews (Acting)	3 August 2009 to 7 August 2009
Managing Director & Accountable Officer	Mr Tony Arthur Matthews (Acting)	22 December 2009 to 31 December 2009
Director	Ms Mary Anne Noone	1 July 2009 to 30 June 2010
Director	Mr Frank King	1 July 2009 to 28 February 2010
Director	Ms Sue Walpole	1 July 2009 to 30 June 2010
Director	Ms Jennifer Shaw	1 March 2010 to 30 June 2010

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	
	2010 No.	2009 No.	2010 No.	2009 No.
\$0 - \$9,999	1	0	1	0
\$10,000 - \$19,999	3	3	3	4
\$40,000 - \$49,999	1	2	1	1
\$180,000 - \$189,999	0	1	0	1
\$210,000 - \$219,999	0	0	1	0
\$230,000 - \$239,999	1	0	0	0
Total number	6	6	6	6
Total amount \$000's	325	311	294	280

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. Total remuneration includes long-service leave payments for executive departures.

Income Band	Total Remuneration		Base Remuneration	
	2010 No.	2009 No.	2010 No.	2009 No.
\$ 80,000 - 89,999	0	0	1	0
\$100,000 - 109,999	1	0	1	0
\$120,000 - 129,999	1	0	1	0
\$130,000 - 139,999	1	0	0	0
\$150,000 - 159,999	0	0	1	1
\$160,000 - 169,999	0	1	0	2
\$170,000 - 179,999	1	1	0	0
\$180,000 - 189,999	0	1	0	0
\$210,000 - 219,999	0	0	1	1
\$220,000 - 229,999	1	1	0	0
Total number	5	4	5	4
Total amount \$000's	776	745	685	699

Note 16. Reconciliation of net results from continuing operations to net cash inflow from operating activities

	2010 \$'000	2009 \$'000
Net result from continuing operations	6,150	(2,537)
Depreciation and amortisation	2,216	2,355
Net gain on sale of non-current assets	21	(19)
Movement in adjustment for recoverable amount	380	282
Change in operating assets and liabilities		
(Increase) decrease in accrued income	9	(2)
Decrease (increase) in receivables	(126)	1,608
Decrease (increase) in prepayments	(624)	(77)
Increase (decrease) in trade creditors	(2,650)	(2,673)
Increase (decrease) in legal creditors	(862)	573
Increase (decrease) in provisions	853	878
Net cash inflow from operating activities	5,367	388

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		Terms and conditions
	Notes	Accounting policies	
(i) Financial assets			
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.
Monies held in trust	6	Monies held in trust is not recognised in the Operating Statement, but is offset by related expenditure when incurred.	Monies held in trust 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.
(ii) Financial liabilities			
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.
Monies held in trust	10	Monies held in trust is not recognised in the Operating Statement, but is offset by related expenditure when incurred.	Monies held in trust does not incur penalty interest rates.
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.

2010	Notes	Weighted Average interest rate %	Floating interest rate \$'000	Fixed interest maturing in 1 year or less \$'000	Non- interest bearing \$'000	Total \$'000
Financial assets						
Cash at bank and at hand	6	4.45%	1,688			1,688
Monies held in trust	6	4.45%	470			470
Accrued income		0%	21			21
Receivables	7	0%			20,357	20,357
Term deposits	6	4.58%		10,350		10,350
			2,179	10,350	20,357	32,886
Financial liabilities						
Legal payables	10	0%			13,654	13,654
Monies held in trust	10	0%			470	470
Sundry payables	10	0%			2,700	2,700
			0	0	16,824	16,824
Net financial assets (liabilities)			2,179	10,350	3,533	16,062
2009						
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
Financial assets						
Cash at bank and at hand	6	2.90%	5,070			5,070
Monies held in trust	6	2.90%	0			0
Accrued income		0%	28			28
Receivables	7	0%			20,611	20,611
Term deposits	6	3.06%		5,780		5,780
			5,098	5,780	20,611	31,489
Financial liabilities						
Legal payables	10	0%			14,603	14,603
Monies held in trust	10	0%			0	0
Sundry payables	10	0%			5,670	5,670
			0	0	20,273	20,273
Net financial assets (liabilities)			5,098	5,780	338	11,216

Note 17. Financial instruments (continued)

(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.

(f) Sensitivity analysis

The table below details the commission's sensitivity to shifts in interest rate. The 2009/2010 financial exposures are based on management's best estimates.

Annual risk by risk type	Minimum		Average		Maximum	
	2010 \$'000	2009 \$'000	2010 \$'000	2009 \$'000	2010 \$'000	2009 \$'000
Interest rate	26	14	65	36	104	58

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.

Note 17. Financial instruments (continued)

(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:

	2010		2009	
	Carrying amount \$'000	Net fair value \$'000	Carrying amount \$'000	Net fair value \$'000
On-balance sheet financial instruments				
Financial assets				
Cash and deposits	1,688	1,688	5,070	5,070
Monies held in trust	470	470	0	0
Term deposits	10,350	10,350	5,780	5,780
Receivables	20,378	20,378	20,639	20,639
	<u>32,886</u>	<u>32,886</u>	<u>31,489</u>	<u>31,489</u>
Financial liabilities				
Legal payables	13,654	13,654	14,603	14,603
Monies held in trust	470	470	0	0
Other payables	2,700	2,700	5,670	5,670
	<u>16,824</u>	<u>16,824</u>	<u>20,273</u>	<u>20,273</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

	2010 \$'000	2009 \$'000
Capital commitments		
Commitments for the acquisition of plant and equipment contracted for at the reporting date but not recognised as liabilities, payable:		
Within one year	133	45
	<u>133</u>	<u>45</u>
Intangible assets commitments		
Commitments for the acquisition of intangible assets contracted for at the reporting date but not recognised as liabilities, payable:		
Within one year	2,331	15
	<u>2,331</u>	<u>15</u>
Lease commitments		
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	4,003	3,810
Later than one year but not later than 5 years	12,684	11,833
Later than five years	7,790	9,395
	<u>24,477</u>	<u>25,038</u>
Outsourcing commitments		
Commitments under outsourcing contracts for legal services and maintenance at the reporting date but not recognised as liabilities, payable:		
Within one year	17,013	17,950
Later than one year but not later than 5 years	17,624	18,434
	<u>34,637</u>	<u>36,384</u>

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

Note 19. Ex-gratia payments

The Commission made total ex-gratia payments of \$29,830 during the period to seven former employees upon termination of employment (2009: \$21,420 to six 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 (2009 Nil).

Note 21. Trust account

	2010 \$'000	2009 \$'000
<i>Victoria Legal Aid – Mr Domenico Calabrò</i>		
<i>Trust account statement of receipts and payments</i>		
<i>For the year ended 30 June 2010</i>		
Receipts		
Balance at beginning of year	202	314
Amounts received on behalf of clients	375	694
	<u>577</u>	<u>1,008</u>
Less Payments		
Amounts paid on behalf of clients	309	806
Balance at end of year	<u>268</u>	<u>202</u>
This amount is represented by:		
Cash at bank	125	80
Deposits with the Legal Practice Board	143	122
	<u>268</u>	<u>202</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.

Appendices

List of appendices

- Appendix 1: Justice and law reform submissions
- Appendix 2: Community Legal Centre Funding Program
- Appendix 3: Disability and diversity reporting
- Appendix 4: Statement on National Competition Policy
- Appendix 5: Victorian Industry Participation Policy disclosures
- Appendix 6: Consultants engaged
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New Zealand Risk Management Standard
- Appendix 8: Report on office-based environmental impacts
- Appendix 9: Disclosure index

Appendix 1

Justice and law reform submissions

National law reform submissions

Submission name: **Diversion and Support of Offenders with a Mental Illness – Guidelines for Best Practice**

National authority: National Justice Mental Health Group

Date: 1 March 2010

VLA endorsed the policy outlined in the Victorian Mental Health Strategy, supporting early intervention and access to diversion programs for offenders with mental health issues.

See p.25, p.30 and p.32 for more detail on our work that relates to this submission.

Submission name: **Inquiry into the High Levels of involvement of Indigenous Juveniles and Young Adults in the Criminal Justice System**

National authority: House of Representatives - Standing Committee on Aboriginal and Torres Strait Island Affairs

Date: 15 January 2010

Submission name: **Migration Amendment (Immigration Detention Reform) Bill 2009 and associated reforms**

National authority: Department of Immigration and Citizenship Senate Legal and Constitutional Committee. Joint Standing Committee on Migration Amendment (Immigration Detention Reform Bill)

Date: 5 August 2009

Submission name: **Inquiry into the Australian Citizenship Amendment (Citizenship Test Review and other Measures) Bill 2009**

National authority: Senate Standing Committee on Legal and Constitutional Affairs

Date: 31 July 2009

Victorian law reform submissions

Submission name: **Transforming VCAT Discussion Paper**

Victorian authority: Victorian Civil and Administrative Tribunal

Date: 28 June 2010

VLA made recommendations around VCAT being more accessible to its users, the accountability and transparency of VCAT judgements, and processes to allow the review of decisions.

See p.27 for more detail on our work that relates to this submission.

Submission name: **Guardianship and Administration Information Paper**

Victorian authority: Victorian Law Reform Commission

Date: 14 May 2010

The focus of VLA's submission was on ensuring adequate protection of rights for people subjected to a Guardianship and Administration order.

See p.25 for more detail on our work that relates to this submission.

Submission name: **Review of identity motivated hate crime in Victoria by The Hon Geoffrey M Eames AM QC**

Victorian authority: Department of Justice

Date: 30 April 2010

Submission name: **Review of the Victims of Crime Compensation Scheme**

Victorian authority: Department of Justice

Date: 17 March 2010

VLA advocated for practical improvements to the Victims of Crime Compensation Scheme that support people dependent on their needs, rather than on the offender's means.

See p.24 for more detail on our work that relates to this submission.

Submission name: **Reference from the Attorney-General on Child Protection**

Victorian authority: Victorian Law Reform Commission

Date: 30 March 2010

VLA supports mediation and appropriate dispute resolution to ensure that the safety and needs of children are protected.

See p.36 and p.39 for more detail on our work that relates to this submission.

Submission name: **Independent Persons In Police Interviews with Young People**

Victorian authority: Victorian Law Reform Commission

Date submitted: 10 September 2009

VLA made an oral submission, advocating for training of independent persons and police, and for opportunities for young people to receive legal advice before being interviewed by police.

See p.31 for more detail on our work that relates to this submission.

Submission name: **Submission on the General Insurance Code of Practice Review**

National authority: Rob Cornall, Independent Reviewer of the General Insurance Code of Practice

Date: 31 August 2009

Submission name: **Inquiry into Powers of Attorney**

Victorian authority: Parliament of Victoria Law Reform Committee

Date: 21 August 2009

National Legal Aid submissions

Submission name: **Family Violence – Improving Legal Frameworks**

Authority: Australian Law Reform Commission and NSW Law Reform Commission

In this submission VLA contributed to, NLA supports integrated service delivery, information sharing and additional resources in the sector to address family violence, child protection and family law, and improve the safety of those affected by family violence.

Date: 4 June 2010

See p.39 for more detail on our work that relates to this submission.

Submission name: **Draft Regulations - Consumer Credit**

Authority: Australian Government, The Treasury

Date: 11 December 2009

A joint submission with National Legal Aid that sought to extend consumer protection under the new Credit Code.

See p.26 for more detail on our work that relates to this submission.

Submission name: **Response to the Strategic Framework for Access to Justice**

Authority: Australian Government, Attorney-General's Department

Date: 4 December 2009

Submission name: **Amendments to Trade Practices Amendment (Australian Consumer Law) Bill 2009**

Authority: Senate Economics Legislation Committee

Date: 14 August 2009

Appendix 2

Community Legal Centre Funding Program

Community legal centre funding 2009–10

Centre	C'wth total \$	State VLA total \$	TOTAL \$
Aboriginal Family Violence Prevention and Legal Service (Vic)	0	156,504	156,504
Barwon Community Legal Service	418,543	347,792	766,334
Brimbank Melton Community Legal Centre, Community West	98,558	407,817	506,375
Broadmeadows Community Legal Service	176,884	243,857	420,741
Casey Cardinia Legal Service	168,323	198,890	367,213
Central Highlands Community Legal Centre	232,655	256,557	489,212
Consumer Action Law Centre	69,958	725,903	795,861
Darebin Community Legal Centre	122,570	339,412	461,982
Disability Discrimination Legal Service	250,343	33,193	283,536
Eastern Community Legal Centre	256,516	475,522	732,038
Environment Defenders Office (Victoria)	90,499	131,597	222,097
Federation of Community Legal Centres (Vic)	0	376,708	376,708
Fitzroy Legal Service	167,934	336,434	504,368
Flemington and Kensington Community Legal Centre	88,692	182,294	270,985
Footscray Community Legal Centre	81,045	292,120	373,165
Gippsland Community Legal Service, Anglicare Victoria	300,122	185,837	485,959
Homeless Persons' Legal Clinic, Public Interest Law Clearing House	74,000	232,636	306,636
Hume Riverina Community Legal Service, Upper Murray Family Care	371,886	179,023	550,909
Loddon Campaspe Community Legal Centre, Advocacy and Rights Centre	125,385	421,990	547,375
Mental Health Legal Centre	0	325,935	325,935
Monash Oakleigh Legal Service	191,813	24,444	216,257
Moonee Valley Legal Service	80,381	188,438	268,819
Moreland Community Legal Centre	92,199	166,748	258,947
Murray Mallee Community Legal Service, Mallee Family Care	376,584	114,890	491,474
North Melbourne Legal Service	82,478	165,469	247,947
Peninsula Community Legal Centre	636,018	671,300	1,307,317
Refugee and Immigration Legal Centre	0	120,160	120,160
Senior Rights Victoria, Council on the Ageing	0	421,843	421,843
Social Security Rights Victoria	257,388	27,393	284,781
South West Community Legal Centre, Community Connections (Vic)	242,605	230,405	473,010
Springvale Community Aid and Advice Bureau	70,716	1,377	72,093
Springvale Monash Legal Service	366,836	175,038	541,874
St Kilda Legal Service	94,512	220,224	314,736
Tenants Union of Victoria	104,962	456,152	561,115
West Heidelberg Community Legal Service	88,656	140,553	229,209
Western Suburbs Legal Service	87,086	145,143	232,230
Whittlesea Community Legal Service, Whittlesea Community Connections	55,385	286,701	342,086
Women's Legal Service Victoria	895,224	208,548	1,103,771
Wyndham Legal Service	104,905	255,980	360,885
Youthlaw, Young People's Legal Rights Centre	149,409	116,036	265,445
Total	7,071,070	9,986,864	17,057,934

Appendix 3

Disability and diversity reporting

Disability Action Plan

Victoria Legal Aid's *Disability Action Plan* was initiated in 2009. It recognises that people with a disability, and particularly people with an intellectual, cognitive or psychiatric disability, represent a significant proportion of our client group. It acknowledges their over-representation in the criminal justice system and their vulnerability to domestic violence and child protection issues in particular.

The plan was developed in consultation with community and advocacy groups and implementation is overseen by an advisory group of interested staff. The group actively monitors the progress of the plan and explores further issues such as staff training, improved access and understanding of the legal needs of people with a disability.

Achievements of the *Disability Action Plan* in 2009–10 include:

- completion of an access audit of all VLA buildings in May 2010 – p.19, p.22 and p.55
- evaluation of community legal education resources to people with a disability. Follow up actions include reviewing existing publications, a statement about requesting alternative formats on all future publications, and consideration of alternative community legal education methods to reach more people with a disability. Online accessibility was also reviewed and new guidelines developed.
- completion of an accessibility review for people with a hearing or speech impairment to the legal information telephone service. This resulted in promotion of the National Relay Service on our website and an agreement to promote it in all future publications. Training for legal information and reception staff on taking National Relay Service calls was also completed.
- increased focus on disability awareness in several practical legal education sessions, including a civil law conference and sessions on mental health and the law. We also launched our 'Insight series,' with the first in the series aimed at better informing the community and broader legal sector about our work with people with an intellectual disability – p.48

- developed a draft policy on 'reasonable adjustment' for staff with a disability, and strengthened practices in recruitment and job advertising to remove any potential access barriers for people with a disability
- involvement in the design and implementation of the Assessment and Referral Court List – p.30.

Diversity reporting

The State Government identified four priority community areas as subject to a whole of government reporting approach in 2009–10. The following is a summary of our services, achievements and initiatives in each community area, under the report themes, principles and strategic areas identified by the State Government and which are relevant to our work.

Cultural diversity

Use of interpreter and translating services:

- total expenditure on interpreter services - \$341,124
- calls to our telephone Legal Information Service in languages other than English – 2,547 (3,213 in 2008–09)
- contributed to a Language Services Data Collection Project from August to September 2009, through which Department of Justice sourced data on our language services. This is a three-year project
- in March 2010, VLA joined the Department of Justice Diversity Issues Unit project, 'Investigating the feasibility of a multi-unit model for procuring language services at the Department of Justice' – p.19.

Communications in languages other than English and communications in the ethnic media:

Translated publications include

- *Refugees and protection visas* – Arabic, Mandarin, Persian (Farsi), Turkish
- *Child support legal service* – Arabic, Mandarin, Turkish, Vietnamese
- *Client service charter* - Arabic, Mandarin, Turkish, Vietnamese

- *Do you have a legal problem?* – Amharic, Arabic, Dinka, Mandarin, Somali, Turkish, Vietnamese
 - *Legal problem? We can help* – available in 29 languages
- VLA promotes the Telephone Interpreting Services number and eight in-house bilingual workers staff Legal Information Service telephone lines – Arabic, Croatian, Greek, Italian, Persian (Farsi), Polish, Serbian, Ukrainian – see p.19

VLA did not communicate in the ethnic media in 2009–10.

Major improvements made or initiatives developed that promote multiculturalism:

- ‘Do Not Knock’ performance and talk developed specifically for older people from culturally and linguistically diverse (CALD) backgrounds - pp.18-19
- ran a series of free legal information talks developed specifically for Shepparton and district’s Sudanese, Congolese, Afghani and Iraqi communities - p.18.

People from CALD backgrounds represented on boards and committees established by VLA:

- VLA does not record data that identifies the CALD background of members on boards and committees it has established
- upon commencement with VLA, 92 staff identified themselves as being from a non-English speaking background.

Progress under a cultural diversity plan to address provision for culturally sensitive service delivery to Victoria’s communities:

- VLA does not currently have a cultural diversity plan but, working toward this, established an internal working group to identify and better understand issues facing clients from CALD backgrounds, and to promote best practice around the use of interpreters and cross-cultural awareness and training – p.19
- VLA’s CALD working group participates in the Victorian Legal Assistance Forum (p.6) and in 2009–10 contributed to the development of a checklist for working with interpreters

- Members of VLA’s CALD working group are represented on an equivalent Department of Justice group that focuses on service provision to people from CALD backgrounds
- developed a culturally sensitive mediation practice, specifically for newly arrived refugees, by partnering with the Western Region Health Centre and African mediators – p.37
- ran outreach services in partnership with Doutta Galla Community Health at social housing estates – p.25
- identified the need for specialised training that will enable VLA staff to more appropriately respond to issues affecting clients from CALD backgrounds. This will be developed and delivered in 2010–11 – p.19 and p.32.

Initiatives that meet the identified needs of culturally and linguistically diverse communities in rural and regional areas of Victoria:

- developed and ran a series of free legal information talks developed specifically for Shepparton and district’s Sudanese, Congolese, Afghani and Iraqi communities – p.18
- we have identified the need for specialised training that will enable VLA staff to more appropriately respond to issues affecting clients from CALD backgrounds. This will be developed and delivered in 2010–11 – p.19 and p.32.

Measures taken to promote human rights in accordance with the Charter of Human Rights and Responsibilities for multicultural communities:

- worked in a partnership through the Unaccompanied Humanitarian Minors Migration Law Project which assisted 87 unaccompanied humanitarian minors – p.25
- expanded our migration practice to provide some level of representation of immigration applicants in the community or in detention through the IAAAS contract.

Young people

Inclusion:

- youth targeted publications include Am I old enough? Common legal issues for young people (top distributed publication in 2009–10) and What's the deal? A kit to educate young people about legal issues, developed in partnership with Youthlaw
 - in-house casework for children charged with indictable and summary offences in the Children's Court, including duty lawyer work, throughout Victoria – p.33
 - operation of a twice-weekly visiting advice service to young people remanded or detained at Melbourne Youth Justice Centre and Residential Centre at Parkville. The service operates as a 'safety net' for vulnerable young people in custody.
-

Diversity:

- review of youth justice advice and education services in youth justice facilities – p.33
 - co-ordination of a 24-hour, seven day a week telephone legal advice line for young people being interviewed by police at police stations. VLA and community legal centre lawyers participate in a roster that operates outside business hours.
 - co-ordination of a 24-hour, seven day a week telephone legal advice line for young people being interviewed by police at police stations. VLA and community legal centre lawyers participate in a roster that operates outside business hours.
-

Collaboration:

- participation as an 'interested party' in the State Coroner's inquest into the fatal shooting of a young person by Victoria Police – p.31
- VLA is a member of the State Attorney-General's steering committee that will comprehensively review and make recommendations to improve diversionary schemes for children and young people – p.33
- additional to the above, policy and systems improvement work with other agencies and organisations and with government, including the Ropes Program Steering Committee and Right Step Steering Committee
- we have commenced working with partner organisations to embed the Youth Referral and Independent Person Program (YRIPP) service.

Indigenous people

Partnerships:

- established an internal working group to look at how VLA can improve the way we interact with Indigenous organisations, including exploring a sector-wide agreement about working effectively and respectfully with Indigenous people and organisations, and exploring cross-cultural training and induction opportunities for staff – p.19
 - seconded a generalist lawyer to the Aboriginal Family Violence Prevention and Legal Service, 4–14 May 2010
 - there is a memorandum of understanding in place between VLA and Victoria Aboriginal Legal Service.
-

Economic development and participation:

- provided two University of Melbourne law students with the opportunity to participate in VLA's annual Indigenous Summer Clerkship Program in 2009–10 – p.46
 - offered two positions to first-year and second-year lawyers from an Indigenous background in 2009–10 (we did not receive any applications).
-

Improved justice outcomes:

- established an internal working group to look at how VLA can improve the way we interact with Indigenous organisations, including exploring a sector-wide agreement about working effectively and respectfully with Indigenous people and organisations, and exploring cross-cultural training and induction opportunities for staff – p.19
- seconded a family lawyer to the Aboriginal Family Violence Prevention and Legal Service and have a memorandum of understanding in place with this service
- an arrangement is in place with Victorian Aboriginal Legal Service which enables them to receive grants of legal assistance for Indigenous clients on indictable crime matters. A similar arrangement is in place with the Aboriginal Family Violence and Protection Legal Service
- 2.2 per cent or 731 individuals who received a grant of legal assistance in 2009–10 identified themselves as of Aboriginal or Torres Strait Islander origin – p.27, p.34 and p.40.

Women

Representation and equity:

- three of VLA's five Board members are women – p.49
- four of VLA's seven senior executive team are women – p.50
- women made up 76 per cent of our workforce in 2009–10 – p.43.

Education, work and economic independence:

- work policies are in place to promote flexible work/life balance, allowing management and staff to meet family responsibilities – p.42.

Health, well-being and community strengthening:

- participated in a Commonwealth Government pilot project to provide information sessions and legal assistance to clients participating in mediation through eight Family Relationship Centres – p.37
- increased service provision to liable and carer parents – p.38
- publications include: *Sexual assault: the law, your rights as a victim*, family violence intervention order publications (third most popular publication in 2009–10), *You and family law: a short guide and Child support and parentage testing*
- top three legal information topics visited on our website: dividing your property, sex and the law, intervention orders.

Justice and safety:

- 30,726 women (34.7% of total clients) received a grant of legal assistance, legal advice or in-house duty lawyer services in 2009–10
- expanded our Roundtable Dispute Management services through a collaborative pilot project with the Women's Legal Service – p.37
- developed and ran contravention workshops to help clients whose former partners contravened court orders in relation to children – p.38
- ran 56 divorce workshops across Bendigo, Morwell, Ringwood, Shepparton and Melbourne

- contributed to a joint law reform submission, Family Violence – Improving Legal Frameworks – p.94
- maintain close working relationships with domestic violence service providers, including support through professional education and development, and cross-referrals between our duty lawyers and domestic violence workers to assist women victims of domestic violence
- provide outreach prison advice services at women's correctional facilities in Victoria, Dame Phyllis Frost Centre, Deer Park and HM Prison Tarrengower, Maldon
- provide duty lawyer services, advice services and in-house casework for women victims of stalking-type behaviours under the *Stalking Intervention Orders Act 2008*.

Appendix 4

Statement on National Competition Policy

We comply with the requirements of the National Competition Policy where applicable.

Appendix 5

Victorian Industry Participation Policy disclosures

Contracts in metropolitan Melbourne over \$3 million	NIL
Contract in regional Victoria over \$1 million	NIL
Total cost	NIL

No reporting in relation to the *Victorian Industry Participation Policy Act 2003* is required.

Appendix 6

Consultants engaged

Consultancy engagements over \$100,000	NIL
Consultancy engagements under \$100,000	\$382,000
Total cost (for 35 engagements)	\$382,000

Appendix 7

Attestation of compliance with the Australian/New Zealand Risk Management Standard

I, Tony Matthews, certify that Victoria Legal Aid has risk management processes in place broadly consistent with the Australian/New Zealand Risk Management Standard (or equivalent designated standard) and an internal control system is in place that enables the executive to understand, manage and satisfactorily control risk exposures.

The audit committee verifies this assurance and that the risk profile of Victoria Legal Aid has been critically reviewed within the last 12 months.



Tony Matthews
Chief Finance and Accounting Officer
Victoria Legal Aid

18 August 2010

Indicator	2009–10	2008–09
Total greenhouse gas emissions associated with energy use (t CO2 e)	2,196	2,729
Total greenhouse gas emissions associated with vehicle fleet (t CO2 e)	93.78	105.99
Total greenhouse gas emissions associated with air travel (t CO2 e)	60.70	51.70
Total greenhouse gas emissions associated with waste (t CO2 e)	75.61	61.02
Total greenhouse gas emissions per FTE (t CO2 e)	4.4	5.5
Total greenhouse gas emissions associated with all operations (t CO2 e)	2,426	2,948

Appendix 8

**Report on office-based environmental impacts
Greenhouse gas emissions**

The emissions reported below summarise VLA’s total greenhouse gas emission footprint and show that VLA has exceeded targets set for greenhouse gas emission reduction, with 18 per cent less emissions than our 2008–09 baseline year.

This is the result of decreases in energy consumption, an increased application of green electricity, and the incorporation of hybrid vehicles into the VLA fleet.

Targets

From VLA *Environmental Sustainability Policy*:

- **Achieved:** 5 per cent reduction in greenhouse gas emissions by 2009–10
- 10 per cent reduction greenhouse gas emissions by 2010–11

Explanatory notes

Emission conversion factors were sourced from Sustainability Victoria.

Energy

VLA uses electricity and gas in 18 office facilities across Victoria. The results below indicate a 10 per cent decrease in energy use from the baseline year to 2009–10, meeting our energy efficiency target. The data also demonstrates that VLA has exceeded its target for renewable energy by sourcing 10 per cent electricity from renewable energy sources.

This data has been collected through energy billing information utilising Sustainability Victoria’s ‘Utility Tracker’ software program. This information represents 100 per cent of sites and 100 per cent of staff. The data collected captures an average of 97 per cent of the 2009–10 year and 63 per cent of the 2008–09 year.

Where possible, this data includes proportional energy consumption resulting from base building operations, and VLA is continuing to develop processes to comprehensively and accurately determine consumption.

Indicator	2009–10				2008–09			
	Electricity	Green Power	Natural Gas	Total	Electricity	Green Power	Natural Gas	Total
Total energy usage segmented by primary source (MJ)	5,738,626	720,057	795,105	7,253,789	7,174,355	82,068	690,422	7,256,423
Greenhouse gas emissions associated with energy use, segmented by primary source and offsets (t CO ₂ e)	2,152	0	44	2,196	2,690	0	39	2,729
Percentage of electricity purchased as a percentage of Green Power	11%			11%	1%			1%
Units of energy used per FTE (MJ/FTE)	10,472	1,314	1,451	13,237	13,092	154	1,298	14,502
Units of energy used per unit of office area (MJ/m ²)	357	45	49	451	446	5	44	494

Actions undertaken

- Increased uptake of green power, from 10 per cent to 25 per cent for four high consumption meters
- De-lamping (reduction of lighting) at Melbourne office and one regional site
- Awareness-raising and participation in Earth Hour.

Targets

From VLA *Environmental Sustainability Policy*:

Renewable energy consumption

- **Achieved:** 10 per cent renewable energy by 2009–10
- 20 per cent renewable energy by 2011–12

Energy efficiency

- **Achieved:** 10 per cent reduction in electricity and gas consumption by 2009–10
- 20 per cent reduction in electricity and gas consumption by 2011–12

Explanatory notes

The 11 per cent reduction in energy consumption from 2008–09 is partly attributed to a higher than usual consumption of electricity in the baseline year of 2008–09, reflected in financial figures. The decrease is also a result of improved collection methods in 2009–10, more accurate metering at the highest consumption site (Melbourne office) and energy savings from the actions above.

The percentage of green power consumed for the baseline year (one per cent) was lower than anticipated due to a fault that resulted in green power being supplemented with regular electricity from an alternate floor.

The values for natural gas consumption capture all sites known to include natural gas in their operations. The rise in this value from the baseline year to 2009–10 reflects the inclusion of data for an extra office, and improvements in data collection methods.

Waste

The data below was obtained from a one day physical waste audit that captured 52 per cent of VLA's FTE, conducted in 2008–09 and 2009–10. There was significant variation in methodology from the baseline year as actual weights were taken during this audit, instead of applying a conversion from litres to mass, with conversion rates obtained from Sustainability Victoria.

Indicator	2009–10			2008–09		
	Landfill	Recycled	Compost	Landfill	Recycled	Compost
Total units of waste disposed by destination (kg/year)	75,608	18,692	0	61,015	18,453	0
Units of waste disposed of per FTE by destination (kg/FTE)	138	34	0	115	35	0
Recycling rate (percent of total waste by kg)		25%			30%	
Greenhouse gas emissions associated with waste disposal (t CO2 e)		76			61	

Targets

From VLA *Environmental Sustainability Policy*:

- reduce solid waste sent to landfill by 5 per cent by 2012
- reduce solid waste sent to landfill by 20 per cent by 2020.

Actions undertaken

Co-mingled recycling is now available to 46 per cent of VLA's full-time employees in our Melbourne office. A further 32 per cent FTE have co-mingled facilities at regional sites.

During 2009–10, a trial to encourage recycling, reduce waste and create a cost argument for implementing co-mingled recycling was carried out throughout the office. As a result, co-mingled recycling is now available on all floors throughout the Melbourne office.

Explanatory notes

The waste audit site did not have capacity to recycle co-mingled recyclables in the period captured above, so this figure has been excluded from our results. However, at least 32 per cent of employees have had this opportunity, and this is not accounted for in our data.

Paper use

The values for paper consumption in the table below were provided by Corporate Express and represent white copy paper only. It excludes letterhead and publication consumption which represents a significant portion of VLA's paper use.

Indicator	2009–10	2008–09
Total units of copy paper used (reams)	13,421	13,421
Units of copy paper used per FTE (reams/FTE)	24.5	24.5
Percentage 75-100% content copy paper purchased	10%	9%
Percentage 50-75% content copy paper purchased	90%	91%
Percentage 0-49% content copy paper purchased	0	0

Actions undertaken

Default paper purchased is 50 per cent recycled content, with 100 per cent also incorporated into the mix.

Explanatory notes

Purchasing data within this report is for default A4 white copy paper only. This report excludes other paper types such as pre-printed letterhead, publications, mailroom envelopes etc.

Water

The figures obtained for water consumption indicate a nine per cent reduction in water consumption per FTE, which puts VLA on track for the targets below.

The values for VLA's water consumption were obtained through billing information captured through Sustainability Victoria's 'Utility Tracker.' These results represent 100 per cent of the VLA's employees, with data captured for an average of 90 per cent of data for the baseline year and 87 per cent for 2009–10. Where available, these figures are inclusive of water consumption attributed to VLA for shared space in a tenancy.

Indicator	2009-10	2008-09
Total units of metered water consumed by usage types (kilolitres)	6,797	6,984
Units of metered water consumed in offices per FTE (kilolitre/FTE)	12.40	13.13
Units of metered water consumed in offices per unit of office area (kilolitres/m ²)	434.40	440.35

Actions undertaken

- Water efficient shower heads installed at Melbourne office
- Building management at Melbourne office installed aerators on 110 faucets throughout the building
- Building management replaced 15 toilets with more efficient models and have established a maintenance regime to improve cistern efficiency
- Water tank incorporated into design of Warrnambool office.

Targets

From VLA *Environmental Sustainability Policy*:

- 10 per cent reduction in water consumption per FTE by 2011–12
- 20 per cent reduction in water consumption per FTE by 2015–16
- 30 per cent reduction in water consumption per FTE by 2020–21

Explanatory notes

Where unable to obtain values for water consumption for a given year, it was assumed consumption was the same as the subsequent or previous year. In 2008–09 this assumption was applied for one office accounting for one per cent of FTE and in 2009–10 applied to two offices representing six per cent of FTE.

The reduction in water consumption is due to reduced consumption at four VLA offices, including 350 Queen Street, Melbourne.

Transport

The transport information below was obtained through fuel card data, mileage reports and information supplied by VLA’s hire car agency. This data covers VLA’s complete fleet, comprising 18 vehicles, 14 of which are operational pool vehicles and four executive. Of the operational fleet, six are hybrid, eight are 4-cylinder and the remaining four are 6-cylinder. The data also includes values for compact (4-cylinder) hire cars which are used as pool cars when these vehicles are unavailable.

This table also discloses air travel in kilometres travelled. The percentage of staff regularly taking public or active transport is also recorded for 2008–09, obtained through a staff survey that generated responses from 39 per cent of employees.

	2009–10				2008–09			
Operational vehicles	6-cylinder	4-cylinder	Hybrid	Total	6-cylinder	4-cylinder	Hybrid	Total
Total energy consumption by vehicles (MJ)	504,787	552,205	195,029	1,252,021	655,112	713,085	46,854	1,415,051
Total vehicle travel associated with entity operations (km)	160,794	196,288	173,491	530,573	200,492	220,129	29,937	450,558
Total greenhouse gas emissions from vehicle fleet (t CO2-e)	38	41	15	95	49	53	4	108
Greenhouse gas emissions from vehicle fleet per 1000 km travelled (t CO2-e)	0.23513633	0.21071197	0.08419856	0.53004686	0.24473737	0.24263078	0.11722585	0.60459399
Flights	2009–10				2008–09			
Total distance travelled by aeroplane (km)	117,000				157,000			

Actions taken

- 4-cylinder vehicles upgraded to Hybrid models:
 - in 2008–09, VLA upgraded the fleet to include three Hybrid Toyota Prius
 - in 2009–10, VLA upgraded the fleet of 4-cylinder vehicles to include six Hybrid Toyota Prius

Targets

- Increase number of fuel efficient/hybrid vehicles in fleet to 80 per cent of total pool vehicles by 2012
- move to preferential selection of Toyota Camry Hybrid
- expand utilisation of video conferencing wherever possible to avoid travel.

Procurement

Indicator	2009–10	2008–09
Percentage 'Earth Saver' Products purchased	34.6%	34.4%

Explanatory notes

VLA initiated a campaign to encourage staff to preferentially purchase from a more environmentally sustainable range through our primary stationery supplier. From July 2010, selected products will be automatically substituted for more environmentally preferable products.

Appendix 9

Disclosure index

The annual report of Victoria Legal Aid is prepared in accordance with all relevant Victorian legislation. This index has been prepared to enable identification of our compliance with statutory disclosure requirements.

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Glossary

accused – person charged with a criminal offence

appropriate dispute resolution (ADR) – refers to those processes, other than a court hearing, where an impartial person helps the parties to a dispute resolve the issues between them. ADR options include conciliation, mediation, negotiation, conferencing and neutral evaluation

arbitration - a formal process in which the people in dispute present their case to an independent third person (the arbitrator), and are bound by that person's decision. Parties in dispute may agree to arbitration but often one person applies and the other person is required to participate

appellate crime – cases that demonstrate legal errors and miscarriages of justice which can be tested by higher courts through expert representation and which can contribute to development of the law.

contravention – when a court finds a party has not complied with a court order

duty lawyers – a lawyer who helps people who do not have their own lawyer on the day of their court hearing. They can give free legal advice and may be able to represent people in court

family violence – harmful behaviour that is used to control, threaten, force or dominate a family member through fear of their personal wellbeing or safety. It includes sexual, psychological, emotional and financial abuse

grant of legal assistance – money from the Legal Aid Fund that enables a VLA lawyer or one of VLA's panel of private practitioners to help a person with their legal problem. The grant enables a lawyer to give legal advice, help reach agreement, prepare legal documents and/or represent a person in court. In providing a grant of assistance VLA looks at what a person wants legal assistance for, if they are likely to win their case, the financial circumstances of the person and whether it is in the interests of justice to do so

independent children's lawyer – a lawyer appointed by VLA, following the making of an order by the court for the child/ren to be separately represented

indictable offence – a serious offence often heard before a judge and jury of the County or Supreme Courts. Certain indictable offences may be heard and determined by a magistrate with the accused's consent

intervention order – court order to protect you from family violence or stalking

legal advice – initial advice about a legal problem and help in preparing an application for a grant of legal assistance and the information required for that purpose. Legal advice is a short, one-off session available face-to-face, or by phone or video-conference in some circumstances. VLA does not provide legal advice by email or via its website

Legal Aid Fund – the Legal Aid Fund is controlled and administered by VLA. It is made up of money received from the State and Commonwealth Governments for legal aid purposes, and from money received from the Legal Services Board from the Public Purpose Fund. The Legal Aid Fund also contains monies received from other sources such as contributions received from legally-assisted people. VLA pays for all expenses associated with the provision of legal aid, including administrative costs and expenses, from the Legal Aid Fund.

means test – a means test is applied to an application for a grant of legal assistance and looks at what income the applicant for assistance gets from work, welfare benefits or other sources and what their weekly living expenses are. It also looks at if the applicant supports anyone else, or whether anyone else supports the applicant (their income and assets are included) and whether the applicant owns a car, home or anything else of value

minor work – legal work conducted on a minor work file, including perusal of documents, research, written advice, telephone calls on the client's behalf, oral or written negotiations and, in some cases, simple appearances before courts or tribunals that are conducted within reasonable limits. This work is not carried out under a grant of legal assistance and may include matters such as licence restoration, general advice (prison, office or via phone) that results in some minor follow up, and very minor summary matters

precedent – a court decision that is used as an example or reason for later decisions

private practitioner – a lawyer who provides legal aid services to a legal aid applicant through a private practice. Private practitioners referred to throughout this report are on VLA's referral panels. Section 30 panel (general panel) practitioners have their client's applications for legal assistance processed and assessed by VLA staff. The section 29A panels are established for different classes of matters: family law, summary crime, indictable crime, independent children's lawyers and child protection

Roundtable Dispute Management – Roundtable Dispute Management (RDM) is an ADR service provided through VLA that helps parents going through separation or divorce resolve their family disputes. To use RDM, at least one of the people involved in the family dispute must apply and get a grant of legal assistance from VLA

settlement – resolution or agreement of a claim or dispute

social inclusion – 'social inclusion' has provided the framework for social policy in the Commonwealth government since 2007. A stronger, fairer Australia - a new social inclusion strategy (Australian Social Inclusion Board, January 2010) puts forward a policy framework in which people who are 'included' (who have the opportunity to a secure job, access services, connect with family/friends/work/local community, deal with personal crisis, and have their voice heard) are at reduced risk of disadvantage, have increased social, civic and economic participation and have a greater voice and sense of social responsibility. A key foundation of the framework is therefore prevention, with existing social issues being drawn back to possible causes and ways in which early intervention (connection and inclusion) may alter the course of an individual's life. It broadens the accepted context of each social policy area, suggesting that areas such as housing, poverty, justice and health that may have been approached separately, should now be considered in relation to, and impacting upon, one another.

summary offence – a less serious offence usually heard in the Magistrates' Court or Children's Court

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Melbourne

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Phone: 9269 0120 or 1800 677 402 (country callers)

Roundtable Dispute Management

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Phone: 9767 7111

Frankston Peninsula region

Corner O'Grady Ave and Dandenong Road,
Frankston Vic 3199

Phone: 9784 5222

Preston North eastern suburbs

42 Mary Street, Preston Vic 3072

Phone: 9416 6444

Ringwood Outer eastern suburbs

23 Ringwood Street, Ringwood Vic 3134

Phone: 9259 5444

Sunshine Western suburbs

1/474 Ballarat Road, Sunshine Vic 3020

Phone: 9300 5333

Regional offices

Ballarat Central Highlands region

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Bairnsdale Gippsland region

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Phone: 5153 1975

Bendigo Loddon-Campaspe region

424 Hargreaves Street, Bendigo Vic 3550

Phone: 5448 2333 or 1800 254 500

Geelong Barwon region

Level 2, 199 Moorabool Street, Geelong Vic 3220

Phone: 5226 5666 or 1800 196 200

Horsham Wimmera region

29 Darlot Street, Horsham Vic 3400

Phone: 5381 6000 or 1800 177 638

Morwell Gippsland region

Corner Chapel and George Streets, Morwell Vic 3840

Phone: 5134 8055

Shepparton Goulburn region

36–42 High Street, Shepparton Vic 3630

Phone: 5823 6200 or 1800 119 918

Warrnambool South Coast region

185 Fairy Street, Warrnambool Vic 3280

Phone: 5559 7222 or 1800 651 022

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Call the National Relay Service and ask to be put through to Victoria Legal Aid.

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SSR/speak and listen: 1300 555 727 or

1800 555 727 (country callers)



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Feedback

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