

HELPING VICTORIANS WITH THEIR LEGAL PROBLEMS



## EIGHTEENTH STATUTORY ANNUAL REPORT 2012-13

 **Victoria  
Legal Aid**

Lawyers And  
Legal Services

### **Chairperson's declaration**

In accordance with the *Financial Management Act 1994* (Vic), I am pleased to present the Victoria Legal Aid Annual Report for the year ending 30 June 2013.

A handwritten signature in black ink, appearing to read 'Andrew Guy', with a stylized, cursive script.

**Andrew Guy**  
Chairperson

30 August 2013

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## Understanding this report

The services we provide and our initiatives are guided by the themes and goals we have committed to in our *Strategic Plan 2011–14* and the Council of Australian Governments' *National Partnership Agreement on Legal Assistance Services* (NPA).

### **NPA** National Partnership Agreement

The NPA is an agreement between the Commonwealth and the States and Territories which commenced on 1 July 2010 and expires on 30 June 2014. It was created subject to the provisions of the *Intergovernmental Agreement on Federal Financial Relations* and forms the basis of Commonwealth funding to all legal aid commissions.

The NPA was established to support a holistic approach to the reform of the delivery of services by legal aid commissions, community legal centres, Aboriginal and Torres Strait Islander legal services and family violence prevention legal services. However, the legal aid services referred to in the NPA are specific arrangements for the delivery of Commonwealth funded services by legal aid commissions.

Our strategic directions are underpinned by the *Legal Aid Act 1978* (Vic) and strongly informed by the priorities set out in the NPA.

## Strategic Plan



### **Access and inclusion**

Strategic goal: To deliver timely and respectful access to the justice system; to help people resolve legal problems and protect rights.



### **Relationships and collaboration**

Strategic goal: To build strong effective relationships with other organisations for the benefit of our clients.



### **Organisational responsiveness**

Strategic goal: To enhance organisational capability to respond to a changing environment.

We have used these icons where we have reported against legal aid services provided under the NPA or the themes and goals of the Strategic Plan.

## Our performance

### Fast figures

Clients	2012–13	2011–12	% change
Unique clients*	86,861	91,079	4.6% down
<b>Preventative services</b>			
Information calls to VLA	81,790	76,129	7.4% up
Matters dealt with <b>NPA</b>	89,463	81,708	9.5% up
Matters referred externally** <b>NPA</b>	71,337	43,997	62.1% up
Publications distributed <b>NPA</b>	615,568	688,813	10.6% down
Community legal education participants <b>NPA</b>	12,770	11,434	11.7% up
Community legal education sessions <b>NPA</b>	350	295	18.6% up
Visits to our website	1,061,423	879,807	20.6% up
<b>Early intervention services</b>			
Legal advice, minor assistance and advocacy*** <b>NPA</b>	51,598	55,255	6.6% down
<b>Family dispute resolution services (Roundtable Dispute Management)</b>			
Number of conferences	1,217	1,033	17.8% up
<b>Duty lawyer services</b>			
In-house duty lawyer services <b>NPA</b>	58,581	68,047	13.9% down
Private practitioner duty lawyer services <b>NPA</b>	6,722	7,123	5.6% down
<b>Casework under grants of legal assistance</b>			
Grants of legal assistance <b>NPA</b>	39,782	44,641	10.9% down
Clients receiving government benefits	65%	65%	–
Clients with no income	31%	30%	1% up
In-house grants of legal assistance	10,227	11,840	13.6% down
Private practitioner grants of legal assistance	29,072	32,301	10.0% down
Community legal centre grants of legal assistance	483	500	3.4% down

**NPA** Legal aid services provided under the *National Partnership Agreement on Legal Assistance Services* to achieve the objectives and outcomes of the agreement.

\* Unique clients are individual clients who access one or more of Victoria Legal Aid's early intervention and duty lawyer services or who have received a grant of legal assistance either for dispute resolution or litigation. It does not include people who receive information or participate in community legal education for whom an individual client record is not created.

\*\* Previous reports only counted the external referral agency and reason for the referral(s). We now also count the number of matters referred to an external agency. The significant increase is due to a number of factors (see p. 21).

\*\*\* A review of the reporting methodology revealed data not included in previous annual reports. The figures for 2011–12 have been adjusted accordingly in this table. Refer to 'Early intervention services' (p. 22) for details.

<b>Financial summary</b>	<b>2012-13 \$000</b>	<b>2011-12 \$000</b>	<b>% change \$000</b>
Income from government	122,179	119,209	2.5%
Income from the Public Purpose Fund	25,663	25,663	0.0%
Total income from transactions	155,990	153,831	1.4%
Total expenses from transactions	(162,473)	(159,991)	1.6%
Net result from transactions	(6,483)	(6,160)	-5.2%
Net result for the period	(9,332)	(3,095)	-201.5%
Net cash flow from operating activities	(1,035)	(3,660)	71.7%
Cash at 30 June	12,893	14,560	-11.4%
Total assets	50,048	52,411	-4.5%
Total liabilities	35,609	28,638	24.3%
Total equity	14,439	23,773	-39.3%

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## Chairperson and Managing Director's message



2012–13 was a year of both challenge and opportunity as we pursued our vision to be a leading and responsible force for community access to the legal system and for social justice.

Like other Victorian agencies, organisations and businesses, we experienced difficult economic times. For already vulnerable Victorians, increased hardship often leads to increased legal problems in their everyday lives.

To ensure the sustainability of the Legal Aid Fund while targeting legal help to those most in need, we introduced considerable changes to eligibility guidelines for legal assistance and implemented internal efficiencies.

Some changes have involved transforming our service mix and intensity towards good and effective practice. Others, such as some of the changes we have made in family law, simply reflect the fact that we have to prioritise how we spend the Legal Aid Fund. In making changes, our aim continues to be to deliver targeted, high quality, client-centred legal aid services.

The changes to family law trial funding, along with those made to funding for instructing solicitors for criminal jury trials, have been a particular source of tension. We will continue to discuss these and other matters with the courts and the profession to ensure access to justice, while directing our more intensive services to those who are most vulnerable and who face the most serious consequences.

A significant example of this deliberate reprioritisation is that many people are assisted by our high quality duty lawyer service, while expensive grants of assistance are reserved for people who need the most intensive support. For example, in adult summary crime, clients receive advice or representation as appropriate, with people facing imprisonment still eligible for a grant of legal assistance to ensure they get more intensive services. This change has ensured high quality representation continues to be provided, while also reducing costs. It has also resulted in more matters resolving earlier with fewer court dates.

Notwithstanding these challenges, in 2012–13 we continued to deliver valuable legal services to vulnerable people in Victoria, including people with little or no income, people with disabilities, young people and people from culturally and linguistically diverse backgrounds. This included providing legal advice, minor assistance, duty lawyer and casework representation services to more than 86,000 people.

We have also been successful in significantly increasing the reach and quality of our preventative services – one of our commitments under the Council of Australian Governments' *National Partnership Agreement on Legal Assistance Services*. This can be seen through increased use of our new website, increased calls to our Legal Help phone line and increased referrals to agencies that can provide our clients with appropriate support to address the underlying issues that cause them to come into contact with the law.

Effective strategic litigation and law reform activity is fundamental to ensuring that we maximise the impact of our work. It also improves the operation of the justice system more broadly, addresses practices that disproportionately affect our clients, and encourages good administrative decision-

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making. Recent successes include two infringements test cases and a High Court case on retrospective social security laws.

We are committed to managing the Legal Aid Fund responsibly and the changes we implemented during 2012–13 will, over time, reduce the deficit which at 30 June 2013 had reached \$9.3 million. The nature of our expenditure, however, means that the impact of these changes will not be seen until next year. Ensuring that we are efficient, targeted and effective remains an acute challenge given the demand for our assistance and the current economic and social climate in which we operate.

## **Thank you**

We take this opportunity to thank the Board and the executive team for their leadership, and staff for their professionalism and consistent delivery of quality legal aid services for clients.

The ongoing support of the attorneys-general the Hon. Robert Clark MP, Attorney-General of Victoria, and the Hon. Mark Dreyfus QC MP, Attorney-General of the Commonwealth of Australia, is highly valued and we thank them for their commitment to legal aid. Our thanks also extend to former Commonwealth Attorney-General Nicola Roxon MP.

During the year we farewelled Board member Jennifer Shaw; Director Family, Youth and Children's Law, Judy Small, when she was appointed as a Judge of the Federal Circuit Court; and Director Business Services, Tony Matthews. We thank them for their many years of service to Victoria Legal Aid.

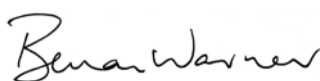
## **Future outlook**

The eligibility and service guideline changes we have made over the past year will place us on a more sustainable footing going forward. We also welcome the additional State and Commonwealth funding received in the 2013–14 budgets. Given the difficult economic climate, this constitutes positive recognition of the importance of legal aid and the professionalism of Victoria Legal Aid as an organisation.

We look forward to continuing to lead Victoria Legal Aid as we consolidate efforts to deliver high quality and sustainable services of value to individuals and the community.



Andrew Guy  
Chairperson



Bevan Warner  
Managing Director



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## Financial year overview

We finished the year with a deficit on transactions, our day-to-day business, of \$6.5 million, a deterioration on last year's \$6.2 million deficit. The comprehensive deficit was \$9.3 million, compared to \$3.1 million last year.

The greater comprehensive deficit is due to a reduction in client contributions towards the cost of services they have received. We believe it is prudent to acknowledge that a proportion of this income is unlikely to be received and have recognised this accordingly.

The deficit is unsustainable and during 2012–13 we implemented strategies to reduce it and ensure we manage our operating costs within the resources provided. As a result, the number of grants of legal assistance has decreased this year. However, the impact of this reduction will be seen predominantly in 2014 as there is a lag between when a grant of legal assistance is approved and when the work is done and the payment made.

The year-end cash balance was \$12.9 million, which is \$1.7 million lower than last year. The Board has closely managed the targeted \$10 million minimum cash balance to ensure we meet fluctuations in annual payments.

The 2012–13 financial statements record:

- State Government income of \$75.3 million
- Commonwealth Government income of \$46.9 million
- public purpose funding of \$25.7 million
- \$77.5 million spent on case-related private practitioner payments
- \$20.4 million funding provided to community legal centres (this includes \$7.6 million in Commonwealth funds passed directly to community legal centres and not recognised as income or expenditure in our financial statements)
- an operating deficit of \$6.5 million
- a comprehensive deficit of \$9.3 million.

See 'Our finances' (p. 93) for the financial year in review and financial statements, including the Auditor-General's Report.

## Our clients



**25%**

HAD  
NO INCOME\*



**55%**

WERE RECEIVING SOME  
FORM OF **GOVERNMENT**  
**BENEFIT**



**30%**

WERE LIVING IN **REGIONAL**  
OR **RURAL VICTORIA**



**22%**

WERE FROM **CULTURALLY**  
AND **LINGUISTICALLY**  
**DIVERSE** BACKGROUNDS\*\*



**5%**

REQUIRED THE  
**ASSISTANCE OF AN INTERPRETER**



**8%**

WERE IN **CUSTODY,**  
**DETENTION OR PSYCHIATRIC CARE**



**13%**

WERE **YOUNGER THAN**  
**19 YEARS OF AGE**



**19%**

DISCLOSED HAVING A  
**DISABILITY OR**  
**MENTAL ILLNESS**



**2%**

WERE **EXPERIENCING**  
**HOMELESSNESS**



**3%**

WERE OF **ABORIGINAL**  
OR **TORRES STRAIT ISLANDER**  
BACKGROUND



Figures are based on the total number of unique clients (86,861) who accessed one or more services during the year, including early intervention services, duty lawyer services, dispute resolution services and grants of legal assistance. Unique clients are individual clients who access one or more of Victoria Legal Aid's early intervention and duty lawyer services or who have received a grant of legal assistance either for dispute resolution or litigation. It does not include people who receive information or participate in community legal education for whom an individual client record is not created.

\* For example, children and young people, people experiencing homelessness, people in custody and immigration detention, and psychiatric patients.

\*\* This is based on the Australian Bureau of Statistics definition of people from culturally and linguistically diverse backgrounds. It includes people who speak a language other than English at home and people who were born in a non-English-speaking country.

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## Client profile

The complexity of our clients' needs calls for us to respond to more than just their legal problems.

Of those receiving some form of government benefit or pension:

- 27% disclosed having a disability or mental illness
- 4% required the assistance of an interpreter.

Of those living in regional or rural Victoria:

- 6% were from Aboriginal or Torres Strait Islander backgrounds
- 1% required the assistance of an interpreter.

Of those requiring the assistance of an interpreter:

- 4% were experiencing homelessness.

Of those in custody, detention or psychiatric care:

- 6% were younger than 19 years of age
- 7% were from Aboriginal or Torres Strait Islander backgrounds.

Of those younger than 19 years of age:

- 5% were from Aboriginal or Torres Strait Islander backgrounds
- 2% were experiencing homelessness.

Of those with a disability or mental illness:

- 8% were in custody, detention or psychiatric care
- 19% were younger than 19 years of age.

Of those experiencing homelessness:

- 25% disclosed having a disability or mental illness.

Of those from Aboriginal or Torres Strait Islander backgrounds:

- 23% disclosed having a disability or mental illness.

In helping address our clients' complex needs, we sometimes refer them to another service when we are unable to provide the help they need, or if they would benefit from other help. This year we referred 71,337 matters to external agencies.

## Our clients across Victoria

Our clients are among the most disadvantaged people in Victoria.

The following maps indicate the number of unique clients we helped in each local government area in 2012–13. They are represented as a proportion of the total 86,861 clients we helped across Victoria.

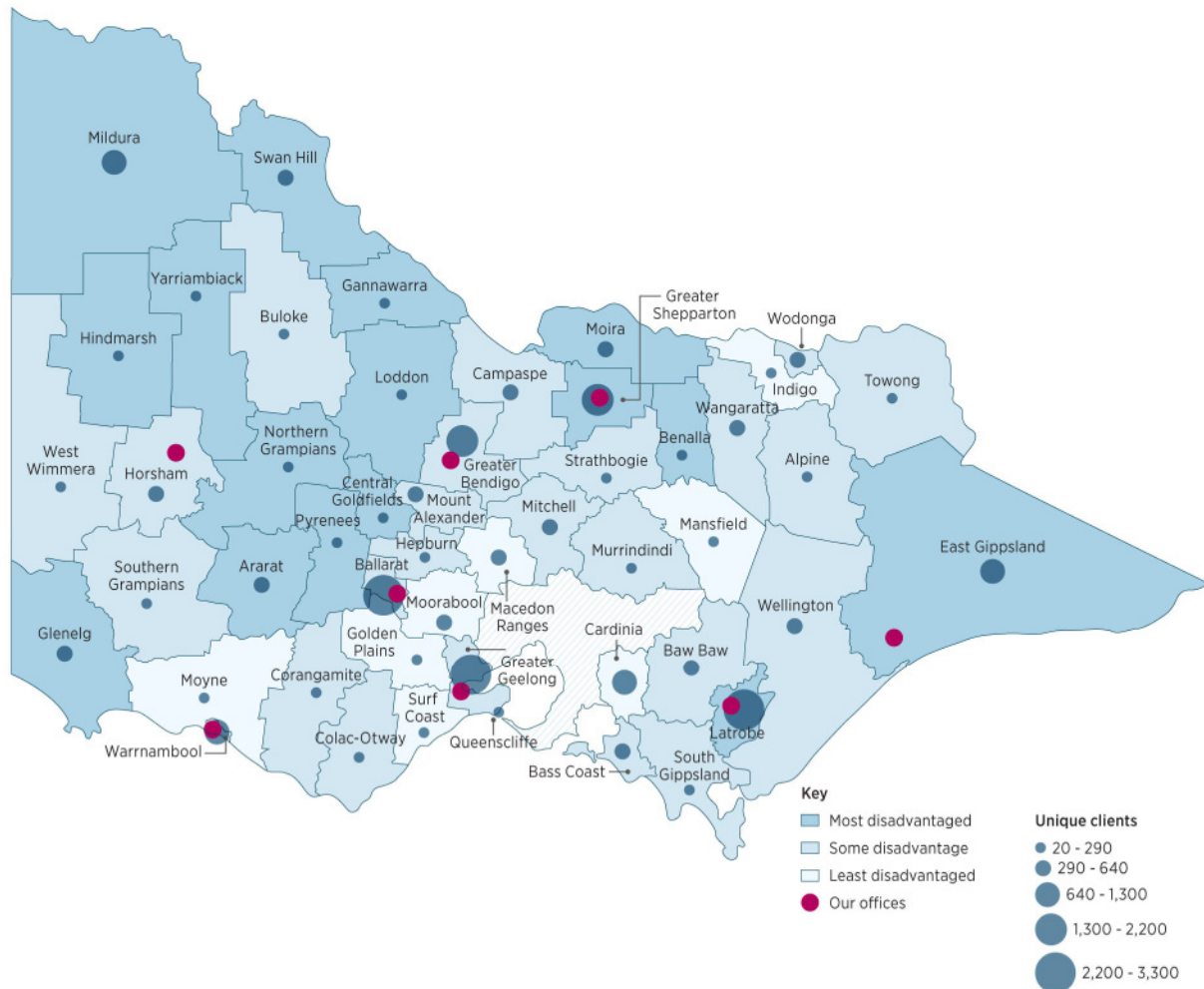
Client locations are based on the primary address they nominate. This may include prisons, hospitals, remand centres and temporary accommodation facilities.

The maps also show the relative socio-economic disadvantage of each area, using the Australian Bureau of Statistics' 2006 Index of Relative Socio-Economic Disadvantage. The Australian Bureau of

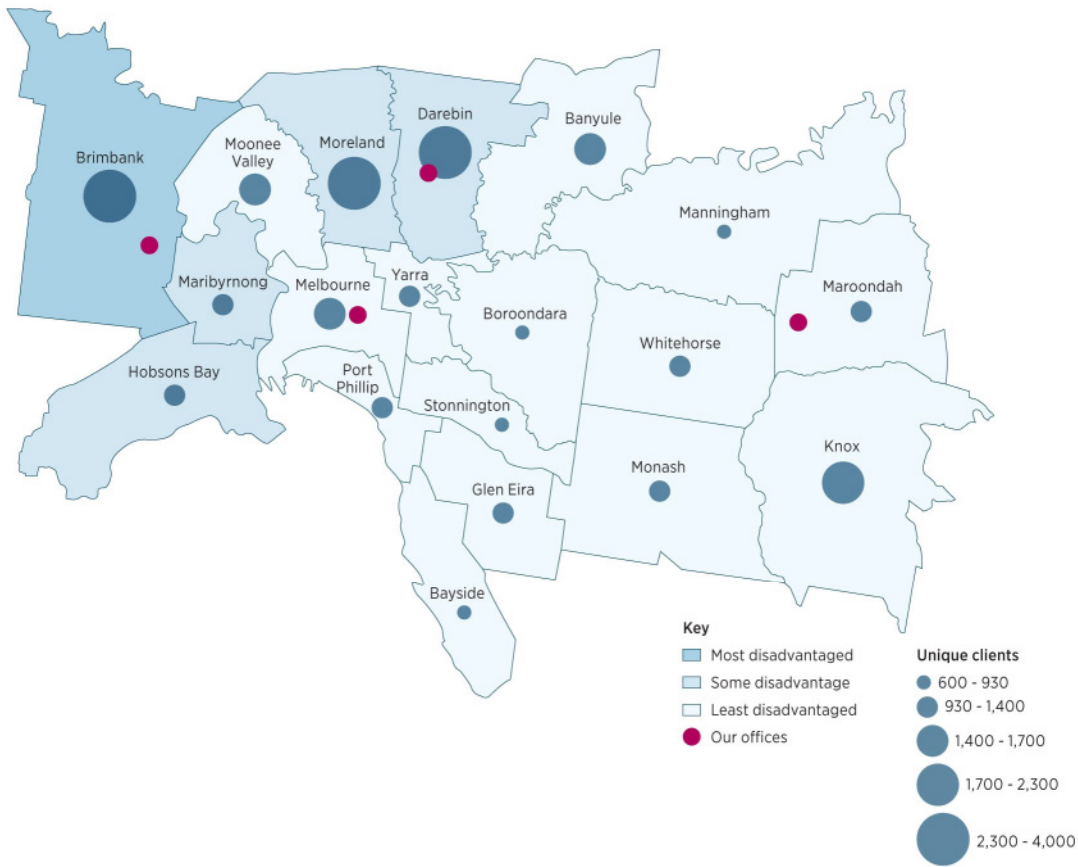
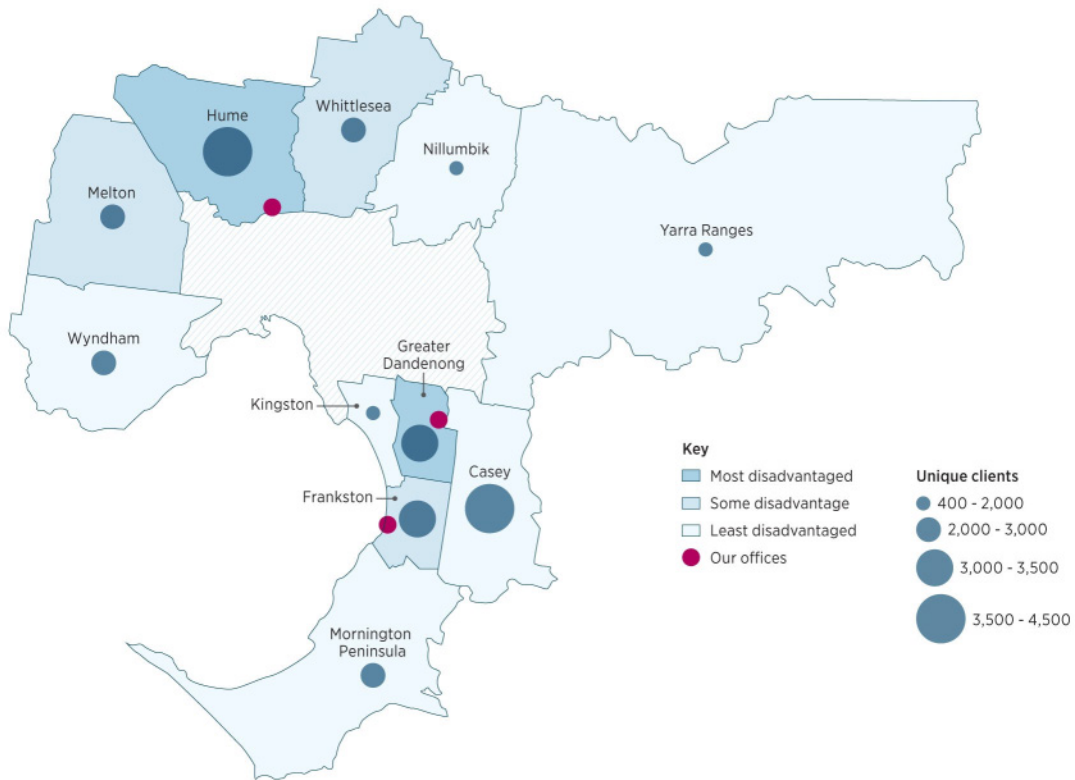
Statistics broadly defines relative socio-economic advantage and disadvantage in terms of 'people's access to material and social resources, and their ability to participate in society'.

See p. 162 for a list of our office locations.

## Regional and rural Victoria



# Metropolitan Melbourne



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## What our clients say about us

We undertook our third client satisfaction survey to help us better understand our clients' experience of our services. Our focus this year was on family and civil law services and our Legal Help telephone service.

The survey provides an opportunity for clients to tell us what they think of our services, and gives us the information we need to help improve our services. The survey interviewed 606 clients.

The results of the survey show that:

- 73% were either extremely satisfied or satisfied with legal aid overall
- 55% to 86% said that the service they received helped them sort out their legal problem (results varied depending on the type of service received).

Between 82% and 98% of clients surveyed would recommend our services to others. Specifically:

- 84% would recommend our civil or family legal advice service to others
- 86% would recommend our casework services to others (98% of civil law clients and 84% of family law clients)
- 84% would recommend the duty lawyer service to others (92% of civil law clients and 82% of family law clients)
- 97% of clients would recommend Roundtable Dispute Management services
- 89% would recommend the Legal Help telephone service.

The survey results this year reflect that our clients are some of the most vulnerable and disadvantaged members of our community:

- 23% of survey respondents reported having a disability
- 63% were in receipt of a government benefit or pension
- 39% had approached Victoria Legal Aid with more than one legal problem.

## About the survey

A telephone survey was conducted between April and May 2013 of a representative sample of 606 clients who:

- received family or civil law duty lawyer, legal representation/casework or legal advice services between July 2012 and May 2013
- had called Legal Help between April and May 2013.

The 2011–12 client survey was conducted across criminal law services. For more information see [www.legalaid.vic.gov.au](http://www.legalaid.vic.gov.au).



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## Helping a teenager get her life back on track

*'It's important that lawyers look at the person, not just the immediate legal problem.'*

Jeremy Cass, Youth Crime Program Manager



### About our client

Natasha\* had a history of truancy, was unemployed, affected by substance abuse and was unable to live at home because of her disruptive behaviour.

The Magistrate in the Family Division of the Children's Court had granted the Department of Human Services (DHS) sole custody of Natasha by making a 12-month Custody to Secretary Order.

At around the same time, she was facing low-level criminal damage and dishonesty charges. Several months later the Criminal Division of the Children's Court deferred her sentence on the condition that she comply with a Youth Justice Supervision Order.

Because she was making real progress with support ordered through the Family Division of the Children's Court, Natasha thought she was also meeting the conditions she was asked to comply with by the Criminal Division of the same court.

She had a casual job, stable housing, was no longer affected by substances and hadn't re-offended in nearly a year.

Nevertheless, her experience of being pulled between two jurisdictions led to confusion and contributed to her failing to appear at her sentencing hearing in the Criminal Division of the Children's Court.

She was remanded in custody for failing to appear. Natasha was really distressed about being locked up, especially as she had turned her life around since offending.

### The legal case

Our youth crime lawyers appealed the decision in the Supreme Court. They looked not just at Natasha's offending but her experiences in the child protection system, which demonstrated that she was making real progress in her life.

While she may not have engaged with youth justice workers, Natasha had made significant progress with her DHS workers and support services under the Custody to Secretary Order.

The Supreme Court agreed and Natasha was granted bail. Her matter recently went back to the Criminal Division of the Children's Court, and she is now on a good behaviour bond.

### What this case shows

The legal system can be difficult to understand, especially for vulnerable young people. Natasha is one of many who 'cross over' from the child protection system to the youth justice system.

Natasha's experience highlights the need to assess what services young offenders have access to, and the importance of professionals in both jurisdictions taking a co-ordinated approach.

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As a result of the holistic approach of our lawyers, Natasha is now in a much better position to get on with her life.

However, as a pre-plea diversion scheme is not available in the Children's Court, she now has a criminal record which may limit her employment options in the future. If she had been able to successfully undertake a diversion plan before entering a plea in the Criminal Division, her matters would have been struck out with no formal finding of guilt and no criminal record.

While she is one of many young people who has grown out of offending, more can be done to ensure that others like Natasha receive the best possible developmental, rehabilitative and preventative support to help them address the many underlying causes of their offending.

\* We have changed our client's name to protect her privacy.

## Helping a single mother challenge unfair welfare fraud charges



### About our client

Ms Kelli Keating had been charged with welfare fraud under backdated legislation introduced by the Commonwealth Government in July 2011. She had received an overpayment of \$6,942 from Centrelink. The overpayment occurred when Ms Keating was working irregular shifts with fluctuating income.

'I certainly never set out to do anything wrong, but like so many others I misunderstood my obligations to Centrelink,' Ms Keating said. 'I was overwhelmed, at a time in my life when I was under a lot of pressure as a newly separated mother trying my best to manage with three small children.'

Ms Keating said when she first saw her Victoria Legal Aid lawyer, she was scared and distressed at the prospect of going to court and having to plead guilty.

'Having a conviction against my name would have been devastating and hugely embarrassing. I was really worried about the consequences for future employment. Actually it could well have meant that I was to become more dependent on benefits, instead of being able to get on with working and supporting my family.'

### Why this case is important

Retrospective changes to the law undermine the fair operation of our legal and democratic system and should only be used in rare and serious circumstances, not for minor breaches of the law or mistakes.

Preserving a person's income is also a key aspect of Commonwealth legal aid policy as it ultimately saves the community money by preventing other problems such as reliance on social services, homelessness and family breakdown.

### The legal case

We successfully argued that Commonwealth law, enacted by the federal government in July 2011 but backdated to March 2000, was unfairly criminalising people who have made genuine mistakes in dealing with the complex and confusing Centrelink system.



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In its judgment on 8 May 2013, the High Court handed down a unanimous finding that the retrospective legislation did not make Centrelink recipients liable to criminal charges for failing to inform Centrelink of things that might affect their benefit, when the obligation to inform did not exist at the time.

### **This judgment helps others**

Taking on this case is part of our commitment to improving government decision-making.

Our experience in helping people with Centrelink problems has shown us that many people, especially those with disabilities and poor English literacy, make mistakes in dealing with Centrelink which can lead to overpayment.

The successful challenge will have ramifications for around 15,000 previous prosecutions where people have been charged with welfare fraud because they omitted to tell Centrelink of a change in circumstances. These have been rendered unsound by the High Court's ruling. Hundreds of pending cases are also likely to be affected.

### **What Ms Keating had to say**

Ms Keating has expressed her heartfelt appreciation for the help she received from Victoria Legal Aid throughout the often stressful period of the legal challenge.

Ms Keating said she was delighted that the battle to clear her name from the stigma of welfare fraud was over.

'It can happen so easily, and I know there are many others who find Centrelink confusing. It must be incredibly difficult for people who do not speak English well, the elderly, and others like myself.'

### **Helping a single mother in a vulnerable situation support her child**

*'The result was well worth the effort, especially given the end beneficiary is a pre-school child.'*

Family lawyer



#### **About our client**

Isra\* was in a vulnerable situation. She was divorced, had limited English and was living with her daughter in a friend's garage.

She first contacted Victoria Legal Aid after divorcing from her Australian-born husband John\* and was caught in a dispute over access to their pre-school child. Isra was then referred to one of our lawyers

when it became apparent that she wasn't receiving child support payments.

Meanwhile John, now remarried, had left his job to start up his own business, and had declared to the Department of Human Services that he wasn't earning an income, couldn't make child support payments and that his expenses were being met by his new wife on an annual income of a little over \$30,000.

He also claimed that Isra was well-supported by her community and friends and that she didn't need his child support payments.

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Based on an initial assessment by the Department of Human Services (Child Support), John was not paying any child support.

### **The legal case**

John's expenditure indicated to Isra's lawyer that he had understated his income. Our lawyer first set about helping Isra by having the initial assessment changed so she received monthly child support payments of just over \$400.

John objected and his payments were reset to zero based on the department's reassessment of his reduced capacity to earn through his own business.

Conscious of the complexities in tracking the sometimes hidden or undeclared income of someone who is self-employed, our lawyer made an appeal on Isra's behalf to the Social Security Appeals Tribunal.

After careful scrutiny of John's household expenditure against his declared income of nil, the tribunal found that his weekly household expenses were in fact nearly \$2,000 per week or \$100,000 per annum.

The tribunal ordered Isra's ex-husband to make monthly child support payments of just over \$400, including backdated payments, and set the payments to continue to mid-June 2014, at which time the situation can be reassessed.

### **What this case shows**

A strong focus of our work is safeguarding and protecting the legal rights of people in vulnerable situations.

Isra needed a voice in navigating a complex legal system, most especially because of the challenges that her limited command of English brought to her circumstances. Unaware of her legal rights, she also came to us not knowing that she was facing more than one legal problem.

Child support cases involve complex steps. Whatever the reasons that led to Isra's ex-husband declaring a lower income than the tribunal found, we now have an outcome that recognises the role of both parents in supporting their child where there are the means to do so.

Our work, which led to the tribunal ordering John to make a lump sum payment of nearly \$5,000 has also helped to reduce the financial burden on the public system. With John now paying more of his own money to support their daughter, there is less of a burden on the public system to do so.

\* We have changed the names to protect our client's privacy.

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## Helping a victim of crime receive fairer compensation

*'I can now start to move on and put the assault behind me.'*

Paul\*



### About our client

Paul\* was working as the only bouncer on duty at a suburban pub when a drunken man began to cause trouble. Paul successfully escorted him from the premises, only to have him return.

The man attempted to attack the barman, forcing Paul to intervene. He was headbutted and punched in the face by the aggressor while attempting to

restrain him. The assault left Paul with post-traumatic stress disorder. Extremely anxious and depressed, he was unable to work and barely left his room.

Paul had received WorkCover payments of more than \$20,000 over two years but these didn't make up for his lost earnings and he was forced to move into a rooming house.

The conditions there exacerbated his mental illness and his downward spiral looked set to continue.

Paul's first contact with us was through our Legal Help phone line.

### The legal case

Our civil lawyers moved to improve Paul's financial circumstances by challenging the application of the *Victims of Crime Assistance Act 1996*.

The Act enables victims to be compensated for loss of earnings for up to two years, up to a maximum of \$20,000.

Previous case law held that the \$20,000 cap should be applied before any other compensation, such as WorkCover, is deducted.

For example, if a victim received more than \$20,000 from WorkCover, they couldn't receive anything for lost earnings from the Victims of Crime Assistance Tribunal (VOCAT).

Our civil lawyers successfully argued that this case law should not be followed and that a fairer approach would be to calculate the total amount of lost earnings, deduct other compensation, and then apply the \$20,000 cap.

A favourable magistrate's decision meant that Paul was awarded \$19,625 for loss of earnings. The magistrate also awarded Paul nearly \$8000 to spend on rental payments, allowing him to leave the rooming house and find private accommodation.

### What this case shows

Victims of crime who experience poor mental health because of their trauma can be ill-equipped to navigate their way through to compensation that allows them to adequately prepare for a return to their working lives.

Paul's case shows that while victims who suffer violence in the workplace might have access to both WorkCover and VOCAT assistance, the VOCAT guidelines have not always worked in their favour.

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By successfully challenging the fairness of previous VOCAT decisions, our lawyers have ensured other victims of crime might also now be compensated for any shortfall between WorkCover and what they would have earned had they not experienced an act of violence.

\* We have changed our client's name to protect his privacy.



## Our services

### Preventative services for all Victorians

#### What we do

We provide preventative services to all Victorians to help them understand their legal options at the earliest opportunity and where to go if they need further assistance.

An informed person is able to act on their legal rights and can help prevent a legal situation from escalating, avoiding costly litigation at court.

#### Our services

Our preventative services are free and include:

- our Legal Help telephone service, which provides legal information, advice and referrals
- online and printed information through our website and publications
- targeted community legal education to increase people's knowledge of their legal rights and responsibilities and mitigate the escalation of legal disputes.

We are also working to improve our services to ensure that people who contact us for help are connected to the best service to assist them from their first point of contact with Victoria Legal Aid.

### Key achievements

#### Launching a 1300 number for Legal Help

In June 2013 we launched our new Legal Help phone number – 1300 792 387 – accessible Australia-wide for the cost of a local call from landlines. As the main phone entry point for people with a legal problem, it has made it easier and cheaper for people to contact us.



#### Improving client access and triage

Consistent with our obligations under the *National Partnership Agreement on Legal Assistance Services*, we continued the work we began last year to reduce the 'referral roundabout' by providing information and advice in appropriate matters in a single call.

We continued the process of changing the way we provide access to our services through the Improved Client Access and Triage project. The project was developed to:

- provide easier access to our services for people who need legal help

- 
- allow us to identify and prioritise people most in need of our services
  - ensure internal and external referrals are appropriate and client-focused.

We developed a new policy for consistent triage and referral across Victoria Legal Aid.

We implemented major changes to the Legal Help telephone service. This included successfully transitioning to an effective legal triage service model. The new model has transformed the way we assess client queries, adding more legal advice services upfront and connecting clients seamlessly with duty lawyer services and appointments. This has allowed us to deliver better service to our clients.

Calls to Legal Help have increased by 10% and matters referred to appropriate external agencies have increased by 35%. We answered a higher proportion of calls to Legal Help and wait times have also reduced.

Legal Help is now the main access point to our services for integrated legal information and advice.



### **New website makes it easier to find legal answers**

Our new website, which went live in April 2013, is more user-focused and helps people understand their legal problem, the options available to them and how to access services appropriate to their needs.

As a key part of our legal information services, the new website helps us to more effectively triage people who can self-help, need referrals to other services, or need easy-to-understand legal information or advice. Having access to information early can help some people prevent legal problems from becoming more serious and costly to resolve.

The website is designed to be as accessible as possible, whether users are using mobile devices or have a disability.



### **Educating young people about the law**

We partnered with other organisations to develop two new programs:

- *Learning the law*: e-learning tools for young people with mild intellectual disabilities developed with the Department of Education and Early Childhood Development. This program will be implemented in 2013–14 and rolled out to 70 special schools in Victoria targeting teachers who work with students in Years nine and 10
- *Sex, young people and the law*: a program about sexting, cyberbullying, consent and age of consent developed in collaboration with Loddon Campaspe Community Legal Centre, which was rolled out across the State and reached 315 students in Years eight to 10. Early evaluation indicates that students participating in the program will respond positively by changing their behaviour.



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## Educating new arrivals about the law

In 2012–13 we continued to train teachers who work with students learning English as a second language and community workers to use *What's the law? Australian law for new arrivals*, delivering 50 sessions to 1,036 participants.

Evaluation of the kit showed 97% of teachers surveyed found the kit a useful way to provide information about legal issues to new arrivals. Most teachers said they would use the kit more than twice. We also learned that students like the kit because it is clear, simple and practical, the stories are relevant, and they like the use of humour.



## Challenges

### Increasing caller access to the Legal Help service

While we have increased staffing levels to cope with increased demand to the Legal Help service, we are also delivering more complex services including legal advice and a greater number of warm referrals to our legal staff and other agencies. This has resulted in longer call and handling times and a greater number of calls remaining unanswered.

We aim to further reduce wait times through a range of efficiency initiatives that have been put in place and increases in staffing that we are planning for 2013–14.

### Cost-effective legal information

We have explored innovative and cost-effective ways to produce free legal information that is readily accessible to all Victorians. As a result, we have:

- increased the legal information on our website
- discontinued 13 titles from our legal information publication suite, contributing to an 11% decrease in publications distributed
- reduced the number of brochures that promote our services
- collaborated with five legal aid commissions and two interstate community legal centres to produce a phone application called *Below the belt* for young people on sexting, cyberbullying, consent and age of consent.

### Future challenges

Our challenges for 2013–14 are to:

- consolidate the new Legal Help model
- increase phone legal advice (in 2012–13 it was 5% of calls taken)
- roll out consistent triage and internal referral processes across Victoria Legal Aid to support our staff to make warm referrals and help keep our clients off the referral roundabout.

## Outlook

We will continue to invest in preventative services by providing more efficient and effective triage to clients who can self-help or need referrals to other services.

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Effective triaging of clients will also free up our more intensive and more expensive legal services, such as ongoing legal help and legal representation, for clients whose problems cannot be resolved through other forms of legal help.

## Preventative services: facts and figures

### Website and publications

We had 1,061,423 visits to our website (up by 21%).

We distributed 615,568 publications (down by 11%).

### Community legal education

We delivered 350 community legal education sessions (up by 19%). NPA

We increased training activities to build the capacity of legal and non-legal staff to use our community education tools, reaching 4,378 workers this year.

### Calls for legal information

We dealt with:

- 89,463 matters (up by 9%) NPA
- 81,790 calls (up by 10%).

### Top five Legal Help matters

Matter	Number
Spending time with children	7,794
Property settlement	5,277
Family violence intervention orders	4,998
Infringements	3,321
Other contract matters*	2,503

\* This includes employment contracts, wills, building disputes, commercial disputes, insurance and loans and consumer disputes.

The top five non-English languages spoken by people calling Legal Help were:

- Arabic
- Chinese (Mandarin)
- Vietnamese\*
- Serbian
- Greek.

\* Vietnamese calls increased in 2012–13 with the recruitment of a Vietnamese-speaking worker and promotion to the Vietnamese-speaking community.



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## Call duration to Legal Help over two years

Year	Average call duration
2012–13	8 minutes 45 seconds
2011–12	8 minutes 9 seconds

Average call length and handling time increased in 2012–13 as we undertook changes to our service model. The call length is now trending downwards as the model consolidates.

## Calls for legal information over five years

Year	Civil Law	Criminal Law	Family, Youth and Children's Law
2012–13	37,904	16,625	28,555
2011–12	35,186	14,597	26,346
2010–11	38,945	15,154	26,635
2009–10	45,108	17,810	29,778
2008–09	43,182	17,415	28,135

## Client access and referrals

We make appropriate referrals to other services (non-legal as well as legal) that may be relevant to a client's needs. We also refer clients to external agencies when we are unable to help, for example, if we have a conflict of interest or we cannot provide assistance because of the nature of the matter.

We referred 71,337 matters to appropriate external agencies (up by 62%). [NPA](#)

The significant increase in the last 12 months is due to:

- the implementation of the new triage, intake and referral model, which outlines principles and standards for referrals
- better practices in recording following extensive internal training highlighting the importance of recording referrals to track client outcomes.

The top five referrals were to private practitioners, generalist community legal centres, the Law Institute of Victoria, specialist community legal centres and the courts.

We also referred clients to non-legal services, including family relationship centres, Consumer Affairs Victoria, drug and alcohol counselling, dispute resolution, financial counselling and anger management counselling.

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## Early intervention services

### What we do

Our lawyers provide free early intervention services to help people resolve their legal problems earlier and avoid the need for litigation in appropriate circumstances.

### Our services

Early intervention services include:

- legal advice sessions over the phone or face-to-face at our offices or via outreach services
- minor assistance and advice (which includes advocacy services) when there is a need for some ongoing assistance and there is a tangible benefit for the client – such as looking over documents, providing written advice, making telephone calls, negotiating on a person's behalf or making a simple appearance before a court or tribunal.

### Facts and figures

We provided 51,598 early intervention services (down by 7%) to 34,174 unique clients (down by 4%).

Occasions of service\* for each client decreased by 3%. This indicates that we are becoming more proficient in helping people resolve their legal problem earlier and without the need for multiple interactions with our services.

\* Occasion of service is a measure of service activity. Each discrete service counts as one occasion of service. As a client may seek early intervention services on more than one occasion during the year, the number is not the same as the client count.

### Legal advice over five years

Year	Legal advice	Minor assistance	Total*
2012–13	41,970	9,628	51,598
2011–12	43,181	12,074	55,255
2010–11	45,347	11,364	56,711
2009–10	53,111	11,353	64,464
2008–09	56,580	13,195	69,775

\* A review of the reporting of early intervention services revealed an under-reporting of minor assistance being carried out. The review found that in prior years, minor assistance services not provided in conjunction with legal advice (for example, following an initial duty lawyer service) were not included in the total count. Accordingly, in this annual report we have adjusted data from previous annual reports for the last five years to incorporate all legal advice and all minor assistance and advocacy services.

The reduction in early intervention services is due to the significant steps we have taken to improve efficiency and prevent undue delay by:

- supporting the in-house practice to do their own in-court advocacy, avoiding duplication of services by improving our duty lawyer service and dealing with a client's matter on the day where appropriate

- 
- prioritising work carried out under minor assistance by focusing on clients who need our help the most
  - improved triage for legal advice calls to prioritise help for clients with substantial legal issues who cannot afford a private lawyer.

External factors have also impacted on early intervention services, including changes to court practices and legislation in the criminal jurisdiction. These have enabled more defendants to have their matter dealt with on the day through the duty lawyer service rather than via minor assistance, resulting in fewer early intervention services required. This also means their cases are dealt with earlier and with fewer court attendances.

## **Challenges**

### **Responding to increased demand**

Our continued challenge is responding to an anticipated increase in demand for legal help with appropriate and targeted services that continue to focus on the early resolution of problems.

### **Outlook**

In 2013–14 we will:

- continue to target our early intervention services to people most in need with a focus on geographic locations of disadvantage and growth where legal need is likely to be higher
- aim to deliver more services in locations not serviced by Victoria Legal Aid offices through effective and targeted outreach.

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## Dispute resolution

### What we do

We help parents and other adult family members involved in family separation or divorce resolve their family disputes about:

- parenting arrangements and children's issues
- division of property (where parents have superannuation or a home mortgage)
- partner maintenance
- child support or adult child maintenance.

### About our service

Our family dispute resolution service is provided through Roundtable Dispute Management (RDM). This is a free service that involves a family dispute resolution practitioner running a conference to discuss the family's dispute and help them make decisions that are in the best interests of the children.

Each party usually has a lawyer to help them make decisions and to provide legal advice. Clients may have to pay for their lawyer's fees if they do not have a grant of legal assistance.

Most RDM conferences occur at an early stage in family law matters, avoiding the need to go to court. However, in appropriate matters, conferences can also occur during court proceedings (called litigation intervention conferences) to help settle the dispute before a final hearing.

### Facts and figures

We provided 1,217 family dispute resolution conferences (up by 18%).

#### Family dispute resolution services over five years

Year	Number of services
2012–13	1,217
2011–12	1,033
2010–11	777
2009–10	810
2008–09	876

### Key achievement

#### Expanding the RDM Chairpersons Panel

We engaged eight additional external, qualified family dispute resolution practitioners to our RDM Chairpersons Panel to better meet the increasing demand for RDM across the State. There was an 18% increase in the number of conferences. By increasing the size of the panel, clients are not waiting on chairperson availability.

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We also entered into an agreement with all 15 Family Relationship Centres across Victoria to refer our clients to child-focused information sessions run by the centres. The sessions are voluntarily and prepare parents for family dispute resolution.



## **Challenges**

### **Responding to increased demand for access to RDM**

Demand for access to the RDM service continues to increase and waiting times for a conference grew during the year. We responded by changing our guidelines to target the service to those clients most in need and by expanding our RDM Chairpersons Panel.

## **Outlook**

In 2013–14 we expect to create further efficiencies to allow for greater client access to our RDM service. This should also allow us to manage the increased volume of more complex litigation intervention conferences.

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## Duty lawyer services

### What we do

We have lawyers on 'duty' at many courts and tribunals across Victoria. These duty lawyers help people who are at court for a hearing, but do not have their own lawyer.

### Our service

The service is free and provides legal information, advice and representation to clients. However, duty lawyers do not represent everyone. We prioritise serious cases, including people who are in custody or at risk of going into custody and people who need intensive support.

### Facts and figures

We provided 65,303 duty lawyer services (down by 13%). Duty lawyers may be Victoria Legal Aid staff or private lawyers we fund.

Victoria Legal Aid staff lawyers provided 58,581 services (down by 14%) to 42,060 unique clients (down 9%). This represents a 6% decrease in occasions of service with more matters being dealt with on the day rather than being adjourned. This is a positive contribution to addressing court delays.

### Duty lawyer services over five years

Year	Victoria Legal Aid lawyers	Private lawyers	Total
2012–13	58,581	6,722	65,303
2011–12	68,047	7,123	75,170
2010–11	70,898	8,067	78,965
2009–10	75,337	9,312	84,649
2008–09	68,825	8,298	77,123

Factors influencing the decrease in duty lawyer services include:

- changes in the provision of duty lawyer services for adult summary crime implemented in July 2012
- changes to duty lawyer services for family parenting disputes and family violence and personal safety intervention orders implemented in April 2013.

The changes to eligibility for duty lawyer services have allowed us to prioritise people facing the most serious charges and those with complex needs. People with straightforward charges now receive lower intensity services such as legal information or advice.

### Key achievement

#### Targeted duty lawyer services to those most in need

Following extensive consultation, we implemented our new approach to adult summary crime duty lawyer services, ensuring people facing the most serious charges, and most in need, are prioritised in the Magistrates' Court of Victoria. Targeting our services to clients who need assistance the most has

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allowed duty lawyers to dedicate more time to clients in custody, those facing the most serious charges and those with complex needs.

We also made necessary changes to the eligibility for duty lawyer services for people involved in parenting disputes in the family law courts, family violence matters and personal safety intervention orders due to demand beyond current Victoria Legal Aid resources.



## **Challenges**

### **Significant increase in family violence intervention order matters**

There continues to be a significant increase in family violence intervention order matters being dealt with by the Magistrates' Court of Victoria, which is also reflected in the marked increase in family violence related offences recorded by Victoria Police.

To deal with the increase in demand, changes to the duty lawyer service were introduced so respondents to family violence intervention orders are now only provided assistance for the first court date.

## **Outlook**

In 2013–14 we will continue to target services to those who need it most and make considered decisions about the level of service we can offer.

We will monitor the impact of the changes to eligibility guidelines on the duty lawyer service and build on the gains in capacity, cost and quality delivered.

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## Grants of legal assistance

### What we do

We provide grants of legal assistance to people who cannot afford a lawyer, who meet our eligibility criteria and who are experiencing a legal problem that we can help with. A grant of legal assistance can enable a lawyer to:

- give legal advice
- help resolve matters in dispute
- prepare legal documents
- represent a client in court.

Grants are for criminal or family law matters and some civil law matters such as social security, mental health, immigration or discrimination cases.

### Our service

We receive applications for grants of legal assistance and determine whether the applicant is eligible based on:

- their financial situation
- the type of legal problem they have
- how successful they are likely to be in their case.

Clients with a grant of legal assistance can be helped by a Victoria Legal Aid lawyer or a private lawyer.

### Facts and figures

We provided 39,782 grants of legal assistance (down by 11%) to 29,868 unique clients (down by 11%). While there is a decrease in clients provided with a grant of legal assistance in line with changes to our eligibility guidelines, we are prioritising grants to people facing the most serious consequences and/or with the most complex needs, such as people with a disability.

### Grants of legal assistance over five years

Year	In-house lawyers	Private lawyers*	Total
2012–13	10,227	29,555	39,782
2011–12	11,840	32,801	44,641
2010–11	12,132	29,965	42,097
2009–10	13,375	30,680	44,055
2008–09	13,468	28,478	41,946

\* This includes grants of legal assistance to community legal centres.



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The reduction in the total number of grants of legal assistance is a result of the impact of the major changes to our eligibility guidelines made in 2012–13. These changes were necessary to ensure Victoria Legal Aid could continue to target the most needy clients in the face of increasing demand and higher costs in providing legal services without commensurate increases in government funding.

## **Key achievement**

### **Prioritising who gets legal assistance**

We have made significant changes to our eligibility guidelines for criminal, civil and family, youth and children’s law matters to ensure we remain financially viable in the face of increased demand and increased costs, while continuing to provide legal assistance to priority clients.

From October 2012 we restricted grants of assistance for traffic offence cases to clients with a cognitive impairment, or those who were facing a conviction likely to result in a term of imprisonment. More changes were introduced in January and April 2013, and have led to significant changes in the way that we operate our criminal and family law programs in particular.

After the eligibility guidelines changed in January 2013, we began to see a reduction in the number of approvals for grants of assistance. However, the main effect of the changes will not start to be realised until 2013–14.



## **Challenges**

### **Increased demand and additional costs in providing our services**

The current economic climate as well as federal and State government commitments to making the community safer, including to eliminating family violence and to improving child protection, mean that more people need legal help than ever before.

Our challenge has been to manage the Legal Aid Fund effectively, economically and efficiently to ensure that our limited funds and resources are directed towards those who are most in need of our assistance.

## **Outlook**

We will continue to prioritise services for the most vulnerable people in our community who face serious legal problems and to ensure that limited public money is directed to where it is most needed.

We will continue to manage and improve services to priority clients, including through re-aligning service delivery.

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## Victoria Legal Aid Chambers

### What we do

We provide high quality advocacy for legally aided clients in civil, criminal and family, youth and children's law matters. We also conduct strategic litigation to remedy a legal problem or change a policy or process to benefit an individual client and the broader community.

### Our services

Victoria Legal Aid Chambers:

- provides high level in-court advocacy for clients with a grant of legal assistance in civil, criminal and family, youth and children's law
- advises on and conducts strategic and test case litigation to challenge the law
- provides merits advice on complex applications for grants of legal assistance
- co-ordinates briefing and advocacy across Victoria Legal Aid's legal practice
- implements initiatives to ensure quality advocacy for legally aided clients, including the Trial Counsel Development Program and Block Briefing Pilot project.

Chambers' advocates are also involved in justice and law reform activities.

### Facts and figures

- Chambers advocates appeared in 1,902 cases, including 70 family and criminal law trials.
- 52% of significant cases were briefed to female barristers.

### Key achievements

#### Establishing Victoria Legal Aid Chambers to deliver high quality and efficient advocacy services

This year we established Victoria Legal Aid Chambers to better support our advocacy priorities across all our legal practice areas and deliver high quality legal services to our clients.

To ensure transparency, accountability and the efficient use of resources, we implemented a financial performance model to measure the cost and value of the advocacy, training and advice provided by Chambers. In our first year, we managed 100% cost recovery.

#### Ensuring the most appropriate counsel are briefed in criminal jury trials

It is our responsibility to ensure that the counsel representing our clients are of consistently high quality and are able to deliver appropriate outcomes.

To improve the briefing practice of our lawyers, this year we introduced co-ordinated briefing in criminal trials. This centralised process has allowed us to:

- identify and develop junior counsel into trial work
- ensure equitable briefing practices, particularly for barristers who are women or from an Indigenous background.



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## Implementing major initiatives to benefit regional clients

We implemented two major regional advocacy initiatives.

We now have four public defender roles embedded into regional offices. This has allowed our lawyers to work collaboratively from an early stage to discuss case strategy and ultimately deliver better outcomes for regional clients.

The Block Briefing Pilot project in the Latrobe Valley County Court has been running for more than a year. It involves briefing an individual defence barrister at a daily rate to undertake all legally aided matters. Early assessment of the pilot shows that it has:

- helped reduce the backlog of circuit trials
- improved pre-trial preparation
- supported judicial case management while providing quality representation to clients.



## Outlook

The next year will be a year of consolidation. We will continue to meet targets for cost recovery to ensure value for money from Victoria Legal Aid Chambers advocates.

We will also:

- review advocacy performances to assure quality
- evaluate both our major regional initiatives – the Block Briefing Pilot project in the La Trobe Valley and the regional public defenders
- develop and consult on processes to ensure the quality of barristers briefed in all legally aided trials
- work with the County Court to pilot multiple criminal law plea lists
- extend co-ordinated briefing into family law.

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## Justice and law reform

### What we do

We are committed to working on the justice system as well as within it. We are obligated under the *Legal Aid Act 1978* (Vic) to seek innovative means of providing legal assistance to reduce the need for individual legal services. We are also required to provide the community with improved access to justice and legal remedies. One way of achieving this is by pursuing improvements in law and policy that result in better outcomes for our clients and the community more broadly.

Our justice and law reform activities are informed by our broad practice in family, youth, children's, criminal, civil and administrative law. Our extensive practice experience means we are uniquely placed to identify patterns that expose opportunities for reform within the justice system.

### Our service

Our justice and law reform activities influence systemic change for the benefit of all Victorians, through strategic advocacy, policy change and law reform.

Based on the issues faced by our clients, our priority areas in 2012–13 were:

- vulnerable people and fines
- better administrative decision-making
- people smuggling
- child protection.

### Facts and figures

We made 25 law reform or legal policy submissions (down by 26%). Eight of those submissions were made jointly with National Legal Aid to reviewing bodies. See Appendix 3 for a list of submissions.

### Key achievements

We continue to assist governments and reviewing bodies in making improvements to the law by providing high quality, evidence-based submissions on issues affecting our clients.

The value of our contribution to law reform was evidenced by the recognition placed on our submissions in a number of key areas. These include:

#### Recommendations to the Victorian Parliamentary Inquiry into Sexting

We made a submission to the Victorian Parliamentary Inquiry into Sexting to help ensure that young people caught sexting are not unfairly subject to criminal offences designed to target adults creating or disseminating child pornography. The Law Reform Committee adopted all of our recommendations in its final report.

#### Amendments to laws about sexual orientation or gender identity discrimination

In accordance with our recommendation to the Commonwealth Senate Legal and Constitutional References Committee, the Commonwealth Government moved amendments in the Senate to the *Sex Discrimination Amendment (Sexual Orientation, Gender Identity and Intersex Status) Act 2013* to insert a qualification on the exemption for religious organisations for the provision of Commonwealth-

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funded aged care services. This ensured people seeking aged care are not discriminated against on the basis of their sexual orientation or gender identity.

**Joint submission led to exemption from new fees for Independent Children’s Lawyers**

We contributed to a National Legal Aid submission to the Commonwealth Senate Legal and Constitutional References Committee about the significant financial impact on legal aid commissions associated with requiring Independent Children’s Lawyers to pay newly introduced fees, notwithstanding the exemption applicable to people in receipt of legal aid. In light of this, the Commonwealth Attorney-General, the Hon. Mark Dreyfus QC MP, announced in May that in accordance with our joint recommendation, an exemption would apply.



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## Civil Justice program

### What we do

Our work in civil and administrative law aims to contribute to a fairer, more inclusive and rights-respecting community.

We deal with matters such as social security, mental health, guardianship and administration, infringements, immigration, tenancy, debt, discrimination, sexual harassment and victims of crime.

### Our services

The Civil Justice program's objectives are to:

- deliver services that help people deal with their legal issues at the earliest opportunity
- negotiate and mediate to achieve fair outcomes for clients without going to court
- advocate for clients' rights through representation in courts, tribunals and review boards.

### Clients

- 13,672 unique clients\* (down by 8%)
- 16.1% presented with two civil law problems and 8.2% with three to five
- 4,192 or 30.7% from culturally and linguistically diverse backgrounds\*\*
- 245 or 1.8% from Aboriginal or Torres Strait Islander backgrounds

\* These are clients who accessed one or more services during the year, including early intervention services, duty lawyer services, dispute resolution services and grants of legal assistance.

\*\* This is based on the Australian Bureau of Statistics definition of people from culturally and linguistically diverse backgrounds. It includes people who speak a language other than English at home and people who were born in a non-English-speaking country.

### Gender and age profile

Age	Male	Female	Total
0–15	79	58	137
16–24	1,016	638	1,654
25–34	2,117	1,439	3,556
35–44	1,843	1,427	3,270
45–54	1,380	1,164	2,544
55–64	799	623	1,422
65+	652	431	1,083

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## Program operating expenditure\*

Income sources	Expenditure	% expenditure
Commonwealth	\$3.8 million	7.1% of Commonwealth expenditure
State	\$7.0 million	6.0% of State expenditure
<b>Total</b>	<b>\$10.8 million</b>	<b>6.3% of total expenditure</b>

\* This excludes expenditure for community legal centres.

## Key achievements

### Reforming the infringements system

The infringements system allows for a range of penalties for offences to be enforced through infringement notices (fines). This is designed to address minor breaches of the law without imposing more serious criminal sanctions.

In our experience, vulnerable people are disproportionately represented in the infringements system. The lack of appeal rights further entrenches unfair outcomes.

Our action to highlight unfair infringements laws has seen the Victorian Government introduce reforms aimed at keeping disadvantaged people who can't pay their fines out of jail.

The reforms responded to two recent test cases where we represented people with disabilities who faced jail for unpaid fines. The Court of Appeal accepted our argument that in the absence of an appeal right, magistrates have a duty to make reasonable enquiries about whether people coming before them have special circumstances such as a disability.



### Increased discrimination law services in regional Victoria

Our 'regional roadshow' to promote our discrimination law services helped increase our services to regional clients by 55% since 2011–12 (142% since 2010–11).

We held information sessions with regional community legal and non-legal service providers about discrimination law to help them identify potential discrimination problems and appropriately refer their clients. We ran these sessions in Ballarat, Bairnsdale, Bendigo, Deer Park, Geelong, Horsham, Mildura, Morwell, Shepparton and Warrnambool. Feedback at the sessions confirmed the high need for discrimination law services in remote parts of Victoria.



### Making the social security prosecutions system fairer

In our successful challenge to retrospective welfare fraud laws, the High Court found that Centrelink recipients were not liable to criminal charges for failing to inform Centrelink of things that might affect their benefit when they were not under such an obligation at the time. Read more about Kelli Keating's case on p. 12.

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The High Court ruling is expected to affect hundreds of Australians charged with welfare fraud for omitting to tell Centrelink of a change in their circumstances, as well as around 15,000 previous prosecutions.

This result means a very significant saving of resources where we would have otherwise represented these clients.



### **Expansion of mental health legal services to regional Victoria**

In February 2013 we announced that we would not renew our funding agreement with the Mental Health Legal Centre following longstanding concerns about the centre's governance and performance. Funding has been reinvested into strengthening and expanding our mental health and disability advocacy service across the State.

In June 2013 Victoria Legal Aid was awarded funding of \$434,000 per annum over two years from the Department of Health to expand our services for people with a mental illness. This funding will enable us to assist people in at least 300 more Mental Health Review Board (MHRB) hearings, and extend services into growing areas of need such as Dandenong, Geelong and Bendigo.

We have rolled out a comprehensive, state-wide training program to ensure staff in our offices across the State have the capacity to represent clients at MHRB hearings. To address the gap in mental health legal services in Mildura, this intensive training was also provided to the community legal centre and private practitioners in the region. This will ensure increased access to high quality legal representation before the MHRB.



### **Expanding our civil outreach service**

To improve access to our civil law services across Victoria, we implemented outreach services in all of our regional offices.

While the service focuses on clients with Centrelink problems, these lawyers also provide advice and assistance on a range of other matters, such as residential tenancies, guardianship and administration, and credit or debt issues. They also engage in targeted stakeholder engagement around specific local issues, such as income management in the greater Shepparton area.

We also provide a civil law advice service at the Victorian Aboriginal Legal Service in areas of law that they do not have the capacity or expertise to deal with.



## **Challenges**

### **Responding to financial hardship**

Relieving people in long-term financial hardship from harassment from debt collectors has been a key part of our work over the past year. In 2013–14 we will continue to work towards enforceable national standards for the handling by creditors of people in long-term financial hardship. We will also work with our partners in the sector to respond to the legal need which arises in times of financial hardship, in relation to housing and employment.



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## Changes to the Disability Support Pension

Changes to the Disability Support Pension have made it more difficult for people to qualify for the pension. As a result, more people are refused the pension, and more have had their pension cancelled on review and are forced to move to the Newstart allowance.

The Newstart allowance is currently about two-thirds of the rate of the Disability Support Pension. The higher payment rate of the pension recognises the costs of equipment, therapies and medications incurred by people with disabilities.

Faced with a significant loss of income, people are more inclined than ever to seek review or appeal these decisions. These are daunting processes to go through without legal support, which has led to an increased demand for legal help.

## Future challenges

In 2013–14 we also expect to see:

- rising demand from migrants for assistance in reuniting with their families
- greater need from people excluded from employment because of discrimination
- increased demand for legal advice and services with the roll-out of DisabilityCare
- increased numbers of hearings before the Mental Health Review Board with the anticipated commencement of a new Mental Health Act in 2014.

## Outlook

In 2013–14 we will continue to deliver quality civil and administrative law services in a range of priority areas and will look at innovative and effective ways of expanding our reach across Victoria.

Our work will build on our efforts over the last few years, which has seen a growth of civil law services through initiatives such as:

- the South West Civil Justice project in Warrnambool
- the student infringements clinic at the Melbourne Magistrates' Court.

Using redirected mental health legal centre funding and additional funding from the Department of Health, we will expand our mental health and disability advocacy services to provide a more truly holistic service, better continuity of representation and more access to advice and representation for people in regional areas. The additional funding will allow us to employ more lawyers to provide services in areas of highest need to increase our legal services for people with a mental illness or intellectual disability.

We are also committed to providing civil law services where the need is greatest and access is easiest for vulnerable people. We will partner with the Victorian Aboriginal Legal Service, Whittlesea Community Legal Centre, Bendigo Health and mental health clinics throughout the State to provide more integrated services.

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## Civil Justice sub-programs

### Mental Health and Disability Advocacy

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

### Social Inclusion

We contribute to the alleviation of poverty and social exclusion by providing advocacy to help resolve problems that would otherwise lead to entrenched disadvantage, including problems relating to debt, tenancy, infringements and experience as a victim of crime.

### Equality

We promote substantive equality by addressing individual and systemic discrimination through case work, legal education and law and policy reform.

### Migration

We ensure that new migrant citizens and asylum seekers and other vulnerable non-citizens are provided with community legal education to understand the law, and appropriate legal assistance and other forms of advocacy to obtain just outcomes.

### Commonwealth Entitlements

We assist eligible people to access income support and entitlements and challenge unfair administrative decisions by Centrelink and the Department of Veterans' Affairs by providing quality legal advice and representation, and by encouraging agencies to administer systems that treat clients fairly and respectfully.

We also assist people to navigate the social security prosecution system, and aim to influence the system to be efficient, fair and respectful to accused people.

### Sub-program operating expenditure

Sub-program	Operating expenditure	% of total expenditure
Mental Health and Disability Advocacy	\$1.7 million	1.0%
Social Inclusion	\$3.4 million	2.0%
Equality	\$1.4 million	0.8%
Migration	\$2.0 million	1.2%
Commonwealth Entitlements	\$2.3 million	1.3%
<b>Civil Justice program</b>	<b>\$10.8 million</b>	<b>6.3%</b>

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## Civil Justice services: facts and figures

### Our phone services

Our phone service dealt with:

- 39,260 civil law matters (up by 7%) **NPA**
- 37,904 civil law calls (up by 8%).

### Referrals

We referred 29,833 matters\* to appropriate external agencies (up by 33%). **NPA**

The top five referrals were generalist community legal centres, specialist community legal centres, the Law Institute of Victoria, private practitioners and Consumer Affairs Victoria.

We also referred clients to non-legal services, including financial counsellors, housing, health and employment services.

\* We make appropriate referrals to other services (non-legal as well as legal) that may be relevant to a client's needs. We also refer clients to external agencies when we are unable to help, for example, if we have a conflict of interest or we cannot provide assistance because of the nature of the matter. The significant increase is due to implementing the new triage, intake and referral model and better practices in recording referrals across the organisation.

### Free legal advice

We provided 16,557\* legal advice, minor assistance and advocacy services (down by 2%). **NPA**

We also provided legal advice at court for people who need it most through our duty lawyer service.

\* This includes unique count of files categorised as minor assistance. Previous reports only counted minor assistance that was linked to legal advice.

### Number of duty lawyer services for civil matters **NPA**

Legal provider	Number of services	% change*
Victoria Legal Aid lawyers	3,959	24% down
Private practitioners	4	–
<b>Total</b>	<b>3,963</b>	<b>24% down</b>

\* Percentage changes are based on comparison with 2011–12.

### Civil in-house duty lawyer services

- 65% of duty lawyer services were provided for infringement cases of which 59% were handled by our regional offices.
- 12% of duty lawyer services were provided for matters before the Mental Health Review Board.
- 12% of duty lawyer services were provided at the Victorian Civil and Administrative Tribunal of which 68% dealt with landlord and tenant disputes.

## Number of grants of legal assistance for civil matters <sup>NPA</sup>

Legal provider	Number of grants	% change*
Victoria Legal Aid lawyers	698	22% down
Private practitioners	276	21% down
Community legal centres	76	12% up
<b>Total</b>	<b>1,050</b>	<b>20% down</b>

\* Percentage changes are based on comparison with 2011–12.

## Number of grants by sub-program\*

Sub-program	Number of grants
Commonwealth Entitlements	105
Equality	76
Mental Health and Disability Advocacy	99
Migration	103
Social Inclusion	667
<b>Total program</b>	<b>1,050</b>

\* This is the first time we have reported the number of grants by sub-program.

## Services provided by private practitioners

- Private practitioners received 26% of the grants of legal assistance for civil matters.
- 74% of these cases were assigned to 20 private practitioner firms.
- Total expenditure for civil law matters paid to private practitioners was \$0.6 million (down by \$0.4 million).
- 85% of the total private practitioner expenditure was by 20 private practitioner firms.

## Top five matters\*

Matter type	Number of matters
Infringements	8,355
Tenancy	4,186
Advice/miscellaneous**	2,804
Mental Health Review Board	2,594
Other contract matters***	2,565

\* This includes matters for grants, advice, duty lawyer services and our phone service.

\*\* Advice/miscellaneous includes civil litigation at the Magistrates' Court, consumer matters, civil claims at the Victorian Civil and Administrative Tribunal, Working with Children Checks and freedom of information requests.

\*\*\* Other contract matters may include wills, building disputes, commercial disputes, employment contracts, insurance and loans or consumer disputes.

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## Criminal Law program

### What we do

We provide high quality legal advice and representation for people charged with criminal offences who cannot otherwise afford it and meet our eligibility criteria, with a focus on people who are disadvantaged or at risk of social exclusion. We also:

- influence the criminal justice system to provide timely justice, the fair hearing of charges and appropriate outcomes
- ensure that people charged with offences are treated with dignity, are well-informed and guided appropriately through the criminal justice system
- improve community understanding of criminal justice and behavioural issues.

### Our services

The Criminal Law program's core services are to provide:

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

### Clients

- 48,368 unique clients\* (down by 5%)
- 22.9% presented with two criminal law problems and 15.0% with three to five
- 10,140 or 21.0% from culturally and linguistically diverse backgrounds\*\*
- 1,731 or 3.6% from Aboriginal or Torres Strait Islander backgrounds

\* These are clients who accessed one or more services during the year, including early intervention services, duty lawyer services, dispute resolution services and grants of legal assistance.

\*\* This is based on the Australian Bureau of Statistics definition of people from culturally and linguistically diverse backgrounds. It includes people who speak a language other than English at home and people who were born in a non-English-speaking country.

### Gender and age profile

Age	Male	Female	Total
0–15	1,415	490	1,905
16–24	11,586	2,732	14,318
25–34	10,781	2,950	13,731
35–44	7,880	2,503	10,383
45–54	3,987	1,260	5,247
55–64	1,532	396	1,928
65+	703	147	850

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## Program operating expenditure\*

Income sources	Expenditure	% expenditure
Commonwealth	\$4.2 million	7.8% of Commonwealth expenditure
State	\$76.6 million	66.2% of State expenditure
<b>Total</b>	<b>\$80.8 million</b>	<b>47.5% of total expenditure</b>

\* This excludes expenditure for community legal centres.

## Key achievements

### Targeted access to quality services

Changes to our eligibility guidelines in 2012–13 have increased our capacity to deliver more targeted services to vulnerable people facing serious consequences within the criminal justice system.

From our improved duty lawyer service to our embedded specialist sexual offences approach, we have strengthened our service delivery through a more targeted approach and further improved the skills and expertise of our staff. As a result, our staff now undertake more complex advocacy work on behalf of clients.



### Helping to reduce backlog of criminal appeals

We have consolidated our response to the Court of Appeal's significant reforms for filing criminal appeals. Working with the court and the legal profession, we have reduced the growing backlog of criminal cases, particularly in conviction appeals.

We are engaged in an ongoing process of reviewing, developing and implementing organisation-wide systems for improving the quality and timeliness of legally aided appeals.

Additionally, we have continued to identify, conduct and support complex criminal appeals in the Victorian Supreme Court of Appeal and the High Court.



### Focus on quality case preparation

To ensure high quality services for clients facing serious criminal charges, we have implemented new internal monitoring and compliance procedures for case preparation in indictable crime matters.

The procedures include quality assurance tools to ensure critical procedural issues are complied with consistently to develop a case strategy, maximising opportunities for early resolution.



### Managing increasingly complex sexual offence cases

In recognition of increasing demand and complexity in sex offences, we established the Sexual Offences sub-program on 1 July 2012. The sub-program has enabled us to more effectively respond to the needs of clients and the specialist sexual offences lists across Victoria.

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We have established relationships with the Victorian departments of Justice and Corrections, resulting in many cases being directly referred to our lawyers to enable a more specialised approach to pre-court case management.

Supervision cases present complex legal, evidentiary and policy issues. We have co-ordinated a group listing of cases in the Court of Appeal to test for the first time the meaning of ‘unacceptable risk’. The judgment that follows will provide important guidance to the County and Supreme courts in future supervision cases.



### **Improved advice service for Parkville Youth Justice Centre**

Access to legal information, advice and representation provides an important safety net for young people to help them break the cycle of re-offending.

With this in mind, we have worked closely with Parkville Youth Justice Centre to improve our advice service. We now provide a post-admission ‘legal health check’ for all youth detainees new to the centre.

We also provide a general assessment of any outstanding legal issues a young person may have, enabling a more holistic approach to case management. The aim is to assist in a young person’s reintegration into the community by addressing any issues prior to their release.



## **Challenges**

### **Prioritising services for our most vulnerable clients**

The economic climate, as well as federal and State government commitments to making the community safer, have meant that more people need our services. This year, we made significant changes to criminal law eligibility guidelines and duty lawyer services to ensure that we remain financially sustainable in the face of increasing demand and increased costs, while continuing to provide assistance to priority clients.

### **Reducing court delays**

We have worked closely with courts and other stakeholders on various court initiatives designed to reduce delay through greater resolution, swifter case disposal times and reducing the case backlogs in the Court of Appeal.

However, we still face the challenge of increased court activity and a corresponding demand for legal services.

### **Instructing guideline**

In January 2013 we introduced a new guideline for criminal trials. The guideline continued to provide for full trial preparation by a solicitor, representation by a barrister for the length of the trial and the attendance of an instructing solicitor for two half days. Previously funding was provided for an instructing solicitor to be present with the barrister for the whole trial.

In February 2013, Supreme Court judges Lasry and Forrest stayed trials because instructors were not available for the full duration of the trial.

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On 7 May, after considering the decision of the Court of Appeal in the matter of *The Queen v Chaouk & Ors* [2013] VSCA 99, we introduced an interim guideline allowing for an instructing solicitor for every day of the trial.

The interim guideline acknowledged the importance placed by the Court of Appeal on having instructing solicitors present during criminal trials and ensured all legally aided trials could continue.

In 2013–14 we will be further consulting with our stakeholders on the quality and efficiency of criminal trials.

### **Future challenges**

In 2013–14 we expect to see:

- increased demand on criminal law services
- continued improvement to meet the challenge of delivering high quality, cost-effective criminal law services that are better positioned to respond to client needs more holistically
- new and improved ways to increase access to our services for clients across the State.

### **Outlook**

Although we have had a challenging year where we made difficult choices about our eligibility guidelines, we continued to deliver strong outcomes for our clients and the community.

In 2013–14 we will continue to seek ways to increase access to and improve the quality of our criminal law services for the most vulnerable people in our community, particularly young people and people with mental or cognitive disabilities.

We will examine the quality and efficiency of criminal trials to ensure we deliver high quality representation to our clients.

We will consult with the courts, profession and prosecuting agencies to examine ways of introducing greater accountability, compliance and quality measures around trial preparation and advocacy standards.

Trials in higher courts account for a significant proportion of the Legal Aid Fund and ensuring trials are well prepared and conducted is essential to client, court and community confidence in Victoria Legal Aid.



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## Criminal Law sub-programs

### Summary Crime

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

### Indictable Crime

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

### Appellate Crime

We 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.

### Youth Crime

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

### Sexual Offences

We provide specialist legal advice and representation to people facing sexual offence charges in all courts, specialist duty lawyer services at the Melbourne Magistrates' Court and expert assistance to people who are responding to applications pursuant to the *Serious Sex Offender (Detention and Supervision) Act 2009* (Vic). We also apply our specialist knowledge and experience to law reform and policy development, to promote fair and just outcomes in sexual offence cases.

### Operating expenditure

Sub-program	Operating expenditure	% of total expenditure
Summary Crime	\$36.9 million	21.7%
Indictable Crime	\$21.4 million	12.6%
Appellate Crime	\$3.4 million	2.0%
Youth Crime	\$10.7 million	6.3%
Sexual Offences	\$8.4 million	4.9%
<b>Criminal Law program</b>	<b>\$80.8 million</b>	<b>47.5%</b>

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## Criminal Law services: facts and figures

### Our phone services

Our phone service dealt with:

- 18,016 criminal law matters (up by 15%) **NPA**
- 16,625 criminal law calls (up by 14%).

### Referrals

We referred 18,308\* matters to appropriate external agencies (up by 105%). **NPA**

The top five referrals were private practitioners, courts, generalist community legal centres, police and other law enforcement agencies and the Law Institute of Victoria.

We also referred clients to non-legal services, including drug and alcohol counselling, social welfare services and anger management counselling.

\* We make appropriate referrals to other services (non-legal as well as legal) that may be relevant to a client's needs. We also refer clients to external agencies when we are unable to help, for example, if we have a conflict of interest or we cannot provide assistance because of the nature of the matter. The significant increase is due to implementing the new triage, intake and referral model and better practices in recording referrals across the organisation.

### Free legal advice

We provided 20,711\* legal advice, minor assistance and advocacy services (down by 10%). **NPA**

We also provided legal advice at court for people who need it most through our duty lawyer services.

\* This includes unique count of files categorised as minor assistance. Previous reports only counted minor assistance that was linked to legal advice.

### Number of duty lawyer services for criminal matters **NPA**

Legal provider	Number of services	% changes*
Victoria Legal Aid lawyers	40,440	16% down
Private practitioners	5,212	3% down
<b>Total</b>	<b>45,652</b>	<b>15% down</b>

\* Percentage changes are based on comparison with 2011–12.

### Criminal in-house duty lawyer services

- 92% of duty lawyer services were provided in the Magistrates' Court of which 5% dealt with breaches of family violence intervention orders.
- 8% of duty lawyer services were provided in the Children's Court of which 27% dealt with theft offences.

## Number of grants of legal assistance for criminal matters NPA

Legal provider	Number of grants	% change*
Victoria Legal Aid lawyers	7,144	13% down
Private practitioners	16,968	6% down
Community legal centres	263	9% up
<b>Total</b>	<b>24,375</b>	<b>8% down</b>

\* Percentage changes are based on comparison with 2011–12.

## Number of grants by sub-program\*

Sub-program	Number of grants
Appellate Crime	1,042
Indictable Crime	2,392
Sexual Offences	946
Summary Crime	15,674
Youth Crime	4,321
<b>Total program</b>	<b>24,375</b>

\*This is the first time we have reported the number of grants by sub-program.

## Services provided by private practitioners

- Private practitioners received 70% of the grants of legal assistance for criminal matters.
- 54% of these cases were assigned to 20 private practitioner firms.
- Total expenditure for criminal law matters received by private practitioners was \$36.6 million (up by \$2.0 million).
- 36% of the total private practitioner expenditure was by 20 private practitioner firms.

## Top five matters\*

Matter type	Number of matters
Theft	5,718
Driving while licence suspended	5,632
Common assault**	4,890
Miscellaneous criminal offences***	4,124
Breach of family violence intervention order	3,840

\* This includes matters for grants, advice, duty lawyer services and our phone service.

\*\* Common assault does not include assault with weapons, assault with intent to rape, intentionally or recklessly causing serious injury, recklessly causing injury or assault with intent to rob.

\*\*\* 'Miscellaneous criminal offences' includes defamation and libel, offences against privacy, public health and safety offences, and illicit drug offences.

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## Family, Youth and Children's Law program

### What we do

We assist people to resolve their family disputes to achieve safe, workable and enduring care arrangements for children. We also assist parents to build their capacity to resolve future disputes without legal assistance.

### Our services

The Family, Youth and Children's Law program's core services are to provide:

- duty lawyer, legal advice, representation and information services at the Commonwealth Family Law Courts, including in family law financial matters (formerly child support), parenting disputes and family violence matters
- lawyer-assisted and child-inclusive family dispute resolution to help settle disputes without going to court
- Independent Children's Lawyers who promote the interests of children at risk and help judicial officers make good decisions
- duty lawyer, legal advice, representation and information services to children and parents in the Children's and Magistrates' courts of Victoria, including in child protection and family violence matters.

### Clients

- 32,894 unique clients\* (down by 3%)\*
- 16.8% presented with two family law problems and 7.5% with three to five
- 6,016 or 18.2% from culturally and linguistically diverse backgrounds\*\*
- 1,177 or 3.6% from Aboriginal or Torres Strait Islander backgrounds

\* These are clients who accessed one or more services during the year, including early intervention services, duty lawyer services, dispute resolution services and grants of legal assistance.

\*\* This is based on the Australian Bureau of Statistics definition of people from culturally and linguistically diverse backgrounds. It includes people who speak a language other than English at home and people who were born in a non-English-speaking country.

### Gender and age profile

Age	Male	Female	Total
0–15	2,297	2,283	4,580
16–24	2,085	2,605	4,690
25–34	3,761	4,901	8,662
35–44	4,306	4,649	8,955
45–54	2,258	1,822	4,080
55–64	757	533	1,290
65+	385	246	631

## Program operating expenditure\*

Income sources	Expenditure	% expenditure
Commonwealth	\$38.6 million	70.9% of Commonwealth expenditure
State	\$19.0 million	16.4% of State expenditure
<b>Total</b>	<b>\$57.6 million</b>	<b>33.8% of total expenditure</b>

\* This excludes expenditure for community legal centres.

## Key achievements

### Increasing Independent Children's Lawyer services in regional Victoria

We expanded the reach of our Independent Children's Lawyer services after our regional senior family lawyers were trained to become qualified Independent Children's Lawyers. We are now able to better respond to the needs of the children we represent from most of our regional offices.



### Increasing the number of regional clients getting family financial support

Single parent families in regional areas often face extra financial hardships, as they can have limited access to services and facilities. Other environmental factors, such as drought, bushfire and flood, may also impact on their financial situation.

To help regional clients we provide a state-wide outreach program for family financial support legal issues from our regional offices and some remote regional areas. In 2012–13 we worked with local services to increase public awareness of our outreach program. As a result, the number of regional clients who were provided with legal advice and representation about family financial support increased by 24%.



### Supporting the roll-out of New Model Conferences with skilled child protection lawyers

Following recommendations in the *Report of the Protecting Victoria's Vulnerable Children Inquiry*, we worked with the Children's Court and the Victorian Department of Human Services to roll out comprehensive dispute resolution conferences known as New Model Conferences.

These conferences facilitate the early resolution of child safety applications through a non-adversarial process. They aim to involve parents and other significant people from a child's family to find a resolution that is in the best interests of the child.

We also worked with the Children's Court, the Department of Human Services and private practitioners to develop a multi-disciplinary mediation workshop designed to improve the experiences of parents and children in the child protection system. All our child protection lawyers now have the additional expert skills to provide legal representation at New Model Conferences.



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## **Preventing family violence in newly arrived communities**

People from newly arrived communities often have difficulties understanding the legal system. To help these people become more confident in understanding their legal rights and responsibilities in family relationships we commenced the Settled and Safe project in 2012.

Funded by a Legal Services Board grant, the project aims to prevent family violence by educating people about our laws. Community liaison educators in our Ringwood, Dandenong, Shepparton, Morwell and Melbourne offices have worked with settlement services to develop and deliver information tailored to the needs of people from newly arrived communities.

The connections that we are developing through this project will enable us to further develop clear pathways for clients so that they can get help earlier.



## **Challenges**

### **Prioritising services for our most vulnerable clients**

The current economic climate as well as federal and State government commitments to making the community safer, including to eliminating family violence and to improving child protection, have meant that more people need our services to help resolve their family law disputes or child protection matters.

This year, we made significant changes to family law and child protection eligibility guidelines and duty lawyer services to ensure that we remain financially sustainable in the face of increased demand and increased costs, while continuing to provide assistance to priority clients.

### **Responding to increased demand for family violence legal services**

Federal and State government commitments to addressing family violence have led to a significant increase in both the reporting of family violence incidents and demand for family violence legal services.

The challenge for us has been the continued pressure on our legal services to respond effectively to an increasing number of clients who need help with safety notices and intervention orders. This year our duty lawyers helped people with family violence matters more than any other family or children's law matter, representing 75% of duty lawyer services in this program.

## **Outlook**

In 2013–14 we expect to:

- allocate resources to better address unmet need for family law services, particularly in regions of high growth and relatively high disadvantage
- continue to face challenges in responding to the increased demand for child protection assistance, while continuing to be more responsive to the experience of families in the Children's Court.

We will also review the way in which our Commonwealth family law and State child protection services are provided to ensure our most vulnerable clients receive a consistent, efficient and quality service that is financially sustainable. We will target our resources to areas of the greatest need and disadvantage across the State.

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We will also monitor the impact of changes made to family law eligibility guidelines on the community and the family law system.

## **Family, Youth and Children's Law sub-programs**

### **Independent Children's Lawyers**

We ensure as far as possible that arrangements made by the court are in the children's best interests by helping children at risk in Family Law Court proceedings.

### **Parenting Disputes**

We achieve safe, workable and sustainable care arrangements for children whose parents have separated, by assisting families experiencing serious conflict who have been unable to resolve children's issues through family dispute resolution services to access the Family Law Courts.

### **Family Law Financial Support**

We ensure children of separated parents are financially supported in accordance with the law; a separated parent is supported financially by the other parent in cases where they are unable to adequately support themselves and the other parent has capacity to pay; and the assets and liabilities of separated parents are distributed fairly, by providing access to independent legal advice and representation where appropriate.

### **Child Protection**

We 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. We also 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.

### **Family Violence**

We contribute to the safety of adults and children impacted by family violence, and assist in reducing the incidence of family violence, by providing legal services to those adults and children and by actively contributing to public debate about the policies and practices of courts and governments.

### **Appropriate Dispute Resolution**

We deliver timely and respectful access to fair and appropriate dispute resolution processes to disadvantaged and vulnerable Victorians through the family dispute resolution program at Roundtable Dispute Management and through expanding delivery of appropriate dispute resolution processes to other areas of law.

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## Operating expenditure

Sub-program	Operating expenditure	% of total expenditure
Independent Children's Lawyers	\$7.7 million	4.5%
Parenting Disputes	\$13.6 million	8.0%
Family Law Financial Support	\$1.9 million	1.1%
Child Protection	\$17.2 million	10.1%
Family Violence	\$3.5 million	2.0%
Appropriate Dispute Resolution	\$13.7 million	8.1%
<b>Family, Youth and Children's Law program</b>	<b>\$57.6 million</b>	<b>33.8%</b>

## Family Law services: facts and figures

### Our phone services

Our phone service dealt with:

- 32,187 family law matters (up by 9%) [NPA](#)
- 28,555 family law calls (up by 8%).

### Referrals

We made 23,196\* referrals to appropriate external agencies (up by 84%). [NPA](#)

The top five referrals were private practitioners, the Law Institute of Victoria, generalist community legal centres and courts.

We also referred clients to non-legal services, including family relationship centres, dispute resolution services and family violence services.

\* We make appropriate referrals to other services (non-legal as well as legal) that may be relevant to a client's needs. We also refer clients to external agencies when we are unable to help, for example, if we have a conflict of interest or we cannot provide assistance because of the nature of the matter. The significant increase in is due to implementing the new triage, intake and referral model and better practices in recording referrals across the organisation.

### Free legal advice

We provided 14,330\* legal advice, minor assistance and advocacy services (down by 7%). [NPA](#)

We also provided legal advice at court for people who need it most through our duty lawyer service.

\* This includes unique count of files categorised as minor assistance. Previous reports only counted minor assistance that was linked to legal advice.



## Number of duty lawyer services for family matters NPA

Legal provider	Number of services	% changes*
Victoria Legal Aid lawyers	14,182	3% down
Private practitioners	1,506	15% down
<b>Total</b>	<b>15,688</b>	<b>4% down</b>

\* Percentage changes are based on comparison with 2011–12.

## Family in-house duty lawyer services

- 75% of duty lawyer services were provided for family violence intervention orders matters of which 3% were in the Children’s Court and 87% were handled by our regional offices.
- 10% of duty lawyer services were provided for child protection matters of which 43% were dealt with by our Melbourne Child Protection team.
- 78% of duty lawyer services were provided in the Magistrates’ Court of which 6% dealt with personal safety intervention orders.
- 9% of duty lawyer services were provided in the Family Law Courts.

## Number of grants of legal assistance for family matters NPA

Legal provider	Number of grants	% changes*
Victoria Legal Aid lawyers	2,385	12% down
Private practitioners	11,828	15% down
Community legal centres	144	25% down
<b>Total</b>	<b>14,357</b>	<b>14% down</b>

\* Percentage changes are based on comparison with 2011–12.

## Number of grants by sub-program\*

Sub-program	Number of grants
Appropriate Dispute Resolution	2,781
Child Protection	6,314
Family Violence	2,154
Family Law Financial Support	628
Independent Children's Lawyers	789
Parenting Disputes	1,691
<b>Total program</b>	<b>14,357</b>

\*This is the first time we have reported the number of grants by sub-program.

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### Services provided by private practitioners

- Private practitioners received 82% of the grants of legal assistance for family law matters.
- 40% of these cases were assigned to 20 private practitioner firms.
- Total expenditure for family law matters received by private practitioners was \$30.0 million (down by \$1.8 million).
- 29% of the total private practitioner expenditure was by 20 private practitioner firms.

### Top five matters\*

Matter type	Number of matters
Family violence intervention orders	19,515
Spending time with children	13,553
Child protection	8,400
Property settlement	6,003
Who children live with	3,894

\* This includes matters for grants, advice, duty lawyer services and our phone service.



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## Our organisation

### About Victoria Legal Aid

#### Our vision

A leading and responsible force for community access to the legal system and for social justice.

#### Our values

Victoria Legal Aid is committed to:

- serving our clients and community professionally and ethically
- acting with integrity, fairness and transparency at all times
- respecting and valuing diversity
- pursuing continuous improvement across the organisation.

#### Our purpose and functions

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

Our statutory objectives<sup>1</sup> are to:

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

In so doing, we may<sup>2</sup>:

- co-operate with social service or social welfare organisations
- undertake research
- make recommendations to reform the law

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<sup>1</sup> Section 4 *Legal Aid Act 1978*

<sup>2</sup> Section 6 *ibid*

- 
- carry out educational programs
  - provide financial assistance to voluntary legal aid bodies.

In performing our functions, we must<sup>3</sup>:

- ensure that legal aid is provided in a manner which dispels fear and distrust
- establish any local offices considered appropriate and generally use best endeavours to make legal aid available throughout the State
- 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
- make maximum use of services which private legal practitioners offer to provide on a voluntary basis
- 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 we provide 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.

## **Public benefit**

We work to address the barriers that prevent people from accessing the justice system by participating in reforms and ensuring the actions of government agencies are held to account. We serve the broader community by providing information, legal advice and education with a focus on the prevention and early resolution of legal problems, and legal representation to those who need it the most.

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<sup>3</sup> Sections 7 and 8 ibid

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## Governance and organisational structure

### Governing legislation

Victoria Legal Aid is an independent statutory authority established under the *Legal Aid Act 1978* (Vic). We are funded by Commonwealth and Victorian governments, but are independent of government.

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

We are also required to perform functions according to any specific written direction given by the Victorian Attorney-General. No ministerial directions were given during 2012–13.

We have legislated and organisational processes in place to ensure transparency and accountability to the Victorian public. These include external and internal auditing, regular reporting to stakeholders, and the tabling of audited financial statements as part of this report.

### Strategic planning

Our *Strategic Plan 2011–14* prioritises assistance for people who are poor and cannot afford the protection of the law and:

- face detention by the State or having decisions made for them
- are exposed to risk of violence or harm
- are marginalised or vulnerable to exploitation and unfair treatment.

In line with our commitments under the Council of Australian Governments' *National Partnership Agreement on Legal Assistance Services*, our Strategic Plan also focuses on services that:

- uphold rights and due process
- focus on early intervention and prevention
- build the capacity of clients to resolve their future problems without legal assistance
- deliver a wide benefit to the community.

The services we provide and our initiatives are guided by the themes and goals we have committed to in our Strategic Plan:



#### **Access and inclusion**

Strategic goal: To deliver timely and respectful access to the justice system; to help people resolve legal problems and protect rights.



#### **Relationships and collaboration**

Strategic goal: To build strong effective relationships with other organisations for the benefit of our clients.



#### **Organisational responsiveness**

Strategic goal: To enhance organisational capability to respond to a changing environment.

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## Our strategic planning environment



## Our commitments

Our commitments help us to achieve the goals in our *Strategic Plan 2011–14* over a three year period. In 2012–13 we:

- provided 146,158 people with information, advice, community legal education and other early intervention services
- helped 3,183 regional and rural Victorians with civil law issues (see p. 34–40)
- provided 71,337 client referrals (see p. 21)
- had 61 accredited specialists helping clients (see p. 73–74)
- briefed 52% of significant cases to female barristers (see p. 30–31).

## The Board

Our Board of Directors is responsible for ensuring Victoria Legal Aid meets its statutory objectives and carries out its functions and duties in accordance with the Act.

The Board met nine times in 2012–13.

### Board members

The Board has five directors nominated by the Victorian Attorney-General and appointed by the Governor-in-Council. At least one member must have experience in financial management and one must have experience in business or government operations. One of the directors is our Managing Director.

### Andrew Guy, Chairperson



Andrew Guy has more than 40 years of legal and management experience. A former managing partner at Arthur Robinson & Hedderwicks, Andrew Guy has extensive experience as a director, sitting on the boards of several listed public companies as well as Anglicare Victoria. Andrew was appointed as Chairperson of the Victoria Legal Aid Board in October 2011.

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## **Bevan Warner, Managing Director**



Bevan was appointed Managing Director of Victoria Legal Aid on 4 August 2008. He has 20 years' senior executive experience including in Corrections and 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 and child protection systems. Bevan was formerly the General Manager of Legal Aid Western Australia.

## **Catherine McGovern**



Catherine McGovern has extensive experience in merchant banking, government relations and public affairs. She was previously the General Manager, Government and Public Affairs at Medibank Private and the industry adviser for the then Minister of Industry, Science and Resources, Senator the Hon. Nick Minchin. Catherine is also a board member of Melbourne City Mission. Catherine was appointed in

September 2011.

## **Virginia Rogers**



Virginia Rogers has extensive legal and board experience with a diverse range of organisations. A former chairperson of the Equal Opportunity Commission of Victoria, she is currently a member of the Victorian Board of the Nursing and Midwifery Board of Australia and chairperson of Marriott Support services. Virginia was appointed in May 2012.

## **David Thompson**



David Thompson has more than 30 years' experience in the finance sector in senior roles in Australia and the United States of America, including as Chief Financial Officer for the NAB Business Bank. He holds a Masters in Applied Finance and graduate diplomas in computing, chartered secretarial practice and corporate administration. He is a member of the Institute of Chartered Accountants Victorian

Regional Council. David was appointed in February 2013.

## **Farewell**

We farewelled Board member Jennifer Shaw during the year. We acknowledge and thank Jennifer for her contribution to Victoria Legal Aid.

## **Audit committee**

The Audit Committee assists the Board to fulfil its governance responsibilities.

It provides oversight of financial performance including:

- the annual financial statements
- assurance on the operation and implementation of the risk management framework

- 
- overview of the scope, quality and outcome of internal and external audits
  - monitoring our compliance with legal and regulatory requirements and compliance policies.

The Charter for the Audit Committee, approved by the Board, specifies the committee's purpose and objectives, authority, membership, attendance at meetings, and roles and responsibilities.

## **Members**

The Audit Committee met on a quarterly basis and its membership comprised:

### **David Thompson**

Chair of Audit Committee

### **Andrew Guy**

Non-executive Audit Committee member

### **Catherine McGovern**

Non-executive Audit Committee member

### **Virginia Rogers**

Non-executive Audit Committee member

The Managing Director, Executive Manager and Chief Financial Officer 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. Our external auditor is the Victorian Auditor-General's Office.

KPMG provide our internal audit services. Our internal auditing procedures assist the Audit Committee and look at control and risk management practices, and if these are effective, efficient and economical in assisting us to achieve our objectives. Where necessary, improvements in procedures and systems are recommended.

## **Reports**

The Audit Committee met four times in 2012–13. A report was presented at each meeting on audit activities undertaken, advisory services provided and audit support carried out.

Reports and advice during the year included:

- information technology general controls
- simplified grants compliance
- financial data integrity
- accounts receivable
- review of program cost driver management.

## **Organisational structure**

In 2012–13 we substituted the former executive officer role of Director of Business Services with a new executive officer role of Chief Counsel, and introduced Victoria Legal Aid Chambers – a specialised group of in-house advocates who provide accountable and high quality advocacy for legally assisted clients.



Our corporate services functions are led by a Chief Financial Officer, Associate Director People and Culture, and Chief Information Officer, who are not employed on executive officer contracts and whose terms and conditions of employment are subject to our enterprise agreement.

Access and Equity	Kristen Hilton	Managing Director Bevan Warner	Victoria Legal Aid Board	Attorney-General The Hon Robert Clark
Civil Justice	Kristen Hilton			
Criminal Law	Helen Fatouros			
Family, Youth and Children's Law	Leanne Sinclair			
Chambers	Saul Holt, SC			
Legal Practice	Meagan Keogh			
Research and Communications	Nicole Rich			

## Agency executive

The senior executive team meets regularly to plan, discuss and review operational performance.

### Bevan Warner

Managing Director



Bevan was appointed Managing Director of Victoria Legal Aid on 4 August 2008. He has 20 years' senior executive experience including in Corrections and 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 and child protection systems. Bevan was formerly the General Manager of Legal Aid Western Australia.

### Kristen Hilton

Director, Civil Justice, Access and Equity  
Director for Barwon and South Coast regions



Kristen was previously the Executive Director of the Public Interest Law Clearing House and has extensive knowledge of current civil law and human rights issues and the needs of marginalised and disadvantaged individuals. Kristen has practised in the private profession and in a number of community legal centres, and is currently completing a Master of Laws at the University of Melbourne.

Kristen commenced as Director, Civil Justice, Access and Equity in November 2009.

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## **Helen Fatouros**

Director, Criminal Law

Director for Goulburn region and North Western suburbs



In her previous role as Legal Prosecution Specialist, Helen was the lead in-house advocate on behalf of the Victorian Director of Public Prosecutions in all indictable criminal matters across the Magistrates', Coroners, County and Supreme Courts. She has an extensive criminal law background, having held several other roles at the Office of Public Prosecutions including Directorate Manager of the Specialist Sex

Offences Unit. Helen also led the profession-wide implementation of the Sexual Offences Interactive Legal Education Program, earning her the Law Institute of Victoria's 2012 President's Award for Government Lawyer of the Year. Helen commenced as Director, Criminal Law in January 2013.

## **Leanne Sinclair**

Acting Director, Family, Youth and Children's Law

Acting Director for Central highlands and Wimmera regions



Leanne has extensive knowledge of family law having worked in a busy private family law practice and the community legal sector, including as Principal Lawyer at Women's Legal Service Victoria. Leanne is committed to promoting access to justice for vulnerable clients and protecting the rights of children at risk by ensuring that safe workable care arrangements are put in place for families. She was

previously a board member of the Women's Domestic Violence Crisis Service. Leanne started working at Victoria Legal Aid as the Family Violence Program Manager in 2011.

## **Saul Holt, SC**

Chief Counsel

Director for Loddon–Campaspe and North West regions



Saul has specialisation in appellate law and practice, and was previously a Crown Prosecutor in New Zealand for nine years. He is committed to advancing the interests of legally assisted clients and helping us build on our strengths as one of the largest legal services providers in Victoria. Saul commenced as our Director, Criminal Law in September 2009 and was appointed Senior Counsel and a member of

the Victorian Law Reform Commission in 2012. In July 2012, Saul commenced as our first Chief Counsel, leading our team of civil, criminal and family law advocates.

## **Meagan Keogh**

Director, Legal Practice

Director for North Eastern, Outer Eastern and Western suburbs



Meagan oversees implementation of quality practice standards throughout the Victoria Legal Aid network, including Melbourne, suburban and country offices. Meagan has experience in private practice and community legal centres, and with the Commonwealth

Director of Public Prosecutions. She is an Accredited Criminal Law Specialist and was previously the Managing Lawyer of our Preston office. Meagan is currently a Law Institute of Victoria Council member and a member of the Legal Practices Committee of the Legal Services Board. Meagan commenced as Director, Legal Practice in October 2010.

### Nicole Rich

Director, Research and Communications  
 Director for Westernport, Peninsula and Gippsland regions



Nicole is experienced in developing legal research and policy, including as the former Director, Policy and Campaigns at the Consumer Action Law Centre. She has practised in the private profession and community legal centres and is a current board member of CHOICE (the Australian Consumers' Association) and the Telecommunications Universal Service Management Agency. Nicole commenced as Director, Research and Communications in May 2011.

### Farewells

During the year we farewelled our former Director, Family, Youth and Children's Law Services, Judy Small, when she was appointed as a Judge of the Federal Circuit Court. We also farewelled former Director, Business Services Tony Matthews. We thank Judy and Tony for their valuable contributions to the organisation.

### Independent review

Independent reviewers can reconsider or review a decision made by one of our officers or another independent reviewer, where it relates to a grant of legal assistance.

They can also hear and determine matters relating to the removal or exclusion of a lawyer from one of our practitioner panels.

When reviewing a matter, the independent reviewer must have regard to the *Legal Aid Act 1978 (Vic)* and any guidelines provided by the Board. They can confirm or change our decision.

### Independent review of decisions

#### Review of decisions relating to a grant of legal assistance

Nature of review	2012–13	2011–12
Independent reviewer agreed with our decision	129	112
Independent reviewer changed our decision	32	21
<b>Total</b>	<b>161</b>	<b>133</b>

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## Review relating to proposed removal or exclusion of a lawyer from one of our practitioner panels

Nature of review	2012–13	2011–12
Independent reviewer agreed with our decision	0	1
Independent reviewer changed our decision	0	0
<b>Total</b>	<b>0</b>	<b>1</b>

### Independent reviewers

We acknowledge the valuable contribution of the independent reviewers appointed under the Act:

- John Nixon (Chairperson)
- Brook Hely
- Carmel Morfuni.

Mr Martin Ravech QC ended his term of appointment as member and Chairperson of the panel of independent reviewers on 30 July 2012 after 15 years of service and commitment. We thank Mr Ravech QC for his valuable contribution to the panel.

### Community Consultative Committee

Our Community Consultative Committee helps us identify ways to target services more effectively for people who are, or are at risk of becoming, socially excluded. It also helps us identify opportunities for cross-sectoral collaboration to improve access to justice.

The committee makes recommendations about various matters referred to it by our Board. Members are appointed by the Board and must include a person nominated by the Federation of Community Legal Centres and a person representing Victoria Legal Aid staff.

This year the committee met three times and discussed:

- our Family Violence program and its work in contributing to the safety of adults and children impacted by family violence
- the work of our Equality Law program in providing advice and representation on anti-discrimination law matters
- how we can effectively collaborate with the social welfare sector to achieve more integrated responses to social and legal problems.

### Members

The committee is made up of representatives from a wide range of organisations we work with, or that are impacted by our work. The Community Consultative Committee is chaired by the Chairperson of the Victoria Legal Aid Board, Andrew Guy. Members in 2012–13 were:

#### Professor Marie Connolly

Chair and Head of Social Work, Melbourne School of Health Sciences, University of Melbourne

#### Nicky Friedman

Head of Pro Bono and Community Programs, Allens

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**Dr Stefan Gruenert**

Chief Executive Officer, Odyssey House Victoria

**Peter Norden AO**

Vice Chancellor's Fellow, University of Melbourne; Adjunct Professor, RMIT University; Director, Norden Directions

**Alan Wu**

Non-executive Director, Oxfam Australia; former Chair, Australian Youth Affairs Coalition

**Denis Nelthorpe AC**

Manager, Footscray Community Legal Centre (Federation of Community Legal Centres nominee)

**Dr Beth Wilson AM**

Former Victorian Health Services Commissioner

**Tracey Cocks**

President of the Foster Carers Association

**Inghard Ehrenberg**

Superintendent, Victoria Police

**Aimee Cooper**

Lawyer, Equality Law Program, Victoria Legal Aid (staff representative)

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## Our people

Victoria Legal Aid is committed to fostering workplace diversity, professionalism and practice expertise.

### Employment practices

We work in an inclusive environment, supported by policy and procedures that reflect the values of our organisation and help us to develop and deliver services that meet community justice needs.

### Employment and conduct principles

We apply 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 key selection criteria and other accountabilities, without discrimination.

Upon appointment all employees are bound by the *Code of Conduct for Victorian Public Sector Employees*.

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

### Recruitment and induction

This year we implemented an improved candidate management system to improve recruitment processes and communication with job applicants.

To support successful candidates transitioning into their new role we run an induction program. This year we included further experiential learning activities and introduced compulsory learning for new legal and legal administration staff. A specific induction program for senior staff has also been developed.

### Employee benefits

We continue to provide a range of flexible options to enable staff to appropriately balance their work lives with other commitments. Twenty-eight per cent of our staff work part time and the vast majority of staff access flexible working hours.

We provide a range of learning and development opportunities in an environment striving for professional excellence. Our people are supported to access challenging and engaging work with exposure to experiential and formal learning.

Our parental leave provisions support staff retention. Fifty-one staff accessed paid maternity leave entitlements this year and five staff accessed paid parent/partner leave.

Many maternity leave absences were for periods greater than 12 months. We expect maternity leave absences to continue at relatively high levels due to our current staff profile which is 79% female, of which 59% are between 22 and 40 years of age.

### Employee avenues of redress

We continued to improve grievance processes to build employee confidence in impartial management of complaints and grievances. Our processes emphasise informal and timely resolution of issues.

We received five formal requests to resolve grievances with four resolved in accordance with current policy. One grievance remains open as at June 2013 with an informal resolution underway.

We received two bullying complaints with one resolved and one currently in the early stages of investigation.

## Industrial and employee relations

We reached agreement in May with our staff on the Victoria Legal Aid Enterprise Agreement 2013–2016. The agreement was certified by the Fair Work Commission in June 2013.

The agreement delivers fair and sustainable pay and employment conditions which recognise staff expertise and commitment to service delivery.

## Workforce data

We continued our commitment to better aligning people resources to priority client service delivery, improving efficiencies and achieving financially sustainable employment levels for the longer term. In achieving this, we actively pursued a reduction in staffing and associated costs.

Careful and responsible decision-making has resulted in a significant reduction in our workforce which will deliver salary and related savings in 2013–14 and beyond. Immediate salary savings were offset this year by retrenchment payments, a 31% increase in maternity leave payments and salary increases through performance progression pay conditions contained in the previous enterprise agreement.

We end this year with 26.3 fewer full-time equivalent positions and 54.5 fewer working personnel compared with June 2012 (see 'Productive workforce' below). Reduction in staffing was achieved partly through natural attrition and partly through redundancy.

## Productive workforce

Comparative staffing levels across two years are expressed below as full-time equivalent (FTE) staff on our payroll and labour hire or agency staff engaged short term to perform the work of vacant budgeted positions.

We have excluded 23.7 FTE maternity leave absences from our workforce data as these positions are usually backfilled by contract staff who are included in the count.

<b>Productive workforce</b>	<b>2013</b>	<b>2012</b>	<b>Variance</b>
Staff on payroll	546.5*	580*	–33.5
Agency (labour hire)	6**	27**	–21
<b>Total</b>	<b>552.5</b>	<b>607</b>	<b>–54.5</b>

\* Full-time equivalent

\*\* Headcount of agency staff engaged in relevant period

This table demonstrates a reduction in our productive workforce of 54.5 FTE achieved through a reduction in staff on our payroll and careful management of labour hire staff performing the work of vacant budgeted positions.



## Total headcount and full-time equivalent employees

'Active' FTE is defined as people who attend work or are paid during the last full pay period of the financial year. This includes ongoing, maximum term and casual employees and maternity leave absences, and excludes labour hire or agency staff.

The data demonstrates an overall reduction in staff numbers and a significant shift from maximum term contracts to ongoing staffing. Total headcount at June 2013 is 639 and total active FTE is 570.2. The 2013 active FTE includes 23.7 FTE maternity leave absences.

### Full-time equivalent staffing trends from 2009 to 2013

2013	2012	2011	2010	2009
570.2	596.5	583	554	522

### Gender breakdown of ongoing employees\*

Gender	2013 headcount	2012 headcount	2013 FTE	2012 FTE
Male	123	125	118.7	121.8
Female	436	398	380.5	365.7
<b>Total</b>	<b>559</b>	<b>523</b>	<b>499.2**</b>	<b>487.5***</b>

\* Staff engaged on an open-ended contract of employment or executives engaged on a standard executive contract

\*\* Includes 23.3 maternity leave FTE

\*\*\* Includes 16.5 maternity leave FTE

### Gender breakdown of maximum term/casual employees\*

Gender	2013 headcount	2012 headcount	2013 FTE	2012 FTE
Male	18	33	16.5	30
Female	62	91	54.5	79
<b>Total</b>	<b>80</b>	<b>124</b>	<b>71**</b>	<b>109</b>

\* Staff engaged casually or on a contract for a maximum period

\*\* Includes 0.4 maternity leave FTE



### Age breakdown of ongoing employees\*

Age	2013 headcount	2012 headcount	2013 FTE	2012 FTE
Under 25	9	10	8	9.1
25–34	183	164	167.5	157.9
35–44	162	146	139.3	135.5
45–54	125	121	110.4	108.4
55–64	68	69	62.4	64
Over 64	12	13	11.6	12.6
<b>Total</b>	<b>559</b>	<b>523</b>	<b>499.2</b>	<b>487.5</b>

\* Staff engaged on an open-ended contract of employment or executives engaged on a standard executive contract

### Age breakdown of maximum term/casual employees\*

Age	2013 headcount	2012 headcount	2013 FTE	2012 FTE
Under 25	6	7	6	3.9
25–34	45	69	40.6	64.8
35–44	18	28	15.5	23.2
45–54	6	11	5	9.2
55–64	2	7	2	6.5
Over 64	3	2	1.9	1.4
<b>Total</b>	<b>80</b>	<b>124</b>	<b>71</b>	<b>109</b>

\* Staff engaged casually or on a contract for a maximum period

### Classification breakdown ongoing employees\*

Classification	2013 headcount	2012 headcount	2013 FTE	2012 FTE
VLA 1	1	1	1	1
VLA 2	132	126	109	110.3
VLA 3	192	179	172.5	171
VLA 4	155	140	139.7	129.3
VLA 5	59	60	57	59.1
VLA 6	14	10	14	10
Executive	6	7	6	6.8
<b>Total</b>	<b>559</b>	<b>523</b>	<b>499.2</b>	<b>487.5</b>

\* Staff engaged on an open-ended contract of employment or executives engaged on a standard executive contract

### Classification breakdown of maximum term/casual employees \*

Classification	2013 headcount	2012 headcount	2013 FTE	2012 FTE
VLA 1	2	2	2	2
VLA 2	16	33	12	25.9
VLA 3	41	65	38.2	59.4
VLA 4	12	14	10.4	12.1
VLA 5	6	6	5.4	5.6
VLA 6	3	4	3	4
Executive	0	0	0	0
<b>Total</b>	<b>80</b>	<b>124</b>	<b>71</b>	<b>109</b>

\* Staff engaged casually or on a contract for a maximum period

### Executive officers at 30 June 2013

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.

We have one executive board member, the Managing Director, and six executive staff leading our services and functions.

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.

'Special projects' executives are employed for a specific project, generally for a fixed period of time. We do not currently engage executive officers for special projects.

### Number of ongoing executive officers

Class	No.	Variation 2011-12
EO-1	0	0
EO-2	2	0
EO-3	4	-1
<b>Total</b>	<b>6</b>	<b>-1*</b>

\* One executive officer position was vacant at 30 June 2013.

We have no 'special projects' executive officers.

## Breakdown of executive officers into gender

Class	Male	Variation 2011–12	Female	Variation 2011–12
EO-1	0	0	0	0
EO-2	2	0	0	0
EO-3	0	-1	4	0
<b>Total</b>	<b>2</b>	<b>-1*</b>	<b>4</b>	<b>0</b>

\* One executive officer position was vacant at 30 June 2013.

We have no 'special projects' executive officers.

## Reconciliation of executive numbers

The workforce data tables above include executive officers active in the last full pay period of the financial year, whereas the Financial Statement Note 15 includes any individual employed as an executive officer or with executive officer responsibility (as defined in FRD 21B) at any time during the financial period.

Reconciliation of executive numbers		2013	2012
	Executives with total remuneration over \$100,000	7*	6
	Executives employed with total remuneration below \$100,000	1	1
	<b>Sub-total (as reported in Financial Statement Note 15)</b>	<b>8</b>	<b>7</b>
Add	Vacancies	1	0
	Accountable Officer (Managing Director)	1	1
Less	Separations	2	1
	Non-executive role	1	0
	Executive role removed	1	0
	<b>Total executive numbers at 30 June</b>	<b>6</b>	<b>7</b>

\* Includes one non-executive role (reported at Financial Statement Note 15)

## Staff wellbeing

Vicarious trauma continues to be one of the greatest although less prominent risks mitigated by our ongoing wellbeing strategy.

Our wellbeing program continued to focus on annual wellbeing checks for staff engaged in legal practice and targeted debriefing in areas of identified risk. Staff continue to be supported by access to a 24-hour employee assistance program providing counselling for personal and work related issues. Regular onsite counselling is also provided for work related concerns.

These services are important in maintaining the psychological health of staff who are exposed to disturbing case-related material and the inherent pressures associated with legal aid work.

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## Occupational health and safety

We have completed a comprehensive review of our occupational health and safety (OHS) practices, policies, processes and compliance framework to ensure that OHS and risk management processes adequately support our future business strategy. We will begin implementing the outcomes of the review in 2013–14.

There were 30 OHS incidents reported during the year. Almost half of all incidents were related to exposure to aggressive and threatening behaviour by clients. While no injuries resulted from these interactions, critical incident debriefing, onsite counselling and the employee assistance program were available to mitigate long term psychological harm. Of the remaining incidents, two resulted in minor claims for compensation. One standard claim for workers compensation was lodged shortly before the end of financial year. The WorkSafe Agent has not yet determined liability.

The OHS committee continued monitoring our work environment and met periodically throughout the year as the consultative body on safety matters.

### Performance against OHS measures

#### Incidents

Performance indicator	2012–13	2011–12	2010–11
No. of incidents	30	40	39
Rate per 100 FTE	5.26	6.25	6.69

#### Claims

Performance indicator	2012–13	2011–12	2010–11
Total WorkCover claims	3	2	8
No. of standard claims*	1	0	4
Rate per 100 FTE	0.02	0	0.69
No of lost time claims*	1	0	4
Rate per 100 FTE	0.02	0	0.69
No of claims exceeding 13 weeks*	0	0	1
Rate per 100 FTE	0	0	0.17

\* Data was sourced from WorkSafe Victoria's authorised agent. A claim is standard when the employer liability period (10 days lost and/or medical expenses of \$564 indexed annually) has been exceeded.

#### Other measures

Performance indicator	2012–13	2011–12	2010–11
Fatality claims	0	0	0
Average cost per standard claim*	N/A	N/A	\$6,252.48
Percentage of claims with return to work plan less than 30 days	N/A	N/A	100%

\* Data was sourced from WorkSafe Victoria's authorised agent. A single standard claim was received on 12 June 2013. No costs were incurred at the time of reporting.

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## **Staff achievements**

Director Legal Practice Meagan Keogh won the Law Institute of Victoria (LIV) President's Accredited Specialist Achievement Award. An Accredited Specialist in criminal law since 2002, Meagan was recognised for mobilising staff and practice resources to assist 81 staff and private practitioners to undertake Specialist Accreditation over the last two years.

Chief Counsel Saul Holt was appointed Senior Counsel in November. Appointees were selected after a wide and demanding consultative process involving the higher courts and tribunals, the Victorian Bar, LIV and senior members of the legal profession. At 37, Saul is one of the youngest lawyers to be appointed as Senior Counsel. The significance of the achievement was highlighted by the fact that only 20 of the 71 applicants for senior counsel were successful.

Shepparton Managing Lawyer Ian Michaelson won the LIV Regional Lawyer of the Year Award. Ian was recognised for his commitment to regional practice and his immersion in the local community, including his involvement in establishing our Goulburn Valley office and work in our Morwell office.

Program Manager Mental Health and Disability Advocacy Robyn Mills and Program Manager Child Protection Louise Akenson were both awarded a LIV Certificate of Service for their significant contribution to the legal profession.

Footscray Community Legal Centre Executive Director and part-time Victoria Legal Aid lawyer Denis Nelthorpe won the Community Lawyer of the Year Award for his work on the National Bulk Debt Project.

Youth Crime Senior Lawyer, Anoushka Jeronimus, and the youth legal team received the 2012 National Children's Law Award for their work on the inquest into the 2008 police shooting of a 15-year-old who was affected by mental illness. The award recognises the outstanding achievements and commitment of individuals and organisations who advance the legal rights and interests of children and young people.

Commonwealth Crime Deputy Managing Lawyer Sarah Westwood and her legal team were finalists in the Australian Human Rights Awards for their outstanding achievements in advocating for the rights of poor and uneducated Indonesian boat crew prosecuted in Victoria under people smuggling laws.

## **Specialist accreditation**

We continued to support the Accredited Specialisation program, as a Law Institute of Victoria approved assessment of expertise in areas of law.

We supported lawyers to participate in the inaugural round of children's law accreditation in 2012 and the new administrative law assessment program in 2013. Support included paying for application fees and the specialist workshops run by the Law Institute of Victoria, as well as the co-ordination of study groups and mock exams. We also continued to have staff on the specialisation advisory committees and the Specialisation Board.

At 30 June 2013 we have:

- 35 accredited criminal law specialists
- 6 accredited family law specialists
- 19 accredited children's law specialists
- 1 accredited immigration law specialist.

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### Number of lawyers supported through the specialist accreditation program in 2012

Area of law	Victoria Legal Aid lawyers	External lawyers*	Victoria Legal Aid lawyers who passed	External lawyers* who passed
Children's law	19	26	19**	17
Criminal law	17***	12	11	6
Migration law	2	–	1	–

\* Includes community legal centre, Department of Human Services and private lawyers

\*\* Five Victoria Legal Aid staff obtained specialisation by being on the inaugural advisory committee

\*\*\* Three Victoria Legal Aid lawyers withdrew

### Number of lawyers supported through the specialist accreditation program in 2013\*

Area of law	Victoria Legal Aid lawyers	External lawyers**
Family law	4	3
Administrative law	2	–

\* Exams will be conducted in July–August 2013

\*\* Includes community legal centre and private lawyers

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## Supporting quality services

We are committed to delivering high quality, client-centred services throughout Victoria.

### Practice standards

All lawyers doing legal aid work must comply with our practice standards for:

- casework
- duty lawyer services
- legal advice.

This year we:

- introduced a new approach to managing conflict of interest to reduce the number of people who are unnecessarily excluded from receiving help from Victoria Legal Aid
- implemented new arrangements for private practitioner duty lawyers to ensure service delivery to clients where Victoria Legal Aid lawyers have a conflict of interest
- updated the records management policy for private practitioner duty lawyers to clearly set out how records should be created, stored and destroyed in compliance with professional and statutory obligations
- developed practice standards about how to conduct assessment of people seeking help with their legal matters and how to refer legal and non-legal matters
- developed standards to ensure consistency and quality in the way our staff approached witnessing documents, such as affidavits.

### Using social media to serve court documents

This year we started using Facebook to locate difficult-to-find parents evading child support payment responsibilities. Social media is also an alternative means for serving court documents on people who cannot be contacted by traditional means or have been evading service of documents. We developed practice standards to guide staff in the service of court documents via social media.

### Panels Project

The Panels Project is reviewing how our section 29A panels operate to ensure that quality services continue to be delivered to clients.

This year we developed a new section 29A panel membership model, which:

- provides improved flexibility to firms and their practitioners wishing to seek inclusion on a panel
- allows Victoria Legal Aid better access to information and quality assurance on work undertaken by firms and their practitioners.

We also:

- developed application processes, entry requirements and tools for acceptance on our section 29A panels

- 
- consulted with stakeholders to finalise the entry requirements for the section 29A Independent Children Lawyer's Panel and the Indictable Crime Panel which are opening in July and August 2013.

These are important milestones in the Panels Project.

## **Training, development and support**

We provide training, development and support for our lawyers (and other staff who work directly with clients where appropriate) through:

- professional support lawyers
- ongoing professional legal education
- specialist accreditation support, including study groups and materials.

Professional legal education includes law and practice conferences, and training topics that span the compulsory fields of continuing professional development. We extend some training, development and support activities to community legal centres and panel practitioners. The 2012 Criminal Law and Practice Conference was attended by 33 community legal centre lawyers and 41 private practitioners.

We also contribute to a series of multi-disciplinary training and development events with the Department of Justice, the Children's Court, and the Department of Human Services. This training assists child protection practitioners and lawyers to negotiate and perform more effectively at New Model Conferences and in general child protection practice. The training accords with recommendations from the Protecting Victoria's Vulnerable Children Inquiry and the 2011 Child Protection Proceedings Task Force.

## **New Lawyers Program**

The New Lawyers Program provides first and second year lawyers with comprehensive training and development within Victoria Legal Aid.

Participants who commenced in 2011 have been successfully placed in roles across the organisation, including our Ballarat and Shepparton offices. We also worked with the Federation of Community Legal Centres to place a new lawyer on a six month secondment at Flemington and Kensington Community Legal Centre.

New lawyers recruited in 2012 participated in placements across our programs and offices including our Morwell, Warrnambool and Geelong offices.

## **Law student opportunities and training placements**

We continued to meet our statutory obligation to provide opportunities for law students to obtain experience in legal aid work. This included offering:

- placements to students from the Leo Cussen Centre of Law who were given the opportunity to observe and participate in advice clinics and attend duty lawyer services
- an internship program with the University of Melbourne's Law School to gain experience in infringements law.

We also maintained links with a number of tertiary institutions and legal learning organisations who are important stakeholders in developing understanding of the legal aid sector.



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Three Indigenous law students gained work experience, developed practical legal skills and formed mentor relationships during their engagement for three weeks over the university winter break.

In June 2013 Victoria Legal Aid's Preston office hosted its final cohort of Latrobe University students undertaking a clinical placement program. We would like to acknowledge the long and positive partnership with Latrobe University, which has existed for more than 20 years. We continue to offer Latrobe students opportunities through other programs.

### **Information systems and online services**

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

- further enhanced the capability of our ATLAS grants management system
- deployed digital dictation to our Melbourne offices
- deployed a new mobile-friendly website
- deployed instant messaging
- began planning and working on the infrastructure to introduce mobile lawyering next year.

### **Information and records management**

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

We focused on achieving compliance with the new and revised Public Record Office Victoria standards and specifications under section 12 of the *Public Records Act 1973 (Vic)*.

In 2012–13 we began deploying an electronic document and records management system.

### **Managing our services to reach people who need it most**

This year we reviewed our services in Melbourne's north east to ensure we continue to reach people who need legal aid the most.

After careful consideration of our financial resources, local legal need, and proximity to the courts and our other offices we closed our Preston office on 28 June 2013.

Although pockets of disadvantage remain in Preston and surrounding areas, it is no longer experiencing the same levels of disadvantage as when the office first opened in 1981. The need for legal services has shifted to the outer northern suburbs, including the City of Whittlesea, one of the fastest growing local government areas in Australia. There is also a need around the West Heidelberg community, which is one of the most disadvantaged communities in Victoria.

We are commencing outreach arrangements in these areas to ensure our speciality legal services are accessible and continue to service the Heidelberg Magistrates' Court and Children's Court.

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## Our partnerships

We are committed to building strong, effective partnerships with other organisations for the benefit of our clients. We work with State and national partners, lawyers in private practice, community legal centres, local communities and educational institutions.

### National Legal Aid

As a member of National Legal Aid, we work with the other state and territory legal aid commissions to ensure that legal aid is delivered in the most effective and efficient way possible across Australia.

This year we contributed to eight joint submissions to government and other reviewing bodies on systemic legal issues and options for reform.

Legal aid commissions also jointly launched the Legal Australia-Wide (LAW) Survey, undertaken by the Law and Justice Foundation of New South Wales with substantial funding and support from National Legal Aid.

The LAW Survey is the most comprehensive assessment of legal need ever conducted in Australia and analysed trends in how people experience and resolve legal problems. It also provided evidence of the disadvantaged groups that are particularly vulnerable to legal problems. We have used the findings from this important survey to inform our policy and law reform work and our services to the community.

Our Managing Director, Bevan Warner, concluded his term in the annually rotating position of Chair of National Legal Aid in March 2013.

More information: [www.nationallegalaid.org](http://www.nationallegalaid.org)

### Legal assistance forums

#### Australian Legal Assistance Forum

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

The forum allows these organisations to address legal assistance issues in Australia in a co-operative way.

More information: [www.nationallegalaid.org](http://www.nationallegalaid.org)

#### Victorian Legal Assistance Forum

The Victorian Legal Assistance Forum (VLAF) 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, Victoria Legal Aid 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 responsive service delivery models.

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VLAF also meets with the Commonwealth Attorney General's Department and the Victorian Department of Justice in formal consultations on the National Partnership Agreement on Legal Assistance Services.

This year we:

- were involved in VLAF working groups on legal referral, disability, online legal information and culturally and linguistically diverse communities
- hosted VLAF forums on unaccompanied minors, the future of Victorian guardianship laws and strategic campaigning
- helped reform the structure of VLAF to be more responsive and focused on service delivery
- continued to co-ordinate the legal sector's response to disasters and emergencies.

More information: [www.vlaf.org.au](http://www.vlaf.org.au)

## **Private practitioners**

The significant contribution of private legal practitioners enables us to help more people access legal services. Our partnership with private practitioners is essential for the provision of quality legal aid services.

### **Private practitioners providing duty lawyer services**

Private practitioners help us to deliver duty lawyer services at a number of courts and tribunals across Victoria. Ten per cent of duty lawyer services were provided by private practitioners through the support of local law associations.

This year we revised our records management policy for private practitioners who help people with duty lawyer services, to ensure records are created, stored and destroyed in compliance with professional and statutory obligations.

### **Private practitioners receiving grants of legal assistance**

In 2012–13, 73% of grants of legal assistance were assigned to private practitioners on our panels. This included:

- 70% of criminal law work
- 82% of family law work
- 26% of civil law work.

Private practice law firms vary greatly in size and areas of practice and this impacts on the volume and type of legal aid work they can undertake.

Some private firms are assigned over 1000 cases per year, while others are assigned as few as one. The duration and complexity of individual cases also influences the number of cases that each firm can undertake.

## Private practitioner firms receiving the highest aggregate payments for legal aid cases in 2012–13

Rank	Private practitioner firm	Amount paid \$ (GST exclusive)	Number of new cases assigned
1	Robert Stary Lawyers Ptd Ltd	\$3,441,570	1,197
2	Revill & Papa Lawyers	\$1,897,068	1,259
3	James Dowsley & Associates	\$1,839,599	1,013
4	Doogue O'Brien George	\$1,712,227	864
5	Dowling McGregor Pty Ltd	\$1,691,888	629
6	Gorman & Hannan	\$1,459,479	674
7	Emma Turnbull Criminal Law	\$1,155,662	276
8	C Marshall & Associates	\$1,078,589	403
9	Lampe Family Lawyers	\$1,069,407	245
10	Leanne Warren & Associates	\$1,056,968	457
11	Wabgat Pty Ltd (t/a Slades & Parsons)	\$895,136	252
12	Cathleen Corridon & Associates Family Lawyers	\$866,438	295
13	Valos Black & Associates	\$811,156	206
14	Comito & Associates	\$754,826	330
15	Michael J Gleeson & Associates Pty	\$751,210	193
16	Dotchin Tan	\$735,813	376
17	Tyler Tipping & Woods	\$730,578	416
18	Tait Lawyers	\$707,110	249
19	Mike Wardell	\$702,553	459
20	Ann Valos Criminal Law	\$700,461	387

Expenditure includes fees paid to third parties such as barristers, and disbursements. Disbursements include court fees, interpreters' fees, service fees and those which have prior written approval of Victoria Legal Aid (for example, fees for investigations and professional/expert reports, transcripts of evidence, plans and photographs). Expenditure may include cases from previous years.

### Community legal centres

Community legal centres are independent community organisations that provide free advice, casework and legal education to their communities. There are currently 51 centres in Victoria. Some specialise in particular areas of law.

More information: [www.communitylaw.org.au](http://www.communitylaw.org.au)

We grant and administer funding for 40 centres and the Federation of Community Legal Centres through the Community Legal Centre Funding Program, ensuring that centres meet their service

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agreements. We are increasingly focusing on how we can support the professional development of the sector through joint training initiatives.

This year we committed more than \$800,000 in new grants to community legal centres for projects addressing family violence, homelessness and rural, regional and remote communities. Grants included:

- the extension and expansion of funding to the Goulburn Valley Community Legal Centre
- new initiatives addressing family violence in Melton, Springvale, Whittlesea and Ringwood
- a project at Women's Legal Service Victoria aimed at improving the skills of community legal centre workers across the State in family violence work
- extended funding to YouthLaw to provide legal services to remote areas via Skype.

We also developed new guiding principles for future community legal centre funding. These guiding principles will ensure that funds are better allocated to address unmet legal need in geographical locations of growth and disadvantage, and to centres that effectively target services to legal need. The guiding principles also recognise the importance of centres engaging in strategic advocacy and legal education, as well as legal advice services.

We ensured that community legal centres were given appropriate additional funds to increase staff salaries under the Social and Community Services Award Equal Remuneration Order.

We took decisive action to address longstanding concerns about the governance and performance of the Mental Health Legal Centre, opting not to renew the centre's service agreement. Funding has been reinvested into strengthening and expanding our mental health and advocacy service across the State.

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## Community Legal Centre Funding Program

### Performance outputs

Activity	2012–13	2011–12	% change
Information	51,641	56,590	-8.75
Advice	49,666	47,848	3.79
Face-to-face	36,446	34,221	6.50
Phone calls	12,528	12,876	-2.70
Other (e.g. email and TTY)	692	751	-7.86
Cases* opened	23,065	23,233	-0.72
Cases* closed	22,804	23,576	-3.27
Community legal education projects delivered	938	907	3.41
Law reform and legal policy submissions	161	233	-30.90

\* Community legal centre case definition is different from a case conducted under a grant of legal assistance. It involves more than one-off advice. For example, a lawyer looking over documents, undertaking research, providing written advice, making telephone calls, advocating for a person or negotiating on their behalf, or making a simple appearance before a court or tribunal. Occasionally it involves representation in court, including complex matters.

### Explanatory notes for performance outputs

Figures are from a database used by 36 of the 41 community legal centres funded through the Community Legal Centre Funding Program in 2012–13. These figures do not include client service, community and law reform activities undertaken by the following funded centres: Aboriginal Family Violence Prevention and Legal Service (Vic), Emma House Domestic Violence Services, Homeless Persons Legal Clinic (PILCH), Job Watch and Refugee and Immigration Legal Clinic. These community legal centres do not use the common database. Figures do not include client advice provided by the Tenants' Union of Victoria which records this activity on a separate database.

### Funding

We granted and administered funding to the Federation of Community Legal Centres and 40 community legal centres across Victoria. Funding for the centres is provided by the Commonwealth and State governments and by Victoria Legal Aid out of its State funding allocation.

<b>Community legal centre</b>	<b>Commonwealth funding* (\$)</b>	<b>State funding (\$)</b>	<b>Total payments (\$)</b>
Aboriginal Family Violence Prevention and Legal Service (Vic)*	0	179,288	179,288
Barwon Community Legal Service	444,346	438,107	882,454
Brimbank Melton Community Legal Centre, Community West	104,390	565,154	669,544
Broadmeadows Community Legal Service	187,718	290,707	478,425
Casey Cardinia Legal Service	178,145	235,576	413,721
Central Highlands Community Legal Centre	246,586	298,771	545,357
Consumer Action Law Centre*	147,725	848,272	995,997
Darebin Community Legal Centre	54,683	385,540	440,223
Disability Discrimination Legal Service*	191,860	44,011	235,871
Eastern Community Legal Centre	197,500	590,634	788,138
Emma House Domestic Violence Service	0	122,204	122,204
Environment Defenders Office (Victoria)*	96,279	153,001	249,282
Federation of Community Legal Centres (Vic)*	0	646,856	646,856
Fitzroy Legal Service	328,657	394,347	723,007
Flemington and Kensington Community Legal Centre	94,356	214,127	308,483
Footscray Community Legal Centre	85,757	345,867	431,627
Gippsland Community Legal Service, Anglicare Victoria	318,363	221,943	540,306
Homeless Persons' Legal Clinic, Public Interest Law Clearing House*	153,298	275,034	428,332
Hume Riverina Community Legal Service, Upper Murray Family Care	430,184	217,242	647,426
Job Watch*	0	385,410	385,410
Loddon Campaspe Community Legal Centre, Advocacy and Rights Centre	305,115	693,067	998,182
Mental Health Legal Centre	0	371,132	371,132
Monash Oakleigh Legal Service	200,847	26,918	227,765
Moonee Valley Legal Service	85,051	221,924	306,975
Moreland Community Legal Centre	98,087	194,478	292,565
Murray Mallee Community Legal Service, Mallee Family Care	416,514	144,432	560,946

<b>Community legal centre</b>	<b>Commonwealth funding* (\$)</b>	<b>State funding (\$)</b>	<b>Total payments (\$)</b>
North Melbourne Legal Service	87,745	191,586	279,331
Peninsula Community Legal Centre	671,520	827,846	1,499,365
Refugee and Immigration Legal Centre*	0	139,904	139,904
Senior Rights Victoria, Council on the Ageing*	73,298	481,164	554,462
Social Security Rights Victoria	199,356	37,804	237,160
Springvale Community Aid and Advice Bureau*	75,231	3,438	78,669
Springvale Monash Legal Service	315,792	242,541	558,333
St Kilda Legal Service	100,548	258,873	359,421
Tenants Union of Victoria*	111,664	526,121	637,785
West Heidelberg Community Legal Service	94,319	166,180	260,499
Western Suburbs Legal Service (including International Student Legal Advice Clinic pilot project)	69,748	259,486	329,234
Whittlesea Community Legal Service, Whittlesea Community Connections	110,350	404,457	514,807
Women's Legal Service Victoria*	972,703	360,758	1,333,461
Wyndham Legal Service	111,604	299,253	410,857
Youthlaw, Young People's Legal Rights Centre*	209,481	176,472	385,953
<b>Total</b>	<b>7,624,491</b> <b>(37.3%)</b>	<b>12,824,226</b> <b>(62.7%)</b>	<b>20,448,757</b>

\* This funding includes Commonwealth funding to the Community Legal Sector Program. It does not include other Commonwealth funding allocated directly to centres.

\*\* Specialist community legal centre

### **Explanatory notes for funding**

These funding amounts include core grants, grants for one-off projects and grants to specific centres and contributions from Commonwealth and State governments to assist funded community legal centres to meet increased staff salaries due to the Social and Community Services Award Equal Remuneration Order, which came into effect for the first time in December 2012. These additional investments mean that the figures reported are substantially higher than in previous years. Victoria Legal Aid's 'Comprehensive operating statement' excludes Commonwealth grants (core and one-off) to community legal centres because we do not control these funds and we do not make the decisions that enable these investments in the centres. As such, these Commonwealth grants cannot be considered Victoria Legal Aid revenue.



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## Educational institutions

We have established relationships with many educational institutions, including almost all the major universities in Victoria.

We provide opportunities for students to undertake placements within our organisation to gain practical experience, including hosting law, research, business and criminal justice administration students.

## Statutory reporting responsibilities

This report has been prepared in accordance with all relevant legislation. The disclosure index that identifies our compliance with statutory disclosure requirements (see Appendix 1, p. 143–145).

## Client complaints

Our website 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 make a complaint. We aim to resolve complaints quickly, fairly and without prejudice. We received 498 complaints in 2012–13, compared to 520 in 2011–12 (down by 4%).

### At a glance

Nature of complaint	2012–13	2011–12
Grant of legal assistance being provided to a person who the complainant believed should not be funded	114	143
Our services	59	38
Services provided by private practitioners	165*	158
Services provided by our staff	73*	52
Other complaints	87	129
<b>Total</b>	<b>498</b>	<b>520</b>

\* These categories include complaints about independent children's lawyers which were reported as 'other complaints' in 2011–12.

## Grants of legal assistance

We received 114 complaints about a grant of legal assistance being provided to a person who the complainant believed should not be funded (down by 20%).

The greatest proportion of complaints were about eligibility, related to allegations of undisclosed income (41%), property (15%) or concerns about the merit of a legally aided case (14%).

In 44% of complaints no further action was required because:

- the person was found not to be in receipt of a grant of legal assistance
- the applicant had already disclosed the information to us.

The most common outcomes for the remaining cases were:

- the complaint was referred to another team for assessment of eligibility (13%)

- 
- we took no further action because the grant of legal assistance had already concluded (13%)
  - an active grant of legal assistance was refused or terminated (10%).

### **Our services**

We received 59 complaints about our services, which is up by 55% on the number of complaints for 2011–2012, but comparable to the number of complaints recorded in 2010–2011.

This category includes all aspects of our service. The most common complaints were about:

- the administration of grants of legal assistance (36%)
- eligibility to receive a grant of legal assistance (12%)
- dissatisfaction with our debt policy or process (12%).

These complaints were most commonly resolved by:

- providing the complainant with a more detailed explanation of our decision (29%)
- further information about their legal matter (14%)
- a finding that the complaint was not valid following an investigation (12%).

### **Services provided by private practitioners**

We received 165 complaints about services provided by private practitioners, including services relating to a grant of legal assistance (up by 4%).

The most common types of complaints were about:

- the practitioner's handling of the legal matter (28%)
- improper requests for payment from a person in receipt of a grant of legal assistance (20%)
- dissatisfaction with the preparation or representation of a case (12%).

There were a range of resolutions reached for complaints about practitioners, the most common were that:

- the complaint was resolved by providing further information or explanation to the complainant (20%)
- the complaint was found not to be valid following an investigation (20%)
- no further action was undertaken (19%), for example because the complainant failed to provide us with further information.

One practitioner was removed from one of our practitioner panels following notification from the Legal Services Board that the practitioner ceased to hold a practicing certificate.

We referred 13 complainants to the Legal Services Commissioner as the appropriate authority for investigating misconduct complaints about private practitioners.

### **Services provided by our staff**

We received 73 complaints about our legal and non-legal staff. This is up 40% on last year, however it includes complaints about Independent Children's Lawyers, which were reported separately last year.

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The most common complaints were about:

- the conduct of a staff member (29%)
- dissatisfaction with advice or representation (20%)
- preparation of a case (10%).

The most common outcomes for complaints of this type were:

- resolution by providing an explanation to the complainant (27%)
- no further action was warranted (21%), for example due to the complainant not providing further information
- the complaint was found not to be valid following investigation (15%).

### **Other complaints**

We received 87 complaints that fit into other categories including:

- 47 miscellaneous complaints, which tended to be complaints outside of the scope of our complaints handling team, for example a complaint about Victoria's road tolls
- 25 general feedback complaints, for example, complaints expressing dissatisfaction about Victoria Legal Aid funding certain cases
- 15 complaints about outstanding fees owed to service providers, such as a barrister briefed through a grant of legal assistance.

### **Information privacy**

We are committed to protecting the personal privacy of our clients and the people we help. We 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 comply with the Information Privacy Principles.

We received three privacy complaints this year. All three complaints alleged privacy breaches on our part. Of these:

- two complaints were resolved with no breach found and an explanation for the use of information provided to the complainant
- one was dismissed when the complainant failed to provide further details.

Information about how we handle personal information is available at [www.legalaid.vic.gov.au](http://www.legalaid.vic.gov.au).

### **Freedom of information**

The *Freedom of Information Act 1982* (Vic) gives members of the public the right to apply for access to information held by us. It applies to the documents we create, as well as those created by other organisations in our possession.

We received 17 applications this year. Of these:

- eight applications were released in full
- one application was released in part

- 
- one application was refused in full
  - two were not proceeded with by the applicant
  - five are still being processed.

We received six applications that did not meet the requirements for a valid request, but were satisfied outside of the freedom of information process.

### **Making a request**

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

- be in writing
- identify as clearly as possible which document is being requested
- be accompanied by the appropriate application fee (or a request to have the fee waived).

Access charges may also apply once documents have been processed (for example, photocopying and search and retrieval charges).

Freedom of information requests can be made by:

- phone on (03) 9280 3789
- email to [foi@vla.vic.gov.au](mailto:foi@vla.vic.gov.au)
- post to:  
Freedom of Information  
Victoria Legal Aid  
GPO Box 4380  
MELBOURNE VIC 3001.

### **Compliance with the *Protected Disclosure Act 2012 (Vic)***

The Protected Disclosure Act (formerly the *Whistleblowers Protection Act 2001*) encourages and assists people in making disclosures of improper conduct by public officers and public bodies. The Act provides protection to people who make disclosures in accordance with the Act and establishes a system for the matters disclosed to be investigated and rectifying action to be taken.

We do not tolerate improper conduct by employees, nor the taking of reprisals against those who come forward to disclose such conduct. We are committed to ensuring transparency and accountability in administrative and management practices. We support the making of disclosures that reveal:

- corrupt conduct
- conduct involving a substantial mismanagement of public resources
- conduct involving a substantial risk to public health and safety or the environment.

We will take all reasonable steps to protect people who make such disclosures from any detrimental action in reprisal for making the disclosure. We will also afford natural justice to the person who is the subject of the disclosure to the extent it is legally possible.

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Disclosures about Victoria Legal Aid or any of its employees can be made to the Independent Broad-based Anti-corruption Commission. See [www.ibac.vic.gov.au](http://www.ibac.vic.gov.au).

There were no protected disclosures made under the Protected Disclosure Act (those made from 10 February 2013) or under the former Whistleblowers Protection Act in 2012–13.

For more information about reporting improper conduct go to [www.legalaid.vic.gov.au](http://www.legalaid.vic.gov.au).

## **Compliance with the *Disability Act 2006***

We launched our second *Disability Action Plan 2012–2014* in compliance with the *Disability Act 2006* (Vic). The new plan includes clearer timeframes, accountabilities and performance measures.

This year we:

- made a submission in support of the National Disability Insurance Scheme and trained staff in preparation for the introduction of DisabilityCare
- successfully advocated for improvements to the infringements system for fairer outcomes for vulnerable people, including people with a disability
- formed a partnership with the Victorian Department of Education and Early Childhood Development to educate young people with mild intellectual disabilities
- introduced an up-front assessment process to our Legal Help phone service, which includes determining if callers have a disability to assist us to tailor the information, advice and referral response
- improved the accessibility of our new website for people experiencing a disability to ensure it meets level AA of the [Web Content Accessibility Guidelines 2.0](#) and government standards
- analysed and considered the responses from people with a disability who participated in our 2012 Client Satisfaction Survey.

## **Environmental sustainability and performance**

Our Environmental Sustainability Policy and action plan sets targets for reducing our environmental impact. We are currently reviewing our policy in order to further reduce our carbon footprint, including raising staff awareness of environmental issues.

This year we:

- reduced paper consumption by 9.4% through improved efficiency of printing facilities
- reduced travel distance via aeroplanes by 21.5%, leading to a reduction in emissions.

For more details about our environmental performance see Appendix 2 (p. 146–151).

## **Consultancies**

In 2012–13, we engaged 19 consultancies where the total fees payable to the consultants were greater than \$10,000. The total amount paid in relation to these consultancies was \$630,270.

## **Contracts**

There were zero contracts entered into during the financial year that require specific disclosure as they were all less than \$10 million in value.

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## **Compliance with the *Building Act 1993 (Vic)***

We are exempt from notifying our compliance with the building and maintenance provisions of the Building Act because we do not own any buildings.

Reduced capital funds meant that only minor building works were undertaken. Priority was given to improving disability access in high usage areas.

## **Industry Participation Policy**

We are required to apply the Victorian Industry Participation Policy in all tenders over \$3 million in metropolitan Melbourne and \$1 million in regional Victoria. No tenders were awarded over these amounts.

## **National Competition Policy**

We comply with the requirements of the National Competition Policy, where relevant, to ensure competitive neutrality where any services compete, or potentially compete, with the private sector.

## **Risk management**

Our risk management framework is consistent with the Victorian Government Risk Management Framework, the Australian/New Zealand risk management standard AS/NZS ISO31000:2009 and the directions issued under the *Financial Management Act 1994 (Vic)*.

Our strategic risk profile is reviewed annually in line with our risk management policy and is undertaken in accordance with the risk management procedures.

Our risk profile is developed by aggregating risks across the organisation and then identifying the top risks we face. Factors influencing the prioritisation of risks are our strategic priorities, external factors impacting on service delivery and financial commitments.

We developed mitigating strategies and actions to embed planning around identified risks into current activities. Key risk indicators were developed to track and monitor the movement of risks, against likelihood and consequence. Reports against the risk profile are provided to our Board and Audit Committee on a quarterly basis.

## **Identified risks**

Risks identified during the year included:

- failure to successfully implement key strategic project initiatives, including guideline changes
- failure to identify, forecast and respond to service pressures
- failure to identify, attain and enforce processes and standards that enable the delivery of quality services to legal aid clients.

Overall, we were effective in mitigating our strategic risks, identified in the May 2012 Victoria Legal Aid Risk Profile. We continue to prioritise our quality projects to address those risks relating to the quality of legal services, and of the remaining:

- 21 management actions were completed
- 13 are ongoing and are now part of day to day operations
- six have been carried over to the 2013 Risk Profile which was approved in February.

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**Attestation of compliance with the Australian/New Zealand risk management standard**

I, Andrew Guy, certify that Victoria Legal Aid has risk management processes in place consistent with the Australian/New Zealand Risk Management Standard (AS/NZS ISO 31000:2009 or its successor) 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.



**Andrew Guy**

Chairperson

on behalf of the Board of Victoria Legal Aid

**Attestation for compliance with the Ministerial Standing Direction 4.5.5.1 – Insurance**

I, Elizabeth Jennings, certify that Victoria Legal Aid has complied with Ministerial Direction 4.5.5.1 – Insurance.



Elizabeth Jennings

Chief Financial Officer

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## **Additional information available on request**

In compliance with the requirements of the Standing Directions of the Minister for Finance, information relating to the 2012–13 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 (Vic)* include:

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





## Our finances

### Year in review

We finished the year with a deficit on transactions, our day to day business, of \$6.5 million, a deterioration on last year's \$6.2 million deficit. The comprehensive deficit was \$9.3 million, compared to \$3.1 million last year.

The greater comprehensive deficit is due to a reduction in client contributions towards the cost of services they have received. We believe it is prudent to acknowledge that a proportion of this income is unlikely to be received and have recognised this accordingly.

The deficit is unsustainable and during 2012–13 we implemented strategies to reduce it and ensure we manage our operating costs within the resources provided. As a result, the number of grants of legal assistance has decreased this year. However, the impact of this reduction will be seen predominately in 2014 as there is a lag between when a grant of legal assistance is approved and when the work is done and the payment made.

The year end cash balance was \$12.9 million, which is \$1.7 million lower than last year. The Board has closely managed the targeted \$10 million minimum cash balance to ensure we meet fluctuations in annual payments.

The 2012–13 Financial statements record:

- State Government income of \$75.3 million
- Commonwealth Government income of \$46.9 million
- public purpose funding of \$25.7 million
- \$77.5 million spent on case related private practitioner payments
- \$20.4 million funding provided to community legal centres (this includes \$7.6 million in Commonwealth funds passed directly to community legal centres and not recognised as income or expenditure in our financial statements)
- an operating deficit of \$6.5 million
- a comprehensive deficit of \$9.3 million.

## Five-year financial summary

Financial summary	2013 \$000	2012 \$000	2011 \$000	2010 \$000	2009 \$000
Income from government and the Public Purpose Fund	147,842	144,872	142,093	131,197	121,541
Total income from transactions	155,990	153,831	149,204	137,455	127,403
Total expenses from transactions	(162,473)	(159,991)	(140,748)	(131,678)	(128,924)
Net result from transactions	(6,483)	(6,160)	8,456	5,777	(1,521)
Net result for the period	(9,332)	(3,095)	2,124	6,150	(2,537)
Net cash flow from operating activities	(1,035)	(3,660)	9,788	5,367	388
Cash at 30 June	12,893	14,560	19,913	12,508	10,850
Total assets	50,048	52,411	55,987	51,116	47,561
Total liabilities	35,609	28,638	29,119	26,372	28,967
Total equity	14,439	23,773	26,868	24,744	18,594

## Our income

Our operating income is predominately provided by the State and Commonwealth governments and the Public Purpose Fund.

The State Government provided \$75.3 million (\$72.9 million in 2011–12). The Commonwealth Government, through the Council of Australian Governments' *National Partnership Agreement on Legal Assistance Services*, provided \$44.4 million (\$43.6 million in 2011–12). The Commonwealth also provided an additional \$0.3 million that was allocated to community legal centres and supplementary funding of \$2.2 million for expensive criminal cases, as well as additional direct grants for community legal centres which are passed on directly by Victoria Legal Aid and thus are not recognised as income in our financial statements. Funding from the Public Purpose Fund was \$25.7 million – the same amount as was received last year. The remaining operating income was \$8.1 million (\$9.0 million 2011–12).

Over the last five years income has grown but this year growth was 1.4%, compared to 3.1% in 2011–2012. This trend in lower income, together with the growth in demand, has required a significant review of service delivery and greater cost management.

## Income five-years (\$ thousand)

Source	2008–09	2009–10	2010–11	2011–12	2012–13
Commonwealth grants	37,571	43,643	47,228	46,345	46,875
State grants	55,970	64,054	69,096	72,864	75,304
Public Purpose Fund	28,000	23,500	25,769	25,663	25,663
Client contributions	2,692	3,763	4,042	5,913	5,157
Other income	3,170	2,495	3,069	3,046	2,991
<b>Total income from transactions</b>	<b>127,403</b>	<b>137,455</b>	<b>149,204</b>	<b>153,831</b>	<b>155,990</b>
% income annual growth	7.0%	7.9%	8.5%	3.1%	1.4%

## Our expenditure

Our total operating expenditure this year was \$162.5 million, an increase of 1.6%.

Case expenditure totalled \$77.5 million, a decrease of 2.7%. These funds are paid to private practitioners, barristers, medical experts and interpreters, as well as to third parties for services rendered on in-house cases. On 1 August 2012 we increased fees by 2% for all private practitioner fees and disbursements.

The other major expense was staffing related costs totalling \$53.6 million, accounting for 33% of total operating expenditure.

Of the funds provided by the Victorian Government, we allocated \$13.2 million to the Community Legal Centre Funding Program (\$12.4 million in 2011–12).

## Expenditure five-years (\$ thousand)

Source	2008–09	2009–10	2010–11	2011–12	2012–13
Case expenditure	68,120	65,337	67,103	79,639	77,461
Employee benefits	36,199	41,147	45,546	50,305	53,577
Community legal centre payments	9,982	10,408	11,527	12,367	12,855
Depreciation and amortisation	2,355	2,216	2,403	2,737	3,304
Other administration	12,268	12,570	14,169	14,943	15,276
<b>Total expenses from transactions</b>	<b>128,924</b>	<b>131,678</b>	<b>140,748</b>	<b>159,991</b>	<b>162,473</b>
% expenditure annual growth	-8.0%	2.1%	6.9%	13.7%	1.6%

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## Our operations and financial position

### Operations result

The net result from transactions, our day-to-day business, was a deficit of \$6.5 million. The deficit from transactions indicates that the demand for our services exceeded the resources available.

### Financial position

Our comprehensive result was a deficit of \$9.3 million. The comprehensive deficit takes into account year end adjustments of \$2.8 million. The major adjustment was a reduction in the receivables by \$2.8 million. This reduction recognises that we do not expect our clients will be able to repay us fully the debts they have with us.

Our year end cash balance was \$12.9 million, lower than last year's cash balance by \$1.7 million. The Board has closely managed the targeted \$10 million minimum cash balance to ensure we meet fluctuations in annual payments.

### Future planning

Difficult economic times lead to increased hardship, particularly for already vulnerable Victorians, and a rise in legal issues. We have implemented strategies to prioritise clients and services while containing our operating costs to ensure that we manage within the funds provided. However, continuing demand not matched by increased income will make budgeting difficult and challenge our ability to remain effective and efficient in meeting our clients' needs.

## Understanding the financial statements

The 'Financial statements' detail our financial performance and overall financial position for the year ended 30 June 2013. They are presented in accordance with Australian Accounting Standards and the requirements set by the Department of Treasury and Finance.

There are four financial statements in this section and notes to the financial statements.

### Comprehensive operating statement

This statement is often known as the 'Profit and loss statement' and details the sources of our income or revenue under the headings 'Government' and 'Operating' as well as the expenditure or expenses incurred in running Victoria Legal Aid during the financial year. The expenditure is operational in nature and does not include costs associated with the purchase or the building of assets (capital expenditure).

An item that is included in the operational expenditure is 'depreciation', which is the sum of the assets 'used up' during the financial year. The 'Comprehensive operating statement' includes both cash and non-cash items, and all income and expenses for the year are reflected in the statement even though some revenue may not be received and some expenses may not yet be paid (such as supplier invoices not yet paid for goods or services received).

A key figure in the 'Comprehensive operating statement' is the surplus or (deficit) for the year, which is equivalent to the profit or (loss) of Victoria Legal Aid for the financial year. A surplus indicates that the revenue was greater than the expenditure. The comprehensive result is also equal to the movement in our net assets or total equity from the prior year.

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## **Balance sheet**

This 'Balance sheet' is a snapshot of our financial position as at 30 June 2013 and details what we own (assets) and owe (liabilities). The assets and liabilities are separated into current and non-current. 'Current' indicates that the assets or liabilities are likely to be consumed or fall due within the next 12 months. The 'net assets' value is the residual of assets once the liabilities have been deducted. This represents the net financial worth of Victoria Legal Aid at 30 June 2013.

## **Statement of changes in equity**

The 'Statement of changes in equity' summarises the change in our net financial worth during the financial year. During the course of the year the value of total equity as set out in the balance sheet changes. This statement shows the values of such changes and how these changes arose. The main reason for a change in our equity is from the 'Comprehensive result,' or from the operations described in the 'Comprehensive operating statement'.

## **Cash flow statement**

The 'Cash flow statement' summarises our cash receipts and cash payments for the financial year ended 30 June 2013. The values may differ from those shown in the 'Comprehensive income statement' because the income statement is prepared on an accrual accounting basis. This means that income is reported when earned and expenses when incurred not when the physical cash is transacted. Cash in the 'Cash flow statement' refers to bank deposits and other forms of liquid amounts that can readily be converted to cash. Our cash arises from, and is used, in three main areas:

### **1) Cash flows from operating activities**

Receipts include all cash received into our bank account from those who owed money to Victoria Legal Aid. Receipts also include the interest received from our cash investments but do not include the costs associated with the sale of assets. Payments include all cash paid by Victoria Legal Aid from its bank account to staff and payments to legal and trade creditors but do not include the costs associated with purchasing assets.

### **2) Cash flows from investing activities**

This section shows the cash invested in the creation or purchase of assets such as property, plant and equipment and the cash received from the sale of these assets, mainly Victoria Legal Aid pool cars.

### **3) Cash flows from financing activities**

This is where the receipt and repayment of borrowed funds are recorded, and includes any movement in trust funds from State Government monies held by Victoria Legal Aid. The bottom line of the 'Cash flow statement' is the cash balance at 30 June 2013. This shows the capacity of Victoria Legal Aid to meet its current cash obligations and other liabilities.

## **Notes to the financial statements**

The notes should be read in conjunction with the four financial statements so that a clear picture can be obtained of the financial accounts. They provide greater detail to support the presented figures, enabling an understanding of the basis on which the amounts reported in the financial statements are derived.

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## Victoria Legal Aid

### Financial statements – 30 June 2013

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#### **This financial report covers Victoria Legal Aid as an individual entity**

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

Victoria Legal Aid  
350 Queen Street  
Melbourne VIC 3000

## Comprehensive operating statement

For the financial year ended 30 June 2013

	Notes	2013 \$'000	2012 \$'000
<b>Continuing operations</b>			
<b>Income from transactions</b>			
<b>Government</b>			
Commonwealth grants – Direct		2,212	2,701
Commonwealth grants – Indirect		44,663	43,644
	1(e),2	<b>46,875</b>	<b>46,345</b>
State grant	1(e),2	75,304	72,864
Public purpose fund	1(e),2	25,663	25,663
		<b>147,842</b>	<b>144,872</b>
<b>Operating</b>			
Client contributions (secured and unsecured)	1(e)	5,157	5,913
Costs recovered and appeal cost fund	1(e)	1,591	1,254
Interest on investments	1(e)	894	1,495
Other income		506	297
		<b>8,148</b>	<b>8,959</b>
<b>Total income from transactions</b>		<b>155,990</b>	<b>153,831</b>
<b>Expenses from transactions</b>			
Case related professional payments	1(f)	(77,461)	(79,639)
Employee benefits	3	(53,577)	(50,305)
Grants and other payments	2(b)	(12,855)	(12,367)
Depreciation and amortisation	1(f), 3	(3,304)	(2,737)
Other expenditure	3	(15,276)	(14,943)
<b>Total expenses from transactions</b>		<b>(162,473)</b>	<b>(159,991)</b>
<b>Net result from transactions (net operating balance)</b>		<b>(6,483)</b>	<b>(6,160)</b>
<b>Other economic flows included in net results</b>			
<b>Items that may be reclassified subsequently to net result</b>			
Net gain / (loss) arising from other economic flows	1(h), 4	(2,849)	3,065
<b>Total other economic flows included in net result</b>		<b>(2,849)</b>	<b>3,065</b>
<b>Net result from continuing operations</b>		<b>(9,332)</b>	<b>(3,095)</b>
<b>Comprehensive Result</b>	2	<b>(9,332)</b>	<b>(3,095)</b>

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

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## Balance sheet

As at 30 June 2013

	Notes	2013 \$'000	2012 \$'000
<b>Financial assets</b>			
Cash and cash equivalents	1(i), 6, 17	12,893	14,560
Accrued income	17	417	73
Receivables	1(j), 7, 17	22,220	22,494
Prepayments		918	1,056
<b>Total financial assets</b>		<b>36,448</b>	<b>38,183</b>
<b>Non Financial assets</b>			
Property, plant and equipment	1(l), 8	7,563	7,674
Intangible assets	1(l), 9	6,039	6,554
<b>Total non financial assets</b>		<b>13,602</b>	<b>14,228</b>
<b>Total assets</b>		<b>50,050</b>	<b>52,411</b>
<b>Liabilities</b>			
Payables	1(n), 10, 17	21,916	16,897
Provisions	1(o), 11	13,693	11,741
<b>Total liabilities</b>		<b>35,609</b>	<b>28,638</b>
<b>Net assets</b>		<b>14,441</b>	<b>23,773</b>
<b>Equity</b>			
Contributed capital	1(k), 12(a)	42,194	42,194
Accumulated deficit	12(b)	(27,753)	(18,421)
<b>Total equity</b>		<b>14,441</b>	<b>23,773</b>
Contingent Liabilities	1(v), 20		
Commitments for expenditure	1(u), 18		

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



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## Statement of changes in equity

For the financial year ended 30 June 2013

	Notes	2013 \$'000	2012 \$'000
<b>Equity at start of financial year</b>			
Contributed capital		42,194	42,194
Accumulated deficit		(18,421)	(15,326)
<b>Total equity at start of financial year</b>		<b>23,773</b>	<b>26,868</b>
Comprehensive result for the year		(9,332)	(3,095)
<b>Total recognised income and expenses for the year</b>		<b>(9,332)</b>	<b>(3,095)</b>
<b>Total equity at end of financial year</b>		<b>14,441</b>	<b>23,773</b>

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

## Cash flow statement

For the financial year ended 30 June 2013

	2013 \$'000 (Inflow / Outflow)	2012 \$'000 (Inflow / Outflow)
<b>Cash flows from operating activities</b>		
<i>Receipts from government</i>		
Commonwealth grants – Direct	2,715	2,899
Commonwealth grants – Indirect	44,315	43,644
	<b>47,030</b>	<b>46,543</b>
State	74,850	73,007
Public purpose fund	25,600	25,662
	<b>100,450</b>	<b>98,669</b>
<i>Receipts from operating activities</i>		
Client contributions	2,321	2,499
Costs recovered and appeal cost fund	1,752	1,380
Interest on investments	959	1,601
Goods and services tax recovered from the ATO	10,609	11,513
Other income	872	152
	<b>16,513</b>	<b>17,145</b>
	<b>163,993</b>	<b>162,357</b>
<i>Payments to suppliers and employees</i>		
Case related professional payments	(83,062)	(88,057)
Employee benefits	(52,947)	(49,452)
Community Legal Centres	(14,105)	(13,171)
Administration costs	(14,914)	(15,337)
	<b>(165,028)</b>	<b>(166,017)</b>
<b>Net cash from / (used in) operating activities</b>	<b>16 (1,035)</b>	<b>(3,660)</b>
<b>Cash flows from investing activities</b>		
Payments for non financial assets	(1,607)	(2,240)
Proceeds from sale of non financial assets	67	117
<b>Net cash from / (used in) investing activities</b>	<b>(1,540)</b>	<b>(2,123)</b>

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Cash Flow Statement (continued)

	Notes	2013 \$'000 (Inflow / Outflow)	2012 \$'000 (Inflow / Outflow)
<b>Cash flows from financing activities</b>			
Receipts from State government for monies held in trust		960	489
Payments on behalf of State government for monies held in trust		(52)	(59)
<b>Net cash from / (used in) financing activities</b>		<b>908</b>	<b>430</b>
<b>Net increase/(decrease) in cash and cash equivalents held</b>		(1,667)	(5,353)
Cash and cash equivalents at the beginning of the financial year		14,560	19,913
<b>Cash and cash equivalents at the end of the financial year</b>	1(i), 6	<b>12,893</b>	<b>14,560</b>

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

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## 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), 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 E Jennings (Chief Finance and Accounting Officer - Victoria Legal Aid) on 21 August 2013.

### (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 Victoria Legal Aid (VLA) is the Australian dollar, which has also been identified as the presentation currency of VLA. 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 2013 and the comparative information presented for the year ended 30 June 2012.

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

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

### (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 Government Finance Statistics (GFS) terminology, but retain measurement and disclosure rules under existing accounting standards applicable to VLA; and
- current versus non-current assets and liabilities are disclosed in the notes where relevant.

### (d) Objectives

The objectives of VLA 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.

### (e) Revenue recognition

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

#### (i) *Government grants*

Grants payable by Government are recognised as revenue when VLA 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*.

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

### *(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.

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

Revenue from the sale of goods and disposal of other assets is recognised when VLA 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 VLA 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.

### *(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%

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

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

### **(g) Maintenance and repairs**

Assets of VLA 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 directly 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, disposals of all non financial 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

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

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 27 of the Act VLA 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 VLA'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 the actuarial assessment. Revisions to accounting estimates are recognised in the period in which the estimate is revised and also in future periods that are affected by the revision. Bad debts are written off when identified.

### (k) Contribution by owners

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



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

### (I) Non-current assets

#### *Non-current physical assets*

Plant and equipment are measured at fair value 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 VLA. Leasehold improvements are measured at fair value 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 VLA intends to preserve because of their unique cultural and historical attributes are valued at fair value.

#### *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 fair value 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
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#### *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,

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

recovery history and the current and forecast financial environment to determine a recoupment pattern. This payment pattern was discounted by 4.25% (2012: 3.55%) for secured receivables which is the forecast earnings rate of the organisation's investment portfolio to determine the net present value. The average repayment time for unsecured receivables is significantly less than that for secured, and therefore a higher discount rate of 4.5% was used for 2013 (2012: 3.85%).

### (m) Impairment of assets

All assets are assessed annually for indications of impairment.

If there is an indication of impairment, the assets concerned are tested as to whether their carrying value exceeds their recoverable amount. Where an asset's carrying value exceeds its recoverable amount, the difference is written off by a charge to the operating statement except to the extent that the write-down can be debited to an asset revaluation reserve amount applicable to that class of asset.

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

### (n) Payables

Payables are recognised when VLA 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 30 June 2013 but not yet invoiced. The actuarial assessment includes a prudential margin of 10% of the outstanding estimates for criminal law matters (2012: 10% prudential margin applied to outstanding estimates for all law matters). The application of the prudential margin is reassessed each year.

No interest charge is applicable.

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

### (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 VLA 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 VLA does not expect to settle within 12 months; and
- Nominal value - component that VLA 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. VLA 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.

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

### (v) *Defined contribution superannuation funds*

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

### (vi) *Defined benefit superannuation funds*

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

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

### **(p) Provisions**

Provisions are recognised when VLA 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.

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

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

### (u) Commitments

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

### (v) Contingent assets and contingent liabilities

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

### (w) Critical accounting estimates and judgements

The preparation of financial statements requires management to make judgements about the application of accounting policies that have a significant effect on the amounts recognised in the financial statements. VLA evaluates these judgements regular.

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

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

Measurement of outstanding payments for case related professional creditors is based on an actuarial assessment. The actuarial assessment makes reference to historical data.

##### *Measurement of receivables - client constitutions*

Measurement of receivables for secured client contributions is based on an actuarial assessment which makes reference to annual modelling and historical data on debt recovery.

### (x) Going concern

The financial report has been prepared on a going concern basis notwithstanding the deficit between current assets and current liabilities, working capital, of \$10.2 million (2012: \$4.3 million deficit). VLA is funded predominantly by regular appropriations from the Victorian

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

Government and the Commonwealth Government. The appropriation for Commonwealth funding under the National Partnership Agreement for the provision of legal services expires on 30 June 2014. The Victorian Department of Justice provides continued support as indicated in the annual Budget Papers.

These financial statements have been prepared in the reasonable expectation that such funding will continue.

### (y) New accounting standards and interpretations

Certain new accounting standards and interpretations have been published that are not mandatory for 30 June 2013 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 2013, the following standards and interpretations had been issued but were not mandatory for the financial year ending 30 June 2013. VLA 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 public sector entity 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 2015	Subject to AASB's further modifications to AASB 9, together with the anticipated changes resulting from the staged projects on impairments and hedge accounting, details of impacts will be assessed.
AASB 13 Fair Value Measurement	This Standard outlines the requirements for measuring the fair value of assets and liabilities and replaces the existing fair value definition and guidance in other Australian accounting standards. AASB 13 includes a 'fair value hierarchy' which ranks the valuation technique inputs into three levels using unadjusted quoted prices in active markets for identical assets or liabilities; other observable inputs; and unobservable inputs.	Beginning 1 January 2013	Disclosure for fair value measurements using unobservable inputs are relatively detailed compared to disclosure for fair value measurements using observable inputs. Consequently, the Standard may increase the disclosures required assets measured using depreciated replacement cost.

Note 1. Summary of significant accounting policies (continued)

Standard / Interpretation	Summary	Applicable for annual reporting periods beginning or ending on	Impact on public sector entity financial statements
AASB 119 Employee Benefits	In this revised Standard for defined benefit superannuation plans, there is a change to the methodology in the calculation of superannuation expenses, in particular there is now a change in the split between superannuation interest expense (classified as transactions) and actuarial gains and losses (classified as 'Other economic flows – other movements in equity') reported on the comprehensive operating statement.	Beginning 1 January 2013	Not-for-profit entities are not permitted to apply this Standard prior to the mandatory application date. While the total superannuation expense is unchanged, the revised methodology is expected to have a negative impact on the net result from transactions a few Victorian public sector entities that report superannuation defined benefit plans.
AASB 1053 Application of 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 January 2013	Subject to AASB's further modifications to AASB 9, together with the anticipated changes resulting from the staged projects on impairments and hedge accounting, details of impacts will be assessed.

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## Note 2. Funding

### (a) The organisation

On the 1st July 2010 the Commonwealth and the Victorian State Government entered into a National Partnership Agreement for legal assistance services. The agreement specified arrangements for the delivery of Commonwealth funded services by the State. Funding flows through the Victorian State Government to Victoria Legal Aid and is reported as an indirect Commonwealth funding 2013 \$44.6 million. Victoria Legal Aid continues to be reimbursed for expensive Commonwealth cases directly, 2013 \$2.01 million (2012: \$2.59 million).

Funding is received from the State Budget for supporting legal processes, 2013 \$75.3m.

The Public Purpose Fund is a Fund established by the *Legal Practice Act 1996*. The minimum amount to be distributed to VLA each year is based on a formula specified by the Act, calculated on the closing balance of the fund in the previous financial year. Legal Service Board (LSB) can distribute more than the minimum amount, but anything above the formula calculation is discretionary.

### (b) Community Legal Centres

Each year VLA allocates a portion of its funding and provides certain administration assistance to Community Legal Centres in Victoria. For the year ended 30 June 2013 VLA allocated \$13.2 million of direct funds (2012: \$12.4m). 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 as income or expenditure. The total amount received from the Commonwealth for Community Legal Centres to 30 June 2013 was \$7.6m million (2012: \$7.0m).

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



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### Note 3. Result for the reporting period

#### (a) Expenses from ordinary activities

	2013 \$'000	2012 \$'000
Employee benefits		
Salaries and overtime	41,652	38,657
Annual leave and long service leave expense	5,627	4,983
Superannuation	4,022	3,791
Staff development	338	358
Workcover	151	174
Temporary employment cover	1,019	1,429
Other	768	913
Total employee benefits	<b>53,577</b>	<b>50,305</b>
Depreciation of property, plant and equipment		
Furniture, fixture & fittings	71	71
Information technology equipment	264	253
Leasehold improvements	1,926	1,378
Motor vehicles	110	119
Office machines & equipment	129	151
Total depreciation	<b>2,500</b>	<b>1,972</b>
Amortisation of intangible assets		
Software	804	765
Total amortisation	<b>804</b>	<b>765</b>
Total depreciation and amortisation	<b>3,304</b>	<b>2,737</b>
Other expenditure from ordinary activities		
Other supplies and services	5,093	5,751
Premises – minimum lease payments	5,127	4,879
Premises – other	2,643	2,648
Information management systems	1,665	1,727
Decommissioning expenses	-	(62)
Bad debts	748	-
Total other expenditure from ordinary activities	<b>15,276</b>	<b>14,943</b>

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

	2013 \$'000	2012 \$'000
<b>(a) Net gain / (loss) on non-financial assets:</b>		
Net gain / (loss) on disposal property, plant and equipment	8	(6)
<b>(b) Net actuarial gains / (losses) on receivable amounts:</b>		
Net actuarial gains / (losses) on legal secured debtors net present value	(765)	1,634
Net actuarial gains / (losses) on impairment of legal unsecured debtors	(1,953)	(2,219)
Net actuarial gains / (losses) on recognition of outstanding legal debtors	(125)	(161)
Total Net actuarial gains / (losses) on recoverable amounts	<b>(2,843)</b>	<b>(746)</b>
<b>(c) Net actuarial gains / (losses) on amounts payable:</b>		
Net actuarial gains / (losses) on movement in legal creditors	(86)	4,310
<b>(d) Net gain / (loss) arising from other economic flows:</b>		
Net gain / (loss) arising from revaluation of long service leave liability due to changes in discount bond rates	72	(493)
Total other economic flows included in net result	<b>(2,849)</b>	<b>3,065</b>

## Note 5. Remuneration of auditors

	2013 \$'000	2012 \$'000
Remuneration of auditors comprises:		
Audit of financial reports: Victorian Auditor General's Office	50	54

## Note 6. Cash and cash equivalents

	2013 \$'000	2012 \$'000
Cash at bank and on hand	2,916	759
Monies held in trust	2,238	1,331
Term deposits	7,739	12,470
	<b>12,893</b>	<b>14,560</b>

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	12,893	14,560
Balance as per statement of cash flows	<b>12,893</b>	<b>14,560</b>

## Note 7. Receivables

	2013 \$'000	2012 \$'000
<b>(a) Receivables</b>		
Client Contributions		
Secured client contributions receivable	18,108	17,904
Adjustment for impairment of secured client contributions receivable (b)	(6,255)	(5,490)
Secured client contributions receivable at net present value	<b>11,853</b>	<b>12,414</b>
Unsecured client contributions receivable	7,446	8,719
Adjustment for impairment of unsecured client contributions receivable (c)	(3,626)	(5,039)
Unsecured client contributions receivable at net present value	<b>3,820</b>	<b>3,680</b>
Secured client contributions receivable on unfinalised matters	2,355	2,673
Costs recoverable	-	-
	<b>18,028</b>	<b>18,767</b>
Sundry receivables		
Australian Taxation Office	4,160	3,716
Other	32	11
	<b>4,192</b>	<b>3,727</b>
Total receivables	<b>22,220</b>	<b>22,494</b>
This is represented by:		
Current		
Due within one year	6,466	5,798
Non-current		
Due beyond one year	15,754	16,696
	<b>22,220</b>	<b>22,494</b>

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## Note 7. Receivables (continued)

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	2013 \$'000	2012 \$'000
<b>(b) Movement in provision for secured client contributions</b>		
Opening Balance	5,490	7,124
Movements in actuarial assessment of secured client contributions receivable	765	(1,634)
Closing balance	<u>6,255</u>	<u>5,490</u>
<b>(c) Movement in provision for unsecured client contributions</b>		
Opening Balance	5,039	2,814
Re-assessments and bad debts written-off	743	35
Increase/(decrease) in provision for re-assessments and bad debt write-downs		(160)
Movements in actuarial assessment of unsecured client contributions receivable	(2,156)	2,350
Closing balance	<u>3,626</u>	<u>5,039</u>
Total movement in provision for client contributions	<u>9,881</u>	<u>10,529</u>

No interest is charged on receivables.

A provision is made against secured client contributions, determined by actuarial assessment of the recoverable amount. Secured debtors are long term, therefore the balance is measured at the net present value. The recoverable amount estimates the extent of future debtors receivable after adjustments and the discount to net present value.

A provision for impairment has been made for unsecured client contributions receivable. The assessment estimates future cash flows receivable after adjustments and bad debts determined by reference to past default experience, and discounts the estimate to the net present value. Actuarial assessment of the recoverable amount is used.

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## Note 8. Property, plant and equipment

	2013 \$'000	2012 \$'000
Information technology at fair value	3,366	3,219
Less: Accumulated depreciation	(2,967)	(2,703)
	<b>399</b>	<b>516</b>
Furniture, fixtures and fittings at fair value	821	790
Less: Accumulated depreciation	(506)	(435)
	<b>315</b>	<b>355</b>
Leasehold improvements at fair value	21,761	19,634
Less: Accumulated depreciation	(15,552)	(13,626)
	6,209	6,008
Motor vehicles at fair value	550	557
Less: Accumulated depreciation	(189)	(168)
	<b>361</b>	<b>389</b>
Office machines and equipment at fair value	1,599	1,597
Less: Accumulated depreciation	(1,421)	(1,292)
	<b>178</b>	<b>305</b>
Cultural assets at fair value	101	101
	<b>101</b>	<b>101</b>
Total property, plant and equipment	28,198	25,898
Less: Total Accumulated depreciation	(20,635)	(18,224)
Total written down value	<b>7,563</b>	<b>7,674</b>

## Note 8. Property, plant and equipment (continued)

### 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.

	Information technology \$'000	Furniture, fixtures & fittings \$'000	Leasehold improvements \$'000	Motor vehicles \$'000	Office machines & equipment \$'000	Cultural assets \$'000	Total \$'000
<b>2013</b>							
Carrying amount at start of year	516	355	6,008	389	305	101	7,674
Additions	147	31	2,127	140	2		2,447
Revaluations							-
Disposals				(58)			(58)
Depreciation/ amortisation expense	(264)	(71)	(1,926)	(110)	(129)		(2,500)
Carrying amount at end of year	<b>399</b>	<b>315</b>	<b>6,209</b>	<b>361</b>	<b>178</b>	<b>101</b>	<b>7,563</b>
<b>2012</b>							
Carrying amount at start of year	454	390	6,308	431	414	101	8,098
Additions	315	37	1,078	190	42	-	1,662
Revaluations	-	-	-	-	-	-	-
Disposals	-	-	-	(114)			(114)
Depreciation/ amortisation expense	(253)	(72)	(1,378)	(118)	(151)	-	(1,972)
Carrying amount at end of year	<b>516</b>	<b>355</b>	<b>6,008</b>	<b>389</b>	<b>305</b>	<b>101</b>	<b>7,674</b>

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).

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## Note 9. Intangible assets

	2013 \$'000	2012 \$'000
Software at cost	8,074	7,786
Less: Accumulated amortisation	(2,035)	(1,232)
	<b>6,039</b>	<b>6,554</b>

## 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 \$'000	Total \$'000
<b>2013</b>		
Carrying amount at beginning of year	6,554	6,554
Additions	289	289
Amortisation	(804)	(804)
Carrying amount at end of year	<b>6,039</b>	<b>6,039</b>
<b>2012</b>		
Carrying amount at beginning of year	6,625	6,625
Additions	694	694
Amortisation	(765)	(765)
Carrying amount at end of year	<b>6,554</b>	<b>6,554</b>

## Note 10. Payables

	2013 \$'000	2012 \$'000
<b>Current</b>		
<i>Unsecured</i>		
Case related professional creditors	14,827	10,647
Monies held in trust	2,238	1,331
Trade creditors	4,851	4,919
	<b>21,916</b>	<b>16,897</b>

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

## Note 11. Provisions

	2013 \$'000	2012 \$'000
<b>(a) Provisions</b>		
<b>Current</b>		
Employee benefits:		
- Unconditional and expected to be settled within 12 months:		
- Annual leave	3,620	3,473
- Long service leave	445	445
- Executive officer bonus	96	92
- Unconditional and expected to be settled after 12 months:		
- Long service leave	4,047	4,091
Employee benefit on-costs:		
- Unconditional and expected to be settled within 12 months:		
- Annual leave	336	322
- Long service leave	41	41
- Unconditional and expected to be settled after 12 months:		
- Long service leave	376	380
	<b>8,961</b>	<b>8,844</b>
<b>Non-current</b>		
Employee benefits:		
- Long service leave (conditional)	2,133	1,730
Employee benefit on costs:		
- Long service leave (conditional)	198	161
Decommissioning	2,401	1,006
	<b>4,732</b>	<b>2,897</b>
<b>Aggregate carrying amount of provisions</b>		
Current	8,961	8,844
Non-current	4,732	2,897
	<b>13,693</b>	<b>11,741</b>



Note 11. Provisions (continued)

	2013 \$'000	2012 \$'000
<b>(b) Employee Benefits &amp; related on-costs</b>		
<b>Current employee benefits</b>		
Current employee benefits for annual leave, sick leave, executive officer bonus entitlements	3,716	3,565
Current employee benefits for unconditional long service leave entitlements	4,492	4,536
	<b>8,208</b>	<b>8,101</b>
<b>Non-current employee benefits</b>		
Conditional long service leave entitlements	2,133	1,730
<b>Total employee benefits</b>	<b>10,341</b>	<b>9,831</b>
Current on-costs	753	743
Non-current on-costs	198	161
<b>Total on-costs</b>	<b>951</b>	<b>904</b>
<b>Total employee benefits &amp; on-costs</b>	<b>11,292</b>	<b>10,735</b>
<b>(c) Movement in Provisions</b>		
<b>Employee benefits on costs</b>		
<b>Balance at 1 July 2012</b>	904	788
Additional provisions recognised	47	116
<b>Balance at 30 June 2013</b>	<b>951</b>	<b>904</b>
<b>Decommissioning</b>		
<b>Balance at 1 July 2012</b>	1,006	996
Additions / (reductions)	1,666	(39)
Unwind of discount and effect of changes in the discount rate	(271)	49
<b>Balance at 30 June 2013</b>	<b>2,401</b>	<b>1,006</b>

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.

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## Note 12. Equity and movements in equity

	2013 \$'000	2012 \$'000
<b>(a) Contributed Capital</b>		
Balance at the beginning of the year	42,194	42,194
Movement during the year	-	-
Balance at the end of the year	<u>42,194</u>	<u>42,194</u>
<b>(b) Accumulated surplus</b>		
Balance at the beginning of the year	(18,421)	(15,326)
Net result for the year	(9,332)	(3,095)
Balance at the end of the year	<u>(27,753)</u>	<u>(18,421)</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 VLA's share of the State's unfunded superannuation liability. The State's unfunded superannuation liability is reflected in the financial statements of the Department of Treasury and Finance.

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

Paid employer contributions for the year:

	<b>2013</b>	<b>2012</b>
	<b>\$'000</b>	<b>\$'000</b>
State Superannuation Fund – new scheme	187	188
State Superannuation Fund – revised scheme	12	20
VicSuper Pty Ltd	2,936	2,863
Various other	887	706
	<b>4,022</b>	<b>3,777</b>

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 2013:

<b>Superannuation Fund Schemes</b>	<b>Employee Nos.</b>
State Superannuation Fund – new scheme	31
State Superannuation Fund – revised scheme	1
VicSuper Pty Ltd	586
Various other	194

(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 VLA's share of the State's unfunded superannuation liability. There were no loans made between any of the superannuation funds and VLA 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 VLA are as follows:

#### **Responsible Ministers**

Victorian Attorney General	The Hon. Robert W Clark MLA	1 July 2012 to 30 June 2013
Commonwealth Attorney General	The Hon. Nicola Roxon MP	1 July 2012 to 2 February 2013
Commonwealth Attorney General	The Hon. Mark Dreyfus QC MP	4 February 2013 to 30 June 2013

#### **Responsible Directors**

Chairperson	Mr Andrew Guy	1 July 2012 to 30 June 2013
Managing Director & Accountable Officer	Mr Bevan Andrew Warner	1 July 2012 to 30 June 2013
Managing Director & Accountable Officer	Ms Meagan Keogh (Acting)	23 July 2012 to 28 July 2012
Managing Director & Accountable Officer	Ms Kristen Hilton (Acting)	13 September 2012 to 22 September 2012
Managing Director & Accountable Officer	Mr Saul Holt (Acting)	19 December 2012 to 13 January 2013
Managing Director & Accountable Officer	Ms Kristen Hilton (Acting)	16 May 2013 to 31 May 2013
Director	Ms Catherine McGovern	1 July 2012 to 30 June 2013
Director	Ms Virginia Rogers	1 July 2012 to 30 June 2013
Director	Ms Jennifer Shaw	1 July 2012 to 24 August 2012
Director	Mr David Thompson	12 February 2013 to 30 June 2013

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Note 14. Ministers and Accountable Officers (continued)

**Remuneration of directors**

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

Income Band	Total Remuneration		Base Remuneration	
	2013 No.	2012 No.	2013 No.	2012 No.
\$0 - \$9,999	2	2	2	2
\$10,000 - \$19,999	2	4	2	4
\$30,000 - \$39,999	0	1	0	1
\$40,000 - \$49,999	1	0	1	0
\$210,000 - \$219,999	0	0	0	0
\$220,000 - \$229,999	0	0	0	1
\$230,000 - \$239,999	0	0	1	0
\$250,000 - \$259,999	1	0	0	0
\$260,000 - \$269,999	0	1	0	0
Total number	<b>6</b>	<b>8</b>	<b>6</b>	<b>8</b>
Total amount \$000's	<b>346</b>	<b>363</b>	<b>328</b>	<b>317</b>

**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 number of executive officers, other than Directors (board members), who held office at any one time during the reporting period are reported in the table below.

Executive officers are defined as persons occupying a management position within the reporting entity and employed at an annual compensation rate not less than the minimum remuneration of the Victorian Public Service (VPS) EO-3 Band over the reporting period.

Total remuneration for the 2013 reporting period is shown in relevant income bands in the first two columns of the table. Total remuneration includes cessation entitlements and bonus payments. Base remuneration for the 2013 reporting period is shown in the third and fourth columns of the table. Base remuneration includes employer superannuation contributions.

The total annualised employee equivalent provides a measure of full time equivalent executive officers over the reporting period. Several factors affected total remuneration payable to executive officers during the 2013 reporting period. A number of employment contracts were renegotiated, some executives received bonus payments and an executive working part time increased to full time.

Two executive officers ceased employment in the past year. Payment of cessation entitlements significantly impacted total remuneration figures.

Income Band	Total Remuneration		Base Remuneration	
	2013 No.	2012 No.	2013 No.	2012 No.
\$60,000 – 69,999	0	0	1	0
\$80,000 – 89,999	1	0	1	0
\$110,000 – 119,999	0	1	0	1
\$120,000 – 129,999	0	0	1	0
\$150,000 – 159,999	0	0	0	1
\$160,000 – 169,999	2	1	2	2
\$170,000 – 179,999	2	1	1	0
\$180,000 – 189,999	0	1	1	0
\$190,000 – 199,999	1	0	0	1
\$200,000 – 209,999	0	1	0	0
\$220,000 – 229,999	0	0	0	1
\$230,000 – 239,999	0	1	1	0
\$240,000 – 249,999	1	0	0	0
\$260,000 – 269,999	1	0	0	0
Total number of executives	<b>8</b>	<b>6</b>	<b>8</b>	<b>6</b>
Total annualised employee equivalents*	<b>6.0</b>	<b>5.7</b>	<b>6.0</b>	<b>5.7</b>
Total amount \$000's	<b>1,460</b>	<b>1,071</b>	<b>1,185</b>	<b>982</b>

\* Annualised employee equivalents is calculated by dividing the total number of ordinary hours that an employee worked over the reporting period by the total number of full-time working hours per annum (38 hours per week over 52 weeks)

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

	2013 \$'000	2012 \$'000
Net result from continuing operations	(9,332)	(3,095)
Depreciation and amortisation	3,304	2,737
Net loss on disposal of non-current assets	(8)	6
Movement in adjustment for recoverable amount	(1,413)	2,350
Change in operating assets and liabilities		
(Increase) decrease in accrued income	(344)	116
Decrease (increase) in receivables	779	(5,296)
Decrease (increase) in prepayments	139	79
Increase (decrease) in trade creditors	(68)	1,858
Increase (decrease) in legal creditors	3,956	(3,656)
Increase (decrease) in provisions	1,952	1,241
Net cash inflow/(outflow) from operating activities	<b>(1,035)</b>	<b>(3,660)</b>

## Note 17. Financial instruments

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

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

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

### (b) Recognised financial instruments

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

Recognised financial instruments	Balance Sheet Notes	Accounting policies	Terms and conditions
<b>(i) Financial assets</b>			
Cash at bank and on hand	6	Cash at bank and on hand are stated at their principal amount. Interest is recognised in the Operating Statement when earned.	Cash at bank is held at normal commercial interest rates.
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.	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.



Note 17. Financial instruments (continued)

Recognised financial instruments	Balance Sheet Notes	Accounting policies	Terms and conditions
<b>(ii) Financial liabilities</b>			
Case related professional creditors	10	Liabilities are recognised for amounts to be paid in the future for goods and services received; whether or not billed to the organisation.	Liability is normally settled on 30 day terms.
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.

**(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 VLA are detailed below.

Note 17. Financial instruments (continued)

2013	Notes	Weighted Average interest rate %	Floating interest rate \$'000	Fixed interest maturing in 1 year or less \$'000	Non-interest bearing \$'000	Total \$'000
<b>Financial assets</b>						
Cash at bank and at hand	6	2.70%	2,916			2,916
Monies held in trust	6	2.81%	2,238			2,238
Accrued income		0%	417			417
Receivables	7	0%			22,220	22,220
Term deposits	6	2.75%		7,739		7,739
			<b>5,571</b>	<b>7,739</b>	<b>22,220</b>	<b>35,530</b>
<b>Financial liabilities</b>						
Case related professional creditors	10	0%			14,827	14,827
Monies held in trust	10	0%			2,238	2,238
Sundry payables	10	0%			4,851	4,851
			-	-	<b>21,916</b>	<b>21,916</b>
Net financial assets (liabilities)			<b>5,571</b>	<b>7,739</b>	<b>304</b>	<b>13,614</b>

2012	Notes	Weighted Average interest rate %	Floating interest rate \$'000	Fixed interest maturing in 1 year or less \$'000	Non-interest bearing \$'000	Total \$'000
<b>Financial assets</b>						
Cash at bank and at hand	6	3.45%	759			759
Monies held in trust	6	3.57%	1,331			1,331
Accrued income		0%	73			73
Receivables	7	0%			22,494	22,494
Term deposits	6	3.92%		12,470		12,470
			<b>2,163</b>	<b>12,470</b>	<b>22,494</b>	<b>37,127</b>
<b>Financial liabilities</b>						
Case related professional creditors	10	0%			10,647	10,647
Monies held in trust	10	0%			1,331	1,331
Sundry payables	10	0%			4,919	4,919
			-	-	<b>16,897</b>	<b>16,897</b>
Net financial assets (liabilities)			<b>2,163</b>	<b>12,470</b>	<b>5,597</b>	<b>20,230</b>

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## 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 VLA. VLA has adopted a policy of obtaining sufficient collateral where appropriate, as a means of mitigating the risk of financial loss from defaults. VLA measures credit risk on a fair value basis.

VLA 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 VLA'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 VLA's short, medium and long term funding and liquidity. This framework takes into consideration that VLA is prohibited by the *Legal Aid Act 1978* from incurring borrowing costs and, consequently, borrowing funds. VLA 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 VLA's sensitivity to shifts in interest rate. The 2012/2013 financial exposures are based on management's best estimates.

Annual risk by risk type	Minimum		Average		Maximum	
	2013 \$'000	2012 \$'000	2013 \$'000	2012 \$'000	2013 \$'000	2012 \$'000
Interest rate	19	31	48	78	77	125

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 VLA approximates their carrying amounts.

The fair values and net fair values of financial instrument assets and liabilities are determined as follows:

- Level 1 - the fair value of financial instrument with standard terms and conditions and traded in active liquid markets are determined with reference to quoted market prices;
- Level 2 - the fair value is determined using inputs other than quoted prices that are observable for the financial asset or liability, either directly or indirectly.

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.

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

	2013			2012		
	Carrying amount	Fair value at end of period using:		Carrying amount	Fair value at end of period using:	
		Level 1	Level 2		Level 1	Level 2
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
<b>On-balance sheet financial instruments</b>						
<b>Financial assets</b>						
Cash and deposits	2,916	2,916	-	759	759	-
Monies held in trust	2,238	2,238	-	1,331	1,331	-
Term deposits	7,739	7,739	-	12,470	12,470	-
Receivables	22,637	6,964	15,673	22,567	6,473	16,094
	<b>35,530</b>	<b>19,857</b>	<b>15,673</b>	<b>37,127</b>	<b>21,033</b>	<b>16,094</b>
<b>Financial liabilities</b>						
Case related professional creditors	14,827	-	14,827	10,647	-	10,647
Monies held in trust	2,238	2,238	-	1,331	1,331	-
Other payables	4,851	4,851	-	4,919	4,919	-
	<b>21,916</b>	<b>7,089</b>	<b>14,827</b>	<b>16,897</b>	<b>6,250</b>	<b>10,647</b>

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Note 17. Financial instruments (continued)

**(ii) Off-balance sheet**

VLA 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 VLA as consideration for the assumption of those considerations by another party.

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## Note 18. Commitments for expenditure

	2013 \$'000	2012 \$'000
<b>Capital commitments</b>		
Commitments for the acquisition of plant and equipment contracted for at the reporting date but not recognised as liabilities, payable:		
Within one year	88	150
	<b>88</b>	<b>150</b>
<b>Lease commitments</b>		
Commitments in relation to non-cancellable operating leases for office equipment and rental for premises contracted for at the reporting date but not recognised as liabilities, payable:		
Within one year	5,729	5,108
Later than one year but not later than 5 years	18,263	17,804
Later than five years	0	146
	<b>23,992</b>	<b>23,058</b>
<b>Other expenditure commitments</b>		
Commitments for the acquisition of other operation and maintenance contracted for at the reporting date but not recognised as liabilities, payable:		
Within one year	58	169
	<b>58</b>	<b>169</b>
<b>Outsourcing commitments</b>		
Commitments under outsourcing contracts for legal services and maintenance at the reporting date but not recognised as liabilities, payable:		
Within one year	14,043	15,692
Later than one year but not later than 5 years	1,889	2,430
	<b>15,932</b>	<b>18,122</b>
Total commitments for expenditure (inclusive of GST)	40,070	41,498
Less GST Recoverable from the Australian Taxation Office	3,643	3,772
Total commitments for expenditure (exclusive of GST)	<b>36,427</b>	<b>37,726</b>

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## Note 19. Ex-gratia payments

VLA made total ex-gratia payments of \$80,128 during the period to five former employees upon termination of employment (2012: \$53,239 to five 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 (2012: Nil).

## Note 21. Trust account

*Victoria Legal Aid*

*Trust account statement of receipts and payments*

*For the year ended 30 June 2013*

	<b>2013</b> <b>\$'000</b>	<b>2012</b> <b>\$'000</b>
Receipts		
Balance at beginning of year	285	318
Amounts received from Legal Practice Board	42	-
Amounts received on behalf of clients	609	229
	<b>936</b>	<b>547</b>
Less Payments		
Amounts paid on behalf of clients	481	262
Balance at end of year	<b>455</b>	<b>285</b>
This amount is represented by:		
Cash at bank	193	65
Deposits with the Legal Practice Board	262	220
	<b>455</b>	<b>285</b>

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.

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## Certification of financial report

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

We further state that, in our opinion, the information set out in the Comprehensive Operating Statement, Balance Sheet, Statement of Changes in Equity, Cash Flow Statement and notes to and forming part of the financial statements, presents fairly the financial transactions during the year ended 30 June 2013 and financial position of Victoria Legal Aid as at 30 June 2013.

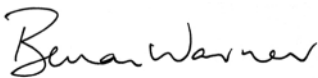
We are not aware of any circumstance which would render any particulars included in the financial statements to be misleading or inaccurate.



**Andrew Guy**

**Chairperson**

21 August 2013



**Bevan Warner**

Managing Director

Victoria Legal Aid

**Accountable Officer**

21 August 2013



**Elizabeth Jennings**

**Chief Finance & Accounting Officer**

21 August 2013



# Auditor-General's report

## VAGO

Victorian Auditor-General's Office

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### INDEPENDENT AUDITOR'S REPORT

#### To the Board Members, Victoria Legal Aid

##### *The Financial Report*

The accompanying financial report for the year ended 30 June 2013 of Victoria Legal Aid which comprises the comprehensive operating statement, balance sheet, statement of changes in equity, cash flow statement, notes comprising a summary of significant accounting policies and other explanatory information, 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, and the financial reporting requirements of the *Financial Management Act 1994*, and for such internal control as the Board Members determine is necessary to enable the preparation and fair presentation of the financial report that is free from material misstatement, whether due to fraud or error.

##### *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. Those standards require compliance with relevant ethical requirements relating to audit engagements and that the audit be planned and performed to obtain reasonable assurance about 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.

##### *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.

##### *Opinion*

In my opinion, the financial report presents fairly, in all material respects, the financial position of Victoria Legal Aid as at 30 June 2013 and of its financial performance and its cash flows for the year then ended in accordance with applicable Australian Accounting Standards, and the financial reporting requirements of the *Financial Management Act 1994*.

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

This auditor's report relates to the financial report of Victoria Legal Aid for the year ended 30 June 2013 included both in Victoria Legal Aid's annual report and on the website. The Board Members of Victoria Legal Aid are responsible for the integrity of Victoria Legal Aid's website. I have not been engaged to report on the integrity of Victoria Legal Aid's website. The auditor's report refers only to the subject matter described above. It does not provide an opinion on any other information which may have been hyperlinked to/from these statements. If users of the financial report are concerned with the inherent risks arising from publication on a website, they are advised to refer to the hard copy of the audited financial report to confirm the information contained in the website version of the financial report.

MELBOURNE  
29 August 2013

  
for John Doyle  
Auditor-General

*Auditing in the Public Interest*



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## Appendix 1: 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.

### Ministerial Directions

Report of operations – FRD Guidance

#### Charter and purpose

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FRD 22C	Objectives, functions, powers and duties	55–56
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#### Management and structure

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#### Financial and other information

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FRD 12A	Disclosure of major contracts	89
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FRD 22C, SD 4.2(k)	Operational and budgetary objectives and performance against objectives	1–156
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FRD 22C	Application and operation of <i>Freedom of Information Act 1982</i>	87–88
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FRD 22C	Statement on National Competition Policy	90

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FRD 22C	Application and operation of the <i>Whistleblowers Protection Act 2001</i>	88–89
FRD 22C	Details of consultancies over \$10,000	89
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SD4.2(b)	Balance sheet	100
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SD4.2(c)	Compliance with Ministerial Directions	Inside cover, 104
SD4.2(d)	Rounding of amounts	104
SD4.2(c)	Accountable officer's declaration	140
SD4.2(f)	Compliance with Model Financial Report	N/A

## Other disclosures as required by FRDs in notes to the financial statements

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## Appendix 2: Report on office-based environmental impacts

### Greenhouse gas emissions

The emissions reported in the table below have been taken from subsequent sections of the report and collated here in order to define and summarise our total greenhouse gas emission footprint.

Indicator	2012–13	2011–12
Total greenhouse gas emissions associated with energy use	2,650	2,763
Total greenhouse gas emissions associated with vehicle fleet (t CO2 e)	69.86	61.09
Total greenhouse gas emissions associated with air travel (t CO2 e)	42.72	54.12
Total greenhouse gas emissions associated with waste (t CO2 e)	24.30	8.72
Total greenhouse gas emissions per FTE (t CO2 e)	5.0	5.0
<b>Total greenhouse gas emissions associated with all operations (t CO2 e)</b>	<b>2,787</b>	<b>2,887</b>

### Targets

Future targets are under review.

### Explanatory note

Emission conversion factors were sourced from Sustainability Victoria.

### Energy

We use electricity in 18 office locations across Victoria. Gas is supplied to four sites only.

The data below has been collected through energy billing information utilising Sustainability Victoria's Utility Tracker software program. The information represents 100% of sites and 100% of staff.

Where available the data is inclusive of energy consumption resulting from base building operations.

### Total energy usage segmented by primary source (MJ)

Indicator	2012–13	2011–12
Electricity	7,723,207	8,001,814
Green Power	1,501,876	1,481,462
Natural Gas	974,410	1,309,375
<b>Total</b>	<b>10,199,493</b>	<b>10,792,651</b>

**Greenhouse gas emissions associated with energy use, segmented by primary source and offsets (t CO<sub>2</sub> e)**

<b>Indicator</b>	<b>2012–13</b>	<b>2011–12</b>
Electricity	2,596	2,689
Green Power	0	0
Natural Gas	54	73
<b>Total</b>	<b>2,650</b>	<b>2,763</b>

**Percentage of electricity purchased as a percentage of Green Power**

<b>Indicator</b>	<b>2012–13</b>	<b>2011–12</b>
Electricity	16%	16%

**Units of energy used per FTE (MJ/FTE)**

<b>Indicator</b>	<b>2012–13</b>	<b>2011–12</b>
Electricity	13,978	13,991
Green Power	2,722	2,590
Natural Gas	1,764	2,289
<b>Total</b>	<b>18,460</b>	<b>18,871</b>

**Units of energy used per unit of office area (MJ/m<sup>2</sup>)**

<b>Indicator</b>	<b>2012–13</b>	<b>2011–12</b>
Electricity	453	470
Green Power	88	87
Natural Gas	57	77
<b>Total</b>	<b>598</b>	<b>634</b>

**Targets**

Future targets are under review.

**Actions undertaken**

We have improved energy efficiency by installing new, energy saving printers.

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## Waste

The waste generated by processes with the agency is divided into two classes – landfill and recycled. The data presented below was obtained from a one day physical waste audit that captured 53% of our full-time equivalent staff.

### Units of energy used per unit of office area (MJ/m2)

Indicator	2012–13	2011–12
Landfill	20,247	7,268
Recycled	34,794	41,005

### Units of waste disposed of per FTE by destination (kg/FTE)

Indicator	2012–13	2011–12
Landfill	35	13
Recycled	61	72

### Recycling rate (% of total waste by kg)

Indicator	2012–13	2011–12
Recycled	63%	85%

### Greenhouse gas emissions associated with waste disposal (t CO2 e)

Indicator	2012–13	2011–12
Landfill	24	9

## Targets

Future targets are under review.

## Paper use

The values for paper consumption given in the table below were provided by our stationery supplier and represents white copy paper only.

We have decreased the reams of paper purchased in 2012–13 due to the introduction of paper saving default settings on all printers, as well as a focus on promoting environmental saving strategies throughout the year.

Indicator	2012–13	2011–12
Total units of copy paper used (reams)	12,675	13,993
Units of copy paper used per FTE (reams/FTE)	22.2	24.5
Percentage 75–100% content copy paper purchased	8%	10%
Percentage 50–75% content copy paper purchased	92%	90%
Percentage 0–49% content copy paper purchased	0%	0%



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## Targets

Future targets in our Environmental Sustainability Policy are under review.

## Actions undertaken

We upgraded and rolled out new printers to provide uniformity in May 2012. This resulted in a reduction of 31 printers from the pool. The new printers have achieved greater efficiency using less power, paper and toner usage. The default settings on these new printers automatically print to duplex and black and white and are programmed to switch to power save mode when not in use for long periods. This change in programming has led to savings of 85.25 t CO<sub>2</sub>-e. In addition, the use of duplex and combined pages printing has saved approximately 4,862 reams of paper.

## Explanatory notes

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

Most paper purchased is 50% recycled content, with 100% also incorporated into the mix. Decreased levels of 75–100% recycled content copy paper are due to an increase in purchasing of 50% recycled content paper.

## Water

The values for our water consumption were obtained through billing information captured through Sustainability Victoria's Utility Tracker. These results represent 100% of our employees and 94% of usage data for sites included. Where available, these figures are inclusive of water consumption for shared tenancy space.

Indicator	2012–13	2011–12
Total units of metered water consumed by usage types (kilolitres)	6,692	5,710
Units of metered water consumed in offices per FTE (kilolitre/FTE)	12.11	9.98
Units of metered water consumed in offices per unit of office area (kilolitres/m <sup>2</sup> )	392.84	335.20

## Targets

Future targets are under review.

## Actions undertaken

Refurbishments undertaken throughout the year with the installation of new toilet and shower facilities to minimise water usage.

## Explanatory notes

Increase in water usage can be partially attributed to faulty water systems at a regional office, leading to an unintentional increase in consumption.

## Transport

The following data was obtained through fuel card data, mileage reports and information supplied by our hire car agency. It covers our entire fleet, which comprises 17 vehicles: 15 are operational pool

vehicles and two are executive vehicles. The operational fleet consists of 15 hybrid and two six cylinder vehicles.

The data also includes values for compact (four cylinder) hire cars which were used as pool cars when our vehicles were unavailable and one four cylinder car that was replaced by a hybrid vehicle.

The table also discloses air travel in kilometres travelled.

#### Total energy consumption by vehicles (MJ)

Vehicle	2012–13	2011–12
6 Cylinder	192,739	158,631
4 Cylinder	47,615	102,094
Hybrid	692,341	554,859
<b>Total</b>	<b>932,695</b>	<b>815,584</b>

#### Total vehicle travel associated with entity operations (km)

Vehicle	2012–13	2011–12
6 Cylinder	53,821	83,805
4 Cylinder	10,191	30,138
Hybrid	346,662	303,389
<b>Total</b>	<b>410,674</b>	<b>417,332</b>

#### Total greenhouse gas emissions from vehicle fleet (t CO<sub>2</sub>-e)

Vehicle	2012–13	2011–12
6 Cylinder	14	12
4 Cylinder	4	8
Hybrid	52	41
<b>Total</b>	<b>70</b>	<b>61</b>

#### Greenhouse gas emissions from vehicle fleet per 1000 km Travelled (t CO<sub>2</sub>-e)

Vehicle	2012–13	2011–12
6 Cylinder	0.2682	0.1418
4 Cylinder	0.3500	0.2537
Hybrid	0.1496	0.1370
<b>Total</b>	<b>0.1701</b>	<b>0.1464</b>

#### Flights

Flights	2012–13	2011–12
Total distance travelled by aeroplane (km)	132,309	168,688

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## Targets

Future targets are under review.

## Actions taken

During the year we updated our 17 vehicle fleet to consist of 15 hybrid vehicles, representing 88% of our fleet. This compares to nine hybrid vehicles held in 2010–11. The replacement of standard vehicles with hybrids can only occur as the lease expires.

We remain committed to expanding the number of hybrid vehicles in our fleet, and to encouraging the use of public transport where appropriate.

## Explanatory notes

The number of kilometres travelled by aeroplane reduced significantly compared to last year (down by 21.6%).

## Procurement

Indicator	2011–12	2011–12
Percentage 'Earth Saver' products purchased	54%	50.9%

## Targets

Future targets in our Environmental Sustainability Policy are under review.

## Explanatory notes

We are encouraging staff to purchase from a more environmentally sustainable range offered by our primary stationery supplier. From July 2010 selected products were automatically substituted for more environmentally preferable products. This process will be reviewed to expand the green product range.

### Appendix 3: Justice and law reform submissions

Submission name	Authority	Date
Inquiry into Sexting	Victorian Parliamentary Law Reform Committee	16 July 2012
Draft Victorian Disability Plan 2013–2016	Victorian Department of Human Services	18 July 2012
Submission to Expert Panel on Asylum Seekers	Expert Panel on Asylum Seekers	19 July 2012
Review of the <i>Health Services (Conciliation and Review) Act 1987</i>	Victorian Department of Health	17 August 2012
National Partnership Agreement on Legal Assistance Services Draft Evaluation Framework (National Legal Aid submission)	Allen Consulting Group	17 August 2012
Regulatory Impact Statement – Proposed Magistrates’ Court (Fees) Regulations and Juries (Fees) Regulations	Victorian Department of Justice	22 August 2012
Inquiry into the Social and Economic Costs of Problem Gambling in Victoria	Victorian Competition and Efficiency Commission	10 September 2012
Visa cancellation – implications on access to justice (National Legal Aid submission)	Commonwealth Attorney-General’s Department	12 September 2012
Reforms to the Victorian Civil and Administrative Tribunal	Victorian Civil and Administrative Tribunal	28 September 2012
National Partnership Agreement on Legal Assistance Services Second Draft Evaluation Framework (National Legal Aid submission)	Allen Consulting Group	5 October 2012
Discussion Paper – Practical Lessons, Fair Consequences – Improving Diversion for Young People in Victoria	Victorian Department of Justice	5 October 2012
Consultation on early intervention process in parenting matters when allegations of risk are raised (National Legal Aid submission)	Federal Magistrates Court of Australia	12 October 2012
Regulatory Impact Statement – Supreme Court and County Court Fees Regulations 2012	Victorian Department of Justice	20 November 2012
Inquiry into age barriers to the workforce	Australian Law Reform Commission	23 November 2012
Inquiry into the Migration and Security Legislation Amendment (Review of Security Assessments) Bill 2012	Commonwealth Senate Legal and Constitutional Affairs Committee	17 December 2012
Exposure draft of Human Rights and Anti-Discrimination Bill	Commonwealth Senate Legal and Constitutional Affairs Committee	21 December 2012

<b>Submission name</b>	<b>Authority</b>	<b>Date</b>
National Disability Insurance Scheme Bill 2012	Commonwealth Senate Community Affairs Committee	24 January 2013
Regulatory Impact Statement for the proposed Victorian Civil and Administrative Tribunal (Fees) Regulations	Victorian Department of Justice	18 February 2013
Consultation on Family Support Program (National Legal Aid submission)	Commonwealth Attorney- General's Department	8 March 2013
Service Sector Reform Project	Victorian Council of Social Service	28 March 2013
Inquiry into the impact of federal court fee increases since 2010 on access to justice in Australia (National Legal Aid submission)	Commonwealth Senate Legal and Constitutional Affairs Committee	16 April 2013
Discussion Paper: Changes to disclosure requirements for small credit contracts (National Legal Aid submission)	Commonwealth Department of Treasury	13 May 2013
Inquiry into the Sex Discrimination Amendment (Sexual Orientation, Gender Identity and Intersex Status) Bill 2013	Commonwealth Senate Legal and Constitutional Affairs Committee	15 May 2013
Review of the <i>Paid Parental Leave Scheme Act 2010</i>	Commonwealth Department of Families, Housing, Community Services and Indigenous Affairs	4 June 2013
Reducing Legal Barriers for People with a Disability (National Legal Aid submission)	Australian Law Reform Commission	28 June 2013

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## Glossary

**accused** – person charged with a criminal offence.

**advocacy** – making legal arguments on behalf of an accused, often involving representing them in court.

**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

**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.

**barrister** – an independent lawyer who specialises in courtroom advocacy, drafting legal documents and giving expert legal opinions. Barristers may also act as a mediator and/or arbitrator.

**brief** – a document sent to the barrister by a lawyer which gives details on the issues arising in a case, and encloses any relevant paperwork which the barrister will need in order to provide advice and/or represent a client at court (if appropriate)

**dispute resolution services** – roundtable dispute conferences that seek to resolve family legal problems outside of the court system. Dispute resolution services are Commonwealth funded matters. To use our Roundtable Dispute Management (RDM) service, at least one person involved in the family dispute must apply for and obtain a grant of legal assistance. If appropriate, RDM may also be available where court proceedings have been commenced but before a person is provided with a grant of legal assistance to be represented at a final hearing

**duty lawyer services** – information, advice and representation services provided at a court or tribunal where a court or tribunal appearance is imminent and services have not been arranged under a grant of legal assistance.

**early intervention services** – these incorporate our extensive legal advice, minor assistance and advocacy services. Includes any Commonwealth or State funded matters.

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

**grant of legal assistance** – money from the Legal Aid Fund that enables a lawyer 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 determining whether to provide a grant of assistance we apply guidelines that look 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. Some people are required to pay a contribution towards the cost of their legal representation.

**independent children's lawyer** – a lawyer appointed by Victoria Legal Aid, following the making of an order by a court, for the child to be separately represented in their best interest.

**indictable offence** – a serious criminal offence often heard before a judge and jury of the County or Supreme Court. Certain indictable offences may be heard and determined by a magistrate.

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

**legal advice** – initial advice about a legal problem including 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. We do not provide legal advice by email or via our website.

**legal aid** – defined in the *Legal Aid Act 1978* (Vic) as education, advice or information in or about the law; legal services (including legal advice, duty lawyer services and legal assistance services); appropriate dispute resolution programs and any other matter within the scope of Victoria Legal Aid's functions, powers and duties under the Act.

**Legal Aid Fund** – controlled and administered by Victoria Legal Aid. 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. Victoria Legal Aid pays for all expenses associated with the provision of legal aid, including administrative costs and expenses, from the Legal Aid Fund.

**legally assisted clients** – clients in receipt of a grant of legal assistance.

**legal assistance services** – defined in the *Legal Aid Act 1978* (Vic) as legal services provided other than by way of duty lawyer services or legal advice (i.e. grants of legal assistance). However, in a more general sense, defined by the National Partnership Agreement as the services provided by all of the sector-wide legal service providers, including legal aid commissions, community legal centres, Aboriginal and Torres Strait Islander legal services and family violence prevention legal services.

**legal matter** – an issue under consideration in a case of law.

**litigation services** – includes Commonwealth and related State legal representation before a court or tribunal under a grant of legal assistance. Cases may be handled by our in-house practice or private practitioners.

**means test** – a test applied to an application for a grant of legal assistance that 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 has assets such as owning a car, home or anything else of value.

**minor assistance** – legal work, including perusal of documents, 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 is only undertaken where it can be demonstrated there is a tangible benefit for the client. This may include matters such as general civil law assistance that is not funded under a grant of legal assistance

**National Partnership Agreement (NPA)** – an agreement between the Commonwealth of Australia and the States and Territories which provides policy directions and funds for legal assistance programs to assist disadvantaged Australians. Victoria signed the Council of Australian Governments *National Partnership Agreement on Legal Assistance Services* in early July 2010. More information: [www.federalfinancialrelations.gov.au](http://www.federalfinancialrelations.gov.au)

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**practitioner panels** – in order for a private practitioner to act for a legally aided client they must be employed by a firm that is a member of our section 30 general referral panel. To act for a legally aided client in an indictable case or as an independent children's lawyer, a private practitioner must also be a member of the relevant section 29A specialist panel.

**preventative services** – includes all referrals to external agencies, any matters dealt with through calls to the Legal Help line, community legal information sessions and participants, publications produced and distributed and website page views (of relevant pages). This includes any Commonwealth or State funded matters.

**private practitioner** – a lawyer who assists a legal aid applicant through a private practice. Private practitioners referred to throughout this report are on our practitioner panels.

**Public Purpose Fund** – a fund established under the *Legal Profession Act 2004* used to fund the regulation of the legal profession, finance legal aid and fund a number of other public purposes such as legal education and law reform. It is managed by the Legal Services Board, an independent statutory body within the Justice portfolio.

**Roundtable Dispute Management (RDM)** – a dispute resolution service we provide 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 for and obtain a grant of legal assistance.

**settlement** – resolution or agreement of a claim or dispute.

**strategic advocacy** – involves working on the justice system to achieve practical outcomes and procedural fairness for groups of disadvantaged people. It is about influencing those who make, interpret and apply law and policy to effect change, consistent with our objectives and priorities.

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

**unique client** – an individual or distinct client who accesses one or more of our services during the year. Unique clients are recorded across our early intervention services, duty lawyer services, dispute resolution services, and grants of legal assistance. They do not include people we help through our preventative services such as Legal Help and community legal education sessions, as we do not collect more detailed personal information from people who access these services.



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## Our offices

### Melbourne

350 Queen St  
Melbourne VIC 3000  
GPO Box 4380  
Melbourne VIC 3001  
Tel: 1300 792 387

### Suburban offices

#### Broadmeadows

North-western suburbs  
Level 1, Building 1  
Broadmeadows Station  
Centre  
1100 Pascoe Vale Rd  
Broadmeadows VIC 3047  
Tel: (03) 9302 8777

#### Dandenong

Westernport region  
Level 1, 9 – 15 Pultney St  
Dandenong VIC 3175  
Tel: (03) 9767 7111

#### Frankston

Peninsula region  
Cnr O'Grady Ave &  
Dandenong Rd  
Frankston VIC 3199  
Tel: (03) 9784 5222

#### Preston

North-Eastern suburbs  
This office closed  
on 1 July 2013.

#### Ringwood

Outer-eastern suburbs  
23 Ringwood St  
Ringwood VIC 3134  
Tel: (03) 9259 5444

### Sunshine

Western suburbs  
1/474 Ballarat Rd  
Sunshine VIC 3020  
Tel: (03) 9300 5333

### Regional offices

#### Ballarat

Central highlands region  
Area A, Level 1  
75 Victoria St  
Ballarat VIC 3350  
Tel: (03) 5329 6222  
Toll free: 1800 081 719

#### Bairnsdale

Gippsland region branch  
office  
101A Main St  
Bairnsdale VIC 3875  
Tel: (03) 5153 1975

#### Bendigo

Loddon–Campaspe region  
424 Hargreaves St  
Bendigo VIC 3550  
Tel: (03) 5448 2333  
Toll free: 1800 254 500

#### Geelong

Barwon region  
Level 2, 199 Moorabool St  
Geelong VIC 3220  
Tel: (03) 5226 5666  
Toll free: 1800 196 200

#### Horsham

Wimmera region  
29 Darlot St  
Horsham VIC 3400  
Tel: (03) 5381 6000  
Toll free: 1800 177 638

### Morwell

Gippsland region  
2 Chapel St  
Morwell VIC 3840  
Tel: (03) 5134 8055

### Shepparton

Goulburn region  
36 – 42 High St  
Shepparton VIC 3630  
Tel: (03) 5823 6200

### Warrnambool

South Coast region  
185 Fairy St  
Warrnambool VIC 3280  
Tel: (03) 5559 7222  
Toll free: 1800 651 022

### Main reception

350 Queen Street, Melbourne

Postal – GPO Box 4380, Melbourne Vic 3001

Phone – (03) 9269 0234

[www.legalaid.vic.gov.au](http://www.legalaid.vic.gov.au)

Monday to Friday 8.45 am to 5.15 pm

### Legal Help

Phone – 1300 792 387

Monday to Friday 8.45 am to 5.15 pm

### For hearing impaired (TTY)

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

TTY/voice – 133 677 or 1800 555 677 (country callers)

SSR/speak and listen – 1300 555 727 or 1800 555 727 (country callers)



### In different languages

عربي / Arabic	(03) 9269 0127
Hrvatski / Croatian	(03) 9269 0164
Ελληνικά / Greek	(03) 9269 0167
Italiano / Italian	(03) 9269 0202
Polski / Polish	(03) 9269 0228
Српски / Serbian	(03) 9269 0332
Українська Мова / Ukrainian	(03) 9269 0390
Việt-ngữ / Vietnamese	(03) 9269 0391

For all other languages, call the Translating and Interpreting Service on 131 450 and ask to be put through to Victoria Legal Aid.

### Acknowledgements

We would like to thank everyone who contributed to the delivery of our work throughout the year and to the development of this report.

### Feedback

Feedback on this report is welcome. Please write to Victoria Legal Aid, Research and Communications, 350 Queen Street, Melbourne Vic 3000.

### Annual report website

For the first time our annual report is also available as a website.

To read the report online or download a copy go to

<http://ar2013.vla.vic.gov.au>.



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