



# Legal Aid Commission of Tasmania



ANNUAL REPORT  
**2018 - 2019**

# OUR YEAR AT A GLANCE



↑ **15%**

Grants for child safety cases

↑ **38%**

Mental health and disability legal services

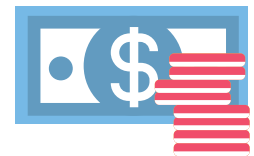


Criminal duty lawyer services

↑ **8%**

Grants of legal aid to private lawyers totalled **\$5.19 million**

↑ **6.5%**



Family Advocacy and Support Service (FASS) duty lawyer services

↑ **70%**



FASS received Commonwealth funding for a further

**3 YEARS**



**585,841** Website hits

↑ **8%**



↑ **203%**

Telephone advice line referrals to other services

Video telephone legal service set up at **Glenorchy Library**



Provided community legal education & information sessions to over **5,000** participants

**91%** of family dispute resolution conferences settled

Over **100** applications for legal aid received daily and most applications processed within **one day**.

Extended clinic hours in **Launceston** to



**FIVE DAYS PER WEEK**

**3,465** WEB CHATS

**14** daily average on Legal Talk

Legal Aid committed to the **White Ribbon Campaign**



↑ **36%**

Telephone advice line callers assisted



**10** NEW

NDIS files



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# OUR ORGANISATION

The Legal Aid Commission of Tasmania ('Legal Aid') has been helping Tasmanians since 1991. We were set up under the Legal Aid Commission Act 1990 (Tas) and operate independently from Government. We are governed by a Board of five Commissioners.

We are the largest government-funded legal assistance service in Tasmania and play a central role in providing access to justice for disadvantaged Tasmanians.

Legal Aid has over 70 full-time employees and a budget of over \$16 million, coming from the Commonwealth and State Governments and other funding sources.

We have offices in Hobart, Launceston, Devonport and Burnie and deliver outreach services to various other locations around Tasmania. Our focus is helping socially and economically disadvantaged people.



## Our Vision

Greater access to justice for Tasmanians.

## Our Mission

To deliver a range of high quality, client-focused legal services to Tasmanians in need.



## Our Values

### INTEGRITY:

We act ethically at all times.

### PROFESSIONALISM:

We provide high quality services.

### EFFICIENCY:

We use taxpayers' resources responsibly and pursue continuous improvement.

### TRANSPARENCY:

We are an open and accountable organisation.

### RESPECT:

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



LEGAL AID OFFICES  
(clockwise from left):  
Burnie, Launceston,  
Hobart and Devonport.



## Our Services

We deliver a range of high quality legal services across Tasmania, including:

**Community legal education** – in person, through information brochures and online.

**Information, advice and referral** – in person, by telephone, videophone or webchat.

**Duty lawyer services** – in a number of courts and tribunals.

**Representation** – by in-house lawyers and our partners in private practice.

## Our Goals

We aim to achieve our Vision by:

- Ensuring our priority clients have access to legal assistance.
- Striking an appropriate balance in allocating resources between a range of services.
- Delivering high quality and flexible legal services that deliver value for money.
- Contributing to the efficiency and effectiveness of the justice system.
- Being a financially sustainable and accountable organisation.

# CHAIR'S REPORT

The 2018-2019 year was a transitional year for the Legal Aid Commission of Tasmania (Legal Aid), with our Acting Director and fellow Commissioner Susie Winter managing the day to day operations of Legal Aid until Vincenzo Caltabiano was appointed Director of Legal Aid in March 2019, commencing his appointment in May.

We thank Susie for the excellent support that she provided to the Board of Commissioners; her leadership and directorship of the management and staff of Legal Aid whilst she was Acting Director; and for not only bringing stability to the organisation during this transitional period, but also continuing to drive the programs that we have undertaken to improve our services, our reporting and our engagement with our stakeholders.

We would like to thank all of the management and staff across Legal Aid in Burnie, Devonport, Hobart and Launceston for their support and service throughout the year. In times when demand for our services continues to grow, we are grateful for the extra effort that our practitioners and support staff have undertaken to meet this demand. We recognise the many years of service that our former Grants and Family Dispute Resolution (FDR) Manager Christine Arnett provided to Legal Aid - managing a challenging grants program very successfully, and an FDR program the success of which has been second to none. We also recognise the extensive career of Sarah Piggott who, after many different roles within Legal Aid, last served as the Manager of our Civil and Mental Health programs prior to taking up a secondment as Victims of Crime Commissioner. Both Christine and Sarah were highly respected within and outside Legal Aid, and their service is greatly appreciated.

We were excited to announce Vincenzo Caltabiano's appointment as Director of Legal Aid in March 2019. After an initial listening and shadowing tour, Vincenzo has already thrown himself deeply into understanding all of the roles that the management and staff of Legal Aid perform; the services that we provide; the stakeholders that we work with and identifying and implementing new ways that we can improve the delivery of our services. With 17 years' experience in private practice focusing on family law and criminal law, and almost 11 years at Victoria Legal Aid (VLA) where he undertook a range of roles including: seven years in the criminal law program conducting complex indictable and summary crime matters including murder, manslaughter, culpable driving, serious assault, deception, sexual offences and detention and supervision orders; managing the VLA advocacy team; managing the summary

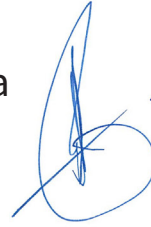
crime program; reviewing Legal Aid Child Protection legal services and serving as Associate Director of Child Protection Transformation at VLA, Vincenzo is uniquely placed to understand the challenges faced by our clients, management, staff and stakeholders; many of the barriers to improving the services we offer; and reforms and changes that can be implemented to either navigate around, or ideally remove, these barriers.

In recognising the support that we have received internally throughout the year, we also thank our external stakeholders for their continued support of Legal Aid. We thank the Attorney-General, the Hon. Elise Archer MP and the Treasurer, the Hon. Peter Gutwein MP for their support, particularly in providing the financial assistance required to make up for the Commonwealth shortfall under the current National Partnership Agreement (NPA). We acknowledge the support of the Commonwealth Attorney-General, the Hon. Christian Porter MP. We thank the Secretary of the Department of Justice, Kathrine Morgan-Wicks and Deputy Secretary Kristy Bourne for their continuing support of Legal Aid. We also thank those organisations and individuals that we partner with to deliver our services including the social workers employed by Anglicare who help deliver our Family Advocacy and Support Service, and the Hobart Community Legal Service that assists with the duty lawyer service in the Magistrates Court at Hobart on the weekends. We appreciate the significant role that the private profession plays in providing advice and representation through grants of legal aid, increasingly so again this year with the concentrated criminal trial sittings in the Supreme Court. We thank the Law Society of Tasmania's Executive Director Luke Rheinberger, former President Will Justo and current President Evan Hughes, and the Tasmanian Bar Council's former President Chris Gunson SC and current President Sandra Taglieri SC for remaining actively engaged with Legal Aid, advocating on behalf of their members, suggesting ways that we can improve our services but also understanding the challenges Legal Aid faces. We look forward to another year of collaborating with other organisations responsible for delivering legal assistance in the sector, those with whom we have developed



## Patrick Lunn

### Chair – Legal Aid Commission of Tasmania



more formal relationships including NLA, TACLS, Advocacy Tasmania, the Launceston Community Legal Centre, Libraries Tasmania and COTA, and those with whom we continue to develop our relationships in order to avoid any unnecessary duplication of services within the sector.

We thank the team at WLF responsible for assisting us to manage Legal Aid's finances prudently. The team at WLF has assisted us to deliver a surplus of \$1,081,360 (primarily as a result of unexpected staff vacancies that are expected to be filled next year) whilst at the same time delivering higher levels of grants of aid to the private profession than in past years. If, as a result of the new NPA, Legal Aid is faced with having less funds to deliver the services that we are currently able to provide, the pace of the reduction of any services to our clients will be less immediate than it otherwise would have been. This is as a result of the prudent management of funds by Legal Aid that has been in place for a number of years in planning for this.

As we look towards a new NPA at the end of the next financial year, Legal Aid also looks forward to developing our next Corporate Plan for the three years ending 30 June 2023.

Under the current corporate plan (2017-2020) Legal Aid has: improved accessibility of our services to clients; increased the range of preventative, timely, self-help and representative services; maintained high levels of satisfaction from clients, and our reputation amongst stakeholders and the community; tailored our services to those in highest need; attracted new funding and increased reporting. We still need to improve: the targeting of services based on the data we can collect, although there have been improvements to the collection of data; completing the challenging task of developing an accurate cost comparison of our services, and reducing our reliance on non-recurrent funding for core services, including our advocacy and support services in the Mental Health Tribunal and before the Guardianship and Administration Board. It would be astonishing if Legal Aid had achieved all of the goals we had set out to achieve in our current Corporate Plan given the generational transition and change in corporate knowledge Legal Aid has experienced in the past two years. This is an exciting period of upward change for Legal Aid and our clients. I look forward to reporting on the continuing successes brought about by these changes next year.



# DIRECTOR'S REPORT

It was my privilege to continue as Acting Director for the majority of the 2018-19 financial year before we welcomed Vincenzo Caltabiano as Director on 13 May 2019.

Throughout the year Legal Aid continued our client-centred focus, working to extend our reach and provide greater access to legal services for people most in need in our community.

This year we saw an increase in the popularity of our early intervention and information services due to steps taken to expand ways clients experiencing legal issues can contact us. Our online chat service "Legal Talk" has been well utilised by members of the community seeking legal information with an average of 14 chat requests per day over the past 12 months. Our website continues to be accessed at increasing rates with over 585,000 website page views over the year and we have increased the information content and videos with particular focus on older people. Our duty lawyer services statewide continued to give valuable assistance and representation to self represented clients in all courts with 6,635 duty services being provided, an increase of 20% from last financial year.

In the north of the State, in response to increasing demand for services, we moved to expand the Legal Advice Clinic service in Launceston from 3 to 5 days per

week. The expansion means clients can see a lawyer on the day they walk in the door and avoids delay in receiving assistance in resolving their legal issues.

We continued to have a strong focus on assisting victims of family violence and were able to expand our services in the North-West with the appointment of a new Safe at Home lawyer in Burnie in January 2019. Our Safe at Home lawyers have provided over 400 new client services statewide in the past 12 months, making sure victims are appropriately protected and supported.

During this year Legal Aid worked to progress commitments made under our 2018-19 Elder Abuse Strategy. We expanded our Older People's Legal Service to allow us to assist older people in the community with a range of legal issues in addition to elder abuse. The continuing collaboration and relationships with Council on the Ageing (COTA) and Advocacy Tasmania, and work done over the past 12 months were important factors in our success in being awarded Commonwealth funding to establish a Specialist Elder Abuse Unit in February 2019. Legal Aid was one of only two Legal Aid Commissions awarded the funding and this Unit will allow us to expand







## Susie Winter

Acting Director – Legal Aid Commission of Tasmania

legal response and prevention services to older people suffering elder abuse and associated legal issues statewide.

A very important aspect of assisting our clients is the strong relationships we have with all organisations and stakeholders working with us to improve client outcomes. The extension of funding we have received this year for other successful early intervention programs such as the Family Advocacy and Support Service and our Safe at Home program would not have been achievable without the strong connection and holistic support framework these relationships provide for clients.

Additionally, the important work of the private profession representing clients eligible for grants of legal aid must be recognised in contributing to our mission to provide greater access to justice for Tasmanians. In the last financial year, over 63% of all grants of legal assistance were made to private practitioners representing clients in court proceedings.

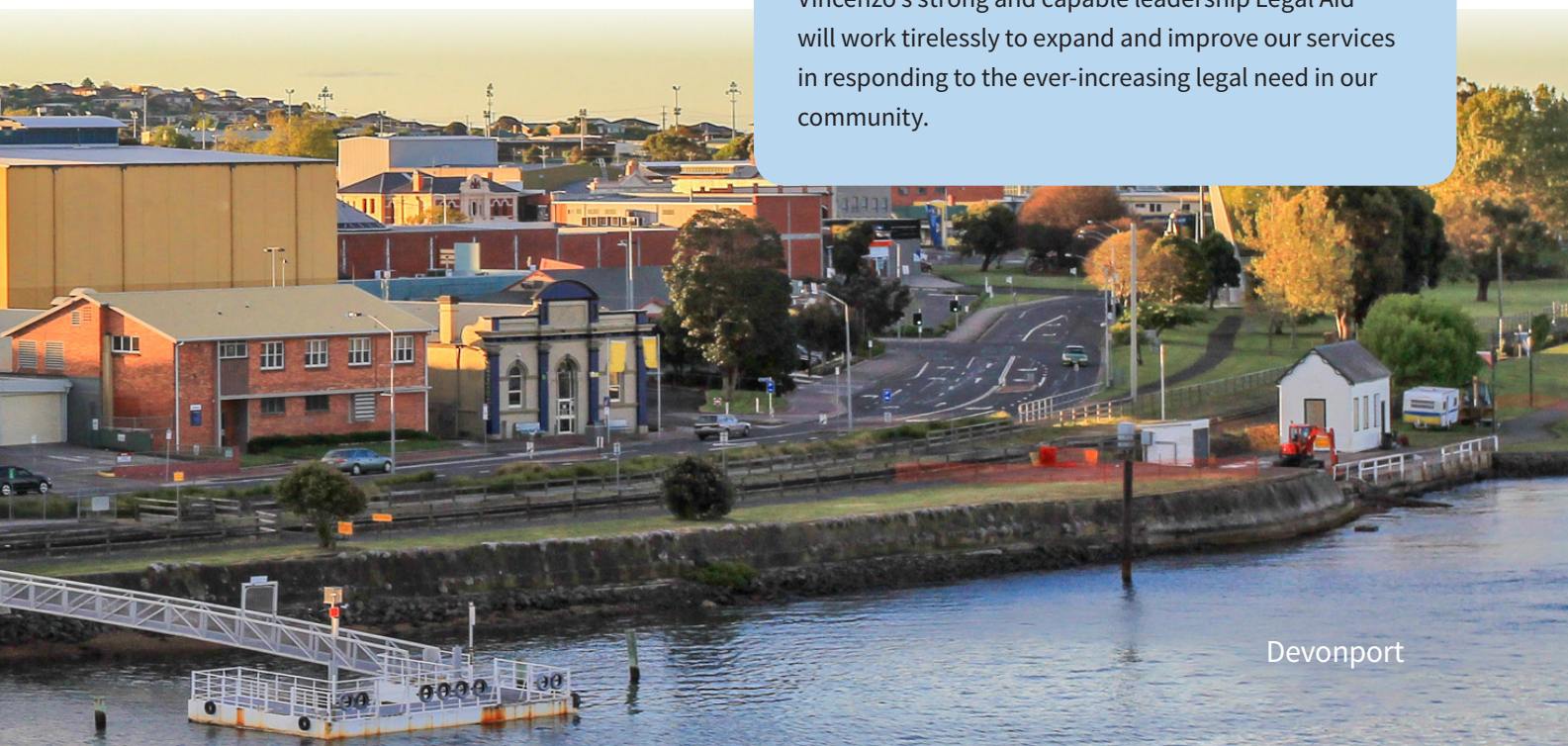
### Thank You

Our clients continue to remain the primary focus of the work we do in delivering high quality legal services to ensure all Tasmanians in need can access appropriate legal assistance.

However, none of the achievements highlighted would be possible without the highly dedicated and talented staff across our four offices statewide. Our staff work tirelessly to ensure our clients achieve the best possible outcomes in resolution of their legal issue. I thank all staff for the commitment they have given over the last year in providing access to justice for more Tasmanians.

My thanks also to our Board, and in particular our Chair Patrick Lunn, for the strong leadership, guidance and support provided to me in my acting role.

Finally, I extend my best wishes to Vincenzo Caltabiano as our new Director. Vincenzo has a wealth of experience in the legal sector, including time in private practice prior to working with Victorian Legal Aid for the past 11 years. We can be confident that under Vincenzo's strong and capable leadership Legal Aid will work tirelessly to expand and improve our services in responding to the ever-increasing legal need in our community.



Devonport

# DIRECTOR'S REPORT



## Vincenzo Caltabiano

Director – Legal Aid  
Commission of Tasmania

A stylized, handwritten signature in black ink.

It was a great honour to be appointed as the Director of Legal Aid earlier this year. Since starting I have been overwhelmed by the welcome I have received. People have been very kind in helping me understand and adjust to the local environment.

Particular thanks to Susie Winter for the tremendous job she did leading Legal Aid for most of the year. I am grateful for her support helping me find my feet in a new role and in a new State.

I am fortunate to join a vibrant organisation, full of great people committed to improving access to justice – resourceful reception staff who greet people with a smile and warm welcome, helpful and knowledgeable legal advice lawyers, efficient and reliable administrative staff, capable and committed lawyers, hard working grants officers and an excellent information technology support team to name a few.

It has been wonderful to learn about the broad range of services Legal Aid provides. The great resources available on the website, a comprehensive advice and referral service – including webchat, the extensive duty lawyer services and court representation. It is wonderful to see the work of our Older People's Legal Service and our NDIS program which help particularly vulnerable people in our community.

Travelling around Tasmania I have met many talented and committed people: at Legal Aid, in private practice, at Community Legal Centres (CLCs), at courts, in government and other parts of the justice system. It is an exciting place to be.

Legal Aid relies on funding which comes mostly from the Commonwealth and State Governments. The agreement with the Commonwealth, known as the National Partnership Agreement or NPA, ends in July 2020. The amount paid to Legal Aid and CLCs in Tasmania under the NPA was reduced a few years ago and would have resulted in a reduction of services if the State Government had not stepped in to make up the shortfall. It is hoped that discussions underway for the new agreement will see a better outcome for Tasmanians.

There is a great deal happening in the coming year. We will implement the Family Violence and Cross Examination Scheme, set up a Small Property Dispute Resolution Pilot, complete the roll out of the Elder Abuse Unit and prepare a new Corporate Plan. In addition we will look at how we can improve our services, from clearer guidelines to working with CLCs to coordinate the delivery of community legal education.

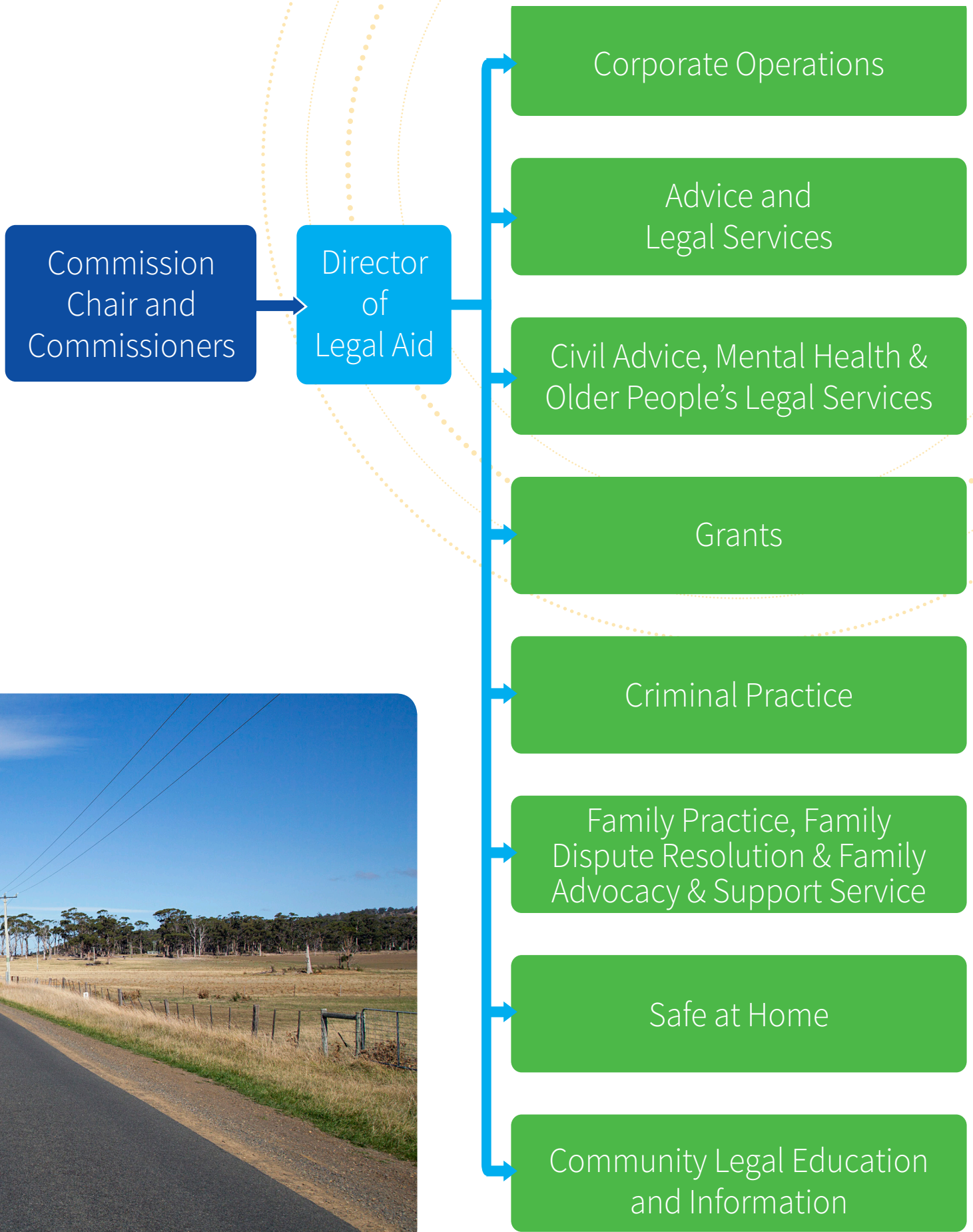
There is also a lot happening outside of Legal Aid, with legal reforms and changes in how the system operates.

There is a clear willingness to work together to improve outcomes for the Tasmanian community. Legal Aid plays an important role in this and I look forward to us joining with others to achieve this.

Examiner  
Newspaper article:  
<https://www.examiner.com.au/story/6179246/access-to-justice-at-core/>



# OUR ORGANISATIONAL STRUCTURE



# OUR RELATIONSHIPS

## Our Partners

Legal Aid works with our practice partners in the private profession, the State and Commonwealth Governments, Community Legal Centres, National Legal Aid and others to improve access to justice for disadvantaged communities.

### Private Lawyers

Private lawyers help a large number of disadvantaged clients. Our 'lawyer of choice' policy means people can generally be represented by the lawyer they choose.

In 2018-19 75 law firms and barristers were paid, at heavily discounted rates, to help 2445 clients. These lawyers are located across the State and help people close to where they live.

Private lawyers helped over 63% of all people who received a new grant of aid. This included family law cases, serious criminal trials and the representation of children in the Magistrates Court.

Legal Aid values the relationship with members of the private profession. The profession's ongoing contribution helps us achieve our goals of delivering a range of high quality, client-focused legal services and increasing access to justice for all Tasmanians.

“ A strong legal assistance sector is a crucial part of our system of justice. The work undertaken by the Legal Aid Commission, Community Legal Centres and the private legal profession ensures the protection of the rights of some of the most vulnerable members of our community. The Society engages regularly and meaningfully with the Legal Aid Commission to provide better outcomes for those seeking help. Through our regular meetings with the Director of Legal Aid, we have successfully improved assistance for prisoners in custody and guidelines for the cross-examination of vulnerable people in the Family Court. The Society looks forward to working with the Commission on issues relevant to the provision of legal services in a collaborative way, continuing to focus on helping those in need. ”



**EVAN HUGHES**

President,  
Law Society of Tasmania

### Community Legal Centres

By working closely with Community Legal Centres (CLCs) we deliver a co-ordinated approach to legal assistance and avoid unnecessary duplication of services. We regularly partner with CLCs to deliver community legal education across the State. The Hobart CLC provides weekend duty lawyer services at the Magistrates Court on our behalf.

The CEOs of Hobart, Launceston and North West CLCs serve on Legal Aid committees reviewing decisions by grants officers. Legal Aid lawyers also volunteer for CLCs after hours legal advice services.

A Memorandum of Understanding with the Tasmanian Aboriginal Community Legal Service (TACLS) means our organisations continued to share statistics, training opportunities, and discuss how our services can meet the legal needs of Tasmanian Aboriginals.

## Department of Justice (Tasmania)

The Department of Justice and Legal Aid work together in a variety of ways. We are involved in a number of committees and often comment on possible changes to the law.

All Legal Aid staff are employed by the Department of Justice which assists us with Human Resources, Work Health & Safety and similar services.

Legal Aid attends the Department of Justice Senior Managers' meetings which work to improve the Tasmanian justice system. The meetings also discuss work health and safety and people management.

Legal Aid is involved in Collaborative Service Planning meetings arranged by the Department of Justice. These meetings bring together legal and non-legal service providers to improve communication and coordination. They allow us to discuss issues and help us plan the delivery of legal services.

## Attorney-General's Department (Commonwealth)

Legal Aid has a close working relationship with the Commonwealth Attorney-General's Department and participates in Commonwealth justice system advisory groups including the Family Law Consultative Committee and the Family Law Pathways Network.

## National Legal Aid

National Legal Aid (NLA) is the peak body representing the eight Legal Aid Commissions in Australia. NLA works nationally with the Commonwealth Government to improve legal assistance and is supported by working groups with representatives from each of the Legal Aid Commissions. NLA met in July 2018, November 2018 and March 2019.



# OUR COLLABORATIONS

Legal Aid has also built collaborative relationships with non-legal service providers and other key stakeholders. These relationships help us to provide high quality, client-focused legal services to the more vulnerable members of the community.

## Advocacy Tasmania

Our continued collaboration with the Advocacy Tasmania, Tasmanian Elder Abuse Helpline helps provide a “wrap around service” to combat elder abuse.

Working together closely ensures people with a disability can get help to resolve disputes about their National Disability Insurance Scheme (NDIS) support plan. Legal Aid provides legal representation at the Administrative Appeals Tribunal when these disputes can't be resolved.



Legal Aid Tasmania's Family Advocacy and Support Service (FASS) has a strong working relationship with the statewide Family Violence Counselling and Support Service (FVCSS), working with clients affected by family violence. FVCSS refers clients to FASS legal services, and the process is streamlined, with timely, prompt and efficient responses from FASS.

FVCSS is appreciative of the work of FASS from the responsive, efficient and friendly receptionist services through to informed expertise of the legal practitioners.

The provision of a timely service, irrespective of the location across the State, is consistent, with immediate legal advice and with the legal practitioner having a family violence informed framework; with this framework there is already an understanding of the issues around intimate partner violence and lessens the load on women having to re-tell their stories of family violence. The information provided by FASS to clients is practical, giving clients an opportunity to make informed choices across the range of family law matters.



**JANE McL FLEMING**  
*State Manager, FAMILY VIOLENCE  
COUNSELLING AND SUPPORT SERVICE*

## Council On The Ageing (COTA) Tasmania

In 2018-19, Legal Aid continued our collaboration with Tasmania's peak body representing older people, COTA, with a monthly community based clinic in Hobart. This legal service for older people has a focus on identifying elder abuse matters. Since its commencement more than 30 older people have received specialised assistance with their legal issues.

## Support Services

As part of the holistic approach to assisting families with their legal issues, Legal Aid's Family Advocacy and Support Service (FASS) has collaborative arrangements with a number of services. FASS partners with Anglicare Tasmania to provide specialised family violence support to our clients and has entered into Memoranda of Understanding with key stakeholders such as the Family Violence Counselling and Support Service, Court Support and Liaison Service and SafeChoices. These relationships ensure our clients have specialised risk assessment and safety planning for their legal issues and day to day lives.



Advocacy Tasmania works closely with Legal Aid to ensure all external appeal applicants have access to formal legal advice regarding their cases. The two organisations have ongoing collaborations to continue to educate and empower our client base regarding their rights to appeal.



**ROEN MEIJERS,**  
*Advocacy Tas Inc.*

# OUR REACH

Telephone Advice  
21,813 Services

↑ 36%

Telephone Advice  
Referrals 32,675

↑ 203%

Duty Lawyer FASS  
1,936 Services

↑ 70%

	17/18	18/19
<b>Preventative Services</b>		
Telephone Advice Service - Number of Matters Dealt With	15,928	21,813
Telephone Advice Service - Referrals Made	10,775	32,675
Telephone Advice Service - Justice of the Peace Enquiries	548	626
Community Legal Education Sessions	129	75
Community Legal Education Participants	6,157	5,067
Legal Talk Chats	1,011	3,465
Web Site Page Visits	542,897	585,841
<b>Early Intervention Services</b>		
Legal Advice and Minor Assistance	5,106	5,031
Family Dispute Resolution Conferences	488	395
<b>Duty Lawyer Services</b>		
Family Advocacy & Support Service	1,134	1,936
Family Law	325	294
Civil Law	20	29
Criminal Law	4,039	4,374
<b>Case Work Grants of Legal Aid</b>		
Grants of Legal Aid	4,818	4,905
In-house Grants	1,784	1,778
Private Practitioner Grants	3,034	3,127

# OUR SERVICES - A SNAPSHOT

## PREVENTATIVE SERVICES

Our website is a reliable source of legal information with fact sheets, self help kits, YouTube videos, Legal Aid guidelines and a comprehensive referral list for legal and non legal services.

### Website



Total  
website hits  
585,841

#### TOP MOST VISITED WEBSITE FACT SHEETS

Estates	23,751
Preparing a plea in mitigation	19,942
Boundary fences	19,652
Wills	12,836
Age of consent	11,346

### Community Legal Education



### Legal Talk

Legal Talk is an online legal information service that people access on our website.



3,465  
WEB CHATS  
14 daily average on  
Legal Talk

## EARLY INTERVENTION SERVICES

### Telephone Advice Line

We provide free and confidential legal advice and referrals on our telephone advice line. Anyone in Tasmania can call and speak directly to one of our lawyers. It is our most widely used service.

We directly assisted **21,813** callers and made **32,675** referrals to other services to help resolve their issues.



#### TOP TELEPHONE ADVICE LINE ENQUIRIES

General civil law matters	5,112
Children's matters	2,155
Enquiries about Legal Aid services	1,742
General criminal law matters	1,693
Property matters	647



## EARLY INTERVENTION SERVICES

### Face to Face Clinic

Over **4,500** individuals received advice, information and referral to other services to assist them to resolve their issues.



### Duty Lawyer Services

Available at the Magistrates Courts, Family Court and Federal Circuit Court free of charge.

**6,635**  
SERVICES



### Family Dispute Resolution

**395**

family dispute  
resolution  
conferences

**53**

court  
ordered  
mediations

**22**

child inclusive  
conferences

**7**

ICL  
conferences

OVERALL SETTLEMENT RATE (FULL OR PARTIAL) OF **91%**

## LEGAL REPRESENTATION

We provide legal representation through grants of aid to private lawyers and to in-house lawyers. Most of the cases are criminal law, family law, child safety and family violence matters.

Over **63%** of grants of aid went to private lawyers and the balance to in-house lawyers.

### CIVIL DISBURSEMENT FUND

We also manage the Civil Disbursement Fund (CDF) on behalf of the State Government. The CDF provides financial assistance for people who have a personal injury or worker's compensation claim and cannot afford to cover costs such as expert reports and witness expenses in their case.

There were **21** new applications to the CDF for assistance, compared to **19** last year.

**26,000+**  
applications for legal aid

**5,498** for new cases

**21,394** extensions to  
existing grants

# OUR CLIENTS – A SNAPSHOT

We helped thousands of Tasmanians through our legal services

**26%**

were living in **rural Tasmania**



**6%** were **over 65**

**1%**

required the assistance of an **interpreter**



**5%** were from **culturally and linguistically diverse** backgrounds\*

includes people who were born overseas or speak a language other than English at home.



**30%**

of grants of legal aid went to people who identified as having a **disability**



**8%** were of **Aboriginal or Torres Strait Islander** background

**62%**

were receiving **Government benefits**



**7%** were **under 18**

**11%**

were in **custody**

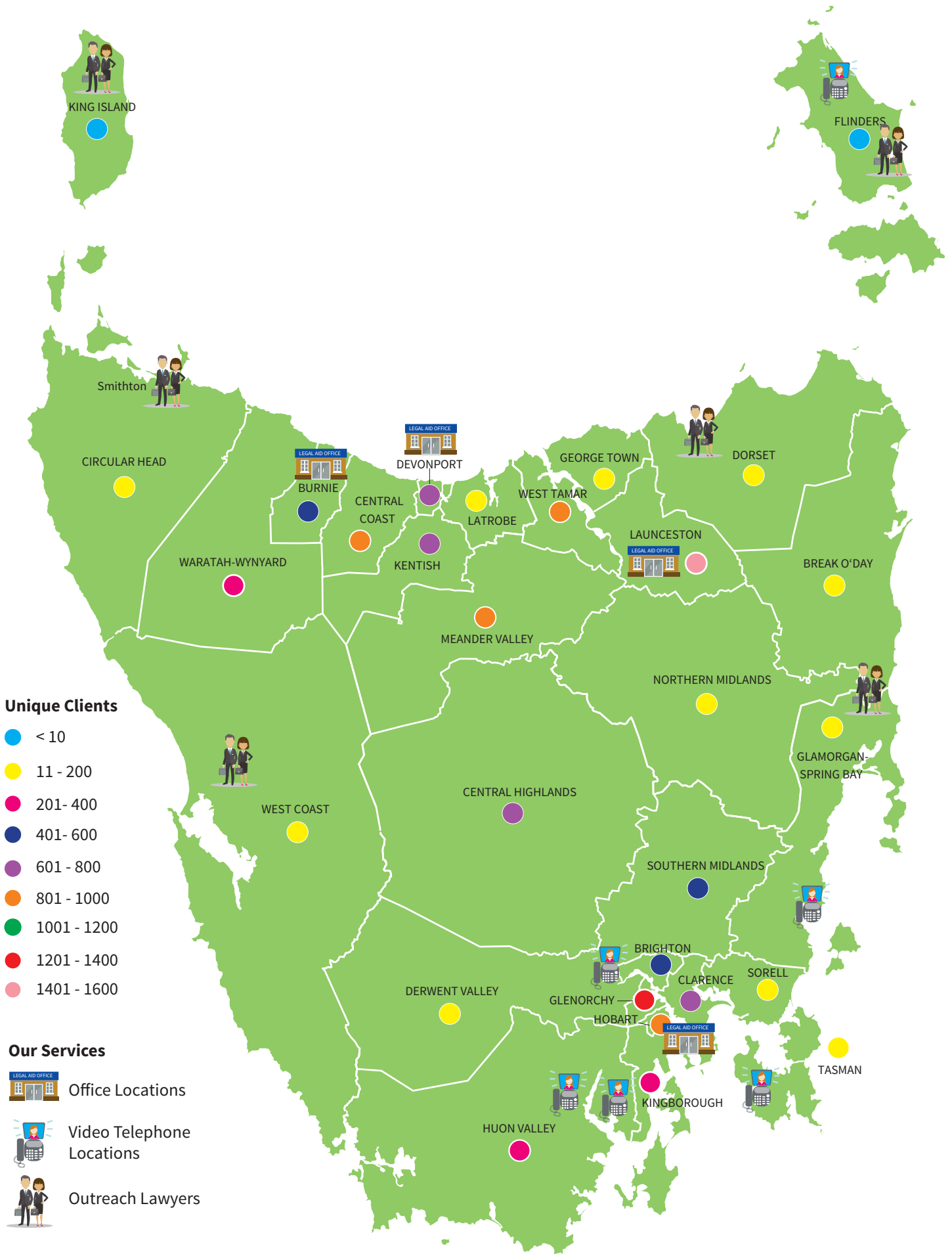


- Telephone Advice and Referrals .... **54,488**
- Community Legal Education ..... **5,067**
- Advice and Minor Assistance ..... **5,031**
- Duty Services ..... **6,635**
- Legal Representation ..... **4,905**
- Family Dispute Conferences ..... **395**

Total Client Services excludes information via website page views **585,841**.



# OUR CLIENTS ACROSS TASMANIA



# PERFORMANCE REVIEW

Our Corporate Plan 2017-2020 identified five goals to help us deliver on our vision of greater access to justice for Tasmanians. These are some of the things we have done to achieve this.



## Goal One

Ensure our priority clients have access to legal assistance.

- 100% of grants of legal aid went to people on a Government benefit.
- 2000 more grants of legal aid and extensions to existing grants.
- 20% more duty lawyer services.
- \$5.19 million in grants of legal aid to the private profession to represent clients, an increase of 6.5%.

## Goal Two

Strike an appropriate balance in allocating resources between a range of services.

- Expanded FASS services to meet the needs of clients experiencing family violence including 194% increase in social support services.
- Extended clinic services in Launceston to meet increasing demand.
- New Safe at Home lawyer based in Burnie.

## Goal Three

Deliver high quality and flexible legal services that deliver value for money.

- 99% of clients surveyed would recommend us to other people.
- Referrals from our telephone advice line to other services increased by over 200%.
- Outreach services expanded through use of video phones, duty lawyers in regional courts and outreach clinics.

## Goal Four

Contribute to the efficiency and effectiveness of the justice system.

- Community legal education sessions reached over 5,000 Tasmanians.
- 91% of family dispute resolution conferences resulted in an agreement, avoiding the need for court action.
- Increased grants of assistance in criminal cases to help reduce backlog in court.

## Goal Five

Be a financially sustainable and accountable organisation.

- Secured additional Commonwealth funding for the Older People's Legal Service and the Family Advocacy and Support Service.
- Regular reporting about how we were tracking financially.
- Appropriate reserves to deal with changes in the environment.

# PERFORMANCE REVIEW

## Reporting against the National Partnership Agreement on Legal Assistance Services 2015-2020 (NPA).

The NPA is the funding agreement between the Commonwealth and the States/Territories to support the legal assistance sector. It sets out the objectives and outcomes we need to achieve, with a focus on:

- improving access to justice for disadvantaged people;
- maximising service delivery within available resources.

A key performance indicator is the proportion of Commonwealth funded representation services to priority clients. We delivered the following:

- 100%** – people experiencing financial disadvantage
- 48%** – people experiencing, or at risk of, family violence
- 34%** – people residing in rural or remote areas
- 22%** – children and young people up to 24 years
- 20%** – people with a disability or mental illness.

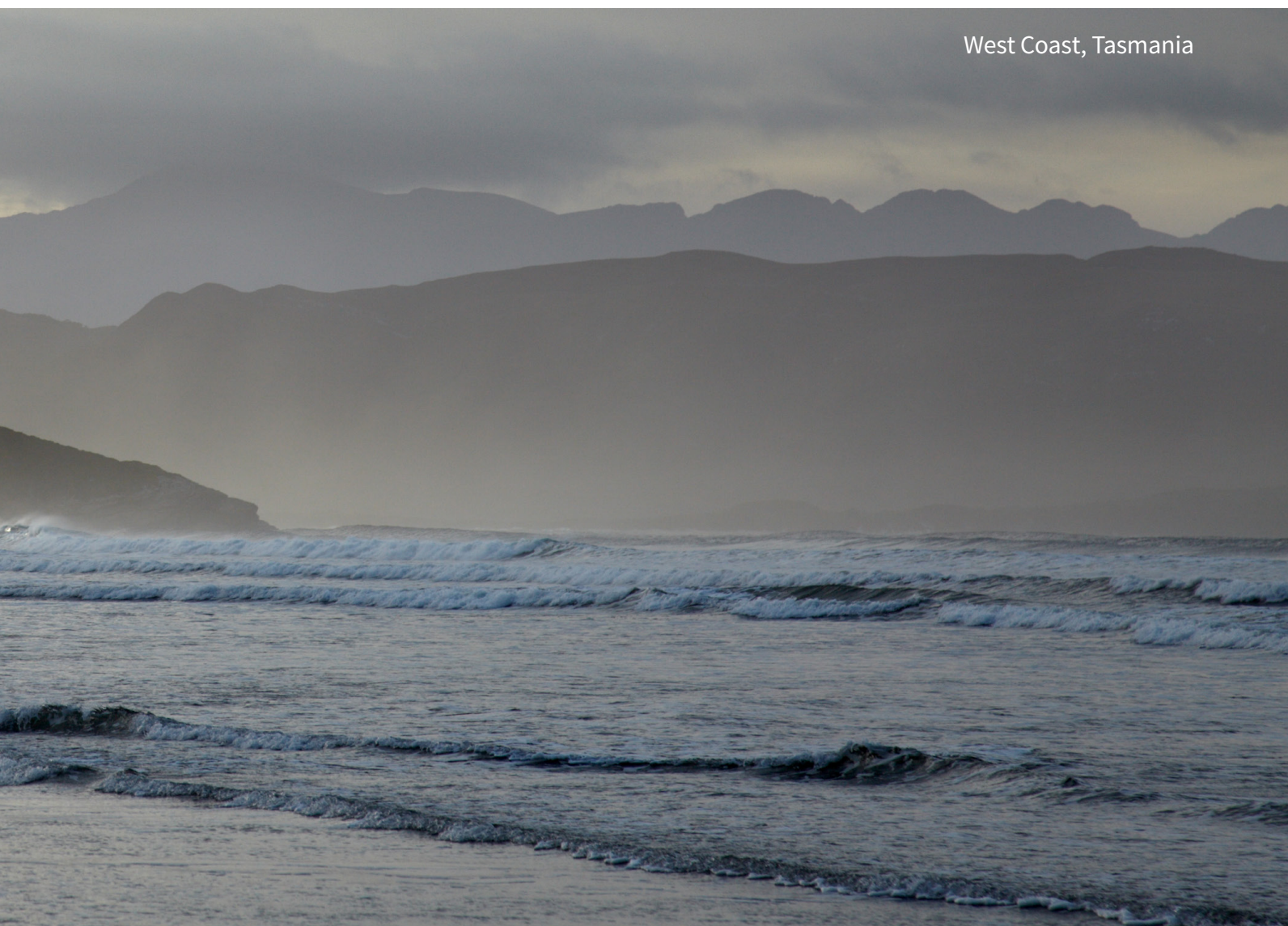


# Financial Summary 2018 - 2019



	(\$000's)
Commonwealth Funding	\$6,621,806
State Funding	\$8,170,765
Other Funding	\$1,386,987
<b>TOTAL FUNDS</b>	<b>\$16,179,558</b>
<b>TOTAL EXPENDITURE</b>	<b>\$15,098,197</b>
Surplus	\$1,081,360

West Coast, Tasmania



# THE PEOPLE WE HELP





# THE PEOPLE WE HELP

## Civil Law

Our civil law program offers a diverse and targeted range of legal services to Tasmania's older people and people with disabilities.

Older People's  
Legal Service  
(OPLS)

Mental Health  
and Disability  
Legal Service

National Disability  
Insurance Scheme (NDIS)  
Appeals Legal Service

### Older People's Legal Service (OPLS)

#### REACH

OPLS is focused on stopping elder abuse. We help Tasmanians aged over 65 years, or over 50 years if Aboriginal or Torres Strait Islander, in our Legal Aid offices and through outreach clinics at the Council on the Ageing (COTA) Tas premises and Bucaan Community House. We also delivered "Legalities for Seniors" sessions in Devonport, Launceston and Rosny.

Legal Aid staff joined people of all ages in the World Elder Abuse Awareness Day walk in Hobart to recognise the importance of this issue.

#### COLLABORATION

OPLS lawyers collaborate with the COTA, the Tasmanian Elder Abuse Helpline and Relationships Australia to prevent and respond to elder abuse.

This year we ran **11** clinic sessions at COTA and provided over **55** older people with specialised legal advice.

COTA Tasmania greatly values our partnership with Legal Aid as it enables us to meet our mission 'To advance the rights, interests and futures of Australians as we age.' We see it as an integral part of our service delivery, and aligns well with our values of Respect, Diversity, Collaboration and Integrity.

**SUE LEITCH**  
*MoA B. Pharm GAICD*  
*Chief Executive Officer – COTA Tasmania*

#### MAKING A DIFFERENCE

Martha came in distressed by the behaviour of her adult son who lived with her, paid no rent and was verbally abusive and threatening. She wanted to know what her legal options were to deal with him. We assisted Martha to write a letter requiring her son to leave and arranged for the police to attend to assist if the letter was ignored. The son left voluntarily. We advised Martha about what to do if he tried to move back in. We also referred her to mediation as she still wanted to have a relationship with her son and a counselling service as she was traumatised from years of his abusive behaviour.

*We have changed our client's name and some facts to protect her privacy*



## REACH

We give advice to and represent people involved in Mental Health Tribunal and Guardianship & Administration Board hearings.

We represent clients who are in hospitals including:

- Wilfred Lopes Centre at Risdon Prison
- Royal Hobart Hospital
- Millbrook Rise Centre for Rehabilitation in New Norfolk
- Spencer Clinic in Burnie.

We also deliver an outreach clinic to clients in the psychiatric ward at the Launceston General Hospital.

We represent clients in hearings who are under orders and living in the community.

We opened **300** new mental health and disability files, an increase of **26%** from last year.

## MAKING A DIFFERENCE

Joni lives independently, paying her rent, shopping and maintaining her home. She does not have any significant debts. Joni has an acquired brain injury and an application was made for someone to manage her finances. She didn't want this. With our help Joni successfully opposed the application and kept her independence.

*We have changed our client's name and some facts to protect her privacy*

## COLLABORATION

We have collaborative relationships with and receive referrals from service providers including Advocacy Tasmania, hospital and community social workers, case managers, support workers and the Public Guardian.



*LEFT: Our Launceston-based mental health and disability lawyer, Rebecca Irwin featured in The Examiner.*

*ABOVE: Legal Aid's acting civil and mental health program manager Sarah Campbell and our Hobart-based mental health and disability lawyer, David Cocker featured in The Mercury.*

## REACH

Our NDIS service provides advice and representation for Tasmanians who are unhappy with a decision of the National Disability Insurance Agency (NDIA). The most common cases are being refused participation in the NDIS or not being given a plan or enough money in an NDIS plan.

We deal with cases that raise complex or novel issues. This year **10** new NDIS appeal files were opened.

## COLLABORATION

We work closely with Advocacy Tasmania to best support clients. This collaboration has led to successful outcomes for vulnerable people. We were able to get funding for a person living in a rural location so they could travel to their day support program, the purchase of an e-bike to assist with mobility and the purchase of specialised equipment.

## MAKING A DIFFERENCE

Ben has Wests Syndrome which makes it hard for him to move around. Ben's occupational therapist said he needed a new bed. The 28 year old lives about 40 minutes out of Launceston. Since 2013 the NDIS has paid for a taxi so that he can attend a day program in Launceston, his main social activity. The request for a new bed was refused and Ben's transport support was cut from around \$20,000 to \$2,000. We helped Ben appeal this decision. We persuaded the NDIA to buy Ben a new electric bed and mattress and pay the taxi fares so that Ben could continue with his day program in Launceston.

Resolving this matter without the need for a hearing was a great outcome for Ben and his family.



*One happy NDIS client with his new bed and mattress*

# THE PEOPLE WE HELP

## Safe at Home

### REACH

Our Safe at Home lawyers provide a broad range of services to victims of family violence statewide:

- at our four Legal Aid offices and in courts;
- through outreach services in the Circular Head area and Queenstown, delivered in collaboration with the Women's Legal Service;
- by outreach lawyers visiting women's shelters, community centres and other services such as Bapcare, the DHHS Alcohol and Drug Service, Youth and Family Services, Community Corrections and the Salvation Army.

We assist people who experience family violence whatever their gender, socio-economic status or cultural background. We provide advice and help them with family violence orders to ensure they are protected.

The number of reported family violence incidents in Tasmania continues to increase. This means that more people are seeking help.

This year, our Safe at Home lawyers:

- provided legal advice to **779** clients;
- opened **109** grants files;
- opened **324** minor assistance files; and
- provided **11** duty lawyer services.

We also delivered five community education sessions for victims of family violence and workers in the non-legal support services who help them.

### COLLABORATION

We work with other agencies such as Tasmania Police, the Family Violence Counselling and Support Service, Child Safety Services and the Court Support & Liaison Service to assess the risk to and safety of victims and their families. Sharing information helps to ensure a coordinated response.

We make referrals to other services such as SafeChoices, the Family Violence Counselling and Support Service, the Huon Domestic Violence Service and Engender Equality for safety planning, counselling and support, assistance with housing and other forms of practical assistance.

“ SafeChoices has a strong and valuable partnership with the Safe at Home Legal Aid Lawyers which is of great benefit to our clients. This working collaboration enables the clients to fully engage in the process and the level of empathy and understanding shown by the Safe at Home Legal teams is appreciated by the clients who are often still dealing with the issues that have resulted in the court processes and the effects from Family Violence. SafeChoices workers will attend legal appointments with the clients and attend court to support the client through the process. This assists the S@H lawyers to know that the clients are understanding the court system and legal process. This collaboration is highly valued by the SafeChoices Teams across the State who work to empower individuals in our community to feel safe from violence. ”

**JACINTA ATKINS**  
*Statewide Coordinator SafeChoices*



## MAKING A DIFFERENCE

Michelle is a well-educated woman who moved to Tasmania to be with her husband. She does not have family here and her local religious group is dominated by her husband's family. Michelle has become isolated and her marriage has been marked by family violence but she has not had support to deal with this. Michelle contacted SafeChoices who referred her to Legal Aid.

We gave Michelle advice about what family violence means and how to report it to the police. We prepared a summary of the family violence to be given to the police. This avoided the need for Michelle to have to go through it all again which would have been very upsetting for her.

While thinking about leaving her husband Michelle was anxious about proving a breakdown of the marriage in court as well as within the community. We explained the law, including what is needed for a divorce. We discussed options such as mediation to work out parenting and property matters, instead of going to court.

Michelle feels more positive because she knows she has choices about her marriage and can get more help from Legal Aid if she decides to separate from her husband.

*We have changed our client's name and some facts to protect her privacy*

# THE PEOPLE WE HELP

## Advice & Legal Services (ALS)

### REACH

ALS is the second largest program in Legal Aid and provides:

- telephone advice and referrals
- face to face advice and referral clinics
- legal advice via video outreach
- online legal information.

ALS is often the first point of contact for people needing help.

Our telephone advice line lawyers helped **21,813** people, an increase of over **36%**, and made **32,675** recorded referrals to other services, a remarkable increase of over **200%** from last year.

We helped over **4,500** people through our face to face clinics and via video outreach. Due to increasing demand we extended the clinic services in our Launceston office from three to five days a week. This meant people were able to see a lawyer on the day they walked in the door rather than having to come back.

Our newest service is Legal Talk, an online legal chat service providing information and links to other services. This popular service delivered **3,465** chats, an average of **14** each day.



ABOVE: Anthea d'Emden, acting co-manager of ALS, and Leonie Singline from Legal Aid's Launceston office.



Fiona Vagg, Glenorchy Library Manager, and Yvonne Golder, acting co-manager of ALS.

### COLLABORATION

People often have multiple legal and non-legal problems. We are always looking for ways to develop and maintain the best possible referral network so that people can be supported around non-legal issues such as housing, mental health concerns and drug and alcohol misuse. We invite other services to ALS team meetings to make sure we have up-to-date information about what they offer and that they understand the work we do.

ALS works closely with our in-house lawyers and also refers people to Community Legal Centres and private lawyers.

Our video outreach legal service in remote and rural locations means people can still see a lawyer even if they cannot travel to one of our offices. Our collaboration with Libraries Tasmania saw a video telephone service set up at the Glenorchy Library. This has been our most popular site.

## MAKING A DIFFERENCE

Peter, aged twenty one, came into our face to face clinic for advice about charges he had coming up in the Magistrates Court. He had one case on the next day, with other charges to be heard by the court in six weeks time.

Peter was confused and overwhelmed by the charges he was facing. It was clear he was going through a very difficult time in his life. He had lost a close family member in tragic circumstances and had turned to alcohol as a means of coping with this death. He had not been able to hold down any work. Peter had low literacy levels and did not have the capacity to represent himself before the Magistrate.

Peter had failed to go to court or attend appointments with Community Corrections.

The charges were serious, so the ALS lawyer referred Peter to the duty lawyer who would represent him the next day.

After going to court the next day, the duty lawyer made sure that Peter returned to clinic. The ALS lawyer helped Peter apply for legal aid so that a criminal lawyer could represent him on his other charges.

The criminal lawyer was able to get the information together to tell Peter's story to the court. The Magistrate was persuaded to give Peter a suspended sentence rather than sending him straight to gaol. This gave Peter a chance to get the support he needed to get his life back on track.

*We have changed our client's name and some facts to protect his privacy.*



# THE PEOPLE WE HELP

# Community Legal Education & Information (CLEI)

## REACH

**75** face to face community legal education sessions to over **5,000** participants

**585,841** website hits

**193,872** fact sheet hits

**602** Facebook followers

Engaging in the community allows us to promote Legal Aid's early intervention and specialist services and gives us an insight into the concerns of many of our most vulnerable Tasmanians. Some of the many community events we participated in were: Brighton Youth Moving Forward forum, Live Well, Live Longer Expo, Gearing up for Change Expo and Disability Expos in Launceston, Burnie and Hobart.

A highlight was our participation in AGFEST, one of Australia's largest field day events with over 63,000 visitors. This was a great opportunity for us to raise awareness of Legal Aid in the community. Over the three days, we engaged with over 1500 people about our services and programs.

## COLLABORATION

We participated in a panel discussion for parents organised by Clarence High School on "What can we do to support our children to be safe?" with other organisations including Speak Up, Stay Chatty, headspace and Sexual Assault Support Service. It was a successful event with about 40 parents attending.

Together with the Women's Legal Service, we visited Elizabeth College to speak to students about family law issues, which was well received by teaching staff and students.



The Legal Aid stand at AGFEST 2019.  
ABOVE: Danielle McKee, CLEI manager  
RIGHT: Lauren Binns, ALS lawyer



## MAKING A DIFFERENCE

One of the aims of our CLEI program is to raise awareness of legal issues through education. We visit numerous schools each year, talking to students on topics such as cyber safety, social media use and sexting. Recent research into teenage online behaviour, conducted by La Trobe University, indicates that teenagers are sexting less than they were five years ago, which can be attributed to greater education around the risks of sexting. It's incredibly satisfying that our CLEI sessions are having a positive impact on young people in our community.



The CLE program has been invaluable to Council's Positive Ageing program aim of empowering older people to be aware of their legal rights and of details within the law that relate to us as we age.

The program has 'put a face' to the Legal Aid Commission for many people who did not fully understand the support and services available to them. Many people attending the information sessions have commented that they now understand that Legal Aid is a community resource they are able to tap into.

The program has had a twofold effect of educating people about Legal Aid's role and services and educating people about legalities relevant to us as we age.

The education program is vital to us as a regional centre in being able to offer important information in a setting which is accessible and familiar to our older residents.



**JULIE ALDERFOX,**  
*Community Development Officer,  
Kingborough Council*



Legal Aid has been a fabulous resource for our school. They responded promptly to our request for education sessions on social media, cyberbullying and sexting for our year 9 classes. Legal Aid was given the last period in the day to present (which is often the hardest time of day to engage students) and still students were super attentive and showed from their questions that they had understood and were interested in the information. The material was relevant and engaging for students. There were many examples of young people in the presentation that were very applicable to our students. Based on the relevance and quality of their presentation, we have invited Legal Aid to return and support Kingston High School in another event.



**BEC OSBORNE,**  
*School Health Nurse,  
Kingston High School*



# THE PEOPLE WE HELP

## Family Dispute Resolution (FDR)

### REACH

Legal Aid offers different FDR options depending on the needs of the family:

- lawyer assisted FDR conferences
- child inclusive conferences - where the child's voice is heard
- ICL conferences - where the Independent Children's Lawyer (ICL) participates
- court ordered mediations – after proceedings have been commenced.

We have experienced family dispute resolution practitioners across the state so we are able to provide FDR for clients in Hobart, Launceston, Devonport and Burnie.



I am one of the private mediators on the Legal Aid FDR team. I find practising as a conference chairperson on the FDR panel a great way to provide a service to people who can't afford to take their dispute to court.

The service also provides a forum to discuss and resolve disputes that, while they are important to the parties and their children, are not the sort of disputes that should take up time in a busy court list.

As part of the Legal Aid team I benefit from regular meetings with practitioners from other disciplines and the frank and occasionally robust exchange of views about particular problems is intellectually challenging and broadens my range of solutions available for problems.

The introduction of Court Ordered Mediations for matters where a Family Report has been released has enabled settlement of matters previously set down for trial and should result in shortening of waiting times for matters that require a judge to determine them.

I enjoy being part of the FDR team at Legal Aid. It is a valuable way for me to maintain my skills as a dispute resolver and exposes me to problems I would not normally encounter.



**PHILIP THEOBALD**

*Derwent & Tamar Chambers*

This year, **395** FDR conferences were held. **91%** either fully or partially settled, an even better achievement than the excellent settlement rate of 90% from last year.

We also conducted **53** court ordered mediations, **22** child inclusive conferences and **7** ICL conferences.

## COLLABORATION

This year we signed a Memorandum of Understanding with the Launceston Community Legal Centre (LCLC) to provide representation at FDR conferences. LCLC lawyers will now attend conferences with an unrepresented parent at no cost provided they meet the LCLC's eligibility criteria. The aim is to have a similar collaboration with the Hobart Community Legal Service in the future.

“ In this climate of minimal funding across the free legal sector, collaboration between service providers in the FDR space is critical, ensuring all parties to a family dispute have a voice and adequate support to confidently reach an agreement whenever possible. LCLC appreciates the current flexible, collaborative referral process with LACT and look forward to further enhancing that relationship with the development of the unrepresented parties assistance program for family dispute resolution clients.

**NICKY SNARE**

*Chief Executive Officer –*

*Launceston Community Legal Centre*

”

Legal Aid showcased its successful court ordered mediations and lawyer assisted FDR conferences on the national stage at the National Mediation Conference in Canberra in April. Anthea d'Emden and Jessamy Downie's presentation "More Than Mediation: The LACT Approach to Legally Assisted Effective FDR," covered our different models for dispute resolution.

We collaborated with our child consultants at an FDR team training day on roles, processes and best practice in child inclusive conferences.

“ Since 2013 CatholicCare and Legal Aid Tasmania have developed a solid collaborative relationship by recognising the importance of child inclusive mediation.

Work practices that incorporate the voice of the child through engaging CatholicCare's Child Consultancy Services work to provide the best possible outcomes for families by aiming to re-establish and maintain a secure emotional base for the child post separation.

Underpinning this collaboration between FDR practitioners and child consultants is open communication and a shared understanding of the impact on a child's development of continual conflict and disharmony between parents. This results in the implementation of child-focused work practices supporting the protection of children and young people.

**JULIE BRETT**

*Family Counsellor, Team Leader - Family and Relationship Counselling Program – CatholicCare Launceston*

”

## MAKING A DIFFERENCE

Ben and Amy have three children aged 8, 11 and 13. They separated one year ago, agreeing on informal parenting arrangements. Both parents changed the arrangements without any joint discussion, resulting in heated arguments that the children witnessed. No one in the family was happy.

Amy came to Legal Aid for advice. She did not want to go to court but needed a way to work things out with Ben. Amy got a grant of legal aid for a lawyer to attend a family dispute resolution conference with her. Ben was invited and agreed to attend. He was also granted legal aid to have his own lawyer at the conference.

At the conference Ben and Amy discussed the issues behind their conflict. With the assistance of their lawyers, they were able to find common ground on some parenting decisions. They also agreed that hearing their children's viewpoints would assist.

The children met with an experienced child consultant who provided insightful, informative and often emotionally challenging feedback from the children. Ben and Amy are told they are doing well, but could do better. The children love them both but hate hearing their arguments and hate being asked questions about the other parent and what happens in their home. The children just want to see their parents and to have fun and not worry about things. The last thing they want is for their parents to end up in court fighting over them.

The feedback was so powerful and child focused that Ben and Amy saw how their conflict was harming the children. Determined to change and with advice from their lawyers, they were able to agree on new parenting arrangements. They also talked about strategies for communication and managing any conflict that might arise again. Their children now have a much more positive future ahead of them.

*We have changed the parents' name and some facts to protect their privacy.*

# THE PEOPLE WE HELP

## Family Law

The Family Law program provides advice and representation to parents and children on an area of law which more Australians come into contact with than any other. It helps people involved in family law disputes and child safety cases.

We help give children a voice in disputes involving them. We support families to resolve matters at the earliest opportunity, saving emotional and financial costs for them and the community.

### REACH

We focus on some of the most vulnerable Tasmanians – our children. Around a third of the grants of assistance are to represent children.

We offer family law services across the state, at all Legal Aid offices, at the Family Law Courts and through our partners in the private legal profession. We made 1,000 grants for family law cases (a decrease of 154) and 645 grants of aid for child safety cases (an increase of 87) to both private lawyers and in-house lawyers.

Our in-house lawyers delivered **2,784** services to Tasmanians including **2,230** duty lawyer services.

We paid **\$2,501,230** to private lawyers to represent parents and children, about **8%** less than in 2017/18. This was a result of a drop in payments for family matters which was largely offset by the increase in payments for child safety matters.

These cases are often the most complex, involving allegations of family violence or allegations of physical and sexual abuse of children. Our clients often face challenges such as homelessness, mental health issues, drug and/or alcohol dependency, cultural barriers and migration law issues.

### COLLABORATION

Our lawyers contribute to policy, law reform and professional development in the family law sector. This year we have been involved in:

- the National Legal Aid Family Law Working Group response to the discussion paper from the Australian Law Reform Commission – Review of the Family Law System;
- policy discussion about the National Plan to Reduce Violence against Women and their Children;
- the Family Law Practitioner’s Association, Law Society Family Law Committee, Family Law Pathways, Family Law Courts Child Safety Group and Family Law Courts Case Management Committee;
- Communities (TAS) consultation “our voice our future” under the Strong Family - Safe Kids initiative;
- training for Engender Equality in collaboration with our Safe at Home practice;
- Anglicare Research – Breaking the Cycle and In Limbo which found that poverty and lack of support hinder family reunifications when children are removed by Child Safety Services;
- training for the Commonwealth/Northern Territory “Family Law Pilot”, an initiative to improve access to justice for court users encountering the child protection and family law jurisdictions in the Northern Territory;
- an invitation-only forum on the representation of children in Hague Convention international child abduction matters.

We also held our annual statewide ICL and Separate Representatives Conference, with the theme “Protecting Children from Harm” for lawyers and other stakeholders.



A letter from a parent to an ICL

"I wanted to thank you from the bottom of my heart for everything you did for the children. I felt you went out of your way to understand our situation and stood up for the children in the best way possible. I truly believe you saved their lives and kept them safe and I can never express enough how very grateful I am. As their parent, I always felt you had their best interests at heart and trusted your opinions. Thank you so much for helping us."

## MAKING A DIFFERENCE

Hayden and his partner Jade separated two years ago. Since then he and Jade have equally shared the care of their daughter Belle.

Hayden believed things were going well. Belle had started kinder in Hobart and was happy and settled.

Hayden was shocked when served with a police family violence order. No incident had occurred, but the police said they believed there may be a risk of family violence. Hayden then got a text message from Jade saying that she wouldn't bring Belle around to his place despite their parenting agreement.

Hayden was distraught that he couldn't see Belle and came to Legal Aid. His lawyer sent an urgent letter to Jade to reinstate the shared care arrangement. Jade refused and made a number of allegations about Hayden. He strongly denied them and said that Jade was making things up to get back at him as he had a new girlfriend. Hayden's lawyer responded to the allegations and again asked for Belle to be returned to her father's care.

They didn't hear from Jade and when Hayden's lawyer checked with Belle's school she was told that Belle has been withdrawn. Police did a welfare check and discovered Jade and Belle were in Launceston.

Hayden's lawyer filed urgent proceedings asking for Belle to be returned to Hobart and to her school. The case was heard the following week. Jade filed her documents late, giving Hayden and his lawyer little time to prepare. Despite this, Hayden's lawyer was able to file a responding document within a day.

The Judge decided that Belle should return to Hobart and to her school and that the shared care arrangement be put back in place.

*We have changed names and some facts to protect privacy.*

# THE PEOPLE WE HELP

# Family Advocacy & Support Service (FASS)

## REACH

The Family Advocacy & Support Service (FASS) is a wrap around service for families affected by family violence.

This holistic service sees lawyers and social support workers working together to meet people's legal and social needs. Legal Aid is proud to partner with Anglicare to deliver FASS.

FASS operates from the Family Law Courts in Hobart, Launceston and Burnie Circuit as well as at Legal Aid and Anglicare Offices.

An independent evaluation in 2018 found that FASS helped families and reduced court time. The Commonwealth Government has committed to continuing FASS and increased funding to create a dedicated men's support service.

The success of FASS has led to more referrals from across Tasmania with a particularly big increase in demand on the North West Coast.

FASS delivered **1,936** services, up from **1,134** services the previous year – a **70%** increase.

FASS social support workers delivered **903** services, a **194%** increase from last year. Most social support services involved safety planning, counselling and assessment.

The social support workers also made **325** referrals to family violence and counselling services, child safety, financial, housing, legal aid, mental health and sexual assault advice.

Over the year FASS duty lawyers delivered **1,002** hours of service and FASS social support workers delivered **1,778** hours of service to Tasmanians.

## COLLABORATION

We collaborate with many agencies to streamline and improve services to families. We are involved in the Family Law Court's Safety Services Committee, the Family Violence Consultative Committee, and Family Law Court's Case Management Committee.

Along with our Safe at Home program, FASS contributed to the Family Violence Law Help website. This website, developed by NLA with funding from the Commonwealth Government, has information about domestic and family violence, the law and where to get help, Australia-wide.

FASS was involved in several community and government processes designed to improve services, including:

- Family and Sexual Violence Community Roundtable Consultations, facilitated by the Department of Communities to develop the Government's next Family Violence Action Plan and a new Sexual Violence Action Plan;
- Strong Families, Safe Kids, designed to find ways to better support vulnerable children and young people in the community;
- the development of a Community Services Industry Plan, facilitated by TASCOS;
- 1800RESPECT Disability Pathways (TASMANIA) consultation workshop;
- White Ribbon Community Expo in Launceston;
- National Child Protection week.

FASS conducted a 'Roadshow', meeting with stakeholders including the Family Violence Counselling & Support Service, Anglicare, Relationships Australia, Engender Equality, CatholicCare (SafeChoices), Tasmania Police, Jordan River Services, Lady Gowrie and Save the Children, The Aboriginal Health Service, Sexual Assault Support Service, the Drug & Alcohol Education Network, Baptcare, Mission Australia and the Bridgewater Community Centre.

## MAKING A DIFFERENCE

Jacinta and her three children, aged 13, 11 and 7, left her violent partner. A shelter arranged for them to live in shared temporary accommodation. The father found out Jacinta's address after speaking with the 11 year old child, Penny, by phone. He drove to Jacinta's home and convinced Penny to jump out of the window and come to his car. The father fled with Penny.

Jacinta was frantic when she discovered Penny was missing. The father called her from various phone numbers, taunting and berating her. He would not let Jacinta speak with Penny.

Jacinta couldn't get an appointment with a lawyer for three weeks. In desperation she went to the Family Law Courts and was referred to FASS. Within a day, the FASS duty lawyer had filed urgent proceedings seeking an order for Penny's return.

Jacinta did not have the money to pay for the father to be served, so FASS arranged for that to happen. The FASS social support worker prepared a safety plan for Jacinta and provided support for the court appearance.

At court the father said Jacinta's accommodation was unsuitable and that Penny was unhappy there. He said if this could be sorted out, he would return her. The case was adjourned to give Jacinta time to get new housing with the help of the FASS social support worker. The father agreed and the court ordered that Penny would be returned to Jacinta after Jacinta got new housing. The FASS social support worker collaborated with SafeChoices to urgently secure Jacinta housing.

The father did not return Penny so the FASS duty lawyer was able to get an order for the police to return her to the mother's care. Fortunately, the father returned Penny before the police became involved.

The FASS social support worker also supported Jacinta to get respite care for her other children during the next court appearance.

*We have changed names and some facts to protect her privacy.*

People who experience domestic and family violence are more likely to have multiple legal problems. Their legal problems are also more likely to have a negative effect on their physical and mental health, housing and income.

One client said:

“Thanks again so much. I am sorry to bombard you with this; it's keeping me awake at night and causing my depression to flare up again quite badly. I'm struggling through as best I can and I do appreciate knowing that there's people like you out there that can help and do care. So thank you. Your assistance means more than you know.”

In offering an integrated service that addresses all of a person's needs, we help to redress that balance and empower people to resolve their legal problems while accessing meaningful supports to meet their social needs.

### EXTERNAL ENDORSEMENT



Anglicare has a strong working relationship with the Legal Aid Commission of Tasmania. Since 2017 we have together delivered the Family Advocacy and Support Services (FASS). This collaborative partnership provides free legal and social support to people affected by domestic and family violence. This financial year Anglicare's FASS social workers responded to 398 families - an increase of 90 families on the previous year.

Both Legal Aid and Anglicare have a commitment to delivering a best practice service that uses evidence based approaches. FASS assists people to better understand court processes, put strategies in place to keep families safe, and access other supports like counselling and housing assistance.



**JOHN WEST,**  
*Area Manager, North West Support Services – Anglicare Tasmania Inc.*

# THE PEOPLE WE HELP

## REACH

Our legal and therapeutic court services include:

- duty services for any person remanded in custody anywhere in Tasmania;
- court-based duty services in Burnie, Devonport, Launceston;
- outreach lawyers in the regional courts of Queenstown, Smithton, St Helens, Scottsdale, Currie and Whitemark;
- specialised youth justice lawyers for the Youth Justice Court;
- specialised lawyers for the Mental Health Diversion List and Court Mandated Drug Diversion List in the Magistrates Court;
- specialised lawyers for defendants facing orders under s8A of the Evidence (Children and Special Witnesses) Act 2001;
- representation in court hearings in the Magistrates Court and the Supreme Court.

We prioritise early intervention in the criminal justice system. The timely and appropriate resolution of cases provides certainty for victims and the community. It also means that people can get the help they need to deal with the problems that contributed to their offending: homelessness, drug and alcohol abuse and mental health issues being some of the most common.

Our duty lawyers give advice and appear for people on their first day in court and often resolve matters without the need for a grant of legal aid.

In the youth justice system, the primary focus is rehabilitation. Our specialised youth justice services are aimed primarily at diverting vulnerable young people away from criminal activity and back into education and pro-social activities. Across all the client groups, youth justice has the lowest rate of repeat clients.

Our duty lawyers helped **4,374** clients, **8%** more than in 2017/18.

In addition to the duty lawyer service, our in-house lawyers represented a further **1,070** clients in the Magistrates Court, including **221** children, who received a grant of legal aid.

We also provided funding to **1,507** people who were represented by private lawyers.

In the Supreme Court our in-house lawyers represented **100** clients, while a further **275** were represented by private lawyers. This was a **28%** increase in the number of people represented in the Supreme Court in the previous year.

We paid **\$2,310,891** to the private lawyers who helped people with criminal matters, a **15%** increase from the \$2,001,616 paid in 2017/18.

## Criminal Law and Youth Justice

The Criminal Law program helps people in the Magistrates Court, including in specialist lists, and the Supreme Court. Our in-house lawyers provide advice, duty lawyer services and representation. We also provide funding so that private lawyers can represent people in court.

## COLLABORATION

We work with Community Corrections, Forensic Mental Health Services, the Court Mandated Drug Diversion Program and Youth Justice Services to focus on community-based sentencing options for our clients where appropriate.

In all areas of criminal law, we see a collaborative approach with other legal and non-legal services as the most effective strategy for reducing crime and making Tasmania a safer place to live.





## MAKING A DIFFERENCE

Joan was a 65 year old woman with no prior criminal history. When her husband passed away, Joan was left alone. Without supports her mental health declined rapidly and she soon found herself addicted to alcohol.

While she had always been a law-abiding citizen, in a short period of time Joan was charged with a number of drink driving offences which, when combined, would normally result in an actual period of imprisonment. If imprisoned, Joan would lose her house of many years, risking a permanent decline in her mental health.

Her lawyer ensured Joan was admitted into a rehabilitation facility and her sentence was deferred to allow her to undergo treatment for her addiction. She also engaged in counselling for her mental health issues caused by unresolved grief. Although she found the legal process very challenging, the prospect of actual prison time motivated Joan to take our advice on board and get the help she needed.

Joan successfully completed her rehabilitation and has been sober now for nine months. She continues to undergo treatment for mental health issues. The Magistrate sentenced her to serve her sentence in the community, allowing her to keep her house. There has been no further offending. Joan now has strategies in place to get help when she is feeling overwhelmed.

*We have changed our client's name and some facts to protect privacy.*

# GRANTS OF LEGAL AID

We provide grants of legal aid to Tasmanians who:

- cannot afford to pay a lawyer;
- meet our eligibility criteria and
- have a legal problem, usually criminal law, family law, child safety and family violence matters.

A grant of legal aid allows a lawyer to provide legal advice, prepare legal documents and represent people in court or in dispute resolution processes.

The guidelines apply to people being helped by private lawyers and Legal Aid lawyers.

Over 63% of grants of legal aid were to people represented by private lawyers. These grants totalled \$5.19 million, 6.5% more than last year.

Our grants program is made up of three part-time grants officers, a grants manager and a grants support officer. Grants officers process about 108 applications for legal aid every working day, with most applications decided within 24 hours.

This year, there were **5,498** new applications for legal aid and a further **21,394** applications to extend existing grants of legal aid.

## Reviewing the decisions of grants officers

A person can ask for an independent review of a grants officer's decision to refuse an application for legal aid.

A Review Committee, set up under the Legal Aid Commission Act 1990 (Tas), can affirm, vary or set aside the decision of a grants officer. This year, 88 decisions were reviewed (less than 1% of applications) and just over half of the decisions reviewed were varied.

Often a decision is varied because the review committee has additional and more comprehensive information available to it than a grants officer.

Decisions of the review committee also play an educative role by helping people to understand and properly apply our guidelines. The Review Committee also provides regular reports to Legal Aid on trends and other relevant information obtained through the review process.

A review committee is made up of a private lawyer, a Legal Aid lawyer and a person who is not a lawyer but who has relevant qualifications or experience to fulfill this role.

We thank the review committee members for their commitment to this role.

### Legal Aid Lawyers

- Pip Monk
- Edwina Gelston
- Vaia Harradine
- Patrick Fitzgerald

### Community Members

- Chris Young
- Jane Hutchison
- Kym Goodes
- Nicky Snare

### Private Lawyers

- Frances Di Giovanni
- Natalie Everett

In 2018-19, grants officers approved:

**91%**

of all new criminal law applications

**81%**

of all new family law applications

**92%**

of all new civil law applications (includes child safety, family violence, mental health and disability, older people and NDIS matters)

# CURRENT BOARD MEMBERS 2018 – 2019



## Patrick Lunn

On 6 November 2014, Patrick was first appointed Chairperson of the Legal Aid Commission for a term of three years. The Minister for Justice re-appointed Patrick for a further three year term commencing on 6 November 2017.

Patrick graduated from the University of Tasmania with the combined degrees of Bachelor of Arts and Bachelor of Laws in 1995.

Patrick has practiced in commercial litigation since 1995 where his practice has included debt recovery, estate disputes, partnership, bankruptcy and insolvency litigation, professional negligence claims and residential and commercial tenancy disputes.

Patrick became a member of the board of management of Plane Tree Studio Inc. in 1997 and has been a chair of its Board of Management since 1998.



## Vincenzo Caltabiano

Vincenzo was admitted in 1992 and has 17 years experience as a private practitioner, including 7 years in his own firm with the focus on Family Law and Criminal Law.

Vincenzo spent almost 11 years at Victoria Legal Aid in a range of roles which included 7 years in the Criminal Law Program including as a duty lawyer, Manager of the Advocacy Team and as the inaugural Summary Crime Program Manager. Vincenzo has experience in conducting complex indictable and summary crime matters. In recent years, he conducted the Review of the VLA Legal Aid Child Protection Legal Services and was then appointed as Associate Director, Child Protection Transformation at VLA.

Vincenzo was appointed Director of the Legal Aid Commission of Tasmania on 13 May 2019 for a five year term.



## Naomi Walsh

On 27 July 2017 the Minister for Justice appointed Naomi Walsh as the final member of our new skills based Legal Aid Board for a term of three years.

Naomi is currently a lecturer in business and finance at the University of Tasmania and has a range of non-executive director roles. She has commercial management experience in tourism, hospitality, manufacturing and the construction industry. Naomi brings general management, corporate governance and financial expertise to the Board. Naomi has Bachelor of Business and Master of Business degrees from the University of Tasmania, is a fellow of the Institute of Chartered Accountants and a graduate of the Australian Institute of Company Directors.



## Julia Higgins

Julia Higgins was appointed on 2 May 2017 for a term of three years.

Julia graduated from the University of Tasmania with a combined degree of Bachelor of Commerce and Bachelor of Laws in 2001. Julia has practiced family law at the Launceston law firm of Bishops since August 2002. Julia specialises in all the areas of family law (Children and Financial matters) as well as appearing in the child protection jurisdiction.

Julia is the Chair of the Family Law Practitioners Association of Tasmania. In the past, she has been the Northern Representative on the Law Council of Tasmania, and was for many years President of the Northern Young Lawyers Committee.



## Gavin Wailes

On 15 January 2018, the Minister for Justice appointed Gavin Wailes to the Board.

Gavin graduated from the University of Tasmania with a Bachelor of Commerce in 2001, has a Graduate Certificate in Public Sector Management and is a member of CPA Australia.

Gavin is currently the Acting Director of Finance with the Department of Justice and has previously worked for the Departments of Treasury and Finance, Police, Fire and Emergency Management and for the Tasmania Prison Service in a variety of accounting and management roles.

# FORMER BOARD MEMBERS 2018 – 2019



## Stephen Morrison

Stephen was re-appointed on 2 May 2017 for a term of three years, after his initial appointment in 2009.

Stephen has a Degree in Commerce from the University of Tasmania (1992) and is an FCPA member of CPA Australia. Stephen has previously been employed within the Tasmanian Audit Office, the Department of Treasury and Finance and the former Department of Economic Development in a variety of auditing and accounting roles.

At the time of his re-appointment to the Commission Stephen was the Director, Finance at the Department of Justice. Due to Stephen's temporary transfer to the position of Assistant Auditor-General, Financial Audit Services with the Tasmanian Audit Office, he has been on temporary leave from his position on the Board. On the 25 September 2018, Stephen was appointed permanently to the position of Assistant Auditor-General, Financial Audit Services with the Tasmanian Audit Office and the Attorney-General accepted Stephen's resignation from the Board on 18 October 2018.



## Susie Winter

Susie was Acting Director of the Legal Aid Commission from 27 April 2018 to 10 May 2019. Susie is currently managing the Commission's Grants program.

Susie was admitted to practice as a Barrister and Solicitor of the Supreme Court of Tasmania and the High Court of Australia in 1991 after completing her Bachelor of Arts and Law at the University of Tasmania.

Susie joined the Legal Aid Commission of Tasmania in 1998 after having worked in private practice for a number of years, before moving into the government sector in other roles. She has worked predominantly in the Commission's early intervention programs and in 2016 was appointed as the southern based Manager of the Advice and Legal Services program.

Susie is also a qualified Family Dispute Resolution Practitioner and has been involved in providing family mediation services via the Commission's Family Dispute Resolution Program.





# Independent Auditor's Report







# Tasmanian Audit Office

## Independent Auditor's Report

### To the Members of Parliament

### Legal Aid Commission of Tasmania

### Report on the Audit of the Financial Report

## Opinion

I have audited the financial report of the Legal Aid Commission of Tasmania (the Commission), which comprises the statement of financial position as at 30 June 2019 and statements of comprehensive income, changes in equity and cash flows for the year then ended, notes to the financial statements, including a summary of significant accounting policies and the statement of certification by the Commissioners.

In my opinion, the accompanying financial report:

- (a) presents fairly, in all material respects, the financial position of the Commission as at 30 June 2019 and its financial performance and its cash flows for the year then ended
- (b) is in accordance with the *Audit Act 2008* and Australian Accounting Standards.

## Basis for Opinion

I conducted the audit in accordance with Australian Auditing Standards. My responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Financial Report* section of my report. I am independent of the Commission in accordance with the ethical requirements of the Accounting Professional and Ethical Standards Board's APES 110 *Code of Ethics for Professional Accountants* (the Code) that are relevant to my audit of the financial report in Australia. I have also fulfilled my other ethical responsibilities in accordance with the Code.

The *Audit Act 2008* further promotes the independence of the Auditor-General. The Auditor-General is the auditor of all Tasmanian public sector entities and can only be removed by Parliament. The Auditor-General may conduct an audit in any way considered appropriate and is not subject to direction by any person about the way in which audit powers are to be exercised. The Auditor-General has for the purposes of conducting an audit, access to all documents and property and can report to Parliament matters which in the Auditor-General's opinion are significant.

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

## **Responsibilities of the Commissioners for the Financial Report**

The Commissioners 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 *Audit Act 2008* and for such internal control as they determine is necessary to enable the preparation of the financial report that is free from material misstatement, whether due to fraud or error.

In preparing the financial report, the Commissioners are responsible for assessing the Commission's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the Commission is to be dissolved by an Act of Parliament, or the Commissioners intend to cease operations, or have no realistic alternative but to do so.

## **Auditor's Responsibilities for the Audit of the Financial Report**

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

As part of an audit in accordance with the Australian Auditing Standards, I exercise professional judgement and maintain professional scepticism throughout the audit. I also:

- Identify and assess the risks of material misstatement of the financial report, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit 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 Commission's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Commissioners
- Conclude on the appropriateness of the Commissioner's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Commission's ability to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in my auditor's report to the related disclosures in the financial report or, if such disclosures are inadequate, to modify my opinion. My conclusion is based on the audit evidence obtained up to the date of my auditor's report. However, future events or conditions may cause the Commission to cease to continue as a going concern.

- Evaluate the overall presentation, structure and content of the financial report, including the disclosures, and whether the financial report represents the underlying transactions and events in a manner that achieves fair presentation.

I communicate with the Commissioner's regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.



Leigh Franklin  
**Assistant Auditor-General, Financial Audit Services**  
**Delegate of the Auditor-General**

**Tasmanian Audit Office**

27 September 2019  
Hobart

# Financial Statements

FOR THE YEAR ENDED 30 JUNE 2019

LEGAL AID COMMISSION OF TASMANIA

ABN 70223103968



# Certification of Financial Statements

## Legal Aid Commission of Tasmania For the year ended 30 June 2019

### Certification of Financial Statements

The accompanying financial statements of the Legal Aid Commission of Tasmania are in agreement with the relevant accounts and records and have been prepared in compliance with:


- Australian Accounting Standards
- Australia Interpretations
- Audit Act 2008

We believe that, in all material respects, the financial statements present a view which is consistent with our understanding of the Legal Aid Commission of Tasmania's financial position as at 30 June 2019, financial performance and its cash flows for the year then ended.

At the date of signing this representation, I am not aware of any circumstances which would render the particulars included in the financial statements misleading or inaccurate.



PATRICK LUNN  
Chair



VINCENZO CALTABIANO  
Director

Dated: 27 September 2019

# Statement of Comprehensive Income

## Legal Aid Commission of Tasmania For the year ended 30 June 2019

	NOTES	30-JUNE-19 (\$)	30-JUNE-18 (\$)
<b>Revenues</b>			
Commonwealth Grants and Contributions	3	6,621,806	6,475,467
State Government Grants and Contributions	4	8,170,765	7,906,724
Other Revenue	5	1,386,987	1,207,534
<b>Total Revenues</b>		<b>16,179,558</b>	<b>15,589,724</b>
<b>Expenses</b>			
Legal Services Expenses	6	5,390,256	5,144,369
Employee Benefits Expenses	7	7,499,172	7,458,402
Supplies and Services	8	572,561	637,544
Accommodation Expenses	9	654,819	646,030
Information and Technology	10	568,678	496,304
Other Expenses	11	321,181	241,023
Depreciation and Amortisation Expenses	12	81,195	93,584
Debts Written Off	13	10,335	23,512
<b>Total Expenses</b>		<b>15,098,197</b>	<b>14,740,770</b>
<b>Net Surplus for the Year</b>		<b>1,081,360</b>	<b>848,954</b>
<b>Total Comprehensive Result</b>		<b>1,081,360</b>	<b>848,954</b>

# Statement of Financial Position

## Legal Aid Commission of Tasmania

As at 30 June 2019

	NOTES	30-JUNE-19 (\$)	30-JUNE-18 (\$)
<b>Assets</b>			
<b>Current Assets</b>			
Cash & Cash Equivalents	14	7,017,214	5,958,775
Receivables	15	536,914	464,812
Other Assets		151,187	140,631
<b>Total Current Assets</b>		<b>7,705,315</b>	<b>6,564,218</b>
<b>Non-Current Assets</b>			
<b>Property, plant and equipment</b>			
Land and Buildings	16	357,831	367,431
Office Equipment	16	75,930	63,890
Furniture and Fittings	16	6,437	7,573
Leasehold Improvements	16	46,274	56,151
<b>Total Property, plant and equipment</b>		<b>486,472</b>	<b>495,045</b>
Intangible Assets	16	6,746	7,856
<b>Total Non-Current Assets</b>		<b>493,219</b>	<b>502,901</b>
<b>Total Assets</b>		<b>8,198,533</b>	<b>7,067,119</b>
<b>Liabilities</b>			
<b>Current Liabilities</b>			
Payables	18	1,120,919	979,591
Provisions	19	1,154,244	1,207,073
<b>Total Current Liabilities</b>		<b>2,275,163</b>	<b>2,186,665</b>
<b>Non-Current Liabilities</b>			
Provisions	19	117,486	155,930
<b>Total Non-Current Liabilities</b>		<b>117,486</b>	<b>155,930</b>
<b>Total Liabilities</b>		<b>2,392,648</b>	<b>2,342,595</b>
<b>Net Assets</b>		<b>5,805,885</b>	<b>4,724,524</b>
<b>Equity</b>			
Capital Contribution		325,000	325,000
Asset Revaluation Reserve		235,829	235,829
Civil Disbursement Fund Reserve		1,118,770	1,100,336
Accumulated Surplus		3,044,925	2,214,404
Current Year Earnings		1,081,360	848,954
<b>Total Equity</b>		<b>5,805,885</b>	<b>4,724,524</b>

# Statement of Cash Flows

## Legal Aid Commission of Tasmania

### For the year ended 30 June 2019

Account	NOTES	30-June-19 (\$000's)	30-June-18 (\$000's)
<b>Operating Activities</b>			
Cash Receipts From Other Operating Activities			
Commonwealth Grants and Contributions		6,622	6,458
State Government Grants		8,170	7,907
Contributions and Recovered Costs from Clients		100	134
GST Receipts (Net of Payments)		7	(3)
Interest Income		109	99
Other		1,087	1,061
<b>Total Operating Receipts</b>		<b>16,095</b>	<b>15,656</b>
Cash Payments From Other Operating Activities			
Payments for Legal Services		(5,390)	(5,144)
Employee Benefits Expense		(7,535)	(7,577)
Administrative Expense		(2,041)	(2,001)
<b>Total Operating Payments</b>		<b>(14,966)</b>	<b>(14,722)</b>
<b>Net Cash Flows from Operating Activities</b>	22	<b>1,129</b>	<b>934</b>
<b>Investing Activities</b>			
Purchase of Non-Current Physical Assets		(71)	(71)
<b>Net Cash Flows from Investing Activities</b>		<b>(71)</b>	<b>(71)</b>
<b>Net Cash Flows</b>		<b>1,058</b>	<b>863</b>
<b>Cash and Cash Equivalents</b>			
Cash and cash equivalents at beginning of period		5,959	5,096
Cash and cash equivalents at end of period		7,017	5,959
<b>Net change in cash for period</b>		<b>1,058</b>	<b>863</b>



# Statement of Changes in Equity

## Legal Aid Commission of Tasmania

### For the year ended 30 June 2019

	Contributed Equity	Asset Revaluation Reserve	Civil Law Disbursement Fund Loan Scheme Reserve	Accumulated Surplus	Total Equity
	\$	\$	\$	\$	\$
<b>Balance as at 1 July 2018</b>	325,000	235,829	1,100,336	3,063,358	4,724,523
Total Comprehensive Result	-	-	-	1,081,360	1,081,360
Transfers to Reserves	-	-	18,434	(18,434)	-
<b>Balance as at 30 June 2019</b>	<b>325,000</b>	<b>235,829</b>	<b>1,118,770</b>	<b>4,126,284</b>	<b>5,805,883</b>

	Contributed Equity	Asset Revaluation Reserve	Civil Law Disbursement Fund Loan Scheme Reserve	Accumulated Surplus	Total Equity
	\$	\$	\$	\$	\$
<b>Balance as at 1 July 2017</b>	325,000	235,829	1,078,810	2,235,930	3,875,569
Total Comprehensive Result	-	-	-	848,954	848,954
Transfers to Reserves	-	-	21,526	(21,526)	-
<b>Balance as at 30 June 2018</b>	<b>325,000</b>	<b>235,829</b>	<b>1,100,336</b>	<b>3,063,358</b>	<b>4,724,523</b>

# Notes to the Financial Statements

## Legal Aid Commission of Tasmania For the year ended 30 June 2019

### 1. Statement of Significant Accounting Policies

#### General Information

The Legal Aid Commission of Tasmania ('the Commission') was established under the *Legal Aid Commission Act 1990*, on 1 January 1991.

These statements have been prepared on a going concern basis in the expectation that the Commission will continue to function and be funded in the future on the basis as set out in the existing Commonwealth/State agreements. These agreements commenced on 1 July 2015, and have a 5 year term.

#### Basis of Preparation

The financial statements have been prepared in accordance with the requirements of the Audit Act 2008 and Australian Accounting Standards issued by the Australian Accounting Standards Board (AASB). Under the *Legal Aid Commission Act 1990*, the Commission is not required to prepare general purpose financial statements, but rather has elected to adopt and comply with relevant accounting standards. The following accounting policies have been adopted, and unless otherwise stated are consistent with those adopted in the preceding year, and throughout all periods. The Legal Aid Commission of Tasmania is classified as a not-for-profit entity.

Compliance with the Australian Accounting Standards (AAS) may not result in compliance with International Financial Reporting Standards (IFRS), as the AAS include requirements and options available to not-for-profit organisations that are inconsistent with IFRS. The Commission is considered to be not-for-profit and has adopted some accounting policies under the AAS that do not comply with IFRS.

The financial statements have been prepared on the accrual basis of accounting using the historical cost convention, except for the revaluation of land and buildings which have been measured at fair value. The financial statements are presented in Australian dollars. Accounting policies are selected and applied in a manner which ensures that the resulting financial information satisfies the concepts of relevance and reliability, there by ensuring that the substance of the underlying transactions or other events is reported.

The following Australian Accounting Standards applicable to the Commission have recently been issued or amended but as they are not yet effective, management has chosen not to adopt them for the year ended 30 June 2019.

Affected Standard	AASB Amendment	Nature of Change to Accounting Policy	Reporting Periods Commencing On or After	Application Date for the Commission	Consideration of Impact on Financial Report
AASB 1058	Income of Not-for-Profit Entities	AASB 1058 simplifies the recognition requirements for not-for-profit entities relating to revenue from contracts with customer (AASB 15)	1 January 2019	1 July 2019	Changes are not expected to materially impact the Commission as it does not engage volunteer services.
AASB 16	Leases	The key feature is to recognise all leases with a term of more than 12 months as assets and liabilities, unless the underlying value is low.	1 January 2019	1 July 2019	This will impact the assets and liability disclosures of the commission as it currently has operating leases as disclosed in note 21.

## Goods and Services Tax (GST)

Revenues, expenses and assets are recognised net of the amount of goods and services tax (GST), except:

- i. where the amount of GST incurred is not recoverable from the taxation authority, it is recognised as part of the cost of acquisition of an asset or as part of an item of expense; or
- ii. for receivables and payables which are recognised inclusive of GST.

The net amount of GST recoverable from, or payable to, the taxation authority is included as part of receivables or payables. Cash flows are included in the Statement of Cash Flows on a gross basis. The GST component of cash flows arising from investing and financing activities which is recoverable from, or payable to, the taxation authority is classified as operating cash flows.

## Reporting Entity

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

## Contributed Equity

Contributions made to Legal Aid by the Government (the owner) as contributions by owners are recognised as equity contributions and have been credited directly to Contributed Equity.

## Income

### Revenue Recognition

Revenues are recognised at fair value of the consideration received, net of GST when applicable. Full details of the revenues received by the Commission are detailed within Notes 3, 4 and 5. The Commission's revenues consist predominantly of contributions by both Commonwealth and State Governments, contributions and recovered costs from legally aided clients and interest income from the investment of unutilised cash holdings.

### State and Commonwealth Grants and Contributions

*Grant Revenue and Contributions* are recognised in the period in which the Commission gains control of the appropriate funds. Control is usually gained upon their receipt. Grant funds and contributions from Federal and State Governments are not required to be repaid if not fully expended within the financial year. Where there is a contract and an obligation to provide specific services, revenue is not recognised until those services have been provided.

### Other Revenue

*Civil Law Disbursement Fund Loans Contributions* relate to a premium charged on repayment of civil law disbursement loans. This revenue is recognised on a cash received basis as it is dependent on the outcome of the legal proceedings.

*Client Contributions and Cost Recoveries* are recognised on an accrual basis when the work has been performed.

*Interest Income* is recognised as the interest accrues to the net carrying amount of the financial asset.

*The Solicitors' Trust Distributions* represent monies received under Section 361 of the *Legal Profession Act 2007*. Under the Act if the Guarantee Fund exceeds a predetermined threshold the Minister may invite the Commission to make application for a grant of monies from the Guarantee Fund.

Distributions from The Solicitors' Trust are grants for specific purposes. The monies are recognised as income when the Commission has fulfilled the terms and conditions of receiving the grant. The receipt of the grant is recognised in the statement of financial position as a liability until the grant conditions are met or services provided.

## Property, Plant and Equipment

### *Initial recognition and measurement*

All items of property, plant and equipment are initially recognised at cost. Plant and equipment purchased for less than \$5,000 are charged to expense as incurred. Items with a cost of more than \$5,000 but considered to contribute economic benefits beyond one year are held as assets and recorded in the Commission's asset register.

The Commission has not acquired any items of property, plant and equipment for no or nominal consideration, during the reporting period.

### *Subsequent measurement*

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

Revaluation increments, on a class of assets basis, are recognised in other comprehensive income and accumulated in the asset revaluation reserve. Revaluation decreases that offset previous increases of the same class of assets shall be recognised in other comprehensive income under the heading of revaluation surplus and the resultant decrease reflected in the asset revaluation reserve. All other decreases are recognised in profit and loss.

Any accumulated depreciation at the date of the revaluation is eliminated against the gross carrying amount of the asset and the net amount is restated to the revalued amount of the asset.

### *Depreciation and Amortisation*

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

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

Buildings on Freehold Land	25 Years
Office Equipment	4 Years
Furniture and Fixtures	4 Years
Leasehold Improvements	4 Years

### *Intangible Assets*

Software that is an integral part of the related hardware is treated as plant and equipment. Software that is not an integral part of the related hardware is treated as an intangible asset and amortised over 10 years. Software costing less than \$5,000 is expensed in the year of acquisition.

Key third party applications software is used under license and these costs are expensed in the period in which they are incurred.

### *Impairment of Assets*

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

## Grants of Aid

Grants of aid are recognised as an expenditure commitment on the approval of the granting of aid and are based on a provisional cost estimate, and are detailed in Note 21 Legal Case Commitment. A liability for the grant of aid is not recognised on the balance sheet until the claim has been made by the lawyer post the completion of the work for which the aid was granted. The provisional cost estimate reflects the estimated cost of the assignment based on the relevant scale of fees.

*Legal Services Expenses* are recognised as an expense on the receipt of a claim for services provided.

Levies towards the cost of aid payable by the client are recognised as an asset, and subsequently recognised as contributions on approval of the grant of aid. Provision for impairment is provided for in accordance with Note 15.

## Leases

Lease payments are expensed on a straight line basis over the lease term, and in the period in which they are incurred as this represents the pattern of benefits derived from the leased property.

Classification of leases as to whether they are operating leases or finance leases involves the interpretation of the lease arrangement to determine whether the lessors retain the risks and benefits incidental to ownership.

The Commission has not entered into any finance lease arrangements.

## Cash and Cash Equivalents

Cash and cash equivalent assets, comprise cash on hand and short-term deposits with an original maturity of three months or less that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value.

For the purposes of the Statement of Cash Flows, cash and cash equivalents consist of cash in the Commission's bank accounts and cash held at the Tasmanian Public Sector Finance Corporation (TASCORP).

## Receivables

Unsecured Debtors are recognised and carried at the amounts receivable. The carrying amount is equivalent to fair value. The vast majority of the Commission's unsecured debtors are for small contributions toward the client's legal costs. The collectability of these receivables is reviewed on an ongoing basis and any receivables identified as uncollectible are written-off.

## Employee Benefits Expense

The related expense item includes salaries of Commission employees, superannuation contributions, leave entitlement adjustments, relocation, other direct related costs and the Commissioner's remuneration.

As at the 30 June 2019 the Commission employed 73.4 (2018: 64.8) full time equivalents.

## Payables

Payables are carried at amortised cost; due to their short term nature they are not discounted.

*Legal Creditors* are recognised upon certification of those amounts for payment.

*Trade Creditors* are recognised when the economic entity becomes obliged to make future payments resulting from the purchase of goods and services. Measurement is based on the agreed purchase/contract cost.

*Accrued Salaries* represent the amount due to staff but unpaid at the end of the financial year. The amount shown includes the employer funded superannuation contribution.

## Provisions

### **Annual Leave and Long Service Leave**

All annual leave and unconditional long service leave provisions are classified as current liabilities as the Commission does not have an unconditional right to defer settlement of the liability for at least 12 months after the reporting date.

Long service leave expected to be settled more than 12 months after the end of the reporting date is measured at the present value of amounts expected to be paid when the liabilities are settled. Leave liabilities are in respect of services provided by employees up to the reporting date.

When assessing the expected future payments, consideration is given to expect future wage and salary levels including non-salary components such as employer superannuation contributions.

### **Superannuation**

The Commission is required to reimburse the Commonwealth Government for the employer share of the cost of Superannuation benefits paid in respect of staff transferred to the Commission and who remained members of the Commonwealth Superannuation Scheme or the Public Sector Superannuation Scheme. The Commission discharges this liability by periodic payments to Tasplan Super of amounts, expressed as a percentage of the salaries of eligible employees, estimated by the Tasplan Super to be sufficient to meet the Commission's share of the full accruing cost of the pensions granted on the retirement or death of such employees.

Superannuation expenses relating to defined benefit schemes relate to payments into the Consolidated Fund. The amount of the payment is based on an agency contribution rate determined by the treasurer, on the advice of the State Actuary. The current agency contribution is 12.95 per cent of salary.

Superannuation expenses relating to defined contribution schemes are paid directly to superannuation funds at a rate of 9.5 per cent of salary. In addition, the Commission is also required to pay into the Consolidated Fund a "gap" payment equivalent to 3.45 per cent of salary in respect of employees who are members of contribution schemes.

For employees who are contributors under the Retirement Benefits Fund Act, the liability for the scheme is accepted by the Crown and administered by the Retirement Benefits Fund Board.

The Commission does not operate an employer sponsored defined benefits fund.

### **Sick Leave**

No amount is shown for non-vested sick leave as no present obligation to employees exists.

## Taxation

The Legal Aid Commission is considered to be a public benevolent institution under the Income Tax Assessment Act and is therefore exempt from income tax and fringe benefits tax. The Commission is also exempt from State based taxation, including Payroll Tax, Stamp Duties and Financial Institution Duty.

## Investments and Other Financial Assets

Investments and financial assets in the scope of AASB 9 *Financial Instruments* are categorised as either subsequently measured at amortised cost, fair value through comprehensive income or fair value through profit and loss and depends on the Commission's business model for managing financial assets and the contracted cash flow characteristics of the financial asset.

**Receivables** are initially measured at transaction price with gains and losses recognised in the profit or loss when the receivables are derecognised or impaired.

## Comparative Figures

When required by Accounting Standards, comparative figures have been adjusted to confirm to changes in presentation for the current financial year.

## Estimates and Judgement

Estimates and underlying assumptions are reviewed on an ongoing basis. Revisions to accounting estimates are recognised in the period in which the estimates are 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.

Judgements made by management that have significant effects on the financial statements and estimates with a significant risk of material adjustments in the next year are disclosed, where applicable, in the relevant notes to the financial statements. These include:

- Provisions– Employee Benefits
- Commitments for Expenditure

## 2. Financial Risk Management Objectives and Policies

The Commission's activities expose it to a variety of financial risks: credit risk, liquidity risk and interest rate risk.

The Commission reviews and agrees policies for managing each of these risks and they are summarised below:

### Risk exposures and Responses

#### *Credit Risk*

Credit risk arises from the financial assets of the organisation which comprise cash and cash equivalents and receivables. The organisation's exposure to credit risk arises from the potential default of the counter party, with the maximum exposure equal to the carrying amount of these assets.

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

*Civil Law Disbursement Fund Loans* comprise loans made for out of pocket legal expenses for items such as medical reports, assessments, court filing fees and other up front civil law case costs. The loans are made after consideration by a panel, and the application of a premium recovery as a buffer against failed claims where the loan is unrecoverable.

Credit risk is minimised due to a majority of the transactions taking place with State and Australian Government entities.

#### *Liquidity Risk*

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

Investment decisions are based on cash flow forecasts subject to ongoing review in order to meet cash requirements in a timely manner. The selection of the term of the investments will be dependent upon the cash flow requirements and the rate of return available for different terms.

All financial assets and liabilities of the Commission have a maturity of 6 months or less, except for the receivables - *Civil Law Disbursement Fund Loans* which by their nature have an unknown maturity profile.

#### *Interest Rate Risk*

The Commission's exposure to market risk for changes in interest rates relates primarily to the investments of surplus operating funds and surplus funds pertaining to the *Civil Law Disbursements Fund Loans* scheme.

The Commission is authorised under its act to invest surplus funds in any of the ways referred to in Section 5 of the *Trustee Act 1898*. The Commission's policy is to manage interest income with reference to what rates are offered by Tascorp and other major banking institutions.

**Interest Rates on Cash and Cash Equivalents**

	30-June-19	30-June-18
	(\$)	(\$)
At Call Cash Management Account No 1 – Operating Account	396 On Call – Interest Rate of 1.25%	390 On Call – Interest Rate of 1.5%
At Call Cash Management Account No 2 – Civil Law Disbursements Fund	1,964 On Call – Interest Rate of 1.25%	1,934 On Call – Interest Rate of 1.5%
Westpac Operating Accounts	7,014,854 On Call – Interest Rate of 1.75%	5,956,450 On Call – Interest Rate of 1.75%
	<b>7,017,214</b>	<b>5,958,775</b>

A 1 percentile movement in the interest rate will create \$70,170 (2018: \$59,590) movement in interest income.

The Commission is authorised under its act to invest surplus funds in any of the ways referred to in Section 5 of the *Trustee Act 1898*. During the reporting period investments were held in an at call cash management facility.

Interest revenue is recognised in the Statement of Comprehensive Income when earned. As the Commission's investments were held in the above instruments and held over relatively short periods it is considered that any interest rate exposure is minimal.

	30-JUNE-19 (\$)	30-JUNE-18 (\$)
<b>3. Commonwealth Grants and Contributions</b>		
Commonwealth Base Grant	5,903,000	5,853,000
Family Advocacy Support Service Funding	605,000	605,000
National Disability Insurance Scheme Funding	91,979	17,467
Family Violence Cross-Examination Funding	11,100	-
Elder Abuse Funding	10,727	-
<b>Total Commonwealth Grants and Contributions</b>	<b>6,621,806</b>	<b>6,475,467</b>

**Base Grant**

Government contributions are the result of a Commonwealth / State National Partnership Agreement which became effective from 1 July 2015 for duration of 5 years. This agreement expires on 30 June 2020.

**Family Advocacy and Support Service**

This funding has been recognised on receipt as there are no specific performance measures attached to the terms of the agreement. This funding is to provide social services support to families experiencing domestic issues.

**National Disability Insurance Scheme**

This provides funding for support services to assist applicants in navigating the process of Administrative Appeals Tribunal review of National Disability Insurance Agency decisions.

**Family Violence Cross-Examination Funding**

The purpose of this Grant is to fund legal aid commissions to represent parties subject to the ban on direct cross-examination under the *Family Law Act 1975*.



**Elder Abuse Funding**

The purpose of this funding is to improve the government's knowledge of, and expand its options to respond to, elder abuse, in a variety of forms.

	30-JUNE-19 (\$)	30-JUNE-18 (\$)
<b>4. State Government Grants and Contributions</b>		
State Government Base Grant	6,909,000	6,700,000
Safe at Home Program	493,765	451,724
State One Off Funding	768,000	755,000
<b>Total State Government Grants and Contributions</b>	<b>8,170,765</b>	<b>7,906,724</b>

**Base Grant**

The Base Grant provides for the Service Delivery program agreed to between the Commission and the State Government.

**“Safe at Home” Domestic Violence Early Intervention Program**

This program provides early intervention and support against domestic violence.

**State One Off Funding (Acting Judges)**

This funding is to assist the increased resources required as a result of additional court sessions being held by acting judges

	30-JUNE-19 (\$)	30-JUNE-18 (\$)
<b>5. Other Revenue</b>		
Client Contributions and Cost Recoveries	60,842	74,899
Interest Income	108,758	98,716
Civil Disbursement Fund Loans Contributions	17,586	23,661
Solicitors' Trust Distribution	606,794	624,237
<b>Miscellaneous Income</b>		
National Legal Aid (NLA) Administration Fee	42,000	42,000
National Legal Aid (NLA) Cost Recoveries	551,007	344,021
<b>Total Miscellaneous Income</b>	<b>593,007</b>	<b>386,021</b>
<b>Total Other Revenue</b>	<b>1,386,987</b>	<b>1,207,534</b>

**Client Contributions and Cost Recoveries**

Contributions consist of amounts levied on clients by in-house practitioners and recovered costs. Not included are amounts collected by private legal practitioners and deducted from their accounts for services rendered to the Commission, prior to payment by the Commission. These payments are immaterial and hence have not been quantified for this report. Recovered costs consist of those costs awarded by the courts to the benefit of the Commission.

**Interest Income**

Derived from cash flow surpluses from monies held on call, or in short term cash management accounts.

**Civil Law Disbursement Fund Loans Contributions**

Small premiums charged against each loan as a buffer against actions that may be unsuccessful and unrecoverable.

**The Solicitors' Trust Distribution**

This disbursement is as a result of a determination made in accordance with Section 361 of the *Legal Profession Act 2007*.

**Miscellaneous Income**

Reimbursements from other state commissions for their share of National Legal Aid (NLA) expenses paid for by the Commission on behalf of all states.

	30-JUNE-19 (\$)	30-JUNE-18 (\$)
<b>6. Legal Services Expense</b>		
Grants of Legal Aid	5,082,528	4,857,808
Family Advocacy Support Service (FASS) Social Workers	233,644	214,310
Weekend Duty Lawyer Service	74,084	72,251
<b>Total Legal Services Expense</b>	<b>5,390,256</b>	<b>5,144,369</b>

**Grants of Legal Aid**

Grants of Legal Aid comprise payments made to private sector business partners for legal work undertaken during the course of the year. In addition to payments for legal services this includes payments for expenditure for items such as medical reports and other specialist services.

**FASS and Duty Lawyer Services**

The Commission engages external service providers for Duty Lawyer services in the Magistrates Court to support its own internal services. FASS expenditure was not incurred against related funding until 2018.

	30-JUNE-19 (\$)	30-JUNE-18 (\$)
<b>7. Employee Benefits Expense</b>		
Salaries, Superannuation and Related Costs	7,061,131	7,092,794
Temporary Staff	488,694	443,835
Professional Development	40,621	39,741
Annual Leave and Long Service Leave Entitlements	(91,274)	(117,968)
<b>Total Employee Benefits Expense</b>	<b>7,499,172</b>	<b>7,458,402</b>

**Salaries, Superannuation and Related Costs**

Includes salaries and employer funded superannuation and workers compensation insurance.

**Temporary Staff and Agency Staff Engagements**

Includes temporary and agency staffing costs, as well as agency fees and staff relocation costs.

**Professional Development**

Includes costs of courses and seminar fees.

**Annual Leave and Long Service Leave Entitlements**

These amounts are the net movements to the annual and long service leave provision accounts held on the Commission's Statement of Financial Position.

	30-JUNE-19 (\$)	30-JUNE-18 (\$)
<b>8. Supplies and Services</b>		
Communication	245,312	279,790
Travel Costs	205,340	219,405
Office Machines and Equipment	41,563	40,704
Consumables and Safety	80,346	97,645
<b>Total Supplies and Services</b>	<b>572,561</b>	<b>637,544</b>

	30-JUNE-19 (\$)	30-JUNE-18 (\$)
<b>9. Accommodation Expenses</b>		
Property Rent	402,842	397,374
Cleaning and Security	102,505	89,534
Property Maintenance	24,811	42,869
Rates and Taxes	44,095	50,456
Water Rates	6,552	5,726
Electricity	63,695	50,600
Insurance	10,318	9,471
<b>Total Accommodation Expenses</b>	<b>654,819</b>	<b>646,030</b>

	30-JUNE-19 (\$)	30-JUNE-18 (\$)
<b>10. Information Technology</b>		
IT Systems and Consulting	452,350	388,812
Library	116,328	107,492
<b>Total Information Technology</b>	<b>568,678</b>	<b>496,304</b>

	30-JUNE-19 (\$)	30-JUNE-18 (\$)
<b>11. Other Expenses</b>		
Department of Justice Administration Costs	121,782	118,269
Audit Fee and Costs	25,090	24,120
<b>Other Expenses</b>		
Consultant Fees	107,517	27,830
Advertising	5,727	14,078
NLA Cost Recoveries	15,046	9,903
LAT Services Fee Expense (NLA Only)	42,000	42,000
Bank Charges	4,020	4,823
<b>Total Other Expenses</b>	<b>174,309</b>	<b>98,634</b>
<b>Total Other Expenses</b>	<b>321,181</b>	<b>241,023</b>
	30-JUNE-19 (\$)	30-JUNE-18 (\$)
<b>12. Depreciation and Amortisation Expenses</b>		
Depreciation - Office Equipment	48,050	48,193
Depreciation - Furniture & Fittings	1,136	1,704
Depreciation - Leasehold Improvements	21,300	25,118
Depreciation - Buildings	9,600	9,600
Depreciation - Software (Intangibles)	1,110	8,968
<b>Total Depreciation and Amortisation Expenses</b>	<b>81,195</b>	<b>93,584</b>
	30-JUNE-19 (\$)	30-JUNE-18 (\$)
<b>13. Debts Written Off</b>		
Legal Case and CDF Doubtful Debts Expense	10,335	23,512
<b>Total Debts Written Off</b>	<b>10,335</b>	<b>23,512</b>

The Commission has considered the impact of AASB 9 Financial Instruments and have concluded that as write-offs are immaterial there is no requirement to further assess a provision allowance for bad debts.

## 14. Cash and Cash Equivalents

	30-June-19 (\$)	30-June-18 (\$)
<b>Unrestricted Cash and Cash Equivalents</b>		
Cash on Hand – Petty Cash	2,050	2,050
Bank Accounts	6,159,941	5,142,901
	<b>6,161,991</b>	<b>5,144,951</b>
<b>Restricted Cash and Cash Equivalents</b>		
Bank Account	853,259	811,890
Investments – TASCORP No. 2	1,964	1,934
	<b>855,223</b>	<b>813,824</b>
<b>Total Cash and Cash Equivalents</b>	<b>7,017,214</b>	<b>5,958,775</b>
<b>Held as</b>		
Operating Cash	6,161,991	5,144,951
State Civil Law Disbursements Fund Loans Scheme	855,223	813,824
<b>Total and Balance as per Statement of Cash Flows</b>	<b>7,017,214</b>	<b>5,958,775</b>

**Restricted Cash and Cash Equivalents - Civil Law Disbursements Fund Loans Scheme**

The Civil Law Disbursements Fund Loans Scheme was established in June 2004. Over the following 3 year period the State Government provided funding of \$560,000 for the Scheme. In the June 2014 financial year monies obtained from the Solicitors Guarantee Fund were injected into the Scheme.

The restricted amounts include the above cash component, as well as receivable disbursement recoveries to form the total restricted accumulated reserve balance of \$1,118,770.

The Scheme provides eligible applicants access to legal aid for disbursement costs, such as medical reports and court filing fees, in State Civil Law matters. The disbursements made are recovered upon successful completion of the matter. A small premium is applied as a buffer against actions that are unsuccessful, and disbursement loans deemed unrecoverable. Unrecoverable loans for 2019 are shown at Note 13.

	30-JUNE-19 (\$)	30-JUNE-18 (\$)
<b>15. Receivables</b>		
Contributions Receivable	14,344	12,472
Provision for Doubtful Debts	(2,000)	(2,000)
Loan - Civil Disbursement Fund	264,359	289,056
Accounts Receivable	200,238	98,039
Goods and Services Tax (GST)	59,973	67,246
<b>Total Receivables</b>	<b>536,914</b>	<b>464,812</b>

**Contributions Receivable**

Contributions consist of small amounts owing by clients as a contribution toward the cost of their legal matter. At the conclusion of each financial year a provision for impairment is recalculated. This estimate is made after a review of the current debtor's portfolio and the likelihood of payments being made. The provision consists of small contributions unlikely to be paid for which recovery action is considered uneconomical.

**Civil Law Disbursement Fund Loans**

Civil Law Disbursement Fund Loans are those amounts recoverable from the proceeds of successful actions by civil law litigants supported by the State Government Civil Law Disbursement Fund Loans Scheme. The loans are recovered with the addition of a small premium which is reinvested into the fund, to offset any failed or unsuccessful actions which may be written off. Details of loans written off are detailed in Note 13.

**Trade Debtors**

Trade Debtors consist of amounts owing by other Legal Aid State Branches for reimbursement of National Legal Aid Secretariat (resident in the Commission) expenditure incurred, as well as amounts owing from Attorney General's Department for other grant monies that are receivable.

All Contributions and Trade Debtors owing except those identified as impaired are considered receivable. These are reflected per \$000's as follows:

<b>2019</b>	<b>Gross Amount</b>	<b>Past Due and Impaired</b>	<b>Due &lt; 30 Days</b>	<b>Past Due but not Impaired 31 – 60 Days</b>	<b>Past Due but not Impaired 61 – 90 Days</b>	<b>Past Due but not Impaired &gt; 90 Days</b>
Contributions Owing	16	2	6	2	1	5
Trade Debtors	200	-	188	-	-	12
	<b>216</b>	<b>2</b>	<b>194</b>	<b>2</b>	<b>1</b>	<b>17</b>

<b>2018</b>	<b>Gross Amount</b>	<b>Past Due and Impaired</b>	<b>Due &lt; 30 Days</b>	<b>Past Due but not Impaired 31 – 60 Days</b>	<b>Past Due but not Impaired 61 – 90 Days</b>	<b>Past Due but not Impaired &gt; 90 Days</b>
Contributions Owing	13	2	3	2	1	5
Trade Debtors	98	-	98	-	-	-
	<b>111</b>	<b>2</b>	<b>101</b>	<b>2</b>	<b>1</b>	<b>5</b>

	30-JUNE-19 (\$)	30-JUNE-18 (\$)
<b>16. Non-Current Assets</b>		
<b>Land &amp; Buildings</b>		
Land and Buildings at Cost	405,236	405,236
Revaluation of Land and Buildings	71,836	71,836
Accumulated depreciation of land and buildings	(119,241)	(109,641)
<b>Total Land &amp; Buildings</b>	<b>357,831</b>	<b>367,431</b>
<b>Plant and Equipment</b>		
<b>Office Equipment</b>		
Office Equipment at Cost	304,043	243,953
Accumulated depreciation of office equipment	(228,113)	(180,063)
<b>Total Office Equipment</b>	<b>75,930</b>	<b>63,890</b>
<b>Furniture and Fittings</b>		
Furniture and Fittings	19,676	19,676
Accumulated depreciation of furniture and fittings	(13,239)	(12,103)
<b>Total Furniture and Fittings</b>	<b>6,437</b>	<b>7,573</b>
<b>Leasehold Improvements</b>		
Leasehold improvements at cost	200,284	188,861
Accumulated amortisation of leasehold improvements	(154,010)	(132,711)
<b>Total Leasehold Improvements</b>	<b>46,274</b>	<b>56,151</b>
<b>Total Plant and Equipment</b>	<b>128,641</b>	<b>127,614</b>
<b>Intangibles</b>		
<b>Intangible Assets</b>		
Software Assets	593,682	593,682
Accumulated amortisation of software	(586,936)	(585,826)
<b>Total Intangible Assets</b>	<b>6,746</b>	<b>7,856</b>
<b>Total Non-Current Assets</b>	<b>493,219</b>	<b>502,901</b>

The movement in the carrying amounts for each class of property, plant and equipment is reflected as follows:

	<b>2019</b>	<b>2018</b>
	<b>(\$000's)</b>	<b>(\$000's)</b>
<b>LAND &amp; BUILDINGS</b>		
Opening Written Down Value	367	377
Revaluation	-	-
Depreciation Expense	(9)	(10)
Closing Written Down Value	<b>358</b>	<b>367</b>

	<b>2019</b>	<b>2018</b>
	<b>(\$000's)</b>	<b>(\$000's)</b>
<b>OFFICE EQUIPMENT</b>		
Opening Written Down Value	64	47
Additions	60	65
Depreciation Expense	(48)	(48)
Closing Written Down Value	<b>76</b>	<b>64</b>

	<b>2019</b>	<b>2018</b>
	<b>(\$000's)</b>	<b>(\$000's)</b>
<b>FURNITURE &amp; FITTINGS</b>		
Opening Written Down Value	7	9
Depreciation Expense	(1)	(2)
Closing Written Down Value	<b>6</b>	<b>7</b>

	<b>2019</b>	<b>2018</b>
	<b>(\$000's)</b>	<b>(\$000's)</b>
<b>LEASEHOLD IMPROVEMENTS</b>		
Opening Written Down Value	56	75
Additions	11	6
Depreciation Expense	(21)	(25)
Closing Written Down Value	<b>46</b>	<b>56</b>



	2019	2018
	(\$000's)	(\$000's)
<b>INTANGIBLES</b>		
<b>Computer Software</b>		
Opening Written Down Value	8	17
Amortisation Expense	(1)	(9)
Closing Written Down Value	<b>7</b>	<b>8</b>

The Commission owns its Burnie property unencumbered.

A formal independent valuation of the Commission's Freehold Property was obtained in August 2016 from Opteon (Tasmania) Pty Ltd. The valuation was based on Current Market Value on "an existing use" basis. The valuation received accorded with the buildings book value inclusive of improvements capitalised in the 2018 financial year. The property has been revalued in line with the prepared valuation. The Commission's policy is to review its freehold property every 4 years.

The Commission developed a Case Management System with an "Off the Shelf" development application, which was deployed in July 2007. Costs represent software acquisition costs, installation and development.

#### 17. Impairment of Assets

There were no indications of impairment of property, plant and equipment and intangible assets at 30 June 2019.

	30-JUNE-19 (\$)	30-JUNE-18 (\$)
<b>18. Payables</b>		
Accrued Employee Entitlements	55,928	51,328
Unexpended Grants	776,267	662,019
Other Operating Costs	288,725	266,244
<b>Total Payables</b>	<b>1,120,919</b>	<b>979,591</b>

#### 19. Provisions

##### Current

Provision for Annual Leave	390,371	383,119
Provision for Long Service Leave	763,872	823,955
<b>Total Current</b>	<b>1,154,244</b>	<b>1,207,073</b>

##### Non-Current

Provision for Long Service Leave	117,486	155,930
<b>Total Non-Current</b>	<b>117,486</b>	<b>155,930</b>

<b>Total Provisions</b>	<b>1,271,729</b>	<b>1,363,004</b>
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## 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.

## 21. Commitments for Expenditure

### Legal Case Commitment

At 30 June 2019 the Commission's case management system disclosed a commitment of \$949,921 (2018 \$934,546) in respect of applications for legal assistance made and accepted by the Commission or its predecessors and which had not been paid or accrued as at the end of the financial year. The commitment was estimated on the basis of scale fees and/or hourly rates, depending on the nature of the action concerned and includes possible future recoveries.

### Lease Commitments

The Commission has entered into standard commercial non-cancellable operating lease arrangements for its Hobart, Launceston and Devonport offices. The Burnie office is owned by the Commission. In addition the Commission leases multi-function document centres in all of its offices.

From 1 July 2014 a lease arrangement was entered into for the Hobart office for 5 years with options for renewal for a further 5 years. This option for renewal was exercised during the 2019 year; extending the lease to 2024. Contingent rent provisions within the lease agreements variously require that the minimum lease payments shall be increased by the Consumer Price Index or a predetermined percentage per annum.

The aggregate of lease commitments for which no provisions are included in the financial statements can be classified as follows:

	30-June-19	30-June-18
	(\$)	(\$)
Due within 1 year	376,695	355,241
Due within 1 – 5 years	1,277,473	221,924
	<b>1,654,168</b>	<b>577,165</b>

**22. Reconciliation of Net Operating Surplus to Net Cash Flows Provided by/(Used In) Operating Activities**

	<b>30-June-19</b>	<b>30-June-18</b>
	<b>(\$000's)</b>	<b>(\$000's)</b>
Operating Result – Surplus	1,081	849
<u>Non-Cash Items</u>		
Depreciation & Amortisation Expense	81	94
<u>Change In Assets – (Increase) / Decrease</u>		
(Increase)/Decrease in Receivables	(72)	86
(Increase)/Decrease in Other Assets	(10)	20
<u>Change in Liabilities – Increase / (Decrease)</u>		
Increase/(Decrease) in Provisions	(92)	(118)
Increase/(Decrease) in Payables	141	3
<b>Net Cash provided from Operating Activities</b>	<b>1,129</b>	<b>934</b>

**23. Financing Facilities Available**

	<b>30-June-19</b>	<b>30-June-18</b>
	<b>(\$)</b>	<b>(\$)</b>
Facility Limit	71,000	71,000
Less Used / Committed	(8,717)	(6,634)
	<b>62,283</b>	<b>64,366</b>

The nature of the credit facility is a corporate credit card facility, which is direct debited against the Commission's main operating bank account on a monthly basis. It is primarily used for travel.

**24. Events Occuring after Balance Date**

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

**25. Remuneration of Auditors**

	<b>30-June-19</b>	<b>30-June-18</b>
	<b>(\$)</b>	<b>(\$)</b>
Audit Fee	25,090	24,120
	<b>25,090</b>	<b>24,120</b>

The Tasmanian Audit Office audits the accounts of the Commission. The Audit comprises the annual financial statement audit.

## 26. Remuneration of Commissioners

	30-June-19			30-June-18		
	Short-Term Benefits Salary	Other Benefits	Long-Term Benefits Superannuation	Short-Term Benefits Salary	Other Benefits	Long-Term Benefits Superannuation
\$0 - \$10,000	-	-	4	2	-	5
\$10,001 - \$20,000	3	-	-	3	-	-
\$20,001 - \$30,000	1	-	-	-	-	-
<b>Remuneration Total (\$)</b>	<b>54,854</b>	<b>-</b>	<b>5,211</b>	<b>40,857</b>	<b>-</b>	<b>3,881</b>

Commissioners are remunerated on an annual basis and superannuation is also paid to these Commissioners in accordance with the superannuation guarantee legislation. There were no leave benefits, termination benefits, or other benefits paid to any Commissioner in the 2018 or 2019 financial years.

## 27. Remuneration of Key Management Personnel

The number of Key Management Personnel, excluding Commissioners, whose total salaries, superannuation and other benefits for the financial year fall within the following bands are:

	30-June-19			30-June-18		
	Short-Term Benefits Salary	Long-Term Benefits Superannuation	Long-Term Benefits Leave Benefit	Short-Term Benefits Salary	Long-Term Benefits Superannuation	Long-Term Benefits Leave Benefit
\$0 - \$40,000	1	3	3	-	4	2
\$40,001 - \$60,000	-	-	-	-	-	1
\$60,001 - \$80,000	-	-	-	-	-	1
\$80,001 - \$100,000	-	-	-	2	-	-
\$100,001 - \$120,000	-	-	-	1	-	-
\$120,001 - \$140,000	1	-	-	-	-	-
\$140,001 - \$160,000	-	-	-	-	-	-
\$160,001 - \$180,000	1	-	-	-	-	-
\$180,000 +	-	-	-	1	-	-
<b>Remuneration Total</b>	<b>311,800</b>	<b>41,455</b>	<b>16,801</b>	<b>419,251</b>	<b>66,013</b>	<b>90,507</b>

No termination or other benefits have been paid other than what has been reflected above.

## 28. Related Party Transactions

Some Commissioners are associates with private legal firms to which the Commission made grants payments. These payments are for external legal services only at the standard rate. Commissioners have not been engaged to provide any contracted services other than those associated with granted legal service arrangements.

Key Management Personnel are deemed to be any person(s) having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly, including any director (whether executive or otherwise) of that entity is considered a key management personnel.

All transactions with the private legal firms were conducted on an arm's length basis in the normal course of business and on standard terms and conditions.

Details of Commissioners and their associated entities, along with key personnel and their positions, are listed as follows:

Commissioners	Practice / Employer	Position
Patrick Lunn	Simmons Wolfhagen	Partner
Naomi Walsh	University of Tasmania	Lecturer
Gavin Wailes	Department of Justice	Director of Finance
Julia Higgins	Bishops	Partner

Key Management Personnel	Position
Vincenzo Caltabiano	Director, LACT - Commenced May 2019
Susie Winter	Director (Acting), LACT - Ceased Acting May 2019
Gerard Mellor	Operations Manager (Acting), LACT

## 29. Client Trust Funds

The Commission did not hold client funds in a Trustee capacity pending final settlement of case files as at 30 June 2019 (2018 Nil)

### 30. Underlying Operating Result

The Commission receives the majority of funds from Federal and State Government grants. With these grants the Commission manages the legal aid service, provides in house legal advice, education and representation to those who meet the eligibility criteria, including availability of funding. The balance of the grant funds are granted to the private sector to provide representation to those that meet the eligibility criteria, including availability of funds.

Under the current Australian Accounting Standards the grants are deemed non-reciprocal, which means the Commission as a not-for-profit entity is not permitted to match the costs associated with the grants with grant revenue. Rather, all grant revenue is recognised on receipt. For profit entities can match the recognition of revenue with the related expenditure. Given there is a timing difference between the granting of legal aid and the payment of that aid, there is a disconnect between the recognition of revenue and the expenses associated with that revenue, which results in an overstatement of the operating result of the Commission.

In addition, taking up a liability on the granting of aid to the private sector, though over 94% of aid granted is subsequently paid, has not been deemed to meet the definition of a liability under AASB 137 *Provisions, Contingent Liabilities and Contingent Assets*. Larger Legal Aid jurisdictions are taking up a liability for work deemed completed by the private sector on aid granted and unpaid, based on actuarial calculations. The liability of granted but unpaid legal aid is identified in this financial report by way of a Commitment note 21.

The Commission for a number of years paid out additional aid based on accumulated surpluses that did not include a provision for legal aid granted and unpaid. The below table identifies the accumulated surplus position when granted but unpaid aid is factored into the financial statements.

<b>Underlying Accumulated Surplus</b>	<b>30-June-19</b>	<b>30-June-18</b>
	<b>(\$)</b>	<b>(\$)</b>
Accumulated Surplus	4,126,284	3,063,358
Granted but unpaid at 30 June	(949,921)	(934,546)
<b>Accumulated Surplus Including Granted but Unpaid Aid</b>	<b>3,176,363</b>	<b>2,128,812</b>
<b>Underlying Net Surplus for the Year</b>		
Net Surplus for the Year	1,081,360	848,954
Movement in Granted but Unpaid Aid	(15,375)	43,207
<b>Net Surplus Including Movement of Granted but Unpaid Aid</b>	<b>1,065,985</b>	<b>892,161</b>





“Greater access  
to justice for  
Tasmanians.”

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