



**Legal Aid** ACT

**2020**  
ANNUAL REPORT  
**2021**

PROMOTING A JUST SOCIETY IN THE AUSTRALIAN CAPITAL TERRITORY

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Transmittal Certificate

12 November 2021

Mr Shane Rattenbury MLA  
Attorney General  
ACT Legislative Assembly  
London Circuit  
Canberra ACT 2601

Dear Minister,

## 2020-21 Legal Aid ACT Annual Report

This report has been prepared in accordance with section 7(2) of the *Annual Reports (Government Agencies) Act 2004* and in accordance with the requirements under the *Annual Reports (Government Agencies) Directions 2019*.

I certify that the information in the attached report and information provided for whole of government reporting, is an honest and accurate account and that all material information on the operations of Legal Aid ACT has been included for the period 1 July 2020 to 30 June 2021.

I hereby certify that fraud and prevention has been managed in accordance with Part 2.3 of the *Public Sector Management Standards 2006* (see section 113 of the *Public Sector Management Standards 2016*).

Section 13 of the *Annual Reports (Government Agencies) Act 2004* requires that you present the report to the Legislative Assembly within 15 weeks after the end of the reporting year. However, under section 14, the Chief Minister has granted an extension of the time when the report must be presented by you to the Legislative Assembly. Pursuant to Section 14 of the *Annual Reports (Government Agencies) Act 2004*, the Chief Minister has granted the extension until 2 December 2021.

Legal Aid ACT must present an initial copy of the 2020-21 Annual Report to the responsible Minister before close of business **Friday 26 November 2021**. The Report must be provided to the Speaker on 2 December 2021 for distribution to each Member of the Legislative Assembly and will then be tabled in the Legislative Assembly on the next sitting day.

Yours sincerely



Karen Fryar AM  
President  
Legal Aid ACT



Dr John Boersig PSM  
Chief Executive Officer  
Legal Aid ACT

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## President's Report

The continuing challenges brought about by the COVID-19 pandemic and consequent restrictions have remained a material consideration to the Commission's business operations throughout 2020-2021. Although this has been testing for all, I have been enormously heartened to see that the dedication and professionalism of the staff of the Commission has guaranteed services to the public have been maximised, whilst maintaining compliance with health advice so that the safety of all involved is ensured. There of course have been many lessons, notably the capacity to move to on-line/remote technology, and our ability to continue operations in the current environment has been stretched. However, it is clear, now more than ever, that the Commission is essential to the administration of justice in the ACT and surrounding regions.

This Annual Report highlights the sustained growth of demand for and the necessary changes to the Commission's services, in the light of the enduring impact of COVID-19. Whilst the easing of public health restrictions allowed us to return to a degree of normality for most of 2020-2021, we continued to utilise alternative means of communication and flexible working practices. In doing so, we have been able to ensure that our services are readily accessible to the community's most vulnerable and disadvantaged individuals. We continue to evaluate the Commission's business operations and harness our diverse experiences to benefit Commission staff, clients, and the community well into the future.

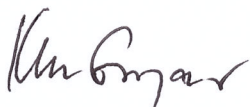
COVID-19 necessitated a pivot away from face-to-face client contact, in favour of the provision of services over the phone, internet and social media. Whilst we were able to return to face-to-face contact for much of 2020-2021, demand for these alternative services has not subsided. The Helpline service and Tenancy Advice Line continued to experience a growth in demand in 2020-2021, fielding an extraordinary 26,983 calls. A similar trend has also been seen with access to the Commission's website. The Commission continued to facilitate meetings and client interactions remotely wherever possible, and we are well placed to respond to rapidly changing conditions and consequent health directions.

It is important to note the continued prevalence of family violence in our community, and to underline that our Family Violence Unit maintained their diligent work throughout 2020-2021. It was encouraging to see that this unit could reinstate services at the ACT Magistrates Courts, Family Courts and Canberra Hospital, as well as ongoing representation services in Court proceedings. These services are essential to ensuring individuals impacted by family violence, who are often women, are able to safely access appropriate legal support at crisis points. We have also been able to provide early intervention by way of the placement of Commission lawyers throughout Colleges in the ACT. The presence of lawyers in the familiar school environment increases the likelihood that students and parents experiencing family violence seek legal support. Indeed, family violence is a primary area of inquiry for these lawyers. Sadly, the demand for this assistance and advice has surged in the COVID-19 environment.

Despite being evident prior to the outbreak of COVID-19, the pandemic has undoubtedly highlighted the power of the internet and social media to increase the reach of the Commission. The Community Legal Education team continues to grow the Commission's internet and social media footprint and we understand a strong digital presence will likely be central to the Commission's future operations. Of course, not all the Commission's clientele are able to access online resources and it was pleasing to see the resumption of face-to-face services for much of the year.

The Commission was fortunate to be allocated several funding grants from the ACT and Commonwealth governments to support our responses to COVID-19. These grants were utilised in 2020-2021 to improve the Commission's infrastructure and develop numerous programs to satisfy the unique legal need created by the pandemic. As anticipated, the divergence from long-term grants in favour of short-term project related funding has continued. Whilst we are grateful for any new or continuing funding, such short-term grants bring uncertainty and insecurity to the Commission's operation. While short term project grants are a preferred method of governments in providing funding, the challenge to the Commission in undertaking long-term planning and providing staff security of employment where the continuation of funding is not guaranteed cannot be understated. Addressing the prevalence of funding uncertainty, whilst maintaining the provision of services to an exemplary standard remains one of the Commission's primary priorities.

For better or worse, COVID-19 will continue to be a material consideration for the foreseeable future. Interstate experience illustrates that the lessons of last year must not be forgotten, and the Commission must remain wary of the potential resurgence of COVID-19 in the ACT and the complications that will necessarily arise. However, in such a scenario, I am confident that the Commission will be capable of providing its services to the community's most vulnerable and disadvantaged individuals with little interruption. This is a testament to the Commission's staff and our ability to do so will continue to be fundamental to the administration of justice in the ACT.



Karen Fryar AM  
President



## The Commissioners During 2020-2021

### Karen Fryar AM

Karen Fryar was appointed as President of the Commission on 28 January 2020. From 1989 to 1993 Ms Fryar was the Assistant Executive Officer of the Legal Aid Commission (ACT). In 1993 Ms Fryar became the first woman appointed as a magistrate of the ACT Magistrates Court. Between 2000 and 2010, Ms Fryar presided over the dedicated Family Violence list and also supervised the ACT's Family Violence Intervention Programme. On 1 March 2010, Ms Fryar became the ACT Children's Court Magistrate, where she pursued a variety of initiatives such as the Youth Drug and Alcohol Court to assist young offenders experiencing substance abuse problems. During this period Ms Fryar was a member of the South Pacific Council of Youth and Children's Courts. She received the Order of Australia in 2010 for her service to the community as a magistrate and for contributing to the prevention of family violence.

### Gail Kinsella

Gail Kinsella was appointed as the Commissioner for financial management on 10 May 2010. Ms Kinsella is a Chartered Accountant, and a director of Kinsella Chartered Accountants. She has served as a board member and treasurer of Communities@Work, as well as on several professional advisory boards and committees at the local and national level.

### Richard Glenn

Richard Glenn was appointed as a Commissioner on 19 July 2017. Mr Glenn is the Director General of the ACT Justice and Community Safety Directorate. He has previously served as Deputy Commonwealth Ombudsman and as Assistant-Secretary of the Commonwealth Attorney-General's Department. He has worked in national security law, business and information law, securities reform, copyright, and native title. He holds a BA, LLB and LLM from The Australian National University, and is admitted as a Barrister and Solicitor of the Supreme Court of the ACT.

### Kym Duggan

Kym Duggan was appointed as the Commissioner with special expertise on 20 May 2016. Mr Duggan currently works as a justice sector consultant to Commonwealth and State Governments. He has previously served as the First Assistant Secretary at the Commonwealth Attorney-General's Department and in the Department of Prime Minister and Cabinet. He has worked in national security law, social security law, indigenous justice, and native title. He holds an LLB from The University of Adelaide and has been admitted to practice as a barrister and solicitor since 1978.

### Marcus Hassall

Marcus Hassall was appointed as a Commissioner on 23 January 2017. Mr Hassall is a Barrister at the Blackburn Chambers. He has a diverse practice, including in bankruptcy law, commercial law, administrative law, family law, criminal law, workers compensation and others. He has previously served as a prosecutor with the Commonwealth Director of Public Prosecutions and as a solicitor with



the Australian Government Solicitor. He has served on the ACT Bar Association's sub-committees on Criminal Law and Continuing Professional Development. He was also a practice mentor in Commercial Law with the ANU Legal Workshop Program (prior to the programs conclusion in 2021). He holds an LLB from The Australian National University.

### Lisa Gooneratne

Lisa Gooneratne was appointed as a Commissioner on 21 March 2019. Ms Gooneratne is a Special Counsel at HWL Ebsworth Lawyers, where she specialises in the law of public liability, workers compensation, motor vehicle accidents, medical negligence, and coronial inquests. She has previously worked as a lawyer at Sparke Helmore.

### Cathi Moore

Ms Cathi Moore was appointed to the Legal Aid Commission Board on 19 August 2020. Ms Moore has contributed to leadership positions in key community service organisations and government boards for over 30 years. Ms Moore began her career at the ACT Council of Social Service and the Young Women's Christian Association, later going on to become president of the YWCA ACT division. She has also served as a Board Member and Treasurer of YWCA Australia, where she successfully campaigned for the introduction of the 30% quota for young women under 30 in governance positions in the YWCA both nationally and locally. She has also worked with Marymead, ACT Council of Social Service, Community Housing Canberra, Parentline ACT, and is a founding member of My Coaching My Future, which provides free coaching for women who have moved on from violent relationships.

### John Boersig

John Boersig was appointed as Chief Executive Officer of the Commission on 1 December 2013 and holds a position on the Board in that capacity. He brings to the Commission extensive experience in legal aid, legal education, and public administration. He commenced in legal aid practice in 1983, initially with the Aboriginal Legal Service and later as a senior lecturer and director of the University of Newcastle Legal Centre where he ran the clinical and professional program for the Faculty of Law. He was a presiding member of the Guardianship Tribunal for many years. In 2004, Dr Boersig joined the Commonwealth Attorney-General's Department as Assistant Secretary of the Indigenous Law & Justice Branch, and later as Assistant Secretary of the Human Rights Branch, the Ministerial & Cabinet Unit and then the Security Coordination Branch immediately prior to joining the Commission. He has a PhD from the University of Sydney, and was awarded the Public Service Medal in 2008.



## ORGANISATIONAL OVERVIEW AND PERFORMANCE

2020-2021

## Organisational Overview

The Legal Aid Commission (ACT) (**the Commission**) is an independent statutory authority established by the *Legal Aid Act 1977* (ACT) (**the Act**). The primary purpose of the Commission is to provide vulnerable and disadvantaged Australians with access to justice through a range of legal aid services in accordance with the Act.

### Vision

Our vision is to be a leader in the delivery of legal services that are recognised for their excellence and for the caring, responsive and professional manner in which they are provided.

### Mission

The mission of the Commission is to promote a just society in the Australian Capital Territory by:

- ensuring that vulnerable and disadvantaged people receive the legal services they need to protect their rights and interests;
- developing an improved community understanding of the law; and
- seeking reform of laws that adversely affect those we assist.

We achieve this purpose by delivering a range of high-quality legal services through our staff and professional partners in a manner that respects diversity and promotes confidence in the legal system.

### Values

The Commission espouses the following values in its relationships, service delivery, business processes and decision making.

- We are committed to helping disadvantaged people achieve justice.
- We respect people and their diversity.
- We value integrity and ethical conduct.
- We are accountable and committed to using learning and innovation to improve the quality of our services and the efficient use of resources.
- We work collaboratively with others to meet people's needs.
- We value and protect our statutory independence.

## Independent Commission

As an independent statutory authority, the Commission operates a legal practice with a high degree of autonomy, while remaining accountable to government for the exercise of our statutory functions. Our independence is necessary because many of the individuals we assist are parties to actions by, or against, the government. While the Commission's work is undertaken in the broader context of government justice policy, as is set out in the Act and in the *National Legal Assistance Partnership 2020-2025* (NLAP), our lawyers are required to observe the same rules and standards of professional conduct as private lawyers and are subject to the same professional duties. Their professional duties are owed to the law, the court and their clients, rather than to government.

## **Nature and Scope of Activities**

The Commission helps people who live in the ACT or who are involved in proceedings in ACT courts and tribunals, and who are in need of legal advice or assistance but who are unable to access private legal services. Our clients are disadvantaged relative to the general population, often as a result of disability, illness, youth, old age, homelessness, language and cultural barriers, or financial difficulties.

The Commission seeks to improve vulnerable and disadvantaged people's access to the justice system by providing a range of legal services through in-house legal and paralegal staff, and lawyers in private practice.

## **Services**

Our services are wide-ranging and include the provision of information and referral services, legal advice and assistance, advocacy, duty lawyer services, grants of legal assistance and representation in Courts and Tribunals, dispute resolution services, Community Legal Education programs and submissions on issues of law reform.

Most Legal assistance services are provided free of charge, but means-tested grants of financial assistance and dispute resolution conferences may be subject to payment of a contribution.

The NLAP was published on 30 June 2020 and is a funding agreement between the Commonwealth and each State and Territory. It is used to guide the work at Legal Aid Commissions, Community Legal Centres, and Aboriginal and Torres Strait Islander Legal Services.

## **1 – Discrete Assistance Services**

Discrete Assistance is the provision of unbundled and discrete legal and non-legal services to service users. These services are non-ongoing and intermittent. They differ substantially from Representation Services, where a Service Provider takes carriage of a matter in an ongoing representative capacity.

Discrete Assistance can be provided at any location (for example, in a Service Provider's office or in an outreach location). It can be delivered through the following mediums:

- In person;
- Over the telephone;
- Through email, mail and fax; or
- Through video conferencing and online chat.

Discrete Assistance can include provision of the following services:

## **Information Services**

An Information Service is the provision of information of general application to a Service User in response to an enquiry about:

- the law, legal systems and processes; or
- legal and other support services to assist in the resolution of legal and related problems.

Information Services do not include administrative tasks such as booking appointments for legal advice sessions or information obtained from a Service Provider's website.

Information that the Commission provides will usually concern legal rights and responsibilities, court and tribunal processes, alternative mechanisms for dispute resolution, the availability of financial assistance, and referral to other community services appropriate to people's needs.

Information is provided through the Legal Aid telephone and internet Helpline, Older Person's ACT Legal Service (OPALS), the Tenancy Advice Service, online through the Law Handbook, and by other Commission staff in person at the Commission's office and at courts, and outreach services. It is also provided through the Commission's website, by dissemination of written materials about common legal issues to individuals and organisations, and at information hubs and other public events.

If the Commission cannot help a person because their problem is not a legal problem, or because another legal service is better placed to assist them, a referral of the person to an appropriate service is facilitated.

### **Referral**

When a Service Provider determines that a Service User can be assisted by another individual or organisation, they will provide them with a Referral for that service. Referrals are recorded as either a Simple Referral or a Facilitated Referral.

### **Legal Advice**

A Legal Advice Service is the provision of fact-specific legal advice to a Service User in response to a request for assistance to resolve specific legal problems.

Legal Advice is specific advice of a legal nature concerning a person's individual circumstances. It includes analysis of the options available to a person to resolve a legal matter. Legal Advice is provided free of charge in face-to-face interviews arranged through the Commission's Legal Aid Helpline, OPALS, Tenancy Advice Service, at specialist legal aid clinics (such as migration, employment, small business), the Youth Law Centre and at outreach services such as the Health Justice Partnership at Canberra Hospital, the Prisoners Legal Service, and through community partners such as Directions ACT. Legal Advice services are usually limited to half an hour but may be extended for up to two hours at the discretion of the adviser.

### **Non-Legal Support**

A Non-Legal Support Service is provided by an appropriately qualified person (either through an internal or external appointment) to a Service User in response to a request for assistance to resolve specific, non-legal problems. Examples include general counselling, financial counselling, trauma-informed counselling, Aboriginal and Torres Strait Islander community liaison, Cultural and Linguistically Diverse community liaison, and mental health assessments and support.

Non-Legal Support Services may be recorded as either a Discrete or an Ongoing Non-Legal Support Service.

## Legal Task

A Legal Task is where a Service Provider completes a discrete piece of legal work to assist a Service User to resolve a problem or a particular stage of a problem. Examples of a Legal Task include:

- preparation or assistance with the drafting of documents (such as a will);
- writing a submission letter to the Police to negotiate charges;
- writing a letter to another party asking them to do something or stop doing something; and
- advocating on behalf of a Service User without taking ongoing carriage of the matter.

If a Service Provider takes carriage of a matter in an ongoing, representative capacity, including representing a Service User in court or tribunal proceedings, this is no longer a Legal Task but a Representation Service.

## Minor Legal Assistance

Minor legal assistance involves the provision of assistance that is greater than just information and legal advice, but falls short of direct representation that is designed to enable people to progress resolution of identified legal problems. It is often aimed at helping clients to self-represent, and might involve assistance in drafting a letter for a person to send to a third party, completing forms, and drafting simple applications or other court or tribunal documents.

Legal advice and minor legal assistance are provided free of charge to eligible people in relation to a range of legal matters, including:

- criminal and traffic charges;
- family separation, parenting and property disputes;
- domestic violence and personal protection;
- mental health;
- victims of crime assistance;
- contract and debt;
- employment; and
- administrative decisions.

## **2 – Facilitated Resolution Process Services**

A Facilitated Resolution Process is where a Service Provider conducts an activity (such as a conference) to assist the parties to resolve or narrow issues in dispute without going to court. Generally, it will involve a screening process and the provision of an independent and suitably qualified professional to facilitate the resolution of the issues in dispute.

This service category includes a number of activity types, including:

- screening;
- conferences; and
- mediation and arbitration.

In family law and child protection matters the Commission provides a lawyer-assisted model of alternative dispute resolution with the objective of early-stage dispute resolution.

These Services can be provided in person at any location or by telephone or video conference.

### 3 – Duty Lawyer Services

Duty Lawyer Services are legal services that are provided by duty lawyers to Service Users at a court or tribunal. These services are provided free of charge to people who would otherwise be unrepresented in relation to an event or proceeding on that day.

The Commission provides duty lawyer services for:

- criminal cases at the ACT Magistrates Court and the ACT Children’s Court;
- domestic violence and personal protection matters at the ACT Magistrates Court;
- family law and family violence related matters at the Canberra Registry of the Family Court and Federal Magistrates Court; and
- various matters at the ACT Civil and Administrative Tribunal and the Administrative Appeals Tribunal

Duty lawyer services consist of advising a person in relation to the proceeding or event and in appropriate circumstances appearing on their behalf. These services can include assistance with bail applications, guilty pleas and representation of applicants for urgent interim protection and restraining orders, and parenting orders.

### 4 – Representation Services

Representation Services are where a Service Provider takes carriage of a matter in an ongoing, representative capacity.

Grants of legal assistance enable people who would not otherwise be able to afford legal services to obtain legal representation in legal proceedings, dispute resolution, or other legal matters of a substantial and ongoing nature. They are provided in criminal, family and civil law matters.

In determining applications for grants of legal assistance the Commission examines whether the application satisfies the eligibility requirements of the *Legal Aid Act 1977* and guidelines set by the Commission under the Act.

This service category includes Dispute Resolution, Court/Tribunal Services, and other Representation.

#### Dispute Resolution

Representation can be provided to Service Users in a Facilitated Resolution or alternative dispute resolution process. This service type does not include court or tribunal based resolution services, which can be provided in Court/Tribunal Services.

A Dispute Resolution Service includes preparation for, and representation at, a Facilitated Resolution Process. It also includes the work involved in recording agreement following a Facilitated Resolution Process. Services provided to self-representing parties preparing to attend Facilitated Resolution Processes are categorised as Legal Task or Duty Lawyer Service as relevant.



### Court/Tribunal Service

A Court/Tribunal Service relates to any ongoing representation for any matter before a court, tribunal or inquiry where a Service Provider provides legal representation to a Service User and takes carriage of a matter in an ongoing, representative capacity. This includes court or tribunal based alternative dispute resolution.

This Service does not include services provided by a duty lawyer or assistance to self-representing parties where a Service Provider does not take carriage of a matter in an ongoing representative capacity. This type of service is counted as a Legal Task, Legal Advice or Duty Lawyer Service, as appropriate.

### Other Representation

Other Representation Services are any matter where the Service Provider takes carriage of a matter in an ongoing, representative capacity that does not proceed to the court, tribunal or inquiry, or is not required to.

## 5 – Community Legal Education Services

Community Legal Education (CLE) is provided to the general community, community services, community groups, schools and other organisations. CLE services enhance community understanding of the law, empowering people to better identify, prevent and solve problems that may arise. They also raise awareness of the assistance that legal and support services can provide in the community.

CLE involves the provision of information and education services concerning the law and legal processes to members of the community on an individual or group basis, with a focus on informing and educating the vulnerable and disadvantaged. Effective education teaches about the workings of the legal system, and shows them how to apply this knowledge to benefit their own lives and the lives of those around them.

The communities for which legal education are provided can be defined geographically, by issue or by need. This service category includes Community Legal Education Resources and Community Legal Education Activities.

### Community Legal Education Resources

The Commission develops and amends publications that provide information about the law and legal system, about legal and support services, and about how to identify, prevent and solve legal problems. Some resources are provided for individuals who have the capacity to take significant action to resolve their own legal issues, but who require specific legal information in order to do so. Other resources are provided for individuals who are unable to independently navigate the legal system, and are targeted at the community support and social workers who assist them.

CLE Resources also increase the Commission's visibility in the ACT, ensuring that when individuals are in need of assistance they are more likely to be aware of the services that we can provide.

Community Legal Education Resources include:

- booklets and pamphlets;
- self-help kits;
- online legal information resources such as webinars and videos; and
- modules, workshops, seminars and presentations.

### **Community Legal Education Activities**

CLE Activities aim to raise awareness and educate other service providers, community groups, schools, and other organisations about how to recognise, prevent, and solve legal problems.

These Activities also aim to train the staff of organisations that assist vulnerable and disadvantaged members of the community in how to recognise when their clients have legal problems and how to refer them for appropriate help. This training can also include targeted information sessions on a range of specific legal issues.

CLE Activities can be delivered through workshops and presentations, or through the use of web-based and electronic media. Workshops and presentations can be held on the Commission's premises, at schools, or at community centres.

### **Community Liaison Unit**

The Community Liaison Unit (CLU) provides a holistic model of care that addresses the multi-dimensional needs of our clients, recognising that people's legal problems interact with issues relating to their social, cultural and economic backgrounds. The CLU engages at the earliest opportunity to:

- Connect clients and their families to appropriate supports and resources beyond those that can be provided by legal professionals; and
- Provide continuity of care, with one social support worker engaged from first contact through to final hearing.

CLU has seven workers in the following non-legal support roles:

- Cultural Liaison Officers;
- ATSI Client Support Officers;
- Family Violence Officer / Family Advocacy and Social Support Officer; and
- Disability Justice Liaison Officer.

## Case Study – Community Liaison Unit (CLU) Non-Legal Support

**“She had no experience navigating the anglo-centric legal system.....”**

The Community Liaison Unit provided non-legal support a 26-year-old Nggunawal woman. She is a mother of two young children and an active member of her community. She has a talent for painting and storytelling, sharing these skills by providing art lessons to children and adults at many community events.

The client was charged with possession of an illicit drug and placed on a Good Behaviour Order (GBO) with supervisory conditions. The possession was a small amount of cannabis, for personal use only.

She had no experience navigating the legal system and would regularly miss her appointments with ACT Corrective Services. The client was diverted to the Galambany Circle Sentencing Court, despite this more culturally supportive option she found difficulty attending her scheduled appointments and often arrived a day late. Case workers and support people would call to remind her of these appointments. However, she was reluctant to take these calls because she did not feel comfortable communicating over the phone.

As a result of non-attendance, she breached her GBO and was placed into custody at the Alexander Maconochie Centre. This was her first experience of incarceration, her distress at being imprisoned was compounded further knowing she is the primary carer of her two young children.

Subsequently, the client was assisted by a solicitor from the Commission’s Criminal Practice who understood that further supervisory conditions would arbitrarily increase the risk of further breaches and ultimately incarceration. The solicitor advocated for the Magistrate to re-sentence the woman to only core conditions, without any supervisory requirements.

The Solicitor referred her to the Community Liaison Unit (CLU) who were fundamental to ensuring a smoother transition back into the community, providing warm referrals to supported services which can decrease the risk of further reoffending and criminalisation. CLU provides a holistic, wraparound model of care, looking at the clients’ individual needs, background, culture, identity and environment. CLU assisted by finding appropriate accommodation that provided a safe and supportive base for the client and her children. They also facilitated links with the Toora Women’s Day Program to address her alcohol and drug issues, as-well as renewing her relationship with Winnunga Nimmityjah Aboriginal Health Service, encouraging re-engagement with health services and counselling. The client was hesitant and anxious about engaging with these services and requested CLU ATSI Liaison Officer physically go with her to the initial appointments at Toora and Winnunga, this support needed to be in person, as stated earlier the client did not feel comfortable using a phone. CLU continued to support the client with two home visits.

### Older Persons ACT Legal Service

The Older Persons ACT Legal Service (OPALS) was launched in November 2018 and offers a range of services to address the legal and non-legal needs of older people in the ACT. OPALS advises on a range of legal issues that disproportionately impact older people, with a particular focus on elder abuse. OPALS provides information and referral services, legal advice and representation to individuals, and education to help prevent elder abuse and safeguard the rights, dignity and independence of older people. OPALS draws on the expertise of other practices in Legal Aid ACT to provide this support, as well as our community partners in the ACT. OPALS plays a leadership role in policy development, law reform and education, and works with organisations to raise awareness of elder abuse in the community.

### Helpline and Chatline

The Legal Aid ACT Helpline, including the Chatline, operates every Monday to Thursday from 8:30am – 7:00 pm and Friday from 8:30am – 5:00pm. The Helpline can be contacted on 1300 654 314. The Helpline provides free confidential assistance over the phone to callers who have a legal problem or who need assistance identifying whether they have a legal issue. The Helpline provides immediate and accurate legal information to callers, which enables some callers to resolve their legal issue independently. Callers who require legal advice or further assistance may be booked in for an appointment with a solicitor or referred to a duty service operated by the Commission. Callers with complex legal issues or particular vulnerabilities are provided with an application form for a Grant of Legal Assistance so that they may receive ongoing assistance.

The majority of the Commission's clients first make contact with the Commission via the Helpline. The Helpline has seen growth of 27.89% in the volume of calls and chats in the past 12 months from 21,099 in 2019-2020 to 26,983 in 2020-2021. A significant proportion of this additional traffic occurred during COVID-19 restrictions, when the Commission pivoted to providing the majority of legal advice and assistance through Helpline. The Helpline assists a diverse range of clients, including those who do not speak English as a first language. Callers can request to speak with Helpline staff via an interpreter, whose services are free.

### Tenancy Advice Service

The Tenancy Advice Service assists residential tenants and occupants of the ACT to understand and enforce their legal rights and responsibilities under the *Residential Tenancies Act 1997* (ACT), and to address legal issues related to their tenancy and occupancy. The service experienced a high demand, receiving 4,103 calls during 2020-2021. Concerns regarding the impact of COVID-19 on residential tenancy arrangements was among the primary factors driving the high volume of clients.

### Family Violence Unit

The Family Violence Unit (FVU) in Legal Aid's General Practice consists of 13 lawyers and two paralegals. All lawyers have specialist family violence training. The teamwork between the Legal Aid Office, the ACT Magistrates Court where Legal Aid's Family Violence and Protection Orders Unit is located, and the Family Courts where two lawyers are located to provide duty advice and assistance.

The legal team works closely with Legal Aid's Community Liaison Unit, which includes a social worker, a men's social support worker, two cultural liaison officers, two aboriginal support officers, and a disability justice liaison officer. The Team also work with Legal Aid's OPALS (Older Persons ACT Legal Service), which also provides advice, assistance, and referrals in elder abuse cases. At the Magistrates

Court, Legal Aid staff work collaboratively with the Domestic Violence Crisis Service court support team.

The services provided by the FVU include:

- Advice and representation in applications for Interim Family Violence Orders;
- Representation at Return Conferences;
- Representation at contested hearings;
- Advice, assistance and representation on family law matters where there are interrelated family violence issues (the Family Advocacy and Support Service);
- Risk assessment and safety planning;
- Warm referrals for assistance with issues related to housing, finances and trauma;
- The Health Justice Partnership with Centenary Hospital for Women and Children, working onsite at the hospital to advise and assist women experiencing family violence, or who have family law, child protection, employment or discrimination problems;
- A dedicated duty lawyer for parents in Child Protection matters; and
- Training to government and community groups.

Lawyers and support workers in the Family Violence Team are uniquely placed to bring their experiences at the frontline of the legal response to family violence to bodies responsible for policy, law reform or procedural change in this area. As well as conducting regular training for various government and community groups and providing input to law reform submissions relevant to the legal response to family violence, lawyers from the Family Violence Team are members of the following organisations:

- The Family Violence Intervention Program Coordinating Committee, chaired by the Victims of Crime Commissioner;
- The Family Violence Interagency meeting chaired by a Registrar of the Magistrates Court;
- The ACT Law Society Family Violence and Children's Committee; and
- The Family Law Pathways Network.

### Reconsideration and Review of Decisions

Residents of the ACT, and other people coming before the courts and tribunals in the ACT can apply for a grant of financial assistance for representation. Grants of financial assistance for representation are subject to both a financial means test and a merit test. Applicants must meet the criteria in these tests as a condition of receiving financial aid.

Applicants dissatisfied with an initial decision concerning the provision of legal assistance can ask for the decision to be reconsidered. The request for reconsideration must be made in writing within 28 days of receiving notice of the decision. Further information may be provided in support of a request for reconsideration. A different decision maker undertakes the reconsideration of an initial decision.

If, following reconsideration the applicant remains dissatisfied with a decision, they may request the matter be referred to an independent review committee. A request for review must be made in writing within 28 days of receipt of notice of the reconsidered decision and may be accompanied by further information. A review committee is constituted by three members selected from panels appointed by

the ACT Attorney-General. The panels include community members and lawyers nominated by the ACT Law Society and ACT Bar Association.

## Stakeholders and Partnerships

Apart from its clients, the Commission's principal stakeholders are its funders; members of the private legal profession who provide legal aid services on the Commission's behalf; community legal centres; and courts, tribunals, and other justice and educational agencies in the ACT.

Under the **NLAP**, a jurisdiction-based forum must be established in the ACT. The **ACT Legal Assistance Forum** (ACTLAF) was established in May 2008 to improve coordination between legal assistance services in the ACT and to encourage collaborative service delivery. ACTLAF comprises representatives of all the legal assistance providers in the ACT, namely, the Community Legal Centres, the Aboriginal Legal Service, Legal Aid ACT and the ACT Law Society. The Aboriginal Justice Centre and the Justice and Community Safety Directorate are also represented on ACTLAF. ACTLAF meets quarterly in February, May, August and November.

### Community Legal Centres

There are six **Community Legal Centres** (CLC's) in the ACT: Consumer Law Centre; Environmental Defender's Office; Animal Defender's Office; Canberra Community Law; Women's Legal Centre and Aboriginal Legal Service (NSW/ACT). These centres have an important role in the provision of legal assistance services and specialise in particular areas of the law, or in working with particular client groups. Their services complement those of other legal aid providers, including the Commission's. There is a high degree of cooperation between all the Centres aimed at avoiding unnecessary duplication of services and to ensure that clients are referred to the legal service most suited to their needs. In addition, there is a long-standing partnership between the Commission and the **Aboriginal Legal Service (NSW/ACT) Limited** based on collaboration between the agencies to improve the provision of legal advice and assistance to Aboriginal and Torres Strait Islander people in the Canberra region.

### Private Legal Profession

The partnership between Legal Aid ACT and the **private legal profession** is fundamentally important to the provision of legal assistance services in the ACT.

Many law firms play a vital role in the provision of legal assistance services by handling legally assisted cases, or by providing advice, duty lawyer and other legal assistance services. Private lawyers also participate in the provision of legal assistance in a number of important ways. These forms of participation, some of which are remunerated by the Commission and some of which are voluntary and provided *pro bono publico* (for the public good) include:

- providing duty lawyer and advice services when Commission lawyers cannot act due to a conflict of interest;
- convening family dispute resolution (FDR) conferences;
- reviewing decisions of the Commission relating to the provision of legal assistance as members of the review panels established under the *Legal Aid Act 1977* (ACT);
- providing pro bono advice or other assistance through the Youth Law Centre or to individual Commission lawyers in relation to the handling of legal cases that raise complex or unusual legal issues; and

- providing other pro bono assistance such as participation in the preparation of publications and other Community Legal Education activities.

The Commission publicly acknowledges and thanks the many members of the private legal profession who contribute to the provision of legal assistance in one or more of these ways.

### Law Students and Volunteers

Law students play an important role in the provision of legal aid services. They provide research assistance, assist with client services, and support lawyers and paralegal staff in the provision of minor assistance, information, and case work. The Commission accepts students from a number of universities as part of a placement or internship program, or as volunteers. After ceasing for a short period of time due to COVID-19 restrictions, the Commission was glad that these opportunities could resume in 2020-2021.

The Commission also works collaboratively with the ANU's clinical law course to deliver services in the Youth Law Centre. 2021 also saw the conclusion of the Legal Aid Clinic (formerly the Supervised Internship Program). The Legal Aid Clinic was a collaborative effort between Legal Aid ACT and the ANU School of Legal Practice (formerly Legal Workshop) that had been in operation for more than 20 years. The Commission hosted a celebratory function in May to reflect upon the contribution of the Clinic and acknowledge key individuals who were instrumental to its success.

The Commission also has a successful partnership with the University of Canberra. The Commission also is a major placement site for the College of Law's Graduate Development Legal Program. In collaboration with UC and the private legal profession, a Small Business Legal Advice clinic is operated each week. Additionally, University of Canberra students are placed throughout the Commission as part of their work experience program.

### Relationships with Justice Agencies and the ACT Law Society

To help ensure the efficient operation of the legal system in the ACT and to achieve just outcomes for its clients the Commission works cooperatively with ACT courts and tribunals, and other agencies within the ACT Attorney-General's portfolio. The CEO liaises regularly with senior staff of the **Justice and Community Safety Directorate**, and staff participate in meetings of committees and working groups established to review and improve aspects of the Territory justice system.

The ACT Legal Assistance Forum (ACTLAF) meets regularly throughout the year. Membership is comprised of a range of legal and community sector assistance service providers. The Commission plays an active role in jurisdictional planning and collaboration between members.

The Commission maintains close working relationships with the **Commonwealth Attorney-General's Department**, and Commonwealth courts and tribunals in the ACT and staff participate in a number of Commonwealth justice system advisory groups including the Family Law Consultative Committee and Family Pathways Network.

The Commission also maintains a close working relationship with the **ACT Law Society**. Staff members are represented in a number of committees, including Access to Justice, Criminal law, Diversity, Pro Bono and the Ethics and Complaints. In addition we receive funding annually from the Statutory Interest Account administered by the Law Society.



At a national level, the Commission is tied into a range of networks—mainly built into the National Legal Aid structure—and participates in regular workgroups linked to key service areas such as grants and data, family and child support, and criminal law.

The Commission supervises the **Canberra and ACT Regional Family Law Pathways Network** (ACTFLPN) covering the Australian Capital Territory and nearby NSW regions serviced from the Canberra Registry of the Family Court of Australia and the Federal Circuit Court of Australia. The Network's membership continued to increase during the year and numerous seminars and conferences were facilitated. The Network's growth is strongly attributable to the joint participation of the new ACTFLPN Advisory Panel and the Steering Committee members who continue to facilitate planning.

## Governance Structure

The Commission is a body corporate established under the *Legal Aid Act 1977* (ACT) (the Act). The Commission's function is to provide legal assistance in the Australian Capital Territory in accordance with the Act. The Commission carries out this function under the name Legal Aid (ACT).

The Commission is governed by a board of eight Commissioners, seven of whom are appointed by the Attorney-General in a part time, supervisory role. The eighth Commissioner is the Chief Executive Officer (CEO), who is appointed by the Commission.

The CEO manages the operations and affairs of the Commission, assisted by the Deputy Chief Executive Officer (DCEO). Both the CEO and DCEO are statutory officeholders. The Act deems the CEO and DCEO to be a firm of solicitors practising in partnership and the Commission's Legal Practice operates in a similar way to a private law firm. In January 2021, the DCEO, Ms Jane Campbell, was appointed a Special Magistrate. Ms Campbell is currently on leave without pay.

The functions of the Board of Commissioners under section 15 of the Act are:

- to determine the broad policies, priorities and strategies of the Commission for the provision of legal assistance under the Act; and
- to ensure that the Commission's affairs are managed in accordance with the Act.

The board meets bi-monthly and additional meetings are held when required.

The board met six times during the year, and attendances were as follows:

Commissioner	No. of meetings attended
Karen Fryar	6
John Boersig	6
Gail Kinsella	6
Marcus Hassall	5
Kym Duggan	6
Richard Glenn	5
Cathi Moore	5
Lisa Gooneratne	3

## Management Structure

The Commission is divided into functional divisions, each headed by a senior manager who reports to the CEO. As the Commission holds confidential information relating to people's legal cases, there are strictly enforced information barriers between Client Services and the Legal Practices, and between the Litigation and General Practices.

The Commission's four divisions and the divisional heads during the year were:

Litigation Practice	Deputy CEO – Jane Campbell
General Practice	Derek Schild
Client Services	Amy Eager Dominic Yau
Corporate Services	Sharyn Giles (Human Resources) Brett Monger (Chief Finance Officer)

Upon the DCEO's departure on leave without pay, the CEO restructured the Executive Group. This new Management Group now includes the CEO, Chief Finance Officer, Human Resources Manager, senior criminal and family lawyers, Head of General Practice and Client Services Manager.

## Management Changes

The following changes have occurred during this year:

To the Board of Commissioners:

- Cathi Moore appointed to the Commission Board on 19 August 2020.

To the Executive:

- Jane Campbell departed on 12 months leave without pay on 5 January 2021 as she was appointed as a Special Magistrate.

## Executive Remuneration

Remuneration for senior executives (CEO and DCEO) is determined by the ACT Remuneration Tribunal.

## Significant Issues and Legislation

The Board of Commissioners was consulted on all matters of policy and legislation that were relevant to the operation of the Commission. Some of the issues and legislation consulted on during 2019-20 included:

- Raising the Minimum Age of Criminal Responsibility

- Sentencing practices for Family Violence offences
- The use of Body worn Police cameras
- Parliamentary Inquiry into the efficacy, fairness, timeliness and costs of processing and granting of visa classes which provide for or allow for family and partner reunions
- Non-Parole Periods, Child Sex Dolls and Inspector of Correctional Services reporting requirements and
- Working from home policy.

To assist in the discharging of their duties, the Board was provided policy documents, research papers, and summary materials prepared by the CFO, DCEO, and CEO.

## Ethical Standards

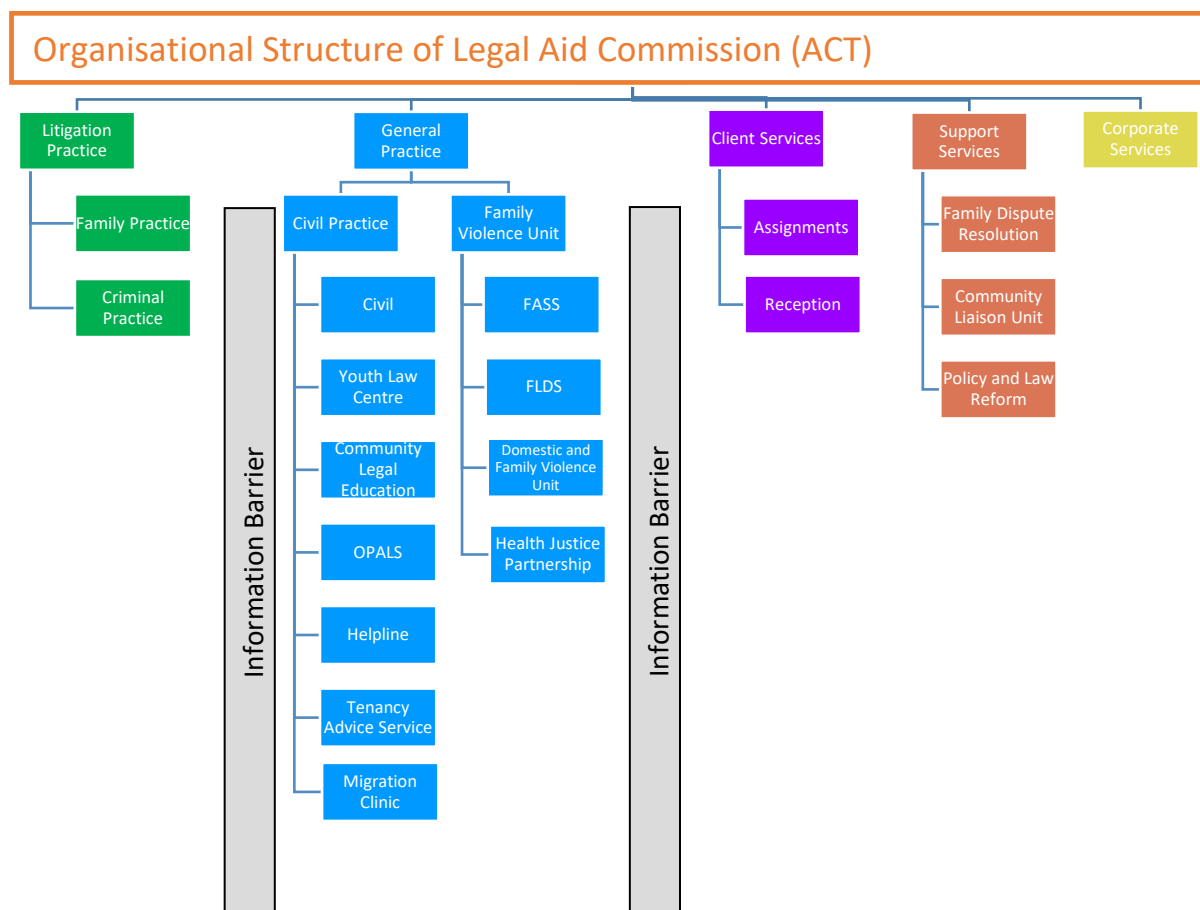
Per the Commission's Enterprise Agreement, the Commission abides by the *ACT Public Sector Code of Ethics 2010* and *ACT Public Sector Code of Conduct 2013*.

The *Legal Aid Act 1977* (ACT) sets out the Commission's professional standards. The Commission's Enterprise Agreement sets out the Commission's workplace values in behaviour.

## Significant Committees

A number of internal committees inform the work of the Commission:

- The **Executive Committee** is responsible for the oversight of the Commission's operations. It provides advice and guidance to the CEO on the strategic direction and management of activities.
- The **Legal Practice Management Committee** provides advice, oversight and direction about the daily and strategic operation of the legal practices to the CEO and DCEO
- The **Finance Committee** improves financial management by broadening input to the budget process and increasing levels of understanding and scrutiny of financial processes and reporting. The Finance Committee comprises members of the Executive Committee and the Financial Accountant.
- The **Community Legal Education (CLE) Program Committee** assists in the planning and delivery of CLE programs. The CLE comprises a cross-section of staff.
- The **Law Reform Committee** provides focus for the Commission's law reform activities. The committee comprises the CEO (Convenor), the DCEO, the practice heads and a research assistant. Law reform issues are referred to specifically convened sub-committees comprising staff interested in the reform topic.
- The **Staff Working Committee on COVID-19** is responsible for reviewing the Commission's response to COVID-19 and providing staff input regarding strategic decision making and key learnings.
- The **Audit, Performance and Risk Committee** is responsible for the oversight and preparation of the financial statements and internal controls. This Committee is responsible for the identification of significant risk and undertakes monitoring measures.



### Litigation Practice

The Litigation Practice provides representation in criminal law, family law, and care and protection matters.

### General Practice

The General Practice is split into two sub-groups. The Civil practice contains the civil law section, the youth law centre, community legal education, OPALS, Helpline, the Tenancy Advice Service, and the Migration Clinic. Alongside the Civil Practice is the specialised Family Violence Unit, containing Family Advocacy and Support Service (FASS), Family Law Duty Service, and Health Justice Partnership (located at Canberra Hospital).

### Client Services

Client Services is responsible for granting legal assistance and managing the assignment of legally assisted cases to the Commission's Legal Practices and private lawyers.

### Support Services

The Commission's Support Services provide support to lawyers and clients in the areas of: Family Dispute Resolution, Community Liaison, and Policy and Law Reform.

## Corporate Services

Corporate Services provides financial, human resource, Information and Communication Technology (ICT), record and facility management services to the organisation and arranges payments to private lawyers for handling legal aid work.

## Outlook and Emerging Issues

The demand for legal assistance services in the ACT continues to grow and satisfying this demand will present significant challenges to the Commission in the coming year. Our major concern remains providing services to the most vulnerable and disadvantaged members of the community. This is a multifaceted problem and whilst legal solutions are one important aspect of disadvantage, we are aware that our role must be integrated with government and social support services. The impact of COVID-19 on legal need within the Community has largely persisted, increasing the severity and prevalence of family violence, housing and tenancy insecurity and employment disputes. We have strategically allocated resources to satisfy these emerging areas of need whilst ensuring our commitments to litigation services in the core family and criminal areas are not neglected. Our capacity to continue to provide legal assistance to the community's most vulnerable and disadvantaged individuals will likely be limited by financial constraints without significantly increased government investment.

To satisfy the growing demand for our services, we continue to focus on expanding front-line triage assistance across a range of legal areas.

The prevalence of family violence within the ACT community has once again been brought to the forefront by COVID-19. We have long been aware of the significant harm caused to survivors (who are primarily women) of family violence and it pleasing to see that the Federal Government has acknowledged the cost of family violence to survivors and the broader community. Our Family Violence lawyers, with the help of our Community Liaison Unit, continue to provide invaluable services to survivors of family violence. These specialist family and domestic violence lawyers provide free legal assistance every weekday at the ACT Magistrates and Family Courts, regardless of an individual's eligibility for a grant of aid. To ensure we are able to provide early intervention, we have continued to place lawyers at a number of outreach sites, including at the Canberra Hospital through the Health Justice Partnership. The provision of legal assistance services to women in the ACT community, regardless of matter type, continues to be a cornerstone of our practice.

Of course, our ability to provide these vital services is dependent on funding and resource allocation. The growth in demand for legal assistance within the community continues to surpass the funding allocated to support services. As always, we continue to carefully allocate resources to maximise the provision of our services to the ACT community.

Nevertheless, we remain concerned by the prevalence of short-term project grants and the inhibitive effect this has on our ability to conduct long-term service planning and proactively meet the needs of the ACT community. It is very apparent that the provision of litigation has been delimited. Our means test indicators have been steadily eroding relative to the poverty line and we have committed to re-

evaluating this figure in the coming years. At a minimum, we hope that legal assistance can be granted to individuals with assessable income equal to or less than 120% of the poverty line. Of course, this figure is disappointing – as the primary provider of legal assistance services in the ACT, the Commission should be aspiring to bridge the ‘justice gap’ (that is, people ineligible for a grant of legal assistance and unable to afford private legal representation). Having access to remedies by way of legal assistance services is central to empowering vulnerable individuals to enforce their legal rights.

To ensure the Commission continues to utilise resources efficiently and achieve best practice, we took this opportunity to conduct an extensive review of the Commission’s structure. Following staff and other key stakeholder consultations, a number of recommendations were made to the Commission. Some of these recommendations were immediately actionable, such as changes to the ASO structure, and we have done so accordingly. Whereas other recommendations require long-term planning such as reconfiguring section reporting structures, and the replacement of the DCEO with a Chief Legal Officer, and are contingent on other circumstances and funding. The Commission’s structural review was a valuable opportunity for us to reflect upon our current practice and identify the way forward for the Commission. We will continue to reflect, analyse and effect change throughout the Commission to ensure we continue to maximise the provision of quality services to the ACT’s most vulnerable individuals.

As well as providing a forum for us to reflect upon the structure of the Commission, this review process also raised a number of areas that may aid us in operating more efficiently. Notably, we continue to face bottlenecks in our ICT capacity and are in the process of identifying ways in which these issues may be mitigated.

The lease for the Commission’s current premises will expire in September 2022 and given the current state of the commercial property market, we have taken necessary steps to ensure we can obtain a premises that represents value for money. The nature of our business means that we have unique requirements that are fundamental to our operation. Like the Commission’s structure, the execution of a new lease agreement that represents value for money has the potential to significantly impact our long-term service provision.

Recent events have demonstrated that COVID-19 continues to present significant risks to the Commission and the broader ACT community that may change the way we live and work with little notice. The safety of our staff and clientele are of paramount importance and learnings from this year mean that we are well placed to respond quickly to the COVID-19 situation.

## Performance Analysis

The performance analysis addresses the indicators (strategic objectives/indicators, output classes and accountability indicators) found in the Budget Statements D. In the first section we specifically respond to the statement of intent, and this is followed by a set of tables setting out and quantifying the data. In the next section an assessment of performance of the Commission's outputs for 2020-21 is undertaken. In the final section the Commission's priorities are discussed.

### Statement of Intent

The Commission is required by section 61 of the *Financial Management Act 1996* to provide a statement of intent to the ACT Treasurer each year. As a result of the 2015 amendments to the *Financial Management Act 1996*, the budget statement of the Legal Aid Commission (ACT) is its Statement of Intent.

In relation to the specific objectives and priorities set out in its 2020-2021 Statement of Intent the Commission is able to report as follows:

- Support victims of family and domestic violence through the provision of legal assistance services; including the Health Justice Partnership which is operating from the Canberra Hospital.

*The Commission provided 4,797 advice services, 1,432 duty lawyer services, and 1,049 grants of legal assistance to clients involving family violence.*

- Improve the provision of legal assistance services to the Aboriginal and Torres Strait Islander communities and other culturally and linguistically diverse communities.

*The Commission provided a total of 1780\* services to Aboriginal and Torres Strait Islander clients, and 4,330 services to CALD individuals.*

*\*includes information, referral, and Community Legal Education*

- Provide support to victims of elder abuse in line with Government priorities.

*Across the Commission, 830 services\* were provided to clients aged 65 and over, of which 245 services involved family violence.*

*\*includes advice, duty lawyer, and grant services*

- Develop and implement legal education programs tailored to the needs of people experiencing a high incidence of adverse legal events, and those working in community organisations that assist them. This includes having a presence at Colleges across Canberra.

*The Commission provided 530 Community Legal Education sessions, which had a total of 8,095 attendees. The Commission spoke with and provided education services to staff at a number of community and government organisations, including Canberra hospital, Catholic Care, ADACAS, CYPS, Calvary hospital, Toora Women, Red Cross and*



*Justice & Community Safety, Rotary club, Lifeline, Directions ACT, Supported Tenancy Service, Canberra Recovery Service, ACT Victim Services, Onelink and the Family Court. The Commission also collaborated with the Red Cross, the Migrant and Refugee Settlement Service, and a number of other community organisations to deliver forums and presentations on refugee and migration law to migrants, refugees, and those who assist them. Finally, the Commission continued the Health Services Partnership, which has involved the training of health services providers and the establishment of a better referral process.*

- Promote the prevention of legal problems by providing timely information about the law and legal processes and referring people to other legal or non-legal services where necessary to meet their needs.

*The Commission provided 1,592 referral services. The Commission provided 530 Community Legal Education sessions, which had a total of 8,095 attendees. The Commission's website was accessed 181,520 times.*

- Promote the early resolution of legal problems by providing legal advice, advocacy, minor legal assistance, and dispute resolution services.

*The Commission provided 11,074 legal advice, advocacy and minor legal assistance services; as well as hosting 286 dispute resolution conferences, 63% of which had a successful outcome.*

- Advise and assist people appearing unrepresented before courts and tribunals, particularly those persons experiencing family violence and in care and protection matters in the Children's Court.

*The Commission provided 4,597 instances of duty assistance to people appearing before the courts and tribunals. The Commission provided 4,553 legal advice and duty services to clients seeking to obtain a Domestic Violence Order or Personal Protection Order. The Commission also provided 417 instances of legal advice and duty service in Care and Protection Proceedings.*

- Provide legal representation to people in need to enable them to assert or defend their legal rights, including for those people appearing in the drug and alcohol court.

*The Commission provided 2,548 grants of legal assistance and provided 4,597 duty lawyer services. The Commission provided assistance to 37 clients in the drug and alcohol court.*

- Maintain the high level of service on the Legal Aid Helpline and Tenancy Advice Service. The high level of telephone service has increased greatly over the last two years and are expected to continue to increase.

*The Commission's Helpline and Chatline provided 26,983 services.*

- Continue to find ways of delivering services to clients remotely, due to the COVID-19 pandemic

*Despite the easing of COVID-19 restrictions for much of 2020-2021, the Commission continued to offer remote assistance.*

- Build the capacity of the Commission's IT infrastructure to meet new demand.

*The Commission has engaged its IT service provider and is in the process of updating our IT operating systems.*

- Progress long-term accommodation requirements of the Commission

*The Commission conducted an extensive analysis of the commercial property market and has identified a number of premises that may be suitable for our unique requirements. We will continue to progress this process in 2021-2022.*

## Service and Statistical Data

The Commission keeps a comprehensive set of service and statistical data. This information is essential to fulfilling reporting obligations and to demonstrate proper accountability for the expenditure of public funds. The Commission also makes use of this data to identify service needs and gaps, and to ensure that service delivery is consistent with the strategic objectives.

### Information and Referral Services

	INFORMATION*	REFERRAL
2020-2021	211,917	1,592
2019-2020	129,521	3,682

\* Includes website page views

	2020-2021	2019-2020
Website Page Views	181,520	102,254

### Helpline and Chat-line Services

	2020-2021	2019-2020
Calls on Helpline	26,539	20,900
Chatline assistance	444	199

### Community Legal Education

	2020-2021	2019-2020
No. of CLE sessions (including resources)	530	382
People attending CLE sessions including social media, web sessions etc.*	8,095	34,760

\* 19-20 more people attended online social media sessions.

## Legal Advice and Other Assisted services

		2020-2021		2019-2020	
		No.	%	No.	%
In-house	Criminal	716	6.47%	472	4.85%
	Family	3,994	36.07%	3,276	33.66%
	Civil	3,845	34.72%	3,339	34.30%
	Non-Legal Support	2,387	21.55%	2,543	26.12%
<b>Total</b>	<b>In-house</b>	<b>10,942</b>	<b>98.81%</b>	<b>9,630</b>	<b>98.93%</b>
Referred	Criminal	13	0.12%	9	0.09%
	Family	87	0.79%	59	0.61%
	Civil	32	0.29%	36	0.37%
<b>Total</b>	<b>Referred</b>	<b>132</b>	<b>1.19%</b>	<b>104</b>	<b>1.07%</b>
<b>Grand Total</b>		<b>11,074</b>	<b>100%</b>	<b>9,734</b>	<b>100%</b>

## Legal Advice – Most Common Matter Types 2020-2021

	Number of services	% of Total services
Family Violence/Domestic Violence Order	2751	24.84%
Tenancy matters	1099	9.92%
Personal Protection Order	945	8.53%
Contact	493	4.45%
FASS	444	4.01%
Employment	362	3.27%
Drug and Alcohol Sentencing List	357	3.22%
Care & Protection proceedings - Children's Court	308	2.78%
Mental Health	266	2.40%
<b>Total Advice</b>	<b>11,074</b>	<b>63.44%</b>

## Duty Lawyers

		2020-2021		2019-2020	
		Number of Duties	%	Number of Duties	%
In-house	Criminal	2,649	57.62%	2,396	42.99%
	Family	1,362	29.63%	2,770	49.70%
	Civil	476	10.35%	336	6.03%
<b>Total</b>	<b>In-house</b>	<b>4,487</b>	<b>97.61%</b>	<b>5,502</b>	<b>98.71%</b>
Referred	Criminal	104	2.26%	64	1.15%
	Family	4	0.09%	7	0.13%
	Civil	2	0.04%	1	0.02%
<b>Total</b>	<b>Referred</b>	<b>110</b>	<b>2.39%</b>	<b>72</b>	<b>1.29%</b>
<b>Grand Total</b>		<b>4,597</b>	<b>100%</b>	<b>5,574</b>	<b>100%</b>

### Dispute Resolution Conferences

	2020-2021	2019-2020
DR Conferences held	286	271
Matters fully settled	37%	39%
Matters partially settled at conference	26%	38%
Matters with a successful outcome	63%	77%
FRP	424	387
# Of FRPs going to Conference	67%	70%

### Applications Received

	2020-2021		2019-2020	
	No.	%	No.	%
Criminal	1,598	41.32%	1,545	41.57%
Family	1,814	46.91%	1,778	47.83%
Civil	455	11.77%	394	10.60%
<b>Total</b>	<b>3,867</b>	<b>100%</b>	<b>3,717</b>	<b>100%</b>

### Applications Approved

	2020-2021		2019-2020	
	No.	%	No.	%
Criminal	1,231	48.31%	1,227	49.24%
Family	1,096	43.01%	1,098	44.06%
Civil	221	8.67%	167	6.70%
<b>Total</b>	<b>2,548</b>	<b>100%</b>	<b>2,492</b>	<b>100%</b>

### Grants of Legal Assistance by Gender by Law Type

	Female	Female %	Male	Male %	Other	Other %
Criminal	297	11.66%	922	36.19%	12	0.47%
Family	735	28.85%	331	12.99%	30	1.18%
Civil	125	4.91%	94	3.69%	2	0.08%
<b>Total</b>	<b>1,157</b>	<b>45.41%</b>	<b>1,347</b>	<b>52.86%</b>	<b>44</b>	<b>1.73%</b>

### Grants by Assignment and Law Type

		2020-2021		2019-2020	
		No.	%	No.	%
In-house	Criminal	842	33.05%	815	32.70%
	Family	647	25.39%	642	25.76%
	Civil	192	7.54%	152	6.10%
<b>Total</b>	<b>In-house</b>	<b>1,681</b>	<b>65.97%</b>	<b>1,609</b>	<b>64.57%</b>
Referred	Criminal	389	15.27%	412	16.53%
	Family	449	17.62%	456	18.30%
	Civil	29	1.14%	15	0.60%
<b>Total</b>	<b>Referred</b>	<b>867</b>	<b>34.03%</b>	<b>883</b>	<b>35.43%</b>
<b>Grand Total</b>		<b>2,548</b>	<b>100%</b>	<b>2,492</b>	<b>100%</b>

### Applicant Profile

		2020-2021		2019-2020	
		No.	%	No.	%
Female applicants		1,801	47%	1,636	44%
Aged under 18 years		446	12%	533	14%
Aged over 65 years		90	2%	62	2%
CALD		640	17%	513	14%
ATSI		434	11%	393	11%

### People Receiving Services as a Percentage of Population

		2020-2021		2019-2020	
		No. #	%*	No. #	%**
Grants		2,152	0.50%	2,079	0.49%
Legal Advice		5,721	1.33%	4,933	1.15%
Duty Lawyer		2,952	0.68%	3,328	0.78%
Helpline and Chatline		26,983	6.25%	21,099	4.94%
<b>Total</b>		<b>37,808</b>	<b>8.85%</b>	<b>31,439</b>	<b>7.36%</b>

# This data is the number of people receiving these services. One person can receive more than one service.

\*\* Estimate population of Canberra = 427400. Source: 3101.0 - Australian Demographic Statistics, Dec 2019

\* Estimate population of Canberra = 431500. Source: 3101.0 - Australian Demographic Statistics, Dec 2020

		Ongoing Grants	New Grants	Total
<b>In-house</b>	Criminal	606	842	1,448
	Family	778	647	1,425
	Civil	201	192	393
<b>Grand Total</b>				<b>3,266</b>
<b>Referred</b>	Criminal	498	389	887
	Family	822	449	1,271
	Civil	70	29	99
<b>Grand Total</b>				<b>2,257</b>

Family Violence	Services that have Family Violence indicated	Total Services	Percentage of services that have Family Violence indicated
Advice	4,797	11,074	43%
Duty Lawyer	1,432	4,597	31%
Grant	1,049	2,548	41%

Senior Clients	Services where client >= 65	Total Services	Percentage of services provided to clients >= 65
Advice	655	11,074	6%
Duty Lawyer	117	4,597	3%
Grant	58	2,548	2%

Senior Clients	Services where client >= 65 and Family Violence is indicated	Total Services where Family Violence is indicated	Percentage of services provided to clients >= 65 where Family Violence is indicated
Advice	186	4,797	4%
Duty Lawyer	41	1,432	3%
Grant	18	1,049	2%

#### Reconsideration Requests

Reconsideration	Varied	Confirmed	Pending / Withdrawn	Total	% varied of total by Law Type
Criminal	29	29	0	58	50%
Family	57	133	0	190	30%
Civil	6	32	0	38	16%
<b>Total</b>	<b>92</b>	<b>194</b>	<b>0</b>	<b>286</b>	<b>32%</b>

#### Review Requests

Review	Varied	Confirmed	Pending / Withdrawn	Total	% varied of total by Law Type
Criminal	1	9	0	10	10%
Family	1	22	0	23	4%
Civil	0	5	0	5	0%
<b>Total</b>	<b>2</b>	<b>36</b>	<b>0</b>	<b>38</b>	<b>5%</b>

### Domestic Violence and Personal Protection Order

Domestic Violence	2020-2021	2019-2020
New grants of assistance	245	168
Legal Advice	2,689	2,235
Duty Lawyer	767	588

Personal Protection Orders	2020-2021	2019-2020
New grants of assistance	56	23
Legal Advice	929	648
Duty Lawyer	168	90

### Number of Aboriginal and Torres Strait Islanders receiving services

2020-2021*	2019-2020**
630	502

\*\* 478 ATSI clients provided Grants, Advice, Duty Lawyer services + 0 information / referrals + 24 CLE sessions

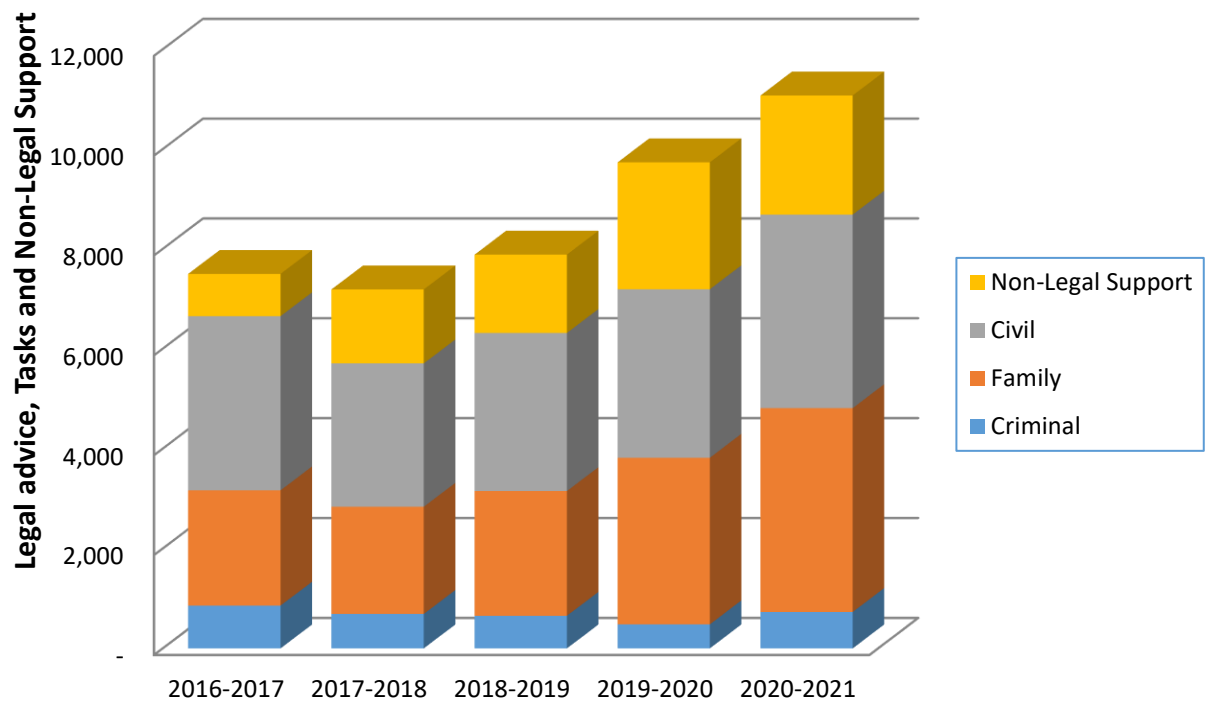
\* 527 ATSI clients provided Grants, Advice, Duty Lawyer services + 4 information / referrals + 99 CLE sessions

### Number of Services provided to Aboriginal and Torres Strait Islanders

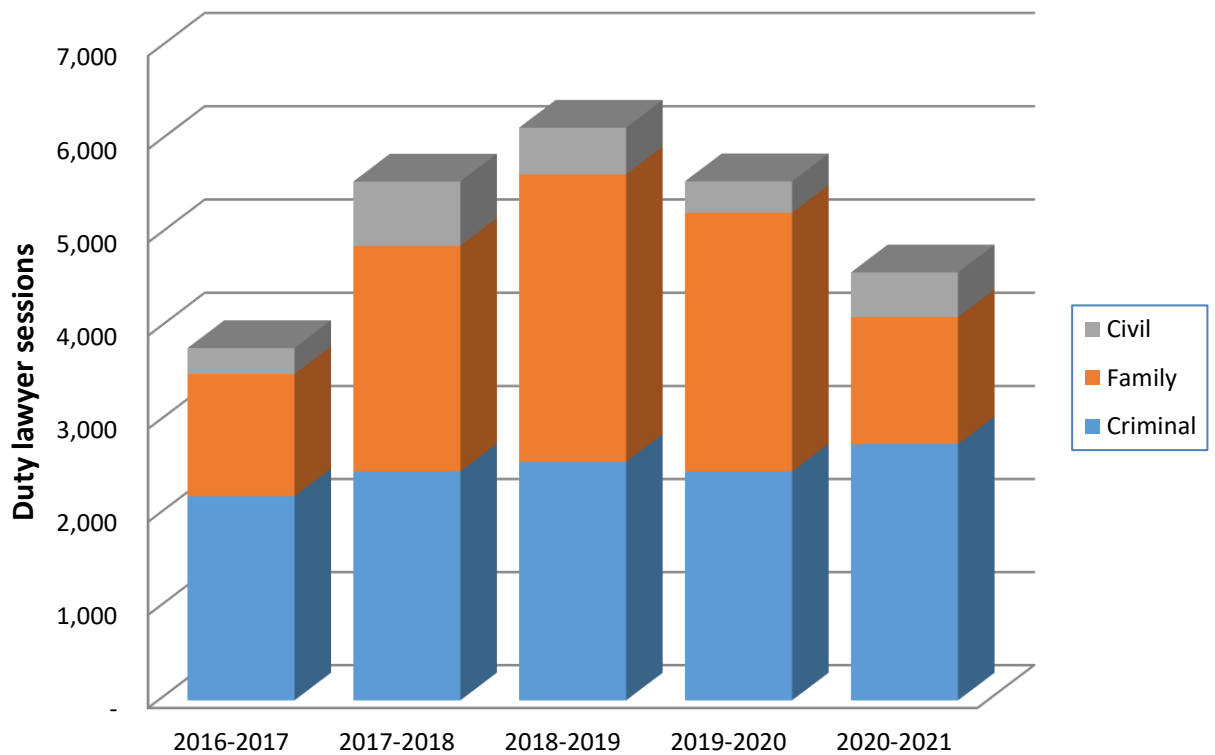
	2020-2021	2019-2020
Grants of Assistance	322	303
Duty Lawyer services	497	475
Information/Referral	4	0
Legal Advice, Legal task and NLS	858	951
Community Legal Education	99	24
<b>Total</b>	<b>1,780</b>	<b>1,753</b>



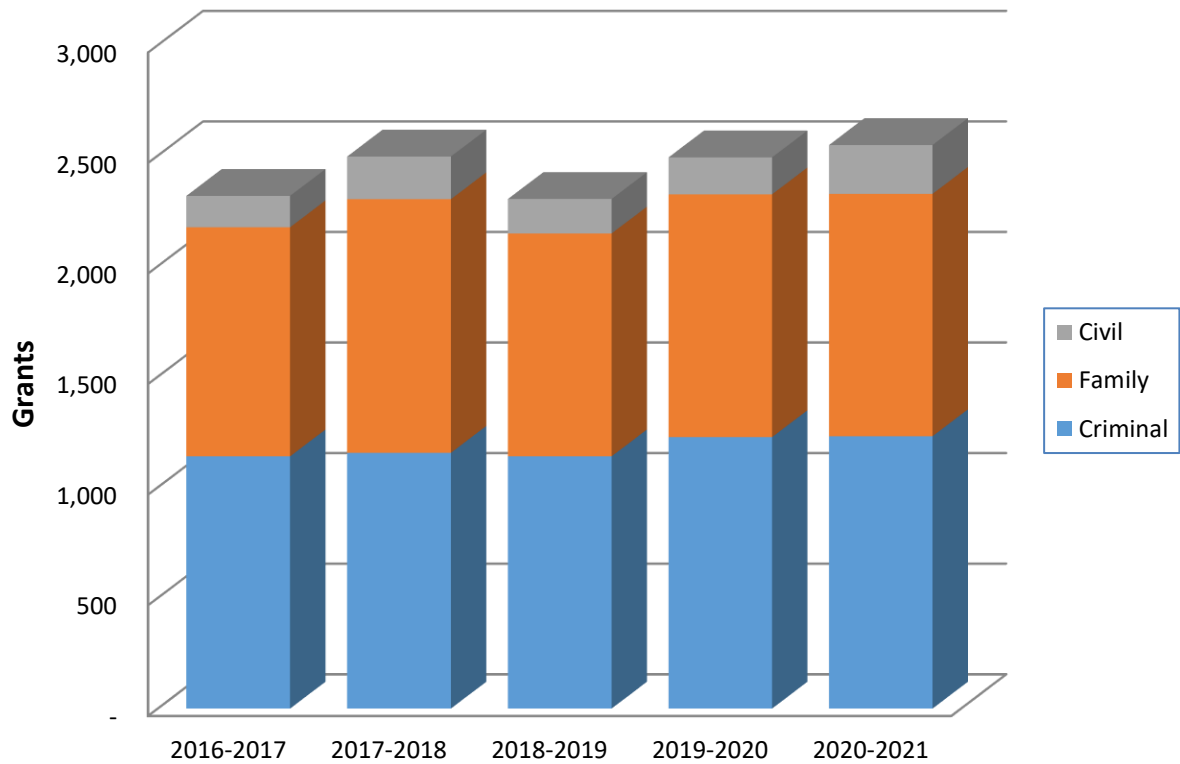
## LEGAL ADVICE, TASKS and NON-LEGAL SUPPORT SERVICES



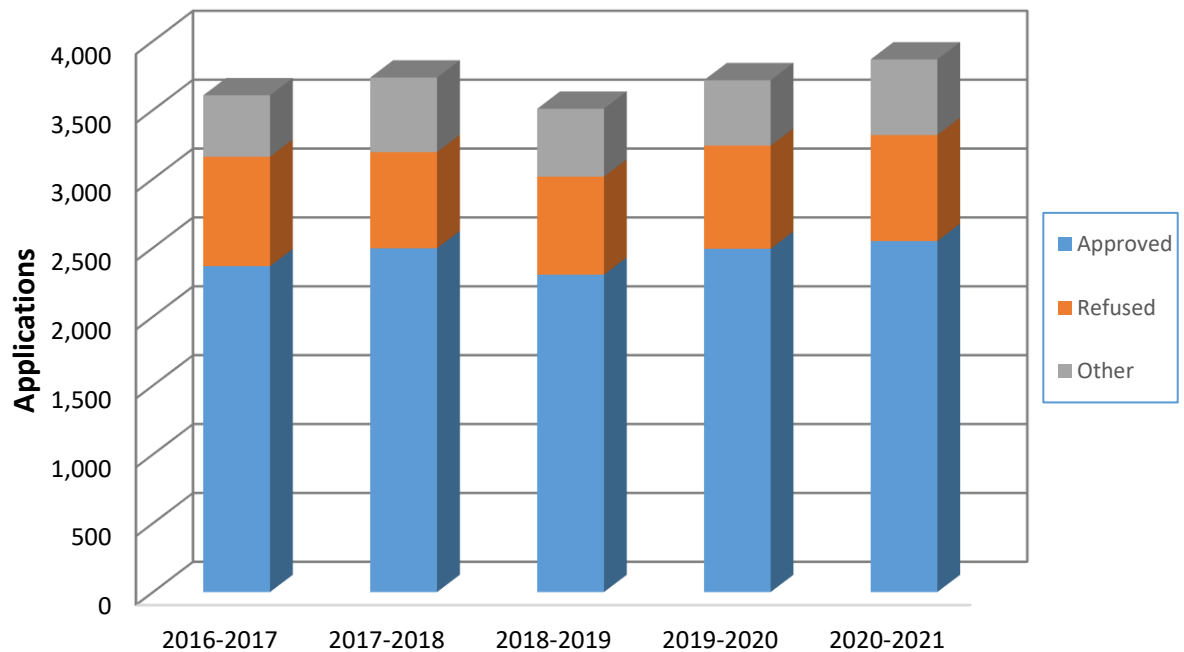
## DUTY LAWYER BY FINANCIAL YEAR

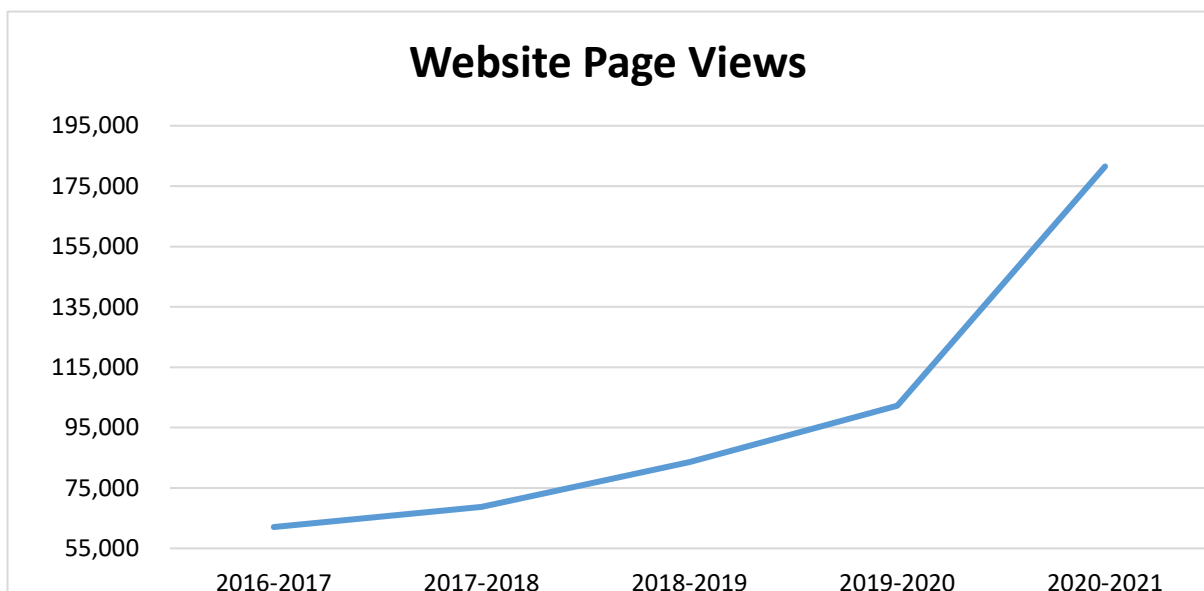
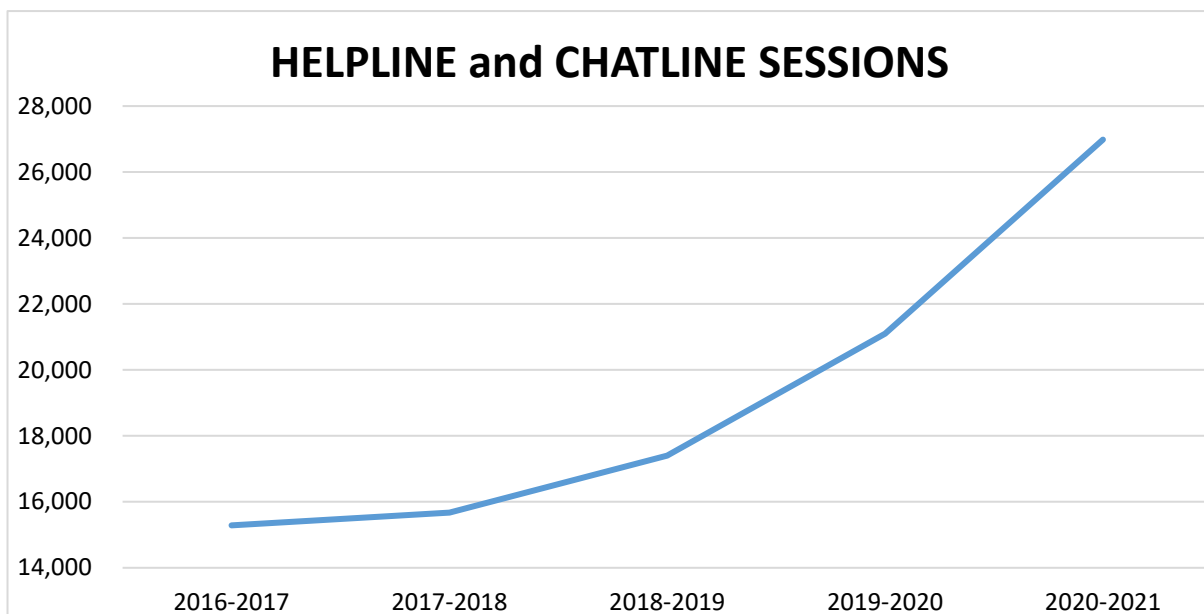


## GRANTS BY FINANCIAL YEAR



## APPLICATIONS RECEIVED BY FINANCIAL YEAR





## Statement of Performance

	2020-2021 Targets	2020-2021 Outcomes	2021-2022 Targets
Number of Discrete Assistance services provided	40,000	45,960	47,150
Number of Duty Lawyer services provided	5,600	4,597	4,600
Number of Representation services provided	2,900	2,873	3,000
Number of Facilitated Resolution Process provided	400	429	440
Number of Community Legal Education services provided	400	530	550

## Service Delivery Performance Analysis

Under the NLAP, all legal aid commissions are required to consistently report to government on their activities. We have aligned these reporting requirements to ensure a transparent and accountable explanation of our data is available to both the Territory and Commonwealth Governments.

The Commission has five key reporting outcomes.

- Discrete Assistance services;
- Duty Lawyer services;
- Representation services;
- Facilitated Resolution services; and
- Community Legal Education services.

Additionally, the Commission considers a separate outcome – the delivery of Culturally Appropriate services – as key but assesses this outcome independently of the others.

### Discrete Assistance Services

Discrete Assistance combines a range of output activities – information, referrals, non-legal support, advices and legal task assistance (but not online information services) that were previously counted in other categories. Discrete Assistance services increased by 10.4% to 45,960, of which 26,983 (58.7%) were delivered through our Helpline and Chatline. This was a significant increase of 27.89% over the number of Helpline services provided in 2019-20 (21,099). This large increase is likely, at least in part, a continuation of the impact of COVID-19 restrictions in 2019-20, when telephone services were the primary means of dispensing legal assistance.

Online information service access increased by 78% to 181,520. This large increase in online services can be mainly attributed to our continued use of a search engine that extracts and collates information from the website and the ACT Law Handbook, which is hosted by the Australasian Legal Information Institute (AustLII). Our referrals to outside services decreased from 3,682 in 2019-20, to 1,592 in 2020-21. This is partly a consequence of the limitations upon community assistance services in response to COVID-19, which continued to limit the pool of services to which we could make referrals, but also reflects a change in the need for certain types of assistance.

In-house and referred criminal, family, civil, and non-legal advice and other assisted services all increased during the 2020-2021 period after a decline in 2019-2020 due to COVID-19 restrictions.

### Duty Lawyer Services

Duty Lawyer services are provided at the Magistrates Court and the Federal Court buildings, for criminal and domestic violence, and family law and administrative matters respectively. They are also provided at ACAT such as tenancy, guardianship and mental health tribunal matters. The total number of duty lawyer services fell by 18% to 4,597, below our target of 5,600. This can be attributed to the ongoing impact of COVID-19 on the provision of our services and a redirection to telephone assistance. As demonstrated by the increased demand for Helpline services, we continued to extend online and telephone advice/assistance.

### **Representation Services**

Representation services include both grants of legal assistance and casework. The number of representation services provided increased by 1.9% to 2,873. The number of applications for grants of legal assistance increased by 4.04% from last year. The number of grants of legal assistance increased by 2.25% to 2,548 from 2,492 in 2019-20. Together, this indicates that there is a growing demand for legal service in the ACT. The applications for grants of legal aid that were not approved rose by 7% from 2019-20, which was a consequence of the strong demand outpacing the available staff and legal resources.

Overall, of the total grants provided, 65.97% were provided by the in-house practice, up from 64.57% last year. In-house grants of legal assistance rose for criminal, family and civil law after a marginal decline in 2019-20. As a result of this increase, there was a small reduction of referred grants of assistance for criminal law matters to 15.27%, from 16.53% in 2019-2020.

There was a 16.3% reduction in the number of applicants aged under 18 years seeking legal assistance. This reduction may be, at least partly, a result of our ability to provide early intervention by placing lawyers at a number of Colleges across the ACT. After a marginal decrease in 2019-20, it was pleasing to see that grants of assistance for people aged over 65 increased by 45.2%.

A disaggregation of our services shows that women are highly represented in grants of legal assistance where family violence is indicated (71% of clients). In all family law grants of assistance, women comprise 67% of total clients.

There was an increase in the percentage of total services that had family violence indicated as an issue, with an increase of 2% in grants of legal aid for family violence issues compared to 2019-20. The increase in family violence may be a continuing impact of COVID-19.

The provision of the Commission's family dispute resolution services is a strong driver of cost mitigation in the justice system. In 2020-21, 286 mediation conference services were provided, which represents a slight increase from last year (271), and nearly double the number provided six years ago (156). Unlike 2019-2020, there was no suspension of DR conferences, and this may account for the slight increase. Despite the efficacy of these services, there was a decrease of 14% of the number of DR conferences resulting in a successful outcome.

### **Facilitated Resolution Process Services**

Facilitated Resolution services include both family dispute mediations, and the intake screening and assessment that support them. There has been an increase of 10% in the number of these services provided to 424 from 387 in 2019-20. 67% of all requests for facilitated resolution services were approved to go to conference, down from 70% in 2019-20.

### **Community Legal Education Services**

Community Legal Education (CLE) services are reported by reference to the resources published and the activities delivered. The number of CLE services provided increased by 38.7% to 530 from 382 in 2019-2020. However, the number of participants in CLE fell to 8,095. This large reduction is due to the CLE team conducting less online activities, such as social media posts, as the conclusion of COVID-19 restrictions in 2020-21 allowed us to return to the provision of face-to-face CLE sessions.

### **Delivery of Culturally Appropriate Services**

The Commission maintains a strong commitment to the Culturally and Linguistically Diverse (CALD) communities in the ACT, acknowledging that these communities contain some of the most vulnerable and disadvantaged people, who are often very difficult to assist through traditional legal assistance services. Since the recruitment of a fulltime CALD liaison and support officer in February 2017, we have been able to dramatically increase the number of CALD individuals we can assist. This past year the Commission provided 4,330 services to CALD individuals. The added value of these services is the enhancement of the capacity of our staff to positively develop and provide culturally appropriate services.

The Commission maintains a particular commitment to the Aboriginal and Torres Strait Islander (ATSI) community. The data reflect this commitment – 527 ATSI clients received a grant of legal assistance, legal advice or duty lawyer service this year, up 10% from last year. The number of services provided to ATSI individuals increased by 2% to 1,780 from 1,753. This demonstrates there is ongoing growth in demand for legal assistance services in the ATSI community.

### **Conclusion**

The Commission has generally seen a growth in service provision this year, although some services were limited by the COVID-19 restrictions and our transition to providing information online through remote services strategy. We continue to provide the ACT community with high quality legal and non-legal support services in accordance with our strategic objectives and obligations under the NLAP.

## Case Studies – FASS

**“The FASS worker facilitated his access to a local men’s behavioural change program.....”**

### Male Support Worker

A 39-year-old client who had more than 20 interactions with the Commission since 2016, became a Family Advocacy Support Services (FASS) client in early 2020.

During the reporting period he had 10 interactions with the Commission that were FASS related. These dealings involved matters in the Family Court jurisdiction relation to the end of his relationship, access to children, civil matters pertaining to a Family Violence Order (FVO) and criminal matters pertaining to the breach of this FVO. The Commission supported this man to access legal counsel and counselling, parenting and accommodation services.

This man is the father of two children and the breach of his FVO has necessarily resulted in the loss of access to his children. The FASS worker facilitated his access to a local men’s behavioural change program and various parenting programs by way of warm referral.

The CLU’s culturally and linguistically diverse (CALD) specialist male worker was also instrumental to providing additional non-legal support, as the man required an interpreter as English was not his first language. Whilst assisting the client, the CALD worker collaborated with the FASS worker to ensure all engagements with the Commission’s non-legal support staff were as non-collusive as practicable.

**“she intended to return the children to their father as he was of a higher caste.....”**

### Collaboration between FASS and the CLU

The FASS service was assisting a CALD woman to draft orders relating to her four children, after a recent separation from her partner, who had perpetrated significant family violence and resulted in the involvement of Child and Youth Protection Services.

The FASS lawyer worked closely with the Commission’s female Cultural Liaison Officer (CLO). This collaboration was especially important when the woman instructed that she intended to return the children to their father as he was of a higher caste, and they would therefore have a better life with him. The FASS lawyer and CLO were able to assist the woman to understand the legal concepts of parental responsibilities and the ‘best interests’ considerations applied by law. As a result, she was able to make an informed assessment about the best interests of her children.

Consent orders were eventually agreed and drafted. The FASS continued to support this woman through property negotiations to ensure she had sufficient resources to support herself and her children – noting the established risk of women returning to violent relationships due to financial hardship.

## Case Studies – FASS

**“filed with the Court within 24 hours of the FASS team’s first meeting with our client.....”**

The Helpline received a call from a woman who advised that her daughter, who has significant intellectual disability, had been unexpectedly collected from school by her father. The client’s details were forwarded to the FASS team who immediately contacted her, and two lawyers met with her that afternoon to take detailed instructions and provide advice.

The client advised that she had always been her daughter’s primary carer and the father had only minimal contact with her. She stated that the other party had historically failed to appropriately support her daughter’s complex medical and psychological needs. Our client also added that she had been informed by Child and Youth Protection Services (CYPS) that the father had recently failed a drug test and that CYPS had recently taken steps to remove the father’s other children from his care. The father refused to communicate with our client about why her daughter was in his care and if she would return to our client. There was a significant history of family violence between the two parties and our client stated that this was the reason for their separation soon after the birth of their child. The father had previously been charged with assault against our client and she had since obtained a family violence order. Our client indicated that the other party had continued to engage in family violence towards her and considered the recent occurrence another example.

The FASS lawyers advised that our client seek an urgent recovery order with the Federal Circuit Court. They prepared documents overnight and sent them to the client by lunchtime the following day. With the help of the client, these documents were refined and filed with the Court within 24 hours of the FASS team’s first meeting with our client. The matter was urgently listed, and we wrote to the other party advising him of the Court details.

A FASS lawyer attended court electronically with our client. Unfortunately, the other party failed to attend. The Judge indicated that he had read the filed material and was concerned for the safety of our client’s daughter whilst in the other party’s care. An urgent recovery order was made directing the Australian Federal Police (AFP) to collect the child from the other party’s home and return her to our client’s care. A supplementary order was made requiring CYPS to disclose information pertaining to their recent engagement with the other party. The FASS team liaised with the AFP to arrange the recovery of our client’s daughter and the following day, our client contacted the FASS team to let them know that her daughter has been returned safely. The other party was restrained by injunction from removing the child from our client’s care in the future.

FASS lawyers will review the documents obtained from CYPS to determine the level of risk the father poses to their child. FASS will then assist our client to engage in a Family Dispute Resolution Conference convened by the Commission in the hope of reaching an agreement about parenting arrangements with the other party.



## Funding and Financial Performance

The Commission receives funding from the ACT Government, as well as from the Commonwealth Government under the NLAP. Commonwealth funding under the NLAP is initially paid to the ACT Government, which in turn provides this amount to the Commission as Controlled Recurrent Payments (CRP). The ACT Government pays Territory CRP appropriation on a fortnightly basis and the Commonwealth funding component quarterly in advance.

In addition to the Commonwealth funding under the NLAP, the Commission also receives direct grant funding from the Commonwealth for specific front line services, as well as direct grant funding from the ACT Law Society's Statutory Interest Account.

Funding received in 2020-21 was:

Commonwealth Government NLAP Funding	\$5.199 m
Specific Commonwealth Government Funding <sup>1</sup>	\$2.177 m
ACT Government Funding	\$8.467 m
Specific ACT Government Funding <sup>2</sup>	\$1.337 m
Grant from the Statutory Interest Account <sup>3</sup>	\$0.963 m
Other Revenue <sup>4</sup>	\$0.634 m
<b>Total</b>	<b>\$18.777 m</b>

The 2020-21 Operating Result was a surplus of \$1.812m compared to a forecast deficit of \$0.094m. The Commission's operating result and cash position were much better than budgeted. While actual income was very similar to the 2021-21 budget, expenditure was lower than the 2020-21 budget due

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<sup>1</sup> Specific Commonwealth funding is for Family Advocacy Support Services, Men's Social Worker, National Disability Insurance Scheme, Family Law Pathways Network, Family Violence and Cross Examination, Family Law Property Mediation Trial, Disability Royal Commission, Provision of legal services to Jervis Bay, COVID-19 legal assistance provided through the ACT Government and COVID-19 Cash boost from the Australian Taxation Office.

<sup>2</sup> Specific ACT Government funding includes Health Justice Partnership, Therapeutic Care Court, Tenancy Advice Service, COVID-19 legal assistance, Senior's Grant, Women's Grant, Factsheet delivery and resources received free of charge.

<sup>3</sup> The Statutory Interest Account is established under the *Legal Profession Act 2006* and administered by the Law Society of the ACT. It consists primarily of interest earned on amounts from solicitors' trust accounts deposited with the Law Society. Grants are made from the account to support the Commission and other legal aid services.

<sup>4</sup> Other Revenue includes Interest, assisted person contributions, contribution for Youth Law Centre, Revenue from the University of Canberra, Revenue from the Australian National University and Volunteer services

to lower employee expenditure, delay in the office fit-out and lower referrals to private legal practitioners and legal disbursements.

The cash surplus for 2020-21 is \$2.662m compared to a forecast cash deficit of \$0.066m. This is largely due to retained funding received for specific projects that are yet to be expended. The ending cash position was further boosted by delay in office accommodation project, lower than budgeted employee expenses, lower referrals to private legal practitioners and legal disbursements.

For a full analysis of the financial position of the Commission see the **Financial Statements** and the **Management Discussion and Analysis**.

## Strategic Objectives 2020-2021

Consistent with the NLAP, we have maintained our current key strategic objectives. The following three objectives will be used to guide our services for 2020-2021:

### Strategic Objective 1: Provide services to promote the earlier resolution of legal problems

The Commission provides a range of legal services that promote the identification and early resolution of legal problems. Evidence shows that the most vulnerable and disadvantaged in our community, such as victims of family violence, children, Aboriginal and Torres Strait Islander people, and members of Culturally and Linguistically Diverse communities would particularly benefit from early intervention services.

Investing in the provision of these types of services so that more people have an opportunity to receive assistance before litigation is commenced is a key indicator of improvement in access to justice for those persons most at disadvantage in the community.

### Strategic Objective 2: Provide legal information and referral services

The Commission seeks to ensure that people's disadvantage does not prevent them from obtaining the legal services they need to protect their rights and interests. Enhancing someone's capacity to assist themselves when faced with legal problems improves the chances of resolution and appropriate referral to social support services.

Growth in the number of people receiving information and advice, and where appropriate referral for preventative and early intervention services, is a strong indicator that targeting this type of assistance is meeting the needs of the most disadvantaged members of the community.

### Strategic Objective 3: Provide efficient and cost-effective legal aid services

The Commission has well-developed systems to determine applications for grants of legal assistance and to reduce the administrative costs of providing legal assistance.

Increasing the number of people assisted by improving the efficiency and timeliness of service provision is an indicator that services are reaching those people most in need of legal aid services and that community understanding of the law and the legal system operating in the Territory is improving.

## Priorities

To achieve the strategic outcomes sought in the three key objectives the Commission will continue to focus its major efforts on the provision of *front-line* services.

The Commission's priorities for 2021-22 are to:

- support victims of family and domestic violence through the provision of legal assistance services, including the Health Justice Partnership which is operating from the Canberra Hospital;
- improve the provision of legal assistance services to the Aboriginal and Torres Strait Islander communities and culturally and linguistically diverse communities;
- provide support to victims of elder abuse in line with Government priorities;
- develop and implement legal education programs tailored to the needs of people experiencing a high incidence of adverse legal events, and those working in community organisations that assist them. This includes having a presence at Colleges across Canberra;
- promote the prevention of legal problems by providing timely information about the law and legal processes and referring people to other legal or non-legal services where necessary to meet their needs;
- promote the early resolution of legal problems through providing legal advice, advocacy, minor legal assistance and dispute resolution services;
- advise and assist people appearing unrepresented before courts and tribunals, particularly those persons experiencing family violence and in care and protection matters in the Children's Court;
- provide legal representation to people in need to enable them to assert or defend their legal rights, including for those people appearing in the drug and alcohol court;
- maintain the high level of service on the Legal Aid Helpline and Tenancy Advice Service. The high level of telephone service has increased greatly over the last three years and is expected to continue to increase;
- continue to find ways of delivering services to clients remotely, due to the COVID-19 pandemic;
- maintain and build the capacity of the Commission's IT infrastructure to meet new demand; and
- finalise the long-term accommodation requirements of the Commission.

During 2021-2022 the Commission will continue to focus resources on a range of activities to deliver on these priorities. We will utilise our core service functions as the primary way in which will achieve our goals, and in this context, we will continue to consolidate front-line services by:

- Promoting a front-line service to enhance access by the public to advice and legal task assistance, and also as an opportunity for 'warm' referral to non-legal support services;
- Improving outreach services, particularly to the Aboriginal and Torres Strait Islanders and Culturally and Linguistically Diverse communities;
- Developing positive relationships with Community Legal Centres (CLCs) through the ACT Legal Assistance Forum and by collaboration on joint projects and support services;
- Consolidate services in family violence related matters, particularly through the Domestic and Family Violence Unit but also through Community Legal Education;

- Improving IT support to the legal practices by developing the functionality of the intake forms, better utilising the visual files system and continue to reduce reliance on paper files;
- Improve the efficiency of work practices with a comprehensive skills training program and individualised Development and Performance Plans; and
- Develop a deeper awareness amongst staff of the need to consider psychological and mental health care, and to review the Commission’s employee assistance program.

## Planning Framework

The Commission is operating under the three-year Strategic Plan for 2020-2023: ***Safeguarding Access to Justice***. The Plan provides a ‘map’ for the organisation and allows the Commission to proactively shape and prioritise activities; and its focus is on enhancing the effectiveness and efficiency of services through improvements in business processes and work practices.

An Operational Plan has also been developed based on these strategic aims. The essential purpose of this is to ensure the Commission’s work is fundamentally directed to front line legal services. New staff performance plans are under development, with the aim of linking individual performance to our operational and strategic plans.

## Scrutiny

### Auditor-General’s Report and Audit Management Report

The ACT Auditor-General undertakes an annual end-of-year audit of the Commission in accordance with the Australian Auditing Standards. The Auditor-General provided an unmodified audit report for the Commission’s 2020-21 audited financial statements.

There was one new matter identified in the 2020-21 Audit Management Report. The matter was related improving reporting practices. A previous finding in the 2019-20 Interim Audit Management Report was partially resolved in 2020-21.

The Commission appeared before the Standing Committee which scrutinised the Commission’s 2019-20 Annual Report and the 2021-22 Budget Statements.

## Legislative Assembly Inquiries and Reports

The Commission had no additional inquiries or reports by Legislative Assembly Committees during the reporting year.

## ACT Ombudsman Inquiries and Reports

No inquiries or reports were undertaken by the ACT Ombudsman in relation to the Commission.

## Integrity Commission Reports

No inquiries or reports were undertaken by the Integrity Commission in relation to the Legal Aid Commission.

*Contact – Chief Finance Officer – (02) 6243 3445*

## Risk Management

The Commission has a Risk Management Plan/Register that documents the risk management practices and strategies of the Commission as well as outlining key risks, their sources, impacts and current mitigation strategies. In 2020-21 the Commission prepared a risk register specifically around COVID-19 risks.

In addition, the Commission has a Fraud Control Register which mitigates the risk of fraud and corruption across the organisation. The Commission also has a Business Continuity Plan and a Disaster Recovery Plan which assist in reducing major risks faced by the Commission.

*Contact – Chief Finance Officer – (02) 6243 3445*

## Internal Audit

### Internal Audit Committee

The Commission has an Audit, Performance and Risk Committee which provides independent assurance and assistance to the Commission on the Commission's risk, control and compliance framework, and its external accountability responsibilities. The Committee met four times during the reporting period, in July, October, February and May.

**Audit, Performance and Risk Committee Members and Observers are outlined in the table below:**

<b>Name of Member/Observer</b>	<b>Position</b>	<b>Duration</b>	<b>Meetings Attended</b>
David Fox	Independent Chair	Full Year	1, 2, 3, 4
Gail Kinsella, Commissioner	Member	Full Year	1, -, -, 4
Paul Ogden	Member	Full Year	1, 2, 3, 4
Mercy Wilkie	Member	Full Year	1, 2, 3, 4
John Boersig, Chief Executive Officer	Observer	Full Year	1, 2, 3, 4
Jane Campbell, Deputy Chief Executive Officer	Observer	Part Year	1, 2
Sam McLaughlin, Senior Lawyer	Observer	Part Year	-, -, 3, -
Brett Monger, Chief Finance Officer	Observer	Full Year	1, 2, 3, 4
Chinthaka Leelarathna, Financial Accountant	Observer	Full Year	1, 2, 3, 4
Karen Muga, Reporting Accountant	Observer	Full Year	1, 2, 3, -
Sayaneat Hang	Observer	Full Year	1, 2, -, 4
Rosanna O'Young, Finance and Corporate Administration Officer	Observer	Full Year	1, 2, 3, 4

During the year, the Audit, Performance and Risk Committee undertook the following activities:

Monitored the:

- Office premises negotiations;
- ACT Audit Office list of proposed audits for 2021-22 and beyond;
- Internal Audit Charter;
- Legislative Compliance Register;
- Legal Aid grant funding; and
- Timing of ACT & Commonwealth Budgets.

Reviewed the:

- 2019-20 Financial Statement and Management Discussion & Analysis;
- Strategic Audit Work Plan;
- Risk Register and Fraud Control Register;
- Chief Executive Financial Instructions;
- Legal Aid Delegations;
- IT and Cyber Security;
- Audit, Performance and Risk Committee Charter; and
- Legal Aid Business Continuity Plan.

## Internal Controls and Internal Audits

The Commission held regular Finance Committee meetings where year-end and monthly financial data, full year forecasts, outstanding debtor reports, and financial policies and procedures were reviewed. The Committee also monitored Commonwealth grants, legal payments, and the external budget process.

The Commission continued regular communications between senior management and the ACT Auditor-General's Office and the ACT Chief Minister, Treasury and Economic Development Directorate. This has resulted in greater assurance that the Commission is complying with relevant legislation, directives and guidelines.

Given the Commission's staff embraced the working from home arrangement for some time due to COVID-19, the Internal Controls were strengthened to ensure all communications and procedures were adequate.

*Contact – Chief Finance Officer – (02) 6243 3445*

## Fraud Prevention

The Commission managed Fraud Prevention through the Fraud Control Plan. This is linked to the Chief Executive Financial Instructions and complements the Commission's policies and procedures.

Due to the small size of the Commission, senior management work closely with staff and are often directly involved in office activities. This potentially provides an additional means for safeguarding against fraud and corruption.

No fraudulent activity or unethical financial behaviour was reported or identified during 2020-21.

*Contact – Chief Finance Officer – (02) 6243 3445*

## Freedom of Information

The Commission is required by the FOI Act to provide individuals asking for the information that it holds about them with documents containing this information, and to change or annotate any information that is incomplete, incorrect, out of date or misleading.

The Commission has developed its Open Access program and published 23 documents through the ACT Open Access portal.

There were 6 requests for information under the FOI Act. All requests were finalised within the section 40 timeframes. 2 requests were refused access, 2 requests were granted full access, 2 were granted partial access, of which one was subsequently referred to the Ombudsman who upheld the original decision made by The Commission. There were 0 requests to update personal information held by the Commission.

## Community Engagement and Support

Community Legal Education (CLE) is the provision of information and education to members of the community on an individual or group basis to build legal capacity and enhance the understanding of legal rights in the community especially amongst vulnerable and disadvantaged people. The 'community' may be defined geographically, by issue or by need. Effective CLE provides information and education to increase legal capacity through the delivery of legal information and the development of self-help resources, as well as targets non-legal support workers. CLE sets out to ensure that people understand and apply legal knowledge in ways that benefit their behaviours, decisions and life outcomes. CLE increases the ability of an individual or community to understand and critically assess the impact of the legal system on them and their ability to deal with and use the law and the legal system.

CLE is provided to the general community, community services, community groups, organisations and schools. CLE builds individual and community resilience by enhancing:

- awareness and understanding about the law;
- the ability of vulnerable and disadvantaged communities to prevent, identify and take action on legal problems; and
- awareness of the help available from legal and non-legal support services.

### Law for Non-Lawyers

Our regular CLE sessions include Law for Non-Lawyers, a series of training sessions aimed at the community sector. They cover a wide range of topics, such as: Family Law; Family Violence; Homelessness Laws; Youth Law; Who is a Parent?; Workplace Bullying and Sexual Harassment; E-safety; Animal law 101; Tenancy law; and Employment law.

### Free Legal Information Sessions

We regularly deliver CLE on family law including the topics of children, divorce and property. These CLE sessions have two purposes. The first is to increase the overall understanding of individuals who may have a matter in the Family Court. The second is to be preventative by providing individuals with information to increase their capacity to navigate the family law legal system independently, where possible.

We also deliver CLE every month through a live radio show on Valley 89.5. These topics have included Youth Law; Elder Abuse; Homelessness laws; Drink Driving; Victims of Crime; and Visa Issues.

### Elder Abuse

This year we delivered a number of sessions on elder abuse. Sessions were delivered to medical staff, community sector workers and residents of a rehabilitation centre. We held an outreach service and Canberra Hospital each week and at COTA once a month. Through our CLE work, we were able to reach community workers on the frontline of identifying elder abuse as well as vulnerable individuals who may be experiencing elder abuse themselves.

### Outreach

The Commission understands that accessibility to legal services is a significant issue for many vulnerable people in our community, and so outreach forms a significant part of our work. We



provided legal assistance to people in the Adult Mental Health Unit at Canberra Hospital, the Alexander Maconochie Centre, Canberra College Cares, Migrant and Refugee Settlement Service, and at Winnunga Nimmityjah Aboriginal Health Service. These outreach locations enable Legal Aid ACT to provide a friendly and accessible face to the community while engaging with hard-to-reach and vulnerable community groups such as newly-arrived migrants and older people.

We formed a partnership with Libraries ACT to allow us to provide legal services on their premises each week, another method of giving members of the community access to legal assistance and increasing the visibility of Legal Aid ACT in the community.

We delivered CLE sessions to several high schools during the year. Our discussions ranged from criminal justice to employment law. Young people are particularly vulnerable members of our community and can experience significant barriers in accessing legal services. Our youth related work also involved a number of CLE presentations at ANU, ACU, U3A and CIT. We participated in several community days.

We also undertook regular outreach programs to the Muslim community in the ACT, visiting different mosques to provide information about the services that the Commission can provide.

### Refugee and Migration Law

We worked collaboratively with the Red Cross, the Migrant and Refugee Settlement Service, Companion House, the Settlement Council of Australia and the Migrant Youth Service to deliver a number of forums and presentations including a celebration held on Harmony Day.

We are also part of the National Migrant Council of Australia group which looking at how to better support young men and fathers from migrant and refugee backgrounds.

### Inter-Agency Collaboration

Networking is an important component of the work we do, we attended the following network meetings: the ACT Legal Assistance Forum, CLE network, National Legal Aid CLE Group, Elder Abuse Prevention Network, Humanitarian Settlement Network, Refugee & Asylum Seekers Humanitarian Coordination Committee, and the Family Law Pathways Network.

We spoke to staff at a number of services, including Canberra hospital, Catholic Care, ADACAS, CYPs, Calvary hospital, Toora Women, Red Cross and Justice & Community Safety, Rotary club, Lifeline, Directions ACT, Supported Tenancy Service, Canberra Recovery Service, ACT Victim Services, Onelink and the Family Court.

### CLE Resources

A number of resources were produced through the year to increase the ability of community members to identify legal issues, take action to resolve those issues and access legal assistance. These resources included a suite of materials on Family Violence, residential tenancy agreements and the changes made to tenancy legislation in response to COVID-19, and elder abuse. Many of these resources were developed in response to the need created by COVID-19. Due to the significant legislative changes that occurred in response to COVID-19, our CLE unit recognised the importance of conveying key information on important topics.

*Contact-Coordinator of Community Education and Information Services – 6243 3475.*

## Aboriginal and Torres Strait Islander Reporting

The Commission maintains a strong commitment to the Aboriginal and Torres Strait Islander (ATSI) Community within the ACT, and to members of that broader community who come to the ACT. In 2020-2021, 527 ATSI people received a grant of legal assistance, legal advice, or duty lawyer services, which is a 10% increase on the 2019-2020 levels. Recent years have seen an increase in ATSI clients, likely due to the increase in capacity created by the appointment of a fulltime liaison and support officer in 2017, as well as a heightened staff awareness of how to tailor service delivery to the particular needs of ATSI people in the ACT. There is a tremendous need in the ATSI community for legal assistance services.

The Commission recognises that the improvement of services to the ATSI community is an important territory commitment, as well as a Territory/Commonwealth priority under the NPALAS.

## Case Studies – ACT Colleges Project

**“this was the first time she had spoken to  
any adult about the assault.....”**

### Sexual Assault

A student self-referred to the Commission’s college placed lawyer after they delivered a school wide talk on sex and consent. The student disclosed that she had recently been sexually assaulted by a student from a different college. The student stated that this was the first time she had spoken to any adult about the assault.

The lawyer conducted a safety assessment during the appointment to ensure the student felt she was safe and not at risk of further violence by the perpetrating student. The lawyer then provided the student with extensive advice around of her various legal and non-legal options in response to the assault. These options included making a formal complaint to the SACAT team for police investigation with the support of Victims Support, linking in with free counselling and support services at the Canberra Rape Crisis Centre, obtaining a Personal Protection Order against the perpetrating student, or making an application under the Victims of Crime Financial Assistance Scheme.

**“The student was experiencing difficulty  
obtaining her personal property.....”**

### Family Violence

A student self-referred to the Commission’s college placed lawyer and disclosed that she was living independently from her parents in a youth refuge after leaving the family home due to the perpetration of family violence against her by a parent.

The student was having trouble obtaining her personal property back from her parent, including identification documents such as her birth certificate and passport. The lawyer wrote a letter of demand to the student’s parent, requesting that she facilitate the handover of the student’s personal belongings in a safe, neutral location, to ensure the safety of the student.

After receiving the letter of demand, the student’s personal belongings were returned as requested. The lawyer was able to assist the student immediately in resolving this dispute through early written negotiations with the other party, without the student having to commence costly and time-consuming Tribunal or Family Violence proceedings.

## Work Health and Safety

The Commission is committed to promoting, achieving, and maintaining the highest level of safety, health and wellbeing for staff, family and visitors by supporting a healthy work life balance with flexible working conditions and entitlements.

### COVID-19

Covid-19 interruptions throughout the reporting period challenged the delivery of face-to-face services and the comfort of staff working through a pandemic as an essential service. The Commission undertook risk assessments and redesigned services to meet client need and the safety of staff. Some services remained office based while others were able to be managed either fully or partially from home.

Necessary changes occurred to the way we worked and socialised both with colleagues and personally. Safe work practices, hygiene stations and regular cleaning regimes became common practice and look to remain for years to come.

Information flow to staff, clear policies and work from home practices assisted staff of the Commission to continue to provide the best possible service to clients and other services across the ACT community and surrounds.

### Health and Safety Representatives (HSR's)

The Commission had three HSR's representing work groups across the Commission during the reporting period. The Work Health and Safety (WHS) Committee met quarterly to discuss and work through any emerging issues raised by staff or representative directly. HSR's participated in a workplace inspection of the premises, supported by a representative from Justice and Community Safety Directorate, to understand and manage their role and make recommendations to management. All recommendations were addressed or continue to be consulted on through the formal WHS Committee.

The Commission had no instances or notices issued or enforceable under Part 2, Part 10 or Part 11 of the *Work Health and Safety Act 2011* in the reporting period.

In the reporting period:

- 67 staff (58.77%) voluntarily received the flu vaccination in April 2021
- there were two first aid officers
- there were five staff volunteering as fire wardens
- there were three Health and Safety Representative
- workplace safety responsibilities and reporting requirements formed part of the Commission's Induction Program

The Commission maintains a contract with Benestar, as the employee assistance provider. Legal staff who are members of the ACT Law Society have additional access to a service called Acacia. The Commission encourages staff to take advantage of these services through appropriate awareness campaigns and induction.

In addition, the Commission continued the psychological wellbeing partnership with Psychsessions. This partnership provides an initial free one hour consultation for staff bi-annually to undertake a voluntary health check or seek suitable supports for personal or workplace issues. The introduction of this partnership was to identify with staff the need to undertake self-care at any time as opposed to when issues arise.

The Commission had no serious workplace injuries in the reporting period. No incidents required reporting in accordance with section 38 of the *Work Health and Safety Act 2011*.

## Human Resources Management

Commission staff are employed under the *Legal Aid ACT 1977* (the Act). Terms of employment are determined by the Commission under the Act and are set out in the *Legal Aid Commission (ACT) Enterprise Agreement 2017-2021*.

Since 30 June 2021, the Commission employed 114 staff of which there were 50 practising lawyers, including one Executive.

The HR priorities for the reporting period included:

- Work, Health and Safety responsibilities
  - Covid-19
  - supporting policies and risk assessments
  - people management
- Structure and position management
- Training options for staff (e-learning)
- HR staff turnover/training

The Commission provided internship placements for 50+ students over the reporting period with the Commission's legal practices being sought after placements through the Universities programs.

### Workforce Profile

#### FTE & headcount by gender

	Female	Male	Unspecified	Total
<b>Full Time Equivalent</b>	73.8	26.06	1	100.86
<b>Headcount</b>	84	29	1	114
<b>% of Workforce (headcount)</b>	73.68	25.44	0.9	100

#### FTE and headcount by division/branch

Branch/Division	FTE	Headcount
General Practice	40.71	50
Client Services	8.88	11
Corporate Services	8.54	9
Executive <ul style="list-style-type: none"> <li>• Executive &amp; Policy</li> <li>• Community Legal Education</li> <li>• FDR</li> </ul>	10.5 (1.8) (5.7) (3)	11 (2) (6) (3)
Litigation Practice <ul style="list-style-type: none"> <li>• Litigation</li> <li>• Criminal</li> <li>• Family</li> </ul>	32.23 (1) (15.61) (15.62)	33 (1) (16) (16)
<b>Total</b>	<b>100.86</b>	<b>114</b>

### Headcount by classifications and gender

Classification group	Female	Male	Unspecified	Total
Executive		1		1
Senior Officers	1	3		4
Legal Officers	35	14		49
Administrative Service Officers	48	11	1	60
<b>TOTAL</b>	<b>84</b>	<b>29</b>	<b>1</b>	<b>114</b>

### Headcount by employment category and gender

Employment Category	Female	Male	Unspecified	Total
Casual	2			2
Permanent Full-time	44	15		59
Permanent Part-time	8	2		10
Temporary Full-time	13	7	1	21
Temporary Part-time	17	5		22
<b>TOTAL</b>	<b>84</b>	<b>29</b>	<b>1</b>	<b>114</b>

### Headcount by diversity group

	Headcount	% of Total Staff
Aboriginal and Torres Strait Islander	1	0.88
Culturally & Linguistically Diverse (CALD)	21	18.42
People with a disability	3	2.63

### Headcount by length of service, age group and gender

Length of Service (years)	Pre-Baby Boomers		Baby Boomers		Generation X		Generation Y		Generation Z		Total	
	F	M	F	M	F	M	F	M	F	M	F	M
<b>0-2</b>					3		17	6	31	11	51	17
<b>2-4</b>			2		3		7	3	6	1	18	4
<b>4-6</b>			1	1	1		3		2		7	1
<b>6-8</b>				1		2						3
<b>8-10</b>							2				2	
<b>10-12</b>						3	1				1	3
<b>12-14</b>			1		2						3	
<b>14 plus</b>			1		1	1					2	1

Unspecified Gender = 1 (not included in table above)

Generation	Birth years covered	Generation	Birth years covered
Pre-Baby Boomers	prior to 1946	Generation X	1965 to 1979 inclusive
Baby Boomers	1946 to 1964 inclusive	Generation Y	1980 to 1993 inclusive
		Generation Z	From 1994 and onwards

The statistics exclude board members; staff not paid by the Commission and staff on leave without pay. Staff members who had separated from the Commission but received a payment have been included.

#### Recruitment and separation rates by classification group

Classification Group	Recruited	Separated
Executive		
Senior Officers		
Legal Officers	13	19
Administrative Service Officers	32	23
<b>TOTAL</b>	45	42

#### Workplace Relations

DESCRIPTION	No. of Individual SEAs	No. of Group SEAs*	Total employees covered by Group SEAs**	TOTAL
	A	B	C	(A+C)
<b>SEAs</b>				
Number of SEA's as at 30 June 2021	6	0	0	6
Number of SEA's entered into during period	1	0	0	0
Number of SEA's terminated during period	1	0	0	0
The number of SEA's providing for privately plated vehicles as of 30 June 2021	0	0	0	0
Number of SEAs for employees who have transferred from AWAs during period	0	0	0	0

	Classification Range	Remuneration as at 30 June 2021
<b>Individual SEAs</b>	Legal 5	\$150,569 – 161,488
	Senior Officer A	\$153,040
	Senior Officer B	\$131,773 - \$148,344
	Legal 3	\$100,669 - \$117,496
	ASO4	\$74,235 - \$80,382
<b>AWAs (includes AWAs ceased during period)</b>	N/A	N/A

Contact – Human Resources Manager – (02) 6243 3426



## Learning and Development

### Special Initiative Reporting

The Commission is an independent statutory agency and not part of the ACT Public Service. Commission staff participate in whole of government learning and development initiatives when these programs match developmental needs.

In November 2020, the Commission gained access to ACTGOV Learn, an online training portal, managed by the ACT Government. Access to these training modules resulted in the Commission reviewing its Development and Performance Plans and building mandatory training modules in for progressive staff completion.

Mandatory modules introduced were:

- Aboriginal and Torres Strait Islander Awareness
- Disability Awareness
- LGBTIQ+ Inclusion
- Respect, Equity and Diversity

E-learning modules have been accessed more frequently by staff during work from home/lockdown and quarantine/isolation periods. Face to face courses will be progressed as suitable.

Legal staff continued to meet their mandatory continuing professional development (MCPD) in order to remain eligible for practising certificates. These mandatory core areas are:

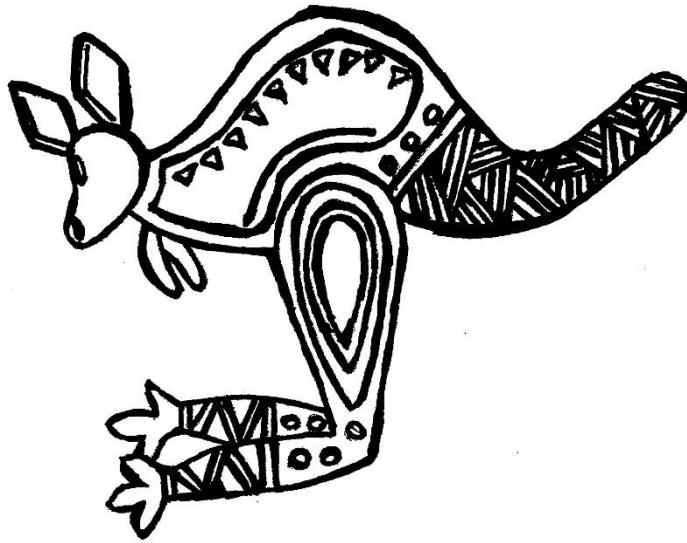
- Legal ethics and professional responsibility
- Practice management and business skills
- Professional skills
- Substantive law and procedural law

In-house training offered to staff over the reporting period consisted of:

- Accidental Counsellor
- Conflict Resolution
  - Upskilling for Young Lawyers
- DV Awareness (e-learning)
- Managing and Recognising Vicarious Trauma

## Ecologically Sustainable Development

Indicator as at 30 June	Unit	Current FY	Previous FY	Percentage change
<b>Stationary energy usage</b>				
Electricity use	Kilowatt hours	155,765	153,192	2%
Natural gas use (non-transport)	Megajoules	0	0	0%
Diesel (non-transport)	Kilolitres	0	0	0%
<b>Transport fuel usage</b>				
Electric vehicles	Number	0	0	0%
Hybrid vehicles	Number	0	0	0%
Other vehicles (that are not electric or hybrid)	Number	2	2	0%
Total number of vehicles	Number	2	2	0%
Fuel use – Petrol	Kilolitres	0.4	0.5	-15%
Fuel use – Diesel	Kilolitres	0	0	0%
Fuel use – Liquid Petroleum Gas (LPG)	Kilolitres	0	0	0%
Fuel use – Compressed Natural Gas (CNG)	Gigajoules (Cm <sup>3</sup> )	0	0	0%
<b>Water usage</b>				
Water use	Kilolitres	n/a	n/a	n/a
<b>Resource efficiency and waste</b>				
Reams of paper purchased	Reams	2,800	2,400	17%
Recycled content of paper purchased	Percentage	100	100	100%
Waste to landfill	Litres	13,342	12,621	6%
Co-mingled material recycled	Litres	39,071	36,960	6%
Paper & Cardboard recycled (incl. secure paper)	Litres	29,376	30,974	-5%
Organic material recycled	Litres	0	0	0%
<b>Greenhouse gas emissions</b>				
Emissions from stationary energy use (non-transport)	Tonnes CO <sub>2</sub> -e	135.5	133.3	2%
Emissions diesel use (non-transport)	Tonnes CO <sub>2</sub> -e			
Emissions from transport fuel use	Tonnes CO <sub>2</sub> -e	0.9	1.1	-15%
Total emissions	Tonnes CO <sub>2</sub> -e	136.4	134.3	2%



# FINANCIAL MANAGEMENT REPORTING

2020-2021

# Management Discussion and Analysis

## Legal Aid Commission (ACT)

### For the Year Ended 30 June 2021

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#### Objectives

The Legal Aid Commission (ACT) (the Commission), established by the *Legal Aid Act 1977* (the Act), provides a range of legal assistance services in accordance with the Act.

The services provided by the Commission are wide-ranging and encompass the provision of information and referrals, legal advice and minor legal assistance, advocacy, duty lawyer services, grants of legal assistance, dispute resolution services, community legal education programs and submissions on law reform issues.

The objective of the Commission is to maximise access to justice in the ACT by providing legal assistance services through its staff, and through private legal practitioners paid by the Commission. The Commission's services are available to residents of the ACT and others who are involved in legal transactions or proceedings in the ACT.

#### Financial Performance

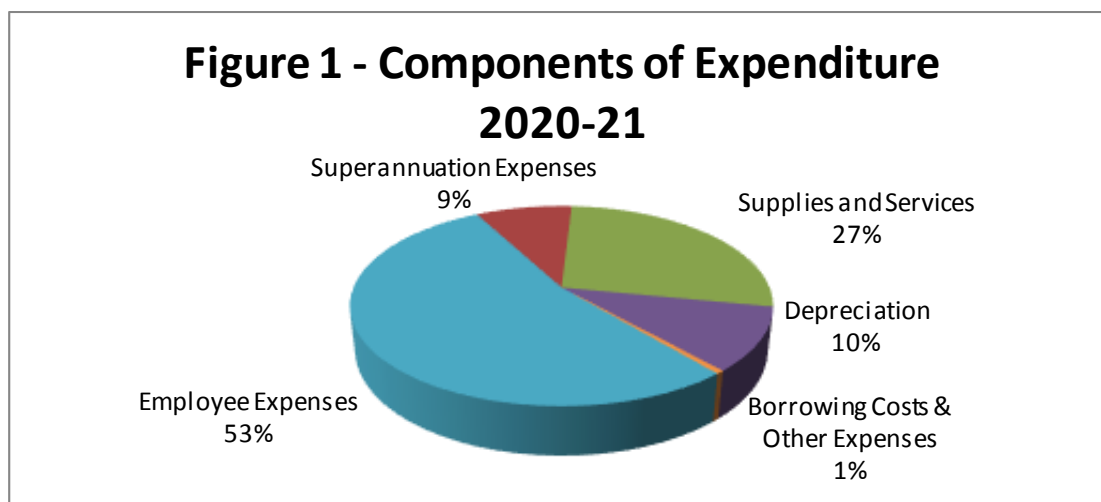
The following actual outcome financial information is based on audited Financial Statements for 2019-20 and 2020-21. The 2021-22 Budget and forward estimates are taken from the 2021-22 Budget Statements.

The Commission has not experienced significant financial impacts as a result of the COVID-19 Pandemic.

#### Total Expenditure

##### 1. Components of Expenditure

**Figure 1** below shows the components of the Commission's expenditure for 2020-21 with the largest being Employee Expenses, representing **53 percent** of total expenditure or **\$9.021 million**. This excludes superannuation, which comprises a further **9 percent (\$1.488 million)**. Supplies and Services is **27 percent** of total expenditure (**\$4.623 million**) and Depreciation is **10 percent (\$1.742 million)**. Borrowing Costs & Other Expenses is **1 percent** of total expenditure (**\$0.092 million**).



# Management Discussion and Analysis

## Legal Aid Commission (ACT)

### For the Year Ended 30 June 2021

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#### 2. Comparison to Budget

##### *Expenditure*

Total expenditure of **\$16.965 million** was **\$1.935 million (10 percent)** lower than the 2020-21 Budget due to the following factors:

- Lower Employee Expenses (by **\$0.387 million**) and Superannuation (by **\$0.051 million**) due to fewer staff than budgeted and delays in the uptake of specific contracts with customers;
- Lower than budgeted Supplies and Services, mainly due to:
  - delays in the fitout of the Commission's office accommodation (**\$0.500 million**); and
  - lower than budgeted Referrals to Private Legal Practitioners and Legal Disbursements (**\$1.027 million**) which was due to delays in uptake of specific contracts with customers, and delays in the expected lag of expenses due to the COVID-19 Pandemic.

#### 3. Comparison with 2019-20 Actual Expenditure

Total expenditure was **\$1.071 million (7 percent)** higher than the 2019-20 actual result due to:

- Higher employee and superannuation expenditure of **\$0.587 million** resulting from the additional projects conducted in 2020-21;
- Higher Referrals to Private Legal Practitioners (**\$0.278 million**); and
- Higher Computer Services (**\$0.220 million**) due to additional IT purchases in 2020-21.

#### 4. Future Trends

The information presented is based on the 2021-22 Budget Statements.

The latest Commission forecast for 2021-22 expenditure is an increase of **\$2.786 million** (to **\$19.751 million**) over the 2020-21 levels. This is due to:

- Additional expenditure associated with funding of new initiatives in 2021-22 (Helpline resource, additional workload in Magistrates Court, Disability Support Trial, Witness Intermediary Scheme, and Criminal Case Conferencing);
- Expenditure for the fitout of the Legal Aid premises; and
- Additional expenditure on Cyber-Security protection.

#### Total Income

##### *1. Components of Income*

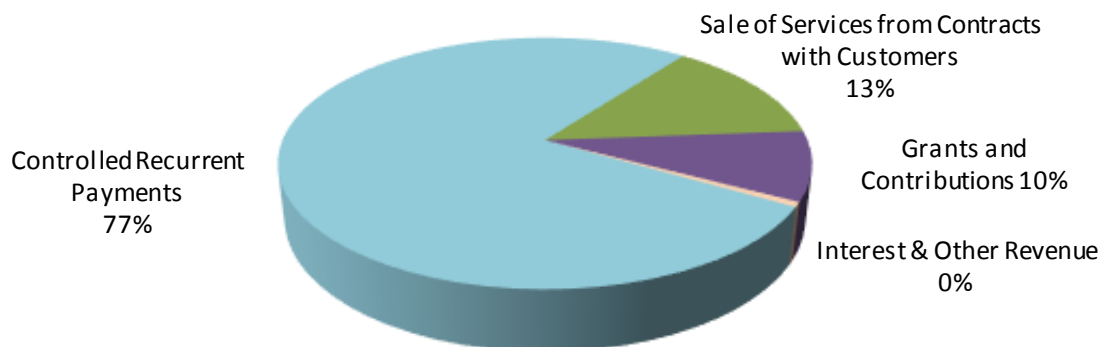
**Figure 2** below shows that for the financial year ended 30 June 2021, the Commission received **77 percent (\$14.408 million)** of its total income of **\$18.777 million** from Controlled Recurrent Payments (this appropriation includes Commonwealth funding under the *National Legal Assistance Partnership*). The income from Sale of Services from Contracts with Customers is **\$2.417 million** (or **13 percent**), and Grants and Contributions was **\$1.837 million (10 percent)**. Interest & Other Revenue is **\$0.115 million**.

# Management Discussion and Analysis

## Legal Aid Commission (ACT)

### For the Year Ended 30 June 2021

**Figure 2 - Components of Income 2020-21**



## 2. Comparison to Budget

### Income

Total Income for the financial year ended 30 June 2021 of **\$18.777 million** was very similar to the 2020-21 Budget of **\$18.806 million**. There were, however, some movements within this revenue line, being:

- Less income recognised for contracts with the Commonwealth in relation to Legal services for Property Mediation (**\$0.334 million**) and Expensive Commonwealth Criminal Cases Fund (**\$0.284 million**) that weren't completed or did not occur during 2020-21;
- Additional revenue received after the budget was determined for specific contracts (**\$0.231 million**);
- Higher grant funding from the ACT Law Society (**\$0.163 million**) than budgeted. The budget was reduced on advice from the ACT Law Society that available funding in 2020-21 would be significantly reduced; and
- Higher Assisted Person Contributions & Recovered Costs (**\$0.093 million**).

## 3. Comparison to 2019-20 Actual Income

There was an increase in 2020-21 total income over 2019-20 actual income by **\$2.053 million (12 percent)**, with the major line item variations being:

- An increase in the level of Controlled Recurrent Payments (**\$1.376 million**) due to:
  - Additional projects/contracts;
  - Indexation, Superannuation and Compensation adjustments; and
  - Adjustments to the National Legal Assistance Partnership;
- Full year funding for the Tenancy Advice Service (**\$0.319 million**) rather than part year funding in 2019-20;
- Additional funding for the expansion of the Health Justice Partnership in 2020-21 (**\$0.141 million**);
- Legal Assistance Funding for COVID-19 Pandemic related activities in 2020-21 (**\$0.735 million**);
- Funding for the introduction of Legal Assistance Services in ACT Colleges (**\$0.167 million**) in 2020-21; and

# Management Discussion and Analysis

## Legal Aid Commission (ACT)

### For the Year Ended 30 June 2021

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- This was offset by a lower grant from the ACT Law Society in 2020-21 (**\$0.382 million**) and lower Assisted Person Contributions & Recovered Costs (**\$0.162 million**).

#### 4. Future Trends

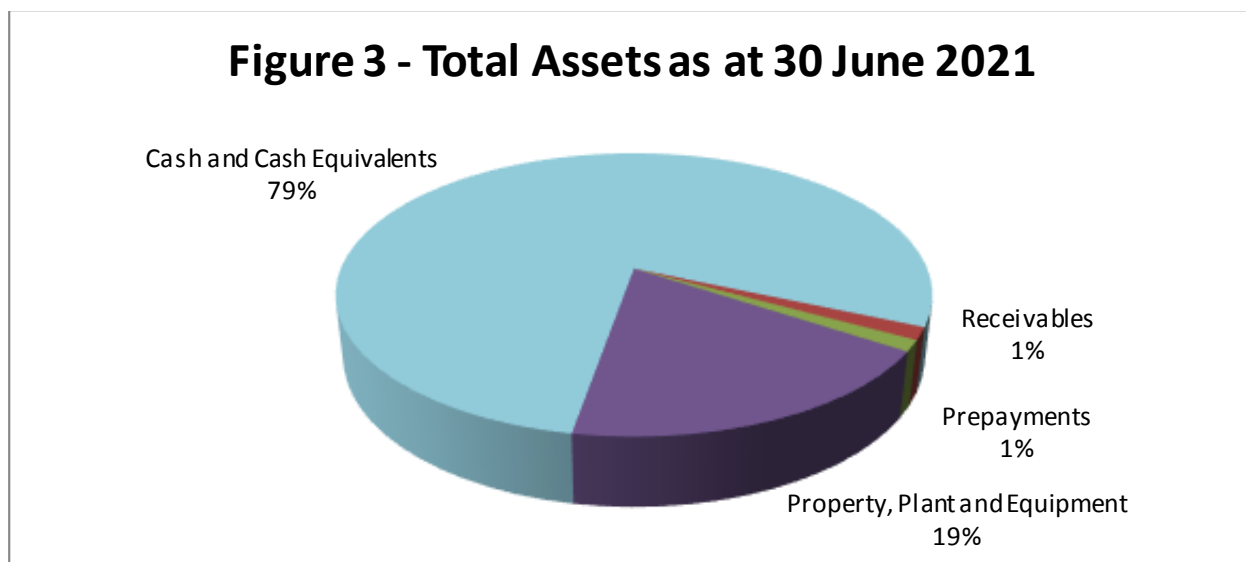
The latest Commission forecast for 2021-22 income is an increase of **\$1.007 million** (to **\$19.784 million**) over the 2020-21 levels. This is due to additional funding for new initiatives in 2021-22 (Helpline resource, additional workload in Magistrates Court, Disability Support Trial, Witness Intermediary Scheme, and Criminal Case Conferencing).

### Financial Position

#### Total Assets

##### 1. Components of Total Assets

**Figure 3** below shows that at 30 June 2021, the Commission held **79 percent** of its **\$12.166 million** of assets in Cash and Cash Equivalents and **19 percent** in Property, Plant and Equipment.



##### 2. Comparison to Budget

The total asset position as at 30 June 2021 is **\$12.166 million** which exceeded the 2020-21 Budget of **\$9.401 million** by **\$2.765 million (29 percent)**. Cash and Cash Equivalents was the reason for this increase.

Specifically, the variations of cash in the Commission compared to the budget were:

- Retained funding received for specific projects that are yet to be spent, or yet to be completed (**\$0.981 million**);
- Delay in the office fitout for the Commission's accommodation that was budgeted for 2020-21 (**\$0.500 million**);
- Lower staff expenses than budgeted (**\$0.452 million**);
- Lower Referrals to Private Legal Practitioners and Legal Disbursements (**\$0.437 million**);
- Additional funds from the ACT Law Society (**\$0.163 million**); and

# Management Discussion and Analysis

## Legal Aid Commission (ACT)

### For the Year Ended 30 June 2021

- Additional funds from the Australian Taxation Office for COVID-19 Pandemic relief (\$0.100 million).

#### 3. Comparison to 2019-20 Actuals

The Commission's total asset position at 30 June 2021 is **\$1.077 million (10 percent)** higher than the actual result of **\$11.088 million** at 30 June 2020. This is primarily from an increase in Cash and Cash Equivalents of **\$2.662 million** during 2020-21, due to:

- Receiving higher revenue than expected in 2020-21:
  - Revenue received in advance;
  - ATO COVID-19 Pandemic cash boost;
  - Higher ACT Law Society funding than budgeted; and
  - Higher client contributions.
- Incurring less expenses than budgeted:
  - Delay in expenses associated with the office fitout; and
  - Underspends in employee and legal expenses.

#### 4. Liquidity

Liquidity is the ability of the Commission to satisfy its short-term debts as they fall due. A common indicator for liquidity is the current ratio, which compares the ability to fund current liabilities from current assets. A ratio of less than 1:1 may indicate a reliance on the next financial year's funding to meet short-term debts. **Table 1** indicates the liquidity position of the Commission.

**Table 1 – Current Ratio**

Description	Prior Year Actual 2019-20 \$'000s	Current Year Budget 2020-21 \$'000s	Current Year Actual 2020-21 \$'000s	Forward Year Budget 2021-22 \$'000s	Forward Year Budget 2022-23 \$'000s	Forward Year Budget 2023-24 \$'000s
Current Assets	7,239	7,175	9,894	9,680	9,724	9,473
Current Liabilities	4,093	3,691	4,732	3,008	3,637	3,787
Current Ratio	1.77:1	1.94:1	2.09:1	3.22:1	2.67:1	2.50:1

#### Source of Forward Year Budgets: 2021-22 Budget Statements

The current ratio was **2.09:1** at 30 June 2021 which is higher than the budgeted current ratio of **1.94:1**. The Commission expects the current ratio to increase in 2021-22 with a decline in forward years two and three. The actual and forecast current ratio suggest that the Commission will be able to pay its debts as and when they fall due.

#### Total Liabilities

##### 1. Components of Total Liabilities

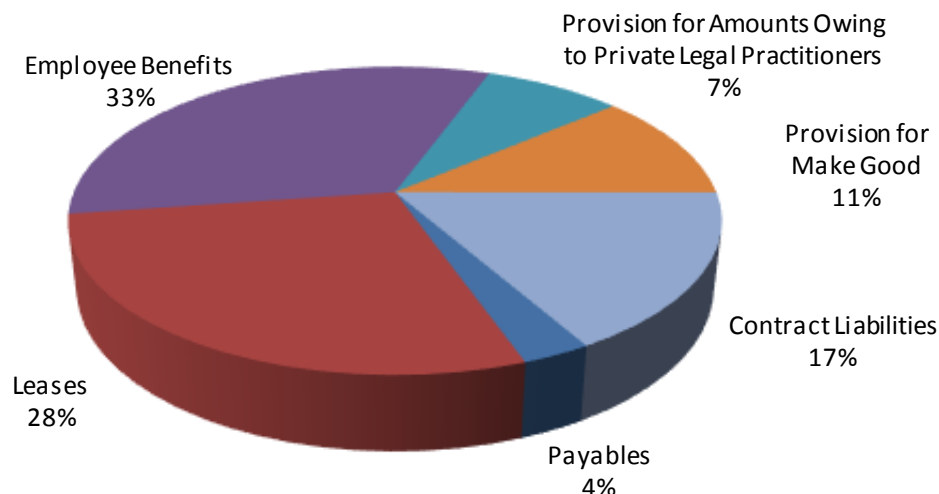
**Figure 4** below shows that at 30 June 2021, **33 percent** of the **\$5.892 million** liabilities of the Commission were represented by Employee Benefits, with Leases comprising **28 percent**, **17 percent** for Contract Liabilities and **11 percent** by Provision for Make Good. Provision for Amounts Owing to Private Legal Practitioners is **7 percent** and Payables is **4 percent**.



**Management Discussion and Analysis**  
**Legal Aid Commission (ACT)**  
**For the Year Ended 30 June 2021**

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**Figure 4 - Total Liabilities as at 30 June 2021**



**2. Comparison to Budget**

The Commission's total liabilities at 30 June 2021 of **\$5.892 million** exceeds the 2020-21 Budget of **\$5.033 million** by **\$0.859 million (17 percent)**. This is largely due to the additional Contract Liabilities than budgeted (**\$0.925 million**) which is revenue received in advance for specific projects that have yet to be completed.

**3. Comparison to 2019-20 Actuals**

Total liabilities at 30 June 2021 of **\$5.892 million** are **\$0.735 million (11 percent)** lower than the actual result at 30 June 2020 of **\$6.627 million**. This is mainly due to a decrease in non-current lease liabilities (**\$1.162 million**) due to the impending cessation of the Commission's office accommodation lease expiring in September 2022, partially offset by an increase in contract liabilities (**\$0.378 million**) from revenue received in advance for specific projects that have yet to be completed.

## INDEPENDENT AUDITOR'S REPORT

### To the Members of the ACT Legislative Assembly

#### Opinion

I have audited the financial statements of the Legal Aid Commission (ACT) (Commission) for the year ended 30 June 2021 which comprise the operating statement, balance sheet, statement of changes in equity, statement of cash flows, statement of appropriation and notes to the financial statements, including a summary of significant accounting policies and other explanatory information.

In my opinion, the financial statements:

- (i) present fairly, in all material respects, the Commission's financial position as at 30 June 2021, and its financial performance and cash flows for the year then ended; and
- (ii) are presented in accordance with the *Financial Management Act 1996, Legal Aid Act 1977* and comply with Australian Accounting Standards.

#### Basis for opinion

I conducted the audit in accordance with the Australian Auditing Standards. My responsibilities under the standards are further described in the 'Auditor's responsibilities for the audit of the financial statements' section of this 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 (including Independence Standards)* (Code). I have also fulfilled my other ethical responsibilities in accordance with the Code.

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

#### Responsibilities of the Commission for the financial statements

The Chief Executive Officer is responsible for:

- preparing and fairly presenting the financial statements in accordance with the *Financial Management Act 1996, Legal Aid Act 1977* and relevant Australian Accounting Standards;
- determining the internal controls necessary for the preparation and fair presentation of the financial statements so that they are free from material misstatements, whether due to error or fraud; and
- assessing the ability of the Commission to continue as a going concern and disclosing, as applicable, matters relating to going concern and using the going concern basis of accounting in preparing the financial statements.

## **Auditor's responsibilities for the audit of the financial statements**

Under the *Financial Management Act 1996* and *Legal Aid Act 1977*, the Auditor-General is responsible for issuing an audit report that includes an independent opinion on the financial statements of the Commission.

My objective is to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion.

Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Australian Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of the financial statements.

As part of an audit in accordance with 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 statements, 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 controls relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for expressing an opinion on the effectiveness of the Commission's internal controls;
- evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Commission;
- conclude on the appropriateness of the Commission's use of the going concern basis of accounting and, based on 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 this report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify my opinion. I base my conclusions on the audit evidence obtained up to the date of this report. However, future events or conditions may cause the Commission to cease to continue as a going concern; and
- evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether they represent the underlying transactions and events in a manner that achieves fair presentation.

I communicate with the Chief Executive Officer 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.



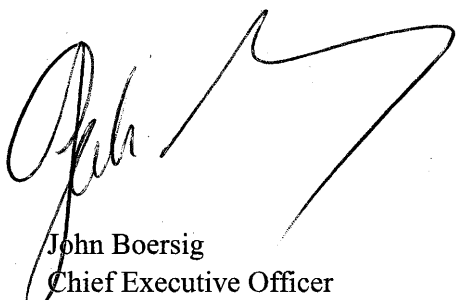
Ajay Sharma  
Assistant Auditor-General, Financial Audit  
22 September 2021

**Legal Aid Commission (ACT)**  
**Financial Statements**  
**For the Year Ended 30 June 2021**

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**Statement of Responsibility**

In my opinion, the financial statements are in agreement with the Legal Aid Commission's (Commission) accounts and records and fairly reflect the financial operations of the Commission for the year ended 30 June 2021 and the financial position of the Commission on that date.



John Boersig  
Chief Executive Officer  
Legal Aid Commission (ACT)  
15 July 2021

**Legal Aid Commission (ACT)**  
**Financial Statements**  
**For the Year Ended 30 June 2021**

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**Statement by the Chief Finance Officer**

In my opinion, the financial statements have been prepared in accordance with the Australian Accounting Standards, and are in agreement with the Legal Aid Commission's (Commission) accounts and records and fairly reflect the financial operations of the Commission for the year ended 30 June 2021 and the financial position of the Commission on that date.



Brett Monger  
Chief Finance Officer  
Legal Aid Commission (ACT)  
15 July 2021

**Legal Aid Commission (ACT)**  
**Operating Statement**  
**For the Year Ended 30 June 2021**

	<b>Note No.</b>	<b>Actual 2021 \$'000</b>	<b>Original Budget 2021 \$'000</b>	<b>Actual 2020 \$'000</b>
<b>Income</b>				
Controlled Recurrent Payments	3	14,408	14,408	13,032
Sale of Services from Contracts with Customers	4	2,417	3,330	1,631
Grants and Contributions	5	1,837	967	1,841
Interest Revenue	6	103	101	142
Other Revenue		12	-	79
<b>Total Income</b>		<b>18,777</b>	<b>18,806</b>	<b>16,724</b>
<b>Expenses</b>				
Employee Expenses	7	9,021	9,407	8,433
Superannuation Expenses	8	1,488	1,539	1,432
Supplies and Services	9	4,623	6,193	4,038
Depreciation	10	1,742	1,674	1,634
Borrowing Costs	11	58	57	71
Other Expenses	12	34	30	285
<b>Total Expenses</b>		<b>16,965</b>	<b>18,900</b>	<b>15,894</b>
<b>Operating Surplus/(Deficit)</b>		<b>1,812</b>	<b>(94)</b>	<b>831</b>

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

The Commission has one output class and therefore the above Operating Statement is also the Commission's Operating Statement for the Legal Aid Services Output Class. The Legal Aid Services Output Class includes the provision of a full range of legal assistance services to the community by the Commission's staff and by private legal practitioners on behalf of the Commission. As a result, a separate output class Operating Statement and Summary of Agency Output Classes have not been included in these financial statements.

**Legal Aid Commission (ACT)**  
**Balance Sheet**  
**As at 30 June 2021**

	<b>Note No.</b>	<b>Actual 2021 \$'000</b>	<b>Original Budget 2021 \$'000</b>	<b>Actual 2020 \$'000</b>
<b>Current Assets</b>				
Cash and Cash Equivalents	13	9,570	6,842	6,908
Receivables	14	169	164	162
Prepayments		155	169	169
<b>Total Current Assets</b>		<b>9,894</b>	<b>7,175</b>	<b>7,239</b>
<b>Non-Current Assets</b>				
Property, Plant and Equipment	15	2,272	2,226	3,850
<b>Total Non-Current Assets</b>		<b>2,272</b>	<b>2,226</b>	<b>3,850</b>
<b>Total Assets</b>		<b>12,166</b>	<b>9,401</b>	<b>11,089</b>
<b>Current Liabilities</b>				
Payables	16	232	271	271
Contract Liabilities	17	981	56	604
Lease Liabilities	18	1,292	1,255	1,222
Employee Benefits	19	1,807	1,770	1,658
Other Provisions	20	420	339	339
<b>Total Current Liabilities</b>		<b>4,732</b>	<b>3,691</b>	<b>4,093</b>
<b>Non-Current Liabilities</b>				
Lease Liabilities	18	368	302	1,530
Employee Benefits	19	130	327	321
Other Provisions	20	663	713	683
<b>Total Non-Current Liabilities</b>		<b>1,160</b>	<b>1,342</b>	<b>2,534</b>
<b>Total Liabilities</b>		<b>5,892</b>	<b>5,033</b>	<b>6,627</b>
<b>Net Assets</b>		<b>6,274</b>	<b>4,368</b>	<b>4,462</b>
<b>Equity</b>				
Accumulated Funds		6,274	4,368	4,462
<b>Total Equity</b>		<b>6,274</b>	<b>4,368</b>	<b>4,462</b>

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

**Legal Aid Commission (ACT)**  
**Statement of Changes in Equity**  
**For the Year Ended 30 June 2021**

	Accumulated Funds Actual 2021 \$'000	Original Budget 2021 \$'000	Accumulated Funds Actual 2020 \$'000
<b>Balance at the Beginning of the Reporting Period</b>	<b>4,462</b>	<b>4,462</b>	<b>2,688</b>
Change in accounting policy <sup>1</sup>	-	-	863
<b>Restated Balance at the Beginning of the Reporting Period</b>	<b>4,462</b>	<b>4,462</b>	<b>3,551</b>
<b>Comprehensive Surplus/(Deficit)</b>			
Operating Surplus/(Deficit)	1,812	(94)	831
<b>Total Comprehensive Surplus/(Deficit)</b>	<b>1,812</b>	<b>(94)</b>	<b>831</b>
<b>Transactions Involving Owners Affecting Accumulated Funds</b>			
Capital Injections	-	-	80
<b>Total Transactions Involving Owners Affecting Accumulated Funds</b>	<b>-</b>	<b>-</b>	<b>80</b>
<b>Balance at the End of the Reporting Period</b>	<b>6,274</b>	<b>4,368</b>	<b>4,462</b>

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

<sup>1</sup>This relates to the adoption of AASB 15, 16 and 1058 in 2019-20.



**Legal Aid Commission (ACT)**  
**Statement of Cash Flows**  
**For the Year Ended 30 June 2021**

	Note No.	Actual 2021 \$'000	Original Budget 2021 \$'000	Actual 2020 \$'000
<b>Cash Flows from Operating Activities</b>				
<b>Receipts</b>				
Controlled Recurrent Payments		14,408	14,408	13,032
Sales of Services from Contracts with Customers		2,795	2,782	1,503
Grants and Contributions		1,686	937	1,622
Goods and Services Tax Input Tax Credits from the Australian Taxation Office		269	400	325
Goods and Services Tax Collected from Customers		294	110	212
Interest Received and Other		115	101	102
<b>Total Receipts from Operating Activities</b>		<b>19,567</b>	<b>18,738</b>	<b>16,797</b>
<b>Payments</b>				
Employee		8,973	9,290	8,346
Superannuation		1,492	1,539	1,491
Supplies and Services		4,548	6,193	4,048
Goods and Services Tax Paid to Suppliers		558	510	525
<b>Total Payments from Operating Activities</b>		<b>15,571</b>	<b>17,532</b>	<b>14,410</b>
<b>Net Cash Inflows from Operating Activities</b>	24 (b)	<b>3,996</b>	<b>1,206</b>	<b>2,387</b>
<b>Cash Flows from Investing Activities</b>				
<b>Payments</b>				
Purchase of Property, Plant and Equipment		98	50	343
<b>Total Payments from Investing Activities</b>		<b>98</b>	<b>50</b>	<b>343</b>
<b>Net Cash (Outflows) from Investing Activities</b>		<b>(98)</b>	<b>(50)</b>	<b>(343)</b>
<b>Cash Flows from Financing Activities</b>				
<b>Receipts</b>				
Capital Injections		-	-	80
<b>Total Receipts from Financing Activities</b>		<b>-</b>	<b>-</b>	<b>80</b>
<b>Payments</b>				
Repayment of Lease Liabilities - Principal		1,235	1,222	1,178
<b>Total Payments from Financing Activities</b>		<b>1,235</b>	<b>1,222</b>	<b>1,178</b>
<b>Net Cash (Outflows) from Financing Activities</b>		<b>(1,235)</b>	<b>(1,222)</b>	<b>(1,098)</b>
<b>Net Increase/(Decrease) in Cash and Cash Equivalents</b>		<b>2,662</b>	<b>(66)</b>	<b>946</b>
Cash and Cash Equivalents at the Beginning of the Reporting Period		6,908	6,908	5,963
<b>Cash and Cash Equivalents at the End of the Reporting Period</b>	24 (a)	<b>9,570</b>	<b>6,842</b>	<b>6,908</b>

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

**Legal Aid Commission (ACT)**  
**Statement of Appropriation**  
**For the Year Ended 30 June 2021**

	Original Budget 2021 \$'000	Total Appropriated 2021 \$'000	Appropriation Drawn 2021 \$'000	Appropriation Drawn 2020 \$'000
Controlled Recurrent Payments	14,408	14,408	14,408	13,032
Capital Injections	-	-	-	80
<b>Total Appropriation</b>	<b>14,408</b>	<b>14,408</b>	<b>14,408</b>	<b>13,112</b>

The above Statement of Appropriation should be read in conjunction with the accompanying notes.

**Column Heading Explanations**

The Original Budget column shows the amount that appears in the Statement of Cash Flows in the Budget Papers. This amount also appears in the Statement of Cash Flows of the Commission.

The Appropriation Drawn column is the total amount of appropriation received by the Commission during the year. These amounts appear in the Statement of Cash Flows of the Commission.

**LEGAL AID COMMISSION (ACT)**  
**Financial Statements**  
**For the Year Ended 30 June 2021**

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Note 1	Objectives of the Legal Aid Commission (ACT)
Note 2	Significant Accounting Policies
	Appendix A - Basis of Preparation of the Financial Statements
	Appendix B - Significant Accounting Policies
	Appendix C - Impact of Accounting Standards Issued But Yet to Be Applied

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Note 4	Sale of Services from Contracts with Customers
Note 5	Grants and Contributions
Note 6	Interest Revenue

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Note 8	Superannuation Expenses
Note 9	Supplies and Services
Note 10	Depreciation
Note 11	Borrowing Costs
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Note 14	Receivables
Note 15	Property, Plant and Equipment

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Note 17	Contract Liabilities
Note 18	Lease Liabilities
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**Other Notes**

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Note 22	Third Party Monies
Note 23	Related Party Disclosures
Note 24	Cash Flow Reconciliation
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**Legal Aid Commission (ACT)**  
**Notes to and Forming Part of the Financial Statements**  
**For the Year Ended 30 June 2021**

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**NOTE 1. OBJECTIVES OF THE LEGAL AID COMMISSION (ACT)**

**Operations and Principal Activities**

The Legal Aid Commission (ACT) (Commission), established by the *Legal Aid Act 1977* (the Act), provides a range of legal assistance services in accordance with the Act.

The services provided by the Commission are wide-ranging and encompass the provision of information and referrals, legal advice and minor legal assistance, advocacy, duty lawyer services, grants of legal assistance, dispute resolution services, community legal education programs and submissions on law reform issues.

The objective of the Commission is to maximise access to justice in the ACT by providing legal assistance services through its staff and through private legal practitioners paid by the Commission. The Commission's services are available to residents of the ACT and others who are involved in legal transactions or proceedings in the ACT.

**NOTE 2. SIGNIFICANT ACCOUNTING POLICIES**

Refer to the following appendices for the notes comprising significant accounting policies and other explanatory information.

Appendix A - Basis of Preparation of the Financial Statements

Appendix B - Significant Accounting Policies

Appendix C - Impact of Accounting Standards Issued But Yet to Be Applied

**Legal Aid Commission (ACT)**  
**Notes to and Forming Part of the Financial Statements**  
**For the Year Ended 30 June 2021**

	2021 \$'000	2020 \$'000
<b>NOTE 3. CONTROLLED RECURRENT PAYMENTS</b>		
Controlled Recurrent Payments (CRP) are revenue received from the ACT Government to fund the costs of delivering outputs. A component of the CRP is Commonwealth Government funding. Commonwealth funding under the <i>National Partnership Agreement on Legal Assistance Services</i> is paid to the ACT Government who then provides this amount to the Commission as CRP. Commonwealth funding is primarily provided for legal assistance services for Commonwealth matters.		
<b>Revenue from the ACT Government</b>		
Controlled Recurrent Payments	14,408	13,032
<b>Total Controlled Recurrent Payments</b>	<b>14,408</b>	<b>13,032</b>
The increase in Controlled Recurrent Payments is due to receiving additional funding for new projects and contracts (e.g. Disability Justice Strategy and Drug and Alcohol Court), and adjustments to the indexation and National Legal Assistance Partnership funds in 2020-21.		
<b>NOTE 4. SALE OF SERVICES FROM CONTRACTS WITH CUSTOMERS</b>		
<b>ACT Government Customers</b>		
Legal services delivered over time		
- Disability Inclusion <sup>1</sup>	-	1
- Health Justice Partnership <sup>2</sup>	391	250
- Senior's Grant	10	10
- Community Support Package - COVID-19 <sup>3</sup>	50	-
- Therapeutic Care Court	207	201
- Tenancy Advice Service <sup>4</sup>	475	156
- Legal Assistance Funding - COVID-19 <sup>3</sup>	278	-
- Legal Assistance Services in ACT Colleges <sup>5</sup>	167	-
- Women's Grant	4	-
- Factsheet delivery <sup>3</sup>	6	-
Legal services delivered at a point in time		
- Legal Capacity Handbook <sup>1</sup>	-	55
<b>Total Sales of Services from ACT Government Customers</b>	<b>1,588</b>	<b>673</b>
<b>Non-ACT Government Customers</b>		
Legal services delivered over time		
- Disability Royal Commission <sup>6</sup>	134	73
- Discrete Legal Services <sup>1</sup>	-	140
- Family Violence and Cross Examination	248	132
- Family Law Pathways Network	50	50
- Lawyer assisted Family Law Property Mediation	101	44
- National Disability Insurance Scheme <sup>7</sup>	199	415
- Youth Law Centre <sup>8</sup>	-	68
- Postgraduate and Research Students' Association legal services	26	-
- Provision of legal services - University of Canberra	36	36
- Internship placements	17	-
Legal services delivered at a point in time		
- Provision of Legal Aid services to Jervis Bay	18	-
<b>Total Sales of Services from Non-ACT Government Customers</b>	<b>829</b>	<b>958</b>
<b>Total Sales of Services from Contracts with Customers</b>	<b>2,417</b>	<b>1,631</b>

**Legal Aid Commission (ACT)**  
**Notes to and Forming Part of the Financial Statements**  
**For the Year Ended 30 June 2021**

**2021**  
**\$'000**      **2020**  
**\$'000**

**NOTE 4. SALE OF SERVICES FROM CONTRACTS WITH CUSTOMERS - CONTINUED**

<sup>1</sup>These contracts ended in 2019-20.

<sup>2</sup>The increase in revenue is due to the expansion of services under this contract in 2020-21.

<sup>3</sup>These are one-off contracts in 2020-21, the majority of which relate to the COVID-19 Pandemic to support the increased activity in our Helpline, Family Violence, and Older Persons Legal Service frontline units.

<sup>4</sup>This initiative was funded for a part year in 2019-20 but a full year in 2020-21.

<sup>5</sup>This initiative commenced in 2020-21.

<sup>6</sup>The 2019-20 amount relates to start-up costs, while the 2020-21 figure relates to the full year operating costs for this initiative.

<sup>7</sup>The funding received for National Disability Insurance Scheme in 2019-20 included funds rolled over from 2018-19.

<sup>8</sup>The amount of \$103,000 received in 2020-21 for the Youth Law Centre has been reclassified into Grants and Contributions. See Note 5.

**NOTE 5. GRANTS AND CONTRIBUTIONS**

**Grants and Contribution from ACT Government Entities**

Justice and Community Services Directorate - Legal Assistance Funding - COVID-19 <sup>1</sup>	307	-
<b>Total Grants and Contributions from ACT Government Entities</b>	<b>307</b>	<b>-</b>

**Resources Received Free of Charge from ACT Government Entities**

ACT Government Solicitor - legal advice <sup>2</sup>	27	-
<b>Total Resources Received Free of Charge from ACT Government Entities</b>	<b>27</b>	<b>-</b>

**Other Grants and Contributions from Non-ACT Government Entities**

Grant from the ACT Law Society <sup>3</sup>	963	1,345
Assisted Person Contributions and Recovered Costs <sup>4</sup>	260	422
Volunteer Services	77	75
COVID-19 boosting cash flows for employers <sup>5</sup>	100	-
Australian National University - Youth Law Centre <sup>6</sup>	103	-
<b>Total Grants and Contributions from Non-ACT Government Entities</b>	<b>1,503</b>	<b>1,841</b>
<b>Total Grants and Contributions</b>	<b>1,837</b>	<b>1,841</b>

<sup>1</sup>This grant was to support service delivery of the Commission during the COVID-19 Pandemic through increasing the Commission's ICT infrastructure capacity and supporting individuals impacted by the pandemic.

<sup>2</sup>The Commission received legal advice free of charge from the ACT Government Solicitor.

<sup>3</sup>The Commission received lower funds from the ACT Law Society in 2020-21. The amount received from the ACT Law Society is based on interest generated on trust funds which are held in the ACT Law Society Statutory Interest Account.

<sup>4</sup>The decrease in Assisted Person Contributions and Recovered Costs is due to the reassessment of large client contributions for specific matters in 2019-20, which did not happen again in 2020-21.

<sup>5</sup>This is a tax free payment received by the Commission from the Australian Taxation Office for COVID-19 Pandemic financial assistance.

<sup>6</sup>This item was classified under Sales of Services from Contracts with Customers in 2019-20. In 2020-21 it has been reclassified to Grants and Contributions. Given the reclassification, there was also an increase to the revenue recognised in 2020-21 due to timing of the contribution.

**Legal Aid Commission (ACT)**  
**Notes to and Forming Part of the Financial Statements**  
**For the Year Ended 30 June 2021**

	2021 \$'000	2020 \$'000
<b>NOTE 6. INTEREST REVENUE</b>		
Interest from General Fund Account <sup>1</sup>	103	142
<b>Total Interest Revenue</b>	<b>103</b>	<b>142</b>

<sup>1</sup>The lower interest revenue this year is due to lower average interest rates (1.00% in 2020-21 compared to 1.55% in 2019-20).

**NOTE 7. EMPLOYEE EXPENSES**

Wages and Salaries <sup>1</sup>	8,726	8,108
Annual Leave Expense	135	133
Long Service Leave Expense	77	124
Commissioners' Remuneration	26	24
Workers' Compensation Insurance Premium	55	44
<b>Total Employee Expenses</b>	<b>9,021</b>	<b>8,433</b>

<sup>1</sup>The increase in Wages and Salaries is due to higher staff numbers in 2020-21 resulting from a number of new contracts entered into by the Commission to provide additional services.

**NOTE 8. SUPERANNUATION EXPENSES**

Superannuation Contributions to the Territory Banking Account	382	426
Productivity Benefit	30	36
Superannuation to External Providers	1,075	970
<b>Total Superannuation Expenses</b>	<b>1,488</b>	<b>1,432</b>

**NOTE 9. SUPPLIES AND SERVICES**

Audit Fees <sup>1</sup>	60	53
Referrals to Private Legal Practitioners <sup>2</sup>	2,653	2,374
Legal Disbursements	585	591
Transportation	36	31
Office Requisitions	107	109
Computer Services <sup>3</sup>	590	370
Contractors and Consultants	90	11
Office Services	157	165
Other Supplies and Services	347	334
<b>Total Supplies and Services</b>	<b>4,623</b>	<b>4,038</b>

<sup>1</sup>Audit fees consists of financial audit services provided to the Commission by the ACT Audit Office to conduct the financial audit. No other services were provided by the ACT Audit Office.

<sup>2</sup>The Referral to Private Legal Practitioners increased in 2020-21 mainly as a result of lower expenses in 2019-20.

<sup>3</sup>The increase relates to the ICT COVID-19 Pandemic grant received by the Commission spent on ICT equipment and infrastructure.

**Legal Aid Commission (ACT)**  
**Notes to and Forming Part of the Financial Statements**  
**For the Year Ended 30 June 2021**

	2021 \$'000	2020 \$'000
<b>NOTE 10. DEPRECIATION</b>		
<b>Depreciation</b>		
Right-of-Use Assets	1,259	1,249
Leasehold Improvements	227	223
Motor Vehicles	-	1
Office and Computer Equipment <sup>1</sup>	225	109
Furniture and Fittings	31	52
<b>Total Depreciation</b>	<b>1,742</b>	<b>1,634</b>

<sup>1</sup>The increase in Office and Computer Equipment depreciation is due to the Commission purchasing more computer equipment in 2020-21.

**NOTE 11. BORROWING COSTS**

Finance Charges on Leases	28	43
Finance Cost on Make Good	30	28
<b>Total Borrowing Costs</b>	<b>58</b>	<b>71</b>

**NOTE 12. OTHER EXPENSES**

Other Expenses comprises impairment losses (including write-offs).

	2021 No.	2020 No.		
<b>Impairment Losses</b>				
<i>Impairment Loss from Receivables</i>				
Assisted Person Contributions and Recovered Costs Receivable <sup>1</sup>	162	362	34	285
<i>Total Impairment Loss from Receivables</i>			34	285
<b>Total Impairment Losses</b>			<b>34</b>	<b>285</b>

There were no waivers during the reporting period (Nil in 2019-20).

The number of contributions impaired in 2019-20 was high due to legacy referred cases (148 cases 3 years and older) assessed as uncollectable.

<sup>1</sup>The decrease in the Assisted Person Contributions impairment is due to specific high value cases which were assessed as uncollectable in 2019-20.

**NOTE 13. CASH AND CASH EQUIVALENTS**

The Commission holds one bank account with Westpac Banking Corporation which earned a weighted average interest rate of 1.00% in 2020-21 (1.55% in 2019-20).

Cash at Bank <sup>1</sup>	9,570	6,908
<b>Total Cash and Cash Equivalents</b>	<b>9,570</b>	<b>6,908</b>

<sup>1</sup>The increase in Cash at Bank is due to receiving higher revenue than expected in 2020-21 (revenue received in advance, ATO COVID-19 cash boost, higher ACT Law Society funding than budgeted and higher client contributions) and less expenses than budgeted (delay in expenses associated with the office fitout now expected to occur in 2021-22, and underspends in employee and legal expenses).



**Legal Aid Commission (ACT)**  
**Notes to and Forming Part of the Financial Statements**  
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	2021 \$'000	2020 \$'000
<b>NOTE 14. RECEIVABLES</b>		
<b>Current Receivables</b>		
Assisted Person Contributions and Recovered Costs Receivable	99	307
Less: Allowance for specific matters <sup>1</sup>	-	(235)
	99	72
Trade Receivable	2	-
Less: Allowance for Impairment Losses <sup>2</sup>	(36)	(21)
	65	52
Net GST Receivable	104	109
<b>Total Current Receivables</b>	<b>169</b>	<b>162</b>
<b>Total Receivables</b>	<b>169</b>	<b>162</b>

All receivables above are with Non-ACT Government entities.

<sup>1</sup>This allowance was for specific high value matters assessed as uncollectible in 2019-20, and written-off in 2020-21. The Commission has assessed these matters for impairment separately as they are unique to other Assisted Person Contributions.

<sup>2</sup>This allowance only relates to the Assisted Person Contributions and Recovered Costs Receivable.

Ageing of Receivables	Days Past Due					
	Total \$'000	Not Overdue \$'000	1-30 days \$'000	31-60 days \$'000	61-90 days \$'000	> 90 days \$'000
<b>30 June 2021</b>						
Expected credit loss rate		0.00%	13.90%	30.49%	38.05%	40.42%
Estimated total gross carrying amount at default	99	-	14	5	4	76
Expected credit loss allowance	(36)	-	(2)	(2)	(1)	(31)
<b>30 June 2020</b>						
Expected credit loss rate		0.00%	13.90%	31.33%	33.63%	34.59%
Estimated total gross carrying amount at default	72	-	18	6	3	45
Specific matters excluded from forward planning calculation <sup>1</sup>	235					
Expected credit loss allowance	(21)	-	(3)	(2)	(1)	(15)

The Commission's receivables is made up of GST receivables and clients' standard initial contributions of one hundred twenty dollars. Initial client contributions are a condition of grant of legal assistance. These contributions are payable upfront. The vast majority of client contribution payments are made through Centrepay, a free service run by Services Australia to pay bills and expenses as regular deductions from Centrelink payments. Centrepay payments make up 90% of the Commission's client contributions receivable in the previous three-year period.

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

The Net GST Receivable is excluded from the loss rate calculation. As the non-GST receivables are solely client contributions, loss rates are calculated on the one basis. The calculations reflect historical observed client contribution default rates calculated using credit losses experienced on past client contribution transactions during the last three years preceding 30 June 2021.

The Commission's Expected Credit Loss rates have slightly increased reflecting changes in the circumstances of customers to settle their debts.

<sup>1</sup>During 2019-20 there were a small number of specific high value matters that were both assessed as a receivable impaired, and then written-off. These are in no way representative of a 'normal' year of credit loss and impacted the table disproportionately, which do not reflect the expectation of future years. On this basis they have not been included from this table calculations of expected credit loss. They are included, as appropriate, in the 2019-20 figures of the statements.

**Legal Aid Commission (ACT)**  
**Notes to and Forming Part of the Financial Statements**  
**For the Year Ended 30 June 2021**

	2021 \$'000	2020 \$'000
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**NOTE 14. RECEIVABLES - CONTINUED**

**Reconciliation of the Allowance for Impairment**

Allowance for Impairment Losses at the Beginning of the Reporting Period	21	34
Additional Allowance Recognised During the Reporting Period	34	285
Adjustment for specific matters in 2019-20 <sup>1</sup>	-	(235)
Reduction in Allowance from Amounts Written-off During the Reporting Period	(19)	(63)
<b>Allowance for Impairment Losses at the End of the Reporting Period</b>	<b>36</b>	<b>21</b>

The maximum exposure to credit risk at the end of the reporting period for Receivables is the carrying amount of the asset inclusive of any allowance for impairment as shown in the table above.

**NOTE 15. PROPERTY, PLANT AND EQUIPMENT**

Property, plant and equipment includes the following classes of assets.

*Building Right-of-Use Asset* represents the Commission's leased building at 2 Allsop Street, Canberra.

*Leasehold Improvements* represents capital expenditure incurred in relation to leased assets. The Commission has an office fit out.

*Motor Vehicles* are the motor vehicles available to Commission staff for business use.

*Office and Computer Equipment* includes desktop personal computers, servers and network equipment, telephones, facsimile machines, and portable computing equipment.

*Office Equipment Right-of-Use Asset* represents the Commission's leased multifunction devices purchased in 2020-21.

*Furniture and Fittings* includes desks, chairs, workstations and other furniture.

ACT Disclosure Policy is that Right-of-Use (ROU) Assets recognised under AASB 16 *Leases* are disclosed under the relevant class of property, plant and equipment.

**Building Right-of-Use Asset**

Building Right-of-Use Asset at Cost	4,069	4,059
Less: Accumulated Depreciation Building - Right-of-Use Asset	(2,498)	(1,249)
<b>Total Building Right-of-Use Asset at Cost</b>	<b>1,571</b>	<b>2,810</b>

**Leasehold Improvements**

Leasehold Improvements at Cost	2,759	2,810
Less: Accumulated Depreciation	(2,433)	(2,206)
<b>Total Written Down Value of Leasehold Improvements</b>	<b>326</b>	<b>604</b>

**Motor Vehicles**

Motor Vehicles at Cost	24	24
Less: Accumulated Depreciation	(7)	(7)
<b>Total Written Down Value of Motor Vehicles</b>	<b>17</b>	<b>17</b>

**Office and Computer Equipment**

Office and Computer Equipment at Cost	1,222	1,124
Less: Accumulated Depreciation	(964)	(740)
<b>Total Written Down Value of Office and Computer Equipment</b>	<b>258</b>	<b>384</b>

**Office Equipment Right-of-Use Asset**

Office Equipment Right-of-Use Asset at Cost	105	-
Less: Accumulated Depreciation Office Equipment Right-of-Use Asset	(10)	-
<b>Total Office Equipment Right-of-Use Asset at Cost</b>	<b>95</b>	<b>-</b>

**Furniture and Fittings**

Furniture and Fittings at Cost	525	525
Less: Accumulated Depreciation	(520)	(489)
<b>Total Written Down Value of Furniture and Fittings</b>	<b>5</b>	<b>36</b>

<b>Total Property, Plant and Equipment</b>	<b>2,272</b>	<b>3,850</b>
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**Legal Aid Commission (ACT)**  
**Notes to and Forming Part of the Financial Statements**  
**For the Year Ended 30 June 2021**

**NOTE 15. PROPERTY, PLANT AND EQUIPMENT - CONTINUED**

**Leasehold Improvement**

The Commission has capitalised the cost of returning the premises to a similar condition to that which existed prior to occupancy. Further information is at Note 20: Other Provisions - Non current.

**Reconciliation of Property, Plant and Equipment**

The following table shows the movement of Property, Plant and Equipment during 2020-21.

	Building Right-of- Use Asset \$'000	Leasehold Improvements \$'000	Motor Vehicles \$'000	Office and Computer Equipment \$'000	Office Equipment Right-of- Use Asset \$'000	Furniture and Fittings \$'000	Total \$'000
<b>Carrying Amount at the Beginning of the Reporting Period</b>	<b>2,810</b>	<b>603</b>	<b>17</b>	<b>384</b>	<b>-</b>	<b>36</b>	<b>3,850</b>
Additions	-	-	-	99	105	-	204
Depreciation	(1,249)	(227)	-	(225)	(10)	(31)	(1,742)
Other Movements	10	(50)	-	-	-	-	(40)
<b>Carrying Amount at the End of the Reporting Period</b>	<b>1,571</b>	<b>326</b>	<b>17</b>	<b>258</b>	<b>95</b>	<b>5</b>	<b>2,272</b>

**Reconciliation of Property, Plant and Equipment**

The following table shows the movement of Property, Plant and Equipment during 2019-20.

	Building Right-of- Use Asset \$'000	Leasehold Improvements \$'000	Motor Vehicles \$'000	Office and Computer Equipment \$'000	Office Equipment Right-of- Use Asset \$'000	Furniture and Fittings \$'000	Total \$'000
<b>Carrying Amount at the Beginning of the Reporting Period</b>	<b>-</b>	<b>970</b>	<b>17</b>	<b>121</b>	<b>-</b>	<b>88</b>	<b>1,196</b>
Recognition of Right-of-Use Asset on initial application of AASB 16	4,059	-	-	-	-	-	4,059
Additions	-	35	-	373	-	-	408
Depreciation <sup>1</sup>	(1,249)	(223)	(1)	(109)	-	(52)	(1,634)
Other Movements <sup>2</sup>	-	(178)	-	-	-	-	(178)
<b>Carrying Amount at the End of the Reporting Period</b>	<b>2,810</b>	<b>603</b>	<b>17</b>	<b>384</b>	<b>-</b>	<b>36</b>	<b>3,850</b>

<sup>1</sup>The presentation of (1) in Motor Vehicle Depreciation in the above table is due to rounding.

<sup>2</sup>This variation is from an amendment to the Provision due to a Change in Accounting Estimates resulting from the adoption of the new AASB 16 Leases standard.

**Legal Aid Commission (ACT)**  
**Notes to and Forming Part of the Financial Statements**  
**For the Year Ended 30 June 2021**

	2021 \$'000	2020 \$'000
<b>NOTE 16. PAYABLES</b>		
<b>Current Payables</b>		
Trade Payables	24	32
Other Payables	1	1
Private Legal Practitioner Payables	16	20
Accrued Expenses	191	218
<b>Total Current Payables</b>	<b>232</b>	<b>271</b>
<b>Total Payables</b>	<b>232</b>	<b>271</b>
No payables are overdue.		
<b>Classification of ACT Government/Non-ACT Government Payables</b>		
<b>Payables with ACT Government Entities</b>		
Accrued Expenses	30	53
<b>Total Payables with ACT Government Entities</b>	<b>30</b>	<b>53</b>
<b>Payables with Non-ACT Government Entities</b>		
Trade Payables	24	32
Other Payables	1	1
Private Legal Practitioner Payables	16	20
Accrued Expenses	161	165
<b>Total Payables with Non-ACT Government Entities</b>	<b>202</b>	<b>218</b>
<b>Total Payables</b>	<b>232</b>	<b>271</b>

**Legal Aid Commission (ACT)**  
**Notes to and Forming Part of the Financial Statements**  
**For the Year Ended 30 June 2021**

	2021 \$'000	2020 \$'000
<b>NOTE 17. CONTRACT LIABILITIES</b>		
Amounts Received Related to Contracts with Customers where the Performance Obligations has not yet been satisfied.		
ACT Government - Community Services Directorate		
- Community Support Package	-	50
ACT Government - Justice and Community Services Directorate		
- Third Person Support Trial	91	-
Commonwealth - Attorney General's Department		
- Expensive Commonwealth Criminal Cases Fund	284	284
- Family Law Property Mediation	334	114
- Family Violence and Cross Examination	249	100
Australian National University <sup>1</sup>	3	34
University of Canberra - provision of legal services	21	21
<b>Total Contract Liabilities</b>	<b>981</b>	<b>604</b>

<sup>1</sup>The 2020-21 balance relates to the Postgraduate and Research Student's Association services yet to be delivered as at 30 June 2021. The 2019-20 balance was the Youth Law Centre monies received in advance, which is now fully recognised as a grant in 2020-21. See Notes 4 and 5.

**Contract Liabilities Arising from Contracts with Customers**

Contract Liabilities relate to consideration received in advance from customers in respect of services. Revenue for these contracts will be recognised at the time of performing the obligation under each respective contract.

**Significant Changes in Contract Liability Balances**

The contract liability balance has increased during the year because of the receipt of additional monies for the Family Law Property Mediation and Family Violence and Cross Examination contracts. The performance delivery for these contracts depend on the progress of the individual cases classified under each contract.

	2021 \$'000
Revenue Recognised during 2020-21 that was included in the 2019-20 Contract Liability closing Balance	320
Transaction Price Allocated to Unsatisfied (or Partially Unsatisfied) Performance Obligations	981
The Commission expects that 100% of the transaction price allocated to the unsatisfied performance obligations as of 30 June 2021 will be recognised as revenue during the next reporting period (\$0.981m).	

**NOTE 18. LEASE LIABILITIES**

**Commission as a Lessee**

The Commission has operating leases for its office premises at 2 Allsop Street and office equipment (multifunctional devices). The building lease is set to expire in September 2022, while the office equipment lease will expire in 2024. The building lease has renewal rights in order to provide flexibility to the Commission and the extension option is exercisable only by the Commission.

**Terms and Conditions of Leases**

There is a condition in the building lease agreement to restore the premises to a condition similar to that which existed prior to occupancy. The building lease also has a set annual pricing mechanism at each anniversary of the lease inception.

**Extension Options**

The Commission assessed the certainty of exercising the building lease extension option as at 30 June 2021. The Commission intends to negotiate a new office lease prior to the expiration of the existing lease in September 2022. On this basis, the Commission is not expecting to exercise the option of a lease extension.

**Right-of-Use Assets**

	Buildings \$'000	Office Equipment \$'000	Total \$'000
Opening Balance as at 1 July 2020	2,810	-	2,810
Additions to the right-of-use asset	-	105	105
Depreciation charge	(1,249)	(10)	(1,259)
Other movements	10	-	10
<b>Balance as at 30 June 2021</b>	<b>1,571</b>	<b>95</b>	<b>1,666</b>

**Legal Aid Commission (ACT)**  
**Notes to and Forming Part of the Financial Statements**  
**For the Year Ended 30 June 2021**

	2021 \$'000	2020 \$'000
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**NOTE 18. LEASE LIABILITIES - CONTINUED**

**Lease liabilities**

The maturity analysis of lease liabilities at 30 June 2021 based on contractual undiscounted cash flows is shown in the table below.

< 1 year <sup>1</sup>	1,292	1,222
1-5 years <sup>1</sup>	368	1,530
Total undiscounted lease liabilities	<u>1,660</u>	<u>2,751</u>
Lease liabilities included in the Balance Sheet	<u><u>1,660</u></u>	<u><u>2,751</u></u>

**Operating Statement**

The amounts recognised in the operating statement relating to the Commission's office lease and multifunction device lease is shown below.

Depreciation of right-of-use asset <sup>1</sup>	1,259	1,249
Interest on lease liabilities	28	43

<sup>1</sup>The 2020-21 figures include both building and multifunction devices.

**Statement of Cash Flows**

Total cash outflow of leases	1,235	1,178
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**NOTE 19. EMPLOYEE BENEFITS**

**Current Employee Benefits**

Annual Leave	672	665
Long Service Leave	918	812
Accrued Salaries	216	182
<b>Total Current Employee Benefits</b>	<u><b>1,807</b></u>	<u><b>1,658</b></u>

**Non-Current Employee Benefits**

Long Service Leave	130	321
<b>Total Non-Current Employee Benefits</b>	<u><b>130</b></u>	<u><b>321</b></u>
<b>Total Employee Benefits</b>	<u><u><b>1,937</b></u></u>	<u><u><b>1,979</b></u></u>

**Estimate of When Leave is Payable**

**Estimated Amount Payable within 12 Months**

Annual Leave	356	338
Long Service Leave	59	64
Accrued Salaries	216	182
<b>Total Employee Benefits Payable within 12 months</b>	<u><b>631</b></u>	<u><b>584</b></u>

**Estimated Amount Payable after 12 Months**

Annual Leave	316	327
Long Service Leave	990	1,069
<b>Total Employee Benefits Payable after 12 Months</b>	<u><b>1,306</b></u>	<u><b>1,395</b></u>
<b>Total Employee Benefits</b>	<u><u><b>1,937</b></u></u>	<u><u><b>1,979</b></u></u>

**Legal Aid Commission (ACT)**  
**Notes to and Forming Part of the Financial Statements**  
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	2021	2020
	\$'000	\$'000

**NOTE 20. OTHER PROVISIONS**

**Provision For Amounts Owing To Private Legal Practitioners - Current**

The Provision for Amounts Owing to Private Legal Practitioners is an estimate of the cost of services provided by private legal practitioners, prior to the end of the reporting period, for which the Commission has not been invoiced. The Commission has made a commitment to the private legal practitioners that this work will be paid once the Commission is invoiced. Unpaid invoices from private legal practitioners received by the Commission that relate to work done up to 30 June 2021 are included in Note 16: Payables.

<b>Provision for Amounts Owing to Private Legal Practitioners</b>	<b>420</b>	<b>339</b>
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**Reconciliation of the Provision for Amounts Owing to Private Legal Practitioners**

Provision for Amounts Owing to Private Legal Practitioners at the Beginning of the Reporting Period	339	256
Add: Amount Transferred to Accrued Expenses in the Previous Reporting Period	87	82
Increase in Provision for the Reporting Period	108	87
Reduction in Provision due to Transfer to Accrued Expenses	(114)	(87)

<b>Provision for Amounts Owing to Private Legal Practitioners at the End of the Reporting Period<sup>1</sup></b>	<b>420</b>	<b>339</b>
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<sup>1</sup>The increase in the 'Provision for Amounts Owing to Private Legal Practitioners' is mainly due to the increased volume of outstanding commitments where invoices have yet to be received.

**Provision For Make Good - Non Current**

The Commission has recorded a liability and corresponding asset for the estimated cost of restoring the Commission's leased office space - 2 Allsop Street, Canberra City. Under the terms of the lease, the Commission may be required to restore the premises to a similar condition which existed prior to the occupancy, unless an option to extend the initial term of the lease is exercised. This cost will be borne on exiting the premises. The estimate is based on an independent analysis conducted in July 2018 by Helga Maynier, BSc (QS) MAIQS MRICS, Director, mbmpl PTY LTD.

<b>Provision for Make Good</b>	<b>663</b>	<b>683</b>
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**Reconciliation of the Provision for Make Good**

Provision for Make Good at the Beginning of the Reporting Period	683	661
Increase in Provision due to Unwinding of Discount	30	28
(Decrease) in Provision due to a change in bond rate	(50)	(6)

<b>Provision for Make Good at the End of the Reporting Period</b>	<b>663</b>	<b>683</b>
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**Legal Aid Commission (ACT)**  
**Notes to and Forming Part of the Financial Statements**  
**For the Year Ended 30 June 2021**

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**NOTE 21. FINANCIAL INSTRUMENTS**

Details of significant policies and methods adopted, including the criteria for recognition, the basis of measurement, and the basis on which income and expenses are recognised, with respect to each class of financial asset and financial liability are disclosed in Note 2 (see Appendix B - *Significant Accounting Policies*).

**Interest Rate Risk**

Interest rate risk is the risk that fair value or future cash flows of a financial instrument will fluctuate because of changes in market interest rates.

A significant portion of financial assets compared to financial liabilities are subject to floating interest rates. This means that the Commission is not significantly exposed to movements in interest payable, however, it is exposed to movements in interest receivable. There are no unrecognised financial assets or liabilities.

Interest rate risk for financial assets is managed by the Commission by only holding cash in bank accounts with Australian banks which have been assessed as low risk. The Commission received slightly lower interest revenue in 2020-21 compared to 2019-20 due to the lower interest rates in 2020-21 (1.00% compared to 1.55% in 2019-20).

The maximum exposure of the Commission to interest rate risk is the interest received on its Cash and Cash Equivalents. The details of Cash and Cash Equivalents at the end of the reporting period together with the weighted average interest rate paid during the reporting period are given in the tables provided later in this note. There have been no changes in risk exposure or processes for managing risk in 2020-21.

*Sensitivity Analysis*

A sensitivity analysis has not been undertaken for the interest rate risk of the Commission as it has been determined that the possible impact on income and expense or total equity from fluctuations in interest rates is immaterial.

**Credit Risk**

Credit risk is the risk that one party to a financial instrument will fail to discharge an obligation and cause the other party to incur a financial loss. The Commission's credit risk is limited to the amount of financial assets it holds net of any allowance for impairment. The Commission expects to collect all financial assets that are not past due or impaired.

The Commission minimises concentrations of credit risk in relation to accounts receivable by calculating contributions in accordance with a set means test which takes into account the assisted persons' income, assets and liabilities. In matters where the assisted person's financial position changes and the Commission reassesses the substantial contribution amounts, the Commission may impose a caveat as a security over the assisted person's property.

The Commission holds a bank account with Westpac Banking Corporation. The Commission considers the risk that Westpac will fail to discharge its obligations and cause the Commission to incur a financial loss is negligible.

There have been no significant changes in credit risk exposure since the last reporting period.

Trade receivables are always measured at lifetime expected credit losses (the simplified approach). The vast majority of the Commission's unsecured receivable items is made up of client contributions on grants of legal assistance paid through Centrepay. The total dollar amount of this particular type of receivable is deemed to be immaterial.



**Legal Aid Commission (ACT)**  
**Notes to and Forming Part of the Financial Statements**  
**For the Year Ended 30 June 2021**

**NOTE 21. FINANCIAL INSTRUMENTS - CONTINUED**

**Liquidity Risk**

Liquidity Risk is the risk that the Commission will encounter difficulties in meeting its obligations associated with financial liabilities that are settled by delivering cash or other financial assets. The Commission's financial obligations relate to the purchases of supplies and services, lease payments, and employee expenses, which is the largest expenditure of the Commission.

The main sources of cash to pay these obligations are quarterly grant payments received from the ACT Government under the agreement with the Commonwealth; fortnightly payments of appropriation from the ACT Government and payment from the ACT Law Society from the Statutory Interest Account. The Commission regularly monitors its financial position to determine whether there are any significant variances from the budget which may affect the Commission's ability to meet its emerging financial liabilities. Liquidity risk is managed by forecasting appropriation drawdown requirements to enable payment of anticipated obligations. As such, the Commission ensures it has a sufficient amount of current financial assets to meet its current financial liabilities.

The Commission's exposure to liquidity risk and the management of this risk has not changed since the previous reporting period.

The Commission does not have any financial assets or liabilities in the 'Financial Assets/Liabilities at Fair Value through the Profit and Loss' categories.

**Fair Value of Financial Assets and Liabilities**

The carrying amounts and fair values of financial assets and liabilities at the end of the reporting period are:

		<b>Carrying Amount 2021 \$'000</b>	<b>Fair Value 2021 \$'000</b>	<b>Carrying Amount 2020 \$'000</b>	<b>Fair Value 2020 \$'000</b>
<b>Financial Assets</b>	<b>Note No.</b>				
Cash and Cash Equivalents	13	9,570	9,570	6,908	6,908
Receivables <sup>1</sup>	14	65	65	52	52
<b>Total Financial Assets</b>		<b>9,635</b>	<b>9,635</b>	<b>6,960</b>	<b>6,960</b>
<b>Financial Liabilities</b>					
Payables <sup>1</sup>	16	232	232	271	271
Lease Liabilities	18	1,660	1,660	2,751	2,751
<b>Total Financial Liabilities</b>		<b>1,892</b>	<b>1,892</b>	<b>3,022</b>	<b>3,022</b>

<sup>1</sup>In the table above Receivables and Payables exclude Net GST Receivables/Payables.

**Fair Value Hierarchy**

All financial assets and liabilities are measured at amortised cost subsequent to initial recognition and as such no Fair Value Hierarchy disclosures have been made.

**Legal Aid Commission (ACT)**  
**Notes to and Forming Part of the Financial Statements**  
**For the Year Ended 30 June 2021**

**NOTE 21. FINANCIAL INSTRUMENTS - CONTINUED**

The following table sets out the Commission's maturity analysis for financial assets and liabilities as well as the exposure to interest rates, including the weighted average interest rates by maturity period as at 30 June 2021. Except for non-current payables, financial assets and liabilities which have a floating interest rate or are non-interest bearing will mature in 1 year or less. All amounts appearing in the following maturity analysis are shown on an undiscounted cash flow basis.

2020-21	Note No.	Weighted Average Interest Rate	Floating Interest Rate \$'000	Fixed Interest Maturing In:			Non-Interest Bearing \$'000	Total \$'000
				1 Year or Less \$'000	Over 1 Year to 5 Years \$'000	Over 5 Years \$'000		
Financial Instruments								
Financial Assets								
Cash and Cash Equivalents <sup>1</sup>	13	1.00%	9,570	-	-	-	-	9,570
Receivables <sup>2</sup>	14		-	-	-	-	65	65
Total Financial Assets			9,570	-	-	-	65	9,635
Financial Liabilities								
Payables <sup>2</sup>	16		-	-	-	-	232	232
Lease Liabilities	18	0.18%	-	1,292	368	-	-	1,660
Total Financial Liabilities			-	1,292	368	-	232	1,892
Net Financial Assets/(Liabilities)			9,570	(1,292)	(368)	-	(167)	7,743

<sup>1</sup>The Commission holds \$335 petty cash on premises

<sup>2</sup>In the table above Receivables and Payables exclude Net GST Receivables/Payables. As such, the Receivables included in the above table of \$0.065m are calculated by taking the Net GST Receivables of \$0.104m from Total Receivables of \$0.169m included in Note 14.

**Legal Aid Commission (ACT)**  
**Notes to and Forming Part of the Financial Statements**  
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**NOTE 21. FINANCIAL INSTRUMENTS - CONTINUED**

The following table sets out the Commission's maturity analysis for financial assets and liabilities as well as the exposure to interest rates, including the weighted average interest rates by maturity period as at 30 June 2020. Except for non-current payables, financial assets and liabilities which have a floating interest rate or are non-interest bearing will mature in 1 year or less. All amounts appearing in the following maturity analysis are shown on an undiscounted cash flow basis.

2019-20		Fixed Interest Maturing In:					Non-Interest Bearing \$'000	Total \$'000
Note No.	Weighted Average Interest Rate	Floating Interest Rate \$'000	Over 1 Year					
			1 Year or Less \$'000	to 5 Years \$'000	Over 5 Years \$'000			
Financial Instruments								
Financial Assets								
Cash and Cash Equivalents <sup>1</sup>	13	1.55%	6,908	-	-	-	-	6,908
Receivables <sup>2</sup>	14		-	-	-	-	52	52
Total Financial Assets			6,908	-	-	-	52	6,960
Financial Liabilities								
Payables <sup>2</sup>	16		-	-	-	-	271	271
Lease Liabilities	18	1.30%	-	1,222	1,530	-	-	2,751
Total Financial Liabilities			-	1,222	1,530	-	271	3,022
Net Financial Assets/(Liabilities)			6,908	(1,222)	(1,530)	-	(219)	3,938

<sup>1</sup>The Commission holds \$335 petty cash on premises

<sup>2</sup>In the table above Receivables and Payables exclude Net GST Receivables/Payables. As such, the Receivables included in the above table of \$0.052m are calculated by taking the Net GST Receivables of \$0.109m from Total Receivables of \$0.162m included in Note 14.

**Legal Aid Commission (ACT)**  
**Notes to and Forming Part of the Financial Statements**  
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	2021 \$'000	2020 \$'000
<b>NOTE 22. THIRD PARTY MONIES</b>		
The Commission holds money in trust on behalf of clients, whilst awaiting instructions for disbursement of those funds. Section 9(5) of the <i>Legal Aid Act 1977</i> states that the provisions of the <i>Legal Profession Act 2006</i> concerning keeping and auditing of accounts do not apply in relation to money held by the Commission on trust. Nevertheless, the Commission follows, where practicable, the trust account rules as best practice for the administration of its trust account.		
<b>Third Party Monies held by the Commission</b>		
Balance at the Beginning of the Reporting Period	313	53
Cash Receipts	2,214	1,276
Cash Payments	(2,508)	(1,015)
Balance at the End of the Reporting Period <sup>1</sup>	19	313
<b>Total Third Party Monies held by the Commission</b>	<b>19</b>	<b>313</b>

<sup>1</sup>The decrease in Third Party Monies held by the Commission is due to paying out monies held in trust which were received in 2019-20.

**Legal Aid Commission (ACT)**  
**Notes to and Forming Part of the Financial Statements**  
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**NOTE 23. RELATED PARTY DISCLOSURES**

A related party is a person that controls or has significant influence over the reporting entity, or is a member of the Key Management Personnel (KMP) of the reporting entity or its parent entity, and includes their close family members and entities in which the KMP and/or their close family members individually or jointly have controlling interests.

KMP are those persons having authority and responsibility for planning, directing and controlling the activities of the Commission, directly or indirectly.

KMP of the Commission are the Chief Executive Officer and the Deputy Chief Executive Officer.

The Head of Service and the ACT Executive comprising the Cabinet Ministers are KMP of the ACT Government and therefore related parties of the Commission.

This note does not include typical citizen transactions between the KMP and the Commission that occur on terms and conditions no different to those applying to the general public.

**(A) CONTROLLING ENTITY**

The Legal Aid Commission (ACT) is an independent statutory authority within the ACT, established under the *Legal Aid Act 1977* and is an ACT Government controlled entity.

**(B) KEY MANAGEMENT PERSONNEL**

**B.1 Compensation of Key Management Personnel**

Compensation of all Cabinet Ministers is disclosed in the note on related party disclosures included in the ACT Executive's financial statements for the year ended 30 June 2021.

Compensation of the Head of Service is included in the note on related party disclosures included in the Chief Minister, Treasury and Economic Development Directorate's (CMTEDD) financial statements for the year ended 30 June 2021.

Compensation by the Commission to KMP is set out below.

	<b>2021</b>	<b>2020</b>
	<b>\$'000</b>	<b>\$'000</b>
Short-term employee benefits	495	596
Post employment benefits	114	133
Other long-term benefits	10	50
<b>Total Compensation by the Commission to KMP<sup>1</sup></b>	<b>619</b>	<b>779</b>

<sup>1</sup>The decrease in Compensation by the Commission to KMP is due to the Deputy CEO going on unpaid leave on the second half of 2020-21. This position remained vacant for the second half of the financial year.

**B.2 Transactions with Key Management Personnel**

There were no transactions with KMP that were material to the financial statements of the Commission.

No disclosure is required for typical citizen transactions between the KMP and the Commission that occur on terms and conditions no different to those applying to the general public, where no discretion is applied and no influence is exerted by the related parties over the terms and conditions of these transactions.

**B.3 Transactions with parties related to Key Management Personnel**

There were no transactions with parties related to KMP, including transactions with KMP's close family members or other related entities that were material to the financial statements of the Commission.

**(C) TRANSACTIONS WITH OTHER ACT GOVERNMENT CONTROLLED ENTITIES**

All transactions with ACT Government controlled entities are disclosed in the relevant notes to the financial statements of the Commission.

**Legal Aid Commission (ACT)**  
**Notes to and Forming Part of the Financial Statements**  
**For the Year Ended 30 June 2021**

	2021 \$'000	2020 \$'000
<b>NOTE 24. CASH FLOW RECONCILIATION</b>		
<b>(a) Reconciliation of Cash and Cash Equivalents at the End of the Reporting Period in the Statement of Cash Flows to the Equivalent Items in the Balance Sheet.</b>		
Total Cash and Cash Equivalents Recorded in the Balance Sheet	9,570	6,908
<b>Cash and Cash Equivalents at the End of the Reporting Period as Recorded in the Statement of Cash Flows</b>	<b>9,570</b>	<b>6,908</b>
<b>(b) Reconciliation of the Operating Surplus to the Net Cash Inflows from Operating Activities</b>		
Operating Surplus	1,812	831
<b>Add/(Less) Non-Cash Items</b>		
Depreciation	1,742	1,634
Borrowing Costs	58	71
<b>Cash Before Changes in Operating Assets and Liabilities</b>	<b>3,611</b>	<b>2,536</b>
<b>Changes in Operating Assets and Liabilities</b>		
(Increase)/Decrease in Receivables	(7)	46
Decrease/(Increase) in Prepayments	15	(25)
(Decrease) in Payables	(39)	(34)
Increase/(Decrease) in Contract Liabilities	378	(127)
(Decrease) in Employee Benefits	(42)	(91)
Increase in Provision for Amounts Owing to Private Legal Practitioners	81	82
<b>Net Changes in Operating Assets and Liabilities</b>	<b>385</b>	<b>(149)</b>
<b>Net Cash Inflows from Operating Activities</b>	<b>3,996</b>	<b>2,387</b>
<b>(c) Non-Cash Financing and Investing Activities</b>		
Acquisition of Assets by Means of a Lease		
The Commission acquired an asset by means of a lease in 2020-21. No assets were acquired by means of a lease during 2019-20.		
	2020 \$'000	2021 \$'000
	Cash flows	Non-cash changes New Lease      Other
Lease Liabilities	2,751 (1,235)	105 38 1,660

**Legal Aid Commission (ACT)**  
**Notes to and Forming Part of the Financial Statements**  
**For the Year Ended 30 June 2021**

**NOTE 25. BUDGETARY REPORTING**

	<b>Actual 2020-21 \$'000</b>	<b>Original Budget<sup>1</sup> 2020-21 \$'000</b>	<b>Variance \$'000</b>	<b>Variance %</b>	<b>Variance Explanation</b>
<b>Operating Statement Line Items</b>					
Sales of Services from Contracts with Customers	2,417	3,330	(913)	(27%)	Sales of Services from Contracts with Customers were below the budget due to the delays in the performance obligation delivery in the Expensive Criminal Cases Fund, Family Violence Cross Examination, and Family Law Property Mediation contracts.
Grants and Contributions	1,837	967	870	90%	Grant and Contributions were higher than budget mainly due to the additional funding than budgeted from the ACT Law Society, monies received by the Commission to respond to the COVID-19 Pandemic, cash from the ATO COVID-19 Pandemic relief, and higher recovered costs and client contributions.
Employee Expenses	9,021	9,407	(387)	(4%)	Employee Expenses were below the budget amount due to the retirement of a number of senior lawyers, as well as the Deputy CEO being on leave without pay for the second half of 2020-21.
Supplies and Services	4,623	6,193	(1,570)	(25%)	Supplies and Services were below the budget mainly due to lower than budgeted legal expenses and delays in the office fitout, which is now scheduled for 2021-22. The legal expenses underspend is due to the delay in expenditure for some revenue contracts, especially in the Expensive Criminal Cases Fund, Family Violence Cross Examination, and Family Law Property Mediation contracts.
<b>Balance Sheet Line Items</b>					
Cash and Cash Equivalents	9,570	6,842	2,728	40%	Cash and Cash Equivalents were higher due to receiving higher revenue than expected in 2020-21 (revenue received in advance, ATO COVID-19 cash boost, higher ACT Law Society funding than budgeted and higher client contributions) and less expenses than budgeted (delay in expenses associated with the office fitout now expected to occur in 2021-22, and underspends in employee and legal expenses).
Contract Liabilities	981	56	925	1,652%	Contract Liabilities were higher due to the delays in the performance obligation delivery in the Expensive Criminal Cases Fund, Family Violence Cross Examination, and Family Law Property Mediation contracts. This balance also includes the Third Person Support contract executed in late June 2021.

**Legal Aid Commission (ACT)**  
**Notes to and Forming Part of the Financial Statements**  
**For the Year Ended 30 June 2021**

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**NOTE 25. BUDGETARY REPORTING - CONTINUED**

	Actual 2020-21 \$'000	Original Budget <sup>1</sup> 2020-21 \$'000	Variance \$'000	Variance %	Variance Explanation
<b>Balance Sheet Line Items - Continued</b>					
Lease Liabilities - Non-current	368	302	66	22%	Lease Liabilities were higher due to the Commission entering a lease for multifunction devices in 2020-21.
<b>Statement of Changes in Equity Line Items</b>					
These line items are covered in other financial statements.					
<b>Statement of Cash Flows Line Items</b>					
Employee Payments	8,973	9,290	(317)	(3%)	Employee Payments were below the budget amount due to re-profiling of staff positions in the Commission, as well as the Deputy CEO being on leave without pay for the second half of 2020-21.
Supplies and Services	4,548	6,193	(1,645)	(27%)	Supplies and Services payments were below the budget mainly due to lower than budgeted legal expenses. A major component of this underspend against budget is the delay in expenditure relating to some contracts, especially in the Expensive Criminal Cases Fund, Family Violence Cross Examination, and Family Law Property Mediation contracts. The budgeted office fitout for 2020-21 (valued at \$0.5m) is now scheduled for 2021-22, further increasing this variance.
Purchase of Property, Plant and Equipment	98	50	48	97%	Purchase of Property, Plant and Equipment were higher than budget due to purchasing additional IT equipment in 2020-21.

<sup>1</sup>Original Budget refers to the amounts presented to the Legislative Assembly in the original budgeted financial statements in respect of the reporting period (2020-21 Statement of Intent).



**Legal Aid Commission (ACT)**  
**Appendix A - Basis of Preparation of the Financial Statements**  
**Forms Part of Note 2 of the Financial Statements**  
**For the Year Ended 30 June 2021**

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**Basis of Preparation of the Financial Statements**

**LEGISLATIVE REQUIREMENT**

The *Financial Management Act 1996* (FMA) requires the preparation of annual financial statements for ACT Government agencies.

The FMA and the *Financial Management Guidelines* issued under the FMA, requires the Commission's financial statements to include:

- (i) an Operating Statement for the reporting period;
- (ii) a Balance Sheet at the end of the reporting period;
- (iii) a Statement of Changes in Equity for the reporting period;
- (iv) a Statement of Cash Flows for the reporting period;
- (v) a Statement of Appropriation for the reporting period;
- (vi) an Operating Statement for each class of output for the reporting period;
- (vii) the significant accounting policies adopted for the reporting period; and
- (viii) other statements as necessary to fairly reflect the financial operations of the Commission during the year and its financial position at the end of the reporting period.

These general purpose financial statements have been prepared in accordance with:

- (i) Australian Accounting Standards (as required by the FMA); and
- (ii) ACT Accounting and Disclosure Policies.

**ACCRUAL ACCOUNTING**

The financial statements have been prepared using the accrual basis of accounting. The financial statements have also been prepared according to the historical cost convention.

**CURRENCY**

These financial statements are presented in Australian dollars, which is the Commission's functional currency.

**INDIVIDUAL NOT-FOR-PROFIT REPORTING ENTITY**

The Commission is an individual not-for-profit reporting entity.

**REPORTING PERIOD**

These financial statements state the financial performance, changes in equity and cash flows of the Commission for the year ending 30 June 2021 together with the financial position of the Commission at 30 June 2021.

**COMPARATIVE FIGURES**

**Budget Figures**

To facilitate a comparison with the Budget Papers, as required by the FMA, budget information for 2020-21 has been presented in the financial statements. Budget numbers in the financial statements are the original budget numbers that appear in the Budget Papers.

**Prior Year Comparatives**

Comparative information has been disclosed in respect of the previous period for amounts reported in the financial statements, except where an Australian Accounting Standard does not require comparative information to be disclosed.

Where the presentation or classification of items in the financial statements is amended, the comparative amounts have been reclassified where practical. Where a reclassification has occurred, the nature, amount and reason for the reclassification is provided.

**Rounding**

All amounts in the financial statements have been rounded to the nearest thousand dollars (\$'000). Use of "-" represents zero amounts or amounts rounded down to zero.

**GOING CONCERN**

The 2020-21 financial statements have been prepared on a going concern basis.

The Commission's 2020-21 ongoing functions and activities have been funded in 2021-22 under budget section 7 of the *Financial Management Act 1996*. The 2021-22 Budget, including forward estimates, will be presented in the Legislative Assembly and debated subsequent to the signing of these financial statements.

**Legal Aid Commission (ACT)**  
**Appendix B - Significant Accounting Policies**  
**Forms Part of Note 2 of the Financial Statements**  
**For the Year Ended 30 June 2021**

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**Significant Accounting Policies**

**SIGNIFICANT ACCOUNTING POLICIES - INCOME**

**REVENUE RECOGNITION**

Revenue is recognised in accordance with AASB 15 *Revenue from Contracts with Customers* where the contract is enforceable and contains sufficiently specific performance obligations, otherwise revenue is in the scope of AASB 1058 *Income of Not-for-Profit Entities*.

**AASB 15**

The core principle of AASB 15 is that revenue is recognised on a basis that reflects the transfer of promised goods or services to customers at an amount that reflects the consideration the entity expects to receive in exchange for those goods and services. Revenue is recognised by applying a five step model as follows:

1. identify the contract with the customer;
2. identify the performance obligation;
3. determine the transaction price;
4. allocate the transaction price; and
5. recognise revenue as or when control of the performance obligation is transferred to the customer.

Generally, the timing of the payment for sale of goods and rendering of services corresponds closely to the timing of satisfaction of the performance obligations, however where there is a difference, it will result in the recognition of a receivable, contract asset or contract liability.

None of the revenue streams of the Commission have any significant financing terms as there is less than 12 months between receipt of funds and satisfaction of performance obligations.

**AASB 1058**

Where revenue streams are in the scope of AASB 1058, the Commission recognises the asset received (generally cash or other financial asset) at fair value, recognises any related amount (e.g. liability or equity) in accordance with an accounting standard and recognises revenue as the residual between the fair value of the asset and the related amount on receipt of the asset.

**Note 3 Controlled Recurrent Payments**

Controlled Recurrent Payments are recognised as revenue when the Commission gains control over the funding. Control over appropriated funds is normally obtained upon the receipt of cash.

Capital injection appropriations are not recognised as income, but instead are recognised as a cash inflow which is used to purchase/build an asset or reduce a liability.

**Note 4 Sale of Services from Contracts with Customers**

The Commission's revenue is generated through the provision of legal services to the residents of the ACT. The Commission recognises revenue when the Commission satisfies its performance obligation, either over time or at a point in time, depending on how the service is delivered.

A significant portion of the Commission's revenue from providing legal services is recognised over time using the input method based on time and costs incurred in providing these services. The Commission is often engaged to deliver services to the public over a period of time, with funding provided at the commencement of the contract.

A small portion of the Commission's revenue is recognised at a point in time. For these type of contracts, the Commission recognises revenue when the output has been provided to the customer.

The Commission receives funding for most of its contracts in the same year the delivery of performance obligations are expected to occur. This means the revenue is often fully recognised in the same year funding is received. In situations where specific performance obligations have not yet occurred, the funds are recorded as a contract liability and is only recognised as revenue after performance delivery.

*Significant Judgements and Estimates - Revenue from Contracts*

The Commission has made a significant judgement in determining that the Expensive Commonwealth Criminal Cases Fund, Family Violence Cross Examination, and Lawyer-assisted Family Law Property Mediation agreements all contain specific performance obligations and are contracts under AASB 15. These agreements contain clauses that require the Commission to spend the funds received for specific activities identified by each agreement, with unspent funds to be returned to the grantors.

**Legal Aid Commission (ACT)**  
**Appendix B - Significant Accounting Policies**  
**Forms Part of Note 2 of the Financial Statements**  
**For the Year Ended 30 June 2021**

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**Significant Accounting Policies - Continued**

**SIGNIFICANT ACCOUNTING POLICIES - INCOME - CONTINUED**

**Note 4 Sale of Services from Contracts with Customers - Continued**

*Significant Judgements and Estimates - Revenue from Contracts - Continued*

The Commission recognises revenue when a corresponding expenditure has been incurred under these agreements. Expenditure for these agreements are in the form of disbursements and employee salaries. Disbursements are recorded in the accounting system as incurred and time spent by employees on each agreement are recorded using the Commission's payroll system. Commission systems are regularly checked to ensure that the data collection within the Commission are robust and reliable.

**Note 5 Grants and Contributions**

*Grants*

Grants and Contributions are recognised as revenue when the Commission gains control over the funding. Control over grant revenue is obtained on receipt of the funds.

Where the Commission receives an asset or services for significantly less than fair value then the transaction is in the scope of AASB 1058 and revenue is recognised on receipt of the asset / services.

Where services are received, the expense is recognised in the line item to which it relates.

Services that are received free of charge are only recognised in the Operating Statement if they can be reliably measured and would have been purchased if not provided to the Commission free of charge.

*Assisted Person Contributions*

Assisted person contributions are recognised at the time of granting legal assistance. Contributions from individual clients can be reassessed at any stage during the grant, including upon finalisation.

Assisted Person Contribution and Recovered Costs is derived by providing legal assistance services to the public. It is legally retained by the Commission and is driven by the amount of legal assistance provided to clients, and is not appropriated.

Assisted persons are required to pay a contribution towards the services that they receive. When a service is provided by Commission staff, the initial contribution is payable directly to the Commission. When a service is provided by a Private Legal Practitioner, the initial contribution is payable directly to that practitioner and the same amount is withheld from the first payment made by the Commission to that Practitioner. Recovered Costs arise when the Commission is successful in a matter and the Court orders the unsuccessful party to pay costs.

A receivable in relation to these services is recognised when the client is invoiced, as this is the point in time that the consideration is unconditional because only passage of time is required before the payment.

**Note 6 Interest Revenue**

Interest revenue is recognised using the effective interest method.

**SIGNIFICANT ACCOUNTING POLICIES - EXPENSES**

**Note 7 Employee Expenses**

Employee benefits include:

- short-term employee benefits such as wages and salaries, annual leave loading, and applicable on-costs, if expected to be settled wholly before twelve months after the end of the annual reporting period in which the employees render the related services;
- other long-term benefits, such as long service leave, annual leave, and superannuation; and
- termination benefits.

**Note 8 Superannuation Expenses**

Employees of the Commission have different superannuation arrangements due to the type of superannuation scheme available at the time of commencing employment, including both defined benefit and defined contribution superannuation scheme arrangements. For employees who are members of the defined benefit Commonwealth Superannuation Scheme (CSS) and Public Sector Superannuation Scheme (PSS), the Commission makes employer superannuation contribution payments to the Territory Banking Account at a rate determined by the Chief Minister, Treasury and Economic Development Directorate. The Commission also makes productivity superannuation contribution payments on behalf of these employees to the Commonwealth Superannuation Corporation, which is responsible for administration of the schemes.

**Legal Aid Commission (ACT)**  
**Appendix B - Significant Accounting Policies**  
**Forms Part of Note 2 of the Financial Statements**  
**For the Year Ended 30 June 2021**

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**Significant Accounting Policies - Continued**

**SIGNIFICANT ACCOUNTING POLICIES - EXPENSES - CONTINUED**

**Note 8 Superannuation Expenses - Continued**

For employees who are members of defined contribution superannuation schemes (the Public Sector Superannuation Scheme Accumulation Plan (PSSAP) and schemes of employee choice), the Commission makes employer superannuation contribution payments directly to the employee's relevant superannuation fund.

All defined benefit employer superannuation contributions are recognised as expenses on the same basis as the employer superannuation contributions made to defined contribution schemes. The accruing superannuation liability obligations are expensed as they are incurred and extinguished as they are paid.

*Superannuation Liability Recognition*

For Commission employees who are members of the defined benefit CSS or PSS, the employer superannuation liabilities for superannuation benefits payable upon retirement are recognised in the financial statements of the Superannuation Provision Account.

**Note 9 Supplies and Services**

*Insurance*

In 2020-21 the Commission insured all of its major risks through Allianz Australia Insurance Ltd, SURA Engineering Pty Ltd and Accident and Health International Underwriting Pty Ltd. The excess payable, under these arrangements, varies depending on each class of insurance held by the Commission. The Territory is ultimately responsible for the payment of any money owing by the Commission for any negligent act or omission by any officer of the Commission in performing their duties (Section 91 of the *Legal Aid Act 1977*).

*Referrals to Private Legal Practitioners*

The Commission's cases are categorised as either inhouse and referred matters. The expenditures related to these matters are recognised on an accrual basis. Expenditure on referred matters arise when cases are handled by private legal practitioners and are incurred on a per-action basis as per the Commission's schedule of fees.

*Legal Disbursements*

The Commission's cases are categorised as either inhouse and referred matters. The expenditures related to these matters are recognised on an accrual basis. Legal Disbursement expenditure on inhouse matters arise when external experts need to be engaged. Staff salaries for inhouse matters are included in Employee Expenses.

**Note 10 Depreciation**

*Depreciation of Non-Current Assets*

Depreciation is applied to physical assets such as property, plant and equipment.

Right-of-use building and office equipment are depreciated over the estimated useful life of the asset, or the unexpired period of the relevant lease, whichever is shorter.

All depreciation is calculated after first deducting any residual values which remain for each asset.

Depreciation for non-current assets is determined as follows:

<b>Class of Asset</b>	<b>Depreciation Method</b>	<b>Useful Life (Years)</b>
Building Right-of-Use Asset	Straight Line	12.5
Furniture and Fittings	Straight Line	10 to 20
Office and Computer Equipment	Straight Line	1 to 5
Office Equipment Right-of-Use Asset	Straight Line	4
Leasehold Improvements	Straight Line	12.5
Motor Vehicles	Straight Line	2 to 3

The useful lives of all major assets are assessed on an annual basis. The 'Office and Computer Equipment' and 'Building' both include Right-of-Use Assets.

**Legal Aid Commission (ACT)**  
**Appendix B - Significant Accounting Policies**  
**Forms Part of Note 2 of the Financial Statements**  
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**Significant Accounting Policies - Continued**

**SIGNIFICANT ACCOUNTING POLICIES - EXPENSES - CONTINUED**

**Note 12 Other Expenses**

Other Expenses is made up of impairment losses, and write-offs.

*Impairment Losses and Write-offs - Receivables*

The impairment losses are expensed during the year in which the receivable was impaired.

**SIGNIFICANT ACCOUNTING POLICIES - ASSETS**

**ASSETS - CURRENT AND NON-CURRENT**

Assets are classified as current when they are expected to be realised within 12 months after the reporting date.

Assets which do not fall within the current classification are classified as non-current.

**Note 13 Cash and Cash Equivalents**

Cash includes cash at bank and cash on hand. Cash equivalents are short-term, highly liquid investments that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value.

**Note 14 Receivables**

Accounts receivable are measured at amortised cost, with any adjustments to the carrying amount recorded in the Operating Statement. Assisted Person Contributions are levied at the time of granting legal assistance. These contributions can be reassessed at any stage during the grant including upon finalisation. If assisted persons are unable to pay immediately, then they are given the opportunity to pay by instalments. No interest is charged on outstanding debts.

*Impairment Loss - Receivables*

The allowance for expected credit losses represents the amount of assisted person contributions that the Commission estimates will not be repaid. The allowance for impairment losses is based on objective evidence of impairment. The Commission measures expected credit losses of a financial instrument in a way that reflects:

- (a) an unbiased and probability-weighted amount that is determined by evaluating a range of possible outcomes;
- (b) the time value of money; and
- (c) reasonable and supportable information that is available without undue cost or effort at the reporting date about past events, current conditions and forecasts of future economic conditions.

The amount of the expected credit loss is recognised in the Operating Statement. The allowance for impairment losses is written-off against the allowance account when the Commission ceases action to collect the debt when it is considered that it will cost more to recover the debt than the debt is worth. This is generally when the debts are greater than one year old from when they were initially recognised and attempts to recover the debts have been unsuccessful.

The Commission applied the simplified approach under AASB 9, which uses a lifetime expected loss for all receivables. A provision matrix is used to calculate the expected credit loss.

Where the Commission has no reasonable expectation of recovering an amount owed by a debtor and ceases action to collect the debt, as the cost to recover the debt is more than the debt is worth, the debt is written-off by directly reducing the receivable against the loss allowance.

*Caveats - Receivables*

The Commission can secure a debt against an assisted person's real property (land holding), under Section 31A of the *Legal Aid Act 1977*, in circumstances where immediate repayment of the debt would cause severe hardship.

The Commission will only receive the reassessed amount tied to a caveat on a real property when that asset is sold. While the Commission holds a small number of caveats on clients' real properties, it does not recognise the caveats as a receivable as predicting the timeframe between the reassessment of a receivable amount on a case and the realisation of the capital asset is impossible.

**Legal Aid Commission (ACT)**  
**Appendix B - Significant Accounting Policies**  
**Forms Part of Note 2 of the Financial Statements**  
**For the Year Ended 30 June 2021**

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**Significant Accounting Policies - Continued**

**SIGNIFICANT ACCOUNTING POLICIES - ASSETS - CONTINUED**

**Note 14 Receivables - Continued**

*Significant Judgements and Estimates - Allowance for Expected Credit Loss for Receivables*

The Commission has made a significant estimate in the calculation of the allowance for expected credit losses for receivables in the Financial Statements. The significant estimate is based on the categorisation of receivables and the use of an expected credit loss provision matrix. These categorisations are considered by management to be appropriate and accurate, based upon the pattern demonstrated in collecting receivables in the past financial years, general economic conditions and an assessment of both the current and forecast direction of conditions at the reporting date.

**Note 15 Property, Plant and Equipment**

*Acquisition and Recognition of Property, Plant and Equipment*

Property, plant and equipment is initially recorded at cost. Where property, plant and equipment is acquired at no or minimal cost, cost is its fair value at the date of acquisition.

Property, plant and equipment with a minimum value of \$5,000 is capitalised. In July 2020, the Commission changed its accounting policy in relation to its asset capitalisation threshold, increasing it from \$2,000 to \$5,000. This change in policy was made to align the Commission's asset capitalisation threshold with other reporting entities in the ACT Government. The effect of this accounting policy in 2020-21 is immaterial.

Where the Commission undertakes a major maintenance on its assets which leads to increasing the service potential of the existing infrastructure asset, the cost is capitalised.

*Measurement of Property, Plant and Equipment after Initial Recognition*

The Commission measures its property, plant and equipment assets subsequent to initial recognition at cost.

Right-of-use assets are initially measured at cost. After the commencement date, right of use assets are measured at cost less any accumulated depreciation and accumulated losses and adjusted for any re-measurement of the lease liability. Right-of-use assets are presented in the property, plant and equipment under the relevant asset class.

*Significant Judgements and Estimates - Estimation of the Useful Lives of Property Plant and Equipment (PPE)*

The Commission has made a significant estimate in determining the useful lives of its PPE. The estimation of useful lives of PPE has been based on the historical experience of similar assets. The useful lives are assessed on an annual basis and any adjustments are made when considered necessary.

An asset's useful life is assessed on an annual basis.

**SIGNIFICANT ACCOUNTING POLICIES - LIABILITIES**

**LIABILITIES - CURRENT AND NON-CURRENT**

Liabilities are classified as current when they are due to be settled within 12 months after the reporting date or the Commission does not have an unconditional right to defer settlement of the liability for at least twelve months after the reporting date.

Liabilities which do not fall within the current classification are classified as non-current.

*Taxation*

The Commission is exempt from Income Taxation and receives a Fringe Benefits Tax concession under a ruling by the Australian Taxation Office granting the Commission Public Benevolent Institution status.

**Note 16 Payables**

Payables are initially recognised at fair value based on the transaction cost and subsequent to initial recognition at amortised cost, with any adjustments to the carrying amount being recorded in the Operating Statement. All amounts are normally settled within 15 days after an invoice is received.

Payables include trade payables, other payables, accrued expenses and amounts owing to private legal practitioners.

**Legal Aid Commission (ACT)**  
**Appendix B - Significant Accounting Policies**  
**Forms Part of Note 2 of the Financial Statements**  
**For the Year Ended 30 June 2021**

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**Significant Accounting Policies - Continued**

**SIGNIFICANT ACCOUNTING POLICIES - LIABILITIES - CONTINUED**

**Note 16 Payables - Continued**

*Grants of Legal Assistance - Payables*

In accordance with the *Legal Aid Act 1977* and guidelines made under the Act, the Commission provides Grants of Legal Assistance to eligible applicants. The Grant sets out the types of legal costs and maximum amounts which the Commission may fund in relation to the case. In many cases the amounts included in the Grant are not fully expended due to changes during the running of the case. Should further costs be required, these must be applied for and approved by the Commission through an Extension to the Grant. Depending on the course of a particular case and circumstances of the assisted person, the Commission may withdraw or modify the Grant, for example, if an improvement in the assisted person's financial position means that they no longer satisfy the means test.

The Commission does not recognise a liability or a contingent liability when a client is informed that their legal assistance application has been approved. A liability is only recognised when approved legal services have been provided by private practitioners.

A provision for work performed by private practitioners but not invoiced as at the reporting date is recorded by the Commission in a Provision for Amounts Owing to Private Legal Practitioners shown in Note 20 - Other Provisions.

A payable for private legal practitioners is recognised when an invoice is received from a solicitor for performing a legal service for approved clients. Invoices received by the Commission after year end for legal services provided under these approvals are reclassified from the Provision for Amounts Owing to Private Legal Practitioners to Payables.

See further disclosure at Appendix B - Note 20 - Other Provisions - Current (*Provision for Amounts Owing to Private Legal Practitioners*).

**Note 17 Contract Liabilities**

When an amount of consideration is received from a customer prior to the Commission transferring a service to the customer, the balance of the consideration which has not been transferred is presented as a contract liability.

**Note 18 Lease Liabilities**

Lease liabilities include the net present value of the following lease payments:

- fixed payments (including in-substance fixed payments); and
- variable lease payments that are based on an index or a rate, initially measured using the index or rate as at the commencement date.

After the commencement date, lease liabilities are measured by increasing the carrying amount to reflect interest on the lease liabilities; reducing the carrying amount to reflect the lease payments made; and measuring the carrying amount to reflect any reassessment or lease modifications.

The lease payments are discounted using the interest rate determined by the ACT Treasury which can be found at <https://apps.treasury.act.gov.au/accounting>. This rate reflects the incremental borrowing rate consistent with Treasury policy.

**Accounting policies under AASB 16 - Commission as a lessee**

At inception of a contract, the Commission assess whether a lease exists - i.e. does the contract convey the right to control the use of an identified asset for a period of time in exchange for consideration.

This involves an assessment of whether:

- the contract involves the use of an identified asset - this may be explicitly or implicitly identified within the agreement. If the supplier has a substantive substitution right then there is no identified asset;
- the Commission has the right to obtain substantially all of the economic benefits from the use of the asset throughout the period of use; and
- the Commission has the right to direct the use of the asset, i.e. decision making rights in relation to changing how and for what purpose the asset is used.

Where the non-lease components have been separated, they are recognised as an expense as incurred in the operating statement.

At the lease commencement date, the Commission recognises a right-of-use asset and associated lease liability for the lease term.

**Legal Aid Commission (ACT)**  
**Appendix B - Significant Accounting Policies**  
**Forms Part of Note 2 of the Financial Statements**  
**For the Year Ended 30 June 2021**

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**Significant Accounting Policies - Continued**

**SIGNIFICANT ACCOUNTING POLICIES - LIABILITIES - CONTINUED**

**Note 18 Lease Liabilities - Continued**

The right-of-use asset is measured using the cost model where cost on initial recognition comprises of the lease liability, initial direct costs, prepaid lease payments, estimated cost of removal and restoration less any lease incentives received.

The right-of-use asset is depreciated over the lease term on a straight line basis and assessed for impairment in accordance with the impairment of assets accounting policy.

The lease liability is initially measured at the present value of the remaining lease payments at the commencement of the lease. The discount rate is the rate implicit in the lease, however where this cannot be readily determined then the Commission uses the incremental borrowing rate published by the ACT Treasury which most closely matches the remaining lease term.

Subsequent to initial recognition, the lease liability is measured at amortised cost using the effective interest rate method. The lease liability is remeasured whether there is a lease modification, change in estimate of the lease term or index upon which the lease payments are based (e.g. CPI) or a change in the Commission's assessment of lease term.

Where the lease liability is remeasured, the right-of-use asset is adjusted to reflect the remeasurement or is recorded in the operating statement if the carrying amount of the right-of-use asset has been reduced to zero.

**Note 19 Employee Benefits**

Employee benefits are listed in Appendix B - Note 7 Employee Expenses.

*Wages and Salaries*

Accrued wages and salaries are measured at the amount that remains unpaid to employees at the end of the reporting period.

*Annual and Long Service Leave*

Annual and long service leave, including applicable on-costs, that are not expected to be wholly settled before twelve months after the end of the reporting period when the employees render the related service, are measured at the present value of estimated future payments to be made in respect of services provided by employees up to the end of the reporting period. Consideration is given to the future wage and salary levels, experience of employee departures and periods of service. At the end of each reporting period, the present value of future annual leave and long service leave payments is estimated using market yields on Commonwealth Government bonds with terms to maturity that match, as closely as possible, the estimated future cash flows.

Annual leave liabilities have been estimated on the assumption that they will be wholly settled within three years. In 2020-21, the rate used to estimate the present value of future annual leave payments is 100.2% (100.90% in 2019-20). The impact of this rate change is immaterial.

In 2020-21, the rate used to estimate the present value of future payments for long service leave is 108.7% (113.60% in 2019-20). The impact of this rate change is immaterial.

The long service leave liability is estimated with reference to the minimum period of qualifying service of 7 years. For employees with less than the required minimum period, the probability that employees will reach the required minimum period has been taken into account in estimating the provision for long service leave and applicable on-costs.

The provision for annual leave and long service leave includes estimated on-costs. As these on-costs only become payable if the employee takes annual and long service leave while in-service, the probability that employees will take annual and long service leave while in service has been taken into account in estimating the liability for on-costs.

Annual leave and long service leave liabilities are classified as current liabilities in the Balance Sheet where there are no unconditional rights to defer the settlement of the liability for at least 12 months. Conditional long service leave liabilities are classified as non-current because the Commission has an unconditional right to defer the settlement of the liability until the employee has completed the requisite years of service.

The Commission calculates employee benefits in-line with the ACT Government's accounting policy.



**Legal Aid Commission (ACT)**  
**Appendix B - Significant Accounting Policies**  
**Forms Part of Note 2 of the Financial Statements**  
**For the Year Ended 30 June 2021**

**Significant Accounting Policies - Continued**

**SIGNIFICANT ACCOUNTING POLICIES - LIABILITIES - CONTINUED**

**Note 19 Employee Benefits - Continued**

*Significant Judgements and Estimates - Employee Benefits*

The estimated liability for annual and long service leave requires a consideration of the future wage and salary levels, experience of employee departures, probability that leave will be taken in service and periods of service. The estimate also includes an assessment of the probability that employees will meet the minimum service period required to qualify for long service leave and that on-costs will become payable.

The significant judgements and assumptions included in the estimation of annual and long service leave liabilities include an assessment by an actuary. Cumpston Sarjeant, Consulting Actuaries, performed this assessment in June 2018. The assessment by an actuary is performed every 5 years. However, it may be performed more frequently if there is a significant contextual change in the parameters. The next actuarial review is expected to be undertaken by 2023.

**Note 20 Other Provisions**

*Significant Judgements and Estimates - Provision for Amounts Owing to Private Legal Practitioners*

The Commission has made a significant estimate to calculate the value of work performed by private legal practitioners but not invoiced to the Commission as at the balance sheet date. For all legal expenses in the year, the Commission has recorded the length of time between the practitioner providing the service and receipt of the invoice. The provision is calculated by applying the average length of time to the total value of work performed by private legal practitioners in the reporting period.

*Significant Judgements and Estimates - Provision for Make Good*

The Commission has made a significant estimate in the calculation of the cost of returning the premises occupied by the Commission to a similar condition to that which existed prior to occupancy. An independent external property expert (mbmpl Pty Ltd) was engaged in July 2018 to analyse the level of Provision for Make Good in the Legal Aid leased office space. This analysis was not a revaluation, rather an update to the previous cost analysis conducted in 2010. The analysis of the Provision for Make Good factored current estimations of relevant items, including demolition, ceilings, flooring, paint, blinds, cooling system, electrical services, fire services and signage.

**Note 21 Financial Instruments**

Financial assets are classified as subsequently measured at amortised cost, fair value through other comprehensive income or fair value through profit or loss on the basis of both:

- (a) the business model for managing the financial assets; and
- (b) the contractual cash flow characteristics of the financial assets.

The following are the classification of the Commission's financial assets under AASB 9:

Items	Business model	Solely for payment of Principal and interest	Classification
Cash and cash equivalents	Held to collect	Yes	Amortised cost
Trade Receivables	Held to collect	Yes	Amortised cost
Accrued Revenue	Held to collect	Yes	Amortised cost

Financial Liabilities are measured at amortised cost.

**Note 25 Budgetary Reporting**

*Explanation of Major Variances between Actual Amounts and Original Budget Amounts*

Explanations of major variances between the 2020-21 original budget and the 30 June 2021 actual results are discussed in Note 25: *Budgetary Reporting*. The definition of 'major variances' is provided below.

*Significant Judgements and Estimates - Budgetary Reporting*

Significant judgements have been applied in determining what variances are considered as 'major variances' requiring explanations in Note 25: *Budgetary Reporting*. Variances are considered to be major variances if both of the following criteria are met:

- The line item is a significant line item: where either the line item actual amount accounts for more than 10% of the relevant associated category (Income, Expenses and Equity totals) or more than 10% of the sub-element (e.g. Current Liabilities and Receipts from Operating Activities totals) of the financial statements; and
- The variances (original budget to actual) are greater than plus (+) or minus (-) 2.5% and \$500,000 of the budget for the financial statement line item.

**Legal Aid Commission (ACT)**  
**Appendix C - Impact of Accounting Standards Issued But Yet to Be Applied**  
**Forms Part of Note 2 of the Financial Statements**  
**For the Year Ended 30 June 2021**

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**Impact of Accounting Standards Issued But Yet to Be Applied**

All Australian Accounting Standards and Interpretations issued but yet to be applied are either not relevant to the Commission or have been assessed as having an immaterial financial impact on the Commission.

These standards and interpretations are applicable to future reporting periods. The Commission does not intend to adopt these standards and interpretations early. Where applicable, these Australian Accounting Standards will be adopted from their application date.

## INDEPENDENT LIMITED ASSURANCE REPORT

### To the Members of the ACT Legislative Assembly

#### Conclusion

I have undertaken a limited assurance engagement on the statement of performance of the Legal Aid Commission (ACT) (Commission) for the year ended 30 June 2021.

Based on the procedures performed and evidence obtained, nothing has come to my attention to indicate the results of the accountability indicators reported in the statement of performance for the year ended 30 June 2021 are not in agreement with the Commission's records or do not fairly reflect, in all material respects, the performance of the Commission, in accordance with the *Financial Management Act 1996*.

#### Basis for conclusion

I have conducted the engagement in accordance with the Standard on Assurance Engagements ASAE 3000 *Assurance Engagements Other than Audits or Reviews of Historical Financial Information*. My responsibilities under the standard and legislation are described in the 'Auditor-General's responsibilities' section of this report.

I have complied with the independence and other relevant ethical requirements relating to assurance engagements, and the ACT Audit Office applies Australian Auditing Standard ASQC 1 *Quality Control for Firms that Perform Audits and Reviews of Financial Reports and Other Financial Information, Other Assurance Engagements and Related Services Engagements*.

I believe that sufficient and appropriate evidence was obtained to provide a basis for my conclusion.

#### Commission's responsibilities for the statement of performance

The Chief Executive Officer of the Commission is responsible for:

- preparing and fairly presenting the statement of performance in accordance with the *Financial Management Act 1996* and *Financial Management (Statement of Performance Scrutiny) Guidelines 2019*; and
- determining the internal controls necessary for the preparation and fair presentation of the statement of performance so that the results of accountability indicators and accompanying information are free from material misstatements, whether due to error or fraud.

#### Auditor-General's responsibilities

Under the *Financial Management Act 1996* and *Financial Management (Statement of Performance Scrutiny) Guidelines 2019*, the Auditor-General is responsible for issuing a limited assurance report on the statement of performance of the Commission.

My objective is to provide limited assurance on whether anything has come to my attention that indicates the results of the accountability indicators reported in the statement of performance are not in agreement with the Commission's records or do not fairly reflect, in all material respects, the performance of the Commission, in accordance with the *Financial Management Act 1996*.

In a limited assurance engagement, I perform procedures such as making inquiries with representatives of the Commission, performing analytical review procedures and examining selected evidence supporting the results of accountability indicators. The procedures used depend on my judgement, including the assessment of the risks of material misstatement of the results reported for the accountability indicators.

### **Limitations on the scope**

The procedures performed in a limited assurance engagement are less in extent than those required in a reasonable assurance engagement and consequently the level of assurance obtained is substantially lower than the assurance that would have been obtained had a reasonable assurance engagement been performed. Accordingly, I do not express a reasonable assurance opinion on the statement of performance.

This limited assurance engagement does not provide assurance on the:

- relevance or appropriateness of the accountability indicators reported in the statement of performance or the related performance targets;
- accuracy of explanations provided for variations between actual and targeted performance due to the often subjective nature of such explanations; or
- adequacy of controls implemented by the Commission.



Ajay Sharma  
Assistant Auditor-General, Financial Audit  
22 September 2021

**Legal Aid Commission (ACT)**  
**Statement of Performance**  
**For the Year Ended 30 June 2021**

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**Statement of Responsibility**

In my opinion, the Statement of Performance is in agreement with the Commission's records and fairly reflects the service performance of the Commission for the year ended 30 June 2021 and also fairly reflects the judgements exercised in preparing it.



John Boersig  
Chief Executive Officer  
Legal Aid Commission (ACT)  
20 August 2021

**Legal Aid Commission (ACT)**  
**Statement of Performance**  
**For the Year Ended 30 June 2021**

**Output Class 1 - Legal Aid Services**

**Output 1.1 - Legal Aid Services Provided to the Community**

**Description**

The Commission provides a full range of legal assistance services to the community through Commission staff and private legal practitioners. This output includes salaries and related costs of Commission staff as well as payments to private legal practitioners and the cost to the Commission of administering these arrangements. Private legal practitioners are paid professional fees and disbursements on the basis of agreed scales, up to a commitment level determined by the Commission on an individual case basis.

	<b>Original Target 2020-21</b>	<b>Actual Result 2020-21</b>	<b>% Variance from Original Target</b>	<b>Explanation of Material Variances (+/- 5% or greater than \$200,000)</b>
<b>Total Cost (\$'000)</b>	18,900	16,965	(10%)	Total expenditure is lower than budget due to lower employee expenses resulting from fewer staff than budgeted, delays in the commencement or completion of specific contracts with customers which resulted to lower supplies and services expenditure, and a delay in the planned office fitout for 2020-21 (now scheduled to occur in 2021-22).
<b>Controlled Recurrent Payments (\$'000)</b>	14,408	14,408	0%	
<b>Accountability Indicators</b>				
Number of Discrete Assistance services provided.	40,000	45,960	15%	The high number of discrete assistance services provided in 2020-21 is largely due to a large increase in Helpline calls and Chat-line services, as well as increases in Legal Advice, Legal Tasks and Non-Legal Support services.
Number of Duty Lawyer services provided.	5,600	4,597	(18%)	The decrease in the number of duty lawyer services provided in 2020-21 reflect the reduced capacity at several Courts in the Territory due to the COVID-19 Pandemic, which affected the ability of the Commission to deliver these services.
Number of Representation services provided.	2,900	2,873	(1%)	
Number of Facilitated Resolution Process provided.	400	429	7%	The high number of Facilitated Resolution Process is due to introducing additional services in 2020-21 to educate and prepare family dispute resolution clients about their matters, which resulted to a higher number of cases reaching the conference stage. The new services include property and other referral programs.
Number of Community Legal Education services provided.	400	530	33%	The number of Community Legal Education (CLE) services provided is higher than the original target due to conducting more outreach and remote sessions, in addition to the online sessions delivered via the Commission's Facebook page and through other social media platforms.

The above Statement of Performance should be read in conjunction with the accompanying notes.

The above Accountability Indicators were examined by the ACT Audit Office in accordance with the *Financial Management Act 1996*. The Total Cost and Controlled Recurrent Payments measures were not examined by the ACT Audit Office in accordance with the *Financial Management (Statement of Performance Scrutiny) Guidelines 2019*.

**Legal Aid Commission (ACT)**  
**Statement of Performance**  
**For the Year Ended 30 June 2021**

**Output Class 1 - Legal Aid Services**

**Output 1.1- Legal Aid Services Provided to the Community (Continued)**

**Explanation of Accountability Indicators**

*Number of Discrete Assistance services provided:* This indicator collates the number of information, referrals, non-legal support, legal advices, and legal task services delivered through several channels including the Helpline and Chat-lines. This indicator does not include website page views.

*Number of Duty Lawyer services provided:* This indicator consists of advising the person and, in appropriate circumstances, appearing on their behalf, in relation to the proceeding or event. Duty lawyer services includes Criminal law, Domestic Violence, Mental Health, Family law and Civil law duty services.

*Number of Representation services provided:* This indicator collates the number of legal assistance services provided for representing people at court/tribunals, in dispute resolution processes and where the carriage of the matter requires ongoing assistance.

*Number of Facilitated Resolution Process provided:* This indicator collates the number of specific processes undertaken that are aimed at resolving disputes without going to court.

*Number of Community Legal Education services provided:* This indicator collates the number of educational resources produced (e.g. booklets, pamphlets, self-help kits, website amendments, online sessions and information posts shared via the Commission's Facebook page, etc) and the number of activities undertaken.

## Capital Works

There were no new capital works undertaken during 2020-21.

*Contact – Chief Finance Officer – (02) 6243 3445*

## Asset Management

### Assets Managed

The Commission's property, plant and equipment assets are mainly comprised of Building Right-of-Use Asset, represents the Commission's leased building at 2 Allsop Street, an office fit-out for above leased building, Office Equipment Right-of-Use Asset that represents the Commission's leased multifunction devices, and furniture and equipment normally associated with a professional office such as computer equipment, desks and chairs. As shown in the Commission's financial statements the value of these assets at 30 June 2021 was \$2.272 million.

The Commission has no intangible assets at 30 June 2021.

The assets added to the Commission's asset register in 2020-21 consisted of Office Equipment Right-of-Use Asset of \$0.105 million and office and computer equipment of \$0.099 million.

There was \$0.019 million spent on repairs and maintenance in 2020-21, \$0.016 million relating to leasehold improvements and \$0.003 million relating to office equipment.

### Office Accommodation

The Commission had a headcount of 114 employees and around 15 additional placements at any one time in leased accommodation at 2 Allsop Street, Canberra during 2020-21. The placements consisted of staff from university students, student supervisors and volunteers. The total space occupied by all persons is approximately 1,300 m<sup>2</sup>. The average space per person is approximately 10.07m<sup>2</sup>. This figure includes all areas where administrative functions are performed and excludes interview rooms, family dispute resolution conferencing facilities and circulation areas.

*Contact – Chief Finance Officer – (02) 6243 3445*



## Government Contracting

The Commission utilises the services of contractors to carry out its business operations. The Commission executed four contracts throughout 2020-21 with non-ACT Government entities with an estimated value of \$25,000 or more per contract. There were NIL Social Procurement outcomes during the year due to the Commission being a smaller size.

The table below shows the details of contracts the Commission has executed in 2020-21 with an estimated value of \$25,000 or more.

Contract #	Contract Title	Procurement Methodology	Procurement Type	Exemption from Quotation and Threshold requirements	Contractor name	Contract amount (incl GST)	Execution Date	Expiry Date	Small to Medium Enterprise (SME)
3033	Online subscription to Australian Law reports and Lawyers practice manual	Single Select	Services (non-consultancy)	Yes	Thomson Reuters (Professional) Australia Limited	\$ 29,856.68 (Total value of this particular contract only)	7/8/2020  (Contract execution date may differ from contract commencement date)	7/8/2021	No
3034	Finance Management Software Support and Maintenance	Single Select	Services (non-consultancy)	Yes	Technology One Limited	\$ 53,258.29 (Total value of this particular contract only)	27/3/2021  (Contract execution date may differ from contract commencement date)	26/3/2022	No

3035	VisualFiles Annual Maintenance	Single Select	Services (non-consultancy)	Yes	Reed International Books Australia Pty Ltd T/A Lexis Nexis	\$ 45,580.82  (Total value of this particular contract only)	1/10/2020  (Contract execution date may differ from contract commencement date)	31/12/2020	No
3036	VisualFiles Annual Maintenance	Single Select	Services (non-consultancy)	Yes	Reed International Books Australia Pty Ltd T/A Lexis Nexis	\$76,159.77  (Total value of this particular contract only)	1/1/21  (Contract execution date may differ from contract commencement date)	31/12/21	

Contact – Chief Finance Officer – (02) 6243 3445



# WHOLE OF GOVERNMENT ANNUAL REPORT

2020-2021

The table below identifies the Commission's Whole of Government Annual Reporting obligations:

Legislation	Relevant Application to the Commission
<b><i>Emergencies Act 2004, Section 85</i></b>	<p><b>Bushfire Risk Management</b></p> <p>The Commission is exempt from the reporting requirement under this Act as the Commission is not a manager or owner of unleased Territory land.</p>
<b><i>Freedom of Information Act 2016 (the FOI Act), Section 96</i></b>	<p><b>Freedom of Information</b></p> <p>The Commission is required by the FOI Act to provide individuals asking for the information that it holds about them with documents containing this information, and to change or annotate any information that is incomplete, incorrect, out of date or misleading. The Commission is currently in the process of developing its Open Access program.</p>
<b><i>Human Rights Act 2004 (HRA)</i></b>	<p><b>Human Rights Act</b></p> <p>The Commission endeavours to comply with this Act when undertaking its functions and services to the ACT community and its surroundings.</p> <p>There were no cabinet submissions or human rights issues identified or consulted with any human rights advisors. There was one matter brought before the court which involved arguments concerning this Act in the reporting period.</p>
<b><i>Law Officers Act 2011</i></b>	<p><b>Legal Services Directions</b></p> <p>The Commission does not perform any Territory legal work. There is no information to disclose under this section.</p>
<b><i>Territory Records Act 2002 (TRA)</i></b>	<p><b>Territory Records Act</b></p> <p>The administrative records of the Commission are managed by a current Records Management Program approved by the CEO. This program also contains procedures that have been implemented throughout the Commission and where necessary training has been arranged for staff. A copy of the Records Management Program can be made available by contacting our office.</p> <p>The legal services records of the Commission are managed in accordance with section 69B of the <i>Legal Aid Act 1977</i>.</p> <p>Access to records in accordance with Part 3 and under section 28 of the <i>Territory Records Act (2002)</i> are provided on request where appropriate.</p> <p>A list of the approved Records Disposal Schedules is included in the table below.</p>

### The approved Records Disposal Schedules by name and Notifiable Instrument Number

Record Disposal Schedule Name	Effective	Year & No
Corporate Governance Records	9/1/2009	NI2009-10
Finance and Treasury Management Records	27/2/2017	NI2017-83
Government and Stakeholder Records	27/2/2017	NI2017-84
Human Resources Records	27/2/2017	NI2017-79
Information and Communications Technology Records	27/2/2017	NI2017-85
Procurement Records	9/10/2007	NI2007-312
Property Equipment and Fleet Records	27/2/2017	NI2017-86
Protection of Records relevant to the Royal Commission into Institutional Responses to Child Sexual Abuse	1/2/2013	NI2013-42
Public Sector Commissioner Records	25/7/2017	NI2017-396
Public Service Management Records	25/7/2017	NI2017-393
Records and Information Management Records	27/2/2017	NI2017-87
Solicitor and Legal Services Records	27/2/2017	NI2017-88
Strategy and Governance Records	27/2/2017	NI2017-89
Workplace Health and Safety Records	8/3/2011	NI2011-96

Contact – CEO – (02) 6243 3496

## List of Abbreviations and Acronyms

ACAT	ACT Civil and Administrative Appeals Tribunal
ACT DPP	Australian Capital Territory Department of Public Prosecutions
ACT	Australian Capital Territory
ACTFLPN	Australian Capital Territory Family Law Pathways Network
ACTLAF	Australian Capital Territory Legal Assistance Forum
ADACAS	ACT Disability, Aged and Carer Advocacy Service
ALS	Aboriginal Legal Service
ANU	Australian National University
AWA	Australian Workplace Agreements
CALD	Culturally and Linguistically Diverse
CEO	Chief Executive Officer
CIT	Canberra Institute of Technology
CLC	Community Legal Centre
CLE	Community Legal Education
CLU	Community Liaison Unit
CPD	Continuing Professional Development
CYPS	Child and Youth Protection Services
DaPP	Development and Performance Plan
DCEO	Deputy Chief Executive Officer
DPP	Department of Public Prosecutions
FDR	Family Dispute Resolution
FOI	Freedom of Information
FTE	Full Time Equivalent
FVU	Family Violence Unit
HJP	Health Justice Partnership
ICT	Information and Communication Technology
IT	Information Technology

N/A	Not Available
NAIDOC	National Aboriginal and Islanders Day of Celebration
NLAP	National Legal Assistance Partnership 2020-2025
NSW	New South Wales
OPALS	Older Persons ACT Legal Service
SEA	Special Employment Arrangements
TAS	Tenancy Advice Service
U3A	University of the Third Age
UC	University of Canberra
WLC	Women's Legal Centre
The Act	<i>Legal Aid Act 1977 (ACT)</i>
The Commission	The Legal Aid Commission (ACT)

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