

**Legal Aid** ACT

Striving to achieve justice in the  
Australian Capital Territory

# Annual Report 2019-2020

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Annual Report 2019-2020

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Transmittal Certificate

26 November 2020

Mr Shane Rattenbury MLA  
Attorney-General  
ACT Legislative Assembly  
GPO Box 1020  
Canberra ACT 2601

Dear Minister,

## **2019-20 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 2019 to 30 June 2020.

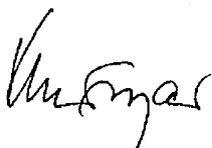
I hereby certify that fraud and prevention has been managed in accordance with Part 2.3 of the *Public Sector Management Standards 2006* (see section 113 of the *Public Sector Management Standards 2016*).

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. The Chief Minister has granted the extension to 18 December 2020.

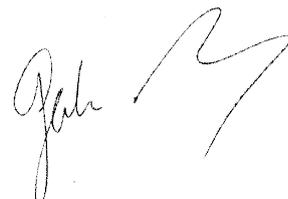
The annual report must be provided to the Speaker on 18 December 2020 for distribution to each Member of the Legislative Assembly. The annual report must then be tabled in the Legislative Assembly on the next sitting day.

Yours sincerely

Yours sincerely



Karen Fryar AM  
President  
**Legal Aid ACT**



Dr John Boersig PSM  
Chief Executive Officer  
**Legal Aid ACT**

## President's Report

The past year has marked a turbulent start to the decade for the whole community. The Commission started the year strongly, expanding its services and continuing to provide legal assistance to a greater number of vulnerable and disadvantaged members of the ACT. However, the catastrophic bushfires that ravaged the ACT and south-east Australia, combined with COVID-19 and the associated physical distancing requirements had dramatic effects on how the Commission conducted its business in the first half of 2020.

This Annual Report documents the Commission's rapid reorganisation of its internal structure and means of service delivery in response to COVID-19. This unprecedented upheaval of "business as usual" posed a range of challenges concerning how to provide legal advice and assistance while abiding by physical distancing protocols and ensuring staff and client safety. However, even in this crisis, there were opportunities to innovate the Commission's services and gain insight that will inform practices well beyond COVID-19. The need to find alternative means of communication and expand flexible working practices is likely familiar to many organisations that were required to continue to conduct business throughout COVID-19. I'm very pleased that the Commission is evaluating the lessons learned during this unfortunate period and is examining how to harness our experience to benefit Legal Aid staff, clients, and the ACT community into the future.

The imposition of physical distancing requirements necessitated a pivot away from face-to-face client appointments to delivering legal advice and assistance over the phone, internet and social media. The Helpline service and Tenancy Advice Line became the primary means of contact and legal assistance, and internal and external referrals to specialist services. The demand the Commission experienced for legal assistance was truly astounding, with an unprecedented 21,000 calls to our Helpline during the 2019-2020 period. The Commission hosted the majority of meetings and client interactions over the phone wherever possible, recognising the importance of physical distancing.

In recognition of the probability that COVID-19 restrictions would exacerbate the likelihood of Family Violence occurring, an internal Family Violence triage system was established that allowed clients to immediately speak to a lawyer or receive same day contact. To ensure demand would be met on our Helpline, two solicitors were reassigned to provide assistance and additional paralegals were taken on board.

At the courts, the Commission lawyers strongly supported hearings being carried out via remote technology. I feel there is valuable insight to be gleaned regarding the future use of recorded interviews and virtual attendance, especially for those at risk of trauma.

In the face of such adversity, staff have done a highly commendable job evolving the Commission's services to ensure they were viable and accessible during COVID-19 restrictions. Importantly, I see that much of the work done provides a blueprint for how the Commission will continue to improve and expand services beyond the confines of the pandemic. Community Legal Education is an example of an area in which the traditional methodology of outreach and interaction was rendered unsustainable. In response there was a rapid augmentation of service delivery using video resources,

online outreach and Webinars on critical topics, such as family violence and tenancy. The Commission's web services saw a surge in engagement, reporting approximately ten times the viewership and interest from the community compared to pre-pandemic. While I was thrilled with such high engagement, it was heartening to see that it was also recognised that not all individuals would be able to access online resources: partnerships were developed with Meals on Wheels and Winnunga Nimmityjah to distribute physical resources to older or isolated persons. This experience with community legal education typifies how the lessons learned during COVID-19 will have long-term implications for service delivery, while still demonstrating the value of traditional practice.

In providing services, the Commission remained cognisant of the need to prioritise staff health and wellbeing alongside operational demands. As it became clear that COVID-19 posed a significant public health risk, immediate action was taken through directives relating to managing possible infections and flexible working arrangements. In order to maintain intra-office hygiene, hygiene stations were established at strategic points on the premises and staff were encouraged to take advantage of hand sanitizer and disinfectant wipes. Additional cleaning of common areas and surfaces now also occurs during the day. To minimise possible routes of infection in the office, staff were split into two teams (A and B) and were rotated between working in the office and at home. The topic of flexible working is one that will likely be the subject of much scrutiny and deliberation in the immediate future. It is evident that staff have remained productive and effective while working flexibly, and the Board will be reviewing how our policy can be developed in the future. I wish to acknowledge the strong and resilient leadership of Dr John Boersig, CEO, and Ms Jane Campbell, DCEO, during this period, together with the dedication, professionalism and continuing empathy of all of the Commission staff. The ACT Community is well served by the team.

The Commission was fortunate to be allocated a variety of funding grants from the ACT and Federal governments to support our response to COVID-19, to be expended throughout 2020-21. These funds will be utilised to improve the Commission's infrastructure and develop programs that meet the unique legal need created by the pandemic, such as an increase in family violence and elder abuse and enhancement of remote IT services. While the Commission appreciates the new funding, we are increasingly concerned about the reliance on short-term grants as a source of the Commission's income. This year, a greater proportion of total funding for the Commission came from short-term project grants than even before, and this trend looks set to continue into the future. Short-term grant funding brings uncertainty and insecurity into the Commission's operation. This is an inhibitor when undertaking long-term planning, and in terms of providing staff security of employment, where the Commission cannot be assured of a reliable future income stream. One of the chief priorities of the upcoming year will be evaluating how to address this issue of funding uncertainty, whilst continuing to guarantee that the service provided by the Commission is of an exemplary standard.

I would like to thank Jon Stanhope, the former President of the Commission whose term ended in December 2019, for his exemplary work and contributions to the development of Legal Aid over the past five years. All members of the Commission's Board were grateful for his leadership and the support he provided. Under his watch, Legal Aid has grown as a leader in the provision of legal assistance in the ACT. We wish him well in all his future endeavours.

COVID-19 remains at the foreground of public discussion. The Commission must remain vigilant to its possible resurgence in the ACT. The occurrence of outbreaks in Victoria and around the world serve

as sobering reminders that COVID-19 will remain a material consideration in how we conduct business and provide services for the foreseeable future. As the courts and other legal services resume normal functioning, the Commission continues to move at a steady pace that will support its services without compromising community health. I firmly believe that the Commission will emerge from this crisis in a healthy position, more resilient and more adaptable than ever before.

Karen Fryar AM  
President

## The Commissioners During 2019-2020

### 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.

### Jon Stanhope

Jon Stanhope was appointed as President of the Commission on 14 December 2014. Prior to his political career, Mr Stanhope served as Deputy Administrator of Norfolk Island, as Secretary of a major Parliamentary Committee, and as President of a number of community organisations. He was elected as an Australian Labor Party Candidate to the ACT Legislative Assembly in 1998, and was immediately elected leader of the opposition by the Caucus. In 2001 he was elected Chief Minister, a position he held until 2011. During this time he introduced a Human Rights Act, reduced budget expenditure, streamlined the bureaucracy and introduced a number of significant financial and administrative reforms. After his time in politics, Mr Stanhope accepted a professorial fellowship in the Australia and New Zealand School of Government at the University of Canberra, and served a two-year term as Administrator of the Indian Ocean Territories. Mr Stanhope's term as President ended on 13 December 2019.

### 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 Commissioner on 19 July 2017. Mr Glenn is the Deputy 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 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 is also a practice mentor in Commercial Law with the ANU Legal Workshop Program. 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.

### Susan Helyar

Susan Helyar was appointed as the Commissioner representing the social services sector on 21 March 2019. Ms Helyar is the Executive Director of the ACT Council of Social Services. She has previously worked in social policy development for the ACT and Commonwealth Governments, as the Leader of Services Development Advocacy for Uniting Care Australia, and as a social worker. She teaches in this field at the Australian Catholic University. Ms Helyar's resigned from the Board on 15 April 2020.

### 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. Dr Boersig commenced as CEO at that time. He brings to the Commission extensive experience in legal aid, legal education and public administration. He commenced in legal aid practice from 1983, initially with the Aboriginal Legal Service and later as a senior lecturer and director of the Newcastle Legal Centre where he ran the clinical and professional program at the University of Newcastle's 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. He moved to 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.



# ORGANISATIONAL OVERVIEW AND PERFORMANCE

2019-2020

## 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 Partnership Agreement on Legal Assistance Services 2015-2020 (NPALAS)***, 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 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.

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.

## 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.

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 **National Partnership Agreement on Legal Assistance Services 2015-2020** expired at the conclusion of the 2019-20 financial year. Negotiations between State, Territory, and Commonwealth Governments have concluded and the new National Legal Assistance Partnership has been finalised. The services described below are consistent with the NPALAS 2015-2020.

## 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 – CLU Disability Support

**“It was the first time they had ever  
felt heard by the police...”**

In 2020, Legal Aid solicitors were assisting a client with a housing matter and a matter before the AAT. The client had an acquired brain injury which affected their behaviour. Their solicitor referred the client to the Disability Justice Liaison Officer (DJLO). While assisting with their legal matter, the DJLO provided ongoing non-legal support to the client, including attending an appointment with an external service provider. During the appointment, the client became frustrated and started to yell because of confusion about the details of their appointment and the name of their case worker. The DJLO was able to support the client to explain why they were attending the appointment and de-escalate the interaction.

The DCLO provided ongoing support to the client, including in responding to the client’s frustrations about the scheduled hearing of their matter. The DJLO prepared plain English instructions which were provided to the client before their hearing. These instructions assisted the client to understand the legal process. The DJLO reassured the client that if they needed future support, it would be provided. The DJLO continued to contact external service providers to advocate for the client.

Later, the client was assaulted and contacted Legal Aid for assistance. The DJLO attended the DV Unit to support the client during their successful application for a Personal Protection Order. The client informed the DJLO that they wished to make a statement to the police about the assault. The DJLO was concerned that the client may have difficulty conveying details or be misunderstood. The DJLO inquired whether the client was suitable for the Intermediary Program, which assesses an individual’s communications needs and recommends effective techniques to allow police to elicit the best possible evidence. The client’s referral was accepted. The client and the DJLO attended the police station, where the Intermediary made an assessment of the client’s communication. The DJLO and Intermediary accompanied the client into the interview room with two police officers. The police were initially reluctant to bring the client into the interview room due to the ‘red flags’ on their system regarding the client. The DJLO and Intermediary explained the reasons why the client responds as they do and the communication needs of the clients. The police agreed to host the client in the interview room.

During the interview, the client was respectful, calm, and the DJLO and Intermediary supported the client to stay on track. The police responded with empathy and respect, and the police report was filed successfully. The client said it was the first time they had ever felt heard by the police. The DJLO asked if a flag could be placed on the clients file regarding the need for communication support in future interactions. The DJLO also provided the police the intermediary programs and Legal Aid’s DJLO’s phone number for future assistance.

### 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

The Legal Aid ACT Helpline normally operates every weekday from 8:30am – 7:00 pm and 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 21.22% in the volume of calls in the past 12 months from 17,406 in 2018-2019 to 21,099 in 2019-2020. 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

In March 2020 Legal Aid ACT launched the 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 1231 calls during 2020. 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 nine lawyers and two paralegals, with another five lawyers from General Practice working regularly in the Team. All lawyers have specialist family violence training. The Team work 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 team, which includes a social worker, a men's social support worker, two cultural liaison officers, two aboriginal support officers, and the recently established position of disability justice liaison officer. The Team also work with

Legal Aid's Older Persons Legal Service (OPALS), 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

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.

### Community Legal Centres

Under the **NPALAS** 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.

There are four **Community Legal Centres** (CLC's) in the ACT: Consumer Law Centre; Environmental Defender's Office; Canberra Community Law; and Women's Legal Centre. 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. Programs include the ANU Legal Workshop and the UC Law Internship course. The Commission was disappointed that many of these opportunities were not available to students during COVID-19 restrictions, but recognised that it was essential to prioritise the safety of students, staff, and members of the ACT community.

The Commission also works collaboratively with the ANU's clinical law course to deliver services in the Youth Law Centre, through a migration and employment law clinics, and is a major placement site for the College of Law's Graduate Development Legal Program. In addition, in collaboration with UC and the private legal profession, a Small Business Legal Advice clinic is operated each week.

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

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.

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	2
Jon Stanhope	2
John Boersig	6
Gail Kinsella	6
Marcus Hassall	6
Kym Duggan	6
Richard Glenn	5
Susan Helyar	4
Lisa Gooneratne	4

## 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)

The Chief Executive Officer, Deputy Chief Executive Officer, Head of General Practice and Chief Finance Officer comprise the Commission's Executive Committee. The Legal Practice management committee includes the Executive and the Division heads.

## Management Changes

The following changes have occurred during this year:

To the Board of Commissioners:

- Jon Stanhope's term as President of the Commission expired on 13 December 2019
- Karen Fryar was appointed as President of the Commission on 28 January 2020
- Susan Helyar resigned her appointment on 15 April 2020 upon leaving ACTCOSS

To the Executive:

- Jane Campbell was appointed to the position of DCEO on 11 July 2019

## 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:

- The creation of the specialist Drug and Alcohol Court;
- The continuing issue of child protection proceedings and the creation of external review mechanisms for decision-making by Child and Youth Protection Services;
- The Commission's response to COVID-19, including the implementation of infection control protocols, safety measures and working from home arrangements;
- The amendment of s 68BA of the *Supreme Court Act 1933* under the *COVID-19 Emergency Response Act 2020* (ACT);
- The implementation of an eviction moratorium in response to COVID-19.

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.

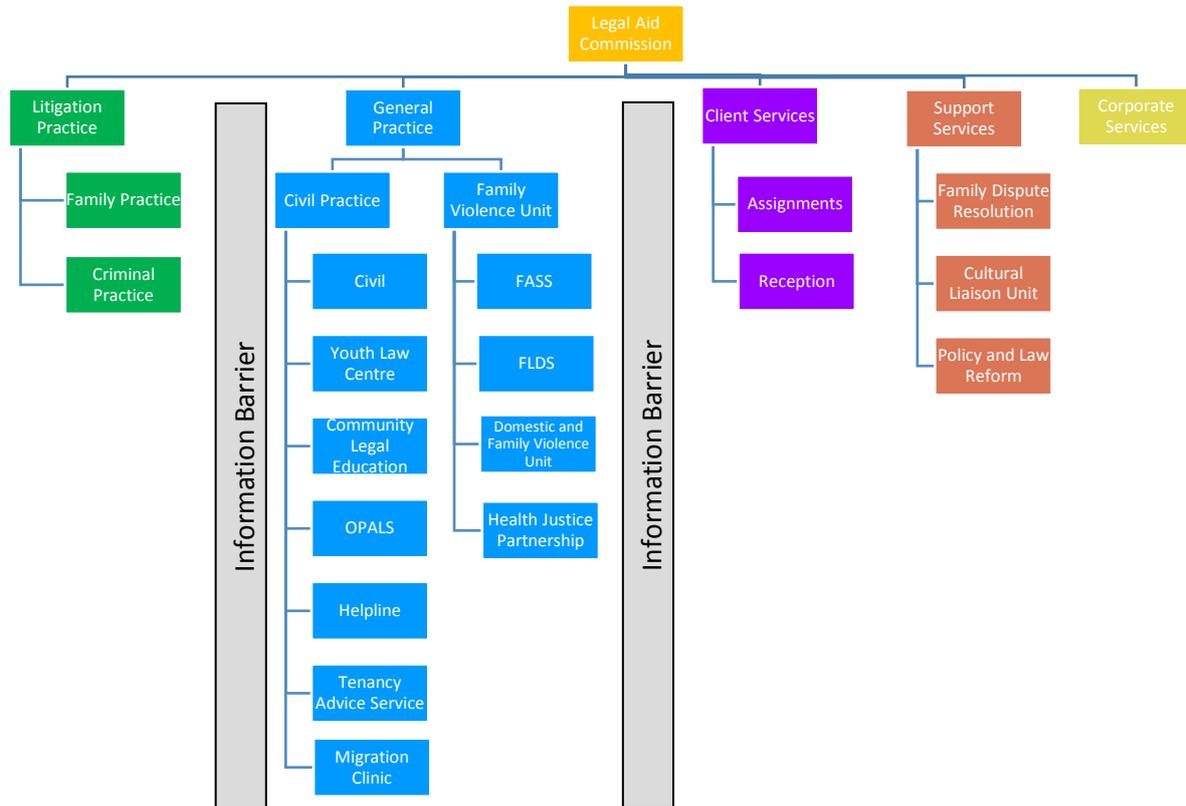
## Significant Committees

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 Committee** is responsible for the oversight and preparation of the financial statements and internal controls. The Audit Committee is responsible for the identification of significant risk and undertakes monitoring measures.

**Organisational Structure of Legal Aid Commission (ACT)**



**Litigation Practice**

The Litigation Practice provides representation in criminal law, family law, and case 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, Cultural 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

Continued growth in demand for legal assistance, particularly in areas that have been exacerbated by COVID-19 and social isolation, represent significant challenges for the coming year. COVID-19 has increased the prevalence and severity of family violence, housing and tenancy insecurity, and employment disputes. We are meeting this new and unprecedented challenge while balancing our commitments to litigation services in the core family and criminal areas, where both areas show signs of increasing demand. Additionally, new justice initiatives in the ACT, such as the Drug and Alcohol Court, Witness Intermediary Scheme, case conferencing in the Supreme Court, the Therapeutic Care Court, the Health Justice Partnership at Calvary Hospital and Youth Education Justice placement in ACT Colleges will require the Commission to continue to expand and refine services in the future. Our capacity to continue in this direction, in particular to fund litigation in the future, is likely to be limited by financial constraints without significantly increased government investment.

To meet the growing demand for our services we are witnessing across all sections, we are focused on expanding front-line triage assistance through duty lawyer services and the provision of information and advice/minor assistance. We have also sought to use partnerships with community organisations and government to better utilise available resources. However, further capacity for expansion in this space is limited without a corresponding increase in base funding for the Commission. Partnership arrangements are contingent on the ability of the community partner to support the Commission's activities in that area.

Funding and resource allocation issues are exacerbated by the fact that growth in demand for services often outpaces the funding allocated to support them (such as with the provision of duty lawyer services). We are also concerned about the increasing reliance on short-term project grants to support the Commission's funding. This year, a greater proportion of total funding for the Commission came from short-term project grants than in previous years, and this trend looks set to continue into the future. This inhibits our capacity to conduct long-term service planning and proactively meet the needs of the ACT community.

In this context the Commission has actively trialled new programs, such as the Care and Protection Duty Law (Therapeutic Care) Court, Extended Family Duty Service and the Health Services Partnership. These new Services are provided to people who would otherwise have been unable to access the services that they need. Mostly these services assist primary victims of family violence;

they require legal services which go beyond minor assistance but which fall short of full representation requiring a formal grant of legal assistance. Their personal circumstances (such as poverty, language issues and trauma) also complicate access, so it is crucial they are linked with out CLU. Importantly, these partnerships also involve the establishment of a referral process and the training of Health providers. The aim of this program is to ensure a smoother transition between the mental and physical injury that often accompanies or precedes a legal problem and the provision of legal assistance. The Commission has very successfully managed the internal transition of court to replacement services. These programs and others (such as the endeavour to expand Family Dispute Resolution services for small property matters) have been very successful. Unfortunately, expiring funding from the Territory and Commonwealth Governments threaten all of these programs.

Improving staff conditions remains a key aim of the Commission. COVID-19 presented an opportunity to test the capacity of staff to work remotely and agilely. We are looking to continue to work with staff and Union to examine how to implement the lessons learnt during COVID-19 to improve the utilisation of the Commission's flexible work policy.

Finally, the Commission continues to face bottlenecks in its ICT capacity. We are in the process of upgrading the Commission's information systems to make the Commission more responsive, dynamic and adaptable.

## Performance Analysis

The performance analysis addresses the indicators (strategic objectives/indicators, output classes and accountability indicators) found in the Budget Paper 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 2019-2020 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 2019-2020 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.

*The Commission provided 3,425 advice services, 1,626 duty lawyer services, and 963 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 1753\* services to Aboriginal and Torres Strait Islander clients, and 2,866 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, 721 services\* were provided to clients aged 65 and over, of which 168 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.

*The Commission provided 382 Community Legal Education sessions, which had a total of 34,760 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 3,682 referral services. The Commission provided 382 Community Legal Education sessions, which had a total of 34,760 attendees. The Commission's website was accessed 102,254 times.*

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

*The Commission provided 9,734 legal advice, advocacy and minor legal assistance services; as well as hosting 271 dispute resolution conferences, 77% 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 5,502 instances of duty assistance to people appearing before the courts and tribunals. The Commission provided 3,561 legal advice and duty services to clients seeking to obtain a Domestic Violence Order or Personal Protection Order. The Commission also provided 307 instance 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 grants of legal assistance to 2,492 clients. 5,574 clients received duty lawyer services. The Commission provided assistance to 8 clients in the drug and alcohol court.*

- Update the Legal Aid IT Strategic Plan to incorporate the IT Upgrade in 2018-19 and ensure the IT Systems do not pose a security risk.

*The Commission engaged its IT service provider to undertake a comprehensive audit of the ICT environment. Following this the Commission upgraded its system.*

## 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
2019-2020	129,521	3,682
2018-2019	108,101	4,788

^ Includes website page views

	2019-2020	2018-2019
Website Page Views	102,254	83,585

### Helpline and Chat-line Services

	2019-2020	2018-2019
Calls on Helpline	20,900	17,266
Chatline assistance	199	140

### Community Legal Education

	2019-2020	2018-2019
No. of CLE sessions (including resources)	382	405
People attending CLE sessions including social media, web sessions etc.	34,760	8,211

### Legal Advice and Other Assisted services

		2019-2020		2018-2019	
		No.	%	No.	%
In-house	Criminal	472	4.85%	646	6.64%
	Family	3,276	33.66%	2,463	25.30%
	Civil	3,339	34.30%	3,145	32.31%
	Non-Legal Support	2,543	26.12%	1,569	16.12%
<b>Total</b>	<b>In-house</b>	<b>9,630</b>	<b>98.93%</b>	<b>7,823</b>	<b>80.37%</b>
Referred	Criminal	9	0.09%	7	0.07%
	Family	59	0.61%	34	0.35%
	Civil	36	0.37%	21	0.22%
<b>Total</b>	<b>Referred</b>	<b>104</b>	<b>1.07%</b>	<b>62</b>	<b>0.64%</b>
<b>Grand Total</b>		<b>9,734</b>	<b>100%</b>	<b>7,885</b>	<b>81%</b>

### Legal Advice top 10 Matter Types 2019-2020

	Number of services	% of Total services
Domestic Violence Order and Personal Protection Order	2940	30.20%
Tenant	455	4.67%
Immigration	416	4.27%
Employment	365	3.75%
Mental health	347	3.56%
Care & Protection proceedings – Children’s Court	322	3.31%
Contact	312	3.21%
Family Advocacy and Support Service	296	3.04%
Landlord / Tenant	202	2.08%
Traffic / Driving offence	132	1.36%
<b>Total Advice</b>	<b>9,734</b>	<b>59.45%</b>

### Duty Lawyer

		2019-2020		2018-2019	
		Number of Duties	%	Number of Duties	%
In-house	Criminal	2,396	42.99%	2,482	40.36%
	Family	2,770	49.70%	3,040	49.44%
	Civil	336	6.03%	493	8.02%
<b>Total</b>	<b>In-house</b>	<b>5,502</b>	<b>98.71%</b>	<b>6,015</b>	<b>97.82%</b>
Referred	Criminal	64	1.15%	83	1.35%
	Family	7	0.13%	43	0.70%
	Civil	1	0.02%	8	0.13%
<b>Total</b>	<b>Referred</b>	<b>72</b>	<b>1.29%</b>	<b>134</b>	<b>2.18%</b>
<b>Grand Total</b>		<b>5,574</b>	<b>100%</b>	<b>6,149</b>	<b>100%</b>

### Dispute Resolution conferences

	2019-2020	2018-2019
DR Conferences held	271	278
Matters fully settled at conference	39%	36%
Matters partially settled at conference	38%	39%
Matters with a successful outcome	77%	75%
FRP	387	374
# of FRPs going to Conference	70%	74%

### Parties at Dispute Resolution conferences

Parties attending Dispute Resolution conferences	2019-2020	2018-2019
Total number of parties	878	762
Parties on Grants of assistance	493	431
Self Represented or Private Represented	385	331

### Applications Received

	2019-2020		2018-2019	
	No.	%	No.	%
Criminal	1,545	41.57%	1,533	41.24%
Family	1,778	47.83%	1,607	43.23%
Civil	394	10.60%	369	9.93%
<b>Total</b>	<b>3717</b>	<b>100%</b>	<b>3509</b>	<b>94%</b>

### Applications Approved

	2019-2020		2018-2019	
	No.	%	No.	%
Criminal	1,227	49.24%	1,140	45.75%
Family	1,098	44.06%	1,008	40.45%
Civil	167	6.70%	156	6.26%
<b>Total</b>	<b>2492</b>	<b>100%</b>	<b>2304</b>	<b>92%</b>

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

	Female	Female %	Male	Male %	Other	Other %
Criminal	295	11.84%	924	37.08%	8	0.32%
Family	691	27.73%	363	14.57%	44	1.77%
Civil	95	3.81%	71	2.85%	1	0.04%
<b>Total</b>	<b>1,081</b>	<b>43.38%</b>	<b>1,358</b>	<b>54.49%</b>	<b>53</b>	<b>2.13%</b>

### Grants by Law and Law Type

		2019-2020		2018-2019	
		No.	%	No.	%
In-house	Criminal	815	32.70%	831	33.35%
	Family	642	25.76%	630	25.28%
	Civil	152	6.10%	133	5.34%
<b>Total</b>	<b>In-house</b>	<b>1,609</b>	<b>64.57%</b>	<b>1,594</b>	<b>63.96%</b>
Referred	Criminal	412	16.53%	309	12.40%
	Family	456	18.30%	378	15.17%
	Civil	15	0.60%	23	0.92%
<b>Total</b>	<b>Referred</b>	<b>883</b>	<b>35.43%</b>	<b>710</b>	<b>28.49%</b>
<b>Grand Total</b>		<b>2,492</b>	<b>100%</b>	<b>2,304</b>	<b>92%</b>

## Applicant Profile

	2019-2020		2018-2019	
	No.	%	No.	%
Female applicants	1,636	44.01%	1,553	44.26%
Aged under 18 years	533	14.34%	446	12.71%
Aged over 65 years	62	1.67%	79	2.25%
Born overseas	513	13.80%	496	14.14%
Required Interpreter	98	2.64%	123	3.51%
ATSI	393	10.57%	345	9.83%

## People Receiving Services as a Percentage of Population

	2019-2020		2018-2019	
	No.	%**	No.	%*
Grants	2,079	0.49%	1,953	0.46%
Legal Advice	4,933	1.15%	4,372	1.03%
Duty Lawyer	3,328	0.78%	3,692	0.87%
Helpline and Chatline	21,099	4.94%	17,406	4.11%
<b>Total</b>	<b>31,439</b>	<b>7.36%</b>	<b>27,423</b>	<b>6.47%</b>

\* Estimate population of Canberra = 423800. Source: 3101.0 - Australian Demographic Statistics, Dec 2018

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

		Grants pre-2019-2020 and active through 19-20	Grants pre-2019-2020 and finalised in 19-20	New Grants	Total	Grand Total
<b>In-house</b>	Criminal	125	495	815	<b>1,435</b>	<b>3,183</b>
	Family	303	478	642	<b>1,423</b>	
	Civil	86	87	152	<b>325</b>	
<b>Referred</b>	Criminal	207	223	412	<b>842</b>	<b>2,096</b>
	Family	425	287	456	<b>1,168</b>	
	Civil	61	10	15	<b>86</b>	

Family Violence	Services that has Family Violence indicated	Total Services	Percentage of services that has Family Violence indicated
Advice	3,425	9,734	35%
Duty Lawyer	1,626	5,574	29%
Grant	963	2,492	39%

Senior Clients	Services where client >= 65	Total Services	Percentage of services provided to clients >= 65
Advice	556	9,734	6%
Duty Lawyer	130	5,574	2%
Grant	35	2,492	1%

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	119	9,734	1%
Duty Lawyer	33	5,574	1%
Grant	16	2,492	1%

#### Reconsideration Requests

Reconsideration	Varied	Confirmed	Pending / Withdrawn	Total	% varied of total by Law Type
Criminal	24	33	1	58	41%
Family	41	112	0	153	27%
Civil	5	24	0	29	17%
<b>Total</b>	<b>70</b>	<b>169</b>	<b>1</b>	<b>240</b>	<b>29%</b>

#### Review Requests

Review	Varied	Confirmed	Pending / Withdrawn	Total	% varied of total by Law Type
Criminal	0	11	0	11	0%
Family	3	12	0	15	20%
Civil	0	3	0	3	0%
<b>Total</b>	<b>3</b>	<b>26</b>	<b>0</b>	<b>29</b>	<b>10%</b>

### Domestic Violence and Personal Protection Order

Domestic Violence	2019-2020	2018-2019
New grants of assistance	168	164
Legal Advice	2,235	2,024
Duty Lawyer	588	515

Personal Protection Orders	2019-2020	2018-2019
New grants of assistance	23	29
Legal Advice	648	616
Duty Lawyer	90	67

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

2019-2020^^	2018-2019^
502	558

^^ 478 ATSI clients provided Grants, Advice, DL services + 0 information / referrals + 24 CLE sessions

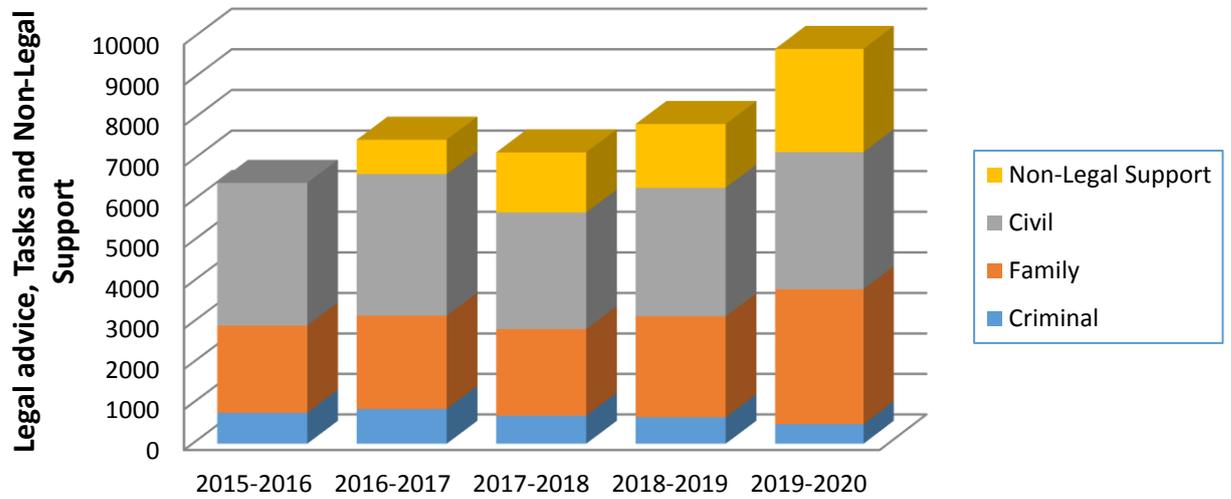
^ 436 ATSI clients provided Grants, Advice, DL services + 63 information / referrals + 59 CLE sessions

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

	2019-2020	2018-2019
Grants of Assistance	303	279
Duty Lawyer services	475	456
Information/Referral	0	63
Legal Advice	951	602
Community Legal Education	24	59
<b>Total</b>	<b>1,753</b>	<b>1,459</b>

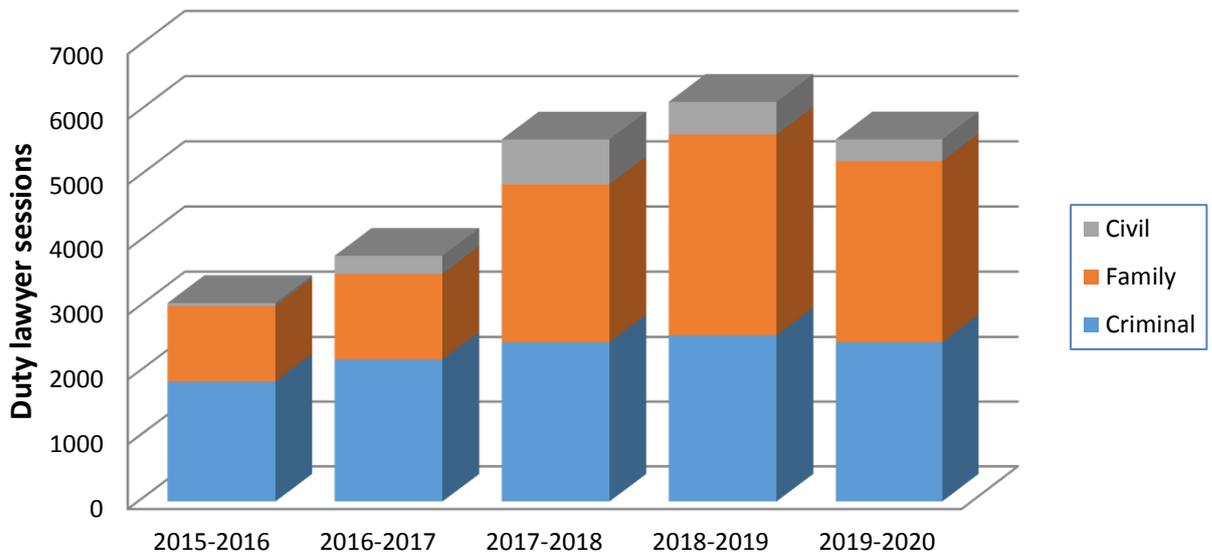
	2019-2020	2018-2019
Number of Aboriginal and Torres Strait Islanders receiving services - Grants, Advice and Duty services	478	436

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

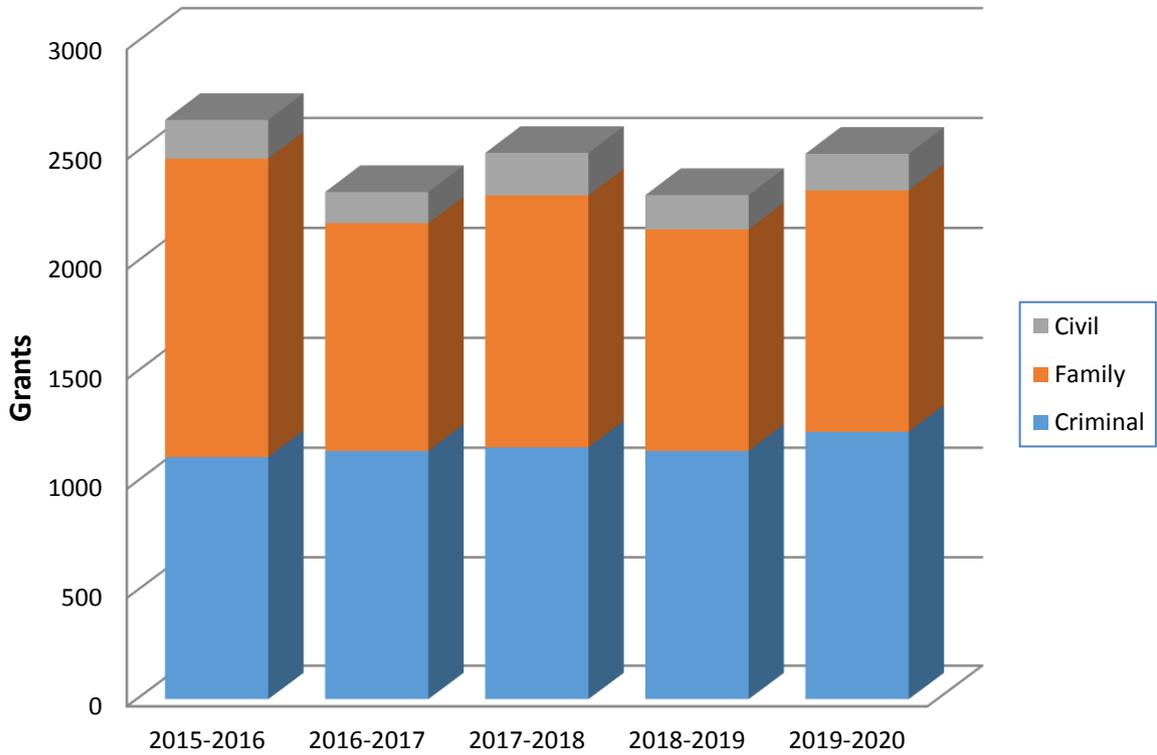


Note: Discrete 'Non-Legal Support' Services only commenced in 2016-17

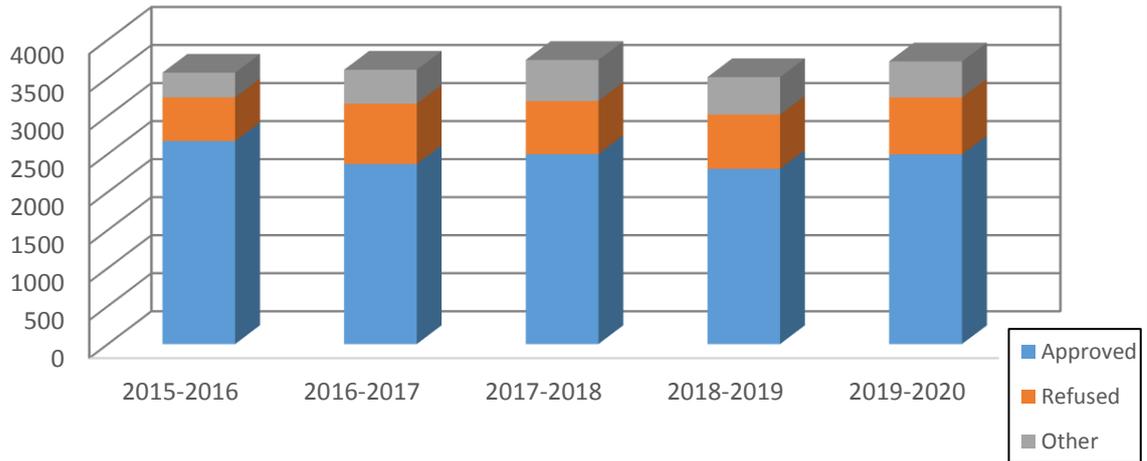
## DUTY LAWYER BY FINANCIAL YEAR

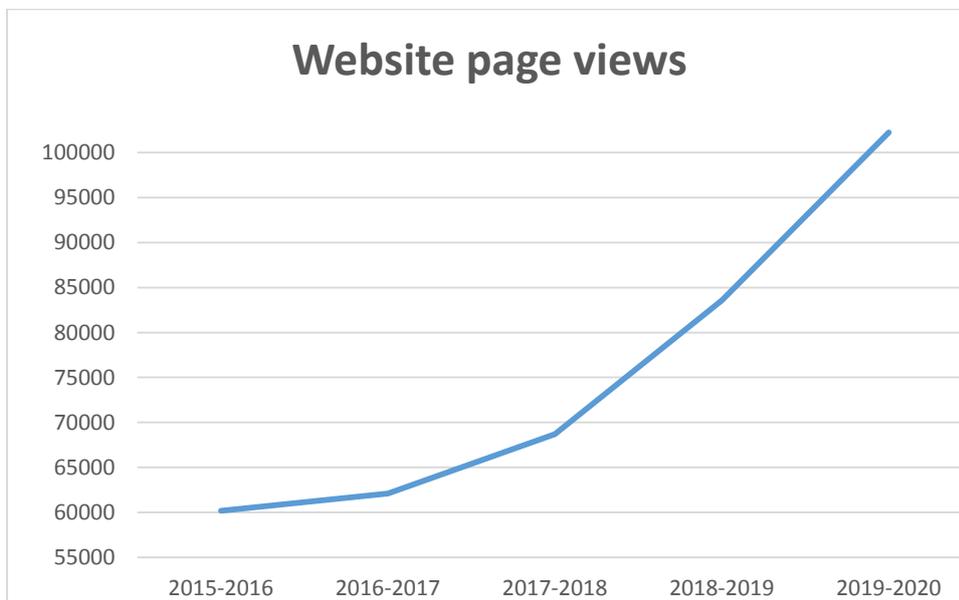
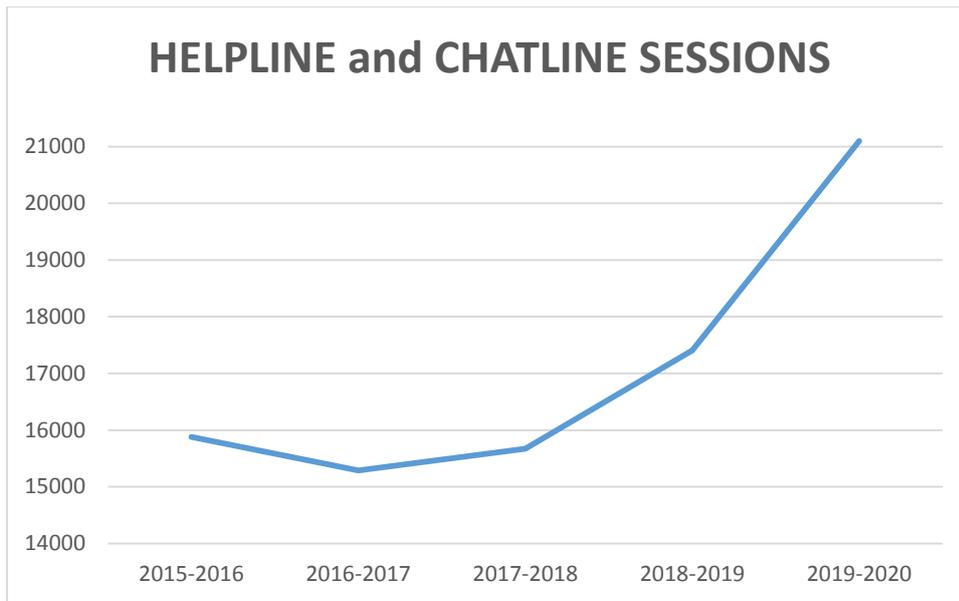


### GRANTS BY FINANCIAL YEAR



### APPLICATIONS RECEIVED BY FINANCIAL YEAR





#### Statement of Performance

	2019-2020 Targets	2019-2020 Outcomes	2020-2021 Targets
<b>Number of Discrete Assistance services provided</b>	37,000	41,618	40,000
<b>Number of Duty Lawyer services provided</b>	5,800	5,574	5,600
<b>Number of Representation services</b>	2,500	2,819	2,900
<b>Number of Facilitated Resolution Process provided</b>	400	387	400
<b>Number of Community Legal Education services provided</b>	320	382	400

## Service Delivery Performance Analysis

Under the *National Partnership Agreement on Legal Assistance Services 2015-2020* 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 11.4% to 41,618, of which 21,099 (50.7%) were delivered through our Helpline and Chatline. This was a significant increase of 21.22% over the number of Helpline services provided in 2018-2019 (17,406). This large increase is likely, at least in part, a consequence of the increased use of our Helpline service as the primary means of dispensing legal advice during COVID-19 restrictions.

Online information service access increased by 22.3% to 102,254. 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 4,788 in 2018-19, to 3,682 in 2019-20. This is largely a consequence of the closure of several community assistance services in response to COVID-19, which limited the pool of services to which we could make referrals.

In-house and referred family, civil, and non-legal advice and other assisted services all increased during the 2019-20 period. In-house criminal legal advice and other assisted services declined from 646 in 2018-19 to 472 in 2019-20. This is largely attributable to the reduced rate of proceedings at the ACT Magistrates Court during 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 matters respectively. They are also provided at ACAT (mostly for mental health tribunal matters). The total number of duty lawyer services fell by 9.4% to 5574, below our target of 5800. This can be attributed to the closure of the courts during COVID-19 restrictions in Q3 and Q4 2020, and the move to extended online and telephone advice/assistance.

With the resumption of daily lists at the Magistrates and Family Court, we are confident that there will be a resurgence of this wave, assuming that further restrictions are not imposed.

### Representation Services

Representation services include both grants of legal assistance and casework. The number of representation services provided increased by 11% to 2,819. The number of applications for grants of legal aid increased by 5.9% from last year. The number of grants of legal assistance increased by 8.2% to 2,492 from 2,304 in 2018-19. Together, this indicates that there is a growing demand for legal service in the ACT. The rejection rate for applications for grants of legal aid also rose by 2% from 2018-19, which was a consequence of the strong demand outpacing the available staff and legal resources.

Overall, of the total grants provided, 64.6% were provided by the in-house practice, up from 64% last year. In-house grants of legal aid rose for both family law and civil law. In-house grants of aid for criminal law fell marginally from 831 in 2018-19 to 815. This small drop in criminal matters compared to family and civil law can likely be attributed to the temporary reduction in the operation of the ACT Magistrates Court compared to the Family and Federal Circuit Court, which also reflects increase in demand for these facilitated dispute resolution services. Referred grants of aid increased for Criminal Law (33.3%) and Family Law (20.6%), which was due to limitations on the Commission's in-house staff resources in the face of significant demand.

Women received 43.4% of all grants of legal assistance, down slightly from 44.3% last year, where we continue to provide substantive support in family violence, family law and civil law. There was a 19.5% growth in the number of applicants aged under 18 years seeking legal assistance, indicating a significant growth for legal demand in this age group. The Commission is actively growing services for young people. Although grants of assistance offered to people over 65 were marginally down, this is likely due to difficulties for people in this age group to access the Commission's services during COVID-19.

There was an increase in the proportion of services that had family violence indicated as an issue, with an increase of 4% in grants of legal aid for family violence issues compared to 2018-19. The growth in family violence may be a partial consequence of COVID-19 and social isolation. A number of reports have indicated that the occurrence of family violence was exacerbated by COVID-19 and the accompanying public health measures.

The provision of the Commission's family dispute resolution services is a strong driver of cost mitigation in the justice system. In 2019-20, 271 mediation conference services were provided, which represents a slight decrease from last year (278), but still nearly double the number provided six years ago (156). The small reduction compared to last year is likely due to the temporary suspension of DR conferences during the COVID-19 public health emergency. There was also a greater number of individuals taking advantage of the Facilitated Resolution Process. The general upward trend in pre-trial resolution is likely to continue due to the known efficacy of these services – 77% of all family disputes that we assist in mediation conference are involved the resolution of key issues.

There was an increase in total number of parties attending dispute resolution conferences from 762 in 2018-19 to 878 in 2019-20. There was also an increase in the total number of self-represented or private represented litigants to 385 from 331 in 2018-19. An increase in the total number of self-represented litigants generally means matters take longer, as self-represented litigants tend to require more time to complete the dispute resolution process.

### 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 3.5% in the number of these services provided to 387 from 374 in 2018-19. 70% of all requests for facilitated resolution services were approved to go to conference, down from 74% in 2018-19, which was likely a consequence of limitations on resources caused by increased demand for the service and need to utilise remote service models due to COVID-19.

### 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 decreased by 5.7% to 382 from 405 in 2018-19. However, the number of participants in CLE services increased by 323% to 34,760 from 8,211. This large spike is due to the adoption of web-based resource distribution through social media and other online sources in response to COVID-19. Using online education services allowed us to access a much larger audience than in previous years, including isolated individuals and those who may not be able to physically attend an in-person session. We are considering how to harness this experience to our benefit.

### 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 4,222 services to CALD clients. 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 – 478 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 20% to 1,753 from 1,459. This demonstrates there is a significant 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 NPA.

## Funding and Financial Performance

The Commission receives funding from the ACT Government, as well as from the Commonwealth Government under the **National Partnership Agreement on Legal Assistance Services 2015-2020** (NPALAS). Commonwealth funding under the NPALAS 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 NPALAS, 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 2019-20 was:

Commonwealth Government NPA Funding	\$4.946 m
Direct Commonwealth Government Funding <sup>1</sup>	\$1.584 m
ACT Government Funding	\$7.356 m
Specific ACT Government Funding <sup>2</sup>	\$0.673 m
Grant from the Statutory Interest Account <sup>3</sup>	\$1.345 m
Other Revenue <sup>4</sup>	\$0.820 m
<b>Total</b>	<b>\$16.724 m</b>

The 2019-20 Operating Result was a surplus of \$0.831m compared to a forecast deficit of \$0.508m. The Commission's operating result and cash position were much better than budgeted. This result is

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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, Discrete Legal Services, Family Violence and Cross Examination, Family Law Property Mediation Trial, and Disability Royal Commission

<sup>2</sup> Specific ACT Government funding includes Health Justice Partnership, Therapeutic Care Court, ACT Law Handbook, Older Person's Diary, Disability Inclusion Grant, and Tenancy Advice Service

<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 and Revenue from the University of Canberra

due to higher revenue and lower expenditure than forecasted during 2019-20. This was largely due to the additional revenue received from the ACT Law Society and lower staff costs & external legal expenses due to delays in matters from the closure of the courts due to COVID-19.

The cash surplus for 2019-20 is \$0.946m compared to a forecast cash deficit of \$1.029m. This is largely due to the additional cash received that is yet to be expended (due to delays in from the new contracts and higher Grants and Contributions mentioned above. The ending cash position was further boosted by lower than budgeted employee expenses and delayed expenditure of the monies received under the Expensive Criminal Cases Fund.

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 ***National Partnership Agreement on Legal Assistance Services 2015-2020*** we have maintained our current key strategic objectives. The following 3 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 2020-21 are to:

- support victims of family and domestic violence through the provision of legal assistance services;
- improve the provision of legal assistance services to the Aboriginal and Torres Strait Islander communities and other 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;
- 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; and
- upgrade the Legal Aid IT Strategic Plan to incorporate the IT upgrade in 2018-19 and ensure the IT Systems do not pose a security risk.

During 2019-20 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 2017-2020: ***On the Frontline of Legal Services to the Community***. 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. We are in the process of developing our new strategic plan which will come into effect in 2020-21.

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 2019-20 audited financial statements.

There were no significant new matters identified in the 2019-20 Audit Management Report. A previous finding in the 2017-18 Audit Management Report was resolved in 2018-19.

The Commission appeared before the Standing Committee which scrutinised the Commission’s 2017-18 Annual Report and the 2019-20 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 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 three times during the reporting period, in July, October and February.

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

Name of Member/Observer	Position	Duration	Meetings Attended
David Fox	Independent Chair	Full Year	1, 2, 3, 4
Gail Kinsella, Commissioner	Member	Full Year	1, 2, -, 4
Paul Ogden	Member	Full Year	1, 2, -, -
Dan Ticehurst	Member	Part Year	1
Mercy Wilkie	Member	Part Year	3, 4
John Boersig, Chief Executive Officer	Observer	Full Year	1, 2, 3, 4
Jane Campbell, Deputy Chief Executive Officer	Observer	Part Year	2, 3, 4
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, Assistant Accountant	Observer	Full Year	1, 2, 3, -
Rosanna O'Young, Finance and Corporate Administration Officer	Observer	Full Year	1, -, 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 2020-21 and beyond;
- Internal Audit Charter;
- Legislative Compliance Register; and
- Legal Aid grant funding.

Reviewed the:

- 2018-19 Financial Statement and Management Discussion & Analysis;
- Strategic Audit Work Plan;
- Risk Register and Fraud Control Register;
- Chief Executive Financial Instructions;
- Legal Aid Delegations;
- IT 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 2019-20.

*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 s40 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 Legal Aid 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. Over 2019-2020 478 ATSI people received a grant of legal assistance, legal advice, or duty lawyer services, which. 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.

## 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.

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:

- 76 staff (69.09%) voluntarily received the flu vaccination in April 2020
- there were two first aid officers
- there were four staff who volunteered as fire wardens
- there was one Health and Safety Representative
- regular and systematic updates on Workplace Health and Safety were circulated to staff
- 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 October 2019, the Commission launched a psychological wellbeing partnership with Psychsessions. This partnership provides a 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. This is in addition to the already available employee assistance provider, Benestar.

The Commission continues to provide information surrounding work, health and safety responsibilities through induction for 'workers' such as employees, Commissioners, student placements/volunteers and external committee members.

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*.

As at 30 June 2020, the Commission employed 108 staff of which there were 53 practising lawyers, including two Executive.

The HR priorities for the reporting period included:

- COVID-19 response and services impacts
- Work Health and Safety supports
- Induction program expansion

## Workforce Profile

FTE & headcount by gender

	Female	Male	Unspecified	Total
<b>Full Time Equivalent</b>	67.52	28.27	1	96.79
<b>Headcount</b>	75	32	1	108
<b>% of Workforce (headcount)</b>	69.44	29.62	0.9	100

FTE and headcount by division/branch

Branch/Division	FTE	Headcount
General Practice	36.4	44
Client Services	9.2	11
Corporate Services	7	7
Executive <ul style="list-style-type: none"> <li>• Executive &amp; Policy</li> <li>• Community Legal Education</li> <li>• FDR</li> </ul>	11.6 (2.8) (6.8) (2)	12 (3) (7) (2)
Litigation Practice <ul style="list-style-type: none"> <li>• Litigation</li> <li>• Criminal</li> <li>• Family</li> </ul>	32.5^ (1) (19.1) (13.4)	34^^ (1) (20) (14)
<b>Total</b>	<b>96.79</b>	<b>108</b>

^Includes one individual with roles in two sections

Headcount by classifications and gender

Classification group	Female	Male	Unspecified	Total
Executive	1	1		2
Senior Officers	1	3		4
Legal Officers	34	11		51
Administrative Service Officers	39	11	1	51
<b>TOTAL</b>	<b>75</b>	<b>32</b>	<b>1</b>	<b>108</b>

Headcount by employment category and gender

Employment Category	Female	Male	Unspecified	Total
Casual		2		2
Permanent Full-time	33	16		49
Permanent Part-time	10			10
Temporary Full-time	20	9	1	30
Temporary Part-time	12	5		17
<b>TOTAL</b>	<b>75</b>	<b>32</b>	<b>1</b>	<b>108</b>

#### Headcount by diversity group

	Headcount	% of Total Staff
Aboriginal and Torres Strait Islander	2	2
Culturally & Linguistically Diverse (CALD)	17	16
People with a disability	2	2

#### 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
0-2				1	7	1	14	5	19	9	40	16
2-4			2	1	2		10	5	8	1	22	7
4-6			1		1	1	1	1			3	2
6-8				1		1	2				2	2
8-10						2						2
10-12					1	1	1				2	1
12-14			2		1						3	1
14 plus			2		1	2					3	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	17*	17
Administrative Service Officers	22	20
<b>TOTAL</b>	39	37

\*Only external recruitment has been collected in this data, internal movements across classifications would show four additional Legal Officers recruited.

## 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 SEAs as at 30 June 2020	6	0	0	6
Number of SEAs entered into during period	5	0	0	5
Number of SEAs terminated during period	0	0	0	0
The number of SEAs providing for privately plated vehicles as at 30 June 2020	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 2020
<b>Individual SEAs</b>	Legal 5 Senior Officer A Senior Officer B Legal 3	\$146,585 – 157,214 \$148,990 \$128,286 - \$144,418 \$98,005 - \$114,387
<b>AWAs (includes AWAs ceased during period)</b>	N/A	N/A

Contact – Human Resources Manager – (02) 6243 3426

## Learning and Development

### Specific 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.

All 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 consisted of:

- Accidental Counsellor – Lifeline
- Disability Awareness – Rebus Theatre
- Cultural Awareness Training – internal
- Resilience – Robyn Brady
- Successful Leadership – Robyn Brady

One staff member sought approval as a student under the Studies Assistance Guidelines in the current reporting year.

### **Supported Work Placements**

The Commission supports workplace transfers into and out of the Commission. During the reporting period the Commission continued to engage in workplace transfers for staff with the ACT DPP (DPP), the ACT Government Solicitors Office (ACTGS), the Office of the Attorney General, the Women's Legal Centre (WLC) and other organisations. These transfers provide development opportunities that might otherwise not be available to staff. As at the reporting date, five staff were on leave without pay to undertake a placement.

## Ecologically Sustainable Development

Indicator as at 30 June	Unit	Current FY	Previous FY	Percentage change
<b>Stationary energy usage</b>				
Electricity use	Kilowatt hours	153,192	150,834	1.56%
Natural gas use	Megajoules	0	0	0%
Diesel	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%
Total kilometres travelled	Kilometres	7,505	14,458	-48%
Fuel use – Petrol	Kilolitres	0.5	0.8	-43%
Fuel use – Diesel	Kilolitres	0	0	0%
Fuel use – Liquid Petroleum Gas (LPG)	Kilolitres	0	0	0%
Fuel use – Compressed Natural Gas (CNG)	Cubic Metres (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	2,400	2,000	20%
Recycled content of paper purchased	Percentage	100	100	100%
Waste to landfill	Litres	12,621	13,872	-9%
Co-mingled material recycled	Litres	36,960	42,240	-13%
Paper & Cardboard recycled (incl. secure paper)	Litres	30,974	37,169	-17%
Organic material recycled	Litres	0	0	0%
<b>Greenhouse gas emissions</b>				
Emissions from stationary energy use	Tonnes CO <sub>2</sub> -e	133.3	131.2	2%
Emissions from transport	Tonnes CO <sub>2</sub> -e	1.1	1.9	-43%
Total emissions	Tonnes CO <sub>2</sub> -e	134.3	133.1	1%



# FINANCIAL MANAGEMENT REPORTING

2019-2020

# Management Discussion and Analysis

## Legal Aid Commission (ACT)

### For the Year Ended 30 June 2020

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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

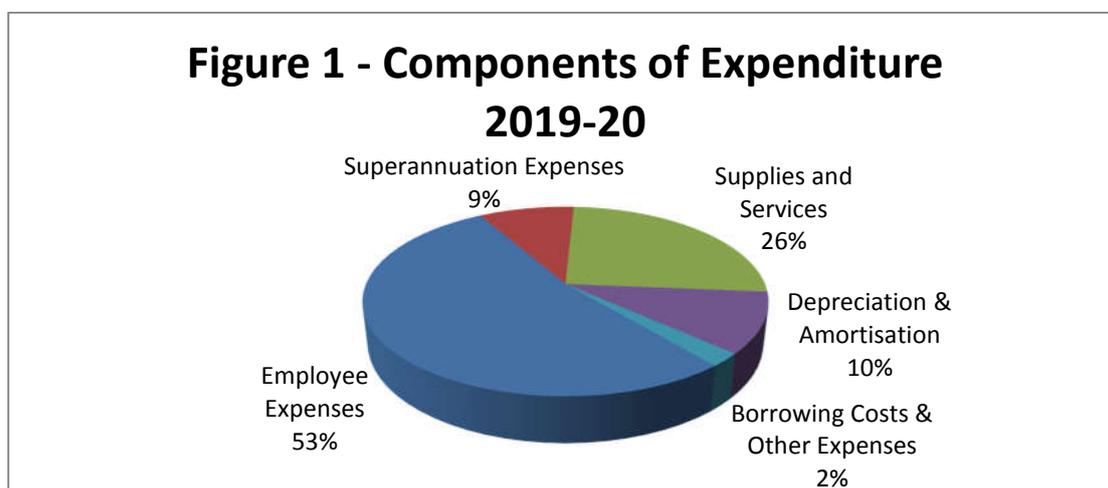
The following actual outcome financial information is based on audited Financial Statements for 2018-19 and 2019-20.

The Commission has not experienced significant financial impacts as a result of the COVID 19 health emergency. Estimates presented in Table 1 – Current Ratio, for 2020-21 through to 2022-23 are based on the 2019-20 Budget. The Legislative Assembly resolved on 18 June 2020 to delay the introduction of the Appropriation Bill 2020-2021 and 2020-21 Budget until after the election has been held and the formation of a government.

#### Total Expenditure

##### 1. Components of Expenditure

**Figure 1** below shows the components of the Commission's expenditure for 2019-20 with the largest being Employee Expenses, representing **53 percent** of total expenditure or **\$8.4 million**. This excludes superannuation, which comprises a further **9 percent** (**\$1.4 million**) of total expenditure. Supplies and Services is **26 percent** of total expenditure (**\$4.0 million**) and Depreciation & Amortisation is **10 percent** of total expenditure (**\$1.6 million**).



# Management Discussion and Analysis

## Legal Aid Commission (ACT)

### For the Year Ended 30 June 2020

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#### 2. Comparison to Budget

##### *Expenditure*

Total expenditure of **\$15.9 million** was **\$0.084 million (1 percent)** lower than the 2019-20 Budget due to the following factors:

- Lower than budgeted Supplies and Services, mainly due to Referrals to Private Legal Practitioners and Legal Disbursements (**\$2.965 million** compared to the budget of **\$3.368 million**), which was likely impacted by the court closures as a result of the COVID-19 pandemic; and
- Higher than budgeted Impairment of Assisted Person Contributions (in Other Expenses) (**\$0.285 million** compared to the budget of **\$0.029 million**). This is a result of a number of specific high value cases that were assessed in 2019-20 as uncollectable.

#### 3. Comparison with 2018-19 Actual Expenditure

Total expenditure was **\$1.0 million (7 percent)** higher than the 2018-19 actual result mainly due to:

- Higher employee and superannuation expenditure of **\$1.151 million** resulting from the additional projects conducted in 2019-20;
- Lower legal expenses (**\$0.727 million**) in 2019-20 largely due to the high level of external counsel payments relating to the Eastman trial in 2018-19;
- The increase in expenditure in Depreciation from adopting the Accounting Standard AASB 16 – Leases (**\$0.294 million**). Under the new accounting standard **\$1.249 million** is expensed in Depreciation, compared to the previous accounting standard where **\$0.955 million** was expensed as Lease Expenses in 2018-19; and
- Higher Impairment of Assisted Person Contributions of **\$0.259 million** (in Other Expenses). This is a result of a number of specific high value cases that were assessed in 2019-20 as uncollectable.

#### 4. Future Trends

The information presented below are based our latest unpublished forecast. No Budget has been published for 2020-21 as a result of the delays due to the global pandemic.

The latest Legal Aid forecast for 2020-21 expenditure is an increase of **\$1.4 million** (to **\$17.3 million**) over the 2019-20 levels. Across the last 12 months the Commission has received a large number of grants, contracts and funding agreements which have been settled with the ACT and Commonwealth Governments. This will provide for a substantial increase in expenditure (and corresponding income) for 2020-21.

#### Total Income

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

**Figure 2** below shows that for the financial year ended 30 June 2020, the Commission received **78 percent (\$13.0 million)** of its total income of **\$16.7 million** from Controlled Recurrent Payments (this appropriation includes Commonwealth funding under the *National Partnership Agreement on Legal Assistance Services*). The income from Grants and Contributions was

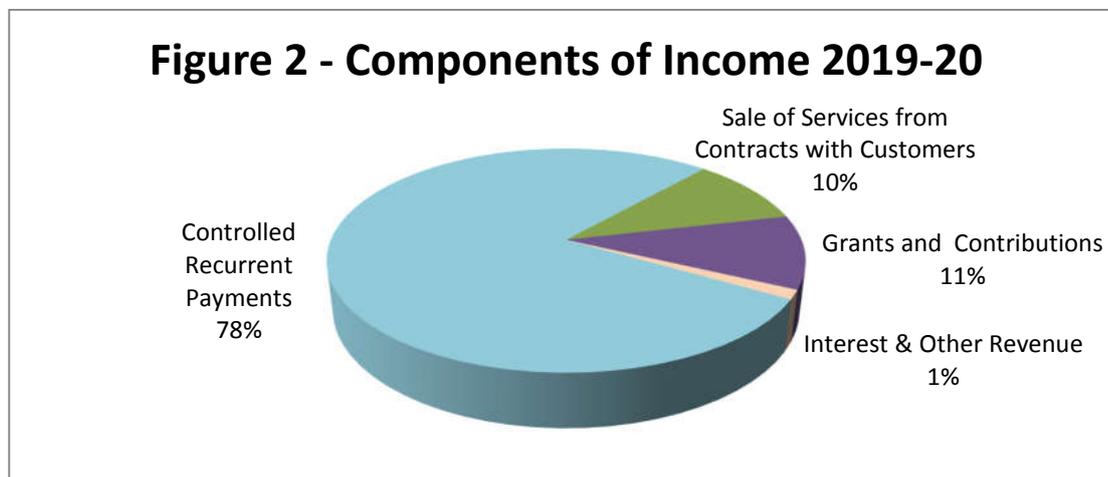
# Management Discussion and Analysis

## Legal Aid Commission (ACT)

### For the Year Ended 30 June 2020

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**\$1.8 million (11 percent)** and the Sale of Services from Contracts with Customers is **\$1.6 million (or 10 percent)**.



## 2. Comparison to Budget

### Income

Income for the financial year ended 30 June 2020 of **\$16.7 million** was higher than the 2019-20 Budget of **\$15.5 million** by **\$1.3 million (8 percent)** due principally to the following:

- Increases in Revenue from the Sale of Services from Contracts with Customers:
  - ACT Government contracts for providing Legal support to the Health Justice Partnership (**\$0.250 million**) and the Tenancy Advice Service (**\$0.156 million**); and
  - Contracts with the Commonwealth in relation to Legal services for Family Dispute/Violence (**\$0.167 million**).
- Increases in Revenue from Grants & Contributions (**\$0.720 million**):
  - Increased grant funding from the ACT Law Society (**\$0.495 million**); and
  - Assisted Person Contributions & Recovered Costs (**\$0.225 million**).

## 3. Comparison to 2018-19 Actual Income

There was an increase in 2019-20 total income over 2018-19 actual income by **\$1.5 million (10 percent)**, the major line item variations were:

- Increases in Revenue from the Sale of Services from Contracts with Customers (**\$1.180 million**), many of which were new projects:
  - ACT Government contracts (**\$0.547 million**); and
  - Commonwealth Government contracts (**\$0.633 million**).
- Increases in Revenue from Grants & Contributions (**\$0.491 million**):
  - Increased funding from the ACT Law Society (**\$0.211 million**);
  - Higher Assisted Person Contributions & Recovered Costs (**\$0.205 million**); and
  - Recognition of the service contribution of a volunteer in 2019-20 (**\$0.075 million**).

# Management Discussion and Analysis

## Legal Aid Commission (ACT)

### For the Year Ended 30 June 2020

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#### 4. Future Trends

The information presented below are based our latest unpublished forecast. No Budget has been published for 2020-21 as a result of the delays due to the global pandemic.

The latest Legal Aid forecast for 2020-21 income is an increase of **\$0.4 million** (to **\$17.1 million**) over the 2019-20 levels. Across the last 12 months the Commission has received a large number of grants, contracts and funding agreements which have been settled with the ACT and Commonwealth Governments. This will provide for a substantial increase in income (and corresponding expenditure) for 2020-21.

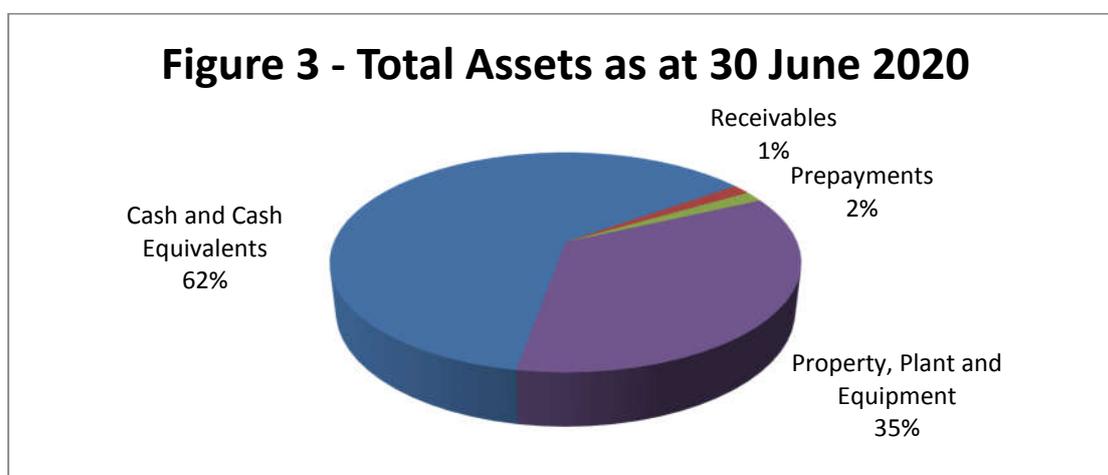
One of the major factors limiting this increase is a forecast reduction of grant funding from the ACT Law Society in 2020-21.

#### Financial Position

##### Total Assets

##### 1. Components of Total Assets

**Figure 3** below shows that at 30 June 2020, the Commission held **62 percent** of its **\$11.1 million** of assets in Cash and Cash Equivalents and **35 percent** in Property, Plant and Equipment.



##### 2. Comparison to Budget

The total asset position as at 30 June 2020 is **\$11.1 million** which exceeded the 2019-20 Budget of **\$8.2 million** by **\$2.8 million (34 percent)**. Cash and Cash Equivalents was the main driver of this increase resulting from additional funding from the ACT Law Society, and unbudgeted receipts from grants and contracts.

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

- A higher starting cash at bank position than budgeted (**\$0.606 million**).
- Additional funds from the ACT Law Society (**\$0.495 million**);
- Funds from unbudgeted ACT Government contracts (**\$0.456 million**);
- Funds from unbudgeted Commonwealth specific projects (**\$0.390 million**);
- Lower staff expenses than budgeted (**\$0.431 million**); and

# Management Discussion and Analysis

## Legal Aid Commission (ACT)

### For the Year Ended 30 June 2020

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- Lower Supplies and Services, mainly due to Referrals to Private Legal Practitioners and Legal Disbursements (**\$0.346 million**).

Additionally, at the time of the 2019-20 Budget, the IT expenses of **\$0.309 million** was identified as intangible assets. During 2019-20, the completed IT project has been capitalised as Property, Plant and Equipment as the amounts relate to tangible computer equipment.

### 3. Comparison to 2018-19 Actuals

The Commission's total asset position at 30 June 2020 is **\$3.5 million (46 percent)** higher than the actual result of **\$7.6 million** at 30 June 2019. This is primarily due to the increase in Cash and Cash Equivalents of **\$0.945 million**, and the adoption of the Accounting Standard AASB 16 for the accounting treatment of Leases (**\$2.810 million**).

- Increased Cash and Cash Equivalents is due mainly to increased revenue from the ACT Law Society (**\$0.211 million**) and cash received from numerous grants, contributions and contracts (**\$0.586 million**):
  - ACT Government grants and contracts (**\$0.235 million**); and
  - Commonwealth Government contracts (**\$0.351 million**).
- The amendment from AASB 16 reflects an increased level of asset, offset by a matching liability. The net effect of these are broadly equivalent to the asset in 2018-19. This effect is increased assets in 2019-20 of **\$2.810 million**.

Current Receivables were **\$0.045 million** lower than 2018-19, mainly due to a lower level of Assisted Person Contributions and Recovered Costs Receivable in 2019-20.

### 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 \$'000s 2018-19	Current Year Budget \$'000s 2019-20	Current Year Actual \$'000s 2019-20	Forward Year Budget \$'000s 2020-21	Forward Year Budget \$'000s 2021-22	Forward Year Budget \$'000s 2022-23
Current Assets	6,314	4,624	7,239	4,281	3,821	2,647
Current Liabilities	3,241	3,145	4,093	3,117	2,279	2,713
Current Ratio	1.95:1	1.47:1	1.77:1	1.37:1	1.68:1	0.98:1

#### Source of Forward Year Budgets: 2019-20 Budget Statements D

The current ratio was **1.77:1** at 30 June 2020 which is higher than the budgeted current ratio of **1.47:1**. The Commission expects the current ratio to remain stable across the upcoming two years with a decline in forward year three. The actual and forecast current ratio suggest that the Commission will be able to pay its debts as and when they fall due, albeit requiring careful management.

# Management Discussion and Analysis

## Legal Aid Commission (ACT)

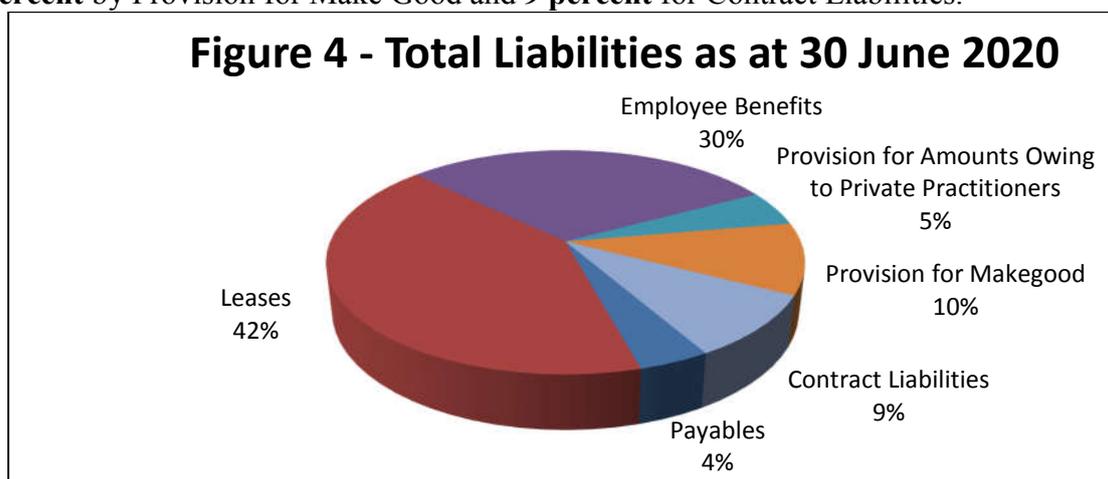
### For the Year Ended 30 June 2020

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#### Total Liabilities

##### 1. Components of Total Liabilities

Figure 4 below shows that at 30 June 2020, **42 percent** of the **\$6.6 million** of liabilities of the Commission were represented by Leases, with Employee Benefits comprising **30 percent**, **10 percent** by Provision for Make Good and **9 percent** for Contract Liabilities.



##### 2. Comparison to Budget

The Commission's total liabilities at 30 June 2020 of **\$6.6 million** exceeded the 2019-20 Budget of **\$6.1 million** by **\$0.5 million (8 percent)**. This is due to the following variations:

- Additional Contract Liabilities than budgeted (**\$0.553 million**);
- Lease Liabilities – as a result of the amendment of AASB 16, the accounting treatment of Leases increased over budget (**\$0.225 million**);
- An increase in Employee Benefits due to additional staff and the effect of the finalisation of the Enterprise Agreement (**\$0.444 million**); and
- Payables – the non-current payables reduction from budget (**\$0.572 million**) and the reduction in Lease Incentive Scheme (**\$0.200 million**) reflect the introduction of AASB 16 in the accounting treatment of leases.

##### 3. Comparison to 2018-19 Actuals

Total liabilities at 30 June 2020 of **\$6.6 million** are **\$1.7 million (36 percent)** higher than the actual result at 30 June 2019 of **\$4.9 million**. This is mainly due to the following:

- The adoption of AASB 16 reflects an increased level of asset, offset by a matching liability. The net effect of these are broadly equivalent to the asset in 2018-19. This effect is an increased liability in 2019-20 of **\$2.752 million**;
- A decrease in contract liabilities (**\$0.127 million**) mainly due to revenue received in advance in 2018-19 for two initiatives and the inclusion of three initiatives where revenue was received in advance in 2019-20;
- A decrease in employee benefits (**\$0.091 million**) which was a result of accounting for the expenses relating to the Enterprise Agreement, offset by higher other employee costs;

## **Management Discussion and Analysis**

### **Legal Aid Commission (ACT)**

### **For the Year Ended 30 June 2020**

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- Payables – the removal of the non-current payables in 2019-20 (**\$0.572 million**) reflects the introduction of AASB 16 in the accounting treatment of leases; and
- Other Provisions were higher in 2019-20 mainly due to the increase in Provision for Private Legal Practitioners which was affected by the closure of the courts due to the COVID-19 pandemic. This resulted in a delay in the progression of many matters, hence delays in open cases being finalised and invoiced (**\$0.083 million**).

## 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 2020 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 2020, 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.



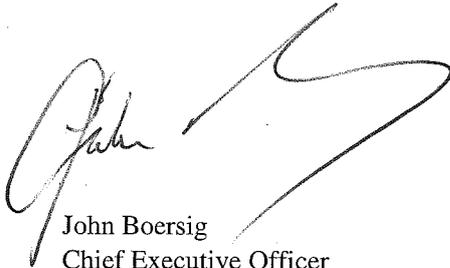
Ajay Sharma  
Assistant Auditor-General, Financial Audit  
26 August 2020

**Legal Aid Commission (ACT)  
Financial Statements  
For the Year Ended 30 June 2020**

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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 2020 and the financial position of the Commission on that date.



John Boersig  
Chief Executive Officer  
Legal Aid Commission (ACT)  
27 July 2020

**Legal Aid Commission (ACT)  
Financial Statements  
For the Year Ended 30 June 2020**

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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 2020 and the financial position of the Commission on that date.



Brett Monger  
Chief Finance Officer  
Legal Aid Commission (ACT)  
27 July 2020

**Legal Aid Commission (ACT)**  
**Operating Statement**  
**For the Year Ended 30 June 2020**

	Note No.	Actual 2020 \$'000	Original Budget 2020 \$'000	Actual 2019 \$'000
<b>Income</b>				
Controlled Recurrent Payments	4	13,032	13,069	13,130
Sale of Services from Contracts with Customers	5	1,631	1,192	451
Grants and Contributions	6	1,841	1,046	1,350
Interest Revenue	7	142	161	184
Other Revenue	8	79	1	57
<b>Total Income</b>		<b>16,724</b>	<b>15,470</b>	<b>15,171</b>
<b>Expenses</b>				
Employee Expenses	9	8,433	8,484	7,508
Superannuation Expenses	10	1,432	1,356	1,206
Supplies and Services	11	4,038	4,439	4,750
Depreciation and Amortisation	12	1,634	1,570	383
Borrowing Costs	13	71	97	27
Lease Expenses	14	-	-	955
Other Expenses	15	285	32	26
<b>Total Expenses</b>		<b>15,894</b>	<b>15,978</b>	<b>14,855</b>
<b>Operating Surplus/(Deficit)</b>		<b>831</b>	<b>(508)</b>	<b>316</b>

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

The Legal Aid Commission (ACT) (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 2020**

	Note No.	Actual 2020 \$'000	Original Budget 2020 \$'000	Actual 2019 \$'000
<b>Current Assets</b>				
Cash and Cash Equivalents	16	6,908	4,274	5,963
Receivables	17	162	192	206
Prepayments	18	169	158	145
<b>Total Current Assets</b>		<b>7,239</b>	<b>4,624</b>	<b>6,314</b>
<b>Non-Current Assets</b>				
Property, Plant and Equipment	19	3,850	3,314	1,195
Intangible Assets		-	309	-
Capital Works In Progress	20	-	-	65
<b>Total Non-Current Assets</b>		<b>3,850</b>	<b>3,623</b>	<b>1,260</b>
<b>Total Assets</b>		<b>11,089</b>	<b>8,247</b>	<b>7,574</b>
<b>Current Liabilities</b>				
Payables	21	271	212	305
Contract Liabilities	22	604	51	731
Lease Liabilities	23	1,222	1,074	-
Lease Incentive Liability	24	-	90	90
Employee Benefits	25	1,658	1,358	1,860
Other Provisions	26	339	360	256
<b>Total Current Liabilities</b>		<b>4,093</b>	<b>3,145</b>	<b>3,241</b>
<b>Non-Current Liabilities</b>				
Payables	21	-	572	572
Lease Liabilities	23	1,530	1,453	-
Lease Incentive Liability	24	-	111	202
Employee Benefits	25	321	177	210
Other Provisions	26	683	701	661
<b>Total Non-Current Liabilities</b>		<b>2,534</b>	<b>3,014</b>	<b>1,645</b>
<b>Total Liabilities</b>		<b>6,627</b>	<b>6,159</b>	<b>4,886</b>
<b>Net Assets</b>		<b>4,462</b>	<b>2,088</b>	<b>2,688</b>
<b>Equity</b>				
Accumulated Funds		4,462	2,088	2,688
<b>Total Equity</b>		<b>4,462</b>	<b>2,088</b>	<b>2,688</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 2020**

	Note	Accumulated Funds Actual 2020 \$'000	Original Budget 2020 \$'000	Accumulated Funds Actual 2019 \$'000
<b>Balance at the Beginning of the Reporting Period</b>		<b>2,688</b>	<b>2,516</b>	<b>2,008</b>
Change in accounting policy	Appendix D	863	-	49
<b>Restated Balance at the Beginning of the Reporting Period</b>		<b>3,551</b>	<b>2,516</b>	<b>2,057</b>
<b>Comprehensive Surplus/(Deficit)</b>				
Operating Surplus/(Deficit)		831	(508)	316
<b>Total Comprehensive Surplus/(Deficit)</b>		<b>831</b>	<b>(508)</b>	<b>316</b>
<b>Transactions Involving Owners Affecting Accumulated Funds</b>				
Capital Injections		80	80	315
<b>Total Transactions Involving Owners Affecting Accumulated Funds</b>		<b>80</b>	<b>80</b>	<b>315</b>
<b>Balance at the End of the Reporting Period</b>		<b>4,462</b>	<b>2,088</b>	<b>2,688</b>

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

**Legal Aid Commission (ACT)**  
**Statement of Cash Flows**  
**For the Year Ended 30 June 2020**

	Note No.	Actual 2020 \$'000	Original Budget 2020 \$'000	Actual 2019 \$'000
<b>Cash Flows from Operating Activities</b>				
<b>Receipts</b>				
Controlled Recurrent Payments		13,032	13,069	13,130
Sales of Services from Contracts with Customers		1,503	614	352
Grants and Contributions		1,622	1,018	2,113
Goods and Services Tax Input Tax Credits from the Australian Taxation Office		325	400	455
Goods and Services Tax Collected from Customers		212	110	147
Other		102	161	343
<b>Total Receipts from Operating Activities</b>		<b>16,797</b>	<b>15,371</b>	<b>16,540</b>
<b>Payments</b>				
Employees		8,346	8,912	7,031
Superannuation		1,491	1,356	1,207
Supplies and Services		4,048	4,394	5,975
Goods and Services Tax Paid to Suppliers		525	510	590
<b>Total Payments from Operating Activities</b>		<b>14,410</b>	<b>15,172</b>	<b>14,803</b>
<b>Net Cash Inflows from Operating Activities</b>	31 (b)	<b>2,387</b>	<b>199</b>	<b>1,737</b>
<b>Cash Flows from Investing Activities</b>				
<b>Payments</b>				
Purchase of Property, Plant and Equipment		343	130	86
<b>Total Payments from Investing Activities</b>		<b>343</b>	<b>130</b>	<b>86</b>
<b>Net Cash (Outflows) from Investing Activities</b>		<b>(343)</b>	<b>(130)</b>	<b>(86)</b>
<b>Cash Flows from Financing Activities</b>				
<b>Receipts</b>				
Capital Injections		80	80	315
<b>Total Receipts from Financing Activities</b>		<b>80</b>	<b>80</b>	<b>315</b>
<b>Payments</b>				
Repayment of Lease Liabilities - Principal		1,178	1,178	-
<b>Total Payments from Financing Activities</b>		<b>1,178</b>	<b>1,178</b>	<b>-</b>
<b>Net Cash (Outflows)/Inflows from Financing Activities</b>		<b>(1,098)</b>	<b>(1,098)</b>	<b>315</b>
<b>Net Increase/(Decrease) in Cash and Cash Equivalents</b>		<b>946</b>	<b>(1,029)</b>	<b>1,967</b>
Cash and Cash Equivalents at the Beginning of the Reporting Period		5,963	5,303	3,996
<b>Cash and Cash Equivalents at the End of the Reporting Period</b>	31 (a)	<b>6,908</b>	<b>4,274</b>	<b>5,963</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 2020**

	Original Budget 2020 \$'000	Total Appropriated 2020 \$'000	Appropriation Drawn 2020 \$'000	Appropriation Drawn 2019 \$'000
Controlled Recurrent Payments	13,069	13,069	13,032	13,130
Capital Injections	80	80	80	315
<b>Total Appropriation</b>	<b>13,149</b>	<b>13,149</b>	<b>13,112</b>	<b>13,445</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 *Total Appropriated* column includes all appropriation variations occurring after the Original Budget.

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.

**Variations between 'Original Budget', 'Total Appropriated' and 'Appropriation Drawn'**

Reconciliation of Appropriation for 2019-20	Controlled Recurrent Payments \$'000	Capital Injections \$'000
Original Appropriation for 2019-20	13,069	80
Insurance Premium adjustment <sup>1</sup>	(37)	-
<b>Appropriation Drawn</b>	<b>13,032</b>	<b>80</b>

<sup>1</sup>The \$0.037m reduction in the 2019-20 appropriation is due to an insurance premium adjustment for the Commission's workers' compensation relating to 2018-19. This was not reflected in the 2018-19 appropriation as a result of timing of the adjustment.

## LEGAL AID COMMISSION (ACT) NOTE INDEX

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Note 2 Significant Accounting Policies (See Appendices A, B and C)  
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  
Note 3 Change in Accounting Policy & Accounting Estimates (See Appendix D)  
Appendix D - Change in Accounting Policy & Accounting Estimates

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### Other Notes

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**Legal Aid Commission (ACT)**  
**Notes to and Forming Part of the Financial Statements**  
**For the Year Ended 30 June 2020**

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

**Operations and Principal Activities**

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. Commission 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

**NOTE 3. CHANGE IN ACCOUNTING POLICY & ACCOUNTING ESTIMATES**

Refer to Appendix D - Change in Accounting Policy & Accounting Estimates.

**Legal Aid Commission (ACT)**  
**Notes to and Forming Part of the Financial Statements**  
**For the Year Ended 30 June 2020**

	<b>2020</b>	<b>2019</b>
	<b>\$'000</b>	<b>\$'000</b>

**NOTE 4. CONTROLLED RECURRENT PAYMENTS**

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 *National Partnership Agreement on Legal Assistance Services* 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.

**Revenue from the ACT Government**

Controlled Recurrent Payments	13,032	13,130
<b>Total Controlled Recurrent Payments</b>	<b>13,032</b>	<b>13,130</b>

**NOTE 5. SALE OF SERVICES FROM CONTRACTS WITH CUSTOMERS**

**ACT Government Customers**

Community Services Directorate		
- Disability Inclusion <sup>1</sup>	1	-
- Health Justice Partnership <sup>2,4</sup>	250	120
- ATSI Seniors Grant on Elder Abuse <sup>2,8</sup>	-	6
- Senior's Grant <sup>1</sup>	10	-
- Legal Capacity Handbook <sup>1</sup>	55	-
Justice and Community Safety Directorate		
- Therapeutic Care Court <sup>1</sup>	201	-
- Tenancy Advice Service <sup>1</sup>	156	-
<b>Total Sales of Services from ACT Government Customers</b>	<b>673</b>	<b>126</b>

**Non-ACT Government Customers**

Commonwealth - Attorney General's Department		
- Disability Royal Commission <sup>1</sup>	73	-
- Discrete Legal Services <sup>2,5</sup>	140	60
- Family Violence and Cross Examination <sup>2,6</sup>	132	9
- Family Law Pathways Network <sup>2</sup>	50	50
- Lawyer assisted Family Law Property Mediation	44	-
Commonwealth - Department of Social Services		
- National Disability Insurance Scheme <sup>2,7</sup>	415	55
- Online Service Portal <sup>2,8</sup>	-	45
Australian National University - Youth Law Centre <sup>3</sup>	68	67
University of Canberra - provision of legal services <sup>3</sup>	36	35
Illawarra Retirement Trust (IRT) Foundation <sup>2,8</sup>	-	5
<b>Total Sales of Services from Non-ACT Government Customers</b>	<b>958</b>	<b>325</b>
<b>Total Sales of Services from Contracts with Customers</b>	<b>1,631</b>	<b>451</b>

Performance obligation in the sale of services is the supply of services to the customer. Revenue is recognised at the time of performing the obligation under the each respective contracts. Refer to Appendix B - Significant Accounting Policies and Appendix D - Change in Accounting Policy & Accounting Estimates.

<sup>1</sup>These items are new contracts in 2019-20.

<sup>2</sup>These items were previously presented under Note 5 - Grant Revenue in 2018-19. Refer to Note 6 - Grants and Contributions.

<sup>3</sup>These items were previously presented under Note 7 - Other Revenue in 2018-19. Refer to Note 8 - Other Revenue.

<sup>4</sup>This initiative was funded for a part year in 2018-19 but a full year in 2019-20.

**Legal Aid Commission (ACT)  
Notes to and Forming Part of the Financial Statements  
For the Year Ended 30 June 2020**

**2020**      **2019**  
**\$'000**      **\$'000**

**NOTE 5. SALE OF SERVICES FROM CONTRACTS WITH CUSTOMERS - CONTINUED**

<sup>5</sup>The contract for Discrete Legal Services was provided over 2 years and allocated across the years based on timing.

<sup>6</sup>Funding in 2018-19 was for initial set-up only. Funding in 2019-20 reflects the full service for the year.

<sup>7</sup>The 2019-20 funding reflects revenue that was provided in advance in 2018-19 but recognised in 2019-20 after the delivery of performance obligations during the year. There were also high value matters that were funded in 2019-20.

<sup>8</sup>These services ceased at the end of 2018-19.

**NOTE 6. GRANTS AND CONTRIBUTIONS**

This note corresponds to Note 5 - Grant Revenue in the 2018-19 Financial Statements.

As a result of the amended accounting standards in 2019-20, this note includes User Charges (note 6 in 2018-19 statements) and a number of items from 2018-19 Grant Revenue which are now included in Note 5 - Sale of Services from Contract with Customers. Refer to Appendix B - Significant Accounting Policies, and Appendix D - Change in Accounting Policy & Accounting Estimates.

The Commission receives grant revenue from the ACT Law Society. The amount of the grant 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.

**Grant and Contributions from Non-ACT Government Entities**

Grant from the ACT Law Society <sup>1</sup>	1,345	1,133
Assisted Person Contributions and Recovered Costs <sup>2</sup>	422	217
Volunteer Services <sup>3</sup>	75	-
<b>Total Grant and Contributions from Non-ACT Government Entities</b>	<b>1,841</b>	<b>1,350</b>
<b>Total Grant and Contributions</b>	<b>1,841</b>	<b>1,350</b>

<sup>1</sup>The additional funds from the ACT Law Society in 2019-20 reflects a larger pool of available funds to distribute across the legal sectors in the ACT.

<sup>2</sup>The increase in Assisted Person Contributions and Recovered Costs is due to recognising substantial client contribution reassessments for some specific large matters.

<sup>3</sup>There was one volunteer performing legal aid duties in 2019-20.

**NOTE 7. INTEREST REVENUE**

Interest from General Fund Account <sup>1</sup>	142	184
<b>Total Interest Revenue</b>	<b>142</b>	<b>184</b>

<sup>1</sup>The 2018-19 interest revenue from the Commission's General Fund Account was presented in Note 7 - Other Revenue of the 2018-19 Financial Statements. The lower interest revenue this year is due to lower interest rates (1.55% in 2019-20 compared to 2.33% in 2018-19).

**Legal Aid Commission (ACT)**  
**Notes to and Forming Part of the Financial Statements**  
**For the Year Ended 30 June 2020**

	<b>2020</b>	<b>2019</b>
	<b>\$'000</b>	<b>\$'000</b>
<b>NOTE 8. OTHER REVENUE</b>		
<b>Revenue from ACT Government Entities</b>		
Revenue from Justice and Community Safety Directorate	-	6
<b>Total Other Revenue from ACT Government Entities</b>	<u>-</u>	<u>6</u>
<b>Revenue from Non-ACT Government Entities</b>		
Rent - Environmental Defender's Office	16	18
Other	63	33
<b>Total Other Revenue from Non-ACT Government Entities</b>	<u>79</u>	<u>51</u>
<b>Total Other Revenue</b>	<u>79</u>	<u>57</u>

This note corresponds to Note 7 - Other Revenue of the 2018-19 Financial Statements.

**NOTE 9. EMPLOYEE EXPENSES**

Wages and Salaries <sup>1</sup>	8,108	7,172
Annual Leave Expense <sup>2</sup>	133	115
Long Service Leave Expense <sup>3</sup>	124	145
Commissioners' Remuneration	24	23
Workers' Compensation Insurance Premium <sup>4</sup>	44	54
<b>Total Employee Expenses</b>	<u>8,433</u>	<u>7,508</u>

<sup>1</sup>The increase in Wages and Salaries is due to a higher number of employees in 2019-20 as a result of new contracts entered into by the Commission in 2019-20, as well as recognising the expenses related to one volunteer in 2019-20.

<sup>2</sup>The increase in Annual Leave Expense is an effect of the higher number of employees in the Commission.

<sup>3</sup>The decrease in Long Service Leave Expense is mainly due to the lesser accrual required for this item as a result of the departures in 2019-20 of a couple of long-serving employees of the Commission.

<sup>4</sup>There was a decrease in the premium payable for Workers' Compensation Insurance.

**NOTE 10. SUPERANNUATION EXPENSES**

Superannuation Contributions to the Territory Banking Account <sup>1</sup>	426	317
Productivity Benefit	36	35
Superannuation to External Providers <sup>1</sup>	970	854
<b>Total Superannuation Expenses</b>	<u>1,432</u>	<u>1,206</u>

<sup>1</sup>The increase in superannuation contributions is a result of the higher number of employees in 2019-20.

**Legal Aid Commission (ACT)**  
**Notes to and Forming Part of the Financial Statements**  
**For the Year Ended 30 June 2020**

	<b>2020</b>	<b>2019</b>
	<b>\$'000</b>	<b>\$'000</b>
<b>NOTE 11. SUPPLIES AND SERVICES</b>		
Financial and Audit Fees	53	51
Referrals to Private Legal Practitioners	2,374	2,420
Legal Disbursements <sup>1</sup>	591	1,272
Transportation	31	50
Office Requisitions	109	94
Computer Services	370	360
Contractors and Consultants	11	3
Office Services <sup>2</sup>	165	160
Other Services <sup>2</sup>	197	220
Other Supplies and Services	137	118
<b>Total Supplies and Services</b>	<b>4,038</b>	<b>4,750</b>

<sup>1</sup>The Legal Disbursements decreased in 2019-20 mainly due to the high level of external counsel payments in 2018-19 relating to the Eastman Trial.

<sup>2</sup>These items were previously included in the 'Other Supplies and Services' line of this note. 'Office Services' include expenses relating to cleaning, electricity, and other outgoings. 'Other Services' include expenses relating to payroll, practising certificates, and staff training expenses.

**NOTE 12. DEPRECIATION AND AMORTISATION**

**Depreciation**

Right-of-Use Asset <sup>1</sup>	1,249	-
Leasehold Improvements	223	237
Motor Vehicles	1	1
Office and Computer Equipment <sup>2</sup>	109	92
Furniture and Fittings	52	52
<b>Total Depreciation</b>	<b>1,634</b>	<b>383</b>

<sup>1</sup>The Right-of-Use Asset item above relates to the Commission's leased premises. This item is being recognised in 2019-20 according to the revised AASB 16 Leases (in 2018-19 payments relating to leased premises were reported in Note 12 - Lease Expenses). Refer to Note 19 - Property, Plant and Equipment, and Note 23 - Lease Liabilities.

<sup>2</sup>The increase in Office and Computer Equipment depreciation is due to the IT Upgrade capitalised in 2019-20.

**NOTE 13. BORROWING COSTS**

Finance Charges on Finance Leases <sup>1</sup>	43	-
Finance Cost on Make Good	28	27
<b>Total Borrowing Costs</b>	<b>71</b>	<b>27</b>

<sup>1</sup>The Finance Charges on Finance Leases relates to the Commission's leased office. Refer to Note 19 - Property, Plant and Equipment, and Note 23 - Lease Liabilities.

**Legal Aid Commission (ACT)**  
**Notes to and Forming Part of the Financial Statements**  
**For the Year Ended 30 June 2020**

	<b>2020</b>	<b>2019</b>
	<b>\$'000</b>	<b>\$'000</b>

**NOTE 14. LEASE EXPENSES**

In 2009-10, the Commission entered into an agreement to lease office space at 2 Allsop Street, Canberra City ACT for 12.5 years. The Lease Expenses were calculated to include a 3.7% annual increase, which was apportioned across the lease period to present a straight line payment schedule up to 2018-19 under the previous leases accounting standard.

Lease Expense - office accommodation <sup>1</sup>	-	955
<b>Total Lease Expenses</b>	-	<b>955</b>

<sup>1</sup>The Commission no longer recognises Lease Expenses as a result of adopting the new AASB 16 Leases standard. The corresponding expense for this item for 2019-20 is included in Note 12 - Depreciation and Amortisation. Also refer to Note 19 - Property, Plant and Equipment, and Note 23 - Lease Liabilities.

**NOTE 15. OTHER EXPENSES**

Other Expenses comprises impairment losses and write-offs.

	<b>2020</b>	<b>2019</b>		
	<b>No.</b>	<b>No.</b>		
<b>Impairment Losses</b>				
<i>Impairment Loss from Receivables</i>				
Assisted Person Contributions and Recovered Costs Receivable <sup>1</sup>	362	180	285	26
<i>Total Impairment Loss from Receivables</i>			285	26
<b>Total Impairment Losses</b>			<b>285</b>	<b>26</b>

There were no waivers during the reporting period (Nil in 2018-19).

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

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

**NOTE 16. CASH AND CASH EQUIVALENTS**

The Commission holds one bank account with Westpac Banking Corporation which earned a weighted average interest rate of 1.55% in 2019-20 (2.33% in 2018-19).

Funds from the Westpac operating account can be withdrawn upon request.

Cash at Bank <sup>1</sup>	6,908	5,962
Cash on Hand <sup>2</sup>	-	-
<b>Total Cash and Cash Equivalents</b>	<b>6,908</b>	<b>5,963</b>

<sup>1</sup>The increase in Cash at Bank is due to receipts from the ACT Law Society (an additional \$0.211m from the Statutory Interest Account), and cash received for several contracts entered into in 2019-20. Refer to Note 5 - Sale of Services from Contracts with Customers, and Note 6 - Grants and Contributions.

<sup>2</sup>The Commission holds \$335 petty cash on premises. This has been rounded down to show zero in the above table.

**Legal Aid Commission (ACT)  
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For the Year Ended 30 June 2020**

	<b>2020</b>	<b>2019</b>
	<b>\$'000</b>	<b>\$'000</b>
<b>NOTE 17. RECEIVABLES</b>		
<b>Current Receivables</b>		
Assisted Person Contributions and Recovered Costs Receivable <sup>1</sup>	307	118
Less: Allowance for Impairment Losses <sup>2</sup>	(255)	(34)
	52	84
Net GST Receivable	109	122
Other Trade Receivables	-	-
<b>Total Current Receivables</b>	<b>162</b>	<b>206</b>
<b>Total Receivables</b>	<b>162</b>	<b>206</b>

All receivables above are with Non-ACT Government entities.

<sup>1</sup>The increase in Assisted Person Contributions and Recovered Costs Receivable is due to recognising substantial high value cost recoveries for specific matters in 2019-20. Additionally, there were lower reassessed client contributions in 2019-20.

<sup>2</sup>The increase in Allowance for Impairment Losses in 2019-20 is due to impairing contributions related to the above specific matters assessed as uncollectable.

<b>Ageing of Receivables</b>	<b>Total</b>	<b>Days Past Due</b>				
		<b>Not Overdue</b>	<b>1-30 days</b>	<b>31-60 days</b>	<b>61-90 days</b>	<b>&gt; 90 days</b>
<b>30 June 2020</b>	<b>\$'000</b>	<b>\$'000</b>	<b>\$'000</b>	<b>\$'000</b>	<b>\$'000</b>	<b>\$'000</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)
<b>30 June 2019</b>						
Expected credit loss rate		0.00%	18.59%	28.89%	28.23%	30.96%
Estimated total gross carrying amount at default	118	-	19	8	5	87
Expected credit loss allowance	(34)	-	(3)	(2)	(1)	(27)

The Commission's trade 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. The vast majority of client contribution payments are made through Centrepay, making 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 2020.

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

<sup>1</sup>During 2019-20 there were a small number of high value matters that were both, assessed as a receivable, 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 rest of the statements.

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	<b>2020</b>	<b>2019</b>
	<b>\$'000</b>	<b>\$'000</b>
<b>NOTE 17. RECEIVABLES - CONTINUED</b>		
	<b>2020</b>	<b>2019</b>
	<b>\$'000</b>	<b>\$'000</b>
<b>Reconciliation of the Allowance for Impairment</b>		
Allowance for Impairment Losses at the Beginning of the Reporting Period	34	78
Remeasurement under AASB 9	-	(49)
Restated Allowance for Impairment Losses at the Beginning of the Reporting Period	34	29
Additional Allowance Recognised During the Reporting Period	285	26
Adjustment for specific matters in 2019-20 <sup>1</sup>	(235)	-
Reduction in Allowance from Amounts Written-off During the Reporting Period	(63)	(21)
<b>Allowance for Impairment Losses at the End of the Reporting Period</b>	<b>21</b>	<b>34</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.

<sup>1</sup>During 2019-20 there were a small number of high value matters that were both, assessed as a receivable, 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 rest of the statements.

**NOTE 18. PREPAYMENTS**

**Current Prepayments**

Prepayments	169	145
<b>Total Current Prepayments</b>	<b>169</b>	<b>145</b>

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	<b>2020</b>	<b>2019</b>
	<b>\$'000</b>	<b>\$'000</b>
<b>NOTE 19. PROPERTY, PLANT AND EQUIPMENT</b>		
Property, plant and equipment includes the following classes of assets. ACT Disclosure Policy is that Right-of-Use (ROU) Assets recognised under AASB 16 <i>Leases</i> are disclosed under the relevant class of property, plant and equipment.		
<i>Right-of-Use Asset - Building</i> represents the Commission's leased building at 2 Allsop Street, Canberra.		
<i>Leasehold Improvements</i> represents capital expenditure incurred in relation to leased assets. The Commission has an office fit out.		
<i>Motor Vehicles</i> are the motor vehicles available to Commission staff for business use.		
<i>Office and Computer Equipment</i> includes desktop personal computers, servers and network equipment, photocopiers, telephones, facsimile machines, printers and portable computing equipment.		
<i>Furniture and Fittings</i> includes desks, chairs, workstations and other furniture.		
<b>Right-of-Use Asset - Building</b>		
Right-of-Use Leasehold Improvements at Cost	4,059	-
Less: Accumulated Depreciation Right-of-use Asset	(1,249)	-
<b>Total Right-of-Use Asset at Cost<sup>1</sup></b>	<b>2,810</b>	<b>-</b>
<b>Leasehold Improvements</b>		
Leasehold Improvements at Cost	2,810	2,952
Less: Accumulated Depreciation	(2,206)	(1,983)
<b>Total Written Down Value of Leasehold Improvements</b>	<b>604</b>	<b>970</b>
<b>Motor Vehicles</b>		
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>
<b>Office and Computer Equipment</b>		
Office and Computer Equipment at Cost	1,124	751
Less: Accumulated Depreciation	(740)	(630)
<b>Total Written Down Value of Office and Computer Equipment</b>	<b>384</b>	<b>121</b>
<b>Furniture and Fittings</b>		
Furniture and Fittings at Cost	525	525
Less: Accumulated Depreciation	(489)	(437)
<b>Total Written Down Value of Furniture and Fittings</b>	<b>36</b>	<b>88</b>
<b>Total Property, Plant and Equipment</b>	<b>3,850</b>	<b>1,195</b>

<sup>1</sup>The inclusion of the Right-of-Use Asset in 2020 is due to the adoption of AASB 16 - Leases.

**Legal Aid Commission (ACT)**  
**Notes to and Forming Part of the Financial Statements**  
**For the Year Ended 30 June 2020**

**NOTE 19. 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 26: Other Provisions - Non current.

**Reconciliation of Property, Plant and Equipment**

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

	Right of Use Asset Building \$'000	Leasehold Improvements \$'000	Motor Vehicles \$'000	Office and Computer Equipment \$'000	Furniture and Fittings \$'000	Total \$'000
<b>Carrying Amount at the Beginning of the Reporting Period</b>	-	970	17	121	88	1,196
Recognition of Right-of-Use Asset on initial application of AASB 16	4,059	-	-	-	-	4,059
Additions	-	35	-	373	-	408
Disposals	-	-	-	-	-	-
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>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.

**Reconciliation of Property, Plant and Equipment**

The following table shows the movement of Property, Plant and Equipment during 2018-19.

	Leasehold Improvements \$'000	Motor Vehicles \$'000	Office and Computer Equipment \$'000	Furniture and Fittings \$'000	Total \$'000
<b>Carrying Amount at the Beginning of the Reporting Period</b>	1,218	18	196	137	1,569
Additions	-	-	17	3	20
Disposals	-	-	-	-	-
Depreciation	(237)	(1)	(92)	(52)	(382)
Other Movements <sup>1</sup> - See Note 26	(11)	-	-	-	(11)
<b>Carrying Amount at the End of the Reporting Period</b>	<b>970</b>	<b>17</b>	<b>121</b>	<b>88</b>	<b>1,196</b>

<sup>1</sup>This variation is from an amendment to the Provision due to a Change in Accounting Estimates. See Note 26 - Other Provisions - Non-Current.

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**For the Year Ended 30 June 2020**

	<b>2020</b>	<b>2019</b>
	<b>\$'000</b>	<b>\$'000</b>
<hr/>		
<b>NOTE 20. CAPITAL WORKS IN PROGRESS</b>		
Software Works in Progress <sup>1</sup>	-	65
<b>Total Capital Works in Progress</b>	<u>-</u>	<u>65</u>

<sup>1</sup>The decrease in Software Works in Progress is due to the Commission IT upgrade in 2018-19. This has been capitalised in 2019-20. See Note 19 - Property, Plant and Equipment.

**Reconciliation of Capital Works in Progress**

The following table shows the movement of Software Works in Progress during 2018-19 and 2019-20.

<b>Carrying Amount at the Beginning of the Reporting Period</b>	<b>65</b>	<b>-</b>
Additions	166	65
Capital Works in Progress Completed and Capitalised	(231)	-
<b>Carrying Amount at the End of the Reporting Period</b>	<u>-</u>	<u>65</u>

**NOTE 21. PAYABLES**

Payables are invoices received that were unpaid at 30 June 2020.

The Commission holds an accommodation lease for its tenancy at 2 Allsop Street, Canberra City.

**Current Payables**

Trade Payables	32	21
Other Payables	1	4
Private Legal Practitioner Payables <sup>1</sup>	20	100
Accrued Expenses	218	181
<b>Total Current Payables</b>	<u>271</u>	<u>305</u>

**Non-Current Payables**

Deferred Rent Payable - 2 Allsop Street <sup>2</sup>	-	572
<b>Total Non-Current Payables</b>	<u>-</u>	<u>572</u>
<b>Total Payables</b>	<u>271</u>	<u>877</u>

In relation to the ageing of payables, all payables included above are not overdue.

<sup>1</sup>The decrease in Private Legal Practitioner Payables is largely because of the delay in legal activity as a result of the closure of the courts due to the COVID-19 pandemic. This has resulted in a much lower number of invoices provided to the Commission during June 2020. As such, the level of provision to private legal practitioners increased. See Note 26 - Other Provisions.

<sup>2</sup>The Commission has adopted AASB 16 Leases, which removes Deferred Rent Payable. Refer to Note 19 - Property, Plant and Equipment.

**Legal Aid Commission (ACT)**  
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**For the Year Ended 30 June 2020**

	<b>2020</b>	<b>2019</b>
	<b>\$'000</b>	<b>\$'000</b>
<b>NOTE 21. PAYABLES - CONTINUED</b>		
<b>Classification of ACT Government/Non-ACT Government Payables</b>		
<b>Payables with ACT Government Entities</b>		
Accrued Expenses	53	51
<b>Total Payables with ACT Government Entities</b>	<b>53</b>	<b>51</b>
<b>Payables with Non-ACT Government Entities</b>		
Trade Payables	32	21
Other Payables	1	4
Private Legal Practitioner Payables	20	100
Accrued Expenses	165	130
Deferred Rent Payable - 2 Allsop Street	-	572
<b>Total Payables with Non-ACT Government Entities</b>	<b>218</b>	<b>826</b>
<b>Total Payables</b>	<b>271</b>	<b>877</b>

**NOTE 22. CONTRACT LIABILITIES**

Note 24 - Other Liabilities in the 2018-19 Financial Statements has now been replaced with this note as a result of adopting the new AASB 15 Revenue from Contracts with Customers and AASB 1058 Income for Not-for-Profit Entities standards.

	<b>2020</b>	<b>1 July 2019</b>
	<b>\$'000</b>	<b>adjusted for</b>
		<b>AASB 15</b>
		<b>\$'000</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	-
Commonwealth - Attorney General's Department		
- Expensive Criminal Cases Fund	284	284
- Family Law Property Mediation	114	-
- Family Violence and Cross Examination	100	-
- National Disability Insurance Scheme	-	252
- Discrete Legal Services	-	140
Australian National University - Youth Law Centre	34	34
University of Canberra - provision of legal services	21	21
<b>Total Contract Liabilities</b>	<b>604</b>	<b>731</b>

**Contract Liabilities Arising from Contracts with Customers**

Contract Liabilities relate to consideration received in advance from customers in respect of services. The Commission recognised \$0.731m as Revenue Received in Advance in Other Liabilities (Note 24) in the 2018-19 Financial Statements. Due to changes in AASB15, \$0.731m has been reclassified as Contract Liabilities on 1 July 2019 and therefore no adjustment was required for prior year balance.

**Changes in Contract Liability Balances**

The contract liability balance has decreased during the year because of the delivery of the performance obligation tied to the items recognised as Revenue Received in Advance in 2018-19.

	<b>2020</b>
	<b>\$'000</b>
Revenue Recognised that was included in the Contract Liability Balance at the Beginning of the Reporting Period	447
Revenue Recognised from Performance Obligations Satisfied in Previous Periods	-
Transaction Price Allocated to Unsatisfied (or Partially Unsatisfied) Performance Obligations	604

The Commission expects that 100% of the transaction price allocated to the unsatisfied performance obligations as of 30 June 2020 will be recognised as revenue during the next reporting period (\$0.604m).

**Legal Aid Commission (ACT)**  
**Notes to and Forming Part of the Financial Statements**  
**For the Year Ended 30 June 2020**

**2020**  
**\$'000**                      **2019**  
**\$'000**

**NOTE 23. LEASE LIABILITIES**

The Commission has applied AASB 16 *Leases* using the modified retrospective (cumulative catch-up) method and therefore the comparative information has not been restated and continues to be reported under AASB 117 and related interpretations.

**Commission as a Lessee**

The Commission has one operating lease for its office premises at 2 Allsop Street. The lease is set to expire in 2022. The 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 Lease**

There is a condition in the lease agreement to restore the premises to a condition similar to that which existed prior to occupancy. The 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 lease extension option as at 30 June 2020. The Commission intends to negotiate a new office lease prior to the expiration of the existing lease in 2022. On this basis, the Commission is not expecting to exercise the option of a lease extension.

**Right-of-Use Assets**

	<b>Buildings</b>	<b>Total</b>
	<b>\$'000</b>	<b>\$'000</b>
Balance at 1 July 2019	4,059	4,059
Depreciation charge	(1,249)	(1,249)
<b>Balance as at 30 June 2020</b>	<b>2,810</b>	<b>2,810</b>

**Lease liability**

The maturity analysis of lease liabilities at 30 June 2020 based on contractual undiscounted cash flows is shown in the table below.

< 1 year	1,222	-
1-5 years	1,530	-
> 5 years	-	-
Total undiscounted lease liabilities	2,751	-
Lease liabilities included in the Balance Sheet	2,751	-

**Operating Statement**

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

Depreciation of right-of-use asset	1,249
Interest on lease liability	43
Variable lease payments based on usage not included in the lease liability	-
Income from sub-leasing right-of-use asset	-

**Statement of Cash Flows**

Total cash outflow of leases	1,178
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**Legal Aid Commission (ACT)**  
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**2020**      **2019**  
**\$'000**      **\$'000**

**NOTE 24. LEASE INCENTIVE LIABILITY**

The Commission has an agreement to lease the tenancy of 2 Allsop Street, Canberra City which commenced on 1 April 2010. When the Commission entered into this lease, it took advantage of a cash payment in lieu of a rent free period from the landlord. The Commission has recognised the lease incentive based on a proportionate basis of the rent up to 2018-19.

The Commission has adopted the new AASB 16 Leases standard, which removes lease incentive liabilities. This note is presented here for comparative purposes, and will be removed in future reports. Refer to Note 19 - Property, Plant and Equipment, and Note 23 - Lease Liabilities.

Lease Incentive Liability - Current	-	90
Lease Incentive Liability - Non Current	-	202
<b>Total Lease Incentive Liability</b>	<b>-</b>	<b>291</b>

**The Present Value of the Lease Incentive Liability is as follows:**

Within one year	-	90
Later than one year but not later than five years	-	202
<b>Total Present Value of Lease Incentive Liability</b>	<b>-</b>	<b>291</b>

**NOTE 25. EMPLOYEE BENEFITS**

**Current Employee Benefits**

Annual Leave <sup>1</sup>	665	549
Long Service Leave <sup>1</sup>	812	772
Accrued Salaries <sup>2</sup>	182	91
Employee expenses relating to in-principle agreement to the Enterprise Agreement <sup>3</sup>	-	447
<b>Total Current Employee Benefits</b>	<b>1,658</b>	<b>1,860</b>

**Non-Current Employee Benefits**

Long Service Leave	321	210
<b>Total Non-Current Employee Benefits</b>	<b>321</b>	<b>210</b>
<b>Total Employee Benefits</b>	<b>1,979</b>	<b>2,070</b>

The annual average FTE staff for 2019-20 was 88.2 compared to 83.6 in 2018-19.

<sup>1</sup>The rates used to estimate the present value of the future Annual and Long Service Leave Expenses payments are at the rates provided by the ACT Treasury.

<sup>2</sup>The increase in Accrued Salaries relates to the timing of the last pay in 2019-20.

<sup>3</sup>The decrease in Employee expenses relating to in-principle agreement to the Enterprise Agreement is due to the finalisation of the new Enterprise Agreement in 2019-20.

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	<b>2020</b>	<b>2019</b>
	<b>\$'000</b>	<b>\$'000</b>
<b>NOTE 25. EMPLOYEE BENEFITS - CONTINUED</b>		
<b>Estimate of When Leave is Payable</b>		
<b>Estimated Amount Payable within 12 Months</b>		
Annual Leave	338	317
Long Service Leave	64	63
Accrued Salaries	182	91
Employee expenses relating to in-principle agreement to the Enterprise Agreement <sup>4</sup>	-	447
<b>Total Employee Benefits Payable within 12 months</b>	<b>584</b>	<b>919</b>
<b>Estimated Amount Payable after 12 Months</b>		
Annual Leave	327	231
Long Service Leave	1,069	919
<b>Total Employee Benefits Payable after 12 Months</b>	<b>1,395</b>	<b>1,151</b>
<b>Total Employee Benefits</b>	<b>1,979</b>	<b>2,070</b>

**NOTE 26. OTHER PROVISIONS - CURRENT**

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

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. Invoices from private legal practitioners received by the Commission that relate to work done up to 30 June 2020 are included in Note 21: *Payables*.

In 2019-20 the Commission has also recognised an additional amount of Provision for Amounts Owing to Private Legal Practitioners as a result of the delays in the Territory's legal processes from COVID-19. The Courts were closed for a period in 2019-20 which has increased this level of provision. See Appendix B, Note 26 for further detail.

<b>Provision for Amounts Owing to Private Legal Practitioners</b>	<b>339</b>	<b>256</b>
	<b>339</b>	<b>256</b>

<sup>1</sup>The increase in the 'Provision for Amounts Owing to Private Legal Practitioners' is mainly due to the large number of outstanding commitments that were not invoiced as a result of delays associated with COVID-19.

**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	256	360
Add: Amount Transferred to Accrued Expenses in the Previous Reporting Period	82	34
Increase/(Decrease) in Provision for the Reporting Period	87	(55)
Reduction in Provision due to Transfer to Accrued Expenses	(87)	(82)
<b>Provision for Amounts Owing to Private Legal Practitioners at the End of the Reporting Period<sup>1</sup></b>	<b>339</b>	<b>256</b>
	<b>339</b>	<b>256</b>

**Legal Aid Commission (ACT)**  
**Notes to and Forming Part of the Financial Statements**  
**For the Year Ended 30 June 2020**

	<b>2020</b>	<b>2019</b>
	<b>\$'000</b>	<b>\$'000</b>
<b>NOTE 26. OTHER PROVISIONS - NON CURRENT</b>		
<b>Provision For Make Good</b>		
<p>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.</p>		
<b>Provision for Make Good</b>	<b>683</b>	<b>661</b>
<b>Reconciliation of the Provision for Make Good</b>		
Provision for Make Good at the Beginning of the Reporting Period	661	645
Increase in Provision due to Unwinding of Discount	28	27
(Decrease) in Provision due to a Change in Accounting Estimates	(6)	(11)
<b>Provision for Make Good at the End of the Reporting Period</b>	<b>683</b>	<b>661</b>

**Legal Aid Commission (ACT)**  
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**NOTE 27. 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 2019-20 compared to 2018-19 due to the lower interest rates in 2019-20 (1.55% compared to 2.33% in 2018-19).

The maximum exposure of the Commission to interest rate risk is the interest received on its Cash and Cash Equivalent holdings. 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 2019-20.

*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 land holding.

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 2020**

**NOTE 27. 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.

**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 2020 \$'000</b>	<b>Fair Value 2020 \$'000</b>	<b>Carrying Amount 2019 \$'000</b>	<b>Fair Value 2019 \$'000</b>
<b>Financial Assets</b>	<b>Note No.</b>				
Cash and Cash Equivalents	16	6,908	6,908	5,963	5,963
Receivables <sup>1</sup>	17	52	52	84	84
<b>Total Financial Assets</b>		<b>6,960</b>	<b>6,960</b>	<b>6,047</b>	<b>6,047</b>
<b>Financial Liabilities</b>					
Payables <sup>1</sup>	21	271	271	877	877
Lease Liabilities	23	2,751	2,751	-	-
<b>Total Financial Liabilities</b>		<b>3,022</b>	<b>3,022</b>	<b>877</b>	<b>877</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 2020**

**NOTE 27. 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**

	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		
<b>Financial Instruments</b>								
<b>Financial Assets</b>								
Cash and Cash Equivalents <sup>1</sup>	16	1.55%	6,908	-	-	-	-	6,908
Receivables <sup>2</sup>	17		-	-	-	-	52	52
<b>Total Financial Assets</b>			<b>6,908</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>52</b>	<b>6,960</b>
<b>Financial Liabilities</b>								
Payables <sup>2</sup>	21		-	-	-	-	271	271
Lease Liabilities	23	1.30%	-	1,222	1,530	-	-	2,751
<b>Total Financial Liabilities</b>			<b>-</b>	<b>1,222</b>	<b>1,530</b>	<b>-</b>	<b>271</b>	<b>3,022</b>
<b>Net Financial Assets/(Liabilities)</b>			<b>6,908</b>	<b>(1,222)</b>	<b>(1,530)</b>	<b>-</b>	<b>(219)</b>	<b>3,938</b>

<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 17.

**Legal Aid Commission (ACT)**  
**Notes to and Forming Part of the Financial Statements**  
**For the Year Ended 30 June 2020**

**NOTE 27. 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 2019. 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.

**2018-19**

	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		
<b>Financial Instruments</b>								
<b>Financial Assets</b>								
Cash and Cash Equivalents <sup>1</sup>	16	2.33%	5,962	-	-	-	-	5,963
Receivables <sup>2</sup>	17		-	-	-	-	84	84
<b>Total Financial Assets</b>			<b>5,962</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>84</b>	<b>6,047</b>
<b>Financial Liabilities</b>								
Payables <sup>2</sup>	21		-	-	-	-	877	877
<b>Total Financial Liabilities</b>			<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>877</b>	<b>877</b>
<b>Net Financial Assets/(Liabilities)</b>			<b>5,962</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>(793)</b>	<b>5,169</b>

<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 \$0.084m are calculated by taking the Net GST Receivables of \$0.122m from Total Receivables of \$0.206m included in Note 17.

**Legal Aid Commission (ACT)**  
**Notes to and Forming Part of the Financial Statements**  
**For the Year Ended 30 June 2020**

	<b>2020</b>	<b>2019</b>
	<b>\$'000</b>	<b>\$'000</b>
<hr/>		
<b>NOTE 27. FINANCIAL INSTRUMENTS - CONTINUED</b>		
<b>Carrying Amount of Each Category of Financial Asset and Financial Liability</b>		
<b>Financial Assets</b>		
Financial Assets Measured at Amortised Cost <sup>1</sup>	52	84
<b>Financial Liabilities</b>		
Financial Liabilities Measured at Amortised Cost <sup>2</sup>	3,022	877

The Commission does not have any financial assets or liabilities in the 'Financial Assets/Liabilities at Fair Value through the Profit and Loss' categories and, as such, these categories are not included above.

<sup>1</sup>The decrease in 'Financial Assets Measured at Amortised Cost' is mainly due to lower reassessed client contributions in 2019-20 compared to 2018-19. Further information is at Note 17: *Receivables*.

<sup>2</sup>The increase in 'Financial Liabilities Measured at Amortised Cost' balance is due to no longer recognising deferred rent payable and recognising lease liabilities in 2019-20 according to the new Leases standard AASB 16. Refer to Note 21 Payables and Note 23 Lease Liabilities.

**Legal Aid Commission (ACT)**  
**Notes to and Forming Part of the Financial Statements**  
**For the Year Ended 30 June 2020**

	<b>2020</b>	<b>2019</b>
	<b>\$'000</b>	<b>\$'000</b>
<b>NOTE 28. COMMITMENTS</b>		
<b>Operating Leases</b>		
Non-cancellable operating lease commitments are payable as follows:		
Within one year <sup>1</sup>	-	1,051
Later than one year but not later than five years <sup>1</sup>	-	2,365
<b>Total Operating Lease Commitments</b>	<b>-</b>	<b>3,416</b>

<sup>1</sup>The Commission has adopted AASB 16 Leases, which removes Commitments relating to Operating Leases. Refer to Note 19 - Property, Plant and Equipment.

**NOTE 29. THIRD PARTY MONIES**

The Commission holds money in trust on behalf of clients, whilst awaiting instructions for disbursement of those funds. Section 9(5) of the *Legal Aid Act 1977* states that the provisions of the *Legal Profession Act 2006* 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.

**Third Party Monies held by the Commission**

Balance at the Beginning of the Reporting Period	53	132
Cash Receipts <sup>1</sup>	1,276	494
Cash Payments <sup>1</sup>	(1,015)	(572)
Balance at the End of the Reporting Period	313	53
<b>Total Third Party Monies held by the Commission</b>	<b>313</b>	<b>53</b>

<sup>1</sup>The increases in Third Party Monies Cash Receipts and Cash Payments are due to higher dollar value trust transactions in 2019-20 compared to 2018-19.

**Legal Aid Commission (ACT)**  
**Notes to and Forming Part of the Financial Statements**  
**For the Year Ended 30 June 2020**

**NOTE 30. 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 2020.

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 2020.

Compensation by the Commission to KMP is set out below.

	<b>2020</b>	<b>2019</b>
	<b>\$'000</b>	<b>\$'000</b>
Short-term employee benefits	596	356
Post employment benefits	133	67
Other long-term benefits	50	(8)
<b>Total Compensation by the Commission to KMP<sup>1</sup></b>	<b>779</b>	<b>415</b>

<sup>1</sup>The increase in Compensation by the Commission to KMP is due to recruiting a Deputy CEO for 2019-20 when this position was vacant for the majority of 2018-19.

**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 2020**

	<b>2020</b>	<b>2019</b>
	<b>\$'000</b>	<b>\$'000</b>
<b>NOTE 31. 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	6,908	5,963
<b>Cash and Cash Equivalents at the End of the Reporting Period as Recorded in the Statement of Cash Flows</b>	<b>6,908</b>	<b>5,963</b>
<b>(b) Reconciliation of the Operating Surplus to the Net Cash Inflows from Operating Activities</b>		
Operating Surplus	831	316
<b>Add/(Less) Non-Cash Items</b>		
Depreciation and Amortisation	1,634	383
Borrowing Costs	43	-
<b>Cash Before Changes in Operating Assets and Liabilities</b>	<b>2,507</b>	<b>699</b>
<b>Changes in Operating Assets and Liabilities</b>		
Decrease in Receivables	46	172
(Increase)/Decrease in Prepayments	(25)	13
(Decrease) in Payables	(34)	(90)
(Decrease)/Increase in Contract Liabilities	(127)	632
(Decrease)/Increase in Employee Benefits	(91)	477
Increase in Provision for Make Good	28	27
(Decrease) in Lease Incentive	-	(90)
Increase/(Decrease) in Provision for Amounts Owing to Private Legal Practitioners	82	(104)
<b>Net Changes in Operating Assets and Liabilities</b>	<b>(120)</b>	<b>1,038</b>
<b>Net Cash Inflows from Operating Activities</b>	<b>2,387</b>	<b>1,737</b>
<b>(c) Non-Cash Financing and Investing Activities</b>		
Acquisition of Assets by Means of a Lease		
The Commission did not acquire any assets by means of a lease during 2018-19 or 2019-20.		

**Legal Aid Commission (ACT)**  
**Notes to and Forming Part of the Financial Statements**  
**For the Year Ended 30 June 2020**

**NOTE 32. BUDGETARY REPORTING**

	Actual 2019-20 \$'000	Original Budget <sup>1</sup> 2019-20 \$'000	Variance \$'000	Variance %	Variance Explanation
<b>Operating Statement Line Items</b>					
Grants and Contributions	1,841	1,046	795	75.95%	Grant Revenue increased due to the additional funding from the ACT Law Society (\$0.495m), and additional Assisted Persons Contribution (\$0.225m).
<b>Balance Sheet Line Items</b>					
Cash and Cash Equivalents	6,908	4,274	2,634	61.63%	Cash and Cash Equivalents increased due to additional unbudgeted receipts from grants and new initiatives. Specifically, the Commission had: <ul style="list-style-type: none"> <li>• a higher starting cash at bank position than budgeted (\$0.606m)</li> <li>• additional ACT Law Society (\$0.495m from the Statutory Interest Account);</li> <li>• additional funds for Commonwealth projects (\$0.412m for NDIS, Family Dispute Resolution, Property Mediation, Family Violence Cross Examination); and</li> <li>• additional funds for ACT projects (\$0.300m for Health Justice Partnership and COVID-19 resourcing).</li> </ul> <p style="margin-left: 20px;">Lower than budgeted expenses in 2019-20 also further increased this line item (approximately \$0.160m).</p>
Property, Plant and Equipment	3,850	3,314	536	16.17%	Property, Plant and Equipment exceeded the budget amount mainly due to the an increase in the Right-of-Use Asset recognised in relation to the Commission's leased offices under the new AASB 16 Leases standard. The current year Property, Plant and Equipment figure also includes the capitalised IT equipment.

<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 (2019-20 Statement of Intent). These amounts have not been adjusted to reflect supplementary appropriation or appropriation instruments.

**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 2020**

**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.

**IMPACT OF THE COVID-19 GLOBAL PANDEMIC ON THE COMMISSION'S FINANCIAL RESULTS**

While the COVID-19 pandemic did not have a significant impact on the financial results of the Commission, the level of provision for private legal practitioners did increase as a result of the pandemic.

**REPORTING PERIOD**

These financial statements state the financial performance, changes in equity and cash flows of the Commission for the year ending 30 June 2020 together with the financial position of the Commission at 30 June 2020.

**COMPARATIVE FIGURES**

**Budget Figures**

To facilitate a comparison with the Budget Papers, as required by the FMA, budget information for 2019-20 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.

The Commission has applied the modified retrospective approach to the adoption of AASB 15 *Revenue from Contracts with Customers*, AASB 1058 *Income of Not-for-Profit Entities* and AASB 16 *Leases* and comparative information is not restated. Changes from the adoption of these standards have been recognised against the opening equity at 1 July 2019.

**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 2019-20 financial statements have been prepared on a going concern basis.

The Commission has been funded in 2020-21 under section 7 of the *Financial Management Act 1996* pending funding in the 2020-21 Budget and the 2020-21 Budget Papers including forward estimates for the Commission. The 2020-21 Budget will be presented to the Legislative Assembly subsequent to the signing of the Commission's 2019-20 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 2020**

**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 4 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.

**Note 5 Sale of Services from Contracts with Customers**

The Commission's revenue is generated through the provision of legal services.

For the majority of the Commission's contracts, revenue is recognised as the Commission satisfies the performance obligations stated in the contract. The contract amount is allocated based on the timing of the service delivery.

For contracts with specific outputs to be delivered, revenue is recognised at a point when the output is completed. That is, revenue is recognised at each milestone delivery.

*Significant Judgements and Estimates - Revenue from Contracts*

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 depending on the type of performance delivery.

**Legal Aid Commission (ACT)**  
**Appendix B - Significant Accounting Policies**  
**Forms Part of Note 2 of the Financial Statements**  
**For the Year Ended 30 June 2020**

**Significant Accounting Policies - Continued**

**SIGNIFICANT ACCOUNTING POLICIES - INCOME - CONTINUED**

**Note 6 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.

Goods and services received free of charge from ACT Government agencies are recognised as resources received free of charge, whereas goods and services received free of charge from entities external to the ACT Government are recognised as donations or contributions.

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.

Where the Commission receives capital grant that meet the following:

- the contract is enforceable;
  - the financial asset is to be used to acquire or construct a non-financial asset which will be recognised by the Commission;
  - the asset is not required to be transferred to any other party;
- then a contract liability is recognised on receipt of funds and revenue is recognised as the acquisition or construction occurs. If the funds are received in arrears then a contract asset is recorded as the Commission is completing the work.

*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 who can afford to do so 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 7 Interest Revenue**

Interest revenue is recognised using the effective interest method.

**SIGNIFICANT ACCOUNTING POLICIES - EXPENSES**

**Note 9 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.

**Legal Aid Commission (ACT)**  
**Appendix B - Significant Accounting Policies**  
**Forms Part of Note 2 of the Financial Statements**  
**For the Year Ended 30 June 2020**

**Significant Accounting Policies - Continued**

**SIGNIFICANT ACCOUNTING POLICIES - EXPENSES - CONTINUED**

**Note 10 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.

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 11 Supplies and Services**

*Insurance*

In 2019-20 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.

**Legal Aid Commission (ACT)**  
**Appendix B - Significant Accounting Policies**  
**Forms Part of Note 2 of the Financial Statements**  
**For the Year Ended 30 June 2020**

**Significant Accounting Policies - Continued**

**SIGNIFICANT ACCOUNTING POLICIES - EXPENSES - CONTINUED**

**Note 12 Depreciation and Amortisation**

*Depreciation and Amortisation of Non-Current Assets*

Amortisation is used in relation to intangible assets and depreciation is applied to physical assets such as property, plant and equipment.

Right-of-use leasehold improvements and plant and 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 and amortisation for non-current assets is determined as follows:

<b>Class of Asset</b>	<b>Depreciation / Amortisation Method</b>	<b>Useful Life (Years)</b>
Furniture and Fittings	Straight Line	10 to 20
Office and Computer Equipment	Straight Line	2 to 5
Software	Straight Line	5
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.

**Note 14 Lease Expenses**

The Commission no longer recognises Lease Expenses as a result of adopting the new AASB 16 Leases standard. The corresponding expense for this item for 2019-20 is included in Note 12 - Depreciation and Amortisation and Note 13 - Borrowing Costs. Refer to Note 19 - Property, Plant and Equipment, and Note 23 - Lease Liabilities.

**Note 15 Other Expenses**

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

*Impairment Losses - Assets*

Impairment losses of assets include: plant and equipment, leasehold improvements and intangible assets (see Appendix B - Note 19 *Property, Plant and Equipment*).

*Impairment Losses and Write-offs - Receivables*

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

**Legal Aid Commission (ACT)**  
**Appendix B - Significant Accounting Policies**  
**Forms Part of Note 2 of the Financial Statements**  
**For the Year Ended 30 June 2020**

**Significant Accounting Policies - Continued**

**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 16 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 17 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 (AASB 9.5.5.17).

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.

For receivables 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**  
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**For the Year Ended 30 June 2020**

**Significant Accounting Policies - Continued**

**SIGNIFICANT ACCOUNTING POLICIES - ASSETS - CONTINUED**

**Note 17 Receivables - Continued**

*Significant Judgements and Estimates - Allowance for Impairment Losses for Receivables*

The Commission has made a significant estimate in the calculation of the allowance for impairment 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.

*Expected Credit Loss*

The table of credit loss includes a line 'Specific matters excluded from forward planning calculation'.

During 2019-20 there were a small number of high value matters that were both, recognised as a receivable, 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 rest of the statements.

**Note 19 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 \$2,000 is capitalised.

Where the Commission undertakes a major maintenance on its infrastructure 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.

*Impairment Loss - Assets*

The Commission assesses at each reporting date whether there is any indication that an asset may be impaired. Assets are also reviewed for impairment whenever events or changes in circumstances indicate that the carrying amount may not be recoverable. However, intangible assets that are not yet available for use are tested annually for impairment regardless of whether there is an indication of impairment, or more frequently if events or circumstances indicate they might be impaired.

Although the Commission had no impairment losses for property, plant and equipment and intangible assets, they would have been recognised in the Operating Statement, as these asset classes are carried at cost and the carrying amount of the asset is reduced to its recoverable amount.

Non-financial assets that have previously been impaired are reviewed for possible reversal of impairment at each reporting date.

*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.

Further disclosure concerning an asset's useful life can be found at Appendix B - Note 12 *Depreciation and Amortisation*.

**Legal Aid Commission (ACT)**  
**Appendix B - Significant Accounting Policies**  
**Forms Part of Note 2 of the Financial Statements**  
**For the Year Ended 30 June 2020**

**Significant Accounting Policies - Continued**

**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 21 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.

*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 26 - 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 26 - Other Provisions - Current (*Provision for Amounts Owing to Private Legal Practitioners*).

**Note 22 Contract Liabilities**

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

**Note 23 Lease Liabilities**

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

- fixed payments (including in-substance fixed payments), less any lease incentive receivables; 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.

**Legal Aid Commission (ACT)**  
**Appendix B - Significant Accounting Policies**  
**Forms Part of Note 2 of the Financial Statements**  
**For the Year Ended 30 June 2020**

**SIGNIFICANT ACCOUNTING POLICIES - LIABILITIES**

**Note 23 Lease Liabilities - Continued**

**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.

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

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 24 Lease Incentive Liability**

When the Commission entered into an agreement for lease for the tenancy of 2 Allsop Street, Canberra City commencing 1 April 2010, it took advantage of cash in lieu of a rent free period from the landlord. The Commission recognised the total lease incentive value as a liability. This liability was apportioned up to 2018-19 on a straight line basis over the term of the rental agreement (12.5 years).

This liability is no longer recognised from 2019-20 as a result of adopting AASB 16 Leases.

**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 - LIABILITIES - CONTINUED**

**Note 25 Employee Benefits**

Employee benefits are listed in Appendix B - Note 9 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 2019-20, the rate used to estimate the present value of future annual leave payments is 100.90% (101.60% in 2018-19).

In 2019-20, the rate used to estimate the present value of future payments for long service leave is 113.60% (110.10% in 2018-19).

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.

*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.

**Legal Aid Commission (ACT)**  
**Appendix B - Significant Accounting Policies**  
**Forms Part of Note 2 of the Financial Statements**  
**For the Year Ended 30 June 2020**

**Significant Accounting Policies - Continued**

**SIGNIFICANT ACCOUNTING POLICIES - LIABILITIES - CONTINUED**

**Note 26 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.

In 2019-20 the Commission has also recognised an additional amount of Provision for Amounts Owing to Private Legal Practitioners as a result of the delays in the Territory's legal processes from COVID-19. As a result of COVID-19, the ACT Magistrates Court and Supreme Court adjourned a number of matters which has caused an increase in unsettled/pending Commitments approved in 2019-20. The level of additional provision was calculated by taking the percentage of 2019-20 certified legal payments to total legal commitments and comparing that to the historical trend rate. This reflected a variation of \$0.093 million which was used as the additional provision.

*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 was engaged 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. The revised increase in Provision (from \$250 per m<sup>2</sup> in 2010 to \$324 per m<sup>2</sup> in 2018) has been reflected in these financial statements from 2017-18. The analysis was conducted by Helga Maynier, BSC (QS) MAIQS MRICS of mbmpl Pty Ltd (independent valuers) in July 2018.

**Note 27 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.

**SIGNIFICANT ACCOUNTING POLICIES - OTHER NOTES**

**Note 32 Budgetary Reporting**

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

Explanations of major variances between the 2019-20 original budget and the 30 June 2020 actual results are discussed in Note 32: *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 32: *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 \$0.500m 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 2020**

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

The following new and revised accounting standards and interpretations have been issued by the Australian Accounting Standards Board but do not apply to the current reporting period. 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.

- AASB 2018-7 Amendments to Australian Accounting Standards - Definition of Material [AASB 2, 101, 108, 110, 134, 137, the *Framework*, and AASB Practice Statement 2] (application date 1 January 2020).  
This standard principally amends AASB 101 Presentation of Financial Statements and AASB 108 Accounting Policies Changes in Accounting Estimates and Errors. The amendments refine the definition of material in AASB 101 and clarify the definition of material and its application across AASB Standards and other publications.

There is no material impact to the Commission.

- AASB 2020-1 *Amendments to Australian Accounting Standards - Classification of Liabilities as Current or Non-current* [AASB 101] (application date 1 January 2022)

There is no financial impact to the Commission.

- AASB 2020-3 *Amendments to Australian Accounting Standards – Annual Improvements to 2018-2020 and Other Amendments* [AASB 1, 3, 9,116,137 & 141] (application date 1 January 2022)

There is no financial impact on the Commission.

**Legal Aid Commission (ACT)**  
**Appendix D - Change in Accounting Policy & Accounting Estimates**  
**Forms Part of Note 3 of the Financial Statements**  
**For the Year Ended 30 June 2020**

**CHANGE IN ACCOUNTING POLICY & ACCOUNTING ESTIMATES**

The Commission had the following change in accounting policies during the reporting period:

**Initial Application of AASB 15 Revenue from Contracts with Customers and AASB 1058 Income of Not-for-Profit Entities**

AASB 15 *Revenue from Contracts with Customers* replaces AASB 118 *Revenue*, AASB 111 *Construction Contracts*, AASB 1004 *Contributions* and related interpretations for annual reporting periods beginning on or after 1 January 2019 for not-for-profit entities.

The Commission adopted the modified retrospective approach on transition to AASB 15 and AASB 1058. No comparative information is restated under this approach, and the Commission recognised the cumulative effect of initially applying the standard as an adjustment to the opening balance of Equity as at the date of initial application (1 July 2019).

Under this transition method, the Commission may elect to apply the Standard retrospectively only to contracts and transactions that are not completed contracts at the date of initial application.

**Revenue Recognition under AASB 15**

Under AASB 15 agencies recognise revenue when (or as) they satisfy a performance obligation by transferring a promised good or service and it is based on the transfer of control rather than the transfer of risks or rewards.

AASB 15 focuses on providing sufficient information to the users of financial statements about the nature, amount, timing and uncertainty of revenues and cash flows arising from contracts with customers. Revenue is recognised by applying the following five steps:

1. identifying contracts with customers;
2. identifying separate performance obligations;
3. determining the transaction price of the contract;
4. allocating the transaction price to each of the performance obligations; and
5. recognising revenue as each performance obligation is satisfied.

Revenue is recognised either over time or at a point in time. Any distinct goods or services are separately identified and any discounts or rebates in the contract price are allocated to the separate elements.

**Revenue Recognition under AASB 1058**

The Commission receives income from appropriations and other agreements which are recognised under AASB 1058. AASB 1058 is applied to Not-for-Profit agencies for recognising income that either does not arise from an enforceable contract with customers or which do not have sufficiently specific performance obligations. The timing of income recognition under AASB 1058 depends upon whether such a transaction gives rise to a liability or a contribution by owners, related to an asset (such as cash or another asset recognised).

**Contract Balances**

When either party to the contract has performed the obligation, the Commission recognises the contract in the balance sheet as a contract asset or contract liability. Any unconditional rights to consideration are presented separately as a receivable.

To clarify:

- a contract asset is recognised if the Commission transfers goods or services to a customer before the customer pays consideration or the payment is due;
- a contract liability is recognised if a customer pays consideration before the Commission transfers a good or service to the customer; and
- a receivable is the Commission's right to consideration that is unconditional and only passage of time is required before payment of the consideration is due.

The Revenue Received in Advance figure in Note 24 - Other Liabilities of the 2018-19 Financial Statements reflect monies received by the Commission for services yet to be rendered. This is the Commission's contract liability as at 1 July 2019.

The Commission has no contract assets in 2019-20. Services provided are conducted once the receipt of funding has occurred.

**Legal Aid Commission (ACT)**  
**Appendix D - Change in Accounting Policy & Accounting Estimates**  
**Forms Part of Note 3 of the Financial Statements**  
**For the Year Ended 30 June 2020**

**Significant Changes to Accounting for Revenue on Adoption of AASB 15 and AASB 1058**

The significant changes to accounting policies arising from adoption of AASB 15 and AASB 1058 are described below and the impacts of these changes at 1 July 2019 and for the year ended 30 June 2020 are shown in the tables below.

**Comparison of Financial Statement Line Items under AASB 15 and AASB 1058 Compared to Previous Standards for the Current Year**

The table below shows for comparability purposes the operating statement and balance sheet for the year ended 30 June 2020 under AASB 15 / AASB 1058 and the previous revenue standards as if AASB 15 and AASB 1058 had not been adopted.

**Balance Sheet as at 30 June 2020**

	Notes to table	AASB 15 and AASB 1058 carrying amount per Balance Sheet	Adjustments if AASB 15 and AASB 1058 had not been applied	Carrying amount if AASB 15 and AASB 1058 had not been adopted
<b>Current Liabilities</b>	22	604	(498)	106
<b>Non-current Liabilities</b>				
<b>Net Assets</b>		4,462	498	4,960
<b>Equity</b>				
Retained earnings		4,462	498	4,960
<b>Total Equity</b>				

**Operating Statement for the year ended 30 June 2020**

	Notes to table	AASB 15 and AASB 1058 balance per Operating Statement	Adjustments if AASB 15 and AASB 1058 had not been applied	Balance if AASB 15 and AASB 1058 had not been adopted
<b>Revenue</b>				
Sales of Services from Contracts with Customers	5	1,631	498	2,129
Operating surplus		831	498	1,329
<b>Total Comprehensive Income</b>				

**Statement of Cash Flows for the year ended 30 June 2020**

The Statement of Cash Flows is not materially different under AASB 1058 / AASB 15 from that which would be presented under the previous revenue standards.

**Implementation of AASB 16 Leases**

For reporting periods beginning on or after 1 January 2019, AASB 16 Leases supersedes AASB 117 Leases, Interpretation 4 Determining whether an Arrangement contains a Lease, Interpretation 115 Operating Leases- Incentives and Interpretation 127 Evaluating the Substance of Transactions Involving the Legal Form of a Lease. AASB 16 primarily affects lessee accounting and provides a comprehensive model for the identification of lease arrangements and their treatment in the financial statements of lessees and lessors. The main changes introduced by the new standard include identification of a lease within a contract and a new lease accounting model for lessees that requires that requires lessees to recognise all leases (previously operating and finance leases) in the Balance Sheet as a right-of-use asset and lease liability, except for short-term leases (leases of 12 months or less at commencement date) and low-value assets (valued at less than \$10,000).

The operating and finance lease distinction no longer exists.

**Legal Aid Commission (ACT)**  
**Appendix D - Change in Accounting Policy & Accounting Estimates**  
**Forms Part of Note 3 of the Financial Statements**  
**For the Year Ended 30 June 2020**

**Implementation of AASB 16 Leases - Continued**

At 1 July 2019, the Commission has recognised right of use assets of \$4.059m and lease liabilities of \$3.887m for leases previously classified as operating leases.

The Commission has applied the modified retrospective approach on initial adoption. As permitted under the specific transition provisions in the standard, comparatives have not been restated. The cumulative effect of initially applying this standard is shown as an adjustment to the opening balance of retained earnings. Lease liabilities are measured at the present value of the remaining lease payments, discounted using the incremental borrowing rate.

The Commission has applied the Territory Policy for Transition on AASB 16 Leases – see the Accounting Policy website: <https://apps.treasury.act.gov.au/accounting>. The weighted average lessee's incremental borrowing rate applied to lease liabilities at 1 July 2019 was 1.30%.

**Measurement of Lease Liabilities**

	<b>\$'000</b>
Operating Lease Commitments disclosed as at 30 June 2019	3,416
Less: G.S.T included in Operating Lease Commitments	(311)
Add: Deferred Rent and Lease Incentive	863
Discounted using incremental borrowing rate at date of initial application	(82)
Lease Liability recognised as at 1 July 2019	3,887

The effect of adopting AASB 15, AASB 16 and AASB 1058 as at 1 July 2019 was as follows:

	Notes	<b>Adjustments 1 July 2019 (\$'000)</b>
<b>Assets</b>		
Net Right-of-Use Assets	19	3,887
<b>Total Assets</b>		3,887
<b>Liabilities</b>		
Contract Liabilities <sup>1</sup>	22	-
Net Lease Liabilities	21, 23, 24	3,024
<b>Total Liabilities</b>		3,024
<b>Total Adjustment on Equity</b>		
Accumulated surplus/(deficit)		863

With these changes, the net impact on retained earnings on 1 July 2019 was \$0.863m.

The Commission has adopted AASB 16 Leases using the modified retrospective (cumulative catch-up) method from 1 July 2019 and therefore the comparative information for the year ended 30 June 2019 has not been restated and has been prepared in accordance with AASB 117 Leases and associated Accounting Interpretations.

<sup>1</sup>The Commission recognised \$0.731m as Revenue Received in Advance in Other Liabilities (Note 24) in the 2018-19 Financial Statements, which was the Commission's beginning Contract Liabilities in 2019-20. Therefore, no adjustment was required for this line item for 2019-20.

**Impact of Adoption of AASB 16**

The impact of adopting AASB 16 is described below.

**Commission as a Lessee**

Under AASB 117, the Commission assessed whether leases were operating or finance leases based on its assessment of whether the significant risks and rewards of ownership had been transferred to the Commission or remained with the lessor.

Under AASB 16, the concept of operating and finance leases no longer exists for the lessee and therefore all leases which meet the definition of a lease are recognised on the balance sheet (except for short-term leases and leases of low value assets).

The Commission has elected to use the exception to lease accounting for short-term leases and leases of low value assets and the lease expense relating to these leases are recognised in the operating statement on a straight line basis.

**Legal Aid Commission (ACT)**  
**Appendix D - Change in Accounting Policy & Accounting Estimates**  
**Forms Part of Note 3 of the Financial Statements**  
**For the Year Ended 30 June 2020**

**Impact of Adoption of AASB 16 - Continued**

Practical expedients used on transition *in accordance with the Territory Policy for Transition on AASB 16:*

AASB 16 includes a number of practical expedients which can be used on transition, the Commission has used the following expedients:

- contracts which had previously been assessed as not containing leases under AASB 117 were not re-assessed on transition to AASB 16;
- lease liabilities have been discounted using the Commission's incremental borrowing rate at 1 July 2019 based on the remaining lease term;
- right of use assets at 1 July 2019 have been measured at an amount equal to the lease liability adjustment by the any prepaid or accrued lease payments for building leases where the historical information is not readily available and all non-building leases;
- excluded leases with an expiry date prior to 30 June 2020 from the statement of financial position and lease expenses for these leases have been recorded on a straight-line basis over the remaining term; and
- used hindsight when determining the lease term is the contract contains options to extend or terminate the lease. The Commission intends to negotiate a new office lease prior to the expiration of the existing lease in 2022. On this basis, the Commission is not expecting to exercise the option of a lease extension.

## Capital Works

The Commission has had one capital works project ongoing in 2019-20. The project is related to the Commission's ICT environment and has been ongoing since 2018-19.

There were no new capital works undertaken during 2019-20.

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

## Asset Management

### Assets Managed

The Commission's property, plant and equipment assets are mainly comprised of Right-of-Use Asset – Building, represents the Commission's leased building at 2 Allsop Street, an office fit-out for above leased building, 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 2020 was \$3.850 million

The Commission has no intangible assets at 30 June 2020.

The assets added to the Commission's asset register in 2019-20 consisted of Right of Use Asset – Building of \$4.059 million, office and computer equipment of \$0.373 million and Leasehold Improvements of \$0.035 million.

There was \$0.020 million spent on repairs and maintenance in 2019-20, \$0.015 million relating to leasehold improvements and \$0.005 million relating to office equipment.

### Office Accommodation

The Commission had up to 96 employees and 20 additional placements at any one time in leased accommodation at 2 Allsop Street, Canberra during 2018-19. The placements consisted of staff from the Environmental Defender's Office, 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 11.20m<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*

## 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 2020.

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 2020 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.



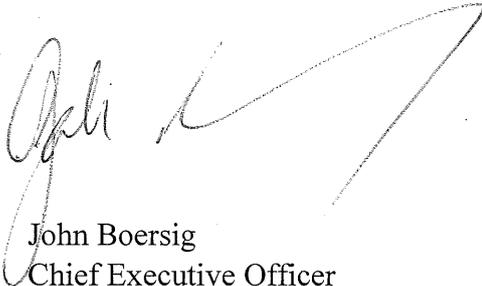
Ajay Sharma  
Assistant Auditor-General, Financial Audit  
28 September 2020

**Legal Aid Commission (ACT)  
Statement of Performance  
For the Year Ended 30 June 2020**

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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 2020 and also fairly reflects the judgements exercised in preparing it.



John Boersig  
Chief Executive Officer  
Legal Aid Commission (ACT)  
17 August 2020

**Legal Aid Commission (ACT)  
Statement of Performance  
For the Year Ended 30 June 2020**

**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 2019-20</b>	<b>Actual Result 2019-20</b>	<b>% Variance from Original Target</b>	<b>Explanation of Material Variances (+/- 5% or greater than \$200,000)</b>
<b>Total Cost (\$'000)</b>	15,978	15,894	(1%)	
<b>Controlled Recurrent Payments (\$'000)</b>	13,069	13,032	(0%)	
<b>Accountability Indicators</b>				
Number of Discrete Assistance services provided.	37,000	41,618	12%	The high number of discrete assistance services provided in 2019-20 is largely due to increases in Helpline calls and Chat-line services resulting from the implementation of new initiatives and the increased workload associated with the COVID-19 pandemic, as well as increases in Legal Advice, Legal Tasks and Non-Legal Support services.
Number of Duty Lawyer services provided.	5,800	5,574	(4%)	
Number of Representation services provided.	2,500	2,819	13%	The higher number of representation services provided is due to an increase in the number of grants approved in 2019-20, particularly in Criminal and Family Law matters.
Number of Facilitated Resolution Process provided.	400	387	(3%)	
Number of Community Legal Education services provided.	320	382	19%	The number of Community Legal Education (CLE) services provided is higher than the original target due to conducting more online sessions 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 2020**

**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. 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 etc) and the number of activities undertaken.

## Government Contracting

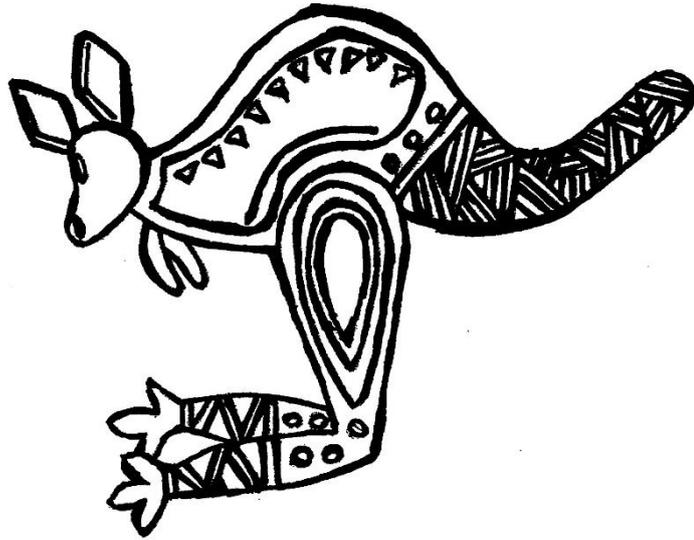
The Commission utilises the services of contractors to carry out its business operations. The Commission executed four contracts throughout 2018-19 with non-ACT Government entities with an estimated value of \$25,000 or more per contract. There were NIL Social Procurement outcomes during the year due to the Commission being a smaller size.

The table below shows the details of contracts the Commission has executed in 2019-20 with an estimated value of \$25,000 or more.

Contract #	Contract Title	Procurement Methodology	Procurement Type	Exemption from Quotation and Tender Threshold requirements	Contractor Name	Contract Amount (incl GST)	Execution Date	Expiry Date	Small to Medium Enterprise (SME)
3027	Online subscription to Australian Law reports and Lawyers practice manual	Single Select	Services (non-consultancy)	Yes	Thomson Reuters (Professional) Australia Limited	\$29,328.77 (Total value of this particular contract only)	07/08/2019  (Contract execution date may differ from contract commencement date)	06/08/2020	No
3028	Finance Management Software Support and Maintenance	Single Select	Services (non-consultancy)	Yes	Technology One Limited	\$33,055.07 (Total value of this particular contract only)	19/01/2020  (Contract execution date may differ from contract commencement date)	18/01/2021	No

3029	VisualFiles Annual Maintenance	Single Select	Services (non-consultancy)	Yes	Reed International Books Australia Pty Ltd T/A Lexis Nexis	\$59,917.04 (Total value of this particular contract only)	01/01/2020 (Contract execution date may differ from contract commencement date)	31/12/2020	No
3030	Year 1 SaaS Fee	Single Select	Services (non-consultancy)	Yes	Technology One Limited	\$25,900.69 (Total value of this particular contract only)	27/03/2020 (Contract execution date may differ from contract commencement date)	26/03/2021	No
3031	Telephony Services	Single Select Tender	Services (non-consultancy)	Yes	Ring Central	\$179,641.00 (Total value of this particular contract only)	29/06/2020 (Contract execution date may differ from contract commencement date)	29/06/2023	No
3032	Services Agreement for Managed Payroll	Single Select	Services (non-consultancy)	Yes	Aurion Corporation Pty Ltd	\$267,984.50 (Total value of this particular contract only)	20/1/2020 (Contract execution date may differ from contract commencement date)	20/01/2023	No

Contact – Chief Financial Officer – (02) 6243 344



# WHOLE OF GOVERNMENT ANNUAL REPORT

2019-2020

The table below identifies the Commission's Whole of Government Annual Reporting obligations:

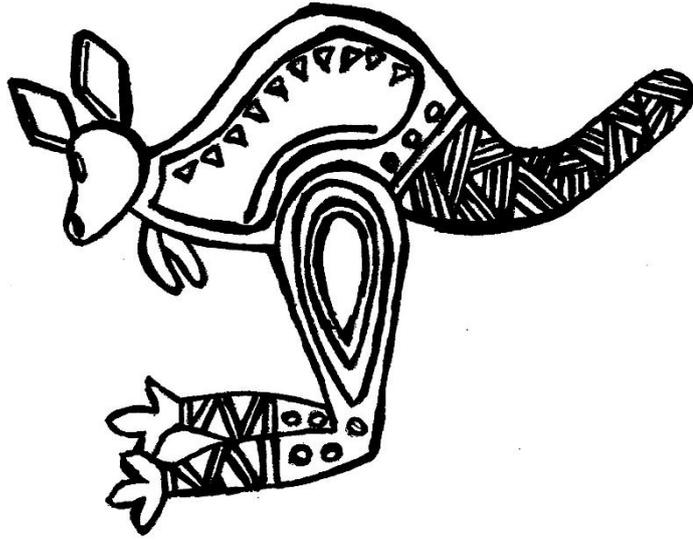
Legislation	Relevant Application to the Commission
<p><b><i>Emergencies Act 2004, Section 85</i></b></p>	<p style="text-align: center;"><b>Bushfire Risk Management</b></p> <p>The Commission is exempt from the reporting requirement under this Act as the Commission is not a manager or owner of unleased Territory land.</p>
<p><b><i>Freedom of Information Act 2016 (the FOI Act), Section 96</i></b></p>	<p style="text-align: center;"><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>
<p><b><i>Human Rights Act 2004 (HRA)</i></b></p>	<p style="text-align: center;"><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>
<p><b><i>Law Officers Act 2011</i></b></p>	<p style="text-align: center;"><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>
<p><b><i>Territory Records Act 2002 (TRA)</i></b></p>	<p style="text-align: center;"><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>
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**The approved Records Disposal Schedules by name and Notifiable Instrument Number**

<b>Record Disposal Schedule Name</b>	<b>Effective</b>	<b>Year &amp; No</b>
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



# STATE OF THE SERVICE REPORT

2019-2020

## Workforce Profile

### FTE & Headcount by Gender

	Female	Male	Unspecified	Total
Full Time Equivalent	67.5	28.3	1	96.8
Headcount	75	32	1	108
% of Workforce (Headcount)	69.4	29.6	0.9	100

### Headcount by Classifications and Gender

Classification Group	Female	Male	Unspecified	Total
Executive	1	1		2
Senior Officer	1	3		4
Legal Officers	34	11		51
Administrative Service Officers	39	11	1	51
<b>Total</b>	<b>75</b>	<b>32</b>	<b>1</b>	<b>108</b>

### Headcount by Employment Category and Gender

Employment Category	Female	Male	Unspecified	Total
Casual		2		2
Permanent Full-Time	33	16		49
Permanent Part-Time	10			10
Temporary Full-Time	20	9	1	30
Temporary Part-Time	12	5		17
<b>Total</b>	<b>75</b>	<b>32</b>	<b>1</b>	<b>108</b>

### FTE and Headcount by Division/Branch

Branch/Division	FTE	Headcount
General Practice	36.4	44
Client Services	9.2	11
Corporate Services	7	7
Executive <ul style="list-style-type: none"> <li>• Executive &amp; Policy</li> <li>• Community Legal Education</li> <li>• FDR</li> </ul>	11.6 <ul style="list-style-type: none"> <li>(2.8)</li> <li>(6.8)</li> <li>(2)</li> </ul>	12 <ul style="list-style-type: none"> <li>(3)</li> <li>(7)</li> <li>(2)</li> </ul>
Litigation Practice <ul style="list-style-type: none"> <li>• Litigation</li> <li>• Criminal</li> <li>• Family</li> </ul>	32.5^ <ul style="list-style-type: none"> <li>(1)</li> <li>(19.1)</li> <li>(13.4)</li> </ul>	34^^ <ul style="list-style-type: none"> <li>(1)</li> <li>(20)</li> <li>(14)</li> </ul>
<b>Total</b>	<b>96.8</b>	<b>108</b>

### Headcount by Division/Branch and Employment Type

Branch/Division	Permanent	Temporary	Casual
General Practice	12	22	
Client Services	9		
Corporate Services	6	1	1
Executive <ul style="list-style-type: none"> <li>• Executive &amp; Policy</li> <li>• Community Legal Education</li> <li>• FDR</li> </ul>	2 (1) (1)	9 (2) (6) (1)	
Litigation Practice <ul style="list-style-type: none"> <li>• Litigation</li> <li>• Criminal</li> <li>• Family</li> </ul>	14 (1) (9) (4)	19 (8) (11)	1 (1)
<b>Total</b>	<b>43</b>	<b>51</b>	<b>2</b>

### Headcount by Length of Service, Generation and Gender

Length of Service (years)	Baby Boomers		Generation X		Generation Y		Generation Z		Total	
	F	M	F	M	F	M	F	M	F	M
0-2		1	7	1	14	5	19	9	40	16
2-4	2	1	2		10	5	8	1	22	7
4-6	1		1	1	1	1			3	2
6-8		1		1	2				2	2
8-10				2						2
10-12			1	1	1				2	1
12-14	2		1						3	1
14 plus	2		1	2					3	1

Generation	Birth Years Covered	Generation	Birth Years Covered
Pre-Baby Boomers	Prior to 1946	Generation X	1965-1979 inclusive
Baby Boomers	1946-1964 inclusive	Generation Y	1980-1993 inclusive
		Generation Z	From 1994 and onwards

### Average Length of Service by Gender (Headcount)

	Female	Male	Total
Average Years of Service	3.36	4.12	3.58

### Headcount by Diversity Group

	Headcount	% of Total Staff
Aboriginal and Torres Strait Islander (ATSI)	2	2
Culturally & Linguistically Diverse (CALD)	17	16
People with a disability	2	2

### Recruitment and separation rates by classification group

Classification Group	Recruited	Separated
Executive		
Senior Officers		
Legal Officers	17*	17
Administrative Service Officers	22	20
<b>TOTAL</b>	39	37

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

## Culture and Behaviour

The Commission is committed to creating a positive, supportive and fair work environment where employee differences are respected, valued and used to create a productive and collaborative workplace.

In order to support staff, the Commission has a Development and Performance Plan (DaPP) that is aimed at providing all employees the opportunity to plan, discuss and review their development and performance needs.

The Commission has culture and behavioural expectations outlined in the relevant Enterprise Agreement.

## Public Interest Disclosure

In accordance with the Public Interest Disclosure Act 2012 (the PID Act), during the reporting period there were:

- no PID requests received or investigated
- no PIDs were referred by other agencies; and
- no PIDs were referred to other agencies.

A pamphlet outlining the Commission's procedures can be accessed at:

<http://www.legalaidact.org.au/publication/do-you-want-to-make-a-complaint-about-an-official-or-agency-in-the-act-public-sector>

## Workplace Relations

Description	No. of Individual SEAs	No. of Group SEAs*	Total employees covered by group SEAs	TOTAL
	A	B	C	D
<b>SEAs</b>				
Number of SEAs as at 30 June 2020	6	0	0	6
Number of SEAs entered into during period	5	0	0	5
Number of SEAs terminated during period	0	0	0	0
The number of SEAs providing for privately plated vehicles as at 30 June 2020	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 2019
<b>Individual SEAs</b>	Legal 5 Senior Officer A Senior Officer B Legal 3	\$146,585 – 157,214 \$148,990 \$128,286 - \$144,418 \$98,005 - \$114,387
<b>AWAs (includes AWAs ceased during period)</b>	N/A	N/A

Contact – Human Resources Manager – (02) 6243 3426

## List of Abbreviations and Acronyms

ACAT	ACT Civil and Administrative Tribunal
ACT DPP	Australian Capital Territory Department of Public Prosecutions
ACT	Australian Capital Territory
ACTFLPN	Australia Capital Territory Family Law Pathways Network
ACTGS	Australian Capital Territory Government Solicitor
ACTLAF	Australian Capital Territory Legal Assistance Forum
ADACAS	ACT Disability, Aged and Carer Advocacy Service
ANU	Australian National University
ATSI	Aboriginal and Torres Strait Islander
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
NPALAS	National Partnership Agreement on Legal Assistance Services 2015-2020
NSW	New South Wales
OPALS	Older Persons ACT Legal Service
PID	Public Interest Disclosure
SEA	Special Employment Arrangements
TAS	Tenancy Advice Service
U3A	University of the Third Age
UC	University of Canberra
UNHCR	United Nations High Commissioner for Refugees
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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## Y

Youth Law Centre – 15, 24, 27, 42, 48, 79, 89

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