



Legal Aid ACT

ANNUAL REPORT

2021 / 2022



2 Allsop Street,
Canberra, ACT 2601

Promoting access to justice to the most vulnerable
people in the Australian Capital Territory since 1977

© Copyright Legal Aid Commission (ACT) 2022

Website: www.legalaidACT.org.au

Street Address:
2 Allsop Street, Canberra ACT 2601

Postal Address:
GPO Box 512, Canberra ACT 2601

Phone: (02) 6243 3411
Email: legalaid@legalaidact.org.au
Fax: (02) 6243 3435

TABLE OF CONTENTS

Transmittal Certificate	4
President's Report	5
Meet the Commissioners	7
Organisational Overview and Performance	10
Organisational Overview	11
Vision, mission and values	11
Role, functions and services	12
Reconsideration and Review of Decisions	20
Stakeholders and Partnerships	20
Governance Structure	22
Management Structure	22
Management changes	23
Executive Remuneration	23
Significant Issues and Legislation	23
Ethical Standards	24
Significant Committees	24
Organisational Structure of Legal Aid Commission (ACT)	25
Outlook and Emerging Issues	26
Performance Analysis	27
Statement of Intent	27
Service and Statistical Data	29
Service Delivery Performance Analysis	40
Funding and Financial Performance	45
Strategic Objectives 2021-22	46
Priorities	47
Scrutiny	48
Auditor-General's Report and Audit Management Report	48
Legislative Assembly Inquiries and Reports	48
ACT Ombudsman Inquiries and Reports	48
Integrity Commission Reports	48
Risk Management	49
Internal Audit	49
Internal Audit Committee	49
Audit, Performance and Risk Committee Activities	50
Internal Audit Arrangements	50
Fraud Prevention	51
Freedom of Information	51
Community Engagement and Support	53
Aboriginal and Torres Strait Islander Reporting	57
Work Health and Safety	58
Human Resources Management	60
Workforce Profile	60
Workplace Relations	63
Learning and Development	64

Ecologically Sustainable Development	65
<i>Financial Management Reporting</i>	63
Management Discussion and Analysis	64
INDEPENDENT AUDITOR'S REPORT	70
Financial Statements and Attached Notes	72
INDEPENDENT LIMITED ASSURANCE REPORT	111
Statement of Responsibility	113
Capital Works	116
Asset Management	116
Assets Managed	116
Office Accommodation	116
Government Contracting.....	117
<i>Whole of Government Annual Reporting</i>	118
Commission's Whole of Government Annual Reporting Obligations	119
Bushfire Risk Management.....	119
Human Rights Act	119
Legal Services Direction.....	119
Territory Records	119
Approved Records Disposal Schedules by Name and Notifiable Instrument Number	120
<i>List of Abbreviations and Acronyms</i>	121
<i>Alphabetical Index</i>	122

TRANSMITTAL CERTIFICATE

4 October 2022

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

Dear Attorney-General,

2021-22 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 Report Directions.

It has been prepared in conformity with other legislation applicable to the preparation of the Annual Report by Legal Aid Commission (ACT).

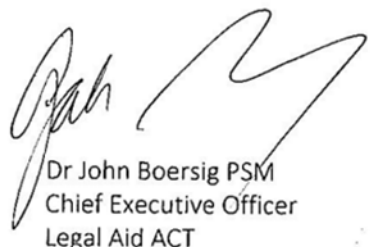
We certify that information in the attached annual report, and information provided for whole of government reporting, is an honest and accurate account and that all material information on the operations of Legal Aid Commission (ACT) has been included for the period 1 July 2021 to 30 June 2022.

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



Karen Fryar AM
President
Legal Aid ACT



Dr John Boersig PSM
Chief Executive Officer
Legal Aid ACT

PRESIDENT'S REPORT

The COVID-19 pandemic continued to affect the Commission's business operations throughout 2021-22. Despite these challenging times, I am proud of how the Commission was able to adapt, adopting flexible solutions to accommodate our clients and staff needs. Measures to reduce health risks and minimise virus transmissibility were adopted in response, for example, by preferring teleconferences and phone appointments to face-to-face appointments to minimise risks, and utilising community legal education activities and visits at various outreach sites to address the community legal needs and service demands.

Significant aspects demonstrating the great resilience of staff and their devotion and commitment to ensure the smooth running of the Commission included a continued acceptance of flexible work arrangements and the introduction of vaccination requirements for staff, students and volunteers as a condition of employment. These are indeed heartening.

The gap between those who can afford legal assistance and those who are eligible under legal aid guidelines continues to be too large. Despite the Commission's best endeavours in helping those most in need, the presence of a 'missing middle' is still threatening the opportunity for every member of our community to have equal access to justice. The recently released *ACT Legal Assistance Sector Strategy 2021-2025* highlighted the challenges of attempting to meet the demand from the missing middle. Emphasis was placed on the very low income threshold required to receive assistance that prevents many disadvantaged people from accessing legal services while also being unable to finance private representation.

The *ACT Legal Assistance Sector Strategy 2021-2025* also noted the ongoing and increasing need for assistance in the ACT, which is causing the legal assistance sector to be under pressure due to resource constraint and under investment. This Annual Report shows a picture that is consistent with the findings in that Strategy, highlighting a complexity in demand for the Commission's services and demonstrating the importance of the assistance that the Commission provides to the most vulnerable members of our community.

The Commission received various Commonwealth and ACT government funds, which facilitated the provision of crucial services for the most disadvantaged people. Nevertheless, the Commission is still navigating the difficulties in adapting to short-term project related funding as an increasing percentage of the overall budget. Whilst the Commission is always appreciative of new and continuing funding opportunities, short-term project funding prevents the Commission from planning long-term, creating uncertainty not only for the Commission's clients, but also its staff.

One important highlight of this year is the Commission's unexpected work assisting Afghan refugees and collaborating with Red Cross Australia to support those refugees with their visa applications and settlement in Australia. During the initial months after the Taliban took control over Afghanistan, our small migration team was inundated with phone calls and emails requesting immediate assistance. It was a very distressing time for our Helpline and migration staff. Our migration team has now assisted more than one hundred refugees residing in the

ACT to have their permanent visas granted. The devotion and commitment that our staff have shown to ensure that every Afghan family referred to the Commission receives adequate assistance with their migration matters is truly remarkable.

The year 2021-22 has presented other challenges that we forecast will continue in the following year. The resolution of office accommodation, an unexpectedly drawn-out issue, will obviously be crucial to the stability of the service. The need to address scales of fees for the solicitors and barristers who undertake legal aid work on behalf of the Commission, and the need to reaffirm partnerships with the Community Legal Centres, Aboriginal Legal Services and a host of non-legal service providers of key ancillary supports to our clients are matters that continue to occupy our attention.

The ACT Community can be assured that the Commission and its amazing staff continue to offer both legal and non-legal support to it even during the most challenging times, contributing to the administration of justice while ensuring equal access to justice to the most vulnerable and disadvantaged people.

Karen Fryar AM
President

MEET THE COMMISSIONERS

Karen Fryar AM

Karen Fryar was appointed as President of the Commission on 28 January 2020. From 1989 to 1993 Ms Fryar was the Assistant Executive Officer of the Legal Aid Commission (ACT). In 1993, Ms Fryar became the first woman appointed as a magistrate of the ACT Magistrates Court.

Between 2000 and 2010, Ms Fryar presided over the dedicated Family Violence list and also supervised the ACT's Family Violence Intervention Programme.

On 1 March 2010, Ms Fryar became the ACT Children's Court Magistrate, where she pursued a variety of initiatives such as the Youth Drug and Alcohol Court to assist young offenders experiencing substance abuse problems. During this period Ms Fryar was a member of the South Pacific Council of Youth and Children's Courts.

She received the Order of Australia in 2010 for her service to the community as a magistrate and for contributing to the prevention of family violence.

Gail Kinsella

Gail Kinsella was appointed as the Commissioner for financial management on 10 May 2010. Ms Kinsella is a Chartered Accountant, and a director of Kinsella Chartered Accountants.

She has served as a board member and treasurer of Communities@Work, as well as on several professional advisory boards and committees at the local and national level.

Ms Kinsella ceased to be a Commissioner in May 2022. The Commission wishes to acknowledge her hard work during the past 12 years, providing both the Board of Commissioners and the Commission's Audit, Risk and Performance Committee with invaluable insights and contribution.

Richard Glenn

Richard Glenn was appointed as a Commissioner on 19 July 2017. Mr Glenn is the Director General of the ACT Justice and Community Safety Directorate.

He has previously served as Deputy Commonwealth Ombudsman and as Assistant-Secretary of the Commonwealth Attorney-General's Department. He has worked in national security law, business and information law, securities reform, copyright, and native title.

He holds a BA, LLB and LLM from the Australian National University, and is admitted as a Barrister and Solicitor of the Supreme Court of the ACT.

Kym Duggan

Kym Duggan was appointed as the Commissioner with special expertise on 20 May 2016. Mr Duggan currently works as a justice sector consultant to Commonwealth and State Governments.

He has previously served as the First Assistant Secretary at the Commonwealth Attorney-General's Department and in the Department of Prime Minister and Cabinet.

He has worked in national security law, social security law, indigenous justice, and native title.

He holds an LLB from The University of Adelaide and has been admitted to practice as a barrister and solicitor since 1978.

Marcus Hassall

Marcus Hassall was appointed as a Commissioner on 23 January 2017. Mr Hassall is a Barrister at the Blackburn Chambers.

He has a diverse practice, including in bankruptcy law, commercial law, administrative law, family law, criminal law, workers compensation and others.

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

Mr Hassall ceased to be a Commissioner in April 2022. The Commission is grateful for Mr Hassall's meaningful contribution during his appointment.

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.

Ms Gooneratne has previously worked as a lawyer at Sparke Helmore and was also the chair of the ACT Law Society Young Lawyers Committee.

She holds a Bachelor of Arts in Political Science and English Literature and a LLB from the Australian National University, and a Master of Laws from the University of Sydney.

Cathi Moore

Cathi Moore was appointed to the Legal Aid Commission Board on 19 August 2020. Ms Moore has contributed to leadership positions in key community service organisations and government boards for over 30 years.

Ms Moore began her career at the ACT Council of Social Service and the Young Women's Christian Association, later going on to become president of the YWCA ACT division. She has also served as a Board Member and Treasurer of YWCA Australia, where she successfully campaigned for the introduction of the 30% quota for young women under 30 in governance positions in the YWCA both nationally and locally.

She has also worked with Marymead, ACT Council of Social Service, Community Housing Canberra, Parentline ACT, and is a founding member of My Coaching My Future, which provides free coaching for women who have moved on from violent relationships.

John Boersig

Dr John Boersig was appointed as Chief Executive Officer of the Commission on 1 December 2013 and holds a position on the Board in that capacity.

He brings to the Commission extensive experience in legal aid, legal education, and public administration. He commenced in legal aid practice in 1983, initially with the Aboriginal Legal Service and later as a senior lecturer and director of the University of Newcastle Legal Centre where he ran the clinical and professional program for the Faculty of Law. He was a presiding member of the Guardianship Tribunal of New South Wales for many years.

In 2004, Dr Boersig joined the Commonwealth Attorney-General's Department as Assistant Secretary of the Indigenous Law & Justice Branch, and later as Assistant Secretary of the Human Rights Branch, the Ministerial & Cabinet Unit and then the Security Coordination Branch immediately prior to joining the Commission.

He has a PhD from the University of Sydney and was awarded the Public Service Medal in 2008.



ORGANISATIONAL OVERVIEW AND PERFORMANCE

2021-2022

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.

As an independent statutory authority, the Commission operates a legal practice with a high degree of autonomy, while remaining accountable to government for the exercise of our statutory functions. Our independence is necessary because many of the individuals we assist are parties to actions by, or against, the government.

While the Commission's work is undertaken in the broader context of government justice policy, as is set out in the Act and in the *National Legal Assistance Partnership 2020-2025* (NLAP), our lawyers are required to observe the same rules and standards of professional conduct as private lawyers and are subject to the same professional duties. Their professional duties are owed to the law, the court and their clients, rather than to government.

Vision, mission and values

VISION

Our vision is to be a leading legal aid services provider in achieving just outcomes for vulnerable and disadvantaged people.

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 adopts the following values in its relationships, service delivery, business processes and decision making.

Excellence

- We strive to deliver legal aid services of the highest standard with compassion and understanding, and to continually improve ourselves and the organisation.

Respect

- We respect the inherent dignity of those we assist and those we work with and are always culturally empathetic.

Innovation

- We always seek new and innovative ways to improve the quality of our services and the effective use of our resources.

Dedication

- We are dedicated to helping disadvantaged people achieve justice and to upholding the rule of law and the highest ethical standards.

Role, functions and services

NATURE AND SCOPE OF ACTIVITIES

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

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

SERVICES

Our services are wide-ranging and include the provision of:

- ✓ Information and referral services;
- ✓ Legal advice and assistance;
- ✓ Minor legal assistance;
- ✓ Duty lawyer services;
- ✓ Grants of legal assistance and representation in Courts and Tribunals;
- ✓ Dispute resolution services;
- ✓ Community Legal Education programs; and
- ✓ Submissions on issues of law reform.

Most legal assistance services are provided free of charge but means-tested grants of financial assistance and dispute resolution conferences may be subject to payment of a contribution. Below is an explanation of the main services we provide.

DISCRETE ASSISTANCE SERVICE	
<p>Discrete Assistance is the provision of unbundled and discrete legal and non-legal services to service users. These services are non-ongoing and intermittent.</p> <p>Discrete Assistance can be provided in-person or remotely and can include provision of the following services:</p>	
<i>Information Services</i>	<p>An Information Service is the provision of information of general application to a Service User in response to an enquiry about:</p> <ul style="list-style-type: none"> • the law, legal systems and processes; or • legal and other support services to assist in the resolution of legal and related problems. <p>Information Services do not include administrative tasks such as booking appointments for legal advice sessions or information obtained from a Service Provider's website.</p> <p>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.</p> <p>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.</p> <p>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.</p>
<i>Referral</i>	<p>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.</p>
<i>Legal Advice</i>	<p>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.</p> <p>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</p>

	<p>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.</p>
<i>Non-legal Support</i>	<p>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.</p> <p>Non-Legal Support Services may be recorded as either a Discrete or an Ongoing Non-Legal Support Service.</p>
<i>Legal Task</i>	<p>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:</p> <ul style="list-style-type: none"> • 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. <p>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.</p>
<i>Minor Legal Assistance</i>	<p>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.</p> <p>Legal advice and minor legal assistance are provided free of charge to eligible people in relation to a range of legal matters, including:</p> <ul style="list-style-type: none"> • criminal and traffic charges; • family separation, parenting and property disputes; • domestic violence and personal protection; • mental health; • victims of crime assistance;

	<ul style="list-style-type: none"> • contract and debt; • employment; and • administrative decisions
FACILITATED RESOLUTION PROCESS SERVICES	
<p>A Facilitated Resolution Process is where a Service Provider conducts an activity to assist the parties to resolve or narrow issues in dispute without going to court.</p> <p>This service category includes a number of activity types that can be provided in person or remotely, including:</p> <ul style="list-style-type: none"> - Screening; - Conferences; and - Mediation and arbitration. 	
DUTY LAWYER SERVICES	
<p>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.</p> <p>The Commission provides duty lawyer services for:</p> <ul style="list-style-type: none"> - 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 	
REPRESENTATION SERVICES	
<p>Representation Services are where a Service Provider takes carriage of a matter in an ongoing, representative capacity.</p> <p>In determining applications for grants of legal assistance the Commission examines whether the application satisfies the eligibility requirements of the <i>Legal Aid Act 1977</i> and guidelines set by the Commission under the Act.</p> <p>This service category includes:</p>	
<i>Dispute Resolution</i>	This includes preparation for, and representation at, a Facilitated Resolution Process. It also includes the work involved in recording agreement following a Facilitated Resolution Process.
<i>Court/Tribunal Service</i>	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.
<i>Other Representation</i>	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.
COMMUNITY LEGAL EDUCATION SERVICES	
<p>Community Legal Education (CLE) is provided to the general community 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.</p> <p><i>Community Legal Education Resources and Activities</i></p> <p>The Commission develops and amends publications and runs activities that provide information about the law and legal system, about legal and support services, and about how to identify, prevent and solve legal problems.</p> <p>Community Legal Education Resources 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. The Resources include but are not limited to booklets and pamphlets, self-help kits, online legal information resources, and workshops.</p> <p>The 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. They also 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.</p>	
COMMUNITY LIAISON UNIT SERVICES	
<p>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:</p> <ul style="list-style-type: none"> - 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. <p>CLU has workers in the following non-legal support roles:</p> <ul style="list-style-type: none"> - Cultural Liaison Officer; - Aboriginal and Torres Strait Islander Client Support Officer; - Family Violence Officer / Family Advocacy and Social Support Officer; - Disability Justice Liaison Officer; and - Mental Health Liaison Officer. 	
OLDER PERSONS ACT LEGAL SERVICE	
<p>The Older Persons ACT Legal Service (OPALS) 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.</p>	

HELPLINE AND CHATLINE SERVICES
<p>The Helpline provides free confidential information and referral 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.</p>
TENANCY ADVICE SERVICE
<p>The Tenancy Advice Service assists residential tenants and occupants of the ACT to understand and enforce their legal rights and responsibilities under the <i>Residential Tenancies Act 1997</i> (ACT), and to address legal issues related to their tenancy and occupancy. The service experienced a high demand, receiving 3,643 calls during 2021-22.</p> <p>The assistance takes multiple forms:</p> <ul style="list-style-type: none"> - legal advice, assistance with other legal tasks, representation services, information and referrals; - support through walk-in services, clinics and referral to social services, website resources and Community Liaison Unit; - community legal education for residential tenants and tenant advocates; - reform by pursuing positive policy and legal reform that serves the interests of disadvantaged residential tenants.
FAMILY VIOLENCE UNIT
<p>The Family Violence Unit (FVU) in Legal Aid's General Practice consists of 16 lawyers and two paralegals. All lawyers have specialist family violence training. The FVU provides assistance to people seeking support in the Magistrates Court and the Family Court. They also provide specific outreach services at Canberra Hospital.</p> <p>The services provided by the FVU include:</p> <ul style="list-style-type: none"> - 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.

YOUTH LAW CENTRE

The Youth Law Centre (YLC) provides free legal services to young people aged 12-25 in person and/or over the phone by appointment or on a walk-in basis.

YLC provides assistance in many areas, including:

- drink driving and drunk driving;
- other minor criminal matters;
- employment;
- motor vehicle accidents;
- contracts;
- residential tenancy;
- consumer and debt issues;
- traffic fines and other infringements;
- driver licensing in the ACT;
- discrimination;
- cyberbullying

CASE STUDY – COMMUNITY LIAISON UNIT (CLU)

Case Study 1 -The need for non-legal support for clients with complex needs

Jason (pseudonym) has been charged with assault and property damage. Jason has a criminal history, and he may face incarceration for recent charges.

Jason has been diagnosed with Complex Post Traumatic Stress Disorder (PTSD), depression, anxiety, and an intellectual disability. He experienced significant exposure to Family Violence as child, including witnessing the murder of family member and involvement in related legal proceedings.

Jason has displayed threatening and violent behaviour in appointments with his solicitor, which on one occasion resulted in Jason being required to leave the premises. Jason also struggles when asked to review photographic evidence related to his assault charge; this evidence was highly traumatic for Jason and resulted in erratic and sometimes threatening behaviour.

Jason consented to a referral to our Community Liaison Unit. The Community Liaison Officer contacted Jason and sought to build rapport initially via phone. Jason explained his communication needs and identified common triggers for his trauma.

The Officer meets with Jason prior to court appearances for coffee and uses this time to recognise and highlight Jason's strengths. For example, being well-dressed for court, and being on time. These brief meetings also allow for discussion about what Jason can expect from the day, allowing him to recognise potential triggers ahead of time and discuss strategies for managing them.

Jason has built good rapport with his solicitor and maintained consistent communication, allowing his legal matter to progress more effectively.

Case Study 2 - How Community Liaison Officers facilitate clients-lawyers interaction while addressing clients' non legal needs

Jennifer (pseudonym) is experiencing Personal Violence and is seeking a Personal Protection Order. Jennifer has Autism Spectrum Disorder. She reports a history of experiencing Personal Violence and sexual harassment.

The Disability and Justice Liaison Officer ('DJLO') accompanied Jennifer to the Commission's Domestic Violence Unit at Magistrate's Court to seek Duty Advice. The DJLO assisted Jennifer to support her with communication needs and emotional regulation during the appointment by practicing grounding exercises to assist Jennifer to participate in appointment, facilitating regular breaks, and assisting the solicitor with using language conventions accessible for Jennifer. The duty solicitor assisted Jennifer to complete a Personal Protection Order application, which was filed at a later time. The DJLO arranged a canine support dog from the ACTCT Canine Support Program to be present at future court dates and supported Jennifer to give evidence to gain an interim order, which was granted.

The DJLO also liaised with Jennifer to establish a book of resources to assist Jennifer managing and coordinating services and agencies she engaged with or needed to be engaged with. The resource book included information regarding Centrelink payments, Personal Violence and Personal Protection Orders, contact information for counselling services and crisis support, an Incident Diary to record instances of Personal Violence to support interim order for PPO application, information regarding referral to the Domestic Violence Crisis Service to seek safety planning and security upgrades.

Reconsideration and Review of Decisions

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

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

If, following reconsideration, the applicant remains dissatisfied with a decision, they may request the matter be referred to an independent review committee. A request for review must be made in writing within 28 days of receipt of notice of the reconsidered decision and may be accompanied by further information. A review committee is constituted by three members selected from panels appointed by the ACT Attorney-General. The panels include community members and lawyers nominated by the ACT Law Society and ACT Bar Association.

Stakeholders and Partnerships

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

COMMUNITY LEGAL CENTRES
<p>There are five Community Legal Centres (CLC's) in the ACT: Consumer Law Centre; Environmental Defender's Office; Animal Defender's Office; Canberra Community Law and the Women's Legal Centre. 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.</p> <p>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.</p>
PRIVATE LEGAL PROFESSION
<p>Many law firms, private lawyers and barristers 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. These forms of participation, some of which are remunerated by the Commission and some of which are voluntary and provided <i>pro bono publico</i> (for the public good), include:</p> <ul style="list-style-type: none"> - Providing representation in Courts and Tribunals, and 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.

LAW STUDENTS AND VOLUNTEERS

Law students 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. The Commission also works collaboratively with the ANU's clinical law course to deliver services in the Youth Law Centre. The Commission also has a successful partnership with the University of Canberra through College of Law's Graduate Development Legal Program and the Small Business Clinic. Additionally, University of Canberra students are placed throughout the Commission as part of their work experience program.

JUSTICE AGENCIES AND THE ACT LAW SOCIETY

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

The 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. Additionally, the Commission usually receives 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.

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 members of the executive. The CEO is a statutory officeholder. The Act deems the CEO (and Deputy CEO) 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 DCEO position was unfilled for the duration of the reporting period.

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 five times during the reporting period, and attendances were as follows:

COMMISSIONER	NO. OF MEETINGS ATTENDED
Karen Fryar	4
John Boersig	5
Gail Kinsella	4
Marcus Hassall	5
Kym Duggan	5
Richard Glenn	3
Cathi Moore	4
Lisa Gooneratne	5

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 five divisions and the divisional heads during the year were:

<i>Criminal Practice</i>	Tamzin Lee
<i>Family Practice</i>	Jessica Cruise
<i>General Practice</i>	Derek Schild
<i>Client Services</i>	Megan Lane Amy Eager
<i>Corporate Services</i>	Sharyn Giles (Human Resources) Brett Monger (Chief Finance Officer)

Upon the DCEO's departure, the CEO restructured the Executive Group. This new Management Group now includes the CEO, Chief Finance Officer, Human Resources Manager, the Heads of Criminal, Family and the General Practice, and the Client Services Manager.

Management changes

The following changes have occurred during this year to the Board of Commissioners:

- Marcus Hassall and Gail Kinsella's appointments to the Board expired in April and May 2022 respectively with advertising for new appointments undertaken. Appoints to the vacancies occurred in the next reporting period, August 2022.

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 2021-22 included:

- Discrimination law reform.
- Response to the inquiry into Petition 32-31 (No Rights without Remedy) in relation to the Human Rights Act.
- Electronic monitoring.
- Response to the inquiry into Terrorism (Extraordinary Temporary Powers) Amendment Bill 2022.
- Domestic Violence Agencies Amendment Bill 2021.
- ACT Government response to Commonwealth Electronic Surveillance Reform Discussion Paper.

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:

<i>Executive Committee</i>	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.
<i>Legal Practice Management Committee</i>	Provides advice, oversight and direction about the daily and strategic operation of the legal practices to the CEO and DCEO
<i>Finance Committee</i>	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.
<i>Community Legal Education Program Committee</i>	Assists in the planning and delivery of CLE programs. The CLE comprises a cross-section of staff.
<i>Law Reform Committee</i>	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.
<i>Staff Working Committee on Covid-19</i>	Is responsible for reviewing the Commission's response to COVID-19 and providing staff input regarding strategic decision making and key learnings.
<i>Audit, Performance and Risk Committee</i>	Is responsible for the oversight and preparation of the financial statements and internal controls. This Committee is responsible for the identification of significant risk and undertakes monitoring measures.

Organisational Structure of Legal Aid Commission (ACT)



LITIGATION PRACTICE

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

GENERAL PRACTICE

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

CLIENT SERVICES

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

SUPPORT SERVICES

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

CORPORATE SERVICES

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

Outlook and Emerging Issues

The growing demand for legal assistance in the ACT community and the obstacles still posed by COVID-19 to the provision of services to vulnerable and disadvantaged individuals have continued to challenge the Commission and its staff.

The Commission's primary concern has been ensuring that the emerging needs in areas such as family violence and elder abuse and the increased demand for legal assistance through our telephone Helpline and chatline, is met without reducing litigation services in the core family and criminal areas.

The Commission's litigation work is primarily directed towards children in family law disputes and people facing court at risk of incarceration. The capacity to respond to the high demand in these areas will at times be compromised by the need to meet the costs of legally assisted cases, especially with large criminal case litigation.

The Commission was forced to change delivery methods in response to the pandemic and, where possible, it continues to use teleconferences and phone communication in lieu of face-to-face meetings. Nevertheless, a level of face-to-face was always maintained due to the Commission client base and the demands of the Courts. To ensure client and staff safety, manage risks and adequately respond to the community demand of services, there has been an increased pressure on ensuring that appropriate IT capacity is maintained at all times.

The Commission has continued experiencing high levels of demand, which is partly due to the increasing of the ACT population but also shifts in the kinds and complexity of services. The demand is also connected to the ACT community increased appreciation of the need for legal assistance. The Commission's response to address demand and need for legal services in the community has required manifold strategies, and driven by COVID-19, re-focused community legal education activities, such as seminars, brochures, newsletters and posters, as well as providing extended telephone and chat line access and undertaking outreach legal clinics in partnership with health providers, community and university agencies.

In order to respond to the emerging client needs and the obstacles that COVID-19 still poses, the Commission will continue embracing new and innovative modes of service delivery.

The Commission conducted a procurement process for office accommodation and identified the preferred candidate in August 2021. The Commission sought the Attorney-General's approval for expenditure, which was conditional on the provision of a clause in the lease respective of the government policy on renewable energy. Negotiations continued through and remained unresolved as at the end of the financial year.

The delay in securing a new lease meant that any refit plans to re-design the office in a more efficient, but COVID-19 friendly, way had to be postponed. The risk of having to relocate to multiple locations or in a less central suburb was unsettling for staff, who faced the possibility of having to spend their already limited time travelling between courts, offices and outreach sites. Any relocation would have also been disruptive to the Commission's services and would have heavily affected our very vulnerable clients.

The Commission has also undertaken two further significant procurement processes:

- New IT provider; and
- Development of a new case management system.

Both procurement processes are progressing and finalisation is expected in September and October 2022.

Performance Analysis

The performance analysis addresses the indicators (strategic objectives/indicators, output classes and accountability indicators) found in the Budget Statements D. In the first section we specifically respond to the statement of intent, and this is followed by a set of tables setting out and quantifying the data. In the next section an assessment of performance of the Commission's outputs for 2021-22 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 2021-22 Statement of Intent the Commission is able to report as follows:

OBJECTIVE / PRIORITY	OUTCOME / DELIVERABLE
Support victims of family and domestic violence through the provision of legal assistance services; including the Health Justice Partnership which is operating from the Canberra Hospital.	The Commission provided 5,297 advice services, 1,187 duty lawyer services, and 1,057 grants of legal assistance to clients indicating 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 2,322* services to Aboriginal and Torres Strait Islander clients, and 4,893 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, 894 services* were provided to clients aged 65 and over, of which 222 involved family violence. *Includes information, referral, and Community Legal Education.

Develop and implement legal education programs tailored to the needs of people experiencing a high incidence of adverse legal events, and those working in community organisations that assist them. This includes having a presence at Colleges across Canberra.	The Commission provided 335 Community Legal Education sessions, which had a total of 2,906 attendees. The Commission spoke with and provided education services to staff at a number of community and government organisations, including Canberra hospital, the Education Directorate, Calvary hospital, Canberra Recovery Service and the School Youth Support Worker Network. The Commission also collaborated with the Red Cross, the Migrant and Refugee Settlement Service, NAVITAS 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 925 referral services and 335 Community Legal Education Sessions, with a total of 2,906 attendees. The Commission's website was accessed 161,109 times.
Advise and assist people appearing unrepresented before courts and tribunals, particularly those persons experiencing family violence and in care and protection matters in the Children's Court.	The Commission provided 4,871 instances of duty assistance to people appearing before the courts and tribunals. The Commission provided 3,946 legal advice and duty services to clients seeking to obtain a Domestic Violence Order or Personal Protection Order. The Commission also provided 738 instances of legal advice and duty service in Care and Protection Proceedings.
Provide legal representation to people in need to enable them to assert or defend their legal rights, including for those people appearing in the drug and alcohol court.	The Commission provided 2,632 grants of legal assistance and provided 4,871 duty lawyer services. The Commission provided assistance to 48 clients in the drug and alcohol court.
Maintain the high level of service on the Legal Aid Helpline and Tenancy Advice Service. The high level of telephone service has increased greatly over the last two years and are expected to continue to increase.	The Commission's Helpline and Chatline provided 25,011 services.
Continue to find ways of delivering services to clients remotely, due to the COVID-19 pandemic.	The Commission continued to offer remote assistance via teleconference or phone when possible.

Build the capacity of the Commission's IT infrastructure to meet new demand.	The Commission is transitioning into its new case management system and is in the process of finalising a procurement exercise for a new IT provider. These are both expected to be completed in September/October 2022.
Progress long-term accommodation requirements of the Commission.	The Commission identified a preferred accommodation in August 2021. However, lease negotiations were prolonged due to the requirement for the lease to align with the Government green policy.

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
2021-22	166,295	925
2020-21	211,917	1,592

* Includes website page views

	2021-22	2020-21
Website Page Views	161,109	181,520

Helpline and Chat-line Services

	2021-22	2020-21
Calls on Helpline	24,688	26,539
Chatline assistance	323	444

Community Legal Education

	2021-22	2020-21
No. of CLE sessions (including resources)	335	530
People attending CLE sessions including social media, web sessions etc.*	2,906	8,095

Legal Advice and Other Assisted services

		2021-22		2020-21	
		NO.	%	NO.	%
In-house	Criminal	274	2%	716	6.5%
	Family	4,155	35%	3,994	36.1%
	Civil	4,228	35%	3,845	34.7%
	Non-Legal Support	3,108	26%	2,387	21.6%
TOTAL	IN-HOUSE	11,765	98%	10,942	98.8%
Referred	Criminal	6	0%	13	0.1%
	Family	174	1%	87	0.8%
	Civil	53	0.4%	32	0.3%
TOTAL	REFERRED	233	2%	132	1.2%
GRAND TOTAL		11,998	100%	11,074	100%

Legal Advice – Most Common Matter Types 2021-22

	NUMBER OF SERVICES	% OF TOTAL LEGAL ADVICE SERVICES
Family Violence/Domestic Violence Order	2,401	20%
Tenant	1,090	9%
Personal Protection Order	919	8%
Other Family Issues	810	7%
Care & Protection proceedings - Children's Court	436	4%
Employment	381	3%
Mental Health	357	3%
Immigration refugee visa	301	3%
Contact	289	2%
TOTAL LEGAL ADVICE	11,998	

Duty Lawyers

		2021-22		2020-21	
		NUMBER OF DUTIES	%	NUMBER OF DUTIES	%
In-house	Criminal	2,831	58%	2,649	58%
	Family	1,150	24%	1,362	30%
	Civil	774	16%	476	10%
TOTAL	IN-HOUSE	4,755	98%	4,487	98%
Referred	Criminal	111	2%	104	2%
	Family	3	0.1%	4	0.1%
	Civil	2	0.0%	2	0.0%
TOTAL	REFERRED	116	2%	110	2%
GRAND TOTAL		4,871	100%	4,597	100%

Dispute Resolution Conferences

	2021-22	2020-21
DR Conferences held	285	286
Matters fully settled	38%	37%
Matters partially settled at conference	29%	26%
Matters with a successful outcome	66%	63%
FRP	418	424
# Of FRPs going to Conference	68%	67%

Parties at Dispute Resolution conferences

	2021-22	2020-21
Total number of parties	697	752
Parties on Grants of assistance	584	409
Self-Represented or Private Represented	113	343

Grant Applications Received

	2021-22		2020-21	
	NO.	%	NO.	%
Criminal	1,408	39%	1,598	41%
Family	1,565	44%	1,814	47%
Civil	608	17%	455	12%
TOTAL	3,581	100%	3,867	100%

Grant Applications Approved

	2021-22		2020-21	
	NO.	%	NO.	%
Criminal	1,174	45%	1,231	48%
Family	1,084	41%	1,096	43%
Civil	374	14%	221	9%
TOTAL	2,632	100%	2,548	100%

Grants of Legal Assistance by Gender
by Law Type

	FEMALE	FEMALE %	MALE	MALE %	OTHER	OTHER %
Criminal	278	11%	880	33%	16	1%
Family	646	25%	320	12%	118	4%
Civil	197	7%	162	6%	15	1%
TOTAL	1,121	43%	1,362	52%	149	6%

Grants by Assignment and Law Type

		2021-22		2020-21	
		No.	%	No.	%
In-house	Criminal	746	28%	842	33%
	Family	558	21%	647	25%
	Civil	335	13%	192	8%
TOTAL	IN-HOUSE	1,639	62%	1,681	66%
Referred	Criminal	428	16%	389	15%
	Family	526	20%	449	18%
	Civil	39	2%	29	1%
TOTAL	REFERRED	993	38%	867	34%
GRAND TOTAL		2,632	100%	2,548	100%

Grant Applicant Profile

	2021-22		2020-21	
	No.	% of Applications Received	No.	% of Applications Received
Female applicants	1,584	44%	1,801	47%
Aged under 18 years	455	13%	446	12%
Aged over 65 years	120	3%	90	2%
CALD	750	21%	640	17%
ATSI	432	12%	434	11%

People Receiving Services as a Percentage of Population

	2021-22		2020-21	
	No.#	%**	No.#	%*
Grants	2,209	0.5%	2,152	0.5%
Legal Advice	5,059	1.1%	5,721	1.3%
Duty Lawyer	2,529	0.6%	2,952	0.7%
Helpline and Chatline	25,011	5.5%	26,983	6.3%
TOTAL	34,808	7.7%	37,808	8.8%

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

** Estimate population of Canberra = 453,558. Source: 3101.0 - Australian Demographic Statistics, Jun 2021

* Estimate population of Canberra = 431,500. Source: 3101.0 - Australian Demographic Statistics, Dec 2020

Ongoing and New Grants

		ONGOING GRANTS	NEW GRANTS	TOTAL
IN-HOUSE	Criminal	680	745	1,425
	Family	873	557	1,430
	Civil	285	332	617
GRAND TOTAL				3,472
REFERRED	Criminal	552	428	980
	Family	910	526	1,436
	Civil	85	39	124
GRAND TOTAL				2,540

FAMILY VIOLENCE	SERVICES THAT HAVE FAMILY VIOLENCE INDICATED	TOTAL SERVICES	PERCENTAGE OF SERVICES THAT HAVE FAMILY VIOLENCE INDICATED
Advice	5,297	11,998	44%
Duty Lawyer	1,187	4,871	24%
Grant	1,057	2,627	40%

SENIOR CLIENTS	SERVICES WHERE CLIENT \geq 65	TOTAL SERVICES	PERCENTAGE OF SERVICES PROVIDED TO CLIENTS \geq 65
Advice	638	11,998	5%
Duty Lawyer	180	4,871	4%
Grant	76	2,627	3%

SENIOR CLIENTS	SERVICES WHERE CLIENT \geq 65 AND FAMILY VIOLENCE IS INDICATED	TOTAL SERVICES WHERE FAMILY VIOLENCE IS INDICATED	PERCENTAGE OF SERVICES PROVIDED TO CLIENTS \geq 65 WHERE FAMILY VIOLENCE IS INDICATED
Advice	149	5,297	3%

Duty Lawyer	47	1,187	4%
Grant	26	1,057	2%

Reconsideration Requests

RECONSIDERATION	VARIED	CONFIRMED	PENDING / WITHDRAWN	TOTAL	% VARIED OF TOTAL BY LAW TYPE
Criminal	21	4	0	25	84%
Family	46	30	0	76	61%
Civil	7	6	0	13	54%
TOTAL	74	40	0	114	65%

Review Requests

REVIEW	VARIED	CONFIRMED	PENDING / WITHDRAWN	TOTAL	% VARIED OF TOTAL BY LAW TYPE
Criminal	0	0	0	0	0%
Family	3	5	0	8	38%
Civil	0	2	0	2	0%
TOTAL	3	7	0	10	30%

Domestic Violence and Personal Protection Order

DOMESTIC VIOLENCE	2021-22	2020-21
New grants of assistance	311	245
Legal Advice	2,401	2,689
Duty Lawyer	498	767

PERSONAL PROTECTION ORDERS	2021-22	2020-21
New grants of assistance	102	56
Legal Advice	927	929
Duty Lawyer	120	168

Number of Aboriginal and Torres Strait Islanders receiving services

2021-22**	2020-21*
649	630

** 568 ATSI clients provided Grants, Advice, DL services + 0 information / referrals + 81 CLE sessions

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

Number of Services provided to Aboriginal and Torres Strait Islanders

	2021-22	2020-21
Grants of Assistance	374	322

Duty Lawyer services	591	497
Information/Referral	0	4
Legal Advice, Legal task and NLS	1,276	858
Community Legal Education	81	99
TOTAL	2,322	1,780

Serving the Community



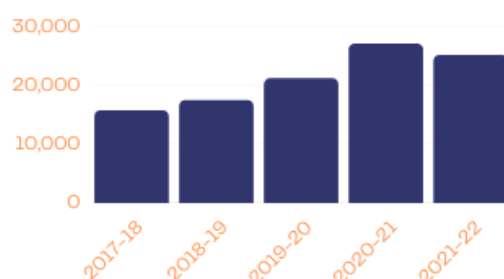
The Commission provided services to 7.67% of the population.

*Estimated population of Canberra = 453,558. Source: 3101.0 – Australian Demographic Statistics, Jun 2021

Helpline & Chatline

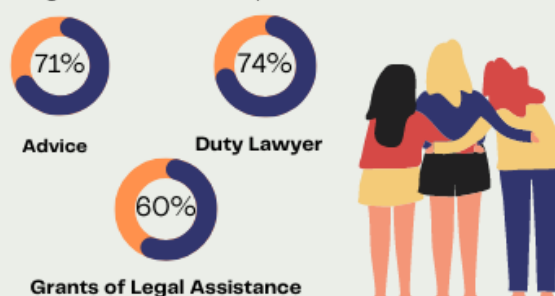


The Helpline and Chatline provided 25,011 services.



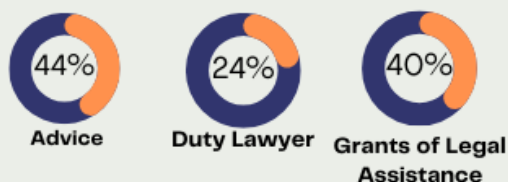
Women & Family Law

In family law, 71% of advice services, 74% of duty lawyer services and 60% of approved grants of legal assistance were provided to women



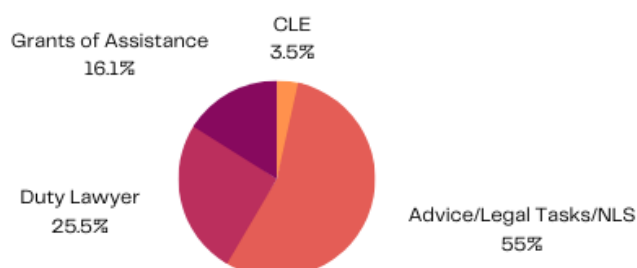
Family Violence

Family violence was indicated for 44% of advice services, 24% of duty lawyer services and 40% of grant of legal assistance.

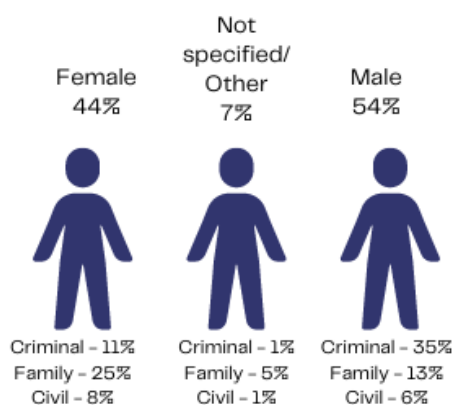


ATSI

The Commission provided 2,322 services to Aboriginal and Torres Strait Islander individuals.

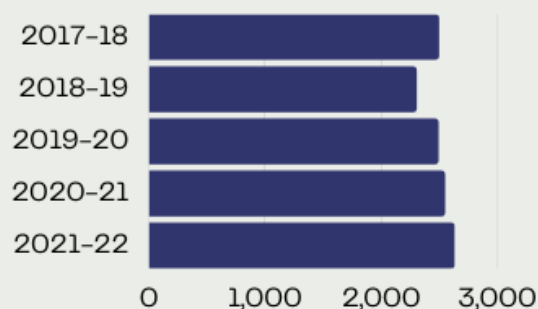


Grants of Assistance By Gender & Law Type

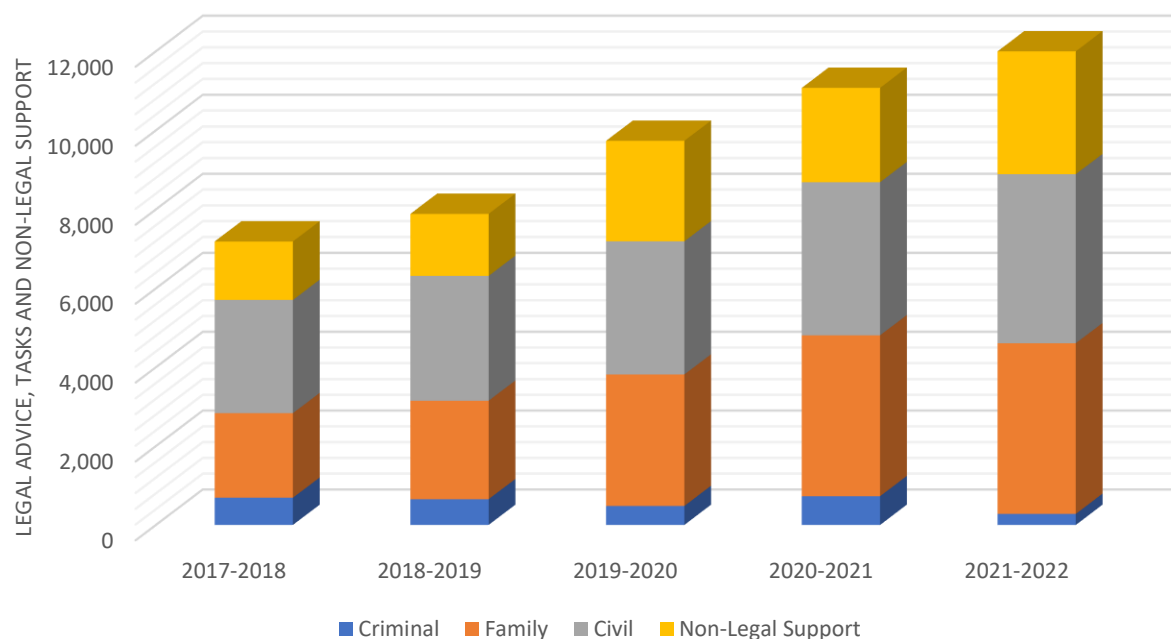


Grants of Legal Assistance

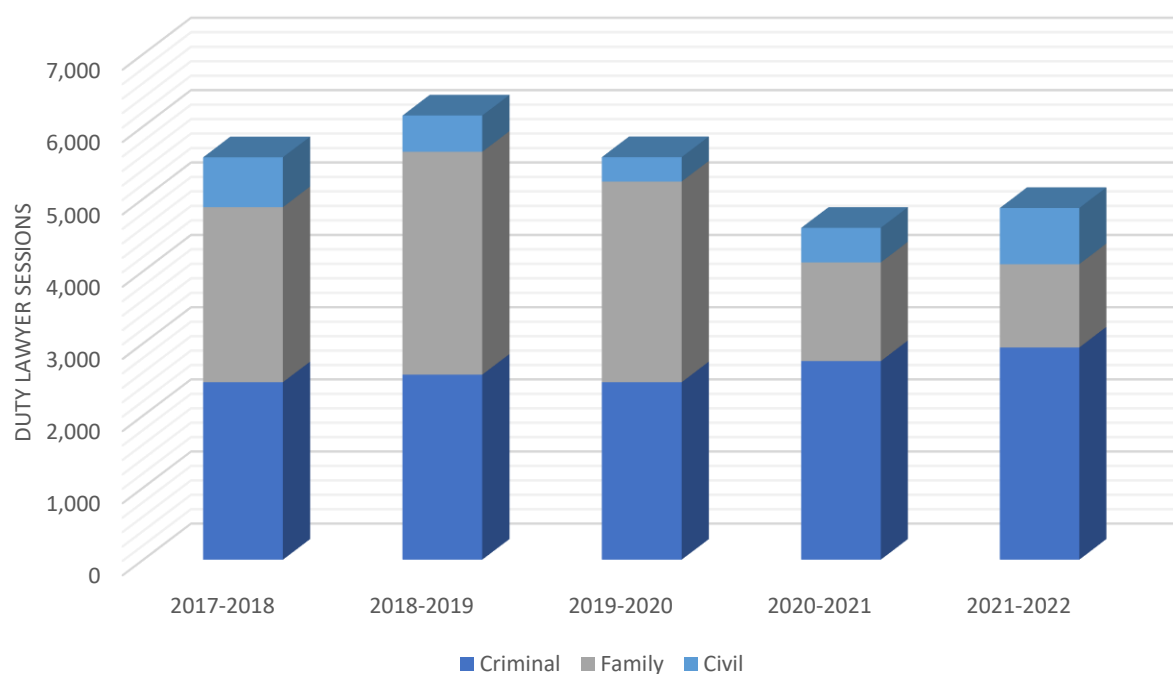
The Commission approved 2,632 of a total of 3,582 applications.



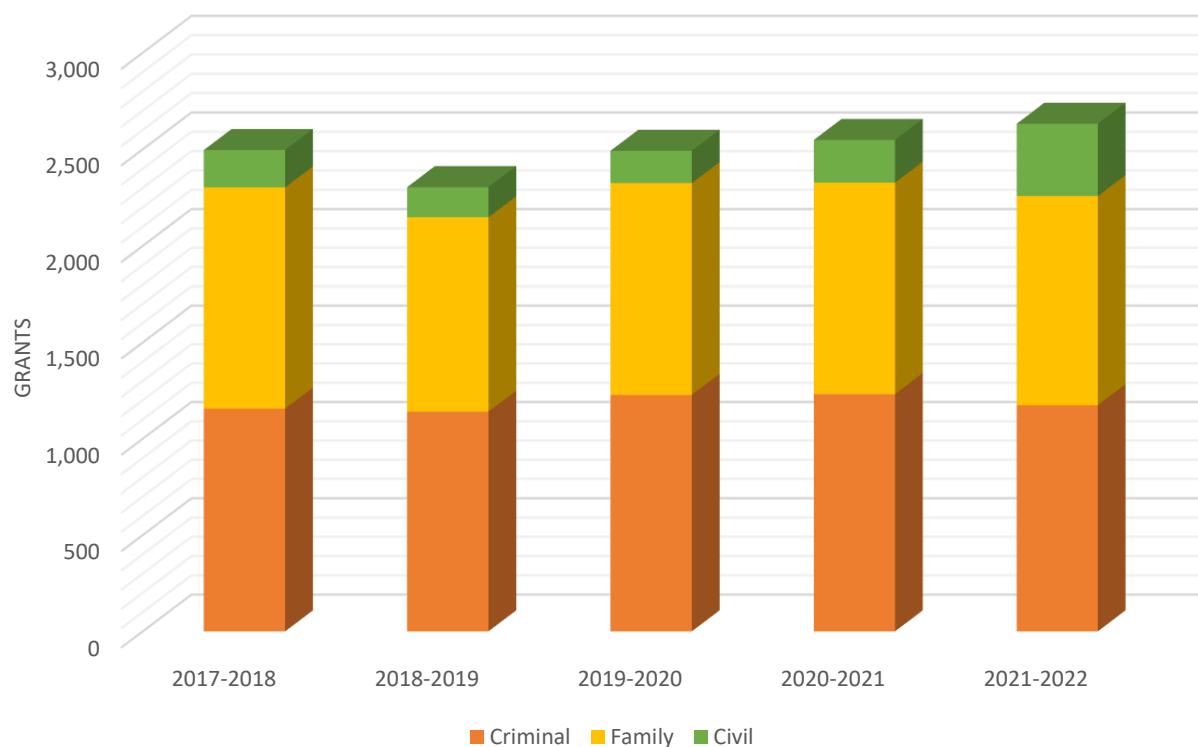
LEGAL ADVICE, TASKS and NON-LEGAL SUPPORT SERVICES



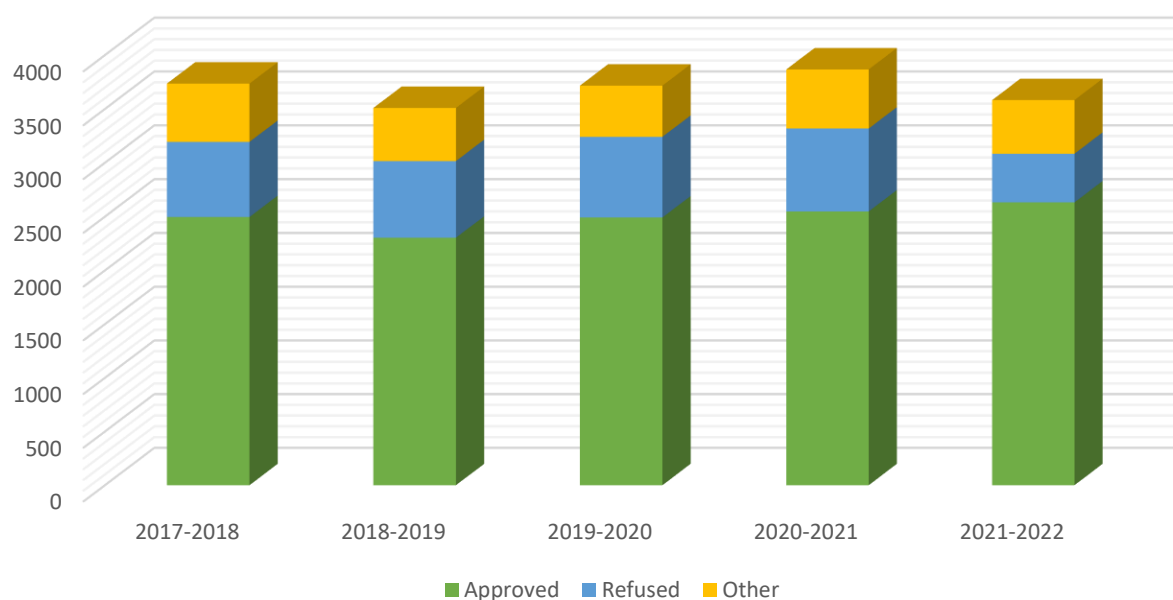
DUTY LAWYER BY FINANCIAL YEAR

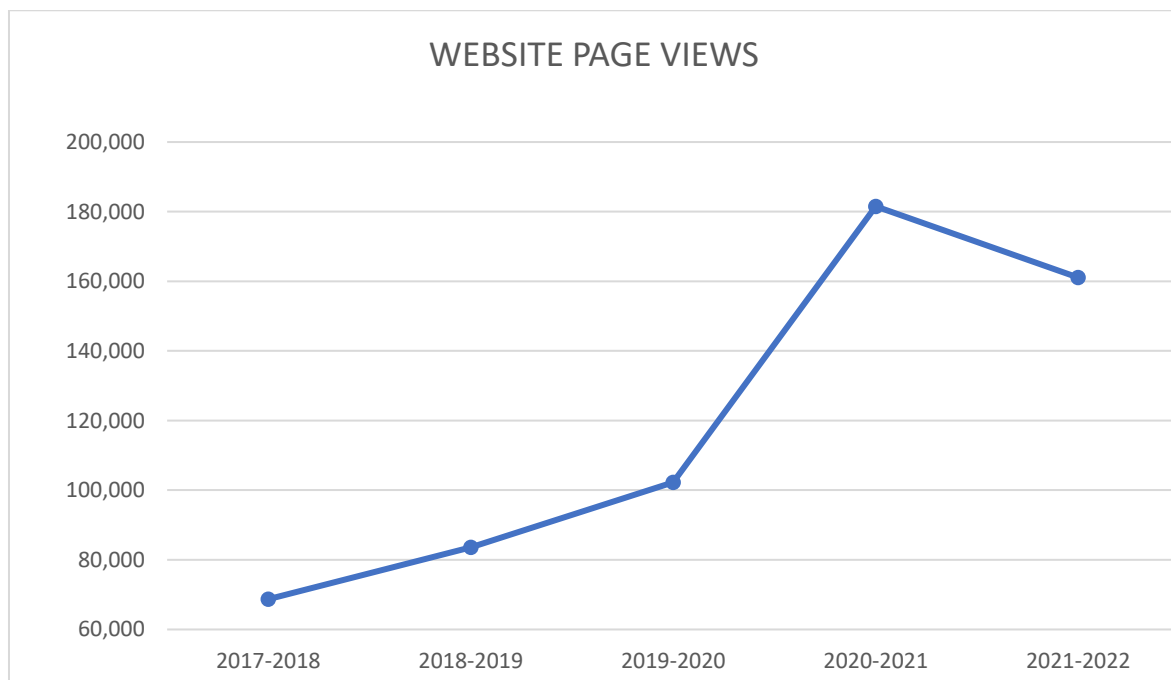
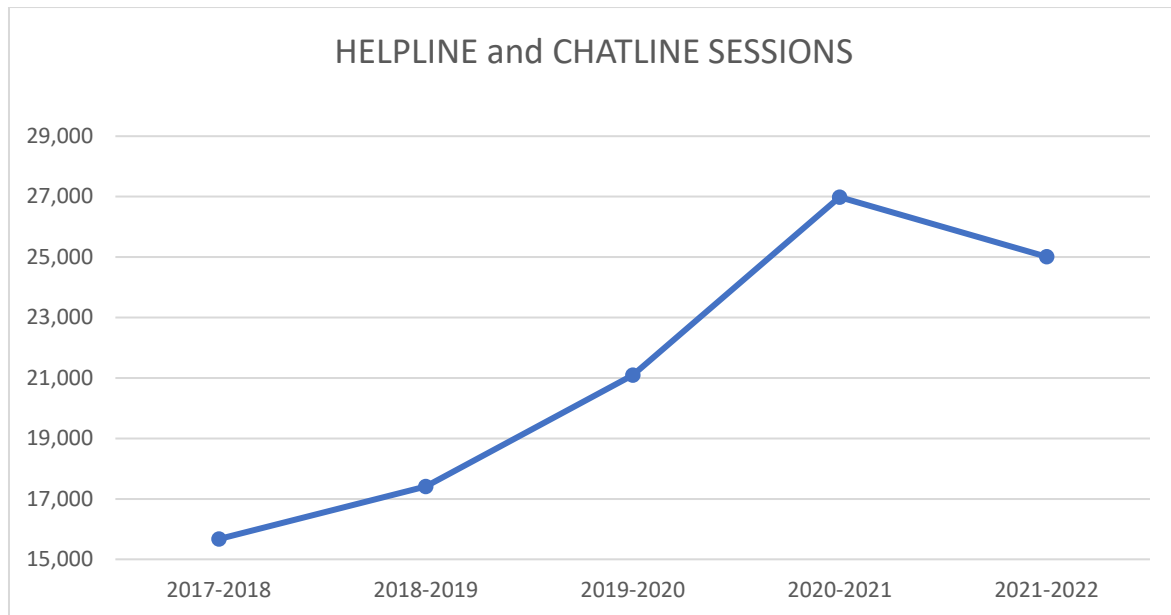


GRANTS BY FINANCIAL YEAR



APPLICATIONS RECEIVED BY FINANCIAL YEAR





Statement of Performance

	2021-22 TARGETS	2021-22 OUTCOMES	2022-23 TARGETS
NUMBER OF DISCRETE ASSISTANCE SERVICES PROVIDED	47,150	43,120	47,900
NUMBER OF DUTY LAWYER SERVICES PROVIDED	4,600	4,871	4,600
NUMBER OF REPRESENTATION SERVICES PROVIDED	3,000	3,137	3,000
NUMBER OF FACILITATED RESOLUTION PROCESS PROVIDED	440	418	450
NUMBER OF COMMUNITY LEGAL EDUCATION SERVICES PROVIDED	550	335	550

Service Delivery Performance Analysis

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

The Commission has five key reporting outcomes.

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

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

DISCRETE ASSISTANCE SERVICES

Discrete Assistance combines a range of output activities – information, referrals, non-legal support, advice and legal task assistance (but not online information services) that were previously counted in other categories. Discrete Assistance services decreased by 6.2% to 43,120, of which 25,011 (58.0%) were delivered through our Helpline and Chatline. This was a decrease of 7.3% over the number of Helpline services provided in 2020-21 (26,983).

Online information service access fell by 11.2% to 161,109. Our referrals to outside services decreased from 1,592 in 2020-21, to 925 in 2021-22. This is partly a consequence of the lockdown from COVID-19, which continued to limit the services to which we could make referrals.

DUTY LAWYER SERVICES

Duty Lawyer services are provided at the Magistrates Court and the Federal Court buildings, for criminal and domestic violence, and family law and administrative matters respectively. They are also provided at ACAT such as tenancy, guardianship and mental health tribunal matters. The total number of duty lawyer services increased in 2021-22 by 6.0% to 4,871 which was above our target of 4,600.

REPRESENTATION SERVICES

Representation services include both grants of legal assistance and casework. The number of representation services provided increased by 9.2% to 3,137. The number of applications for grants of legal assistance fell by 7.4% from last year. However, the number of grants of legal assistance approved increased by 3.3% to 2,632 from 2,548 in 2020-21. Together, this indicates that there is a growing demand for legal service in the ACT. Approved grants in 2021-22 was 73.5% of applications received, compared to 65.9% in 2020-21.

Overall, of the total grants provided, 62.3% were provided by the in-house practice, down from 66.0% last year. In-house grants of legal assistance fell for criminal and family law but increased substantially in civil law. There was an increase of referred grants of assistance for criminal, family and civil law matters in 2021-22.

There was a 2.0% increase in the number of applicants aged under 18 years seeking a grant of legal assistance. Grants of assistance for people aged over 65 continued raising, with an increase of 33.3% in 2021-22.

A disaggregation of our services shows that women are highly represented in approved grants of legal assistance in family law where family violence is indicated (63% of clients). Other and unknown gender make up a further 10.1% of clients.

In all family law grants of assistance, women comprise 59.6% of total clients. Other or not disclosed gender is a further 10.9%.

There was an increase of grants of legal aid (0.8%) and advice services (10.4%) that involved family violence, but a decrease of duty lawyer services (17.1%).

FACILITATED RESOLUTION PROCESS SERVICES

The provision of the Commission's family dispute resolution services is a strong driver of cost mitigation in the justice system. In 2021-22, 285 mediation conferences were held, which is similar to last year (286), and nearly double the number provided seven years ago (156). There was an increase of 5% of the number of DR conferences resulting in a successful outcome.

Facilitated Resolution services include both family dispute mediations, and the intake screening and assessment that support them.

There has been a decrease of 1% in the number of these services provided to 418 from 424 in 2020-21. However, 68% of all requests for facilitated resolution services were approved to go to conference, up from 67% in 2020-21.

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 fell by 36.8% to 335 from 530 in 2020-21. The number of participants in CLE fell to 2,906. This large reduction is mainly due to the CLE team not presenting face-to-face activities during the COVID-19 restrictions in late 2021.

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 fulltime CALD liaison and support officers, we have been able to dramatically increase the number of CALD individuals we can assist. This past year saw an increase in services with the Commission providing 4,893 services to CALD individuals. The added value of these services is the enhancement of the capacity of our staff to positively develop and provide culturally appropriate services.

The Commission maintains a particular commitment to the Aboriginal and Torres Strait Islander (ATSI) community. The data reflect this commitment – 568 ATSI clients received a grant of legal assistance, legal advice or duty lawyer service this year, up 7.8% from last year. The number of services provided to ATSI individuals increased by 30.4% to 2,322 from 1,780. This demonstrates there is ongoing growth in demand for legal assistance services in the ATSI community.

CONCLUSION

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

CASE STUDY – FASS

Through FASS services clients can better access and navigate the legal system, empowering them to make independent decisions

A 43-year-old woman, Carol (pseudonym), accessed FASS for legal support with a family violence order and for family law. Carol has four children with her spouse, whom she recently separated from. Carol has physical and intellectual disabilities, autism spectrum disorder, anxiety, and depression. This makes it difficult for Carol to articulate her needs, understand legal and community processes, and to make decisions unaided.

Carol was referred to the FASS Mental Health Liaison Officer (FMHLO) by her lawyer. Carol was assisted to navigate a child support application, government agencies (ATO and Centrelink), utilities and financial services (Care Financial), accommodation providers, family support services, mental health and wellbeing.

From engagement with the FASS team and liaison with Carol's own strengths and resources, Carol obtained child support, an interim family violence order resulting in an undertaking, a parenting plan, and further plans for FDR for property settlement.

Liaison with the FMHLO and her NDIS support services, Carol accessed the Disability Support Pension, strengthened and better understood her own support networks, re-engaged with her counsellor, made an appointment with her psychiatrist, engaged with DVCS for safety planning and increased home security, and increased understanding of resources to support her children's mental health.

Carol was empowered throughout the process and increased her own capacity and independence.

Without access to FASS, the client would not have been able to access or navigate the legal system. The client was empowered and increased their skills and knowledge and can better self-advocate and navigate complex systems.

CASE STUDY – HEALTH JUSTICE PARTNERSHIP (HJP)

How HJP helped reunite a mother with her children by providing legal and non-legal support

Zahara (pseudonym) is from a culturally and linguistically diverse background and has three children.

Zahara was referred to the Health Justice Partnership after Child and Youth Protection Service (CYPS) took emergency action and removed Zahara's children from her care.

CYPS removed the children because of concerns that their father was perpetrating family violence towards the children and Zahara.

HJP lawyers provided Zahara with legal advice on the day emergency action was taken and represented her in court the next day. The HJP team was able to successfully resist an application to keep the children in foster care and Zahara was reunited with her children after the court appearance. Zahara and her children returned home together the same day as the court appearance and the perpetrator was prevented from being in the home.

The HJP team was able to offer Zahara a lawyer who spoke her first language, and Zahara expressed relief in being able to communicate with her solicitor in her preferred language.

Further, the HJP team linked Zahara with one of Legal Aid's Cultural Liaison Officers, who assisted her with completing an application for Legal Aid and referred her to other community services who assisted her with Centrelink applications, contributing to provide culturally appropriate services and non-legal support.

Zahara has continued to seek the support of the HJP team in relation to her matter.

Funding and Financial Performance

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

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

Funding received in 2021-22 was:

Commonwealth Government NLAP Funding	\$ 5.260 m
Specific Commonwealth Government Funding ¹	\$ 3.254 m
ACT Government Funding	\$10.430 m
Specific ACT Government Funding ²	\$ 1.111 m
Grant from the Statutory Interest Account ³	\$ 0.313 m
Other Revenue ⁴	\$ 0.446 m
Total	\$20.814 m

The 2021-22 Operating Result was a surplus of \$2.058m compared to a forecast surplus of \$0.033m. The main reason for this large surplus is due to recognising \$0.979 million in revenue for which the expenses won't occur until 2022-23 (i.e. revenue received in advance in 2021-22). This is in accordance with Accounting Standards AASB 1058 and AASB 15.

The impact of this revenue received in advance will also mean 2022-23 will incur \$0.979 million in expenses without a matching income in that year.

Other areas contributing to this surplus are due to delays in accommodation fitout costs (to occur in 2022-23) and lower legal expenses than estimated.

¹ Specific Commonwealth funding is for Family Advocacy Support Services, Men's Social Worker, National Disability Insurance Scheme, Family Law Pathways Network, Family Violence and Cross Examination, Family Law Property Mediation Trial, Disability Royal Commission, Provision of legal services to Jervis Bay, Expensive Commonwealth Criminal Cases Fund, Defence and Veterans Legal Service and Legal Assistance for onshore Humanitarian Stay visa

² Specific ACT Government funding includes Health Justice Partnership, Tenancy Advice Service, Legal Assistance Services in ACT Colleges and Third Person Support Trial.

³ 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.

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

The cash surplus for 2021-22 is \$2.106m compared to a forecast cash deficit of \$0.162m. This is largely due to retained funding received for specific projects that are yet to be expended. The ending cash position was further boosted by the office accommodation project delay, lower referrals to private legal practitioners and legal disbursements.

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

Strategic Objectives 2021-22

Consistent with the NLAP, we have maintained our current key strategic objectives. The following three objectives will be used to guide our services for 2021-22:

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, the elderly, Aboriginal and Torres Strait Islander people, and members of culturally and linguistically diverse communities would particularly benefit from early intervention services.

Providing these 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 are not prevented, by disadvantage, from obtaining the legal services they need to protect their rights and interests. Enhancing the capacity of people 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 2022-23 are to:

- support victims of family and domestic violence through the provision of legal assistance services, including the Health Justice Partnership which is operating from the Canberra Hospital;
- improve the provision of legal assistance services to the Aboriginal and Torres Strait Islander and culturally and linguistically diverse communities;
- provide support to victims of elder abuse in line with Government priorities;
- develop and implement legal education programs tailored to the needs of people experiencing a high incidence of adverse legal events, and those working in community organisations that assist them. This includes having a presence at Colleges across Canberra;
- promote the prevention of legal problems by providing timely information about the law and legal processes and referring people to other legal or non-legal services where necessary to meet their needs;
- promote the early resolution of legal problems through providing legal advice, advocacy, minor legal assistance and dispute resolution services;
- advise and assist people appearing unrepresented before courts and tribunals, particularly those persons experiencing family violence and in care and protection matters in the Children's Court;
- provide legal representation to people in need to enable them to assert or defend their legal rights, including for those people appearing in the Drug and Alcohol Court;
- maintain the high level of service on the Legal Aid Helpline and Tenancy Advice Service. The high level of telephone service has increased greatly over the last 4 years and are expected to continue to increase;
- continue to find ways of delivering the service to clients remotely, due to the COVID-19 Pandemic;
- maintain and build the capacity of the Commission's IT infrastructure to meet demand; and
- finalise the long-term accommodation requirements of the Commission.

During 2022-2023 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;

- Continue to improve outreach services, particularly to the Aboriginal and Torres Strait Islanders and Culturally and Linguistically Diverse communities;
- Maintaining 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;
- Implement upgrades in IT support, especially in relation to the new document management system and enabling staff to work more remotely;
- 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.

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 2021-22 audited financial statements.

There were no new audit findings identified in the 2021-22 Audit Management Report. Further, the report indicated that one previous finding in the 2020-21 Audit Management Report was partially resolved in 2021-22 by the Commission.

The Commission appeared before the Standing Committee which scrutinised the Commission's 2020-21 Annual Report and the 2022-23 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. The Commission also has a risk register specifically around COVID-19 risks.

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

Contact – Chief Finance Officer – (02) 6243 3445

Internal Audit

Internal Audit Committee

The Commission has an Audit, Performance and Risk Committee which provides independent assurance and assistance to the Commission on the Commission's risk, control and compliance framework, and its external accountability responsibilities. The Committee met 4 times during the reporting period in July, October, February and May.

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

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, -, -
Paul Ogden	Member	Full Year	1, -, 3,4
Mercy Wilkie	Member	Full Year	1, -, 3,4
John Boersig, Chief Executive Officer	Observer	Full Year	1,2,3,4
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, Reporting Accountant	Observer	Full Year	1,2,3,4
Sayaneat Hang, Junior Assistant Accountant	Observer	Full Year	1, -, -,4
Rosanna O'Young, Finance and Corporate Administration Officer	Observer	Part Year	1,2,3, -
Mr Michael Harris, ACT Auditor-General	Invited Attendee	One Meeting	-, -,3, -
Waheed Khan, Finance and Corporate Administration Officer	Observer	Part Year	-, -, -,4

Audit, Performance and Risk Committee Activities

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

Monitored the:

- Office premises negotiations;
- ACT Audit update/Status of Audit Activity 2021-22.
- Internal Audit Charter;
- Legislative Compliance Register;
- Legal Aid grant funding; and
- Timing of ACT & Commonwealth Budgets.

Reviewed the:

- 2020-21 Financial Statement and Management Discussion & Analysis;
- Strategic Audit Work Plan;
- Risk Register and Fraud Control Register;
- Chief Executive Financial Instructions;
- Legal Aid Delegations;
- IT and Cyber Security;
- Roadmap to a COVID safe Commission and Risk Matrix
- Audit, Performance and Risk Committee Charter; and
- Legal Aid Business Continuity Plan.

Internal Audit Arrangements

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 2021-22.

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 has documents published through the ACT Open Access portal. 23 documents in total are published.

There were nil requests for information under the FOI Act. There were 0 requests to update personal information held by the Commission.

All references to sections under this heading refer to the *Freedom of Information Act 2016*.

FOI APPLICATIONS RECEIVED AND DECISION TYPE

FOI APPLICATIONS RECEIVED AND DECISION TYPE	
Number of access applications received	Nil
Number of applications where access to all information requested was given	N/A
Number of applications where access to only some of the information requested was given (partial release)	N/A
Number of applications where access to information was refused	N/A

FOI PROCESSING TIMEFRAME

FOI PROCESSING TIMEFRAME	
Total applications decided within the time to decide under s 40	N/A
Applications not decided within the time to decide under section 40	N/A
Number of days taken to decide over the time to decide in s 40 for each application	N/A

REVIEWS

REVIEWS	
Number of applications made to ombudsman under s 74 and the results of the application (e.g. affirmed, varied, set aside and substituted, withdrawn, other)	Nil
Number of applications made to ACAT under s 84 and the results of the application (e.g. affirmed, varied, set aside and substituted, withdrawn, other)	Nil

FEES

FEES	
Total charges and application fees collected from access applications	Nil

Community Engagement and Support

Community Legal Education (CLE) is the provision of information and education to members of the community to build legal capacity and enhance the understanding of legal rights, especially amongst vulnerable and disadvantaged people.

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 targeting 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.

COMMUNITY ENGAGEMENT ACTIVITY	DESCRIPTION
<i>Law for non-lawyers</i>	A series of training sessions aimed at the community sector. They cover a wide range of topics, such as: Family Law; Family Violence; Migration; Youth Law; Tenancy Law; Criminal Law; Social Security Law and Employment Law.
<i>Free-legal information sessions</i>	<p>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 regular DUI information sessions for people that have been charged with drug driving or drink driving offences.</p> <p>We also deliver CLE regularly on a live radio show on 2XX Radio. These topics have included Youth Law; Elder Abuse; Tenancy Law; Migration; the Colleges Program; Criminal law and more.</p>
<i>Elder Abuse</i>	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.

	<p>We also launched the 2022 OPALS Diary to spread awareness about legal and social issues that commonly affect older people in the ACT including scams and elder abuse, and referral information for accessing free legal and non-legal services.</p>
<i>Outreach</i>	<p>We provided legal assistance to people in the Adult Mental Health Unit at Canberra Hospital, the Alexander Maconochie Centre, Canberra Colleges, Bimberi Youth Justice Centre, Ted Noffs Program for Adolescent Life Management, Communities at Work, the Salvation Army, Yeddung Mura Aboriginal Corporation, Ainslie Village, Oaks Estate 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, young people, people at risk of incarceration and older people.</p> <p>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 participation in several community days at schools and higher education providers.</p> <p>We also undertook regular outreach programs to the Muslim community in the ACT, visiting different mosques to provide information about the services that the Commission can provide.</p>
<i>Refugee and Migration Law</i>	<p>We worked collaboratively with NAVITAS, the Red Cross and the Migrant and Refugee Settlement Service to deliver a number of presentations on a range of topics including family violence, family law and an introduction to the Australian Legal System. In 2022, we also arranged information sessions for Afghan evacuees with the help of Humanitarian Settlement Providers in the ACT. During this period, we assisted caseworkers from external agencies in understanding the different aspects of the legal procedures applicable to their clients.</p>
<i>Inter-Agency collaboration</i>	<p>Networking is an important component of the work we do at the Commission. We attended the following network meetings: the ACT Legal Assistance Forum, CLE network, National Legal Aid CLE Group, Humanitarian Settlement Network, Refugee & Asylum Seekers Humanitarian Coordination Committee, and the Family Law Pathways Network.</p>
<i>CLE Resources</i>	<p>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</p>

	<p>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.</p> <p>Resources continued to be delivered in a multimodal format to promote engagement with the information by our diverse community including online animations, infographics, social media content on Instagram and Facebook, factsheets, brochures, self-help kits and audio-visual resources including recorded interviews with solicitors answering FAQ about various topics.</p>
--	--

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

CASE STUDY – ACT COLLEGES PROJECT

Case Study 1 – A step closer towards reflecting gender identity

A student sought advice from the Legal Liaison Officer ('LLO') about changing their name and sex recorded on their birth certificate to better reflect their gender identity. The student was supported by a college well-being staff member.

The LLO was able to explain the recent changes to the Birth Deaths and Marriages legislation that allow young people to change their details without parental permission and advise the young person on what steps and identification/medical documentation was needed to successfully lodge the application.

The LLO also contacted Access Canberra on behalf of the young person to confirm required documentation and costs associated with an application of this nature, and relayed that information to the students and their support worker.

Case Study 2 - When bail conditions threaten your education

A student was referred to the LLO by a school wellbeing staff member. The student was supported through the legal appointment by their legal guardian. The students needed help because they were subject to bail conditions which were unsuitable and prohibited them from taking the school bus to and from college, due to the proximity of the bus stop to a prohibited place. This made it difficult for the young person to attend college without breaching their bail conditions and risking arrest.

The LLO advised the young person and their guardian about the process of applying to vary bail conditions to make the conditions compatible with the students' school transport needs.

The LLO also advised the young person of the risk of arrest under criminal law should they be found to have breached their bail conditions, urging the young person not to take the school bus until their bail conditions are varies.

The LLO then referred the young person to the Legal Aid criminal law duty solicitor for children's court, for urgent assistance with varying her bail conditions in the ACT Children's Court.

Aboriginal and Torres Strait Islander Reporting

The Commission maintains a strong commitment to the Aboriginal and Torres Strait Islander (ATSI) Community within the ACT, and to members of that broader community who come to the ACT. In 2021-22, 568 ATSI people received a grant of legal assistance, legal advice, or duty lawyer services, which is a 7.8% increase on the 2020-21 levels. Recent years have seen an increase in ATSI clients, likely due to the increase in capacity created by the appointment of a full-time liaison and support officer in 2017, as well as a heightened staff awareness of how to tailor service delivery to the particular needs of ATSI people in the ACT. There is a tremendous need in the ATSI community for legal assistance services.

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

CASE STUDY

The power of building rapport and trust in providing better and culturally appropriate services to Aboriginal and Torres Islander clients

Legal Aid ACT's Aboriginal and Torres Strait Islander Client Support Officer received a referral from ACT Corrective Services for Katie (pseudonym), who identifies as Aboriginal and/or Torres Strait Islander. Katie is a mother of a newborn who risks incarceration for failing to complete her corrective service's hours at the Salvation Army. Katie is unable to attend the Salvation Army because she cannot afford to pay childcare and, therefore, needs to remain at home to take care of her child.

The Officer helps her dealing with Centrelink, Katie receives backdated payment for the days her child attended childcare and set up the childcare subsidy correctly for the child's future.

The Officer was able to build rapport and trust, which was vital as Katie felt understood and comfortable enough to disclose her other legal issues. She had been a victim of family violence and had applied for a family violence order against her former partner. The Magistrates Court had been unable to find the respondent and serve them with the order. This created anxiety and fear for Katie and her child's safety.

The Officer was able to organise legal support from one of Legal Aid ACT's lawyers and get the court to serve the order to the respondent, who had been in prison. A final family violence order was granted.

Katie also opened up about another legal problem in relation to her older children, currently in the custody of their grandmother. While not ready to proceed legally, Katie was advised by a lawyer and informed about her options, which she deeply appreciated.

Had it not been for the support received by the Aboriginal and Torres Strait Islander Client Support Officer, Katie would have breached her community correction order and risked imprisonment, she would have not sorted her family violence matter and would be in the dark in relation to her available avenues to gain her other children's custody back.

Through communication and building strong relationships in the community, Legal Aid ACT was able to help one of the most vulnerable women in the community overcoming the obstacles that risked compromising her freedom and her family's wellbeing.

Work Health and Safety

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

COVID-19

The Commission undertook risk assessments and redesigned services to meet client need and the safety of staff. Some services remained office based while others were able to be managed either fully or partially from home, particularly during enforced lock downs.

Necessary changes occurred to the way we worked and socialised both with colleagues and personally. Safe work practices, hygiene stations and regular cleaning regimes became common practice and continued to remain in place throughout the reporting year

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

HEALTH AND SAFETY REPRESENTATIVES (HSR'S)

The Commission had three HSR's representing work groups across the Commission during the reporting period. The Work Health and Safety (WHS) Committee met quarterly to discuss and work through any emerging issues raised by staff or representative directly.

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:

- 65 staff (50%) voluntarily received the flu vaccination in April 2022
- there were two first aid officers
- there were five staff volunteering as fire wardens
- there were three Health and Safety Representative
- workplace safety responsibilities and reporting requirements formed part of the Commission's Induction Program

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

The Commission continues to offer psychological wellbeing checks through Psychsessions. This partnership provides an initial free one-hour consultation for staff bi-annually to undertake a voluntary health check or seek suitable supports for personal or workplace issues. The introduction of this partnership in 2019 was to identify with staff the need to undertake self-care at any time as opposed to when issues arise.

Debriefing sessions were introduced in-house for staff across the Commission during the reporting period. The Commission has entered a partnership with a debriefing service that attend the premises monthly to support work groups in managing and participating in regular debriefing sessions and strategies. Attendances for two days each month allows staff to access around their busy schedules and court commitments.

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.

TARGET 1 – REDUCE THE INCIDENCE RATE OF CLAIMS RESULTING IN ONE OR MORE WEEKS OFF WORK BY AT LEAST 30 PER CENT BY 2022

Financial Year	# new 5-day claims	Rate per 1000 employees	Target	ACTPS # new 5-day claims	Rate per 1000 employees	ACTPS Target
2021-22	0	0	0	0	0	0

TARGET 2 – REDUCE THE INCIDENCE RATE OF CLAIMS FOR MUSCULOSKELETAL DISORDERS (MSD) RESULTING IN ONE OR MORE WEEKS OFF WORK BY AT LEAST 30 PER CENT BY 2022

Financial Year	# new 5-day claims	Rate per 1000 employees	Target	ACTPS # new 5-day MSD claims	Rate per 1000 employees	ACTPS Target
2021-22	0	0	0	0	0	0

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 2021-2022*.

As of 30 June 2022, the Commission employed 130 staff of which there were 59 practising lawyers, including one Executive.

The HR priorities for the reporting period included:

- Enterprise Agreement negotiations and finalisation
- Work, Health and Safety responsibilities
 - Covid-19
 - supporting policies and risk assessments
 - people management
- Recruitment

The Commission reduced its internship placements over the reporting period due to the impacts of COVID lockdowns and the potential Health and Safety risks to staff. 27 students undertook individual internship placements with our legal practices during the reporting period.

Our Youth Law Program placements are separate to the above.

Workforce Profile

FTE & HEADCOUNT BY GENDER

	<i>Female</i>	<i>Male</i>	<i>Unspecified</i>	<i>Total</i>
Full Time Equivalent	83.4	31.1	1	115.5
Headcount	95	34	1	130
% of Workforce (headcount)	73.1	26.2	0.7	100

FTE AND HEADCOUNT BY DIVISION/BRANCH

<i>Branch/Division</i>	<i>FTE</i>	<i>Headcount</i>
General Practice	48.1	59
Client Services	8.4	9
Corporate Services	10	10
Executive <ul style="list-style-type: none"> Executive & Policy Cultural Liaison FDR 	13.8 (1) (8.8) (3)	14 (1) (9) (3)
Litigation Practice <ul style="list-style-type: none"> Criminal Family 	35.3 (22.2) (13.0)	38 (24) (14)
TOTAL	115.5	130

HEADCOUNT BY CLASSIFICATIONS AND GENDER

<i>Classification group</i>	<i>Female</i>	<i>Male</i>	<i>Unspecified *</i>	<i>Total *</i>
Executive	0	1		1
Senior Officers	2	3		5
Legal Officers	43	15		58
Administrative Service Officers	50	15	1	66
TOTAL	95	34	1	130

HEADCOUNT BY EMPLOYMENT CATEGORY AND GENDER

<i>Employment Category</i>	<i>Female</i>	<i>Male</i>	<i>Unspecified *</i>	<i>Total *</i>
Casual	2	0		2
Permanent Full-time	33	17		50
Permanent Part-time	6	0		6
Temporary Full-time	35	10	1	46
Temporary Part-time	19	7		26
TOTAL	95	34	1	130

HEADCOUNT BY DIVERSITY GROUP

	<i>Headcount</i>	<i>% of Total Staff</i>
Aboriginal and Torres Strait Islander	3	2.3
Culturally & Linguistically Diverse (CALD)	24	18.5
People with a disability	2	1.5

HEADCOUNT BY LENGTH OF SERVICE, AGE GROUP AND GENDER

<i>Length of Service (years)</i>	<i>Pre-Baby Boomers</i>		<i>Baby Boomers</i>		<i>Generation X</i>		<i>Generation Y</i>		<i>Generation Z</i>		<i>Total</i>	
	F	M	F	M	F	M	F	M	F	M	F	M
0-2			1	2	1		19	7	48	12	69	21
2-4					2		5	1	3	3	10	4
4-6				1	1		5	1	3		9	2
6-8						1	1				1	1
8-10				1		1	1				1	2
10-12						2						2
12-14					1	1					1	1
14 plus			2		2	1					4	1

Unspecified Gender = 1 (not included in table above)

<i>Generation</i>	<i>Birth years covered</i>	<i>Generation</i>	<i>Birth years covered</i>
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

<i>Classification Group</i>	<i>Recruited</i>	<i>Separated</i>
Executive	0	1
Senior Officers	1	0
Legal Officers	27	28
Administrative Service Officers	55	47
TOTAL	83	75

Workplace Relations

<i>DESCRIPTION</i>	<i>No. of Individual SEAs</i>	<i>No. of Group SEAs*</i>	<i>Total employees covered by Group SEAs**</i>	<i>TOTAL</i>
	<i>A</i>	<i>B</i>	<i>C</i>	<i>(A+C)</i>
<i>SEAs</i>				
Number of SEA's as at 30 June 2022	4			4
Number of SEA's entered into during period				
Number of SEA's terminated during period	1			1
The number of SEA's providing for privately plated vehicles as of 30 June 2022				
Number of SEAs for employees who have transferred from AWAs during period				

	<i>Classification Range</i>	<i>Remuneration as at 30 June 2022</i>
<i>Individual SEAs</i>	Legal 5 Senior Officer A Senior Officer B Legal 3	\$154,662 – 165,878 \$157,200 \$135,355 - \$152,376 \$103,405 - \$120,690
<i>AWAs (includes AWAs ceased during period)</i>	N/A	N/A

Contact – Human Resources Manager – (02) 6243 3426

Learning and Development

SPECIAL INITIATIVE REPORTING

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

Late in the reporting period the Commission moved from ACTGOV Learn to HRIMS Learning a new online training portal, managed by the ACT Government. The changes to the online training portal and available courses will result in the Commission reviewing its Development and Performance Plans and reviewing previously assigned mandatory training modules.

E-learning modules have been accessed more frequently by staff during work from home/lockdown and quarantine/isolation periods. Face to face courses recommenced in 2022.

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

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

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

- Respect Equity and Diversity Training
- Legal Ethics
- Disability Awareness
- Accidental Counsellor

Ecologically Sustainable Development

SUSTAINABLE DEVELOPMENT PERFORMANCE: CURRENT AND PREVIOUS FINANCIAL YEAR

<i>Indicator as at 30 June</i>	<i>Unit</i>	<i>Current FY</i>	<i>Previous FY</i>	<i>Percentage change</i>
<i>Stationary energy usage</i>				
Electricity use	Kilowatt hours	152,569	155,765	-2.05%
Natural gas use (non-transport)	Megajoules	0	0	0%
Diesel (non-transport)	Kilolitres	0	0	0%
<i>Transport fuel usage</i>				
Electric vehicles	Number	0	0	0%
Hybrid vehicles	Number	0	0	0%
Hydrogen vehicles	Number	0	0	0%
Total number of vehicles	Number	2	2	0%
Fuel use – Petrol	Kilolitres	0.3	0.4	-35%
Fuel use – Diesel	Kilolitres	0	0	0%
Fuel use – Liquid Petroleum Gas (LPG)	Kilolitres	0	0	0%
Fuel use – Compressed Natural Gas (CNG)	Gigajoules (Cm3)	0	0	0%
<i>Water usage</i>				
Water use	Kilolitres	n/a	n/a	n/a
<i>Resource efficiency and waste</i>				
Reams of paper purchased	Reams	0	2,800	-100%
Recycled content of paper purchased	Percentage	n/a	100	100%
Waste to landfill	Litres	11,480	13,342	-14%
Co-mingled material recycled	Litres	33,620	39,071	-14%
Paper & Cardboard recycled (incl. secure paper)	Litres	22,981	29,376	-22%
Organic material recycled	Litres	0	0	0%
<i>Greenhouse gas emissions</i>				
Emissions from natural gas use (non-transport)	Tonnes CO2-e	132.7	135.5	-2%
Emissions diesel use (non-transport)	Tonnes CO2-e			
Emissions from transport fuel use	Tonnes CO2-e	0.6	0.9	-35%
Emissions from refrigerants	Tonnes CO2-e			
Total emissions	Tonnes CO2-e	133.3	136.4	-2%

FINANCIAL MANAGEMENT REPORTING

2021-2022

Management Discussion and Analysis

Legal Aid Commission (ACT)

For the Year Ended 30 June 2022

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 2020-21 and 2021-22. The 2022-23 Budget and forward estimates are taken from the 2022-23 Budget Statements.

Overall in 2021-22 the Commission achieved an operating surplus of **\$2.058 million**. The main reason for this large surplus is due to recognising **\$0.979 million** in revenue for which the expenses won't occur until 2022-23 (i.e.. cash received but no expenditure incurred in 2021-22). This is in accordance with Revenue Recognition Accounting Standard AASB 1058.

The impact of this cash received will also mean 2022-23 will incur **\$0.979 million** in expenses without a matching income in that year.

Other areas contributing to this surplus are due to delays in accommodation fit out costs (to occur in 2022-23) and lower legal expenses than estimated.

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

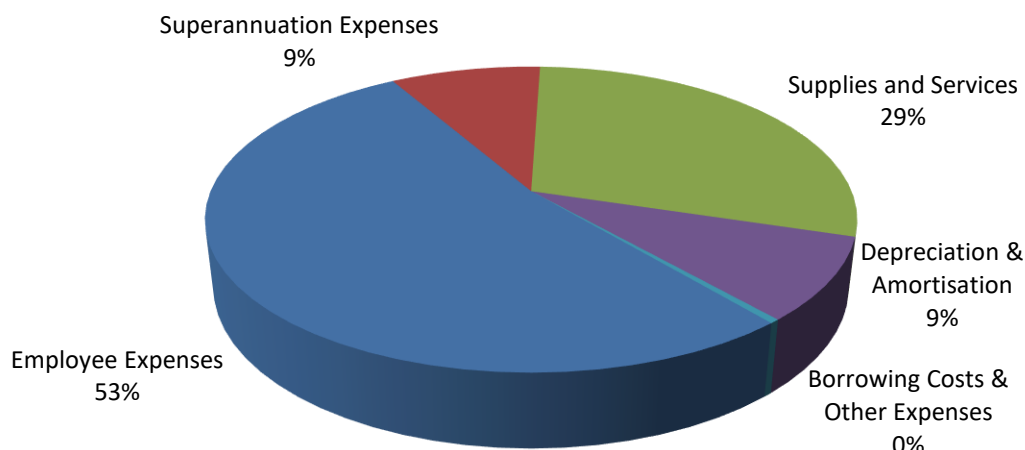
Total Expenses

1. Components of Expenses

Figure 1 below shows the components of the Commission's expenses for 2021-22 with the largest being Employee Expenses, representing **53 percent** of total expenses or **\$9.894 million**. This excludes superannuation, which comprises a further **9 percent** (**\$1.666 million**). Supplies and Services is **29 percent** of total expenses (**\$5.475 million**) and Depreciation is **9 percent** (**\$1.641 million**). Borrowing Costs & Other Expenses is **0.4 percent** of total expenses (**\$0.080 million**).

Management Discussion and Analysis
Legal Aid Commission (ACT)
For the Year Ended 30 June 2022

Figure 1 - Components of Expenses 2021-22



2. Comparison to Budget

Expenses

Total expenses of **\$18.756 million** was **\$0.995 million (5 percent)** lower than the 2021-22 Budget due to the following factors:

- Lower than budgeted Supplies and Services, mainly due to:
 - lower than budgeted Referrals to Private Legal Practitioners and Legal Disbursements (**\$1.184 million**) part of which was due to lower uptake in particular funded schemes than expected; and
 - delays in the fit out of the Commission's office accommodation because of the delays in the office lease negotiations (**\$0.500 million**).
- These are offset by:
 - Higher Employee Expenses (by **\$0.133 million**) as a result of hiring more staff for new initiatives from funding provided after the budget was determined; and
 - Higher IT costs than budgeted due to necessary improvements to the IT infrastructure (by **\$0.547 million**).

3. Comparison with 2020-21 Actual Expenses

Total expenses were **\$1.791 million (11 percent)** higher than the 2020-21 actual result due to:

- Higher employee and superannuation expenses of **\$1.051 million** resulting from the additional staff recruited for new and expanded projects in 2021-22;
- Higher Legal Disbursements (**\$0.112 million**); and
- Higher Computer Services (**\$0.601 million**) due to additional IT equipment purchases and improvements in 2021-22 to upgrade the Commission's IT infrastructure.

Management Discussion and Analysis

Legal Aid Commission (ACT)

For the Year Ended 30 June 2022

4. Future Trends

The information presented is based on the 2022-23 Budget Statements.

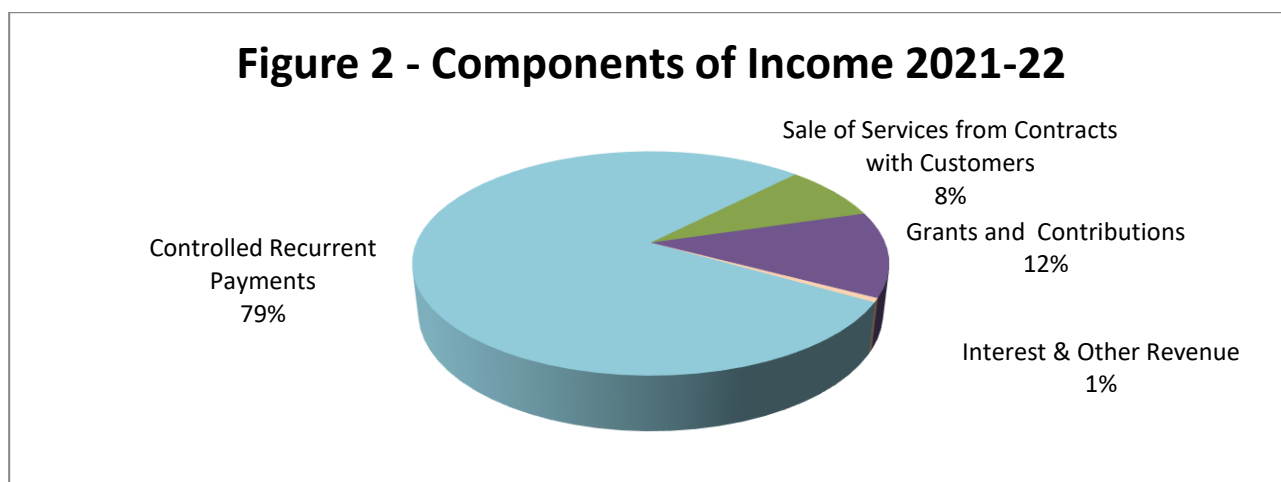
The latest Commission forecast for 2022-23 expenses is an increase of **\$2.454 million** (to **\$21.210 million**) over the 2021-22 levels. This is due to:

- Increases in employee expenses & superannuation (**\$1.788 million**) for additional staffing and new initiatives;
- Increases in legal expenses (**\$1.294 million**) for additional matters and new initiatives; and
- Additional accommodation expenses (**\$0.163 million**) for Legal Aid premises.
- These are offset by lower costs in Depreciation due to a lower building right-of-use asset from the office lease negotiations and lower leasehold improvement value (**\$0.411 million**) and ICT expenses due to the IT improvements completion (**\$0.497 million**).

Total Income

1. Components of Income

Figure 2 below shows that for the financial year ended 30 June 2022, the Commission received **79 percent (\$16.443 million)** of its total income of **\$20.814 million** from Controlled Recurrent Payments (this appropriation includes Commonwealth funding under the *National Legal Assistance Partnership*). The income from Sales of Services from Contracts with Customers is **\$1.685 million (8 percent)**, and Grants and Contributions was **\$2.564 million (12 percent)**. Interest & Other Revenue is **\$0.122 million (1 percent)**.



2. Comparison to Budget

Income

Total Income for the financial year ended 30 June 2022 of **\$20.814 million** was **\$1.030 million** higher than the 2021-22 Budget of **\$19.784 million** due to receiving additional income for specific legal projects after the original budget was determined.

3. Comparison to 2020-21 Actual Income

There was an increase in 2021-22 total income over 2020-21 actual income by **\$2.037 million (11 percent)**, with the major line item variations being an increase in the level of Controlled Recurrent Payments (\$2.035 million) mainly due to additional Budget initiatives in 2021-22.

Management Discussion and Analysis

Legal Aid Commission (ACT)

For the Year Ended 30 June 2022

4. Future Trends

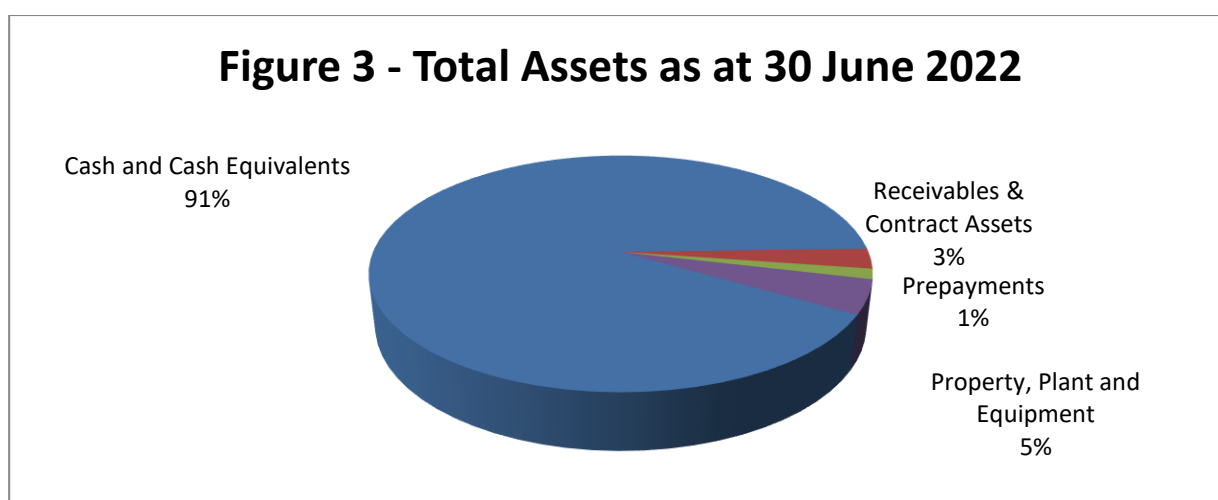
The latest Commission forecast for 2022-23 income is a decrease of **\$0.363 million** (to **\$20.451 million**) over the 2021-22 levels. As a result of the revenue recognition conditions of Accounting Standard AASB 1058, the Commission recognised additional **\$0.979 million** in revenue received in advance for three specific projects in 2021-22 with matching expenditure to occur in 2022-23. This is offset by additional funding associated with new or increased Commonwealth and ACT governments initiatives in 2022-23 and increases for indexation and superannuation.

Financial Position

Total Assets

1. Components of Total Assets

Figure 3 below shows that at 30 June 2022, the Commission held **91 percent** of its **\$12.803 million** of assets in Cash and Cash Equivalents and **5 percent** in Property, Plant and Equipment.



2. Comparison to Budget

The total asset position as at 30 June 2022 is **\$12.803 million** which exceeded the 2021-22 Budget of **\$10.243 million** by **\$2.560 million (25 percent)**. Cash and Cash Equivalents was the major reason for this increase.

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

- Retained funding received for specific projects that are yet to be spent, or yet to be completed (**\$1.463 million**), which comprises of \$0.979m relating to contract cash receipts recognised as grants revenue but not expended in 2021-22 and \$0.484m in contract liabilities;
- Delay in the office fit out for the Commission's accommodation that was budgeted for 2021-22 (**\$0.500 million**);
- Lower Referrals to Private Legal Practitioners and Legal Disbursements (**\$1.184 million**) due to the delays in uptake for specific contracts; and
- Offset by higher ICT expenses (**\$0.547 million**) in 2021-22 due to purchasing IT equipment and improvements to the IT infrastructure.

Management Discussion and Analysis

Legal Aid Commission (ACT)

For the Year Ended 30 June 2022

3. Comparison to 2020-21 Actuals

The Commission's total asset position at 30 June 2022 is **\$0.637 million (5 percent)** higher than the actual result of **\$12.166 million** at 30 June 2021. This is primarily from an increase in Cash and Cash Equivalents of **\$2.106 million** during 2021-22, due to:

- receiving additional revenue received in advance;
- no expense on the office fit out in 2021-22 due to delays in the accommodation contract negotiations;
- lower employee expenses relating to core operations due to staff turnover; and
- lower legal expenses.

This was offset by lower non-current Property, Plant and Equipment (**\$1.677 million**) which is due to the lower building right-of-use resulting from the expiration of the office building lease in September 2022.

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 2020-21 \$'000s	Current Year Budget 2021-22 \$'000s	Current Year Actual 2021-22 \$'000s	Forward Year Budget 2022-23 \$'000s	Forward Year Budget 2023-24 \$'000s	Forward Year Budget 2024-25 \$'000s
Current Assets	9,894	9,680	12,208	8,365	7,493	6,727
Current Liabilities	4,732	3,008	4,213	3,847	3,899	3,956
Current Ratio	2.09:1	3.22:1	2.90:1	2.17:1	1.92:1	1.70:1

Source of Forward Year Budgets: 2022-23 Budget Statements

The current ratio was **2.90:1** at 30 June 2022 which is lower than the budgeted current ratio of **3.22:1** mainly due to the make good provision becoming a current liability in 2021-22. The Commission expects the current ratio to decrease in 2022-23 with a further decline in forward years two and three as a result of the reduced cash levels being managed by the Commission. The actual and forecast current ratios are all very positive and suggest that the Commission will be able to pay its debts as and when they fall due.

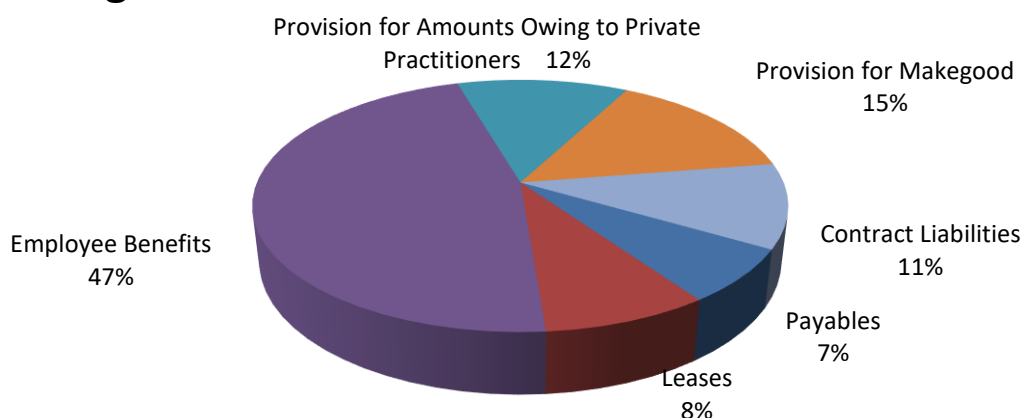
Total Liabilities

1. Components of Total Liabilities

Figure 4 below shows that at 30 June 2022, **47 percent** of the **\$4.471 million** liabilities of the Commission were represented by Employee Benefits, with, **15 percent** for Provision for Make Good, **11 percent** for Contract Liabilities and Leases comprising **8 percent**. Provision for Amounts Owing to Private Legal Practitioners is **12 percent** and Payables is **7 percent**.

Management Discussion and Analysis
Legal Aid Commission (ACT)
For the Year Ended 30 June 2022

Figure 4 - Total Liabilities as at 30 June 2022



2. Comparison to Budget

The Commission's total liabilities at 30 June 2022 of **\$4.471 million** exceeds the 2021-22 Budget of **\$3.934 million** by **\$0.537 million (14 percent)**. This is largely due to higher Contract Liabilities than budgeted (**\$0.451 million**) which is revenue received in advance for specific projects that have yet to be completed. The provision for Make Good is presented wholly to current liabilities in 2021-22 due to the impending expiration of the accommodation lease contract in September 2022.

3. Comparison to 2020-21 Actuals

Total liabilities at 30 June 2022 of **\$4.471 million** are **\$1.421 million (24 percent)** lower than the actual result at 30 June 2021 of **\$5.892 million**. This is mainly due to a decrease in lease liabilities (**\$1.280 million**) due to the impending cessation of the Commission's office accommodation lease expiring in September 2022, decrease in contract liabilities (**\$0.497 million**) due to a change in recognition of revenue on receipt for some contracts previously recognised under AASB 15, partially offset by slight increases in payables (**\$0.077 million**), employee benefits (**\$0.151 million**) and other provisions (**\$0.127 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 2022 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 2022, 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 September 2022

**Legal Aid Commission (ACT)
Financial Statements
For the Year Ended 30 June 2022**

Statement of Responsibility

In my opinion, the Commission's financial statements fairly reflect the financial operations for the year ended 30 June 2022 and the financial position on that date.



John Boersig
Chief Executive Officer
Legal Aid Commission (ACT)
20 September 2022

Legal Aid Commission (ACT)
Financial Statements
For the Year Ended 30 June 2022

Statement by the Chief Finance Officer

In my opinion, the Commission's financial statements have been prepared in accordance with the Australian Accounting Standards, are in agreement with its accounts and records and fairly reflect the financial operations for the year ended 30 June 2022 and the financial position on that date.



Brett Monger
Chief Finance Officer
Legal Aid Commission (ACT)
20 September 2022

Legal Aid Commission (ACT)
Content of the Financial Statements
For the Year Ended 30 June 2022

Financial Statements

Operating Statement

Balance Sheet

Statement of Changes in Equity

Statement of Cash Flows

Statement of Appropriation

Overview Notes

Note 1 Objectives of the Legal Aid Commission (ACT)

Note 2 Basis of Preparation of the Financial Statements

Note 3 Impact of Accounting Standards Issued But Yet to be Applied

Note 4 Changes in Accounting Policy

Income Notes

Note 5 Sales of Services from Contracts with Customers

Note 6 Grants and Contributions Revenue

Expense Notes

Note 7 Employee and Superannuation Expenses

Note 8 Supplies and Services

Asset Notes

Note 9 Cash and Cash Equivalents

Note 10 Receivables and Contract Assets

Note 11 Property, Plant and Equipment

Liability Notes

Note 12 Payables and Contract Liabilities

Note 13 Lease Liabilities

Note 14 Employee Benefits

Note 15 Other Provisions

Other Notes

Note 16 Financial Instruments

Note 17 Third Party Monies

Note 18 Related Party Disclosures

Note 19 Budgetary Reporting

Legal Aid Commission (ACT)
Operating Statement
For the Year Ended 30 June 2022

		Actual	Original	
	Note	2022	Budget	Actual
	No.	\$'000	2022	2021
			\$'000	\$'000
Income				
Controlled Recurrent Payments		16,443	16,443	14,408
Sales of Services from Contracts with Customers ¹	5	1,685	2,584	1,869
Grants and Contributions Revenue ¹	6	2,564	656	2,385
Interest Revenue		122	96	103
Other Revenue		-	5	12
Total Income		20,814	19,784	18,777
Expenses				
Employee Expenses	7	9,894	9,761	9,021
Superannuation Expenses	7	1,666	1,638	1,488
Supplies and Services	8	5,475	6,578	4,623
Depreciation		1,641	1,700	1,742
Borrowing Costs		34	44	58
Other Expenses		46	30	34
Total Expenses		18,756	19,751	16,965
Operating Result		2,058	33	1,812

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

¹As a result of the revenue recognition conditions of AASB 1058, the Commission is required to recognise revenue of \$0.979 million on receipt for three specific projects in 2021-22. The outcome of this is the 2021-22 operating result reflecting additional revenue (i.e., increase the surplus by \$0.979 million). The relevant expenditure is expected to be recognised in 2022-23. See Notes 5 and 6.

The income for 2021 Actual has also been adjusted to be consistent across years with a reclassification between Sales of Services from Contracts with Customers and Grants and Contributions Revenue. There is no impact on total income.

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.

Legal Aid Commission (ACT)

Balance Sheet

As at 30 June 2022

	Note No.	Actual 2022 \$'000	Original Budget 2022 \$'000	Actual 2021 \$'000
Current Assets				
Cash and Cash Equivalents ¹	9	11,676	9,408	9,570
Receivables	10	141	112	167
Contract Assets	10	211	-	2
Prepayments		180	160	155
Total Current Assets		12,208	9,680	9,894
Non-Current Assets				
Property, Plant and Equipment	11	595	563	2,272
Total Non-Current Assets		595	563	2,272
Total Assets		12,803	10,243	12,166
Current Liabilities				
Payables	12	309	190	232
Contract Liabilities	12	484	33	981
Lease Liabilities	13	341	363	1,292
Employee Benefits	14	1,869	1,989	1,807
Other Provisions	15	1,210	433	420
Total Current Liabilities		4,213	3,008	4,732
Non-current Liabilities				
Lease Liabilities	13	39	66	368
Employee Benefits	14	219	166	130
Other Provisions	15	-	694	663
Total Non-current Liabilities		258	926	1,160
Total Liabilities		4,471	3,934	5,892
Net Assets		8,332	6,309	6,274
Equity				
Accumulated Funds		8,332	6,309	6,274
Total Equity		8,332	6,309	6,274

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

¹Cash of \$0.979 million relating to revenue recorded in 2021-22 as required by AASB 1058 is expected to be spent on three specific projects in 2022-23. In accordance with Accounting Standards, there is no liability presented in the above table for these upcoming expenses. See Notes 5 and 6.

Legal Aid Commission (ACT)
Statement of Changes in Equity
For the Year Ended 30 June 2022

	Accumulated Funds Actual 2022 \$'000	Original Budget 2022 \$'000	Accumulated Funds Actual 2021 \$'000
Balance at 1 July	6,274	6,276	4,462
Comprehensive Income			
Operating Result	2,058	33	1,812
Total Comprehensive Income	2,058	33	1,812
Balance as at 30 June	8,332	6,309	6,274

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 2022

		Actual	Original	
	Note	2022	Budget	Actual
	No.	\$'000	\$'000	2021
				\$'000
Cash Flows from Operating Activities				
Receipts				
Controlled Recurrent Payments		16,443	16,443	14,408
Sales of Services from Contracts with Customers		979	1,604	2,247
Grants and Contributions Receipts		2,424	626	2,234
Goods and Services Tax Input Tax Credits from the Australian Taxation Office		436	400	269
Goods and Services Tax Collected from Customers		196	110	294
Interest Received and Other		122	100	115
Total Receipts from Operating Activities		20,600	19,283	19,567
Payments				
Employee		9,659	9,662	8,973
Superannuation		1,678	1,638	1,492
Supplies and Services		5,248	6,330	4,548
Goods and Services Tax Paid to Suppliers		627	510	558
Total Payments from Operating Activities		17,212	18,140	15,571
Net Cash Inflows from Operating Activities	9 (b)	3,388	1,143	3,996
Cash Flows from Investing Activities				
Payments				
Purchase of Property, Plant and Equipment		-	50	98
Total Payments from Investing Activities		-	50	98
Net Cash (Outflows) from Investing Activities		-	(50)	(98)
Payments				
Repayment of Lease Liabilities - Principal		1,282	1,255	1,235
Total Payments from Financing Activities		1,282	1,255	1,235
Net Cash (Outflows) from Financing Activities		(1,282)	(1,255)	(1,235)
Net Increase/(Decrease) in Cash and Cash Equivalents		2,106	(162)	2,662
Cash and Cash Equivalents at the Beginning of the Reporting Period		9,570	9,570	6,908
Cash and Cash Equivalents at the End of the Reporting Period	9 (a)	11,676	9,408	9,570

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

As a result of revenue recognition under the relevant accounting standards for 2022 Actual Receipts (Sales of Services from Contracts with Customers and Grants and Contributions Receipts), the 2021 Actual Receipts has been adjusted between these receipt items to be consistent across years. There is no impact on total Receipts.

Legal Aid Commission (ACT) Statement of Appropriation For the Year Ended 30 June 2022

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.

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.

Column Heading Explanations

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

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

	Original Budget 2022 \$'000	Total Appropriated 2022 \$'000	Appropriation Drawn 2022 \$'000	Appropriation Drawn 2021 \$'000
Controlled Recurrent Payments	16,443	16,443	16,443	14,408
Total Appropriation	16,443	16,443	16,443	14,408

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

The increase in Controlled Recurrent Payments is due to receiving funds for additional projects, indexation of base funding, and additional monies for other ongoing initiatives.

Legal Aid Commission (ACT)
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2022

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. The Commission's services are available to residents of the ACT and others who are involved in legal transactions or proceedings in the ACT.

NOTE 2. BASIS OF PREPARATION OF THE FINANCIAL STATEMENTS

Legislative Requirements

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 Act, requires the Commission's financial statements to include:

- (i) an Operating Statement for the year;
- (ii) a Balance Sheet at the end of the year;
- (iii) a Statement of Changes in Equity for the year;
- (iv) a Statement of Cash Flows for the year;
- (v) a Statement of Appropriation for the year;
- (vi) an Operating Statement for each class of output for the year;
- (vii) the material accounting policies adopted for the year; 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 year.

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 with the valuation policies applicable to the Commission during the reporting period.

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.

Legal Aid Commission (ACT)
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2022

NOTE 2. BASIS OF PREPARATION OF THE FINANCIAL STATEMENTS - CONTINUED

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.

Reporting Period

These financial statements state the financial performance, changes in equity and cash flows of the Commission for the year ended 30 June 2022 together with the financial position of the Commission as at 30 June 2022.

Comparative Figures

Budget Figures

To facilitate a comparison with the Budget Papers, as required by the FMA, budget information for 2021-22 has been presented in the financial statements. Budget numbers in the financial statements are the original budget numbers that appear in the Statement of Intent.

Prior Year Comparatives

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

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

Rounding

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

Going Concern

The 2021-22 financial statements have been prepared on a going concern basis as the Commission has been funded in the ACT Government 2022-23 Budget. The Budget Papers include forward estimates for the Commission.

COVID-19 Impact

The Commission has assessed the impact of the COVID-19 pandemic on its financial statements. Any variation due to COVID-19 is immaterial.

Legal Aid Commission (ACT)
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2022

NOTE 3. IMPACT OF ACCOUNTING STANDARDS ISSUED BUT YET TO BE APPLIED

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

These standards and interpretations are applicable to future reporting periods. The Commission does not intend to adopt these standards and interpretations early, with the exception of the change to AASB 101 resulting from AASB 2021-2 *Amendments to Australian Accounting Standards – Disclosure of Accounting Policies and Definition of Accounting Estimates*. For all other Australian Accounting Standards issued but yet to be applied, they will be adopted from their application date.

NOTE 4. CHANGES IN ACCOUNTING POLICY

Change in Accounting Policy

The Commission has early adopted changes to AASB 101 resulting from AASB 2021-2 *Amendments to Australian Accounting Standards – Disclosure of Accounting Policies and Definition of Accounting Estimates*. References are now to ‘material’ accounting policies rather than ‘significant’ accounting policies in these financial statements.

INCOME NOTES

Material Accounting Policies - Income Recognition

The following material accounting policies relate to each income note unless stated otherwise in the individual note.

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 material financing terms as there is an expectation of less than 12 months between receipt of funds and satisfaction of performance obligations.

Legal Aid Commission (ACT)
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2022

INCOME NOTES - CONTINUED

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 5. SALES OF SERVICES FROM CONTRACTS WITH CUSTOMERS

Description and Material Accounting Policies Relating to Sale of Services from Contracts with Customers

The Commission earns revenue through the provision of legal services to the residents of the ACT. The Commission recognises revenue when the Commission satisfies its performance obligation, either over time or at a point in time, depending on how the service is delivered. Any distinct goods or services are separately identified as a performance obligation and allocated a transaction price. Key judgement is used in determining and allocating the transaction price.

Key judgement is also used when determining the satisfaction of the performance obligation. The Commission recognises revenue when the good or service has been delivered and a corresponding expenditure has been incurred under each agreement. Expenditure for each agreement may be in the form of disbursements or employee salaries, or a combination of both. Disbursements are recorded in the accounting system as incurred and time spent by employees on each agreement are recorded based on allocation as confirmed with the program managers.

A material portion of the Commission's revenue from providing legal services is recognised over time using the input method based on time and costs incurred in providing these services. The Commission is often engaged to deliver services to the public over a period of time, with payment provided at the commencement of the contract. The legal services revenue is incrementally recognised as the service is delivered, which corresponds to the point when the benefit of the legal service is received.

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

The Commission usually receives payment for its contracts in the same year the delivery of performance obligations is expected to occur. This means the revenue is often fully recognised in the same year payment is received. Where there is a difference in the timing of the payment and delivery of the performance obligation, a receivable, contract asset or contract liability will be recognised.

	2022	2021
	\$'000	\$'000
Sales of Services from Contracts with Customers		
Legal services delivered over time ¹	1,678	1,851
Legal services delivered at a point in time	7	18
Total Sales of Services from Contracts with Customers	1,685	1,869

Legal Aid Commission (ACT)
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2022

NOTE 5. SALES OF SERVICES FROM CONTRACTS WITH CUSTOMERS - CONTINUED

¹As a result of revenue recognition under the relevant accounting standards for 2022 Actual (Sales of Services from Contract with Customers and Grants and Contributions Revenue), the 2021 Actual has been adjusted to be consistent across years. While there is no impact on total Income, \$0.548 million has been moved from 2021 Sales of Services from Contracts with Customers to 2021 Grants and Contributions Revenue.

NOTE 6. GRANTS AND CONTRIBUTIONS REVENUE

Description and Material Accounting Policies Relating to Grants and Contributions

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 materially less than fair value then the transaction is in the scope of AASB 1058 and revenue is recognised on receipt of the asset / services. Where services are received, the expense is recognised in the line item to which it relates.

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

Ongoing Specific Projects

The Commission entered into agreements for three specific projects which do not satisfy the “sufficiently specific” performance obligation criteria under AASB 15. The revenue for these agreements is recognised on receipt in accordance with AASB 1058. The projects cover multiple years.

The relevant matching expenditure on these projects is expected to occur in 2022-23.

While these specific project agreements are not contracts under AASB 15, the Commission consider these as enforceable agreements. The agreements require the Commission to only use these funds for the specific purpose and activities of the projects. Submission of regular progress reports and yearly financial acquittals are required. Further, unexpended funds are to be returned at the conclusion of these projects.

Other Grants and Contributions - Assisted Person Contributions

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

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

Assisted persons are required to pay a contribution towards the services that they receive. When a service is provided by the 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.

Legal Aid Commission (ACT)
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2022

NOTE 6. GRANTS AND CONTRIBUTIONS REVENUE – CONTINUED

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.

Other Grants and Contributions - Volunteer Services Received Free of Charge

The Commission had one volunteer in the financial year. The value of this volunteer's time is reliably measured by the Commission based on the equivalent salary band of someone with the same work experience. This is included in the Other Grants and Contributions Revenue line on the table below.

	2022	2021
	\$'000	\$'000
Grants and Contributions		
Grant from the ACT Law Society ¹	313	963
Grants for Specific Projects ²	1,938	548
Other Grants and Contributions ³	313	874
Total Grants and Contributions	2,564	2,385

¹The Commission received lower funds from the ACT Law Society in 2021-22 compared to 2020-21. The amount received from the ACT Law Society is based on interest generated on trust funds which are held in the ACT Law Society Statutory Interest Account.

²The Commission recognised income upon receipt for three specific projects funded by the Commonwealth totalling \$0.979 million in 2021-22 for which the Commission is yet to provide some of the services. The Commission will continue to deliver these projects and incur the related \$0.979 million of expenditure in 2022-23.

As a result of revenue recognition under AASB 1058 for 2022 (Sales of Services from Contract with Customers and Grants and Contributions Revenue), the 2021 comparative results have been adjusted to be consistent across years. While there is no impact on Total Income, \$0.548 million has been moved from 2021 Sales of Services from Contracts with Customers to 2021 Grants and Contributions Revenue.

³The decrease in this line item is due to receiving COVID-specific one-off funding in 2020-21 only, as well as receiving lower Assisted Person Contributions in 2021-22.

EXPENSE NOTES

NOTE 7. EMPLOYEE AND SUPERANNUATION EXPENSES

Description and Material Accounting Policies Relating to 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;
- long-term benefits, such as long service leave, annual leave, and superannuation; and
- termination benefits.

Legal Aid Commission (ACT)
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2022

NOTE 7. EMPLOYEE AND SUPERANNUATION EXPENSES - CONTINUED

On-costs include annual leave, long service leave, superannuation and other costs that are incurred when employees take annual leave and long service leave.

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.

	2022	2021
	\$'000	\$'000
Employee and Superannuation Expenses		
Wages and Salaries ¹	9,469	8,726
Annual Leave Expense	244	135
Long Service Leave Expense	60	77
Commissioners' Remuneration	27	26
Workers' Compensation Insurance Premium	94	55
Superannuation Contributions to the Territory Banking Account	453	382
Productivity Benefit	32	30
Superannuation to External Providers	1,181	1,075
Total Employee and Superannuation Expenses	11,560	10,508
 Split of Employee and Superannuation Expenses		
Total Employee Expenses ¹	9,894	9,021
Total Superannuation Expenses	1,666	1,488
Total Employee and Superannuation Expenses	11,560	10,508

¹The increase in 2021-22 is due to higher staff numbers resulting from new contracts entered into by the Commission to provide additional services.

Legal Aid Commission (ACT)
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2022

NOTE 8. SUPPLIES AND SERVICES

Description and Material Accounting Policies Relating to Supplies and Services

Insurance

In 2021-22 the Commission insured all its major risks through Allianz Australia Insurance Ltd, SURA Engineering Pty Ltd, Berkley Insurance Australia, 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*).

Legal Disbursements and Referrals to Private Legal Practitioners

The Commission's cases are categorised as either inhouse or 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 Disbursement expenditure on inhouse matters arise when external experts need to be engaged. Staff salaries for inhouse matters are included in Employee Expenses.

	2022	2021
	\$'000	\$'000
Supplies and Services		
Audit Fees ¹	68	60
Referrals to Private Legal Practitioners	2,655	2,653
Legal Disbursements	697	585
Transportation	27	36
Office Requisitions	78	107
Computer Services ²	1,191	590
Contractors and Consultants	103	90
Office Services	220	157
Other Supplies and Services	436	347
Total Supplies and Services	5,475	4,623

¹Audit Fees relates to financial audit services provided by the ACT Audit Office to conduct the financial audit. No other services were provided by the ACT Audit Office.

²The increase in Computer Services is due to the IT upgrades and improvements in the Commission.

ASSET NOTES

Material Accounting Policies – Asset – 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.

Legal Aid Commission (ACT)
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2022

NOTE 9. CASH AND CASH EQUIVALENTS

Description and Material Accounting Policies Relating to Cash and Cash Equivalents

Cash equivalents are short-term, highly liquid investments that are readily convertible to known amounts of cash and which are subject to an immaterial risk of changes in value.

	2022	2021
	\$'000	\$'000
Cash and Cash Equivalents		
Cash at Bank ¹	11,676	9,570
Total Cash and Cash Equivalents	11,676	9,570

¹The increase in Cash at Bank is due to receiving higher cash for contracts and specific projects, and underspends in legal expenses.

	2022	2021
	\$'000	\$'000
(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.		
Total Cash and Cash Equivalents Recorded in the Balance Sheet	11,676	9,570
Cash and Cash Equivalents at the End of the Reporting Period as Recorded in the Statement of Cash Flows	11,676	9,570
(b) Reconciliation of the Operating Surplus to the Net Cash Inflows from Operating Activities		
Operating Result	2,057	1,812
Add Non-Cash Items		
Depreciation	1,641	1,742
Borrowing Costs	34	58
Cash Before Changes in Operating Assets and Liabilities	3,732	3,611
Changes in Operating Assets and Liabilities		
Decrease/(Increase) in Receivables	26	(5)
(Increase) in Contract Assets	(209)	(2)
(Increase)/Decrease in Prepayments	(25)	15
Increase/(Decrease) in Payables	77	(39)
(Decrease)/Increase in Contract Liabilities	(497)	378
Increase/(Decrease) in Employee Benefits	152	(42)
Increase in Provision for Amounts Owing to Private Legal Practitioners	132	81
Net Changes in Operating Assets and Liabilities	(344)	385
Net Cash Inflows from Operating Activities	3,388	3,996

Legal Aid Commission (ACT)
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2022

NOTE 9. CASH AND CASH EQUIVALENTS – CONTINUED

(c) Non-Cash Financing and Investing Activities

Acquisition of Assets by Means of a Lease

No assets were acquired by means of a lease during 2021-22.

	2021 \$'000	Cash Flows \$'000	Non-cash changes \$'000		2022 \$'000
			New Lease	Other	
Lease Liabilities	1,660	(1,282)	-	2	380

NOTE 10. RECEIVABLES AND CONTRACT ASSETS

Description and Material Accounting Policies Relating to Receivables and Contract Assets

Accounts receivables are measured at amortised cost, with any adjustments to the carrying amount recorded in the Operating Statement. The Commission's receivables are made up of GST receivables and Assisted Person Contributions.

Assisted Person Contributions

Assisted Person Contributions are levied at the time of granting legal assistance. Clients' standard initial contributions are one hundred and twenty dollars. These contributions are a condition of grant of legal assistance and can be reassessed at any stage during the grant including upon finalisation. These contributions are payable upfront. 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:

- an unbiased and probability-weighted amount that is determined by evaluating a range of possible outcomes;
- the time value of money; and
- 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.

Material Judgements and Estimates – Allowance for Expected Credit Loss for Receivables

The Commission applied the simplified approach under AASB 9, which uses a lifetime expected loss for all receivables. The Commission has established a provision matrix which is used to calculate the expected credit loss based on its historical credit loss experience, with forward looking factors specific to the debtors and the economic environment considered.

The Commission has made a material estimate in the calculation of the allowance for expected credit losses for receivables in the Financial Statements. The material 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

Legal Aid Commission (ACT)
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2022

NOTE 10. RECEIVABLES AND CONTRACT ASSETS - CONTINUED

financial years, general economic conditions and an assessment of both the current and forecast direction of conditions at the reporting date.

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

The loss rate calculation reflects historical observed client contribution default rates calculated using credit losses experienced on past client contribution transactions during the last three years preceding 30 June 2022. The Net GST Receivable is excluded from the loss rate calculation.

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.

Contract Assets

When a performance obligation is satisfied by transferring a promised good to the customer before the customer pays consideration or before payment is due, the Commission presents the contract as a contract asset, unless the Commission's rights to that amount of consideration are unconditional, in which case a receivable is recognised.

There is no loss allowance for the other receivables, contract assets and Net GST receivables of the Commission. These balances relate to transactions with Government and Government-related entities. As such, the Commission expects to fully collect the receivables from these entities in 2022-23.

	2022	2021
	\$'000	\$'000
Receivables and Contract Assets		
<i>Current Receivables</i>		
Assisted Person Contributions and Recovered Costs Receivable	41	99
Less: Expected Credit Loss Allowance	(18)	(36)
	23	63
Other Receivables	19	-
Work Performed on Contracts with Customers ¹	211	2
Net GST Receivable	99	104
Total Receivables	352	169

Legal Aid Commission (ACT)
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2022

NOTE 10. RECEIVABLES AND CONTRACT ASSETS - CONTINUED

	2022	2021
	\$'000	\$'000
Split of Receivables and Contract Assets		
Current Receivables	141	167
Current Contract Assets ¹	211	2
Total Receivables and Contract Assets	352	169

	2022	2021
	\$'000	\$'000
Reconciliation of Contract Assets		
Opening Balance of Contract Assets	2	
Add: Additional Costs to be Recovered from Customers	920	2
Less: Contract Assets Transferred to Income	(711)	
Closing Balance of Contract Assets¹	211	2

¹The 2021-22 Contract Assets relates to services rendered by the Commission under two contracts where payments are yet to be received.

Ageing of Receivables

	Total	Not Overdue	Days Past Due			
			1-30 days	31-60 days	61-90 days	> 90 days
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
30 June 2022						
Expected credit loss rate		0.00%	29.79%	32.21%	34.45%	43.94%
Estimated total gross carrying amount at default	41	-	3	4	2	32
Expected credit loss allowance	(18)	-	(1)	(1)	(1)	(15)
30 June 2021						
Expected credit loss rate		0.00%	13.90%	30.49%	38.05%	40.42%
Estimated total gross carrying amount at default	99	-	14	5	4	76
Expected credit loss allowance	(36)	-	(2)	(2)	(1)	(31)

Reconciliation of the Loss Allowance

Accounts Receivable

Allowance for Impairment Losses at the Beginning of the Reporting Period	36	21
Additional Allowance Recognised During the Reporting Period	46	34
Reduction in Allowance from Amounts Written-off During the Reporting Period	(64)	(19)
Allowance for Impairment Losses at the End of the Reporting Period	18	36

The Commission's maximum exposure to credit risk is low.

Legal Aid Commission (ACT)
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2022

NOTE 11. PROPERTY, PLANT AND EQUIPMENT

Description and Material Accounting Policies Relating to 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 are acquired at no or minimal cost, cost is its fair value at the date of acquisition. Property, plant and equipment with an individual minimum value of \$5,000 is capitalised.

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

Measurement of Property, Plant and Equipment after Initial Recognition

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

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

- *Building Right-of-Use Asset* represents the Commission's leased building at 2 Allsop Street, Canberra.
- *Leasehold Improvements* represents capital expenditure incurred in relation to leased assets. The Commission has an office fit out.
- *Motor Vehicles* are the motor vehicles available to Commission staff for business use.
- *Office and Computer Equipment* includes personal computers, servers and network equipment, telephones, facsimile machines, and portable computing equipment.
- *Office Equipment Right-of-Use Asset* represents the Commission's leased multifunction devices purchased in 2020-21.
- *Furniture and Fittings* includes desks, chairs, workstations and other furniture.

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

Right-of-use assets are initially measured at cost where cost comprises the initial amount of the lease liability, initial direct costs, prepaid lease payments, estimated cost of removal and restoration less any lease incentives received. 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.

Depreciation and Useful Life

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

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

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

Legal Aid Commission (ACT)
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2022

NOTE 11. PROPERTY, PLANT AND EQUIPMENT – CONTINUED

Depreciation for non-current assets is determined as follows:

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

The Commission has made a material estimate in determining the useful lives of its Property, Plant and Equipment. The estimation of useful lives of Property, Plant and Equipment 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.

Legal Aid Commission (ACT)
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2022

NOTE 11. PROPERTY, PLANT AND EQUIPMENT – CONTINUED

Reconciliation of Property, Plant and Equipment 2021-22	Building Right-of- Use Asset \$'000	Leasehold Improvements \$'000	Motor Vehicles \$'000	Office and Computer Equipment \$'000	Office Equipment Right-of- Use Asset \$'000	Furniture and Fittings \$'000	Total \$'000
Carrying Amount at the Beginning of the Reporting Period	1,571	326	17	258	95	5	2,272
Additions	-	-	-	-	-	-	-
Depreciation	(1,252)	(256)	-	(107)	(26)	-	(1,641)
Other Movements	-	(36)	-	-	-	-	(36)
Carrying Amount at the End of the Reporting Period	319	34	17	151	69	5	595

Carrying Amount at the End of the Reporting Period is represented by:

Gross Book Value	4,069	2,723	24	1,222	105	525	8,668
Accumulated Depreciation	(3,750)	(2,689)	(7)	(1,071)	(36)	(520)	(8,073)
Carrying Amount at the End of the Reporting Period	319	34	17	151	69	5	595

The Building Right-of-Use Asset carrying amount in 2021-22 is significantly less than the 2020-21 balance due to the building lease contract ending in September 2022.

Legal Aid Commission (ACT)
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2022

NOTE 11. PROPERTY, PLANT AND EQUIPMENT – CONTINUED

Reconciliation of Property, Plant and Equipment 2020-21	Building Right-of- Use Asset \$'000	Leasehold Improvements \$'000	Motor Vehicles \$'000	Office and Computer Equipment \$'000	Office Equipment Right-of- Use Asset \$'000	Furniture and Fittings \$'000	Total \$'000
Carrying Amount at the Beginning of the Reporting Period	2,810	603	17	384	-	36	3,850
Additions	-	-	-	99	105	-	204
Depreciation	(1,249)	(227)	-	(225)	(10)	(31)	(1,742)
Other Movements	10	(50)	-	-	-	-	(40)
Carrying Amount at the End of the Reporting Period	1,571	326	17	258	95	5	2,272

Carrying Amount at the End of the Reporting Period is represented by:

Gross Book Value	4,069	2,759	24	1,222	105	525	8,704
Accumulated Depreciation	(2,498)	(2,433)	(7)	(964)	(10)	(520)	(6,432)
Carrying Amount at the End of the Reporting Period	1,571	326	17	258	95	5	2,272

Legal Aid Commission (ACT)
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2022

LIABILITY NOTES

Material Accounting Policies – Liability

Liabilities – Current and Non-Current

Liabilities are classified as current when they are expected 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 12 months after the reporting date. Liabilities which do not fall within the current classification are classified as non-current.

NOTE 12. PAYABLES AND CONTRACT LIABILITIES

Description and Material Accounting Policies Relating to Payables

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.

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 recognises a liability when approved legal services have been provided by private practitioners. A payable for private legal practitioners is recognised when an invoice is received from a solicitor for performing a legal service for approved clients.

A provision to estimate the cost of work performed by private practitioners but not invoiced as at the reporting date is recorded by the Commission in the Provision for Amounts Owing to Private Legal Practitioners (Note 15 - Other Provisions).

Contract Liabilities

Contract Liabilities relate to consideration received in advance from customers in respect of services. 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.

The performance delivery for these contracts depends on the progress of the individual cases classified under each contract.

Legal Aid Commission (ACT)
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2022

NOTE 12. PAYABLES AND CONTRACT LIABILITIES - CONTINUED

	2022	2021
	\$'000	\$'000
Current Payables and Contract Liabilities		
Trade Payables	122	24
Other Payables	9	1
Private Legal Practitioner Payables	17	16
Accrued Expenses	161	191
Amounts Received Related to Contract with Customers where Performance Obligation has not yet been Satisfied ¹	484	981
Total Current Payables and Contract Liabilities	793	1,213
Total Payables and Contract Liabilities	793	1,213

No payables are overdue.

Split of Payables and Contract Liabilities

Current Payables	309	232
Current Contract Liabilities ¹	484	981
Total Payables and Contract Liabilities	793	1,213

¹The decrease in contract liabilities is due to three ongoing specific projects not considered as contract liability in 2022 a result of the revenue now being recorded under AASB 1058. See Notes 5 and 6 for further details.

The Commission expects that 100% of the transaction price allocated to the unsatisfied performance obligations as of 30 June 2022 will be recognised as revenue during the next reporting period (\$0.484 million).

	2022	2021
	\$'000	\$'000
Revenue Recognised that was Included in the Contract Liability Balance at the Beginning of the Reporting Period	702	-
Transaction Price Allocated to Unsatisfied (or Partially Unsatisfied) Performance Obligations	484	981

NOTE 13. LEASE LIABILITIES

Commission as a Lessee

The Commission has operating leases for its office premises at 2 Allsop Street and office equipment (multifunctional devices). The building lease is set to expire in September 2022, while the office equipment lease will expire in 2024.

Terms and Conditions of Leases

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

Legal Aid Commission (ACT)
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2022

NOTE 13. LEASE LIABILITIES - CONTINUED

The Commission is currently in negotiations to enter a contract for its leased offices.

Description and Material Accounting Policies Relating to Lease Liabilities

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

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

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

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

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

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

Legal Aid Commission (ACT)
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2022

NOTE 13. LEASE LIABILITIES – CONTINUED

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.

	2022	2021
	\$'000	\$'000
Current Lease Liabilities		
Building	314	1,265
Office Equipment	27	27
Total Current Lease Liabilities	<u>341</u>	<u>1,292</u>
Non-Current Lease Liabilities		
Building	-	302
Office Equipment	39	66
Total Non-Current Lease Liabilities	<u>39</u>	<u>368</u>
Total Lease Liabilities	<u><u>380</u></u>	<u><u>1,660</u></u>

Reconciliation of Lease Liabilities	Buildings	Office	Total
	\$'000	Equipment	\$'000
	\$'000	\$'000	\$'000
Opening Balance as at 1 July 2021	1,567	93	1,660
Payments to Reduce the Principal of the Liability	(1,255)	(27)	(1,282)
Interest Expense	2	-	2
Balance as at 30 June 2022	<u>314</u>	<u>66</u>	<u>380</u>

Lease liabilities

The maturity analysis of lease liabilities at 30 June 2022 based on contractual undiscounted cash flows is shown in the table below.

	2022	2021
	\$'000	\$'000
< 1 year	341	1,292
1-5 years	39	368
Total undiscounted lease liabilities	<u>380</u>	<u>1,660</u>
Lease liabilities included in the Balance Sheet	<u><u>380</u></u>	<u><u>1,660</u></u>

Legal Aid Commission (ACT)
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2022

NOTE 14. EMPLOYEE BENEFITS

Description and Material Accounting Policies Relating to Employee Benefits

Accrued 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 2021-22, the rate used to estimate the present value of future payments are:

- annual leave payments is 101.8% (100.2% in 2020-21); and
- payments for long service leave is 95.3% (108.7% in 2020-21).

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 considered in estimating the provision for long service leave and applicable on-costs.

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 considered in estimating the liability for on-costs.

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

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

Material 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 material judgements and assumptions included in the estimation of annual and long service leave liabilities include an assessment by an actuary, as presented by the ACT Treasury for whole of government purposes. ACT Treasury organises an actuarial review to be undertaken by the Australian Government Actuary to estimate these factors. The latest estimate was undertaken in December 2021, with the next review expected to be undertaken by early 2025.

Legal Aid Commission (ACT)
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2022

NOTE 14. EMPLOYEE BENEFITS - CONTINUED

	2022	2021
	\$'000	\$'000
Current Employee Benefits		
Annual Leave	694	672
Long Service Leave	883	918
Accrued Salaries	292	216
Total Current Employee Benefits	1,869	1,807
Non-Current Employee Benefits		
Long Service Leave	219	130
Total Non-Current Employee Benefits	219	130
Total Employee Benefits	2,088	1,937
Estimate of When Leave is Payable		
Estimated Amount Payable within 12 Months		
Annual Leave	369	356
Long Service Leave	56	59
Accrued Salaries	292	216
Total Employee Benefits Payable within 12 months	717	631
Estimated Amount Payable after 12 Months		
Annual Leave	325	316
Long Service Leave	1,046	990
Total Employee Benefits Payable after 12 Months	1,371	1,306
Total Employee Benefits	2,088	1,937

NOTE 15. OTHER PROVISIONS

Description and Material Accounting Policies Relating to Other Provisions

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 expected to be 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 expected work will be paid once the Commission is invoiced. The provision is calculated by using historical data to determine the estimated amount of outstanding commitments that are yet to be invoiced, where work has been performed. Unpaid invoices from private legal practitioners received by the Commission that relate to work done up to 30 June 2022 is included in Note 12 *Payables and Contract Liabilities*.

Provision for Make Good

The Commission has estimated the cost of returning the leased office premises occupied by the Commission to a similar condition to that which existed prior to occupancy. This cost will be borne on exiting the premises. An independent external property expert (mbmpl Pty Ltd) was engaged in July 2018 to assess the amount of the Provision for Make Good. The Provision for Make Good includes estimated costs for removing leasehold improvements and other rectification work.

Legal Aid Commission (ACT)
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2022

NOTE 15. OTHER PROVISIONS - CONTINUED

	2022	2021
	\$'000	\$'000
Other Provisions - Current		
Provision for Amounts Owing to Private Legal Practitioners	552	420
Provision for Make Good ¹	658	-
Total Other Provisions - Current	1,210	420
Other Provisions - Non-Current		
Provision for Make Good ¹	-	663
Total Other Provisions - Non-Current	-	663
Total Other Provisions	1,210	1,083

¹The Provision for Make Good has been presented only as a current provision in 2021-22 due to the office lease contract expiring in September 2022.

	Provision for:	
	Private Legal Practitioners	Make Good
	\$'000	\$'000
Reconciliation of Other Provisions - 2021-22		
Provision at the Beginning of the Reporting Period	420	663
Additional Provision Recognised	44	-
Adjustment for Amount Transferred to Accrued Expenses in Previous Period	114	-
Provision reversed during the Year due to Transfer to Accrued Expenses	(26)	-
Unwinding of discount or change in discount rate	-	32
(Decrease) in Provision due to Change in Bond Rate	-	(36)
Provision at the End of the Reporting Period	552	658

OTHER NOTES

NOTE 16. FINANCIAL INSTRUMENTS

Description and Material Accounting Policies Relating to Financial Instruments

Details of the material accounting 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 the note to which they relate. In addition to these policies, the following are also accounting policies relating to financial assets and liabilities.

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

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

Legal Aid Commission (ACT)
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2022

NOTE 16. FINANCIAL INSTRUMENTS - CONTINUED

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
Contract Assets	Held to collect	Yes	Amortised cost

Financial Liabilities are measured at amortised cost.

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 material portion of financial assets compared to financial liabilities are subject to floating interest rates. This means that the Commission is not materially 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 higher interest revenue in 2021-22 compared to 2020-21 due to a higher level of cash and slightly better interest rates. The 2021-22 interest rate was 1.06% compared to 1.00% in 2020-21.

The maximum exposure of the Commission to interest rate risk is the interest received on its Cash and Cash Equivalents. The details of Cash and Cash Equivalents at the end of the reporting period together with the weighted average interest rate paid during the reporting period are given in the tables provided later in this note. There have been no changes in risk exposure or processes for managing risk in 2021-22.

Sensitivity Analysis

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

Credit Risk

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

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

Legal Aid Commission (ACT)
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2022

NOTE 16. FINANCIAL INSTRUMENTS - CONTINUED

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 material changes in credit risk exposure since the last reporting period.

Trade receivables are always measured at lifetime expected credit losses (the simplified approach).

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 controlled recurrent payments received from the ACT Government under the agreement with the Commonwealth, fortnightly payments of appropriation from the ACT Government. The Commission regularly monitors its financial position to determine whether there are any material variances from the budget which may affect the Commission's ability to meet its emerging financial liabilities. Liquidity risk is managed by forecasting appropriation drawdown requirements to enable payment of anticipated obligations. As such, the Commission ensures it has a sufficient amount of current financial assets to meet its current financial liabilities.

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

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

Fair Value of Financial Assets and Liabilities

The carrying amount of financial assets and financial liabilities of the Commission approximate their fair value.

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 2022

NOTE 16. 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 2022. 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.

2022			Fixed Interest Maturing In:					
	Note No.	Weighted Average Interest Rate	Floating Interest Rate \$'000	1 Year or Less \$'000	Over 1 Year to 5 Years \$'000	Over 5 Years \$'000	Non-Interest Bearing \$'000	Total \$'000
Financial Assets								
Cash and Cash Equivalents ¹	9	1.06%	11,676	-	-	-	-	11,676
Receivables and Contract Assets ²	10		-	-	-	-	253	253
Total Financial Assets			11,676	-	-	-	253	11,929
Financial Liabilities								
Payables ²	12		-	-	-	-	309	309
Lease Liabilities	13	0.18%	-	341	39	-	-	380
Total Financial Liabilities			-	341	39	-	309	689
Net Financial Assets/(Liabilities)			11,676	(341)	(39)	-	(56)	11,241

¹The Commission holds \$335 petty cash on premises.

²In the table above Receivables and Payables exclude Net GST Receivables/Payables. As such, the Receivables included in the above table of \$0.253m are calculated by taking the Net GST Receivables of \$0.099m from Total Receivables of \$0.352m included in Note 10.

Legal Aid Commission (ACT)
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2022

NOTE 16. FINANCIAL INSTRUMENTS - CONTINUED

The following table sets out the Commission's maturity analysis for financial assets and liabilities as well as the exposure to interest rates, including the weighted average interest rates by maturity period as at 30 June 2021. 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.

2021				Fixed Interest Maturing In:				
	Note	Weighted	Floating				Non-	
	No.	Average	Interest	1 Year or	Over 1 Year	Over 5	Interest	Total
		Interest	Rate	Less	to 5 Years	Years	Bearing	
		Rate	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Financial Assets								
Cash and Cash Equivalents ¹	9	1.00%	9,570	-	-	-	-	9,570
Receivables and Contract Assets ²	10		-	-	-	-	65	65
Total Financial Assets			9,570	-	-	-	65	9,635
Financial Liabilities								
Payables ²	12		-	-	-	-	232	232
Lease Liabilities	13	0.18%	-	1,292	368	-	-	1,660
Total Financial Liabilities			-	1,292	368	-	232	1,892
Net Financial Assets/(Liabilities)			9,570	(1,292)	(368)	-	(167)	7,743

¹The Commission holds \$335 petty cash on premises.

²In the table above Receivables and Payables exclude Net GST Receivables/Payables. As such, the Receivables included in the above table of \$0.065m are calculated by taking the Net GST Receivables of \$0.104m from Total Receivables of \$0.169m included in Note 10.

Legal Aid Commission (ACT)
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2022

NOTE 17. THIRD PARTY MONIES

Description and Material Accounting Policies Relating to 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 Professional 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.

	2022	2021
	\$'000	\$'000
Third Party Monies		
Balance at the Beginning of the Reporting Period	19	313
Cash Receipts ¹	216	2,214
Cash Payments ¹	(219)	(2,508)
Balance at the End of the Reporting Period	16	19

¹ The Trust transactions in 2021-22 were of lower value and 70% fewer compared to the total number of transactions in 2020-21.

NOTE 18. RELATED PARTY DISCLOSURES

Description and Material Accounting Policies Relating to Related Party Disclosures

A related party is a person that controls or has material 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, when occupied, 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 2022.

Legal Aid Commission (ACT)
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2022

NOTE 18. RELATED PARTY DISCLOSURES - CONTINUED

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 2022.

Compensation by the Commission to KMP is set out below.

	2022	2021
	\$'000	\$'000
Short-term employee benefits	349	495
Post-employment benefits	92	114
Other long-term benefits	(25)	10
Total Compensation by the Commission to KMP¹	416	619

¹The decrease in Compensation by the Commission to KMP is due to not having a Deputy CEO in 2021-22.

B.2 Transactions with Key Management Personnel

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

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

The Commission has entered into transactions with other ACT Government entities in 2022 and 2021 consistent with day-to-day business operations provided under varying terms and conditions. Below is a summary of the material transactions with ACT Government Entities.

Revenue

- Appropriation (Statement of Appropriation) – The Commission received appropriation from the ACT Government which includes funding from both the Commonwealth Government and the ACT Government. The ACT Government-related component was \$10.430m in 2022 and \$9.209m in 2021.
- Sale of Services from Contracts with Customers (Note 5) – The Commission received \$1.100m in 2022 and \$1.624m in 2021 of revenue from ACT Government Entities for providing various legal services.

Expenses

- Employee and Superannuation Expenses (Note 7) – The Commission paid the ACT Insurance Authority \$0.094m in 2022 and \$0.055m in 2021 for insurance premiums. The Commission paid \$0.453m in 2021-22 and \$0.382m in 2020-21 as contribution for the PSS component of the superannuation expenses.
- Supplies and Services (Note 8) – The Commission paid the ACT Audit Office \$0.068m in 2022 and \$0.060m in 2021 for audit services. The Commission also received services free of charge from the ACT Government Solicitor of \$0.040m in 2022 and \$0.027m in 2021.

Legal Aid Commission (ACT)
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2022

NOTE 19. BUDGETARY REPORTING

Description and Material Accounting Policies Relating to Budgetary Reporting

Material Judgements and Estimates - Budgetary Reporting

Material judgements have been applied in determining what variances are considered as 'major variances'. Variances are considered major if both of the following criteria are met:

- The line item is a material line item: where either the line-item actual amount accounts for more than 10% of the relevant associated category (Income, Expenses, Assets, Liabilities 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 (-) 10% and \$500,000 of the budget for the financial statement line item.

Original Budget refers to the amounts presented to the Legislative Assembly in the original budgeted financial statements in respect of the reporting period Budget Statements. These amounts have not been adjusted to reflect supplementary appropriation or appropriation instruments.

	Actual 2021-22 \$'000	Original Budget 2021-22 \$'000	Variance \$'000	Variance %
--	-----------------------------	---	--------------------	---------------

Operating Statement Line Items

Sales of Services from Contracts with Customers	1,685	2,584	(899)	(35%)
---	-------	-------	-------	-------

Sales and Services from Contracts with Customers were below budget due to reclassifying three specific projects as Grants and Contributions revenue under AASB 1058. These projects were budgeted in 2021-22 as revenue under AASB 15.

Grants and Contributions Revenue	2,564	656	1,908	291%
----------------------------------	-------	-----	-------	------

Grants and Contributions Revenue were higher due to reclassifying revenue for three specific projects from Sales and Services from Contracts with Customers. Additional funds were received for the same specific projects with the Commonwealth after the budget was formulated, which further increased this variance.

Supplies and Services	5,475	6,578	(1,103)	(17%)
-----------------------	-------	-------	---------	-------

Supplies and Services were below the budget mainly due to lower than budgeted legal expenses. This is due to the delay in expenditure for some contracts where demand for these services is not expected to occur until 2022-23. In addition, there was also an underspend in general legal expenses.

Legal Aid Commission (ACT)
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2022

NOTE 19. BUDGETARY REPORTING – CONTINUED

	Actual 2021-22 \$'000	Original Budget 2021-22 \$'000	Variance \$'000	Variance %
--	-----------------------------	---	--------------------	---------------

Balance Sheet Line Items

Cash And Cash Equivalents	11,676	9,408	2,268	24%
---------------------------	--------	-------	-------	-----

Cash and Cash Equivalents were higher due to a high level of revenue received in advance where expenditure is now expected to occur in 2022-23. There was also a delay in expenditure for accommodation fit out costs resulting from the delays in the office lease contract negotiations.

Other Provisions - Current	1,210	433	777	179%
----------------------------	-------	-----	-----	------

Other Provisions – Current were higher due to the reclassification of the make good provision from non- current to current in 2021-22. The Commission's office lease is expiring in September 2022.

Other Provisions - Non-Current	-	694	(694)	(100%)
--------------------------------	---	-----	-------	--------

Other Provisions – Non-Current were lower due to the reclassification of the make good provision from non- current to current in 2021-22. The Commission's office lease is expiring in September 2022.

Statement of Changes in Equity Line Items

These line items are covered in other financial statements.

Statement of Cash Flows Line Items

Supplies and Services	5,248	6,330	(1,082)	(17%)
-----------------------	-------	-------	---------	-------

Supplies and Services payments were below the budget mainly due to lower legal expenses incurred in 2021- 22.

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 2022.

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 2022 are not in agreement with the Commission's records or do not fairly reflect, in all material respects, the performance of the Commission, in accordance with the *Financial Management Act 1996*.

Basis for conclusion

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

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

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

Commission's responsibilities for the statement of performance

The Chief Executive Officer of the Commission is responsible for:

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

Auditor-General's responsibilities

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

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

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

Limitations on the scope

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

This limited assurance engagement does not provide assurance on the:

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

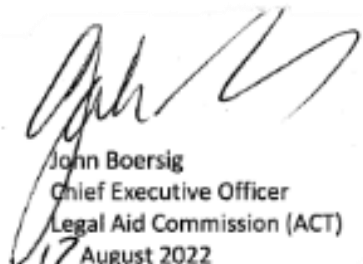


Ajay Sharma
Assistant Auditor-General, Financial Audit
22 September 2022

**Legal Aid Commission (ACT)
Statement of Performance
For the Year Ended 30 June 2022**

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 2022 and also fairly reflects the judgements exercised in preparing it.



John Boersig
Chief Executive Officer
Legal Aid Commission (ACT)
17 August 2022

Legal Aid Commission (ACT)
Statement of Performance
For the Year Ended 30 June 2022

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 the 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 bases of agreed scales, up to a commitment level determined by the Commission on an individual case basis.

	Original Target 2021-22	Actual Result 2021-22	% Variance from Original Target	Explanation of Material Variances (+/- 10% and greater than \$500,000)
Total Cost (\$'000)	19,751	18,756	(5%)	
Controlled Recurrent Payments (\$'000)	16,443	16,443	0%	
Accountability Indicators				
a. Number of Discrete Assistance services provided	47,150	43,120	(9%)	
b. Number of Duty Lawyer services provided	4,600	4,871	6%	
c. Number of Representation services provided	3,000	3,137	5%	
d. Number of Facilitated Resolution Process provided	440	418	(5%)	
e. Number of Community Legal Education services provided	550	335	(39%)	The number of community legal education services delivered in 2021-22 is lower than target as a result of the COVID-19 pandemic lockdowns in the ACT.

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

Legal Aid Commission (ACT)
Statement of Performance
For the Year Ended 30 June 2022

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 Payment measures were not examined by the ACT Audit Office in accordance with the *Financial Management (Statement of Performance Scrutiny) Guidelines 2019*.

Explanation of Accountability Indicators

- a. *Number of Discrete Assistance services provided:* This indicator collates the number of information, referrals, non-legal support, legal advice and legal task services delivered through several channels including the Helpline and Chat-lines. This indicator does not include website page views.
- b. *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 are legal services provided at a court or tribunal to people who would otherwise be unrepresented in relation to an event or proceeding on that day. Duty lawyer services includes Criminal law, Domestic Violence, Mental Health, Family law, and Civil law duty services.
- c. *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.
- d. *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.
- e. *Number of Community Legal Education services provided:* This indicator collates the number of educational resources produced (e.g., booklets, pamphlets, self-help kits, website amendments, online sessions and information posts share via the Commission's Facebook page, etc) and the number of activities undertaken.

Capital Works

There were no new capital works undertaken during 2021-22.

Contact – Chief Finance Officer – (02) 6243 3445

Asset Management

Assets Managed

The Commission's property, plant and equipment assets are mainly comprised of Building Right-of-Use Asset, represents the Commission's leased building at 2 Allsop Street, an office fit-out for above leased building, Office Equipment Right-of-Use Asset that represents the Commission's leased multifunction devices, and furniture and equipment normally associated with a professional office such as computer equipment, desks and chairs. As shown in the Commission's financial statements the value of these assets at 30 June 2022 was \$0.595 million.

The Commission has no intangible assets at 30 June 2022.

There were no new assets added to Commission's asset register in 2021-22.

There was \$0.033 million spent on repairs and maintenance in 2021-22, of which \$0.029 million related to leasehold improvements and \$0.004 million related to office equipment.

Office Accommodation

The Commission had a headcount of 130 employees and around 15 additional placements at any one time in leased accommodation at 2 Allsop Street, Canberra during 2021-22. The placements consisted of staff from university students, student supervisors and volunteers. The total space occupied by all persons is approximately 1,300 m². The average space per person is approximately 9.0m². This figure includes all areas where administrative functions are performed and excludes interview rooms, family dispute resolution conferencing facilities and circulation areas.

Contact – Chief Finance Officer – (02) 6243 3445

Government Contracting

The Commission utilises the services of contractors to carry out its business operations. The Commission executed three contracts throughout 2021-22 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 2021-22 with an estimated value of \$25,000 or more.

Contract #	Contract Title	Procurement Methodology	Procurement Type	Exemption from Quotation and Threshold requirements	Contractor name	Contract amount (incl GST)	Execution Date	Expiry Date	Small to Medium Enterprise (SME)
3037	Online subscription to Australia Law reports and Lawyers practice manual	Single Select	Services (non-consultancy)	Yes	Thomson Reuters (Professional Australia Limited)	\$ 32,320.81 (Total value of this particular contract only)	7/8/2021 (Contract execution date may differ from contract commencement date)	6/8/2022	No
3038	TechnologyOne SaaS Fee	Single Select	Services (non-consultancy)	Yes	Technology One Limited	\$ 55,122.38 (Total value of this particular contract only)	27/3/2022 (Contract execution date may differ from contract commencement date)	26/3/2023	No
3039	Visualfiles User Licence Maintenance	Single Select	Services (non-consultancy)	Yes	Reed International Books Australia Pty Ltd T/A Lexis Nexis	\$ 79,967.75 (Total value of this particular contract only)	01/2/2022 (Contract execution date may differ from contract commencement date)	31/12/2022	No

WHOLE OF GOVERNMENT ANNUAL REPORTING

2021-2022

Commission's Whole of Government Annual Reporting Obligations

LEGISLATION	RELEVANT APPLICATION TO THE COMMISSION
<i>Emergencies Act 2004, Section 85</i>	<p><i>Bushfire Risk Management</i></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>
<i>Human Rights Act 2004 (HRA)</i>	<p><i>Human Rights Act</i></p> <p>The Commission endeavours to comply with this Act when undertaking its functions and services to the ACT community and its surroundings.</p>
<i>Law Officers Act 2011</i>	<p><i>Legal Services Direction</i></p> <p>The Commission does not perform any Territory legal work. There is no information to disclose under this section.</p>
<i>Territory Records Act 2002 (TRA)</i>	<p><i>Territory Records</i></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>

Approved Records Disposal Schedules by Name and Notifiable Instrument Number

<i>Record Disposal Schedule Name</i>	EFFECTIVE	YEAR & NO
Corporate Governance Records	9/1/2009	NI2009-10
Finance and Treasury Management Records	27/2/2017	NI2017-83
Government and Stakeholder Records	27/2/2017	NI2017-84
Human Resources Records	27/2/2017	NI2017-79
Information and Communications Technology Records	27/2/2017	NI2017-85
Procurement Records	9/10/2007	NI2007-312
Property Equipment and Fleet Records	27/2/2017	NI2017-86
Protection of Records relevant to the Royal Commission into Institutional Responses to Child Sexual Abuse	1/2/2013	NI2013-42
Public Sector Commissioner Records	25/7/2017	NI2017-396
Public Service Management Records	25/7/2017	NI2017-393
Records and Information Management Records	27/2/2017	NI2017-87
Solicitor and Legal Services Records	27/2/2017	NI2017-88
Strategy and Governance Records	27/2/2017	NI2017-89
Workplace Health and Safety Records	8/3/2011	NI2011-96

Contact – CEO – (02) 6243 3496

LIST OF ABBREVIATIONS AND ACRONYMS

ACAT	ACT Civil and Administrative Appeals Tribunal
ACT DPP	Australian Capital Territory Department of Public Prosecutions
ACT	Australian Capital Territory
ACTFLPN	Australian Capital Territory Family Law Pathways Network
ACTLAF	Australian Capital Territory Legal Assistance Forum
ADACAS	ACT Disability, Aged and Carer Advocacy Service
ALS	Aboriginal Legal Service
ANU	Australian National University
AWA	Australian Workplace Agreements
CALD	Culturally and Linguistically Diverse
CEO	Chief Executive Officer
CIT	Canberra Institute of Technology
CLC	Community Legal Centre
CLE	Community Legal Education
CLU	Community Liaison Unit
CPD	Continuing Professional Development
CYPS	Child and Youth Protection Services
DaPP	Development and Performance Plan
DCEO	Deputy Chief Executive Officer
DPP	Department of Public Prosecutions
FDR	Family Dispute Resolution
FOI	Freedom of Information
FTE	Full Time Equivalent
FVU	Family Violence Unit
HJP	Health Justice Partnership
ICT	Information and Communication Technology
IT	Information Technology
N/A	Not Available
NAIDOC	National Aboriginal and Islanders Day of Celebration
NLAP	National Legal Assistance Partnership 2020-2025
NSW	New South Wales
OPALS	Older Persons ACT Legal Service
SEA	Special Employment Arrangements
TAS	Tenancy Advice Service
U3A	University of the Third Age
UC	University of Canberra
WLC	Women's Legal Centre
YLC	Youth Law Centre
The Act	<i>Legal Aid Act 1977 (ACT)</i>
The Commission	The Legal Aid Commission (ACT)

Alphabetical Index

A

Aboriginal and Torres Strait Islander – 14, 16, 20, 27, 34, 36, 42, 46, 47, 48, 57, 62
Aboriginal Legal Service – 6, 9, 20
ACT Auditor-General – 48, 49, 50, 17, 111, 112
ACT Civil and Administrative Tribunal – 15, 40, 52
ACT Law Society – 8, 20, 21, 45, 58, 85
Attorney-General, ACT – 4, 20, 21, 22, 26
Attorney-General, Commonwealth – 7, 8, 9, 21
Australia Capital Territory Family Law Pathways Network – 21, 45, 54
Australian Capital Territory Legal Assistance Forum – 48, 54
Australian National University – 21, 45, 78
Australian Workplace Agreements – 63

C

Canberra Community Law – 20
Child and Youth Protection Services – 44
Commissioners – 7, 8, 9, 22, 23, 86
Community Legal Centres – 6, 20, 48
Community Legal Education – 5, 12, 16, 17, 21, 24, 25, 26, 27, 28, 29, 34, 35, 39, 40, 41, 48, 53, 54, 55, 64, 80, 114, 115
Community Liaison Unit – 16, 17, 19
Culturally and Linguistically Diverse – 27, 32, 42, 44, 46, 47, 48, 62

D

Development and Performance Plans – 48, 64
Duty Lawyer Services – 12, 15, 17, 20, 27, 28, 30, 32, 33, 34, 35, 39, 40, 41, 42, 51, 64, 80, 114, 115

E

Elder Abuse – 16, 26, 27, 47, 53, 54, 55
Environmental Defender's Office – 20

F

Facilitated Resolution Process Services – 15, 39, 41, 114, 115
Family Dispute Resolution – 21, 25, 41, 43, 61
Family Violence – 7, 15, 16, 17, 19, 25, 26, 27, 28, 30, 33, 36, 41, 43, 44, 45, 46, 47, 48, 53, 54, 57
Family Violence Unit – 17, 25, 48

H

Health Justice Partnership – 14, 17, 25, 27, 44, 45, 47

Helpline – 5, 13, 14, 17, 25, 26, 28, 29, 32, 40, 47, 115

J

Justice and Community Safety Directorate – 19

L

Legislative Assembly – 4, 48, 70, 109, 111

N

National Legal Assistance Partnership 2020-2025 – 11, 40, 42, 45, 46, 66

O

Older Persons ACT Legal Service – 16, 25, 54

Ombudsman, ACT – 48, 52

R

Representation Services – 15, 17, 39, 40, 114, 115

S

Students – 5, 21, 56, 60, 116

T

Tenancy Advice Service – 13, 14, 17, 25, 28, 45, 47

V

Volunteers – 5, 21, 116

W

Women's Legal Centre – 20

Y

Youth Law Centre – 14, 18, 21, 25, 45

www.legalaidACT.org.au

2 Allsop Street, Canberra City ACT 2601

Phone: (02) 6243 3411

Fax: (02) 6243 3435