



LEGAL AID COMMISSION OF TASMANIA

ANNUAL REPORT 2010 - 2011

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DIRECTOR'S REPORT

At a time when revenue is relatively fixed, and costs are increasing, organisations like Legal Aid Commissions have to constantly juggle the volume and mix of services they are able to provide. Of course, we constantly seek to improve our internal efficiency and to decrease our overhead costs but if you have been regularly active in that area over a lengthy period of time, each subsequent saving becomes harder to find and potentially smaller in scope.

2010/2011 was a year which matched this template. As a consequence, the Commission spent a considerable time in the course of the year looking at its ongoing expenditure levels, its budget structure and the levels of service it felt able to provide.

The Commission is required by s.42 of the Legal Aid Commission Act 1990 to operate in accordance with estimates of expenditure approved by the Attorney General. In our budget for the year, the budgeted deficit on the State side was \$306,040. This figure was 45% less than the budget deficit limit for the State side of \$552,000 previously set by the Attorney General.

Commission reserves were sufficient to provide for a budgeted deficit of this level, not only in 2010/2011, but if necessary for several more years.

The Commonwealth side budgeted deficit was \$432,698. That was a

deliberately high figure, because the Commonwealth had given the Commission some additional money at the end of the previous financial year, which, of course, could not be shown in 2010/2011 revenue. But the level of Commonwealth reserves was still precarious and Commonwealth expenditure would have to be very carefully monitored and if necessary constrained.

In July, the Commission reviewed its priorities for making grants of legal assistance.

With respect to funding Commonwealth matters, the Commission would not fund:

- family law property disputes;
- applicants for paternity/DNA testing for either aid or disbursements; and
- applicants who have used violence against the other party, where the violence is independently verifiable (by conviction, a Family Violence Order or admission).

and the Commission would give a low priority to funding:

- a parent in jail who requests access to their child/ren;
- relocation applications, either seeking or opposing (particularly where the relocation is within Tasmania);
- applicants who wish to defend actions for recovery orders;
- applications from grandparents;
- applications where a party is seeking a family court order to confirm a status quo, or where there is no immediate and genuine dispute; and
- applications to amend the amount of time children spend with the non-residential parent.

The Commission confirmed that it would give a higher priority to providing Family Dispute Resolution services than funding trials, and the Grants Manager was authorised to require legally aided parties to attend an FDR conference at any stage of a proceeding, and prior to aid being granted for trial. The Commission also confirmed that providing Independent Childrens Lawyers was a high priority, and whenever appropriate, it would insist on the costs of the ICL being met by the parties.

With respect to funding State matters, the Commission would not fund non-indictable drug matters.

In relation to traffic matters, the Commission would fund:

- indictable traffic offences, dangerous driving and reckless/negligent driving (subject to our other guidelines about merit and likelihood of serving a term of imprisonment);
- driving while disqualified, unlicensed driving, and exceeding .05 offences only if the applicant is facing a real danger of being imprisoned for the first time for any offence; and
- applicants who received a suspended sentence arising out of a conviction of driving whilst disqualified, unlicensed or exceeding .05, and are charged with matters that will activate that suspended sentence which would result in imprisonment for the first time for any offence.

In relation to Care and Protection proceedings, the Commission would fund applicants who are the parents of the child/ren the subject of the proposed care and protection order, save that where an ICL had been appointed, aid may be withdrawn if the representation of the parent would be unlikely to markedly assist in the determination of the matter.

These priorities were reconsidered in December. The Commission made some refinement to the Commonwealth side priorities by creating two levels within the low priority area previously set out. These were as follows.

(a) priorities

- relocation applications, either seeking or opposing (particularly where the relocation is within Tasmania);
- applications for paternity/DNA testing for either aid or disbursements;
- applications from grandparents;
- applications to amend the amount of time children spend with the non-residential parent;

(b) priorities

- a parent in gaol who requests access to their child/ren;
- applicants who wish to defend actions for recovery orders; and
- applications where a party is seeking a family court order to confirm a status quo, or where there is no immediate and genuine dispute.

At the end of the year, the Commission reconsidered its policy about refusing aid in Family Law matters to applicants who have used violence against the other party. The Commission undertook this review because of concerns that had been raised with it by the Family Law Practitioners Association, and by

individual lawyers. The Commission decided to amend its policy so that the Assignments Manager would have discretion to refuse aid in these circumstances, but would not be required to do so. The existence of a Police Family Violence Order would not of itself be sufficient reason for the exercise of the discretion.

As a result of the application of the Commission's priorities decisions, and careful watch on expenditure, the Commission finished the year in a much more favourable financial position. On the State side, our deficit was less than the budgeted deficit, and this has meant that the shrinkage in State side reserves was not as great as we had originally planned. On the Commonwealth side, we came in under budget in all categories of expenditure, which contributed to the repair of a reasonable balance of Commonwealth reserves.

As part of its budget conversation with the Attorney General early in the year, the Commission had given lengthy consideration to the question of appropriate levels of reserves. That consideration was assisted by some independent advice on appropriate levels of reserves obtained from the accounting firm, Wise Lord & Ferguson.

The Commission does identify within its accounts reserves for asset depreciation, and certain staff liabilities (essentially recreation and long service leave). The Commission decided that it should not hold reserves to match grants to private practitioners commitment, given that the level of commitment was a relatively stable amount, on a rolling month-to-month basis, and able to be met as commitment fell due within normal budgeted expenditure. The Commission devotes considerable attention to mechanisms for managing and controlling its levels of forward commitment so that the levels of consequent expenditure remain within budgetary parameters.

Given those two decisions, and given that the Commission is an organisation for the benefit of the Tasmanian community, it decided that it should not hold reserves greater than about two months worth of operating expenses. It set a figure of \$500,000 - \$600,000 as an appropriate level of reserves for each of the State and Commonwealth sides of the budget.

On matters financial, at the invitation of the Attorney General, the Commission made a bid for funds from the distribution of the excess in the Solicitor's Guarantee Fund. These are funds granted by the Attorney General whenever the level of money in the Fund reaches a suitable point above the mandated amount the Fund is required to constantly hold.

The Commission was successful in all bids. The bids included:

- the continuation of the Criminal Duty Lawyer in the Devonport office, who was appointed last year as a result of the additional Magistrate on North-West Coast;
- additional resources to support the Youth Justice Program in Hobart;
- the expansion of the Mental Health program;
- easing off on restrictions placed in granting aid for traffic and drug offences;
- expanding the program to subsidise private lawyers in remote areas.

We were particularly pleased to have been successful in our bid for \$300,000 to support four employment positions in private profession practices in the North-West and North-East of the State. We had bid on the basis that this would enable us to provide a state program supporting remoter area private sector legal employment alongside the Commonwealth program supporting such employment that the Commission was already running. We received quite significant positive response from members of the private profession to our call for expressions of interest in the program. At the request of the Attorney General, the process of choosing the successful applicants involved the Law Society.

Like the Commonwealth program, the State program provides a maximum subsidy of 50% of employment costs for a private sector practitioner up to an annual maximum of \$25,000. All the successful applicants were in the North-West.

This was the first year of operation of the new National Partnership Agreement (NPA) on legal aid funding, which was actually finalised between the Commonwealth and all the States and Territories very early in the year under report. I canvassed the details of this Agreement in our last Annual Report.

National Legal Aid had prepared a national template for reporting under the new Agreement. In the course of the year, directors of legal aid commissions had a number of discussions with Commonwealth representatives on refining and amplifying that template. At the same time, the Commonwealth had initiated a wide-ranging project to establish a common data set across the whole of the Commonwealth civil justice system, and a separate project to establish a common data set across the Commonwealth funded legal assistance sector. Because I am the Director within National Legal Aid who has national responsibility for the work done by the Grants and National

Statistics Working Group, I have been made the National Legal Aid representative on both these projects.

We spent time during this year preparing for the steps that we would take in order to satisfy our obligation under the NPA to increase our early intervention services by 30%. The Commonwealth had indicated during the year that its interpretation of the NPA was that only new activity in the areas of prevention and early intervention would be covered by clause 33 of the NPA. While it is our view that this is not quite what the clause states, that approach is consistent with the approach that was being taken by the Commission. In the course of the year, we prepared plans to increase our provision of these types of services, and we began the process of preparing the financial basis for the additional cost.

The Civil Disbursement Fund (CDF) Program continued during the year at quite high volume. Clearly those firms operating extensively in the personal injury and workers compensation areas have found the Program a useful tool in their work. Because of the process changes that the Commission made last year, we were able, in a practical sense, for the first time, to invite a northern practitioner to join our CDF Committee, and during the year we welcomed Leanne Topfer to that role. The Commission also further relaxed its approach to premiums, and particularly agreed to continue to approve applications for civil disbursement funding in MAIB matters, but if the Fund is repaid:

- within 3 months, no premium will be payable;
- between 3 - 6 months, a premium of 5% will be payable.
- after 6 months, the premium that has been set will be payable.

The Commission regards the CDF Program as a key component of its access to justice responsibility, and as one of its more successful initiatives.

It gives me enormous pleasure to report that in the Queen's Birthday Honours toward the end of the year under report, one of the Commission's most long-serving officers received an award for outstanding service.



In the Queen's Birthday Australian Honours list, Mr Byron Cross, the Assignments Manager at the Legal Aid Commission of Tasmania, was awarded the Public Service Medal. He was the only Tasmanian State Service officer to receive that honour in that list.

Mr Cross has been working for the Legal Aid Commission, and before that, the Australian Legal Aid Office, for just over 30 years. He started in the Burnie office of the ALAO in 1981, and is fondly remembered by people in the North-West of the State who were assisted by him. He stayed with the Burnie office when it became part of the Tasmanian Legal Aid Commission, and during his time there his practice was a general one, assisting people across all the areas of law dealt with by the Commission. In addition, he performed the assignments function for the Burnie office.

It was that activity that led to the then Director, Colin Brown, to invite Byron in 1995 to come to Hobart to run the State-wide assignments function when that activity was centralised. He has been the Commission's Assignments Manager ever since. When Colin died in July 1999, Byron was Acting Director until Norman Reaburn arrived at the end of January 2000.

His service to the Commission has been remarkable, both in the length of time, and the range of activity his positions have encompassed. But that was not the reason for him receiving the PSM, although it provides a fitting context into which that medal can be set.

The Legal Aid Commission of Tasmania commenced on-line electronic handling of all applications for grants of legal aid at the beginning of 2001. At that time, Byron became the only person working in the Commission making decisions on these applications.

Byron makes between 20,000 and 21,000 decisions a year. Grants officers in other Commissions commonly make less than 5,000.

For more than a decade, the electronic application operation overseen and managed by Byron was the only one in Australia. The next Commission moving to complete electronic legal aid grant applications was Victoria Legal Aid, and that commenced on April 15 this year.

National Legal Aid, an organisation comprising the Directors of all Australian Legal Aid Commissions, have a set of key performance indicators for the making of grants of legal aid.

The first three KPIs relate to the time taken to deal with applications and payments. The Tasmanian response is 100%, and Tasmania is the only Commission with a 100% response. That has been the case since 2001.

The first two KPIs involve a time span of five days. The third KPI involves a time span of 14 days. And the KPI is the percentage of tasks performed during that time span. If the time span for those three were 1 day, the Tasmanian response would still be 100%.

The impact of Byron's work becomes even more apparent at KPI five. That KPI measures the cost of performing the grant making function as a proportion of the total value of the aid granted. In 2009/2010, the Tasmanian response was below 4%. The closest other Australian Commission is more than twice that figure.

For the last decade, the Tasmanian figure for KPI five has been around 5%, with again no other Australian Commission coming closer than more than twice that figure.

The Commission came below 4% in 2009/2010 as a consequence of refinements made to our new system for making grants, with Byron having played a major part in developing and assessing those refinements.

He is now the most senior member of the national Grants Working Group, and his advice and assistance is regularly sought by Commissions across the country.

The Public Service Medal is intended to be granted to those public servants who have in some way performed their work above and beyond the normal call of duty. It is given to those who have done something particularly special in contributing to the common good. One of the potential advantages of working in smaller jurisdictions is the greater opportunity to be innovative. There is no doubt that Byron's contribution has allowed the Tasmanian

Commission to reach a standard unmatched anywhere else in the country.

Early in 2011 there was some fuss made in other parts of Australia about a service being run in Queensland. It had been running for three years and was widely described as unique. I suppose that that is the sort of thing that you have to put up with when you have just been quietly getting on with access to justice business for almost a decade, regarding it as just what you are here to do and not constantly thinking about blowing your own trumpet. The Queensland service provides assistance to self represented litigants in civil matters in Queensland's superior courts. The Legal Aid Commission of Tasmania began such a service in 2003.

Our service is conducted by a long-serving Community Education and Telephone Advice lawyer, Sarah Piggott. When we saw the material relating to the Queensland service, I invited her to provide a description of what she did to the Commission.

"I run a civil advice clinic and minor assistance program providing advice and limited assistance to unrepresented civil litigants. This could involve document preparation or review (letters and court pleadings), negotiation assistance, or coaching for various steps in a matter. I also provide specialist advice that isn't able to be answered on the telephone advice line or that may require some research.

I follow the NLA Best Practice Standards for Minor Assistance and Legal Information and Advice Services, in brief: providing assistance short of direct representation, enabling clients to progress resolution of their matter, identifying legal issues, maintaining professional practice standards in file management client confidentiality etc, not operating outside my sphere of expertise.

All clients are informed of the basic parameters of the assistance: I will not go to court and be your solicitor, I will not always be available, I can assist you to represent or help yourself, I can refer you elsewhere (legal or other services) if needed, I can help define your legal issues so that you can be more efficient and economical in obtaining further paid legal advice.

Clients are referred to me from: the Supreme Court, the Magistrates Court, clinic, the telephone advice service or other outside organisations.

Some matters are quite straight forward, others can be more complex. Procedurally, if the matter appears fairly straight forward, I will speak to the

client by telephone and provide assistance.

If the matter involves documentation or court proceedings, then I will make an appointment of one hour duration and speak to the client in more detail and ask them to bring all relevant documentation. I may go away, do some research to provide more specific advice or prepare documentation to progress the matter, and generally meet with the client again to explain that advice or documentation. Sometimes, I can prepare documentation whilst I am with the client. In other cases, I will give the client a time frame during which I can respond to a request or provide them with documentation, bearing in mind any court imposed time limits.

In other cases, the client may not be in the Hobart area and will send me documents. I either respond by email/letter or telephone. The response time and how much I can do for a client depends on the available time I have and workload, the complexity of the matter, the merit of an action or position, and my capacity to advise on a particular topic.

The service has evolved since its inception over 9 years ago from advice on process and procedure for Supreme Court civil litigants to one which encompasses most areas of civil law where minor assistance is required and the client would not normally be able to access such assistance. The service is not means tested. Where conflicts occur, the client is referred to a community legal service."

Once more it seems, Tasmania has been ahead of the game, and this time we didn't even notice, given that what we were doing seemed so obvious.

**NORMAN S REABURN
DIRECTOR**



OUR WORK

The Legal Aid Commission provides legal services to the Tasmanian community through grants of legal aid, free legal advice and minor assistance, duty solicitor services, and community education and information.

During the year the Commission received 6,176 applications for legal assistance. Of those, 3,777 were for criminal matters and 1,643 were for family matters - a decrease for both over the previous year, of 261 applications for criminal matters, and 321 for family matters. These differences were reflected in the figures for applications approved. For criminal law matters we approved 3,357 - 297 less than the previous year, and for family law matters, we approved 1,128 - 156 less than the previous year.

In applications for civil matters, we include applications for State civil matters, as well as Commonwealth ones, and we count applications for matters under the Children, Young Persons and their Families Act as civil matters. So the figures this year, in the civil category, are comparable with the figures for the last three years. For civil matters, we received 756 applications for legal assistance, 66 more than last year, and approved 656 - 109 more than last year.

For criminal matters, 51% (1,708) were dealt with by members of the private profession and 49% (1,649) by the in-house practice. For family law matters, 33% (369) went to the in-house practice, with 67% (759) going to the private profession. For civil matters, 65% (429) were dealt with by members of the private profession and 35% (227) by the in-house practice.

These figures cover our representation activity, based on grants of aid.

During the year, our FDR program conducted 342 conferences, 20 more than last year's number. We hold these conferences at locations across the State, using a mixture of in-house and private practitioner chairpersons. Our successful/partially successful rate was 88%. We consistently achieve a rate

of this order.

Our duty lawyer service operates in the Magistrates Courts. In-house practitioners attend the Court, and are available to give legal advice to people before they appear in Court, or to handle simple representation. Each instance is recorded as a duty lawyer session, and during the year our duty lawyers provided 3,197 sessions. This is a decrease from last year, when we did 4,068 sessions.

Our Family Law duty lawyer service, under the special program funded by the Commonwealth which began in March 2005, offers special but limited assistance to unrepresented litigants in the Family Court and the Federal Magistrates Court. During the year, we provided 104 duty lawyer services in Hobart, and 37 in Launceston/Devonport/Burnie, the three locations where those Courts sit.

In addition to representation and Court based duty lawyer sessions, our in-house lawyers provide free face-to-face legal advice to people who attend our clinic sessions. Clinics are held at least several times a week at each of our four offices. All legal advice is provided by professional legal staff who, in the course of giving advice, are able to look at any document the client produces, advise on the appropriate course of action, including how to make an application for legal aid, and provide minor assistance such as writing a letter. In addition to general advice services, our officers also offer expert advice in child support. During the year we saw 5,318 people and gave them face-to-face advice.

These numbers include our Supreme Court Advice Clinics in Hobart on civil matters. The scheme seeks to provide civil matter advice to clients who would not normally be eligible for Legal Aid. The service aims to provide advice on civil process and procedure, and in selected matters, legal advice on aspects of the issues involved. This year, we provided 371 sessions under this program.

We aim to ensure that all Tasmanians, no matter where they live and regardless of means, have ready access to legal information and advice through our statewide program of telephone advice.

For the cost of a local call any Tasmanian can access our service and obtain prompt legal advice or information from a lawyer. There were 21,589 calls dealt with by the service during 2010/2011 compared to 21,516 the previous year.

The presentation of seminars and workshops continues to be one of our most important activities in increasing community awareness about the law. Our outreach seminars and workshops have been delivered to a range of audiences such as students, migrant groups, workers and retirees, on varied topics such as employment law, negligence and family law. As part of an ongoing program, our community awareness activities have also been supplemented by specialised Child Support presentations. During the year the Commission provided 2,089 services through 106 workshops and seminars.

During the past year we have continued to make available a range of publications (pamphlets, posters and fact sheets) to increase public access to services. These publications are available on our internet site, and are producible on demand. The information areas of our web site had 307,812 page views during the year.



OUR PEOPLE

At the beginning of the year, we had advertised for Level 1 temporary fixed term family Law practitioner positions in the north and north-west. It was enormously gratifying to receive 20 applications for these positions. Whatever else was happening in other areas of legal employment in those regions, it was good to see so many young lawyers interested in working for the Legal Aid Commission. Anna Lydon joined us in Launceston, Sarah Tremayne in Devonport and Kate Milbourne in Hobart.

Later in the year, Abbey Guilbert joined the Family Law team in the north-west.

Tim Mills moved from our Devonport office to the Hobart office. He took the Level 2 position vacated by Patrick Dixon, and helped to fill the gap left by the departure of Rebecca Robertson.

Because we had two new level 1 practitioners operating in the Devonport office, we had been using Tim Mills as a Level 2 supervisor there, and his move to Hobart meant a formal restructure of the office and advertising for a replacement. Philippa Jones took up that position. Unfortunately the call of the Northern Territory proved too strong, and she left us a few months later.

Alaina Taplin, one of our Criminal Law secretaries, left to join the Police Force, and we moved Donna Davis to take her place. Donna was later appointed to a permanent Criminal Law practice secretary position.

We appointed a permanent Family Law secretary for Devonport, Renee Jackson, who started with us at the beginning of calendar year 2011. This position had been filled using agency staff for some years. Kristina Richards, a Criminal Law secretary from the Burnie office took 12 months leave without pay to trial a move to Hobart, so we seconded a secretary, Aysha Williams, from the Magistrates' Court to fill in for the 12 months.

Janelle Lucas was the successful applicant for a Family Law practice secretary position in the Hobart office, and Lisa Ripper was appointed to a

fixed term position as National Legal Aid Administrative Assistant.

Anna Norton left to join the Commonwealth Director of Public Prosecutions office in Hobart. When we advertised her position, we had more than 20 applications, so we were still a popular potential employer for young lawyers.

We advertised to fill the Conference Co-ordinator position permanently. Sue Smit, one of our Launceston Family Law practice secretaries, was the successful applicant.

Robyn Murfet, the afternoon receptionist in Launceston took 12 months leave without pay. This position will be filled on a temporary basis while she is away.

Yvonne Golder (in the south) and Sasha Wong (in the north) became our Mental Health service team.

Late in the year, we made Criminal Law practice appointments across the State. Kate Milbourne moved to our Hobart Criminal Law practice, and was joined there by Tamila Smith, making a welcome return to a position with us. Alex Mollard was re-appointed for a further term, and Jessica Brown took up a position in the Launceston office. We appointed Julia Ker to the Level 2 position in the Criminal Law practice in Devonport, and she arrived after the year had finished.

Byron Cross was awarded the Public Service Medal in the Queen's Birthday Honours list. This award is celebrated in the [Director's Report](#).



THE COMMISSION

The Commission is an independent statutory body established by the Legal Aid Commission Act 1990. It is principally funded by the State and Commonwealth Governments with other sources of income derived from the recovery of legal costs in successful cases, contributions from legally assisted clients and interest on invested moneys.

Legal services in the areas of criminal law, Commonwealth civil law and family law are provided by the Commission from its head office in Hobart and regional offices in Launceston, Devonport and Burnie. As at 30 June 2011, the Commission employed 30 lawyers in the Commission practice and it utilises the services of private legal practitioners to ensure that within the limits of funds available, no person is denied access to the law by reason of financial or social disadvantage.

Under Section 6 of the Legal Aid Commission Act 1990, the Commission's principal function is to provide legal aid in accordance with the Act. In the performance of this function, the Commission may:-

- Determine the matters in respect of which legal aid may be granted;
- Specify the criteria, including the imposition of a means test, to be applied in determining applications for legal aid;
- Establish and operate such local offices as are considered necessary;
- Publicise the services of the Commission;
- Determine the conditions subject to which legal aid may be granted and contributions paid;
- Liaise with professional bodies representing private practitioners;
- Provide agencies of the Commonwealth with statistical or other information;
- Make reports and recommendations to the Minister in relation to any reforms of the law considered desirable.

The Commission consists of 8 Commissioners appointed by the Minister in accordance with Section 5(1) of the Legal Aid Commission Act 1990. During

the 2010/2011 year, the Commission met on 8 occasions. Meetings of the Commission are usually held about every four to five weeks.

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MEMBERS OF THE COMMISSION

Peter Worrall

Chairperson of the Commission - re-appointed on 24 August 2008 for a term of three years.

Mr Worrall is in private practice in Hobart specialising in commercial law, estate planning, wills, probate and property. He is a graduate of the University of Melbourne and was admitted to the Supreme Court of Tasmania in 1978.

Mr Worrall's current pro-bono projects include work for the Alzheimer's Association, the Menzies Centre and Neighbourhood Watch.

Mr Worrall is a Member of the Business and Commercial Law Committee of the Law Society of Tasmania and a Fellow of the Australian Institute of Company Directors.

Norman Reaburn

Director of the Legal Aid Commission of Tasmania.

Mr Reaburn has been the Director since January 2000, returning to Tasmania after seventeen years at the Commonwealth Attorney-General's Department, eleven of them as Deputy Secretary.

He was the Chair of National Legal Aid from August 2002 until April 2004, and again from November 2008 until March 2010.

Before his appointment to the Department, he was a legal academic for nineteen years at the Universities of Monash, Tasmania and New South Wales.

He is a barrister of the Supreme Courts of New South Wales and Tasmania.

Tamara Jago SC

Staff Representative - re-appointed on 5 February 2010 for a term of three years.

Ms Jago is the Northern Criminal Practice Manager for the Legal Aid Commission.

She was admitted to practice in 1994 and spent the next 6 years in private practice working in the areas of criminal law and family law. In 2000, Ms Jago joined the Legal Aid Commission, and since then her practice has predominantly involved criminal trial and appellate work.

On 1 April 2010, Ms Jago was appointed Senior Counsel.

Ms Jago is also responsible for the management and professional development of the criminal lawyers employed in the Commission's Launceston, Devonport and Burnie offices.

Neil Readett

Representative of the Law Society of Tasmania - appointed on 23 March 2009 for a term of three years.

Mr Readett is a partner in the Hobart Law firm Clerk Walker. He was admitted to practice in 1984.

He is a past president of the Law Society of Tasmania and the Medico-Legal Society of Tasmania. He is a past chairman (and current member) of the Law Foundation of Tasmania.

Sandra Taglieri

Representative of the Law Society of Tasmania - appointed on 23 March 2009 for a term of three years.

Ms Taglieri has practised in Tasmania as a Barrister and Solicitor for 19 years, 14 as a partner at Hobart law firm Phillips Taglieri, primarily in civil litigation. She recently moved to the Bar.

Ms Taglieri has degrees in Economics and Law from the University of

Tasmania (1988) and was admitted to the Supreme Court of Tasmania in 1989. She speaks and writes fluent Italian. She is married and has two young boys.

She has served on a number of professional committees and organisations during her years of practice as a lawyer. She was State President of the Australian Lawyers Alliance (ALA), (formerly known as the Australian Plaintiff Lawyers Association). She is currently the ALA delegate to the Tasmanian WorkCover Board and a member of the Legislative Anomalies Review Committee and the Supreme Court of Tasmania, Case Management Committee. She was a trustee of the AWU Beaconsfield Miners Relief Trust.

Stephen Morrison

Representative of the Minister - appointed on 9 September 2009 for a term of three years.

Mr Morrison has been an employee in the Tasmanian Public Service for a period of 15 years. He is currently the Director Finance in the Department of Justice.

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

Yvette Cehtel

Representative of the Minister - appointed on 9 September 2009 for a term of three years.

Ms Cehtel is currently employed with the Tasmanian Aboriginal Centre in Launceston. She graduated from the University of Tasmania with a Bachelor of Laws in 1995 and was admitted to the Supreme Court of Tasmania in 2000.

Ms Cehtel brings a diverse range of legal experience to the Commission, having worked as a private practitioner with Douglas & Collins, Barristers & Solicitors, for the Crown Law Office in Wellington New Zealand and as Legal Adviser to the former Attorney General, Judy Jackson.

Ms Cehtel's diverse background and experience in government law, private

practice, international and treaty law, law reform activities, social justice and the rights of Aborigines led to her appointment by the current Attorney General to the Commission in September 2009.

Martin Gibson

Nominated by the Community Legal Centres in Tasmania - appointed on 26 November 2010 for a term of three years.

Mr Gibson has degrees in Law and Social Work from the University of Tasmania and was admitted to practice in 1997. Martin has worked overseas with the Madeleine Lagadec Human Rights Centre in El Salvador and locally as Manager of Social Policy and Research at the Tasmanian Council of Social Service (TasCOSS).

Martin is currently employed in the Social Inclusion Unit, Department of Premier and Cabinet as a Senior Policy Officer. He is a graduate of the Australian Institute of Company Directors.



OUR SERVICES

Over the phone legal advice service allows a caller to speak directly to a Legal Aid lawyer over the phone each weekday from 9am to 5pm. The cost of a local call only is charged wherever they ring from within Tasmania.

Face to face legal advice sessions allow an individual to speak to a Legal Aid lawyer face to face in a private consultation, if they hold a health care card or pension card. The sessions are limited to approximately 10 minutes. Appointments are not required. The hours for this service are:

Hobart: Monday to Friday - 10:30 am to 2:30 pm.

Launceston: Monday, Wednesday and Friday - 12:00 noon to 1:30 pm.

Devonport: Tuesday and Thursday - 1:00 pm to 2:00 pm.

Burnie: Tuesday and Thursday - 12:30 pm to 1:30 pm.

Legal help at all Magistrates Courts in Tasmania is provided by a Legal Aid Duty Lawyer. The Duty Lawyer can help with information about Court procedures, bail applications, pleas and penalties. The Duty Lawyer will appear for an individual if they have been arrested and wish to apply for bail or if they are eligible for a grant of legal aid.

Community Legal Information via seminars for community groups on various legal topics are held by our lawyers who will visit community organisations, schools or other educational institutions. The seminars are state-wide, free of charge and can be tailored to suit the needs or interests of the particular group.

Legal Representation by our lawyers or a private lawyer is available to individuals if they are granted legal aid. Applying for legal aid involves the individual making an application with their private solicitor or at their nearest Legal Aid office.



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OFFICE LOCATIONS

Hobart

158 Liverpool Street Hobart
GPO Box 1422 Hobart 7001 - DX 123
Phone: (03) 6236 3800 Fax: (03) 6236 3811

Launceston

64 Cameron Street Launceston
PO Box 810 Launceston 7250 - DX 70126
Phone: (03) 6336 2050 Fax: (03) 6336 2074

Devonport

8 Griffith Street Devonport
PO Box 87 Devonport 7310 - DX 70354
Phone: (03) 6421 7870 Fax: (03) 6421 7871

Burnie

50 Alexander Street Burnie
PO Box 550 Burnie 7320 - DX 70209
Phone: (03) 6434 6444 Fax: (03) 6434 6440



RIGHT TO INFORMATION ACT

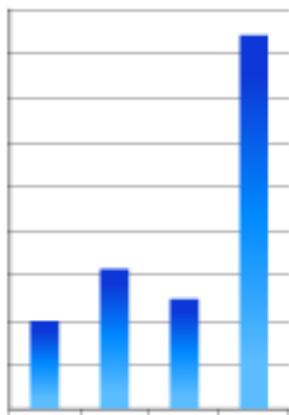
The Right to Information Act 2009 commenced on 1 July 2010, replacing the Freedom of Information Act 1991.

As a "public authority" under the Right to Information Act 2009, the Commission is required to determine requests for access to, or amendment of, information held by the Commission.

In the period ended 30 June 2011, 13 applications (12 linked) were received. 1 application was determined. 12 applications are still ongoing – a part response with requests for further clarification were provided.



[Annual Report 2010 - 2011](#)  [Statistical Profile](#)



STATISTICAL PROFILE

[Duty Lawyer Services 2010 - 2011](#)

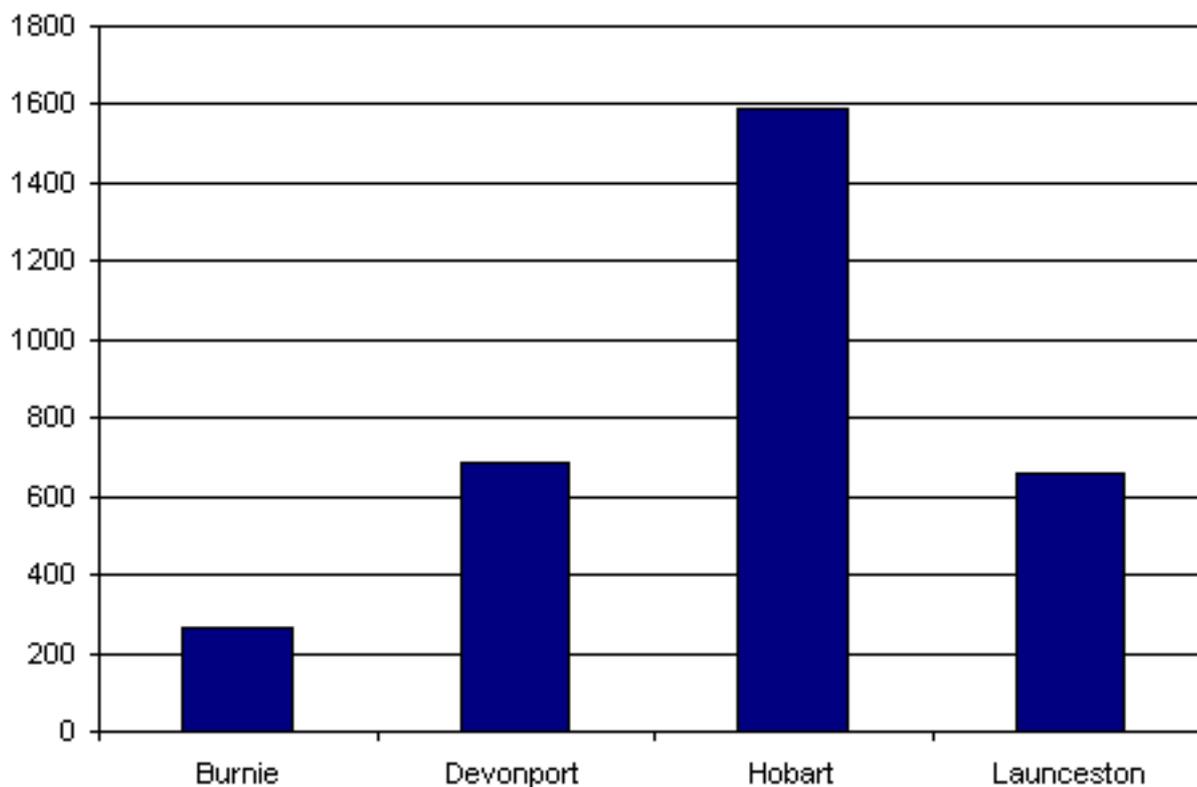
[Legal Advice by Office 2010 - 2011](#)

[Applications Received, Approved, Refused 2010 - 2011](#)

[Applications Approved, In-house/Assigned 2010 - 2011](#)



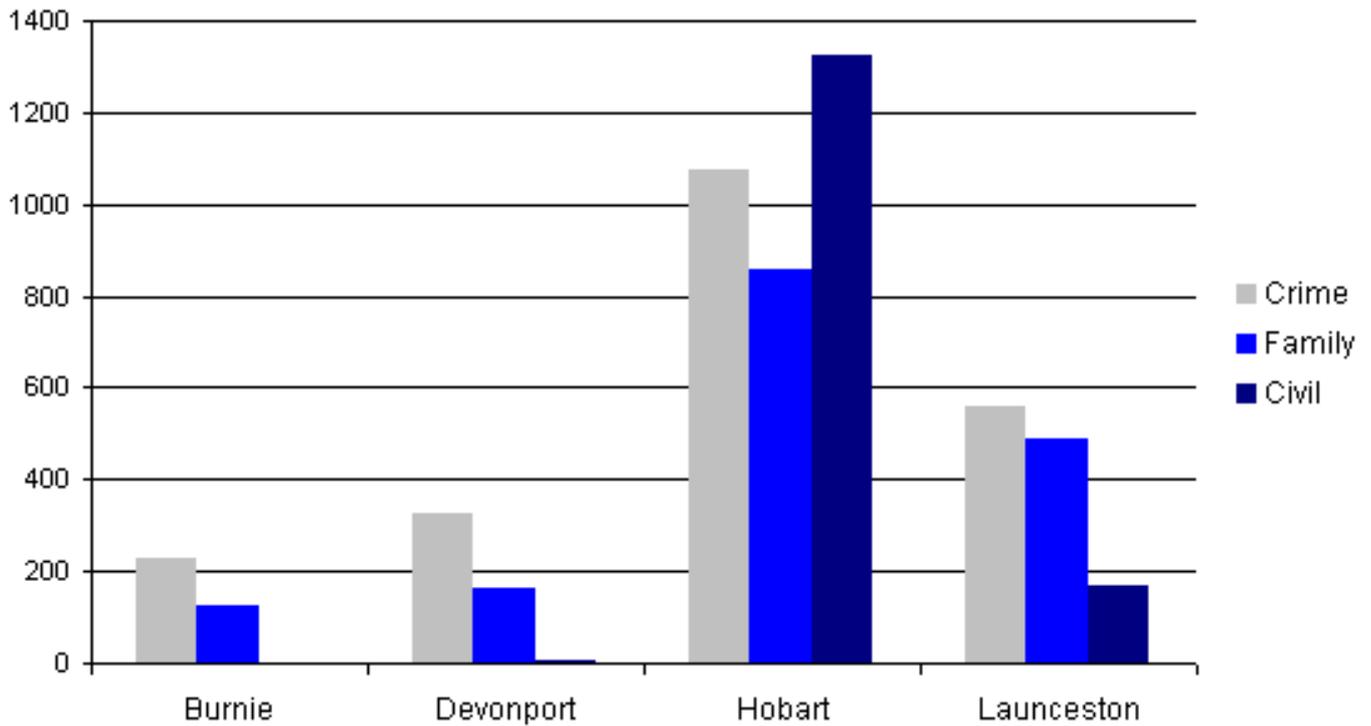
DUTY LAWYER SERVICES 2010 - 2011



Burnie	266
Devonport	688
Hobart	1587
Launceston	656



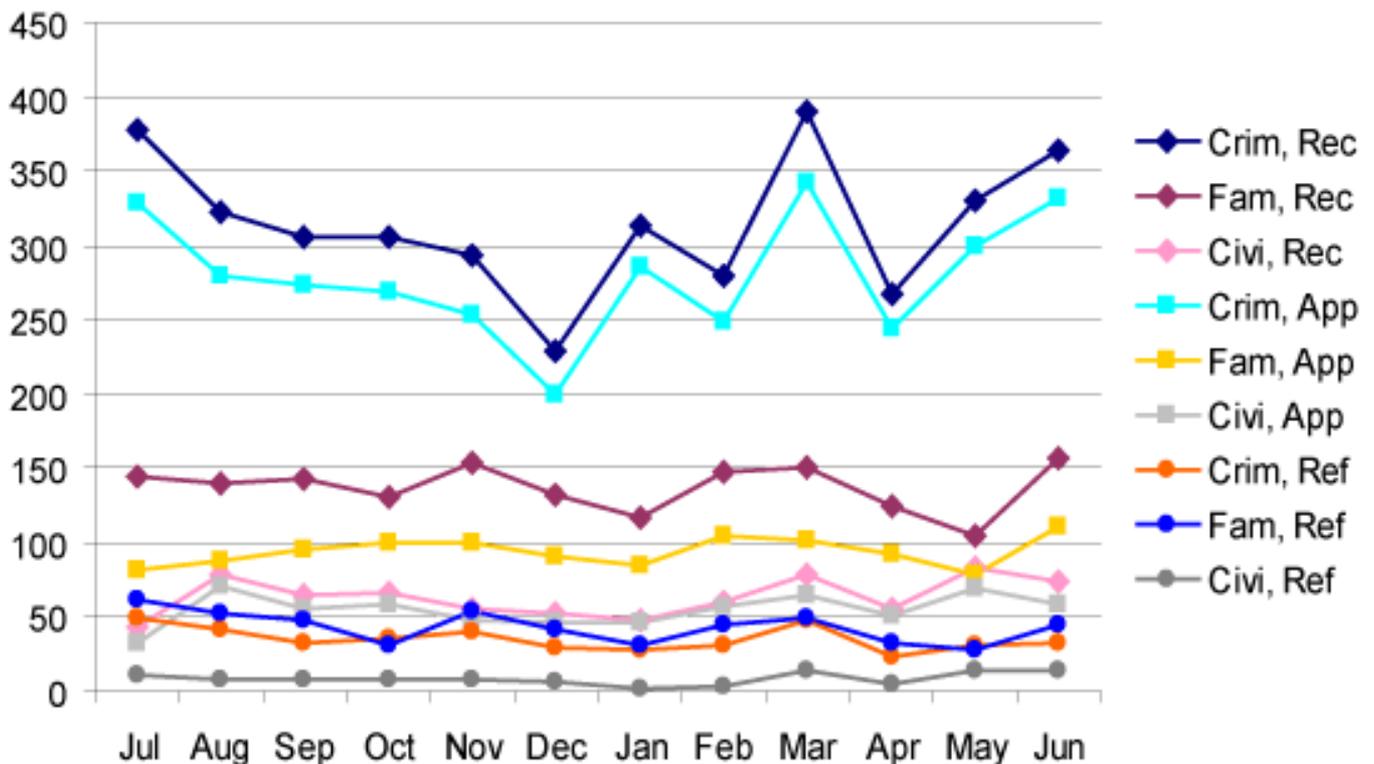
LEGAL ADVICE BY OFFICE 2010 - 2011



	Crime	Family	Civil	TOTAL
Burnie	227	126	0	353
Devonport	325	161	3	489
Hobart	1076	858	1326	3260
Launceston	557	490	169	1216



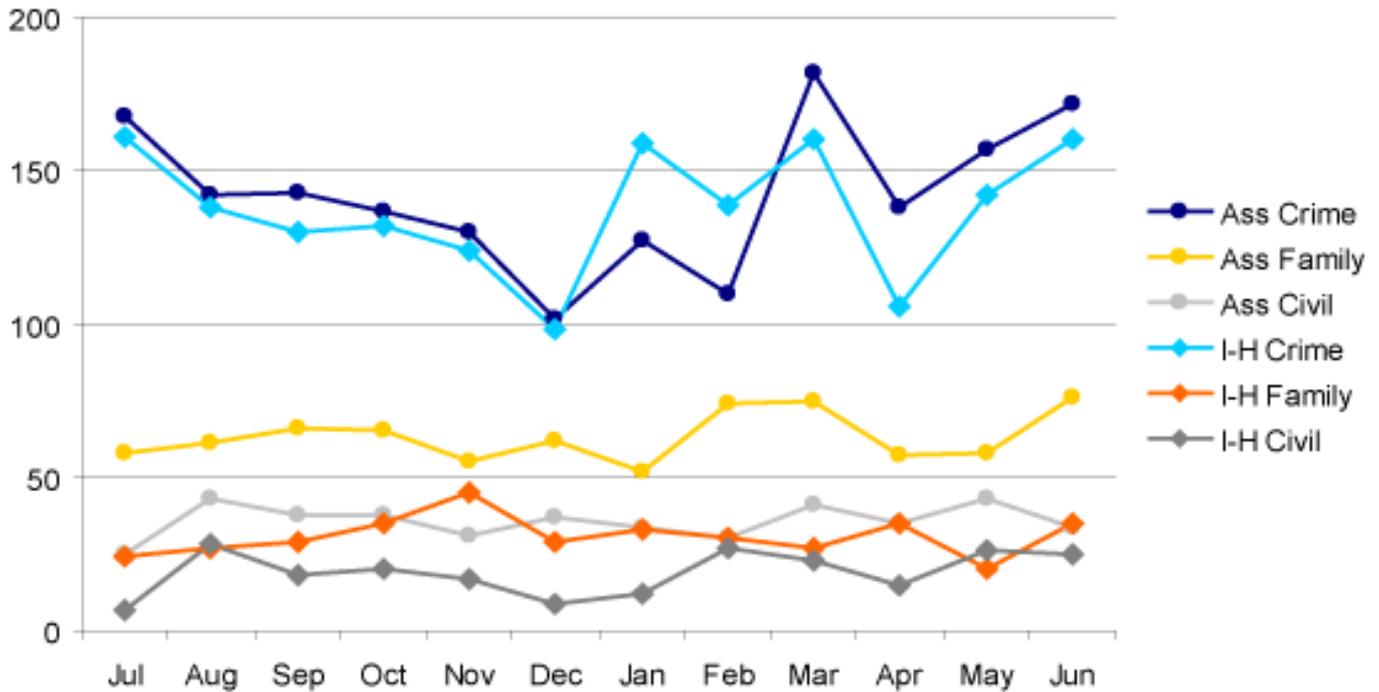
APPLICATIONS RECEIVED, APPROVED, REFUSED 2010 - 2011



	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	TOTAL
Crim, Rec	378	322	306	305	294	229	313	279	390	267	330	364	3777
Fam, Rec	144	140	143	130	154	132	116	148	151	124	105	156	1643
Civi, Rec	43	78	64	66	56	52	48	60	78	55	83	73	756
Crim, App	329	280	273	269	254	200	286	249	342	244	299	332	3357
Fam, App	82	88	95	100	100	91	85	104	102	92	78	111	1128
Civi, App	32	71	56	58	48	46	46	57	64	50	69	59	656
Crim, Ref	49	42	33	36	40	29	27	30	48	23	31	32	420
Fam, Ref	62	52	48	30	54	41	31	44	49	32	27	45	515
Civi, Ref	11	7	8	8	8	6	2	3	14	5	14	14	100



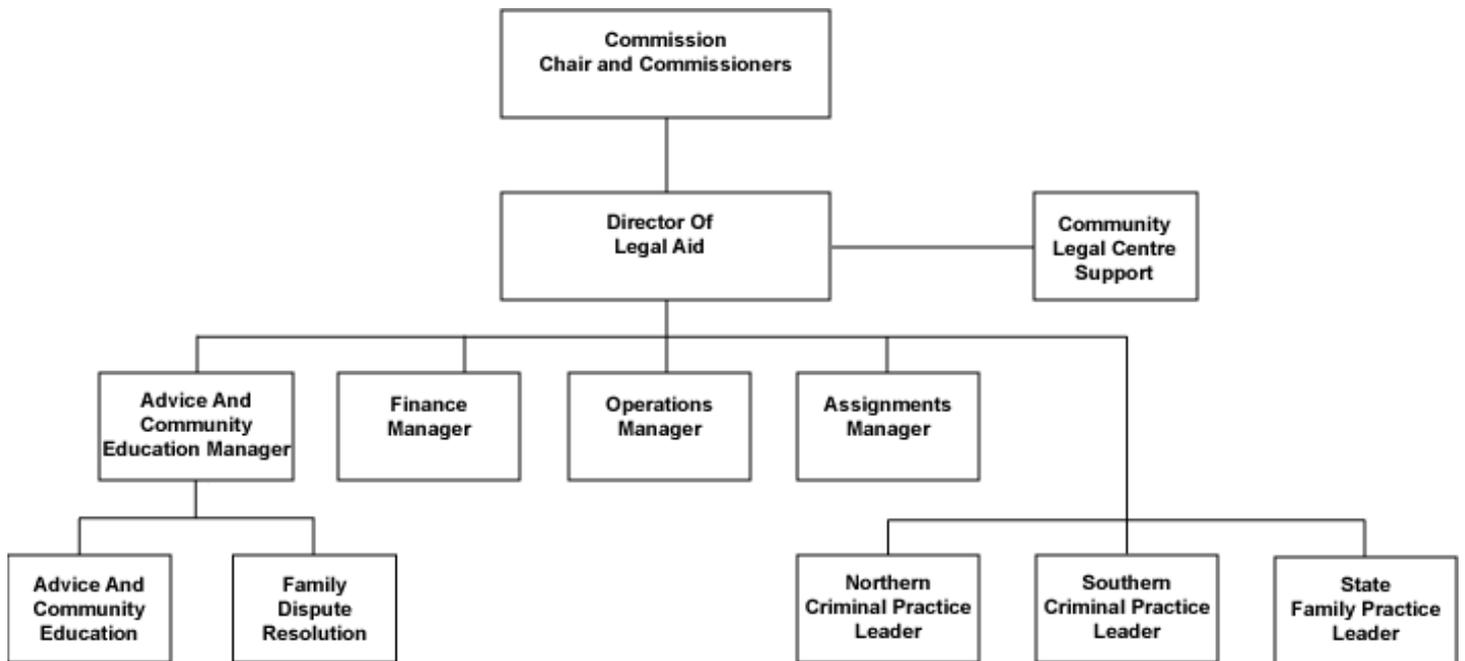
APPLICATIONS APPROVED INHOUSE/ASSIGNED 2010 - 2011



	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	TOTAL
Ass Crime	168	142	143	137	130	102	127	110	182	138	157	172	1708
Ass Family	58	61	66	65	55	62	52	74	75	57	58	76	759
Ass Civil	25	43	38	38	31	37	34	30	41	35	43	34	429
I-H Crime	161	138	130	132	124	98	159	139	160	106	142	160	1649
I-H Family	24	27	29	35	45	29	33	30	27	35	20	35	369
I-H Civil	7	28	18	20	17	9	12	27	23	15	26	25	227



ORGANISATIONAL CHART





[Annual Report 2010 - 2011](#) ⇨ [Financial Reports](#)

FINANCIAL REPORTS

[Certification of Financial Statements](#) - 190 kb PDF file (1 page)

[Independent Audit Report](#) - 1 kb PDF file (2 pages)

[Financial Statements](#) - 67 kb PDF file (4 pages)

[Notes to Financial Statements](#) - 204 kb PDF file (15 pages)

FINANCE REPORT

CERTIFICATION OF FINANCIAL STATEMENTS

The accompanying financial statements of the Legal Aid Commission of Tasmania have been prepared in compliance with the provisions of the Financial Management and Audit Act 1990 and the Audit Act 2008 and are in agreement with the relevant accounts and records to present fairly the financial transactions for the twelve months ending 30th June 2011 and the financial position as at the 30th June 2011.

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



PETER WORRALL
Chair



NORMAN REABURN
Director

15th August 2011



INDEPENDENT AUDITOR'S REPORT

To Members of the Parliament of Tasmania

LEGAL AID COMMISSION OF TASMANIA

Financial Report for the Year Ended 30 June 2011

I have audited the accompanying financial report of the Legal Aid Commission of Tasmania (the Commission), which comprises the statement of financial position as at 30 June 2011, the statements of comprehensive income, statement of changes in equity and statement of cash flows for the year ended on that date, a summary of significant accounting policies, other explanatory notes and the statement by the directors of the Commission.

Auditor's Opinion

In my opinion the Commission's financial report:

- (a) presents fairly, in all material respects, its financial position as at 30 June 2011, and its financial performance, cash flows and changes in equity for the year then ended; and
- (b) is in accordance with the *Legal Aid Commission Act 1990* and Australian Accounting Standards.

The Responsibility of the Directors for the Financial Report

The directors are responsible for the preparation and fair presentation of the financial report in accordance with Australian Accounting Standards and the *Legal Aid Commission Act 1990*. This responsibility includes establishing and maintaining internal controls relevant to the preparation and fair presentation of the financial report that is free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

Auditor's Responsibility

My responsibility is to express an opinion on the financial report based upon my audit. My audit was conducted in accordance with Australian Auditing Standards. These Auditing Standards require that I comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance as to whether the financial report is free of material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial report. The procedures selected depend on the auditor's judgement, including the assessment of risks of material misstatement of the financial report, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the directors' preparation and fair presentation of the financial report in order to design audit procedures that are appropriate to the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Commission's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the directors, as well as evaluating the overall presentation of the financial report.

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

Independence

In conducting this audit, I have complied with the independence requirements of Australian Auditing Standards and other relevant ethical requirements. The *Audit Act 2008* further promotes independence by:

- providing that only Parliament, and not the executive government, can remove an Auditor-General, and
- mandating the Auditor-General as auditor of State Entities but precluding the provision of non-audit services, thus ensuring the Auditor-General and the Tasmanian Audit Office are not compromised in their role by the possibility of losing clients or income.

TASMANIAN AUDIT OFFICE



E R De Santi
DEPUTY AUDITOR-GENERAL
Delegate of the Auditor-General

HOBART
22 September 2011

FINANCE REPORT

CERTIFICATION OF FINANCIAL STATEMENTS

The accompanying financial statements of the Legal Aid Commission of Tasmania have been prepared in compliance with the provisions of the Financial Management and Audit Act 1990 and the Audit Act 2008 and are in agreement with the relevant accounts and records to present fairly the financial transactions for the twelve months ending 30th June 2011 and the financial position as at the 30th June 2011.

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



PETER WORRALL
Chair



NORMAN REABURN
Director

15th August 2011

**LEGAL AID COMMISSION OF TASMANIA
STATEMENT OF COMPREHENSIVE INCOME
FOR THE YEAR ENDED 30 JUNE 2011**

	<i>Note</i>	2010/11 (\$000's)	2009/10 (\$000's)
Revenues			
Commonwealth Grants and Contributions	<i>1f,3</i>	5,992	6,357
Commonwealth Community Legal Centre Grants	<i>1f,3</i>	1,413	1,180
State Government Grants and Contributions	<i>1f,4</i>	5,610	5,246
State Government Community Legal Centre Grants	<i>1f,4</i>	200	200
Other Revenue	<i>1f,5</i>	1,171	526
Total Revenues		14,386	13,509
Expenses			
Legal Services Expenses	<i>6</i>	3,614	4,213
Employee Benefits Expenses	<i>7</i>	6,346	5,472
Supplies and Services	<i>8</i>	622	607
Accommodation Expenses	<i>9</i>	555	545
Information and Technology	<i>10</i>	382	420
Other Expenses	<i>11</i>	277	106
Depreciation and Amortisation Expenses	<i>12</i>	117	131
Debts Written Off	<i>13</i>	28	37
Disbursements to Community Legal Centres	<i>14</i>	1,567	1,490
Total Expenses		13,508	13,021
NET OPERATING SURPLUS FOR THE YEAR		878	488
OTHER COMPREHENSIVE INCOME		-	-
TOTAL COMPREHENSIVE INCOME FOR THE YEAR		878	488

The Statement of Comprehensive Income should be read in conjunction with the accompanying notes.

**LEGAL AID COMMISSION OF TASMANIA
STATEMENT OF FINANCIAL POSITION
AS AT 30 JUNE 2011**

	<i>Note</i>	2010/11 (\$000's)	2009/10 (\$000's)
ASSETS			
Current Assets			
Cash and Cash Equivalents	11,15,16	4,183	2,889
Restricted Cash and Cash Equivalents	15,16	483	509
Receivables	1m, 17	351	310
Other Assets		9	43
Total Current Assets		5,026	3,751
NON-CURRENT ASSETS			
Land and Buildings	1g, 18	393	402
Office Equipment	1g, 18	42	75
Furniture and Fittings	1g, 18	8	12
Leasehold Improvements	1g, 18	20	28
Intangibles	1h, 18	338	395
Total Non-Current Assets		801	912
Total Assets		5,827	4,663
LIABILITIES			
Current Liabilities			
Payables	1o, 20	225	153
Provisions	1p, 21	1,025	757
Total Current Liabilities		1,250	910
NON-CURRENT LIABILITIES			
Provisions	1p,21	132	186
Total Non-Current Liabilities		132	186
Total Liabilities		1,382	1,096
Net Assets		4,445	3,567
EQUITY			
Contributed Equity		325	325
Asset Revaluation Reserve		203	203
Civil Law Disbursement Fund Loan Scheme Reserve		483	509
Accumulated Surplus		3,434	2,530
TOTAL EQUITY		4,445	3,567

The Statement of Financial Position should be read in conjunction with the accompanying notes.

**LEGAL AID COMMISSION OF TASMANIA
STATEMENT OF CASH FLOWS
FOR THE YEAR ENDED 30 JUNE 2011**

	<i>Note</i>	2010/11 (\$000's) Inflows (Outflows)	2009/10 (\$000's) Inflows (Outflows)
CASH FLOWS FROM OPERATING ACTIVITIES			
Receipts			
Commonwealth Grants and Contributions		5,992	6,357
Commonwealth Grants for Community Legal Centres		1,413	1,180
State Government Grants		5,610	5,246
State Government Grants for Community Legal Centres		200	200
Contributions and Recovered Costs from Clients		219	206
GST Receipts		723	750
Interest Income		211	137
Other		802	250
Total Operating Receipts		15,170	14,326
Payments			
Payments for Legal Services		(3,750)	(4,335)
Employee Benefits		(6,095)	(5,409)
Administrative Expense		(1,767)	(1,713)
GST Payments on Purchases		(717)	(754)
Disbursements to Community Legal Centres		(1,567)	(1,491)
Total Operating Payments		(13,896)	(13,702)
Net Cash Provided By/(Used In) Operating Activities	<i>24</i>	1,274	624
CASH FLOWS FROM INVESTING ACTIVITIES			
Purchase of Non-Current Physical Assets		(6)	(68)
Net Cash Provided By/(Used In) Investing Activities		(6)	(68)
Net Increase in Cash and Cash Equivalents Held		1,268	556
Cash Assets and Cash Equivalents at the Beginning of the Year		3,398	2,842
CASH AND CASH EQUIVALENTS AT THE END OF YEAR	<i>15,16</i>	4,666	3,398

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

**LEGAL AID COMMISSION OF TASMANIA
STATEMENT OF CHANGES IN EQUITY
FOR THE YEAR ENDED 30 JUNE 2011**

	<i>Note</i>	2010/11 (\$000's)	2009/10 (\$000's)
Balance of Total Equity at Start of Year		3,567	3,079
CONTRIBUTED EQUITY			
Balance at Start of Year		325	325
Balance at End of Year		<u>325</u>	<u>325</u>
RESERVES			
Asset Revaluation Reserve			
Balance at Start of Year		203	203
Balance at End of Year		<u>203</u>	<u>203</u>
Civil Law Disbursement Fund Loans Scheme			
Balance at start of Year		509	511
Charges through the Statement of Comprehensive Income:			
Premium and Loan Repayments		88	109
Interest Income		22	19
Loan Disbursement Expenses		(136)	(130)
Balance at End of Year		<u>483</u>	<u>509</u>
ACCUMULATED SURPLUS			
Balance at Start of Year		2,530	2,040
Surplus for the Year after excluding Civil Law Disbursement Loans Scheme		904	490
Balance at End of Year		<u>3,434</u>	<u>2,530</u>
Closing Balance of Total Equity		<u>4,445</u>	<u>3,567</u>

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

Notes to the Financial Statements for the Year ended 30 June 2011

1 Summary of significant accounting policies

(a) General Information

The Legal Aid Commission of Tasmania was established under the Legal Aid Commission Act 1990, on the 1st of January 1991.

These statements have been prepared on a going concern basis in the expectation that the Commission will continue to function and be funded in the future on the basis as set out in the existing Commonwealth/State Agreement which commenced on the 1st July 2010, and is still in effect as at the 30th June 2011. This National Partnership Agreement will expire on the 30th June 2014.

The financial statements have been prepared in accordance with the requirements of the Financial Management and Audit Act 1990, the Audit Act 2008 and Australian Accounting Standards issued by the Australian Accounting Standards Board (AASB). The following accounting policies have been adopted, and unless otherwise stated are consistent with those adopted in the preceding year, and throughout all periods. The Legal Aid Commission of Tasmania is classified as a Not-For-Profit entity. Consequently, where appropriate, the Commission has elected to apply options and exemptions with accounting standards that are applicable to not for profit entities.

The Financial Statements were signed by the Commission Chair and the Director of Legal Aid on the 15th August 2011.

(b) Basis of Preparation

The financial statements have been prepared on the accrual basis of accounting using historical cost convention, except for the revaluation of land, buildings and other infrastructure which have been measured at fair value. The financial statements are presented in Australian dollars and all values are rounded to the nearest thousand dollars (\$'000) unless otherwise stated.

Judgements made by management in the application of Australian Accounting Standards that have significant effects on the financial statements are disclosed throughout the notes in the financial statements.

Accounting policies are selected and applied in a manner which ensures that the resulting financial information satisfies the concepts of relevance and reliability, thereby ensuring that the substance of the underlying transactions or other events is reported.

The following Australian Accounting Standards applicable to the Commission have recently been issued or amended but as they are not yet effective, management has chosen not to adopt them for the year ended 30th June 2011.

AASB Amendment	Affected Standard	Nature of change to Accounting Policy	Reporting Periods commencing on or after	Application Date for the Commission	Impact on Financial Report
AASB 9 AASB 2009-11 AASB 2010-7	Financial Instruments Amendments to Australian Accounting Standards arising from AASB 9.	These Standards are applicable retrospectively and amend the classification and measurement of financial assets.	1 January 2013	1 July 2013	The Commission has not yet determined any potential impact on the financial statements.
AASB 124 AASB 2009-12	Related Party Disclosures Amendments to Australian Accounting Standards (AASB 5,8,108,110,112,119,133,137,139, 1023 and 1031 and interpretations 2,4,16,1039 and 1052)	The revision removes the requirement for government-related entities to disclose details of all transactions with the government and government-related entities and clarifies definition of related parties.	1 January 2011	1 July 2011	Changes are not expected to materially affect the Commission.
AASB 1053	New Standard – Application of Tiers of Australian Accounting Standards.	The Standard establishes a two tier differential financial reporting framework for preparing general purpose statements.	1 July 2013	1 July 2013	The Commission will still be required to prepare Tier 1 financial statements and therefore there will be no impact.
AASB 1054 AASB 2011-1	Australian Additional Disclosures – arising from the Trans-Tasman Convergence project.	These Standards relocates all Australian specific disclosures from other standards to one place and revises some disclosures.	1 July 2011	1 July 2011	The Commission anticipates some minor changes to financial disclosures.

Notes to the Financial Statements for the Year ended 30 June 2011

1 Summary of significant accounting policies (cont'd)

AASB Amendment	Affected Standard	Nature of change to Accounting Policy	Reporting Periods commencing on or after	Application Date for the Commission	Impact on Financial Report
AASB 2010-4	Amendments arising from the Annual Improvement Project [AASB 1, AASB 7, AASB 101, AASB 134 and Interpretation 13]	Emphasises the interaction between quantitative and qualitative AASB 7 disclosures. Comprehensive income component disclosure.	1 January 2011	1 July 2011	Minor disclosure changes are expected to be the only impact on the Commission.
AASB 2010-5	Amendments to Australian Accounting Standards [AASB 1,3,4,5,101,107,112,118,119,121, 132,133,134,137,139,140, 1023,1038 and interpretations 112,115, 127,132 & 1042]	Numerous editorial amendments to Accounting Standards and Interpretations	1 January 2011	1 July 2011	The Commission is not expecting any material effect on the Commission.

(c) **Goods and services Tax (GST)**

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

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

The net amount of GST recoverable from, or payable to, the taxation authority is included as part of receivables or payables.

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

(d) **Reporting Entity**

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

(e) **Contributed Equity**

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

(f) **Income**

Revenue Recognition

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

State and Commonwealth Grants and Contributions

Grant Revenue and Contributions are recognised in the period in which the Commission gains control of the appropriate funds. Control is usually gained upon their receipt. Grant funds and contributions from Federal and State Governments are not required to be repaid if not fully expended within the financial year.

Other Revenue

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

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

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

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

Notes to the Financial Statements for the Year ended 30 June 2011

1 Summary of significant accounting policies (cont'd)

(g) Property, Plant and Equipment

Initial recognition and measurement

All items of property, plant and equipment are initially recognised at cost.

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

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

Subsequent measurement

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

Revaluation increments, on a class of assets basis, are recognised in the asset revaluation reserve, except for amounts reversing a decrement previously recognised as an expense, which are recognised as revenues. Revaluation decrements are only offset against revaluation increments relating to the same class of asset and any excess is recognised as an expense.

The Commission has a library which has been progressively depreciated to zero value, with maintenance and additions expensed in the period in which those costs are incurred.

Depreciation and Amortisation

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

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

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

(h) Intangible Assets

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

The Commission's current policy has been to expense web site development and maintenance in the period in which it occurs.

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

The amortisation rate adopted reflects a useful life of 10 years, and this will be subject to annual impairment testing and review. The Case Management System is being amortised over 10 years, and this commenced on 1 July 2007.

(i) Impairment of Assets

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

(j) Grants of Aid

Grants of Aid are recognised as an expenditure commitment on the approval of the granting of aid and are based on a provisional cost estimate, Note 23. The provisional cost estimate reflects the estimated cost of the assignment based on the relevant scale of fees.

Legal costs in relation to the grants of aid are recognised as an expense and a liability on receipt of a claim for services provided.

Levies towards the cost of aid payable by the client are recognised as an asset on approval of the grant of aid. Provision for impairment is provided for in accordance with Note 17.

Notes to the Financial Statements for the Year ended 30 June 2011

1 Summary of significant accounting policies (cont'd)

(k) **Leases**

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

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

The Commission has not entered into any finance lease arrangements.

(l) **Cash and Cash Equivalents**

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

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

(m) **Receivables**

Unsecured Debtors

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

(n) **Employee Benefits Expenses**

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

As at the 30th June 2011 the Commission employed 70.3 (65.1 2009-10) full time equivalents.

(o) **Payables**

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

Legal Creditors payables are recognised upon certification of those amounts for payment. Grant of aid commitments are settled as the case progresses. Matters can be outstanding for between 3 months and several years.

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

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

(p) **Provisions – Employee Benefits**

Annual Leave and Long Service Leave

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

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

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

Superannuation

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

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

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

Sick Leave

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

Notes to the Financial Statements for the Year ended 30 June 2011

1 Summary of significant accounting policies (cont'd)

(q) Taxation

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

(r) Investments and Other Financial Assets

Investments and financial assets in the scope of AASB 139 *Financial Instruments: Recognition and Measurement* are categorised as either financial assets at fair value through profit or loss, loans and receivables, held-to-maturity investment or available-for-sale assets. The classification depends on the purpose for which the investments were acquired. Designation is re-evaluated at each financial year end, but there are restrictions on reclassifying to other categories. The Commission only has *Loans and Receivables* financial assets.

Loans and Receivables are carried at cost. Gains and losses are recognised in the profit or loss when the loans and receivables are derecognised or impaired. These are included in current assets, except for those with maturities greater than 12 months after balance date, which are classified as non-current. In both financial years disclosed the Commission did not have any non-current financial assets.

(s) Estimates and Judgement

Estimates and underlying assumptions are reviewed on an ongoing basis. Revisions to accounting estimates are recognised in the period in which the estimates are revised if the revision affects only that period, or in the period of the revision and future periods if the revision affects both current and future periods.

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

Provisions – Employee Benefits
Commitments for expenditure

2 Financial Risk Management Objectives and Policies

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

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

Risk exposures and Responses

Credit Risk

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

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

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

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

Liquidity Risk

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

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

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

Interest Rate Risk

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

Notes to the Financial Statements for the Year ended 30 June 2011

The Commission is authorised under its act to invest surplus funds in any of the ways referred to in Section 5 of the Trustee Act 1898. The Commission's policy to manage interest income is by utilising the Tasmanian Public Finance Corporation's on call Cash Management facility. The investment returns obtained are regularly benchmarked in the marketplace.

2 Financial Risk Management Objectives and Policies (cont'd)

Interest Rates on Cash and Cash Equivalents

	2011 (\$000's)	2010 (\$000's)
At Call Cash Management Account No 1 – Operating Account	3,735 On Call at an Interest Rate of 4.75%	2,081 On Call at an Interest Rate of 4.50%
At Call Cash Management Account No 2 – Civil Law Disbursements Fund	444 On Call at an Interest Rate of 4.75%	493 On Call at an Interest Rate of 4.50%
Operating Account	487 On call at an Interest Rate of 4.35%	822 On call at an Interest Rate of 4.21%
	4,666	3,396

A 1 percentile movement in the interest rate will create \$46,660 (2009-10 \$33,960) movement in interest income.

The Commission is authorised under its act to invest surplus funds in any of the ways referred to in Section 5 of the Trustee Act 1898. During the reporting period investments were held in an at call cash management facility. Interest revenue is recognised in the Statement of Comprehensive Income when earned. As the Commission's investments were held in the above instruments and held over relatively short periods it is considered that any interest rate exposure is minimal.

3 Commonwealth Grants and Contributions

	2011 (\$000's)	2010 (\$000's)
Base Grant	5,936	6,218
Commonwealth Regional Lawyer Program	-	84
Community Legal Centre Administration Agency Payment	56	55
	5,992	6,357
Disbursements to Community Legal Centres	1,413	1,180
	7,405	7,537

Base Grant

Government contributions are the result of a Commonwealth / State National Partnership Agreement which became effective from the 1st July 2010 for a duration of 4 years.

Commonwealth Regional Lawyer Program

This is a Commonwealth initiative which provides a subsidy for the employment of a junior solicitor on Tasmania's east coast and on the northwest coast. Commonwealth grants for the program ceased in 2010.

Community Legal Centre Administration Agency Payment

This payment is an agency payment to cover the costs of support for the Commonwealth Community Legal Centre program.

Disbursements to Community Legal Centres

The Commission disburses Community Legal Centre funding on behalf of the Commonwealth Government. This item shows the revenue component, with outlays shown at Note 14.

Notes to the Financial Statements for the Year ended 30 June 2011

4 State Government Grants

	2011 (\$000's)	2010 (\$000's)
Base Grant	5,370	5,030
"Safe at Home" Domestic Violence Intervention Program	240	216
	5,610	5,246
Disbursements to Community Legal Centres	200	200
	5,810	5,446

Base Grant

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

"Safe at Home" Domestic Violence Early Intervention Program

This program provides an early intervention and support program as part of the State Government's new initiative in Domestic Violence in accordance with its "Tasmania Together" policy model.

Disbursements to Community Legal Centres

The Commission disburses Community Legal Centre funding on behalf of the State Government for outreach services. This item shows the revenue component, with the outlays shown at Note 14.

5 Other Revenue

	2011 (\$000's)	2010 (\$000's)
Client Contributions and Cost Recoveries	160	139
Interest Income	198	117
Civil Law Disbursement Fund Loans Contributions	11	20
The Solicitors' Trust Distributions	802	250
	1,171	526

Client Contributions and Cost Recoveries

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

Interest Income

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

Civil Law Disbursement Fund Loans Contributions

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

The Solicitors' Trust Distribution

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

6 Legal Services Expense

	2011 (\$000's)	2010 (\$000's)
Grants of Legal Aid	3,552	4,147
Duty Lawyer Services	62	66
	3,614	4,213

Grants of Legal Aid

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

Duty Lawyer Services

The Commission engages external service providers for Duty Lawyer services in the Magistrates Court to support its own internal services.

Notes to the Financial Statements for the Year ended 30 June 2011

7 Employee Benefits Expense

	2011 (\$000's)	2010 (\$000's)
Salaries, Superannuation and Related Costs	5,633	5,107
Temporary Staff And Agency Staff Engagements	470	299
Professional Development	30	20
Annual Leave Entitlements	62	10
Long Service Leave Entitlements	151	36
	6,346	5,472

Salaries, Superannuation and Related Costs

Includes salaries and employer funded superannuation and workers compensation insurance.

Temporary Staff and Agency Staff Engagements

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

Professional Development

Includes costs of courses and seminar fees.

Annual Leave and Long Service Leave Entitlements

These amounts are the net movements to the annual and long service leave provision accounts held on the Commission's Balance Sheet, including a superannuation component.

8 Supplies and Services

	2011 (\$000's)	2010 (\$000's)
Communications	243	268
Travel	124	134
Office Machines	109	95
Consumables	85	40
Motor Vehicle Expenses	61	70
	622	607

9 Accommodation Expenses

	2011 (\$000's)	2010 (\$000's)
Lease Rentals and Associated Costs	293	311
Cleaning	67	63
Storage	12	21
Rates and Taxes	41	39
Power	75	53
Maintenance	45	41
Security	8	4
Insurance	14	13
	555	545

10 Information Technology

	2011 (\$000's)	2010 (\$000's)
Systems Maintenance and Development	267	234
Hardware Maintenance	14	19
Online Library Resources	77	51
Software License Fees	22	110
Consumables	2	6
	382	420

11 Other Expenses

	2011 (\$000's)	2010 (\$000's)
Department of Justice Administration Fees	36	36
Audit Fees	28	19
Other	213	51
	277	106

Notes to the Financial Statements for the Year ended 30 June 2011

12 Depreciation and Amortisation Expenses

	2011 (\$000's)	2010 (\$000's)
Office Equipment	39	53
Furniture and Fittings	4	6
Leasehold Improvements	8	6
Buildings	9	9
Intangibles – In-house Software Development	57	57
	117	131

13 Debts Written Off

	2011 (\$000's)	2010 (\$000's)
Bad Debt Write Off - Case Management System	13	27
Civil Law Disbursement Fund Loans	15	10
	28	37

The amount of \$12,859 (2009-10 \$27,292) reported comprises the bad debt write off as reported by the Commissions Case Management System. Bad Debts written off, if later recovered are shown as a revenue item in the year in which they are recovered.

Civil Law Disbursement Fund Loans are written off when the loan is deemed unrecoverable.

14 Disbursements to Community Legal Centres

	2011 (\$000's)	2010 (\$000's)
<u>Commonwealth Program</u>		
North West Community Legal Centre Inc.	102	100
Environmental Defender's Office (Tas) Inc.	93	91
Hobart Community Legal Service Inc.	521	438
Launceston Community Legal Centre Inc.	337	325
Tenants Union of Tasmania Inc.	61	60
Women's Legal Services (Tas) Inc.	253	276
	1,367	1,290
<u>State Program</u>		
Hobart Community Legal Service Inc.	100	100
North West Community Legal Centre Inc.	100	100
	200	200
	1,567	1,490

15 Cash and Cash Equivalents

Unrestricted Cash and Cash Equivalents	2011 (\$000's)	2010 (\$000's)
Cash on Hand – Petty Cash	2	2
Bank Accounts	446	806
Investments – TASCORP No. 1	3,735	2,081
	4,183	2,889

Restricted Cash and Cash Equivalents	2011 (\$000's)	2010 (\$000's)
Bank Account	39	16
Investments – TASCORP 2	444	493
	483	509

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

The Civil Law Disbursements Fund Loans Scheme was established in June 2004. Over the following 3 year period the State Government provided funding of \$560,000 for the Scheme. The Scheme provides eligible applicants access to legal aid for disbursement costs, such as medical reports, court filing fees, in State Civil Law matters. The disbursements made are recovered upon successful completion of the matter. A small premium is applied as a buffer against actions that are unsuccessful, and disbursement loans deemed unrecoverable.

Unrecoverable loans for 2011 are shown at Note 13.

Notes to the Financial Statements for the Year ended 30 June 2011

16 Cash Reserves

	2011 (\$000's)	2010 (\$000's)
Cash - General Reserves	4,183	2,889
Cash - State Civil Law Disbursements Fund Loans Scheme	483	509
	4,666	3,398

The above figures are reconciled to cash at the end of the financial year as shown in the Cash Flow Statement as follows:

Balance of Cash and Cash Equivalents including restricted equivalents	4,666	3,398
Balance as per Statement of Cash Flows	4,666	3,398

17 Receivables

	2011 (\$000's)	2010 (\$000's)
Contributions Owing	22	21
Less Provision for Impairment	(2)	(7)
Civil Law Disbursement Fund Loans	281	238
Good and Services Tax (GST) Recoveries Due	50	58
	351	310

Contributions

Contributions consist of small amounts owing by clients as a contribution toward the cost of their legal matter. A provision for impairment has been recalculated for 2010-11. This estimate has been made after a review of the current debtors portfolio and the likelihood of payments being made. It consists of small contributions unlikely to be paid for which recovery action is considered uneconomical.

Civil Law Disbursement Fund Loans

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

Contributions owing is the only receivable where the age of the debt maybe relevant to likelihood of receipt. All Contributions owing except those identified as impaired are considered receivable.

2011	Gross Amount	Past Due and Impaired	Due < 30 Days	Past Due but not Impaired 31 – 60 Days	Past Due but not Impaired 61 – 90 Days	Past Due but not Impaired > 90 Days
Contributions Owing	22	2	5	3	2	9
	22	2	5	3	2	9

2010	Gross Amount	Past Due and Impaired	Due < 30 Days	Past Due but not Impaired 31 – 60 Days	Past Due but not Impaired 61 – 90 Days	Past Due but not Impaired > 90 Days
Contributions Owing	21	7	4	3	2	5
	21	7	4	3	2	5

Notes to the Financial Statements for the Year ended 30 June 2011

18 Non-Current Assets

	2011 (\$000's)	2010 (\$000's)
LAND & BUILDINGS		
Land at Fair Value	195	195
Buildings at Independent Valuation	249	249
Less Accumulated Depreciation	(51)	(42)
Property at Fair Value	393	402

LAND & BUILDINGS

The Commission owns its Burnie property unencumbered.

A formal independent valuation of the Commission's Freehold Property was obtained in May 2010 from ESK Valuation Services, registered real estate valuers based in Burnie. The valuation was based on Current Market Value on "an existing use" basis. The valuation received accorded with the buildings book value inclusive of improvements capitalised in the 2009-2010 financial year. The Commission's policy is to review its freehold property every 3 years.

	2011 (\$000's)	2010 (\$000's)
OFFICE EQUIPMENT		
Historical cost	352	346
Less: Accumulated Depreciation	(310)	(271)
	42	75

	2011 (\$000's)	2010 (\$000's)
FURNITURE AND FITTING		
Historical cost	42	42
Less: Accumulated Depreciation	(34)	(30)
	8	12

	2011 (\$000's)	2010 (\$000's)
LEASEHOLD IMPROVEMENTS		
Historical cost	48	48
Less: Accumulated Depreciation	(28)	(20)
	20	28

	2011 (\$000's)	2010 (\$000's)
INTANGIBLE ASSETS		
Historical cost	564	564
Less: Accumulated Amortisation	(226)	(169)
	338	395

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

Notes to the Financial Statements for the Year ended 30 June 2011

18 Non-Current Assets (cont'd)

Reconciliation of Asset Classes

	2011 (\$000's)	2010 (\$000's)
LAND & BUILDINGS		
Opening Written Down Value	402	391
Building Improvements	0	20
Depreciation Expense	(9)	(9)
Closing Written Down Value	393	402

	2011 (\$000's)	2010 (\$000's)
OFFICE EQUIPMENT		
Opening Written Down Value	75	91
Additions	6	38
Depreciation Expense	(39)	(54)
Closing Written Down Value	42	75

	2011 (\$000's)	2010 (\$000's)
FURNITURE AND FITTINGS		
Opening Written Down Value	12	18
Additions	-	-
Depreciation Expense	(4)	(6)
Closing Written Down Value	8	12

	2011 (\$000's)	2010 (\$000's)
LEASEHOLD IMPROVEMENTS		
Opening Written Down Value	28	23
Additions	-	10
Depreciation Expense	(8)	(5)
Closing Written Down Value	20	28

	2011 (\$000's)	2010 (\$000's)
INTANGIBLES		
Computer Software		
Opening Written Down Value	395	452
Amortisation Expense	(57)	(57)
Closing Written Down Value	338	395

19 Impairment of Assets

There were no indications of impairment of property, plant and equipment and intangible assets at 30 June 2011.

Notes to the Financial Statements for the Year ended 30 June 2011

20 Payables

	2011 (\$000's)	2010 (\$000's)
Accrued Salaries	136	99
Other Operating Costs	89	54
	225	153

Other Operating Costs include:

Legal Creditors the transaction cost or face value is deemed equivalent to fair value. The Commission facilitates prompt payment for legal services by the provision of an online invoicing facility, on its Internet based business system.

Trade Creditors the carrying amount of trade creditors is equivalent to fair value, as they are generally settled within 30 days.

21 Provisions

	2011 (\$000's)	2010 (\$000's)
Current		
Employee Benefits Provision:		
Annual Leave	389	327
Long Service Leave	636	430
	1,025	757
Non Current		
Employee Benefits Provision:		
Long Service Leave	132	186
	1,157	943

22 Contingent Liabilities

The organisation does not have any contingent liabilities or claims of a material nature which have not already been disclosed in these financial statements.

23 Commitments for expenditure

Legal Case Commitment

At 30th June 2011 the Commission's case management system disclosed a commitment of \$1,139,951 (2009-10 \$1,276,849) in respect of applications for legal assistance made and accepted by the Commission or its predecessors and which had not been paid or accrued as at the end of the financial year. The commitment was estimated on the basis of scale fees and/or hourly rates, depending on the nature of the action concerned and includes possible future recoveries.

Lease Commitments

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

Initial lease terms varied from between 5 to 8 years with further options for renewal. Contingent rent provisions within the lease agreements variously require that the minimum lease payments shall be increased by the Consumer Price Index or a pre determined percentage per annum.

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

	2011 (\$000's)	2010 (\$000's)
Due within 1 year	336	324
Due within 1 - 5 years	666	675
Due later than 5 years	-	-
	1,002	999

Notes to the Financial Statements for the Year ended 30 June 2011

24 Reconciliation of Net Operating Surplus / Deficit to Net Cash Flows Provided by/(Used In) Operating Activities

	2011 (\$000's)	2010 (\$000's)
Operating Result – Surplus	878	488
<u>Change In Assets – (Increase) / Decrease</u>		
Depreciation & Amortisation Expense	117	131
(Increase) in Receivables	(41)	(22)
Decrease / (Increase) in Other Assets	34	(36)
<u>Change in Liabilities – Increase / (Decrease)</u>		
(Decrease) / Increase in Provisions	214	46
Increase in Payables	72	17
Net Cash provided from Operating Activities	1,274	624

25 Financing Facilities Available

	2011 (\$000's)	2010 (\$000's)
Facility Limit	92	92
Less Used / Committed	-	-
	92	92

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

26 Events Occurring after Balance Date

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

27 Remuneration of Auditors

	2011 (\$000's)	2010 (\$000's)
Audit Fee	28	14
	28	14

The Tasmanian Audit Office audits the accounts for the Legal Aid Commission of Tasmania. The Audit comprises the annual financial statement audit, and a certification of compliance with the agreement for the provision of Legal Aid between the Commission and the Commonwealth Government.

28 Remuneration of Commissioners

	2011	2010
\$0 - \$10,000	2	3
\$10,001 - \$20,000	3	3
\$20,001 - \$30,000	1	1
Commissioners Remuneration	64,643	71,881

There are eight Commissioners and two of these are State Public Servants. Commissioners not employed under the Tasmanian State Service Act 2001 are remunerated on an annual basis and superannuation is also paid to these Commissioners in accordance with the superannuation guarantee legislation. As at the 30th June 2011 the Community Legal Centre representative position was vacant.

Notes to the Financial Statements for the Year ended 30 June 2011

29 Remuneration of Senior Officers

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

	2011	2010
\$0 - \$60,000	2	2
\$60,001 - \$80,000	0	0
\$80,001 - \$100,000	1	0
\$100,001 - \$120,000	2	3
\$120,001 - \$140,000	1	2
\$140,001 - \$160,000	3	1
\$160,001 - \$180,000	0	0
\$180,000 +	3	2
Total Remuneration of Senior Officers	1,532,006	1,242,398

30 Related Parties Transactions

The Legal Aid Commission of Tasmania has not entered into any transactions during the 2010-11 financial year (2009-10 Nil) that would meet the definition of a related party transaction.

The Commission has not provided loan funds to any Board Member or related party.

31 Client Trust Funds

The following transactions of the Commission acting as trustee have not been included in the financial statements. The Commission holds client funds in a Trustee capacity pending final settlement of case files.

	2011 (\$000's)	2010 (\$000's)
Balance at WESTPAC Bank as at 1 July	25	43
Plus receipts	419	694
Less payments	440	712
Balance at Westpac Bank as at 30 June	4	25



[Annual Report 2010 - 2011](#) ➔ [Payments to Private Practitioners](#)

PAYMENTS TO PRIVATE PRACTITIONERS

[Payments to private practitioners](#) - 74 kb PDF file (7 pages).

This report provides the dollar figure paid to private firms for work undertaken in the areas of

- Family law
- Criminal law
- Civil matters



LEGAL AID COMMISSION OF TASMANIA

PAYMENTS TO PRIVATE LEGAL FIRMS 2010 - 2011

LAW FIRM	LAW TYPE	No. OF GRANTS	TOTAL PAYMENTS
Abetz Curtis Lawyers	Family	1	\$65.00
	Total	1	\$65.00
Andrei Slicer	Criminal	74	\$17,495.00
	Total	74	\$17,495.00
Archer Bushby Launceston	Criminal	25	\$7,957.50
	Total	25	\$7,957.50
Baker Wilson Lawyers	Criminal	6	\$1,645.00
	Family	3	\$912.50
	Total	9	\$2,557.50
Bartletts	Civil	3	\$1,030.00
	Criminal	1	\$315.00
	Family	6	\$3,070.00
	Total	10	\$4,415.00
Ben Lillas	Criminal	6	\$1,820.00
	Family	1	\$800.00
	Total	7	\$2,620.00
Bennett Howroyd	Civil	8	\$5,760.00
	Criminal	4	\$1,507.50
	Family	53	\$14,115.00
	Total	65	\$21,382.50
Bishops	Civil	35	\$20,450.00
	Criminal	43	\$14,173.25
	Family	135	\$49,296.71
	Total	213	\$83,919.96
Blissenden Lawyers	Civil	26	\$15,507.50
	Criminal	45	\$12,502.50
	Family	113	\$53,167.50
	Total	184	\$81,177.50
Bradfields	Criminal	2	\$747.50
	Total	2	\$747.50
Bruce McTaggart	Criminal	2	\$500.00
	Total	2	\$500.00
Butler McIntyre & Butler	Civil	96	\$41,777.52
	Criminal	753	\$210,342.75
	Family	350	\$125,157.63
	Total	1,199	\$377,277.90



LEGAL AID COMMISSION OF TASMANIA

PAYMENTS TO PRIVATE LEGAL FIRMS 2010 - 2011

LAW FIRM	LAW TYPE	No. OF GRANTS	TOTAL PAYMENTS
C N Dockray	Criminal	2	\$440.00
	Total	2	\$440.00
Cann Legal	Civil	73	\$17,690.12
	Family	67	\$35,286.00
	Total	140	\$52,976.12
Christine J Shanahan & Associates	Family	2	\$810.00
	Total	2	\$810.00
Clerk Walker Lawyers	Civil	24	\$6,752.50
	Family	117	\$44,230.00
	Total	141	\$50,982.50
Craig Rainbird Barrister & Solicitor	Criminal	148	\$76,955.01
	Total	148	\$76,955.01
Crisp Hudson and Mann	Civil	38	\$17,115.01
	Criminal	2	\$867.50
	Family	103	\$35,040.00
	Total	143	\$53,022.51
David N Lewis Barrister at Law	Civil	14	\$8,112.50
	Family	57	\$29,463.25
	Total	71	\$37,575.75
David Walker & Co	Civil	52	\$23,091.25
	Criminal	24	\$6,275.00
	Family	198	\$75,384.51
	Total	274	\$104,750.76
Dobson Mitchell & Allport	Civil	14	\$4,442.50
	Criminal	16	\$2,635.00
	Family	70	\$21,920.00
	Total	100	\$28,997.50
Douglas & Collins	Criminal	19	\$8,266.25
	Total	19	\$8,266.25
East Coast Lawyers	Family	2	\$940.00
	Total	2	\$940.00
Featherbys Lawyers	Family	1	\$1,065.00
	Total	1	\$1,065.00



LEGAL AID COMMISSION OF TASMANIA

PAYMENTS TO PRIVATE LEGAL FIRMS 2010 - 2011

LAW FIRM	LAW TYPE	No. OF GRANTS	TOTAL PAYMENTS
Fitzgerald and Browne	Civil	188	\$54,354.95
	Criminal	107	\$21,198.14
	Family	319	\$89,492.71
	Total	614	\$165,045.80
Friend & Edwards Lawyers t/a Friend & Edwards Lawyers	Civil	16	\$7,363.78
	Criminal	26	\$5,201.31
	Family	1	\$565.00
	Total	43	\$13,130.09
G A Richardson	Criminal	324	\$129,655.11
	Total	324	\$129,655.11
Glade-Wright & Mahindroo	Family	3	\$2,400.20
	Total	3	\$2,400.20
Grant Tucker	Civil	13	\$10,065.00
	Criminal	223	\$91,595.00
	Family	35	\$16,310.00
	Total	271	\$117,970.00
Greg Barns Barrister	Civil	14	\$10,572.50
	Criminal	13	\$8,117.50
	Total	27	\$18,690.00
Gunson Williams	Criminal	2	\$2,250.00
	Total	2	\$2,250.00
Henry Wherrett & Benjamin	Criminal	103	\$37,480.32
	Total	103	\$37,480.32
Ian Guest & Associates	Civil	26	\$10,915.00
	Family	4	\$2,130.00
	Total	30	\$13,045.00
Ierino & Associates	Civil	8	\$1,505.00
	Criminal	61	\$13,713.76
	Family	17	\$3,500.00
	Total	86	\$18,718.76
James Crotty Barristers & Solicitors	Criminal	1	\$125.00
	Total	1	\$125.00
James Kitto	Criminal	4	\$1,355.00
	Total	4	\$1,355.00



LEGAL AID COMMISSION OF TASMANIA

PAYMENTS TO PRIVATE LEGAL FIRMS 2010 - 2011

LAW FIRM	LAW TYPE	No. OF GRANTS	TOTAL PAYMENTS
John Green	Civil	5	\$2,312.50
	Criminal	5	\$1,420.00
	Family	5	\$3,695.00
	Total	15	\$7,427.50
Jonathan Smith Lawyers	Criminal	3	\$1,062.50
	Family	2	\$1,130.00
	Total	5	\$2,192.50
Kate Cuthbertson	Civil	16	\$8,210.00
	Criminal	35	\$19,101.25
	Total	51	\$27,311.25
Kate Mooney	Civil	28	\$19,612.50
	Family	45	\$32,025.00
	Total	73	\$51,637.50
Kati Agh	Family	4	\$1,994.55
	Total	4	\$1,994.55
Kay & Ruddle	Civil	1	\$315.00
	Family	1	\$1,440.00
	Total	2	\$1,755.00
Legal Solutions Barristers & Solicitors t/a Legal Solutions	Civil	6	\$2,408.75
	Family	74	\$13,877.50
	Total	80	\$16,286.25
Macdonald Law	Family	5	\$3,505.00
	Total	5	\$3,505.00
Mackie Crompton	Civil	64	\$28,875.00
	Criminal	179	\$38,283.45
	Total	243	\$67,158.45
Mary Anne Ryan	Civil	10	\$4,505.00
	Criminal	3	\$1,065.00
	Family	42	\$24,457.51
	Total	55	\$30,027.51
McGrath & Company	Civil	7	\$2,372.50
	Criminal	24	\$5,646.25
	Family	78	\$37,307.50
	Total	109	\$45,326.25



LEGAL AID COMMISSION OF TASMANIA

PAYMENTS TO PRIVATE LEGAL FIRMS 2010 - 2011

LAW FIRM	LAW TYPE	No. OF GRANTS	TOTAL PAYMENTS
McLean McKenzie & Topfer	Civil	4	\$825.00
	Criminal	6	\$1,180.00
	Family	27	\$6,402.50
	Total	37	\$8,407.50
McVeity & Associates	Civil	143	\$40,316.41
	Family	327	\$93,593.85
	Total	470	\$133,910.26
Menzie Legal	Civil	2	\$340.00
	Criminal	8	\$1,615.00
	Family	1	\$315.00
	Total	11	\$2,270.00
Milton & Meyer	Civil	88	\$36,191.26
	Criminal	1,149	\$234,927.15
	Family	29	\$10,954.80
	Total	1,266	\$282,073.21
Murdoch Clarke	Civil	7	\$3,440.00
	Criminal	7	\$1,380.00
	Family	29	\$10,079.50
	Total	43	\$14,899.50
Murray & Associates	Family	30	\$19,053.00
	Total	30	\$19,053.00
Ogilvie Jennings	Civil	36	\$15,588.13
	Criminal	41	\$8,003.75
	Family	95	\$38,109.55
	Total	172	\$61,701.44
P L Corby & Company	Civil	43	\$25,222.85
	Criminal	4	\$1,190.00
	Family	94	\$48,620.46
	Total	141	\$75,033.32
Page Seager	Criminal	1	\$315.00
	Family	1	\$375.00
	Total	2	\$690.00
Paul Sullivan	Civil	1	\$437.50
	Criminal	21	\$8,268.75
	Family	1	\$80.00
	Total	23	\$8,786.25



LEGAL AID COMMISSION OF TASMANIA

PAYMENTS TO PRIVATE LEGAL FIRMS 2010 - 2011

LAW FIRM	LAW TYPE	No. OF GRANTS	TOTAL PAYMENTS
Peter Heerey Lawyer	Civil	39	\$14,452.52
	Criminal	43	\$8,175.02
	Total	82	\$22,627.54
Peter Warmbrunn	Criminal	138	\$75,785.83
	Total	138	\$75,785.83
Philip Theobald	Family	29	\$11,965.00
	Total	29	\$11,965.00
Philip Welch	Civil	17	\$6,521.25
	Family	105	\$25,896.25
	Total	122	\$32,417.51
PWB Lawyers	Civil	48	\$20,749.58
	Criminal	11	\$1,557.50
	Family	131	\$56,840.05
	Total	190	\$79,147.13
Rae & Partners PTY LTD T/A Levis Stace & Cooper	Civil	4	\$1,503.75
	Criminal	13	\$2,385.00
	Family	128	\$42,907.52
	Total	145	\$46,796.27
Rae & Partners Lawyers	Civil	11	\$4,438.50
	Criminal	11	\$5,182.50
	Family	45	\$21,217.50
	Total	67	\$30,838.50
Rodney Skillier	Family	1	\$1,363.64
	Total	1	\$1,363.64
Simmons Wolfhagen	Civil	21	\$6,149.44
	Criminal	1	\$150.00
	Family	38	\$14,145.00
	Total	60	\$20,444.44
Stephen Wright Barrister & Solicitor	Civil	6	\$4,947.50
	Criminal	135	\$38,955.25
	Total	141	\$43,902.75
Steven Chopping	Criminal	136	\$55,588.75
	Family	4	\$1,495.00
	Total	140	\$57,083.75
Temple-Smith Partners	Civil	7	\$1,631.25
	Family	31	\$9,285.00
	Total	38	\$10,916.25



LEGAL AID COMMISSION OF TASMANIA

PAYMENTS TO PRIVATE LEGAL FIRMS 2010 - 2011

LAW FIRM	LAW TYPE	No. OF GRANTS	TOTAL PAYMENTS
Todd P. Kovacic	Civil	8	\$3,207.73
	Criminal	24	\$6,751.25
	Total	32	\$9,958.98
Trafford Legal	Civil	4	\$1,536.25
	Criminal	5	\$1,125.00
	Family	6	\$4,510.00
	Total	15	\$7,171.25
Vicki Lehmann & Associates	Family	3	\$2,125.00
	Total	3	\$2,125.00
W J Friend	Family	22	\$9,642.50
	Total	22	\$9,642.50
Wallace Wilkinson & Webster	Civil	1	\$377.50
	Criminal	87	\$27,262.90
	Family	152	\$63,923.75
	Total	240	\$91,564.15
Walsh Day James Mihal Pty	Civil	51	\$11,526.32
	Criminal	116	\$15,438.91
	Family	79	\$29,178.89
	Total	246	\$56,144.12
Wayne Olding LI B	Criminal	10	\$2,177.50
	Total	10	\$2,177.50
Whyte Just & Moore	Family	3	\$2,920.00
	Total	3	\$2,920.00
Zeeman Kable & Page	Civil	41	\$31,817.50
	Criminal	43	\$16,530.63
	Family	48	\$23,040.00
	Total	132	\$71,388.13
TOTAL		9,035	\$3,084,588.55