



LEGAL AID COMMISSION OF TASMANIA

ANNUAL REPORT 2011-2012

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DIRECTOR'S REPORT

I have often written in these reports about the important place our systems have in the Commission's operations. We use them extensively to ensure efficiency - as evidenced by the fact that for eleven years we were the only Legal Aid Commission in Australasia to have all our legal aid applications dealt with electronically. Even now, there is only one other Commission that handles nearly all its applications on-line.

The National Legal Aid Grants and National Statistics Working Group apply a set of national Key Performance Indicators to the working of the assignments function across Australia. The first and second KPIs cover the percentage of applications that are processed and decided within 5 days. Tasmania is the only jurisdiction which has a 100% result for that, every year, and has been the only jurisdiction with that result since 2000. And we all know that if the KPI was percentage decided within one day, the Tasmanian figure would still be 100%.

The third KPI is the percentage of accounts paid within fourteen days. Again, Tasmania is the only jurisdiction which has a 100% result for that, every year, and we all know that if the KPI was percentage paid within one working day, the result would still be 100%.

Fast decision making, fast payment, and the stripping out of administrative burden is part of the promise we make to those members of the private legal

profession who do legal aid work.

The reference to our systems is prompted because the end of this financial year marked five years since the introduction of our "new" VisualFiles system for on-line aid applications. During those five years, our Assignments Manager (only occasionally relieved by his surrogates whilst he was away) made a total of 90,258 decisions on applications for aid. 37,496 of those related to new matters, and the remaining 50,762 related to extension applications. Over the five years, we have refined and updated the system as required. We have never had any trouble with it. I suppose I should touch wood when I say that, but what a mark that is for our IT system consultants, and the skill with which they fashioned our system to meet our needs and our processes.

But speed and efficiency is only part of the story. The fifth national KPI is the cost of the assignments function expressed as a percentage of the value of the grants of aid made. Tasmania has been the jurisdiction with the lowest percentage for the whole of this century, achieving at least half the figure of our nearest competitor. since we fired up the VisualFiles system, we have consistently managed to get that figure below 5%, recently in the low fours. Our nearest competitor across the other Australian Commissions is in the middle nines.

One of the reasons for using VisualFiles as our aid granting system was we could then use it as a case management system for our in-house practice. This would allow us to use an approval of aid on an application from in-house to automatically create the in-house file, populate the data fields with all the information already contained in the application, and allocate the file to the appropriate officer. Because all this was happening within the same system, we would not have any of the problems of interface between a grants system and a practice system. We have extended VisualFiles to all the major areas of our practice, and been able to automate a whole range of file activity.

When developing and acquiring IT systems, all the resident pet-shop galahs will tell you that you have to start by analysing the business processes you want the system to operate. Advice often honoured in the breach. The Commission has consistently, across its history, sought to refine its business processes so that they are as simple, as straight-forward and as focused as possible. This allows us to keep the level of system complexity as low as possible, with all the impact that has on reliable operation.

Part of keeping our processes simple, since the Commission began, is the way we satisfy the requirement in S 23 of the Legal Aid Commission Act

1990. That section deals with allocation of work among the private practitioners who have notified the Commission that they are willing to act as legal practitioners on behalf of assisted persons. The Commission allocation has to be equitable, have regard to the nature of their legal practices, and take into "paramount consideration" the interest of the assisted person and any choice expressed by the person for a particular practitioner. The Commission process is to let the assisted person choose their own practitioner. A person who wants to apply for legal aid goes to their own choice of lawyer to make the application, and if the application is granted, that lawyer gets the grant and the work.

Other Australian Commissions have quite complex processes for placing selected practitioners into panels, and then allocating work to them. Practitioners who are not on the relevant panel will not get the work, even if the applicant for aid has approached them. Let me quote a couple of examples.

Here is the South Australian approach

"If a client is unable to afford the cost of a private practitioner, and it is determined that a matter has merit and falls within the Commission's guidelines, a client may be granted legal aid. It is then determined whether a matter will be handled in-house, or assigned to a private legal practitioner. A private practitioner may be granted a legal aid case if that practitioner has been nominated by a client as the client's solicitor of choice and the Commission determines that the choice is appropriate. If a client does not nominate a particular legal practitioner, the client will be represented by an experienced lawyer with specialty knowledge of the area concerned, either on the staff of the Commission or in private practice."

Here is the ACT

"When you apply for legal assistance you may ask us to assign your case to a particular lawyer. This could be a Legal Aid ACT lawyer, or a lawyer in private practice who handles legal aid work. Whether we refer your case to your lawyer of choice may depend on the type of case, the availability of that lawyer, and what we believe will be the most efficient use of limited legal aid funds.

Legal Aid ACT lawyers specialize in certain types of cases, and in these cases it will often be a more efficient to appoint one of our lawyers to represent you. In other cases, or where we cannot act due to conflict of

interest, we will assign the case to a private lawyer.

If we decide to assign your case to a private lawyer, we will appoint your lawyer of choice, provided that lawyer is willing to handle the case. If you have no preference for a particular lawyer, we will select a private lawyer from our General Panel to handle your case."

And Victoria Legal Aid

"VLA has established panels (or registers) of private law firms and private lawyers to whom VLA may allocate assisted matters. They are:

- the Section 29A Practitioner Panels (established under section 29A of the Legal Aid Act 1978):
 - summary crime panel
 - indictable crime panel
 - Children's Court (Family Division) panel
 - family law panel
 - independent children's lawyers panel
- the Section 30 Referral Panel (established under section 30 of the Legal Aid Act): private law firms and private lawyers, selected by VLA, who are willing to act in any assisted matter, including indictable crime matters.

If a person nominates their lawyer of choice on their application form

If a person has nominated their preferred lawyer on their application form, then, usually, VLA will allocate the matter to that lawyer. However, VLA will not necessarily do so.

Indictable criminal matters

If VLA re-allocates an indictable crime matter, then its first choice will be to re-allocate it to one of VLA's in-house lawyers.

However, if VLA's in-house lawyers cannot act in the matter, then VLA will re-allocate the matter to:

- first, a member of the Section 29A Practitioner Panel
- second, a member of the Section 30 Referral Panel.

Nominating a lawyer of choice in an indictable crime matter

An indictable matter will not be allocated or transferred to a Section 30 Referral panel firm unless compelling reasons exist why that firm should retain or receive the matter.

If a member of the Section 30 Referral Panel lodges an application for a grant of legal assistance for an indictable crime matter on behalf of a person, or if an application is received directly by a person, the matter will be allocated to VLA's in-house practice or to a Section 29A practitioner panel firm on VLA's indictable crime panel.

In other areas of law, the Section 30 Referral Panel firm will normally be able to retain the matter."

I invite anyone who is more interested to check the web-sites of the other four Commissions in Australia. And while doing that, check the size and complexity of the legal aid application forms.

This Commission is the only Commission in Australasia that places any lawyer who wants to on the list of lawyers who have notified they are willing to act for assisted persons, and then makes grants for them to perform work for any assisted person who has applied for aid through their office.

I have to keep repeating that because it is often overlooked that Tasmania is unique in that respect.

But we don't encourage assisted persons to lawyer shop when they don't like the advice they are getting. And we're not much interested in supporting practices which encourage assisted persons to jump from one lawyer to another. The Commission has always had a guideline under S 27 of the Legal Aid Commission Act about continuing to receive aid after change of lawyer. That guideline exists because of the Commission's responsibility to have regard to the amount of money available to it, and to ensure that legal aid is provided in the most effective, efficient and economical manner - S 6(2) of the Legal Aid Commission Act 1990.

Change of lawyer and transfer of grant invariably involves additional cost. This matter does not go unnoticed at Commission level. It has received attention regularly and the Commissioners have unanimously endorsed the policy.

The numbers of grant applicants who approach us to change lawyer is not

large. Our figures for 2011-2012 show that 53 of these requests have been approved, and 6 were refused.

Some examples of where we have given clients approval to change lawyer are where:

1. the client complains that the lawyer had not turned up at a court appearance;
2. the client complains that the client could never get to see the lawyer because of the lawyer's unavailability;
3. the client complains that the lawyer had never returned the client's calls;
4. the client complains that the lawyer has handled the matter in an apparently incompetent fashion; and
5. the final example is that in about half the approvals, the lawyer has advised us that the client is difficult to deal with, and asks us to approve letting the client go to another lawyer, and in some instances a particular lawyer in the private profession or the Commission will be suggested as a possible alternative.

In all the instances noted above, the Commission regards the request to instruct a different lawyer as legitimate and appropriate, if on proper examination the allegations can be regarded as sufficiently compelling, always bearing in mind the condition placed on all grants of aid that the client must accept the advice of their lawyer whom they have instructed under our Choice of Lawyer Policy.

And of course, our policies do not inhibit in any way the movement of a matter from one lawyer to another within a particular firm.

A legal aid client does not stand in exactly the same shoes as a private paying client. Legal aid clients have public money spent on their behalf, and as a consequence of it being public money, the Commission has a statutory duty to ensure the most effective use of the money available to it.

A "change of lawyer at will" arrangement would not be good policy, nor in the Commission's view, meet the statutory obligations which form the framework under which the Commission operates. We also have some comfort from the fact that in no other jurisdiction in Australasia does a change of lawyer at will, or anything similar, operate in this area.

On the matter of briefing, the Commission was faced with a particular problem. A small number of practitioners would take on a client, deal with the

matter up to the beginning of trial in the hope that it would resolve into a plea of guilty, and then at the last minute, seek to avoid doing the trial.

They would then approach us for aid to brief the matter. In those circumstances, the Commission decided that the brief should first be offered to the in-house practice. If there is no conflict of interest, and if the in-house practice has the capacity to take the matter on, there is a saving to the Commission.

Normal change of lawyer matters are not dealt with in this way.

And where we are advised that a client wants to be represented by a lawyer who will do the matter pro bono we speed them on their way with our blessing to that lawyer - because, again, that represents a saving to the Commission.

Both those policies fit together. Because of the Commission's responsibility for the use of taxpayers' money, we have to impose some controls on continuing to receive aid after change of lawyer, and because of the Commission's responsibility for providing aid applicants with choice, we deliberately have a process which requires an applicant to make a lawyer choice before any application is made.

Sometimes our insistence that our clients make a choice is challenged. The most favoured method of doing this over the past year has been to point to our duty lawyer service. The Commission provides this service in all the Magistrates' Courts, the Family Court of Australia, and the Federal Magistrates Court. And we provide it because our funders (the Tasmanian and Commonwealth governments) require us to. The duty lawyers provide advice and assistance to people who turn up at those Courts without any legal representation. The assistance will often extend to making applications for bail, for adjournment, or presenting simple pleas. As part of providing this service, a duty lawyer will often be professionally obliged to advise a person that they should obtain legal representation.

This is where the choice criticism arises. The claim is made that our duty lawyers don't advise people that they have a choice, that they can be legally aided by private practitioners. Essentially, they are accused of assisting people, and then sprinkling them with some sort of magic duty lawyer powder, which causes them to march in a trance down to Legal Aid and sign up for an in-house lawyer.

When our duty lawyers visit people in custody in advance of court hearings,

they ask each person whether they are already the client of a lawyer. If the answer is yes, then Commission lawyers will advise the relevant lawyer that their client is about to go before a court, and do what they can to facilitate contact between the lawyer and the client.

Commission lawyers who are duty lawyers will often advise a person that they have assisted in the court, as part of the duty lawyer process, that the person should obtain legal representation for matters that follow on from this duty lawyer process. At this point, it is not possible for a duty lawyer to say whether or not a person will actually be eligible for legal aid.

It is not usual for duty lawyers to process an application for that person on the spot, and this because the duty lawyer is usually too busy to do so. They are simply advised that they should get in touch with a lawyer. If the person expresses an interest in being represented by a legal aid lawyer, they are usually directed to the local legal aid office.

Heaven forbid that people who are assisted by our duty lawyers are sufficiently pleased or impressed by the help they have received that they want to continue being represented by the Commission's in-house lawyers! What would that be, some kind of unfair competition?

I don't normally regard Annual Reports as the appropriate place for argument about policy matters - duelling annual reports at twelve month paces. But in the course of the year, it has been suggested that we are gobbling up Tasmanian criminal law work to the detriment of the private profession, shrinking the number of lawyers available to do criminal law work. Let us leave aside the strange mathematical logic involved in that claim (which seems to be based on the idea that Legal Aid commission lawyers aren't to be counted when assessing the number of lawyers available to do criminal law work). Let us consider instead the proportions of all the grant of aid criminal law work done by the private profession and the Commission's in-house practice.

The figures for the last ten years.

- 2002/2003 55 per cent to the private profession, 45 per cent Commission lawyers
- 2003/2004 51 per cent to the private profession, 49 per cent Commission lawyers
- 2004/2005 44 per cent to the private profession, 56 per cent Commission lawyers

- 2005/2006 49 per cent to the private profession, 51 per cent Commission lawyers
- 2006/2007 53 per cent to the private profession, 47 per cent Commission lawyers
- 2007/2008 51 per cent to the private profession, 49 per cent Commission lawyers
- 2008/2009 56 per cent to the private profession, 44 per cent Commission lawyers
- 2009/2010 54 per cent to the private profession, 45 per cent Commission lawyers
- 2010/2011 51 per cent to the private profession, 49 per cent Commission lawyers
- 2011/2012 53 per cent to the private profession, 47 per cent Commission lawyers

Two of those years are clearly anomalies. The average of the other eight is about 53%. So whatever might be happening to the overall volume of grant of aid criminal law work, the proportions of who does it seem to fit within a fairly consistent and relatively narrow range.

All this information is contained in our annual reports. Each year's running total is posted monthly to our web-site.

We were also criticised for dealing with a matter where two of our in-house lawyers appeared for two joint defendants. We did point out when one of those criticisms was made that at the time a private sector firm was doing the same thing. However, the Commission regarded the circumstances which gave rise to the criticism as sufficiently important to require a policy position. After consideration, the Commission decided that in the normal course of dealing with applications for aid, the Commission would approve applications where a single practitioner acts for more than one defendant in a criminal proceeding in those circumstances where the normal professional rules allow that representation.

The Commission will approve applications for more than one private practitioner in the same firm to appear for joint defendants in a criminal trial in the Supreme Court, but should a conflict arise and the firm thus finds itself unable to continue to act for either defendant, the approval of aid will be terminated. No payment of aid for any work done will be made, unless exceptional circumstances exist. The arising of a conflict after the original approval of aid will not be regarded as exceptional circumstances.

Applications for aid for Commission in-house lawyers to appear for more than one defendant in a criminal trial in the Supreme Court would not be approved.

As a result of a request made to the Commission by Duncan Kerr SC, the Commission decided that it would grant disbursements in matters where the client is being represented by a lawyer on a pro bono basis, in those situations where the client would be eligible for a grant of aid for representation. The disbursement can be applied for through the standard grant of aid application process.

On 2 March 2012, the Commission received the 500th application under the Civil Disbursement Fund scheme. We received the first CDF application on 14 May 2004. It took two years for the scheme to reach its first hundred applications. After that, each successive hundred applications took about 15 months. We received the 400th application on 11 November 2010. By a most strange set of co-incidences, the 1st, 100th, 200th, 300th, 400th and 500th applications were all through the same firm.

Since March, the rate of applications to the scheme has increased. We are now anticipating that the next hundred applications are likely to be made in less than twelve months. At a rate of that kind, we would be receiving applications on a one in 5,000 population basis. I doubt if there is any other scheme in Australia running at that kind of rate.

At the beginning of the year under report, we placed our Legal eGuide and our Referral List on our web-site. The Legal eGuide is the major tool we have developed over close to twenty years to assist our telephone service officers to have access to an up to date compendium of legal material, covering all areas of the law likely to come up in inquiries from members of the Tasmanian community. Over time, it has become a major commentary on Tasmanian and Commonwealth law. The material in it is pitched to lawyers, and we see it as a resource for ourselves, members of the private profession, and others working in the justice system.

During the year, we began a pilot scheme to run the Burnie clinic service through the Hobart office. This involved setting up a system whereby a person receiving advice in Burnie could speak face-to-face with a clinic lawyer in Hobart. The benefit for people being assisted is that it gives them access to a greater range of advice, and the timing of the service is not restricted to the lunch hour. The pilot was a success.

As a result of that success, we went ahead with the creation of an ACE office

in Launceston. That office will perform the same range of functions as the Hobart office, namely telephone advice, clinic, and community education.

Both Hobart and Launceston offices will operate on an integrated phone system, and calls will be taken by available operators, no matter where the call originated. Both offices will use the eGuide database as support for dealing with caller queries, and there will be increased use of standard "scripts" for common questions. Both offices will keep the same records of caller/query information.

The Hobart clinic has been operated by ACE ever since we moved into the Liverpool Street office. This allowed us to expand the clinic time away from just lunch time (with interesting consequential benefits for our reception) and relieve the practice in the Hobart office of the burden of doing clinic during their lunch hour. The ACE office in Launceston will also handle Launceston clinic, allowing us to expand clinic hours, and the Devonport clinic. This means that we will have finally achieved the equitable result of relieving the whole of the state-wide practice of the burden of clinic.

The community education outreach to northern locations will be largely handled by the Launceston office. There will be occasions when specialist expertise held by ACE staff in either office will continue to require state-wide movement.

Each of the three areas of activity undertaken by ACE have been given special priority by the Commonwealth under the National Partnership Agreement. The entire cost of the Launceston office will be allocated to the Commonwealth side, again in accordance with the National Partnership Agreement.

One of the areas where ACE provides information to callers is about the location of Justices of the Peace. We have done this virtually since the setting up of the telephone service at the request of the State Government. Following negotiations with the Justice Department, we have taken over the provision and maintenance of the Justice of the Peace database.

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 6,913 (6,176) applications for legal assistance, a 12% increase. Of those, 4,143 (3,777) were for criminal matters and 1,881 (1,643) were for family matters - an increase for both over the previous year, of 366 applications for criminal matters, and 238 for family matters. These differences were reflected in the figures for applications approved. For criminal law matters we approved 3,783 (3,357) - 426 (13%) more than the previous year, and for family law matters, we approved 1,493 (1,128) - 365 (32%) more 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. For civil matters, we received 889 (756) applications for legal assistance, 131 (17%) (66) more than last year, and approved 796 (656) - 140 (21%)(109) more than last year.

The proportion of applications approved has grown from 83% to 88%.

For criminal matters, 53% (51%) (2,005) (1,708) were dealt with by members of the private profession and 46% (49%) (1778) (1,649) by the in-house practice. For family law matters, 25% (33%) (379) (369) went to the in-house practice, with 74% (67%) (1,114) (759) going to the private profession. For civil matters, 65% (65%) (525) (429) were dealt with by members of the private profession and 34% (35%) (271)(227) by the in-house practice.

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

During the year, our FDR program conducted 404 (342) conferences, 62 (20) (18%) 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 2,775 (3,197) sessions. This is a 15% decrease from last year.

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 70 (104) duty lawyer services in Hobart, and 46 (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 6,103 (5,318) people and gave them face-to-face advice and minor assistance.

These numbers include our special Civil Matters Advice programme. The programme provides civil matter advice to clients who would not normally be eligible for Legal Aid. It aims to provide advice on civil process and procedure, and in selected matters, legal advice on aspects of the issues involved. References are made to us from the registries of both the Supreme and Magistrates Courts. This year, we provided 598 sessions under this programme.

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 23,334 calls

dealt with by the service during 2011/2012 compared to 21,589 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 2,004 (2,089) services through 97 (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 340,418 page views during the year.



OUR PEOPLE

At the beginning of the year, we had an increase in the number of officers away on maternity leave, and as a result, Amber Mignot was appointed to the Southern Criminal Practice Leader position. We usually have a number of the Commission staff away on maternity leave during any given year - it is such a natural consequence of a workforce with high proportions of female staff, that we have often been tempted to count the number of babies in a year as one of our KPIs.

We appointed Tianna Freeman to the permanent Family Law Secretary position in Launceston.

Aysha Williams was transferred permanently to LACT from the Magistrates' Court. Aysha had been acting in the criminal secretary position in the Burnie office for almost a year while Kristina Richards was on extended leave. Kristina has taken a further period of leave.

Toward the end of the calendar year, Oliver Hinss commenced in a fixed-term level 1 Family Lawyer position in Hobart, made available by the need to cover a period of maternity leave. Oliver had been appointed some months earlier, and we were pleased that he was finally able to join us.

Soon after the beginning of the year, we had appointed Anton Hughes to one of the fixed-term level 1 Criminal Lawyer positions in the Hobart practice, again made available by the need to cover a period of maternity leave. But right at the end of the calendar year, he succumbed to the siren call of Sydney and left us, soon after to re-appear at the Legal Aid Commission of NSW.

At the beginning of the new calendar year, Elizabeth Dalglish took a 12 month secondment to the GAB to work as an investigator.

Robyn Murfet, the afternoon receptionist in the Launceston office, who had been on leave without pay for the past 12 months, resigned.

Close to the end of the year, Evan Hughes, who was a Level 3 Criminal Lawyer in Launceston resigned, to take his legal skills and area of practice in a slightly different direction in a private firm. Evan had been a member of the Commission's criminal practice in the north of the State for 13 years, and had made an extensive contribution to the success of the practice in Launceston.

We commenced the new ACE program in Launceston right at the end of the year, covering telephone advice, clinic and community legal education. Five practitioners were appointed to part-time positions to cover that service. It was good to welcome back Yvonne Masters, who a few years ago had done a term as our northern Safe at Home officer. Rowena Holder, Kate Mills, Elizabeth Maclaine-Cross was also returning to us, in a sense, having done her apprenticeship in the Commission in the middle nineties. Rowena Holder, Kate Mills and Jess Downie completed the team.

Kellie Kennedy has started as a new Mental Health and Safe at Home secretary in the Hobart office.

Alan Hensley will transfer to the Commission from the DPP as the new Level 3 Criminal Lawyer in the Launceston office.

Alex Mollard resigned her position as a level 1 lawyer in the Criminal Practice in Hobart to return to the private profession .

Rowena Taylor was temporarily transferred from the Devonport office to the Hobart office. As a consequence, James Oxley, our new Level 2 criminal lawyer in the Launceston office, will be providing some days support to the Devonport office.

Commission Criminal Lawyers held a training day in Launceston on 11 November. The day was organised by Tam Jago, and I have no doubt earned everybody five CPD points! Duty lawyer services on 11 November were provided by contracted private practitioners. After his day in the Devonport court, Greg Richardson told us that he had never worked so hard in his life. We thanked him for his hyperbole.



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 2012, the Commission employed 34 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 2011/2012 year, the Commission met on 9 occasions. Meetings of the Commission are usually held about every four to five weeks.



MEMBERS OF THE COMMISSION

Commissioners

The Legal Aid Commission of Tasmania is responsible to a board of Commissioners, all of whom are appointed to the Commission by the Attorney-General.

Peter Worrall

Chairperson of the Commission – re-appointed on 24 August 2011 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

Nominated by the Staff – re-appointed on 5 February 2010 for a further 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.

Luke Rheinberger

Nominated by the Law Society of Tasmania – appointed on 24 April 2012 for a term of three years.

Mr Rheinberger graduated from the University of Tasmania in 1994. He practiced as a barrister and solicitor in private practice in Launceston and Hobart between 1994 and 2010, primarily in civil litigation. He then spent two years employed by a State corporation.

He is currently the Deputy Executive Director of the Law Society of Tasmania and is a past Treasurer and President of that organization.

Stephen Estcourt

Nominated by the Law Society of Tasmania – appointed on 24 April 2012 for

a term of three years.

Stephen Estcourt QC is a former President of the Australian Bar and is one of Tasmania's most senior and experienced counsel. He also practices at the Victorian Bar from Dawson Chambers in Melbourne.

Over 35 years Stephen has appeared in all areas in the Tasmanian Supreme Court and Full Court and the Victorian Supreme Court and Court of Appeal and has regularly appeared in the Federal and High Courts of Australia. He is a Fellow of the Australian Academy of Law.

Stephen Morrison

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 16 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

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.



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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 at any of our four offices, 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.



[Annual Report 2011-2012](#) ⇨ [The Commission](#) ⇨ [Office Locations](#)

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



[Annual Report 2011-2012](#) ⇨ [The Commission](#) ⇨ [Right to Information Act](#)

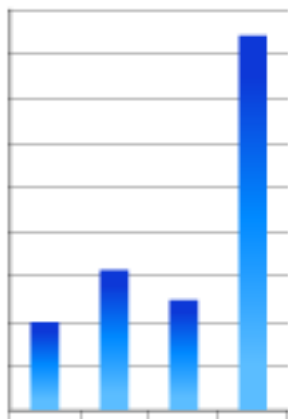
RIGHT TO INFORMATION ACT

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 2012, no applications were received.



[Annual Report 2011-2012](#) ⇨ [Statistical Profile](#)



STATISTICAL PROFILE

[Duty Lawyer Services 2011-2012](#)

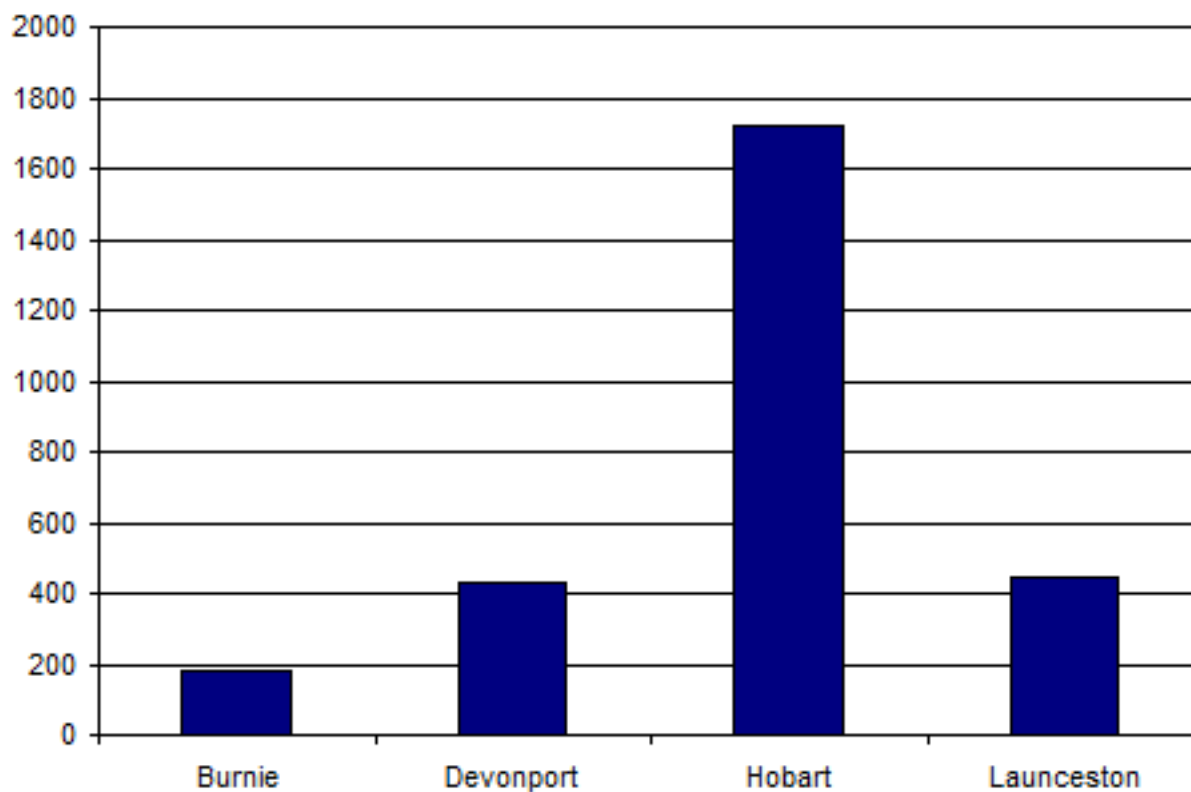
[Legal Advice by Office 2011-2012](#)

[Applications Received, Approved, Refused 2011-2012](#)

[Applications Approved, In-house/Assigned 2011-2012](#)



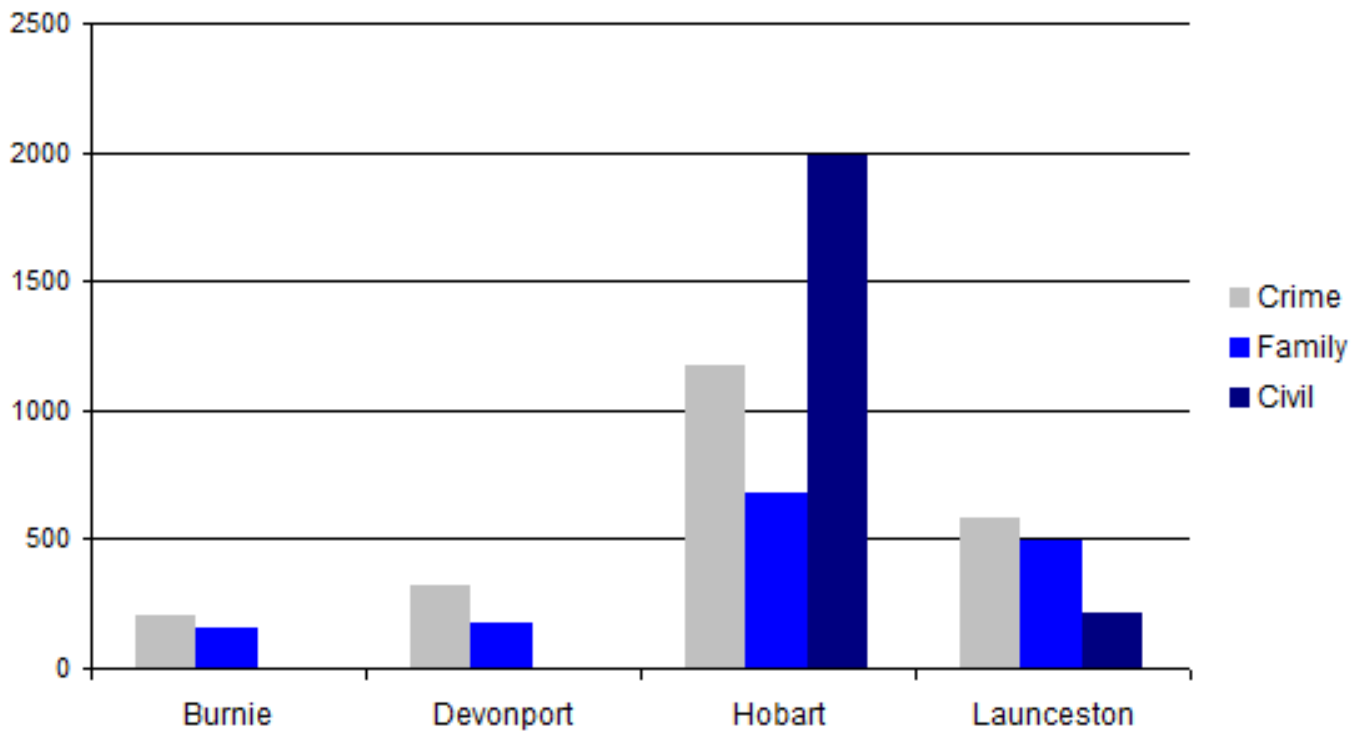
DUTY LAWYER SERVICES 2011-2012



Burnie	179
Devonport	432
Hobart	1718
Launceston	446



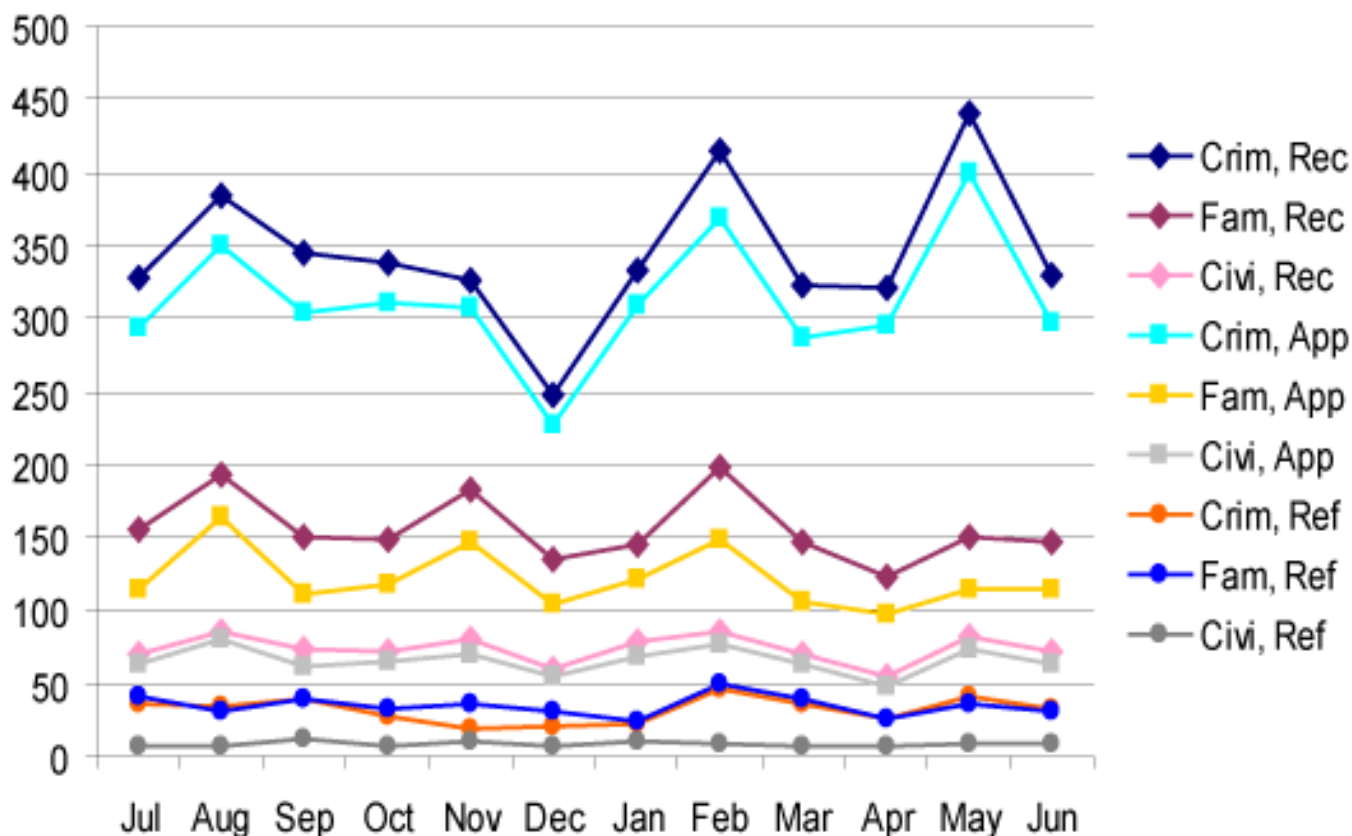
LEGAL ADVICE BY OFFICE 2011-2012



	Crime	Family	Civil	TOTAL
Burnie	199	156	3	358
Devonport	317	179	1	497
Hobart	1177	676	1988	3841
Launceston	581	497	209	1287



APPLICATIONS RECEIVED, APPROVED, REFUSED 2011-2012

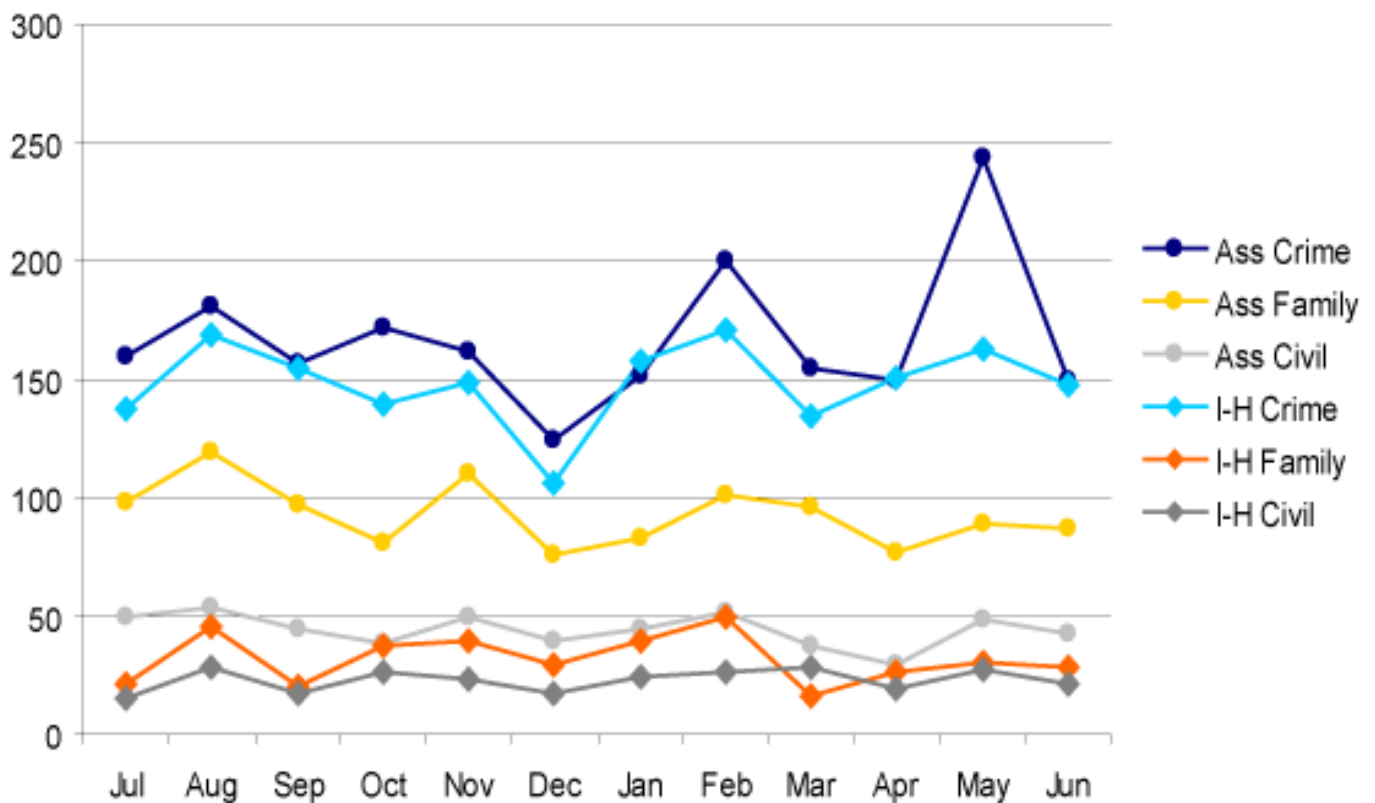


	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	TOTAL
Crim, Rec	331	384	347	338	328	248	333	414	322	324	445	329	4143
Fam, Rec	155	192	153	149	184	134	145	197	147	126	153	146	1881
Civi, Rec	70	88	72	71	82	61	78	87	71	55	83	71	889
Crim, App	297	350	312	311	310	230	310	371	289	300	406	297	3783
Fam, App	119	164	117	118	149	105	122	150	112	103	119	115	1493
Civi, App	64	82	61	64	72	56	68	78	65	48	75	63	796
Crim, Ref	34	34	35	27	18	18	23	43	33	24	39	32	360
Fam, Ref	36	28	36	31	35	29	23	47	35	23	34	31	388
Civi, Ref	6	6	11	7	10	5	10	9	6	7	8	8	93



[Annual Report 2011-2012](#) ⇨ [Statistical Profile](#) ⇨ [Applications Approved Inhouse Assigned](#)

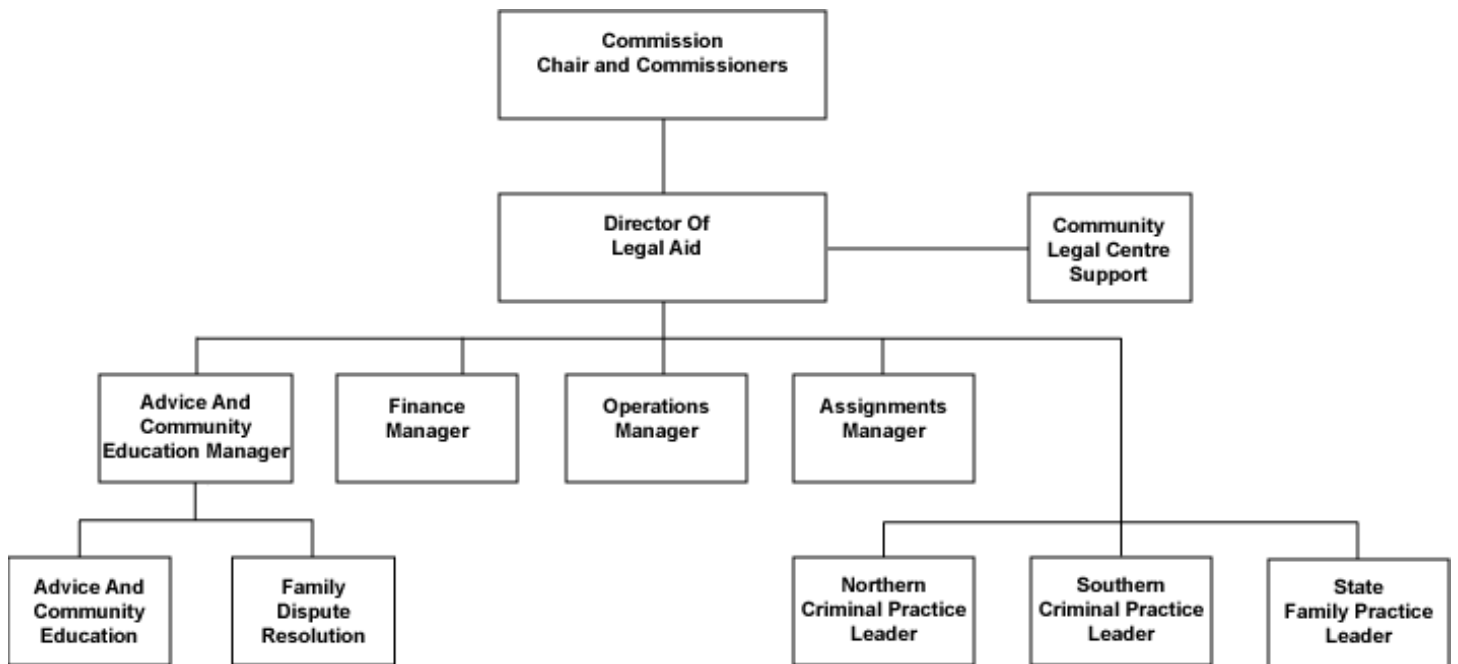
APPLICATIONS APPROVED INHOUSE/ASSIGNED 2011-2012



	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	TOTAL
Ass Crime	160	181	157	172	162	124	152	200	155	149	243	150	2005
Ass Family	98	119	97	81	110	76	83	101	96	77	89	87	1114
Ass Civil	49	54	44	38	49	39	44	52	37	29	48	42	525
I-H Crime	137	169	155	139	148	106	158	171	134	151	163	147	1778
I-H Family	21	45	20	37	39	29	39	49	16	26	30	28	379
I-H Civil	15	28	17	26	23	17	24	26	28	19	27	21	271



ORGANISATIONAL CHART





[Annual Report 2011-2012](#) ⇨ [Financial Reports](#)

FINANCIAL REPORTS

[Independent Audit Report](#) - 496 kb PDF file (2 pages)

[Certification of Financial Statements](#) - 137 kb PDF file (1 page)

[Financial Statements](#) - 59 kb PDF file (4 pages)

[Notes to Financial Statements](#) - 3.6 mb PDF file (9 pages)

Independent Auditor's Report

To Members of the Parliament of Tasmania

Legal Aid Commission of Tasmania

Financial Report for the Year Ended 30 June 2012

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 2012, the statements of comprehensive income, changes in equity and cash flows for the year ended on that date, a summary of significant accounting policies, other explanatory notes and the statement by the commissioners.

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 2012, 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 Commissioners for the Financial Report

The commissioners are responsible for the preparation and fair presentation of the financial report in accordance with Australian Accounting Standards and *the 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

...1 of 2

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 commissioners' 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 commissioners, 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



J J Tongs
Technical and Quality Director
Delegate of the Auditor-General

HOBART
21 August 2012

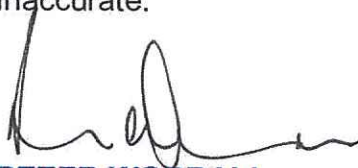
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FINANCE REPORT

CERTIFICATION OF FINANCIAL STATEMENTS

The accompanying financial statements of the Legal Aid Commission of Tasmania have been prepared in accordance with Australian Accounting Standards and Australian Interpretations 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 2012 and the financial position as at the 30th June 2012.

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 2012

**LEGAL AID COMMISSION OF TASMANIA
STATEMENT OF COMPREHENSIVE INCOME
FOR THE YEAR ENDED 30 JUNE 2012**

	<i>Note</i>	2011/12 (\$000's)	2010/11 (\$000's)
Revenues			
Commonwealth Grants and Contributions	<i>11,3</i>	5,993	5,992
Commonwealth Community Legal Centre Grants	<i>11,3</i>	1,473	1,413
State Government Grants and Contributions	<i>11,4</i>	5,762	5,610
State Government Community Legal Centre Grants	<i>11,4</i>	200	200
Other Revenue	<i>11,5</i>	405	1,171
Total Revenues		13,833	14,386
Expenses			
Legal Services Expenses	<i>6</i>	4,258	3,614
Employee Benefits Expenses	<i>7</i>	6,597	6,346
Supplies and Services	<i>8</i>	616	622
Accommodation Expenses	<i>9</i>	556	555
Information and Technology	<i>10</i>	322	382
Other Expenses	<i>11</i>	313	277
Depreciation and Amortisation Expenses	<i>12</i>	102	117
Debts Written Off	<i>13</i>	23	28
Disbursements to Community Legal Centres	<i>14</i>	1,718	1,567
Total Expenses		14,505	13,508
NET OPERATING SURPLUS/(DEFICIT) FOR THE YEAR		(672)	878
OTHER COMPREHENSIVE INCOME		-	-
TOTAL COMPREHENSIVE RESULT		(672)	878

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 2012**

	<i>Note</i>	2011/12 (\$000's)	2010/11 (\$000's)
ASSETS			
Current Assets			
Cash and Cash Equivalents	<i>1i,15</i>	4,172	4,666
Receivables	<i>1m, 16</i>	403	351
Other Assets		37	9
Total Current Assets		4,612	5,026
NON-CURRENT ASSETS			
Property, Plant & Equipment			
Land and Buildings	<i>1g, 17</i>	383	393
Office Equipment	<i>1g, 17</i>	29	42
Furniture and Fittings	<i>1g, 17</i>	4	8
Leasehold Improvements	<i>1g, 17</i>	34	20
Intangible Assets	<i>1h, 17</i>	282	338
Total Non-Current Assets		732	801
Total Assets		5,344	5,827
LIABILITIES			
Current Liabilities			
Payables	<i>1o, 19</i>	280	225
Provisions	<i>1p, 20</i>	1,098	1,025
Total Current Liabilities		1,378	1,250
NON-CURRENT LIABILITIES			
Provisions	<i>1p,20</i>	193	132
Total Non-Current Liabilities		193	132
Total Liabilities		1,571	1,382
Net Assets		3,773	4,445
EQUITY			
Contributed Equity		325	325
Asset Revaluation Reserve		203	203
Civil Law Disbursement Fund Loan Scheme Reserve		467	483
Accumulated Surplus		2,778	3,434
TOTAL EQUITY		3,773	4,445

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 2012**

	<i>Note</i>	2011/12 (\$000's) Inflows (Outflows)	2010/11 (\$000's) Inflows (Outflows)
CASH FLOWS FROM OPERATING ACTIVITIES			
Receipts			
Commonwealth Grants and Contributions		5,993	5,992
Commonwealth Grants for Community Legal Centres		1,473	1,413
State Government Grants		5,762	5,610
State Government Grants for Community Legal Centres		200	200
Contributions and Recovered Costs from Clients		258	219
GST Receipts		805	723
Interest Income		243	211
Other		-	802
Total Operating Receipts		14,734	15,170
Payments			
Payments for Legal Services		(4,433)	(3,750)
Employee Benefits		(6,433)	(6,095)
Administrative Expense		(1,810)	(1,767)
GST Payments on Purchases		(801)	(717)
Disbursements to Community Legal Centres		(1,718)	(1,567)
Total Operating Payments		(15,195)	(13,896)
Net Cash Provided By/(Used In) Operating Activities	23	(461)	1,274
CASH FLOWS FROM INVESTING ACTIVITIES			
Purchase of Non-Current Physical Assets		(33)	(6)
Net Cash Provided By/(Used In) Investing Activities		(33)	(6)
Net Increase in Cash and Cash Equivalents Held		(494)	1,268
Cash Assets and Cash Equivalents at the Beginning of the Year		4,666	3,398
CASH AND CASH EQUIVALENTS AT THE END OF YEAR	15	4,172	4,666

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 2012**

	Notes	Contributed Equity	Asset Revaluation Reserve	Civil Law Disbursement Fund Loan Scheme	Accumulated surplus/deficit	Total Equity
	\$000's	\$000's	\$000's	\$000's	\$000's	\$000's
Balance as at 1 July 2011	325	203	483	3,434	4,445	
Total comprehensive Result			(16)	(656)	(672)	
Balance as at 30 June 2012	325	203	467	2,778	3,773	

	Notes	Contributed Equity	Asset Revaluation Reserve	Civil Law Disbursement Fund Loan Scheme	Accumulated surplus/deficit	Total Equity
	\$000's	\$000's	\$000's	\$000's	\$000's	\$000's
Balance as at 1 July 2010	325	203	509	2,530	3,567	
Total comprehensive Result			(26)	904	878	
Balance as at 30 June 2011	325	203	483	3,434	4,445	

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 2012

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 2012. This National Partnership Agreement will expire on the 30th June 2014.

(b) Basis of Preparation

The financial statements have been prepared in accordance with the requirements of the Audit Act 2008 and Australian Accounting Standards issued by the Australian Accounting Standards Board (AASB). 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 2012.

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

The financial statements have been prepared on the accrual basis of accounting using 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 2012.

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	Changes are not expected to materially affect the Commission.
AASB 13 AASB 2011-8	Establishes a single source of guidance for determining the fair value of assets and liabilities.	Provides guidance on fair value calculations and expands disclosures.	1 January 2013	1 July 2013	Changes are not expected to materially affect the Commission.
AASB 19 AASB 2011-10 AASB 2011-11	Employee Benefits	The major changes to the standard relate to defined benefit plans and changes to the definition of short-term employee benefits.	1 January 2013	1 July 2013	Changes are not expected to materially affect the Commission.
AASB 2011-9	AASB 101 Presentation of Financial Statements	Group items in Other Comprehensive Income based on whether they might be reclassified to the profit and loss subsequently	1 July 2012	1 July 2013	Changes are not expected to materially affect the Commission.

Notes to the Financial Statements for the Year ended 30 June 2012

1 Summary of significant accounting policies (cont'd)

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

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

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

The Solicitors' Trust Distributions represent monies received under Section 361 of the Legal Profession Act 2007. Under the Act if the Guarantee Fund exceeds a predetermined threshold the Minister may invite the Commission to make application for a grant of monies from the Guarantee Fund. No distributions were received in 2011-2012.

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

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

Notes to the Financial Statements for the Year ended 30 June 2012

1 Summary of significant accounting policies (cont'd)

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
Office Equipment	4 Years
Furniture and Fixtures	4 Years
Leasehold Improvements	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, *Legal Case 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, *Contributions* on approval of the grant of aid. Provision for impairment is provided for in accordance with Note 17.

(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.

Notes to the Financial Statements for the Year ended 30 June 2012

1 Summary of significant accounting policies (cont'd)

(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 2012 the Commission employed 71.1 (70.3 2010-11) 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**

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.

(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.

Notes to the Financial Statements for the Year ended 30 June 2012

1 Summary of significant accounting policies (cont'd)

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 Law Disbursement Fund Loans* which by their nature have an unknown maturity profile.

Interest Rate Risk

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

The Commission is authorised under its act to invest surplus funds in any of the ways referred to in Section 5 of the Trustee Act 1898. The Commission's policy 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.

Interest Rates on Cash and Cash Equivalents

	2012 (\$000's)	2011 (\$000's)
At Call Cash Management Account No 1 – Operating Account	3,253	3,735
	On Call at an Interest Rate of 3.50%	On Call at an Interest Rate of 4.75%
At Call Cash Management Account No 2 – Civil Law Disbursements Fund	464	444
	On Call at an Interest Rate of 3.50%	On Call at an Interest Rate of 4.75%
Operating Account	455	487
	On call at an Interest Rate of 3.12%	On call at an Interest Rate of 4.35%
	4,172	4,666

A 1 percentile movement in the interest rate will create \$41,720 (2010-11 \$46,660) movement in interest income.

Notes to the Financial Statements for the Year ended 30 June 2012

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

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

	2012 (\$000's)	2011 (\$000's)
Base Grant	5,936	5,936
Community Legal Centre Administration Agency Payment	57	56
	5,993	5,992
Disbursements to Community Legal Centres	1,473	1,413
	7,466	7,405

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.

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.

4 State Government Grants and Contributions

	2012 (\$000's)	2011 (\$000's)
Base Grant	5,518	5,370
"Safe at Home" Domestic Violence Intervention Program	244	240
	5,762	5,610
Disbursements to Community Legal Centres	200	200
	5,962	5,810

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.

Notes to the Financial Statements for the Year ended 30 June 2012

5 Other Revenue

	2012 (\$000's)	2011 (\$000's)
Client Contributions and Cost Recoveries	163	160
Interest Income	216	198
Civil Law Disbursement Fund Loans Contributions	26	11
The Solicitors' Trust Distributions	-	802
	405	1,171

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 Expenses

	2012 (\$000's)	2011 (\$000's)
Grants of Legal Aid	4,203	3,552
Duty Lawyer Services	55	62
	4,258	3,614

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.

7 Employee Benefits Expenses

	2012 (\$000's)	2011 (\$000's)
Salaries, Superannuation and Related Costs	5,987	5,633
Temporary Staff And Agency Staff Engagements	458	470
Professional Development	18	30
Annual Leave Entitlements	47	62
Long Service Leave Entitlements	87	151
	6,597	6,346

Salaries, Superannuation and Related Costs

Includes salaries and employer funded superannuation and workers compensation insurance.

Temporary Staff and Agency Staff Engagements

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

Professional Development

Includes costs of courses and seminar fees.

Annual Leave and Long Service Leave Entitlements

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

Notes to the Financial Statements for the Year ended 30 June 2012

8 Supplies and Services

	2012 (\$000's)	2011 (\$000's)
Communications	235	243
Travel	121	124
Office Machines	80	109
Consumables	126	85
Motor Vehicle Expenses	54	61
	616	622

9 Accommodation Expenses

	2012 (\$000's)	2011 (\$000's)
Lease Rentals and Associated Costs	311	293
Cleaning	66	67
Storage	15	12
Rates and Taxes	46	41
Power	56	75
Maintenance	41	45
Security	6	8
Insurance	15	14
	556	555

10 Information Technology

	2012 (\$000's)	2011 (\$000's)
Systems Maintenance and Development	216	267
Hardware Maintenance	13	14
Online Library Resources	48	77
Software License Fees	40	22
Consumables	5	2
	322	382

11 Other Expenses

	2012 (\$000's)	2011 (\$000's)
Department of Justice Administration Fees	36	36
Audit Fees	21	22
Other	256	219
	313	277

12 Depreciation and Amortisation Expenses

	2012 (\$000's)	2011 (\$000's)
Office Equipment	24	39
Furniture and Fittings	4	4
Leasehold Improvements	8	8
Buildings	9	9
Intangibles – In-house Software Development	57	57
	102	117

Notes to the Financial Statements for the Year ended 30 June 2012

13 Debts Written Off

	2012 (\$000's)	2011 (\$000's)
Bad Debt Write Off - Case Management System	12	13
Civil Law Disbursement Fund Loans	11	15
	23	28

The amount of \$12,483 (2010-11 \$12,859) 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

	2012 (\$000's)	2011 (\$000's)
<u>Commonwealth Program</u>		
North West Community Legal Centre Inc.	104	102
Environmental Defender's Office (Tas) Inc.	95	93
Hobart Community Legal Service Inc.	558	521
Launceston Community Legal Centre Inc.	370	337
Tenants Union of Tasmania Inc.	62	61
Women's Legal Services (Tas) Inc.	329	253
	1,518	1,367
<u>State Program</u>		
Hobart Community Legal Service Inc.	100	100
North West Community Legal Centre Inc.	100	100
	200	200
	1,718	1,567

15 Cash and Cash Equivalents

	2012 (\$000's)	2011 (\$000's)
Unrestricted Cash and Cash Equivalents		
Cash on Hand – Petty Cash	2	2
Bank Accounts	450	446
Investments – TASCORP No. 1	3,253	3,735
	3,705	4,183
Restricted Cash and Cash Equivalents		
Bank Account	3	39
Investments – TASCORP No. 2	464	444
	467	483
Total Cash and Cash Equivalents	4,172	4,666
Held as		
Operating Cash	3,705	4,183
State Civil Law Disbursements Fund Loans Scheme	467	483
Total and Balance as per Statement of Cash Flows	4,172	4,666

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 2012 are shown at Note 13.

Notes to the Financial Statements for the Year ended 30 June 2012

16 Receivables

	2012 (\$000's)	2011 (\$000's)
Contributions Receivable	25	22
Less Provision for Impairment	(2)	(2)
Civil Law Disbursement Fund Loans	334	281
Good and Services Tax (GST) Recoveries Due	46	50
	403	351

Contributions Receivable

Contributions consist of small amounts owing by clients as a contribution toward the cost of their legal matter. At the conclusion of each financial year a provision for impairment is recalculated. This estimate 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.

2012	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	25	2	8	6	3	6

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	3	9
	22	2	5	3	3	9

Notes to the Financial Statements for the Year ended 30 June 2012

17 Non-Current Assets

Property, Plant & Equipment

	2012 (\$000's)	2011 (\$000's)
LAND & BUILDINGS		
Land at Fair Value	195	195
Buildings at Independent Valuation	249	249
Less Accumulated Depreciation	(61)	(51)
Land and Buildings at Fair Value	383	393

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.

	2012 (\$000's)	2011 (\$000's)
OFFICE EQUIPMENT		
Historical cost	363	352
Less: Accumulated Depreciation	(334)	(310)
	29	42

	2012 (\$000's)	2011 (\$000's)
FURNITURE AND FITTING		
Historical cost	42	42
Less: Accumulated Depreciation	(38)	(34)
	4	8

	2012 (\$000's)	2011 (\$000's)
LEASEHOLD IMPROVEMENTS		
Historical cost	70	48
Less: Accumulated Depreciation	(36)	(28)
	34	20

Intangibles

	2012 (\$000's)	2011 (\$000's)
INTANGIBLE ASSETS		
Historical cost	564	564
Less: Accumulated Amortisation	(282)	(226)
	282	338

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 2012

17 Non-Current Assets (cont'd)

Property, Plant & Equipment

Movement in the carrying amounts for each class of property, plant and equipment:

	2012 (\$000's)	2011 (\$000's)
LAND & BUILDINGS		
Opening Written Down Value	393	402
Building Improvements	-	-
Depreciation Expense	(10)	(9)
Closing Written Down Value	383	393

	2012 (\$000's)	2011 (\$000's)
OFFICE EQUIPMENT		
Opening Written Down Value	42	75
Additions	11	6
Depreciation Expense	(24)	(39)
Closing Written Down Value	29	42

	2012 (\$000's)	2011 (\$000's)
FURNITURE AND FITTINGS		
Opening Written Down Value	8	12
Additions	-	-
Depreciation Expense	(4)	(4)
Closing Written Down Value	4	8

	2012 (\$000's)	2011 (\$000's)
LEASEHOLD IMPROVEMENTS		
Opening Written Down Value	20	28
Additions	22	-
Depreciation Expense	(8)	(8)
Closing Written Down Value	34	20

Intangibles

Movement in the carrying amount of intangibles.

	2012 (\$000's)	2011 (\$000's)
INTANGIBLES		
Computer Software		
Opening Written Down Value	338	395
Amortisation Expense	(56)	(57)
Closing Written Down Value	282	338

18 Impairment of Assets

There were no indications of impairment of property, plant and equipment and intangible assets at 30 June 2012.

Notes to the Financial Statements for the Year ended 30 June 2012

19 Payables

	2012 (\$000's)	2011 (\$000's)
Accrued Salaries	166	136
Other Operating Costs	114	89
	280	225

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.

20 Provisions

	2012 (\$000's)	2011 (\$000's)
Current		
Employee Benefits Provision:		
Annual Leave	436	389
Long Service Leave	662	636
	1,098	1,025
Non Current		
Employee Benefits Provision:		
Long Service Leave	193	132
	1,291	1,157

21 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.

22 Commitments for expenditure

Legal Case Commitment

At 30th June 2012 the Commission's case management system disclosed a commitment of \$1,322,144 (2010-11 \$1,139,951) 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:

	2012 (\$000's)	2011 (\$000's)
Due within 1 year	274	336
Due within 1 - 5 years	412	666
	686	1,002

Notes to the Financial Statements for the Year ended 30 June 2012

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

	2012 (\$000's)	2011 (\$000's)
Operating Result – Surplus	(672)	878
<u>Change In Assets – (Increase) / Decrease</u>		
Depreciation & Amortisation Expense	102	117
(Increase) in Receivables	(52)	(41)
Decrease / (Increase) in Other Assets	(28)	34
<u>Change in Liabilities – Increase / (Decrease)</u>		
(Decrease) / Increase in Provisions	134	214
Increase in Payables	55	72
Net Cash provided from Operating Activities	(461)	1,274

24 Financing Facilities Available

	2012 (\$000's)	2011 (\$000's)
Facility Limit	92	92
Less Used / Committed	19	22
	73	70

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.

25 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.

26 Remuneration of Auditors

	2012 (\$000's)	2011 (\$000's)
Audit Fee	21	22
	21	22

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

27 Remuneration of Commissioners

	2012	2011
\$0 - \$10,000	6	2
\$10,001 - \$20,000	1	3
\$20,001 - \$30,000	1	1
Commissioners Remuneration	65,178	64,643

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.

Notes to the Financial Statements for the Year ended 30 June 2012

28 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:

	2012	2011
\$0 - \$60,000	1	2
\$60,001 - \$80,000	-	-
\$80,001 - \$100,000	1	1
\$100,001 - \$120,000	2	2
\$120,001 - \$140,000	2	1
\$140,001 - \$160,000	1	3
\$160,001 - \$180,000	-	-
\$180,000 +	3	3
Total Remuneration of Senior Officers	1,463,965	1,532,006

29 Related Parties Transactions

The Legal Aid Commission of Tasmania has not entered into any transactions during the 2011-12 financial year (2010-11 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.

30 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.

	2012 (\$000's)	2011 (\$000's)
Balance at WESTPAC Bank as at 1 July	4	25
Plus receipts	318	419
Less payments	316	440
Balance at Westpac Bank as at 30 June	6	4



[Annual Report 2011-2012](#) ➔ [Payments to Private Practitioners](#)

PAYMENTS TO PRIVATE PRACTITIONERS

[Payments to private practitioners](#) - 31 kb PDF file (9 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 2011 - 2012

		No. of Grants	Total Payments
Abetz Curtis Lawyers	Family	1	\$625.00
	Total	1	\$625.00
Andrei Slicer	Civil	3	\$1,755.00
	Criminal	84	\$23,463.75
	Total	87	\$25,218.75
Aneita Browning Barrister	Civil	7	\$2,257.50
	Criminal	15	\$3,523.75
	Total	22	\$5,781.25
Archer Bushby Launceston	Criminal	59	\$21,310.00
	Total	59	\$21,310.00
Baker Wilson Lawyers	Criminal	25	\$5,387.50
	Total	25	\$5,387.50
Bartletts	Civil	14	\$10,513.07
	Criminal	21	\$5,108.75
	Family	50	\$22,137.50
	Total	85	\$37,759.33
Ben Lillas	Civil	5	\$4,227.50
	Criminal	19	\$6,030.00
	Family	9	\$7,410.00
	Total	33	\$17,667.50
Bennett Howroyd	Civil	12	\$6,853.75
	Criminal	5	\$1,257.50
	Family	46	\$26,708.75
	Total	63	\$34,820.01
Bishops	Civil	40	\$24,131.50
	Criminal	20	\$5,481.75

		No. of Grants	Total Payments
Bishops	Family	152	\$67,975.25
	Total	212	\$97,588.51
BJT Legal	Family	2	\$2,005.00
	Total	2	\$2,005.00
Blissenden Lawyers	Civil	56	\$30,725.00
	Criminal	79	\$23,267.51
	Family	115	\$59,284.15
	Total	250	\$113,276.66
Burton Lawyers	Criminal	1	\$315.00
	Family	3	\$845.00
	Total	4	\$1,160.00
Butler McIntyre & Butler	Civil	100	\$41,891.26
	Criminal	716	\$211,835.64
	Family	300	\$131,594.41
	Total	1,116	\$385,321.31
Cann Legal	Civil	33	\$11,493.81
	Family	67	\$36,679.25
	Total	100	\$48,173.06
Caroline Graves Barrister at Law	Civil	29	\$17,022.50
	Criminal	29	\$9,766.25
	Total	58	\$26,788.75
Cinque Oakley & Senior	Family	1	\$500.00
	Total	1	\$500.00
Clerk Walker Lawyers	Civil	27	\$8,662.50
	Family	86	\$28,733.50
	Total	113	\$37,396.00
Craig Rainbird Barrister & Solicitor	Criminal	126	\$51,222.51
	Total	126	\$51,222.51
Crisp Hudson & Mann	Civil	30	\$16,315.00
	Criminal	1	\$315.00

		No. of Grants	Total Payments
Crisp Hudson & Mann	Family	76	\$22,437.27
	Total	107	\$39,067.27
David N Lewis Barrister at Law	Civil	28	\$15,650.00
	Family	109	\$39,950.00
	Total	137	\$55,600.00
David Walker & Co	Civil	41	\$15,021.25
	Criminal	29	\$8,010.00
	Family	300	\$106,280.02
	Total	370	\$129,311.27
Douglas & Collins	Criminal	24	\$7,117.50
	Total	24	\$7,117.50
East Coast Lawyers	Family	1	\$500.00
	Total	1	\$500.00
FitzGerald and Browne	Civil	112	\$42,756.26
	Criminal	34	\$8,365.31
	Family	256	\$86,923.65
	Total	402	\$138,045.23
Friend & Edwards Lawyers	Civil	8	\$2,715.01
	Criminal	30	\$6,033.80
	Family	24	\$9,746.25
	Total	62	\$18,495.06
G A Richardson	Civil	2	\$312.50
	Criminal	227	\$97,457.53
	Total	229	\$97,770.03
Grant Tucker	Civil	19	\$12,760.00
	Criminal	245	\$109,818.75
	Family	54	\$31,827.70
	Total	318	\$154,406.45
Greg Barns Barrister	Civil	22	\$16,527.50
	Criminal	32	\$16,721.82

		No. of Grants	Total Payments
Greg Barns Barrister	Total	54	\$33,249.32
Griffiths Rice & Co	Family	2	\$1,502.50
	Total	2	\$1,502.50
Gunson Williams	Criminal	20	\$24,122.36
	Total	20	\$24,122.36
Henry Wherrett & Benjamin	Criminal	88	\$32,607.81
	Total	88	\$32,607.81
Ian Guest & Associates	Civil	11	\$4,552.50
	Family	19	\$15,995.00
	Total	30	\$20,547.50
Ierino & Associates	Civil	7	\$1,943.75
	Criminal	59	\$13,957.82
	Family	13	\$5,070.00
	Total	79	\$20,971.57
James Crotty Barristers & Solicitors	Criminal	32	\$18,020.02
	Total	32	\$18,020.02
James Kitto	Civil	1	\$562.50
	Criminal	7	\$3,645.00
	Total	8	\$4,207.50
John Green	Civil	5	\$2,127.50
	Criminal	16	\$5,943.75
	Family	7	\$2,505.00
	Total	28	\$10,576.25
John Robinson	Criminal	2	\$690.00
	Family	1	\$315.00
	Total	3	\$1,005.00
John William Mountford	Criminal	6	\$1,505.00
	Family	4	\$1,752.50
	Total	10	\$3,257.50
Jonathan Smith Lawyers	Family	3	\$1,252.50

		No. of Grants	Total Payments
Jonathan Smith Lawyers	Total	3	\$1,252.50
Kate Cuthbertson	Civil	36	\$23,407.50
	Criminal	57	\$20,506.25
	Total	93	\$43,913.75
Kate Mooney	Civil	57	\$33,002.50
	Family	53	\$41,867.50
	Total	110	\$74,870.00
Kay & Ruddle	Family	2	\$1,000.00
	Total	2	\$1,000.00
Legal Solutions Barristers & Solicitors t/a Legal Solutions	Civil	5	\$1,062.50
	Criminal	1	\$315.00
	Family	178	\$49,626.27
	Total	184	\$51,003.77
M+K Dobson Mitchell Allport	Civil	31	\$7,945.00
	Criminal	13	\$2,903.49
	Family	163	\$56,790.67
	Total	207	\$67,639.16
Mackie Crompton	Civil	61	\$25,196.25
	Criminal	166	\$34,588.50
	Total	227	\$59,784.75
Matthew Verney	Family	11	\$4,395.00
	Total	11	\$4,395.00
McGrath & Co.	Civil	2	\$815.00
	Criminal	25	\$6,396.25
	Family	52	\$27,392.50
	Total	79	\$34,603.75
McLean McKenzie & Topfer	Civil	20	\$8,778.75
	Criminal	4	\$690.00
	Family	41	\$10,576.88
	Total	65	\$20,045.64

		No. of Grants	Total Payments
McVeity & Associates	Civil	134	\$35,398.85
	Family	495	\$144,433.21
	Total	629	\$179,832.06
Menzie Legal	Criminal	23	\$4,626.25
	Family	7	\$2,482.50
	Total	30	\$7,108.75
Milton & Meyer	Civil	60	\$19,367.51
	Criminal	719	\$139,156.33
	Family	29	\$11,397.50
	Total	808	\$169,921.34
Murdoch Clarke	Civil	29	\$10,233.76
	Criminal	10	\$2,882.51
	Family	9	\$2,822.50
	Total	48	\$15,938.77
Murray & Associates	Family	57	\$31,435.00
	Total	57	\$31,435.00
Ogilvie Jennings	Civil	52	\$28,038.50
	Criminal	34	\$6,693.75
	Family	120	\$63,353.70
	Total	206	\$98,085.95
Osborne & Osborne Pty Ltd	Family	1	\$1,249.12
	Total	1	\$1,249.12
P L Corby & Company	Civil	20	\$10,132.50
	Criminal	1	\$315.00
	Family	51	\$19,267.05
	Total	72	\$29,714.55
Paul Sullivan	Criminal	20	\$5,636.25
	Total	20	\$5,636.25
Peter Heerey Lawyer	Civil	10	\$3,468.75
	Criminal	24	\$5,610.00

		No. of Grants	Total Payments
Peter Heerey Lawyer	Total	34	\$9,078.75
Peter Warmbrunn	Criminal	11	\$5,327.50
	Total	11	\$5,327.50
Philip Theobald	Civil	6	\$2,250.00
	Family	35	\$16,437.50
	Total	41	\$18,687.50
Philip Welch	Civil	25	\$18,632.50
	Family	96	\$27,592.05
	Total	121	\$46,224.55
PWB Lawyers	Civil	129	\$58,911.66
	Criminal	8	\$1,242.50
	Family	320	\$143,751.60
	Total	457	\$203,905.76
Rae & Partners PTY T/A Levis Stace & Cooper	Civil	22	\$8,605.00
	Criminal	19	\$5,370.01
	Family	171	\$51,865.01
	Total	212	\$65,840.02
Rae & Partners Lawyers	Civil	18	\$9,440.00
	Criminal	6	\$1,630.00
	Family	70	\$33,713.13
	Total	94	\$44,783.13
Rebecca Bailey & Associates	Family	1	\$565.00
	Total	1	\$565.00
Robert J. Meredith LL.B	Criminal	13	\$2,130.00
	Total	13	\$2,130.00
Simmons Wolfhagen	Civil	60	\$24,123.75
	Criminal	3	\$312.50
	Family	95	\$34,036.25
	Total	158	\$58,472.51
Stephen Wright Barrister & Solicitor	Criminal	57	\$15,657.92

		No. of Grants	Total Payments
Stephen Wright Barrister & Solicitor	Total	57	\$15,657.92
Steven Chopping	Criminal	169	\$66,033.75
	Family	15	\$7,502.50
	Total	184	\$73,536.25
TAFT Lawyers	Family	1	\$315.00
	Total	1	\$315.00
Todd P. Kovacic	Civil	32	\$15,868.75
	Criminal	56	\$22,340.00
	Total	88	\$38,208.75
W F McArdle Barrister & Solicitor	Family	3	\$1,800.00
	Total	3	\$1,800.00
W J Friend	Family	25	\$10,947.50
	Total	25	\$10,947.50
Walker Pender	Family	1	\$0.00
	Total	1	\$0.00
Wallace Wilkinson & Webster	Civil	2	\$457.87
	Criminal	56	\$22,414.32
	Family	159	\$71,540.00
	Total	217	\$94,412.19
Walsh Day James Mihal Pty	Civil	63	\$17,138.92
	Criminal	92	\$13,736.99
	Family	56	\$21,684.04
	Total	211	\$52,559.95
Wayne Olding LLB	Criminal	11	\$2,067.50
	Family	3	\$1,176.25
	Total	14	\$3,243.75
WF Lester	Criminal	3	\$675.00
	Total	3	\$675.00
Whyte Just & Moore	Family	4	\$1,747.50
	Total	4	\$1,747.50

		No. of Grants	Total Payments
Woods Murdoch Solicitors	Family	1	\$565.00
	Total	1	\$565.00
Wright Gilmour Barristers & Solicitors	Civil	9	\$4,561.25
	Criminal	174	\$44,917.36
	Total	183	\$49,478.62
Yvonne Pagett	Civil	4	\$2,125.00
	Family	2	\$940.00
	Total	6	\$3,065.00
Zeeman Kable & Page	Civil	52	\$35,995.00
	Criminal	75	\$35,406.89
	Family	63	\$32,648.75
	Total	190	\$104,050.65
Total		9,543	\$3,525,089.25