



# LEGAL AID COMMISSION OF TASMANIA

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## **ANNUAL REPORT 2012-2013**

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## DIRECTOR'S REPORT

One of the under-lying strengths of any organisation is a clear strategic sense of its business and its priorities. This was highlighted for me when I received an inquiry from a colleague in another Australian Legal Aid Commission. He told me that his Commission was looking to develop a formal set of priorities for its work, and was seeking to explore whether other Commissions had already done similar work. I don't know what sort of replies he got from other Australian Legal Aid Commissions, but I was particularly pleased to provide him with the results of the deliberations and decisions of our Commission.

The Legal Aid Commission of Tasmania has frequently discussed priorities in the work we do, over an extended period of years. Our focus has been not just on the types of work we do, and the areas of law we cover in providing assistance, but also on the categories of client we seek to help. In making these decisions, the Commission takes account of the demographics of our community, its economic and social circumstances, and government social policy across a range of areas. As befits its independence, the decisions of the Commission are its own, but it knows that it does not perform its statutory tasks in a vacuum.

The primary function of the Commission, listed first in the functions set out in S 6 of the Legal Aid Commission Act 1990, is to provide legal aid, which covers legal assistance and legal services. Legal assistance is any legal work or legal advice provided to a person, and legal services covers the work we

do as duty lawyers in courts. The over-arching obligation on the Commission is to provide help to people who would not otherwise be able to afford the services of a lawyer. That means that the Commission's clients, and the people it helps, come from the economically disadvantaged members of the Tasmanian community. It is within that sector that our priorities have to operate.

The Commission has set as its highest priority providing assistance and help to children. This is a priority which runs across all the Commission's types of assistance, from representation to telephone advice. It is most manifest in the area of representation, covering representation for young people involved in juvenile justice proceedings, and providing independent children's lawyers in care and protection and family law proceedings. It therefore covers both State and Commonwealth laws and courts, and is the highest priority for the work we do in response to the requirements of both our State and Commonwealth funders.

It also lies behind the extensive support the Commission has given to the two year pilot Youth Court program run in the Hobart Magistrates Court.

The second highest priority is providing assistance to people who are dealing with mental health issues. While the most obvious areas for that assistance is work in the mental health and guardianship tribunals, it also covers the work we do with people whose involvement in criminal law processes is additionally complicated by mental health issues.

These two classes of client constitute the Commission's highest priorities because the Commission views them as the most vulnerable members of our community, and the least likely to be able to find alternative ways of dealing with circumstances in which they find themselves.

Once past the first two, the priorities start to relate specifically to the mechanisms for assistance that the Commission provides. For example, the duty lawyer service is provided in the criminal law jurisdiction of the Magistrates Courts, and in the Family Court and the Federal Circuit Court. The priority is expressed by where we operate. For our representation services, whether provided by members of the private legal profession or by in-house Commission lawyers, priorities are expressed by a mixture of what the Commission regards as important, what is less important, and what it will not cover. Those matters have been set out in our reports before, but it is worth repeating them here.

In respect to funding Commonwealth matters, the Commission will not fund family law property disputes, and the Commission would give a low priority to funding:

(a) priorities:

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

(b) priorities:

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

The Grants Manager is authorised to require legally aided parties to attend an FDR conference at any stage of a proceeding, and prior to aid being granted for trial. The Commission also confirmed that whenever appropriate, it would insist on the costs of the ICL being met by the parties. Whilst the existence of a Police Family Violence Order would not of itself be sufficient reason for the exercise of their discretion, the Assignments Manager has been granted the discretion to refuse aid in circumstances where an applicant for a grant of aid has used violence against the other party.

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

In relation to traffic matters, the Commission would not fund at present:

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

and are charged with matters that will activate that suspended sentence which would result in imprisonment for the first time for any offence.

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

Because we do not ask people who use our telephone advice service to identify themselves, it is open to anyone to call us and ask for legal advice. We occasionally have done surveys of our callers by asking them if they have a health card. About 4 out of 5 have the card. We also don't offer telephone advice on certain types of commercial matter, but we can assist people with any other area of law. The officers who provide this service are all lawyers, and have the assistance of our Legal eGuide in providing advice.

Our clinic service - face to face legal advice and, when necessary, minor assistance - works in a similar fashion, although as the person seeking advice is physically with us, we can ask to see their health card. Again, we do not provide advice on certain types of commercial matters, but can provide advice on other areas of law. Within the clinic service, we have some specialist areas.

There is an impression about that the Commission does family law and criminal law, and that assistance for any other kind of legal matter has to be provided by some other organisation. That is certainly not true for our telephone advice service, nor for our clinic service. In clinic, we have a specialised advice service for guardianship and administration matters, for consumer problems, and in civil matters generally. We run a civil advice and minor assistance program providing advice and limited assistance to unrepresented civil litigants. For civil litigants seeking forms of monetary compensation, we run the Civil Disbursement Fund, which supports private practitioners taking on clients who would have difficulty in meeting the costs of expert reports and other disbursement costs involved in a damages claim.

Our web-site, of course, is available to anyone, and includes access to our Legal eGuide.

Priorities are not just about organisational focus. They are just as important to allocation of our resources, both people and money. Some element of the rationing of what we do, the choices between competing demands on us, is always present in the work of a Legal Aid Commission. The Commission has

consistently had the support of Attorneys-General, both State and Commonwealth, their goodwill and willingness to constantly press for extra resources for us. But government expenditure has to be responsible, budgets have to reflect economic realities, and even with goodwill there will always be a gap between the need for legal assistance and our ability to provide it.

In a sense, that provides a useful discipline. It means we always have to be concerned about our costs, and about how we can provide our services more efficiently. I have frequently referred in these reports to the fact that the Legal Aid Commission of Tasmania is the most economical and efficient Commission in the country in providing assignment services, and we use the same approaches to other areas to provide a service, or enhance the quality of a service, as cost-effectively as we can. We run a fairly lean administrative side, and come up well when we compare ourselves to other Commissions or private firms of a similar size.

Legal Aid Commissions in Australia have always had to work within fixed budgets. They have always had to grapple with questions of allocation, with rationing of services, and with priorities. Given the difficulties that have befallen legal aid schemes in other countries based on more demand driven funding over the last few years, one could be excused for thinking that having to work within fixed budgets was an Australian legal aid strength. Early this calendar year, the Chair of the Commission and I attended the 2013 Access to Justice Conference, and listened to a plenary presentation by a representative of the Japanese government explaining that after examining legal aid systems from all over the world, Japan had decided to model its new system on Australia's. And so, he pointed out, had South Korea.

The demand for our assistance is driven by a range of factors. The most obvious is the fluctuating size of that proportion of the Tasmanian community that would satisfy our means test, and thus be eligible for our help. Tasmania and the Northern Territory have the dubious distinction of being the two poorest jurisdictions in Australia and Tasmania carries the honours in having the greatest proportion of its population dependent on Commonwealth benefits. Part of that reflects the fact that Tasmania has the oldest population in Australia – and that fact guides a lot of the advice and community education work we do. Because of a series of social factors, Tasmania is more susceptible to economic fluctuations, and invariably has the highest unemployment figures in Australia.

We know that the demand for our assistance is affected by economic fluctuations, and sometimes that correlation can be quite marked. We also

know that demand is influenced by levels of education and literacy, factors which affect the ability of people to feel in control of their own circumstances and their levels of resilience when faced with difficulty.

The work of other bodies also affects demand on us. Despite the considerable decrease over the last decade or so in the number of criminal offences being reported, the greater effectiveness of the Tasmania Police Service has meant that the call for our representation assistance in criminal matters has hardly changed over that time. Laws have become more voluminous, and more complex, and court proceedings take longer, adding to the level of resource that has to be allocated to particular individual matters.

Some of this, we can't do anything about. But some of it we can. Our very comprehensive family law mediation program enables us to resolve large numbers of family law disputes without extensive court time, or lengthy court proceedings. Our advice and education services are effective in preventing people either getting into difficulty in the first place, or resolving it quickly before it becomes too complicated. And we are constantly on the look-out for new ways of doing those sorts of things.

I would like to thank our colleagues in the Law Society, the private legal profession, and the Community Legal Centres in Tasmania for the very rapid and comprehensive way we were able to set up specific services for people affected by the bushfires in southern Tasmania at the beginning of this calendar year. We were able to put a series of agreed fact sheets on issues relevant to people affected by the fires onto our web-site very quickly, to circulate material to relief centres, to publicise the specific immediate advice assistance we could provide through our telephone advice lines, and to have a set of volunteers from the private profession who had expert and relevant knowledge in legal areas that would assist people facing the aftermath of the devastation the fires brought to a number of communities. Martyn Hagan and Luke Rheinberger from the Law Society, and Chris Young, North-West Community Legal Centre, were our principal points of contact, and we thank them for their enthusiasm for the project and the specialised knowledge they brought to it. We drew on the experience of our Legal Aid Commission colleagues in Queensland and Victoria, and had offers of help from New South Wales, West Australia and South Australia. Within the Commission, Danielle McKee and Oliver Hinss had worked urgently on the web-site material and on getting it agreed by our Tasmanian partners.

This was a fine example of the way different organisations in a relatively small community can co-operate on an issue, coming together to solve a problem or

provide a service that would be difficult for any one of them to handle alone. That kind of rapid response is actually easier in smaller communities, because it does not depend on complicated structures but on the closer links that exist between individual bodies and people, and the regular need for co-operation.

The ability to draw on the wider Australian experience was also important, throwing into high relief one of the benefits of the National Legal Aid structure. I continued, during the year under report, to be one of the NLA representatives on the Working Group for the Commonwealth's Legal Assistance Data project. I was also on the Working Group for the Commonwealth's wider project, the Civil Law Data project. (All of this excitement stemmed from my position as the Director responsible for the NLA Grants and National Statistics Working Group). The Legal Assistance Data project was an important exercise, because the Commonwealth is seeking to standardise the data collected from the different bodies funded by the Commonwealth to provide legal assistance. It involves Legal Aid Commissions, Aboriginal Legal Services and Community Legal Centres. All of these bodies provide data reports to the Commonwealth, and each type of body provides a different report, and uses different terminology, because of the different Commonwealth requirements applicable to them. The bodies provide similar but not identical assistance services, and it has been a tricky exercise trying to find a data set description that can cover all these services without either distorting the material being reported on, or being misleading in the way the data is being presented.

National Legal Aid has twice raised a number of issues about this project with the Commonwealth, not least the need for data collection to reflect the operational needs of the body collecting it, to not involve an un-necessary burden in the collecting, and for the data to be practically useful. There is still a way to go before agreement.

The project has a greater importance because of the coming re-negotiation of the Legal Aid Funding National Partnership Agreement. That Agreement runs till the middle of calendar year 2014, and during the year covered by this report its operation was being reviewed by consultants employed by the Commonwealth. Like all Commissions, we had responded to extensive questionnaires, had facilitated surveys of our clients and users of our services, and had been visited by the consultants. At the end of the year, the consultants had not yet finalised their report. One of the tasks they had been asked to do as part of their work was to recommend an evaluation framework that could be used in the future, and that the Commonwealth would presumably seek to incorporate into any future funding agreement. This is the



link with the data project, because any evaluation method that could apply to all the bodies working in the legal assistance sector would need to involve some elements of comparable data.

One of the concerns expressed by National Legal Aid has been that extensive changes to our data reporting would involve considerable expense in altering or recasting our data systems. Still, at officer level, the Commonwealth has said it would seek to provide the necessary funds to do that! One to watch for 2014!

**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 7,145 (6,913) applications for grants for legal assistance, a 3% increase over 2011-2012's 12% increase. Of those, 4,070 (4,143) were for criminal matters and 2,096 (1,881) were for family matters - a slight decrease of 73 applications for criminal matters, and an increase of 215 for family matters. These differences were reflected in the figures for applications approved. For criminal law matters we approved 3,700 (3,783) - 83 ( 2% ) less than the previous year, and for family law matters, we approved 1,715 (1,493) - 222 ( 15% ) 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 979 (889) applications for legal assistance, 90 ( 10% ) more than last year. We had a 17% increase in these matters in 2011-2012, so we have built further on that higher level, going from 756 to 979 in just two years. We approved 881 (796) - 85 ( 11% ) more than last year. For approvals, we have gone from 656 to 881 in the same two years.

The proportion of applications approved was maintained at 88%.

For criminal matters, 55% (53%) (2,033) (2,005) were dealt with by members of the private profession and 45% (46%) (1,667) (1,778) by the in-house practice. For family law matters, 37% (25%) (628) (379) went to the in-house practice, with 63% (74%) (1,087) (1,114) going to the private profession. For civil matters, 57% (65%) (499) (525) were dealt with by members of the private profession and 43% (34%) (382)(271) by the in-house practice.

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

During the year, 55 firms undertook legal aid work in criminal matters. The highest payment to a firm was \$277,970.44

During the year, our FDR program conducted 483 (404) conferences, 79 (62) (20%) more than last year's number. We hold these conferences at locations across the State, using a mixture of in-house and private practitioner chairpersons. Our successful/partially successful rate was 88%. We consistently achieve a rate of this order. The number of conferences has risen from 342 to 483 over the last two years.

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 2,348 (2,775) sessions. This is a 15% decrease from last year, on top of the 15% decrease the previous year. In two years, the number of sessions has gone from 3,197 to 2,348.

Our Family Law duty lawyer service offers special but limited assistance to unrepresented litigants in the Family Court and the Federal Circuit Court. During the year, we provided 73 (70) duty lawyer services in Hobart, and 28 (46) 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 6,827 (6,009) people and gave them face-to-face advice. The number of services we provide has risen from 5,318 to 6,827 over the last two years, an increase of 28%.

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

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

For the cost of a local call any Tasmanian can access our service and obtain prompt legal advice or information from a lawyer. There were 22,260 calls dealt with by the service during 2012/2013 compared to 23,334 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 2,932 (2,004) services through 157 (97) 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 353,703 (307,812) page views during the year.



## OUR PEOPLE

When Kiki Mussared began her doctorate work at the University of Tasmania ( her thesis will cover the work and impact of family law duty lawyers ) and reduced her time with us to just one day a week, we needed an additional lawyer in the Hobart Family Law Practice. We were fortunate that Daniel Bearman had returned to Hobart, and he joined the practice in September.

Katie Edwards and Natalie Everett were appointed to new positions in the criminal practice in Burnie. Both of these appointments were, in effect, promotions for two long serving and important members of our North-West criminal law team.

Oliver Hinss was appointed as the Hobart Safe at Home practitioner, transferring to this position from the Family Law Practice. To the extent that Safe at Home work does not take up all his time, he will continue to handle files in the Hobart Family Practice, as is customary with full-time Safe at Home officers. This role had been covered by 3 practitioners from ACE for the past 2 years since the last full-time Safe at Home practitioner resigned.

Amanda Chrysler joined the Hobart Family Practice.

We had our usual flurry of maternity leave staff movements. In Hobart, Rochelle Mainwaring returned from maternity leave on a part-time basis. As a consequence, a short time later, Amber Mignot had to end her extended and very successful period as Acting Southern Criminal Practice Manager. Rita Van Meer returned from maternity leave to the Family Law practice on a part-time basis and two Family Law secretaries also returned from maternity leave, Alicia Wenban and Janelle Lucas.

In Launceston, Jemma Dibley, the Northern Safe at Home practitioner, went on maternity leave and we appointed Elizabeth Clippingdale for a 12 month fixed-term period in that position. While Jemma Dibley was on leave, her transfer to the Commission staff became permanent.

In Devonport, Julie Fawcner went on maternity leave. In anticipation, a 12 month fixed-term Level 1 Family Lawyer position for Devonport was advertised over the Christmas break, and Hannah Hughes was the successful applicant.

Rowena Taylor, a Criminal Practice member who was originally based in Devonport, but moved down to Hobart, and Georgina Rhodes, a Criminal Lawyer in Devonport, both resigned. We advertised for two Criminal Lawyers to be based in Devonport, and Luke Brett and Philippa Monk joined us in May.

Alicia Wenban and Elaine Ellis, both Family Law secretaries in Hobart left, Alicia moving back to Sydney and Elaine retiring.

Sadly, Kellie Kennedy, who was the mental health secretary in the Hobart office died suddenly and unexpectedly. Over time, we have supported and assisted members of our staff as they dealt with serious illness, and we have had staff members leave us and die shortly afterwards. Kellie Kennedy had not been with us that long, but had had a real impact on the working of our office in Hobart and our capacity to provide an important service. Vale.



## 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 2013, the Commission employed 39 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 7 Commissioners appointed by the Minister in accordance with Section 5(1) of the Legal Aid Commission Act 1990. During

the 2012/2013 year, the Commission met on 8 occasions. Meetings of the Commission are usually held about every four to five weeks.

## THE COMMISSION

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## 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**

Appointed as Chairperson of the Commission, and was re-appointed on 24 August 2011 for a term of three years.

Mr Worrall is a graduate of the University of Melbourne, and was admitted to the Supreme Court of Tasmania in 1978. His legal practice is based on legal work for private clients in the areas of estate planning, wills and probate, superannuation, trusts, tax and commercial law. Mr Worrall has also been a Notary Public for over twenty years.

Mr Worrall is involved in a number of pro-bono projects, which include within his practice work for a wide range of charities which in recent years have included The Menzies Centre for Population Research, Tasmanian Land Conservancy Inc., the Glenorchy Community Fund and Alzheimers Tasmania.

He is also Chair of the Society of Trust and Estate Practitioners, (Tasmania Branch) and a Director of their National Board. He is the author of the Estate Planning chapter in the loose leaf three volume Thomson Reuters publication "Australian Succession Law", and the author of over twenty published papers on various legal topics.

#### **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 Executive Director of the Law Society of Tasmania and is a

past Treasurer and President of that organization.

## **Stephen Morrison**

Re-appointed on 2 November 2012 for a term of three years.

Mr Morrison has been an employee in the Tasmanian Public Service for a period of 19 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 FCPA member of CPA Australia.

## **Yvette Cehtel**

Re-appointed on 22 December 2012 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 Community Development Division, Department of Premier and Cabinet. He is a graduate of the Australian Institute of Company Directors.



## OUR SERVICES

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

**Face to face legal advice** sessions allow an individual to speak to a Legal Aid lawyer face to face in a private consultation 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.



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## OFFICE LOCATIONS

### **Hobart**

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

### **Launceston**

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

### **Devonport**

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

### **Burnie**

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



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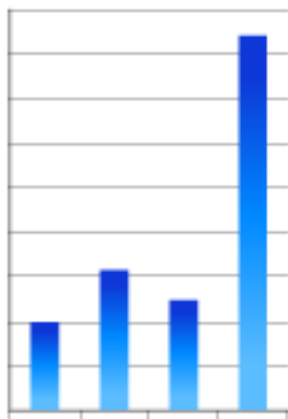
## RIGHT TO INFORMATION ACT

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 2013, 2 applications were received.



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## STATISTICAL PROFILE

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[Legal Advice by Office 2012-2013](#)

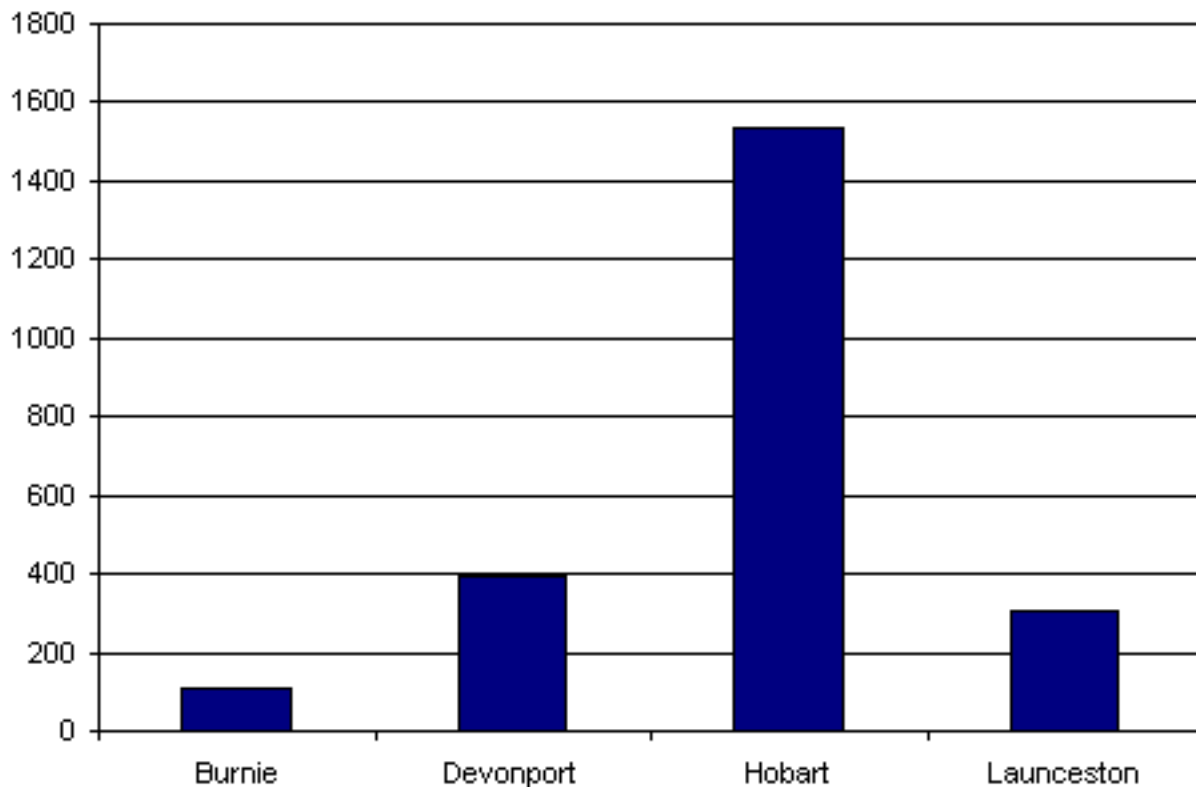
[Applications Received, Approved, Refused 2012-2013](#)

[Applications Approved, In-house/Assigned 2012-2013](#)





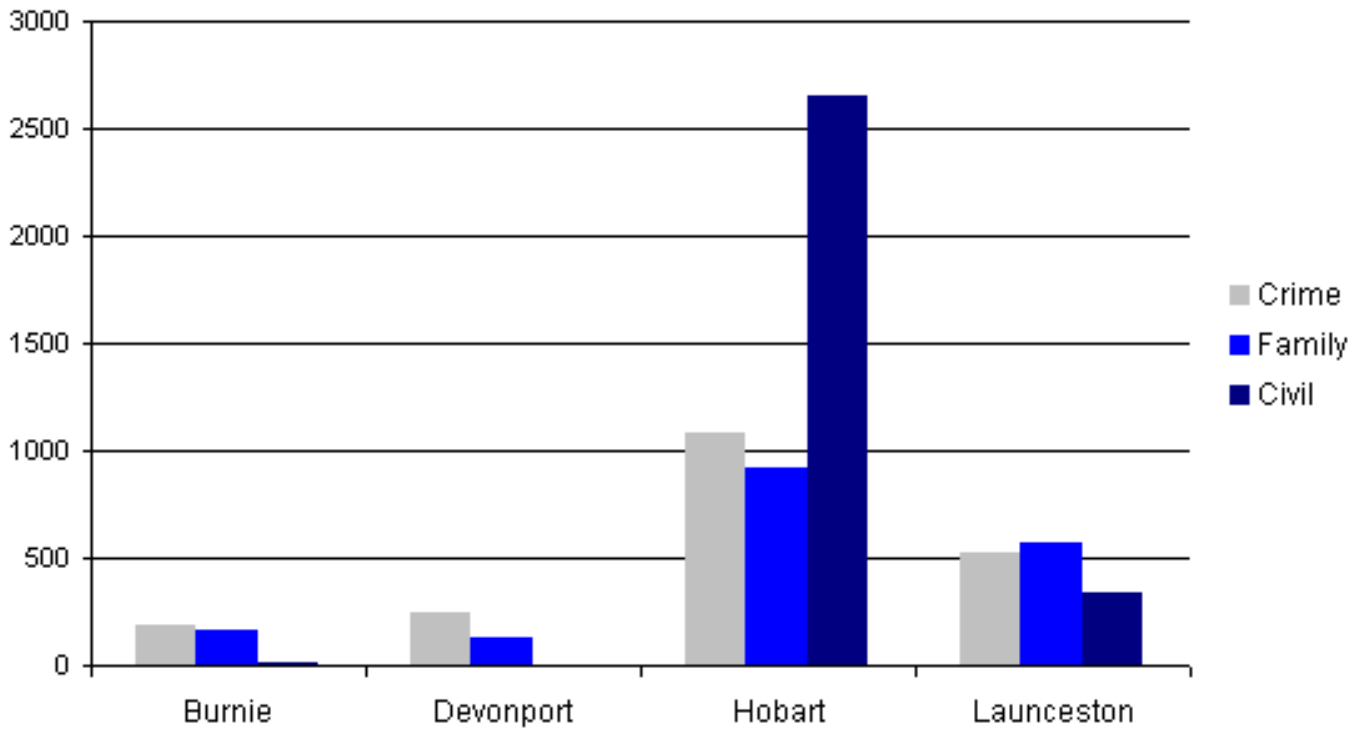
## DUTY LAWYER SERVICES 2012-2013



<b>Burnie</b>	110
<b>Devonport</b>	394
<b>Hobart</b>	1537
<b>Launceston</b>	307



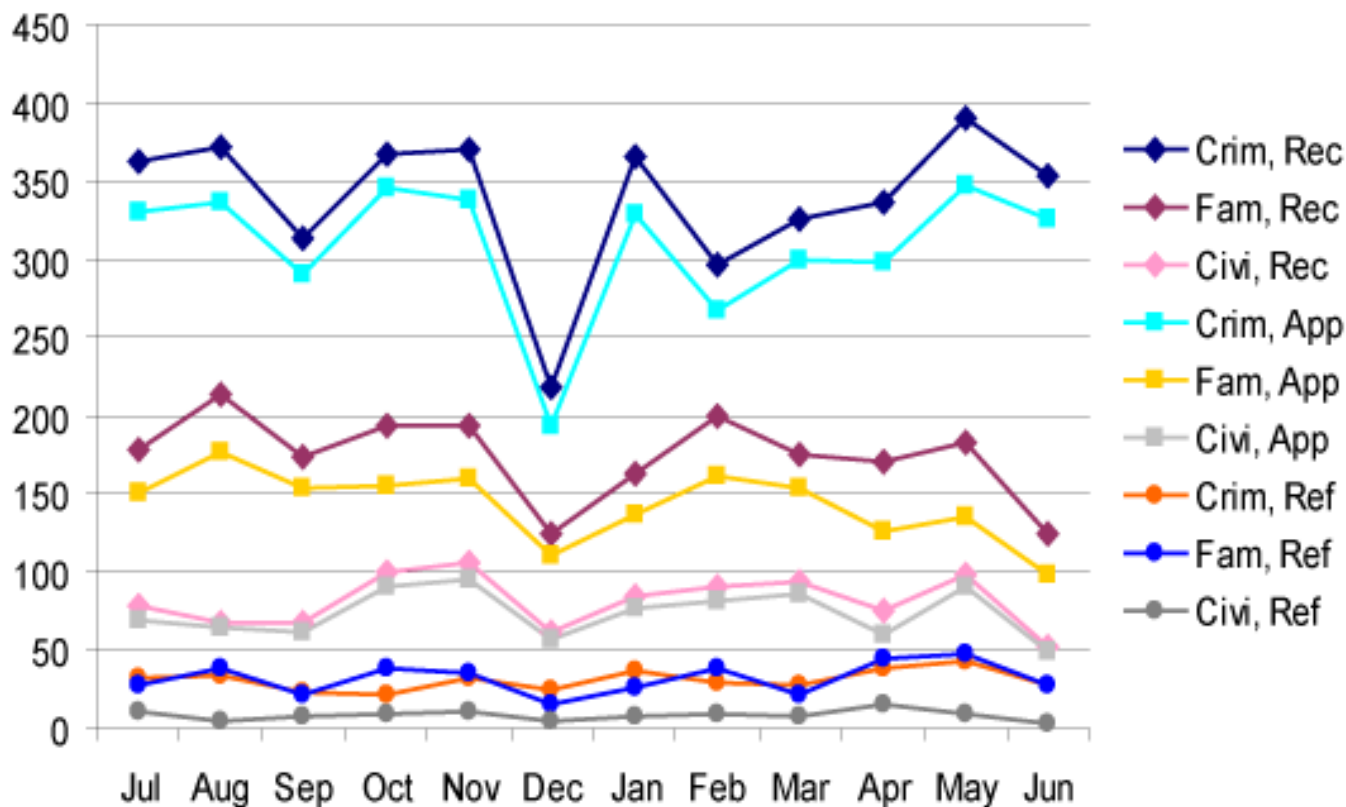
## LEGAL ADVICE BY OFFICE 2012-2013



	Crime	Family	Civil	TOTAL
<b>Burnie</b>	191	157	14	<b>362</b>
<b>Devonport</b>	245	130	5	<b>380</b>
<b>Hobart</b>	1086	921	2652	<b>4659</b>
<b>Launceston</b>	518	571	337	<b>1426</b>



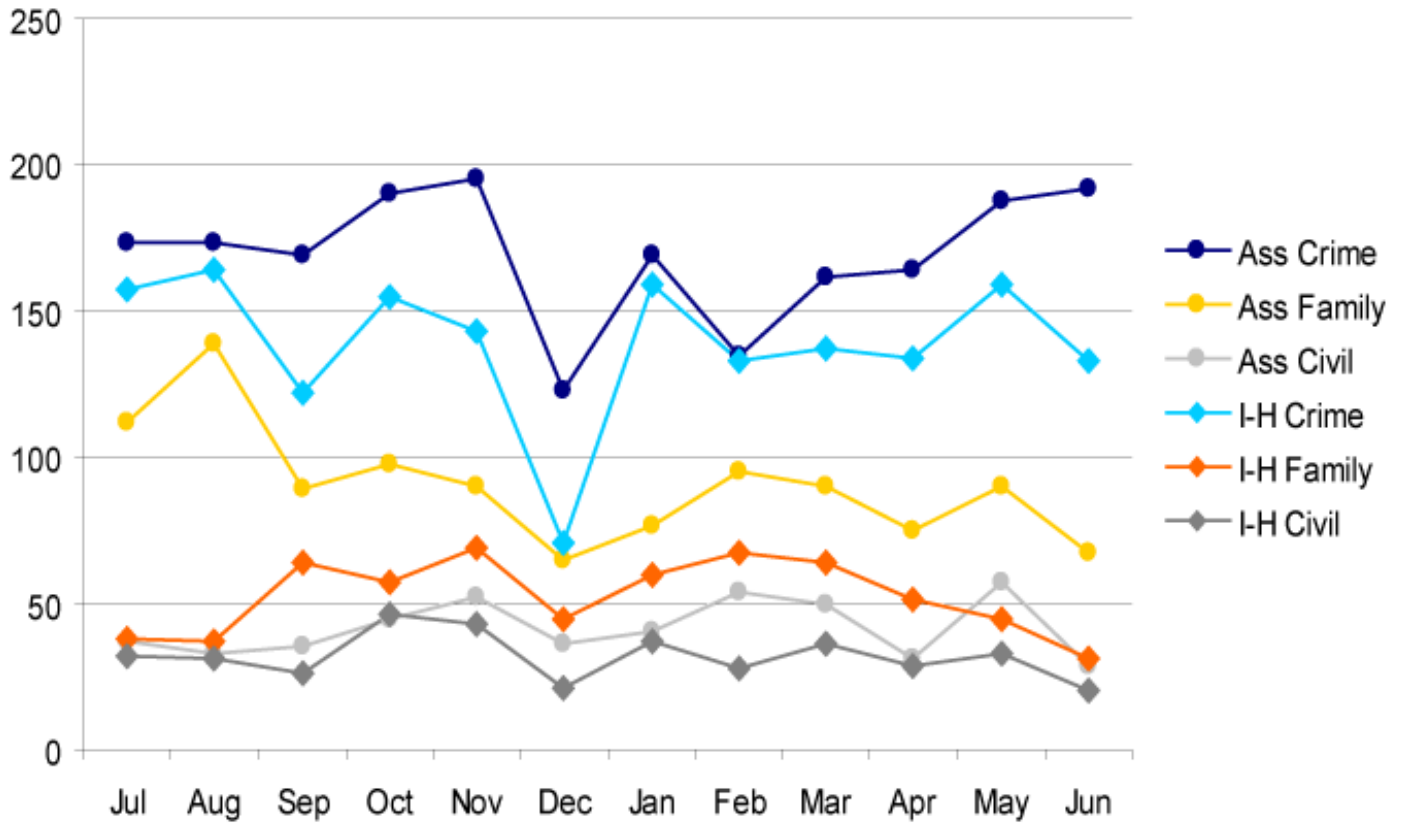
## APPLICATIONS RECEIVED, APPROVED, REFUSED 2012-2013



	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	TOTAL
<b>Crim, Rec</b>	362	371	314	367	370	218	365	297	326	337	390	353	<b>4070</b>
<b>Fam, Rec</b>	178	214	174	194	194	125	163	200	175	171	183	125	<b>2096</b>
<b>Civi, Rec</b>	79	68	68	100	106	62	85	91	94	75	99	52	<b>979</b>
<b>Crim, App</b>	330	337	291	345	338	194	328	268	299	298	347	325	<b>3700</b>
<b>Fam, App</b>	150	176	153	155	159	110	137	162	154	126	135	98	<b>1715</b>
<b>Civi, App</b>	69	64	61	91	95	57	77	82	86	60	90	49	<b>881</b>
<b>Crim, Ref</b>	32	34	23	22	32	24	37	29	27	39	43	28	<b>370</b>
<b>Fam, Ref</b>	28	38	21	39	35	15	26	38	21	45	48	27	<b>381</b>
<b>Civi, Ref</b>	10	4	7	9	11	5	8	9	8	15	9	3	<b>98</b>



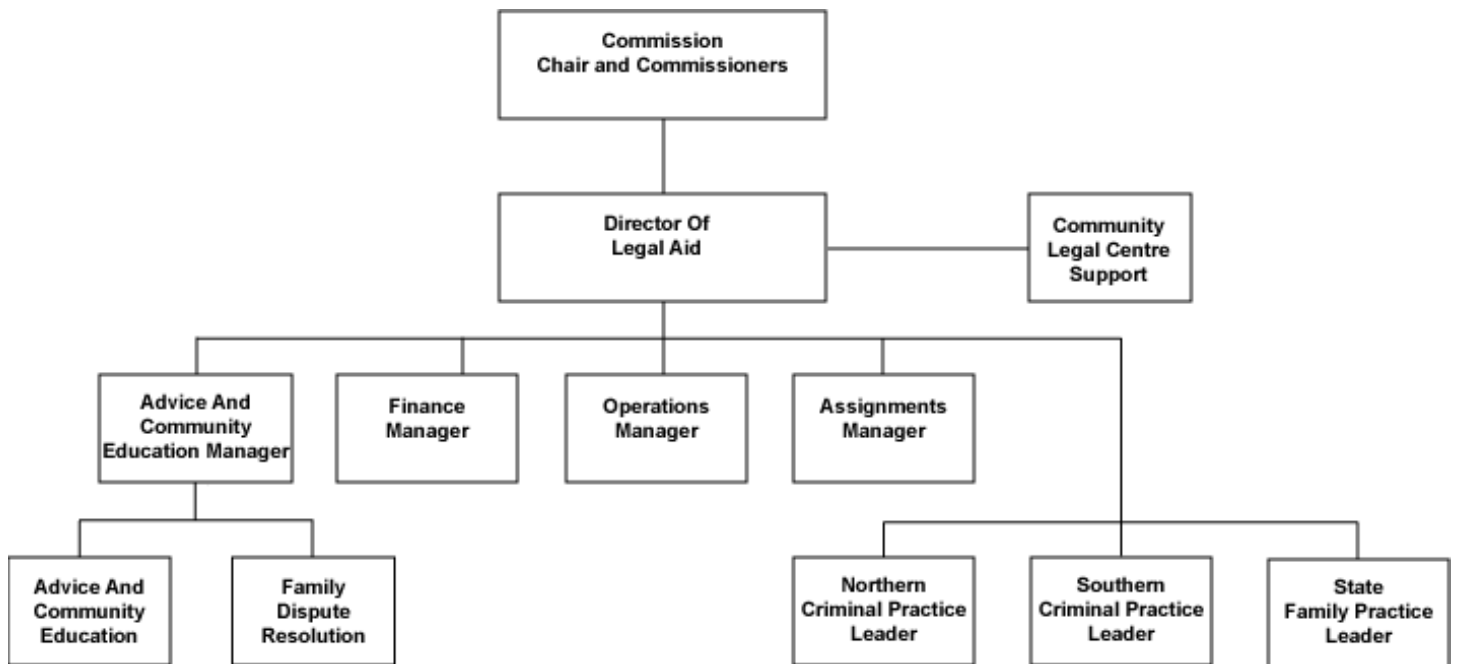
## APPLICATIONS APPROVED INHOUSE/ASSIGNED 2012-3013



	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	TOTAL
<b>Ass Crime</b>	173	173	169	190	195	123	169	135	162	164	188	192	<b>2033</b>
<b>Ass Family</b>	112	139	89	98	90	65	77	95	90	75	90	67	<b>1087</b>
<b>Ass Civil</b>	37	33	35	45	52	36	40	54	50	31	57	29	<b>499</b>
<b>I-H Crime</b>	157	164	122	155	143	71	159	133	137	134	159	133	<b>1667</b>
<b>I-H Family</b>	38	37	64	57	69	45	60	67	64	51	45	31	<b>628</b>
<b>I-H Civil</b>	32	31	26	46	43	21	37	28	36	29	33	20	<b>382</b>



## ORGANISATIONAL CHART





[Annual Report 2012-2013](#) ⇨ [Financial Reports](#)

## FINANCIAL REPORTS

[Independent Audit Report](#) - 288 kb PDF file (2 pages)

[Certification of Financial Statements](#) - 16 kb PDF file (1 page)

[Financial Statements](#) - 667 kb PDF file (5 pages)

[Notes to Financial Statements](#) - 3.8 mb PDF file (15 pages)



# Tasmanian Audit Office

## Independent Auditor's Report

To Members of the Parliament of Tasmania

Legal Aid Commission of Tasmania

### Financial Report for the Year Ended 30 June 2013

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 2013, 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 2013, 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 and perform the audit to obtain reasonable assurance as to whether the financial report is free of material misstatement.

...1 of 2



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**



Jara K Dean  
**General Manager Financial Audit Services**  
**Delegate of the Auditor-General**

HOBART  
30 October 2013

...2 of 2

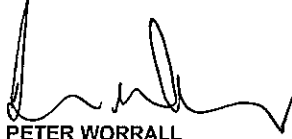


LEGAL AID COMMISSION OF TASMANIA  
FINANCE REPORT  
FOR THE YEAR ENDED 30 JUNE 2013

**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 30<sup>th</sup> June 2013 and the financial position as at the 30<sup>th</sup> June 2013.

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



PETER WORRALL

Chair



NORMAN REABURN

Director

Date

17/9/2013



# **Financial Statements**

**For the Year Ended  
30 June 2013**

**LEGAL AID COMMISSION OF TASMANIA  
STATEMENT OF COMPREHENSIVE INCOME  
FOR THE YEAR ENDED 30 JUNE 2013**

	<i>Note</i>	<b>2013</b> (\$000's)	<b>2012</b> (\$000's)
<b>Revenues</b>			
Commonwealth Grants and Contributions	<i>1f,3</i>	5,994	5,993
Commonwealth Community Legal Centre Grants	<i>1f,3</i>	1,603	1,473
State Government Grants and Contributions	<i>1f,4</i>	5,870	5,762
State Government Community Legal Centre Grants	<i>1f,4</i>	200	200
Other Revenue	<i>1f,5</i>	1,139	405
<b>Total Revenues</b>		<b>14,806</b>	<b>13,833</b>
<b>Expenses</b>			
Legal Services Expenses	<i>6</i>	4,865	4,258
Employee Benefits Expenses	<i>7</i>	7,328	6,597
Supplies and Services	<i>8</i>	584	616
Accommodation Expenses	<i>9</i>	625	556
Information and Technology	<i>10</i>	450	322
Other Expenses	<i>11</i>	291	313
Depreciation and Amortisation Expenses	<i>12</i>	101	102
Debts Written Off	<i>13</i>	12	23
Disbursements to Community Legal Centres	<i>14</i>	1,803	1,718
<b>Total Expenses</b>		<b>16,059</b>	<b>14,505</b>
<b>NET SURPLUS/(DEFICIT) FOR THE YEAR</b>		<b>(1,253)</b>	<b>(672)</b>
<b>OTHER COMPREHENSIVE INCOME</b>		<b>-</b>	<b>-</b>
<b>TOTAL COMPREHENSIVE RESULT</b>		<b>(1,253)</b>	<b>(672)</b>

The accompanying Notes form part of these financial statements.

LEGAL AID COMMISSION OF TASMANIA  
STATEMENT OF FINANCIAL POSITION  
AS AT 30 JUNE 2013

	<i>Note</i>	2013 (\$000's)	2012 (\$000's)
<b>ASSETS</b>			
<b>Current Assets</b>			
Cash and Cash Equivalents	1i,15	2,838	4,172
Receivables	1m, 16	517	403
Other Assets		18	37
<b>Total Current Assets</b>		<b>3,373</b>	<b>4,612</b>
<b>NON-CURRENT ASSETS</b>			
Property, Plant & Equipment			
Land and Buildings	1g, 17	374	383
Office Equipment	1g, 17	73	29
Furniture and Fittings	1g, 17	3	4
Leasehold Improvements	1g, 17	41	34
Intangible Assets	1h, 17	226	282
<b>Total Non-Current Assets</b>		<b>717</b>	<b>732</b>
<b>Total Assets</b>		<b>4,090</b>	<b>5,344</b>
<b>LIABILITIES</b>			
<b>Current Liabilities</b>			
Payables	1o, 19	262	280
Provisions	1p, 20	1,065	1,098
<b>Total Current Liabilities</b>		<b>1,327</b>	<b>1,378</b>
<b>NON-CURRENT LIABILITIES</b>			
Provisions	1p,20	243	193
<b>Total Non-Current Liabilities</b>		<b>243</b>	<b>193</b>
<b>Total Liabilities</b>		<b>1,570</b>	<b>1,571</b>
<b>Net Assets</b>		<b>2,520</b>	<b>3,773</b>
<b>EQUITY</b>			
Contributed Equity		325	325
Asset Revaluation Reserve		203	203
Civil Law Disbursement Fund Loan Scheme Reserve		467	467
Accumulated Surplus		1,525	2,778
<b>Total Equity</b>		<b>2,520</b>	<b>3,773</b>

The accompanying Notes form part of these financial statements.

LEGAL AID COMMISSION OF TASMANIA  
STATEMENT OF CHANGES IN EQUITY  
FOR THE YEAR ENDED 30 JUNE 2013

	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
<b>Balance as at 1 July 2012</b>	325	203	467	2,778	3,773
Total comprehensive Result	-	-	(72)	(1,181)	(1,253)
<b>Balance as at 30 June 2013</b>	<b>325</b>	<b>203</b>	<b>395</b>	<b>1,597</b>	<b>2,520</b>

	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
<b>Balance as at 1 July 2011</b>	325	203	483	3,434	4,445
Total comprehensive Result	-	-	(16)	(656)	(672)
<b>Balance as at 30 June 2012</b>	<b>325</b>	<b>203</b>	<b>467</b>	<b>2,778</b>	<b>3,773</b>

The accompanying Notes form part of these financial statements.

**LEGAL AID COMMISSION OF TASMANIA  
STATEMENT OF CASH FLOWS  
FOR THE YEAR ENDED 30 JUNE 2013**

	<i>Note</i>	<b>2013</b> (\$000's) <b>Inflows</b> (Outflows)	<b>2012</b> (\$000's) <b>Inflows</b> (Outflows)
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>			
<b>Receipts</b>			
Commonwealth Grants and Contributions		5,994	5,993
Commonwealth Grants for Community Legal Centres		1,603	1,473
State Government Grants		5,870	5,762
State Government Grants for Community Legal Centres		200	200
Contributions and Recovered Costs from Clients		171	258
GST Receipts		869	805
Interest Income		132	243
Other		838	-
<i>Total Operating Receipts</i>		<u>15,677</u>	<u>14,734</u>
<b>Payments</b>			
Payments for Legal Services		(4,982)	(4,433)
Employee Benefits		(7,311)	(6,433)
Administrative Expense		(1,949)	(1,810)
GST Payments on Purchases		(880)	(801)
Disbursements to Community Legal Centres		(1,803)	(1,718)
<i>Total Operating Payments</i>		<u>(16,925)</u>	<u>(15,195)</u>
<b>Net Cash Provided By/(Used In) Operating Activities</b>	23	<u>(1,248)</u>	<u>(461)</u>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>			
Purchase of Non-Current Physical Assets		(86)	(33)
<b>Net Cash Provided By/(Used In) Investing Activities</b>		<u>(86)</u>	<u>(33)</u>
<b>Net Increase/(Decrease) in Cash and Cash Equivalents Held</b>		<u>(1,334)</u>	<u>(494)</u>
Cash Assets and Cash Equivalents at the Beginning of the Year		4,172	4,666
<b>CASH AND CASH EQUIVALENTS AT THE END OF YEAR</b>	15	<u>2,838</u>	<u>4,172</u>

The accompanying Notes form part of these financial statements.



**LEGAL AID COMMISSION OF TASMANIA  
NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 30 JUNE 2013**

**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 1<sup>st</sup> 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 1<sup>st</sup> July 2010, and is still in effect as at the 30<sup>th</sup> June 2013. This National Partnership Agreement will expire on the 30<sup>th</sup> 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.

Compliance with the Australian Accounting Standards (AAS) may not result in compliance with International Financial Reporting Standards (IFRS), 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 the 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 30<sup>th</sup> June 2013.

Affected Standard	AASB Amendment	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 2015	1 July 2015	Changes are not expected to materially affect the Commission.
AASB 13 AASB 2011-8	Fair Value Measurement. 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 119 AASB 2011-10 AASB 2011-11	Employee Benefits. Revision of accounting for defined benefit plans.	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 1053	Application of Tiers of Australian Accounting Standards.	The Standard establishes a two tier differential financial reporting framework for preparing general purpose statements.	1 July 2013	1 July 2013	Impact expected to be minimal as the Commission will still be required to prepare Tier 1 financial statements.



**LEGAL AID COMMISSION OF TASMANIA  
NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 30 JUNE 2013**

**1 Summary of significant accounting policies (cont'd)**

Affected Standard	AASB Amendment	Nature of Change to Accounting Policy	Reporting Periods Commencing On or After	Application Date for the Commission	Impact on Financial Report
AASB 2012-2 AASB 2012-3	Amendments to Accounting Standards – Disclosures and Offsetting Criteria.	The disclosures around offsetting financial assets and financial liabilities. Clarity around the criteria for offsetting.	1 January 2013	1 July 2013	Changes are not expected to materially affect the Commission.
AASB 2012-5	Amendments to Australian Accounting Standards arising from annual improvement cycle.	Updating a number of standards.	1 January 2013	1 July 2013	The standards impacted that apply to the Commission are: AASB 101 Presentation of Financial Statements; AASB 116 Property Plant and Equipment. Changes are not expected to materially affect the Commission.

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

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

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

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

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

**(d) Reporting Entity**

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

**(e) Contributed Equity**

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

**(f) Income**

**Revenue Recognition**

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

**State and Commonwealth Grants and Contributions**

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



**LEGAL AID COMMISSION OF TASMANIA  
NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 30 JUNE 2013**

**1 Summary of significant accounting policies (cont'd)**

***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 of 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, 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.

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.



**LEGAL AID COMMISSION OF TASMANIA  
NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 30 JUNE 2013**

**1 Summary of significant accounting policies (cont'd)**

**(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, and are detailed in Note 22. 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 16.

**(k) Leases**

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

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

The Commission has not entered into any finance lease arrangements.

**(l) Cash and Cash Equivalents**

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

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

**(m) Receivables**

***Unsecured Debtors***

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

**(n) Employee Benefits Expenses**

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

As at the 30<sup>th</sup> June 2013 the Commission employed 72.1 (2012: 71.1) full time equivalents.

**(o) Payables**

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

*Legal Creditors* 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.



**LEGAL AID COMMISSION OF TASMANIA  
NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 30 JUNE 2013**

**1 Summary of significant accounting policies (cont'd)**

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 investments or available-for-sale assets. The classification depends on the purpose for which the investments were acquired. Designation is re-evaluated at each financial year end, but there are restrictions on reclassifying to other categories. The Commission only has *Loans and Receivables* financial assets.

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

**(s) Estimates and Judgement**

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

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

- Provisions – Employee Benefits
- Commitments for Expenditure

**2 Financial Risk Management Objectives and Policies**

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

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

**Risk exposures and Responses**

*Credit Risk*

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

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

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

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

*Liquidity Risk*

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

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



**LEGAL AID COMMISSION OF TASMANIA  
NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 30 JUNE 2013**

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

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**

	2013 (\$000's)	2012 (\$000's)
At Call Cash Management Account No 1 – Operating Account	2,068 On Call - Interest Rate of 2.75%	3,253 On Call - Interest Rate of 3.50%
At Call Cash Management Account No 2 – Civil Law Disbursements Fund	335 On Call - Interest Rate of 2.75%	464 On Call - Interest Rate of 3.50%
Operating Account	435 On Call - Interest Rate of 2.75%	455 On Call - Interest Rate of 3.12%
	<b>2,838</b>	<b>4,172</b>

A 1 percentile movement in the interest rate will create \$28,380 (2012: \$41,720) movement in interest income.

The Commission is authorised under its act to invest surplus funds in any of the ways referred to in Section 5 of the Trustee Act 1898. During the reporting period investments were held in an at call cash management facility.

Interest revenue is recognised in the Statement of Comprehensive Income when earned. As the Commission's investments were held in the above instruments and held over relatively short periods it is considered that any interest rate exposure is minimal.

**3 Commonwealth Grants and Contributions**

	2013 (\$000's)	2012 (\$000's)
Base Grant	5,936	5,936
Community Legal Centre Administration Agency Payment	58	57
	5,994	5,993
Disbursements to Community Legal Centres	1,603	1,473
	<b>7,597</b>	<b>7,466</b>

**Base Grant**

Government contributions are the result of a Commonwealth / State National Partnership Agreement which became effective from the 1<sup>st</sup> 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.

**LEGAL AID COMMISSION OF TASMANIA  
NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 30 JUNE 2013**

**4 State Government Grants and Contributions**

	2013 (\$000's)	2012 (\$000's)
Base Grant	5,626	5,518
“Safe at Home” Domestic Violence Intervention Program	244	244
	5,870	5,762
Disbursements to Community Legal Centres	200	200
	<b>6,070</b>	<b>5,962</b>

**Base Grant**

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

**“Safe at Home” Domestic Violence Early Intervention Program**

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

**Disbursements to Community Legal Centres**

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

**5 Other Revenue**

	2013 (\$000's)	2012 (\$000's)
Client Contributions and Cost Recoveries	142	163
Interest Income	132	216
Civil Law Disbursement Fund Loans Contributions	27	26
The Solicitors’ Trust Distributions	780	-
Miscellaneous Income	58	-
	<b>1,139</b>	<b>405</b>

**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**

	2013 (\$000's)	2012 (\$000's)
Grants of Legal Aid	4,806	4,203
Duty Lawyer Services	59	55
	<b>4,865</b>	<b>4,258</b>

**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.



**LEGAL AID COMMISSION OF TASMANIA  
NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 30 JUNE 2013**

**7 Employee Benefits Expenses**

	2013 (\$000's)	2012 (\$000's)
Salaries, Superannuation and Related Costs	6,683	5,987
Temporary Staff and Agency Staff Engagements	592	458
Professional Development	36	18
Annual Leave Entitlements	76	47
Long Service Leave Entitlements	(59)	87
	<b>7,328</b>	<b>6,597</b>

**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.

**8 Supplies and Services**

	2013 (\$000's)	2012 (\$000's)
Communications	281	235
Travel	131	121
Office Machines	70	80
Consumables	50	126
Motor Vehicle Expenses	52	54
	<b>584</b>	<b>616</b>

**9 Accommodation Expenses**

	2013 (\$000's)	2012 (\$000's)
Lease Rentals and Associated Costs	314	311
Cleaning	72	66
Storage	7	15
Rates and Taxes	65	46
Power	60	56
Maintenance	76	41
Security	23	6
Insurance	8	15
	<b>625</b>	<b>556</b>

**10 Information Technology**

	2013 (\$000's)	2012 (\$000's)
Systems Maintenance and Development	249	216
Hardware Maintenance	13	13
Online Library Resources	76	48
Software License Fees	104	40
Consumables	8	5
	<b>450</b>	<b>322</b>

**11 Other Expenses**

	2013 (\$000's)	2012 (\$000's)
Department of Justice Administration Fees	36	36
Audit Fees	24	21
Other	231	256
	<b>291</b>	<b>313</b>

**LEGAL AID COMMISSION OF TASMANIA  
NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 30 JUNE 2013**

**12 Depreciation and Amortisation Expenses**

	2013 (\$000's)	2012 (\$000's)
Office Equipment	24	24
Furniture and Fittings	1	4
Leasehold Improvements	10	8
Buildings	9	10
Intangibles – In-house Software Development	57	56
	<b>101</b>	<b>102</b>

**13 Debts Written Off**

	2013 (\$000's)	2012 (\$000's)
Bad Debt Write Off - Case Management System	7	12
Civil Law Disbursement Fund Loans	5	11
	<b>12</b>	<b>23</b>

The amount of \$7,464 (2012: \$12,483) 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**

	2013 (\$000's)	2012 (\$000's)
<b>Commonwealth Program</b>		
North West Community Legal Centre Inc.	206	104
Environmental Defender's Office (Tas) Inc.	98	95
Hobart Community Legal Service Inc.	575	558
Launceston Community Legal Centre Inc.	382	370
Tenants Union of Tasmania Inc.	64	62
Women's Legal Services (Tas) Inc.	278	329
	<b>1,603</b>	<b>1,518</b>
<b>State Program</b>		
Hobart Community Legal Service Inc.	100	100
North West Community Legal Centre Inc.	100	100
	<b>200</b>	<b>200</b>
	<b>1,803</b>	<b>1,718</b>

**15 Cash and Cash Equivalents**

	2013 (\$000's)	2012 (\$000's)
<b>Unrestricted Cash and Cash Equivalents</b>		
Cash on Hand – Petty Cash	8	2
Bank Accounts	367	450
Investments – TASCORP No. 1	2,068	3,253
	<b>2,443</b>	<b>3,705</b>
<b>Restricted Cash and Cash Equivalents</b>		
Bank Account	60	3
Investments – TASCORP No. 2	335	464
	<b>395</b>	<b>467</b>
<b>Total Cash and Cash Equivalents</b>	<b>2,838</b>	<b>4,172</b>
<b>Held as</b>		
Operating Cash	2,443	3,705
State Civil Law Disbursements Fund Loans Scheme	395	467
<b>Total and Balance as per Statement of Cash Flows</b>	<b>2,838</b>	<b>4,172</b>



**LEGAL AID COMMISSION OF TASMANIA  
NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 30 JUNE 2013**

**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 and 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 2013 are shown at Note 13.

**16 Receivables**

	2013 (\$000's)	2012 (\$000's)
Contributions Receivable	23	25
Less Provision for Impairment	(2)	(2)
Civil Law Disbursement Fund Loans	439	334
Good and Services Tax (GST) Recoveries Due	57	46
	<b>517</b>	<b>403</b>

**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 is made after a review of the current debtors portfolio and the likelihood of payments being made. The provision 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 detailed in Note 13.

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

2013	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	23	2	6	6	3	6
	<b>23</b>	<b>2</b>	<b>6</b>	<b>6</b>	<b>3</b>	<b>6</b>
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
	<b>25</b>	<b>2</b>	<b>8</b>	<b>6</b>	<b>3</b>	<b>6</b>



**LEGAL AID COMMISSION OF TASMANIA  
NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 30 JUNE 2013**

**17 Non-Current Assets**

*Property, Plant & Equipment*

	2013 (\$000's)	2012 (\$000's)
<b>LAND &amp; BUILDINGS</b>		
Land at Fair Value	195	195
Buildings at Independent Valuation	249	249
Less Accumulated Depreciation	(70)	(61)
Land and Buildings at Fair Value	<b>374</b>	<b>383</b>

The Commission owns its Burnie property unencumbered.

A formal independent valuation of the Commission's Freehold Property was obtained in April 2013 from Opteon (Tasmania) Pty Ltd. 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 2013 financial year. The Commission's policy is to review its freehold property every 3 years.

	2013 (\$000's)	2012 (\$000's)
<b>OFFICE EQUIPMENT</b>		
Historical cost	432	363
Less: Accumulated Depreciation	(359)	(334)
	<b>73</b>	<b>29</b>

	2013 (\$000's)	2012 (\$000's)
<b>FURNITURE AND FITTINGS</b>		
Historical cost	42	42
Less: Accumulated Depreciation	(39)	(38)
	<b>3</b>	<b>4</b>

	2013 (\$000's)	2012 (\$000's)
<b>LEASEHOLD IMPROVEMENTS</b>		
Historical cost	87	70
Less: Accumulated Depreciation	(46)	(36)
	<b>41</b>	<b>34</b>

*Intangibles*

	2013 (\$000's)	2012 (\$000's)
<b>INTANGIBLE ASSETS</b>		
Historical cost	565	564
Less: Accumulated Amortisation	(339)	(282)
	<b>226</b>	<b>282</b>

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

**LEGAL AID COMMISSION OF TASMANIA  
NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 30 JUNE 2013**

**17 Non-Current Assets (cont'd)**

***Property, Plant & Equipment***

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

	2013 (\$000's)	2012 (\$000's)
<b>LAND &amp; BUILDINGS</b>		
Opening Written Down Value	383	393
Depreciation Expense	(9)	(10)
Closing Written Down Value	374	383

	2013 (\$000's)	2012 (\$000's)
<b>OFFICE EQUIPMENT</b>		
Opening Written Down Value	29	42
Additions	68	11
Depreciation Expense	(24)	(24)
Closing Written Down Value	73	29

	2013 (\$000's)	2012 (\$000's)
<b>FURNITURE AND FITTINGS</b>		
Opening Written Down Value	4	8
Depreciation Expense	(1)	(4)
Closing Written Down Value	3	4

	2013 (\$000's)	2012 (\$000's)
<b>LEASEHOLD IMPROVEMENTS</b>		
Opening Written Down Value	34	20
Additions	17	22
Depreciation Expense	(10)	(8)
Closing Written Down Value	41	34

***Intangibles***

Movement in the carrying amount of intangibles:

	2013 (\$000's)	2012 (\$000's)
<b>INTANGIBLES</b>		
Computer Software		
Opening Written Down Value	282	338
Additions	1	-
Amortisation Expense	(57)	(56)
Closing Written Down Value	226	282

**18 Impairment of Assets**

There were no indications of impairment of property, plant and equipment and intangible assets at 30 June 2013.

**LEGAL AID COMMISSION OF TASMANIA  
NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 30 JUNE 2013**

**19 Payables**

	2013 (\$000's)	2012 (\$000's)
Accrued Salaries	166	166
Other Operating Costs	96	114
	<b>262</b>	<b>280</b>

**Other Operating Costs**

Other Operating Costs include Legal Creditors, where 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.

Other Operating Costs also include Trade Creditors, where the carrying amount of trade creditors is equivalent to fair value, as they are generally settled within 30 days.

**20 Provisions**

	2013 (\$000's)	2012 (\$000's)
<b>Current</b>		
Employee Benefits Provision:		
Annual Leave	512	436
Long Service Leave	553	662
	<b>1,065</b>	<b>1,098</b>
<b>Non-Current</b>		
Employee Benefits Provision:		
Long Service Leave	243	193
	<b>1,308</b>	<b>1,291</b>

**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 30<sup>th</sup> June 2013 the Commission's case management system disclosed a commitment of \$1,337,900 (2012: \$1,322,144) 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 predetermined percentage per annum.

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

	2013 (\$000's)	2012 (\$000's)
Due within 1 year	335	254
Due within 1 - 5 years	198	332
	<b>533</b>	<b>586</b>



**LEGAL AID COMMISSION OF TASMANIA  
NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 30 JUNE 2013**

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

	2013 (\$000's)	2012 (\$000's)
Operating Result – Surplus	(1,253)	(672)
<u>Change In Assets – (Increase) / Decrease</u>		
Depreciation & Amortisation Expense	101	102
(Increase) in Receivables	(114)	(52)
Decrease / (Increase) in Other Assets	19	(28)
<u>Change in Liabilities – Increase / (Decrease)</u>		
Increase in Provisions	17	134
(Decrease) / Increase in Payables	(18)	55
Net Cash provided from Operating Activities	<b>(1,248)</b>	<b>(461)</b>

**24 Financing Facilities Available**

	2013 (\$000's)	2012 (\$000's)
Facility Limit	92	92
Less Used / Committed	(16)	(19)
	<b>76</b>	<b>73</b>

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**

	2013 (\$000's)	2012 (\$000's)
Audit Fee	24	21
	<b>24</b>	<b>21</b>

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

**27 Remuneration of Commissioners**

	2013	2012
\$0 - \$10,000	4	6
\$10,001 - \$20,000	2	1
\$20,001 - \$30,000	1	1
Commissioners Remuneration	<b>63,062</b>	<b>65,178</b>

There are eight Commissioners and two of these are State Public Servants. Commissioners are remunerated on an annual basis and superannuation is also paid to these Commissioners in accordance with the superannuation guarantee legislation. There was an unfilled vacancy on the Commission for the 30 June 2013 financial year.

**LEGAL AID COMMISSION OF TASMANIA  
NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 30 JUNE 2013**

**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:

	2013	2012
\$0 - \$60,000	1	1
\$60,001 - \$80,000	-	-
\$80,001 - \$100,000	1	1
\$100,001 - \$120,000	1	2
\$120,001 - \$140,000	3	2
\$140,001 - \$160,000	1	1
\$160,001 - \$180,000	-	-
\$180,000 +	3	3
<b>Total Remuneration of Senior Officers</b>	<b>1,516,879</b>	<b>1,463,965</b>

**29 Related Party Transactions**

The Legal Aid Commission of Tasmania has not entered into any transactions during the 2013 financial year (2012: 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.

	2013 (\$000's)	2012 (\$000's)
Balance at WESTPAC Bank as at 1 July	6	4
Plus receipts	124	318
Less payments	(124)	(316)
<b>Balance at Westpac Bank as at 30 June</b>	<b>6</b>	<b>6</b>



[Annual Report 2012-3013](#) ➔ [Payments to Private Practitioners](#)

## **PAYMENTS TO PRIVATE PRACTITIONERS**

[Payments to private practitioners](#) - 52 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 2012 - 2013

		No. of Grants	Total Payments
<b>A P Hodgson &amp; Associates</b>	Family	1	\$565.00
	<b>Total</b>	<b>1</b>	<b>\$565.00</b>
<b>Abetz Curtis Lawyers</b>	Criminal	1	\$315.00
	Family	7	\$4,800.00
	<b>Total</b>	<b>8</b>	<b>\$5,115.00</b>
<b>Adrian J Hall Barrister &amp; Solicitor</b>	Criminal	109	\$40,121.26
	<b>Total</b>	<b>109</b>	<b>\$40,121.26</b>
<b>Andrei Slicer</b>	Civil	3	\$1,502.50
	Criminal	87	\$22,970.00
	<b>Total</b>	<b>90</b>	<b>\$24,472.50</b>
<b>Aneita Browning Barrister</b>	Criminal	1	\$315.00
	<b>Total</b>	<b>1</b>	<b>\$315.00</b>
<b>Baker Wilson Lawyers</b>	Criminal	9	\$1,930.00
	Family	3	\$1,102.50
	<b>Total</b>	<b>12</b>	<b>\$3,032.50</b>
<b>Bartletts</b>	Civil	2	\$2,750.00
	Family	9	\$5,565.00
	<b>Total</b>	<b>11</b>	<b>\$8,315.00</b>
<b>Belbridge Hague</b>	Family	1	\$565.00
	<b>Total</b>	<b>1</b>	<b>\$565.00</b>
<b>Ben Lillas</b>	Civil	1	\$1,065.00
	Criminal	16	\$4,642.50
	Family	5	\$4,205.00
	<b>Total</b>	<b>22</b>	<b>\$9,912.50</b>
<b>Bennett Howroyd</b>	Civil	26	\$11,200.01
	Criminal	1	\$315.00

		No. of Grants	Total Payments
<b>Bennett Howroyd</b>	Family	45	\$16,870.01
	<b>Total</b>	<b>72</b>	<b>\$28,385.02</b>
<b>Bishops</b>	Civil	49	\$22,353.71
	Criminal	22	\$5,189.32
	Family	212	\$80,194.25
	<b>Total</b>	<b>283</b>	<b>\$107,737.28</b>
<b>BJT Legal</b>	Family	3	\$210.00
	<b>Total</b>	<b>3</b>	<b>\$210.00</b>
<b>Blissenden Lawyers</b>	Civil	38	\$19,235.00
	Criminal	92	\$23,104.06
	Family	96	\$45,908.75
	<b>Total</b>	<b>226</b>	<b>\$88,247.82</b>
<b>Butler McIntyre &amp; Butler</b>	Civil	115	\$41,785.58
	Criminal	1,090	\$277,970.44
	Family	372	\$121,401.47
	<b>Total</b>	<b>1,577</b>	<b>\$441,157.49</b>
<b>Cann Legal</b>	Civil	48	\$10,306.35
	Criminal	2	\$146.25
	Family	98	\$53,776.25
	<b>Total</b>	<b>148</b>	<b>\$64,228.85</b>
<b>Caroline Graves Barrister at Law</b>	Civil	37	\$17,243.75
	Criminal	84	\$18,837.52
	<b>Total</b>	<b>121</b>	<b>\$36,081.27</b>
<b>Charmaine Gibson</b>	Civil	33	\$23,236.25
	Criminal	51	\$20,535.02
	Family	70	\$35,041.60
	<b>Total</b>	<b>154</b>	<b>\$78,812.87</b>
<b>Collett Lawyers</b>	Family	1	\$889.00
	<b>Total</b>	<b>1</b>	<b>\$889.00</b>
<b>Craig Rainbird Barrister &amp; Solicitor</b>	Criminal	178	\$62,365.00



		No. of Grants	Total Payments
<b>Craig Rainbird Barrister &amp; Solicitor</b>	<b>Total</b>	<b>178</b>	<b>\$62,365.00</b>
<b>Crisp Hudson &amp; Mann</b>	Civil	62	\$24,570.00
	Criminal	1	\$315.00
	Family	81	\$34,467.70
	<b>Total</b>	<b>144</b>	<b>\$59,352.70</b>
<b>Darrell Grey Law Practice</b>	Criminal	3	\$2,940.00
	<b>Total</b>	<b>3</b>	<b>\$2,940.00</b>
<b>David N Lewis Barrister at Law</b>	Civil	27	\$10,125.00
	Family	139	\$52,757.50
	<b>Total</b>	<b>166</b>	<b>\$62,882.50</b>
<b>David Walker &amp; Co</b>	Civil	5	\$993.75
	Criminal	3	\$940.00
	Family	47	\$10,731.25
	<b>Total</b>	<b>55</b>	<b>\$12,665.01</b>
<b>Douglas &amp; Collins</b>	Criminal	11	\$3,222.50
	<b>Total</b>	<b>11</b>	<b>\$3,222.50</b>
<b>FitzGerald and Browne</b>	Civil	177	\$65,303.64
	Criminal	28	\$7,405.01
	Family	397	\$129,263.67
	<b>Total</b>	<b>602</b>	<b>\$201,972.32</b>
<b>Friend &amp; Edwards Lawyers t/a Friend &amp; Edwards Lawyers</b>	Civil	9	\$4,017.52
	Criminal	41	\$9,640.08
	Family	15	\$5,615.01
	<b>Total</b>	<b>65</b>	<b>\$19,272.61</b>
<b>G A Richardson</b>	Civil	1	\$315.00
	Criminal	223	\$96,226.89
	<b>Total</b>	<b>224</b>	<b>\$96,541.89</b>
<b>Glade-Wright &amp; Mahindroo</b>	Family	2	\$750.00
	<b>Total</b>	<b>2</b>	<b>\$750.00</b>
<b>Grant Tucker</b>	Civil	22	\$14,965.00

		No. of Grants	Total Payments
<b>Grant Tucker</b>	Criminal	197	\$78,538.76
	Family	67	\$38,992.70
	<b>Total</b>	<b>286</b>	<b>\$132,496.46</b>
<b>Greg Barns Barrister</b>	Civil	14	\$9,427.50
	Criminal	86	\$24,414.07
	<b>Total</b>	<b>100</b>	<b>\$33,841.57</b>
<b>Gunson Williams</b>	Criminal	10	\$19,456.25
	<b>Total</b>	<b>10</b>	<b>\$19,456.25</b>
<b>Henry Wherrett &amp; Benjamin</b>	Civil	1	\$377.50
	Criminal	116	\$43,252.51
	<b>Total</b>	<b>117</b>	<b>\$43,630.01</b>
<b>Hodgson Lawyers</b>	Family	1	\$825.82
	<b>Total</b>	<b>1</b>	<b>\$825.82</b>
<b>Ian Guest &amp; Associates</b>	Civil	18	\$10,038.75
	Family	58	\$28,845.00
	<b>Total</b>	<b>76</b>	<b>\$38,883.75</b>
<b>Ierino &amp; Associates</b>	Civil	1	\$190.00
	Criminal	46	\$11,192.21
	<b>Total</b>	<b>47</b>	<b>\$11,382.21</b>
<b>James Crotty Barristers &amp; Solicitors</b>	Criminal	15	\$16,490.38
	<b>Total</b>	<b>15</b>	<b>\$16,490.38</b>
<b>Jennifer Mary White</b>	Civil	37	\$12,452.50
	Criminal	42	\$8,226.27
	Family	5	\$2,315.00
	<b>Total</b>	<b>84</b>	<b>\$22,993.77</b>
<b>John Green</b>	Civil	56	\$28,228.75
	Criminal	7	\$2,195.00
	Family	9	\$5,532.50
	<b>Total</b>	<b>72</b>	<b>\$35,956.25</b>
<b>Jonathan Smith Lawyers</b>	Criminal	4	\$1,255.00

		No. of Grants	Total Payments
<b>Jonathan Smith Lawyers</b>	Family	7	\$2,877.50
	<b>Total</b>	<b>11</b>	<b>\$4,132.50</b>
<b>Julienne Penny &amp; Associates</b>	Family	3	\$2,560.20
	<b>Total</b>	<b>3</b>	<b>\$2,560.20</b>
<b>Kate Cuthbertson</b>	Civil	35	\$28,011.25
	Criminal	63	\$26,021.27
	<b>Total</b>	<b>98</b>	<b>\$54,032.53</b>
<b>Kate Mooney</b>	Civil	30	\$19,115.00
	Family	84	\$44,008.75
	<b>Total</b>	<b>114</b>	<b>\$63,123.75</b>
<b>Kay &amp; Ruddle</b>	Family	1	\$125.00
	<b>Total</b>	<b>1</b>	<b>\$125.00</b>
<b>Legal Solutions Barristers &amp; Solicitors t/a Legal Solutions</b>	Civil	16	\$4,377.51
	Family	230	\$57,110.02
	<b>Total</b>	<b>246</b>	<b>\$61,487.53</b>
<b>M+K Dobson Mitchell Allport</b>	Civil	20	\$8,336.88
	Criminal	9	\$1,755.00
	Family	220	\$74,744.17
	<b>Total</b>	<b>249</b>	<b>\$84,836.05</b>
<b>Macgregor Solicitors</b>	Family	2	\$2,500.00
	<b>Total</b>	<b>2</b>	<b>\$2,500.00</b>
<b>Mackie Crompton</b>	Civil	62	\$26,733.08
	Criminal	158	\$33,826.22
	<b>Total</b>	<b>220</b>	<b>\$60,559.30</b>
<b>Matthew Verney</b>	Civil	185	\$61,955.03
	Criminal	5	\$1,563.75
	Family	30	\$9,966.25
	<b>Total</b>	<b>220</b>	<b>\$73,485.04</b>
<b>McGrath &amp; Co.</b>	Civil	9	\$2,782.50
	Criminal	10	\$2,385.00

		No. of Grants	Total Payments
<b>McGrath &amp; Co.</b>	Family	106	\$51,955.20
	<b>Total</b>	<b>125</b>	<b>\$57,122.70</b>
<b>McLean McKenzie &amp; Topfer</b>	Civil	80	\$24,346.20
	Family	61	\$16,470.02
	<b>Total</b>	<b>141</b>	<b>\$40,816.22</b>
<b>McVeity &amp; Associates</b>	Civil	200	\$51,004.01
	Family	347	\$87,630.51
	<b>Total</b>	<b>547</b>	<b>\$138,634.52</b>
<b>Melton Law Offices</b>	Family	3	\$1,410.00
	<b>Total</b>	<b>3</b>	<b>\$1,410.00</b>
<b>Menzie Legal</b>	Civil	2	\$690.00
	Family	1	\$440.00
	<b>Total</b>	<b>3</b>	<b>\$1,130.00</b>
<b>Michael Briant Barrister &amp; Solicitor</b>	Family	1	\$125.00
	<b>Total</b>	<b>1</b>	<b>\$125.00</b>
<b>Milton &amp; Meyer</b>	Civil	130	\$42,338.77
	Criminal	945	\$164,777.85
	Family	21	\$9,580.20
	<b>Total</b>	<b>1,096</b>	<b>\$216,696.82</b>
<b>Murdoch Clarke</b>	Civil	8	\$4,132.50
	Criminal	5	\$1,533.75
	Family	6	\$2,229.00
	<b>Total</b>	<b>19</b>	<b>\$7,895.25</b>
<b>Murray &amp; Associates</b>	Family	58	\$29,480.00
	<b>Total</b>	<b>58</b>	<b>\$29,480.00</b>
<b>Ogilvie Jennings</b>	Civil	30	\$18,238.75
	Criminal	17	\$4,647.50
	Family	161	\$76,462.91
	<b>Total</b>	<b>208</b>	<b>\$99,349.16</b>
<b>Osborne &amp; Osborne Pty Ltd</b>	Family	4	\$1,327.92

		No. of Grants	Total Payments
<b>Osborne &amp; Osborne Pty Ltd</b>	<b>Total</b>	<b>4</b>	<b>\$1,327.92</b>
<b>P L Corby &amp; Company</b>	Family	69	\$38,320.00
	<b>Total</b>	<b>69</b>	<b>\$38,320.00</b>
<b>Paul Sullivan</b>	Criminal	14	\$2,995.00
	<b>Total</b>	<b>14</b>	<b>\$2,995.00</b>
<b>Pedder Schuh Lawyers</b>	Criminal	8	\$2,445.00
	<b>Total</b>	<b>8</b>	<b>\$2,445.00</b>
<b>Peninsula Law</b>	Family	1	\$1,125.00
	<b>Total</b>	<b>1</b>	<b>\$1,125.00</b>
<b>Peter Heerey Lawyer</b>	Civil	26	\$11,718.77
	Criminal	46	\$11,828.75
	<b>Total</b>	<b>72</b>	<b>\$23,547.53</b>
<b>Philip Theobald</b>	Family	74	\$29,967.50
	<b>Total</b>	<b>74</b>	<b>\$29,967.50</b>
<b>Philip Welch</b>	Civil	31	\$18,002.50
	Family	113	\$31,868.75
	<b>Total</b>	<b>144</b>	<b>\$49,871.25</b>
<b>PWB Lawyers</b>	Civil	114	\$52,556.99
	Criminal	6	\$2,096.25
	Family	378	\$156,327.93
	<b>Total</b>	<b>498</b>	<b>\$210,981.17</b>
<b>Rae &amp; Partners PTY T/A Levis Stace &amp; Cooper t/a Levis Stace &amp; Cooper</b>	Civil	30	\$9,785.02
	Criminal	45	\$10,281.25
	Family	138	\$38,843.76
	<b>Total</b>	<b>213</b>	<b>\$58,910.04</b>
<b>Rae &amp; Partners Lawyers</b>	Civil	33	\$10,653.75
	Criminal	287	\$79,082.06
	Family	151	\$43,793.05
	<b>Total</b>	<b>471</b>	<b>\$133,528.87</b>
<b>Robert J. Meredith LL.B</b>	Civil	1	\$377.50

		No. of Grants	Total Payments
<b>Robert J. Meredith LL.B</b>	Criminal	10	\$6,960.00
	<b>Total</b>	<b>11</b>	<b>\$7,337.50</b>
<b>Simmons Wolfhagen</b>	Civil	45	\$19,016.00
	Family	69	\$24,159.51
	<b>Total</b>	<b>114</b>	<b>\$43,175.51</b>
<b>Sofra Solicitors</b>	Family	1	\$1,325.27
	<b>Total</b>	<b>1</b>	<b>\$1,325.27</b>
<b>Steven Chopping</b>	Civil	2	\$627.50
	Criminal	142	\$60,586.01
	Family	6	\$1,880.00
	<b>Total</b>	<b>150</b>	<b>\$63,093.51</b>
<b>Susan Ruffin</b>	Family	1	\$815.00
	<b>Total</b>	<b>1</b>	<b>\$815.00</b>
<b>Temple-Smith Partners</b>	Civil	21	\$8,002.50
	Criminal	4	\$1,158.75
	Family	21	\$4,950.00
	<b>Total</b>	<b>46</b>	<b>\$14,111.25</b>
<b>Thelma Palbas &amp; Associates</b>	Family	6	\$3,460.00
	<b>Total</b>	<b>6</b>	<b>\$3,460.00</b>
<b>Todd P. Kovacic</b>	Civil	8	\$3,067.50
	Criminal	67	\$49,654.93
	<b>Total</b>	<b>75</b>	<b>\$52,722.43</b>
<b>W J Friend</b>	Family	32	\$15,370.00
	<b>Total</b>	<b>32</b>	<b>\$15,370.00</b>
<b>Walker Henderson Lawyers</b>	Civil	94	\$34,611.25
	Criminal	14	\$3,442.50
	Family	290	\$93,688.76
	<b>Total</b>	<b>398</b>	<b>\$131,742.52</b>
<b>Wallace Wilkinson &amp; Webster</b>	Civil	12	\$6,857.50
	Criminal	75	\$22,448.75

		No. of Grants	Total Payments
<b>Wallace Wilkinson &amp; Webster</b>	Family	229	\$96,028.75
	<b>Total</b>	<b>316</b>	<b>\$125,335.01</b>
<b>Walsh Day James Mihal Pty</b>	Civil	115	\$30,807.65
	Criminal	125	\$16,607.71
	Family	98	\$32,461.12
	<b>Total</b>	<b>338</b>	<b>\$79,876.47</b>
<b>Waters Lawyers Pty Ltd</b>	Family	1	\$280.91
	<b>Total</b>	<b>1</b>	<b>\$280.91</b>
<b>Wayne Olding LI B</b>	Criminal	13	\$3,308.75
	Family	4	\$1,750.00
	<b>Total</b>	<b>17</b>	<b>\$5,058.75</b>
<b>WF Lester</b>	Criminal	14	\$7,563.75
	<b>Total</b>	<b>14</b>	<b>\$7,563.75</b>
<b>Wright Gilmour Barristers &amp; Solicitors</b>	Civil	6	\$3,007.50
	Criminal	214	\$55,598.15
	<b>Total</b>	<b>220</b>	<b>\$58,605.65</b>
<b>Yvonne Pagett</b>	Civil	31	\$13,190.00
	Family	22	\$9,965.00
	<b>Total</b>	<b>53</b>	<b>\$23,155.00</b>
<b>Zeeman Kable &amp; Page</b>	Criminal	1	\$62.50
	Family	1	\$1,440.00
	<b>Total</b>	<b>2</b>	<b>\$1,502.50</b>
<b>Total</b>		<b>11,826</b>	<b>\$4,003,136.28</b>