

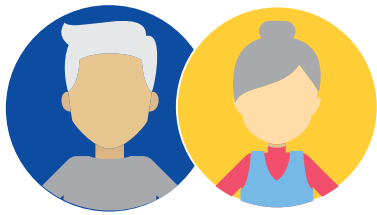
Annual Report

2017 - 2018



Legal Aid Commission of Tasmania

Our Year at a Glance



Partnered with COTA Tasmania in launching a new **Older People's Legal Advice outreach clinic**



Launched Tasmania's first on-line chat service "**Legal Talk**" for accessing legal information



Established **Video Telephone Network Program**

↑ **39%**

Duty Lawyer Services

↑ **33%**

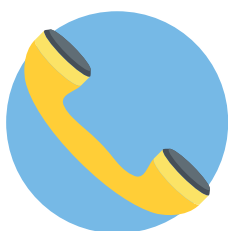
Family Dispute Resolution mediations

↑ **26%**

Mental Health Tribunal services

Extended **Community Legal Education** to primary aged students

Commenced our **Court-Ordered Mediation Service** within our **Family Dispute Resolution Program**



↑ **5%**

Telephone advice callers assisted



Total grants payments made to private lawyers

↑ **25%**

Changed our means test to provide more equitable treatment of individuals renting a home in comparison to home owners/buyers

Finalised **NDIS Appeals Legal Services Individualised Grant Agreement**



Website page views

↑ **11%**



Referrals made to other providers

↑ **6%**

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Our Organisation

The Legal Aid Commission of Tasmania ('LACT') is a statutory body set up under the *Legal Aid Commission Act 1990* (Tas). We commenced operation in 1991. The Legal Aid Commission of Tasmania operates at arm's length from Government but is accountable to the Minister for Justice.

We are the largest government-funded legal assistance service in Tasmania and we play a central role in providing access to justice for disadvantaged Tasmanians.

The Commission is governed by a Board of five. It has a staff of 71* full-time employees and a budget of \$14.9 million from the Commonwealth and State Governments and other funding sources.

The Legal Aid Commission of Tasmania has offices in Hobart, Launceston, Devonport and Burnie. The Commission provides outreach services to various other locations around Tasmania.

NB: Figure includes fixed term funding positions not included in Annual Financial Statement.

Our Vision

Greater access to justice for Tasmanians.

Our Mission

To deliver a range of high-quality client-focused legal services to Tasmanians in need.

Our Values

INTEGRITY:

We act ethically at all times.

PROFESSIONALISM:

We provide high-quality services.

EFFICIENCY:

We use taxpayers' resources responsibly and pursue continuous improvement.

TRANSPARENCY:

We are an open and accountable organisation.

RESPECT:

We care about our clients and the community in which we live.



Our Goals

Our vision is for a safer and fairer Tasmania through greater access to justice and we aim to achieve this by:

- Ensuring our priority clients have access to legal assistance.
- Striking an appropriate balance in allocating resources between a range of services.
- Delivering high-quality and flexible legal services that deliver value for money.
- Being a financially sustainable and accountable organisation.

Our Services

“ The purpose of the Legal Aid Commission of Tasmania is to provide vulnerable and disadvantaged Tasmanians with access to justice. ”

This is achieved by providing a range of quality legal services across Tasmania through our offices and outreach locations.

We focus on helping socially and economically disadvantaged people, and provide a continuum of different services ensuring our responses are proportionate, tailored and appropriate to the community's needs.

We provide preventative services including legal information through our website, legal talk and community legal education programs.

We deliver early intervention services through our telephone help-line, face-to-face consultations, Court duty lawyer services, minor assistance services, and mediation services.

We also provide legal representation delivered through grants of legal aid to private lawyers and in-house lawyers.

Chair's Report

On behalf of the Legal Aid Commission of Tasmania I am pleased to provide the 2017-18 Annual Report.

I was pleased to be asked to continue my involvement with Legal Aid Tasmania when the Minister for Justice extended my role as Chair for a further three year term in September 2017. I remain committed to the crucial work Legal Aid Tasmania performs in delivering vital services to address the increasing legal need of the most vulnerable Tasmanians.

Across the vast array of services and methods of service delivery to Tasmanians experiencing legal issues, the total service count in 2017-18 was in excess of 540,000, meaning Legal Aid Tasmania continues to build on our ability to assist and empower Tasmanians to address and resolve legal issues.

This report showcases the innovative new services that Legal Aid Tasmania launched over the past year. It also further highlights the wide range of existing services we provide in pursuit of our commitment to deliver high-quality client-focused legal services to Tasmanians in need.

The Board

This year saw the first full year of operation with our new five-person skills-based Board. The final member of the Board to be appointed in July 2017 was Naomi Walsh, who brings to the Board experience in the private sector in business and risk management, and corporate governance. Naomi replaced Yvette Cehtel, a long standing Board member who originally joined the Commission in 2009 and whose term came to an end in July 2017. I thank Yvette for her long-held commitment to Legal Aid Tasmania and her contribution to guiding our organisation in the work it has done to increase access to justice for all Tasmanians.

Legal Aid's Board met eleven times during the year. The majority of Board meetings were held at our Hobart office, but the Board met in Launceston in October 2017 and in Devonport in March 2018. The meetings in our regional offices were particularly important for new Board members to meet staff, hear about local issues and engage with other stakeholders and members of the private profession in the different parts of Tasmania. The Board also plan to continue to hold meetings at other locations outside of the Commission in the coming year to assist in providing Board members with an overview of the social issues that impact our allocation of resources.

Planning & Governance

The Board's strategic direction continues to be driven by the goals encapsulated in our 2017-2020 Corporate Plan and this year's focus was given to monitoring Legal Aid Tasmania's financial and compliance performance

to ensure we remain a financially sustainable and accountable organisation. The Board sought regular reports from the Commission's Risk and Audit Committee and financial management team and continued a commitment to the publishing of our Quarterly Reports, containing open and transparent reporting of organisational data.

Service Delivery

This year the Legal Aid Commission of Tasmania has been involved in approving and setting priorities for important service delivery initiatives to meet another of our goals to ensure Legal Aid's clients have greater access to legal assistance.

The Commission worked with the Director and Management Team to drive focus on projects designed to increase our reach in assisting members of the Tasmanian community that fall within our priority client groups. This saw the initial roll-out of our Video Telephone Project, with the placement of video telephones within community organisations in rural areas of Tasmania. This service enables clients in those communities to access advice and information from our lawyers without the need to travel to one of our offices. Another highly successful project was the new on-line chat service "Legal Talk".

The Commission prioritised Legal Aid Tasmania's commitment to combatting elder abuse and providing assistance to older Tasmanians with legal issues. In March 2018 the Commission approved Legal Aid Tasmania's 2018-19 Elder Abuse Strategy aimed at



Patrick Lunn

Chair – Legal Aid Commission of Tasmania



continuing to deliver high-quality legal advice and assistance to people living in Tasmania who are experiencing or at risk of elder abuse; and to provide education and information to prevent or reduce the prevalence of elder abuse in Tasmania.

As Chair, on behalf of the Commission, I also attended and pledged support to the National Launch of the “Racism. It Stops with Me” campaign in February 2018. Amongst other commitments to this campaign we have promoted the Community Service Announcements via our website and social media; have had management and staff attend training sessions to improve cultural competency and develop a greater understanding of discrimination and diversity; and are actively seeking opportunities to improve cultural diversity within our organisation.

Relationships

Legal Aid Tasmania does not operate in isolation in seeking to provide greater access to justice for Tasmanians in need. Many of our services are delivered with the contribution and assistance of other individuals and organisations. As Chair, I continued to meet regularly with our stakeholders and those involved in assisting us in

achieving our key strategies and goals. Our relationships with the private profession, the Law Society, the Magistracy and Judiciary and social and other non-legal community organisations are vital in assisting us to help make Tasmania a safer, fairer, more efficient and inclusive place.



Thank you

On behalf of the Commission I would like to extend my sincere gratitude to the management, staff and members of the private profession who deliver legal aid throughout Tasmania.

I would also like to thank the many organisations that assist us with the delivery of a number of our programs designed to steer people away from or move out of the justice cycle.

I wish to thank our past Director Dr Graham Hill for his tremendous leadership of Legal Aid Tasmania and the continued support that the Commission has received from the Acting Director Susie Winter who has led the organisation since Dr Hill’s departure. Stepping up to this role at a time of change for the organisation has required a significant contribution from Ms Winter and she has done a tremendous job in continuing to improve the services we deliver externally and how they are delivered internally.

Given his reticence to be appropriately acknowledged at the time of his resignation, I will take this opportunity to thank Michael Dwyer for his 20+ years’ commitment to Legal Aid Tasmania. Michael was responsible for the implementation of many of the significant financial and administrative improvements Dr Hill had championed, and worked tirelessly in many different areas throughout the State at all times to ensure we delivered our services in the most cost-effective and efficient manner possible. Michael’s commitment was very significant and his and Dr Hill’s legacy will no doubt be enjoyed, respected and appreciated for many years to come.

To our stakeholders, the Commission would like to thank the Minister for Justice, the Hon. Elise Archer MP; the Treasurer, the Hon. Peter Gutwein MP; the Secretary of the Department of Justice, Kathrine Morgan-Wicks; Deputy Secretary, Kristy Bourne and the Commonwealth Attorney-General, Christian Porter MP for their continued support and commitment to Legal Aid Tasmania and the Commission.

In the New Year we are looking forward to meeting the increasing demands on our existing services, and pursuing innovative programs designed to extend our reach to our priority clients.

Director's Report

The 2017-18 financial year has been both exciting and challenging for Legal Aid Tasmania. We launched new services, and continued to build on and improve our traditional services to better respond to community needs. But we also saw sustained pressure on our Grants Budget from increased grants of aid in Supreme Court matters due to ongoing additional Supreme Court sittings instituted by the Chief Justice in February 2017 in an effort to reduce case backlog.

We continue to be guided by our 2017-2020 Corporate Plan and the five major goals underpinning our Vision and Mission: Provide greater access to justice for Tasmanians by delivering a range of high-quality client-focused legal services to Tasmanians in need.

We recognise that to achieve our goals Legal Aid Tasmania needs to continue to be innovative, be flexible and work hard to improve the ability of Tasmanians to access our services and gain help in resolving their legal issues.

This year we launched new services across a range of early intervention programs to ensure Legal Aid Tasmania has greater reach into the community. In October 2017, we rolled out the first stage of our Video Telephone Network, placing video phones in up to six locations across the State. These Video Telephones were installed in local community and neighbourhood houses, and allow us to provide legal outreach services face-to-face via technology with people in more rural areas, avoiding the need to travel to a major city.

Legal Aid Tasmania continued its focus on developing services to combat the emerging issue of elder abuse and to assist vulnerable older members of the community to access legal services. In September 2017, we partnered with the Council On The Ageing (COTA) Tasmania to run a monthly outreach clinic at the COTA premises in Hobart to help us to take our legal service to hard-to-reach clients.

Legal Aid Tasmania also recognises that technology is a significant part of how our community accesses information and services. In April 2018 we launched our new on-line chat service "Legal Talk", providing a means

by which Tasmanians can access legal information "in real time" to assist them on the path to identifying and resolving their legal issues.

We continued to increase our delivery of other services aimed at early resolution of our clients' legal problems. Legal Aid Tasmania again saw a significant increase of 39% (5,518 services) in our Duty Lawyer services across the court system from the previous year, ensuring self-represented litigants unable to access ongoing legal representation still receive support and assistance.

Our Family Dispute Resolution and Mediation service continued to provide substantial benefit to families involved in parenting disputes, with a 33% increase in the number of mediations conducted and a high settlement rate: over 90%. These settlements ensure families are in control of the decision-making around parenting issues and save many significant hours of court time.

Throughout 2017-18, Legal Aid Tasmania continued to build on and maintain our relationships with the organisations and stakeholders who work with us to improve outcomes for our clients. The private profession plays a significant role in delivery of legal assistance to clients through grants of aid and this year the Commission approved an increase in the hourly rate paid to the profession in recognition of the work they do.

We maintained and renewed relationships with other support organisations, such as Advocacy Tasmania and Anglicare who provide support to clients receiving assistance through our Mental Health & Disability, Older People's Legal Service and Family Advocacy and Support Service programs.





Susie Winter

Acting Director – Legal Aid Commission of Tasmania

Future Outlook

The new financial year will see Legal Aid Tasmania continue to strive to improve and increase services to those Tasmanians most in need of assistance.

We will expand our Older People's Legal Service in accordance with our 2018-19 Elder Abuse Strategy, and increase outreach services in our Safe at Home program by providing additional services into the North West of Tasmania. 2018-19 will see Legal Aid Tasmania continue the roll-out of our Video Telephone Network around the State and we will also work with health professionals, GPs and other organisations to improve awareness of and provide easier access to Legal Aid Services.

Legal Aid Tasmania will continue to work within funding frameworks to support Department of Justice priorities in addition to our organisational priorities, and to participate in the important Collaborative Service Planning framework to ensure legal services across the sector are delivered to best meet legal need.

We remain committed to better co-ordination of the legal assistance sector and await the outcome of the Tasmanian Evaluation into the Legal Assistance Sector, which we hope will lead to a more integrated and collaborative approach to the delivery of legal services in Tasmania.

Thank You

Our clients continue to be the focus of the work we do at Legal Aid Tasmania and we remain committed to providing the highest-quality services to clients who have the courage to contact us seeking assistance with their often complex and difficult legal issues.

However, we could not achieve any of our important goals without the continuing support and leadership of our Board, led by Chair, Patrick Lunn; and the dedicated and talented staff across Legal Aid Tasmania's four offices who work tirelessly to ensure we provide the best possible outcomes for our clients. I thank all staff for the dedication they have shown over the past year in providing access to justice for more Tasmanians.

In particular, I would like to recognise the contribution of our longstanding Operations Manager, Michael Dwyer, who retired in February 2018 having worked with Legal Aid Tasmania for over 20 years. In addition to his other duties, Michael's oversight and management of our Information Technology (IT) systems significantly contributed to the development and implementation of our innovative IT programs. This work has assisted Legal Aid Tasmania to become the flexible, adaptable organisation we are today in a constantly challenging funding environment.

I extend my appreciation to the Minister for Justice, the Hon. Elise Archer MP; the Department of Justice Secretary, Kathrine Morgan-Wicks; and the Deputy Secretary, Kristy Bourne for their support of Legal Aid Tasmania, and to the staff of the Commonwealth Attorney-General's office.

Finally, I thank our former Director, Dr Graham Hill, who left the Commission in April 2018 to take up the Director's role at Legal Aid Western Australia. During his four years with Legal Aid Tasmania, Dr Hill introduced and led significant improvements to the financial sustainability and reach of Legal Aid Tasmania, contributing to the more innovative and flexible organisation we are today, allowing us to better respond to community expectations and needs.

Our Commissioners

The Legal Aid Commission of Tasmania is responsible to a Board of Commissioners, all of whom are appointed to the Commission by the Minister for Justice.



Patrick Lunn

On 6 November 2014, Patrick was first appointed Chair of the Legal Aid Commission for a term of three years. The Minister for Justice re-appointed Patrick for a further three year term commencing on 6 November 2017.

Patrick graduated from the University of Tasmania with the combined degrees of Bachelor of Arts and Bachelor of Laws in 1995.

Patrick has practiced in commercial litigation since 1995, where his practice has included debt recovery, estate disputes, partnership, bankruptcy & insolvency litigation, professional negligence claims and residential & commercial tenancy disputes.

Patrick became a member of the board of management of Plane Tree Studio Inc. in 1997 and has been Chair of its Board of Management since 1998.



Susie Winter

Susie is currently the Acting Director of the Legal Aid Commission.

Susie was admitted to practice as a Barrister and Solicitor of the Supreme Court of Tasmania and the High Court of Australia in 1991 after completing her Bachelor of Arts and Laws at the University of Tasmania.

Susie joined the Legal Aid Commission of Tasmania in 1998 after having worked in private practice for a number of years, before moving into the government sector in other roles. She has worked predominantly in the Commission's early intervention programs and in 2016 was appointed as the southern-based Manager of the Advice and Legal Services program.

Susie is also a qualified Family Dispute Resolution Practitioner and is involved in providing family mediation services via the Commission's Family Dispute Resolution Program.



Gavin Wailes

On 15 January 2018, the Minister for Justice appointed Gavin Wailes to the Board*.

Gavin graduated from the University of Tasmania with a Bachelor of Commerce in 2001, has a Graduate Certificate in Public Sector Management and is a member of CPA Australia.

Gavin is currently the Acting Director of Finance with the Department of Justice and has previously worked for the Departments of Treasury and Finance; Police, Fire and Emergency Management and for the Tasmanian Prison Service in a variety of accounting and management roles.

**Gavin is a temporary appointment as replacement for Stephen Morrison who is currently on leave from the Board*



Naomi Walsh

On 27 July 2017, the Minister for Justice appointed Naomi Walsh as the final member of our new skills-based Legal Aid Board for a term of three years.

Naomi has a Bachelor of Business and a Masters of Business from the University of Tasmania. Naomi is currently the Executive Manager of Virieux Group and Rosevears Developments and brings business, management, risk management, corporate governance and financial expertise to the Board.

Naomi has been an Executive Manager of a hospitality group and also a finance manager for a road construction company. She is a fellow of the Institute of Chartered Accountants and a graduate of the Australian Institute of Company Directors.



Julia Higgins

Julia Higgins was appointed on 2 May 2017 for a term of three years.

Julia graduated from the University of Tasmania with a combined degree of Bachelor Commerce and Bachelor of Laws in 2001. Julia has practiced family law at the Launceston law firm of Bishops since August 2002. Julia specialises in all the areas of family law (Children and Financial matters) as well as appearing in the child protection jurisdiction.

Julia is a committee member of the Family Law Practitioners Association of Tasmania. She is currently Vice-Chair of the Launceston Women's Shelter. In the past, she has been the Northern Representative on the Law Council of Tasmania, and was for many years President of the Northern Young Lawyers' Committee.

Our Commissioners



Graham Hill

Graham Hill was appointed as Director of the Legal Aid Commission of Tasmania on 28 January 2014.

Graham was admitted to practice as a Barrister and Solicitor of the Supreme Court of Victoria and the High Court of Australia in 1990. He has a Bachelor of Economics and a Master of Laws from Monash University. Graham has also completed a doctoral thesis at the University of Melbourne's law school.

Graham spent 14 years in private practice and was a partner at the Melbourne law firm of Ryan Carlisle Thomas. Graham came to the Commission from the Department of Justice in Victoria where he had spent three years in a Deputy Secretary role leading courts administration.

Graham left the Commission on 26 April 2018 after being appointed as the Director, Legal Aid Commission of Western Australia.



Stephen Morrison

Stephen was re-appointed on 2 May 2017 for a term of three years, after his initial appointment in 2009.

Stephen has a Degree in Commerce from the University of Tasmania (1992) and is an FCPA member of CPA Australia.

At the time of his re-appointment to the Commission Stephen was the Director, Finance at the Department of Justice but is currently the Assistant Auditor-General Financial Audit Services at the Office of the Auditor-General. *

Stephen 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.

**Stephen is on temporary leave from his position on the Board due to his current role with the Office of the Auditor-General.*



Yvette Cehtel

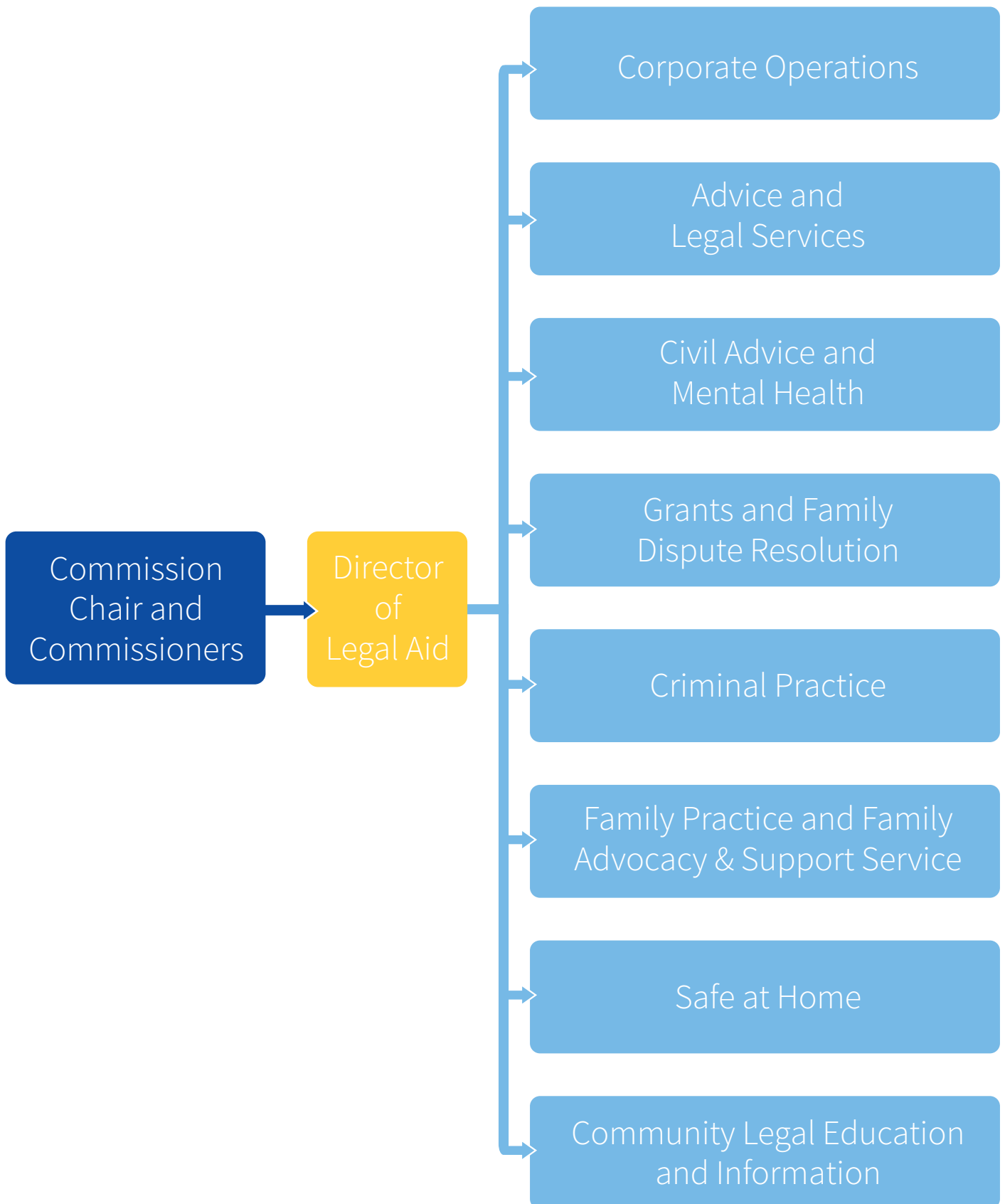
Yvette Cehtel was re-appointed on 24 February 2016 and attended her last board meeting on 27 July 2017. Yvette was originally appointed in July 2009 and was re-appointed twice by various Governments of the day.

Yvette is currently the Manager of Counselling & Support Services North/North West with Relationships Australia, Tasmania based in Launceston. She graduated from the University of Tasmania with a Bachelor of Laws in 1995, holds a Master of Law (Human Rights) from Monash University and was admitted to the Supreme Court of Tasmania in 2000. Yvette also is a graduate of the AICD.

Yvette's diverse background and experience in government law, private practice, international and treaty law, law reform activities, social justice and experience on Boards and the rights of Aborigines led to her original appointment to the Commission in September 2009.

Yvette also brought a wide 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.

Our Organisational Structure



Our Core Services – a Snapshot

■ We provide a wide range of services to Tasmanians.

Legal Aid Tasmania recognises that our clients have different and often complex needs, so we strive to provide a continuum of services that vary in their intensity and cost. Providing a flexible range of services helps to ensure our responses to legal need are appropriate & tailored, and that where possible, problems are identified and addressed early.

RESOLVING DISPUTES EARLY – TIMELY INTERVENTION SERVICES

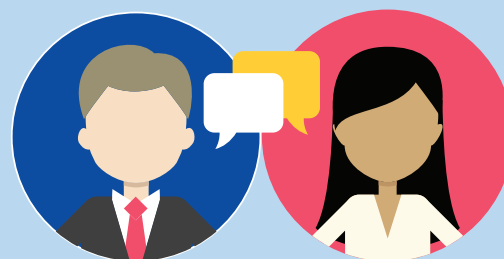
Telephone Advice Service

We provide legal advice and referral through our telephone helpline. Callers can ring and speak directly to a lawyer on the other end of the line. With over 48 services per 1,000 head of population, the Legal Aid Commission of Tasmania helpline is the most called service in Australia. Over the last year, we received over 27,000 calls to our service, directly assisted nearly **16,000 callers** and made **8,460 referrals** to other service providers to help callers to resolve their issues.



Face-to-Face Advice and Assistance

We provide free legal advice daily to people attending our clinics at four offices around Tasmania. Over the last year, we saw **4,567 people** face-to-face for legal advice, information and referral to other services if required, to assist in resolving their legal issues.



Duty Lawyer Services

Legal Aid duty lawyers are available at the Magistrates Court, Family Court and the Federal Circuit Court free of charge. They are available to assist unrepresented litigants at Court and will give advice, adjourn matters, or appear for people to finalise the matter on the first appearance. They are available to everyone in custody. They play a significant role in contributing to the efficiency and effectiveness of the

Courts, providing support and information to people who may not have been able to obtain legal assistance. Over the last year, duty lawyer services increased by **39% to 5,518 services.**

5,518 Services
↑ 39%

Mediation Services

The Legal Aid Commission conducts family dispute resolution mediation to help separated parents resolve disputes about parenting arrangements for their children. This early resolution process provides significant benefit to the parties and their children and reduces the need to go through the Family Court. Over the last year, we conducted **488 mediations** (33% more than the previous year) and were able to fully or partially settle nearly **90%** of those matters.

PREVENTATIVE SERVICES FOR ALL TASMANIANS

Community Legal Education

We conduct targeted community legal education sessions throughout Tasmania. Community legal education enhances the legal knowledge and capacity of targeted groups within the community. It helps to empower people to take action to identify and resolve their legal problems and improves legal literacy, not only among those likely to experience legal problems but also among the broader community who may be asked for advice. Over the last year, we conducted **129 sessions reaching 6,157 people.**

129
sessions reaching
=
6,157
PEOPLE

Website

Our website is used by the Tasmanian community as a reliable source of legal information and education. We provide a wide range of fact sheets, self-help kits, YouTube videos on legal issues and a comprehensive referral list incorporating legal and non-legal organisations and support services. Over the last year, our website registered **542,897 page views** from people seeking information, an **increase of 11%** from the previous financial year.



Legal Talk

Our new on-line chat service “Legal Talk” is another means by which Legal Aid Tasmania provides easier access to legal information. It is an information service designed to help website users in identifying or clarifying their legal issue and accessing appropriate resources that may assist in resolution of the problem. Since the launch of the service in April 2018, Legal Aid Tasmania has received an average of **19 requests or “talks” per day.**

REPRESENTATION IN COURT

Grants of Legal Aid

Where applicants satisfy our assets and means test, we grant aid for a lawyer to act for clients and represent them. A significant amount of representation is delivered by the private profession representing clients eligible for a grant of legal aid. About a third of legal representation is delivered by Legal Aid’s outstanding in-house practice. Over the last year, we granted aid to over **4,818 new cases.**

Aid granted to
4,818
NEW CASES

Civil Disbursement Fund

Legal Aid administers the Civil Disbursement Fund on behalf of the Tasmanian Government. The fund receives applications from Tasmanians requiring financial assistance for their civil cases, not just those who would be eligible for legal aid. The fund will pay the out-of-pocket expenses for eligible applicants pursuing civil claims through private lawyers. In most cases, applicants are pursuing personal injury claims through private lawyers but cannot afford to pay for medical and other expert reports. In these circumstances, the fund covers the cost of expenses and recovers the funds when the claim is successful. This financial year there were **19 applications** to the Civil Disbursement Fund for assistance.

Extending our Reach

This year Legal Aid Tasmania extended our reach into the community, expanding the scope and delivery of our core services that focus on early intervention, with the aim of providing greater access to justice for more Tasmanians.

Legal Aid Tasmania sought to provide more information and increase community awareness of the services we provide by highlighting new initiatives via both print and electronic media.

Tasmania's First On-line Chat Service for Accessing Legal Information – “Legal Talk”

On 9 April 2018 Legal Aid Tasmania launched our “Legal Talk” service. This is an on-line chat service that provides legal information only and which operates during business hours Monday to Friday. The response to the service has been greater than predicted and during the first week of the launch we received 86 requests or “talks”.

There has been a total of 1,035 “talks” since the launch in April with an average of 19 “talks” per day to 30 June 2018.

Our Legal Talk service is another means by which Legal Aid Tasmania provides greater access to legal information and services for the Tasmanian community.

Read the Examiner article here ...

<https://www.examiner.com.au/story/5393089/tasmanias-first-on-line-chat-service-for-accessing-legal-information/>

Read the Mercury article here ...

<http://www.themercury.com.au/news/scales-of-justice/tasmanian-grandparent-blackmailed-over-access-to-grandchildren/news-story/15633c6b2e3f92abd4d6aa5e9625746e>

COTA – Legal Aid Partnership (Elder Abuse / Older People's Legal Service)

In September 2017 we launched a new older people's legal advice outreach service based at the COTA ('Council On The Ageing') premises at 181 Elizabeth Street, Hobart. This new service enables us to take the legal service to hard-to-reach clients. COTA has been promoting the service through their extensive networks. The clinic runs on the first Thursday of each month from 10:00am to 12:00noon.

NDIS

On 29 May 2018 Legal Aid Tasmania signed a new funding agreement with the Department of Social Services to enable us to provide representation for clients with a disability who are eligible for funding assistance under the National Disability Insurance Scheme. Under this Agreement we can now assess all applications for funding for legal representation in the Administrative Appeals Tribunal from clients who are seeking to appeal a decision of the National Disability Insurance Agency regarding their funding package. Legal Aid Tasmania was previously providing assistance on a case-by-case basis. Legal Aid Tasmania provided assistance with 6 cases in the 2017/2018 financial year, 4 of those occurring in the April – June 2018 quarter.

Video Telephone Network

On 11 October 2017 Legal Aid Tasmania launched our new video telephone outreach service. This service will provide better access to legal advice for people living in rural and remote communities. The launch attracted significant media interest and was reported across a range of media outlets.

The video telephones will allow people to be face-to-face with a Legal Aid lawyer through the technology and will enable people in more rural areas to meet with Legal Aid Lawyers via the technology without the need to travel to a major city.

Legal Aid currently have six sites that are fully operational with both video telephones and trained staff to facilitate appointments at the following locations:

- Geeveston Community Centre;
- Derwent Valley Community House;
- Cygnet Community Centre;
- Tasman Neighbourhood House, Nubeena;
- Flinders Island Multi-Purpose Centre; and
- Glamorgan Spring Bay Council, Triabunna.

The Derwent Valley Gazette featured an article about our video phone service at the Derwent Valley Community House. The article quotes the community house co-ordinator as saying that; *“the video phone was more comforting and personal than a regular phone call. Legal Aid was amazing in the way they set the phone up – everything just worked like clockwork.”* It will be especially useful for people in New Norfolk who have difficulty accessing transport to Hobart for appointments.

Apart from the video telephones, we’re valuing the new relationships that we are forging with local communities. We’ll use these community centres as hubs for our outreach and CLE services. In time they will become our ‘eyes and ears’, helping to identify legal need in local areas.

Read the ABC article here ...
<http://www.abc.net.au/news/2017-10-11/video-phones-improve-legal-help-in-remote-areas-of-tasmania/9038622>

Read the Advocate article here ...
<https://www.theadvocate.com.au/story/4981061/new-video-telephones-offer-access-to-justice/>

Read the Mercury article here ...
<https://www.themercury.com.au/news/opinion/talking-point-facetoface-help-now-just-a-phone-call-away/news-story/699f4bee362da455eca991e767b488c5>

Read the Examiner article here ...
<https://www.examiner.com.au/story/5528043/legal-aid-delivers-positive-outcomes-for-children-through-mediation/>

Court-Ordered Mediation and FDR Program

Legal Aid formally commenced its Court-Ordered Mediation service within our Family Dispute Resolution Program in July 2018. This involves Judges ordering parties involved in high-conflict disputes in the Family Law Courts regarding children to attend mediation at Legal Aid. The aim is to give the parties a final opportunity to resolve their dispute and avoid the need for a defended hearing in the Family Law Courts. To date the process has been highly successful with 86% achieving either full or partial settlement, providing significant benefit to all involved: parents, children and the Court.

Performance Highlights

■ Achievements over the Year

The achievements of the Legal Aid Commission over the last year are aligned with the five long-term goals set out in the 2017-2020 Corporate Plan.

Goal One

Ensure our priority clients have access to legal assistance.

- Continued our Youth Justice Lawyer service in the Magistrates Court, assisting more than 1,300 young people in the justice system.
- Partnered with Council On The Ageing (COTA) Tasmania to create an Older People's Legal Advice Outreach clinic.
- Increased our services to clients before the Mental Health Tribunal by 26%.
- Increased our capacity to assist NDIS clients through a finalised NDIS Appeals Legal Services Individualised Grant Agreement.
- 100% of grants of legal aid delivered to financially disadvantaged or priority clients, including mental health and Safe at Home clients.
- Changed our means test to provide more equitable treatment of individuals renting a home in comparison to home owners/buyers.

Goal Two

Strike an appropriate balance in allocating resources between a range of services.

- Created our Community Legal Education and Information service to assist our focus on increasing awareness of our role and services.
- Committed a record \$3.9m on grants to the private profession and service providers to provide representation.
- Increased focus on family dispute resolution mediations as a priority for grants of legal assistance.

Goal Three

Deliver high-quality and flexible legal services that deliver value for money.

- Introduced our on-line chat service “Legal Talk” to allow easier and real-time access to legal information.
- Commenced the roll-out of our Video Telephone Network in rural areas to provide greater access and build relationships with local communities.
- Extended our Community Legal Education Schools program to primary-age children.

Goal Four

Contribute to the efficiency and effectiveness of the justice system.

- Increase of duty lawyer services across the State by 39%.
- Introduced successful Court-Ordered Mediation in high-conflict disputes leading to significant savings in Court days.
- Continued participation in Jurisdictional Planning forums to ensure appropriate allocation of resources across the sector.
- Delivery of increased grants to the private profession to support additional Supreme Court sittings.

Goal Five

Be a financially sustainable and accountable organisation.

- Delivered a surplus to maintain cash reserves to a level sufficient to cover Legal Aid’s commitments and liabilities.
- Completed a full year of on-line quarterly reporting.

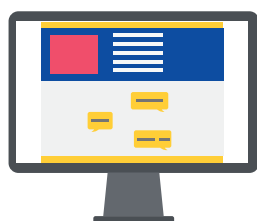
Performance Highlights

Top Information Services Topics 2017 – 2018



TOP TELEPHONE HELPLINE ENQUIRIES

Matter Type	Number of Matters
1. Children's matters	2,184
2. Enquiries about Legal Aid services	1,404
3. Property settlement	1,069
4. Wills and estates	867
5. Boundary disputes	821



TOP MOST VISITED WEBSITE FACT SHEETS

Fact Sheet	Number of Views
1. Estates	22,559
2. Wills	20,949
3. Boundary fences	18,252
4. Age of consent	14,208
5. Family violence	8,977



TOP COMMUNITY LEGAL EDUCATION TOPICS

Topic
Cyber safety, social media & Sexting
Family Violence
Legal Aid Services
Older Persons' issues
Youth Issues

Our Reach for 2017-18



Preventative Services

Telephone Advice Service - Number of Matters Dealt With	15,928
Legal Aid - Referrals Made	10,775
Telephone Advice Service - Justice of the Peace Enquires	548
Community Legal Education Sessions	129
Community Legal Education Participants	6,157
Website Page Visits	542,897

Early Intervention Services

Legal Advice and Minor Assistance	5,106
Family Dispute Resolution Conferences	488

Duty Lawyer Services

FASS Program	1,134
Family Law	325
Civil Law	20
Criminal Law	4,039

Case Work Grants of Legal Assistance

Grants of Legal Assistance	4,818
Clients On Government Benefits - (grants of aid only)	82%
In-house Grants	1,784
Private Practitioner Grants	3,034

Financial Summary 2017 - 2018



	(\$000's)
Commonwealth Funding	\$6,458
State Funding	\$7,907
Other Funding	\$1,225
TOTAL FUNDS	\$15,590
TOTAL EXPENDITURE	\$14,741
Surplus	\$849

Our Clients




5%
were **over 65**

6% were **under 18**

7%
were of **Aboriginal** or **Torres Strait Islander** background


11%
were in **custody**

OUR CLIENTS
We helped thousands of clients in 2017-2018 through our services.#


5% were from **culturally** and **linguistically diverse** backgrounds*

67%
were receiving some form of **Government benefit**

27%
were living in **rural Tasmania**

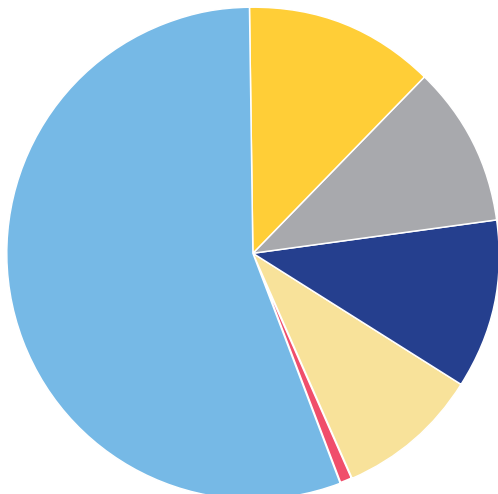








1% required the assistance of an **interpreter**

Figures are based on the total number of unique clients, many of whom accessed more than one service during the year. This does not include Telephone Advice, Website, Community Legal Education or any other service where we do not create an individual client record.

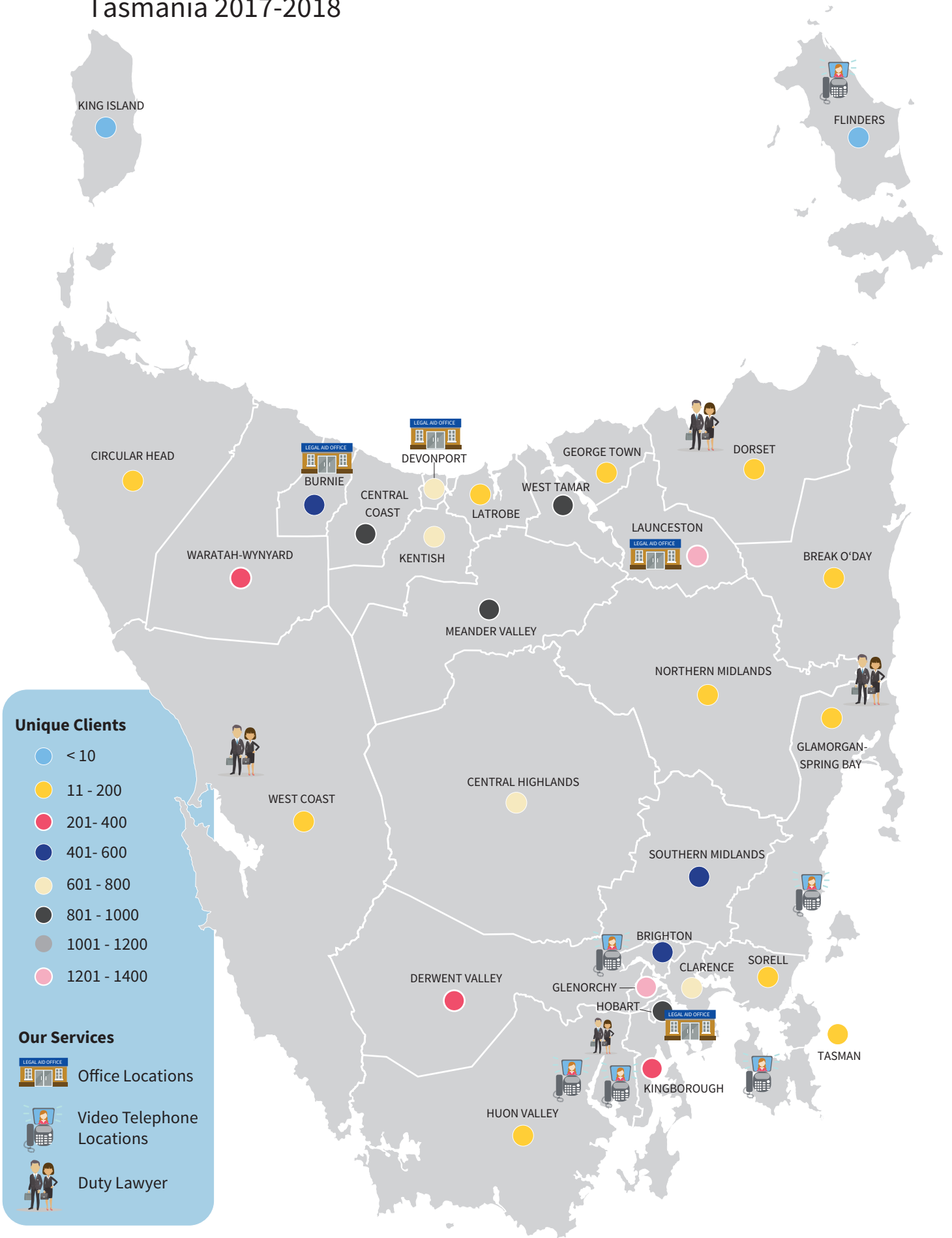
* Includes people who were born overseas or speak a language other than English at home.

■ Total Client Services



-  Telephone Advice and Referrals **27,251**
-  Community Legal Education **6,157**
-  Advice and Minor Assistance **5,106**
-  Duty Services **5,518**
-  Legal Representation **4,818**
-  Family Dispute Conferences **488**

Distribution of Clients Accessing Legal Services In Tasmania 2017-2018



Our Relationships

Our Partners

Legal Aid Tasmania works in partnership with the private profession, the State and Commonwealth Governments, Community Legal Centres and National Legal Aid to improve access to legal services for disadvantaged communities.

Private Lawyers

In Tasmania, private lawyers receive funding from Legal Aid to assist the Commission in the representation of disadvantaged clients.

In 2017-18 72 law firms and barristers devoted part of their legal practice to delivering legal assistance through grants of aid at heavily discounted rates. These firms are located across the State and ensure local coverage wherever legal aid recipients are based. Legal Aid Tasmania has a 'lawyer of choice' policy so clients are able to independently seek representation by private lawyers on a grant of legal aid.

In 2017-18 private lawyers received 63% of all new grants of aid, with a high percentage of serious Supreme Court trials being conducted by private lawyers representing clients eligible for a grant of legal aid during a period of concentrated Supreme Court sittings.

Private lawyers also play a vital role in assisting Legal Aid Tasmania to provide representation for children involved in proceedings in the Magistrates Court and Family Law Courts.

Legal Aid Tasmania values the relationship with members of the private profession as it broadens the reach of our organisation within the community. Legal Aid Tasmania seeks to maintain open dialogue with the profession through regular meetings with the Law Society of Tasmania. The profession's ongoing contribution supports us in achieving our organisational goals of delivering a range of high-quality, client-focused legal services and providing greater access to justice for all Tasmanians.

“The Law Society of Tasmania is proud to lead a profession that provides such a significant amount of legal assistance to disadvantaged Tasmanians. The majority of that assistance is provided with the collaboration and cooperation of the Legal Aid Commission. It is important that the relationship between the private profession and the Legal Aid Commission is a positive one and with that aim in mind the Society regularly meets with Commission representatives to exchange views and discuss relevant issues.”



WILL JUSTO

President,
Law Society of
Tasmania



Community Legal Centres

Legal Aid Tasmania works closely with Community Legal Centres (CLCs) to deliver a co-ordinated approach to legal assistance and avoid duplication of services in the sector. Wherever possible our organisations partner in delivery of preventative services such as Community Legal Education across the State and Legal Aid Tasmania contracts with the Hobart CLC to provide weekend duty lawyer services at the Magistrates Court.

The CEOs of Hobart, Launceston and North-West CLCs all serve on Legal Aid Review Committees reviewing the decisions of grants officers. Legal Aid lawyers also continue to volunteer for CLC's after-hours legal advice services.

Legal Aid Tasmania and the Tasmanian Aboriginal Community Legal Service (TACLS) continued to work collaboratively according to a Memorandum of Understanding (MOU) signed on 28 June 2016. This Memorandum was renewed in July 2017 after an evaluation which demonstrated both organisations had carried out a large proportion of actions to support the commitments made under the agreement. Under the MOU our two organisations continued to share statistics, training opportunities, and maintained a dialogue about the needs of Tasmanian Aboriginals through regular meetings.

Department of Justice (Tasmania)

The Department of Justice and Legal Aid Tasmania work closely in Human Resources, Health and Safety, and in co-ordinating with other Justice agencies. All officers of Legal Aid Tasmania are employed by the Department of Justice.

Legal Aid Tasmania attends regular Department of Justice Senior Managers meetings convened by the Secretary across all the Agency outputs. These meetings help ensure the efficient operation of the justice system in Tasmania. They also work to improve standards in workplace health and safety, reporting, and people management.

The Department's Strategic Legislation and Policy Branch regularly consults with Legal Aid and seeks feedback as part of consultative processes about proposed amendments to legislation in both criminal and civil law.

Legal Aid Tasmania participate in the Safe at Home whole-of-government response to family violence and contribute to responses under the National and State Family Violence Action Plans.

Legal Aid Tasmania attends the Collaborative Service Planning Forum and Committee meetings convened by the Department of Justice to comply with the National Partnership Agreement on Legal Assistance Services (NPA). These meetings bring together legal and non-legal service providers to improve communication and co-ordination and discuss issues affecting the sector, are used to map and plan the delivery of legal services, and target services according to funding agreement priorities.



Attorney-General's Department (Commonwealth)

Legal Aid Tasmania maintains close working relationships with the Commonwealth Attorney-General's Department and participates in Commonwealth justice system advisory groups including the Family Law Consultative Committee, Family Law Pathways Network, and more recently as a member of the Advisory Group to the National Partnership Agreement Review that commenced in May 2018.

National Legal Aid

National Legal Aid (NLA) is the peak body representing the eight Legal Aid Commissions in Australia. NLA engages nationally with the Commonwealth Government and benchmarks best practice across Australia. NLA is supported by working groups with representatives from each of the Legal Aid Commissions. NLA met in July 2017, November 2017 and March 2018 during the financial year.

Our Collaborations

In addition to the more formalised relationships with organisations involved in delivering legal services to the Tasmanian Community, Legal Aid Tasmania has worked to build collaborative relationships with non-legal service support providers and other key stakeholders.

These relationships help us to provide high-quality client-focused legal services to the more vulnerable members of the community.

Council On The Ageing (COTA) Tasmania

In 2017-18, Legal Aid Tasmania collaborated with Tasmania's peak body representing older people, COTA (Council On The Ageing), to set up a monthly community-based clinic in Hobart extending legal services to older people, with a particular focus on identifying elder abuse matters. Since its commencement more than 30 older people have received specialised assistance with their legal issue.

“Anglicare Tasmania has a strong working partnership with the Legal Aid Commission of Tasmania. Together we deliver Family Advocacy and Support Services (FASS) and in the last year provided free, high-quality support to 308 families affected by family violence. Anglicare's social workers collaborated with Legal Aid duty lawyers to ensure people who had experienced family violence had access to both legal and social support. An independent evaluation of FASS found that the service had helped people to better understand court processes, access support services, such as housing assistance and counselling, and put strategies in place to help keep themselves and their families safe.”

JOHN WEST
*Area Manager, North West Support Services
Anglicare Tasmania*

Advocacy Tasmania

In 2017-18 Legal Aid Tasmania continued our collaboration with the Advocacy Tasmania, Tasmanian Elder Abuse Helpline to provide a “wrap-around service” to combat elder abuse.

Advocacy Tasmania also works with Legal Aid Tasmania to ensure clients with a disability can access assistance from Legal Aid to resolve disputes concerning the support plan they receive from the National Disability Insurance Scheme (NDIS).


“Our collaboration with Legal Aid Tasmania has allowed us to offer direct referral for initial legal advice to callers who otherwise would not be able to afford, or would be deterred from obtaining, legal input. Being able to make the initial contact on the caller's behalf helps reassure the caller there is an avenue for help even if they may have to re-tell their story to access that assistance.”

JIM PATERSON
Manager / Advocate, Advocacy Tasmania Inc.

Support Services

As part of the holistic approach to assisting families with their legal issues, Legal Aid Tasmania's Family Advocacy and Support Service (FASS) has entered into collaborative arrangements with a number of services. FASS partners with Anglicare Tasmania to provide specialised family violence support to our clients and has entered into Memoranda of Understanding with key stakeholders such as the Family Violence Counselling and Support Service, the Court Support and Liaison Service and SafeChoices. These relationships ensure our clients have specialised risk assessment and safety planning for their legal issues and day-to-day lives.

The People We Help

A large, diverse crowd of people of various ages, ethnicities, and abilities is arranged in a heart shape on a white background. The people are seen from a high-angle perspective, looking down. The heart is formed by the density of the crowd, with the top point at the top and the bottom point at the bottom. The people are wearing a wide variety of colorful clothing, and their shadows are cast on the white surface.

Legal Aid Tasmania understands that the capability of Tasmanians to resolve their legal problems may be affected by circumstances of vulnerability and/or disadvantage. Our focus is on economically and socially disadvantaged Tasmanians as priority clients, and we target our services to meet the needs of priority client groups.

These priority client groups include children and young people (up to 24 years), indigenous Australians, older people aged over 65 years, people experiencing or at risk of family violence, people experiencing or at risk of homelessness, people residing in rural or remote areas, people who are culturally and linguistically diverse and people with a disability or mental illness.

The following pages highlight those people we help.

The People We Help

■ Older People's Legal Service (OPLS)

What is the OPLS?

The Older People's Legal Service is a specialist unit dedicated to increasing access to legal assistance services for older people living in Tasmania.

An older person is generally described as someone who is 65 years of age or older.

We provide advice and minor legal assistance to anyone who is 65 years of age or older regardless of assets and income. We also recognise that medical conditions such as early-onset illnesses affect people who are younger than 65 years of age and we assist these clients within the OPLS as well.

Why is OPLS important?

Older people struggle to access legal services for many reasons, such as physical and/or cognitive issues, reliance on family members, fear, isolation, or feelings of hopelessness and shame regarding their situation.

Older people have been identified as a high-priority group by Legal Aid as they are particularly vulnerable to human rights abuses, often referred to as 'elder abuse'.

Elder abuse can be financial, psychological, sexual or physical harm or distress caused to an older person by someone they trust. Although Australia does not have an agreed definition for elder abuse, it is described by the World Health Organisation as involving an expectation of trust.

This year OPLS has responded to increasing requests by older people for legal assistance beyond elder abuse prevention and response. We have expanded our service to meet this need.



ABOVE: Sarah Campbell, our OPLS unit co-ordinator, at the World Elder Abuse Awareness Day, 15 June 2018

What OPLS can do?

Legal Aid has four tiers of legal service provision which an older person can access:

- telephone advice through the 1300 number and drop-in clinic appointments;
- minor assistance through OPLS, such as more detailed advice, assistance and referrals;
- specialist advice and representation in courts or tribunals by our in-house lawyers; and
- community legal education.

The OPLS also hold a monthly legal outreach clinic in the community at Council On The Ageing (COTA) Tasmania's office in Hobart. COTA is the peak body representing the rights and interests of older people in Tasmania. It is a general outreach clinic open to older people with any legal issue. The OPLS lawyer also responds to calls outside of the clinic sessions to extend the service state wide.

We continue to work with the Tasmanian Elder Abuse Helpline and Advocacy Tasmania in providing legal advice and assistance in cases of elder abuse.



How do we help?

Barbara is 75 and receives the age pension. She suffers from anxiety and depression, making her vulnerable and reliant on her brother for help as she has no other family in Tasmania. Her neighbour became concerned as Barbara did not always seem to have enough money for food and necessities and came over to his house for assistance. The neighbour helped Barbara to access the Tasmanian Elder Abuse Help Line and she was referred by them to Legal Aid for advice from the OPLS. Barbara told us her brother had persuaded her to sell her house and he had found her a rented unit even though she didn't want to sell or move. Barbara thought she had appointed her brother as her power of attorney and left everything to him in her will a few years before when she had a breakdown. Barbara's brother had taken her to his lawyer. She did not have a copy of the documents nor did she know if the power of attorney was registered or when it was activated. She had no paperwork from the sale of her house, did not know where the money was paid to and said her brother had managed her finances for her over the last few years. Barbara had told her brother when her bank card was declined and he said he didn't know why and refused to provide her with copies of her bank statements stating that he was taking care of things for her and she needn't worry.

Our OPLS was able to establish from her GP that Barbara had capacity to manage her own financial affairs. We reviewed Barbara's bank statements to confirm her brother had transferred around \$150,000 by ATM withdrawals and internet transfers without her knowledge or permission. Barbara did not want her brother reported to the police but she wanted to stop him in future from accessing her funds and to recover the money he had taken from her.

We were able to assist her to remove his authority from her accounts and issue new cards. We established that the power of attorney was not registered and revoked it and served the revocation on Barbara's brother. We provided Barbara with advice about what to do if her safety was at risk and Advocacy Tasmania offered to assist with respite accommodation if necessary.

This co-ordinated action plan preserved funds of around \$100,000 and ensured that Barbara received her full pension each fortnight so that she could meet her basic living expenses.

As Barbara had cash assets, we assisted her to access a private lawyer to prepare a new will removing her brother as a beneficiary and to seek repayment of the money taken. Had she lost everything, we would have assisted her to apply to the Law Society's Pro Bono Referral Service.

We have changed our client's name and some facts to protect their identity.

Numbers we reached this year

Our Advice Line Service delivered telephone advice to 1,118 people aged 65 years or over about general legal issues. This service also provided 69 older people with clinic advice where elder abuse or risk was identified.

OPLS provided more detailed advice and assistance to 63 older people regarding mostly financial and emotional abuse.

OPLS provided 33 older people with advice and assistance regarding general legal issues at the COTA clinic.

The Tasmanian Elder Abuse Helpline referred 10 matters to OPLS for follow-up legal advice and assistance.

The People We Help

■ NDIS Appeals Legal Assistance

A person with a disability which significantly impacts on their life can now access the National Disability Insurance Scheme (the NDIS) to get the supports they and their families need to live their life to the full.

Since the introduction of the NDIS in 2013, Legal Aid has been funded by the Commonwealth Department of Social Services to represent people appealing a decision under the NDIS to the Administrative Appeals Tribunal (AAT).

This last financial year has seen a significant increase in grants of aid to appeal NDIS decisions which relate to a denial of access to the Scheme or a reduction or loss of supports in a persons' plan.



RIGHT: Vaia Harradine (left), her client Jesse Evans (centre) and Jesse's Father, Jim Evans.

Photo credit: The Mercury.

How do we help?

Our lawyers help clients understand the complex laws, rules and guidelines around the NDIS and aim to resolve disputes where possible without the need for a hearing.

To date no matter has proceeded to a full hearing in Tasmania and the majority of cases have resolved with positive outcomes for the client.

Our client Jesse Evans' case is an example of how our lawyers work to achieve better client outcomes. Jesse is living with cerebral palsy and intellectual disability and was referred to us because he was unhappy with proposed changes to supports under his plan, which would have led to a reduction in some important supports he had previously been accessing. Legal Aid successfully appealed the NDIS plan for Jesse and the review of his plan has resulted in more physiotherapy, gym membership and hydrotherapy support, as well as community access and more funding for support workers to help him get ready in the morning and go to bed at night.

Our website has been updated to include specific information for people seeking to appeal an NDIS decision, with fact sheets and a new brochure.

During 2017-18, our team, in partnership with Advocacy Tasmania, engaged in community education throughout Tasmania to better inform the public, and in particular disability service providers and potential participants, about how the NDIS operates and how Legal Aid and Advocacy Tasmania can assist in seeking an internal review or an appeal of a decision to the AAT. With an ongoing commitment to continue our free community legal education in the next financial year, and increasing awareness of a person's legal rights, even greater numbers of applications for aid are expected into the future. This is the space to watch!

The People We Help

■ Mental Health and Disability

People with mental health issues and disabilities are among the most vulnerable and disadvantaged in our community. Sometimes they need decision-makers appointed for them by Boards and Tribunals.

In circumstances of disability, this might include appointing someone to make decisions about financial matters or where they live. Or alternatively, in circumstances of mental illness, a decision maker may be appointed to provide independent oversight and approval for medical treatment either in the community or in hospital.

Legal Aid's mental health and disability service provides advice and representation to people throughout the state who are involved in Mental Health Tribunal and Guardianship & Administration Board hearings. These clients are some of the most vulnerable and in need of support, as in many cases they are unwell and facing legal restrictions on their ability to make their own choices. Our role in assisting these clients is to empower them to participate meaningfully in the justice system and protect their legal rights. We test the evidence and try to ensure that any orders made represent the least restrictive intervention consistent with individual need, health and safety of the person and the public in general. Our clients are often the people within our community least able to understand and advocate for their rights and without Legal Aid's service they would face these proceedings alone.

In 2017-18 Legal Aid delivered 215 new client services to people living with mental health and disability issues in Tasmania. This is an increase of 26% over the previous year.

How do we help?

71 year old Bryan was distraught and contacted our free legal advice line for some help. His daughter had applied to the Guardianship & Administration Board (GAB) to be appointed as her father's Guardian and to have the Public Trustee appointed as his financial administrator.

A validly-appointed Guardian can make health, accommodation and lifestyle decisions on behalf of a person who has lost capacity to make those decisions for themselves through disability such as dementia. Similarly, a validly-appointed Administrator can make financial decisions on behalf of a person with a disability. In this case, Bryan had been estranged from his daughter, and his wife of 50 years had ended their relationship by moving out of the home only a few months prior. Bryan said that he thought his daughter wanted GAB orders so that she could make her father move out of the house and live in a nursing home.

Our Mental Health & Disability lawyer met with Bryan at his home due to his limited mobility. He did not have a disability or cognitive impairment, despite his age and limited mobility, and appeared perfectly capable of managing his own affairs. The lawyer helped him prepare for the GAB hearing by contacting various health and home care providers to provide evidence to the Board that he was managing well in his home and did not have a disability which would affect his capacity to make decisions about where he would live or about his finances.

At the hearing, the Board heard evidence from Bryan's GP who was also questioned by the the Legal Aid lawyer. At the conclusion of evidence the Board was satisfied that Bryan did not have a disability and dismissed the application, for which Bryan was most appreciative.

After the GAB hearing, Bryan was referred to Legal Aid's Family Law Duty Lawyer for some advice about the separation from his wife. The Duty Lawyer also assessed that there was a need for further specialist advice about a Family Violence Order and made an in-house referral to our Safe at Home program for further legal assistance.

We have changed our client's name and some facts to protect our client's privacy.



The People We Help

■ Advice and Legal Services

Our team of fully-qualified lawyers were presented with over 27,000 calls to the Advice and Legal Services section of Legal Aid in the last Financial Year. These same lawyers also provide legal advice, information, referral and assistance both face-to-face and via on-line chat – all are free of charge and operate during business hours.

Our anonymous Telephone Advice Service can be contacted by anyone and about any legal matter. Neither the identity nor the income of the caller is required.

Our face-to-face clinic sessions in Hobart and Launceston enable clients to obtain legal advice, assistance, referrals in a safe and confidential environment. This service is available via our video telephone conferencing facilities from our offices in Devonport and Burnie. We have other outreach locations: Flinders Island, Nubeena, New Norfolk, Geeveston, Cygnet and Triabunna.

We expanded our service in April to offer an on-line legal information service called 'Legal Talk'. It operates from our internet home page and is gaining popularity every month.

Advice and Legal Services continues to be the first point of contact for many Tasmanians in need of legal advice and assistance. We are very mindful that our callers and clients also benefit from the help and support of other services. Our lawyers have access to an extensive list of other service providers.

*Kate Hughes,
Legal Practitioner,
Advice and Legal Services
Launceston.*





How do we help?

Amy first contacted us via Legal Talk - our on-line chat service. She was young, female, living in a regional area and had a very young baby. Being in an abusive relationship with the father had become too much. He had a drug addiction. Amy felt alone and isolated. She was upset and extremely worried. She really wasn't sure what to do - he refused to return the baby to her. Amy was very stressed.

Amy emailed us her contact details. One of our lawyers called her immediately. Amy received advice that enabled her to take the next step towards having her baby returned. She was referred to a specialist lawyer within our Safe at Home practice who assisted her to obtain a Family Violence Order to protect her and the baby.

Throughout this process we successfully referred Amy to receive the other support she needed during this difficult and traumatic time.

We have changed our client's name and some facts to protect our client's privacy.

The People We Help

■ Community Legal Education and Information

Big Changes for CLE

This last year has seen significant change for the Commission's Community Legal Education unit. For many years, community legal education had been incorporated within our civil law program. In November 2017 a decision was made to separate community legal education from our civil program, due to an increase in the scope of activities community legal education has become involved in. This change has enabled us to give each program a dedicated focus. A new Manager was appointed and the CLE unit was renamed to CLEI (Community Legal Education and Information) to recognise the marketing and publications role CLEI has within the Commission.

What Does CLEI Do?

Providing legal information and education to the community are key strategies for empowering people to take action to solve their legal problems. Addressing the problem early before it escalates, or preventing the problem in the first place, are key aims of our CLEI program.

We achieve this through our face-to-face legal education sessions, providing legal information on our website and via social media, marketing materials, and our involvement in community events and individual projects to assist the community in accessing legal information.

Who Do We Help?

Everyone benefits from our various CLEI activities, whether that's through attending one of our face-to-face sessions, reading a fact sheet or watching a video on our website. We do target particularly vulnerable and disadvantaged groups within the community, such as young people, older people, culturally and linguistically diverse people and people with disabilities.

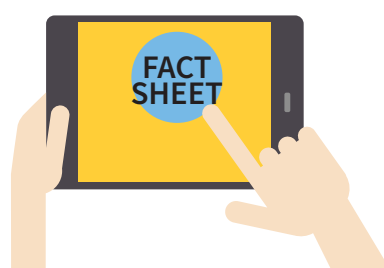
Our Reach



542,897
WEBSITE HITS



469
FACEBOOK FOLLOWERS



168,342
FACT SHEET HITS

RIGHT: Vaia Harradine of Legal Aid Tasmania at a recent Disability Expo in Hobart.



CLEI Achievements

CYBER SMART SESSIONS IN PRIMARY SCHOOLS

Although we have been delivering community legal education sessions at Tasmanian high schools for approximately 15 years, until recently we hadn't explored this for primary schools. We have now begun to fill that gap with our sessions for primary aged students on the safe use of technology and social media. We believe that early education around these issues is essential to arm young people with the skills to navigate this difficult landscape!

We have delivered our interactive presentation at Rokeby Primary School, Bicheno Primary School and Warrane Primary School, with a visit to the grade 5/6 students at Dominic College coming up. We plan to engage with further primary schools in the coming year and strive to deliver informative and engaging sessions for this important age group.

MIGRANT RESOURCE CENTRE

We have been working with the Migrant Resource Centre in delivering regular Introduction to Law sessions for newly-arrived migrants, as part of their humanitarian settlement program.

COMMUNITY ENGAGEMENT

Engaging in the community is an important role of the CLEI unit, as it allows us to promote the Commission's early intervention and specialist services and gives us an insight into the concerns of many of our most vulnerable community members. Some of the many community events we participated in during the last year were: Mental Health Week Expo, White Ribbon Day, Glenorchy Youth Task Force Gig in the Gardens, Brighton Youth Moving Forward Forum, Derwent Valley Ageing Well Expo and Flood Relief Forums.

MOVING FORWARD

The time ahead will be an exciting and busy time for our CLEI unit, building our team so we can provide legal education and information to greater numbers in the Tasmanian community.

The People We Help

■ Safe at Home - Assisting Victims of Family Violence

Safe at Home lawyers provide advice, assistance, representation and referrals for victims of family violence.

Our Safe at Home lawyers help victims get family violence orders and help them to fine-tune existing orders to ensure that they are sufficiently protective or allow safe contact.

Apart from getting an order, our team provides further information to clients and referral to other agencies for safety planning, counselling and support.

Our Safe at Home lawyers also provide Community Legal Education. It is available both for victims of family violence and workers in the non-legal support services who help victims.

Our Safe at Home lawyers share information about risk and safety with other agencies such as police, the Family Violence Counselling and Support Service, Child Safety Services and the Court Support & Liaison Service. Sharing information helps to ensure that significant risks are identified for a co-ordinated response.

Legal Aid's Safe at Home team works with other Legal Aid services, such as the Family Advocacy and Support Service, and is integrated with a broader network of agencies including Tasmania Police's Family Violence Units, the Court Support & Liaison Service, Family Violence Counselling & Support Service, Child Safety Services, the Department of Justice policy unit, and dedicated prosecutors. The idea of the integrated approach is to ensure that victims receive the services they need to be safe and all agencies share information to address safety issues.

This financial year our Safe at Home lawyers assisted 340 victims of family violence, with 68 requiring representation in court. Our Advice and Legal Services lawyers assisted a further 788 people with advice in relation to Restraint Orders and Family Violence Orders.



How do we help?

Suzanne had been married to Timothy for about 3 years, and lived with him for 2 years before that. They have a son, Ben, aged 4.

Over the last 12 months, since Timothy's business got into financial trouble, things had been bad: most of the time Timothy was gloomy, but more and more often he has been impatient and angry. Once he punched a hole in the wall, and another time he smacked Ben for trying to climb on his lap when he was doing accounts on the computer. He seemed very down, and was drinking far more than usual.

Over the last 3 months, he started objecting to Suzanne spending the money she earned on anything – even bills and groceries. If she spent money on something he didn't approve of, he yelled at her and even said that he might as well just put an end to it all. Suzanne thought he might have meant suicide, but wasn't sure.

Last month, he got caught drink-driving, and will face losing his licence for a while, which would only put more pressure on him at work.

Suzanne had tried to support Timothy, but he blocked her out of the business and would not talk to her about the difficulties or about whether he might be suffering from depression. He refused to get any help: not from his doctor, not from an accountant or financial counsellor. Suzanne was torn – she did not want to leave Timothy, especially when he was having a hard time, but she couldn't seem to help him and did not want to continue when she was beginning to be scared of what he might do next, and Ben was being exposed to Timothy's behaviour when he was angry, or ill-tempered or drunk.

At Legal Aid, Suzanne was given information about what would happen if she decided to separate from Timothy, including some simple advice about how a divorce works; advice about how to sort out parenting issues, child support and property division; and she was given the contact details of organisations who could provide marriage counselling, if that's what she decided she wanted and Timothy agreed to attend, or Family Dispute Resolution if he refused. The definition of family violence was explained, and referral was offered to support services for Suzanne and services who might be able to help Timothy. The process that would be followed for Timothy's charge of drink-driving was explained, so Suzanne knew what was likely to happen next.

Suzanne hasn't yet made up her mind what to do, but she knows what her options are, can plan for what might happen and now has the support of a counsellor to talk through what might be best for her, and Ben and Timothy. She will call Police if she or Ben are at immediate risk of harm.

We have changed our client's name and some facts to protect our client's privacy.



The People We Help

■ Family Dispute Resolution

Our Family Dispute Resolution service had another very successful year. With 488 mediation conferences completed in the last financial year, compared to 370 the previous year, the Commission has increased its level of service throughout the State. In addition, with a settlement rate of 90%, the highest rate achieved so far and the highest rate in the country, our services are indeed providing great outcomes for families and children.

Of those conferences conducted, 52 were Court-Ordered conferences, ordered by a Judge during Court proceedings, and 23 were Child Inclusive conferences, bringing the voice of the children into the mediation.

Many of these cases are the most difficult, sometimes involving multiple families and issues such as family violence, drug or alcohol addiction and mental health issues.

We help people reach decisions about who the children will live with and how they will spend time with their other parent, along with a variety of legal and parenting issues.

These conferences have been successful because they are conducted by experienced family lawyers who are trained in mediation and family dispute resolution processes, and each party has the option of having a lawyer to support and advise them throughout the mediation. The process allows the parents to participate in making the decisions about what is best for their children and to find a solution themselves, rather than applying to the Court for a Judge to impose an outcome they may not like.

How do we help?

Tony and Karla were the parents of two sons aged 10 and 13. After separation, they agreed the boys would live with Karla and spend alternate weekends with Tony. This arrangement continued until an incident in which Tony assaulted Karla in front of the boys. A Family Violence Order was made and the boys' time with Tony stopped. Tony made efforts to reconnect with the boys through various services but was unsuccessful. He was eventually granted Legal Aid for a Family Dispute Resolution conference. This conference was chaired by an accredited mediator and FDRP and Tony and Karla attended with their lawyers who were funded by Legal Aid. An interim agreement was reached for the reinstatement of Tony's time with supervised visits at a Children's Contact Centre.

As part of a review, Tony and Karla had quite different versions of how the boys were coping with seeing their father again so they agreed to have a child inclusive conference. The boys met with a child consultant who then provided confidential feedback to Tony and Karla about their views and developmental needs. The feedback indicated the boys wanted to spend more time with Tony and for him to be more involved in activities such as their favourite sport, football. A new agreement was made for the boys to spend unsupervised daytime with Tony eventually progressing to overnights again.

This case highlights how a child inclusive conference helped Tony and Karla re-establish parenting arrangements for their children which took into account their unique needs and wishes.

We have changed our client's name and some facts to protect our client's privacy.



The People We Help

■ Family Law

Legal Aid's Family Law Practice provides legal advice & representation and contributes to community legal education and policy development.

Our Family Law team operates in each of the Commission's four offices across the State. Members of the team are highly-experienced family lawyers, each with many years of practice, specialising in the representation of children in family law and child protection proceedings.

The practice has become increasingly focused on the provision of advice and representation in factually and legally complex matters, as matters coming before the Courts continue to increase in complexity. The practice has provided representation in applications under the Hague Convention (International Child Abduction), Magellan matters (involving serious allegations of physical and sexual abuse), parenting matters involving significant allegations of family violence and matters involving multiple issues including family violence, cultural issues, mental health issues, physical health issues, disability, drug & alcohol dependence or addictions, homelessness and anti-social behaviour.

The practice is focused on providing better outcomes to the most vulnerable children and the most vulnerable members of the community, and provides representation for children in both State and Federal Court proceedings. The practice receives recognition from both judiciary and stakeholders for its advocacy on behalf of vulnerable clients.

"The Independent Children's Lawyer has played an active and constructive role in this proceeding. The Independent Children's Lawyer, whose submissions on emotional harm, counsel for the Respondent adopted; was particularly persuasive ... The Independent Children's Lawyer was an advocate for the children's best interests, to the extent that best interests considerations are relevant in these proceedings, and in this regard he was clear and forceful ... The children's interests have been well represented by the Independent Children's Lawyer". (quotations from a recent Judgment)

Members of the practice contributed to the formation of policy and law reform, both on a Federal and State basis; particularly in relation to the impact of family violence. Seventy percent of Legal Aid's family law matters involve family violence and practice lawyers advocate for safe outcomes for children and parents and make contributions to policies seeking to reduce violence against women and their children.

Over the year the practice delivered 2,068 services to Tasmanians. This included 1,459 duty lawyers advices (a substantial increase from the previous year's figure of 595), and work on 609 representation files.

How do we help?

Frances had left a 10-year abusive marriage with her two young children.

Frances was facing allegations that she was unreasonably obstructing the children's relationship with their father. She was described as "histrionic". Frances' Legal Aid lawyer established rapport with her and took thoughtful and careful instructions. Frances was able to tell her lawyer about her experiences over her 10-year marriage.

The lawyer identified that Frances had been the victim of a pattern of coercive and controlling behaviour. Her husband had controlled what she wore, what she ate, what physical activity she did, who she could see and who she could not see. Frances' husband had isolated her from her family and her friends. He controlled all the finances. He would allocate small amounts of money for food and set her a budget that could not be met. Frances' husband demanded that she obey his every command and that she be subservient to him. He forbade her medical treatment when she needed it. He denied her social supports. She constantly felt that she was walking on eggshells.

Frances had worked hard during the marriage to keep the children quiet so that they did not displease their father.

Frances felt powerless and had been stripped of her self-esteem. After escaping the marriage she wanted to protect her children and to build a safe life for them.

Frances' evidence about the family violence was presented to the Court. The evidence explained Frances' concerns about the father and the impact his behaviour had on both her and the children. Frances was successful in obtaining an order that the children live with her. The Court ordered that the father have only supervised time with the children until there was evidence that he could change his behaviour. Frances was also linked in with support networks to help her recover and rebuild her life. Without Legal Aid, the crucial evidence about the extent of the family violence may have never come to light.

We have changed our client's name and some facts to protect our client's privacy.

The People We Help

■ Family Advocacy & Support Service (FASS)

FASS offers an integrated Family Law duty lawyer and social support service to help families affected by family violence. The service is free and is not means tested.

FASS has been operating since March 2017 and is funded as a three-year project by the Commonwealth Government.

FASS operates out of the Hobart and Launceston registries of the Family Law Courts and at the Burnie Supreme Court during the Federal Circuit Court sittings.

Legal Aid provides dedicated Family Law duty lawyers for the FASS service and partners with Anglicare Tasmania who provide specialised family violence support services. The unit is co-ordinated state-wide by the FASS co-ordinator, who is the first point of contact and accessed via a dedicated 1800 number.

The FASS unit uses a client safety framework to undertake risk identification and triage. FASS clients are offered comprehensive risk assessments and ongoing safety planning, for both their court events and day-to-day lives.

FASS staff have worked with key stakeholders to streamline referral pathways in and out of FASS.

FASS staff have extensively promoted the service to potential users and established relationships with stakeholders across the sector. FASS widely disseminated brochures and posters across the State. Website searches quickly bring up information about FASS service in Tasmania.

FASS has actively sought to enter into collaborative arrangements with key stakeholders. FASS has entered

into Memoranda of Understanding with a number of key stakeholders including the Family Violence Counselling and Support Service, Court Support and Liaison Service, SafeChoices and the Tasmanian Aboriginal Community Legal Service.

FASS staff are active in steering committees and organisations in the family violence space. These include the Family Court/Federal Circuit Court Safety Services Committee, the Family Violence Consultative Committee, Family Law Courts – Case Management Committee. The unit convenes a FASS users' group of stakeholders; contributes to the Nationwide FASS Community Of Practice and contributes on invitation to the Safe at Home Inter-Departmental Committee and the Regional Safe Families Co-ordination Unit meetings.

With active and ongoing promotion of the service, the establishment of referral pathways and collaborative arrangements, the demand for FASS service has progressively increased. In 2017/18 financial year the FASS service delivered 1,134 duty lawyer services and 307 social support services. This achieved a 100% increase in duty lawyer services and a 48% in social support services per quarter when compared to a full quarter in the previous year.

In addition FASS duty lawyers delivered 712 hours of service and FASS social support workers delivered 1,345.5 hours of service to Tasmanians over that period.

How do we help?

Nadia was referred to FASS by the Family Violence Counselling and Support Service. Nadia needed urgent Family Law Orders for her children. Nadia was a victim of significant family violence and had been seriously assaulted by her former partner, the father of her children. He had previously been gaoled for family violence against her. She had also been stalked and threatened. The matter was urgent because the children's father might - for now - be in the Police lockup but could be bailed at any time. FASS saw Nadia on an urgent basis and identified that she was eligible for a grant of legal aid. The FASS lawyer applied for legal aid on Nadia's behalf. Nadia was granted aid to bring urgent proceedings in the Family Law Court.

During the intake process, it was clear that Nadia had related proceedings in other Courts. Nadia needed help in a number of Courts and she also needed social support.

Nadia told the FASS service that she'd filed her own Application for a Restraining Order in the Magistrates Court. A relative of the father had gone to her home and threatened and abused Nadia in front of the children. When she'd gone to file her Application, Nadia was told that she had to confront this relative herself to serve the Application. Nadia was afraid and did not want to face him.

FASS referred Nadia to the Safe-at-Home unit. Safe at Home represented Nadia, successfully served the



Application and then obtained the Order on her behalf. The Court made a final Restraining Order against that relative.

During that Court appearance (and even though Nadia had her lawyers and support worker with her) the relative made threats to Nadia in the Courtroom.

When Nadia had to go to the Court to give evidence in the trial of the father, FASS arranged for Court Support to accompany her. Various members of the father's family had laid in wait for Nadia, standing beside doorways and blocking exists. Due to FASS support Nadia was able to safely leave using an alternative exit strategy.

Nadia received ongoing assistance from the FASS social worker in relation to her Family Law matter. Safety plans were arranged for each Court appearance and for Nadia's life generally, focusing on safety at school (for Nadia and the children) and in day-to-day life.

Nadia was ultimately able to obtain final parenting Orders, for the children to live with her and spend no time with the father. Nadia and the children feel safer and continue to access supports to assist them to recover from the effects of the violence they have experienced.

We have changed our client's name and some facts to protect our client's privacy.

The People We Help

■ Criminal Law

Legal Aid's Criminal Law Practice provides legal advice, assistance and representation to clients who are facing criminal charges and need support when appearing in the Magistrates Court and Supreme Court. The Criminal Law Practice provides support to clients State-wide and has specialist criminal lawyers in each of Legal Aid's four offices. Our lawyers also provide outreach assistance for clients who may be appearing in the Magistrates Court in other locations such as Queenstown, St Helens and Scottsdale.

In addition to representation for clients who are eligible for a grant of legal aid, the Criminal Law Practice is focused on ensuring some of the more vulnerable members of the community have greater access to assistance within the criminal justice system. Our criminal lawyers provide a range of duty solicitor services within the Magistrates Courts.

These services include:

- Custody-based duty lawyer services for any person remanded in custody across the state;
- Court-based duty lawyer services for any person requiring a duty solicitor in Launceston, Devonport or Burnie;
- Specialised Youth Justice Lawyer services to provide advice and representation for existing clients and all unrepresented youths in the Youth Justice Court across Tasmania;
- Specialised lawyers providing advice and representation to existing clients and all unrepresented people progressing through the Mental Health Diversion and the Court Mandated Drug Diversion Lists in the Magistrates Court.

Our duty lawyers represented 4,039 clients in 2017-2018, an increase of 21% over the previous year.

Our Criminal Law practice also continues to work closely with the private legal profession and other stakeholders in the Criminal Justice system to ensure those clients most at risk of significant penalty and outcomes affecting their liberty are provided with assistance and support. In 2017-18 our Criminal Practice successfully responded to and ensured resources were available to service the Supreme Court "concentrated trial period" which had been initiated by the Court to address backlog issues. This was achieved through utilising our relationship with the private profession to brief and appearing on briefs in Supreme Court matters to ensure clients had adequate representation at all times.

Our in-house practice opened 81 indictable files that were dealt with in the Supreme Court. Our in-house practice represented people charged with crimes such as murder, rape, grievous bodily harm, aggravated sexual assault, wounding, possessing child exploitation material and assault.

In 2017-18 the Criminal Practice also successfully responded to demands for representation of defendants facing orders pursuant to s8A(3) of the *Evidence (Children and Special Witnesses) Act 2001*. This ensured that complainants alleging family violence offences and certain sexual crimes, amongst others, did not undergo cross-examination by the unrepresented defendant alleged to have perpetrated the offences and crimes against them. Representation afforded by lawyers from the Criminal Practice, for persons subject to orders under s8A(3) upheld the interests of justice by allowing a defendant to challenge evidence and, at the same time, provided protection for the complainant, when giving evidence relevant to the allegations.



How do we help?

Justin was a 21 year old male who lived in Victoria. He had never been in trouble with the police before and had graduated from grade 12. He was excellent at sport, and had been offered scholarships internationally to Universities. He made friends with some other young people, and they flew down to Tasmania together.

The group made the really bad decision to commit some offences whilst in Tasmania, and they got caught by the police. The offending was serious, and involved committing dishonesty offences. Justin was not bailed by the Magistrate, because he lived in Victoria and the Magistrate wasn't satisfied that he would come back to face the charges.

Justin's Legal Aid lawyer needed to try and finalise the matters quickly, because Justin was in gaol and hadn't been there before. He was away from home, and his family couldn't visit him. Justin's Legal Aid lawyer negotiated the charges with the Prosecution, and Justin decided to plead guilty.

As the charges were serious, Justin's lawyer was worried about the impact that a conviction would have on his bright future. So she made submissions to the Magistrate that Justin should not be convicted of the offences, because his time in gaol had been punishment enough. This was a big ask, because the charges were serious. The Magistrate agreed, and he did not impose a conviction against Justin. As long as Justin is of good behaviour, his future won't be affected by a conviction.

We have changed our client's name and some facts to protect our client's privacy.



The People We Help

■ Youth Justice

Legal Aid's Youth Justice Service provides advice and representation to young people facing charges in the Youth Justice Division of the Magistrates Court and in the Supreme Court. All youthful offenders can seek representation or assistance from our Youth Justice lawyer for general advice, bail applications, pleas of guilty and contested hearings and trials.

Our Youth Justice lawyers are aware that there are many underlying issues that lead young people to commit offences and often they need support in addressing those issues. Young offenders can be vulnerable and may lack constructive family support and safe and stable living arrangements. Often they are experiencing mental health or alcohol and drug issues, and are frequently disengaged from their education. We recognise young people require specialist, therapeutic and supported, welfare-based responses which focus on their rehabilitation. We ensure that our young clients are supported throughout the criminal justice process with that focus in mind. In addition to the advice and representation provided by our Youth Justice lawyers, we also assist by working with our young clients to make contact with support services when appropriate, including Save the Children, Housing Assistance services, Youth Justice case workers and alternative learning programs.

The primary focus of the Youth Justice system in Tasmania is rehabilitation. Often young offenders can be diverted away from the criminal justice system by participating in diversionary processes such as cautions or community conferences. When a youth is to be sentenced by the Court, the sentence imposed will take into account the risk factors causing them to offend and have a focus on rehabilitation.

Without the assistance of our Youth Justice lawyers, young people (who are inherently vulnerable within our society), would be required to represent themselves in the Court system.



Excerpt from article featured in The Mercury, April 28, 2018

“I enjoy working with the youths. You feel like you're in a stronger position to help them because there's still so much room for rehabilitation.”

Brittany Clark
Legal Aid's Youth Justice Lawyer

How do we help?

James is a 16 year old boy from Bridgewater. He grew up in a household with his mother and his five younger siblings. His father lives in South Australia and only speaks to him by telephone about once a year. About twelve months ago things became very difficult for James at home. His mother's mental health deteriorated to the point that his younger siblings were taken from his mother's care by Child Safety Services. A decision was made not to remove James because he was older than the other children. His home life became more and more difficult and he spent an increasing amount of time away from the family home. Around the same time he stopped attending the local high school and started spending his days smoking cannabis at the skate park with a group of other young people.

With the encouragement of the local youths, James started committing shop-lifting offences by stealing meat from the local supermarket. He would sell the meat in exchange for more money for cannabis. He slowly became more escalated with his offending until he started stealing motor vehicles.

He slowly accumulated more and more charges in the Youth Justice Division of the Magistrate's Court. Because his offending was so frequent, the Magistrate ordered that he be sent to Ashley Youth Detention Centre on remand. His Youth Justice lawyer told him that he was at risk of being sentenced to a further period of detention.

After speaking with him, his lawyer identified that James was committing offences due to his cannabis addiction as well as boredom. He was also having some feelings of depression and anxiety because of the breakdown in his family situation. James told his lawyer that he thought that if he had some assistance with those concerns, he wouldn't have the urge to commit offences again in the future. His lawyer told him about a deferred sentence arrangement. She spoke with Youth Justice on his behalf and arranged for James to be assessed for a deferred sentence.

When it came to being sentenced by the Court, James' lawyer proposed the deferred sentence plan to the Court and outlined why it would be beneficial to both James and the broader community. The Magistrate agreed and it was decided that James would be released from Ashley and that his sentencing would be deferred to allow him to demonstrate his rehabilitation by participating in his deferred sentence plan. The deferred sentence plan required James to attend school five days a week, meet with Youth Justice, participate in some alcohol and drug counselling and obtain a mental health care plan.

During the three month deferral of the sentence, James successfully completed his deferred sentence plan including re-engaging with his education. When he came to be sentenced by the Court the Magistrate decided that because he had successfully demonstrated his ability to rehabilitate, it was not necessary for him to serve any further time in detention. James has now been offence-free for nine months and his future is looking positive. He is working towards obtaining an apprenticeship once he finishes school.

We have changed our client's name and some facts to protect our client's privacy.

Grants of Legal Aid

We provide grants of legal aid for people who:

- Have a legal problem that we can help with;
- Cannot afford a lawyer;
- Are eligible for a grant of aid under our means and assets test; and
- Are experiencing a legal problem that falls within our guidelines (usually criminal law, family law, child safety and family violence matters).

A grant of legal aid enables a lawyer to act for a client. Usually lawyers represent clients in court or at mediations. About 63% of grants of legal aid were made to private lawyers, an increase from last financial year, while the remainder went to in-house lawyers. In 2017-2018 we granted \$4.87 million to the private profession for costs and disbursements to deliver legal aid, also an increase from last year.

The Legal Aid Commission has a team of three part-time grants officers, a Grants Manager and administrative support. Grants officers determine applications for legal aid very quickly – usually within 24 hours.

In the 2017-18 year, there were 5,398 new applications for legal aid. There were a further 19,588 applications to extend existing grants of legal aid. A grants officer processes about 101 applications for legal aid every working day.

In 2017-18, grants officers approved 91% of all criminal law applications for new grants of aid. Grants officers approved 82% of all family law applications for new grants of aid and approved 92% of all civil law applications (which include child safety and family violence matters) for new grants of aid.



Reviewing the Decisions of Grants Officers

The *Legal Aid Commission Act 1990* (Tas) provides a statutory mechanism to allow an applicant for legal aid to seek a review if a grants officer declines to grant aid. Review Committees are made up of a private lawyer, a person with relevant qualifications & experience, and an officer of the Legal Aid Commission of Tasmania. Review Committees can affirm, vary or set aside the decision of the grants officer.

Although the primary function of Review Committees is to consider an applicant's request to review the refusal of aid, a Review Committee also plays an educative role by assisting an applicant and solicitor to understand and properly apply eligibility guidelines. Additionally, Review Committees provide regular reports to the Commission on trends and other information deemed relevant from determinations made by the Review Committees.

In 2017/18 Review Committees reviewed 107 decisions of grants officers and varied 42% of the decisions of grants officers. Review Committees have available additional and more comprehensive information from the applicant for consideration in determining a review.

The Review Committee process is a cost-effective and efficient means by which the decisions of the grants officers can be independently reviewed.

Over the year, the following people made up Review Committees under the Act:

OFFICERS OF LEGAL AID TASMANIA

- Anthea d'Emden
- Pat Fitzgerald
- Vaia Harradine
- Edwina Gelston
- Pip Monk
- Katie Edwards (until March 2018)

PRIVATE LAWYERS

- Frances Di Giovanni
- Phil McVeity
- Natalie Everett

PEOPLE WITH RELEVANT QUALIFICATIONS AND EXPERIENCE

- Nicky Snare
- Jane Hutchinson
- Kym Goodes
- Chris Young



Performance Analysis

- The Legal Aid Commission of Tasmania set objectives and priorities for the 2017-18 year

Here's how we fared against those objectives and priorities:

1. Provide high-quality legal representation to disadvantaged Tasmanians

The Legal Aid Commission made 4,818 new grants of legal aid during the year. When the number of extensions to existing grants of legal aid is included, the total was 24,986 grants – that's 4,068 more than the previous year. This is a high figure by national standards. Apart from grants, over the year Legal Aid Tasmania provided 5,518 duty lawyer services to help self-represented litigants at court. This is an increase of 39% from the previous year. Duty lawyers give advice, appear for people on their first day in court and often resolve matters without the need for a grant of legal aid.

2. Target legal aid services to those with the greatest need

Legal Aid has a deep understanding of inequality in access to justice. This year we changed our means test to provide more equitable treatment of individuals renting a home in comparison to home owners/buyers. Our means test ensured that we delivered 100% of grants to people experiencing financial disadvantage.

We also target assistance towards the most vulnerable people in the community, including those with a disability or mental health issues. Our Mental Health program gave minor assistance to 3 clients and legal representation to 212 clients - that's up 26 % on the year before.

3. Take a holistic approach to addressing legal need through collaboration with others to provide joined-up services

Legal Aid Tasmania believes it is important to treat the client rather than just the legal problem. Many clients come to us with complex issues and often the legal problem is a manifestation of unresolved non-legal issues. We want to help clients turn their lives around. In 2017-18 we referred 10,775 clients to external non-legal service providers including financial counselling, emergency housing, anger management, positive lifestyle courses, drug and alcohol treatment and mental health services.

Our Family Advocacy and Support Service (FASS) is a model that highlights our holistic approach to legal need, offering an integrated Family Law duty lawyer and social support service to help families affected by family violence. This year saw a 48% increase in social support service to clients seeking assistance through the program.

4. To take our services to where they are needed through improved outreach

In 2017-18 Legal Aid committed to taking our services to where they are accessible to our clients. Over the year Legal Aid Tasmania strengthened and expanded its outreach services to regional and remote locations and commenced the roll out of our Video Telephone Network to provide greater

access to face-to-face advice in rural areas. We provided legal assistance services at a range of locations around the State outside the main metropolitan areas. These services included duty lawyer services at regional Magistrates Courts, advice and Community Legal Education, Safe at Home family violence services and family law services.

5. To empower and build capacity within the community to resolve legal problems

Legal Aid Tasmania has worked to empower people to understand and assert their legal rights, and to build the capacity of our clients to address or prevent legal problems. The provision of high-quality legal information is the key to raising the levels of personal legal capability. Over the year, Legal Aid Tasmania delivered 129 community legal information sessions that reached 6,157 Tasmanians. Our website carries fact sheets, YouTube videos and animations that provide authoritative legal information, in addition to a range of self-help kits for self-represented litigants. In 2017-18 our website received 542,897 page views – more than 260,000 coming from hand-held devices.

6. To provide services that are appropriate, proportionate and tailored to people's legal needs and levels of capability

We want to ensure that individuals facing legal problems have the means to solve those problems quickly and fairly. The ability to solve legal problems varies according to people's circumstances as well as the nature of the problems. Appropriate legal services are ones that match people's legal need and capability. For this reason Legal Aid Tasmania provides a range of services that vary in intensity and cost to match need and capability.

Our range of services includes:

- Legal information through our website (542,897 page views) and community legal education (129 sessions reaching 6157 people).
- Legal advice through our telephone helpline (27,315 calls) and face-to-face advice in clinic (4,567 people seen).
- Help at court through duty lawyer services (5,518 people helped).
- Representation by a lawyer through grants of legal aid (4,818 new grants).

This year also saw the development of a new low-cost, accessible service, our On-line Chat service "Legal Talk". Legal Talk is a "real-time" way for Tasmanians to access legal information and has been receiving an average of 19 "talk" requests per day since April 2018.

7. To identify and resolve problems in a timely manner before they escalate

Legal Aid Tasmania knows that early identification of legal issues can prevent a situation escalating and we provide a range of services that 'catch' legal issues as they are forming. Legal advice by telephone and in person, minor assistance and duty lawyer services provide an opportunity for us to help people to identify their legal issues and help resolve legal problems in a timely way. When clients contact us through these services we can also triage problems for referral to more intensive services.

Additionally through Community Legal Education we aim to educate people about particular legal issues and help them identify for themselves when they may need to seek assistance. Our 129 community legal education sessions were targeted to specific issues and specific clients.



8. To save court days by settling high-conflict children's cases through mediation

Over the year, Legal Aid Tasmania's newest service – Court-Ordered Mediation has held 52 mediations of high-conflict disputes concerning the living arrangements for children. These mediations have contributed to the 11% increase of mediations in our Family Dispute Resolution program. These mediations settled disputes 90.5% of the time. Our mediation program has saved thousands of hours of court time over the year and has enabled the parties to be involved in the decision-making process rather than have the Court impose an outcome.

9. To deliver new services to combat elder abuse

Legal Aid Tasmania continued its commitment to increasing services to older and more vulnerable people in the community. Legal Aid Tasmania's Board approved our 2018-19 Elder Abuse Strategy in early 2018. In addition to continuing our partnership with the Tasmanian Elder Abuse Helpline, Legal Aid Tasmania formed an alliance with COTA (Council on the Ageing Tasmania) to deliver a monthly outreach clinic at COTA's premises in Hobart. Our Elder Abuse Co-ordinator continued to work with these organisations to provide legal education and information to older Tasmanians, and provide support and referral to other appropriate services.

10. To improve access to justice for Tasmanian Aboriginals

As one of the State's providers of legal assistance services to Tasmanian Aboriginals, Legal Aid Tasmania works closely with the Tasmanian Aboriginal Community Legal Service in a joint commitment to provide effective, responsive and culturally-appropriate legal services. Over the year, Legal Aid provided 286 advice services, 406 duty lawyer services and 484 grants of legal aid to clients who identify as Aboriginal.

11. To continue determining applications for legal aid within one day

Legal Aid Tasmania continues to be one of Australia's most efficient Commissions in determining applications for legal aid. Over the year we determined 100% of applications for legal aid within one day of being provided with all relevant information. This is faster than the National Legal Aid target of determining applications within five working days. Efficient processing of applications limits the need for unnecessary adjournments at court to establish whether legal aid is available. It also provides certainty to applicants and their lawyers.

12. To continue paying lawyers' bills within one working day

Over the year, 72 law firms delivered legal aid in Tasmania. Legal Aid Tasmania set itself the goal of paying bills within one working day. We achieved this goal in 2017-2018 and the rapid payment of bills has helped keep experienced lawyers doing legal aid work. Our payment of lawyers' bills 'next working day' is much faster than the National Legal Aid target of fourteen days.

13. Maintain financial reserves and continue refinement of transparent budgetary and governance frameworks

Over the financial year, Legal Aid Tasmania continued a program of prudent financial management to ensure the maintenance of sufficient reserves to meet our commitments and liabilities.

Legal Aid Tasmania also ensured transparency of budget reporting with a full financial year of Quarterly Reports available on our website in 2017-18. These reports provide our stakeholders and the community with more regular information about how many services we are delivering, how we are tracking financially and updates on priority projects.

Performance Analysis

■ Reporting against the National Partnership Agreement

The National Partnership Agreement on Legal Assistance Services ('NPA') is the funding agreement between the Australian Government and Tasmania. The Agreement started on 1 July 2015 and will run for five years until 2020.

The NPA sets out objectives and outcomes that Legal Aid Commissions will achieve by delivering outputs listed in the agreement. The NPA also sets out performance indicators that measure a Legal Aid Commission's progress toward the objectives and outcomes.

The objective of the NPA is a national legal assistance sector that is integrated, efficient, and effective, focused on improving access to justice for disadvantaged people and maximising service delivery within available resources.

During 2017-18 the Commonwealth initiated a review of the NPA to assess the effectiveness, efficiency and appropriateness of the NPA as a mechanism for achieving its objectives and outcomes within available resources. The Review is expected to be completed by December 2018.

Legal Aid Tasmania provides a report on progress against the NPA performance indicators on a quarterly basis.

Selected NPA performance indicators and benchmarks:

100%

Proportion of representation services to people experiencing financial disadvantage

488

The number of facilitated dispute resolution conferences held

90%

The percentage of dispute resolution processes resulting in full or partial settlement

The number of legal assistance services delivered:

Information and referrals	25,883
Legal advice	4,567
Representation	1,189
Duty lawyer services	1,464
Legal tasks	539
Community legal education	129

Solicitor, Barrister & Counsel Grants Payments

To private legal firms, between 1/07/2017 and 30/06/2018

AC Family Legals	Civil	\$3,476.36	Douglas & Collins	Civil	\$490.00
	Family	\$12,630.91		Criminal	\$12,716.40
	Total	\$16,107.27		Total	\$13,206.40
Andrei Slicer	Civil	\$280.00	Fabiano Cangelosi	Civil	\$630.00
	Criminal	\$103,057.20		Criminal	\$63,728.00
	Total	\$103,337.20		Total	\$64,358.00
Baker Wilson Lawyers	Civil	\$140.00	FitzGerald and Browne	Civil	\$7,472.80
	Criminal	\$2,410.00		Criminal	\$280.00
	Family	\$5,122.00		Family	\$26,658.00
	Total	\$7,672.00		Total	\$34,410.80
Bartletts	Civil	\$0	Friend & Edwards Lawyers	Civil	\$1,579.00
	Criminal	\$3,100.40		Family	\$8,341.50
	Total	\$3,100.40		Total	\$9,920.50
Ben Lillas	Civil	\$1,750.00	G A Richardson	Criminal	\$114,807.40
	Criminal	\$500.00		Total	\$114,807.40
	Family	\$780.00	Garth Stevens	Criminal	\$66,227.80
	Total	\$3,030.00		Total	\$66,227.80
Bishops	Civil	\$22,830.75	Grant Tucker	Civil	\$8,606.80
	Criminal	\$2,025.00		Criminal	\$142,287.70
	Family	\$190,055.30		Family	\$14,030.00
	Total	\$214,911.05		Total	\$164,924.50
Blissenden Lawyers	Civil	\$8,101.80	Greg Barns Barrister	Civil	\$3,722.80
	Criminal	\$12,498.10		Criminal	\$12,388.00
	Family	\$43,362.80		Total	\$16,110.80
	Total	\$63,962.70	Greg Melick	Criminal	\$2,660.00
Browns the Family Lawyers	Family	\$390.00		Total	\$2,660.00
	Total	\$390.00	Greg Smith & Co	Civil	\$630.00
Butler McIntyre & Butler	Civil	\$40,481.40		Criminal	\$1,358.20
	Criminal	\$84,192.46		Family	\$820.00
	Family	\$110,868.20	Total	\$2,808.20	
Total	\$235,542.06	Ian Guest & Associates	Civil	\$9,029.40	
Cameron Scott - Barrister at Law	Criminal		\$51,360.00	Criminal	\$1,637.00
	Total		\$51,360.00	Family	\$11,880.00
Cann Legal	Civil	\$51,237.60	Total	\$22,546.40	
	Criminal	\$8,109.40	Ierino & Associates	Civil	\$430.00
	Family	\$58,397.35		Criminal	\$130.00
	Total	\$117,744.35		Total	\$560.00
Caroline Graves Barrister at Law	Civil	\$44,264.00	Jacobs Family Law	Civil	\$14,096.40
	Criminal	\$53,411.30		Family	\$31,837.84
	Family	\$16,605.00		Total	\$45,934.24
	Total	\$114,280.30	Jacqueline Kennedy Criminal Law	Criminal	\$1,732.80
Charmaine Gibson	Civil	\$17,756.40		Total	\$1,732.80
	Criminal	\$38,522.70	James Crotty Barristers & Solicitors	Civil	\$455.00
	Family	\$52,385.40		Criminal	\$39,990.00
	Total	\$108,664.50		Total	\$40,445.00
Clarke & Gee	Civil	\$8,875.39	Jessica Sawyer	Civil	\$352.80
	Criminal	\$160,623.25		Criminal	\$16,561.40
	Family	\$31,099.20		Total	\$16,914.20
	Total	\$200,597.85	Jonathan Smith Lawyers	Family	\$2,080.00
Craig Rainbird Barrister & Solicitor	Criminal	\$87,492.85		Total	\$2,080.00
	Total	\$87,492.85	Kate Cuthbertson	Civil	\$6,165.00
David N Lewis Barrister at Law	Civil	\$14,507.80		Criminal	\$7,625.00
	Family	\$18,229.20		Total	\$13,790.00
	Total	\$32,737.00	Kate Mooney	Civil	\$15,410.00
Dobson Mitchell Allport	Civil	\$770.00		Family	\$41,106.68
	Family	\$25,614.80		Total	\$56,516.68
Total	\$26,384.80				

Kay & Ruddle	Civil	\$280.00
	Total	\$280.00
Kim Baumeler	Civil	\$6,258.40
	Criminal	\$229,570.60
	Total	\$235,829.00
KLG Legal	Criminal	\$420.00
	Total	\$420.00
Legal Solutions	Civil	\$1,630.00
	Criminal	\$260.00
	Family	\$1,880.00
	Total	\$3,770.00
Mary Anne Ryan	Civil	\$26,532.80
	Family	\$28,598.80
	Total	\$55,131.60
Matthew Verney Lawyers	Civil	\$95,685.80
	Criminal	\$2,280.00
	Family	\$36,835.40
	Total	\$84,958.00
McGrath & Co.	Civil	\$4,137.80
	Criminal	\$3,697.50
	Family	\$26,099.80
	Total	\$33,935.10
McLean McKenzie & Topfer	Criminal	\$5,024.00
	Total	\$5,024.00
McVeity & Associates	Civil	\$32,457.20
	Family	\$80,612.30
	Total	\$113,069.50
Milton & Meyer	Civil	\$16,092.20
	Criminal	\$122,095.83
	Family	\$5,317.60
	Total	\$143,505.63
Murdoch Clarke	Civil	\$3,446.50
	Family	\$35,755.90
	Total	\$39,202.40
Murray & Associates	Civil	\$1,260.00
	Family	\$48,976.00
	Total	\$50,236.00
Nick Beattie Barrister and Solicitor	Civil	\$1,541.40
	Family	\$70.00
	Total	\$1,611.40
Ogilvie Jennings	Civil	\$76,854.00
	Criminal	\$16,818.35
	Family	\$185,442.39
	Total	\$279,114.75
Pagett & Associates	Civil	\$29,130.00
	Family	\$20,050.00
	Total	\$49,180.00
Patrick O'Halloran	Criminal	\$2,120.00
	Total	\$2,120.00
Paul Sullivan	Criminal	\$2,580.00
	Total	\$2,580.00
Pedder Schuh Lawyers	Civil	\$7,688.40
	Criminal	\$5,701.40
	Total	\$13,389.80
Peter Heerey Lawyer	Civil	\$1,453.50
	Criminal	\$12,885.40
	Family	\$30,167.00
	Total	\$44,505.90
Philip Theobald	Family	\$21,345.00
	Total	\$21,345.00
Philip Welch	Civil	\$15,070.00
	Family	\$31,794.10
	Total	\$46,864.10

Philippa Morgan	Civil	\$10,209.00
	Criminal	\$69,381.50
	Total	\$79,590.50
Philippa Willshire	Civil	\$62,537.80
	Criminal	\$19,617.31
	Family	\$17,420.00
	Total	\$99,575.11
PWB Lawyers	Civil	\$6,144.20
	Criminal	\$6,142.60
	Family	\$60,244.63
	Total	\$40,783.04
Rae & Partners Lawyers	Civil	\$3,705.00
	Criminal	\$179,251.31
	Family	\$58,697.10
	Total	\$241,653.41
Raymond John Broomhall	Criminal	\$5,580.00
	Total	\$5,580.00
Sanchia Chadwick	Civil	\$1,479.80
	Criminal	\$3,836.40
	Total	\$5,316.20
SGW Law	Civil	\$2,527.00
	Criminal	\$54,179.70
	Total	\$56,706.70
Simmons Wolfhagen	Civil	\$18,620.00
	Criminal	\$14,985.60
	Family	\$9,985.00
	Total	\$43,590.60
Steven Chopping	Civil	\$2,571.40
	Criminal	\$25,307.80
	Total	\$27,879.20
Stuart Roberts	Family	\$3,600.00
	Total	\$3,600.00
Tasmanian Aboriginal Community Legal Service - Launceston	Family	\$0.00
	Total	\$0.00
Todd P. Kovacic	Civil	\$1,440.00
	Criminal	\$50,640.00
	Total	\$52,080.00
Tremayne Fay & Rheinberger Lawyers	Civil	\$6,607.80
	Criminal	\$1,060.00
	Family	\$39,429.05
	Total	\$47,096.85
W J Friend	Family	\$9,345.00
	Total	\$9,345.00
Walker Henderson Lawyers	Civil	\$29,827.00
	Criminal	\$502.00
	Family	\$48,590.60
	Total	\$78,919.60
Wallace Wilkinson & Webster	Civil	\$21,946.80
	Criminal	\$1,660.00
	Family	\$53,608.40
	Total	\$77,215.20
Walsh Day James Mihal, Barristers & Solicitors	Civil	\$28,784.40
	Criminal	\$22,967.75
	Family	\$23,636.00
	Total	\$75,388.15
Worrall Lawyers	Civil	\$4,389.80
	Family	\$7,316.40
	Total	\$11,706.20

Total \$4,527,502.46

Financial Statements

2017 - 2018



Independent Auditor's Report

To the Members of Parliament

Legal Aid Commission of Tasmania

Report on the Audit of the Financial Report

Opinion

I have audited the financial report of Legal Aid Commission of Tasmania (the Commission), which comprises the statement of financial position as at 30 June 2018 and the statements of comprehensive income, changes in equity and cash flows for the year then ended, notes to the financial statements, including a summary of significant accounting policies and the statement of certification by the Commissioners.

In my opinion, the accompanying financial report:

- a) presents fairly, in all material respects, the financial position of the Commission as at 30 June 2018 and of its financial performance and its cash flows for the year then ended
- b) is in accordance with the *Audit Act 2008* and Australian Accounting Standards.

Basis for Opinion

I conducted the audit in accordance with Australian Auditing Standards. My responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Financial Report* section of my report. I am independent of the Commission in accordance with the ethical requirements of the Accounting Professional and Ethical Standards Board's APES 110 *Code of Ethics for Professional Accountants* (the Code) that are relevant to my audit of the financial report in Australia. I have also fulfilled my other ethical responsibilities in accordance with the Code.

The *Audit Act 2008* further promotes the independence of the Auditor-General. The Auditor-General is the auditor of all Tasmanian public sector entities and can only be removed by Parliament. The Auditor-General may conduct an audit in any way considered appropriate and is not subject to direction by any person about the way in which audit powers are to be exercised. The Auditor-General has for the purposes of conducting an audit, access to all documents and property and can report to Parliament matters which in the Auditor-General's opinion are significant.

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

Responsibilities 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 financial reporting requirements of the Audit Act 2008 and for such internal control as they determine is necessary to enable the preparation of the financial report that is free from material misstatement, whether due to fraud or error.

In preparing the financial report, the Commissioners are responsible for assessing the Commission's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the Commission is to be dissolved by an Act of Parliament, or the Commissioners intend to cease operations, or have no realistic alternative but to do so.

Auditor's Responsibilities for the Audit of the Financial Report

My objectives are to obtain reasonable assurance about whether the financial report as a whole is free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with the Australian Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of this financial report.

As part of an audit in accordance with the Australian Auditing Standards, I exercise professional judgement and maintain professional scepticism throughout the audit. I also:

- Identify and assess the risks of material misstatement of the financial report, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Commission's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Commissioners.
- Conclude on the appropriateness of the Commissioners' use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Commission's ability to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in my auditor's report to the related disclosures in the financial report or, if such disclosures are inadequate, to modify my opinion. My conclusion is based

on the audit evidence obtained up to the date of my auditor's report. However, future events or conditions may cause the Commission to cease to continue as a going concern.

- Evaluate the overall presentation, structure and content of the financial report, including the disclosures, and whether the financial report represents the underlying transactions and events in a manner that achieves fair presentation.

I communicate with the Commissioners regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.



Robert Luciani
Director Financial Audit Services
Delegate of the Auditor-General

Tasmanian Audit Office

21 September 2018
Hobart

**LEGAL AID COMMISSION OF TASMANIA
STATEMENT OF COMPREHENSIVE INCOME
FOR THE YEAR ENDED 30 JUNE 2018**

	Note	2018 (\$000's)	2017 (\$000's)
Revenues			
Commonwealth Grants and Contributions	1f,3	6,458	6,377
State Government Grants and Contributions	1f,4	7,907	6,906
Other Revenue	1f,5	1,225	1,164
Total Revenues		15,590	14,447
Expenses			
Legal Services Expenses	6	5,144	4,016
Employee Benefits Expenses	7	7,459	6,969
Supplies and Services	8	629	630
Accommodation Expenses	9	646	618
Information and Technology	10	496	488
Other Expenses	11	249	254
Depreciation and Amortisation Expenses	12	94	133
Debts Written Off	13	24	60
Total Expenses		14,741	13,168
NET SURPLUS FOR THE YEAR		849	1,279
OTHER COMPREHENSIVE INCOME			
Revaluation of Land and Buildings		-	33
TOTAL COMPREHENSIVE RESULT	30	849	1,312

The accompanying notes form part of these financial statements.

**LEGAL AID COMMISSION OF TASMANIA
STATEMENT OF FINANCIAL POSITION
AS AT 30 JUNE 2018**

	<i>Note</i>	2018 (\$000's)	2017 (\$000's)
ASSETS			
Current Assets			
Cash and Cash Equivalents	1l,14	5,959	5,096
Receivables	1m, 15	465	551
Other Assets		141	161
Total Current Assets		<u>6,565</u>	<u>5,808</u>
NON-CURRENT ASSETS			
Property, Plant & Equipment			
Land and Buildings	1g, 16	367	377
Office Equipment	1g, 16	64	47
Furniture and Fittings	1g, 16	7	9
Leasehold Improvements	1g, 16	56	75
Intangible Assets	1h, 16	8	17
Total Non-Current Assets		<u>502</u>	<u>525</u>
Total Assets		<u>7,067</u>	<u>6,333</u>
LIABILITIES			
Current Liabilities			
Payables	1o, 18	980	977
Provisions	1o, 19	1,207	1,280
Total Current Liabilities		<u>2,187</u>	<u>2,257</u>
NON-CURRENT LIABILITIES			
Provisions	1p,19	156	201
Total Non-Current Liabilities		<u>156</u>	<u>201</u>
Total Liabilities		<u>2,343</u>	<u>2,458</u>
Net Assets		<u>4,724</u>	<u>3,875</u>
EQUITY			
Contributed Equity		325	325
Asset Revaluation Reserve		236	236
Civil Law Disbursement Fund Loan Scheme Reserve		1,100	1,079
Accumulated Surplus		3,063	2,235
Total Equity		<u>4,724</u>	<u>3,875</u>

The accompanying notes form part of these financial statements.

**LEGAL AID COMMISSION OF TASMANIA
STATEMENT OF CASH FLOWS
FOR THE YEAR ENDED 30 JUNE 2018**

	<i>Note</i>	2018 (\$000's) Inflows (Outflows)	2017 (\$000's) Inflows (Outflows)
CASH FLOWS FROM OPERATING ACTIVITIES			
Receipts			
Commonwealth Grants and Contributions		6,458	6,377
State Government Grants		7,907	6,806
Contributions and Recovered Costs from Clients		134	299
GST Receipts		740	600
Interest Income		99	83
Other		1,061	1,123
<i>Total Operating Receipts</i>		<u>16,399</u>	<u>15,288</u>
Payments			
Payments for Legal Services		(5,144)	(4,015)
Employee Benefits Expense		(7,577)	(7,210)
Administrative Expense		(2,001)	(1,991)
GST Payments on Purchases		(743)	(603)
<i>Total Operating Payments</i>		<u>(15,465)</u>	<u>(13,819)</u>
Net Cash Provided By/(Used In) Operating Activities	22	<u>934</u>	<u>1,469</u>
CASH FLOWS FROM INVESTING ACTIVITIES			
Purchase of Non-Current Physical Assets		(71)	(19)
Net Cash Provided By/(Used In) Investing Activities		<u>(71)</u>	<u>(19)</u>
Net Increase/(Decrease) In Cash and Cash Equivalents Held		<u>863</u>	<u>1,450</u>
Cash Assets and Cash Equivalents at the Beginning of the Year		<u>5,096</u>	<u>3,646</u>
CASH AND CASH EQUIVALENTS AT THE END OF YEAR	14	<u>5,959</u>	<u>5,096</u>

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 2018**

	Contributed Equity	Asset Revaluation Reserve	Civil Law Disbursement Fund Loan Scheme Reserve	Accumulated Surplus	Total Equity
	\$000's	\$000's	\$000's	\$000's	\$000's
Balance as at 1 July 2017	325	236	1,079	2,235	3,875
Total Comprehensive Result	-	-	-	849	849
Transfers to Reserves	-	-	21	(21)	-
Balance as at 30 June 2018	325	236	1,100	3,063	4,724

	Contributed Equity	Asset Revaluation Reserve	Civil Law Disbursement Fund Loan Scheme Reserve	Accumulated Surplus	Total Equity
	\$000's	\$000's	\$000's	\$000's	\$000's
Balance as at 1 July 2016	325	203	1,067	968	2,563
Total Comprehensive Result	-	33	-	1,279	1,312
Transfers to Reserves	-	-	12	(12)	-
Balance as at 30 June 2017	325	236	1,079	2,235	3,875

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 2018**

1 Summary of significant accounting policies

(a) General Information

The Legal Aid Commission of Tasmania (LACT) was established under the Legal Aid Commission Act 1990, on 1 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 agreements. These agreements commenced on 1 of July 2015, and have a 5 year term.

(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). Under the *Legal Aid Commission Act 1990*, the Commission is not required to prepare general purpose financial statements, but rather has elected to adopt and comply with relevant accounting standards. 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.

The Financial Statements were signed on the 20th of September 2018 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 and buildings 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.

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 June 2018.

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	Financial Instruments	The Standard was revised to include a model for classification and measurement, a single, forward-looking 'expected loss' impairment model and a reformed approach to hedge accounting.	1 January 2018	1 July 2018	Changes are not expected to materially affect the Commission as it does not maintain financial instruments or hedge accounting.
AASB 15	Revenue from contracts with customers	AASB 15 replaces AASB 118 and AASB 111 and specifies the accounting treatment arising from contracts with customers.	1 January 2019	1 July 2019	The impact of this change is being assessed, but is not expected to be material as funding agreements and Deeds specify treatment.
AASB 1058	Income of Not-for-Profit Entities	AASB 1058 simplifies the recognition requirements for not-for-profit entities relating to revenue from contracts with customer (AASB 15)	1 January 2019	1 July 2019	Changes are not expected to materially impact the Commission as it does not engage volunteer services.
AASB 16	Leases	The key feature is to recognise all leases with a term of more than 12 months as assets and liabilities, unless the underlying value is low.	1 January 2019	1 July 2019	This will impact the assets and liability disclosures of the commission as it currently has property leases that will be included (note 21).
AASB 2016-2	AASB 107 Statement of Cash Flows	Amendments will require an entity to provide disclosures that enable users of financial statements to evaluate changes in liabilities arising from financing activities, including both changes arising from cash flows and non-cash changes.	1 January 2017	30 June 2018	Changes are not expected to materially affect the Commission as it does not currently have any financing activities.

**LEGAL AID COMMISSION OF TASMANIA
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE 2018**

1 Summary of significant accounting policies (cont'd)

(c) Goods and services Tax (GST)

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

i. where the amount of GST incurred is not recoverable from the taxation authority, it is recognised as part of the cost of acquisition of an asset or as part of an item of expense; or

ii. for receivables and payables which are recognised inclusive of GST.

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

Cash flows are included in the Statement of Cash Flows on a gross 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. Where there is a contract and an obligation to provide specific services, revenue is not recognised until those services have been provided.

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.

Distributions from The Solicitors' Trust are grants for specific purposes. The monies are recognised as income when the Commission has fulfilled the terms and conditions of receiving the grant. The receipt of the grant is recognised in the statement of financial position as a liability until the grant conditions are met or services provided.

(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.

**LEGAL AID COMMISSION OF TASMANIA
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE 2018**

1 Summary of significant accounting policies (cont'd)

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.

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

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

(i) Impairment of Assets

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

(j) Grants of Aid

Grants of aid are recognised as an expenditure commitment on the approval of the granting of aid and are based on a provisional cost estimate, and are detailed in Note 21 Legal Case Commitment. 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, and subsequently recognised as contributions on approval of the grant of aid. Provision for impairment is provided for in accordance with Note 15.

(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 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.

**LEGAL AID COMMISSION OF TASMANIA
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE 2018**

1 Summary of significant accounting policies (cont'd)

(n) Employee Benefits Expenses

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

As at the 30th June 2018 the Commission employed 64.8 (2017: 56.2) 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 expect 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 Tasplan Super of amounts, expressed as a percentage of the salaries of eligible employees, estimated by the Tasplan Super 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.

Superannuation expenses relating to defined benefit schemes relate to payments into the Consolidated Fund. The amount of the payment is based on an agency contribution rate determined by the treasurer, on the advice of the State Actuary. The current agency contribution is 12.95 per cent (2017: 12.75 per cent) of salary.

Superannuation expenses relating to defined contribution schemes are paid directly to superannuation funds at a rate of 9.5 per cent (2017: 9.5 per cent) of salary. In addition, departments are also required to pay into the Consolidated Fund a "gap" payment equivalent to 3.45 per cent (2017: 3.25 per cent) of salary in respect of employees who are members of contribution schemes.

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) Comparative Figures

When required by Accounting Standards, comparative figures have been adjusted to confirm to changes in presentation for the current financial year.

**LEGAL AID COMMISSION OF TASMANIA
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE 2018**

1 Summary of significant accounting policies (cont'd)

(t) Estimates and Judgement

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

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

- Provisions – Employee Benefits
- Commitments for Expenditure

2 Financial Risk Management Objectives and Policies

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

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

Risk exposures and Responses

Credit Risk

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

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

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

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

Liquidity Risk

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

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

All financial assets and liabilities of the Commission have a maturity of 6 months or less, except for the receivables - *Civil 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 is to manage interest income with reference to what rates are offered by Tascorp and other major banking institutions.

Interest Rates on Cash and Cash Equivalents

	2018 (\$000's)	2017 (\$000's)
At Call Cash Management Account No 1 – Operating Account	-	-
	On Call – Interest Rate of 1.5%	On Call – Interest Rate of 1.5%
At Call Cash Management Account No 2 – Civil Law Disbursements Fund	2	2
	On Call – Interest Rate of 1.5%	On Call – Interest Rate of 1.5%
Westpac Operating Accounts	5,957	5,094
	On Call – Interest Rate of 1.75%	On Call – Interest Rate of 1.75%
	5,959	5,096

A 1 percentile movement in the interest rate will create \$59,590 (2017: \$50,960) movement in interest income.

**LEGAL AID COMMISSION OF TASMANIA
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE 2018**

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

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

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

3 Commonwealth Grants and Contributions

	2018 (\$000's)	2017 (\$000's)
Base Grant	5,853	5,964
Community Legal Service Grant	-	47
Family Advocacy and Support Service (FASS)	605	366
	6,458	6,377

Base Grant

Government contributions are the result of a Commonwealth / State National Partnership Agreement which became effective from the 1st July 2015 for duration of 5 years. This agreement was expires on 30th June 2020.

Community Legal Service Grant

This program is to provide family law services to disadvantage people where domestic violence is involved.

Family Advocacy and Support Service

This funding has been recognised on receipt as there are no specific performance measures attached to the terms of the agreement. This funding is to provide social services support to families experiencing domestic issues.

4 State Government Grants and Contributions

	2018 (\$000's)	2017 (\$000's)
Base Grant	7,156	6,460
Acting Judges	299	-
"Safe at Home" Domestic Violence Intervention Program	452	446
	7,907	6,906

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 early intervention and support against domestic violence.

Acting Judges

This funding is to assist the increased resources required as a result of additional court sessions being held by acting judges

5 Other Revenue

	2018 (\$000's)	2017 (\$000's)
Client Contributions and Cost Recoveries	75	93
Interest Income	99	83
Civil Law Disbursement Fund Loans Contributions	24	50
The Solicitors' Trust Distributions	624	497
National Disability Insurance Scheme Distributions and Contributions	17	-
Miscellaneous Income	386	441
	1,225	1,164

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.

**LEGAL AID COMMISSION OF TASMANIA
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE 2018**

5 Other Revenue (cont'd)

Miscellaneous Income

Reimbursements from other state commissions for their share of National Legal Aid (NLA) expenses paid for by LACT on behalf of all states.

6 Legal Services Expenses

	2018 (\$000's)	2017 (\$000's)
Grants of Legal Aid	4,857	3,946
Family Advocacy Support Services	215	-
Duty Lawyer Services	72	70
	5,144	4,016

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.

FASS and Duty Lawyer Services

The Commission engages external service providers for Duty Lawyer services in the Magistrates Court to support its own internal services. FASS expenditure was not incurred against related funding until 2018.

7 Employee Benefits Expenses

	2018 (\$000's)	2017 (\$000's)
Salaries, Superannuation and Related Costs	7,079	6,552
Temporary Staff and Agency Staff Engagements	444	404
Professional Development	54	47
Annual Leave Entitlements	(49)	(45)
Long Service Leave Entitlements	(69)	11
	7,459	6,969

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

	2018 (\$000's)	2017 (\$000's)
Communications	279	261
Travel	148	168
Office Machines	41	38
Consumables	90	83
Motor Vehicle Expenses	71	80
	629	630

9 Accommodation Expenses

	2018 (\$000's)	2017 (\$000's)
Lease Rentals and Associated Costs	357	348
Cleaning	83	83
Storage	40	40
Rates and Taxes	56	56
Power	51	50
Maintenance	43	30
Security	7	1
Insurance	9	10
	646	618

**LEGAL AID COMMISSION OF TASMANIA
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE 2018**

10 Information Technology

	2018 (\$000's)	2017 (\$000's)
Systems Maintenance and Development	376	366
Online Library Resources	107	104
Consumables	13	18
	496	488

11 Other Expenses

	2018 (\$000's)	2017 (\$000's)
Department of Justice Administration Fees	118	116
Audit Fees	24	23
Other	107	115
	249	254

12 Depreciation and Amortisation Expenses

	2018 (\$000's)	2017 (\$000's)
Office Equipment	48	32
Furniture and Fittings	2	2
Leasehold Improvements	25	24
Buildings	10	10
Intangibles – In-house Software Development	9	65
	94	133

13 Debts Written Off

	2018 (\$000's)	2017 (\$000's)
Bad Debt Write Off - Case Management System	8	10
Civil Law Disbursement Fund Loans	16	50
	24	60

The amount of \$7,782 (2017: \$10,305) 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 Cash and Cash Equivalents

	2018 (\$000's)	2017 (\$000's)
Unrestricted Cash and Cash Equivalents		
Cash on Hand – Petty Cash	2	2
Bank Accounts	5,143	4,362
	5,145	4,364
Restricted Cash and Cash Equivalents		
Bank Account	812	730
Investments – TASCORP No. 2	2	2
	814	732
Total Cash and Cash Equivalents	5,959	5,096
Held as		
Operating Cash	5,145	4,364
State Civil Law Disbursements Fund Loans Scheme	814	732
Total and Balance as per Statement of Cash Flows	5,959	5,096

**LEGAL AID COMMISSION OF TASMANIA
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE 2018**

14 Cash and Cash Equivalents (cont'd)

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 \$580,000 for the Scheme. In the June 2014 financial year monies obtained from the Solicitors Guarantee Fund were injected into 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 2018 are shown at Note 13.

15 Receivables

	2018 (\$000's)	2017 (\$000's)
Contributions Receivable	13	14
Less Provision for Impairment	(2)	(2)
Civil Law Disbursement Fund Loans	289	347
Trade Debtors	98	129
Good and Services Tax (GST) Recoveries Due	67	63
	465	551

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 debtor's 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.

Trade Debtors

Trade Debtors consist of amounts owing by other Legal Aid State Branches for reimbursement of National Legal Aid Secretariat (resident in LACT) expenditure incurred, as well as amounts owing from Attorney General's Department for other grant monies that are receivable.

All Contributions and Trade Debtors owing except those identified as impaired are considered receivable.

2018	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	13	2	3	2	1	5
Trade Debtors	98	-	98	-	-	-
	111	2	101	2	1	5

2017	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	14	2	4	4	2	2
Trade Debtors	129	-	129	-	-	-
	143	2	133	4	2	2

**LEGAL AID COMMISSION OF TASMANIA
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE 2018**

16 Non-Current Assets

Property, Plant & Equipment

	2018 (\$000's)	2017 (\$000's)
LAND & BUILDINGS		
Land at Fair Value	145	145
Buildings at Independent Valuation	240	240
Less: Accumulated Depreciation	(18)	(8)
Land and Buildings at Fair Value	367	377

The Commission owns its Burnie property unencumbered.

A formal independent valuation of the Commission's Freehold Property was obtained in August 2016 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 2018 financial year. The property has been revalued in line with the prepared valuation. The Commission's policy is to review its freehold property every 4 years.

	2018 (\$000's)	2017 (\$000's)
OFFICE EQUIPMENT		
Historical cost	244	179
Less: Accumulated Depreciation	(180)	(132)
	64	47

	2018 (\$000's)	2017 (\$000's)
FURNITURE & FITTINGS		
Historical cost	20	20
Less: Accumulated Depreciation	(13)	(11)
	7	9

	2018 (\$000's)	2017 (\$000's)
LEASEHOLD IMPROVEMENTS		
Historical cost	189	183
Less: Accumulated Depreciation	(133)	(108)
	56	75

Intangibles

	2018 (\$000's)	2017 (\$000's)
INTANGIBLE ASSETS		
Historical cost	594	594
Less: Accumulated Amortisation	(586)	(577)
	8	17

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.

Property, Plant & Equipment

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

	2018 (\$000's)	2017 (\$000's)
LAND & BUILDINGS		
Opening Written Down Value	377	354
Revaluation	-	33
Depreciation Expense	(10)	(10)
Closing Written Down Value	367	377

**LEGAL AID COMMISSION OF TASMANIA
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE 2018**

16 Non-Current Assets (cont'd)

	2018 (\$000's)	2017 (\$000's)
OFFICE EQUIPMENT		
Opening Written Down Value	47	65
Additions	65	14
Depreciation Expense	(48)	(32)
Closing Written Down Value	64	47

	2018 (\$000's)	2017 (\$000's)
FURNITURE & FITTINGS		
Opening Written Down Value	9	11
Depreciation Expense	(2)	(2)
Closing Written Down Value	7	9

	2018 (\$000's)	2017 (\$000's)
LEASEHOLD IMPROVEMENTS		
Opening Written Down Value	75	94
Additions	6	5
Depreciation Expense	(25)	(24)
Closing Written Down Value	56	75

Intangibles

Movement in the carrying amount of intangibles:

	2018 (\$000's)	2017 (\$000's)
INTANGIBLES		
Computer Software		
Opening Written Down Value	17	82
Amortisation Expense	(9)	(65)
Closing Written Down Value	8	17

17 Impairment of Assets

There were no indications of impairment of property, plant and equipment and intangible assets at 30 June 2018.

18 Payables

	2018 (\$000's)	2017 (\$000's)
Accrued Salaries	52	51
Unexpended Grants	662	681
Other Operating Costs	266	245
	980	977

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.

Unexpended Grants

The Unexpended Grant will be recognised as revenue as the service obligations within the grant are completed.

**LEGAL AID COMMISSION OF TASMANIA
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE 2018**

19 Provisions

	2018 (\$000's)	2017 (\$000's)
Employee Related Provisions		
Current		
Annual Leave	383	432
Long Service Leave	824	848
	1,207	1,280
Non-Current		
Long Service Leave	156	201
	1,363	1,481

20 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.

21 Commitments for expenditure

Legal Case Commitment

At 30 June 2018 the Commission's case management system disclosed a commitment of \$934,546 (2017 \$977,753) 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.

From 1 July 2014 a lease arrangement was entered into for the Hobart office for 5 years with options for renewal for a further 5 years. 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:

	2018 (\$000's)	2017 (\$000's)
Due within 1 year	366	343
Due within 1 – 5 years	241	577
	601	920

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

	2018 (\$000's)	2017 (\$000's)
Operating Result – Surplus/(Deficit)	849	1,279
<u>Non-Cash Items</u>		
Depreciation & Amortisation Expense	94	133
<u>Change In Assets – (Increase) / Decrease</u>		
(Increase)/Decrease in Receivables	86	268
(Increase)/Decrease in Other Assets	20	-
<u>Change in Liabilities – Increase / (Decrease)</u>		
Increase/(Decrease) in Provisions	(118)	(35)
Increase/(Decrease) in Payables	3	(176)
Net Cash provided from Operating Activities	934	1,469

**LEGAL AID COMMISSION OF TASMANIA
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE 2018**

23 Financing Facilities Available

	2018 (\$000's)	2017 (\$000's)
Facility Limit	71	80
Less Used / Committed	(7)	(17)
	64	63

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.

24 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.

25 Remuneration of Auditors

	2018 (\$000's)	2017 (\$000's)
Audit Fee	24	23
	24	23

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

26 Remuneration of Commissioners

	2018			2017		
	Short-Term Benefits		Long-Term Benefits	Short-Term Benefits		Long-Term Benefits
	Salary	Other Benefits	Super-annuation	Salary	Other Benefits	Super-annuation
\$0 - \$10,000	2	-	5	5	-	6
\$10,001 - \$20,000	3	-	-	1	-	-
\$20,001 - \$30,000	-	-	-	-	-	-
Remuneration Total	40,857	-	3,881	34,787	-	3,305

Commissioners are remunerated on an annual basis and superannuation is also paid to these Commissioners in accordance with the superannuation guarantee legislation. There were no leave benefits, termination benefits, or other benefits paid to any Commissioner in the 2017 or 2018 financial years.

27 Remuneration of Key Management Personnel

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

	2018			2017		
	Short-Term Benefits	Long-Term Benefits		Short-Term Benefits	Long-Term Benefits	
	Salary	Super-annuation	Leave Benefit	Salary	Super-annuation	Leave Benefit
\$0 - \$40,000	-	4	2	-	2	2
\$40,001 - \$60,000	-	-	1	-	-	-
\$60,001 - \$80,000	-	-	1	-	-	-
\$80,001 - \$100,000	2	-	-	-	-	-
\$100,001 - \$120,000	1	-	-	1	-	-
\$120,001 - \$140,000	-	-	-	-	-	-
\$140,001 - \$160,000	-	-	-	-	-	-
\$160,001 - \$180,000	-	-	-	-	-	-
\$180,000 +	1	-	-	1	-	-
Remuneration Total	419,251	66,013	90,507	373,992	48,432	34,330

The above includes the payout of annual and long service leave entitlements for two Senior Officers following resignation. No termination or other benefits have been paid other than what has been reflected above.

**LEGAL AID COMMISSION OF TASMANIA
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE 2018**

28 Related Party Transactions

Some Commissioners are associates with private legal firms to which the Commission made grants payments. These payments are for external legal services only at the standard rate. Commissioners have not been engaged to provide any contracted services other than those associated with granted legal service arrangements.

Key Management Personnel are deemed to be any person(s) having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly, including any director (whether executive or otherwise) of that entity is considered a key management personnel.

All transactions with the private legal firms were conducted on an arm's length basis in the normal course of business and on standard terms and conditions.

Details of Commissioners and their associated entities, along with key personnel and their positions, are listed as follows:

Commissioners	Practise/Position
Patrick Lunn	Partner, Simmons Wolfhagen
Naomi Walsh	General Manager, Virieux Group
Gavin Wailles	Direct of Finance, Department of Justice
Julia Higgins	Legal Practitioner, Bishops
Key Management Personnel	Director (Acting), LACT
Susie Winter	Operations Manager (Acting), LACT
Gerard Mellor	Departed February 2018 – Operations Manager, LACT
Michael Dwyer	Departed May 2018 – Director, LACT
Graham Hill	

29 Client Trust Funds

The Commission did not hold client funds in a Trustee capacity pending final settlement of case files as at 30 June 2018 (2017 Nil)

30 Underlying Operating Result

The Commission receives the majority of funds from Federal and State Government grants. With these grants the Commission manages the legal aid service, provides in house legal advice, education and representation to those who meet the eligibility criteria, including availability of funding. The balance of the grant funds are granted to the private sector to provide representation to those that meet the eligibility criteria, including availability of funds.

Under the current Australian Accounting Standards the grants are deemed non-reciprocal, which means the Commission as a not-for-profit entity is not permitted to match the costs associated with the grants with grant revenue. Rather, all grant revenue is recognised on receipt. For profit entities can match the recognition of revenue with the related expenditure. Given there is a timing difference between the granting of legal aid and the payment of that aid, there is a disconnect between the recognition of revenue and the expenses associated with that revenue, which results in an overstatement of the operating result of the Commission.

In addition, taking up a liability on the granting of aid to the private sector, though over 94% of aid granted is subsequently paid, has not been deemed to meet the definition of a liability under AASB 137 *Provisions, Contingent Liabilities and Contingent Assets*. Larger Legal Aid jurisdictions are taking up a liability for work deemed completed by the private sector on aid granted and unpaid, based on actuarial calculations. The liability of granted but unpaid legal aid is identified in this financial report by way of a Commitment note 21.

The Commission for a number of years paid out additional aid based on accumulated surpluses that did not include a provision for legal aid granted and unpaid. The below table identifies the accumulated surplus position when granted but unpaid aid is factored into the financial statements.

	2018 (\$000's)	2017 (\$000's)
Accumulated Surplus	3,063	2,235
Granted but unpaid at 30 June	(935)	(978)
Accumulated Surplus including granted but unpaid Aid	2,128	1,257

**LEGAL AID COMMISSION OF TASMANIA
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE 2018**

30 Underlying Operating Result (cont'd)

Given that the Commission manages its internal costs and the granting of legal aid through the private sector to the Commonwealth and State grants received for that financial year, the Commission would commend the following Underlying Operating Result detailed below to more accurately reflect the financial operations of the Commission in the 2018 and 2017 financial years.

	2018 (\$000's)	2017 (\$000's)
Revenues		
Commonwealth Grants and Contributions	6,458	6,377
State Government Grants and Contributions	7,907	6,906
Other Revenue	1,225	1,164
Total Revenues	15,590	14,447
Expenses		
Legal Services Expenses	5,101	4,107
Employee Benefits Expenses	7,459	6,969
Supplies and Services	629	630
Accommodation Expenses	646	618
Information and Technology	496	488
Other Expenses	249	254
Depreciation and Amortisation Expenses	94	133
Debts Written Off	24	60
Total Expenses	14,698	13,259
NET SURPLUS/(DEFICIT) FOR THE YEAR	892	1,188
OTHER COMPREHENSIVE INCOME		
Revaluation of Land and Buildings	-	33
TOTAL COMPREHENSIVE RESULT	892	1,221

LEGAL AID COMMISSION OF TASMANIA
FINANCE REPORT
FOR THE YEAR ENDED 30 JUNE 2018


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 year ended 30 June 2018 and the financial position as at the end of the year.

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



PATRICK LUNN
Chair



SUSIE WINTER
Acting Director

Dated: 20/9/18



“Greater access to justice
for Tasmanians.”

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