

## LEGAL AID COMMISSION (ACT)

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### Objectives

The Legal Aid Commission (ACT) (the Commission), established by the *Legal Aid Act 1977* (the Act), provides a range of legal aid services in accordance with the Act.

The mission of the Commission is to promote a just society in the Territory by:

- ensuring that vulnerable and disadvantaged people receive the legal services they need to assert or defend their rights;
- developing an improved community understanding of the law; and
- seeking reform of laws that adversely affect those we assist.

A range of high quality legal aid services are delivered through our staff and professional partners. The Commission's services include legal information, legal advice and minor assistance, duty lawyer services, grants of legal assistance (legally assisted cases), and community legal education.

### 2009-10 Priorities

Strategic and operational issues to be pursued in 2009-10 include:

- finalising the new ACT/Commonwealth Government funding agreement;
- amending the *Legal Aid Act 1977* to enable implementation of new strategic directions;
- developing and piloting cost-effective models for delivering legal services to older people and homeless people in the ACT;
- developing new ways of recording service data and measuring performance;
- implementing online lodgement of applications for legal assistance;
- upgrading or relocating premises;
- developing new arrangements for assigning legally assisted cases to lawyers;
- continuing to improve the coordination of legal aid services with other community services in the Territory;
- providing outreach services for vulnerable and marginalised people to access legal advice and assistance;
- reviewing and developing legal aid services in civil law matters;
- establishing a Prisoners' Legal Service at the new Alexander Maconochie Centre; and
- delivering a range of community legal education programs targeted to priority areas of need.

## Estimated Employment Level

2008-09 Budget		2008-09 Est. Outcome	2009-10 Budget
53	Staffing (FTE)	53	57

## Strategic Indicators

The Commission's strategic plan for 2008-2012 is designed to improve the range, quality and targeting of legal aid services in the Territory. This will be achieved by pursuing strategic goals which align with the Commission's mission statement.

The Strategic Indicators for the Commission in the 2009-10 Budget are:

### Strategic Indicator 1

Legal Advice and Representation

To ensure that people are not prevented by disadvantage from obtaining the legal services they need to assert or defend their rights. This goal will be achieved by:

- researching the nature and extent of unmet need for legal aid services in the ACT, and barriers to people obtaining legal help;
- improving methods of service delivery;
- expanding the provision of advice and assistance in priority areas of need in civil law through the Commission's civil law practice and in collaboration with community legal centres; and
- improving the coordination of legal aid and other community services.

### Strategic Indicator 2

Community Legal Education

To develop within the community an improved understanding of the law and legal system operating in the Territory. To achieve this goal the Commission will target legal education programs to meet priority areas of need in the community.

### Strategic Indicator 3

Law Reform

To promote the reform of laws that adversely affect those we assist. To achieve this goal the Commission will monitor the impact of laws on disadvantaged members of the community and make submissions for reform of those laws where appropriate.



## Output Classes

	Total Cost <sup>1</sup>		Government Payment for Outputs	
	2008-09 Est. Outcome \$'000	2009-10 Budget \$'000	2008-09 Est. Outcome \$'000	2009-10 Budget \$'000
<b>Output Class 1: Legal Aid Services</b>	9,854	10,470	3,519	8,020
<b>Output 1.1: Legal Aid Services Provided by Private Legal Practitioners</b>	3,449	3,665	1,232	2,807

**Note:**

1. Total cost includes depreciation of \$0.074 million in 2008-09 and \$0.203 million in 2009-10.

### *Output Description*

The Commission, under arrangements with private legal practitioners, provides Legal Aid Services to the community. This output includes payments to private practitioners and the cost to the Commission of administering the arrangements.

Private practitioners are engaged by the Commission to provide legal aid services. They are paid professional fees and disbursements on the basis of agreed scales, up to a commitment level determined by the Commission on an individual case basis.

	Total Cost		Government Payment for Outputs	
	2008-09 Est. Outcome \$'000	2009-10 Budget \$'000	2008-09 Est. Outcome \$'000	2009-10 Budget \$'000
<b>Output 1.2: Legal Aid Services Provided by Commission Staff</b>	6,405	6,805	2,287	5,213

### *Output Description*

The Commission staff provide a full range of legal aid services to the community. The cost of these services is calculated on the same basis as Output 1.1 except that the professional fees component is replaced by salaries and related costs.

## Accountability Indicators

	2008-09 Targets	2008-09 Est. Outcome	2009-10 Targets
<b>Output Class 1: Legal Aid Services</b>			
<b>Output 1.1: Legal Aid Services Provided by Private Legal Practitioners</b>			
a. Total number of legal advice services provided in person <sup>1</sup>	300	460	450
b. Total number of duty lawyer services provided <sup>1,2</sup>	480	400	400
c. Grants referred to Private Practitioners <sup>3</sup>	1,450	1,400	1,400

### Notes:

1. Legal advice is specific advice of a legal nature concerning a person's individual circumstances. Minor assistance is provided in cases where advice given includes recommended action that the person may have difficulty taking on their own behalf. On review of our data collection process legal advice is now recorded when provided by lawyers undertaking duty work as 'legal advice services' rather than 'duty lawyer services' involving an appearance as this provides a clearer indication of the nature of the work performed. This has resulted in an increase in the estimate for legal advice services and a decrease in the estimate for duty lawyer services. It is difficult to estimate the demand for these services given that it is externally driven.
2. Duty lawyer services are legal services provided by a legal practitioner at a court or tribunal to people who would otherwise be unrepresented. Duty lawyer services consist of advising the person, and in appropriate circumstances appearing on their behalf, in relation to the proceeding or event.
3. Grants of legal assistance are financial assistance to enable people (who would not otherwise be able to afford legal services) to obtain legal representation in legal proceedings, or in other legal matters of a substantial nature. Grants of legal assistance are provided in criminal, family and general law matters.

	2008-09 Targets	2008-09 Est. Outcome	2009-10 Targets
<b>Output 1.2: Legal Aid Services Provided by Commission Staff</b>			
a. Total number of information and referral services provided <sup>1</sup>	18,000	20,000	19,000
b. Total number of legal advice and minor assistance services provided in person <sup>2,3</sup>	2,700	3,200	3,000
c. Total number of legal advice and minor assistance services provided by telephone <sup>2,4</sup>	7,000	9,200	8,000
d. Total number of duty lawyer services provided <sup>5,3</sup>	2,720	2,300	2,300
e. Total number of people participating in community legal education activities <sup>6</sup>	3,500	3,500	n/a
f. Grants referred to Commission staff <sup>7</sup>	1,200	1,200	1,200

### Notes:

1. The 2008-09 estimated outcome varies from the 2008-09 target as the demand for these services is externally driven and as a result is difficult to estimate.
2. Legal advice is specific advice of a legal nature concerning a person's individual circumstances. Minor assistance is provided in cases where advice given includes recommended action that the person may have difficulty taking on their own behalf.
3. The 2008-09 estimated outcome varies from the 2008-09 target as the demand for these services is externally driven and as a result is difficult to estimate. It is possible that clients have been accessing advice services and consequently not been seeking duty lawyer services.
4. The 2008-09 estimated outcome varies from the 2008-09 target as telephone advice numbers fluctuate, depending on a number of external influences including the state of the economy.
5. Duty lawyer services are legal services provided by a legal practitioner at a court or tribunal to people who would otherwise be unrepresented. Duty lawyer services consist of advising the person, and in appropriate circumstances appearing on their behalf, in relation to the proceeding or event.
6. The Commission initiates and carries out educational programs designed to promote awareness and understanding of legal rights and responsibilities, and how the legal system works. This measure is being discontinued as it is not able to be independently verified.
7. Grants of financial assistance are to enable people (who would not otherwise be able to afford legal services) to obtain legal representation in legal proceedings, or in other legal matters of a substantial nature. Grants are provided in criminal, family and general law matters.

## Changes to Appropriation

### Changes to Appropriation - Departmental

Government Payment for Outputs	2008-09 Est. Out. \$'000	2009-10 Budget \$'000	2010-11 Estimate \$'000	2011-12 Estimate \$'000	2012-13 Estimate \$'000
<b>2008-09 Budget</b>	<b>3,519</b>	<b>3,626</b>	<b>3,765</b>	<b>3,835</b>	<b>3,835</b>
<b>2009-10 Budget Policy Adjustments</b>					
Homeless and Elder Law Project	-	144	147	-	-
ICT Resourcing	-	69	69	70	70
Efficiency Dividend	-	-	(19)	(19)	(20)
<b>2009-10 Budget Technical Adjustments</b>					
Revised Indexation Parameters	-	(5)	(5)	(5)	68
Federal Financial Reforms - Legal Services	-	4,186	4,290	4,395	4,501
<b>2009-10 Budget</b>	<b>3,519</b>	<b>8,020</b>	<b>8,247</b>	<b>8,276</b>	<b>8,454</b>

### Changes to Appropriation - Departmental

Capital Injections	2008-09 Est. Out. \$'000	2009-10 Budget \$'000	2010-11 Estimate \$'000	2011-12 Estimate \$'000	2012-13 Estimate \$'000
<b>2008-09 Budget</b>	<b>194</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>2009-10 Budget Policy Adjustments</b>					
New Directions Project	-	178	-	-	-
Accommodation Fitout	-	1,950	-	-	-
<b>2009-10 Budget Technical Adjustments</b>					
Rollover - Security, ICT and Business Continuity Upgrade	(116)	116	-	-	-
Rollover - Prisoner Legal Service and Expanded Criminal Duty	(25)	25	-	-	-
<b>2009-10 Budget</b>	<b>53</b>	<b>2,269</b>	<b>-</b>	<b>-</b>	<b>-</b>

## 2009-10 Capital Works Program

### Departmental

	Estimated Total Cost \$'000	Estimated Expenditure Pre 2009-10 \$'000	2009-10 Financing \$'000	2010-11 Financing \$'000	2011-12 Financing \$'000	Expected Completion Date
<b>New Capital Works</b>						
Accommodation Fitout	1,950	-	1,950	-	-	Mar 2010
<b>Total New Capital Works</b>	<b>1,950</b>	<b>-</b>	<b>1,950</b>	<b>-</b>	<b>-</b>	
<b>Works in Progress</b>						
Security, ICT and Business Continuity Upgrade	169	53	116	-	-	Sep 2009
<b>Total Works in Progress</b>	<b>169</b>	<b>53</b>	<b>116</b>	<b>-</b>	<b>-</b>	
<b>Total Departmental Capital Works</b>	<b>2,119</b>	<b>53</b>	<b>2,066</b>	<b>-</b>	<b>-</b>	

## Legal Aid Commission (ACT) Operating Statement

2008-09 Budget \$'000		2008-09 Est.Outcome \$'000	2009-10 Budget \$'000	Var %	2010-11 Estimate \$'000	2011-12 Estimate \$'000	2012-13 Estimate \$'000
<b>Income</b>							
<b>Revenue</b>							
3,519	Government Payment for Outputs	3,519	8,020	128	8,247	8,276	8,454
250	User Charges - Non ACT Government	317	359	13	359	359	359
4,084	Grants from the Commonwealth	4,082	0	-100	0	0	0
1,446	Interest	1,839	1,628	-11	1,128	878	878
<b>9,299</b>	<b>Total Revenue</b>	<b>9,757</b>	<b>10,007</b>	<b>3</b>	<b>9,734</b>	<b>9,513</b>	<b>9,691</b>
<b>Gains</b>							
<b>0</b>	<b>Total Gains</b>	<b>0</b>	<b>0</b>	<b>-</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>9,299</b>	<b>Total Income</b>	<b>9,757</b>	<b>10,007</b>	<b>3</b>	<b>9,734</b>	<b>9,513</b>	<b>9,691</b>
<b>Expenses</b>							
4,111	Employee Expenses	4,318	4,495	4	4,552	4,464	4,523
651	Superannuation Expenses	665	673	1	682	691	700
4,327	Supplies and Services	4,727	5,029	6	5,083	3,963	4,073
91	Depreciation and Amortisation	74	203	174	330	325	325
70	Other Expenses	70	70	-	70	70	70
<b>9,250</b>	<b>Total Ordinary Expenses</b>	<b>9,854</b>	<b>10,470</b>	<b>6</b>	<b>10,717</b>	<b>9,513</b>	<b>9,691</b>
<b>49</b>	<b>Operating Result</b>	<b>-97</b>	<b>-463</b>	<b>-377</b>	<b>-983</b>	<b>0</b>	<b>0</b>

## Legal Aid Commission (ACT) Balance Sheet

Budget as at 30/6/09 \$'000		Est.Outcome as at 30/6/09 \$'000	Planned as at 30/6/10 \$'000	Var %	Planned as at 30/6/11 \$'000	Planned as at 30/6/12 \$'000	Planned as at 30/6/13 \$'000
<b>Current Assets</b>							
2,598	Cash and Cash Equivalents	2,708	2,397	-11	1,693	1,967	2,241
209	Receivables	174	174	-	174	174	174
145	Other	122	122	-	122	122	122
<b>2,952</b>	<b>Total Current Assets</b>	<b>3,004</b>	<b>2,693</b>	<b>-10</b>	<b>1,989</b>	<b>2,263</b>	<b>2,537</b>
<b>Non Current Assets</b>							
48	Receivables	50	50	-	50	50	50
350	Property, Plant and Equipment	303	2,419	698	2,139	1,864	1,589
<b>398</b>	<b>Total Non Current Assets</b>	<b>353</b>	<b>2,469</b>	<b>599</b>	<b>2,189</b>	<b>1,914</b>	<b>1,639</b>
<b>3,350</b>	<b>TOTAL ASSETS</b>	<b>3,357</b>	<b>5,162</b>	<b>54</b>	<b>4,178</b>	<b>4,177</b>	<b>4,176</b>
<b>Current Liabilities</b>							
493	Payables	518	517	..	516	515	514
0	Finance Leases	42	42	-	42	42	42
821	Employee Benefits	760	760	-	760	760	760
159	Other Provisions	294	294	-	294	294	294
<b>1,473</b>	<b>Total Current Liabilities</b>	<b>1,614</b>	<b>1,613</b>	<b>..</b>	<b>1,612</b>	<b>1,611</b>	<b>1,610</b>
<b>Non Current Liabilities</b>							
0	Finance Leases	18	18	-	18	18	18
29	Employee Benefits	37	37	-	37	37	37
<b>29</b>	<b>Total Non Current Liabilities</b>	<b>55</b>	<b>55</b>	<b>-</b>	<b>55</b>	<b>55</b>	<b>55</b>
<b>1,502</b>	<b>TOTAL LIABILITIES</b>	<b>1,669</b>	<b>1,668</b>	<b>..</b>	<b>1,667</b>	<b>1,666</b>	<b>1,665</b>
<b>1,848</b>	<b>NET ASSETS</b>	<b>1,688</b>	<b>3,494</b>	<b>107</b>	<b>2,511</b>	<b>2,511</b>	<b>2,511</b>
<b>REPRESENTED BY FUNDS</b>							
<b>EMPLOYED</b>							
1,477	Accumulated Funds	1,533	3,339	118	2,356	2,356	2,356
371	Reserves	155	155	-	155	155	155
<b>1,848</b>	<b>TOTAL FUNDS EMPLOYED</b>	<b>1,688</b>	<b>3,494</b>	<b>107</b>	<b>2,511</b>	<b>2,511</b>	<b>2,511</b>

## Legal Aid Commission (ACT) Cash Flow Statement

2008-09 Budget \$'000		2008-09 Est.Outcome \$'000	2009-10 Budget \$'000	Var %	2010-11 Estimate \$'000	2011-12 Estimate \$'000	2012-13 Estimate \$'000
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>							
<b>Receipts</b>							
3,519	Cash from Government for Outputs	3,519	8,020	128	8,247	8,276	8,454
250	User Charges	317	359	13	359	359	359
1,446	Interest Received	1,839	1,628	-11	1,128	878	878
4,084	Grants Received from the Commonwealth	4,082	0	-100	0	0	0
176	Other Revenue	176	176	-	176	176	176
<b>9,475</b>	<b>Operating Receipts</b>	<b>9,933</b>	<b>10,183</b>	<b>3</b>	<b>9,910</b>	<b>9,689</b>	<b>9,867</b>
<b>Payments</b>							
3,970	Related to Employees	4,177	4,376	5	4,433	4,345	4,404
651	Related to Superannuation	665	673	1	682	691	700
4,446	Related to Supplies and Services	4,846	5,148	6	5,202	4,082	4,192
247	Other	247	247	-	247	247	247
<b>9,314</b>	<b>Operating Payments</b>	<b>9,935</b>	<b>10,444</b>	<b>5</b>	<b>10,564</b>	<b>9,365</b>	<b>9,543</b>
<b>161</b>	<b>NET CASH INFLOW/ (OUTFLOW) FROM OPERATING ACTIVITIES</b>	<b>-2</b>	<b>-261</b>	<b>#</b>	<b>-654</b>	<b>324</b>	<b>324</b>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>							
<b>Payments</b>							
405	Purchase of Property, Plant and Equipment and Capital Works	264	2,319	778	50	50	50
<b>405</b>	<b>Investing Payments</b>	<b>264</b>	<b>2,319</b>	<b>778</b>	<b>50</b>	<b>50</b>	<b>50</b>
<b>-405</b>	<b>NET CASH INFLOW/ (OUTFLOW) FROM INVESTING ACTIVITIES</b>	<b>-264</b>	<b>-2,319</b>	<b>-778</b>	<b>-50</b>	<b>-50</b>	<b>-50</b>
<b>CASH FLOWS FROM FINANCING ACTIVITIES</b>							
<b>Receipts</b>							
194	Capital Injection from Government	53	2,269	#	0	0	0
<b>194</b>	<b>Financing Receipts</b>	<b>53</b>	<b>2,269</b>	<b>#</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>194</b>	<b>NET CASH INFLOW/ (OUTFLOW) FROM FINANCING ACTIVITIES</b>	<b>53</b>	<b>2,269</b>	<b>#</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>-50</b>	<b>NET INCREASE/ (DECREASE) IN CASH HELD</b>	<b>-213</b>	<b>-311</b>	<b>-46</b>	<b>-704</b>	<b>274</b>	<b>274</b>
<b>2,648</b>	<b>CASH AT BEGINNING OF REPORTING PERIOD</b>	<b>2,921</b>	<b>2,708</b>	<b>-7</b>	<b>2,397</b>	<b>1,693</b>	<b>1,967</b>
<b>2,598</b>	<b>CASH AT THE END OF THE REPORTING PERIOD</b>	<b>2,708</b>	<b>2,397</b>	<b>-11</b>	<b>1,693</b>	<b>1,967</b>	<b>2,241</b>



## Legal Aid Commission (ACT) Statement of Changes in Equity

Budget as at 30/6/09 \$'000		Est.Outcome as at 30/6/09 \$'000	Planned as at 30/6/10 \$'000	Var %	Planned as at 30/6/11 \$'000	Planned as at 30/6/12 \$'000	Planned as at 30/6/13 \$'000
1,605	<b>Opening Balance</b>	1,732	1,688	-3	3,494	2,511	2,511
	<b>Accumulated Funds</b>						
49	Operating Result for the Period	-97	-463	-377	-983	0	0
	<b>Reserves</b>						
49	<b>Total Income And Expense For The Period</b>	-97	-463	-377	-983	0	0
	<b>Transactions Involving Equity Holders Affecting Accumulated Funds</b>						
194	Capital Injections	53	2,269	#	0	0	0
1,848	<b>Closing Balance</b>	1,688	3,494	107	2,511	2,511	2,511

### Notes to the Budget Statements

Significant variations are as follows:

#### *Operating Statement*

- government payment for outputs: the increase of \$4.501 million in the 2009-10 Budget from the 2008-09 estimated outcome is mainly due to:
  - the receipt of appropriation in place of Commonwealth grants due to the Federal Financial Reforms (\$4.186 million); and
  - new initiatives (Homeless and Elder Law Project — \$0.144 million, ICT Resourcing — \$0.069 million).
- user charges — non ACT government: the increase of \$0.067 million in the 2008-09 estimated outcome from the original budget and the increase of \$0.042 million in the 2009-10 Budget from the 2008-09 estimated outcome is due to an expected increase in client contributions and recoveries.
- grants from the Commonwealth: the decrease of \$4.082 million in the 2009-10 Budget from the 2008-09 estimated outcome is due to grants from the Commonwealth being transferred to government payment for outputs, as explained above.

- interest:
  - the increase of \$0.393 million in the 2008-09 estimated outcome from the original budget is due to statutory interest received from the Law Society of the ACT being higher than expected (\$0.353 million), and investment earnings being higher than expected; and
  - the decrease of \$0.211 million in the 2009-10 Budget from the 2008-09 estimated outcome is due to the expectation that the earnings on the statutory interest account returning to expected levels, coupled with an expected reduction in cash term deposit balances and the flow on effect of lower interest rates.
- employee expenses:
  - the increase of \$0.207 million in the 2008-09 estimated outcome from the original budget is mainly due to an upwards revision to long service leave and annual leave provisions and the cost of back-filling staff on long-term leave; and
  - the increase of \$0.177 million in the 2009-10 Budget from the 2008-09 estimated outcome is mainly due to staffing related to new initiatives (\$0.213 million).
- supplies and services: the increase of \$0.4 million in the 2008-09 estimated outcome from the original budget and the increase of \$0.302 million in 2009-10 Budget from the 2008-09 estimated outcome are mainly due to an increase in the cost of services being provided by private legal practitioners, due to an increase in the complexity of some cases.
- depreciation and amortisation:
  - the decrease of \$0.017 million in the 2008-09 estimated outcome from the original budget is mainly due to a delay in the security upgrade and refurbishment of the Civic office and the upgrade of ICT infrastructure; and
  - the increase of \$0.129 million in 2009-10 Budget from the 2008-09 estimated outcome is mainly due to a number of capital initiatives, the security upgrade, an ICT infrastructure upgrade, and the Civic office.

### *Balance Sheet*

- cash and cash equivalents:
  - the increase of \$0.110 million in the 2008-09 estimated outcome from the original budget is mainly due to the net effect of an increase in cash due to the increase in interest received and client contributions levied, offset by a decrease in cash due to an increase in payments for supplies and services; and
  - the decrease of \$0.311 million in the 2009-10 Budget from the 2008-09 estimated outcome is mainly due to lower interest received, combined with the effect of increasing payments for supplies and services.
- current and non current receivables: the decrease of \$0.033 million in the 2008-09 estimated outcome from the original budget is mainly due to a decrease in the estimate of GST payable to the Australian Taxation Office.
- other current assets: the decrease of \$0.023 million in the 2008-09 estimated outcome from the original budget is mainly due to a decrease in prepayments.

- property, plant and equipment:
  - the decrease of \$0.047 million in the 2008-09 estimated outcome from the original budget is mainly due to delays with capital acquisitions; and
  - the increase of \$2.116 million in 2009-10 Budget from the 2008-09 estimated outcome is mainly due to the capital works program.
- current and non current finance leases: the increase of \$0.060 million in the 2008-09 estimated outcome from the original budget is due to motor vehicles now being acquired through finance leases rather than operating leases.
- other provisions: the increase of \$0.135 million in the 2008-09 estimated outcome from the original budget reflects an increase in the overall level of commitment to private legal practitioners.

#### *Cash Flow Statement*

Variations in the statement are explained in the notes above.

#### *Statement of Changes in Equity*

- capital injections:
  - the decrease of \$0.141 million in the 2008-09 estimated outcome from the original budget reflects the rollover of capital projects to 2008-09 to 2009-10; and
  - the increase of \$2.216 million in the 2009-10 Budget from the 2008-09 estimated outcome reflects the 2009-10 capital works program.