

LEGAL AID COMMISSION (ACT)

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.

Legal aid services include legal information, legal advice and minor assistance, duty lawyer services, grants of legal assistance (legally assisted cases), and community legal education.

The objective of the Commission is to maximise access to justice in the ACT by providing legal aid services through its staff, and through private legal practitioners paid by the Commission. Commission services are available to residents of the ACT and others who are involved in legal transactions or proceedings in the ACT.

2008-09 Priorities

Strategic and operational priorities to be pursued in 2008-09 include:

- negotiating a new ACT/Commonwealth Government funding agreement;
- improving the coordination of legal aid services with other community services in the ACT;
- developing outreach services to improve access for vulnerable and marginalised people to legal advice and assistance;
- reviewing and developing legal aid services in civil law matters;
- establishing a Prisoners' Legal Service at the new ACT prison;
- delivering a range of community legal education programs targeted to priority areas of need; and
- improving the range of electronic applications and data exchange systems available to clients, partners and other stakeholders.

Estimated Employment Level

| 2007-08 Budget | | 2007-08 Est. Outcome | 2008-09 Budget |
|---------------------------|-----------------------|---------------------------------|---------------------------|
| 56 | Staffing (FTE) | 52 | 53 |

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 ACT. This will be achieved by pursuing strategic goals aligned with the Commission's Mission statement.

The Strategic Indicators for the Commission in the 2008-09 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 co-ordination 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 ACT. To achieve this goal the Commission will target legal education programs to meet priority areas of need for legal education 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 ¹ | | Government Payment for Outputs | |
|---|-------------------------|------------------|--------------------------------|------------------|
| | 2007-08 | 2008-09 | 2007-08 | 2008-09 |
| | Est. Outcome \$'000 | Budget \$'000 | Est. Outcome \$'000 | Budget \$'000 |
| Output Class 1: Legal Aid Services² | 9,129 | 9,250 | 3,199 | 3,519 |
| Output 1.1: Legal Aid Services Provided by Private Legal Practitioners³ | 3,925 | 3,977 | 1,376 | 1,513 |

Notes:

1. Total cost includes depreciation of \$0.050 million in 2007-08 and \$0.091 million in 2008-09.
2. This output class has been renamed and was previously reported as 'Payments to Legal Practitioners' in the 2007-08 Budget papers.
3. This output class has been renamed and was previously reported as 'Payments to Private Legal Practitioners' in the 2007-08 Budget papers.

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 with the private legal practitioners.

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 | |
|--|------------------------|------------------|--------------------------------|------------------|
| | 2007-08 | 2008-09 | 2007-08 | 2008-09 |
| | Est. Outcome \$'000 | Budget \$'000 | Est. Outcome \$'000 | Budget \$'000 |
| Output 1.2: Legal Aid Services Provided by Commission Staff¹ | 5,204 | 5,273 | 1,823 | 2,006 |

Note:

1. This output class has been renamed and was previously reported as 'In-house Legal Payments' in the 2007-08 Budget papers.

Output Description

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

Accountability Indicators

| | 2007-08 Targets | 2007-08 Est. Outcome | 2008-09 Targets |
|---|--------------------|-------------------------|--------------------|
| Output Class 1: Legal Aid Services | | | |
| Output 1.1: Legal Aid Services Provided by Private Legal Practitioners | | | |
| a. Total number of legal advice services provided in person. ^{1,2} | n/a | n/a | 300 |
| b. Total number of duty lawyer services provided ^{1,3} | n/a | n/a | 480 |
| c. Grants referred to Private Practitioners ^{4,5} | 1,420 | 1,460 | 1,450 |

Notes:

1. New measures.
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. 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.
4. This measure was previously reported as 'Grants Made' in the 2007-08 Budget papers. The name has been changed to better reflect the actual output being measured.
5. 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.

| | 2007-08 Targets | 2007-08 Est. Outcome | 2008-09 Targets |
|--|--------------------|-------------------------|--------------------|
| Output 1.2: Legal Aid Services Provided by Commission Staff | | | |
| a. Total number of information and referral services provided ¹ | n/a | n/a | 18,000 |
| b. Total number of legal advice and minor assistance services provided in person ^{1,2} | n/a | n/a | 2,700 |
| c. Total number of legal advice and minor assistance services provided by telephone ^{1,2} | n/a | n/a | 7,000 |
| d. Total number of duty lawyer services provided ^{1,3} | n/a | n/a | 2,720 |
| e. Total number of people participating in community legal education activities ^{1,4} | n/a | n/a | 3,500 |
| f. Grants referred to Commission staff ^{5,6} | 1,130 | 1,190 | 1,200 |

Notes:

1. New measures.
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. 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.
4. 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
5. This measure was previously reported as 'Grants Made' in the 2007-08 Budget papers. The name has been changed to better reflect the actual output being measured.
6. 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.

Changes to Appropriation

Changes to Appropriation

| | 2007-08 | 2008-09 | 2009-10 | 2010-11 | 2011-12 |
|---|--------------|--------------|--------------|--------------|--------------|
| Government Payment for Outputs | Est. Out. | Budget | Estimate | Estimate | Estimate |
| | \$'000 | \$'000 | \$'000 | \$'000 | \$'000 |
| 2007-08 Budget | 3,199 | 3,347 | 3,466 | 3,603 | 3,603 |
| 2008-09 Budget Policy Adjustments | | | | | |
| Prisoners' Legal Service and Expanded Criminal Duty Lawyer Service | - | 148 | 152 | 153 | 154 |
| Security, ICT and Business Continuity Upgrade | - | 16 | - | - | - |
| 2008-09 Budget Technical Adjustments | | | | | |
| Revised Indexation Parameters | - | 8 | 8 | 9 | 78 |
| 2008-09 Budget | 3,199 | 3,519 | 3,626 | 3,765 | 3,835 |

Changes to Appropriation

| | 2007-08 | 2008-09 | 2009-10 | 2010-11 | 2011-12 |
|---|-----------|------------|----------|----------|----------|
| Capital Injections | Est. Out. | Budget | Estimate | Estimate | Estimate |
| | \$'000 | \$'000 | \$'000 | \$'000 | \$'000 |
| 2007-08 Budget | - | - | - | - | - |
| 2008-09 Budget Policy Adjustments | | | | | |
| Prisoners' Legal Service and Expanded Criminal Duty Lawyer Service | - | 25 | - | - | - |
| Security, ICT and Business Continuity Upgrade | - | 169 | - | - | - |
| 2008-09 Budget | - | 194 | - | - | - |

2008-09 Capital Works Program

Departmental

| | Estimated | Estimated | 2008-09 | 2009-10 | 2010-11 | Expected |
|--|------------|-------------|------------|-----------|-----------|------------|
| | Total | Expenditure | Financing | Financing | Financing | Completion |
| | Cost | Pre 2008-09 | | | | Date |
| | \$'000 | \$'000 | \$'000 | \$'000 | \$'000 | |
| New Capital Works | | | | | | |
| Security, ICT and Business Continuity Upgrade | 169 | - | 169 | - | - | Jun 2009 |
| Total New Capital Works | 169 | - | 169 | - | - | |
| Total Departmental Capital Works | 169 | - | 169 | - | - | |

Commonwealth Grants

The major Commonwealth payments for which Legal Aid Commission (ACT) has responsibility for are:

| Name of Grant | Activities Funded by Grant | 2008-09 Estimate \$'000 |
|--|--|--|
| Payment for Commonwealth Outputs | Provision of various Commonwealth related services | 3,980 |
| Family Dispute Resolution ¹ | Provision of the Family Dispute Resolution program | 104 |
| Total | | 4,084 |

Note:

1. Family Dispute Resolution was previously known as Primary Dispute Resolution.

**Legal Aid Commission (ACT)
Operating Statement**

| 2007-08 Budget \$'000 | | 2007-08 Est.Outcome \$'000 | 2008-09 Budget \$'000 | Var % | 2009-10 Estimate \$'000 | 2010-11 Estimate \$'000 | 2011-12 Estimate \$'000 |
|--------------------------------------|--------------------------------------|---|--------------------------------------|------------------|--|--|--|
| Income | | | | | | | |
| Revenue | | | | | | | |
| 3,199 | Government Payment for Outputs | 3,199 | 3,519 | 10 | 3,626 | 3,765 | 3,835 |
| 360 | User Charges - Non ACT Government | 265 | 250 | -6 | 359 | 359 | 359 |
| 3,984 | Grants from the Commonwealth | 3,984 | 4,084 | 3 | 4,186 | 4,290 | 4,395 |
| 878 | Interest | 1,496 | 1,446 | -3 | 878 | 878 | 878 |
| 8,421 | Total Revenue | 8,944 | 9,299 | 4 | 9,049 | 9,292 | 9,467 |
| Gains | | | | | | | |
| 0 | Total Gains | 0 | 0 | - | 0 | 0 | 0 |
| 8,421 | Total Income | 8,944 | 9,299 | 4 | 9,049 | 9,292 | 9,467 |
| Expenses | | | | | | | |
| 3,636 | Employee Expenses | 3,839 | 4,111 | 7 | 3,816 | 3,865 | 3,916 |
| 577 | Superannuation Expenses | 606 | 651 | 7 | 602 | 610 | 619 |
| 4,951 | Supplies and Services | 4,564 | 4,327 | -5 | 4,432 | 4,618 | 4,733 |
| 50 | Depreciation and Amortisation | 50 | 91 | 82 | 125 | 125 | 120 |
| 70 | Other Expenses | 70 | 70 | - | 70 | 70 | 70 |
| 9,284 | Total Ordinary Expenses | 9,129 | 9,250 | 1 | 9,045 | 9,288 | 9,458 |
| -863 | Operating Result | -185 | 49 | 126 | 4 | 4 | 9 |

**Legal Aid Commission (ACT)
Balance Sheet**

| Budget as at 30/6/08 \$'000 | | Est.Outcome as at 30/6/08 \$'000 | Planned as at 30/6/09 \$'000 | Var % | Planned as at 30/6/10 \$'000 | Planned as at 30/6/11 \$'000 | Planned as at 30/6/12 \$'000 |
|--|--------------------------------------|--|------------------------------------|------------|------------------------------------|------------------------------------|------------------------------------|
| Current Assets | | | | | | | |
| 1,688 | Cash and Cash Equivalents | 2,648 | 2,598 | -2 | 2,676 | 2,754 | 2,832 |
| 449 | Receivables | 208 | 209 | .. | 210 | 211 | 212 |
| 118 | Other | 145 | 145 | - | 145 | 145 | 145 |
| 2,255 | Total Current Assets | 3,001 | 2,952 | -2 | 3,031 | 3,110 | 3,189 |
| Non Current Assets | | | | | | | |
| 183 | Receivables | 48 | 48 | - | 48 | 48 | 48 |
| 8 | Property, Plant and Equipment | 36 | 350 | 872 | 275 | 200 | 130 |
| 191 | Total Non Current Assets | 84 | 398 | 374 | 323 | 248 | 178 |
| 2,446 | TOTAL ASSETS | 3,085 | 3,350 | 9 | 3,354 | 3,358 | 3,367 |
| Current Liabilities | | | | | | | |
| 681 | Payables | 493 | 493 | - | 493 | 493 | 493 |
| 915 | Employee Benefits | 801 | 821 | 2 | 821 | 821 | 821 |
| 0 | Other Provisions | 159 | 159 | - | 159 | 159 | 159 |
| 1,596 | Total Current Liabilities | 1,453 | 1,473 | 1 | 1,473 | 1,473 | 1,473 |
| Non Current Liabilities | | | | | | | |
| 56 | Employee Benefits | 27 | 29 | 7 | 29 | 29 | 29 |
| 56 | Total Non Current Liabilities | 27 | 29 | 7 | 29 | 29 | 29 |
| 1,652 | TOTAL LIABILITIES | 1,480 | 1,502 | 1 | 1,502 | 1,502 | 1,502 |
| 794 | NET ASSETS | 1,605 | 1,848 | 15 | 1,852 | 1,856 | 1,865 |
| REPRESENTED BY FUNDS EMPLOYED | | | | | | | |
| 344 | Accumulated Funds | 1,234 | 1,477 | 20 | 1,481 | 1,485 | 1,494 |
| 450 | Reserves | 371 | 371 | - | 371 | 371 | 371 |
| 794 | TOTAL FUNDS EMPLOYED | 1,605 | 1,848 | 15 | 1,852 | 1,856 | 1,865 |

**Legal Aid Commission (ACT)
Cash Flow Statement**

| 2007-08 Budget \$'000 | | 2007-08 Est.Outcome \$'000 | 2008-09 Budget \$'000 | Var % | 2009-10 Estimate \$'000 | 2010-11 Estimate \$'000 | 2011-12 Estimate \$'000 |
|---|--|----------------------------------|-----------------------------|------------|-------------------------------|-------------------------------|-------------------------------|
| CASH FLOWS FROM OPERATING ACTIVITIES | | | | | | | |
| Receipts | | | | | | | |
| 3,199 | Cash from Government for Outputs | 3,199 | 3,519 | 10 | 3,626 | 3,765 | 3,835 |
| 360 | User Charges | 265 | 250 | -6 | 359 | 359 | 359 |
| 878 | Interest Received | 1,496 | 1,446 | -3 | 878 | 878 | 878 |
| 3,984 | Grants Received from the Commonwealth | 3,984 | 4,084 | 3 | 4,186 | 4,290 | 4,395 |
| 176 | Other Revenue | 176 | 176 | - | 176 | 176 | 176 |
| 8,597 | Operating Receipts | 9,120 | 9,475 | 4 | 9,225 | 9,468 | 9,643 |
| Payments | | | | | | | |
| 4,069 | Related to Employees | 4,308 | 4,621 | 7 | 4,299 | 4,356 | 4,416 |
| 5,067 | Related to Supplies and Services | 4,674 | 4,446 | -5 | 4,551 | 4,737 | 4,852 |
| 247 | Other | 247 | 247 | - | 247 | 247 | 247 |
| 9,383 | Operating Payments | 9,229 | 9,314 | 1 | 9,097 | 9,340 | 9,515 |
| -786 | NET CASH INFLOW/(OUTFLOW) FROM OPERATING ACTIVITIES | -109 | 161 | 248 | 128 | 128 | 128 |
| CASH FLOWS FROM INVESTING ACTIVITIES | | | | | | | |
| Payments | | | | | | | |
| 0 | Purchase of Property, Plant and Equipment | 0 | 405 | # | 50 | 50 | 50 |
| 0 | Investing Payments | 0 | 405 | # | 50 | 50 | 50 |
| 0 | NET CASH INFLOW/(OUTFLOW) FROM INVESTING ACTIVITIES | 0 | -405 | # | -50 | -50 | -50 |
| CASH FLOWS FROM FINANCING ACTIVITIES | | | | | | | |
| Receipts | | | | | | | |
| 0 | Capital Injection from Government | 0 | 194 | # | 0 | 0 | 0 |
| 0 | Financing Receipts | 0 | 194 | # | 0 | 0 | 0 |
| 0 | NET CASH INFLOW/(OUTFLOW) FROM FINANCING ACTIVITIES | 0 | 194 | # | 0 | 0 | 0 |
| -786 | NET INCREASE/(DECREASE) IN CASH HELD | -109 | -50 | 54 | 78 | 78 | 78 |
| 2,474 | CASH AT BEGINNING OF REPORTING PERIOD | 2,757 | 2,648 | -4 | 2,598 | 2,676 | 2,754 |
| 1,688 | CASH AT THE END OF THE REPORTING PERIOD | 2,648 | 2,598 | -2 | 2,676 | 2,754 | 2,832 |

Legal Aid Commission (ACT) Statement of Changes in Equity

| Budget as at 30/6/08 \$'000 | | Est.Outcome as at 30/6/08 \$'000 | Planned as at 30/6/09 \$'000 | Var % | Planned as at 30/6/10 \$'000 | Planned as at 30/6/11 \$'000 | Planned as at 30/6/12 \$'000 |
|-----------------------------------|--|--|------------------------------------|----------|------------------------------------|------------------------------------|------------------------------------|
| 1,657 | Opening Balance | 1,790 | 1,605 | -10 | 1,848 | 1,852 | 1,856 |
| | Accumulated Funds | | | | | | |
| -863 | Operating Result for the Period | -185 | 49 | 126 | 4 | 4 | 9 |
| | Reserves | | | | | | |
| -863 | Total Income And Expense For The Period | -185 | 49 | 126 | 4 | 4 | 9 |
| | Transactions Involving Equity Holders Affecting Accumulated Funds | | | | | | |
| 0 | Capital Injections | 0 | 194 | # | 0 | 0 | 0 |
| 794 | Closing Balance | 1,605 | 1,848 | 15 | 1,852 | 1,856 | 1,865 |

Notes to the Budget Statements

Significant variations are as follows:

Operating Statement

- government payment for outputs: the increase of \$0.320 million in the 2008-09 Budget from the 2007-08 estimated outcome is due mainly to the establishment of a Prisoners' Legal Service at the Alexander Maconochie Centre (AMC), expanding the existing duty lawyer service at the ACT Magistrates Court and indexation.
- user charges - non ACT Government: the decrease of \$0.095 million in the 2007-08 estimated outcome from the original budget is due to a decrease in client contributions and recoveries.
- grants from the Commonwealth: the increase of \$0.1 million in the 2008-09 Budget from the 2007-08 estimated outcome is due to revised indexation parameters.
- interest: the increase of \$0.618 million in the 2007-08 estimated outcome from the original budget is due to statutory interest received from the Law Society of the ACT being higher than anticipated, combined with investment earnings being higher than expected.
- employee and superannuation expenses:
 - the increase of \$0.232 million in the 2007-08 estimated outcome from the original budget is due to higher than anticipated costs of replacing staff on maternity, sick and long service leave, combined with higher than expected costs of recruiting new staff; and
 - the increase of \$0.317 million in the 2008-09 Budget from the 2007-08 estimated outcome is mainly due to the establishment a Prisoners' Legal Service at the AMC and expansion of the duty lawyer service at the ACT Magistrates Court, wage increases and the impact of services that are currently outsourced being brought back in-house.

- supplies and services:
 - the decrease of \$0.387 million in the 2007-08 estimated outcome from the original budget is mainly due to a decrease in payments made to Private Practitioners; and
 - the decrease of \$0.237 million in the 2008-09 Budget from the 2007-08 estimated outcome is mainly due to the impact of services that are currently outsourced being brought back in-house.
- depreciation and amortisation: the increase of \$0.041 million in the 2008-09 Budget from 2007-08 estimated outcome is mainly due to a security upgrade and refurbishment of the Civic premises and the upgrade of ICT infrastructure.

Balance Sheet

- cash and cash equivalents: the increase of \$0.960 million in the 2007-08 estimated outcome from the original budget is mainly due to higher than expected interest revenues and a decrease in payments made to Private Practitioners.
- current receivables: the decrease of \$0.241 million in the 2007-08 estimated outcome from the original budget is mainly due to a decrease in GST receivables and ACT Government receivables.
- non-current receivables: the decrease of \$0.135 million in the 2007-08 estimated outcome from the original budget is due to a reduction in the level of client contributions, together with the impact of bad debts written off.
- property, plant and equipment: the increase of \$0.314 million in the 2008-09 Budget from the 2007-08 estimated outcome is mainly due to the planned security upgrade and refurbishment and the upgrade of ICT infrastructure.
- current payables: the decrease of \$0.188 million in the 2007-08 estimated outcome from the original budget mainly reflects the decrease in payments being made to Private Practitioners.
- current and non-current employee benefits: the decrease of \$0.143 million in the 2007-08 estimated outcome from the original budget is due to a reduction in annual and long service leave provisions due to the departure of senior staff.
- other provisions current: the increase of \$0.159 million in the 2007-08 estimated outcome from the original budget is due a change in the methodology for estimating amounts payable to Private Practitioners.

Cash Flow Statement

The major variations in the Cash Flow Statement in the 2007-08 estimated outcome from the original budget and in the 2008-09 Budget from the 2007-08 estimated outcome are explained within the notes to the Operating Statement above.

Statement of Changes in Equity

Variances in the statement are explained in the notes above.