

# Victoria Legal Aid



Seventh Statutory Annual Report | 2001-2002



The Hon Attorney-General  
55 St Andrews Place  
MELBOURNE 3000

30 September 2002

Dear Attorney

I am pleased to present Victoria Legal Aid's Seventh Statutory Annual Report for the year 2001-2002.

Throughout the year Victoria Legal Aid continued to provide high levels of legal aid services to the Victorian community while continuing to strictly control operating costs.

Full details of VLA's activities for the year are set out in the accompanying reports and financial statements.

Yours faithfully

A handwritten signature in black ink that reads 'Howie'.

JOHN HOWIE  
Chairperson

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# chairperson's report

I was appointed to the Chair of VLA's Board in December 2001 after Jonathan Mott completed his term of appointment in this position. During his three years at VLA's helm, the organisation provided the community with very significant gains in the levels of legal aid services without significant increases in expenditure. I extend the gratitude and appreciation of all at VLA to Mr Mott for his valued contribution to VLA's important work.

## Year in perspective

2001–2002 has been a fine year for VLA. Some of the highlights of the year's operations are as follows:

### BUDGET

VLA finished the year with a budget surplus of \$5.8m after expenditure for the year of \$70m. This surplus is comprised of \$1.7m State and \$4.1m Commonwealth.



Advice, telephone information and community legal education services are available to any member of the community and are always in high demand

### GRANTS OF ASSISTANCE

The number of grants of legal aid remained steady this year at 36,450 (36,345 in 2000–2001). The jump in approvals of approximately 1,000 grants from 1999–2000 to 2000–2001 has not reversed this year.

Notwithstanding similar grant numbers this year, expenditure on grants of aid has increased by \$3.6m to \$36.8m. This reflects an increase in the number of grants of aid for more expensive family law matters. This follows a deliberate program to increase the number of grants of aid in this largely Commonwealth funded area of activity.

### DUTY LAWYER SERVICES

This year VLA provided a record 47,796 duty lawyer services to the Victorian community, an increase of 3260 services from last year. This very pleasing increase arises firstly because of the establishment of a new service at the Melbourne registry of the Victorian Civil and Administrative Tribunal (1511 services) and secondly because of increased duty lawyer operations in the Magistrates' Court (an increase of 1515 services). The latter increase reflects reductions in administrative workloads of our in-house regional lawyers, giving them more time to extend their commitment to duty lawyer services in the Magistrates' Court.

There has also been increased demand for duty lawyer services in the Magistrates' Court as a result of the high in-custody remand rate and overcrowding in police cells which have been persistent issues for our duty lawyers over the year.

### LEGAL ADVICE, INFORMATION & EDUCATION

VLA also provided substantially more face to face legal advice sessions to the community this year with 37,039 sessions being recorded (34,000 in 2000–2001). There has also been a significant increase in the number of legal education publications provided to the community as well as the number of legal information services provided through VLA's multilingual call centre.

Although grants of legal aid are largely confined to criminal and family law matters, VLA's legal advice, telephone information and community legal education services cover many areas of law, are available to any member of the community and are always the subject of very high demand. These services are a way for the organisation to provide some assistance in civil and other areas of law where we are unable, for budgetary reasons, to provide grants of legal aid.

### STAFF ESTABLISHMENT

VLA increased staffing levels this year from 326 full time positions at the beginning of the year to just over 350 at year's end. Of the 24 new positions, 21 are legal positions. The increased full time positions have, therefore, significantly increased VLA's capacity to deliver legal services with a relatively small increase in administration salaries.

### THREE YEAR STRATEGIC PLAN

With the commitment and contribution of the majority of VLA's staff, the organisation this year developed a three year strategic plan. The plan is a document primarily for the use of VLA. It articulates our vision and values and addresses the organisation's approach over the medium term to how we will best serve our clients, our people and our stakeholders in the justice system. It is a living, flexible plan that will provide VLA with a map and compass for the next three years.

### COMMONWEALTH FUNDING AGREEMENT

This year VLA completed the first of a three year funding agreement with the Commonwealth Government. The agreement secures Commonwealth funding until 30 June 2004. The Commonwealth funds enable VLA to provide Commonwealth law legal aid services to the community. These services fall mainly in the area of family law. VLA's service outputs under the agreement either were met or were close to targets and were within budget.

### CHANGES OF SENIOR PERSONNEL

Andrew Home completed two terms of appointment adding up to nearly five years as a member of VLA's board. Mr Home brought considerable expertise and experience in the areas of business and financial management to the operations of the board and I thank him for his contribution to VLA. Maria Wilton has joined the board as a member with financial management experience.

Fiona Sinnamon came to VLA to take up the position of manager of VLA's Criminal Law Division, replacing Nick Papas who resigned to resume a career in radio. Judith Sharples was promoted to the position of manager of the Family, Youth and Civil Law Division following Kay Robertson's appointment as Solicitor of Public Prosecutions.

### INDEPENDENT REVIEWERS

I welcome Messrs Denny Meadows, Ron Beasley and Ms Andrea Treble who joined Mr Martin Ravech QC on VLA's panel of independent reviewers this year. Mr Meadows has been appointed as Chair of the panel. VLA's panel of independent reviewers plays a very important role by providing unsuccessful applicants for legal aid with an independent and speedy avenue of appeal from a decision of a VLA officer about the application for legal assistance.

## Challenges for VLA

VLA must address a number of challenges that continue to confront our capacity to deliver legal aid services to the community.

Expenditure on grants of legal aid for State and Commonwealth law legal aid services continues to rise. In respect of Commonwealth operations this is a desirable outcome recognising the healthy level of VLA's Commonwealth reserves. However, the pressure on State law case expenditure remains a concern.

Significant increases in the staff establishment of the Victoria Police (800 new police officers over the last three years) and the Department of Human Services who prosecute child protection applications in the Children's Court (60 new child protection workers are currently being recruited) are expected to place further pressure on VLA's State revenue operations. Expenditure on these operations will be closely monitored.

The private legal profession undertakes two thirds of all legally aided cases. The fees paid to the profession for Magistrates' Court criminal law cases have not increased since 1993 and the profession has communicated its concern about the level of fees. Whilst VLA has a duty to purchase legal services from the profession at the best price, our research indicates that many experienced practitioners are now unwilling to do legal aid work because of the level of fees. Inevitably this must have an impact on the quality of legal aid services provided to our community and the efficiency with which these cases flow through the justice system.

Commonwealth funded family law cases are also funded well below the market rate with the result that large sections of metropolitan Melbourne and regional Victoria no longer have practitioners willing to undertake these cases. Whilst VLA's vigorous program over the last two years of recruitment of in-house family lawyers helps address the problem, the organisation has only 12 offices in Victoria and conflict of interest prevents VLA acting in many matters. Access to family lawyers is therefore a growing difficulty for many disadvantaged members of the community.

These issues will continue to be the subject of discussion with the State and Commonwealth Governments.

I wish to acknowledge with gratitude the assistance I have received from my colleagues on the board since my appointment to the Chair. I also wish to recognise the commitment and professionalism of staff and thank them for their contribution to a most successful year.



John Howie  
Chairperson


# managing director's report

2001-2002 was a very successful year for Victoria Legal Aid.

## Budget overview

The organisation concluded the year with a surplus of \$5.8m (\$8.4m in 2000-2001) of which \$4.1m was a surplus of Commonwealth funding and \$1.7m of State. Towards the end of the year the interim surplus projection was considerably smaller with a projected surplus of just \$2.7m (\$1.3m Commonwealth, \$1.4m State). However, two factors significantly added to the surplus at year's end.

Firstly, VLA received an actuarial assessment of the net present value of outstanding legal debtors (client debt to VLA) which required a recoverable amount increase of \$2m to revenue and client contribution receivables. This assessment reflects a 25 per cent greater than expected level of repayment in 2001-2002, which occurred as a result of the implementation of improved collection methods.



I am continually impressed by the high levels of diligence, commitment and professionalism demonstrated by VLA's people as they strive to improve access to justice

Secondly, VLA received a State Treasurer's advance of \$1.4m on 7 May 2002. This special capital funding was provided to acquire video conferencing infrastructure for VLA (\$850k), update a number of VLA publications (\$117k), provide Victorian community legal centres (CLCs) with additional capital equipment and upgrade CLC online facilities (\$430k). By year's end \$1.1m had not been expended. Accounting standards required VLA to recognise this unexpended \$1.1m as revenue which was added directly to the surplus.

Total revenue was higher by \$5m this year (\$75.8m) compared to 2000-2001 (\$70.8m). This additional revenue comprised a mix of recurrent and one-off income from State and Commonwealth Governments for VLA and for Victorian CLCs, whose funding is sourced from government but administered by VLA. The additional revenue also included additional income generated by VLA.

The State Government increased recurrent revenue to VLA by \$1.5m of which \$0.7m was passed on to 26 of the 34 CLCs. In addition, the State provided \$1.9m one-off capital works funding which includes the abovementioned Treasurer's advance. Of this capital works funding, \$0.9m was expended on CLCs with a major upgrade of IT infrastructure and other capital works required by the sector. The remaining \$1m for capital works provides for the acquisition of a high quality video conferencing network to be installed across VLA's 12 offices as well as the translation into targeted languages of a number of VLA's key community legal education publications. In addition, the State Government this year indirectly provided VLA with additional one-off operating revenue of \$0.8m from the Legal Practice Board's Public Purpose Fund.

The Commonwealth provided VLA with a one-off grant of \$0.2m to assess and report on the State's family law primary dispute resolution resources in the context of economically disadvantaged Victorians who would be eligible for legal assistance in family law matters.

Finally, VLA generated revenue of \$9.7m from a number of sources including the collection of client debt and legal costs. This represents a \$0.6m increase on 2000-2001.

## Service provision

As illustrated in Table 1, VLA surpassed all service output targets this year with a number of key service objectives exceeded by significant margins. The organisation approved 36,450 new grants of legal aid (target 35,200), provided additional court representation via 47,796 duty lawyer services (target 46,500) and provided the community with 37,039 legal advice sessions (target 37,000). In addition, VLA's multilingual telephone information service provided 71,470 legal information sessions in over 14 different languages (target 66,000) and in the course of undertaking its program of community education, over 341,000 publications (target 310,000) covering a diverse range of legal issues were distributed by VLA to the community.

These service levels were achieved well within this year's budget and reflect the great commitment of VLA staff to providing the highest possible numbers of legal aid services to the Victorian community in an effective, efficient and economic way.

## COMMONWEALTH FUNDED SERVICES

VLA continued a program commenced in 2000-2001 to expand legal aid services funded by the Commonwealth in order to utilise a pool of Commonwealth funding reserves that have accumulated over the past five years. The legal aid funding agreement between VLA and the Commonwealth confines VLA's expenditure of Commonwealth revenue to Commonwealth law legal aid services, principally matters in the family law jurisdiction.

The program is proving successful. This year VLA increased the number of grants of aid for Commonwealth funded family law matters by 3 per cent. Expenditure on all grants of legal aid increased by \$3.6m this year and most of this increased expenditure funded the increase in family law grants approved in the last two years. In addition, VLA appointed seven new in-house family lawyers, four of whom are located in VLA's regional offices and three in Queen Street.

For the first time since 1997, VLA's expenditure this year on Commonwealth law legal aid services exceeded by approximately \$1m the annual grant provided by the Commonwealth. Notwithstanding this level of expenditure, VLA finished the year with a Commonwealth surplus because of additional income which was generated by VLA but attributed to the Commonwealth.

This additional revenue includes the recognition of client debt and interest earned on the investment of the Commonwealth surplus.

In the coming year, VLA shall continue to find innovative ways to maximise access by the community to legal aid services funded by the Commonwealth Government.

## New and expanded services

### DUTY LAWYER SERVICES

During the year VLA commenced a number of new duty lawyer services. Schemes funded by VLA but conducted by VLA accredited local legal practitioners have been established in Horsham, Ararat and Stawell. A new duty lawyer service was also established at Cobram and this program is operated solely by VLA lawyers.

In addition, in October 2001 VLA commenced a duty lawyers service in the Melbourne registry of the Victorian Civil and Administrative Tribunal (VCAT). This service, provided by staff from VLA's Family, Youth and Civil Law Division, has been extremely busy with service delivery concentrating on the residential tenancy, guardianship and administration lists of VCAT.

TABLE 1: REPORT ON OPERATIONS COMPARING OUTPUT TARGETS WITH PERFORMANCE

OUTPUT & PERFORMANCE MEASURES	MEASURE	2001/02 ACTUAL	2001/02 TARGET <sup>1</sup>
New applications for Grants of Legal Assistance approved	number	36,450	35,200
Duty lawyer services <sup>2</sup>	number	47,796	46,500
Legal advice (and minor work) <sup>3</sup>	number	37,039	37,000
MTIS (telephone information) <sup>4</sup>	number	71,470	66,000
Publications distributed (includes printed and down loaded) <sup>5</sup>	number	341,763	310,000
% Applications for assistance processed same or following day <sup>6</sup>	%	53.76	65
% Applications for assistance processed within 5 days	%	69.80	82
% Applications for assistance processed within 10 days	%	79.81	92
% Applications for assistance processed within 15 days	%	85.07	95

Source: VLA Corporate Reports: Financial Year 2001-2002, VLA Business Plan 2001-2002

1. The Commonwealth and State Governments set annual performance targets. The Commonwealth set targets in relation to the expenditure of grants of legal assistance for Commonwealth matters, and the State in relation to matters arising under state law. On the basis of these, funding and internal policy decisions, the VLA board set annual performance targets.
2. Total of services provided by VLA staff and through the private practitioner scheme.
3. Minor work files conducted without a grant of assistance as distinct from "advice" files make up 7614 of the total. Regional Offices division conducted 7003 minor work files Excludes telephone advice
4. Multilingual Telephone Information Service total
5. Community Legal Education section total
6. Time taken to process applications excludes pending matters where VLA seeks further information.

# managing director's report



## DRUG COURT

VLA is involved in the State Government's Drug Court Pilot operating at Dandenong Court. VLA's Jill Fischer has joined the Drug Court team, providing legal representation for defendants placed on drug treatment orders. The Drug Court philosophy is to assist chaotic, long-term drug abusers who fall into the criminal justice system to find a path away from the misery of dependence by providing intense supervision and high level psycho-social supports and therapies. VLA is delighted to be contributing to this innovative program.

## NEW AND IMPROVED PREMISES

In July 2001 State Attorney-General Rob Hulls opened VLA's refurbished office in Morwell. The premises had grown very old and tired, had presented a number of occupational health and safety risks and was not meeting the requirements of either VLA staff or the local community. The refurbished building provides the Gippsland community with a modern, light filled, functional facility which is equal to or exceeds the standard of facilities of other Victorian regions.

The lease on our Sunshine premises in Withers Street, which has been the regional home for Legal Aid for over 25 years, came to an end this year. As the Sunshine Court and local police have moved to a new, large complex in Ballarat Road, VLA also secured new office accommodation nearby. Our relocated Sunshine office will be officially opened early in the new year.

Consistent with the recommendations of the Victorian Parliament Law Reform Committee's *Review of Legal Services in Rural and Regional Victoria*, VLA's plans are well advanced to launch a new regional office in Shepparton.

An excellent site two doors from the local court complex has been secured and has been fitted out. Staff have been recruited and the official opening of this office, the first new VLA regional office in over a decade, is on schedule for early in the new financial year.

## Changes to the way we work

### KCR DIVISION RETIRES

VLA's Knowledge and Community Resources (KCR) Division has been the home of a variety of disparate services, some of which have an internal and others an external focus. There had been few operational links connecting the different sections. This year KCR was disbanded. The work teams have been relocated to positions within VLA that provide a higher degree of operational synergy with the work of each section.

Professional Legal Education was relocated to Human Resources, the CLC program manager is now within the Regional Offices Division and the precedents manager now reports to the practice divisions.

The Library, Community Legal Education Section and our Multilingual Telephone Information Service all have significant external communications functions and accordingly are now located in the Directorate and are reporting to me.

### NEW INTRANET

Planet VLA<sup>net</sup>, VLA's new intranet, was rolled out in April this year. The new online facility provides staff with a powerful information delivery and communication tool. It is the portal for online access by staff to VLA internal documentation such as HR policies, personnel information (pay advice, self service leave applications, etc), research tools (including access to the electronic library) and news and social sections where staff can engage in online discussions about various issues. The new intranet provides VLA with a much more effective and efficient platform for cross organisational communication.

### CHANGES TO GRANTS OPERATIONS

During the year most regional office grants operations were centralised to the Queen Street office as was the client debt management function with completion of centralisation scheduled for early 2002–2003. All applications for legal aid now come directly to Queen Street. These changes assist in achieving a greater level of consistency of service in grants and finance matters and pave the way for the introduction of online applications for legal aid.

## Government grants: 2002-2003

VLA has a funding agreement with the Commonwealth Government until 30 June 2004 that provides a fixed annual Commonwealth grant to VLA of \$27.8m. This will be the Commonwealth allocation to VLA in 2002-2003.

The May 2002 State Budget announced an allocation to VLA of \$32.5m (\$29.3m in 2001-2002). Of the \$3.2m increase, \$2.5m is a one off, repayable allocation from the State Government to undertake a significant program of infrastructure replacement and redevelopment. This program will enable VLA to achieve significant operational efficiencies that will generate sufficient savings to enable the loan to be repaid over the next five years.

Of the \$0.7m balance of the funding increase, \$0.5m is provided to enable VLA to approve an additional 650 grants of legal aid in the Magistrates' Court to provide representation for prosecutions that are expected to flow from the State's raft of new road safety initiatives. The remaining \$0.2m will be provided to CLCs to enable them to address enterprise agreement pay adjustments for their staff.

VLA will also receive \$7.6m indirectly from the State Government through the Legal Practice Board's Public Purpose Fund, an increase of \$1.1m compared to revenue from the Fund in 2001-2002.

## Amendment to the Legal Aid Act

In November 2001 assent was given to the *Legal Aid (Amendment) Act* 2001. This Act amends the *Legal Aid Act* 1978 to protect VLA's client debt from the operation of the *Limitation of Actions Act* 1958.

Where a recipient of legal aid has equity in real property such as the family home, VLA will secure the funds expended on legal services provided to the recipient with an equitable charge and caveat over the property. When the ownership of the property changes or if the property is re-financed, VLA requires repayment of the funds expended on behalf of the legal aid recipient. This arrangement essentially provides the legal aid recipient with a long term, interest free loan for the provision of legal services until the property changes hands. It also ensures that those who can afford to repay VLA for services rendered do so, making additional funds available for use by other needy members of the community.

VLA has a significant asset in client debt which is older than 15 years. The *Limitation of Actions Act* 1958 threatened VLA's capacity to enforce repayment of any debt over 15 years old.

The amending Act preserves VLA's right to recover, notwithstanding the effluxion of 15 years.

VLA is indebted to the Attorney-General, Rob Hulls, and the Department of Justice for this important legislative reform and for the support willingly and generously provided to VLA throughout this year.

I also wish to acknowledge and thank all VLA staff for their individual contributions to a most successful year for Legal Aid in the State of Victoria. I am continually impressed by the high levels of diligence, commitment and professionalism demonstrated by VLA's people as the organisation strives to improve access to justice for the Victorian community.



Tony Parsons  
Managing Director

# introducing victoria legal aid

Victoria Legal Aid is an independent statutory authority established by the *Legal Aid Act 1978* ('the Act'). It is governed by a five member board of directors and the Attorney-General is the responsible minister. VLA replaced the Legal Aid Commission of Victoria (established in 1981) as a publicly owned operation in 1995.

The former Commission had inherited the legal aid functions of the Public Solicitor's Office, the Commonwealth Australian Legal Aid Office and the Legal Aid Committee.

The Legal Aid Committee, composed of nominees of the Law Institute of Victoria and the Victorian Bar Council, was established in 1964 as a self-funding entity. The Public Solicitor's Office was established in 1928 to meet the costs of legal defence for the very poor. The Australian Legal Aid Office was established in 1973.

The creation of legal aid commissions in all Australian states and territories in the 1970's combined with the growth of the community

## Objectives, functions, powers & duties

The objectives of VLA, as defined by section 4 of the Act, are to:

- provide legal aid in the most effective, economic and efficient manner
- manage its resources to make legal aid available at a reasonable cost to the community and on an equitable basis throughout the state
- provide to the community improved access to justice and legal remedies
- pursue innovative means of providing legal aid directed at minimising the need for individual legal services in the community.

The functions of VLA are to provide legal aid in accordance with the Act and to control and administer the Legal Aid Fund. Under section 6(2) of the Act, VLA is empowered to:


- cooperate with other bodies to meet the need for legal aid in the community
- enter into arrangements to undertake research
- make recommendations to the Attorney-General on issues of law reform
- carry out educational programs
- provide financial assistance to voluntary legal aid bodies, subject to certain conditions
- do all things necessary to perform its functions.

The duties of VLA include:

- ensuring that legal aid is provided in the most effective, efficient and economic manner and in a manner which dispels fear and distrust
- establishing local offices that it considers appropriate, and generally using its best endeavours to make legal aid available throughout the state
- determining priorities for the provision of legal aid in State law matters
- liaising with professional bodies representing private practitioners in order to facilitate the use, in appropriate circumstances, of services provided by private practitioners
- cooperating with other legal aid commissions
- informing the public of the services provided by VLA and the conditions on which those services are provided.

legal sector, has produced a robust and important legal aid system in this country. No longer is the provision of legal services for the disadvantaged viewed as a form of charity. There is a growing recognition by governments and the community that the provision of legal aid services, like the provision of health, education and housing, is a fundamental government responsibility.

The Commonwealth and State Governments provide funds for legal aid services. A funding agreement between VLA and the Commonwealth signed in June 2001 (and due to expire on 30 June 2004) provides legal aid services to clients for matters arising under Commonwealth law, principally family law. The State Government provides legal aid in matters arising under State law, principally criminal law.



A leading and responsible force for community access to the legal system and for social justice

## VLA board of directors

There are five directors of the board of VLA. The directors are nominated by the Attorney-General and appointed by the Governor-in-Council.

The board is responsible for the management of the affairs of VLA. The roles of the board are to determine the policies, priorities and strategies of VLA that will allow it to achieve its objectives, and to ensure that VLA performs its functions and exercises its powers in an effective, efficient and economical manner.

The Managing Director has control of the day to day administration of the affairs of VLA in accordance with the policies, priorities, strategies and directions determined by the board, and may exercise any powers delegated by the board.

The board met 11 times during the year.

The members of the board in 2001–2002 were:

Mr Jonathan Mott

CHAIRPERSON (until 13 December 2001)

Mr John Howie

CHAIRPERSON (from 14 December 2001)

Mr Tony Parsons

MANAGING DIRECTOR

Mr Andrew Home

DIRECTOR WITH EXPERIENCE IN FINANCIAL MANAGEMENT (until 13 December 2001)

Ms Maria Wilton

DIRECTOR WITH EXPERIENCE IN FINANCIAL MANAGEMENT (from 14 December 2001)

Mr Peter Kirby

DIRECTOR WITH EXPERIENCE WITH GOVERNMENT OPERATION

Ms Mary Anne Noone

DIRECTOR

### DIRECTIONS GIVEN BY THE ATTORNEY-GENERAL

The Act permits the Attorney-General to give written directions to the board. The directions must not relate to a grant of assistance to a specific person and must be tabled in each house of parliament.

The Attorney-General gave no directions to the board during the year.

## VLA strategic planning

At the beginning of 2002, VLA embarked on a significant organisation-wide process to develop a three-year strategic plan. The plan's purpose is to frame VLA's annual operations and provide everyone in VLA, and the broader community, with an understanding of the organisation's long-term goals and directions.

High levels of consultation went into the development of the strategic plan. During March, senior management consulted with over 200 staff to discuss their aspirations for the organisation and how those aspirations might be captured in the plan.

In April, more than 50 VLA staff and senior management attended a two-day workshop to elaborate on, debate and work through the outcomes of the March meetings.

VLA settled on the following vision to guide and animate its operations: *"A leading and responsible force for community access to the legal system and for social justice."*

The strategic plan embraces a set of values that are intended to underpin all VLA operations. These values are to:

- serve the community professionally and ethically
- act with integrity, fairness and transparency at all times
- respect and value diversity
- pursue continuous improvement across the organisation.

Strategic objectives constitute the bulk of this plan. The corporate objectives have been broken up into four categories: Our Clients, Our People, Our Relationships and Our Resources.

### OUR CLIENTS

- Consolidation and expansion of the number and range of VLA services offered to Victorians, including the establishment of new offices in regional and rural Victoria to reduce rural service delivery gaps.
- Development of a Client Service Charter to ensure that the client interface with the organisation is of a high quality.
- Development of an external communications strategy that raises the profile of VLA as a leader in achieving access to law and justice.

### OUR PEOPLE

- Development of training programs that are responsive to the organisational and personal development needs of VLA staff.
- The deliberate and active development of VLA as an employment environment that is highly desirable.



JOHN HOWIE



TONY PARSONS



MARIA WILTON



PETER KIRBY



MARY ANNE NOONE

# introducing victoria legal aid



## OUR RELATIONSHIPS

- Development of a positive and reciprocal relationship with private legal professionals that ensures improved delivery of legal aid services to clients.
- Strengthening of existing relationships with community legal centres with a view to improving the delivery of legal aid services to all Victorians.

## OUR RESOURCES

- Playing a major part in the design and development of the national ATLAS (Australian Total Legal Aid Solution) project, a state-of-the-art electronic grant, case and document management system.
- Implementation of a video-conferencing network across all VLA offices and selected external locations to give rural and remote communities better access to legal assistance and advice.

The vision, values and objectives that make up the strategic plan have informed each of the VLA divisional plans. Each plan sets out to enact and achieve relevant aspects of the strategic plan.

The plan also includes priority action areas that will guide divisional operations and the decision making of VLA. The strategic plan will be an evolving document that will be updated annually.

VLA looks forward to the challenges articulated in the strategic plan, and is excited by the road the organisation will travel to achieve its goals over the next year and beyond.

## VLA structure

Victoria Legal Aid is divided into seven divisions and an internal audit unit. Three of the divisions – Family, Youth and Civil Law, Criminal Law and Regional Offices – conduct legal practice. The Grants Division administers the grants function.

The Directorate, incorporating the multilingual telephone information service, community legal education and the library, undertakes the majority of legal education and information services.

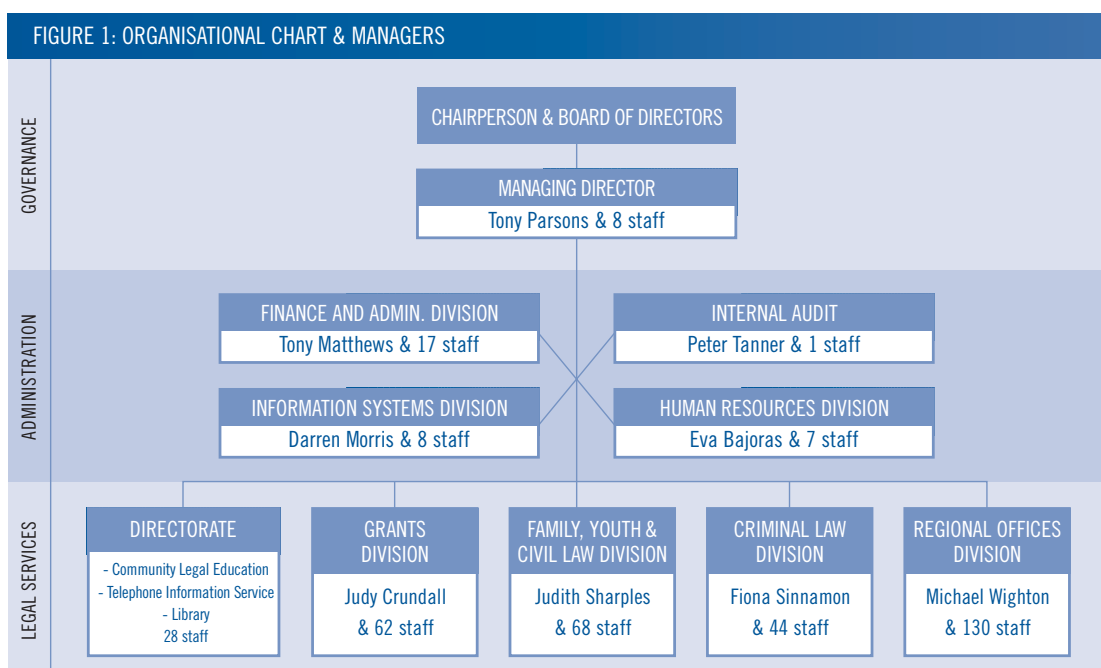
Three divisions – Finance and Administration, Information Systems and Human Resources – provide administrative services. Each division is located in the Melbourne office, with the Regional Offices Division managing VLA's regional services.

## REGIONAL SERVICES

Section 7(b) of the Act requires VLA to, “establish any local offices that it considers appropriate and generally use its best endeavours to make legal aid available throughout the state”.

The Regional Offices Division of VLA is primarily responsible for the delivery of quality legal aid services to as many Victorians as possible in outer-lying suburban and rural areas.

FIGURE 1: ORGANISATIONAL CHART & MANAGERS



The division operates VLA's network of 10 regional offices and one branch office. The offices are situated in the following locations:

- North Eastern Suburbs region at Preston
- Outer Eastern Suburbs region at Ringwood
- Western Suburbs region at Sunshine
- North Western Suburbs region at Broadmeadows
- Peninsula region at Frankston
- Westernport region at Dandenong
- Barwon region at Geelong
- Loddon-Campaspe region at Bendigo
- Gippsland region at Morwell and its branch office at Bairnsdale
- Goulburn region at Shepparton (to be launched in 2002-2003).

The new Goulburn regional office, located at Shepparton, is the first regional office to be opened since 1989. It commenced operations late in the 2001–2002 financial year, and will be officially opened by the Attorney-General early in 2002–2003.

VLA has a policy objective to establish a regional office in each of the major metropolitan and country regions of the state. The development of the Goulburn regional office is the first substantial outcome of that policy objective.

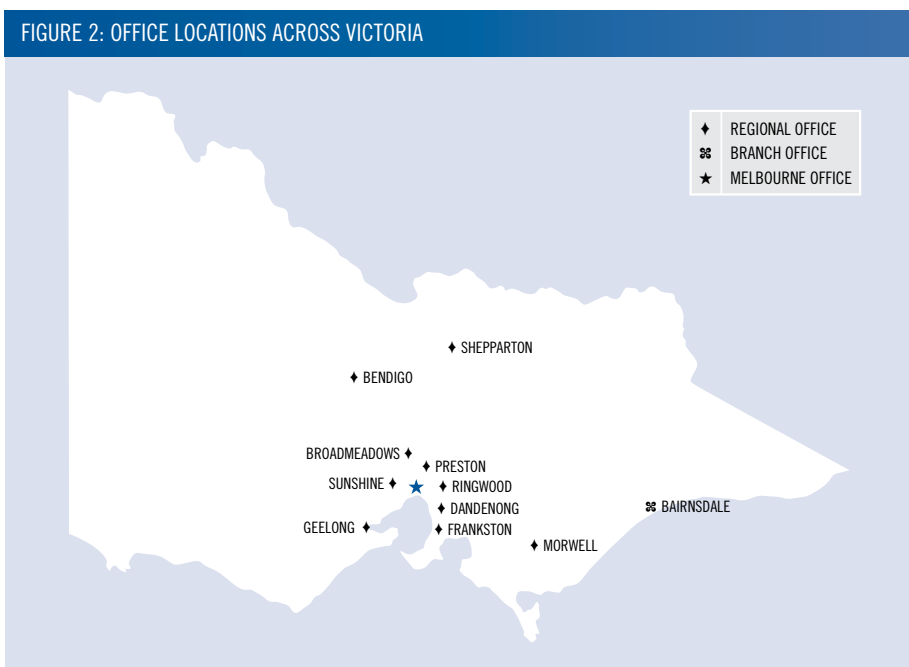
As part of its strategic plan VLA will continue to seek funding to enable it to address significant gaps in access to legal aid services in rural Victoria, with the regional areas of Horsham, Mildura, Ballarat and Warrnambool being identified as having the greatest need.

Each regional office is responsible for providing all of the legal services that are available from the Melbourne office of VLA.

In September 2001, the VLA board determined that functions related to the making and monitoring of grants of legal assistance should be centralised in the Melbourne office. Centralisation of grants from regional offices to Melbourne commenced in December 2001 and is scheduled to be completed early in the new financial year.

Some services provided at regional offices are carried out by staff from other divisions of VLA. The Child Support Legal Service, for example, visits regional offices on a regular basis. However, the staff of this service are based at Melbourne and report to the Family, Youth and Civil Law Division.

FIGURE 2: OFFICE LOCATIONS ACROSS VICTORIA



# introducing victoria legal aid



## VLA expenditure

The graph below demonstrates the difference between funding for all items of administration (including salaries of human resources, finance and information systems divisions staff) compared with funding of legal services. It illustrates the difference between the cost of providing legal services to the community and the resources expended on internal service administration.

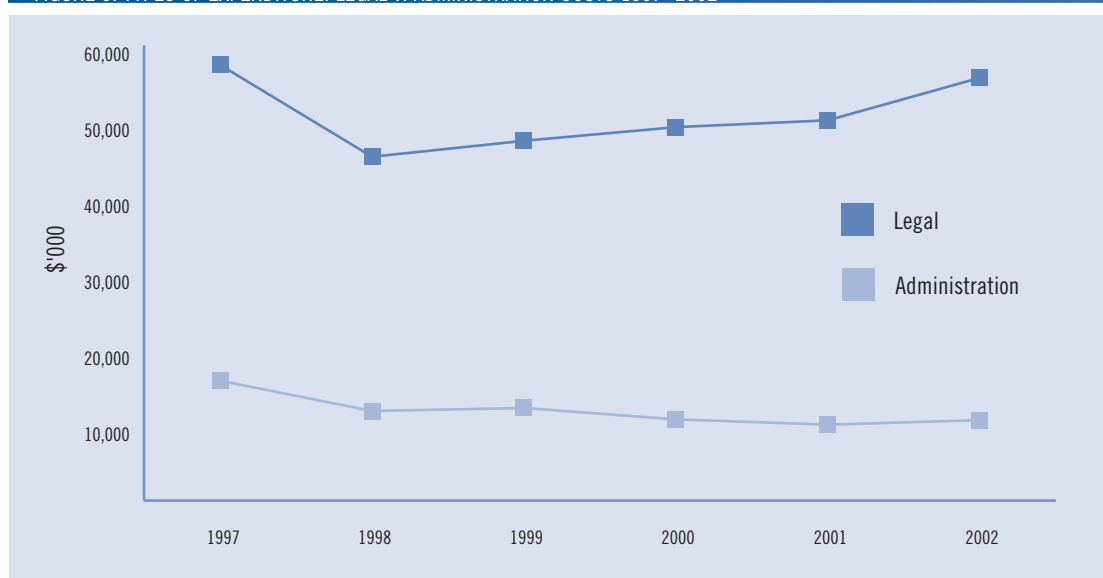
VLA's objective is to provide legal aid in the most effective, economic and efficient manner. The diverse range of legal aid services provided by VLA depends on a well-managed and efficient use of resources.

As the graph demonstrates, stringent fiscal management has progressively enabled VLA to divert more resources from administration to legal services provision.

VLA's ongoing program of streamlining processes and achieving greater efficiencies in our business has allowed the organisation to reduce administrative expenditure by 38 per cent over the last five years whilst proportionally increasing services to the public.

In 2001–2002 the difference between legal and administrative expenditure continued to increase, illustrating that VLA's internal and external resourcing priorities are expressly community focussed. VLA continued to provide new and expanded services to the public during the year at minimal additional administrative cost to the organisation.

FIGURE 3: TYPES OF EXPENDITURE: LEGAL v. ADMINISTRATION COSTS 1997–2002



## Community Consultative Committee

The Community Consultative Committee (CCC) is established under section 12K of the *Legal Aid Act*. Its statutory role is to make recommendations to the board on matters referred to it by the board.

The Act prescribes that the CCC includes a representative of VLA staff and a nominee of the Federation of Community Legal Centres. The board may then invite others to join the committee.

The board has invited the courts, the Law Institute of Victoria, the Victorian Bar and the Attorney-General's office to nominate representatives.

Community and government organisations with which VLA has common interests have also been invited to join the committee.

During 2001–2002 the committee received a number of presentations from VLA staff and discussed issues of policy development and implementation in VLA.

In February 2002 Stephen Gianni from the Brotherhood of St Laurence replaced Pauline Spencer as the chairperson of the committee.

The CCC provided valuable input into the development of VLA's strategic plan.

The chairperson of the VLA board and the managing director also attended meetings of the CCC at the invitation of the committee.

### 2001 - 2002 MEMBERSHIP

Stephen Gianni, Chairperson  
BROTHERHOOD OF ST LAURENCE

Pauline Spencer (resigned)  
REPLACED BY  
Helen Conostas  
FEDERATION OF COMMUNITY LEGAL CENTRES

Justice Phillip Cummins  
SUPREME COURT OF VICTORIA

Justice Linda Dessau  
FAMILY COURT OF AUSTRALIA

Judge Roland Williams  
COUNTY COURT OF VICTORIA

John Hardy, M (resigned)  
REPLACED BY  
Phillip Goldberg, M  
MAGISTRATES' COURT

Mark Woods  
LAW INSTITUTE OF VICTORIA

Dr David Neal  
VICTORIAN BAR

Fiona Hayes  
ATTORNEY-GENERAL'S OFFICE

Wendy Taylor  
VICTORIAN COURT INFORMATION & WELFARE NETWORK

Frank Guivarra  
VICTORIAN ABORIGINAL LEGAL SERVICE

Julian Gardner  
OFFICE OF THE PUBLIC ADVOCATE

Fonda Gazis  
VLA STAFF REPRESENTATIVE

# grants of legal assistance

VLA provides grants of assistance to enable people to access legal representation to promote or defend their rights and entitlements. An assisted person may be helped by a solicitor employed by VLA (in-house) or, in more than two-thirds of cases, by a private solicitor remunerated by VLA.

Most applications for assistance are lodged by solicitors on behalf of their clients. Section 30 of the Act requires VLA to maintain a referral panel of private solicitors who may perform legal services on behalf of an assisted person. Private solicitors apply to VLA to join the panel.

There is a further panel of private solicitors, constituted under section 29A of the Act, to provide separate representation for children in family law matters when ordered by the Family Court.

The Grants Division is responsible for the assessment and administration of applications for legal assistance. In the past, grants officers were located in each of VLA's regional offices. However, in 2001–2002 VLA decided to centralise the grants function to the Melbourne office to provide a more consistent grants administration system.

Applications for legal assistance are assessed against three criteria:

- financial means
- merit
- the applicable guideline for assistance.

The department of the Commonwealth Attorney-General determines the guidelines and priorities for assistance in matters arising under Commonwealth law. The board of VLA determines guidelines for assistance in matters arising under State law.

An applicant's financial means (except in war veterans' matters) is assessed according to a national means test. Applicants who have the ability to contribute to the cost of their case are required to make interim payments or provide VLA with security for costs over their home or other real estate. In the 2001–2002 financial year, VLA lodged 981 caveats to protect debt owed by clients for legal services provided by VLA.

Grants officers are responsible for the ongoing monitoring of files after the initial decision to grant or refuse assistance. Under the Act, applicants who are dissatisfied with VLA's assessment of their application have the right to request reconsideration and review of the decision.

VLA aims to meet and exceed national benchmarks for the delivery of grants services. These benchmarks are designed to ensure that applications are processed in an accurate and consistent way.

It is also important that as much of the legal aid dollar as possible is directed to assisted persons rather than funding administration.



Grants of assistance enable people to access legal representation and to promote or defend their rights

	APPLICATIONS RECEIVED	APPLICATIONS ASSESSED	APPROVED	REFUSED	APPROVAL RATE (%)
1992-1993	40 413	40 053	30 028	10 025	75.00
1993-1994	42 969	41 955	33 565	8 390	80.00
1994-1995	48 669	46 998	39 094	7 904	83.20
1995-1996	47 759	46 453	38 361	8 092	82.58
1996-1997	39 940	39 586	32 279	7 307	81.54
1997-1998	41 245	40 778	33 934	6 845	82.69
1998-1999	41 114	40 706	34 743	5 603	84.57
1999-2000	39 711	39 765	33 444	5 322	84.10
2000-2001	42 148	42 113	36 345	4 437	86.30
2001-2002	42 197	42 102	36 450	4 348	86.58

The approval rate for all years is expressed as the percentage of approved applications against assessed applications and does not take pending or withdrawn applications into account.

In 2001–2002, VLA commenced a trial of a simplified grants assessment process designed to streamline the way in which applications for legal assistance are received and processed.

If successfully trialed and implemented, the simplified process will enable both assisted persons and their lawyers to deal with VLA in a more efficient and effective way. The trial is continuing.

Table 2 shows that VLA received 42,197 new applications for legal assistance in 2001–2002. These figures include applications that may have been received in one financial year but approved in the next financial year. Where legal assistance is granted, VLA will refer the assisted person to a private lawyer or an in-house lawyer who will represent the person in their legal proceedings.

Table 3 shows the allocation of grants by law category and practitioner type, and Table 4 shows the allocation of grants of legal assistance to private practitioners and in-house practitioners. It should be noted that there are 1652 State family law matters included under the “Family” category in Table 3.

Table 5 shows the average time taken to make a decision to approve or refuse, on an application for assistance. Cases not assessed within 15 days are mostly indictable criminal trials and appeals, and complex family law matters where there is a need to obtain additional information before a decision can be made.

Table 6 shows the types of applications for 2000–2001 and 2001–2002 separated into law categories.

**TABLE 3: GRANTS BY LAW CATEGORY AND PRACTITIONER TYPE 2000–2002**

LAW CATEGORY	2000–2001 IN-HOUSE	2001–2002 IN-HOUSE	2000–2001 PRIVATE PRACTITIONER	2001–2002 PRIVATE PRACTITIONER
Civil	1 159	903	2 863	3 030
Criminal	7 619	7 611	14 673	14 551
Family	2 251	2 197	7 780	8 158

**TABLE 4: GRANTS BY PRACTITIONER TYPE 1992–2002**

YEAR	NUMBER OF IN-HOUSE	% IN-HOUSE	NUMBER OF PRIVATE PRACTITIONER	% PRIVATE PRACTITIONER	TOTAL
1992-1993	8 023	26.70	22 005	73.30	30 028
1993-1994	9 424	28.10	24 141	71.90	33 565
1994-1995	10 948	28.00	28 146	72.00	39 094
1995-1996	10 466	27.28	27 895	72.72	38 361
1996-1997	8 865	27.46	23 414	72.53	32 279
1997-1998	10 712	31.52	23 273	68.48	33 986
1998-1999	11 225	32.30	23 518	67.7	34 743
1999-2000	10 402	31.10	23 042	68.9	33 444
2000-2001	11 029	30.35	25 316	69.65	36 345
2001-2002	10 711	29.39	25 739	70.61	36 450

# grants of legal assistance

## INDEPENDENT REVIEWERS

The Attorney-General appoints a panel of independent reviewers under section 18 of the Act. Their functions are to:

- review decisions of an officer of VLA or of another independent reviewer in relation to applications for legal assistance
- exercise any powers or functions delegated by VLA
- hear and determine any matter relating to the proposed removal or exclusion of a practitioner from VLA's referral panel.

During 2001–2002, independent reviewers reviewed a total of 146 decisions, compared with the 215 decisions reviewed during the previous financial year.

The percentage of decisions overturned or varied increased from 13.49 per cent during 2000–2001 to 17.12 per cent in 2001–2002. These figures indicate that approximately one in every 200 decisions made by grants officers are reviewed, and approximately one in every 2000 decisions is overturned.

These figures attest to the rigour and accuracy of the decision making process in the grants system (see Appendix 1 for a full breakdown of decisions reviewed during 2001–2002).

In decisions that were reviewed, guidelines and merits constituted the main reasons for refusal of legal assistance.

## WAR VETERANS' LEGAL AID SCHEME

The general grant VLA receives from the Commonwealth enables it to provide legal assistance for war veterans and their dependants in claims relating to war service disability pensions and allowances.

Veterans and ex-servicemen and women are eligible for assistance provided they rendered war service. Unlike other applicants, their eligibility is not means tested and legal assistance is provided free of contribution.

Assisted matters generally involve appeals to the Commonwealth Administrative Appeals Tribunal against decisions made by the Veterans' Review Board concerning entitlement to, or rate of, disability pension. In some cases, legal assistance may be extended for appeals to the Federal Court on a point of law.

During 2001–2002, 240 war veteran applications were received and 236 were approved by VLA, compared with 297 received and 291 approved the preceding year.

## VLA COURT LIAISON

As part of its commitment to the effective administration of justice, VLA, through its corporate solicitor and grants officers, regularly provides information and assistance to the Magistrates', County, Supreme and Family Courts at funding mentions and other hearings where a party's legal aid status is at issue.

Court attendances are often at the request of the presiding judge and involve the provision of information or evidence about the progress of legal aid applications, facilitating last minute applications for legal assistance and providing information and assistance to unrepresented litigants.

TABLE 5: TIME TAKEN TO DECIDE APPLICATIONS 2001–2002

	%
Same day or next	53.76
Within 5 days	69.80
Within 10 days	79.81
Within 15 days	85.07

	FAMILY 2000–2001	FAMILY 2001–2002	CIVIL 2000–2001	CIVIL 2001–2002	CRIMINAL 2000–2001	CRIMINAL 2001–2002	TOTAL 2000–2001	TOTAL 2001–2002
Applications received	12 448	12 777	4 649	4 529	25 051	24 891	42 148	42 197
Assessed applications	12 409	12 639	4 644	4 529	25 060	24 934	42 113	42 102
% of assessed applications	29.47	30.02	11.03	10.76	59.51	59.22	100	100
Approvals	10 031	10 355	4 022	3 933	22 292	22 162	36 345	36 450
% share of approvals	27.60	28.41	11.07	10.79	61.33	60.80	100	100
Refusals	1 990	1 908	488	452	1 959	1 988	4 437	4 348

## CLIENT DATA

One of the objectives of VLA is to provide legal aid to those in the community with the greatest need. VLA's survey of selected client characteristics is one of the measures used to assess whether legal aid is being directed to the neediest members of the community.

The majority of legal aid clients are dependent on social security benefits, live in rental accommodation and have very few assets. In 2001–2002, 90 per cent of legal aid recipients had incomes below the poverty line. Sixty-four per cent of applicants derived their sole income from benefits and a further 28 per cent had no source of income. Significant portions of the latter category were children and persons in custody.

As Table 7 indicates, during 2001–2002 males continued to apply for legal aid at a greater rate than females. As Figure 3 demonstrates, the largest number of male applicants was in the 16 to 24 age group, whereas the largest number of female applicants was in the 25 to 34 age group. Females were more likely to apply for legal assistance for family law matters. Males were more likely to apply for assistance for criminal law matters.

In 2001–2002, criminal law matters accounted for the largest portion (59 per cent) of all applications.

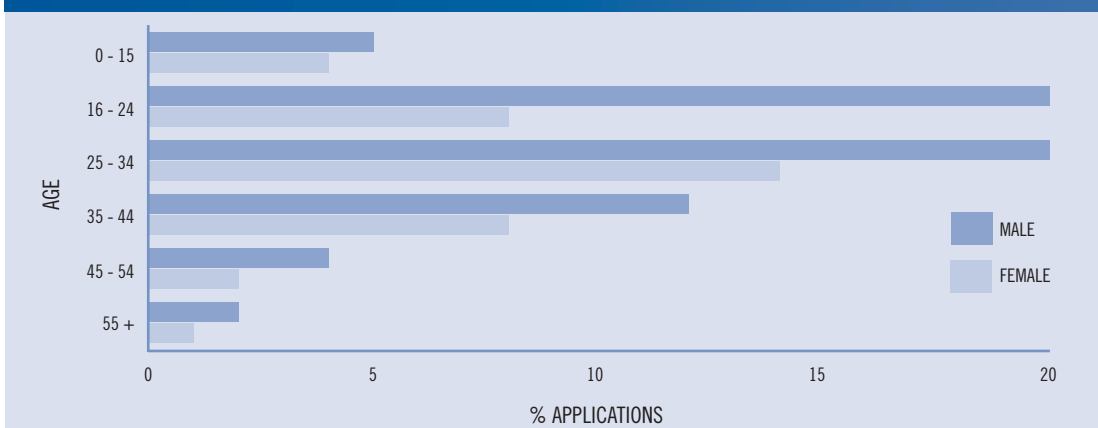
Seventy-eight per cent of legal aid applicants were born in Australia, 16 per cent were born overseas and the remaining 6 per cent did not state their country of origin.

## INFORMATION ON CLIENT FEES

Legal assistance is not always free. The financial position of assisted persons is assessed against the national means test to determine whether they are required to repay part or all of the costs of their legal representation. In some cases the person will be required to make an initial contribution, and in others VLA may take an equitable interest in property as security for the total costs of assistance.

Information about the national means test is available on VLA's website. Information regarding the contribution an assisted person may be required to pay is available to that person on request on a case by case basis.

FIGURE 4: CLIENT DATA 2001–2002



	FEMALES		MALES		OTHER	
	NUMBER	%	NUMBER	%	NUMBER	%
Family	6 722	51	3 620	16	13	68
Criminal	4 241	32	17 918	77	4	21
Civil	2 250	17	1 680	7	2	11
TOTAL	13 213	100	23 218	100	19	100

# vla practice

The three legal practice divisions of VLA provide services in the following areas:

- legal assistance, including casework
- legal advice
- duty lawyers

These services are provided from Melbourne and all regional offices. VLA solicitors act for clients in a range of family, civil and criminal law matters. In-house solicitors must apply for grants of legal assistance for their clients under the same conditions that apply to assisted persons who are represented by a private practitioner.

The practice divisions of VLA – Criminal Law Division, Family, Youth and Civil Law Division and Regional Offices Division – work together to provide direct legal services to disadvantaged and marginalised persons in Victoria.



The practice divisions work together to provide direct legal services to disadvantaged and marginalised persons in Victoria

Solicitors in the Criminal Law and Family, Youth and Civil Law divisions conduct casework out of the Melbourne office and regional office solicitors conduct casework in all VLA's regional offices.

Staff from all three practice divisions regularly advise, in person and by telephone, members of the public about legal problems across all law types, and, importantly, advise persons in custody as to their rights. Advice is provided by individual appointment in the office, through outreach programs (hospital or prison visits) or in general advice sessions held in regional offices.

## Criminal Law Division

Central to the division's reputation for excellence is its representation of people in the County and Supreme Courts. The division's casework solicitors represent a significant proportion of accused persons in those jurisdictions, including the most serious and complex matters. The processes and procedures of superior court trials require specialist knowledge, therefore the division employs nine accredited criminal law specialists.

The division's staff provide clients with services of the highest quality because they:

- possess high levels of commitment to assisting members of the community charged with criminal offences
- regularly undertake focused professional legal education that improves their skills
- practice solely and exclusively in the field of criminal law.

The division recognises the importance to clients of end-to-end quality representation and so it provides expert in-house advocates who are briefed to appear in every criminal jurisdiction. These advocates are:

- senior public defenders who appear for clients in superior court matters
- associate public defenders who assist clients in the Magistrates' Court
- solicitors who appear for their own clients where the case permits
- duty lawyers who assist unrepresented clients in the Magistrates' Court.

The division aims to be a centre of excellence in all areas of criminal law practice. Having an accessible team of public defenders within the division benefits solicitors as well as clients.

During the year, new positions were created in the division to add value to the work of the practice. These are:

- Associate Public Defender for Appeals – an appeal is the final opportunity for a citizen to challenge the legal process that resulted in their conviction or sentence. In recognition of the increasing complexity of the appeals process and the importance of ensuring high quality management of our appeals practice, a position was dedicated to this jurisdiction.
- Associate Public Defender (Summary Advocate) – an advocate dedicated to the representation of clients in the Magistrates' Court is a welcome addition to resources already available to the division's solicitors.
- Administrative Services Officer for duty lawyers – members of the public who access the division's duty lawyer service are greatly assisted by this officer with information and referrals to other services where necessary.

An important focus during the year has been professional development opportunities for staff. Senior public defenders have contributed significantly to advocacy training events during the year. One of the professional development highlights during 2001–2002 was the advocacy training workshop in June. Criminal lawyers from VLA attended the weekend workshop where their advocacy was “judged” by County Court Judges King, Walsh and Jones and Magistrates Alsop, Hannan and Fleming. The judges and magistrates applauded the division’s commitment to excellence in advocacy.

Other developments over the year concerned law reform and collaboration with other justice agencies. The division sought to be a driver for change in the criminal justice system. Staff played key roles in developing submissions on the law of bail, “chroming”, sentencing, and police powers of entry, search and seizure.

In 2001, the Correctional Services Commissioner, in response to overcrowded police cells, initiated a bail support program to enhance the likelihood of a defendant being granted bail and successfully completing the bail period, by providing appropriate accommodation, supervision and access to treatment programs.

The division became a partner in the pilot bail support services program, providing a solicitor to assess eligibility of defendants, provide bail advocacy and monitor the general effectiveness of bail services. VLA is also on the program’s steering committee.

## Family, Youth and Civil Law Division

### FAMILY LAW SERVICE

The Family Law Service at the Melbourne office has 20 solicitors acting in general family law matters, specialising in child representation and child support. A further 14 family law solicitors undertake advice and casework in VLA’s regional offices.

VLA also acts for the Commonwealth Attorney-General in maintenance matters where the claimant lives overseas, and the respondent is in Victoria, or conversely where the claimant lives in Victoria and the respondent is overseas.

Australia is a signatory to the United Nations Convention on the Recovery Abroad of Maintenance which enables applicants to obtain court orders for child or spousal maintenance from liable parties in other countries.

The division has four in-house counsel positions with two in the family law service and two in the youth legal service. In-house advocates, in addition to providing an almost seamless service for clients, play an important role in the professional development of younger staff and assist with advice, duty lawyer work and law reform.

During the year, VLA established a family law alternative dispute resolution (ADR) project. The aim of the project is to strengthen VLA’s use of alternative methods for resolving disputes in appropriate family law matters. These methods may include conciliation, mediation, counselling or various other interventions that may assist parties to resolve their family law dispute. These services are provided by agencies located outside VLA.

The project has been a collaborative venture between four VLA divisions: Grants, Directorate, Regional Office and Family, Youth, and Civil Law. A coordinator has been employed to oversee the project, which has seen the development of protocols between key stakeholders and VLA to improve clients’ access to ADR.

The project leader has worked closely with the legal system including the Family Court, the Federal Magistrates Service and the Law Institute of Victoria. VLA has also established formal relationships with the Children’s Supervised Contact Centres, mediation agencies and various other community service providers to facilitate improved client outcomes. The ADR project will frame a strategy to improve access by family law clients to ADR in the future.

The Child Support Legal Service is a part of the Family Law Service and acts for carer and liable parents in child support and child maintenance matters statewide. An outreach service is provided to the 11 VLA regional offices as well as six other major country locations: Wangaratta, Wodonga, Mildura, Ballarat, Warrnambool and Sale.

The service explains the child support scheme to clients, provides legal advice on obtaining court orders for paternity testing and child support or maintenance, advises on court procedures and provides court representation where the parent is in receipt of a Centrelink benefit and the case has merit.

The Magistrates’ Court deals with most cases, with more complex matters being heard in the Federal Magistrates Service or the Family Court. In country Victoria, the service arranges for court representation by a local agent practitioner.

The other main area of work for the lawyers is the telephone advice service, which operates Monday to Friday. Advice is provided to callers who are unable to attend at any of the outreach locations, and instructions to act are taken over the telephone.

# vla practice



The five lawyers in the Child Representation Section assist the Family Court in determining what is in the best interests of children who are the subject of family law litigation.

The court may make an order for the appointment of a child representative in complex or contentious family circumstances. Such circumstances may include allegations of physical/emotional and sexual abuse against a child, anti-social behaviour by a parent, mental health issues of a parent, intellectual or physical disabilities suffered by a child or cases of alleged parental alienation. As these cases are more complex in nature, they are more likely to be resolved at trial.

Consequently, a child representative appears in court and is greatly assisted by VLA in-house counsel for the purposes of final hearings. Practitioners in the section will ascertain the wishes of a child by meeting the child or arranging a psychologist to prepare a family report.

Practitioners ensure that a child's wishes and the appropriate weighting of such desires are presented to the court. Child representatives are also required to make submissions to the court as to the outcomes that are in the best interests of the child.

## CIVIL LAW SERVICE

The Civil Law Service represents clients in the areas of refugee and immigration law, mental health, discrimination, social security, guardianship and administration, judgment debt and victims of crime.

Changes to the Commonwealth guidelines, which came into effect on 1 July 1997, substantially reduced the eligibility for new grants of legal assistance for applicants for refugee status.

VLA does, however, provide legal services for asylum seekers under the Immigration Advice and Application Scheme (IAAAS) administered by the Department of Immigration and Multicultural and Indigenous Affairs (DIMIA).

The IAAAS contracts relate to applicants who either live in the community presently or are in detention. Contracts are held by VLA until June 2003.

VLA is currently handling in excess of 200 files relating to East Timorese asylum seekers whose applications have been frozen by the DIMIA for the last seven years or more. During the year, DIMIA announced that processing had recommenced and the Civil Law Service is assisting the first batch of East Timorese asylum seekers. These people have been notified and asked to update their claims and provide other relevant information.

This is a very complicated and time-consuming process, as many applicants have moved, children have grown up and married and/or had children of their own.

Many of the asylum seekers do not know who their lawyer is. Some have obtained, or become eligible for, permanent residence on a basis other than refugee status, for example, spouse visas or "close ties" visas.

These clients are affected by a number of difficulties, including language and literacy, high levels of trauma and torture, and generational and cultural claims that have developed within families.

To try and resolve these problems the Civil Law Service meets and negotiates on an ongoing basis with DIMIA and various other groups representing the interests of the East Timorese community.

VLA also has a significant Federal Court practice representing clients appealing decisions of the Refugee Review Tribunal.

## YOUTH LEGAL SERVICE

The Youth Legal Service provides advice and representation primarily in the Children's Court at Melbourne and around the metropolitan region to children and young people between the ages of 6 and 17, and their families. The service has 13 legal staff and two in-house counsel providing assistance in the Criminal and Family Divisions of the Children's Court.

The Criminal Division of the Children's Court deals with children from 10 years of age in relation to all charges except some very serious offences, which must be dealt with by the Supreme Court.

VLA lawyers represent children in bail applications, pleas and appeals.

In the Family Division, VLA lawyers take instructions from children as young as six years of age. These matters are brought to court by protective workers from the Department of Human Services, and cases relate to alleged situations of actual or potential neglect, and physical, emotional and sexual abuse.

In some circumstances, VLA lawyers will act for a parent where they are not acting for that parent's child.

Where VLA lawyers from the Melbourne office or a regional office are not able to assist, private practitioners funded by VLA are often able to do so.

## Regional Offices Division

The Regional Offices Division's legal practice provides the majority of VLA's duty lawyer, summary criminal casework and legal advice and minor work services.

The past four years have seen a major increase in indictable criminal casework and family law services undertaken by the division. This trend continued in 2001–2002, as the offices based at Geelong, Bendigo, Morwell and Bairnsdale substantially increased their handling of criminal trials, pleas and appeals before the County and Supreme Courts.

A major development in regional offices has been the introduction of special family law positions that are designed to meet the ever-increasing demand for family law related services in the communities served by regional offices. The positions introduced over the past two years have proven to be so successful, and in such demand, that additional positions were introduced at the Geelong (Barwon), Broadmeadows (North Western Suburbs) and Frankston (Peninsula) offices.

While all regional office legal staff provide some family law services, such as advice and casework, the new positions were created to meet the demand for casework and advocacy services in more complex matters. The network of regional VLA family lawyers numbered 14 by the end of the financial year.

As has been the case for the past six years, demand for and provision of duty lawyer services from regional offices continues to grow. The 2001–2002 year saw an all-time record of 28,886 (up from 26,834 in 2001–2002) duty lawyer attendances by lawyers engaged in regional offices. Duty lawyer services are becoming increasingly specialised and substantive matters are more complex.

Since May 2001, the division has also been responsible for the overall management of private practitioner duty lawyer services. This year new private practitioner duty lawyer schemes have been established in Horsham, Ararat and Stawell. Previously, people appearing at courts in those areas had to rely on the services offered on a pro bono basis by local private practitioners. Those same practitioners will now offer a complete and funded duty lawyer service.

Recognising that there are many regional communities that do not have the benefit of a VLA office or a community legal centre, the division strives to offer a range of its services on an outreach basis.

Outreach services, usually hosted by community agencies, are provided by VLA staff who attend locations remote from their office. Most regional offices provide at least one outreach service on a regular scheduled basis.

The most distant outreach service is provided by the Loddon-Campaspe Regional (Bendigo) office, which attends at Swan Hill each fortnight. Due to the lack of local private practitioner involvement in the Swan Hill duty lawyer scheme, Bendigo staff travel to the town to attend court as duty lawyers and, on the subsequent day, provide a wide-ranging advice clinic.

The provision of this service involves significant commitment by staff, who are required to travel out of hours to ensure that the Swan Hill community does not miss out on access to duty lawyer and free advice services.

The nature of regional offices as community resources is demonstrated by the work done outside the office and in personal time by regional office staff. This includes membership of management committees of various community organisations, volunteering at community legal centres and speaking engagements for community radio, community groups and other agencies.

On a more formal level, the division is responsible for the provision of community legal education (CLE) in those areas that fall within the catchment of the regional offices.

The regional CLE program is delivered to the community in conjunction with staff from VLA's Melbourne-based community legal education section.

The objectives of the program are to: empower individual members of the community with information about their rights, obligations and place in the legal system; identify and pursue innovative means of reducing the demand for individual legal services and educate non-legal professionals about legal issues.

A highlight of the regional offices program in 2001–2002 was the highly successful "Drugs in the Community" event devised and delivered by staff of the Peninsula Regional office at Frankston. This community conference attracted over 200 participants, and speakers included criminologist Professor Arie Frieberg and Professor David Pennington.

The program also included the direct participation of current and former drug users who described their own harrowing experiences with drugs and the justice system.

# duty lawyer services

VLA provides duty lawyer services to the Magistrates', Children's and Family Courts, the Federal Magistrates Service, the Mental Health Review Board and the Victorian Civil and Administrative Tribunal. Duty lawyers attend the courts and tribunals to provide assistance to unrepresented persons.

Duty lawyer services are provided by in-house VLA lawyers and by those private practitioners who participate in duty lawyer schemes in regional Victoria.

In metropolitan Melbourne, nearly all the duty lawyer services to courts are provided by VLA staff.

The exception is the Family Division of the Melbourne Children's Court, where private practitioners work as duty lawyers when matters are referred to them by VLA staff in circumstances where a conflict of interest has arisen.

Private practitioner duty lawyers provide a crucial service to their

## Criminal law duty services

Lawyers in each of VLA's three legal practice divisions – Criminal Law; Family, Youth and Civil Law and Regional Offices – work as duty lawyers in the Magistrates' and Children's Courts. Staff lawyers assist people appearing on summons or bail, but priority is given to persons who have been remanded in custody, reflecting the overall priority that VLA accords to matters where the liberty of the subject is at risk. The service provides an essential safety net of representation for many Victorians prosecuted for criminal offences, who are unable to pay for a lawyer and who do not attract a grant of legal aid.

Duty lawyer work is increasingly time consuming, specialised and complex. Duty lawyers need to have the capacity to manage multiple matters at the same time, acting as legal advisers, negotiators, mediators and advocates in court. Whilst performing their duties, duty lawyers have to interact with police, prosecutors, court and judicial officers, support agencies, professional consultants, witnesses and families of clients.

Duty lawyers make applications for bail and also appear in contested bail applications, guilty pleas and applications for adjournment. They negotiate and appear in contest mentions, committal mentions and applications for intervention orders.

Clients who are assisted by duty lawyers are often in difficult personal situations and are very distressed. They may suffer from an intellectual disability or a psychiatric illness. Clients may require the use of an interpreter – when one can be engaged – and this can cause enormous time pressures. VLA recognises that this critically important work is challenging and complex and it thanks all of the lawyers, in-house or private, who participated in the provision of services in 2001–2002.


Duty lawyers from the Youth Legal Service attend the Children's Court each day to assist clients who have not had a chance to arrange a lawyer.

In criminal matters, this may be because the police have made an arrest, and have not agreed to bail, resulting in the young person being remanded in custody to appear in court as soon as the court is next sitting, usually the next day.

communities. Private schemes are funded by VLA and coordinated by a local VLA office or by the local law association.

VLA wishes to acknowledge the long running and vital contribution of private practitioners in the provision of this important area of legal aid service delivery. VLA looks forward to working with participants in the new private practitioner duty lawyer schemes at Horsham, Ararat and Stawell.

During 2001–2002, VLA staff provided a record number of duty lawyer services. The continuing increase in demand, as shown in Table 8, reflects the fact that grants of legal assistance are available for only the most serious criminal matters and points to an increasing number of unrepresented litigants in the Family Court. The greatest numbers of duty lawyer services are provided in the Magistrates' Courts in metropolitan and regional Victoria.



Duty lawyer work is increasingly time consuming, specialised and complex

## Civil law duty services

An emerging area of activity for VLA's duty lawyer program has been work in the courts and tribunals exercising civil jurisdiction.

For the past few years, VLA's Civil Law Service has provided a duty lawyer facility to people appearing in judgment debt matters at the Melbourne Magistrates' Court. People who have debts that are being enforced by legal proceedings are provided with advice and legal representation in relation to the matter.

Where possible, lawyers engaged in this work also provide general civil advice in relation to a wide range of matters from fencing disputes to complicated civil litigation. There was an increased demand for these services in 2001–2002.

The long awaited duty lawyer service in the Victorian Civil and Administrative Tribunal (VCAT) commenced on 1 October 2001. This facility, carried out by the Civil Law Service, provides advice and advocacy to four of the Tribunal's main lists: guardianship and administration, anti-discrimination, residential tenancies and civil claims. The duty lawyer scheme has exceeded expected demands. It focuses on disadvantaged Victorians who suffer from mental illness, intellectual disability, have English as a second language or are likely to lose their primary place of residence.

VLA's Civil Law Service also provides duty lawyer services to the Mental Health Review Board covering most of Melbourne's metropolitan psychiatric services. Lawyers working in VLA's rural regional offices also provide some duty lawyer and casework services to the in-patient facilities in their regions.

The work in this jurisdiction is usually demanding and sometimes extremely challenging.

The Youth Legal Service provides assistance in child protective matters. A duty lawyer's involvement often begins as soon as the Department of Human Services has apprehended the child. The advocate takes instructions on a range of issues, including accommodation, and presents those matters to the court.

## Family law duty services

VLA provides duty lawyers to the Family Court of Australia and the Federal Magistrates Service, including circuit hearings in regional locations.

Lawyers from the Family, Youth and Civil Law Division attend at the Family Court at Melbourne and the Federal Magistrates Service on a daily basis. Lawyers from the Dandenong, Frankston and Ringwood regional offices attend at the Family Court at Dandenong and the Federal Magistrates Service on circuit.

The duty lawyers in these courts are able to help clients who have not seen a lawyer by providing them with advice and, in some cases, representation on the day.

A client, however, must be eligible for a grant of legal assistance for ongoing assistance. Matters dealt with by duty lawyers in these courts can range from a straightforward divorce to a complicated property settlement, orders for the return of children or residence and contact issues.

	1999–2000	2000–2001	2001–2002
<b>VLA STAFF DUTY LAWYER SERVICES</b>			
Children's Court	4 739	4 757	4 920
Magistrates' Court	28 228	30 365	31 880
Family Court	1 458	1 823	1 462
County Court	40	37	9
Mental Health Review Board	295	419	382
Federal Magistrates Service	n/a	21	59
Federal Court	n/a	13	-
Victorian Civil & Administrative Tribunal	n/a	1	1 531
Other	n/a	21	11
<b>TOTAL VLA STAFF</b>	<b>34 760</b>	<b>37 460</b>	<b>40 254</b>
<b>NON-VLA STAFF DUTY LAWYER SERVICES</b>			
Private Practitioner Scheme	7 153	7 076	7 542
<b>TOTAL</b>	<b>41 913</b>	<b>44 536</b>	<b>47 796</b>


# professional & clinical legal education

## Professional legal education

Responsibility for the professional legal education (PLE) program was transferred to the Human Resources Division at the beginning of the financial year. VLA offers professional legal education to staff through an ongoing program of PLE training activities. Non-VLA lawyers are often invited to participate in VLA's in-house training.

In 2001–2002 a number of PLE conferences were held at VLA. Speakers included representatives from the Victorian Bar, community organisations and VLA lawyers, who all contributed their time and expertise to the PLE program on a voluntary basis.

The varied topics covered during the conferences included human rights, refugee issues (including the Tampa case), indigenous cross-cultural awareness, new mental impairment legislation and committal rules, time management for duty lawyers and contested bail applications. A family law conference in May dealt with property, superannuation,



The PLE program ensures staff maintain up-to-date legal skills so that they can assist clients at the highest level

maintenance for children over 18, advising clients and advocacy in family law matters.

An advocacy workshop for criminal lawyers was held in June 2002. It dealt with Magistrates' Court pleas and contests and County Court pleas (see p.17). The workshop was a valuable learning experience for VLA's advocates, as well as being enjoyable for all involved. Similar workshops are planned for the future.

## Clinical legal education

Section 7 (j) of the Act states that one of VLA's duties is to "encourage and permit law students to participate, so far as VLA considers it is practical and proper to do so, on a voluntary basis and under professional supervision in the provision of legal aid". VLA fulfils its obligations by involving itself with clinical legal education for law students and law graduates in a number of ways.

### LEO CUSSEN PROGRAM

The Leo Cussen Institute clinical placement program is supervised and organised by the Family, Youth and Civil Law Division. The program involves students spending two half-days at a VLA office, visiting service or court observing VLA lawyers at work.

The students attend clinics at VLA's Melbourne and regional offices; at Melbourne and regional Magistrates' Courts, Children's Court and the Family Court observing duty lawyers. Students also have an opportunity of attending the mental health visiting service at venues such as St Vincent's Hospital Psychiatric Unit, Upton House, Monash Medical Centre and the Alfred Hospital.

Student feedback is very positive, with many students expressing a desire to work at VLA after they qualify for practice. A number of Leo Cussen students also undertake their compulsory two-week clinical placement at the Melbourne and regional offices of VLA.

### LA TROBE UNIVERSITY LAW STUDENTS

Since 1994, the Preston Regional office has collaborated with the School of Law and Legal Studies at La Trobe University in a clinical legal education program. Law students spend one day a week for 10 weeks working with staff and clients. They are supervised at all times by a La Trobe University staff member, who is also a current legal practitioner. Students attend in small teams, and during the university semester they are present three days each week.

The program aims to involve law students in the provision of legal services to the community and provides them with practical learning opportunities not normally available from a traditional university education.

Students work in several areas. They 'clerk' for the duty lawyers at Preston and Heidelberg Magistrates' Courts. They also assist the lawyers with casework files. A large part of this work involves listening to taped records of interview, researching, analysing evidence and writing opinions for the lawyers.

An initiative known as the "La Trobe Clinic" also operates out of the Preston office. People are given the opportunity to have their case worked on by a law student, under supervision.

The collaboration between VLA Preston and the School of Law and Legal Studies has been successful due largely to the commitment of VLA staff to the students.

# law reform

According to section 6(2)(c) of the Act, VLA may “make recommendations to or through the Attorney-General with respect to any reforms of the law the desirability for which has come to its attention in the course of performing its functions”.

VLA pursues its law reform function in a number of ways. It responds to requests for comment on Commonwealth and State legislative reviews, makes formal submissions to parliamentary committees, government inquiries and Victorian Law Reform Commission inquiries, and is involved in various law reform and research projects.

The individual and collective expertise and experience of VLA staff is well recognised and drawn upon by government departments and agencies, commissions, community organisations and professional associations.

Staff participate in ongoing committees and short-term committees, reviews and inquiries. Staff include various law reform activities as part of their individual performance management plans.

VLA recognises and values the fact that staff provide a lot of their own time and commitment to participating in law reform and associated community-based activities.

## VLA STAFF LAW REFORM COMMITTEE

The staff law reform committee continued to coordinate VLA's responses to law reform initiatives from government. It advised on matters where the need for reform of the law had come to VLA's attention in the course of providing legal services to Victorians.

The terms of reference for the committee includes the identification of areas of law reform relevant to VLA and to advise on research projects. The committee draws upon the expertise and interest in law reform and access to justice issues of staff across divisions and locations. The committee reports directly to the managing director.

VLA welcomed the re-establishment of the Victorian Law Reform Commission in April 2001 and continued its productive working relationship with the commissioner and her staff on matters of mutual concern during the past year.

## LAW REFORM SUBMISSIONS

During 2001–2002, VLA prepared submissions on a wide range of reviews, inquiries and draft legislative proposals, including:

- Sentencing (Freiberg) Review
- Victorian Parliament Law Reform Committee *Inquiry into the Powers of Entry, Search, Seizure and Questioning by Authorised Persons*
- Interim Report of the Attorney-General's Street Prostitution Advisory Group inquiry
- Peaceful Assemblies Bill (Vic)
- Victorian Law Reform Commission draft recommendation on *Failure to Appear in Court in Response to Bail*
- Drugs and Crime Prevention Committee Inquiry into the Inhalation of Volatile Substances (“Chroming”)
- Commonwealth proposals with respect to the protection of children as witnesses in sexual offence proceedings
- Ministerial Review into the *Custodial Community Permit Program*
- Scrutiny of Acts and Regulations Committee Review of the *Vagrancy Act 1966*.

# library

VLA's library was first established in 1982 to provide a collection and research facility for VLA staff as well as members of the public. Ours is the only public law library in Victoria. The library is committed to:

- facilitating community access to justice by providing assistance in researching or locating published legal information
- delivering an innovative, quality library service relevant to the needs of the organisation
- collecting, organising and maintaining valuable information resources in a way that ensures that they are accessible.

By enacting these principles, the library plays an important role in helping VLA achieve its corporate objectives.

The VLA library offers a free reference service to the general public, providing access to our specialised legal collection. Such access ranges from helping a student with a school assignment to assisting

During the last financial year, the library received over 2300 reference requests and 107 staff were trained in using library applications.

In October 2001 a survey of the general public who used library services was conducted. Overall results were positive, with over 80 per cent claiming satisfaction with the library resources and services.

## LAUNCH OF THE NEW CORPORATE INTRANET


The new redeveloped intranet was launched in April 2002.

The earlier intranet was first developed in-house in 1999. While it was well received, it became unwieldy to manage and difficult to navigate. The lack of a search engine and the specialist knowledge needed to update materials also led to difficulties in using and managing the site. As the VLA website was undergoing extensive redesign it was considered that the corporate intranet should also be reviewed.

The new intranet has a design and structure similar to the VLA website. New features include:

- a search engine with basic and advanced searching
- capacity for online staff feedback
- online discussion forums
- "latest news" and "what's new" fields
- links to the VLA website and new Human Resources Management system
- complete distributed authoring system, which allows any authorised person to place information on the site, without needing to be 'web experts'
- personal menu features so staff can bookmark favourite pages.

While we expect to do ongoing evaluation of the new site, general usage of the intranet has increased significantly since the redevelopment.



The VLA library offers a free reference service to the general public, providing access to our specialised legal collection

a self-represented litigant find legislation or court forms. The service offers guidance in locating the relevant legal information. The library also provides information and subject guides on the VLA website.

The library provides a professional reference service, which assists staff in the provision of quality legal services to the community. Qualified library staff facilitate access to information needs through the provision of legislation, court cases, government materials, reports or legal reference. The library enhances the skills of staff by offering training in effective legal research using the internet and CD-rom.

The library maintains and coordinates the corporate intranet, allowing for the effective communication and organisation of VLA policies and corporate information, including links to web-based applications and resources.

The library distributes current legal information to all of VLA's regional offices. The library also manages VLA's electronic subscriptions.

# multilingual telephone information

**TABLE 9: MTIS CALLS BY LANGUAGE**

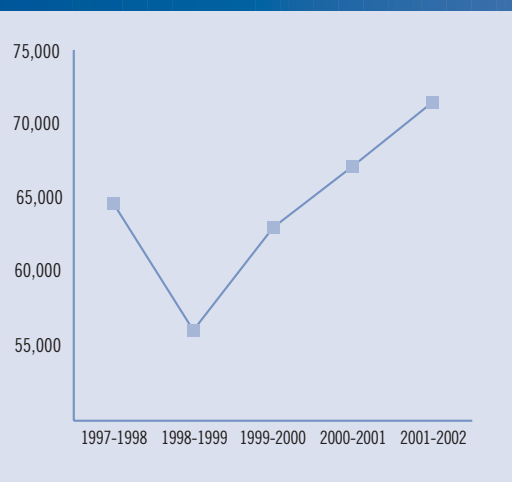
LANGUAGE	2001-2002	2000-2001
English	66,589	61,422
Arabic	465	477
Cantonese	68	-
Croatian	101	94
Greek	284	253
Italian	82	58
Mandarin	690	470
Polish	569	2,259
Russian	33	-
Serbian	602	789
Spanish	116	44
Turkish	617	470
Ukrainian	24	77
Vietnamese	271	394
Other	959	299
Non-English total	4,881	5,684
<b>TOTAL CALLS</b>	<b>71,470</b>	<b>67,106</b>

**TABLE 10: MTIS CALLS BY REGION**

REGION	NUMBER OF CALLS	% OF TOTAL CALLS
Eastern Metro.	12,012	16.81
Northern Metro.	14,290	19.99
Southern Metro.	16,475	23.05
Western Metro.	15,442	21.61
Barwon South West	1,908	2.66
Grampians	1,862	2.61
Gippsland	2,157	3.02
Hume	2,537	3.55
Loddon-Mallee	2,972	4.16
Other*	1,815	2.54
<b>TOTAL CALLS</b>	<b>71,470</b>	<b>100.00</b>

\*includes interstate, overseas and postcode not stated.

**FIGURE 5: MTIS TOTAL CALLS 1997-2002**



The Multilingual Telephone Information Service (MTIS) was established 13 years ago to provide legal information and referral options to clients in an efficient, accessible and effective manner. In that time, MTIS has responded to over 818,000 telephone requests for information and referral.

MTIS provides its services in English and 13 community languages. A free call 1800 telephone number ensures that the service is accessible to people in rural and regional Victoria.

During the 2001-2002 financial year, MTIS implemented a number of new initiatives that led to significant productivity improvements. This is reflected in the increase in the number of calls handled during the year. A total of 71,470 calls were handled for the period, an increase of 6.41 per cent compared to the previous year, and 8.21 per cent above our target for the period.

A new service provided during the year was the Family Law Advice Line. This service offers callers to VLA more complex information and/or advice relating to family law matters.

The steady increase in productivity in MTIS over the last three years can be attributed to a number of factors. The service has introduced new call centre software and hardware that have facilitated more efficient call handling. Also, clearer protocols for referral to various divisions in the organisation have facilitated smoother call handling. MTIS has established clear and precise monthly, weekly and daily targets for individuals and for the service as a whole. Monitoring of service delivery is now possible and occurs in regularly programmed cycles for all workers.

Training programs have been developed and are being implemented for all MTIS staff. These programs are devised on the basis of careful research of individual staff training needs. Workforce planning now occurs monthly, rosters are developed on the basis of anticipated demands on the service, and flexible staffing arrangements allow us to assign staff to work during periods of peak demand.

These initiatives have allowed MTIS to focus on productivity improvements and on the implementation of enhancement plans.

Future innovations will include the development of infrastructure and service expansion.



# community legal education



The community legal education (CLE) team has responsibility for publications, seminars and the VLA website.

## Publications

Last year the team managed 98 individual publications, including books, brochures, posters and newsletters. These were distributed free of charge to the Victorian community, either in hard copy or via the VLA website. The publications can be divided into two categories – corporate and community legal education.

The corporate publications include the annual report, *Briefcase* (the VLA newsletter), legal aid application forms, legal aid guidelines, posters and regional brochures. The team jointly managed the content for the annual report and *Briefcase* with the Directorate, handled lay out and design, organised printing and distribution, and placement on the website of the corporate publications.

The team writes the community legal education publications independently or in conjunction with VLA staff and/or external community organisations. The target readers for these publications are consumers who may or may not be eligible for legal aid and persons who cannot afford the fees of a private legal practitioner. In total, 341,763 community legal education publications were distributed during the year by hard copy or via the website.

All publications produced by the section were reprinted during the year and underwent minor review and change.

Table 11 shows the 2001–2002 figures comparing the number of community legal education publications that are printed to the number downloaded from the website.

## NEW PUBLICATIONS

The concept for a new publication is identified in a number of ways. Requests may come from community organisations, VLA staff or from public inquiries.

CLE also surveys the community sector for input, runs focus groups, monitors responses made at seminars and remains alert to new or changed legislation. The new publications are:

### *On the Spot*

A call from community groups, VLA staff and consumers ensured that this new publication, which informs consumers about the PERIN fine collection process, was produced. It is a basic guide to infringement notices and what can happen when one is issued. The booklet was launched in January 2002.

### *Briefcase*

This is VLA's external newsletter. Its purpose is to keep people informed about VLA's thinking on various legal issues and changes in the organisation. *Briefcase* is published in April, August and December and 16,000 copies are sent to private legal practitioners, community legal centres and other interested people.

### *Are you a refugee?*

A timely brochure was produced for asylum seekers that explained their rights and where to seek help. It was produced with the Civil Law Service. The brochure was launched by former Federal Court judge, Justice Marcus Einfeld at a forum attended by 150 people from the community sector, the legal profession and VLA staff. Justice Einfeld spoke of the importance of recognising that human rights are for everyone and he applauded VLA for "a heroic initiative at this time". The brochure is available in English, Arabic, Dari, Persian, Somali and Turkish.

### *Using Disability Discrimination Law*

To improve access to this publication for its target markets, Braille and audio-tape versions were produced.



TABLE 11: PUBLICATION DISTRIBUTION 2001–2002

PUBLICATION	ENGLISH AND OTHER LANGUAGES	NUMBER DISTRIBUTED	
		PRINT	WWW
A guide to carer parents		3065	-
Am I old enough?		26,131	442
Applying for an intervention order		26,005	68
Applying for an intervention order*	Arabic, Chinese, Croatian, Serbian, Somali, Spanish, Turkish and Vietnamese	-	249
Are you a refugee?		2956	209
Are you a refugee?	Arabic, Dari, Persian, Somali and Turkish	5149	126
Child bearing expenses		3764	-
Child representative brochure		4535	77
Child support legal service pamphlet		12,854	-
Do you have a legal problem?		15,206	291
Do you have a legal problem?	Albanian, Arabic, Cambodian, Chinese, Croatian, Greek, Indonesian, Italian, Macedonian, Polish, Russian, Serbian, Somali, Spanish, Turkish and Vietnamese	14,983	445
Drug users and the law		11,100	127
Drug users and the law	Vietnamese	1504	14
Falling on hard times		11,959	79
Family violence (Domestic Violence)		5764	-
Getting Help at Court		4478	-
Just in case & poster		6180	-
On the spot		11,446	148
Over the Rainbow		6123	-
Paternity testing pamphlet		8538	294
Patients' rights		19,341	131
People and work		9299	239
Police powers		19,956	466
Police powers	Amharic, Chinese, Somali, Spanish, Tigrigna, Turkish and Vietnamese	5,898	285
Power of Attorney fact sheets & forms		n/a	760
Power of Attorney fact sheets	Arabic, Chinese, Croatian, Greek, Italian, Polish, Serbian, Spanish, Turkish and Vietnamese	-	214
Responding to an intervention order		14,029	174
Responding to an intervention order*	Arabic, Chinese, Croatian, Serbian, Somali, Spanish, Turkish and Vietnamese	-	269
Right a Wrong**		18,068	135
Take control		9705	452
The Road to Court & poster		6765	359
Thinking ahead		1293	-
Using disability discrimination law***		6255	-
VLA website brochure & poster		5821	-
You and family law		20,260	774
You and family law****	Arabic, Chinese, Croatian, Greek, Polish, Russian, Serbian, Spanish, Turkish and Vietnamese	1,298	191
Your day in court		14,511	104
Your day in court	Turkish	402	-
TOTAL		334,641	7,122
COMBINED TOTAL		341,763	

\*Language versions are only available on website. \*\*Note this booklet replaces Know Your Rights and Where to Complain.

\*\*\*Includes Braille and audio tape. \*\*\*\*Note the language versions of You and Family Law were only available for two months before a full rewrite began.

# community legal education



## MAJOR REVIEWS AND REWRITES

### *Right a Wrong*

This new title is an amalgamation of *Know Your Rights* and *Where to Complain*. It is a very popular booklet that provides contact details of organisations, letting people know where to find assistance or to lodge a complaint.

### *Am I Old Enough?*

This booklet informs teenagers about their age-related legal rights covering issues such as sex, driving, voting and drinking alcohol. The booklet underwent a major review and rewrite following feedback from 230 Victorian secondary school students. A competition for a new cover was conducted with the winning entry providing a modern look to the revised edition. This booklet tops the list for the largest circulation with more than 26,000 copies being distributed during the year. The revised publication will go to print in September 2002.

### *Drug Users and The Law*

This fold-out Z card covers legal rights and safer injecting issues. Due to the importance of the information and the length of time this publication has been in existence (since 1995), it was considered time for a full review. The team organised focus testings of the Z-card with community organisations and separately with drug users at a needle-exchange centre. This process proved very valuable to the improvement of the product and reaffirmed its usefulness. The work undertaken is now being incorporated into a rewrite.

### *You and Family Law*

This publication was updated to incorporate references to legislative and practice changes in November 2001. It includes new material on child abduction and proceedings in the Federal Magistrate's Court. Information on property matters and same-sex relationships was also substantially revised. *You and Family Law* is also published in Arabic, Chinese, Croatian, Greek, Serbian, Spanish, Turkish and Vietnamese. Research from the Australian Bureau of Statistics showed that within each of these communities, a substantial proportion of the population under 55 years was regarded as having a limited command of English. Data provided by our telephone information service also showed a high number of family law enquiries in these language groups.

### *Take Control & Thinking Ahead*

People wanting to organise their personal affairs benefit greatly from two publications produced jointly by VLA and the Office of the Public Advocate. During the year *Thinking Ahead* was given a new design and *Take Control* underwent some minor content changes and reformatting of forms making it easier for the end user.

### *Road to Court*

This publication provides assistance to people who have been charged with a traffic offence. It covers information about an individual's rights, the law in relation to drink driving, going to court and penalties. It is also handed out to people who attend the traffic summons workshops run by VLA. The publication underwent a major update incorporating changes that were introduced by the State Government during the year.

### Victoria Legal Aid regional brochures

A promotional brochure for regional offices was produced to assist offices to inform and further educate their local community in the services they provide. These brochures, although consistent in style and content, still promote a local flavour ensuring their relevance to the community.

## Seminars and workshops

The staff at VLA ran a range of community-based legal education activities, seminars and workshops during the year. These sessions covered general legal information and education, divorce, self-represented litigant law and traffic summons workshops. One hundred and ninety four sessions were run with an attendance of 4886 people.

Highlights of this work included:

- Melbourne seminars – PERIN fine system seminars were conducted in January and February following the launch of the new publication, *On the Spot*. Ninety people from VLA and the community sector attended the seminars.
- Regional seminars – during the year the section held five rural legal education seminars. These were run at Beechworth, Lakes Entrance, Ouyen, Kerang and Shepparton and attracted 218 community workers.
- Self-represented litigants workshops – throughout the year the 'litigants in person' workshops attracted 107 participants to 10 sessions. These workshops, run jointly by VLA family law duty lawyers and community legal education staff, operate at the Family Court on the last Wednesday of the month. The workshops aim to empower litigants to represent themselves at court. The workshops include a general introduction to the Family Court and its facilities, and an overview of the legislation concerning children's issues. The participants are instructed in court etiquette, the process of serving applications, how to lead evidence and cross-examine witnesses and what materials are needed for final hearing. All participants receive a kit explaining in detail various aspects covered at the workshops.

## VLA website

The VLA website ([www.legalaid.vic.gov.au](http://www.legalaid.vic.gov.au)) was in its infancy when last year's annual report was published. It is pleasing to report that the new site has attracted significant support from users.

The site contains 250 rights-based legal information pages and a range of other VLA information pages that are updated regularly. It provides links to courts, government departments and statutory authorities. The CLE section uses a distributed authoring process to update the pages. This allows pages to be electronically reviewed and signed off for legal accuracy before they go live.

During the year the site received 54,578 individual visitors and 1,842,901 hits. The average time a user remained on the site was 9.22 minutes. This is a very pleasing result for a new site.

The section has worked hard to ensure the site remains useful to end users by running tests on search engines, undertaking user tests and surveys. The site is advertised on all VLA materials. This work has ensured that the site has grown over the past 12 months.

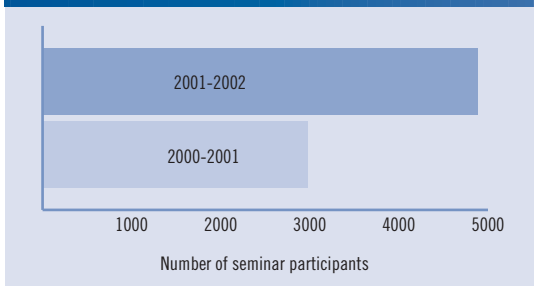
Figures in July 2001 showed 4,789 visitors for the month compared to June 2002 where there were 7,812 visitors, a 61 per cent increase.

The site contains most of VLA's publications (as portable document format files). During the year the public downloaded 30,274 individual items from the site. This figure includes community legal education publications and corporate publications.

The Legal Aid Handbook is only available on the VLA website. Throughout the year the handbook and various chapters were downloaded 6,165 times. The legal aid application form and other legal aid forms were downloaded 421 times.

A decision was made during the year to place two translated publications online rather than print. These publications are *Applying to an Intervention Order* and *Responding to an Intervention Order*. This move will assist the section to monitor usage of these resources by consumers. It also allows for the production of publications that might otherwise be unavailable due to the high cost of small print runs.

FIGURE 6: CLE SEMINAR PARTICIPANTS 2000 – 2002



# our people

Victoria Legal Aid's most valuable resource is its skilled, experienced and highly dedicated staff. VLA's workforce increased from 356 actual staff as at 30 June 2001 to 382 as at 30 June 2002. This was an increase of 24.6 full time positions when adjusted to take account of part-time staff.

Twenty new solicitors were employed, bringing the proportion of solicitors working in VLA to 41 per cent of all staff, an increase from 38 per cent in the previous year. This continues the trend of increasing numbers of employees in areas providing direct legal services to the community.

## Occupational health & safety

VLA is committed to providing a healthy and safe workplace for all its people and for clients visiting VLA's offices. A number of initiatives have been taken throughout 2001–2002 to promote general health awareness amongst our employees and to ensure that VLA's legal obligations are met.



Victoria Legal Aid's most valuable resource is its skilled, experienced and highly dedicated staff.

### WORKPLACE WELLBEING STRATEGY

In October 2001 VLA launched a Workplace Wellbeing strategy. This strategy is designed to provide information, support and assistance to further enhance each employee's capacity to make a valuable work contribution.

The strategy includes:

- lunch time talks and seminars relating to personal health and wellbeing, for example, nutrition and diet related information
- stress management training for individual work groups, for example, regional offices, lawyers, administrative staff and grants officers
- health screening, such as blood pressure and cholesterol checks
- flu injections and hepatitis B vaccination for staff in high risk areas.

Employee response to the strategy has been extremely positive. Lunch time talks have been particularly well attended and will be made available to regional staff for 2002–2003. A similarly enthusiastic response was given to stress management seminars with approximately 50 per cent of VLA staff registering to attend. Seminars were held in regional offices and for Melbourne-based work groups.

New policies (prevention of bullying and critical incident de-briefing) have been useful in providing staff and supervisors with procedures to deal with difficult situations. Absenteeism figures have continued to remain constant at 2.4 per cent.

### OTHER OHS INITIATIVES

Manual handling requirements for employees in key work areas were examined in 2002 as part of VLA's ongoing accident investigation and hazard identification process. Areas examined included the CLE distribution function and the mailroom, for which detailed ergonomic assessments were commissioned.

VLA's overall safety systems were audited by WorkSafe Victoria in 2002. Our systems for accident investigation, hazard inspection, training of safety officers and first aid officers, manual handling risk assessment procedures and OHS related policies were all examined by a WorkSafe inspector. As a result of the audit, VLA has:

- tightened procedures for some tasks, for example, procedures to be followed by staff in physically archiving files
- developed checklists to document standard tasks, for example, ergonomic assessments
- written to identified contractors to alert them to potential OHS risk while undertaking work for VLA, and instructed them to adequately protect their staff when entering VLA premises.

## Merit & equity report

VLA appointed new Equal Employment Opportunity (EEO) contact officers in 2001. A total of nine officers were appointed and training was provided in all aspects of EEO, sexual harassment and discrimination. Contact officers were also trained in anti-bullying procedures so that staff could contact this group if they required information or assistance to address an issue of bullying in their work area. It is expected that this group will act as an advice and referral source for any employee facing work-related harassment or discrimination. Contact officers have been included on VLA's intranet so they can be easily accessed and identified.

As part of VLA's ongoing EEO responsibilities, training workshops were held for regional office staff in general EEO principles during the year. This completed the cycle of EEO training for all staff, which had commenced the previous financial year.

The carer's room continues to be well utilised by staff at 350 Queen Street. The carer's room is intended for short-term use in emergency situations where a member of staff is unable to arrange alternative care for a family member. The carer's room was established to enable staff to carry out their normal duties while caring for dependants and it provides an alternative to taking leave. It is part of VLA's EEO strategy.

Women represent almost 69 per cent of VLA's workforce and comprise the majority of professional staff, as Table 13 illustrates. Female representation is also strong at all management levels.

## Certified enterprise agreement

VLA negotiated an enterprise agreement in 2001 to cover VLA employees for 2001–2002. The agreement builds on work already achieved in previous agreements with ongoing commitment and performance indicators set in the following areas:

- organisational development
- improving VLA's effectiveness and efficiency
- providing quality customer service
- examining business directions.

The agreement has been monitored throughout 2001–2002 to ensure that all targets are on track and will be met by the end of the life of the agreement.

Progress on negotiated targets in 2001–2002 is demonstrated by the following:

- Human resources policies have been amended to allow provision of pre-natal leave for a pregnant staff member to attend routine medical appointments and associated leave for partners.
- Development of a working-from-home policy has been completed.
- Review of the performance management system was undertaken to ensure the system operates more effectively and to specific time lines. Further developments of the system are envisaged to strengthen links with organisational planning and to enhance the training and development aspects of the system to meet individual needs.
- Training programs to build the capability of staff have been developed, including: competency-based training for administrative staff, training sessions for mid-level managers and professional skill development for legal staff.
- In-house invoicing to measure the efficiency of the in-house practice is underway.
- Services to VLA's regional network have been expanded with an office about to be opened in Shepparton, duty lawyer services provided in Swan Hill and Seymour and other rural outreach programs.
- Staff consultation processes have been strengthened throughout VLA, particularly in negotiating change and in strategic planning. In 2001–2002, no time was lost due to industrial action.

TABLE 12: WORKFORCE DATA 2000–2002

DIVISION	2000–2001				2001–2002			
	SOLICITORS*	PARA LEGAL	ADMIN, CSO & OTHERS	TOTAL	SOLICITORS*	PARA LEGAL	ADMIN, CSO & OTHERS	TOTAL
Directorate	2	0	32	34	3	4	30	37
Human Resources	0	0	8	8	1	0	7	8
Audit	0	0	2	2	0	0	2	2
Criminal Law	31	2	12	45	32	2	11	45
Grants	2	0	64	66	3	0	60	63
Finance and Administration	0	0	16	16	0	0	18	18
Family, Youth & Civil Law	43	0	15	58	49	1	19	69
Regionals	59	0	58	117	69	0	62	131
Information Systems	0	0	10	10	0	0	9	9
<b>TOTAL</b>	<b>137</b>	<b>2</b>	<b>217</b>	<b>356</b>	<b>157</b>	<b>7</b>	<b>218</b>	<b>382</b>

Note: Staffing figures provided are actual numbers of staff. There was 350.60 equivalent full-time staff as at 30 June 2002.

\*Although staff from other divisions may be classified as administrative, many are legally qualified.

# our people



## Training and development

One of VLA's key people management objectives is to provide relevant training and development opportunities for all employees.

Individual needs are identified through personalised training and development plans, which are then submitted to the Human Resources Division and aggregated into an organisational training calendar.

In 2001–2002, the main training needs identified included time management and roles and responsibilities of being a manager. Additional courses were offered in communication skills, including business writing, while regular induction seminars and recruitment skills workshops were also provided.

### MANAGEMENT TRAINING

A modular management training program was developed primarily for staff undertaking a managerial role for the first time. The modules covered many of the critical components required in becoming an effective manager, and were designed to build on existing skills and knowledge.

A two-day workshop on the roles and responsibilities of being a manager was followed by courses in:

- coaching, counselling and feedback
- conflict management and resolution.

Existing managers who wanted to refresh their skills and knowledge also undertook the training. In total, 20 managers attended these modules which will become an ongoing resource for management training in VLA.

### GRADUATE CERTIFICATE IN BUSINESS ADMINISTRATION

Following the success of the Graduate Certificate in Management last year, a similar course known as the Graduate Certificate in Business Administration was offered in 2002.

The 12 month management development course is organised in partnership with the University of Western Sydney and is an accredited qualification representing the first year of a Masters of Business Administration.

The course is being conducted on site and focuses on essential managerial components such as managing finance, managing people and managing change. Part of the course content is also being tailored to meet more specific VLA requirements.

### ADMINISTRATIVE QUALIFICATION PROGRAM

VLA now offers administrative staff the opportunity to study towards a recognised qualification. Staff who participate in the Administrative Qualification Program (AQP) will graduate with a Certificate IV in Business (with optional legal specialisation) or Business Administration. Certificate IV is the highest level certificate in the Australian National Training Authority structure and graduates are eligible for entry to diploma level study, the highest non-degree level qualification. The course is being delivered in association with Aspire Training and Consulting, an independent not-for-profit Registered Training Organisation.

About 16 staff have enrolled for the first intake, with the majority electing to do the legal specialisation. Participants come from practice divisions and several regional offices. The course is self-paced and structured to individual needs with a focus on one-on-one interaction with the trainer. Participants will be assigned projects relevant to their role and current level of competency.

The AQP will be ongoing with entry open to administrative staff at any time.

### ARTICLED CLERK PROGRAM

VLA offers four articulated clerk positions to law graduates each year. The articulated clerk program involves rotating placements throughout the practice and corporate divisions of VLA, including at least one placement at a regional office.

Articled clerks work under the direct supervision of lawyers, and are given increasing responsibility as their competency develops. Their practical experience is complemented by internal and external professional legal education opportunities.

### SUMMER AND ARTICLED CLERK PROGRAM FOR INDIGENOUS LAW STUDENTS AND GRADUATES

This program, implemented in December 2001, aims to support indigenous students throughout the course of their studies and on to admission, and thereby maximise their prospects of successfully completing their tertiary qualifications and finding employment in the legal sector.

VLA provides this support by giving students the opportunity to:

- gain work experience in the legal system
- develop practical legal skills
- identify those areas of law in which they have a particular interest
- develop relationships with legal practitioners who can act as mentors.

By removing barriers to employment faced by indigenous Australians, the VLA program aspires to achieve a workforce that advances the diversity of the Victorian community. VLA will benefit from the program through enhanced cross-cultural awareness in staff, and through promoting links with the indigenous community.

Every year VLA will offer four summer clerkships to indigenous law students during the university summer break, and an articulated clerk position to one indigenous law graduate.

#### PEOPLE MANAGEMENT GRANT

Each year the Commissioner for Public Employment offers project grants as part of the Victorian Public Sector People Management Awards. VLA has received a grant in the category of "Managing Diversity", which will be applied to the further development of the Summer and Articled Clerk Program for Indigenous Law Students and Graduates. This funding will support the implementation of mentoring and cross-cultural awareness training programs at VLA in 2002-2003.

### Employee surveys

In December 2001, many VLA staff participated in a major survey conducted by the Office of Public Employment (OPE). The "People Matter" survey sought to establish links between the extent to which organisations apply the principles of employment established for the public sector, and levels of job satisfaction, morale and workgroup operation.

The comparative results are encouraging for VLA, indicating that VLA staff were more satisfied with the application of the employment principles than were public sector staff generally and they were more satisfied with their job.

However, there are areas that clearly require improvement, and these will be targeted through strategic planning, employment policy and enterprise bargaining.

### Staff achievements

Each year, the managing director recognises the contribution of staff who have worked in Victoria Legal Aid for more than ten years. Staff are awarded a plaque in appreciation of their valuable years of service.

Staff who became eligible for ten-year service awards in 2001–2002 are: Bernadette Croke, Andrew Denison, Tasoula Giannis, Kerry Greenwood, Sonia Michielon, Daryl Murray-Hennessy, Agnes Norton, Mary Phillippou and Violeta Trifunovski.

TABLE 13: STAFF CLASSIFICATION BY GENDER

CLASSIFICATION	FEMALE	MALE	TOTAL
<b>EXECUTIVE</b>			
E02	0	1	1
E03	3	3	6
Sub Total	3	4	7
<b>SOLICITOR</b>			
VLA 5	7	10	17
VLA 4	26	20	46
VLA 3	60	30	90
VLA 2	0	0	0
Sub Total	93	60	153
<b>PARA LEGAL</b>			
VLA 3	1	1	2
VLA 2	5	0	5
Sub Total	6	1	7
<b>ADMINISTRATIVE</b>			
VLA 5	1	2	3
VLA 4	11	7	18
VLA 3	40	21	61
VLA 2	100	13	113
VLA 1	6	3	9
Sub Total	158	46	204
<b>COMPUTER SYSTEMS OFFICER</b>			
VLA 5	0	1	1
VLA 4	0	2	2
VLA 3	3	2	5
Sub Total	3	5	8
<b>LIBRARIAN</b>			
VLA 4	1	0	1
VLA 3	1	0	1
VLA 2	1	0	1
Sub Total	3	0	3
<b>TOTAL</b>	<b>263</b>	<b>119</b>	<b>382</b>

Note: Actual staff numbers at 30/06/2002.  
There were 350.60 equivalent full time staff as at 30 June 2002.

# information systems



The Information Systems Division is responsible for the information systems and associated technologies that support VLA in delivering its objectives. The division seeks to provide reliable, secure, integrated and flexible systems, providing tangible benefits to the organisation.

## Services

The services that the division provided are:

- planning and architecture development: developing strategic policy in alignment with developments in technology and the justice environment
- consulting and development: providing advice and support in relation to systems development that is consistent with technological trends
- systems education: analysing staff training needs and delivering appropriate courses
- systems acquisition: purchasing hardware and software according to business requirements
- systems management: managing systems in terms of maintenance, security and change management
- service delivery: assisting clients directly via the Help Desk and providing an effective management reporting system.

## Activities over the year

Major activities for 2001–2002 were:

### ORGANISATIONAL CHANGE

A series of structural changes were carried out to improve expertise in the areas of business analysis and technical management for the purposes of assisting in the acquisition of new technologies. Also, systems maintenance activities were outsourced.

### SERVICE LEVEL AGREEMENT

A service level agreement was developed, defining the range of services to be delivered by the division and associated service delivery standards.

### LA OFFICE MAINTENANCE

Divisional staff played a key role in facilitating a national approach to the interim support of LA Office. This involved the development of a nationally agreed set of services and contracts, the completion of a national tendering process and the selection of a new maintenance support provider.

### AUSTRALIAN TOTAL LEGAL AID SOLUTION (ATLAS)

The division is a key member of the board of management of the Australian Total Legal Aid Solution (ATLAS) project, designed to deliver practice and document management functionality and replace LA Office.

The scope of this project encompasses the establishment of the capacity to deliver services electronically, including lodgement and processing of legal aid applications. The project has evolved to include nine legal aid commissions and the replacement of the existing LA Office application.

The forthcoming year will see ATLAS enter the acquisition and implementation stages.

### INFRASTRUCTURE UPGRADE

A project was commenced to upgrade the fundamental infrastructure of the organisation in preparation for ATLAS and outcomes arising from the Department of Justice's Criminal Justice Enhancement Project.

This project involves the development of a server-based computing architecture that will improve the basic support of infrastructure. In the longer term, the upgrade will provide the basis for improving remote access to organisational resources.

### SYSTEM SUPPORT PROVIDER

The existing provider of database maintenance services was replaced during the year under a new arrangement that will support a wider range of related services and technologies.

### COMMUNITY LEGAL CENTRE (CLC) TECHNOLOGY UPGRADE

This project involved the upgrade of hardware and software at over 30 legal centres around the state. Staff within the division played a major role in providing advice to CLC management and facilitating the initial upgrade.

# finance and administration

The Finance and Administration Division has significant roles in relation to external and internal customer service and administration. Specifically, the division has an external focus in the provision of client contribution administration and financial reporting. In relation to the internal services provided, these include financial services, management reporting, strategic financial plans, facilities management, security services and contract management.

## Finance section

The finance section is responsible for financial and management reporting, general accounting, budget management, revenue (including government grants), and accounts receivable and payable.

A major focus for this section is to prepare and monitor performance against budget. This is rigorously reviewed through monthly management and board reporting, including a comprehensive mid-year budget review. A centralised financial system provides the information the organisation needs, and supports business planning and decision making.

The section commenced the implementation of improved management reporting during the past year. The objective was to provide improved financial information that was more widely available and easier to access. The ongoing theme in the section will be the continued emphasis upon reviewing practices and emerging technologies with the view to automating and streamlining activities, therefore increasing efficiency.

## CLIENT CONTRIBUTION SECTION

The client contribution section collects amounts outstanding from assisted applicants who are assessed to have the financial capacity to contribute towards the cost of their legal proceedings. VLA's assessment of contributions is guided by two principles:

- Where possible, an assisted person should be placed in a position that is equal to, but no better than that of, an unassisted person in relation to the payment of legal costs.
- An assisted person, without suffering too much financial hardship, should contribute to the costs of legal assistance according to their ability to pay.

The collection of these contributions will occur over the next decade. Payment may be required in a lump sum or by instalments at the beginning, during or conclusion of the grant, depending on the client's financial capacity.

During 2001–2002, the VLA board resolved to centralise the granting of legal assistance and client contribution management to the Queen Street office. The project involved the transfer of grants files from regional offices and a review of all completed files that remain active due to their ongoing client contribution status. The section dedicated itself to this project and its implementation occurred with minor disruption to customer service.

## Facilities section

VLA honoured its commitment to expand services by establishing a new rural office with assistance from the State Government. The facilities team was instrumental in identifying and developing the premises at High Street, Shepparton into a first class legal office. Clients have been able to access the service since April with the formal opening of the facility scheduled for early 2002–2003.

The facilities team relocated the Western Suburbs Regional Office to a location opposite the new court complex in Sunshine. This project commenced with the identification of premises the previous financial year. After long delays as a result of building works undertaken by the owner, the new office commenced operations in the second half of 2001–2002 whilst the fit-out was still in progress. The official launch of the new Sunshine office will take place early in 2002–2003. In order to achieve the relocation and allow the service to continue uninterrupted throughout the process, staff had to negotiate skilfully and work collaboratively.

## Other major projects

Other major projects managed by the division included:

- State Government funding for establishment of a video-conferencing network linking all 12 VLA offices. The division has been managing this project with final implementation due in October 2002.
- National Legal Aid (NLA), representing the eight state and territory legal aid commissions, is examining costing methodologies and reporting systems. This division is managing the project to establish a uniform system on behalf of NLA. The uniform system is designed to ensure that all commissions benefit from the highest standard of financial and resource management. It is also aimed at achieving consistency between commissions in their costing and finance reports, thus enabling valid costing comparisons to be made. This project will continue into 2002–2003.

# corporate matters



## FREEDOM OF INFORMATION

VLA is a public authority, subject to the *Freedom of Information Act 1982*.

Clients of VLA's in-house practice make a significant number of requests for access to their own case files under Freedom of Information. For a number of years, VLA has not treated such requests as having been made under Freedom of Information. Instead case-related documentation is released on a solicitor/client basis. This has led to a notable reduction in the number of documents being released under Freedom of Information.

Requests for administrative documents are processed in accordance with the *Freedom of Information Act*.

In 2001–2002, three requests for documents were accepted and processed by VLA. Two of these requests were granted in full or in part, and one was refused. No decisions were appealed to the Victorian Civil and Administrative Tribunal. VLA charges a \$20 application fee for Freedom of Information requests.

## PRIVACY

In preparation for the commencement of the *Information Privacy Act 2000*, VLA completed an audit of all information gathered and retained by it. Staff from the Office of the Victorian Privacy Commissioner will conduct training of key divisional personnel who will, in turn, ensure compliance with the legislation.

## INVESTIGATIONS OF COMPLAINTS AGAINST PRACTITIONERS AND ASSISTED PERSONS

Complaints concerning the conduct of an assisted matter, breaches of the terms and conditions of assistance or breaches of the Act by practitioners and assisted persons, are referred to VLA's administration, investigations and compliance coordinator for investigation.

In most instances in 2001–2002, the matters referred for investigation were resolved without the need for referral to the board for consideration of an appropriate action.

Pursuant to section 30(10) of the Act, the board may remove the name of a practitioner from a referral panel for a specified period. During the year, some practitioners were removed from the referral panel and one matter was referred to Victoria Police for further investigation.

The board also authorised the referral of a number of applicants, who had provided false information in relation to their applications for legal assistance, to Victoria Police for investigation. Provision of false information in support of an application for legal assistance and the failure to disclose information, known to be relevant to the application for or the provision of, legal assistance, is an offence.

The majority of complaints continue to be a result of misunderstandings between private practitioners and their legally assisted clients, which are resolved without the need for a transfer of the grant of assistance to another practitioner.

A joint VLA/Centrelink system for the verification of Centrelink information provided by applicants for legal assistance is planned to be implemented for the 2002–2003 financial year, along with the introduction of new processing software.

## CORPORATE LITIGATION

In 2001–2002 VLA was a party to litigation in the Magistrates', County and Supreme Courts

Usually VLA is the respondent to the proceedings, most of which arise out of applications for legal assistance or grants of assistance. The types of cases in which VLA was involved included:

- applications made under section 360A of the *Crimes Act 1958* and section 143 of the *Confiscation Act 1997*
- debt and caveat proceedings
- Supreme Court proceedings arising from action taken against a practitioner under section 30 of the *Legal Aid Act*
- a number of costs applications and subpoenas directed at officers of VLA.

It continues to conduct litigation in-house to minimise legal costs.

VLA also receives and responds to complaints made to the Office of the Legal Ombudsman and Professional Standards (Victorian Lawyers' Recognised Professional Association). VLA also continues to work with these bodies to ensure that legally assisted matters are assigned to competent private practitioners.

## RECORDS & ARCHIVES

A total of 81,402 files were transferred from VLA to the Pickfords archives storage during the last financial year.

Archive procedures introduced in July 2000 have enabled VLA to reduce the number of files stored at 350 Queen Street from 65,000 in May 2000 to 23,000 in May 2002.

In compliance with the *Public Records Act 1973*, VLA's paper archive heritage – that is, the case and administration records defined as “permanent records” in the VLA Disposal Schedule Policy and the General Disposal Schedule for Common Administrative Records – is stored with the Public Record Office of Victoria.

Case and administration records classified as temporary records are retained at Pickfords in accordance with the disposal schedule.

## DECLARATION OF PECUNIARY INTERESTS

All relevant officers have completed declarations of pecuniary interest. Information will be made available to the relevant minister, members of parliament and the public on request.

## CONSULTANCIES

There were no consultancies costing in excess of \$100,000. There were 31 consultancies, each costing less than \$100,000 with a total cost of \$204,121.

## NATIONAL COMPETITION POLICY

There has been no further progress on implementation of National Competition Policy in 2001–2002.

## VLA audit committee & internal audit unit

VLA's Audit Committee comprises a majority of non-executive VLA board members. The committee has a board-approved charter that is based on the best practice guidelines issued by the Australian Accounting Research Foundation, Institute of Internal Auditors and Australian Institute of Company Directors. The Audit Committee Charter responsibilities include internal control, risk management, external reporting, external audit and internal audit.

The committee met four times during the 2001–2002 financial year. The members of the committee were:

Mr Andrew Home

NON-EXECUTIVE VLA DIRECTOR & AUDIT COMMITTEE CHAIRPERSON  
(until 13 December 2001)

Mr Jonathan Mott

CHAIRPERSON VLA BOARD (until 13 December 2001)

Ms Maria Wilton

NON-EXECUTIVE VLA DIRECTOR & AUDIT COMMITTEE CHAIRPERSON  
(from 14 December 2001)

Mr John Howie

CHAIRPERSON VLA BOARD (from 14 December 2001)

Mr Peter Kirby

NON-EXECUTIVE VLA DIRECTOR

The managing director, manager of finance and administration, and manager of internal audit attend all meetings at the invitation of the Audit Committee. The external audit director has an open invitation to attend all meetings and receives a copy of the meeting papers and minutes, prior to each meeting.

During the year, the internal audit unit provided risk evaluation and consulting advice over VLA activities that included legal creditors, non-legal purchasing, building security, payroll, *Whistleblower Protection Act 2001* procedures, simplified grants trial and various quotation and tender projects.

# community legal centre funding



The 34 Community Legal Centres (CLCs) in the Victorian Community Legal Centre Funding Program, administered by VLA through the Regional Offices Division, offer important services that include provision of legal advice, casework, community legal education and law reform. They are part of a network of 45 community legal centres in Victoria.

VLA administers the State and Commonwealth funding to the 34 centres and to the secretariat of the Federation of Community Legal Centres.

The responsibilities of the CLC Funding Program are to ensure CLCs comply with their service agreement requirements, such as financial reporting and strategic planning, and to ensure that service delivery targets are fulfilled.

The program is involved in policy development at a state level, responding to the changing needs of CLCs and the program. It operates in conjunction with other legal aid commissions and the Commonwealth.

In 2001–2002, the allocation of funds to Victorian CLCs totalled \$7,141,177. Of that amount, the Commonwealth provided \$4,240,542 and the State \$2,900,635. The Commonwealth contributed \$93,321 towards the administration of the program.

The changes in 2001–2002 grants compared with 2000–2001 were:

- an increase in Commonwealth grants by 1.96 per cent
- an additional \$546,114 from the State, which enabled increased funding to all CLC recipients of State funding and additional workers at Brimbank, Werribee and Mental Health legal centres
- the State provided a 3 per cent Enterprise Bargaining Agreement (salary) increase for State funded centres by providing a total of \$171,970 to all State funded centres.

Both governments also provided monies for capital equipment upgrades in CLCs. The provision of \$800,000 by the State and \$93,000 by the Commonwealth enabled the purchase of much needed new computers, printers, networking solutions, photocopiers, desks, chairs and filing cabinets, as well as office refitting in a number of centres.

The CLC Funding Program was also responsible for administering an additional grant of \$53,964 from the Department of Justice to CLCs for the use of interpreting and translating services.

In 2001–2002, VLA continued to provide funding for the payment of many centres' internet service provider accounts – \$5175 was allocated for this purpose.

Funds of \$30,201 were also provided by VLA for the payment of professional indemnity insurance premiums for most centres. VLA agreed to meet the additional costs of finding a replacement insurer following the collapse of HIH.

TABLE 14: CLC FUNDING ALLOCATIONS 2000–2002

COMMUNITY LEGAL CENTRE	2001–2002	2000–2001
Albury Wodonga	208,588	204,578
Brimbank	217,831	68,755
Broadmeadows	201,087	177,214
Casey & Cardinia	177,937	162,906
Consumer Credit	182,953	162,046
Community Connections Victoria	174,874	167,277
Central Highlands	179,717	156,138
Coburg	175,396	156,055
Darebin	182,197	162,596
Disability Discrimination	152,605	149,671
Eastern	231,692	211,806
Environment Defenders Office	76,580	75,108
Essendon	179,436	154,992
Federation of CLCs	223,081	172,317
Flemington/Kensington	176,164	157,706
Fitzroy	288,694	259,413
Footscray	182,947	162,386
Geelong	400,177	376,855
Gippsland	207,097	203,116
Mental Health	188,049	122,734
Monash-Oakleigh	132,867	128,712
Murray Mallee	229,488	225,076
North Melbourne	184,043	232,411
Peninsula	421,336	386,850
Springvale Community Aid & Advice	59,840	58,689
Springvale	348,071	325,326
St Kilda	175,397	156,169
Tenants Union	216,549	165,564
Werribee	175,818	97,634
West Heidelberg	175,477	151,907
Women's Legal Services	545,516	518,713
Welfare Rights Unit	158,567	155,519
Western Suburbs	177,950	162,121
Young People's Legal Rights*	67,690	0
<b>TOTAL</b>	<b>\$7,051,837</b>	<b>\$6,252,236</b>

\*Note: Young People's Legal Rights Centre funding was previously part of North Melbourne Legal Service's allocation. They have now become a separate entity.

# summary

Victoria Legal Aid financial results over the last five years

	2001-2002 \$'000	2000-2001 \$'000	1999-2000 \$'000	1998-1999 \$'000	1997-1998 \$'000
Revenue	75,777	70,804	68,135	63,067	70,729
Expenses	69,985	62,383	75,109	62,653	66,727
RESULTS	5,792	8,421	(6,974)	414	4,002

# summary report

	\$'000	2002 \$'000	%	\$'000	2001 \$'000	%
<b>REVENUE</b>						
Funding provided by government		66,086	87		61,749	87
<b>INTERNALLY GENERATED FUNDS:</b>						
Client contributions & appeal costs fund	4,894			6,003		
Recoverable amount adjustment	2,018			0		
Other revenue	2,779	9,691	13	3,052	9,055	13
<b>TOTAL REVENUE</b>		<b>75,777</b>	<b>100</b>		<b>70,804</b>	<b>100</b>
<b>EXPENDITURE</b>						
Case related professional payments	38,671			34,285		
Grants	3,519	42,190	60	2,187	36,472	58
Employee benefits	19,583			17,490		
Administration expenses	8,212			7,850		
Recoverable amount adjustment	0	27,795	40	571	25,911	42
<b>TOTAL EXPENDITURE</b>		<b>69,985</b>	<b>100</b>		<b>62,383</b>	<b>100</b>
<b>RESULT FROM ORDINARY ACTIVITIES</b>		<b>5,792</b>			<b>8,421</b>	

## Result from ordinary activities

The surplus of \$5.8 million is substantially higher than anticipated due to the recognition of additional revenue.

The State Government provided supplementary funding during the financial year that remained unexpended as at the 30 June 2002. As a result of accounting standards VLA has recognised an additional \$1.1 million of State funding which adds directly to the surplus as expenditure had not been incurred. Due to the nature of these funds, projects have been identified and will be acquitted in the first quarter of the new financial year.

Secondly, the actuarial assessment of the net present value for secured client contribution receivables as at 30 June 2002 was determined to be \$13.992 million. In order to recognise the change in the present value VLA was required to make a recoverable amount adjustment of \$2.0 million. This consequently caused revenue and client contributions receivables to increase by \$2.0 million.

## Revenue

### GOVERNMENT FUNDING

The State government and the Public Purpose Fund increased funding by \$4.1 million in 2001/2002. The Public Purpose Fund increased VLA's allocation by \$0.76 million, while the State government provided both recurrent and capital funding during the year.

State government increased VLA's base allocation by \$1.25 million of which \$0.55 million was directly passed onto Community Legal Centres (CLC). Throughout the year the State government directed additional one off capital (\$0.5 million) and operating (\$0.2 million) funding to CLC's.

A Treasures advance of \$1.4 million was received in May to implement video conferencing within VLA, update VLA publications and provide CLC's with additional equipment.

The Commonwealth government and Victoria Legal Aid have a formal funding agreement that specifies the annual appropriation levels, in 2001/2002 this was \$27.8 million (2000/2001: \$27.8m).

### CLIENT CONTRIBUTIONS

Client contributions, including costs recovered and appeal costs fund reduced by \$1.1 million. Client contributions remained stable however costs recovered and appeal costs fund reduced due to the added complexity of changes occurring from within the Court system and the higher than normal income received in 2000/2001.

Costs recovered and appeal costs fund increased from \$1.6 million in 1999/2000 to \$2.6 million in 2000/2001, however, has returned to the lower amount of \$1.5 million in 2001/2002.

### RECOVERABLE AMOUNT ADJUSTMENT

As a result of the actuarial assessment the recoverable amount was adjusted by \$2.0 million to correctly recognise the present value of client contributions receivable. The present value of receivables has for the first time increased from the previous valuation.

## Expenses

### CASE RELATED EXPENSES

Case related expenditure increased from \$34.3 million in 2000/2001 to \$38.7 million. This is the highest case related expenditure since 1997 which reflects VLA's continued commitment to providing additional legal aid services through the private profession.

### GRANTS

Additional funding from the State government enabled VLA to increase grants to Community Legal Centres. Due to the nature of this funding the level of grants will not remain at this level in 2002/2003.

### EMPLOYEE BENEFITS

Employee benefits have increased due to an increase in the staff establishment (family law specialists) and increases in salaries in accordance with VLA's Enterprise Agreement.

## Assets

### CASH ASSETS

Cash assets have accumulated over the financial year to end \$6.5 million higher than last year. This is predominantly due to VLA being unable to expend funding provided for Commonwealth law matters.

With cash assets now totalling in excess of \$41.6 million it has become a substantial item in the Statement of Financial Position. This substantial cash balance must however be taken in context with the liabilities (\$14 million) and commitments (\$31 million) that could ultimately require the utilisation of these funds.

### RECEIVABLES

There has been only a minor movement in receivables. Client contribution receivables have reduced from \$17.3 million at 30 June 2001 to \$16.5 million as at 30 June 2002.

This reflects VLA's collection policy that requires clients to complete a financial statement annually thereby reminding them of their obligation. This procedure has resulted in greater amounts being collected than raised as reflected in the Statement of cash flows.

### LIABILITIES

Liabilities have reduced to \$14.4 million due to a reduction in VLA's obligation to external parties. This reduction has been offset by an increase in provisions relating to employee entitlements.

### EQUITY

The change in equity over the period resulted from the surplus presented in the Statement of Financial Performance.

# statement of financial performance

	NOTES	2002 \$'000	2001 \$'000
<b>REVENUE FROM ORDINARY ACTIVITIES</b>			
<b>GOVERNMENT</b>			
Commonwealth grant	1d,2	28,074	27,870
State grant	1d,2	31,457	28,079
Public purpose fund	1d,2	6,555	5,800
		66,086	61,749
<b>OPERATING</b>			
Client contributions	1d,2	3,395	3,424
Costs recovered and appeal cost fund	1d,2	1,499	2,579
Recoverable amount adjustment	1j	2,018	0
Interest on investments	1d,2	2,292	2,566
Other revenue		487	486
		9,691	9,055
<b>TOTAL REVENUES FROM ORDINARY ACTIVITIES</b>		<b>75,777</b>	<b>70,804</b>
<b>EXPENSES FROM ORDINARY ACTIVITIES</b>			
Case related professional payments		(38,671)	(34,285)
Employee entitlements	3	(19,583)	(17,490)
Grants & other payments to service providers		(3,519)	(2,187)
Recoverable amount adjustment	1j	0	(571)
Depreciation	1e, 3	(1,704)	(1,693)
Other expenditure from ordinary activities	3	(6,508)	(6,157)
		(69,985)	(62,383)
<b>NET RESULT FOR THE REPORTING PERIOD</b>		<b>5,792</b>	<b>8,421</b>
<b>TOTAL CHANGES IN EQUITY OTHER THAN THOSE RESULTING FROM TRANSACTIONS WITH OWNERS AS OWNERS</b>			
	10c	5,792	8,421

The above statement of financial performance should be read in conjunction with the accompanying notes.

# statement of financial position

	NOTES	2002 \$'000	2001 \$'000
<b>CURRENT ASSETS</b>			
Cash assets	1g, 5, 15	41,613	35,117
Accrued Income	15	265	218
Receivables	1h&j, 6, 15	6,937	5,866
Prepayments		464	536
<b>TOTAL CURRENT ASSETS</b>		<b>49,279</b>	<b>41,737</b>
<b>NON-CURRENT ASSETS</b>			
Property, plant and equipment	1j, 7	3,559	4,301
Receivables	1h&j, 6, 15	11,512	12,844
<b>TOTAL NON-CURRENT ASSETS</b>		<b>15,071</b>	<b>17,145</b>
<b>TOTAL ASSETS</b>		<b>64,350</b>	<b>58,882</b>
<b>CURRENT LIABILITIES</b>			
Payables	1i, 8, 15	10,227	11,190
Provisions	1m, 9	1,857	1,574
<b>TOTAL CURRENT LIABILITIES</b>		<b>12,084</b>	<b>12,764</b>
<b>NON-CURRENT LIABILITIES</b>			
PROVISIONS	1m, 9	2,280	1,924
<b>TOTAL NON-CURRENT LIABILITIES</b>		<b>2,280</b>	<b>1,924</b>
<b>TOTAL LIABILITIES</b>		<b>14,364</b>	<b>14,688</b>
<b>NET ASSETS</b>		<b>49,986</b>	<b>44,194</b>
<b>EQUITY</b>			
Reserves	10a	2,000	2,000
Contributed capital	10b	42,194	0
Accumulated surplus	10c	5,792	42,194
<b>TOTAL EQUITY</b>		<b>49,986</b>	<b>44,194</b>
Contingent liabilities	17		
Commitments for expenditure	16		

The above statement of financial position should be read in conjunction with the accompanying notes.

# statement of cash flows

	NOTES	2002 \$'000	2001 \$'000
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>			
<b>RECEIPTS</b>			
<i>Receipts from government</i>			
Commonwealth		27,896	28,072
State		31,518	28,047
Public purpose fund		6,555	5,800
<i>Receipts from operating activities</i>			
Client contributions		5,437	4,870
Costs recovered and appeal cost fund		1,557	2,770
Interest received		2,213	2,625
GST refund from Australian Taxation Office		4,724	3,739
Other		342	234
		80,242	76,157
<i>Payments to suppliers and employees</i>			
Private practitioners		(42,188)	(37,750)
Salaries and related costs		(19,056)	(17,256)
Community Legal Centres		(3,840)	(2,546)
Administration costs		(7,474)	(6,431)
Other		(374)	(243)
		(72,932)	(64,226)
<b>NET CASH INFLOW FROM OPERATING ACTIVITIES</b>	14	7,310	11,931
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>			
Payments for property, plant and equipment		(1,004)	(1,142)
Proceeds from sale of property, plant and equipment		190	208
<b>NET CASH OUTFLOW FROM INVESTING ACTIVITIES</b>		(814)	(934)
<b>NET INCREASE IN CASH HELD</b>		6,496	10,997
Cash at the beginning of the financial year		35,117	24,120
<b>CASH AT THE END OF THE FINANCIAL YEAR</b>	1g, 5	41,613	35,117

The above statement of cash flows should be read in conjunction with the accompanying notes.

# notes to the financial statements

## NOTE 1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

The following summary explains the significant policies that have been adopted in the preparation of these financial statements.

### [a] Basis of accounting

This general purpose financial report has been prepared in accordance with the *Financial Management Act 1994*, Australian Accounting Standards, Statements of Accounting Concepts and other authoritative pronouncements of the Australian Accounting Standards Board and Urgent Issues Group Consensus Views.

It is prepared in accordance with the historical cost convention, except for certain assets and liabilities which, as noted, are at valuation. The accounting policies adopted, and the classification and presentation of items, are consistent with those of the previous year, except where a change is required to comply with an Australian Accounting Standard or Urgent Issues Group Consensus View, or an alternative accounting policy or an alternative presentation or classification of an item, as permitted by an Australian Accounting Standard is adopted to improve the relevance and reliability of the financial report. Where practicable, comparative amounts are presented and classified on a basis consistent with the current year.

### [b] Objectives and funding

The objectives of VLA as detailed in the *Legal Aid Act 1978* are:

- (a) To provide legal aid in the most effective, economic and efficient manner;
- (b) To manage its resources to make legal aid available at a reasonable cost to the community and on an equitable basis throughout the state;
- (c) To provide to the community improved access to justice and legal remedies;
- (d) To pursue innovative means of providing legal aid directed at minimising the need for individual legal services in the community.

### [c] Rounding of amounts

Amounts in the financial report have been rounded to the nearest thousand Australian dollars.

### [d] Revenue recognition

Amounts disclosed as revenue are, where applicable, net of returns, allowances, duties and taxes. Revenue is recognised for each of the Commission's major activities as follows:

#### (I) GOVERNMENT GRANTS

Grants payable by Government are recognised as revenue when the Commission gains control of the underlying assets. Where grants are reciprocal, revenue is recognised as performance occurs under the grant. Non-reciprocal grants are recognised as revenue when the grant is received or receivable. Conditional grants may be reciprocal or non-reciprocal depending on the terms of the grant.

#### (II) CLIENT CONTRIBUTION REVENUE

Revenue from the provision of legal services to clients is recognised at its fair value. Contributions for services are only recognised when the fair value can be reliably determined and the services would normally be purchased.

#### (III) SALE OF GOODS AND DISPOSAL OF ASSETS

Revenue from the sale of goods and disposal of other assets is recognised when the economic entity has passed control of the goods or other assets to the buyer.

#### (IV) INTEREST

Interest revenue is recognised on a time proportionate basis that takes into consideration the effective yield on the financial asset.

#### (V) COSTS RECOVERED AND APPEAL COSTS FUND

Revenue arising from costs recovered and appeal costs fund is recognised when the economic entity gains control of the revenue or the right to receive revenue.

### [e] Depreciation of non-current assets

Depreciation is calculated on a straight line basis to write off each item of property, plant and equipment (excluding land) over its expected useful life to the Commission. Estimates of the remaining useful lives for all assets are reviewed on a regular basis.

The following depreciation rates are used for each major class of depreciable assets:

- Furniture, fixture and fittings 10 per cent
- IT equipment 33 per cent
- IT software 10 per cent
- Leasehold improvements 10 per cent
- Motor vehicles 20 per cent
- Office machines and equipment 15 per cent

Major spares purchased specifically for particular assets are capitalised and depreciated on the same basis as the class to which they relate.

# notes to the financial statements

## [f] Maintenance and repairs

Assets of the Commission are required to be refurbished on a regular basis. This is managed as part of an ongoing major cyclical maintenance program. The costs of this maintenance are charged as expenses as incurred, except where they relate to the replacement of a component of an asset, in which case the costs are capitalised and depreciated in accordance with note 1(e). Other routine operating maintenance, repair costs and minor renewals are also charged as expenses are incurred.

## [g] Cash

For purposes of the statement of cash flows, cash includes short term deposits which are readily convertible to cash on hand and are subject to an insignificant risk of changes in value, net of outstanding cheques yet to be presented by the Commissions suppliers and creditors (see note 5).

## [h] Receivables

### GRANTING OF LEGAL ASSISTANCE

Pursuant to the *Legal Aid Act 1978*, as amended, the organisation is empowered to make a grant of legal assistance subject to certain conditions. Under section 24 of the Act the organisation may require a client to:

- (a) make a contribution towards the cost of providing assistance;
- (b) make a contribution in respect of any out-of-pocket expenses incurred in providing assistance;
- (c) pay contributions in such a manner and within such a time as the organisation directs;
- (d) provide the organisation with security against costs incurred on their behalf.

In accordance with the Commissions means test guidelines a client may or may not be required to make a contribution towards the cost of their legal assistance.

Under section 46 of the Act all costs payable under the terms of any judgment or order, or of any settlement of an action or claim by a client are payable to the organisation.

Client contribution receivables arise as a result of contributions assessed as above and are recorded at their recoverable amount.

Collectibility of debtors is reviewed on an ongoing basis. Debts which are known to be uncollectible are written off. A provision for doubtful debts is raised when some doubt as to collection exists.

## [i] Contributed capital

For the reporting period ending 30 June 2002, the entity has deemed all its accumulated surplus of \$42.194 million as the opening balance for contributed capital. This accounting treatment is to comply with Urgent Issues Group Abstract 38 Contributions by Owners Made to Wholly-Owned Public Sector Entities and Accounting and Financial Reporting Bulletin No. 39 Accounting for Contributed Capital and No. 40 Establishment of Opening Balances and Formal Designation for Contributed Capital. The changes in accounting policy has resulted in the recognition, in the statement of financial position, as at 1 July 2001 of an opening balance of \$42.194 million as contributed capital (1 July 2000 \$0) and \$0 amount for the accumulated surplus (1 July 2000 \$33.773 million)

## [j] Non-current assets

### PROPERTY, PLANT AND EQUIPMENT

Subsequent to initial recognition as assets, non-current assets are measured at cost less accumulated depreciation.

### RECEIVABLES CLIENT CONTRIBUTIONS

Trowbridge Consulting Limited ("Trowbridge Consulting") actuarial performs an annual independent assessment of the net present value of receivables. The analysis undertaken reviews the receivable portfolio, recovery history and the current and forecast financial environment to determine a recoupment pattern. This payment pattern was discounted by the forecast earnings rate of the organisation's investment portfolio to determine the net present value.

## [k] Leasehold improvements

The cost of improvements to or on leasehold properties is amortised over the unexpired period of the lease or the estimated useful life of the improvement to the Commission, whichever is the shorter.

## [l] Payables

These amounts represent liabilities for goods and services provided to the Commission prior to the end of the financial year and which are unpaid.

### TRADE CREDITORS

The amounts are unsecured and are usually paid within 30 days of recognition.

**LEGAL CREDITORS**

Legal creditors represent amounts owing to the organisation's panel members for legal work undertaken on behalf of the organisation. The amount owing to legal creditors for work performed comprises two components:

- (i) amounts certified but not paid, and;
- (ii) amounts incurred not yet invoiced at balance date.

An actuarial assessment was undertaken by Trowbridge Consulting to identify amounts owing to legal creditors for work performed prior to the 30 June 2002.

**[m] Employee entitlements****(I) WAGES, SALARIES AND ANNUAL LEAVE**

Liabilities for wages, salaries and annual leave are recognised, and are measured as the amount unpaid at the reporting date at current pay rates in respect of employees' services up to that date.

**(II) LONG SERVICE LEAVE**

A liability for long service leave is recognised, and is measured as the present value of expected future payments to be made in respect of services provided by employees up to the reporting date. Consideration is given to expected future wage and salary levels, experience of employee departures and periods of service. Expected future payments are discounted using interest rates on national Government guaranteed securities with terms to maturity that match, as closely as possible, the estimated future cash outflows.

**(III) SUPERANNUATION**

The amount charged to the statement of financial performance in respect of superannuation represents the contributions made by the Commission to the superannuation fund (See note 11).

**[n] Leased non-current assets**

Operating leases are those in which the lessor effectively retains all substantial risks and benefits. Payments made in relation to operating leases are charged to the statement of financial performance in the periods in which they are incurred, as this represents the pattern of benefits derived from the leased assets.

**[o] Comparative figures**

The Statement of cash flow comparatives have been amended to reflect gross cash inflows and outflows for GST.

**NOTE 2. FUNDING****[a] The organisation**

Funding sources of the organisation consist of the Commonwealth Government, the State Government, the Public Purpose Fund and income comprising contributions paid by assisted persons, costs recovered in legally assisted cases, the Appeal Costs Fund and interest derived from the investment of surplus funds.

**[b] Community Legal Centres**

Each year Victoria Legal Aid allocates a portion of its funding and provides certain administration assistance to Community Legal Centres in Victoria. For the year ended 30 June 2002 the organisation allocated \$3.5 million of direct funds (2001: \$2.1m). The organisation has disclosed this transaction in its financial statements as the Board of Victoria Legal Aid has discretionary funding choices over the allocation of State grants.

The organisation does not control the allocation of grants received from the Commonwealth Government and consequently does not include these funds in its financial statements. The total amount received from the Commonwealth for Community Legal Centres to 30 June 2002 was \$4.4 million (2001: \$4.3m).

Grants made by the organisation to Community Legal Centres are reported in the body of the Annual Report.

# notes to the financial statements

## NOTE 3. RESULT FOR THE REPORTING PERIOD

### [a] Net gains and expenses

Result from ordinary activities includes the following specific net gains and expenses:

	2002 \$'000	2001 \$'000
<b>NET GAINS</b>		
Net gain on disposal property, plant and equipment	25	44
<b>EXPENSES FROM ORDINARY ACTIVITIES</b>		
<b>EMPLOYEE ENTITLEMENT</b>		
Salaries and overtime	14,706	13,278
Annual and long service leave	2,244	1,901
Superannuation	1,410	1,208
Staff development	216	163
Workcover	164	184
Other	843	756
<b>TOTAL EMPLOYEE BENEFITS</b>	<b>19,583</b>	<b>17,490</b>
<b>DEPRECIATION</b>		
Furniture, fixture & fittings	10	9
Information technology equipment	1,092	1,122
Leasehold improvements	454	428
Motor vehicles	82	87
Office machines & equipment	66	47
<b>TOTAL DEPRECIATION</b>	<b>1,704</b>	<b>1,693</b>
<b>OTHER EXPENDITURE FROM ORDINARY ACTIVITIES</b>		
<b>SUPPLIES AND SERVICES</b>		
Debt recovery costs	58	66
Insurance	120	96
Legal fees	55	100
Library	303	265
Motor vehicle and travelling expenses	84	70
Postage and telephones	530	467
Printing and stationery	730	656
Sundry expenses	334	286
Travel and accommodation	138	132
Contractors	526	450
Consultants	204	148
<b>TOTAL SUPPLIES AND SERVICES</b>	<b>3,082</b>	<b>2,736</b>
<b>PREMISES</b>	<b>2,440</b>	<b>2,162</b>
<b>INFORMATION MANAGEMENT SYSTEMS</b>	<b>808</b>	<b>1,028</b>
<b>OTHER</b>	<b>178</b>	<b>23</b>
<b>TOTAL OTHER EXPENDITURE FROM ORDINARY ACTIVITIES</b>	<b>6,508</b>	<b>6,157</b>

**NOTE 4. REMUNERATION OF AUDITORS**

	2002 \$'000	2001 \$'000
<b>REMUNERATION OF AUDITORS COMPRISES</b>		
Paid as at 30 June 2002:		
Audit of financial reports: Victorian Auditor General's Office	7	0
Other services: Victorian Auditor General's Office	0	18
	7	18
The Auditors received no other benefits during the year		
Payable as at 30 June 2002:		
Audit of financial reports: Victorian Auditor General's Office	38	43

**NOTE 5. CASH ASSETS**

	2002 \$'000	2001 \$'000
Cash at bank and on hand	3,220	932
Term deposits	38,393	34,185
	41,613	35,117
The above figures are reconciled to cash at the end of the financial year as shown in the statement of cash flows as follows:		
Balance as above	41,613	35,117
Balance as per statement of cash flows	41,613	35,117
<b>TERM DEPOSITS</b>		
The deposits are bearing floating interest rates between 4.56% and 5.3% (2001 – 5.0% and 5.17%).		

# notes to the financial statements

## NOTE 6. RECEIVABLES

### [a] Receivables

	2002 \$'000	2001 \$'000
<b>CLIENT CONTRIBUTIONS</b>		
Secured client contributions receivable	20,502	21,634
Recoverable amount adjustment	(6,510)	(8,528)
Secured client contributions receivable at net present value	13,992	13,106
Secured client contributions receivable on unfinalised matters	1,604	3,675
Unsecured client contributions receivable	2,063	1,994
Costs recoverable	140	174
	17,799	18,949
Less: Provision for doubtful debts	(1,278)	(1,643)
	16,521	17,306
<b>SUNDRY RECEIVABLES</b>		
Australian Taxation Office	1,887	1,364
Other	41	40
	1,928	1,404
This is represented by:		
Current		
Due within one year	6,937	5,866
Non-current		
Due beyond one year	11,512	12,844
	18,449	18,710

### [b] Movement in provisions

Opening Balance	1,643	1,828
Movements during the year:		
Re-assessments & bad debts written-off	(984)	(268)
Increase/(decrease) in provision for re-assessments & bad debt write-downs	619	83
CLOSING BALANCE	1,278	1,643

**NOTE 7. PROPERTY, PLANT AND EQUIPMENT**

	2002 \$'000	2001 \$'000
Information technology	4,223	3,837
Less: Accumulated depreciation	(3,668)	(2,598)
	555	1,239
Furniture, fixtures and fittings	141	88
Less: Accumulated depreciation	(50)	(40)
	91	48
Leasehold improvements	4,409	4,107
Less: Accumulated depreciation	(2,222)	(1,768)
	2,187	2,339
Motor vehicles	486	458
Less: Accumulated depreciation	(96)	(77)
	390	381
Office machines and equipment	545	437
Less: Accumulated depreciation	(209)	(143)
	336	294
Total fixed assets at cost	9,804	8,927
Less: Total Accumulated depreciation	(6,245)	(4,626)
<b>TOTAL WRITTEN DOWN VALUE</b>	<b>3,559</b>	<b>4,301</b>

**RECONCILIATIONS**

Reconciliations of the carrying amounts of each class of property, plant and equipment at the beginning and end of the current and previous financial year are set out below.

	INFORMATION TECHNOLOGY	FURNITURE, FIXTURES & FITTINGS	LEASEHOLD IMPROVEMENTS	MOTOR VEHICLES	OFFICE MACHINES & EQUIPMENT	TOTAL
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
2002						
Carrying amount at start of year	1,239	48	2,339	381	294	4,301
Additions	409	53	336	221	109	1,128
Disposals	(1)		(34)	(130)	(1)	(166)
Depreciation/amortisation expense (note 3a)	(1,092)	(10)	(454)	(82)	(66)	(1,704)
<b>CARRYING AMOUNT AT END OF YEAR</b>	<b>555</b>	<b>91</b>	<b>2,187</b>	<b>390</b>	<b>336</b>	<b>3,559</b>

**NOTE 8. PAYABLES**

	2002 \$'000	2001 \$'000
Case Related Professional Creditors	9,249	9,972
Trade creditors	978	1,218
	10,227	11,190

# notes to the financial statements

## NOTE 9. PROVISIONS

	2002 \$'000	2001 \$'000
<b>CURRENT</b>		
Employee entitlements		
Annual leave	1,520	1,370
Long service leave	218	115
Executive officer bonus	119	89
	1,857	1,574
<b>NON-CURRENT</b>		
Employee entitlements		
Long service leave	2,280	1,924
	2,280	1,924
<b>AGGREGATE CARRYING AMOUNT OF PROVISIONS</b>		
Current	1,857	1,574
Non-current	2,280	1,924
	4,137	3,498

## NOTE 10. EQUITY AND MOVEMENTS IN EQUITY

### [a] Reserves

	2002 \$'000	2001 \$'000
Expensive Cases Reserve	2,000	2,000
	2,000	2,000
<b>MOVEMENTS</b>		
Expensive Cases Reserve		
Balance 1 July 2001	2,000	2,000
Movement during the year	0	0
<b>BALANCE 30 JUNE 2002</b>	<b>2,000</b>	<b>2,000</b>

This reserve is maintained for expensive cases when Government does not provide additional funding.

### [b] Contributed capital

Balance 1 July 2001	0	0
Transfer –		
Accumulated surplus deemed as contributed capital at 1 July 2001	42,194	0
<b>BALANCE 30 JUNE 2002</b>	<b>42,194</b>	<b>0</b>

### [c] Accumulated surplus

Accumulated surplus at the beginning of the financial year	42,194	33,773
Transfers – deemed contributed capital 1 July 2001	(42,194)	0
Total changes in equity other than those resulting from transactions with owners as owners	5,792	8,421
<b>ACCUMULATED SURPLUS AT THE END OF THE FINANCIAL YEAR</b>	<b>5,792</b>	<b>42,194</b>

**NOTE 11. SUPERANNUATION FUNDS**

The organisation contributes to a number of different superannuation schemes on behalf of staff including:

**[a] Commonwealth superannuation scheme**

Covers one former employee of the Australian Legal Aid Office who chose to continue contributing to the Commonwealth scheme at the date on which the organisation's predecessor (the Legal Aid Commission of Victoria) commenced operations.

Total employer contributions made to this scheme for the period ended 30 June 2002 were \$8,556 (30 June 2001: \$8,056) and the employer contribution rate increased from 17 per cent to 20 per cent.

**[b] Victorian Superannuation Board**

Covers former employees of the State Public Solicitor's Office and any employee who joined the organisation after its commencement date and who elected to contribute to superannuation. The Victorian Superannuation Board operates three schemes for employees.

Total employer contributions made to the Victorian Superannuation Board for the period ended 30 June 2002 were \$1,351,123 (at 30 June 2001: \$1,177,179) and the employer contribution rate varied between 8 per cent and 15.5 per cent depending on the particular scheme to which the employee subscribes.

The VicSuper scheme is currently the only superannuation scheme available for new employees joining the organisation and the employer contribution rate remained constant at 8 per cent.

Those participating in the scheme during the period ending 30 June 2002:

SUPERANNUATION FUND SCHEMES	EMPLOYEE NOS.
• Government Superannuation Office – new scheme	85
• Government Superannuation Office – revised scheme	9
• VicSuper Pty Ltd	368

**[c] Executive officer superannuation schemes**

As part of salary packaging arrangements, some employees subscribe to specific superannuation schemes.

Those schemes participating and the number of subscribers during the period ending 30 June 2002:

SUPERANNUATION FUND	EMPLOYEE NOS.
• AMP Superannuation Fund	1
• BT Personal Superannuation Fund	1
• Emergency Services Superannuation	1
• John Howie Superannuation Fund	1
• RetireInvest Pty Ltd	1

The employer contribution rate is 8 per cent for all the above funds.

**[d] Outstanding liabilities**

The organisation had no amounts outstanding as at the end of the reporting period, to any superannuation scheme. The organisation has no unfunded liability at year-end. There were no loans made between any of the superannuation funds and the organisation during the financial year.

# notes to the financial statements

## NOTE 12. MINISTERS AND ACCOUNTABLE OFFICERS

In accordance with the Directions of the Minister for Finance under the *Financial Management Act 1994*, the following disclosures are made regarding responsible persons for the reporting period.

### Names

The persons who held the above positions in the Commission are as follows:

#### RESPONSIBLE MINISTERS

Victorian Attorney General – The Hon. Rob J Hulls MLA	1 July 2001 to 30 June 2002
Commonwealth Attorney General – The Hon. Daryl R Williams AM QC MP	1 July 2001 to 30 June 2002

#### RESPONSIBLE DIRECTORS

Chairperson – Mr Jonathan Clifton Mott	1 July 2001 to 13 December 2001
Chairperson – Mr John Anthony Howie	14 December 2001 to 30 June 2002
Managing Director – Mr Anthony William Parsons	1 July 2001 to 30 June 2002
Director – Mr Andrew Home	1 July 2001 to 13 December 2001
Director – Ms Maria Louise Wilton	14 December 2001 to 30 June 2002
Director – Mr Peter E F Kirby	1 July 2001 to 30 June 2002
Director – Ms Mary Anne Noone	1 July 2001 to 30 June 2002

#### REMUNERATION OF DIRECTORS

Remuneration received or receivable by the Directors in connection with the management of the Commission during the reporting period was in the range:

INCOME BAND	TOTAL REMUNERATION		BASE REMUNERATION	
	2002	2001	2002	2001
\$5,000 - \$9,999	2	0	2	0
\$10,000 - \$19,999	4	3	4	3
\$30,000 - \$39,999	0	1	0	1
\$150,000 - \$159,999	0	1	0	1
\$160,000 - \$169,999	0	0	1	0
\$170,000 - \$179,999	1	0	0	0
Total number	7	5	7	5
TOTAL AMOUNT \$000'S	245	228	232	228

#### OTHER TRANSACTIONS

Other related transactions and loans requiring disclosure under the Directions of the Minister for Finance have been considered and there are no matters to report other than the Trust Account as per Note 18.

**NOTE 13. REMUNERATION OF EXECUTIVES**

The numbers of executive officers, other than Ministers and Directors, and their total remuneration during the reporting period are shown in the first two columns in the table below in their relevant income bands. The base remuneration of executive officers is shown in the third and fourth columns. Base remuneration is exclusive of bonus payments and long-service leave payments.

A number of executive officers resigned in the prior year. This had a significant impact on total remuneration figures due to the inclusion of annual leave and long-service leave.

INCOME BAND	TOTAL REMUNERATION		BASE REMUNERATION	
	2002	2001	2002	2001
\$100,000 – 109,999	1	1	1	2
\$110,000 – 119,999	1	1	0	1
\$120,000 – 129,999	0	1	0	0
\$130,000 – 139,999	0	1	0	0
TOTAL NUMBER	2	4	1	3
TOTAL AMOUNT \$'000'S	225	476	104	330

**NOTE 14. RECONCILIATION OF RESULTS FROM ORDINARY ACTIVITIES TO NET CASH INFLOW FROM OPERATING ACTIVITIES**

	2002 \$'000	2001 \$'000
Results from ordinary activities	5,792	8,421
Depreciation and amortisation	1,704	1,693
Doubtful debts re-assessments and write downs	(365)	386
Net gain on sale of non-current assets	(25)	(44)
Movement in adjustment for recoverable amount	(2,018)	571
Change in operating assets and liabilities,		
(Increase) decrease in accrued income	(47)	27
Decrease (increase) in receivables	2,645	506
Decrease (increase) in prepayments	72	(1,159)
(Decrease) increase in trade creditors	(364)	902
(Decrease) increase in legal creditors	(723)	48
Increase (decrease) in provisions	639	580
Net cash inflow from operating activities	7,310	11,931

# notes to the financial statements

## NOTE 15. FINANCIAL INSTRUMENTS

### [a] Recognised financial instruments

The organisation's accounting policies including the terms and conditions of each class of financial asset, financial liability and equity instrument, both recognised and unrecognised at balance date are as follows:

RECOGNISED FINANCIAL INSTRUMENTS	STATEMENT OF FINANCIAL POSITION NOTES	ACCOUNTING POLICIES	TERMS AND CONDITIONS
<b>(I) FINANCIAL ASSETS</b>			
Client contributions receivable	6	Client contributions are actuarially adjusted to their net present value less any provisions for doubtful debts. A provision for doubtful debts is recognised when collection of the full amount is no longer probable.	The organisation can request a client to contribute toward the cost of providing assistance. Clients pay contributions in such a manner and within such a time as the organisation directs. The organisation will often take security against costs incurred on their behalf.
Term deposits	5	Term deposits are stated at their principal amount. Interest is recognised in the Statement of Financial Performance when earned.	Cash is invested as funds permit at normal commercial rates available at the time of investment.
<b>(II) FINANCIAL LIABILITIES</b>			
Case related professional creditors	8	Liabilities are recognised for amounts to be paid in the future for goods and services received; whether or not billed to the organisation.	Liability is normally settled on 30 day terms.
Sundry creditors and accruals	8	Liabilities are recognised for amounts to be paid in the future for goods and services received, whether or not billed to the organisation.	Liability is normally settled on 30 day terms.

**NOTE 15. FINANCIAL INSTRUMENTS (CONTINUED)****[a] Interest rate risk exposures**

2002	NOTES	FLOATING INTEREST RATE \$'000	FIXED INTEREST MATURING IN 1 YEAR OR LESS \$'000	NON-INTEREST BEARING \$'000	TOTAL \$'000
<b>FINANCIAL ASSETS</b>					
Cash and deposits	5	3,220			3,220
Accrued income		265			265
Receivables	6		1,887	16,562	18,449
Term deposits	5		38,393		38,393
		3,485	40,280	16,562	60,327
WEIGHTED AVERAGE INTEREST RATE		4.75%	4.91%		
<b>FINANCIAL LIABILITIES</b>					
Legal payable	8			9,249	9,249
Sundry payable	8		384	594	978
			384	9,843	10,227
NET FINANCIAL ASSETS (LIABILITIES)		3,485	39,896	6,719	50,100
<b>2001</b>					
<b>FINANCIAL ASSETS</b>					
Cash and deposits	5	932			932
Accrued income		218			218
Receivables	6		1,364	17,346	18,710
Term deposits	5		34,185		34,185
		1,150	35,549	17,346	54,045
WEIGHTED AVERAGE INTEREST RATE		5%	5.08%		
<b>FINANCIAL LIABILITIES</b>					
Legal payables	8			9,972	9,972
Sundry payables	8		411	807	1,218
			411	10,779	11,190
NET FINANCIAL ASSETS (LIABILITIES)		1,150	35,138	6,567	42,855

# notes to the financial statements

## NOTE 15. FINANCIAL INSTRUMENTS (CONTINUED)

### [c] Net fair value of financial assets and liabilities

#### (I) ON-BALANCE SHEET

The net fair value of cash and cash equivalents and non-interest bearing monetary financial assets and financial liabilities of the Commission approximates their carrying amounts.

The net fair value of other monetary financial assets and financial liabilities is based upon market prices where a market exists or by discounting the expected future cash flows by the current interest rates for assets and liabilities with similar risk profiles.

#### (II) OFF-BALANCE SHEET

The Commission has potential financial liabilities which may arise from certain contingencies disclosed in note 16 and 17. As explained in those notes, no material losses are anticipated in respect of any of those contingencies and the net fair value disclosed below is the estimate of amounts which would be payable by the Commission as consideration for the assumption of those contingencies by another party.

The carrying amounts and net fair values of financial assets and liabilities at reporting date are:

ON-BALANCE SHEET FINANCIAL INSTRUMENTS	2002		2001	
	CARRYING AMOUNT \$'000	NET FAIR VALUE \$'000	CARRYING AMOUNT \$'000	NET FAIR VALUE \$'000
<b>FINANCIAL ASSETS</b>				
Cash and deposits	3,220	3,220	932	932
Term deposits	38,393	38,393	34,185	34,185
Receivables	18,714	18,714	18,928	18,928
	60,327	60,327	54,045	54,045
<b>FINANCIAL LIABILITIES</b>				
Legal payables	9,249	9,249	9,972	9,972
Other payables	978	978	1,218	1,218
	10,227	10,227	11,190	11,190

Net fair value is exclusive of costs which would be incurred on realisation of an asset, and inclusive of costs which would be incurred on settlement of a liability.

**NOTE 16. COMMITMENTS FOR EXPENDITURE**

	2002 \$'000	2001 \$'000
<b>CAPITAL COMMITMENTS</b>		
Commitments for the acquisition of plant and equipment contracted for at the reporting date but not recognised as liabilities, payable:		
Within one year	0	40
	0	40
<b>LEASE COMMITMENTS</b>		
Commitments in relation to non-cancellable operating leases for office equipment and rental for premises contracted for at the reporting date but not recognised as liabilities, payable:		
Within one year	2,565	1,465
Later than one year but not later than 5 years	6,676	4,639
Later than five years	153	0
	9,394	6,104
<b>OUTSOURCING COMMITMENTS</b>		
Commitments under outsourcing contracts for legal services and maintenance at the reporting date but not recognised as liabilities, payable		
Within one year	10,766	12,947
Later than one year but not later than 5 years	11,205	13,462
	21,971	26,409

**NOTE 17. 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 (2001 Nil).

# notes to the financial statements

## NOTE 18. TRUST ACCOUNT

<i>Victoria Legal Aid – Mr T Parsons</i>		
<i>Trust account statement of receipts and payments</i>	2002	2001
<i>For the year ended 30 June 2002</i>	\$'000	\$'000
<b>RECEIPTS</b>		
Balance at beginning of year	75	68
Amounts received on behalf of clients	320	271
	395	339
<b>LESS PAYMENTS</b>		
Amounts paid on behalf of clients	281	264
<b>BALANCE AT END OF YEAR</b>	<b>114</b>	<b>75</b>
<b>THIS AMOUNT IS REPRESENTED BY:</b>		
Cash at bank	56	47
Deposits with the Legal Practice Board	58	28
	114	75

Victoria Legal Aid as a corporate entity under the *Legal Practice Act 1996* maintains a trust account in accordance with that Act.

The Trust Fund does not form part of the organisation's financial statements. It is included for information purposes only and is audited by a private accounting firm.

# certification of financial report

We certify that the attached financial statements for the Victoria Legal Aid have been prepared in accordance with Part 9 of the Directions of the Minister for Finance under the *Financial Management Act 1994*, applicable Australian Accounting Standards and other mandatory professional reporting requirements.

We further state that, in our opinion, the information set out in the statement of financial performance, statement of financial position, statement of cash flows and notes to and forming part of the financial statements, presents fairly the financial transactions during the year ended 30 June 2002 and financial position of the Victoria Legal Aid as at 30 June 2002.

We are not aware of any circumstance which would render any particulars included in the financial statements to be misleading or inaccurate.



John Howie

CHAIRPERSON  
21 AUGUST 2002



Anthony Parsons

MANAGING DIRECTOR  
VICTORIA LEGAL AID  
ACCOUNTABLE OFFICER  
21 AUGUST 2002



Tony Matthews

MANAGER, FINANCE AND ADMINISTRATION  
VICTORIA LEGAL AID  
CHIEF FINANCE AND ACCOUNTING OFFICER  
21 AUGUST 2002

# appendices

## APPENDIX 1: REVIEW DECISIONS BY INDEPENDENT REVIEWERS 2001–2002

REASON FOR REVIEW	DECISION CONFIRMED	DECISION VARIED	TOTAL
Allocation of work to criminal law	14	-	14
Assistance refused guidelines	44	16	60
Assistance refused guidelines and means	3	-	3
Assistance refused guidelines and merit	17	-	17
Assistance refused means	9	4	13
Assistance refused means and merit	1	-	1
Assistance refused means, merit and guidelines	1	1	2
Assistance refused merit	11	3	14
Contribution – initial	1	-	1
Contribution interim/final	7	-	7
Extension refused guidelines	2	-	2
Extension refused guidelines and merit	1	-	1
Extension refused merit	4	-	4
Other	3	1	4
Other allocation of decisions	1	-	1
Other terms of assistance	2	-	2
<b>Total</b>	<b>121</b>	<b>25</b>	<b>146</b>
Percentage	82.88%	17.12%	

## APPENDIX 2: WHISTLEBLOWER REPORTING FOR THE YEAR ENDED 30 JUNE 2002

	VOLUME	DETAILS
Disclosures made to VLA during year	Nil	Types of Disclosures N/A
Disclosures referred to VLA by the Ombudsman for investigation	Nil	Types of Disclosed Matters N/A
Disclosures referred by VLA to the Ombudsman for investigation	Nil	Types of Disclosed Matters N/A
Investigations taken over from VLA by the Ombudsman	Nil	Types of Investigations N/A
Disclosed matters that VLA has declined to investigate	Nil	Types of Matters N/A
Matters that were substantiated upon investigation	Nil	Types of Matters and action taken on completion of the investigation Recommendations made by Ombudsman that relate to VLA N/A
Requests made by Whistleblowers to the Ombudsman to take over an investigation by the VLA	Nil	
Disclosures referred by VLA to the Ombudsman for determination as to whether they were public interest disclosures	Nil	

## APPENDIX 3: IN-HOUSE DUTY LAWYER SESSIONS 2001–2002

COURT TYPE	TOTAL SESSIONS
County Court	9
Family Court	1,462
Federal Magistrates Court	59
Children's Court	4,920
Magistrates' Court	31,880
Mental Health Review Board	382
Victorian Civil and Administrative Tribunal	1,531
Other	11
<b>TOTAL</b>	<b>40,254</b>

**APPENDIX 4: IN-HOUSE DUTY LAWYER SESSIONS BY COURT 2001–2002**

	ADVICE	BAIL	CONTEST MENTION	DIRECTIONS HEARING	HEARING	INTERIM HEARING	MENTION	OTHER	PLEA	PRE-HEARING CONFERENCE	TOTAL
<b>MAGISTRATES' COURT</b>											
Bacchus Marsh	11	1	0	0	0	0	78	0	98	0	188
Bairnsdale	16	7	8	0	7	1	135	80	171	0	425
Bendigo	19	28	3	11	4	5	86	21	121	0	298
Bendigo Healthcare Group	1	0	0	0	0	0	0	0	0	0	1
Broadmeadows	588	115	54	0	8	3	1,510	333	999	1	3,611
Castlemaine	7	1	0	0	0	0	9	2	13	0	32
Cobram	4	0	0	0	0	0	7	0	7	0	18
Dandenong	446	90	66	6	2	2	900	403	1,446	0	3,361
Echuca	30	0	1	0	2	0	62	4	96	0	195
Frankston	524	128	22	1	28	0	1,104	21	967	0	2,795
Geelong	156	68	18	0	20	2	473	69	753	0	1,559
Heidelberg	60	12	46	0	2	0	115	3	122	0	360
Kerang	7	1	0	0	1	0	12	1	42	0	64
Korumburra	1	0	0	0	2	0	4	0	14	0	21
Kyneton	1	0	2	0	2	0	10	0	20	0	35
Mansfield	0	0	0	0	0	0	0	0	1	0	1
Maryborough	11	0	1	0	2	0	10	1	38	0	63
Melbourne	1,227	299	254	42	100	4	2,576	154	1,717	1	6,374
Moe	18	12	11	0	47	0	327	9	316	2	742
Morwell	0	0	0	0	0	0	0	0	1	0	1
Orbost	5	2	0	0	0	0	16	3	30	0	56
Other location	0	0	0	0	2	0	1	1	3	0	7
Preston	386	107	180	2	20	2	1,730	213	1,397	0	4,037
Ringwood	674	127	19	11	5	3	529	96	1,670	0	3,134
Sale	3	2	1	0	0	0	9	12	23	0	50
Seymour	45	2	0	0	0	0	27	1	33	0	108
Shepparton	3	3	1	0	0	0	8	0	3	0	18
Sunshine	502	173	71	10	10	0	1,408	50	1,611	0	3,835
Swan Hill	5	4	0	0	0	0	19	1	56	0	85
Werribee	42	5	0	0	0	0	126	1	232	0	406
<b>TOTAL</b>	<b>4,792</b>	<b>1,187</b>	<b>758</b>	<b>83</b>	<b>264</b>	<b>22</b>	<b>11,291</b>	<b>1,479</b>	<b>12,000</b>	<b>4</b>	<b>31,880</b>

**MENTAL HEALTH REVIEW**

Alfred Hospital	2	0	0	0	54	0	0	0	0	0	56
Broadmeadows	3	0	0	0	15	0	1	0	0	0	19
Caulfield Hospital (Aged Care)	0	0	0	0	1	0	0	0	0	0	1
Dandenong	6	0	1	0	14	0	0	0	0	0	21
Dandenong Hospital	0	0	0	0	3	0	0	0	0	0	3
Frankston	4	0	0	0	1	0	0	0	0	0	5
Frankston Hospital	30	0	0	0	17	1	1	3	0	0	52
Goulburn Valley Area M.H.S	0	0	0	0	0	0	0	2	0	0	2
Heidelberg	0	0	0	0	32	0	0	1	0	0	33
LaTrobe Regional Hospital	0	0	0	0	0	0	0	1	0	0	1
M.H Sky (Royal Park Hospital)	0	0	1	0	12	0	0	3	0	0	16
Maroondah Hospital	8	0	0	0	23	0	0	2	0	0	33
Melbourne	0	0	0	0	1	0	0	0	0	0	1
Monash Medical Hospital	0	0	1	1	23	0	0	3	0	0	28
Northern Hospital	0	0	0	0	15	0	0	2	0	0	17
Other location	0	0	0	0	1	0	0	0	0	0	1
Royal Melbourne Hospital	1	0	0	0	15	0	0	0	0	0	16
St Vincent Hospital (Publ & Priv)	1	0	0	0	14	0	0	0	0	0	15
Sunshine	5	0	0	0	26	0	0	6	0	0	37
Upton House	0	0	0	0	7	0	0	4	0	0	11
Waratah Clinic	0	0	0	0	1	0	0	0	0	0	1
Werribee	0	0	1	0	12	0	0	0	0	0	13
<b>Total</b>	<b>60</b>	<b>0</b>	<b>4</b>	<b>1</b>	<b>287</b>	<b>1</b>	<b>2</b>	<b>27</b>	<b>0</b>	<b>0</b>	<b>382</b>

# appendices

APPENDIX 4: IN-HOUSE DUTY LAWYER SESSIONS BY COURT 2001–2002 (CONTINUED)											
	ADVICE	BAIL	CONTEST MENTION	DIRECTIONS HEARING	HEARING	INTERIM HEARING	MENTION	OTHER	PLEA	PRE-HEARING CONFERENCE	TOTAL
<b>VICTORIA CIVIL AND ADMINISTRATIVE TRIBUNAL</b>											
Melbourne	1,155	0	0	4	335	0	5	30	0	0	1,529
Ringwood	0	0	0	0	2	0	0	0	0	0	2
<b>TOTAL</b>	<b>1,155</b>	<b>0</b>	<b>0</b>	<b>4</b>	<b>337</b>	<b>0</b>	<b>5</b>	<b>30</b>	<b>0</b>	<b>0</b>	<b>1,531</b>
<b>CHILDREN'S COURT</b>											
Bairnsdale	1	3	0	0	1	0	30	14	26	1	76
Bendigo	11	7	0	10	13	3	75	11	43	1	174
Braodmeadows	1	0	1	0	0	0	125	1	37	0	165
Castlemaine	0	0	0	0	0	0	0	1	3	0	4
Cobram	0	0	0	0	0	0	1	0	1	0	2
Dandenong	11	0	7	0	0	1	192	9	97	0	317
Echuca	2	1	0	2	2	1	10	0	8	0	26
Frankston	1	4	3	0	6	0	261	1	61	0	337
Geelong	8	1	1	1	34	3	49	10	55	0	162
Hamilton	0	0	0	0	1	0	0	0	0	0	1
Kerang	0	0	0	0	0	0	1	0	3	0	4
Korumburra	0	0	0	0	3	0	2	1	3	0	9
Kyneton	0	0	0	0	1	0	2	0	2	0	5
Maryborough	2	0	0	0	0	0	3	0	5	0	10
Melbourne	44	45	1	46	34	2	1,859	10	90	0	2,131
Moe	2	0	2	1	46	4	77	10	50	3	195
Orbost	0	0	0	0	0	0	2	3	7	0	12
Preston	4	0	3	0	0	0	308	1	72	0	388
Ringwood	6	3	5	0	2	0	213	6	74	0	309
Sale	0	0	0	0	1	1	6	4	0	0	12
Seymour	1	0	0	0	0	0	1	1	1	0	4
Shepparton	0	0	0	0	4	0	3	1	0	0	8
Sunshine	10	6	13	1	2	0	329	3	102	0	466
Swan Hill	0	0	0	0	0	0	1	0	1	0	2
Werribee	3	0	1	0	1	0	72	0	22	0	99
Wonthaggi	0	0	0	0	0	0	2	0	0	0	2
<b>TOTAL</b>	<b>107</b>	<b>70</b>	<b>37</b>	<b>61</b>	<b>151</b>	<b>15</b>	<b>3,624</b>	<b>87</b>	<b>763</b>	<b>5</b>	<b>4,920</b>
<b>COUNTY COURT</b>											
Bairnsdale	0	0	0	0	0	0	0	1	0	0	1
Bendigo	0	0	0	0	0	0	1	0	0	0	1
Geelong	0	1	0	0	0	0	1	0	0	0	2
Melbourne	0	0	0	0	0	0	0	1	0	0	1
Morwell	0	0	0	0	0	0	3	0	0	0	3
Shepparton	0	0	0	0	0	0	0	1	0	0	1
<b>TOTAL</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>5</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>9</b>
<b>FAMILY COURT</b>											
Bendigo	0	0	0	2	0	0	0	0	0	0	2
Braodmeadows	2	0	0	0	0	0	0	0	0	0	2
Dandenong	390	0	0	64	8	77	2	115	3	1	660
Geelong	7	0	0	3	0	0	2	0	0	0	12
Melbourne	517	0	1	95	13	147	10	2	0	0	785
Moe	0	0	0	0	0	0	1	0	0	0	1
<b>TOTAL</b>	<b>916</b>	<b>0</b>	<b>1</b>	<b>164</b>	<b>21</b>	<b>224</b>	<b>15</b>	<b>117</b>	<b>3</b>	<b>1</b>	<b>1,462</b>
<b>FEDERAL MAGISTRATES</b>											
Bendigo	0	0	0	1	0	4	0	0	0	0	5
Castlemaine	0	0	0	0	0	1	0	0	0	0	1
Dandenong	4	0	0	0	0	0	0	1	0	0	5
Geelong	4	0	0	0	0	0	3	0	0	0	7
Melbourne	19	0	0	6	0	15	1	0	0	0	41
<b>TOTAL</b>	<b>27</b>	<b>0</b>	<b>0</b>	<b>7</b>	<b>0</b>	<b>20</b>	<b>4</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>59</b>

**APPENDIX 5: PRIVATE PRACTITIONER DUTY LAWYER SCHEME 2001–2002**

COURT LOCATION	MENTION	BAIL	HEARING	ADVICE	PLEAS	TOTAL
Bairnsdale	1	0	0	1	0	2
Ballarat	130	38	30	117	392	707
Benalla	27	2	7	34	97	167
Bendigo	96	28	42	68	221	455
Castlemaine	21	6	0	15	38	80
Colac	63	7	18	21	139	248
Corryong	2	0	1	6	13	22
Dromana	13	3	4	80	56	156
Echuca	3	0	0	1	4	8
Frankston	0	0	0	0	0	0
Hamilton	22	3	18	23	74	140
Heidelberg	27	2	5	44	81	159
Korumburra	11	1	2	62	108	184
Kyneton	37	9	4	51	76	177
Mansfield	11	0	2	21	33	67
Maryborough	2	0	0	0	4	6
Melbourne	799	257	457	12	24	1,549
Mildura	122	62	8	142	304	638
Moe	47	10	2	71	229	359
Myrtleford	16	6	5	31	51	109
Ouyen	2	0	0	3	4	9
Portland	27	2	4	12	61	106
Robinvale	6	0	0	9	9	24
Sale	18	3	22	44	123	210
Seymour	26	4	5	20	45	100
Shepparton	174	30	14	223	352	793
Wangaratta	115	20	24	100	189	448
Warrnambool	30	6	4	41	134	215
Wodonga	70	11	16	65	237	399
Wonthaggi	0	0	0	2	3	5
<b>TOTAL</b>	<b>1,918</b>	<b>510</b>	<b>694</b>	<b>1,319</b>	<b>3,101</b>	<b>7,542</b>

# compliance index

VLA's annual report is prepared in accordance with the *Legal Aid Act 1978*, the *Financial Management Act 1994* and the Directions of the Minister for Finance. The index has been prepared to facilitate identification of compliance with statutory disclosure requirements.

DIRECTIONS CLAUSE	DISCLOSURE	PAGE	DIRECTIONS CLAUSE	DISCLOSURE	PAGE
<b>Report of Operations</b>			<b>Financial Statements</b>		
9.1.2(iii)	Output targets and performance	5	<b>STATEMENT OF FINANCIAL OPERATIONS</b>		
<b>CHARTER &amp; PURPOSE</b>			9.2.3 (ii) (a)	Operating revenue by class	44
9.1.3 (i) (a)	Manner of establishment and relevant Minister	8	9.2.3 (ii)(b)	Investment income by class	44
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AUDITOR GENERAL  
VICTORIA

AUDITOR-GENERAL'S REPORT

To the Members of the Parliament of Victoria, the responsible Ministers and the Members of the Board of Victoria Legal Aid

**Audit Scope**

The accompanying financial report of Victoria Legal Aid for the financial year ended 30 June 2002, comprising the statement of financial performance, statement of financial position, statement of cash flows and notes to the financial statements, has been audited. The Members of the Board are responsible for the preparation and presentation of the financial report and the information it contains. An independent audit of the financial report has been carried out in order to express an opinion on it to the Members of the Parliament of Victoria, responsible Ministers and Members of the Board as required by the *Audit Act* 1994.

The audit has been conducted in accordance with Australian Auditing Standards to provide reasonable assurance as to whether the financial report is free of material misstatement. The audit procedures included an examination, on a test basis, of evidence supporting the amounts and other disclosures in the financial report, and the evaluation of accounting policies and significant accounting estimates. These procedures have been undertaken to form an opinion as to whether, in all material respects, the financial report is presented fairly in accordance with Accounting Standards and other mandatory professional reporting requirements in Australia and the financial reporting requirements of the *Financial Management Act* 1994, so as to present a view which is consistent with my understanding of the Authority's financial position, financial performance and its cash flows.

The audit opinion expressed in this report has been formed on the above basis.

**Audit Opinion**

In my opinion, the financial report presents fairly in accordance with applicable Accounting Standards and other mandatory professional reporting requirements in Australia and the financial reporting requirements of the *Financial Management Act* 1994, the financial position of Victoria Legal Aid as at 30 June 2002 its financial performance and cash flows for the year then ended.

MELBOURNE  
22 August 2002



J.W. CAMERON  
Auditor-General

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Years of Auditing in the Public Interest

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