This report summarises our first six months of operations in 2017–18.

Snapshot of service delivery

Demand for help remains strong and between 1 July 2017 and 31 December 2017, we assisted more people and delivered more services to the Victorian community.

Clients as at	31 December 2016	31 December 2017	Variance
Unique clients	51,798	53,752	4%
Calls dealt with by our Legal Help telephone service	59,655	62,151	4%
Preventative services			
Calls to our Legal Help telephone service	89,592	93,484	4%
Information and community legal education services	64,948	64,240	-1%
Sessions on our website	962,881	1,089,044	13%
Early intervention services			
Legal advice and minor assistance	21,148	18,342	-13%
Duty lawyer services			
In-house and private practitioners	44,871	46,966	5%
Grants of legal assistance			
In-house, private practitioners and community legal centres	20,295	20,910	3%

Because courts are more congested and more people are facing tougher laws, involving more serious consequences, we are providing more intensive assistance to those people we do help. We are seeing a shift towards 'at court' assistance, for more urgent matters, and less preliminary advice and minor assistance for less serious matters.

Outlook for 2017-18 and beyond

Like many parts of the justice system, we are facing ever increasing demand for our services. This demand will continue to rise with additional police, sentencing reforms, and the rollout of bail review measures in the coming months. We expect increased police initiations will arise in criminal, family violence and civil law matters. Civil law and criminal law matters often co-exist, and resolving civil law issues such as housing, fines, mental health treatment and income as well as addictions play an important role in addressing the causes of criminal offending and keeping the community safe.

We do our best work when we have the time, and space, to help people address the underlying causes of their behaviour which the justice system must confront on all our behalf. Facilitating referrals to rehabilitative programs or other services can help prevent further offending and distress for victims. Early access to tailored information over the phone or via our website can also help people to address their circumstances early and avoid the need for legal assistance altogether. Although we are pleased that our Legal Help telephone service and website are helping more people, the pressing need to help others with matters at court is preventing people from getting early access to our less intensive, but nonetheless important, face-to-face legal advice and minor assistance services.

We are spending more than ever before and will help more clients and deliver more services than last year. We expect a five per cent increase in grants of legal assistance, a seven per cent increase in duty lawyer services and a six per cent increase in calls to our Legal Help telephone service.

Importantly, trend growth is much higher. For instance, growth in summary crime grants of legal assistance and duty lawyer services in the seven years from 2014 to 2021 is forecast to be 95 per cent and 75 per cent respectively.

We welcomed significant extra State funding that became available in July 2017. It is being used to expand family violence, for child protection and Legal Help services, for system reforms in youth justice and for assistance in serious criminal matters. However, this new investment from last year's State budget does not address the escalating growth in police initiations into Magistrates' Courts throughout Victoria and we expect to end the year with an operating deficit of \$6 million, as planned.

Our clients

In the first six months prior to 31 December 2017, we helped 53,752 unique clients¹.

Unique clients as at	31 December 2014	31 December 2015	31 December 2016	31 December 2017
Unique clients	50,727	50,390	51,798	53,752
	Growth	-1%	3%	4%

Although there was a four per cent increase in the number of people we assisted, we know there are many more Victorians who are missing out on legal help. Our clients are among the most disadvantaged in Victoria and as the below statistics indicate, the level of disadvantage is increasing. In the past six months:

 Clients reporting no income ↑5%

 Clients who are homeless ↑10%

 Clients requiring an interpreter ↑5%

 Aboriginal or Torres Strait Islander clients ↑4%

 Culturally and Linguistically Diverse clients ↑6%

 Of the clients we helped:



¹ A unique client is an individual who accessed one or more of our legal services. This does not include people for whom a client-lawyer relationship was not formed, who received information via the telephone, website or in-person at court or at a public counter, who participated in community legal education sessions, or clients from community legal centres.

Spotlight—overburdened and congested

The pressures within the busiest part of the criminal justice system, the Magistrates' Court, have been building over several years. Major drivers include additional police, changes to sentencing and bail laws, increased harm associated with more potent drug use and increased family violence reporting.

Our ability to help the neediest people is compromised because the system is congested, and we will not be able to cope with the additional pressure thousands of extra police will bring over the next few years, unless we receive more funding.

Importantly, it is not just the volume of matters that the system is struggling with. The summary crime evaluation report, released in June 2017, also highlighted that matters have become more complex. There was consensus amongst lawyers, prosecutors and magistrates about an increase in people remanded in custody presenting for duty lawyer assistance with complex, intertwined, personal issues such as mental illness, intellectual disability, brain injury, drug use, alcoholism and homelessness.

Additional State Government funding received in the Budget last year has provided much needed relief, but it has not fixed the underlying problem of investment in police without matched investment in courts and legal aid.



Summary crime in focus

We are forecasting 17,500 summary crime grants of legal assistance this financial year (2017–18), an increase of six per cent. We also expect a four per cent increase in summary crime duty lawyer services this financial year, up to 64,500 services. Forecasts do not fully incorporate the impact of the additional 3,000 police and bail reform legislation.

Program performance report

Access and Equity

We must design and provide services that are accessible and appropriate to need. Our work ranges from helping individual clients with information and advice in 24 different languages over the phone, or with the provision of information via our website, or through our delivery of community legal education (which aims to prevent problems from occurring). We also support the community legal sector.

Legal help

	31 December 2016	31 December 2017	Variance
Calls to the service	89,592	93,484	4%
Calls answered	59,655	62,151	4%
	31 December 2016	31 December 2017	
Answer call wait time	7m 38s	11m 5s	
Average call duration	9m 15s	10m 6s	

Our Legal Help service dealt with 62,151 calls at an answer call rate of 66 per cent, which is slightly above the 65 per cent target. During the past six months, we introduced a new streamlined triage process, meaning more Victorians are receiving a better service including more tailored legal advice and referrals. We spoke to people for longer periods of time, due to the increase in complex legal and non-legal problems they are experiencing.

With the demand to our service increasing (four per cent) and our staff speaking with clients for longer, the average call wait time has increased. The average call wait time target was three minutes and five seconds above target.

The top five matters dealt with by Legal Help as at 31 December 2017 were:



We continue to help thousands of Victorians with child-focused matters, including about care arrangements, as well as those involved in family violence, to seek safety and support. A high number of infringement matters are driven by unpaid toll road fines. We are continuing to advocate with others in the legal assistance sector for a fairer tolls system.

Community Legal Education

	31 December 2016	31 December 2017	Variance
Community legal education participants	7,822	6,519	-17%
Community legal education sessions	204	149	-27%
Publications	158,104	117,009	-26%

The reduction in community education participants and sessions reflects our shift in focus on providing education and training to intermediaries who interact with our priority audiences, rather than our priority audiences themselves.

For example, in 2017, we shifted the focus of our popular *Sex, young people and the law* program from face-to-face sessions for secondary students to professional development for Victorian teachers to align with the Department of Education and Training's Respectful Relationships pilot program. This resulted in a reduction in participant numbers as we now deliver to smaller groups of teachers rather than large groups of students, but we believe this will ultimately improve the reach of the program.

Similarly, the drop in print publication distribution reflects a positive trend towards web browsing and the downloading of purpose written materials hosted on our website.

Community Legal Centres—funding that we distribute

We administer more than \$26 million annually through the Community Legal Services Program (CLSP) to community legal centres. The table below does not include Commonwealth payments to community legal centres.

	31 December 2016	31 December 2017	Variance
Community legal centres	7,919,756	8,254,620	4%
Community legal centres, project funds	1,013,000	383,924	-62%

The combined total State and Commonwealth funds to community legal centres administered by Victoria Legal Aid as of 31 December 2017 amounts to \$13.7 million. The variance for the project funds can be attributed to the completion of the Innovation and Transformation Fund; a program established by Victoria Legal Aid in 2015 to stimulate new ways of working in the community legal sector.

Access and Equity operating expenditure

	Expenditure (\$) as at 31 December 2016	% of total expenditure as at 31 December 2016	Expenditure (\$) as at 31 December 2017	% of total expenditure as at 31 December 2017	Variance of expenditure
Client Access	0.3 million	0.3	0.5 million	0.5	0.2 million
Community Legal Education	0.7 million	0.8	0.7 million	0.7	0.0 million
Legal Help	3.0 million	3.7	3.7 million	4.1	0.7 million
Total	4.0 million	4.8	4.9 million	5.3	0.9 million

The above expenditure table does not include payments or grants made to community legal centres as part of our Community Legal Centre Funding and Development program.

Criminal Law Program

We assist people charged with criminal offences and endeavour to positively influence the criminal justice system to:

- provide timely justice, the fair hearing of charges and appropriate outcomes
- ensure people charged with offences are treated with dignity and are well-informed about their options
- improve community understanding of criminal justice and behavioural issues.

Clients numbers and service outcomes

	31 December 2016	31 December 2017	Variance
Unique clients	30,453	31,576	4%
Legal advice, minor assistance and advocacy services	8,162	5,438	-33%
Duty lawyer services	33,487	34,194	2%
Grants of legal assistance	12,080	12,821	6%

Much of the increase in duty lawyer services and grants of legal assistance relate to summary crime matters. As we explain on page three, the major drivers for this include additional police, changes to sentencing and bail laws, increased harm from drug use and family violence reporting.

An independent evaluation report, released in June 2017, confirmed the need for repair, reform and proper funding so the summary crime system can properly deliver for the community. Funding has since been provided for a duty lawyer service at the interim Night Court in the Melbourne Magistrates' Court. This is an important shift in the criminal law system because it will provide clients with necessary access to legal advice and other services to help resolve their issues. This is not available in the current Night Court model. The interim Night Court is part of the Government's positive \$5.5 million funding announcement on 22 January 2018 and we expect it to commence this financial year, with prosecutions, community corrections and rehabilitative programs also funded to participate.

Criminal Law Program grants of legal assistance

	31 December 2016	31 December 2017	Variance
Summary Crime	7,819	8,326	6.5%
Youth Crime	1,983	2,085	5%
Indictable Crime (includes sexual offences)	1,706	1,812	6%
Appellate Crime	572	598	4.5%
Higher court appeals ²	52	50	-4%
County Court appeals ³	519	549	6%

² Three per cent of indictable matters go on to receive a grant of aid for an appeal to the higher courts.

³ Five per cent of summary and youth crime matters go on to receive a grant of aid for appeal to the County Court.

Criminal Law Program operating expenditure

	Expenditure (\$) as at 31 December 2016	% of total expenditure as at 31 December 2016	Expenditure (\$) as at 31 December 2017	% of total expenditure as at 31 December 2017	Variance of expenditure
Summary Crime	18.8 million ⁴	22.6	21.8 million⁵	23.7	3.0 million
Youth Crime	6.3 million	7.6	7.2 million	7.8	0.9 million
Indictable Crime (includes sexual offences)	13.7 million	16.5	15.1 million	16.3	1.4 million
Appellate Crime	2.0 million	2.4	2.1 million	2.2	0.1 million
Total	40.8 million	49.1	46.2 million	50.0	5.4 million

The top five matters dealt with by our Criminal Law Program as at 31 December 2017 were:



⁴ A proportion of the summary crime operating expenditure is associated with services having a family violence component.

⁵ We estimate that between \$3.2 million and \$3.5 million of the total \$21.8 million in the summary crime operating expenditure occur in the context of family violence.

Family, Youth and Children's Law Program

We assist people to resolve their family disputes to achieve safe, workable and child-focused parenting and care arrangements. We also assist parents to build their capacity to resolve future disputes without legal assistance. We contribute to the safety of adults and children impacted by family violence and assist in reducing the incidence of family violence by providing legal information, advice and representation to affected adults and children.

Clients numbers and service outcomes

	31 December 2016	31 December 2017	Variance
Unique clients	18,442	19,613	6%
Family Dispute Resolution Conferences	517	469	-9%
Legal advice, minor assistance and advocacy services	5,367	5,865	9%
Duty lawyer services	9,404	9,825	4.5%
Grants of legal assistance	7,542	7,521	0%

We are progressively implementing 36 actions from our Child Protection Legal Aid Services Review released in September 2017. These actions will mean children, young people, parents and carers benefit from services that are more effective, of high quality and as widely available as possible.

We continue to promote and share our Client Safety Framework (CSF) to deepen the understanding of lawyers and clientfacing staff at Victoria Legal Aid about safety risk indicators and how to respond to keep clients and families safe. We are also contributing to the implementation of many family violence reforms, including the roll-out of specialist family violence courts and connecting legal help into the new Support and Safety Hubs across Victoria.

We are identifying reasons for the decrease in Family Dispute Resolution Service (FDRS) legal services and conferences over the past six months. Fewer applications by legal practitioners for FDRS grants have been made in the first half of 2017, which has led to the lower conference numbers, but we are not sure why fewer grant applications are being made.

Family Violence related services

We are working with Family Safety Victoria (FSV) and community legal centres on the design and implementation of Support and Safety Hubs, including how legal advice will be provided within or connected with the Hubs.

Our increased focus on family violence services, including where family violence is a factor in other matters such as child protection or criminal offending, is progressing as or better than expected. Our results are higher against targets up to 31 December 2017.

Output measure	Annual Target	Target	Actual	Variance
Community legal education and information services – family violence related services	11,500	5,800	12,683	119%
Family violence legal services	32,000	13,800	17,589	27.5%

The significant jump in family violence related community legal education and information services can be attributed to an increased focus on family violence legal services, improved data capture and the establishment of the Family Advocacy and Support Services in Commonwealth family court registries funded by the Commonwealth government and launched in May 2017.

Family, Youth and Children's Law Program grants of legal assistance

	31 December 2016	31 December 2017	Variance
Child Protection	4,149	4,257	3%
Family Dispute Resolution	839	696	-17%
Child Support	242	179	-26%
Family Violence	851	929	9%
Independent Children's Lawyers	683	653	-4%
Parenting Disputes	778	807	4%

	Expenditure (\$) as at 31 December 2016	% of total expenditure as at 31 December 2016	Expenditure (\$) as at 31 December 2017	% of total expenditure as at 31 December 2017	Variance of expenditure
Child Protection	12.7 million	15.3	13.8 million	14.8	1.1 million
Family Dispute Resolution	5.5 million	6.6	5.3 million	5.8	-0.2 million
Child Support	0.8 million	0.9	0.8 million	0.9	0.0 million
Family Violence	1.8 million ⁶	2.2	2.3 million ⁷	2.5	0.5 million
Independent Children's Lawyers	4.7 million	5.7	5.5 million	6.0	0.8 million
Parenting Disputes	4.9 million	6.0	5.4 million	5.8	0.5 million
Total	30.4 million	36.7	33.1 million	35.8	2.7 million

Family, Youth and Children's Law Program operating expenditure

The top five matters dealt with by our Family, Youth and Children's Law Program as at 31 December 2017 were:

1	2	3	4	5
Responding to a family violence intervention order	Spending time with children 6,560	Application for a family violence intervention order	Property settlement 3,072	Who children live with 3,021
8,335		4,942		

⁶ A proportion of the summary crime operating expenditure could be associated with services having a family violence component.

⁷ We estimate that between \$3.2 million and \$3.5 million of the total \$21.8 million in the summary crime operating expenditure occur in the context of family violence. Family violence is also a factor in other legal problems such as child protection and tenancy issues, and costs are dispersed in these programs.

Civil Justice Program

Our work in civil law aims to contribute to a more inclusive and rights-respecting community. We help people with social security, mental health, guardianship and administration, infringements, immigration, tenancy, debt, discrimination, sexual harassment and victims of crime issues.

Clients numbers and service outcomes

	31 December 2016	31 December 2017	Variance
Unique clients	6,937	6,907	0%
Independent Mental Health Advocacy, high intensity occasions of service (advocacy and self-advocacy)	2,601	3,838	48%
Independent Mental Health Advocacy, low intensity occasions of service (information and referral)	4,313	7,014	63%
Referrals to external agencies	41,698	45,364	9%
Legal advice, minor assistance and advocacy services	7,700	7,039	-9%
Duty lawyer services	2,809	2,946	5%
Grants of legal assistance	563	568	1%

Because we can't assist everyone, we use our experience working with individuals to reform systems so that they work in a fairer way. For example, we pushed for fairer tenancy laws and safer housing for Victorians, and raised awareness of the need for a true safety net for National Disability Insurance Scheme participants. We also ran important test cases to clarify laws relating to the administration of electroconvulsive treatment against a person's will.

We brought together a range of stakeholders to discuss solutions to the increasing burden that toll road infringements have on communities, the courts and the justice system and campaigned to reduce reliance on the infringements system to enforce tolls.

Our Independent Mental Health Advocacy service continues to deliver more and better services. Consumers who have used the IHMA service are now also encouraging other consumers to contact our service. Rates of representation by lawyers before the Mental Health Tribunal fell, reflecting a revaluation of staffing capacity and rosters across the Mental Health and Disability Law program.

Our work in Migration continued its shift towards fewer, more targeted advice sessions, including in prisons, and an increase in legal challenges before courts, so that when helping individuals we are also clarifying new laws and procedures.

Civil Justice Programs

Commonwealth Entitlements

	31 December 2016	31 December 2017	Variance
Grants of legal assistance	51	54	6%
Legal advice	1,106	1,024	-7%

Equality Law

	31 December 2016	31 December 2017	Variance
Unique clients	486	504	4%
Legal advice	857	876	2%

Mental Health and Disability Advocacy

	31 December 2016	31 December 2017	Variance
Number of clients represented before the Mental Health Tribunal	628	491	-28%
Legal advice	2,189	1,887	-14%

Migration

	31 December 2016	31 December 2017	Variance
Grants of legal assistance	34	58	71%
Legal advice	665	514	-23%

Social inclusion (Including problems relating to debt, tenancy, infringements and coronial investigations and inquiries)

	31 December 2016	31 December 2017	Variance
Grants of legal assistance	359	377	5%
Legal advice	2,256	2,194	-3%
VCAT duty lawyer services	146	140	-4%

Civil Justice Program operating expenditure as at 31 December 2017

	Expenditure (\$) as at 31 December 2016	% of total expenditure as at 31 December 2016	Expenditure (\$) as at 31 December 2017	% of total expenditure as at 31 December 2017	Variance of expenditure
Commonwealth Entitlements	1.4 million	1.8	1.6 million	1.7	0.2 million
Equality	1.0 million	1.2	1.0 million	1.0	0.0 million
Mental Health and Disability Advocacy	1.7 million	2.0	1.7 million	1.9	0.0 million
Migration	1.1 million	1.3	1.2 million	1.3	0.1 million
Social Inclusion	1.6 million	1.9	1.7 million	1.8	0.1 million
Independent Mental Health Advocacy	1.0 million	1.2	1.2 million	1.2	0.2 million
Total	7.8 million	9.4	8.2 million	8.9	0.4 million

Note: Rounding errors do occur with the above costs.

The top five matters dealt with by our Civil Justice Program as at 31 December 2017 were:



⁸ The law in general includes issues around commercial law, wills and trusts—we do not fund representation for these matters but receive and respond to requests for information and advice about them.

⁹ Assisting people who are the subject of an application for an inpatient treatment order in a psychiatric hospital.

Financial summary

For the first six months of 2017–18, we operated (as expected) with a \$1 million deficit. This will increase to \$6 million by 30 June 2018.

Case-related payments which include payments to private practitioners, barristers, medical experts and interpreters, as well as to third parties for services provided for cases run by Victoria Legal Aid lawyers, increased by \$5.8 million or 14 per cent, compared to the same period last year. This growth can be attributed to payments relating to criminal and family and children's law, which is a direct result of the increased demand for grants of legal assistance.

As outlined on page two, the 19 per cent increase in State funding was directed towards new and expanded services. The six per cent increase in Commonwealth grants is a result of the Expensive Commonwealth Criminal Cases Fund, which reimburses Victoria Legal Aid for costs incurred defending clients in serious, high cost, Commonwealth criminal matters (such as drug importation, people smuggling, terrorism, fraud and slavery.

Much of the 50 per cent decrease in other income, which includes interest payments, can be attributed to declining cash reserves.

Revenue

Year to date	As at 31 December 2016 (\$000)	As at 31 December 2017 (\$000)	Variance
Commonwealth grants	30.4	32.3	6%
State grants	47.3	56.3	19%
Public Purpose Fund	14.6	15.0	3%
Client contributions	2.1	2.0	-5%
Other income	1.0	0.5	-50%
Total income from transactions	95.4	106.1	11%

Expenditure

Year to date	As at 31 December 2016 (\$000)	As at 31 December 2017 (\$000)	Variance
Case-related payments	40.6	46.4	14%
CLC payments	14.4	14.3	-1%
Employee benefits	32.5	35.3	9%
Depreciation and amortisation	1.4	1.5	7%
Other expenditure	8.8	9.5	8%
Total expenses from transactions	97.7	106.9	9%

Our financial future

Our financial future is uncertain. We have limited control over what drives demand for our services and the number of people needing our help has been growing faster than our core funding. We are using our cash reserves to preserve existing eligibility guidelines but this can't go on forever. Although it is a responsible use of funds now, more investment is needed to better balance what are unprecedented pressures on the criminal justice system, courts and legal aid, brought about by the Victorian Government's community safety initiatives.

The table below shows Victoria Legal Aid's revenue, expenditure and operating results for the past four years and our forecast results for the next four years. The results show that we expect to spend more money than we are receiving over the next few years due to the impacts of increased family violence reporting, youth justice reforms, additional police and child protection officers and other changes in the law design to improve community safety. These are conservative forecasts that do not fully factor in the impact of bail law reforms and 3,000 additional police coming on line over the next few years. They are based on recent average trend growth and population growth.

\$millions	2013-14	2014-15	2015-16	2016-17	Forecast 2017-18	Projection 2018–19	Projection 2019–20	Projection 2020–21
Revenue	171.3	175.9	183.5	191.9	217.1	218.6	220.3	222.9
Expenditure	155.9	164.9	182.0	201.8	223.1	231.3	239.4	248.8
Operating Result	16.1	11.0	2.7	-10.9	-6.0	-12.7	-19.1	-25.9
Cash	30.0	42.2	48.7	44.6	40.1	29.1	11.1	-11.9

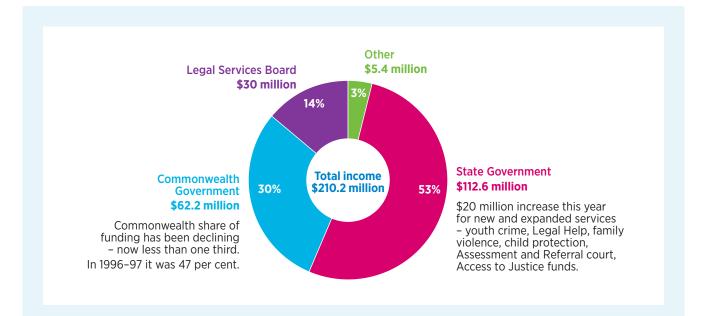
Victoria Legal Aid operating results (actual and forecast) 2013-2021

2017-18 Service and expenditure profile

The following information outlines full year service and expenditure details across Victoria Legal Aid, and provides important context for our six monthly results. It shows where our funding comes from and how we allocated funds for the current financial year, in response to the different types of legal need in the community and our current eligibility guidelines. The data shows our criminal law program, the largest program in terms of services and expenditure, is expecting the greatest growth this year due to unprecedented pressures on the criminal justice system.

Part of Victoria Legal Aid's role is to improve access to justice. Maintaining our existing eligibility guidelines is one of the ways we perform this role. Our guidelines are already tight enough, following a service contraction in 2012–13. Numerous independent reviews, such as the Access to Justice Review, have since affirmed the important role we play in making the system of laws and their operation fairer and accessible to all. This is why we planned to spend \$216 million at the start of the year despite only receiving \$210 million. At the six month mark, we expect to still deliver an annual operating deficit of approximately \$6 million.

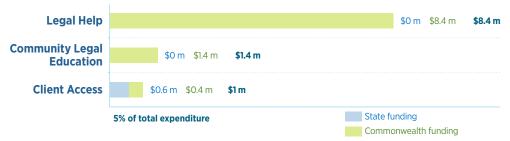
2018 budgeted annual revenue by funding source



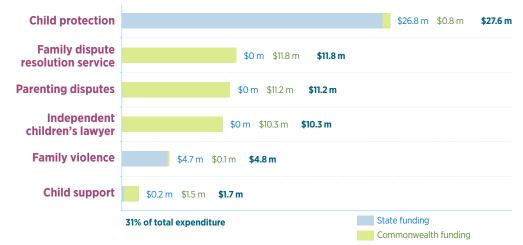
Expenditure by program area 2017-18 budget



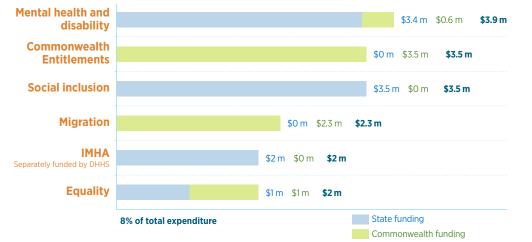
Access and Equity 2017-18 budget



Family, Youth and Children's Law 2017-18 budget



Civil Justice 2017-18 budget



Criminal Law 2017-18 budget



Performance against Victorian Government service targets

The Victorian Budget sets a number of output performance measures and targets for departments and their agencies and statutory bodies in *Budget Paper 3*. The follow table depicts our results against targets up to 31 December 2017 for Victoria Legal Aid's output measures under Budget Paper No. 3.

Output measure	Annual target	Target	Actual	Variance
Community legal education and information services – excluding family violence related services	123,500 - 128,500	65,200 - 67,600	51,408	-21%
Community legal education and information services – family violence related services	11,500	5,800	12,683	119%
Family violence legal services	32,000	13,800	17,589	27%
Duty lawyer services – excluding family violence related services	57,400 - 59,400	27,900 - 28,900	36,715	27%
Grants of legal assistance – excluding family violence related grants of legal assistance	31,800	15,400	15,209	-1%
Legal advice and minor assistance – excluding family violence related services	38,800	19,900	16,704	-16%
Number of unique clients who accessed one or more of our legal services	84,000	48,000	53,752	12%
Applications for legal aid processed within 15 days (VLA)	95%	95%	93%	-2%

We continue to experience significant levels of demand for more intensive services, particularly for duty lawyer services and grants of legal assistance. In response, we have reprioritised service delivery away from less intensive services, such as legal advice and minor assistance, to meet other demand pressures.

The 119 per cent jump in family violence related community legal education and information services can be attributed to an increased focus on family violence legal services and the rollout of Family Advocacy and Support Services, established by Victoria Legal Aid with funding from the Australian Government, on 1 May 2017. The increase can also be attributed to data we have not captured previously.