Northern Territory Legal Aid Commission

Annual Report 2007-2008

6th Floor, 9 - 11 Cavenagh Street,
Darwin, NT

Locked Bag 11
Darwin, NT 0801

Telephone: (08) 8999 3000
Fax: (08) 8999 3099

Northern Territory Legal Aid Commission

4 December 2008

Dr Chris Burns MLA
Minister for Justice and Attorney General
Parliament House
State Square
DARWIN NT 0800

Dear Attorney General

I am delighted to present to you the Annual Report of the Northern Territory Legal Aid Commission for the year ended 30 June 2008.

It has been a year of momentous change and challenge particularly in the areas of Community Legal Education and Outreach projects developed and led by the Commission in collaboration with other service agencies to best meet the needs of those most socially excluded and in need in the Territory.

In order to cover the huge challenges posed by the remoteness from services and advice of a great sector of the Territory, indigenous and non-indigenous, the Commission has greatly expanded its workshops, advice sessions, multi-media publications and outreach services over the past year.

In particular, advice education and minor assistance has been provided to people in communities prescribed under the NTER legislation. This outreach program has been delivered in collaboration with other relevant and targeted service agencies as diverse needs have been identified.

I am proud to inform you that over the past twelve months three DVDs in the languages of East Arnhem, Tiwi and the Barkly Region have been developed, produced and distributed to provide information and education as requested by the people of those communities.

These DVDs have demonstrated the value of consultation with and the involvement of local communities in producing a resource with a large footprint addressing needs and concerns to an extent which could not have been reached without the use of modern technology and innovative thinking. The great value of these educational tools has become immediately apparent in both the target and the broader mainstream communities; they provide a blueprint for maximising the use of limited resources in future educational and service delivery roles of the Commission.

Since the “intervention” by the Federal Government into prescribed communities in the Territory the Commission has developed an outreach program which has incorporated over 40 presentations and workshops in remote communities identifying and endeavouring

to meet previously unknown and unmet needs. This work is ongoing and involves close collaboration with other relevant service providers in order to maximise coverage of large areas of the Territory whose needs have never before been identified let alone given thought or resources to address them.

I am pleased to note that during the reporting year the Commission commenced a CALD (Culturally and Linguistically Diverse) communities CLE outreach project in collaboration with the Melaleuca Centre to address the needs of the newly arrived migrant and refugee communities.

The Commission has also engaged with the legal service providers "joint badging" in service delivery in the Top End, Katherine and in the Centre with the anticipated outcome of further coordinating the meeting of the unmet needs in all regions of the Territory.

During the past twelve months the Commission has continued to meet demands in the areas of Youth, CALD communities, indigenous communities, prisoners, mentally ill, victims and perpetrators of domestic violence, families and children in need of care and protection and foreign fishermen in need of representation and support.

Particularly in relation to indigenous people living in remote communities, the most disadvantaged and socially excluded people in the country, the Commission has targeted its educative and outreach support during the past year. Distance and language along with a lack of services of every kind in some remote communities present great barriers which have been exacerbated over the past twelve months by the confusion caused as a result of the "intervention".

The opening of the Regional Palmerston office and the expansion of the Alice Springs office both of which offer facilities for PDR have proved very welcome in those communities and have been great success stories for the Commission over the past year. The Tennant Creek Legal Resource Centre pilot project likewise has provided great benefits to the people of the Barkly Region and will lead to the opening of a permanent Commission office in the next financial year.

The PDR conferencing program for families offered by the Commission throughout the Territory has had an almost 80% success rate in seeing issues resolved prior to court intervention. This heartening new development is of obvious significance and benefit to vulnerable families in need of support and resolution.

These initiatives and programs have been provided by the Commission enlarging its "mainstream" ongoing service to those clients to whom it continues to provide legal advice and representation in criminal, family and civil law matters.

I commend the Commission on its vision in expanding its services to identify, address and endeavour to meet the diverse legal needs of the Territory community proactively and in the most efficient and collaborative way possible.

Together with my fellow Commissioners, I commend to you this 2007-2008 Annual Report.

Yours faithfully,

DAVID FARQUHAR
CHAIRMAN
Northern Territory Legal Aid Commission

Contents

Vision and values 1

Commission offices 2

Director's report 3

Charter 6

Duties of Commission 6

The Commissioners 7

Commissioners' Role 7

Committees 9

Northern Territory Contingency Legal Aid Fund 9

Contingency Legal Aid Fund Committee 9

Review Committee 10

Overview of operations 11

Legal advice 11

Duty lawyer services 11

Legal assistance 11

Merits test 12

Commission guidelines 12

Contributions and recovery of costs 12

Reconsideration and review of decisions 13

Legal practices 13

Locations 13

Commission offices and principal functions 14

Darwin office 14

Palmerston office 14

Katherine office 14

Tennant Creek Legal Resource Centre 14

Alice Springs office 14

Organisational structure and objectives 15
Chief Executive Officer's Unit 15
Family, criminal, civil and domestic violence legal practices 15
Assignments practice 15
Policy and community legal education 15
Business and finance 16

Staffing of the commission 17
Director 17
Darwin 17
Palmerston 18
Katherine 18
Tennant Creek 18
Alice Springs 18
Volunteers 18
Staffing levels 19
Resignations/leave without pay 20
Equal employment opportunity 20
Northern Territory community involvement 20
Staff development 21
Occupational health and safety 21

Achievements 22
Prior years comparative 22
Referred: inhouse matters 23

Performance 24
Performance indicators 24

Output statistics 25
Summary of major activities 25

Applications for aid 27
Received 27
Approved 27
Refused 28

Community legal education 29
Project work 29
Community legal education resources 34
Policy and law reforms 35

Information Act 2003 NT 36

Financials 37
Financial performance 38
General purpose financial statements 39

Vision and values

Vision:

"to recognise and promote the rights and interests of all by providing equitable access to justice"

Charter:

"to ensure that the legal rights and interests of people in the NT are not prejudiced by reason of their ability to access information, advice, representation and remedies"

Values:

Justice:	Fairness and equity valuing diversity.
Integrity:	Performing our functions with respect, dignity, compassion and honesty.
Professionalism:	Commitment to the rule of the law, ethical standards and a quality service.
Excellence:	Continuous review and improvement.

Commission offices

DARWIN

6th Floor, 9-11 Cavenagh Street, DARWIN NT 0800
Locked Bag 11, DARWIN NT 0801
Ph (08) 8999 3000
Fax (08) 8999 3099

PALMERSTON

Shop 6, Goyder Centre, 25 Chung Wah Terrace
Ph (08) 8999 4750
Fax (08) 8999 4747

KATHERINE

20 Second Street, KATHERINE NT 0850
PO Box 145, KATHERINE NT 0851
Ph (08) 8973 8704
Fax (08) 8973 8551

TENNANT CREEK

61 Patterson Street, TENNANT CREEK NT 0860
PO Box 794, TENNANT CREEK NT 0861
Ph (08) 8962 1985
Fax (08) 8962 1945

ALICE SPRINGS

77 Hartley Street, ALICE SPRINGS NT 0870
PO Box 969, ALICE SPRINGS NT 0871
Ph (08) 8951 5377
Fax (08) 8951 5378

Office hours:

Monday - Friday 8.00 am - 5.00 pm

Free call telephone legal information:

1800 019 343

Website address:

www.ntlac.nt.gov.au

Email address:

info@ntlac.nt.gov.au

Director's report

I am pleased to report that the Northern Territory Legal Aid Commission had another successful year, albeit in challenging times. In February 2007 all the staff from each of our offices in Tennant Creek, Alice Springs, Katherine and Darwin met for two days in Darwin and worked together to produce our Strategic Plan which was published in May and was to inform our direction through to 2010. We immediately began work to start to implement those goals we had identified.

What was not anticipated when we formulated our Strategic Plan was the NT Emergency Response announced in June 2007 by the then Federal Government.

The Commonwealth Intervention quickly took effect with new laws and changes to program funding and service delivery across the Northern Territory. As a result of the NT Emergency Response ("NTER") the Commission responded by establishing a special program to deliver legal services to assist clients in the NTER targeted areas which were not being serviced by other service providers. As a result our outreach services for the provision of legal advice and legal education have been expanded. We have been able to offer these services to Indigenous communities prescribed under the NTER. Through this outreach we have been able to identify legal needs not previously addressed. We will continue to use this experience to inform further outreach. Although the Commission received some special funding, as a result of NTER, to help us assist Indigenous clients in remote areas, the energy and resources which have been required to meet our client's changing needs as a result of NTER has been substantial.

On a Federal level, National Legal Aid, the organisation representing all Legal Aid Commissions, formulated a policy document presenting a vision for a new Commonwealth approach to Legal Aid in Australia to deliver comprehensive access to justice to disadvantaged Australians. National Legal Aid policy reflects the belief that all citizens in a democratic society should have access to the law to protect and enforce their legal rights. This document is available on the National Legal Aid website (www.nla.aust.net.au) at Policies and Papers.

Tennant Creek DVD

Following the change of the Federal Government all the Directors of the States and Territories met with the new Federal Attorney-General, the Honourable Robert McClelland MP to describe and emphasise the ongoing requirements for funding as the Legal Aid Commissions enter into negotiations for our new funding agreements. The new National Policy for Legal Aid had identified six priority areas of need being:

1. supporting Australian families and protecting vulnerable family members;
2. supporting Australians at risk of social exclusion due to poverty;
3. supporting Indigenous Australians at risk of social exclusion;
4. supporting Australians at risk of social exclusion due to special circumstances;
5. supporting a fair criminal justice system;
6. supporting human rights and equal opportunity.

It is with these priority areas in mind that negotiations for the new funding agreements have been commenced.

Despite the NTER pulling focus, the Commission continued to provide access to justice by delivering the following legal services throughout the Northern Territory:

- legal representation in court proceedings for people who cannot afford a lawyer
- duty lawyer services, at the courts in criminal and family law matters as well as in domestic violence cases
- legal advice and information about legal rights and remedies through our criminal and civil law clinics as well as through telephone information and advice
- community legal education, publications and other programs about the law and legal rights.

In addition, the Commission continued to have input into the justice system through the various committees, sub-committees, legal education networks and National Legal Aid working groups in which our staff participate. We have provided ongoing policy input at both Territory and national levels on a variety of issues, including

- national law and social justice strategies, for example, family violence
- prisoner growth in the Northern Territory and restorative justice initiatives to reduce imprisonment rates
- changes to legislation such as the Sentencing Act, Bail Act, Family and Domestic Violence Act, Criminal Code, Care and Protection of Children and Young People Act, Youth Justice Act and the legislation arising out of NTER.

In accordance with the aims and goals of our Strategic Plan we have continued to build partnerships with other legal and related service providers, such as Family Relationship Centres and Mediation Services, Aboriginal Legal Services, Family Violence Prevention Legal Units, Community Legal Services, Courts, Police, Prisons and other agencies such as Family and Children's Services. It is important that the Commission continues to work collaboratively with other related services in order to effect social inclusion.

Significant achievements for the reporting year, which we have made against the goals of our strategic plan include

- opening our new regional office in Palmerston
- opening our family conference centre in Darwin
- completion of extensions in our Alice Springs office to meet the increasing needs of the Alice Springs region and to enable family conferencing on site
- commencement of work on our new permanent office in Tennant Creek following the successful two year pilot of the Tennant Creek Legal Resource Centre
- funding to develop an education kit to assist refugees and recent arrivals to understand our legal system
- completion of three Indigenous language DVDs under the Indigenous Families Project and growth in our services to regional and remote communities through our Indigenous Outreach Project.

All our staff work in the area of poverty law. This work can be demanding and thankless. I am extremely proud of all the staff that work for the Commission and the huge contribution they make in assisting our client base. I thank all the staff in administration, finance, human resources, policy, community legal education, Indigenous outreach and the lawyers for the enormous contribution they have made over the year to assisting the Northern Territory community to obtain access to justice. I would like to thank the members of the private profession who act for legally aided clients and their contribution to achieving equality before the law through legal representation. I am also grateful to our Commissioners who give their time and energy throughout the year to support the work of the Commission and provide sound governance. In particular, I would like to thank the Chair of the Northern Territory Legal Aid Commission, Mr David Farquhar, who is always available to assist the Commission and support our work.

SUZAN COX QC
DIRECTOR
Northern Territory Legal Aid Commission

Charter

Our CHARTER is to ensure that the legal rights and interests of people in the Northern Territory are not prejudiced by reason of their ability to access information, advice, representation and remedies.

Duties of Commission

In the performance of its function, the Commission shall:

- ensure that legal assistance is provided in the most effective, efficient and economic manner;
- ensure that its activities are carried on consistently with, and do not prejudice, the independence of the private legal profession;
- liaise and co-operate with, and if the Commission considers it desirable to do so, make reciprocal arrangements with professional bodies representing private legal practitioners and other bodies engaged or interested in the provision of legal assistance in the Territory or elsewhere;
- liaise with professional bodies representing private legal practitioners in order to facilitate the use, in appropriate circumstances, of services provided by private legal practitioners;
- make maximum use of services which private legal practitioners offer to provide on a voluntary basis;
- encourage and permit persons who are not legal practitioners to participate, so far as the Commission considers it practicable and proper to do so, on a voluntary basis, under professional supervision, in the provision of legal assistance by officers;
- provide officers and agencies of the Commonwealth or a State concerned in the provision of legal assistance with such statistical and other information as they reasonably require;
- make its service available to persons eligible for legal assistance by establishing such local offices, and by making such other arrangements, as it considers appropriate;
- determine priorities in the provision of legal assistance as between different classes of persons or classes of matters;
- arrange for the provision of duty lawyer services at sittings in the Territory in such courts as it considers appropriate; and
- endeavour to secure the services of language interpreters, marriage counsellors and other appropriate persons to help persons in connection with matters in respect of which they are provided with legal assistance.

Legislation

The Commission is established under the Legal Aid Act (NT) 1990 as amended.

Legal aid agreements

The most recent agreement between the Commonwealth of Australia and the Northern Territory, for the provision of funding for Commonwealth matters, was signed in March 2005. The term of the agreement is 1 July 2004 through 31 December 2008.

The Commissioners

Commissioners' role

To ensure that legal assistance is provided in accordance with the Legal Aid Act 1990.

DAVID FARQUHAR
CHAIRMAN

Graduated ANU with BA., LLB. Commenced practice in the NT in 1977 as Crown Prosecutor; joined Australian Legal Aid Office in 1979; in private practice since 1980. Currently a partner in a Darwin based legal practice. Chairman Public Sector Disciplinary/Inability Appeals Board. Chairman of Police Appeals Board. Originally appointed to the Commission on 29 June 1990. Originally appointed Chairman by the Northern Territory Attorney-General on 1 August 1996.

JANE LARGE

Forty-two years of public service include the British Civil Service, Commonwealth, State and Northern Territory. Agencies include Foreign Office, Police, Attorney-General's, Law, Mines and Energy and Treasury. From 1996 occupied a Senior Director position in the Northern Territory Treasury and retired from the Public Service in November 2001. Member of the Finance Committee, Menzies School of Health Research. Justice of the Peace. Originally appointed 29 June 1990 by the Northern Territory Treasurer.

EILEEN TERRILL

Graduated University of Adelaide with LLB in 1977. Commenced practice in the Northern Territory in 1977. From 1977 to 1985 employed as a solicitor in local Darwin firms. From 1985 to 1986 in charge of the Family and Civil Law Section of the Australian Legal Aid Office, Darwin. From 1986 to 1990 Director of the Australian Legal Aid Office, Darwin. From 1991 to present, Principal of a small Darwin based legal practice. Councillor of Law Society from 1993 to 2003. On Executive Committee of the Northern Territory Law Society, 1997 to 2003. Appointed by the Northern Territory Attorney-General, on the nomination of the Law Society. Originally appointed 29 October 1997.

PETER VAUGHAN

Graduated from Sydney Teachers College in 1973 and commenced work as a school teacher in an all boys school in the Western Suburbs of Sydney. Moved to Darwin in 1977 working at St Johns College and later at Taminmin High School as a senior teacher. Completed a further Degree in Educational Administration in 1986 through SA College of Advanced Education which later became the University of South Australia. Moved to Alice Springs in 1989 to take up the position of Assistant Principal at Alice Springs High School and is now the current Principal of this school. Completed post graduate studies in Public Sector Management at Charles Darwin University. Was the chair of the Crime Prevention Committee in Alice Springs from 2000 to 2003. Continues to be a voice for disenfranchised youth in the Central Australian region.

HALEY RICHARDSON

Haley has worked in various positions in the public sector since 1990 in Queensland and in the Northern Territory. Haley commenced employment with the Commission in May 1992. She started as a paralegal in the Criminal Section of the Commission and in June 2001 was appointed Assignments Practice Manager. Appointed as the staff representative Commissioner in September 2005.

ELIZABETH MORRIS

Elizabeth Morris, Deputy CEO Policy Coordination Elizabeth joined the department in 2006, coming over from Northern Territory Treasury as the Executive Director of Racing, Gaming and Licensing. She was appointed Deputy CEO in January 2007. Elizabeth was with NT Treasury for two years, and prior to that spent five years as Deputy Coroner for the Northern Territory. Her earlier legal career included nine years at the Northern Territory Legal Aid Commission. Elizabeth first came to the Territory in 1990 to work as an Associate to the former Chief Justice. She has a Bachelor of Arts (with honours), a Bachelor of Laws from the University of Sydney, and a Graduate Certificate in Public Sector Management.

SUZAN COX QC

Graduated from UNSW with BA., LLB, 1978; LLM (Criminal Law) NYU 1985. 1980-90 Solicitor, Office of the Public Solicitor, Port Moresby, Senior Criminal Solicitor, CAALAS, Senior Criminal Solicitor, NAALAS (now NAAJA) and practised at the Melbourne Bar. From 1990 until 2002 at NTLAC as Senior Solicitor, Family Law Practice, Senior Counsel, Criminal Law Practice, Deputy Director, Acting Director, Director from July 2002 and appointed Queens Counsel in August 2002.

Committees

Northern Territory Contingency Legal Aid Fund

The Northern Territory Contingency Legal Aid Fund (CLAF) was established on 1 March 1993 with a seeding grant of $200,000 from the Law Society Public Purposes Trust. In June 1997 the Fund received a loan of $200,000 from the Commission's Legal Aid Fund.

CLAF is administered by the Commission's Assignments Practice. The Fund covers disbursements necessarily incurred during the course of litigation such as stamp duty, service fees, expert witnesses' reports, travelling costs and fees associated with expert witnesses. The Fund does not pay for solicitors' or barristers' professional costs or general office expenses such as photocopying, telephone charges or facsimile charges. The financial position of the Fund appears in Note 15 of the Financial Statements.

The Fund is available for all areas of law, which result in a monetary award to the applicant.

Contingency Legal Aid Fund Committee

Committee role

Established in accordance with Section16 of the Legal Aid Act 1990.

To determine whether or not to grant applications for assistance under the Contingency Legal Aid Fund.

Membership of the committee

Suzan Cox QC Director

Meredith Harrison Deputy Director

LAW SOCIETY NOMINEES:

P. Barr QC
A. Young
D. McConnell
R. Battley
P. Cheong
C. Spurr
J. Neill
M. Spazzapan
G. McMaster
J. Stirk
S. Gearin
S. Cleveland
E. Terrill
B. Priestley

COMMISSION APPOINTEES:

S. Reddy

Statistical information

The demands on the fund have been:

Applications	07/08	06/07	05/06	04/05	03/04
Received	11	7	15	17	28
Approved	6	6	15	8	16
Withdrawn	3	1	0	4	3
Refused	0	0	0	4	4
to be Decided	2	0	0	1	5

Since the fund commenced in March 1993 there have been a total of 312 applications to the fund. The applications for funding largely relate to personal injury actions such as occupiers' liability, medical negligence and work health. Few applications relating to commercial litigation or family law property settlement have been received.

Review Committee

Committee's role

To review decisions referred to the Committee under Section 35(3) of the Legal Aid Act 1990. Under Section 35 of the Act, persons who feel they have been adversely affected by decisions taken on their application for legal aid may seek reconsideration or review of those decisions.

During 2007-2008 the Review Committee met on 8 separate occasions to review 8 client requests. The outcome of their deliberations was that 1 decision was varied in favour of the applicant.

Membership of the committee

As at December 2007 the following persons were members of the Committee for a period of twelve months.

Private Legal Practitioner	T. Prichard	M. Johnson
	B. Piper	E. Hutton
	R. Lawford	T. Marris
	B. O'Loughlin	S. Sievers
	D. Story	J. Tippett QC
	P. Elliott	
Independent person with relevant experience	A. Beven	B. Cassells
	P.Timney	G. McDonald
	N. Hunter	M. Story
	W. Morton	E. Morris
Officer of the Commission	M. Harrison	S. Cox QC
	K. Kensell	J. Franz
	G. Smith	I. Read
	H. Blundell	K. Norrington
	A. Abayasekara	T. Kaye
	F. Hussin	A. Snell
	B. Lohmeyer	D. Elliott
	F. Kepert	M. Warbrooke
	J. Barry	N. Scattini
Secretary to Committee	S. Reddy	

Overview of operations

The provision of legal services by the Northern Territory Legal Aid Commission is governed by the Legal Aid Act 1990.

The Northern Territory Legal Aid Commission is independent of the Territory and Commonwealth Governments. In fact, the Act specifically allows the Commission to help disadvantaged persons in cases where they might be in dispute with, or opposed to, either Government or any public authority or organisation.

The legal services provided by the Commission take the form of legal advice, help from one of our duty lawyers or legal assistance.

Legal advice

Commission lawyers will give advice on legal matters free of charge to anyone who is unable to obtain advice or information from a private lawyer for any good reason provided that the interview in which that advice is given does not go beyond 20 minutes.

Advice will be given at the Commission offices or at other places, for example, certain Court Houses, prison, during those times as the Director appoints, having regard to the availability of staff.

Unless special circumstances exist, legal advice will not be available for persons who are seeking advice on a matter for which they have previously been refused assistance.

Where, in the opinion of the Director a person has, during their past attendance at advice sessions, behaved in an offensive or abusive manner toward staff members, or repeatedly sought assistance in respect of matters lacking merit, the Director may decline to provide that person with advice.

Duty lawyer services

The Legal Aid Commission provides duty lawyer services either by using its own staff or by funding lawyers in private practice, to such sittings of the Magistrates, Juvenile, Federal Magistrates Court and other Courts in the Northern Territory as the Director considers appropriate.

Duty lawyers are available to advise accused persons and, if necessary, appear for them in bail and adjournment applications and in appropriate cases to represent them on a guilty plea. Duty lawyers do not appear in defended cases unless the circumstances are exceptional.

In cases of particular hardship or urgency they may also provide rudimentary assistance to persons involved in certain types of civil cases.

The Commission provides a family duty lawyer service to sittings of the Federal Magistrates Court. The service provides advice, minor assistance and negotiation assistance to unrepresented parties. This service was tendered and is provided by a private practitioner.

Legal assistance

Legal assistance may be provided under Section 26 of the Act if, and only if:

(a) a person is in need of that legal assistance by reason that she or he is unable to afford the cost of obtaining from private legal practitioners the legal services in respect of which legal assistance is sought; and

(b) it is reasonable in all the circumstances to provide the legal assistance.

The assistance may be provided free or on condition that the assisted person pays part or all of the cost of providing legal assistance.

Thus the Commission must apply two tests to any application for legal assistance – a means test and a “reasonableness” or merits test.

Merits test

In determining whether to grant legal assistance in relation to any matter, regard is had to all relevant matters including:

(a) the likely cost to the Commission of providing the assistance;

(b) the nature and extent of any benefit that may accrue to the applicant from the provision of the assistance or of any detriment that the applicant may suffer if assistance is not provided;

(c) in the case of assistance in relation to a proceeding – the likelihood of the proceedings terminating in a manner favourable to the applicant;

(d) whether the legal problem or the applicant come within the Commission's or Commonwealth's priorities for the provision of legal assistance;

(e) whether the legal problem is one for which, in accordance with the Commission Guidelines, legal assistance may be provided.

Commission guidelines

The Commission is required by Section 12 of the Legal Aid Act 1990 to determine, and make known to the public, guidelines to be applied in considering applications for legal assistance and in making decisions as to other specified matters involving the exercise of discretion.

The guidelines were originally published in November 1990 and are revised as necessary from time to time. The Commission, in July 2005, approved the latest revision. They are circulated to interested parties and are available from the Office on request.

Contributions and recovery of costs

An important component of the Commission's funding base is the amount recovered from client contributions.

Initial contributions, of at least $55.00, based on the applicant's income and assets are usually imposed. Interim and final contributions may also be imposed, especially where a legally assisted person's financial circumstances have substantially improved during the currency of a grant of aid.

Where an assisted person is successful, the Commission may recover costs either in complete or partial satisfaction of a final contribution. This will depend on the circumstances of the finalisation of the matter.

Reconsideration and review of decisions

An applicant for legal assistance may request that an unfavourable decision be reconsidered.

Where a decision is confirmed or varied following reconsideration by staff of the Commission, the person affected may request that the decision be referred to a Review Committee for review.

The Review Committee consists of an officer of the Commission, a private legal practitioner and another independent person with relevant experience.

Legal practices

Within its overall operations the Commission operates three legal practices, namely:

- Family Law Practice (incorporating Domestic Violence Unit) and Civil Law Practice;
- Criminal Law Practice; and
- Assignments Practice.

Locations

The Commission maintains offices in Darwin, Palmerston, Katherine, Tennant Creek and Alice Springs, and currently provides services to other major centres by utilising either its own staff or private practitioners. Office locations and contact numbers are detailed at the beginning of this annual report.

Outreach work

Commission offices and principal functions

Darwin office

Located within the Darwin office are the following divisions:

- Executive;
- Criminal Law;
- Family Law;
- Domestic Violence;
- Immigration Advice;
- Civil Law;
- Assignments;
- Policy and Community Legal Education; and
- Business and Finance.

Legal services are provided to residents of Darwin, Palmerston and outlying rural areas as well as foreign nationals who have been charged with committing certain offences under Commonwealth legislation, such as illegal fishing and people smuggling. A solicitor visits the Darwin Prison each week.

Assignments, Community Legal Education, financial management, financial and statistical reporting, accounting, information technology, personnel services and the Review and Contingency Fund Committees are centralised in Darwin.

Palmerston office

The Palmerston Office provides a convenient shop front service for people who live in the town and surrounding rural areas.

The Office provides a referral service and legal assistance in family, criminal and civil law.

Katherine office

The Katherine Office provides legal services in criminal, family and civil law in the Katherine region of the Northern Territory.

Duty Lawyer services are provided at the Katherine Courthouse as required as well as legal representation. Free legal advice sessions are conducted at the Katherine Office. Where a solicitor is unavailable legal advice is provided to the client via a video conferencing link with the Darwin office.

From time to time the Katherine branch lawyer is required to provide services to the more remote areas of the Katherine region.

Tennant Creek Legal Resource Centre

The Tennant Creek Legal Resource Centre provides a coordination point for people to obtain legal advice and assistance.

The Office conducts community legal education programs on issues that are relevant to the residents of Tennant Creek and the Barkly Region.

Alice Springs office

The Alice Springs Office provides legal services in criminal, family and civil law in the southern region of the Northern Territory.

Lawyers attend the Alice Springs Courthouse each day and provide free advice and representation to persons requiring assistance. In addition, free legal advice sessions are conducted at the office three days per week and telephone advice is provided to callers from remote areas.

A lawyer also attends Tennant Creek and Yulara to provide legal advice and representation during Court sittings. Solicitors also attend at the Alice Springs gaol/hospital to provide advice and representation as required.

Organisational structure and objectives

Chief Executive Officer's Unit

Overall objectives:

- In consultation with the Board of Commissioners provide leadership and direction to the operations of the Commission.

Family, criminal, civil and domestic violence legal practices

Overall objectives:

- Provide concise initial advice to members of the public in respect of their rights and obligations under any Commonwealth or Northern Territory legislation;
- Where appropriate, refer members of the public to appropriate providers of non-legal services; and
- Where legal assistance has been granted, provide representation of a high standard in a timely and cost efficient manner to clients of the Commission in order to obtain a just and equitable resolution of their law dispute.

Assignments practice

Overall objectives:

- Provide an efficient and effective service in assessing applications for legal aid;
- Ensure that services provided by private legal practitioners to Commission clients are cost effective and efficient;
- Administer the Contingency Legal Aid Fund;
- Provide input into law reform issues; and
- Coordinate family law conferences.

Policy and community legal education

Overall objectives:

- Inform the community about the range of services offered by the Commission;
- Develop community legal education projects and publications to meet specific legal needs;
- Respond to policy or law reform issues that are relevant to the Commission's client base; and
- Coordinate the Commission's community legal education and outreach programs.

Business and finance

Overall objectives:

- Provide the infrastructure within the Commission so that legal services are provided to the people of the Northern Territory in an efficient and effective manner; and
- Initiate policies, strategies, advising and reporting (in all matters other than those of a direct legal services nature) to external and internal stakeholders so that the Commission's charter may be achieved.

Staffing of the commission

Director

As at 30 June 2007 the following persons were employed:

Director	Suzan Cox QC, BA LLB, LLM
Personal Assistant	Susan Gowler

Darwin

Criminal law practice

Senior Solicitor	Ian Read LLB BEc Greg Smith BA LLB Julie Franz LLB Louise Bennett LLB Helena Blundell BA LLB Ambrith Abayasekara BCom LLB Tom Kaye BA LLB Fiona Kepert BA LLB (Hon)
Para Legal Secretary	Gloria Rautamara
Legal Secretary	Lucia Vorrasi Mark Wright

Family (incorporating Domestic Violence Unit) and civil law practice

Managing Practitioner	Diana Elliott BA LLB Kris Norrington LLB Julian Barry LLB Kate Kensell LLB Anthony Snell LLB Melanie Warbrooke BSocWk, LLB (Hons)
Immigration Solicitor	Natalie Scattini
Legal Secretary/ Child Support	Monica Settele
Legal Secretary	Jodie Siebert Carolyn Robinson
Administrative Support	Sophie Coates

Policy and community legal education

Policy Officer	Fiona Hussin LLB
Policy Support Officer	Bethany Lohmeyer BA LLB
Project Officer	Delphine Dupont-Morris
Indigenous Community Liaison Officer	Michael Petterson

Business and finance

Deputy Director	Meredith Harrison LLB

ASSIGNMENTS PRACTICE

Manager	Haley Richardson
Administrative Assistant	Amanda Bamford Denise Oliver Tina Baylis
Administrative Officer	Jessica Payne

BUSINESS SERVICES

Finance Manager	Barbara Lelli CPA
Human Resource Manager	Leeanne Morris
Finance Officer/ Office Services	Karen Markos Jeanon Cubillo
Projects Officer	Sue Reddy
Administration Officer	Nurri Heriyanto Chloe Coleman-Harty

Palmerston

Community Legal Education Officer	Melinda Schroeder
Legal Secretary	Jodie Bawden

Katherine

Solicitor	Thomasin Opie BA LLB
Legal Secretary	Cassie Lamb
Legal Secretary Support	Bianca Aloisi

Tennant Creek

Administrative Officer	Mathew Wickham
Administrative Support	Denise Ricky

Alice Springs

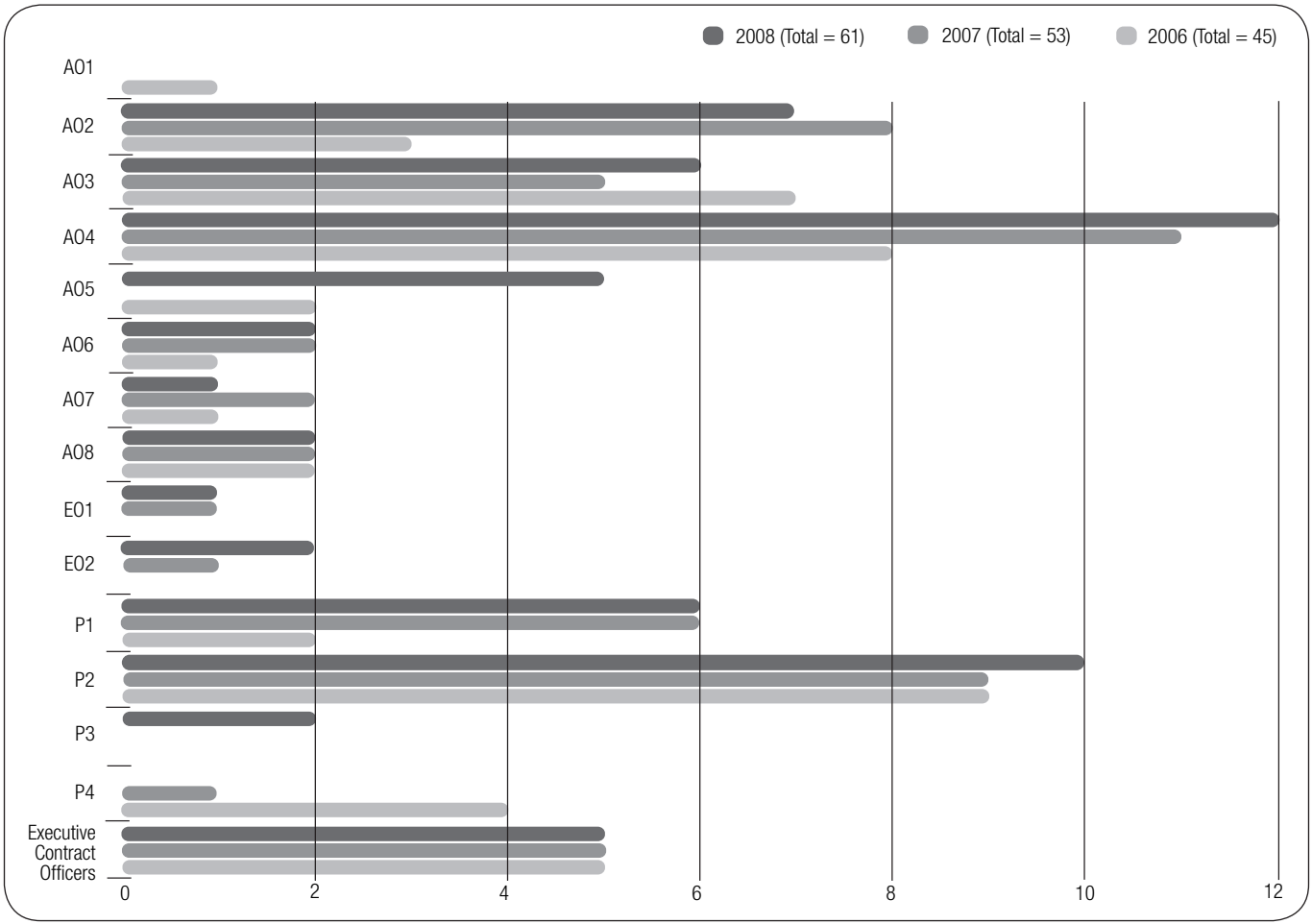
Senior Solicitor	Russell Goldflam BA BLEGS (Hons), Grad Dip Ed Julia Munster BA (Hons) LLB Kevin Banbury BDip LLBG Sally Bolton BA LLB (Hons) Elizabeth Coroneo LLB (part-time)
Legal Secretary	Wendy Vismans Anne Coleman Tanya Ball
Indigenous Community Liaison Officer	George Peckham

Volunteers

Under Section 8 of the Legal Aid Act 1990 the Commission shall encourage persons who are not legal practitioners to participate, as far as is practicable, in a volunteer capacity whilst under professional supervision. During the year the Commission "recruited" 3 volunteers.

Staffing levels

Staffing levels as at 30th June 2008 were:



AO - Administrative Grades; EO - Executive Grades; P - Professional Grades (Legal Officers). All legal officers are on employment contracts.

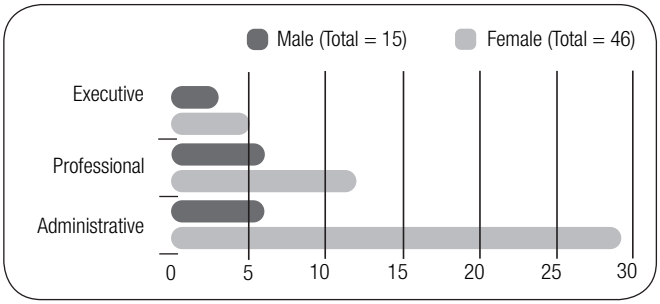
Resignations/leave without pay

During the year 9 people left the Commission's employment.

Equal employment opportunity

Management monitors the internal environment to ensure that equal employment opportunities are present. Because of the nature of the staff who are attracted to the Legal Aid Environment issues of discrimination seldom, if ever, arise.

Distribution of the sexes is as follows:



Northern Territory community involvement

During the year members of staff, in their own time, contributed to the development of their respective professional associations, as well as:

- Central Australian Women's Legal Service, Treasurer and Secretary
- Central Australian Family Pathways Group Network, member
- YWCA of Darwin NT, Board Member
- Darwin Community Legal Service, volunteer
- NT Young Lawyers Committee, Vice President
- Top End Women's Legal Service, member and volunteer
- Central Australian Human Research Ethics Committee, legal member
- Cox Peninsula Fishing Club, secretary
- Cox Community Club, member
- Northern Territory Genealogical Society, member
- 2009 Australian Law Librarian Association's National Conference Organising Committee, member
- Australian Law Librarians Association NT Branch, web administrator
- Law Society Northern Territory, NT Young Lawyer representative and member of CPD/CDU Committee, Access to Justice Committee, Family Law Committee, Indigenous Issues
- St Johns, volunteer
- Central Australian Human Research Ethics Committee, member
- Alice Springs Beanie Festival, trustee
- Watch this Space in Central Australia, secretary
- Central Australian Youth Justice Group, member
- Top End Family Pathways Network, project officer
- Personal and Society Safety Working Group, chairperson
- Criminal Lawyers Association NT, member
- Tennant Creek RSL, committee member

Staff development

During the year various members of staff were involved in staff development programs. The nature of the programs included conferences, workshops, seminars and training courses. The programs included:

- Advocacy Skills Workshop
- Community Welfare – children in need
- National CLC Conference
- Family Dispute Resolution Workshop
- Child Support reforms
- Sex Offender Assess & Rehabilitation
- Family Law Property Cases
- Migration Training
- Sentencing 2008
- Child Support Reform Scheme Stakeholder
- Excel Beginners
- First Aid
- Dealing with Challenging Situations
- Fundamentals of Project Management
- Internal Reporting
- Working with Cultural Differences
- New Manager Training
- Fire Warden Training
- 13th National Family Law Conference
- Managing and Supervising People
- NTCOSS Conference
- Criminal Law Conference
- Defensive Course
- ICL Training

Occupational health and safety

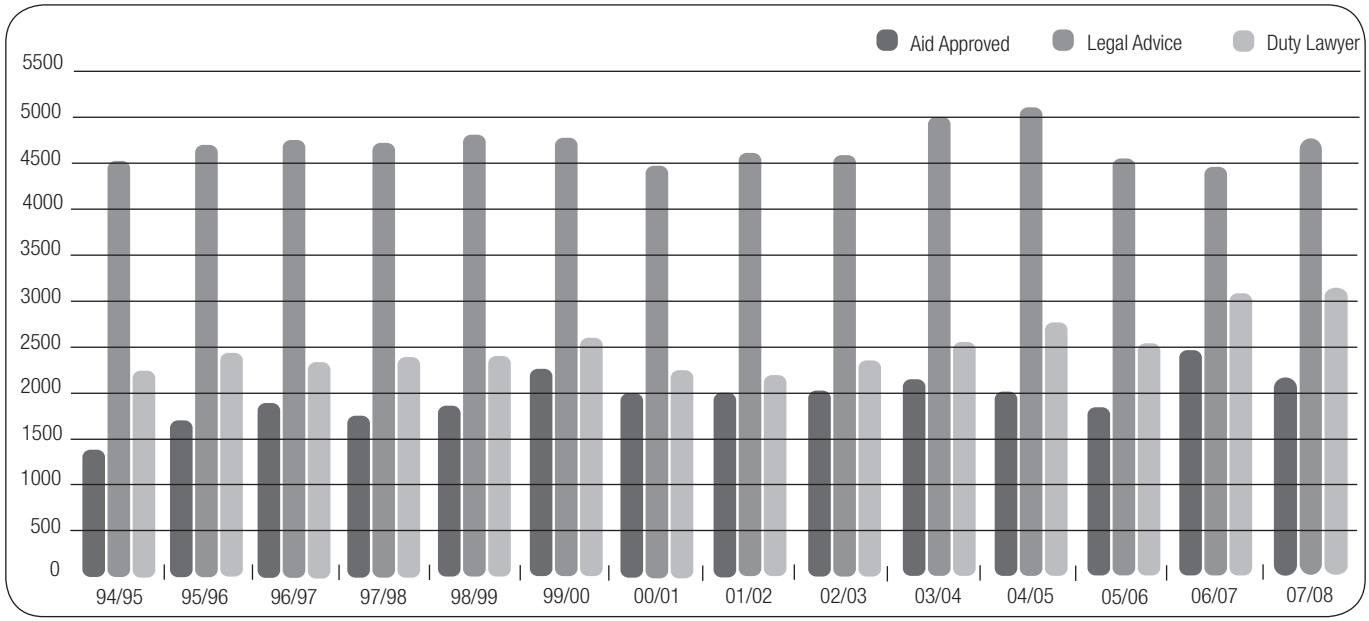
A tobacco free environment exists. Employees are encouraged to adopt safe working practices. The Commission encourages and promotes a healthy work-life balance.

Achievements

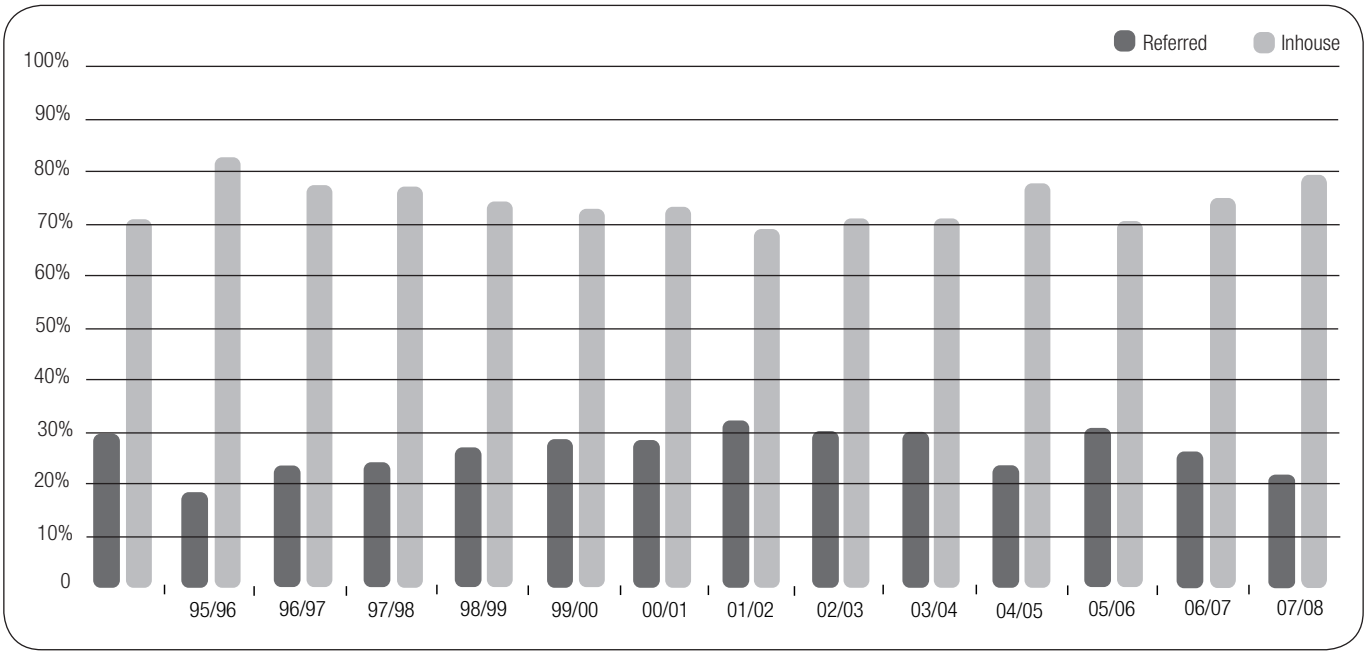
During the year:

- 2,465 applications for aid were received.
- 2,135 applications for aid were approved.
- 448 approved applications for aid were referred to private practitioners.
- 1,687 approved applications for aid were handled by Commission staff.
- 5,233 persons received free legal advice.
- 3,113 persons received advice and/or were represented by Duty Lawyers.
- 3,235 persons accessed the free telephone legal information service.

Prior years comparative



Referred: inhouse matters



Performance

Performance indicators 2003-2004 to 2007-2008

	03/04	04/05	05/06	06/07	07/08
Population	199,200	201,800	204,500	213,800	218,400
Estimated No. of Clients	12,018	12,549	11,989	13,107	13,716
Per 1000 head of population					
Legal Advice Provided	24.92	25.20	24.47	22.68	23.96
Duty Lawyer Services	12.73	13.59	12.55	14.95	14.25
Applications for Legal Aid					
Received	12.67	12.22	10.52	12.54	11.29
Approved	10.61	9.68	8.77	10.83	9.78
Refused	1.85	2.39	1.62	1.50	1.28
Telephone Legal Information Clients	12.07	13.72	12.84	12.85	14.81
Estimated Clients	60.33	62.19	58.63	61.30	62.80

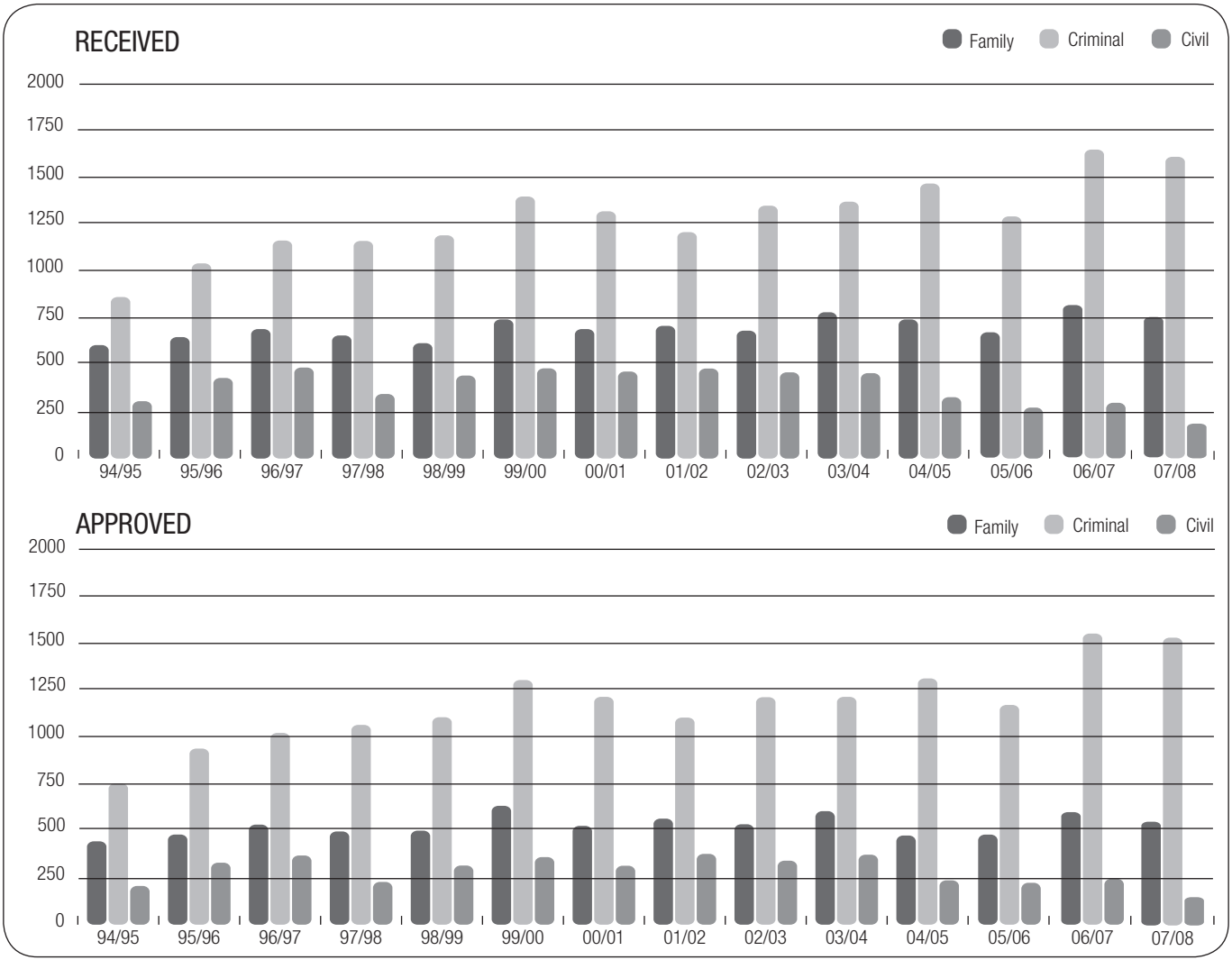
Output statistics

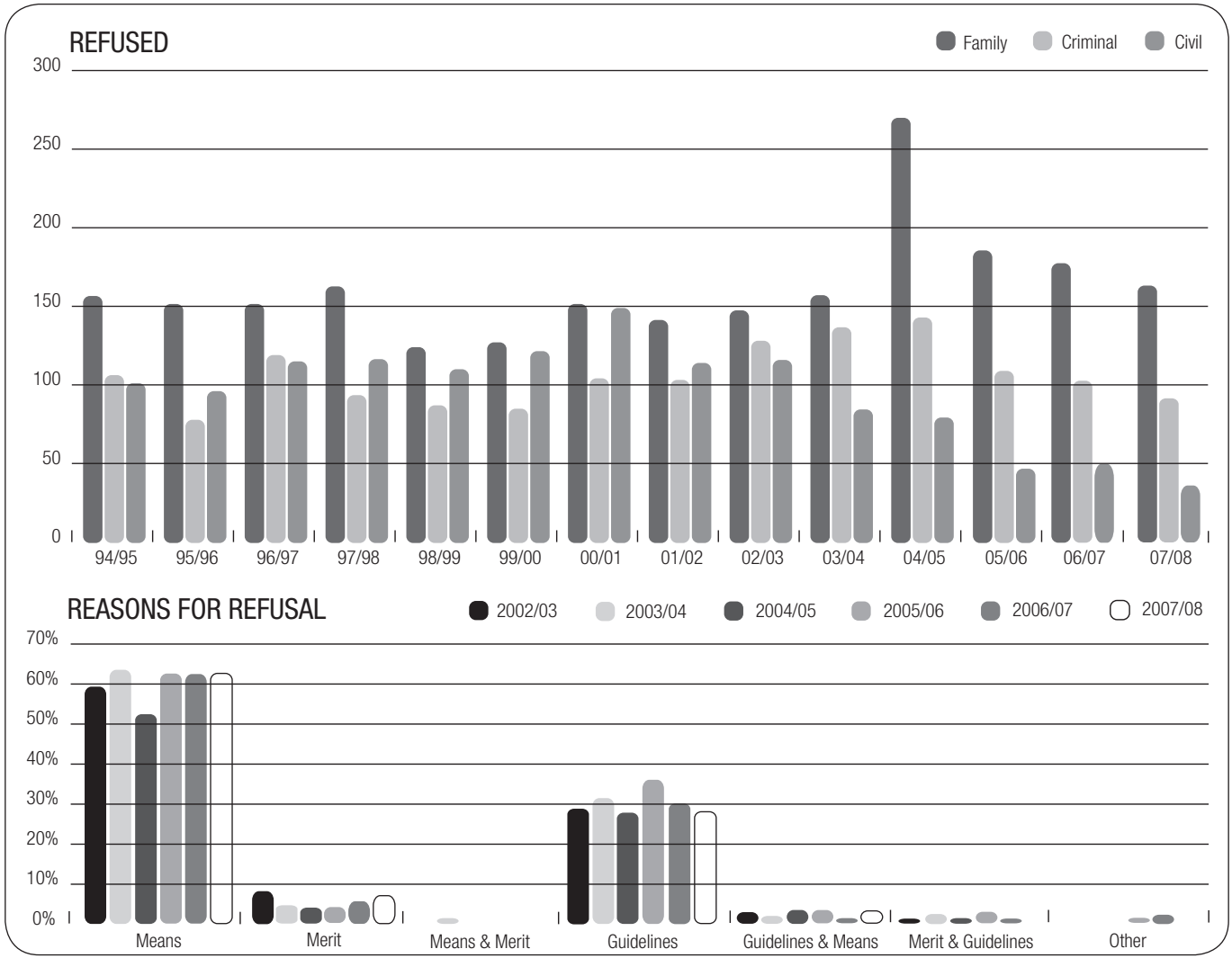
Summary of major activities

	03/04	04/05	05/06	06/07 adjusted for comparability with 07/08	07/08
Legal aid service					
Applications for Aid:					
Received	2,524	2,466	2,152	2,682	2,465
Approved	2,114	1,954	1,793	2,315	2,135
Refused	369	482	331	321	280
Free Legal Advice Sessions	4,964	5,085	5,004	4,849	5,233
Duty Lawyer Services	2,536	2,742	2,567	3,196	3,113
Telephone Information Clients	2,404	2,768	2,625	2,747	3,235
Payments to private practitioners (includes disbursements)					
Referred Cases					
Family	542,384	528,869	575,185	693,854	631,103
Criminal	292,849	483,684	434,883	414,545	500,666
Civil	359,639	295,215	334,889	228,495	200,431
Domestic Violence	25,441	30,657	39,545	49,850	49,292
Duty Solicitor	27,417	41,120	99,800	108,798	115,125
Locums	36,499	40,980	50,585	53,822	51,681
Conflict Advice (previously paid as referrals)					44,745
Disbursements on inhouse cases					
Family	50,560	29,942	28,972	48,395	58,581
Criminal	648,865	968,754	871,357	717,752	580,552
Civil	6,442	3,825	9,311	11,079	3,630
Domestic Violence	516	607	814	955	3,757

	03/04	04/05	05/06	06/07	07/08
Applications approved and referred to private practitioners					
Family	233	185	232	292	235
Criminal	61	67	69	129	132
Civil	299	186	173	156	66
Domestic Violence	29	10	11	13	15
TOTAL	**622**	**448**	**485**	**590**	**448**
Applications approved and handled by commission staff					
Family	289	233	200	259	256
Criminal	1,129	1,227	1,075	1,396	1,367
Civil	43	31	22	61	51
Domestic Violence	31	15	11	9	13
TOTAL	**1,492**	**1,506**	**1,308**	**1,725**	**1,687**
Free advice sessions					
Family	1,697	1,808	1,807	1,735	1,931
Criminal	1,338	1,319	1,269	1,156	1,268
Civil	1,466	1,482	1,447	1,556	1,606
Domestic Violence	463	476	481	402	428
TOTAL	**4,964**	**5,085**	**5,004**	**4,849**	**5,233**
Duty lawyer services					
Crime					
Advice Only	495	322	341	114	203
Advice and Representation	1,937	2,342	2,125	2,958	2,693
Other	37	21	16	8	9
Domestic Violence	67	57	85	116	208
TOTAL	**2,536**	**2,742**	**2,567**	**3,196**	**3,113**

Applications for aid




REFUSED
Family
Criminal
Civil
300
250
200
150
100
50
0
94/95
95/96
96/97
97/98
98/99
99/00
00/01
01/02
02/03
03/04
04/05
05/06
06/07
07/08
REASONS FOR REFUSAL
2002/03
2003/04
2004/05
2005/06
2006/07
2007/08
70%
60%
50%
40%
30%
20%
10%
0%
Means
Merit
Means & Merit
Guidelines
Guidelines & Means
Merit & Guidelines
Other

Community legal education

Project work

CALD Project

The Commission identified the need to appropriately respond to clients from culturally and linguistically diverse backgrounds in the 2007-2010 Strategic Plan.

In implementing the Plan, consultation was held with Melaleuca Refugee Centre (Melaleuca) to consider the needs which may exist among the migrant and emerging communities in the Darwin region. A funding proposal was developed in conjunction with Melaleuca to develop a *Culturally and Linguistically Diverse Communities Project* (CALD), focussing on family law. The model is being adapted from a similar project developed by the Legal Services Commission of South Australia. The project is being partly funded by the Law Society's Public Purpose Trust. The kit will also be trialled with members of the target audience to ensure it is appropriate and effective.

Pathways Network

Pathways Networks aim to work towards an integrated family law system. We hold regular meetings of service providers to keep organisations connected and up to date with the service each is providing as well as any recent developments or changes to procedure.

Members of the *Darwin Family Pathways Network* come from a wide range of organisations that provide services for separating families, including counsellors, mediators and legal practitioners specialising in family law, and representatives from other services such as Family Law Courts, the Child Support Agency and Centrelink.

The *Top End Family Pathways Network* hosted Mega Training Day II at the Palm City Church, Palmerston on 29 November 2007. Mega Training Day is a *free* expo style learning event for people who have contact with families as part of their daily work. Sixteen service providers set up information stalls on the day and 51 people registered as trainees. Trainees were divided into small groups and with the assistance of a Learning Group Facilitator, examined a realistic case study of a family in crisis. The group identified issues from the case study and then sought information and assistance for the various family members at the information stalls. After visiting the information stalls, the group gathered to debrief and discuss what information was found and the various ways the family could resolve their issues. The information gained by trainees, as well as brochures and pamphlets was also taken back to their workplaces to be shared with colleagues. Both stallholders and trainees made new contacts and developed professional relationships as a result of the great networking opportunity the day provided.

Throughout the year the Network also undertook a mapping exercise of child inclusive practices within our region, as well as monitoring and recording referrals made to external agencies by member organisations.

NTLAC staff at the Palmerston Mega Training Day

Launch of Galiwin'ku DVD

Indigenous Families Project

The Northern Territory Legal Aid Commission commenced the *Indigenous Families Project* in August 2006 which was aimed at expanding the services we provide to regional and remote communities. In recognition of the unique geographic, social and cultural demographic of the Territory population, Indigenous individuals, families and communities are the focus of the expansion.

The principles sustaining the project are the need for cross cultural education in regards to family and law issues, and that people within the communities and language group concerned are best placed to conceive the appropriate resources for their region and people.

The process consists of a series of meetings with local law men and women, heads of organisations and service providers working on the ground in the area of family services and law. If the community is interested in being part of the project, workshops are planned where the local law experts and service providers can interact and work together to determine the priorities for the community in terms of legal education.

The workshops provide an opportunity to educate the service providers about the existing Aboriginal legal systems, and educate them on working with interpreters.

When the content is determined, the local multimedia team, and a group of creative people, local law experts and interpreters work at developing the script.

The video is then shot with local actors, interpreters and technical crew. In the process, all involved can access professional training and develop their skills as well as expand their professional horizons.

This Project officially ended in the 07/08 financial year, however the resources that have been produced as a result of the Project will have an enduring value to the Commission, services and organisations working to ensure that Indigenous communities have access to information about the legal framework in a language they understand. Special thanks to Delphine Dupont-Morris and Ian Castillon for their commitment to the Project.

GALIWIN'KU

Romgu Dhukarr Dhiyal (A Meeting of Two Laws): A Cross-Cultural Legal Education video in Yolngu Matha was launched at Galiwin'ku on 12 March 2008.

The script was produced in collaboration with Marthakal Homelands Resource Centre and Duduyngu Pty Ltd. The script was interpreted into Yolngu Matha and images and music were added to compliment the script.

The DVD draws on the existing knowledge of structures of Yolngu law and governance in the region to explain foundational concepts about the Australian legal system.

While an intended audience for this DVD is Yolngu people in the Arnhem region, it is also important that those administering the Australian legal system understand the law and governance perspective of Aboriginal people in the region.

The DVD can assist in enhancing cross-cultural understandings and respect between the co-existing *Yolngu* and *Balanda* (white) systems of law. Special thanks to the Djiniyini Gondarra, Dianne Biritjalawuy and Trevor Gurruwiwi and the Mala Elders.

TENNANT CREEK

The DVD, entitled *Family Problems: Your Rights When Things Go Wrong* was launched on 4 June 2008. The DVD has been developed and filmed in Tennant Creek over 18 months with local actors, filmmakers and interpreters. The DVD includes 3 distinct stories which provide information about the legal process and implications of restraining orders and child protection. Each story is separately translated into Warumungu and Warlpiri with English subtitles.

Launch of Tennant Creek DVD

Special thanks to Valda Shannon and Duane Fraser for their assistance with the DVD.

Over 200 people attended the launch of the DVD. The launch, held at the Nyinkka Nyunyu Aboriginal Art and Culture Centre, marked the end of a collaborative process between local community members and organisations, legal services and government services such as courts, police and FaCS.

The launch opened with and addresses by Elder Ross Williams, Lawyer Russell Goldflam and Federal Magistrate Terry, interpreted by Sandra Morrison. The food and speeches were then followed by an evening outdoor screening of the film in the grounds of Nyinkka Nyunyu.

TIWI ISLANDS

The DVD *Family Problems: Your Rights When Things Go Wrong* was launched at Nguiu on 19 June 2008. The DVD is part of the Northern Territory Legal Aid Commission's *Indigenous Families Project*.

The DVD is entirely in the Tiwi language and commences with the Tiwi creation story, Murtunkala, before leading into a story about domestic violence and going to court.

The DVD is the result of 18 months community development work on the Tiwi Islands, with local actors, film makers, interpreters, community members and service providers, including legal services, police and the courts.

Special thanks to Teresita Puruntatameri for her unique and valuable contribution to the DVD.

Launch of Tiwi DVD

Outreach Project

The Northern Territory Legal Aid Commission (the Commission) received funding in late 2007 to undertake additional outreach activities arising as a result of the Northern Territory Emergency Response (NTER).

In December 2007 the Commission commenced an outreach legal education project from our offices in Darwin, Katherine, Tennant Creek and Alice Springs, which includes information sessions, education workshops, legal advice, and minor assistance to people in communities prescribed under the NTER legislation.

Approximately 40 meetings and visits to prescribed communities were held in the 07/08 financial year to have discussions with organisations and community members in relation to legal education needs and work with community members in deciding how best to meet those needs. Where possible these activities are planned and delivered in conjunction with other legal and related services such as the Aboriginal legal services, women's legal services, Consumer Affairs and the Australian Securities and Investment Commission.

The Commission has predominantly targeted remote communities that are not on the bush court circuit and, as a result, are not regularly visited by legal services. However, we have also found that communities on the court circuit also have unmet legal needs, as the court lists are often long, time is short, and lawyers have a very limited time to take instruction from clients, or to explain the meaning of various legal options.

The visits have highlighted a wide variety of topics and issues. The style, number of participants and length of visits have varied greatly from community to community, according to locally specific needs and issues. In some instances we have attended a community as part of an event organised by another service provider or community organisation. On other occasions we have attended the community after contacting the local council and relevant stakeholders to coordinate the trip.

Community meeting in the Katherine Region

Participant numbers have varied from very small groups to large public meetings attended by the majority of the community. Generally, initial visits to a community have comprised of a brief presentation introducing the legal services present, an invitation to discuss concerns or issues about the NTER and other legal needs, and an opportunity to speak individually to a lawyer about specific legal issues.

The Commission undertakes a variety of follow up activities as a result of visits. A report outlining the main community issues and legal needs is written. Referral is provided to other services as appropriate. Minor assistance with legal issues is provided to clients by the visiting lawyer in some cases. Advocacy is undertaken in a number of ways on issues such as housing, income management, transport, policing issues and employment.

During the course of our remote community workshops and consultations, we have encountered clients with many and varied unmet legal needs.

The Commission will continue to consider how we can most effectively continue to provide outreach services to remote communities and town camps in the future. As previously stated, working collaboratively with other legal services is likely to provide the most comprehensive service and the best outcomes for clients.

The need for improved legal service delivery in remote communities is very apparent. The outreach work conducted so far has been vital in assessing the level of need in communities and strengthening relationships with community members, legal services and other agencies. However, as previously mentioned, there is a crucial need for follow up visits to communities, as there is seldom enough time during field visits to provide legal education and information to a number of different groups, as well as effectively addressing people's individual legal needs.

WAIT A MINUTE MATE
A COMMUNITY UNITED AGAINST VIOLENCE

Palmerston Safe Communities – Wait a Minute Mate (WAMM)

To achieve greater safety, the *Palmerston Regional Safe Communities* works in partnership with Council, the NT Government, businesses and the community to reduce and prevent injuries, accidents and crime. *Safe Communities* also promotes safety in the home, the community, at work and play. The City of Palmerston was designated a *Safe Community* on 5 March 2008.

The *Palmerston Regional Safe Communities* Committee has a number of working groups, including:

- Personal and Social Safety
- Alcohol Management
- Child Safety
- Safe Schools
- Palmlesstonnes
- Data collection and evaluation.

Together these groups are committed to working towards making Palmerston a safe community for residents and visitors.

The core objective of the *Personal & Social Safety Working Group*, which is chaired by NTLAC, is to reduce violence in all sectors of our community through promotion of safety campaigns, including violence prevention and promotion of support services.

The group's key messages will be delivered through our *Wait a Minute Mate* (WAMM) campaign. The WAMM message encourages people to:

- Stop
- Take a Minute to think
- What will the consequences of your actions be (for yourself and others)?

Posters have been developed featuring the key message, and development of further marketing materials continues.

Community legal education resources

Legal Information Line

The Commission continues to offer access to legal information across the NT through our 1800 number legal information line. This line is staffed by paralegal employees of the Commission who receive regular training in a range of legal issues. We are pleased with the public use of and demand in the legal information line, with the number of calls to the legal information line growing by over 100 this financial year.

Merchandise

We have continued to promote the service, and in particular the Legal Information Line through a range of merchandise.

Reprints completed

We have continued to revise our existing publications and have reprinted the following:

- *Where to Complain*
- *About the NTLAC*
- *Family Law Conferencing*
- Revamped all fact sheets.

New publications

- *Child Protection Matters* Fact Sheets, for distribution across the Top End. Corresponding Fact sheets will be developed for Central Australia.
- Nhulunbuy Courthouse Poster

Publications underway

- *Law Handbook*
- *Inmates Law Book* (now called *Inside Outside*)
- *Drink Driving Pleading Guilty*
- Katherine Legal Services Poster
- *Who Can Help You – Assistance for Separating Families*
- *Child Protection Matters* Fact Sheets, for distribution across Central Australia.

Presentations

- Marion Scrymgour MLA, Minister for Children & Families
- Team Health
- Anglicare
- Sheira
- Family Relationship Centre
- University of the 3rd Age
- Resolve Interagency Meeting
- Veteran and Veteran's Families Counselling Services
- Red Cross
- Goyder Electorate Office
- Berrimah Prison – Officers
- Berrimah Prison – Inmates
- Sanderson Middle School
- Darwin High School
- YWCA Youth Diversion Participants.

Policy and law reform

The Commission continues to be involved in networks, representative groups and meetings which feed into law reform and legal policy developments at the NT and national legal level. Listed below are some of the key areas of involvement this year.

Submissions to Legislation

- *NT Emergency Response* (and subsequent legislation)
- *Youth Justice Act*
- *Domestic and Family Violence Act*
- *Bail Act*
- *Care and Protection of Children and Young People Act*
- *Mental Health and Related Services Act*
- *Criminal Code: Sexual Offences*
- *Crimes Amendment (Bail and Sentencing) Bill* 2006 (Cth)
- Senate Standing Committee on Community Affairs Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Emergency Response Consolidation) Bill 2008.

Submissions to Policy and Law Reform

- NT Emergency Response (and subsequent review)
- Liquor Restrictions
- Imprisonment Numbers
- Youth Justice
- Senate Inquiry into Senate Select Committee on Regional and Remote Indigenous Communities.

Information Act 2003 (NT)

The following information is held by the Commission:

Publications information	Personal information	Other information
NTLAC Guidelines and Scale of Costs	Client	Financial
NTCLAF Guidelines	Personnel	Statistical
Community Legal Education Booklets (various topics)		Policies Manuals
Pamphlets (various topics)		Administration
Annual Reports		Law Reform

Publications are available upon request free of charge.

Access to other information, including personal information must be made on the appropriate application form obtainable from and returnable to:

The information officer

Northern Territory Legal Aid Commission
6th Floor, 9-11 Cavenagh Street, Darwin

Postal: Locked Bag 11, Darwin NT 0801

Telephone: (08) 89993000

Fax: (08) 89993099

NB: Applications must be accompanied by proof of identity (eg. Passport, Drivers' Licence etc). To facilitate the identity check, applications may be lodged in person at any of the Commission's offices listed below. The Application form will be forwarded to the Information Officer in Darwin, if the local office is unable to assist.

DARWIN
6th Floor, 9-11 Cavenagh Street

PALMERSTON
Shop 6, Goyder Centre, 25 Chung Wah Terrace

KATHERINE
20 Second Street

TENNANT CREEK
61 Paterson Street

ALICE SPRINGS
77 Hartley Street

Fees

Access to or correction of personal information	No Fee
Access to published information	No fee
Access to information other than personal information or published information	A $30.00 fee and a 60¢ per page charge for photocopying of documents of more than 20 pages may apply

Applications

	2004/05	2005/06	2006/07	2007/08
Applications Received	1	10	1	2
Applications Approved	1	8	1	2
Applications Pending	0	0	0	0
Referred to another agency	0	2	0	0
Fees Waived	1	8	1	2

Northern Territory Legal Aid Commission

Financials 2007-2008

FINANCIAL PERFORMANCE

This year the Commission's operations resulted in a deficit of $14,068.

The table below shows the percentage distribution of expenditure incurred and revenue earned from 2000-2008.

	00/01	01/02	02/03	03/04	04/05	05/06	06/07	07/08
Percentage of total expenditure								
Personnel Costs	49.28	44.72	46.88	47.46	45.14	44.33	45.61	47.41
Administration Costs	16.87	21.39	12.65	17.83	19.44	18.90	19.86	22.13
Legal Costs	30.78	31.19	36.60	31.71	34.42	33.64	29.45	25.12
Minor Assets	1.77	1.81	1.97	1.78	0.11	1.81	2.24	2.66
Depreciation	1.30	0.89	1.90	1.22	0.89	1.32	2.84	2.68
Percentage of revenue								
Commonwealth	42.94	41.60	39.65	40.29	43.05	43.99	44.08	40.00
NT Government	38.76	34.42	39.85	38.54	33.12	39.85	40.86	37.47
Commonwealth Other	7.97	9.84	5.65	8.25	13.00	4.97	3.52	13.85
NT Government Other	0.00	0.00	0.00	2.72	3.40	3.13	3.09	2.72
TOTAL GOVERNMENT FUNDING	**89.67**	**85.86**	**85.15**	**89.8**	**92.57**	**91.94**	**91.55**	**94.04**
Contributions and Recovered Costs	6.93	9.52	8.99	6.52	4.82	5.24	5.39	2.82
Interest Earned	3.40	2.56	3.05	2.70	2.36	2.56	2.88	2.85
Other	0.00	2.06	2.81	0.98	0.25	0.26	0.18	0.29
TOTAL SELF-GENERATED	**10.33**	**14.14**	**14.85**	**10.20**	**7.43**	**8.06**	**8.45**	**5.96**

GENERAL PURPOSE FINANCIAL STATEMENTS
AS AT 30 JUNE 2008

Auditor-General's report	40
Statement by Directors	41
Income statement	42
Balance sheet	43
Cash flow statement	44
Statement of changes in equity	45
Notes to the financial statements	46

AUDITOR-GENERAL

Independent Auditor's Report to the Attorney-General
Northern Territory Legal Aid Commission
Year Ended 30 June 2008

I have audited the accompanying financial report of Northern Territory Legal Aid Commission, which comprises the income statement, balance sheet, statement of changes in equity and cash flow statement and accompanying notes to the financial statements for the year ended 30 June 2008.

The Responsibility of the Director for the Financial Report

The Director of Northern Territory Legal Aid Commission is responsible for the preparation and fair presentation of the financial report in accordance with Australian Accounting Standards (including the Australian Accounting Interpretations). This responsibility includes designing, implementing and maintaining internal control relevant to the preparation and fair presentation of the financial report that is free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

Auditor's Responsibility

My responsibility is to express an opinion on the financial report based on my audit. I conducted my audit in accordance with Australian Auditing Standards. These Auditing Standards require that I comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance whether the financial report is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial report. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial report, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial report in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the Director, as well as evaluating the overall presentation of the financial report.

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

Auditor's Opinion

In my opinion, the financial report presents fairly, in all material respects, the financial position of Northern Territory Legal Aid Commission as of 30 June 2008, and of its financial performance and its cash flows for the year then ended in accordance with Australian Accounting Standards (including the Australian Accounting Interpretations).

F McGuiness
Auditor-General for the Northern Territory
Darwin, Northern Territory

24 November 2008

Level 12 Northern Territory House 22 Mitchell Street Darwin NT 0800 Tel: 08 8999 7155 Fax: 08 8999 7144

STATEMENT BY DIRECTORS

In the opinion of the Director of the Northern Territory Legal Aid Commission:

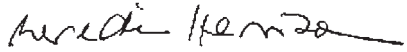
(a) the accompanying general purpose financial statements of the Commission present fairly the Commission's financial position as at 30 June 2008, and its performance for the year ended on that date in accordance with Accounting Standards and other mandatory professional reporting requirements;

(b) at the date of this statement there are reasonable grounds to believe that the Commission will be able to pay its debts as and when they become due and payable; and

(c) at the time of signing, we are not aware of any circumstances that would render the particulars included in the financial statements misleading or inaccurate.

Signed in Darwin this 20th day of NOVEMBER 2008.

Suzan Cox QC
DIRECTOR



Meredith Harrison
DEPUTY DIRECTOR

INCOME STATEMENT
YEAR ENDED 30 JUNE 2008

	Notes	2008	2007
		$	$
Revenue	2	8,821,127	7,776,112
Depreciation expense	3	(236,344)	(224,512)
Salaries and employee benefits expense		(4,188,872)	(3,604,551)
Legal Expense		(2,219,388)	(2,327,544)
Administration Expense		(1,391,861)	(1,159,722)
Other expenses		(798,730)	(586,633)
NET (LOSS)/PROFIT FOR THE PERIOD		**(14,068)**	**(126,850)**

The Income Statement is to be read in conjunction with the notes to the financial statements.

BALANCE SHEET
AT 30 JUNE 2008

	Notes	2008 $	2007 $
Current assets			
Cash and cash equivalents	4	1,853,747	2,324,363
Trade receivables	5	103,357	133,901
Investments	6	1,408,266	1,426,942
Other receivables	7	188,736	96,597
TOTAL CURRENT ASSETS		3,554,106	3,981,803
Non-current assets			
Property, plant and equipment	8	1,327,453	975,323
Other	15	200,000	200,000
TOTAL NON-CURRENT ASSETS		1,527,453	1,175,323
TOTAL ASSETS		**5,081,559**	**5,157,126**
Current liabilities			
Trade and other payables	9	358,794	425,265
Provisions	10	731,360	661,863
TOTAL CURRENT LIABILITIES		**1,090,154**	**1,087,128**
Non-current liabilities			
Provisions	10	177,770	122,403
TOTAL NON-CURRENT LIABILITIES		177,770	122,403
TOTAL LIABILITIES		**1,267,924**	**1,209,531**
NET ASSETS		**3,813,635**	**3,947,595**
Equity			
Retained Earnings	17	1,341,377	1,207,426
Reserves	16	2,472,258	2,740,169
TOTAL EQUITY		**3,813,635**	**3,947,595**

The Balance Sheet is to be read in conjunction with the notes to the financial statements.

CASH FLOW STATEMENT
YEAR ENDED 30 JUNE 2008

	Notes	2008 $	2007 $
Cash flows from operating activities			
Cash receipts in the course of operations		304,989	427,309
Interest received in the course of operations		251,454	222,868
Grants received in the course of operations	2	8,203,091	7,119,369
Cash payments in the course of operations		(8,540,459)	(7,367,439)
NET CASH FLOWS FROM/(USED IN) OPERATING ACTIVITIES	**13**	**219,075**	**402,107**
Cash flows from investing activities			
Payments for plant and equipment		708,367)	(119,098)
Net payments/receipts for investments		18,676	7,920
NET CASH FLOWS (USED IN)/FROM INVESTING ACTIVITIES		**(689,691)**	**(111,178)**
Net (decrease)/increase in cash and cash equivalents		(470,616)	290,929
Cash and cash equivalents at the beginning of the period		2,324,363	2,033,434
CASH AND CASH EQUIVALENTS AT THE END OF THE PERIOD	**4**	**1,853,747**	**2,324,363**

The Cash Flow Statement should be read in conjunction with the notes to the financial statements.

STATEMENT OF CHANGES IN EQUITY
YEAR ENDED 30 JUNE 2008

	Notes	Reserves $	Retained earnings $	TOTAL $
BALANCE AT 1 JULY 2005		**2,883,806**	**1,190,639**	**4,074,445**
Profit for the year		0	(126,850)	(126,850)
Transfer from Reserves		(143,637)	143,637	0
Revaluation Increments		0	0	0
BALANCE AT 30 JUNE 2007	**16 & 17**	**2,740,169**	**1,207,426**	**3,947,595**
Loss for the year		0	(14,068)	(14,068)
Transfer from Reserves		(148,019)	148,019	0
Revaluation Increments		(119,892)	0	(119,892)
BALANCE AT 30 JUNE 2008		**2,472,258**	**1,341,377**	**3,813,635**

The Statement of Changes in Equity should be read in conjunction with the notes to the financial statements.

NOTES TO THE FINANCIAL STATEMENTS
YEAR ENDED 30 JUNE 2008

1. Summary of significant accounting policies

The Northern Territory Legal Aid Commission was established on 11 June 1990 by the *Legal Aid Act 1990*. The function of the Commission is to provide legal assistance in accordance with this Act. The Commission commenced its activities on 1 July 1990.

a) Principal place of Business

The Commission holds its principal place of business at Level 6, 9-11 Cavenagh Street, Darwin.

b) Number of Employees

The Commission had 61 employees as at 30 June 2008 (2007 – 52 employees).

c) Basis of accounting

The financial report is a general purpose financial report which has been prepared in accordance with the requirements of Australian Accounting Standards and interpretation issued by the Australian Accounting Standards Board that apply for the reporting period.

The accounting policies used in the preparation of this report are consistent with previous years and are described below:

(i) The accounts have been prepared using the accrual basis of accounting applying the historical cost convention and the going concern assumption.

(ii) Cost in relation to assets represents the amount incurred or the fair value of the asset given in exchange adjusted to recoverable amount where necessary. In determining recoverable amount the expected net cash flows have been discounted to their present value.

(iii) Where necessary, comparative information has been reclassified to achieve consistency in disclosure with current financial year amounts and other disclosures.

(iv) The financial report is presented in Australian dollars and all values are rounded to the nearest dollar.

d) Statement of Compliance

Australian Accounting Standards require a statement of compliance with International Financial Reporting Standards (IFRSs) to be made where the financial report complies with these standards. Some Australian Accounting Standards contain requirements specific to not-for-profit entities that are inconsistent with IFRS requirements. Northern Territory Legal Aid Commission is a not for profit entity and has applied these requirements, so while this financial report complies with Australian Accounting Standards it cannot make this statement.

ADOPTION OF NEW AUSTRALIAN ACCOUNTING STANDARDS

No accounting standard has been adopted earlier than the application date as stated in the standard. The following new standards are applicable to the current reporting period.

Financial instrument disclosure

AASB 7 Financial Instruments: Disclosures is effective for reporting periods beginning on or after 1 January 2007 (the 2007-2008 financial year) and amends the disclosure requirements for financial instruments. In general AASB 7 requires greater disclosure than that previously required. Associated with the introduction of AASB 7 a number of accounting standards were amended to reference the new standard or remove the present disclosure requirements through 2005-10 Amendments to Australian Accounting Standards [AASB 132, AASB 101, AASB 114, AASB 117, AASB 133, AASB 139, AASB 1, AASB 4, AASB 1023 & AASB 1038]. These changes have no financial impact but will affect the disclosure presented in future financial reports.

No other amendments, revised standards or interpretations have become effective during the current reporting period that materially affect the Commission's financial statements.

FUTURE AUSTRALIAN ACCOUNTING STANDARD REQUIREMENTS

The following new standards, amendments to standards or interpretations have been issued by the Australian Accounting Standards Board but are effective for future reporting periods. Details of the potential effect on the Commission's future financial statements are shown below.

Presentation of Financial Statements

AASB 101: Presentation of Financial Statements is effective for reporting periods beginning on or after 1 January 2009 (the 2009-10 financial year) and amends the requirements for presenting financial statements. In general AASB 101 requires a change to the way information is presented in financial statements. Associated with the introduction of AASB 101 a number of accounting standards were amended to reference the new standard or remove the present disclosure requirements through 2007-2008 Amendments to Australian Accounting Standards arising from AASB 101. These changes have no financial impact but will affect the disclosure presented in future financial reports.

No other amendments, revised standards or interpretations have been issued by the Australian Accounting Standards Board that are effective for future reporting periods and are expected to materially affect the Commission's financial statements.

Others

The issued standard AASB 1049 Financial Reporting of General Government Sectors specifies the reporting requirements of the Australian Government for the General Government Sector. This change has no financial impact but will affect the disclosure presented in future financial reports.

e) Changes in Accounting Policies

The accounting policies adopted in the current period are consistent with those of the previous year.

f) Government appropriation and grants

Government appropriation and grants are recognised in the Income Statement at the time of their receipt. All revenue is stated net of the amount of Goods and Services Tax (GST).

g) Cash

For the purposes of the Cash Flow Statement, cash includes cash on hand and in banks, and money market investments readily convertible to cash within two working days.

h) Financial Assets

The Commission classifies its financial assets in the following categories:

- 'held-to-maturity investments',
- 'loans and receivables'.

The classification depends on the nature and purpose of the financial assets and is determined at the time of initial recognition. Financial assets are recognised and derecognised upon 'trade date'.

Effective interest method

The effective interest method is a method of calculating the amortised cost of a financial asset and of allocating interest income over the relevant period. The effective interest rate is the rate that exactly discounts estimated future cash receipts through the expected life of the financial asset, or, where appropriate, a shorter period. Income is recognised on an effective interest rate basis.

Held-to-maturity investments

Non-derivative financial assets with fixed or determinable payments and fixed maturity dates that the Commission has the positive intent and ability to hold to maturity are classified as held-to-maturity investments. Held-to-maturity investments are recorded at amortised cost using the effective interest method less impairment, with revenue recognised on an effective yield basis.

Loans and receivables

Trade receivables, loans and other receivables that have fixed or determinable payments that are not quoted in an active market are classified as 'loans and receivables'. They are included in current assets, except for maturities greater than 12 months after the balance sheet date. These are classified as non current assets. Loans and receivables are measured at amortised cost using the effective interest method less impairment. Interest is recognised by applying the effective interest rate to the relevant balances.

Impairment of financial assets

Financial assets are assessed for impairment at each balance date.

Financial assets held at amortised cost - If there is objective evidence that an impairment loss has been incurred for loans and receivables or held to maturity investments held at amortised cost, the amount of the loss is measured as the difference between the asset's carrying amount and the present value of estimated future cash flows discounted at the asset's original effective interest rate. The carrying amount is reduced by way of an allowance account. The loss is recognised in the Income Statement.

i) Financial Liabilities

Financial liabilities are classified as either financial liabilities 'at fair value through profit or loss' or 'other financial liabilities.' Financial liabilities are recognised and derecognised upon 'trade date'.

Financial liabilities at fair value through profit or loss

Financial liabilities at fair value through profit or loss are initially measured at fair value. Subsequent fair value adjustments are recognised in profit or loss. The net gain or loss recognised in profit or loss incorporates any interest paid on the financial liability.

Other financial liabilities

Other financial liabilities are initially measured at fair value, net of transaction costs.

Other financial liabilities are subsequently measured at amortised cost using the effective interest method, with interest expense recognised on an effective yield basis.

The effective interest method is a method of calculating the amortised cost of a financial liability and of allocating interest expense over the relevant period. The effective interest rate is the rate that exactly discounts estimated future cash payments through the expected life of the financial liability, or, where appropriate, a shorter period.

Supplier and other payables

Supplier and other payables are recognised at amortised cost. Liabilities are recognised to the extent that the goods or services have been received (and irrespective of having been invoiced).

j) Contingent Assets and Liabilities

Contingent Assets and Contingent Liabilities are not recognised in the Balance Sheet but are reported in the relevant schedules and notes. They may arise from uncertainty as to the existence of an asset or liability or represent an asset or liability in respect of which the amount cannot be reliably measured. Contingent assets are disclosed when settlement is probable but not virtually certain and contingent liabilities are disclosed when settlement is greater than remote.

k) Acquisition of Assets

Assets are recorded at cost on acquisition except as stated below. The cost of acquisition includes the fair value of assets transferred in exchange and liabilities undertaken.

l) Property, plant and equipment

Freehold land and buildings on freehold land are measured on a fair value basis.

All other classes of property, plant and equipment are measured at cost. Cost is determined as the fair value of the asset given as consideration plus incidental costs in getting the asset ready for use.

The carrying amount of property, plant & equipment is reviewed annually to ensure it is not in excess of the recoverable amount of these assets. The recoverable amount is assessed on the basis of the expected net cash flows that will be received from the assets employment and subsequent disposal. The expected net cash flows have been discounted to their present values in determining recoverable amounts.

Property, plant and equipment purchased for less than $2,000 during the year have been expensed.

m) Depreciation and amortisation of fixed assets

Property, plant and equipment, including buildings and leasehold property but excluding freehold land, are depreciated/amortised over their expected useful economic lives using the diminishing value method and are measured at cost.

Assets are first depreciated or amortised in the year of acquisition or, in respect of internally constructed assets, from the time an asset is held ready for use. Major useful lives are:

	2008	2007
Buildings	10 years	10 years
Leasehold Improvements	3 years	3 years
Plant & Equipment	2.5-5 years	2.5-5 years

n) Employee benefits

Provision is made for the Commission's liability for employee benefits arising from services rendered by employees to balance sheet date. Employee benefits expected to be settled within one year together with entitlements arising from wages and salaries and annual leave have been measured at their nominal amounts based on remuneration rates which are expected to be paid when the liability is settled.

The liability for long service leave is recognised in the provision for employee benefits and measured as the present value of expected future payments to be made in respect of services provided by employees up to the reporting date using the projected unit credit method. Consideration is given to expected future wage and salary levels, related on costs, experience of employee departures, and periods of service. Expected future payments are discounted using market yields at the reporting date on national government bonds with terms to maturity and currencies that match, as closely as possible, the estimated future cash outflows.

o) Superannuation arrangements

Contributions made by the Commission to employee superannuation funds are expensed.

Employee's Superannuation entitlements are provided through the NT Government and Public Authorities Superannuation Scheme (NTGPASS) and non-government employee nominated schemes for those employees commencing on or after 10 August 1999.

The Commission contributes 9% on behalf of the majority of employees. Any liability for superannuation is met directly by the NT Government and the entity has and will continue to have no other direct superannuation liability.

p) Income tax

The Northern Territory Legal Aid Commission is a public authority within the meaning of Section 50-25 of the Income Tax Assessment Act 1997 and its income is exempt under the provisions of that Act.

q) Liability on current grants in aid

The Commission brings to account as a current liability an estimate of the value of the work completed by private practitioners but not invoiced to the Commission as at 30 June. The amount of this liability is shown in Note 10. During the 2006/07 financial year, the Commission analysed the invoices received during that year and calculated the percentage that related to the prior years. This percentage has then been used to calculate the liability for the current year as the Commission expects a similar percentage in the current year.

r) Reserves

The Commission maintains reserves that are funded by cash and investments.

The funded reserves are:

- NT Expensive Civil Cases Reserve
- Information Technology Development and Replacement Reserve
- NT Expensive Criminal Cases Reserve
- Premises Replacement & Maintenance Reserve

The asset revaluation reserve is used to record increments and decrements in the value of non-current assets.

s) Revenue recognition

Revenue is recognised to the extent that it is probable that the economic benefits will flow to the entity and the revenue can be reliably measured. The following specific recognition criteria must also be met before revenue is recognised:

Rendering of services

Where the contract outcome can be reliably measured, control of the right to be compensated for the services and the stage of completion can be reliably measured. Stage of completion is measured by reference to labour hours incurred to date as a percentage of total estimated labour hours for each contract.

Where the contract outcome cannot be reliably measured, revenue is recognised only to the extent that costs have been incurred.

Interest

Interest revenue is recognised when control of the right to receive the interest payment passes.

t) Goods and Services Tax

Revenues, expenses and assets are recognised net of the amount of GST except:

- Where the GST incurred on a purchase of goods and services is not recoverable from the taxation authority, in which case the GST is recognised as part of the cost of acquisition of the asset or as part of the expense item as applicable; and
- Receivables and payables are stated with the amounts of GST included.

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

Cash flows are included on the Cash Flow Statement on a gross basis and the GST component of cash flows arising from investing and financing activities, which is recoverable from, or payable to, the taxation authority, are classified as operating cash flows.

u) Critical accounting estimates and judgements

Estimates and judgements incorporated into the financial report are based on historical knowledge and best available current information. Estimates assume a reasonable expectation of future events and are based on current trends and economic data, obtained both externally and within the Commission.

v) Economic Dependence

The Commission is funded predominantly by annual appropriations from the Northern Territory Government and the Commonwealth Government to meet proposed cash expenditure on both operational and capital items in the current financial year. These financial statements have been prepared on a going concern basis in the expectation that such funding will continue.

		2008 $	2007 $
2. Revenue			
Grant revenue from	- NT	3,545,000	3,418,000
	- Commonwealth	4,750,229	3,701,369
Rendering of services revenue	- Client contributions	57,488	71,308
	- Recovered costs	191,173	347,460
Other revenue	- Interest	251,454	224,180
	- Others	25,783	13,795
		8,821,127	**7,776,112**
3. Expenses			
Depreciation expense		236,344	224,512
Salaries and employee benefits expense		4,188,872	3,604,551
Administration costs		1,391,861	1,159,722
Legal costs		2,219,388	2,327,544
Other expenses	- Minor assets	235,356	177,262
	- Operating lease expenditure	563,374	409,371
		8,835,195	**7,902,962**
4. Cash and cash equivalents			
Cash on hand		1,050	950
Cash at bank		1,842,697	2,313,413
Advance account		10,000	10,000
		1,853,747	**2,324,363**

5. Trade receivables

	2008 $	2007 $
Current		
Trade debtors	12,682	40,480
Less Provision for Doubtful Debts	0	0
	12,682	40,480
Recoveries Receivable	20,569	36,072
Less Provision for Doubtful Debts	(3,026)	(3,649)
	17,543	32,423
Interest Receivable	12,890	12,377
GST Receivable	60,242	46,956
Other Receivable	0	1,665
	103,357	**133,901**
The aging of the receivables are as follows:		
- up to 3 months	93,622	76,193
- 3 to 12 months	7,941	47,446
- 1 to 2 years	1,009	11,726
- 2 to 4 years	3,596	2,050
- more than 4 years	215	135
	106,383	**137,550**
The aging of provision for doubtful debts are as follows:		
- 2 to 4 years	2,911	3,514
- more than 4 years	115	135
	3,026	**3,649**

6. Investments

Current		
Westpac Banking Corporation Bills – at cost	**1,408,266**	**1,426,942**

7. Other receivables

		2008 $	2007 $
Prepayments	- Insurances	101,210	37,858
	- Rent	32,594	26,767
	- Software Licence	7,297	0
	- Other	32,928	7,705
Accrued revenue		14,707	11,539
Sundry Receivables		0	12,728
		188,736	**96,597**

8. Property, plant and equipment

Freehold land at fair value	290,000	280,000
	290,000	**280,000**
Buildings – at fair value	660,094	261,290
Less: Accumulated depreciation	(134,511)	(45,419)
	525,583	**215,871**
Leasehold improvements – at cost	417,687	171,042
Less: Accumulated depreciation	(155,830)	(66,740)
	261,857	**104,302**
Plant and equipment – at cost	729,383	759,113
Less: Accumulated depreciation	(479,370)	(383,963)
	250,013	**375,150**
Total property, plant and equipment – net book value		
Cost	1,147,070	930,155
Fair value	950,094	541,290
	2,097,164	**1,471,445**
Less: Accumulated depreciation	(769,711)	(496,122)
	1,327,453	**975,323**

	2008 $	2007 $

8. Property, plant and equipment continued…

(a) Reconciliations

Reconciliations of the carrying amounts of each class of property, plant and equipment are set out below:

Freehold Land		
Carrying amount at beginning of year	280,000	280,000
Net amount of revaluation increments	10,000	0
Carrying amount at end of year	**290,000**	**280,000**
Buildings		
Carrying amount at beginning of year	215,871	232,475
Net amount of revaluation increments	(129,892)	0
Additions	463,649	7,118
Depreciation	(24,045)	(23,722)
Carrying amount at end of year	**525,583**	**215,871**
Leasehold Improvements		
Carrying amount at beginning of year	104,302	102,246
Additions	246,644	34,649
Depreciation	(89,089)	(32,593)
Carrying amount at end of year	**261,857**	**104,302**
Plant and Equipment		
Carrying amount at beginning of year	375,150	482,950
Additions	0	77,332
Disposals	(1,928)	(16,935)
Depreciation	(123,209)	(168,197)
Carrying amount at end of year	**250,013**	**375,150**

(b) Valuations

The fair values of freehold land and buildings have been determined by reference to direct valuations, based upon independent valuations previously obtained from the Australian Valuation Office dated 29 May 2008. Such valuations are performed on an open market basis, being the amounts for which the assets could be exchanged between a knowledgeable willing buyer and a knowledgeable willing seller in an arm's length transaction at the valuation date.

9. Trade and other payables

Current		
Accounts payable and accrued expenses	358,794	425,265
TOTAL PAYABLES	**358,794**	**425,265**

10. Provisions

	2008 $	2007 $
Current		
Employee benefits		
- annual leave	289,595	255,079
- long service leave	291,363	299,655
- leave loading	42,770	39,496
- super contribution	22,361	0
	646,089	**594,230**
Fringe Benefits Tax	8,705	11,061
Grants in aid	76,566	56,572
	731,360	**661,863**
Non-Current		
Employee benefits		
- annual leave	53,097	43,424
- long service leave	124,673	78,979
	177,770	**122,403**

11. Superannuation commitments

Employees' superannuation entitlements are principally provided through the Northern Territory Government and Public Authorities Superannuation Scheme (NTGPASS). Benefits from these schemes are supplemented by an additional "3% productivity" benefit from the Northern Territory Supplementary Superannuation Scheme (NTSSS).

Employee contributions for NTGPASS members are based on an elected rate of 2% to 6% salary. NTSSS benefits are entirely employer funded and do not require employee contributions. As at 30 June 2008 total superannuation expended amounted to $357,294 (at 30 June 2007 - $288,325).

From 10 August 1999, new employees are unable to join the above funds and must nominate their own fund into which contributions will be paid.

12. Trust accounts

The Commission operates a solicitor's trust account and the funds are not used in the achievement of its objectives. Therefore, these monies are not brought to account in the financial reports but are disclosed by way of note. The trust account is maintained for verdict and settlement monies held on behalf of legally aided persons. The Commission may recover some costs upon finalisation of these matters. As at 30 June 2008 the trust account had a balance of $2,750 (2007 - $1,100).

13. Cash flow statement

	2008 $	2007 $
Reconciliation of net cash used in operating activities to operating profit/(loss)		
Operating profit	(14,068)	(126,850)
Depreciation	236,344	224,512
Loss of disposal of fixed assets	0	16,935
Increase/(Decrease) in provisions	124,865	121,121
Increase/(Decrease) in creditors	(66,472)	106,574
Decrease/(Increase) in receivables	30,544	(5,255)
Decrease/(Increase) in prepayments (non-capital)	(92,138)	65,070
Net cash flows from/(used in) operating activities	**219,075**	**402,107**

14. Expenditure commitments

Building lease expenditure commitments		
Operating leases (non-cancellable)		
- not later than one year	410,900	407,452
- later than one year but not later than five years	487,244	770,904
Grants In Aid	504,473	572,995
Aggregate lease expenditure and Grants in Aid contracted for at balance date but not provided for	**1,402,617**	**1,751,351**

15. Other non-current assets

Contingency Legal Aid Fund

Under Section 44 of the Northern Territory of Australia Legal Aid Act 1990 the Contingency Legal Aid Fund was established towards the end of the 1992/93 financial year. The fund is available to provide financial assistance to eligible persons to enable them to bring or defend civil proceedings. It was set up with a seeding grant from the Law Society Public Purpose Trust. The value of the seeding grant was $200,000. In 1997, the Commission contributed a further $200,000 to the Contingency Legal Aid fund which is due and payable on demand to the Commission.

As at the 30 June 2008 the financial position of the fund which is managed by the Commission was as follows:

	2008 $	2007 $
Opening balance	828,312	813,200
Income:		
Interest earned	55,776	46,880
Client contributions	440	660
Cost recovered	67,993	16,165
Contingency fees	16,952	6,812
	141,161	**70,517**
Expenditure:		
Disbursements	39,199	55,393
Bank charges	13	12
Return of Application Fee	0	0
	39,212	**55,405**
Cash balance at year end	930,261	828,312
Less - Clients/grants approved but not paid at year end	(46,302)	(144,756)
Net funds available	**883,959**	**683,556**

16. Reserves

	2008 $	2007 $
NT Expensive Civil Cases Reserve	350,000	350,000
Information Technology Development and Replacement Reserve	200,616	256,363
NT Expensive Criminal Cases Reserve	1,560,448	1,652,720
Premises Replacement & Maintenance Reserve	200,000	200,000
Asset Revaluation	161,194	281,086
	2,472,258	**2,740,169**
Movements in reserves:		
(a) NT Expensive Civil Cases Reserve (funded)		
Balance at beginning of year	350,000	350,000
Redistribution to NT Expensive Criminal Cases Reserve	0	0
Redistribution from Employee Entitlements reserve	0	0
Balance at end of year	**350,000**	**350,000**
(b) Information Technology Development and Replacement Reserve (funded)		
Balance at beginning of year	256,363	400,000
Transfer from accumulated funds	(55,747)	(143,637)
Balance at end of year	**200,616**	**256,363**
(c) NT Expensive Criminal Cases Reserve (funded)		
Balance at beginning of year	1,652,720	1,652,720
Redistribution from NT Expensive Civil Cases Reserve	0	0
Redistribution from Premises Replacement and Maintenance Reserve	0	0
Transfer to accumulated funds	(92,272)	0
Balance at end of year	**1,560,448**	**1,652,720**
(d) Premises Replacement & Maintenance Reserve (funded)		
Balance at beginning of year	200,000	200,000
Redistribution to NT Expensive Criminal Cases Reserve	0	0
Transfer from accumulated funds	0	0
Balance at end of year	**200,000**	**200,000**
(e) Asset Revaluation		
Balance at beginning of year	281,086	281,086
Revaluation increments on revaluation of:		
- land	10,000	0
- buildings	(129,892)	0
Balance at end of year	**161,194**	**281,086**

	2008	2007
	$	$

17. Retained earnings

Equity at beginning of year	1,207,426	1,190,639
Net Profit	(14,068)	(126,850)
Transfer from Reserves	148,019	143,637
Equity at end of year	**1,341,377**	**1,207,426**

18. Financial instruments

A financial instrument is a contract that gives rise to financial asset of one entity and a financial liability or equity instrument of another entity. Financial instruments held by the Commission include cash and short-term monetary investments, receivables and payables. The Commission has limited exposure to financial risk as describe below.

Credit Risk

Credit risk represents the loss that would be recognised if counterparties failed to perform as contracted. The credit risk on financial assets of the Commission that have been recognised on the balance sheet is the carrying amount net of any provision for doubtful debts. The Commission has a minimal concentration of credit risk as it undertakes transactions with a large number of customers and counterparties. There are no major concentrations of credit risk on trade debtors due from customers within particular industries. In respect of any dealings with organisations external to Government, the Commission has adopted a policy of dealing with credit worthy organisations and obtaining sufficient collateral or other security where appropriate, as a means of mitigating the risk of financial loss from defaults.

Net Fair Value

The carrying amount of the financial assets and financial liabilities recorded in the financial statements approximates their net fair values. Where differences exist, these are not material.

The aggregate net fair values of financial assets and financial liabilities, both recognised and unrecognised, at balance date, are as follows:

18. Financial instruments continued…

	Total carrying amount as per the balance sheet		Aggregate net fair value	
	2008 $,000	2007 $,000	2008 $,000	2007 $,000
Financial assets				
Cash	1,854	2,324	1,854	2,324
Receivables - trade (net)	103	134	103	134
Westpac Banking Corporation Bills	1,408	1,427	1,408	1,427
Prepayments	189	96	189	96
Advance to Contingency Fund	200	200	200	200
TOTAL FINANCIAL ASSETS	**3,754**	**4,181**	**3,754**	**4,181**
Financial liabilities				
Accounts payable and accruals	359	425	359	425
TOTAL FINANCIAL LIABILITIES	**359**	**425**	**359**	**425**

Cash, cash equivalents and short-term investments: The carrying amount approximates fair value because of their short-term to maturity.

Trade receivables and payables: The carrying amount approximates fair value.

Liquidity Risk

Liquidity risk is the risk that the Commission will not be able to meet its financial obligations as they fall due. The Commission's approach to managing liquidity is to ensure that it will always have sufficient liquidity to meet liabilities when they fall due.

The maturity profiles of undiscounted financial liabilities are as follows:

	1 year or less $'000	> 1 year and < 5 years $'000	> 5 years $'000	No term $'000	Total $'000
30 June 2008					
Trade and other payables	359	-	-	-	359
30 June 2007					
Trade and other payables	425	-	-	-	425

Interest Rate Risk

Interest rate risk is the risk of financial loss and/or increased cost due to adverse movements in the values of financial assets and liabilities as a result of changes in interest rates. The Northern Territory Legal Aid Commission's exposure to interest rate risks and the effective interest rates of the financial assets and financial liabilities, both recognised and unrecognised at the balance date, are as follows:

18. Financial instruments continued…

Financial Instrument	Floating Interest		Non-interest bearing		Total carrying amount as per the balance sheet		Weighted average effective interest rate	
	2008 $,000	2007 $,000	2008 $,000	2007 $,000	2008 $,000	2007 $,000	2008 %	2007 $,000
Financial assets								
Cash	1,854	2,324		-	1,854	2,324	7.00	5.01
Receivables - trade (net)	-	-	103	134	103	134	-	-
Westpac Banking Corporation Bills	1,408	1,427	-	-	1,408	1,427		6.16
Prepayments		-	189	96	189	96	6.73	-
Advance to Contingency Fund		-	200	200	200	200	-	-
TOTAL FINANCIAL ASSETS	3,262	**3,751**	**492**	**429**	**3,754**	**4,181**	**-**	**-**
Financial liabilities								
Accounts payable and accruals	**-**	-	**359**	425	**359**	425	-	-
TOTAL FINANCIAL LIABILITIES	**-**	**-**		**425**		**425**	**-**	**-**

The Commission has no fixed interest financial instruments.

Interest Rate Risk Sensitivity Analysis

The following table demonstrates the Commision's sensitivity to movement in interest rates in relation to the value of interest bearing financial assets and liabilities.

	Profit or Loss and Equity	
	100 Basis Points Decrease $'000	100 Basis Points Increase $'000
30 June 2008		
Financial Assets - Cash and cash equivalents	18	(18)
Financial Assets – Short-term investments	14	(14)
Net sensitivity	32	(32)
30 June 2007		
Financial Assets - Cash and cash equivalents	23	(23)
Financial Assets – Short-term investments	14	(14)
Net sensitivity	37	(37)

19. Segment information

The organisation operates in one industry segment and one geographic location, being the provision of legal services in the Northern Territory of Australia.

20. Contingent assets/liabilities

There were no known contingent assets or contingent liabilities of a significant nature at 30 June 2008 (2007 – NIL).

21. Additional disclosures

(i) Commissioners

The Commissioners of the Northern Territory Legal Aid Commission during the financial year were:

- S. Cox QC
- D. Farquhar
- J. Large
- E. Terrill
- E. Morris
- P. Vaughan
- H. Richardson

(ii) Transactions with Commissioners

During the year, surplus legal work has been allocated to legal firms in which some Commissioners also hold Executive positions. These transactions are considered to be on an arm's length basis under normal terms and conditions.

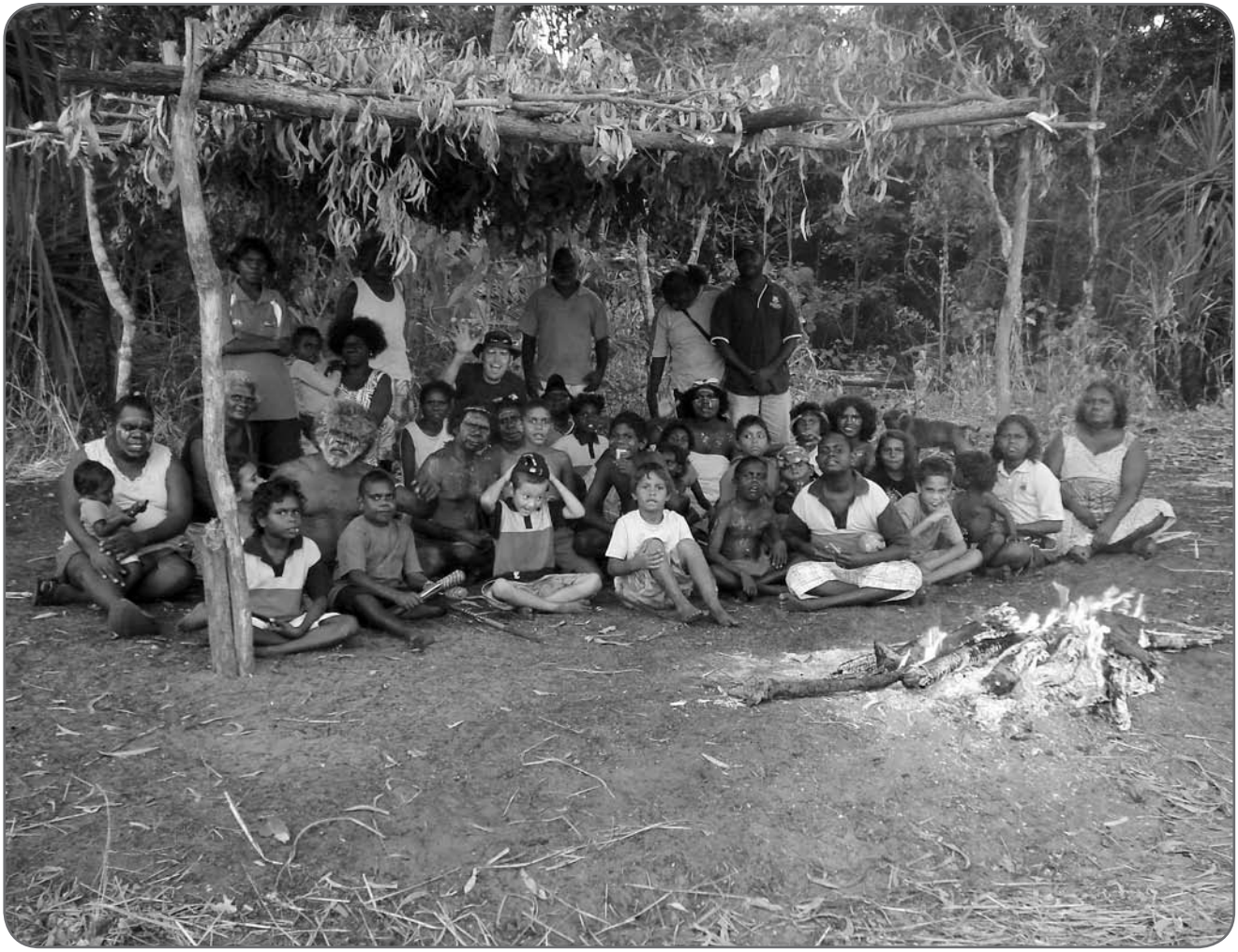
22. Remuneration of Commissioners

The following sitting fees were in respect of the year ended 30 June 2008;

- D. Farquhar $364
- J. Large $270
- E. Terrill $364

23. Auditor's remuneration

Financial Statement audit services are provided through the Office of the Auditor-General. There was no charge to the Commission in 2006/07. However, the cost for 2007-2008 audit is estimated at $23,000. There is also a charge to the Commission in relation to the audit of the acquittal required as part of the Commonwealth funding agreement. The 2007-2008 charge is estimated at $5,601 with the 2006/07 actual cost being $3,376.50 (GST inclusive).



Tiwi DVD6

www.ntlac.nt.gov.au