



LEGAL AID

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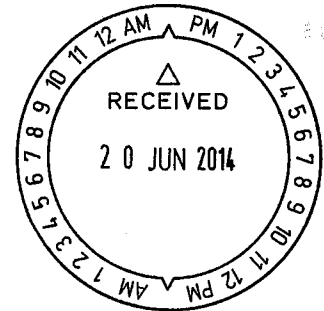


YOUR REF: OUR REF: GT:SAM 05/01872/V01

REPLY TO: PERTH REFER TO: Mr George Turnbull
(08) 9261 6307

18 June 2014

Ms Hannah Moore
Committee Clerk
Standing Committee on Estimates and Financial Operations
Legislative Council Committee Office
18-32 Parliament Place
WEST PERTH WA 6000



Dear Ms Moore

Public Hearing held on Tuesday 10 June 2014 at 7.15pm

Thank you for your letter dated 13 June 2014, and in response:

- Supplementary Information No. C1 – no positions were allocated to the South West
- Supplementary Information No. C4 – a copy of the business case attached

I trust this assists with the finalisation of the evidence.

Yours sincerely

George Turnbull
DIRECTOR OF LEGAL AID

Enc: Business Case for the closure of LAWA Fremantle and Midland offices

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21/7/14

LEGAL AID WA FILE NOTE

BUSINESS CASE FOR THE CLOSURE OF LEGAL AID WA'S FREMANTLE AND MIDLAND OFFICES

APRIL 2014

Background

1. As part of LAWA's strategic planning process for 2015-17, discussion took place regarding the future necessity of the two suburban offices located at Fremantle and Midland.
2. The nature of the discussion centred on the traditional classification of both offices as "regional", placing them in the same category as LAWA's offices at Bunbury, Albany, Kalgoorlie, Geraldton, Carnarvon (satellite office), South Hedland, Broome and Kununurra. It was agreed that the suburban offices could not be strictly considered to be regional in nature because they were both located in relatively inner suburban locations, with a service delivery profile which was predominantly based on the delivery of duty lawyer services.
3. On this basis it was agreed that the future necessity for both offices be reviewed in the context of the 2014-15 business planning process.

Closing the Fremantle and Midland offices – savings estimates and service delivery impacts

4. The net financial benefit of closing the offices is estimated to be \$1.9 million over the forward estimates period. The majority of these savings relate to the termination of leases at the two offices and avoiding the requirement to outlay additional funds on new fitout. This savings calculation includes an offsetting amount of \$157,000 over the forward estimates associated with duty lawyer travel from Perth to Fremantle, Armadale, Midland, Rockingham and Mandurah.
5. The capacity to absorb the Fremantle and Midland staff within LAWA's new tenancy at 32 St Georges Terrace from mid-2015 onwards avoids any new accommodation expenses. The cost of workstations is fully funded from within the cash incentive provided to LAWA for entering into the new lease.
6. In terms of service impact, the majority of the outputs of both offices are duty lawyer services. From 1 April 2013 to 31 March 2014 the Fremantle office provided 9,646 services, 8,581 (or 89.0 per cent) of which were duty lawyer services. Over the same period the Midland office provided a total of 6,294 services, of which 4,038 (or 64.2 per cent) have been duty lawyer services at the Midland Magistrate's Court.
7. LAWA currently provides an extensive duty lawyer service at the Joondalup and Armadale Magistrate's Courts by providing lawyers based at LAWA's Perth office. This service operates effectively and is not diminished by its lack of proximity to a local

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office. Based on this experience, there appears to be no reason why duty lawyer services at Fremantle, Rockingham, Mandurah and Midland cannot also be delivered using resources based at the Perth office. This point reinforces the operational reality that duty lawyer client contact principally occurs at court, rather than at a LAWA office.

8. The main outstanding issue is the delivery of the non-duty lawyer services by both offices and the impact this will have on clients. In this regard the main other service provided by both offices is legal advice and minor assistance, with Fremantle providing 916 services from 1 April 2013 to 31 March 2014 and Midland providing 2,197 services in 2012-13. For Fremantle, 16.0 per cent of this category of clients resided within 5 kilometres of the Fremantle office, while a further 18.9 per cent resided within 5 to 10 kilometres of the office. In the case of Midland, 14.1 per cent of this group of clients resided within 5 kilometres of the Midland office, while a further 12.7 per cent resided between 5 to 10 kilometres from the office.
9. In relation to all clients (including duty lawyer clients), 78.9 per cent of Fremantle office clients reside more than 10 kilometres from the office and 64.6 per cent of all Midland office clients reside more than 10 kilometres from the Midland office.
10. In this regard it is noted that from an urban planning perspective the Fremantle and Midland offices are not well located. Perth's major population centres are concentrated in the northern, southern and south-eastern corridors. Fremantle and Midland have smaller conurbations in the western and eastern corridors, with the demography of Fremantle and its immediate surrounds becoming less consistent than the general profile of LAWA clients.

Staff impacts

11. The Director of Legal Aid has met personally with the staff of both offices. Overall, there was a limited negative response to the proposal. The staff of the Midland office were more positive about the change than the staff of the Fremantle office.
12. About 18 staff in total are affected, with 12 based on Fremantle and 6 based in Midland. It is planned that all staff will be relocated to Perth. No staff member will lose their job as a result of the move.
13. The majority of the legal staff have strong backgrounds in criminal law and it is expected that they will be absorbed into the Criminal Law Division. These additional staff will improve the capacity and flexibility of the Criminal Law Division to provide duty lawyer services across the metropolitan area and to increase the level of casework output. There will be a real increase in organisational capacity because a number of the lawyers will be released of the administrative burdens associated with managing a stand-alone office.

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14. Consultation will take place with the administrative staff to ensure that they are placed in areas which best match a combination of their skills and personal preferences.

Implementation

15. LAWA currently leases its Fremantle tenancy (in the Queensgate Building) from the City of Fremantle. The building is currently subject to a redevelopment proposal and LAWA is subject to a 6 month termination clause exercisable by the lessor. LAWA as lessee has an unconditional right of termination with 9 months notice. On this basis it is likely that LAWA would exercise its right of termination in September 2014, enabling the Fremantle staff to relocate in May-June 2015. If LAWA were to retain a presence in Fremantle it is highly likely that a new office would need to be found. As well as additional net rental expenses, there would almost certainly be a cost associated with new fitout, which could easily be in the order of \$500,000. These expenses are yet to be budgeted and have therefore not been included in the savings projections. Moreover, given the changed demography of Fremantle, it is more probable that if the office were to be relocated it would be moved to a more suitable location in the southern corridor, such as Rockingham.
16. LAWA occupies its Midland office subject to an arrangement with the Minister for Works, which is administered by the Department of Finance. This arrangement has never been formalised, although the Department of Finance would prefer LAWA to enter into a Memorandum of Understanding for a fixed term of occupancy. Based on the existing arrangement, LAWA can very easily terminate its tenancy at Midland.
17. The design brief for the new office at 32 St Georges Terrace has included sufficient work spaces for the Fremantle and Midland staff.

Consultation

18. The Attorney General has been briefed on the proposal and has publicly supported the prerogative of LAWA to manage its budgetary arrangements in the most appropriate way. This comment was made in the context of the media reporting of the proposed closure of the Fremantle and Midland offices.
19. An extensive public information program will be implemented to inform clients of the forthcoming closure of both offices.

Next steps

20. It is recommended that the proposal to close the offices be put to the LAWA Board of Commissioners.

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