



Aboriginal Legal Service of Western Australia (Inc)



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Annual Report 2006



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CHIEF EXECUTIVE OFFICER'S REPORT DENNIS EGGINGTON

It gives me a great deal of pride to present my report for this financial year. Especially so at this time when the organisation has demonstrated a 30 year history of excellence in the service delivery of legal aid to Aboriginal and Torres Strait Islander people in Western Australia.

This commitment spanning three decades has culminated in winning the highly sought after public tender for the Commonwealth's legal programs for Indigenous Western Australians. This program is attached to the Federal Attorney General's Department. Winning this tender has had many positive outcomes for the Aboriginal Legal Service of Western Australia (ALSWA) and our communities.

The most fundamental change has been the positive shift from annual funding cycles to the signing of a three-year contract. This consolidation has given ALSWA a level of security that could never have been realised under the previous funding regime. This financial security has given us greater flexibility in managing the service and means that we are now equal partners within the contract. This contract has provided a level of funding that has enabled us to fulfil a long time commitment to establishing an office in the remote township of Warburton and identify several other country areas for ALSWA offices. Service delivery to rural and remote areas is a priority of the Commonwealth Government. We have been able to put more resources into services for women and children with a dedicated team working in the Children's Court and the allocation of two Women's Contact Officers.

We have also been able to acknowledge the continuing hard work, expertise and professional commitment of our employees, through the provision of better pay and working conditions. This has resulted in being able to attract permanent staff to country areas and an enhanced degree of continuity of staff tenure throughout the organisation. ALSWA now has eighteen offices including our Head Office in Perth. We currently employ 99 people including five who are temporary staff.

The other exciting developments post tender have been the funding of programs under our Law and Advocacy Unit. These programs have given ALSWA the ability to consult widely with our communities and be involved in pro-active advocacy and restorative justice work.



Dennis is seen here addressing community members and Curtin University students and staff during Reconciliation Week.



Chief Justice Wayne Martin visited ALSWA following his appointment, to find out more about the issues facing Aboriginal and Torres Strait Islander people of Western Australia. He is pictured with (from left) Tonia Brajcich, Michael Blurton, Vincent Pickett and Dennis Eggington.



ALSWA was on hand to answer questions when WA Premier Alan Carpenter announced that former WA Governor Lieutenant General John Sanderson would be working with Aboriginal communities around the state. Dennis is pictured with Sheila McHale Minister for Indigenous Affairs, Premier Alan Carpenter, Colleen Hayward Telethon Institute for Child Health Research and Lieutenant General John Sanderson.

CHIEF EXECUTIVE OFFICER'S REPORT DENNIS EGGINGTON

These opportunities have come at a time when Aboriginal affairs has undergone massive changes. The disempowerment we have suffered by the dissolving of ATSIC is now noticeable to us all. There has been a gap created and our communities have lost the opportunity to communicate with one another and keep updated on local, State and national issues. This is all done now through privately owned newspapers like the Koori Mail and the National Indigenous Times. Losing our democratic right to vote for those who we want to represent us has further increased the division between our communities and mainstream Australians.


In the process to dismantle ATSIC the government has also killed off any thoughts of pursuing a "rights based approach" to Aboriginal affairs. This was re-iterated by the Prime Minister when he publicly stated that the "experiment" of self-determination had failed. The blame was fully placed at the feet of our communities.

Our communities have come under unprecedented levels of attack from government, particularly attacks on our culture and our place in Australian society.

This is why organisations like ALSWA are important to our communities. Service delivery is only one of the responsibilities we have. Protection of hard fought rights and the determination to secure our rightful place in this country will mean many lifetimes of struggle. The fact that ALSWA has been a constant for 30 years is a credit to the WA Aboriginal community and those who have supported our endeavours for equality, social justice reforms and the rights of First Nation Peoples.

The times ahead are filled with great challenges, however the skills, expertise and commitment to community, country and culture that have been consistently demonstrated by this organisation throughout the past three decades, stands us on solid ground.

We know where we have been, we know where we are going and we know where we stand. It is this formidable combination which ensures an endurance beyond the shifting sands of time.



Dennis Eggington



Dennis Eggington, as the spokesperson of ALSWA is highly sought for comment regarding legal issues and their implications for Aboriginal and Torres Strait Islander people in WA. He is seen here addressing Perth media at a Press Conference in Kings Park.



PRESIDENT'S REPORT MICHAEL BLURTON

I am proud to make my first report to our community as President of ALSWA's Executive Committee.

I would like to start by thanking Victor Woodley who served as President previously but stepped down earlier this year.

I would also like to thank ALSWA's Executive Committee, management and staff for their work this year. As each day brings us all new challenges we can sometimes forget the achievements we have made. Writing this report is an opportunity to reflect on ALSWA's many achievements over the year:

- ALSWA staff this year provided legal assistance in over 27,000 matters
- Staff in our country offices traveled long distances, often far from the professional supports enjoyed by most other Western Australians, yet continued to provide a first-rate service for our people
- Staff in our Criminal Law Unit had record success in Magistrates Court matters
- Our court officers provided a wide range of services across the State for people with criminal law matters, for prisoners, for female family violence victims and out in the community
- Staff in our Civil/Human Rights Unit continued to assist our people in a wide range of areas. I would like particularly to thank Gabriel Patrick who is retiring after 18 years of service at ALSWA. Gabriel is well-known and liked in our community, and often people have come to me and asked me to pass on a message to him. Gabriel, you are our first retiree and I am sad to see you leave us, but you leave us with happy memories of your time here. My best wishes are with you for your retirement
- Changes in the law made staff in our Family Law Unit extra busy this year. Yet they have, as always, put in a strong performance and they together with our Women's Contact Officer expanded their service to include a mediation service to help families come to agreement without going to court
- Staff in our Law and Advocacy Unit have been very proactive in working together with our entire organisation including our Executive Committee and with community members on law reform and on community legal education
- With Dennis Eggington and Peter Collins I have attended meetings with representatives from other Aboriginal and Torres Strait Islander legal aid services and the Commonwealth Attorney General's Department to ensure that policy issues relevant to our people living in Western Australia are heard at a national level
- None of this would be possible without the efforts of our Administration staff who provide essential services like reception, mail, and dealing with personnel issues, finances, and keeping the organisation functioning.

It has been a very successful year and I thank everyone for their efforts. I look forward to ALSWA continuing to provide our people with a strong legal service in 2006/2007.

Michael Blurton



DIRECTOR LEGAL SERVICES REPORT PETER COLLINS

This has been the first full year operating under the new contractual arrangements with the Federal Attorney General's Department. Although there have been the usual difficulties caused by high workloads, overall the legal practice has operated most efficiently and effectively under the new regime. The standards achieved by ALSWA have also met with approval from the Attorney General's Department.

I would like to take this opportunity to thank all staff, particularly ALSWA's solicitors and court officers, in both the Perth offices and regional offices, for their continued commitment to providing a quality legal service to the Western Australian Aboriginal and Torres Strait Islander community.

As part of an ongoing commitment to recruit Aboriginal solicitors to work with ALSWA, there are currently two Aboriginal solicitors working in regional offices and five in the Perth office.

ALSWA has recently established relationships with two national law firms, Blake Dawson Waldron and Corrs, who have generously offered to provide pro bono assistance in areas where, because of resourcing constraints, ALSWA might not otherwise be in a position to act. The arrangements have the potential to allow ALSWA to assist a greater number of clients and across a wider range of issues. For example, Corrs are currently providing assistance with ALSWA's submission to an inquiry by a Senate committee into stolen wages.

A number of familiar themes continue, regrettably, to assume prominence. The latest statistics on rates of incarceration of Aboriginal people in Western Australia continue a disturbing trend. The juvenile detention rate for Aboriginal juveniles remains the highest in the country – 52 times greater than the non Aboriginal juvenile detention rate and double the national rate. Aboriginal males comprise 40% of the male prison population and females 52% of the female prison population with half of all female receptions being for fine default. Aboriginal women are therefore being imprisoned because they are poor.

Despite recognising that these figures are unacceptable, the Western Australian government has done little in practical terms to address the problem. Rather, proposed legislative reforms, including changes to the Criminal Code in relation to assaults on police (which will result in increased penalties), laws which will allow the State to appeal against acquittals by juries and the introduction of the Criminal Investigation Act 2005 which will give police unprecedented powers of search and seizure, will have the flow on effect that more Aboriginal people will be incarcerated.

The overrepresentation of Aboriginal people in custody can be traced in large part to policing practices. The Western Australian Aboriginal community is arguably the most over policed community in Australia. Juveniles are routinely the victims of punitive policing practices. The following matters handled by ALSWA this year starkly illustrate this:

- (a) a 15 year old boy from Onslow was charged with attempting to stealing a \$2.05 ice cream (where the offence could have been the subject of diversion or a Juvenile Justice Team referral). The boy spent 10 days in custody after being refused police bail before finally being released,
- (b) a 16 year old girl from Kalgoorlie was prosecuted using racial harassment laws under the Criminal Code where the allegation was she had sworn at her victim during an assault. The client was later found not guilty by a Magistrate,
- (c) 12 and 13 year old boys from Northam were issued with move on notices for allegedly firing gings and were banned from the entire Northam CBD. Other juveniles from Northam charged with very minor offences have been the subject of police bail conditions which include around the clock curfews.



DIRECTOR LEGAL SERVICES REPORT PETER COLLINS

The use of move on laws as part of zero tolerance policing drives to target Aboriginal people using public space has been another concerning development. The use of these laws has been in practice, if not also in intention, to stop Aboriginal people meeting in highly visible areas in the Perth, Fremantle and Northbridge areas, although they are also used widely in regional centres for much the same purpose. Evidence was given to a Parliamentary Committee and numerous submissions have been made to the Western Australian Attorney General urging that the move on laws be repealed. Predictably the requests have fallen on deaf ears.

At a Federal level, changes foreshadowed to the Commonwealth Crimes Act will mean that courts will no longer have to take into account cultural considerations when imposing sentence. The changes are a knee jerk reaction to negative media coverage of some of the difficulties facing remote Aboriginal communities, are without justification and appear to be part of an attempt to further marginalize and demonise Aboriginal culture.

A positive development has been the introduction of an Aboriginal sentencing court in Norseman. An Aboriginal sentencing court will also start in Kalgoorlie in November 2006. A restorative justice program has been piloted with ALSWA's support in Roebourne. ALSWA has recently received funding to set up a restorative justice project which will be based in Kalumburu. Domestic violence courts designed to assist both Aboriginal offenders and victims are in the process of being established in Magistrates Courts across suburban Perth. These initiatives are desperately needed to combat the unacceptably high incarceration rates referred to above.

As a result of a concerted effort by ALSWA, the Western Australian government has acknowledged the need for a statewide interpreting service in Aboriginal languages. Transforming that acknowledgement into practical reality has been slow. In the meantime, many Aboriginal people face the unpalatable prospect of appearing in court without the assistance of an interpreter. Obtaining interpreters for juveniles from remote areas who are in custody in Perth awaiting sentence is a particular concern.

The Criminal Law Unit in Perth and country solicitors have continued their excellent records of success in criminal matters in all jurisdictions. Acquittals have been obtained in a number of jury trials, including homicide matters, trials before the President of the Children's Court and in appeals in the Court of Appeal and the Supreme Court. The Criminal Law Unit has had unprecedented success in contested hearings in the Magistrates Courts, with costs awards at an all time high.

The Civil and Human Rights Unit has continued to provide assistance in its core areas of criminal injuries compensation, debts, motor vehicle accidents, personal injuries and fatal accident claims. In addition, the Unit has been pro active in pursuing issues which are of individual and wider significance to the Aboriginal community. These include racist and discriminatory practices by government and other agencies and the increasing incidence of violence perpetrated upon Aboriginal people, including young children, by police and railway transit guards.

For example, the Unit was successful in closing down a racist named website and referred the website operators onto Federal and State police for investigation as to whether breaches of racial harassment legislation had taken place.

The numbers of complaints against police, involving in many instances serious allegations of violence, have increased considerably. The response of the police to these complaints has been, for the most part, completely unsatisfactory. The Unit has been exploring ways of by-passing police internal investigation procedures and establishing protocols with the Crime and Corruption Commission where complaints are referred directly to the Commission and are investigated independently of police.



DIRECTOR LEGAL SERVICES REPORT PETER COLLINS

This seems to be the only way of ensuring complaints are investigated objectively and independently and just outcomes reached.

The securing of funding to monitor the Royal Commission into Aboriginal Deaths in Custody Recommendations, in conjunction with existing services provided by the Civil and Human Rights Unit with coronial inquests, will enable ALSWA to provide the Aboriginal community with comprehensive assistance with coronial and custodial care matters.

The Family Law Unit has had to deal with major legislative changes in 2006. Law reform has substantially altered the way that the Unit has worked both within the Children's Court and the Family Court of Western Australia.

In particular, the Children and Community Services Act 2004, which replaced the Child Welfare Act 1949, establishes new procedures for the removal of children determined to be at some form of risk by the Department for Community Development ("DCD"). The new changes have seen an increase in resources for DCD which has resulted in a significant rise in the numbers of protection matters that the Unit has been dealing with. The Unit has formed a view that clients must be represented at every stage of proceedings because many clients do not fully understand court processes and because of the consequences for children and families of a removal.

Recent media coverage of DCD has also seen a rise in the number of clients contacting the Unit with concerns about DCD's handling of children at risk. In addition, King Edward Memorial Hospital has contacted the Unit with concerns about DCD apprehensions of new born babies from Aboriginal mothers.

Another major change has been the increased use of mediation processes in the area of family law. There are now two trained mediators in the Unit which means ALSWA can now offer this service to many clients where a conflict of interests arises with a view to reaching a resolution by agreement.

The Unit has been involved in several law reform initiatives including giving evidence to a Parliamentary Standing Committee on the Parental Support and Responsibility Bill 2005 and advising on the impact on Aboriginal families of proposed changes to the Restraining Orders Act 1997 and its association with the Family Law/Court Acts.

The Unit had a major success recently in the Family Court of Western Australia, where the importance of an Aboriginal child enjoying his culture was recognised and the court made orders reflecting this.

I would finally like to thank the other members of Senior Management - Dennis Eggington and Katrina Carlisle - for their unwavering support and assistance this year. Solicitor Gabriel Patrick will retire on 31 October 2006. Gabriel has been with ALSWA for 18 years. I would like to congratulate and thank Gabriel for his enormous contribution to the Service and the Aboriginal community during that time and wish him all the best with his retirement.

Peter Collins

EXECUTIVE COMMITTEE MEMBERS

MICHAEL BLURTON, President (Central (Metro) region)

Mr. Blurton, originally from Quairading, is a Noongar man who lives in Perth. Mr. Blurton has served for many years on ALSWA's Executive Committee, has represented ALSWA at national meetings and has continued strong community support. Mr. Blurton is particularly interested in Native Title.



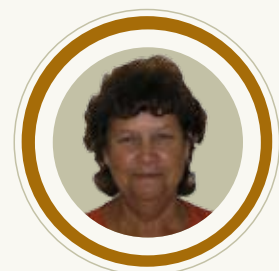
OLIVIA ROBERTS, Vice President (Southern region)

Miss Roberts is a proud woman from the Weirlumun tribe, with 4 children and 4 grandchildren. She is currently employed as a Senior Health Worker for the Great Southern Country Health Service in Albany. A former ATSIC Regional member and Executive member of the Southern Aboriginal Corporation, she has worked tirelessly for over thirty years to ensure that there are adequate services and supports for our people, always striving for justice, equality, fairness and to improve relationships between Aboriginal people, service providers and the wider community. Miss Roberts hopes that her own efforts and commitment to raising the standards for Aboriginal people will show others that they can achieve success.



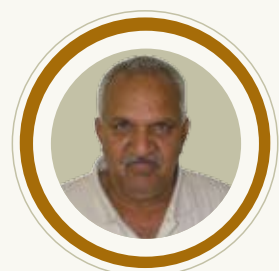
LORRAINE WHITBY, Secretary (Murchison/Gascoyne region)

Mrs. Whitby is a Yamatji woman from Carnarvon. She has been a representative for the region in the Karlkarniny Regional Council, Perth Nyoongar Regional Council, the Police Minister's Council on Aboriginal/Community Relations, Yamatji Regional Council, the national Aboriginal and Islander Legal Service, Secretariat of National Aboriginal Islander Childcare, Perth Employment Enterprise Development Aboriginal Corporation, Gurlongga Njini Childcare Centre and Carnarvon Medical Service Aboriginal Corporation. Mrs. Whitby has extensively represented Aboriginal people's interests and been involved in community consultation and is committed to working with Aboriginal and Torres Strait Islander people to achieve a better outcome for a brighter future.



TREVOR EADES, Treasurer, (Southern Region)

Mr. Eades is proud to be a Noongar man and is an Elder of the South-West region. This has been his first term on the ALSWA Executive Committee. Prior to this, Mr. Eades was a Board Member of ATSIC for the south-west during the nineties and has also been on the Executive Board for the South West Land and Sea Council for the past four years. Mr. Eades is committed to looking after our young people to ensure that there is a positive future ahead for them.



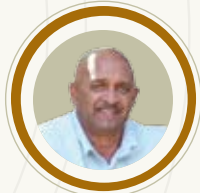


EXECUTIVE COMMITTEE MEMBERS



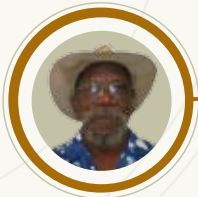
David Ward, Member (East Kimberley region)

Mr. Ward is from the Kununurra area in the East Kimberley region.



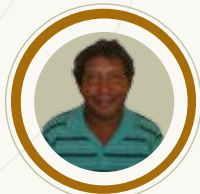
Murray Jones, Member (East Kimberley region)

Mr. Jones is a Balladong Noongar man from the central wheatbelt area, and has lived in Kununurra for the last 3 years.



Paul Sampi, Member (West Kimberley region)

Mr. Sampi is a Bardi Elder from One Arm Point.



Kevin George, Member (West Kimberley region)

Mr. George lives at One Arm Point.



Phyllis Simmons, Member (Pilbara region)

Ms. Simmons is a Yamatji woman originally from Mingenew, who lives in Karratha.



(Pilbara region)

Vacancy



Clarence Cameron, Member (Murchison/Gascoyne region)

Mr. Cameron is a Yamatji man, who lives in Geraldton.



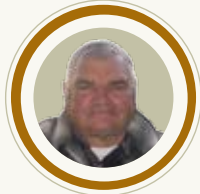
Preston Thomas, Member (Central Desert region)

Mr. Thomas is from Laverton, and has lived in Kanpa Community for the last 13 years.



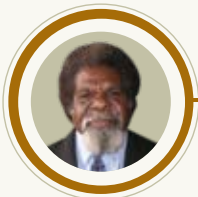
Beverly Thomas, Member (Central Desert region)

Mrs. Thomas is from Kalgoorlie, and has lived in Kanpa Community for the last 13 years.



Ian Tucker, Member (Goldfields region)

Mr. Tucker is a Wongutha man from Menzies.



Duncan Bilson, Member (Goldfields region)

Mr. Bilson is a Wongutha Elder from Kalgoorlie.



Murray Yarran, Member (Central (Metro) region)

Mr. Yarran is a Noongar man with traditional ties to the Balladong and the Swan River people.



MANAGER, COURT OFFICERS UNIT KATRINA CARLISLE

Court Officers perform an important role within ALSWA. They have the ability to represent our clients in court, pursuant to Section 48 of the Aboriginal Affairs Planning Authority Act. Court Officers conduct regular prison visits and help to maintain close links within the community. It can be a very difficult and stressful role to maintain and yet brings great rewards. Currently ALSWA employs 26 Court Officers around our state.

In the past year, we have recruited many new Court Officers for Western Australia. Some will go to our regional areas and work in virtual isolation by themselves, aside from technological advances. Some will enjoy secretarial and solicitor support in our bigger regional areas and others have been employed in the Perth Office.

Five separate training runs for Court Officers have been completed. Training for Court Officers involves 4 weeks of intensive theory training including the trainees participating in Mock Courts at the Central Law Courts. We have been fortunate to receive the assistance of His Honour Dr King and Her Honour (Deputy Chief SM) Ms Woods in presiding over the proceedings. Also Sgt Peter Smith of the Police Prosecutions branch at CLC has provided some valuable tips and pointers for our new recruits. All trainees are given some further time in Perth Office to develop their skills in conjunction with other staff and are then sent out to their offices, where they can be supported and settled into their positions.

Court Officers have been able to attend at various functions and community organisations to advance the objectives of ALSWA and to provide much needed community legal education.

ALSWA is fortunate to be able to employ Aboriginal and Torres Strait Islander people to perform such an important role. It gives our Court Officers much valued professional development and means the Service can provide quality culturally appropriate support and services to our clients.



Katrina Carlisle (front) pictured with ALSWA Court Officers
(L-R) Brett Farmer, Kenny Griggs, Spencer Alone, Kenny Sutton, Mark Radovanovic

Katrina Carlisle



MANAGER, LAW AND ADVOCACY UNIT TONIA BRAJCICH

The Law and Advocacy Unit, based in Perth, advances social justice for Aboriginal and Torres Strait Islander peoples living in Western Australia via activities funded by the Commonwealth Attorney General's Department as fixed term contracts. The unit is open from 8.30am to 5pm on weekdays. The manager of the unit is Tonia Brajcich, a lawyer who has been at ALSWA for approximately 7 years.

Library activity

Angela Bromfield has been ALSWA's librarian for 20 years. Angela's role includes making sure all ALSWA staff have access to current information relevant to their work, holding and filing copies of all materials developed by ALSWA such as submissions and community legal education materials, and referring research queries from students and others to external and online resources. This year ALSWA updated its community legal education pamphlet series with Angela's assistance.

Women's Support Officer activity

Dayle Anderson, who recently completed training as a court officer, is ALSWA's Women's Support Officer. This is a new position that started in February 2006. Dayle works with female prisoners and with female victims of domestic violence. Her role includes weekly visits to Bandyup, fortnightly visits to Boronia, providing legal information and advice, referrals, representation in court for interim violence restraining orders, and linking in where appropriate with other organisations like Legal Aid WA's Domestic Violence Legal Unit, Office of the Inspector of Custodial Services and Aboriginal Visitors Scheme. Dayle hopes to set up regular visits with girls at Rangeview soon. So far the new Women's Support Officer service has been very popular and is receiving positive feedback through anonymous surveys and word of mouth referrals.

Kalumburu Restorative Justice activity

In late June 2006 ALSWA received funding for this activity. Its purpose is to establish a restorative justice initiative in Kalumburu in consultation with local people and organisations that provide services to Kalumburu. Options include an Aboriginal Court, community conferencing, or a community justice group. In August 2006 Murray Jones (East Kimberley Executive Committee member), David Ward (East Kimberley Executive Committee member), Frank Chulung (Kununurra Court Officer) and Tonia Brajcich (Manager Law and Advocacy Unit) met with Kalumburu community members to explain the activity and ask permission to carry it out.



Dayle Anderson speaking at the Criminal Justice Forum at Aboriginal Advancement House, jointly presented by ALSWA and Amnesty International WA



David Ward and Murray Jones, ALSWA East Kimberley Executive Committee Members



Frank Chulung, ALSWA Kununurra Court Officer

MANAGER, LAW AND ADVOCACY UNIT TONIA BRAJCICH

WA Aboriginal Advisory Committee activity

This activity has 2 purposes: 1. law reform; and 2. community legal education. Kate Allingham, an honours politics graduate and currently studying law, is ALSWA's Policy Officer for this activity. Jodi Hoffmann, formerly an ABC Radio Broadcaster/Producer and Koori Mail reporter and photographer, is ALSWA's Public Relations Officer.

Through this activity, ALSWA has set up a WA Aboriginal Advisory Committee (WAAAC), which any Aboriginal or Torres Strait Islander person living in Western Australia can join. Members of WAAAC get to have their say about laws and policies in Western Australia through oral and written submissions to government and others prepared by ALSWA. Submissions are backed up by media releases drawing attention to the issues, and where appropriate ALSWA works with like-minded organisations, for example interstate Aboriginal and Torres Strait Islander legal services, on the issues. This year WAAAC members have participated in: seeking abolishment of WA's move-on laws; seeking the establishment of a Statewide Aboriginal and Torres Strait Islander languages interpreting service; family law; seeking repatriation home of regional people brought to town for legal or health matters; input to the Mahoney Inquiry; input to the WA government's cross border project; input to the Law Reform Commission's Aboriginal Customary Law Project; developing extra options for victims of domestic violence; and more.

In relation to community legal education, this year ALSWA has updated ALSWA's series of pamphlets (available from all ALSWA offices), held pamphlet stalls at events including NAIDOC, Wardarnji, Survival Day, university events and community events, participated in a series of interviews on legal topics of particular interest to women via Walyalup Radio, and jointly with Amnesty International WA presented a Criminal Justice Forum. In August 2006 ALSWA was proud to launch a 4 volume set of CDs called "Law Matters" containing 28 interviews about different legal topics. The expertise of ALSWA staff will now be shared with a wider audience to make legal information more accessible at community level in a culturally appropriate way. The CDs are designed for use on radio and for school groups and community forums. Copies have been distributed in all regions of WA to community radio stations, education workers, community legal services and others to help get the information out into all WA communities. ALSWA gratefully thanks Wayne Bynder (Walyalup Radio), Jeremy Garlett (Aboriginal Police Liaison Officer, WA Police) and ABC Radio for their donated time and expertise with the CD project. Thank you also to Michael Hovane (Domestic Violence Legal Unit, Legal Aid WA), Paul Berinson (Child Support Agency) and Senior Sergeant Ray Burton (WA Police) for their assistance with the segments on domestic violence/restraining orders, child support and police complaint procedures.



Lekeisha Taylor Receptionist and Kate Allingham Policy Officer - Community legal education



Dennis Eggington CEO, Jodi Hoffmann Media Officer and Michael Blurton Executive Committee President pictured at the launch of the ALSWA Community Legal Education CD series, Law Matters.



Berni Lockyer Women's Contact Officer, Katrina Carlisle Manager Court Officers Unit, Lorraine Allen Managing Solicitor Family Law Unit with Wayne Bynder from Walyalup Radio

MANAGER, LAW AND ADVOCACY UNIT TONIA BRAJCICH

Royal Commission into Aboriginal Deaths in Custody project

This activity's purpose is to advocate for full implementation of the RCIADIC recommendations. This includes preparing a report showing the degree to which the recommendations have been implemented so far. Advocacy strategies will include oral and written submissions, media, and co-operation with like-minded organisations, similar to the law reform work of the WA Aboriginal Advisory Committee activity. ALSWA has advertised for a Policy Officer based in Perth to work on this activity.



Tonia Brajcich

Tonia Brajcich



HISTORY PROJECT DR. FIONA SKYRING

In the September 2005 meeting of the Executive Committee, a resolution was passed reiterating the Committee's intentions to produce a history of ALSWA commemorating thirty years of incorporation. Historian Dr Fiona Skyring was employed to prepare applications for funding for the history project, and was supported in these applications by the history project reference group. This group includes Justice Robert French, Hon Fred Chaney AO, Prof Tom Stannage and Emeritus Professor Geoffrey Bolton. Mr Clarrie Cameron and ALSWA CEO Dennis Eggington represent the ALSWA Executive Committee on the reference group. The reference group will monitor and provide guidance on the history project. In 2006 ALSWA has been successful in two of the funding applications. AIATSIS has awarded \$20,000, and on 25 August 2006 the Hon Eric Ripper, Deputy Premier, came to ALSWA head office in Perth to present the organisation with a cheque from Lotterywest for \$35,088 for the history project. Dr Skyring has begun the research and over the next eight months will be continuing with documentary research in Battye Library and the State Records Office of WA. She will also conduct oral history interviews with people who were involved in the early days of the legal service. The research will be compiled in an illustrated book, and ALSWA intends to have a manuscript ready for publication in mid 2007.



ALSWA CEO Dennis Eggington is pictured with Deputy Premier Eric Ripper MLA at the launch of the ALSWA History project.

Dr. Fiona Skyring



FINANCIAL REPORTS FOR THE YEAR ENDED 30TH JUNE 2006 AS PREPARED BY ACCOUNTANT ANDREW GRIST

Apart from funds received from the AGD, the ALSWA also received income from Lotterywest. \$17,544 was granted during the financial year for the completion of a history project about the ALSWA. A further payment of \$17,544 will be made in 2006/07.

The following statements are the audited consolidated financial accounts for the year ended 30th June, 2006. Further detailed accounts of specific grants are available from the ALS office in Perth.

Andrew Grist

Independent Audit Report

Independent Audit Report for the Consolidated Financial Accounts

Scope

We have audited the attached consolidated financial accounts comprising the Balance Sheet, the Income and Expenditure Statement, Statement of changes in Equity, Cashflow Statement, Information for AGD purposes, Notes to and Forming part of the Accounts and attached Schedules to the Accounts as set out on pages 6 to 18 of the Aboriginal Legal Service of Western Australia (Inc) consolidated financial accounts for the year ended 30 June 2006. The Aboriginal Legal Service of WA (Inc) have determined that the accounting policies used and described in Note 1 to the consolidated financial accounts are appropriate. We have conducted an independent audit of the consolidated financial accounts. No opinion is expressed as to whether the accounting policies used, and described in Note 1, are appropriate.

The consolidated financial accounts have been prepared to satisfy a requirement of the terms and conditions of the grant. We disclaim any assumption of responsibility for any reliance on this report or on the consolidated financial accounts to which it relates to any person other than for the purpose for which it was prepared.

Our audit has been conducted in accordance with Australian Auditing Standards. Our procedures included examination, on a test basis, of evidence supporting the amounts and other disclosures in the consolidated financial accounts, and the evaluation of significant accounting estimates. These procedures have been undertaken to form an opinion as to whether, in all material respects, the consolidated financial accounts are presented fairly in accordance with the accounting policies described in Note 1 so as to present a view which is consistent with our understanding of the entity's financial position at 30 June 2006 and results of its operations for the year ended 30 June 2006. (These policies do not require the application of all Accounting Standards and other mandatory reporting requirements).

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



INDEPENDENT AUDIT REPORT

Audit Opinion

In our opinion, the Consolidated Financial Accounts for the year ended 30th June 2006 are properly drawn up:

- a) So as to give a true and fair view in accordance with the accounting policies in Note 1 to the Consolidated Financial Accounts;
- b) Are based on proper accounts and records and are in agreement with those accounts and records and are in accordance with information and explanations obtained;
- c) Adequate financial controls have been maintained by the entity;
- d) Are in accordance with applicable Accounting Standards and other mandatory professional reporting requirements. As the entity is not a reporting entity Accounting Standards have only been applied as described in Note 1 to the consolidated financial accounts; and
- e) All assets with a written down value exceeding \$2000 are included in the asset register and have been insured with an approved insurer.

PKF

Chartered Accountants
(Western Australian Partnership)

IAN P OLSON

Partner

Signed at Perth, Western Australia, this  day of  2006.



STATEMENT BY CHAIRPERSON/CHIEF EXECUTIVE OFFICER

In our opinion:

The accounts and schedules set out on pages 6 to 18 present fairly the consolidated financial position of the Aboriginal Legal Service of Western Australia (Inc) at 30th June 2006 and the results of its operations for the year ended 30th June 2006, in accordance with the basis of accounting described in Note 1 to the accounts and are based on proper accounts and records.

The grants received from the Attorney Generals Department (AGD) for the financial year 2005/2006 have been used towards the achievement of goals for which they were provided and all conditions included in the AGD letter of offers have been complied with.

Dated at Perth this *fourth* day of *October* 2006.


.....
PRESIDENT


.....
CHIEF EXECUTIVE OFFICER



CERTIFICATE OF COMPLIANCE

This Schedule is established in respect of the 2005/2006 financial year.

Provider: Aboriginal Legal Service of WA (Inc)

Contact Officer: Katrina Carlisle Telephone: (08) 9265 6666

- (i) Services have been provided in accordance with the requirements of the contract, including the Policy Directions;
- (ii) The terms and conditions of the Contract have been met;
- (iii) The annual Report and Audited Financial Statements are attached.

Signed for and on behalf of the ALSWA

By

Dennis Eggington

Michael Blurton

In the presence of

Andrew Grist

BALANCE SHEET AS AT 30TH JUNE 2006

	Note	2006	2005
		\$	\$
CURRENT ASSETS			
Cash	2	2,185,022	1,252,825
Receivables	3	135,514	182,249
Total Current Assets		2,320,537	1,435,074
NON-CURRENT ASSETS			
Property, furniture and equipment	1(B), 4	501,634	485,960
Leasehold improvements	1(B), 5	54,761	78,759
Motor Vehicles	1(B), 6	47,743	42,670
Total Non-Current Assets		604,138	607,389
TOTAL ASSETS		2,924,675	2,042,463
CURRENT LIABILITIES			
Accounts payable	1(E), 7	462,861	429,454
Provisions	8	1,144,000	888,000
Unexpended ATSSIS Grants	11	289,899	88,237
Total Current Liabilities		1,896,759	1,405,691
NON-CURRENT LIABILITIES			
Provisions	9	146,000	70,000
Total Non-Current Liabilities		146,000	70,000
TOTAL LIABILITIES		2,042,759	1,475,691
NET ASSETS			
Accumulated Funds:			
Retained surplus/(deficit)	10	881,916	566,772
TOTAL FUNDS		\$881,916	\$566,772

The accompanying notes form part of and are to be read in conjunction with these Consolidated Financial Accounts.



INCOME AND EXPENDITURE STATEMENT FOR THE YEAR ENDED 30TH JUNE 2006

	Note	2006	2005
		\$	\$
INCOME			
Grants		8,512,448	7,730,149
Interest		67,102	75,513
Other income		266,416	258,475
		<u>8,845,966</u>	<u>8,064,137</u>
EXPENDITURE			
Salaries		5,452,131	4,677,821
Depreciation		119,401	142,161
Loss (profit) on sale of Assets		(409)	-
Other operating expenses		2,959,699	2,894,802
		<u>8,530,822</u>	<u>7,714,784</u>
Net surplus/(deficit) for year	12	<u>315,144</u>	<u>349,353</u>

The accompanying notes form part of and are to be read in conjunction with these Consolidated Financial Accounts.

CASH FLOW STATEMENT FOR THE YEAR ENDED 30TH JUNE 2006

	NOTE	2006	2005
		Inflows (Outflows) \$	Inflows (Outflows) \$
Cash flows from operating activities:			
AGD/ATSIS Funds		8,710,157	7,161,233
Interest received		67,103	75,513
Other receipts		266,416	207,116
Payments to suppliers and employees		(8,002,792)	(7,665,297)
Net cash from/(used in) operating activities	A	1,040,883	(221,435)
Cash flows from investing activities:			
Payments for property, plant and equipment		(109,095)	(179,900)
Proceeds from sale of property, plant and equipment		409	-
Net cash used in investing activities		(108,686)	(179,900)
Net increase/(decrease) in cash held		932,197	(401,335)
Opening balance of cash held		1,252,825	1,654,160
Cash balance at the end of the year	(2)	\$2,185,022	\$1,252,825
A RECONCILIATION OF NET CASH PROVIDED FROM OPERATING ACTIVITIES TO NET INCOME/ (DEFICIT) FOR YEAR			
Net income/(deficit) for year		315,144	349,353
Loss/(Profit) on sale of assets		409	-
Depreciation		119,401	142,161
Provisions		332,000	211,583
Receivables		46,735	(11,061)
Creditors and Accruals		33,407	(343,362)
Unexpended Funds (including previous years)		193,787	(570,109)
Net cash from/(used in) operating activities		1,040,883	(\$221,435)



NOTES TO AND FORMING PART OF THE ACCOUNTS FOR THE YEAR ENDED 30TH JUNE 2006

1. STATEMENT OF ACCOUNTING POLICIES

A) BASIS OF ACCOUNTING & CONSOLIDATION

These financial statements are 'Special Purpose Financial Statements' that have been prepared in order to satisfy the terms and conditions of the Grant. No accounting standards have mandatory applicability.

The consolidated financial accounts comprise the accounts of the Aboriginal Legal Service of WA (Inc) and other entities which received grants from the Attorney Generals Department (AGD) for which the Aboriginal Legal Service of WA (Inc) acts as grantee and is responsible for. Details of the contribution to the consolidated net surplus/(deficit) by each entity is included in Note 12.

The accrual basis of accounting has been applied. All reports have been prepared on the historical cost basis.

B) NON-CURRENT ASSETS

Non-Current Assets (except Land & Buildings) have been recorded in the financial statements at 1 July 1995 valuation and subsequent acquisition cost, less accumulated depreciation or amortisation. Land and Buildings have been revalued at 30/06/04. Depreciation/amortisation is calculated on a straight-line basis over the estimated useful lives of the assets. Assets with a cost less than \$1000 are fully depreciated in the year of purchase.

Useful lives for each class of depreciable asset are:

Computer equipment	3 years
Office equipment	4 years
Furniture and fittings	5 years
Motor Vehicles	4 years
Renovations	4 years
Buildings	25years

C) GOING CONCERN

The ALSWA has been awarded a public tender from the Attorney Generals Department for the period 1/7/05-30/06/08 to continue operations in legal aid.

D) COMPARATIVE INFORMATION

Certain comparative information has been re-classified to ensure consistency with current years disclosure.

E) ACCOUNTS PAYABLE

Accounts Payable, including accruals not yet billed, are recognised when the obligation arises to make future payments as a result of a purchase of assets or services. Accounts payables are generally settled within 30 days.

F) SICK LEAVE

A provision for sick leave was brought to account for the first time in 2005 as a result of changes in the ALSWA certified agreement 2004-06.

NOTES TO AND FORMING PART OF THE ACCOUNTS FOR THE YEAR ENDED 30TH JUNE 2006

	2006	2005
	\$	\$
2. CURRENT ASSETS - CASH		
Payroll Account	2,937	5,392
Cash Management Accounts	2,205,199	1,063,291
Branch Imprest	3,947	3,947
Petty Cash Imprest	902	902
General Accounts	(\$27,963)	179,293
	<u>\$2,185,022</u>	<u>\$1,252,825</u>
3. CURRENT ASSETS - RECEIVABLES		
Prepayments	72,960	92,855
Organisation Trust	9,976	30,031
Others - General	52,578	59,363
	<u>\$135,514</u>	<u>\$182,249</u>
4. NON-CURRENT ASSETS – PROPERTY, FURNITURE & EQUIPMENT		
Land and Buildings		
At valuation 30 June 2004	400,089	400,089
Accumulated depreciation	47,457	47,146
	<u>352,632</u>	<u>\$352,943</u>
Total land and buildings		

NOTES TO AND FORMING PART OF THE ACCOUNTS FOR THE YEAR ENDED 30TH JUNE 2006

	2006	2005
	\$	\$
4. NON-CURRENT ASSETS – PROPERTY, FURNITURE & EQUIPMENT		
Furniture and Equipment		
At committee's valuation, 1 July 1995	217,468	217,468
Accumulated depreciation	217,468	217,468
	-	-
At cost	1,148,745	1,060,927
Accumulated depreciation	999,743	927,910
	149,002	133,017
Total furniture and equipment	149,002	133,017
Total Property, Furniture and Equipment	501,634	\$485,960
5. NON-CURRENT ASSETS		
Leasehold Improvements		
At committee's valuation 1 July 1995	424,392	424,392
Accumulated amortisation	424,392	424,392
	-	-
At cost	272,694	272,694
Accumulated depreciation	217,933	193,935
	54,761	78,759
Total Leasehold Improvements	\$54,761	\$78,759

NOTES TO AND FORMING PART OF THE ACCOUNTS FOR THE YEAR ENDED 30TH JUNE 2006

	2006	2005
	\$	\$
6. NON-CURRENT ASSETS		
Motor Vehicles		
At cost	76,631	55,355
Accumulated depreciation	28,888	12,685
Total Motor Vehicles	<u>\$47,743</u>	<u>\$42,670</u>
7. CURRENT LIABILITIES – ACCOUNTS PAYABLE		
Sundry accruals	116,032	77,425
Other Creditors	262,915	288,972
Accounts Payable	83,914	63,056
	<u>\$462,861</u>	<u>\$429,453</u>
8. CURRENT LIABILITIES - PROVISIONS		
Annual Leave	571,000	384,000
Long Service Leave	261,000	267,000
Sick Leave	237,000	162,000
FBT	75,000	75,000
	<u>\$1,144,000</u>	<u>\$888,000</u>
9. NON-CURRENT LIABILITIES		
Long Service Leave	146,000	70,000
	<u>\$146,000</u>	<u>\$70,000</u>
10. RETAINED EARNINGS		

Due to the introduction of International Financial Reporting Standards, the balance of the Asset Revaluation Reserve of \$1,067,096 has been transferred to retained earnings at 1st July 2004.

NOTES TO AND FORMING PART OF THE ACCOUNTS FOR THE YEAR ENDED 30TH JUNE 2006

	2006	2005
	\$	\$
11. CURRENT LIABILITIES - UNEXPENDED FUNDS		
ATSIS Derby Grant	13,546	13,546
Land and Heritage Unit	29,753	29,753
Western Australian Native Title Working Group	2,617	2,617
WA Advisory Council	14,658	42,321
Prison Support - Female	18,885	-
Kimberly Restorative Justice	125,772	-
RCAIDIC	67,123	-
Lotteries	17,545	-
	289,899	88,237
	\$289,899	\$88,237
12. CONTRIBUTION TO SURPLUS/(DEFICIT)		
Law and Justice Grant	301,102	363,985
WA Advisory Council	7,842	-
RCAIDIC	6,200	-
Consolidated – General	-	(14,632)
Net surplus /(deficit) for year	\$315,144	\$349,353

13. CONTINGENT LIABILITY

There is currently an unfair dismissal claim against the ALSWA by a former employee. The ALSWA is unable to determine the likelihood of success of the claim or the cost that may be awarded.

14. SUBSEQUENT EVENTS

Management are unaware of any material items since year end that may materially effect the financial statements.

INFORMATION FOR AGD PURPOSES FOR THE YEAR ENDED 30TH JUNE 2006

INCOME AND EXPENDITURE STATEMENT

	YTD 30/06/2006	YTD BUDGET	VARIANCE TO DATE	PERCENTAGE OVER YEAR
PROVIDER INCOME				
Surplus/Deficit from previous year				
Commonwealth	7,264,521	7,242,203	22,318	0%
Commonwealth - extra funds	956,197	956,197	-	0%
State	0	0	-	0%
Service Generated Income				0%
Interest	67,103	70,000	- 2,897	-4%
Membership	0	0	-	0%
Community Legal Education	0	1,500	- 1,500	-100%
Costs Recovered & Retained	205,933	183,000	22,933	13%
Fundraising/Donations	0	0	-	0%
Sundry Income	84,193	33,000	51,193	155%
A.Total Provider Income	8,577,947	8,485,900	-92,047	-1%
Approved Capital Expenditure	94,652	120,000	25,348	21%
B. Provider General Purpose Income				

INFORMATION FOR AGD PURPOSES FOR THE YEAR ENDED 30TH JUNE 2006

INCOME AND EXPENDITURE STATEMENT

	YTD 30/06/2006	YTD BUDGET	VARIANCE TO DATE	PERCENTAGE OVER YEAR
PROVIDER EXPENSES				
Salaries	4,379,256	4,163,094	-216,162	-5%
Superannuation	379,733	365,082	-14,651	-4%
On Costs	771,092	708,546	-62,546	-9%
Rent	590,633	612,483	21,850	4%
Repairs and Maintenance	44,915	35,625	-9,290	-26%
Other Premises Costs	0	0	0	0%
Staff Training	96,300	15,581	-80,719	-518%
Staff Recruitment	91,001	102,642	11,641	11%
Communications	0	0	0	0%
Office Overheads	601,882	634,235	32,353	5%
Insurance	88,072	91,871	3,799	4%
Finance, Audit, & Accounting	38,721	19,042	-19,679	-103%
Library, Resources & Subscriptions	82,266	81,651	-615	-1%
Travel	311,707	379,111	67,404	18%
Progammig & Planning	64,691	40,000	-24,691	-62%
Client Disbursements	210,328	391,040	180,712	46%
Leases	407,248	403,468	-3,780	-1%
Minor Equipment	0	0	0	0%
Depreciation	0	140,000	140,000	100%
Other	0	5,395	5,395	100%
Approved Capital Expenditure	94,652	100,000	5,348	5%
D. Total Operating Expenses	2,722,416	3,052,144	329,728	11%
E. Total Provider Expenses	8,252,497	8,288,866	36,369	0%
F. Surplus/(Deficit)	325,450	197,034	-128,416	
G. Funds received from Other Bodies				



INFORMATION FOR AGD PURPOSES

	2006	2005
	\$	\$
Reconciliation with Statutory accounts		
Operational surplus/(deficit) (for AGD/ATSIS Purposes)	325,450	(345,171)
Total	325,450	(345,171)
Adjustments		
Capital expenditure	94,652	179,900
Depreciation	(119,000)	(142,161)
Provision for long service leave	-	27,720
Provision for annual leave	-	(77,303)
Provision for sick leave	-	(162,000)
Total Provision for leave (for AGD purposes)	-	883,000
Net surplus/(deficit) for year per Income and Expenditure Statement	\$301,102	\$363,985



ADDITIONAL INFORMATION

ALSWA Opening Hours – 8.30am to 5pm weekdays (Perth, Bunbury, Carnarvon, Kalgoorlie, Kununurra, Laverton, Northam), 8am to 4.30pm weekdays (Albany, Broome, Derby, Fitzroy Crossing, Geraldton, Halls Creek, Meekatharra, Newman, Roebourne, South Hedland, Warburton).

ALSWA Figures – ALSWA staff gave legal advice in 2,087 matters, duty lawyer assistance in 8,822 matters and casework in 16,565 matters, totaling 27,474 matters.

Access and Equity - ALSWA's clients meet eligibility requirements, including a means test and a merit test, with certain categories of case getting highest priority. ALSWA provides a culturally appropriate service by: recruitment processes and work conditions that ensure many Aboriginal and Torres Strait Islander staff, Aboriginal and Torres Strait Islander staff at every organisational level, all employees have a demonstrated commitment to social justice for Aboriginal and Torres Strait Islander peoples, and where reasonably possible country staff are locals; all staff receive annual cultural training and non-Indigenous staff receive assistance with cultural matters as needed; 17 country offices; legal assistance on court circuits; a tollfree telephone number; after hours emergency assistance by telephone; anonymous survey forms as well as complaint processes to obtain and act on client feedback.

Staff training - ALSWA's staff received training in: cultural awareness; working with children laws; data collection; Microsoft Word; tips for working in Magistrates Court; tips for working with DPP; occupational health and safety; move on laws; appeals; meeting ALSWA's funding requirements. ALSWA conducted Court Officer training programs for its new court officers and brief weekly training for its Perth criminal lawyers on relevant issues such as bail, sentencing and appeals. Staff were trained externally in: family law reforms (Perth family lawyers); management skills (some unit managers); secretarial skills and telephone etiquette (some junior staff); restorative justice (various staff); pro bono work (various staff); Indigenous Lawyers conference (various staff). ALSWA also: liaised with Central TAFE seeking the NILAC (National Indigenous Legal Advocacy Course) course to run in WA (one staff member did this course interstate to Diploma level); designed a new Induction program for new staff which will encompass ALSWA's policies and procedures, cultural awareness training and what to expect working for ALSWA; and is looking at formalizing ongoing staff training to both maintain their skill levels at optimum and meet the requirements of the Legal Practice Board. ALSWA's law student volunteers completed research, learned some practical legal and office skills, and learned about issues relevant to ALSWA's clients under supervision of unit managers. High school students on work experience were trained in basic administration skills, reception skills and what to expect when they enter the work force.

ALSWA STAFF - Perth 3 Senior Management, 20 lawyers (13 criminal law, 3 human rights/civil law, 3 family law, 1 law and advocacy), 10 court officers (7 criminal law, 1 prisons (male clients), 1 prisons and domestic violence (female clients), 1 women's contact officer), 8 secretaries/personal assistants (2 Senior Management, 2 criminal law, 2 human rights/civil law, 2 family law), 8 administrative staff, 1 policy officer, 1 public relations officer, 1 historian, 1 librarian Albany 1 lawyer, 1 court officer, 1 secretary Broome 1 lawyer, 1 court officer, 1 secretary Bunbury 1 lawyer, 1 court officer, 1 secretary Carnarvon 1 lawyer, 1 court officer, 1 secretary Derby 1 court officer, 1 secretary Fitzroy Crossing 1 court officer Geraldton 1 lawyer, 1 court officer, 1 secretary Halls Creek 1 court officer Kalgoorlie 2 lawyers, 1 court officer, 1 secretary Kununurra 1 lawyer, 1 court officer, 2 secretaries (job share) Laverton 1 court officer Meekatharra 1 court officer Newman 1 court officer Northam 1 court officer, 1 secretary Roebourne 1 court officer South Hedland 1 lawyer, 1 court officer, 1 secretary Warburton 1 court officer

ALSWA gratefully acknowledges all who have contributed to this Annual Report, and thanks staff and committee members for the use of photos, including David Ward, Murray Jones, Katrina Carlisle and Jodi Hoffman and Curtin University's Kylie Solonec for use of the Reconciliation Week photo of CEO. The ALSWA 2006 Annual Report was compiled by Jodi Hoffman and Tonia Brajcich.