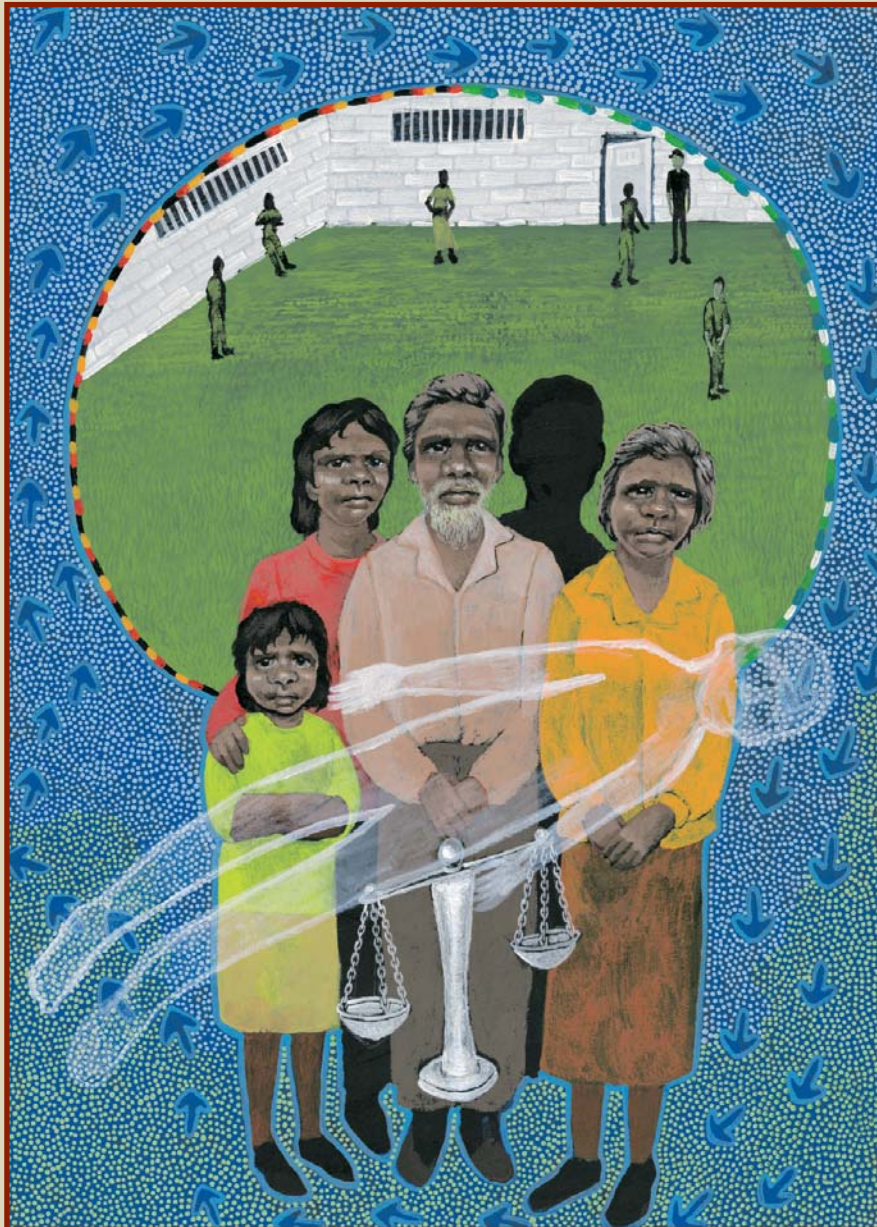


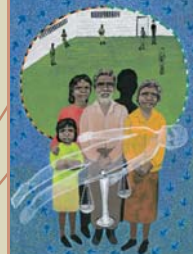
# Aboriginal Legal Service of Western Australia (Inc)



Artwork by Julie Dowling

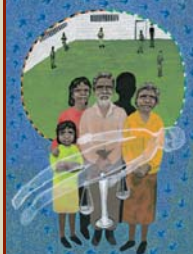


## Annual Report 2007



## ABORIGINAL LEGAL SERVICE OF WESTERN AUSTRALIA

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FITZROY CROSSING	Shop 7 Tarunda Shopping Complex Fitzroy Crossing 6765 PO Box 312, Fitzroy Crossing 6765	Phone: 08 9191 5147 Fax: 08 9191 5390
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LAVERTON	Shop 2 Laver Place, Laverton 6440 PO Box 54, Laverton 6440	Phone: 08 9031 1156 Fax: 08 9031 1186
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NORTHAM	125A Fitzgerald Street, Northam 6401 PO Box 1096, Northam 6401	Phone: 08 9622 5933 Toll Free: 1800 442 015 Fax: 08 9622 5006
ROEBOURNE	Harding Street, Roebourne 6718 PO Box 185, Roebourne 6718	Phone: 08 9182 1107 Fax: 08 9182 1171
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WARBURTON	Ngaanyatjarra College, Warburton Community Warburton Community PMB 71 Via Kalgoorlie 6430	Phone: 08 8956 2823 Fax: 08 8956 7647



## FRONT COVER ARTWORK BY JULIE DOWLING

### ARTISTS NOTE:

This painting shows a family standing in front of a prison yard. The prison yard shows the family as if they are visiting, but they aren't because they are only present with the dark shadow of their loved one who has died in custody.

Without information and justice to families many are left inside the justice system awaiting answers and consolation after the event.

The victim's family stand behind uneven scales of justice while the ghost shadow of their loved one across their bodies drifts across them as if asleep.

The colours of the Aboriginal and Torres Strait Islander flags are in the form of a halo around the scene.

Surrounding the central image is a traditional image of weitch (emu) which runs around the scene.

### **Julie Dowling**

A Badimaya artist from Perth

**For information about ALSWA's work in relation to the recommendations of the Royal Commission into Aboriginal Deaths in Custody (RCIADIC), please see page 13.**



2007 marked the 40<sup>th</sup> anniversary of the "Yes" vote in the 1967 Referendum, a milestone that gave all of Australia the opportunity to reflect upon days gone by and contemplate what has been achieved over past decades. This milestone was met with mixed emotions with many people questioning what benefits resulted from the 'Yes' vote and whether Aboriginal and Torres Strait Islander peoples experience a more equitable quality of life now, than forty years ago.

Sadly our families are still suffering, our people continue to face discrimination, we're alarmingly over-represented within the prisons and the tragedy of deaths in custody continues.

The Aboriginal Legal Service of Western Australia has been striving for justice for our people for over thirty years, and will continue to do whatever it can to ensure that Aboriginal and Torres Strait Islander peoples have access to a fairer and more just legal system in this State.

*The 1967 Referendum changed the Australian Constitution by amending Section 51 and repealing Section 127. Through amending Section 51 the Commonwealth Government gained the right to "make laws for all of the Australian people", whereby Aboriginal people had previously been excluded. In repealing Section 127 of the Constitution, they could 'take account of Aboriginal people in determining the population of Australia'.*



## CHIEF EXECUTIVE OFFICER'S REPORT DENNIS EGGINGTON

I am pleased to report on the outstanding work of our association to our members for the past financial year. It is especially pleasing for me as the Corporation moves into the last year of our three year contract in as solid position as we have ever been in. This position is reflected by confirmation from the Commonwealth that we can soon enter into negotiating another three year contract taking our operations through to the end of the 2011/2012 financial year.

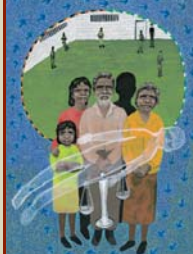
We have been able to maintain our presence in our more remote and rural areas while strengthening our service to our women and children. The association has continued to service our community with a wide range of legal representation while providing leadership through advocacy and political comment, actively engaging in public debate and addressing various forums. This leadership has come from our Executive Committee who have made their positions on matters of child abuse, violence against women, neglect of our communities and the rights of our people as First Nations People public through the work of the organisation.

Changes to the way in which Aboriginal Affairs is administered have presented challenges to us all. The mainstreaming of our services has given us reasons for concern. I am however pleased to report that our Corporation has been able to position itself to take advantage of these changes. Working closely with the Federal Attorney General's Department we have developed better ways of recording the quantity and quality of our work. The information from this data collection will be used when negotiating our new contract.

These new changes to Indigenous Affairs also saw the Commonwealth Government create the new Corporations (Aboriginal and Torres Strait Islanders) Act 2006 – the CATSI Act. This replaced the old Aboriginal Councils and Associations Act 1976. These changes have signalled a new way of doing business for our organisations. These changes to administration and governance will help us to re-position our organisations for the future and the challenges it will bring. We should not however lock ourselves into models that limit us to be forever a grant recipient. ALSWA has already experienced the benefits of being contracted to deliver services and trade as a corporation. Through our Executive Committee we will continue to explore corporate governance structures that will better equip us for those future challenges while providing our organisation with the very best policy and corporate expertise possible.



*ALSWA organised and participated in numerous community functions throughout the year and Dennis Eggington is pictured here speaking at the 'Sorry Day' gathering at ALSWA Head Office in Perth. See page 16 for more on Sorry Day.*



## CHIEF EXECUTIVE OFFICER'S REPORT DENNIS EGGINGTON

It was pleasing to hear through the year that the State had committed funds to help with the implementation of the WA Justice Agreement. The process of implementing our State plan stalled with the demise of ATSIC. ALSWA was one of the signatures to the Agreement.

This year has seen an unprecedented focus on our communities. While much of this has been in the Northern Territory we in the West have had our fair share of activity. This has included the establishment of multi-functional police stations, teams dealing with child abuse and closer looks at housing problems. All indications are that government taskforces will continue to systematically go through our communities.

Our communities are suffering unrest and uncertainty. Many have contacted ALSWA with concerns about long term efforts and how best to heal our communities once people have completed their work and moved on. ALSWA is currently not equipped to cope with the extra work coming out of these interventions. People's access to legal services and their right to due process and support for victims are important areas to have under control.

These issues have proven difficult for us. We have contractual obligations to carry out and social and moral imperatives to take into account. These competing interests need to be balanced. We are very conscious of how our communities feel about child abuse and violence. ALSWA has taken a very strong and public stand against those in our communities who carry out these crimes.

What is clear from these interventions is the fact that our culture and land are threatened. The removal of cultural considerations in Commonwealth legislation dealing with bail and sentencing is indicating that our culture is to blame for the dysfunction in our communities.

This is not so and we as an organisation must continue to oppose such suggestions.

Dennis Eggington



*ALSWA has maintained a very public profile locally and nationally within Aboriginal and mainstream media, to ensure that our voice continues to be heard when speaking out about the complex issues facing our people within the legal system. Dennis Eggington is pictured here being interviewed by ABC TV's Political Reporter Peter Kennedy.*

**The Aboriginal Legal Service of Western Australia is proud of the commitment of its staff throughout the State and is grateful for the positive feedback received from community members and organisations as we continue in our struggle for justice for Aboriginal and Torres Strait Islander peoples.**



## PRESIDENT'S REPORT MICHAEL BLURTON

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

ALSWA's current Executive Committee is now near the end of its term of office. A newly elected Executive Committee of 16 people will shortly take up their positions as ALSWA's community representatives for East Kimberley, West Kimberley, Pilbara, Murchison/Gascoyne, Central Desert, Goldfields, Southern and Central regions. I would like to take the opportunity to thank all current members of the Executive Committee for their contribution to our legal service. I wish the new representatives the very best in their future work for ALSWA.

I would also like to thank Dennis Eggington, Katrina Carlisle, Peter Collins and all ALSWA's staff. They have once again performed strongly, bringing all the different forms of legal assistance – be it information, advice, representation, community legal education, prisoner support, referrals or law reform – to our people.

It is good also to see the Aboriginal Justice Agreement, to which ALSWA is a signatory, slowly becoming a reality, with Local and Regional Aboriginal Justice Plans gradually being developed throughout Western Australia. I hope this process will be successful in making sure the voices of our people are influential at government level.

Last I would like to thank the people of the Central region for the opportunity to represent them at Executive Committee meetings over the last few years. It has been a privilege.

Michael Blurton



## EXECUTIVE OFFICER'S REPORT KATRINA CARLISLE

During the past year I have taken on the role of Executive Officer with ALSWA. The role has brought many rewards and even more challenges to me both professionally and personally. After working at ALSWA for over a decade I have watched the service change and I will continue to work to improve ALSWA and the service we provide to the community.

### Staffing

Staff levels at ALSWA have fluctuated as the organisation struggles to be able to offer salaries and conditions of employment with are competitive with other service providers.

Some of our major staffing issues during 2006 / 2007 were:

- The Warburton, Laverton and Meekatharra office were not staffed for most of the year due to staff departures and the difficulty of replacing them. We have undergone a recruitment drive and are currently in the process of providing training to new staff who will take up the positions in those offices.
- We have been able to employ a second solicitor in our Broome office to assist with the workload in the Kimberley's.
- We have been able to secure traineeship's for two junior staff members in our Perth office, which will allow them to obtain TAFE qualifications as well as continuing to work full-time.



*Kyle Anderson  
ALSWA IT Trainee*

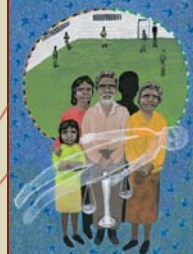


*Roxanne Blurton  
ALSWA Trainee Legal Secretary*

ALSWA would like to expand our services further by employing additional staff in existing offices, especially in regional and remote areas where staff are under an immense amount of pressure and carrying huge workloads. This will only be possible if ALSWA is able to secure extra funding as part of re-negotiating our current contract with the Federal Attorney General's Department.



*ALSWA Broome Office*



## EXECUTIVE OFFICER'S REPORT KATRINA CARLISLE

### Finance and Administration

ALSWA has been successful in securing additional funding through the Federal Attorney General's Department in a number of program areas. The additional funding has been used to fund general activities, expensive criminal cases, capital funding and to meet the growing administrative costs such as rental of office space. ALSWA has also been successful in reducing our liability for Fringe Benefits Tax through measures such as:

- Garaging vehicles on site as opposed to the necessity of staff garaging vehicles at home.
- Leasing of FBT exempt vehicles

Staff turnover in our Finance section has had minimal impact on our operations.

Given our financial position we have been able to pass on a 5% salary increase to all staff as well as increasing the rates of District Allowances and make changes to our rental subsidy scheme for regional staff.

Work has been continuing on updating the Policies and Procedures Manual and an Induction package for new staff has been developed and continues to be refined. Both of these processes are very important, not only to give new staff a clear direction about their responsibilities as employees but to ensure that a consistent and quality service is given to our clients.

Data collection and the collation of the data to comply with our reporting requirements with the Attorney General's Department has been a challenging and time consuming process. Many variations to our Data Records System (ALTRACK) have been required to ensure our statistics accurately reflect the work which is being done. It has also required additional training in some of our remote areas for staff to bring their computer literacy skills up to speed in order to be able to enter the data correctly. The Operations Manager, Mark Johnston, has worked tirelessly on the data requirements and has had success in formulating the data so it can be successfully imported to the Attorney General's Department.

### Challenges Ahead in 2007/2008

As we head into the final year of our contract with the Attorney General's Department ALSWA will enter into a process of negotiating a new contract which will enable the Service to continue to provide important services to our community. We will be working to expand our services in regional areas to provide relief for our staff in those areas by spreading the workload over more staff.

Staff turnover will continue to be a challenge and we will continue to work on strategies to reduce turnover and retain quality staff.

ALSWA will continue to work hard in all areas to ensure that we continue to provide a quality service to our community.

Katrina Carlisle



## DIRECTOR LEGAL SERVICES REPORT PETER COLLINS

ALSWA has now completed the second full year of its contract with the Commonwealth Attorney General's Department for the provision of legal services to the Western Australian Aboriginal community. While there have been some adjustments in terms of the Commonwealth's expectations and targets under the contract, ALSWA continues to lead the way as one of the best performed Aboriginal Legal Services in the country. This is due to ALSWA's sound organisational and management structure and the dedicated work of ALSWA solicitors and court officers in providing legal assistance and representation to our clients.

The work performed by ALSWA's regional offices again needs to be recognised. Staff in regional offices are confronted with gruelling court schedules on an almost daily basis and yet have managed to maintain very high standards of legal assistance to clients. This has occurred against a background where the introduction of initiatives such as community courts, family violence courts, drug courts and increased sittings of superior courts in regional areas has required additional commitment from ALSWA solicitors and court officers. The recent police intervention in the East Kimberley which has resulted in the laying of numerous serious criminal charges and the foreshadowed expansion of the police investigations to all Aboriginal communities in Western Australia will place further strain on ALSWA resources.

In last year's report, I referred to the ongoing commitment to recruit Aboriginal solicitors to work with ALSWA. I am pleased to advise that there are now four Aboriginal solicitors working in regional offices and six in the Perth office. This includes two Aboriginal lawyers who are completing their articles training in the Perth Office and two solicitors who are in charge of ALSWA regional offices.

### Justice Issues

There has been no improvement from last year with respect to imprisonment rates for the Aboriginal community in Western Australia. The most recent statistics reveal that 42.5% of all prisoners in adult jails are Aboriginal. At any given time, over 70% of the total juvenile detention population and about 80% of the juvenile remand population is Aboriginal. At the end of June 2007, 110 of the 150 detainees in juvenile detention centres were Aboriginal. Many of these juveniles are from regional areas or remote communities and suffer greatly from the effects of separation from family and country. Only a very small number of remandees are eventually sentenced to terms of immediate detention, which points strongly to the fact that much of the remand use in WA is punitive and unnecessary. In addition, at the end of June 2007, Aboriginal juveniles comprised all of the juveniles the subject of juvenile community justice service orders in the Kimberley and Pilbara regions.

To compound these problems, there have been serious issues with respect to overcrowding in juvenile detention centres and corresponding concerns with respect to the discharge by detention authorities of their duty of care responsibilities. The situation was so dire in late March 2007, that the Inspector of Custodial Services predicted that "the system cannot continue under this kind of stress without there being a serious incident or series of incidents".





## DIRECTOR LEGAL SERVICES REPORT PETER COLLINS

I reported last year that Move-On laws had been used by police as a mechanism to control the use by the Aboriginal community of public space. This trend has continued. However, ALSWA solicitors have been very conscious of the punitive effect of these laws on clients and have conducted, wherever appropriate, contested hearings where clients have been charged with breaching Move-On notices. As a consequence, many breach of Move-On charges have been successfully defended, with defences focusing on improper or inadequate reasons for issuing notices in the first place, defective Move-On notices, issues with respect to the manner in which Move-On notices have been approved by the Commissioner of Police and the excessively wide areas from which clients have been banned following the issue of notices.

ALSWA is, however, concerned that Move-On laws might be the forerunner for the introduction of what are known as anti social behaviour orders. These types of orders have been used overseas to permit the banning of individuals from entire areas for several years at a time. These orders allow for the "naming and shaming" of individuals, including juveniles, with their photographs and details published in local newspapers and on leaflets distributed in the area where they live. Breaches of anti social behaviour orders are punishable by imprisonment. The potential effect of these orders on an already over policed community could be catastrophic with increased imprisonment rates, the stigmatizing of whole families and communities through "naming and shaming", vigilante attacks on individuals and their families and perversely, lead to anti social behaviour orders being seen by those recipients as "a badge of honour" - hardly an outcome that helps reduce anti-social behaviour.

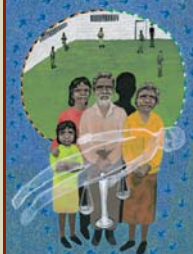
### **Pro Bono Arrangements**

ALSWA has continued to develop productive pro bono arrangements with a number of private law firms. In particular, Corrs Chambers Westgarth have provided invaluable assistance to ALSWA in the preparation of its submission to a Senate Committee inquiry into stolen wages (which is referred to in more detail below). Corrs are also assisting a client in a dispute with a government agency over lending practices. Perth based barrister Mr Tracey Casperz and Blake Dawson Waldron have provided help with corporate governance and internal staffing matters. Allens Arthur Robinson is acting on behalf of clients who are disputing a Centrelink decision to include Native Title payments in the calculation of benefit entitlements. Further, earlier this year, Melbourne based barristers Terry Forrest QC and Lachlan Carter acted on behalf of a juvenile client in a special leave application before the High Court on a pro bono basis. ALSWA is indebted to those who have generously offered their services to our clients on a pro bono basis.

### **Criminal Law**

The Criminal Law Unit in Perth and country solicitors and court officers continue to achieve excellent outcomes on behalf of clients. The quality of the work performed in all jurisdictions has been remarked upon by several judges of the District Court as well as by Magistrates. Solicitors have again appeared with considerable success in jury trials and contested hearings in the Magistrates and Children's Court. ALSWA's appellate practice is one of the most respected in WA. For example, ALSWA has recently obtained special leave in the High Court to appeal against the conviction of a juvenile following a trial before the President of the Children's Court. ALSWA solicitors have also had success in arguing that female clients who have pleaded guilty to manslaughter arising out of violent domestic relationships should receive lenient sentences.

The Dangerous Sexual Offenders Act 2006 has been in operation for just over a year. The Act permits applications to be made for the indefinite detention of individuals who are nearing the completion of sentences of imprisonment and who have not committed any new offences. Despite criticism



## DIRECTOR LEGAL SERVICES REPORT PETER COLLINS

from some quarters, ALSWA has acted on behalf of several clients in opposing applications for indefinite detention. The applications have also highlighted the almost total absence of appropriate supervision and treatment programs for offenders in remote and regional communities.

Funding has been secured through an Attorney General's Department initiative entitled the Expensive Indigenous Criminal Case Fund Pilot which will enable ALSWA to continue to act for clients charged with very serious criminal matters which are dealt with in the superior courts.

### Civil and Human Rights Law

The Civil and Human Rights Unit has liaised closely with the Coroner's Office in order to ensure that Aboriginal families are adequately represented at Inquests. ALSWA has appeared in several Inquests in relation to deaths in custody. These Inquests have focused on issues in relation to the health care of Aboriginal prisoners, the screening of Aboriginal prisoners for medical conditions, the availability of drugs in prisons and the adequacy of custodial care and the follow up provided by police who arrest Aboriginal persons and later release them to bail from police lock ups. The Inquests have also brought into sharp relief the ongoing desultory track record of police and prisons in complying with the Recommendations of the Royal Commission into Aboriginal Deaths in Custody which are now more than 16 years old.



ALSWA has also acted in another Inquest on behalf of a young mother whose child died in tragic circumstances after a short illness. The Inquest highlighted the desperate living circumstances of some families in remote areas and the urgent need for decisive government assistance to improve the quality of service provision in the key areas of health and housing.

The Civil and Human Rights Unit has continued to receive a steady flow of complaints about the police. Many complaints involve allegations of serious misconduct against juveniles and other vulnerable members of the community. Some of the cases handled by the Unit include one where a young school student was pepper sprayed by police following an incident at school, another where a juvenile had his arm broken by police after his arrest, several where juveniles have been arrested and detained for breaching bail conditions or restraining orders which had been cancelled by the courts and another where a taser gun was used on a young pregnant woman resulting in numerous burn marks and a loss of consciousness.

In response to this, in February 2007, the Unit, in conjunction with the Law and Advocacy Unit, prepared a detailed submission on the current processes employed in investigating police complaints. The submission was forwarded to various government agencies. The submission argued that the practice of police investigating other police who were the subject of complaints was inherently flawed, involved a denial of procedural fairness to clients making complaints and seriously impeded the thorough and transparent investigation of complaints. It was further argued that, with police investigating other police, a finding that the complaint had not been sustained was virtually pre ordained. The submission was the catalyst for meetings with senior police responsible for the handling of police complaints and also with senior personnel from the Crime and Corruption Commission ("CCC"). The police and CCC have committed to engaging ALSWA on an ongoing basis to monitor the processes used in the investigation of police complaints. For its part, ALSWA will continue to strive for the introduction of a police complaints system which is fair and just. In addition, wherever possible, ALSWA has sought to pursue matters where clients have been seriously assaulted or wrongfully detained by police. In one notable case, the Civil and Human Rights Unit was able to secure a substantial ex gratia payment on behalf of a client who had his arm



## DIRECTOR LEGAL SERVICES REPORT PETER COLLINS

broken by police while being arrested.

The Civil and Human Rights Unit, drawing on the expertise of historian Fiona Skyring and the pro bono help provided by the law firm, Corrs Chambers Westgarth, made three written submissions to the Senate Standing Committee on Legal and Constitutional Affairs inquiry into stolen wages. The term "stolen wages" has been used to describe entitlements and other moneys that should have been paid to Aboriginal workers but were not. Evidence was also given by ALSWA staff at inquiry hearings in Perth. ALSWA also used Freedom of Information procedures to gain access to restricted archival files in the collection managed by the Department of Indigenous Affairs. ALSWA's submissions and evidence were very positively received by the Inquiry. When the Senate Committee released its report in December 2006, among the recommendations were that governments should provide 'unhindered access' to their archival records for the purposes of stolen wages research on behalf of Aboriginal people and that the Western Australian government 'urgently consult' with Aboriginal people in relation to stolen wages. The Senate Committee also recommended that the Western Australian government establish a compensation scheme for workers who had their welfare entitlements withheld, and their wages underpaid or not paid at all.

In May 2007, the Western Australian government announced the establishment of a taskforce to investigate past wage entitlements of Aboriginal workers which were held in government trusts. The taskforce is due to report to Cabinet in June 2008. It is hoped that the taskforce will recommend that appropriate arrangements be made to properly compensate workers and their families, rather than cases having to be litigated in the courts.

A landmark Supreme Court of South Australia decision will hopefully open the way for members of the Western Australian Aboriginal community who were affected by government removal policies to seek redress from the present government. ALSWA is currently in the process of developing a strategy to deal with the many calls for assistance which have followed the decision. Again, it is hoped that pro bono assistance will be forthcoming to help ALSWA deal with an expected flood of requests for legal advice and representation and that the government will take a practical, common sense and compassionate approach to any claims for compensation and recognition of past wrongs.

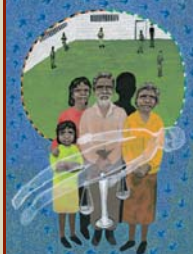


*HARD LABOUR, STOLEN WAGES, a national Report highlighting the extent of financial abuses against Aboriginal and Torres Strait Islander workers and their families had its Western Australian launch at the Head Office of ALSWA. Following a Welcome to Country by Ted Wilkes Nyoongar Elder and Traditional Owner, Dennis Eggington ALSWA CEO and Stephen Hall from ANTaR also spoke before the report, written by historian Dr. Rosalind Kidd, was officially launched by Senator Rachel Siewert from The Greens WA.*

*This important report follows on from the Senate Committee Inquiry into Stolen Wages in 2006.*

### Family Law

The Family Law Unit has seen the first full year of the operation of the Community and Children's Services Act 2004, especially in relation to protection applications in the Children's Court. The Act sets out what is described as the Aboriginal and Torres Strait Islander Child Plan principle. The principle recognizes the importance of maintaining a connection with family and culture for children who are the subject of placement arrangements. The Unit has been vigilant in trying to ensure that



## DIRECTOR LEGAL SERVICES REPORT PETER COLLINS

placements outside the immediate Aboriginal family network only occur when absolutely necessary. This has been very difficult to achieve in practice. Aboriginal families are still over represented in this jurisdiction and many children are the subject of protection applications by the recently renamed Department for Child Protection ("DCP") which appear to run contrary to the child plan principle.

The Unit had a major success in the State Administrative Tribunal ("SAT") challenging a decision by DCP to remove a child from the care of grandparents. After ordering mediation, the child was returned to the care of the grandparents. SAT also ordered that should the child be eventually reunited with the mother, the grandparents should have ongoing contact with the child. The case also points up the considerable resources that DCP has at its disposal to devote to these sorts of matters, with the Department relying on 384 pages of documents in support of its decision. It is hoped that the reversal of the initial DCP decision will prompt more careful consideration of the issues before decisions are made to remove children from extended family.

The Family Law Act changes continue to evolve and solicitors have attended several seminars to keep abreast of legislative and procedural changes. Except in certain limited circumstances, all children's cases now have to proceed to mediation before an application can be filed in the Family Court.

Finally, I would finally like to express my gratitude to Dennis Eggington, Katrina Carlisle and the ALSWA Executive Committee for their support and understanding during what has been at times a very demanding year.



Peter Collins



LEFT TO RIGHT

Tammy Solonec Articled Clerk, Sorgi Eggington, Cowan Bonson, Mark Radovanovic, Rodney Williams, Spencer Alone (Court Officers), Kenny Sutton Manager Court Officers Unit, Kim Farmer Lawyer, Sam Dinah Prisoner Support Officer



## MANAGER, LAW AND ADVOCACY UNIT TONIA BRAJCICH

### Royal Commission into Aboriginal Deaths in Custody (RCIADIC)

(See cover page)

ALSWA remains determined to address the tragedy of prisoners dying in custody. This year ALSWA Policy Officer Vickie Hovane has prepared a thoroughly researched report to monitor the extent to which Western Australia has successfully implemented the RCIADIC recommendations.

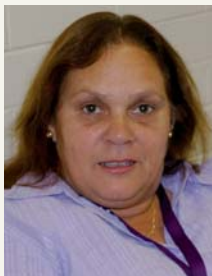
ALSWA's RCIADIC Report will be launched during the 2007-2008 financial year. Through 07/08 ALSWA will be strongly advocating for the remaining RCIADIC recommendations to be implemented in this State. This Report will be available electronically via ALSWA's website [www.als.org.au](http://www.als.org.au)



Vickie Hovane,  
RCIADIC Policy Officer



One of the banners carried by community members in Perth as part of the RCIADIC Rally earlier this year (that was organised by the Deaths in Custody Watch Committee).



Dayle Anderson,  
Women's Support Officer

### Women's Support

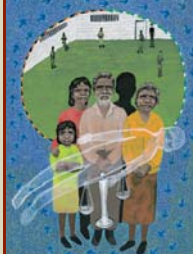
Dayle Anderson is ALSWA's Women's Support Officer. Dayle attends Bandyup Women's Prison weekly and Boronia Pre-Release Centre for Women fortnightly to provide women with legal information and advice, and with referrals. Dayle is also able to assist women and girls with family and domestic violence matters through legal advice and information, referrals, and representation in court for interim violence restraining orders.

### Male Prisoner Support and Rehabilitation

Sam Dinah (pictured on opposite page) is ALSWA's Prisoner Liaison Officer. Sam attends Karnet Prison, Casuarina Prison, Woorloo Prison and Hakea Prison at least once a fortnight to provide men with information about legal issues, information about parole, assistance with prison matters (eg funeral attendance, family visits, prison transfer) and preparation for release from prison. In 07/08 Sam will also be regularly attending regional prisons to provide similar services.

### Kalumburu Restorative Justice

"Restorative justice" aims at restoring relationships between people with legal matters - examples include Aboriginal Courts and community conferencing. In 06/07 ALSWA met with local people and organisations that provide services to Kalumburu to discuss the possibility of establishing a restorative justice initiative at Kalumburu. There was a lot of interest in the idea and Kalumburu Aboriginal Corporation has given its formal permission for ALSWA to work on this. Christine Cigobia has been recruited as ALSWA's Law and Advocacy (Restorative Justice) Officer based in the East Kimberley and will work on this project from October 2007.



## MANAGER, LAW AND ADVOCACY UNIT TONIA BRAJCICH

### WA Aboriginal Advisory Committee (WAAAC)

ALSWA continues its role in law reform and community legal education. Any Aboriginal or Torres Strait Islander person living in Western Australia can join this committee and have their say on laws and policies in this State through submissions to government and others by ALSWA. For information about this, please contact ALSWA Policy Officer Kate Allingham or ALSWA Media/Public Relations Officer Jodi Hoffmann. Work this year has included: Statewide production and distribution of "Law Matters" a 4 volume set of CDs containing legal information on 28 different legal topics to radio stations, prisons, community legal services, Aboriginal corporations, schools, TAFE's and others; a series of community legal education workshops at ALSWA and another series at Wilson; Statewide distribution of pamphlets containing legal information via pamphlet stalls, post, ALSWA offices and ALSWA's website; and submissions on various topics including the Wyatt Inquiry, move on laws, fines laws and police complaints process. Successes this year have included: some improvements to the move on laws; the WA Family Court will soon have male and female Aboriginal liaison officers; amendment of the Parental Support and Responsibility Bill; the Prisoner Review Board now has an Aboriginal member; improved prisoner transport; the WA Department of the Attorney General is now looking at improving prisoner repatriation; and the WA government is now investigating the possibility of setting up a Statewide Aboriginal and Torres Strait Islander languages interpreter service.

### Library/information services

ALSWA's website [www.als.org.au](http://www.als.org.au) provides the public with information and resources including legal information pamphlets and ALSWA's publications "After the Removal" and "Telling Our Story". ALSWA Librarian Angela Bromfield continues to ensure ALSWA staff can access the information they need for their work. ALSWA thanks: Legal Aid WA for the use of their Legal Resources Database; National Association of Community Legal Centres, Victorian Aboriginal Legal Service and the Federal Attorney General's Department for the Bulletin Board Service; and the Federal Attorney General's Department for capital funding for ALSWA's library catalogue to be made electronically accessible to all ALSWA staff.



*ALSWA participation at community events provides the ideal opportunity to promote our services within the community. Pictured here (L-R) are ALSWA's Sam Dinah, Kate Allingham and Berni Lockyer.*



*The "Law Matters" CD series was recorded and produced by ALSWA and has been widely distributed throughout WA to ensure that important legal information is accessible for people throughout the state. The CD's contain important and interesting information about the law, the issues faced by our people within the legal system and services that are provided by ALSWA.*



*ALSWA congratulates Sam Dinah (ALSWA Prisoner Support Officer) who was named "Aboriginal Elder of the Year (Male)" during the 2007 Perth NAIDOC Awards and Dennis Egginton (ALSWA CEO), Runner Up for "Aboriginal of the Year" (Perth NAIDOC Awards).*

*Tonia Brajcich*

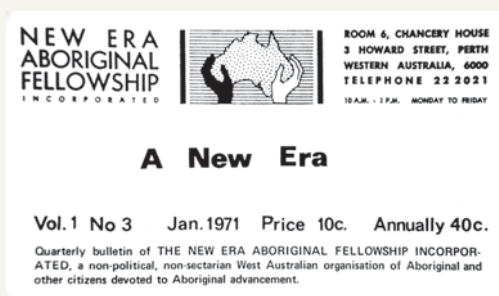
Tonia Brajcich



## HISTORY PROJECT DR. FIONA SKYRING

Research for the ALSWA history project is well under way. Historian Fiona Skyring has interviewed a number of people in Perth, Melbourne and the Kimberley in relation to their involvement in the early days of the Legal Service, and the oral history interview program will continue in regional centres around the State, as well as in Perth. In addition to the funding already provided by AIATSIS and Lotterywest for the history project, ALSWA gratefully acknowledges the Western Australia Department of Premier and Cabinet for contributing a grant of \$26,000. This grant, released in July 2007, will fund the project through to Fiona Skyring's completion of the manuscript for publication, now scheduled for 2008.

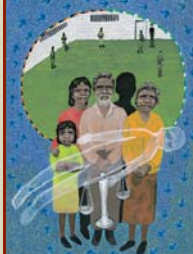
Fiona Skyring



*The Aboriginal Legal Service of Western Australia (ALSWA) has its origins in the Justice Committee of the new Era Aboriginal Fellowship (NEAF). The Justice Committee set up a voluntary legal aid service in 1971.*



*By 1973 the Aboriginal Legal Service was a government funded legal aid service, employing two solicitors and three field officers. The ALS initially worked out of rooms at the Aboriginal Advancement Council in Beaufort Street (pictured above), and then in August 1973 the ALS moved to its own premises at 119 Aberdeen Street in Perth. During this period, the agency was known as the Aboriginal Legal Service, as it hadn't yet been incorporated into the Aboriginal Legal Service of Western Australia.*



## SORRY DAY 2007

Over one hundred people gathered at ALSWA in Perth this year for a significant Sorry Day gathering 'Bringing them Home – Ten Years On' with 2007 marking the tenth anniversary of the tabling of the 'Bringing Them Home' Report.

Community members were moved by the show of strength before them as Lena McGrath, Sam Dinah and Alan Kickett shared their stories of being taken away from their families and growing up together at Roelands Mission (between Collie and Bunbury).

Their reflections were mixed with both tears and laughter in a show of united strength during a testimony that served as a stark reminder of a government policy that saw our children forcibly removed from family, community and Country.

Dr. Tony Buti, a former ALSWA lawyer, provided an invaluable insight into the tireless work ALSWA did during the mid-nineties with 'Telling Our Story' (published July 1995) which saw over 600 people tell their story of removal publicly for the first time after a lifetime of pain and suffering. This report made recommendations to the State and Federal Government on how this issue should be addressed. Dr. Buti also spoke of the important and comprehensive contribution that ALSWA's 1996 submission 'After The Removal' made to the National Inquiry into Separation of Aboriginal and Torres Strait Islander Children from their Families, made on behalf of 710 Aboriginal people who provided personal histories of their removal, or the removal of members of their families.

For ALSWA CEO Dennis Eggington, the gathering was one of great importance, not only to show our ongoing support for our members of the Stolen Generation, but also to look to the future and ensure that policy's such as this never happen again. Mr Eggington and Dr. Buti also spoke of the importance of compensation.



*Lena McGrath (above centre) shows great strength as she recalls her vivid childhood memories of being forcibly taken from her Mother at Marble Bar and moved to Roelands Mission.*

*Sam Dinah (right) shows the first photo that he ever saw of his Mother Anna Dinah (nee Miller). Mr Dinah found the photo at Kyana (an Indigenous festival staged by Dumbartung in Perth in the early 1990's) and the photo had previously been held at a museum in South Australia.*



*Alan Kickett shared his story and called on the Government to acknowledge past wrongs, stating that despite everything that our people have gone through, we are still here and it has made us stronger.*



*ALSWA CEO Dennis Eggington addressing over a hundred people who attended this important gathering at ALSWA.*

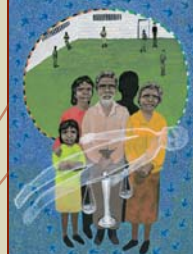


*L-R: Alan Kickett, Lena McGrath and Sam Dinah*



*Dr Tony Buti, former ALSWA Lawyer and now Senior Lecturer in Law at UWA spoke about 'Bringing them Home' and the important work done by ALSWA with its own publications 'After the Removal' and 'Telling our Story' and re-iterated the importance of compensation.*

ALSWA publications 'Telling our Story' and 'After the Removal' can be viewed and downloaded at [www.als.org.au](http://www.als.org.au)



## THE CIRCUIT

The work of the Aboriginal Legal Service reached a new audience during 2007 when "The Circuit" screened on SBS TV.

A fictional drama set in Broome, the 6 part series was filmed in the Kimberley and in and around the Broome office of the Aboriginal Legal Service of Western Australia.

The series gave an insight into the diversity of the work undertaken within the legal system in remote and regional areas of Western Australia.



*Lawyer Drew Ellis, played by Aaron Pedersen*

*Photograph (above) by John Foss  
(Courtesy Media World Pictures)*



*ALS Court Liaison Officer Sam Wallan, played by Kelton Pell*



*Photographs (above) by Megan Lewis  
(Courtesy Media World Pictures)*



## FINANCIAL REPORTS FOR THE YEAR ENDED 30<sup>TH</sup> JUNE 2007 AS PREPARED BY ACCOUNTANT WALTER MAJEWSKI

In Financial Year 2007 ALSWA achieved a surplus of \$512,741 from total revenues of \$9,747,387. The surplus is the result of prudent financial management exercised during the year and places ALSWA in a sound financial position at year end.

The following statements are the audited consolidated financial accounts for the year ended 30 June, 2007. Further detailed accounts of specific grants are available from the ALSWA office in Perth.

Walter Majewski

## INDEPENDENT AUDITOR'S REPORT

To the Attorney Generals Department (AGD)

### Report on the Financial Report

We have audited the accompanying consolidated financial report, being a special purpose financial report, of Aboriginal Legal Services of Western Australia (Inc), which comprises the balance sheet as at 30 June 2007, and the income statement, statement of changes in equity, cash flow statement for the year then ended, a summary of significant accounting policies, other explanatory notes and Information for AGD purposes.

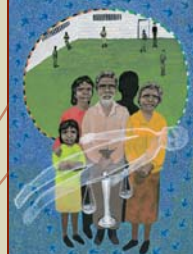
### The Responsibility of Aboriginal Legal Services of WA (Inc) for the Financial Report

Aboriginal Legal Services of WA (Inc) is responsible for the preparation and fair presentation of the financial report and have determined that the accounting policies described in Note 1 to the financial statements which form part of the financial report are appropriate to meet the financial reporting requirements of the terms and conditions of the grant from the AGD. Aboriginal Legal Services of WA (Inc)'s responsibility also 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

Our responsibility is to express an opinion on the financial report to the Attorney's General Department based on our audit. No opinion is expressed as to whether the accounting policies used, as described in Note 1, are appropriate to meet the needs of the AGD. We conducted our audit in accordance with Australian Auditing Standards. These Auditing Standards require that we 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



## INDEPENDENT AUDITOR'S REPORT

made by Aboriginal Legal Services of WA (Inc), as well as evaluating the overall presentation of the financial report.

The financial report has been prepared for distribution to members for the purpose of fulfilling Aboriginal Legal Services of WA (Inc) financial reporting under the terms and conditions of the grant from the AGD. We disclaim any assumption of responsibility for any reliance on this report or on the financial report to which it relates to any person other than the members, or for any purpose other than that for which it was prepared.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

### **Independence**

In conducting our audit, we have complied with the independence requirements of the Australian professional accounting bodies.

### **Auditor's Opinion**

In our opinion, the Consolidated Financial Accounts for the year ended 30th June 2007 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) 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 \$2,000 are included in the asset register and have been insured with an approved insurer.

PKF

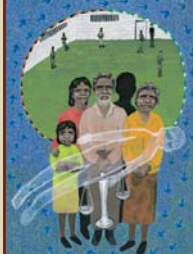
PKF Chartered Accountants

C Manifis

Conley Manifis

Partner

Dated at Perth, Western Australia this 2nd day of November 2007



## STATEMENT BY CHAIRPERSON/CHIEF EXECUTIVE OFFICER

In our opinion:

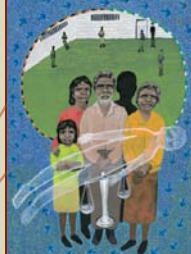
The accounts and schedules set out on pages 22 to 32 present fairly the consolidated financial position of the Aboriginal Legal Service of Western Australia (Inc) at 30th June 2007 and the results of its operations for the year ended 30th June 2007, in accordance with the basis of accounting described 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 2006/2007 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 *SECOND* day of *NOVEMBER* 2007.

PRESIDENT

CHIEF EXECUTIVE OFFICER



## CERTIFICATE OF COMPLIANCE

This Schedule is established in respect of the 2006/2007 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

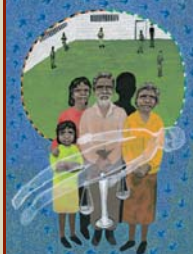
By

Dennis Eggington

Michael Blurton

In the presence of

Walter Majewski



## BALANCE SHEET AS AT 30TH JUNE 2007

	Note	2007	2006
		\$	\$
<b>CURRENT ASSETS</b>			
Cash	2	3,356,898	2,185,022
Receivables	3	189,609	135,514
Total Current Assets		3,546,507	2,320,537
<b>NON-CURRENT ASSETS</b>			
Property, furniture and equipment	1(B), 4	729,078	501,634
Leasehold improvements	1(B), 5	36,024	54,761
Motor Vehicles	1(B), 6	28,054	47,743
Total Non-Current Assets		793,156	604,138
<b>TOTAL ASSETS</b>		4,339,663	2,924,675
<b>CURRENT LIABILITIES</b>			
Accounts payable	1(E), 7	617,510	462,861
Provisions	8	976,777	1,144,000
Unexpended ATSSIS Grants	10	755,808	289,899
Total Current Liabilities		2,350,095	1,896,759
<b>NON-CURRENT LIABILITIES</b>			
Provisions	9	335,000	146,000
Total Non-Current Liabilities		335,000	146,000
<b>TOTAL LIABILITIES</b>		2,685,095	2,042,759
<b>NET ASSETS</b>		1,654,568	881,916
Accumulated Funds:			
Retained surplus/(deficit)		1,394,657	881,916
Asset Revaluation Reserve		259,911	-
<b>TOTAL FUNDS</b>		\$1,654,568	\$881,916

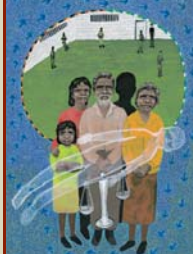
The accompanying notes form part of and are to be read in conjunction with these Consolidated Financial Accounts.



## INCOME AND EXPENDITURE STATEMENT FOR THE YEAR ENDED 30TH JUNE 2007

	Note	2007	2006
	\$	\$	\$
<b>INCOME</b>			
Grants		9,349,091	8,512,448
Interest		94,626	67,102
Other income		303,670	266,416
		<u>9,747,387</u>	<u>8,845,966</u>
<b>EXPENDITURE</b>			
Salaries		5,980,436	5,452,131
Depreciation		130,800	119,401
Loss (profit) on sale of Assets		(3,853)	(409)
Other operating expenses		3,127,262	2,959,699
		<u>9,234,645</u>	<u>8,530,822</u>
Net surplus/(deficit) for year	11	<u>512,741</u>	<u>315,144</u>

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

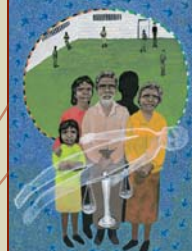


## CASH FLOW STATEMENT FOR THE YEAR ENDED 30TH JUNE 2007

	NOTE	2007	2006
		Inflows (Outflows) \$	Inflows (Outflows) \$
<b>Cash flows from operating activities:</b>			
AGD/ATSIS Funds		9,817,618	8,710,157
Interest received		94,626	67,103
Other receipts		420,793	266,416
Payments to suppliers and employees		(9,105,090)	(8,002,792)
Net cash from/(used in) operating activities	A	1,227,947	1,040,883
<b>Cash flows from investing activities:</b>			
Payments for property, plant and equipment		(78,228)	(109,095)
Proceeds from sale of property, plant and equipment		22,157	409
Net cash used in investing activities		(56,071)	(108,686)
Net increase/(decrease) in cash held		1,171,876	932,197
Opening balance of cash held		2,185,022	1,252,825
Cash balance at the end of the year	(2)	\$3,356,898	\$2,185,022

### A RECONCILIATION OF NET CASH PROVIDED FROM OPERATING ACTIVITIES TO NET INCOME/ (DEFICIT) FOR YEAR

Net income/(deficit) for year	512,741	315,144
Loss/(Profit) on sale of assets	(3,853)	409
Depreciation	130,800	119,401
Provisions	21,777	332,000
Receivables	(54,095)	46,735
Creditors and Accruals	154,649	33,407
Unexpended Funds (including previous years)	465,909	193,787
Net cash from/(used in) operating activities	\$1,227,947	\$1,040,883



## NOTES TO AND FORMING PART OF THE ACCOUNTS

FOR THE YEAR ENDED 30TH JUNE 2007

### 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 11.

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 30/06/07. 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

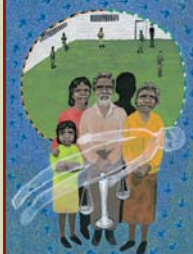
Accounts Payable, including accruals not yet billed, are recognised when the obligation arises to make future payments as a result of a purchase of assets or services. Accounts payables are generally settled within 30 days.

#### F) SICK LEAVE

A provision for sick leave was brought to account for the first time in 2006 as a result of changes in the ALSWA certified agreement 2004-06.

#### G) ASSET REVALUATION RESERVE

Land And Buildings at Kalgoorlie and Derby were subject to independent valuation by licensed real estate agents Murphy Boyden and Hutchinson Real Estate in September 2007. As a result a revaluation reserve of \$259,911 was created to recognise the increase in asset values effective at 30 June 2007.



## NOTES TO AND FORMING PART OF THE ACCOUNTS

FOR THE YEAR ENDED 30TH JUNE 2007

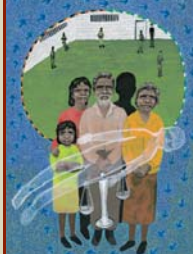
	2007	2006
	\$	\$
<b>2. CURRENT ASSETS - CASH</b>		
Payroll Account	3,800	2,937
Cash Management Accounts	3,387,057	2,205,199
Branch Imprest	3,947	3,947
Petty Cash Imprest	902	902
General Accounts	(40,370)	(27,963)
BWA – Security Deposit	5,600	-
Salary Packaging (Credits)/Debits	(4,038)	-
	\$3,356,898	\$2,185,022
<b>3. CURRENT ASSETS - RECEIVABLES</b>		
Prepayments	91,739	72,960
Organisation Trust	9,976	9,976
Others - General	87,894	52,578
	\$189,609	\$135,514
<b>4. NON-CURRENT ASSETS – PROPERTY, FURNITURE &amp; EQUIPMENT</b>		
Land and Buildings		
At valuation 30 June 2007	660,000	400,089
Accumulated depreciation	47,768	47,146
Total land and buildings	\$612,232	\$352,943



## NOTES TO AND FORMING PART OF THE ACCOUNTS

FOR THE YEAR ENDED 30TH JUNE 2007

	2007	2006
	\$	\$
<b>4. NON-CURRENT ASSETS – PROPERTY, FURNITURE &amp; EQUIPMENT</b>		
Furniture and Equipment		
At committee's valuation, 1 July 1995	217,468	217,468
Accumulated depreciation	217,468	217,468
	-	-
At cost	1,204,157	1,148,745
Accumulated depreciation	1,087,310	999,743
	116,847	149,002
Total furniture and equipment	116,847	149,002
Total Property, Furniture and Equipment	\$729,079	\$501,634
<b>5. NON-CURRENT ASSETS</b>		
Leasehold Improvements		
At committee's valuation 1 July 1995	424,392	424,392
Accumulated amortisation	424,392	424,392
	-	-
At cost	278,566	272,694
Accumulated depreciation	242,542	217,933
	36,024	54,761
Total Leasehold Improvements	\$36,024	\$54,761



## NOTES TO AND FORMING PART OF THE ACCOUNTS

FOR THE YEAR ENDED 30TH JUNE 2007

	2007	2006
	\$	\$
<b>6. NON-CURRENT ASSETS</b>		
Motor Vehicles		
At cost	72,300	76,631
Accumulated depreciation	44,246	28,888
Total Motor Vehicles	\$28,054	\$47,743
<b>7. CURRENT LIABILITIES – ACCOUNTS PAYABLE</b>		
Sundry accruals	116,933	116,032
Other Creditors	416,663	262,915
Accounts Payable	83,914	83,914
	\$617,510	\$462,861
<b>8. CURRENT LIABILITIES - PROVISIONS</b>		
Annual Leave	576,000	571,000
Long Service Leave	112,000	261,000
Sick Leave	235,000	237,000
FBT	53,777	75,000
	\$976,777	\$1,144,000
<b>9. NON-CURRENT LIABILITIES</b>		
Long Service Leave	335,000	146,000
	\$335,000	\$146,000



## NOTES TO AND FORMING PART OF THE ACCOUNTS

FOR THE YEAR ENDED 30TH JUNE 2007

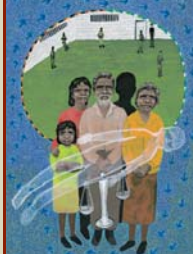
	2007	2006
	\$	\$
<b>10. CURRENT LIABILITIES - UNEXPENDED FUNDS</b>		
ATSIS Derby Grant	-	13,546
Land and Heritage Unit	29,753	29,753
Western Australian Native Title Working Group	-	2,617
WA Aboriginal Advisory Committee	3,027	14,658
Prison Support - Female	-	18,885
Prison Support - Male	6,595	-
Kimberly Restorative Justice	94,548	125,772
RCIADIC	109,181	67,123
Expensive Criminal Case Fund	308,000	-
Bolton Test Case	11,500	-
Unfair Dismissal Lawrence	9,619	-
One Off Capital Grant	151,957	-
Lotteries	12,876	17,545
AIATSIS	18,752	-
	<hr/> 755,808	<hr/> 289,899
	<hr/> \$755,808	<hr/> \$289,899
<b>11. CONTRIBUTION TO SURPLUS/(DEFICIT)</b>		
Law and Justice Grant	517,555	301,102
WA Aboriginal Advisory Committee	(2,689)	7,842
RCIADIC	(2,126)	6,200
<b>Net surplus /(deficit) for year</b>	<hr/> <b>\$512,741</b>	<hr/> <b>\$315,144</b>

## 12. 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.

## 13. SUBSEQUENT EVENTS

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

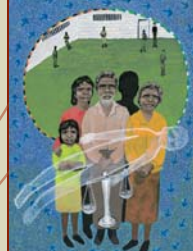


## INFORMATION FOR AGD PURPOSES

FOR THE YEAR ENDED 30TH JUNE 2007

### INCOME AND EXPENDITURE STATEMENT

	YTD 30/06/2007	YTD BUDGET	VARIANCE TO DATE	PERCENTAGE OVER YEAR
<b>PROVIDER INCOME</b>				
Surplus/Deficit from previous year	325,450	325,450	-	0%
Commonwealth	7,819,849	7,819,849	-	0%
Commonwealth - extra funds	991,993	991,993	-	0%
State	0	0	-	0%
Service Generated Income				
Interest	94,626	60,000	34,626	58%
Membership	-	-	-	-
Community Legal Education	-	-	-	-
Costs Recovered & Retained	269,287	226,265	43,022	19%
Fundraising/Donations	0	0	-	0%
Sundry Income	34,382	35,000	-618	-2%
<b>A.Total Provider Income</b>	<b>9,535,587</b>	<b>9,458,557</b>	<b>77,030</b>	<b>1%</b>
Approved Capital Expenditure	78,228	100,000	21,772	22%
<b>B. Provider General Purpose Income</b>				

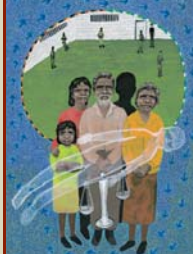


## INFORMATION FOR AGD PURPOSES

FOR THE YEAR ENDED 30TH JUNE 2007

### INCOME AND EXPENDITURE STATEMENT

	YTD 30/06/2007	YTD BUDGET	VARIANCE TO DATE	PERCENTAGE OVER YEAR
<b>PROVIDER EXPENSES</b>				
Salaries	4,900,674	5,106,453	205,779	4%
Superannuation	440,386	459,581	19,195	4%
On Costs	449,214	475,419	26,205	6%
Rent	633,327	690,000	56,673	8%
Repairs and Maintenance	41,691	47,000	5,309	11%
Other Premises Costs	0	0	-	0%
Staff Training	24,124	30,000	5,876	20%
Staff Recruitment	72,383	60,000	-12,383	-21%
Communications	0	0	-	0%
Office Overheads	501,496	538,247	36,751	7%
Insurance	84,494	92,476	7,982	9%
Finance, Audit, & Accounting	30,148	31,131	983	3%
Library, Resources & Subscriptions	93,631	95,000	1,369	1%
Travel	366,994	418,985	51,991	12%
Programming & Planning	114,744	105,000	-9,744	-9%
Client Disbursements	359,793	254,409	-105,384	-41%
Leases	454,024	427,611	-26,413	-6%
Minor Equipment	0	0	-	0%
Depreciation	122,133	0	-122,133	-100%
Other	3,325	0	-3,325	-100%
Approved Capital Expenditure	78,228	100,000	21,772	22%
<b>D. Total Operating Expenses</b>	<b>2,980,536</b>	<b>2,889,858</b>	<b>(90,678)</b>	<b>-3%</b>
<b>E. Total Provider Expenses</b>	<b>8,770,811</b>	<b>8,931,311</b>	<b>160,500</b>	<b>2%</b>
<b>F. Surplus/(Deficit)</b>	<b>764,777</b>	<b>527,246</b>	<b>237,531</b>	
<b>G. Funds received from Other Bodies</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>



## INFORMATION FOR AGD PURPOSES

FOR THE YEAR ENDED 30TH JUNE 2007

	2007	2006
	\$	\$
Reconciliation with Statutory accounts		
Operational surplus/(deficit) (for AGD Purposes)	764,777	325,450
Adjustments		
Surplus/(Deficit) from previous year	(325,450)	-
Capital Expenditure	78,228	94,652
Depreciation	-	(119,000)
<b>Net surplus/(deficit) per Income and Expenditure Statement</b>	<b>\$517,555</b>	<b>\$301,102</b>



## ADDITIONAL INFORMATION

### ALSWA Opening Hours

8.30 am to 5.00 pm weekdays (Perth, Bunbury, Carnarvon, Kalgoorlie, Kununurra, Laverton, Northam), 8.00 am to 4.30 pm weekdays (Albany, Broome, Derby, Fitzroy Crossing, Geraldton, Halls Creek, Meekatharra, Newman, Roebourne, South Hedland, Warburton).

### ALSWA Figures

ALSWA staff gave legal advice in 1,991 matters, duty lawyer assistance in 8,943 matters and casework in 14,831 matters, totaling 25,765 matters.

### Access and Equity

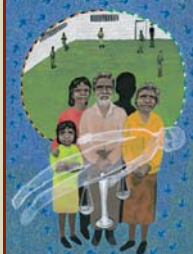
ALSWA's clients meet eligibility requirements, including a means test and a merit test, with certain categories of case getting highest priority. ALSWA provides a culturally appropriate service by: recruitment processes and work conditions that ensure many Aboriginal and Torres Strait Islander staff, 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 people, 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 HR procedures, Basic Accounting for non –Accountants, Data Management, Payroll, Salary Packaging Rules, Payroll, ACCPAC Accounting Software, Management Training, training through the Human Rights and Equal Opportunity Commission, Tenant Advocacy Training (TAS), Article Clerk training (LAWA), Management Training (CCI), workplace Training, Indigenous Issues course, Debt Issues training (Law Society), Online Seminar on Coronial Inquests (NSW College of Law), SARC Seminar on addiction/mental health issues, Family Law WA Seminar, Family Law Practitioners Association conference, Changes to Family Law legislation, Changes to Family Law Act, In house training on Family Law, Biannual National Family Law conference, training through the National Association of Community Legal Centre and the National Network of Indigenous Women's Legal Services, various staff attendance at the Criminal Lawyers Conference, ongoing training at Unit meetings, two Court Officer Training programs, IT Traineeship, Legal Secretary traineeship through TAFE. Following liaison, Central TAFE have secured the NILAC Course (National Indigenous Legal Advocacy Course, 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.

### ALSWA Staff

Perth 3 Senior Management, 23 Lawyers (14 Criminal, 4 Human Rights, 4 Family, 1 law and Advocacy), 10 Court Officers (6 Criminal, 1 Human Rights, 1 Prisons (Male), 1 Prisons (Female), 1 Women's Contact Officer, 8 Secretaries/PA's, 2 Snr Management, 2 Criminal, 2 Civil and 2 Family, 9 Administration staff, 1 Policy Officer, 1 Public Relations Officer, 1 Librarian, 1 Historian, 1 RCIADIC Officer. Albany 1 Lawyer, 1 Court Officer, 1 Secretary. Bunbury 1 Lawyer, 1 Court Officer, 1 Secretary. Broome 2 Lawyers, 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 Solicitor, 1 Court Officer, 1 Secretary. Halls Creek 1 Court Officer. Kalgoorlie 2 Solicitors, 1 Court Officer, 2



## ADDITIONAL INFORMATION

Secretaries. Kununurra 1 Solicitor, 1 Court Officer, 2 Part-time Secretaries. Laverton 1 Court Officer (Part-time from Kalgoorlie), Meekathara 1 Court Officer. Newman 1 Court Officer. Northam 1 Court Officer, 1 Secretary. Roebourne 1 Court Officer. South Hedland 1 Solicitor, 1 Court Officer, 1 Secretary. Warburton 1 Court Officer.

ALSWA gratefully acknowledges all who have contributed to this Annual Report and thanks Media World Pictures for the use of photographs from 'The Circuit'.

ALSWA gratefully acknowledges the financial assistance of the Commonwealth Department of the Attorney General and the assistance of LexisNexis in our publications.

The ALSWA 2007 Annual Report was compiled by Jodi Hoffmann, ALSWA Media/Public Relations Officer.





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