

“

For the pain, suffering and hurt of these Stolen Generations, their descendants and for their families left behind, **we say sorry.**

To the mothers and the fathers, the brothers and the sisters, for the breaking up of families and communities, **we say sorry.**

And for the indignity and degradation thus inflicted on a proud people and a proud culture, **we say sorry.**”

– The Australian Prime Minister, Hon Kevin Rudd
February 13th, 2008





ABORIGINAL LEGAL SERVICE OF WESTERN AUSTRALIA

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CHIEF EXECUTIVE OFFICER'S REPORT DENNIS EGGINGTON

I am pleased to report on the work of the Aboriginal Legal Service of Western Australia (Inc) for the 2008 financial year.

The Annual Report is a requirement of our contract with the Commonwealth Government and includes financial reporting that is also a requirement under section 31 of our Constitution.

In presenting ALSWA's Annual Report we take the opportunity to inform our membership about what has been happening over the past 12 months. This report is also our way of showcasing the great work of the ALSWA.

We also take this opportunity to introduce our Executive Committee members, who are our members' elected representatives and continue to provide leadership and guidance to the organisation. This report introduces our new President elect Mr. Terry Whitby, who brings a wealth of experience to our organisation. We look forward to working with our new board.

Our operations over the past 12 months have continued to provide our community and our partners with a service we can all be proud of. Hard work and dedication by all of our staff has meant that we have been able to maintain service delivery despite very real threats from increases in all areas of operational costs but especially escalating fuel and rents across the state. Rents for our offices increased but it was the very high housing rentals that threatened our ability to keep staff, particularly in high cost mining regions. The Commonwealth Government recognised this threat and provided us with funds to purchase a number of houses. We will continue keeping our commitment to rural and remote services.

Our negotiations to renew our contract with the Commonwealth have been successful and will provide us with the resources to operate until June 2011. We are confident that ALSWA's performance over the past three years has secured a sound future. I make this observation from the performance outcomes from our contract and the fact that we were able to have our contract renewed without going through another formal public tender process.

The Commonwealth are looking for well run organisations that have good, sound governance structures to take the lead on their many and varied programs. This development will see hubs of activity at a regional level. These hubs will provide legal representation, restorative justice initiatives, therapeutic jurisprudence programs, family violence preventative services and prisoner reform and re-entry programs. In positioning our organisation for these new developments we must look at what type of governance structure will be needed. These changes may mean a very different type of organisation.

The challenges for us will be to maintain community input and Aboriginal control. The Executive Committee have given Senior Management the authority to develop a proposal for these needed changes. As this change will be a fundamental rewriting of our constitution the ALSWA will need to call a Special General Meeting. Our membership will need to approve of these changes through a formal resolution. We will continue to keep our members informed of these new developments. In the meantime we will position our organisation to be in the best position to take on this challenge.

Our Executive Committee have been instrumental in steering ALSWA towards a diversity of programs that include our current representation of clients in the criminal, family law, civil and human rights jurisdictions while expanding into prisoner programs, restorative justice programs and auspicing family violence centres.



CHIEF EXECUTIVE OFFICER'S REPORT DENNIS EGGINGTON

These changes are in line with what our community has asked of us in providing better services to our women, victims of crime and our children.

The development of a new strategic plan to coincide with the next three year contract has set the direction for what we want to achieve, how we see ourselves and what is our purpose and the values we see as important to our operations.

Our philosophical position has changed little over the past 30 years. The essence of this is enshrined in the United Nation's Universal Declaration of Human Rights.

"Striving for the full emancipation of Aboriginal people through the realisation of our rights as First Nation people" is on the cover of our Strategic Plan. Our philosophical position was strengthened recently when the General Assembly of the United Nations finally adopted the Declaration on the Rights of Indigenous Peoples after decades of struggle by the world's Indigenous peoples. Many of our own people played an instrumental role in the Declaration's inception, drafting and then lobbying for its adoption.

We have developed our strategic plan around the traditional Aboriginal values of Caring, Sharing and Respect. We incorporate these values with our clients, our staff, our environment, our way of working and how we approach others.

We have now experienced changes of both the Federal and State governments since we last reported. On a high note was the long awaited apology by the Prime Minister to the 'Stolen Generation's. This historic event was broadcast Australia wide. For those who could not make the journey to Canberra communities set up large TV screens to watch this event.

Unfortunately the most famous stolen generation case lost its champion when Mr. Bruce Trevorrow passed away. Although winning a significant compensation claim Mr. Trevorrow died while the state of South Australia was appealing the decision that formed the basis of the compensation.

The ALSWA continues to work with Perth law firm Lavan Legal to seek redress through our legal system for members of the stolen generations. The ALSWA will also continue our commitment to those who have been the victims of the Stolen Wages issue.

On the issue of the WA Redress Scheme ALSWA has begun submitting applications, while expediting those claims where someone has a life threatening illness.

The change of government in WA has had the ALSWA on the front foot. Law and order was placed high on the agenda of both major parties leading up to the State Election. The WA Liberal party has developed policy around law and order that we believe will see more and more Aboriginal people come into the justice system. Our organisation has called for a new emphasis on the implementations of the Royal Commission into Aboriginal Deaths in Custody (RCIADIC). This report is still very relevant in addressing the underlying social conditions that see our peoples overrepresented in the criminal justice system. We now know from expert research as done by the Telethon Institute for Child Health Research that those causal pathways to offending, are developed early in childhood through the devastating effects of families in crisis.

We all need to demand strong, healthy and happy families.

Dennis Eggington



PRESIDENT'S REPORT TERRY WHITBY

I am proud to present my first report as President of ALSWA's Executive Committee, and would like to begin by acknowledging the wonderful efforts, dedication and commitment of our Management and Staff throughout Western Australia.

The Aboriginal Legal Service of Western Australia (ALSWA) is an icon body which plays a vital role in social justice through its advocacy work and high standard of legal representation and support services for Aboriginal and Torres Strait Islander peoples.

Our Committee has set a mandate to have family violence, prisoner reform and alcohol programs prioritised for our people. By approaching these areas with a high standard of services delivery which encompasses a holistic approach, we will begin to see more opportunities and better outcomes.

As the incarceration rates of our people continues to rise, we remain committed to working tirelessly to combat the legacy that colonisation has left us with. Our staff have worked extremely hard throughout the year and our Court Officers play a vital and unique role within ALSWA through their authority (granted under the Section 48 Certificate) to represent Aboriginal and Torres Strait Islander peoples in the Children's Court and the Court of Petty Sessions.

ALSWA will continue to advocate for effective and alternative measures to be implemented, such as Aboriginal Courts and a Statewide Interpreter Service.

ALSWA is deeply committed to ensuring a better future for our people and we renew our commitment to women, children and families particularly in remote and regional areas of the state and look forward to branching further into restorative justice.

I have been fortunate to attend numerous meetings relating to ALSWA's work, and had the opportunity to meet with our national ATSILS Chairpersons, CEO's and Principal Legal Officers in Canberra this year. It is with great pride that I inform our members that at this meeting, ALSWA was named as the inaugural recipient for the ATSILS Employee of the Year Award (see page 20)

ALSWA would like to thank the Commonwealth Department of the Attorney General for their efforts in working co-operatively with us to ensure that we are all working towards the same outcomes.

We welcome both the new Federal and State governments and firmly maintain that a close working relationship will achieve improved outcomes. For too long, governments have worked for us, rather than with us and we can now see a way forward as we embark on our collective and cohesive working relationship with key stakeholders.

ALSWA has re-negotiated a new three year contract which is a clear indication of the importance of our work and the confidence that has been placed in this organisation.

On behalf of ALSWA's Executive Committee, I believe that it is essential that we remain a change agent for this organisation's future direction and that we embark upon a Corporate structure for the future.

Our commitment to our community and other key stakeholders is driven by not only setting and maintaining a high standard of service delivery, but also through assisting our people in the healing process. Community consultation, involvement and partnerships with key stakeholders is a vital start if we are to work together to ensure a brighter future for our people.

Terry Whitby



EXECUTIVE OFFICER'S REPORT KATRINA CARLISLE

I have recently taken on the position of Manager, Legal Services and ALSWA has employed Mr John Bedford to take over the role of Executive Officer.

I would like to thank the Executive, Management and staff of ALSWA for their support, hard work and dedication whilst I have been in the position of Executive Officer. Whilst I have moved into another area of ALSWA, I will continue to strive to ensure ALSWA is continually reviewing and improving our services to ensure that we maintain a quality service to our clients and further to ensure that our Staff needs are attended to.

GENERAL

2007 – 2008 was the final year in ALSWA's 3 year contractual arrangement with the Attorney General's Department, after winning the tender to provide Legal Aid Services to the Indigenous community of Western Australia in 2005.

Overall the organisation has coped exceptionally well with the change that was required in order to meet the obligations imposed by the contractual arrangements. Whilst there have been many challenges, the ALSWA has continue to provide a quality legal service to our community in Western Australia.

STAFFING

Staff turnover and retention in regional areas has again been an issue for ALSWA. The increased cost of living as a result of the "Resources Boom" in Western Australia and the inability to provide competitive, equitable salaries and conditions for regional staff is continuing to have an impact on our ability to recruit and retain.

Some of the major staffing issues in 2007 – 2008 were:

- Recruitment issues in the Kalgoorlie office has meant that relief / locum solicitors were required to ensure continuity of service. This issue has still not resolved, with a vacancy still existing for the position of 2nd Solicitor, so it continues to place pressure on existing staff on the ground in Kalgoorlie.
- The South Hedland Solicitor and Court Officer positions were vacant for an extended period of time. The normal difficulties of attracting staff to the area are exacerbated by exorbitant rental costs and general cost of living. The Solicitor's position was filled in February and the Court officer's position is now filled also.
- Recruitment in the Perth office has focussed initially on staff replacement, and further in recruiting for additional projects that ALSWA has been successful in obtaining funding for. (ie REDRESS WA)
- A number of our smaller regional offices have traditionally been operated by a single court officer. We have been attempting to endure that adequate administrative support has been offered to the staff who work in these high pressure, highly isolated roles by employing part time secretarial support.

As the workload of ALSWA continues to increase ALSWA has started to develop short, medium and long term Human Resource planning in order to ensure that our recruitment and retention strategies continue to attract quality staff to the Organisation. This will involve, using technology



EXECUTIVE OFFICER'S REPORT KATRINA CARLISLE

to our greatest advantage and using more modern approaches to recruitment through the internet as opposed to traditional methods of advertising in the print media. We are also ensuring that our leave planning and management practices are consistent and transparent across the service.

ALSWA recognises that our staff (the people) are our most important asset and we will continue to work to provide our staff with a healthy and equitable workplace.

Finance and Administration

The Finance Unit of ALSWA has continued to work well under growing pressure. This has been due mostly to the Leadership and Strategic thinking of our Accountant, Walter Majewski.

Earlier in the financial year, a decision was made to implement change in the unit by reducing the number of staff in the unit and redesignating the work of that employee to other existing staff.

This change was been successful in the short term, however, ALSWA has been successful in obtaining further funding in the following areas:

- Expensive Case Funding
- Indigenous Justice Task Force
- Community Legal Education
- Liquor Project
- Redress WA
- Development of Website
- Purchase of Housing in Regional Area's
- Community Courts
- Auspicing of the Broome Family Violence Prevention Legal Service

This has meant a gross increase in the workload and ALSWA is now implementing temporary strategies to ensure that staff in the Finance area are not subject to unacceptable workloads. The strategies are temporary at the moment due to our Accountant, Walter Majewski, deciding to leave ALSWA in October 2008. We are currently recruiting for a new Accountant and will be including the new staff member in the long term planning for the Finance Section.

Auspicing the funding for the Broome Family Violence Unit has given ALSWA the opportunity to ensure that the Unit is functional and operating to meet the needs of victims of Family Violence and Sexual Abuse. The ultimate aim is to assist the unit in being able to become a solely incorporated body with strong governance, which will be able to operate without the need for an auspicing body. Whilst this means an initial increase in workload, ALSWA is being very prudent in ensuring that the Service operates in isolation to ensure that no conflicts of interest arise, whilst maintaining strong administrative and financial supports for the Service.

The Administration Unit was placed under immense pressure during this financial year, through increasing staff numbers across the organisation, change to our IT systems and our Operations Manager taking Long Service Leave. Whilst other staff were available to assist in ensuring the Operations of ALSWA were maintained, it did highlight the need again for effective Human Resource planning in the organisation.

The policies and procedures manual has been completely reviewed and the updated version was endorsed by the ALSWA Executive Committee at its meeting in May 2008. New policies which



EXECUTIVE OFFICER'S REPORT KATRINA CARLISLE

have been implemented include, but is not limited to, workplace bullying and children in the workplace.

ALSWA was successful in obtaining funding to purchase four (4) residential properties in regional areas to assist with staff retention and recruitment. ALSWA staff are not eligible to obtain Housing through the Government Employees Housing Authority (GEHA) so are required to enter the private rental market. In some regional areas, the cost of renting is exorbitant and finding a rental property is very difficult. It is becoming more frequent that ALSWA is required to enter into Corporate Leases for residential properties in order for our staff to obtain suitable accommodation. The funding has enable us to purchase a residential property in Kalgoorlie, Broome, South Hedland and Kununurra. The ability to provide accommodation for staff at reasonable rates in regional areas has already have a discernible impact on our ability to recruit in these areas. We have successfully recruited in Kalgoorlie and Broome, and our Solicitor in South Hedland will be moving into the ALS property once settlement has been completed.

Data Collection and Reporting Requirements

Being the third year of our contract, staff are now familiar with the requirements for reporting and data collection. The process of reporting on our data has progressed significantly and the initial time consuming role has reduced significantly. Our Operations Manager, Mark Johnston is to be commended for his continuing dedication to ensuring our data requirements are met.

ALSWA has successfully run three cultural awareness training programs in 2007 – 2008. The first was to the Country Lawyers Program, which is being run through Legal Aid WA, the program was facilitated by our Articled Clerk, Tammy Solonec, who was assisted by other ALSWA Staff. The second Cultural Awareness Training session was given to a number of new staff to ALSWA and also staff who have been seconded to ALSWA to work on Redress WA, this was facilitated by one of our Court Officers, Lorretta MacNamara who was assisted by other ALSWA Staff. Our last session was delivered to volunteers at Lavan Legal who are working to progress Stolen Generation Litigation in Western Australia, again this was facilitated by Lorretta MacNamara. All of the training sessions were very successful and ALSWA has commended the staff involved for their excellent work in this area.

Challenges in 2008 – 2009

As we head into the new contract period, ALSWA will continue to work hard to extend our services in regional and remote areas. Staff turnover will continue to be challenging and ALSWA will continue to develop strong Human Resources strategies to ensure that we are prepared for all eventualities.

ALSWA Executive, Management and Staff will continue to provide the best possible service we can to ensure that the needs of the community are met.

Katrina Carlisle



2008 ALSWA EDUCATION SCHOLARSHIPS ANNOUNCED



The Aboriginal Legal Service of WA (ALSWA) manages an Education Trust that was established in 2000 and we are proud to announce the recipients of our 2008 Scholarships. The Scholarships, open to primary and secondary students throughout WA provide \$250 for primary school students and \$500 for secondary students. To be eligible, our young people were asked to submit their application including an essay or picture that described their involvement with their local community, and how their schooling and this Scholarship would enable them to develop their plans for the future betterment of their community.

ALSWA congratulates

PRIMARY SCHOOL STUDENTS: Renae King, Camden Christensen, Madison Fitzgerald-McIntosh, Jessica Campbell, Joseph Campbell, Joe Roe, Meredith Lawson, Katiska Davis, Jacinta Caldwell, Tiegan Eades (Central), Jasely-Jean Dimer (Goldfields), Jordan Reid (Murchison-Gascoyne), Kaitlyn Eades, Sian Ugle, Isabella Strnadica and Leesha Weston (Southern)

SECONDARY SCHOOL STUDENTS: Ashleigh Websdale, Cassandra Green, Tahnee Phillips (Murchison Gascoyne), Tori Jaye Christensen, Alex Stack, Marleena McIntosh, Preston Culbong, Acacia Collard, Hayley White, Casey Kickett, Mikayla King, Jordan Coughlin, Juanita DuPont, Amber Tynan, Benjamin Curtis, Wesley Lockyer, Tamisha Prior (Central), Suraya Sambo, Rickeisha Tchooga (East Kimberley), James Ray, Matthew Forrest, Ada Stokes, Beige Dimer, Vera Dimer (Goldfields), Anika Coppin-Foley (Pilbara), Anne Lomas, Chelisa Eades, Alexander Brown, (Southern), Eleisha Ozies, Brianne Ozies, Jessica Moora (West Kimberley).

An Awards Ceremony for recipients in and around Perth was held at ALSWA's Head Office and pictured with ALSWA's Dennis Eggington and Katrina Carlisle are Katiska Davis, Madison Fitzgerald-McIntosh, Kaitlyn Eades, Alex Stack, Acacia Collard, Casey Kickett, Juanita DuPont, Amber Tynan, Chelisa Eades, Preston Culbong, and young Malakai Fitzgerald-McIntosh, who accepted the Award on behalf of Marleena McIntosh.



DIRECTOR OF LEGAL SERVICES REPORT PETER COLLINS

Contract with Commonwealth Attorney General's Department

2008 has been another challenging year for ALSWA's legal practice. ALSWA has completed the third year of its initial contract with the Commonwealth Attorney General's Department for the provision of legal services to the Western Australian Aboriginal community and has recently commenced the first year of its second contract with the Department.

ALSWA continues to maintain a high standard of legal service delivery and comply with all of its contractual obligations. This is due in no small measure to the ongoing hard work, dedication and commitment to excellence of ALSWA's solicitors, court officers and support staff.

Justice Issues

Previous Director of Legal Services reports have referred to the high rates of Aboriginal incarceration in Western Australia. There has been no reduction in imprisonment rates from 2007, with Aboriginal people comprising 42% of all prisoners in adult jails. Similarly, 76% of the total juvenile detention population is Aboriginal. At the start of November 2008, 119 of 156 detainees in juvenile detention centres were Aboriginal. These statistics highlight the crisis in the overrepresentation of the Western Australian Aboriginal community in custody.



Pictured at the launch of the 2nd Edition of the 'Aboriginal Benchbook for Western Australian Courts' are Dennis Eggington ALSWA CEO, Robert French Chief Justice of the High Court, Stephanie Fryer-Smith, Chief Justice Wayne Martin, Judge Yeats and former WA Attorney General Jim McGinty

Funding of ALSWA

The figures on overrepresentation highlight the acute need for ALSWA to be properly funded to provide legal advice and representation to the WA Aboriginal community. However, ALSWA continues to be chronically under funded when compared with the resources allocated to the WA Legal Aid Commission. The most recent national figures indicate that the total funding for Legal Aid for 2007 – 2008 was \$163.8 million, while the figure for Aboriginal and Torres Strait Islander Legal Services funding in the same period was \$52.5 million. These figures raise important issues in relation to equity and fairness, especially in the area of salaries for ALSWA staff. As was noted in the 2003 Evaluation of the Legal and Preventative Services Program, "ATSILS practitioners work in a more stress filled, demanding environment than their LAC counterparts and are very dissatisfied with their comparative lower remuneration". Further, given the "myriad studies and research that undeniably demonstrate the abysmal levels of disadvantage suffered by Indigenous people in Australia, it is incredible that an Indigenous organisation continues to be funded well below the levels of mainstream services" (Australian Institute of Criminology, Australian Crime: Facts and Figures 2006 (2007).



DIRECTOR OF LEGAL SERVICES REPORT PETER COLLINS

Another consequence of the funding crisis is that ALSWA has no present capacity to employ civil and family law solicitors in its regional offices. While both the Civil and Human Rights unit and Family Law unit have performed admirably in servicing remote and regional areas, there remains a huge unmet legal need in these areas of law in rural Western Australia.

The Overrepresentation of Young Aboriginal People in the Juvenile Justice System

In January 2008, ALSWA produced a submission entitled "The Overrepresentation of Young Aboriginal People in the Western Australian Juvenile Justice System". The submission made 26 recommendations aimed at reducing the overrepresentation of young Aboriginal people in the juvenile justice system. The submission was provided to all major stakeholders involved in juvenile justice.

ALSWA's submission was the catalyst for a number of important initiatives involving government agencies, including an office of the Auditor General of Western Australia's report entitled "The Juvenile Justice System: Dealing with Young People under the Young Offenders Act 1994", the establishment of a Juvenile Justice Project Group comprising several Government departments and the WA Police Service and a Pilot Youth Justice Project initiated by the President of the Children's Court to improve the quality of programs and supervision for high risk young Aboriginal offenders appearing in the Children's Court.

Only time will tell whether these initiatives deal with the critical issue of the over representation of young Aboriginal people in the juvenile justice system.

Indigenous Justice Taskforce ("IJT")

In 2007, the IJT was created by the Chief Justice of the Supreme Court of Western Australia to coordinate the judicial, prosecutorial and defence response to the intervention by several specialist Western Australian police units in Aboriginal communities in the Kimberley. This intervention resulted in the charging of numerous individuals with sexual offences.

Nearly all matters falling under the IJT umbrella involve ALSWA clients. ALSWA has now acted for over 150 clients, including 30 juveniles, following the establishment of the IJT. Cases have been heard in the Supreme Court, District Court and Children's Court in Kununurra and Broome from March 2008 until now, with further cases listed up until December 2008, and beyond. The IJT has been a significant undertaking for ALSWA, especially with respect to the case management of client matters, the organization of representation, the taking of instructions from clients, the briefing of counsel and the arrangements for the attendance of clients at court. ALSWA has provided high quality representation to IJT clients. In that respect, ALSWA is fortunate to have received the assistance of barristers from the Western Australian, Victorian and Northern Territory Bars. I am also most grateful to Mara Barone, Ben Tyers and Rosalind Russell-Smith of ALSWA's Perth criminal law unit for their dedication and assistance with IJT matters.

The IJT has highlighted a number of important issues confronting the Aboriginal community in remote and regional areas. These include:

- (a) the lack of supervision or rehabilitation programs for offenders in remote communities on community based and parole orders,
- (b) the "stranding" of IJT clients who have been removed from remote communities to regional centres to appear in court, either been bailed or given a non custodial order, but then not been assisted to return to their community of origin, and
- (c) the absence of an interpreter service in Aboriginal languages to assist IJT clients appearing in court.



DIRECTOR OF LEGAL SERVICES REPORT PETER COLLINS

Stolen Generations and Redress WA

ALSWA has entered into a 'Teaming Arrangement' with prominent Perth legal firm Lavan Legal to advise and represent clients in legal proceedings arising from their removal from family as a result of stolen generation policies. The assistance provided by Lavan Legal has been on a pro bono basis. It is anticipated that Writs will be prepared and filed in the Supreme Court over the forthcoming months. This has been ground breaking work and the first occasion on which ALSWA has been in a position to assist clients in this way. It is hoped that if there are positive outcomes for clients as a consequence of the institution of legal proceedings that this will provide an opportunity to approach government with a view to resolving stolen generation cases without having to resort to litigation.

In late 2007, the State Government announced the Redress WA scheme, which was established to assist individuals who were abused while in State care in Western Australia. ALSWA has entered into a contract with the Department of Communities in August 2008 to act as a service provider to assist individuals to access the Redress WA scheme. This too has been a major undertaking for ALSWA. ALSWA currently has over 900 Redress WA clients and expects this number to increase significantly in 2009. I would like to thank the manager of ALSWA's Perth Civil and Human Rights unit, Gulmina Mioceвич and her staff, for their tireless work in this and the Stolen Generations projects.



L-R Rosalind Russell-Smith (Restricted Practitioner), Ben Tyers (Solicitor) and Mara Barone (Managing Solicitor, Criminal Laws Unit)



Gulmina Mioceвич, Manager of ALSWA's Perth Civil and Human Rights Unit

Racial Discrimination

In September 2008, the Federal Magistrates Court upheld a claim by an ALSWA client that a non Aboriginal person had acted unlawfully and breached the Racial Discrimination Act by engaging in offensive behaviour. The offensive behaviour involved persistent and hurtful racial abuse. The client was awarded damages and an unqualified written apology was ordered. This was a landmark decision, involving judicial recognition of the unlawfulness of racial abuse based upon race. Mr Thomas MacFarlane of Corrs Chambers Westgarth, appeared for the ALSWA client on a pro bono basis. ALSWA is most grateful to Mr MacFarlane and Corrs for their assistance in this important matter.



DIRECTOR OF LEGAL SERVICES REPORT PETER COLLINS

Pro Bono Arrangements

ALSWA has maintained and expanded its pro bono arrangements with a number of private law firms. ALSWA is indebted to the following for their ongoing pro bono assistance:

- Legal Aid Commission of WA
- Members of the Western Australian Bar
- Members of the Victorian Bar
- Corrs Chambers Westgarth
- Lavan Legal
- Allens Arthur Robinson
- Blake Dawson Waldron.



Loretta McNamara ALSWA Court Officer (and an accredited Noongar Language teacher) who has provided Cultural Training to new staff and pro bono law firms who assist ALSWA with work for Stolen Generations, Stolen Wages and Redress WA. The workshops are titled 'Kaadatjin-ak Ngaalark Moort' which is Noongar for 'Learning about our People'.



Kenny Sutton, Manager of ALSWA's Court Officer Unit



ALSWA Legal Secretaries L-R Margaret Stephens, Noala Ryder and Maureen Cameron

Aboriginal staff

ALSWA has maintained its commitment to employ Aboriginal solicitors. ALSWA currently employs four Aboriginal solicitors working in regional offices and five 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. Further, ALSWA's Court Officers continue to play a crucial role in assisting ALSWA's clients, especially in remote and regional areas

Finally, I am most grateful to Dennis Eggington, Katrina Carlisle, John Bedford of ALSWA senior management team and the ALSWA Executive Committee for their continued support.

Peter Collins



EXECUTIVE COMMITTEE OFFICE BEARERS



TERRY WHITBY, President, Pilbara Region

Terry Whitby is a Budimia Yamatji who has been involved in Aboriginal Affairs for many years. He is motivated by the ongoing injustice that faces our people and believes that governments and Aboriginal leaders and advocates have a major role to play in ensuring a better future for our people.



MURRAY YARRAN, Vice President, Central (Metro) Region

Murray Yarran is a Noongar man with traditional ties to the Balladong and the Swan River people and is in his 3rd term with ALSWA's Executive. He believes that working with government in a culturally appropriate law and justice system will provide our people with a fairer and more equitable opportunity and assist in providing better opportunities and lowering incarceration rates.



ROSETTA SAHANNA, Secretary, West Kimberley Region

Rosetta Sahanna is a proud mother and grandmother from Broome and is currently the Coordinator of the Kimberley Link Up Services with the Kimberley Stolen Generations Aboriginal Corporation. A former ATSIC Chairperson, she has a great interest in social and legal justice issues, advocates for equality and empowerment, and strives to make a difference by contributing, participating and being involved in decision making to improve our people's lifestyle.



IAN TUCKER, Treasurer, Goldfields Region

Ian Tucker is a Wongi man from Menzies who has a great interest in Aboriginal justice issues and ensuring that important information is getting back to his community. He is interested in finding out about issues across the state, to determine which programs do or do not work for our people and is supportive of self-determination.



EXECUTIVE COMMITTEE MEMBERS



MICHAEL BLURTON, (Central Metro region)

Mr. Blurton is a Noongar man, originally from Quairading who has served many years on ALSWA's Executive Committee. He is committed to working towards a better future for our people.



VERONICA WILLIAMS-BENNELL, (Goldfields Region)

Veronica Williams-Bennell is a Nyoongar/Mirning woman from Esperance and is committed to ensuring a better future for young people, a fairer justice system within the courts and combating issues related to drugs and alcohol.



BEVERLY THOMAS, (Central Desert Region)

Beverly Thomas is from Kalgoorlie and has lived in Kanpa Community for the last 15 years. With a long association with ALSWA's Executive Committee, she is committed to the issues facing our people and the important role played by ALSWA.



PRESTON THOMAS, (Central Desert Region)

Preston Thomas is from Laverton and has lived in Kanpa Community for the last 15 years. He has been involved with ALSWA's Executive Committee for many years and has a great interest in ALSWA's work and the justice system in Western Australia.



JUDITH BUTTERS, (East Kimberley Region)

Judith Butters, a Justice of the Peace, is from the Halls Creek region, East Kimberley. Her late father was Gija, with their Country north of Halls Creek and south of Warmun, incl Bungle Bungle and her mother is Gooniyandi, from the north eastern parts of the Fitzroy Valley. Having witnessed the injustice and racism faced by our people, she is committed to bridging the gap between Aboriginal and non-Aboriginal people and reducing the incarceration rate by ensuring there is a greater understanding of the laws governing this Country.



GEORGE HAMILTON, (East Kimberley Region)

George Hamilton is originally from Wyndham and is a representative of the East Kimberley region. He has always had an interest in justice and is ensuring that our people get 'a fair go'.



EXECUTIVE COMMITTEE MEMBERS



LORRAINE WHITBY, (Murchison/Gascoyne Region)

Lorraine Whitby is a Yamatji woman from Carnarvon with a long history of representing the interests of Aboriginal people. She is committed to working with Aboriginal and Torres Strait Islander people to achieve a better outcome for a brighter future.



VIOLET WHITBY, (Murchison/Gascoyne Region)

Violet Whitby is a Yamatji woman from Carnarvon who is committed to ensuring that our people have a greater understanding of legal issues and the justice system in Western Australia.



PHYLLIS SIMMONS, (Pilbara Region)

Phyllis Simmons is a Yamatji woman from the Karratha (Pilbara) region who is committed to women's issues and seeking justice for our people. She is concerned about the overcrowding of prisons and the importance of healing and rehabilitation centres and would like to see more diversionary processes to reduce prison intake.



PAUL SAMPI, (West Kimberley Region)

Paul Sampi is a Bardi Elder from One Arm Point. He is committed to doing what he can to prevent alcohol and drug related issues and to ensure a better future for Aboriginal children. Through his involvement on ALSWA's Committee, Mr. Sampi ensures that his community are aware of ALSWA services and the law in W.A.



OLIVIA ROBERTS, (Southern Region)

Olivia Roberts is a proud woman from the Weirlumun tribe committed to working towards more self-determination and empowerment for our people as we strive for justice. She is supportive of the important role played by healing and rehabilitation.

DEAN COLBUNG, (Southern Region)

Dean Colbung is a Nyoongar man who has a great commitment to community politics at a local level. Representing the Southern region, this is his first term on ALSWA's Executive Committee.



LAW AND ADVOCACY REPORT

Kalumburu Restorative Justice Project

“Restorative justice” aims at restoring relationships between people with legal matters with examples including 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 appointed as the ALSWA Law and Advocacy (Restorative Justice) Officer and commenced in October 2007.



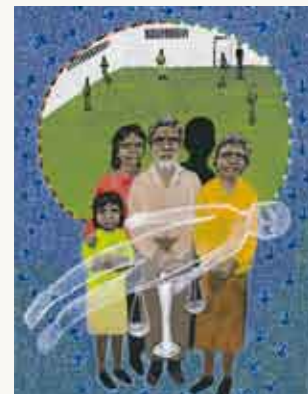
Christine Cigobia - ALSWA Kalumburu Restorative Justice Officer

Kalumburu is in the far north of the Kimberley region, approximately 650 kms from Derby in the south west and 550 kms from Kununurra in the south east.

One of the greatest challenges to overcome in this project is the isolation and distances involved in getting the project off the ground. Christine has been instrumental in holding meetings in the Community with both men and women and the project is supported by the community. Christine is also gaining the support of the relevant major stakeholders in the justice system in the Kimberley's. With the commencement of a dedicated Magistrate in the East Kimberley Circuit, the project looks set to continue making inroads and ALSWA will continue to advocate within the region for a Community Court to be established which will have a positive impact in the community.

Royal Commission into Aboriginal Deaths In Custody (RCIADIC)

ALSWA is dedicated to ensuring that the Recommendations of the Royal Commission into Aboriginal Deaths in Custody are implemented by the relevant state government bodies. ALSWA is close to finalising a report on the implementation of the Recommendations. This report has been thoroughly researched and prepared by Victoria Hovane and is now in the final stages prior to release. In addition to this ALSWA continues to promote change and the implementation of the recommendations through advocacy at a high level. This has been demonstrated through ALSWA's involvement with the Department of Corrective Services to address the issues of Prisoner transportation in Western Australia.



RCIADIC Artwork by Badimaya artist Julie Dowling for ALSWA's RCIADIC Report Front cover

Women's Support Officer

Dayle Anderson (*pictured on right*) ALSWA's Women's Support Officer during this financial year, was responsible for attending Bandyup Women's Prison weekly and Boronia Pre-Release Centre for Women fortnightly to provide women with legal information and advice. ALSWA's Women's Support Officer also assists with referrals to more appropriate agencies, assists women and girls with family and domestic violence matters through legal advice and information, referrals, as well as representation in court for interim violence restraining orders.





LAW AND ADVOCACY REPORT

Male Prisoner Support Officer

Sam Dinah is ALSWA's Male Prisoner Support Officer and he 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.

This year Sam has also made regional visits to Prison's in Broome, Roebourne, Greenough and Albany. During these visits he provides similar services as described above, but also makes valuable contacts within the community to try and ensure that prisoners who are eligible for release have the best possible chance of returning to their community without re-offending.

Of interest, Sam is a qualified AFL umpire and regularly umpires football matches within the Prison system. This is a rewarding experience for Sam and also for the prisoners who have an opportunity to play Australia's most loved game. He is also very involved in ALSWA's community stalls and is pictured here arriving at the 2008 Badjaling Cultural Festival (160 kms from Perth and 10 kms east of Quairading) to set up a stall for ALSWA.



Sam Dinah ALSWA Male Prisoner Support Officer

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.

This year, the Law and Advocacy Unit has also continued its Statewide distribution of "Law Matters" a 4 volume set of CDs, recorded and produced by ALSWA and containing legal information on 28 different legal topics. These CD's have been widely distributed to radio stations, prisons, community legal services, Aboriginal corporations, schools, TAFE's and others, as have ALSWA pamphlets containing legal information. Our pamphlets are also available at community stalls, sent via post, from ALSWA offices and our website at www.als.org.au along with submissions on various topics including the Prisoner Transportation, move on laws, fines laws; juvenile justice issues and police complaints process.



Flashback to 2006 when ALSWA recorded 'Law Matters'. In the studio are former ALSWA Court Officer Kenny Griggs, and current ALSWA Court Officer Manager Kenny Sutton



LAW AND ADVOCACY REPORT

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 examining the implementation of ALSWA's recommendations in regards to juvenile justice issues; and the WA government is now investigating the possibility of setting up a Statewide Aboriginal and Torres Strait Islander languages interpreter service.



Sorry Day (2008) in Perth and pictured L-R at ALSWA's stall are Dayle Anderson, Sam Dinah, Kate Allingham, Kyle Anderson and Rhonda Stott



Sea of Hands, Sorry Day 2008



ALSWA renews its Memorandum of Understanding with Legal Aid WA.

Pictured L-R are Mr. George Turnbull LAWA Director and Mr. Terry Whitby ALSWA Executive Committee President



Berni Lockyer ALSWA Family Liaison Officer/Community Educator, at ALSWA's stall for the Official Opening of NAIDOC Week 2008



HISTORY PROJECT DR. FIONA SKYRING

The Aboriginal Legal Service of Western Australia History Project is close to completion, and historian Fiona Skyring is nearing the end of the oral history interview program.

In addition to funding provided by AIATSIS, Lotterywest and the Department of Premier and Cabinet, the Commonwealth Attorney-General's Department contributed \$10,000 to the project, and ALSWA gratefully acknowledges this support.

Minara Resources, through their community liaison office at Murrin Murrin Mine near Laverton, have also generously assisted the ALSWA history project this year.

Agreement has been reached with the University of Western Australia Press in relation to publication of the book, now scheduled for release in early 2010.

Aboriginal Legal Service of Western Australia (Inc)

"Striving for Justice for Aboriginal and Torres Strait Islander people for over thirty years"

COMMITMENT TO COMMUNITY

The Aboriginal Legal Service of Western Australia has a long history of striving for justice for Aboriginal and Torres Strait Islander peoples in this state.

Our staff also bring a wealth of experience to their roles and it is timely to acknowledge the important work of Mr. Frank Chulung (ALSWA's Kununurra Court Officer) and Mr. Sam Dinah (ALSWA's Perth based Male Prisoner Support Officer).

2008 marks the 30th anniversary of when Mr. Chulung and Mr. Dinah first commenced with the Aboriginal Legal Service as 'Field Officers', as the role was then referred to back in the 1970's.

Whilst both have worked at ALSWA and in other roles over this time, they have shown a great deal of commitment to their work with ALSWA over many years and to their own community, and they are a very important part of our professional team.



L-R Sam Dinah and Frank Chulung



ALSWA HONOURED WITH INAUGURAL NATIONAL AWARD



Katrina Carlisle with ALSWA's Senior Management (L-R) John Bedford, Dennis Eggington and Peter Collins

It is with great pride that we announce that the inaugural National 'ATSILS Employee of the Year Award' was awarded to Katrina Carlisle, ALSWA's Manager of Legal Services.

Announced in Canberra in 2008, this Award was established by the Attorney General's Department in acknowledgement of the outstanding contribution that an individual Aboriginal and Torres Strait Islander Legal Services (ATSILS) staff member makes to their own community and the broader Australian community.

Commencing work as a Court Officer with ALSWA in 1995, Katrina, a Wongi woman from the Goldfields region of Western Australia, has worked in a variety of roles including Senior Court Officer, Manager of the Court Officers Unit, Women's Contact Officer, Deputy CEO/Executive Officer and is now ALSWA's Manager of Legal Services.

A mother of three, she was thrilled to receive the Award and humbled that it was given in acknowledgement of her outstanding dedication and loyalty to her family, ALSWA and community, and contribution to delivering justice outcomes for Aboriginal and Torres Strait Islander peoples in Western Australia.

"When I was told I won the Award I didn't believe it - it was an honour to be nominated and to receive the award. I don't believe I work any harder than any other individual at ALSWA or within the National ATSILS arena. We all work in the ATSILS environment because we share a strong sense of social justice, and each and every person is deserving of recognition for the work they do. I hope that I can represent their efforts and interests adequately" said Mrs. Carlisle.

"I would also say this Award is accepted on behalf of ALSWA and its staff and Executive Committee who work tirelessly to promote the rights and interests of the Aboriginal and Torres Strait Islander Communities of Western Australia."

The 2008 ATSILS Employee of the Year Award includes a glass trophy, a certificate and sponsorship for professional development opportunities and the Attorney-General's Department will continue to sponsor this Award annually.



NATIONAL APOLOGY 13 FEBRUARY 2008

Ten years on from the 'Bringing Them Home Report' (BTH), history was made in Australia when Prime Minister Kevin Rudd apologised to our Stolen Generations on the 13th of February this year.

Throughout the Country, Aboriginal and non-Aboriginal people gathered to witness the live telecast from Parliament House in Canberra beamed across Australia via television and radio.

For many, this significant Apology marked the beginnings of the long overdue healing process.

On the Esplanade in Perth (pictured below) overlooking the Derbarl Yerrigan (Swan River), crowds gathered at dawn to share in this historic and emotional event that finally acknowledged the wrongs of the past and said 'Sorry' to our people.

The Aboriginal Legal Service of Western Australia contributed significantly to the 'National Inquiry into Separation of Aboriginal and Torres Strait Islander Children from their Families', through its mid-nineties publications "Telling our Story" and "After the Removal". These reports saw over 700 people in Western Australia talk publicly about their personal journeys as they recalled their own painful stories of removal.

ALSWA is inspired by the strength and resilience of our Stolen Generations and continues to provide ongoing support and seek compensation. We have entered into a number of pro bono agreements with law firms to manage the increasing numbers of our people seeking assistance within this area.



The crowd gathers on the Perth Esplanade on the morning of the National Apology



Applause as the Prime Minister delivers the Apology



FINANCIAL REPORTS FOR THE YEAR ENDED 30TH JUNE 2008 AS PREPARED BY ACCOUNTANT WALTER MAJEWSKI

In Financial Year 2008 ALSWA achieved a surplus of \$299,980 (2007: \$512,741) from total revenues of \$11,215,980 (2007: \$9,747,387). The result continues to strengthen the financial position of the organization and enables ALSWA to approach its future challenges with confidence.

The following statements are the audited consolidated financial accounts for the year ended 30 June, 2008. 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 2008, and the income statement, statement of changes in equity and 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 establishing 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 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 association'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 association's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by Aboriginal Legal Services of WA (Inc), as well as evaluating the overall presentation of the financial report.



INDEPENDENT AUDITOR'S REPORT

The financial report has been prepared for distribution to members for the purpose of fulfilling the 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

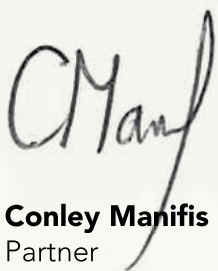
In our opinion, the consolidated financial report for the year ended 30 June 2008 is properly drawn up:

- (a) So as to give a true and fair view of the financial position of Aboriginal Legal Services of WA (Inc) as of 30 June 2008 and of its financial performance and its cash flows for the year then ended in accordance with the accounting policies described in Note 1 to the consolidated financial statements;
- (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 Association;
- (d) In accordance with applicable Accounting Standards and other mandatory professional reporting requirements. As the association 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



Conley Manifis
Partner

Dated at Perth, Western Australia this 18th day of November 2008



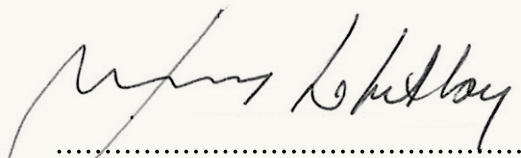
STATEMENT BY CHAIRPERSON/CHIEF EXECUTIVE OFFICER

In our opinion:

The accounts and schedules set out on pages 26 to 37 present fairly the consolidated financial position of the Aboriginal Legal Service of Western Australia (Inc) at 30th June 2008 and the results of its operations for the year ended 30th June 2008, 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 2007/2008 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 18 day of November, 2008.


.....
PRESIDENT


.....
CHIEF EXECUTIVE OFFICER



CERTIFICATE OF COMPLIANCE

This Schedule is established in respect of the 2007/2008 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

Terrence Whitby

In the presence of

Walter Majewski



BALANCE SHEET AS AT 30TH JUNE 2008

	Note	2008	2007
	\$	\$	\$
CURRENT ASSETS			
Cash	2	9,024,235	3,356,898
Receivables	3	213,549	189,609
Total Current Assets		9,237,784	3,546,507
NON-CURRENT ASSETS			
Property, furniture and equipment	1(B), 4	852,969	729,078
Leasehold improvements	1(B), 5	11,584	36,024
Motor Vehicles	1(B), 6	8,784	28,054
Total Non-Current Assets		873,337	793,156
TOTAL ASSETS		10,111,121	4,339,663
CURRENT LIABILITIES			
Accounts payable	1(E), 7	1,242,984	617,510
Provisions	8	1,285,911	976,777
Unexpended ATSSIS Grants	10	5,546,810	755,808
Total Current Liabilities		8,075,707	2,350,095
NON-CURRENT LIABILITIES			
Provisions	9	80,866	335,000
Total Non-Current Liabilities		80,866	335,000
TOTAL LIABILITIES		8,156,573	2,685,095
NET ASSETS		1,954,548	1,654,568
Accumulated Funds:			
Retained surplus/(deficit)		1,694,637	1,394,657
Asset Revaluation Reserve		259,911	259,911
TOTAL FUNDS		\$1,954,548	\$1,654,568

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 2008

	Note	2008	2007
	\$	\$	\$
INCOME			
Grants		10,578,130	9,349,091
Interest		216,838	94,626
Other income		421,012	303,670
		<u>11,215,980</u>	<u>9,747,387</u>
EXPENDITURE			
Salaries		7,019,502	5,980,436
Depreciation		113,657	130,800
Loss (profit) on sale of Assets		(9,879)	(3,853)
Other operating expenses		3,792,720	3,127,262
		<u>10,916,000</u>	<u>9,234,645</u>
Net surplus/(deficit) for year	11	<u>299,980</u>	<u>512,741</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 2008

	NOTE	2008	2007
		Inflows (Outflows) \$	Inflows (Outflows) \$
Cash flows from operating activities:			
AGD/ATSIS Funds		16,276,897	9,817,618
Interest received		216,838	94,626
Other receipts		363,512	420,793
Payments to suppliers and employees		(11,003,045)	(9,105,090)
Net cash from/(used in) operating activities	A	5,854,202	1,227,947
Cash flows from investing activities:			
Payments for property, plant and equipment		(207,183)	(78,228)
Proceeds from sale of property, plant and equipment		20,318	22,157
Net cash used in investing activities		(186,865)	(56,071)
Net increase/(decrease) in cash held		5,667,337	1,171,876
Opening balance of cash held		3,356,898	2,185,022
Cash balance at the end of the year	(2)	\$9,024,235	\$3,356,898
 A RECONCILIATION OF NET CASH PROVIDED FROM OPERATING ACTIVITIES TO NET INCOME/ (DEFICIT) FOR YEAR			
Net income/(deficit) for year		299,980	512,741
Loss/(Profit) on sale of assets		(9,879)	(3,853)
Depreciation		113,657	130,800
Provisions		55,000	21,777
Receivables		(23,938)	(54,095)
Creditors and Accruals		602,968	154,649
Unexpended Funds (including previous years)		4,816,414	465,909
Net cash from/(used in) operating activities		\$5,854,202	\$1,227,947



NOTES TO AND FORMING PART OF THE ACCOUNTS FOR THE YEAR ENDED 30TH JUNE 2008

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	25 years

C) GOING CONCERN

The ALSWA has been awarded a public tender from the Attorney Generals Department for the period 1/7/08-30/06/11 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 2008

	2008	2007
	\$	\$
2. CURRENT ASSETS - CASH		
Payroll Account	11,685	3,800
Cash Management Accounts	9,103,643	3,387,057
Branch Imprest	5,380	3,947
Petty Cash Imprest	-	902
General Accounts	(100,587)	(40,370)
BWA – Security Deposit	5,971	5,600
Salary Packaging (Credits)/Debits	(1,857)	(4,038)
	\$9,024,235	\$3,356,898
3. CURRENT ASSETS - RECEIVABLES		
Prepayments	88,751	91,739
Organisation Trust	4,924	9,976
Others - General	119,874	87,894
	\$213,549	\$189,609
4. NON-CURRENT ASSETS – PROPERTY, FURNITURE & EQUIPMENT		
Land and Buildings		
At valuation 30 June 2007	660,000	660,000
Accumulated depreciation	48,080	47,768
Total land and buildings	\$611,920	\$612,232



NOTES TO AND FORMING PART OF THE ACCOUNTS

FOR THE YEAR ENDED 30TH JUNE 2008

	2008	2007
	\$	\$
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	1,189,971	1,204,157
Accumulated depreciation	948,922	1,087,310
	241,049	116,847
Total furniture and equipment	241,049	116,847
Total Property, Furniture and Equipment	\$852,969	\$729,079
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	278,566	278,566
Accumulated depreciation	266,982	242,542
	11,584	36,024
Total Leasehold Improvements	\$11,584	\$36,024



NOTES TO AND FORMING PART OF THE ACCOUNTS

FOR THE YEAR ENDED 30TH JUNE 2008

	2008	2007
	\$	\$
6. NON-CURRENT ASSETS		
Motor Vehicles		
At cost	16,945	72,300
Accumulated depreciation	8,161	44,246
Total Motor Vehicles	\$8,784	\$28,054
 7. CURRENT LIABILITIES – ACCOUNTS PAYABLE		
Sundry accruals	38,772	116,933
Other Creditors	948,610	416,663
Accounts Payable	255,604	83,914
	\$1,242,986	\$617,510
 8. CURRENT LIABILITIES - PROVISIONS		
Annual Leave	655,000	576,000
Long Service Leave	359,134	112,000
Sick Leave	218,000	235,000
FBT	53,777	53,777
	\$1,285,911	\$976,777
 9. NON-CURRENT LIABILITIES		
Long Service Leave	80,886	335,000
	\$80,886	\$335,000



NOTES TO AND FORMING PART OF THE ACCOUNTS

FOR THE YEAR ENDED 30TH JUNE 2008

	2008	2007
	\$	\$
10. CURRENT LIABILITIES - UNEXPENDED FUNDS		
Land and Heritage Unit	-	29,753
WA Aboriginal Advisory Council	-	3,027
Prison Support - Male	16,743	6,595
Kimberly Restorative Justice	58,272	94,548
RCAIDIC	-	109,181
Expensive Criminal Case Fund	1,062,946	308,000
Bolton Test Case	9,610	11,500
Unfair Dismissal Lawrence	2,404	9,619
One Off Capital Grant	275,000	151,957
Lotteries	-	12,876
AIATSIS	11,247	18,752
DCP – ALS History	4,201	-
AGD – ALS History	10,000	-
Strategic Plan 2008-2011	16,340	-
Community Courts	126,850	-
Content Management Information Systems	8,085	-
Property purchases	2,750,000	-
Indigenous Justice Taskforce	986,800	-
CLE Media	65,230	-
Website Development	13,725	-
Pilot Program – Liquor	119,200	-
Stolen Wages	10,157	-
	5,546,810	755,808
	\$5,546,810	\$755,808
11. CONTRIBUTION TO SURPLUS/(DEFICIT)		
Law and Justice Grant	304,654	517,555
WA Aboriginal Advisory Committee	(2,851)	(2,689)
RCIADIC	(1,823)	(2,126)
Net surplus /(deficit) for year	\$299,980	\$512,741



NOTES TO AND FORMING PART OF THE ACCOUNTS

FOR THE YEAR ENDED 30TH JUNE 2008

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. OPERATING LEASE COMMITMENTS

Rental property commitments across various sites are:

Less than one year	\$329,226
Greater than one year but less than five years	\$980,297
Greater than five years	<u>\$125,550</u>
Total commitments	\$1,435,073

14. SUBSEQUENT EVENTS

ALSWA purchased a property in Kununurra for \$562,522, this property at 24 Hibiscus Drive was purchased for the purposes of housing for staff located in Kununurra. Further to this ALSWA purchased a property in South Hedland for \$650,000 at 10/4 Reynolds Place for staff residential purposes.

ALSWA also took over the service provision for Attorney General's Office for the Broome Family Violence Prevention Legal Service provision. The provision of services covers the period from 2008 to 2011.



INFORMATION FOR AGD PURPOSES FOR THE YEAR ENDED 30TH JUNE 2008

INCOME AND EXPENDITURE STATEMENT

	YTD 30/06/2008	YTD BUDGET	VARIANCE TO DATE	PERCENTAGE OVER YEAR
PROVIDER INCOME				
Surplus/Deficit from previous year	764,777	764,777	-	0%
Commonwealth	8,377,837	8,377,837	-	0%
Commonwealth - extra funds	1,020,359	1,020,359	-	0%
State	-	-	-	0%
Service Generated Income				
Interest	216,838	145,000	71,838	50%
Membership	-	-	-	-
Community Legal Education	-	-	-	-
Costs Recovered & Retained	152,958	265,000	112,042	-42%
Fundraising/Donations	-	-	-	0%
Sundry Income	258,176	30,000	228,176	761%
A.Total Provider Income	10,790,945	10,602,973	187,972	
Approved Capital Expenditure	55,226	100,000	44,774	45%
B. Provider General Purpose Income				



INFORMATION FOR AGD PURPOSES

FOR THE YEAR ENDED 30TH JUNE 2008

INCOME AND EXPENDITURE STATEMENT

	YTD 30/06/2008	YTD BUDGET	VARIANCE TO DATE	PERCENTAGE OVER YEAR
PROVIDER EXPENSES				
Salaries	5,313,591	5,872,759	559,168	10%
Superannuation	465,681	497,931	32,250	6%
On Costs	554,957	530,990	23,967	-5%
Rent	783,472	713,000	70,472	10%
Repairs and Maintenance	26,280	31,500	5,220	17%
Other Premises Costs	-	-	-	-
Staff Training	22,401	40,000	17,599	44%
Staff Recruitment	79,239	66,500	12,739	-19%
Communications	-	-	-	-
Office Overheads	576,195	530,550	45,645	-9%
Insurance	88,903	114,000	25,097	22%
Finance, Audit, & Accounting	27,414	24,500	2,914	-12%
Library, Resources & Subscriptions	118,879	130,000	11,121	9%
Travel	450,164	423,000	27,164	-6%
Programming & Planning	121,052	105,000	16,052	-15%
Client Disbursements	358,574	410,500	51,926	13%
Leases	552,907	502,500	50,407	-10%
Minor Equipment	-	-	-	-
Depreciation	104,309	103,300	1,009	-1%
Other	77,496	-	77,496	0%
Approved Capital Expenditure	55,226	100,000	44,774	45%
D. Total Operating Expenses	3,442,511	3,294,350	148,161	-4%
E. Total Provider Expenses	9,776,740	10,196,030	419,290	4%
F. Surplus/(Deficit)	1,014,205	406,943	607,262	
G. Funds received from Other Bodies	-	-	-	-



INFORMATION FOR AGD PURPOSES

FOR THE YEAR ENDED 30TH JUNE 2008

	2008	2007
	\$	\$
Reconciliation with Statutory accounts		
Operational surplus/(deficit) (for AGD/ATSIS Purposes)	1,014,205	760,925
Total	1,014,205	760,925
Adjustments		
Unexpended Grant	(764,777)	(325,450)
Capital Expenditure	55,226	78,228
Profit / (Loss) on sale of assets	-	(3,853)
Depreciation	-	-
Net surplus/(deficit) per Income and Expenditure Statement	304,654	\$517,555



ADDITIONAL INFORMATION

ALSWA Opening Hours

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

ALSWA Figures

ALSWA staff gave legal advice in 1037 matters, duty lawyer assistance in 2404 matters and casework in 6779 matters, totalling 10220 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 toll free 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 Development, Sybiz Accounting software, Data Management, Management training, Article Clerk training, Introduction to Excel, minute taking, Occupational Health and Safety Training, two Court officer training programs, training through attendance at Mildura Community Courts Conference, National Association of Community Legal Centres, National Network of Indigenous Women's Legal Services, various attendance at the Criminal Lawyers Conference, attendance at the National Indigenous Lawyers Conference, ongoing training at Unit meetings, Forensics Law Course, National Indigenous Legal Advocacy Course through Central TAFE.

ALSWA Staff

Perth 3 Senior Management, 26 Lawyers (14 Criminal, 6 Human Rights, 4 Family, 2 Law and Advocacy), 10 Court Officers (6 Criminal, 1 Human Rights, 1 Prisons (Male), 1 Prisons (Female), 1 Family Support Officer), 8 Secretaries/PAs (2 Snr Management, 2 Criminal, 2 Civil, 2 Family) 6 Administration Staff, 1 Policy Officer, 1 Public Relations Officer, 1 Librarian, 1 Historian. Albany 1 Lawyer, 1 Court Officer, 1 Secretary; Broome 2 Lawyers, 1 Court Officer, 1 Secretary; Bunbury 1 Lawyer, 1 Court Officer, 1 Secretary; Carnarvon 1 Solicitor, 1 Court Officer, 1 Secretary; Derby 1 Court Officer, 1 secretary; Fitzroy Crossing 1 Court Officer, 1 Secretary; Halls Creek 1 Court Officer; Geraldton 2

Solicitors, 1 Court Officer, 1 Secretary; Kalgoorlie 2 Solicitors, 2 Court Officers, 2 secretaries; Kununurra 2 Solicitors, 1 Court Officer, 1 Secretary; 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 Solicitor, 1 Court Officer, 1 Secretary, Warburton 1 Court Officer.

ALSWA gratefully acknowledges all who have contributed to this Annual Report and credits Ross Swanborough for the photo which appears on pages 3 and 9 reproduced with the permission of the Supreme Court of Western Australia, and the Australian Broadcasting Corporation (ABC) for the use of photos from the National Apology in Perth, and credits Matthew Perkins (ABC Perth) for the dawn crowd photo (page 21).

Thanks also to Tina Ward for assistance with the financial section of this report.

ALSWA gratefully acknowledges the financial assistance of the Commonwealth Department of the Attorney General and the assistance of Lexis Nexis in our publications. The 2008 Annual Report was compiled by ALSWA's Media/Public Relations Officer Jodi Hoffmann.

“Today we honour the Indigenous peoples of this land, the oldest continuing cultures in human history.

We reflect on their past mistreatment.

We reflect in particular on the mistreatment of those who were Stolen Generations - this blemished chapter in our nation’s history.

The time has now come for the nation to turn a new page in Australia’s history by righting the wrongs of the past and so moving forward with confidence to the future.

We apologise for the laws and policies of successive Parliaments and governments that have inflicted profound grief, suffering and loss on these our fellow Australians.

We apologise especially for the removal of Aboriginal and Torres Strait Islander children from their families, their communities and their country.

For the pain, suffering and hurt of these Stolen Generations, their descendants and for their families left behind, we say sorry.

To the mothers and the fathers, the brothers and the sisters, for the breaking up of families and communities, we say sorry.

And for the indignity and degradation thus inflicted on a proud people and a proud culture, we say sorry.

We the Parliament of Australia respectfully request that this apology be received in the spirit in which it is offered as part of the healing of the nation.

For the future we take heart; resolving that this new page in the history of our great continent can now be written.

We today take this first step by acknowledging the past and laying claim to a future that embraces all Australians.

A future where this Parliament resolves that the injustices of the past must never, never happen again.

A future where we harness the determination of all Australians, Indigenous and non-Indigenous, to close the gap that lies between us in life expectancy, educational achievement and economic opportunity.

A future where we embrace the possibility of new solutions to enduring problems where old approaches have failed.

A future based on mutual respect, mutual resolve and mutual responsibility.

A future where all Australians, whatever their origins, are truly equal partners, with equal opportunities and with an equal stake in shaping the next chapter in the history of this great country, Australia.”

National Apology, The Australian Prime Minister Hon Kevin Rudd, February 13th, 2008



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