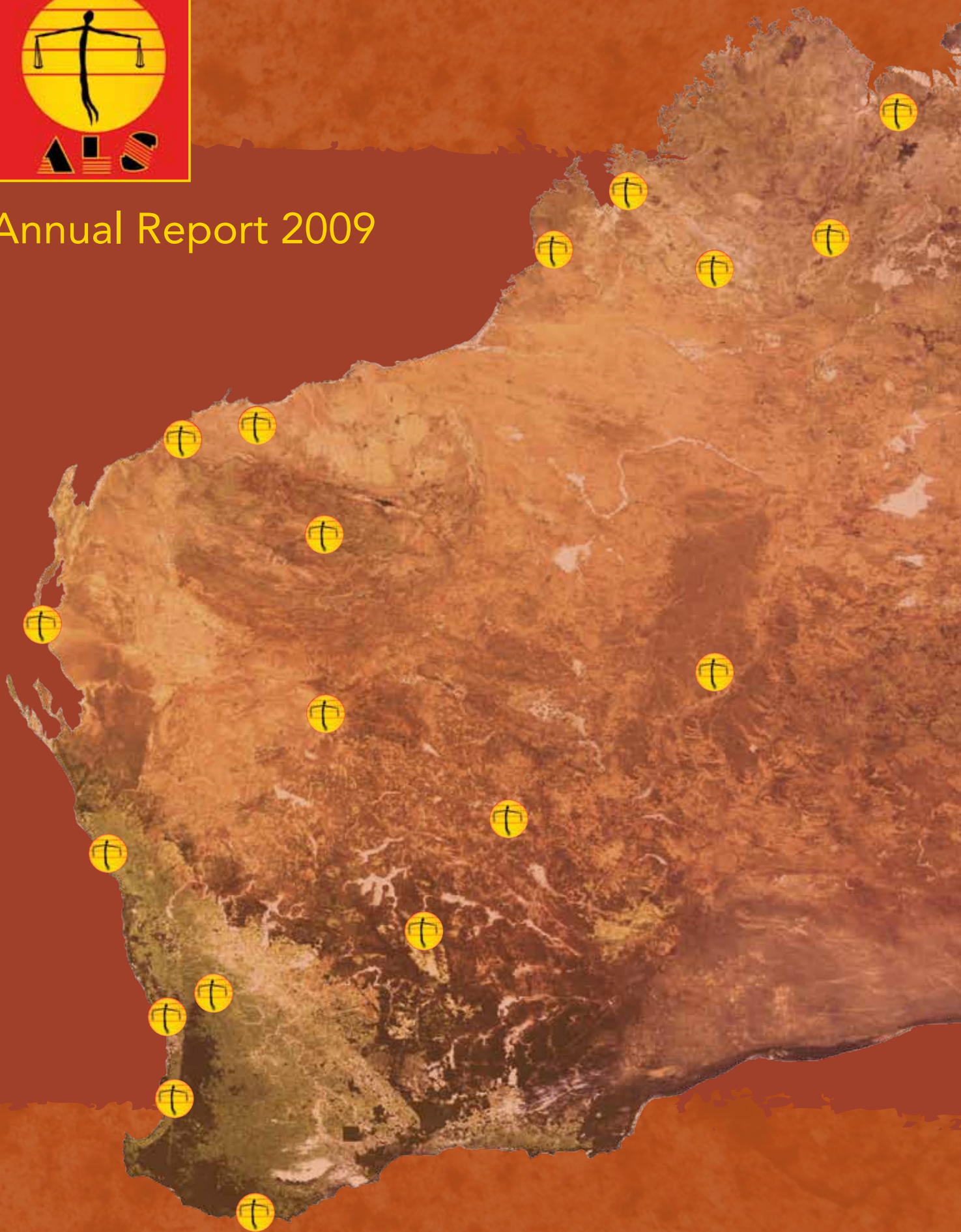




Annual Report 2009



Aboriginal Legal Service of Western Australia (Inc)

Dedicated to the late President of the ALSWA Executive Committee

ABORIGINAL LEGAL SERVICE OF WESTERN AUSTRALIA

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CULTURAL WARNING

Aboriginal and Torres Strait Islander readers are warned that this Annual Report may contain images and names of people who have passed away.

This Report is dedicated to the late President of the Aboriginal Legal Service of Western Australia Executive Committee who passed away in September 2009.

MESSAGE FROM DENNIS EGGINGTON CEO ABORIGINAL LEGAL SERVICE OF WA



Tribute To Terry Whitby

20 December 1956 - 15 September 2009

This year's Annual Report is dedicated to the late Terry Whitby (pictured left) who lost his battle with cancer on the 15th of September 2009.

At the time of his passing, Terry Whitby was the President of the Executive Committee for the Aboriginal Legal Service of Western Australia (ALSWA).

He was voted into this role during 2008 and enthusiastically embraced his involvement and input into the service, which he referred to as an 'icon body'.

Terry always had a great commitment to social justice and first became involved with the ALS in its early days during the 1970's.

As one of our services pioneering Field Officers, he was greatly committed to striving for justice for Aboriginal people. He also played an important role during the years when the Court Officer Unit was being established, and this unit remains a vital part of ALSWA over thirty years on.

As a former staff member, and through his involvement with the Executive Committee, Terry has provided a wealth of experience and guidance to many people. Through his role as President, he was deeply committed to prioritising areas such as prisoner reform, alcohol programs and family violence so that there would be more opportunities and better outcomes for Aboriginal people in the future.

Terry remained greatly supportive of the unique work done by the Court Officers and the role that the ALSWA played within the justice system.

As our President and friend he showed invaluable guidance and commitment to his role.

We are honoured that Terry's last years were spent working with us striving towards a more just and equitable justice system for our future generations.

His knowledge, involvement, humour, dedication, strength, inspiration and friendship will be sadly missed. Our thoughts are with all of Terry's family and friends, we share your loss.

And to you Terry, our brother and our friend, we say 'thank you'. We will always be inspired by your strength and courage as we continue striving for justice for our people.

The 2009 President's Report of Terry Whitby was completed before his passing and as the CEO of ALSWA and as a friend to Terry, it is with great honour that I present our President's final report (see page 4).

Farewell Terry and rest peacefully – you will continue to inspire us our friend and brother. Thank you for all you have done and for your compassion and commitment to our people. You have touched the lives of many.

Dennis Eggington

ALSWA CEO

MESSAGE FROM THE ABORIGINAL & TORRES STRAIT ISLANDER LEGAL SERVICES (ATSILS)

On behalf of the ATSILS Forum we would like to extend our condolences to the family and friends of Terry Whitby.

During a national ATSILS meeting in Adelaide in September, we were saddened to learn of the passing of our brother Terry.

Through his role as President of the Aboriginal Legal Service of WA (ALSWA) Terry has become known to many of us through his previous attendance at similar meetings.

He was deeply committed to working towards a better future for Aboriginal and Torres Strait Islander peoples and has made invaluable contributions over many years through his work in Aboriginal Affairs.

We also acknowledge the important contributions made by Terry through his involvement in various working groups of the United Nations in Geneva.

Our thoughts are with all who knew Terry – he will be greatly missed.

From Frank Guivarra

Chairperson of the ATSILS Forum (Aboriginal and Torres Strait Islander Legal Services)



The Aboriginal flag flies at half mast at ALSWA's Perth Head Office following the passing of Terry Whitby in September 2009.



PRESIDENT'S REPORT TERRY WHITBY (RIP)

**This Report was completed before Terry Whitby passed away on 15 September 2009.*

I am proud to present my second Report as the President of the Executive Committee of the Aboriginal Legal Service of Western Australia (ALSWA).

Our service has continued to provide a high standard of legal support and representation for our people and I commend our Management, Court Officers, lawyers and administrative team for their tireless efforts and ongoing commitment.

I would also like to acknowledge our Executive Committee members for their dedication, skills and involvement in such an important organisation.

As a Budimia Yamatji who has worked in Aboriginal Affairs for many years, it is rewarding to be part of this icon body, which has a strong history of striving for a better tomorrow for Aboriginal and Torres Strait Islander peoples.

Special mention must be given to our Civil Unit, who assisted over one thousand people with their 'Redress WA' applications statewide. This was an incredibly emotional experience for all involved and our Stolen Generations have showed enormous strength and courage in coming forward to recount their own stories of abuse. I would like to acknowledge this strength and reassure our communities that ALSWA will continue to seek justice and compensation on your behalf. Thank you also to external law firms who provided pro-bono staff to assist us during this busy period.

Over the past year ALSWA has continued working in Criminal Law, Family Law, Civil Law/Human Rights, Advocacy and Restorative Justice, as well as providing services for men and women within prison and the community.

During this time however, we have also been fortunate to further expand our services and staff numbers through our Law & Advocacy Unit's work in prisoner support and reform. Supporting incarcerated young people, adults and their families through providing high quality social work services will play an important role in reducing repeat offending.

Another important addition to our role has seen ALSWA named as the official Auspicing Body for numerous Family Violence Prevention Legal Services (FVPLS) across the state. Our agency is committed to providing a professional and culturally relevant service and keeping families safe and strong. Through this new role, we are confident that there will be more support available for our families, women and children, who are victims of family violence.

Our development of new governance models will enhance our ongoing work in the justice area and assist in our continuing work alongside our community and other key stakeholders. The future direction, role and structure of this peak organisation is motivated by our genuine commitment to improving the overall well-being of our people.

ALSWA's sound governance and continued growth is a clear indication of the important role that we play within law and justice matters in this state and we would like to thank the Commonwealth Department of the Attorney General for their ongoing assistance and effort in working co-operatively with us to achieve common goals.

As ALSWA embarks upon the challenges that our existing and new roles bring, we remain firmly focused on how we can best work with and for our communities across Western Australia in our continued efforts to strive for justice for Aboriginal and Torres Strait Islander peoples.



Terry Whitby
ALSWA Executive Committee President



CHIEF EXECUTIVE OFFICER'S REPORT DENNIS EGGINGTON

I begin this report by acknowledging our Elders, both past and present.

I would also like to pay my respects to our late President Mr. Terry Whitby, whom we lost in September 2009. I offer my condolences to his family and all those who knew him. It is important to also remember all those who have passed away during the last year.

Once again our annual report gives us an opportunity to inform our membership of the work we have carried out over the previous year. Work we can all be proud of.



L-R The late Terry Whitby pictured with Dennis Eggington at the 2008 Perth NAIDOC Ball.

Staffing numbers have been maintained but unfortunately we have lost some very experienced people. When this happens an organisation loses a level of corporate intelligence that is very difficult to replace. The hard work and dedication by all our staff has ensured our service has continued to perform well over the financial year. We have not only maintained services but have taken on the commitment of new projects to expand the work we do. I believe that expanding the types of work we do is a part of the future for our organisation.

It has become clear that shifting priorities of the Commonwealth Government do not include increased resources for the delivery of our

"bread" and "butter" services. It seems representation for criminal matters is no longer a question about justice, discrimination or entrenched historical racism. It also appears the over representation of our peoples in the justice system is no longer about over-policing and the control of our lives. These views have meant priorities are based around victim support, safer communities and the development of intervention programs.

ALSWA supports these priorities and has a firm belief that early intervention and creating stronger healthier families is a better way to address the disadvantage suffered by our people. Unfortunately the reality is that we are subjected to tougher laws that target our people and we are still over-policed. This means there is still a growing need for resources to represent those who get caught up in this terrible cycle. Latest figures on imprisonment and arrest rates confirm this is a growing problem.

I am of the opinion that our service has reached breaking point and will not be able to meet any new extra demand. These concerns have been raised at the highest levels, both within State and Federal Government. However, as I have mentioned, this is not seen as a priority. Our organisation has met this demand by relying on substantial funds coming in as one-off grants. These will not continue.



Perth Children's Court.

While this will present us with a current operation that cannot be sustained it will however provide us with an opportunity to review our whole operation and the future of the ALSWA.

In a sense we have already begun to look at our court commitments across the state. The 'Ward' case and subsequent Coroners finding has raised the issue of Justices of the Peace convened courts. Our current thinking is that these must come to an end as WA is one of the last jurisdictions where Justices of the Peace can imprison people. Our involvement in these courts is questionable at the least.



NITV Momentum host Julie Nimmo interviews ALSWA's Dennis Eggington and Peter Collins for 'Boys Behind Bars' (Camera Operator is Liz Warning). More info @ www.nitv.org.au

Do we continue to support a system that has our people not getting the access to justice they should as a part of their basic human rights? Do we continue to expect our staff to be overworked and underpaid with court lists on some circuits in excess of 40 clients per day? These questions and their answers will change the face of the work we do.

Aboriginal and Torres Strait Islander Legal Services (ATSILS) were informed at our recent National Conference that the Commonwealth has not made any definite plans beyond 30th June 2011. If the program is put out to public tender we are confident that the organisation is well equipped to be as competitive as necessary. Our Governing Committee in endorsing a review of our corporate structure which we reported on in the previous Annual Report as leading our organisation for this change.



Ward Matter: Dennis Eggington addresses the media following the Coroner's Findings being handed down.

In our previous report we also advised that we had taken on the auspicing of the Broome based Family Violence Preventative Legal Service (FVPLS). Further to this the Federal Attorney General's Department encouraged us to apply for centres in Kununurra, Pt. Hedland, Carnarvon, Kalgoorlie and Geraldton. We were successful and we currently auspice those 6 centres (FVPLS). This in one way fulfils our goals to expand our services in non-traditional areas. These developments are hoped to create a cooperative model between problem solving courts e.g. domestic violence and drug courts, ALSWA, Community Legal Centre's, FVPLS and the Therapeutic Jurisprudence programs supporting these initiatives. Currently we are expected to move the FVPLS to an independent body by the end of 2009.

I am happy to report that we have developed a separate human rights program. ALSWA will now be able to fully participate in the work carried out by a network of groups involved in human rights activities. We are proposing to tackle the issue of entrenched historical racism through these international instruments. We will have a focus on Human Rights Education. We believe it is important for our future generations to grow up with an appreciation of human rights. It is important to note that the recent 2020 summit had three priorities, being: an Australian Bill of Rights, the creating of a republic and a more significant relationship between our First Nations People and mainstream Australia.

We are now into our second year of the current state government. Unfortunately they are continuing to pursue a position of tougher penalties for a better law and order policy. The latest of these laws introduced was the mandatory sentencing of assault on Police Officers. It is a hard argument to win but we must try and educate the public on such issues. This tough law and order regime may have short term solutions but does not make our communities safer in the long run. People must be given the opportunity to be rehabilitated. Our state needs to expand its Problem Solving Courts. These courts can deal with the underlying social problems and offending behaviour of people coming before the criminal justice system. In turn, people who are rehabilitated will not re-offend and our communities will be safer.

I would like to finish my report by thanking all our staff and members who make this the great organisation that it is. We value your dedication and hard work, for without it, we cannot make change.

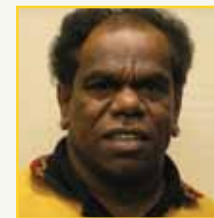
Dennis Eggington
Chief Executive Officer

EXECUTIVE COMMITTEE OFFICE BEARERS



TERRY WHITBY, President, Pilbara Region (RIP)

Terry Whitby, a Budimia Yamatji was involved in Aboriginal Affairs for many years. He was motivated by the ongoing injustice facing our people and believed 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.

Since the passing of President Terry Whitby, Murray Yarran has taken on the role of Acting President, with Michael Blurton as Acting Vice President and Victor Woodley as a replacement Member for the Pilbara Region.

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/Mirrning 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 16 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 16 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 second year on ALSWA's Executive Committee.



EXECUTIVE OFFICER'S REPORT JOHN BEDFORD

It is with much sadness that I write this report with the recent passing of our respected President, colleague and friend Terry Whitby. Terry's influence and contribution in respect to this organisation both professionally and personally was enormous. During my time in the Executive Officers role, Terry provided me with tremendous guidance and support. I will always remember looking up to him as a kid growing up in Geraldton. I also remember seeking out his counsel and advice as a teenager in the time he worked as a Court Officer at our ALSWA Geraldton Office in the late 1970's and early 1980's. Terry's support, guidance, sense of humor and more importantly his friendship will be long remembered and he will be deeply missed.

General

The 2008-2009 financial year marked the start of a new triennial contractual arrangement with the Commonwealth's Attorney Generals Department. This arrangement provides us with the means to provide our people with Legal Aid Services in 18 offices throughout Western Australia. Essentially, these services include dealing with Family, Criminal and Civil Law matters against a backdrop of social and economic disadvantage for many of our peoples.

In view of this, it is our endeavor to be the best at what we do in terms of service provision. Obviously, there are numerous challenges that lay in the way such as staff recruitment and retention issues, increased workloads and ever changing priorities. Despite all this, we continue to provide a quality culturally appropriate legal service which advocates for a fair and equitable justice system for all of our people.

Staffing & Administration

In 2008-2009 reporting period ALSWA employed approximately 115 staff members. Of this number, approximately 43 staff were based in 16 regional offices throughout Western Australia. Additionally, for the same period ALSWA employed approximately 9 staff members in Family Violence Prevention Legal Services in Perth, Broome and Kalgoorlie. Of its total of 115 staff members, 57% were based in Perth and 43% based in 16 regional centres.

In October 2008, Senior Management approved the engagement of an Information Technology consultant to undertake an IT review of the organisation. One of the recommendations that came out of the review identified a need to employ an IT Systems Administrator due to the many fast paced changes happening in the area of Information Technology and increasing demand for technical expertise in this area. As a result, a newly created position was established and funds put aside to employ for the first time in our organisations history a specialist in this area. Already the benefits can be readily seen and we look forward to more efficient systems and further technological advancements being implemented over the next 12 months.

Another significant development during 2008-2009 was the recruitment of Trainee Court Officers to the Perth Office. In this period a total of four Court Officers were employed. Training was identified as being critical to the retention and ongoing development of the Court Officers. As such, a partnership relationship was struck with the Central College of TAFE to provide a certificate course in Legal Advocacy on successful completion. A greater emphasis was and continues to be placed on lifting the profile of the Court Officer Unit by Senior Management in recognition of the invaluable part it plays within this organisation in delivering a culturally appropriate advocacy service for our people.



Simone Loder and Sylvia Crombie from ALSWA's Northam office.

In terms of our Administration unit, we were fortunate enough to recruit Ms Tina Ward to the position of Chief Financial Officer in October 2008. Tina's experience in the finance area has allowed us to consolidate our operations and her small team has done a wonderful job in maintaining our financial reporting systems, providing quality advice to Senior Management and setting in place more efficient systems.

In May 2009 a position was also created within the Administration Unit for an Administration Officer. This position was long overdue due to the increasing demands placed on the unit to deal with staff travel and accounts.

I would also like to thank all our professional staff for their ongoing dedication and commitment to the cause. Without their knowledge, skill and expertise we would not be able to provide the quality services people come to expect. Their role in enabling within this organisation is so important that it cannot be underestimated.

Finance

In 2008/09 ALSWA was successful in obtaining additional funding for a total amount of \$ 632,740 to supplement our primary provision of Legal Aid Services funding.

We were also successful in 2008/09 in obtaining in September 2008 the Broome Family Violence Prevention Legal Service. In March 2009, we were successful in obtaining the Family Violence Prevention Legal Service based in Kalgoorlie. In total we received approximately \$920,000 to administer both Family Violence Prevention Legal Services in an "auspice" arrangement between these two units and ALSWA.

We have also instigated a review of our Human Resources functions and I will be able to report more in detail once the report has been completed in late 2009/10.

Our administration burdens have been reduced greatly due to the creation of an Administration Officer position into the unit. However, we are constantly looking at developing more efficient systems to cope with the ever increasing workloads within the unit and meeting the changing priorities that are presented.

We have continued to successfully meet our financial reporting requirements with the Commonwealth Department of the Attorney General primarily due to the hard work of our Chief Financial Officer Tina Ward and her team.

I would also like to thank and acknowledge our former Executive Officer, Ms Katrina Carlisle for the support she has provided me in my first 12 months in this job. Katrina has provided a wonderful basis for me to pursue the changes needed to progress this organisation in terms of its finances and administration.

Lastly, I would like to acknowledge the tremendous support provided to me by our CEO Dennis Eggington and Director of Legal Services, Peter Collins. Both Dennis and Peter have been very supportive and I look forward to the next 12 months working with them both with a renewed sense of purpose and excitement as we face the challenges that lay ahead.

John Bedford
Executive Officer



Leona Zaro (Payroll/Accounts) and Liang Xu (Accounts/Administration).



DIRECTOR OF LEGAL SERVICES REPORT PETER COLLINS

Throughout 2009 ALSWA has strived to provide a high quality legal service to the Aboriginal community of Western Australia, despite ever increasing demands placed upon it by the justice system. This has occurred despite ALSWA's solicitors and court officers being confronted with increased court circuits, court sittings and court lists and ALSWA's funding remaining effectively static from last year.

The funding disparity as compared with other agencies involved in the justice system is stark. The Legal Aid Commission of Western Australia receives four times the annual funding of ALSWA, including significant funding from the Western Australian State Government. By contrast, ALSWA receives no funding whatsoever from the State Government and has not done since it was established in 1973.



From Perth's Court Officer Unit L-R Viv Blurton, Leashay Eggington, Kenny Sutton (Unit Manager), Simone Clinch-Moore, Kyle Anderson, Sorgi (Dennis) Eggington.

As noted in last year's annual report, this means that ALSWA's solicitors and court officers are confronted with the daily reality of gruelling and stressful workloads, yet receive nowhere near the remuneration enjoyed by their Legal Aid counterparts. This is a scandalous situation which requires urgent rectification.

Despite repeated representations to the Commonwealth Attorney-General's Department, no commitment has been made for an increase in ALSWA's recurrent funding in the foreseeable future.

Despite the difficulties they face, ALSWA's solicitors and court officers have worked tirelessly to serve the needs of their clients and should be congratulated for their efforts.

Justice Issues

I have remarked in previous annual reports on the rates of Aboriginal incarceration in Western Australia. It is important that I do so again. Western Australia has the highest rate in Australia of Aboriginal imprisonment. The rate of Aboriginal imprisonment has trebled in the last twenty years. Aboriginal persons comprise at least 40 percent of the adult prison population and between 70-80 percent of juveniles in juvenile detention centres. In August 2009, 84 percent of juvenile detainees were Aboriginal. The Western Australian Aboriginal juvenile detention rate is the highest in the country, 44 times higher than that for non Aboriginal juveniles and almost double the national rate. It is most disturbing to note that at any given time, one in eight Aboriginal persons is subject to a sentencing order from the courts and one in sixteen adult Aboriginal males are in custody.

The continued over-representation of Aboriginal juveniles in the justice system remains an issue of major concern. Punitive policing practices are a significant contributing factor to this over-representation. As a consequence of these concerns, ALSWA has made submissions to the Commissioner for Children and Young People, focusing on the following:

1. The repeated failure of police to expeditiously notify the Court, ALSWA, the Department of Child Protection ("DCP") and Juvenile Justice when a juvenile accused is taken into police custody, in order that those agencies can discharge their duties to the juvenile and thereby ensure the juvenile rights are protected;
2. The repeated improper refusal of police bail to juvenile accused and the punitive policing of bail conditions when a grant of bail is made;

3. The common police practice of insisting on conducting a visually recorded interview with a juvenile accused as "a matter of fairness" so as to "put the allegations to the juvenile", notwithstanding prior notice from ALSWA that the juvenile has provided instructions that they wish to exercise their right to silence;
4. The repeated failure of police to, as soon as reasonably practicable after arrest, adequately inform and afford juvenile accused their right to silence and their right to communicate with a lawyer, in particular ALSWA;
5. The repeated failure of police, prior to the commencement of an interview, to properly explain to the support person/guardian/interview friend of a juvenile accused the nature, extent and importance of their role in the process;
6. The detention of juveniles in adult police lock ups for unreasonable periods of time.

Inquest into Death in Custody of Mr Ward

On 27 January 2008, Mr Ward, an incredibly highly regarded and accomplished man from the Ngaanyatjarra Lands, died of heatstroke while in custody being transported in the rear of a GSL prisoner transport vehicle.

Given the large numbers of Aboriginal persons transported in prisoner transport vehicles, ALSWA sought and obtained leave from the State Coroner to appear at the Inquest on behalf of the Western Australian Aboriginal community. The Inquest was conducted over various dates in March and May 2009.

The Inquest revealed a catalogue of catastrophic failures by the drivers of the prisoner transport vehicle, GSL, and the Department of Corrective Services in the discharge of their custodial care obligations to Mr Ward, prompting the State Coroner to state:

"I accept that in the context of this avoidable death, as stated in the submissions on behalf of the Aboriginal Legal Service, "there is anger, disbelief, emptiness and calls for justice".

"...In summary therefore, while the deceased suffered a terrible death which was not only preventable but easily foreseeable, issues relating to the involvement of the various individuals and organisations are complicated."

"...the quality of the supervision, treatment and care of Mr Ward in the hours before his death was disgracefully bad, I am satisfied that Mr Ward was subjected to degrading treatment and he was not treated with humanity and with respect for the inherent dignity of the human person."

The Coroner also quoted from a report of the Inspector of Custodial Services in 2001 that the vehicle was, "not fit for humans to be transported in"

Evidence was given at the Inquest by police involved in the arrest and detention of Mr Ward at the Laverton Police Station lock up. The evidence highlighted the acute nature of the over-policing of Aboriginal people in regional and remote Western Australia. The evidence was to the



From Perth's Criminal Law Unit: Front Row L-R: Dee Richardson, Vic Blurton, Wendy Hughes, Mara Barone, Katrina Lane, Dominic Brunello Back Row: Tony Hager, Andrew Tehan, Helen Muhling, Wayne Nannup, Graeme Allen, Rob Owen, Les Sanders, Andy Matthews.

effect that Laverton had a population of between 200-500 people, that police patrolling the Great Central Road (which leads to the Ngaanyatjarra Lands) would stop every car and breath test and conduct licence checks, regardless of the nature of the driving, that no non Aboriginal person was refused police bail for a driving offence in Laverton and that the only people in the lock up were Aboriginal people from the Warburton area. Notwithstanding the fact that Mr Ward's vehicle travelled on a public road for no longer than 25 metres, it was inevitable in the light of this evidence that he would be pulled over, arrested, denied police bail and remanded in custody.

Following the Inquest, ALSWA wrote to the Director of Public Prosecutions arguing that there was a prima facie case for the drivers of the prisoner transport vehicle being charged with the unlawful killing of Mr Ward on the basis of manslaughter by criminal negligence. Further, ALSWA wrote to the State Attorney-General requesting that the State of Western Australia consider making a reasonable offer of compensation, together with an ex gratia payment to the family of Mr Ward for the grief and distress caused by his tragic death. At the time of writing, ALSWA had not been informed of any decision with respect to the laying of criminal charges, nor the payment of compensation.

I would like to thank ALSWA's counsel at the Inquest, Lachlan Carter and ALSWA solicitor Tammy Solonec for their outstanding efforts in relation to the conduct of the Inquest.

Indigenous Justice Taskforce ("IJT")

Throughout 2009, ALSWA has continued to act for numerous clients from the Kimberley charged with sexual offences. Although the IJT was closed down by the Chief Justice in February 2009, many clients still have matters which are progressing through the courts.

ALSWA has now acted for over 170 clients from the Kimberley and Pilbara regions. There are currently 40 matters which are still to be dealt with by the courts. Hence, the IJT remains a major logistical undertaking for ALSWA.

In April 2009, a review of the IJT was published. ALSWA's contribution to the review highlighted the following issues:

- i. A number of IJT matters involved underage, willing sexual activity between young Aboriginal males and females where the age difference between the two parties was minimal. In many instances the sexual activity the subject of charges involved no more than sexual touching and many ALSWA clients who engaged in underage sexual activity had no idea of the legal age of consent. In those circumstances, ALSWA questioned the appropriateness of the use of prosecutions, given that the cases raised health, cultural and education issues which did not necessarily require the intervention of the criminal law.
- ii. Police and court imposed bail conditions were particularly onerous for ALSWA clients. Bail conditions were regularly imposed which effectively banned clients from living in their own communities. The obligation to leave a community was found to be economically, socially and culturally devastating for some clients.
- iii. The lack of understanding by police of their legal obligations with respect to the rights of persons in custody and the desultory attempts by police in some instances to accord persons their rights.
- iv. The injustices caused by a mandatory sexual offender reporting regime which pays no regard to the circumstances of an offence and the personal situation of an offender.
- v. The absence of appropriate rehabilitation programmes in the Kimberley and Pilbara for offenders in the areas of sexual education and counselling, alcohol and drug programmes and education and employment.
- vi. The pressing need for an Aboriginal interpreter service with officially trained interpreters, throughout



L-R: Some of ALSWA's Civil Unit members - Margaret Stephens, Kristy Gaunt, Gulmina Mioceovich, Kim Axford, Sylvia Millard, Wendy Young.

Western Australia, for Aboriginal and Torres Strait Islander languages. It is an anathema that interpreters are provided in the courts as of right for every language other than Aboriginal and Torres Strait Islander languages.

Redress WA

Assisting clients complete Redress WA applications for compensation has been a major undertaking for ALSWA's Civil and Human Rights unit during 2009. Thus far, ALSWA has assisted over 1800 individuals with making applications.

ALSWA has had to chart a difficult path with the State Government in relation to Redress WA, with several decisions impacting severely on ALSWA's Redress clients. First, in March 2009, the State Government advised that the Public Trustee would hold all Redress WA payments made to prisoners until the prisoner was released from jail. Secondly, when the Redress WA scheme was first established, the then Premier and Minister for Communities described the scheme as a "\$114 million program". In July 2009, the Minister for Communities announced that the maximum payment of ex gratia payment would be reduced from up to \$80,000 to up to \$45,000 on the basis that the budget allowance could not support the maximum threshold of \$80,000. Many clients had to revisit enormous trauma in order to prepare Redress WA applications. The decision to dramatically reduce the maximum available ex gratia payment has exacerbated this trauma and amounts to a terrible betrayal of those who were abused in care.

ALSWA is considering its legal options in light of both decisions.

I would again like to thank the manager of ALSWA's Perth Civil and Human Rights unit, Gulmina Mioceovich and her team for their dedication in assisting ALSWA's Redress WA clients.

Family Law

ALSWA's Family Law Unit continues to represent clients in the Perth metropolitan area and in regional and remote areas, both in Family



Pictured above from ALSWA's Family Law Unit are Simon MacDonald (Senior Solicitor) and Solicitor Jonathon Reid (at his Admission).



MANAGER LAW AND ADVOCACY UNIT ROBYN NINNETTE

Court matters and in protection proceedings. The unit also assists WA based clients involved in Federal Magistrates Court and Family Court proceedings in other states.

The workload within the unit continues to expand with ALSWA's solicitors attending Child Dispute Conferences at the Family Court and Signs of Safety meetings with respect to children involved with the Department of Child Protection ("DCP"). A pilot program will commence shortly designed to divert DCP cases from court proceedings into Signs of Safety meetings. The unit has had considerable success this year in proceedings involving DCP enabling parents to have contact with their children.

Pro Bono Assistance

ALSWA is most grateful for the assistance provided by its pro bono partners:

- 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

In particular, ALSWA acknowledges the pro bono contributions of Corrs Chambers Westgarth, Blake Dawson Waldron, Allens Arthur Robinson and the Legal Aid Commission of WA for their assistance with the Redress WA scheme.

Aboriginal Staff

As noted in last year's annual report, ALSWA strives to provide employment opportunities for Aboriginal solicitors. At present, ALSWA has seven Aboriginal solicitors working in its Perth head office and four working in regional offices. The employment of Aboriginal solicitors enhances ALSWA's capacity to provide a culturally appropriate service to its clients. I would also like to recognise the contribution of ALSWA's court officers who perform an important and unique function in the justice system.

I am indebted to Dennis Eggington and John Bedford of ALSWA's senior management team and to ALSWA's Executive Committee for their guidance and support.

Peter Collins
Director Legal Services



Tammy Solonec (Solicitor)
pictured at her Admission
with Robyn Ninnette (Law &
Advocacy Unit Manager)



Roxanne Blurton (Criminal Unit Legal Secretary) pictured with Nathan McGuire (Courier) and Aaron Latham (Reception).



Wayne Nannup (Articled Clerk).

The Law and Advocacy Unit advocates for improved social justice outcomes for Aboriginal and Torres Strait Islander peoples living in WA via a number of project activities funded by the Commonwealth Attorney General's Department as fixed term contracts.

Male Prisoner Support and Rehabilitation Project

This project funds the ALSWA's Prisoner Liaison Officer position that is based in the Perth office. The project aims to reduce recidivism and to assist in the rehabilitation of incarcerated Aboriginal and Torres Strait Islander peoples into the community.



Sam Dinah (pictured right) is ALSWA's Prisoner Liaison Officer and he attends Karnet Prison, Casuarina Prison, Wooroloo 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 the Prisoner Liaison Officer has made visits to regional prisons in Broome, Roebourne, Greenough, Kalgoorlie-Boulder, Bunbury and Albany.

Kalumburu Restorative Justice Project

"Restorative justice" is a way of thinking about and dealing with crime. Restorative Justice is a justice process promoting the repair of harm caused by crime and the active involvement of victims and communities in justice processes. The goal behind restorative justice is to "restore" the victims and the community and to engage the offender in the restoration process by helping repair the harm he or she has caused.



Christine Cigobia
Kalumburu Restorative
Justice Project Worker



Georgina Boddington
Prisoner Liaison Officer

The Kalumburu Restorative Justice Project involves promoting the involvement of families, communities, victims and offenders in developing mechanisms for early dispute resolution, including appropriate alternatives to conventional sentencing procedures such as community conferencing, circle sentencing and Aboriginal Courts.

This year ALSWA's Restorative Justice Project Worker Christine Cigobia (pictured left), who is based in the East Kimberley, met with the Kalumburu community and various stakeholders as a part of an ongoing consultation process to develop a draft restorative justice model. A draft model has been developed and has now reached the implementation stage. The project is currently under review by the Commonwealth Attorney General's Department.

Prisoner Support And Incarcerated Juvenile Support Officer Project

This year the ALSWA received funding for a new project to employ three Prisoner Support Officers and one Incarcerated Juvenile Support Officer that are based in the Perth ALSWA office.

The aim of the project is to reduce repeat offending by supporting Aboriginal and Torres Strait Islander prisoners and their families through the delivery of high quality social work and through care services. This will include culturally appropriate case management and referral services to clients in correctional institutions using a range of techniques such as crisis intervention, family support, consultation, counselling, conflict resolution, negotiation, liaison and advocacy.

In the Perth metropolitan area the prisoner support workers visit adult and juveniles in correctional institutional institutions on a weekly basis. In regional and remote areas of WA the visits are at least once every 2 months.

Aboriginal Community Courts Project

The ALSWA received project funding to increase its capacity to serve Aboriginal Community Courts. The Kalgoorlie-Boulder Community Court and the Norseman Community Court are pilot court services that aim to be more culturally inclusive and more relevant for Aboriginal people than mainstream courts.

All offences that can be heard in a conventional Magistrates Court can be heard in the community courts with the exception of some family violence and sexual offences. The community courts hear both adult and children court matters. Aboriginal defendants who plead guilty to an offence and who have shown an intention to take responsibility for their actions are given the option of a community court sentencing hearing.

The funding has supported the provision legal aid services relating to the Kalgoorlie-Boulder and Norseman Community Courts by contributing towards the salary costs of ALSWA legal staff, office administration costs and travel costs (associated with servicing the Norseman community court). ALSWA has positioned at its Kalgoorlie office two Solicitors and two Aboriginal Court Officers who have provided Aboriginal defendants with advocacy, advice and representation where they elect to have their matter dealt with in

the community courts. The two Aboriginal Court Officers are from the local community and provide an understanding of local issues and languages.

The Kalgoorlie-Boulder Community court is in the process of being evaluated by the WA Government. The new Attorney General, Christian Porter indicated that if ALSWA can provide enough evidence that the Aboriginal courts in Kalgoorlie are successful then the government will consider a roll out. If successful, the court may become permanent in Kalgoorlie and the model used to create similar courts elsewhere in WA.

This year the ALSWA finalised its "Submission to the Attorney General: Aboriginal Community Courts Kalgoorlie-Boulder and

Norseman". ALSWA was concerned that the State Government's evaluation may not completely capture the impact the community courts have on clients and the broader Aboriginal community. For this reason ALSWA undertook an evidence-based qualitative evaluation of the community courts in both Kalgoorlie and Norseman that involved ALSWA consulting with stakeholders in the community. The submission aims to convince the State government that the roll out of Aboriginal Community Courts will reduce the over representation of Aboriginal people in WA's criminal justice system.

Advocacy, Community Legal Education And Law Reform Project

The ALSWA is funded to support Aboriginal and Torres Strait Islander peoples in advocating for their rights, developing policy, law reform projects, and delivering community legal education and information.



Left to Right: Melissa McEwen, Brendon Slattery, Karen Sim, Kirsty Beaven (Kalgoorlie) Maria Meredith (Warburton), Murray Stubbs and Elvis Stokes (Kalgoorlie Court Officers).

Community Legal Education

This year the Law and Advocacy Unit has continued to deliver community legal education to Aboriginal and Torres Strait Islander peoples living in WA via ALSWA's:

- pamphlet range (current titles: Arrest, Bail, Compensation for Motor Vehicle Injuries, Criminal Injuries Compensation, Conflict of Interests, Defamation, Discrimination, Domestic Violence, Extraordinary License, Going Surety, Guardianship and Administration, Making a Will, Money for Your Kids, Restraining Orders, Services at ALSWA, Traffic Offences, Video Record of Interview, Women's Support Officer, Your Rights as a Consumer);
- Law Matters 4 Volume CD Series;
- Seminars.

This year ALSWA held pamphlet stalls at events including: a series of NAIDOC events (held at Perth, Armadale, Mirrabooka, Bassendean, Karnet Prison); Wardarnji Aboriginal Cultural Festival; Survival Concert; International Women's Day; Be Active Aboriginal Elders Activity/Information Day (held at Armadale, Belmont and Burswood); and Sorry Day.

Our pamphlets were sought by many agencies including: RUAH, King Edward Memorial Hospital, Social Work Departments, courts, University Aboriginal Study Centres, schools, youth groups and community legal centres. Promotional material and pamphlets also distributed to prisons during regional prison visits by ALSWA's Prisoner Liaison Officer.

In addition ALSWA's Law Matters 4 Volume CD Series was distributed to many community and government agencies including: Central TAFE, Joondalup Youth Support Services, Domestic Violence Advocacy Service, Karnet Prison. These CD's were also taken to regional areas by our Prisoner Liaison Officer and given to relevant prisons and community organisations.



L-R Sorry Day (Perth) Simone-Clinch-Moore, Maureen Cameron, Nathan McGuire, Rhonda Stott, Cassie Riley.



Simone Clinch-Moore, NAIDOC Week (Ashfield).



Perth NAIDOC Award recipients Dennis Eggington Scholar of the Year (Runner Up), Sam Dinah Outstanding Achievement Award (Male) Runner Up.



NAIDOC Perth Official Opening Jodi Hoffmann.



NAIDOC Week @ Ashfield Reserve L-R Cassie Riley, Aaron Latham, Noala Ryder, Lorretta McNamara.



Sorry Day speech Perth John Bedford.

ALSWA presented a 'Law Matters' community legal education workshop to the Victoria Park Youth Accommodation Parenting Group covering the following topics: (1) What are the Move-On Laws? (2) What to do if you're arrested? (3) ALSWA Services for women. The CD's have been an extremely effective means of ensuring that important legal information is reaching Aboriginal and Torres Strait Islander communities.

ALSWA's website www.als.org.au provides the public with information and resources including legal information pamphlets and ALSWA's publications such as "After the Removal" and "Telling Our Story". We are in the process of revamping our website to make it more accessible, informative and user friendly. ALSWA thanks Legal Aid for the use of their Legal Resources Database.

Media

ALSWA maintains a prominent voice within both Indigenous and mainstream media across the country. This ensures that community, government and key stakeholders are aware of our ongoing work and advocacy across a range of areas. ALSWA is highly sought for media comment because of the authentic voice that we contribute to current debate. Our extensive knowledge and experience working within WA's justice system is an important addition to media debate and we are committed to speaking out about the complex issues affecting Aboriginal and Torres Strait Islander peoples within the justice system, via interviews, media statements, newsletters and community flyers.

In 2010 we will produce and present our own one hour legal radio segment on 6NME Noongar Radio in Perth (studio pictured below). This program will be broadcast in metropolitan Perth on 100.9 FM but can also be heard anywhere via live streaming on the internet at www.noongarradio.com. This program will provide an exciting opportunity to ensure that important legal education and information is reaching our communities across the state.



Advocacy and Law Reform

Advocacy and law reform activities have included:

- Involvement in the WA Equal Opportunity Commission's s.80 Implementation and Monitoring Committee which is overseeing the implementation of the "Finding a Place" Report into the existence of discrimination in public housing in WA.
- Participating as a working group member in the Department of Corrective Services "Community Based Order Success Rates for Aboriginal Women Project".
- Participating in Aboriginal Justice Agreement process at the Project Steering Committee and State Congress levels.
- Making written submissions to the WA Government regarding the stranding of people after contact with the justice system in order to improve prisoner transport and repatriation.
- Writing an article outlining issues of police investigating police when there is a death in custody and the lack of WA Government action on the Coroner's recommendations. All of the Aboriginal and Torres Strait Islander Services put together a special Australian Indigenous Law Review publication on issues of coronial reform and the implementation of RCIADIC recommendations in their state.
- ALSWA made written submissions regarding the development of a National Indigenous Representative Body.



Advocacy has also occurred in forums involving stakeholders in the WA justice system with the aim to improve access and equity for Aboriginal and Torres Strait Islander peoples. This has included: pushing for a Statewide Aboriginal Interpreter Service; meeting with the Department of the Attorney General regarding its State Diversionary Strategy; and meeting with court officials regarding barriers for Aboriginal people in the criminal justice system.

National Human Rights Consultation

The ALSWA worked with other Aboriginal and Torres Strait Islander Services on a joint submission to the National Human Rights Consultation ("the Consultation"). The Consultation provided the first Australia-wide consultation about protecting and promoting human rights. This broad-based consultation process provided an opportunity for people to tell the Australian Government how they want their human rights protected, in particular, whether or not we should have an instrument such as a *Human Rights Act* in Australia and if so, how it should operate and what rights it should protect.

As a part of the Consultation ALSWA hosted a seminar and developed culturally appropriate surveys for individuals and sent information to the Aboriginal and Torres Strait Islander community about the Consultation. The seminar was facilitated jointly with the Australian Human Rights Commission and Amnesty International Australia. Guest speakers included Professor Ted Wilkes, Amnesty International Australia Campaigner Rodney Dillon and Australian Human Rights Commissioner, Graeme Innes and Deputy Director of Legal Services, Christine Fougere. The aim of the seminar was to ensure that Aboriginal and Torres Strait Islander peoples voices were captured as a part of the Consultation process.



RCIADIC Artwork done for ALSWA by Julie Dowling.

Expanding ALSWA's work in Human Rights International Human Rights Law and Advocacy



ALSWA CEO Dennis Eggington pictured with Amnesty International Australia Campaigner Rodney Dillon, Australian Human Rights Commissioner Graeme Innes and AHRC Deputy Director of Legal Services, Christine Fougere at a Human Rights Seminar.

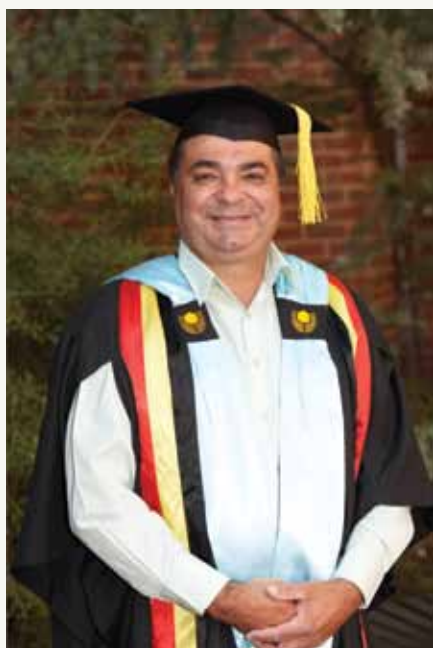
The philosophy of ALSWA is enshrined in the principles of international human rights law as set out in the Universal Declaration of Human Rights. These principles recognise the inherent dignity and the equal and inalienable rights of all people as the foundation for justice, which form the basis for the services ALSWA provides.

The Australian Government has indicated a new willingness to consider international human rights law for guidance in its treatment of Aboriginal people, for example its recent support of the Declaration on the Rights of Indigenous People.

ALSWA has created a new role in the Law and Advocacy Unit to specialise in understanding Australia's obligations under international law and current developments in the international



Professor Neil Morgan, WA Inspector of Custodial Services presented a forum at ALSWA and pictured above are: Lorretta McNamara, Seranie Gamble, Glenn Moore, Kenny Sutton, Ben Taylor, Sam Dinah, Georgina Boddington, Professor Neil Morgan, Joseph Wallam Tammy Solonec, Cassie Riley.



ALSWA CEO Dennis Eggington graduated with a Master of Human Rights Education from Curtin University of Technology in 2009.

human rights system and devise new strategies to strive for the full emancipation of Aboriginal people. Solicitor Seranie Gamble works in this role, which focuses on empowering Aboriginal people to better understand and realise their fundamental human rights, and learn about the international mechanisms, developments and achievements that relate to Aboriginal people around the world. This includes promoting the implementation of the Declaration of the Rights of Indigenous People, utilising the Special Rapporteur on the situation of human rights and fundamental freedoms of Indigenous Peoples, and contributing to the United Nations Permanent Forum on Indigenous Issues and the Expert Mechanism on the Rights of Indigenous People through our involvement in the Indigenous Peoples and Organisation Network.

ALSWA has already co-hosted a community forum with the National Native Title Council for the Special Rapporteur during his visit in August 2009. Community members were invited to attend a round table session with the Special Rapporteur to voice their human rights concerns. The Special Rapporteur spent half a day listening to participants and assuring them their issues will be considered in his final report to the United Nations Human Rights Council. ALSWA provided the Special Rapporteur with copies of our most recent

submissions and invited Managers to participate in the roundtable sessions to inform the Special Rapporteur of all the concerns we have about the rights of Aboriginal people in WA.

ALSWA delivered a workshop presentation at the National Community Legal Centre Conference in Perth in September 2009 about the relevance of international human rights law to Aboriginal people and exploring how to use this workshop as a tool for reaching out to the community about these issues.

ALSWA is collaborating with the Australian Human Rights Commission, Curtin University and the South West Land and Sea Council to coordinate the first of a series of two-day Indigenous Human Rights Workshops later this year.

Robyn M Ninnette
Managing Solicitor



Pictured above with the Special Rapporteur are Perth based community and organisation representatives Marlene Jackamara, Michelle Scott, Helen Corbett, Suresh Rajan, Murray Yarran, Ben Taylor, Ramdas Sankaran, Dot Henry, Brian Wyatt, Marianne Mackay and Michael Blurton.



MANAGER FAMILY VIOLENCE PREVENTION LEGAL SERVICES

KATRINA CARLISLE

In July 2008, ALSWA was approached by the Federal Attorney General's Department (AGD) to take over the role of Auspice Body for the Broome Family Violence Prevention Legal Service.

From the outset, ALSWA was very mindful of its obligations, pursuant to the AGD FVPLS Operational Framework 2006 to exercise special care as an auspice body to deal with conflict of interest issues.

Prior to agreeing to an auspice role, ALSWA sought the written advice of the WA Legal Practice Board as to the management of any conflict of interest issues. It was only after receiving the approval of the Legal Practice Board as to ALSWA's measures as to dealing with conflict of interest issues, that ALSWA indicated to the AGD that it was prepared to take on the auspicing role.

In March 2009, ALSWA officially became the auspice body for the Kalgoorlie based FVPLS also, after being approached by the previous auspice body, Bega Garimbirngu, and the AGD.

In June 2009, ALSWA was successful in its bid to auspice a further 4 FVPLS units in WA in the following areas: Carnarvon, South Hedland, Kununurra and Geraldton, as well as successfully maintaining the auspice role for the Broome and Kalgoorlie units for 2009 / 2010.

One of the principle reasons for ALSWA undertaking an auspice role with FVPLS' was the recognition of the importance of service delivery and access to justice for women, children and young persons who are victims of crime and that improvements could be made through ALSWA to such service delivery. Further we understand that several FVPLS' in regional WA have struggled as stand alone legal service providers and ALSWA has the requisite sound corporate and governance structures in place to provide appropriate managerial and administrative supports for FVPLS' in order to achieve the most effective and cost efficient service delivery to victims of family violence and sexual abuse. In general ALSWA has implemented the following strategies in relation to the development of the FVPLS's:

- FVPLS's will maintain separate operational and office space across the auspiced regions to ALSWA general operations and we have set up a new FVPLS office in Perth as an administrative and management hub.
- ALSWA is in the process of developing a new governance structure for the FVPLS Units, it is anticipated that a separate entity will be established which will oversee the management and



Back row L-R: Mark Colwell (Broome), Kristen Wallwork (Carnarvon), Rose Van Keppel (Kununurra), Rhonda Stott (Perth) Mark Johnston (Perth) Michael Reason (Port Hedland) Front row L-R: Linda McIntosh (Geraldton), Corina Martin (Kalgoorlie), Tonya Jensen (Geraldton), Rose Best (Broome), Katrina Carlisle (Perth), Fay Sambo (Kalgoorlie)

administration of the 6 units currently auspiced by ALSWA. This structure needs to be put into place by the end of December 2009. ALSWA will work in collaboration with stakeholders regarding the development of a suitable governance model in relation to the FVPLS'.

- Development, installation and maintaining of a separate FVPLS Client Management System is being implemented as a priority.
- ALSWA is maintaining separate FVPLS staff including a CEO or General Manager to head up the overall management of the auspiced FVPLS's and a principal legal officer in each of the auspiced units.
- ALSWA affirms our commitment to providing services to Indigenous Australians, particularly women and children, who are victims-survivors of family violence and sexual assault.
- ALSWA is committed to a holistic, collaborative and co-ordinated approach to maintaining and improving legal services for victims of family violence in Western Australia, through the development and maintenance of FVPLS Units located in Broome, Kununurra, Port Hedland, Carnarvon, Geraldton and Kalgoorlie.
- ALSWA will provide regular communication on the progress of the auspicing arrangements to our stakeholders.
- ALSWA will ensure that stakeholders are aware of their roles and responsibilities in relation to the continued development of the FVPLS.
- ALSWA will ensure that stakeholders are aware of their roles and responsibilities in relation to the continued development and delivery of the KidCare program through the EIPP funding.

Whilst there have been some transitional issues for each of the units now falling under the ALSWA auspice, the issues have been addressed by ALSWA with a focus on ensuring the continuity of services to the community from the units. Some of the issues have been:

- Staffing / Recruitment of appropriately trained staff in the FVPLS Units
- Procedures for accounts, HR and transfer of assets.
- Moving the units into appropriate office premises suited to the needs of the units.

Broome FVPLS

ALSWA is currently recruiting for a Coordinator for the unit, and have recently employed a counsellor and new administration assistant, who are due to commence on the 21st September 2009. The unit is currently staffed with a temporary Administration Assistant, a Community Legal Education Worker, and two Solicitors who are seconded from the Country Lawyers Program run by Legal Aid WA. We previously employed a Family Support Worker who was based at Bidyadanga, however funding cuts from the AGD have resulted in the loss of that position. Once fully staffed, the unit will be able to work towards building the services within the community.

Kalgoorlie FVPLS ("Thungula Goothada")

The unit is currently fully staffed with a Coordinator, a male and female counsellor, two solicitors (who are seconded from the Country Lawyers Program run by Legal Aid WA) and an administration assistant. The unit is moving towards developing sound operational plans for the future and the service has developed significantly since ALSWA has taken over the auspice role.

2009 ALSWA SCHOLARSHIPS ANNOUNCED

Carnarvon FVPLS

The unit is currently staffed with a Solicitor (who is seconded from the Country Lawyers Program run by Legal Aid WA), an administration assistant and a counsellor. We are in the process of actively recruiting a Coordinator for the service.

Kununurra FVPLS

The operations of the Kununurra Unit have moved into new premises which will require a fit out for the operational needs of the Unit. Currently the unit is staffed with a coordinator, Solicitor and a restricted practitioner (The restricted practitioner is seconded from the Country Lawyers Program run by Legal Aid WA). Recruitment is under way for a Counsellor and Administration Assistant.

Pilbara FVPLS

The unit is currently staffed by a Coordinator and an Administration Assistant. Recruitment for a counsellor is underway. ALSWA is working with Legal Aid WA to fill the vacant Solicitors positions from the Country Lawyers Program, it is anticipated that both vacant Solicitor positions will be filled by February 2010. In the interim arrangements are being put in place to ensure that clients are adequately referred to other providers and we are attempting to obtain the locum services of a Solicitor in the intervening period.

Geraldton FVPLS

The operations of the Geraldton Unit have moved to new premises. The current Unit staffing is a Coordinator, Administration Assistant and Counsellor. We are recruiting for a Community Legal Education Worker, and expecting the two vacant solicitors positions to be filled by the Country Lawyers Program run by Legal Aid WA by mid October.

Conclusion

ALSWA is committed to the development of the FVPLS units to ensure that this much needed service continues to be developed to ensure that a quality and culturally appropriate legal service is delivered to victims of family violence and/or sexual abuse throughout regional Western Australia.



Katrina Carlisle
FVPLS Manager

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 2009 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 the community.

Some of the Scholarship recipients are pictured with ALSWA's Dennis Eggington (on right) and Katrina Carlisle (on left).



ALSWA congratulates PRIMARY SCHOOL STUDENTS

Decklin Leilua – Rowbotham, Wendy Kennedy, Theodore Albie William Hayden, Dereece Hanley, Braydon Tomas Lawrence, Courtney Alice Humes, Tahlia Jayde Garlett, Azmara Naomi Summers, William Miller, Isaiah Arron Wright, Ravae Hirschausen, Georgia Rose Gosling, Jaketa Lee, Clarence Green, Malachi Johns, Bethany May Miller, Kiara Whitby, William Krakouer, Jordina Abraham (Central and Wheatbelt), Neil Dimer (Goldfields), Tayunna Cook, Rhianna Maher, Kailani Whitby, Dean Harris, David Aaron Nutter, Hugh Vaughn Keith Sando (Murchison Gascoyne), Janaine Ward (East Kimberley), James Farmer, Leigha Richelle Van den Berg, Katina Cox (Southern)

SECONDARY SCHOOL STUDENTS

Yvette Devenish, Gabrielle Matchett, Tahlia Shontell McLennan, Patricia Bennell, Tidja Basilia Proctor, Jessica Slater, Sebastian Websdale, Robyn Cole, Travis Wade Humes, Danieka Taylor, Isaiah Jetta Bolton, Chloe Sawyer, Crystal Lee Voss, Danielle Hayden, Summer Quinn, Luke Yates, Talyssa Lockyer, Ricky Henry, Janadelle Narkle, Jasmin Bye, Cameron Taylor, Tahleea Deborah Edmonds, Shaquille McKenzie, Bevan Shane Bennell, Kate Louise Eades, Dakota Joy Whitby, Teegan Lyn Garvie (Central and Wheatbelt), Ellie Marie Moir, Ethan Day, John Lance William Trent Layton, Patrick William Howell (Goldfields), Dana Bree Anaru, Fallon Augustine Gregory, Callum Phillips, Elaine Dalgetty, Keanu Whitby (Murchison Gascoyne), Estelle Betty Guinness, Laura Topsy-Lee Connors, Kara Patch, Annabel Jack, Katelyn Thomas, Ramon O'Mara (Pilbara), Jackalena Ansey, Maisie Starr, Lily Masuda (West Kimberley), Sheldon Tompsett, Koedee Brown, Kayetlin Thorne, Geoffrey Dean, Patricia Rae - Anne Farmer, Priscilla Yarran, Marley Hunter (Southern).



FINANCIAL REPORTS FOR THE YEAR ENDED 30TH JUNE 2009 AS PREPARED BY ACCOUNTANT TINA WARD

In Financial Year 2009 ALSWA achieved a surplus of \$2,117,593 (2008: \$299,980) from total revenues of \$15,481,566 (2008: \$11,215,980). Of the above stated surplus a substantial amount is directly related to income declared for capital purchases of Land and Buildings.

This year's results reflect well on the organisation continuing to provide services to the community and enables ALSWA to meet future challenges with grace and confidence.

The following statements are the audited consolidated financial accounts for the year ended 30 June 2009. Further detailed accounts of specific grants are available from the ALSWA office in Perth.

Tina Ward

INDEPENDENT AUDITOR'S REPORT

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 2009, the Income and Expenditure Statement and the cash flow statement for the year ended on that date, a summary of significant accounting policies and other explanatory notes for AGD purposes.

The Responsibility of Aboriginal Legal Services of Western Australia (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.

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 2009 is properly drawn up:

- So as to give a true and fair view of its financial performance for the year ended 30 June 2009 in accordance with the accounting policies described in Note 1 to the financial statements;
- 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;
- Adequate financial controls have been maintained by the Association;
- 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 financial accounts; and
- 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
Chartered Accountants

Conley Manifis
Partner

Dated at Perth, Western Australia this 13th day of November 2009.

STATEMENT BY CHAIRPERSON/CHIEF EXECUTIVE OFFICER

In our opinion:

The accounts and schedules set out on pages 30 to 42 present fairly the consolidated financial position of the Aboriginal Legal Service of Western Australia (Inc) at 30th June 2009 and the results of its operations for the year ended 30th June 2009, 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 2008/2009 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 13 day of NOVEMBER 2009.


.....
PRESIDENT


.....
CHIEF EXECUTIVE OFFICER

CERTIFICATE OF COMPLIANCE

This Schedule is established in respect of the 2008/2009 financial year.


Provider: Aboriginal Legal Service of WA (Inc)

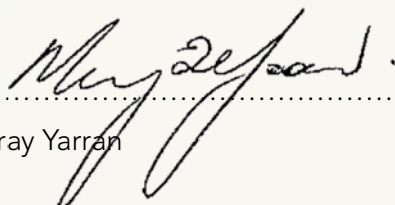
Contact Officer: John Bedford Telephone: (08) 9265 6666

- (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 Aboriginal Legal Service of Western Australia

By


.....
Dennis Eggington


.....
Murray Yarran

In the presence of



Tina Ward

BALANCE SHEET AS AT 30TH JUNE 2009 FOR THE YEAR ENDED 30TH JUNE 2009

	Note	2009	2008
		\$	\$
CURRENT ASSETS			
Cash	2	7,900,821	9,024,235
Receivables	3	377,796	213,549
Total Current Assets		8,278,617	9,237,784
NON-CURRENT ASSETS			
Property, furniture and equipment	1(B), 4	3,168,081	852,969
Leasehold improvements	1(B), 5	78,038	11,584
Motor Vehicles	1(B), 6	70,457	8,784
Total Non-Current Assets		3,316,576	873,337
TOTAL ASSETS		11,595,193	10,111,121
CURRENT LIABILITIES			
Accounts payable	1(E), 7	924,286	1,242,986
Provisions	8	1,641,125	1,285,911
Unexpended AGD/ATSIS Grants	10	4,751,011	5,546,810
Family Violence Assets		90,978	-
Total Current Liabilities		7,407,400	8,075,707
NON-CURRENT LIABILITIES			
Provisions	9	99,032	80,866
Total Non-Current Liabilities		99,032	80,866
TOTAL LIABILITIES		7,506,432	8,156,573
NET ASSETS		\$4,088,761	\$1,954,548
Accumulated Funds:			
Retained surplus/(deficit)		3,828,850	1,694,637
Asset Revaluation Reserve		259,911	259,911
TOTAL FUNDS		\$4,088,761	\$1,954,548

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 2009

	Note	2009	2008
		\$	\$
INCOME			
Grants		14,394,381	10,578,130
Interest		394,626	216,838
Other income		692,559	421,012
		15,481,566	11,215,980
EXPENDITURE			
Salaries		8,521,789	7,019,502
Depreciation		222,638	113,657
Loss (profit) on sale of Assets		(2,965)	(9,879)
Other operating expenses		4,622,511	3,792,720
		13,363,973	10,916,000
Net surplus/(deficit) for year	11	\$2,117,593	\$299,980

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 2009

	NOTE	2009	2008
		Inflows (Outflows)	Inflows (Outflows)
Cash flows from operating activities:			
AGD/ATSIS Funds		14,394,381	16,276,897
Interest received		394,626	216,838
Other receipts		692,558	363,512
Payments to suppliers and employees		-14,019,528	-11,003,045
Net cash from/(used in) operating activities	A	1,462,038	5,854,202
Cash flows from investing activities:			
Payments for property, plant and equipment		-2,588,418	-207,183
Proceeds from sale of property, plant and equipment		2,965	20,318
Net cash used in investing activities		-2,585,453	-186,865
Net increase/(decrease) in cash held		-1,123,415	5,667,337
Opening balance of cash held		9,024,235	3,356,898
Cash balance at the end of the year	(2)	\$7,900,820	\$9,024,235
A RECONCILIATION OF NET CASH PROVIDED FROM OPERATING ACTIVITIES TO NET INCOME/ (DEFICIT) FOR YEAR			
Net income/(deficit) for year		2,117,593	299,980
Loss/(Profit) on sale of assets		-2,965	-9,879
Depreciation		222,638	113,657
Provisions		373,360	55,000
Receivables		-164,247	-23,938
Creditors and Accruals		-288,541	602,968
Unexpended Funds (including previous years)		-795,799	4,816,414
Net cash from/(used in) operating activities		\$1,462,038	\$5,854,202

NOTES TO AND FORMING PART OF THE ACCOUNTS FOR THE YEAR ENDED 30TH JUNE 2009

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 re-valued 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 year's 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.

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

NOTES TO AND FORMING PART OF THE ACCOUNTS

FOR THE YEAR ENDED 30TH JUNE 2009

	2009	2008
	\$	\$
2. CURRENT ASSETS - CASH		
Payroll Account	10,064	11,685
Cash Management Accounts	6,530,422	9,103,643
Branch Imprest	6,080	5,380
Petty Cash Imprest	-	-
General Accounts	1,346,111	(100,587)
BWA – Security Deposit	10,001	5,971
Salary Packaging (Credits)/Debits	(1,857)	(1,857)
	<u>\$7,900,821</u>	<u>\$9,024,235</u>
3. CURRENT ASSETS - RECEIVABLES		
Prepayments	67,602	88,751
Organisation Trust	4,879	4,924
Others - General	32,899	119,874
Accrued Income	272,416	-
	<u>\$377,796</u>	<u>\$213,549</u>
4. NON-CURRENT ASSETS – PROPERTY, FURNITURE & EQUIPMENT		
Land and Buildings		
At valuation 30 June 2007	660,000	660,000
At Cost 30 June 2009	2,291,204	-
Accumulated depreciation	59,527	48,080
Total land and buildings	<u>\$2,891,677</u>	<u>\$611,920</u>
Furniture and Equipment		
At committee's valuation, 1 July 1995	217,468	217,468
Accumulated depreciation	217,468	217,468
	<u>-</u>	<u>-</u>
At cost	1,379,231	1,189,971
Accumulated depreciation	1,102,827	948,922
	<u>276,404</u>	<u>241,049</u>
Total furniture and equipment	<u>276,404</u>	<u>241,049</u>
Total Property, Furniture and Equipment	<u>\$3,168,081</u>	<u>\$852,969</u>

NOTES TO AND FORMING PART OF THE ACCOUNTS

FOR THE YEAR ENDED 30TH JUNE 2009

	2009	2008
5. NON-CURRENT ASSETS		
Leasehold Improvements		
At committee's valuation 1 July 1995	424,392	424,392
Accumulated amortisation	424,392	424,392
	<u>-</u>	<u>-</u>
At cost	376,358	278,566
Accumulated depreciation	298,320	266,982
	<u>78,038</u>	<u>11,584</u>
Total Leasehold Improvements	<u>\$78,038</u>	<u>\$11,584</u>
6. NON-CURRENT ASSETS		
Motor Vehicles		
At cost	108,423	16,945
Accumulated depreciation	37,966	8,161
Total Motor Vehicles	<u>\$70,457</u>	<u>\$8,784</u>
7. CURRENT LIABILITIES – ACCOUNTS PAYABLE		
Sundry accruals	111,058	38,772
Other Creditors	708,588	948,610
Accounts Payable	104,640	255,604
	<u>\$924,286</u>	<u>\$1,242,986</u>
8. CURRENT LIABILITIES - PROVISIONS		
Annual Leave	854,000	655,000
Long Service Leave	393,968	359,134
Sick Leave	356,000	218,000
FBT	37,157	53,777
	<u>\$1,641,125</u>	<u>\$1,285,911</u>
9. NON-CURRENT LIABILITIES		
Long Service Leave	99,032	80,866
	<u>\$99,032</u>	<u>\$80,866</u>

NOTES TO AND FORMING PART OF THE ACCOUNTS
FOR THE YEAR ENDED 30TH JUNE 2009

	2009	2008
10 CURRENT LIABILITIES – UNEXPENDED FUNDS	\$	\$
Prisoner Support – Male	21,069	16,743
Prisoner & Incarcerated Juvenile Support	414,380	-
Kimberly Restorative Justice	87,735	58,272
Aboriginal Advisory	64,309	-
Test Case - Bolton	-	9,610
Unfair Dismissal Lawrence	-	2,404
Expensive Criminal Case Fund	1,946,699	1,062,947
History Project - AIATSIS	-	11,247
Redress WA	190,975	-
One off Capital Funding	119,110	275,000
Aboriginal Community Court	4,700	126,850
History Project	7,500	10,000
Community Legal Education - Media	22,172	60,230
NAIDOC	-	5,000
Pilot Program - Liquor	48,989	119,200
Indigenous Justice Taskforce	394,176	986,800
Property Purchases	452,508	2,750,000
Strategic Plan 2008-2011	-	16,340
Content Management Information System	-	8,085
Website Development	8,236	13,725
History Project – Premier & Cabinet	-	4,201
Stolen Wages	10,157	10,157
Country Lawyers	235,000	-
Broome Family Violence Prevention Legal Services	73,680	-
Kalgoorlie Family Violence Prevention Legal Services	6,876	-
Bidyadanga Grant	10,000	-
Main Legal Aid Grant	632,740	-
	<u>4,751,011</u>	<u>5,546,810</u>

NOTES TO AND FORMING PART OF THE ACCOUNTS
FOR THE YEAR ENDED 30TH JUNE 2009

	2009	2008
11 CONTRIBUTION TO SURPLUS/(DEFICIT)	\$	\$
Law and Justice Grant	138,885	304,654
WA Advisory Council	-	(2,851)
Kimberley Restorative	(470)	(1,823)
Property Purchases	1,979,178	-
Net surplus/(deficit) for year	<u>\$2,117,593</u>	<u>\$299,980</u>

12. CONTINGENT LIABILITY

There are no contingent liabilities to be declared.

13. OPERATING LEASE COMMITMENTS

Rental property commitments across various sites are:

Less than one year	\$698,875
Greater than one year but less than five years	\$1,688,901
Greater than five years	\$ 0
Total commitments	<u>\$2,387,776</u>

14. SUBSEQUENT EVENTS

ALSWA undertook the contracts for the provision of legal services for an additional four (4) Family Violence Prevention Legal Services located in Kununurra, Port Hedland, Geraldton and Carnarvon. There are now a total of six locations auspiced by ALSWA.

15. RETAINED EARNINGS

Retained Earnings of \$1,694,637 stated in the 2008 Annual Report was varied by \$16,620 to offset the Provision adjustment for Fringe Benefits Tax in 2007/2008.

INFORMATION FOR AGD PURPOSES

FOR THE YEAR ENDED 30TH JUNE 2009

INCOME AND EXPENDITURE STATEMENT

	YTD ACTUAL	YTD BUDGET	VARIANCE TO DATE
PROVIDER INCOME			
Surplus Deficit from previous year	1,014,205	1,014,205	-
Commonwealth	10,141,740	9,509,000	(632,740)
Commonwealth - Extra funds	-	-	-
State	-	-	-
Service Generated Income	-	-	-
- Interest	394,626	400,000	5,374
- Membership	-	-	-
- Community Legal Education	-	-	-
- Costs Recovered & Retained	21,609	125,000	103,391
- Profit on Sale of Asset	2,965	-	(2,965)
- Sundry Income	199,575	120,000	(79,575)
- Program Income	91,737	19,000	(72,737)
A. Total Provider Income	11,866,457	11,187,205	(679,252)
Approved Capital Expenditure	9,710	9,710	-

INFORMATION FOR AGD PURPOSES

FOR THE YEAR ENDED 30TH JUNE 2009

INCOME AND EXPENDITURE STATEMENT

	YTD ACTUAL	YTD BUDGET	VARIANCE TO DATE
PROVIDER EXPENSES			
Salaries	5,648,795	5,801,000	152,205
Superannuation	521,718	509,000	(12,718)
On Costs	988,506	619,000	(369,506)
Rent	774,324	825,000	50,676
Repairs and Maintenance	26,246	28,000	1,754
Other Premises Costs	1,393	-	(1,393)
Staff Training	42,104	35,000	(7,104)
Staff Recruitment	122,172	77,000	(45,172)
Communications	159,569	120,000	(39,569)
Office Overheads	318,283	236,000	(82,283)
Insurance	108,813	125,000	16,187
Finance, Audit & Accounting	19,138	25,000	5,862
Library, Resources & Subscriptions	164,514	130,000	(34,514)
Travel	576,704	464,000	(112,704)
Programming & Planning	130,749	100,000	(30,749)
Client Disbursements	221,171	333,000	111,829
Leases - Vehicles	615,718	578,000	(37,718)
Minor Equipment	-	-	-
Depreciation	174,051	-	(174,051)
Other	89,690	112,000	22,310
Capital Expenses	9,710	-	(9,710)
D. Total Operating Expenses	3,554,348	3,188,000	(366,348)
E. Total Provider Expenses	10,713,367	10,117,000	(596,367)
F. Surplus/(Deficit)	1,153,090	1,070,205	(82,885)

INFORMATION FOR AGD PURPOSES

FOR THE YEAR ENDED 30TH JUNE 2009

	2009	2008
Reconciliation with Statutory accounts	\$	\$
Operational surplus/(deficit) (for AGD/ATSIS Purposes)	1,153,090	1,014,205
Total	1,153,090	1,014,205
Unexpended Grant	(1,014,205)	(764,777)
Capital expenditure	-	55,226
Profit / (Loss) on sale of assets	-	0
Depreciation	-	0
Net surplus/(deficit) for year per Income and Expenditure Statement	138,885	304,654

ADDITIONAL INFORMATION

ALSWA Opening Hours

8.30 am to 5.00 pm weekdays (Perth, Bunbury, Carnarvon, Kalgoorlie, Kununurra, Laverton, Northam).
8.00 am – 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 3311 matters, duty lawyer assistance in 9026 matters and casework in 11983 matters, totaling 24320 matters. The number of Matters closed in 2008/2009 is 3308 (Advice) 10622 (Case) and 8785 (Duty) totaling 22715.

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 and 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; staff receive 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: Business Activity Statement with PFK Chartered Accountants, Supervisors course (Australian Institute of Management), Sybiz training, Accounting and IT Solutions, continued CPA studies. Completion of the mandatory Compulsory Professional Development training across the three competency areas as required under the Legal Profession Act 2008 and application for renewal of a practising certificate. Attendance at professional development events including Indigenous Family Violence Forum; Anti-social Behaviour Symposium; and Violence Restraining Order Training. Attendance at Family Law Practitioners Association conference, Family Pathways Network (FPN) seminar by visiting UK child expert; seminar at Perth Family Relationship Centre, Family Law conference (Bali) under auspices of FLPA, seminars by Legal Aid WA, attendance at Articles Training Program (ATP), Indigenous family violence prevention forum in Mackay Qld, a Signs of Safety (child protection) video at the Perth Children's Court on the topic of Legal Aid, ALSWA in-house CPD seminar, one lawyer presented a talk on cultural awareness in the Family Court and Children's Court (protection proceedings) at ALSWA as part of the Country Lawyers Program and also addressed Articled Clerks and Restricted Practitioners at Legal Aid in relation to cultural awareness in the Children's Court, ALSWA Family Liaison Officer attended various forums and seminars/ community events along with attendance at numerous community forums, conferences and unit training.

ALSWA Staff

Perth: 3 Senior Management, 27 Solicitors, 16 Criminal, 5 Civil/Human Rights, 4 Family, 3 Law and Advocacy, 11 Court Officers, 7 Criminal, 1 Human rights, 1 JI/PLO (Male) 1 JI/PLO (Female), 1 Family Support Officer, 11 Secretaries/PAs (2 Senior Management, 2 Criminal, 4 Civil, 2 Family 3 Law & Advocacy, 15 Administration staff, 1 Public Relations Officer, 1 Librarian. Albany: 1 Solicitor, 1 Court Officer, 1 Secretary; Broome: 3 Solicitors, 1 Court Officer, 1 Secretary; Bunbury: 1 Solicitor, 1 Court Officer, 1 Secretary; Carnarvon: 2 Solicitors, 1 Court Officer, 1 Secretary; Derby: 1 Court Officer, 1 Secretary; Fitzroy Crossing: 1 Court Officer; Halls Creek: 1 Court Officer, 1 Secretary; Geraldton: 2 Solicitors, 1 Court Officer, 1 Secretary; Kalgoorlie: 1 Solicitor, 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: 2 Solicitors, 1 Court Officer, 1 Secretary; Warburton: 1 Court Officer, Family Violence Prevention Legal Services (FVPLS): Broome: 1 Coordinator, Principal Solicitor (Dec 08 onwards), 1 Solicitor (February 09 onwards), 1 CLE worker and 1 Administration staff; Kalgoorlie: 1 Coordinator, 2 Counsellors and 1 Administration staff.

Acknowledgements

ALSWA gratefully acknowledges all who have contributed to this Annual Report.

Thank you to photographer Alf Sorbello for the complimentary photos of ALSWA's late President Terry Whitby, as taken at the 2008 NAIDOC Perth Ball (page 5)

The 2009 ALSWA Annual Report was compiled by ALSWA's Media/Public Relations Officer Jodi Hoffmann.

The map of Western Australia which appears on the front cover of this Annual Report has been 'reproduced by permission of the Western Australian Land Information Authority, CL 38/2009. MODIS Imagery provided by WASTAC (Western Australian Satellite Technology and Applications Consortium) and Landgate'.

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

This Annual Report is dedicated to the memory of the late Terry Whitby, President of the ALSWA Executive Committee 2008-2009.





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