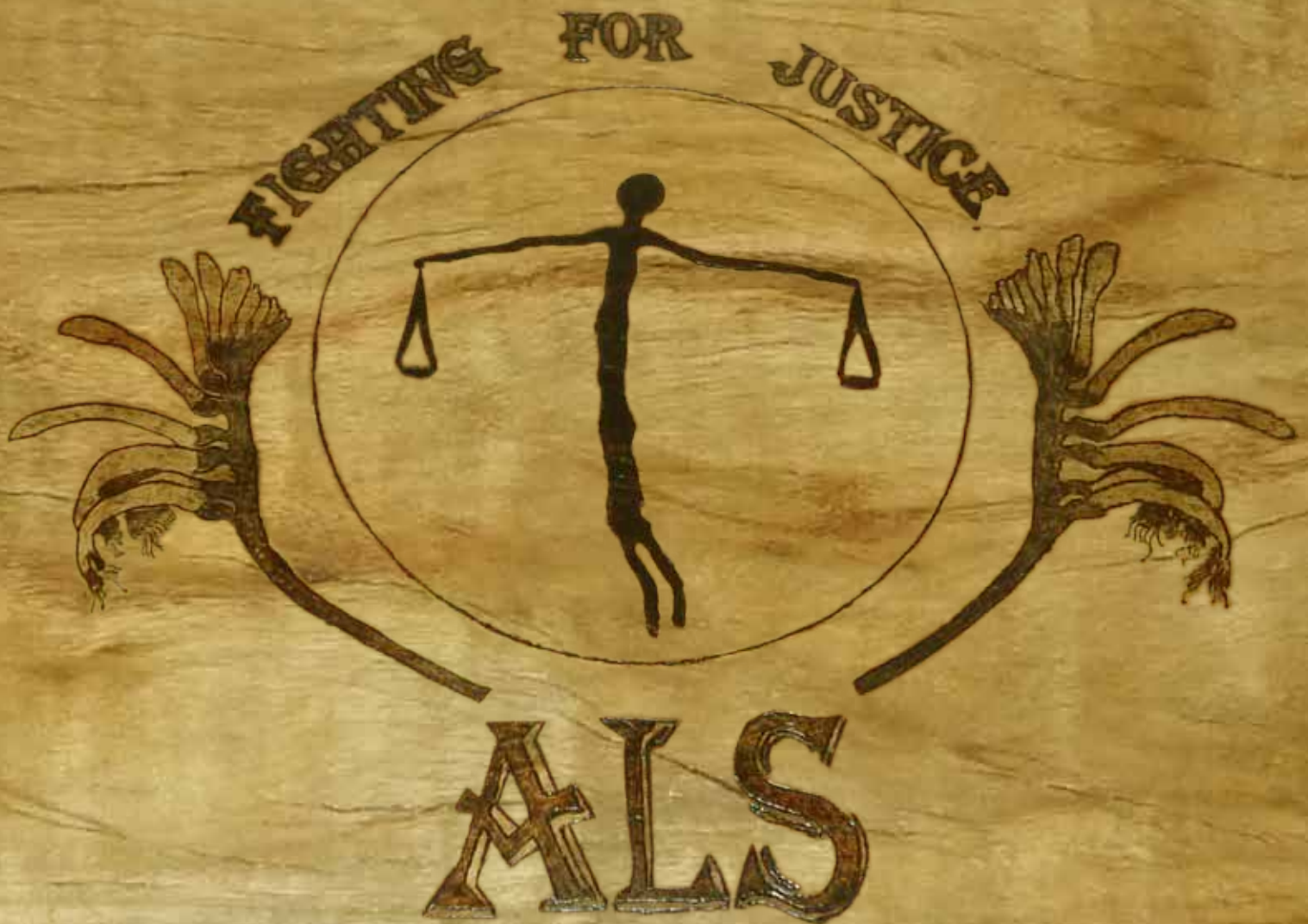
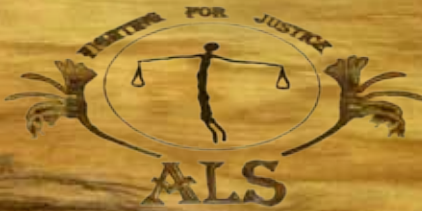




ANNUAL REPORT 2012



ABORIGINAL LEGAL SERVICE OF WESTERN AUSTRALIA (INC)



ABORIGINAL LEGAL SERVICE OF WESTERN AUSTRALIA OFFICES

PERTH (Head Office)

Piccadilly Suites West,
7 Aberdeen Street Perth WA 6000
PO Box 8194, Perth Business Centre, WA 6849
Phone: 08 9265 6666
Toll Free: 1800 019 900
Fax: 08 9221 1767

ALBANY

Shop 13 The Link,
24 St.Emilie Way Albany 6330
PO Box 1016, Albany WA 6330
Phone: 08 9841 7833
Toll Free: 1800 016 715
Fax: 08 9842 1651

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PO Box 389 Broome 6725
Phone: 08 9192 1189
08 9192 1845
Toll Free: 1800 351 067
Fax: 08 9193 5512

BUNBURY

Unit 7 Koombana Court
141 Victoria Street Bunbury 6230
PO Box 1765 Bunbury 6231
Phone: 08 9791 2622
Toll Free: 1800 630 375
Fax: 08 9791 2572

CARNARVON

58 Robinson Street
Carnarvon 6701
PO Box 766 Carnarvon 6701
Phone: 08 9941 1534
Toll Free: 1800 645 942
Fax: 08 9941 2363

FITZROY CROSSING

Shop 7 Tarunda Shopping Complex
Fitzroy Crossing 6765
PO Box 312 Fitzroy Crossing 6765
Phone: 08 9191 5147
Fax: 08 9191 5390

GERALDTON

73 Forrest Street
Geraldton 6530
Phone: 08 9921 4938
Toll Free: 1800 016 786
Fax: 08 9921 1549

HALLS CREEK

Office 7 Halls Creek Community Resource Centre
Thomas Street, Halls Creek 6770
PO Box 162, Halls Creek 6770
Phone: 08 9168 6156
Fax: 08 9168 5328

KALGOORLIE

42 Maritana Street, Kalgoorlie 6430
PO Box 1077, Kalgoorlie 6430
Phone: 08 9021 3666
08 9021 3816
Toll Free: 1800 016 791
Fax: 08 9021 6778

KUNUNURRA

81 Konkerberry Drive
Kununurra, 6743
PO Box 2, Kununurra 6743
Phone: 08 9168 1635
08 9168 1544
Fax: 08 9169 1147

MEEKATHARRA

7 Main Street
Meekatharra 6642
Phone: 08 9981 1712
Fax: 08 9981 1721

NEWMAN

Unit 2/20 Hilditch Avenue
Newman 6753
PO Box 628 Newman 6753
Phone: 08 9175 0764
Fax: 08 9175 0763

NORTHAM

125A Fitzgerald Street
Northam 6401
PO Box 1096, Northam 6401
Phone: 08 9622 5933
Toll Free: 1800 442 015
Fax: 08 9622 5006

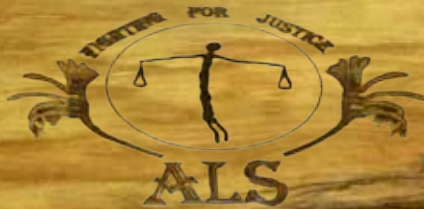
ROEBOURNE

Harding Street
Roebourne 6718
PO Box 185 Roebourne 6718
Phone: 08 9182 1107
Fax: 08 9182 1171

SOUTH HEDLAND

Unit 7, Lotteries House
Leake Street South Hedland 6722
PO Box 2720 South Hedland 6722
Phone: 08 9172 1455
Toll Free: 1800 650 162
Fax: 08 9172 1466

**Front cover artwork excerpt from the ALSWA Talking Table by the Dardi Design Team students through Central Institute of Technology/David Wirrpanda Foundation 'Solid Futures' program 2011 which features proudly at ALSWA Head Office.*

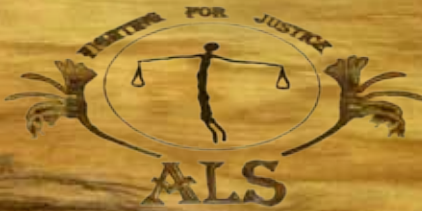


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CULTURAL WARNING

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



40TH ANNIVERSARY OF THE TENT EMBASSY OPEN LETTER BY ALSWA CEO DENNIS EGGINGTON JANUARY 2012



It's January 26 and a teenage white boy swathed in an Australian flag makes his way down to the waterfront to get drunk on beer, nationalism and patriotic backslapping. His eyes turn skyward to watch fireworks as he revels in being a citizen of the lucky country. He sings along boisterously to songs of the past, some more than forty years old. Meanwhile countless Western Australians travel on boats like their ancestors across the ocean. Their destination is Rottnest Island where they will toast the good fortune that conquest has bestowed.

Meanwhile across the other side of the country, another teenage boy has also made a pilgrimage. His flag is black, red and yellow, representing our people, our country and the sun that shines down upon our world's longest surviving civilisation, Aboriginal Australia. He chooses not to celebrate on the banks of the Derbarl Yerrigan (Swan River) where Governor Stirling planted a foreign flag nor will he sail to the prison island that we Nyoongars call Wadjemup (Rottnest Island), where the graves of our ancestors are buried just metres beneath the picnic blankets of the Australia Day revellers. His journey has been longer, more sober and more sombre. He has crossed the continent from Western Australia to Canberra and has also sang songs of the past, some as old as forty thousand years.



1-8 JULY **2012**

SPRIT OF THE
TENT EMBASSY:
40 YEARS ON

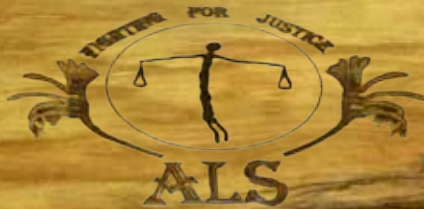
He will not be blinded by fireworks and deafened by raucous music. Instead he will be looking to the ground that commemorates the establishment of the Aboriginal Tent Embassy forty years ago. As he breathes in the smoke of the campfire he knows he is not alone. Many Indigenous peoples have also made the journey from all corners of the country. In the weeks leading up to the commemoration, countless people representing the multitude of Indigenous nations across the country have been preparing to travel by bus, train, plane, car and even foot to honour one of the most symbolic and important points in Australian human rights history.

I am just one of these people, who see the Tent Embassy commemoration as a poignant reminder of the parallel worlds that mainstream and Indigenous Australians live in. We may all live in one country but we still live in significantly different worlds. In 2012 with such disparity between Indigenous and non-Indigenous Australians, I find it difficult to celebrate the 26th of January which commemorates the start of a process which decimated so many of our people. Such triumphalism beneath a flag which still bears the symbol of the Union Jack I still find very uncomfortable.

Instead I will reflect upon a day forty years ago when Indigenous Civil Rights campaigners, so frustrated with the lack of social equity, occupied this nation's capital by erecting a Tent Embassy. I cannot escape the irony of my First Nations Peoples having to pitch a tent on traditional country in the shadow of opulent and palatial international embassies. Traditional owners who have become displaced, oppressed peoples, refugees in our homelands.

We have thousands of home grown Indigenous refugees in this country who due to ongoing injustices are unable to flee poverty, oppression and lack of opportunity. For many of our people who are still homeless in our own land, a tent seems to be a highly appropriate form of symbolism. I hope that the teenage white boy swathed in his own symbolism of the coloniser may reflect as he enjoys the fireworks, that many of his fellow compatriots are singing songs of strength, solidarity and survival. Maybe then he can embrace his Indigenous brother in unity and together both can look forward to living in a lucky country.

(*Photo by Adrian Lambert Scoop Magazine 2011 Edition 57)



EXECUTIVE COMMITTEE PRESIDENT KATHY WATSON



It gives me great pleasure to present the 2012 President's Report on behalf of the Aboriginal Legal Service of Western Australia (ALSWA) Executive Committee. I would like to personally thank our Executive Committee Members and former President Lorraine Whitby for their dedication and ongoing contributions to such an important organisation.

I have gained an enormous insight into ALSWA's role within the justice system in this state through my involvement as the Committee's West Kimberley representative, initially as secretary in 2011, before being elected President in April 2012.

Our organisation plays a vital role in providing our people with professional legal support, advice and representation within a welcoming and culturally affirming environment which people can feel comfortable accessing. There is a shared respect between our people and it is important that our organisation and key stakeholders within the justice area work collaboratively to achieve our goals.

Through my own voluntary work offering Cultural support to clients accessing ALSWA's Broome office, I am well aware of many of the barriers facing our people who require ALSWA's assistance.

Our Executive Committee members bring a great deal of knowledge to our organisation and their sharing of this knowledge greatly assists in ensuring that the diverse needs of our people are addressed in both Perth and regional Western Australia.

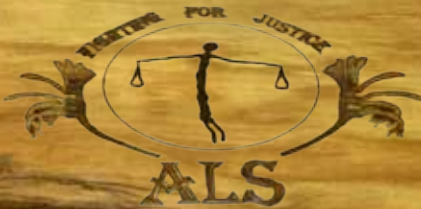
I acknowledge also the ongoing commitment and efforts of ALSWA's Senior Management team and our dedicated staff members. We really are a leading agency and continue to provide a unique service for our community members in this state.

Whilst our work is often extremely challenging I am proud of the important role that the Aboriginal Legal Service of Western Australia continues to play forty years on from its inception. I feel extremely honoured to share in the journey of this organisation and am proud to represent our community, a sentiment that I am sure is shared by our Executive Committee.

Kathy Watson **Executive Committee President**

About Kathy:

Kathy Watson was born in Derby (approximately 2500 kilometres from Perth) at the leprosarium which closed in 1986. Growing up in Beagle Bay, she spent most of her married life in Broome and is the proud mother of three children and grandmother to ten. Her father's side are Kidja from Warmun Turkey Creek in the East Kimberley and her mother's side are Nyniga from West Kimberley, Derby. Her adoptive mother May Paula Howard, now 107 years old and a member of the Stolen Generations, looked after Kathy from three days old in Beagle Bay and remains a wonderful role model in her life.



CHIEF EXECUTIVE OFFICER ADJUNCT PROFESSOR DENNIS EGGINGTON



I am honoured to present my report for the Aboriginal Legal Service of Western Australia (ALSWA) 2011-2012 Annual Report.

Members will know that this report is a requirement under our funding agreement with the Federal Attorney Generals Department. It is also a Constitutional requirement under WA's Council and Associations Act.

Can I start by acknowledging our Executive Committee, members and staff who help in assuring our great service continues to fulfil its obligations and responsibilities from corporate affairs to client services.

The year has proven to be a year of getting on with business, adjusting to an ever increasing demand of services, supporting our National colleagues in the development of our National Aboriginal and Islanders Legal Services body (NATSILS). This development has been very exciting as we continually increase our ability to respond to National agendas and providing the Federal Attorney with sound policy and advice on National and International issues.



Attorney General The Hon Nicola Roxon MP pictured at ALSWA in September 2012 with (L-R) Shane Duffy Chairperson of the National Aboriginal and Torres Strait Islander Legal Services NATSILS, Robyn Ninnette ALSWA Deputy/Acting Director Legal Services, Priscilla Collins Deputy Chairperson NATSILS, John Bedford ALSWA Executive Officer, Dennis Eggington ALSWA Chief Executive Officer

This year saw the NATSILS attending the United Nations Permanent Forum on Indigenous Issues (UNPFII) in New York for the first time in almost a decade. The importance of this was that we as Aboriginal Legal Services' were able to get issues around Stolen Generations and Stolen Wages on the agenda at an International level. ALSWA was also represented at UNPFII (see page 29). As members will see from the various reports, we continue to fight for the rights of our people's. Our goal, and dare I say, the goal of our National Body, is to continue to seek legal redress against state, territory and commonwealth governments on their failure in their fiduciary duty to our people's over many decades.

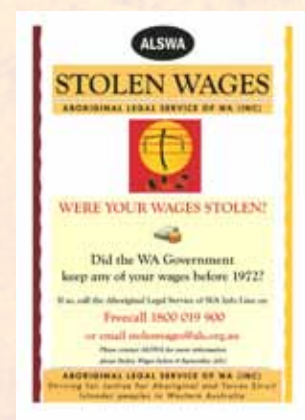


ALSWA Executive Committee President Kathy Watson (on right) with ALSWA CEO Dennis Eggington (centre) and ALSWA Deputy and Acting Director Legal Services Robyn Ninyette (on left) with NATSILS representatives during a meeting in Adelaide in 2012 (Photo courtesy NATSILS)

It has been an interesting twelve months since our last report. The forty year anniversary of the Aboriginal Tent Embassy has re-ignited calls for sovereignty by many of our people's. It is my opinion that it was not only the national focus on the tent embassy celebrations that has contributed to this new energy around sovereignty. I have no doubt that the continued attacks on our communities through the Northern Territory Intervention and no real desire to properly address full reparation for past acts like stolen wages and stolen generations continue to fuel this anger.



National Congress' Dennis Eggington, Brian Butler and Les Malezer
As part of the 40th anniversary commemorations, Congress held its first Peoples Forum entitled "Sovereignty and Self Determination: The Political Contract" on 24 and 25 January 2012 at the Australian National University in Canberra (Photo by Joseph Mayers)



ALSWA flyer promoting stolen wages assistance available to community members. The Stolen Wages deadline was extended from 6 September to 30 November 2012



On our home front we are quickly coming to the end of our state's stolen wages scheme. On behalf of all of our members, I would like to thank the many law firms who have supported us in assisting those eligible for the scheme to get their applications in. ALSWA will continue to pursue the issues of stolen wages and stolen generations as core principles around reparation for failure of duty of care.

Our organisation is proud to continue to support the Nation Congress of Australia's First Peoples and a report about Congress can be found on page 30 of this report.

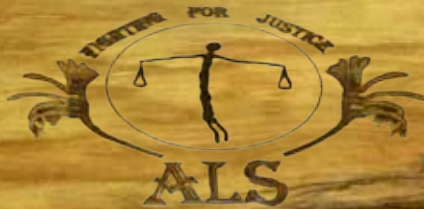
February 2012 saw the launch of our much anticipated book "Justice-A History of the Aboriginal Legal Service of Western Australia" and it is little wonder that the launch brought together such a diversity of guests from Community members, to judges and members of the legal fraternity. ALSWA has a rich history that spans forty years and many of the people who have contributed to our organisation during this time have shared their recollections for this book. We are proud that ALSWA's history can now be shared with a wider audience who can gain a greater understanding of not only our importance in those early years, but the vital contribution that we continue to make in seeking justice for our peoples. Following its release, the book was awarded the 2011 Premier's Prize and History Award as part of the WA Premier's Book Awards and was also the recipient of the 2012 Margaret Medcalf Literary Award.

A full report on the book is on page 20 of this annual report.



WA Premiers Book Awards L-R Michael Blurton ALSWA Executive Committee, The Hon Fred Chaney AO, 'Justice' author Fiona Skyring and ALSWA CEO Dennis Eggington

Through my capacity as CEO of ALSWA I was honoured to be invited to present the 2012 Sir Ronald Wilson Lecture by the Law Society of Western Australia. This lecture provided a wonderful opportunity to address students, members of the legal fraternity and other interested parties about Nyoongar Culture and Country and some of the key issues affecting our people within the justice system. *The SRW Lecture can be downloaded from www.als.org.au or www.lawsocietywa.asn.au*



Above left: SRW Lecture by Adjunct Professor Dennis Eggington

Above right: Mr Donald Yeats, The Hon. Mary Ann Yeats, Mr Alan Drake Brockman, Adjunct Professor Dennis Eggington and Mr Matthew McGuire. (Photos courtesy Law Society of WA)

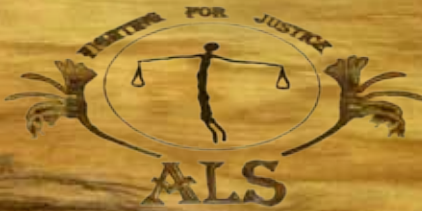
Thank you to the Dardi Design Team who created ALSWA's beautiful marri Talking Table (pictured below) in 2011 which features on the cover of this Annual Report. ALSWA was thrilled to commission the table and witness the incredible work done by Central Institute of Technology/David Wirrpanda Foundation 'Solid Futures' students. The table, which spans almost three metres, features proudly in ALSWA Perth Head Office boardroom.



I am proud to have held the role of Chief Executive Officer with the Aboriginal Legal Service of Western Australia (Inc) since 1996. Our organisation has gained a strong reputation for being a key player in this state's justice system and I am so proud of the efforts of our Executive Committee members, our Management and Staff for their ongoing commitment.

It is the combined efforts of us all that ensures that the Aboriginal Legal Service of WA continues to provide a professional and culturally affirming service for Aboriginal and Torres Strait Islander peoples throughout the state.

Adjunct Professor Dennis Eggington
Chief Executive Officer



2011 - 2012 EXECUTIVE COMMITTEE MEMBERS OFFICE BEARERS (AS AT 30 JUNE 2012)



PRESIDENT Kathy Watson (West Kimberley)

Kathy Watson was born in Derby and grew up in Beagle Bay. Her father's side are Kidja from Warmun Turkey Creek in the East Kimberley and her mother's side are Nyniga from West Kimberley, Derby and her adoptive mother, now aged 107, looked after Kathy from three days old in Beagle Bay. Kathy has been ALSWA's Executive Committee President since April 2012.



VICE PRESIDENT Michael Blurton (Central)

Michael Blurton is a Noongar man who has a long association with ALSWA's Executive Committee. Originally from Quairading, he is committed to working towards a better future for our people and his contributions and input to ALSWA are greatly appreciated.



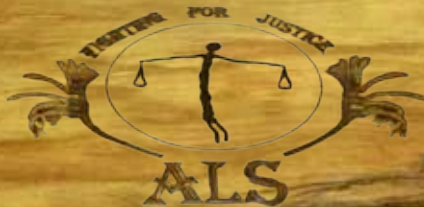
SECRETARY (Lorraine Whitby Murchison/Gascoyne)

Lorraine Whitby is a Yamatji woman from Carnarvon who has a long history of representing the interests of Aboriginal people. She is committed to working with Aboriginal and Torres Strait Islander people's to achieve a better outcome for a brighter future. Lorraine was ALSWA's Executive Committee President between July 2011 and April 2012.



TREASURER Ian Tucker (Goldfields)

Ian Tucker is a Wongi man from Menzies who has a great interest in Aboriginal justice issues and ensuring that important information is accessible to his Community. He is interested in both local and statewide issues to determine what programs and initiatives are most suitable for our people.



2011 – 2012 EXECUTIVE COMMITTEE MEMBERS



Murray Yarran (Central)

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



Beverley Thomas (Central Desert)

Beverley Thomas is from Kalgoorlie and has lived in Kanpa Community for 18 years. She has a long association with ALSWA's Executive Committee and is committed to the issues facing our people and the important role played by ALSWA.



Preston Thomas (Central Desert)

Preston Thomas is from Laverton and has lived in Kanpa Community for 18 years. He has been involved with ALSWA's Executive Committee for many years and is committed to the issues facing our people and the important role played by ALSWA.



Trevor Bedford (East Kimberley)

Trevor Bedford is a Gidja man from a family of 12 brothers and sisters who has lived most of his life in Halls Creek. He has been involved with a number of organisations including the Yuri Yungi Aboriginal Medical Service, the former ATSIC Wunan Regional Council and the former Ngoonjuwah Aboriginal Corporation and Halls Creek Aboriginal Corporation (CDEP). He is a respected member of the Halls Creek community and has been involved in many community activities over the years. This is Trevor's first term on the ALSWA board.



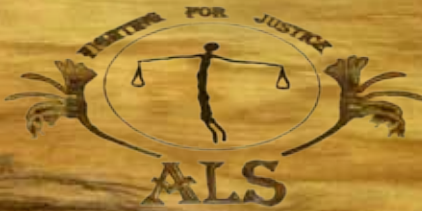
John Green (East Kimberley)

John Green is a Djaru man from Halls Creek who has lived there all of his life and been involved in many community organisations over a long period of time. A former ALSWA Court Officer, he stepped down from the Executive Committee in April 2012 to re-commence his role as a Court Officer.



Faye Sambo (Goldfields)

Faye Sambo is a proud Aboriginal woman who is deeply committed to family and Community. She makes important contributions to ALSWA's Executive Committee and cares about creating a better future for our people.



Kathleen Musulin (Murchison/Gascoyne)

Kathleen Musulin is from Carnarvon in the Gascoyne region, with her Cultural groups being Yamatji-Malgana/Yawuru. She is committed to family, community, the rights of Aboriginal people and supporting our young people to excel in life and is proud to represent the communities interests' in legal issues. Holding a Diploma in National Indigenous Legal Advocacy in Legal Studies, she strives to assist in overcoming disadvantage for our people in all areas, including law, housing, education, training, health and Native Title.



Phyllis Simmons (Pilbara)

Phyllis Simmons is a Yamatji woman from the Karratha (Pilbara) region who is committed to women's issues and justice for our people. She has a long association with ALSWA's Executive Committee and believes in the importance of healing and rehabilitation centres and more diversionary processes.



Shane Derschow (Pilbara)

Shane Derschow was born in Geraldton but his maternal family (Bantikura Bunjima Marlpa) originates from the Pilbara where he now resides. Through his involvement with ALSWA, Shane advocates on specific legal issues within his region. Committed to family, community development and empowerment for our people, he is proud of the culturally appropriate legal service provided by ALSWA and the continued inclusiveness and diversity of the Executive Committee's sixteen members working with such an important Aboriginal Community controlled and driven service.



Trevor Eades (Southern)

Trevor Eades is a Noongar man and Elder of the South-West region. A former ATSIC board member during the 1990's he brings a wealth of knowledge to his role with ALSWA.



Arthur Slater (Southern)

Arthur Slater was born in Kellerberrin and his people are from the Ballardong tribe. He is committed to Native Title and supports the work of ALSWA and the vital role that it plays in providing legal representation and support for our people.



Kevin George (West Kimberley)

Kevin George has a long association with ALSWA's Committee and brings a wealth of Cultural knowledge to this role. His ongoing role and contributions to ALSWA are greatly appreciated.

EXECUTIVE OFFICER JOHN BEDFORD



Our organisation has again seen many changes during the 2011/2012 financial year in terms of personnel, service delivery and Human Resourcing issues.

I'm pleased to state that we have once again satisfied and fulfilled our financial reporting obligations and have properly accounted for funds that we have received from our funding providers. Senior Management has worked hard to ensure funds have been directed into areas of need to not only satisfy contractual obligations but also meet community expectations in terms of service delivery where possible.

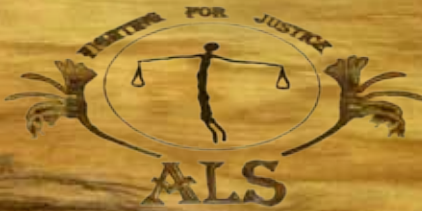
The 2011/2012 financial year saw ALSWA record a small surplus as at 30 June 2012. This was brought about due tight financial controls and sound financial management practices being in place together with good strong financial planning. The management and control of ALSWA finances is undertaken by the Senior Management team consisting of the CEO, Executive Officer and Principal Legal Officer with the Chief Financial Officer providing valuable advice and assistance in this process. This group of people, with input from the Executive Committee has carefully monitored expenditure trends, and has endeavoured to direct funds and resources into areas of greatest need.

In terms of achievement during the 2011/2012 financial year, I can report that ALSWA applied and obtained a Lotterywest grant totaling \$ 653,471. The purpose of this grant submission was to:

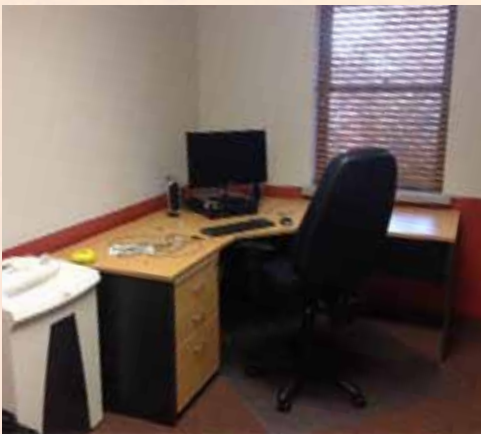
- Purchase Information Technology Equipment
- Upgrade communications systems
- Refurbish and Purchase Office Furniture and Equipment in all our offices.



Lotterywest presentation at ALSWA Head Office with WA Indigenous Affairs Minister Hon Peter Collier MLC, ALSWA CEO Dennis Eggington and Michael Blurton from ALSWA's Executive Committee. ALSWA Accountant Tina Ward with the Lotterywest cheque.



To date the purchases and upgrades have progressed well but it is still ongoing and it is anticipated that grant funds will be fully expended by December 2012. I would like to thank Tina Ward (Chief Financial Officer), Robert Wilson (Operations Manager) and Peter Coole (IT Manager) who not only worked hard in preparing the submission but also put a great deal of effort into managing and planning the installing and purchase of this equipment. It can be said that our new look boardroom is now equipped with new furniture and IT equipment which will not only enhance the training and development of our staff but also provide a modern environment where Executive Committee and members of our organisation can meet to discuss business. In addition to this, all of our fifteen offices have had old and outdated office furniture and equipment replaced. This is something we are very proud of as we haven't been able to purchase new office equipment and up-date our IT equipment on this scale since our inception approximately 35 years ago.



Wireless coverage, Perth Boardroom, new furniture at South Hedland

Other significant developments during 2011/2012 included the sale of a residential property in Derby with the proceeds being used to offset the mortgage on the Perth office property which has reduced our liability substantially. Further detailed information regarding the state of our financial affairs financial results can be seen in the comprehensive financial reports at the end of this annual report.

Projects that were completed this year and will not be recurring again include:

- The Aboriginal Legal Service of WA History book
- The Culture & Arts Grant and;
- The Documentary Project.



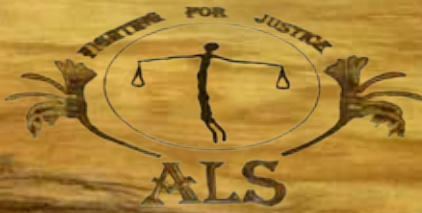
“Justice – A History of the Aboriginal Legal Service of Western Australia” won the 2012 Margaret Medcalf Literary Award and author Fiona Skyring is pictured at the Awards with ALSWA’s Jodi Hoffmann, John Bedford and Bronagh Quinn. The book also received the 2011 Premiers Book Prize and History Award as part of the 2011 Premier’s Book Awards (read more on page 20)

As you may be aware, ALSWA has this year entered into a new funding agreement with the Attorney General’s Department for a further triennial period. This three year funding period concludes on 30 June 2014 when we hope to renegotiate with the department for a further funding agreement to continue our operations.

The year has also seen many changes in terms of our personnel. ALSWA has been fortunate enough to secure the services of a Human Resource Manager in Renee Sarich. Renee brings a wealth of experience and professionalism to the organisation in all facets of HR administration. We welcome Renee and her contributions in developing new HR policy and procedures. We have already started the process of reviewing all of our HR practices in line with current workplace legislative requirements and “best practice”.



Peter Coole (IT Manager), Silvana Campbell (Relief Worker), Jolene Farrell (Receptionist), Hannah Wang (Senior Finance Officer), Renee Sarich (Human Resources Manager), John Bedford (Executive Officer), Aoiffe McLoughlin (Temporary Admin Assistant), Kelly Custodio (HR Assistant), Tina Ward (Accountant), Sue Nicholls (Travel Coordinator/Admin Assistant), Helen McCartney (Records Manager), Robert Wilson (Operations Manager)



I would also like to especially acknowledge Ms Jolene Farrell our Perth office receptionist. Jolene is one of our unsung employee's who came to us from the David Wirrpanda Foundation and looks after our front counter / reception and has done a wonderful job in maintaining reception which is often a thankless task.



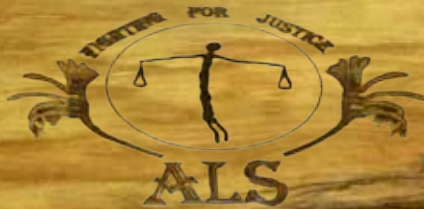
ALSWA Perth Head Office Receptionist Jolene Farrell



ALSWA Reception

As is often the case from time to time, the year has also seen a number of new faces in our legal team, court officer unit and administration. I take this opportunity in welcoming each and every one of you to ALSWA. In summary, I am pleased with the progress and achievements made in the last 12 months in respect to the finances, administration and HR areas and look forward to the challenges of the next 12 months and beyond.

John Bedford
Executive Officer



DIRECTOR LEGAL SERVICES ROBYN NINYETTE



It is with pleasure that I provide this Report in the absence of my colleague Peter Collins, Director Legal Services, who was appointed an Acting Coroner from 23 April 2012 until the end of this year. Peter has taken leave from ALSWA during that time and expects to be back on deck at ALSWA in early 2013. I have been acting in his role since his appointment.

I would like to acknowledge the efforts of all court officers, legal and secretarial support staff in all practice areas who have continued to provide a reliable quality service with limited resources to WA's Aboriginal community. All of ALSWA's practice areas remain in high demand and are very busy in terms of dealing with client queries and the resultant high volume paperwork associated with client files. Although we have had some wonderful lawyers leaving the organisation, I am pleased to report that we have been able to find excellent recruits to replace them. The departure of staff creates short term additional workloads for the remaining staff and it has been heart warming to observe the willingness of everyone to step up and fill gaps when needed. This has been illustrative of the team values encouraged by the ALSWA.



ALSWA Perth Court Officers L-R Roy Blurton, Sarah Johns, Dennis (Sorgi) Eggington Jnr, Darlene Summers with ALSWA Solicitor and Court Officer Unit Manager Wayne Nannup

The ALSWA has become involved with Legal Aid Western Australia's ("LAWA") Coordinated Family Dispute Resolution ("CFDR") pilot for families with domestic violence issues, with a Memorandum of Understanding ("MOU") being signed between ALSWA and LAWA. Under the MOU, ALSWA is to provide legal services and representation for eligible clients who are selected to participate in the pilot. The objective of the pilot is to provide a diverse approach to legally assisted Family Dispute Resolution ("FDR") within a framework that supports a focus on safe processes and outcomes for families where there is past or current family violence. While FDR is a requirement for separating parents before they take a matter to Court, there is an exception to this requirement for cases involving family violence. The pilot enables families affected



by family violence to be directed through a non judicial dispute resolution process to suit each case. The benefit to each family in a successful case is an agreed outcome (as opposed to an outcome imposed by a Court after protracted and stressful litigation). It is positive that our Family Law lawyers are involved in the pilot and may take on clients who otherwise might miss out on representation.



ALSWA Family Law Unit (Perth based) L-R Neil Anderson, Suzi Marshall, Mary Chape (Unit Manager), Catherine Doran, Melody Ross and Jonathon Reid

The ALSWA has continued to provide successful outcomes in relation to human rights matters such as *NC v Nationwide News T/A "The Sunday Times"*. This is the first Western Australian test case examining a publisher's responsibility for racially discriminatory "blog" content on websites. The case concerns the publication of highly offensive "Readers' comments" in The Sunday Times' perthnow.com.au website following the report in the newspaper of a motor vehicle accident in which a number of passengers in the vehicle were tragically killed. Our client commenced proceedings against The Sunday Times in the Federal Magistrates Court in 2010 and, shortly thereafter, the proceedings were transferred to the Federal Court of Australia. The proceedings alleged that The Sunday Times' publication of various comments by their readers contravened s18C of the Racial Discrimination Act 1975 (Cth) which prohibits racially offensive behaviour. The matter was heard in the Federal Court on 16 and 17 August 2011 with Nationwide News arguing that s18C of the Racial Discrimination Act 1975 (Cth) contravenes its implied constitutional freedom of political expression. On 27 March 2012, the Hon Justice Barker of the Federal Court handed down his decision after asking the parties to make submissions about the recent case of *Eatock v Bolt* which dealt with similar issues. Justice Barker found that four of the comments published had contravened s18C and ordered the Sunday Times to pay our client damages, pre judgment interest plus legal costs, and ordered that the comments be removed immediately.

The ALSWA has been dealing with the State's first "Stolen Generations" claim. In early 2011, ALSWA, with the aid of pro bono lawyers Lavan Legal, commenced proceedings via Writ in the Supreme Court on behalf of eight members of the Stolen Generations. The plaintiffs are a couple and their six children, forcibly removed and committed to State care between 1960 and 1965. This is the first litigation of its type in WA. Damages have been sought from the State on behalf of each plaintiff for their injury, pain, suffering, degradation, and loss of family and cultural identity on the basis that the forcible removal, committal and failure to return the children to their parents was unlawful and without justification. The litigation has been progressing in the Supreme Court with both ALSWA's clients and the State filing their evidence in September 2011. Despite the State's reluctance to mediate, the matter went to mediation before a Supreme Court Registrar in April 2012. If the matter is not able to be resolved at mediation it is likely that it will proceed to trial.

(The above matter featured on the ABC-TV (Statewide) 7.30 Report (WA) on 17 August 2012)



ALSWA Civil/Human Rights Unit (Perth based) - Back L-R Margaret Stephens, Managing Solicitor Paul Gazia, Carla Yazmadjian, Claire Nolan, Front L-R Kim Axford, Nikki Dwyer, Wendy Rea-Young

The ALSWA has responded to the announcement on 6 March 2012 by the Department of Indigenous Affairs ("DIA") of its "Stolen Wages Reparation Scheme". The Scheme will make ex gratia payments of up to \$2,000.00 to eligible applicants, as an "expression of regret" for the withholding of those people's wages under past legislative schemes. ALSWA has agreed to assist people who wish to apply to the Scheme. We are supported in this regard by LAWA and an alliance of national law firms acting on a pro bono basis. ALSWA's staffed offices, including regional offices, lawyers and court officers have assisted many people so far in making applications to the Scheme. ALSWA Perth is operating as a "central hub", servicing Perth based clients and co ordinating the lodgment of applications prepared in regional areas. Certain national law firms have commenced placing lawyers and administrative staff on temporary secondment to ALSWA Perth two days a week to service the "central hub". The Civil and Human Rights Unit of ALSWA Perth co ordinates these efforts. Subject to capacity, our lawyers and some private pro bono secondees will make several regional trips to assist our regional offices and remote communities with completing applications.



During the reporting period, the ALSWA has continued to be active in mounting meritorious interlocutory challenges in superior Court criminal proceedings to the admissibility of police confessional evidence. Many of these applications rely on legal authority regarding the proper interpretation and application of the *Criminal Investigation Act 2006 (WA)* that was established in the course of the ALSWA's representation of Aboriginal accused charged in the course of the Emergency Response Taskforce.

The ALSWA has also been active in criminal litigation in the appellate jurisdiction in respect of matters that involve important issues of legal authority, legal principle and legal policy for its clients. The sentence appeal of *JSA v The State of Western Australia* [2012] WASCA 25 involved consideration of the proper construction of s125 of the *Young Offender's Act 1994 (WA)* in respect of the use of the "special principle" when sentencing a recidivist young person. The ALSWA has represented a number of appellants challenging severity of sentence and various respondents in State appeals based on complaints of manifest inadequacy.



Some of ALSWA's Perth Criminal Law Unit L-R: Graeme Allen, Katrina Lane, Monica Collard, Alana Woldan, Darleen Summers, David Robinson, Ruth Rooney, Marcus Langlois, Sarah Johns, Dianne Huxtable, Dennis (Sorgi) Eggington Jnr, Wayne Nannup, Julie Waud, Jack Calyun & Roy Blurton.

The ALSWA's Criminal Law practice continues to monitor the changes to legislation and laws that impact on its clients. There have been a number of legislative changes of importance to ALSWA that impact on ALSWA's Criminal Law practice, for example:

1. *Restraining Orders Amendment Bill 2011*
2. *Criminal Appeals Amendment (Double Jeopardy) Bill 2011*
3. *Misuse of Drugs Act 1981*
4. *Community Protection (Offender Reporting) Amendment Act 2011*
5. *Manslaughter Amendment Bill 2011*
6. *Dangerous Sexual Offenders Act 2006*



ALSWA has produced the following written submissions:

1. Submission to the WA Parliament: Draft Mental Health Bill (WA) - March 2012
2. Submission to the Legislative Council of WA Standing Committee on Uniform Legislation and Statutes Review: Criminal Appeals Amendment (Double Jeopardy) Bill 2011 Inquiry - September 2011
3. Submission to the National Justice CEO's Group: Standing Committee of Attorney's General (SCAG): National Guidelines or Principles for Restorative Justice Programs and Processes for Criminal Matters - September 2011

These publications may be found on the ALSWA website at www.als.org.au

ALSWA is indebted to the following law firms who have generously provided pro bono assistance:

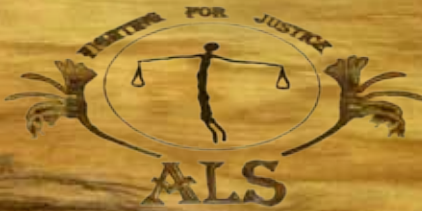
1. Ashurst Australia
2. Allens
3. Lavan Legal
4. Corrs Chambers Westgarth
5. Mallesons Stephen Jaques
6. Clayton Utz
7. Freehills



ALSWA CEO Dennis Eggington, Director Legal Services Peter Collins & Executive Officer John Bedford.

Finally, I would like to thank ALSWA's Senior Management Team - Dennis Eggington, John Bedford and Peter Collins - for their kindness and support, as well as acknowledge Lynette Teh for her valuable in office assistance.

Robyn Ninnette
Deputy Director Legal Services
Acting Director Legal Services

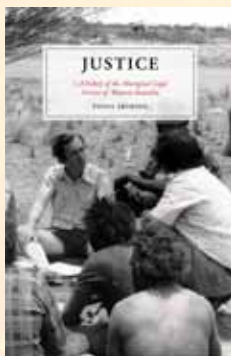


JUSTICE - A HISTORY OF THE ABORIGINAL LEGAL SERVICE OF WESTERN AUSTRALIA

"Justice - A History of the Aboriginal Legal Service of Western Australia" has been awarded the \$25,000 'Premiers Prize' and "History Award" as part of the 2011 Premier's Book Awards. The book was selected from 596 entries received nationally and ALSWA's journey over the decades will now be shared with a much wider readership.

In presenting author Fiona Skyring with the Awards at the State Reception Centre in Kings Park, WA Premier Colin Barnett said that the book made a significant contribution to understanding the changes in criminal justice and policing, and to attitudes about racial discrimination and land rights that had occurred in recent times in WA.

"Elegantly written, painstakingly researched and a profoundly relevant publication"
and a *"must read" for all West Australians* (Western Australian Premier's Book Awards Judges)



"Justice - A History of the Aboriginal Legal Service of Western Australia" ALSWA CEO Dennis Eggington with author Fiona Skyring at the WA Premier's Book Awards September 2012

Since its launch at Perth's Aboriginal Advancement Council building in February 2012 "Justice" has deservedly received widespread literary acclaim and taken its rightful place on history bookshelves around the country.



Attendees at the "Justice" book launch at the Aboriginal Advancement Council in February 2012

The idea for a book was the initiative of Dennis Eggington, ALSWA CEO since 1996, who had always hoped that the legacy of ALSWA's history would be documented for past and future generations to gain a greater insight into the beginnings of such an important organisation.

ALSWA commissioned historian Fiona Skyring to work on the book which included in-depth research and interviews with people associated with ALSWA's forty year history. The list of people interviewed for the book reads like a roll call of this state's most prominent individuals, from Indigenous human rights



campaigners to high profile members of the legal fraternity including Dennis Eggington, Clarrie Cameron, Frank Chulung, Helen Corbett, Brian Wyatt, Peter Yu, Fred Chaney, Chief Justice Robert French, Hon John Toohey, Magistrates Catherine Crawford, Greg Benn and Steve Sharratt, The Hon Peter Dowding and Justice Jane Crisford.

"Justice" (published by UWA Publishing) was officially launched by the Hon Robert French AC, Chief Justice of the High Court of Australia at a launch which included a Nyoongar Welcome by Elder Janet Hayden, MC Jim Morrison and guest speakers, Lorraine Whitby (ALSWA Executive Committee President at the time of the book launch), ALSWA CEO Adjunct Professor Dennis Eggington, author Fiona Skyring and the Hon Robert French.



"Justice" book launch: The Hon Robert French AC, Chief Justice of the High Court of Australia, author Fiona Skyring, ALSWA CEO Adjunct Professor Dennis Eggington and Lorraine Whitby, ALSWA Executive Committee President at time of the book launch.

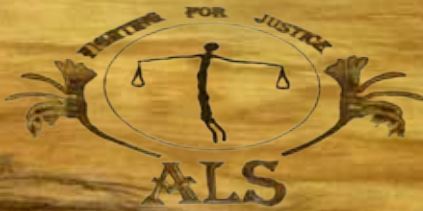
The "Justice" book provides a wonderful insight into ALSWA's journey and is an important legacy and insight into the contributions that ALSWA has, and continues to make within Western Australia's justice system.

"We are indebted to all who have supported and contributed to the "Justice" book and to author Fiona Skyring for her assistance in making ALSWA's dream become a reality. There are so many people who have played an important role in ALSWA's development over forty years and this book is testament to the efforts and commitment of many who dedicated their time to striving for justice to advance the rights of Aboriginal and Torres Strait Islander peoples" (ALSWA CEO Dennis Eggington)



2011 Premier's Book Awards winners pictured with WA Premier Colin Barnett

- **WINNER of 2011 Premiers Prize and History Award, Premier's Book Awards**
- **WINNER of 2012 Margaret Medcalf Literary Award**



MEET SOME OF OUR STAFF



ALBANY

Barbara Oreo, Mark Mazur, Linda Mettam



BROOME

Margie Ugle, Cassie Riley, Ben White, Taimil Taylor, Christina Beissmann



BUNBURY

Kevin Blurton, Jane Hutchinson, Michelle Huber, Vivian Blurton, Paul Chapman



CARNARVON

John Nuttall, Mark Radovanovic, Russell Reading



FITZROY CROSSING

Steven Carter



GERALDTON

Xavier Sellathambu, Suzanne Randall, Jen McMahon, Eva Svanberg



HALLS CREEK

John Green



KALGOORLIE
Murray Stubbs, Elvis Stokes



KUNUNURRA
Mark Little, Shelley Cerqui, Glen Dooley,
Frank Chulung



MEEKATHARRA
Stephanie Mippy



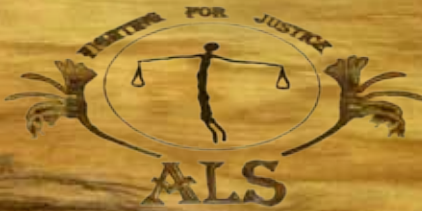
NORTHAM
Sylvia Crombie, Simone Loder



NEWMAN
Sandra Collard



SOUTH HEDLAND
Rosalind Russell-Smith, Melita Murdoch,
Karleen Bracken



COMMUNITY LEGAL EDUCATION / MEDIA BY JODI HOFFMANN

ALSWA is committed to providing community legal education to ensure that Aboriginal and Torres Strait Islander peoples have access to important legal information not only when attending one of our fifteen offices, but also through our participation at community events.

Law Matters on Noongar Radio

Our Law Matters radio program, which originally commenced in October 2010, continued on 6NME Noongar Radio until the end of 2011, before an extended break, returning to the airwaves on 5th September 2012.

We are grateful to the team at Noongar Radio for the opportunity to produce and present such an important program. The program receives positive feedback and is an effective way to provide our communities with legal information in an entertaining and informative format. Law Matters also generates a diversity of discussion amongst listeners and our own staff who participate in the program to share their own stories and knowledge.

Our radio programs during this reporting period included coverage of the following topics:

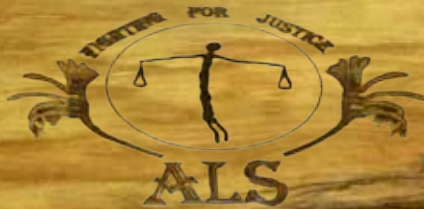
- Launch of ALSWA History book “Justice: A History of the Aboriginal Legal Service of Western Australia”
- Royal Commission into Aboriginal Deaths in Custody 20 years on
- Australia’s human rights record
- Justice Reinvestment
- 40th Anniversary of the Tent Embassy
- Embarking upon a career in law
- ALSWA’s role within the justice system
- Constitutional Reform
- World Indigenous Peoples Conference on Education (Peru)
- National Human Rights Action Plan workshops
- Police powers
- National Congress of Australia’s First Peoples

Interviews included ALSWA management and staff, along with Mick Gooda (Aboriginal and Torres Strait Islander Social Justice Commissioner), Les Malezer (National Congress of Australia’s First Peoples Co-Chair) WA Chief Justice Wayne Martin, Sydney based lawyer Terri Janke 2011 National NAIDOC Person of the Year and Leah Armstrong Reconciliation Australia CEO.

Law Matters is produced and presented by ALSWA Media Officer Jodi Hoffmann and previous programs are archived and can be listened to in the media section on www.als.org.au



ALSWA’s Jodi Hoffmann, Gilbert ‘Jack’ Calyun and Jolene Farrell & the Noongar Radio Studios

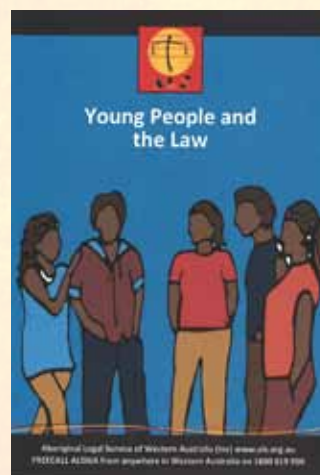


Pamphlets

Our pamphlet range has been significantly re-vamped and expanded to ensure that we continue to provide up to date and relevant information for our people. This has been a lengthy project but the finished product is an incredibly eye-catching range of pamphlets which addresses some of the key legal areas of relevance for our people within the justice system. ALSWA acknowledges all ALSWA staff who have assisted during this project and acclaimed artist Peter Farmer who created the cover artwork, with graphic design by Jason Hirst. A full list of pamphlet titles can be viewed at www.als.org.au



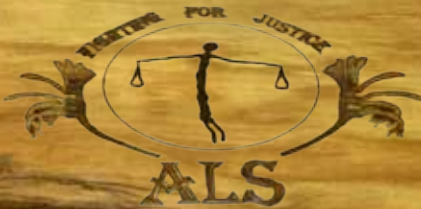
ALSWA's pamphlets (above) have been replaced with a 'new-look' pamphlet range (below)



Media

ALSWA continues to speak out within the media to ensure that our people have a strong voice on the issues that affect us within the justice system. In Western Australia, as long as Aboriginal and Torres Strait Islander peoples continue to be over-represented within the criminal justice system we will continue to advocate on behalf of our people to ensure that there is a more equitable system for all. Providing an authentic voice within public debate is an effective way of keeping issues prominent and the diversity of issues covered includes:

- Stolen Wages, Stolen Generations, Aboriginal over-representation within court and prison, Sovereignty, Online racism, Justice Re-investment, Intervention programs to break the cycle of offending, Human Rights and Deaths in Custody.



Our public stance within the media is often at short notice and on extremely complex issues, however, we recognise that it is vital if we are to challenge not only the negative stereotypes held by many in Western Australia and beyond, but to also challenge government when legislation unfairly targets some of our state's most disadvantaged peoples.



ALSWA CEO Dennis Eggington on Noongar Dandjoo Series 3 (2011) about Aboriginal Incarceration, an annual DVD series produced by School of Media, Culture and Creative Arts at Curtin University



ALSWA's Wayne Nannup, Darlene Summers, Wendy Rea-Young, Dennis Eggington, Kim Scott and Claire Barrett-Lennard

**ALSWA Media enquiries to
ALSWA Media Officer Jodi Hoffmann on 08 9265 6666 or WA Freecall 1800 019 900**

In-house Staff Development

ALSWA also provides in-house opportunities for staff to further their knowledge about Aboriginal Culture and some of the issues facing our people. Film screenings and guest speakers provide a wonderful opportunity for staff to get together and a highlight during 2012 was the visit to ALSWA by Professor Kim Scott, acclaimed author and academic after he was named the inaugural Western Australian of the Year.

ALSWA's website www.als.org.au

Our website continues to be updated to ensure that information is kept up to date and relevant for our Communities. The site features ALSWA submissions, publications, media releases and community news, along with the latest Indigenous News and information on our Executive Committee and employment opportunities at ALSWA. Between 1 July 2011 and 30 June 2012 ALSWA's website had 21,771 visits.

Community Stalls

ALSWA attended numerous events throughout the year, including Survival, Sorry Day, NAIDOC, and Aboriginal Senior's events. During NAIDOC Week ALSWA also set up stalls at the official NAIDOC Perth Opening Ceremony, and NAIDOC Family day events at Armadale, Mirrabooka and Ashfield. Some of ALSWA's regional offices also took part in local events and it has been announced that Perth will be the host city for NAIDOC celebrations in 2013.



*NAIDOC Week in Broome
ALSWA Committee President Kathy Watson with ALSWA Broome Court Officer Margie Ugle*

NAIDOC WEEK 2012



Records Manager Helen McCartney and Lawyer Nick Snare at ALSWA's stall at the Perth NAIDOC Week Opening Ceremony



Court Officers Sarah Johns and Darlene Summers at Herb Graham Recreation Centre Mirrabooka NAIDOC event



NAIDOC Week at Ashfield with Court Officers Darlene Summers, Roy Blurton, Sorgi Eggington with niece Shayla Eggington, Sarah Johns, Jack Calyun and sons Elijah and Jack.

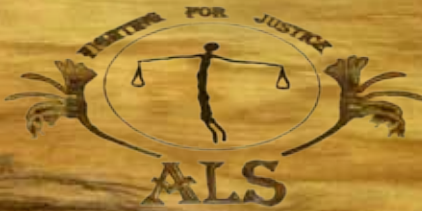


Court Officer Sarah Johns, Megan Jones (HR Administration Trainee) and Court Officer Roy Blurton at the NAIDOC Ashfield Family Day



Court Officers Sarah Johns and Darlene Summers with Elinor Hart (Personnel Officer/HR) and Bethany Campbell (CLE Officer) at NAIDOC celebrations at Central TAFE, Northbridge

**ALSWA Community Legal Education enquiries to
ALSWA CLE Officer Bethany Campbell on 08 9265 6666 or WA Freecall 1800 019 900**



ALSWA Justice Reinvestment Documentary

The Aboriginal Legal Service of Western Australia has produced a documentary to highlight the appalling incarceration rates of Aboriginal and Torres Strait Islander peoples and raise awareness about Justice Reinvestment, a concept many believe may herald a solution to the over representation of Aboriginal and Torres Strait Islander peoples within the prison system.

It is hoped that the documentary which commenced in 2011 and is now in the final stages of production, will influence bipartisan political and public opinion and ultimately lead to the reinvestment of dollars allocated for prison construction and operating costs to targeted stakeholder communities where there is a high incarceration rate. Other countries have proven the concept to work and have improved communities where there is a high proportion of offending whilst generating huge cost savings and lowering detention and/or incarceration statistics. The potential application of the concept in Australia has also been explored. Traditionally the USA also has a tough on crime approach as does WA and other Australian states. This approach has not been working whilst Justice Reinvestment has. The documentary highlights the need for community consultation to ensure that programs and services provided to the community are tailored to that community's specific needs.



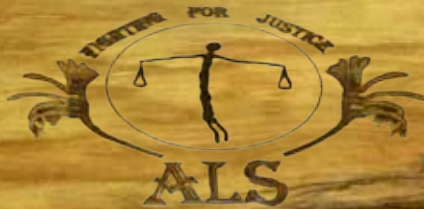
Professor Fiona Stanley speaking during the documentary



Scenery from the documentary and WA Chief Justice Wayne Martin

An overview of some current positive government initiatives will also be presented, e.g. the community and drug courts, and importantly, the documentary is personalised by hearing from community leaders and those affected by the system. The concluding point being that if an offender is not rehabilitated and properly supervised but merely returned to third world conditions, it is very unlikely that the cycle of incarceration will be broken. Justice Reinvestment works because it makes economic sense, improves community safety, and rehabilitates offenders and their disadvantaged communities.

ALSWA is grateful to all who have assisted with this project through their involvement and/or providing funding. Full acknowledgements are not listed here as the documentary was still incomplete at the time of this report, but ALSWA CEO and documentary Executive Producer Dennis Eggington extends special thanks to Director Ken Hayward, Zebedee Parkes, Robin Chappel, Ash Silifant (Kulbardi Productions), and ALSWA's Wendy Rea-Young, Jodi Hoffmann and former ALSWA Law & Advocacy Manager Tammy Solonec for their input.



United Nations Permanent Forum on Indigenous Issues (New York)

The 11th session of the annual United Nations Permanent Forum on Indigenous Issues ('UNPFII'), held in New York from 7-18 May 2012, saw ALSWA represented by Civil/Human Rights lawyer Madge Mukund (pictured on left). The UNPFII is a body created under the umbrella of the UN's economic and social council (ECOSOC) conceptualised in 1992. The forum is presided over by 16 members, 8 from Government and 8 Indigenous peoples. This year, Australia's Megan Davis, was elected UNPFII Rapporteur.

The UNPFII affords Indigenous persons the opportunity to participate in specialised UN meetings, report on their experiences and hold member states to account for their obligations under the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). It takes the format of a two-week meeting with a 'theme' for central discussion in alternate years. In between, a 'review year', allows reflection on previous theme outcomes. The theme of the 2012 Forum was *'The Doctrine of Discovery: its enduring impact on Indigenous peoples and the right to redress for past conquests'*, with a focus on articles 28 and 37 of the UNDRIP.

Building on the experience of Australian Aboriginal and Torres Strait Islander Legal Services (ATSILS), ALSWA capitalised on this year's theme to raise awareness at the 11th session of Stolen Generations and Stolen Wages in Australia, which are intrinsically linked with the concepts of the Doctrine of Discovery and 'Redress' for past wrongs.

Madge Mukund drafted and submitted 2 joint interventions, supported and endorsed by the National ATSILS body, on behalf of ALSWA raising these issues during the discussion on the Doctrine and the discussion on future work of the Forum. The 'future work' intervention made only one recommendation: *That the UNPFII examine and incorporate the effects of decolonisation on Indigenous peoples in the future work and agenda(s) of the Forum and, specifically, incorporate themes of Stolen Generations and Stolen Wages for discussion within future Agendas of the Forum under the umbrella topic of decolonisation.*

The theme of decolonisation was supported and spoken to by the Pacific Caucus at the UNPFII when granted speaking time during the 'Future work' agenda item. Time for speaking to an intervention is extremely valuable as speakers are only afforded a very short time-frame (3 minutes) to present their take on an issue, outline its relevance in a domestic context and propose recommendations to the UNPFII and member states. We are awaiting the final report of the UNPFII secretariat to determine whether decolonisation will be the chosen theme and whether our submissions make it onto future Forum agendas. It is hoped that the final Report will evidence the hard work of the Australian Indigenous Peoples' Organisation and all members of the Australian delegation in its content.

Madge Mukund's attendance was assisted by ALSWA and a funding grant from King Wood Mallesons.



NATIONAL CONGRESS OF AUSTRALIA'S FIRST PEOPLES

The National Congress of Australia's First Peoples is a national voice for Aboriginal and Torres Strait Islander people that is owned and controlled by its membership and is independent of Government.

The purpose of Congress is to be representative, lead peoples, protect rights, secure futures, build relationships and identify solutions, and they are committed to equality, rights and Cultural freedoms for all Aboriginal and Torres Strait Islander peoples and a vision that will unite all Australians.

The Aboriginal Legal Service of Western Australia (ALSWA) is a Member Organisation of the National Congress of Australia's First Peoples and ALSWA CEO Dennis Eggington is a Chamber Two Director and one of 6 Directors on the National Congress.

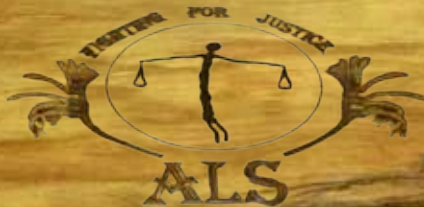


Chamber Two Director Dennis Eggington and National Congress Directors Venessa Curnow, Brian Butler, Les Malezer (Co-Chair), Rod Little, Jody Broun (Co-Chair) Dennis Eggington, Daphne Yarram, Tammy Solonec (Photo Joseph Mayers, courtesy National Congress)

"I am happy that Congress is an organisation that has, at its heart, the voices of our peoples"
(Chamber Two Director Dennis Eggington)

The top priorities chosen by Members in the 2011 survey have become Congress' key priorities for policy and advocacy: Constitutional recognition, health, education, Country, justice, sovereignty and some of Congress' achievements include:

- Co-chairs Jody Broun and Les Malezer travelling around Australia in 2011 listening to our people as members of the Prime Minister's Expert Panel on Constitutional Recognition of Aboriginal and Torres Strait Islander peoples.



- Congress made a submission on Stronger Futures to the Government and submitted a statement to the Senate Standing Committee on Community Affairs on the Stronger Futures Bills calling for a comprehensive long term strategy to build a strong and equitable core service platform in Aboriginal communities, funding for community controlled organisations providing services, funding for governance and leadership, greater scrutiny of the Bills against human rights.
- Congress was invited to be one of two non-Government members of the National Anti-Racism Partnership and Strategy, along with the Federation of Ethnic Community Councils of Australia.
- Congress was involved with the World Intellectual Property Organisation meeting in Geneva to review draft text for a proposed international legal instrument – a treaty – regarding intellectual property, genetic resources and traditional knowledge.
- A Languages Reference Group was established to advise on the preparation of Congress' submission to the Government Inquiry into Language Learning in Indigenous Communities.
- Congress' submission to the Minister for the Arts' proposal for a national Cultural policy made 13 recommendations, including the development of a separate national Aboriginal and Torres Strait Islander Cultural policy.



WA Delegates

Back row: Dennis Eggington, Jim Morrison, Brian Wyatt, Bruce Roper, Tom Calma, Rod Little, Kenneth Torres, Hector O'Loughlin (resigned 2012)

Front row: Richard Weston, Jody Broun, Devon Cuimara, Glenda Kickett, Isabelle Adams, Colleen Hayward, Bob Somerville, Tammy Solonec

(Photo Joseph Mayers courtesy National Congress)

Congress is also committed to creating strong partnerships through partnerships with Aboriginal and Torres Strait Islander organisations, meetings with Government, Parliament and the Opposition, partnerships aimed at providing improved data collection and reporting, and partnerships with industry, faith groups, unions and other non-government organisations.

More information about the National Congress of Australia's First Peoples
nationalcongress.com.au



FINANCIAL REPORTS FOR THE YEAR ENDED 30 JUNE 2012

Tina Ward



ALSWA achieved a surplus of \$407,354 (2011: \$325,103) from total revenues of \$12,733,313 (2011:\$14,686,680) during the 2011/2012 financial year.

The strategic objectives of the organisation as set out in the Strategic Plan continue to be attained throughout the year. ALSWA provided legal services and other specific services in accordance with the Attorney General's Department contractual obligations remaining within its financial constraints. ALSWA was also able to sustain a professional, adaptive and culturally secure work environment whilst building beneficial partnerships with community and other stakeholders.

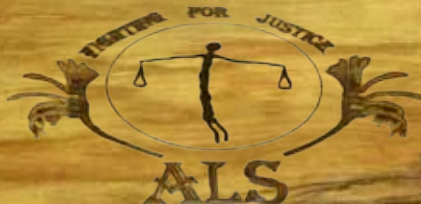
ALSWA obtained a Lotterywest grant of \$653,471 to refurbish its 14 offices and update ALSWA's information technology, this progressed substantially during the financial year and the rollout is expected to be completed early in 2013. ALSWA was also the recipient of several other small grants and donations during the year which was used to progress projects to completion stage.

ALSWA's investment funds are managed to achieve the best return on available funds throughout the period by investing in term deposits at the highest risk-free interest rates available.

ALSWA reports its expenditure on a grant by grant basis through Special Purpose Reports which are presented to the Attorney General's Department on a six monthly basis and audited at year end. Expenditure is reported against budget constraints as agreed at the start of each financial year.

The following statements are the audited financial accounts for the year ended 30 June 2012. Further detailed accounts of specific grants are available from the ALSWA office in Perth.

Tina Ward
Chief Financial Officer



INDEPENDENT AUDITOR'S REPORT TO THE MEMBERS OF ABORIGINAL LEGAL SERVICES WESTERN AUSTRALIA (INC.) AND THE ATTORNEY GENERAL'S DEPARTMENT ("AGD")

Report on the Financial Report

We have audited the accompanying financial report, being a special purpose financial report of the Aboriginal Legal Services Of Western Australia (Inc.), which comprises the statement of financial position as at 30 June 2012, the income and expenditure statement, the statement of changes in equity and statement of cash flows, information for AGD purposes, notes to and forming part of the Accounts and attached Schedules to the Accounts as set out in the Aboriginal Legal Services of Western Australia (Inc.) consolidated financial accounts for the year ended 30 June 2012.

The Executive Committee's Responsibility for the Financial Report

The Executive Committee is responsible for the preparation and fair presentation of the financial report, and has determined that the basis of preparation described in Note 1, is appropriate to meet the financial reporting requirements of the terms and conditions of the grant from the AGD. The Executive Committee's responsibility also includes such internal control as management determine is necessary to enable the preparation of a financial report that is free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express an opinion on the financial report based on our audit. We conducted our audit in accordance with Australian Auditing Standards. Those standards require that we comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance about whether the financial report is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial report. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial report, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial report in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the Executive Committees, as well as evaluating the overall presentation of the financial report.

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

Sydney
Melbourne
Brisbane
Perth
Adelaide
Auckland

From 2 July 2012, Street Address:

Level 3, 15 Labouchere Road, (corner Mill Point Road), South Perth WA 6151

Level 3, South Shore Centre, 83 South Perth Esplanade, South Perth WA 6151

PO Box 748, South Perth WA 6951

Telephone: +61 8 6436 2888 • Facsimile: +61 8 6436 2889

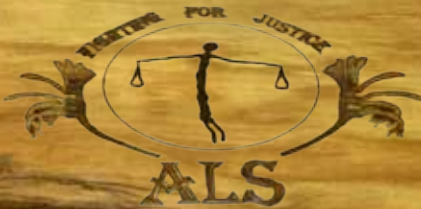
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CHARTERED ACCOUNTANTS & ADVISORS



INDEPENDENT AUDITOR'S REPORT TO THE MEMBERS OF ABORIGINAL LEGAL SERVICES WESTERN AUSTRALIA (INC.) AND THE ATTORNEY GENERAL'S DEPARTMENT ("AGD") (CONT)

Auditor's Opinion

In our opinion, the financial report presents fairly, in all material respects, the financial position of the Aboriginal Legal Services of Western Australia (Inc.) as at 30 June 2012, and its financial performance, its cash flows and its changes in equity for the year ended on that date in accordance with the accounting policies described in Note 1 to the financial statements.

Basis of Accounting and Restriction on Distribution and Use

Without modifying our opinion, we draw attention to Note 1 to the financial report, which describes the basis of accounting. The financial report has been prepared to assist the Aboriginal Legal Services of Western Australia (Inc.) to meet the financial reporting requirements of the terms and conditions of the grant from the AGD. As a result, the financial report may not be suitable for another purpose. Our report is intended solely for the members of Aboriginal Legal Service of Western Australia (Inc) and the AGD and should not be distributed to or used by parties other than the members of the Aboriginal Legal Service of Western Australia (Inc.) and the AGD.

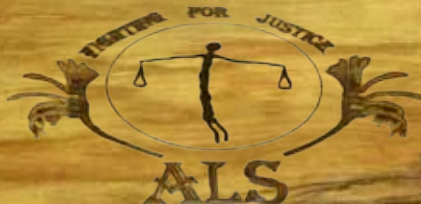
William Buck

William Buck Audit (WA) Pty Ltd
ABN 67 125 012 124

CM

Conley Manifis
Director

Dated this 9 day of October, 2012



STATEMENT BY CHAIRPERSON/CHIEF EXECUTIVE OFFICER

In our opinion:

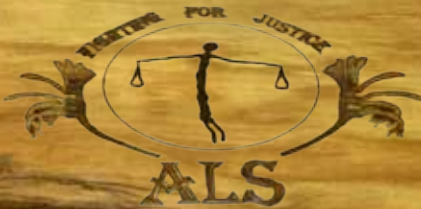
The accounts and schedules set out on pages 6 to 16 present fairly the consolidated financial position of the Aboriginal Legal Service of Western Australia (Inc) at 30th June 2012 and the results of its operations for the year ended 30th June 2012, in accordance with the basis of accounting described 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 2011/2012 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 *ninth* day of *October* 2012

R. Wabara
.....
PRESIDENT

W. Wabara
.....
CHIEF EXECUTIVE OFFICER



CERTIFICATE OF COMPLIANCE

This Schedule is established in respect of the 2011/2012 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

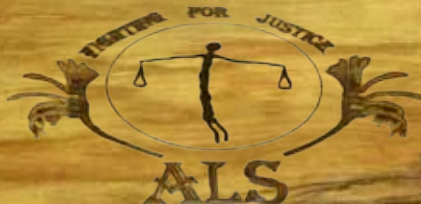
By


Dennis Eggington
Chief Executive Officer


Kathleen Watson
Chairperson

In the presence of

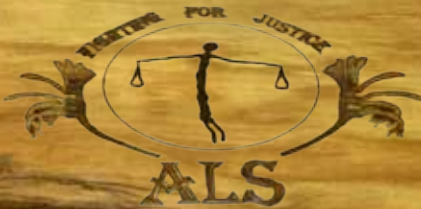

Tina Ward
Chief Financial Officer



BALANCE SHEET FOR THE YEAR ENDED 30 JUNE 2012

	<u>Note</u>	<u>2012</u> \$	<u>2011</u> \$
<u>CURRENT ASSETS</u>			
Cash	2	5,965,709	6,083,859
Receivables	3	238,435	142,422
Total Current Assets		<u>6,204,144</u>	<u>6,226,281</u>
<u>NON-CURRENT ASSETS</u>			
Property, furniture and equipment	4	4,359,670	4,591,222
Leasehold improvements	5	69,267	104,622
Motor Vehicles	6	-	-
Total Non-Current Assets		<u>4,428,937</u>	<u>4,695,844</u>
<u>TOTAL ASSETS</u>		<u>10,633,081</u>	<u>10,922,125</u>
<u>CURRENT LIABILITIES</u>			
Accounts payable	7	562,908	786,474
Provisions	8	1,542,584	1,502,157
Unexpended AGD/ATSIS Grants	10	2,124,650	1,548,243
Total Current Liabilities		<u>4,230,142</u>	<u>3,836,874</u>
<u>NON-CURRENT LIABILITIES</u>			
Provisions	9	146,962	100,107
Long Term Loan – 7 Aberdeen Street	9	495,290	1,591,205
Total Non-Current Liabilities		<u>642,252</u>	<u>1,691,312</u>
<u>TOTAL LIABILITIES</u>		<u>4,872,393</u>	<u>5,528,186</u>
<u>NET ASSETS</u>		<u>\$5,760,688</u>	<u>\$5,393,939</u>
<u>Accumulated Funds:</u>			
Retained surplus		4,789,276	4,402,224
Asset Revaluation Reserve		89,608	259,911
Long Service Leave Reserve		550,000	550,000
Asset Replacement Reserve	13	150,000	-
Redress Reserve		181,804	181,804
<u>TOTAL FUNDS</u>		<u>\$5,760,688</u>	<u>\$5,393,939</u>

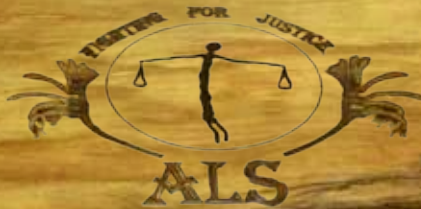
The accompanying notes form part of and are to be read in conjunction with these Consolidated Financial Accounts



PROFIT & LOSS STATEMENT FOR THE YEAR ENDED 30 JUNE 2012

	<u>Note</u>	<u>2012</u> \$	<u>2011</u> \$
<u>INCOME</u>			
Grants		11,626,608	13,400,491
Interest		368,962	423,321
Other income		620,339	862,868
Profit on Sale of Assets		117,404	-
		<hr/>	<hr/>
		12,733,313	14,686,680
		<hr/>	<hr/>
<u>EXPENDITURE</u>			
Salaries		7,804,685	9,139,201
Depreciation		277,106	318,538
Other operating expenses		4,244,168	4,903,839
		<hr/>	<hr/>
		12,325,959	14,361,577
		<hr/>	<hr/>
Net surplus for year	11	\$407,354	\$325,103
		<hr/>	<hr/>

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

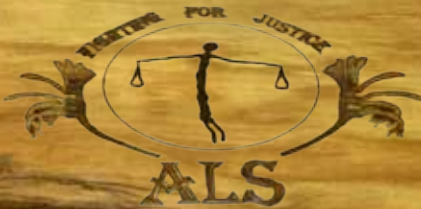


CASH FLOW STATEMENT FOR THE YEAR ENDED 30 JUNE 2012

		2012 \$ Inflows (Outflows)	2011 \$ Inflows (Outflows)
<u>Cash flows from operating activities:</u>			
AGD/ATSIS Funds		11,626,608	13,400,491
Interest received		368,962	423,321
Other receipts		737,743	862,868
Payments to suppliers and employees		(12,834,519)	(17,741,041)
		<hr/>	<hr/>
Net cash (used in)/from operating activities	A	(101,207)	(3,054,361)
<u>Cash flows from investing activities:</u>			
Payments for property, plant and equipment		(16,944)	(203,029)
Proceeds from sale of property, plant and equipment		-	-
		<hr/>	<hr/>
Net cash used in investing activities		(16,944)	(203,029)
		<hr/>	<hr/>
Net increase/(decrease) in cash held		(118,150)	(3,257,390)
		<hr/>	<hr/>
Opening balance of cash held		6,083,859	9,341,249
		<hr/>	<hr/>
Cash balance at the end of the year	2	<u>\$5,965,709</u>	<u>\$6,083,859</u>

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

Net income for year	407,354	325,103
Loss/(Profit) on sale of assets	(117,404)	-
Depreciation	277,106	318,538
Provisions	(1,008,633)	145,237
Receivables	96,013	(3,703)
Creditors and Accruals	(223,567)	(1,236,816)
Unexpended Funds (inc. previous years)	659,950	(2,602,720)
	<hr/>	<hr/>
Net cash (used in)/from operating activities	<u>\$(101,207)</u>	<u>\$(3,054,361)</u>



NOTES TO AND FORMING PART OF THE ACCOUNTS FOR THE YEAR ENDED 30 JUNE 2012

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 the end of June 2007. Depreciation and or amortisation is calculated on a straight-line basis over the estimated useful lives of the assets. Assets with a cost less than \$2,000 are fully depreciated in the year of purchase.

Useful lives for each class of depreciable asset are:

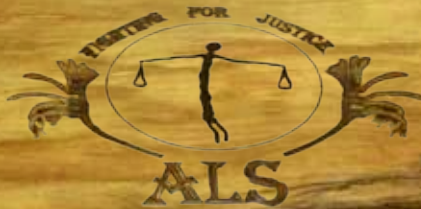
Computer equipment	3 years
Office equipment	4 years
Furniture and fittings	5 years
Motor Vehicles	4 years
Renovations	4 years
Buildings	25 years

C) GOING CONCERN

The Aboriginal Legal Service of Western Australia Inc. has been granted a funding Agreement from the Attorney Generals Department for the period 1 July 2011 to 30 June 2014 to continue operations of the provision of Indigenous legal assistance and policy reform services.

D) COMPARATIVE INFORMATION

Certain comparative information has been re-classified to ensure consistency with current year's disclosure.



NOTES TO AND FORMING PART OF THE ACCOUNTS FOR THE YEAR ENDED 30 JUNE 2012

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 Derby property was sold in 2012 and the Asset Revaluation Reserve reduced to \$89,608.

H) EMPLOYEE BENEFITS

A liability is recognized for benefits accruing to employees in respect of wages and salaries, annual leave, long service leave, and sick leave. Long service leave is ascertained on a basis of longevity of service. Short term employee benefits are measured at their nominal value at reporting date.

I) LONG TERM LOAN

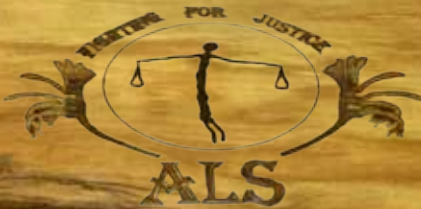
The Aboriginal Legal Service of WA ground floor offices on 7 Aberdeen Street, Perth were purchased during the 2009/2010 financial year. A long term loan was obtained from the bank and the bank hold the security on the ALSWA owned Kalgoorlie property against this loan.

J) UNEXPENDED FUNDS

Unexpended grants are current liabilities which are incurred by unspent grant funds received each year or carried forward funds at reporting date. These funds are accounted for separately to ensure accuracy and meet contractual obligations.

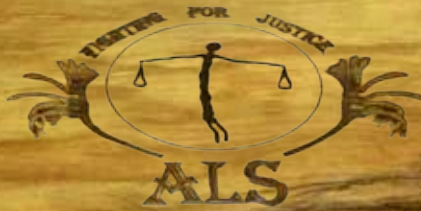
K) LAND AND BUILDING

The Attorney General's Department entered into several purpose agreements with ALSWA in regard to its four residential properties purchased with AGD funds in 2010. These deeds covenant both parties over the use and disposal of the properties with the AGD holding the Title deeds. A caveat was lodged by the AGD with the Registrar General on each property.



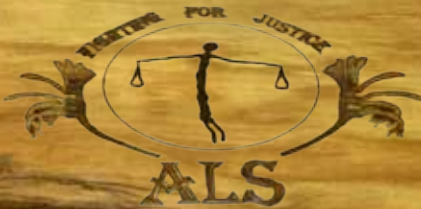
NOTES TO AND FORMING PART OF THE ACCOUNTS FOR THE YEAR ENDED 30 JUNE 2012

	<u>2012</u> \$	<u>2011</u> \$
2. <u>CURRENT ASSETS - CASH</u>		
Payroll Account	1,764	1,513
Cash Management Accounts	4,790,252	5,377,680
Branch Imprest	5,818	5,718
General Accounts	553,990	(73,755)
BWA – Security Deposit	12,157	11,484
Long Service Leave Reserve	601,728	761,219
	<u>\$5,965,709</u>	<u>\$6,083,859</u>
3. <u>CURRENT ASSETS - RECEIVABLES</u>		
Prepayments	66,734	91,828
Organisational Trust	4,879	4,879
Others - General	43,390	29,341
Accrued Income	123,432	16,374
	<u>\$238,435</u>	<u>\$142,422</u>
4. <u>NON-CURRENT ASSETS – PROPERTY, FURNITURE & EQUIPMENT</u>		
Land and Buildings		
At valuation 30 December 2009	360,000	660,000
At Cost	3,959,983	3,959,983
Accumulated depreciation	(374,283)	(132,503)
Total land and buildings	<u>\$3,945,710</u>	<u>\$4,487,480</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>



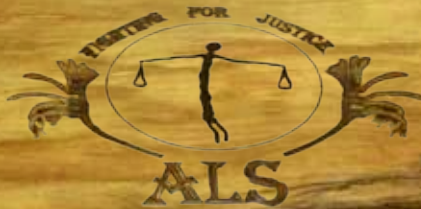
NOTES TO AND FORMING PART OF THE ACCOUNTS FOR THE YEAR ENDED 30 JUNE 2012

	<u>2012</u> \$	<u>2011</u> \$
At cost	1,809,822	1,534,800
Accumulated depreciation	(1,395,863)	(1,295,969)
	<u>413,960</u>	<u>238,831</u>
Total furniture and equipment	<u>413,960</u>	<u>238,831</u>
Total Property, Furniture and Equipment	<u>\$4,359,670</u>	<u>\$4,591,222</u>
5. <u>NON-CURRENT ASSETS</u>		
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	467,948	466,967
Accumulated depreciation	(398,681)	(362,345)
	<u>69,267</u>	<u>104,622</u>
Total Leasehold Improvements	<u>\$69,267</u>	<u>\$104,622</u>
6. <u>NON-CURRENT ASSETS</u>		
Motor Vehicles at cost	16,945	16,945
Accumulated depreciation	(16,945)	(16,945)
	<u>-</u>	<u>-</u>
Total Motor Vehicles	<u>-</u>	<u>-</u>



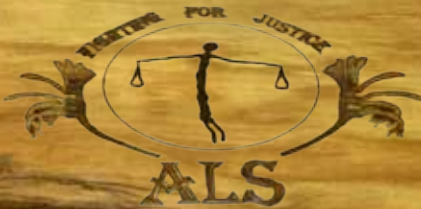
NOTES TO AND FORMING PART OF THE ACCOUNTS FOR THE YEAR ENDED 30 JUNE 2012

	<u>2012</u> \$	<u>2011</u> \$
7. <u>CURRENT LIABILITIES – ACCOUNTS PAYABLE</u>		
Sundry accruals	84,821	283,328
Other Creditors	337,278	457,008
Accounts Payable	140,809	46,138
	<hr/>	<hr/>
	\$562,908	\$786,474
	<hr/>	<hr/>
8. <u>CURRENT LIABILITIES - PROVISIONS</u>		
Annual Leave	858,862	869,349
Long Service Leave	355,699	337,681
Sick Leave	318,023	269,645
FBT	10,000	25,482
	<hr/>	<hr/>
	\$1,542,584	\$1,502,157
	<hr/>	<hr/>
9. <u>NON-CURRENT LIABILITIES</u>		
Long Service Leave	146,962	100,107
Loan – 7 Aberdeen Street	495,290	1,591,205
	<hr/>	<hr/>
	\$642,252	\$1,691,312
	<hr/>	<hr/>



NOTES TO AND FORMING PART OF THE ACCOUNTS FOR THE YEAR ENDED 30 JUNE 2012

	<u>2012</u> \$	<u>2011</u> \$
10. <u>CURRENT LIABILITIES – UNEXPENDED FUNDS</u>		
Expensive Criminal Case Fund	911,616	655,102
History Project	-	5,191
Indigenous Justice Taskforce	207,207	322,820
Property Purchases	85,238	246,387
Stolen Wages	6,670	10,157
Main Legal Aid Grant	395,273	-
Culture & Arts Project	-	1,238
Kalgoorlie Property Trust	362,436	147,138
One-Off Funding	146,210	146,210
Documentary Project	-	4,000
Employee of the Year	10,000	10,000
	<u>\$2,124,650</u>	<u>\$1,548,243</u>
11. <u>CONTRIBUTION TO SURPLUS/(DEFICIT)</u>		
Law and Justice Grant	395,273	(448,223)
Property Purchases	-	103,814
Organisational Trust	12,081	-
Grant C/F	-	669,512
	<u> </u>	<u> </u>
Net surplus for year	<u>\$407,354</u>	<u>\$325,103</u>
12. <u>OPERATING LEASE COMMITMENTS</u>		
Rental property commitments across various sites are:		
Less than one year	\$495,229	
Greater than one year but less than five years	\$399,246	
Greater than five years	-	
Total commitments	<u>\$894,475</u>	



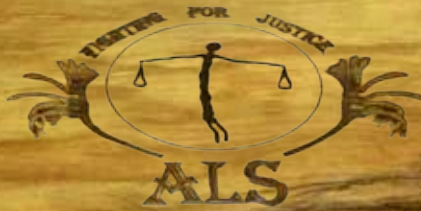
NOTES TO AND FORMING PART OF THE ACCOUNTS FOR THE YEAR ENDED 30 JUNE 2012

13. ASSET REPLACEMENT RESERVE

ALSWA is currently working under an Agreement with the AGD and as such depreciation is written back in the AGD accounts. Therefore to ensure that sufficient funds are held in anticipation of future capital expenditure to replace current and non-current assets an asset replacement reserve of \$150,000 has been created.

INFORMATION FOR AGD PURPOSES FOR THE YEAR ENDED 30 JUNE 2012

	YTD ACTUAL	YTD BUDGET	VARIANCE TO DATE
PROVIDER INCOME			
Surplus Deficit from previous year	146,210	146,210	-
Commonwealth	11,620,133	11,620,133	-
Commonwealth - Extra funds	-	-	-
Service Generated Income	-	-	-
- Interest	353,664	330,000	(23,664)
- Membership	-	-	-
- Community Legal Education	-	-	-
- Costs Recovered & Retained	227,464	200,000	(27,464)
- Fundraising / Donations	-	1,000	1,000
- Sundry Income	53,700	150,000	96,300
- Program Income	4,000	-	(4,000)
Capital Grant b/fwd	-	-	-
A. Total Provide Income	12,405,171	12,447,343	42,172
B. Provider General Purpose Income			
PROVIDER EXPENSES			
Salaries & Oncosts	7,680,468	8,401,635	721,167
Rent	802,912	698,733	(104,179)
Staff Training	22,083	53,000	30,917
Staff Recruitment	411,109	240,000	(171,109)
Communications	244,000	210,000	(34,000)
Library, Resources & Subscriptions	171,954	181,520	9,566
Travel	558,940	563,080	4,140
Client Disbursements	354,079	400,000	45,921
Leases - Vehicles	473,656	575,000	101,344
Depreciation	277,106	-	(277,106)
Other Operating costs	841,407	923,165	81,758
Capital	25,974	55,000	29,026
D. Total Operating Expenses	4,157,246	3,844,498	(312,748)
E. Total Provider Expenses(ex Cap)	11,837,713	12,246,133	408,420
E1. Total Provider Expenses	11,863,688	12,301,133	437,445
F. Surplus/(Deficit)	541,483	146,210	(395,273)



INFORMATION FOR AGD PURPOSES FOR THE YEAR ENDED 30 JUNE 2012

	<u>2012</u> \$	<u>2011</u> \$
Reconciliation with Statutory accounts		
Operational surplus (for AGD Purposes)	659,883	-
Total	<hr/> 659,883	<hr/> -
Carried Forward Unexpended Grant	-	(669,512)
Net Program Transfers	8,706	221,289
Profit / (Loss) on sale of assets	-	-
Depreciation	(277,106)	-
Asset Replacement Reserve	150,000	-
Net surplus/(deficit) for year per Income and Expenditure Statement *	<hr/> 541,483 <hr/>	<hr/> (448,223) <hr/>

* The surplus declared in 2012 consists of Main Grant funding of \$395,273 and the One-Off Funding Grant received in June 2011 of \$146,210 which was transferred into the Main Grant Funding as requested by the Attorney General's Department.



ADDITIONAL INFORMATION

ALSWA Opening Hours

8.30 am to 5.00 pm weekdays in Perth, Albany, Bunbury, Carnarvon, Geraldton, Kalgoorlie, Northam, Halls Creek. 8.00 am to 4.30 pm weekdays in Broome, Fitzroy Crossing, Kununurra, South Hedland. Non standard hours of operation apply for the following offices and matters can be referred to the office in brackets: Meekatharra (Carnarvon), Newman (South Hedland), Roebourne (South Hedland).

ALSWA Figures

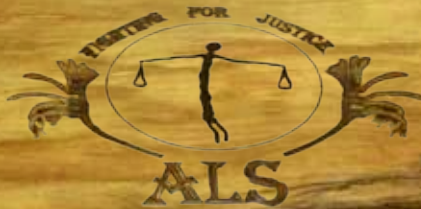
ALSWA staff gave legal advice in 4105 matters, duty lawyer assistance in 5680 matters and casework in 13,428 matters, totalling 23,213 matters.

Access and Equity

ALSWA's clients meet eligibility requirements, including a means test and a merit test, with certain categories of case getting highest priority. ALSWA provides a culturally appropriate service by recruitment processes and work conditions that ensure Aboriginal and/or Torres Strait Islander staff at every organisational level. All employees have a demonstrated commitment to social justice for Aboriginal and Torres Strait Islander peoples, and where reasonably possible, country staff are locals. Staff receive Cultural training and non-Indigenous staff receive assistance with Cultural matters as required. ALSWA has 15 offices throughout Western Australia, provides legal assistance on court circuits, a toll free telephone number, after hours emergency assistance by telephone, anonymous survey forms and complaint processes to obtain and act upon client feedback.

Staff Training

Law Society of Western Australia "Making the Evidence Work: An Essential Guide for Criminal Lawyers" (M. Kelly, E. Svanberg, B. White, M. Mazur, M. Huber, D. Brunello, W. Nannup, L. Sanders, J. Waud, J. Hon, D. Huxtable, W. Hughes), The Law Society of WA "Practical Advocacy Skills for Courtroom Success" (M. Kelly), Legal Wise Seminars (CPD points) (R. Ninyette), Carbon Pricing: Risks, Obligations and Opportunities, Challenging Wills, Legal Skills and Ethics : Ensuring Client Satisfaction, Seminar "The new Police and Prosecution Disclosure Regime : Implications for Criminal Lawyers" (D. Brunello, P. Collins, W. Hughes), Seminar "Practical Advocacy Skills for Courtroom Success (M. Kelly) Law Society of Western Australia Seminar "Young Lawyers Basics " Ethics Hypothetical" (CPD points), CFDR mediation re family violence (talk by Legal Aid Officer), FLPA presentation by Principal Registrar Monaghan re changes to Family Court procedure (FLU M. Chape, J. Reid, N. Anderson), Training at Legal Aid, Family Pathways conference – theme family & domestic violence (J. Reid, N. Anderson), Presentation at ALSWA re mental health FLPA seminar about DCP & family violence amendments to family law legislation (J. Reid), Seminars by Legal Aid (N. Anderson), providing training to AFLS lawyers, Presentation at 2 day family law conference in Bali (M. Chape), CPD Seminars "Young lawyers Hypothetical Ethics", 'Legal Ethics Your responsibilities', Legal Aid Seminar Summer Series" (B. Brennan), Mental Health Law Centre presentation at ALSWA on "Criminal Law (Mentally Impaired Accused) Act 1996 and Mental Health Act 1996" (K. Axford), Legal Aid Summer Series presentation of "Prison Protocols" (K. Axford), Legal Aid Summer Series "Criminal Injuries Compensation" (K. Axford), CPD: ALSWA M. Mukund presentation to ALSWA on "How to prepare Wills", ALSWA W. Hughes presentation to ALSWA on "Advocacy - Case Theory", ALSWA R. Owen presentation to ALSWA on "Closing Arguments", B. Richardson presentation to ALSWA on "Cross Examination of Witnesses, Ethical Considerations - Coaching Witnesses, Use of the Criminal Investigation Act", ALSWA C. Miocevic presentation to ALSWA on "Appearing in the Magistrates Court", ALSWA M.



Barone presentation to ALSWA “Capacity to Stand Trial”, Grant Sarra presentation/7 hour workshop) on “Strategic Indigenous Awareness”, Presentation on “Ethical Hypotheticals”, Hylton Quail presentation to ALSWA on “Application of Professional Conduct Rules”, ALSWA N. Van Hattem hosted video to ALSWA of Justice Kirby and conversation on “Ethics Kirby”, ALSWA C. Yazmadijan presentation on “Overview of the Criminal Injuries Compensation Regime” Advanced Ambulance Care (S. Mippy, voluntary basis), Some staff received training via Skype Perth office. An all of staff conference is scheduled for November 2012.

Aboriginal Legal Service of Western Australia Staff

Perth 4 Senior Management, 25 Solicitors, 5 Court Officers, 1 Para Legal, 21 Administration/Allied Professionals, 4 Volunteers (legal) (Total 60), Albany 1 Solicitor, 1 Court Officer, 1 Administration/Allied Professional (Total 3), Broome 3 Solicitors, 1 Court Officer, 1 Administration/Allied Professional (Total 5), Bunbury 2 Solicitors, 2 Court Officers, 1 Administration/Allied Professionals 1 (Total 5), Carnarvon 1 Solicitor, 1 Court Officer, 1 Administration/Allied Professional (Total 3), Fitzroy Crossing 1 Court Officer (Total 1), Geraldton 2 Solicitors, 1 Court Officer, 1 Administration/Allied Professional (Total 4), Halls Creek 1 Court Officer (Total 1), Kalgoorlie 3 Solicitors, 2 Court Officers, 2 Administration/Allied Professionals (Total 7), Kununurra 2 Solicitors, 2 Court Officers, 1 Administration/Allied Professional (Total 5), Meekatharra 1 Court Officer (Total 1), Newman 1 Court Officer (Total 1), Northam 1 Court Officer, 1 Administration/Allied Professional (Total 2), South Hedland 2 Solicitors, 1 Administration/Allied Professional (Total 3)

Acknowledgements

ALSWA gratefully acknowledges the financial assistance of the Australian Government Attorney-General's Department.

ALSWA gratefully acknowledges Lotterywest for funding provided to purchase Information Technology equipment, upgrade communications systems and refurbish and purchase office furniture and equipment in all ALSWA offices.

ALSWA also acknowledges the assistance of Lexis Nexis relating to online and hard copy subscriptions.

The front cover of this Annual Report features artwork by Central Institute of Technology/David Wirrpanda Foundation ‘Solid Futures’ students (2011). It appears on a 2.7 metre long marri table that ALSWA commissioned from the students, the Dardi Design Team. ALSWA thanks all involved in this project and the table is proudly displayed at ALSWA's Perth Head Office.

The 2012 ALSWA Annual Report was compiled by ALSWA Media Officer Jodi Hoffmann.



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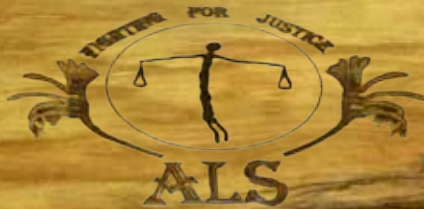


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TRIBUTE TO STEPHEN BEGG

ALSWA MANAGING SOLICITOR BROOME, FORMER MANAGING SOLICITOR SOUTH HEDLAND



Stephen passed away in February 2012 and this is an excerpt of a tribute read by Steven Carter, ALSWA Fitzroy Crossing Court Officer, who, with other ALSWA staff, attended the service for Stephen Begg in Taree NSW in February 2012 "We felt it was really important that people from the ALS were here today, so we could pay our respects and give our condolences to Stephen's family – but to also try and explain to his friends and family just how loved and respected Steve was back in Western Australia – particularly in the north west".

"Stephen worked both as a family lawyer and criminal defence lawyer in Western Australia for about 6 years. He worked all over the Gascoyne, the Pilbara and the Kimberley regions of the north west. The work that Stephen did was incredibly demanding. Particularly in the Pilbara, Steve would regularly drive thousands of kilometres and represent hundreds of clients every week. For most of his time in the north west, Steve was often the only ALS lawyer in the region. ALS lawyers from Perth and other areas would come up to assist Steve every now and then, and would generally come back after a week or so completely exhausted. Steve was on his own for months at a time.

What was probably the most admirable thing about the work Stephen did, was not just that he did the work and that he did it well, but that he managed to deal with this incredible caseload and still kept a smile on his face. He was always very supportive of his staff. He was always available to give advice and direction to his staff, no matter how busy he was. He just had this fantastic ability to give his staff confidence and just to make the people around him feel good about the work they were doing. He was an incredible mentor to the junior lawyers with the ALS and legal aid and also provided fantastic support to the ALS court officers in the north west.

Even when Steve got sick, he never really let on to his staff about how sick he really was. We don't really know why Steve did this, but we think that it was because Steve didn't want to burden us with what he was going through and that he wanted to keep the work environment a positive and supportive place – which he always did.

To say that Steve was much loved in the north west, is a huge understatement. I think you would be battling to find anyone in the legal system in the north west who didn't have a soft spot for Steve. Just about every magistrate, judge, prosecutor, parole officer or clerk of the courts you'd speak to in the north west of WA would all say good things about him.

There are a lot of police in the Pilbara and in the Kimberley's that have a lot of respect for Steve. Now I don't know if Beggsy is going to have VBs where he is now, but if he does I'd say this to him – keep a few beers cold for us brother".



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