



ANNUAL REPORT 2013

HUMAN RIGHTS AWARDS 2012

Community Organisation Award

Winner
Aboriginal Legal Service
of Western Australia

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

BROOME

1/41 Carnarvon Street Broome WA 6725
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

45 Roe 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

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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.

EXECUTIVE COMMITTEE PRESIDENT MICHAEL BLURTON

It is with immense pride that I present the 2013 President's Report on behalf of the Aboriginal Legal Service of Western Australia (ALSWA) Executive Committee. I wish to extend my gratitude to our Executive Committee Members, and to Kathy Watson, who served as President between April and October 2012.



As a Nyoongar man, I have had a long association with ALSWA and it has been extremely rewarding to see our organisation continue to expand, to meet the growing needs of our Communities. We play a vital and much needed role in not only providing support and legal representation for our people, but also advocating and lobbying for a more equitable justice system in this state.

I am also honoured to represent our organisation at the national level through involvement with the National and Torres Strait Islander Legal Services (NATSILS) and am proud of the focus that the NATSILS have on human rights and international Indigenous issues, and through NATSILS we have been able to present side events in New York at the United Nations Forum on Indigenous Issues (UNPFII) and in Geneva at the Expert Mechanism on the Rights of Indigenous People (EMRIP).

It is disheartening to see so many of our people being incarcerated, our young people, fathers, mothers, it is fracturing our families. We will continue to advocate for Justice Reinvestment to be embraced to enable funds to be re-directed to prevention and early intervention programs and services, rather than into building more prisons. This has worked in other countries and will help to create safer communities and strengthen our families, in a cost effective way.

A highlight of the past year was attending the National Human Rights Awards in Sydney when ALSWA was honoured to receive the Human Rights 'Community Organisation' Award (see front cover of this report). This award is testament to the commitment of everyone associated with ALSWA, without whom, we could not contribute as much as we do to our people and the justice system generally.

Another highlight was the national recognition of ALSWA Senior Court Officer Dennis 'Sorgi' Eggington who was named as the male recipient of the 2012 Trevor Christian Memorial Award. This Award recognises the outstanding contribution made by a staff member of a National Aboriginal and Torres Strait Islander Legal Service (NATSILS). We are very proud of Sorgi's work with ALSWA over the past fifteen years.

We continue to face challenges as we strive for justice on behalf of Aboriginal and Torres Strait Islander peoples in this State, but know that our ongoing efforts are vital if we are to make a difference in the lives of our people and create positive pathways for our future generations. I am proud of the Aboriginal Legal Service of WA and our many achievements and acknowledge not only our own Executive Committee members for their knowledge and contributions, but also commend our management, staff and supporters who share our vision for the future.

Michael Blurton

CHIEF EXECUTIVE OFFICER ADJUNCT PROFESSOR DENNIS EGGINGTON

I am pleased to report on the work of the Aboriginal Legal Service of Western Australia (Inc) (ALSWA) for the 2012-2013 financial year. The Annual Report is a requirement of the funding agreement we have with the Commonwealth Government and includes financial reporting that is also a requirement under section 31 of our Constitution.

In presenting ALSWA's Annual Report we take the opportunity to inform our membership about what has been happening over the past twelve months. This report is also our way of showcasing the great work of the ALSWA. We also take this opportunity to introduce our Executive Committee members, who are our members elected representatives who continue to provide community direction, guidance and leadership to the organisation.

Our operations over the past 12 months have continued to provide our community and our partners with a service we can all be proud of. Hard work and dedication by our staff has meant that we have been able to maintain service delivery and meet the demands required of us. I would especially like to acknowledge our staff working in our rural and remote areas.

It has been a great year for us. Our work was recognised by the Human Rights and Equal Opportunity Commission and awarded the 'Community Organisation Award' as part of the 2012 National Human Rights Awards, held in Sydney in November 2012.



*ALSWA CEO Dennis Eggington accepts the Human Rights Award at the Ceremony in Sydney and pictured with Mick Gooda Social Justice Commissioner and Gillian Triggs Australian Human Rights Commission President
Photos courtesy Australian Human Rights Commission with photo of Award (centre) by Robert Frith Acorn Photo*

This award recognises a 'non-government or community-based organisation with a proven track record in promoting and advancing human rights in the Australian community' and proudly adorns the front cover of this year's Annual Report. I was extremely honoured to accept this Award on behalf of our Aboriginal Community and all of the people who have worked for ALSWA over nearly four decades.

This Award shows quite clearly that our Aboriginal and Torres Strait Islander peoples' ongoing struggle for justice and equality must be at the forefront of this country's human rights agenda. *ALSWA congratulates all award recipients including WA Law graduate Krista McKeeken, (Young People's Human Rights Medal) who assisted in ALSWA's Stolen Wages work.*



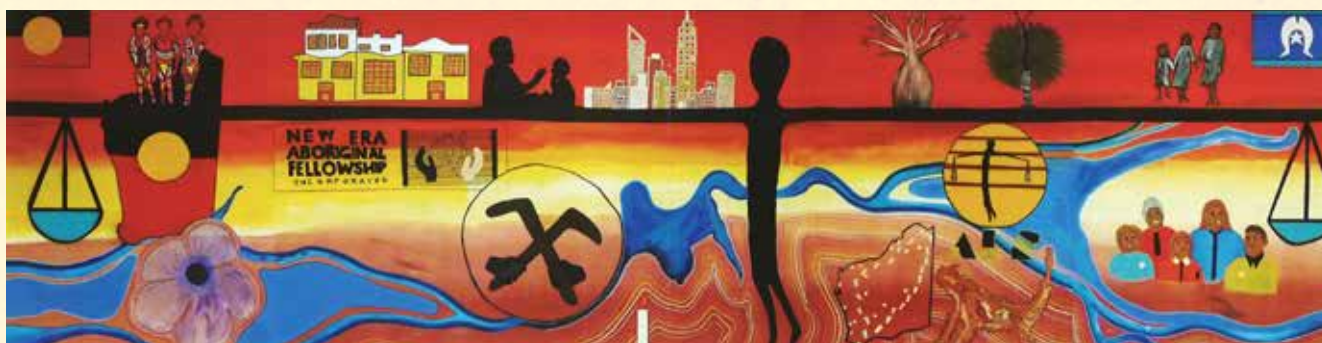
ALSWA CEO Dennis Eggington and ALSWA Executive Committee President Michael Blurton pictured with Jeff McMullen, Honorary CEO of Ian Thorpe's Fountain for Youth, who accepted Ian Thorpe's 2012 Human Rights Medal on his behalf

I am especially proud that we have been able to address the discrimination and racism our peoples face on a daily basis. This is one of the reasons why this Award is so important. Discrimination, whether it comes in the form of being refused caravan or other rental accommodation, or access to any service because you are Aboriginal, or by way of some vile rant on social media, is illegal and must be challenged at every turn. Our Aboriginal Legal Services are our front line advocates against this scourge and we must maintain these functions at all costs.

We have continued to address the wrongs of the past and were finally able to bring a case before the courts over the "Stolen Generations" policies. I would like to acknowledge those who worked so hard to get this case up and running, with special thanks to Lavan Legal and their team. Like discrimination and racism, our service must continue to right these wrongs, our people deserve proper reparation instead of being left to struggle with the aftermath.

These issues I raise will become extremely important for our organisation if the Federal Governments announcement of funding cuts goes ahead. Should the cuts go ahead to the extent as previously published, make no mistake, they will change the face and nature of our organisation forever.

Next year will see us celebrate 40 years of service to the state of WA, a milestone in anyone's journey. It will give us a chance to remember and celebrate all of those who have contributed to our great organisation. It is my belief that the celebrations and trip down memory lane will have a re-invigorating effect on our organisation with membership and community becoming more engaged.



ALSWA's historical mural by Central Institute of Technology/David Wirrpanda Foundation 'Solid Futures' students with artist Peter Farmer, highlighting ALSWA's long and strong history (2010 Moorditj Mural Project)

Our member's representatives, the Executive Committee have started a process of reviewing our governance structure in an attempt to meet future challenges while being acutely aware that true representation has to be legitimate. Our service is one of the last bastions of our community's control of services to our peoples. This must be maintained.

Unfortunately over the past several years we have seen service delivery mainstreamed to government departments or going to large non-for profit non-Aboriginal Organisations.

I would strongly urge our membership/Executive Committee to develop partnerships between our local offices and the community they serve. Our offices have an important role that goes beyond providing just a legal service. They are an integral part of the community they reside in and our offices are important in creating or helping the process of strong community development.

Although we will be trading regional concepts for more localised relationships we will continue to have true community control and give our organisation and the community they serve an opportunity for real, workable partnerships and full engagement. It is now time to go beyond the 'traditional' roles of our service.

There will always be a need for our three main functions of criminal, family and civil law but it is time to diversify our programs. We will always have the client/solicitor relationship but we can do so much more. We can also value add to the social and emotional well being of the towns in which we operate. We must break the shackles of being responsive to the criminal justice system.

Our service has been a leader in advocating for Justice Reinvestment and intervention programs. We need a structure that supports providing these types of initiatives and leads us into the future.



ALSWA CEO Dennis Eggington and Greens Senator Rachel Siewert discuss Justice Reinvestment on ALSWA's fortnightly "Law Matters" program on 6NME Noongar Digital Radio 100.9FM

Our 'wrap around' service model planned for our Kalgoorlie office is an example of this. Some of this work has begun but we need our members and the wider Aboriginal community to support this change. This will be our biggest challenge in the years to come.

Finally, I would like to pay my respects to Don and Sylvia Collard and their family who had to give testimony to the horrors of separation and incarceration in an attempt to get reparation for being a part of the 'Stolen Generation' Test Case. This was a story that had to be told and the strength and courage of the Collard family is an inspiration to us all.

Dennis Eggington

ALSWA EXECUTIVE COMMITTEE OFFICE BEARERS AS AT 30 JUNE 2013



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.



VICE PRESIDENT

Murray Yarran (Central)

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



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.



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.

ALSWA EXECUTIVE COMMITTEE MEMBERS AS AT 30 JUNE 2013



Beverley Thomas (Central Desert)

Beverley Thomas is from Kalgoorlie and has lived in Kanpa Community for 20 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 20 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 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) and is a respected member of the Halls Creek community.

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.

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. Shane is committed to family, community development and empowerment for our people, and is proud of the culturally appropriate legal service provided by ALSWA and the diversity of the Executive Committee's members.

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.

Kathleen 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 looked after Kathy from three days old in Beagle Bay.



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.

There is currently one vacancy for the East Kimberley region

EXECUTIVE OFFICER JOHN BEDFORD

Overview

As outlined in our audited financial statement for the twelve months ending 30 June 2013, ALSWA reported a small surplus amid the economic and political environment in which we operate. I believe that this is a reflection of the good work undertaken by the Senior Management team to not only ensure that funds are spent in accordance with the Attorney General Department (AGD) guidelines but also our concerted effort to ensure our services are effective and accessible to our community. This in itself requires sound financial planning processes that allow an effective allocation and distribution and review of our resources. This work is undertaken by Tina Ward our Chief Financial Officer, whose work in this area has been of great assistance to our Senior Management in the budgetary planning and review process. Tina's commitment and hard work in the finance area allows us to formulate sound budgets and subsequently allow us to properly assess where we can direct our resources within the fiscal constraints that we have.



L-R Tina Ward ALSWA Chief Financial Officer and Renee Sarich ALSWA Human Resources Manager

Enterprise Bargaining Agreement

During 2012/2014 a new Enterprise Bargaining Agreement (EBA) was struck between Senior Management and all staff. Without doubt the process for getting mutual agreement was at times long and protracted. However, this is sometimes a by-product in getting to a proper consensus. Putting that aside, I believe the new EBA goes some way to removing ambiguity, and consolidating in terms of better working conditions for all staff while recognising the importance of maintaining a quality legal practice for our community. The negotiations were conducted in the spirit of mutual understanding whilst recognising the financial and resourcing constraints that we operate under. During this consultative process a number of staff were involved in the negotiations and I would like to thank the Consultative Committee and Renee Sarich our Human Resources Manager for their level of professionalism and the hard work that was put in to reach an outcome.

The EBA was completed and signed off in July 2013.

Office Refurbishments

The rollout of the office refurbishments commenced in earnest during the course of the 2012/2013 financial year. This included replacing old office furniture in our Perth office and all regional offices in a staged rollout. The coordination work was undertaken by our Operations Manager, Rob Wilson, who worked tirelessly on this project, spending many hours planning, negotiating and consulting with staff and contractors whilst still attending to his day to day work. The work is still ongoing and is a truly enormous exercise and I acknowledge Rob for his professionalism and work on this project.



L-R Peter Coole ALSWA IT Manager and Robert Wilson ALSWA Operations Manager

Upgrading of IT Systems

I also acknowledge the work undertaken by Peter Coole, our IT Manager. Peter was responsible for an upgrade and rollout to our IT systems throughout most of the year, and without this important work, our systems would more appropriately belong in a museum rather than a modern working office. I think staff appreciate that much of Peter's work goes unnoticed at times and is done "out of hours" but his work is very much appreciated and valued.

Incidentally, both Robert and Peter were also responsible for the upgrade and refurbishment of 'new look' conference room, which is now a state of the art modern facility and I once again thank them both for their work on this project as well.

Acknowledging ALSWA's Receptionist

I would also like to specifically acknowledge Jolene Farrell (below), who most people know as the person behind the reception counter at ALSWA's Head Office in Perth. Jolene was "the face" of our organisation for two years but recently left to take up a position in the mining industry. Her pleasant and professional manner will be sorely missed by us all.



Staff Retention Rates

For the first time in two years our overall staff retention rates have stabilised and that is certainly good news for us. Our HR practices are in the process of being refined and viewed and a renewed vigour and emphasis will be placed on Aboriginal recruitment within the organisation through the development of clear pathways and the establishment of traineeships.

Work has already commenced in developing an induction package for new staff. This will be useful for new staff entering the organisation and gaining a better perspective of the history of this organisation, whilst also gaining a better appreciation and understanding of the cultural environment we operate in. These are some of the proposals that I am very much looking forward to working with our HR unit in developing, reviewing and implementing over the coming 12 months.

Challenges Ahead

The challenge for ASLWA over the coming twelve months from my perspective, is to clearly articulate to a new Coalition Government and the broader community, the value of the work that we do in our communities. For this reason, we have started a review of our data systems with a view of improving the way in which we collect, analyse and use information to better highlight not only the work we do but also gain a greater insight into the complex issues faced in our communities in terms of access to justice. This work will be completed in 2013/2014.

Acknowledgements

I would extend a few thank-you's. To our hard working and dedicated administration team, thank you for the continued work that you do to ensure that our legal team is "enabled" to get out and do what they do. Your support and patience is very much appreciated and valued. To the Secretaries and Personal Assistants thank you also. Your contributions in this organisation don't go unnoticed and are appreciated by all.

To Dennis Eggington, Peter Collins and Robyn Ninyette, my colleagues on our Senior Management team, a heartfelt thank you. Your support, guidance and encouragement is something that I certainly value and appreciate on both a personal and professional level.

John Bedford

DIRECTOR LEGAL SERVICES PETER COLLINS

I am pleased to have returned to ALSWA and to present this report after spending most of last year at the Coroner's Court. I would like to thank Robyn Ninnette for her wonderful efforts as acting DLS during my absence.



Funding

The newly elected Coalition Government has foreshadowed a funding cut of \$42m to the Indigenous Policy Reform Program, which is the Commonwealth Attorney General's Department program that provides funding to Aboriginal and Torres Strait Islander Legal Services across Australia. Representing almost a 20% reduction in funding, the cuts will take ALSWA back to 2008 funding levels and is likely to have a significant impact on the operation and effectiveness of ALSWA's legal assistance services.

It is entirely possible that this will result in Aboriginal people being forced to appear in Court in relation to criminal charges without any advice or representation. This will inevitably mean that more and more Aboriginal people will end up in custody – a chilling prospect.

Justice issues

1. Aboriginal imprisonment

In each of my annual reports since 2005, I have remarked on the issue of Aboriginal imprisonment in Western Australia. It is important I revisit the issue in this report.

For many years now, the WA State Government has demonstrated an almost irrational obsession with a tough on crime approach to law and order issues, which has preyed on the politics of insecurity - zero tolerance policing, longer sentences, targeting of repeat offenders and the widening of mandatory sentencing laws. This has been accompanied by penal expansionism – imprisoning people at ever higher rates on the basis that this is justified by improved security for the community.

The impact of these approaches on Aboriginal people has been nothing short of catastrophic. From 2000 to 2010, the Aboriginal imprisonment rate rose by 52%, while non Aboriginal rates have hardly changed. At the time of writing this report, 73.5% of juveniles in juvenile detention centres were Aboriginal and 40% of prisoners in adult jails were Aboriginal. Underpinning these statistics is the disturbing scenario that an Aboriginal person's postcode could become determinative of their future, in terms of poor educational and health outcomes, lack of employment prospects, engagement with the criminal justice system and eventually imprisonment.

WA cannot simply prosecute or incarcerate its way to becoming a safer community. The time has come to stop repeating the mistakes of the past and using the criminal justice system to warehouse vulnerable and disadvantaged Aboriginal people.

That is why the concept of justice reinvestment is so important, involving as it does, a far more effective and humane investment in prevention, early intervention, diversion and through care designed to people away from the criminal justice system and custody in a way that brings real healing and builds greater community cohesion.

The United States is widely regarded as the exemplar of penal expansionism. But in August 2013, the US Attorney General called for a fundamental change in approach, citing Justice Reinvestment as the vehicle for reform.

The social and institutional problems the US faces as a result of its decades long commitment to penal expansionism are no less significant than the ones that WA faces. If they can change, so can we. ALSWA is committed to driving these changes.

2. Incident at Banksia Hill Detention Centre on 21 January 2013

On 21 January 2013, about 70 juvenile detainees were involved in an incident at Banksia Hill Detention Centre in metropolitan Perth which resulted in large sections of the Centre, including 90 cells, being extensively damaged.

On the night of the incident there were 206 detainees incarcerated in Banksia Hill, including 135 Aboriginal juveniles and 19 girls. Aboriginal over representation was most marked in the younger age groups:

- (a) The youngest detainees were 13 years old. All were Aboriginal.
- (b) 65 detainees were 15 years old or younger. Fifty two of this group (80%) were Aboriginal.

The incident followed the closure of the only other juvenile detention centre in WA, Rangeview Remand Centre, in 2012. The closure of Rangeview Remand Centre resulted in the transfer of all remand detainees and female detainees to Banksia Hill.

An investigation into the incident by Office of the Inspector of Custodial Services ("OICS") found that failings by the Department of Corrective Services in its handling of the amalgamation of Rangeview with Banksia Hill, which led to staff shortages and the excessive lockdowns of detainees in their cells, was a major catalyst for what occurred.

The Inspector also made the following important findings:

- (a) In the period 21 January 2013 to 4 February 2013, 73 male detainees were transferred to Hakea adult prison and 132 detainees remained at Banksia Hill.
- (b) Detainees were locked in their cells continuously for 23 to 24 hours per day for 23 continuous days between 20 January 2013 and 12 February 2013, and were only allowed out for the time it took to make a telephone call or to meet with a psychologist to undergo a risk assessment.
- (c) This lockdown applied to all detainees, regardless of their age, circumstances or whether they were involved in the riot or not.
- (d) No legal authority or reasonable explanation has been provided by the Department of Corrective Services for the length of lockdowns.
- (e) It was entirely unacceptable, whatever the circumstances, for detainees to be confined in their cells for 23 to 24 hours a day for this length of time. This regime of confinement was contrary to the legislative framework in the Young Offenders Act 1994 and it was difficult to interpret it as being anything other than punitive.

- (f) From 8 February 2013 onwards, 144 detainees were moved to Hakea adult jail. Lockdowns exceeding 18 hours a day have routinely continued since then. Detainees have been allowed less than one hour outdoor recreation a day and it is frequently less than this because of staff shortages. Detainees receive less than 10 hours of education and other rehabilitation programs per week, which is half of what was available at Banksia Hill.
- (g) The Inspector noted: *"A failure to provide programs is likely to enhance community risk and reduce the prospects of successful reintegration."*
- (h) Strip searches at Hakea adult prison have increased dramatically since 20 January 2013, for example, one detainee was strip searched once (on admission) between 13 October 2012 and 21 January 2013. From 21 January 2013 to 28 June 2013, the detainee was strip searched 62 times (ie 15 times per month).
- (i) Youth Justice Services accounts for \$100m of the Department of Corrective Services' total budget, but reliable estimates suggest another \$20m or more is spent across government for youths at risk.
- (j) There are strong arguments for a fresh approach to youth justice, including establishing an entity such as a Youth Justice Commission whose primary responsibility is youth justice, not adult imprisonment.

That fresh approach should also focus on exploring all options to keep Aboriginal juveniles out of custody, rather than locking them up.

3. Prohibited Behaviour Orders

The *Prohibited Behaviour Orders Act* came into operation in February 2011.

The Act applies to adults and children aged 16 and over.

The Act enables Prohibited Behaviour Orders ("PBOs") to be made against people who have prior convictions for offences involving anti social behaviour (eg. disorderly conduct, obstruction, damage, shoplifting and assaulting police etc.) which have been committed within 3 years of each other. The Act therefore potentially applies to countless numbers of ALSWA clients.

The Act allows for the imposition of PBOs to prohibit otherwise lawful behaviour eg. being present in certain areas, associating with certain individuals and engaging in activities such as the consumption of alcohol.

PBOs can be made for up to 2 years and breaches are punishable by 2 years' jail in summary Courts and 5 years' jail in superior Courts.

Aboriginal people are grossly overrepresented in applications for PBOs. For example, of the 37 PBO applications made in 2012, 22 were made against Aboriginal people. Of the 73 applications made in 2013, 37 have been made against Aboriginal people. ALSWA has acted for more the 50 clients the subject of PBO applications. Where appropriate, the applications have been vigorously opposed.

This is an insidious piece of legislation, which targets the most vulnerable, powerless and disadvantaged in our community. Most applications have been against those who are homeless, have a history of chronic substance abuse and who suffer from either a mental illness or cognitive impairment consequent upon

their substance abuse. In the Perth context, the applications usually seek to ban such people from the very areas in which they live - the streets of Northbridge or the Perth CBD. The capacity of such persons to understand what an application entails, what they need to do in order to comply with a PBO order if it is made and the consequences of breaching an order is effectively zero.

The enforcement of PBO orders will quickly become another plank in the chronic overpolicing of the Aboriginal community and inevitably contribute to an increase in the numbers of Aboriginal people in jail. This has already started to occur. For example, one client who was homeless and suffered from a serious mental illness breached a PBO order within days of the order being imposed. His crime was to go a shopping centre when prohibited from doing so. He was not charged with any other offences at the time. The client was refused police bail, refused bail by a Magistrate, spent 11 days in custody and was then fined \$1,500 for breaching the PBO. When he was sentenced, the client was warned that should he breach the PBO again, he ran the risk of being imprisoned.

4. Royal Commission into Sexual Abuse in Institutional Care

The Royal Commission into Sexual Abuse in Institutional Care has already commenced hearings in the Eastern States. The Commission will commence hearings in WA at some stage next year.

ALSWA has received funding from the Commonwealth Attorney General's Department to assist clients wishing to participate in the Royal Commission.

The funding will be used to raise awareness and educate the Aboriginal community about the Royal Commission and to advise clients of the various ways in which they can present their stories to the Royal Commission.

ALSWA will focus on assisting communities and clients from regional and remote areas.

Criminal Law

The pressure on ALSWA's lawyers and court officers in the Perth Criminal Law unit and in ALSWA's regional offices continues at an almost unprecedented level. For example, ALSWA is currently acting for 14 clients charged with homicide offences, including three females and two juveniles. Despite these pressures, ALSWA continues to provide high quality and culturally proficient legal representation to the WA Aboriginal community across the entire spectrum of the criminal law, ranging from duty lawyer services to jury trial advocacy to appellate advocacy.



Some of ALSWA's Regional Managing Lawyers Front Row: Eva Svanberg (Geraldton), Rosalind Russell-Smith (South Hedland), Michelle Huber (Bunbury)

Back Row L-R Greg Wildie (Kalgoorlie), Ben White (Broome), Glen Dooley (Kununurra), Russell Reading (Carnarvon)

Throughout 2013, ALSWA has achieved considerable success in a number of criminal appeals involving important points of principle. These include the following:

- (a) An appeal in relation to the proper interpretation of the newly enacted s9AA of the Sentencing Act 1995 which caps the sentencing discount that can be given by Courts following a plea of guilty.
- (b) An appeal against a conviction for contempt of court involving a young female who swore at a Magistrate in frustration after being refused bail. In allowing the appeal, the Supreme Court noted that *"the dignity of an individual judicial officer is of very subordinate importance compared with the dignity of the Court. Judicial officers who have been the subject of insulting remarks should give careful consideration to whether it is worthwhile to take any steps"*. The appeal is important as frustrated clients often utter expletives at Magistrates and the message is that Magistrates need to be thick skinned in responding to them.
- (c) An appeal against sentences of imprisonment imposed upon a homeless alcoholic woman for offences of possessing a weapon (scissors which the client kept in a pram containing all of her possessions) and breaches of move on orders. The woman had a lengthy record of prior convictions, mainly in relation to minor offences, which were a function of her disadvantaged socio economic status.

The appeal affirmed important sentencing principles in relation to how a prior criminal history can (and cannot) be taken into account at sentencing, the relevance of personal circumstances in mitigation of sentence, and how the utility of imposing a sentence to achieve personal deterrence may be abrogated by particular circumstances (eg. homelessness, substance misuse etc.), even where the criminal record shows persistent offending.

The appeal also contains important observations about the usefulness of police issuing move on orders against homeless people who have little or no capacity to understand such orders or move out of the prohibited area.

- (d) An appeal against a conviction for breaching a violence restraining order. The order prevented the client from approaching within 20 metres of the protected person. The evidence at trial was that the protected person had instigated contact by walking over to the client and that the pair had then walked together for three seconds before the client was arrested by police. In allowing the appeal, the Supreme Court held that the evidence established that the client did not approach the protected person. Rather, the protected person approached the client. The decision is also important because many clients are charged with breaches of restraining orders in these circumstances where the initial contact is initiated by the protected person and the penalties on breach are severe, including mandatory terms of imprisonment for third strike breaches.

The Supreme Court also noted that the client had spent almost 3½ months in custody prior to the determination of the appeal, with the Court finding *"[t]hat combination of events, circumstances and the legislative scheme has meant that the appellant has suffered grave injustice at the hands of the legal system"*.

- (e) ALSWA also acted in an unsuccessful appeal against sentence to the High Court. Although unsuccessful, the decision of the High Court has now clarified the principles relevant to sentencing socio economically disadvantaged Aboriginal offenders, including those with associated drug and alcohol addictions.

All of these appeals have been instituted and conducted and in many instances, argued, by ALSWA's Criminal Counsel, Dominic Brunello. I would like to acknowledge the efforts of Dominic in this area, which have been first class. Alana Woldan has done a superb job as manager of the unit.

Dominic Brunello

*ALSWA Criminal
Counsel*



Robyn Ninyette

*ALSWA Deputy
Director Legal
Services and Acting
DLS in 2012*

I would also like to acknowledge the efforts of ALSWA's Perth based criminal lawyers and court officers and ALSWA's lawyers and court offices in regional areas. Their expertise and commitment is the reason why ALSWA leads the way in the provision of criminal law services in WA.



ALSWA Court Officers Murray Stubbs, Kevin Blurton, Dennis 'Sorgi' Eggington, Jack Calyun, Sandra Collard, Robert Bonson, Stephanie Mippy, Margaret Ugle, Roy Blurton, Barbara Oreo (RIP), Mark Radovanovich; John Green, Sarah Johns, Elvis Stokes, Suzanne Randall, Darlene Summers

Family Law

ALSWA's Perth based Family Law Unit comprises a small team of four lawyers and two administrative staff. The Unit's workloads are very significant and managing lawyer, Mary Chape and her lawyers are to be commended for their diligence and hard work over the past year.

The Family Law Unit's capacity to provide services in regional and remote areas has been enhanced with the Commonwealth Government announcing the provision of one off funding in May 2013 for family law services.

ALSWA has used this funding to employ a family law solicitor based in Broome to service the Kimberley and one in Kalgoorlie to service the Goldfields. This is the first time in the history of ALSWA that funds have been provided for the employment of family law solicitors in ALSWA's regional offices.

The Family Law Unit continues to act for clients where arbitrary decision making by the Department for Child Protection and Family Support (DCPFS) gravely impacts upon the lives of Aboriginal children, parents and extended families.

The Unit has regularly acted for parents who are prevented from contacting their children by DCPFS in circumstances where allegations of abuse against them have been investigated by police who have elected not to institute criminal charges.

This has not deterred DCPFS which has then relied on recommendations from its own social workers to continue to prevent the parent from having contact with their children.

These decisions have the potential to prevent contact between parents and their children for years and sometimes permanently. Even where DCPFS has elected not to take further action, adverse DCPFS reports have impacted upon Family Court parenting orders by limiting the type of contact parents can have with their children. The damage done to attachments, especially in young children, along with issues involving self blame and feelings of abandonment can be very significant and cause serious lifelong problems.

The Family Law Unit has also acted for increasing numbers of parents or carers whose children are the subject of applications by DCPFS for an order that they be involuntarily detained in a secure facility for a period of up to 21 days. The applications are often made in order to effectively compel seriously ill children to submit to medical treatment or psychiatric counselling. ALSWA has opposed the making of these orders given the infringement of fundamental human rights involved in the involuntary detention of children and subjecting them to medical treatment against their will.



Pictured at the ALSWA Staff Conference in November 2012 are FLU lawyers Jonathon Reid, Mary Chape, Neil Anderson and Catherine Doran



ALSWA Family Law lawyers Miriam Kelly (Kalgoorlie) Mary Chape, Manager (Perth) Shayla Gibbons (Broome)

Civil and Human Rights Law Unit



ALSWA CEO Dennis Eggington with the Civil Unit's Sarouche Razi, Betty Campbell, Marianne De Leo, Carla Yazmadjian, Pia Castelli, Nikki Dwyer and Paul Gazia. Photo by Robert Frith Acorn Photo, Courtesy Lavan Legal

The managing lawyer of ALSWA's Civil and Human Rights Law Unit, Paul Gazia, has headed up a dynamic team of passionate lawyers who have been assisting clients in a number of important cases over the past 12 months, some of which are detailed below.

The Unit has also embarked upon an important new innovation aimed at improving service delivery and access to justice in regional and remote parts of WA with the establishment of a regular outreach service. This has involved dividing WA into five discrete regions for service delivery purposes and lawyers attending that region every two to three months with Court officers. The aim is to establish appropriate relationships with Aboriginal clients, communities and stakeholders and to improve understanding and awareness so that clients can access services in those areas of ALSWA's civil and human rights law practice where the client would not otherwise be able to access legal advice and assistance.

These areas of practice include racial discrimination, equal opportunity, police complaints, coronial inquests, driver's licences and stolen generation and stolen wages matters. So far in 2013, the Unit has been to communities in the East and West Kimberley, the Wheatbelt and the Ngaanyatjarra Lands. Other parts of WA will be visited in the next few months.

The Civil and Human Rights Law Unit has conducted the following important cases:

1. Stolen Generations litigation - Collard v State of Western Australia

Nine members of the Collard family, including both parents and seven of their children, instituted proceedings against the State of WA in the Supreme Court on 26 May 2010. The proceedings alleged a breach of fiduciary duty by the State arising from the involuntary removal of the children from their parents between 1958 and 1961, pursuant to the *Aborigines Act 1905*. The children were made State wards and were placed in several now infamous children's homes and orphanages following their removal. Several children were subjected to physical and sexual abuse while in care.

It was alleged that the State had a fiduciary duty as the guardian of the Collard children not to fail to protect them from harm and to provide them with the opportunity to receive independent legal advice as to their rights against the State in respect of the psychiatric injuries sustained by them as a consequence of the conduct of the State in:

- (a) Taking steps to have them declared wards and removing them from the care of their parents.
- (b) Failing to place them in circumstances of care which protected them from exposure to risks of physical and mental harm.

The State contended that the removals were justified under the relevant legislation at the time and because the children were neglected. This is the first litigation of its kind instituted in WA.

The matter was unable to be resolved by mediation and proceeded to trial in the Supreme Court in early 2013. Each of the Collard family gave evidence at the trial, which was an incredibly stressful exercise, for which they all should be commended. The trial Judge is yet to hand down her decision.

It required a herculean effort to prepare for and conduct the trial. In that respect, it is important that I acknowledge the dedication and expertise of the following:

- (a) The law firm, Lavan Legal, which acted for the Collard family on a pro bono basis, including partner Iain Freeman, and Jon Crabtree, who appeared as junior counsel at trial.
- (b) Barrister Greg McIntyre SC who appeared as senior counsel at the trial; and
- (c) ALSWA lawyer, Nikki Dwyer.



LAVAN LEGAL
Leaders in Law

Nikki Dwyer, ALSWA Civil & Human Rights Unit lawyer

2. Racial discrimination

The Unit has acted on behalf of several clients in the Human Rights Commission and the Federal Court in relation to complaints of racial discrimination. The complaints involve allegations that an Aboriginal woman was excluded from a caravan park because she was Aboriginal, that an Aboriginal woman was required to pre pay for petrol because she was Aboriginal (this complaint was not sustained), the publication of racially offensive remarks directed at an Aboriginal man on Facebook and racist remarks directed at Aboriginal people by a police officer from a regional police station.

3. Negligence

The Unit has secured a confidential settlement on behalf of the family of a two year old boy who was electrocuted at a Homeswest house in Roebourne. The house was supposed to have been fitted with a safety device to prevent electrocutions but the electrical contractor employed by Homeswest to install the device had failed to do so.

A coronial inquest found that the boy would not have died had the device been fitted.

4. Coronial inquests

The Unit has acted on behalf of families at several coronial inquests involving deaths in police and prison custody.

Stakeholder engagement

ALSWA has implemented a new stakeholder engagement strategy, prioritising regular engagement with WA Government Ministers, members of the WA State Opposition, Federal parliamentarians, leaders of key Aboriginal community organisations and senior officers in relevant government agencies. This has included scheduling meetings with the Minister for Corrective Services, the Attorney General, the Minister for Aboriginal Affairs, the WA Police Commissioner and the WA Governor. ALSWA's pro bono partners

ALSWA is very grateful to the following law firms who have generously provided pro bono assistance: Lavan Legal, Mallesons Stephen Jaques, Allens Linklaters, Blake Dawson, Ashurst, K and L Gates, Clayton Utz, DLA Piper, Freehills; and Corrs Chambers Westgarth.

I would also like to acknowledge the pro bono contributions of the following barristers who have provided ALSWA with assistance of the highest quality over the past 12 months: Greg McIntyre SC, Peter Callaghan SC, Peter Quinlan SC, Laurie Levy SC, Andrew Boe, Scott Corish, Maria Saraceni, Ian Marshall, Eric Heenan and Lachlan Carter. Lachlan is seriously ill at this time and the thoughts of ALSWA are with him and his family. One of ALSWA's long time supporters who has acted for numerous ALSWA clients in important cases over the years, barrister Bob Richardson, is also unwell and ALSWA extends its best wishes to Bob.

Acknowledgments

I would like to thank ALSWA's senior management team – Dennis Eggington, John Bedford and Robyn Ninnette for their ongoing support and assistance

Peter Collins

COMMUNITY LEGAL EDUCATION/MEDIA/POLICY

ALSWA continues to actively engage in community events and workshops to ensure that our services are promoted widely and remain accessible for Aboriginal and Torres Strait Islander peoples in Western Australia. ALSWA has also maintained its high profile in advocating and speaking out publicly with both Aboriginal and mainstream media about the injustice faced by our people in this State. Our voice plays an important role in keeping a strong focus on key issues affecting our people in this area.

ALSWA's Media Officer, Jodi Hofmann, receives ALSWA's incoming media enquiries. Jodi has established a strong relationship with media stakeholders and has done an excellent job in ensuring that ALSWA provides a culturally appropriate and incisive contribution to the debate on justice issues in WA.

In August 2012, ALSWA's new Community Legal Education (CLE) Officer, Betty Campbell, commenced with ALSWA. Betty's role has been to plan, prepare and deliver CLE activities and projects to the Aboriginal community, update, maintain and develop resources for CLE and work with ALSWA's Media Officer to design, purchase and deliver ALSWA merchandise and coordinate ALSWA's attendance at community events. ALSWA also welcomes the opportunity to meet with community groups and other visitors to ALSWA to talk about our strong history in the justice system and services that are provided to our people.



A welcomed visit to ALSWA Perth head office by students and staff from Tranby Aboriginal College in Sydney

Pamphlet Update

ALSWA has produced a new range of CLE pamphlet titles, which include culturally appropriate artwork and reflect changes to relevant laws. These pamphlet titles have formed the basis of CLE provided to Aboriginal communities around WA.

Website

In early 2013, ALSWA published its updated pamphlet range in electronic form on the ALSWA website. This has improved access to Culturally appropriate legal information for Aboriginal people living in isolated and remote communities. Additionally, ALSWA has an extensive number of links on ALSWA's website to free legal services and information. These links provide a gateway to a comprehensive level of information surrounding justice issues, relevant laws and how to access legal advice.

Law Matters radio program

ALSWA is extremely grateful to the management and staff of 6NME 100.9 FM Digital Noongar Radio for the ongoing opportunity to produce and present our fortnightly radio program “Law Matters”. The program enables ALSWA and guests to discuss current issues within the justice system and to make complex legal matters more easily understood.

Since commencing the program in 2010, ALSWA has produced and presented over forty radio programs, with programs during this reporting period including members of the ALSWA Executive Committee and ALSWA management and staff. Other guests include NATSILS Chairperson Shane Duffy, Jim Morrison Bringing them Home WA Co-Convenor, Krista McKeeken WA Law Society Aboriginal Lawyers Committee Member, Nicole Casley 7th National Indigenous Legal Conference Chairperson, Mel Thomas UWA Indigenous Law programs, Eddie Cubillo NATSILS, Matthew Keogh Law Society of WA Vice-President, Delia Rickard Acting Chair Australian Competition and Consumer Commission, Greens Senator Rachel Siewert, Andrew Harvey Deputy Director Office of the Inspector of Custodial Services (The Office) and Joseph Wallam Community Liaison Officer The Office, Lindon Coombes National Congress of Australia's First Peoples and lawyer June Kenny.



Andrew Harvey Deputy Director Office of the Inspector of Custodial Services (The Office) and Joseph Wallam Community Liaison Officer, The Office and the 'Law Matters' newsletter

Law Matters newsletter

Produced quarterly, each newsletter contains information on ALSWA's achievements, legal information, involvement at community events, staff news and other relevant matters.

Newsletters are distributed to all ALSWA offices and various community and government agencies in hard copy, distributed via email and placed onto our website.

Presentations by ALSWA

ALSWA has increased its engagement with Western Australian universities and other community organisations. ALSWA staff have presented lectures and contributed to various discussions on a range of issues relevant to the WA Aboriginal community. ALSWA played an active role in Law Week activities in 2013. ALSWA were both participants and hosts of Law Week events.

ALSWA Monthly CLE workshops

ALSWA now runs monthly workshops in Perth covering a range of topics from the history of the Aboriginal Legal Service of WA to consumer rights and scams, and has more workshops planned to provide people with information about important issues, such as the Royal Commission into Institutional Responses to Child Sexual Abuse.



ALSWA 'Introduction to the Aboriginal Legal Service of WA' workshop with L-R ALSWA's Paul Gazia Civil and Human Rights Unit Manager, CEO Dennis Eggington, Sarah Johns Court Officer, Betty Campbell CLE Officer, Avril Bartlett Criminal Unit solicitor, Jonathon Reid Family Law Unit solicitor

Justice Reinvestment Documentary

In 2011, filming began for a new documentary produced by ALSWA. This documentary, 'Building communities not Prisons' explains the concept of justice reinvestment and how it can be used to address the alarmingly high incarceration rates amongst Aboriginal peoples in Western Australia. This documentary focuses on the cost saving potential to governments if justice reinvestment were used to address offending; the social and economic benefit to communities; and projects that have provide good examples of successful justice

reinvestment strategies. The documentary has completed its final stages of filming and has progressed to the editing stage. ALSWA is working with Curtin University's School of Media, Culture and Creative Arts to finalise the documentary.

Regional Legal Clinics

The CLE Officer has delivered CLE to Aboriginal communities as part of ALSWA's Civil and Human Rights Law Unit's regular visits to regional and remote areas of WA. Legal and CLE workshops by ALSWA lawyers Sarouche Razi and Betty Campbell have also included regional outreach in areas including Kununurra, Wyndham and Halls Creek, with more sessions planned, including Tjuntjuntjara. Topics at the free legal clinics include inquests, discrimination, negligence, police complaints, human rights and civil matters and compensation for victims of crime



ALSWA Civil/Human Rights Unit Lawyer Sarouche Razi on the road from Kununurra to Wyndham



Betty Campbell at ALSWA's stall outside Tuckerbox in Kununurra and ALSWA's stall at the Meekatharra Hospital

Participation in Community Events

ALSWA has attended a number of community events which include:

	Date	Organisation	Event	Venue
1	1 July 2012	NAIDOC Perth	Official NAIDOC Week Opening Ceremony	Wellington Square Perth
2	3 July 2012	City of Armadale	Armadale NAIDOC Celebrations	Champion Centre Seville Grove
3	4 July 2012	City of Stirling	Mirrabooka NAIDOC celebrations	Herb Graham Recreation Centre Mirrabooka
4	5 July 2012	Town of Bassendean/ Derbarl Yerrigan Health Service	NAIDOC Family Fun Day	Ashfield Reserve, Ashfield
7	9 October 2012	Central Institute of Technology	Deadly@Central	30 Aberdeen Street Northbridge
11	3 November 2012	City of Fremantle	Wardarnji Festival	Fremantle Arts Centre
12	26 January 2013	NAIDOC Perth	Survival Festival	Supreme Court Gardens
13	27 February 2013	Seniors Recreation Council of WA	Activity Day	Cockburn Senior Centre
14	8 May 2013	Seniors Recreation Council of WA	Activity Day	Camp Leschenaultia
15	12 June 2013	ALSWA	Wyndham CLE: Racial Discrimination	Ngnowar Aerwah Sobering Up Shelter
16	13 June 2013	ALSWA	Wyndham outreach clinic	Ngnowar Aerwah Sobering Up Shelter
17	14 June 2013	ALSWA	Kununurra outreach	OVAHS
18	15 June 2013	ALSWA	Kununurra outreach	Kununurra IGA/ Tuckerbox
19	24 June 2013	Department of Housing	Launch 'A Better Way Report'	141 St George's Tce

More Community Highlights

ALSWA was thrilled to be invited to attend 'My Noongar Kitchen Rules' hosted by students from Central Institute of Technology programs Katitjin Djookian, Yorga Dreaming, Solid Ground and Solid Futures. It was an honour to take part in such a special community event that brought together so many of our people to share in friendship, conversation and gourmet food, as prepared by the CIT students.



Over 100 people attended 'My Noongar Kitchen Rules' including (above left to right) Professor Colleen Hayward AM, Neil Fernandes CIT Managing Director, Jack Calyun ALSWA Court Liaison Officer, Jolene Farrell ALSWA Head Office receptionist, ALSWA CEO Adjunct Professor Dennis Eggington and Associate Professor Ted Wilkes



ALSWA CEO Dennis Eggington catching up with others who share our passion for a better future for our people, left to right Rodney Dillon (Amnesty) and Brian Butler (National Congress of Australia's First Peoples)

ALSWA CEO Dennis Eggington welcomed the opportunity to speak at a Reconciliation Week lunchtime symposium hosted by Ngarda Civil and Mining. Exploring the 2013 Reconciliation Week theme of 'Let's Talk Recognition' he spoke about significant and proud milestones in our history and the challenges faced in Closing the Gap. Following was a panel discussion with Dennis and Ngarda's Denice Kickett and Kim Farmer.



Above left to right are Tony Sheppard (Ngarda CEO), Kim Farmer (Mentor and Cultural Awareness Coordinator) Dennis Eggington ALSWA CEO, Ricky Osborne (GM – Corporate Affairs), John Mallard (Manager – Community Relations), Denice Kickett (Mentor and Cultural Awareness Manager)

ALSWA involvement in NAIDOC Week



Left to right: ALSWA Snr Court Officer Dennis (Sorgi) Eggington, Records Officer Helen McCartney (Mirrabooka), CLE Officer Betty Campbell, Court Liaison Officer Jack Calyun, Court Officer Darlene Summers (NAIDOC Perth Opening) Policy Officer Marianne De Leo, CLE Officer Betty Campbell (Ashfield)

Research Project

ALSWA is currently working with the Australian Research Council and James Cook University on a research project. This project aims to identify and analyse the civil and family law needs of Aboriginal people, in areas such as discrimination, consumer matters, credit and debt, child protection, education, employment, health, housing and wills and estates. Consultation and collaboration of this project began in 2010. ALSWA has provided ongoing support to the research project since then. In June 2013, ALSWA assisted project researchers to coordinate a visit to Wyndham to conduct focus groups in relation to the research. This trip was very successful and it is intended that ALSWA assist in coordinating visits to other WA communities such as Tjuntjuntjara, Fitzroy Crossing, Balgo, Roebourne.

Participation in the Youth Justice Coalition

ALSWA is an active participant in the newly formed Youth Justice coalition, along with the Aboriginal Alcohol and Drug Service, the WA Council of Community Services, Derbarl Yerrigan Health Service and a host of other community organisations. The coalition is campaigning for youth justice reform in WA and a greater investment in justice reinvestment models as a means of helping at risk youth and reducing the rate of Aboriginal incarceration.

Submissions and Advocacy

The timing of both the Western Australian and Federal elections in 2013 disrupted policy development and the legislative programs at both levels of government, resulting in fewer than usual reviews and inquiries during this period. Nonetheless, ALSWA still prepared five formal submissions this year, and contributed to a further six formal NATSILS submissions. ALSWA also attended the Senate Inquiry into the value of a justice reinvestment approach to criminal justice in Australia, Senate Legal and Constitutional Affairs Committee, represented by Dennis Eggington and Peter Collins.

In addition to formal submissions, some of issues on which ALSWA has advocated over the past year include: the conditions and treatment of juvenile detainees at Banksia Hill Detention Centre, and their subsequent detention at Hakea Juvenile Detention Facility; the retention of the Kalgoorlie Aboriginal Sentencing Court; extended time limits for prisoners' phone calls to lawyers; absence permits for prisoners to attend funerals; proposed amendments to the mandatory sentencing regime; and the impact of prohibited behaviour orders on Aboriginal peoples.

With respect to international human rights, ALSWA submitted responses in September 2013 to the Universal Periodic Review follow-up program on recommendations received by Australia, giving us an opportunity to provide feedback on Australia's implementation (or lack thereof) of the various recommendations received from States.

ALSWA Submissions

- Review of the Commissioner for Children and Young People Act 2006: Public Sector Commission (28 February 2013).
- Banksia Hill Inquiry: Office of the Inspector for Custodial Services (8 March 2013).
- Feedback about early intervention, diversionary and rehabilitative programs and services in Western Australia: Department of Corrective Services (6 June 2013).
- Inquiry into Custodial Arrangements in Police Lock-ups, Community Development and Justice Standing Committee, WA Parliament (July 2013)
- Issues Paper: Access to justice in the criminal justice system for people with disability, Australian Human Rights Commission (August 2013)

NATSILS Submissions

- Human Rights and Anti-Discrimination Bill 2012, Exposure Draft Legislation: Commonwealth Parliament (December 2012).
- Australia's Draft 5th Periodic Report to the Committee Against Torture: Department of the Attorney General (November 2012).
- Senate Inquiry into the value of a justice reinvestment approach to criminal justice in Australia: Senate Legal and Constitutional Affairs Committee (17 April 2013).
- National Justice Policy: National Congress of Australia's First Peoples (2012).
- Aboriginal and Torres Strait Islander Child Placement Principle: workshop summary, Australian Centre for Child Protection (July 2013)
- Issues Paper: Access to justice in the criminal justice system for people with disability, Australian Human Rights Commission (August 2013)

Stakeholder Engagement And Government Relations

In 2013, ALSWA implemented a new stakeholder engagement and government relations strategy, which saw the organisation significantly expand its involvement with other community organisations, in addition to academics and researchers, government departments, State Government ministers and other Members of Parliament, and key individuals and professional organisations in the Western Australian justice sector. The Civil & Human Rights unit's new regional circuit is also helping ALSWA develop key relationships with relevant organisations throughout the State. This new strategy will provide a stronger foundation for ALSWA to influence policy and legislative development, work more collaboratively with other like-minded organisations, and ultimately provide a better service to Aboriginal communities.

**The CLE/Media/Policy component of this Annual Report was compiled with input from Peter Collins, Jodi Hoffmann, Betty Campbell, Marianne De Leo and Nikki Dwyer*

LOTTERYWEST GRANT REFURBISHMENT FOR PERTH AND KUNUNURRA OFFICES

A Lotterywest grant will enable ALSWA's Perth and Kununurra offices to receive a long overdue refurbishment.

At a special function at ALSWA's Perth Head Office, following a Welcome from Murray Yarran from ALSWA's Executive Committee, Executive President Michael Blurton was presented with the cheque by the Hon Peter Collier, WA Minister for Aboriginal Affairs.

Mr. Blurton spoke about ALSWA's long and strong history in providing much needed legal support and representation throughout Western Australia.

The Minister acknowledged that ALSWA's work was very important to Western Australia, ensuring that those who need representation could access it and that ALSWA's role as a conduit between the Government and Aboriginal people on issues of law and justice, cannot be underestimated.

ALSWA is grateful for the ongoing support provided by Lotterywest which enables ALSWA, a not-for-profit organisation to have access to infrastructure and facilities that the organisation could not afford to fund.



Above: Tina Ward ALSWA Chief Financial Officer



Above L-R Cliff Weeks Director Department of Aboriginal Affairs, Hon Peter Collier Minister for Aboriginal Affairs, Dennis Eggington ALSWA Chief Executive Officer, Michael Blurton ALSWA Executive Committee President, Ray Bennett Lotterywest Board Member and Murray Yarran ALSWA Executive Committee Member

ALSWA 2012 STAFF CONFERENCE

A two day ALSWA Staff Conference was held at Perth's Joondalup Resort in November 2012. Gatherings such as this are vital to continue professional development and team building amongst staff from ALSWA's fifteen statewide offices. Facilitated by Grant Sarra, the conference featured a Welcome to Country by ALSWA's Executive Committee President Michael Blurton with guest speakers including WA Chief Justice Wayne Martin, judges, lawyers and others involved in the justice system and administrative areas.



ALSWA Executive Committee President Michael Blurton, WA Chief Justice Wayne Martin, ALSWA Deputy Director Legal Services (and Acting DLS during 2012) Robyn Ninyette, ALSWA CEO Dennis Eggington, and Conference Facilitator Grant Sarra, a Consultant Manager with special expertise in Cultural Management

Workshops included Cross Cultural sessions, Language Barriers, Courts and the Justice System, CPD Sessions and historical information about ALSWA and its ongoing role within WA's justice system.



ALSWA's Stephanie Mippy, Suzanne Randall, Peter Collins, Glen Dooley, Margaret Ugle, Consultant Grant Sarra



ALSWA staff pictured at the 2012 Staff Conference in Perth in November 2012 (RIP Barbara Oreo)

PERTH HOST CITY FOR 2013 NAIDOC CELEBRATIONS

NAIDOC Perth

There was plenty on offer for NAIDOC Week in Perth with Cultural celebrations and events occurring throughout the week. Well done to NAIDOC Perth on a fantastic week of activities and congratulations to all NAIDOC Perth Award Winners.

And the Winner is....

Outstanding Achievement Kyle Morrison, Community Person of the Year Angela Ryder, Male Elder of the Year Albert Knapp, Female Elder of the Year Jean Boladeras, Not for Profit Organisation of the Year Derbarl Yerrigan Health Service, Business of the Year G Cole Consulting, Carer of the Year Sam and Valerie Miller, Tertiary Scholar of the Year Aleisha Johns, Sportsperson of the Year Larissa Bennell, Artist of the Year Ashley Collard, Male Youth of the Year Dylan Collard, Female Youth of the Year Kelsi Forrest.



7 - 14 July
2013

We value the vision:
**YIRRKALA BARK
PETITIONS 1963**



2013 NAIDOC Perth Award Winners (Absent- Dylan Collard, Sam & Valerie Miller) and The Merindas performing at the NAIDOC Perth Ball (Photo by Tash Nannup courtesy of NAIDOC Perth)

NAIDOC Perth will also present Survival Perth in 2014.

For more information on this and other events, check out www.naidocperth.org

National NAIDOC Focus on Perth

As the Host City for NAIDOC Week in 2013, Perth celebrated NAIDOC Week by showcasing a huge week of events which were well attended by Community, organisations, students and visitors to our city. The National NAIDOC Ball and Awards Ceremony was a fitting end to an incredible week of Cultural celebrations.



The National NAIDOC Ball was held at the Perth Convention and Exhibition Centre



MC's for the event Narelda Jacobs and Ernie Dingo, Urban Youth Crew and Christine Anu and band





Mary G and National NAIDOC Award winners (Photos courtesy NAIDOC)

Congratulations to the 2013 National NAIDOC Award recipients:

Galarwuy Yunupingu NT (Lifetime Achievement Award), Darryl Kickett WA (Person of the Year), Rose Richards QLD (Female Elder of the Year), John Hayden WA (Male Elder of the Year), Jimmy Edgar WA (Caring for Country), Kate Malpass WA (Youth of the Year), Tony Briggs NSW (Artist of the Year), Dr. Mark David McMillan VIC (Scholar of the Year), Danny Bromot NT (Apprentice of the Year), Jonathon Thurston QLD (Sportsperson of the Year).



Some of ALSWA Staff attended the National NAIDOC Ball and pictured above are Louella and Dennis Eggington, Bronagh and Colm Morgan, Debra Clarke, Paul Gazia, Jodi Hoffmann, Sarouche Razi at the National NAIDOC Ball in Perth (photo courtesy Koori Mail)

ALSWA SENIOR COURT OFFICER WINS NATIONAL AWARD

The Aboriginal Legal Service of WA (ALSWA) congratulates Dennis 'Sorgi' Eggington, the 2012 (Male) recipient of the Trevor Christian Memorial Award.

This Award was initiated by the Commonwealth Attorney-General's Department in 2008 to recognise the outstanding contribution made by an individual Aboriginal and Torres Strait Islander Legal Services (ATSILS) staff member.

With both Koori and Nyungar Cultural ties, Dennis 'Sorgi' Eggington commenced his career with ALSWA as a 17 year old trainee in 1998 before being employed by ALSWA in 1999, since which time he has worked in a variety of administrative and court duty roles.

'Sorgi' (a long-standing nickname), is a proud father who joined the Court Officer Unit as a fully trained Officer in 2007. By 2009 he had advanced to Senior Court Officer, at many times running the bulk of the load of the unit. Court Officers, all Aboriginal, represent Aboriginal and Torres Strait Islander peoples in the Court of Petty Sessions and the Children's Court. Their authority to appear in court is comes from a Certificate granted under a Section 48 of the Aboriginal Affairs Planning Authority Act 1972 (WA).

His story and journey so far is one that is inspirational to other young Aboriginal people. To have completed his schooling and embarked upon a continually evolving and changing career path with ALSWA clearly indicates that he is a driven and hard working young man whose work is motivated by the benefits for his people.

ALSWA congratulates Dennis 'Sorgi' Eggington for this esteemed Award. His efforts are to be commended and ALSWA is proud to have this young man as part of its dynamic team.

ALSWA also acknowledges the importance of this Award in recognising the efforts of NATSILS staff throughout the country and congratulates the 2012 (Female) recipient of this Award Lynnette Kilby (NSW/ ACT Aboriginal Legal Service)

Both Awards were announced during a NATSILS meeting held in Adelaide in 2013.



FINANCIAL REPORTS FOR THE YEAR ENDED 30 JUNE 2013

Tina Ward



Yet another year has passed by and ALSWA continues to strive to achieve it's vision of "Justice for Western Australia's First Peoples" through a multitude of mediums in an ever-changing environment. It is with great pleasure that I present my fifth annual financial report for ALSWA as it has been an exciting year.

ALSWA has utilized most of the Lotterywest grant provided in 2011/2012 throughout the year and was allowed an extension on its grant due to delays in installation of the latest information technology. ALSWA also received a second grant of \$316,765 to further improve offices throughout the state of Western Australia and would like to acknowledge Lotterywest and the great work that it does for public benevolent institutions such as ours, and many other charitable organizations.

This year ALSWA have endeavored to continue the trend of achieving some savings which is committed to various incompleting/new projects to be finalised in the 2013/2014 financial year. ALSWA achieved a surplus in 2012/2013 is \$409,071 (2012: \$407,354) from total revenues of \$13,184,048 (2012: \$12,615,908). This is a significant outcome considering the effects of the consumer price index (CPI), new enterprise bargaining agreement, government changes and the Australia economy.

The financial statements hereafter are the audited financial accounts for the year ended 30 June 2013.

A handwritten signature in black ink, appearing to read 'Tina Ward', written in a cursive style.

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 balance sheet as at 30 June 2013, statement of comprehensive income, statement of change in equity, cash flow statement, information for Attorney General Department 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 2013.

Responsibility for the Financial Report

The management of the Aboriginal Legal Services of Western Australia (Inc) are responsible for the preparation and fair presentation of the financial report, and have determined that the basis of preparation described in Note 1, is appropriate to meet the requirements of the Attorney General Department. The Aboriginal Legal Services of Western Australia (Inc) responsibility also includes such internal control as management determine is necessary to enable the preparation and fair presentation 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 management 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

Level 3, 15 Labouchere Road (corner Mill Point Road), South Perth WA 6151
PO Box 748, South Perth WA 6951
Telephone: +61 8 6436 2888 • Facsimile: +61 8 6436 2889
williambuck.com

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**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 2013, its financial performance, and its cash flows for the year ended on that date in accordance with the accounting policies described in Note 1 to the financial statements and is properly drawn up:

- a) So as to give a true and fair view in accordance with the accounting policies in Note 1 to the financial report;
- b) Are based on proper accounts and records and are in agreement with those accounts and records and are in accordance with information and explanations obtained;
- c) Adequate financial controls have been maintained by the entity; and
- d) In accordance with applicable Accounting Standards and other mandatory professional reporting requirements. As the entity is not a reporting entity Accounting Standards have only been applied as described in Note 1 to the financial report.

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 Attorney General Department. 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 Attorney General Department.



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



Conley Manifis
Director

Dated this 22nd day of October, 2013

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 2013 and the results of its operations for the year ended 30th June 2013, 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 2012/2013 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 *22nd* day of *October* 2013


.....
PRESIDENT


.....
A/CHIEF EXECUTIVE OFFICER

CERTIFICATE OF COMPLIANCE

This Schedule is established in respect of the 2012/2013 financial year.

Provider: Aboriginal Legal Service of WA (Inc)

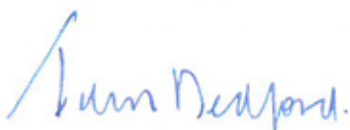
Contact Officer: John Bedford

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



John Bedford
A/Chief Executive Officer



Michael Blurton
President

In the presence of



Tina Ward
Chief Financial Officer

BALANCE SHEET

FOR THE YEAR ENDED 30 JUNE 2013

	<u>Note</u>	<u>2013</u> \$	<u>2012</u> \$
<u>CURRENT ASSETS</u>			
Cash	2	6,821,572	5,965,709
Receivables	3	378,647	238,435
Total Current Assets		<u>7,200,219</u>	<u>6,204,144</u>
<u>NON-CURRENT ASSETS</u>			
Property, furniture and equipment	1(B), 4	4,836,068	4,359,670
Leasehold improvements	1(B), 5	46,806	69,267
Motor Vehicles	1(B), 6	13,625	-
Total Non-Current Assets		<u>4,896,499</u>	<u>4,428,937</u>
<u>TOTAL ASSETS</u>		<u>12,096,718</u>	<u>10,633,081</u>
<u>CURRENT LIABILITIES</u>			
Accounts payable	1(D), 7	682,877	562,908
Provisions	8	1,533,096	1,542,584
Unexpended AGD/ATSIS Grants	10	2,543,364	2,124,650
Total Current Liabilities		<u>4,759,337</u>	<u>4,230,142</u>
<u>NON-CURRENT LIABILITIES</u>			
Provisions	9	113,447	146,962
Long Term Loan – 7 Aberdeen Street	9	436,791	495,290
Total Non-Current Liabilities		<u>550,238</u>	<u>642,252</u>
<u>TOTAL LIABILITIES</u>		<u>5,309,575</u>	<u>4,872,393</u>
<u>NET ASSETS</u>		<u>\$6,787,143</u>	<u>\$5,760,688</u>
<u>Accumulated Funds:</u>			
Retained surplus/(deficit)		5,101,843	4,789,276
Asset Revaluation Reserve		701,618	89,608
Long Service Leave Reserve		550,000	550,000
Asset Replacement Reserve		250,000	150,000
Redress Reserve		183,682	181,804
<u>TOTAL FUNDS</u>		<u>\$6,787,143</u>	<u>\$5,760,688</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 2013

	<u>Note</u>	<u>2013</u> \$	<u>2012</u> \$
<u>INCOME</u>			
Grants		12,168,405	11,626,608
Interest		354,520	368,962
Other income		661,144	620,339
Profit/(Loss) Sales of Assets		(21,749)	117,404
		<hr/>	<hr/>
		13,162,320	12,733,313
		<hr/>	<hr/>
<u>EXPENDITURE</u>			
Salaries		8,650,934	7,804,685
Depreciation		401,579	277,106
Other operating expenses		3,700,736	4,244,168
		<hr/>	<hr/>
		12,753,249	12,325,959
		<hr/>	<hr/>
Net surplus/(deficit) for year	11	\$409,071	\$407,354
		<hr/>	<hr/>

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

CASH FLOW STATEMENT

THE YEAR ENDED 30 JUNE 2013

		2013 Inflows (Outflows)	2012 Inflows (Outflows)
<u>Cash flows from operating activities:</u>			
AGD/ATSIS Funds		12,168,405	11,626,608
Interest received		354,520	368,962
Other receipts		661,144	737,742
Payments to suppliers and employees		(12,054,700)	(12,834,519)
		<hr/>	<hr/>
Net cash (used in)/from operating activities	A	1,129,369	(101,207)
		<hr/>	<hr/>
<u>Cash flows from investing activities:</u>			
Payments for property, plant and equipment		(273,532)	(16,944)
Proceeds from sale of property, plant and equipment		26	-
		<hr/>	<hr/>
Net cash used in investing activities		(273,506)	(16,944)
		<hr/>	<hr/>
Net increase/(decrease) in cash held		855,863	(118,150)
		<hr/>	<hr/>
Opening balance of cash held		5,965,709	6,083,859
		<hr/>	<hr/>
Cash balance at the end of the year	(2)	<u>\$6,821,572</u>	<u>\$5,965,709</u>
A Reconciliation of net cash provided from operating activities to net Income / (Deficit) for the year			
Net income/(deficit) for year		409,071	407,354
Loss/(Profit) on sale of assets		21,749	(117,404)
Depreciation		401,579	277,106
Provisions		(101,502)	(1,008,633)
Receivables		(140,211)	(96,013)
Creditors and Accruals		119,969	(223,567)
Unexpended Funds (inc. previous years)		418,714	659,950
		<hr/>	<hr/>
Net cash (used in)/from operating activities		<u>\$1,129,369</u>	<u>\$(101,207)</u>

NOTES TO AND FORMING PART OF THE ACCOUNTS

THE YEAR ENDED 30 JUNE 2013

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 have been recorded in the financial statements on the basis of cost and accumulated depreciation. Land and Buildings were revalued in April 2013 and are shown at fair value and accumulated depreciation. All assets are depreciated on a straight-line basis where their future economic benefits are expected to be consumed by the organization.

Useful lives for each class of depreciable asset are:

Computer equipment	3 years
Office equipment	4 years
Motor Vehicles	4 years
Renovations	4 years
Furniture and fittings	5 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 2013

D) ACCOUNTS PAYABLE

Accounts Payable, including accruals not yet billed, are recognized 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

The provision for sick leave is calculated according to the probability of entitlement and this value is reflected in the current provision account.

G) ASSET REVALUATION RESERVE

The Asset Revaluation Reserve was subject to change in April 2013 when independent valuations were obtained for the class of Land and Buildings and the assets were revalued at their fair value.

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 in 7 Aberdeen Street, Perth were purchased during the 2009/2010 financial year.

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.

	<u>2013</u>	<u>2012</u>
	\$	\$
2. <u>CURRENT ASSETS - CASH</u>		
Payroll Account	1,405	1,764
Cash Management Accounts	5,068,594	4,790,252
Branch Imprest	3,085	5,818
General Accounts	640,897	553,990
BWA – Security Deposit	25,400	12,157
Long Service Leave Reserve	625,878	601,728
Other Reserves	456,313	-
	<u>\$6,821,572</u>	<u>\$5,965,709</u>

NOTES TO AND FORMING PART OF THE ACCOUNTS FOR THE YEAR ENDED 30 JUNE 2013

	<u>2013</u> \$	<u>2012</u> \$
3. <u>CURRENT ASSETS - RECEIVABLES</u>		
Prepayments	71,139	66,734
Organisational Trust	4,879	4,879
Others - General	43,113	43,390
Accrued Income	259,516	123,432
	<u>\$378,647</u>	<u>\$238,435</u>
4. <u>NON-CURRENT ASSETS – PROPERTY, FURNITURE & EQUIPMENT</u>		
Land and Buildings		
At valuation 30 December 2009	4,435,000	360,000
At Cost 30 June 2009	-	3,959,983
Accumulated depreciation	(36,300)	(374,283)
Total land and buildings	<u>\$4,398,700</u>	<u>\$3,945,710</u>
Furniture and Equipment		
At cost	1,215,530	1,809,822
Accumulated depreciation	(778,162)	(1,395,863)
Total furniture and equipment	<u>437,368</u>	<u>413,960</u>
Total Property, Furniture and Equipment	<u>\$4,836,068</u>	<u>\$4,359,670</u>
5. <u>NON-CURRENT ASSETS</u>		
Leasehold Improvements		
At cost	855,236	467,948
Accumulated depreciation	(808,430)	(398,681)
Total Leasehold Improvements	<u>\$46,806</u>	<u>\$69,267</u>

NOTES TO AND FORMING PART OF THE ACCOUNTS FOR THE YEAR ENDED 30 JUNE 2013

	<u>2013</u> \$	<u>2012</u> \$
6. <u>NON-CURRENT ASSETS</u>		
Motor Vehicles at cost	16,745	16,945
Accumulated depreciation	(3,120)	(16,945)
	<hr/>	<hr/>
Total Motor Vehicles	13,625	-
	<hr/>	<hr/>
7. <u>CURRENT LIABILITIES – ACCOUNTS PAYABLE</u>		
Sundry accruals	86,486	84,821
Other Creditors	489,237	337,278
Accounts Payable	107,154	140,809
	<hr/>	<hr/>
	\$682,877	\$562,908
	<hr/>	<hr/>
8. <u>CURRENT LIABILITIES - PROVISIONS</u>		
Annual Leave	796,416	858,862
Long Service Leave	432,118	355,699
Sick Leave	289,562	318,023
Fringe Benefit Tax	15,000	10,000
	<hr/>	<hr/>
	\$1,533,096	\$1,542,584
	<hr/>	<hr/>
9. <u>NON-CURRENT LIABILITIES</u>		
Long Service Leave	113,447	146,962
Loan – 7 Aberdeen Street	436,791	495,290
	<hr/>	<hr/>
	\$550,238	\$642,252
	<hr/>	<hr/>

NOTES TO AND FORMING PART OF THE ACCOUNTS FOR THE YEAR ENDED 30 JUNE 2013

	<u>2013</u> \$	<u>2012</u> \$
10. <u>CURRENT LIABILITIES – UNEXPENDED FUNDS</u>		
Prisoner & Incarcerated Juvenile Support	-	-
Aboriginal Advisory	-	-
Expensive Criminal Case Fund	887,023	911,616
History Project	-	-
Pilot Program - Liquor	-	-
Indigenous Justice Taskforce	-	207,207
Property Purchases	55,703	85,238
Stolen Wages	-	6,670
Main Legal Aid Grant	541,483	395,273
Culture & Arts Project	-	-
Principal Legal Officers Trust	-	-
Kalgoorlie Property Trust	383,541	362,436
One-Off Funding	662,579	146,210
Documentary Project	7,500	-
Employee of the Year	5,535	10,000
	<u>\$2,543,364</u>	<u>\$2,124,650</u>
11. <u>CONTRIBUTION TO SURPLUS/(DEFICIT)</u>		
Law and Justice Grant	107,444	395,273
Net Other AGD and Non-AGD Grants	301,627	12,081
	<u>409,071</u>	<u>\$407,354</u>

NOTES TO AND FORMING PART OF THE ACCOUNTS FOR THE YEAR ENDED 30 JUNE 2013

12. OPERATING LEASE COMMITMENTS

	<u>2013</u> \$	<u>2012</u> \$
Rental property commitments across various sites are:		
Less than one year	\$482,737	\$495,229
Greater than one year but less than five years	\$13,625	\$339,246
Greater than five years	-	-
Total commitments	<u>\$496,362</u>	<u>\$894,475</u>

13. LOAN LIABILITY

The Aboriginal Legal Service of Western Australia was able to obtain a long term bank loan for the purchase of the offices on the lower floor of 7 Aberdeen Street in Perth.

INFORMATION FOR AGD PURPOSE FOR THE YEAR ENDED 30 JUNE 2013

	<u>2013</u> \$	<u>2012</u> \$
<i>Reconciliation with Statutory accounts</i>		
Operational surplus/(deficit) (for AGD Purposes)	2,862,973	2,281,298
Total	<u>2,862,973</u>	<u>2,281,298</u>
Unexpended AGD Grants	(2,152,323)	(1,755,544)
Net Program Transfers	-	8,706
Asset Replacement Reserve	100,000	150,000
Depreciation	(401,579)	(277,106)
Net (deficit)/surplus for year per Income and Expenditure Statement	<u>409,071</u>	<u>407,354</u>

*The consolidated operational surplus shown above includes both cash and non-cash items.

INFORMATION FOR AGD PURPOSES

FOR THE YEAR ENDED 30 JUNE 2013

PROVIDER INCOME

Surplus Deficit from previous year	2,424,793	2,424,793	0
Commonwealth	11,804,905	11,804,905	-
Commonwealth - Extra funds	100,000	100,000	-
State	-	(0)	0
Service Generated Income	-	-	-
- Interest	217,370	333,415	(116,045)
- Membership	-	-	-
- Community Legal Education	-	-	-
- Costs Recovered & Retained	190,000	226,062	(36,062)
- Fundraising / Donations	1,050	-	1,050
- Sundry Income	87,123	164,014	(76,891)
- Program Income	-	20,801	(20,801)
Capital Grant b/fwd	-	-	-

A. Total Provide Income

CONSOLIDATED ALS(WA) - ALL AG GRANTS			
	FULL YEAR BUDGET	YTD	VARIANCE TO DATE
	14,825,241	15,073,990	(248,749)
B. Provider General Purpose Income			
PROVIDER EXPENSES			
Salaries	8,415,845	7,713,693	702,152
Superannuation	801,723	644,812	156,911
On Costs	342,673	292,429	50,244
Rent	753,189	743,169	10,020
Repairs and Maintenance	70,198	47,353	22,845
Other Premises Costs	-	-	-
Staff Training	46,750	12,105	34,645
Staff Recruitment	226,000	166,773	59,227
Communications	251,500	242,318	9,182
Office Overheads	494,831	432,949	61,882
Insurance	102,310	104,977	(2,667)
Finance, Audit & Accounting	26,410	41,402	(14,992)
Library, Resources & Subscriptions	170,000	167,429	2,571
Travel	727,816	521,214	206,602
Programming & Planning	50,000	49,434	566
Client Disbursements	924,721	386,018	538,703
Leases - Vehicles	559,000	431,521	127,479
Minor Equipment	28,000	-	28,000
Depreciation	-	401,579	(401,579)
Other	278,793	372,867	(94,074)
Capital	14,000	42,182	(28,182)
D. Total Operating Expenses	4,709,518	4,121,108	588,410
E. Total Provider Expenses(ex Cap)	14,269,759	12,772,042	1,497,717
E1. Total Provider Expenses	14,283,759	12,814,224	1,469,535
F. Surplus/(Deficit)	541,482	2,259,766	(1,718,284)

ADDITIONAL INFORMATION

ALSWA Opening Hours

8.30 am to 5.00 pm weekdays in Perth, Albany, Bunbury, Carnarvon, Geraldton, Kalgoorlie, Northam.

8.00 am to 4.30 pm weekdays in Broome, Kununurra, South Hedland.

Non standard hours of operation apply for the following offices and matters can be referred to the office in brackets: Fitzroy Crossing (Broome), Halls Creek (Kununurra), Roebourne (South Hedland) Meekatharra (Carnarvon), Newman (South Hedland), Roebourne (South Hedland).

ALSWA Figures

ALSWA staff gave legal advice in 4480 matters, duty lawyer assistance in 8691 matters and casework in 16154 matters totaling 29325 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 that 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 complain processed to obtain and act upon client feedback.

ALSWA Staff (as at 30 June 2013)

As at 30 June 2013 ALSWA offices included the following staff: **Albany** 1 Solicitor 1 Court Officer 1 Administration, **Broome** 3 Solicitors 1 Court Officer 1 Administration, **Bunbury** 2 Solicitors 2 Court Officers 1 Administration, **Carnarvon** 2 Solicitors 1 Court Officer 1 Administration, **Fitzroy Crossing** 1 Court Officer, **Geraldton** 2 Solicitors 1 Court Officer 1 Administration, **Halls Creek** 1 Court Officer, **Kalgoorlie** 3 Solicitors 2 Court Officers 1 Administration, **Kununurra** 2 Solicitors 1 Court Officer 1 Administration, **Meekatharra** 1 Court Officer, **Newman** 1 Solicitor 1 Court Officer 1 Administration, **Northam** 1 Solicitor 1 Court Officer 1 Administration, **Perth** 30 Solicitors 6 Court Officer 25 Administration, **Roebourne** 1 Court Officer, **South Hedland** 2 Solicitors 1 Administration

Staff Training

ALSWA statewide staff conference, CLANT Conference (various staff), Online Skype Training and Court Appearance training on monthly Court Circuit (S. Collard), Windows Server 2012, Management and Administration and 2013 CIO Summit (P. Coole), Social Enterprise Partnerships : "Reinventing Community Organisations for a New Century" 25 March 2013 (D. Eggington), Social Enterprise Partnerships : "Reinventing Community Organisations for a New Century" 25 March 2013 (T. Ward), Community Legal Centres Association : "Creating a Just Future Conference" – Networking meeting 24 October 2012 (B. Campbell), University of Notre Dame : "National Indigenous Legal Conference" 5 – 6 October 2012, Criterion Conferences : "Reducing Indigenous Youth Incarceration" – 26 27 September 2012, Aust. Institute of Company Directors : "Company Directors Course" – Correspondence Course 6 month period from June 2012 (R. Ninyette), In-House video screenings, various (all Perth staff), Applied Research in Crime and Justice Conference 2013 in Sydney, run by the NSW Bureau of Crime Statistics & Research, NATSILS policy forum in Adelaide (M. De Leo), Chartered Secretaries Australia – Not-for-Profit Governance training, CPA training, Webinars on Social Media, Australia Charities and Not-For-Profit Commission training on

Staff Training Continued

understanding new legislation for NFP's (T. Ward), CPA training (H. Wang), Mental Health Act by Mental Health Law Centre, Overview of the Criminal Law (Mentally Impaired Accused) Act by the Mental Health Law Centre, Burial Matters and Wills by ALSWA Solicitors, Conflicts of Interest by ALSWA Solicitors, Consumer Laws - An Update presented by Robert Allen, Senior Manager of the Australian Securities and Investments Commission (hosted by Legal Aid WA), Discovery by Greg McIntyre SC, Overview of the Aboriginal Lands Trust presented by the Aboriginal Lands Trust, National Indigenous Legal Conference 2012 at University of Notre Dame and University of WA, 'Pathways to Tomorrow: Innovations and Intersections in Law, Land and Justice', Community Legal Centres Association (WA) Annual Conference 2012 'Creating a just future by improving access to justice' (B. Campbell), Family Law – M Chape and N Anderson presentation at ALSWA Staff Conference, M Chape and N Anderson presentation of CPD training to AFLS (Aboriginal Family Law Services) staff, M Chape and J Reid Co-presentation at National Indigenous Legal Conference, FLU attendance at FLPA (Family Law Practitioners Association) seminars, M Chape and C Doran attendance at ALSWA in-house seminars, N Anderson at Law Mutual seminar, M Chape at 4 day National Family Law Conference in Hobart (self funded), 2 day Family Law conference in Bali (self funded)

CPD In-house		
Presenter	Date	Training
Paul Gazia	28/03/2013	Defence of Duress and Sudden & Extraordinary Emergency
Peter Collins	26/03/2013	Conflict of interest
Sarouche Razi	21/03/2013	Burial Matters
Betty Campbell	21/05/2013	Determining Legal Capacity
Paul Gazia	15/03/2013	Police Powers
Wendy Hughes	30/01/2013	Section 98
Wendy Hughes	21/08/2012	Police Disclosure
Jen Hon	15/05/2013	File Management
Pro-Bono		
Presenter	Date	Training
Ben Tylers	27/02/2013	Cross-examination and General Observation about children's court
Nick Lemmon	27/02/2013	Cross-examination and General Observation about children's court
Chris Mioceovich	27/02/2013	Cross-examination and General Observation about children's court
MHLC	21/02/2013	An Overview of the Criminal Law (Mental Impaired Accused)
MHLC	7/02/2013	An Overview of the Mental Health Act
Cecily Hollingworth	9/08/2012	Propensity Evidence
Robert Owen	5/09/2012	Prohibited Behaviour orders
Greg McIntyre SC	23/05/2013	Discovery
Rob Baker	18/06/2013	Operation of the trust

Conference		
Presenter	Date	Training
Peter Collins	15/11/2012	Coronial Inquests
John Bedford	15/11/2012	Dealing with difficult people
Renee Sarich	15/11/2012	Human Resources
Robert Wilson	15/11/2012	Operations (Vehicles, Office cleaning, Office security, staff reallocation)
Tina Ward / Sue Nichols	15/11/2012	Petty Cash / Travel booking process
Wendy Hughes	15/11/2012	Ethics
Mary Chape	15/11/2012	Donnell & Dovey
Neil Anderson	15/11/2012	Financial issues in family court
Pro-Bono		
His Honour Judge Patrick O'Neal	15/11/2012	Advocacy
Helen Prince	15/11/2012	Wills
Dr Diana Eades	15/11/2012	Understanding language barriers
Principal Registrar Michael Gething	15/11/2012	Litigating a matter in the District Court
His Honour Chief Justice Wayne Martin	15/11/2012	Courts and the justice system
His Honour Judge Denis Reynolds	15/11/2012	
Simon Freitag	15/11/2012	The Criminal Investigation Act and suspects rights
Patrick Mugliston	15/11/2012	New amendments to the RTA and the implications
Grant Sarra	15/11/2012	Communication effectively with Aboriginal People
Chris Mioceovich	15/11/2012	ALS - 15 years - Little bit long time
Magistrate Crawford	15/11/2012	Care and protection
Steve Jones	15/11/2012	Trial advocacy
Donna Regan	15/11/2012	Family violence & child support
Keith Parnell	15/11/2012	Parentage & DNA testing & child support
Barry Loan	15/11/2012	EPAC
Toolkit for Managers (Recruitment & Retention/ Performance Management)		
Port Hedland	19/04/2013	Toolkit for Managers / Staff
Kununurra/Halls Creek	4/12/2012	Toolkit for Managers / Staff
Geraldton	2/08/2012	Toolkit for Managers / Staff
Broome/Kununurra	9/05/2013	Toolkit for Managers / Staff
Court Officer Training		
Wendy Hughes	21/08/2012	Court Officer Training

Acknowledgements

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ALSWA Civil Unit and CEO Dennis Eggington photos (pages 20 and 3) by Robert Frith Acorn Photo, courtesy Lavan Legal

ALSWA 2013 Annual Report cover photograph by Robert Frith, Acorn Photo

The 2013 ALSWA Annual Report was compiled by ALSWA Media Officer Jodi Hoffmann



BARBARA OREO...REST IN PEACE



It is with great sadness that ALSWA acknowledges the passing of Barbara Oreo in October 2013.

Barbara was our much loved and respected Court Officer in ALSWA's Albany office.

We are grateful for Barbara's contributions in working with our peoples and she will be sadly missed not only by our organisation, but all who knew her.





Aboriginal Legal Service of Western Australia (Inc)

ABN: 61 532 930 441

Head Office: 7 Aberdeen Street, Perth Western Australia 6000

PO Box 8194 Perth Business Centre WA 6849

Phone (Perth) 08 9265 6666 Fax (Perth) 08 9221 1767

WA Freecall 1800 019 900

Website www.als.org.au

