

**Aboriginal Legal Service
of Western Australia Limited**

ACN 617 555 843



Annual Report 2018



Front Cover Image – BECAUSE OF HER WE CAN

Portrait of an unidentified Aboriginal woman from The Kerry King Collection of nineteenth century photographic portraits c1890

The 2018 National NAIDOC theme of 'Because of Her We Can' celebrated the invaluable contributions that Aboriginal and Torres Strait Islander women have made and continue to make to our communities, our families, our rich history and to our nation.

As pillars of our society, Aboriginal and Torres Strait Islander women have played – and continue to play - active and significant roles at the community, local, state and national levels.

As leaders, trailblazers, politicians, activists and social change advocates, Aboriginal and Torres Strait Islander women fought and continue to fight, for justice, equal rights, our rights to country, for law and justice, access to education, employment and to maintain and celebrate our culture, language, music and art.

They continue to influence as doctors, lawyers, teachers, electricians, chefs, nurses, architects, rangers, emergency and defence personnel, writers, volunteers, chief executive officers, actors, singer songwriters, journalists, entrepreneurs, media personalities, board members, accountants, academics, sporting icons and Olympians, the list goes on.

They are our mothers, our elders, our grandmothers, our aunties, our sisters and our daughters.

Sadly, Indigenous women's role in our cultural, social and political survival has often been invisible, unsung or diminished.

For at least 65,000 years, Aboriginal and Torres Strait Islander women have carried our dreaming stories, songlines, languages and knowledge that have kept our culture strong and enriched us as the oldest continuing culture on the planet.

Aboriginal and Torres Strait Islander women were there at first contact.

They were there at the Torres Strait Pearlers strike in 1936, the Day of Mourning in 1938, the 1939 Cummeragunja Walk-Off, at the 1946 Pilbara pastoral workers' strike, the 1965 Freedom Rides, the Wave Hill walk off in 1966, on the front line of the Aboriginal Tent Embassy in 1972 and at the drafting of the Uluru Statement.

They have marched, protested and spoken at demonstrations and national gatherings for the proper recognition of our rights and calling for national reform and justice.

Our women were heavily involved in the campaign for the 1967 Referendum and also put up their hands to represent their people at the establishment of national advocacy and representative bodies from the National Aboriginal Congress (NAC) to ATSIC to Land Councils and onto the National Congress for Australia's First Peoples.

They often did so while caring for our families, maintaining our homes and breaking down cultural and institutionalised barriers and gender stereotypes.

Our women did so because they demanded a better life, greater opportunities and - in many cases equal rights - for our children, our families and our people.

Photo: Portrait of an unidentified Aboriginal woman, NSW, from The Kerry King collection of nineteenth century photographic portraits, KERRY_KING 001.BW-N03828_26, Courtesy of AIATSIS

Text: National NAIDOC



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Acknowledging our People - Past, Present and Future

The Aboriginal Legal Service of Western Australia Limited (ALSWA) acknowledges the Traditional Custodians of the Lands on which our offices operate.

Cultural Warning

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

Chairperson's Message



Michael Blurton

Welcome to the 2018 Annual Report of the Aboriginal Legal Service of Western Australia Limited (ALSWA).

To my fellow Board Members, thank you for another great year of taking our organisation from strength to strength.

I am extremely proud of our executive management team and our staff across Western Australia for your tireless efforts in working with our community members. The demand on our services is very high and I commend you all for your commitment.

Special mention must also go to Senior Court Officer Kevin Blurton, from the ALSWA Bunbury office. 2018 marked 30 years of ALSWA service by Kevin and also saw him named as the male recipient of the NATSILS Trevor Christian Award. We are all very proud.

Enjoy reading this Annual Report. I know that it will give you an excellent overview of our work and our organisation, and I am so very proud to be a part of the Aboriginal Legal Service of WA Limited.

Michael Blurton

Chairperson



Governance



L-R ALSWA Board Chair Michael Blurton, Vice-Chair Glen Colbung and Directors Donald Abdullah, Jim Lewis, Kathy Watson, Preston Thomas and Paul Baron (pictured in Broome WA)

Aboriginal Legal Service of Western Australia Limited (ALSWA) was registered with the Australian Securities and Investment Commission as a public company limited by guarantee on 10th March 2017 and is governed by an Aboriginal board.

This board consists of five elected directors and two co-opted directors who commit time, cultural and business expertise to provide leadership and governance.

The combined skills and expertise of ALSWA's board and executive management team have played a major role in improving ALSWA's corporate governance and operations, since the implementation of a new constitution and company structure.

For more information on the current ALSWA board members, refer to page 35 of this annual report.

The next Aboriginal Legal Service of Western Australia Limited Annual General Meeting (AGM) and elections will take place in Perth in November 2018.

About Our Board

Our board members bring a wealth of experience and knowledge to our organisation and we are extremely proud of their commitment in advancing the operations of the Aboriginal Legal Service of Western Australia Limited.

CHAIRPERSON

Michael Blurton (Central) is a Ballardong Noongar from Quairading who has spent over fifteen years on ALSWA's Committee, eight as President. We are grateful for Michael's long involvement in this organisation which spans back to the 1970's when he worked as an ALSWA Field Officer. He remains dedicated to striving for justice for Aboriginal and Torres Strait Islander Peoples.

VICE-CHAIRPERSON

Glen Colbung (South West) is a deeply committed Noongar from Albany who has been actively involved in ALSWA for over twenty years. He is a strong advocate who continually strives to ensure that Aboriginal people have access to justice through the maintenance of a strong and effective legal service. A former ALSWA President, Glen brings a wealth of knowledge to our board.

Jim Lewis (East Kimberley) is a Gija man from Wyndham whose skills greatly enhance the future direction of ALSWA. Jim is passionate about social justice, access and equity, and creating sustainable pathways for Communities through the creation of employment and business opportunities.

Kathy Watson (West Kimberley) is a strong Nyngina and Gidja woman whose local knowledge has assisted many people within the court and justice system. She is dedicated to promoting culturally appropriate policies and procedures within court matters and addressing the legal issues faced by many Aboriginal people.

Paul Baron (Murchison Gascoyne) is a Yamatji from Carnarvon who plays a vital role in the ongoing re-structure and future direction of ALSWA. He brings many skills to our organisation and Paul is a welcome addition to the ALSWA board.

Donald Abdullah (Goldfields) is a Wongi from Esperance who has been part of the ALSWA Executive since 2015. He is greatly committed to Community, and is supportive of keeping young people out of prison and ensuring there is support available for victims of domestic violence.

Preston Thomas (Central Desert) is from Laverton and has lived in the Kanpa Community, close to the Warburton Community, for over twenty years. He has a long association with ALSWA and is committed to ensuring that ALSWA's work plays a pivotal role in bringing about positive change for Aboriginal people.

More details about our Board members can be found on Page 35 of this report.

Our Activities

During the year ended 30 June 2018 ALSWA employed around 117 staff at its offices throughout Western Australia.

During this period, legal services were delivered in a professional and culturally appropriate manner for the benefit of over 20,000 clients.

Clients Assisted

5,235



Discrete Assistance

8,073



Duty

7,609



Representation

20,917



Total

Assistance by Law Type

3,144



Civil

30,304



Criminal

2,099



Family

35,547



Total

Who Are We

The Aboriginal Legal Service of Western Australia (ALSWA) Limited is a not for profit public company limited by guarantee and a Public Benevolent Institution.

We have eleven offices and over 100 staff across Western Australia assisting in criminal, family and civil/human rights law.

Our strong history of striving for justice for Aboriginal and Torres Strait Islander Peoples spans over forty years.

OUR PURPOSE

ALSWA works in collaboration and partnership with our communities and key government and non-government partners to rectify legal policies and practices that impact adversely and disproportionately on the legal and human rights of Western Australia's First Peoples under Australian Law.

OUR VISION

Justice for Western Australia's First Peoples

OUR VALUES

The cultural values of Care, Share and Respect form the foundation of our organisation and underpin our commitment to our clients, their families and communities.

At ALSWA:

- **We Care** for the human and legal rights, safety and psychological well-being of clients, their families and communities.
- **We Share** a common understanding of client problems, issues, challenges and needs and diligently strive to deliver the highest quality legal services.
- **We Respect** the cultural diversity, values and beliefs of our clients and sustain the delivery of confidential, innovative, professional, culturally proficient legal services.



OUR GUIDING PRINCIPLES

Guiding Principles

Human Rights

The Articles contained in the United Nations Declaration on the Rights of Indigenous Peoples underpin everything we do.

Lore

We acknowledge, value, honour and respect Customary lore. Our lore is not compromised or devalued in the delivery of our services.

Leadership

Our decisions and actions are guided by strong cultural knowledge, leadership and governance.

Integrity

Our integrity is measured by the way we put our values into action and through the accountable, open, honest and ethical business and management systems we sustain.

Diversity

Our value and respect for diversity is acknowledged across our communities, reflected in the composition of our executive and staff and through the sensitive way in which we deliver our services.

Unity

We work in unity and share a mutual responsibility, dedication, commitment and passion for the delivery of high quality services to our clients.

OUR SERVICES

ALSWA provides assistance with criminal law, family law, civil and human rights law, policy and law reform and community legal education.

These services are offered and delivered through the following programs:

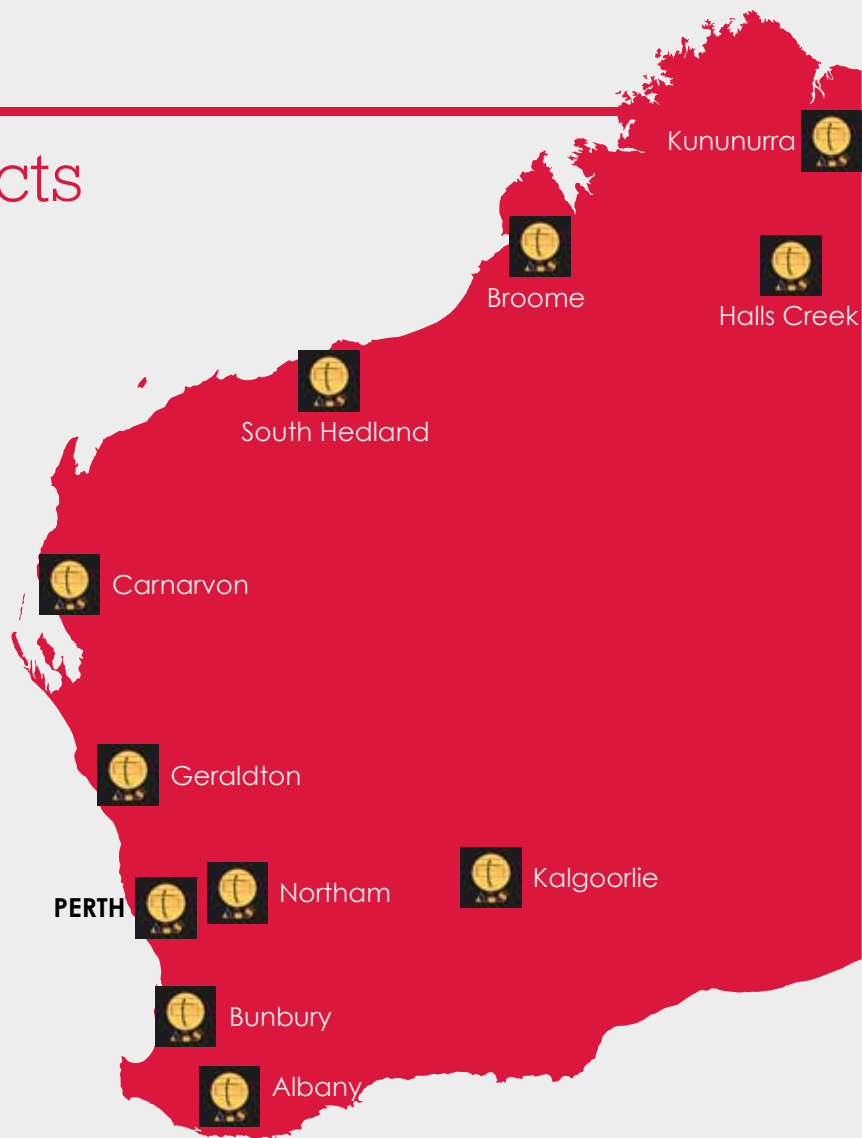
- Indigenous Legal Assistance Program
- Indigenous Case Fund
- Youth Engagement Program

OUR ROOTS

Our growth and development would not have been possible without the support of our communities and the dedicated services and work of countless executive and staff members since our inception in the late 1960s.

We remain indebted to the dedication and earlier pioneering work of the Justice Committee of the New Era Aboriginal Fellowship Inc from the late 1960s.

Quick Facts



Western Australia has an area of approximately

2,646,000 square kilometres.

That is greater than the land area of Western Europe

95% funding

ALSWA is dependent on funding grants and donations to provide and maintain delivery of legal services. 95% of our funding is provided by the Commonwealth Attorney General's Department

ALSWA has around

117 staff (41% are Aboriginal)

to deliver and manage legal services to Aboriginal and Torres Strait Islander Peoples throughout Western Australia

ALSWA has offices in **Perth (Head Office), Albany, Broome, Bunbury, Carnarvon, Geraldton, Halls Creek, Kalgoorlie, Kununurra, Northam and South Hedland**



ALSWA was established in 1975

to meet a growing need for Aboriginal and Torres Strait Islander Peoples to have access to justice

ALSWA clients are some of the state's

most disadvantaged people

Aboriginal people are

over-policed and over-represented

in the criminal justice system

Aboriginal people are

more likely to be questioned by police

than non-Indigenous counterparts

In Western Australia, Aboriginal people are

imprisoned at a higher rate

than anywhere else in the country

We

acknowledge and respect

the diversity of our Aboriginal and Torres Strait Islander Peoples as two distinct Cultural groups, clan structures, language and family groups and deliver services in accordance with our

traditional values, lore and customs

ALSWA works in

collaboration and partnership

with Communities and key government and non-government partners to

rectify legal policies and practices

that impact

adversely and disproportionately

on the legal and human rights of Western Australia's First Peoples under Australian Law

ALSWA undertook over

35,000 legal matters

this financial year in criminal, family and civil/human rights law

Chief Executive Officer



Dennis Eggington

It gives me a great sense of pride to present my report to our members for the 2017-2018 Financial Year.

Once again our organisation has performed well across all areas of our operations.

Sound financial management, culturally appropriate service delivery and adherence to best practice governance have been a hallmark of our dedicated staff and board of directors.

This high standard of work and accountability has been rewarded with a low risk rating from the Federal Attorney's Generals Department.

As well as the obvious show of confidence that our funding and regulation authorities have, the low risk rating also allows us to receive funding payments twice a year bringing reliable and stable cash flow.

We have developed a data tracking service called Aboriginal Legal Services Assistance (ALSA). This new program provides accurate up-to-date statistics. ALSA has been able to show this huge volume of work and the quality of that work in facts and figures.

During this reporting period our organisation had the first turnover of our newly elected company directors. This was the last part of transitioning to the new company. As a result of this our directors held a Strategic Planning workshop on the 14th June this year. This workshop has put into place priority strategies to the end of this funding cycle which will finish on the 30th June 2020. This direction from the board will ensure we support our core business by developing positions for forward funding to improve services and maintain our legal requirements. We will explore and develop new services including business plans with a commercialisation strategy while looking at ways to sell our product. We will be building partners as a way of mitigating competition while ensure our organisation is culturally positioned through proper community engagement and policy development. This will embed our values through the company.

As we begin to realise these new developments, our organisation will have reached a used by date for our current office. We are at capacity with the need to consider how we will deliver the new Custody Notification Service and expand our Youth Engagement Program (YEP) statewide. The YEP has been successful in getting a further 12 months funding from the Western Australian state government.

Our current office has served us well, close to a train station providing access for our clients, closed to the Central and Children Courts as well as in the local vicinity where other Aboriginal services are found. The East Perth area is also very culturally significant to all of our peoples. If we are to move, we will ensure that we continue to provide a service that is accessible to our community.



This reporting period has also heralded two major reviews of what is called the Community Legal Sector Operated out of the Federal Attorney Generals Department. Operating in this space are Legal Aid, Community Legal Centres and Aboriginal and Torres Strait Islander Legal Services.

The federal government works with states and territories under the National Partnership Agreement to jointly manage and fund Legal Aid who in turn funds Community Legal Services.

Our Aboriginal and Torres Strait Islander Legal Services are managed through a different program called the Indigenous Legal Assistance Program (ILAP) We are all confident that both reviews will show how underfunded this sector is, as well as the real need for extra services to this country's most disadvantaged people seeking legal assistance. We will continue to keep members informed of the outcomes of these reviews. Our independence is vital to maintain culturally secure services to our peoples

Our service continues to have the respect of all who work with us to bring about a better quality of life for all of our peoples and the nation itself. This year we have been actively involved in trying to help steer our country through the difficult concepts of constitutional recognition, sovereignty, treaty and nationhood building following on from the Uluru Statement. It is vital for us as the First Australians to lead these issues.

Working at the coal-face of this continuing colonial impost, we here at the Aboriginal Legal Service know only too well of its hurtful legacy. It is our people who fill the jails, hospitals and out of home care facilities. The position we find ourselves in is not acceptable to us or a future nation state.

Members should always consider this advocacy work as an essential part of the work we do. As well as maintaining our lead role in the ongoing narrative of achieving our rights through a process seeking justice, we strengthen our own resolve for change.

I am proud to be the head of such an outstanding organisation. All of this great work could not be achieved without the dedicated staff we have and our partners we work with. My special thanks to each and every one of them.

Our strength and resilience comes from the very people we serve and the communities they come from. Their humanity and humility should always inspire us.

Dennis Eggington

Chief Executive Officer



The Honourable Kim Beazley AC was sworn in as Western Australia's 33rd Governor in May 2018. He is pictured above at Government House with Aboriginal Legal Service of Western Australia Limited CEO Dennis Eggington and Alice Barter Manager of ALSWA's Civil and Human Rights Unit



Back Row L-R Jim Lewis (Director), Paul Baron (Director), Kylie Clune (Data/Secretarial), Dennis Eggington (CEO), Danielle Smith (HR), Glen Colbung (Vice-Chairperson), Professor Colleen Hayward (ECU Kurongkurl Katijin), Peter Collins (DLS), Tim Hantke (TEC Chairperson), Jodi Hoffmann (Media Officer), Gary Oliver (National Congress of Australia's First Peoples), Bronagh Morgan (PA to CEO), Rewi Lyall (lawyer) Craig Somerville (WA Prisoners Review Board)

Front Row L-R: John Bedford (Deputy CEO), John Poroch (Company Secretary/CFO), Donald Abdullah (Director), Michael Blurton (Chairperson)



Director Legal Services



Peter Collins

Always Fighting the Good Fight – ALSWA's Legal Practice

ALSWA lawyers, court officers and support staff have again continued the good fight in ensuring that Aboriginal people in Western Australia (WA) receive high quality and culturally appropriate legal assistance.

This happens on a daily basis where the odds are continually stacked against us; funding does not keep pace with demand, caseloads are always increasing, unmet legal need is ever present, but these challenges are always met with passion, dedication and commitment.

The following case example highlights the stellar work undertaken by the legal practice.

AB was a very vulnerable teenager from a regional town. He was represented by Ms Laila Hughes, an intelligent, highly capable and dedicated young lawyer from ALSWA's South Hedland office (right).



AB was charged with assaulting police after police were called by staff from the Department of Child Protection and Family Support after a minor incident involving AB at their office.

No fewer than four police attended, including a senior Aboriginal Police Liaison Officer and a Community Relations Officer. A physically imposing officer, who towered over the diminutive AB, proceeded to forcefully push AB back onto a chair on a number of occasions, shook his finger and fist aggressively in AB's face, pulled his cap from AB's head, and grabbed AB by the arm.

AB responded by striking the officer a glancing blow to the chest with his hand and upper arm. The police immediately handcuffed AB and took him in custody to the local police station. AB was charged with assaulting the police officer.

AB pleaded not guilty. The statements initially produced by police alleged that AB had punched the officer to the head.

The officers were not aware at the time of making their initial statements that CCTV cameras had captured the incident. The footage did not depict AB punching the officer.

The officers later changed their statements to omit the references to AB punching the officer after viewing the CCTV footage.



The matter proceeded to a hearing.

At the completion of the evidence in the trial, the learned Magistrate indicated that she would deliver written reasons because “I suspect a transcript won’t see the light of day to people who perhaps should see, and there are many actions which need to be commented upon in relation to this matter.”

AB was later acquitted. In her reasons for decision the learned Magistrate made a number of scathing criticisms of the police, including that they had acted unlawfully.

Her Honour also said the following:

Having viewed the CCTV a number of times, it is incomprehensible how any right thinking member of the community could ignore, fail to see or simply forget the violence perpetrated against a child either by them or directly in front of them. It is particularly inconceivable when those people are police officers. Perhaps even more so when those police officers are then in the roles of Youth Crime Intervention Officer and Family Violence Coordinator. Both are concerning prospects.

Her Honour went on to say:

The force used was unreasonable and the inability of any police officer to identify that basic fact, from those officers present on the day up the ranks to Inspector Dockery, indicates a much deeper cultural issue within the Western Australia Police.

And further:

Those within the criminal justice system know there are many complaints against police which have not been upheld in the past but the use of mobile phones and CCTV footage, and perhaps police body cameras in the near future, will bring the truth to the fore, and the Western Australia Police have to have the maturity to address, rather than deny, the underlying issues which exist within its ranks because these are not “isolated incidents” as they would have the community believe.

Ms Hughes did the preparation which uncovered the existence of the crucial CCTV footage and conducted the cross examination of the police officers which led to the adverse findings made by the learned Magistrate in relation to their reliability and credibility of their evidence.

The case beggars the question as to how many disadvantaged and disempowered Aboriginal people have and will be convicted of criminal offences on the word of police officers who are not telling the truth in cases where there is no CCTV footage to contradict concocted evidence?

Doing the Cases that Matter

Coronial Inquest into deaths by suicide of Aboriginal children in the Kimberley

ALSWA has continued a tradition of making a substantial contribution in cases which are important to the entire Aboriginal community in WA.

Lawyers from ALSWA's Civil and Human Rights Law Unit appeared as counsel on behalf of several families at a Coronial Inquest into the deaths by suicide of 13 young Aboriginal children over a three-and-a-half year period in the Kimberley region. Five of the deaths involved children aged between 10 and 13, two of whom were sisters.



The Inquest held hearings in Perth, Broome, Fitzroy Crossing, Kununurra and Halls Creek, enabling family members and other Aboriginal witnesses to give evidence.

The Inquest required extensive preparation and highly sensitive culturally competent legal representation.

Some clear common threads emerged — all the children chose the same method to end their lives, most suffered medical issues and "failed to thrive" as babies, and most were exposed to substance abuse and domestic violence at home. This has all occurred against a backdrop of intergenerational trauma.

ALSWA's written submission to the Coroner said:

As with so many of the post-colonial impacts on Aboriginal lives, the multitude of precipitating factors contributing to Aboriginal suicide have been examined ad nauseam over the years. The circumstances surrounding the suicides of the young Aboriginal people the subject of this Inquest, and the data in relation to Aboriginal deaths by suicide generally, are an indictment on a society which has failed since colonisation to listen to and meaningfully engage with Aboriginal people. This Inquest is therefore an opportunity for findings and recommendations that reverse an historical narrative which has ignored, wrong-footed and disenfranchised Aboriginal people. The time is now nigh for the voices of Aboriginal people to be heard and for their wisdom, knowledge and expertise to be called upon in preserving the precious lives of young Aboriginal people and reducing the incidents of suicide in their communities.

The State Coroner is yet to hand down her findings.

Emerging Challenges – Clients with FASD and other Cognitive Impairments

On 14 February, 2018, the Telethon Kids Institute published a report on its multidisciplinary assessment of all young people aged 10–17 years 11 months serving sentences of detention at Banksia Hill Detention Centre, from May 2015 to December 2016. The report was entitled *Fetal alcohol spectrum disorder and youth justice: a prevalence study among young people sentenced to detention in Western Australia* - <http://bmjopen.bmj.com/content/bmjopen/8/2/e019605.full.pdf?ct>)

This study involved the assessment of 99 young people, 74% of whom were Aboriginal. A significant number of these young people were clients of ALSWA. The assessments were conducted by a paediatrician, neuropsychologist, speech pathologist and occupational therapist.

The study documented a high prevalence of FASD and severe neurodevelopmental impairment, the majority of which had not been previously identified. Findings established that 88 young people (89%) had at least one domain of severe neurodevelopmental impairment, and 36 were diagnosed with FASD. The study noted that this was the highest known rate of FASD among any population involved in the justice system worldwide. Of the 36 young people diagnosed as having FASD, only two had previously been diagnosed.

Some 65% of young people assessed were impaired in three or more areas.

The findings highlight the vulnerability of young Aboriginal people within the justice system.

For many of these young people, this was the first time they had been diagnosed with an impairment, despite in many cases, prior engagement with child protection and the justice

system. These are missed opportunities for earlier diagnosis and intervention, which may have prevented their further involvement in the justice system, culminating in many instances in sentences of detention.

The challenge ahead is to provide comprehensive and culturally appropriate interventions within the community to avoid future offending and reduce the number of young people with impairments being detained. Most importantly, responses also need to prioritise health promotion to reduce alcohol use in pregnancy and hence address primary prevention of FASD.

Penalising the most vulnerable – the ongoing imprisonment of Aboriginal people for unpaid fines

The imprisonment of Aboriginal people in relation to unpaid fines remains a matter of concern, as well as highlighting serious issues in relation to ALSWA's capacities to identify and assist such clients.

In September 2017, the media alerted ALSWA to the fact that an Aboriginal woman had been arrested pursuant to a warrant of commitment for failing to pay court fines. The woman had been fined about \$3376 in relation to convictions arising from her failure to properly restrain her dog and was required to spend 14 days in custody to cut out the fines.

The woman had called police for assistance to deal with a relative who was under the influence of drugs, behaving erratically and potentially posing a threat to her and her children's safety. On arrival, police discovered that the woman was the subject of the warrant and arrested her.

The woman had no legislative right to contact ALSWA or otherwise seek legal advice after her arrest. It was completely fortuitous that the media were alerted and contacted ALSWA.

ALSWA then contacted the woman in custody and obtained instructions to act, immediately writing a letter to the Registrar of the Fines Enforcement Registry requesting that he exercise his discretion, under s53(7) of the Fines, Penalties and Infringement Notices Enforcement Act 1994, to cancel the warrant. This provision enables a Registrar to cancel a warrant for 'good reason'.

In the letter, ALSWA noted that the woman was a single mother of five young children and often had to care for her younger sister's six children. The woman was a Centrelink recipient and was enduring extreme financial hardship. The electricity at her home had been disconnected following her arrest.

The letter was delivered to the Registrar on the afternoon of 28 September, 2017.

Following media coverage of the issue, a benefactor from Melbourne paid the outstanding amount and the woman was released from custody.

ALSWA has been engaged in ongoing discussions with the Commonwealth and State Governments in relation to the introduction of an ALSWA run Custody Notification Service in WA, but at the time of writing this report the funding for the Service had not been finalised.

Change in the Wind – Repairing the Relationship between WA Police and the Aboriginal community

Although there are many instances of Aboriginal people still suffering grievously at the hands of WA Police, the appointment of Chris Dawson as Police Commissioner has given ALSWA some



basis for cautious optimism about an improvement in the relationship between Aboriginal people and police in WA.

Mr Dawson has been the first Police Commissioner in many years to reach out to, and engage with ALSWA, as the principal Aboriginal organisation in WA with respect to crime and justice issues.



Left: WA Police Commissioner Chris Dawson with ALSWA CEO Dennis Eggington after speaking on ALSWA's Law Matters program on Noongar Radio

Right: ALSWA Civil/Human Rights Manager Alice Barter with WA Commissioner for Children and Young People Colin Pettit and Krista Mc Keeken, Principal Policy Officer Commissioner for Children and Young People

The following example illustrates this.

ALSWA acted for a 12 year old boy from a regional town, who had no history of involvement with police.

The boy was walking on a street in a regional town with an 11 year old friend.

An adult male saw the two boys and thought that one of the boys had entered his front yard and removed a tent peg.

The male proceeded to drive after the two boys in a 4WD vehicle. CCTV footage of the incident showed the man driving at speed and pulling up next to the boys in a cloud of dust. The man then got out of the vehicle and forcibly restrained the 12 year old, preventing him from leaving and rendering him distressed and traumatised.

The family promptly reported the incident to local police.

Police initially advised ALSWA that the male driver would not be charged, but that it would be open to police to charge the two boys with trespass and stealing a tent peg.

ALSWA immediately wrote to the new Commissioner of Police making the following observations in requesting that the matter be properly investigated:

Police appear to have focussed on the alleged wrongdoings of two young Aboriginal boys and in the process has been completely ignored the possible criminality of the male driver. The dangerous and very arguably unlawful overreaction by the male driver to two young people allegedly going on his premises and taking a tent peg is manifest. It warrants a proper investigation by Geraldton police rather than a trite dismissal where blame for what transpired is glibly and inappropriately sheeted home to two young Aboriginal boys.

The possibility of laying criminal charges against the boys over what by any measure is behaviour of the most trivial kind rekindles memories of the charges preferred several years against an Aboriginal boy from Northam for stealing a freddo frog.

Further, and perhaps most importantly, the response of the male driver can only be described as vigilantism. Such conduct should not be condoned by police inaction. The family has noted that the incident could have resulted in the same tragic outcome as that which occurred to Master Doughty in Kalgoorlie.

The response of the Police Commissioner was swift; an Assistant Commissioner was dispatched to the town to investigate the matter and liaise with the boy's family. The male driver of the 4 WD was then charged with assault and reckless driving. No charges were preferred against the two boys. The local police Superintendent convened a meeting with the 12 year old boy, his grandmother, his mother and an ALSWA lawyer. The Superintendent apologised over the way police initially handled the incident and noted that the two officers involved had since been reprimanded. The Superintendent also acknowledged that unconscious bias against Aboriginal children was an issue for some local police.

This is a hitherto unheard of response by a Police Commissioner and senior WA police in relation to concerns raised by ALSWA about policing practices.

Pushing the need for change – ALSWA's contributions to the policy and law reform debate

ALSWA has continued to make a strong contribution to the policy and law reform debate at a national and state level. This is due in no small measure to the outstanding work of Victoria Williams, ALSWA's Manager, Policy and Programs, in researching and drafting ALSWA's submissions.

(a) Australian Law Reform Commission Inquiry into the Incarceration Rate of Indigenous Australians

ALSWA provided a comprehensive submission to the Australian Law Reform Commission's Discussion Paper on Incarceration Rates of Aboriginal and Torres Strait Islander Peoples.

(b) Submission to the Review of section 9AA of the Sentencing Act 1995

ALSWA provided a submission to the State Attorney General's Department in relation to its Statutory Review of Section 9AA of the Sentencing Act 1995. This provision sets out the requirements and limitations for providing a sentencing discount for a plea of guilty in criminal matters. s9AA was introduced in 2012 and has resulted in smaller discounts in sentencing following a plea of guilty and has operated unfairly for many of ALSWA's clients. The submission highlighted various problems with the operation of the provision and recommended that the former law should be reinstated.

(c) Reform of the *Criminal Law (Mentally Impaired Accused) Act 1996*

ALSWA has contributed extensively to joint advocacy work with the Western Australian Association for Mental Health, Developmental Disability WA, Mental Health Matters², Mental Health Law Centre and Consumers of Mental Health WA in relation to much needed reforms to the *Criminal Law (Mentally Impaired Accused) Act 1996*. This legislation is the reason why some mentally impaired accused who are subject to custody orders are detained in prison for years longer than they would have been if they had been convicted of the offence. A comprehensive joint



submission setting out the desired reforms to the legislation was provided to the State Attorney General's Department.

(d) Reforms to the Limitation Act 2005 (WA)

ALSWA wrote to the State Attorney General requesting amendments to the Limitation Act 2005 (WA) in light of the evidence given at the Royal Commission into Institutional Responses to Child Sexual Abuse, ie that the limitation periods in the Act should be reformed to permit legal proceedings to be instituted in cases of historical sexual abuse falling outside limitation periods.

In early 2018, the *Limitation Act 2005* was amended to remove the limitation period for bringing a civil action for childhood sexual abuse.

The changes reflect the Royal Commission's findings that:

"Many victims do not disclose child sexual abuse until many years after the abuse occurred, often when they are well into adulthood. Survivors who spoke with us during a private session took, on average, 23.9 years to tell someone about the abuse ..."

(e) Aboriginal Driving Issues Briefing Paper

ALSWA met with and provided a briefing paper to the State Attorney General's Department in relation to Aboriginal driving issues. The paper highlighted the low rates of driver licensing in Aboriginal communities, especially in regional and remote areas of WA. For example, it has been estimated that the percentage of Martu people from the East Pilbara region who currently hold a driver's licence is less than 5% and the rate of imprisonment of Aboriginal people in WA for driving and vehicle offences is 12.5% compared with a rate of 2.9% for non-Aboriginal people.

The paper also focussed on the barriers to obtaining a driver's licence for Aboriginal people who live in regional and remote areas, the compelling need to drive in areas in some instances where there is little or no public transport and the rationale for the introduction of a regional driver licensing permit scheme, which would be applicable for both Aboriginal and non-Aboriginal people. For example, a regional driver licensing permit scheme would enable a Martu person to obtain a regional driver's licence entitling them to drive on their traditional lands.

The briefing paper and recommendations remain under consideration by the Attorney General's Department.

(f) University of Western Australia Neighbourhood Justice Centre Feasibility Project

ALSWA has provided considerable input into this project, which is examining the feasibility of establishing a community justice centre (similar to the Neighbourhood Justice Centre in the City of Yarra in inner Melbourne which adopts a therapeutic jurisprudence model in the administration of a Magistrates Court) in WA.

(g) Human Rights Law Centre Education Project

ALSWA and the Human Rights Law Centre (HRLC) have been working on a project to investigate better ways of responding to the education needs of young people involved in the justice system. The HRLC has met with Judge Couzens of the Victorian Children's Court and staff involved in the *Education Justice Initiative* (EJI) in Victoria. The EJI is a partnership between the Department of

Education and the Melbourne Children's Court and is managed by Parkville College. The EJI has three workers co-located at the Children's Court each day. The staff identify children who are disengaged from education and then gather information about the young person's experience with education; willingness to reengage; and views about education or training options.

ALSWA has identified from an audit that 98% of its clients on the Youth Engagement Program in the Perth Children's Court were not engaged in any form of education at all. Many had not been to school for months or years. The objective of the project is to advocate for the establishment of a similar program whereby appropriate education staff are co-located at the Perth Children's Court.

(h) Family and Domestic Violence Strategy

The WA Government is in the process of developing a 10-Year Strategy for Reducing Family and Domestic Violence. It has convened a policy consortium of various government and non-government agencies which will meet for two-days a week over a six week period to develop the strategy. ALSWA presented at the consortium focussing on the justice response to family violence for Aboriginal people as well as providing some commentary on the status of the implementation of the Law Reform Commission of Western Australia's Report on Enhancing Laws Concerning Family and Domestic Violence (2014).

(i) ALSWA Submission to the ALRC Family Law Inquiry Issues Paper 7

ALSWA focused on the lack of resourcing for the family law system; the need for increased cultural competency across all aspects of the family law system; the need to enhance access for Aboriginal people; the need to increase funding for family law; and the importance of adopting culturally competent models such as Aboriginal social/support workers to work alongside family lawyers and specialist Aboriginal lists/court hearing days in the Family Court. ALSWA also highlighted that WA is at the forefront of reforms to improve integration between the Family Court and child protection jurisdictions.

(j) ALSWA Submission to the Department of Justice Consultation in relation to Uniform Evidence Legislation for Western Australia 10 May 2018

In this submission, ALSWA was generally supportive of the Uniform Evidence Act provisions but responded to key areas of concern including competence and compellability of witnesses, tendency and coincidence evidence, unavailable witnesses and hostile witnesses.

(k) Letter to the Western Australian Attorney General in response to ALRC Report, *Pathways to Justice – An Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples*

ALSWA wrote to the State Attorney General highlighting the ALRC's recommendations with particular significance and priority for WA. These included bail and sentencing; community based sentences; mandatory sentencing; prison programs; access to justice; Aboriginal women; fines and drivers licences; and police accountability. A key theme throughout this submission is the need for the WA government to work closely with Aboriginal community controlled organisations including ALSWA in the development of reforms and culturally competent programs for Aboriginal people.



(l) Amendments to the *Sentencing Act* – Conditional Release Orders

In 2017, the provisions of the *Sentencing Act* dealing with Conditional Release Orders (CROs) were amended. The changes will facilitate the use of a broader type of order whereby an offender placed on a CRO can undertake approved activities for between 10-60 hours. It appears that this new scheme is loosely based on the NSW Work and Development Order scheme although it is a front-end sentencing option rather than an option for fine defaulters. The Department of Justice envisages that the activities will include education/training; mental health support, drug and alcohol counseling, personal development programs and voluntary work etc. ALSWA has met with and provided feedback to representatives of the Department of Justice to discuss the implementation of this new regime and will continue to provide input as requested.

(m) Australian Bureau of Statistics Family Violence data project

In March 2018, ALSWA participated in a consultation exercise with respect to the Australian Bureau of Statistics Family Violence data project. ALSWA highlighted the following:

- the issues around cultural sensitivities and reporting FDV;
- the burden already faced with data recording by duty lawyers on the circuit;
- the complexities around FDV victims and perpetrators, and the 'cycle' of violence that needs to be better represented in data (albeit, with all challenges associated with this).

(n) Education Department and Educational Options for ALSWA's Juvenile Clients

ALSWA has met with the Principal of the Department of Education's School of Special Educational Needs: Behaviour and Engagement (SSEN: BE). This program works with schools and young people who are unable to reengage with the mainstream education. They have 12 Engagement Centres across the state where young people can attend and be supported to reengage in school. They are also working with sentenced detainees prior to their release from custody. It is intended that ALSWA and SSEN: BE will continue to develop a partnership in order to work effectively with mutual clients. They have also provided valuable insight to the Youth Engagement Program about the internal practices of the Department of Education and the various approaches to young people who are not engaged in school.

(o) FASD Centre for Research Excellence

ALSWA is a member of a steering committee in relation to the FASD Centre for Research Excellence which is holding a conference on FASD in Perth in late 2018.

(p) Paralegal Training

ALSWA is collaborating with Legal Aid WA (LAWA) to develop an accredited course which is relevant to paralegal staff working in the legal assistance sector, including LAWA, Community Legal Centres, Aboriginal Family Law Services and ALSWA.

(q) Impact of On the Spot Fines

ALSWA met with a researcher from the University of Technology Sydney in relation to project examining the impact of on the spot fines (CCINs) on people who are disadvantaged and on the exercise of police discretion in relation to CCINs in WA.

The project is being conducted with a view to improving police practices and procedures, as well as developing training documents for lawyers and others working in this area.

ALSWA provided information in relation to the impacts of police decisions whether or not to issue CCINs, various case studies and the use of appeal processes.

ALSWA's Pro Bono Partners

ALSWA is indebted to the following law firms and lawyers who have generously provided pro bono help.

- Barristers: Matthew Howard SC, Greg McIntyre SC, Craig Colvin SC, Claire Harris QC , John Kelly SC, Rachel Young, Justin Edwards and Emrys Nekvapil
- Human Rights Law Centre, especially Ruth Barson, Shahleena Musk and Adrianne Walters
- Corrs Chambers Westgarth, Gilbert and Tobin, Maurice Blackburn, DLA Piper, Ashurst Australia, Allens Linklaters, David Scaife, Law Access WA

Volunteers

ALSWA's volunteer program has continued to grow, with volunteers providing their time and expertise across a range of disciplines, including legal, socio legal and administration services.

Placements have ranged from one weeks' work experience for a secondary school student through to a 13 week full time placement for a social work masters student and practical legal training placements for lawyers completing their Graduate Diploma of Legal Practice.

In addition to placements benefiting ALSWA and its clients through an increase in resources and introduction of new skills, the placements are of significant benefit to the students themselves with ALSWA providing a unique and rewarding learning experience.



ALSWA Kalgoorlie Managing Solicitor Miriam Kelly on right pictured with volunteers Richa Malawiya and Caroline Gann

Acknowledgements

I would like to thank ALSWA's Senior Executive Team and ALSWA's Board for their ongoing support and help.

Kevin Blurton, Senior Court Officer from ALSWA's Bunbury office, was the winner of the 2018 National Aboriginal and Torres Strait Islander Legal Services Trevor Christian Memorial Award. The Trevor Christian Memorial Award is an annual award which recognises outstanding service and commitment by an Aboriginal Legal Service employee. Kevin is a very worthy winner of the Award having worked with ALSWA continuously for over 30 years.

Peter Collins

Director Legal Services



L-R Peter Collins, Michael Blurton, Kevin Blurton, John Bedford and Dennis Eggington



Above: ALSWA farewelled some valuable team members during the year and wishes the very best to Wendy Hughes, Shelley Cerqui, Ben White, Margie Ugle, Paul Gazia and Rob Owen, who are pictured with Tony Hager, Dennis Eggington and Peter Collins



Law Week Panel Discussion about Access to Justice for Indigenous Peoples, featuring WA Attorney General John Quigley, His Honour Justice Robert Mazza Judge of the WA Court of Appeal, Tammy Solonec Amnesty International, Peter Collins ALSWA Director Legal Services and Michael Lundberg, partner Quinn Emanuel Urquhart and Sullivan lawyers

ALSWA Congratulates Kevin Blurton

Male Recipient of the 2017 Trevor Christian Memorial Award

Kevin Blurton is a Senior Court Officer in WA's regional city of Bunbury, 180 kms south of Perth.

February 2018 marked his 30th anniversary as an ALSWA Court Officer.

Having commenced with ALSWA as a young man in 1988, Kevin went on to raise a family and become a grandfather, all the while assisting what would now be thousands of clients through the court system.

A proud Noongar, Kevin is a quiet achiever and role model to his colleagues and family. So much so, that his children have followed in his footsteps and pursued their own careers as Court Officers.

Working alongside his son in Bunbury, Kevin also has a son and daughter working out of ALSWA's Perth head office.

Extremely well regarded and respected, Kevin's quiet and calm nature provides reassuring comfort to those seeking legal assistance.

He is extremely humble and never puts himself ahead of others.

30 years is an incredible milestone, particularly working alongside some of the state's most disadvantaged peoples.

ALSWA is extremely grateful for Kevin Blurton and his hard work and dedication to ALSWA over so many years.

He is a huge asset to our organisation and a worthy recipient of this esteemed Award which was presented during a NATSILS meeting in Tasmania.

Upon Kevin's return to WA, ALSWA hosted an event in his honour, presenting him with a plaque commemorating thirty years of service.



*Kevin Blurton
with Peter Collins*



*Michael Blurton
with Kevin and
wife Denise*



Youth Engagement Program

The ALSWA Youth Engagement Program commenced operation on 23 May 2016 and has now been operating for well over two years. It provides holistic, individualised and flexible support to ALSWA clients appearing in the Perth Children's Court.

The Youth Engagement Program was initially funded by the Department of Corrective Services for two years and ALSWA received an extension of funding from the Department of Communities to enable the program to continue operating until 31 October 2018. ALSWA is expecting to secure funding from the Department of Justice for a further 12 months.

The Youth Engagement Program employs three Aboriginal diversion officers, Roy Blurton, Monique Kickett and Sasha Greenoff (inset in group photo). Julie Waud (Manager, Criminal Unit and Manager, Court Officers) manages the program on a day-to-day basis at the Perth Children's Court.

Victoria Williams (Manager, Policy and Programs) is the project manager with responsibility for convening and attending case management meetings and stakeholder meetings; overseeing data recording; reporting to the Department of Corrective Services; and developing and maintaining relevant policies.

The program was also fortunate to host three UWA Master of Social Work volunteer interns during the past financial year with each student participating on a full time basis for 16 weeks.



Victoria Williams, Monique Kickett, Roy Blurton, Julie Waud and Sasha Greenoff (inset)

On 30 June 2018, the program had 46 active clients and has assisted 98 young people since inception. The Youth Engagement Program provides a range of services to these young people depending upon their particular needs and circumstances.

These services include:

Mentoring, court support, advocacy, referrals to support services, case management, transport assistance, support at appointments with various external agencies including Youth Justice Services, accommodation assistance, practical assistance (such as obtaining birth certificates, Medicare cards, bank accounts and Centrelink payments) and participation in positive recreational activities.

The ALSWA Youth Engagement Program is making a positive contribution in the lives of young people by assisting them to complete the requirements of their court orders; by supporting them to reengage in education/training and other prosocial activities; and by providing culturally secure mentoring and practical assistance to improve their wellbeing and future prospects.

ALSWA has received positive feedback about the program from judicial officers in the Children's Court, external stakeholders and young people and their families.



Perth Children's Court at 160 Pier Street, Perth



Community Legal Education



ALSWA continues to deliver community legal education (CLE) to Aboriginal communities through workshops and pop-up stalls around the Perth metropolitan area and regional communities.

Our CLE Officer, Sabah Rind, has visited communities delivering information on 'Right to Silence', cyber-safety, drivers licences, bail, racial discrimination, and police complaints.

Communities visited included Albany, Balgo, Bayulu, Broome (pictured at left), Bunbury, Collie, Derby, Fitzroy Crossing, Halls Creek, Looma, Karratha, Katanning, Kununurra, Onslow, Port Hedland and Roebourne.



ALSWA's Sabah Rind and Crystal Ugle attended Clontarf Aboriginal College and met with Student Counsellor Dan Penny and Year 12 students. During a Community Legal Education (CLE) workshop, ALSWA talk about cyber-safety and the legal ramifications, and your rights and responsibilities with Police.



Law Week in Albany with ALSWA's Sabah Rind, Lexi Lachal, Janie Gibbs, Raymond Muir and Linda Mettam

National Closing the Gap Initiative

ALSWA participated in the National Closing the Gap initiative at the Royal Perth Hospital.



ALSWA also attended the **'Wiyi Yani U Thangani – Women's Voices'** event run by Aboriginal and Torres Strait Islander Social Justice Commissioner, Dr June Oscar AO (pictured above with Sabah Rind).

This event welcomed women from different agencies and walks of life to come together and share our voices to enable positive change for our communities.

ALSWA congratulates Dr June Oscar – 2018 National NAIDOC Person of the Year.



Blurred Borders

In July 2018, Legal Aid WA launched the '*Blurred Borders Resource Kit*', a resource for legal and community service providers working with Aboriginal communities.

The resource kits cover legal areas on 'Bail & Criminal Process' and 'Family Violence' and are designed to provide legal education through story cards with illustration. ALSWA along with other community service providers travelled to Kununurra for the *Blurred Borders* launch and attended the training session on how to use these kits effectively. This resource kit is a vital tool for our communities in order to understand legal mechanisms through pictures and stories

In early 2018, we initiated a process for regular Telco meetings for all CLE officers and other relevant staff from the various Aboriginal Legal Services and the NATSILS. At these meetings, we share information about effective CLE activities and resources in order to enhance CLE delivery for Aboriginal people across the nation.



Attendees at the launch of the Blurred Borders Resource Kit

NAIDOC Week

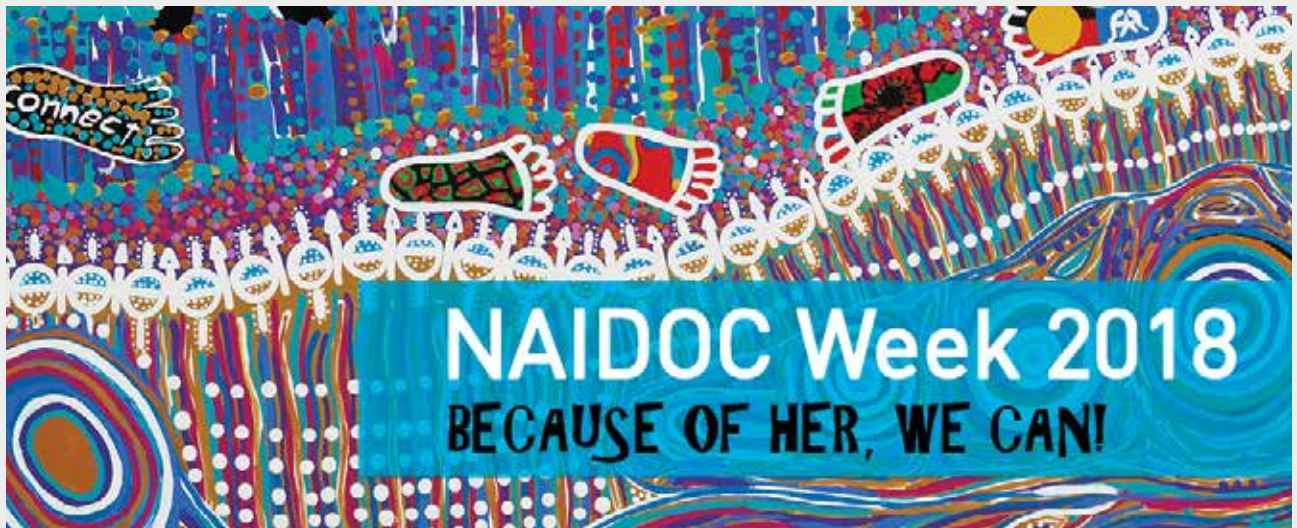
NAIDOC Week is always a key time on the ALSWA Calendar. It provides the opportunity to share in the celebrations of our achievements as First Nations Peoples and to attend community events to spread the word about ALSWA services. In 2018 ALSWA participated in celebrating NAIDOC week in Perth by holding a stall at the NAIDOC Opening Ceremony at the Supreme Court Garden. This event is attended by thousands of people and signifies the commencement of the NAIDOC celebrations in Perth.

ALSWA stalls are always eye-catching, engaging and interesting for community members of all ages, with community members guessing the 'jellybean challenge' and answering ALSWA's legal quiz to receive some ALSWA merchandise.

ALSWA Perth also ran stalls in Mirrabooka, Armadale, Ashfield, and 210 km south of Perth in Collie, while our regional offices including in Albany, Broome, Geraldton and Kalgoorlie also celebrated NAIDOC week providing legal information and merchandise at stalls.



ALSWA's Courtney McGuire, Jolene Farrell and Sabah Rind with community members during NAIDOC Week



2018 National NAIDOC Theme



ALSWA staff members at the NAIDOC Perth Ball



Nyarlu NAIDOC Celebrations – Geraldton

The Geraldton ALSWA Office collaborated with Legal Aid, Greenough Prison, Geraldton Court, Youth Justice, Adult Community Corrections, Desert Blue Connect, Regional Alliance West, Communicare, Centacare, AFLS, DCP and WAPOL commemorate NAIDOC Week in Geraldton.

The event was called Nyarlu NAIDOC Celebrations and was held in the square outside of the Geraldton Courthouse.

ALSWA Geraldton Legal Secretary Veronica Randall was part of the NAIDOC Committee that helped to organise this event.

Scarves and bracelets were prepared by prisoners at Greenough Prison, proving to be a special way in which they could also celebrate NAIDOC Week.

The prison also supplied all the bread, damper and a large celebration cake.

Pictured on Right: Geraldton ALSWA Administration Officer Terina Radcliffe with Yvonne Radcliffe



Geraldton NAIDOC celebrations saw Donna Ronan perform a Welcome to Country while Leroy Shiosaki played the didgeridoo, before proceedings were MC'd by Kyalie Moore

Media

Media continues to play a vital role in speaking out about the key issues facing Aboriginal and Torres Strait Islander Peoples within the justice system.

ALSWA is widely sought to speak out publicly, which we will continue to do if it is in the best interests of our communities and our Facebook Page continues to expand its reach and is an effective way of delivering and sharing information of interest to community members and organisations.

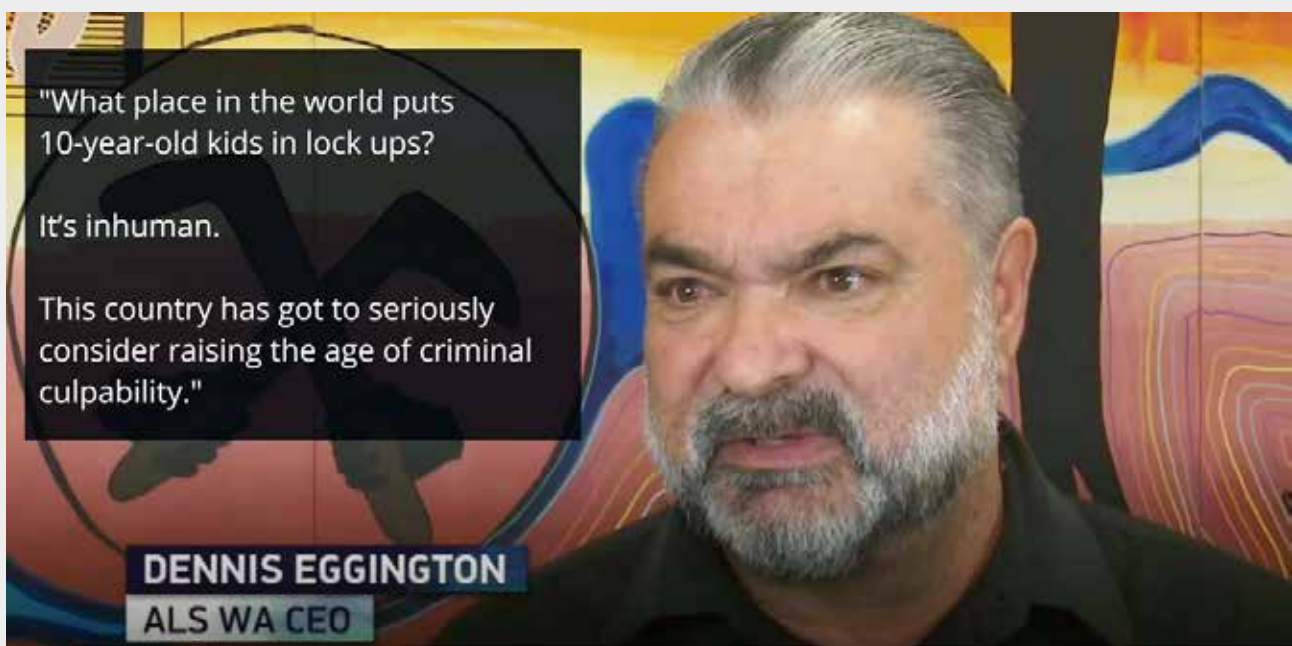


*Above: Western Australia's Chief Justice the Honourable Wayne Martin AC
And Rangi Hirini from NITV with ALSWA CEO Dennis Eggington*

Chief Justice Wayne Martin AC announced his retirement after twelve years in this role in March 2018.

He spoke on ALSWA's Law Matters program during his last week in office in July 2018.

ALSWA wishes Wayne Martin the very best for the future.



ALSWA CEO Dennis Eggington interviewed by Rangi Hirini for NITV



Peter Collins ALSWA DLS interviewed by Rangji Hirini for NITV



Law Matters

Since commencing this radio program in 2010, ALSWA has now produced and presented 127 programs which have been broadcast on 100.9 FM Noongar Radio in Perth and repeated nationally via the National Indigenous Radio Service.

Guests interviewed by Law Matters presenter Jodi Hoffmann (ALSWA Media Officer) between 1 July 2017 and 30 June 2018 include: Shahleena Musk (Human Rights Law Centre), Professor Neil Morgan (Inspector of Custodial Services), Joseph Wallam (OICS Community Liaison Officer), Comedian and RUOK Ambassador Steven Oliver, Jim Morrison (Curtin Medal recipient), WA Police Commissioner Chris Dawson, Human Rights lawyer Hannah McGlade, Sallie McLean (Australian Law Reform Commission), Rodney Dillon (Amnesty International), Greg McIntyre (Law Society of WA), Carolyn Lewis (First Nations Deaths in Custody Watch Committee WA) along with numerous ALSWA staff.

Full details of Law Matters programs can be viewed on the ALSWA website www.als.org.au and can be replayed in full

Chief Financial Officer



John Poroch

I am pleased to present the audited financial report for the 12 months ended 30 June 2018. During the period, the Aboriginal Legal Service of Western Australia Limited (ALSWA) achieved a profit (surplus over expenses) of \$63,838 from revenue of \$13,905,263.

The financial Report for 2018 has been prepared as a general purpose financial report in accordance with the *Corporations Act 2001*, Australian Accounting Standards including Accounting Interpretations and the Corporations Regulations 2001. This is testament to the commitment that the board and management have undertaken to continual improvement of governance and more informative and transparent financial information.

The Company has continued its commitment to expenses reduction and control initiatives to meet the challenges posed by the logistics of providing effective, meaningful and timely legal services throughout the vast state of Western Australia. These services have been delivered within budget and in accordance with the terms of the funding agreement with the Commonwealth Attorney General's department.

Throughout the year, ALSWA has been able to maintain its focus on providing and delivering culturally appropriate high quality legal services for the Aboriginal and Torres Strait Island community in Western Australia.

I would like to acknowledge the directors and the executive management team for their leadership and support and all the dedicated employees and volunteers who enable the company to deliver such needed services.

I would also like to acknowledge and thank all those who have donated or provided much need funding to the operations of ALSWA.

John Poroch
Chief Financial Officer



Directors' Report

In respect of the financial report of the Aboriginal Legal Service of Western Australia Limited ("ALSWA" or "the Company") of the financial year ended 30 June 2018.

1. Responsible Directors

The following persons were directors of the Aboriginal Legal Service of Western Australia Limited during the entire financial year:

- Mr Michael Blurton
- Mr Glen Colbung
- Ms Kathy Watson
- Mr Jim Lewis
- Mr Preston Thomas
- Mr Paul Baron
- Mr Donald Abdullah

2. Directors' details

Michael Blurton was appointed as an Initial Elected Director on registration of the Company as a public company limited by guarantee on 10 March 2017. He previously served as an Executive Committee member for 13 years. He is a Ballardong Noongar man from the wheat belt town of Quairading. His involvement with the organisation spans back to the 1970s when he worked as a field/court officer. Michael supports and promotes the vital role that the Company plays in striving for justice and support for Aboriginal and Torres Strait Islander people within the legal justice system.

Glen Colbung was appointed as an Initial Elected Director on registration of the Company as a public company limited by guarantee on 10 March 2017. He previously has been an Executive Committee member since 2015. He has been involved with the organisation for more than 20 years. He is a Noongar man from Albany in the south west of the state. Glen is greatly committed to maintaining a strong legal service for our people and looks forward to contributing to the Company's future.

Preston Thomas was appointed as an Initial Elected Director on registration of the Company as a public company limited by guarantee on 10 March 2017. He previously has been a member of the Executive Committee since 2006. He is from Laverton and has lived in Kanpa Community for over 20 years.

Preston has also had a long affiliation with the organisation. Preston is deeply committed to the issues facing our people and will support the vital work undertaken by the Company for the benefit of the Aboriginal and Torres Strait people.

Kathy Watson was appointed as an Initial Elected Director on registration of the Company as a public company limited by guarantee on 10 March 2017. She had previously been an Executive Committee member since 2011. Kathy is from Broome in the west Kimberley. She is passionate about legal issues for our community, she would like to see more cultural input into court matters, particularly with in court districts.

Donald Abdullah was appointed as an Initial Elected Director on registration of the Company as a public company limited by guarantee on 10 March 2017. He previously had been an Executive Committee member since 2015. He is a Wongi man from Esperance on the south east coast of Western Australia. Donald is dedicated to supporting Aboriginal and Torres Strait Islander People and feels strongly about keeping our young people out of prison. He is also supportive of women who face domestic violence and providing guidance on legal matters.

Jim Lewis was appointed as a Co-Opted Director on registration of the Company as a public company limited by guarantee on 10 March 2017. He is a Gija man from Wyndham. He previously served as the Treasurer of the ALSWA Inc. for the past 2.5 years prior to the transition of ALSWA to a company limited by guarantee. He has vast experience with various aboriginal companies and enterprises.

Paul Baron was appointed as a Co-Opted Director on registration of the Company as a public company limited by guarantee on 10 March 2017. He is a Yamatji man from Carnarvon. He previously served as an executive committee member of ALSWA Inc. for the past 2.5 years prior to the transition of ALSWA to a company limited by guarantee. Paul brings a great deal of experience and commitment and has offers himself as a candidate to serve as a Co-opted Director.

3. Principal Activities

ALSWA is a public company incorporated under the *Corporations Act 2001*.

The principal activity is to provide legal service to disadvantaged and under-privileged Aboriginal and Torres Strait Islander People of Western Australia.

4. Results

The Company made a profit of \$63,838 (2017: profit \$118,640).

5. Review of Operations

The Company's revenue for the year ended 30 June 2018 was \$13,905,263 (2017: \$13,686,120, an increase of 1.5% (2017: increase 2.50%) over the previous year.

7. Change in State of Affairs

No change in the state of affairs.

8. Contribution in Winding Up

The Company is incorporated under the *Corporations Act 2001* as a public company limited by guarantee. If the Company is wound up, the constitution states that each member is required to contribute a maximum of \$10 each towards meeting any outstanding obligations of the Company. As 30 June 2018, the total amount that members of the Company are liable to contribute if the Company is wound up is \$260 (2017: \$160).

9. Future Developments

The Company plans to continue with its principal activities as noted above in the foreseeable future.

10. Insurance of Officers

During the financial year the Company paid a premium of \$6,325 to insure the directors, secretary and officers of the Company.

The liabilities insured are the legal costs that may be incurred in defending civil or criminal proceedings that may be brought against the officers in their capacity as officers of the Company.

No liability has arisen under this indemnity as at the date of this report.

11. Directors' Meetings

The number of meetings of directors held during the year and the number of meetings attended by each director is as follows:

| | No. meetings entitled to attend | No. meetings attended |
|-----------------|--|-----------------------------|
| Michael Blurton | 4 | 4 |
| Glen Colbung | 4 | 4 |
| Kathy Watson | 4 | 2 |
| Jim Lewis | 4 | 1 |
| Preston Thomas | 4 | 2 |
| Paul Baron | 4 | 4 |
| Donald Abdullah | 4 | 4 |

12. Events Subsequent to Balance Date

No other matter or circumstance has arisen since 30 June 2018 that has significantly affected, or may significantly affect:

- (a) The Company's operations in future financial years, or
- (b) The results of those operations in future years, or
- (c) The Company's state of affairs in future financial years.

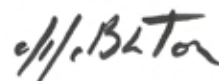
13. Environmental Regulations

The Company complies with the *Environmental Protection Act 1996*. It has not contravened any of its regulations during the financial year.

14. Independent Auditor's Independence Declaration

The lead auditor's independence statement is set out on page 3 and forms part of the directors' report for the year ended 30 June 2018.

This report is made in accordance with a resolution of the Board.



Chairman
Perth, Western Australia
Date: 21 September 2018



Deloitte.

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Board of Directors
Aboriginal Legal Services of Western Australia Limited
7 Aberdeen Street
EAST PERTH WA 6000

21 September 2018

Dear Directors

Aboriginal Legal Services of Western Australia Limited

In accordance with section 307C of the *Corporations Act 2001*, I am pleased to provide the following declaration of independence to the directors of Aboriginal Legal Services of Western Australia Limited.

As lead audit partner for the audit of the financial statements of Aboriginal Legal Services of Western Australia Limited for the financial year ended 30 June 2018, I declare that to the best of my knowledge and belief, there have been no contraventions of:

- (i) the auditor independence requirements of the *Corporations Act 2001* in relation to the audit; and
- (ii) any applicable code of professional conduct in relation to the audit.

Yours sincerely

Deloitte Touche Tohmatsu

DELOITTE TOUCHE TOHMATSU

Peter Rupp
Partner
Chartered Accountant

Liability limited by a scheme approved under Professional Standards Legislation.
Member of Deloitte Touche Tohmatsu Limited



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Independent Auditor's Report to the Board of Directors of Aboriginal Legal Services of Western Australia Limited and the Department of Attorney General

Opinion

We have audited the financial report of Aboriginal Legal Services of Western Australia Limited (the "Company") which comprises the statement of financial position as at 30 June 2018, the statement of profit or loss and other comprehensive income, the statement of changes in equity and the statement of cash flows for the year then ended, and notes to the financial statements, including a summary of significant accounting policies and other explanatory information, and the directors' declaration as set out on pages 7 to 27.

In our opinion, the accompanying financial report of the Company is in accordance with the *Corporations Act 2001*, including:

- (i) giving a true and fair view of the Company's financial position as at 30 June 2018 and of its financial performance for the year then ended; and
- (ii) complying with Australian Accounting Standards and the *Corporations Regulations 2001*.

Basis for Opinion

We conducted our audit in accordance with Australian Auditing Standards. Our responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Financial Report* section of our report. We are independent of the Company in accordance with the auditor independence requirements of the *Corporations Act 2001* and the ethical requirements of the Accounting Professional and Ethical Standards Board's APES 110 *Code of Ethics for Professional Accountants* (the "Code") that are relevant to our audit of the financial report in Australia. We have also fulfilled our other ethical responsibilities in accordance with the Code.

We confirm that the independence declaration required by the *Corporations Act 2001*, which has been given to the directors of the Company, would be in the same terms if given to the directors as at the time of this auditor's report.

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

Liability limited by a scheme approved under Professional Standards Legislation.
Member of Deloitte Touche Tohmatsu Limited



Deloitte

Other Information

The directors are responsible for the other information. The other information comprises the information included in the Company's annual report for the year ended 30 June 2018, but does not include the financial report and our auditor's report thereon.

Our opinion on the financial report does not cover the other information and we do not express any form of assurance conclusion thereon.

In connection with our audit of the financial report, our responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial report or our knowledge obtained in the audit, or otherwise appears to be materially misstated. If, based on the work we have performed, we conclude that there is a material misstatement of this other information, we are required to report that fact. We have nothing to report in this regard.

Responsibilities of the Directors for the Financial Report

The directors of the Company are responsible for the preparation of the financial report that gives a true and fair view in accordance with Australian Accounting Standards and the *Corporations Act 2001* and for such internal control as the directors determine is necessary to enable the preparation of the financial report that gives a true and fair view and is free from material misstatement, whether due to fraud or error.

In preparing the financial report, the directors are responsible for assessing the ability of the Company to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the directors either intend to liquidate the Company or to cease operations, or has no realistic alternative but to do so.

Auditor's Responsibilities for the Audit of the Financial Report

Our objectives are to obtain reasonable assurance about whether the financial report as a whole is free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with the Australian Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of this financial report.

As part of an audit in accordance with the Australian Auditing Standards, we exercise professional judgement and maintain professional scepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the report, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.

Deloitte.

- Obtain an understanding of internal control relevant to the audit 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 recipient's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the directors.
- Conclude on the appropriateness of the directors' use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the recipient's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the report, or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the recipient to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the report, including the disclosures, and whether the report represents the underlying transactions and events in a manner that achieves fair presentation.

We communicate with the directors regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

Deloitte Touche Tohmatsu

DELOITTE TOUCHE TOHMATSU



Peter Rupp
Partner
Chartered Accountants
Perth, 21 September 2018

**Statement of Profit or Loss and Other Comprehensive Income
For the year ended 30 June 2018**

| | Note | 2018 \$ | 2017 \$ |
|---|-------------|-------------------|-------------------|
| Revenue | 2 | 13,905,263 | 13,686,120 |
| Depreciation and amortisation expenses | | 219,624 | 287,964 |
| Electricity & gas expense | | 82,892 | 64,759 |
| Employee benefits expense | | 10,386,026 | 9,793,216 |
| Information technology | | 39,724 | 105,907 |
| Library resources | | 141,119 | 135,207 |
| Office expenses | | 171,818 | 132,594 |
| Other expenditure | | 656,779 | 941,579 |
| Other gains and losses | | 35,301 | - |
| Property expenses | | 173,048 | 125,024 |
| Rent | | 757,320 | 905,340 |
| Lease expenses | | 368,576 | 373,099 |
| Telephone & internet | | 136,798 | 133,016 |
| Training | | 102,768 | 53,865 |
| Travel and accommodation | | 569,632 | 515,910 |
| Profit before income tax | | 63,838 | 118,640 |
| Income tax (expense) / benefit | | - | - |
| Profit after income tax attributable to the members of ALSWA | | 63,838 | 118,640 |
| Other comprehensive income/(loss) | | - | - |
| Income tax relating to components of other comprehensive income | | - | - |
| Total comprehensive income for the period | | 63,838 | 118,640 |

The above statement should be read in conjunction with the accompanying notes.

Statement of Financial Position
As at 30 June 2018

| | Note | 2018 \$ | 2017 \$ |
|---|-------------|--------------------------|--------------------------|
| Current Assets | | | |
| Cash and cash equivalents | 5 | 6,348,398 | 7,724,254 |
| Other financial assets | 6 | 1,464,699 | - |
| Receivables | 7 | 352,766 | 255,236 |
| Total Current Assets | | <u>8,165,863</u> | <u>7,979,490</u> |
| Non-Current Assets | | | |
| Property, plant & equipment | 8 | 3,553,528 | 3,660,108 |
| Total Non- Current Assets | | <u>3,553,528</u> | <u>3,660,108</u> |
| Total Assets | | <u>11,719,391</u> | <u>11,639,598</u> |
| Current Liabilities | | | |
| Accounts payable | 9 | 855,584 | 493,343 |
| Provisions | 10 | 2,354,247 | 2,206,019 |
| Unexpended grants | 11 | 307,533 | 673,951 |
| Borrowings & interest bearing liabilities | 12 | 141,266 | 144,070 |
| Total Current Liabilities | | <u>3,658,630</u> | <u>3,517,383</u> |
| Non-Current Liabilities | | | |
| Provisions | 13 | 283,026 | 335,321 |
| Borrowings & interest bearing liabilities | 14 | - | 73,097 |
| Total Non-Current Liabilities | | <u>283,026</u> | <u>408,418</u> |
| Total Liabilities | | <u>3,941,656</u> | <u>3,925,801</u> |
| Net Assets | | <u>7,777,735</u> | <u>7,713,797</u> |
| Equity | | | |
| Members funds | 15 | 260 | 160 |
| Retained earnings | | 4,612,670 | 4,548,832 |
| Asset revaluation reserve | | 602,678 | 602,678 |
| Discretionary reserves | 15 | 2,562,127 | 2,562,127 |
| Total Equity | | <u>7,777,735</u> | <u>7,713,797</u> |

The above statement should be read in conjunction with the accompanying notes.

**Statement of Changes in Equity
For the year ended 30 June 2018**

| | Note | 2018 \$ | 2017 \$ |
|--|-------------|-------------------|-------------------|
| Retained earnings | | | |
| Balance at the beginning of the financial year | | 4,548,832 | 4,430,192 |
| Total comprehensive income for the year | | 63,838 | 118,640 |
| Balance at the end of the financial year | | 4,612,670 | 4,548,832 |
| Discretionary reserves | | | |
| Balance at the beginning of the financial year | | 2,562,127 | 2,562,127 |
| Balance at the end of the financial year | 15 | 2,562,127 | 2,562,127 |
| Members contribution | | | |
| Balance at the beginning of the financial year | | 160 | - |
| Additional members contribution for the year | | 100 | 160 |
| | 15 | 260 | 160 |
| Asset revaluation reserve | | | |
| Balance at the beginning of the financial year | | 602,678 | 602,678 |
| Balance at the end of the financial year | 8 | 602,678 | 602,678 |
| Total equity at the end of the financial year | | 7,777,735 | 7,713,797 |

The above statement should be read in conjunction with the accompanying notes.

Statement of Cash Flows
For the year ending 30 June 2018

| | Note | 2018 \$ | 2017 \$ |
|---|-------------|--------------------------|--------------------------|
| Cash flows from operating activities | | | |
| Grants received | | 13,252,961 | 12,661,189 |
| Payments to suppliers and employees | | (13,157,224) | (12,334,304) |
| Interest received | | 188,550 | 188,201 |
| Interest paid | | (5,378) | (10,859) |
| Rent received | | 38,648 | 26,458 |
| Sundry income | | - | 45,750 |
| Net cash provided by operating activities | 20 | <u>317,557</u> | <u>576,435</u> |
| Cash flows from investing activities | | | |
| Payment for the purchase of property, plant & equipment | | (113,043) | - |
| Payment for the purchase of other financial assets | | (1,500,000) | (52,871) |
| Net cash used in investing activities | | <u>(1,613,043)</u> | <u>(52,871)</u> |
| Cash flows from financing activities | | | |
| Repayments of borrowings | | (80,470) | (74,688) |
| Members' contribution | | 100 | 160 |
| Advance from Browne's Trust | | - | 10,385 |
| Net cash used in financing activities | | <u>(80,370)</u> | <u>(64,143)</u> |
| Net (decrease)/ increase in cash and cash equivalents held | | <u>(1,375,856)</u> | <u>459,421</u> |
| Cash and cash equivalents at beginning of the financial year | | 7,724,254 | 7,264,833 |
| Cash and cash equivalents at the end of the financial year | 5 | <u>6,348,398</u> | <u>7,724,254</u> |

The above statement should be read in conjunction with the accompanying notes.



1. Summary of significant accounting policies

The financial statements are general purpose financial statements that have been prepared in accordance with the *Corporations Act 2001*, Australian Accounting Standards, including Australian Accounting Interpretation and other authoritative pronouncements of the Australian Accounting Standards Board.

The financial report covers the Aboriginal Legal Service of Western Australia Limited (the "Company"). The Company is a not for profit company incorporated and domiciled in Western Australia.

The following summary of the material accounting policies adopted by the Company in the presentation of the financial report, and have been consistently applied, unless otherwise stated.

(a) Basis of preparation

The accounting policies set out below have been consistently applied to all years presented.

Reporting Basis and Convention

The financial report has been prepared on an accrual basis and under the historical cost convention and does not take in to account current valuations of non-current assets, except for land and buildings that are measured at revalued amounts or fair value as explained in accounting policy 1(k) below.

Going Concern

The financial report has been prepared on a going concern basis.

The Company is dependent upon the ongoing receipt of Commonwealth Government grants (Commonwealth Department of Attorney General) and community and corporate donations to ensure the ongoing continuance of its programs. At the date of this report, the executive committee has no reason to believe that this financial support will not continue.

(b) Foreign currency translation

(i) Functional and presentation currency

Items included in the financial statements of the association are measured using the currency of the Primary economic environment in which the Company operates ("the functional currency").

The financial statements are presented in Australian dollars, which is the Aboriginal Legal Service of Western Australia's functional and presentation currency.

(c) Revenue recognition

Revenue is measured at the fair value of the consideration received or receivable. The Company recognises revenue when the amount can be reliability measured, the collection is probable and when criteria for each of the Company's different activities have been met and described as follows:

(i) Government grants

A number of the Company's activities are supported by grants received from federal, state and local governments or agencies. Grants are recognised on a systematic basis over the period in which the Company recognises as expenses the related costs or which the grants are intended to compensate.

If conditions are attached to a grant, which must be satisfied before the Company is eligible to receive the contribution, recognition of the grant as revenue is deferred until those conditions are satisfied.

Where a grant is received on the condition that specified services are delivered to the grantor, this is considered a reciprocal transaction. Revenue is recognised as services performed and at year-end a liability is recognised until the service is delivered.

Where a grant is required to be repaid if certain conditions are not satisfied, a liability is recognised at year-end to the extent that conditions remain unsatisfied.

(ii) Sale of goods

A sale is recorded when goods have been despatched to a customer and associated risks have passed to the carrier or customer.

(iii) Provision of services

Revenue from the provision of services is recognised in the period in which the customer obtains the benefit of the service.

(iv) Gifts and donations

Gifts and donations are recognised at their fair value when the Company obtains control, economic benefits are probable and the amount of the donation can be reliably measured.

(v) Interest income

Interest income is recognised on an accrual basis using the effective interest method

1. Summary of significant accounting policies (continued)

(vi) Dividend income

Dividend income from investments is recognised when the shareholder's right to receive payment has been established (provided that it is probable that the economic benefits will flow to the Company and the amount of income can be reliably measured).

(d) Operating expenses

Operating expenses including expenses relating to the grants, are recognised on an accrual basis.

(e) Income Tax

The Company is exempt from paying income tax under Div. 50 of the *Income Tax Assessment Act 1997*.

(f) Leases

Leases in which a significant portion of the risks and rewards of ownership are retained by the lessor are classified as operating leases. Payments made under operating leases (net of any incentives received from the lessor) are charged to the income statement on a straight-line basis over the period of the lease.

(g) Goods and services tax (GST)

Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Tax Office. In these circumstances the GST is recognised as part of the cost of acquisition of the asset or as part of an item of the expense. Receivables and payables in the statement of financial position are shown inclusive of GST.

Cash flows are presented in the statement of cash flows on a gross basis, except for the GST components of investing and financing activities, which are disclosed as operating cash flows.

(h) Cash and cash equivalents

Cash and cash equivalents include cash on hand, deposits held at call with financial institutions, other short-term, highly liquid investments that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value, and bank overdrafts.

(i) Trade and other receivables

Trade receivables are recognised at original invoice value and subsequently measured at amortised cost, less provision for doubtful debts. Trade receivables are generally settled in 30-60 days.

(i) Trade and other receivables (continued)

Collectability of trade receivables is reviewed on an ongoing basis. Debts that are known to be uncollectible are written off. A provision for doubtful receivables is established when there is objective evidence that the Company will not be able to collect all amounts due according to the original terms of receivables.

(j) Financial assets

Financial assets are classified into the following specified categories: financial assets 'at fair value through profit or loss' (FVTPL), 'held-to-maturity' investments, 'available-for-sale' (AFS) financial assets and 'loans and receivables'. The classification depends on the nature and purpose of the financial assets and is determined at the time of initial recognition. All regular way purchases or sales of financial assets are recognised and derecognised on a trade date basis. Regular way purchases or sales are purchases or sales of financial assets that require delivery of assets within the time frame established by regulation or convention in the marketplace.

Financial assets at FVTPL

Financial assets are classified as at FVTPL when the financial asset is (i) contingent consideration that may be paid by an acquirer as part of a business combination to which IFRS 3 applies, (ii) held for trading, or (iii) it is designated as at FVTPL.

A financial asset is classified as held for trading if:

- it has been acquired principally for the purpose of selling it in the near term; or
- on initial recognition it is part of a portfolio of identified financial instruments that the Group manages together and has a recent actual pattern of short-term profit-taking; or
- it is a derivative that is not designated and effective as a hedging instrument.

Financial assets at FVTPL are stated at fair value, with any gains or losses arising on re-measurement recognised in profit or loss. The net gain or loss recognised in profit or loss incorporates any dividend or interest earned on the financial asset and is included in the 'other gains and losses' line item.



1. Summary of significant accounting policies (continued)

(k) Property, Plant and equipment

(i) Revaluation Basis

Land held for use in production or administration is stated at re-valued amounts. Re-valued amounts are fair market values based on appraisals prepared by external professional valuers' once every three years or more frequently if market factors indicate a material change in fair value. The last external valuation date for each property is set out in Note 8.

Any revaluation surplus arising upon appraisal of land is recognised in other comprehensive income and credited to the revaluation reserve in equity. To the extent that any revaluation decrease or impairment loss has previously been recognised in profit or loss, a revaluation increase is credited to profit or loss with the remaining part of the increase recognised in other comprehensive income. Downward revaluations of land are recognised upon appraisal or impairment testing, with the decrease being charged to other comprehensive income to the extent of any revaluation surplus in equity relating to this asset and any remaining decrease recognised in profit or loss. Any revaluation surplus remaining in equity on disposal of the asset is transferred to retained earnings

As no finite useful life for land can be determined, related carrying amounts are not depreciated.

(ii) Cost basis

All other property, plant and equipment are stated at historical cost less depreciation. Historical cost includes expenditure that is directly attributable to the acquisition of the items.

Subsequent costs are included in the asset's carrying amount or recognised as a separate asset, as appropriate, only when it is probable that future economic benefits associated with the item will flow to the Company and the cost of the item can be measured reliably. All other repairs and maintenance are charged to the income statement during the financial period in which they are incurred.

The depreciable amounts of all fixed assets, other than freehold land, are depreciated over their estimated useful lives using the straight-line method.

Leasehold improvements are amortised over the unexpired period of the lease or the lease or the useful life, whichever is the shorter.

The following estimate of useful lives has been applied:

- Buildings: 25 years
- Furniture & fittings: 5 years
- Improvement residential properties: 5 years
- Motor vehicles: 4 years
- Capital & lease hold improvements: 4 years
- Computer equipment: 3 years

The asset's residual values and useful lives are reviewed, and adjusted if appropriate, at each balance sheet date.

An asset's carrying amount is written down immediately to its recoverable amount if the asset's carrying amount is greater than its estimated recoverable amount.

Gains and losses on disposals are determined by comparing proceeds with carrying amount. These are included in the income statement. When re valued assets are sold, it is the Company's policy to transfer the amounts included in other reserves in respect of those assets to retained earnings

The amount of the provision is the difference between the asset's carrying amount and the present value of estimated cash flows, discounted at the effective interest rate. The amount of the provision is recognised in the income statement

(iii) Low value asset capitalisation

Low value asset items costing less than \$2,000 are expensed immediately.

(l) Impairment of assets

At each reporting date, the Company reviews the carrying value of its tangible assets to determine whether there is any indication that those assets have been impaired. If such an indication exists, the recoverable amount of the asset, being the higher of the asset's fair value less costs to sell and the value in use, is compared to the asset's carrying value. Any excess of the asset's carrying value over its recoverable amount is expensed to the income statement

Where it is not possible to estimate the recoverable value of an individual asset, the group estimates the recoverable amount of the cash-generating unit to which the asset belongs

1. Summary of significant accounting policies (continued)

(m) Trade and other payables

These amounts represent liabilities for goods and services provided to the Company prior to the end of financial year, which are unpaid. These amounts are unsecured and are usually paid within 30 - 60 days of recognition. These are presented as current liabilities unless payment is not due within 12 months after the reporting period.

(n) Borrowings

Borrowings are initially recognised at fair value, net of transactions costs incurred. Borrowings are subsequently measured at amortised cost. Any difference between the proceeds (net of transaction costs) and the redemption amount is recognised in the income statement over the period of the borrowings using the effective interest method.

Borrowings are classified as current liabilities unless the Company has an unconditional right to defer settlement of the liability for at least 12 months after the balance sheet date.

(o) Employee benefits

(i) Wages and salaries and annual leave

Liabilities for wages and salaries, including non-monetary benefits expected to be settled within 12 months of the reporting date are recognised in other payables in respect of employees' services up to the reporting date and are measured at the amounts expected to be paid when the liabilities are settled.

Annual leave expected to be settled within 12 months of the reporting date are recognised in current liabilities as a provision.

(ii) Long service leave and sick leave

The liability for long service and sick leave is recognised in the provision for employee benefits and measured as the present value of expected future payments to be made in respect of services provided by employees up to the reporting date. Consideration is given to expected future wage and salary levels, experience of employee departures and periods of service. Expected future payments are estimates of the probability of payout based on length of employee service and past historic trends.

(iii) Retirement benefit obligations

Contributions to the defined contribution fund are recognised as an expense as they become payable. Prepaid contributions are recognised as an asset to the

extent that a cash refund or a reduction in the future payments is available.

Liabilities recognised for salaries and wages are recognised in payables. Unpaid liabilities recognised for annual leave, long service leave and sick leave entitlement are recognised in provisions.

(p) Provisions, contingent liabilities and contingent assets

Provisions are measured at the estimated expenditure required to settle the present obligation, based on the most reliable evidence available at the reporting date, including the risks and uncertainties associated with the present obligation. Where there are a number of similar obligations, the likelihood that an outflow will be required in settlement is determined by considering the class of obligations as a whole. Provisions are discounted to their present values, where the time value of money is material.

Any reimbursement that the Company can be virtually certain to collect from a third party with respect to the obligation is recognised as a separate asset. However, this asset may not exceed the amount of the related provision.

No liability is recognised if an outflow of economic resources as a result of present obligation is not probable. Such situations are disclosed as contingent liabilities, unless the outflow of resources is remote in which case no liability is recognised

(q) Unexpended grants - deferred income

The liability for deferred income is the unutilised amounts of grants received on the condition that specified services are delivered or conditions are fulfilled. The services are usually provided or the conditions usually fulfilled within twelve (12) months of receipt of the grant. Where the amount received is in respect of services to be provided over a period that exceeds twelve (12) months after the reporting date or the conditions will only be satisfied more than twelve (12) months after the reporting date, the liability is discounted and presented as non-current liability.



1. Summary of significant accounting policies (continued)

(r) Critical accounting estimates and judgements

Estimates and judgements are continually evaluated and are based on historical experience and other factors, including expectations of future events that may have a financial impact on the Company and that are believed to be reasonable under the circumstances.

The Company makes estimates and assumptions concerning the future. The resulting accounting estimates will, by definition, seldom equal the related actual results. The estimates and assumptions that have a significant risk of causing a material adjustment to the carrying amounts of assets and liabilities within the next financial year are discussed below.

(i) Estimated useful life of property, plant & equipment.

Management determines the estimated useful life of depreciable assets, based on the expected useful life of the asset and this could change significantly as a result of technical innovations. Management will increase the depreciation charge where useful lives are less than previously estimated. Technically obsolete or non-strategic assets that have been abandoned or disposed of will be written down or written off.

(ii) Impairment

The Company assesses impairment at each reporting date by evaluating conditions specific to the Company that may lead to impairment of assets. Where an impairment trigger exists, the recoverable amount of the asset is determined. Value-in-use calculations performed in assessing recoverable amounts incorporate a number of key estimates.

The Company applies the revaluation model to measure its land and buildings. This requires that the fair value of the asset be assessed on a regular basis. Independent external property valuers are engaged every 3 years or sooner if required to assess the fair value.

(iii) Long service leave and sick leave entitlements

The measurement of the provision for long service leave and sick leave entitlements require that the Company make an estimate of the payout likely to occur in the future. Management applies a probability factor to the likelihood of a payout based on the length of service and past historic trends of employees continuing employment.

(s) Accounting Standards issued but not yet effective and have not been adopted

In preparing financial statements an entity is required to disclose information with respect to new Standards and interpretations that have been issued but are not yet adopted. The Company is in the process of considering the financial impact of the new accounting standards and interpretations not adopted

| Date issued | Standard/Interpretation | Effective for annual reporting periods beginning on or after | Applicable for year ended |
|-------------|---|--|---------------------------|
| Dec 2014 | AASB 9 <i>Financial Instruments</i> | 1/1/2018 | 30/6/2019 |
| Dec 2014 | AASB 15 <i>Revenue from contracts with customers</i> | 1/1/2019 | 30/6/2020 |
| Mar 2016 | AASB 16 <i>Leases</i> | 1/1/2019 | 30/6/2020 |
| Dec 2016 | AASB 1058 <i>Income of Not-for-Profit Entities</i> , AASB 1058 <i>Income of Not-for-Profit Entities (Appendix D)</i> , AASB 2016-8 <i>Amendment to Australian Accounting Standards – Australian Implementation Guidance for Not-for-Profit Entities</i> . | 1/1/2019 | 30/6/2020 |
| Dec 2016 | AASB 2016-7 <i>Amendment to Australian Accounting Standards – Deferral of AASB 15 for Not-for profit Entities</i> . | 1/1/2019 | 30/6/2020 |
| Dec 2016 | AASB 2016-8 <i>Amendment to Australian Accounting Standards – Australian Implementation Guidance for Not-for-Profit Entities</i> | 1/1/2019 | 30/6/2020 |

| 2. Revenue | Note | 2018 \$ | 2017 \$ |
|---|------|-------------------|-------------------|
| Income | | | |
| Grant income | | | |
| Indigenous Legal Assistance Programme Grant | | 12,960,942 | 12,560,274 |
| Youth Justice Grant | | 376,753 | 256,598 |
| Expensive Indigenous Criminal Cases Grant | | - | 20,538 |
| Data Standardisation Grant | | - | 27,712 |
| Frontline services | | - | 174,677 |
| | | <u>13,337,695</u> | <u>13,039,799</u> |
| Other income | | | |
| Rental | | 39,470 | 26,457 |
| Recovery of costs | | 271,129 | 337,496 |
| Interest | | 180,691 | 216,952 |
| Dividends | | 62,629 | - |
| Other | | 13,649 | 65,416 |
| | | <u>567,568</u> | <u>646,321</u> |
| | | <u>13,905,263</u> | <u>13,686,120</u> |

3. Auditor's remuneration

Remuneration for audit of the financial reports of the Company:

| | | |
|--------------------------|---------------|---------------|
| Deloitte Touche Tohmatsu | 34,500 | 36,000 |
| Total remuneration | <u>34,500</u> | <u>36,000</u> |

Advisory Services

| | | |
|--------------------|---------------|---------------|
| Taxation | - | - |
| | <u>-</u> | <u>-</u> |
| Total remuneration | <u>34,500</u> | <u>36,000</u> |

4. Directors' remuneration

Income paid or payable, or otherwise made available, to directors by the Company and related parties in connection with the management of the affairs of the Company.

| | | |
|------------------------------|---------------|---|
| Short term employee benefits | <u>33,750</u> | - |
|------------------------------|---------------|---|

Notes to the financial statements

**5. Current assets - Cash and cash equivalents**

| | Note | 2018 | 2017 |
|--------------------------|-------------|------------------|------------------|
| | | \$ | \$ |
| Cash at bank and on hand | | 1,729,823 | 1,661,227 |
| Term deposits | (i) | 475,311 | 463,027 |
| Deposit at call | (ii) | 4,143,264 | 5,600,000 |
| | | <u>6,348,398</u> | <u>7,724,254</u> |

(i) Term Deposits

The term deposits are bearing interest at a rate of 2.45% (2017– 2.40%)

(ii) Deposits at call

The deposits are bearing interest at a rate of 2.45% (2017 – 2.40%)

6. Current assets – Other financial assets

| | | |
|---|------------------|----------|
| Financial assets carried at fair value through profit or loss (FVTPL) | <u>1,464,699</u> | <u>-</u> |
|---|------------------|----------|

Investment at call with the Indigenous prosperity funds managed by
Indigenous Business Australia – Commonwealth Government of Australia.

7. Current assets – Receivables

| | | |
|----------------------------------|----------------|----------------|
| Trade Debtors and accrued income | 91,188 | 33,457 |
| Security Bonds | <u>23,718</u> | <u>32,866</u> |
| | <u>114,906</u> | <u>66,323</u> |
| Prepayments | <u>237,860</u> | <u>188,913</u> |
| | <u>352,766</u> | <u>255,236</u> |

8. Non-current assets property, plant & equipment

| | | | |
|---|-----|------------------|--------------------|
| Freehold land & buildings at fair value | (a) | 3,685,000 | 3,685,000 |
| Less: Accumulated depreciation | | <u>(265,463)</u> | <u>(132,731)</u> |
| | | <u>3,419,537</u> | <u>3,552,269</u> |
| Leasehold improvements at cost | | 1,061,203 | 1,000,107 |
| Less: Accumulated depreciation | | <u>(984,399)</u> | <u>(970,765)</u> |
| | | <u>76,804</u> | <u>29,342</u> |
| Plant & equipment at cost | | 947,756 | 1,214,309 |
| Less: Accumulated depreciation | | <u>(890,569)</u> | <u>(1,135,812)</u> |
| | | <u>57,187</u> | <u>78,497</u> |
| Total property, plant & equipment | | <u>3,553,528</u> | <u>3,660,108</u> |

Notes to the financial statements

(a) Fair value of land and buildings

| Location | Valuation Date | Valuation \$ | Asset revaluation reserve at 30 June 2018 \$ | Asset revaluation reserve at 30 June 2017 \$ |
|-----------------------------------|----------------|------------------|--|--|
| Lots 10 & 7 Aberdeen St, Perth WA | 13/4/2016 | 1,090,000 | 215,866 | 215,866 |
| Lots 12 & 7 Aberdeen St, Perth WA | 13/4/2016 | 690,000 | 194,119 | 194,119 |
| 60 Egan St, Kalgoorlie WA | 24/5/2016 | 400,000 | 129,608 | 129,608 |
| 24 Hibiscus Drive, Kununurra WA | (b) 14/4/2016 | 470,000 | 47,329 | 47,329 |
| 4/30 Bourke St, Piccadilly WA | (b) 15/4/2016 | 290,000 | 15,756 | 15,756 |
| 11 Wallaby Way, Broome WA | (b) 29/4/2016 | 460,000 | - | - |
| 10/4 Reynolds St, Sth Headland WA | (b) 9/5/2016 | 285,000 | - | - |
| | | <u>3,685,000</u> | <u>602,678</u> | <u>602,678</u> |

- (b) Residential properties acquired under a grant from the department of Attorney General. The Department of the Attorney General has caveated that such properties to be used specifically to accommodate staff of the Association rendering legal services

Reconciliations

Reconciliations of the carrying amounts of each class of property, plant and equipment at the beginning and the end of the current financial year are set out below.

| | Freehold land & Buildings \$ | Leasehold Improvements \$ | Plant & Equipment \$ | Motor Vehicles \$ | Total \$ |
|---------------------------------|------------------------------|---------------------------|----------------------|-------------------|------------------|
| Carrying amount at 30 June 2016 | 3,685,000 | 52,321 | 171,988 | 1,067 | 3,910,376 |
| Additions | - | 14,060 | 38,811 | - | 52,871 |
| Disposals | - | - | (26,016) | (16,745) | (42,761) |
| Depreciation expense | (132,731) | (37,039) | (117,127) | (1,067) | (287,964) |
| Depreciation on disposals | - | - | 10,841 | 16,745 | 27,586 |
| Carrying amount at 30 June 2017 | <u>3,552,269</u> | <u>29,342</u> | <u>78,497</u> | <u>-</u> | <u>3,660,108</u> |
| Additions | - | 77,146 | 35,898 | - | 113,044 |
| Disposals | - | (16,050) | (302,451) | - | (318,501) |
| Depreciation expense | (132,732) | (29,684) | (57,208) | - | (219,624) |
| Depreciation on disposals | - | 16,050 | 302,451 | - | 318,501 |
| Carrying amount at 30 June 2018 | <u>3,419,537</u> | <u>76,804</u> | <u>57,187</u> | <u>-</u> | <u>3,553,528</u> |

**9. Current Liabilities – Accounts payable**

| | Note | 2018 | 2017 |
|------------------------|-------------|----------------|----------------|
| | | \$ | \$ |
| Unsecured | | | |
| Accrued expenses | | 218,740 | 231,777 |
| Taxes payable | | 144,435 | 138,127 |
| Superannuation payable | | 373,097 | 69,565 |
| Other payables | | 119,311 | 53,874 |
| | | <u>855,584</u> | <u>493,343</u> |

10. Current Liabilities – Provisions

| | | | |
|-----------------------|--|------------------|------------------|
| Employee Entitlements | | | |
| Annual Leave | | 1,102,122 | 1,065,551 |
| Long Service Leave | | 754,406 | 671,255 |
| Sick Leave | | 497,719 | 469,213 |
| | | <u>2,354,247</u> | <u>2,206,019</u> |

11. Current Liabilities – Unexpended grant

| | | | |
|---|--|----------------|----------------|
| Indigenous Legal Assistance Program Grant | | 127,868 | 431,695 |
| Myer Yinhawangka Charitable Grant | | 6,056 | 8,862 |
| Employee of the year grant | | 11,586 | 1,586 |
| Kids out of detention | | 10,000 | 10,000 |
| Youth Justice Program | | 152,023 | 221,808 |
| | | <u>307,533</u> | <u>673,951</u> |

12. Current Liabilities – Interest bearing liabilities

| | | | |
|------------------------|-----|----------------|----------------|
| Secured property loan | (a) | 72,691 | 80,063 |
| Corporate credit cards | | 68,575 | 64,007 |
| | | <u>141,266</u> | <u>144,070</u> |

- (a) Being an amortising principal & interest variable & fixed rate loan facility with Bankwest, which was renegotiated on 3 September 2013. Expiry date of this facility is 3 April 2019. The facility was fixed rate for the initial 12 months and has converted to a low rate variable loan. The interest payable charges at the business low rate plus 0.55% pa. The covenants within the loan facility requires that the total bank debt does not exceed \$426,885. Secured by a first ranking registered mortgage over Lots 2 and 12, 7 Aberdeen Street, Perth 6000 and Lot 60 Egan Street, Kalgoorlie WA 6430 and a first ranked fixed and floating charge over the assets and undertakings of the Company.

13. Non - Current Liabilities - Provisions

| | <u>Note</u> | <u>2018</u> | <u>2017</u> |
|------------------------|--------------------|--------------------|--------------------|
| | | \$ | \$ |
| Employee Entitlements: | | | |
| Long Service Leave | | 283,026 | 335,321 |
| | | <u>283,026</u> | <u>335,321</u> |

14. Non - Current Liabilities – Interest bearing liabilities

| | | | |
|-----------------------|-----|----------|---------------|
| Secured property loan | (a) | <u>-</u> | <u>73,097</u> |
|-----------------------|-----|----------|---------------|

(a) Non- current portion of bank loan referred to in note 12(a)

Notes to the financial statements



| 15. Discretionary Reserves | Note | 2018 | 2017 |
|-------------------------------------|-------------|------------------|------------------|
| | | \$ | \$ |
| Residential Property Reserve | | | |
| Opening balance | | 83,873 | 83,873 |
| Increase | | - | - |
| Decrease | | - | - |
| Closing balance | (i) | 83,873 | 83,873 |
| Long Service Leave Reserve | | | |
| Opening balance | | 672,000 | 672,000 |
| Increase | | - | - |
| Decrease | | - | - |
| Closing balance | (ii) | 672,000 | 672,000 |
| Asset Replacement Reserve | | | |
| Opening balance | | 520,077 | 520,077 |
| Increase | | - | - |
| Decrease | | - | - |
| Closing balance | (iii) | 520,077 | 520,077 |
| Kalgoorlie Property Reserve | | | |
| Opening balance | | 392,037 | 392,037 |
| Increase | | - | - |
| Decrease | | - | - |
| Closing balance | (iv) | 392,037 | 392,037 |
| Special Projects Reserve | | | |
| Opening balance | | 55,396 | 55,396 |
| Increase | | - | - |
| Decrease | | - | - |
| Closing balance | (v) | 55,396 | 55,396 |
| Contract Reserve | | | |
| Opening balance | | 837,744 | 838,744 |
| Increase | | - | - |
| Decrease | | - | - |
| Closing balance | (vi) | 838,744 | 838,744 |
| Total Discretionary Reserves | | 2,562,127 | 2,562,127 |
| Members equity | | | |
| Opening balance | | 160 | - |
| Increase | | 100 | 160 |
| Decrease | | - | - |
| Closing balance | | 260 | 160 |
| | | 2,562,387 | 2,562,287 |

- (i) Residential property reserve is for the repairs and maintenance and improvement of residential properties owned by the Company and which are caveated by the Attorney General department for specific purpose. The reserve increases annually from rents received and decreases as expenses are incurred.

- (ii) Long service leave reserve declares the reserves required by the Company to satisfy current employee entitlement liability.
- (iii) Asset replacement reserve is used to offset future capital purchase requirements that may arise.
- (iv) Kalgoorlie property reserve recognises the probability of the development of a future building on the Company's freehold land in Kalgoorlie.
- (v) Special projects reserve is created from non-Attorney General Department surplus funds to be used for special projects in the future.
- (vi) Contract reserve being the surplus retained from "Legal Services Contract Tenders" 2004 to 2011 identified and preserved for future projects.

Reserves are created by prudential financial decision making by the executive committee and senior management and reflect the planned use of accumulated funds. Funds will be released back to retained earnings should the need no longer exist.

16. Contingent Liabilities

The Company was a party to a contract, on a fee for service basis, with the Commonwealth Attorney Generals Department, for the provision of legal services during the period 2004 to 2011. Surplus funds were retained following the successful delivery of the agreed services. A contract reserve within the discretionary reserves has been established to identify and preserve the funds earned by the Company – Note 15 (vii)

17. Commitments for expenditure

| <u>2018</u> | <u>2017</u> |
|-------------|-------------|
| \$ | \$ |

Lease commitments

Aggregate operating lease expenditure in respect of buildings and plant and equipment contracted for at balance date but not provided for in the accounts:

| | | |
|--|------------------|------------------|
| Payable no later than one year | 904,611 | 756,818 |
| Payable later than one, but no later than five years | 767,050 | 1,061,105 |
| Payable later than five years | - | - |
| | <u>1,671,661</u> | <u>1,817,923</u> |

There is no significant capital expenditure contracted for at the end of the reporting period (2017: Nil)

**18. Financial risk management and policies**

The Company's principal financial instruments comprise cash and short-term deposits, receivables, payables, and bank loans. The Company manages its exposure to key financial risks, including interest rate risk, in accordance with the Company's financial risk management policy. The objective of the policy is to support the delivery of the Company's financial targets whilst protecting future financial security.

The main risks arising from the Company's financial instruments are interest rate risk and credit risk. Monitoring of specific credit allowances is undertaken to manage credit risk.

Primary responsibility for identification and control of financial risks rests with the Executive Committee.

Unless otherwise stated the Company does not have any derivative instruments.

Each of the risks are identified as follows:

Risk exposures and responses**(a) Interest rate risk**

The Company's exposure to interest rate risks relates to short-term deposit and long term borrowings. Short-term deposits form part of the cash and cash equivalents that bear fixed interest rates on maturity. Borrowings form part of the current and non-current interest bearing liabilities. Borrowings are contracted at variable rates.

| | Note | 2018 | 2017 |
|---|-------------|------------------|------------------|
| | | \$ | \$ |
| Financial Assets | | | |
| Cash & cash equivalents | 5 | 6,348,398 | 7,724,254 |
| Other financial assets | 6 | 1,464,699 | - |
| Receivables | 7 | 114,906 | 66,323 |
| Total Financial Assets | | <u>7,928,003</u> | <u>7,790,577</u> |
| Financial Liabilities | | | |
| Accounts payable | 19 | 855,584 | 493,343 |
| Unexpended grants | 11 | 307,533 | 673,951 |
| Borrowings & interest bearing liabilities | 12 | 141,266 | 217,167 |
| Total Financial Liabilities | | <u>1,304,383</u> | <u>1,384,461</u> |
| Net Financial Assets | | <u>6,623,620</u> | <u>6,406,116</u> |

(b) Credit risk

Credit risk is the risk that a counterparty fails to pay or discharge an obligation to the Company. The Company does not have significant credit risk exposure to any counter party(s) under financial instruments entered into by the Company. The maximum exposure to credit risk is limited to the carrying amount of financial assets recognised at the reporting date. The Company constantly monitors defaults of clients and other counterparties.

(c) Liquidity risk

Liquidity risk management involves maintaining sufficient cash and the availability of funds to satisfy debts as and when they fall due and payable. Management effectively manages the Company's liquidity needs by monitoring forecast cash flows, following up trade and other receivables and ensuring that adequate credit facilities are maintained.

(d) Market risk

The Company is exposed to market risk through its use of financial assets and specifically to interest rate and certain price risks, which result from both its operating and short-term deposit investing activities.

(e) Sensitivity Analysis

As at reporting date the effect on profit and equity as a result of changes in interest rate, with all other variables remaining constant would be as follows:

| | <u>2018</u> \$ | <u>2017</u> \$ |
|----------------------------------|-------------------|-------------------|
| Change in profit | | |
| Increase in interest rates by 1% | 76,718 | 79,414 |
| Decrease in interest rates by 1% | (76,718) | (79,414) |
| Change in equity | | |
| Increase in interest rates by 1% | (76,718) | (79,414) |
| Decrease in interest rates by 1% | 76,718 | 79,414 |

No sensitivity analysis has been performed on foreign exchange risk, as the Company is not exposed to foreign exchange fluctuations.

(f) Maturity analysis

The risk implied from the values shown in the table below, reflects a balanced view of cash inflows and outflows. Financial assets and liabilities are considered in the Company's liquidity risk.

| | Within 1 Year | | 1 to 5 Years | | Over 5 Years | | Total | |
|---|------------------|------------------|--------------|-----------------|--------------|------|------------------|------------------|
| | 2018 | 2017 | 2018 | 2017 | 2018 | 2017 | 2018 | 2017 |
| | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ |
| Financial Assets | | | | | | | | |
| Cash and cash equivalents | 6,348,398 | 7,724,254 | - | - | - | - | 6,648,398 | 7,724,254 |
| Other financial assets | 1,464,699 | - | - | - | - | - | 1,464,699 | - |
| Trade receivables | 114,906 | 66,323 | - | - | - | - | 114,906 | 66,323 |
| | <u>7,928,003</u> | <u>7,790,577</u> | - | - | - | - | <u>7,928,003</u> | <u>7,790,577</u> |
| Financial Liabilities | | | | | | | | |
| Trade and other payables | 1,163,117 | 1,167,294 | - | - | - | - | 1,163,117 | 1,167,294 |
| Borrowings and interest bearing liabilities | 141,266 | 144,070 | - | 73,097 | - | - | 141,266 | 217,167 |
| | <u>1,304,383</u> | <u>1,311,364</u> | - | <u>73,097</u> | - | - | <u>1,304,383</u> | <u>1,384,461</u> |
| Net maturity | <u>6,623,620</u> | <u>6,479,213</u> | - | <u>(73,097)</u> | - | - | <u>6,623,620</u> | <u>6,406,116</u> |

The Company monitors liquidity reserves regularly on the basis of expected cash flows. The aggregate net fair values and carrying amounts of financial assets and financial liabilities are disclosed in the balance sheet and in the notes to the financial statements, the fair value of which are materially equal to their carrying values.

19. Capital Management

Management controls the capital of the Company in order to maintain a good debt to equity ratio, to ensure that the Company can fund its operations and continue as a going concern.

Management effectively manages the Company's capital by assessing the Company's financial risks and adjusting its capital structure in response to changes in these risks and in the market. These responses include the management of debt levels. There have been no changes in the strategy adopted by management to control the capital of the Company since the prior year.

20. Reconciliation of Profit after income tax to net cash inflow from operating activities

| | <u>2018</u> \$ | <u>2017</u> \$ |
|---|-------------------|-------------------|
| Profit after income tax | 63,838 | 118,640 |
| Depreciation and amortisation | 219,624 | 287,964 |
| Net loss on disposal of assets | - | 15,173 |
| (Increase)/decrease in receivables | (97,530) | (28,751) |
| Increase/(decrease) in trade creditors and other payables | 366,810 | 91,404 |
| Increase in provisions | 95,932 | 129,707 |
| Decrease in unexpended grants | (366,418) | (37,702) |
| Net movement in fair value of other financial assets | 35,301 | - |
| Net cash inflow from operating activities | <u>317,557</u> | <u>576,435</u> |

21. Events occurring after reporting date

There is, at the date of this report, no other matter or circumstance that has arisen since the 30 June 2018 that has significantly affected, or may slightly affect:

- (a) the Company's operations in future financial years; or
- (b) the results of those operations in future financial years; or
- (c) the Company's state of affairs in future financial years.

22. Other information

The Aboriginal Legal Service of Western Australia Limited is incorporated under *Corporations Act 2001* as a public company limited by guarantee, domiciled in Australia. Its registered office and principal place of business is 7 Aberdeen Street, Perth, 6000 Western Australia.

A description of the nature of the Company's operations and principal activities is included in the Directors' report on page 1 and do not form part of this financial report.

Directors' Declaration

In the opinion of the Directors'

- (a) The financial statements and notes set out on pages 7 to 26 are in accordance with the Corporations Act 2001, including:
 - (i) complying with the *Corporations Regulations 2001*, Accounting Standards and other mandatory professional reporting requirements; and
 - (ii) giving a true and fair view of the Company's financial position as at the 30 June 2018 and of its performance, as represented by the results of its operations, changes in equity and its cash flows, for the financial year ended on that date; and
- (b) There are reasonable grounds to believe that the Company will be able to pay its debts as and when they become due and payable.

This declaration is made in accordance with a resolution of the Board made pursuant to s 295(5) of the Corporations Act 2001

On behalf of the directors

A handwritten signature in black ink, appearing to read 'c/p/Bh Tan', is written over a horizontal line.

Chairman
Perth, Western Australia
Date: 21 September 2018

Acknowledgements

Financial Assistance

Australian Government Attorney-General's Department (95% of funding).

Government of Western Australia Department of Corrective Services, Myer Yinhawangka Charitable Trust.

Pro Bono

ALSWA is indebted to the following law firms and lawyers who have generously provided pro bono help.

Barristers: Matthew Howard SC, Greg McIntyre SC, Craig Colvin SC, Claire Harris QC, John Kelly SC, Rachel Young, Justin Edwards and Emrys Nekvapil

Human Rights Law Centre, especially Ruth Barson, Shahleena Musk and Adrienne Walters

Corrs Chambers Westgarth, Gilbert and Tobin, Maurice Blackburn, DLA Piper,

Ashurst Australia, Allens Linklaters, David Scaife, Law Access WA

Donations

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The Aboriginal Legal Service of WA Limited 2018 Annual Report was compiled by ALSWA Media Officer Jodi Hoffmann



Corporate Directory

Company

Aboriginal Legal Service of Western Australia Limited

ACN 617 555 843

ABN 61 532 930 441

Directors

| | |
|---------------------|---|
| Mr Michael Blurton | <i>Chairperson, Non-executive Director</i> |
| Mr Glen Colbung | <i>Deputy-Chairperson, Non-executive Director</i> |
| Mr. Donald Abdullah | <i>Non-executive Director</i> |
| Mr Preston Thomas | <i>Non-executive Director</i> |
| Ms Kathleen Watson | <i>Non-executive Director</i> |
| Mr Jim Lewis | <i>Non-executive, Co-opted Director</i> |
| Mr Paul Baron | <i>Non-executive, Co-opted Director</i> |

Company Secretary

Mr John Poroeh

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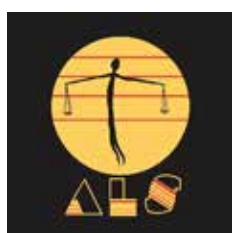
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