

# ANNUAL REPORT 2019

ABORIGINAL LEGAL SERVICE OF WA LTD  
ACN: 617 555 843



CUSTODY NOTIFICATION SERVICE

*SAVING LIVES*

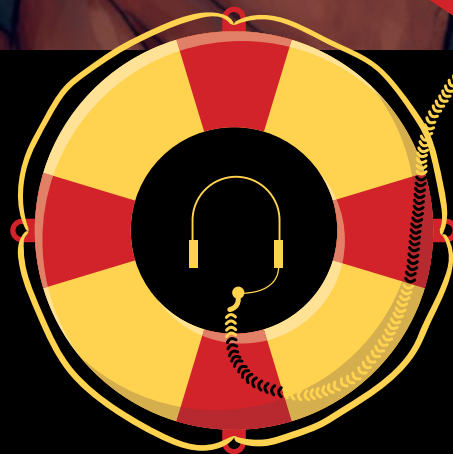


# Deaths inside

Indigenous Australian deaths in custody



## THE 2019 ABORIGINAL LEGAL SERVICE OF WESTERN AUSTRALIA LIMITED ANNUAL REPORT FOCUSES ON THE CUSTODY NOTIFICATION SERVICE (CNS).



Recommendation 224 of the 1991 Royal Commission into Aboriginal Deaths in Custody (RCIADIC) states:

*"...in jurisdictions where legislation, standing orders or instructions do not already so provide, appropriate steps be taken to make it mandatory for Aboriginal Legal Services to be notified upon the arrest or detention of any Aboriginal person...."*

Over 28 years later, the RICIADIC recommendation has finally been heeded in WA. In early 2019, ALSWA entered into a three-year agreement with the Commonwealth Government and the Western Australian Government to provide a Custody Notification Service (CNS) for Western Australia.

The CNS is a phone service operating 24 hours per day 7 days per week every day of the year for Aboriginal people in Western Australia who are detained by WA Police in a police facility.

The CNS will commence operation on 2<sup>nd</sup> October 2019 at 12.01 am.

ALSWA is confident that the CNS will be a life-saving service and reduce the number of Aboriginal deaths in custody in Western Australia.

For more information on Indigenous deaths in custody throughout Australia, Guardian Australia has compiled a comprehensive database outlining deaths between 2008 and 2019 which can be viewed online.



# CONTENTS

Chairperson's Message.....	2	Director Legal Services Report.....	13
Governance .....	3	Custody Notification Service .....	28
About Our Board.....	4	Community Legal Education/Media .....	31
Our Activities.....	5	Tributes .....	36
Who Are We .....	6	Chief Financial Officer .....	38
Quick Facts.....	8	Financial Report .....	39
Chief Executive Officer Report.....	10	Acknowledgements .....	72
National Indigenous Legal Conference .....	12	Corporate Directory .....	73

## 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 stand.

## CULTURAL WARNING

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

# CHAIRPERSON'S MESSAGE

**Michael Blurton**



It gives me great pride to present the Aboriginal Legal Service of WA Limited 2019 Annual Report.

It has been a ground-breaking year for ALSWA with the introduction of Western Australia's Custody Notification Service (CNS). In May 2018 the State Government announced that WA would receive Federal funding to establish a state-wide 24 hour hotline. This was followed up during a WA Government press conference in November 2018 stating that the service was closer to being implemented.

I would like to give special mention to our Executive Management Team and staff members who have worked tirelessly throughout 2019 in establishing this life saving unit through the recruitment of staff and expert training. The CNS will be officially operational from 12.01am on Wednesday 2nd October 2019 and you can find out more about this service throughout this annual report.

My gratitude also goes to our Vice-President Glen Colbung and fellow Board Members, whose knowledge and expertise ensures that ALSWA continues to move from strength to strength in providing legal support and representation for Aboriginal and Torres Strait Islander peoples in this state.

Enjoy reading this report. We are very proud of our work and this report will give you a thorough overview of our operations and the vital role that ALSWA plays within the justice system in Western Australia.



*ALSWA Chairperson Michael Blurton  
and Vice-Chair Glen Colbung*

**Michael Blurton**  
*Chairperson*





# GOVERNANCE



*ALSWA Chairperson Michael Blurton, Vice-Chair Glen Colbung with fellow ALSWA Directors Donald Abdullah, Jim Lewis, Kathy Watson, Preston Thomas and Paul Baron, pictured with (L-R) Peter Collins ALSWA DLS, Bronagh Morgan PA to CEO, John Bedford EO, Victoria Williams Policy and Programs Manager and John Poroch CFO*

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 currently consists of four 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 43 of this annual report.

The last ALSWA AGM and elections took place in Perth in November 2018, with all existing board members maintaining their position. The next AGM will take place in November 2019.



# 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 sixteen years on ALSWA's Committee, nine 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 43 of this report.





# Our Activities

During the year ended 30 June 2019 ALSWA employed approximately 114 staff at its eleven state-wide offices throughout Western Australia.

During this period, legal services were delivered in a professional and culturally appropriate manner for the benefit of over 33,000 clients.

## Assistance by Law Type

3,504



Civil

27,960



Criminal

2,272



Family

33,736



Total

**ALSWA also provided services in administration, community legal education, media and through the Youth Engagement Program.**



# 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.

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.





# 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

**114 staff (38.6% 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, Derby, Geraldton, 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

The WA Custody Notification Service (CNS) will commence operations at  
**12.01 am on 2<sup>nd</sup> October 2019**

# CHIEF EXECUTIVE OFFICER



## Dennis Eggington

Dear Members.

I am pleased to be able to present my report for the 2018-2019 Financial Year.

Our Company has had a great year culminating with an unqualified audit. We have been able to consolidate our current activities while taking on new projects. This has been achieved through our Boards desire to improve what we do and plan for the future. These are our company's major priority areas from our Strategic Plan. These new bold ideas have been strengthened by the Board creating a new senior position Manager Strategic Planning to drive these initiatives. I am proud of these new projects that include the Custody Notification Service (CNS) and an extra years funding for our Youth Engagement Program (YEP).

We will also see coming on line another new service that will help our people with conforming to Bail requirements. This will help reduce the numbers of our people being held in detention facilities. The reason I say I am proud of these developments is simply that Governments and their departments have faith in us to deliver.



ALSWA CEO Dennis Eggington addressing media at the 23rd November 2018 announcement that the Custody Notification Service (CNS) was a step closer to being implemented in WA. Also speaking at the announcement were Federal Indigenous Affairs Minister Nigel Scullion, WA Attorney General John Quigley, WA Police Minister Michelle Roberts and WA Police Commissioner Chris Dawson.





This support for us comes from a new positive working relationship with WA's current government.

Despite these developments our future is uncertain. Since the dismantling of the Aboriginal and Torres Strait Islander Commission (ATSIC) and the mainstreaming of those funds, Aboriginal and Islander Legal Services had been funded through the Indigenous Legal Assistance Program (ILAP) within the Federal Attorney Generals Department.

The Hon Christian Porter MP, Attorney-General of Australia, has announced that his department will cease any grant funding as at the 30th June 2020. After this date the States and Territories will get Commonwealth funding for the next 5 years. What happens then is anybody's guess. States and Territories will be able to choose whoever they wish to deliver legal aid to our communities. We are currently in consultations with the State to secure our future, at the same time working with the Commonwealth to place caveats on its funding to ensure services are cultural secure with self-determination principles applying.

My sincere thanks to all our hard working staff. They continue to provide our mob with a service second to none. Thanks also to our Executive Management Team who have been very supportive and shown the leadership necessary to run a successful organisation like ours.

A special thanks to our President Mr. Michael Blurton and our Board of Directors. Their support is greatly appreciated.

**Dennis Eggington**  
CEO

# NATIONAL INDIGENOUS LEGAL CONFERENCE

The 13th National Indigenous Legal Conference took place at the University of Western Australia in Perth in September 2018.

The conference theme was 'Sovereign Laws, Peoples and Voices' and ALSWA CEO Adjunct Professor Dennis Eggington joined other key speakers including the Honourable Robert French AC, Professor Megan Davis, Professor Irene Watson, Mr Jeremiah Riley, Mr David Saylor and Master of Ceremonies Ashley Truscott.



*ALSWA staff members attending the NILC*



*Dennis Eggington's keynote address at the NILC - 'The Road to Parallel Sovereignty - Rights in a Historical Context'*



# DIRECTOR LEGAL SERVICES



**Peter Collins**

## ALSWA's lawyers and court officers showing the way as always

ALSWA's lawyers and court officers work in an environment where it is easy to be critical and ALSWA is often on the receiving end of unfair and ill-informed criticism from all and sundry; unhappy clients, judicial officers, prosecutors and police, the list is almost endless.

However, I want to acknowledge what those who have a more nuanced understanding of ALSWA and its workings know implicitly; the lawyers and court officers who are in the trenches on a daily basis are a dedicated and committed group of skilled professionals who provide high quality culturally secure legal services to the most vulnerable in our community, striving always to achieve justice in what is sometimes an incredibly unjust system. So to ALSWA's hard working lawyers and court officers; I salute you.

## EYO -v- The State of Western Australia [2019] WASCA 129

Not only is ALSWA an indispensable presence on a daily basis in Magistrates and Children's Courts, ALSWA has a proven track record in important litigation which changes the judicial landscape in WA. ALSWA's involvement in the Court of Appeal cases of EYO -v- The State of Western Australia [2019] WASCA 129 shows why.

EYO was convicted of criminal offences after a trial in the Broome District Court (pictured) and was sent to jail. EYO made admissions to police in a record of interview.

Before his interview, EYO received legal advice from an ALSWA lawyer, told the lawyer that he did not wish to be interviewed



This advice was ignored by police and the interview proceeded.



The appeal succeeded. The Court of Appeal held that the trial judge erred in admitting the client's record of interview with police into evidence. The Court made the following important statements of principle:

1. The Court affirmed the relevance of the Anunga Rules in the interrogation of Aboriginal suspects;
2. In particular, the Court affirmed guideline 8 of the Anunga Rules:

*Should an Aboriginal seek legal assistance reasonable steps should be taken to obtain such assistance. If an Aboriginal states he does not wish to answer further questions or any questions the interrogation should not continue*

3. In relation to the letter sent by ALSWA advising police that EYO had instructed ALSWA that he did not wish to participate in an interview with police or answer any questions, the Court said:

We observe, in relation to guideline 8, that while interviewing officers are generally entitled to ask further questions to clarify an accused's position and to determine whether a refusal applies to all questions or only a particular topic, it has been held that the position may well be different where a lawyer acting for a client whose first language is not English tells police in clear terms that his or her client does not wish to answer any questions.

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admissibility of interviews. As well, this is the first time in living memory that a superior court in WA has stressed the importance of the second limb of the caution in determining the admissibility of an interview.

6. The Court held that the police did not respect EYO's right to silence as expressed in the letter sent to the police by the ALSWA lawyer and by EYO in his interview when he told police that he did not want to answer questions

This case will be a game changer, forcing police to alter long held interviewing practices and in turn providing much needed protections to vulnerable Aboriginal people in police custody.

## Detention Conditions for Juveniles

The findings of Royal Commission into the Protection and Detention of Children in the Northern Territory highlighted the appalling treatment of a number of Aboriginal detainees at the Don Dale juvenile detention facility. The situation is very arguably as dire at Banksia Hill Detention Centre, as the following case starkly illustrates.



*Peter Callaghan SC, Commissioner Mick Gooda, Commissioner the Hon Margaret White AO, Tony McAvoy SC  
(Source: Royal Commission into the Protection and Detention of Children in the Northern Territory website)*

AB is an extraordinarily damaged and vulnerable 17 year old who has been diagnosed with FASD. He has spent most of his teenage years either on remand or serving sentences of detention in Banksia Hill Detention Centre (BHDC). AB is also the subject of a protection order with the Department of Child Protection and Family Services until the age of 18, ie he is a "state ward".



While AB was serving a sentence of detention in BHDC, AB was charged with several offences involving detention centre staff. All offences were alleged to have been committed on the same day.

The day after the incident, AB was transferred to a wing in BHDC where he was subjected to 25 consecutive days of being locked in his cell by himself, save for two one hour periods each day when he was permitted into a cage-like small concrete basketball court area where he was also not allowed to spend time with other detainees. Put simply, AB was held in solitary confinement like conditions for 25 days.

AB's charges were heard before a Visiting Justice of the Peace in BHDC.



The Young Offenders Act 1994 prevents young people from being represented by a lawyer when facing detention charges which are dealt with at BHDC rather than in a Children's Court. The Act allows for a young person to be represented by a suitable person other than a lawyer, but AB was unrepresented, and was not permitted to contact someone who might have been able to represent him.

At the hearing AB pleaded guilty to a charge of assault involving throwing milk; guilty to a charge of using threatening language; not guilty to a charge of assault involving striking; and not guilty to a charge of assault involving spitting.

AB was convicted on all charges. AB was given the maximum available sentence of 14 days detention in respect of each charge. The sentences were directed to be served cumulatively on each other, ie AB was sentenced to 56 days detention. AB was also sentenced to cell confinement (solitary confinement) for 48 hours in respect of each charge, ie 8 days solitary confinement. This was also the maximum period of confinement available on each charge.

There is no right of appeal contained in the Young Offenders Act against sentences imposed for offences dealt with internally at BHDC.



AB was not provided with a copy of the charges he was facing. He was also not given an opportunity to gather, examine or present other evidence in his defence including CCTV footage. AB instructed that at the start of the hearing the Visiting Justice advised him that she expected that any version of events provided by him would inevitably contain lies. The Visiting Justice also told AB that she expected to see AB appear before her in the future.

ALSWA was advised of the sentences imposed on AB after he had already served six (6) days in solitary confinement. ALSWA was alerted to AB's situation not by AB himself, but by an individual who was concerned for his welfare.

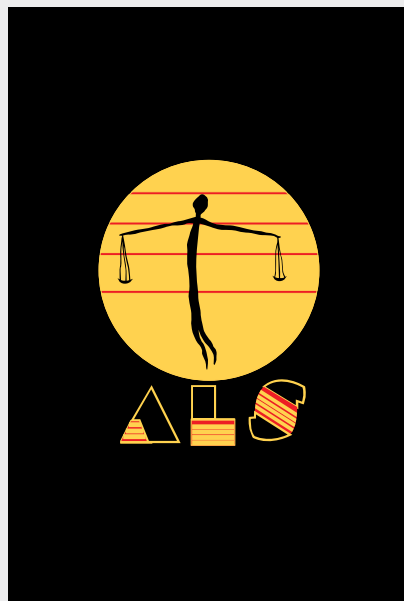
The State of WA subsequently accepted that the decisions of the Visiting Justice should be quashed, but reserved the right to charge AB again with the same offences.

ALSWA then instituted proceedings against the Department of Justice in the Supreme Court where Chief Justice Quinlan issued a writ of certiorari and quashed the decisions made by the Visiting Justice, pending a final hearing in relation to the matter.

At the final hearing (which is yet to take place), ALSWA will seek a permanent injunction restraining the Department from charging AB again with any offences arising out of the original incident.

An overview of the Royal Commission can be viewed online at: <https://www.royalcommission.gov.au/sites/default/files/2019-01/rcnt-royal-commission-nt-report-overview.pdf>

Lexi Lachal and Eloise Langoulant (pictured), passionate and highly capable young lawyers from ALSWA's Civil and Human Rights Law Unit, have been acting on behalf of AB. Lexi also appeared for AB before the Chief Justice when the original decision of the Visiting Justice was quashed.



ALSWA is also fortunate that Andrew Broadfoot QC and Tanya Skvortsova from the Victorian Bar have kindly provided pro bono assistance in this matter.

Not so long ago, ALSWA would have had the funds to brief counsel using Expensive Indigenous Case Fund monies, but the Commonwealth Government now requires ALSWA to seek pro bono help in these important cases.

It is obvious that nothing much has improved in WA for young Aboriginal detainees notwithstanding the evidence and findings of the Royal Commission into the Protection and Detention of Children in the Northern Territory.

### Family Court of WA's Djidji Nyitti (Little Children) project in the East Pilbara

ALSWA's Family Law Unit participated in a Family Court of Western Australia pilot offering a simplified, accessible and culturally appropriate family law service delivery model for Martu Aboriginal people during sittings of the Family Court in Newman in the East Pilbara.

The pilot was named Djidji Nyitti, which is a Martu phrase meaning little children.

Important features of the court sitting included the presence of a Martu interpreter, no requirement for clients to make appointments or to complete any paperwork, the holding of Court hearings in an informal 'roundtable' setting – with the judicial officer and lawyers in less formal attire – and clients 'leading' the proceedings, assisted by the interpreter, by telling their stories and being given the time they needed to do so, at their own pace.

Aboriginal families which had been caring for children over long periods – where the parents are not available to care for the children and agreed informal care arrangements are in place – were in several cases able to obtain orders from the Court granting them parental responsibility for those children. Such orders can allow family carers to engage more easily with schools, medical providers, Centrelink and other agencies, where ordinarily a parent might need to provide consent in respect of the child.

A further benefit – which gives effect to one of the major aims of the pilot – is that the risk of children going into the child protection system is reduced where Family Court orders are made, thereby allowing children to remain living safely within their family instead of being moved into general foster care, which often results in separation of children from family and country.

The former managing lawyer of ALSWA's Family Law Unit, Neil Anderson, and Aboriginal lawyer, Jonathon Reid, (pictured) represented Martu clients participating in the pilot.







Mrs J is a Martu Aboriginal woman from the East Pilbara. She has a number of children from her extended family living with her on a long term basis.

*Statement of Mrs J*

*There was too many people, I had to repeat myself too many times, it was very scary and frightening, that was just to get some advice. I didn't go back there again.*

Going through this Family Court I didn't know who the judge was, they were dressed in normal clothes. It was very calm. It really helped me to open up properly, opened up my feelings. I had a good cry. I cried when my daughter/niece ("R") said she was happy for me to look after her child. She then talked about how I raised her up good way. We didn't really talk about this before. We didn't really even talk about the care arrangements for the children before this - they just happened. Talking about it made me feel good and I think it made her feel good too. We were all happy with the decision we made.

*I cried when I told my story in the Family Court. Everyone was crying. They really listened. It was a real people's court. I felt lighter when I walked out like a big weight off my shoulders. I was worried before court because I didn't want to mess the family arrangements up. In this court everybody got listened to. Some of the families just wanted short arrangements to be made, and some wanted longer arrangements made. It has been good learning about what the family court can do to help us. It can be a good way, and our way is a good way too – it's about getting a balance. Two-way balance.*

19





*families break up and the wife has more children the dads can get very jealous. They don't want the new man to have anything to do with their children. And a lot of times the mother's new partner gets jealous of her children. So the children from those marriages stay with other family. Like us now. I don't know how the Family Court will work if the mum and dad have to come together in the same room. It could be bad because they might fight. Maybe the mother will have to come on her own.*

*A lot of people are still thinking. They need to time to think if they want to do things this way. It might look like they are not interested because they didn't come to see the Family Court but they are still thinking. They are not sure yet.*

## Changes to Funding Arrangements

Since 2005, ALSWA has been funded exclusively through the Commonwealth Attorney General's Department's Indigenous Legal Assistance Program (ILAP) for the delivery of front line legal services to the Aboriginal community in WA.

In a shock move and without any prior consultation with ALSWA, the Commonwealth Government announced in the Federal Budget in May 2019 that it would dismantle ILAP and that funding would be rolled out through a new Single National Funding Mechanism for the legal assistance sector for a two year period from 1 July 2020.

This decision runs counter to the findings of a 2018 government initiated, independent review, which found that, through ILAP funding, Aboriginal Legal Services provide cost-effective, high-quality, culturally appropriate and accessible services. The review also referred to an "an increasing body of evidence in Australia and internationally" that the best-practice approaches to addressing Aboriginal disadvantage involved community controlled responses to challenges that affect them.

This will mean that for the first time in its history, ALSWA will be required to negotiate funding for front line service delivery with the Commonwealth and State Governments. The risks for ALSWA's future are manifold:

- Funding uncertainty beyond the two year single mechanism funding period;
- The "mainstreaming" of ALSWA's services with non-Aboriginal legal aid sector services, compromising ALSWA's ability to provide culturally safe legal services to Aboriginal people in need;
- An increase in unrepresented Aboriginal people in the justice system in the event that ALSWA is required to adopt non Aboriginal legal aid sector providers' eligibility criteria for the provision of legal services
- Over the years, ALSWA has been a fierce critic of oppressive State Government laws and policies, however, the inclusion of "gag" clauses in funding arrangements, may preclude ALSWA from making public comments in this space

On a positive note, ALSWA has been working closely with the State Government to ensure that under a Single National Funding Mechanism, ALSWA's future and independence is guaranteed, along with increased funding.



## Custody Notification Service (CNS)

Recommendation 224 of the 1991 Royal Commission into Aboriginal Deaths in Custody (RCIADIC) states: “..in jurisdictions where legislation, standing orders or instructions do not already so provide, appropriate steps be taken to make it mandatory for Aboriginal Legal Services to be notified upon the arrest or detention of any Aboriginal person....”

This recommendation was made in response to two principal concerns. First, it was believed that by providing an Aboriginal accused with legal advice delivered in a culturally sensitive manner at the earliest possible opportunity would them from acquiescing to police demands in a manner which could jeopardise their subsequent court proceedings. Second, custody notification would facilitate a welfare check which would serve to calm an otherwise distressed Aboriginal accused and prevent self-harm or suicide.

Over 28 years later, the RICIADIC recommendation has finally been heeded in WA. In early 2019, ALSWA entered into a three-year agreement with the Commonwealth Government and the Western Australian Government to provide a Custody Notification Service (CNS) for Western Australia. The CNS is a phone service operating 24 hours per day 7 days per week every day of the year for Aboriginal people in Western Australia who are detained by WA Police in a police facility. It is expected that the CNS will commence operation in October 2019.



*Federal Indigenous Affairs Minister Nigel Scullion addressing media at the 23rd November 2018 announcement that the Custody Notification Service (CNS) was a step closer to being implemented in WA. Also speaking at the announcement were ALSWA CEO Dennis Eggington, WA Attorney General John Quigley, WA Police Minister Michelle Roberts and WA Police Commissioner Chris Dawson*



*Custody Notification Service Manager Hayley O'Hara in one of the ALSWA offices set up specifically for CNS work*

The CNS will be staffed on a roster basis by seven staff members: five lawyers (including one managing lawyer) and two Aboriginal support workers.

Under proposed new laws in Western Australia, WA Police will be required to phone the CNS every time an Aboriginal person is arrested or apprehended and detained in a police facility throughout the state. This covers both children and adults. There are multiple reasons why a person may be arrested or apprehended and taken to a police facility including that the person may have been arrested for an offence; arrested on a warrant (e.g. to return to prison or to attend court); apprehended for their own safety due to intoxication; detained for the purpose of being served with an order (e.g. family violence restraining order); or arrested on a warrant of commitment for unpaid fines).

WA Police will phone the CNS and advise the CNS staff member of the name of the person detained; why that person has been arrested or apprehended; the name and contact details of the responsible

police officer; whether the detainee is likely to be released on bail (if arrested for an offence) and if not, where that person will be taken; and other relevant details. The WA Police must provide a reasonable opportunity for the detainee to speak with the CNS staff member and the responsible officer must make themselves available to speak with the CNS staff after the phone communication between the CNS and the detainee has finished.

The key objectives of the CNS are to:

1. provide an immediate health and welfare check to minimise harm to the detainee;
2. provide relevant preliminary legal advice to the detainee about their rights and responsibilities; and
3. wherever possible and appropriate, refer the detainee to external services and programs that may assist the detainee with ongoing health and welfare needs (e.g. health services, mental health services, drug and alcohol services, homelessness services, counselling services and family violence services); and
4. wherever possible and appropriate, conduct a 'fine check' with the detainee with a view to establishing if the detainee has unpaid fines registered with the Fines Enforcement Registry and, where possible, liaise with the Fines Enforcement Registry to assist the detainee to enter into a 'time to pay' arrangement with the Fines Enforcement Registry.

CNS staff have completed a four-week intensive training program which has included comprehensive legal training as well as training from external experts about mental health, youth mental health, suicide prevention, disability, telephone communication skills, cultural competency, trauma, referral skills and using Aboriginal language interpreters. Staff from the Fines Enforcement Registry also presented to staff during the training period. Staff also participated in mock calls as part of the training package.

The law firm King & Wood Mallesons have provided extensive and valuable pro bono support to the ALSWA to establish the Custody Notification Service.

From mid-March, a team of 35 volunteers (including Partners, Senior Associates, Solicitors and Human Resources staff) across all five national centres have assisted ALSWA with the following:

- Providing advice to ALSWA about aspects of the Grant Agreement with the Commonwealth Government
- Drafting CNS specific employment contracts
- Drafting relevant policies required under the Grant Agreement including a conflict of interest policy, remote working policy, fraud control policy and complaints policy
- Providing advice about rostering tools to assist with the mechanism for rostering a 24 hour 7 day per week service
- Drafting over 40 discrete sections covering with relevant areas of law for CNS staff including the different circumstances in which an Aboriginal person may be arrested or apprehended by WA Police and held in custody in a Police Facility
- Assistance with training by offering volunteers to role play for mock CNS calls

This dedicated team led by Dan Creasey, Head of Pro Bono & Community Impact (Melbourne office) and Stephanie Puris Senior Associate (Perth office) have so far provided well over 500 hours of pro





bono work. They worked outside their ordinary working hours, evidenced by regular and ongoing correspondence with ALSWA at night and on weekends.

ALSWA is extremely grateful for their invaluable assistance.

ALSWA is also grateful for the support for the CNS provided by senior police, including Police Commissioner Chris Dawson, Superintendent Geoff Stewart and Inspector Stuart Mearns.

I would also like to acknowledge ALSWA's Victoria Williams. Victoria has worked tirelessly to establish the CNS and her outstanding contribution has been instrumental in ensuring that the CNS will be implemented to the highest standard.

## Youth Engagement Program

ALSWA Youth Engagement Program (YEP) continues to go from strength to strength.

YEP employs three full time Aboriginal diversion officers, Roy Blurton, Monique Kickett and Sasha Greenoff.

The program has also been fortunate to host four UWA Master of Social Work volunteer interns during the past financial year with each student participating on a full time basis for up to 16 weeks. These students provide invaluable support to the diversion officers during their placement.

From 1 July 2018 to 30 June 2019, YEP supported 95 young people. Since inception, 150 young people have participated in the program.

The program provides a range of individualized and culturally secure services to young people depending upon their particular needs and circumstances. These services include mentoring; court support; advocacy; referrals to other support services; case management; transport assistance; support at appointments with various external agencies including Youth Justice Services; accommodation assistance; assistance to reengage in education and/or training; support to attend medical appointments and check-ups; practical help (such as obtaining birth certificates, Medicare cards, bank accounts and Centrelink payments) and participation in positive recreational activities.

In this financial year, ALSWA was fortunate to receive a special grant from the Criminal Lawyers Association of WA to enable clients to participate in two Bike Rescue programs run by Dismantle Pty Ltd. The Bike Rescue program involves the young people refurbishing a bike with youth workers assisting and each graduate is able to retain the bike at the end of the program. The Bike Rescue program consists of two three-hour sessions each week over a three week period. Six YEP clients participated in the first ALSWA Bike Rescue program in Term 1 of 2019. Five of these clients graduated from the program completing between nine and 15 hours. Three YEP clients participated in the second ALSWA Bike Rescue program held in Term 2. Two of these young people completed the program (undertaking 12 hours each). Both were offered the opportunity of voluntary work experience with Dismantle. One young person has attended weekly voluntary work experience sessions and is now undertaking paid work with Dismantle for one full day per week. He has recently been awarded 'employee of the month'.

YEP continues to make 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/





- ## ALSWA's Pro Bono Partners

- Barristers: Matthew Howard SC, Greg McIntyre SC, Claire Harris QC, John Kelly SC, Andrew Broadfoot QC, Andrew Morrison QC, Jason Gullaci, Rachel Young, Justin Edwards, Tanya Skvortsova, Varun Ghosh, Greg Barnes, Samuel Burt and Emrys Nekvapil
- Human Rights Law Centre, especially Ruth Barson, Shahleena Musk and Adrienne Walters
- King & Wood Mallesons
- Corrs Chambers Westgarth
- Gilbert and Tobin
- Maurice Blackburn
- DLA Piper
- Ashurst Australia
- Allens Linklaters
- Sparke Helmore
- Slater and Gordon
- Eureka Lawyers
- Law Access WA
- Tom Cannon of PJ Cannon Coburn Lawyers
- Dominic Brunello of Robertson O’Gorman Solicitors



## Volunteers

Volunteers continue to provide valuable assistance to ALSWA. In particular, several of ALSWA's regional offices have benefited from the help provided by law students and graduates in reviewing prosecution briefs, watching police interviews and preparing written advices on the law.

I would like to thank all of ALSWA's volunteers for their efforts.



*ALSWA Kalgoorlie Managing Solicitor Miriam Kelly (on right) pictured with volunteers Richa Malawiya & Caroline Gann*

## Acknowledgements

I would like to thank ALSWA's Executive Management Team and ALSWA's Board for their guidance and assistance.

I would also like to acknowledge the support and assistance provided to me over a number of years by John Bedford in his role as Deputy CEO. I wish John all the best for the future.

**Peter Collins**  
*Director Legal Services*



*ALSWA DLS Peter Collins, ALSWA Chairperson Michael Blurton, ALSWA Vice-Chair Glen Colbung and ALSWA EO John Bedford*



# CNS

## CUSTODY NOTIFICATION SERVICE

**Under new laws in WA, every time an Aboriginal or Torres Strait Islander person is taken into custody at a police facility, the police must notify the Aboriginal Legal Service of WA (ALSWA) CNS.**

The ALSWA CNS is a phone service that operates **24 hours a day, 7 days a week**, every day of the year.

The phone service provides welfare and legal advice to Aboriginal and Torres Strait Islander people in custody in a police facility.

The person in custody will be able to speak to the CNS staff member about things like:

- » **how they are feeling;**
- » **whether they need medical attention or access to medication;**
- » **whether they need the assistance of an interpreter or a support person while in custody;**
- » **whether they would like the CNS to contact a family member;**
- » **their legal rights and responsibilities while they are in police custody;**
- » **information about the reason they are in custody and what is likely to happen next; and/or**
- » **whether they need help with anything when they are released from custody (the CNS can make referrals to services in the community if the person in custody wants this).**

If you are arrested or apprehended and taken to a police facility, the police will telephone the CNS.

The police will ask you if you want to speak to the ALSWA CNS.

The ALSWA CNS would like to talk to you to make sure you are ok and explain various things to you.

Even if you don't want a lawyer from ALSWA to represent you later on, the CNS staff member would still like to talk to you to check you are ok and provide you with important initial legal advice. If requested, the CNS can send information to your lawyer of choice.



# CUSTODY NOTIFICATION SERVICE

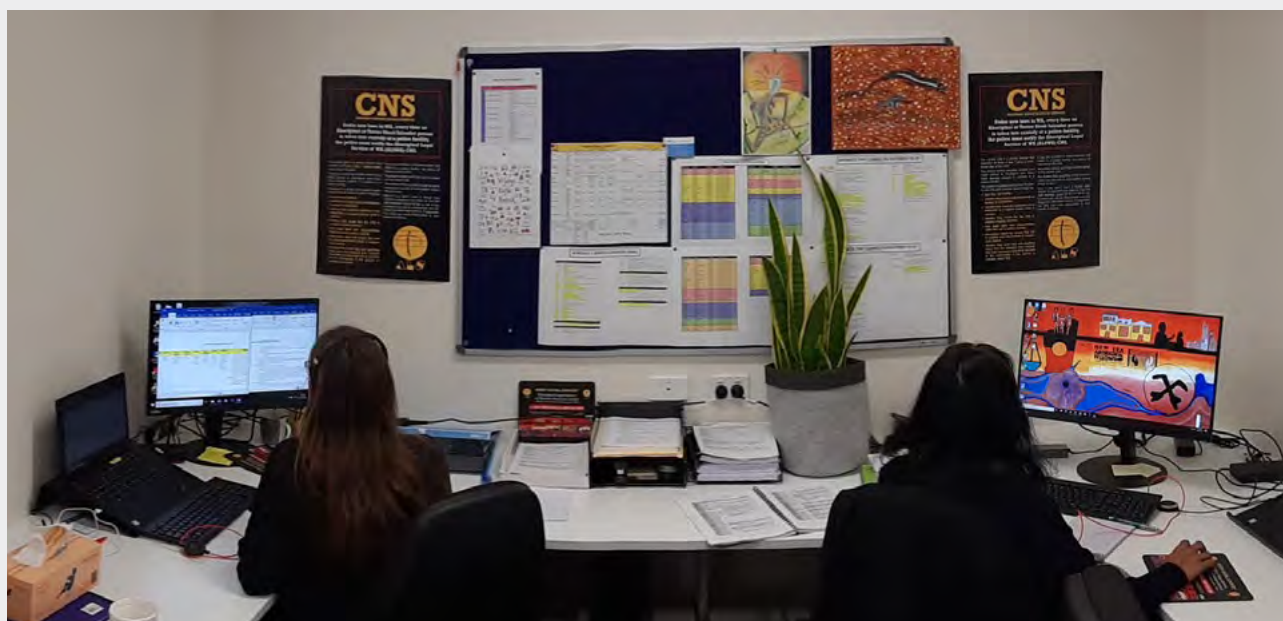
The Aboriginal Legal Service of WA Ltd (ALSWA) will commence operation of the long awaited Custody Notification Service (CNS) in early October 2019. ALSWA CEO Dennis Eggington says the CNS will save lives, and is proud that ALSWA will run this vital and much needed service.

It has been an intensive year for the legal service in establishing the CNS and employing and training the seven full-time staff who will work solely in this area. Five lawyers (two Aboriginal) and two Aboriginal support workers will be rostered around the clock, 24 hours a day, 7 days a week, every day of the year.

The primary objective of the CNS is to reduce deaths in police custody and protect the health and wellbeing of Aboriginal people. The CNS will provide the opportunity for every Aboriginal adult or child taken into a police facility to speak with a trusted CNS lawyer and/or support worker about their immediate health, welfare and legal needs. Those requiring CNS assistance will also be provided with links to culturally competent support services in the community.

After many years of advocating, ALSWA CEO Dennis Eggington is reassured that WA now has its own CNS. "It's an absolute tragedy that over four hundred of our people have died in custody since the Royal Commission into Aboriginal Deaths in Custody (RCIADIC). Most of those deaths occurred in Western Australia. Since NSW established a CNS eighteen years ago, there has been one Indigenous death in custody, which shows that this really is a lifesaving service" said Mr. Eggington.

Mr. Eggington described the ALSWA CNS unit as "an incredible team who have undergone a rigorous expert training program in many areas including cultural awareness, relevant legal issues, mental health, disability, suicide prevention and trauma informed practice".





Following the training, the CNS conducted a five-week trial in conjunction with the WA Police with notifications being received from selected police stations across the state. This trial provided ALSWA and the WA Police with an opportunity to work together closely to streamline processes and ensure that the CNS operates effectively.

- The CNS is underpinned by Police Regulations which make it mandatory for WA Police to phone the CNS every time an Aboriginal person is detained in a police facility in Western Australia, whatever the reason;
- While the CNS in WA is largely modelled on the NSW CNS, it will apply more broadly because it is not limited to circumstances where an Aboriginal person is arrested for an offence;

The CNS will ensure that Aboriginal people arrested and taken into police custody receive fundamental legal advice, and that a welfare check is undertaken at the earliest opportunity. Commissioner Dawson has already made great steps in strengthening relationships between the WA Police Force and the Aboriginal community, with the establishment of an Aboriginal Affairs Division. The introduction of a CNS will provide appropriate safeguards for Indigenous people in custody and also Police. It is intended that a new regulation to the Police Act 1892 (WA) will be tabled in Parliament in the first half of 2019, soon after the ALSWA confirms that it has its staff recruited and trained."

**WA Police Minister Michelle Roberts**



The Coronial Inquest into the tragic death of Ms Dhu recommended that the State Government give consideration to establishing a State-wide 24 hours per day, seven days per week CNS. It was also a recommendation from the 1991 Royal Commission into Aboriginal Deaths in Custody. I am pleased to say that the McGowan Labor Government has taken this important recommendation on board and that the CNS is now a step closer to implementation. As with the CNS in New South Wales, the CNS in WA will be mandated by regulations under the Police Act 1892 (WA), which have been drafted and will be tabled in Parliament when the service is ready to begin. The ALSWA, who will be the service provider, will now begin to recruit and train lawyers and support staff to operate this important service."

**WA Attorney General John Quigley**



- It also includes situations where Aboriginal people are apprehended for other reasons. For example, the CNS will be notified if an Aboriginal person is apprehended and taken to a police facility under the Mental Health Act; if an Aboriginal person is detained under the Protective Custody Act due intoxication; and if an Aboriginal person is arrested on a warrant (including warrant for breaching bail, warrant to return to prison for breaching parole or a warrant of commitment for unpaid fines);
- The CNS is jointly funded by the Commonwealth Government via the National Indigenous Australians Agency and the State Government (Department of Justice). Under the agreement with the Commonwealth Government, the CNS is required to refer Aboriginal people to external programs and services wherever possible to enable Aboriginal people to access appropriate supports in the community once they are released. In addition, under the agreement with the State Government, the CNS will help Aboriginal detainees with outstanding fines by linking them with the Fines Enforcement Registry and facilitating time to pay arrangements if possible.



WA Police Commissioner Chris Dawson spoke on ALSWA's Law Matters program in May 2019 about the **Custody Notification Service**, along with the WA Police Reconciliation Action Plan which was launched during Reconciliation Week. This interview can be heard on the ALSWA website [www.als.org.au](http://www.als.org.au)

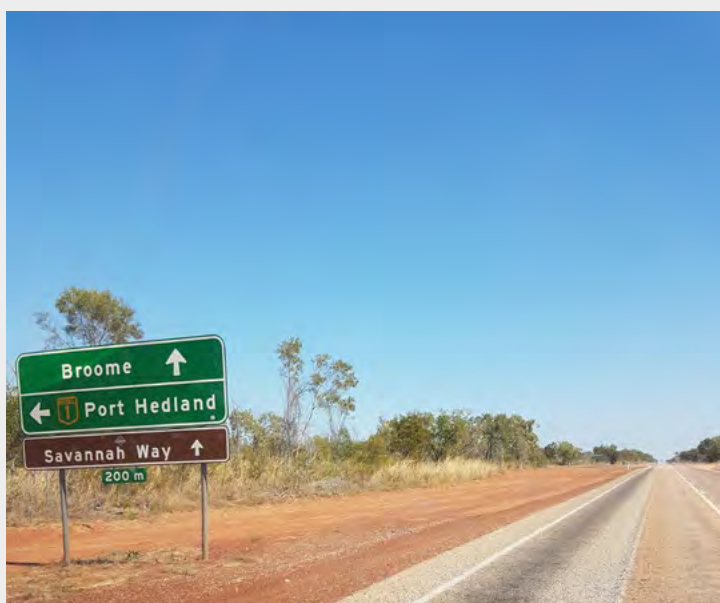


I am pleased that the McGowan Government has accepted the Commonwealth's offer to help fund this important service, which will operate around the clock, 24 hours a day, seven days a week. The Coalition Government has been advocating for the CNS because it ensures access to fundamental legal rights, no matter if a person is taken into police custody in a metropolitan, rural or remote location. This includes persons who are not charged with an offence. Since the CNS was implemented in NSW in 2000, no Aboriginal or Torres Strait Islander person has died in police custody where the CNS has been contacted. This goes to show that the CNS works, that it is effective and saves lives." **Federal Indigenous Affairs Minister Nigel Scullion**





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responsibilities with police (including the right to silence): police complaints: and racial discrimination



Sasan Khand/ RESWARs CEE Office also conducted various CEE sessions

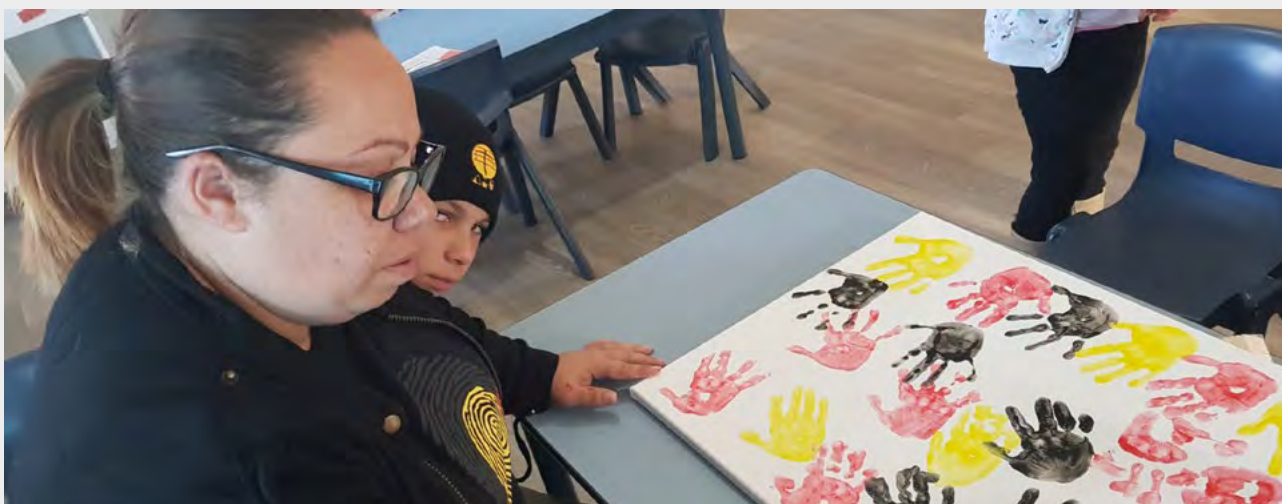
- NAIDOC Opening Ceremony Supreme Court Gardens and NAIDOC ALSWA stalls at Mirrabooka, Armadale, Ashfield (July 2018);
- Girls Academy Mandurah Years 7/8 and Years 9/10 (October 2018);
- Yangebup Family Centre (November 2018);
- The Beacon (August 2018);
- Weld Square (April 2019);

Through her role, Sabah continued to meet with stakeholders across the state to develop appropriate CLE activities and resources including with



Legal Aid WA (in particular in relation to the Blurred Borders Resource Kit), Wungening Corporation, NT CLE Network, Life Without Barriers, WA Police, Curtin University, CREATE Foundation, Gumala Aboriginal Corporation, Broome CLE Network, Relationships Australia, Boomerang Care, Yawuru Technology Group, City of Cannington and Consumer Credit Legal Services.

ALSWA wishes Sabah the very best for the future as she will embarking upon new employment in July 2019.



ALSWA staff enjoy meeting with community members and talking about the work of ALSWA during NAIDIC Week, with stalls pictured here representing Perth, Albany and Kalgoorlie





## Media

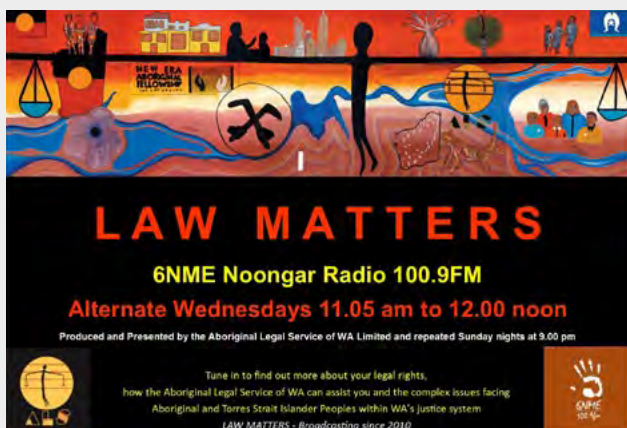
ALSWA has maintained a strong presence in the media with no shortage of issues to discuss. Media Officer Jodi Hoffmann has continued to produce ALSWA's fortnightly Law Matters radio program which has now been on air since 2010, and is broadcast locally in Perth on Noongar Radio, in regional WA on community stations and nationally via the National Indigenous Radio Service.

142 programs have now been aired with guests during 2018/19 including WA Police and Road Safety Minister Michelle Roberts, Parliamentary Education Officer Peter Dooley, Retiring WA Chief Justice Wayne Martin, Mel Thomas UWA, Calla Wahlquist The Guardian Australia, Richard Weston

Healing Foundation, WA Chief Justice the Hon Peter Quinlan SC, Paul Kaplan The First Nations Deaths in Custody Watch Committee, Dr Hannah McGlade, Mark Woods Law Council of Australia, Greg McIntyre Law Society of WA President, Iain Cameron Road Safety Council, Brendon Barlow Australian Electoral Commission, Jim Morrison Yokai, Dominique Hansen Law Access.

ALSWA is also regularly invited to take part in the Moorditj Mag program on RTR-FM, a weekly program hosted by Jim Morrison and Nick Abraham.

Jodi Hoffmann was honoured to be invited to take part in their special Sorry Day broadcast over four hours at Optus Stadium in Perth.



ALSWA CEO Dennis Eggington at 6NME Noongar Radio in Perth



ALSWA lawyer Chloe Wood on Law Matters



RTR-FM and Noongar Radio Sorry Day broadcast from Optus Stadium. ALSWA Media Officer Jodi Hoffmann back row, 2nd from right

## In Other News

### SPEAKING OUT ABOUT ALSWA

ALSWA is frequently asked to speak with individuals, groups and organisations about the role of the Aboriginal Legal Service of WA Ltd. ALSWA's role is very unique within WA's justice system, so it is therefore important to speak about the vital work undertaken at ALSWA offices throughout WA.



ALSWA's Genna Blurton, Jarra Somerville, Julie Waud, Eloise Langoulant and Sasha Greenoff speaking with staff at Legal Aid WA about the Aboriginal Legal Service of WA, the role of court officers and the Youth Engagement Program.

### MEETING WITH COMMUNITY MEMBERS

ALSWA was invited to meet with Elders and community members from Quairading and talk about services provided by ALSWA. President Michael Blurton is from Quairading and he and ALSWA lawyer Lexi Lachal enjoyed visiting the group and sharing information about how ALSWA can assist community members requiring legal support or representation.







## GRADUATION

Congratulations to ALSWA's Darlene Summers, Genna Blurton (ALSWA Criminal Unit Court Officers) and Roy Blurton (Youth Engagement Program) who obtained their Certificate 3 in Community Services. Their enhanced skills gained through completion of the Strong Spirit Strong Mind Aboriginal Program Mental Health WA will be of great benefit in their ongoing work with ALSWA.

## THE HODGE AWARD

Congratulations to ALSWA lawyer Georgia Herford, joint winner of the 2019 Hodge Award. This award is named in honour of WA criminal lawyer, the late Andrew Hodge and is an annual award recognising the contribution made by a young criminal lawyer to the practice of criminal law in WA. Congratulations also to ALSWA lawyer Kathleen Heath who was the 2018 recipient of this award.



Georgia Herford



Kathleen Heath

## ROTTNEST SWIM RAISES MONEY FOR YOUTH PARTNERSHIP PROJECT

A combined team of lawyers from the Aboriginal Legal Service and Police Prosecutors teamed up and crossed the Rottneest Channel to raise money for the Youth Partnership Project.



In Western Australia, 1 in 2 kids who are released from Banksia Hill Detention Centre will walk back through its gates within 2 years. The Youth Partnership Project is trying to change that story, by helping vulnerable young people with complex needs get the support that they need to thrive. The idea is to keep kids engaged in their schools and communities, and out of the criminal justice system. As the name suggests, the Youth Partnership Project is all about collaboration and cooperation between different organisations and agencies.

ALSWA's Kathleen Heath, Georgia Herford and Rob Owen joined up with Cillian Stockdale, Mark Henry, Ben Procopis, and Bob Rundle and raised much needed funds by swimming the 19 kilometres during the Rottneest Swim.



## FOURTH ANNUAL 2019 LAW ACCESS WALK FOR JUSTICE

ALSWA Lawyers Eloise Langoulant, Chloe Wood, Lexi Lachal and Alice Barter took part in the fourth annual 2019 Law Access Walk for Justice. The walk celebrates the pro bono work of the legal profession of Western Australia and raises funds for the charity Law Access who matches individuals and community organisations seeking legal assistance with pro bono lawyers.





# TRIBUTES

## **Mr. Clarrie Cameron**

Mr Cameron brought a wealth of knowledge to the ALSWA Board in his former capacity as the representative for the Murchison/Gascoyne region. With strong networks throughout many areas, Mr. Cameron had a great understanding of the complex issues facing our people within the justice system. He was deeply committed to being a strong advocate in speaking out about injustice and was greatly respected by our organisation. Mr Cameron passed away in September 2018 and is greatly missed. ALSWA is grateful for his input into our organisation over many years.

## **Mr. Ian Tucker**

Mr. Tucker was a highly respected and passionate advocate for the rights of Aboriginal people and was a former ALSWA Board member representing the Goldfields region. His long-standing involvement on the ALSWA Board ensured that he could not only highlight the relevant issues within his own community, but could also take information back for the benefit of his community in relation to justice issues in WA. Mr Tucker passed away in October 2019 and will be sadly missed. ALSWA thanks him for many years of highly valued service and commitment to our people in Western Australia.

## **Mr. Leigh Jones**

Mr Jones was ALSWA's South Hedland Managing lawyer from 1998 to 2001. Hardworking and dearly loved by colleagues and clients, Leigh is also fondly remembered for his hospitality, fishing trips and BBQ's.

## **Mr. Angus Bottrill**

Mr. Bottrill spent eight years with ALSWA during its early years, working in diverse locations including Broome, Geraldton and Laverton, in WA's Goldfields/Esperance region. ALSWA is extremely grateful for the contributions that Mr Bottrill made to our organisation over this time.

## **Graham 'Polly' Farmer**

Following the passing of Graham 'Polly' Farmer in August 2019, the Polly Farmer Foundation made the following comment:

Known as one of this country's greatest footballers, the Foundation is the other significant part of Polly's legacy; a lasting gift to young Aboriginal people across Australia to enable them to dig deep and find the spark within themselves to fight for a future fulfilling their academic and career goals and dreams.

Graham 'Polly' Farmer was a visionary. He was one of the first people in Australia, if not the first, to use his legendary sporting standing to realise his dream of setting up a Foundation to provide opportunities for young Aboriginal people to make the most of their own skills in the academic arena. To do this he gave permission for his life story to be written by Steve Hawke in 1994 on the condition that the Foundation could come to fruition. The Hon Fred Chaney and Dr Ron Edwards picked up the baton and the journey began.



While other programs have come and gone, The Graham (Polly) Farmer Foundation has gone from strength to strength over the past 25 years, by steadfastly implementing Polly's vision and creating a space for young Aboriginal people across Australia to build their resilience, grow and succeed beyond all expectations.

Polly was quoted as saying, "Education is the key for Aboriginal people to take their rightful place in modern Australian society. Unless we rectify the imbalance in opportunities currently available, young Aboriginal people will continue to be frustrated and unable to develop their talents to make their rightful contribution to the economy and society....and we will all be poorer for that."

Foundation President Robert French AC said that thanks to Polly's vision, many Aboriginal students

had graduated and gone on to be Australia's lawyers, doctors, engineers, actors, mechanics, plumbers, designers and more, while hundreds more in WA and other states of Australia are currently being supported by the Foundation to realise their dreams.

"The Committee members and staff at the Foundation are proud and privileged to carry on Polly's vision and we thank him for his inspiration," Mr French said.

**ALSWA extends its condolences to the family and friends of Mr. Farmer, especially his children Kim (pictured) and Brett Farmer, both former lawyers with the Aboriginal Legal Service of Western Australia.**

*Photos and text courtesy of Polly Farmer Foundation*



# CHIEF FINANCIAL OFFICER



## John Poroch

I am pleased to present the following audited financial report for the 12 months ended 30 June 2019. The financial Report for 2019 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.

During the period, the Aboriginal Legal Service of Western Australia Limited (ALSWA) recorded total comprehensive income of \$70,967 and revenue of \$13,940,912.

The balance sheet remains strong with net assets of 7,849,142 and will be the platform to carry the ALSWA operations forward.

The Company remains committed to delivering culturally appropriate high quality legal services to Aboriginal and Torres Strait Islander people throughout the vast state of Western Australia. And in doing so the company has been proactive in negotiating and securing an agreement to provide Custody Notification Services (CNS) on behalf of the Commonwealth government. The CNS is programmed to commence in early October 2019.

I would like to acknowledge the dedication of the legal and administrative staff of the ALSWA who with limited budget and challenging workloads continue to work tirelessly for the benefit of our clients.

**John Poroch**  
*Chief Financial Officer*





## Revenue

### Year ended 30 June 2019

Total revenue '000	Government grants '000	Activity generated '000	Interest & dividends '000	Other '000
\$13,941	\$13,329	\$321	\$212	\$79

### Year ended 30 June 2018

Total revenue '000	Government grants '000	Activity generated '000	Interest & dividends '000	Other '000
\$13,905	\$13,345	\$311	\$243	\$6





## Assets



Liabilities







## 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 2019.

### 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 (ceased 27/6/2019)
- 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 and re-elected on 21 November 2018. 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 and was re-elected on 23 November 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 and re-elected on 21 November 2018. 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 and was re-elected on 21 November 2018. 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 and was re-elected on 23 November 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's total comprehensive income was \$70,967 (2018: income \$63,838).

### 5. Review of Operations

The Company's revenue for the year ended 30 June 2019 was \$13,940,912 (2018: \$13,905,263), a nil percentage increase (2018: increase 1.5%) over the previous year.

### 6. Change in State of Affairs

In March 2019 the Company entered into agreements with the Commonwealth and the Western Australian State Governments to administer and deliver the Custody Notification Service. The aim of the project is to provide a holistic wellbeing check for Aboriginal and Torres Strait Islander people held in police lockup, with or without charge. In doing so to reduce preventable deaths in custody and related harm. The Company will provide a twenty four hour, seven days a week service.

### 7. 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 2019, the total amount that members of the Company are liable to contribute if the Company is wound up is \$700 (2018: \$260).

### 8. Future Developments

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

### 9. 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.

### 10. 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	4
Jim Lewis	4	1
Preston Thomas	4	3
Paul Baron	4	4
Donald Abdullah	4	4

### 12. Events Subsequent to Balance Date

No other matter or circumstance has arisen since 30 June 2019 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.

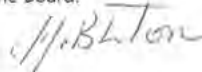
### 12. Environmental Regulations

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

### 13. 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 2019.

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



Chairman  
Perth, Western Australia  
Date: 19 September 2019



**Deloitte.**

Deloitte Touche Tohmatsu  
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Board of Directors  
Aboriginal Legal Service of Western Australia Limited  
7 Aberdeen Street  
PERTH WA 6000

19 September 2019

Dear Directors

**Auditor's Independence Declaration to Aboriginal Legal Service 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 Service of Western Australia Limited.

As lead audit partner for the audit of the financial report of Aboriginal Legal Service of Western Australia Limited for the year ended 30 June 2019, 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 faithfully

*Deloitte Touche Tohmatsu*

DELOITTE TOUCHE TOHMATSU

**Peter Rupp**  
Partner  
Chartered Accountant

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

### *Opinion*

We have audited the financial report of Aboriginal Legal Service of Western Australia Limited (the "Company") which comprises the statement of financial position as at 30 June 2019, 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 28.

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 2019 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.

### *Other Information*

Liability limited by a scheme approved under Professional Standards Legislation.  
Member of Deloitte Asia Pacific Limited and the Deloitte Network.





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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 2019, 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.

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- 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, 19 September 2019



**Statement of Profit or Loss and Other Comprehensive Income  
For the year ended 30 June 2019**

	<b>Note</b>	<b>2019</b> \$	<b>2018</b> \$
<b>Revenue</b>	2	13,940,912	13,905,263
Depreciation and amortisation expenses		193,597	219,624
Electricity & gas expense		79,456	82,892
Employee benefits expense		10,662,385	10,386,026
Information technology		60,806	39,724
Library resources		141,774	141,119
Office expenses		78,458	171,818
Other expenditure		837,270	692,080
Property expenses		132,759	173,048
Rent		666,746	757,320
Lease expenses		346,487	368,576
Telephone & internet		117,433	136,798
Training		119,697	102,768
Travel and accommodation		564,144	569,632
(Loss)/Profit before income tax		(60,100)	63,838
Income tax (expense) / benefit		-	-
(Loss)/Profit after income tax attributable to the members of ALSWA		(60,100)	63,838
Other comprehensive income/(loss)		-	-
Fair value movement land and buildings	8(a)	131,067	-
Income tax relating to components of other comprehensive income		-	-
Total comprehensive income for the period		70,967	63,838

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



**Statement of Financial Position  
As at 30 June 2019**

	<b>Note</b>	<b>2019 \$</b>	<b>2018 \$</b>
<b>Current Assets</b>			
Cash and cash equivalents	5	6,251,608	6,348,398
Other financial assets	6	1,489,707	1,464,699
Receivables	7	400,060	352,766
<b>Total Current Assets</b>		<u>8,141,375</u>	<u>8,165,863</u>
<b>Non-Current Assets</b>			
Property, plant & equipment	8	3,518,477	3,553,528
<b>Total Non- Current Assets</b>		<u>3,518,477</u>	<u>3,553,528</u>
<b>Total Assets</b>		<u>11,659,852</u>	<u>11,719,391</u>
<b>Current Liabilities</b>			
Accounts payable	9	641,920	855,584
Provisions	10	2,619,000	2,354,247
Unexpended grants	11	198,115	307,533
Borrowings & interest bearing liabilities	12	46,013	141,266
<b>Total Current Liabilities</b>		<u>3,505,048</u>	<u>3,658,630</u>
<b>Non-Current Liabilities</b>			
Provisions	13	305,662	283,026
<b>Total Non-Current Liabilities</b>		<u>305,662</u>	<u>283,026</u>
<b>Total Liabilities</b>		<u>3,810,710</u>	<u>3,941,656</u>
<b>Net Assets</b>		<u>7,849,142</u>	<u>7,777,735</u>
<b>Equity</b>			
Members funds	14	700	260
Retained earnings		4,552,570	4,612,670
Asset revaluation reserve	8(a)	733,745	602,678
Discretionary reserves	15	2,562,127	2,562,127
<b>Total Equity</b>		<u>7,849,142</u>	<u>7,777,735</u>

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



**Statement of Changes in Equity**  
**For the year ended 30 June 2019**

	<b>Note</b>	<b>2019</b> \$	<b>2018</b> \$
<b>Retained earnings</b>			
Balance at the beginning of the financial year		4,612,670	4,548,832
(Loss)/profit after tax for the year		(60,100)	63,838
Balance at the end of the financial year		4,552,570	4,612,670
<b>Discretionary reserves</b>			
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
<b>Members contribution</b>			
Balance at the beginning of the financial year		260	160
Additional members contribution for the year		440	100
	14	700	260
<b>Asset revaluation reserve</b>			
Balance at the beginning of the financial year		602,678	602,678
Increase during year		131,067	–
Balance at the end of the financial year	8(a)	733,745	602,678
Total equity at the end of the financial year		7,849,142	7,777,735

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

**Statement of Cash Flows**  
**For the year ending 30 June 2019**

	<b>Note</b>	<b>2019</b>	<b>2018</b>
		<b>\$</b>	<b>\$</b>
<b>Cash flows from operating activities</b>			
Grants received		14,846,651	14,578,257
Payments to suppliers and employees		(15,120,128)	(14,482,520)
Interest received		168,348	188,550
Interest paid		(1,585)	(5,378)
Rent received		30,290	38,648
Sundry income		79,364	-
<b>Net cash provided by operating activities</b>	20	<u>2,940</u>	<u>317,557</u>
<b>Cash flows from investing activities</b>			
Payment for the purchase of property, plant & equipment		(27,479)	(113,043)
Payment for the purchase of other financial assets		-	(1,500,000)
<b>Net cash used in investing activities</b>		<u>(27,479)</u>	<u>(1,613,043)</u>
<b>Cash flows from financing activities</b>			
Repayments of borrowings	20(a)	(72,691)	(80,470)
Members' contribution		440	100
<b>Net cash used in financing activities</b>		<u>(72,251)</u>	<u>(80,370)</u>
<b>Net (decrease) in cash and cash equivalents held</b>		(96,790)	(1,375,856)
Cash and cash equivalents at beginning of the financial year		6,348,398	7,724,254
<b>Cash and cash equivalents at the end of the financial year</b>	5	<u>6,251,608</u>	<u>6,348,398</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 accruals basis and under the historical cost convention and does not take in 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 reliably 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 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

### (t) Changes in accounting policies

#### New and amended standards and interpretations:

The Company applied for the first-time amendments to all of the new and revised standards and interpretations issued by the Australian Accounting Standards Board that are relevant to its operations, which are effective for annual periods beginning on or after 1 July 2018. The Company has not early adopted any standards, interpretations or amendments that have been issued but are not yet effective. The adoption of these amendments does not have a material impact on the Company.

A number of new standards, amendments and interpretations are effective for annual periods beginning after 1 January 2019 and have not been applied in

preparing the financial statements. The Company is in the process of determining the impact of these standards on its future financial statements and does not plan to adopt these standards early.

#### AASB 9 Financial instruments ("AASB 9")

AASB 9 replaces AASB 139 Financial Instruments: Recognition and Measurement for annual periods beginning on or after 1 January 2018, bringing together all three aspects of the accounting for financial instruments: classification and measurement; impairment; and hedge accounting.

The Company has applied AASB 9 prospectively, with the initial application date of 1 July 2018. The company has not restated comparative information, which continues to be reported under AASB 139.

#### Classification and measurement

Under AASB 9, debt instruments are subsequently measured at fair value through profit or loss (FVTPL), amortised cost, or fair value through other comprehensive income (FVOCI).

For a financial asset to be classified and measured at amortised cost or fair value through OCI, it needs to give rise to cash flows that are solely payments of principal and interest (SPPI) on the principal amount outstanding. This assessment is referred to as the SPPI test and is performed at an instrument level.

The Company's business model for managing financial assets refers to how it manages its financial assets in order to generate cash flows. The business model determines whether cash flows will result from collecting contractual cash flows, selling the financial assets, or both.

The SPPI test is applied to the entire financial asset, even if it contains an embedded derivative. Consequently, a derivative embedded in a debt instrument is not accounted for separately.

At the date of initial application, existing financial assets and liabilities of the Company were assessed in terms of the requirements of AASB 9. The assessment was conducted on instruments that had not been derecognised as at 1 July 2018. In this regard, the Company has determined that the adoption of AASB 9 has impacted the classification of financial instruments at 1 July 2018 as follows:

Class of financial instruments presented in the statement of financial position	Original measurement category under AASB 139 (i.e. prior to 01/07/18)	New measurement category under AASB 9 (i.e. from 01/07/18)
Cash & Cash equivalent	Loans & Receivables	Financial Asset at amortised cost
Trade & Other receivables	Loans & Receivables	Financial Asset at amortised cost
Trade and other receivables	Loans & Receivables	Financial Asset at amortised cost
Trade and other payables	Financial Liabilities at amortised cost	Financial Liabilities at amortised cost

The reclassification of financial instruments did not have a significant measurement impact on the financial statements. The impact of the change on financial assets is discussed further below;

#### Financial assets at FVTPL

Financial assets at fair value through profit or loss include financial assets held for trading, e.g., derivative instruments, financial assets designated upon initial recognition at fair value through profit or loss, e.g., debt or equity instruments, or financial assets mandatorily required to be measured at fair value, i.e., where they fail the SPPI test. Financial assets are classified as held for trading if they are acquired for the purpose of selling or repurchasing in the near term. Derivatives, including separated embedded derivatives, are also classified as held for trading unless they are designated as effective hedging instruments. Financial assets with cash flows that do not pass the SPPI test are required to be classified and measured at fair value through profit or loss, irrespective of the business model. Notwithstanding the criteria for debt instruments to be classified at amortised cost or at fair value through OCI, as described above, debt instruments may be designated at fair value through profit or loss on initial recognition if doing so eliminates, or significantly reduces, an accounting mismatch.

Financial assets at fair value through profit or loss are carried in the statement of financial position at fair value with net changes in fair value recognised in profit or loss.

#### Impairment of Financial assets

In respect of financial assets carried at amortised cost, AASB 9 requires an expected credit loss model to be applied as opposed to an incurred credit loss model under AASB 139. The expected credit loss model requires the Company to account for expected credit losses and changes in those expected credit losses at each reporting date to reflect changes in credit risk since initial





recognition of the financial asset. In particular, AASB 9 requires the Company to measure the loss allowance at an amount equal to lifetime expected credit loss ("ECL") if the credit risk on the instrument has increased significantly since initial recognition. On the other hand, if the credit risk on the financial instrument has not increased significantly since initial recognition, the Company is required to measure the loss allowance for that financial instrument at an amount equal to the portion of the lifetime ECL that results from default events on a financial instrument that are possible within 12 months after the reporting date. ECL's are based on the difference between contractual cash flows due in accordance with the contract and all the Company expects to receive. The shortfall is then discounted at an approximation to the assets original effective interest rate.

As at 1 July 2018, management reviewed and assessed the Company's existing financial assets for impairment using reasonable and supportable information. In accordance with AASB 9, where the directors concluded that it would require undue cost and effort to determine the credit risk of a financial asset on initial recognition, the Company recognises lifetime ECL. No material impact was noted because of the assessment.

The following material accounting policies, which are consistent with the previous year unless otherwise stated, have been adopted in the preparation of this report:

#### Financial instruments

##### *Initial recognition and measurement*

Financial assets and financial liabilities are recognised when the entity becomes a party to the contractual provision of the instrument. For financial assets, this is equivalent to the date that the company commits itself to either purchase or sell the asset.

Financial instruments are initially measured at fair value plus transaction costs, except where the instrument is classified "at fair value through profit or loss", in which case transaction costs are recognised as expenses in profit or loss immediately.

##### *Classification and subsequent measurement*

Financial instruments are subsequently measured at fair value, amortised cost using the effective interest method or cost.

Where available, quoted prices in an active market are used to determine fair value. In other circumstances, valuation technique is adopted.

Amortised costs is calculated as the amount at which the financial asset or financial liability is measured at initial recognition less principal repayments and any reduction for impairment, and adjusted for any cumulative amortisation of the difference between that initial amount and the maturity amount calculated using the effective interest method.

The effective interest method is used to allocate interest income or interest expense over the relevant period and is equivalent to the rate that exactly discounts estimated future cash payments or receipts (including fees, transaction costs and other premiums or discounts) through the expected life (or when this cannot be reliably predicted, the contractual term) of the financial instrument to the net carrying amount of the financial asset or financial liability. Revisions to expected future net cash flows will necessitate an adjustment to the carrying amount with a consequential recognition of an income or expense item in profit or loss.

(i) Financial assets at fair value through profit or loss  
Financial assets are classified at "fair value through profit or loss" when they are held for trading for the purpose of short term profit taking, derivatives not held for hedging purposes, or when they are designated as such to avoid an accounting mismatch or to enable performance evaluation where a group of financial assets is managed by key management personnel on a fair value basis in accordance with a documented risk management or investment strategy. Such assets are subsequently measured at fair value with changes in carrying amount included in profit or loss.

(ii) Loans and receivables  
Loans and receivables are non-derivative financial assets with fixed or determinable payments that are not quoted in an active market and are subsequently measured at amortised cost. Gains or losses are recognised in profit or loss through the amortisation process and when the financial asset is derecognised.

(iii) Financial liabilities  
Non-derivative financial liabilities other than financial guarantees are subsequently measure at amortised cost. Gains or losses are recognised in profit or loss through the amortisation process and when the financial liability is derecognised.

<b>2. Revenue</b>	<b>Note</b>	<b>2019</b>	<b>2018</b>
		<b>\$</b>	<b>\$</b>
<b>Income</b>			
Grant income			
Indigenous Legal Assistance Programme grant		12,837,591	12,960,942
Youth Justice grant		410,147	376,753
Custody Notification Service grant		64,365	-
Bike rescue program grant		9,124	-
Yinhawangka grant		6,056	7,806
Employee of the Year grant		1,586	-
		<u>13,328,869</u>	<u>13,345,501</u>
<b>Other income</b>			
Rental		29,469	39,470
Recovery of costs		291,751	271,129
Interest		162,496	180,691
Dividends		49,277	62,629
Other		79,050	5,843
		<u>612,043</u>	<u>559,762</u>
		<u>13,940,912</u>	<u>13,905,263</u>

### 3. Auditor's remuneration

Remuneration for audit of the financial reports of the Company:

Deloitte Touche Tohmatsu	30,700	34,500
Total remuneration	<u>30,700</u>	<u>34,500</u>

Advisory Services

Taxation	-	-
Total remuneration	<u>30,700</u>	<u>34,500</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	73,973	30,822
Post employment benefits	7,027	2,928
Other long term benefits	-	-
	<u>81,000</u>	<u>33,750</u>

Notes to the financial statements





## Aboriginal Legal Service of Western Australia Limited – 2019 Financial Report

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

	<b>Note</b>	<b>2019</b> \$	<b>2018</b> \$
Cash at bank and on hand		1,763,799	1,729,823
Term deposits	(i)	487,809	475,311
Deposit at call	(ii)	4,000,000	4,143,264
		<u>6,251,608</u>	<u>6,348,398</u>

#### (i) Term Deposits

The term deposits are bearing interest at a rate of 2.40% (2018 – 2.45%)

#### (ii) Deposits at call

The deposits are bearing interest at a rate of 2.40% (2018 – 2.45%)

### 6. Current assets – Other financial assets

Financial assets carried at fair value through profit or loss (FVTPL)	<u>1,489,707</u>	<u>1,464,699</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	159,711	91,188
Provision doubtful debts	(5,328)	-
	<u>154,383</u>	<u>91,188</u>
Security Bonds	23,903	23,718
	<u>178,286</u>	<u>114,906</u>
Prepayments	221,774	237,860
	<u>400,060</u>	<u>352,766</u>

### 8. Non-current assets property, plant & equipment

Freehold land & buildings at fair value	(a)	3,435,001	3,685,000
Less: Accumulated depreciation		-	(265,463)
		<u>3,435,001</u>	<u>3,419,537</u>
Leasehold improvements at cost		1,064,063	1,061,203
Less: Accumulated depreciation		(1,009,268)	(984,399)
		<u>54,795</u>	<u>76,804</u>
Plant & equipment at cost		907,812	947,756
Less: Accumulated depreciation		(879,131)	(890,569)
		<u>28,681</u>	<u>57,187</u>
Total property, plant & equipment		<u>3,518,477</u>	<u>3,553,528</u>

Notes to the financial statements

(a) Asset revaluation reserve		2019	2018
		\$	\$
Opening balance		602,678	602,678
Movement	(i)	131,067	-
		<u>733,745</u>	<u>602,708</u>

(i) 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 was 30 June 2019.

#### 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	Total
	\$	\$	\$	\$
Carrying amount at 30 June 2017	3,552,269	29,342	78,497	3,660,108
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>3,553,528</u>
Additions	20,091	2,860	4,528	27,479
Disposals	-	-	(44,473)	(44,473)
Depreciation expense	(135,695)	(24,867)	(33,035)	(193,597)
Depreciation on disposals	-	-	44,473	44,473
Revaluation increment	131,067	-	-	131,067
Carrying amount at 30 June 2019	<u>3,435,000</u>	<u>54,797</u>	<u>28,680</u>	<u>3,518,477</u>



Aboriginal Legal Service of Western Australia Limited – 2019 Financial Report

**9. Current Liabilities – Accounts payable**

	<u>Note</u>	<u>2019</u>	<u>2018</u>
		\$	\$
Unsecured			
Accrued expenses		472,368	218,740
Taxes payable		1,723	144,435
Superannuation payable		73,826	373,097
Other payables		94,003	119,312
		<u>641,920</u>	<u>855,584</u>

**10. Current Liabilities – Provisions**

Employee Entitlements			
Annual Leave		1,154,820	1,102,122
Long Service Leave		926,282	754,406
Sick Leave		537,898	497,719
		<u>2,619,000</u>	<u>2,354,247</u>

**11. Current Liabilities – Unexpended grant**

Indigenous Legal Assistance Program grant	-	127,868
Myer Yinhawangka Charitable grant	-	6,056
Employee of the year grant	10,000	11,586
Kids out of detention	10,000	10,000
Youth Justice Program	14,603	152,023
Custody Notification Service grant	160,635	-
Bike rescue grant	2,877	-
	<u>198,115</u>	<u>307,533</u>

**12. Current Liabilities – Interest bearing liabilities**

Secured property loan	(a)	-	72,691
Corporate credit cards		46,013	68,575
		<u>46,013</u>	<u>141,266</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. The loan has been fully repaid

Notes to the financial statements

### 13. Non - Current Liabilities - Provisions

	<b>Note</b>	<b>2019</b>	<b>2018</b>
		<b>\$</b>	<b>\$</b>
Employee Entitlements:			
Long Service Leave		305,662	283,026
		<u>305,662</u>	<u>283,026</u>

### 14. Members equity

Opening balance	260	160
Increase	440	100
Decrease	-	-
Closing balance	<u>700</u>	<u>260</u>

### 15. Discretionary Reserves

Residential Property Reserve	(i)	<u>83,873</u>	<u>83,873</u>
Long Service Leave Reserve	(ii)	<u>672,000</u>	<u>672,000</u>
Asset Replacement Reserve	(iii)	<u>520,077</u>	<u>520,077</u>
Kalgoorlie Property Reserve	(iv)	<u>392,037</u>	<u>392,037</u>
Special Projects Reserve	(v)	<u>55,396</u>	<u>55,396</u>
Contract Reserve	(vi)	<u>837,744</u>	<u>837,744</u>
Total Discretionary Reserves		<u>2,562,127</u>	<u>2,562,127</u>

No movement in the reserve accounts during the year.

- (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.

Notes to the financial statements





- (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. Contract reserve

The Company was a party to a contract, on a fee for service basis, with the Commonwealth Attorney General's 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 (vi)

#### 17. Commitments for expenditure

	<u>2019</u>	<u>2018</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	919,592	904,611
Payable later than one, but no later than five years	20,624	767,050
Payable later than five years	-	-
	<u>940,216</u>	<u>1,671,661</u>

There is no capital expenditure contracted for at the end of the reporting period (2018: Nil). No finance lease contracts existed at the end of the reporting period (2018: 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.

	<b>Note</b>	<b>2019</b> \$	<b>2018</b> \$
Financial Assets			
Cash & cash equivalents	5	6,251,608	6,348,398
Other financial assets	6	1,489,707	1,464,699
Receivables	7	178,286	114,906
Total Financial Assets		<u>7,919,601</u>	<u>7,928,003</u>
Financial Liabilities			
Accounts payable	9	641,920	855,584
Unexpended grants	11	198,115	307,533
Borrowings & interest bearing liabilities	12	46,013	141,266
Total Financial Liabilities		<u>886,047</u>	<u>1,304,383</u>
Net Financial Assets		<u>7,033,553</u>	<u>6,623,620</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>2019</u>	<u>2018</u>
	\$	\$
Change in profit		
Increase in interest rates by 1%	76,953	76,718
Decrease in interest rates by 1%	(76,953)	(76,718)
Change in equity		
Increase in interest rates by 1%	(76,953)	(76,718)
Decrease in interest rates by 1%	76,953	76,718

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	
	2019	2018	2019	2018	2019	2018	2019	2018
	\$	\$	\$	\$	\$	\$	\$	\$
<b>Financial Assets</b>								
Cash and cash equivalents	6,251,508	6,348,398	-	-	-	-	6,251,508	6,348,398
Other financial assets	1,489,707	1,464,699	-	-	-	-	1,489,707	1,464,699
Trade receivables	178,286	114,906	-	-	-	-	178,286	114,906
	7,919,601	7,928,003	-	-	-	-	7,919,601	7,928,003
<b>Financial Liabilities</b>								
Trade and other payables	840,034	1,163,117	-	-	-	-	840,034	1,163,117
Borrowings and interest bearing liabilities	46,013	141,266	-	-	-	-	46,013	141,266
	886,047	1,304,383	-	-	-	-	886,047	1,304,383
Net maturity	7,033,554	6,623,620	-	-	-	-	7,033,554	6,623,620

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.

Notes to the financial statements





## 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

	<b>2019</b>	<b>2018</b>
	<b>\$</b>	<b>\$</b>
(Loss)/Profit after income tax	(60,100)	63,838
Depreciation and amortisation	193,597	219,624
(Increase)/decrease in receivables	52,709	(97,530)
Increase/(decrease) in trade creditors and other payables	(445,646)	392
Increase in provisions	287,389	95,932
Net movement in fair value of other financial assets	(25,009)	35,301
Net cash inflow from operating activities	<u>2,940</u>	<u>317,557</u>

## 20(a). Reconciliation of liabilities arising from financing activities

	Secured loan
	\$
Balance 30 June 2017	153,161
Financing cashflows	(80,470)
Fair value changes & other changes	-
Closing balance 30 June 2018	<u>72,691</u>
Financing cashflows	(72,691)
Fair value changes & other changes	-
Closing balance 30 June 2019	<u>-</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 2019 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.

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.

70



### Directors' Declaration

In the opinion of the Directors:

- (a) The financial statements and notes set out on pages 7 to 28 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 2019 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

Chairman  
Perth, Western Australia  
Date: 19 September 2019



# ACKNOWLEDGEMENTS

## Financial Assistance

Australian Government Attorney-General's Department.

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

## Donations

We would like to express our gratitude to the many individuals and organisations who generously donated to ALSWA and who wish to remain anonymous. More information on Donations can be found on the ALSWA website at [www.als.org.au](http://www.als.org.au).

## Subscriptions

Lexis Nexus for online and hard copy subscriptions.

## Image Acknowledgements

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The Aboriginal Legal Service of WA Limited 2019 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 Poroch

## Registered Office

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Telephone 08 9265 6666

Facsimile 08 9221 1767

WA Toll Free 1800 019 900

## Company Auditors

Deloitte Touche Tohmatsu

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Western Australia Limited**

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 Aboriginal Legal Service of WA Limited

**EVERY TIME AN ABORIGINAL  
OR TORRES STRAIT ISLANDER  
PERSON IS TAKEN INTO  
CUSTODY AT A POLICE  
FACILITY IN WA, THE POLICE  
*MUST NOTIFY* THE ABORIGINAL  
LEGAL SERVICE OF WA**