

ANNUAL REPORT 2020

ABORIGINAL LEGAL SERVICE OF WA LTD
ACN: 617 555 843



BLACK LIVES MATTER

In Australia, we have faced the tragedy of unnecessary loss of life of our First Nations Peoples for too long.

A key finding of the 1991 Royal Commission into Aboriginal Deaths in Custody (RCIADIC) found that Aboriginal people are more likely to die in custody because they are arrested and imprisoned at disproportionate rates. For a Royal Commission that commenced in 1987, the fact that many of the 339 recommendations have still not been implemented is unacceptable.

The Guardian conducted a study of Aboriginal deaths in custody and, after reading 589 coronial reports, found 'a record of systemic failure and neglect'. Their investigation revealed that in 1991, 14.3% of the male prison population in Australia was Aboriginal but by March 2020 this had increased to

28.6%, despite Aboriginal people making up only approximately 3% of the total Australian population.

The study also stated that Aboriginal people are 10 times more likely to die in prison than non-Indigenous people and in June 2020, confirmed that there have been at least 434 deaths since the RCIADIC ended in 1991.

The Perth Black Lives Matter protest in June 2020 saw Aboriginal people and supporters come out in their thousands, as a show of support against racism and the dehumanising treatment that so many Aboriginal people have endured. This was part of a larger global movement saying 'enough is enough - we stand against racism'.

See page 26 for a statement by NATSILS, the National Aboriginal and Torres Strait Islander Legal Services in July 2020.

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ACKNOWLEDGING OUR PEOPLE - PAST, PRESENT AND FUTURE

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

I am extremely proud to present the 2020 Annual Report for the Aboriginal Legal Service of WA Limited (ALSWA).

Our work is always challenging, but 2020 proved even more so, with the onset of COVID-19. I would like to commend ALSWA's Management and staff for their hard work and commitment during this time. The best interests of both clients and staff was at our forefront at all times, with staff working remotely and within WA health guidelines.

This year saw a worldwide focus on the Black Lives Matter (BLM) movement. Here in Perth, sadly we are well aware of the unnecessary loss of life of so many of our people. The Perth BLM rally attracted thousands of Aboriginal people and supporters of this movement and ensured that this issue remains one of prominence with governments. It was heartening to see so many young people speaking out about deaths in custody, something that our older community members have spent decades doing.

To my Vice-Chairperson Glen Colbung and fellow Board members, your expertise and input continues to advance the operations of our vital organisation. As Aboriginal people, we know first hand about the complex issues that our people face within the criminal justice system. ALSWA's role within this area is key to ensuring that Aboriginal people continue to have access to justice across a state that has an area of approximately 2,646,000 square kilometres.

To our newest board member Colleen Hayward, welcome, and we are excited about the knowledge and expertise that you will bring to this role.

Through my long association with ALSWA, it has been incredible to witness the growth of our organisation. As this report outlines, there continues to be a greater diversity of service delivery and programs for our community members to access.

We will continue to strive for justice as we have already done for over 45 years.

Enjoy reading this report, it highlights exactly why the ALSWA plays such a vital and much needed role within Western Australia.

GOVERNANCE



ALSWA Board (L-R) Kathy Watson, Colleen Hayward, Preston Thomas, Paul Baron, Glen Colbung, Michael Blurton and Donald Abdullah with ALSWA CEO Dennis Eggington

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 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 39 of this annual report.

The last ALSWA AGM and elections took place in Perth in November 2019 and the next AGM will take place on 12th November 2020.



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 is a Ballardong Noongar from Quairading who has spent over seventeen years on ALSWA's Committee, ten 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 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.

Donald Abdullah 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.

Paul Baron 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.

Professor Colleen Hayward AM is a senior Noongar woman with an extensive background in the areas of health, education, housing, child protection, law and justice. The former Head of Kurungkurl Katijin, Edith Cowan University's Centre for Indigenous Australian Education and Research, she is greatly respected throughout the country for her tireless work and commitment to our people and is a former Deputy CEO of ALSWA.

Preston Thomas 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.

Kathy Watson 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.

OUR ACTIVITIES



As at 30 June 2020, **136** people were employed by the Aboriginal Legal Service of WA Limited in a full-time, part-time or casual capacity.

43%

of all staff are
Aboriginal

ALSWA delivered legal services in a professional and culturally appropriate manner for the benefit of over

32,000 clients

Assistance by Law Type

4,074



Civil

26,066



Criminal

2,319



Family

32,459



Total

Custody Notification Service

The Custody Notification Service (CNS) commenced operation on 2 October 2019.

Between 2 October 2019 and 30 June 2020 the CNS received a total of 20,422 notifications, being an average of approximately 525 each week.

ALSWA provides legal support and representation in Civil Law and Human Rights Law, Criminal Law and Family Law and Child Protection.

Additional services include the Bail Support Service (BSS) and Prison In-Reach Program (PIR), Community Legal Education (CLE), Custody Notification Service (CNS), Work and Development Permit (WDP) Service, YourStory Disability Legal Support, Youth Engagement Program (YEP).



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-five years.

OUR PURPOSE

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

OUR VISION

Justice for Western Australia's First Peoples

OUR VALUES

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

AT ALSWA

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



OUR GUIDING PRINCIPLES

Human Rights

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

Lore

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

Leadership

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

Integrity

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

Diversity

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

Unity

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

OUR SERVICES

ALSWA provides legal support and representation in Civil Law and Human Rights Law, Criminal Law and Family Law and Child Protection. Additional services include the Bail Support Service (BSS) and Prison In-Reach Program (PIR), Community Legal Education (CLE), Custody Notification Service (CNS), Work and Development Permit (WDP) Service, Your Story Disability Legal Support, Youth Engagement Program (YEP).

OUR ROOTS

Our growth and development would not have been possible without the support of our communities and the dedicated services and work of countless executive and staff members since our inception in the late 1960s. We remain indebted to the dedication and earlier pioneering work of the Justice Committee of the New Era Aboriginal Fellowship Inc from the late 1960s.

QUICK FACTS



Western Australia has an area of approximately
2,646,000 square kilometres.
That is greater than the land area of Western Europe

ALSWA is dependent on funding grants and donations to provide and maintain delivery of legal services.

ALSWA employed approximately
136 (43% are Aboriginal)
(full-time, part-time and casual) staff during this period

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

ALSWA was established in 1975

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

Aboriginal people are

over-policed and over-represented
in the criminal justice system

Since the 1991 Royal Commission into
Aboriginal Deaths in Custody there have been at least

434 deaths

Indigenous adults are

15 times more likely
to be incarcerated than non-Indigenous adults

Indigenous young people are

26 times more likely
to be incarcerated than non-Indigenous young people

Aboriginal people are

more likely to be questioned by police
than non-Indigenous counterparts

The Black Lives Matter movement gained worldwide support in 2020 and ALSWA is grateful to all who donated to our organisation to support our ongoing work

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

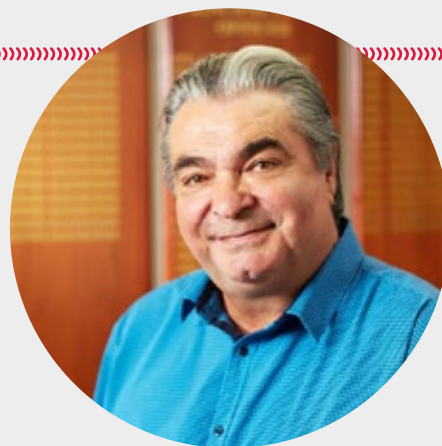
ALSWA works in collaboration and partnership

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 People under Australian Law

CHIEF EXECUTIVE OFFICER



Dennis Eggington

Dear Members

I am pleased to present my report for the 2020 Annual Report of the Aboriginal Legal Service of WA Limited.

This year has been an extremely challenging time for our service and communities with the unprecedented COVID-19 lockdown. Therefore, I would like to express my thanks to our Board, staff and our Executive Management Team, because together, we have navigated a successful road map through one of the most difficult times in our long history.

While COVID-19 has changed the way we service our communities, I am confident that our Company can, and will, continue to provide a quality service throughout WA.

Since my last report we have moved into the new National Legal Assistance Program, and have taken this move as a chance to build a new positive relationship with the WA State Government. This government has also given all indications that they want to develop this relationship which will help secure a long future for our organisation.

This is evidenced by our four (4) new programs all funded by the State (see Director Legal Services Report for more information).

This is the first time in our history that the State has had the confidence to provide program monies to our organisation. We will continue to explore the idea of regional one stop shop hubs. This will include prevention, intervention and justice reinvestment programs.

Special acknowledgement should also go to our regional staff who have the added difficulty of working with a centralised administration. This is one of the reasons why I am personally excited by the concept of regional hubs which can operate with an increased level of autonomy.

I am very proud of the vital role that ALSWA continues to play within WA's justice system and our 2020 Annual Report will give you a greater insight into why our services are so important.

DIRECTOR LEGAL SERVICES

Peter Collins



COVID-19

The advent of the COVID -19 pandemic in early 2020 challenged ALSWA in unprecedented ways.

From the outset, ALSWA's focus was on taking the necessary actions to protect the health and wellbeing of staff, clients and communities. This included promptly closing ALSWA offices, ensuring that staff had the resources and support to work from home, transitioning to remote court appearances, changing court rosters to facilitate this, informing clients of these changes to service delivery and instituting health and safety practices to stop the spread of COVID-19, all underpinned by the recognition that Aboriginal people were particularly vulnerable to contracting COVID-19.



One of ALSWA's interview rooms at Perth Head Office, re-designed with glass panelling for the safety of both clients and staff following the COVID-19 pandemic

ALSWA also worked closely with the courts, police, corrections and other stakeholders during this time. The Supreme, District and Children's Courts, along with many Magistrates Courts, treated the pandemic with the seriousness it deserved by cancelling court circuits, postponing trials, adjourning other non-essential court dates and introducing processes to allow lawyers and court officers to appear in court remotely.

However, a "business as usual" approach by some Magistrates Courts brought pressing challenges; lengthy in person court lists where social distancing was impossible, Magistrates travelling in person to circuit courts, risking

the health of Aboriginal communities, when everyone else was appearing remotely and inane and unhelpful criticisms from the bench about ALSWA's safety first response to COVID-19. It all made for a very stressful time, but ALSWA staff rose above all of this and responded magnificently in maintaining high quality services for clients.

COVID-19 revealed ALSWA at its best and I am extraordinarily grateful for the proactive, sensible and highly responsive way in which ALSWA's Board, management, staff, clients and the wider Aboriginal community came together to deal with the pandemic.



During COVID-19 ALSWA adapted to new ways of working. Pictured above post COVID-19 are Kyra Collard and Shayla Eggington, part of ALSWA's Reception team at Head Office in Perth and Kylie Clune, Manager of HR and Data and Secretarial Services

Criminal Law – Perth Criminal Law Unit and Regional Offices

File caseloads and court commitments for ALSWA's lawyers and court officers in the Perth Criminal Law Unit and regional offices continue to increase to almost unimaginable levels in an environment where criminal prosecutions are increasingly extremely complex and time consuming. The inequality of arms facing ALSWA's lawyers and court officers practicing criminal law is palpable and worsening.

For ALSWA's regional offices, conditions under which services are delivered can be extraordinarily challenging, with harsh weather conditions, long court lists, little time to prepare and the unending churn of cases through a broken justice system which often has little understanding or insight into the issues faced by clients and, in turn, ALSWA staff.

The situation is compounded by the fact that sadly more clients are presenting with ever more complicated needs and personal circumstances in keeping with the ongoing effects of intergenerational trauma.



Karen Ward, Managing lawyer for the Geraldton and Carnarvon region with Geraldton ALSWA lawyer Xavier Sellathambu

In the face of these pressures, the Aboriginal community has been very well served by a group of passionate, highly committed and dedicated lawyers and court officers who regularly go above and beyond in assisting their clients. As noted above, this was particularly evident during COVID-19.

Civil and Human Rights Law Unit

The Civil Law and Human Rights Unit have continued to assist a large number of clients across the State.

The unlawful use of force by police against Aboriginal people continues to be a major issue. The Unit has referred a number of complaints to the WA Police Internal Affairs Unit. In one matter, a complaint resulted in police sergeant being charged and convicted of common assault against a young Aboriginal person. The Unit has also finalised several false imprisonment claims against police as well as against Department of Corrective Services' staff.



Police accountability has also been a matter of high priority. There has been a disturbing trend in the unnecessary and at times unlawful use of police dogs against Aboriginal people, including the vulnerable and young people. Complaints about the use of police dogs have been lodged with the Corruption and Crime Commission for little result. The Commission appears profoundly disinterested in responding appropriately to complaints made by Aboriginal people. The Unit provided a written submission, and gave evidence on this issue, and the need for an independent police accountability agency, to the Parliamentary Joint Standing Committee on the Corruption and Crime Commission.

Acting for families in Coronial Inquests continues to be an important part of the work undertaken by the Unit. At various Inquests, the Unit has advocated for the following reforms:

- a prohibition on police vehicles engaging in high speed pursuits in response to minor driving offences;
- that the families of persons in jails be promptly and fully informed in the event a loved one experiences a serious episode of ill health;
- that a culturally appropriate complex community care plan be developed for young persons in secure care; and
- that a new visits area be developed at Bandyup Women's Prison with increased capacity and privacy as well as additional play spaces for visiting children.



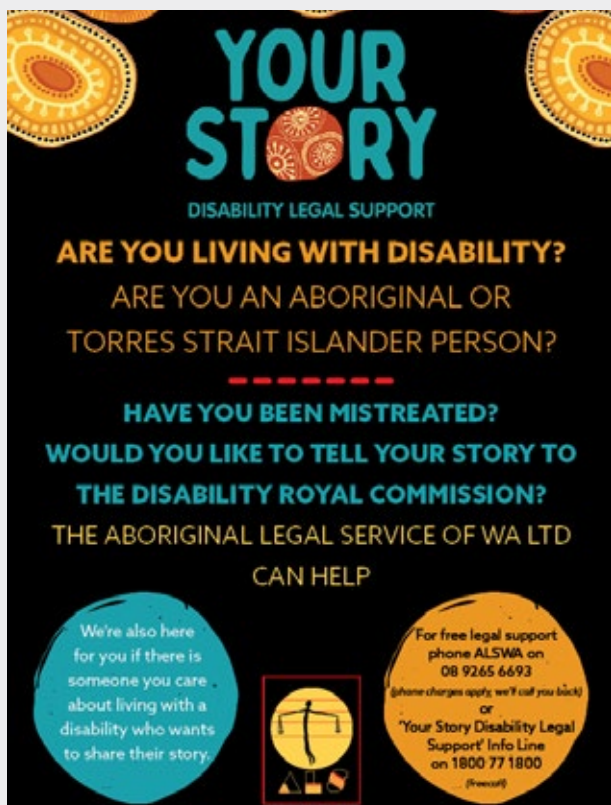
Bandyup Women's Prison



'Raise the Age' video by ALSWA Senior Managing Lawyer Alice Barter

The Unit has been proactive in advocating for an increase in the age of criminal responsibility from 10 years to 14 years of age. Countless young Aboriginal people are needlessly enmeshed in the criminal justice system (often for very minor or trivial offending) from a tender age because the age for criminal responsibility is so low. The Unit has also been at the forefront of a campaign for the introduction of a Human Rights Act in WA to enable better protection of human rights for Aboriginal people.

A lawyer is working in the Unit as part of the National Aboriginal and Torres Strait Legal Services' Your Story Disability Legal Support service which is an independent legal support service for people wishing to share their story with the Disability Royal Commission.



Clockwise from top left: Hayley Barbarich, ALSWA Lawyer, Your Story Disability Legal Support (ALSWA), Jordan Smith, Advocate, Royal Commission (Advocacy WA), Jackie Craigie, Disability Services Manager (Yorgum Healing Services), Megan McCormack, Jurisdictional Lawyer, Your Story Disability Legal Support (Legal Aid WA).



Family Law Unit

With Aboriginal children comprising over half of all children in care in WA, the statistics mirror what staff know implicitly; there is very little justice in the protection and care system if you are Aboriginal.

The lived experience for many of ALSWA's clients in the protection and care jurisdiction is bleak:

- In some instances, a child will be removed quietly from a school room without any prior warning or notice. In other cases, police and child protection officers forcibly enter homes wielding tasers, literally ripping a terrified child from the arms of their parents or carers.

As is well known, these removals happen against a background where Aboriginal families have experienced intergenerational trauma from the historical impacts of dispossession, social exclusion, racism, disadvantage and policies sanctioning the involuntary removal of Aboriginal children from their families, leading to the stolen generation. This trauma is compounded exponentially by the feelings of distress, grief and loss when a child is taken from a family.

Parents and carers are then expected to compose themselves and calmly meet with the very officials from the Department of Child Protection and Family Support (the Department) who have instigated the removal of their children only days earlier. Court hearings quickly follow, with the same expectations as to attitude and behaviour. The bar is set very high and more often than not, unfairly.

- Most, if not all, families and carers are profoundly distrustful of the Department. Many perceive that extraordinary steps are undertaken to ignore, wrong foot or sideline them at every turn. The view is widespread that the Department is part of a racist system to remove Aboriginal children from their families without any meaningful prospect of their return and to assist non Aboriginal carers to profit from their misery or allow childless couples to raise their children. To an outside observer these views may seem extreme, but these thoughts are very real for many Aboriginal families and carers.
- Many families and carers experience an overwhelming sense of hopelessness and disengage from a system in which they have no trust. The outcomes then are very predictable; their children remain in care, families and carers left behind are broken hearted, embittered and even more marginalised and the wellbeing of the extended Aboriginal family network suffers.
- In response to these pressing issues, the Family Law Unit has concentrated on assisting parents and family members in protection and care matters by:
 - attending pre-birth meetings with the Department to circumvent newborn children being placed in care in those cases where a culturally safe plan is in place for the child to remain with family;
 - obtaining court orders in protection proceedings to enable parental or family placements. Underpinning this has been work undertaken to obtain culturally secure support so that orders to remain with parents and/or family on country, speaking language and practicing culture become feasible.
 - appointing an Aboriginal Court Officer – Jaye Snowden – to the Unit. Jaye has given many families hope for the future and guidance in accessing support on their healing journeys; all with the aim of families being together again.



- providing high level input to the establishment of the pilot, therapeutic protection and care list in Perth Children's Court, with a view to ensuring that all cases involving Aboriginal children are considered through a culturally secure and trauma informed lens. However, further reform in this area is needed; the introduction of a single case management pathway, accompanied by a judicial docket system, starting at the time a matter comes into the court, and concluding when it is finalised, is essential to ensure appropriate engagement by Aboriginal families and their children in protection proceedings.
- lobbying the Minister for Communities and making submissions to the President of the Children's Court to lift a blanket ban on all contact between children in care and their families imposed during the height of the COVID-19 lockdown.
- representing parents and grandparents in Family Court proceedings relating to their children. These are generally where one parent is not an Aboriginal person and the Court needs additional understanding of cultural issues for the children and their need for connection with their family, culture and country.

The Family Law Unit, comprising only four lawyers and a part time court officer, but servicing all of WA, continues to punch way above its weight.



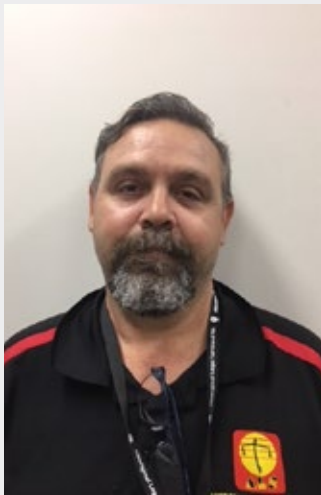
Family Law Unit Kathy Russell (Managing Solicitor) lawyers Caroline Maradzika and Jonathon Reid and Family Law Unit Court Officer Jaye Snowden outside of the Children's Court of WA

Court Officers

The strength embodied in providing a culturally secure legal service is, as always, underpinned by the work of ALSWA's court officers. This goes way beyond the court appearance work undertaken by court officers, as the following comments from the managing lawyer of ALSWA's Broome office, Paul Tobin, reflect:

.... the thing I wanted to mention which had made an amazing difference in many clients lives was the work of court officers Dion Marshall, Teeka Skeen (both pictured below) and newly appointed John Masuda.

We have had a focus of rehabilitation/mitigation and social support through our court In this we ask clients if they are in receipt of income support or NDIS or affiliated with training or educational and employment agencies. Many of our clients find it difficult to even enter a Centrelink office due to varied reasons and bad experiences. Quite often it's disability or significant mental health issues or issues with literacy and confidence.



Dion Marshall



Teeka Skeen

The team are taking them in there and using reports (where appropriate) to have reporting waived for clients with significant mental health and disability. These were clients that were living with zero income regularly getting cut off for compliance issues and giving up on income support altogether. Anecdotally we have noticed a significant reduction in adult Burglary offending particularly young adults for food and cigarettes. The team have further enrolled many children in school, further education courses and assisted clients with attaining employment and car licenses by introducing clients to the right people.

This is all the work that the justice system is often informed needs to be done to help clients yet no one ever seems to assist with. We are so proud of the life changing work these guys are doing on a daily basis on top of their responsibilities.



Perth Court Officers Genna Blurton, Darlene Summers and Roy Blurton

Youth Engagement Program

The ALSWA Youth Engagement Program (YEP) has been operating for four and a half years. YEP is staffed largely by Aboriginal diversion officers and provides holistic, individualised and flexible support to ALSWA clients appearing in the Perth Children's Court. YEP is currently funded by the Department of Justice until 30 June 2021. From 1 July 2019 to 30 June 2020, YEP supported 86 young people.

The program provides a range of 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.



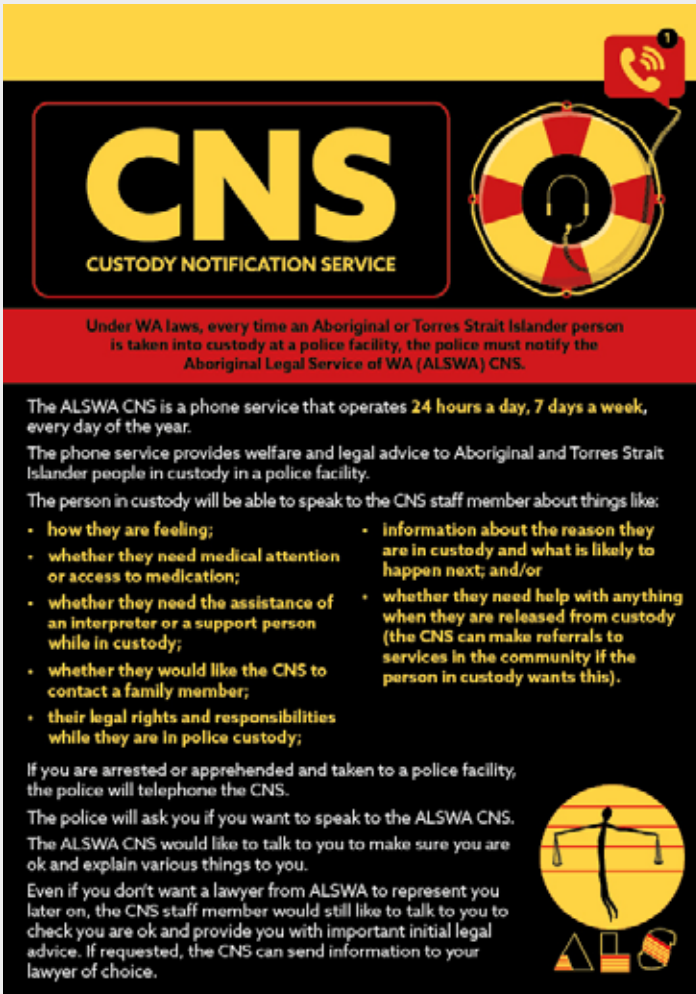
YEP continues to make a positive contribution in the lives of young people by assisting them to complete the requirements of their court orders; by supporting them to reengage in education/training and other prosocial activities; and by providing culturally secure mentoring and practical assistance to improve their wellbeing and future prospects.

Custody Notification Service

After extensive preparation and intensive staff training, the ALSWA Custody Notification Service (CNS) commenced operation on 2 October 2019. The CNS is funded jointly by the Commonwealth Government (National Indigenous Australians Agency) and the Western Australian Government (Department of Justice). 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 currently employs five lawyers (including one Managing Lawyer and two Aboriginal lawyers); four Aboriginal support workers and six casual lawyers.

Under the *Police Force Amendment Regulations 2019* (WA), WA Police are required to phone the CNS every time an Aboriginal person is arrested or apprehended and detained in a police facility throughout the state. This applies to 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. return to prison or 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 apprehended under the *Children and Community Services Act 2004* (WA).



CNS
CUSTODY NOTIFICATION SERVICE

Under WA laws, 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).

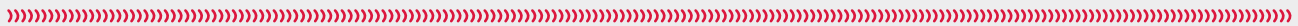
If you are arrested or apprehended and taken to a police facility, the police will telephone the CNS.

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.



WA Police 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.

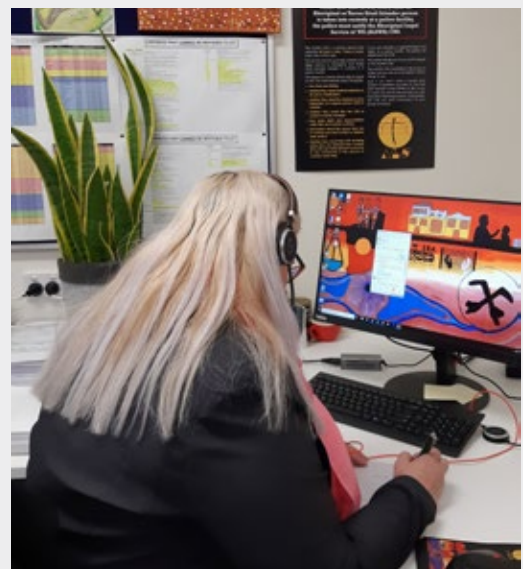


ALSWA has met regularly with WA Police to ensure that the CNS is operating effectively and efficiently and to ensure continuous improvement. Data is regularly compared between the two agencies and, where issues are identified, both agencies work collaboratively to develop effective solutions.

From 2 October 2019 until 30 June 2020, the CNS received a total of 20,422 notifications (average weekly notifications was approximately 525). These notifications reflect what ALSWA has known for a very long period of time; that Aboriginal people in WA are the most policed group of people in Australia, and arguably the world. The numbers of Aboriginal people, both adults and young people, who are detained in police custody for trivial offending and minor bail breaches is deeply troubling and fuels the relentless cycle of Aboriginal imprisonment in WA.

The CNS aims to provide a holistic wellbeing check to reduce preventable deaths in custody and related harm. The CNS undertakes a wellbeing check with a focus on immediate safety and health needs. Physical and mental health issues are often relayed to police to ensure the CNS person receives medical assistance or is closely monitored. Where non-urgent issues are identified, the CNS completes referrals to external community based services.

The CNS also has an important role in providing legal advice. Advice about rights in custody ensures that Aboriginal and Torres Strait Islander people are empowered to exercise their rights and are not disadvantaged in police custody by virtue of language and cultural barriers; vulnerability; and other factors. The CNS refers matters to ALSWA or other legal services for ongoing legal assistance. Further, CNS staff advocate for bail and diversionary options so the CNS person can be released from custody at the earliest possible opportunity. Likewise, the CNS has advocated for the cancellation of warrants of commitment (fines). Facilitating release of CNS persons from custody helps to minimise the risk of harm in police custody. CNS assists with undertaking fine checks wherever possible and assists fine debtors to make arrangements to pay off their fines.



Custody Notification Service (CNS) at work

Finally, the CNS provides important objective oversight of police conduct. CNS staff relay concerns to police (eg, health and wellbeing issues, cognitive impairment, suicide risk, personal circumstances) to ensure that police are fully appraised of all relevant information. This process encourages police to respond to issues appropriately and treat Aboriginal detainees fairly.

Bail Support Service/Prison In-Reach Legal Service

ALSWA commenced operating the metropolitan Bail Support Service (BSS) and Prison In-Reach Service (PIR) on 6 April 2020. These programs are funded by the WA Department of Justice. Funding has also been received to commence a Bail Support Service in Broome but due to COVID-19, the commencement of this service has been postponed to late 2020-2021. It is important to note that the operation of the BSS/PIR was significantly restricted during this financial year due to COVID-19 and necessary limitations imposed upon staff in relation to direct client contact and court attendances.

The overall objective of the BSS and PIR is to reduce avoidable remand by providing earlier access to bail to suitable applicants through the provision of bail support and prison in-reach legal services, and by supporting accused persons to comply with bail conditions and undertakings. In order to meet this objective, the BSS and PIR:

1. Develop viable alternative bail plans to be presented to the court to enable accused to be released on bail or to vary existing bail conditions.
2. Assist and support accused to meet bail conditions eg, access suitable accommodation to provide residential address or locate a suitable surety.
3. Support whilst on bail to ensure compliance with conditions and to reduce reoffending.
4. Early resolution of cases where accused is remanded in custody.

The BSS employs a Team Leader, four Aboriginal Bail Support Workers and one part time worker. The PIR employs two lawyers. These staff work closely together to ensure that clients are released from custody as early as possible and to support clients to maintain compliance with their bail conditions. Referrals to other support services and programs are undertaken when appropriate.



Bail Support Workers Margaret Ugle and Richard Willmot

During the period 6 April 2020 to 30 June 2020, the BSS/PIR received a total of 130 referrals/inquires/notifications from ALSWA staff and from the Department of Justice. Each referral/inquiry/notification requires an initial screening to determine eligibility and suitability. To be eligible for the BSS/PIR, the person must be a client of ALSWA and be appearing in the Perth Magistrates Court.

For the period 6 April 2020 to 30 June 2020, the metropolitan BSS has received 46 referrals and had 37 clients participated in the BSS. For the same period, the PIR received 75 referrals and the PIR assisted/provided advice to 35 clients.

The ALSWA BSS/PIR is part of a wider Department of Justice Reducing Avoidable Remand and Sentencing Flexibility project. As part of this project, Legal Aid WA operate a Bail Support Service/Remand Advocacy Service and ALSWA, Legal Aid and the Department of Justice meet regularly to support the ongoing operation of all programs and to ensure effective collaboration.



Work and Development Permit Service

In May 2020, the Department of Justice asked ALSWA to provide a funding submission to operate a Work and Development Permit Service. This proposed service was intended to operate as part of a suite of reforms to the fines enforcement system in WA. Of particular note, these reforms have removed from the remit of the Fines Enforcement Registrar the option of imprisonment for unpaid fines. Now, only a Magistrate can order a person spend time in prison solely for unpaid fines and only as an absolute last resort. Part of the reforms include the introduction of Work and Development Permits (WDP).

WDPs enable vulnerable and disadvantaged fine defaulters to discharge their liability to pay outstanding fines by undertaking approved activities under supervision of a sponsor such as unpaid work; medical or mental health treatment; educational, vocational or personal development courses; treatment for an alcohol or drug use problem; and mentoring (for under 25s). In summary, eligibility for a WDP requires financial hardship, family violence, mental illness, disability, homelessness or alcohol/drug problems.

ALSWA's proposal for a WDP Service involved the provision of support for Aboriginal Community Controlled Organisations (and other culturally secure services) across the state to become approved sponsors as well as linking fine defaulters to approved sponsors for the purpose of applying for a WDP.

At the end of June 2020, the Department advised that funding for the WDP Service would be provided for three years commencing 2020/2021. The WDP Scheme (a joint project between the Department of Justice, ALSWA and Legal Aid WA) is due to commence on 30 September 2020. ALSWA is working towards the implementation of this new service.



ALSWA lawyer Robyn Ninyette (above) was part of the ALSWA working group in the lead up to the implementation of the WDP Program.

Consultations and submissions

ALSWA has provided written feedback to the WA Department of Justice on the following matters:

- Criminal Law (Unlawful Consorting) Bill 2019
- Justice Legislation Amendment (COVID-19 Response) Bill 2020
- Dealing with minor 'either way' offences in the Absence of the Accused
- Spent Convictions Regulations 2020
- Suitors Fund Levy
- Statutory Review of the Victims of Crime Act
- Discussion Paper for Strengthening the Criminal Law Response to Child Sexual Abuse
- Criminal Law (Mental Impairment) Bill 2020
- Statutory protection of the identification of plaintiffs seeking civil damages for sexual assault and sexual abuse
- Review of Witness Arrest Warrant Practices in Western Australia
- Statutory Review of the amendments made to the *Restraining Orders Act 1997* by the *Restraining orders and Related Legislation Amendment (Family Violence) Act 2016*

ALSWA has consulted in person with the Department of Justice in relation to:

- A proposed review of the *Sentencing Act 1995* (WA)
- Possible reforms to the *Community Protection (Offender Reporting) Act 2004* in relation to the impact of this legislation on juveniles
- Possible reforms to the *Bail Act*
- The *High Risk Serious Offenders Bill*

ALSWA provided formal submissions for the following matters:

- Council of Attorney-General's Public Consultation into the Age of Criminal Responsibility
- Submission to the Joint Standing Committee on the Corruption and Crime Commission in relation to an inquiry into the Western Australian Corruption and Crime Commission's oversight of police misconduct investigations, particularly allegations of excessive use of force (January 2020). ALSWA also gave evidence at a Committee hearing (below).
- Submission to the Inquiry into the Children and Community Services Amendment Bill 2019
- Submission to the Senate Community Affairs References Committee Inquiry: Effective approaches to prevention, diagnosis and support for Fetal Alcohol Spectrum Disorder (December 2019)

An Inquiry into the Western Australian Corruption and Crime Commission's oversight of police misconduct investigations, particularly allegations of excessive use of force.



Evidence by ALSWA CEO Dennis Eggington, Director Legal Services Peter Collins and Managing Lawyer ALSWA Civil and Human Rights Unit Alice Barter

Pro Bono Assistance

The help provided by ALSWA's many pro bono partners cannot be understated and is truly appreciated.

Barristers: Elspeth Hensler, Fraser Robertson, Matt Howard SC, Greg McIntyre SC, Justin Edwards, Rachael Young, Jennifer Solliss, Neil Morrissey, Tanya Skortsova, Andrew Broadfoot QC, Greg Barns SC, Lisa Eaton, Heather Miller, Rebecca O'Brien, Lauree Coci, Varun Gosh, Samuel Burt, John Southalan, Andrew Morrison RFD SC, Paul Smallwood, Jason Gullaci, John Kelly SC and Craig Eberhardt.

Legal Firms: Corrs Chambers Westgarth, DLA Piper, Ashurst, Maurice Blackburn, Eureka Lawyers, King and Wood Mallesons, Allens, Gilbert + Tobin, Sparke Helmore and Slater and Gordon, Robertson O'Gorman and Behlau Murakami Grant ILP. Other: Human Rights Law Centre, Experts Direct.

Volunteers

ALSWA continues to be well served by volunteers in a variety of roles and disciplines. Several volunteers have gone on to paid employment with ALSWA.

Judicial Appointments

Long serving and much loved ALSWA lawyer, Andy Matthews was appointed a Magistrate during the year, along with ex ALWA lawyers – Wendy Hughes, Ben Tyres, Ben White and Gavin McLean.



Perth Children's Court Magistrate (and former ALSWA lawyer) Wendy Hughes (pictured on right) with ALSWA's Sasha Greenoff, Jasvir Kang, Courtney McGuire, Jarra Somerville and Genna Blurton at the Children's Court of WA Smoking Ceremony.



WA Governor, the Honourable Kim Beazley AC invites former ALSWA lawyer, Mr Andrew Matthew to take the Oath of Office to be a Magistrate in the Magistrates Court of Western Australia and a Magistrate in the Children's Court of Western Australia. (Photo source: Government House WA website).

Andy and Gavin are, of course, proud Aboriginal men.

Ex ALSWA lawyers Mara Barone and David McLean (Gavin's brother) were appointed as District Court judges. I would like to extend my warm congratulations to all on their appointments.

Acknowledgments

I am very grateful to ALSWA's Executive Management Team and the members of ALSWA's Board for their ongoing assistance and guidance.

Perth Wadjuk/Balladong Nyungar woman and Perth Criminal Law Unit lawyer, Monica Collard, was awarded the 2020 National Aboriginal and Torres Strait Islander Legal Services Trevor Christian Memorial Award. This is an annual national award recognising outstanding service and commitment by an Aboriginal Legal Service employee.

This is a wonderful acknowledgement of Monica's dedication and hard work since starting with ALSWA in 2008. *See next page for more information.*



*ALSWA's Executive Management Team
- Dennis Eggington, Julie Waud, Peter Collins*

2019-2020 TREVOR CHRISTIAN MEMORIAL AWARD RECIPIENT

Monica Collard



The Aboriginal Legal Service of WA Ltd (ALSWA) is extremely proud of Wadjuk/Balladong woman and ALSWA lawyer Monica Collard who was awarded the national 2019-2020 Trevor Christian Memorial Award (TCMA).

This esteemed annual award recognises the outstanding contribution of an individual Aboriginal and Torres Strait Islander Services' (female and male) employee and was initiated by the Attorney-General's Department in 2008.

"Monica has worked as a lawyer with ALSWA since 2008 and is an extraordinary, hard-working woman who is a wonderful role model for family, community, colleagues and clients" said ALSWA CEO Dennis Eggington.

Working predominantly in Perth Children's Court, Monica helps, supports and guides young people, many of whom are coping with homelessness, trauma, substance misuse, general welfare issues and FASD/cognitive issues.

"We are extremely proud of Monica, who is a highly regarded and valued member of our ALSWA family. Her motivation and dedication is second to none and her driving force is striving for a better future for our young people" said Mr. Eggington.

Monica is well known through her work in both the Perth court system and regional courts where she works in a relief capacity while lawyers are on leave. "Like all of our legal staff, Monica juggles a heavy caseload but remains focused upon expertly simplifying legal jargon and putting clients at ease through her connection with community and culture and the use of Nyoongar words.

Monica is indeed a worthy recipient of this award. She is a quiet achiever whose generosity in sharing knowledge with clients and colleagues is highly valued.

ALSWA congratulates Monica Collard and Harold Dewis, the 2019-2020 (male) TCMA recipient from the North Australian Aboriginal Justice Agency (NAAJA).

ALSWA also acknowledges the Federal Attorney General's Department for their contributions since 2008 and the National Aboriginal and Torres Strait Islander Legal Services (NATSILS) for their involvement.



BLACK LIVES MATTER

NATIONAL ABORIGINAL AND TORRES STRAIT ISLANDER LEGAL SERVICES (NATSILS), JULY 2020:

Black Lives Matter: Always Have, Always Will

We are NATSILS, the National Aboriginal and Torres Strait Islander Legal Services. We represent Aboriginal and Torres Strait Islander Legal Services (ATSILS) around the country. We are proud to be owned and operated by our people and for our people.

Over the past month we have watched what has happened in the United States with great sadness and we express our continuing, staunch solidarity with the global Black Lives Matter movement.

While some have tried to distance Australia from what's happening in the United States in an attempt to shut down the truth about the real and ongoing impacts of colonisation, we have also seen Australia's history of slavery and stolen wages, and the deaths of our people in police or prison custody brought to the forefront of this discussion.

We must continue these conversations. We must call on Australian Governments to act immediately to end these ongoing injustices for our people. If this is going to be a pivotal moment in our history, we need to go beyond the empty gestures of the past. Our work is grounded in the incredible strength of our cultures, the resilience of our communities, human rights, self-determination, healing, and on truth-telling. This is how we achieve true justice. The devastating effects of colonisation, family separation and racism, have pushed our people to be the most imprisoned people on earth which means we're also more likely to die in police or prison custody.

Our women are the fastest-growing prison population, and almost all of our imprisoned women are themselves victims of violence.

Next year it will be 30 years since the Royal Commission into Aboriginal Deaths in Custody handed down its findings. The Royal Commission was meant to put an end to Black deaths in custody but the Commission's findings are still gathering dust, and 437 of our people have died in police or prison cells since. That means that on average one Aboriginal or Torres Strait Islander person has died in police or prison custody every three weeks for 29 years and hundreds of families would not be left behind in grief and agony.

If governments had implemented the Royal Commission's recommendations 437 Aboriginal and Torres Strait Islander people may still be alive. Not one officer or agency has been held criminally liable for any of our 437 deaths in custody since the Royal Commission. Many of these deaths are the result of our over-imprisonment and over-policing. Many are the result of individuals and agencies have done wrong and all should be held to account.



We have been told by politicians, bureaucrats, and other decision-makers to wait for change, that justice and progress takes time, but how much more time must we wait? NATSILS and the ATSILS are experts on the delivery of effective and culturally responsive legal assistance to our people. We have a unique insight into legal, justice, and social policy issues affecting our people and our communities.

Now that the world is watching like never before, we have compiled these legal and policy reforms that need to be implemented to advance the cause of true justice in Australia. We share these based on our combined decades of experience in providing legal advice, assistance, representation, education, advocacy, law reform and through-care to our people.

However, we recognise that any justice reform must involve the families whose loved ones have died in custody. This statement is intended to be a living document as we continue to consult and do the work with these families during such difficult times. Nothing in this document is intended to replace or override their own calls for justice. Our people demand that the Royal Commission into Aboriginal Deaths in Custody's recommendations not be ignored.

1. All governments, jurisdictions and legal systems need to listen to the families whose loved ones have died in police or prison custody and meaningfully and respectfully involve them in all relevant policy and legal reforms while remunerating them for their labour. The families' voices must be centred in all reforms and changes that aim to end Black deaths in custody.
2. All governments need to urgently implement all of the recommendations from the Royal Commission into Aboriginal Deaths in Custody, the Australian Law Reform Commission's Pathways to Justice Inquiry, the Royal Commission into the Protection and Detention of Children in the Northern Territory and the many deaths in custody coronial investigation recommendations, and publicly report on their progress with monitoring and public oversight by our people and our organisations. For our people, the police's role as first responders is often not helpful, but harmful or even fatal. For true justice, we must hold police, prisons, and authorities accountable.
3. All governments need to hold police, prisons, medical officers, and others accountable through criminal and civil processes for all future and historic black deaths in custody. This includes the immediate referral to the respective Department of Public Prosecutions for criminal charges in all cases where there is sufficient evidence as well as providing adequate compensation to victims where appropriate.
4. As recommended by the Royal Commission, we demand an independent oversight body for all state, territory, and federal police and prison complaints, this needs to include complaints against corporate prisons and contractors. This body needs to be properly resourced, report directly to parliament, and have sufficient powers to refer matters for criminal investigation. The current system of police investigating themselves when complaints are made against them is fundamentally flawed.
5. All governments need to urgently prioritise the reallocation of public funding away from ineffective, punitive policies or on the expansion of prisons, particularly for-profit prisons and instead focus on strengthening and improving our communities with Aboriginal and Torres Strait Islander led solutions. We need more excellent schools, community healthcare, and healing programs by and for our people.



6. All governments and police services need to end racist and discriminatory policing as well as ending systemic and institutionalised racism. This includes the implementation of receipting practises for police conducting stops and searches nationwide to prevent racial profiling by police services. Police services must make this disaggregated data publicly available. We also need data sovereignty, asserting our own interests over our own data for our purposes, so that we can have oversight of the policy and legislative frameworks that affect our lives.
7. Police services need to allow all of our people access to Custody Notification Services, without exception or delay. These services must be fully publicly funded and resourced and it must be mandatory for police to immediately notify ATSILS when an Aboriginal or Torres Strait Islander person is in custody for any reason, including protective custody. A handful of decision makers are blocking our self-determination by denying our communities and organisations the urgent public funding and resourcing they need and by not removing discriminatory laws and policies that disproportionately punish us.
8. As a signatory to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), the Australian Government, including all states and territories need to implement the UNDRIP into our domestic laws and policies.
9. The Commonwealth and the states and territories must set ambitious adult and youth justice targets to end our over imprisonment. We are asking for a justice target to end the over-representation of Aboriginal and Torres Strait Islander youth (10-17 years) and adults on community-based orders, in police custody and in prison within 10 years. We also call for ambitious targets on family violence, child protection, disability and housing.
10. All governments need to fully resource and support Aboriginal and Torres Strait Islander Legal Services, Family Violence Prevention Legal Services, and other Aboriginal community controlled organisations and programs to meet the unmet legal, health, social, and cultural needs of our people. This also includes: a. Fully resourcing and funding ATSILS to run coronial inquests to ensure that our people receive culturally safe, timely, and fair legal assistance before, during, and after all coronial processes. b. Expediting coronial investigations for all Black deaths in custody, our people are waiting too long for answers and accountability after their loved ones have died in custody.
11. State and territory governments need to work with NATSILS and ATSILS and other relevant Aboriginal and Torres Strait Islander organisations to make remand and bail laws fair, including: a. Creating a legislative presumption in favour of bail for all offences, except in circumstances where there is a specific and immediate risk to the physical safety of another person. b. Developing guidelines on the application of bail provisions requiring bail authorities to consider any issues that arise due to a person's Aboriginality. c. Identifying gaps in the provision of culturally appropriate bail support programs and diversion options. d. Fully resourcing and funding ATSILS, community justice panels and interpreter services to research relevant matters relating to an Aboriginal and Torres Strait Islander person's identity to submit to the court. We won't accept our women, our young people, and our people with disability being blocked from getting the care and healing they need.
12. All governments need to prioritise the early screening for, and the timely support for, disability for our children, particularly Foetal Alcohol Spectrum Disorders and hearing loss. All governments need to ensure that all of our people entering imprisonment are also screened for disability and receive all of the culturally safe support and assistance they require.

13. All governments across Australia need to commit to raising the age of criminal responsibility to at least 14 years of age with no exceptions for any type of offending as well as implement a minimum age of detention of 16 years. All governments need to end the criminalisation of our children and young people in out of home care and child protection, and provide numerous, culturally appropriate diversion programs and other alternatives to imprisonment.
14. All jurisdictions that allow for people to be imprisoned after a finding of unfitness to plead or to stand trial, or by verdict of not guilty due to mental impairment need to impose effective limits on the total period of imprisonment that person can be subject to as well as mandating a rehabilitation plan developed by appropriately qualified professionals that facilitates their return to the community. We need alternatives to prison, culturally safe ways of healing and recovery and accountability.
15. All Australian governments and in partnership with our people and our organisations must urgently implement decarceration strategies including: a. Ending the imprisonment of our people, including children, who have not been sentenced for a crime. b. Ensuring that our communities have easy access to income support- including keeping the higher rate of JobSeeker, providing appropriate healthcare and prioritising the provision of affordable basics like medications and nutritious food in rural and remote areas. c. Ending homelessness in Australia by 2030 by building public and social homes and by upgrading and maintaining existing homes. d. Strengthening justice reinvestment programs and place-based interventions by prioritising public spending on communities and culturally safe support services that are strong in our culture and led by our Elders instead of more policing and prisons. e. Increasing culturally safe diversion programs, including Aboriginal community-controlled programs for young people, and other alternatives to imprisonment. f. Increased funding and support for Aboriginal and Torres Strait Islander community-led prevention and early intervention efforts to reduce violence against our women and offending by our women. g. Ending the unsafe and inappropriate removal of our children and the full implementation of the Aboriginal Child Placement Principles in all states and territories, including taking a community-centred, family inclusive approach to child protection concerns to ensure our children are culturally, physically and emotionally safe.
16. Repealing low level offences that are discriminatorily used to target and over-police our people and contributes to our mass imprisonment and sometimes our death, like public drunkenness offences, any imprisonment for unpaid fines, begging and vagrancy offences and mandatory sentencing.
17. All governments need to ensure that conditions in prisons are independently monitored and comply with our domestic and international human rights obligations like the Optional Protocol Against Torture, and that imprisoned children in particular are not denied an education or educational materials during their imprisonment.
18. All governments need to urgently designate and/or establish National Preventive Mechanisms (NPM) to oversee the conditions of detention and treatment of people in places of detention, which must, at a minimum, comply with international human rights standards. Governments need to engage with civil society, including our organisations, in transparent, inclusive and robust consultations as they are established and operationalised. NPMs need to ensure that their operations, policies, frameworks and governance are always culturally appropriate and safe for our people. NPMs need to also ensure their findings are publicly available and published in different formats and languages, including our languages.



19. All governments need to prohibit the use of solitary confinement, spithoods and restraints, and other practices that amount to torture or cruel, inhuman or degrading treatment or punishment, including isolation and quarantine measures that amount to effective solitary confinement, in all adult and children's prisons.
20. All governments need to commit to fully funding and resourcing the culturally safe throughcare programs and support services run by ATSILS. This will ensure our people are fully supported when they are transitioning from imprisonment into the community. Public momentum is gathering, the world is watching like never before. As an Aboriginal Community Controlled Organisation, we will continue advocating with and for our people for justice that focuses on our solutions, grounded in our cultures and strong in truth telling and accountability.

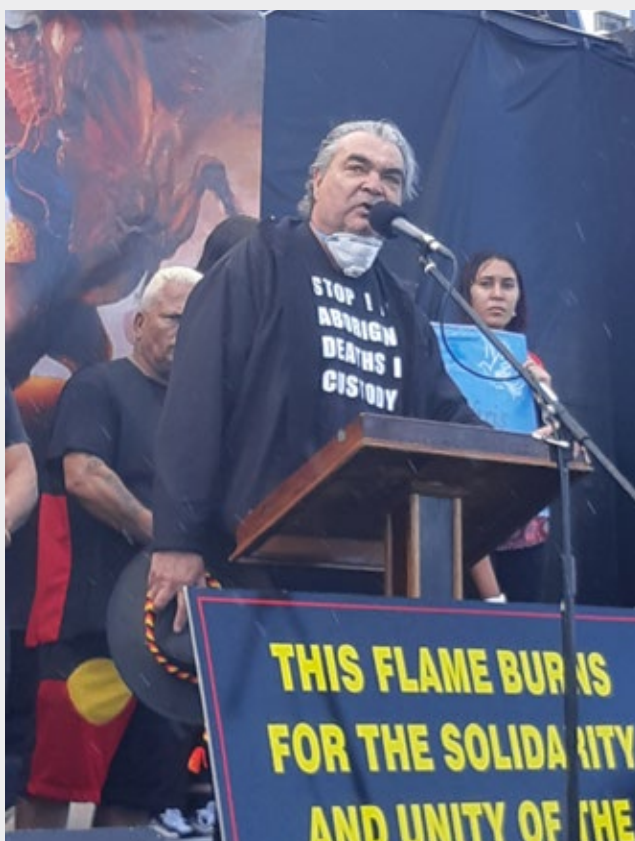
Black lives matter.

NATSILS July 2020

Black Lives Matter Perth

Across Australia, tens of thousands of people attended Black Lives Matter protests. In Perth in June 2020, over 10,000 people gathered at Langley Park for speeches before marching through Perth streets. Many in attendance wore masks because of the threat of COVID-19, but the support was overwhelming.

ALSWA CEO Dennis Eggington addressed the crowd calling for an end to deaths in custody and acknowledging the importance of so many young people stepping up to continue in the fight for justice.



ALSWA CEO Dennis Eggington



Dr Hannah McGlade



Derek Nannup Jnr

Elder Ben Taylor

Megan Krakouer

Black Lives Matter Geraldton

ALSWA staff in Geraldton attended their local Black Lives Matter event in June 2020. Attendance at local community events is very important, particularly an event that highlights the tragic loss of Aboriginal lives as part of the Black Lives Matter movement.

One death in custody is one too many and ALSWA pays its respects, and offers condolences, to all who have suffered the loss of a loved one.



L-R: Welcome to Country by Derek Councillor as Rayleen Councillor prepares the fire, Carol Roe, grandmother of the late Ms. Dhu, ALSWA Geraldton Legal Secretary Terina Radcliffe with Nola Gregory



Linda Mettam Albany Legal Secretary and Albany lawyer Janie Gibbs, and ALSWA Perth lawyers Alex Dew and Hayley Barbarich

Community Legal Education and Media

COVID-19 slowed down ALSWA's delivery of Community Legal Education (CLE) but there were still plenty of opportunities to deliver information for our communities. Where face to face contact was not possible the ALSWA Facebook Page and website continued to keep community members up to date.

CLE is a very important component of ALSWA's work and can take many forms. ALSWA Albany lawyer Janie Gibbs and secretary Linda Mettam met with a group of students participating in the Aboriginal School Based Training program SRTAFE, Albany Campus. This provided the ideal opportunity to talk about the role of ALSWA, employment opportunities, the role of a court officer and lawyer and how to become one, arrests and interviews with police, discrimination and police complaints. Their session was so positive, that the Albany office has now been invited to host a presentation and a Q&A on campus with Community Service students.

Staff across ALSWA's statewide offices also host and participate in various events (in-house and external) to promote ALSWA services, and in Perth, guest speakers are invited to address staff about Aboriginal culture and history.



ALSWA Civil and Human Rights Unit Managing lawyer Alice Barter addressing Piddington Justice Project



ALSWA CEO Dennis Eggington with Professor Len Collard who spoke to ALSWA Perth staff about Aboriginal culture and the significance of the south west region of WA

Law Matters Radio Program

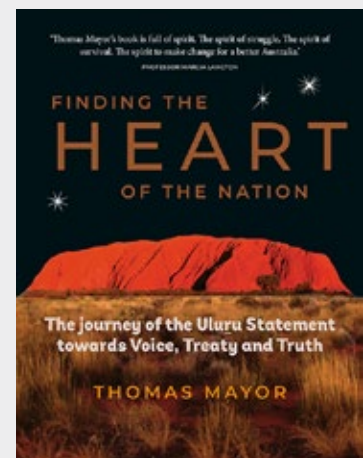
October 2020 will mark ten years since the Law Matters radio program commenced broadcasts on 100.9 FM Noongar Radio in Perth. The program now also attracts a national audience through the National Indigenous Radio Service (NIRS). ALSWA is grateful to Noongar Radio, NIRS and community radio stations who broadcast this important program.

Produced and presented by ALSWA Public Relations/Media Manager Jodi Hoffmann, interviews over the past year include: ALSWA CLE Officer Sabah Rind, Peter Collins ALSWA DLS, Chloe Collard Geraldton Streetwork Aboriginal Corporation, Nikolas Barron, David Woodroffe NAAJA, Nicole Casley ASIC Indigenous Outreach Program, ALSWA CEO Dennis Eggington, Thomas Mayor, Carly Price, Glenn Shaw, Dr Hannah McGlade, Professor Ted Wilkes, Glenda Kickett, Tanesha Bennell, Roxanne Moore NATSILS, Alice Barter, Cheryl Axleby NATSILS, ALSWA lawyer Jonathon Reid, Nick Van Hattem, Benson Saulo and Dan Creasey.

Due to COVID-19 there were no programs between mid-March and mid-June 2020. Archived programs dating back to 2010 can be heard on www.als.org.au



Thomas Mayor on Law Matters, pictured with Presenter Jodi Hoffmann



Offensive Media Coverage

ALSWA also receives complaints about inappropriate media coverage of issues that have distressed community members by their insensitive or inaccurate reporting. One such example was the publication of a racially offensive Modesty Blaise comic strip which appeared in the West Australian newspaper. ALSWA released the following statement:

A second glance at the Modesty Blaise cartoon in today's West Australian newspaper beggars belief that in 2020, offensive content like this is still surfacing. With its beginnings in the early 1960's this cartoon should be banished never to resurface in print again.

Dennis Eggington, CEO of the Aboriginal Legal Service of WA Ltd (ALSWA) said he was in utter disbelief that the cartoon was still being published, in spite of its offensive and racist overtones.

"I cannot believe my eyes! Here you have a cartoon from decades ago that is racist and promotes negatives stereotypes. ALSWA works tirelessly to fight against discrimination and I can assure you that this is not a joke and it is totally unacceptable" said Mr. Eggington.

"This is not a case of 'political correctness gone mad'. This is highly offensive and will not be tolerated by any fair-minded West Australian. Any publicity that this attracts will be for all the wrong reasons and one would have hoped that the current worldwide 'Black Lives Matter' movement would have had an impact upon published material in this state" said Mr. Eggington.

The offensive cartoon gained national media attention, including ABC-TV's Media Watch, and ALSWA was relieved when the paper's Editor-In-Chief publicly apologised for any hurt the cartoon had caused and advised that it would no longer publish the comic strip that commenced in 1972.



On the Road with ALSWA

Working with ALSWA is an incredibly diverse experience depending upon ones geographical location. With twelve offices spanning WA, there is a lot of miles to be travelled to ensure that our people receive legal support and representation.

Kununurra is over three thousand kilometres from Perth and staff from this office travel vast distances by plane and vehicles weekly for court circuit (Balgo and Kalumburu) and outreach services to the major towns, including Warmun and Halls Creek.

While the lawyers rotate for the Magistrate court circuit, court officer Felicity Stewart visits Halls Creek fortnightly for two days and on the third day attends the Magistrates Court in Halls Creek.

While in Halls Creek, she works out of the Jungarni Juttiya Indigenous Corporation, which has been a central part of the local community since 1989, supporting families to achieve safer and healthier lives.



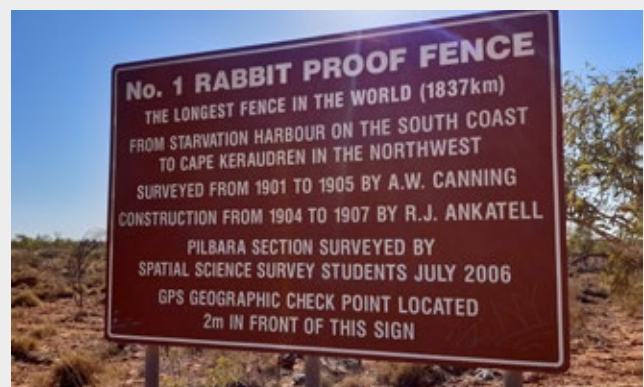
Kununurra Court Officer Felicity Stewart



Felicity says that all of the ALSWA staff at Kununurra go to extraordinary measures to ensure that communities receive legal representation. Local occupational hazards include getting the car bogged after heavy rains or traffic issues such as horse, bush turkeys and cows on the road, not to mention crossing flowing creeks. Another day could see Felicity on a return road trip (436 kms) between Warmun and Kununurra, where she assists community members with a range of legal matters or referrals to other service providers.

ALSWA is extremely proud of the efforts of all regional staff, who go above and beyond in their service delivery. In doing so, they make an invaluable contribution to ensure that our communities have access to important support and legal representation from ALSWA.





Kunawarritji and Punmu photos by ALSWA South Hedland lawyer Samantha Fernandez



Kunawarritji and Punmu photos by ALSWA South Hedland lawyer Samantha Fernandez



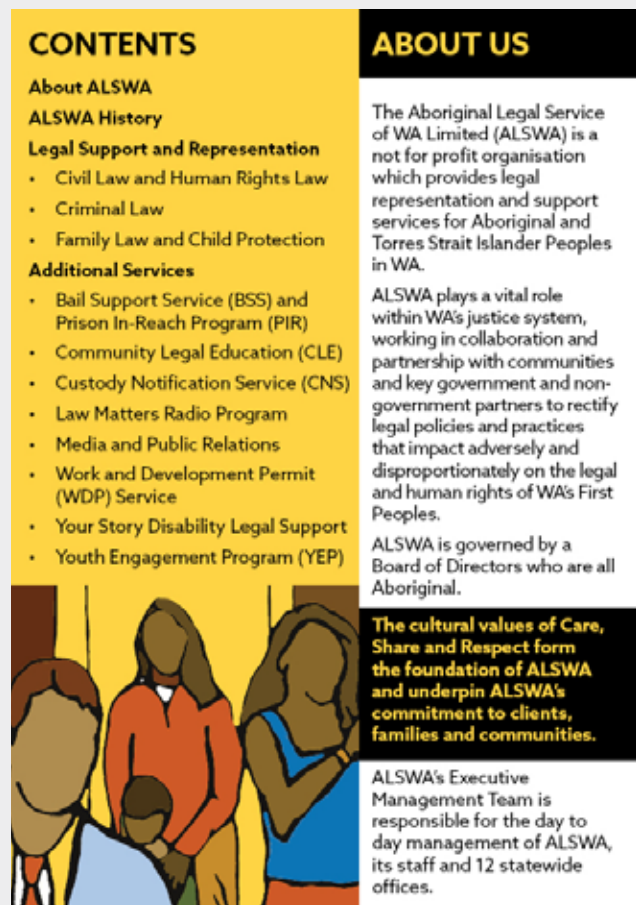
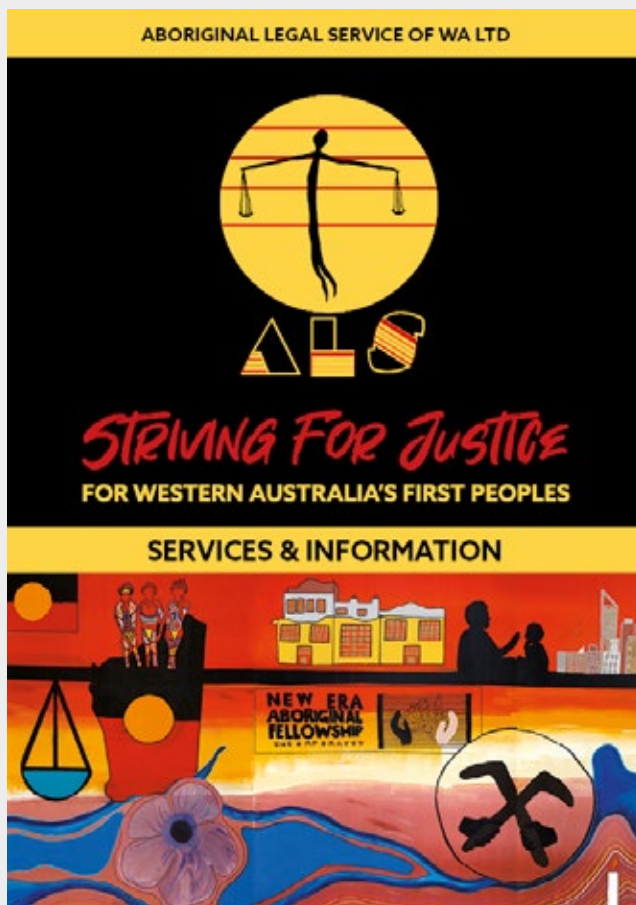
NAIDOC Week 2020 – Cancelled due to Coronavirus

The usual NAIDOC Week dates in July were cancelled due to COVID-19 but some communities were still able to celebrate outside of this period. Kununurra lawyer Ashleigh Williams is pictured here at the NAIDOC March from the Kununurra Courthouse to White Gum Park. The day featured a flag raising ceremony, Elders' speech, stalls, face painting and a barbeque. Throughout the week there were sporting events, bush tucker tastings, quiz night, darts competitions and junior and senior Balls.

NAIDOC Perth events, including the NAIDOC Perth Ball, will take place during November 2020.

New ALSWA Pamphlet

With the expansion of programs delivered by ALSWA, a new pamphlet is currently being designed and will be available later in the year.



If you would like pamphlets for your family, organisation or community please phone the ALSWA Community Legal Education Officer on 08 9265 6666.



Children's Court of Western Australia – Therapeutic Court

A Therapeutic approach (Pilot Court) for Protection and Care matters now operates out of the Children's Court of WA, bringing a new direction that has been developing for some time in WA. It was therefore very significant for a smoking ceremony to occur outside and within the court building at 160 Pier Street, Perth.

Aboriginal children continue to be over-represented in care and ALSWA's Family Law Unit provided input into the earlier Discussion Paper of the WA Department of Justice Court and Tribunal Services, which included that a smoking ceremony would be an important component of the process.

This was an emotional event, with those present recognising the importance of the matters that go through this court, not only for young people, but for their families and wider communities.

WA Family Law Unit lawyer Jonathon Reid performed the role of MC on the steps of the court building before Richard Walley performed the smoking ceremony. Richard and Donna Nelson then lead those in attendance through the front doors, courtroom and other areas within the court as part of the smoking ceremony.



Clockwise from top left: ALSWA Family Law Unit Lawyer Jonathon Reid, Richard Walley, Donna Nelson, Children's Court of WA staff pictured inside the court

CHIEF FINANCIAL OFFICER

John Poroch



I am pleased to present the following audited financial report for the 12 months ended 30 June 2020. The financial Report has been prepared as a general purpose financial report in accordance with the *Corporations Act 2001*, Australian Accounting Standards and the *Corporations Regulations 2001*.

During the period, the Aboriginal Legal Service of Western Australia Limited (ALSWA) recorded total comprehensive income of \$402,143 and revenue of \$15,800,177

The balance sheet remains strong with net assets of \$8,236,195 and will be the platform to carry the ALSWA operations forward.

In an unprecedented year the normal operations of the courts throughout Western Australia were disrupted due to the Corona virus (COVID19) restricting the delivery of frontline legal and advocacy services provided by ALSWA and the general operations of the company, necessitating our employees to practice social distancing and alternative working arrangements such as working from home and avoiding non essential travel. However, throughout this period ALSWA has continued to deliver value to its clients and stakeholders.

During the year the company added to its portfolio of legal and social commitments by negotiating and entering to agreements with the State Government of Western Australia Department of Justice to administer and deliver bail and prison in-reach services. This being a pilot program to reduce avoidable remand by providing early access to bail for suitable applicants and by supporting defendants to comply with bail conditions and undertakings.

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

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.

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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 2020.

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 Preston Thomas
- Mr Paul Baron
- Mr Donald Abdullah
- Ms Colleen Hayward (appointed 18/12/2019)

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 was 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 Islander 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 21 November 2019. 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.

Colleen Hayward was appointed as a Co-Opted Director on 18 December 2019. She is a Noongar Aboriginal woman. Colleen has served on various boards and committees contributing to policies and programs of Aboriginal health, education, training, housing and employment. She had previously served as the deputy CEO of the Aboriginal Legal Service of Western Australia Inc.

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.

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 \$402,143 (2019: income \$70,967).

5. Review of Operations

The Company's revenue for the year ended 30 June 2019 was \$15,800,177 (2019: \$13,940,912), a 13% percentage increase (2019: increase nil) over the previous year.

6. Change in State of Affairs

In December 2019 the Company entered into agreements with the Western Australian State Government to administer and deliver the bail support and Prison in-reach services a pilot program to reduce avoidable remand by providing earlier access to bail for suitable applicants and by supporting defendants to comply with bail conditions and undertakings.

In February 2020 the Company entered into agreement with the South East Australian Aboriginal Justice Service Limited provide and deliver legal advisory services to support the Royal Commission by providing legal advice and information to Aboriginal and Torres Strait Islander people with disabilities, their families and carers who wish to support the Royal Commission.

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 20, the total amount that members of the Company are liable to contribute if the Company is wound up is \$710 (2019: \$700).

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
Colleen Hayward	2	2
Preston Thomas	4	4
Paul Baron	4	4
Donald Abdullah	4	4

12. Events Subsequent to Balance Date

No other matter or circumstance has arisen since 30 June 2020 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 2020.

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



Chairman
Perth, Western Australia
Date: 24 September 2020



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

24 September 2020

Dear Directors

Auditor's Independence Declaration to Aboriginal Legal Services of Western Australia Limited

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

As lead audit partner for the audit of the financial report of Aboriginal Legal Services of Western Australia Limited for the year ended 30 June 2020, 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



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 2020, 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 2020 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 & Ethical Standards Board's APES 110 *Code of Ethics for Professional Accountants* (including Independence Standards) 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.

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Other Information

The directors are responsible for the other information. The other information comprises the information included in the Company's annual report for the year ended 30 June 2020, 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.



- 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, 24 September 2020

Aboriginal Legal Service of Western Australia Limited – 2020 Financial Report

Statement of Profit or Loss and Other Comprehensive Income
For the year ended 30 June 2020

	Note	2020 \$	2019 \$
Revenue	2	15,800,177	13,940,912
Depreciation and amortisation expenses		852,258	193,597
Electricity & gas expense		53,042	79,456
Employee benefits expense		12,003,325	10,662,385
Information technology		85,340	60,806
Interest expense		32,134	-
Library resources		147,535	141,774
Office expenses		52,489	78,458
Other expenditure		1,028,602	837,270
Property expenses		125,740	132,759
Rent		192,006	666,746
Lease expenses		199,284	346,487
Telephone & internet		133,606	117,433
Training		38,473	119,697
Travel and accommodation		454,200	564,144
Profit/(Loss) before income tax		402,143	(60,100)
Income tax (expense) / benefit		-	-
Profit/(Loss) after income tax attributable to the members of ALSWA		402,143	(60,100)
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		402,143	70,967

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

**Statement of Financial Position
As at 30 June 2020**

	Note	2020 \$	2019 \$
Current Assets			
Cash and cash equivalents	5	8,013,717	6,251,608
Other financial assets	6	1,900,411	1,489,707
Receivables	7	569,601	400,060
Total Current Assets		10,483,729	8,141,375
Non-Current Assets			
Property, plant & equipment	8	4,161,550	3,518,477
Total Non- Current Assets		4,161,550	3,518,477
Total Assets		14,645,279	11,659,852
Current Liabilities			
Accounts payable	9	602,359	641,920
Provisions	10	3,225,245	2,619,000
Unexpended grants	11	1,477,548	198,115
Borrowings & interest bearing liabilities	12	274,054	46,013
Total Current Liabilities		5,579,206	3,505,048
Non-Current Liabilities			
Provisions	13	330,561	305,662
Lease liability	14	499,317	-
Total Non-Current Liabilities		829,878	305,662
Total Liabilities		6,409,084	3,810,710
Net Assets		8,236,195	7,849,142
Equity			
Members funds	15	710	700
Retained earnings		4,939,613	4,552,570
Asset revaluation reserve		733,745	733,745
Discretionary reserves	16	2,562,127	2,562,127
Total Equity		8,236,195	7,849,142

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

Aboriginal Legal Service of Western Australia Limited – 2020 Financial Report

Statement of Changes in Equity
For the year ended 30 June 2020

	Note	2020 \$	2019 \$
Retained earnings			
Balance at the beginning of the financial year		4,552,570	4,612,670
(Loss)/profit after tax for the year		402,143	(60,100)
Effect of changes in accounting policy – Adoption AASB 16		(15,100)	-
Balance at the end of the financial year		<u>4,939,613</u>	<u>4,552,570</u>
Discretionary reserves			
Balance at the beginning of the financial year		<u>2,562,127</u>	<u>2,562,127</u>
Balance at the end of the financial year	16	<u>2,562,127</u>	<u>2,562,127</u>
Members contribution			
Balance at the beginning of the financial year		700	260
Additional members contribution for the year		<u>10</u>	<u>440</u>
	15	<u>710</u>	<u>700</u>
Asset revaluation reserve			
Balance at the beginning of the financial year		733,745	602,678
Increase during year		-	131,067
Balance at the end of the financial year	8(a)	<u>733,745</u>	<u>733,745</u>
Total equity at the end of the financial year		<u>8,236,195</u>	<u>7,849,142</u>

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

Statement of Cash Flows
For the year ending 30 June 2020

	Note	2020 \$	2019 \$
Cash flows from operating activities			
Grants received		17,746,179	14,846,651
Payments to suppliers and employees		(15,510,882)	(15,120,128)
Interest received		117,202	168,348
Interest paid		(32,134)	(1,585)
Rent received		67,087	30,290
Sundry income		634,173	79,364
Net cash provided by operating activities	21	<u>3,021,625</u>	<u>2,940</u>
Cash flows from investing activities			
Payment for the purchase of property, plant & equipment		(167,294)	(27,479)
Payment for the purchase of other financial assets		(500,000)	-
Net cash used in investing activities		<u>(667,294)</u>	<u>(27,479)</u>
Cash flows from financing activities			
Repayments of borrowings	20(a)	-	(72,691)
Repayment lease liability		(592,232)	-
Members' contribution		10	440
Net cash used in financing activities		<u>(592,222)</u>	<u>(72,251)</u>
Net increase/(decrease) in cash and cash equivalents held		1,762,109	(96,790)
Cash and cash equivalents at beginning of the financial year		6,251,608	6,348,398
Cash and cash equivalents at the end of the financial year	5	<u>8,013,717</u>	<u>6,251,608</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 into 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 directors have no reason to believe that this financial support will not continue. Covid19 disrupted the operation of magistrate courts throughout the state restricting the delivery of frontline legal and advocacy services and general operations of the company. Necessitating employees to practice social distancing and alternative working arrangement to work from home and the avoidance of non essential travel. The company assessed its eligibility to apply for the Job Keeper salary rebate and secured Covid 19 funding from the Commonwealth Attorney General's Department. The directors have assessed the Covid19 risk to operations and believe that the company has implemented appropriate operational policy and secured its cashflow and is a going concern.

(b) Foreign currency translation

(i) Functional and presentation currency

Items included in the financial statements of the association are measured using the currency of the

Primary economic environment in which the Company operates ("the functional currency").

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

(c) Revenue recognition

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

(i) Government grants

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

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

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

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

(ii) Sale of goods

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

(iii) Provision of services

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

1. Summary of significant accounting policies (continued)

(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

(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) 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.

(g) 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.

(h) 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

(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.

1. Summary of significant accounting policies (continued)

(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.

(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.

1. Summary of significant accounting policies (continued)

(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
Mar 2020	AASB 1060 <i>General Purpose Financial Statements – Simplified Disclosure for For – Profit and Not For Profit Tier 2 Entities</i>	1/07/2021	1/07/2021

(t) Changes in accounting policies

New and amended standards and interpretations:

AASB 16

In the current year, the ALSWA has applied for the first time AASB 16 using the modified retrospective (cumulative catch-up) method from 1 July 2019 where the comparative information is not restated (and continue to be reported under AASB 117 *Leases* and related interpretations). Instead, ALSWA has recognised the cumulative effect of initially applying these requirements for the first time against retained earnings as at 1 July 2019.

Under AASB 16, there is no differentiation between finance and operating leases for the lessee and therefore all arrangements which meet the definition of a lease are recognised on the statement of financial position (except where an exemption election is used).

Nature of change in accounting policy from adoption of AASB 16

ALSWA has conducted an analysis of its lease arrangements and notes that all are at market terms and conditions.

All leases will be accounted for under AASB 16. Previously, ALSWA assessed whether leases were operating or finance leases based on whether the significant risks and rewards of ownership had been transferred to the lessee or remained with the lessor. In 2019, the leases identified by the ALSWA (including office lease and vehicle leases) have been recognised as a right-of-use asset with a corresponding lease liability.

ALSWA has elected to use the exception to lease accounting for leases of low value assets (small items of office equipment). The lease expenses relating to these arrangements are recognised in the statement of comprehensive income for the year on a straight-line basis.

1. Summary of significant accounting policies (continued)

Practical expedients used on transition

AASB 16 includes several practical expedients which can be used on transition, ALSWA has used the following expedients:

- lease liabilities have been discounted using the incremental borrowing rate at 1 July 2019
- right-of-use assets at the inception of the lease have been measured at an amount equal to the lease liability adjusted by any prepaid or accrued lease payments
- a single discount rate was applied to all leases with similar characteristics
- hindsight was used when determining the lease term where the contract contains options to extend or terminate the lease

Comparison of financial report line items under AASB 16 compared to previous standards for the current year

Impact of adoption of AASB 16 on assets, liabilities and equity as at 1 July 2019 (application date)

As at 1 July 2019	Note	Previous carrying amount \$	Adjustment on adoption \$	Carrying amount under new policy \$
Assets				
Right of Use Asset	8	-	797,145	797,145
Liabilities				
Lease liabilities current	21(a)	-	537,870	537,870
Lease liabilities non current	21(a)	-	273,565	273,565
Equity				
Retained earnings		4,552,570	(15,100)	4,537,470

The weighted average lessee's incremental borrowing rate applied to lease liabilities at transition, i.e. 1 July 2019 was 4%.

Comparative information

Comparative information is presented consistently with information relating to the current year, unless it is impracticable to do so or it relates to changes exempted under the transition arrangements of AASB 15, AASB 1058 or AASB 16

Right-of-use asset and lease liability

Right-of-use assets - impact of new accounting standards

ALSWA assesses whether a contract is or contains a lease, at inception of the contract. ALSWA recognises a right-of-use asset and a corresponding lease liability (refer notes 12 and 14) with respect to all lease arrangements in which it is the lessee, except for short-term leases (where the lease term is 12 months or less) and leases of low value assets (such as personal IT equipment). For these leases, ALSWA recognises the lease payments as an operating expense on a straight-line basis over the term of the lease unless another systematic basis is more representative of the time pattern in which economic benefits from the leased assets are consumed.

The right-of-use assets comprise the initial measurement of the corresponding lease liability, lease payments made at or before the commencement day, less any lease incentives received and any initial direct costs. They are subsequently measured at cost less accumulated depreciation and impairment losses.

Right-of-use assets are depreciated over the shorter period of lease term and useful life of the underlying asset (refer below). The depreciation starts at the commencement date of the lease.

ALSWA has elected to adopt the practical expedient permitting a lessee not to separate non-lease components, and instead account for any lease and associated non-lease components as a single arrangement.

Lease liabilities - impact of new accounting standards

The lease liability is initially measured at the present value of the lease payments that are not paid at the commencement date, discounted by using the rate implicit in the lease. If this rate cannot be readily determined, ALSWA uses its incremental borrowing rate.

The lease liability is subsequently measured by increasing the carrying amount to reflect interest on the lease liability (using the effective interest method) and by reducing the carrying amount to reflect the lease payments made.



**1. Summary of significant accounting policies
(continued)**

ALSWA remeasures the lease liability (and makes a corresponding adjustment to the related right-of-use asset) whenever changes are made to:

- the lease term or there is a significant event or change in circumstances resulting in a change the assessment of exercise of a purchase option
- the lease payments due to changes in an index or rate
- the lease contract such that the modification is not accounted for as a separate lease.

ALSWA did not make any such adjustments during the periods presented.

Refer to note 21(a) for a reconciliation of interest bearing liabilities to financing cash flows

2. Revenue	Note	2020	2019
		\$	\$
Income			
Grant income			
Indigenous Legal Assistance Programme grant		12,972,006	12,837,591
Youth Justice grant		418,922	410,147
Custody Notification Service grant		1,127,210	64,365
Bike rescue program grant		1,909	9,124
Yinhawangka grant		-	6,056
Employee of the Year grant		-	1,586
Bail remain and prison inreach services		225,148	-
		17,353	-
		<u>14,762,548</u>	<u>13,328,869</u>
Other income			
Rental		68,498	29,469
Recovery of costs		461,665	291,751
Interest		101,690	162,496
Dividends		85,613	49,277
Other	(i)	320,163	79,050
		<u>1,037,629</u>	<u>612,043</u>
		<u>15,800,177</u>	<u>13,940,912</u>

(i) Covid 19 cashflow boost \$50,000 and \$204,000 Job Keeper assistance received and included.

3. Auditor's remuneration

Remuneration for audit of the financial reports of the Company:

Deloitte Touche Tohmatsu	43,997	30,700
Total remuneration	<u>43,997</u>	<u>30,700</u>

Advisory Services

Taxation	-	-
	<u>-</u>	<u>-</u>
Total remuneration	<u>43,997</u>	<u>30,700</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	80,137	73,973
Post employment benefits	7,613	7,027
Other long term benefits	-	-
	<u>87,750</u>	<u>81,000</u>

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Aboriginal Legal Service of Western Australia Limited – 2020 Financial Report

	2020 \$	2019 \$
Right of use assets	1,328,039	-
Less: accumulated amortisation	(672,313)	-
	655,726	-
Total property, plant & equipment	4,161,550	3,518,477

(a) Asset revaluation reserve

Opening balance		733,745	602,678
Movement	(i)	-	131,067
		733,745	733,745

(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. A market evaluation prepared by independent professional valuers concluded that the effect of Covid19 and general market movement for the past 12 months was stable with little or no change in values.

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 \$	Right of Use Assets \$	Total \$
Carrying amount at 30 June 2018	3,419,537	76,804	57,187	-	3,553,528
Additions	20,092	2,860	4,528	-	27,480
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	3,435,001	54,797	28,680	-	3,518,478
Adoption AASB 16 at 1 July 2019	-	-	-	797,145	797,145
Additions	-	46,716	120,575	530,894	698,185
Disposals	-	-	-	-	-
Depreciation expense	(113,800)	(31,701)	(34,444)	(672,313)	(852,258)
Depreciation on disposals	-	-	-	-	-
Carrying amount at 30 June 2020	3,321,201	69,812	114,811	655,726	4,161,550

Notes to the financial statements

Aboriginal Legal Service of Western Australia Limited – 2020 Financial Report

9. Current Liabilities – Accounts payable

	Note	2020	2019
		\$	\$
Unsecured			
Accrued expenses		288,958	472,368
Taxes payable		161,669	1,723
Superannuation payable		110,371	73,826
Other payables		41,361	94,003
		<u>602,359</u>	<u>641,920</u>

10. Current Liabilities – Provisions

Employee Entitlements			
Annual Leave		1,511,440	1,154,820
Long Service Leave		1,087,077	926,282
Sick Leave		626,728	537,898
		<u>3,225,245</u>	<u>2,619,000</u>

11. Current Liabilities – Unexpended grant

Indigenous Legal Assistance Program grant		158,716	-
Employee of the year grant		10,000	10,000
Kids out of detention		10,000	10,000
Youth Justice Program		(5,077)	14,603
Custody Notification Service grant		728,430	160,635
Bail support & prison inreach services		405,852	-
Dissability Legal Advice Service		168,659	-
Bike rescue grant		968	2,877
		<u>1,477,548</u>	<u>198,115</u>

12. Current Liabilities – Interest bearing liabilities

Lease liability	(a)	251,591	-
Corporate credit cards		22,463	46,013
		<u>274,054</u>	<u>46,013</u>

(a) Being current portion of lease liability recognised upon the adoption of AASB 16 leases

13. Non-Current Liabilities - Provisions

	Note	2020	2019
		\$	\$
Employee Entitlements:			
Long service leave		330,561	305,662

14. Non-Current Liabilities – Interest bearing liabilities

Lease liabilities	499,317	-
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15. Members equity

Opening balance	700	260
Increase	10	440
Decrease	-	-
Closing balance	710	700

16. Discretionary Reserves

Residential Property Reserve	83,873	83,873
Long Service Leave Reserve	672,000	672,000
Asset Replacement Reserve	520,077	520,077
Kalgoorlie Property Reserve	392,037	392,037
Special Projects Reserve	55,396	55,396
Contract Reserve	838,744	838,744
Closing balance	2,562,127	2,562,127

- (i) Residential property reserve is for the repairs and maintenance and improvement of residential properties owned by the Company and which are caveated by the Attorney General department for specific purpose. The reserve increases annually from rents received and decreases as expenses are incurred.
- (ii) Long service leave reserve declares the reserves required by the Company to satisfy current employee entitlement liability.
- (iii) Asset replacement reserve is used to offset future capital purchase requirements that may arise.
- (iv) Kalgoorlie property reserve recognises the probability of the development of a future building on the Company's freehold land in Kalgoorlie.
- (v) Special projects reserve is created from non-Attorney General Department surplus funds to be used for special projects in the future.
- (vi) Contract reserve being the surplus retained from "Legal Services Contract Tenders" 2004 to 2011 identified and preserved for future projects.



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

17. 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 16 (vi)

18. Commitments for expenditure

There is no capital expenditure contracted for at the end of the reporting period (2019: Nil). No finance lease contracts existed at the end of the reporting period (2019: Nil)

19. Financial risk management and policies

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

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

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

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

Each of the risks are identified as follows:

Risk exposures and responses

(a) Interest rate risk

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

	Note	2020	2019
		\$	\$
Financial Assets			
Cash & cash equivalents	5	8,013,717	6,251,608
Other financial assets	6	1,900,411	1,489,707
Receivables	7	306,621	178,286
Total Financial Assets		<u>10,220,749</u>	<u>7,919,601</u>
Financial Liabilities			
Accounts payable	9	602,359	641,920
Unexpended grants	11	1,477,548	198,115
Borrowings & interest bearing liabilities	12	274,054	46,013
Borrowings & interest bearing liabilities Non-current	14	499,317	-
Total Financial Liabilities		<u>2,853,278</u>	<u>886,048</u>
Net Financial Assets		<u>7,367,471</u>	<u>7,033,553</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.

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(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>2020</u> \$	<u>2019</u> \$
Change in profit		
Increase in interest rates by 1%	98,681	76,953
Decrease in interest rates by 1%	(98,681)	(76,953)
Change in equity		
Increase in interest rates by 1%	(98,681)	(76,953)
Decrease in interest rates by 1%	98,681	76,953

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	
	2020	2019	2020	2019	2020	2019	2020	2019
	\$	\$	\$	\$	\$	\$	\$	\$
Financial Assets								
Cash and cash equivalents	8,013,717	6,251,608	-	-	-	-	8,013,717	6,251,608
Other financial assets	1,900,411	1,489,707	-	-	-	-	1,900,411	1,489,707
Trade receivables	306,621	178,286	-	-	-	-	306,621	178,286
	10,220,749	7,919,601					10,220,749	7,919,601
Financial Liabilities								
Trade and other payables	2,079,907	840,034	-	-	-	-	2,079,907	840,034
Borrowings and interest bearing liabilities	274,054	46,013	499,317	-	-	-	773,371	46,013
	2,353,961	886,047	499,317	-	-	-	2,853,278	886,047
Net maturity	7,866,788	7,033,554	(499,317)	-	-	-	7,367,471	7,033,554

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.

20. 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.

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

	<u>2020</u>	<u>2019</u>
	\$	\$
Profit/(Loss) before income tax	402,143	(60,100)
Depreciation and amortisation	852,258	193,597
(Increase)/decrease in receivables	(168,630)	52,709
Increase/(decrease) in trade creditors and other payables	1,215,414	(445,646)
Increase in provisions	631,144	287,389
Net movement in fair value of other financial assets	89,296	(25,009)
Net cash inflow from operating activities	<u>3,021,625</u>	<u>2,940</u>

21(a). Reconciliation of liabilities arising from financing activities

	2020	2019
	\$	\$
Opening balance		
Loans	-	72,691
Total	-	72,691
Financing cash flows	(592,232)	(72,691)
Fair value changes – non cash	-	-
Other changes – adoption AASB 16 - non cash	1,343,140	-
Closing balance - note 12 & 14	<u>750,908</u>	<u>-</u>

22. 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 2020 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.

23. Other information

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

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

Directors' Declaration

In the opinion of the Directors:

- (a) The financial statements and notes set out on pages 7 to 27 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 2020 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: 24 September 2020



ACKNOWLEDGEMENTS

Financial Assistance

ALSWA gratefully acknowledges the support and financial assistance of the Commonwealth Department of the Attorney General (for legal services funding), the National Indigenous Australians Agency (for the CNS) and the WA Department of Justice (for the CNS, BSS/PIR, WDP Service and YEP).

Donations

We express our sincere gratitude to those who generously donated to ALSWA. This was particularly evident throughout 2020 during the Black Lives Matter Movement, with supporters donating through GoFundMe Birthday Fundraisers, and other forums, to support our ongoing work.

Subscriptions

Lexis Nexus for online and hard copy subscriptions.

Image Acknowledgements

CEO photo by Robert Frith, Acorn Photo

The Aboriginal Legal Service of WA Limited 2020 Annual Report was compiled by ALSWA Public Relations/Media Manager 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 Paul Baron	<i>Non-executive, Co-opted Director</i>
Ms Colleen Hayward	<i>Non-executive, Co-opted Director</i>

Company Secretary Mr John Poroch

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Company Auditors Deloitte Touche Tohmatsu
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 Aboriginal Legal Service of WA Limited



My Voice Will Be HEARD
My Life Will MATTER
My Name Will Be KNOWN

NO
JUSTICE
NO PEACE

ALWAYS WAS

ALWAYS WILL BE

STOP
BLACK DEATHS
IN CUSTODY
#BLM



SAME
STORY
DIFFERENT
SOIL

SILENCE IS
CONSENT
TO #BLM
VIOLENCE