

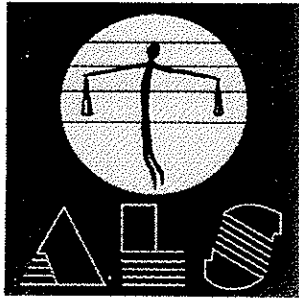
Aboriginal Legal Service  
of Western Australia (Inc)  
Annual Report 1998-99





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## PHILOSOPHY

The Aboriginal Legal Service aims to empower Aboriginal people and advance the interests and aspirations of the Aboriginal community through provision of a comprehensive range of legal and support services throughout Western Australia.

In contemporary and traditional Aboriginal society, it is important to recognise the significance of land, family relationships, language, cultural values and customary law. The Aboriginal Legal Service recognises the needs of Aboriginal people and is committed to protecting and advancing Aboriginal rights and aspirations.

The law and legal system are to be used to bring about social justice for Aboriginal people as a whole. This requires that strategies be developed and utilised in areas of legal advice, legal representation, legal education, legal research, policy development and law reform.

The Aboriginal Legal Service believes that responsibilities go hand-in-hand with rights. While recognising that many people are victims of unjust systems in the wider community, the Aboriginal Legal Service encourages groups and individuals to accept and exercise personal responsibilities.

The Aboriginal Legal Service remains responsive to change and is committed to developing a Statewide network of services that are accessible by all Aboriginal people. It understands that co-operation with other Aboriginal organisations, Government, other legal services and relevant agencies is an essential component of the work that it does. The contribution of Executive Committee members, staff members, the Aboriginal community and volunteers and supporters from within the general community is highly valued. The Aboriginal Legal Service seeks to encourage such positive relations and to promote unity of purpose within the organisation, within the Aboriginal community, and ultimately, within the wider Australian community.



## PRESIDENT'S FOREWORD

I am pleased to present this Annual Report of the Aboriginal Legal Service of WA (Inc) for the Financial Year 1998/1999.

The approach taken by the Executive Committee since I was appointed President has been one designed to ensure that Aboriginal people maintain confidence in the capacity of the organisation to meet their legal needs and to represent them on wider political issues, with increasing effectiveness.

My fellow Executive Committee members deserve appreciation, as do management and staff of ALSWA for fulfilling their duties in a professional and efficient manner to serve the community.

The performance of the organisation during 1998/1999 continued to be impressive, with significant success in the area of Native Title and other legal units maintaining their ability to represent Aboriginal people in the Courts. This served to confirm that ALSWA remained a leading Aboriginal organisation, not only in this State, but in Australia.

I am confident that ALSWA will continue to be supported by the Aboriginal and wider communities. I expect fully that ALSWA will be able to further develop service effectiveness into the new millennium and beyond.

Glen Colbung



## CHIEF EXECUTIVE OFFICER

I am pleased to present this report on the activities and operations of the Aboriginal Legal Service of Western Australia (Inc) (ALSWA) for the 1998/99 financial year.

ALSWA continues, despite ever-increasing demand, to provide a professional and effective legal service to the Aboriginal people of this State.

I have appreciated the input and assistance that has been willingly given by our Executive members on a wide range of issues, especially by our city based members and our president who have been readily available for meetings and staff appointments. I also want to acknowledge the cooperation of those members who, with the assistance of our Regional Coordinator, have undertaken regional meetings over the past year.

While the organisation has been very busy with Native Title and Representative Body matters throughout the year, this has not hindered our involvement in numerous legal and political issues.

Political matters of vital concern to Aboriginal people that were addressed during the year included reconciliation; the republic; the possibility of an action for damages against the British Government as reparation for attempted genocide, dispossession of land and ongoing social, economic and cultural oppression, and Pangea's attempts to use Australia as a dumping ground for nuclear residues.

ALSWA has been heavily involved in the debate and lobbying surrounding the State Native Title Legislation. While earlier this year, the State Government passed the Titles Validation (extinguishment) Bill, ALSWA was instrumental in getting the level of extinguishment in that Bill greatly reduced.

During the year ALSWA created two positions within the Community Unit; Women's Contact Officer and Regional Coordinator. The Women's Contact Officer position was created because of the growing demand to provide a better service to Aboriginal women.

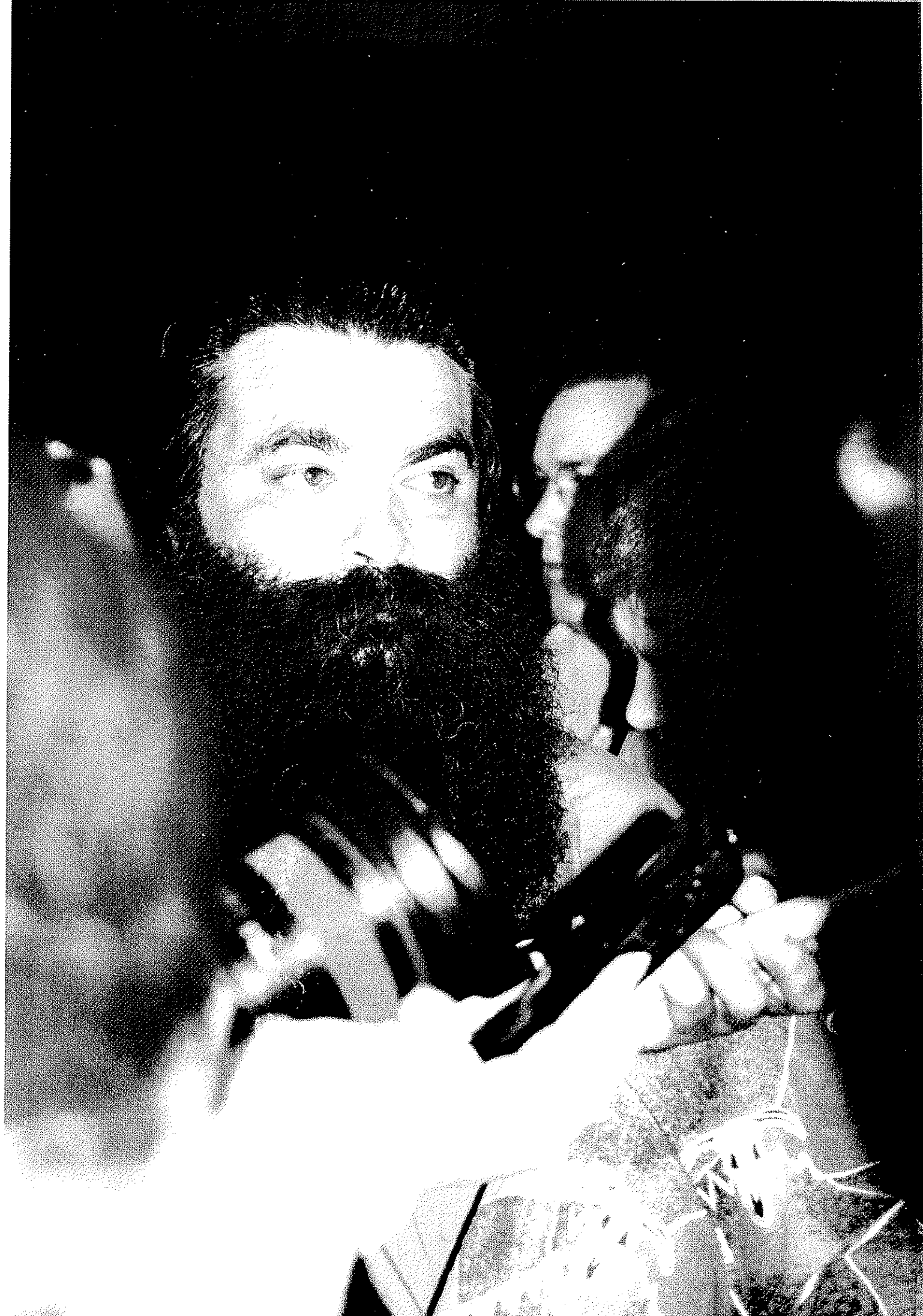
The Regional Coordinator position was created to liaise with Executive Committee members with the view of encouraging them to become more involved with country office activities and community consultations. The position has given ALSWA the opportunity to meet the needs of our regions and reinforced that ALSWA should continue and always continue to maintain its state-wide operation due to the diversity of the Aboriginal community which differs to that of other States in Australia.

Throughout the year we were successful in our pursuit of a higher profile for both the organisation and myself, attaining media coverage on a diverse range of issues including police behaviour; the Prime Minister's 'expression of regret' to the Stolen Generations; the findings of the Senate Select Committee on Aboriginal criminal statistics; Native Title issues; Education issues; reconciliation; and Youth Legal Service cuts.

ALSWA has continued its involvements with a host of organisations both official and community. These included NAILSS, ATSILS in each State and Territory, the NIWG and WAANTWG, Land Councils and Representative Bodies and Aboriginal community organisations

Dennis Eggington

*Dennis Eggington  
meets the media.*



## ALSWA ELECTED EXECUTIVE MEMBERS



Glen Colbung was Vice-President of the Executive Committee of the Aboriginal Legal Service of Western Australia (Inc) for three years prior to being elected President in 1999. He is the 12th President of ALSWA since the Service began operating in 1973.

Mr Colbung was elected to the National Aboriginal Conference in 1978 and re-elected in 1982. He has been a member of the Aboriginal Cultural Materials Committee; the Aboriginal Lands Trust; the Aboriginal Housing Board; the State Aboriginal Justice Committee; is the founder of the Southern Aboriginal Corporation; and has served two terms as councillor on the ATSIC Kaata Wangkinyiny Regional Council. Mr Colbung said a priority under his presidency was to see aspects of Aboriginal customary law incorporated into the State justice system as a means of decreasing the number of Aboriginal people being incarcerated.



Maitland Hedlam is a Yamaji person elected to the Executive Committee of the Aboriginal Legal Service of Western Australia (Inc) in 1998 and voted in as Vice-President of the Committee. Mr Hedlam represents the Murchison-Gascoyne region where he has lived most of his life.

Mr Hedlam is interested in seeing Aboriginal History implemented into the State Education system so that the wider Australian community will have a better understanding of Aboriginal people. He has seven children involved in sport and encourages them and all young Aboriginal people to set life goals.



Lorraine Whitby represents the Central region on the ALSWA Executive Committee (Inc) and is Secretary of the Committee. Ms Whitby is the ALSWA representative on the National Aboriginal & Islander Legal Service Secretariat (NAILSS) and was previously an appointed member of the Police Ministers Council on Aboriginal/Community Relations.

Ms Whitby is heavily involved in a number of community issues on a voluntary basis through her ongoing commitment to the Aboriginal community in the Perth metropolitan region. She is committed to ensuring the rights of women and championing the cause for women to play an important role in politics in this State.

Wilfred Hicks represents the Pilbara region on the ALSWA Executive Committee. He is a member of the ATSIC Ngarda-Ngarli-Yarndu Regional Council and is involved in the management of the Community Development Employment Program in Roebourne.

He has worked for the Roebourne Shire, Main Roads Department, Public Works Department and Karratha Station. Mr Hicks helped build the railway line from Tom Price to King Bay, the road from Pannawonica to Cape Lambert, and the railway line from Port Hedland to Newman.



Clarence Cameron is a Yamaji man representing the Murchison/Gascoyne region on the ALSWA Executive Committee. He is Chairperson of the Yamaji Language Centre which is responsible for producing the newspaper 'Yamaji News', and is a member of the Street Worker's Association in the Yamaji area. He was previously a committee member of the Yamaji Land and Sea Council and has taught art part-time at schools and prisons.

Mr Cameron was a relieving Court Officer for the North-West region and was previously employed by ALSWA as a Court Officer in Port Hedland from 1980 until 1985. He worked for the Aboriginal Affairs Planning Authority (now the Aboriginal Affairs Department) and was a stockman and station worker in the Pilbara area. He also worked in asbestos, tin and gold mines in Marble Bar.



Michael Blurton, originally from Quairading, is a Noongar man representing the Central region on the ALSWA Executive Committee. Mr Blurton works for the Noongar Land Council as a Field Officer and is involved Native Title claims in the Wheatbelt area.

He would like to see the day when Native Title is recognised in Noongar country but expressed it would be much harder to prove because many Noongar people were dispossessed from their country.



Judi Butters is a Gidja woman who was elected to the Executive Committee of the Aboriginal Legal Service of Western Australia (Inc) in 1998.

Judi is Administrator of Ngoonjuwah Council Aboriginal Corporation, a resource centre for the communities in the Halls Creek region. She is Vice-chairperson of the Kimberley Stolen Children committee and a member of the Police Crime Prevention Committee in Halls Creek. She is also a member of the Kimberley Group Training Committee and a member of the Aboriginal Justice Council of the East Kimberley. She is a Justice of the Peace in Halls Creek.







Trevor Penny is a Noongar man originally from Ongerup who represents the Southern region. He has spent the majority of his working life in primary industries, and worked for many years on properties and farms in the Great Southern region before settling in Narrogin in the early 1960's with his family. He is currently a member of the South West Commission of Elders, the Homeswest Board in Narrogin, local Police Committee in Narrogin and a member of Bernhardt Museum. He also continues to work closely with CALM in the identification of Aboriginal sites in the area.

Mr Penny is very concerned about the need for Aboriginal people to become more involved in their own communities to ensure the future of our children. He is also particularly interested in the recognition of Aboriginal rights to land, with reference to hunting, camping and fishing rights.



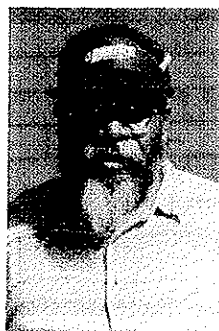
Paul Sampi is an Executive Committee member for the West Kimberley region of the Aboriginal Legal Service of Western Australia (Inc). He lives at One Arm Point, and is a tribal Elder and leader of the Bardi people. Part of his role is to take care of the community's traditional country, the people and sacred sites.

The Bardi people in the West Kimberley have a community business which involves collecting and working trochus shells. The business brings a substantial amount of income to the community and provides employment opportunities. They live in three separate communities surrounding Broome. A combined total of 900 people live in the Djarindjin, Lombadina and One Arm Point communities. The Djarindjin and Lombadina communities were established approximately 100 years ago and One Arm Point, established 30 years ago.



Bruce Smith is a Ngartjatjarra man representing the Goldfields region on the ALSWA Executive Committee. He is Deputy Chair of the Western Desert Regional Council and has a lot of involvement with the Western Desert, Warburton and Cunderlee Aboriginal communities. Mr Smith lives at the Cosmo Newberry Aboriginal community near Laverton and has spent most of his life in that area of the State.

He worked as a police aide in Laverton from 1988-92 and also worked at the Department of Community Development (DCD). At the DCD, Mr Smith was involved in programs aimed at encouraging young Aboriginal people not to abuse drugs and alcohol but to become involved in sports and education. Mr Smith is also a member of the Ngartjatjarra Council.



Charlie Wright, from Bidyadanga, was elected to the Executive Committee of the Aboriginal Legal Service of Western Australia (Inc) in the 1998 election. He currently lives at the Bidyadanga Community, situated 170km from Broome.

Mr Wright has held a number of community positions such as the CDEP Project Officer at Bidyadanga and the Mining Field Officer at the Kimberley Land Council for several years. He was also previously elected to the Shire Council, representing the Dampier Ward and was an inaugural member of the Kullari ATSIC Regional Council for their first three year period of operation. He is employed as the community's mechanic, after completing a 5 year apprenticeship some time ago.

Trevor Bedford, from Halls Creek, is a Gidja/Bunaba man who represents the East Kimberley region. Mr Bedford was born in Wyndham and raised at Moola Bulla Station and Halls Creek. He spent most of his life working as a stockman on various stations around the East Kimberley region, including Texas Downs, Springvale, Landsdowne, Mornington, Alice Downs, Bow River, Goose Hill Stations.

Mr Bedford is the Supervisor at the Halls Creek CDEP, overseeing various contracts. He is a Regional Councillor on the Wunan ATSIC Regional Council and was previously a member of the Yura Yungi Medical Service Executive Committee, and the Ngoonjuwah Council Executive. He also previously served on the ALSWA Executive Committee as the proxy member for the Wunan ATSIC Regional Council Chairperson.



Trudy Hayes is a Thalanyji woman from Onslow representing the Pilbara region on the ALSWA Executive Committee. She is a trained nurse and has worked within the Health Department for 30 years in various hospitals and community health bases around the State. More recently, she has worked for the Women's Centre in Port Hedland as a Lecturer in Aboriginal Studies and is now working for the CDEP program in Port Hedland.

Ms Hayes is the Chairperson of the ASSPA committee at St Cecilia's Catholic School in Port Hedland and was a past Chairperson of the Wangka Maya Aboriginal Language Centre in Port Hedland. She has involvement with the Aboriginal Medical Service in Port Hedland and the Hedland College.



Ron (Doc) Reynolds represents the Goldfields region on the ALSWA Executive Committee. He is the Manager of the Bay of Isles Aboriginal Corporation and is a member of the Goldfields Land Council Executive Committee, Chairperson of Nooda-Ngelugoo CDEP program in the Wongutha (Goldfields) region and a member of the Goldfields Regional Aboriginal Justice Council.

Mr Reynolds is committed to seeing a marked reduction in the current rate of incarceration of Aboriginal people. He is very interested in seeing the appointment of additional ALSWA Field Officers around the State with dual roles, which would enable them to deal with legal issues, as well as community problems.



## ATSIC REGIONAL CHAIRPERSON MEMBERS

Ian Trust	Wunan Regional Council
Vic Hunter	Malarabah Regional Council
Kevin Puertollano	Kullari Regional Council
Adrian Brahim	Ngarda-Ngarli-Yarndu Regional Council
Sandy Davies	Yamatji Regional Council
Veronica Williams-Bennell	Wongutha Regional Council
Bernard Newberry	Western Desert Regional Council
Cedric Jacobs	Perth Noongar Regional Council
Arthur Slater	Kaata-Wangkinyiny Regional Council





## DEPUTY CHIEF EXECUTIVE OFFICER

The 1998/ 1999 financial year heralded a number of changes for the Aboriginal Legal Service of Western Australia (Inc) in the following areas.

### Staff Training and Development

The year saw the return to the previously conducted statewide conferences, for Solicitors and Court Officers, and for Legal Secretaries. It also saw the advent of the skills audit/training profile. This is where staff member self evaluate their roles in the organisation and the training they think they need to keep performing at their best.

The year saw the advent of two new positions: the Regional Co-ordinator and the Women's Contact Officer, each devised in response to perceived community needs located within the Community Unit. While the WCO position is still establishing itself there has been a positive reception. There has been a decline in the number of criticisms of the organisation in regard to the representation of Aboriginal women since the commencement of the position.

The Regional Co-ordinator position is also still establishing itself but has also earned positive feedback. Part of the clear benefits of the position have been in the area of creating lines of communication for Executive members and country staff through to the Perth office. The Regional Co-ordinator is planning regional meetings for Executive members in their respective regions to meet with local community members as a means of finding out how ALSWA can provide a better service.

### Legal Studies

ALSWA has made a significant move towards existing staff (generally Court Officers) undertaking law studies. Most students involved have been studying through Deakin University but the University of Western Australia has also features. Assistance by the organisation is in the form of paid study leave (in addition to other leave), some assistance with daily living expenses, and the payment of student fees and HECS fees for those units that are passed.

### Industrial Relations Issues

The year has seen some staff members on individual Australian Workplace Agreements (AWA's) while others are under the collective Certified Agreement. The difference between the two pertains to delays in negotiations part-way through last year. The employment conditions of all staff (regardless of the Agreement under which they are employed) are the same.

### Financial Management

In the past there has been a substantial deficit in the budget and this require vigilance throughout each financial year. Unfortunately, our level of funding has not been significantly increased and for this financial year we did not even receive a deflator based on inflation in the last financial year. The audit is also once again very positive and steps have already been taken to implement the recommendations from the Auditor.

ATSIC has advised ALSWA that it has now recognised (via a new funding formula) that ALSWA is grossly underfunded. The ALS currently gets about 14% of the national Law and Justice allocation. Research that led to the establishment of the new funding formula took into account many more factors than a simple per capita consideration. In Western Australia, the funding formula recognises the high costs of running country offices, travel, circuit work and generally accommodating staff in those areas. Under this new approach it has been found that the ALS should actually receive closer to 20% of the national Law and Justice allocation.

Unfortunately, there is no move to have us receive this greater allocation, mainly because other areas and other ATSILS would have to have their funding reduced to do this. However, we are trying to convince ATSIC to apply the more favourable formula to supplementary funding. Further advice can be provided to the next meeting of the Committee.

Colleen Hayward

*Colleen Hayward speaks on John Pat memorial day.*





## PRINCIPAL LEGAL OFFICER

The number, scale and complexity of matters that ALSWA is now handling in superior court jurisdictions such as the High Court, Federal Court, Western Australian Supreme Court and District Court, as well as regular matters in the Court of Criminal

Appeal, means that the organisation is running at full steam and under considerable pressure.

The staff in the Land and Heritage Unit are under pressure with the current State/Federal Government's Appeal against Justice Lee's decision in the *Miriwung Gajerrong* Native Title case. The State Government is arguing every point and the matter will likely lead to litigation in the High Court. At the same time the Ngarluma Yindjibarndi and Nharnuwangga claims in the Pilbara and Murchison Gascoyne regions are before the Federal Court with ALSWA representing the claimants.

Government changes to the *Native Title Act* mean that ALSWA is now in conflict with some Land Councils over Representative Body Status and the division of roles this involves. ALSWA's position is that, regardless of whether ALSWA or Land Council have representative body status we can work together in a constructive fashion.

Federal and State Governments have clearly engineered division between Aboriginal Native Title groups by the use of their one area policy embodied in the *Native Title Act*. Our preferred position would have been to have overlapping jurisdiction where matters were referred to us by Land Councils as appropriate. This was our Special Representative Body Status proposal that unfortunately was not incorporated in the new Act.

Land Councils obviously have a political role to play in the development of policy in the future but we see no benefit in reaching premature agreements with the State Government when those agreements might confer fewer rights than under a hard fought court case. To date there has been only one successfully contested determination of native title in the Federal Court of Western Australia and this decision is now under attack by State, Territory and Commonwealth Governments. All efforts must be made to protect the decision, as this is the only significant domino to fall since *Mabo* and is a decision that relates primarily to Western Australia.

### Land & Heritage Unit

The Land & Heritage Unit has expanded and consolidated its position with several teams working on native title claim areas. Costs were awarded to ALSWA following the *Miriwung Gajerrong* decision by Justice Lee but were stayed pending the outcome of the current Federal Court Appeal.

Despite the nature of the *Native Title Act* and the time taken to get claims through the system, it may be the only way that significant rights are generated for Aboriginal people with regard to Native Title.

### Criminal Unit

The number of appeal matters in superior jurisdictions is on the increase. We are currently in the process of making Special Leave Applications to the High Court as well as Applications to the Court of Criminal Appeal and Single Justices of the Supreme Court against decisions in lower jurisdictions.

A new sentencing matrix is about to be introduced which will increase the number of Aboriginal people in jail. Preliminary hearings or Committals are under threat and the Law Reform Commission is currently looking at proposals to amend or remove the right of preliminary hearings. Moves are afoot also to abolish or restrict the accused's right to silence which is now being done in Britain.

### Civil Unit

Significant wins (and costs) have been achieved in the areas of personal injury and criminal injury compensation. Recently a favourable Federal Court decision in the matter of *Ward* has meant that now Aboriginal Police Aides are now regarded as employees. We are in the process of preparing a number of Stolen Generation matters and are liaising with solicitors currently working in the Northern Territory. We are also getting cases underway involving the mistreatment of prisoners.

### Family & Country

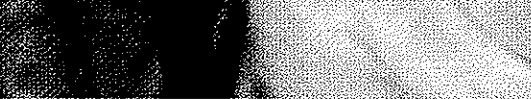
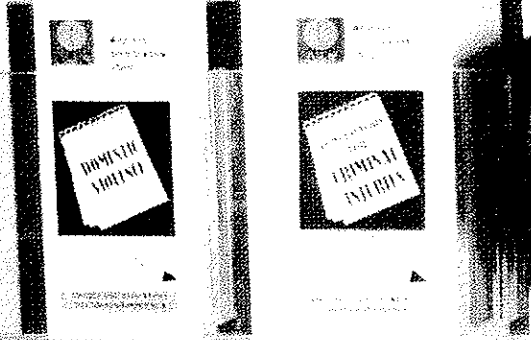
The Family Law Unit continues to operate effectively and stably. In country offices, overworked staff travel long distances and work for very little reward in difficult circumstances.

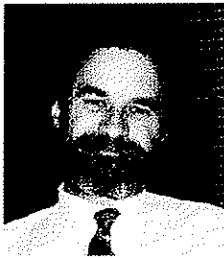
David Imlah

West Kimberley member  
Paul Sampi visits Perth  
ALSWA Office.



Something close  
to every  
smoker's heart





## LAND & HERITAGE EXECUTIVE OFFICER

**Native Title Representative Bodies: Re-recognition process:**  
The amended Federal Native Title Act has a section in it whereby all Native Title Representative Bodies have to endure a process of being re-recognised. The ALSWA was previously able to operate across the State, but under the new Act, will need to compete with Land Councils in some areas. ALSWA is developing Working Agreements with Land Councils to ensure the best protection of Native Title rights for Aboriginal people throughout the State.

If the Federal Minister for Aboriginal and Torres Strait Islander Affairs does not recognise the ALSWA as a Representative Body, or support the agreements it makes with Land Councils, then it would need to consider other options as to how to continue its role in the protection of Native Title Rights and Interests.

**Miriuwung Gajerrong (1) Native Title Determination:**  
The Miriuwung and Gajerrong people must be congratulated for their success in court, but also for the quality of evidence they presented during court proceedings. Native Title claims cannot be won without the full co-operation of the claimants, and ALSWA could only succeed with their help.

Justice Lee in his judgement said the Miriuwung and Gajerrong people had Native Title rights over 7,500 square kilometres of the East Kimberley and small parts of the Northern Territory. The decision also indicated that Native Title had been extinguished on certain parts of the land under claim.

There has been an appeal by the Western Australian and Northern Territory Governments on the decision heard before the full bench of the Federal Court, and we are now awaiting the outcome of that appeal which is expected to be handed down next year. The Land & Heritage Unit is hopeful that the Full Bench of the Federal Court will not remove any of the rights won.

**Registration Test for Native Title Applications:**  
The amended Federal Native Title Act has made it compulsory that all claims be subject to a stricter test to be registered at the National Native Title Tribunal. We have had success in Njamal, Nhamuwangga, Bullenbuk, Ngarluma Yindjibarndi, Kurama Marthedunera, Gnulli and Ngoonooroo Wadjari claims.

**Test Cases**  
The Solicitors in the Land Heritage Unit and Representative Body have undertaken several Test Cases in the past year and have had success with them. They are: the Bindi Bindi Shire Rates case before the Supreme Court; an appeal before the Supreme Court against a Broome Fishing prosecution; an appeal before the Full Court of the Supreme Court against the Wilkes fishing conviction; and Intervention before the High Court in Yanner and Eaton.

**General Issues**  
The staff within the LHU/ALSRB has developed into a highly professional multi-disciplinary team with all the skills and knowledge to be able to assist Native Title claimants in the protection of their native title rights and interests.

The LHU/ALSRB also made submissions to various Parliamentary Committees including Titles Validation Bill (WA State Native Title Legislation), State Native Title Provisions Bill (WA State Native Title Tribunal), Regional Forrest Agreements Bill, Senate Legal and Constitutional Legislation Committee in relation to the Aboriginal and Torres Strait Islander Heritage and Protection Bill and the Parliamentary Joint Committee on Native Title and the Land Fund.

Glenn Shaw

*Miriuwung and Gajerrong women after signing an agreement.*





## FINANCIAL REPORT

### Independent Audit Report for the Consolidated Accounts

#### Scope

We have audited the attached financial statements comprising the Balance Sheet, the Income and Expenditure Statement, information for ATSIIC purposes, Notes to and Forming part of the Accounts and attached Schedules to the Accounts as set out on pages 4 to 16 of the Aboriginal Legal Service of Western Australia (Inc) Consolidated accounts for the year ended 30 June 1999. The Aboriginal Legal Service of WA (Inc) have determined that the accounting policies used and described in Note 1 to the financial statements are appropriate. We have conducted an independent audit of the financial statements. No opinion is expressed as to whether the accounting policies used, and described in Note 1, are appropriate.

The financial statements have been prepared to satisfy a requirement of the terms and conditions of the grant. We disclaim any assumption of responsibility for any reliance on this report or on the financial statements to which it relates to any person other than for the purpose for which it was prepared.

Our audit has been conducted in accordance with Australian Auditing Standards. Our procedures included examination, on a test basis, of evidence supporting the amounts and other disclosures in the financial statements, and the evaluation of significant accounting estimates. These procedures have been undertaken to form an opinion as to whether, in all material respects, the financial statements are presented fairly in accordance with Australian accounting policies described in Note 1 so as to present a view which is consistent with our understanding of the entity's financial position. (These policies do not require the application of all Accounting Standards and other mandatory reporting requirements)

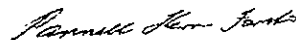
The audit opinion expressed in this report has been formed on the above basis.

#### INDEPENDENT AUDIT REPORT

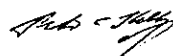
##### Audit Opinion

In our opinion, the financial statements of the Consolidated accounts for the year ended 30 June 1999 are properly drawn up:

- a) So as to give a true and fair view in accordance with the accounting policies in Note 1 to the financial statements.
- a) Are based on proper accounts and records and are in agreement with those accounts and records and are in accordance with information and explanations obtained;
- a) Adequate financial controls have been maintained by the entity; and
- a) In accordance with applicable Accounting Standards and other mandatory professional reporting requirements. As the entity is not a reporting entity Accounting Standards have only been applied as described in Note 1 to the financial statements.
- a) All assets with a written down value exceeding \$1000 are included in the asset register and have been insured with an approved insurer.



PANNELL KERR FORSTER  
Chartered Accountants  
(Western Australian Partnership)



P C KELLY  
Partner  
Signed at Perth Western Australia October 8, 1999

## STATEMENT BY CHAIRPERSON/ACCOUNTANT

In our opinion:

The accounts and schedules set out on pages 4 to 16 present fairly the consolidated financial position of the Aboriginal Legal Service of Western Australia (Inc) at 30th June 1999 and the results of its operations for the year ended 30<sup>th</sup> June 1999, in accordance with the basis of accounting described in Note 1 to the accounts and are based on proper accounts and records. The grants received from the Aboriginal and Torres Strait Islanders Commission (ATSIC) for the financial year 1998/99 have been used towards the achievement of goals for which they were provided and all conditions included in the ATSIC letter of offers have been complied with.

Dated at Perth this 8TH day of OCTOBER 1999

CHAIRPERSON

ACCOUNTANT

## BALANCE SHEET AS AT 30TH JUNE 1999

	Note	1999	1998
	\$	\$	
<b>CURRENT ASSETS</b>			
Cash	2	1,840,180	1,508,595
Receivables	3	140,330	119,720
Total Current Assets		1,980,510	1,628,315
<b>NON-CURRENT ASSETS</b>			
Property, furniture and equipment	1(B), 4	462,877	347,118
Leasehold improvements	1(B), 5	133,593	124,269
Total Non-Current Assets		596,470	471,387
<b>TOTAL ASSETS</b>		2,576,980	2,099,702
<b>CURRENT LIABILITIES</b>			
Accounts payable	1(E), 6	364,455	477,520
Provisions	7	504,000	421,000
Unexpended ATSIC Grants	12	1,300,931	-
Total Current Liabilities		2,169,386	898,520
<b>NON-CURRENT LIABILITIES</b>			
Provisions	8	231,000	95,000
Total Non-Current Liabilities		231,000	95,000
<b>TOTAL LIABILITIES</b>		2,400,386	993,520
<b>NET ASSETS</b>		\$176,594	\$1,106,182
<b>Accumulated Funds:</b>			
Reserves	9	741,633	741,633
Retained surplus		(565,039)	364,549
<b>TOTAL FUNDS</b>		\$176,594	\$1,106,182

The accompanying notes form part of and are to be read in conjunction with this financial statement.

INCOME AND EXPENDITURE  
FOR THE YEAR ENDED 30TH JUNE 1999

	Note	1999 \$	1998 \$
<b>INCOME</b>			
ATSIC grants		8,434,360	8,976,150
Interest		76,371	91,063
Other income		171,090	296,108
		<u>8,681,821</u>	<u>9,363,321</u>
<b>EXPENDITURE</b>			
Salaries		5,073,642	4,906,843
Depreciation		244,870	268,154
Other operating expenses		4,269,768	3,880,436
		<u>9,588,280</u>	<u>9,055,433</u>
Net surplus/(deficit) for year	13	(906,459)	307,888
Retained surplus/(deficit) at the beginning of the financial year		364,549	56,661
Transfer to Unexpended ATSIC grant - Derby	11	(23,129)	-
Retained surplus/(deficit) at the end of the financial year		<u>(\$565,039)</u>	<u>\$364,549</u>

The accompanying notes form part of and are to be read in conjunction with this financial statement.

CASH FLOW STATEMENT  
FOR THE YEAR ENDED 30TH JUNE 1999

	NOTE	1999 Inflows (Outflows)	1998 Inflows (Outflows)
<b>Cash flows from operating activities:</b>			
ATSIC Funds		8,434,360	8,976,150
Unexpended ATSIC Funds		1,300,932	-
Interest received		76,372	91,063
Other receipts		171,090	296,108
Payments to suppliers and employees		(9,259,525)	(8,792,464)
Net cash from/(used in) operating activities	A	<u>723,229</u>	<u>570,857</u>
<b>Cash flows from investing activities:</b>			
Payments for property, plant and equipment		(391,644)	(304,205)
Net cash used in investing activities		<u>(391,644)</u>	<u>(304,205)</u>
Net increase/(decrease) in cash held		<u>331,585</u>	<u>266,652</u>
Opening balance of cash held		1,508,595	1,241,943
Cash balance at the end of the year		<u>\$1,840,180</u>	<u>\$1,508,595</u>

A RECONCILIATION OF NET CASH PROVIDED FROM OPERATING ACTIVITIES TO NET INCOME/(DEFICIT) FOR YEAR			
	Net income/(deficit) for year	[906,459]	307,888
Loss on sale of assets		21,690	-
Depreciation		244,870	268,154
Increase in provisions		219,000	32,600
Increase in receivables		[20,610]	[7,894]
Increase/(decrease) in creditors and accruals		[113,065]	[29,891]
Unexpended Funds		1,300,932	-
Surplus 97/98 Derby - Unexpended 98/99	11	[23,129]	-
Net cash from/(used in) operating activities		\$723,229	\$570,857

NOTES TO AND FORMING PART OF THE ACCOUNTS  
FOR THE YEAR ENDED 30TH JUNE 1999

I. STATEMENT OF ACCOUNTING POLICIES

A) BASIS OF ACCOUNTING & CONSOLIDATION

These financial statements are "Special Purpose Financial Statements" that have been prepared in order to satisfy the terms and conditions of the Grant. No accounting standards have mandatory applicability.

The consolidated financial accounts comprise the accounts of the Aboriginal Legal Service of WA (Inc) and other entities which received grants from the Aboriginal and Torres Strait Islanders Commission (ATSIC) for which the Aboriginal Legal Service of WA (Inc) acts as grantee and is responsible for. Details of the contribution to the consolidated net surplus/(deficit) by each entity is included in Note 12.

The accrual basis of accounting has been applied. All reports have been prepared on the historical cost basis.

B) NON-CURRENT ASSETS

Non-Current Assets have been recorded in the financial statements at 1 July 1995 valuation and subsequent acquisition cost, less accumulated depreciation or amortisation. Depreciation/amortisation is calculated on a straight-line basis over the estimated useful lives of the assets. Assets with a cost less than \$1000 are fully depreciated in the year of purchase.

Useful lives for each class of depreciable asset are:

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

C) GOING CONCERN

It is considered appropriate to prepare the accounts on a going concern basis as continued funding from the Aboriginal and Torres Strait Islanders Commission (ATSIC) is expected.

D) COMPARATIVE INFORMATION

Certain comparative information has been re-classified to ensure consistency with current years disclosure.



NOTES TO AND FORMING PART OF THE ACCOUNTS  
FOR THE YEAR ENDED 30<sup>TH</sup> JUNE 1999

E) ACCOUNTS PAYABLE

Accounts Payable, including accruals not yet billed, are recognised when the obligation arises to make future payments as a result of a purchase of assets or services. Accounts payable are generally settled within 30 days.

	1999 \$	1998 \$
2. <u>CURRENT ASSETS - CASH</u>		
Payroll Account	4,694	285
Cash Management Accounts	1,026,153	481,765
Branch Imprest	4,429	3,510
Petty Cash Imprest	2,900	1,400
General Accounts	52,004	216,735
Short term Deposits	750,000	804,900
	<u>\$1,840,180</u>	<u>\$1,508,595</u>
3. <u>CURRENT ASSETS - RECEIVABLES</u>		
Prepayments	73,775	80,559
Organisation Trust	68,241	29,612
Others - General	(1,686)	9,549
	<u>\$140,330</u>	<u>\$119,720</u>
4. <u>NON-CURRENT ASSETS - PROPERTY, FURNITURE &amp; EQUIPMENT</u>		
Land and Buildings	74,626	99,773
At committee's valuation 1 July 1995	14,690	16,983
Accumulated depreciation	<u>59,936</u>	<u>82,790</u>
	23,760	28,552
At cost	3,562	3,235
Accumulated depreciation	<u>20,198</u>	<u>25,317</u>
	80,134	108,107
Total land and buildings		

NOTES TO AND FORMING PART OF THE ACCOUNTS  
FOR THE YEAR ENDED 30<sup>TH</sup> JUNE 1999

	1999 \$	1998 \$
4. <u>NON-CURRENT ASSETS - PROPERTY, FURNITURE &amp; EQUIPMENT</u>		
Furniture and Equipment	217,468	217,468
At committee's valuation, 1 July 1995	217,468	214,429
Accumulated depreciation	<u>0</u>	<u>3039</u>
	1,004,005	676,545
At cost	621,262	440,573
Accumulated depreciation	<u>382,743</u>	<u>235,972</u>
	382,743	239,011
Total furniture and equipment		
Total Property, Furniture and Equipment	<u>\$462,877</u>	<u>\$347,118</u>

5.	<u>NON-CURRENT ASSETS</u>		
	Leasehold Improvements		
	At committee's valuation 1 July 1995	424,392	424,392
	Accumulated amortisation	424,392	424,392
		-----	-----
		---	---
		-----	-----
	At cost	229,376	173,326
	Accumulated depreciation	95,783	49,057
		-----	-----
		133,593	124,269
		-----	-----
	Total Leasehold Improvements	\$133,593	\$124,269
		=====	=====

NOTES TO AND FORMING PART OF THE ACCOUNTS  
FOR THE YEAR ENDED 30<sup>TH</sup> JUNE 1999

		<u>1999</u>	<u>1998</u>
		\$	\$
6.	<u>CURRENT LIABILITIES - ACCOUNTS PAYABLE</u>		
	Sundry accruals	137,467	115,673
	Other Creditors	[81]	51,449
	Accounts Payable	227,069	310,398
		-----	-----
		\$364,455	\$477,520
		=====	=====
7.	<u>CURRENT LIABILITIES - PROVISIONS</u>		
	Annual Leave	384,000	305,000
	Long Service Leave	120,000	116,000
		-----	-----
		\$504,000	421,000
		=====	=====
8.	<u>NON-CURRENT LIABILITIES</u>		
	Long Service Leave	231,000	95,000
		-----	-----
		\$231,000	\$95,000
		=====	=====
9.	<u>RESERVES</u>		
	Asset Revaluation Reserve	\$741,633	\$741,633
		=====	=====

Due to the introduction of full accrual accounting on 1 July 1995, the value of property, plant and equipment recognised at that date was \$741,633. This reserve accordingly reflects the recognition of such assets.

10. CONTINGENT LIABILITY

An amount of \$NIL (1998: \$844,882) relating to unexpended grants may be carried forward only with the approval of the Aboriginal and Torres Strait Islanders Commission (ATSIC).

Briefing obligations totalling \$155,679 have been entered into but not accounted for as of 30<sup>TH</sup> June 1999.

NOTES TO AND FORMING PART OF THE ACCOUNTS  
FOR THE YEAR ENDED 30<sup>TH</sup> JUNE 1999

11. CHANGE IN ACCOUNTING POLICY

All receipts from ATSIC were previously recognised as revenue when received. As of 1<sup>st</sup> July 1998 receipts from ATSIC are only recognised as revenue when the funds are expended. Previously any remaining ATSIC funds were then treated as net income and included in retained earnings. The new policy will treat any remaining ATSIC funds (unexpended) as a current liability and carried forward to the next financial year as unexpended until approval is given from ATSIC to spend the funds.

The financial effect of this change in policy is a decrease in net income and retained earnings of \$1,300,932, an increase in unexpended grant liability of \$1,300,932 and a decrease in contingent liability of \$1,300,932.

	1999 \$	1998 \$
12. <u>CURRENT LIABILITIES - UNEXPENDED FUNDS</u>		
Law and Justice Grant	308,335	-
Test Case Grant	176,885	-
Derby Solicitor Grant	23,129	-
Land and Heritage Unit	245,750	-
West Pilbara Representative Body	499,141	-
Western Australian Native Title Working Group	11,097	-
W. A. Native Title Working Group Negotiation Team	36,595	-
	<u>\$1,300,932</u>	<u>-</u>
13. <u>CONTRIBUTION TO SURPLUS/(DEFICIT)</u>		
Law and Justice Grant	(289,641)	(190,125)
Test Cases Grant	-	-
ATSIC Derby Grant	(41,043)	70,000
Land and Heritage Unit	(54,335)	(448,062)
West Pilbara Representative Body	(514,688)	511,314
National Indigenous Working Group	(3,841)	3,841
Western Australian Native Title Working Group	(8,883)	(13,359)
Media & Awareness Campaign	5,971	(5,971)
W.A. Native Title Working Group Negotiation Team	-	-
Net surplus/(deficit) for year	<u>\$(906,460)</u>	<u>\$307,888</u>

30 June 1999	Weighted average effective interest rate %	Floating interest rate \$	Fixed Interest Rate maturities 1 year or less \$	Non Interest bearing \$	Total \$
<u>Assets</u>					
Cash resources	3.84%	1,090,179	750,000		1,840,179
Accounts Receivable				140,330	140,330
Total financial assets		1,090,179	750,000	140,330	1,980,509
<u>Liabilities</u>					
Accounts Payable and accruals				364,455	364,455
Employee Entitlements				735,000	735,000
Total financial liabilities				1,099,455	1,099,455
<u>Net financial assets/(liabilities)</u>		1,090,179	750,000	(959,125)	881,054

30 June 1998

	Weighted average effective interest rate	Floating Interest Rate	Fixed Interest rate Maturities year or less	Non Interest Bearing	Total
	%	\$		\$	\$
<b>Assets</b>					
Cash	4.32	703,695	804,900		1,508,595
Accounts Receivable				39,161	39,161
Total Financial Asset		703,695	804,900	39,161	1,547,756
<b>Liability</b>					
Accounts Payable & Accruals				477,520	477,520
Employee entitlements				516,000	516,000
Total Financial Liabilities				993,520	993,520
Net Financial Assets / (Liabilities)		703,695	804,900	(954,359)	554,236

### 1.3(b) Credit Risk Exposure

All financial assets are unsecured

### INFORMATION FOR ATSIK PURPOSES

	1999 \$	1998 \$
<b>Unexpended Funds</b>		
ATSIK Derby	23,129	70,000
Law and Justice Grant	308,335	205,609
Test Cases	176,885	-
Land and Heritage Unit	245,750	57,912
West Pilbara Representative Body	499,141	502,479
Western Australian Native Title Working Group	14,528	8,883
W.A.A.N.T.W.G. Neg Team	36,595	-
TOTAL	1,304,363	844,883
<b>Deficit carried forward</b>		
National Indigenous Working Group		(4,067)
Western Australian Native Title Working Group		(5,971)
Media and Awareness Campaign	(3,431)	(3,431)
Total net unexpended funds	1,300,932	834,845
<b>Adjustments to statutory accounts</b>		
Unexpended Funds	(1,300,932)	-
(Surplus) brought forward	-	(564,905)
(Surplus) ATSIK Funds b/f	(834,845)	-
Surplus 97/98 / Unexpended ATSIK Derby 98/99	23,129	-
Over-expended West Pilbara - Capital Grant	(829)	-
Loss on Sale of Assets	(21,690)	-
Capital Expenditure	398,724	304,204
Capital Write-Off N.I.W.G./ATSIK Grant	(7,078)	-
Depreciation	(244,870)	(268,154)
Provisions for leave	(219,000)	1,898
Net surplus/(deficit) per income and expenditure statement	(\$906,459)	\$307,888



## ALSWA OFFICES

### PERTH

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### ALBANY

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PO Box 1016 Albany 6330  
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### BROOME

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PO Box 389 Broome 6725  
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(08) 9192 1845

### BUNBURY

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PO Box 1765 Bunbury 6230  
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### CARNARVON

58 Robinson Street, Carnarvon 6701  
PO Box 766 Carnarvon 6701  
TEL (08) 9941 1534 - toll free 1800 645 942

### DERBY

Unit 8 Clarendon Arcade  
298 Clarendon Street Derby 6728  
PO Box 333 Derby 6728  
TEL (08) 9191 1407

### FITZROY CROSSING

Shop 7 Tarunda Shopping Complex  
Fitzroy Crossing 6765  
TEL (08) 9191 5147

### GERALDTON

15 Forrest Street  
Geraldton 6530  
TEL (08) 9921 4938  
toll free - 1800 016 786

### HALLS CREEK

Ngoonjuwah Resource Office  
Cnr Bridge St & Duncan Hwy  
PO Box 123 Halls Creek 6770  
TEL (08) 9168 6156 A/H (08) 9168 6209

### KALGOORLIE

202 Hannan Street Kalgoorlie 6430  
PO Box 1077 Kalgoorlie 6430  
TEL (08) 9021 3666 - (08) 9021 3816  
toll free 1800 016 791

### KUNUNURRA

12 Cotton Tree Avenue Kununurra 6743  
PO Box 2 Kununurra 6743  
TEL (08) 9168 1635 - (08) 9168 1544

### LAVERTON

Lot 398 Euro Street Laverton 6440  
PO Box 3 Laverton 6440  
TEL (08) 9031 1156

### MEEKATHARRA

7 Main Street Meekatharra 6642  
TEL (08) 9981 1712

### NEWMAN

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Newman 6753 TEL (08) 9175 0763

### NORTHAM

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PO Box 1096 Northam 6401  
TEL (08) 9622 5933

### SOUTH HEDLAND

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