



# STRIVING FOR JUSTICE

FOR WESTERN AUSTRALIA'S FIRST PEOPLES

SERVICES & INFORMATION



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# ABOUT US

The Aboriginal Legal Service of WA Limited (ALSWA) is a not for profit organisation which provides legal representation and support services for Aboriginal and Torres Strait Islander Peoples in WA.

ALSWA plays a vital role within WA's justice system, working 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 WA's First Peoples.

ALSWA is governed by a Board of Directors who are all Aboriginal.

**The cultural values of Care, Share and Respect form the foundation of ALSWA and underpin ALSWA's commitment to clients, families and communities.**

ALSWA's Executive Management Team is responsible for the day to day management of ALSWA, its staff and 12 statewide offices.

Embracing a human rights based approach, ALSWA's professional and culturally appropriate service delivery model ensures that Aboriginal and Torres Strait Islander peoples feel comfortable accessing the service, which has been acknowledged with a National Human Rights Award.

ALSWA is a public company limited by guarantee registered with the Australian Securities and Investment Commission. ALSWA is also a public benevolent institution registered with the Australian Charities and Not-for-profits Commission.

## ALSWA HISTORY

Established in 1975, the Aboriginal Legal Service of Western Australia Limited (ALSWA) has been striving for justice for First Nations Peoples for over 45 years.

ALSWA is proud of its long history in striving for justice and is guided by the principles of Human Rights, Lore, Leadership, Integrity, Diversity and Unity.

The growth and development of ALSWA would not have been possible without the commitment and dedication of countless community members and supporters since the late 1960's.

ALSWA remains indebted to the tireless work of the Justice Committee of the New Era Aboriginal Fellowship Inc during this time.



# LEGAL SUPPORT & REPRESENTATION

## Civil Law and Human Rights Law Unit

The Civil Law and Human Rights Law Unit empowers the Aboriginal community by providing culturally secure legal advice and representation in:

- Coronial investigations and inquests
- Racial discrimination (including complaints in relation to overt differential treatment on the basis of race and the use of racial slurs)
- Police accountability (including complaints and/or civil action including personal injuries claims)
- Prisoners' rights (including complaints and/or civil action in relation to serious incidents of poor treatment and discrimination)
- Young people in the justice system
- Government accountability (including complaints and/or civil action against the Public Transport Authority and other government agencies in relation to serious incidents of poor treatment and discrimination)
- False imprisonment (including claims for unlawful detention by police and prisons)
- Staff from the Civil Law and Human Rights Law Unit are Perth based but provide a statewide service which includes outreach trips to regional areas on a regular basis.
- Clients with special or complex needs are given priority, especially whose situations prevent them from representing themselves and where unfairness or injustice to them would result in the event we did not assist.

The Civil Law and Human Rights Law Unit also undertakes national and international human rights policy work and law reform.

## Criminal Law

### Perth Criminal Law Unit and ALSWA regional offices

Lawyers and court officers in ALSWA's Perth Criminal Law Unit and in each of ALSWA's regional offices provide a comprehensive range of criminal law services to clients in the Magistrates Court, Children's Court, District Court and Supreme Court.

Advice and representation is provided for every type of court matter, including remands, bail applications, sentencing hearings, pleas of not guilty, jury trials and appeals.

ALSWA lawyers and court officers also visit clients in metropolitan and regional prisons as well as Banksia Hill Detention Centre.

ALSWA strives to provide a culturally secure legal service and where needed will inform courts of cultural matters and obligations, language and communication issues and customary law.

*\*ALSWA Court Officers are Aboriginal people who advise and act for Aboriginal and Torres Strait Islander Peoples in WA Courts under a certificate granted under section 48 of the Aboriginal Affairs Planning Authority Act 1972 (WA).*



# LEGAL SUPPORT & REPRESENTATION

## Family Law and Child Protection



ALSWA assists parents or family members if Department for Child Protection (DCP) becomes involved. This could be when Child Protection are trying to remove a child or have already removed a child from a family. ALSWA can represent parents or family in the Children's Court when child protection ask the Court to make a Protection Order for a child or can assist at pre-birth meetings if Child Protection are thinking about how to protect the baby.

Assistance may also be provided in Family Court child parenting matters, if capacity allows.

ALSWA helps family members come to an agreement that is best for the child/children without going to the Family Court (where possible) and can provide referrals to mediation services.

## Conflict of Interest

A conflict of interest can occur if ALSWA is acting or has acted for another person involved in a legal matter. For example, a conflict of interest will usually exist if a client is charged with an assault on their partner and ALSWA is already acting for the partner in a child protection case. If this happens, ALSWA will try to refer the client to another legal provider.

# ADDITIONAL ALSWA SERVICES

## Bail Support Service (BSS) and Prison In-Reach Program (PIR)



The objective of this program is to reduce avoidable remand by providing eligible clients earlier access to bail through the provision of bail support and prison in-reach legal services, and supporting accused persons to comply with bail conditions and undertakings. The BSS/PIR operates in Perth for clients who are appearing in the Perth Magistrates Court. A BSS commenced in Broome in early 2021 for clients appearing in Broome and Derby Magistrates Court.

## Community Legal Education (CLE)

ALSWA strives to advance the legal rights of Aboriginal and Torres Strait Islander Peoples through its delivery of Community Legal Education (CLE) in Perth and regional WA. ALSWA welcomes enquiries about opportunities to participate in CLE activities. CLE operates out of ALSWA's Perth based Community Engagement Unit.

## Law Matters Radio Program

Since 2010 ALSWA has produced and presented the fortnightly 'Law Matters' radio program, broadcast through Perth's 100.9FM Noongar Radio and the National Indigenous Radio Service (NIRS). Archived programs are available to listen online via the ALSWA website.

# ADDITIONAL ALSWA SERVICES

## Media and Public Relations

ALSWA plays an active role in advocating and speaking out about the complex issues facing Aboriginal and Torres Strait Islander Peoples within the justice system. ALSWA services are widely promoted to ensure that community members have easy access to important legal information. This includes promotion on ALSWA's website, Facebook Page, radio program and other networks. Media Enquiries should be directed to ALSWA's Media and PR Manager within the Community Engagement Unit and contact details can be found on the ALSWA website [www.als.org.au](http://www.als.org.au)

## Custody Notification Service (CNS)

This phone service is for Aboriginal and Torres Strait Islander people in WA who are detained by WA Police in a police facility. The CNS commenced operations in October 2019 and operates 24 hours a day, every day of the year.

WA Police phone the CNS and speak with a rostered CNS lawyer and/or support worker, who then undertakes a thorough welfare check and provides legal advice (if relevant) to the person in custody. The aim of the CNS is to reduce the number of preventable deaths in custody and deliver better justice outcomes for WA's Aboriginal community.

## Work and Development Permit (WDP) Service

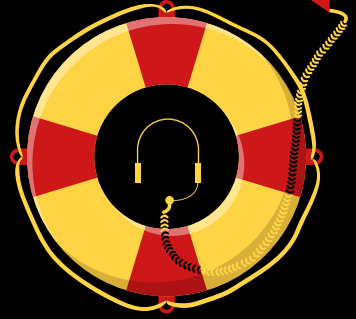
ALSWA, the Department of Justice and Legal Aid WA is working in partnership to operate the WDP Scheme which was established to help people who are experiencing difficulty paying court fines, due to hardship. Under a WDP, an eligible client can undertake approved activities under the supervision of a sponsor, to reduce or even clear the amount owed. ALSWA's WDP Service can assist clients by linking them with an approved sponsor and providing advice about the status of their outstanding fines. Community-based organisations wishing to support the scheme can also seek support and advice from the WDP Service.





# 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.



# ADDITIONAL ALSWA SERVICES

## Your Story Disability Legal Support

If you or someone you care about has a disability and has been mistreated, you have the opportunity to tell your story to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability. ALSWA can assist and provide free, independent legal support throughout this process. Contact ALSWA about this service on **08 9265 6693**.



## Youth Engagement Program (YEP)

ALSWA's Youth Engagement Program Diversion Officers can assist young people who are appearing in the Perth Children's Court by providing support and referrals to enable young people to comply with court orders and improve their wellbeing. The types of assistance include accommodation, education/training, substance abuse, health, family issues, Centrelink and ID, transport, and support for youth justice related appointments. A YEP commenced in February 2021 for young people appearing in Broome and Derby Children's Courts.

## Family and Domestic Violence Legal Issues (FDV)

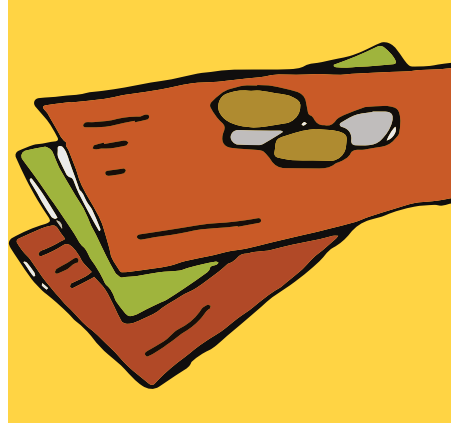
ALSWA has a lawyer and an Aboriginal support worker assisting clients in Perth with family and domestic violence legal issues. This includes appearing in the Family Violence List at Perth Magistrates Court and helping with serial Family Violence applications and the Family Violence Behavioural Change Program.



# DONATIONS AND BEQUESTS

It is only through the goodwill of our supporters that ALSWA can adequately advocate, lobby and provide a strong voice nationally and internationally on the continued struggles and inequality faced by Aboriginal and Torres Strait Islander Peoples.

For more information on how to donate to ALSWA please phone **08 9265 6666** or email **Donations-Bequests@als.org.au**



## ALSWA OFFICE LOCATIONS

### ALSWA has offices in

Perth (Head Office)  
Albany  
Broome  
Bunbury  
Carnarvon  
Derby  
Geraldton  
Halls Creek  
Kalgoorlie  
Kununurra  
Northam  
South Hedland



# ABORIGINAL LEGAL SERVICE OF WA LTD

## Perth (Head Office)

7 Aberdeen St (Next to Mclver Train Station)  
Perth WA 6000

PO Box 8194

Perth Business Centre WA 6849

**WA FREECALL ALL ALSWA OFFICES 1800 019 900**

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F 08 9221 1767

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 Find us on Facebook Aboriginal Legal Service of WA Limited

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).

*The Aboriginal Legal Service of WA Limited acknowledges the Traditional Custodians of the land on which ALSWA offices stand. ALSWA acknowledges and respect the continuing culture and contributions that First Nations Peoples make to the life of these regions.*

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**Disclaimer:** The information contained in this publication is provided in good faith for information purposes only and does not constitute legal advice. The information is correct at the time of printing however the law and services provided may change at any time. The information is provided on the basis that all persons undertake responsibility for assessing the relevance and accuracy of the content. For legal advice please contact your nearest ALSWA office.

*Artwork by Peter Farmer*

