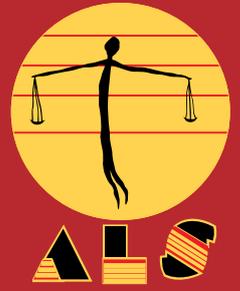


# ANNUAL REPORT

2021



ABORIGINAL LEGAL SERVICE OF WA LTD  
ACN: 617 555 843







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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**



It is my pleasure to present the 2021 Aboriginal Legal Service of WA Ltd (ALSWA) Annual Report. I am extremely proud of the achievements of our organisation and the commitment and dedication of our staff throughout Western Australia.

It has been another big year of striving for justice for some of our states most disadvantaged peoples.

Unlike many other parts of the country, WA has remained largely unaffected by COVID-19. Whenever WA was in lockdown, our staff continued their work remotely to ensure that our services continued to be provided, albeit in challenging circumstances.

I would like to congratulate ALSWA CEO Dennis Eggington, who was awarded a NAIDOC Perth Award for 'Outstanding Achievement' in recognition of his 25 years at the helm of ALSWA. This is an incredible achievement and I am proud of Dennis' efforts and commitment over so many years.

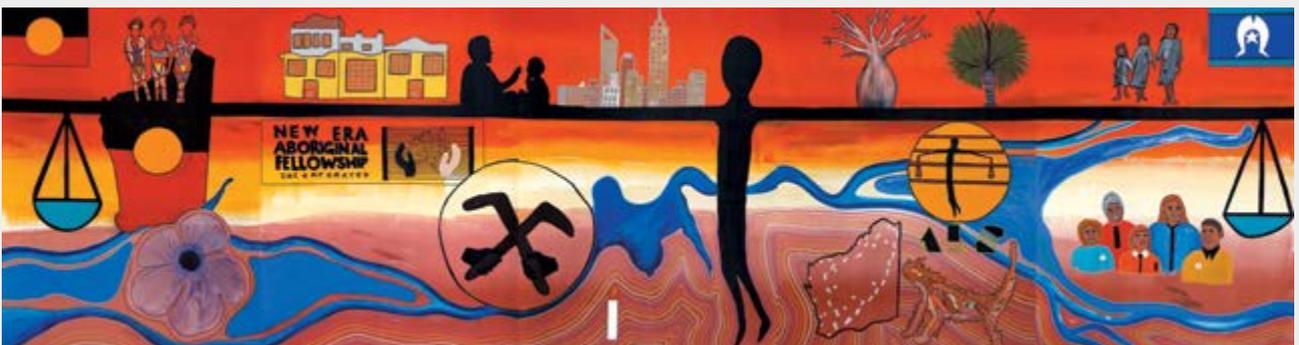
Congratulations also to Rebecca and Leslie Slater from the ALSWA Kalgoorlie office. The Slater

sisters were the recipients of the Trevor Christian Memorial Award (TCMA). This annual national award recognises the outstanding contribution of Aboriginal and Torres Strait Islander Service employees and was initiated by the Attorney-General's Department in 2008. While we do not undertake our work for the accolades, it really is very rewarding for our work to be acknowledged.

The campaign to raise the age of criminal responsibility from 10 to 14 years of age, has been a major issue in recent years. We will continue to advocate in this area and this report will give you a greater insight into the importance of our advocacy in this area.

Enjoy reading our 2021 Annual Report. It will give you a great insight into the diversity of our work and why our organisation is so important within the justice system in WA.

Well done to our Executive Management Team and all staff members for your continued hard work with ALSWA. Thank you also to my fellow Board Members, whose expertise and knowledge is a wonderful asset to ALSWA and our work.



*ALSWA Historical Mural by CIT and DWF Solid Futures students with Peter Farmer 2010*



# GOVERNANCE

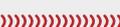


Aboriginal Legal Service of Western Australia Limited (ALSWA) was registered with the Australian Securities and Investment Commission as a public company limited by guarantee on 10th March 2017 and is governed by an Aboriginal board.

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 4, 5 and 41 of this annual report.

The last ALSWA AGM and elections took place in Perth on the 12th of November 2020 at the Aboriginal Legal Service of Western Australia Limited registered office, 7 Aberdeen Street, Perth WA. During this meeting ALSWA farewelled Director Glen Colbung, a greatly respected community member whose contributions to ALSWA over many years are greatly appreciated.

ALSWA thanks Glen for his commitment and dedication over many years of involvement with ALSWA and wishes him the very best for the future.





# ABOUT OUR BOARD

ALSWA 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 WA Limited.

**MICHAEL BLURTON**

*Central Region, Chairperson*

Michael Blurton is a Ballardong Noongar from the Wheatbelt town of Quairading, and has a long association with ALSWA.

His involvement with the Aboriginal Legal Service of WA spans back to the 1970's when he worked as a Field/Court Officer for seven years. Michael, a former and current President, has served on ALSWA's Executive Committee for twelve years. Greatly committed to the work of ALSWA, Michael supports and promotes the vital role this organisation plays in striving for justice and supporting our Aboriginal and Torres Strait Islander peoples within the justice system.

**PRESTON THOMAS**

*Central Desert Region, Deputy Chairperson*

Preston Thomas is from Laverton and has lived in Kanpa Community for many years. Kanpa is located in relatively close proximity to Warburton Community.

With a long association with the Aboriginal Legal Service of WA through his role on the Executive Committee, Preston is deeply committed to the issues facing our people and the vital work done by ALSWA within WA's justice system.

**KATHY WATSON**

*West Kimberley Region, Director*

Kathy Watson is a Nyngina woman on her mother's side and Gidga on her father's and is from Broome in the West Kimberley.

An Executive Community member for the past three years, she is passionate about legal issues for our Community members and staff of the Aboriginal Legal Service of WA. For Kathy, all issues facing our people are important but she would like to see more Cultural input into court matters, particularly within District Courts.

**DONALD ABDULLAH**

*Goldfields Region, Director*

Donald Abdullah is a Wongi man from Esperance, which is located on Western Australia's south east coast.

2015 marks his first involvement with the ALSWA Executive Committee and he looks forward to gaining a greater insight into this State's justice system and having input into the complex issues facing our peoples.

Donald is dedicated to supporting Aboriginal and Torres Strait Islander peoples and feels strongly about keeping our young people out of prison, being supportive of women who face domestic violence and providing guidance on legal matters.



**PAUL BARON**

*Murchison Gascoyne Region, Director*

Paul Baron is a Yamatji man from Carnarvon which is approximately 900 kilometres north of Perth.

2015 marks his first involvement with the Aboriginal Legal Service of WA and he shares the vision in working with ALSWA through its proposed re-structure. Paul also supports the promotion of ALSWA's important work and is committed to highlighting the organisation's fresh outlook for the future.

Issues of importance for Paul include the provision of appropriate legal services for our people and the expansion of core legal and other unique services, developed and delivered by ALSWA and its new entities.

**COLLEEN HAYWARD**

*Central Region, Director*

Colleen Hayward is a Senior Noongar woman with extensive family ties throughout the south-west of WA. Her previous achievements include Pro-Vice-Chancellor, Equity and Indigenous (Edith Cowan University), Head of Kurongkurl Katijin Centre for Indigenous Australian Education and Research (ECU) and Manager at Kulunga Research Network.

Colleen has a long standing commitment to Aboriginal justice issues and was the Deputy CEO of ALSWA from 1997 to 2001. Throughout her career, she has provided significant input to policies and programs on wide ranging issues and has extensive experience in health, education, training, employment, housing, child protection, law and justice, and has significant experience in policy and management.

**LIONEL QUARTERMAINE**

*Murchison Gascoyne, Director*

Lionel Quartermaine was born in Wagin and is Willman of the Nyoongah Nation. He has cultural connections in the South West Boojarah, Wagyl Kaip and Southern Ngoonga Gnaala Karla Booj, as well as family connections in the South West, Mid West, Murchison, Gascoyne and Kimberley.

With many years' experience working alongside Aboriginal and Torres Strait Islander Peoples, Lionel is a valued member of the ALSWA Board of Directors, commencing in this role in 2020.

The first ALSWA Board Meeting for 2021 took place in Perth on February 24th. The newly elected Director was Mr. Lionel Quartermaine.



# OUR ACTIVITIES



As at 30 June 2021, **184** people were employed by the Aboriginal Legal Service of WA Limited in a full time, part-time or casual capacity. The number of Aboriginal staff during this reporting period is **76**.

## Matters by Law Type

**6,496**



Civil

**25,914**



Criminal

**2,369**



Family

**34,779**



Total

## Clients Assisted

**34,779**



Total

**ASSISTED  
200+  
clients**

from November 2020, with fines-related issues and had contact with 285 organisations/individuals/networks in relation to the Work and Development Permit Service (WDPS)

## SUPPORTED

**78**

### young people

through Youth Engagement Program Metro (YEP-M)

## SUPPORTED

**25**

### young people

from February 2021, through Youth Engagement Program Kimberley (YEP-K)

## RECEIVED

**25,209**

### notifications

from Custody Notification Service (CNS)

## SUPPORTED

**167**

### adult clients

through Bail Support Service (BSS)

## PROVIDED LEGAL ADVICE/ REPRESENTATION TO

**308**

### adult clients

through Prison In Reach (PIR)

## FROM OCTOBER 2020, SUPPORTED

**40**

### adult clients

through Bail Support Service Broome (BSS Broome)

All figures are for the full financial year ending 30 June 2021 unless otherwise stated (noting that WDPS, YEP-K and BSS Broome did not operate for the full year)



# 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.



# QUICK FACTS



Western Australia has an area of approximately  
**2,646,000 square kilometres.**

## Board of Directors

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

## Cultural Values

The cultural values of care, share and respect underpin ALSWA's commitment to clients, families and communities.

## Service delivery model

ALSWA's culturally appropriate service delivery model ensures that First Nations people feel comfortable accessing our services.



## **Focus on Human Rights**

ALSWA embraces a Human Rights based approach.

## **Aboriginal Children in the Protection and Care system**

Aboriginal Children are over-represented in the Protection & Care system. More than 55% of WA's children in out-of-home care are First Nations children.

## **30 years since the Royal Commission into Aboriginal Deaths in Custody**

2021 year marked 30 years since the final report of the Royal Commission into Aboriginal Deaths in Custody (RCIADIC) was handed down. Many RCIADIC recommendations still remain unimplemented.

## **Deaths in Custody**

A government report confirmed that that there were 471 Aboriginal Deaths in Custody between 1991 and 2020.

## **ALSWA giving evidence to the Disability Royal Commission (DRC)**

In September this year, ALSWA will give evidence to the DRC at an inquiry looking into the experiences of First Nations children living with disability in out-of-home-care.

## **Children in Detention**

In 2019-2020 alone, 72% of WA's children in detention were of Aboriginal and Torres Strait Islander origin.

## **Refusing to accept UN recommendations**

Even after 31 UN member states recommended that Australia raise the minimum age of criminal responsibility, Australia refused to formally accept these recommendations stating that the responsibility lies with the states and territories.

# CHIEF EXECUTIVE OFFICER



## Dennis Eggington

It gives me a great deal of pride to present our Annual Report for the financial year 1st July 2020 to the 30th June 2021.

This report is designed to give ALSWA members a comprehensive look at our work and activities carried out during the last financial year. The report will also put faces to some of our staff, giving you a chance to meet those working on the frontlines of our service and the staff who provide the support to enable us to deliver the best service possible. Accompanying photos and information will also provide a greater insight into our community involvement and commitment to providing our services throughout WA.

This year's report theme focuses on the issue of how our State continues to lock up very young children. This barbaric practice continues to make a mockery of our State labelling itself as a modern democracy which embraces the practice of upholding the Human Rights of its citizens. Our children are our future and ALSWA will continue to fight for law reform on this very important issue. The campaign is known as Raising the Age and is detailed in other parts of this report.

The coalface of the continuing conflict between settler society and this country's First peoples was abruptly and brutally bought home to roost when we saw the blowing up of the Juukan Gorge Caves and the shooting of a young mother, JC.

While these terrible injustices are at the extreme end of what can only be described as a war by other means, it must be understood that it is this conflict that drives our work. It therefore goes to say that there is an ever-increasing workload for our service.

I am especially proud of all our staff who continue to strive for a better quality of life for our clients whilst at the same time, being fully committed to fighting for our inherent rights as this country's First Nations People.

Our organisation is an icon with over four decades of service. We continue to be grateful for those who were instrumental in establishing the Aboriginal Legal Service of WA are we acknowledge their vision, dedication and hard work.

Any person who has been part of the incredible journey of the Aboriginal Legal Service of WA must also be congratulated. It is these people who have created an agent for social transformation and stood up for our mob when needed. These are not easy things to do, it takes courage and hard work.

We continue to give the respect to our ancestors whose struggles and determination to survive are why we are still here today.

ALSWA is an important part of the narrative of WA. History will record our contribution and pay homage to those who I have mentioned. It is for these reasons I am so proud of the privilege to be a part of our great organisation.

My special thanks to our Board of Directors and our Executive Management Team. Their wisdom and leadership continues to inspire us to continue to achieve better things for the benefit of our community members and clients.

Thanks also to our Community Engagement Unit for producing such a comprehensive and informative Annual Report.



## RAISE THE AGE

The Aboriginal Legal Service of WA Ltd (ALSWA) has been a strong advocate for the age of criminal responsibility to be raised, for many years.

ALSWA is also appalled that the incarceration rate of our First Nations Peoples in Western Australia is the highest in the world.

In January 2021, ALSWA’s Robyn Ninyyette (pictured below) spoke out about the continued over-representation of our women, men and children within the criminal justice system. “Surely it is embarrassing for Australia to be criticised for its treatment of First Nations Peoples on the world stage? When is the Australian Government going to step up and change this situation?”

During the United Nations Universal Periodic Review on 20 January this year, members of the United Nations criticised the Australian Government for its failings in relation to the treatment of First Nations People.

31 United Nations member countries recommended Australia raise the age of criminal responsibility, with 19 specifically recommending the age should be increased to at least 14 years of age. These included Switzerland, Sweden, Norway, Italy, Germany and Finland.

Many concerns were raised about Australia’s treatment of people in custody, particularly people living with disability. Further, many members expressed concern about racism and discrimination in Australia and the high rates of violence against First Nations women and children.



Cover design by Hamish Maclean

Members encouraged Australia to move forward on important issues such as Constitutional recognition, a Voice to Parliament and codifying the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

Many countries commended Australia’s ratification of the Optional Protocol to the Convention Against Torture (OPCAT) but this needs to be implemented properly.

The Australian Government’s response focused on its commitments to working in partnership with the Coalition of Peaks on Closing the Gap and the process towards a Voice to Parliament.

The Government noted that deaths in custody and reducing the numbers of young First Nations Peoples in custody were key concerns. However, the Government said that raising the age of criminal responsibility was a state and territory issue and the Council of Attorney Generals’ Working Group was considering the issue.

“We urge the WA Government to raise the age of criminal responsibility to 14 years of age. Kids should be in playgrounds and classrooms, not locked up in cells. We must recognise that children’s brains are still developing, especially the parts that regulate judgement, decision-making and impulse control. Kids cannot foresee the consequences of many of their actions and cannot fully understand the nature of their behaviour” said Ms. Ninyyette.



## ALSWA - ADVOCATING FOR THE AGE OF CRIMINAL RESPONSIBILITY TO BE RAISED

At present, the minimum age of criminal responsibility is 10 years across all Australian states and territories. With ACT being the only jurisdiction that has committed to raising the age and is likely to introduce legislation in Parliament, children as young as 10 can be arrested by police, charged with an offence, hauled before a court and locked away in prison right across Australia.

Aboriginal and Torres Strait Islander children are disproportionately affected by these appalling laws that enable their childhoods to be taken away. In 2019-2020 alone, 72% of WA's children in detention were of Aboriginal and Torres Strait Islander origin, despite the state's Indigenous population being only 4%.

The Civil Law and Human Rights Unit of The Aboriginal Legal Service of Western Australia (ALSWA) has been proactively advocating for the minimum age of criminal responsibility to be raised in WA. At the launch of the #RaiseTheAgeWA campaign in June 2021, Alice Barter, ALSWA Managing Lawyer spoke about

the difficulties children face within the criminal justice system. She also emphasised the importance of community-led solutions and the role of Aboriginal Community Controlled Organisations in reducing youth incarceration and recidivism.

At the United Nations Human Rights Council's Universal Period Review in January 2021, 31 countries recommended that Australia raise the age from 10 to 14 to prevent the imprisonment of children below the age of 14. Despite international pressure and criticism, Australia refused to formally accept these recommendations in July, stating that the responsibility to raise the age lies with the states and territories.

July 2021 also marked one year since the state and territory Attorneys-Generals deferred the decision to raise the age. Around this time, a social media campaign where users post photos of themselves at 10-years-old with the hashtag #MeAtTen went viral on Twitter and Instagram. The aim of this campaign was to pressure governments across the country to raise the age to 14 to ensure that children remain with their families, their communities and keep connected to their culture.



Launch of the #RaisetheAgeWA Campaign at Luna Cinemas in Leederville, Perth WA, which coincided with an exclusive screening of 'In My Blood it Runs' and a Q & A on Youth Justice, which ALSWA's Alice Barter took part in



ALSWA continues its efforts to raise awareness of the gravity of this issue through advocacy, our social media platforms and by contributing to important conversations around this topic.

An article by ALSWA CEO, Dennis Eggington, and Greg McIntyre, published in the National Indigenous Times (below), reiterated the importance of raising the age to stop young people entering the criminal justice system and becoming trapped in a lifelong struggle.



ALSWA Lawyers Georgia Herford and Alice Barter contributing to important conversations on raising the age at the Piddington Society

# Kids need support not more punishment

**GREG MCINTYRE & DENNIS EGGINGTON**

What capacity does a nine-year-old have to judge the full effect of their actions? And how does that differ from a 10-year-old or a 13-year-old? Naturally, we arrest and incarcerate children as young as 10. This is despite the overwhelming evidence that 14 is the minimum age, developmentally and neurologically, that children could be held criminally responsible for their actions. There are in fact compelling developmental arguments outlined by the United Nations Committee on the Rights of the Child to suggest this age should be higher.

During the teenage years, the prefrontal cortex is still developing. This is the decision-making part of the brain, responsible for a person's ability to control impulses and think about the consequences of their actions.

We now know that our brains grow and evolve from birth, through childhood, through adolescence, in fact until our twenties.

While childhood is a time of learning to be responsible, children should not be held criminally responsible for their actions.

The effects of imprisoning young children extend well beyond the futility of this in terms of what we know about children's developmental capacity. The younger the age of a child when they come into the justice system, the greater the likelihood they will go on to reoffend. The experience of youth detention is a key predictor of later justice system involvement.

Locking up young children does not make the community safer.

In Australia, the disproportionate effect of our criminal justice system on Aboriginal and Torres Strait Islander people means that we overwhelmingly incarcerate Aboriginal and Torres Strait Islander children.

On an average day in the Northern Territory in 2019-20, Indigenous young people made up 84 per cent of those aged 10-17 in the general population, but 88 per cent of that age group under supervision. In WA,

Indigenous young people made up just 7 per cent of those aged 10-17, but 50 per cent of that group under supervision.

Nine out of ten incarcerated young people at WACA Beakola Hill youth detention centre have some form of neuro-disability. Rather than receiving support in the community, too many young people are "managed" in youth prisons.

Children who come into contact with the justice system need access to support, housing, education, community, culture, sport, care and a sense of belonging — not ongoing punishment. Imprisoned children have often experienced serious domestic violence, disconnection from community, neglect, physical and mental abuse, homelessness and poverty.

These intertwined layers of crime and trauma are exacerbated by contact with the criminal justice system.

As part of the Justice Reform Initiative, we are working to reduce over-incarceration in Australia and promote a community in which

disadvantage is no longer met with a default criminal justice system response. Justice is failing all of us, most particularly our young people. Raising the minimum age of criminal responsibility to 14 is an essential step to stopping young people entering the criminal justice system and becoming trapped in a lifelong struggle.

We urge Australian policymakers to follow the lead of the ACT Government and countries around the world which have recognised the human cost of children's incarceration, recognised

urgent need to build genuine pathways outside of the justice system for young people, and accepted the compelling medical evidence to raise the age of criminal responsibility.

**Greg McIntyre SC is an executive board member of the Law Council of Australia and a former president of the Law Society of WA. Dennis Eggington is the CEO of Aboriginal Legal Service WA and an adjunct professor at Curtin University.**

## NEWSFLASH - LATE ADDITION

In early October 2021 the Aboriginal Legal Service of WA Ltd (ALSWA) welcomed the news that the WA Labor Party passed a motion to raise the age of criminal responsibility from 10 to 14 years of age.

For many years, ALSWA has been concerned that young Aboriginal people with cognitive and other impairments are 'particularly vulnerable' to criminalisation and suffer from related mental health issues. Together with any cognitive impairment(s), these experiences further impact their capacity to regulate their behaviour, understand consequences and manage emotions.

Aboriginal lawyer and ALSWA Deputy CEO Julie Waud believes that the changes can't happen soon enough. "I've worked for many years with our young people within the criminal justice system and I can tell you first hand that our children are suffering by being criminalised at such a young age. Many of these kids are

from already disadvantaged families, they're being over-policed, and many are affected by cognitive impairments and developmental and intellectual disabilities, including Fetal Alcohol Spectrum Disorders (FASD). Aboriginal and Torres Strait Islander children from throughout WA make up a disproportionate number of young people within the justice system and criminalising children as young as ten doesn't serve any proper purpose".

ALSWA is optimistic that there should now be no barrier to the Attorney General John Quigley introducing this as a Bill into parliament as a matter of priority. "For too long, Australia has lagged behind many countries in recognising the importance of raising the age of criminal responsibility. For every day that this legislation is delayed, we will continue to see our young people incarcerated which in many instances, will have lifelong negative ramifications" said Ms. Waud.

# DIRECTOR LEGAL SERVICES



**Peter Collins**

## COVID-19

While parts of Australia have continued to be ravaged by the COVID-19 pandemic, WA has managed to return to a near 'normal'. As noted in last year's report, ALSWA staff have successfully dealt with the rigours and challenges posed by the pandemic, including the many lockdowns and the uneven approach adopted by some courts to the threats posed by COVID-19.

The effort by staff in adhering to ALSWA's response to the pandemic, which has been underpinned by an unwavering commitment to

protecting the health and wellbeing of clients and ALSWA staff, required understanding, courage and persistence.

At every turn, ALSWA staff rose to the occasion and their efforts are to be applauded.

ALSWA also received additional funding from the Commonwealth Government to assist with legal service delivery during COVID-19. This funding was spent on improving ALSWA's IT capacity and on service delivery for clients experiencing or at risk of experiencing family and domestic violence.



*One of ALSWA's three COVID safe interview rooms at Head Office in Perth*

## REGIONAL AND REMOTE LEGAL SERVICE DELIVERY

In a number of previous reports, I have referred to the challenges involved in providing legal services across WA, which involves a geographical area greater than the size of Western Europe.

The challenges do not go away and the situation confronted by staff in ALSWA's South Hedland office brings this issue into sharp relief. ALSWA's Hedland office attends the following courts in the Pilbara: Karratha, South Hedland, Newman, Nullagine, Jigalong and Marble Bar. The office is staffed by four lawyers and an administrative officer. The file caseloads handled by lawyers are way beyond what would be allowed at other legal assistance providers.

Karratha Magistrates Court is a two and a half hour drive from South Hedland and staff travel there for court every two weeks, where the



court sitting comprises most of the week. In a similar way, Marble Bar is a two hour drive from South Hedland.

Attending court in Newman involves a two hour flight in a light plane with the Magistrate and staff follow the Magistrate on the plane from Newman onto the courts circuits at Nullagine or Jigalong.

In Karratha, Newman, Marble Bar and Jigalong, there are no ALSWA offices and staff have to make do taking instructions in court interview rooms or outside under the glare of the sun, often in extreme temperatures, with little or no privacy.

In these circumstances, instructions are often taken in a rushed fashion on the morning of court and the ability to establish a rapport with clients and to take detailed, comprehensive instructions in a confidential and culturally secure manner is frequently severely compromised.

The situation is exacerbated by bulging court lists, making it nigh on impossible to list pleas of not guilty in a timely fashion.

This directly contributes to the ever burgeoning rate of Aboriginal imprisonment in WA as clients who may be not guilty or have an arguable defence elect to plead guilty rather than face extended periods on remand in custody awaiting a far off court date.

The situation for Aboriginal children is dire; many are caught by the draconian Schedule 2 of the Bail



Act, are refused bail and then languish for months in Banksia Hill Detention Centre, thousands of kilometres from family, community, culture and country. The psychic pain caused by this cannot be underestimated.

Then there is the issue of interpreters in Aboriginal languages. Many clients speak either Martu and/or Nyangumarta as their first language, but most attend court and have their matters dealt with without the assistance of an interpreter. This is not the fault of Aboriginal Interpreting WA, which provides interpreters in Aboriginal languages across WA, but the result of ongoing chronic underfunding. The justice system in WA seems to tolerate Aboriginal people appearing in



*Banksia Hill Detention Centre*

courts without interpreters, whereas the same approach is never taken with accused who speak an overseas language.

Many of ALSWA's clients suffer disabilities such as acquired brain injuries, cognitive impairments, mental illness, FASD, intergenerational trauma and other complex mental health issues, but social welfare, health and mental health services are thin on the ground and clients often get by with little or no help. There are also limited NDIS providers in Pilbara so even where people are successful applicants to the NDIS there are limited numbers of service providers to actually help them.

Likewise, the physical health of clients is invariably poor with clients disproportionately impacted by heart disease, kidney failure, cancer and diabetes, for which medical treatment is sometimes scarce in the Pilbara.

This all leads to a form of harsh and uneven justice for Aboriginal people in the Pilbara, which begs the question; would this level of gross inequality and unfairness be tolerated if those on the receiving end were not Aboriginal? The answer is as plain as day.

## CARE AND PROTECTION

ALSWA's Family Law Unit has continued its high quality work in striving to ensure that Aboriginal children at risk of out of home care go home to their families, culture and country. This has been achieved by:

- Assisting mothers at pre-birth conferences and other meetings with the Department of Child Protection and Family Services (DCPFS) to ensure that new born babies do not go into care wherever possible.
- Adopting a client focused, culturally secure approach for parents of children removed from their care to help them navigate the profound sense of grief and loss they experience following the removal of their children. Many parents are truly inspiring; dragging themselves up from the depths of despair, turning their lives around and convincing DCPFS to withdraw applications to place their children in care so that they can return home. As Kathy Russell, the managing lawyer of ALSWA's Family Law Unit puts it: "we are often humbled by the strength families find within themselves and privileged to represent them".
- Adopting a flexible and nimble approach to service delivery. In one case, ALSWA accepted



instructions to act on less than 24 hours' notice for a family member in Supreme Court proceedings and successfully resisted an application that the Court exercise its 'parens patriae' jurisdiction to require an Aboriginal child to undergo medical treatment.

- Pursuing a reform agenda, including requesting separate court listings, with a trauma informed, culturally appropriate focus, for Aboriginal families and children appearing in protection and care lists in Perth Children's Court, requesting that the same judicial officer preside over a case from start to finish to facilitate meaningful engagement throughout the life of a matter by Aboriginal families, requesting the creation of a standalone care and protection jurisdiction, separate from the criminal jurisdiction, with specialist judicial officers and underpinned by the principles of self-determination, family inclusion and best interests of children and advocating for a dedicated child representative legal service which can represent Aboriginal children in family and child protection proceedings in a culturally appropriate way.
- Using COVID 19 funding to employ a full time social worker, Nokuthula Gwemende, who has worked closely with ALSWA parents traumatised by family and domestic violence to facilitate the return of children to their families.

- Working with Aboriginal experts to strengthen their role in providing specialist court reports which feature culturally appropriate family and child assessments and which highlight the critical importance of placements for Aboriginal children facilitating connections to culture and country.

### APPEALS IN THE CRIMINAL JURISDICTION

ALSWA has undertaken a number of appeals in the criminal jurisdiction in the Supreme Court and Court of Appeal over the past year.

This has included several successful appeals against sentence where:

- A court wrongly concluded that a client was a "third striker" for the purposes of home burglary mandatory sentencing laws;
- A fine was substituted for a term of imprisonment after a court failed to give an appropriate discount for a plea of guilty;
- A term of imprisonment was reduced after a court failed to accord proper weight in mitigation of sentence to a cognitive impairment;
- A client who was initially sentenced to term of immediate imprisonment for breaching a suspended imprisonment order received a modest fine after it was found that a court had incorrectly applied the relevant test



ALSWA Family Law Unit: Melody Ross, Clancy Hindmarsh, Thula Gwemende and Managing Solicitor Kathy Russell



Jaye Snowden, Jonathon Reid and Carol Hunter-Lange





applicable for determining when a suspended term of imprisonment should be required to be served.

The Court of Appeal set aside District Court convictions when it held that a prosecutor had acted improperly by failing to call certain witnesses as part of the prosecution case and then presented a final address to the jury relying on a version of events inconsistent with the evidence adduced by the prosecution at the trial.

In many of the appeals, ALSWA criminal lawyer Will Yoo has drafted written submissions and appeared as counsel at the appeal or instructed counsel at the appeal. This is important work requiring a high degree of expertise and considerable dedication and Will is to be commended for his efforts in this regard.

**CORONIAL INQUESTS**

Assisting Aboriginal families navigate the many challenges and stresses involved in Coronial Inquests into the deaths of loved ones remains a critical part of the work undertaken by ALSWA's Civil and Human Rights Law Unit. The Unit

does this by providing empathetic, holistic and culturally secure legal assistance which extends far beyond just court representation. ALSWA is there at every step of the coronial process and I am strongly of the view that ALSWA provides the very best legal assistance for Aboriginal people in this area in WA.

The Inquest into the death of Child RM illustrates the heart rending, but critically important, legal work undertaken by ALSWA in this area.

Child RM was a teenager who died by suicide at the age of 17 while in the care of the DCPFS. Child RM had been in the care of the DCPFS from the age of 10 and had endured significant trauma throughout her young life, leading to her exhibiting high-risk behaviours and developing substance dependence issues that severely impacted her physical and mental health.

Child RM was subject to 57 out of home care placements of various kinds, which included numerous residential care placement breakdowns and several admissions to the Kath French Secure Care Centre prior to her death.



Left to right: Back row: Les Sanders, William Yoo, Alana Woldan, Yassamin Olson, Elliot Tilbury, Sally Oliver, Isabella Gaffney, Front row: Nikki Wilson, Ricardo Napper, Jarra Somerville, Micah Kickett from ALSWA's Criminal Law Unit



The Inquest embarked upon an examination of the contemporary adequacy of Western Australia’s secure care framework and how it fell short in supporting the most vulnerable children in WA.

Evidence led at the Inquest established that the Department failed to work closely with Child RM’s mother in order to build and strengthen her capacity to adequately care for her daughter and, in that sense, the Department conceded there were several “missed opportunities”.

The Coroner found that Child RM’s tragic death highlighted the unacceptable gap in the services available to traumatised children with complex needs.

The Coroner also made recommendations addressing shortfalls in secure care practice, including adopting ALSWA’s submissions that DCPFS improve the cultural safety of children and staff at Kath French Secure Care Centre and that DCPFS employ a cultural therapeutic specialist at the Centre.

## DISCRIMINATION CASES

ALSWA’s Civil and Human Rights Law Unit has also continued to do important work which seeks justice for, and empowers, Aboriginal people subject to discrimination at the hands of government agencies, as the following case highlights.

The Unit acted for a female client who attended a government agency office in a regional town. After the client left the office following being served by an agency employee, the employee realised that her mobile phone and other personal items had been stolen. Police were called and after viewing CCTV footage, the employee indicated to the police that the client was responsible for the theft. Police were provided with a copy of the footage, along with the client’s personal details. The police then attended the client’s house and arrested her in the presence of her partner, children and grandchildren. The client was taken in a police van to the local police station and detained in a cell.

Police then reviewed the CCTV and released that the employee was clearly wrong; a non-Aboriginal man had stolen the items. The footage also



Left to Right: Civil and Human Rights Law Unit: Bonina Challenor, Margaret Stephens, Najette Alaraibi, Rhela Belton, Leashay Eggington, Chloe Wood and Alice Barter



showed the client waiting patiently in a queue to be served at the time of theft and that she had nothing to do with what took place.

The assumption made by the employee was manifestly racist and discriminatory.

The Unit instituted proceedings against the government agency alleging assault, battery, wrongful arrest and false imprisonment. The case eventually settled involving an outcome that the client was most happy with.

### RAISING THE AGE OF CRIMINAL RESPONSIBILITY

ALSWA has been at the forefront of the Raise the Age Campaign which is aimed at raising the age of criminal responsibility for children from 10 years to 14 years and on every conceivable level, the need to raise the age of criminal responsibility is obvious; children under the age of 14 lack the cognitive capacity to fully appreciate the criminal nature of their actions, criminalisation of young children risks entrenching them in the justice system and the earlier a child has their first contact with the justice system the more likely they will embark upon the well-trodden path to incarceration.

Raising the age also offers scope to reimagine the way the justice system treats Aboriginal children by replacing the current failed disproportionate focus on late, punitive responses to antisocial behaviour by children with therapeutic, culturally

based and child-centred responses to better address the underlying causes of offending. (See pages 11 to 13 for more information on Raise the Age).

### YOUR STORY DISABILITY LEGAL SUPPORT - ROYAL COMMISSION INTO VIOLENCE, ABUSE, NEGLECT AND EXPLOITATION OF PEOPLE WITH DISABILITY

ALSWA's Your Story lawyer, Bonina Challenor, is employed 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 Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability.

ALSWA has assisted over 60 clients with advice and support in engaging with the Royal Commission.

ALSWA also gave evidence before the Royal Commission at a public hearing examining the experiences of Aboriginal children living with disability in out-of-home care, including at the Kath French Secure Care Centre.



Bonina Challenor speaking about Your Story on ALSWA's Law Matters program at Noongar Radio



## CUSTODY NOTIFICATION SERVICE

ALSWA's Custody Notification Service (CNS) continues to be a critically important service provided by ALSWA to Aboriginal people who have been detained in a police facility.

The CNS employs a mix of full time, part time and casual staff including a managing lawyer, several lawyers as well as Aboriginal support workers. This hardworking and dedicated team work tirelessly around the clock to ensure that the CNS phone line is answered as soon as possible.

ALSWA communicates regularly with the WA Police State Custody Transformation and Coordination Unit to ensure that the CNS is operating effectively and efficiently and to ensure continuous improvement. Throughout the year, ALSWA worked closely with WA Police to integrate an electronic notification process (eCNS) to complement the existing CNS processes. This eCNS system will improve data accuracy and enable both agencies to more effectively compare data and ensure compliance.

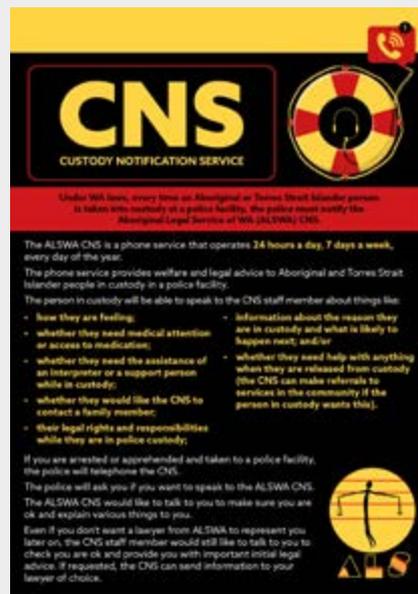
From 1 July 2020 to 30 June 2021, the CNS received a total of 25,209 notifications. Notably the average weekly notifications increased to 513 per week in the first six months of 2021 following a slower period during 2020, most likely due to the COVID -19 pandemic.

The CNS made 10,101 referrals to other services for people detained in police custody including internal referrals to ALSWA, referrals to external legal services including Legal Aid WA, referrals

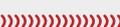
to various external community-based services for help with health issues, mental health, substance use, accommodation, trauma, training and education and other needs and information referrals for detainees who could not provide a contact phone number or address.



CNS Managing Lawyer Hayley O'Hara



L-R ALSWA's Sasha Greenoff, Peter Collins and Alice Barter giving evidence before the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability





## **YOUTH ENGAGEMENT PROGRAM (METRO)**

From 1 July 2020 to 30 June 2021, ALSWA's Youth Engagement Program (Metro) (YEP-M) supported 78 young people appearing in the Perth Children's Court. Many of these clients participated in YEP for a number of months.

YEP-M has continued to provides holistic, culturally-secure, individualised and flexible support to Aboriginal children as the following case reflects:

Youth Justice Services (YJS) referred a teenage girl to YEP-M in October 2020. At the time of the referral, the girl was subject to a conditional release order (CRO). This order had recently been imposed following breach proceedings for an earlier CRO. The client had a significant history of prior offending and had been disengaged from education since primary school. YEP-M assisted the client to comply with the CRO, resulting in her successfully completing the order.

Throughout her participation in YEP-M over a six-month period, the client was provided with the following supports:

- transported the client to report YJS on at least four occasions;
- helped the client obtain a mobile phone;
- assisted the client to obtain a birth certificate;
- supported the client and her grandmother to obtain an ABSTUDY payment;
- provided reminders for reporting and appointments;
- enrolled the client in school;
- transported the client for the enrolment meeting and for her first day of school and sat with her in class until she felt comfortable and settled in;
- contacted the school in relation to her transition back into school and to obtain support given she had been diagnosed with FASD;

- provided transport assistance for school attendance; and
- attended parenting support group meeting with DCPFS and liaised with the client's grandmother on supports needed for the client and other children in her care.

## **YOUTH ENGAGEMENT PROGRAM (KIMBERLEY)**

The Youth Engagement Program Kimberley (YEP-K) commenced operating in February 2021 and is funded by the Department of Justice until November 2024.

YEP-K provides support for ALSWA clients who are appearing in the Broome or Derby Children's Court. YEP-K employs two Aboriginal diversion officers to provide culturally secure support to young Aboriginal people in the West Kimberley.

YEP-K is managed through the Broome ALSWA office with support from an experienced YEP-M diversion officer to assist with the development of processes and case management. From 10 February 2021 to 30 June 2021, YEP-K supported 25 young people (with 15 of those clients remaining current as at 30 June 2021).

## **BAIL SUPPORT SERVICE/PRISON IN-REACH LEGAL SERVICE (METRO) AND BAIL SUPPORT SERVICE (BROOME)**

The metropolitan Bail Support Service (BSS) employs an Aboriginal Team Leader, five Aboriginal bail support workers and one non Aboriginal bail support worker. The Prison In-Reach Service (PIR) employs two lawyers and a paralegal/support worker. These staff work closely together out of ALSWA's Perth office to ensure that clients are released from custody as early as possible and to support clients to comply with bail conditions.

The Bail Support Service Broome (BSS Broome) commenced in October 2020 after an initial delay due to COVID -19. BSS Broome employs two Aboriginal bail support workers and a part time administrative assistant.

The following case highlights the importance of the individualised support provided by BSS and



PIR to help clients meet their court obligations, make positive changes in their lives and reduce their risk of returning to custody:

The BSS (Metro) assisted a client who suffered from significant mental health issues and a cognitive impairment. The client had pleaded guilty to breaching a conditionally suspended imprisonment order which had been imposed in the District Court. The breach of the order involved the client failing to report as required and reoffending while subject to the order.

At the time of the referral to BSS, bail had initially been refused and the client had been in custody for several months awaiting sentence. BSS assessed the client and developed a comprehensive bail support plan which led to the District Court granting bail with a number of strict conditions.

For a period of five months, BSS provided extensive support to this client including over four dozen contacts, transport to medical appointments, assistance to obtain medication, transport to Adult Community Corrections, transport to police for reporting, reminders, mentoring and assistance with a NDIS application. After the first three month period, the District Court judge stated:

*I think [X] has done really well. I'm so impressed with the support that he's had through the bail. And I'm so glad that we did that. And I don't, other than hearing from the State, I can't see any reason why he shouldn't continue to be on bail and doing all the things he's done up until this point.*

After two further months, the client was sentenced and an updated court report from BSS was provided to the District Court. The court ordered no further punishment in relation to the breach of the suspended imprisonment order.

The client complied with all of his bail conditions and attended court three times during his participation in BSS. He was also compliant with his mental health treatment plan. Without the support from his BSS Aboriginal support worker it is highly likely that the client would have been sentenced to an immediate term of imprisonment.

## WORK AND DEVELOPMENT PERMIT (WDP) SERVICE

The ALSWA WDP Service commenced on 29 September, 2020. The WDP Service is part of the Work and Development Permit Scheme partnership between the Department of Justice, ALSWA and Legal Aid WA. The WDP Service employs a project manager, a lawyer and two Aboriginal support workers.

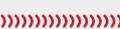
From September 2020 to 30 June 2021, the WDP Service has had contact with around 285 organisations/individuals/networks in relation to the WDP Scheme, including:

1. Attending ten Regional Information Sessions (in person and on-line) in conjunction with the Department of Justice and Legal Aid WA and attending approximately 60 separate meetings with attendees and others in these regional locations.
2. Engaging and supporting 180 potential or approved sponsors (including 75 Aboriginal organisations).
3. Engaging with WA District Leadership Groups, regional networks, peak bodies and Social Reinvestment WA members.

Of the approved sponsors to the end of June 2021, over 50% have actively engaged with the ALSWA WDP Service and many of the sponsors provide culturally secure services and programs for Aboriginal people.



Jacqueline Woods, Paula Sutherland, Angela Crombie and Shawn Alexander from the WDP Service





Since the end of November 2020 until 30 June 2021, the WDP Service has assisted over 200 Aboriginal clients in metropolitan and regional WA with fine related issues. Clients have been provided with individual fines analysis and support including advocacy services and legal advice; payment plans; Fines Expiation Orders; and WDP options. The WDP Service made 75 client referrals to WDP sponsors during this period.



## CONSULTATIONS AND SUBMISSIONS DURING 2020-2021

### Formal submissions

- Submission on the Consultation on Uniform Evidence Law (Tendency and Coincidence) Model Provisions Bill 2019 (March 2021)
- Submission to the Australian Law Reform Commission's Consultation Paper on Judicial Impartiality, April 2021 (June 2021)
- Submission to the Legislative Council Standing Committee on Legislation – Inquiry into the Children and Community Services Amendment Bill 2019

### Written feedback

- Written feedback to the Supreme Court of Western Australia on the proposed changes to the Equal Justice Bench Book (October 2020)
- Letter to the WA Department of Justice in relation to the Proposed amendments to the *Bail Act 1982* (November 2020)
- Letter to the Ombudsman of Western Australia in relation to the Consultation on the Proposed Reportable Conduct Scheme (January 2021)
- Letter to WA Police in relation to the Statutory Review of the *Mandatory Testing (Infectious Diseases) Act 2014* (WA) (February 2021)
- Letter to the Children's Court in relation to the importance of having Aboriginal representatives on the Panel of Experts appointed pursuant to the Children and Community Services Regulations 2004 (November 2020)
- Letter to the President of the Children's Court in relation to Protection and Care Practice Direction 4 of 2021 (June 2021)
- Written feedback to the Family Court of WA in relation to achieving better outcomes in the Court for Aboriginal people (June 2021)

## CONSULTATIONS

- Consultation with the Department of Justice in relation to the *Community Protection (Offender Reporting) Act 2004* (WA) (July 2020)
- Consultation with the State Solicitors Office in relation to the Legal Profession Uniform Law Application Bill 2020 (September 2020)
- Consultation with Legal Aid WA in relation to its Blurred Borders project (May 2021)
- Independent Support Person Project (April 2021)
- Social Reinvestment WA (regular and ongoing)



## PRO BONO ASSISTANCE

ALSWA has continued to benefit from the extraordinarily generous pro bono support provided by lawyers in the private profession.

**Barristers:** Elspeth Hensler, Fraser Robertson, Matt Howard SC, Greg McIntyre SC, Rachael Young, Jennifer Solliss, Neil Morrisey, Tanya Skortsova, Andrew Broadfoot QC, Greg Barns SC, Lisa Eaton, Heather Miller, Rebecca O'Brien, Lauree Coci, Varun Gosh, Samuel Burt, Andrew Morrison RFD SC, Tim Bourbon, Julie Condon SC, Jason Gullaci, John Kelly SC and Craig Eberhardt and Graham Droppert SC

**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. Blumers, Lavan, Minter Ellison Murakami Grant In

**Other:** Human Rights Law Centre, Law Access, Experts Direct

I would particularly like to acknowledge the exceptional pro bono assistance provided to ALSWA by Phil Willox and Holly Gretton of King Wood and Mallesons, Leanne Nickel of DLA Piper and Jason Gullaci of the Victorian Bar. Jason was also the very worthy winner of the 2020 Victorian Bar's Uncle Jim Berg Award for outstanding achievement in pro bono advice or advocacy that enhances access to justice for Aboriginal people.

## VOLUNTEERS

ALSWA continues to benefit from the very generous assistance provided by volunteers and I thank them for their help.

## JUDICIAL APPOINTMENTS

Former ALSWA in house criminal law counsel, Chris Mioceovich, was appointed a judge of the District Court after several years as a Magistrate. Another ALSWA in house criminal law counsel, Cillian Stockdale, was appointed as a Magistrate. I would like to congratulate Chris and Cillian on their appointments.

## ACKNOWLEDGMENTS

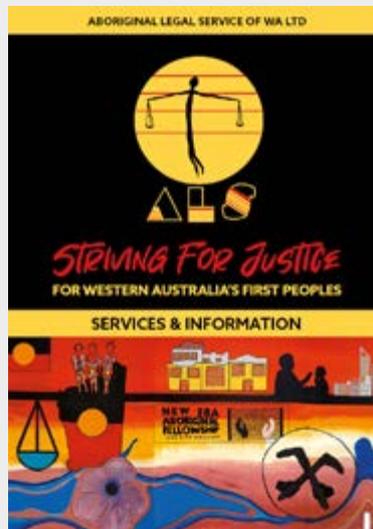
I continue to be supported by ALSWA's Executive Management Team and the members of ALSWA's Board, for which I am very grateful.

I congratulate ALSWA CEO, Dennis Eggington, on receiving the 2021 NAIDOC Perth 'Outstanding Achievement' Award, which recognises Dennis' 25 years as Chief Executive Officer at ALSWA - an incredible effort (see page 34)

Rebecca and Leslie Slater from ALSWA's Kalgoorlie office were also the very worthy winners of the 2021 National Aboriginal and Torres Strait Islander Legal Services Trevor Christian Memorial Award, which recognises outstanding service and commitment by an Aboriginal Legal Service employee. Congratulations to Rebecca and Leslie (see page 36).



ALSWA CEO Dennis Eggington and Deputy CEO Julie Waud from ALSWA's Executive Management Team



ALSWA Services Pamphlet



## ROYAL COMMISSION INTO ABORIGINAL DEATHS IN CUSTODY (RCIADIC)

### 30<sup>th</sup> Anniversary - 15<sup>th</sup> April 2021

Anniversaries are milestones often celebrated, enjoyed and embraced. However on the 30th Anniversary of the Royal Commission into Aboriginal Deaths in Custody (RCIADIC), for First Nations Peoples and those more recent, compassionate and ethical Australians, this date acknowledges the enduring shameful millstone still placed around our people's collective necks.

Aboriginal Legal Service of WA Ltd (ALSWA) CEO Dennis Eggington is dismayed that there were 474 deaths in custody since this date in 1991.

*"The steel shackles that were placed around our ancestors' necks still remain, the sickening incarceration rates, the over policing and the deaths in custody. How many of our people need to die in chains, behind bars, in custody; before our white brothers and sisters join with us and say enough is too much?"*

Today, Aboriginal people are the most incarcerated people on earth. Discrimination, systemic racism, over-policing, child removal, lack of housing and Australia's ongoing history of colonisation are just some of the reasons why our people are more likely to get caught up in the justice system.

*"We cannot stand by and let our people continue to die in police custody. It's tearing our communities apart. We must continue to stand strong and united, and ensure that our collective voices are heard, because racism is killing our First Nations people in custody".*

ALSWA believes that governments have had the solutions to end these senseless deaths for 30

years since the Royal Commission. "We need governments to implement these in partnership for the families left behind. We need culturally safe supports and Aboriginal-led solutions. While police continue to investigate police, there will be no accountability, and without accountability, there cannot be justice. We plead, we implore and we demand implementation of all of the enquiry's recommendations. To do anything less is a white wash, a crime of omission, a travesty of justice and an absolute insult to all of those loving mothers, fathers, sisters, brothers, daughters and sons that still grieve".

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### Senator Patrick Dodson

Senator Patrick Dodson spoke on ALSWA's Law Matters radio program ahead of the RCIADIC Anniversary and this interview can be heard on the ALSWA website [www.als.org.au](http://www.als.org.au)





## RCIADIC

### **Consultation at ALSWA with Federal Minister for Indigenous Australians**

Hon Ken Wyatt AM MP, Federal Minister for Indigenous Australians met with key stakeholders and community members in the week of the 30th anniversary of the Royal Commission Into Aboriginal Deaths in Custody (RCIADIC).

The Minister listened to those attending, about how things can be improved for our First Nations Peoples who continue to be over-represented in the criminal justice and prisons systems and the ongoing tragedy of deaths in custody.

This meeting was held at the Aboriginal Legal Service of WA Limited head office at 7 Aberdeen Street Perth.





## RCIADIC ANNIVERSARY - KINGS PARK PRESS CONFERENCE

A press conference held in Perth's Kings Park on the RCIADIC 30th anniversary saw Linda Burney MP and Senator Patrick Dodson speak out about Labor's pledge to address social-economic drivers

of Indigenous Incarceration. ALSWA CEO Dennis Eggington, WA Attorney General John Quigley and WA Minister for Aboriginal Affairs Stephen Dawson also addressed the gathered journalists and the full press conference transcript can be read at [www.lindaburney.com.au/media-statements](http://www.lindaburney.com.au/media-statements)



*ALSWA CEO Dennis Eggington, WA Minister for Aboriginal Affairs Stephen Dawson MLC, Linda Burney MP, Senator Patrick Dodson, and WA Attorney General John Quigley*





## COMMUNITY ENGAGEMENT UNIT

The ALSWA Community Engagement Unit was established in 2020 and is responsible for ALSWA's Media, Public Relations and Community Legal Education (CLE) work.

In June 2020 ALSWA welcomed Bhagya Karunaratne, ALSWA's new Community Legal Education (CLE) Officer. Bhagya is a passionate advocate for human rights, social justice and inclusion, and in her short time with ALSWA has already made many networks within the community to ensure that important legal information is being circulated far and wide.

Bhagya has developed effective CLE plans and activities and engaged with other agencies including Legal Aid WA and the Law Society of WA, to organise collaborations and CLE activities which promote the diverse services offered by ALSWA. CLE has been delivered at Uniting WA, Moorditj Mia and South Metropolitan TAFE, with future sessions organised for Langford Aboriginal Association, Wungening Aboriginal Corporation, Northern Suburbs Community Legal Centre,

The Financial Counsellors' Association of WA, Coodanup College in Mandurah and Banksia Hill Detention Centre.

Bhagya also represents ALSWA at various community events, including the Aboriginal Justice Open Days organised by the Department of Justice and NAIDOC events, where there is an opportunity to engage with potential clients or community members requiring ALSWA assistance. CLE is delivered in person or via zoom and WA regional trips will commence in 2022.

The Community Engagement Unit has also updated ALSWA's posters, pamphlets, website, Facebook Page and promotional items.

Special thanks to the CEU's Hamish Maclean for his work in this area which has made ALSWA's services more accessible to a wider audience through the effective use of social media, including ALSWA very first E-Newsletter, Law Matters, which is published bi-monthly and distributed electronically (and available on the ALSWA website [www.als.org.au](http://www.als.org.au))



Clockwise from top left: Bhagya Karunaratne and Hamish Maclean from ALSWA's Community Engagement Unit, NAIDOC Week Perth Official Opening: ALSWA's Michelle Hattract, Bhagya Karunaratne and Kathy Russell, ALSWA's stall at the University of WA's Beyond Commercial Law Careers Fair with back row: Bhagya Karunaratne and Bonina Challenor and front row: Linda Salsano and Micah Kickett



## SORRY DAY

To show our support for the members of our Stolen Generations, ALSWA purchased Sorry Day flowers from the Kimberley Stolen Generation Aboriginal Corporation for staff members and community members.

ALSWA's Law Matters program also focused on Sorry Day, speaking with Jim Morrison from Yokai and ALSWA Board President Michael Blurton (pictured bottom left of this photo montage, alongside ALSWA staff wearing their Sorry Day flowers from throughout WA).



## LAW MATTERS RADIO PROGRAM

### Finalist in CBAA Awards

Law Matters celebrates its 11th year on air in October 2021. This fortnightly program is broadcast live from the Noongar Radio studios in Perth on 100.9FM and repeated via the National Indigenous Radio Service (NIRS).

Produced and presented by ALSWA's Jodi Hoffmann, this program provides a wonderful opportunity to interview a diversity of guests, speak out about the complex issues facing our people within the justice system and promote ALSWA services.

Law Matters has been named as a Finalist in the 2021 Community Broadcasting Association of Australia (CBAA) Community Radio Awards in three categories:

Best Radio Program (Talks), Excellence in Indigenous Broadcasting, Excellence in News and Current Affairs Programming.

Winners will be announced in December 2021.



*Pictured speaking on Law Matters are (from top) ALSWA CEO Dennis Eggington, ALSWA Board President Michael Blurton and ALSWA Data Entry Assistance Kyra Collard*





## SWAN RIVER TRAGEDY - INQUEST

The Inquest into the tragic deaths of two teenagers who died while trying to cross the Swan River in September 2018, took place in Perth in March 2021.

'The Point' program on NITV featured a story on this tragedy and Sarah Collard interviewed ALSWA CEO Dennis Eggington.



## AROUND THE STATE



ALSWA staff had a stall at the Broome Court House Open Day and are pictured with ALSWA Board Director Kathy Watson (2nd from right). Left to Right: Chloe Hunter, Peter Pigram, John Masuda (Hideo) Shananae Bin-Maarus, Dominique Grant, Teuila Krause, Ashleigh Williams, Kathy Watson, Paul Tobin



Myra Chulung & Sienna Lake at the Kununurra NAIDOC Week open day at White Gum Park, Kununurra



ALSWA Staff during NAIDOC Week in Kalgoorlie: TOP (left to right): Erin Spellacy & Christjan Corias and seated: Latoya Ashwin, Leshia Yarran & Elvis Stokes



## LAW WEEK IN ALBANY

As part of Law Week (17-21 May 2021) the ALSWA Albany office hosted an event which brought together local legal practitioners, partners and staff providing the opportunity for people to get to know each other and network in a casual environment.

22 people attended comprising ALSWA, Albany Court House, Legal Aid, Albany Community Legal Centre and Private Practitioners.

A great night was enjoyed by all with Raymond Muir (ALSWA Albany Court Officer) opening the evening with a 'Welcome to Country'.



Left to right: ALSWA's Janie Gibbs, Managing Lawyer, Linda Mettam, Secretary and Kyah Langdon, Family and Domestic Violence Lawyer

## NEW KALGOORLIE OFFICE

ALSWA's Kalgoorlie office has moved to a new location of 2/118 Brookman Street in Kalgoorlie. This office is the first regional ALSWA office to feature ALSWA's beautiful, eye-catching historical mural! The original mural is 5 metres in length and is proudly displayed in the boardroom of the Perth ALSWA Head Office.

The mural was done as part of the 2010 Moorditj Mural Project, coordinated by then CIT Lecturer Peter Dooley, with students studying through the Central Institute of Technology (CIT) and David Wirrpanda Foundation (DWF) 'Solid Futures' program. The students researched the history of the Aboriginal Legal Service of WA and depicted ALSWA's historical journey in art, working alongside acclaimed Noongar artist, Peter Farmer.

You can read more about this project in the ALSWA 2010 Annual Report at [www.als.org.au](http://www.als.org.au)

ALSWA Operations Manager Robert Wilson and IT Manager Matthew Wheatley did a great job installing a print of the mural, which spans the width of the Kalgoorlie office front windows.





**DONATIONS - THANK YOU**

ALSWA acknowledges and thanks Archie Roach, Booktopia, Fremantle Dockers, Mick Thomas, AIATSIS, Noongar Radio, Ronin Films, Fremantle Press, Magabala Books, Noongar Boodja Language Cultural Aboriginal Corporation, Ivy League, Kev Carmody, I Oh You and Booktopia who kindly donated items to ALSWA. The donations are used as prizes in competitions on ALSWA's Facebook Page and at our community stalls. Thank you all so much for your generosity and support of ALSWA's work!





**CONGRATULATIONS DENNIS EGGINGTON  
NAIDOC Perth Outstanding Achievement Award**

Dennis Eggington, CEO of the Aboriginal Legal Service of WA Ltd (ALSWA) has been acknowledged with the 2021 NAIDOC Perth 'Outstanding Achievement' Award in recognition of his commitment to striving for justice in a year that celebrates his 25th anniversary at the helm of ALSWA.

Announced at the NAIDOC Perth Awards ceremony at Crown, Dennis was delighted to have received the Award as a joint recipient, alongside Millie Penny. "As a Nyungar, it's very special to be acknowledged on Nyungar Boodja (Country) and I am extremely proud to have received this award for my work over the decades. There are so many deserving people within our community who are also committed to advancing the rights of our people, so I'm really humbled and very, very proud".

Dennis commenced in the ALSWA CEO role in 1996 and has been a tireless campaigner and

advocate for justice and the human rights of First Nations Peoples for many years. ALSWA works with and for some of WA's most disadvantaged peoples and the work is often extremely challenging, confronting and complex, requiring extensive Cultural knowledge, understanding and sensitivity, all skills held by Dennis as he works respectfully with all people to ensure access to justice.

Managing approximately 170 ALSWA staff across the state, Dennis has maintained a strong voice for our people at all levels and ensured that ALSWA continues to expand to meet the growing needs of those requiring legal support and representation. Under his leadership, ALSWA has grown substantially and has been formerly acknowledged with a National Human Rights Award.

Highly respected as a leader and role model throughout the country Dennis is a proud husband, father and grandfather, whose exceptional leadership qualities and experience



have influenced policy in many areas including education, health, language, media, housing, accommodation, arts, culture and nation building. With extensive knowledge about national priorities and policies relevant to Aboriginal and Torres Strait Islander peoples, his advocacy, negotiation and lobbying experience, high level decision making and community and stakeholder engagement, is coupled with a strong media profile across the nation.

ALSWA congratulates Dennis Eggington for his contributions and dedication to providing such a strong voice and a Culturally safe and welcoming legal organisation for First Nations Peoples. His efforts continue to shine a light on the ongoing injustice faced by our people in highlighting the social disadvantage, racism, inequality and trauma faced by so many and he is indeed a worthy recipient of the 2021 NAIDOC Perth 'Outstanding Achievement' Award.

**Congratulations Dennis Eggington,  
25 years as ALSWA CEO**



*Dennis Eggington was surprised with an ALSWA commemorative plaque acknowledging his 25 years of service to ALSWA, presented to him during an ALSWA staff meeting*



## CONGRATULATIONS REBECCA SLATER AND LESLIE SLATER

### Trevor Christian Memorial Award

Congratulations to Rebecca and Leslie Slater, the recipients of the 2021 Trevor Christian Memorial Award.

These respected and trusted sisters are proud Whadjuk Noongah women who have called Kalgoorlie (Goldfields-Esperance region) home for the past 20 years. Almost half of this time has been with ALSWA Kalgoorlie, a town with a strong reputation for racism and history of tragic events and deaths in custody, causing much hardship for our people.

It's therefore greatly reassuring for community members that Leslie and Rebecca are the first point of contact for those needing ALSWA assistance. Infact many clients specifically ask for them by name.

Both have exceptional compassion and communication skills and go above and beyond their expected administrative work...listening to distressed clients, putting people at ease, helping clients get from A to B, and once, even being left with keys to a clients' house to arrange for their dog to be cared for while the client was away.

Proud mums who juggle the demands of work with family life and community involvement, Leslie and Rebecca's colleagues say if it wasn't for them, the office would not run nearly as efficiently.

ALSWA is extremely fortunate to have such dedicated and committed staff who are a wonderful asset to our ALSWA team and such worthy candidates for this Award.



## CONGRATULATIONS JODI HOFFMANN AND LAW MATTERS

### First Nations Media Award

The ALSWA Law Matters radio program is broadcast on Noongar Radio in Perth and nationally via the National Indigenous Radio Service (NIRS). Produced and presented by ALSWA's Jodi Hoffmann, Law Matters is now in its 11th year.

Law Matters was named as a Finalist in the 2020 First Nations Media Awards in the following categories:

- **Best Interview or Oral History**
- **Best News and Current Affairs Program**
- **Best Community Radio Documentary Service**

ALSWA congratulates ALSWA Public Relations/ Media Manager and Nunga (SA) woman Jodi Hoffmann who was the recipient of the FNMA **Outstanding Contributor Award**.

Jodi has been with ALSWA for over fifteen years and is the Manager of the ALSWA Community Engagement Unit.



## CONGRATULATIONS SHAYLA EGGINGTON

### KWM First Nations Fellowship

ALSWA congratulates Shayla Eggington who has been selected as the recipient of a King & Wood Mallesons (KWM) First Nations Fellowship. Shayla works as a Court Support Officer in ALSWA's Family Law Unit and the Fellowship was awarded in acknowledgement of her potential and commitment to pursuing a career in Law.

The Fellowship provides financial assistance to First Nations law students completing their first year of law and provides the opportunity to participate in the Online Portal and Mentoring program. This provides mentorship, ongoing networking with other First Nations Fellows from around Australia, hearing from Fellowship Ambassadors, completing online study workshops delivered by KWM lawyers and accessing a range of learning resources to support law studies. Shayla will also be matched with a KWM lawyer, who will provide support and guidance during her first year of law studies.

Shayla is excited about the year ahead and the opportunities that this fellowship brings, which has included a Zoom session where fellowship mentees had the opportunity to speak with Tony McAvoy SC. Future meetings will continue to provide an ongoing insight into working within the legal profession, with presentations by other professionals in this field.



## CONGRATULATIONS WALK FOR JUSTICE

Well done to the Aboriginal Legal Service of WA Ltd (ALSWA) team of Paul Hill, Michelle Hattrick, Lauren Rose and Najette Alaraibi who took part in the Law Access "Walk for Justice" on National Pro Bono Day (18th May 2021).

The walk kicked off at 7.30am from the Perth Bell Tower on the CBD foreshore before a 4.4 km walk around the Swan River (Derbarl Yerrigan) and our awesome ALSWA team raised over \$1000!





## *Vale Kyle Anderson*

We are extremely saddened to hear of the passing of Kyle Anderson, who was a wonderful member of our ALSWA family between 2005 - 2011.

A former ALSWA Court Officer, Kyle was a beautiful young man who made invaluable contributions to our organisation. He was well known for his witty humour, big smile and gentle nature and was a much loved and valued ALSWA colleague, friend and ambassador.

We are so proud to have had the opportunity to know Kyle, and are extremely proud of his many achievements both with ALSWA and on the professional Darts circuit.

Kyle Anderson will be greatly missed by all who knew him and our thoughts are with all who have been affected by his passing.



*Kyle Anderson, pictured at ALSWA in 2010*





# CHIEF FINANCIAL OFFICER



**John Poroch**

I am pleased to present the following audited financial report for the 12 months ended 30 June 2021. The 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 \$2,218,707 and revenue of \$19,873,379.

The balance sheet remains strong with net assets of \$10,454,922 and a current asset ratio of 2.06:1 this will continue to be the platform to carry the ALSWA operations forward.

2020/2021 was the first full year of a five year National Legal Assistance Partnership Grant with the Western Australian Government Department of Justice replacing the Indigenous Legal Assistance Grant with the Commonwealth Attorney General's Office. During the year the

company also added to its portfolio of legal and social commitments by negotiating and entering into agreements with the State Government of Western Australia Department of Justice to administer and deliver the Work Development Permit Scheme, Youth Engagement Program – Kimberley, and the Covid 19 Assistance grant. The company also commenced the provision of services with the HOPE Community Services Limited. ALSWA is responsible for the administration of 10 funding grants, this has significantly increased our revenue and total expenses when compared to the previous year.

The Corona virus (COVID19) has continued to complicate 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 when required. However, throughout this period ALSWA has continued to deliver value to its clients and stakeholders.

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.



L - R John Poroch (Chief Financial Officer), Robert Wilson (Operations Manager), Sue Nicholls (Travel Coordinator/Admin Assistant), Hannah Wang (Senior Finance Officer) and Barbara Salter (Payroll Officer)

## Directors' Report

In respect of the financial report of the Aboriginal Legal Service of Western Australia Limited ("ALSWA" or "the Company") of the financial year ended 30 June 2021.

### 1. Responsible Directors

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

- Mr Michael Blurton
- Mr Glen Colbung (Ceased 12/11/2020)
- Ms Kathy Watson
- Mr Preston Thomas
- Mr Paul Baron
- Mr Donald Abdullah
- Ms Colleen Hayward
- Mr Clinton Quartermaine (appointed 12/11/2020)

### 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.

**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.

**Clinton Quartermaine** was appointed as a director on 12 November 2020. He is an Aboriginal man from Waging Western Australia of the Williams family. He attended and received formal education in Carnarvon WA and also studied and lectured at Curtin University. Clinton has served on many boards in many industries including legal, medical and media. He has experience developing partnerships between the Aboriginal community and Carnarvon Shire Council and police service.

**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 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. He previously has been an Executive Committee member since 2015. He has been involved with the organisation for more than 20 years until his resignation.



**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 \$2,218,707 (2020: income \$402,143).

**5. Review of Operations**

The Company's revenue for the year ended 30 June 2021 was \$19,873,379 (2020: \$15,800,177), a 25.78% increase over the previous year.

**6. Change in State of Affairs**

During the year the company entered into or commenced the provision of services in relation to the following government grants:

- National Legal Assistance Partnership grant
- Work Development Permit Scheme grant
- Youth Engagement Program – Kimberley grant
- Covid 19 Assistance grant
- FDV Hope Community grant

**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 2021, the total amount that members of the Company are liable to contribute if the Company is wound up is \$730 (2020: \$710).

**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 \$10,107 to insure the directors, secretary and officers of the Company. The liabilities insured are the legal and ancillary 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.

During the year the company has been required to lodge claims to recover expenses in relation to court and consultant fees.

**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	2	2
Kathy Watson	4	4
Colleen Hayward	4	4
Preston Thomas	4	4
Paul Baron	4	4
Donald Abdullah	4	4
Clinton Quartermain	2	2

**12. Events Subsequent to Balance Date**

No other matter or circumstance has arisen since 30 June 2021 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 2021.

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

Chairman  
Perth, Western Australia  
Date: 23 September 2021





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

23 September 2021

Dear Directors,

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

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

As lead audit partner for the audit of the financial report of Aboriginal Legal Service of Western Australia Limited for the year ended 30 June 2021, I declare that to the best of my knowledge and belief, there have been no contraventions of:

- The auditor independence requirements of the Corporations Act 2001 in relation to the audit; and
- Any applicable code of professional conduct in relation to the audit.

Yours faithfully,

DELOITTE TOUCHE TOHMATSU

**Peter Rupp**  
Partner  
Chartered Accountants

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## Independent Auditor's Report to the members of Aboriginal Legal Service of Western Australia Limited

### *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 2021, 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.

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

- giving a true and fair view of the Company's financial position as at 30 June 2021 and of its financial performance for the year then ended; and
- 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) (the Code) that are relevant to our audit of the financial report in Australia. We have also fulfilled our other ethical responsibilities in accordance with the Code.

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

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

### *Other Information*

The directors are responsible for the other information. The other information comprises the information included in the Company's financial report for the year ended 30 June 2021, 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 on the other information that we obtained prior to the date of this auditor's report, 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.

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# Deloitte.

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 financial 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 Company'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 Company'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 financial 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 Company to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial report, including the disclosures, and whether the financial 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

Peter Rupp  
Partner  
Chartered Accountants  
Perth, 23 September 2021



**Statement of Profit or Loss and Other Comprehensive Income  
For the year ended 30 June 2021**

	<b>Note</b>	<b>2021</b> \$	<b>2020</b> \$
<b>Revenue</b>	2	19,873,379	15,800,177
Depreciation and amortisation expenses		505,476	852,258
Electricity & gas expense		82,438	53,042
Employee benefits expense		14,117,956	12,003,325
Information technology		103,979	85,340
Interest expense		37,826	32,134
Library resources		150,202	147,535
Office expenses		45,260	52,489
Other expenditure		1,055,636	1,028,602
Property expenses		156,952	125,740
Rent		499,600	192,006
Lease expenses		185,674	199,284
Telephone & internet		141,721	133,606
Training		51,954	38,473
Travel and accommodation		519,998	454,200
Profit before income tax		<u>2,218,707</u>	<u>402,143</u>
Income tax		-	-
Profit after income tax attributable to the members of ALSWA		<u>2,218,707</u>	<u>402,143</u>
Other comprehensive income		-	-
Fair value movement land and buildings	8(a)	-	-
Income tax relating to components of other comprehensive income		-	-
Total comprehensive income for the period		<u>2,218,707</u>	<u>402,143</u>

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

**Statement of Financial Position  
As at 30 June 2021**

	<b>Note</b>	<b>2021 \$</b>	<b>2020 \$</b>
<b>Current Assets</b>			
Cash and cash equivalents	5	10,991,147	8,013,717
Other financial assets	6	1,998,213	1,900,411
Receivables	7	625,956	569,601
<b>Total Current Assets</b>		<u>13,615,316</u>	<u>10,483,729</u>
<b>Non-Current Assets</b>			
Property, plant & equipment	8	4,126,215	4,161,550
<b>Total Non- Current Assets</b>		<u>4,126,215</u>	<u>4,161,550</u>
<b>Total Assets</b>		<u>17,741,531</u>	<u>14,645,279</u>
<b>Current Liabilities</b>			
Accounts payables	9	751,894	624,822
Provisions	10	3,911,272	3,225,245
Unexpended grants	11	1,583,665	1,477,548
Lease liabilities	12	362,646	251,591
<b>Total Current Liabilities</b>		<u>6,609,477</u>	<u>5,579,206</u>
<b>Non-Current Liabilities</b>			
Provisions	13	316,730	330,561
Lease liabilities	14	360,402	499,317
<b>Total Non-Current Liabilities</b>		<u>677,132</u>	<u>829,878</u>
<b>Total Liabilities</b>		<u>7,286,609</u>	<u>6,409,084</u>
<b>Net Assets</b>		<u>10,454,922</u>	<u>8,236,195</u>
<b>Equity</b>			
Members funds	15	730	710
Retained earnings		7,158,320	4,939,613
Asset revaluation reserve		733,745	733,745
Discretionary reserves	16	2,562,127	2,562,127
<b>Total Equity</b>		<u>10,454,922</u>	<u>8,236,195</u>

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



**Statement of Cash Flows**  
**For the year ended 30 June 2021**

	<b>Note</b>	<b>2021</b> \$	<b>2020</b> \$
<b>Cash flows from operating activities</b>			
Grants received		20,251,690	17,746,179
Payments to suppliers and employees		(18,056,500)	(15,510,882)
Interest received		65,073	117,202
Interest paid		(37,826)	(32,134)
Rent received		69,282	67,087
Sundry income		1,183,691	634,173
<b>Net cash provided by operating activities</b>	21	<u>3,475,410</u>	<u>3,021,625</u>
<b>Cash flows from investing activities</b>			
Payment for the purchase of property, plant & equipment		(146,562)	(167,294)
Payment for the purchase of other financial assets		-	(500,000)
<b>Net cash used in investing activities</b>		<u>(146,562)</u>	<u>(667,294)</u>
<b>Cash flows from financing activities</b>			
Repayment lease liability		(351,438)	(592,232)
Members' contribution		20	10
<b>Net cash used in financing activities</b>		<u>(351,418)</u>	<u>(592,222)</u>
<b>Net increase in cash and cash equivalents held</b>		2,977,430	1,762,109
Cash and cash equivalents at beginning of the financial year		8,013,717	6,251,608
<b>Cash and cash equivalents at the end of the financial year</b>	5	<u>10,991,147</u>	<u>8,013,717</u>

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



**1. Summary of significant accounting policies**

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

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

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

**(a) Basis of preparation**

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

*Reporting Basis and Convention*

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

*Going Concern*

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

The Company is dependent upon the ongoing receipt of Commonwealth Government grants (Commonwealth Department of Attorney General) and community and corporate donations to ensure the ongoing continuance of its programs. At the date of this report, the 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 company are measured using the currency of the

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

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

**(c) Revenue recognition**

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

*(i) Government grants*

A number of the Company's activities are supported by grants received from federal, state and local governments or agencies. Grants are recognised on a systematic basis over the period in which the Company recognises as expenses the related costs or which the grants are intended to compensate. Specifically the wage subsidy received under the JobKeeper Scheme are presented as other income in the profit or loss.

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

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.

**(i) 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)**

**(j) 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.

**(k) 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

**(l) 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)**

**(m) 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.

**(n) 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.

**(o) 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

**(p) 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.

**(q) 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 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.

**(r) Right-of-use asset and lease liability**

*Right-of-use assets*

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*

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.

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 in 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



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

**(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
Mar 2020	AASN 2020-1 Amendments to Australian Accounting Standards – Classification of Liabilities as Current or Non-Current and AASB 2020-6 Amendments to Australian Accounting Standards – Classification of Liabilities as Current or Non-Current – deferral of effective date.	1/01/2023	30/06/2024
June 2020	AASB 2020-3 Amendment to Australian Accounting Standards – Annual improvements 2018 – 2020 and other amendments.	1/01/2022	30/06/2023
Mar 2021	AASB 2021-2 Amendments to Australian Accounting Standards – Disclosure of accounting policies and definition of accounting estimates.	1/01/2023	30/06/2024



<b>5. Current assets - Cash and cash equivalents</b>	<b>Note</b>	<b>2021</b>	<b>2020</b>
		<b>\$</b>	<b>\$</b>
Cash at bank and on hand		10,439,314	7,485,202
Term deposits	(i)	551,833	528,515
		<u>10,991,147</u>	<u>8,013,717</u>
 (i) Term Deposits The term deposits are bearing interest at a rate of 1.0% (2020– 2.00%)			
 <b>6. Current assets – Other financial assets</b>			
Financial assets carried at fair value through profit or loss (FVTPL)		<u>1,998,213</u>	<u>1,900,411</u>
 Investment at call with the Indigenous prosperity funds managed by Indigenous Business Australia – Commonwealth Government of Australia.			
 <b>7. Current assets – Receivables</b>			
Trade Debtors and accrued income		223,512	276,603
Loss allowance		(5,328)	(5,328)
		<u>218,184</u>	<u>271,275</u>
Security Bonds		32,098	35,346
		<u>250,282</u>	<u>306,621</u>
Prepayments		375,674	262,980
		<u>625,956</u>	<u>569,601</u>
 <b>8. Non-current assets property, plant &amp; equipment</b>			
Freehold land & buildings at fair value	(i)	4,336,330	4,320,713
Less: Accumulated depreciation		(1,115,907)	(999,512)
		<u>3,220,423</u>	<u>3,321,201</u>
Leasehold improvements at cost		420,264	385,299
Less: Accumulated depreciation		(353,972)	(315,487)
		<u>66,292</u>	<u>69,812</u>
Plant & equipment at cost		1,043,445	978,468
Less: Accumulated depreciation		(894,280)	(863,657)
		<u>149,165</u>	<u>114,811</u>



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	<b>2021</b>	<b>2020</b>
	\$	\$
Right of use assets	1,170,385	1,328,039
Less: accumulated amortisation	(480,050)	(672,313)
	<u>690,335</u>	<u>655,726</u>
Total property, plant & equipment	<u>4,126,215</u>	<u>4,161,550</u>

(a) Asset revaluation reserve

Opening balance	<u>733,745</u>	<u>733,745</u>
Closing balance	<u>733,745</u>	<u>733,745</u>

(f) 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 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)
Carrying amount at 30 June 2020	<u>3,321,201</u>	<u>69,812</u>	<u>114,811</u>	<u>655,726</u>	<u>4,161,550</u>
Additions	15,617	34,965	95,979	323,578	470,139
Disposals	-	-	(31,002)	(481,233)	(512,235)
Depreciation expense	(116,395)	(38,485)	(61,626)	(288,969)	(505,475)
Depreciation on disposals	-	-	31,003	481,233	512,236
Carrying amount at 30 June 2021	<u>3,220,423</u>	<u>66,292</u>	<u>149,165</u>	<u>690,335</u>	<u>4,126,215</u>

**9. Current Liabilities – Accounts payable**

	<b>Note</b>	<b>2021</b>	<b>2020</b>
		<b>\$</b>	<b>\$</b>
Unsecured			
Accrued expenses		442,458	288,958
Taxes payable		53,461	161,669
Credit cards		42,298	22,463
Superannuation payable		134,498	110,371
Other payables		79,179	41,361
		<u>751,894</u>	<u>624,822</u>

**10. Current Liabilities – Provisions**

Employee Entitlements			
Annual Leave		1,835,171	1,511,440
Long Service Leave		1,310,516	1,087,077
Sick Leave		765,585	626,728
		<u>3,911,272</u>	<u>3,225,245</u>

**11. Current Liabilities – Unexpended grant**

Indigenous Legal Assistance Program grant		94,389	158,716
Employee of the year grant		5,000	10,000
Kids out of detention		3,968	10,000
Youth Justice Program		(39,171)	(5,077)
Custody Notification Service grant		133,900	728,430
Bail support & prison inreach services		725,436	405,852
Disability Legal Advice Service		184,532	168,659
Bike rescue grant		2,758	968
National Legal Assistance Partnership		87,284	-
Work Development Permit Scheme grant		161,867	-
Youth Engagement Project - Kimberley		157,035	-
FDV Hope Community grant		66,667	-
		<u>1,583,665</u>	<u>1,477,548</u>

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

Unsecured			
Lease liabilities		362,646	251,591
		<u>362,646</u>	<u>251,591</u>



**13. Non-Current Liabilities - Provisions**

	<u>Note</u>	<u>2021</u> \$	<u>2020</u> \$
Employee Entitlements:			
Long service leave		316,730	330,561

**14. Non-Current Liabilities – Interest bearing liabilities**

Lease liabilities		360,402	499,317
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**15. Members funds**

Opening balance		710	700
Increase		20	10
Decrease		-	-
Closing balance		730	710

**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 (2020: Nil). No finance lease contracts existed at the end of the reporting period (2020: Nil)

**19. Financial risk management and policies**

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

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

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

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

Each of the risks are identified as follows:



**Risk exposures and responses**

**(a) Interest rate risk**

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

	<b>Note</b>	<b>2021</b> \$	<b>2020</b> \$
<b>Financial Assets</b>			
Cash & cash equivalents	5	10,991,147	8,013,717
Other financial assets	6	1,998,213	1,900,411
Receivables	7	250,282	306,621
<b>Total Financial Assets</b>		<u>13,239,642</u>	<u>10,220,749</u>
<b>Financial Liabilities</b>			
Accounts payable	9	751,894	624,822
Unexpended grants	11	1,583,665	1,477,548
Lease liabilities - current	12	362,646	251,591
Lease liabilities Non-current	14	360,402	499,317
<b>Total Financial Liabilities</b>		<u>3,058,607</u>	<u>2,853,278</u>
<b>Net Financial Assets</b>		<u>10,181,035</u>	<u>7,367,471</u>

**(b) Credit risk**

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

The Company constantly monitors defaults of clients and other counterparties.

**(c) Liquidity risk**

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

**(d) Market risk**

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

**(e) Sensitivity Analysis**

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

	<b>2021</b>	<b>2020</b>
	<b>\$</b>	<b>\$</b>
Change in profit		
Increase in interest rates by 1%	122,240	91,408
Decrease in interest rates by 1%	(122,240)	(91,408)
Change in equity		
Increase in interest rates by 1%	(122,240)	(91,408)
Decrease in interest rates by 1%	122,240	91,408

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	
	2021	2020	2021	2020	2021	2020	2021	2020
	\$	\$	\$	\$	\$	\$	\$	\$
<b>Financial Assets</b>								
Cash and cash equivalents	10,991,147	8,013,717	-	-	-	-	10,991,147	8,013,717
Other financial assets	1,998,213	1,900,411	-	-	-	-	1,998,213	1,900,411
Trade receivables	250,282	306,621	-	-	-	-	250,282	306,621
	<u>13,239,642</u>	<u>10,220,749</u>	-	-	-	-	<u>13,239,642</u>	<u>10,220,749</u>
<b>Financial Liabilities</b>								
Trade and other payables	2,335,559	2,102,370	-	-	-	-	2,335,559	2,102,370
Lease liabilities	362,646	251,591	360,402	499,317	-	-	723,048	750,908
	<u>2,698,205</u>	<u>2,353,961</u>	<u>360,402</u>	<u>499,317</u>	-	-	<u>3,058,607</u>	<u>2,853,278</u>
Net maturity	<u>10,541,437</u>	<u>7,866,788</u>	<u>(360,402)</u>	<u>(499,317)</u>	-	-	<u>10,181,035</u>	<u>7,367,471</u>

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

## 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>2021</u>	<u>2020</u>
	\$	\$
Profit before income tax	2,218,707	402,143
Depreciation and amortisation	505,476	852,258
Decrease in receivables	(55,445)	(168,630)
Increase in accounts payables and unexpended grants	232,278	1,215,414
Increase in provisions	672,196	631,144
Net movement in fair value of other financial assets	(97,802)	89,296
Net cash inflow from operating activities	<u>3,475,410</u>	<u>3,021,625</u>

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

Opening balance	750,908	
Lease liabilities	323,578	-
Total	<u>1,074,486</u>	-
Financing cash flows	(351,438)	(592,232)
Fair value changes – non cash		-
Other changes – adoption AASB 16 - non cash	-	1,343,140
Closing balance - note 12 & 14	<u>723,048</u>	<u>750,908</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 2021 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 6 to 25 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 2021 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: 23 September 2021



# 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 to assist in our ongoing work.

## SUBSCRIPTIONS

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## COVER DESIGN

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The Aboriginal Legal Service of WA Limited 2021 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

Mr Glen Colbung (Ceased 12/11/2020)

Ms Kathy Watson

Mr Preston Thomas

Mr Paul Baron

Mr Donald Abdullah

Ms Colleen Hayward

Mr Clinton Quartermaine (appointed 12/11/2020)

**Company Secretary** Mr John Poroch

**Registered Office** Piccadilly Square  
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**Telephone** 08 9265 6666

**Facsimile** 08 9221 1767

**WA Toll Free** 1800 019 900

**Company Auditors** Deloitte Touche Tohmatsu  
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**Aboriginal Legal Service of  
Western Australia Limited**



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