

# 2022 ANNUAL REPORT

**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

## Preston Thomas

Welcome to the 2022 Annual Report of the Aboriginal Legal Service of Western Australia Ltd (ALSWA).

This is my first report as Chairperson of ALSWA's Executive Board and I am extremely proud to be involved in such an important organisation.

I have a long association with the Board and was voted in as Chairperson at our Annual General Meeting on the 18th of November 2021.

Over many years, I have witnessed ALSWA working at the frontline of law and justice for Aboriginal and Torres Strait Islander Peoples. I have lived in regional, remote and metropolitan areas of the state and know firsthand that there is still so much injustice facing our people.

ALSWA's twelve offices serve our communities from Kununurra in the north to Albany in the south, with our lawyers and court officers managing heavy caseloads as our services continue to expand to meet the growing needs of our communities.

I want to acknowledge the commitment of all of our teams working within the Court Officer, Civil/Human Rights, Criminal and Family Law units and within Policy and Programs, Administration, Bail Support Service/Prison In Reach, Community Engagement, Media, Community Legal Education, Custody Notification Service, Work and Development



Permit Service, Youth Engagement Program, Family and Domestic Violence Court and Disability. The services provided by ALSWA are second to none and it is incredible to think that ALSWA originally began with only 6 staff in Perth and has now grown to over 170 staff members statewide.

I am excited about our future in continuing to ensure access to justice for our First Nations Peoples. We will release our five year strategic plan in 2023, which will outline our aspirations to bring about generational change through true justice, Culture and kinship, self- determination and innovation.

We look forward to keeping you up to date with our progress and future achievements.

Thank you to our Executive Management Team and my fellow Board Members. It is your expertise and commitment that continues to play a vital role in our ongoing work.



# 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.

The last ALSWA Annual General Meeting (AGM) and Elections took place in Perth on 18th November 2021. During this AGM Preston Thomas was elected as the new Chairperson.

ALSWA thanks Michael Blurton for his Presidency in 2006, 2007 and 2012 to 2021 inclusive. Michael remains a valued Member of the ALSWA board and is the Deputy Chairperson.

## Meet the ALSWA Board



**Top row:** L-R Preston Thomas (Director, Chairperson), Colleen Hayward (Director), Michael Blurton (Director, Deputy Chairperson)

**Bottom row:** L-R Kathy Watson (Director), Donald Abdullah (Director), Lionel Quartermaine (Director), Paul Baron (Director)





### **Preston Thomas** – Director/Chairperson

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.

### **Michael Blurton** – Director/Deputy Chairperson

Deputy 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.

### **Kathy Watson** - Director

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. 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** - Director

Director Donald Abdullah is a Wongi man from Esperance, which is located on Western Australia's south east coast. 2015 marked his first involvement with the ALSWA Executive Committee and he is dedicated to supporting Aboriginal and Torres Strait Islander peoples.

Donald 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** - Director

Director Paul Baron is a Yamatji man from Carnarvon who has been involved with ALSWA since 2015. Paul supports the promotion of ALSWA's important work and is committed to continuing to highlight 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.

### **Colleen Hayward** - Director

Director Colleen Hayward is a Senior Noongar woman with extensive family ties throughout the southwest 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** - Director

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.





# 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.



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



## The Custody Notification Service

(CNS) received approximately 26,000 notifications in the past financial year

ALSWA will release its five year

### Strategic Plan in 2023

In 2022-2023 the Youth Engagement Program will expand to

### South Hedland and Kununurra

In September 2021 ALSWA gave evidence to the Disability Royal Commission at an Inquiry about the experiences of First Nations children living with

### Disability in out-of-home-care

### Between 2018 and 2021

53% of all victims of police dog bites were Aboriginal and 73% of all juvenile victims were Aboriginal

In February 2022 ALSWA wrote to the United Nations Office of the High Commissioner for Human Rights in February 2022, raising concerns about extreme heat conditions at

### Roebourne Regional Prison

### Supreme Court of WA

In June 2022 ALSWA filed an application for judicial review in the Supreme Court of WA seeking a declaration that the lockdowns at Banksia Hill Detention Centre are unlawful. On 25th August, the Supreme Court held that the lockdowns are unlawful

Over 500 Indigenous people have died in custody since the Royal Commission into

### Aboriginal Deaths in Custody





# Chief Executive Officer

## Dennis Eggington

It is with great reflection that I present my report for the Aboriginal Legal Service of WA Ltd (ALSWA) 2022 Annual Report.

It is reflective, because I have held the role of ALSWA Chief Executive Officer for over 26 years and have witnessed many changes during that time, both in the operational expansion of our organisation and the ongoing need for our services to diversify to meet the needs of our communities throughout WA.

I commenced as ALSWA CEO on the 24th of January 1996, and having spent almost three decades with ALSWA, my own family has grown, as has our ALSWA family. Many people have moved on, while others have left, only to return to ALSWA after stints working elsewhere.

Ours is indeed a unique working environment, a shared space with shared values. We are working with some of Western Australia's most disadvantaged peoples in a state which has the highest rate of Aboriginal incarceration in the country. Since the 1991 Royal Commission into Aboriginal Deaths in Custody (RCIADIC), it is abhorrent that there have been over 500 deaths in custody.

It is both disheartening and tragic to witness the hardships faced by our people. It saddens me greatly, but also angers me. Life is extremely tough and challenging for so many of our mob, bearing the brunt of systemic racism that affects every day of our lives.

I have witnessed too many atrocities and heard harrowing stories that will stay with me always. We have lost many people that should still be here today, both adults and children. Then there



are those doing it tough on the streets, in the lock ups and prisons, and the merry-go-round of our youth becoming trapped in the criminal justice cycle, to the stage where it's almost perceived as the 'norm'.

On the flip side, I have also been humbled to have met so many dedicated people throughout my ALSWA journey, from community members, to staff, judiciary and government agencies. I know that there are many like-minded people who also share our vision for a more equitable future for First Nations Peoples.

In 2023, ALSWA will release our 5 year Strategic Plan, with our vision to be the leading provider of specialist legal advice, services, support and advocacy for First Nations Peoples in Western Australia.

We will continue to provide high calibre, specialist and culturally appropriate legal advice, legal services and legal education to support First Nations Peoples, whilst advocating to remove inequalities and defects in laws and the legal system.

Our goal is for generational change for our people through better access to justice, a fairer



legal system, and our people having a genuine say in law, policies and practices which impact them.

Some of our key priorities for the next five years reflect our aspirations to bring about generational change through true justice, culture & kinship, self-determination and knowledge & innovation being placed at the centre. This will be achieved through prioritising, ensuring Access to Justice, identifying and advocating for Structural

Change, creating opportunities and creating a modern Community Centre.

Thank you to our Executive Board and my Executive Management colleagues for your guidance and knowledge. It has been another big year and I am honoured to lead the Aboriginal Legal Service of Western Australia Limited.

This Annual Report covers the period from 1 July 2021 to 30 June 2022.

## As a late Inclusion...

We send our heartfelt condolences to respected Community member Mechelle Turvey and family on the tragic loss of Cassius Turvey on the 23rd of October 2022.

We are heartbroken for your loss.

May you gain strength from the love and support of so many people who have been touched by the life of your beautiful son.

His light will shine forever.

**Rest peacefully Cassius.**





# Director Legal Services

## Peter Collins

### ALSWA's Aboriginal Court Officers and Support Workers

As has been noted in previous annual reports, ALSWA's Aboriginal court officers and support workers are the backbone of ALSWA.

It is a tough gig working at ALSWA most of the time and appropriate recognition of hard work and dedication is a very rare commodity.

To then receive the letter reproduced below, from a very experienced and well regarded Magistrate, extolling not the virtues of ALSWA staff generally, but the extraordinary ALSWA Kalgoorlie court officer, Murray Stubbs, in particular, puts a lot of things in perspective; the work that is done is important, high quality and valued by those in the know.



To Murray Stubbs (pictured) congratulations on this acknowledgement. The commendation is thoroughly deserved but simply confirmed what has been known for a very long time; Murray is a legend of ALSWA and we are all very fortunate to be working alongside him.

However, Murray is but one of many Aboriginal court officers and support workers who go above and beyond for their clients and their communities and ALSWA salutes you.





## Conditions in Banksia Hill Detention Centre

Over the course of most of this year ALSWA has received a litany of complaints from young Aboriginal people detained in Banksia Hill Detention Centre about their confinement in their cells during 'rolling' lockdowns for close to 24 hours a day, along with ongoing failures to provide them with access to mental health services, education and recreation.

ALSWA made multiple approaches to the Minister for Corrective Services, Bill Johnston, and the Department of Justice about conditions in Banksia Hill, all of which fell on deaf ears. In one meeting with ALSWA, Minister Johnson asserted that funding for infrastructure improvements at Banksia Hill would include building a new unit for the "mad" and a new one for the "bad".

In June 2022, ALSWA commenced judicial review proceedings in the Supreme Court of WA on behalf of a young person, who was given the pseudonym "VYZ", seeking a declaration that the lockdowns were unlawful. VYZ was acutely vulnerable; he was only 14 years old when he was remanded in custody at Banksia Hill, suffered from various serious cognitive impairments, was from a remote part of the State and, over a six month period, spent numerous days locked in his cell and was only allowed out for 10 to 30 minutes each day to make a phone call. On some days, he was not allowed out of his cell at all.

On 25 August 2022, Justice Tottle delivered a judgement finding that the practice of implementing extensive 'rolling' lockdowns contravened the Young Offenders Act 1994 (WA) and was unlawful.

Justice Tottle found that confining young people to their cells for long hours involves a significant reduction in liberty and amenity and was a severe measure:

*"Confining children to their sleeping quarters in a detention centre for long hours, thus effectively confining them in isolation, can only be characterised as an extraordinary measure - one that should only be implemented in rare or exceptional circumstances ... because of very significant harm such confinement can do to children in detention, many of whom are already psychologically vulnerable ... it is a significantly more difficult and challenging experience for a young person to spend 24 hours in isolation than it is for an adult."*

Barrister Marina Georgiou appeared pro bono as counsel on behalf of ALSWA's client and did a wonderful job. Alice Barter and her team in ALSWA's Civil and Human Rights Law Unit worked tirelessly on this case and are to be commended for their efforts.



Banksia Hill Detention Centre, 1001 Warton Road, Canning Vale WA





*ALSWA's Civil/Human Rights Unit Alice Barter, Eloise Langoulant, Olivia Roberts, Lexi Lachal, Jacob Higgins, Rhela Belton, Giorgia Papalia, Leashay Eggington, Jasvir Kang (Not Present: Saminder Kang, Shayla Eggington)*

In an extraordinary move, just days before Justice Tottle handed down his decision, a number of young people were transferred from Banksia Hill Detention Centre to Unit 18 at Casuarina Prison, which is a high security adult prison. The conditions in Unit 18 (pictured below) mirror those in Banksia Hill Detention Centre with excessive lockdown periods and very limited access to education and recreation facilities.



*(Photo source ABC News, supplied)*

Many of the young people in Unit 18 are Aboriginal, come from significant trauma backgrounds and have serious mental health conditions.

After the decision in VYZ, the Director General of the Department of Justice, Dr Adam Tomison, gave the following extraordinary evidence at the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, when questioned about the impact of lockdowns on young people in Banksia Hill Detention Centre:

**Mr Griffin:** Do you accept that if that young person suffered from FASD, PTSD and developmental disabilities, it was not the best option for him to put him in a cell for 23 hours a day for a long period of time. Do you accept that proposition?

**Dr Tomison:** I accept it.

**Chair:** Do you also accept it's fair to describe it as cruel and unusual punishment?

**Dr Tomison:** No, I don't. I don't think it was a cruel and unusual punishment. We didn't do it to punish the young person. We did it because that was the only option we had.

**Chair:** Was the effect of it to be a cruel and unusual punishment?

**Dr Tomison:** I wouldn't use that terminology. I don't think it was anywhere near ideal for that young person or any young person.

**Chair:** It wasn't cruel and unusual punishment for a 14-year-old boy to be locked up 23 hours a day - up to 23 hours a day regularly over a period of 11 weeks? You don't describe that as cruel and unusual punishment?

**Dr Tomison:** No, I describe it as what I had to deal with at the time.

**Mr Griffin:** Would you characterise it as child abuse?

**Dr Tomison:** No, I would not.





ALSWA has made submissions to the United Nations Special Rapporteur on Torture, the Special Rapporteur on the Rights of Indigenous peoples and the United Nations Subcommittee on the Prevention of Torture, arguing that the regimes in Banksia Hill Detention Centre and Unit 18 breach Australia's international human rights obligations.

## A close-up photograph of a German Shepherd dog with its tongue hanging out, looking directly at the camera. The dog is wearing a yellow collar. In the background, a person in a blue uniform is partially visible, and another dog is seen in the distance.

In May 2022, the CCC published a report which highlighted the overrepresentation of Aboriginal people in interactions with police dogs. Mystifyingly, the CCC was unable to identify a reason why Aboriginal people were overrepresented in this way. The answer is as plain as day. It is bare faced racism.



The CCC report confirms yet again serious concerns long held by ALSWA; the CCC is altogether the wrong entity for investigating complaints of this type against police.

The WA Government needs to move quickly to establish a statutory authority with a full suite of powers and resources to independently investigate complaints against police. But like most things involving Aboriginal people in WA; the signs are ominous, the government will sit on its hands and do nothing and it will likely take a tragedy, a death in police custody from injuries caused by dog bites, before the government sits up and takes notice.

### **Conditions at Roebourne Regional Prison**

ALSWA has long been campaigning for the introduction of air-conditioning in the male cells at Roebourne Regional Prison ('RRP') in the Pilbara.

ALSWA has written on multiple occasions to the WA government about the temperatures and conditions at RRP. ALSWA has also raised its concerns in meetings with the Minister for Corrective Services, representatives from the Department of Justice and with oversight bodies including WorkSafe and the Inspector of Custodial Services. However, the WA Government has refused to commit to implementing meaningful changes to moderate temperatures experienced by male prisoners at RRP.



*Roebourne Regional Prison, Samson Road, Roebourne WA*

ALSWA was incredulous when, in response to an ALSWA letter urging the introduction of air conditioning at RRP, the Minister for Corrective Services, Mr Bill Johnston stated that 'local solutions' had been used as 'climate control initiatives', including the provision of sunscreen, wide brimmed hats, water bottles, and free electrolyte drinks for prisoners engaged in work. The response would be laughable, save for the dire predicament which confronts prisoners in RRP with most days in summer well over 40 degrees, including a day in early 2022 when the temperature reached 50.5 degrees, which was the second hottest recorded day in Australian history.

Approximately 80 - 90% of the RRP population identifies as Aboriginal. Yet again, the conclusion is unavoidable that government gets away with this discriminatory and inhumane state of affairs because the people in its care are Aboriginal.

### **ALSWA's Family Law Unit**

In the middle of 2022, ALSWA lawyer, Jonathon Reid, commenced as the managing lawyer of the Family Law Unit. Jonathon is the longest serving member of the Unit and a proud Badimaya man. The catalyst for Jonathon's appointment was an extraordinarily generous suggestion by the then managing lawyer of the Unit, Kathy Russell, that it was time for her to hand over the reins to Jonathon. Congratulations to Jonathon; he is the first Aboriginal lawyer to manage the Unit and has performed admirably in his new role.



*Children's Court of Western Australia, 160 Pier Street, Perth WA*



In May, 2022, following ALSWA's contribution to the review process, the amended Children and Community Services Act 2004 came into operation, which mandates that courts must now 'observe' the principles of Aboriginal child placement and self-determination in making decisions about child protection. Prior to this change, only the Department of Communities was required to observe these principles.

Section 13 of the Act has also been strengthened and now reads:

*... Aboriginal people and Torres strait Islanders have a right to participate in the protection and care of their children with as much self-determination as possible.*

The Family Law Unit has also had considerable success in overturning special guardianship orders or applications for special guardianship orders made by non Aboriginal carers of Aboriginal children, enabling children to return to the care of Aboriginal families in the process. In the same way, the Unit has also been able to return children in foster care to their wider Aboriginal families, despite opposition from the Department of Communities.

The Family Law Unit is hoping to expand its footprint across WA by employing staff in regional areas by utilizing funds provided by the Commonwealth Government to assist vulnerable women.

### The inequality of arms facing ALSWA's criminal law practice

In the recent WA State budget, \$106 million was committed to police and community safety, including funding to recruit 950 extra police officers, further exacerbating the inequality of arms as between ALSWA and prosecution authorities.



More police means more Aboriginal coming into contact with police and more Aboriginal people facing criminal charges.

The impact of these funding increases is reflected in significant increases in the numbers of matters handled by ALSWA's criminal law practice. For example, in the two years since 2020, has seen ALSWA's Perth Criminal Law Unit deal with 2000 additional cases. In regional areas, the Bunbury ALSWA office has seen an increase in over 600 cases in the same period, with the Kununurra office seeing an increase of over 400 cases.



Family Law Unit L-R: Melody Ross, Clancy Hindmarsh, Kathy Russell, Thula Gwemende, Jonathon Reid, Jaye Snowden and Carol Hunter-Lange





*Criminal Unit Lawyers Front Row L-R: Sharlene Excell, Elyse Smith, Alana Taylor, Nikki Wilson, Imogen Clark, Linda Maccarone, Yassamin Olson, Monica Collard, Les Sanders Back Row L-R: Ricardo Napper, Belinda Albertini, Henry Prior, Georgia Keyzers, Karen Bamforth, Elliot Tilbury, Linda Salsano, Ella Gaffney, Alana Woldan*

The flow on effects on lawyers, court officers and administrative staff has been substantial with the average number of allocated files higher than ever, the complexity of matters ever increasing and the demands on time considerable.

The efforts of everyone in the face of these considerable challenges needs to be acknowledged. As is often noted, ALSWA 'punches way about its weight' in terms of the nature and quality of the legal services it provides to clients and the community. This is especially the case with ALSWA's regional offices which have limited numbers of staff but massive workloads and arduous court circuits.

### **Youth Engagement Program (Metro) and (Kimberley)**

The Metropolitan Youth Engagement Program (YEP-M) provides holistic, culturally-secure, individualised and flexible support to ALSWA clients appearing in the Perth Children's Court.

The Youth Engagement Program Kimberley (YEP-K) provides similar types of support as YEP-M; however, YEP-K staff also travel enormous distances across the West Kimberley to support clients who reside in remote

communities. YEP-K diversion officers are also involved with supporting young people engage with cultural activities on country.

YEP is to be expanded in 2022-2023 to South Hedland and Kununurra. When this occurs, YEP-M will play a crucial role in engaging with clients (from all YEP sites) who are remanded or sentenced to detention at Banksia Hill Detention Centre or Unit 18 at Casuarina Prison. As well, YEP-K will work closely with the new programs to support clients who travel between these locations and the West Kimberley.

### **Custody Notification Service**

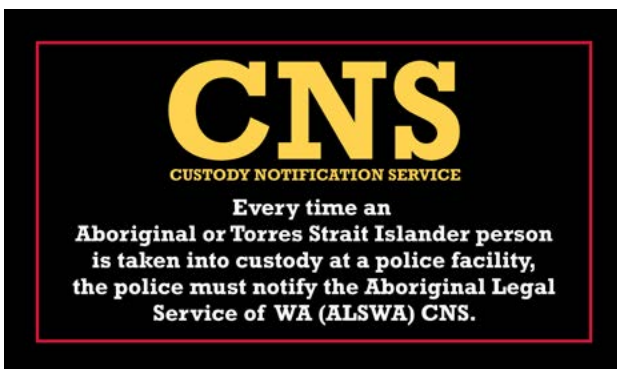
The hardworking and dedicated ALSWA Custody Notification Service (CNS) team has continued to work tirelessly around the clock to assist every Aboriginal person arrested or apprehended and detained in a police facility, irrespective of the reason. Even with staff shortages due to Covid-19 during this financial year, the CNS maintained operations 24 hours per day every day of the year.

The introduction of the electronic notification process (eCNS) has meant that ALSWA CNS receives real time electronic notifications when Aboriginal people are taken into custody to a



police facility. These eCNS notifications enable the CNS to proactively contact police if a phone notification has not been received within a reasonable period of time. The system also enables more effective data checking between ALSWA and WA Police and greater compliance with the mandatory requirements under the under the Police Force Amendment Regulations 2019 (WA).

The number of notifications received by the CNS was close to 26,000, reflecting that Aboriginal people in WA are very arguably the most overpoliced group of people in Australia, if not the world.



### **Bail Support Service/prison in-reach Legal Service (Metro) and Bail Support Service (Broome)**

The metropolitan Bail Support Service (BSS) and Prison In-Reach Service (PIR) continue to help clients access bail through the provision of holistic, culturally secure bail supports and prison in-reach legal services, and by supporting clients to comply with bail conditions and undertakings.

The following excerpt from a bail decision by a Magistrate highlights the high regard in which the BSS is held:

*That's excellent. I love the Bail Support Service; they're amazing. The bail assessment report is positive.*

For matters that were completed during the period 1 July 2020 to 30 June 2021, BSS received 210 referrals and provided support to 182

eligible clients. The PIR received 462 referrals and provided legal advice/representation to 406 clients.

The Bail Support Service Broome (BSS Broome) operates in a similar way as BSS Perth by developing bail plans to facilitate release on bail and by providing support for clients to comply with bail. BSS Broome travel to Derby once per fortnight and also provide significant transport assistance for clients across the West Kimberley, often driving for hours to ensure that clients are able to attend court and/or reside at their stipulated bail address.

For matters that were completed during the past financial year, BSS Broome received 74 referrals and assisted 65 eligible clients during their bail period.

### **Disability Royal Commission**

ALSWA's Our Your Story Disability Legal Support lawyer, Bonina Challenor, engaged with over 80 clients this year, ensuring that Aboriginal people in WA knew about the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability and were supported to tell their stories.

ALSWA also gave evidence at a Royal Commission hearing in Perth and highlighted the dire conditions confronting young people with disabilities in detention at Banksia Hill Detention Centre and Unit 18 at Casuarina Prison.



L-R ALSWA's Alice Barter, Sasha Greenoff and Peter Collins





## **Work and Development Permit (WDP) Service**

Over the course of the year, the WDP Service received 384 new client referrals and continued to assist a further 83 existing clients facing hardship in relation to unpaid fines.

The size of unpaid fines faced by many impoverished Aboriginal people, and the additional fees imposed by government as it seeks to enforce them, is staggering. For example, WDP assisted a young female client from Perth who had unpaid fines totalling \$18,000. Some of these fines were infringements for not having a valid train ticket where the client initially received a \$100 infringement notice, but this quickly blew out to over \$500 per infringement, as various enforcement processes took place.

WDP helped the client deal with the fines by obtaining a Fine Expiation Order which discharged some of the client's fines as a result of time she had already spent in custody, by referring the client to an organisation which would allow her to "work off" her fines by participating in counselling and by setting up a time to pay arrangement with the Fines Enforcement Registry.

## **Consultations and Submissions**

### **Formal submissions**

- Submission for the Process Evaluation of the Serial Family Violence Offender Provisions (December 2021)
- Submission to the Statutory Review of the Criminal Law Amendment (Home Burglary and Other Offences) Act 2015 (WA) (December 2021)
- Submission to the Law Reform Commission of Western Australia, Admissibility of Propensity and Relationship Evidence in WA, Project 112, Issues Paper (February 2022)

### **Written feedback**

- Letter to the Department of Justice – Criminal Law (Unlawful Consorting and Prohibited Insignia) Bill 2021 (July 2021)
- Letter to the Department of Justice - Visits to Remand Prisoners (December 2021)
- Letter to the Department of Justice - proposed amendments to the criminal law and sentencing legislation (January 2022)
- Letter to the Department of Justice – Bail Amendment Bill 2021 (September 2021)
- Letter to the Department of Justice – possible reforms to the discount on sentence following a plea of guilty (September 2021)
- Letter to the Department of Justice – treatment of young people detained in Unit 18 at Casuarina Prison (July 2022)
- Letters to the Minister for Communities – conditions in Banksia Hill Detention Centre (February and March 2022)
- Letter to the Attorney General – the need to establish a Judicial Commission in WA (June 2022)
- Letter to the Minister for Corrective Services – conditions in Roebourne Regional Prison (December 2021)
- Letter to the Minister for Corrective Services – the need to introduce a trauma informed and culturally appropriate model of care at Banksia Hill Detention Centre (May 2022)
- Letter to the Commonwealth Attorney General's Department – new family dispute resolution services for Aboriginal and Torres Strait Islander families (March 2022)
- Letter to Acting Commissioner of Police – arrest of Aboriginal people at court (May 2022)
- Letter to Attorney General – request to introduce Gladue style reports in WA Courts (August 2022)



- Consultation about the Department of Justice, Youth Justice Strategic Plan (October 2021)
- Consultation about the Statutory Review of Part 2 of the Restraining Orders and Related Legislation Amendment (Family Violence) Act 2016 (August 2021)
- Consultation about the Statutory Review of the Domestic Violence Order (National Recognition) Act 2017 (WA) (December 2021)
- Consultation with the Department of Justice about the merits of establishing an Aboriginal Commissioner for Children and Young People (January 2022)
- Attended Prison Exit Family Violence Program – Program Design Workshop (March 2022)
- Office of Victims of Crime Commissioner - Coercive Control Consultation (July 2022)

## Committees

- Social Reinvestment WA – Coalition member
- Department of Justice, Legislation and Policy Implementation Advisory Committee – member
- Department of Justice, Justice Reform Project Evaluation Committee – member
- Department of Justice, Community Legal Education Advisory Committee – member
- Department of Justice, Data Advisory Committee – member
- Department of Justice – Magistrates Court Stakeholders Committee – member
- Department of Justice - Collaborative Services Planning Group and Jurisdictional Forum – member

### *Pro Bono Assistance*

The pro bono help provided to ALSWA by the private profession has again been extraordinary.

## ***Barristers***

Marina Georgiou, Simon Freitag SC, Elspeth Hensler, Fraser Robertson, Matt Howard SC, Greg McIntyre SC, Rachael Young SC, Jennifer Solliss, Neil Morrissey, Heather Millar, Rebecca O'Brien, Varun Ghosh, Graham Droppert SC, Verity Long-Droppert, Guy Stubbs, John Southalan, Benjamin Tomasi, Joanne Poole, Felicity Fox, Greg Barns SC, Tim Bourbon, Julie Condon SC, Jason Gullaci, John Kelly SC and Craig Eberhardt KC

### Legal Firms

AP Legal, Corrs Chambers Westgarth, DLA  
Piper, King and Wood Mallesons, Allens,  
Lavan Legal, Robertson O’Gorman and Behlau  
Murakami Grant LLP and Blumers

**Other**

Human Rights Law Centre, Law Access

ALSWA has particularly benefited from the ongoing exceptional pro bono help provided by Dan Creasey and his team at King and Wood Malletsons, Leanne Nickel of DLA Piper and Jason Gullaci of the Victorian Bar.

## Volunteers

ALSWA acknowledges the many volunteers who have again generously offered their time to help ALSWA clients and staff.

### *Judicial Appointments*

ALSWA lawyers, Kelly Thompson and Janie Gibbs (pictured below L-R), were appointed as Magistrates earlier this year. I would like to congratulate Kelly and Janie on their appointments.





Jasvir Kang, who works as a criminal lawyer in ALSWA's Perth Criminal Law Unit, was the very worthy winner of the 2022 Hodge Award. The award is named in honour of the late Andrew Hodge, who was a renowned criminal defence lawyer and recognises the contribution made by a young criminal lawyer to the practice of criminal law in WA.



Jas thoroughly deserves the award and is destined for higher honours in the law. Jas is also the first Aboriginal lawyer to win the award. I would also like to congratulate former ALSWA criminal lawyer, Rob Owen, who was appointed the Director of Public Prosecutions; which is a first for an ex ALSWA lawyer.

Former ALSWA lawyer David Woodroffe has been made a Northern Territory Acting Local Court Judge, the first Aboriginal person to be appointed to the bench in NT. Having made many contributions to ALSWA and the justice system over the years, I wish David the very best in his new role.





# Community Engagement Unit

## Media/Public Relations/Community Legal Education

ALSWA's Community Engagement Unit (CEU) consists of Jodi Hoffmann (Public Relations/Media Manager) and Bhagya Karunarathne (Community Legal Education Officer). This small unit is responsible for the design and delivery of Community Legal Education (CLE), coordination of incoming media in consultation with the Executive Management Team, CLE resources for statewide ALSWA offices and communities, ensuring that ALSWA marketing and legal resources such as pamphlets, remain up to date. The CEU Unit also produces the bi-monthly 'Law Matters' E-Newsletter and maintains ALSWA's social media outlets of Facebook, Instagram, Twitter, LinkedIn and the ALSWA website.

CLE plays a vital role in ALSWA's service delivery through providing legal information in a format that is easily understood and tailor-made to varying audiences.

ALSWA meets with community groups, external agencies and schools to deliver CLE and inform about all aspects of the law, legal rights/responsibilities, ALSWA services, how to seek legal assistance and how to minimize contact

with the justice system. This information empowers others and also contributes to community resilience and an early prevention strategy.

Over the past financial year, Bhagya has delivered CLE to many groups on a diversity of topics including ALSWA Services, Arrest, Detention, ALSWA's Custody Notification Service (CNS), Family Violence and Cyber-bullying. These groups included Noongar Mia Mia, Uniting WA, Wungening Aboriginal Corporation, Waalitj Foundation, Northern Suburbs Community Legal Centre, Wheatbelt Community Legal Centre, Fremantle Community Legal Centre, Clontarf Aboriginal College, Joseph Banks Secondary College, Beldridge Secondary School, Thornlie Senior High School, Bob Hawke College, Belmont City College, Gilmore College, Girrawheen Senior High School, Warnbo Community High School, TAFE, Base/Belmont Youth Centre, Banksia Hill Detention Centre, Financial Counsellors' Association of WA, APM Disability Employment Service, East Metropolitan Health Service/Moorditj Wirrin Koolangkas Program and the City of Kwinana/Community Wellbeing.



L-R Bhagya at a CLE session at Base at Belmont and pictured with East Metro Health Service Staff at Girrawheen College





CLE at ALSWA for Wungening Aboriginal Corporation

A diverse range of resources have been developed in-house and include activities, worksheets and flyers to better engage with each audience. The CEU has also coordinated Cultural awareness training sessions for legal and non-legal staff at various CLC's, delivered by ALSWA lawyers and other suitable staff members.

### Arrest & Detention

The Police have the power to arrest and detain people to prevent crime, protect property and to keep the peace.

### CNS

CUSTODY NOTIFICATION SERVICE

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

#### What you should **DO** if you are arrested

- Give your name, date of birth, current address and address where you usually live, and evidence of your identification (if requested). Failure to do so is an OFFENCE.
- Ask why you are under arrest.
- If you are in a police station/building, make sure you speak to the Custody Notification Service (CNS) of the Aboriginal Legal Service of WA (ALSWA). They can give you legal advice and/or welfare support.
- If you are not in a police station, ask to contact ALSWA so you can speak to a Lawyer or Court Officer.
- Be calm and polite.

#### What you should **NOT DO** if you are arrested

- You have a right to remain silent. **DO NOT** answer any questions except to give you name, date of birth, address and evidence of your identification (if requested) until you speak to a Lawyer, Court Officer or the CNS.
- DO NOT** make any written or spoken statement until you speak to a Lawyer, Court Officer or the CNS.
- DO NOT** plead guilty to anything until you have spoken to a Lawyer or Court Officer.
- DO NOT** sign anything unless it is for bail.
- DO NOT** resist arrest, struggle, be abusive or violent. This can result in charges and can make it harder to get bail.

The Aboriginal Legal Service of WA Ltd  
1800 019 900 - WA Freecall

A family member doing things to **control, scare or hurt** you is called **Family Violence**.

Physical Violence
 Damaging Property
 Emotional Abuse

Threatening & Verbally Abusing
 Letting children see/hear family violence
 Harassing through text messages and stalking
 Throwing pets

#### Who's a Family Member?

Parent or Step-Parent
 Child
 Current or former Spouse
 Grandparent

Partner or Ex-Partner
 Sibling or Step-Sibling
 Current partner's former spouse
 Guardian

#### What can I do?

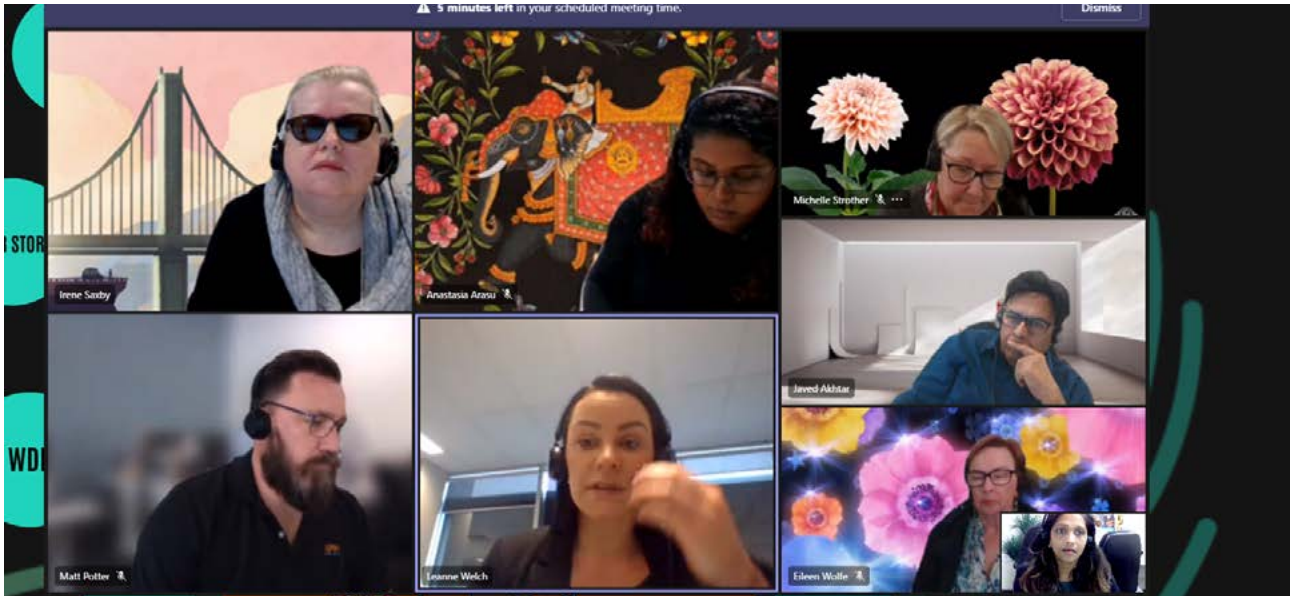
Talk to elders in your community
 Talk to family and friends you trust
 Make a Safety Plan to keep your family safe
 Keep Evidence (text messages, photos, videos, medical records)

Get help from the police or a Lawyer
 Go to court to get a Family Violence Restraining Order

ABORIGINAL LEGAL SERVICE OF WA LTD

Representing ALSWA at community events is also an important component of CLE, with ALSWA attendance at various Aboriginal Justice Open Days organised by the Department of Justice, Careers Fairs and NAIDOC events with other ALSWA staff.





Online Session for APM

COVID-19 created new ways of working, with ALSWA's CEU delivering CLE online through video conferencing software including Zoom and Microsoft Teams



ALSWA CLE Officer Bhagya Karunaratne Speaking with students at Warnbro Community High School



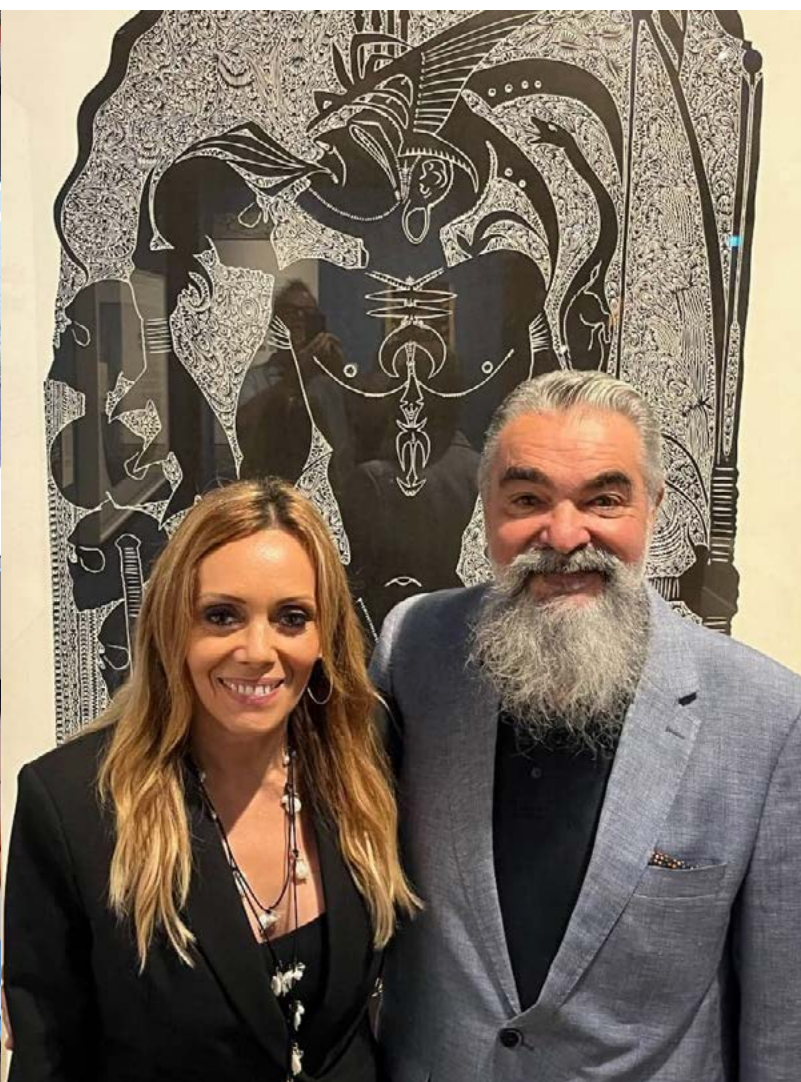
## Media

The Aboriginal Legal Service of WA Ltd (ALSWA) always maintains a strong voice within the media. Some of the key issues during this reporting period include the Uluru Statement From The Heart, Roebourne Regional Prison lack of air-conditioning, Raise The Age, Banksia Hill Detention Centre, Deaths in Custody, Racism, Close the Gap, Indigenous Rights, Federal Budget, Federal Election, COVID-19 and the Disability Royal Commission.

In May 2022, Dennis Eggington was filmed by National Indigenous TV (NITV) as part of their documentary on the Heritage Act. He also spoke with Karla Grant for the SBS National Indigenous Current Affairs program 'Living Black'.

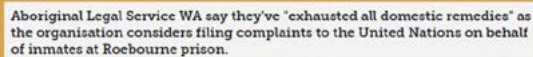


*Custody Notification Service (CNS) Manager Hayley O'Hara speaking on ALSWA's Law Matters program about the role of the CNS*

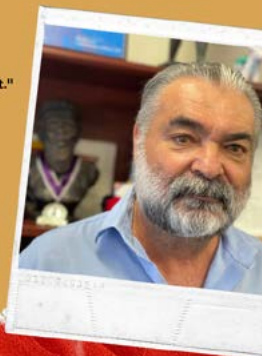


*Karla Grant, host of 'Living Black' with ALSWA CEO Dennis Eggington*

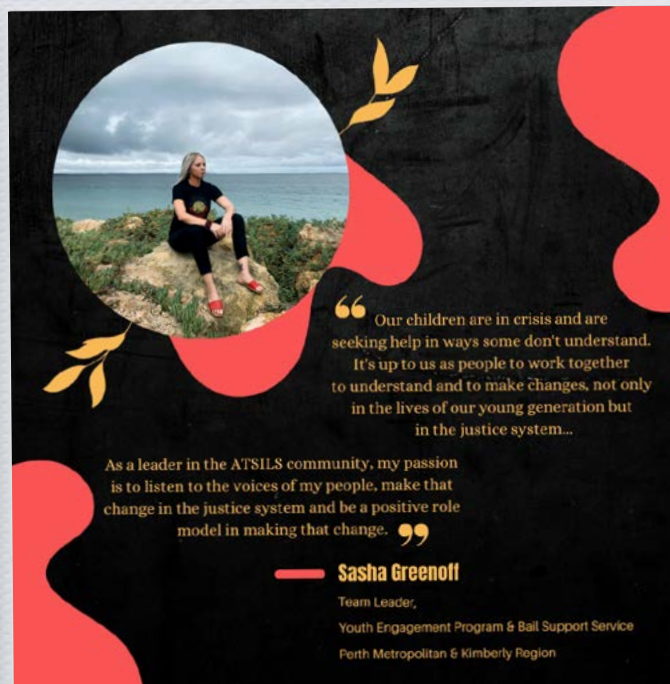




"We were very worried for people's welfare and appalled that this country, and particularly this state, continues to do this to our people."



**DENNIS EGGINGTON**  
CEO, ALSWA



“ Our children are in crisis and are seeking help in ways some don't understand. It's up to us as people to work together to understand and to make changes, not only in the lives of our young generation but in the justice system...”

As a leader in the ATSILS community, my passion is to listen to the voices of my people, make that change in the justice system and be a positive role model in making that change. ●●

**Sasha Greenoff**

Team Leader,  
Youth Engagement Program & Bail Support Service  
Perth Metropolitan & Kimberly Region



## Practising Law in the Pilbara

## An interview with Laila Hughes and Micah Kickett

I was lucky enough to have worked in the youth space focusing on juvenile offending.



There was a sense of pride from my clients in that they would have an Aboriginal lawyer representing them in court and this always motivated me to be a better lawyer.

..if I was to become a lawyer, there was nothing else I could think of other than being a criminal defence advocate. I guess this is because I consider myself to be a peoples' person..



**'Out of sight out of mind'**  
Roebourne inmates remain  
without air-conditioning  
despite record heat

"The meeting that our ALS had with Johnston demonstrated that he had no interest in the welfare of Aboriginal prisons in Roebourne Regional Prison," Mr Collins told NITV News.

"He was more focused on issues around the prison officer workforce at the jail. That's reflective in the fact that office spaces and areas occupied by prison officers at Roebourne are air-conditioned.

"That gives you the true scope of where the priorities lie."

The Minister noted that other "climate control initiatives" were introduced since construction, including six ice machines, two of which have been upgraded, chilled water fountains, shade sails and shaded verandas to reduce sunlight exposure to cells and heat reducing paint.

He also noted "local solutions" including sunscreen, wide-brimmed hats, fridges and freezers, water bottles, electrolyte drinks, and signage.



"They only get away with this because the vast majority of prisoners in Roebourne Regional Prison are Aboriginal prisoners. They would not get away with this in a big metropolitan jail where the majority of prisoners were non-Aboriginal," he said.

"Aboriginal people, particularly those in custody, are not a priority for the government. That is disgusting and disgraceful."

**Peter Collins**  
ALSWA Legal Services Director



# From the Regions

## Kununurra

Kununurra is in the East Kimberley region of Western Australia, over three thousand kilometres north of Perth.

ALSWA's team expanded with two additional lawyers in 2022, with all staff working out of the Kununurra office. There is plenty of travel within this region however, with staff also travelling to ALSWA's Halls Creek office each fortnight with the Court Circuit.



*Kununurra: Myra Chulung (Field Officer), Rebecca Bray (Legal Secretary), Sienna Lake (Lawyer), Sally Oliver (Managing Lawyer). (Not pictured Lawyer Brooke Houden)*

They have also commenced monthly in-person visits to Broome Regional Prison and West Kimberley Regional Prison to provide a better, more personal service to ALSWA clients remanded in custody. Due to being based in Kununurra, this involves three days of travel (first day is the flight to Broome in the morning, followed by an afternoon hire car drive to Derby. On day 2 there is a day of in-prison visits in Derby before driving back to Broome, with the third day spent conducting in-person prison visits in Broome Regional Prison before flying home to Kununurra.



*Photo by Sally Oliver in Halls Creek on Circuit*



*Kununurra: Hannah Flynn (Lawyer) and Amanda Whitehead (Lawyer)*

Kununurra Managing Solicitor Sally Oliver says: "There is significant hardship for our East Kimberley clients being flown to West Kimberley Regional Prison and Broome Regional Prison. Our clients are sent far from their family and supports with no way to get home upon release.

We work tirelessly to fight the tyranny of distance, with us being based in Kununurra and clients needing access to their lawyers who live in Kalumburu, Wyndham, Halls Creek, and Balgo. Our office is particularly grateful for





Myra's incredible hard work and overtime that helps to bridge some of the gaps of providing a legal service in such a remote area.

The most heartbreaking distance we face is the distance between us and our child clients remanded in detention at Banksia Hill Detention Centre in Perth. East Kimberley is crying out for a children's detention centre to be based here, on country".



*Prison Boab Tree in Derby: Photo by Sally Oliver while conducting in person visits to West Kimberley Regional Prison.*

### **Broome**

Like all offices, Broome is an incredibly busy office, and welcomed the addition of three Youth Engagement Program (YEP) staff during 2022. This is a vital service in this region with local young people facing many issues that the ALSWA YEP team can assist with in a Culturally supportive way.



Broome: Paul Tobin (Managing Lawyer, Broome), John Masuda (Court Officer), Dane Victor (YEP – Diversion Officer), Senator Pat Dodson, Adam Bin Busu (YEP – Diversion Officer), and Mecquela Morato (YEP – Diversion Officer).

When the YEP expansion was announced, The Hon Linda Burney MP, Minister for Indigenous Australians, said:

*"ALSWA's youth engagement program in the Kimberley region is showing positive early signs that it is helping young people to meet their conditions and is breaking the cycle of offending.*

*"We want to build on these successes with the expansion to more of the Kimberley region as well as the Pilbara region to keep more First Nations children and young people out of detention centres and the criminal justice system.*

*"With the right supports, that are culturally appropriate, young First Nations people can reach their full potential in education, employment and in the community."*

Senator Patrick Dodson (pictured below) added that he was "crucially aware of the problems which beset First Nations youth in the Pilbara and Kimberley regions, and that "ALSWA is well placed to manage the program which this welcome funding will deliver."



## Regional Outreach

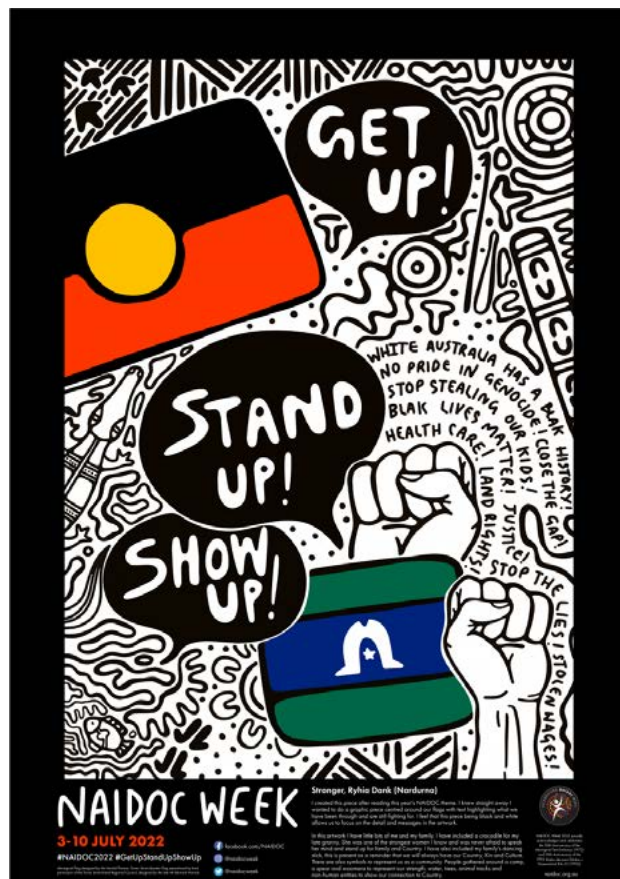
Working at ALSWA is diverse and rewarding and involves visiting remote and regional communities to deliver Community Legal Education (CLE) and Outreach.

Eloise Langoulant is a Senior Lawyer in ALSWA's Civil Law and Human Rights Unit and in January she visited the Ngaanyatjarra Lands for outreach. Eloise travelled with ALSWA Kalgoorlie Managing lawyer Leneva Polmear, restricted practice lawyers Christjan Corias and Lucy Peel (FVD) while they were on circuit. The group visited Warburton and Warakurna where our Kalgoorie staff worked the circuit and Eloise met with local stakeholders and clients in the communities. Eloise is pictured here at the 'airport lounge' at Warakurna community.



## NAIDOC WEEK – Albany, Kalgoorlie, South Hedland

The 2022 National theme for NAIDOC Week was Get Up! Stand Up! Show Up! with an emphasis that the relationship between Aboriginal and Torres Strait Islander peoples and non Indigenous Australians needs to be based on justice, equity, and the proper recognition of Aboriginal and Torres Strait Islander peoples' rights.



## Albany

Albany is at the southern tip of Western Australia, approximately 420 kilometres from Perth. Local ALSWA staff are very involved in community events throughout the year, and NAIDOC Week was no exception. ALSWA Court Officer Raymond Muir is seen here raising the Aboriginal flag at the Albany Courthouse to mark the start of NAIDOC Week 2022.







### Kalgoorlie

Our staff at Kalgoorlie are well known within the Community and enjoy taking part in local events so that community members can find out more about the services provided by ALSWA. Located in the Goldfields-Esperance region of WA, the ALSWA team welcome the opportunity to network and share in community events, with Paralegal Erin Spellacy, Senior Legal Secretary Rebecca Slater and Legal Secretary Lesha Yarran pictured here at a local NAIDOC event held at Lord Forrest Park.



### South Hedland

Staff from ALSWA's South Hedland office were thrilled to attend a NAIDOC event at the Wangka Maya Pilbara Aboriginal Language Centre during NAIDOC Week.

Wangka Maya's work began in 1987 when a group of Aboriginal people began making recordings because they feared that Pilbara Aboriginal languages were in danger. The Centre now aims to be recognised as a leading Aboriginal language and resource centre in Australia (source Wangka website)

These photos were taken by ALSWA staff and have been published with permission.



### Perth

#### 2022 Walk for Justice

Each year some of ALSWA's staff take part in the annual Law Access Walk for Justice alongside the Derbarl Yerrigan (Swan River). This event celebrates the pro bono work of the legal profession of Western Australia and raises funds for the statewide charity Law Access. This service matches individuals and community organisations seeking legal assistance with pro bono (free) lawyers. The vision of this walk, held on National Pro Bono Day during National Law Week, is to ensure equal access to justice for everyone in WA.

Well done to ALSWA lawyers Bonina Challenor and Najette Alaraibi (Pictured below) who joined in and raised money during this important event.





We are always proud of our staff and their dedication to the importance of our work. Here's a snapshot of just some of our many achievements over the past year.



**Dennis Eggington (AM)**

As part of the Queen's Birthday Honours List 2022, ALSWA CEO Dennis Eggington, was appointed a Member (AM) of the Order of Australia for his significant service to the Indigenous community of Western Australia. ALSWA CEO since 1996. Dennis has fought for Indigenous justice for most of his life and this appointment recognises his exceptional service to our people at the frontline of the justice system in WA.



**Jonathon Reid**

ALSWA Budimaia Yamatji lawyer Jonathon Reid was appointed as the Managing Lawyer of ALSWA's Family Law Unit (FLU) in 2022. As the longest serving FLU lawyer, he commenced working with ALSWA in 1999 as a Court officer before embarking upon his law degree and returning to ALSWA as a qualified lawyer. Jonathon is one of the very few Aboriginal lawyers in WA dedicated to representing clients in the Family Court and in the Protection and Care jurisdiction. He has extensive understanding of intergenerational trauma and the significant barriers in achieving the best outcomes for our families. Deeply committed, Jonathon takes care to understand his clients' culture and trauma and to make sure that the court understands this.







Jaye Snowden, Court Support Officer in ALSWA's Family Law Unit (FLU) not only completed her final exam for her Psychology Degree at Murdoch University, but was also one of only two WA recipients for the national 2021 Jilya Scholarship.

A woman with blonde hair pulled back, wearing sunglasses on her head, is smiling at the camera. She is wearing a dark blue polo shirt with a name tag that reads "JANET" and a yellow patch on the left chest. She is sitting outdoors on a light-colored bench, with a green metal railing and lush greenery in the background.

After over 10 years with ALSWA, Jolene Farrell is loving her new role as a Senior Legal Secretary in ALSWA's Criminal Law Unit. This follows on from previous roles including Receptionist, Criminal and Civil Unit secretary, Mailroom, Archiving, WDP Support Worker and Perth Magistrates Court duties. "I'm so happy, they say that good things come to those who wait. I love helping my mob and it feels nice to be acknowledged" said Jolene.



### Olivia Roberts

Olivia Roberts was admitted to the legal profession in May and works as a lawyer in the Civil Unit, focusing on mental health treatment in custody and assisting NDIS matters. She originally volunteered with ALSWA's Bunbury office in 2020 before volunteering in the Civil Unit at the beginning of the pandemic. In 2021 Olivia came on board as a paralegal, going on to complete her PLT with ALSWA.



### Viv Blurton

Bunbury ALSWA Senior Court Officer is an asset both on and off of the footy field.

Viv started with ALSWA in 2009 as a Court Officer and in 2018 was promoted to Senior Court Officer.

Outside of work, Viv has played 210 games for Carey Park Football Club and in 2022 received Life Membership from the Bunbury club.







## Law Matters - Community Broadcasting Association of Australia Awards

In our annual report last year, we announced that ALSWA's Law Matters radio program had been named as a Finalist in three categories of the 2021 Community Broadcasting Association of Australia (CBAA) Community Radio Awards, which received more than 320 entries across 30 award categories.

Winners were announced in December 2021 and Law Matters, produced and presented by

ALSWA's Jodi Hoffmann, won in the categories of 'Excellence in News and Current Affairs Programming' and 'Excellence in Indigenous Broadcasting'.

ALSWA is grateful for the work of CBAA and thanks Noongar Radio and the National Indigenous Radio Service who have broadcast Law Matters since its inception in 2010.

Law Matters went into recess in 2022 and will return to the airwaves in 2023.



 COMMUNITY RADIO AWARDS 2021

WINNER  
EXCELLENCE IN INDIGENOUS  
BROADCASTING

LAW MATTERS  
NOONGAR RADIO

  
Jon Bisset  
CBAA CEO

  
Phillip Randall  
CBAA President



 COMMUNITY RADIO AWARDS 2021

WINNER  
EXCELLENCE IN NEWS  
AND CURRENT AFFAIRS  
PROGRAMMING

LAW MATTERS  
NOONGAR RADIO

  
Jon Bisset  
CBAA CEO

  
Phillip Randall  
CBAA President



 COMMUNITY RADIO AWARDS 2021

FINALIST  
BEST RADIO PROGRAM-TALKS

LAW MATTERS  
NOONGAR RADIO

  
Jon Bisset  
CBAA CEO

  
Phillip Randall  
CBAA President





# United Nations

## Human Rights Day 2021



On United Nations Human Rights Day last year, 10 December 2021, the WA4RHA coalition held a Human Rights Symposium called 'Towards a Human Rights Act for WA' in collaboration with Curtin Law School. The event featured a number of prominent human rights experts who shared their insights on a range of different issues relating to a Human Rights Act for WA.

The opening address was delivered by June Oscar AO, the Aboriginal and Torres Strait Islander Social Justice Commissioner (pictured on the left) at the Australian Human Rights Commission. Following this, Alice Barter, the Managing Lawyer of ALSWA's Civil Law and

Human Rights Unit, led a talk and Q and A session on the Raise the Age campaign and the human rights issues associated with Australia's low minimum age of criminal responsibility.

Chloe Wood, ALSWA Solicitor and International Human Rights Legal Officer and Co-Convenor of the WA4HRA Campaign, led an interactive session on the path to a human rights act in WA, along with Georgia Kalyniuk, Solicitor at Herbert Smith Freehills and Co-Convenor of the WA4HRA Campaign and Australian Lawyers for Human Rights WA.

Other highlights of the symposium included an interactive session on the dialogue model of human rights led by Professor the Honourable Kevin H Bell AM QC and Gregory McIntyre SC, a session on the right to an effective remedy as an essential element of a Human Rights Act delivered by Curtin University Lecturer, Jackie Mapulanga-Hulston, and a panel discussion exploring perspectives on what should be included in a Human Rights Act.







**35** )))))))



# ALSWA

## Statewide Conference

ALSWA staff from throughout WA gathered in November 2021 on beautiful Yawuru Country for a three day conference consisting of Cultural activities, training and Professional Development.

The ALSWA Conference commenced with a Welcome to Country from Dianne Appleby, who also performed a Smoking Ceremony. Di provided a true sense of 'place' which got the conference off to a great start with strong Cultural connections.

The ensuing days saw break out sessions relevant to ALSWA's diverse services, catering to both legal and administrative teams, and including CPD training for lawyers and court officers.

Staff also attended Goolarri Media for a Panel Discussion featuring local Cultural representatives speaking about Cultural and White Mans Law and how it affects Aboriginal people.

Thank you to all staff involved in organising the conference. We are also grateful for the local knowledge and input from ALSWA Director Kathy Watson and ALSWA Broome staff, including Natalie Lockyer and Paul Tobin and for the hospitality of Goolarri Media and the Pigrims and those who shared their knowledge during the panel discussion.

Our ongoing work is greatly enhanced through our time spent in workshops, at events and in the sharing of knowledge with colleagues from across the state.











# ALSWA

## Statewide Conference











## In Loving Memory of Sam Dinah

We were deeply saddened at the passing of the Reverend Sam Dinah in June 2022. Sam ("Uncle Sam") spent many years working with our organisation and was one of ALSWA's very first 'Field Officers' during the 1970's.

As ALSWA's former Prisoner Support Officer, he spent much of his time working within the prisons, and there weren't many people on the inside or outside that didn't know Sam Dinah.

He was a lovely gentleman who always had time for a yarn. He loved singing and making music and was passionate about footy – his former office was adorned with his beloved Sydney Swans posters and memorabilia. Sam also umpired football games within the prisons.

We will miss Sam dearly.

He was a greatly valued, respected and loved member of the ALSWA family. He was always busy but continued to make time for others and had a natural way of calming people down who were upset, or just needed a shoulder to lean on.

Sam was passionate about his work and his people, and we are thinking of those who are also missing Sam's smiling face at this sad time. Our sincere condolences are with his family and friends.

If you would like to hear an interview that Sam did on ALSWA's Law Matters radio program in 2011, you can listen through the ALSWA website [www.als.org.au](http://www.als.org.au)



## In Loving Memory of Peter Dooley

The widespread legacy of Peter Dooley's work in education leaves a strong visual presence at ALSWA head office in Perth.

In a former lecturing role with Central Institute of Technology (CIT) Peter facilitated the 2010 CIT/David Wirrpanda Foundation 'Solid Futures Mural Project'.

This project saw adult Indigenous students research the extensive history of the Aboriginal Legal Service, before transforming their knowledge into a five metre long mural, working alongside acclaimed Noongar artist Peter Farmer.

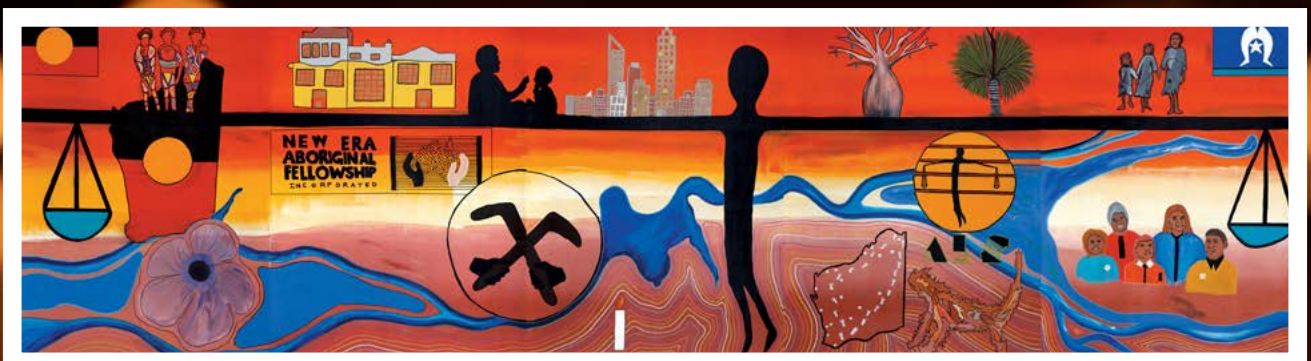
Peter Dooley's passion for teaching and working alongside Indigenous students over the past three decades, ensured that all projects embarked upon were both collaborative

and inclusive, providing a safe and welcoming environment for all students.

The mural (below) was unveiled in front of over 80 guests in ALSWA's boardroom in 2010 where it remains to this day. The mural is also proudly displayed on ALSWA staff polo shirts, website and many other promotional items.

Peter engaged with ALSWA over many years and in recent years was a Senior Parliamentary Officer with The Parliament of WA. His interview on ALSWA's Law Matters radio program in July 2018 can be heard through [www.als.org.au](http://www.als.org.au)

Peter Dooley passed away in August 2022 and will be sadly missed and remembered by so many people, whose lives he touched over the years.







# Chief Financial Officer

## John Poroch

I am pleased to present the following audited financial report for the 12 months ended 30 June 2022. The financial Report has been prepared as a general purpose financial report in accordance with the Corporations Act 2001, Australian Accounting Standards and the Corporations Regulations 2001.

During the period, the Aboriginal Legal Service of Western Australia Limited (ALSWA) recorded total comprehensive income of \$102,090 and revenue of \$19,836,252

The balance sheet remains strong with net assets of \$10,557,342 and a current asset ratio of 1.77:1 this will continue to be the platform to carry the ALSWA operations forward.

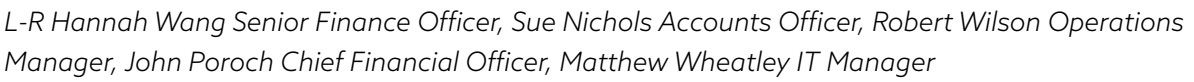
During the year the company entered into or commenced provision of services in relation to the following government grants with the State Government of Western Australia Department of Justice: Mental Health Conditions, Workplace Sexual Harassment Grant, Justice Policy Partnership Grant and Coronial Enquiries and Complex Expensive Cases Grant. Increasing our total portfolio of legal and social commitments for which ALSWA is responsible for the administration to 15 funding grants.



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.





## 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 2022.

### 1. Responsible Directors

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

- Mr Preston Thomas
- Mr Michael Blurton
- Ms Kathy Watson
- Mr Donald Abdullah
- Ms Colleen Hayward
- Mr Paul Baron
- Mr Clinton Quartermaine

### 2. Directors' details

**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 18 November 2021 as the Chairman of the Board. He previously has been a member of the Executive Committee since 2006. He is from Laverton and has lived in Kampa 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.

**Michael Blurton** was appointed a Co-Opted director on 18 November 2021. He previously served for 5 years as an Initial Elected Director and Chairman on registration of the Company as a public company limited by guarantee on 10 March 2017 and 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.

**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 18 November 2021. 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 within 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** has been a Co-Opted director of the board since 18 December 2019 and reappointed on 18 December 2021. 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 elected as a director on 18 November 2021. He has previously served as a Co-Opted Director for 5 years on the registration of the Company as a public company limited by guarantee on 10 March 2017 and prior to this as a long standing Executive Committee member. He is a Yamatji man from Carnarvon.

**Clinton Quartermaine** was appointed as a director on 12 November 2020. He is an Aboriginal man from Wagin, 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.

### 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 \$102,090 (2021: income \$ 2,218,707).





## 5. Review of Operations

The Company's revenue for the year ended 30 June 2022 was \$18,836,252 (2021: 19,873,379), a 5.21% decrease over the previous year.

## 6. Change in State of Affairs

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

- Mental Health Conditions grant
- Workplace Sexual Harassment grant
- Justice Policy Partnership grant
- Coronial Enquiries and Complex Expensive Cases 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 2022, the total amount that members of the Company are liable to contribute if the Company is wound up is \$1,060 (2021: \$730).

## 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 the 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	5	5
Kathy Watson	5	5
Colleen Hayward	5	5
Preston Thomas	5	5
Paul Baron	5	5
Donald Abdullah	5	5
Clinton Quartermaine	5	5

## 11. Events Subsequent to Balance Date

No other matter or circumstance has arisen since 30 June 2022 that has significantly affected, or may significantly affect:

- The Company's operations in future financial years
- The results of those operations in future years
- 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 2022.

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

Chairman  
Perth, Western Australia  
Date: 16 September 2022



## HALL CHADWICK

### AUDITOR'S INDEPENDENCE DECLARATION ABORIGINAL LEGAL SERVICE OF WESTERN AUSTRALIA LIMITED

In accordance with the Section 307 of the Corporations Act 2001, I am pleased to provide the following declaration of independence to the directors of the Aboriginal Legal Service of Western Australia Limited. As audit partner of the Aboriginal Legal Service of Western Australia Limited for the year ended 30 June 2022, I declare that, to the best of my knowledge and belief, there have been no contraventions of any applicable code of professional conduct in relation to the audit.

HALL CHADWICK AUDIT (WA) PTY LTD

MICHAEL HILLGROVE <sup>CA</sup>  
Director

Dated this 16<sup>th</sup> day of September 2022  
Perth, Western Australia



## Report on the Financial Statements





In preparing the financial statements, the directors are responsible for assessing the Company's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using a going concern basis of accounting unless the board intend to liquidate or cease operations, or have no realistic alternative but to do so.

## Auditor's Responsibility

Our responsibility is to express an opinion on the financial statements based on our audit. Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are 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 Australian Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individual or in aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of this financial statements.

As part of an audit in accordance with Australian Auditing Standards, we exercise professional judgement and maintain professional scepticism throughout the audit. An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements.

The procedures selected depend on the auditor's judgement, including assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation of the financial statements 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 entity's internal control.

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.

An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the board, as well as evaluating the overall presentation of the financial statements.

We conclude on the appropriateness of the board's 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 statements 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.

We obtain sufficient appropriate audit evidence regarding the financial information or business activities within the Company to express an opinion on the financial statements. We are responsible for the direction, supervision and performance of the audit. We remain solely responsible for our audit opinion.



Hall Chadwick.

A. H. H. H.

[illegible]





Aboriginal Legal Service of Western Australia Limited – 2022 Financial Report

**Statement of Profit or Loss and Other Comprehensive Income**  
**For the year ended 30 June 2022**

	<b>Note</b>	<b>2022</b> <b>\$</b>	<b>2021</b> <b>\$</b>
<b>Revenue</b>	2	18,836,252	19,873,379
Depreciation and amortisation expenses		768,835	505,476
Electricity & gas expense		88,532	82,438
Employee benefits expense		14,774,913	14,117,956
Information Technology		121,696	103,979
Impairment expense		384,018	-
Interest expense		41,942	37,826
Library resources		145,139	150,202
Office expenses		38,424	45,260
Other expenditure		1,164,494	1,128,886
Property expenses		185,208	156,952
Rent		431,874	499,600
Lease expenses		192,141	185,674
Telephone & internet		147,149	141,721
Training		274,562	51,954
Travel & accommodation		479,618	425,498
Profit/(loss) before income tax		(402,293)	2,218,707
Income tax		-	-
Profit/(loss) after income tax attributable to the members of ALSWA		(402,293)	2,218,707
Other comprehensive income		-	-
Fair value movement land and buildings	8(a)	504,383	-
Income tax relating to components of other comprehensive income		-	-
<b>Total comprehensive income for the period</b>		<b>102,090</b>	<b>2,218,707</b>

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



Aboriginal Legal Service of Western Australia Limited – 2022 Financial Report

**Statement of Financial Position  
As at 30 June 2022**

	<b>Note</b>	<b>2022</b> \$	<b>2021</b> \$
<b>Current Assets</b>			
Cash and cash equivalents	5	11,362,756	10,991,147
Other financial assets	6	2,639,118	1,998,213
Receivables	7	936,179	625,956
<b>Total Current Assets</b>		<b>14,938,053</b>	<b>13,615,316</b>
<b>Non-Current Assets</b>			
Property, plant and equipment	8	4,782,080	4,126,215
<b>Total Non-Current Assets</b>		<b>4,782,080</b>	<b>4,126,215</b>
<b>Total Assets</b>		<b>19,720,133</b>	<b>17,741,531</b>
<b>Current Liabilities</b>			
Accounts Payables	9	791,189	751,894
Provisions	10	4,211,817	3,911,272
Unexpended grants	11	2,926,372	1,583,665
Lease liabilities	12	515,672	362,646
<b>Total Current Liabilities</b>		<b>8,445,050</b>	<b>6,609,477</b>
<b>Non-Current Liabilities</b>			
Provisions	13	389,615	316,730
Lease liabilities	14	328,126	360,402
<b>Total Non-Current Liabilities</b>		<b>717,741</b>	<b>677,132</b>
<b>Total Liabilities</b>		<b>9,162,791</b>	<b>7,286,609</b>
<b>Net Assets</b>		<b>10,557,342</b>	<b>10,454,922</b>
<b>Equity</b>			
Members funds	15	1,060	730
Retained earnings		6,756,027	7,158,320
Asset revaluation reserve		1,238,128	733,745
Discretionary reserves	16	2,562,127	2,562,127
<b>Total Equity</b>		<b>10,557,342</b>	<b>10,454,922</b>

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



Aboriginal Legal Service of Western Australia Limited – 2022 Financial Report

Statement of Changes in Equity  
For the year ended 30 June 2022

	Note	2022 \$	2021 \$
<b>Retained earnings</b>			
Balance at the beginning of the financial year		7,158,320	4,939,613
Profit after tax for the year		(402,293)	2,218,707
Balance at the end of the financial year		6,756,027	7,158,320
<b>Discretionary reserves</b>			
Balance at the beginning of the financial year		2,562,127	2,562,127
Balance at the end of the financial year	16	2,562,127	2,562,127
<b>Members contribution</b>			
Balance at the beginning of the financial year		730	710
Additional members contribution for the year		330	20
	15	1,060	730
<b>Asset revaluation reserve</b>			
Balance at the beginning of the financial year		733,745	733,745
Increase in during year		504,383	-
Balance at the end of the financial year	8(a)	1,238,128	733,745
Total equity at the end of the financial year		10,557,342	10,454,922

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





Aboriginal Legal Service of Western Australia Limited – 2022 Financial Report

**Statement of Cash Flows**  
**For the year ended 30 June 2022**

	<b>Note</b>	<b>2022</b>	<b>2021</b>
		<b>\$</b>	<b>\$</b>
<b>Cash flows from operating activities</b>			
Grants received		21,022,294	20,251,690
Payments to suppliers and employees		(19,576,397)	(18,056,500)
Interest received		21,879	65,073
Interest paid		(41,942)	(37,826)
Rent received		72,612	69,282
Sundry income		589,094	1,183,691
<b>Net cash provided by operating activities</b>	21	<u>2,196,518</u>	<u>3,475,410</u>
<b>Cash flows from investing activities</b>			
Payment for the purchase of property, plant & Equipment		(302,909)	(146,562)
Payment for the purchase of other financial assets		(1,000,000)	-
<b>Net cash used in investing activities</b>		<u>(1,302,909)</u>	<u>(146,562)</u>
<b>Cash flows from financing activities</b>			
Repayment lease liability		(522,330)	(351,438)
Members contribution		330	20
<b>Net cash used in financing activities</b>		<u>(522,000)</u>	<u>(351,418)</u>
<b>Net increase in cash and cash equivalents held</b>		371,609	2,977,430
Cash and cash equivalents at beginning of the financial year		10,991,147	8,013,717
<b>Cash and cash equivalents at the end of the financial year</b>	5	<u>11,362,756</u>	<u>10,991,147</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 accrual 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. Covid-19 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 arrangements 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 Covid-19 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 and 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)

### (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 & leasehold 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 capitalization

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 the 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 on 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 a 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 depreciable assets, based on the expected useful life of the asset and this could change significantly as a result of technical innovations. Management will increase the depreciation charge where useful lives are less than previously estimated. Technically obsolete or non-strategic assets that have been abandoned or disposed of will be written down or written off.



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

### (ii) Impairment

The Company assesses impairment at each reporting date by evaluating conditions specific to the Company that may lead to impairment of assets. Where an impairment trigger exists, the recoverable amount of the asset is determined. Value-in-use calculations performed in assessing recoverable amounts incorporate a number of key estimates.

The Company applies the revaluation model to measure its land and buildings. This requires that the fair value of the asset be assessed on a regular basis. Independent external property valuers are engaged every 3 years or sooner if required to assess the fair value.

### (iii) Long service leave and sick leave entitlements

The measurement of the provision for long service leave and sick leave entitlements require that the Company make an estimate of the payout likely to occur in the future. Management applies a probability factor to the likelihood of a payout based on the length of service and past historic trends of employees continuing employment.

### (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.
- 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.



(s) Accounting Standards issued but not yet effective and have not been adopted

Date issued	Standard/ Interpretation	Effective for annual reporting periods beginning on or after	Applicable for year end
Mar 2020	AASB 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	1/07/2023	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



## Aboriginal Legal Service of Western Australia Limited – 2022 Financial Report

<b>2. Revenue</b>	<b>Note</b>	<b>2022</b>	<b>2021</b>
		<b>\$</b>	<b>\$</b>
<b>Income</b>			
Grant income:			
National Legal Assistance Partnership		13,124,724	13,132,166
Indigenous Legal Assistance Programme grant		94,389	164,988
Youth Justice grant		411,589	393,427
Custody Notification Service grant		1,314,469	1,422,865
Bail remain and prison in-reach services		1,220,069	960,417
Disability Legal Assistance grant		152,081	160,021
Work Development Permit Scheme grant		405,579	350,044
Youth Engagement Program Kimberley		304,662	99,533
Covid 19 Assistance grant		894,118	1,582,801
FDV Hope community grant		79,739	37,119
Mental Health Conditions		104,790	-
Bike rescue program grant		47,261	-
		-	4,242
		<u>18,153,470</u>	<u>18,306,623</u>
<b>Other income</b>			
Job Keeper assistance and cashflow boost		-	720,500
Rental income		71,562	68,921
Recovery of costs		362,139	319,724
Interest		22,425	65,107
Dividends		168,432	128,646
Profit on disposal of assets		-	107,928
Other		58,224	155,930
		<u>682,782</u>	<u>1,566,756</u>
		<u>18,836,252</u>	<u>19,873,379</u>
<b>3. Auditor's remuneration</b>			
Remuneration for audit of the financial reports of the Company			
Deloitte Touche Tohmatsu		1,500	38,500
Hall Chadwick Audit Pty Ltd		25,500	-
Total remuneration		<u>27,000</u>	<u>38,500</u>
<b>4. Directors' remuneration</b>			
Income paid or payable, or otherwise made available, to directors by the Company and related parties in connection with the management of the affairs of the Company			
Short term employee benefits		86,301	86,301
Post employment benefits		8,630	8,199
		<u>94,931</u>	<u>94,500</u>

Notes to the financial statements



Aboriginal Legal Service of Western Australia Limited – 2022 Financial Report

<b>5. Current assets - Cash and cash equivalents</b>	<b>Note</b>	<b>2022</b>	<b>2021</b>
		<b>\$</b>	<b>\$</b>
Cash at bank and on hand		7,308,414	10,439,314
Term deposits	(i)	4,054,342	551,833
		<u>11,362,756</u>	<u>10,991,147</u>
(i) Term Deposits			
The term deposits are bearing interest at a rate of 0.1% (2021- 1.00%)			
<b>6. Current assets - Other financial assets</b>			
Financial assets carried at fair value through profit or loss (FVTPL)		<u>2,639,118</u>	<u>1,998,213</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		538,281	223,512
Loss Allowance		(5,328)	(5,328)
		<u>532,953</u>	<u>18,184</u>
Security Bonds		52,832	32,098
		<u>585,785</u>	<u>250,282</u>
Prepayments		350,394	375,674
		<u>936,179</u>	<u>625,956</u>
<b>8. Non-current assets property, plant &amp; equipment</b>			
Freehold land & buildings at fair value	(i)	3,595,000	4,336,330
Less: Accumulated depreciation		-	(1,115,907)
		<u>3,595,000</u>	<u>3,220,423</u>
Leasehold improvements at cost		491,943	420,264
Less: Accumulated depreciation		(287,827)	(353,972)
		<u>204,116</u>	<u>66,292</u>
Plant & equipment at cost		1,139,103	1,043,445
Less: Accumulated depreciation		(958,853)	(894,280)
		<u>180,250</u>	<u>149,165</u>
Right of use assets		1,808,117	1,170,385
Less: Accumulated amortisation		(1,005,403)	(480,050)
		<u>802,714</u>	<u>690,335</u>
Total property, plant & equipment		<u>4,782,080</u>	<u>4,126,215</u>

Notes to the financial statements





## Aboriginal Legal Service of Western Australia Limited – 2022 Financial Report

### (a) Asset revaluation reserve

Opening balance	733,745	733,745
Add valuation increment	504,383	-
Closing balance	1,238,128	733,745

(i) Land held for use in production or administration is stated at re-valued amounts. Re-valued amounts are fair market values based on appraisals prepared by external professional valuers' once every three years or more frequently if market factors indicate a material change in fair value. The last external valuation date was 30 June 2022.

### 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 2020	3,321,201	69,812	114,811	655,726	4,161,550
Additions	15,617	34,965	95,797	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	3,220,423	66,292	149,165	690,335	4,126,215
Additions	14,000	176,577	112,33	651,802	954,711
Disposals	(128,822)	(104,899)	(16,674)	(14,069)	(264,464)
Depreciation expense	(118,883)	(37,860)	(81,247)	(530,845)	(768,835)
Depreciation on disposals	128,882	104,006	16,674	5,491	254,993
Revaluation increment	479,460	-	-	-	479,460
Carrying amount at 30 June 2022	3,595,000	204,116	180,250	802,714	4,782,080



Aboriginal Legal Service of Western Australia Limited – 2022 Financial Report

<b>9. Current Liabilities - Accounts payable</b>	<b>Note</b>	<b>2022</b>	<b>2021</b>
		<b>\$</b>	<b>\$</b>
Unsecured			
Accrued expenses		60,181	442,458
Taxes payable		72,116	53,461
Credit cards		46,878	42,298
Superannuation payable		161,965	134,498
Other payables		450,049	79,179
		<u>791,189</u>	<u>751,894</u>
 <b>10. Current Liabilities - Provisions</b>			
Employee Entitlements			
Annual Leave		2,014,466	1,835,171
Long Service Leave		1,400,167	1,310,516
Sick Leave		797,184	765,585
		<u>4,211,817</u>	<u>3,911,272</u>
 <b>11. Current Liabilities - Unexpended grant</b>			
Indigenous Legal Assistance Program grant		-	94,389
National Legal Assistance Partnership		444,559	87,284
Youth Justice Program		(31,571)	(39,171)
Custody Notification Service Grant		(48,907)	133,900
Bail support & prison in-reach services		804,366	725,436
Work Development Permit Scheme grant		100,197	161,867
Youth Engagement Project - Kimberley		199,522	157,035
Disability Legal Advice Service		225,780	184,532
FDV Hope Community Grant		133,450	66,667
Employee of the year grant		5,000	5,000
Kids out of detention		3,968	3,968
Bike rescue grant		2,758	2,758
Mental Health Conditions Grant		510,510	-
Coronial Inquiry and Complex and Expensive Case Grant		337,739	-
Workplace Sexual Harassment Grant		150,000	-
Justice Policy Partnership Grant		89,000	-
		<u>2,926,372</u>	<u>1,583,665</u>
 <b>12. Current Liabilities - Interest bearing liabilities</b>			
Unsecured			
Lease liabilities		<u>515,672</u>	<u>362,646</u>

Notes to the financial statements



Aboriginal Legal Service of Western Australia Limited – 2022 Financial Report

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

	<b>Note</b>	<b>2022</b>	<b>2021</b>
		<b>\$</b>	<b>\$</b>
Employee Entitlements			
Long service leave		389,615	316,730

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

Lease liabilities	328,126	360,402
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**15. Members funds**

Opening balance	730	710
Increase	330	20
Closing balance	1,060	730

**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.

Notes to the financial statements



## 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 (2021: Nil). No finance lease contracts existed at the end of the reporting period (2021: 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 various rates.

	<b>Note</b>	<b>2022</b>	<b>2021</b>
		<b>\$</b>	<b>\$</b>
Financial Assets			
Cash & cash equivalents	5	11,362,756	10,991,147
Other financial assets	6	2,639,118	1,998,213
Receivables	7	585,785	250,282
Total Financial Assets		<u>14,587,659</u>	<u>13,239,642</u>
Financial Liabilities			
Accounts payable	9	791,189	751,894
Unexpended grants	11	2,926,372	1,583,665
Lease liabilities - current	12	515,672	362,646
Lease liabilities - Non-current	14	328,168	360,402
Total Financial Liabilities		<u>4,561,359</u>	<u>3,058,607</u>
Net Financial Assets		<u>10,026,300</u>	<u>10,181,035</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

	<u>Note</u>	<u>2022</u>	<u>2021</u>
		\$	\$
Change in profit			
Increase in interest rates by 1%		131,581	122,240
Decrease in interest rates by 1%		(131,581)	(122,240)
Change in equity			
Increase in interest rates by 1%		(131,581)	(122,240)
Decrease in interest rates by 1%		131,581	122,240

Notes to the financial statements





**(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	
	2022	2021	2022	2021	2022	2021	2022	2021
	\$	\$	\$	\$	\$	\$	\$	\$
<b>Financial Assets</b>								
Cash and cash equivalents	11,362,756	10,991,147	-	-	-	-	11,362,756	10,991,147
Other financial assets	2,746,440	1,998,213	-	-	-	-	2,746,440	1,998,213
Trade receivables	478,580	250,282	-	-	-	-	478,580	250,282
	<u>14,587,659</u>	<u>13,239,642</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>14,587,659</u>	<u>13,239,642</u>
<b>Financial Liabilities</b>								
Trade and other payables	3,717,561	2,335,559	-	-	-	-	3,717,561	2,335,559
Lease liabilities	515,672	362,646	328,126	360,402	-	-	843,798	723,048
	<u>4,233,233</u>	<u>2,698,205</u>	<u>328,126</u>	<u>360,402</u>	<u>-</u>	<u>-</u>	<u>4,561,359</u>	<u>3,058,607</u>
<b>Net maturity</b>	<u>10,354,426</u>	<u>10,541,437</u>	<u>(328,126)</u>	<u>(360,402)</u>	<u>-</u>	<u>-</u>	<u>10,026,300</u>	<u>10,181,035</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.

	<u>Note</u>	<u>2022</u> \$	<u>2021</u> \$
Profit/(Loss) before income tax		(402,293)	2,218,707
Depreciation and amortisation		768,835	505,476
increase in receivables		(309,312)	(55,445)
Increase in accounts payables and unexpended grants		1,065,111	232,278
Increase in provisions		690,159	672,196
Net movement in fair value of other financial assets		359,095	(97,802)
Impairment property		24,923	-
Net cash inflow from operating activities		2,196,518	3,475,410

Opening balance	723,048	750,908
Lease liabilities	643,080	323,578
Total	1,366,128	1,074,486
Financing cash flows	(522,330)	(351,438)
Fair value changes - non cash	-	-
Other changes - adoption AASB 16 - non cash	-	-
Closing balance - note 12 & 14	843,798	723,048

(a) the Company's operations in future financial years; or  
(b) the results of those operations in future financial years; or  
(c) the Company's state of affairs in future financial years.

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



### Directors' Declaration

In the opinion of the Directors'

- (a) The financial statements and notes set out on pages 7 to 26 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 2022 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: 16 September 2022





# Acknowledgements

## Financial Assistance

ALSWA gratefully acknowledges the support and financial assistance of the Commonwealth Department of the Attorney General (for baseline 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 have generously donated to ALSWA to assist in our ongoing work. For more information on donating to ALSWA see [www.als.org.au](http://www.als.org.au)

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The 2022 Aboriginal Legal Service of WA Limited Annual Report was compiled by ALSWA Public Relations/Media Manager Jodi Hoffmann

Photo of ALSWA CEO Dennis Eggington (page 8) by Sarah Collard



# Corporate Directory

## Company

Aboriginal Legal Service of Western Australia  
Limited

ACN 617 555 843

ABN 61 532 930 441

## Directors (alphabetically)

Mr Donald Abdullah

Mr Paul Baron

Mr Michael Blurton

Ms Colleen Hayward

Mr Preston Thomas

Mr Clinton Quartermaine

Ms Kathy Watson

## Company Secretary

Mr John Poroch

## Registered Office

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## Telephone

08 9265 6666 or WA Freecall 1800 019 900

## Facsimile

08 9221 1767

## Company Auditors

Hall Chadwick Audit (WA) Pty Ltd

283 Rokeby Road, Subiaco WA 6008



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