

# 2023 ANNUAL REPORT

**ABORIGINAL LEGAL SERVICE OF WA LTD**

ACN: 617 555 843





Cover Image: Crab Creek, Broome, Western Australia

2022/23 has been an incredibly challenging year for many people on many levels.

We selected this image for the cover of our 2023 Annual Report as a reminder of the beauty of our Country and our strength and resilience as the oldest living Culture in the world.

To our fellow First Nations Peoples and supporters, let's continue to stand strong and hold each other up.

We have, and will continue to survive.

**Always was, always will be, Aboriginal Land.**



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## Acknowledging our People – Past, Present and Future

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

## Cultural Warning

Aboriginal and Torres Strait  
Islander readers are warned that  
this Annual Report contains  
names and/or images of people  
who have passed away.



# Chairperson's Message

## MICHAEL BLURTON

On behalf of the Aboriginal Legal Service of WA Limited (ALSWA), I am proud to present our 2023 Annual Report.

The past year has been one of great change, as we farewelled Dennis Eggington from the CEO role, after leading our organisation for 27 years. Dennis' legacy to ALSWA is enormous – he has been a truly inspirational leader whose dedication, commitment and contributions to our organisation have been extraordinary.

We wish Dennis the very best in his retirement from ALSWA and sincerely thank him for all he has done for ALSWA and our community members as CEO since 1996, and as a board member prior to this.

In March 2023, we welcomed our new CEO Wayne Nannup. Wayne is a former ALSWA lawyer and brings great knowledge and experience to this role and we're looking forward to working alongside Wayne as our organisation moves forward.

I'd like to acknowledge our hard-working staff across all ALSWA offices. Our job is not an easy one, but your efforts and commitment ensure that we continue to provide a professional and high standard of legal support and representation for our communities.

I'm extremely proud that ALSWA has been named as a Finalist in the 2023 Australian Human Rights Commission Awards in the Law Award category and winners will be announced in December. Thank you to Alice Barter and her team for their tireless work in Civil Law and Human Rights which has contributed significantly towards this nomination.

Thank you also to our Executive Management Team for your leadership and to my fellow Board Members, whose expertise and experience is greatly valued.

Enjoy this annual report. It will provide you with a greater insight into the tireless work of our organisation and our ongoing commitment in striving for justice for First Nations Peoples.



# 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.

Since the last AGM on 17<sup>th</sup> November 2022:

- Selina King was appointed by the board to fill a casual vacancy on 23/02/2023 and will stand for election at the 2023 AGM;
- Vanessa Kickett was appointed Co-Opt director on 23/02/2023 and resigned from this role on 12/06/2023;
- Preston Thomas served as Chairperson from 18/11/2021 to 17/11/2022;
- Michael Blurton was appointed as

Chairperson on 17/11/2022;

- Kathy Watson was appointed as Vice Chairperson 17/11/2022.

ALSWA gratefully acknowledges Colleen Hayward, Lionel Quartermaine and Vanessa Kickett who each stepped down from the ALSWA Board this year. We are grateful for the expertise and contributions that they brought to ALSWA.



*L-R – ALSWA Vice Chairperson Kathy Watson and ALSWA Chairperson Michael Blurton*





# Meet the ALSWA Board

As at 30 June 2023



*Director Michael Blurton*



*Director Selina King*



*Director Donald Abdullah*



*Director Paul Baron*



*Director Preston Thomas*



*Director Kathy Watson*





## MICHAEL BLURTON

### – Chairperson / Director

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

### – Deputy Chairperson / Director

Vice-Chairperson 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.

## PAUL BARON

### – Director

Director Paul Baron is a Baiyungu 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.

## PRESTON THOMAS

### – Director

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.

## 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.

## SELINA KING

### – Director

Selina has been part of the ALSWA Board since February 2023 and was appointed to fill a casual vacancy of elected directors.

Selina lives in Broome and her mother is Karrijarn and he father is Nyikina. Selina has been a welcomed addition to the ALSWA board.

# OUR ACTIVITIES

During the 2022/2023 financial year, ALSWA had




**182 Employees of which 75 were Indigenous (41% of ALSWA's workforce)**

\*These figures are for the financial year ending 30 June 2023

- Youth Engagement Program (YEP)
- Custody Notification Service (CNS)
- Work & Development Permit Scheme (WDPS)
- Bail Support Service (BSS)
- Prison In-reach (PIR)

\*Note YEP-East Kimberley commenced operations in March 2023

## Matters Undertaken by Law Type

<b>29,171</b> 81%	 Criminal
<b>5152</b> 14%	 Civil
<b>1882</b> 5%	 Family

<p>Youth Engagement Program (Metro) supported</p> <p><b>62</b></p> <p>young people</p>	<p>Youth Engagement Program (West Kimberley) (YEP-K) supported</p> <p><b>34</b></p> <p>young people</p>	<p>Youth Engagement Program (East Kimberley) supported</p> <p><b>10</b></p> <p>young people</p>
<p>Bail Support Service Broome Supported</p> <p><b>81</b></p> <p>adult clients</p>	<p>Prison In Reach (PIR) Provided legal advice/ representation to</p> <p><b>455</b></p> <p>adult clients</p>	<p>Bail Support Service (BSS) Supported</p> <p><b>203</b></p> <p>adult clients</p>
<p>Work and Development Permit Service (WDPS) assisted</p> <p><b>480</b></p> <p>clients with fines-related issues and liaised with at least 180 approved sponsors or potential sponsors including other stakeholders related to the WDP Scheme</p>	<p>Custody Notification Service (CNS) Received a total of</p> <p><b>33,530</b></p> <p>notifications</p>	

## Clients Assisted by Law Type

Service	General
Discrete Assistance	<b>4346</b>
Duty	<b>8109</b>
Representation	<b>5702</b>
Total	<b>18157</b>

## Clients Assisted by Priority

Rural or Remote Clients	<b>5919</b> 42%
Children/Youth	<b>2603</b> 18%
Homelessness	<b>1012</b> 7%
In Custody	<b>4690</b> 33%

## Matters Undertaken by Law Type - Special Services

Family - Vulnerable Womens Fund	<b>661</b>
Family Mental Health	<b>220</b>
Family - Family Violence Protection - COVID	<b>442</b>
Criminal - Mental Health	<b>1</b>
Criminal - Family & Domestic Violence	<b>6</b>
Criminal - Bail Support Services	<b>28</b>
Civil - Mental Health	<b>265</b>
Civil - Inquests (Deaths in Custody)	<b>24</b>
Civil - disability Legal Assistance Services	<b>1</b>
Civil - disability - Royal Commission	<b>63</b>





# 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), Community Development, 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)

commenced in October 2019. Operated by ALSWA 24 hours a day, 7 days a week, the CNS received a total of 33,530 notifications in the last financial year

### 41% of staff

working at ALSWA are Aboriginal  
(as at 30 June 2023)

ALSWA is a **Finalist** in the national 2023 Australian Human Rights Commission Awards – Law Award category

ALSWA **assisted**  
clients in providing evidence  
to the Royal Commission  
through the Your Story  
Disability Legal Support  
Service, supporting clients  
in telling their stories to the  
Commission

From 1 July 2022 to 30 June 2023, ALSWA's Work & Development Permit  
Service (WDP) assisted **480 clients** with  
fines-related issues and liaised with at least 180 approved sponsors or  
potential sponsors

2023 marked the **40th anniversary** of the death of 16  
year old John Pat in a police cell at Roebourne police station.  
ALSWA CEO Wayne Nannup described the tragedy as a "...constant  
reminder of the oppression and injustice that our people  
continue to face".



# Chief Executive Officer

## Wayne Nannup

This is my first Annual Report as the Chief Executive Officer of the Aboriginal Legal Service of WA Limited (ALSWA) and I am extremely proud to have taken on this position in March 2023.

I am grateful for the guidance of outgoing CEO Dennis Eggington, who has been at the helm of ALSWA since 1996. This is an extraordinary effort and the legacy left by Dennis certainly leaves big shoes to fill. His trailblazing work is an inspiration to us all.

I've always been passionate about the work of ALSWA. Over a decade ago, I was a lawyer in ALSWA's Criminal Law Unit having graduated with a Bachelor of Laws from Murdoch University in 2009. It was then that I fully comprehended just how important our organisation was in providing our vital services. Sadly, our services are now needed more than ever, with the ever-increasing over-representation of First Nations Peoples within the criminal justice system.

I understand the extensive workloads of our legal teams across the state. Our lawyers and court offices are working at the frontline with those most marginalised and impacted by the historical injustice that continues today. Their efforts are supported by our administrative and clerical teams, and together we run a tight ship with the common goal of working to advance the rights of our people.



Heading up our organisation, I am so proud of the amazing work undertaken by our staff across Western Australia. From Civil/Human Rights, Criminal Law and Family Law, to community engagement, policy, bail support, prison in reach, Work and Development Permit Service and our Youth Engagement Program. Our Custody Notification Service (CNS) operates 24/7 and commenced in October 2019. In the last financial year, the CNS received a total of 33,530 notifications.

ALSWA will celebrate its 50<sup>th</sup> birthday next year, a historical milestone that wouldn't have been possible without the hard work, determination and commitment of so many people. I'm looking forward to the journey ahead and thank our Board of Directors and fellow Executive Management Team members for their expertise, commitment and the warm welcome that I've received since starting in this role.



# YES Campaign

*ALSWA publicly supported the YES campaign for a Voice to Parliament and was bitterly disappointed after Australians went to the polls on 14th October 2023.*

ALSWA chose to speak out in the lead up to the Referendum, and we continue to stand by our comments moving forward:

## **Wayne Nannup ALSWA CEO statement (pre-Referendum):**

As the CEO of the Aboriginal Legal Service of WA Ltd (ALSWA) I am proud that our organisation, with the backing of our Board of Directors, supports the Aboriginal and Torres Strait Islander Voice.

We are at the frontline working with this state's most disadvantaged peoples and a YES vote will play a vital role in addressing the longstanding injustice and inequality faced by First Nations Peoples.

The decision to vote **YES** is a simple one.

A YES vote will ensure that we have a First Nations Voice to Parliament which provides authentic expert advice to achieve improved outcomes for our people.

Making up only 3.8 percent of the population, we face shorter life expectancy, higher rates of infant mortality, poverty, poor health, lower education, high unemployment and poor housing.

Our people are over-represented in the criminal justice system, prisons and out-of-home care and urgent measures are required to address this inequality.

When we head to the polls on 14th of October, let's make history by voting YES.

The time has come for Australia to advance as a nation.

With a YES vote, we can all move forward with the values of mutual respect, ethical engagement and the affirmation of humanity.





## **ALSWA thanks Dennis Eggington - ALSWA CEO 1996 – 2023**

2023 saw Dennis Eggington retire from the Aboriginal Legal Service of WA Ltd, finishing up in July this year. Prior to this, Dennis had been a member of ALSWA's Executive Committee for six years.

A Nyungar man whose Country ties are in the south-west of Western Australia, Dennis is a proud father and grandfather who is a committed advocate for social justice.

Graduating with a Masters in Human Rights Education from Curtin University in 2009, Dennis is also an Adjunct Professor of Curtin University's School of Humanities, a Curtin University Masters of Human Rights Graduate and the former Chairperson of Curtin University's Centre for Aboriginal Studies Aboriginal Advisory Committee, a role held for fourteen years.

As ALSWA CEO, he played a vital role in ensuring that there was a more just and equitable system for our people within the criminal justice system. His work was motivated by his experiences as a young teacher in the 1970's, where he taught in NSW, NT and WA. It was here that he empowered others about the opportunities that education can create, along with sharing and exchanging knowledge with students. Teaching provided the opportunity to teach at the remote community of Ngukurr in Roper River (NT) in 1977, before teaching stints in Sydney and Bourke in NSW.

Apart from his work in education, Dennis also held major management and community roles including working with Aboriginal Hostels as a Liaison Officer and Assistant Regional Manager in the 1980's and he was the CEO of the inaugural WA Aboriginal Media Association (WAAMA) in the late 1980's.



### **His commitment and achievements have been widely acknowledged and include:**

2022 Appointed (AM) Member of the Order of Australia for his significant service to WA Indigenous community; 2021 NAIDOC Perth Outstanding Achievement Award (Joint Winner), 2017: Named as one of the West Australian's 100 Most Influential People, ALSWA received the 2012 National Human Rights Commission Award (Community Organisation), 2011: WA Citizen of the Year Awards (now known as the Western Australian of the Year Hall of Fame Award) – awarded by the Government of Western Australia for Indigenous leadership, 2010: National NAIDOC Person of the Year, awarded by the National NAIDOC Committee for his outstanding commitment to social justice and advancing the rights of Aboriginal and Torres Strait Islander people, 2009 Adjunct Professor, Faculty of Humanities, Curtin University, 2009 Perth NAIDOC Male Scholar of the Year Award (Runner Up), 2007 John Curtin Medallist awarded by Curtin University to people who have made a significant contribution in their chosen field in Australia or internationally and who have exhibited John Curtin's qualities of vision, leadership and community service, 2007 Perth NAIDOC Outstanding Achievement Award (Runner Up).

**Thank you Dennis Eggington for all that you contributed to ALSWA over so many years. You have been a trailblazer in striving for justice for our First Nations Peoples.**





# Director Legal Services

**Peter Collins**



## **ALSWA Legal Staff – Caseloads and Workforce**

It has been a constant theme in previous Director of Legal Services reports that in the face of seemingly ever-increasing police and prosecution resources, the workloads for ALSWA lawyers and court offices continue a relentless upward trajectory.

By way of a snapshot, in 2015 – 2016, the South Hedland ALSWA office had a caseload of 1148. By 2022 – 2023, the caseload had increased to 2,256. In 2015 – 2016, the Geraldton ALSWA office had a caseload of 1575, but by 2022 – 2023 it had increased to 2500. In 2015 – 2016, the Perth office had a case load of 9254. In 2022 – 2023, the caseload stood at 17,704.

In the face of these increasing workloads, ALSWA has undergone an existential crisis in relation to the recruitment of legal staff, especially in regional areas. ALSWA offices in Broome, South Hedland, Carnarvon, Geraldton and Kalgoorlie have been the hardest hit.

The South Hedland and Kalgoorlie offices require at least four lawyers, but for lengthy periods over the last 12 months have had to get by with two lawyers only. The Geraldton office has been without a managing lawyer for most of the year. The Carnarvon office is usually staffed by two lawyers but at the time of writing this report it had none. Short staffed regional offices have been assisted by Perth based ALSWA Criminal Law Unit lawyers attending these offices on a rotational basis. Lawyers ‘relieving’ in regional offices often do so at short notice, which is often very disruptive to their personal and professional lives in Perth. Their willingness to step up and help epitomises the generosity of spirit of many who work at ALSWA.

While Aboriginal Legal Service interstate have closed offices, ceased services to multiple courts and frozen the intake of new clients in an attempt to deal with untenable workloads, ALSWA has endeavoured to maintain existing service delivery in all areas of law and across all regions.

This, however, comes at considerable cost. To maintain service delivery, especially in the face of inadequate funding, staff salaries have historically been very low. This is grossly unfair especially where ALSWA shoulders the lion’s share of court commitments across the State.

Low salaries also impact ALSWA’s ability to attract and retain staff in regional and remote areas where cost of living expenses have skyrocketed in recent times, along with a lack of affordable housing. Further, low salaries make ALSWA a far less attractive employer than other legal assistance sector providers. For example, ALSWA’s remuneration package for restricted lawyers working in its South Hedland office is nearly \$42,000 less than that which is paid to their counterparts at Legal Aid WA.



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Almost from the outset, the prosecution made it very clear, both in court and its communications with ALSWA, that it was frustrated that the young person had exercised his right to plead not guilty, asserting that the young person was wasting valuable court time and resources in adopting this course.

In order to prove that the young person had the capacity to commit the alleged offences, the prosecution called multiple police witnesses who attested to their interactions with the young person over the course of a number of months. The evidence was confronting at times and brought into sharp relief the serious power imbalance and appalling treatment young Aboriginal people routinely experience when in contact with police.

On police officer distinguished himself by saying to the young person when he was handcuffed:

*What is the problem with you?*

What is wrong with you .... you're not that smart

*Why don't you go back to crying like you were before?*



Under cross examination by Clare, the officer was forced to concede that he had belittled, bullied and treated the young person disrespectfully.

After 14 court sitting days, which included the calling of 25 prosecution witnesses and the tendering of over 100 exhibits, the young person was acquitted of all charges. The trial was an ordeal for the young person and he deserves great credit for courageously sticking to his guns and remaining resolute in maintaining his pleas of not guilty.

Throughout the trial Clare was opposed to no less than three prosecutors, with all the resources of the State at their disposal. In stark contrast, Clare worked tirelessly on her own, providing high quality court advocacy, on the back of endless hours of preparation after hours and on weekends. Clare's efforts were herculean and the outcome incredibly empowering for a young person who had trod a tough road in life.

The second case involves the managing lawyer of ALSWA's Family Law Unit, Jonathon Reid, and senior lawyer with the Unit, Kathy Russell.

At short notice, Jonathon and Kathy successfully opposed an application by the Department of Child Protection and Family Support (DCPFS) for a warrant for the removal of a child.

The family members of a young boy contacted the Family Law Unit concerned that the DCPFS was threatening to obtain a court warrant to remove him even from their care even though he was safe and well. Apparently, DCPFS was concerned that the child would be removed by his mother.

ALSWA immediately wrote to DCPFS explaining the family's role in caring for the child and suggesting that DCPFS work with the family, including in developing a safety plan for the child.

DCPFS refused to entertain this very sensible proposal and despite being aware that ALSWA was assisting the family, listed an ex parte application in court seeking a warrant to remove the child and place him in the care of his father, who had not seen his child for several years.

When the ex parte application was called on in court Jonathon and Kathy attended court and attempted to make submissions on behalf of the family resisting the application.

The Magistrate was very unhappy, indicating in effect that Jonathon and Kathy had no right of appearance as this was an ex parte application listed by DCPFS and that the Court was only obliged to entertain arguments by DCPFS.



*ALSWA Family Law Unit Managing Solicitor Jonathon Reid and Senior Lawyer Kathy Russell*





However, Jonathon and Kathy refused to give up and continued to make submissions on behalf of the family opposing the application, including that DCPFS had provided a one sided account to the court, focussing only on its version of events and failing to comply with its professional obligations to inform the court of material information provided to it by Jonathon and Kathy.

Obviously very unhappy with Jonathon and Kathy, the Magistrate reiterated her view that she would not take anything Jon and Kathy said into account.

However, the Magistrate then used the information provided to her by Jonathon and Kathy to grill the DCPFS lawyer about the application.

The Magistrate then dismissed the application for the warrant.

Jon and Kathy's dogged persistence in the face of a hostile Magistrate and a duplicitous DCPFS spared a young boy from being removed from his strong and loving family.

## Young People in Detention

### **Draconian Conditions in Banksia Hill Detention Centre and Unit 18 at Casuarina Prison**

Conditions in Banksia Hill Detention Centre and Unit 18 of Casuarina Prison continued to deteriorate, resulting in ALSWA instituting a second set of judicial review proceedings in the Supreme Court, following on from litigation conducted in 2022, on behalf of a young person the subject of excessive lockdowns in his cell.

On 25 August 2022, Justice Tottle delivered his judgment and declared that the confinement of the young person to his cell for over 20 hours a day at Banksia Hill Detention Centre on 26 dates in January, February, May and June 2022 was unlawful.

Justice Tottle noted that the young person *'was locked in his cell for long hours on successive days. Between 4 and 6 February 2022 the records show that the applicant was locked in his cell for approximately 70 of*





Lexi Lachal, Eloise Langoulant, Alice Barter and Wayne Nannup

72 hours' and that 'staff shortages were the primary cause of the applicant being locked in his cell on those days'.

Justice Tottle also stated that confining detainees to their cells for long hours involves a significant reduction in liberty and amenity and is a severe measure. Justice Tottle continued:

*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.*

• • • • •

On the back of the successful litigation, ALSWA was named as a finalist in the 2023 Australian Human Rights Commission Awards, which is a



fantastic achievement and a fitting recognition of all the hard work which went into these cases. Winners will be announced in Sydney on 8th December 2023.

A huge "thank you" needs to go out to barrister Marina Georgiou and Alice Barter and the members of ALSWA's Civil and Human Rights Law Unit for their outstanding efforts in conducting the Supreme Court litigation and their commitment to helping young people in detention.

ALSWA has now submitted over 80 individual complaints to the Department of Justice about conditions at the detention centres. The complaints relate to lockdowns, the excessive uses of force against young people, dirty and unhygienic cells, inadequate or non-existent access to legal advice, education, recreation, mental health supports, medical treatment as well as alleged inappropriate sexual conduct by staff towards young people. Most complaints remain unanswered, months after being lodged with the Department.



Wayne Nannup, Lexi Lachal, Peter Collins and Chloe Wood





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This all culminated in the tragic and utterly avoidable death of a 16 year old boy in Unit 18 at Casuarina Prison in October, 2023.



Two weeks before the boy found was unresponsive in his cell, ALSWA had written to the Department's Deputy Commissioner for Children and Young People, Christine Ginbey, requesting that the boy be transferred back to Banksia Hill for his own wellbeing. The letter highlighted how the boy was lucky to get more than one hour out of his cell every day and had taken to sleeping through the day rather than endure being locked up in a small cell with next to nothing to. Aside from acknowledging receipt of the letter, nothing was done. The death of the young boy was the result. The Department's inaction is inexcusable and a damning indictment of its attitude and treatment of the young people entrusted to its care.

ALSWA's condolences go out to the family of the boy.

### **Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability**

The Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability was established in 2019 in response to community concern about widespread reports of violence against, and the neglect, abuse and exploitation of, people with disability. After several years of taking evidence and producing numerous reports on specific subject areas, the Commission handed down its final report on 29 September 2023.

ALSWA assisted clients in providing evidence to the Royal Commission through the Your Story Disability Legal Support Service, supporting clients in telling their stories to the Commission in a variety of ways, including through giving written statements and appearing at hearings and private sessions. ALSWA staff also gave evidence at several public hearings, including the hearing into the experience of individuals with a disability in prisons, juvenile detention and in out of home care. At another public hearing, ALSWA gave evidence about the experience and treatment of individuals with a disability subject to guardianship and administration orders as well as substituted and supported decision making. ALSWA's evidence drew on the experiences and case studies provided by clients, many of whom had been treated dreadfully.



*ALSWA's Peter Collins, Alice Barter and Sasha Greenoff at the royal commission*

*(Photos: Justin Benson-Cooper/The West Australian)*



The Commission's final report examined a number of important issues raised by ALSWA. In particular, the report discussed the mistreatment faced by young people with a disability at Banksia Hill Detention Centre, especially in relation to the use of inappropriate solitary confinement practices, and directly cited evidence provided by ALSWA. The Commission found that children with disability in detention in Western Australia were being subjected to confinement contrary to the Young Offenders Act 1994 (WA), and that practices of holding young people in confinement for over 22 hours a day without meaningful human contact constitutes solitary confinement and breaches Australia's obligations under international human rights law, including the Convention on the Rights of the Child and Convention on the Rights of Persons with Disabilities.

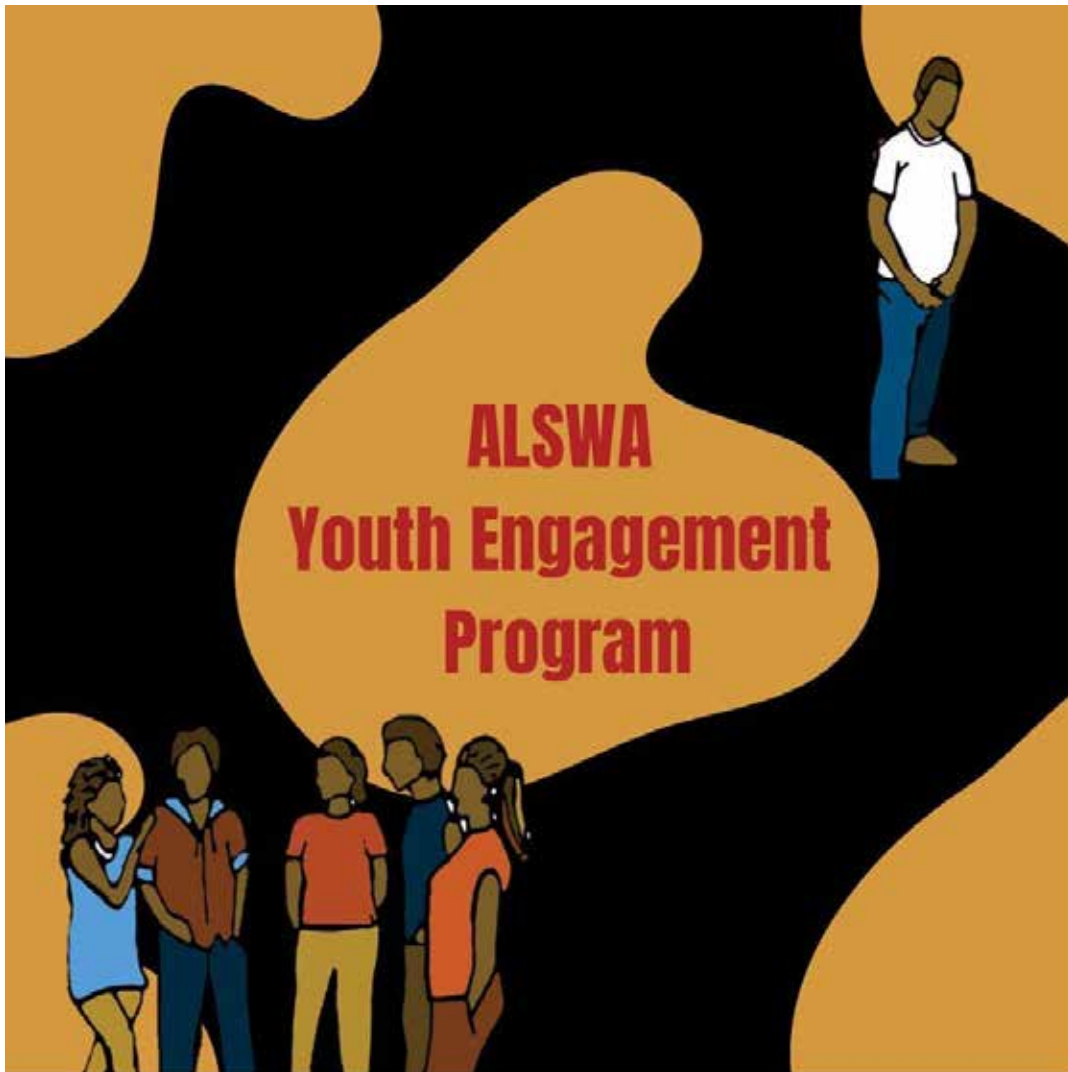
Importantly, the Commission noted that isolation as a result of operational decisions to lockdown a centre because of lack of staff was 'unacceptable' and that it was the duty of governments to properly staff their youth detention facilities so the rights of young people deprived of their liberty are upheld. The Commission made a number of important recommendations in relation to conditions for young people with a disability in detention, including that legislation be introduced to prohibit practices of solitary confinement and that governments should ensure timely screening, expert assessments and appropriate therapeutic interventions are available for young people with cognitive disabilities involved in the criminal justice system. The Commission also recommended that governments ensure staff and officials in youth detention centres at all levels receive appropriate initial and ongoing training and support in relation to the needs and experiences of young people with disability, and that governments who have not already done so should introduce legislation to raise the minimum age of criminal responsibility to 14.

The Commission's final report also made important findings about the experiences of Aboriginal young people in out-of-home care, noting the distress and loss of connection to culture and family caused by Aboriginal children being removed from Country and placed into care. The Commission made a number of recommendations about ways to ensure self-determination and culture could be better protected in child protection systems, including through the increased involvement of Aboriginal community-controlled organisations, introducing more culturally safe parenting capacity assessments, along with improved screening processes to ensure proper assessment and supports for children with disability.

The Commission's final report also made extensive recommendations about current systems of guardianship and administration, including moving from substituted-decision making models to supported decision making. The recommendation is aimed at a more inclusive approach respecting the wishes of individuals with a disability and improving the participation of people with disability in tribunal proceedings which frequently make critically important decisions about whether an individual with a disability has control over their own lives.

ALSWA commends the recommendations made by the Commission in its final report and will be continuing its representation and advocacy to improve the lives of Aboriginal people with disability.





## Youth Engagement Program

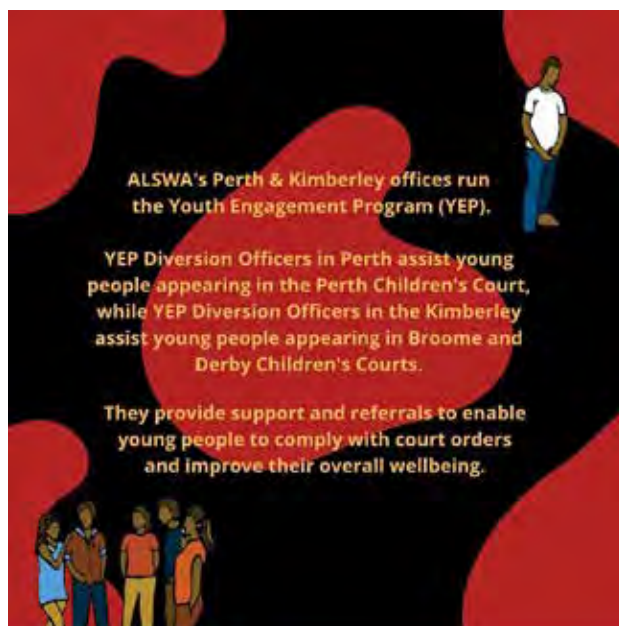
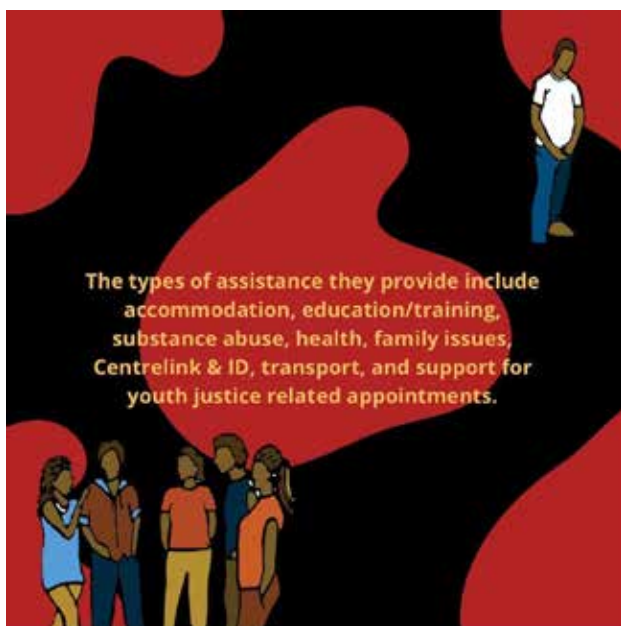
On the back of the success of Youth Engagement Program (YEP) in Perth and the West Kimberley, the National Indigenous Australians Agency provided funding to ALSWA in November 2022 to establish YEP in two new sites. YEP-East Kimberley (based in Kununurra) commenced in March 2023 and YEP-Halls Creek commenced in July 2023.

YEP provides holistic, culturally-secure, individualised and flexible support to ALSWA clients appearing in the Perth, Broome, Derby, Kununurra, Wyndham and Halls Creek Children's Courts.

Across all sites, YEP employs 12 staff (92% Aboriginal staff) including a statewide YEP

Manager and Administrative Assistant.

YEP provides a range of services including mentoring; court support; advocacy; referrals to external services; case management; transport assistance; support at appointments with various external agencies including Youth Justice Services; accommodation assistance; assistance to reengage in education and/or training; support to attend medical appointments and check-ups; practical help (such as obtaining birth certificates, Medicare cards, bank accounts and Centrelink payments) and participation in cultural and recreational activities. Many participants have successfully completed their youth justice/court orders and reengaged in education/training and/or other prosocial activities.



The importance of the YEP in the lives of the young people it assists cannot be underestimated as this feedback provided by a Magistrate about YEP West Kimberley and BSS Broome highlights:

*[F]rom what I have seen so far the Bail Support Service and the Youth Engagement Programme are integral to assisting people from going into or remaining in custody for extended periods of time and that YEP is clearly filling a gap in support to some of the most difficult youth cases in the community.*



This Magistrate further observed that if funding ceased for either of these programs 'we would see custodial numbers rise rapidly and the opportunity to break some of the cycles of youth offending seriously diminish'.



## Bail Support Service/Prison In-Reach Legal Service

During 2022/2023, the metropolitan Bail Support Service (BSS) and BSS Broome provided support to 284 adults and the Prison In-Reach Service (PIR) provided legal advice or representation to 455 adults.

In 2023/24, one paralegal and one engagement support worker will be employed to work in the ALSWA Broome office to support BSS Broome and the ALSWA Work and Development Permit Service. These two new roles are designed to increase access to Work and Development Permits (and other measures to reduce fine and infringement debt) for Aboriginal people in the Kimberley (including BSS Broome clients).

Further, a new BSS post-sentence support worker will be employed in Perth to provide ongoing support to a cohort of BSS clients after they have been sentenced. The aim of this initiative is to ensure compliance with sentencing orders (with the overall aim of reducing rates of imprisonment).





As has been noted in previous reports, BSS has been recognised by judges and magistrates for its excellent work.


During a sentencing hearing, Her Honour Judge Black of the District Court said the following about BSS Broome support worker Jack Lane:

*'You're an amazing man, I've got to tell you... It's wonderful to know there's people like you up there doing this kind of work.'*

*'So well done to you. What additional support needs does he have at the moment that aren't being met? You can't obviously do everything yourself.'*

.....

However, the feedback from clients is much more important, highlighting how services like BSS can make real differences in the lives of individuals.




**"My support worker was always there for a yarn when I needed it"**

**Aboriginal Legal Service of WA**  
*Striving for justice for our First Nations Peoples*

The Aboriginal Legal Service of Western Australia Limited wishes to acknowledge the Traditional Custodians of the land on which this ALSWA office stands.


We acknowledge and respect the continuing culture and contributions that our First Nations Peoples make to the life of this region.



**Aboriginal Legal Service of WA**  
7 Aberdeen St  
(Next to Mclver Train Station)  
Perth WA 6000

PO Box 8194  
Perth Business Centre WA 6849

**WA FREECALL 1800 019 900**  
T 08 9265 6666  
F 08 9221 1767  
[www.als.org.au](http://www.als.org.au)  
f PerthALSWA







- When one client's matters were finalised, the client gave his support worker a hug outside court and said *'if I hadn't met you, I would've hung myself by now, you're the first person to give a shit about me.'*
- Another client referred to his support worker as his guardian angel and said more than once *'Uncle, you mob at ALS are what our people need'* and *'if not for you, I'd be dead or in jail'.*
- One client approached his support worker in public over a year after his matters were completed. The client walked up to the support worker and gave him a hug before saying hello. The support worker reported that the client said *'I've been working for the last six months and without your help, I would still be in Perth stuck on the meth'.* The client's girlfriends father then went up to the support worker, shook his hand and said *'I've heard all about you, thank you'.*
- A client thanked her support worker for *'never giving up on her'* and stated *'I'm so proud of you because you always found me, even though I was here and there and everywhere'.* This client was extremely grateful for the help she received to enter a residential rehabilitation facility, to re-engage with her child protection worker, to stay engaged with the Department of Housing, and for support to attend court.

### **Custody Notification Service**

Since its commencement in October, 2019, the ALSWA Custody Notification Service (CNS) has provided critical health and wellbeing checks, along with essential legal advice, to Aboriginal people who are detained by WA Police in a police facility. ALSWA's hardworking and dedicated CNS team work tirelessly around the clock 24/7 to provide this life saving service.

From 1 July 2022 to 30 June 2023, the CNS received 33,350 notifications from WA Police. This represents a significant increase in

notifications from the previous year. In the first half of 2023, CNS received an average of 700 notifications per week compared to an average of 589 in the second half of 2022. Because funding has remained static, this increase has placed additional pressure on staff. Nonetheless, the CNS made 13,508 referrals to other services for Aboriginal people detained in police custody including internal referrals to ALSWA legal units and support services.

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

The Work and Development Permit Scheme (WDP Scheme) is designed to assist people experiencing hardship to reduce or clear their unpaid court fines through completing approved activities under the supervision of an approved sponsor.

From 1 July 2022 to 30 June 2023, the WDP Service assisted 480 clients with fines-related issues and liaised with at least 180 approved sponsors or potential sponsors including other stakeholders related to the WDP Scheme. Clients have been provided with individual fines analysis and support including advocacy services and legal advice; payment plans; Fines Expiation Orders; and WDP options. The WDP Service made 210 client referrals to WDP sponsors during this period.

In 2023/24, the WDP Service will also operate from the ALSWA Broome office in order to provide a priority focus on the West Kimberley. ALSWA has received funding to employ two new staff in Broome (paralegal and engagement support worker). These positions are jointly funded by the WDP Service and BSS/PIR in order to work towards increasing the number of approved sponsors in the West Kimberley as well as increasing access to Work and Development Permits (and other measures to address unpaid fines/infringements) for Aboriginal people in the West Kimberley.



# CNS

CUSTODY NOTIFICATION SERVICE



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

The ALSWA CNS is a phone service that operates **24 hours a day, 7 days a week**, every day of the year.

The phone service provides welfare and legal advice to Aboriginal and Torres Strait Islander people in custody in a police facility.

The person in custody will be able to speak to the CNS staff member about things like:

- **how they are feeling;**
- **whether they need medical attention or access to medication;**
- **whether they need the assistance of an interpreter or a support person while in custody;**
- **whether they would like the CNS to contact a family member;**
- **their legal rights and responsibilities while they are in police custody;**
- **information about the reason they are in custody and what is likely to happen next; and/or**
- **whether they need help with anything when they are released from custody (the CNS can make referrals to services in the community if the person in custody wants this).**

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

The police will ask you if you want to speak to the ALSWA CNS.

The ALSWA CNS would like to talk to you to make sure you are ok and explain various things to you.

Even if you don't want a lawyer from ALSWA to represent you later on, the CNS staff member would still like to talk to you to check you are ok and provide you with important initial legal advice. If requested, the CNS can send information to your lawyer of choice.





WDP Team members Crystal Ugle (Support Worker), Paula Sutherland (Manager) and Olivia Mourish (Support Worker) provided information about WDP at a Carpark event outside ALSWA head office in Perth

## Family and Domestic Violence Hubs

In 2021, ALSWA entered into an agreement with Hope Community Services Limited (Hope) to provide a paralegal for the Mara Pirni Healing Place in Kalgoorlie. This hub is operated by Hope in partnership with Wanslea Family Services, Ngunytju Tjitji Pirni (NTP), One Tree Community Services and ALSWA. The ALSWA paralegal provides legal information to clients at the hub including warm referrals to appropriate legal assistance providers as well as undertaking community legal education. The ALSWA paralegal has also provided CLE to hub staff and other agencies.

In 2023, ALSWA entered into an agreement with Hope Community Services Limited (Hope) to provide a lawyer for the new Armadale Family and Domestic Violence Hub. The new Armadale hub is operated by Hope in partnership with Yorgum Healing Services, Ngala, Ishar Multicultural Women's Health Services, Women's Legal Service, Marmum Mia-Mia Aboriginal Corporation, 360 Health, Ruah Community Services and ALSWA. The new Hub will provide victim-survivors with

access to services and supports in a single, accessible location, as well as providing off-site services for perpetrators and young people. The lawyer commenced in October 2023.

## Pro Bono Assistance

ALSWA is very grateful to the following law firms and lawyers who have generously provided pro bono assistance.

**Marina Georgiou, Elspeth Hensler, Fraser Robertson, Rachael Young SC, Neil Morrissey, Heather Miller, Rebecca O'Brien, Varun Ghosh, Graham Droppert SC, Verity Long-Droppert, Chris Taylor-Burch, Penelope Giles SC, Kate Pedersen, Essie Dyer, Jesse Winton, Rein Squires, Tom Lettenmaier, Julian McMahon SC, Justin Hannebery KC, Joanne Poole, Felicity Fox, Corrs Chambers Westgarth, DLA Piper, Allens, Gilbert + Tobin, Blumers, Wotton Kearney, Lavan, Moray & Agnew, Leanne Nickels, Kate Turtley Chappel.**

## Appointments

I would like to congratulate the following former ALSWA lawyers on their judicial appointments:

- **David Woodroffe** – appointed as a Magistrate in the Northern Territory. David is the first Aboriginal person to be appointed to a judicial role in the NT, which is an incredible achievement and thoroughly deserved.
- **Magistrate Felicity Zempilas** – appointed as a Judge of the District Court of WA.
- **Melita Murdoch** – appointed as a Magistrate in WA.
- **John Kelly SC** – appointed as a Judge of the County Court of Victoria.
- **Alice Barter** – Assessor with the Office of Criminal Injuries Compensation. Alice has been a titan of ALSWA over many years, leaves the Civil and Human Rights Law Unit in great shape and will be sorely missed.

I would also like to congratulate former





ALSWA lawyer and current Director of Public Prosecutions, Rob Owen, on his appointment as Senior Counsel.

## Departures

Long serving Family Law Unit lawyer, Kathy Russell, resigned from ALSWA to take up a role with the Aboriginal Legal Rights Movement in South Australia. Kathy's work ethic and genuine commitment to the principles of reconciliation and self-determination for Aboriginal people was a hallmark of her time at ALSWA.

## Acknowledgments

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

I would like to acknowledge Dennis Eggington, who resigned as ALSWA's CEO in early 2023, after many years of service. I welcome Wayne Nannup as ALSWA's new CEO who has made a very promising start in his new role.



## Vale

In June, 2023, ALSWA lost one of its own with the sudden passing of long serving and much respected Kalgoorlie office court officer, Elvis Stokes.

In August 2023, ALSWA icon, Murray Stubbs lost his son Jeremy. Jeremy was the partner of ALSWA staff member Leslie Slater. I offer my sincere condolences to the families.



# Community Engagement Unit:

## Media/Public Relations/Community Development

### Law Matters Radio Program

After going into recess during 2022, ALSWA's Law Matters program returned to the airwaves on the 8th of March 2023. This fortnightly radio program has now been running since 2010 and provides an insight into the justice system not only in WA, but throughout the country.

Guests to date during 2023 include Dennis Eggington (former ALSWA CEO), ALSWA President Michael Blurton, Karly Warner NATSILS Chair, Wayne Nannup ALSWA CEO, Jim Morrison Yokai Healing our Spirit, Howard Choo Save the Children, Peter Quinlan WA Chief Justice, Alice Barter ALSWA Civil/Human Rights Managing Solicitor, Tony Hansen Bringing Them Home WA Co-Chair and Jackie Fitzgerald NSW Bureau of Crime Statistics and Research Executive Director.

ALSWA's Public Relations/Media Manager Jodi Hoffmann, produces and presents Law Matters and was a Finalist in the 2023 Community Broadcasting Association of Australia (CBA) Awards in the 'Excellence in Journalism' category.

### First Nations Media Australia - Converge Conference

ALSWA's Dennis Eggington, Jodi Hoffmann and Bhagya Karunarathne attended the 2022 First Nations Media (FNMA) National Converge Conference in Mparntwe (Alice Springs).

The Converge conference continues to provide great inspiration about First Nations media being produced around the country and network opportunities with other media. In 2024, ALSWA will begin producing its own podcasts.



*Law Matters Producer/Presenter Jodi Hoffmann (ALSWA's PR/Media Manager), Dennis Eggington and Michael Blurton on Law Matters.*





*Dennis Eggington, Jodi Hoffmann and Bhagya Karunaratne attended the 2022 First Nations Media (FNMA) National Converge Conference in Mparntwe (Alice Springs)*

Jodi Hoffmann and Barb Culbong (ALSWA Community Development Officer) will attend the Converge Conference and Awards in Canberra from 21st to 23rd November 2023.

### **Paint It Blak**

First Nations woman Emma Garlett writes a weekly column for The West Australian newspaper and produces the 'Paint It Blak' segment which is published on YouTube. During 2023, Emma conducted interviews with ALSWA's Wayne Nannup, Julie Waud and Alice Barter about Banksia Hill Detention Centre for 'Paint It Blak' and wrote the column on the next page.



*Julie Waud (Senior Managing Lawyer), Emma Garlett (Paint It Blak) and Alice Barter (Civil/Human Rights Unit Managing Solicitor)*





## They may not be influencers but ALS lawyers deserve some glory

**MORE OPINION**  
**PAGE 49**





## ALSWA Media Statement, 20th October 2023

### ALSWA devastated at death of young boy after unit 18 incident

The Aboriginal Legal Service of Western Australia Ltd (ALSWA) is devastated to hear about the passing of the young boy overnight after he was found unresponsive in Unit 18 last week.

"I am heartbroken and appalled that this young boy has lost his life. My heart goes out to this young boy's family and to the whole Aboriginal community who will be feeling this pain acutely today," said ALSWA CEO Wayne Nannup.

This is the first time a child has died in a juvenile detention centre in Western Australia.

Tragically though, this incident was entirely foreseeable.

This government has been warned time and time again about the significant harm they were inflicting on young people in detention. They were warned by the Office of the Inspector of Custodial Services, by the Supreme Court of Western Australia, by the Children's Court of Western Australia, by current judges, by former judges, by lawyers, by Aboriginal leaders, by medical experts, by their own staff, by the unions, by the families of young people and by those whose warnings

should have been the loudest: the young people themselves.

And this government simply did not listen.

"ALSWA are once again calling for Unit 18 to be shut immediately.

The wellbeing of the young people still being held in Unit 18 must be made a priority and that cannot be done while they remain in Unit 18."

ALSWA are so devastated by the passing of this young boy, who should have had his whole life ahead of him. On behalf of the organisation we offer our heartfelt condolences to the family and community members affected by this tragedy. We are deeply saddened by this loss.

A beautiful child gone way too soon. There are no words to adequately describe how tragic this is.



# Unified decisions only way to beat racism

**WAYNE NANNUP**

Imagine a life without racism. We could live at peace in a country that values its First Nations Peoples and recognises us within the Constitution.

We could walk freely through shopping centres or ride on trains without the fear of being followed or harassed.

Racism doesn't discriminate between how little or well-known we are. The colour of our skin continues to be targeted by the ill-informed and bigoted members of society who have no desire to learn about our culture or rich history spanning more than 60,000 years.

An old filing cabinet at the Aboriginal Legal Service of WA Ltd contains vile and threatening racist letters from years gone by. Letters methodically hand-written or typed before being posted by mail, a process taking longer, but packing a punch just as heavy as the offensive abuse delivered instantly today, with

the strike of a keyboard. The cowards who hide behind their keyboard, continue to spit out their racist vitriol expressing outrage at any display of our culture, which doesn't conform to the coloniser consciousness.

This month Stan Grant stood down from his role as host of the ABC's Q+ A, speaking out about the abusive and hateful messages that have taken a toll on himself and his family.

His actions are not dissimilar to AFL great Adam Goodes, forced into early retirement due to the persistent racial abuse.

Then there are the countless others we don't hear about. Regular folk doing it tough, some on the streets or in over-crowded dwellings or those in the schoolyard or workplace.

Racism, or discrimination based on race or ethnicity shatters the world that so many of us live in. It generates depression, affects self-esteem and creates a sense of helplessness and loss and also contributes to increasing physical and mental health disparities among our people.

As an Aboriginal man, I know that our people have the support of fair-minded West Australians who stand in solidarity with us. We've seen this at countless Black Lives Matter rallies across the country. Many people from all walks of life, really do care about the injustice and hatred that our people face, day in, day out.

But the reality is that racism is more evident now than ever before and starts at such a young age, that it becomes the norm.

As increasing numbers of our First Nations people are being forced into prisons, stripped of their freedom, family, community and culture, there is also a growing number of people who feel a lack of cultural safety within their everyday life.

We know that our kids are over-represented in the court and prison system, much of which can be attributed to being over-policed because of the colour of their skin.

We live in a State where the age of criminal responsibility is just 10 years old and children are locked up in Banksia Hill and Unit 18 of the maximum-security Casuarina Prison.

This is not rehabilitation and our young people will come out damaged and traumatised under the current system, which is clearly not working.

One cannot comprehend the ongoing trauma which will remain with the young people whose images we saw lying face down at Banksia Hill with guns pointed at them. Fifty-seven complaints were

tabled in Parliament last week, complaints sent by ALSWA to the Department of Justice dating back to February last year. Unlawful lockdowns of young people, claims of sexually inappropriate behaviour and excessive use of force by custodial officers against young Banksia Hill detainees are just some of the claims.

As a nation, we must stand in solidarity and say enough is enough. We will not be silenced for fear of speaking out. Our decision-makers need to work with us in unity, for that is the only way that we can combat racism in this State and walk together and create a better future for all West Australians.

Imagine a country that recognises racism when it sees it.

Imagine what our country would be like without racism.

Now that's what I call a lucky country.

Wayne Nannup, pictured, is chief executive officer of the Aboriginal Legal Service of WA



## John Pat - 40 Years On

The 28th September 2023 marked 40 years since the tragic death of 16 year old John Pat in Roebourne, in Western Australia's Pilbara region. His death, and the subsequent acquittal of the police officers involved, caused a public outcry and was a catalyst for the Royal Commission into Aboriginal Deaths in Custody (RCIADIC).

"Sadly, this date is a constant reminder of the oppression and injustice that our people continue to face" said Wayne Nannup, Aboriginal Legal Service of WA Ltd (ALSWA) CEO.

After many years of advocating, the life-saving Custody Notification Service (CNS) finally commenced operations in WA four years ago, a 24/7 service provided by ALSWA.

"Whilst I have no doubt that this has reduced the number of Aboriginal deaths in custody, you

still can't escape the fact that over 500 of our people have died in custody since RCIADIC in 1991" said Mr. Nannup.

"40 years on, we continue to think of Mr. Pat's family and community members, as we do all families who have lost a loved one in such tragic and avoidable circumstances".

Had he lived, Mr Pat would have turned 57 in October.

"Western Australia still has a long way to go. Our men, women and children continue to be over-policed and over-represented in every aspect of the criminal justice system. There is an urgent need for more Cultural training within the WA Police Service and Justice Reinvestment practices to be embraced" said Mr. Nannup.

On this significant date, ALSWA remembers the young John Pat and the strength of his community who have endured this heartbreak for the past 40 years.



The Memorial to John Pat outside of Fremantle Prison is an open book made of cast metal which features words from the poem 'John Pat' by the late Aboriginal playwright and poet Jack Davis.

## Three police cited by ALS

**THE Aboriginal Legal Service confirmed yesterday that summonses had been issued against three policemen involved in the John Pat incident.**

The ALS's principal legal officer, Mr Stephen MacIver, said that the ALS had been instructed by two Aborigines, Roy Smith (21) and Peter Coppin (36), to issue the summonses on their behalf.

The summonses from Smith alleges one count of assault occasioning actual bodily harm against Constable James Young (34) and single counts of unlawful wounding and of assault occasioning actual bodily harm against Constable Terrence Holi (34).

The summonses from Coppin alleges one count of assault occasioning actual bodily harm against Constable Steven Bordas (23).

### Incidents

The summonses allege that the incidents took place in the Roebourne police yard on the night of September 28 last year.

The summonses were sworn and filed yesterday in the Roebourne Magistrate's Court and are returnable for mention only by December 5, requiring either the defendants or their solicitors to appear before the court on that date.

The constables' solicitor has confirmed that the summonses will be defended.

A WA Supreme Court jury in May this year acquitted the three constables, with another constable and a police aide, of the manslaughter of John Pat, a 16-year-old Roebourne Aboriginal.

Mr MacIver said yesterday that the charges were instituted by Smith and Coppin after the Crown Law Department and the Police Department refused to bring charges.

Newspaper article about John Pat and the ALS from the early 1980's.





## WA Courts and Tribunals Reconciliation Statement

Launched on the 29<sup>th</sup> of May 2023, the Reconciliation Statement WA judges make a historic pledge to right the wrongs of the past and work to build trust and confidence in the justice system for First Nations Peoples in Australia. The statement reads:

*"We, the heads of jurisdiction of Western Australian courts and tribunals, acknowledge the Aboriginal and Torres Strait Islander people as the first Australians and the Aboriginal peoples of Western Australia as the traditional custodians of the lands on which we live and work. We acknowledge all Aboriginal and Torres Strait Islander people and their Elders, past, present and future. We respect and celebrate the diverse languages, cultures and spiritual connection to the land, seas, sky and waterways of all Aboriginal and Torres Strait Islander people. We acknowledge, with regret, that, over the course of our shared history, Aboriginal and Torres Strait Islander people have faced significant barriers to justice in our courts and tribunals, whether as parties to civil proceedings, witnesses, victims of crime or accused persons in criminal proceedings. We*

*acknowledge, with regret, that Aboriginal and Torres Strait Islander people continue to be overrepresented in the criminal justice system and face obstacles in pursuing their rights in a variety of other ways in our justice system as a whole. We acknowledge, with regret, that negative experiences within our courts and tribunals on the part of Aboriginal and Torres Strait Islander people have contributed to mistrust and a lack of confidence in the justice system. We recognise that our justice system can only truly be said to be fair and just, when it is fair and just for all people. We accept that it is our responsibility to create and foster trust and confidence in our justice system on the part of everyone in our community. We therefore commit ourselves, and the courts and tribunals to which we belong, to working with Aboriginal and Torres Strait Islander people in Western Australia to improve access to court and tribunal services across the State, to ensure that Western Australian courts and tribunals are culturally sensitive and culturally safe, and to foster mutually respectful relationships between our courts and tribunals and Aboriginal and Torres Strait Islander people."*



The Hon WA Chief Justice Peter Quinlan read out the Reconciliation Statement during an interview on ALSWA's Law Matters radio program



## ALSWA Hosts Indigenous Nation Building Workshop

In October 2022, community members attended a workshop on Indigenous Nation Building (INB) at ALSWA's head office in Perth.

Following a Welcome from Michael Blurton from ALSWA's Executive Board, the workshop discussed what the Australian and international evidence says about Indigenous self-governance and self-determination and what this evidence might mean for the Noongar Nation.

ALSWA CEO Dennis Eggington has been involved in nation building since the inaugural Noongar Nation meeting in 2000 at Clontarf Aboriginal College. Dennis and other local community members spoke about their experience in nation building before hearing from guest speakers, including:

- **Daryle Rigney**, a citizen of the Ngarrindjeri Nation and Director of the Indigenous Nations and Collaborative Futures hub at the University of Technology Sydney. Daryle spoke about Indigenous nation building in







Australia and what the Ngarrindjeri Nation has been able to achieve through self-governance and some of the challenges it has faced.

- **Janine Gertz**, a Gugu Badhun citizen spoke about her involvement in Gugu Badhum nation building planning and activities over many years.
- **Alison Vivien**, a researcher at Indigenous Nations and Collaborative Futures presented finding from 30+ years of research from the Harvard Project on American Indian Economic Development that emphasised the critical importance of self government and self-determination. She also discussed some learnings from Australia that may be relevant for the Noongar Nation.

### Reducing over-representation of Aboriginal children in out-of-home care

SNAICC is the national voice for Aboriginal and Torres Strait Islander children and they're in the process of developing a 10-year Roadmap to reduce the overrepresentation of Aboriginal children in out-of-home care in Western Australia.

Engaged by the WA Department of Communities to engage with relevant stakeholders to co-design the Roadmap, as part of their consultative process, SNAICC's Adele Cox met with representatives from ALSWA's Family Law Unit, and Aboriginal Family Legal Services.



Representatives from ALSWA's Family Law Unit, SNAICC and Aboriginal Family Legal Services

This provided the ideal opportunity for ALSWA to provide our first-hand experience and knowledge from a legal perspective.

### National Sorry Day

The inaugural National Sorry Day took place on the 26<sup>th</sup> of May 1998, a year after the Bringing Them Home Report, which was an inquiry into the past policies which resulted in children being removed from their families and communities.

National Sorry Day is a commemoration and remembrance of all who have been impacted by the government policies of forcible removal that have resulted in the Stolen Generations.

Each year, ALSWA purchases Commemorative flower pins from the Kimberley Stolen Generation Aboriginal Corporation (KSGAC) for all ALSWA staff to wear as a show of support for our Stolen Generations.



ALSWA's Perth Family Law Unit and Kalgoorlie staff wearing their Sorry Day flower pins.



## ALSWA a Finalist in 2023 Australian Human Rights Commission Awards



In October 2023, it was announced that ALSWA was a Finalist in the 2023 Australian Human Rights Award.

Nominated in the 'Law Award' category, CEO Wayne Nannup said it was an absolute honour to be considered for this esteemed Award.

"We don't undertake this work for the accolades. We strive for justice for our most marginalised people so that we can make a difference in the lives of First Nations Peoples" said ALSWA's CEO Wayne Nannup.

ALSWA, which turns fifty next year has a long and strong history of working at the frontline representing people within the criminal justice system.

"Unless you work in this, or other social justice fields, it's difficult to comprehend just how tough people are doing it. Our organisation exists to stand up for those whose voice remains unheard. We embrace a human rights approach in all that we do, whether that's supporting and representing our people within the justice system, advocating for the age of criminal responsibility to be raised, speaking out at the Disability Royal Commission, or representing

young people who are currently held in Banksia Hill or Unit 18 of the maximum-security Casuarina Prison" said Mr Nannup.

ALSWA's successful litigation in the WA Supreme Court in relation to the conditions faced by young people in Banksia Hill Detention Centre and Unit 18 at Casuarina Prison is testament to the dedication of ALSWA's legal staff and exemplifies ALSWA's commitment to protecting the human rights of the most marginalised and disadvantaged in the community.

Winners will be announced at the AHRC Awards Ceremony in Sydney on Friday 8th December 2023 and ALSWA congratulates all Finalists in this year's Awards.

## ALSWA attends UWA Beyond Commercial Careers Fair

In September 2023, ALSWA attended the Beyond Commercial Careers Fair at the University of Western Australia. Open days are the perfect opportunity to let people know about the diversity of employment opportunities available at the Aboriginal Legal Service of WA Limited.

ALSWA thanks the Blackstone Society/UWA Law Students' Society for the invitation to attend.



ALSWA's Kyra Collard (Courier/Office Clerk), Barb Culbong (Community Development Officer) and Bethan Kendall (Senior Lawyer, Criminal Law Unit)





## In the Regions

Working with ALSWA offers a diverse and rewarding experience as lawyer (RP) Olivia Roberts discovered. Pictured here in the beautiful Kimberley region in June 2023, Olivia visited Beagle Bay, approximately 110 kilometres north of Broome and Djarindjin, approximately 77 kilometres north of Beagle Bay and attended the Aboriginal Justice open days across Bidyadanga and the Dampier Peninsular.

These events provide the opportunity for service providers, such as Legal Aid, Department of Transport and Centrelink, to host open days in remote Aboriginal communities to improve access to services.

Whilst in the regions, Olivia provided advice and community legal education to community members about arrest rights, police accountability, fines repayment and the work and development scheme, and also answered other general civil legal questions



*Olivia Roberts at Beagle Bay and Community mascot, Rebel the cow, at the Djarindjin Community Centre.*

## Congratulations ALSWA Lawyer Sally Oliver

We congratulate ALSWA lawyer Sally Oliver who received the Rural, Regional and Remote Woman Lawyer of the Year Award at the Women Lawyers of WA gala dinner which was held in March. Sally has worked in ALSWA's Perth, South Hedland and the remote Kununurra office, where she is now the Managing Solicitor. Sally has a wide range of skills, dealing with matters across all criminal jurisdictions, including adults and children and we are extremely proud of her work and commitment to our organisation and communities.





## Lunch with ALSWA in Broome

Our Broome staff are located in the beautiful Kimberley region of WA.

ALSWA Broome Court Officer John Masuda is pictured here when staff members took time out from their busy workloads to share a lunch.







## ALSWA Attends Halls Creek Services and Career Expo

Aboriginal Legal Service of WA Ltd (ALSWA) Kununurra/Halls Creek staff participated in this years' Halls Creek Services and Career Expo.

Events like this provide the ideal opportunity to yarn about the diverse services that ALSWA provides and job opportunities for local community members.

ALSWA Field Officer Myra Chulung (pictured) said the day was a great success, with lots of ALSWA merchandise given away. Year 10, 11 and 12 students also gained a greater insight into career options, such as ALSWA Court Officers and information about ALSWA's Youth Engagement Program (YEP) and Bail Support Service (BSS).







# NAIDOC Week



## BROOME

Our Broome ALSWA team took part in NAIDOC celebrations in Broome and enjoyed damper, fish and of course, great company and lots of yarns at the NAIDOC Elders event.



Back Row L-R: Pauline Bin Sali, Sam Naylor  
Annabel Sweetnam-Groom & Shurayne Bin Maarus

Front Row L-R: Jack Lane, Dion Marshall &  
Sherilee Lane





## ALBANY

Even after NAIDOC Week had ended, it was great to see that schools were still hosting events.

ALSWA's Albany staff attended Albany Senior High School with other local service providers and set up displays within the school gym and spoke about the various services available for students within the community. There was also face painting and a free sausage sizzle.

This event was facilitated by the schools (AIEO) Aboriginal and islander Education Officer, Mandi Khan with students, and ALSWA Albany has attended the event for the past three years.



*Elder Averil Dean, ALSWA Senior Court Officer Ray Muir, ALSWA Managing Solicitor Georgie Herford and Albany SHS AIEO Mandi Khan*



*ALSWA lawyers Kyah Langdon and Georgia Herford chat with Albany SHS students*



## KALGOORLIE

Rebecca and Leslie Slater from ALSWA's Kalgoorlie office took part in a NAIDOC event at Kalgoorlie Boulder Community High School.

Here they shared information about the law so that the students had a greater understanding about their legal rights.

Our awesome promotional items were also a big hit!

*Leslie and Rebecca Slater*



## Carpark Sausage Sizzles at ALSWA Perth

In order to connect even more with community members, ALSWA has now hosted two 2023 sausage sizzle events in the carpark of its head office at 7 Aberdeen Street, Perth.

The first was held in July during NAIDOC Week and the second, on RUOK Day in September.

ALSWA's Carpark Legal Advice and Sausage Sizzle events will continue in 2024.







## Mural Features on ALSWA Head Office

Back in 2010, ALSWA was the proud sponsor of the 2010 Moorditj Mural Project which saw Central Institute of Technology and David Wirrpanda Foundation students, with acclaimed artist Peter Farmer, research ALSWA before completing a vibrant mural depicting ALSWA's historical journey. The mural, spanning five metres is proudly displayed in ALSWA's boardroom in Perth.

**Flashback to 2010:** Participating in the Moorditj Mural Project were students Gilbert Calyun, Jolene Farrell, Travis Hansen, Darren Hart,

Megan Holiner, Devin Indich, Deborah Jones, Whitney Joseph, Jamie-Lee Little, Glen Miller, Karina Riley, Candice Nundle, DWF Mentors Dale Kickett, Alicia Janz, Eddie Brown, and Central lecturers Chris Hodson and (the late) Peter Dooley, whose initiative it was.

Now in 2023, ALSWA Head Office at 7 Aberdeen Street Perth, features the eye-catching mural on two external walls, facing the Mclver Railway Station and Nash Street.

The mural is also displayed on the front windows of ALSWA in Kalgoorlie.





# In Loving Memory of

## Elvis Stokes

Elvis Stokes was a highly respected and loved member of our ALSWA family, and we were deeply saddened by his passing in July 2023.

A Court Officer with our Kalgoorlie office, Mr. Stokes dedicated over 20 years working as a Court Officer with ALSWA.

He will be remembered for his extensive knowledge, caring and kind ways, and the dedicated work that he did with and for local community members.

Mr Stokes cared deeply about his work and his people and was loved by all who had the pleasure to know him.

Our deepest condolences are with the family and friends of Mr. Stokes and our staff in Kalgoorlie.

He will be dearly missed by us all.







# Chief Financial Officer

## John Poroch

I am pleased to present the following audited financial report for the 12 months ended 30 June 2023. 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.

The balance sheet remains strong with net assets of \$9,901,403 and a current asset ratio of 1.39:1 this will continue to be the platform to carry the Aboriginal Legal Service of Western Australia Limited (ALSWA) operations forward.

During the period, the ALSWA recorded a loss of \$656,099 and revenue of \$21,199,791.

The 2022/2023 financial year has been difficult due to inflationary cost pressure in all aspects of operation. But regardless of this the Company always cognisant of its budget restraints at all times aims to deliver services within the total grant funding available and has continued to provide the best service possible un-interrupted throughout the year.

Government grants remain the major source of funding for ALSWA contributing approximately 95% of total revenue. And salaries and wages being by far the single biggest expense approximately 79% of total expenses for the year.

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: Vulnerable Women's funding,



Therapeutic Children's Court Pilot program and Coronial Inquiry funding. Services also commence with the National Indigenous Australians Agency for the Youth Engagement Program Extension grant and the Family Domestic Violence Armadale hub funding with the Hope Community Services Limited. Increasing our total portfolio of legal and social commitments for which ALSWA is responsible for the administration to 20 funding grants.

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.



**ABORIGINAL LEGAL SERVICE OF WA LTD**

ACN: 617 555 843

# Financial Report 2023

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## Directors' Report

In respect of the financial report of the Aboriginal Legal Service of Western Australia Limited ("ALSWA" or "the company") of the financial year ended 30 June 2023.

### 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
- Mr Paul Baron
- Ms Colleen Hayward (resigned 15/11/2022)
- Mr Clinton Quartermaine (resigned 18/11/2022)
- Ms Selina King (appointed 23/02/2023)
- Ms Vanessa Kickett (appointed 23/02/2023 resigned 12/6/2023)

### 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 Kanpa Community for over 20 years. Preston has also had a long affiliation with the organisation. Preston is deeply committed to the issues facing our people and will support the vital work undertaken by the Company for the benefit of the Aboriginal and Torres Strait Islander people.

**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 Baiyungu 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.

**Vanessa Kickett** was appointed as a Co-opted director on 23 February 2023. She has extensive experience and involvement with Aboriginal engagement, native title and heritage matters. A member of the Whadjuk Noongar community. Vanessa is also the Deputy CEO of the South West Aboriginal Land and Sea council. Vanessa resigned on 12 June 2023.

**Selina King** Was appointed on 23 February 2023 by the board to fill a casual vacancy of elected directors. She lives in Broome, her mother is Karrijarn and father is Nyikina.





She will be eligible for election as an elected director at the next annual general meeting.

### 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 loss for the year was \$656,099 (2021: income \$102,090)

### 5. Review of Operations

The Company's revenue for the year ended 30 June 2023 was \$21,199,791 (2022: 18,836,252), a 12.55% increase 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:

- Vulnerable Women's Funding
- Youth Engagement Program Expansion
- Therapeutic Children's Court Pilot Program
- Coronial Inquiry Funding
- Family Domestic Violence Armadale Hub

### 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 2023, the total amount that members of the Company are liable to contribute if the Company is wound up is \$1,220 (2022: \$1,060).

### 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 \$24,591 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.<br>meetings<br>entitled to<br>attend | No.<br>meetings<br>attended |
|----------------------|------------------------------------------|-----------------------------|
| Michael Blurton      | 8                                        | 8                           |
| Kathy Watson         | 8                                        | 8                           |
| Colleen Hayward      | 3                                        | 3                           |
| Preston Thomas       | 8                                        | 8                           |
| Paul Baron           | 8                                        | 8                           |
| Donald Abdullah      | 8                                        | 8                           |
| Clinton Quartermaine | 4                                        | 4                           |
| Selina King          | 3                                        | 3                           |
| Vanessa Kickett      | 2                                        | 2                           |

### 11. Events Subsequent to Balance Date

No other matter or circumstance has arisen since 30 June 2023 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 2023.

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

Chairman  
Perth, Western Australia  
Date: 28 September 2023





## INDEPENDENT AUDITOR'S REPORT TO THE DIRECTORS AND MEMBERS OF THE ABORIGINAL LEGAL SERVICE OF WESTERN AUSTRALIA LIMITED

### Report on the Financial Statements

#### Opinion

We have audited the financial statements of the Aboriginal Legal Service of Western Australia Limited (ALSWA), which comprises of the statement of financial position as at 30 June 2023, the statement of comprehensive income, the statement of changes in equity and the statement of cash flows for the year ended, notes comprising a summary of significant accounting policies and the director's declaration.

In our opinion, the accompanying financial statements of ALSWA is in accordance with the Corporations Act 2001, including:

- a) Giving a true and fair view of the Company's financial position as at 30 June 2023, and of its financial performance and its cash flows for the year then ended; and
- b) Complying with Australian Accounting Standards and the Corporations Regulations 2001

#### Basis of Opinion

We conducted our audit in accordance with Australian Auditing Standards. Those standards require that we comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement. Our responsibilities under those standards are further described in the Auditor's Responsibility section of our report.

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

#### Independence

We are independent of the Company in accordance with the ethical requirements of the Accounting Professional and Ethical Standards Board's APES 110 Code of Ethics for Professional Accountants (the code) that are relevant to our audit of the financial statements in Australia and the auditor independence requirements of the Corporations Act 2001

#### Director's Responsibility

The directors are responsible for the financial statements preparation that gives a true and fair view, in accordance with Australian Accounting Standards and the Corporations Act 2001 and have determined that the basis of preparation is appropriate to meet the requirements. The director's responsibility also includes such internal control as the directors determine necessary to enable the preparation of financial statements that give a true and fair view and are free from material misstatement, whether due to fraud or error.







We communicate with the directors regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

**HALL CHADWICK AUDIT (WA) PTY LTD**

**MICHAEL HILLGROVE CA**  
**Director**

Dated this 28<sup>th</sup> day of September 2023  
Perth, Western Australia



**Statement of Profit or Loss and Other Comprehensive Income**  
**For the year ended 30 June 2023**

|                                                                     | <b>Note</b> | <b>2023</b><br>\$ | <b>2022</b><br>\$ |
|---------------------------------------------------------------------|-------------|-------------------|-------------------|
| <b>Revenue</b>                                                      | 2           | 21,199,791        | 18,836,252        |
| Depreciation and amortisation expenses                              |             | 902,077           | 768,835           |
| Electricity & gas expense                                           |             | 62,515            | 88,532            |
| Employee benefits expense                                           |             | 17,273,964        | 14,774,913        |
| Information Technology                                              |             | 128,083           | 121,696           |
| Impairment expense/(increment)                                      |             | (136,656)         | 384,018           |
| Interest expense                                                    |             | 31,393            | 41,942            |
| Library resources                                                   |             | 174,138           | 145,139           |
| Office expenses                                                     |             | 48,733            | 38,424            |
| Other expenditure                                                   |             | 1,335,963         | 1,164,494         |
| Property expenses                                                   |             | 233,530           | 185,208           |
| Rent                                                                |             | 446,451           | 431,874           |
| Lease expenses                                                      |             | 254,269           | 192,141           |
| Telephone & internet                                                |             | 163,026           | 147,149           |
| Training                                                            |             | 37,478            | 274,562           |
| Travel & accommodation                                              |             | 900,926           | 479,618           |
| Profit/(loss) before income tax                                     |             | (656,099)         | (402,293)         |
| Income tax                                                          |             | -                 | -                 |
| Profit/(loss) after income tax attributable to the members of ALSWA |             | (656,099)         | (402,293)         |
| 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>(656,099)</b>  | <b>102,090</b>    |

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





**Statement of Financial Position**  
**As at 30 June 2023**

|                                      | <b>Note</b> | <b>2023</b>       | <b>2022</b>       |
|--------------------------------------|-------------|-------------------|-------------------|
|                                      |             | <b>\$</b>         | <b>\$</b>         |
| <b>Current Assets</b>                |             |                   |                   |
| Cash and cash equivalents            | 5           | 17,845,218        | 11,362,756        |
| Other financial assets               | 6           | 2,775,774         | 2,639,118         |
| Receivables                          | 7           | 653,990           | 936,179           |
| <b>Total Current Assets</b>          |             | <b>21,274,982</b> | <b>14,938,053</b> |
| <b>Non-Current Assets</b>            |             |                   |                   |
| Property, plant and equipment        | 8           | 4,612,097         | 4,782,080         |
| <b>Total Non-Current Assets</b>      |             | <b>4,612,097</b>  | <b>4,782,080</b>  |
| <b>Total Assets</b>                  |             | <b>25,887,079</b> | <b>19,720,133</b> |
| <b>Current Liabilities</b>           |             |                   |                   |
| Accounts Payables                    | 9           | 1,500,707         | 791,189           |
| Provisions                           | 10          | 4,436,463         | 4,211,817         |
| Unexpended grants                    | 11          | 9,029,303         | 2,926,372         |
| Lease liabilities                    | 12          | 320,407           | 515,672           |
| <b>Total Current Liabilities</b>     |             | <b>15,286,880</b> | <b>8,445,050</b>  |
| <b>Non-Current Liabilities</b>       |             |                   |                   |
| Provisions                           | 13          | 277,978           | 389,615           |
| Lease liabilities                    | 14          | 420,818           | 328,126           |
| <b>Total Non-Current Liabilities</b> |             | <b>698,796</b>    | <b>717,741</b>    |
| <b>Total Liabilities</b>             |             | <b>15,985,676</b> | <b>9,162,791</b>  |
| <b>Net Assets</b>                    |             | <b>9,901,403</b>  | <b>10,557,342</b> |
| <b>Equity</b>                        |             |                   |                   |
| Members funds                        | 15          | 1,220             | 1,060             |
| Retained earnings                    |             | 6,099,928         | 6,756,027         |
| Asset revaluation reserve            | 8(a)        | 1,238,128         | 1,238,128         |
| Discretionary reserves               | 16          | 2,562,127         | 2,562,127         |
| <b>Total Equity</b>                  |             | <b>9,901,403</b>  | <b>10,557,342</b> |

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





**Statement of Cash Flows**  
**For the year ended 30 June 2023**

|                                                                   | <b>Note</b> | <b>2023</b>       | <b>2022</b>        |
|-------------------------------------------------------------------|-------------|-------------------|--------------------|
|                                                                   |             | <b>\$</b>         | <b>\$</b>          |
| <b>Cash flows from operating activities</b>                       |             |                   |                    |
| Grants received                                                   |             | 29,031,298        | 21,022,294         |
| Payments to suppliers and employees                               |             | (22,524,758)      | (19,576,397)       |
| Interest received                                                 |             | 79,580            | 21,879             |
| Interest paid                                                     |             | 294,648           | (41,942)           |
| Rent received                                                     |             | (31,393)          | 72,612             |
| Sundry income                                                     |             | 469,292           | 698,072            |
| <b>Net cash provided by operating activities</b>                  | 21          | <u>7,318,667</u>  | <u>2,196,518</u>   |
| <b>Cash flows from investing activities</b>                       |             |                   |                    |
| Payment for the purchase of property, plant & Equipment           |             | (201,282)         | (302,909)          |
| Payment for the purchase of other financial assets                |             | -                 | (1,000,000)        |
| <b>Net cash used in investing activities</b>                      |             | <u>(201,282)</u>  | <u>(1,302,909)</u> |
| <b>Cash flows from financing activities</b>                       |             |                   |                    |
| Repayment lease liability                                         |             | (635,083)         | (522,330)          |
| Members contribution                                              |             | 160               | 330                |
| <b>Net cash used in financing activities</b>                      |             | <u>(634,923)</u>  | <u>(522,000)</u>   |
| <b>Net increase in cash and cash equivalents held</b>             |             | 6,482,462         | 371,609            |
| Cash and cash equivalents at beginning of the financial year      |             | 11,362,756        | 10,991,147         |
| <b>Cash and cash equivalents at the end of the financial year</b> | 5           | <u>17,845,218</u> | <u>11,362,756</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 Job Keeper 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)

### (iv) Gifts and donations

Gifts and donations are recognised at their fair value when the Company obtains control, economic benefits are probable and the amount of the donation can be reliably measured.

### (v) Interest income

Interest income is recognised on an accrual basis using the effective interest method.

### (v) Dividend income

Dividend income from investments is recognised when the shareholder's right to receive payment has been established (provided that it is probable that the economic benefits will flow to the Company and the amount of income can be reliably measured).

### (d) Operating expenses

Operating expenses including expenses relating to the grants, are recognised on an accrual basis.

### (e) Income Tax

The Company is exempt from paying income tax under Div.50 of the *Income Tax Assessment Act 1997*.

### (f) Goods and services tax (GST)

Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Tax Office. In these circumstances the GST is recognised as part of the cost of acquisition of the asset or as part of an item of the expense. Receivables and payables in the statement of financial position are shown inclusive of GST.

Cash flows are presented in the statement of cash flows on a gross basis, except for the GST components of investing and financing activities, which are disclosed as operating cash flows.

### (g) Cash and cash equivalents

Cash and cash equivalents include cash on hand, deposits held at call with financial institutions, other short-term, highly liquid investments that are readily convertible to know amounts of cash and which are subject to an insignificant risk of changes in value, and bank overdrafts.

### (h) Trade and other receivables

Trade receivables are recognised at original invoice value and subsequently measured at amortised cost, less provision for doubtful debts. Trade receivables are generally settled in 30-60 days.

Collectability of trade receivables is reviewed on an ongoing basis. Debts that are known to be uncollectible are written off. A provision for doubtful receivables is established when there is objective evidence that the Company will not be able to collect all amounts due according to the original terms of receivables.

### (i) Financial assets

Financial assets are classified into the following specified categories: financial assets 'at fair value through profit or loss' (FVTPL), 'held-to-maturity' investments, 'available-for-sale' (AFS) financial assets and 'loans and receivables'. The classification depends on the nature and purpose of the financial assets and is determined at the time of initial recognition. All regular way purchases or sales of financial assets are recognised and derecognised on a trade date basis. Regular way purchases or sales are purchases or sales of financial assets that require delivery of assets within the time frame established by regulation or convention in the marketplace.

#### *Financial assets at FVTPL*

Financial assets are classified as at FVTPL when the financial asset is (i) contingent consideration that may be paid by an acquirer as part of a business combination to which IFRS 3 applies, (ii) held for trading, or (iii) it is designated as at FVTPL.

A financial asset is classified as held for trading if:

- it has been acquired principally for the purpose of selling it in the near term; or
- on initial recognition it is part of a portfolio of identified financial instruments that the Group manages together and has a recent actual pattern of short-term profit-taking; or
- it is a derivative that is not designated and effective as a hedging instrument.

Financial assets at FVTPL are stated at fair value, with any gains or losses arising on re-measurement recognised in profit or loss. The net gain or loss recognised in profit or loss incorporates any dividend or interest earned on the financial asset and is included in the 'other gains and losses' line item.



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

### (j) Property, Plant and equipment

#### (i) Revaluation Basis

Land held for use in production or administration is stated at re-valued amounts. Re-valued amounts are fair market values based on appraisals prepared by external professional valuers' once every three years or more frequently if market factors indicate a material change in fair value. The last external valuation date for each property is set out in Note 8.

Any revaluation surplus arising upon appraisal of land is recognised in other comprehensive income and credited to the revaluation reserve in equity. To the extent that any revaluation decrease or impairment loss has previously been recognised in profit or loss, a revaluation increase is credited to profit or loss with the remaining part of the increase recognised in other comprehensive income. Downward revaluations of land are recognised upon appraisal or impairment testing with the decrease being charged to other comprehensive income to the extent of any revaluation surplus in equity relating to this asset and any remaining decrease recognised in profit or loss. Any revaluation surplus remaining in equity on disposal of the asset is transferred to retained earnings.

As no finite useful life for land can be determined, related carrying amounts are not depreciated.

#### (ii) Cost basis

All other property, plant and equipment are stated at historical cost less depreciation. Historical cost includes expenditure that is directly attributable to the acquisition of the items.

Subsequent costs are included in the asset's carrying amount or recognised as a separate asset, as appropriate, only when it is probable that future economic benefits associated with the item will flow to the Company and the cost of the item can be measured reliably. All other repairs and maintenance are charged to the income statement during the financial period in which they are incurred.

The depreciable amounts of all fixed assets, other than freehold land, are depreciated over their estimated useful lives using the straight-line method.

Leasehold improvements are amortised over the unexpired period of the lease or the lease or the useful life, whichever is the shorter.

The following estimate of useful lives has been applied:

- Buildings: 25 years
- Furniture & fittings: 5 years
- Improvement residential properties: 5 years
- Motor vehicles: 4 years
- Capital & 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



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

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.

### (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) New Accounting Standards issued

The Company has adopted all new and revised standards and interpretations issued by the Australian Accounting Standards Board that are relevant to its operations and effective for an accounting period that begins on or after 1 July 2022.

Any new or amended accounting standards or interpretations that are not set mandatory have not been early adopted. The adoption of these accounting standards and interpretations did not have any significant impact to the financial performance or position of the Company.



## 2. Revenue

### Note

**2023**

**2022**

\$

\$

### Income

Grant income:

|                                                      |                   |                   |
|------------------------------------------------------|-------------------|-------------------|
| National Legal Assistance Partnership                | 14,374,974        | 13,124,724        |
| Indigenous Legal Assistance Programme grant          | -                 | 94,389            |
| Youth Justice grant                                  | 439,007           | 411,589           |
| Custody Notification Service grant                   | 1,451,994         | 1,314,469         |
| Bail remain and prison in-reach services             | 1,390,470         | 1,220,069         |
| Disability Legal Assistance grant                    | 71,215            | 152,081           |
| Work Development Permit Scheme grant                 | 417,051           | 405,579           |
| Youth Engagement Program Kimberley                   | 376,423           | 304,662           |
| Covid 19 Assistance grant                            | -                 | 894,118           |
| FDV Hope community grant                             | 58,745            | 79,739            |
| Mental Health Conditions                             | 569,978           | 104,790           |
| Workplace Sexual Harassment Grant                    | (6,897)           | 47,261            |
| Coronial Inquiry and Complex Expensive Cases Funding | 330,666           | -                 |
| Justice Policy Partnership                           | 85,935            | -                 |
| Youth Engagement Extension                           | 336,205           | -                 |
| Vulnerable Women's Funding                           | 393,054           | -                 |
| FDV Hope community Grant Armadale Hub                | 338               | -                 |
|                                                      | <u>20,289,158</u> | <u>18,153,470</u> |

### Other income

|                   |                   |                   |
|-------------------|-------------------|-------------------|
| Rental income     | 78,530            | 71,562            |
| Recovery of costs | 308,927           | 362,139           |
| Interest          | 444,239           | 22,425            |
| Dividends         | 45,085            | 168,432           |
| Other             | 33,852            | 58,224            |
|                   | <u>910,633</u>    | <u>682,782</u>    |
|                   | <u>21,199,791</u> | <u>18,836,252</u> |

## 3. Auditor's remuneration

Remuneration for audit of the financial reports of the Company

|                             |               |               |
|-----------------------------|---------------|---------------|
| Deloitte Touche Tohmatsu    | -             | 1,500         |
| Hall Chadwick Audit Pty Ltd | 27,355        | 25,500        |
| Total remuneration          | <u>27,355</u> | <u>27,000</u> |

## 4. Directors' remuneration

Income paid or payable, or otherwise made available, to directors by the Company and related parties in connection with the management of the affairs of the Company

|                              |                |               |
|------------------------------|----------------|---------------|
| Short term employee benefits | 102,555        | 86,301        |
| Post-employment benefits     | 10,768         | 8,630         |
|                              | <u>113,323</u> | <u>94,931</u> |

Notes to the financial statements





|                               | <b>2023</b>      | <b>2022</b>      |
|-------------------------------|------------------|------------------|
|                               | <b>\$</b>        | <b>\$</b>        |
| (a) Asset revaluation reserve |                  |                  |
| Opening balance               | 1,238,128        | 733,745          |
| Add valuation increment       | -                | 504,383          |
| Closing balance               | <u>1,238,128</u> | <u>1,238,128</u> |

(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<br>land &<br>Buildings<br>\$ | Leasehold<br>Improvements<br>\$ | Plant &<br>Equipment<br>\$ | Right of<br>Use<br>Assets<br>\$ | Total<br>\$      |
|---------------------------------|---------------------------------------|---------------------------------|----------------------------|---------------------------------|------------------|
| Carrying amount at 30 June 2021 | 3,220,423                             | 66,292                          | 149,165                    | 690,335                         | 4,126,215        |
| Additions                       | 14,000                                | 176,577                         | 112,332                    | 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       | 128,822                               | 104,006                         | 16,674                     | 5,491                           | 254,993          |
| Revaluation increment           | 479,460                               | -                               | -                          | -                               | 479,460          |
| Carrying amount at 30 June 2022 | <u>3,595,000</u>                      | <u>204,116</u>                  | <u>180,250</u>             | <u>802,714</u>                  | <u>4,782,080</u> |
| Additions                       | 13,801                                | 106,488                         | 80,994                     | 532,510                         | 733,793          |
| Disposals                       | -                                     | -                               | (71,668)                   | (843,838)                       | (915,506)        |
| Depreciation expense            | (121,877)                             | (67,882)                        | (97,767)                   | (614,551)                       | (902,077)        |
| Depreciation on disposals       | -                                     | -                               | 69,971                     | 843,836                         | 913,807          |
| Carrying amount at 30 June 2023 | <u>3,486,924</u>                      | <u>242,722</u>                  | <u>161,780</u>             | <u>720,671</u>                  | <u>4,612,097</u> |





### 13. Non-Current Liabilities - Provisions

|                       | <u>Note</u> | <u>2023</u> | <u>2022</u> |
|-----------------------|-------------|-------------|-------------|
|                       |             | \$          | \$          |
| Employee Entitlements |             |             |             |
| Long service leave    |             | 277,978     | 389,615     |

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

|                   |         |         |
|-------------------|---------|---------|
| Lease liabilities | 420,818 | 328,126 |
|-------------------|---------|---------|

### 15. Members funds

|                 |       |       |
|-----------------|-------|-------|
| Opening balance | 1,060 | 730   |
| Increase        | 160   | 330   |
| Closing balance | 1,220 | 1,060 |

### 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.







## 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>2023</b>       | <b>2022</b>       |
|---------------------------------|-------------|-------------------|-------------------|
|                                 |             | <b>\$</b>         | <b>\$</b>         |
| Financial Assets                |             |                   |                   |
| Cash & cash equivalents         | 5           | 17,845,218        | 11,362,756        |
| Other financial assets          | 6           | 2,775,774         | 2,639,118         |
| Receivables                     | 7           | 304,088           | 585,785           |
| Total Financial Assets          |             | <u>20,925,080</u> | <u>14,587,659</u> |
| Financial Liabilities           |             |                   |                   |
| Accounts payable                | 9           | 1,500,707         | 791,189           |
| Unexpended grants               | 11          | 9029,303          | 2,926,372         |
| Lease liabilities - current     | 12          | 320,407           | 515,672           |
| Lease liabilities - Non-current | 14          | 420,818           | 328,126           |
| Total Financial Liabilities     |             | <u>11,271,235</u> | <u>4,561,359</u>  |
| Net Financial Assets            |             | <u>9,653,845</u>  | <u>10,026,300</u> |

### (b) Credit risk

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

### (c) Liquidity risk

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

### (d) Market risk

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



#### (e) Sensitivity Analysis

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

|                                  | <u>Note</u> | <u>2023</u> | <u>2022</u> |
|----------------------------------|-------------|-------------|-------------|
|                                  |             | \$          | \$          |
| Change in profit                 |             |             |             |
| Increase in interest rates by 1% |             | 198,798     | 131,581     |
| Decrease in interest rates by 1% |             | (198,798)   | (131,581)   |
| Change in equity                 |             |             |             |
| Increase in interest rates by 1% |             | (198,798)   | (131,581)   |
| Decrease in interest rates by 1% |             | 198,798     | 131,581     |

No sensitivity analysis has been performed on foreign exchange risk, as the Company is not exposed to foreign exchange fluctuations.

#### (f) Maturity analysis

The risk implied from the values shown in the table below, reflects a balanced view of cash inflows and outflows. Financial assets and liabilities are considered in the Company's liquidity risk.

|                         | <u>Within 1 year</u> |             | <u>1 to 5 years</u> |             | <u>Over 5 years</u> |             | <u>Total</u> |             |
|-------------------------|----------------------|-------------|---------------------|-------------|---------------------|-------------|--------------|-------------|
|                         | <u>2023</u>          | <u>2022</u> | <u>2023</u>         | <u>2022</u> | <u>2023</u>         | <u>2022</u> | <u>2023</u>  | <u>2022</u> |
|                         | \$                   | \$          | \$                  | \$          | \$                  | \$          | \$           | \$          |
| Financial Assets        |                      |             |                     |             |                     |             |              |             |
| Cash & cash equivalents | 17,845,218           | 11,362,756  | -                   | -           | -                   | -           | 17,845,218   | 11,362,756  |
| Other financial assets  | 2,775,774            | 2,639,118   | -                   | -           | -                   | -           | 2,775,774    | 2,639,118   |
| Trade receivables       | 304,088              | 585,785     | -                   | -           | -                   | -           | 304,088      | 585,785     |
|                         | 20,925,080           | 14,587,659  | -                   | -           | -                   | -           | 20,925,080   | 14,587,659  |
| Financial Liabilities   |                      |             |                     |             |                     |             |              |             |
| Trade & other payables  | 10,530,010           | 3,717,561   | -                   | -           | -                   | -           | 10,530,010   | 3,717,561   |
| Lease liabilities       | 320,407              | 515,672     | 420,818             | 328,126     | -                   | -           | 741,225      | 843,798     |
|                         | 10,850,417           | 4,233,233   | 420,818             | 328,126     | -                   | -           | 11,271,235   | 4,561,359   |
| Net maturity            | 10,074,663           | 10,354,426  | (420,818)           | (328,126)   | -                   | -           | 9,653,845    | 10,026,300  |

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

## 20. Capital Management

Management controls the capital of the Company in order to maintain a good debt to equity ratio, to ensure that the Company can fund its operations and continue as a going concern.



Management effectively manages the Company's capital by assessing the Company's financial risks and adjusting its capital structure in response to changes in these risks and in the market. These responses include the management of debt levels. There have been no changes in the strategy adopted by management to control the capital of the Company since the prior year.

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

|                                                      | <u>Note</u> | <u>2023</u>      | <u>2022</u>      |
|------------------------------------------------------|-------------|------------------|------------------|
|                                                      |             | \$               | \$               |
| Loss before income tax                               |             | (656,099)        | (402,293)        |
| Depreciation and amortisation                        |             | 902,077          | 768,835          |
| Decrease in receivables                              |             | 283,099          | (309,312)        |
| Increase in accounts payables and unexpended grants  |             | 6,421,923        | 1,065,111        |
| Increase in provisions                               |             | 502,624          | 690,159          |
| Net movement in fair value of other financial assets |             | (136,656)        | 359,095          |
| Loss on disposal assets                              |             | 1,699            | -                |
| Impairment property                                  |             | -                | 24,923           |
| Net cash inflow from operating activities            |             | <u>7,318,667</u> | <u>2,196,518</u> |

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

|                                |                  |                  |
|--------------------------------|------------------|------------------|
| Opening balance                | 843,798          | 723,048          |
| Lease liabilities              | <u>532,510</u>   | <u>643,080</u>   |
| Total                          | <u>1,376,308</u> | <u>1,366,128</u> |
| Financing cash flows           | <u>(635,083)</u> | <u>(522,330)</u> |
| Closing balance - note 12 & 14 | <u>741,225</u>   | <u>843,798</u>   |

#### 22. Events occurring after reporting date

There is, at the date of this report, no other matter or circumstance that has arisen since the 30 June 2023 that has significantly affected, or may slightly affect:

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

#### 23. Other information

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

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



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# Acknowledgements

## Financial Assistance

The Aboriginal Legal Service of WA Ltd 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 YEP Expansion Project);
- The WA Department of Justice (for the CNS, BSS/PIR, WDP Service and YEP Metro and YEP West Kimberley);
- Hope Community Services for ALSWA paralegal at the Mara Pirni Healing Centre and ALSWA lawyer at the South East FDV Healing Service.

## 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, please see [www.als.org.au](http://www.als.org.au)

Thank you to The Corner Butcher in Morley for meat donations for ALSWA's Carpark Sausage Sizzle events.

## Subscriptions

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- Wayne Nannup photos by Robert Frith (Acorn Photo);
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*The 2023 Aboriginal Legal Service of WA Ltd Annual Report was compiled by ALSWA Public Relations/ Media Manager Jodi Hoffmann.*



# Corporate Directory

## 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

Mr Preston Thomas

Ms Kathy Watson

Ms Selina King

### Registered Office

Piccadilly Square

7 Aberdeen Street

Perth WA 6000

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



# Aboriginal Legal Service of WA

## Offices

### Perth

(Head Office) Piccadilly Suites West,  
7 Aberdeen Street Perth WA 6000  
PO Box 8194, Perth Business Centre, WA 6849  
Phone: 08 9265 6666  
Toll Free: 1800 019 900 Fax: 08 9221 1767

### Albany

51 Albany Highway Albany 6330  
PO Box 1016, Albany WA 6330  
Phone: 08 9841 7833  
Toll Free: 1800 019 900 Fax: 08 9842 1651

### Broome

1/41 Carnarvon Street Broome WA 6725  
PO Box 389 Broome WA 6725  
Phone: 08 9192 1189  
Toll Free: 1800 019 900

### Bunbury

Tenancy 1/9 Stirling Street, Bunbury WA 6230  
PO Box 1765 Bunbury WA 6231  
Phone: 08 9791 2622  
Toll Free: 1800 019 900

### Carnarvon

64 Robinson Street Carnarvon WA 6701  
PO Box 766 Carnarvon WA 6701  
Phone: 08 9941 1534  
Toll Free: 1800 019 900

### Derby

Unit 7, Derby Central Arcade 45 Clarendon  
Street Derby WA 6728  
PO Box 283 Derby WA 6728  
Phone: 08 9192 1189

### Geraldton

73 Forrest Street Geraldton WA 6530  
PO Box 7162 Geraldton WA 6530  
Phone: 08 9921 4938  
Toll Free: 1800 019 900

### Halls Creek

29 Thomas Street Halls Creek WA 6770  
PO Box 162 Halls Creek WA 6770  
Phone: Refer to Kununurra

### Kalgoorlie

2/118 Brookman Street Kalgoorlie WA 6430  
PO Box 1077 Kalgoorlie WA 6430  
Phone: 08 9021 3666  
Toll Free: 1800 019 900

### Kununurra

77 Konkerberry Drive Kununurra WA 6743  
PO Box 2, Kununurra WA 6743  
Phone: 08 9168 1635  
Toll Free: 1800 019 900

### Northam

98 Wellington Street Northam WA  
PO Box 1096 Northam WA 6401  
Phone: 08 9622 5933  
Toll Free 1800 019 900

### South Hedland

12 Hedditch Street South Hedland WA 6722  
PO Box 2720 South Hedland WA 6722  
Phone: 08 9172 1455  
Toll Free: 1800 019 900

**WA Freecall during business hours  
1800 019 900**

**Aboriginal Legal Service of Western Australia Limited**

## **ABORIGINAL LEGAL SERVICE OF WA LTD**

### **Head Office**

7 Aberdeen St  
Perth WA 6000

PO Box 8194  
Perth Business Centre WA 6849

### **WA FREECALL 1800 019 900**

**T** 08 9265 6666

**F** 08 9221 1767

**ACN** 617 555 843

**[www.als.org.au](http://www.als.org.au)**

 **@aboriginal Legal Servicewa**

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