

North Australian
Aboriginal Justice Agency

NAAJA

Annual Report
2013/14

ABORIGINAL LEGAL AID IN THE TOP END



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ABOUT US

The North Australian Aboriginal Justice Agency (NAAJA) delivers high quality and culturally competent legal services to Aboriginal and Torres Strait Islander people in the Top End of the Northern Territory.

In addition to our core legal practice in criminal, civil and family law, we provide law and justice related services that aim to ensure that Aboriginal and Torres Strait Islander people have real access to justice.

Our History

In 1972 the first Aboriginal Legal Aid office in the Northern Territory was established in Darwin to provide legal services to Aboriginal people in the Top End. This was succeeded by the North Australian Aboriginal Legal Aid Service (NAALAS) in 1973.

In 1985 the Katherine Regional Aboriginal Legal Aid Service (KRALAS) was established and in 1996 the Miwatj Aboriginal Legal Service (MALS) was established to provide legal services to East Arnhem Land.

In 2005 changes in funding for Aboriginal and Torres Strait Islander Legal Services led to NAALAS, KRALAS and MALS tendering for the provision of legal services in the Northern Region of the Northern Territory. The services formed a new single company, NAAJA, which commenced operations in 2006.

NAAJA is now the largest legal service in the Northern Territory and considered to be a leading Australian legal service. In 2010 NAAJA was awarded a national Human Rights Award from the Australian Human Rights Commission in the Law Category for its work protecting and promoting the rights of Aboriginal and Torres Strait Islander people.

Our Vision

True Justice, Dignity and Respect for Aboriginal and Torres Strait Islander people.

Our Mission

To lead and empower Aboriginal and Torres Strait Islander people and communities through the delivery of high value, innovative, holistic and culturally effective law and justice services.

Our Values:

Respect
Courage
Excellence
Accountability
Dedication
Innovation
Professionalism
Integrity
Collaboration

NAAJA's Strategic Goals

NAAJA has adopted the following four Strategic Goals to guide its activities in 2014-2017.

- 1 To lead the delivery of high quality, culturally proficient and accessible legal and justice services
- 2 Continue to grow as a strong and leading Aboriginal and Torres Strait Islander organisation
- 3 To assist and empower Aboriginal and Torres Strait Islander people and communities to engage with the legal system
- 4 To lead justice reform



CHAIRPERSON'S REPORT

Vernon Patullo
Chairperson

On behalf of the NAAJA Board, I am pleased to introduce the 2013/2014 Annual Report.

NAAJA is recognised as a leading legal service and a provider of high quality and culturally proficient legal services to Aboriginal and Torres Strait Islander people. This is a reputation that we have earned through hard work and a commitment to delivering outcomes for our people.

Good governance and effective management are hallmarks of NAAJA. The Board has provided experienced and steady guidance over many years. NAAJA is particularly fortunate to have a Board structure that ensures effective regional representation and this has provided a strong platform for our operations.

Making a practical difference

NAAJA's work has a huge impact on the lives of our clients and their families. Aboriginal and Torres Strait Islander people come to us for help with legal problems that touch on so many aspects of their lives: child protection, housing, criminal law and family law issues to give just a few examples. Through our Law & Justice Projects, we also provide innovative and ground-breaking programs that make a real practical difference to the lives of Aboriginal and Torres Strait Islander people, their families and communities.

NAAJA is proactive in developing and delivering programs that are aimed at reducing Aboriginal and Torres Strait Islander people's contact with the justice system. We know that early intervention, prevention and targeted support to tackle the causes of crime are cost-effective ways we can boost community safety and improve the lives of Aboriginal and Torres Strait Islander people and communities.

NAAJA also remains a constructive influence on government in relation to laws that impact upon

Aboriginal and Torres Strait Islander people. We enjoy a reputation for positive and influential leadership that gives Aboriginal and Torres Strait Islander people a strong voice on justice issues and gets positive outcomes.

A successful Aboriginal organisation

Importantly, as an Aboriginal organisation, we continue to harness, support and develop the talent of Indigenous people in our organisation from our Board and CEO, through management to our frontline staff, interns and cadets. We are proud to be an Aboriginal success story.

We remain an employer of choice for junior and experienced lawyers and our legal team has an excellent reputation. Staff retention rates and the quality of staff we attract confirm we have a working environment that lives up to our values of leadership, respect, justice, professionalism, integrity, innovation, engagement and unity.

Funding challenges

Over the years, NAAJA has expanded our services to try to meet the huge unmet legal needs of Aboriginal and Torres Strait Islander people. Despite this, we have not been able to keep up with the demands placed on our service. Unfortunately we are looking at major future funding cuts which are likely to mean that NAAJA has to significantly reduce its services.

NAAJA has always been a very lean operation. All of our staff are involved in providing and supporting frontline services to Aboriginal and Torres Strait Islander people and carry workloads far greater than staff in mainstream legal organisations. This means that any cuts will have an immediate impact on NAAJA's ability to provide access to justice for our people.

If funding is cut from Aboriginal and Torres Strait Islander Legal Services, it is clear that our people, already

CHAIRPERSON'S REPORT *(cont'd)*

disadvantaged in our justice system, will suffer more disadvantage. With respect, this is not acceptable. We cannot accept 'widening the gap' when it comes to our justice system.

Cuts will also have a flow on effect to other legal services, courts and tribunals. NAAJA is exceptionally efficient and it is clear that the cost to the system will be far greater than the cuts to NAAJA.

I believe, however, that NAAJA is well-placed to meet this challenge. Our reputation for getting outcomes for our people is our best protection against cuts to our funding and we can only hope that government looks at the evidence and makes its decisions based on demonstrated need.

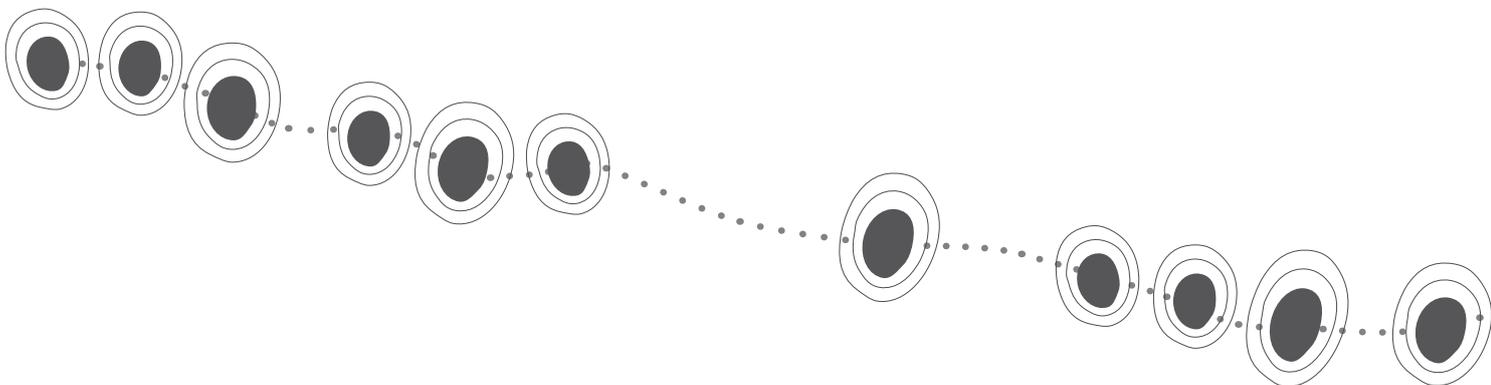
Conclusion

I am very proud of NAAJA's achievements and the work that NAAJA has done over this last financial year. 2013/2014 was an exciting year and this report highlights some of our important achievements.

I would like to thank all NAAJA members and especially Board Directors Norman George, Michael Petterson, Illona Wilson, Tony Wurramarra, Joel McLennan, Colleen Rosas, Hannah Roe, Francis Hayes, Natalie Ellis, Ruby Stanley and Banambi Wunungmurra for their hard work and solid leadership in 2013/2014.

On behalf of the NAAJA Board, I would also like to thank the staff of NAAJA for their contributions over the last year. Thank you for your hard work, your integrity and your determination to achieve justice for Aboriginal and Torres Strait Islander people.

Vernon Patullo
Chairperson





CHIEF EXECUTIVE OFFICER'S REPORT

Priscilla Collins
CEO

The 2013/2014 financial year has again seen NAAJA deliver real outcomes for Aboriginal and Torres Strait Islander people through services that are targeted to meet the needs of our people and delivered efficiently and effectively. We are privileged to have dedicated and talented staff working for NAAJA, including experienced lawyers, case workers, legal educators, client service officers and support staff. Together we ensure that our clients are provided with culturally competent legal and related services and that the systemic issues facing Aboriginal and Torres Strait Islander people are tackled.

While our work is challenging, we continue to look for solutions that offer better outcomes for Aboriginal and Torres Strait Islander people. This report highlights NAAJA's achievements against our strategic goals.

Leading the delivery of high quality, culturally proficient and accessible legal services

The work we do is often demanding because our clients' legal problems are usually linked to other social and economic issues. It is therefore fundamental to providing an effective service that we can combine a high level of legal skill with a deep understanding of our clients, their culture and the social issues that impact upon them. This has become a hallmark of NAAJA's work.

In addition to the complexity of our work, the volume continues to grow. In 2013/2014, NAAJA provided advice and representation to 13,922 Aboriginal and Torres Strait Islander people for civil, criminal and family matters. In the 8 years leading to 2013/2014, there has been an increase of 200% in the number of criminal matters and 195% in the number of civil matters undertaken by NAAJA.

We now employ 106 full time staff, which includes 52 solicitors. We have increased our staffing by 55% since 2007 to meet client needs. We are proud of the fact that 40% of our staff is Aboriginal, employed in positions right

across the organisation, including senior management. An important role in our legal practice is played by Client Service Officers (CSOs) who provide specialised knowledge about the needs of Aboriginal and Torres Strait Islander people.

To assist Aboriginal people and communities to engage with the legal system

The report of our Law & Justice Projects Manager details some of the groundbreaking work we are doing through our Community Legal Education and Night Patrol Legal Education team to give Aboriginal and Torres Strait Islander people a greater voice in justice issues that affect them.

Our innovative approach focuses on community development and working with groups within communities to support local leadership.

To lead justice reform

One of the strengths of NAAJA's approach to its work is the way in which our practical experience in providing legal services informs our approach to law and justice on broader justice issues for Aboriginal people. We speak with authority and credibility on Aboriginal justice issues because we are 'at the coalface'. Government, the courts and other stakeholders regularly seek out NAAJA's input on law and justice issues in recognition of our expertise and the quality of our work.

NAAJA has worked hard to promote effective responses to the damage that alcohol is doing to Aboriginal and Torres Strait Islander people and our communities. This last financial year we have played an important role in scrutinising the effectiveness of the Northern Territory's contentious Alcohol Mandatory Treatment regime and challenging the Alcohol Protection Orders Act.



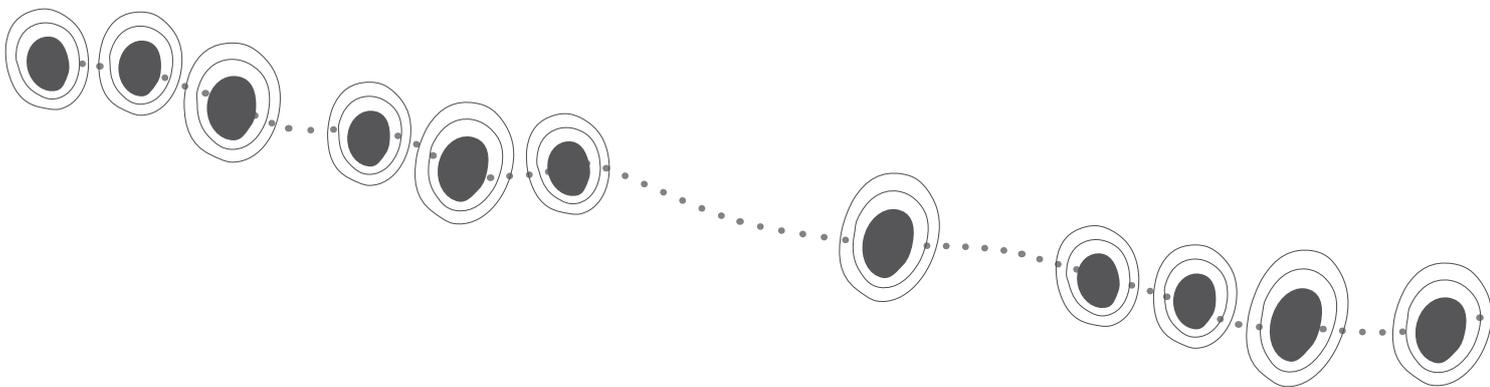
CHIEF EXECUTIVE OFFICER'S REPORT *(cont'd)*

Conclusion

I am proud of what we have achieved this year. Despite a significant threat to our funding for the year ahead, I remain confident that our track record and the respect we have earned in the community will help us to meet this challenge.

I thank the Board, management and staff for their support and efforts throughout 2013/2014, which has been a year of very high activity with many successes along the way. It was an exciting year for NAAJA and one in which it confirmed its position as a leading Australian legal service.

Priscilla Collins
CEO





OUR SERVICES

NAAJA delivers high quality and culturally proficient Aboriginal and Torres Strait Islander legal services to the Top End of the Northern Territory. In addition to our core legal practice, we provide law and justice services that aim to ensure that Aboriginal and Torres Strait Islander people can have real access to justice.

We provide services in the following areas:

Criminal Law

We are the largest Criminal Law Practice in the Northern Territory with offices in Darwin, Katherine and Nhulunbuy. NAAJA's Criminal Law Section consists of dedicated and passionate lawyers and highly professional Aboriginal and Torres Strait Islander paralegal staff.

Our Criminal Law Practice represents clients:

- On criminal charges in the Youth Justice Court, Magistrates Court, and Supreme Court
- In all Courts sittings in urban and remote regions
- In the Court of Criminal Appeal and in some circumstances the High Court of Australia

We also provide:

- A domestic violence Duty Lawyer service to defendants in proceedings in Darwin
- Legal advice over the phone or face to face about criminal charges or police investigations
- 24 hour legal advice when people are arrested or taken into police custody

NAAJA also provides specialised services for vulnerable persons including:

- Providing clients with interpreters in their language
- Representing young people in court and providing ongoing intensive case management through our Indigenous Youth Justice Worker
- Representing defendants with deafness and mental health issues including those unfit to be tried by reason of mental impairment

We strive to:

- Provide a culturally relevant legal service to Aboriginal and Torres Strait Islander people of the Top End of the Northern Territory
- Advocate for change to laws, programs and policies that affect Aboriginal and Torres Strait Islander people in the criminal justice system

Civil and Family Law

Our Family Law Section provides the following service out of our Darwin Office:

- Legal advice on family and child protection law
- Limited legal representation in parenting matters
- Referrals to Family Dispute Resolution
- Legal representation in child protection matters



OUR SERVICES REPORT *(cont'd)*

Our Civil Law solicitors provide advice on all areas of civil law and representation in areas such as:

- Complaints about government services and departments (e.g. police, prison officers)
- Compensation claims against police and other government departments (e.g. negligence, false imprisonment, assault)
- Adult guardianship matters
- Urban tenancies (with a focus on public housing)
- Statutory compensation (i.e. motor accident and victims of crime compensation)
- Consumer matters (e.g. credit, debt, motor vehicle sales and repairs)
- Health care complaints
- Discrimination and human rights
- Coronial inquests
- Employment

Our Welfare Rights solicitors provide legal advice and assistance in the following areas:

Centrelink and Income Management including:

- Appealing debts (waiver and reduction)
- Decisions about payments (refusals to grant, non payment periods and rates of payment)
- Decisions about living arrangements (marriage-like relationships, care of children)
- Family tax benefit issues
- Income management exemptions
- Basics card issues

Remote Tenancies including:

- Terminations
- Repairs
- Debts
- Priority housing applications

Law & Justice Projects

The work of NAAJA's Law & Justice Projects Section is focused on:

- Strengthening the capacity of Aboriginal and Torres Strait Islander people to participate actively in the justice system
- Taking individual and collective responsibility for their lives and the issues they face
- Fully exercising their legal rights

Indigenous Throughcare

NAAJA's Indigenous Throughcare commenced in September 2009. We have two case workers based at Darwin Correctional Centre and five intensive case workers based in Palmerston.



We assist Aboriginal and Torres Strait Islander people from when they are first taken into custody, through their period of incarceration and continuing through their reintegration to the community upon release.

Our model is based on voluntary engagement, building relationships of trust with our clients, and high level cross-cultural expertise. We work with clients to develop insight into their offending behaviour, and support them to take responsibility and address their offending, and to make positive changes in their lives.

Community Legal Education

NAAJA provides culturally appropriate legal education, training and capacity building to a range of groups and organisations across the Top End. We support Aboriginal and Torres Strait Islander people to learn more about the justice system and to build links between Elders and community leaders, the courts, police and other service providers. This makes the justice system more relevant for Aboriginal and Torres Strait Islander people and enhances the relevance and effectiveness of the justice system for Aboriginal and Torres Strait Islander people.

Night Patrol Legal Education

We build the skills and capacity of Night Patrol Services and develop their role as leaders in preventing crime and promoting community safety, with a particular focus on initiatives to protect women and children. Our training includes foundations of the legal system and various areas of civil and criminal laws including the criminal justice system, child protection laws, duty of care, use of force and liquor laws.

Solicitor, Law & Justice Projects

The Solicitor, Law & Justice Projects provides legal advice and assistance for prisoners and juvenile detainees, particularly in relation to applications for parole. This role addresses the systemic issue that the Northern Territory has no dedicated legal service to help people in the parole process. Many Aboriginal and Torres Strait Islander people face significant difficulties applying for parole. These include limited understanding of the parole process, language barriers and the need for practical support to access counseling, to contact family and to communicate effectively with their parole officer.

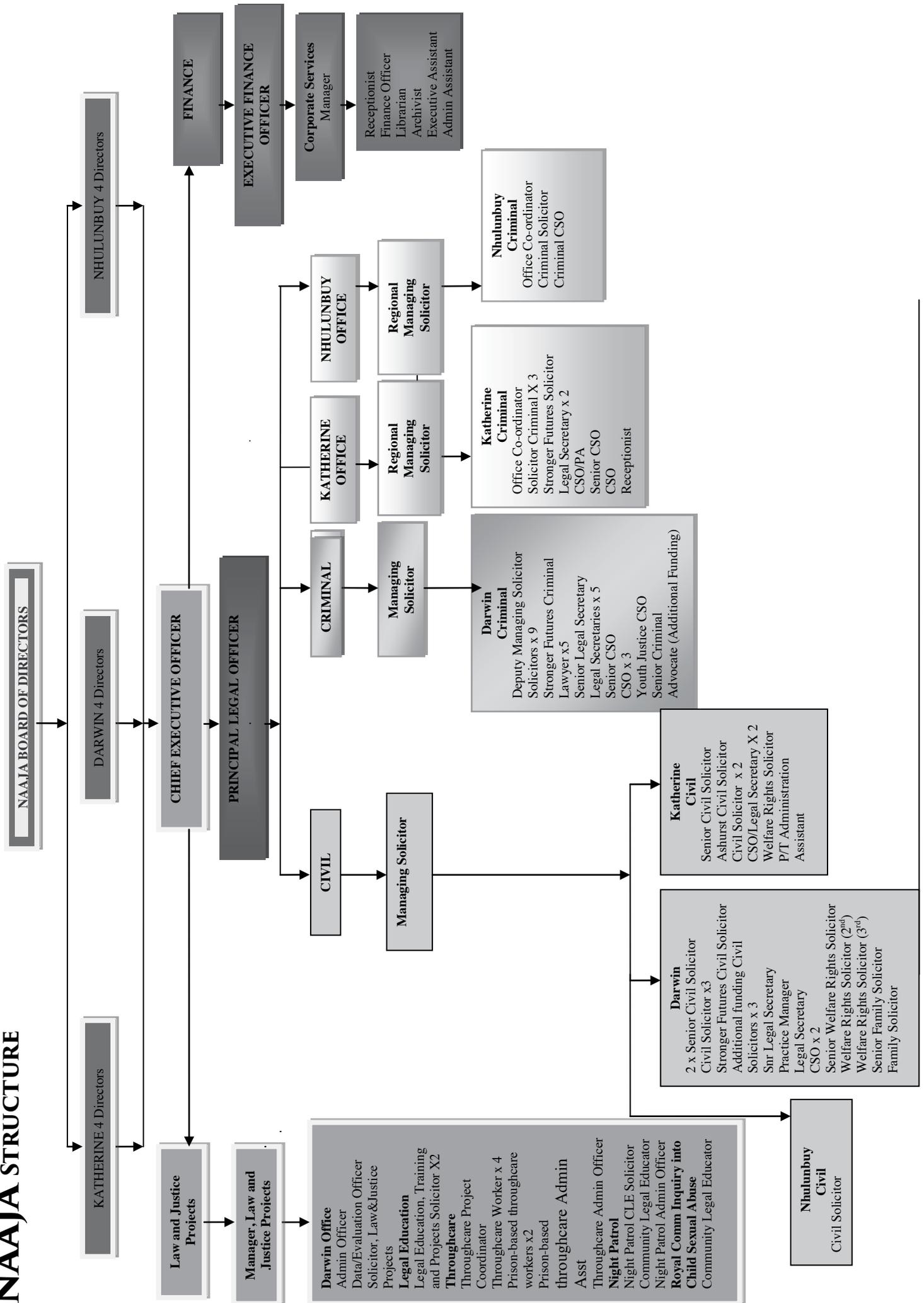
Royal Commission Community Legal Educator

NAAJA's Royal Commission Community Legal Educator is an on-the-ground contact person to facilitate and deliver information sessions and community legal education to Aboriginal and Torres Strait Islander people in the Top End.

Monitoring and Evaluation

NAAJA collates quantitative and qualitative data from our Law & Justice Projects Section. Data collection is monitored by our Data Evaluation Officer and is provided to our funding body as required. Data evaluation provides the basis for us to ascertain how well we are achieving the aims and objectives of our projects and assists us to identify future change.

NAAJA STRUCTURE



NAAJA BOARD



The NAAJA Board is responsible for ensuring the efficient performance of the functions of NAAJA and for determining NAAJA policies. NAAJA Directors adhere to the highest standard of corporate behaviour and accountability and the principles of transparent corporate governance.

NAAJA Board 2013/2014

MIWATJ



VERNON PATULLO *Chairperson*

Vernon is a senior member of the Kungarakana clan from the Finnis River area near Batchelor. Vernon has travelled extensively throughout the Top End region of the NT working and living with Indigenous peoples mainly in the South and Eastern Arnhem Land regions.

Vernon has been involved in law and justice work for over 20 years and has been an active member of the former Miwatj Aboriginal Legal Service (MALS) now amalgamated with NAAJA. In his work with MALS he has represented the organisation at all levels and also as a member of NAAJA in dealings with the Attorney Generals and NT Government agencies. Vernon has held all positions from member to chairperson when working with MALS and is the current chairperson of NAAJA.



ILLONA WILSON *Director*

Illona is from North West Queensland and is of Aboriginal descent. Illona lives in Alyangula, Groote Eylandt and works for the Anindilyakwa Land Council. Illona's experience extends to community development; capacity building of Indigenous families and community to engage with schools to support better education outcomes for their children; and strong and effective governance within school communities on Groote Eylandt and Bickerton Island. Illona previously worked with the Australian Government in the Northern Territory in the education and employment sector.



BANAMBI WUNUNGURRA *Director*

Banambi was born in Yirrkala and attended the local mission school. He later attended the Brisbane Theological College undertaking a 3 year Youth Leadership Course with the goal of teaching and training younger people to excel in sport.

Banambi moved on to Melbourne to follow his dream of playing in the then VFL and joined the Geelong Football Club. Banambi played part of the season in "B" Grade being coached by the famous Polly Farmer, but a family tragedy intervened back in his home community so he returned to Yirrkala for good.

Banambi has worked in a number of organisations including the Chief Ministers Department, Department of Aboriginal Affairs, Laynhapuy Homelands, Miwatj Health Aboriginal Corporation, ATSIC, YBE, Rio Tinto and the Shire President of East Arnhem Shire Council.

Banambi has also held a number of Community Board and Director positions on YBE, Batchelor Institute, Harmony Mawa Mala, Laynhapuy Homelands, Miwatj Legal Service and AMSANT.

NAAJA BOARD *(cont'd)*

MIWATJ continued



TONY WURRAMARRBA *Director*

Tony is a well known leader and spokesperson for the 'Anindilyakwa people. He has held Chairman and Deputy Chairman positions on the 'Anindilyakwa Land Council for more than six years. He was previously Council Clerk at the Angurugu Community Government Council and a Board Member of a number of Indigenous organisations.

With the support of the Chairman Walter Amagula, and the Land Council's other Executive Members, Tony has been working closely with all levels of government, as well as BHP Billiton, to meet the needs of his people. He has supported changes which improve the positive impact government programs and policies have in the Groote Archipelago, with a particular focus on raising living standards, including through the creation of jobs and training activities. Under Tony's leadership there has been a much greater involvement of Traditional Owners in the monitoring of the large housing program, SIHIP.

DARWIN



MICHAEL PETTERSON *Deputy Chairperson*

Michael is of Aboriginal/Torres Strait Islander descent.

Michael has lived in Darwin most of his life and has worked in various government departments including Department of Justice, Family Court of Australia and is currently employed by the Northern Territory Legal Aid Commission as an Indigenous Community Liaison Worker. His work involves delivering legal services to remote communities. He has been a Board member of several Indigenous organisations trying to ensure that services are delivered effectively and appropriately for our people.



HANNAH ROE *Secretary*

Hannah Roe is of Yawuru descent. Her family is originally from Broome Western Australia. She was born in Darwin and has lived in the Territory all her life. She comes from a long time Darwin family and continues to maintain strong family ties to Broome WA. She graduated in 2002 with a Bachelor of Laws with honours from the Northern Territory University. She was admitted to legal practise in the Supreme Court of the Northern Territory in 2004 then went on to work as a lawyer for the Australian Securities and Investments Commission (ASIC) and is currently working for the Office of the Registrar of Indigenous Corporations (ORIC).



COLLEEN ROSAS *Public Officer*

Colleen Rosas has lived in the Northern Territory for nearly 40 years and was originally from Cairns, North Queensland. Colleen is a descendant of the Gudjula nation. Her employment history has been across a range of areas including Aboriginal education and the criminal justice area. She currently manages the Northern Territory Aboriginal Interpreter Service.



JOEL McLENNAN *Director*

Joel is from the Larrakia clan in Darwin. He has extensive experience in Correctional Services extending 13 years. Joel is active in working with Indigenous people to address their social and economic needs.

KATHERINE



NORMAN GEORGE *Director*

Norman prefers to be known by his nickname Crow. Crow's mother is from the Ngalakan Clan from Roper River and his father is from Queensland.

Crow is the Chairperson of the Men's Health Program in the Katherine region. He has an extensive background in Indigenous legal services in his position as a Board Director for many years on NAAJA/NAALAS and is highly recognised for his experience in Indigenous health, employment and leadership. Crow is currently employed with Jobfind Centre in Katherine as the Ready4Work & Blu Roo Facilitator delivering daily sessions for jobseekers to provide them with tools to either apply for further training or to obtain part/full time employment.

Crow is a strong advocate for appropriate service delivery provided for Aboriginal and Torres Strait Islander people in health, education, alcohol & drugs, housing, land management, sport, employment and training and has advocated strongly for greater accountability by government and all Indigenous Organisations and Councils.



NATALIE ELLIS *Director*

Natalie's Aboriginal origins are with the Dalabon people from the Barunga to Bulman region. Her mother was part of the Croker Island Stolen Generation and Natalie continues to be a member of the Northern Territory Stolen Generation Association.

Natalie is currently employed with the Charles Darwin University as the Indigenous Academic Support Lecturer for Katherine and the surrounding areas. Natalie believes that education plays a major part in all Indigenous issues. Her particular interests are the over-representation of Indigenous people in the justice system and jails, prisoner rehabilitation, mental health and support programs that promote stronger families. Natalie also believes that Indigenous people in the NT are under-represented in the Higher Education system and that this must be addressed, if Indigenous self-determination is to be realised.



FRANCIS HAYES *Director*

Francis' mother was a Ngalakan woman born on the banks of Roper Bar (Roper River). Her mother was the great leader and speaker Mundululu, Senior traditional owner for the Ngalakan Tribe. Francis' father came from the desert in Central Australia Kaytitj, Lyritja and Arrenta. Francis is an ex-Serviceman who served in the Army overseas with 8 R.A.R. as a National Serviceman.

Francis is a Director with the Wurli Wurlijang Aboriginal Health Service Organisation. He is also a volunteer and mentor at the Strongbala Male Health Program. He also provides assistance and advice in any way he can in health, culture, healing and tradition.



RUBY STANLEY *Director*

Ruby is originally from Queensland but has lived and worked in Darwin and Katherine for 40 years. She has worked tirelessly for many years with the Age Care services at the Kalano and Binjari Communities, and with the Department of Health & Community Services in Katherine. Ruby has been a valuable member of various Committees such as the Indigenous HACC Reference Group for 4 years, the Katherine Club for 4 years and the NAIDOC Committee for 2 years.



OVERVIEW OF OPERATIONS

Jonathon Hunyor
Principal Legal Officer

There has been a renewed emphasis on 'outcomes' in Indigenous affairs in the last year, and rightly so. NAAJA has been a strong advocate for evidence and outcomes-based approaches and focusing on what gets results for Aboriginal and Torres Strait Islander people. NAAJA has a proven record of delivering high quality, culturally proficient and accessible legal and related services for Aboriginal and Torres Strait Islander people in the Top End.

This last financial year again saw NAAJA deliver in spades. NAAJA's work through its legal practice has included helping Aboriginal and Torres Strait Islander parents to retain or regain custody of their children; keeping Aboriginal and Torres Strait Islander people in their houses by helping them avoid or challenge unfair or unlawful evictions; helping Aboriginal and Torres Strait Islander people navigate the complexities of the social security system; ensuring Aboriginal and Torres Strait Islander people receive a fair trial and are treated with dignity and respect in the justice system; keeping Aboriginal and Torres Strait Islander children out of detention and helping them get access to support services; fighting against unfair laws like Alcohol Protection Orders that discriminate against Aboriginal and Torres Strait Islander people and criminalise alcoholism, or mandatory sentencing laws which distort well-established principles of fairness and justice and add to the problem of over-incarceration of Aboriginal and Torres Strait Islander people; and helping Aboriginal and Torres Strait Islander victims of crime to access compensation.

The individual reports from our criminal and civil practices detail our operations and some of NAAJA's many successes in this period. In this part of the annual report I will highlight some examples of how NAAJA's legal practice overall has contributed to meeting NAAJA's strategic goals.

Leading the delivery of high quality, culturally proficient and accessible legal services

NAAJA was very proud to have David Woodroffe awarded the Indigenous Legal Professional of the Year in October 2013. 'Woody' is a senior and widely respected criminal

lawyer and this was richly deserved recognition for an outstanding history of service to Aboriginal and Torres Strait Islander people throughout his legal career.

Access to Justice

Providing services that can meet a 'cluster' of legal needs is now widely recognised as an important way to improve access to justice. This has long been how NAAJA approaches its work. It is common for our clients to be assisted by our criminal and civil teams (for example where facing criminal charges, but also issues with tenancy, social security or child protection) as well as our prisoner Throughcare program which provides invaluable support to prisoners before and after their release from prison to help them avoid reoffending. Taking a 'holistic' approach to our client's issues is also part of the way each of our sections approaches its work and is essential in seeking to address the various causes of disadvantage that face our clients.

The coordination of our responses to new regimes of mandatory alcohol treatment and Alcohol Protection Orders was a particular highlight of the last financial year. NAAJA's civil and criminal teams have worked together to ensure a strategic approach to our clients' immediate legal needs, as well as working with our Law & Justice Projects Section to inform our engagement with government around these issues.

Youth Justice Team

Another good example of this broad approach to our work is NAAJA's dedicated Youth Justice Team. This has been a NAAJA priority for some years now. It is headed by a senior lawyer with extensive experience in both the criminal law and working with Aboriginal and Torres Strait Islander young people. In the 2012/2013 financial year we added to the team an Indigenous Youth Justice Worker to provide casework support for young people and in this last financial year we have seen the results of this broader and deeper way of working with young people.



The position has seen many of our youth clients linked up with support services, including education, counseling and rehabilitation. The Indigenous Youth Justice Worker has played a vital role in developing workable bail plans for young people who would otherwise be remanded in detention for lack of a safe place to live.

The feedback on the role from the Youth Justice Court has been very positive. The court reports prepared by our Youth Justice Worker to provide the Youth Justice Court with background about a young person have been particularly well received.

We were also very proud to have our Youth Justice Team nominated and selected as a finalist for a National Children's Law Award for outstanding legal representation.

Recruitment and retention of skilled staff

NAAJA continues to attract a very high calibre of staff and selections for positions across the organisation have been exceptionally competitive. We have maintained stable staffing for a number of years, in particular in senior positions, and exit interviews have indicated that those staff that do move on are generally motivated by outside considerations.

I particularly thank the managers of our legal and support teams who have worked hard to create and maintain an environment that fosters high standards and collegiality: David Woodroffe, Beth Wild and Peter Bellach in the Darwin Criminal Section; Pip Martin and Martina Whistler in the Darwin Civil Section; Stephen Karpeles in Katherine and Daniel Briggs in Nhulunbuy.

Professional development

NAAJA continues to foster a culture of professional excellence and continual development. In this financial year we provided a large range of training and education sessions for staff with expert speakers from both within and outside NAAJA. Topics included: cross-cultural lawyering; conducting jury trials; child protection; committal proceedings; introduction

to legal processes for support staff; current issues in evidence law; conflicts of interest; the parole system; introduction to advocacy; and effective appeal advocacy.

Maintain and increase resources for NAAJA's services

A very positive development this financial year was the decision by the Law Society of the Northern Territory to grant NAAJA a significant discount on our professional indemnity insurance. This was a result of sustained lobbying by NAAJA and we thank the Council of the LSNT for its support.

NAAJA continues to argue the case for an end to the gross underfunding of Aboriginal and Torres Strait Islander Legal Services (ATSILS). The Review of the National Partnership Agreement on Legal Assistance Services commissioned by the Commonwealth Government reported in June that the current level of legal assistance available to disadvantaged Australians is insufficient to meet demand. The report stated that 'securing equitable access to justice for all priority groups and their range of legal problems will require increased resources, as well as significant system reform.' It is well-recognised that nowhere is the need for increased resources greater than for ATSILS.

It is therefore deeply concerning that significant cuts to ATSILS funding have been foreshadowed for future years. As highlighted in the comments of our Chairman, any cuts will result in a reduction in our frontline services. This will be to the significant disadvantage of Aboriginal and Torres Strait Islander people.

Interns and Volunteers

NAAJA is fortunate to have a very successful volunteer and internship program. In large part it is built around our longstanding relationship with the Aurora Project, through which we receive approximately 15 interns each year across our offices. We also receive countless direct expressions of interest from law students and graduates who are keen to obtain experience and make a contribution to our work. The

OVERVIEW OF OPERATIONS *(cont'd)*

work of the volunteers is a significant boost to our capacity, particularly in areas like research, paralegal support and knowledge management. I take this opportunity to thank those that have worked with NAAJA in these roles in the last financial year.

Corporate governance and internal management

NAAJA recognises the need to support and develop the skills of our managers, to assist them to run their teams effectively. In the legal practice, this is particularly the case for lawyers making the transition to a management and leadership role. In March 2014, five NAAJA managers and senior staff took part in an intensive management workshop held in Darwin focused on leading effective teams.

Assisting Aboriginal people and communities to engage with the legal system

The report of our Law & Justice Projects Manager provides the detail of much of NAAJA's work in this area. From the perspective of the legal practice, a major contribution to this strategic goal this financial year has been through working consistently with the courts and other court users to improve processes. NAAJA is a well-respected 'stakeholder' and often a leader in advocating for changes that benefit all court users.

In this financial year, NAAJA continued to pursue improvements to the conditions at circuit courts. The Northern Territory Attorney-General has committed to a review of facilities by all relevant government departments. We continue to lobby for more resources to ensure that Aboriginal and Torres Strait Islander people in remote communities have access to justice with dignity and amenity.

We have also continued to work closely with the Aboriginal Interpreter Service throughout the year to improve access to interpreter services in remote communities. The system for court-based interpreters introduced by the AIS last financial year has seen a significant improvement in the availability

and use of interpreters and NAAJA has worked closely with the AIS to make this work.

Leading justice reform

NAAJA retains its strong reputation and widespread respect as an authoritative and credible voice in law and justice policy development, implementation and reform.

Sentencing Act Changes

A highlight from this financial year was our success in having the Sentencing Act amended to remove discriminatory provisions relating to the way in which evidence of Aboriginal custom and culture and the views of members of an Aboriginal community can be received by a court. NAAJA's view was that s 104A of the Sentencing Act was racially discriminatory by creating procedural barriers that did not apply to the evidence of non-Aboriginal people. NAAJA raised these concerns with successive Attorneys-General and in 2014 the law was amended to make the provisions non-discriminatory and more flexible.

This is also a good example of the value and efficiency of this sort of advocacy. NAAJA took the view that if the law was not changed, we could successfully litigate as a representative body to have the law declared inconsistent with the Racial Discrimination Act and therefore invalid. However, rather than litigate – an option that would have cost tens, and more likely hundreds, of thousands of dollars – NAAJA lobbied government and achieved a significant change through sensible and persuasive advocacy.

NTCAT

NAAJA's input is also actively sought out by governments and the courts, in recognition of our constructive and informed advocacy. Just one example from this financial year was our contribution to the development by the NT Government of the Northern Territory Civil and Administrative Tribunal. NAAJA's input was actively sought on a range of significant issues and



was critical in ensuring that the NTCAT will operate more effectively and fairly.

Alcohol Protection Orders

Another good example of NAAJA's leadership in justice reform from this financial year was our role in challenging decisions under the Alcohol Protection Orders Act and bringing a challenge against the validity of the legislation itself.

This is a bad law that criminalises alcoholism, gives excessive powers to the police that are open to misuse and has an overwhelmingly disproportionate impact upon rights of Aboriginal and Torres Strait Islander people, such as the right to freedom of movement. The law has seen countless Aboriginal people arrested for having committed no offence other than drinking alcohol. The regime is not backed by any evidence about what works to reduce alcohol-related violence.

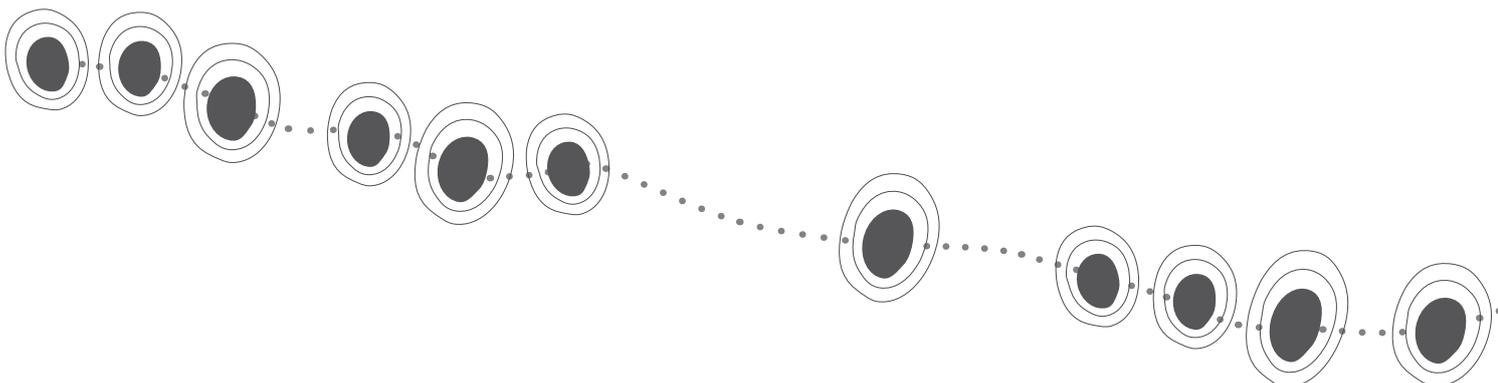
Mandatory Sentencing

NAAJA has also played an important role in testing the new Mandatory Sentencing Legislation that was introduced in 2013. We have brought a number of appeals to test the laws and to limit the extent of the injustice they may otherwise mandate. In the only such case to be decided in this financial year, *Leo v The Queen*, we were successful before the Court of Criminal Appeal.

Conclusion

I am very proud of the achievements of NAAJA's legal practice in 2013/2014. It is a privilege to work for a strong, effective and innovative Aboriginal organisation. I thank the Board and our CEO Priscilla Collins for their support. I also thank NAAJA staff for their dedication, professionalism, skill and integrity; and our many partners and supporters in the legal sector, government and the community who work with us to promote justice, dignity and respect for Aboriginal and Torres Strait Islander people.

Jonathon Hunyor
Principal Legal Officer





CRIMINAL LAW REPORT

David Woodroffe
Managing Criminal Solicitor

The past year has seen a continuous rollout of 'tough on crime' laws, including draconian legislation such as the Serious Sex Offenders Act for the continued detention of offenders following the completion of their sentence; the Alcohol Mandatory Treatment Act for the compulsory detention of persons at alcohol treatment facilities; and the Alcohol Protection Orders Act which criminalises drinking for those subject to it. Other mooted changes have included a new Summary Offences Act; significant legislative changes to criminal practice and procedure; presumption against separate jury trials; and tougher bail laws.

Unfortunately these changes will only add to the ever increasing numbers of Aboriginal and Torres Strait Islander men, women and children who are ending up in our courts and prison and the strain on our criminal justice system. Already we are seeing many homeless Aboriginal people being stopped, searched and charged for breaches of Alcohol Protection Orders or escaping from Mandatory Alcohol Treatment facilities. It is particularly concerning that we have seen the retrograde step of re-criminalising of 'public drunkenness', contrary to the recommendations of the Royal Commission into Aboriginal Deaths in Custody.

The impact of new 'minimum mandatory sentencing' laws for violent offences is also being felt. There still remains a wide gap in people's understanding of these new laws and the consequences of the sentences they mandate. An inevitable consequence of the law is more contested assault cases and increases in the time people wait on remand for the determination of their cases.

The Darwin Criminal Section continues to work against these unjust laws, while at the same time bearing the pressure of the increased work they generate.

The Darwin Criminal Section provides specialised services for Aboriginal and Torres Strait Islander youth, a weekly crime clinic for the public, prison clinics, duty lawyers and case work, circuit courts in Aboriginal communities

and an indictable practice for trials and appeals. All of our services are in high demand from our clients and the Aboriginal community. The proposed Commonwealth funding cuts to Aboriginal and Torres Strait Islander Legal Services will have a direct future impact on the ability to provide the same high quality legal representation of Aboriginal and Torres Strait Islander people and in ensuring equality before the law.

The Criminal Section's major achievements in meeting NAAJA's strategic goals are set out below.

To lead the delivery of high quality, culturally proficient and accessible legal and justice services

The Darwin Criminal Section maintains its expertise through continual professional development and a focus on cultural competency. We provide specialist advocacy training that deals with issues arising for Indigenous clients and witnesses and, in conjunction with the Aboriginal Interpreter Service, provide regular sessions to develop skills in working with Aboriginal languages interpreters.

Our legal teams also seek to gain greater understanding of Aboriginal culture and law through building relationships in the Aboriginal communities we service. In particular this year, lawyers Josh Brock and Paul Hopley attended the ending of the Gunapipi law ceremony at Ramingining, while Will Collins-Putland and Sophie Parsons attended the Tiwi mediators course.

Over the past 12 months the Youth Justice Team led by Shahleena Musk has achieved great outcomes for youths and their families. This was recognised in their nomination as a finalist in the 2014 Children's Law Award. The nomination observed: 'The NAAJA team has...capacity to locate and bring together various services around young people in a way that the government departments have not been able to do so far'.



The quality of the legal services we provide is reflected in the success of our indictable crime practice. In the last year, our Darwin criminal lawyers conducted 15 Supreme Court trials of which 12 trials were conducted entirely in-house and only 3 required external counsel to be briefed. The high calibre of our trial lawyers resulted in 11 acquittals and a nolle prosequi being filed.

It is with gratitude that we thank those barristers over the past 12 months who have assisted our clients in briefed trials and hearings. Thanks to John Lawrence SC, Alastair Wyvill QC, Rex Wild QC, Jon Tippet QC, Scott Johns, Brian Cassells, Mark Thomas, John Adams, Koulla Roussos, Louise Bennett and Matthew Hubber.

We would also like to thank all involved who give up their time to provide continuing professional development for our lawyers and staff with special thanks to Justice Steven Southwood, Justice David Parsons of the Victorian District Court, Chief Magistrate Hilary Hannam and John Lawrence SC.

Continue to grow as a strong and leading Aboriginal and Torres Strait Islander Organisation

At the core of the Darwin Criminal Section is its hard working Aboriginal support staff who deal with client queries, large volumes of paperwork and support for lawyers. I would like to acknowledge their continued high standard of service to all areas of our practice.

On a happy note, in October 2013 the National Indigenous Legal Conference was held in Alice Springs to coincide with the celebrations of the 40th Anniversary of our sister organisation, the Central Australian Aboriginal Legal Aid Service. Part of the celebrations was the awarding of the Commonwealth Attorney-General's Indigenous Legal Professional of the Year Award 2013. I was very proud to receive this award and to have it recognised at a reception with friends and colleagues at Government House in Darwin.

To lead justice reform

The Darwin Criminal Section has maintained a pivotal role in challenging the effects of the mandatory minimum sentencing laws through high quality advocacy and appeals. It has shown the same fortitude and ability as it has with previous regimes, such as the discredited mandatory sentencing for property offences as existed in the late 1990's.

Conclusion

In the year 2013/2014 we have started to see the effects of more punitive laws that add to the already high incarceration rates of Aboriginal people in the Northern Territory. We have not seen any sign of new approaches that can reverse this unacceptable situation.

The coming year will be another challenging one with funding cuts potentially compounding the impact of increased demand for our services. However the past year has shown that our team can achieve great results for our clients through a commitment to developing our skills and maintaining high standards of advocacy. The Darwin Criminal Section maintains its position as the peak criminal legal service in the Northern Territory.

David Woodroffe
Managing Criminal Solicitor



CIVIL AND FAMILY LAW REPORT

Philippa Martin
Managing Civil Solicitor

High Quality Aboriginal Legal Services

This year, with one off funding from the Commonwealth Government, the Civil Section was able to expand staff numbers and change our structure. There is now a Practice Manager in the Darwin office and five senior solicitors who contribute to the direction of the work of the Civil Law Section and provide supervision and mentoring support to the less experienced staff.

With more staff we were able to continue providing welfare rights service to each remote community, to recommence representing people before the Mental Health Review Tribunal and start addressing the legal needs of urban tenants at risk of homelessness. With our remote trips this year we were able to lengthen the trips in the Katherine region, send Darwin lawyers on those trips as 'cultural exchange' and expand the trips to the Daly River and Wadeye regions by driving in the dry season. Spending extra time in communities enables us to see more people and build stronger relationships with service providers and other members of the community.

This year we continued to meet solicitors' professional development needs through in-house training on skills such as advocacy, ethics and conflicts of interest and as well as sessions on particular legal topics. Family lawyers also attended one day intensive training which included sessions by Family and Federal Circuit Court judges. Welfare rights solicitors attended the Welfare Rights Network meeting in Brisbane and National Association of Community Legal Centres Conference in Cairns.

Solicitors in the Civil Law Section worked collaboratively with each other and staff in other sections in NAAJA to address our clients' multiple legal needs. It is common for our clients to have solicitors for their housing and child protection matters, a criminal law and housing solicitor or a solicitor for their consumer issues as well as being assisted by NAAJA's Throughcare team. Taking a holistic

and pro-active approach to our clients' problems has become a feature of the way that NAAJA operates.

Casework highlights

Remote tenancies

Welfare rights lawyers' remote tenancies work focuses on helping people to improve their living conditions and as such recognises that secure and healthy housing is fundamental to a family wellbeing. We work on easing overcrowding by helping with applications for housing and priority housing, on improving the safety of homes by assisting people to apply for emergency repairs and for compensation in circumstances where repairs have not been done for a substantial period of time.

A key aspect of the welfare rights work in remote tenancies is to use individual casework to address systemic issues. For example this year we assisted Ms P from Maningrida to appeal the fact that she had not been allocated a house despite being 'homeless' - she lives in a tin shed without kitchen or bathroom. Our appeal addressed problems with the remote housing application form and Territory Housing not providing written decisions when refusing to allocate someone a house. While the Appeals Board could not allocate Ms P a house, it recommended that Territory Housing amend the application forms to include detailed information about priority needs criteria, keep information about an applicant's priority needs up to date and provide written decisions which include information about rights to appeal.

In June 2013 there were widespread power outages in Wadeye as a result of criminal damage to power boxes. People with young children and with special needs were living without power. We contacted Territory Housing who responded quickly and directed Power and Water to restore power to the 18 affected houses and assured us that it would work with Power and Water to avoid the situation happening in the future. The issue re-emerged in



December 2013 and, as a result of our submissions, the NT Ombudsman announced an own motion investigation into the issue.

Urban tenancies

Our urban tenancy work focuses on helping clients at risk of homelessness. As a result of our work, clients have successfully been put on the priority housing list after many years of homelessness and had housing applications backdated and Territory Housing debts from past tenancies waived or reduced. We have been successful in negotiating new leases for clients at risk of eviction from public and community housing providers by assisting them to negotiate repayments of arrears (and reduction of 'arrears' when all that is needed is a recalculation of the rebate), and by referring them to tenancy support services for help with cleaning and maintaining the property.

This year we also helped two public housing clients who had relinquished their tenancies without assistance of interpreters or the benefit of legal advice. They had already moved out when they came to NAAJA and we were able to negotiate new tenancies. In another matter our client received compensation after Territory Housing took possession of her house and disposed of her furniture and personal items while she was in a psychiatric hospital.

Family law

Our clients face additional challenges of remoteness in accessing family law remedies. Our clients also have ties in other jurisdictions and at one stage this year we had matters in Brisbane, Broome and Perth. We were able to help Ms T, from a remote town, defend an application by the father and get orders allowing her to spend time with her daughter. We forged links with service providers (school, health, police and the Department of Children and Families) so that Ms T had a confidential space and a phone from which to give us detailed instructions and attend the court-ordered dispute resolution conference.

In that matter our family lawyer in the Katherine office attended the Federal Circuit court hearings by phone.

By working with Northern Territory Legal Aid Commission, our clients have had greater access to family dispute resolution conferences convened by experienced family law dispute resolution practitioners. We have been able to resolve a number of our court proceedings with consent orders following these conferences.

As the year progressed the high demand for our family law service has seen us focusing increasingly on the most urgent of matters. This year we represented clients as applicants and defendants in urgent recovery matters. In one matter at the request of the Judge of the Federal Circuit Court we attended Court to assist Ms G a grandmother who was a defendant in recovery proceedings. Ms G did not understand the family law system and did not want to return her teenage granddaughter to the mother. We were able to negotiate a resolution where the child was to return to her mother at the end of the week without police intervention. We also arranged for a Family Dispute resolution conference and resolved the matter by consent without further court action.

Child Protection

This year the Supreme Court decided three of our child protection appeals in which we raised issues of procedural fairness and the proper assessment of the evidence by the court below. In each appeal the Courts found that there were failures to accord procedural fairness and in one matter a protection order for a young toddler was reduced from an order until he turned 18 to an order for 2 years.

In our child protection matters our focus has continued to be negotiating where possible for the least intrusive options for parents to retain the care of their children. In a jurisdiction where there is no formal opportunity for mediation we also continue to lobby the government to enact the only section of the Care and Protection of

CIVIL AND FAMILY LAW REPORT *(cont'd)*

Children Act which is not in force – the provision relating to court ordered mediation.

We helped Mr M the father of 4 children to negotiate supervision orders instead of a further parental responsibility order for 2 years. He had been caring well for his children and they were attending school, were well fed and clean and in those circumstances there was no reason that the Department should retain parental responsibility. In recognition of the secure parental relationship he has with his non-biological son (who was 10 years old but whom he had raised from 8 months) we were also able to negotiate a long-term order giving him parental responsibility until he was 18.

Because of the time taken to progress court matters to hearing we have increasingly helped parents or family members obtain orders for 'daily care and control' of the children while the substantive proceedings are being determined. Significantly we had two newborn babies returned on an interim basis to their mother's care so they could be breastfed. We addressed the immediate protection concerns by providing evidence that the violent fathers were out of the picture and the mothers had secured housing.

Health complaints

We regularly help clients make complaints to the Health and Community Services Complaints Commission (HCSCC) about issues such as standards of care and communication – specifically use of interpreters and getting full and informed consent. Our clients often find conciliation useful to get an explanation of their individual issue but also hear about systemic changes made as a result of their complaint. Partly as a result of NAAJA complaints the HCSCC is conducting a Territory-wide investigation about ongoing failures in communication between Royal Darwin Hospital and remote clinics.

This year saw the resolution of a long-standing complaint, with the HCSCC tabling a report in NT Parliament about the case of Ms N. A NAAJA civil solicitor initiated this investigation in 2006 when she made a complaint after visiting Ms N, an Adult Guardianship client, in her remote community and finding her in a severely neglected state. The investigation revealed the systematic institutional neglect of Ms N over a period of 13 years and raised the possibility that there were examples of other intellectually disabled people in remote communities living in extremely poor circumstances and are vulnerable to abuse and exploitation. The HCSCC recommended the government conduct a full and independent inquiry of disabled care service for people living in remote communities.

Police accountability

We continue to make complaints to the NT Ombudsman about allegations of police misconduct. In some instances our complaints raise systemic issues where police are not following Police General Orders.

This year we helped Ms D complain about the circumstances of her arrest as well as the conduct of the police officers while questioning her. It was clear from the interview transcript that police continued to interview Ms D despite her clear refusal. The officer also told Ms D that the interview was her only chance to tell her story and that she would not get a chance to do this in Court. After our representations the Ombudsman re-categorised the complaint to the most serious level. The investigation found that there was a "lack of compliance with General Orders, Legislation and Policy ...evident throughout most of the custodial time". The interviewing officer was disciplined and there were changes to officer induction training as a result of our complaint.

Because of the two month time limit for police torts, we regularly commence proceedings for false imprisonment and assault by police. We continue to settle the vast majority of these court proceedings without a hearing



and get good outcomes for our clients. This year with the support of senior Ashurst lawyers working pro bono, we settled a negligence claim against police and correctional services. Our client was seriously assaulted by her ex partner within days of his being released from prison and while a domestic violence order was in place despite her notifying the police of the threats which started as soon as he was released from prison. She claimed that the police failed to take appropriate action to protect her from this attack.

This year we represented the family of Mr Lewis who died hours after being released from police custody. The family had questions about the circumstances of his arrest and his treatment while in custody. As a result of our submissions, the Coroner decided to hold an inquest. While the inquest determined that Mr Lewis died of a heart attack, there was evidence that Mr Lewis was not provided with his medication nor a wheelchair while he was in custody (he was an amputee). The family were allowed to watch CCTV footage of Mr Lewis' time in custody and were reassured by the evidence given at the inquest including about the increased availability of nurses at watchhouses.

Alcohol laws

This year saw the introduction of two new legislative measures which have a disproportionate, and potentially discriminatory, impact on Aboriginal people.

The Alcohol Mandatory Treatment Act allows for people who have been taken into protective custody three times in two months to be detained for treatment. We have been able to represent clients and have had some success negotiating for the clients to return to their community with no order. In a matter in Darwin a woman with a serious hearing deficit and very little English, was not put on an order because the Tribunal found she was unlikely to receive a benefit from the treatment. We also assisted a

client to have her order revoked because she had terminal cancer and we argued that the treatment was of no benefit to the client.

Under the Alcohol Protection Order Act police have the power to issue Alcohol Protection Orders (APOs) preventing a person from drinking or possessing alcohol if they commit an offence while affected by alcohol. Originally designed to target alcohol related violence, APOs have been issued apparently indiscriminately - the police discretion is very broad and there is no guidance about when an APO might be effective or appropriate. We helped Mr N appeal his APO to the Local Court arguing that he had no history of violent offending and the evidence that the police had about his assault charge was not strong. In setting Mr N's APO aside the Local Court outlined some useful considerations which ought to be taken into account when deciding whether or not to issue an APO.

Social Security

Challenging Centrelink debts forms the major part of the welfare rights teams' social security work. This highlights the fact that Aboriginal and Torres Strait Islander people are far more likely to obtain a Centrelink debt, and that those debts are largely preventable. This year we had over \$60,000 of debts waived for our clients who did not knowingly mislead Centrelink and had special circumstances - such as illiteracy, very poor health, remoteness and domestic violence - which warranted waiver of their debt.

Welfare rights and criminal solicitors worked together to help Ms R who was being prosecuted for Centrelink fraud. Ms R lived in a remote community in the Katherine region, and had been overpaid \$22,000 in carers payments. With a report from Charles Darwin University about Ms R's low English and financial literacy levels and submissions addressing Ms R's background of domestic violence and

CIVIL AND FAMILY LAW REPORT *(cont'd)*

financial exploitation and the difficulty of communication with Centrelink for remote clients, we were successful in having Ms R's prosecution withdrawn at an early stage in the criminal proceedings.

Assisting Aboriginal people to engage with the legal system

The welfare rights team receives specific funding to deliver Community Legal Education (CLE) on housing and social security issues. This year's highlights include delivering a session on tenancy law rights and responsibilities to tenants from town camps and tenancy support workers from Larrakia Nation; working with Northern Territory Legal Aid Commission to develop the Renting in Community DVD and information booklet; delivering radio sessions for TEABBA on remote tenancies, rent and repairs and maintenance; providing pre-release sessions for prisoners on Centrelink and remote housing issues; collaborating with the NAAJA CLE team on lesson plans for young people on Centrelink, tenancy law and consumer law issues.

The civil section regularly attend network meetings (eg NT Shelter, Katherine Legal Service providers and the Family Law Committee of the NT Law Society) to represent the particular legal needs of Aboriginal people, promote our services and work with other organisations to increase their capacity to meet Aboriginal peoples' legal needs.

This year our particular contributions include working with:

- NT Shelter on the Homelessness Summit including convening and presenting sessions on Remote Housing and Overcrowding in the NT
- various researchers including Australian Institute of Family Studies and the Social Policy Research Centre on the evaluation of income management
- the National Welfare Rights Network on Centrelink issues of concern including the increased refusals to provide a person's Centrelink documents on FOI requests

- SNAICC child protection forum
- Subcommittee of the family law committee to develop guidelines for the children's representative in child protection matters.
- AHURI national remote tenancies investigative panel
- Aboriginal Interpreter Services, Menzies School of Health Research and Royal Darwin Hospital to provide a session to doctors on the use of interpreters
- Central Land Council, CAALAS and the Central Australian Affordable Housing Company on remote tenancy management
- Paul Pholeros, of Health Habitat to explore ways NAAJA and Health Habitat can work together to address repairs and maintenance concerns in remote housing

This year we worked on streamlining the non-legal help that we give to people so that they can gain access to superannuation money especially that held for clients. We will refer clients wanting to access their own super to an existing financial counseling service (if there is one) and for deceased estate superannuation we trained support staff to run 'Superclinics' in Darwin and Katherine. As a result of this work we were able to make detailed representations to the Commonwealth Ombudsman and the Australian Taxation Office about the difficulties our clients face in getting access to information about tax file numbers and lost super.

Leading justice reform

Solicitors from the Civil Section work with government to influence reform in the areas which affect our clients. We attended meetings with Territory Housing, Department of Human Service Legal Services, Department of Children and Families, Local Court and Federal Circuit Court Users' Forum, NT Ombudsman and Police, Anti Discrimination Commission and NT Department of Health Legal Services.



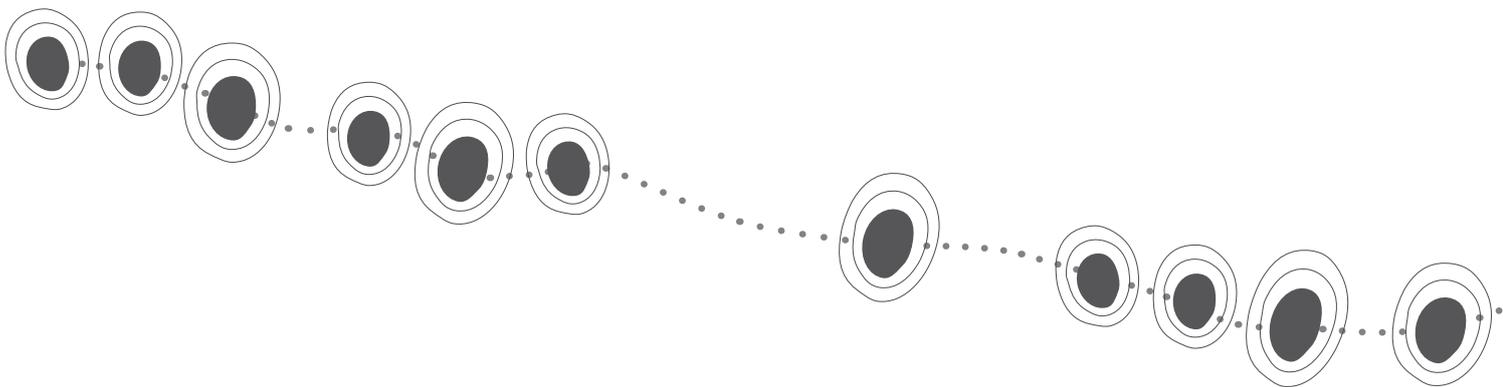
This year the particular contributions included working with:

- representatives of the Department of Prime Minister and Cabinet, the Department of Social Security on the evaluation of income management
- ABS to provide feedback to the Australian Bureau of Statistics on the definition of homelessness
- the Steering Committee on the establishment of the Northern Territory Civil and Administrative Tribunal
- Katherine Local Court staff to enable solicitors to regain access to the court cells during lunch to take instructions about police complaints
- Local Court, Office of the Public Guardian and Department of Health Legal Services on procedures and checklists required for the new medical procedure consent provisions for people under guardianship
- the Community Advocate on Mandatory Alcohol Treatment issues
- Territory Housing on the tenancy support program, three strikes policy and remote rental agreement

We also prepared written submissions:

- on the proposed changes to the Care and Protection of Children Act and the role of the child representative
- to the Productivity Commission's enquiry into access to justice in civil and family law
- on the review of the Mandatory Alcohol Treatment regime – (joint submission with CAALAS, NTLAC and other legal services)
- to the Department of Human Services at the National Welfare Rights Network delegations in Canberra on Key Income Support Issues for Aboriginal Australian in the Northern Territory
- on the NT Civil and Administrative Tribunal Bill and legislation conferring jurisdiction in residential tenancies to the NTCAT

Philippa Martin
Managing Civil Solicitor





LAW & JUSTICE PROJECTS REPORT

Jared Sharp
Manager, Law & Justice Projects

In 2013/2014, the Advocacy Section became known as the Law & Justice Projects Section. Our new name reflects a change of focus that has occurred over time.

In recent years, some of our Law & Justice Projects have grown significantly and achieved fantastic success. This is no accident – with a dedicated Law & Justice Projects Section, we are able to support and nurture our non-legal justice projects and deliver high quality Law & Justice Projects for Aboriginal and Torres Strait Islander people that are integrated with our other legal services. This approach forms a key part of providing holistic services for our clients.

The Law & Justice Projects Section comprises a diverse range of projects aimed at improving access to justice for Aboriginal and Torres Strait Islander people and providing holistic supports for Aboriginal and Torres Strait Islander people to break the cycle of offending. These include:

- Prison-based Throughcare
- Intensive case management Throughcare
- Community Legal Education and Training (including Night Patrol legal support)
- Royal Commission into Institutional Child Sexual Abuse legal education
- Parole advocacy
- Policy support for the Aboriginal Peak Organisations of the NT (APONT)

We also work collaboratively with government and non-government agencies to identify and constructively address systemic issues in the justice system facing our clients.

But beyond this, 2013/2014 has been defined by the incredibly sad passing of our great friend and colleague, Kieran 'Chilpy' Boylan.

Kieran 'Chilpy' Boylan

Chilpy came to NAAJA in 2008 as a Client Service Officer with our juvenile clients. In September 2009, NAAJA commenced a program called Indigenous Prisoner Throughcare and Kieran was the inaugural Prison

Support Officer. This was the first time NT Corrections had allowed a legal service to have a position based at Darwin Correctional Centre. This was not an easy collaboration between two quite different organisations, and it was not an easy environment for Kieran to walk into. Kevin Raby, who was the Superintendent of Darwin Correctional Centre at the time, wrote the following on behalf of Northern Territory Corrections for Kieran's funeral:

Kieran, by his personable nature, managed to quickly break down any barriers put in his way. Some five years later, the relationship with NAAJA has developed into a significant partnership and this is in no small way the result of Kieran's efforts. Kieran was considered a member of the Darwin Correctional Centre staff as much as any who were employed by NTDCS.

Kieran had an incredible expertise in working with our clients. He knew what our clients strengths were, but also their limitations. And most significantly, he did the little things that only a person who genuinely cared about his clients would do. Last year Kieran took one of his clients, N to Christmas Mass. This client desperately wanted to go, but due to bureaucratic issues, this seemed impossible. This didn't stop Chilpy. He did what it took to make it happen. And the therapeutic benefits to N were immeasurable. N sent this message for Chilpy's funeral:

Chilpy truly was a wonderful man, very supportive and caring. He was willing to help and support people like myself with kindness and compassion and for that I will always be grateful. Until we meet again my friend, may you rest in peace and God bless.

Leading the delivery of high quality, culturally proficient and accessible legal and justice services

NAAJA Throughcare continues to achieve terrific outcomes for our clients, enhance community safety, and lead the nation as a best-practice provider of culturally effective Throughcare services for Aboriginal and Torres Strait Islander people. As a sector leader, we convene regular Prisoner Throughcare stakeholder meetings with



government and non-government agencies, and work closely on a day-to-day basis with partner agencies to streamline Throughcare service delivery and ensure the holistic needs of our clients are met.

We assist Aboriginal and Torres Strait Islander people from when they are first taken into custody, through their period of incarceration, supporting those eligible to apply for parole, and continue to support clients upon their release back into the community.

Our model is based on building relationships of trust with our clients and high level cross-cultural expertise. Many of our clients have been assisted by NAAJA's criminal team. Our holistic case management builds on this foundation of organisational trust and enables us to help our clients gain insight into their offending behaviour by building on strengths to make positive changes in their lives.

Prison-based Throughcare

Chilpy's passing has had a devastating impact on our team, especially for our Prison-based Throughcare work. Particular mention needs to be made of the extraordinary efforts of Lavina Murray to maintain a huge client caseload at this tremendously difficult time. Lavina has now been joined by an extremely capable Prison-based Throughcare worker, Thomas Quayle. Together they continue to support Aboriginal and Torres Strait Islander people through a parole process most do not understand, and to assist clients to develop rigorous post release plans in collaboration with their parole officer.

Our prison-based team also support prisoners and juvenile detainees to access vital support services in custody. We facilitate a range of requests, including checking in on clients at risk of self-harm, and assisting clients to arrange day release to attend funerals, with unaddressed medical needs, prison transfers, or to meet with family or Elders. This work is crucial to ensuring our vulnerable clients do not fall through cracks in the system.

Solicitor, Law & Justice Projects

NAAJA's Solicitor, Law & Justice Projects provides dedicated legal support to our Throughcare team, primarily through making written submissions to the NT Parole Board. It must be remembered that parole is an important mechanism to help prisoners manage their transition back into the community and to avoid reoffending. One of the drivers of Aboriginal and Torres Strait Islander over-incarceration is people completing prison terms in custody who are either eligible for parole but have been refused, or have had parole revoked for not complying with conditions (such as residence).

In the last 12 months, NAAJA's Solicitor, Law & Justice Projects has made a large number of submissions to the Parole Board that have assisted our clients to have a voice in the decision making process, and also the wider community. NAAJA's submissions are often directly requested by the Parole Board, and our involvement is a crucial accountability mechanism upon various government agencies.

Our Solicitor, Law & Justice Projects has enabled a number of clients to access supervised release to parole under appropriate conditions, and to allow parole to continue (mainly for conditional breaches) where it might otherwise have been revoked. Statistics from the 2012 NT Parole Board Annual Report demonstrate the positive impact of our Prison-based Throughcare and our Solicitor, Law & Justice Projects advocacy. In 2009, the Parole Board granted parole to 66 prisoners and had 409 'items of business' (applications for parole that the Board is monitoring). In 2011, these numbers increased to 107 parole grantees and 612 items of business. In 2012, this increased to 135 parole grantees and 783 items of business. The increase in the 'items of business' reflects a greater willingness to monitor and re-consider applications, rather than simply reject them. The Parole Board has expressly recognised that NAAJA's work has been a primary driver in these changes and acknowledged the contribution of the work done by NAAJA.

LAW & JUSTICE PROJECTS REPORT *(cont'd)*

Prison-based Throughcare case study

S has sought help for a range of issues, including a complaint against Prison Medical, a Crimes Victims Assistance Claim and support to achieve parole.

NAAJA's Prison-based Throughcare worker has supported her every step of the way, arranging various legal supports, and helping her to re-apply for parole and develop a strong post-release plan.

Intensive Throughcare

NAAJA Throughcare also has five intensive case managers who operate from our Palmerston office and work intensively with a small number of clients for six months prior to their release from custody, and continuing for six or more months after their release.

Our workers help clients with a diverse range of issues. These include: formulating a plan of how they will address key issues upon their release; obtaining housing; developing pathways to employment, education and training; identifying health issues and encouraging mental health counselling; and developing life skills, such as helping clients to open a bank account, obtain identification and a driver's license, reconnect with family and community, and manage reporting requirements to their Corrections officer.

Our talented and experienced team each have areas of specialisation to address areas of particular vulnerability. These include a worker who supports young people exiting youth detention, another who works with clients returning to the Katherine and Daly River/Wadeye regions, and another who works with clients with a background of family violence offending. Our goal is to put supports in place and facilitate therapeutic interventions to break the cycle of violence.

Intensive Throughcare case study

H is 17 years of age and left detention at high risk of re-offending. His Throughcare worker, Bernie Wilson, helped him think through his future goals, and supported him to successfully apply to the Defence Indigenous

Development Program (DIDP). The DIDP is a five-month residential course for young Aboriginal and Torres Strait Islander people thinking about joining the Defence Force, but with limited literacy and numeracy skills.

H faced enormous challenges undertaking the course. He struggled with maths, as well as the regimental nature of military training. H's Throughcare worker supported him via lengthy telephone conversations about issues frustrating him. H articulated how he deals with frustration in an appropriate way with his family, and his Throughcare worker helped H to understand that he can use these same skills with military officers. H decided to tell a commanding officer about his issues with maths, and asked his Throughcare worker to convey H's difficulties with command culture. Bernie Wilson spoke with the officer in charge who praised H for raising his difficulties with maths. This was a significant step for H because he was able to manage his frustration in a way that he previously would not have been able to. Instead of leaving the course, he worked through the issues he faced.

In mid 2014, H graduated from the five-month residential course. This is a major achievement for H and shows what clients in our Throughcare program can achieve.

As well as helping clients make positive changes in their lives, NAAJA Throughcare also makes economic sense. Our intensive work with clients has seen a significant reduction in the number of Throughcare clients returned to prison. If we keep only four prisoners out of jail for a year, the project pays for itself. We are proud to say that the project in 2013/2014 paid for itself many times over.

We are also pleased that the Department of the Prime Minister & Cabinet have commissioned Professor Michael Hiscox of Harvard University to undertake a randomised control trial evaluation of our Throughcare project. This is a terrific opportunity to develop the evidence base around Aboriginal-specific Throughcare programs, and to measure the impact of participation in our program on recidivism and other positive changes that help our clients move towards offence-free lives.

Assisting Aboriginal people and communities to engage with the legal system

Community Legal Education and Training

NAAJA's Community Legal Education and Training team deliver innovative, culturally relevant and high quality Community Legal Education (CLE) for Top End Aboriginal Territorians. We have a unique approach to CLE. It is premised on working collaboratively with Aboriginal communities in the design and delivery of CLE to build capacity, ensure sessions are targeted to local need, and to ensure high participation rates.

We seek to enhance community safety outcomes by taking a community development approach to legal education and training. Our goal is to empower those we work with, so that they become agents of change in their local community and active participants in the justice system.

Our legal education sessions are informed by principles of adult and Aboriginal learning styles and two-way learning exchanges. Interpreters are used as required. Collaboration with government and non-government services is a feature of our work. This increases our effectiveness in delivering legal messages in a coordinated way, and assisting individuals and communities to develop relationships with other agencies involved in the legal system.

AIS Partnership

In 2013, NAAJA commenced a partnership with the Aboriginal Interpreter Service (AIS) to deliver specialist legal training to interpreters in 10 remote communities. Topics included interpreting in police-suspect interviews, bail applications, pleas of guilty and sentencing, and child protection proceedings. These sessions involve detailed discussion of court concepts, refining translations of key words and interactive role plays. The training has proved highly successful and is vital to improving access to justice. It provides interpreters with high level professional development and ensures clients can understand their legal rights and responsibilities to make informed choices.

NAAJA's CLE activities prioritise intensive, long term engagements and we regularly visit ten target communities. The vast majority of our clients live in regional and remote parts of the Top End. For most, English is their third or fourth language. Our experience over many years is that one-off or short-term CLE programs will simply not be effective for Aboriginal people with limited English, literacy and numeracy skills, who are often unfamiliar with Western legal concepts and terminology, and have markedly different world views. We build foundational knowledge of the Western legal system as well as educating people about specific laws. We also seek to conduct CLE sessions in a culturally safe context, particularly when sensitive topics are being discussed. Our CLE sessions are sometimes undertaken with a specific clan group(s), or by separating men from women.

In the last twelve months, NAAJA's reputation as a specialist legal education provider for Aboriginal people has continued to grow. We work closely with the legal education sector, and encourage best-practice approaches to legal education involving Aboriginal people. Our team gave presentations at the National Association of Community Legal Centres' conference and at the Northern Territory CLE workers' conference. We have also been increasingly requested by various government and non-government organisations to conduct cross cultural communication training as well as sessions on particular legal topics.

Ngukurr Women's Safe House

In 2013, the Department of Children and Families sought NAAJA's assistance to build the capacity of women's safe house workers in Ngukurr and to develop training materials to assist those workers to educate other community members about domestic violence laws and related issues. This work has included providing clear, accurate information and training about Domestic Violence Orders (DVOs), and breaking down misconceptions such as that obtaining a DVO will 'send your husband to prison.'

We have worked together with the local Women's Safe House Workers to produce a series of training materials, including a life-size shield and a series of posters identifying

LAW & JUSTICE PROJECTS REPORT *(cont'd)*

the different conditions of DVOs. The shield was selected by the women's safe house workers as a metaphor to illustrate that Domestic Violence Orders are a protective mechanism, and not a weapon. This project has been extremely successful, and we look forward to its potential roll out across other Top End communities.

Night Patrol Legal Education Project

Since 2012, NAAJA has delivered legal education and training for Night Patrol services in selected Top End communities to help Night Patrollers better understand the legal context of their work, and to ensure community safety. The training draws on real-life examples to assist Night Patrollers to decide how they can safely and effectively meet their service delivery standards (e.g. defusing violent situations, engaging in dispute resolution and diverting people from unnecessary contact with the criminal justice system).

We conducted training in Ramingining, Milingimbi, Gunbalanya, Lajamanu, Wadeye, Maningrida, Wurrumiyanga, Timber Creek, Nhulunbuy Kalano Community in Katherine, Ngukurr, Belyuen and Batchelor. Topics include Night Patrollers' powers, practical responses to critical incidents, domestic violence orders, child protection legislation, criminal law and sentencing, duty of care, school attendance laws, mandatory reporting obligations and cyber bullying.

A key focus of the Night Patrol Legal Education Project has been encouraging networking and collaboration between Night Patrollers and other service providers. For example, we have facilitated meetings in several communities between Night Patrol services and NT Police. We have also supported Night Patrollers to be involved in training sessions with other local services, including women's safe houses, the Law & Justice Groups in Lajamanu, Ngukurr, Maningrida and Wurrumiyanga, and to co-deliver legal education sessions in schools.

Each of these activities enhance the capacity of Night Patrollers to improve community safety, harnesses their

local connections with other services, Elders and their community, and promotes Night Patrollers as leaders within their community. It has been pleasing to see tangible improvements to the way Night Patrollers operate because of these initiatives. It is an indicator of the success of the project that we have had requests from Night Patrol services outside our target communities to deliver training. We have conducted additional training forums in Katherine and Wadeye. For the Katherine forum, night patrollers from six regional communities travelled to Katherine for the workshop in December 2013.

Royal Commission into Institutional Child Sexual Abuse

NAAJA provides legal education to Aboriginal people in the Top End about the work of the Royal Commission. In the last 12 months, we have focused our efforts on communities of interest of the Royal Commissioner, particularly the Tiwi Islands and Darwin (Retta Dixon Home).

We have worked hard to assist Aboriginal people who wish to tell their story to the Royal Commission, primarily through referrals to Knowmore legal service. We are also facilitating regular stakeholder meetings to ensure that agencies supporting the work of the Royal Commission are working closely and collaborating effectively.

Healing Foundation

We were extremely pleased to partner with the Healing Foundation to deliver an 8 month trauma-related violence and legal education project. We are running the project in Gunbalanya, Lajamanu and Wurrumiyanga. The project seeks to increase the capacity of Elders and community leaders to respond to trauma-related violent offending, and the CLE team has delivered legal education and training on various areas of the law, including family violence, child protection and cyber bullying. One of the terrific successes has been the development of the Strong Men's and Strong Women's groups in Gunbalanya.

Supporting Community Leadership

NAAJA has worked for several years to support Elders and community leaders to play an active role in the justice system. We currently support three Law and Justice Groups, in Wurrumiyanga (Tiwi Islands), Lajamanu and Maningrida.

We work with Elders and community leaders to build their knowledge of the law and their capacity to convey messages about the law to community members. We also assist Elders to provide information to courts about offenders and offending through assisting in the writing of reference letters. These letters give the court a fuller picture of the context to offending, and allow the Elders to have a voice in the criminal justice system, and seek to better address and prevent crime in their communities.

Some particular highlights this year include the Kurdiji Law and Justice Group co-delivering legal education sessions to students on cyberbullying at the Lajamanu School using mainstream and Warlpiri legal concepts, supporting the Ponki (Peace in Tiwi) Mediation Group to not only write reference letters but also conduct an offender conference, and working with the Bunawarra Dispute Resolution Elders in Maningrida to provide letters to courts, including in one matter to the NT Supreme Court.

Community Legal Education for Youth

A key CLE focus is Community Legal Education for young people. We deliver CLE sessions at Balunu Foundation youth camps, and legal education and public speaking programs at the Don Dale Juvenile Detention Centre.

We also deliver a large number of school-based CLE sessions. We have a longstanding relationship with the Casuarina Secondary College's Clontarf Foundation, and this year we again hosted several Clontarf work experience students to participate in a film making internship with ABC Open. The boys produced a 15 minute documentary about the Court process titled "Law Stories", which will be launched in late 2014. We also

hosted a highly successful Careers and Legal Education Day with Clontarf Foundation and Charles Darwin University attended by over 80 students.

Leading justice reform

Since 2006, Aboriginal and Torres Strait Islander Legal Services (ATSILS) have been funded by the Commonwealth Government to undertake policy and law reform activities. NAAJA has employed one Policy/Law Reform Officer since 2006. Over time this position has taken on responsibility for managing a range of law & justice projects in addition to policy/law reform work.

In March 2014, NAAJA was advised by the Commonwealth Government that ATSILS would no longer be funded for advocacy, policy and law reform activities. The Commonwealth Government also announced defunding of the National Aboriginal and Torres Strait Islander Legal Services (NATSILS), the national peak body for the ATSILS.

The defunding of NAAJA's dedicated policy capacity and the NATSILS will have a significant impact on access to justice for Aboriginal and Torres Strait Islander people. NAAJA will continue to receive numerous requests from Commonwealth and Territory Governments in relation to proposed changes to laws and policies that impact upon Aboriginal and Torres Strait Islander people. Our input is highly sought after and highly regarded because we have a depth of experience and knowledge that is often simply not matched by any other organisation in the Northern Territory.

NAAJA regards this type of work as essential in ensuring laws are made and developed in a way that best meets the needs of the community. This approach is more efficient and effective than litigation after the event to challenge laws that may have unintended consequences.

At a time when justice outcomes for Aboriginal and Torres Strait Islander people are deteriorating rather than improving, it is also vital that Aboriginal and Torres Strait Islander people and Aboriginal and Torres Strait Islander

LAW & JUSTICE PROJECTS REPORT *(cont'd)*

organisations have a strong, considered voice in policy development. NAAJA provides this voice for Aboriginal and Torres Strait Islander people on policy and law reform issues. In the NT, there are no other organisations able to do this.

NAAJA's written submissions are evidence-based and solutions-focused. Our responses to draft Bills have tangible impact, and in many cases our recommendations are incorporated into new legislation. We work closely with key stakeholders and have strong and durable working relationships with a broad range of government and non-government organisations. We meet regularly with Commonwealth and Territory Government Ministers, the courts, the Commonwealth Attorney-General's Department, the NT Departments of Attorney General and Justice, the NT Department of Correctional Services, NT Police, the Department of Children and Families, Centrelink and Territory Housing to ensure that systemic issues can be addressed as informally and proactively as possible.

Submissions

In the last 12 months, we have made submissions in a wide variety of areas. These include the NT Parliamentary Inquiry into Foetal Alcohol Spectrum Disorder, the Correctional Services Bill, the Senate Inquiry into Alcohol in Aboriginal Communities, the Alcohol Protection Orders Bill, the six month review of the Alcohol Mandatory Treatment Act and advocating for the introduction of Work and Development Orders, which are currently used in NSW to address unpaid fines.

Key priority areas for the last 12 months have included:

- (1) Youth justice – we were heavily involved in the development of the NT Youth Justice Framework, and part of Youth Justice Framework Committee
- (2) Family and domestic violence - we have taken a strong and constructive role in relation to family and domestic violence, presenting a paper at the national 'Crime in Communities' conference and making a detailed submission to the NT Government's, Domestic and Family Violence Reduction Strategy

- (3) Advocating for sentencing outcomes that bring Western and Aboriginal notions of punishment, discipline and rehabilitation together to deliver better outcomes for Aboriginal people

Djambuy's Case

In September 2013, NAAJA coordinated a visit by members of the Northern Territory legal profession to a Gunapipi Law Process at Ramingining. This followed the sentencing of Edwin Djambuy by Chief Justice Trevor Riley of the Northern Territory Supreme Court for the offence of having unlawfully supplied a commercial quantity of cannabis to people in the Millingimbi community.

Chief Justice Riley imposed a 12-month gaol sentence, suspended after 28 days for one year after his release from prison. Usually, the court would have made Mr Djambuy subject to supervision by NT Corrections for the period of the suspended sentence. Chief Justice Riley however, did not regard this supervision as "necessary, or indeed appropriate" and ordered Mr Djambuy to be supervised by Elders under Yolngu law.

Mr Djambuy was banished to an isolated "prison" under the supervision of Elders for a period of 8 months. He was required to be rehabilitated and make restitution to the Law. The visit by the legal representatives marked Mr Djambuy's completion of this period of rehabilitation.

Reverend Doctor Djiniyini Gondarra OAM, a senior lawman (Djirrikay/Dulkarra), gave expert evidence to the court. Dr Gondarra also corroborated that Mr Djambuy had made excellent progress in terms of receiving teachings and discipline. He didn't see his wife and son for several months, and was not allowed leave to attend the funeral of his grandmother.

After completing the Law Process, Mr Djambuy returned to Millingimbi with his wife. Both have jobs and their child is attending school.

Dr Gondarra noted: "He has changed as a person. He is remorseful and is now a positive role model for other young men. Djambuy's case is a good example of two



laws working together. This is the first time in a long time that Balanda (European) and Yolngu laws have worked together like this."

NAAJA will continue to support Aboriginal Elders and the importance of Aboriginal Law processes. Improved justice outcomes in the Northern Territory require an ongoing, mutually respectful dialogue between two legal systems.

APONT

NAAJA continues to actively support the Aboriginal Peak Organisations of the NT (APONT). In the last 12 months, we have launched a set of Principles signed by non-Aboriginal organisations to take a partner-centred approach to work with Aboriginal organisations and empower Aboriginal communities. APONT also prepared a large number of high quality submissions, on issues as varied as alcohol, education, Constitutional reform and housing.

Conclusion

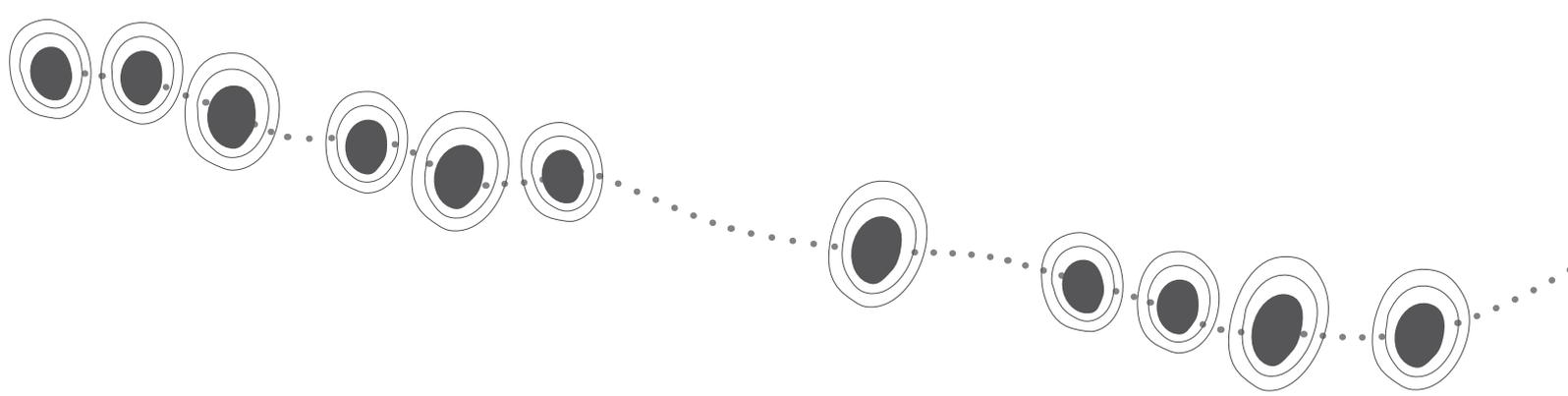
NAAJA's Law & Justice Projects Section has had another great year, showcasing high quality outcomes that can be achieved by a strong, effective Aboriginal community-controlled organisation. Our innovative projects are integrated with our other legal services and form a key part of providing holistic services for our clients.

More than anything else, our work in 2013/2014 is a tribute to our legendary friend and colleague, Kieran 'Chilpy' Boylan.

Chilpy's work was a living embodiment of his dedication, his compassion, and his selflessness. Chilpy remains our inspiration, and the example that we aspire to live up to.

We are very proud that in 2015, NAAJA will launch the Kieran 'Chilpy' Boylan cadetship. This terrific initiative will support Aboriginal and Torres Strait Islander people to study social work - and continue the work of our great friend and mentor.

Jared Sharp
Manager, Law & Justice Projects





NHULUNBUY OFFICE REPORT

Daniel Briggs
Regional Managing Solicitor

Over the past twelve months the Nhulunbuy office maintained NAAJA's strong reputation in the North East Arnhem region.

Our office provides legal representation for Indigenous clients in the North East Arnhem Region of the Northern Territory in the adult and youth jurisdictions of the Court of Summary Jurisdiction. This includes servicing communities in Groote Eylandt, Numbulwar, Elcho Island and Gapuwiyak as well as the communities surrounding Nhulunbuy.

The biggest development of the year was the decision by our Board that the Nhulunbuy office will close from mid-December due to funding cuts to NAAJA. The closure of our office will be a big blow to this region but it could not be avoided given the extent of the cuts that have been foreshadowed. The regions' communities will no longer have direct face to face access to justice and legal advice on a daily basis. The region will be serviced from the Darwin office on a fly in fly out circuit arrangement, as per our other circuit courts.

As part of this transition, the Civil Section relocated to Darwin in June 2014 to coincide with maternity leave for our Civil Lawyer, Lindy Harland and also our Civil Client Service Officer Marama Ngamoki. We wish them both well and thank them for their work in delivering Civil Law Services in the region.

To lead the delivery of high quality, culturally proficient and accessible legal services

Access to Justice

We increased our visits to remote communities this year which resulted in better access to justice for people in East Arnhem. This included visits to extremely remote outstations to obtain instructions for serious matters. The ability to visit remote areas and the cultural knowledge that our staff have developed from living and working in

the region has been an important feature of our work. As noted in the last Annual Report, we continue to have many successes in court as a result of effective negotiation and advocacy with Police and prosecutors. Many matters that ordinarily would have proceeded to hearing have resolved beforehand, either by way of amended charges, amended facts or simply having all charges withdrawn.

Constructive Partnerships

As always, partnerships with other agencies and key stakeholders in this region are crucial to sustaining our high levels of service delivery.

We have endeavoured to build on and maintain our existing relationships with the Police, Corrections, Aboriginal Interpreter Service and court staff, whilst also showing initiative in building new relationships with service providers and other stakeholders such as groups working to combat youth suicide. This broadens our networks, resources and skill base and creates more options and increases support for our clients.

We have had the privilege of being invited to, and attending, ceremony on numerous occasions. We are appreciative, and indebted to, the families involved for sharing such personal experiences and events with us. It is due to trust and respect that the community has involved us in this way.

Our staff here in Nhulunbuy would like to thank all stakeholders and service providers in this region and beyond, for their dedicated and helpful support over the years, particularly in the past twelve months. We would also like to acknowledge Glenn Miller, Corporate Services Manager, for his continued support and advice throughout the process of the closure of the Nhulunbuy office.

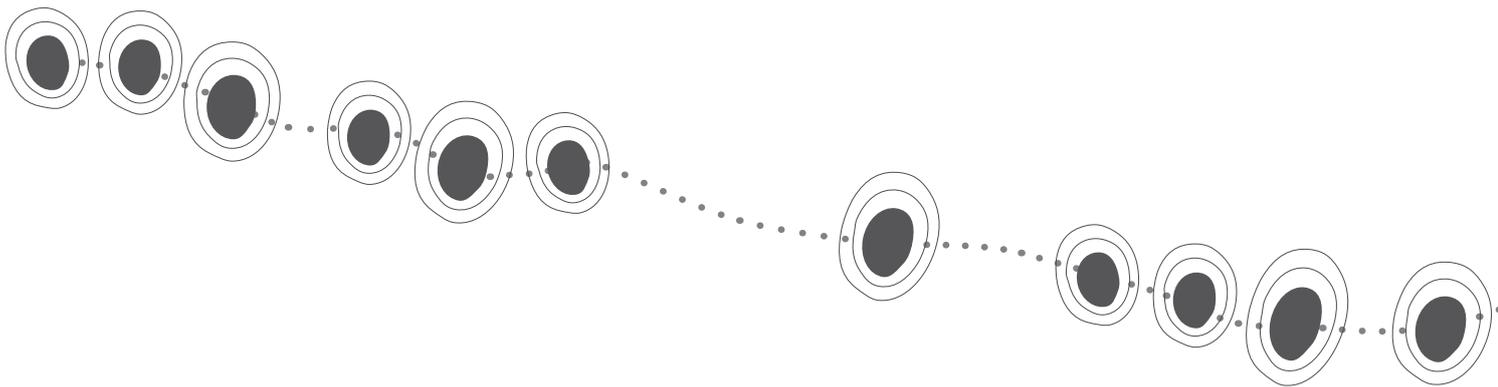


Conclusion

This will be the end of an historical era for NAAJA. The office has seen many staff in various capacities come and go over the years, all who have shared stories and experiences with a similar theme: it is a beautiful part of the world to live and work, with warm, friendly and very welcoming people.

I am sure that the NAAJA staff who service this region in the future will continue to provide the highest quality of service possible, and I wish them and the community well.

Daniel Briggs
Regional Managing Solicitor





KATHERINE OFFICE REPORT

Stephen Karpeles
Regional Managing Solicitor

The Katherine office continues to provide high quality legal services to our region. Our growing office is now staffed by 6 criminal lawyers, 5 civil lawyers, 4 client service offices and 6 administration staff. We provide services at circuit courts in the communities of Lajamanu, Yarralin, Timber Creek, Barunga, and Ngukurr. Our civil lawyers also service the communities of Numbalwar and Beswick.

In order to provide the diverse range of legal services to our clients, NAAJA maintains an information barrier between the criminal and civil practices. As I sit on the criminal side of this barrier I will only refer to the fantastic achievements of our civil team in passing. Please refer to Pip Martin's report for more detail.

One of the most significant changes in this office over the past 12 months has been the creation of the Regional Managing Solicitor position, which I have filled since November last year. It has unified the lines of communication with other NAAJA offices and stakeholders and resulted in more active management of staff within the Katherine office. A great deal of credit for the successes of our office over the past 12 months must go to my predecessor, John Moore, who presided over a re-building phase within the office. Many of the improved processes we now incorporate are his doing.

We have also seen a substantial remodeling of our office to accommodate our additional staff. My thanks particularly go to Annie Manfong for overseeing this project and for her on-going assistance in coordinating the office. I also acknowledge the continued invaluable support received from the Darwin office.

Leading the delivery of high quality, culturally proficient and accessible legal services

Access to justice

Sadly the number of criminal matters in the Katherine Magistrates Court continues to grow. A contributing factor

has been the implementation of Alcohol Protection Orders (APOs), introduced in January. The issue of these orders has affected many of our clients who have long standing and significant histories of alcohol misuse. These clients are increasingly finding themselves in police custody, at times for nothing other than being intoxicated in public. This has contributed to an increase in negative interactions between our clients and the police as well as offending subsequent to their arrest, which would not have otherwise occurred. It has put further strain on one of the busiest Magistrates Courts in the Territory.

Coupled with the APOs is the advent of the mandatory alcohol treatment regime which has resulted in a number of our clients being forced, against their will, to attend mandatory rehabilitation. This has also led to further interactions with police when they have absconded from the treatment facilities. The NAAJA response to these regimes has been strategic and coordinated, and will be referred to in greater detail in the reports of other sections. In the Katherine office, our criminal and civil lawyers have been working closely to successfully challenge the issue of APOs and the making of mandatory treatment orders, as well as defending criminal charges based on inappropriate use of police powers of apprehension and arrest.

For those clients who wish to voluntarily address their alcohol misuse, we have worked closely and productively with both the Venndale and Strongbala programs, and I thank them for their on-going support. Successful completion of these voluntary programs, either as part of bail promise or as part of a sentence has led to a noticeable reduction in re-offending. Our criminal team has also worked closely with the NAAJA Throughcare team to assist our clients serving lengthy sentences to access rehabilitative and other services during their incarceration. This has had immeasurable benefits by improving their prospects of successful re-integration into the community and preventing re-offending.



On a daily basis our lawyers encounter a large number of people remanded in custody. Unfortunately there are often delays in being able to access these clients due predominantly to the limited number of interview bays at the Katherine Magistrates Court. Before their matters are dealt with in court our clients wait in crowded cells containing up to eight people at any one time. Our lobbying of the Justice Department to address this issue has been heeded with renovations imminent to increase the number of interview bays and cells.

Our lawyers continue to act for clients who speak a range of Aboriginal languages, as well as those who are hearing impaired, and mentally impaired. This poses a number of challenges, particularly in the time-pressured environment of the Magistrates Court. Whilst the support services available for those with mental impairments in this region remains extremely limited, we are grateful for the provision of competent interpreters from the AIS and the National Auslan Booking Service (NABS) who assist us in taking instructions and providing advice.

Assisting Aboriginal people to engage with the legal system

Over the past 6 months we have expanded the role of our Senior Client Services Officer to enable them to assist in obtaining culturally relevant information to put before the sentencing judge or magistrate, particularly in cases where our clients are charged with serious offences and facing lengthy terms of imprisonment.

In addition to this, I thank the CLE team who have worked closely with elders in the Ngukurr and Lajamanu communities, in particular the Kurdiji group of Elders, giving them a voice in the sentencing process of our clients. This has enabled the sentencing court to better understand the unique circumstances of our clients and fashion sentences that engage our clients' communities.

Based on the success of the Darwin model we are working closely with other NGOs and government to secure funding for a Katherine based Indigenous Youth Justice Officer, to address an unmet, but extremely important, need in the community.

Recruitment and retention of staff

We have continued over the past 12 months to experience welcome stability amongst our staff. This has brought with it numerous benefits for our clients including a deeper level of client engagement and increased experience and knowledge amongst our lawyers of issues relevant to the region.

Perhaps the most significant development has been the addition of a sixth criminal lawyer to the team. The position was created in recognition of the increased demand for our services in this region and an acknowledgement of the significant demands that have been placed on our criminal lawyers historically. It has already enabled us to maintain carriage of Supreme Court trials and lower court appeals, which were previously undertaken by lawyers in the Darwin office. This has benefitted our clients through continuity of representation and will further develop the knowledge and experience of our team. It will also assist us to retain criminal lawyers in the future.

Over the past 12 months our staff have undertaken cultural training from both May Rosas and Don Christophersen, as well as training in the use of interpreters offered by AIS. Notwithstanding our remote location our lawyers have also benefitted from the frequent in-house and external professional development opportunities.

Leading Justice Reform

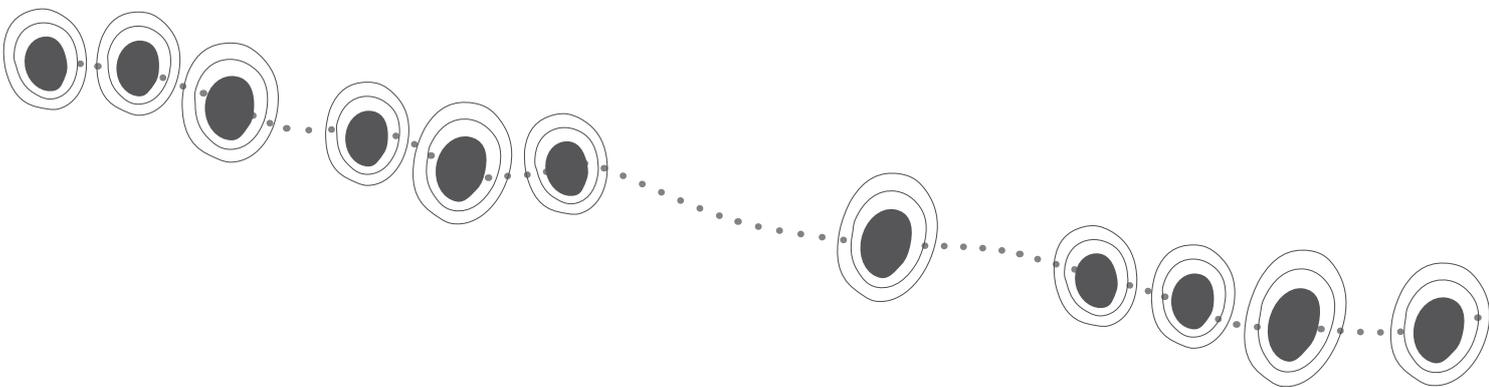
Our office is represented on a number of bodies in the Katherine region that address justice related issues. Through our PLO and CEO we ensure that issues specific to our clients in the Katherine region are championed at

KATHERINE OFFICE REPORT *(cont'd)*

both Territory and Federal levels of government. We also work closely with the Law & Justice Projects section of NAAJA, to assist them in delivering relevant and targeted community legal education in the Katherine region, and also provide input to submissions on law reform relevant to the Katherine region.

I thank the administrative staff for their tireless work and contributions to the office. I also want to acknowledge the long hours put in by our hard-working lawyers on both sides of the wall. We have a fantastic team here in Katherine that continues to provide an exceptional service above and beyond expectations. It is a pleasure to work with you all and I look forward to building on this great platform over the coming year.

Stephen Karpeles
Regional Managing Solicitor



NAAJA OFFICES

DARWIN OFFICE

The divisions of the Darwin office and their respective roles are set out below.

Executive Unit

In consultation with the NAAJA Board, provides leadership and direction to the operations of NAAJA.

Finance

Develops and maintains accounting policies, procedures, systems and records of NAAJA to ensure the strongest possible financial position for the company.

Recommends, implements and maintains internal accounting controls in accordance with Australian accounting standards and the Corporations Act for NAAJA.

Corporate Services

Provides human resource services including drafting of policies and procedures with regard to recruitment, occupational health and safety and equal employment opportunity.

Criminal, Civil, Family and Welfare Rights Law

Provides high quality, culturally appropriate and accessible legal aid services in Darwin and Top End remote communities including Borroloola, Maningrida, Ramingining, Oenpelli, Jabiru, Wurrumiyanga, Milikapiti, Daly River and Wadeye.

Law & Justice Projects

Provides innovative law and justice programs in:

- Community Legal Education
- Night Patrol Community Legal Education
- Indigenous Prisoner Throughcare Service



Darwin Staff

NAAJA OFFICES *(cont'd)*

KATHERINE OFFICE

The Katherine office provides legal services in criminal, family, civil and welfare rights law in the Katherine region of the Northern Territory.

Duty Lawyer services and legal representation are provided at the Katherine Courthouse. Free legal advice sessions are conducted at the Katherine office.

Katherine lawyers travel extensively to bush courts and civil clinics at Barunga, Ngukurr, Timber Creek, Yarralin, Kalkarindji and Lajamanu.



Katherine Staff

NHULUNBUY OFFICE

The Nhulunbuy office provides legal services in criminal and civil law to the northeast Arnhem region which is strongly influenced by traditional culture.

Our team comprises of an Office Co-ordinator, two Criminal Lawyers, a Client Service Officer (Crime), a Civil Lawyer and an Administration Assistant.

The criminal team attends courts in Nhulunbuy for one week per month and also bush courts in remote townships of Alyangula (one week per month), Numbulwar (one day every three months), Galiwin'ku (one day every three months) and Gapuwiyak (one day every three to four months).

Civil clinics are conducted at Nhulunbuy, Galiwin'ku, Gapuwiyak and Groote Eylandt one to two days every two months.



Nhulunbuy Staff

NAAJA SERVICE DELIVERY AREA



NAAJA STAFFING

40% of NAAJA's staff are Aboriginal and Torres Strait Islander people. NAAJA is committed to maintaining and improving our Aboriginal and Torres Strait Islander staffing levels through a dedicated Aboriginal and Torres Strait Islander Employment Policy.

As at 30 June 2014 the following staff were employed by NAAJA:

EXECUTIVE

<i>CEO</i>	Priscilla Collins
<i>Principal Legal Officer</i>	Jonathon Hunyor
<i>Executive Finance Officer</i>	Noel Morris
<i>Executive Assistant</i>	Kerry Keightley
<i>Administration Assistant</i>	Daniel Burton

FINANCE

<i>Finance Officer</i>	Julie Stark
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CORPORATE SERVICES

<i>Corporate Services Manager</i>	Glenn Miller
<i>Librarian</i>	Bev Foreman
<i>Archivist</i>	Sally Lineton
<i>Receptionist</i>	Dedja Laughton

LAW & JUSTICE PROJECTS

<i>Manager Law & Justice Projects</i>	Jared Sharp
<i>Administration Officer</i>	Angie Torr
<i>CLE</i>	Will Crawford
<i>Night Patrol CLE</i>	Jone Lotu
	Rohan Thwaites
	Andreea Lachsz
	Lydia Alexander
<i>Data/Evaluation Officer</i>	Alana Sampson
<i>Prison Support Admin Officer</i>	Kate Boylan
<i>Throughcare Co-ordinator</i>	Samantha Taylor-Hunt
<i>Throughcare Intensive Workers</i>	Lana Miller
	Matthew McCormack
	Cynthia Murray
	Bernard Wilson
<i>Throughcare Prison-based Workers</i>	Thomas Quayle
	Lavina Murray
<i>Administration Officer</i>	Simone Ahmat
<i>Solicitor - Law and Justice</i>	John Rawnsley
<i>Mentoring Project Worker</i>	Ronnie Burns
<i>Royal Commission CLE</i>	Julie U'Ren

CRIMINAL LAW PRACTICE

<i>Managing Solicitor</i>	David Woodroffe
<i>Deputy Managing Solicitor</i>	Pete Bellach
<i>Criminal Solicitors</i>	Shahleena Musk
	Josh Brock
	Giles O'Brien- Hartcher
	Anthony Pyne
	James Anderson
	Franky Bain
	Trevor Moses
	Anna Tucker
	Sandra Wendlandt
	Paul Hopley
	Julia Kretzenbacher
	Sophie Parsons
	Will Collins-Putland
	Kelly Goodwin
	Grace Callera
	Harold Dewis
	Travis Carroll
	Telisha Kotzur
	Darryal Dockery
	Terry Byrnes
	Krishna Ketchell
	Rachel McDonald
	Jessica Wells
	Kahlisha Rioli
	Amie Burgdorf
	Tara Liddy
	Shanel Cubillo
	Natasha O'Connell

Senior Criminal Secretary *Senior Client Service Officer* *Client Service Officers*

Indigenous Youth Justice Worker *Secretaries*

Indigenous Cadets

CIVIL LAW PRACTICE

<i>Managing Solicitor</i>	Philippa Martin
<i>Senior Civil Solicitors</i>	Anna Dawson
	Jared Clow
	Civil Solicitors
	Katie Bates

Family Solicitors

Welfare Rights Solicitors

*Practice Manager
Legal Secretaries*

Client Service Officers

KATHERINE OFFICE

*Office Co-ordinator
Regional Managing Solicitor
Criminal Solicitors*

Criminal Legal Secretaries

*Cultural Advisor
Client Service Officers*

Civil Solicitors

*Family Solicitor
Welfare Rights Solicitor
Ashurst Civil Solicitor
Civil Secretaries*

Receptionist

Francesca Ciantar
Jessica Trappel
Matthew Derrig
Bronwen Robertson
Matthew Strong
Christie George
Lauren Walker
Maggie McGowan
Adrienne Walters
Martina Whistler
Vivienne Floyd
Katrina McKie
Roy Assan
Leah Dowler

Anne Manfong
Stephen Karpeles
Lucia Pante
Julian Murphy
Rabindra Roy
Hugo Moodie
Paul Nijhof
Nardine Ferguson
Lena Korn
Primrose Collard
Graham Campbell
Natasha Chong
Clinton Hayes
Matt Fawkner
Sara Lane
Siobhan Mackay
Avril Cowarn
Harley Dannatt
Brianna Bell
Malama Talitimu
Allyson Croydon
Kiarna Murray
Barbie Manfong

NHULUNBUY OFFICE

Office Manager Laura Hopkins
Regional Managing Solicitor Daniel Briggs
Criminal Solicitor Alex Bowen
Client Service Officer Maria de Sotto
Civil Solicitor Lindy Harland
Civil Administration Assist Marama Ngamoki

MATERNITY LEAVE

Deputy Manager Crime Beth Wild
Senior Criminal Secretary Jayde Kellie

VOLUNTEERS

NAAJA has been fortunate to have the services of some 30 volunteers for 2013/2014 including law students, legal practitioners, high school students, work place students, and others. Volunteers provide valuable assistance to NAAJA and we greatly appreciate their contribution to our work.

Volunteers also gain valuable experience they could not receive in any other institution or agency. They assist lawyers with case law research, prepare submissions and policy documents on a variety of subjects and generally have the chance to be closely involved in the work we do. Volunteers often have an opportunity to travel to Bush Courts to witness the administration of justice in remote communities and gain first hand knowledge of the issues facing many Aboriginal people in the Top End.

PERFORMANCE

Over the past eight years NAAJA's criminal matters have increased by 200% and our civil/family matters have increased by 195%.

Statistics of Matters

(Darwin, Katherine & Nhulunbuy)

CRIMINAL

YEAR	2006	2007	2008	2009	2010	2011	2012	2013	2014
DUTYWORK	1,571	1,262	1,364	1,754	1,146	1,672	2,035	2,505	2,855
CASEWORK	3,428	3,740	3,648	4,580	5,142	4,745	5,205	5,577	6,378
ADVICE	15	13	136	68	62	352	635	781	863
TOTAL CRIMINAL	5,014	5,015	5,148	6,402	6,350	6,769	7,875	8,618	10,096

CIVIL/FAMILY

YEAR	2006	2007	2008	2009	2010	2011	2012	2013	2014
CASEWORK	622	548	517	525	579	562	515	598	982
ADVICE	1,333	765	1,646	1,335	1,510	2,113	2,551	2,843	2,844
TOTAL CIVIL/FAMILY	1,955	1,313	2,163	1,860	2,089	2,675	3,066	3,437	3826



FINANCIAL INFORMATION

NAAJA's operational funding is from the Federal Attorney-General's Department.

NAAJA has signed a contract with the Federal Attorney-General's Department for the delivery of Legal Aid Services to Aboriginal Australians from 1 July 2011 - 30 June 2014.



Auditors Independence Declaration under Section 307C of the Corporations Act 2001

I declare that, to the best of my knowledge and belief, during the year ended 30 June 2014 there have been:

- (i) no contraventions of the auditor independence requirements as set out in the Corporations Act 2001 in relation to the audit; and
- (ii) no contraventions of any applicable code of professional conduct in relation to the audit.

A handwritten signature in black ink, appearing to read "Mark Tomlinson".

Mark Tomlinson
Ambrose Assurance

29 October 2014

Darwin

North Australian Aboriginal Justice Agency Limited

63 118 017 842

Statement of Profit or Loss and Other Comprehensive Income

For the Year Ended 30 June 2014

	Note	2014 \$	2013 \$
Revenue		11,755,221	10,254,866
Other income		253,620	187,019
Employee benefits expense		(8,349,488)	(6,834,514)
Depreciation and amortisation expense		(212,436)	(217,289)
Computer expenses		(110,142)	(133,383)
Bush courts		(347,859)	(332,020)
Brief outs		(345,534)	(166,975)
Client expenses		(106,648)	(93,283)
Insurance		(384,154)	(362,941)
Rent		(147,684)	(272,960)
Meetings		(235,258)	(190,989)
Telephone		(159,081)	(154,941)
Travel		(436,267)	(339,403)
Consultants		(43,349)	(184,849)
Other expenses		(879,374)	(907,075)
Finance costs		(222,758)	(233,282)
Profit before income tax		28,809	17,981
Income tax expense		-	-
Profit from continuing operations		28,809	17,981
Profit for the year		28,809	17,981
Other comprehensive income, net of income tax			
Items that will not be reclassified subsequently to profit or loss			
Items that will be reclassified to profit or loss when specific conditions are met			
Total comprehensive income for the year		28,809	17,981

North Australian Aboriginal Justice Agency Limited

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Statement of Financial Position

30 June 2014

	Note	2014 \$	2013 \$
ASSETS			
Current assets			
Cash and cash equivalents	5	1,546,660	2,587,582
Trade and other receivables	6	-	1,405
Other assets	8	296,467	430,963
Total current assets		1,843,127	3,019,950
Non-current assets			
Property, plant and equipment	7	5,683,844	5,685,260
Total non-current assets		5,683,844	5,685,260
TOTAL ASSETS		7,526,971	8,705,210
LIABILITIES			
Current liabilities			
Trade and other payables	9	618,864	685,766
Short-term provisions	11	897,475	525,199
Other financial liabilities	12	290,000	1,696,753
Total current liabilities		1,806,339	2,907,718
Non-current liabilities			
Borrowings	10	2,227,147	2,332,816
Total non-current liabilities		2,227,147	2,332,816
TOTAL LIABILITIES		4,033,486	5,240,534
NET ASSETS		3,493,485	3,464,676
EQUITY			
Retained earnings		3,493,485	3,464,676
TOTAL EQUITY		3,493,485	3,464,676

North Australian Aboriginal Justice Agency Limited

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Statement of Changes in Equity

For the Year Ended 30 June 2014

2014

	Retained Earnings	Total
Note	\$	\$
Balance at July 01, 2013	3,464,676	3,464,676
Profit attributable to members	28,809	28,809
Balance at June 30, 2014	3,493,485	3,493,485

2013

	Retained Earnings	Total
Note	\$	\$
Balance at July 01, 2013	3,446,696	3,446,696
Profit attributable to members	17,980	17,980
Balance at June 30, 2013	3,464,676	3,464,676

North Australian Aboriginal Justice Agency Limited

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Statement of Cash Flows

For the Year Ended 30 June 2014

	2014	2013
Note	\$	\$
Cash from operating activities:		
Receipts from customers	10,484,813	10,746,561
Payments to suppliers and employees	(10,703,702)	(9,829,111)
Donations received	-	34,458
Interest received	118,679	109,352
	<u>118,679</u>	<u>109,352</u>
Net cash provided by (used in) operating activities	(100,210)	1,061,260
Cash flows from investing activities:		
Proceeds from sale of plant and equipment	30,018	7,200
Purchase of property, plant and equipment	(234,708)	(330,385)
	<u>(204,690)</u>	<u>(323,185)</u>
Net cash used by investing activities	(204,690)	(323,185)
Cash flows from financing activities:		
Repayment of borrowings	(328,427)	(330,480)
	<u>(328,427)</u>	<u>(330,480)</u>
Net cash used by financing activities	(328,427)	(330,480)
Other activities:		
Net cash increase (decreases) in cash and cash equivalents	(633,327)	407,595
Cash and cash equivalents at beginning of year	2,179,988	2,179,988
	<u>2,179,988</u>	<u>2,179,988</u>
Cash and cash equivalents at end of year	1,546,661	2,587,583

North Australian Aboriginal Justice Agency Limited

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Notes to the Financial Statements

For the Year Ended 30 June 2014

2 Revenue

Revenue from Continuing Operations

	Note	2014 \$	2013 \$
Sales revenue			
Other revenue			
- other interest received		118,679	109,352
- operating grants		11,636,542	10,111,056
- donations		-	34,458
- other revenue		253,620	187,019
Total Revenue		12,008,841	10,441,885

3 Other operating income

(a) Detailed table

	2014 \$	2013 \$
Rental income	26,000	22,700
Other income	227,620	164,319
Total	253,620	187,019

4 Profit from Ordinary Activities

(a) Expenses

	2014 \$	2013 \$
Depreciation and Amortisation		
Depreciation	212,436	217,289
Total Depreciation and Amortisation	212,436	217,289
Interest expense on financial liabilities not at fair value through profit and loss	222,758	233,282
Employee benefits expense	8,349,488	6,834,514
Rental expense on operating leases		
Audit Remuneration auditing or reviewing the financial report	19,000	31,000
Total Audit Remuneration	19,000	31,000

North Australian Aboriginal Justice Agency Limited

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Notes to the Financial Statements

For the Year Ended 30 June 2014

5 Cash and cash equivalents

	2014	2013
	\$	\$
Cash on hand	3,106	2,106
Cash at bank	256,666	146,502
Short-term bank deposits	1,286,888	2,438,974
	<u>1,546,660</u>	<u>2,587,582</u>

The effective interest rate on short-term bank deposits was 3.5% (2013: 4.0%); these deposits are on call.

Reconciliation of cash

	2014	2013
	\$	\$
Cash at the end of the financial year as shown in the statement of cash flows is reconciled to items in the statement of financial position as follows:		
Cash and cash equivalents	1,546,661	2,587,583
	<u>1,546,661</u>	<u>2,587,583</u>

6 Trade and other receivables

	2014	2013
	\$	\$
CURRENT		
Trade receivables	-	1,405
	<u>-</u>	<u>1,405</u>
NON-CURRENT		

7 Property plant and equipment

	2014	2013
	\$	\$
LAND AND BUILDINGS		
Building		
At cost	4,917,718	4,917,718
Total buildings	4,917,718	4,917,718
Total land and buildings	4,917,718	4,917,718
PLANT AND EQUIPMENT		

North Australian Aboriginal Justice Agency Limited

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Notes to the Financial Statements

For the Year Ended 30 June 2014

7 Property plant and equipment continued

	2014	2013
	\$	\$
Plant and equipment		
At cost	82,729	78,977
Accumulated depreciation	(59,438)	(41,548)
Total plant and equipment	23,291	37,429
Motor vehicles		
At cost	759,732	720,860
Accumulated depreciation	(384,779)	(363,464)
Total motor vehicles	374,953	357,396
Office equipment		
At cost	117,623	65,110
Accumulated depreciation	(50,802)	(38,789)
Total office equipment	66,821	26,321
Leasehold improvements		
At cost	453,346	453,346
Accumulated amortisation	(152,284)	(106,949)
Total leasehold improvements	301,062	346,397
Total plant and equipment	766,127	767,543
Total property, plant and equipment	5,683,845	5,685,261

North Australian Aboriginal Justice Agency Limited

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Notes to the Financial Statements

For the Year Ended 30 June 2014

7 Property plant and equipment continued

(a) Movements in Carrying Amounts

Movement in the carrying amount for each class of property, plant and equipment between the beginning and the end of the current financial year:

	Buildings	Plant and Equipment	Motor Vehicles	Office Equipment	Improvements
	\$	\$	\$	\$	\$
Balance at the beginning of year	4,917,718	37,428	357,396	26,322	346,397
Additions	-	3,752	178,443	52,513	-
Disposals - written down value	-	-	(23,516)	-	-
Depreciation expense	-	(17,889)	(137,372)	(12,013)	(45,334)
Carrying amount at the end of 30 June 2014	4,917,718	23,291	374,951	66,822	301,063

	Total
	\$
Balance at the beginning of year	5,685,261
Additions	234,708
Disposals - written down value	(23,516)
Depreciation expense	(212,608)
Carrying amount at the end of 30 June 2014	5,683,845

8 Other Assets

	2014	2013
	\$	\$
CURRENT		
Prepayments	296,467	430,963
	296,467	430,963

9 Trade and other payables

	2014	2013
	\$	\$
CURRENT		
Unsecured liabilities		
Trade payables	47,642	55,728
Other payables	571,223	630,038

North Australian Aboriginal Justice Agency Limited

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Notes to the Financial Statements

For the Year Ended 30 June 2014

12 Other Liabilities

	2014	2013
	\$	\$
CURRENT		
Government grants	290,000	1,696,753
Total	290,000	1,696,753

North Australian Aboriginal Justice Agency Limited

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Notes to the Financial Statements

For the Year Ended 30 June 2014

13 Cash Flow Information

(a) Reconciliation of Cash Flow from Operations with Profit after Income Tax

	2014	2013
	\$	\$
Profit for the year	28,809	17,980
Cash flows excluded from profit attributable to operating activities		
Non-cash flows in profit		
- Depreciation	212,436	217,289
- Net gain on disposal of property, plant and equipment	(6,501)	(5,198)
Changes in assets and liabilities		
- (Increase)/decrease in prepayments	134,496	(32,153)
- (Increase)/decrease in income in advance	(1,406,753)	755,058
- Increase/(decrease) in trade payables and accruals	565,027	564,668
- Increase/(decrease) in provisions	372,276	(60,475)
	(100,210)	1,457,169

North Australian Aboriginal Justice Agency Limited

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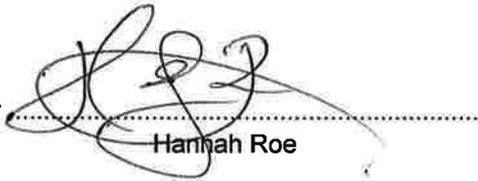
Directors' Declaration

The directors of the Company declare that:

1. The financial statements and notes, as set out on pages 10 to 34, are in accordance with the *Corporations Act 2001* and:
 - (a) comply with Accounting Standards; and
 - (b) give a true and fair view of the financial position as at 30 June 2014 and of the performance for the year ended on that date of the Company.
2. In the directors' opinion, there are reasonable grounds to believe that the Company will be able to pay its debts as and when they become due and payable.

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

Director



Hannah Roe

Director



Vernon Patullo

Dated 29 October 2014



Independent Audit Report to the members of North Australian Aboriginal Justice Agency Limited

Report on the Financial Report

We have audited the accompanying financial statements of North Australian Aboriginal Justice Agency Limited (the Company), which comprises the statement of financial position as at 30 June 2014, and the statement of profit or loss and other comprehensive income, statement of changes in equity and statement of cash flows for the year ended on that date, a summary of significant accounting policies, other explanatory notes and the directors' declaration.

Director's Responsibility for the Financial Report

The directors of the Company are responsible for the preparation and fair presentation of the financial statements in accordance with Australian Accounting Standards (including the Australian Accounting Interpretations) and the *Corporations Act 2001*. This responsibility includes: designing, implementing and maintaining internal control relevant to the preparation and fair presentation of the financial statements that is free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

Auditor's Responsibility

Our responsibility is to express an opinion on the financial statements based on our audit. We conducted our audit in accordance with Australian Auditing Standards. These Auditing Standards require that we comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance whether the financial statements is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the Company's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Company's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the directors, as well as evaluating the overall presentation of the financial statements.

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

Independence

In conducting our audit, we have complied with the independence requirements of the *Corporations Act 2001*. We confirm that the independence declaration required by the *Corporations Act 2001*, provided to the directors of North Australian Aboriginal Justice Agency Limited on 19 October 2012, would be in the same terms if provided to the directors as at the date of this auditor's report.

Auditor's Opinion

In our opinion the financial statements of North Australian Aboriginal Justice Agency Limited is in accordance with the *Corporations Act 2001*, including:



Independent Audit Report to the members of North Australian Aboriginal Justice Agency Limited

- (a) giving a true and fair view of the Company's financial position as at 30 June 2014 and of its performance for the year ended on that date; and
- (b) complying with Australian Accounting Standards (including the Australian Accounting Interpretations) and the Corporations Regulations 2001.

A handwritten signature in black ink, appearing to read 'Mark Tomlinson', is positioned above the printed name.

Mark Tomlinson
Ambrose Assurance

Darwin

29 October 2014

North Australian Aboriginal Justice Agency Limited

63 118 017 842

For the Year Ended 30 June 2014

Profit and Loss Account

	2014	2013
	\$	\$
Income		
Interest income	118,679	109,352
Rental income	26,000	22,700
Grants	11,636,542	10,111,056
Donations	-	34,458
Other income	227,620	164,319
Total income	12,008,841	10,441,885
Less: Expenses		
Advertising	36,178	27,761
Auditors remuneration - parent entity	19,000	31,000
Bank charges	3,637	3,546
Cleaning	70,506	76,653
Conference/Seminar costs	3,760	50,264
Depreciation	212,436	217,289
Electricity and water	95,483	75,889
Equipment < \$300	44,708	87,906
Finance costs - external	222,758	233,282
Hire	45,406	54,000
Motor vehicle expenses	169,220	180,360
Other employee costs	458,471	241,103
Postage	16,029	20,191
Printing and stationery	206,940	185,789
Repairs and maintenance	108,165	61,376
Salaries	7,128,077	5,865,647
Security costs	11,447	9,258
Staff training	81,781	72,231
Storage costs	37,941	40,164
Superannuation contributions	645,218	625,700
Uniforms	17,455	8,116
Workers compensation insurance	35,940	29,833
Other Nature Category UD1 - Type 1	110,142	133,383
Other Nature Category UD2 - Type 1	347,859	332,020
Other Nature Category UD3 - Type 1	345,534	166,975
Other Nature Category UD5 - Type 1	106,648	93,283
Other Nature Category UD5 - Type 1	384,154	362,941
Other Nature Category UD6 - Type 1	147,684	272,960
Other Nature Category UD7 - Type 1	235,258	190,989
Other Nature Category UD8 - Type 1	159,081	154,941
Other Nature Category UD9 - Type 1	436,267	339,403

For the Year Ended 30 June 2014

Profit and Loss Account

	2014	2013
	\$	\$
Other Nature Category UD10 - Type 1	43,349	184,849
Total Expenses	11,986,532	10,429,102
	22,309	12,783
Other items:		
Loss on disposal of assets	6,501	5,198
	6,501	5,198
Profit before income tax	28,810	17,981

CONTACT US

NAAJA has an information barrier between our Criminal and Civil Sections. This allows us to provide our services in criminal and civil or family law to parties where there may otherwise be a conflict of interests.

DARWIN

61 Smith Street Darwin NT 0800
GPO Box 1064 Darwin NT 0801

Criminal Tel 08 8982 5100
Criminal Fax 08 8982 5195

Civil Tel 08 8982 5100
Civil Fax 08 8982 5199

Toll free 1800 898 251
Admin Fax 08 8982 5190



KATHERINE

32 Katherine Terrace Katherine NT 0850

Criminal Tel 08 8972 5000
Criminal Fax 08 8972 5050
Criminal Mail PO Box 1944
Katherine NT 0851

Civil Tel 08 8972 5000
Civil Fax 08 8972 5060
Civil Mail PO Box 1254
Katherine NT 0851

Toll Free 1800 897 728



CONTACT US *(cont'd)*

NHULUNBUY

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PO Box 120 Nhulunbuy NT 0881

Tel 08 8939 2300

Criminal Fax 08 8939 2399

Civil Tel/Fax 08 8939 2377

Toll free 1800 022 823



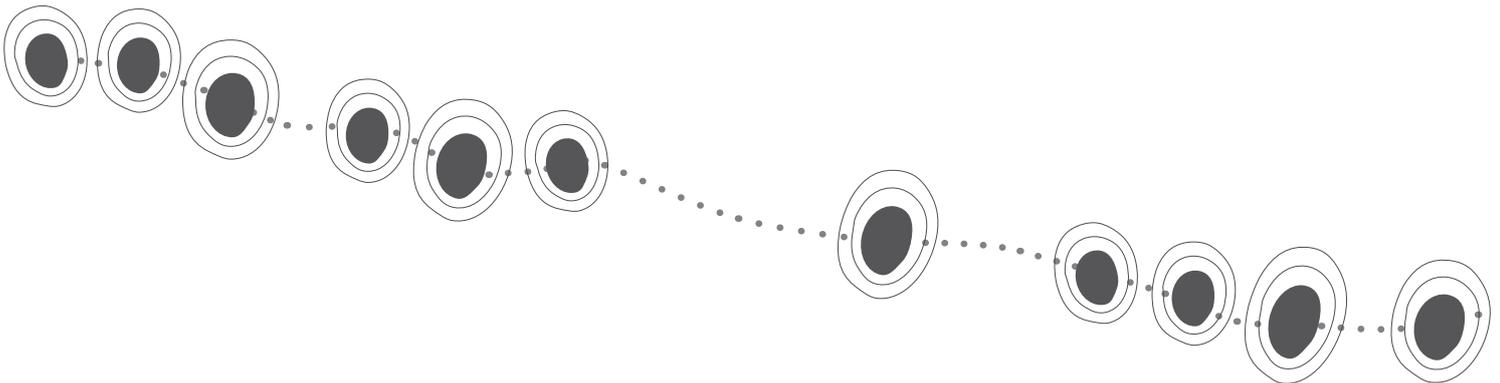
ONLINE

Email mail@naaja.org.au

Website www.naaja.org.au

OFFICE HOURS

Monday-Friday 8.00am – 4.30pm



SPECIAL THANK YOU

On behalf of the NAAJA Board and management we would like to thank the following individuals and organisations for their continued support to NAAJA for 2013/2014.

Aboriginal Hostels Association
Aboriginal Interpreter Service
Aboriginal Resource Development Service Inc (ARDS)
Alistair Wyvill SC
ALPA
AMSANT
Anglicare NT
Anne Cregan
APONT
Ashurst Australia
Bahkita Centre – St Vincent De Paul
Balunu Foundation
Barbara Ramlah, Alyangula
Bawinanga Aboriginal Corporation
Bill Piper
Bunawarra Elders, Maningrida
CAAPS
CatholicCare NT
Central Desert Shire Council
Central Land Council
Centrelink
Clayton Utz
Clontarf Foundation
Community Corrections
Community Justice Centre
Cynthia Thompson, Department of Justice
DAIWS
Danila Dilba
Darwin Correctional Centre
David McKenzie
Deewin Kirim Aboriginal Corporation
Department of Health Prison in Reach Program
Department of Housing
Don Dale Juvenile Detention Centre
Donna and June Nadjamerik, Gunbalanya
Earth Connect, Alyangula
East Arnhem Shire
Family Responsibility Centre
Fines Recovery Unit
Fiona Djerrkura and the team at Miwatj Raypirri Rom program in Nhulunbuy
FORWAARD
Graham Campbell
Harold Thomas
helloworld Darwin Team: Rachel Turner and Jayne Walsh
Healing Foundation
Helen Edney
Helen Bonnar, Department of Children & Families
Human Rights Law Centre
Ironbark
Jobfind
Jodi Truman
Joelene Napier, Nhulunbuy Court Registrar
John Lawrence SC
Jon Tippett QC
Kevin Doolan
Kurdiji Law and Justice Group, Lajamanu
Laura Lombardo
Liam Flanagan, Operations Manager, ALPA RJCP
Mike Collins, Groote Eylandt and Bickerton Island Enterprises (GEBIE)
Mission Australia
Miwatj Health, Yirrkala
National Association of Community Legal Centres
National Welfare Rights Network
Ned Aughterson
Northern Land Council
Northern Territory Legal Aid Commission
Office of Children and Families
Office of Children and Families, Remote Family Violence Program,
Remote Services
Peggy Dwyer
Peter Baran
Ponki Mediators, Wurrumiyanga
Red Cross
Rex Wild QC
Roger Latham and the Warrior Priests Band, Wadeye
Roper Gulf Shire Council
Rose Lambalamba
Ruby Gaia
Russell Goldflam
Shannon Chapman
Speedy McGuinness
Strongbala
Sunrise Centre – Salvation Army
TEABBA Radio
Tiwi Shire Council
Top End Forensic Mental Health
Venndale
Victoria Daly Shire Council
Warlpiri Youth Development Aboriginal Corporation (Mt Theo)
West Arnhem Shire Council
Yilli Rreung
YMCA
Yugul Mangi, Ngukurr



