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# Chairpersons Report

*Norman George*  
Chairperson

On behalf of the NAAJA Board I am pleased to report on NAAJA's performance for 2008/2009 and on a broad range of issues that NAAJA faced during the year.

As an organisation, we face many challenges delivering legal aid services to a unique and diverse range of Aboriginal people living in the Top End of the Northern Territory. Our client population consists exclusively of Aboriginal people who are one of the most disadvantaged groups in Australia. Many of our clients live in remote Aboriginal communities where English is not their first language.

In 2008/2009 many of our clients experienced the effects of the Northern Territory Emergency Response (the Intervention). The future of many of the aspects of the Intervention are unclear. The Australian Government has committed to revising the 'core elements' of the NTER which include compulsory income management, the five-year leases, and alcohol and pornography controls to conform with the Racial Discrimination Act (RDA) by introducing legislation in the spring sittings of the Commonwealth Parliament in 2009.

However, there has been no announcement about how the effectiveness of the Intervention is going to be measured, and there is a continued lack of publically available information as to the impact of the Intervention measures so far.

To take income management as an example, it appears from a press release by Minister Macklin that the Government has already decided that compulsory income management will continue – even though the Government's consultations as to the 'Future Directions' of the Intervention heard loud and clear how Aboriginal people in the NT do not want compulsory income management. It seems extraordinary that the Commonwealth Government committed to "intensive consultation with Indigenous communities across the Northern Territory" yet already made a decision about the outcome of the consultation.

And although a new RDA compliant model has been promised, it is of great concern how the Intervention will be made to comply with the RDA. If the Government tries to make the Intervention 'special measures', we are very worried that the inevitable challenges to the legislation will take many years to wind through the courts, leaving our clients in a legal limbo in the mean time.

Many fundamental aspects of Aboriginal people's lives changed in the last 2 years including their employment arrangements, welfare payments, the status of the Aboriginal land on which they live, how they are policed and what is prohibited. Furthermore, Aboriginal people in the prescribed areas have had to comprehend that they now live under different legislation and have different rules apply to them, than those that apply even to Aboriginal people in the Northern Territory who do not live in prescribed areas. In some cases, this geographic difference can be measured in metres.

With the Intervention, we have experienced sharp increases in the demand for our services resulting in increased budgetary and staffing pressures on our organisation. We anticipate these complex and difficulties issues will continue. We are focused on critically analysing and developing culturally appropriate and practical strategies and solutions.

I would like to thank our NAAJA Board Directors Vernon Patullo, Vicki Darr, Tony Wurramarba, Joel McLennon, Colleen Rosas, Hannah Roe, Fiona Hayes, Natalie Ellis, Ruby Walker, Dorothy Fox and Yikaki Maymuru for all their hard work in 2008/2009.

On behalf of the NAAJA board I would like to thank the NAAJA staff and members of NAAJA for their contributions for 2008/2009, which was an exciting year in the organisation's ongoing development. We look forward to the ongoing support of the Aboriginal and the Non-Aboriginal communities. I am sure that we will overcome the many challenges we face, and that NAAJA will remain at the forefront of the Aboriginal Legal Services in Australia for many years to come.

**Norman George**  
Chairperson



# Chief Executive Officer's Report

*Priscilla Collins*  
CEO

We were very privileged to have very experienced lawyers and staff working for NAAJA who proved to be highly committed to our company in 2008/2009.

The NAAJA staff are dedicated and ensure that our clients are provided with the best possible service.

While our work is challenging our staff strive to achieve the best possible outcomes for our clients.

The work is often demanding as our clients legal problems are usually linked to other social and economic issues.

Due to a significant increase in our work load in 2008/2009 we employed an additional 12 Solicitors, 4 support staff and expanded our service to include Mediation, Research, Welfare Rights and Community Legal Education.

The fact that NAAJA has been able to employ 18 additional staff with such limited additional funding is a testament to the earnings sacrifice of people committed to work with and advocate for our clients.

In 2008/2009, NAAJA provided advice and representation to 9,229 Aboriginal people for civil, criminal and family matters and in the 5 years to 2008/2009. There has been an increase of 30% in the number of criminal matters and 25% in the number of civil matters undertaken by NAAJA.

Over the 2008/2009 period, each NAAJA solicitor attended to approximately 154 new casework matters in addition to casework matters that continued from the previous financial years. In total, in 2008/2009, NAAJA solicitors handled 4,435 criminal matters and 522 family/civil matters. This does not include the additional 1860 duty files which were also handled by NAAJA solicitors.

Our workload in law reform, legislative proposals, policy issues and community legal education has also increased. These areas have the potential to have a real and tangible impact on our clients and the delivery of our service in the Top End.

Our support for Aboriginal people presents many challenges for us but we continue to look for solutions that are best practice, culturally appropriate and offer better outcomes for our people.

I am proud of what we have achieved this year.

I thank the board, management and staff for their support and efforts throughout 2008/2009 which has been a year of very high activity with many successes along the way.

**Priscilla Collins**  
CEO



# Charter

NAAJA delivers quality and culturally appropriate Aboriginal Legal services to the Top End of the Northern Territory in the following areas:

## **Criminal Law**

Our Criminal Law section provides the following services:

- Legal representation in criminal cases in the Magistrates Courts, Bush Courts, Community Courts, NT Supreme Court and in special circumstances in the High Court of Australia.
- Face-to-face and telephone legal advice to persons charged or under investigation in relation to a criminal matter, defendants in restraining order applications, persons of interest in coronial inquests and other matters which may lead to criminal prosecutions.
- A 24 hour custody phone advice and notification service for Aboriginal people arrested and taken into police custody.

## **Family Law**

Our Family Law section provides legal advice and representation for:

- General advice on any area of family law.
- Representation in parenting matters.
- Assistance with urgent matters such as the recovery of a child.
- Disputes about parentage.
- Referrals to family dispute resolution.

## **Civil Law**

Our Civil Law section provides legal advice and representation in civil practice areas such as:

- Complaints about government services (police, health, prison).
- Seizure or forfeiture of property because it was used to take liquor into a restricted area or was used in the commission of a crime.
- Child welfare matters.
- Motor vehicle compensation.
- Adult Guardianship and volatile substance abuse matters.
- Prison transfer requests.
- Discrimination.
- Representing people before the Mental Health Review Tribunal.
- Representing the family of people who have died and for which a coronial inquest is to be held.
- Centrelink matters.
- Victims of crime compensation.



## **Advocacy and Community Legal Education**

- We advocate on a range of systemic legal issues affecting Aboriginal people.
- We also provide community legal education on various legal topics.

## **Welfare Rights**

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

### **Centrelink problems**

- Appealing debts
- Getting debt repayments reduced or suspended
- Refusal to grant a payment
- Payment rate reductions
- Breaches and participation failures
- 8-week non-payment periods
- Decisions about living arrangements (marriage-like relationships, care of children)
- Family tax benefit issues
- Other Centrelink problems

### **Income Management problems**

- Priority needs decisions
- Release of accumulated money
- Exemptions from Income Management
- Stored Value and Basics Card issues
- Account statements
- Other income management problems

## **Mediation**

Our Mediation Service worked with the Aboriginal people on Nguiu to build a culturally effective Mediation service in Nguiu.

## **Research**

NAAJA and CAALAS had a joint research project conducted in 2008/2009, the report will be delivered in October 2009.

The research was on the impact of the temporary police stations set up on Aboriginal communities in the Northern Territory under the intervention.



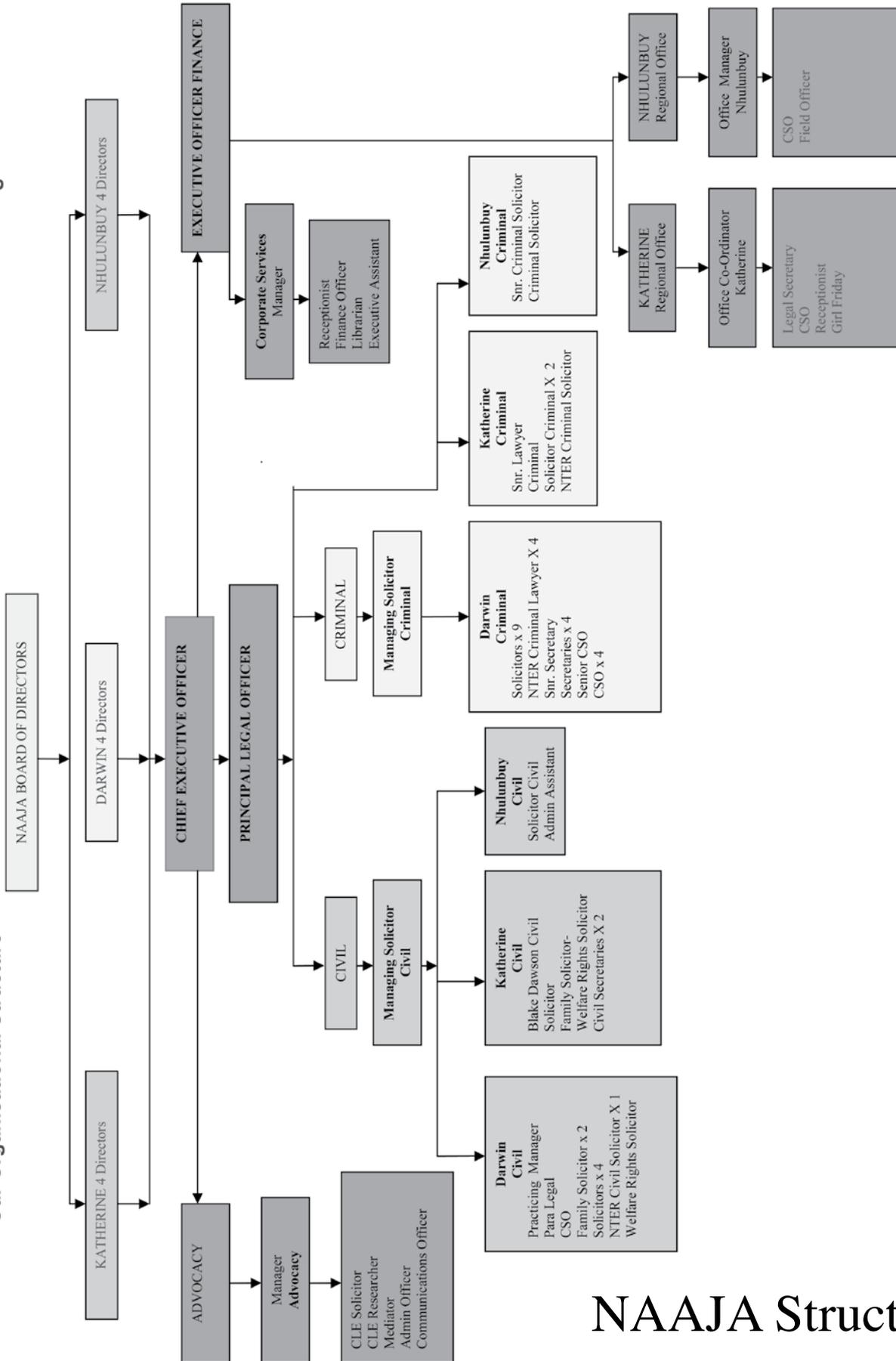
# Special Thank you

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 2008/2009

Barbora Ramlah, Alyangula  
Blake Dawson  
Brian Cassells  
Clayton Utz  
Aboriginal Interpreter Service  
Aboriginal Resource Development Service Inc (ARDS)  
David Ross QC  
Dean Niesler, GEBIE  
Peggy Dwyer  
Earth Connect, Alyangula  
Groote Eylandt, Barbara Ramlah  
Harold Thomas  
John Lawrence  
Harvey World Travel team, Rachel Turner and Sue Trevena  
National Community Legal Centre  
Nhulunbuy Court Registrar, Joelene Napier  
Northern Territory Legal Aid Commission  
Yugul Mangi, Ngukurr  
Roger Latham and the Warrior Priests Band, Wadeye  
Speedy McGinness  
Philip Strickland  
Jodi Truman  
Kevin Doolan  
Peter Baran  
Rex Wild QC  
Scott Corish  
Pat McIntyre

**Strategic Plan**

**Our Organisational Structure**



# NAAJA Structure

# NAAJA Board



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

## **NAAJA Board 2008/2009**

The NAAJA Board has 4 Directors from each class and are appointed by the members of the Katherine, Darwin and Miwatj Region.

The Directors are appointed for a term of three years from the date of their appointment

## KATHERINE



### **NORMAN GEORGE (Chairperson)**

Norman is from the Ngalajakan Clan from Roper River. He is the Chairperson of the Men's Health Program in the Katherine Region, Chairperson for the Katherine Stolen Generations Group and Chairperson of the Inter-Agency Mental Health Group. Norman is the team leader for Australian Red Cross – Personal Helpers and Mentors program (PHaMs). Norman has an extensive background in Indigenous legal services in his position as a Board Director for NAAJA/NAALAS and is highly recognized for his experience in Indigenous health, employment and leadership.



### **NATALIE ELLIS**

Natalie's Aboriginal origins are with the Dalabon people from the Barung 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. She 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, prisoners 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 realized.



### **FIONA HAYES**

Fiona was born and raised in Katherine. She is currently employed by Kalano as the Aboriginal Housing Officer. Fiona is well known by many in the town through her work with the Return to Country scheme, Kalano age care and Venndale Rehabilitation centre.



### **RUBY WALKER**

In her spare time she enjoys fishing, gardening and relaxing at home, and socializing with family

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. Ruby is recently retired and enjoys relaxing at home, reading and socializing with family and friends.

## **MIWATJ**



### **VERNON PATULLO (Deputy Chairperson)**

Vernon is a senior member of the Kungarakan 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 Arnhemland 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 has been a former Chairperson and is the current deputy chairperson of NAAJA.



### **VICKI DARR**

Vicki is from North Queensland and is of Aboriginal and South Sea Islander descent. She has lived in Nhulunbuy for the past 20 years and has been involved with many local sporting and cultural activities over the years.

Vicki currently works for the Department of Education Employment and Workplace Relations within the Education Sector (Indigenous Education) which involves liaising with all communities in the East Arnhem Region.

## NAAJA Board



### **YIKAKI MAYMURU**

Yikaki was born and raised at Yirrkala Community and is the second Elder Song man for the Mangalili clan in East Arnhem Region. Yikaki was an ATSIC Councillor for 2 years in the early 1990's. He also worked with the Northern Land Council as a Field Officer for 8 years. Yikaki is currently on leave from his position as Landcare Supervisor with the Yirrkala Landcare.

Yikaki is a founding Council Member of the Miwatj Aboriginal Legal Service and has continued as a Director with NAAJA. Yikaki has been involved in the consultations with the Northern Territory Emergency Response and continues to be involved.



### **TONY WURRAMARBA**

Tony is a well know leader and spokesperson for the Anindilyakwa people. He is currently Chairman of the Anindilyakwa Land Council, a position he has held for six years. He was previously Council Clerk at the Angurugu Community Government Council and a member of a number of Indigenous organisations as a Board member. With the support of his Deputy Chairman Walter Amagula and the Land Council's other Executive members, Tony has been working closely with all levels of governments and BHP Billiton to meet the needs of his people. He has supported changes which improve the positive impact government programs and policies have on 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 manganese mine and involvement in the decisions which impact on the community.

## DARWIN



### **HANNAH ROE**

Hannah Roe is of Yawuru decent. 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 went on to complete Article of clerkship with the Northern Territory Legal Aid Commission and undertook a Judge's Associate position in the Supreme Court of the Northern Territory. She was admitted to legal practise in the Supreme Court of the Northern Territory in 2004 and is currently working for the Australian Securities and Investments Commission (ASIC).



### **COLLEEN ROSAS**

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**

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



### **DOROTHYFOX**

Dorothy Fox is a Larrakia woman and traditional owner of Darwin and Cox Peninsula.

Dorothy is a strong advocate for Aboriginal people in the Top End representing their interests, concerns and aspirations.

Currently the Deputy President of the United Nations of the NT and Chairperson of Crime Stoppers NT, Dorothy aims to assist in multicultural affairs and crime prevention.

Previously Dorothy was an Alderman for the Darwin City Council and was Acting Lord Mayor in 2007/08. Dorothy's goal is to work for an improved service by working together and creating an awareness of Aboriginal traditions and cultures to the wider community.



## Overview of operations

*Glen Dooley*  
Principal Legal Officer

The 2008 / 09 year has been a very disturbing one. In March of 2008 the average daily prisoner count in the Territory was 896. By December 2008 the average daily prisoner count was 993. By March 2009 the number of people in prison in the Territory per day was up to 1105.

Approximately 85% of these people are Aboriginal people.

So, from March 2008 to March 2009 the average daily prison population had jumped 20%. In the same period the national rise was 2%. Nationally there were 167 persons per 100,000 persons in gaol. In the NT that rate was 697 per 100,000. Our rate of imprisonment is the highest in the nation by far. The next highest rate is that in Western Australia where 241 of each 100,000 persons are behind bars.

These huge increases have occurred in the NT against the background of the first two years of the Intervention. It would seem that the initial stages of the Intervention have not resulted in a dip in the crime rate and thus an undiminished number of Aboriginal people are before the courts, often for offending closely linked to the materially deprived lives so many of our clients lead. The courts are getting tougher and tougher places for Aboriginal people as the Government increases the penalties for offending, makes it harder to get bail and the judges and magistrates, perhaps spurred by a media pushing for harsher penalties, seem increasingly content to use gaol as a punishment.

A particularly disturbing development under the Intervention has been the establishment of the 18 new police stations in the Territory. Housing, in total, an extra 60 or so police, the resources now being provided to policed, in my view over-police, our clients is remarkable. Remarkable given the consistent failure of law and order approaches to achieve lower crime rates. Remarkable given the sheer cost of developing these police resources. When so many underprivileged Aboriginal people are in need of basic housing, education and health support we are seeing this massive expenditure on police. One of the more concerning aspects is that the current surge in prison numbers is not linked to the extra police. In my view the impact of the extra police in this regard is still to be felt. The Intervention is set to leave one concrete legacy – an enhanced web of police in the remote regions.

Going, unfortunately, hand-in-hand with this law and order dimension of the Intervention is the NT Government plans to build a 1000 bed gaol near Darwin. Together with the 500 or so beds in the Alice Prison the scene is being well set for a further counter-productive lift in prison numbers.

NAAJA is striving to assist our clients in this environment in a number of ways. We are making submissions to Governments to try and assist them to make better decisions. Our civil team is doing good work to protect our client's rights, assist them to deal with better resourced thus more intrusive bureaucracies (Centrelink, Children's Services) and help facilitate improvements in police and prison guard behaviour through complaints. Our criminal team is rising to the challenge of more work and is obtaining good outcomes for our clients in tough times. One bright patch of this year has been the rapid development of our younger criminal lawyers. Our Advocacy and CLE team is leading the charge with the submissions and educative work that has real potential to assist in preventing problems before they arise.

I place the emphasis on these teams. The NAAJA legal teams are based in the three offices and see a very healthy meshing of the abilities and passions of the PA's, the CSO's and the lawyers. Morale in these teams is good.

Part of the success of these teams lies in the continued sound guidance of the Board, the skill of Priscilla as CEO and the top work done by the experienced management team. In my view all arms of NAAJA are functioning well and really assisting our clients. It is inspiring to see that happening in our underfunded condition in the political and social environment in which we work. I must make special mention of Annie Manfong in the Katherine office and Laura Hopkins in the Nhulunbuy office, both of whom have really done so much to build NAAJA as a cohesive unit across the Top End.

**Glen Dooley**  
Principal Legal Officer



# Criminal Law Report

*Michelle Swift*  
Managing Criminal Solicitor

Well, after about 20 months working at NAAJA now, I think I might be getting the hang of it! It has been a busy, but enjoyable year.

There have been many changes in the Criminal Section in the last year, and we have, unfortunately, lost many talented hardworking staff. Fortunately, we have replaced them with new lawyers, CSO's and Admin staff of a similar ilk, so the Criminal Section is moving along well.

We have also had significant changes in the Client Support Officer sections, with Lavina Murray doing extremely well as Senior CSO. Warren Campbell and Karlie James have moved on to work with the Department of Corrections and we thank them for the effort and energy that they put into their time here. We also wish them well in their new jobs. All the criminal section will have a lot to do with them in the future!

We have been employed Gus Fitzgerald and Dale Harding as new CSO's. They have both been doing very well so far. Nadine Ferguson has transferred up from Katherine and she is doing a great job adapting to Darwin mob and we are very happy to have her. Kieran Boylan will be leaving our little section to take up the new NAAJA prison CSO position. We will all miss his dedication, both to the juveniles and his deep knowledge of accident investigation!

After a lot of discussion, we have established the position of Practice Manager, a position which I think NAAJA Criminal section has needed for some time. Shahleena Musk has been appointed to this position, and she will hold much of the responsibility for the day to day organization of the criminal practice in Darwin. A large part of her duties will involve training for lawyers, CSO's and secretarial staff, as well as rostering and file allocation. This will free up myself and other senior lawyers to focus purely on legal matters, and not be distracted by administrative matters.

Chris McGorey is currently holding the position of In House Counsel. Our other remaining lawyers are, in no particular order, Callum Dolman, Chantelle Bala, Matthew Byrne, Georgia Lewer and Josh Brock. We have been joined recently by Alicia Fairlie, Fernanda Dahlstrom and Iva Ninkovic. They are showing great promise at an early stage and we are very happy to have them here.

With the new people come the inevitable farewells. Marlene Dixon has left to return to Melbourne, her hometown. Marlene has been with NAAJA for quite a while now, starting in our Nhullunbuy office and then moving to Darwin. Thanks to Marlene for all her hard work, and for the dedication which she has shown during her time here.

Steve Barlow, a long standing NAAJA employee, who has left us several times before and returned, has left us again. He has gone back to the Pacific and is working in the Public Solicitor's Office in the Solomon Islands. We wish him luck there and miss his calm, entertaining expertise.

Shalini Perera and Robyn Fraser also recently left us. They have completed their one year contract with us and have returned to their permanent jobs with Legal Aid NSW. I think they have enjoyed their time in the Top End, with Shalini running a successful CCA Appeal and Robyn getting a great result in a manslaughter plea.

Maria Pattiselano, one of our Admin staff, has left us, only to come back working on our Archives Room. Tahnee Clarke has transferred up from the Katherine Office, and is learning the Darwin ropes. Maria Corpus, Jayde Kellie, Natasha O'Connell and Martina Hazelbane help keep this office running smoothly, putting up with the idiosyncracies of all the other staff and clients!

Thankfully, this year, we have had a slowdown in the number of unlawful deaths that we have been dealing with, but we are ever steady in our workload. Whilst many have been resolved, we still have one of these matters on foot as a murder trial. Bush courts are busy, and the Magistrates Court is a constant battleground for us.

Many of our lawyers headed off to the Criminal Lawyers Association of the Northern Territory (CLANT) Conference in Bali recently, and that was a great experience for all. Intelligent and interesting speakers from all over Australia attended, and all our lawyers benefitted from the experience of having access to such excellent minds.

Some of the staff have headed down to Sydney for the Tranby Field officer training. The staff have been in two lots and both times it was a fruitful exercise. This was an excellent course when some staff and it is particularly good for enabling networking amongst ASTILS workers when we have clients who move between jurisdictions.

All in all, it has been a good year. I would like to take the opportunity to thank all of the Staff in Bottom Camp for their dedication, hard work and sense of humour in dealing with all the difficulties and heartache which we face everyday.

**Michelle Swift**  
Managing Criminal Solicitor



# Civil and Family Law Report

*Julian Johnson*

Managing Civil Solicitor

“The international experience is very clear on this: Aboriginal people must own and drive the solutions. If they don’t, it doesn’t matter what the government “intervention” is, it will fail. Guaranteed.”

*Chris Graham (founding editor of the National Indigenous Times) in The Sunday Telegraph, 12 July 2009*

This Annual Report marks the second full year of the Northern Territory National Emergency Response and gives cause to contemplate what has actually been achieved in return for the billions of dollars committed by the federal government. In the first year of the intervention (2007-08), the incarceration rate in the Territory increased by 5% and Indigenous prisoners represented 83% of the total prison population. And, unfortunately, it appears that in this current 2008-09 reporting year the prison population continues to grow at an unsustainable rate – Justice Department figures report that at the end of the March 2009 quarter the daily average number of Indigenous prisoners was 12% higher than the previous quarter (i.e., December 2008), and 24% higher than the same quarter last year (i.e., March 2008).

In the meantime, in our regular visits to outlying and remote communities, we experience our clients’ increasing frustration with a lack of any meaningful progress in “closing the gap”, e.g., housing, employment and rehabilitation services. Our constituent clients feel isolated and ashamed at being targeted for compulsory income management, tarred with the brush of child sex offending, and by the suspension of the *Racial Discrimination Act*.

## **Coronial Inquests**

Coronial Inquests have loomed large in our workload in the reporting year and, unfortunately, are likely to continue to do so - an Australian Bureau of Statistics paper in 2008 reported that, for the period 2001-05, Northern Territory mortality rates for Indigenous males and females were almost three times those for non-Indigenous males and females.

Cases this reporting year have included the death of a senior elder at Kalkarindji who was dropped off at the airport without adequate arrangement for transport into the community, the death, after “ground stabilization” by police, of a gentleman from Ramingining who was visiting relatives at Palmerston on New Years Day 2008, and an alleged suicide of a young man at Bulman who had been charged with having underage sex with his promised bride.

These cases are invariably complex and, perhaps more than in any other area of the law, the coronial process is one of the most difficult for our clients to navigate. Whilst the Coroner makes particular effort to open Inquests and deliver Findings in the relevant community, it is at base a Court focused investigative process completely alien to, and little understood by, traditional Aboriginal families.

## **Community Policing**

A number of the coronial matters referred to above continue to highlight the sometimes inappropriate ways in which police and other mainstream service providers interact with our clients. Improving that interaction continues to be an important focus of the civil law section.

In this reporting year, for example, we were instrumental in formulating a “Mutual Respect Agreement” signed between senior police and members of the Yugul Mangi group of senior Elders at the community of Ngukurr, 330 kilometres southeast of Katherine. This agreement, inter alia, commits police to learn about the language, culture, protocols of the Ngukurr community and how to communicate and conduct themselves appropriately, how to respect land, sacred sites and traditional values and how to solve problems with the help of the Elders of the community. For their part, the Elders committed to help educate police in these things and the ways of the community generally and to assist police in upholding the law and keeping the community safe. The Agreement is predicated on mutual respect between the parties and an affirmation that all people are equal before the law and entitled to equal protection of the law.

Such agreements are, of course, not a universal panacea but they do form a strong basis for mutual respect and improved community policing outcomes on remote communities. Senior police are committed to developing similar protocols and agreements on other communities and the NAAJA civil law practice will continue to work with our clients to that end.

## **The Focus of the Civil Law Practice**

The statistical information accompanying this report will show the heavy case work load in civil and family law which our team of solicitors and paralegal staff strive to achieve. Our focus continues to be on clients living in remote communities in the Top End who usually do not have any access to legal or other mainstream services available in urban centres. During the current reporting year, the following communities were visited on a regular basis from our offices in Darwin, Katherine and Nhulunbuy for the purpose of conducting civil law clinics and advice sessions.

**Darwin Office**

Wadeye  
Nguiu  
Pirlangimpi  
Milikapiti  
Milingimbi  
Maningrida  
Ramingining  
Jabiru  
Oenpelli  
Daly River  
Bachelor  
Adelaide River

**Katherine**

Lajamanu  
Ngukurr  
Borroloola  
Barunga  
Kalkarindji  
Timber Creek  
Kalano  
Rockhole  
Beswick

**Office**

Yarralin  
Minyerri  
Mataranka  
Jilkminggan  
Binjari  
Bulla  
Bulman  
Manyallaluk  
Weemol

**Nhulunbuy Office**

Gapiwiyak  
Galiwinku  
Numbulwar  
Angurugu  
Ski Beach  
Yirrkala  
Umbakumba

Finally, it behoves me to recognise the heart and commitment of the NAAJA civil law team, and of our clients who continue to struggle for their civil rights in the glare of the Northern Territory Intervention.

**Julian Johnson**  
**Managing Civil Solicitor**



# Advocacy Report

*Jared Sharp*  
Advocacy Manager

NAAJA's Advocacy Section is funded by a separate annual grant from the Law and Justice Advocacy Development program run by the Commonwealth Attorney General's Department which aims at "the advancement of the legal rights of Indigenous Australians by promoting effective cooperation, coordination and liaison between Indigenous Australians, State, Territory and Australian governments and other bodies."

I took over from the previous Advocacy Manager, Helen Wodak, in mid May 2009 when Helen commenced maternity leave. Helen expanded the reach of the Advocacy Section very significantly in 2008/09, and the success of the Advocacy Section has in no small part been due to her drive, commitment and hard work.

In 2008/2009 NAAJA advocated for Aboriginal people through:

- Presenting oral and written submissions on various Northern Territory and Commonwealth Government Bills and proposals, including the Family Assistance and Other Legislation Amendment (2008 Budget and Other Measures) Bill 2009, the Draft Indigenous Law and Justice Framework (Cth), the Model Spent Convictions Bill (NT), the Child Protection (Offender Reporting and Registration) Act (NT), Victims of Crime Assistance Act (NT), and numerous other areas of the law, including ongoing concerns about the child protection system, the manner in which police complaints are dealt with, the workings of the Alcohol Court and the availability of the drink driver education program. NAAJA has heavily advocated (and will continue to) in relation to reducing Aboriginal incarceration rates. NAAJA also made a submission and gave evidence to the Senate Standing Committee on Legal and Constitutional Affairs inquiry into Access to Justice, and prepared case studies for a combined ATSILS submission for the Commonwealth Government's Human Rights Consultation.
- Continuing to speak publicly about some of the policing and legal issues arising out of the Northern Territory Emergency Response. NAAJA and CAALAS presented a lengthy joint submission and recently gave evidence to the Senate Select Committee on Regional and Remote Indigenous Communities. NAAJA also attended and organised a number of meetings with the NTER Taskforce and Centre link to raise specific issues of concern.

- Having regular meetings with different agencies including the Northern Territory Attorney General, Northern Territory Police, the Department of Corrections, Centrelink and Consumer Affairs. These meetings have been a useful opportunity for us to raise issues of concern and also to build relationships.
- Participating in national ATSILS meetings of the various advocacy officers. There have been a number of national ATSILS initiatives to come out of these meetings, including joint submissions on the Human Rights Consultation and most recently to advocate for the establishment of an independent Inspector of Custodial Services in each state and territory (currently this only exists in Western Australia).
- Developing NAAJA's relationship with key pro bono stakeholders, including Blake Dawson (we have a number of on-going projects with Blake Dawson, including a rotating civil lawyer through our Katherine office and our "wiki," an on-line resource that allows NAAJA to better retain its corporate knowledge and experience) and Clayton Utz (Clayton Utz are working with a number of major stakeholders to address the problems of indigenous disadvantage with respect to superannuation issues).
- Successfully applying for funding for various NAAJA projects, including two Welfare Rights lawyers (one in Darwin, one in Katherine), a Prison Support Officer, and a Communications/CLE officer. Our Community Legal Education Solicitor has developed several community legal education resources, including DVD's 'Call Me a Lawyer' explaining legal rights in police interviews (translated into 8 languages), as well as posters and DVDs in three languages called 'Tell Me about DVOs' about domestic violence orders. He also developed Kriol law stories about seized cars and grog laws in first language, developed a legal training package for the Aboriginal Interpreter Service and commenced a Community Court Elders Training at Nguiu, Bathurst Island. Our CLE Solicitor delivered CLE workshops in numerous remote communities and worked particularly closely with the Ngukurr Community in developing the landmark Mutual Respect Justice Agreement signed in June 2009.

- 
- Our researcher has continued his joint research project with the Central Australian Aboriginal Legal Aid Service (CAALAS) to conduct research into the Northern Territory Emergency Response, and in particular the 18 new THEMIS police stations. This research has been extremely successful and we eagerly await the final report that he is currently producing.
  - We have also endeavoured to enable NAAJA's services to be better understood in our service area. This has included weekly broadcasts of the 'NAAJA Law Show' where NAAJA lawyers are interviewed by TEABBA radio presenters on various relevant legal issues.

All in all, it has been an exciting growth period for NAAJA's Advocacy Section and we are anticipating further developments in 2009/2010.

**Jared Sharp**  
**Advocacy Manager**



# Nhulunbuy Office Report

*James Morton*

Senior Criminal Solicitor



Vavaa Mawuli, Lawyer Crime, resigned 10<sup>th</sup> October 2008 and Ben Grimes commenced 29<sup>th</sup> September 2008.

Tanya Mitchell, Senior Lawyer, Crime resigned 27<sup>th</sup> March 2009 and James Morton commenced as Senior Lawyer, Crime 25<sup>th</sup> March 2009.

Harold Dewis, Client Service Officer also resigned 27<sup>th</sup> March 2009 and Sharon Briston commenced as Client Service Officer 6<sup>th</sup> April 2009.

Marama Ngamoki commenced as Personal Assistant in the Civil section on a part-time basis on 14<sup>th</sup> April 2009.

Joanne Assan, who had been on 12 months Leave Without Pay, decided to tender her resignation as the Nhulunbuy Office Manager, effective 17<sup>th</sup> November 2008.

## **Supreme Court Sittings at Nhulunbuy**

On 11 August 2009 the Supreme Court presided by Justice Riley visited Nhulunbuy to hear four sentences that this office had listed. The purpose of the idea that the court visit Nhulunbuy was to allow the family members and the community to support people from their community who were facing court. The entire court room was packed to the rafters with community and family who came along to see the Supreme Court in action.

The 4 matters resulted in very positive sentences being given with Justice Riley making comment about the enormous showing of support as a positive sign. Out of the 4 matters listed, 3 people were sentenced to terms of imprisonment however, the sentences were all very moderate given the nature of the charges. Justice Riley was very impressed with the sittings and was positive of the idea of the Supreme Court returning on a more frequent basis.

## **Community Court Sittings**

The community court has been put to good use in Nhulunbuy, Alyangula and Numbulwar in recent sittings with 7 in total all resulting in very good outcomes with only 1 person being sentenced to imprisonment for 1 night only. A positive outcome for 1 of the community courts allowed us to sit down with the head of security from the Walkabout night club (Jam) which is the most popular drinking venue for Yolgnu people, and discussed the increasing numbers of clients facing charges arising from either excess intoxication and issues on licensed premises, such as Trespass and alcohol related offences. There are ongoing discussions planned for the near future to address the escalating offences.

## **Community Legal Education**

Daniel Kelly from the Advocacy section visited the Gapuwiyak community to conduct a Community Legal Education and Ben and I attended. Not many people turned up, which may have been due to ceremonial activities going on at the same time.

At the end of the September sittings on Groote Eylandt, we attended the Umbakumba community to conduct a Community Legal Education. Unfortunately we were unable to gather many community members to discuss the increasing offences of drugs being transported on the planes from Darwin to Groote Eylandt. We were however, able to sit and speak with a number of female community Elders and expressed our concern about the young female first-time offenders being targeted. We conveyed our message for them to pass on to the community that they need to say "no" when they are approached by family and friends to transport parcels/packages/gifts etc. back to Groote Eylandt. We had a very positive response from the Elders.

## **Training/Conferences**

James Morton	<i>Cross Cultural Education - Darwin June 2009</i>
	<i>Criminal Lawyer's Conference, Bali 27 June – 3 July 2009</i>
Ben Grimes	<i>Criminal Lawyer's Conference, Bali 27 June – 3 July 2009</i>
	<i>Mawul Rom Project 12 - 18 July 2009</i>



*Laura Hopkins*  
**Office Co-ordinator**

*Feedback from Ben Grimes: The Mawul Rom Project is an initiative run by local community elders, under the leadership of Rev Dr Djiniyini Gondarra. The Project has both Yolngu and Balanda participants and is aimed at developing skills and strategies in cross-cultural mediation and leadership. It was exciting to see such a high quality program that was both initiated and run by local community leaders. In addition to the things that I learnt personally, my time on Galiwin'ku was an excellent opportunity to speak with community leaders about law and justice issues, and to re-affirm NAAJA's commitment to responding to the community's needs. I had very fruitful discussions about options for community led youth diversion programs, community courts, ways of recognising Yolngu law and ceremony in the Balanda court system, and also the community's desire to have a dedicated court building. I am very hopeful that the relationships formed during this time on Galiwinku will provide a good foundation for improving the community's involvement and ownership of law and justice issues.*

Laura Hopkins     *Project Officer's Training, Tranby College, Sydney  
14-17 September 2009.*

Following the Project Officer's Training, approval has been given for Laura to undergo further training at Tranby College, which entails 2 years Block Release in *National Indigenous Legal Advocacy*.

#### **NAAJA Office – Alyangula**

For the past 6 months we have been sharing the office with Earth Connect Alliance who has a 2-3 year lease with GEBIE. We have been advised that they would prefer to move to Angurugu as that is where their business is.

NAAJA is hoping to enter into a sub-lease of 1 week per month with another local business, who will be the main tenant.

**James Morton**  
**Senior Lawyer, Crime**

**Laura Hopkins**  
**Office Co-ordinator**

# Katherine Office Report

*Senior Criminal Solicitor Will Crawford, Office Co-ordinator Anne Manfong and Family Solicitor Sophia Blossfelds*

The last year has been one of great achievement and consolidation.

In the last year we have seen the departure/relocation of some long term NAAJA/KRALAS employees. Erica Rennie resigned and relocated interstate and Lavina Murray transferred to our Darwin office. We would also like to farewell and thank Katie-Maree Kinniard, Mark Cowan, Liz Turnbull, Ian Woods, Max Frew, Carina Martin, Darren Parker, Caitlin Macalister, Teegan Allwright who all worked tirelessly and made valuable contributions to the organisation. More recently other staff members including Matthew Byrne, Nardine Ferguson and Tahnee Clarke also sought transfers to the Darwin office this year.

The last 12 months has also seen the arrival of Aretha Gabelish, who transferred down to Katherine from the Darwin office for a period of 12 months, Barbara Sherratt, our new criminal secretary, Will Crawford, the new senior criminal lawyer, Sophie Blossfelds, the new civil section family lawyer, and Rebecca Veasey, the new welfare rights lawyer. We were also lucky to have the support of some tremendous volunteers this year including Abby Ogda-Osiri, David Sztrajt, Cat Moran, Dan Rachel, Andreea Lachs and Lincoln Verass.

We also welcomed 2 new lawyers from Blake Dawson, Katie-Maree Kinniard and Tennille Marsh, our 9th and 10th secondees from Blake Dawson. Katie-Maree did much work in an important coronial inquest in Bulman and Tennille started in late July. We would especially like to thank Blake Dawson for their commitment and support in providing a secondee to NAAJA's Katherine civil practice. Our sincere thanks and appreciation are extended to Anne Cregan and her staff for their continuing support.

The workload of the Katherine Court has risen significantly with courts indicating an approximate 20% rise in case listings this last year. We continue to provide legal support to the bush courts. The last 12 months have been very busy and our team have done a lot of travelling out bush. We have attended a total of 29 bush courts at Barunga, Ngukurr, Borroloola, Kalkaringi, Timber Creek and Lajamanu. We have encountered some issues such as shortage of accommodation at bush court especially Ngukurr but have taken measures to address this issue. Now that we have three criminal lawyers based in the Katherine office it should make life a little easier when it comes to servicing our clients in town and in the remote areas. This will be even better when we have the fourth lawyer on board.

With increased stability in our staffing we have expanded our policy and legal education work. We have contributed legal education articles to the local newspaper, the Katherine Times. We have provided legal education sessions to a range of organisations including TEABBA radio, Wurli Wurlinjang, Roper Gulf Shire, the Community Corrections, and Indigenous Family Violence Program. We have also been contacted to provide a regular legal show on the local Katherine radio station.

Much effort has also been placed on liaising with local agencies to promote cooperation between agencies. This includes our role in convening the Katherine Legal Services bimonthly meetings.

Further, the Katherine office has also assisted the advocacy team in providing feedback for various submissions including a recent Human Rights Consultation. The civil and criminal sections of Katherine office also participated in the recent NTER consultations. Board members have also provided valuable advice and contributions to this process.

Graham Campbell has continued to provide invaluable assistance to the Katherine Office to both the Criminal and Civil section. He has kept a watchful eye over the staff in particular the new staff and has made their introduction to the local communities we service memorable.

Last but not least we would like to thank all the Katherine staff both past and present, our Management, Priscilla Collins, Noel Morris, Glen Dooley, Glen Miller and the Board Members both past and present, in particular Crow, Ruby, Natalie and Fiona for their endless support and for giving us the opportunity to look after the Katherine Office.



# NAAJA Offices

## DARWIN OFFICE

Located within the Darwin Office are the following divisions

### Executive Unit

#### *Overall Objective*

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

### Finance

#### *Overall Objective*

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

Recommend, implement and maintain internal accounting controls in accordance with Australian accounting standards and the Corporations Act, for NAAJA.

### Criminal, Civil and Family Law

#### *Overall Objective*

Provide initial advice to Aboriginal people in respect to their rights and obligations under any Commonwealth or Northern Territory legislation

Duty Lawyer Assistance.

Provide high quality, culturally appropriate and accessible legal aid services to Aboriginal people.

Provide legal representation in the following courts

- o Supreme Court of the Northern Territory
- o Darwin Magistrates Court and Local Court
- o Federal Magistrates Court and Family Court
- o Bush Courts in Top End remote communities. They include Milikapiti, Nguuu, Maningrida, Oenpelli, Jabiru, Daly River and Port Keats.

### Advocacy

#### *Overall Objective*

Ensure the rights of Aboriginal people are recognised through Advocacy.

Inform Aboriginal community about the range of services offered by NAAJA.

Develop community legal education projects and publications to meet specific legal needs.

Respond to legal policy and law reform issues that are relevant to Aboriginal people.

### Welfare Rights

#### *Overall Objective*

Provide legal advice and assistance for Centrelink and Income Management problems.

### Mediation

#### *Overall Objective*

Build a culturally effective mediation service in Nguuu.

### Research

#### *Overall Objective*

Research the impact of the temporary police stations set up on Aboriginal communities in the Northern Territory under the intervention.

### Corporate Services

#### *Overall Objective*

Provide Human Resource Services including drafting of policies and procedures with regard to recruitment, occupational health and safety and equal employment opportunity.



# NAAJA Offices

## KATHERINE OFFICE

The Katherine Office provides legal services in Criminal Law, Family Law, Civil Law and Welfare Rights in the Katherine Region of the Northern Territory.

Duty Lawyer Services are provided at the Katherine Court House as required as well as legal representation. Free legal advice sessions are conducted at the Katherine Office.

The Katherine Lawyers travel extensively to bush courts and civil clinics at Barunga, Ngukurr, Timber Creek, Borroloola, Kalgarindji and Lajamanu.



## NHULUNBUY OFFICE

The Nhulunbuy office provides legal services in Criminal, Family and Civil Law to North East Arnhem Region which is strongly influenced by traditional culture.

Our team which comprises of an Office Co-ordinator, 2 Criminal lawyers, 1 Civil Solicitor and a Client Service Officer attends courts in Nhulunbuy (1 week per month) and also bush courts and civil clinics in remote townships of Alyangula (1 week per month), Galiwin'ku (1 day every 3 months) and Numbulwar (1 day every 4 months) which enable us to provide representation to remote Indigenous people.



# NAAJA Service Delivery Area



# Staffing of NAAJA

As at 30th June 2009 the following staff were employed and 41% were Aboriginal.

NAAJA is committed to maintaining and improving our Aboriginal staffing levels through a dedicated Aboriginal Employment Policy.

## EXECUTIVE

❖	CEO	Priscilla Collins
❖	Principal Legal Officer	Glen Dooley
❖	Executive Officer Finance	Noel Morris
❖	Executive Assistant	Cheryl Cole

## FINANCE

❖	Finance Officer	Julie Stark
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## CORPORATE SERVICES

❖	Corporate Services Manager	Glenn Miller
❖	Librarian	Bev Foreman

## ADVOCACY

❖	Advocacy Manager	Helen Wodak/Jared Sharp
❖	Research Officer	James Pilkington
❖	Communications Officer	Francine Chinn
❖	Administration Officer	Simone Ahmat
❖	CLE Solicitor	Danial Kelly
❖	Mediator	Helen Bishop

## CRIMINAL LAW PRACTICE

❖	Managing Solicitor	Michelle Swift
❖	Criminal Solicitors	Steve Barlow
		Chris McGorey
		Shahleena Musk
		Georgia Lewer
		Marlene Dixon
		Matthew Byrne
		Callum Dolman
		Robyn Fraser
		Lucy Lindberg-Ostling
❖	NTER Criminal Solicitors	Shalini Perera
		Joshua Brock
		Pete Bellach
		Chantelle Bala
❖	Senior Secretary	Maria Corpus
❖	Senior Client Service Officer	Lavina Murray
❖	Client Service Officers	Kieran Boylan
		Warren Campbell
		Karlie James
		Loren Fejo
❖	Secretaries	Martina Hazelbane
		Natasha O'Connell
		Jayde Kellie
		Maria Pattiselanno
❖	Receptionist	Dedja Laughton

## **CIVIL AND FAMILY LAW PRACTICE**

❖	Managing Solicitor	Julian Johnson
❖	Civil Solicitor	Anastasia Coroneo
		Alison Hanley
		Rebecca Sharkey
		Oliver Young
❖	NTER Civil Solicitor	Nicky Bensch
❖	Welfare Rights Solicitor	Annabel Pengilley
❖	Family Solicitor	Sue Phoo
		Allison Land
❖	Practice Manager	Alana Sampson
❖	Legal Secretary	Jessica Bell
❖	Client Service Officer	Danial Collins

## **KATHERINE OFFICE**

❖	Office Co-ordinator	Anne Manfong
❖	Senior Solicitor Crime	Will Crawford
❖	Criminal Solicitor	Gus Bernardi
		Caitlin McAlister
❖	NTER Criminal Solicitor	Max Frew
❖	Secretary	Barbara Sherratt
❖	Client Service Officer	Tracey Castine
		Ian Woods
	Family Solicitor	Sophia Blossfelds
	Welfare Rights Solicitor	Liz Turnbull
❖	Blake Dawson Civil Solicitor	Katie-Maree Kinniard
❖	Para Legal	Aretha Gabelish
		Tahnee Clarke
❖	Receptionist	Kiarna Murray
❖	Girl Friday	Nardine Ferguson

## **NHULUNBUY OFFICE**

❖	Office Manager	Laura Hopkins
❖	Senior Solicitor	James Morton
❖	Criminal Solicitor	Ben Grimes
❖	CSO	Sharon Briston
❖	Field Officer	Buwakati Mununggurr
	Civil Solicitor	Peter Pohlner
	Legal Secretary	Marama Ngamoki

## **VOLUNTEERS**

NAAJA has been fortunate to have the services of some thirty volunteers for 2008/2009 including law students, legal practitioners, high school students, work place students, and others.

The volunteers assist lawyers with case law research; prepare submissions and policy documents on a variety of subjects, while gaining valuable experience they could not receive in any other institution or agency. This includes trips to Bush Courts to witness the dispensation of justice in remote communities, assisting with Supreme Court trials, having direct contact with clients still living a largely traditional lifestyle and gaining first-hand knowledge of the plight of Aboriginal people in Australia.

# Performance

Over the past 5 years NAAJA's Criminal matters have increased by 30% and our Civil/Family Matters have increased by 25%.

## Statistics of Matters

### 5 YEARS (Darwin, Katherine & Nhulunbuy)

CRIMINAL						
Years	2005	2006	2007	2008	2009	
DUTYWORK	1,317	1,587	1,425	1,523	1,860	
CASEWORK	3,509	3,387	3,577	3,529	4,435	
<b>TOTAL CRIMINAL</b>	<b>4,826</b>	<b>4,974</b>	<b>5,002</b>	<b>5,052</b>	<b>6,295</b>	

CIVIL/FAMILY						
Years	2005	2006	2007	2008	2009	
DUTYWORK	17	46	7			
CASEWORK	404	427	451	515	522	
<b>TOTAL CIVIL/FAMILY</b>	<b>421</b>	<b>473</b>	<b>458</b>	<b>515</b>	<b>522</b>	

ADVICE/INFORMATION						
Years	2005	2006	2007	2008	2009	
<b>Total Advice/Information</b>	<b>1,313</b>	<b>1,707</b>	<b>2,028</b>	<b>1,851</b>	<b>2,412</b>	

# Performance

Number of Duty Matters by Law Type				
Number of	Male	Female	Other	Total
CRIME	1527	333	0	1860
VIOLENCE PROTECTION	3	0	0	3
<b>Sub total Matters</b>	<b>1530</b>	<b>333</b>	<b>0</b>	<b>1863</b>

Number of Case Matters by Law Type				
Number of	Male	Female	Other	Total
VIOLENCE PROTECTION	7	5	0	12
CIVIL	226	194	0	420
FAMILY	40	49	0	89
CRIME	3788	647	0	4435
<b>Sub total Matters</b>	<b>4061</b>	<b>896</b>	<b>0</b>	<b>4957</b>

# Performance

Number of Case and Duty work Matters by Age and Gender						
Number of	Age (4-17)	Age (18-24)	Age (25-54)	Age (>55)	Age Unknown / Age N/A	Total
<b>Male</b>						
CIVIL	4	41	141	40	0	226
FAMILY	1	3	33	3	0	40
CRIME	463	1401	3294	109	20	5287
OTHER	0	1	9	0	0	10
<b>Sub Total Matters</b>	<b>468</b>	<b>1446</b>	<b>3477</b>	<b>152</b>	<b>20</b>	<b>5563</b>
<b>Female</b>						
CIVIL	6	34	123	28	3	194
FAMILY	1	4	42	2	0	49
CRIME	87	222	636	28	3	976
OTHER	0	0	6	0	0	6
<b>Sub Total Matters</b>	<b>94</b>	<b>260</b>	<b>807</b>	<b>58</b>	<b>6</b>	<b>1225</b>
<b>Other</b>						
CRIME	0	0	0	0	0	0
<b>Sub Total Matters</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Report Totals</b>	<b>562</b>	<b>1706</b>	<b>4284</b>	<b>210</b>	<b>26</b>	<b>6788</b>



# Financial Information

NAAJA's operational funding is from the Commonwealth Attorney Generals Department.

NAAJA has signed a contract with the Commonwealth Attorney Generals Department for the delivery of Legal Aid Services to Aboriginal Australians from 1st July 2008-30th June 2011.



## Financial Statements

For the Year Ended 30 June 2009



**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 2009 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 blue ink, appearing to read "Mark Tomlinson", is written over a faint, light blue grid background.

Mark Tomlinson

25 September 2009

Darwin

# North Australian Aboriginal Justice Agency Limited

## Balance Sheet

30 June 2009

	Note	2009 \$	2008 \$
<b>ASSETS</b>			
<b>Current assets</b>			
Cash and cash equivalents	5	3,473,076	3,058,338
Other assets	8	241,256	189,494
<b>Total current assets</b>		<b>3,714,332</b>	<b>3,247,832</b>
<b>Non-current assets</b>			
Property, plant and equipment	7	1,085,232	1,012,258
<b>Total non-current assets</b>		<b>1,085,232</b>	<b>1,012,258</b>
<b>TOTAL ASSETS</b>		<b>4,799,564</b>	<b>4,260,090</b>
<b>LIABILITIES</b>			
<b>Current liabilities</b>			
Trade and other payables	9	536,789	474,100
Borrowings	10	30,273	33,700
Short-term provisions	11	431,496	355,771
Other Liabilities	12	2,757,916	2,329,262
<b>Total current liabilities</b>		<b>3,756,474</b>	<b>3,192,833</b>
<b>Non-current liabilities</b>			
Borrowings	10	36,497	102,554
<b>Total non-current liabilities</b>		<b>36,497</b>	<b>102,554</b>
<b>TOTAL LIABILITIES</b>		<b>3,792,971</b>	<b>3,295,387</b>
<b>NET ASSETS</b>		<b>1,006,593</b>	<b>964,703</b>
<b>EQUITY</b>			
Retained earnings		1,006,593	964,703
<b>TOTAL EQUITY</b>		<b>1,006,593</b>	<b>964,703</b>

# North Australian Aboriginal Justice Agency Limited

## Statement of Changes in Equity

For the Year Ended 30 June 2009

2009

	Retained Earnings	Total
Note	\$	\$
1 July 2008	964,703	964,703
Surplus	47,493	47,493
Transfers to and from reserves	-	-
<b>Sub-total</b>	<b>47,493</b>	<b>47,493</b>
<b>Balance at 30 June 2009</b>	<b>1,012,196</b>	<b>1,012,196</b>

2008

	Retained Earnings	Total
Note	\$	\$
1 July 2008	872,005	872,005
Surplus	92,698	92,698
Transfers to and from reserves	-	-
<b>Sub-total</b>	<b>92,698</b>	<b>92,698</b>
<b>Balance at 30 June 2008</b>	<b>964,703</b>	<b>964,703</b>

# North Australian Aboriginal Justice Agency Limited

## Cash Flow Statement

For the Year Ended 30 June 2009

	2009	2008
Note	\$	\$
<b>Cash from operating activities:</b>		
Receipts from customers	7,403,394	7,978,842
Payments to suppliers and employees	(6,739,988)	(5,387,728)
Interest paid	(6,242)	(9,648)
<b>Net cash provided by (used in) operating activities</b>	<u>657,164</u>	<u>2,581,466</u>
<b>Cash flows from investing activities:</b>		
Proceeds from sale of plant and equipment	33,454	54,536
Payment of subsidiary, net of cash acquired	(237,681)	(191,673)
<b>Net cash provided by (used in) investing activities</b>	<u>(204,227)</u>	<u>(137,137)</u>
<b>Cash flows from financing activities:</b>		
Payment of finance lease liabilities	(38,199)	(75,671)
<b>Net cash provided by (used in) financing activities</b>	<u>(38,199)</u>	<u>(75,671)</u>
<b>Other activities:</b>		
<b>Net increase (decreases) in cash held</b>	414,738	2,368,658
Cash at beginning of financial year	3,058,338	689,680
<b>Cash at end of financial year</b>	<u><u>3,473,076</u></u>	<u><u>3,058,338</u></u>

# North Australian Aboriginal Justice Agency Limited

## Notes to the Financial Statements

For the Year Ended 30 June 2009

### 2 Revenue

	Note	2009 \$	2008 \$
Operating activities			
- Interest income		113,053	38,936
- Operating grants		6,909,740	5,787,045
<b>Total Revenue</b>		<b>7,022,793</b>	<b>5,825,981</b>

### 3 Other operating income

#### (a) Detailed table

	2009 \$	2008 \$
Rental income	19,750	34,723
Other income	46,089	52,049
<b>Total</b>	<b>65,839</b>	<b>86,772</b>

### 4 Profit from Ordinary Activities

#### (a) Expenses

	2009 \$	2008 \$
Depreciation - buildings	148,555	127,470
Total Depreciation and Amortisation	148,555	127,470
Employee costs	4,246,560	3,633,032
Rental expense on operating leases		
Audit Remuneration		

### 5 Cash and cash equivalents

	2009 \$	2008 \$
Cash on hand	928	500
Cash at bank	260,430	96,965
Short-term bank deposits	3,211,718	2,960,873
	<b>3,473,076</b>	<b>3,058,338</b>

The effective interest rate on short-term bank deposits was 3.8% (2008: 4.9%); these deposits are on call.

# North Australian Aboriginal Justice Agency Limited

## Notes to the Financial Statements

For the Year Ended 30 June 2009

### 5 Cash and cash equivalents continued

#### Reconciliation of Cash

	Note	2009 \$	2008 \$
Cash at the end of the financial year as shown in the cash flow statement is reconciled to items in the balance sheet as follows:			
Cash and cash equivalents		3,473,075	3,058,339
		<b>3,473,075</b>	<b>3,058,339</b>

### 6 Trade and other receivables

CURRENT

NON-CURRENT

### 7 Property plant and equipment

	2009 \$	2008 \$
<b>LAND AND BUILDINGS</b>		
Buildings		
Under lease	638,080	638,080
Total buildings	638,080	638,080
<b>Total land and buildings</b>	<b>638,080</b>	<b>638,080</b>
<b>PLANT AND EQUIPMENT</b>		
Furniture, fixture and fittings		
At cost	29,170	29,170
Less accumulated impairment losses	(28,565)	(27,567)
Total furniture, fixture and fittings	605	1,603
Motor vehicles		
At cost	590,871	616,795
Less accumulated depreciation	(276,932)	(321,781)
Total motor vehicles	313,939	295,014
Office equipment		
At cost	360,724	326,383
Less accumulated depreciation	(302,980)	(283,155)

# North Australian Aboriginal Justice Agency Limited

## Notes to the Financial Statements

For the Year Ended 30 June 2009

### 7 Property plant and equipment continued

	2009	2008
	\$	\$
Total office equipment	57,744	43,228
Computer equipment		
At cost	276,422	207,954
Less accumulated depreciation	(209,317)	(185,225)
Total computer equipment	67,105	22,729
Leasehold improvements		
At cost	201,428	201,428
Less accumulated depreciation	(195,525)	(193,547)
Total leasehold improvements	5,903	7,881
Other property, plant and equipment		
At cost	30,546	30,545
Less accumulated depreciation	(28,690)	(26,822)
Total other property, plant and equipment	1,856	3,723
<b>Total plant and equipment</b>	<b>447,152</b>	<b>374,178</b>
<b>Total property, plant and equipment</b>	<b>1,085,232</b>	<b>1,012,258</b>

# North Australian Aboriginal Justice Agency Limited

Notes to the Financial Statements  
For the Year Ended 30 June 2009

## 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	Furniture, Fixtures and Fittings	Motor Vehicles	Office Equipment	Improvements	Other Property, Plant and Equipment	Total
	\$	\$	\$	\$	\$	\$	\$	\$
<b>Current Year</b>								
Balance at the beginning of year	638,080	22,729	1,603	295,014	43,228	7,881	3,727	1,012,262
Additions	-	68,468	-	154,873	34,341	-	-	257,682
Disposals	-	-	-	(36,157)	-	-	-	(36,157)
Depreciation expense	-	(24,089)	(998)	(99,795)	(19,825)	(1,978)	(1,870)	(148,555)
Carrying amount at the end of year	638,080	67,108	605	313,935	57,744	5,903	1,857	1,085,232
<b>Prior Year</b>								
Balance at the beginning of year	649,978	-	6,786	279,385	71,088	-	400	1,007,637
Additions	-	14,573	-	156,377	20,723	-	-	191,673
Disposals	-	-	-	(20,342)	-	-	-	(20,342)
Transfers	(11,898)	18,869	(4,184)	(36,378)	(31,833)	20,971	5,213	(39,240)
Depreciation expense	-	(10,713)	(999)	(84,028)	(16,750)	(13,090)	(1,890)	(127,470)
Carrying amount at the end of year	638,080	22,729	1,603	295,014	43,228	7,881	3,723	1,012,258

# North Australian Aboriginal Justice Agency Limited

## Notes to the Financial Statements

For the Year Ended 30 June 2009

### 8 Other Assets

	2009	2008
	\$	\$
CURRENT		
Prepayments	241,256	188,534
Other asset	-	960
	<u>241,256</u>	<u>189,494</u>

### 9 Trade and other payables

	2009	2008
	\$	\$
CURRENT		
Unsecured liabilities	-	-
Trade payables	61,506	47,866
Other payables	475,283	426,234
Amount payable to:	-	-
	<u>536,789</u>	<u>474,100</u>
Secured Liabilities		
Amount payable to:	-	-
	<u>536,789</u>	<u>474,100</u>

#### NON-CURRENT

Unsecured liabilities		
Amount payable to:	-	-

#### Secured Liabilities

Amount payable to:

### 10 Borrowings

	2009	2008
Note	\$	\$
CURRENT		
Unsecured liabilities		
Secured liabilities		
Other financial liabilities	30,273	33,700
	<u>30,273</u>	<u>33,700</u>
	<u>30,273</u>	<u>33,700</u>

	2009	2008
Note	\$	\$

#### NON-CURRENT

# North Australian Aboriginal Justice Agency Limited

## Notes to the Financial Statements

For the Year Ended 30 June 2009

### 10 Borrowings continued

	Note	2009 \$	2008 \$
Unsecured liabilities			
Secured liabilities			
Other financial liabilities		36,497	102,554
		36,497	102,554
		36,497	102,554

#### (a) Total current and non-current secured liabilities

	2009 \$	2008 \$
Other financial liabilities	66,770	136,254
	66,770	136,254

#### (b) The carrying amounts of non-current assets pledged as security are:

	2009 \$	2008 \$
Motor Vehicles	590,871	616,795
	590,871	616,795

### 11 Provisions

	Legal proceedings \$	Employee entitlements \$	Total \$
Opening balance at 1 July 2008	110,000	321,496	431,496
Balance at 30 June 2009	110,000	321,496	431,496

#### Analysis of Total Provisions

	2009 \$	2008 \$
Current	431,496	355,771
	431,496	355,771

### 12 Other Liabilities

2009 \$	2008 \$
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# North Australian Aboriginal Justice Agency Limited

## Notes to the Financial Statements

For the Year Ended 30 June 2009

### 12 Other Liabilities continued

	2009	2008
	\$	\$
CURRENT		
Government grants	2,757,916	2,329,262
<b>Total</b>	<b>2,757,916</b>	<b>2,329,262</b>
NON-CURRENT		

### 13 Members' Guarantee

The company is incorporated under the *Corporations Act 2001* and is a company limited by guarantee. If the company is wound up, the Constitution states that each member is required to contribute a maximum of \$ 10 each towards meeting any outstandings and obligations of the company. At 30 June 2009 the number of members was 30 (2008: 30).

### 14 Auditors' Remuneration

	2009	2008
	\$	\$
Remuneration of the auditor of the company for:		
- Auditing or reviewing the financial report	15,500	15,335

### 15 Cash Flow Information

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

	2009	2008
	\$	\$
Net income/loss for the period	47,492	92,728
Cash flows excluded from profit attributable to operating activities		
Non-cash flows in profit		
Depreciation	148,555	127,470
Net gain on disposal of property, plant and equipment	(34,828)	(38,823)
changes in assets and liabilities, net of the effects of purchase and disposal of subsidiaries		
(Increase)/decrease in prepayments	(50,321)	(140,707)
Increase/(decrease) in trade payables and accruals	47,211	409,126

# North Australian Aboriginal Justice Agency Limited

## Notes to the Financial Statements

For the Year Ended 30 June 2009

### 15 Cash Flow Information continued

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

	2009	2008
	\$	\$
Increase/(decrease) in unexpended grants	428,654	2,152,262
Increase/(decrease) in provisions	70,399	(20,559)
	<u>657,162</u>	<u>2,581,497</u>



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

### **Report on the Financial Report**

We have audited the accompanying financial report of North Australian Aboriginal Justice Agency Limited, which comprises the balance sheet as at 30 June 2009, and the income statement, statement of changes in equity and cash flow statement for the year ended that date, a summary of significant accounting policies, other explanatory notes and the directors' declaration.

### **Directors' Responsibility for the Financial Report**

The directors of the company are responsible for the preparation and fair presentation of the financial report 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 report 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.

In Note , the directors also state, in accordance with Accounting Standard AASB 101 Presentation of Financial Statements, that compliance with the Australian equivalents to International Financial Reporting Standards ensures that the financial report, comprising the financial statements and notes, complies with International Financial Reporting Standards.

### **Auditor's Responsibility**

Our responsibility is to express an opinion on the financial report 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 report is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial report. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial report, 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 report in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. 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 report.

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 25 September 2009, would be in the same terms if provided to the directors as at the date of this auditor's report.



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

**Auditor's Opinion**

In our opinion:

- (a) the financial report of North Australian Aboriginal Justice Agency Limited is in accordance with the *Corporations Act 2001*, including:
  - (i) giving a true and fair view of the company's financial position as at 30 June 2009 and of its performance for the year ended on that date; and
  - (ii) complying with Australian Accounting Standards (including the Australian Accounting Interpretations) and the Corporations Regulations 2001; and
  
- (b) the financial report also complies with International Financial Reporting Standards as disclosed in Note .

A handwritten signature in blue ink, appearing to read "Mark Tomlinson", is written over a faint, illegible stamp or watermark.

Mark Tomlinson

Darwin

25 September 2009

# North Australian Aboriginal Justice Agency Limited

For the Year Ended 30 June 2009

## Profit and Loss Account

	2009	2008
	\$	\$
<b>Income</b>		
Interest income	113,053	38,936
Rental income	19,750	34,723
Grants	6,909,740	5,787,045
Other income	46,089	52,049
<b>Total income</b>	<b>7,088,632</b>	<b>5,912,753</b>
<b>Less: Expenses</b>		
Advertising	54,854	17,453
Auditors remuneration - parent entity	15,500	15,335
Bank charges	2,246	2,194
Cleaning	33,670	33,124
Conference/Seminar costs	9,387	2,305
Computer expenses	74,736	118,312
Depreciation	148,555	127,470
Directors' meetings	65,322	48,688
Electricity and water	44,476	46,199
Equipment < \$300	32,721	13,605
Finance costs - external	6,242	9,648
Hire	22,203	33,126
Motor vehicle expenses	136,766	94,584
Other employee costs	225,766	99,092
Postage	10,532	13,631
Printing and stationery	168,035	99,183
Repairs and maintenance	41,621	42,041
Salaries	3,638,026	3,192,696
Security costs	6,353	7,806
Staff training	46,420	39,649
Storage costs	17,662	16,734
Superannuation contributions	318,671	283,350
Uniforms	5,730	4,318
Workers compensation insurance	17,677	18,245
Consulting expenses	215,422	56,861
Bush courts	267,395	212,690
Brief outs	350,924	226,577
Client expenses	172,928	128,421
Insurance	209,301	192,635
Lease rentals	306,064	318,808
Subscriptions	71,257	76,845
Telephone	144,009	97,820

# North Australian Aboriginal Justice Agency Limited

For the Year Ended 30 June 2009

	2009	2008
	\$	\$
Travel	160,668	130,581
<b>Total Expenses</b>	<b>(7,041,139)</b>	<b>(5,820,026)</b>
	<b>(47,493)</b>	<b>(92,727)</b>
<b>Other items:</b>		
<b>Surplus before income tax</b>	<b>47,493</b>	<b>92,727</b>



# NAAJA Offices

NAAJA has an information barrier between our criminal section and civil/family section.

## **Darwin**

1 Gardiner Street, Darwin NT 0800

GPO Box 1064 Darwin NT 0801

Criminal Tel 088982 5100

Fax 088982 5195

Civil Tel 088982 5100

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Toll free 180089 8251

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## **Katherine**

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Criminal Tel 088972 1133

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Civil Tel 088972 1133

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Mail PO Box 1254 Katherine NT 0851

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Po Box 120 Nhulunbuy NT 0881

Telephone 08 8939 2300

criminal Fax 08 8987 1344

Civil Tel/Fax 08 8987 1868

Toll free 1800 022 823

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## **Office Hours**

Monday-Friday (0800am-4.30pm)

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Website [www.naaja.org.au](http://www.naaja.org.au)



# Notes



# Notes