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# ABOUT US

The North Australian Aboriginal Justice Agency (NAAJA) is the largest legal service in the Northern Territory.

We provide a range of high quality legal services to Aboriginal people in the Top End of the Northern Territory.

## Our History

In the early 1970's the North Australian Aboriginal Legal Aid Service (NAALAS) was established to provide legal services to Aboriginal people in the Top End of the Northern Territory.

This was followed in 1985 by the Katherine Regional Aboriginal Legal Aid Service (KRALAS). In 1998, the Miwatj Aboriginal Legal Service (MALS) was established to provide legal services to East Arnhem Land.

In 2005, the Australian Government informed the Aboriginal Legal Aid Services in the Northern Territory that the funding of those services would cease, and that a contract would be put to tender for the delivery of these services.

The Australian Government's tender contract for the delivery of the Legal Aid Services in the Northern Territory was split into two regions, the Northern Region and the Southern Region.

NAALAS, KRALAS and MALS decided to join forces and tender for the Northern Region contract.

This involved the dissolution of the three former entities and the formation of a new single Company, NAAJA, which was established in 2006.

Between them, NAALAS, KRALAS and MALS brought to NAAJA a combined total of 64 years experience in providing legal services to Aboriginal people in the Top End.

## Our Vision

True Justice, Dignity and Respect for Aboriginal people.

## Our Commitment

NAAJA will deliver culturally appropriate and accessible quality legal services for Aboriginal people living in the Top End of the Northern Territory.

## Our Values

We have identified these key values and principals as integral in the achievement of our vision:

- Leadership
- Respect
- Justice
- Professionalism
- Integrity
- Innovation
- Engagement
- Unity



## CHAIRPERSON'S REPORT

*Dorothy Fox*  
**Chairperson**

"It is important for the Board to ensure that policies on the provision of legal aid reflect our client's needs."

On behalf of the NAAJA Board, I am pleased to introduce the 2010-2011 Annual Report.

I assumed the role of Chair in March 2011. I would like to acknowledge the contribution of my predecessor, Norman George, who steered the Board through the previous three years.

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

It is now widely accepted that incarceration rates in the Northern Territory are unsustainably high.

There has been a staggering growth in the Northern Territory adult prison population, with a 43% increase in the last 10 years. The Northern Territory continues to have the nation's highest imprisonment rate by far.

In the Northern Territory, for every three people who go to court, one goes to prison. This is three and a half times higher than the national average.

Aboriginal people make up an appalling 81% of the total Northern Territory prison population.

These high rates of Aboriginal incarceration irrefutably demonstrate that current government initiatives to reduce Aboriginal contact with the criminal justice system are inadequate and ineffective.

The Northern Territory also has the highest recidivism rate in Australia. In the Territory, about 47% of prisoners released from prison return to prison within two years.

In response to this, NAAJA provides an intensive pre and post release rehabilitation and reintegration service for Indigenous prisoners from the Darwin Correctional Centre and Don Dale Juvenile Detention Centre.

We look forward to the Commonwealth Government's report on the Stronger Futures in the Northern Territory consultations which aim to inform the Government of what has worked in the Northern Territory Emergency Response and what could be done better.

We have recommended that the Commonwealth Government commit to a new way of working in partnership with Aboriginal people, leaders and communities to address Aboriginal disadvantage. It is important that governments recognise that 'intervention' as an approach to policy making is fundamentally flawed. A 'one size fits all' approach and lack of collaboration with communities does not work. What works is community involvement and engagement, planned and comprehensive responses, respect for language and culture, adequate resourcing, and working together.

I would like to thank our NAAJA Board Directors: Norman George, Vernon Patullo, Vicki Darr, Tony Wurramarba, Joel McLennon, Colleen Rosas, Hannah Roe, Jerry Ashley, Natalie Ellis, Ruby Walker for all their hard work in 2010/2011.

On behalf of the NAAJA board I would like to thank the NAAJA staff and members of NAAJA for their contributions for 2010/2011, which was an exciting year in the organisation's ongoing development.

We look forward to the ongoing support of Aboriginal and 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.

*Dorothy Fox*  
**Chairperson**



## CHIEF EXECUTIVE OFFICER'S REPORT

*Priscilla Collins*  
CEO

The 2010/11 year was a very successful one for NAAJA.

In December 2010 we were honoured to receive a Human Rights Award from the Australian Human Rights Commission for our work. This recognised not only the leadership of our Board and the dedication of our staff, but also the contribution of the many people who have worked for Aboriginal Legal Services in the Top End for almost 40 years.

We are privileged to have very experienced lawyers and talented staff working for NAAJA. Together we ensure our clients are provided with the best possible legal services and that the systemic issues facing Aboriginal people are tackled through effective advocacy.

While our work is challenging, we continue to look for solutions that offer better outcomes for our people. This report highlights our achievements against our strategic goals.

### High Quality Aboriginal Legal Services

The work we do is often demanding because our clients' legal problems are usually linked to other social and economic issues. 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 advocacy on broader justice issues for Aboriginal people. We speak with authority and credibility on Aboriginal justice issues because we are 'at the coalface'.

In 2010/2011, NAAJA provided advice and representation to 12,892 Aboriginal people for civil, criminal and family matters. In the five years leading to 2010/2011, there has been an increase of 32% in the number of criminal matters and 72% in the number of civil matters undertaken by NAAJA.

Over the 2010/2011 period, each NAAJA solicitor attended to approximately 183 new casework matters in addition to continuing casework matters from previous financial years.

NAAJA has grown significantly over the past four years, and with the great support of the Attorney-General and the Aboriginal Benefits Account, NAAJA has purchased a Darwin office building in 61 Smith Street, Darwin. NAAJA had long outgrown its former premises and so the move to the new building has significantly contributed to our ability to offer a professional service to our clients.

### Advocacy

A priority area for NAAJA has been to work closely with the Commonwealth Government on the review on the Northern Territory Emergency Response (NTER). We have participated in the Future Directions consultations and I have participated on the Whole of Government Evaluation of the NTER.

Another significant focus has been on promoting policies that tackle the causes of crime. We have encouraged government and other stakeholders to look beyond 'tough on crime' approaches, which have been a failure, and to consider instead how approaches like justice reinvestment can lead to improved community safety and lower rates of incarceration for Aboriginal people.

Our Community Legal Education team has also been engaged in groundbreaking work with Aboriginal communities to give people a greater voice in justice issues that affect them.

### Leadership and Governance

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

In recognition of the need for the highest standard of corporate behaviour and accountability, the NAAJA Board attended Governance Training with CPA Australia on 7 March 2011.

NAAJA managers also undertook training run by the NT Chamber of Commerce to enhance their skills in leadership and management.

### Skilled and Culturally Experienced Staff

Due to a significant increase in our workload in 2010/2011 we now employ 84 full time staff, which includes 40 solicitors. We have expanded our service to include Prison Support and Throughcare Services in addition to Advocacy, Community Legal Education and Welfare Rights.

We have increased our staffing by 32% since 2007 to meet client needs. We are proud of the fact that 50% of our staff are Aboriginal, employed in positions right across the organisation, including senior management.



I worked with the Australia Law Council on their recruitment and retention of lawyers in rural, regional and remote Australia initiative to attract and retain lawyers in the Northern Territory.

In addition to having a focus on effective induction and ensuring a culture of continuous professional development, NAAJA has also overhauled its performance management system, in recognition of the importance of providing staff with effective supervision and feedback.

### Constructive Partnerships

NAAJA engages in a wide range of constructive and effective partnerships, which are highlighted throughout this report.

I have continued on the Indigenous Affairs Advisory Council. Our role is to provide advice and make recommendations regarding the implementation and further development of the Closing the Gap and Working Future agendas. The Council also assists the Northern Territory Government to engage effectively with Aboriginal people, organisations and communities throughout the Northern Territory.

### Innovative Continuous Improvement

NAAJA is committed to being innovative and creative in tackling the problems that our clients face. This includes work both inside the organisation and outside.

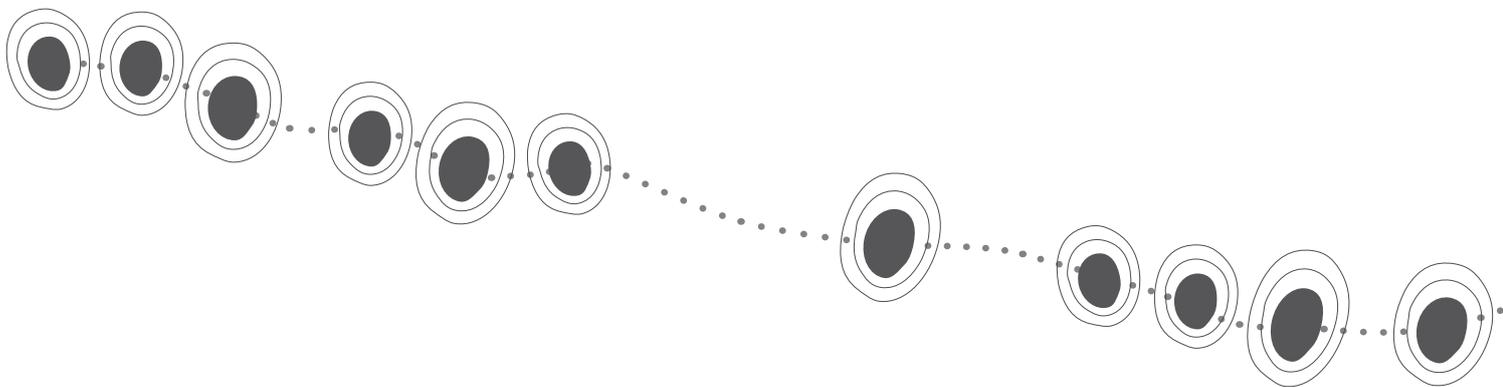
For example, I am on the working group for the establishment of an Aboriginal child, youth and families peak body. Our Deputy Chairperson, Norman George, is on the interim Board of that peak body. Our aim is to ensure the Territory's child protection and family system supports Aboriginal people.

### Conclusion

I am proud of what we have achieved this year.

I thank the board, management and staff for their support and efforts throughout 2010/2011, which has been a year of very high activity with many successes along the way. 2010/11 was an exciting year for NAAJA and one in which it consolidated its position as a leading Australian legal service.

*Priscilla Collins*  
CEO





# CHARTER

NAAJA delivers high quality and culturally appropriate Aboriginal legal services to the Top End of the Northern Territory. In addition to our core legal practice, we provide advocacy and justice-related services that aim to ensure that Aboriginal people have real access to justice.

NAAJA is staffed by dedicated, culturally competent staff who receive ongoing training in cross-cultural communication. An important role in our legal practice is played by Client Service Officers (CSOs) who provide specialised knowledge about the needs of Aboriginal Australians.

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 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
- 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:*

- Representing young people in court
- Representing defendants with mental health issues
- Providing a therapeutic service for defendants in the SMART Court
- Utilising hearing devices for the deaf and hard of hearing

### *We strive to provide;*

- A culturally relevant legal service to Aboriginal people of the Northern Territory
- To assist clients with interpreters in their language
- To advocate for change to laws, programs, policies that affect Aboriginal people in the criminal justice system

## Civil and Family Law

### *Our Family solicitors provide:*

- Legal advice on any area of family law
- Legal representation in parenting matters
- Legal representation with urgent matters such as the recovery of a child
- Referrals to Family Dispute Resolution

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

- Complaints about government services and departments (eg. police, prison officers)
- Compensation claims against police and other government departments (eg. negligence, false imprisonment, assault)
- Forfeiture or seizure of property - where property was used to take liquor, kava or drugs into a restricted area or in the commission of a crime
- Child protection matters (including a duty service)
- Adult guardianship matters
- Volatile substance abuse matters
- Statutory compensation (ie. Motor Accident and Victims of Crime Compensation)
- Consumer matters (eg. credit, debt, motor vehicle sales and repairs)
- Health care complaints
- Discrimination and human rights
- Coronial inquests

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

***Advocacy***

Our Advocacy Section prepares submissions, lobbies for law reform and works with stakeholders on systematic law and justice issues facing Aboriginal Australians. Specific projects include:

***Community Legal Education***

We provide education on legal issues which affect Aboriginal people in the Top End.

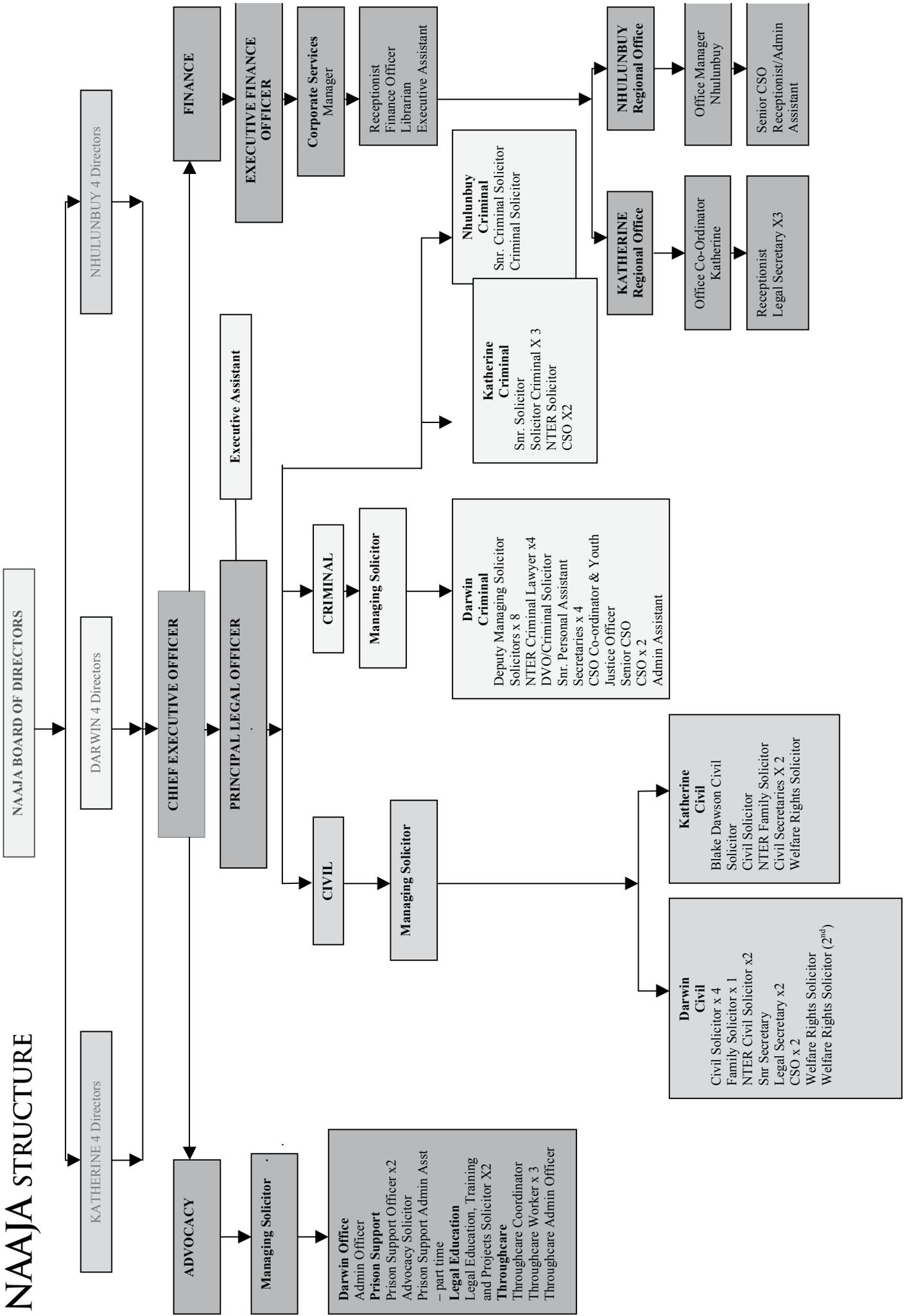
***Indigenous Throughcare Project***

We provide individual case management support to clients in the six months before release from prison or juvenile detention, and in the six months after release to assist their rehabilitation and reintegration into the community.

***Prisoner Support***

We have staff based at the Darwin Correctional Centre who assist with parole issues, prisoner's rights issues and referrals for legal and non-legal assistance.

# 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 2010/11

The NAAJA Board has four Directors from each class who 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.

## DARWIN



### DOROTHY FOX *Chairperson*

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.

Dorothy is a carer of a disabled child and wants to recruit more caring families to provide a home and share their love with a child who desperately needs care.

Previously, Dorothy was an Alderman for the Darwin City Council and was Acting Lord Mayor in 2007/08.



### 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. She has worked across a wide range of areas, including Aboriginal education and criminal justice. 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.

## NAAJA BOARD *(cont'd)*

### KATHERINE



#### **NORMAN GEORGE** *Deputy Chairperson*

Norman is from the Ngalajakan Clan from Roper River. He is the Strongbala Senior Justice Officer of the Strongbala Male Health Program. Norman is the Chairperson of the Strongbala Mens Group and is on the interim board of the NT Aboriginal peak agency for children, youth and families. 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 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 in prisons, 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.



#### **JERRY ASHLEY** *Director*

Jerry is a Ngukurr Elder who has been a NAAJA/KRALAS member for a number of years and is highly experienced in Indigenous Legal Services. Jerry will bring a wealth of knowledge and experience of Cultural Law to our Board. Jerry is also an active committee member for Sunrise Health in Katherine and the Yugul Mangi Council in Ngukurr.



#### **RUBY WALKER**

Ruby is originally from Queensland but has lived and worked in Darwin and Katherine for approximately 40 years. She has worked tirelessly for many years with the age care. She has worked hard to establish the age care services in Kalano and Binjari communities where she is still actively involved today. Ruby has also worked with the Department of Health and Community services in Katherine and has been a valuable member of various committee's such as the Indigenous HACC reference group for about four years, the Katherine Club for about four years and the NAIDOC committee for about two years. Currently Ruby is working part time with the CSI (Community Support Incorporation) as the Support Worker for the Binjari Community. Ruby is also a Board Director with the Wurlu Wurlinjang Aboriginal Health Service. Socially Ruby mans the door at the Katherine Sport and Recreation Club in Katherine. When Ruby isn't working, she's at home relaxing, reading and socializing with family and friends.

## MIWATJ



### VERNON PATULLO

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, living and working 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 was an active member of the former Miwatj Aboriginal Legal Service (MALS), now amalgamated with NAAJA. In his work with MALS he represented the organisation at all levels. Now, as a member of NAAJA, he represents the organisation in dealings with the Attorney-General and other NT government agencies. Vernon held all positions, from member to chairperson, when working with MALS. He has been a former Chairperson and is the current deputy chairperson of NAAJA.



### VICKI DARR

I am originally from North Queensland and have lived in Nhulunbuy for the past 22 years. Whilst living in Nhulunbuy I worked with the Northern Land Council for approximately 12 years. For the past nine years, I have been employed with a Commonwealth Government Department where I have mainly been involved with Indigenous education in the East Arnhem region. During my time in Nhulunbuy I was also involved with other Aboriginal and Torres Strait Islander organisations in this area.



### TONY WURRAMARBA

Tony is a well known leader and spokesperson for the Anindilyakwa people. He held the 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 also 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 Governments, as well as BHP Billiton, to meet the needs of his people. He has supported changes which increase 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. This agreement was struck with both the Australian and Northern Territory Governments. This followed the Regional Partnership Agreement, which saw the Government acquire the land over Angurugu, Umbakumba and Milyakburra for a 40+40 year lease. Bitumen sealing of the highway between Angurugu and Umbakumba are amongst the many changes and projects that are being undertaken on Groote Eylandt.



## OVERVIEW OF OPERATIONS

*Jonathon Hunyor*  
**Principal Legal Officer**

I am privileged to provide this overview of NAAJA's operations and achievements in the 2010-11 financial year.

One of the highlights of the year was receiving a Human Rights Award from the Australian Human Rights Commission for NAAJA's work. This was a great honour and recognized the professionalism and hard work of NAAJA staff. It also reflected NAAJA's reputation as a leading legal service provider and an effective advocate for justice for Aboriginal people.

Significant achievements against our strategic goals include the following:

### **High Quality Aboriginal Legal Services**

The sheer numbers of clients serviced by NAAJA are detailed elsewhere in this report. Our caseloads remain excessive and this continues to place enormous pressure on our staff as do the challenges presented by remoteness and language/communication issues that arise for many of our clients. It is therefore a great testament to the dedication of our staff that NAAJA has not only been recognized with a Human Rights Award, but has also received overwhelmingly positive feedback from clients, courts and other stakeholders in the justice system.

NAAJA aims to cover, to the greatest extent possible, the full spectrum of legal issues that our clients face. The legal needs of Aboriginal people remain significantly unmet – especially in areas such as civil law (and within that, fields such as tenancy law) where the need vastly exceeds our capacity.

However, for those matters that NAAJA can take on, we are able to provide a comprehensive service – including representation in all courts and tribunals within our practice areas. In this financial year our criminal practice continued to maintain a significant Supreme Court practice, including a number of matters in the Court of Criminal Appeal. Our civil practice also conducted

significant and complex litigation in the Supreme Court and Court of Appeal.

### **Advocacy**

Our strategic objective under this goal is to influence positive change and lead law reform in relation to Aboriginal people.

An important way in which NAAJA seeks to achieve this goal is developing and maintaining productive working relationships with government and other legal agencies, including Northern Territory Police and service providers in the justice field. NAAJA meets regularly with all stakeholders and is pro-active in ensuring that we can have input into significant developments in law and policy.

NAAJA's advocacy over this financial year focused on several issues, including the Northern Territory Intervention, parole system, justice re-investment and correctional services reform. We prepared detailed written submissions on these and other law and justice issues, and our advocacy was able to effect changes in policy and procedure. One small practical example involved proposed changes to prison visits for the Darwin Correctional Centre. The Government announced a change to policy that would have restricted prison visits and which had a significant impact upon clients from remote communities. The advocacy of NAAJA and others led to a reversal of this policy.

Our Advocacy section has expanded significantly in recent years, reflecting NAAJA's commitment to systemic change and leadership in law and justice issues. The most significant change involves the growth and development of our Prison Support and Prisoner Throughcare projects. These are pro active ways in which NAAJA is tackling issues of recidivism and promoting an end to cycles of offending.

NAAJA's Community Legal Education team is another good example of our commitment to achieving positive



change. While we continue to provide 'conventional' legal education through publications and sessions in communities and schools, our emphasis has shifted to education through community development projects (such as Law and Justice Groups) which allow us have a deeper and longer lasting impact. This is groundbreaking work and again demonstrates our commitment to lead in bringing about real change.

### **Leadership and Governance**

NAAJA recognizes the importance of strong leadership and the highest standards of governance. This is important not only in maintaining our reputation and ability to attract funding and support, but also in ensuring the internal health of our organisation.

This financial year a number of our managers undertook management training and NAAJA reviewed its procedures around performance management to ensure that staff receive appropriate and timely feedback, are properly supported and maintain their professional development.

### **Skilled and Culturally Experienced Staff**

We have maintained a strong focus on this aspect of our work. Cross-cultural awareness and ongoing skills development is an integral part of work at NAAJA, which is now conducted and facilitated by our Community Legal Education team. One advantage of this approach is that our Community Legal Education lawyers are able to bring back to NAAJA the feedback they are getting when engaging with Aboriginal communities, and their experience of some of the communication gaps that exist.

Our legal teams have a culture of continuous professional development, with in house legal education sessions being run on average monthly within our Criminal and Civil teams. These involve both external speakers and staff with special expertise sharing their skills with colleagues.

This financial year saw the development of a Criminal Section Handbook covering both internal policies and procedures, and guidance on common practice issues. It is particularly useful for new staff and those with limited experience of the criminal law in the Northern Territory. It is a good example of NAAJA's commitment to best practice. Our Civil Section is working on a similar handbook for its operations in the coming financial year.

We continue to attract staff of high calibre and have significantly reduced the high levels of turnover that NAAJA experienced in previous financial years. There is now stability in senior positions, which has played an important role in this aspect of our operations.

### **Constructive Partnerships**

NAAJA's reputation as a constructive partner in Aboriginal law and justice issues is well established. We regularly consult with Territory and Commonwealth governments and play an active role in forums such as the National Aboriginal and Torres Strait Islander Legal Services forum and the Aboriginal Peak Organisations of the Northern Territory.

We have excellent working relationships with other legal service providers, including the Northern Territory Legal Aid Commission (NTLAC), with whom we meet regularly. In this financial year, we worked closely with NTLAC on issues concerning their funding and inability to service remote communities and established a clear protocol for conflict referrals.

Another example of our cooperative work from this financial year is the memorandum of understanding that NAAJA entered into with West Arnhem Shire Council to provide legal education and support to their Night Patrol staff in return for logistical support for our work in the region.



## OVERVIEW OF OPERATIONS *(cont'd)*

### Innovative Continuous Improvement

As the Principal Legal Officer I have worked closely with section managers to ensure that NAAJA's systems and practices support our staff and the highest standards of client service. A particular focus has been on inductions and staff performance management. We have achieved significant improvements in these areas.

In this financial year, NAAJA was actively involved with other Northern Territory legal services and the Northern Territory Law Society in a Recruitment and Retention Working Group to address the issues that face our sector around attracting and retaining quality staff.

Legal Consultants LeMessurier Harrington undertook a practice review for NAAJA with a focus on training around conflicts of interest. All staff participated in sessions designed to raise awareness of conflict issues and how to deal with them effectively and professionally.

### Conclusion

The Australian Government's February 2010 Strategic Review of Indigenous Expenditure recommended that Aboriginal and Torres Strait Islander Legal Services should be maintained as a separate legal aid service for the Indigenous community. It found:

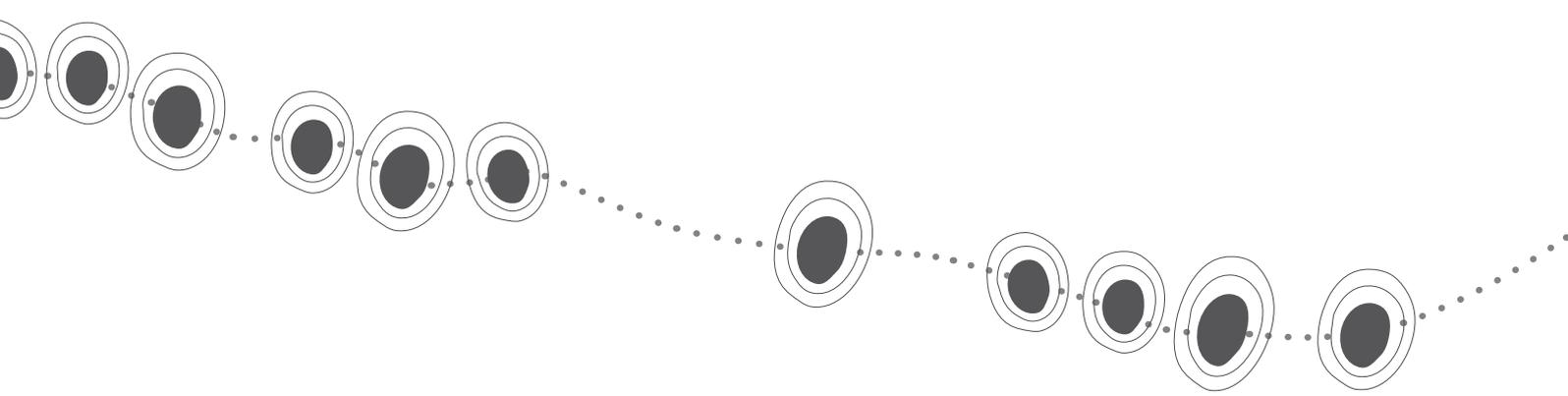
Indigenous people need to have the confidence that they can access a legal aid service that understands their needs and the specific problems and challenges faced by many Indigenous families and individuals.

The Strategic Review also identified funding pressures in the provision of legal services and recommended that funds be redirected to legal aid (amongst other priority areas).

These findings are welcome and we hope to continue to guide policy and funding decisions. NAAJA has benefited from some significant increases in our funding in recent years and this has been vital in helping us to meet some of the vast unmet need in our client base. We have seen large increases in our workload, caused in part by the ongoing impact of the Northern Territory Intervention. It is vital that NAAJA's funding is continued at current levels and additional funding is made available to ensure we can continue to help Aboriginal people access justice in the Top End.

Thank you to the Board, our CEO Priscilla Collins, managers and staff for their support and hard work over the 2010-11 financial year.

*Jonathon Hunyor*  
**Principal Legal Officer**





## CRIMINAL LAW REPORT

*David Woodroffe*  
**Managing Criminal Solicitor**

The Darwin Criminal Section provides legal representation on a duty lawyer basis and through ongoing casework in both the Court of Summary Jurisdiction and the Supreme Court. We provide specialised services for youth, drug and alcohol courts, domestic violence matters and criminal appeals. We service Darwin and courts in eight Aboriginal communities. Our Section consists of 25 staff, with 15 lawyers, five Client Service Officers, and five personal assistants.

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

### High Quality Aboriginal Legal Service

The Criminal Section continues to provide legal services of a very high quality to the large numbers of Aboriginal people requiring legal representation for criminal matters in the Top End. In 2010/11 we:

- Undertook a total of 4212 case files, with 1364 matters finalised on the first appearance.
- Obtained Expensive Indigenous Case funding to enable us to brief counsel to represent clients in complex and difficult Supreme Court trials and Court of Criminal Appeal matters.
- Undertook a number of high profile cases, highlighting the skill and quality of our lawyers.
- Provided a 24 hour phone service for Aboriginal persons in police custody.

The Criminal Section produced a criminal lawyer handbook to assist criminal lawyers, with special focus on cross-cultural issues, use of interpreters and working in remote communities. This is a good example of best practice and is the first of its kind within Aboriginal and Torres Strait Islander Legal Services.

In October we introduced a Domestic Violence Duty Lawyer Service based in Darwin to provide assistance in explaining domestic violence orders (DVOs) to respondents and negotiating for varied conditions where the conditions

proposed may be onerous or unreasonable. This initiative was a response to the large numbers of breaches of DVOs, many of which relate to technical breaches of conditions and poor understanding of the requirements of a DVO.

To ensure that our clients are able to benefit from 'therapeutic justice' approaches in alcohol and drug courts operating in the NT, the Criminal Section has two dedicated lawyers to take on these matters.

Members of the Criminal Section were also actively engaged with other stakeholders, including the Court and prosecutions, to develop practice and procedure around the new Substance Misuse and Referral for Treatment (SMART) Court, which commenced operation in July 2011.

### Constructive Partnerships

A major challenge for the reporting year was the withdrawal of legal services by the Northern Territory Legal Aid Commission (NTLAC) from all remote communities, including Nhulunbuy. This may potentially result in a significant number of people being forced to self-represent in serious criminal matters because conflicts of interest prevent NAAJA from acting on their behalf. NAAJA lacks the funds to brief private solicitors to act in such matters and is keen to ensure that NTLAC is funded adequately so as to enable it to represent all Territorians requiring their services.

Despite this challenge, NAAJA maintained its constructive relationship with NTLAC. We were able to work together to establish a memorandum of understanding for the transfer of criminal matters, including matters from remote communities where there was the prospect of transfer of a matter to Darwin or Katherine.

We also worked with the Court of Summary Jurisdiction and the Ramingining community to have the Court sit in the community. This not only saves costs for clients' travel but also reduces the number of arrest warrants from this community.

## CRIMINAL LAW REPORT *(cont'd)*

A memorandum of understanding with the West Arnhem Shire has allowed our criminal staff to access offices and facilities in Oenpelli and Maningrida in return for legal training for their Aboriginal staff.

We have a strong relationship with the Aboriginal Interpreter Service and have participated in mutual training days to improve our communication with our clients and to improve the skills of interpreters in a court setting.

We have positive working relationships with Indigenous service providers such as the Balanu Foundation, Brahimny Camp, CAAPS, and FORWAARD. This plays a major role in assisting our clients to gain access to culturally relevant and appropriate rehabilitation services.

Our DVO Duty lawyer has established networks with the Northern Territory Police Domestic Violence Unit, the Domestic Violence Legal Service and the North Australian Aboriginal Family Violence Legal Service.

NAAJA has also maintained a close relationship with the Northern Territory Bar as well as interstate counsel. This allows us to obtain the best counsel for our clients at significantly reduced fees. We greatly appreciate the work that counsel do for NAAJA in making a significant contribution to providing access to justice for Aboriginal people in the Top End.

Criminal section lawyers have a strong presence on important bodies such as the Northern Territory Law Society and the Criminal Lawyers Association of Northern Territory. We are therefore able to influence law reform on legal issues affecting Aboriginal people.

### **Innovative Continuous Improvement**

In this reporting year, the Criminal Section has given attention to the needs of clients with profound hearing loss. We now have portable hearing devices available for the use of clients in remote communities, Darwin or at prison.

The work of our Criminal Section can be very demanding and stressful. We held a training day with an external facilitator on dealing with stress and vicarious trauma.

We have continued to develop a culture of training and development for our staff. During the course of the year

we have held in-house professional development sessions, conducted by visiting barristers, local Queens Counsel and Chief Justice Riley of the Supreme Court.

Our Aboriginal Client Service Officers have been attending and will graduate from Tranby Aboriginal College in Sydney with paralegal qualifications. We have also conducted in-house training for personal assistants and Client Service Officers in paralegal skills and legal issues.

In this reporting year, the Criminal Section also reviewed its file processing systems. This has significantly improved the processing of files and the entry of data into our computer systems.

### **Conclusion**

In 2010/11 we saw a year of major challenges for the Criminal Section and the Indigenous community of the Top End, but also a number of breakthrough achievements with the attainment of new premises; the maintenance of high standards and professionalism by our staff; and entering new fields of expertise with a 'therapeutic justice' practice. The Criminal Section remains as always a dedicated group of people who believe in providing a high quality and culturally relevant legal practice for Indigenous people of the Top End.

*David Woodroffe*

**Managing Criminal Solicitor, Criminal Law Section**



## CIVIL AND FAMILY LAW REPORT

*Philippa Martin*  
**Managing Civil Solicitor**

The 2010-11 financial year presented a range of challenges for the Civil Law Section which I am pleased to report we were able to meet.

At the beginning of the financial year there was a high staff turnover in the section and we have had considerable difficulty filling the Welfare Rights position in Katherine and the civil solicitor position in Nhulunbuy. The Managing Solicitor position was filled in December and the Darwin family law position, vacant for the first half of the financial year, was filled in February 2011. By the end of the financial year, the staffing situation had settled considerably, with the Katherine Welfare Rights position filled and a civil solicitor employed in Darwin to service the Nhulunbuy region.

Despite the difficulties of recruitment and retention that sometimes present, particularly in the offices outside of Darwin, the Civil Section has been able to attract highly motivated and high quality staff and student volunteers. We are looking forward to a year of consolidation and growth.

Our achievements in the 2010-11 year include the following:

### **High Quality Aboriginal Legal Services**

Throughout this year we have continued to provide regular advice clinics in remote communities including Wadeye, Jabiru, Gunbalanya, Ramingining, Milingimbi, Maningrida, Nhulunbuy, Groote Eylandt (from Darwin) and Bulman, Borroloola, Ngukurr, Timber Creek, Yarralin, Beswick, Barunga, Lajamanu and Kalkarindji (from Katherine). Staff from the sections also run regular civil and family law clinics at Berrimah prison and Don Dale Juvenile Detention Centre.

The Civil Section assists clients with torts, police and health care complaints, motor vehicle seizure, coronial matters, discrimination, child protection and victims compensation claims involving crime and motor accidents. Civil staff also provided duty services in Adult Guardianship, Volatile Substance Abuse and Child Protection matters.

The Welfare Rights Outreach Project (WROP) solicitors provide advice and representation for clients with Centrelink and income management issues and with tenancy problems in remote areas. In the last year they assisted NAAJA clients in having over \$200,000 of Centrelink debts waived under the social security law on the basis of special circumstances and/or Centrelink errors. Solicitors have picked up significant errors by Centrelink, particularly in relation to our remote clients. WROP solicitors also work with the NAAJA Criminal team to assist clients who are prosecuted in relation to Centrelink debts. They have had success in getting criminal charges withdrawn in a number of matters. The Welfare Rights team also advocates on behalf of remote clients with their applications for housing, issues of repairs and maintenance, termination and debts to housing providers.

With the re establishment of the family law service in Darwin, NAAJA clients in Darwin and Katherine can attend a clinic for advice on all family law issues and we may be able to represent them in matters involving children. This year, NAAJA's family law solicitors have assisted clients in a wide range of matters, including obtaining urgent recovery orders when one parent has taken the child without notice; obtaining orders for grandparents and parents that the child live with them; and negotiating settlements between parents and carers about residency and shared care.

### **Constructive Partnerships**

Over the year, the Civil team has established and strengthened constructive partnerships with the Northern Territory Police (NT Police) and the Ombudsman's office. The Katherine civil solicitors meet regularly with senior police in the region to discuss individual and systemic issues facing NAAJA clients. This good working relationship enables us to resolve many of our clients' complaints about their interactions with the police informally and quickly. We are able to obtain explanations and apologies for our clients and this in turn increases their confidence in and respect for, the NT police.

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

The Civil team regularly meets with a number of government agencies to build and maintain productive working relationships. We have met with staff from the Licensing Regulation and Alcohol Strategy, Licensing Commission, Crimes Victims Support Unit, Public Guardian and Executive Office, Health and Community Service Complaints Commission and the Telecommunications Industry Ombudsman.

NAAJA's welfare rights solicitors attended regular legal services meetings with Centrelink and Territory Housing together with solicitors from CAALAS and NT Legal Aid. These meetings are an effective way to share information, discuss systemic issues and provide feedback to government about policy and process in order to achieve the best outcomes for our mutual clients. For example, at these meetings WROP solicitors, together with other Northern Territory legal services, have been encouraging Territory Housing to introduce remote public housing rules and tenancy agreements that are consistent with the Residential Tenancies Act. In addition to this, the WROP team has a strong focus on capacity building amongst other service providers and spends a significant part of each community visit meeting with other service providers to discuss issues of concern (income management, Basics Cards, Housing) and how NAAJA can help. In particular the WROP team has built strong relationships with financial counsellors and the money manager network in the Top End.

### **Innovative Continuous Improvement**

In the last year, civil solicitors have organised and attended continuous professional development sessions on Employment Law (run by the Northern Territory Working Womens' Centre), Consumer Law, Legal Costs, Police Torts and running Coronial matters,. NAAJA also hosted a consumer law forum for community legal centres and others on the National Bulk Debt Waiver project and dealing with third party insurance disputes.

The NAAJA Civil Section works closely with the Criminal Law TSection to achieve better outcomes for our clients. NAAJA's criminal law solicitors often refer clients who have a complaint about police mistreatment or civil liberties breaches. Then, the Civil Section is able to advise and represent that client about complaints and claims for false imprisonment and/or assault. The Welfare Rights team

also collaborates with the criminal lawyers for clients who have a Centrelink debt and a related prosecution for Centrelink fraud. In these matters, Welfare Rights solicitors assist the client in having the debt reduced or waived and/or providing relevant evidence to the criminal solicitor to enable them to defend the prosecution or have it dismissed.

### **Case studies**

#### ***Coronial matters***

Representing families in coronial investigations and inquests is a growing part of the Civil Section's practice. Involvement in the coronial process helps people to raise questions about the circumstances of their family member's death. This year civil staff represented the family of a little boy whose body was found in a waterhole in Borroloola in an inquest which was widely reported around Australia. The Coroner found that there were a series of flaws in the police handling of the investigation, principally that the police wrongly assumed that the young boy died accidentally when there was clear evidence that another person had been involved. At the beginning of the inquest, the police made a public apology to the family for the mistakes they had made.

In another coronial matter, NAAJA lawyers represented the son of a man who died in a car accident. The Coroner decided to hold an autopsy because it was not clear from the external examination of the body whether the man had sustained injuries as a result of the accident or of a heart attack shortly before the accident. The family objected to the autopsy on the basis that it was contrary to Aboriginal culture and would cause significant distress to the family and community. We were successful in a Supreme Court review of that decision. Justice Kelly delivered her judgement on the day of the hearing and in overturning the Coroner's decision, found that as there was no evidence of foul play and as the autopsy would not necessarily determine the exact cause of death, the cultural reasons in keeping the body whole outweighed any public interest in holding an autopsy.

#### ***Discrimination***

We assisted a woman to negotiate a successful settlement to her sexual harassment claim without the need for her to go



through the complaint process with the Anti Discrimination Commission. Our client's manager sent her emails of a sexual nature, regularly called her "babe" and "beautiful" and touched her in a manner that was unwelcome. Our client received \$20,000, a letter of apology and her manager was counselled about his behaviour.

### Consumer matters

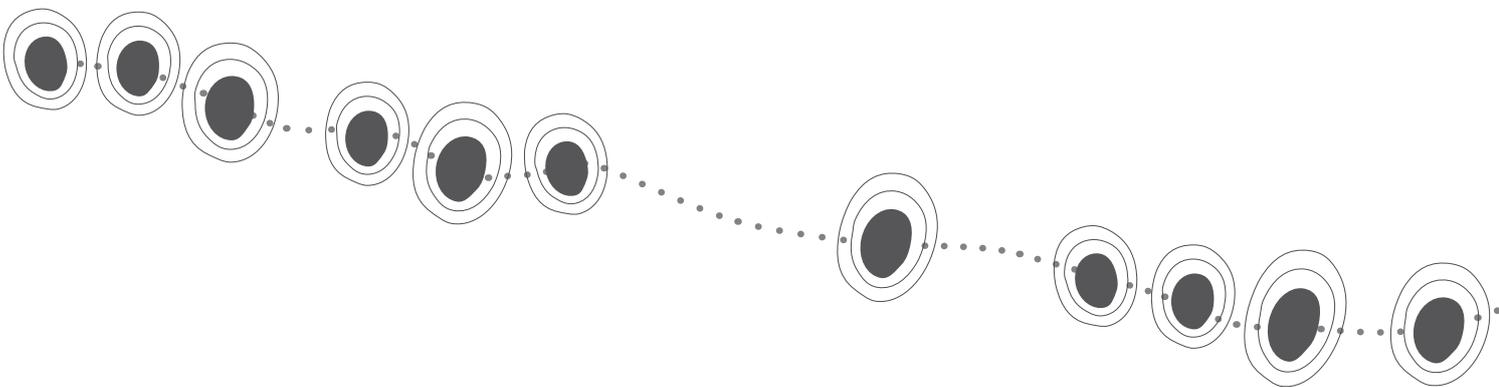
NAAJA civil solicitors assisted seven families on Groote Eylandt with their mobile phone debts. Our clients had not requested a new service - they had been "cold called" and were induced to agree to the contracts in exchange for a free mobile phone. The clients received the phone but it did not work because the service provider did not service the area in which the clients lived. In fact, only Telstra operated in that region. We successfully argued that the contracts were unfair and that the debts should be waived because the service provider knew that the phones would not work in that area. We have taken other complaints about the same service provider to the Telecommunications Ombudsman.

### Property seizure matters

Civil solicitors regularly assist clients in making requests to the police for the return of their cars after they have been seized. In one matter, the police seized our client's car because his nephew had used it to transport kava illegally. We appealed to the Licensing Commission and argued for a beneficial interpretation of the legislation. While our client knew of his nephew's intention to transport kava in the car, he did not give permission for his nephew to do this and was powerless to stop him. Our client was in Elcho Island and the car was in Darwin. Following the Licensing Commission's decision our client's car was returned to him.

*Philippa Martin*

**Managing Solicitor, Civil Law Section**





## ADVOCACY REPORT

*Jared Sharp*  
**Advocacy Manager**

The Advocacy Section's skilled, dedicated staff continue to produce high quality work for NAAJA and our clients. Some of our significant achievements against our strategic goals include:

### **Advocacy**

We seek to influence positive change and lead law reform in relation to Aboriginal people. In terms of policy submissions, highlights include a submission to propose an overhaul of the parole system and a review of the Parole of Prisoners Act, as well as a submission to the Northern Territory Corrections Minister to highlight issues affecting our clients that had not been addressed as part of the 'New Era of Corrections.'

We prepared an extremely comprehensive submission to the Northern Territory Youth Justice Review (NTYJR). We are hopeful that several of our recommendations will be implemented by Government. NAAJA was invited to be on the Review Panel for the NTYJR and as the only non-Government organisation on the Panel, this highlights our strong standing in the justice sector.

NAAJA prepared a submission to the Family Law Council of Australia in relation to the unmet needs of Aboriginal people in the family law system. We also made a submission to the Northern Territory Education Department in relation to their draft Education Amendment Bill. This will have a serious impact on young people over 14 who are deemed to be living independently and who will now be able to be charged with an offence for not going to school, or not being enrolled in school.

Our Welfare Rights lawyers have also recently made submissions to the Department of Housing in relation to their draft Remote Tenants Complaints and Appeals policy, in addition to a submission responding to the Australia Law Reform Commission's Issues Paper – Family Violence and Commonwealth Laws. They also led a submission to Territory Housing about the introduction of Public Housing Safety Officers. We are extremely concerned about the police-like powers given to these new, minimally trained workers.

### **Constructive Partnerships**

We work closely and enjoy strong working relationships with key stakeholders to advance the rights of Aboriginal Territorians. Particularly significant collaborations include our work with CAALAS, AMSANT, NLC and CLC as part of the Aboriginal Peak Organisations (Northern Territory) which is gaining momentum as a strong, unified voice for peak Aboriginal organisations across a range of issues.

We also work closely with CAALAS, and in November 2010 and May 2011, we held our bi annual Advocacy Committee meetings where we worked collaboratively on issues of joint concern. Additionally, we have advocated strongly with CAALAS, the Northern Territory Legal Aid Commission, the Northern Territory Law Society and other legal services across a range of social justice issues, including the establishment of a remote tenancy legal service. We currently sit on the Northern Territory Law Reform Committee, Law Society Council and Law Society Social Justice Committee. We chair the Corrections working group of that Committee.

Similarly, we have met with the Attorney-General and Minister for Corrections, and continue to meet with various stakeholders such as Northern Territory Police, Correctional Services and Centrelink to discuss pressing and systemic policy issues.

In terms of future collaborations, we are seeking to work with the Commonwealth Regional Operations Centre in relation to Local Implementation Plans (LIPs) and Territory Growth Towns. It is hoped that the Government will see a greater role for non government organisations to contribute their expertise to engage with Aboriginal people in remote communities and improve community safety.

### **Innovative Continuous Improvement**

NAAJA continues to innovate and continuously improve the services we offer our clients. In 2010/11, this is highlighted in three areas of the Advocacy Section's operations:

### **Community Legal Education (CLE)**

NAAJA's legal education activities focus on empowering members of remote Aboriginal communities to engage with law and justice issues. We have designed and delivered educational sessions on a number of legal topics identified by local communities, such as interacting with police, domestic violence orders, family law and accessing children, and the criminal process and sentencing regime. These sessions aim to empower people to make informed decisions in order to protect and enhance their rights.

Some CLE highlights included running regular sessions at the Brahminy Camp, Balunu Boys and Girls Camps and Darwin Correctional Centre covering a number of legal issues, in addition to a number of legal education sessions with the Casuarina College Clontarf Academy. As part of this, we supervised three Aboriginal Year 12 students undertaking work experience at NAAJA.

NAAJA has placed a particular focus on developing local Law and Justice Groups. Law and Justice Groups are perhaps the best expression of NAAJA's commitment to building local capacity in order to protect legal rights and pursue aspirations of law and justice specific to each community. This commenced in Lajamanu and will expand to other communities including Ngukkur, Gapuwiyak and the Tiwi Islands. In relation to our work at Lajamanu, we have undertaken legal education with Lajamanu high school students, including a visit to the court (while in session). We are working with the Lajamanu police and Katherine Magistrate to identify ways the Law and Justice Group can work with the court system.

Other CLE activities have included developing CLE resources and materials, working on a joint project with the Northern Territory Department of Justice to run training for elders sitting on Community Courts, and delivering training to NAAJA staff to assist them to provide effective and appropriate legal education, information and advice to clients.

### **Prison Support**

Our Prison Support Officers, Kieran Boylan and Lavina Murray and Advocacy Solicitor, Ruth Barson have had an outstanding 12 months. Their focus is twofold. First, assisting prisoners to develop comprehensive post-release plans and navigate through the parole process, and secondly,

responding to general enquiries from prisoners. This might include access to medical and health services, requests for transfers, or unmet family or civil law needs. We also commenced providing support to prisoners on remand. These are a group of prisoners who typically suffer extreme anxiety due to the stress and uncertainty of their pending court matters and the conditions on remand.

We prioritise working with prisoners with mental health, language, hearing and other complex issues. Access to rehabilitative programs remains extremely limited. Many of our clients cannot successfully apply for parole because prisons are not running the necessary programs.

We have also assisted a number of prisoners after their release from custody. These clients desperately needed reintegration support and would almost certainly be back in custody but for our involvement.

We have a strong working relationship with Darwin Correctional Centre staff, both custodial and non-custodial, and have developed a strong reputation with the Northern Territory Parole Board due to the high quality of our work.

In terms of priorities, we have seen a number of parolees being breached and returned to custody for breaching conditions of parole. Reform in dealing with conditional breaches is badly needed. We also continue to advocate for increased frequency of programs at the prison, which is still a massive area of injustice for our clients, and ensuring the repatriation system is improved so that prisoners can leave prison with essentials attended to, including having identification, a bank account, and supported and properly arranged transport home.

### **Throughcare**

Our Indigenous Throughcare Project workers, Samantha Taylor-Hunt and Terry Byrnes have both operated at capacity with a caseload of 12 clients each. With many clients unable to be assisted, our project has lacked the capacity to assist more clients wanting our services. We were pleased at the announcement of additional funding by the Commonwealth Attorney-General's Department. It is a huge vote of confidence in the fantastic work our Indigenous Throughcare Project team are doing, and will allow us to employ two additional case workers for 12 months. This will assist our capacity to help clients in regional and remote areas.



## ADVOCACY REPORT *(cont'd)*

Our Indigenous Throughcare Project provides practical and meaningful case management support to our clients in a culturally relevant way. We work with clients for six months prior to their release from custody, and six months post-release. Many of our clients simply do not engage with mainstream services. Without our advocacy and support, many fall through the cracks. This case study shows the varied assistance our clients need.

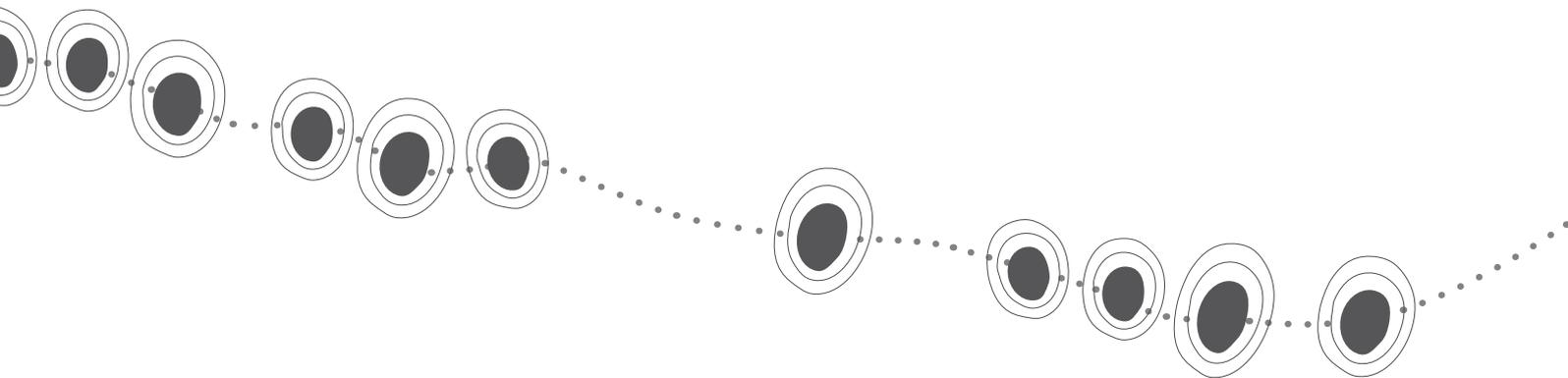
F was released after serving a lengthy sentence. NAAJA's Throughcare worker assisted F to obtain appropriate Centrelink payments and crisis accommodation through St Vincent De Paul whilst she was awaiting allocation of a Territory Housing home. We attended pre-tenancy interviews with her as her advocate. We supported F in her pregnancy and with attending medical appointments and with her to move into her Territory Housing home, as well as helping F source furniture for her new home.

Although F is doing extremely well in her new home, she still suffers from depression and is struggling to reintegrate

back into society. We will continue to provide support to her, whilst linking her into more support from Anglicare and St Vincent De Paul.

On a systemic level, the difficulty prisoners face in finding stable accommodation upon release from custody is a major reintegration barrier. But more broadly, the lack of resources dedicated to assisting prisoners and juvenile detainees to develop tangible plans for after their release from custody is unquestionably the greatest structural change that is needed. Unless more programs like NAAJA's Prisoner Support and Indigenous Throughcare Project are funded, the Northern Territory will continue to see a staggeringly high proportion of people exiting prison returning within a short period of time.

*Jared Sharp*  
**Advocacy Manager**





## NHULUNBUY OFFICE REPORT

*Josephine Cashman*  
**Senior Criminal Solicitor**

The Nhulunbuy office provides legal services in criminal, family and civil law to the North East Arnhem region, which is strongly influenced by traditional Aboriginal culture. North East Arnhem land has more than 12 different Aboriginal languages and 28 dialects.

Our team comprises an office coordinator, a receptionist (parttime) two criminal lawyers, a Client Services Officer (crime) and one civil lawyer (a position that was vacant at the time of writing this report). The criminal team attends courts in Nhulunbuy (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 – four months).

Some of our achievements over the past year in meeting NAAJA's strategic goals are as follows:

### **High Quality Aboriginal Legal Service**

Delivering a high quality legal service to remote East Arnhem communities has challenges both geographically and by reason of the linguistic and cultural complexities that can arise. Our practice has championed the service delivery to these communities by understanding, appreciating and accommodating the diversity of the clients and area we service.

#### ***Supreme Court***

We have been able to retain and appear in the majority of the Supreme Court matters for clients in our region. When an accused person is on bail, the Court will normally allow them to appear via video link from Nhulunbuy or Groote Eylandt. This has many benefits for the community and accused person. These include:

- Continuity of representation throughout the Court proceedings;
- An accused person's family members can be present at the proceedings;
- It provides remote communities an opportunity to observe Court proceedings and see justice being administered;

- It saves an accused person the expense of travelling to Darwin; and
- It minimises the prospects of warrants being issued for clients failing to appear.

#### ***Case study***

Recently proceedings were held via the video link (AVL) from the Nhulunbuy Office. We had at least 40 people attending our Office to view the proceedings. These proceedings were related to a breach of a Supreme Court suspended sentence. The client had 15 months left to serve on the sentence but we were able to persuade the Court to require that the client serve only one month. Having the community present to see the proceedings and show their support for the client was a powerful aspect of the proceedings.

#### ***Remote Communities***

Our Office services many remote communities including Numbulwar, Galiwin'ku and Gapuwiyak. The Magistrates Court usually sits in these communities one day every three months. Previously the Court had convened in the middle of other major circuits, making it difficult to properly service this community and meet with clients before court. Our Office this year made representations to the Chief Magistrate about the listing of these circuits and they are now listed on the first day of the major court circuits.

We are now able to spend more time in these communities by arriving the day before court. Our community presence has strengthened with both community organisations and leaders. Our lawyers have appeared for clients in powerful community court processes where Elders and leaders actively participate in and enrich the Court sentencing process.

#### ***Constructive Partnerships***

NAAJA in East Arnhem works very closely with community bodies and individuals. Throughout the year we participated in a number of community activities including:

## NHULUNBUY OFFICE REPORT *(cont'd)*

- **Garma:** NAAJA had a stall at the Yothu Yindi Foundation's Garma Festival. Ten prisoners from Berrima prison Darwin attended and camped on site. We conducted informal community legal education sessions with the prisoners and their families and participated in the range of cultural activities that were part of the festival.
- **Suicide prevention:** East Arnhem area has very high suicide rate. NAAJA attends and participates in monthly meetings with a suicide prevention group and is working with the community on ways to reduce suicides, especially amongst young people.

We have also developed, strengthened and maintained constructive partnerships with all major government and community bodies operating in the East Arnhem region.

### **Innovative Continuous Improvement**

#### ***Young people***

The Nhulunbuy office has implemented a highly effective way of dealing with youth matters, involving intensive case management. This specialist youth practice was aimed at providing a service to focus on the individual needs of the child. This approach includes:

- Continuity of representation
- Intensive consultation with the young person throughout the Court proceedings
- Community Court with family involvement (where appropriate)
- Applying for a Closed Court
- Early diagnosis of issues and referrals
- Working collaboratively with local services

The intensive case management of youth matters has proven to be extremely successful. Most young people have not re-offended and at the sentence have received a non-conviction bond.

A major component of the project is extensive consultation with young person. As part of the management of these matters, we will visit the young person and their family several times in their community. These meetings are essential as they can break any language and cultural

barriers that may exist. It also helps the young person and their family engage in the Court process. The young person can give well-informed instructions to their counsel.

This process also gives the young person an opportunity to discuss any issues or health concerns with the lawyer. Where it is appropriate, the solicitor makes prompt referrals to local service providers. This is particularly important in the case of young people who may have mental health issues.

#### ***Case study***

NAAJA represented two young people with multiple unlawful entry/steal offences. Both had substance misuse issues, involving volatile substances and cannabis. The lawyer consulted extensively with the young people and their families before the court proceedings to build trust and ensure they were engaged in the court process. The matters were appropriate for sentence before a community court in which community members are able to engage with the Magistrate about the sentencing process.

In one case, A had not been to school in the previous three years. A explained to his lawyer that some older boys were bullying him. The other young person, B, was also not attending school consistently. The community panel members sitting on the community court told the young people and their family members in strong terms that they had to make sure that the young people attended school.

Both matters were adjourned for six months. In this period, both young people were on a strict bail program. The solicitor remained in frequent contact with the young people and their families. After six months the young people came back for sentence. Both had made an exceptional effort for school attendance. A had a 98% attendance rate. B had a 89% attendance rate.

A's progress was described as 'making leaps and bounds'. B was described as making a consistent effort. His literacy and numeracy levels were improving. Both boys received good behaviour bonds without conviction. Both have not re-offended.

*Josephine Cashman*  
**Senior Criminal Solicitor**



## KATHERINE OFFICE REPORT

*Brian Cassells*  
**Senior Criminal Solicitor**

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

Our team comprises an Office Manager, a Senior Criminal Solicitor, four criminal lawyers, three civil lawyers, a welfare rights lawyer, two criminal Client Service Officers, two civil Client Service Officers, two personal assistants and a receptionist. We provide duty lawyer services at the Katherine Court House and on bush circuits. Free legal advice sessions are also conducted from our Katherine Office and in communities in our region.

The Katherine Office's major achievements in meeting NAAJA's strategic goals are set out below.

### High Quality Aboriginal Legal Service

#### *Criminal Section*

I would like to pay tribute to the work of my predecessor, Will Crawford, who finished up as the Senior Criminal Solicitor for the Katherine Office in May 2011. Will worked tirelessly for our clients in the Katherine Office and NAAJA is fortunate to have retained his skills in the Community Legal Education team in our Darwin office.

The Criminal Section maintains a busy practice in the Supreme Court and Magistrates Court. Notably, the number of serious Supreme Court matters arising from the Katherine region remains high. During the year the Criminal Section appeared in a number of high profile matters involving unlawful deaths and has so far achieved some excellent results.

Our current bush court circuits are Borroloola, Ngukurr, Barunga, Timber Creek, Kalkarindji and Lajamanu. The lists on these circuits are consistently very busy and our lawyers carry a very heavy workload in addition to being required to travel long distances to provide our services.

In light of the heavy workload of the Katherine office, the Darwin Criminal Section has regularly provided relief lawyers to assist at times of low staffing.

#### *Civil Section*

The Katherine Civil Section provides casework and advice in Civil, Family, Centrelink and remote tenancy law. This includes court representation in the Katherine Local Court for adult guardianship and child protection matters; in the Federal Magistrates Court for family law matters; and in administrative tribunals for Centrelink and tenancy matters.

We run weekly Civil, Family and Welfare Rights clinics from the Katherine Office, which is often the first point of contact for new clients. Many civil clients also come to the office on a 'drop in' basis with existing or new legal issues: we are pleased that clients feel confident to approach us in this way and that we are usually able to assist them on the same day.

We continued to regularly service Lajamanu, Kalkarindji, Yarralin, Timber Creek, Bulla, Barunga, Beswick, Bulman, Urapunga, Ngukurr, Minyerri and Borroloola. Until we started servicing Bulman, no solicitors had visited the community for some years. The community has expressed its gratitude to our regular attendance. We have also recently received positive feedback from community members in Ngukurr regarding the consistency of our service.

A significant development for the Katherine Civil team in the financial year was the creation of an additional civil lawyer position for the office. This has significantly expanded our capacity (from two to three lawyers) and better allows us to meet the civil law needs of our clients in the region. It has also given our team the capacity to engage in some broader advocacy around issues of concern to our clients.

Whilst there was no permanent Welfare Rights Solicitor for much of the second part of the financial

## KATHERINE OFFICE REPORT *(cont'd)*

year, a solicitor based in Darwin regularly attended our bush trips. We look forward to that position being permanently filled early next year.

### **Constructive Partnerships**

The Katherine Civil Section is strengthened by the placement of a seconded lawyer from Blake Dawson. NAAJA's partnership with Blake Dawson is a long and valuable one and we would especially like to thank Blake Dawson for their ongoing commitment and support. In this financial year, Laura Lombardo arrived in August 2010 and was with us until the end of January 2011, followed by Philippa Brown who was with us in the first half of 2011. This system of rotating lawyers has provided the Civil Section with excellent experience and support.

The Katherine Office also benefited significantly from the work of a number of volunteers and interns from around Australia, primarily through the Aurora Project. These students provide much needed assistance in both case work and research and we hope that they feel inspired to continue working in the field after they complete their studies.

A highlight in this financial year was NAAJA's leadership in establishing a Katherine Legal Service Provider Network. This group of Katherine-based legal services meets monthly to discuss social justice issues and how the legal services can better work together to provide quality legal services to the whole Katherine region.

The Katherine Civil team also worked hard over the year to maintain relationships with other stakeholders. Solicitors attended meetings of Strongbala and the Jawoyn Association's Women's Group to participate in community legal education, and learn from community members about what legal issues are affecting them.

Our Civil team also met bi-monthly with the Katherine Command of the Northern Territory Police to discuss specific cases, and systemic legal issues such as the impact of recent alcohol reforms. This has allowed us to develop pathways for complaints and other requests directly with the Katherine Command, and has led to some good results for our clients. They report feeling more involved in the process, and better heard.

NAAJA is also called upon from time to time to meet with stakeholders carrying out research or policy development. For example, our staff met with NAPCAN, the Department of Children and Families and the Commonwealth Ombudsman's office. These meetings are important for us to communicate the specific issues facing our clients in the Katherine region.

Solicitors regularly attended Katherine Network meetings (CHAIN) which gave us a better understanding of the range and functions of the services in Katherine, and increased community awareness of NAAJA's work, particularly in civil law. We have also attended a variety of events organised by specific community organisations such as Somerville and CatholicCare. A solicitor is also a member of the Sexual Assault Network in the Northern Territory.

We continue to support training for the Aboriginal Interpreter Service through the weekly mentoring program with our rostered Kriol interpreters. This has proved to be very successful and has produced a mutual benefit.

On 4 August 2010, NAAJA hosted a BBQ and screening of the 'Bush Law' documentary, followed by a community forum about the recognition of traditional law. The event was held in conjunction with Lajamanu elders, Milliwanga Sandy, Katherine Regional Arts, and Rob Chapman. It was a very successful event with over 150 people attending and significant discussion being generated about the issue of traditional law – something that remains very important to many Aboriginal people living in the Katherine region.

### **Innovative Continuous Improvement**

Katherine staff were involved in a range of training and professional development activities throughout the year. Our team regularly participates in sessions that are held in NAAJA's Darwin office, sometimes by videoconference. In this financial year, some of the sessions included training for CSOs in legal processes, cross-cultural training for lawyers and CSOs, and also a session on the effective use of interpreters.

Katherine staff also received local cross-cultural training from May Rosas from the Ngaigu-Mulu

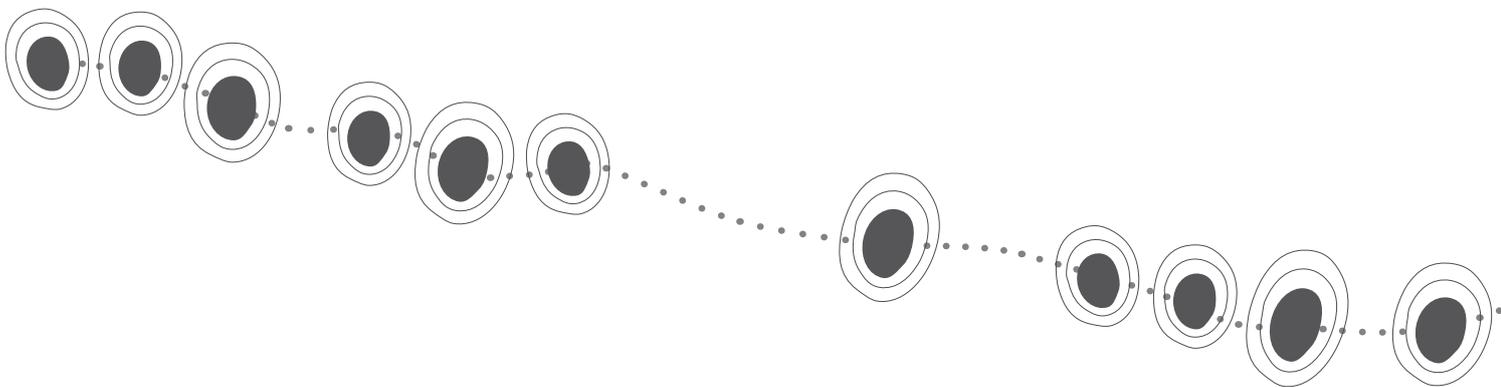


Aboriginal Corporation. May is from the Wardaman and Dargamond clan group and was able to share a valuable local perspective with our staff. A number of Katherine staff also undertook a basic Kriol course through the Aboriginal Interpreter Service.

Staff also attended 4WD training conducted by SMART-NT. This is particularly important given the amount of driving our staff do to service the region.

### Summary

The Katherine Office is doing important work in a large and diverse region of the Northern Territory. The challenges of remoteness are ever present for our service and our clients, and require our team to be dedicated and resourceful. I take this opportunity to recognise the efforts of our staff, particularly our Katherine Office Manager Anne Manfong, and the contributions of Board Directors both past and present.



# 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.

### 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.

### Criminal, Civil and Family Law

#### *Overall Objective*

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

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

### Duty Lawyer Assistance

#### *Overall Objective*

Provide legal representation in the following courts;

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

### Welfare Rights

#### *Overall Objective*

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

### Advocacy

#### *Overall Objective*

Ensure the rights of Aboriginal people are recognised, protected and promoted through advocacy.

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

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

Develop and maintain strategic relationships within and related to the justice system.

### Community Legal Education

#### *Overall Objective*

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

### Prison Throughcare Service

#### *Overall Objective*

Provide an intensive pre and post release rehabilitation and reintegration service for prisoners from the Darwin Correctional Centre and Don Dale Juvenile Detention Centre.

### Prison Support

#### *Overall Objective*

Assist Aboriginal prisoners with parole, prisoner rights and welfare issues and make referrals for legal and non-legal assistance.



Darwin Staff

## 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.



*Katherine Staff*

## 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 comprises of an Office Co-ordinator, two Criminal lawyers and a Client Service Officer (Crime) and one to two Civil Clinic lawyers.

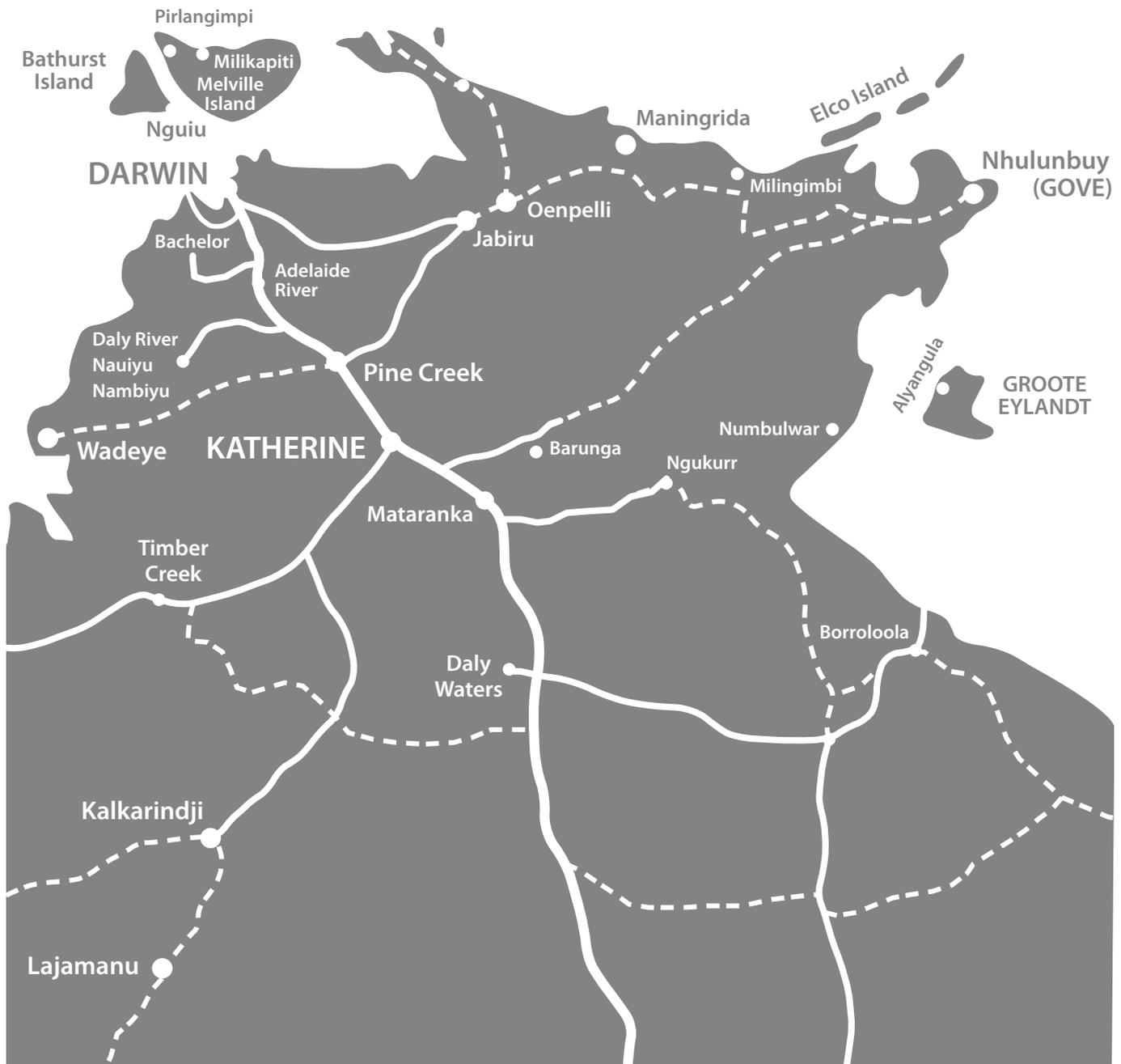
The criminal team attends courts in Nhulunbuy (one week per month) and also bush courts in remote townships of Alyangula (one week per month), Numbulwar (one day every three months), Galiwin'ku (one day every three months) and Gapuwiyak (one day every three to four months) which enables us to provide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

Civil Clinics are conducted by one to two lawyers at Nhulunbuy, Galiwin'ku, Gapuwiyak and Groote Eylandt (one to two days every two months).



*Nhulunbuy Staff*

# NAAJA SERVICE DELIVERY AREA



# NAAJA STAFFING

45% of NAAJA's staff are Aboriginal people. NAAJA is committed to maintaining and improving our Aboriginal staffing levels through a dedicated Aboriginal Employment Policy.

As at 30th June 2011 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>	Bonita Liddle

## FINANCE

<i>Finance Officer</i>	Julie Stark
------------------------	-------------

## CORPORATE SERVICES

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

## ADVOCACY

<i>Advocacy Manager</i>	Jared Sharp
<i>Administration Officer</i>	Simone Ahmat
<i>CLE Solicitor</i>	Ben Grimes Will Crawford
<i>Prison Support Officer</i>	Kieran Boylan Lavina Murray
<i>Prison Support Admin Officer</i>	Kate Boylan
<i>Throughcare Co-ordinator</i>	Samantha Taylor-Hunt
<i>Throughcare Support Worker</i>	Terry Byrnes
<i>Throughcare Admin Officer</i>	Alana Sampson
<i>Advocacy Solicitor</i>	Ruth Barson
<i>Cultural Advisor – Throughcare</i>	Ralph Poantimilui

## CRIMINAL LAW PRACTICE

<i>Managing Solicitor</i>	David Woodroffe
<i>Practice Manager</i>	Shahleena Musk
<i>Criminal Solicitors</i>	Georgia Lewer Joshua Brock Peter Bellach

<i>Chantelle Bala</i>	
<i>Iva Ninkovic</i>	
<i>Fernanda Dahlstrom</i>	
<i>Jennifer Black</i>	
<i>Amie Hancock</i>	
<i>Shifrah Blustein</i>	
<i>Beth Wild</i>	
<i>Terry Luckman</i>	
<i>Sarah Crellin</i>	
<i>Jayde Kellie</i>	
<i>Harold Dewis</i>	
<i>Darryl Dockery</i>	
<i>Sonya McMasters</i>	
<i>Nardine Ferguson</i>	
<i>Tahnee Clarke</i>	
<i>Sasha Greenoff</i>	
<i>Caroline Morrissey</i>	
<i>Maria Pattiselanno</i>	
<i>Tracey Castine</i>	
<i>Michael Graham</i>	

## *NTER Criminal Solicitors*

## *Senior Criminal Secretary*

## *Senior Client Service Officer*

## *Client Service Officers*

## *Secretaries*

## *Administration Assistant*

## CIVIL AND FAMILY LAW PRACTICE

### *Managing Solicitor*

### *Civil Solicitors*

### *NTER Civil Solicitors*

### *Welfare Rights Solicitors*

<i>Family Solicitor</i>	
<i>Senior Secretary</i>	
<i>Legal Secretaries</i>	

<i>Philippa Martin</i>
<i>Jared Clow</i>
<i>Clare Sauro</i>
<i>Nadia Rosenman</i>
<i>James Stroller</i>
<i>Sofie Georgalis</i>
<i>Hilary Sutton</i>
<i>Annabel Pengilly</i>
<i>Alex Clunies-Ross</i>
<i>Clara Mills</i>
<i>Vivienne Floyd</i>
<i>Dewayne Forrest</i>
<i>Joseph Cardona</i>



## NAAJA STAFFING *(cont'd)*

### *Client Service Officers*

Gerry Hurst  
Kira Liddell

### KATHERINE OFFICE

#### *Office Co-ordinator*

Anne Manfong

#### *Senior Solicitor Crime*

Brian Cassells

#### *Criminal Solicitors*

Angie Wong

Jonathon Rattray

#### *NTER Criminal Solicitor*

Marcus Langlois

#### *Secretary*

Barbara Sherratt  
Renata Puccetti

#### *Client Service Officer*

Teegan Allwright  
Dennis Braun

#### *Family Solicitor*

Siobhan MacKay

#### *Civil Solicitor*

Matt Fawkner

#### *Welfare Rights Solicitor*

Vacant

#### *Blake Dawson Civil Solicitor*

Philippa Brown

#### *Civil Secretaries*

Malama Talitimu  
Kiarna Murray  
Shannon Klass

#### *Receptionist*

Carol Manfong

### NHULUNBUY OFFICE

#### *Office Manager*

Laura Hopkins

#### *Senior Solicitor*

Josephine Cashman

#### *Criminal Solicitor*

Lindy Harland

#### *CSO*

Damien Yunupingu

#### *Civil Solicitor*

Vacant

#### *Reception*

Teisha Snape

### VOLUNTEERS

NAAJA has been fortunate to have the services of some 30 volunteers for 2010/2011 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 have a chance to be closely involved in the work we do. Volunteers often have the chance 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 seven years NAAJA's Criminal matters have increased by 32% and our Civil/Family matters have increased by 72%.

## Statistics of Matters 7 Years

(Darwin, Katherine & Nhulunbuy)

CRIMINAL							
Year	2005	2006	2007	2008	2009	2010	2011
DUTYWORK	1,317	1,587	1,425	1,523	1,860	1,115	1,598
CASEWORK	3,509	3,387	3,577	3,529	4,435	5,162	4,787
<b>TOTAL CRIMINAL</b>	<b>4,826</b>	<b>4,974</b>	<b>5,002</b>	<b>5,052</b>	<b>6,295</b>	<b>6,277</b>	<b>6,385</b>
CIVIL/FAMILY							
Year	2005	2006	2007	2008	2009	2010	2011
DUTYWORK	17	46	7			2	9
CASEWORK	404	427	451	515	522	711	715
<b>TOTAL CIVIL/FAMILY</b>	<b>421</b>	<b>473</b>	<b>458</b>	<b>515</b>	<b>522</b>	<b>713</b>	<b>724</b>
ADVICE/INFORMATION							
Year	2005	2006	2007	2008	2009	2010	2011
<b>TOTAL ADVICE/INFO</b>	<b>1,313</b>	<b>1,707</b>	<b>2,028</b>	<b>1,851</b>	<b>2,412</b>	<b>3,135</b>	<b>5,783</b>

## Major Criminal Outcomes 2010/2011

2010 Outcome	2010	2011 Outcome	2011
Not Guilty	2,632	Not Guilty	3,382
Convicted & Fined	1,801	Convicted & Fined	1,450
Withdrawn	1,003	Withdrawn	1,017
Imprisonment	927	Convicted & Sentenced	1,001
Fined	874	Aggregate Fine	793
Convicted & Sentenced	739	Fined	557
Good Behaviour Bond	591	Aggregate Sentence	538
Aggregate Fine	544	Imprisonment	488
Aggregate Sentence	317	Good Behaviour Bond	427
Community Service Order	282	Suspended Sentence	195
Suspended Sentence	256	Dismissed	160
Dismissed	143	Convicted	116
Custodial	89	Community Service Order	91
Imprisonment - Fully Suspended	79	Custodial	69
Convicted	76	Without Conviction	64
Detention	60	Disqualified From Driving	48
Disqualified From Driving	57	Convicted & Dismissed	42
Convicted without further penalty	46	No Conviction	35
No Conviction	46	Detention	33
Without Conviction	43	Convicted without further penalty	30

## FINANCIAL INFORMATION

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

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



### **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 2011 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

24 October 2011

Darwin

# North Australian Aboriginal Justice Agency Limited

## Statement of Financial Position

30 June 2011

	Note	2011 \$	2010 \$
<b>ASSETS</b>			
<b>Current assets</b>			
Cash and cash equivalents	5	1,941,085	3,376,258
Other assets	8	370,702	259,406
<b>Total current assets</b>		<b>2,311,787</b>	<b>3,635,664</b>
<b>Non-current assets</b>			
Property, plant and equipment	7	5,649,115	1,001,964
<b>Total non-current assets</b>		<b>5,649,115</b>	<b>1,001,964</b>
<b>TOTAL ASSETS</b>		<b>7,960,902</b>	<b>4,637,628</b>
<b>LIABILITIES</b>			
<b>Current liabilities</b>			
Trade and other payables	9	960,968	731,037
Borrowings	10	5,297	12,598
Short-term provisions	11	349,404	634,318
Other financial liabilities	12	721,377	2,222,710
<b>Total current liabilities</b>		<b>2,037,046</b>	<b>3,600,663</b>
<b>Non-current liabilities</b>			
Borrowings	10	2,518,666	5,297
<b>Total non-current liabilities</b>		<b>2,518,666</b>	<b>5,297</b>
<b>TOTAL LIABILITIES</b>		<b>4,555,712</b>	<b>3,605,960</b>
<b>NET ASSETS</b>		<b>3,405,190</b>	<b>1,031,668</b>
<b>EQUITY</b>			
Retained earnings		3,405,190	1,031,667
<b>TOTAL EQUITY</b>		<b>3,405,190</b>	<b>1,031,667</b>

# North Australian Aboriginal Justice Agency Limited

## Statement of Changes in Equity

For the Year Ended 30 June 2011

2011

	Retained Earnings	Total
Note	\$	\$
1 July 2010	1,006,667	1,006,667
Profit attributable to members	2,398,523	2,398,523
Transfers to and from reserves	-	-
<b>Sub-total</b>	<b>2,398,523</b>	<b>2,398,523</b>
<b>Balance at 30 June 2011</b>	<b>3,405,190</b>	<b>3,405,190</b>

2010

	Retained Earnings	Total
Note	\$	\$
1 July 2010	1,006,593	1,006,593
Profit attributable to members	25,075	25,075
Transfers to and from reserves	-	-
<b>Sub-total</b>	<b>25,075</b>	<b>25,075</b>
<b>Balance at 30 June 2010</b>	<b>1,031,668</b>	<b>1,031,668</b>

# North Australian Aboriginal Justice Agency Limited

## Statement of Cash Flows

For the Year Ended 30 June 2011

	Note	2011 \$	2010 \$
<b>Cash from operating activities:</b>			
Receipts from customers		10,749,526	8,190,459
Payments to suppliers and employees		(9,557,967)	(8,155,360)
<b>Net cash provided by (used in) operating activities</b>		<u>1,191,559</u>	<u>35,099</u>
<b>Cash flows from investing activities:</b>			
Proceeds from sale of plant and equipment		29,090	13,276
Payments to acquire property, plant and equipment		(4,940,820)	(93,274)
<b>Net cash provided by (used in) investing activities</b>		<u>(4,911,730)</u>	<u>(79,998)</u>
<b>Cash flows from financing activities:</b>			
Proceeds from borrowings		2,600,000	-
Repayment of borrowings		(315,001)	(51,919)
<b>Net cash provided by (used in) financing activities</b>		<u>2,284,999</u>	<u>(51,919)</u>
<b>Other activities:</b>			
<b>Net increase (decreases) in cash held</b>		<u>(1,435,172)</u>	<u>(96,818)</u>
Cash at beginning of financial year		<u>3,376,257</u>	<u>3,473,075</u>
<b>Cash at end of financial year</b>		<u>1,941,085</u>	<u>3,376,257</u>

# North Australian Aboriginal Justice Agency Limited

## Notes to the Financial Statements

For the Year Ended 30 June 2011

### 2 Revenue

#### Revenue from Continuing Operations

	Note	2011 \$	2010 \$
Sales revenue			
Other revenue			
- interest received		105,637	115,594
- operating grants		12,046,426	7,952,156
- other revenue		72,089	122,709
		<b>12,224,152</b>	8,190,459
Total Revenue		<b>12,224,152</b>	8,190,459

### 3 Other operating income

#### (a) Detailed table

	2011 \$	2010 \$
Rental income	13,560	14,050
Other income	58,529	108,659
<b>Total</b>	<b>72,089</b>	122,709

### 4 Profit from Ordinary Activities

#### (a) Expenses

	2011 \$	2010 \$
Depreciation and Amortisation		
Depreciation - buildings	210,873	163,877
Total Depreciation and Amortisation	<b>210,873</b>	163,877
Interest expense on financial liabilities not at Fair Value through Profit and Loss	221,069	3,044
Employee benefits expense	5,632,534	5,167,910
Rental expense on operating leases		
Audit Remuneration auditing or reviewing the financial report	8,958	15,200
Total Audit Remuneration	<b>8,958</b>	15,200

# North Australian Aboriginal Justice Agency Limited

## Notes to the Financial Statements

For the Year Ended 30 June 2011

### 5 Cash and cash equivalents

	2011	2010
	\$	\$
Cash on hand	1,234	800
Cash at bank	474,263	6,828
Short-term bank deposits	1,465,588	3,368,630
	<b>1,941,085</b>	<b>3,376,258</b>

The effective interest rate on short-term bank deposits was 5.0% (2010: 4.0%); these deposits are on call.

### Reconciliation of cash

	2011	2010
	\$	\$
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	1,941,085	3,376,257
	<b>1,941,085</b>	<b>3,376,257</b>

### 6 Trade and other receivables

CURRENT

NON-CURRENT

### 7 Property plant and equipment

	2011	2010
	\$	\$
<b>LAND AND BUILDINGS</b>		
Building		
At cost	4,772,885	638,080
Total buildings	4,772,885	638,080
Total land and buildings	4,772,885	638,080
<b>PLANT AND EQUIPMENT</b>		
Plant and equipment		
At cost	55,566	103,179
Accumulated depreciation	(16,878)	(67,162)
Total plant and equipment	38,688	36,017

# North Australian Aboriginal Justice Agency Limited

## Notes to the Financial Statements

For the Year Ended 30 June 2011

### 7 Property plant and equipment continued

	2011	2010
	\$	\$
Furniture, fixture and fittings		
At cost	-	4,994
Accumulated depreciation	-	(4,994)
Motor vehicles		
At cost	854,016	664,763
Accumulated depreciation	(462,986)	(378,307)
<b>Total motor vehicles</b>	<b>391,030</b>	<b>286,456</b>
Office equipment		
At cost	31,635	132,361
Accumulated depreciation	(22,191)	(95,669)
<b>Total office equipment</b>	<b>9,444</b>	<b>36,692</b>
Leasehold improvements		
At cost	453,346	11,818
Accumulated amortisation	(16,279)	(7,097)
<b>Total leasehold improvements</b>	<b>437,067</b>	<b>4,721</b>
Other property, plant and equipment		
At cost	-	18,541
Accumulated depreciation	-	(18,541)
<b>Total plant and equipment</b>	<b>876,229</b>	<b>363,886</b>
<b>Total property, plant and equipment</b>	<b>5,649,114</b>	<b>1,001,966</b>

# North Australian Aboriginal Justice Agency Limited

## Notes to the Financial Statements

For the Year Ended 30 June 2011

### 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	Total
	\$	\$	\$	\$	\$	\$
Balance at the beginning of year	4,772,885	38,689	391,030	9,444	437,067	5,649,115
Carrying amount at the end of 30 June 2011	4,772,885	38,689	391,030	9,444	437,067	5,649,115
<b>Balance at</b>						
Balance at the beginning of year	638,080	36,017	286,455	36,691	4,721	1,001,964
Carrying amount at the end of	638,080	36,017	286,455	36,691	4,721	1,001,964

# North Australian Aboriginal Justice Agency Limited

## Notes to the Financial Statements

For the Year Ended 30 June 2011

8 Other Assets	2011	2010
	\$	\$
CURRENT		
Prepayments	370,702	259,406
	<b>370,702</b>	<b>259,406</b>
<hr/>		
9 Trade and other payables	2011	2010
	\$	\$
CURRENT		
Unsecured liabilities		
Trade payables	86,124	138,242
Other payables	874,843	592,795
Amount payable to:		
	<b>960,967</b>	<b>731,037</b>
	<b>960,967</b>	<b>731,037</b>
<hr/>		
10 Borrowings	2011	2010
	\$	\$
	Note	\$
CURRENT		
Unsecured liabilities		
Secured liabilities		
Other financial liabilities	5,297	12,598
	<b>5,297</b>	<b>12,598</b>
	<b>5,297</b>	<b>12,598</b>
<hr/>		
	2011	2010
	\$	\$
NON-CURRENT		
Unsecured liabilities		
Secured liabilities		
Bank loans	2,518,666	-
Other financial liabilities	-	5,297
	<b>2,518,666</b>	<b>5,297</b>
	<b>2,518,666</b>	<b>5,297</b>
<hr/>		
(a) Total current and non-current secured liabilities		
Bank Loans	2,518,666	-
Other financial liabilities	5,297	17,895

# North Australian Aboriginal Justice Agency Limited

## Notes to the Financial Statements

For the Year Ended 30 June 2011

### 10 Borrowings continued

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

	2,523,963	17,895
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### 11 Provisions

	Employee entitlements \$	Total \$
Opening balance at 1 July 2010	349,404	349,404
Balance at 30 June 2011	349,404	349,404

#### Analysis of Total Provisions

	2011 \$	2010 \$
Current	349,404	634,318
	349,404	634,318

### 12 Other Liabilities

	2011 \$	2010 \$
<b>CURRENT</b>		
Government grants	721,377	2,222,710
<b>Total</b>	721,377	2,222,710
<b>NON-CURRENT</b>		

### 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 2011 the number of members was 12 (2010: 12).

### 14 Auditors' Remuneration

	2011 \$	2010 \$
Remuneration of the auditor of the company for:		
- auditing or reviewing the financial statements	8,958	15,200

# North Australian Aboriginal Justice Agency Limited

## Notes to the Financial Statements

For the Year Ended 30 June 2011

### 15 Cash Flow Information

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

	2011	2010
	\$	\$
Profit for the year	2,398,523	25,074
Cash flows excluded from profit attributable to operating activities		
Non-cash flows in profit		
- Depreciation	210,873	163,877
- Net gain on disposal of property, plant and equipment	26,707	(7,844)
Changes in assets and liabilities		
- (Increase)/decrease in prepayments	(109,357)	(18,150)
- (Increase)/decrease in income in advance	(1,501,333)	(535,206)
- Increase/(decrease) in trade payables and accruals	475,710	201,482
- Increase/(decrease) in provisions	(309,564)	202,822
	<u>1,191,559</u>	<u>32,055</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 statements of North Australian Aboriginal Justice Agency Limited (the company), which comprises the statement of financial position as at 30 June 2011, and the income statement, statement of 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 \_\_\_\_\_, 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:

- (a) giving a true and fair view of the company's financial position as at 30 June 2011 and of its performance for



**Independent Audit Report to the members of North Australian Aboriginal Justice Agency Limited**  
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 written in a cursive style.

Mark Tomlinson

Darwin

24 October 2011

# North Australian Aboriginal Justice Agency Limited

For the Year Ended 30 June 2011

## Disclaimer

The additional financial data presented on is in accordance with the books and records of the company which have been subjected to the auditing procedures applied in our statutory audit of the company for the year ended 30 June 2011. It will be appreciated that our statutory audit did not cover all details of the additional financial data. Accordingly, we do not express an opinion on such financial data and we give no warranty of accuracy or reliability in respect of the data provided. Neither the firm nor any member or employee of the firm undertakes responsibility in any way whatsoever to any person (other than North Australian Aboriginal Justice Agency Limited) in respect of such data, including any errors of omissions therein however caused.



Mark Tomlinson

Darwin

24 October 2011

# North Australian Aboriginal Justice Agency Limited

For the Year Ended 30 June 2011

## Profit and Loss Account

	2011	2010
	\$	\$
<b>Income</b>		
Interest income	105,637	115,594
Rental income	13,560	14,050
Grants	12,046,426	7,952,156
Other income	58,529	108,659
<b>Total income</b>	<b>12,224,152</b>	<b>8,190,459</b>
<b>Less: Expenses</b>		
Advertising	26,538	40,523
Auditors remuneration - parent entity	8,958	15,200
Bank charges	3,846	1,841
Cleaning	53,333	39,607
Conference/Seminar costs	24,266	3,579
Consulting and professional fees	108,394	104,811
Depreciation	210,873	163,877
Meetings	119,333	101,361
Electricity and water	77,977	58,352
Equipment < \$300	179,599	50,403
Finance costs - external	221,069	3,044
Hire	41,872	36,905
Motor vehicle expenses	185,372	140,398
Other employee costs	133,584	818,069
Postage	53,070	14,046
Printing and stationery	211,857	136,342
Repairs and maintenance	310,251	34,817
Salaries	4,984,152	3,939,986
Security costs	42,108	8,138
Staff training	86,580	47,370
Storage costs	35,369	23,549
Superannuation contributions	403,370	344,517
Uniforms	9,843	3,258
Utilities	7,445	-
Workers compensation insurance	24,848	17,969
Computer expenses	165,123	60,648
Bush courts	290,708	250,825
Brief outs	388,162	414,234
Client expenses	248,625	206,652
Insurance	202,917	211,342
Rent	418,614	428,087
Subscriptions	94,381	80,550

# North Australian Aboriginal Justice Agency Limited

For the Year Ended 30 June 2011

## Profit and Loss Account

	2011	2010
	\$	\$
Telephone	157,531	125,401
Travel	295,664	239,683
<b>Total Expenses</b>	<b>9,825,632</b>	<b>8,165,384</b>
	<b>2,398,520</b>	<b>25,075</b>
<b>Other items:</b>		
<b>Profit before income tax</b>	<b>2,398,520</b>	<b>25,075</b>

# NAAJA OFFICES CONTACTS

NAAJA has an information barrier between our Criminal Section and Civil/Family Section.

## DARWIN

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

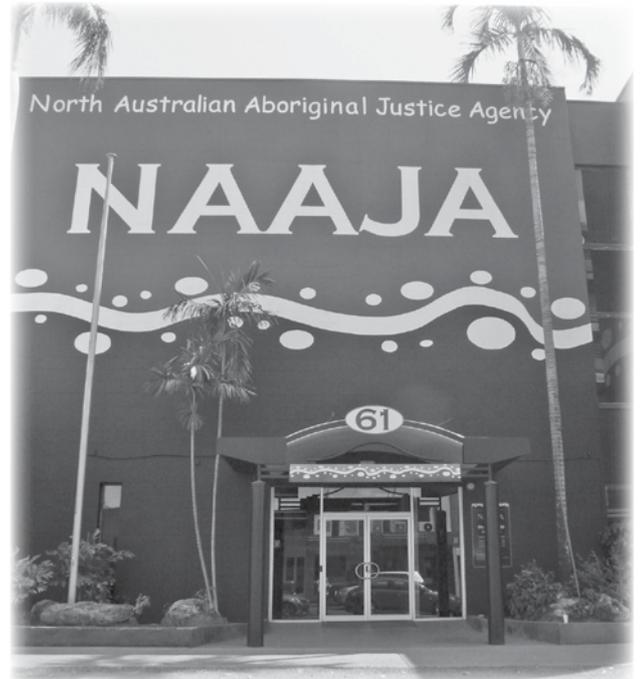
### *Criminal*

Telephone 0889825100  
Fax 0889825195

### *Civil*

Telephone 0889825100  
Fax 0889825199

**Toll free** 1800898251  
Admin Fax 0889825190



## KATHERINE

32 Katherine Tce, Katherine NT 0850

### *Criminal*

Telephone 0889725000  
Fax 0889725050  
Mail PO Box 1944 KATHERINE NT 0851

### *Civil*

Telephone 0889725000  
Fax 0889725060  
Mail PO BOX 1254 KATHERINE NT 0851

**Toll Free** 1800 897 728



## NHULUNBUY

1 St Floor, Franklyn Street, Nhulunbuy NT 0880  
PO Box 120 Nhulunbuy NT 0881

### *Criminal*

Telephone 08 8939 2300

Fax 08 8987 1344

### *Civil*

Telephone/Fax 08 8987 1868

*Toll Free* 1800 022 823

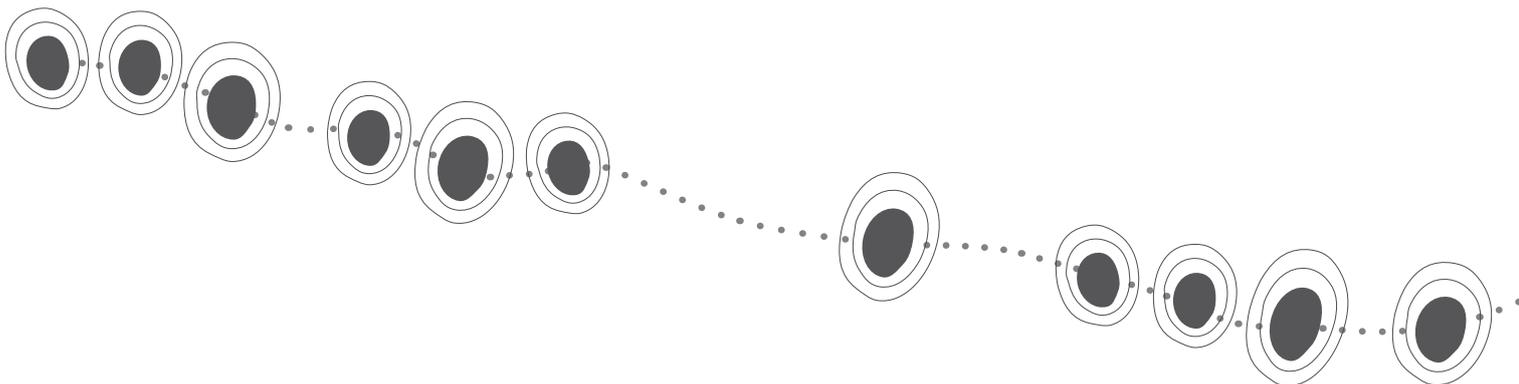


## OFFICE HOURS

Monday - Friday (8.00am - 4.30pm)

Email [mail@naaja.org.au](mailto:mail@naaja.org.au)

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





## 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 2010/2011

Aboriginal Interpreter Service  
Aboriginal Resource Development Service Inc (ARDS)  
Alistair Wyvill SC  
Andrew Metcalfe  
Anne Cregan  
Barbara Ramlah, Alyangula  
Bill Piper  
Blake Dawson  
Clayton Utz  
Cynthia Thompson, Dept of Justice  
Earth Connect, Alyangula  
Graham Campbell  
Guy Newtown  
Harold Thomas  
Harvey World Travel team, Rachel Turner, Anna Hockey, Sue Trevena  
Jodi Truman  
John Lawrence SC  
Jon Tippett QC  
Julian Barry

Kevin Doolan  
Libby Armitage  
Michael Abbot QC  
Mike Collins, GEBIE  
National Association of Community Legal Centres  
Nhulunbuy Court Registrar, Joelene Napier  
Northern Territory Legal Aid Commission  
Pat McIntyre  
Peggy Dwyer  
Peter Baran  
Philip Strickland SC  
Rex Wild QC  
Roger Latham and the Warrior Priests Band, Wadeye  
Rose Lambalamba  
Scott Corish  
Speedy McGuinness  
Tim Smith  
Yugul Mangi, Ngukurr