

North Australian Aboriginal Justice Agency

1972



2012

Celebrating 40 years of Aboriginal legal services in the Top End

North Australian
Aboriginal Justice Agency

NAAJA

Annual Report
2012/13

ABORIGINAL LEGAL AID IN THE TOP END

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ABOUT US

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

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

Our History

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

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

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

Between them, NAALAS, KRALAS and MALS brought to NAAJA a combined total of 65 years' experience in providing legal services to Aboriginal people in the Top End.

NAAJA is now the biggest legal service in the Northern Territory. It is considered to be a leading Australian legal service and in 2010 was awarded a Human Rights Award by the Australian Human Rights Commission for its work.

Our Vision

True Justice, Dignity and Respect for Aboriginal people.

Our Commitment

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

Our Values

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

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



CHAIRPERSON'S REPORT

Michael Patterson
Chairperson

On behalf of the NAAJA Board, I am pleased to introduce the 2012/2013 Annual Report.

In 2012 NAAJA passed the milestone of 40 years of Aboriginal Legal Services in the Top End. We took time in early 2013 to celebrate our achievements and the people that have contributed to the success of NAAJA and its predecessor organisations. I take this opportunity to recognise the contributions made over the last 40 years to Aboriginal Legal Services by Directors, members, staff and our supporters in the community.

The 40th anniversary celebrations were a good chance to reflect on the fact that NAAJA is an Aboriginal success story. We are recognised as a leading legal service and a provider of high quality and culturally proficient legal services to Aboriginal and Torres Strait Islander people.

Good governance and effective management are hallmarks of NAAJA. Our program work is innovative and ground-breaking and continues to make a practical difference to the lives of Aboriginal people. Our advocacy has proven to be a constructive influence on government in relation to laws that impact upon Aboriginal people. We enjoy a reputation for positive and influential leadership that gives Aboriginal people a strong voice on justice issues. Importantly we continue to harness, support and develop the talent of Indigenous people in our organization from our Board and CEO, through management to our frontline staff, interns and cadets.

Our 40th anniversary is also an opportunity to reflect on the role played by modern Aboriginal and Torres Strait Islander Legal Services such as NAAJA.

A large part of NAAJA's work is in criminal defence. Sadly, much of this work involves representing people who are accused of violent crimes. The fact that we do this work does not mean we condone the violence that has such a terrible impact upon Aboriginal communities. We do not and never have. But our clients have a right

to a fair trial and to a strong and effective defence. That is an important part of our system of justice.

It is also important to recognise that NAAJA does a large amount of work in civil and family law that benefits victims of crime and particularly women and children. We provide advice and representation in areas such as victim's compensation, child protection, tenancy and welfare rights, coronial inquests and adult guardianship.

Importantly, NAAJA maintains a 'Chinese Wall' between our criminal and civil law sections so that we can provide civil law assistance to people who may be victims of crimes committed by clients of our criminal law service. We have done this deliberately so that we can meet the needs of all members of Aboriginal communities to the greatest extent possible. We are very proud of our work in civil and family law and have advocated strongly with government to boost the resources that we can make available to it.

The over-representation of Aboriginal people in the criminal justice system is a national disgrace. Almost 95% of the young people in detention in the Northern Territory are Aboriginal. For adults the figure is over 80%. We are committed to finding solutions to this deep structural problem. However, we don't do so by turning a blind eye to the suffering of victims. Rates of victimisation for Aboriginal people, particularly women and children, are also completely unacceptable. This is why we have deliberately focused our public advocacy on promoting community safety and reducing crime – finding common ground that will lower rates of offending. We have actively promoted policy approaches such as justice reinvestment as ways of reducing incarceration by investing in stronger communities.

The case for a change in the Northern Territory's approach to law and justice is overwhelming. In the ten years to 2012, the Northern Territory's incarceration rate increased by 72%: from 480 people per 100,000 to 826 per 100,000. This is five times the national

CHAIRPERSON'S REPORT *(cont'd)*

average. Last year alone our imprisonment rate grew 12%. Our rate of reoffending is now over 50%, by far the highest in the country.

The costs of this are staggering: over \$100,000 per adult per year in jail; over \$215,000 per young person per year in juvenile detention. The new Darwin prison will open in 2014 at a cost of over half a billion dollars and will be too small to fit our expanding prison population. The Northern Territory will need another 1000-bed prison by December 2016.

This is money that could be spent on innovative policies and programs that prevent crime, reduce reoffending and deal with the underlying causes of offending. It is clear that in areas like housing, education and services to support the health and development of our children, there is a real need for more funding. These should be priorities, and can be better funded if we stop relying on failed 'tough on crime' approaches.

NAAJA has shown important leadership in this area, providing Indigenous Throughcare services to prisoners before and after their release to ensure their effective reintegration into the community and prevent reoffending. We received a National Crime Prevention Award for this work last year. We see it as an important part of tackling the 'revolving door' of the criminal justice system that leads to more crime and more victims of crime. We want to be part of the solution.

NAAJA is also very proud of the work we are doing with Aboriginal young people in the criminal justice system. We have recently created a specialist Indigenous Youth Justice Worker position to work with young people before the criminal justice system. A large number of these young people are themselves victims of crime. Our work here seeks to ensure that young people are given appropriate support and assistance to deal with the problems that may underlie their offending. We hope that it will also contribute to reducing further offending.

NAAJA works constructively with government to improve laws and policies that impact upon Aboriginal people. Our credibility and expertise means that our input is sought out and our views are influential. We want all levels of

governments – including local government – to commit to community involvement and engagement, planned and comprehensive responses, respect for language and culture, adequate resourcing, and working together. NAAJA shows how this can be done, in areas such as child protection, youth justice, alcohol policy, criminal justice, tenancy and housing issues.

We accept that our work will not always be popular and that the areas in which we work are contentious. The issues are important and the challenges that Aboriginal people face are very complex. But we work very hard to meet the legal needs of all Aboriginal people and to give them effective access to justice: men, women and children.

I am very proud of NAAJA's achievements and the work that NAAJA has done over this last financial year.

I would like to thank our NAAJA Board Directors, Norman George, Vernon Patullo, Sharon Mununggurr, Tony Wurramarba, Joel McLennan, Colleen Rosas, Hannah Roe, Jerry Ashley, Natalie Ellis, Ruby Walker and Illona Wilson, for all their hard work in 2012/2013.

On behalf of the NAAJA Board I would like to thank the staff and members of NAAJA for their contributions in 2012/2013. It was an exciting year and this report highlights some of our important achievements.

Looking forward, I am sure that we will overcome the many challenges we face, and NAAJA will remain at the forefront of the Aboriginal Legal Services in Australia for many years to come.

Michael Petterson
Chairperson



CHIEF EXECUTIVE OFFICER'S REPORT

Priscilla Collins
CEO

After over 40 years of providing Aboriginal Legal Services in the Top End, NAAJA is respected for providing highly professional, culturally appropriate, innovative and effective legal and justice-related services. NAAJA is also a leader in law reform and advocacy for the rights of Aboriginal people and enjoys constructive relationships with stakeholders.

We are privileged to have very experienced lawyers and talented staff working for NAAJA. Together we ensure that our clients are provided with culturally competent 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 Aboriginal people. This report highlights NAAJA's achievements against our strategic goals.

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

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

In addition to the complexity of our work, the volume continues to grow. In 2012/2013, NAAJA provided advice and representation to 15,000 Aboriginal people for civil, criminal and family matters. In the 7 years leading to 2012/2013, there has been an increase of 72% in the number of criminal matters and 73% in the number of civil matters undertaken by NAAJA.

Over the 2012/2013 period, each NAAJA solicitor attended to approximately 236 new casework matters

in addition to continuing casework matters from previous financial years.

Due to a significant increase in our workload in 2012/2013 we now employ 103 full time staff, which includes 51 solicitors.

We have increased our staffing by 54% since 2007 to meet client needs. We are proud of the fact that 41% of our staff is Aboriginal, employed in positions right across the organisation, including senior management. An important role in our legal practice is played by Client Service Officers (CSOs) who provide specialised knowledge about the needs of Aboriginal Australians.

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.

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

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

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

To lead justice reform

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



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

and other stakeholders regularly seek out NAAJA's input on law and justice issues in recognition of our expertise and the quality of our work.

A priority area in this financial year for NAAJA has been to work closely with key stakeholders on the 'Making Justice Work' campaign. Making Justice Work brings together a wide range of groups from the community, social services and legal sectors with a common interest in effective responses to crime in our community. Groups taking part in the campaign have agreed to work together to promote evidence-based approaches to 'law and order' and community safety.

The Making Justice Work campaign has no political affiliations. Its members are prepared to work with the Northern Territory Government, Opposition and Independents to develop sound policy and proposals for law reform. We are committed to making the justice system work to protect the community.

NAAJA has also worked hard to promote effective responses to the damage that alcohol is doing to Aboriginal people and our communities. We have lobbied against the Northern Territory's Alcohol Mandatory Treatment Legislation and have actively participated in Alcohol Forums facilitated by APO (NT) where Aboriginal people are coming up with recommendations on how to deal with the alcohol issues in the Northern Territory.

Conclusion

I am proud of what we have achieved this year.

I thank the Board, management and staff for their support and efforts throughout 2012/2013, which has been a year of very high activity with many successes along the way. 2012/2013 was an exciting year for NAAJA and one in which it consolidated its position as a leading Australian legal service.

Priscilla Collins
Chief Executive Officer



OUR SERVICES

NAAJA provides 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
- In the Court of Criminal Appeal and in some circumstances the High Court of Australia.

We also provide:

- Legal advice over the phone or face to face about criminal charges or police investigations
- 24 hour legal advice when people are arrested or taken into police custody.

NAAJA also provides specialised services for vulnerable persons including:

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

We strive to:

- Provide a culturally relevant legal service to Aboriginal people of the Northern Territory
- Advocate for change to laws, programs, policies that affect Aboriginal people in the criminal justice system.

Civil and Family Law

Our Family Law section provides the following service in our Darwin and Katherine Office:

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

Our Civil Law solicitors provide advice on all areas 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)
- Child protection matters (including a duty service)
- Adult guardianship matters
- Volatile substance abuse cases
- Statutory compensation (i.e. motor accident and victims of crime compensation)



OUR SERVICES *(cont'd)*

- 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.

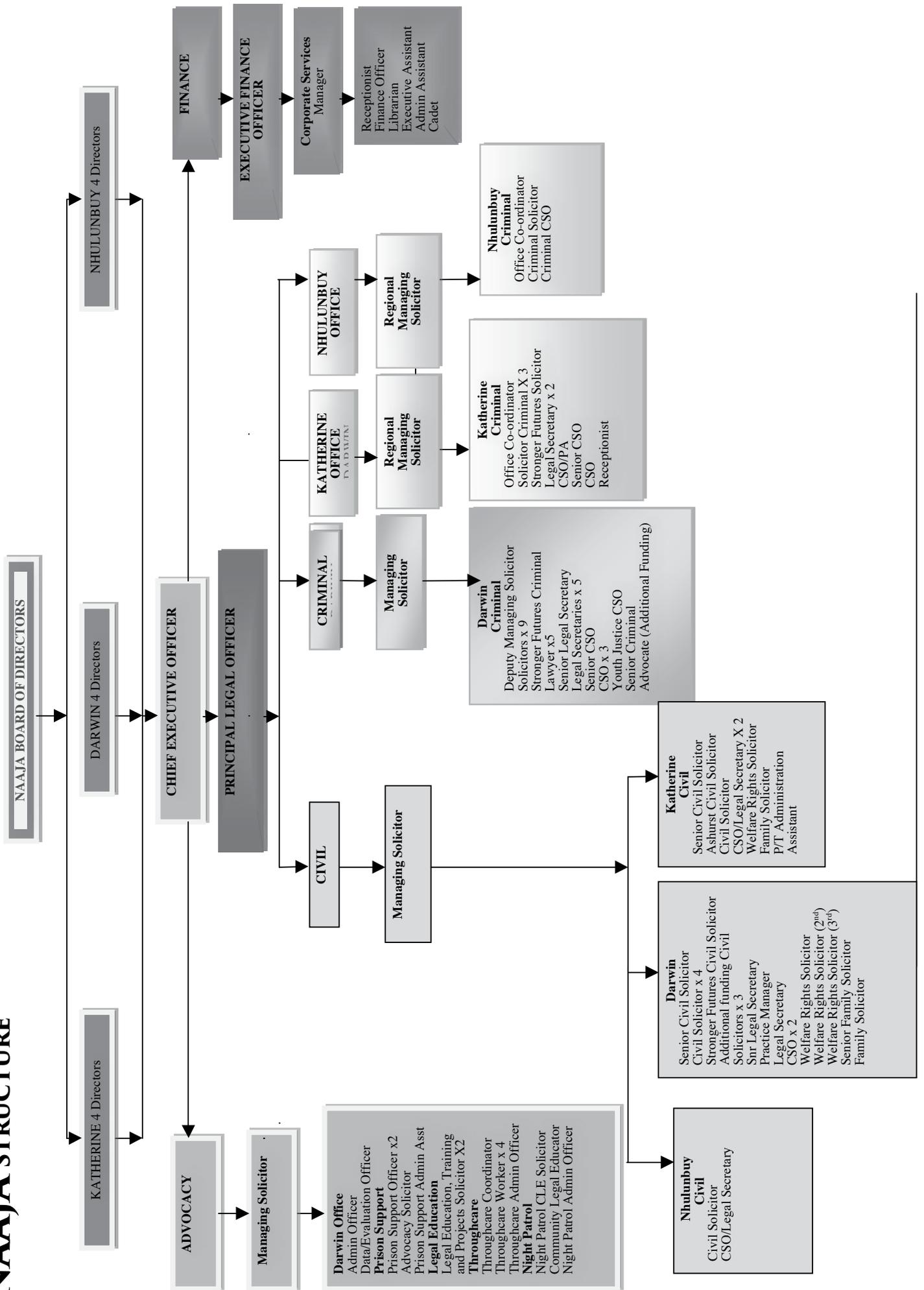
- Centrelink and Income Management including:
 - Appealing debts (waiver and reduction)
 - Decisions about payments (refusals to grant, non payment periods and rates of payment)
 - Decisions about living arrangements (marriage-like relationships, care of children)
 - Family tax benefit issues
 - Income 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, with a focus on working with communities to identify the areas of importance to them.
- Night Patrol Legal Education
We provide education on legal issues to Night Patrol Officers in remote communities in the Top End, building local leadership in relation to community safety.
- 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. Our Throughcare Project includes staff based at Darwin Correctional Centre who assist with parole issues, prisoners' 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. NAAJA Directors adhere to the highest standard of corporate behaviour and accountability and the principles of transparent corporate governance.

NAAJA Board 2012/13

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



MICHAEL PETERSON *(Chairperson 26/10/2012)*

Michael is of Aboriginal/Torres Strait Islander decent.

Michael has lived in Darwin most of his life and has worked in various Government departments including Department of Justice, Family Court of Australia and is currently employed by the Northern Territory Legal Aid Commission as an Indigenous Community Liaison worker.

His work involves delivering Legal Services to remote communities.

He has been a Board member of several Indigenous organisations trying to ensure that services are delivered effectively and appropriately for our people.



HANNAH ROE *Secretary*

Hannah Roe is of Yawuru 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 *Public Officer*

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



JOEL MCLENNAN *Director*

Joel is from the Larrakia clan in Darwin. 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 Chairperson of the Men's Health Program in the Katherine Region. 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. He is currently employed with Wurlu Wurlinjang Health Service in Katherine as the OH&S and Policy officer. His main concerns for his region is to try and get countrymen back to their communities where they can revitalize their culture and share and pass on their knowledge, beliefs and values to their children and grandchildren. He is a strong advocate for appropriate services provided for Aboriginal and Torres Strait Islander people in health, education, alcohol, housing, employment and training and has advocated strongly for greater accountability by Shire Councils. He has also spoken out very strongly against laws and legislation that are being passed in Parliament that a discriminatory impact upon Aboriginal people.



NATALIE ELLIS *Director*

Natalie's Aboriginal origins are with the Dalabon people from the Barunga to Bulman region. Her mother was part of the Croker Island Stolen Generation and Natalie continues to be a member of the Northern Territory Stolen Generation Association. She is currently employed with the Charles Darwin University as the Indigenous Academic Support Lecturer for Katherine and the surrounding areas. Natalie believes that education plays a major part in all Indigenous issues. Her particular interests are the over-representation of Indigenous people in the justice system and jails, prisoners rehabilitation, mental health and support programs that promote stronger families. Natalie also believes that Indigenous people in the NT are under-represented in the Higher Education system and that this must be addressed, if Indigenous self-determination is to be realized.



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 brings a wealth of knowledge and experience of Cultural Law to our Board.



RUBY STANLEY *Director*

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

MIWATJ



VERNON PATULLO *Director*

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

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



ILLONA WILSON *Director*

Illona is from North West Queensland and is of Aboriginal descent. Illona lives in Alyangula, Groote Eylandt and works for the 'Anindilyakwa Land Council as Executive Officer of the 'Anindilyakwa Education and Training Board. In that role, Illona focuses on building capacity of Indigenous families and community to engage with schools to support better education outcomes for their children; and strong and effective governance by Indigenous parents of all schools on Groote Eylandt and Bickerton Island. Illona has previously served 18 years with the Australian Government in the Northern Territory in the education and employment sector.



SHARON MUNUNGGURR *Director*

Sharon Mununggurr is of Wamba Wamba and Wiradjuri decent and has lived in North East Arnhem Land for the past 21 years. Her family is originally from Northern New South Wales. She continues close connections with her families as well as having close relationships with Gumatj and Rirratjingu Clans in North East Arnhem Land. She graduated in 2008 with a Masters of Indigenous Studies with Southern Cross University. Sharon has worked tirelessly over the years to seek better outcomes for Aboriginal people in the Territory in the areas of Justice and Health. Sharon was a founding member of the Miwatj Aboriginal Legal Service and remains dedicated to improving access and education of legal issues and services to clients in the Miwatj region.



TONY WURRAMARBA *Director*

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

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 improve the positive impact government programs and policies have in the Groote Archipelago, with a particular focus on raising living standards, including through the creation of jobs and training activities. Under Tony's leadership there has been a much greater involvement of Traditional Owners in the monitoring of the large housing program, SIHIP.



OVERVIEW OF OPERATIONS

Jonathon Hunyor
Principal Legal Officer

Despite efforts to 'close the gap' in recent years, the context of our work remains one of profound social disadvantage for many Aboriginal people in the Northern Territory. The many barriers to equal access to justice - including geographical remoteness, cultural and language barriers, low levels of English literacy, high rates of disability including deafness and mental illness, a lack of adequate resources and facilities in remote communities - remain high.

The Northern Territory's culture of mass incarceration, described in the Chairman's introduction to this report, also flourishes and continues to have a grossly disproportionate impact on Aboriginal people. The NT continues to lock people up at five times the national average. The number of cases before the Northern Territory's criminal courts has increased approximately 25% in the last 5 years. Our imprisonment rate has increased by 72% in the last 10 years and our prison population is set to double in 4 years. Over 80% of the adult prison population is made up of Aboriginal people and 95% of young people locked up in our juvenile detention centres are Aboriginal.

This context creates significant challenges in meeting our vision of justice, dignity and respect for Aboriginal people. NAAJA's approach is to focus on achieving positive outcomes for individual clients by providing efficient and effective services that are responsive to their needs; engaging in constructive and informed advocacy to achieve systemic change; and working with Aboriginal people and communities to develop capacity and find sustainable community-driven solutions to problems.

The individual reports from our criminal and civil practices detail our operations and some of NAAJA's many successes in this period. In this part of the annual report I will highlight some high-level examples of how

NAAJA's legal practice has contributed to meeting NAAJA's strategic goals.

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

Access to Justice

While we are very proud of the work we do at NAAJA, our ability to help Aboriginal people overcome the barriers to justice remains constrained by the longstanding structural underfunding of Aboriginal and Torres Strait Islander Legal Services (ATSILS). Funding for ATSILS has simply never been adequate to meet the legal needs of Aboriginal and Torres Strait Islander people. The increases in demand for our services in criminal law and the vast scale of unmet legal need in areas of civil and family law, mean that many Aboriginal people in the Northern Territory do not enjoy equal access to justice.

We remain hopeful that the review of the National Partnership Agreement on Legal Assistance Services (discussed below) will provide the impetus and evidence base upon which governments can finally rectify the structural underfunding of ATSILS and close this 'justice gap'.

NAAJA nevertheless works hard to ensure that we provide services as effectively and efficiently as possible. Our processes are designed to minimize bureaucracy, support the work of our staff in delivering front-line services and promote accessibility for our clients. In this financial year, for example, we overhauled our document retention and management policies and started a process of reviewing file and data management within our criminal practice. This will better support our legal practice and allow us to deliver a better level of service.

OVERVIEW OF OPERATIONS *(cont'd)*

Youth Justice - Indigenous Youth Justice Worker

NAAJA recognizes the need for specialist services for youth and has made this a particular priority in recent years. Within our criminal section, we have established a dedicated youth justice team, headed by a senior lawyer with extensive experience in both the criminal law and working with Aboriginal young people. We were particularly pleased in this financial year to add to the team an Indigenous Youth Justice Worker.

The role of the Indigenous Youth Justice Worker is to work with young Aboriginal and Torres Strait Islander people who are before criminal courts, to identify and address causes of their offending behaviour through individual case management. The focus of the position is on early intervention and prevention services to help Indigenous youth avoid re-entering the criminal justice system.

The position responds directly to the gross overrepresentation of Aboriginal young people in the criminal justice system in the Northern Territory. It builds on NAAJA's existing success in prisoner Throughcare (see the report of the Advocacy Manager), where we have sought to tackle recidivism through individual casework.

At this stage we have funding from the Commonwealth Attorney-General's Department for one position for 3 years. We hope the project will be able to demonstrate its success and that NAAJA will be able to secure ongoing funding not only for the Darwin position, but also to allow us to expand the program to include our Katherine and Nhulunbuy offices and the youth in those regions.

Duty Lawyer Handbook & Joint Criminal Wiki

A major achievement in this financial year was the publication of the Northern Territory Duty Lawyer Handbook. The project was conceived and led by NAAJA, in collaboration with the Northern Territory Legal Aid Commission (NTLAC) and the Central Australian Aboriginal Legal Aid Service (CAALAS).

Funding was obtained through the Northern Territory Law Society Public Purposes Trust to cover the cost of production, with the bulk of work in editing and reviewing being done by the three legal services with existing resources.

The Duty Lawyer Handbook provides comprehensive assistance and guidance on matters of criminal practice and procedure as well as principles of substantive law relevant to practitioners working in the summary jurisdiction. It is an indispensable resource for our lawyers and supports them to provide accurate and timely advice, assistance and representation to our clients.

Last year I reported that NTLAC had agreed to give NAAJA access to its criminal law Wiki (a user-generated database for information and resources). This has been a very successful collaboration and has seen us build and share significant intellectual resources in this financial year. We have been particularly pleased to have CAALAS also granted access to the Wiki – evidence of our mutual commitment to the efficient and effective provision of legal services in the Northern Territory.

In the coming financial year, we will upload the Duty Lawyer Handbook to the Wiki. This will enable our lawyers to update and develop the resource and continue to share ideas on best practice in this challenging aspect of our work.

Recruitment and retention of skilled staff

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

In this financial year we particularly worked on improving our induction processes to ensure that staff are both welcomed into NAAJA and given the knowledge they need to work effectively from the outset.

I particularly thank the managers of our legal teams who have worked hard to create and maintain an environment that fosters high standards and collegiality: David Woodroffe and Beth Wild in the Darwin Criminal Section; Pip Martin and Sofie Georgalis in the Darwin Civil Section; John Moore in Katherine and Daniel Briggs in Nhulunbuy.

Professional development

An important part of our approach to staff retention has been to foster a culture of professional excellence and continual development. Our performance review process is aimed at providing a structure in which staff can meet their goals, including training and development needs. We also organize regular continuing professional development seminars with expert speakers from outside the organization and also encourage staff with expertise in particular areas of the law to present sessions on topics of interest.

This financial year sessions included: mandatory reporting of family violence and harm to children; conduct of summary criminal hearings; clear writing and plain English; cross-cultural communication and 'drawing the law'; remote housing and tenancy issues; mandatory sentencing; and a number of sessions on Uniform Evidence Law.

NAAJA/Ashurst Indigenous cadet

NAAJA's success as an Aboriginal organisation comes in large part from its commitment to the employment of Aboriginal and Torres Strait Islander people. In 2012 we partnered with the leading international law firm Ashurst (formerly Blake Dawson, with whom NAAJA has enjoyed a longstanding relationship) to establish an Indigenous Cadetship.

The NAAJA/Ashurst Indigenous Cadetship provides financial support and mentoring throughout the Cadet's studies as well as work placements with NAAJA and Ashurst in a range of areas of law. The first cadetship was awarded to Tara Liddy, an Aboriginal woman from the Northern Territory, who is undertaking her law degree at the Charles Darwin University.

Maintain and increase resources for NAAJA's services

Review of the National Partnership Agreement

A major review of federally funded Legal Assistance Services, including Aboriginal and Torres Strait Islander Legal Services, was commenced in this financial year as part of the review of the National Partnership Agreement between the Commonwealth and NT Governments. It is being undertaken by Allen's Consulting for the Commonwealth Attorney-General's Department.

At the time of writing, the report by Allen's was yet to be finalised and made public. However, we remain hopeful that the report will properly recognise and value the work done by Aboriginal and Torres Strait Islander Legal Services and provide the impetus for governments to finally remedy the clear and long-recognised disparities in our funding.

Family law

Due to increased demand for our civil law services, particularly in the priority area of child protection, and the lack of adequate funding to meet that demand, NAAJA took the difficult decision in 2012 to cease providing family law services. We were therefore pleased that additional funding was able to be made available from the Attorney-General's Department in early 2013 to resume services in family law.

This funding has allowed for two positions (one in Darwin and one in Katherine), with a focus on early intervention in family disputes and resolution through negotiation and mediation. We will have only limited capacity to take on litigation within the funding provided, but recognise this to be an important part of a service in appropriate cases. Further detail is provided in the report of the Civil Law Section below.

Expensive Indigenous Case Fund

I noted in last year's annual report NAAJA's concerns about the decision by the Commonwealth Government to cut the Expensive Indigenous Case Fund. The EICF

OVERVIEW OF OPERATIONS *(cont'd)*

was an important source of funding that allowed NAAJA to engage counsel and experts in complex cases. While NAAJA is well-placed to conduct high level court advocacy from within its staff, there remain cases in which the expertise of counsel (particularly senior counsel) is necessary.

Without access to this fund, we will need to refer clients to the Northern Territory Legal Aid Commission. This creates the significant inefficiency of double-handling; will in turn place pressure on NTLAC's limited capacity to take on new complex matters; and deny NAAJA clients continuity of representation and access to a cultural proficient Indigenous legal service.

We will be lobbying the Commonwealth Attorney-General to reinstate this fund in the coming financial year.

Interns and Volunteers

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

The work of the volunteers is a significant boost to our capacity, particular in areas like research, paralegal support and knowledge management. In this financial year we put particular emphasis on better coordinating and managing our volunteer program to ensure that both NAAJA and our volunteers are getting the most out of the placements.

Corporate governance and internal management

NAAJA recognises the need to support and develop the skills of our managers, to assist them to run their teams effectively. In the legal practice, this is particularly the

case for lawyers making the transition to a management and leadership role.

In November 2012 NAAJA managers and team leaders (our senior secretaries and Client Service Officers) undertook a training day run by an external facilitator. The sessions included providing feedback, time management, staff motivation and coaching. Following on from this, managers have taken part in in-house workshops to discuss ongoing management challenges and issues and share practical tips for dealing with them.

Assisting Aboriginal people and communities to engage with the legal system

The Advocacy Manager's report provides the detail of much of NAAJA's work in this area. From the perspective of the legal practice, our major contribution to this strategic goal this financial year has been through working with the courts to improve processes.

Supreme Court Interpreter Protocols

NAAJA worked very closely with the Supreme Court and Aboriginal Interpreter Service (AIS) on the development of the Supreme Court Interpreter Protocol. This is a significant development that provides long-overdue and very welcome recognition of the importance of effective communication for Aboriginal people in court. NAAJA congratulates the Supreme Court and the AIS on this achievement and the leadership from the Court in pursuing this issue.

Bush Courts

NAAJA has continued to pursue improvements to the conditions at bush (circuit) courts. I met with the Chief Magistrate on a number of occasions to raise concerns about the failure to meet basic standards such as appropriate interview facilities, drinking water and clean toilets. While the Court has been responsive to these concerns, some require a substantial commitment by the Northern Territory Government to remedy and we will continue to lobby for improvements.



We have also worked closely with the AIS and the Court of Summary Jurisdiction on improving access to interpreter services in remote communities. The majority of our clients in remote communities speak English as a second or third language and require an interpreter to instruct a lawyer and understand court proceedings. A new system for court-based interpreters has been introduced by the AIS to ensure that a number of professional interpreters are available for each court sitting and that all participants in the process are using interpreters effectively.

Leading justice reform

NAAJA has earned a strong reputation and widespread respect as an authoritative and credible voice in law and justice policy development, implementation and reform. Our input is actively sought out by governments and the courts, in recognition of our constructive and informed advocacy. Just one example from this financial year was our contribution to the NT Government's review of the Summary Offences Act in which NAAJA was expressly thanked in the report for being 'particularly helpful and frank in discussions with Departmental officers'.

In areas such as child protection and youth justice NAAJA has been responsible for bringing together stakeholders including government to improve the system and its outcomes, particularly for Aboriginal children. We are also actively involved in forums such as the NT Legal Assistance Forum and the National Partnership Agreement NT Jurisdictional Forum, through which we seek to ensure that legal assistance services are being delivered as efficiently and effectively as possible across the Territory.

Mandatory Alcohol Treatment Regime

A good example of NAAJA's leadership in justice reform from this financial year was our role in advocating for changes to the scheme and legislation for mandatory alcohol treatment. This controversial regime allows for detention initially up to three months for people with a serious recognised alcohol problem. While NAAJA strongly supports action to reduce the harm caused by alcohol, we remain opposed to this scheme: it is not

backed by evidence and inevitably brings Aboriginal people into more contact with police. It will also, in our view, fail to achieve its outcomes while drawing significant resources away from other effective services that are either under- or unfunded, such as voluntary treatment services and facilities in remote communities and/or culturally-strengthening approaches and models that will assist Aboriginal communities to take responsibility for the damage done by alcohol.

Despite this, NAAJA was able to engage constructively with the Department of Health to have significant changes made to the scheme and enabling legislation to make the process fairer and more robust and minimize its negative impact upon the rights of Aboriginal people: for example by significantly shortening the amount of time that a person can be detained before having their case considered by the Tribunal that determines whether a person will be subject to a mandatory alcohol treatment order.

Making Justice Work

Another example of NAAJA's leadership in this financial year is its role in the 'Making Justice Work' campaign. NAAJA has led this broad coalition of groups (including providers of legal and social services and representative groups such as the Council of Churches) to promote effective law and justice policies in the Northern Territory. The focus of the Making Justice Work campaign's advocacy is around improving community safety through evidence-based policies, including justice reinvestment.

Representatives of the Making Justice Work campaign have met with the Chief Minister, Attorney-General, Leader of the Opposition and a range of other Territory politicians. We have also been active in the media, promoting the 'Making Justice Work' principles and have established a website to promote the work of those involved in the campaign and make available Making Justice Work resources to the public: www.makingjusticework.org.au.

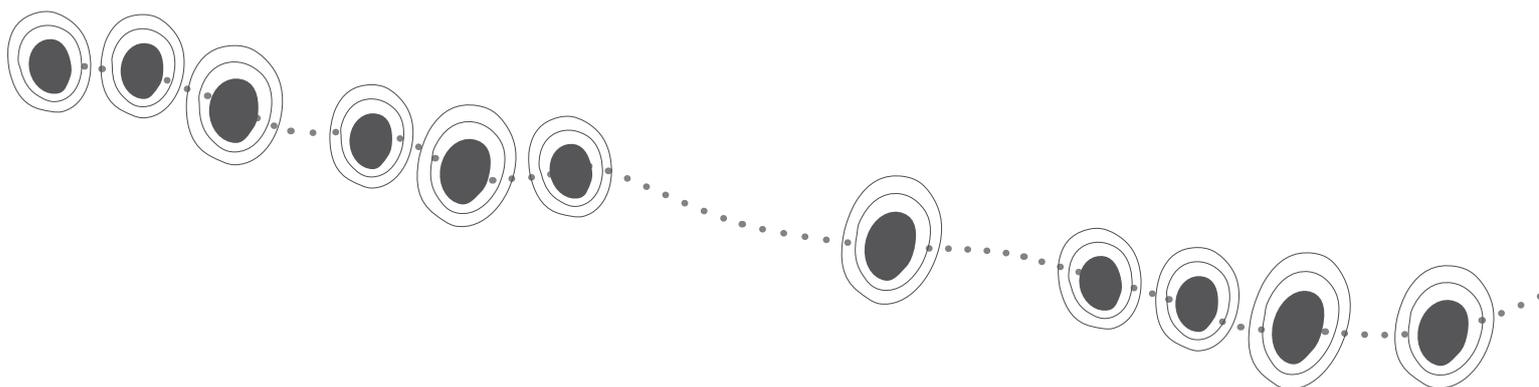


OVERVIEW OF OPERATIONS *(cont'd)*

Conclusion

I am very proud of NAAJA's achievements in 2012-3. It has been a privilege to work for a strong, effective and innovative Aboriginal organization as it celebrates the 40th anniversary of Aboriginal Legal Services in the Top End. I thank the Board and our indefatigable CEO Priscilla Collins for their support; NAAJA's staff for their dedication, professionalism and integrity; and our many partners and supporters in the legal sector, government and the community who work with us to promote justice, dignity and respect for Aboriginal and Torres Strait Islander people.

Jonathon Hunyor
Principal Legal Officer





CRIMINAL LAW REPORT

David Woodroffe
Managing Criminal Solicitor

NAAJA's Darwin Criminal Section provides legal representation for Indigenous clients in Darwin and 8 remote Aboriginal communities. We offer a full range of criminal law services: telephone advice for people arrested by police; initial legal advice and assistance in clinics; legal representation on a duty lawyer basis and ongoing casework in both the Magistrates Court and the Supreme Court of the Northern Territory.

We provide specialised services for Aboriginal youth, through a youth justice team that includes a specialist Indigenous Youth Justice Worker; a summary team that focuses on duty work and hearings; and a Supreme Court team for trial and appellate matters.

The section consists of 26 staff: 16 lawyers, 4 Client Service Officers, an Indigenous Youth Justice Worker and 6 Personal Assistants. We are proud that 10 of our staff are Aboriginal people: senior lawyers, client service officers, personal assistants and an Indigenous cadet, whose knowledge and commitment to achieving justice for Aboriginal people is a strong motivator.

One of the strengths of our criminal team is our capacity to conduct high-level court advocacy in-house. The vast majority of matters in the Supreme Court, including trials, Justices Appeals and matters before the Court of Criminal Appeal, are conducted in-house. This is an approach that is both very cost-effective and efficient as well as providing a challenging and rewarding professional environment that allows us to recruit and retain a talented team of lawyers.

The role of our Client Services Officers is also critical to providing an accessible legal service to Aboriginal people and ensuring their legal needs are met. Our CSOs bring practical community and cultural knowledge to our work, and provide invaluable assistance clients to link them with legal services and provide assistance with issues related to their legal problems.

Mandatory Sentencing

A significant development in the criminal law in this financial year was the introduction of 'minimum mandatory sentencing' for violent offences, commencing on 1 May 2013. The regime applies to five categories of offences and applies differing mandatory penalties, up to 12 months actual imprisonment for a first offence for a 'level 5' offence.

These laws are wrong. They are wrong because they tie the hands of the Court and require unjust sentences to be imposed. They are wrong because they do not work to prevent crime. They are also wrong because they have a disproportionate impact on Aboriginal people - experience has shown with previous attempts at 'mandatory sentencing' that more Aboriginal people will go to prison under this law.

More Aboriginal men, women and children are now in prison than two decades ago at the time of the final report of the Royal Commission into Aboriginal Deaths in Custody. NAAJA has been pleased to see a commitment at the federal level by both sides of politics to setting 'justice targets' to reduce the rates of imprisonment of Aboriginal people.

The Darwin criminal section continues to work against these unjust laws. Our major achievements in meeting NAAJA's strategic goals are set out below.

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

Access to Justice

Our legal teams continue to provide a high level of service to Aboriginal people in difficult conditions. The numbers of Aboriginal people before the courts for criminal offences continues to increase, further stretching

CRIMINAL LAW REPORT *(cont'd)*

our capacity. The job is not made easier by substandard facilities in the Court of Summary Jurisdiction, both in Darwin but more seriously in remote communities. NAAJA has continued to advocate for improving Court facilities for legal staff, clients, witnesses and victims and have had some success in this past year in improving conditions on circuit. This is a good example of how our service seeks to create greater access to justice for all Aboriginal people.

In recognition of the needs of Aboriginal young people, we have created a Youth Justice practice, consisting of a senior youth lawyer, two youth lawyers and a Senior Indigenous Youth Justice Worker. The Indigenous Youth Justice Worker is an innovative position that provides individual case management for young people to try to deal with the causes of their offending and prevent reoffending. This team work tirelessly to achieve good outcomes for youth, particularly through forging partnerships with youth services, educational institutions and the Office of Children and Family. Their reputation amongst clients and other stakeholders is deservedly excellent.

Our Supreme Court practice has greatly evolved over just a few years to a leading trial and appellate practice. Our appellate lawyers have conducted many successful appeals in this financial year on issues of major importance including sentencing principles for youth, sentencing for drug offences in indigenous communities, and improper conditions on sentence. Equally, our trial team of 6 lawyers have proven to be outstanding in their abilities and fortitude in conducting a number of successful trials.

Recruitment and retention of skilled staff

The reputation of Darwin criminal section is well-recognised and in the past 12 months we have been able to fill positions with high calibre lawyers and para-legal staff. We have great stability in the team, particularly in senior positions, which is a significant achievement given the typically high turnover in many Northern Territory workplaces.

The section has a commitment to developing the skills and expertise of our staff. Our regular in-house training sessions are of the highest quality and we regularly open them up to colleagues at the NT Legal Aid Commission and in private practice. A particular focus here is in developing and maintaining a high level of cultural competence. In collaboration with the Aboriginal Interpreter Service, we conduct the only specialist advocacy training for Indigenous witnesses and undertake regular training in cross-cultural communication and the use of Aboriginal language interpreters.

We work closely with the Northern Territory Bar, who assist with representation of our clients in matters that are complex or serious. We are privileged to work closely with senior barristers who also kindly give of their time to provide mentoring and continuing professional development for our criminal lawyers.

Assisting Aboriginal people and communities to engage with the legal system

We have a strong relationship with the Aboriginal Interpreter Service. We work closely with the AIS to improve the ability of our clients to understand and participate in the legal process. We also collaborate with the AIS to provide training both to improve our communication with clients as well as improving the skills of interpreters.

Members of the Criminal Section have actively engaged with other stakeholders at user forums for the Magistrates Court, Youth Court and Supreme Courts to develop positive practices and procedures. We also have positive professional relationships with our counterparts at the Office of the Director of Public Prosecutions.

We have positive working relationships with Indigenous service providers for Indigenous Youth, and the major rehabilitation services of the Top End. This plays a major role in assisting our clients to gain access to culturally relevant and appropriate rehabilitation services.



Leading justice reform

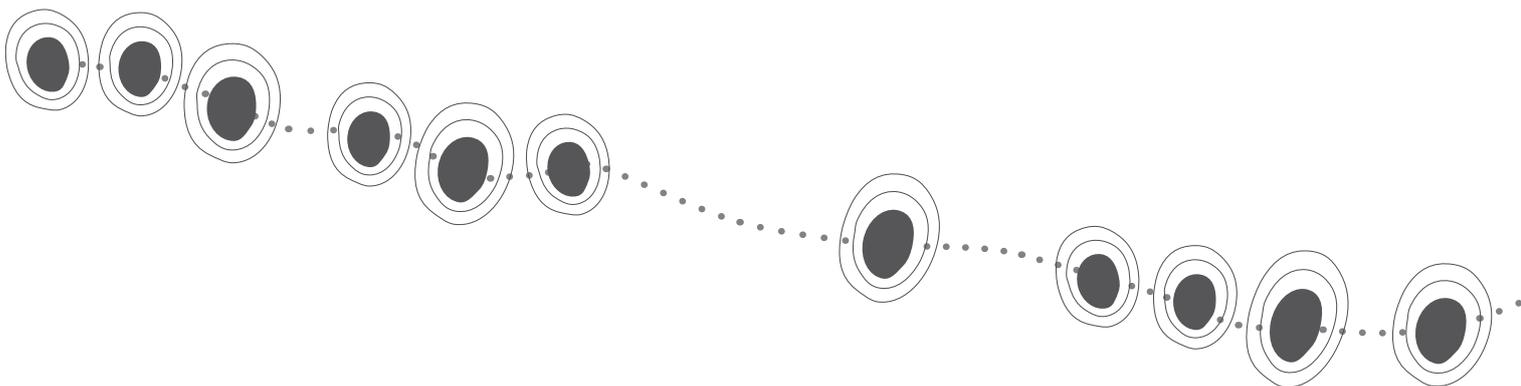
Our criminal lawyers provide regular input into the work of our Advocacy Section, to ensure that important law and justice issues are raised in NAAJA's work.

Our lawyers also have a strong presence on important bodies such as the Northern Territory Law Society and the Criminal Lawyers Association of Northern Territory. This ensures that our on-the-ground knowledge of how laws impact upon Aboriginal people is reflected in the policy and law reform work of these bodies.

Conclusion

The introduction of more mandatory sentencing and the continued high incarceration rates of Aboriginal people in the Northern Territory highlight the ongoing challenges we face in our advocacy and representation of Aboriginal clients. However, this last year has shown that the skills, dedication and commitment of our staff to continuous improvement will allow us to meet these challenges. The Darwin criminal section maintains its position as the peak criminal legal service in the Northern Territory.

David Woodroffe
Managing Criminal Solicitor





CIVIL AND FAMILY LAW REPORT

Philippa Martin
Managing Civil Solicitor

NAAJA recognises the importance of civil law issues for Aboriginal people in the Top End of the Northern Territory and has placed significant emphasis on this aspect of our legal practice in recent years.

At the heart of the work of our civil law section is getting outcomes for clients that protect their basic rights. This work is vital in supporting and empowering Aboriginal people to participate actively in issues that impact upon their daily lives: housing and tenancy issues, debt and consumer issues, healthcare complaints, child welfare and protection, family law disputes, police and government accountability, victims of crime compensation.

In many situations, achieving a just outcome involves avoiding legal processes and seeking to resolve issues through early intervention: giving initial advice, assisting with effective communication, supporting clients in negotiation and conciliation/mediation. We are particularly aware that assisting client to resolve problems can have a preventative effect. When issues are unresolved they can spiral down, leading to further and often adverse interaction with the law (including the criminal law) and having a negative impact on individual and community health. For this reason, we have developed productive working relationships with government agencies, the police and service providers to ensure that, where possible, we can get results for client at an early stage through informal contact.

An important aspect of our work in civil law involves government accountability. Where state intervention is required in our clients' lives (such as in adult guardianship and child protection matters) our role is to ensure that those decisions are transparent and accountable and any intervention is the least restrictive required. Where police have been involved with our clients, our role is ensure that people have been treated lawfully and appropriately. In the areas of housing and social security, NAAJA's work has played an important role in assisting clients to engage with government to get better and fairer outcomes and to bring about systemic change.

It is important to note that NAAJA's civil section is the only comprehensive civil law service which operates throughout most of the Top End of the NT, including in remote Aboriginal communities. The unmet legal needs of Aboriginal people in areas of civil law is vast. Nevertheless, within the limited resources available, we work with our NAAJA colleagues (through referrals and community legal education) and other service providers to deliver a highly effective service to Aboriginal people in the Top End.

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

Access to justice

This year we were able to increase our civil law services in a number of ways to improve access to justice for Aboriginal and Torres Strait Islander people in the Top End.

Expanded services in Katherine and Nhulunbuy

We remain very grateful for the support we receive from Ashurst Australia, particularly through the secondeed solicitor position Ashursts provides for our Katherine office. This is a significant ongoing contribution to our work in civil law.

This year the Katherine civil team added Numbulwar to the list of communities that we visit. In addition, since April 2013, our Katherine civil team have planned one extended dry season trip to each community to enable them to meet with a greater range of groups; devote more time to community legal education and capacity building; and promote the NAAJA civil service. The first of these trips to Ngukurr and Numbulwar had a record number of clients with over 90 clients being seen over three days.

Due to recruitment difficulties, the Nhulunbuy office had not had a permanent civil lawyer for over a year. We



were therefore pleased to employ a solicitor and client service officer in our Nhulunbuy office, to give clients in East Arnhem land better access to legal assistance and build our practice and profile in that region.

Welfare Rights Outreach Project

Given the significant changes that have been made, and are ongoing, in the areas of welfare and remote housing/tenancy, the demand for advice and assistance from our Welfare Rights Outreach Project (WROP) continues to grow.

Additional one-off funding for an extra WROP solicitor has enabled us to send a dedicated WROP solicitor along with the generalist civil solicitors on each remote trip. This increased our clients' access to advice and casework on Centrelink, remote housing and consumer issues.

Family law

As noted in the report of our Principal Legal Officer, we were able to recommence our family law services from 1 April 2013. We employed a senior family lawyer in the Darwin office and a family lawyer in the Katherine office to conduct advice and casework in family law involving children and child protection matters.

Since April there has been a steady and growing demand for family law advice and casework services. Our initial focus was on early intervention measures such as referrals to mediation assisting people to negotiate consent orders about their children. However we found that for many of our clients, mediation was not an appropriate mechanism for the resolution of their family disputes - for example, if there was a power imbalance due to domestic violence or because our client's former partner was more able to assert their wishes as they were non-Indigenous and our client was living remotely. As a result, we are now assisting people with urgent matters and interim hearings in the Federal Circuit Court at the same time as aiming to negotiate a consent outcome through that process.

In the first three months of the family law service we assisted a client to recover her child without court proceedings. The client had a domestic violence order placed on her by her ex-partner and he refused to return

her child. He was not the father of the child and had kept the child from her mother for about 3 months. We negotiated with the child's school to allow the mother to attend with our solicitor and collect the child. In another matter the father had thrown our client out of the house and prevented her seeing her daughter for 6 months. After we commenced proceedings, the court ordered, on an interim basis, that our see her young daughter on weekends.

Cooperation with other service providers

Solicitors from the civil team work cooperatively with other legal and non legal service providers to discuss our mutual roles and how better to collaborate for the benefit of our mutual clients. We are active members of the following networks:

- Consumer network run by ASIC;
- Katherine legal service providers;
- National police accountability network;
- Youth justice network (coordinated by NAAJA's Advocacy section).

We also and meet regularly with Office of Children and Families (OCF); Centrelink, FACHSIA and other legal services on social security and income management and the Remote Housing and legal services.

This year civil staff also met with the Children's Commissioner; the Information and Privacy Commissioner; Red Cross; staff from the Office of Public Guardian; Consumer Affairs and Telecommunications Industry Ombudsman.

Where we are unable to represent clients we assist them with referrals to other services including specialist lawyers (eg in personal injury and workers compensation matters). For remote clients we will act as agents to assist with ongoing communication between that client and their Darwin based lawyer. This year we also worked closely with pro bono firms and counsel to get good results for our client in matters including claims of medical negligence, a matter before the AFL tribunal and non-recovery of ATO debts.

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

Recruitment and retention of skilled staff

This year lawyers attended external continuing professional development sessions on a wide range of areas including personal injury law; advocacy; police torts; drafting court documents and pleadings; domestic violence orders; sessions by the Northern Land Council on land rights law and corporate governance.

In-house training for solicitors included sessions on advocacy in child protection matters, health care complaints, discrimination and harassment, plain English, police complaints, remote housing, consumer and privacy law.

Administrative staff (client service officers and personal assistants) attended external courses on indigenous mental health, managing difficult interactions, superannuation and human rights and internal courses on file noting, time management and introduction to family law.

We are grateful for the training provided to us by the Aboriginal Interpreter Service and NAAJA's CLE team. This year our cross cultural training included sessions on kinship and 'mapping the law' - helping us to break down legal concepts and define them in a way which is meaningful to our clients.

Casework highlights

We consistently achieve good results for our clients - in victims compensation matters including appeals, employment, discrimination, relief from debt and maladministration in lending, obtaining housing repairs and compensation for slow repairs, relief from Centrelink debt and prosecution. We also aim to conduct casework with a strategic focus.

Child protection

In these matters our focus is to help our clients - parents and carers - to understand and engage with the child protection process and to ensure as much as possible that a child's link with family and culture is maintained.

In remote communities, the lack of family support services for health and disability care affects parents'

and families' ability to care for their children at home. For children with high care needs we have been able to negotiate outcomes where parents can retain their "parental responsibility" and become joint guardians of the children together with the Office of Children and Families (OCF). When the OCF seeks temporary protection orders we ensure that their evidence is tested and this year were able to resist any orders being made in two matters because other family were able to step in to take care of the children.

This year NAAJA was involved in two successful Supreme Court appeals. Each appeal provides guidance for the Local Court magistrates on both the legislation and procedure in what until recently has been a relatively untested jurisdiction.

In another matter, we challenged the ordinary course of events where children are kept in foster care while the court is considering OCF's application. As some of these proceedings were taking over a year to be finalised, we were concerned about our client's 5 children who were being cared for separately by two non indigenous families. A year away from family would have been extremely distressing for them. We successfully argued that our client's sister be given 'daily care and control' of the children until the matter was finalised.

Housing

In Katherine we assisted four families at risk of eviction and homelessness to pursue their appeals to the Territory Housing Appeals Board. We argued that Territory Housing, in deciding to evict our clients, had not followed its own operational policies or provided them with procedural fairness. Despite the Appeals Board agreeing with our submissions and recommending that our clients be given another lease, Territory Housing decided to pursue the eviction. After sustained lobbying on our part, Territory Housing offered three of the four families a fixed term leases and importantly changed its policy and process on decisions involving evictions. Decisions in which the Appeals Board recommends a change to the original decision are no longer reviewed by the original decision maker.



We challenged a client's eviction under Territory Housing's 'three strikes policy' in the Supreme Court in an appeal against the decision in the Local Court. Our client was a single mother who had been given 'three strikes' for being a 'nuisance' to her neighbours. The Local Court found that once the three strikes had been proved, the legislation required the termination of her tenancy. In the Supreme Court, Hiley J allowed the appeal and found that the legislation, in saying "may" terminate, gave discretion to the Local Court to consider other matters such as the "psychological, social and legal consequences" of the eviction. Following this Territory Housing offered our client a transfer to another property.

Police accountability

Ensuring police accountability remains a significant area of our work. As a result of our work and the intervention of the NT Ombudsman, a number of our clients have received apologies, police have agreed to improve procedures and practices and police officers have faced disciplinary action for not following the police general orders, including on the use of excessive force and in the handling of complaints. In one matter, as a result of our complaint the Ombudsman recommended that the Police investigate the feasibility of installing audio and visual equipment in caged vehicles. Partly as a result of last year's test case *Majindi* we are now able to negotiate better compensation outcomes for our clients in false imprisonment and assault matters without having to proceed to hearing.

This year we successfully settled a number of matters in which people were being arrested on the basis of incorrect information being recorded on the police/ Department of Justice (DOJ) database. Some clients were arrested on invalid or expired warrants, others in breach of non-existent conditions on their domestic violence orders. In one matter we settled Supreme Court proceedings in which our client claimed to have been arrested and detained 5 times in 5 months on the basis of incorrect information on the DOJ database.

Health care complaints

Given many of our clients' poor health, the provision of competent and culturally sensitive health care is an important issue as is effective communication between health care providers and their patients. Our clients

regularly tell us that their health care provider did not use an interpreter when discussing their medical condition and treatment.

This year we successfully resolved our clients' complaints to the Health and Community Services Complaints Commission and Local Court proceedings involving issues around the failure to obtain informed consent before performing major surgery. We raised this issue with the Board and senior staff of Royal Darwin hospital and will continue to lobby for improved use of interpreters in the health services and training for staff on the importance of obtaining and documenting informed consent to medical procedures.

Adult guardianship

In adult guardianship matters, we represent the best interests of a person who is likely to be the subject of orders that would appoint others to be their guardians and financial managers. Taking away someone's decision making capacity is obviously a significant step and our role is to ensure that the process is transparent and accountable.

This year we successfully argued that some of our clients had capacity to make their own decisions and should not be subject to orders. In one such matter our client, who suffers from schizophrenia which is now well managed by medication, was able to demonstrate that he was capable of managing his own finances. In another case we argued that the medical evidence supporting an application was not reliable because the assessment of our client's capacity had not been conducted with the assistance of a sign language interpreter.

Consumer rights

A number of clients in town camps signed up to contracts for the lease of whitegoods and other electrical and household items at vastly inflated prices. Our clients did not understand the terms of the contracts and thought they were buying rather than leasing the goods. The contracts were deliberately written to avoid consumer protection legislation. We were particularly concerned that the service provider avoided having to assess our client's capacity to pay for the goods, and instead ensured the lease payments by having them deducted from our clients' Centrelink payments.



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

The WROP team approached this issue by advocating on behalf of the individuals to renegotiate their contracts, by making complaints to Australian Security Investments Commission about the business practices of the company and the Department of Human Services about the company's access to the income management and Centrepay processes to receive payments for non essential items. We also used our clients experience in contributing to national law reform submissions about consumer leases (by the Consumer Action Law Centre) and on the Centrepay system (National Welfare Rights Network).

Assisting Aboriginal people and communities to engage with the legal system

The Advocacy Section of NAAJA manages and reports on the WROP team's community legal education and policy work.

The increased capacity of the NAAJA's community legal education team is proving very helpful in getting civil law messages out to clients and we are very pleased to be able to work with them on projects including the deceased estate kit for service providers and a child protection 'flip book'.

With child protection being a priority area for our clients, this year civil solicitors provided training on child protection law to AIS interpreters across the Territory. We also worked with NAAJA's CLE team to deliver sessions to OCF caseworkers in the Katherine, Casuarina and Palmerston. The focus of those sessions was to promote the work that NAAJA does in child protection matters, to encourage early referrals to our service and to work cooperatively with caseworkers outside the adversarial and time consuming court process. Our child protection lawyers also conducted a session with North Australian Aboriginal Family Violence Legal Service on "lessons learned" in representing parents and families in the child protection system.

Leading justice reform

This year the civil team contributed to NAAJA's submissions on the Adult Decision Making Bill and the review of Victims of Crime Assistance Act.

In the area of child protection we continued to meet with OCF officers about the new legislation and to lobby for the introduction of alternative dispute resolution process within the child protection system.

Our senior civil solicitor presented to the NTCOSS forum on child protection raising concerns about the unforeseen effects of litigating child protection matters, the resources expended, the length of time over which court proceedings can run, and the often unsatisfactory outcomes which result when mediation is not an option.

Philippa Martin
Managing Civil Solicitor



ADVOCACY SECTION

Jared Sharp
Advocacy Manager

The work of NAAJA's Advocacy Section is focused on strengthening the capacity Aboriginal people to participate actively in the justice system; take individual and collective responsibility for their lives and the issues they face; and fully exercise their legal rights.

Aboriginal people in the Northern Territory face challenges participating in the justice system that do not exist in other parts of Australia. Eighty per cent of the NT's Aboriginal population live in remote or very remote locations. Many Aboriginal Territorians speak English as a third or fourth language, and some not at all. Mainstream legal concepts are often poorly understood and the legal system does not take into account different conceptual notions that many Aboriginal people have.

As a proud Aboriginal community-controlled organisation, we stress the unique cultural, linguistic and region-specific needs of our clients and communities. We advocate for Aboriginal people to have decision-making autonomy in matters affecting them so that programs meet the needs of Aboriginal people and money is not wasted on poorly designed programs not fit for purpose.

The last twelve months has again shown NAAJA to be a leader in Aboriginal-specific justice innovation. This is in no small part due to the leadership of our Board and CEO, as well as the exceptional skills and talent of our staff. Several of NAAJA Community Projects Section's projects continue to receive national prominence and acclaim. We are widely considered to be setting the standard and achieving national best practice. In the last twelve months, we have earned national awards, been invited to speak at various conferences to showcase our projects, and hosted several organisations from across Australia keen to learn about NAAJA's work.

Leading justice reform

Aboriginal justice issues are more pressing than ever in the Northern Territory. Aboriginal people are grossly over-represented in the NT's prison, juvenile detention, child protection and mental health systems.

The NT has also seen a raft of new legislative provisions that will have particular impact on Aboriginal people. These include the *Sentencing Amendment (Mandatory Minimum Sentences) Bill 2012* which brings in more and longer mandatory sentencing for violent offences, the *Serious Sex Offenders Act 2013* which allows applications for indefinite incarceration for *serious sex offenders*, and the *Alcohol Mandatory Treatment Act* also came into force on 1 July 2013.

The last twelve months has also seen the dismantling of the only therapeutic and culturally strengthening programs in the NT, the **Substance Misuse Assessment and Referral for Treatment Court** (SMART Court) and the Community Court.

Although NAAJA does not have a dedicated policy officer, we draw on our existing expertise to respond to policy and law reform issues. We engage with governments and stakeholders comprehensively, effectively and constructively. Most importantly, we provide a voice on policy issues not heard from other parts of the sector. NAAJA's credibility and expertise comes from the fact that we see the issues as they affect our clients.

Submissions

Our written submissions are deliberately concise, practical and solutions-focused. Our responses to draft Bills have tangible impact, and in many cases our recommendations have been incorporated into new legislation.

Significant work in this period included submissions concerning the *Care and Protection (Therapeutic Orders) Amendment Bill 2012*, *Sentencing Amendment (Mandatory Minimum Sentences) Bill 2012*, *Alcohol Mandatory Treatment Bill 2013*, *Senate Inquiry into the Value of a Justice Reinvestment Approach to Criminal Justice in Australia* and the *Review of the Bail Act (NT)*. Our submissions and recommendations are regularly referenced in reports and incorporated into new legislation, for example the *Senate Inquiry into the Value of a Justice Reinvestment Approach to Criminal Justice*

ADVOCACY SECTION *(cont'd)*

in Australia and the Alcohol Mandatory Treatment Act 2013.

Justice Reinvestment

An issue that highlights the practical, culturally-focused voice we bring to policy development is in relation to Justice Reinvestment. Many organisations have advocated for justice reinvestment approaches to be adopted, but NAAJA has identified specific justice reinvestment strategies that could be implemented in the NT. These include:

- Aboriginal-specific prisoner throughcare;
- Early intervention strategies that target childhood development, such as family partnership programs that support pregnant Aboriginal young women to improve their own health and the health of their baby;
- Youth diversion options that engage Aboriginal young people and their families;
- Supporting the work of Aboriginal Elders and community leaders in remote communities such as the Tiwi Islands and Lajamanu to develop restorative justice alternatives that better allow for defendants to address the causes of their offending and repair harm done to victims and the community.

This year we assisted the NT Council of Social Services to host a Justice Reinvestment Forum in Darwin and have strongly advocated for a Closing the Gap Justice Target.

Collaborative relationships

We work closely with key stakeholders and have strong and durable working relationships with a broad range of government and non-government organisations. We meet regularly with Commonwealth and Territory Government Ministers, the courts, the Commonwealth Attorney-General's Department, the NT Departments of Attorney General and Justice, the NT Department of Correctional Services, NT Police, the Office of Children and Families, Centrelink and Territory Housing to ensure that systemic issues can be addressed as informally and proactively as possible. The high regard in which we are held is demonstrated by the fact that government departments approach us to provide policy input because they see our feedback as solutions-focused and invaluable to ensure the needs of our clients are met. We regularly receive positive feedback from government departments

and agencies as to the quality of our working relationship and practical benefit of our policy input, for example from the NT Department of Correctional Services.

This year, NAAJA has worked hard to coordinate sector-wide collaborations. NAAJA's leadership in relation to these meetings has been widely acknowledged by Aboriginal and non-Aboriginal organisations alike. These networks include in relation to youth justice issues, prisoner services and the 'Making Justice Work' coalition, a working group of government and non-government organisations committed to developing effective justice alternatives to incarceration. By working collaboratively, we are able to increase communication, reduce duplication of service delivery and achieve better outcomes for clients by resolving issues quickly and informally.

NAAJA also partners with other agencies, particularly Aboriginal organisations, to avoid duplication and to give a strong, effective voice for our constituents. These include the Aboriginal Peak Organisations of the NT (APONT), the National Aboriginal and Torres Strait Islander Legal Services (NATSILS), NT Law Society, the NT Legal Assistance Forum, and the National Congress Justice Working Group.

Aboriginal Peak Organisations of the Northern Territory

As a member of APONT, we have led a national push for non-Aboriginal organisations working in Aboriginal organisations to adopt Principles in relation to taking a partner-centred approach to working with Aboriginal organisations to empower Aboriginal communities. A large number of non-Aboriginal organisations have now signed up to these Principles. Our advocacy is leading to systemic change with non-Aboriginal organisations embracing a community empowerment approach to their work in Aboriginal communities.

APONT also held a number of community forums this year on issues including alcohol and governance issues. These forums provide opportunity that would not otherwise exist for Aboriginal people and organisations to come together to develop community-owned responses to complex issues based on national best practice and evidence-based approaches.

Welfare Rights Outreach Project (WROP)

The casework activities of NAAJA's Welfare Rights Outreach Project (WROP) are described in the Managing Civil Solicitor's Report. An important part of the work of our WROP team is to build on its casework to identify systemic issues faced by our clients. We engage with government and service providers to seek systemic change. Our advocacy has led to significant improvements in service delivery, particularly for remote clients.

WROP has productive relationships with government and non-government agencies on a Territory and Commonwealth level. We convene regular meetings with the Department of Human Services (DHS) and legal services, which is attended by FaHCSIA, DEEWR and various legal services. We aim to address systemic issues around income management, income support payments, remote housing and service delivery and provide practical solutions to government. In 2012/2013 WROP attended the National Welfare Rights biannual delegations to the Department of Human Services (DHS) in Canberra, which involved briefings to Ministers on NT issues. WROP drafted an issues paper, which detailed the key income support issues in the NT and recommendations, to underpin these discussions.

Social Security

In relation to welfare rights issues, NAAJA were involved in a consultation with FaHCSIA regarding changes made to the Vulnerable Payment Recipient measure of income management. We argued that an assessment should first be made that income management would assist the person prior to it being applied to young people. Through our WROP team, NAAJA also provided a comprehensive submission to the independent review of the Centrepay system. Our submission is cited in the Report of the Independent Review of Centrepay and our recommendations were largely adopted. Our concerns and recommendations related to the inappropriate use of Centrepay by some traders, the transparency and responsiveness of the complaints process, communication with users, and access to the system by indefinite consumer lease providers.

Alcohol Mandatory Treatment

NAAJA's WROP team made a significant contribution to a joint submission regarding the Alcohol Mandatory

Treatment Bill. WROP expressed concerns that the income management provisions did not allow for an assessment for the necessity of income management and made a number of recommendations. NAAJA highlighted that the Tribunal lacks the power to income manage people in the absence of a legislative instrument authorising the Tribunal to income manage people, leading Centrelink to advise that it will not recognise orders made by the Tribunal in relation to income management until the instrument has been registered under the Act.

Public Housing Tenants' Support Bill

The WROP team also drafted a comprehensive submission in response to the Social Security Legislation Amendment (Public Housing Tenants' Support) Bill 2013. Our submission was endorsed by the Central Australian Aboriginal Legal Aid Service, the Top End Women's Legal Service and the Darwin Community Legal Service. FaHCSIA acknowledged our detailed input and commented how valuable it was 'in identifying how the legislation might be amended in order to make it more effective in meeting the Government's objective of preventing homelessness.' The majority of NAAJA's recommendations were incorporated into the Bill, the passage of which was postponed.

Remote Housing

Remote tenancy is an important area where our advocacy has led to improved outcomes for our clients. NAAJA highlighted deficient Territory Housing rent management practices for remote tenants. Before NAAJA took up this issue, Territory Housing maintained electronic records for approximately 30% of its remote tenants. By February 2013, it had reached 98%. This means that rent records for remote tenants are more easily obtained and Territory Housing is better able to track irregular rent payments.

NAAJA also wrote to the NT Auditor General seeking a comprehensive reconciliation of remote rent payments and following sustained advocacy, Territory Housing have engaged Deloitte Australia to advise on how it can reconcile each rent payment received since 2008.

NAAJA continues to assist a number of clients to obtain refunds of rent paid to Territory Housing, where the client had no liability to pay rent.

WROP has been lobbying since 2011 for changes to the remote public housing tenancy agreement to bring

ADVOCACY SECTION *(cont'd)*

it into line with the Residential Tenancies Act. We have provided detailed advice and recommendations to the Solicitor for the Northern Territory on how the agreement can be made consistent with the Act and on subsequent drafts. Territory Housing has advised that a new agreement incorporating the majority of our suggested changes will be implemented in the next year.

We have written to the Minister for Housing regarding the transparency and accountability of Territory Housing decision making, particularly in relation to the termination of tenancies. This has led to changes in Territory Housing's processes and resulted in the prevention of homelessness for a number of vulnerable families.

We also expressed concerns with the adequacy of the remote housing application form and as a result, Territory Housing drafted a new application form and template letters to applicants taking our concerns into account, including that they accord with the Remote Housing policy and are in plain English.

We have conducted workshops for AMSANT Board members from across the NT on remote housing issues, and presented a paper at the 2012 National Association of Community Legal Centres Conference, titled No Fires in the Yard: Remote Housing Reforms in the NT.

We were also extremely pleased that WRAP's Lauren Walker was invited to join an investigative panel advising on research of the Australian Housing & Urban Research Institute into New and Emerging Models of Remote Indigenous Tenancy Management.

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

In its four years of operation, NAAJA has established itself as a national best-practice provider of 'throughcare' services for Aboriginal people.

In 2012 NAAJA received a National Australia Crime and Violence Prevention Award, in recognition of the success of our Indigenous Throughcare Project. NAAJA Throughcare was also profiled in the Australian Government's 2012 Closing the Gap Report.

The Throughcare Model

NAAJA's Throughcare project assists Aboriginal people from when they are first taken into custody, through their period of incarceration and continuing through a client's reintegration to the community upon their release.

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

Prison-based Throughcare

It is a sign of the trust and respect for NAAJA that we are able to place two Throughcare workers inside the prison, to work alongside Corrections staff. Our two prison-based Throughcare workers work over an extensive period of time with clients and their families. We ensure our clients do not fall through the gaps and that they have access to services whilst in custody. These include access to health, legal, welfare, rehabilitative and employment services, as well as maintaining contact with family, bringing applications to attend a funeral or transfer prison, or assisting clients on remand to find out information about the status of their pending court matter. This support is often a life-line for clients often stressed, isolated or depressed and not otherwise able to address these matters.

Statistics for the 2012-13 year show that NAAJA's prison-based throughcare workers have assisted prisoners on over 1000 separate occasions. Surveys from the NT Department of Correctional Services confirm that this assistance makes a tangible difference to improve the health and wellbeing of the most vulnerable of clients, and support those clients to take responsibility for their behaviour.

Prison-based Throughcare workers also assist clients through the complex and legalistic parole process. Many of our clients lack the knowledge, skills and capacity to independently develop a rigorous post-release plan. Some do not, for example understand that of refused parole they can reapply at a later time. It is not unusual for our staff to encounter prisoners who could realistically have reapplied for parole years earlier. We work side-

by-side with our clients to explain the parole process and to encourage client insight into offending behaviour and their capacity and confidence to take steps to address that behaviour.

Our prison-based staff also provide post-release support to a small number of high needs clients. Statistics from the 2011-12 Parole Board Annual Report note that 89% of parolees are returned to custody for breaching conditions of their parole, as opposed to reoffending whilst on parole. This is in addition to studies which have over many years shown that prisoners are in a situation of extreme vulnerability of returning to prison in the period immediately following their release. It is the time when things are most likely to go wrong if supports are not in place.

In 2012-13, our prison-based Throughcare workers increased the number of post-release parole clients we supported. Many of our clients leave prison to situations of instability and uncertainty. We work with clients at high risk of not complying with the conditions of their parole, and assist them to reintegrate into the community and meet the strict conditions of their release. This includes taking clients back to remote communities if they would otherwise be unlikely to, assisting clients to report to Corrections, attend medical appointments or enrol in an educational or counselling program. Our approach recognises the vulnerability of prisoners upon release, but we empower our clients by reducing the intensity of our support as clients become able to more autonomously navigate 'life on the outside' for themselves.

Throughcare Support Workers – Intensive Case Management

NAAJA's four Throughcare Support Workers build on the work of our prison-based staff. They provide intensive support to approximately fifty clients for six months prior to their release and continuing post-release for a period as determined by the client. All aspects of the engagement emphasise client empowerment and individual responsibility. Throughcare Support Workers assist clients with a diverse range of issues including housing, employment, education and training, health, counselling, life skills, obtaining identification, opening a bank account, obtaining a driver's licence, and connections to family and community.

Data and evaluation over the years of the project's operation confirm the effectiveness of our approach.

Only thirteen per cent of our Throughcare clients return to prison or juvenile detention whilst part of our project. This stands in stark contrast with the recidivism rate in the NT, which sits at around fifty-two per cent.

The economic benefits of throughcare are evident. Keeping one person out of jail for one year saves the taxpayer over \$100,000 (and over \$200,000 for a young person). We are proud to say that NAAJA's Throughcare project in 2012-13 paid for itself many times over.

Remote Throughcare

An exciting development of NAAJA Throughcare in 2012-13 is the work of our case workers to support clients living in remote parts of the Northern Territory. Our staff have travelled to areas from Kalkarindji to Wadeye, Katherine to Borroloola to meet with family and community members to ensure that Aboriginal communities actively take responsibility for people returning from prison, and to provide the ongoing support our clients need to take responsibility for their behaviour and make positive changes in their lives. Our approach has set a new standard in relation to engagement with Elders and remote community members, and is influencing the approach taken by statutory-based case management agencies.

Stakeholder relationships

In the area of Throughcare, NAAJA enjoys particularly strong relationships with other stakeholders.

We work collaboratively with parole officers, often as a bridge between client and officer, to formulate robust post-release plans. Improved parole reports have been noted by the Parole Board, which reflects the input of our staff. Improved parole reports have also led to an increase in parolees granted parole as well as an increase in the number of parolees whose applications for parole are deferred for further work as opposed to being refused outright. In 2012-13, there was a noticeable increase in the percentage of successful parole applications as well as an increase in the number of deferred applications. Deferred applications are significant because rather than an application being declined, it is kept on foot.

Our organizational reputation is such that the NT Parole Board now directly refers high needs clients to our service. The 2011 Parole Board Annual Report highlights

ADVOCACY SECTION *(cont'd)*

the quality of our work. Justice Southwood, Chairperson of the NT Parole Board noted in the 2011-12 Parole Board Annual Report that "[t]he work done by NAAJA has been of great assistance to the Board."

As well as the NT Parole Board, the Department of Correctional Services has paid tribute to the way we work collaboratively with Corrections officers. We avoid duplication of service delivery by meeting regularly with Prisoner Services staff and identifying the appropriate person to assist with a particular matter. It is extremely pleasing that our working relationship is such that Corrections officers often refer client to our Throughcare support workers for assistance.

Assisting Aboriginal people and communities to engage with the legal system

Legal Education, Training and Projects

NAAJA's Legal Education, Training and Projects team continues to deliver innovative, culturally relevant and high quality legal education for Aboriginal Territorians. Over the last five years, NAAJA has developed a unique, two-way legal education model in remote Aboriginal communities.

NAAJA's 2011 paper, 'Strong foundations for community based legal education in remote Aboriginal communities' informs our approach to legal education. One-size-fits-all approaches to legal education frequently fail to meet the needs of Aboriginal people. Many Aboriginal communities perceive the mainstream system as something that happens to them, rather than something that happens with and for them. Unless the community understands basic tenets of the justice system, it is unrealistic to expect compliance with the law. And if we seek Aboriginal community buy-in and participation in the justice system, we need to work across Aboriginal and non-Aboriginal knowledge systems to make the justice system meaningful for Aboriginal people.

NAAJA's Legal Education team empowers Aboriginal people by enhancing knowledge of the mainstream legal system and legal concepts. Our work is an early intervention and prevention approach to justice, bridging the disconnect many Aboriginal people feel with the mainstream justice system. Our legal education

work allows Aboriginal communities to influence and participate in the legal processes that affect their lives.

NAAJA's legal education activities are evidence-based and emphasise adult learning, traditional Aboriginal learning styles, bilingual education and intercultural communication. Key ideas underpinning our approach include: moving from what is known to what is unknown, two-way learning, learning through doing, focusing on the process rather than result and creating tangible increases in control over the (legal) environment.

In the last twelve months, NAAJA's reputation as a specialist legal education provider for Aboriginal people has grown significantly. We work closely with the legal education sector, and encourage best-practice approaches to legal education involving Aboriginal people. Our team has given presentations on our approach to other legal services across Australia at various forums and meetings. We have written articles in publications including the Indigenous Law Bulletin and Balance, the Law Society of the NT's magazine. We have also been increasingly requested by various government and non-government organisations to conduct cross cultural communication training as well as sessions on particular legal topics. An exciting example of this work includes family violence legal education we have run in remote communities for Aboriginal men.

NAAJA's work in remote communities suggests that where Aboriginal people are empowered to understand legal concepts and processes, improved justice outcomes are possible. What is most exciting is that the last twelve months has seen a significant expansion of our activities to be able to travel to more communities and give more Aboriginal people increased involvement in the legal system. This work is time-consuming, resource intensive, and requires repeated visits to develop relationships and build on prior knowledge. But we consider that it is essential to invest in this form of legal education if we hope to see increased community and individual responsibility in the justice system.

Supporting Community Leadership

In Lajamanu, the Law and Justice Group (Kurdiji) is a group of senior men and women who have a strong interest in improving justice system outcomes for their

community. We have provided training to the Kurdiji to increase their knowledge of legal processes and sentencing options and created tangible increases in control over the (legal) environment. This has included co-delivering legal education sessions to students at the Lajamanu School using mainstream and Warlpiri legal concepts to help students move from the known to the unknown. We have also assisted the Kurdiji to provide input into sentencing proceedings, by writing letters to the presiding magistrate about a defendant and how they can best address harm caused to the victim and community. These reference letters allow Elders in the community a voice in sentencing proceedings that has not previously been possible.

In Wurrimiyanga (Nguiu), Tiwi Islands, NAAJA has worked closely with the Tiwi (Ponki) mediators and the Strong Woman's Group. We have supported Elders to participate in court proceedings by providing written sentencing recommendations, and hold regular meetings to address local community safety issues. In one sentencing matter, Supreme Court Justice Dean Mildren noted that the reference letter provided by the Elders was Supreme Court was 'impressive, informative, concise and to the point.'

At Maningrida and Ramingining, we have also worked closely with the Bunawarra and Mala Leaders to commence writing sentencing recommendations for the presiding magistrate. This work has only been possible because of the comprehensive legal education we have been able to deliver in those communities, including with the Night Patrol officers, at the local schools, the women's safe house, Strong Women's Group, CDEP workers and women's centre.

Night Patrol Legal Project

In 2012, NAAJA received funding to commence a twelve month, Night Patrol Legal Project in ten selected communities. The project has been extremely successful in supporting the work of Night Patrol Groups and promoting leadership around community safety.

The Project team worked with participants to design training according to their operational needs and to prepare night patrollers for realistic situations. We have conducted Night Patrol training visits to Ramingining, Milingimbi, Daly River, Lajamanu, Wadeye, Maningrida, Wurrimiyanga (Nguiu), Timber Creek, Kalano Community in Katherine, Ngukurr and Belyuen. Topics covered

include Night Patrollers' powers, practical responses to critical incidents, domestic violence orders, child protection, criminal law and sentencing, duty of care and mandatory reporting. The training utilises learning through doing, including role plays and scenarios.

A key focus of the Night Patrol Legal Project has been encouraging networking and collaboration between night patrollers and other service providers. We have facilitated meetings between Night Patrol services and various other services, including Police and worked with Night Patrollers to build their profile and standing in their community. It has been extremely pleasing to see tangible improvements to the way Night Patrollers operate because of our involvement. The night patrollers and police participation in the Lajamanu and Wurrimiyanga Law and Justice groups illustrates the importance of cooperation between Elders and Night Patrols to achieve community safety.

It has also been a significant indicator of the success of the project that we have had requests from Night Patrol services outside our target ten communities for NAAJA to deliver training. We have conducted additional training forums in Mataranka, Groote Eylandt and Nhulunbuy which involved night patrol services attending from numerous surrounding communities. Night Patrollers from seven Arnhem Land communities travelled to the Nhulunbuy training workshop in March 2013.

Mediation training

NAAJA has worked with the Community Justice Centre to deliver mediation training in Gunbulunya, Lajamanu, Tiwi Islands and Katherine. The training focussed on preparing for and conducting mediations using a two-way approach. Participants considered who the right people to come to mediation were, who the right mediators for a dispute were and what would be a suitable neutral place for a mediation to be held.

Our training recognised the value of local knowledge and ways of responding to conflict. The involvement of senior Elders was essential to this. At the Gunbulunya training, for example senior women were consulted about the proper Bininj ways of sorting out disputes. One participant observed after the training, 'I learnt both ways – Bininj and Balanda (non-Aboriginal people). I learnt how Balanda mediate their way and how Bininj mediate our way.'

ADVOCACY SECTION *(cont'd)*

Legal Education for Youth

As well as the remote legal education described above, NAAJAs' Legal Education team has delivered a huge array of legal education and training sessions in Darwin and Katherine. A key focus has been legal education for young people. We continue to work closely with the Casuarina Secondary College's Clontarf Academy to deliver training and activity sessions at CSC Clontarf Academy. We also hosted several Clontarf work experience students to encourage careers in the law, delivered a school holiday program at the Don Dale Juvenile Detention Centre and partnered with Darwin Community Legal Service to deliver AFL-themed human rights school legal education program to Grade 5 and 6 students.

Regular legal education sessions delivered include at the Darwin Correctional Centre, women's safe-houses, Balanu youth camps, residential rehabilitation centres, Indigenous Family Violent Offender Program and radio sessions with TEABBA Radio. We also have continued to work on a Plain English/Yolnu Matha legal dictionary with the Aboriginal Resource Development Service and the Aboriginal Interpreter Service.

Welfare Rights Outreach Project (WROP)

NAAJA's WROP team have engaged in a variety of legal education activities to assist Aboriginal people and communities to engage with the legal system. These include working on the production of a 'Renting in Community' DVD, about remote public tenants' rights and responsibilities and available in 7 Aboriginal languages and English.

WROP also provided legal education to AIS interpreters on Centrelink debts, appeal rights, prosecutions and how NAAJA can assist, are working with Aboriginal Resources Development Services to develop a series of radio programs about remote tenancy issues, deliver Darwin Correctional Centre pre release education sessions about Centrelink and remote housing issues on a regular basis. WROP also conduct regular CLE sessions in remote communities regarding what NAAJA can do to assist people with Centrelink, housing and consumer problems.

Conclusion

NAAJA's Advocacy Section has had a terrific year in 2012-13. We have delivered tangible outcomes for our clients including significant justice reform, empowering Aboriginal people to better understand legal concepts and processes, supporting Aboriginal people to reintegrate from custody back to the community, and developing innovative ways for Aboriginal people to meaningfully participate in the mainstream justice.

We are very conscious of the work that lies ahead, but proud of our achievements this year. We remain focused on putting into practice NAAJA's goal of True Justice, Dignity and Respect for Aboriginal people, strong in the knowledge that Aboriginal people are best placed to design and deliver justice solutions for Aboriginal people.

Jared Sharp
Advocacy Manager



NHULUNBUY OFFICE REPORT

Daniel Briggs
**Managing Criminal Solicitor
Nhulunbuy**

The Nhulunbuy office continues to forge many new pathways to justice for the community and consolidate our reputation in the region.

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

A significant development in this financial year was a change in office structure in our Nhulunbuy office to create the position of Regional Managing Solicitor. This position creates a clear line of management for the overall operations of the Nhulunbuy office as well as management of its criminal law practice. The new structure will assist in office coordination and make for a smoother running practice and I am pleased to have taken on this new role.

We were particularly pleased to have our civil law practice resume a permanent presence in the Nhulunbuy office in this financial year. The strong message from our community is that they want to have access to a full range of legal services out of our Nhulunbuy office. The work of our civil law team is detailed in the report of Pip Martin. In this part of the report I outline how the work of our criminal law team in Nhulunbuy has contributed to NAAJA's strategic goals.

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

Access to Justice

Our office has continued to provide a high standard of legal advocacy to the Indigenous communities in this region. Sitting weeks are very busy and the court sits for long hours. The lengthy lists create challenges in providing legal services to clients who require interpreters

and may have little familiarity with the legal system. To provide access to justice, our team has to combine legal skills and matter management of a high order with a significant degree of cultural competency.

We have had many successes in court as a result of effective negotiation and advocacy with Police and prosecutors. Many matters that ordinarily would have proceeded to hearing have been resolved beforehand either by way of amended charges, amended facts or simply having all charges withdrawn.

We often deal with matters which are very complex from legal and cultural perspective. Maintaining professional integrity is essential and our office has done this well. We continue to receive a great deal of respect from the community for the work that we do and the manner in which we go about it.

We continue to make the most of Audio Visual Link (AVL) to connect to and communicate with clients, colleagues and stakeholders. This has proven to be a valuable resource in obtaining instructions from clients who are in custody and allows us to deliver our services in a way that is efficient and cost-effective.

Constructive Partnerships

We recognise that partnerships with other agencies and key stakeholders in this region are crucial to sustaining our high levels of service delivery.

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



NHULUNBUY OFFICE REPORT *(cont'd)*

Recruitment and retention of skilled staff

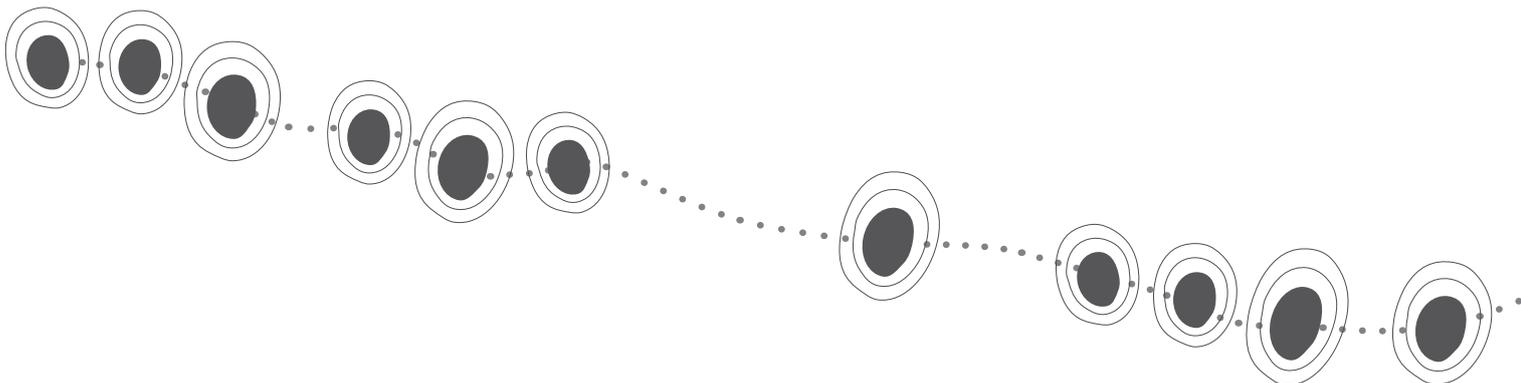
We have a full complement of staff and all are performing well in their respective rolls. Alex Bowen has been here for almost twelve months and has settled in well. Tracy Stolman hit the ground running as our Client Service Officer, taking over from Rachael Mortimer who has taken maternity leave. Both Tracy and Rachael have provided an outstanding level of support to our staff and clients.

Office Coordinator Laura Hopkins continues to be of great support. Laura has also continued the governance training she begun earlier in the year at Tranby College, Sydney.

While the relative remoteness of Nhulunbuy raises challenges for our staff in getting access to training and professional development, we try to make the most of AVL to link into sessions being held in Darwin and also look for opportunities that coincide with other travel we are undertaking.

I look forward to working with the Nhulunbuy team in the coming year to build on our strong reputation.

Daniel Briggs
Regional Managing Solicitor





KATHERINE OFFICE REPORT

John Moore
Managing Criminal Solicitor

The Katherine office of NAAJA has undertaken extensive work in the past year to provide a high quality legal service to a large number of clients. The office is a large and busy regional law practice, staffed by five criminal lawyers and five civil lawyers, five administration staff and four client service officers.

The detail of the diverse work undertaken by the civil team is set out in the civil section report by Pip Martin and this report focuses primarily on the contributions of the Katherine criminal team to the advancement of NAAJA's strategic goals. While our work is divided by an information barrier or 'Chinese Wall', our civil and criminal sections in Katherine nevertheless work very effectively together through client referrals and the sharing of general professional knowledge.

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

Access to Justice

We provide a full criminal law legal service from NAAJA's Katherine office, acting for clients from the Katherine region in matters on complaint, summary indictable matters, indictable matters in the preliminary examination list and matters in the Supreme Court sitting in Darwin. We appear on a duty basis, in summary hearings, in Supreme Court pleas and instruct counsel in jury trials.

The Katherine Court of Summary Jurisdiction is one of the busiest in the Northern Territory, as are the bush courts within the Katherine region: Barunga, Lajamanu, Ngukurr Timber Creek and Yarralin.

In the second half of 2012 the Kalkarindji bush court was suspended on the basis that the building facilities were not adequate and unsafe. NAAJA has lobbied the Court and government to have this situation resolved and there have been significant works undertaken by the Victoria Daly Shire to improve the building. It is hoped that bush courts in Kalkarindji will recommence in 2014.

We represent a wide range of clients, including young people and children, people with disabilities and those grappling with substance abuse. There is an above average incidence of deafness and hearing loss among Aboriginal people in the NT and we have been involved in several cases involving deaf and mute clients.

While working with a large number of clients presents many challenges, we have worked well with other legal services, including the Northern Territory Legal Aid Commission and private practitioners to ensure we are providing the best service possible to Aboriginal people in the region.

The legal framework has changed considerably in the past 12 months, the most striking change being the introduction of mandatory sentencing laws for violent offences. While this had the initially paradoxical effect of removing the pre-existing mandatory sentencing laws for many of our clients (no transitional provisions were inserted into the new laws to keep the old ones in place) the laws are beginning to lead to harsh and sometimes unjust penalties. Unfortunately this is an inevitable consequence of policies that prevent courts from exercising discretion to reflect the justice of the situation.

Recruitment and retention of skilled staff

The staff of the Katherine office have been involved in numerous training events including Australian Advocacy Institute training, cultural training with May Rosas, a Duty Lawyering conference, the National Indigenous Legal Advocacy Course at Tranby Aboriginal College, the Criminal Lawyers Association conference and cross cultural courses conducted by the Why Warriors group.

Staffing in the Katherine office has remained very stable in the past year with minimal changes. This has been a significant achievement, given the challenges that come with recruitment and retention in regional and remote areas. My thanks go to Anne Manfong,



KATHERINE OFFICE REPORT *(cont'd)*

Office Manager, and all the staff of the office for their commitment to NAAJA's work.

Assisting Aboriginal people and communities to engage with the legal system

There are numerous other groups that make invaluable contributions to the work we do and NAAJA works hard to develop and maintain strong partnerships with other service providers.

Language is an enormous part of access to justice. We work in a region where numerous languages other than English are the primary spoken word of our client. We are indebted to the Aboriginal Interpreter Service for its essential help in communicating with our clients and for working with our staff to develop their expertise in cross-cultural communication.

Rehabilitation is also a very important aspect of our work and we are grateful to the rehabilitation services and their staff in Katherine including Strongbala, Venndale, Wurlu Wurlu Social and Emotional Wellbeing and YMCA Katherine.

Leading justice reform

The Katherine office works closely with NAAJA's Advocacy section to ensure that significant policy and law reform issues arising in the region are recognised and taken up appropriately with government.

An issue of particular significance in the Katherine region has been the problem of excessive alcohol consumption and related violence in our local pubs and clubs. This has led to some notable and distressing cases in which people have been killed or seriously injured. NAAJA's Board has taken a special interest in this issue and NAAJA has written to the NT Liquor Commission to ask for an investigation into these issues.

The high workload, deeply entrenched social disadvantage faced by our clients and the wide and diverse geographic area covered by the Katherine office make it a very challenging environment. It is, however, one in which we are able to make a significant contribution to the quality of justice that our clients receive in the NT.

John Moore
Regional Managing Solicitor

NAAJA OFFICES

DARWIN OFFICE

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

Executive Unit

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

Finance

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

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

Corporate Services

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

Criminal, Civil, Family and Welfare Rights Law

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

Advocacy

Provides innovative law and justice programs in:

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



Darwin Staff

NAAJA OFFICES *(cont'd)*

KATHERINE OFFICE

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

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

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



Katherine Staff

NHULUNBUY OFFICE

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

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

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

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



Nhulunbuy Staff

NAAJA SERVICE DELIVERY AREA



NAAJA STAFFING

41% 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 30 June 2013 the following staff were employed by NAAJA:

EXECUTIVE

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

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>	Angie Liddy
<i>CLE Solicitors</i>	Will Crawford
	John Rawnsley
<i>Night Patrol CLE Solicitor</i>	Clare Sauro
<i>Night Patrol CLE Educator</i>	Rohan Thwaites
<i>Night Patrol Admin Assist</i>	Kira Liddell
<i>Data/Evaluation Officer</i>	Alana Sampson
<i>Prison Support Officers</i>	Kieran Boylan
	Lavina Murray
<i>Prison Support Admin Officer</i>	Kate Boylan
<i>Throughcare Co-ordinator</i>	Samantha Taylor-Hunt
<i>Throughcare Support Workers</i>	Shaun Lee
	Matthew McCormack
	Ellouise Davis
<i>Throughcare Admin Officer</i>	Simone Ahmat
<i>Advocacy Solicitor</i>	Dara Read

CRIMINAL LAW PRACTICE

<i>Managing Solicitor</i>	David Woodroffe
<i>Deputy Managing Solicitor</i>	Beth Wild
<i>Criminal Solicitors</i>	Shahleena Musk
	Josh Brock

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

Indigenous Youth Justice Worker *Secretaries*

Indigenous Cadets

CIVIL LAW PRACTICE

Managing Solicitor *Senior Civil Solicitor* *Civil Solicitors*

Family Solicitors *Welfare Rights Solicitors*

Giles O'Brien Hartcher
Anthony Pyne
James Anderson
Franky Bain
Trevor Moses
Amie Hancock
Anna Tucker
Christopher Edwards
Paul Hopley
Sophie Parsons
Will Collins-Putland
Jayde Kellie
Harold Dewis
Travis Carroll
Maria De Sotto
Telisha Kotzur
Terry Byrnes
Sasha Greenoff
Renata Puccetti
Emily Croydon
Jessica Bell
Amie Burgdorf
Rachel McDonald
Tara Liddy
Shanel Cubillo
Philippa Martin
James Stoller
Nick Petrie
Jared Clow
Francesca Ciantar
Jessica Trappel
Alex Clunies-Ross
Sarah Bury
Anna Dawson
Matthew Strong
Lauren Walker
Katie Bates

<i>Practice Manager</i>	Martina Whistler
<i>Legal Secretaries</i>	Vivienne Floyd Katrina McKie
<i>Client Service Officers</i>	Roy Assan Leah Dowler
KATHERINE OFFICE	
<i>Office Co-ordinator</i>	Anne Manfong
<i>Managing Criminal Solicitor</i>	John Moore
<i>Criminal Solicitors</i>	Dodie Roden Andrea Lachsz Rabindra Roy Hugo Moodie
<i>Criminal Legal Secretaries</i>	Nardine Ferguson Lena Korn
<i>Cultural Advisor</i>	Graham Campbell
<i>Client Service Officers</i>	Natasha Chong Darryal Dockery
<i>Civil Solicitors</i>	Matt Fawkner Sarah Lane
<i>Family Solicitor</i>	Avril Cowarn
<i>Welfare Rights Solicitor</i>	Harley Dannatt
<i>Ashurst Civil Solicitor</i>	Louise Kruger
<i>Civil Secretaries</i>	Malama Talitimu Allyson Croydon Primrose Collard
<i>Receptionist</i>	Barbie Manfong

NHULUNBUY OFFICE

<i>Office Manager</i>	Laura Hopkins
<i>Managing Criminal Solicitor</i>	Daniel Briggs
<i>Criminal Solicitor</i>	Alex Bowen
<i>Client Service Officer</i>	Tracy Stolman
<i>Civil Solicitor</i>	Lindy Harland
<i>Civil Administration Assist</i>	Marama Ngamoki

STAFF ON LEAVE

<i>Criminal Solicitor</i>	Pete Bellach
<i>Criminal Solicitor</i>	Iva Julsaint
<i>Criminal CSO</i>	Rachel Mortimer
<i>Criminal Legal Secretary</i>	Tahnee Clarke
<i>Senior Civil Solicitor</i>	Siobhan Mackay
<i>Civil CSO</i>	Karla Garling
<i>Civil Legal Secretary</i>	Dewayne Forrest
<i>Civil Legal Secretary</i>	Kiarna Murray

VOLUNTEERS

NAAJA has been fortunate to have the services of some 30 volunteers for 2012/2013 including law students, legal practitioners, high school students, work place students, and others. Volunteers provide valuable assistance to NAAJA and we greatly appreciate their contribution to our work.

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

PERFORMANCE

Over the past seven years NAAJA's criminal matters have increased by 72% and our civil/family matters have increased by 73%.

Statistics of Matters

(Darwin, Katherine & Nhulunbuy)

PERFORMANCE

Statistics of Matters 8 Years
(Darwin, Katherine & Nhulunbuy)

		CRIMINAL							
	Year	2006	2007	2008	2009	2010	2011	2012	2013
DUTYWORK		1,571	1,262	1,364	1,754	1,146	1,672	2,035	2,303
CASEWORK		3,428	3,740	3,648	4,580	5,142	4,745	5,205	5,537
ADVICE		15	13	136	68	62	352	635	778
TOTAL CRIMINAL		5,014	5,015	5,148	6,402	6,350	6,769	7,875	8,618

		CIVIL/FAMILY							
	Year	2006	2007	2008	2009	2010	2011	2012	2013
CASEWORK		622	548	517	525	579	562	515	594
ADVICE		1,333	765	1,646	1,335	1,510	2,113	2,551	2,843
TOTAL CIVIL/FAMILY		1,955	1,313	2,163	1,860	2,089	2,675	3,066	3,437

		PRISONER SERVICES							
	Year	2006	2007	2008	2009	2010	2011	2012	2013
CASEWORK						184	21	247	222
ADVICE					1	1,576	3,351	3,560	3,079
TOTAL PRISONER SERVICES		0	0	0	1	1,760	3,372	3,807	3,301

FINANCIAL INFORMATION

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

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



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

I declare that, to the best of my knowledge and belief, during the year ended 30 June 2013 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', is positioned above the printed name.

Mark Tomlinson
Ambrose Assurance

28 October 2013

Darwin

North Australian Aboriginal Justice Agency Limited

63 118 017 842

Statement of Profit or Loss and Other Comprehensive Income

For the Year Ended 30 June 2013

	Note	2013 \$	2012 \$
Revenue		10,254,866	9,498,989
Other income		192,218	151,176
Employee benefits expense		(6,834,514)	(6,251,811)
Depreciation and amortisation expense		(217,289)	(213,362)
Computer expenses		(133,383)	(120,371)
Bush courts		(332,020)	(300,545)
Brief outs		(166,975)	(310,844)
Client expenses		(93,283)	(140,443)
Insurance		(362,941)	(248,075)
Rent		(272,960)	(214,025)
Subscriptions		(190,989)	(123,569)
Telephone		(154,941)	(162,433)
Travel		(339,403)	(334,825)
Consultants		(184,849)	(4,180)
Other expenses		(912,274)	(947,166)
Finance costs		(233,282)	(237,009)
Profit before income tax		17,981	41,507
Income tax expense		-	-
Profit from continuing operations		17,981	41,507
Profit for the year		17,981	41,507
Other comprehensive income, net of income tax			
Items that will not be reclassified subsequently to profit or loss			
Items that will be reclassified to profit or loss when specific conditions are met			
Total comprehensive income for the year		17,981	41,507

North Australian Aboriginal Justice Agency Limited

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Statement of Financial Position

30 June 2013

	Note	2013 \$	2012 \$
ASSETS			
Current assets			
Cash and cash equivalents	5	2,587,582	2,179,988
Trade and other receivables	6	1,405	29,496
Other assets	8	430,963	398,810
Total current assets		3,019,950	2,608,294
Non-current assets			
Property, plant and equipment	7	5,685,260	5,628,223
Total non-current assets		5,685,260	5,628,223
TOTAL ASSETS		8,705,210	8,236,517
LIABILITIES			
Current liabilities			
Trade and other payables	9	685,766	832,436
Short-term provisions	11	525,199	585,674
Other financial liabilities	12	1,696,753	941,695
Total current liabilities		2,907,718	2,359,805
Non-current liabilities			
Borrowings	10	2,332,816	2,430,015
Total non-current liabilities		2,332,816	2,430,015
TOTAL LIABILITIES		5,240,534	4,789,820
NET ASSETS		3,464,676	3,446,697
EQUITY			
Retained earnings		3,464,676	3,446,696
TOTAL EQUITY		3,464,676	3,446,696

North Australian Aboriginal Justice Agency Limited

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Notes to the Financial Statements

For the Year Ended 30 June 2013

2 Revenue

Revenue from Continuing Operations

	Note	2013 \$	2012 \$
Sales revenue			
Other revenue			
- other interest received		109,352	118,536
- operating grants		10,111,056	9,380,453
- donations		34,458	-
- other revenue		192,218	151,176
Total Revenue		10,447,084	9,650,165

3 Other operating income

(a) Detailed table

	2013 \$	2012 \$
Rental income	22,700	20,550
Other income	164,319	110,944
Total	187,019	131,494

4 Profit from Ordinary Activities

(a) Expenses

	2013 \$	2012 \$
Depreciation and Amortisation		
Depreciation	217,289	213,362
Total Depreciation and Amortisation	217,289	213,362
Interest expense on financial liabilities not at fair value through profit and loss	233,282	237,009
Employee benefits expense	6,834,514	6,251,811
Rental expense on operating leases		
Audit Remuneration		

North Australian Aboriginal Justice Agency Limited

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Notes to the Financial Statements

For the Year Ended 30 June 2013

5 Cash and cash equivalents

	2013	2012
	\$	\$
Cash on hand	2,106	2,206
Cash at bank	146,502	492,318
Short-term bank deposits	2,438,974	1,685,464
	2,587,582	2,179,988

The effective interest rate on short-term bank deposits was 4.0% (2012: 4.0%); these deposits are on call.

Reconciliation of cash

	2013	2012
Note	\$	\$
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	2,587,583	2,179,988
	2,587,583	2,179,988

6 Trade and other receivables

	2013	2012
Note	\$	\$
CURRENT		
Trade receivables	1,405	29,496
	1,405	29,496

NON-CURRENT

7 Property plant and equipment

	2013	2012
	\$	\$
LAND AND BUILDINGS		
Building		
At cost	4,917,718	4,782,035
Total buildings	4,917,718	4,782,035
Total land and buildings	4,917,718	4,782,035
PLANT AND EQUIPMENT		

North Australian Aboriginal Justice Agency Limited

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Notes to the Financial Statements

For the Year Ended 30 June 2013

7 Property plant and equipment continued

	2013	2012
	\$	\$
Plant and equipment		
At cost	78,977	78,977
Accumulated depreciation	(41,548)	(28,386)
Total plant and equipment	37,429	50,591
Motor vehicles		
At cost	720,860	1,013,926
Accumulated depreciation	(363,464)	(613,414)
Total motor vehicles	357,396	400,512
Office equipment		
At cost	65,110	31,635
Accumulated depreciation	(38,789)	(28,282)
Total office equipment	26,321	3,353
Leasehold improvements		
At cost	453,346	453,346
Accumulated amortisation	(106,949)	(61,614)
Total leasehold improvements	346,397	391,732
Total plant and equipment	767,543	846,188
Total property, plant and equipment	5,685,261	5,628,223

North Australian Aboriginal Justice Agency Limited

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Notes to the Financial Statements

For the Year Ended 30 June 2013

7 Property plant and equipment continued

(a) Movements in Carrying Amounts

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

	Buildings	Plant and Equipment	Motor Vehicles	Office Equipment	Improvements
	\$	\$	\$	\$	\$
Balance at the beginning of year	4,782,035	50,591	400,513	3,353	391,732
Additions	135,683	-	161,228	33,475	-
Disposals - written down value	-	-	(56,061)	-	-
Depreciation expense	-	(13,163)	(148,284)	(10,506)	(45,335)
Carrying amount at the end of 30 June 2013	4,917,718	37,428	357,396	26,322	346,397

	Total
	\$
Balance at the beginning of year	5,628,224
Additions	330,386
Disposals - written down value	(56,061)
Depreciation expense	(217,288)
Carrying amount at the end of 30 June 2013	5,685,261

8 Other Assets

	2013	2012
	\$	\$
CURRENT		
Prepayments	430,963	398,810
	430,963	398,810

9 Trade and other payables

	2013	2012
	\$	\$
CURRENT		
Unsecured liabilities		
Trade payables	55,728	73,437
Other payables	630,038	758,999

North Australian Aboriginal Justice Agency Limited

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Notes to the Financial Statements

For the Year Ended 30 June 2013

9 Trade and other payables continued

2013	2012
\$	\$
685,766	832,436

10 Borrowings

	Note	2013 \$	2012 \$
NON-CURRENT			
Unsecured liabilities			
Secured liabilities			
Bank loans		2,332,816	2,430,015
		2,332,816	2,430,015
(a) Total current and non-current secured liabilities			
Bank loans		2,332,816	2,430,015
		2,332,816	2,430,015
(b) The carrying amounts of non-current assets pledged as security are:			
Freehold land and buildings		4,917,798	4,782,015
		4,917,798	4,782,015

11 Provisions

	Employee entitlements \$	Total \$
Opening balance at July 01, 2012	585,674	585,674
Additional provisions	568,379	568,379
Amounts used	(628,854)	(628,854)
Balance at June 30, 2013	525,199	525,199

Analysis of Total Provisions

	2013 \$	2012 \$
Current	525,199	585,674
	525,199	585,674

North Australian Aboriginal Justice Agency Limited

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Notes to the Financial Statements

For the Year Ended 30 June 2013

12 Other Liabilities

	2013	2012
	\$	\$
CURRENT		
Government grants	1,696,753	941,695
Total	1,696,753	941,695

North Australian Aboriginal Justice Agency Limited

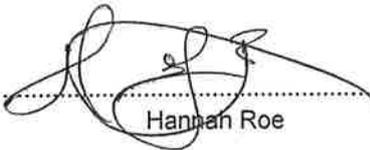
63 118 017 842

Directors' Declaration

The directors of the Company declare that:

1. The financial statements and notes, as set out on pages 9 to 37, are in accordance with the *Corporations Act 2001* and:
 - (a) comply with Accounting Standards; and
 - (b) give a true and fair view of the financial position as at 30 June 2013 and of the performance for the year ended on that date of the Company.
2. In the directors' opinion, there are reasonable grounds to believe that the Company will be able to pay its debts as and when they become due and payable.

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

Director 
Hannan Roe

Director 
Michael Petterson

Dated 28 October 2013

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 2012/2013.

Aboriginal Hostels Association
Aboriginal Interpreter Service
Aboriginal Resource Development Service Inc (ARDS)
Alistair Wyvill SC
Anglicare NT
Anne Cregan
Ashurst Australia
Bahkita Centre – St Vincent De Paul
Balanu Foundation
Barbara Ramlah, Alyangula
Bawinanga Aboriginal Corporation
Bill Piper
Bunawarra Elders, Maningrida
CAAPS
CatholicCare NT
Central Desert Shire Council
Central Land Council
Centrelink
Clayton Utz
Clontarf Foundation
Community Corrections
Community Justice Centre
Cynthia Thompson, Department of Justice
DAIWS
Danila Dilba
Darwin Correctional Centre
David McKenzie
Department of Health Prison in Reach Program
Department of Housing
Don Dale Juvenile Detention Centre
Donna and June Nadjamerik, Gunbalanya
Earth Connect, Alyangula
East Arnhem Shire
Family Responsibility Centre
Fines Recovery Unit
Tope End Forensic Mental Health
FORWAARD
Graham Campbell
Harold Thomas
Harvey World Travel Team: Rachel Turner, Anna Hockey,
Sue Trevena
Healing Foundation
Helen Edney
Human Rights Law Centre
Ironbark

Jobfind
Jodi Truman
Joelene Napier, Nhulunbuy Court Registrar
John Lawrence SC
Jon Tippet QC
Julian Barry
Kevin Doolan
Kurdiji Law and Justice Group, Lajamanu
Laura Lombardo
Mike Collins, Groote Eylandt and Bickerton Island
Enterprises (GEBIE)
National Association of Community Legal Centres
National Welfare Rights Network
Ned Aughterson
Northern Land Council
Northern Territory Legal Aid Commission
Office of Children and Families
Office of Children and Families, Remote Family Violence
Program, Remote Services
Peggy Dwyer
Peter Baran
Ponki Mediators, Wurrimiyanga
Red Cross
Rex Wild QC
Roger Latham and the Warrior Priests Band, Wadeye
Roper Gulf Shire Council
Rose Lambalamba
Ruby Gaia
Russell Goldflam
Shannon Chapman
Speedy McGuinness
Strongbala
Sunrise Centre – Salvation Army
TEABBA Radio
Tiwi Shire Council
Victoria Daly Shire Council
Warlpiri Youth Development Aboriginal Corporation (Mt
Theo)
West Arnhem Shire Council
YMCA
Yugul Mangi, Ngukurr

NAAJA OFFICES CONTACTS

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

DARWIN

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

Criminal

Telephone 08 8982 5100
Fax 08 8982 5195

Civil

Telephone 08 8982 5100
Fax 08 8982 5199

Toll free 1800 898 251
Admin Fax 08 8982 5190



KATHERINE

32 Katherine Terrace, Katherine NT 0850

Criminal

Telephone 08 8972 5000
Fax 08 8972 5050
Mail PO Box 1944 KATHERINE NT 0851

Civil

Telephone 08 8972 5000
Fax 08 8972 5060
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 8939 2399

Civil

Telephone/Fax 08 8987 1868

Toll Free 1800 022 823



OFFICE HOURS

Monday - Friday (8.00am - 4.30pm)

Email mail@naaja.org.au

Website www.naaja.org.au

