North Australian
Aboriginal Justice Agency

NAAJA

Annual Report 2015/16

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 people in the Top End of the Northern Territory.

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

Our History

IIn 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 74 years' experience in providing legal services to Aboriginal people in the Top End.

Our Vision

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

Our Mission

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

Our Values:

- Respect
- Accountability
- Professionalism
- Courage
- Dedication
- Integrity
- Excellence
- Innovation
- Collaboration

NAAJA's Strategic Goals

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

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

NAAJA is now the largest legal service in the Northern Territory.

Chairperson's Report

Vernon Patullo
Chairperson

On behalf of the NAAJA Board, I am pleased to introduce the 2015/2016 Annual Report.

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

I am extremely proud of how far our organisation has come, this would not have been possible without the support of our Aboriginal communities as well as the dedicated services of Board and staff members.

Our organisation is staffed by professional and committed people, who are making an exceptional contribution to Aboriginal people in the Northern Territory.

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

I also take this opportunity to thank the Commonwealth Attorney General and his department and the Minister for Indigenous Affairs for their continued funding of our organisation.

We continue to enjoy a mutually respectful and beneficial working relationship.

NAAJA's legal work has a huge impact on the lives of our clients and their families. Through our Law & Justice Projects, we also provide innovative and ground-breaking programs that make a real practical difference to the lives of Aboriginal people, their families and communities.

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

I am very proud of NAAJA's achievements and the work that NAAJA has done over this last financial year. 2015/2016 was an exciting year and this report highlights some of our important achievements.

I would like to thank all NAAJA members and especially Board Directors Norman George, Michael Petterson, Illona Wilson, Tony Wurramarrba, Joel McLennan, Colleen Rosas, Hannah Roe, Francis Hayes, Natalie Ellis, Ruby Stanley and Banambi Wunungmurra for their hard work and solid leadership in 2015/2016.

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

Vernon Patullo
Chairperson

Chief Executive Officer's Report

Priscilla Collins
CEO

NAAJA is respected for providing highly professional, culturally appropriate, innovative and effective legal and justice-related services. NAAJA is also a leader in law and justice 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.

This year NAAJA celebrated our 10 years of providing legal services to Aboriginal people in the Top End of the Northern Territory.

We have grown NAAJA over the years in response to our increasing Aboriginal population and the emerging legal needs of our community.

We have responded to the growth in demand in NT law matters, in particular in the areas of criminal law, youth justice and the care and protection of children.

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 2015/2016, NAAJA provided advice and representation to 12,533 Aboriginal people for civil and criminal matters.

We now employ 95 full time staff, which includes 42 solicitors. We have increased our staffing by 55% 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 people.

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

I thank the Board, management and staff for their support and efforts throughout 2015/2016, which has been a year of very high activity with many successes along the way. It was an exciting year for NAAJA and one in which it confirmed its position as a leading Australian legal service.

Vernon Patullo
ChairpersonChairperson

OUR SERVICES

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

We provide services in the following areas:

Criminal Law

We are the largest Criminal Law practice in the Northern Territory with offices in Darwin and Katherine. 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, Local Court, and Supreme Court
- In all Courts sittings in urban and remote regions
- The Court of Criminal Appeal and in some circumstances the High Court of Australia

We also provide:

- 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 skilled and qualified interpreters in their own language or signing system.
- Representing young people in court and providing ongoing intensive case management through our Indigenous Youth Justice Worker
- Representing defendants who are deaf or having have hearing loss, mental health issues including those unfit to be tried by reason of mental impairment

We strive to:

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

Civil Law

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

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

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

Centrelink and Income Management including:

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

OUR SERVICES *(cont'd)*

- Income management exemptions
- Basics card issues

Remote Tenancies including:

- Terminations
- Repairs
- Debts
- Priority housing applications

Law & Justice Projects

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

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

NAAJA Throughcare

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

We assist Aboriginal people throughout their custodial sentences, help them prepare for life outside prison and provide them with support and assistance after they are released.

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

Community Legal Education

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

Night Patrol Legal Education

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

Solicitor, Law & Justice Projects

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

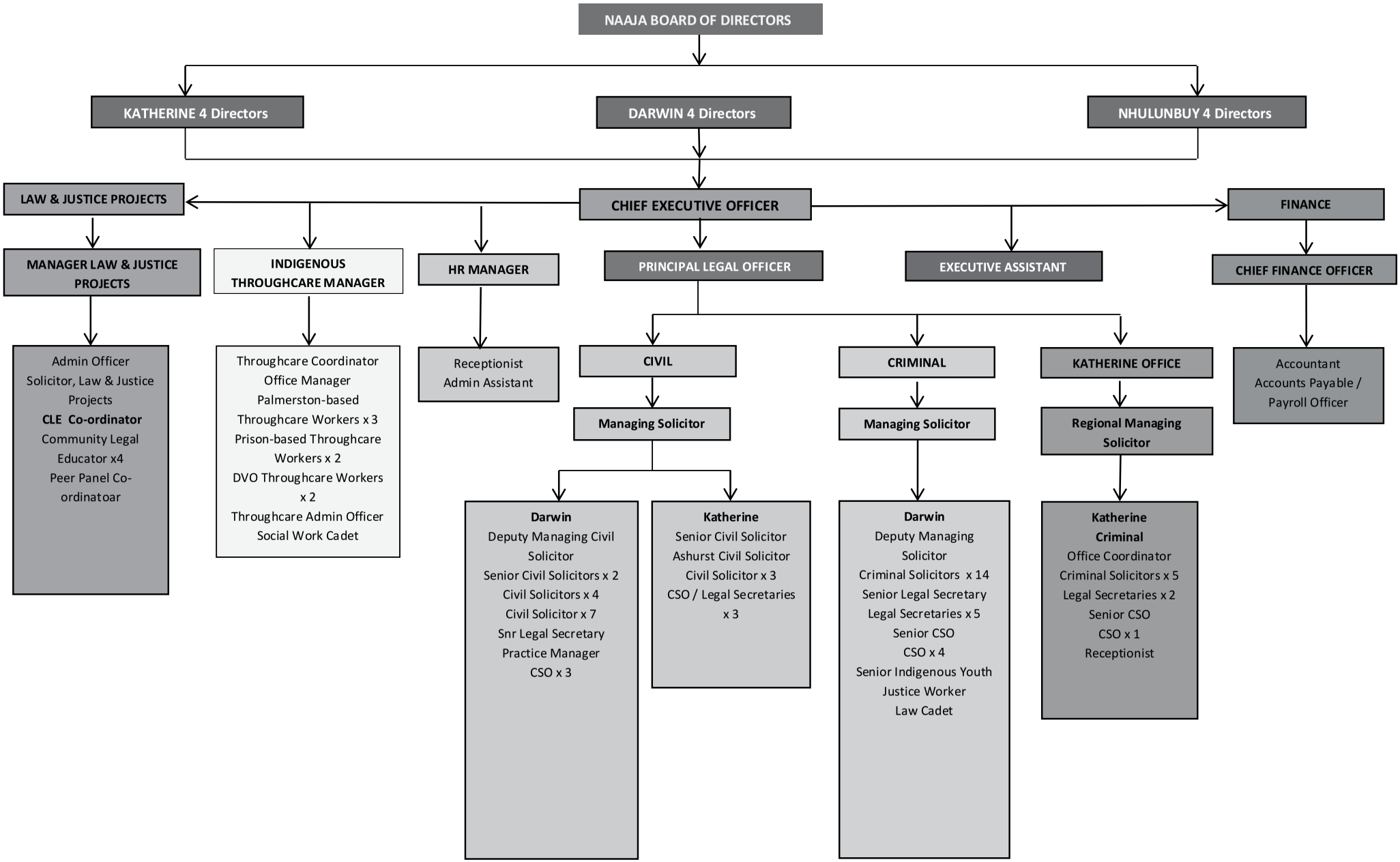
Royal Commission Community Legal Educator

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

Monitoring and Evaluation

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

NAAJA Structure



NAAJA Board

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

NAAJA Board 2015/2016

MIWATJ

VERNON PATULLO *Chairperson*

Vernon's cultural background extends from the Kungarakan clan from the Finniss River (paperbark people) and the Gurindji people from Kalkaringi Wave Hill (desert people) tribes in Northern Australia. Vernon has travelled extensively throughout the top end region of the NT working and living in remote areas most of his life.

Vernon has been involved in law and justice work for over 25 years and has been an active member of the former Miwatj Aboriginal Legal Service MALS which amalgamated with NAAJA in 2006. In his roles with the legal services he represented both organisations at Territory and national level, andworking closely with the Attorney Generals and governmental agencies.

Vernon has held all positions from Member/Director to Chairperson when working with MALS and is the current Chairperson of NAAJA.

ILLONA WILSON *Director*

Illona is from North West Queensland and is of Aboriginal descent. Illona lives in Alyangula, Groote Eylandt and works for the Anindilyakwa Land Council.

Illona's experience extends to community development; capacity building of Indigenous families and community to engage with schools to support better education outcomes for their children; and strong and effective governance within school communities on Groote Eylandt and Bickerton Island. Illona previously worked with the Australian Government in the Northern Territory in the education and employment sector.

BANAMBI WUNUNGMURRA *Director*

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

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

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

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

MIWATJ continued

TONY WURRAMARRBA *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 organisations 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. Tony recently negotiated a new mining agreement on new leases namely the eastern and the southern areas. This will virtually double the mine life, giving his people more time to prepare for life without mine and beyond.

DARWIN

MICHAEL PETTERSON *Deputy Chairperson*

Michael is of Aboriginal/Torres Strait Islander descent. Michael has lived in Darwin most of his life and has worked in various government departments including Department of Justice, Family Court of Australia and the Northern Territory Legal Aid Commission as an Indigenous Community Liaison Worker where his work involved delivering legal services to remote communities.

He has been a committed 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 was admitted to legal practise in the Supreme Court of the Northern Territory in 2004 then went on to work as a lawyer for the Australian Securities and Investments Commission (ASIC) and is currently working for the Office of the Registrar of Indigenous Corporations (ORIC).

COLLEEN ROSAS *Public Officer*

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

JOEL McLENNAN *Director*

Joel is from the Larrakia clan in Darwin. 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 *Director*

Norman prefers to be known by his nickname Crow. He has an extensive background in Indigenous legal services in his position as a Board Director for many years on NAAJA/NAALAS and is highly recognised for his experience in Law and Justice, Indigenous Health, Employment and Leadership. Crow is currently employed with the Aboriginal Interpreter Services in Katherine as the Community Liaison Development Officer. His role is to train and recruit new Interpreters to interpret in a professional manner where they provide a culturally appropriate Aboriginal Interpreting Service to various departments and organisations.

He attends most bush courts in the region working very closely with NAAJA Staff. He is a strong advocate for appropriate service delivery to be provided for Aboriginal and Torres Strait Islander people in law and justice, health, education, alcohol & drugs, housing, land management, sport, employment and training and has advocated strongly for greater accountability by Government and all Indigenous organisations and Councils.

NATALIE ELLIS *Director*

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

FRANCIS HAYES Director

My mother was a Ngalakan woman born on the banks of Roper Bar (Roper River). Her mother was the great leader and speaker Mundululu Senior T.O. for the Ngalakan Tribe. My father came from the desert in Central Australia Kaytitj, Lyritja and Arrenta. I'm an ex-Serviceman who served in the Army overseas with 8 R.A.R. as a National Serviceman.

I'm retired now and a Pensioner but I'm still kept active helping out in other areas. I'm one of the Aboriginal Directors on the Wurli Wurlinjang Aboriginal Health Service Organisation. I am also a volunteer and mentor at the Strongbala Male Health Program. I help providing assistance and advice in any way I can in health, culture, healing and tradition. My family are very close and important to me especially my grandchildren.

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 Heath & 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 socialising with family and friends.

Overview of operations

Jonathon Hunyor
Principal Legal Officer

The 2015/2016 year was a very significant one for NAAJA's legal practice with a number of major test cases being undertaken in the High Court, Northern Territory Supreme Court and NT Coroner's Court.

NAAJA has also been at the forefront of promoting justice for Aboriginal people through strategic advocacy and leadership in the justice sector. I outline this work below.

Before doing so, I want to recognise the great success that continues to be achieved at the 'coalface' through the advice, assistance and casework that is provided by our legal teams. The reports of the Managing Solicitors provide some detail of this work.

While NAAJA is always looking for systemic responses to the issues facing Aboriginal people in the Top End, achieving 'justice' for our clients invariably involves hard fought individual cases, pursued with determination and skill, and with our clients, their needs, rights and dignity at the centre. It is often these 'individual' cases that lead to systemic outcomes – changing practices and setting precedents. And without these basic services done well, our clients cannot hope to get justice.

This last financial year has seen NAAJA's legal practice deliver more services of the highest quality to Aboriginal people across the Top End. I pay tribute to our lawyers, social workers, client service officers and support staff for their extraordinary efforts and the results achieved for our clients.

Leading justice reform

NAAJA & Bowden v Northern Territory: 'Paperless arrests'

In 2015, NAAJA took a case to the High Court challenging the validity of the regime of 'paperless arrests'. The regime, introduced under the Police Administration Act, allows police to hold people for up to four hours (or longer if the person is intoxicated) if the person has been arrested for an 'infringement notice offence': a minor offence for which the police could give you an 'on the spot' fine.

This power to detain without charge (and without the right to bail, to be taken before a court or to get legal advice) is unprecedented in Australia. NAAJA challenged the law, arguing that it is invalid because it gives punitive powers to police that can only be exercised by a court.

Ultimately we lost the case, but importantly, the majority of the High Court interpreted the law in a way that was much more restrictive on police powers than the Northern Territory government had claimed. The case attracted significant national media attention and highlighted NAAJA's willingness to hold government to account.

NAAJA took the bold step of bringing the litigation in its own name. This was done for a number of reasons, including to bring the case to court as quickly as possible after the law commenced and because we were initially unable to find a client to take up the challenge (noting that part of the practical effect of the law is to avoid people having access to legal advice as they would if brought before a court). We were, however, later joined in the action by Miranda Bowden, a woman from the Katherine region, who we identified as having been held under the law and who was prepared to take up the fight.

NAAJA was able to bring the case without significant financial risk. We secured high quality pro bono legal support and also the backing of IMF Bentham through its pro bono programme, providing coverage against an adverse costs order.

I thank our exceptional legal team: Mark Moshinsky SC (now the Hon Justice Moshinsky of the Federal Court), Kathleen Foley and Christopher Tran of the Victorian Bar, instructed by Fiona Hudgson, Andrew Harpur, Mark Bradley, Ben Wong and Josephine Langbien of Ashurst. The legal team was co-ordinated by Ruth Barson of the Human Rights Law Centre. I also thank IMF Bentham and their pro bono program co-ordinator Tania Sulan for recognising the importance of the case and providing their essential support.

Inquest into the death of Kumanjayi Langdon

Kumanjayi Langdon passed away in police custody in May 2015, after being arrested and held under the 'paperless arrest' regime, described above. NAAJA appeared for the family of Kumanjayi Langdon at the inquest into his death.

NAAJA's questions and submissions focused on a range of issues including the decision to arrest Kumanjayi, the practical impact of the 'paperless arrest' regime on Aboriginal people, the quality of care given to Kumanjayi and the failure by the NT government to follow the recommendations of the Royal Commission into Aboriginal Deaths in Custody.

The Coroner's findings, delivered on 14 August 2015, were strong and unambiguous. He recommended that the paperless arrest regime be repealed. He also adopted NAAJA's recommendation that there be an independent expert inquiry into alcohol policy in the NT with a view to working with Aboriginal people, communities and organisations to deal with the harm caused by alcohol.

Disappointingly, the NT government did not accept the recommendations. However, the NT Labor opposition has committed to repealing the laws should they win government in the August 2016 election.

Munkara v Bencsevich: Alcohol Protection Orders

NAAJA is also challenging the regime of Alcohol Protection Orders in a case before the Northern Territory Court of Appeal.

This regime allows police to issue a person with an Alcohol Protection Order (APO) if the person is charged with an offence punishable by more than 6 months in prison (covering most offences in the NT) and the officer believes that the person was affected by alcohol at the time of the offence. The main effects of an APO are that:

- It is an offence to possess or drink alcohol.
- Police are given extraordinary powers to stop, search and arrest.
- It is an offence to enter licensed premises except for work or residence.

Overview of operations *(cont'd)*

Over 85% of APOs have been issued to Aboriginal people. By criminalising drinking and exposing many Aboriginal people to an intense cycle of police contact and arrest, the law is clearly contrary to the basic recommendations of the Royal Commission into Aboriginal Deaths in Custody.

In the case of Munkara v Bencsevich, we have argued that the law is racially discriminatory (contrary to s 10 of the Racial Discrimination Act) because of its disproportionate impact on Aboriginal people, and therefore invalid. We have also argued that the decision of police to issue our client with an APO was invalid in circumstances where they knew that his alcoholism and homelessness made him effectively unable to comply with the order.

Our challenge was unsuccessful before a single judge of the Supreme Court, but we have appealed to the NT Court of Appeal.

NAAJA was again fortunate to secure pro bono support to run this case. Alistair Wyvill SC conducted the matter at first instance. On appeal, the Human Rights Law Centre's Ruth Barson co-ordinated a legal team involving support from Ashurst and counsel of Ron Merkel SC, Alistair Pound and Olaf Ciolek of the Victorian Bar.

At the time of writing, the decision of the Court of Appeal is reserved.

Police powers of protective custody: Prior v Mole

NAAJA has also been engaged in another significant test case concerning the powers of police to take people into 'protective custody'. The power is exercised regularly in the Northern Territory (and overwhelmingly on Aboriginal people) and allows police to apprehend and detain a person who is drunk and by reason of their intoxication is likely to harm themselves or others, or commit an offence.

In the case of Prior v Mole, police apprehended our client because of his intoxication, but NAAJA has argued that his apprehension was unlawful and unnecessary because there were a range of other options available to police short of locking him up – including telling him to go home or asking if there was someone who could come and pick him up.

NAAJA won an initial appeal in the Supreme Court, but the Crown was successful in its appeal to the Court of Appeal. NAAJA has now sought special leave to appeal the case to the High Court and, at the time of writing, is awaiting the outcome of that application.

We are again grateful to have a pro bono team organised by Ruth Barson of the Human Rights Law Centre, led by Brian Walters SC and Emrys Nekvapil of the Victorian Bar, instructed by King Wood Mallesons.

'Unfitness project'

NAAJA is engaged in an innovative research project with the University of Melbourne concerning clients with cognitive impairment and other forms of disability who are unfit to be tried. The aim of the project is to explore models of 'supported decision-making' in a criminal context, to allow clients more active involvement in their cases. For some clients this may mean that they are found 'fit' to be tried (avoiding the potential of indefinite detention) or simply that they have a better understanding of, and engagement in, the process.

NAAJA has employed a Client Support Worker to assist clients and work with their lawyers over a 6-month period. The experiences of the Client Support Worker and NAAJA's lawyers will then help to inform future work in this important area.

Strategic leadership

NAAJA has continued to play a leading role in the Making Justice Work group, an alliance of groups from the social service and justice sector, seeking to promote evidence-based approaches to dealing with 'law and order' and community safety issues:
see www.makingjusticework.org.au.

I also represented NAAJA at the Law Council of Australia's Indigenous Imprisonment Symposium in November 2015 in Sydney. This was another opportunity to draw attention to the appalling rates at which Aboriginal and Torres Strait Islander people are locked up and focus attention on real solutions.

NAAJA played a leading role in advocacy against the NT Government's proposed 'Daniel's Law'. The proposed law would have created a website with the photo, name and regional address of convicted child sex offenders. The scheme was opposed by almost everyone who took time to consider it.

Overseas experience shows that such regimes don't work, so it is a waste of money and gives false security to victims and parents. Victim's groups expressed concern that identifying perpetrators would also identify victims, leading some victims to not come forward and creating significant potential for re-traumatisation.

Many were also concerned that the families of perpetrators would also be targeted and at the prospect of vigilante-style violence. In the face of this widespread opposition, the Government ultimately decided not to proceed with the regime.

A strong and leading Aboriginal organisation

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

I particularly thank the managers (and acting managers) of our legal and support teams who have worked hard to create and maintain an environment that fosters high standards and collegiality.

Ongoing professional development

NAAJA continues to maintain a culture of professional excellence and continual development. In this financial year we provided a large range of training and education sessions for staff with expert speakers from

both within and outside NAAJA. Topics included: police cautions; ethics; sentencing; conflicts of interest; summary procedure reforms and effective file management.

Interns and Volunteers

NAAJA is fortunate to have a very successful volunteer and internship program. In large part it is built around our longstanding relationship with the Aurora Project. The work of our volunteers is a significant boost to our capacity, particular in areas like research and paralegal support and I thank the many volunteers that have worked with NAAJA in the last financial year.

Aboriginal Governance and Management Program

I have been an active member of the Steering Committee of the Aboriginal Governance and Management Program since its inception in 2013.

The AGMP is a project of the Aboriginal Peak Organisations of the Northern Territory. Its aim is to lay the foundations, through action-based research, for a permanent Northern Territory Aboriginal Governance and Management Centre. The Centre will provide tailored support for Aboriginal organisations across the NT, to see them succeed and grow.

The 'justice gap' continues to widen

I wrote in the last annual report about the 'justice gap' that exists in funding for Aboriginal and Torres Strait Islander Legal Services. I am sorry to report that the gap continues to widen and government continues to ignore the evidence and recommendations of the Productivity Commission, Law Council of Australia and numerous governmental and parliamentary inquiries, all of which point clearly to the need for an urgent increase in funding to meet the legal needs of Indigenous people.

In this past financial year NAAJA has had to cease undertaking expensive criminal cases – including all cases involving murder – because of the lack of expensive case funding.

This has previously been a critical source of funding to ensure that we can provide the level of service that our clients require in complicated cases. NAAJA has an unparalleled record for doing these cases successfully and exceptionally cost-effectively.

We have also had to cease providing family law services and at the end of the financial year were forced to reduce the size of our Civil Law Section. This obviously has a direct and immediate impact on the Aboriginal and Torres Strait Islander people that are unable to access civil law help. Moreover, as the Productivity Commission has made absolutely plain, the costs of such service reduction are ultimately borne across the community, with legal problems escalating and leading to other issues such as homelessness, mounting debts and criminal offending.

Our annual report gives us the chance to highlight our successes and the achievements of our staff. But it is necessary to point out again that we do this against the odds. We work cheaper and we work harder than our mainstream Legal Aid counterparts, and in circumstances that present unique challenges in effective service delivery. Funding parity for Aboriginal and Torres Strait Islander Legal Services is a critical and basic step if Indigenous people are to enjoy equal access to justice.

Farewell

This is my last annual report as NAAJA's Principal Legal Officer. I am delighted to be handing over the role to David Woodroffe. David brings to the role over 18 years experience with Aboriginal Legal Services. He is one of the most experienced and respected criminal lawyers in the Northern Territory and is the first Aboriginal person to hold the position. I wish him the very best for the continued success of NAAJA's legal practice.

It has been a privilege to have held this role for the past 6 years. I thank NAAJA's Board and CEO, Priscilla Collins, for their support and guidance; NAAJA's staff for their dedication, professionalism, skill and integrity; and our many partners and supporters in the legal sector, government and the community who have worked with us to promote justice, dignity and respect for Aboriginal people.

Jonathon Hunyor
Principal Legal Officer

DARWIN CRIMINAL LAW SERVICE Report

David Woodroffe
Managing Criminal Solicitor

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

High quality legal services

The Darwin Criminal Section is committed to maintaining and continuing improvement of all aspects of its legal services whether it is management, lawyers, administrative support and client service officers. Criminal Section Managers along with the Board of NAAJA completed a 2 day training workshop on performance management and organisational management skills.

On 29 February 2016 saw the opening of the new premises of the Youth Justice Court in the Mitchell Street precinct. NAAJA's specialist Youth Team of 3 lawyers, client service officer, personal assistant and Indigenous Youth Justice Worker provide high quality legal representation and material assistance to our youth clients. They provide support for our clients in securing necessary referrals to rehabilitation services, locating appropriate housing, support services and care inclusive of keeping our child and youth clients in touch with their communities and families.

Special recognition of Shahleena Musk's leadership of the Youth Justice team occurred with the awarding of the Northern Territory Human Rights Awards - Fitzgerald Youth award for the promotion, protection, and fulfillment of human rights of young people.

Our indictable team has excelled in the Supreme Court with trials, fitness trials and reviews, and high profile cases and pleas. The quality of the work is reflected not only in the outcomes of acquittals, plea resolutions or just sentences, but provides a continuum of culturally proficient and client orientated representation from the first to the last appearance. I would like to acknowledge Marty Aust, Beth Wild and Beth Morrisroe for the high quality of their work.

The mainstay of our work is successful provision of criminal representation in the Local Criminal Court with a duty lawyer service, contested hearings and preliminary examinations (oral committals), and lawyers in the mental health diversion list. Our lawyers are committed to the high quality and vigorous legal representation in the protection of basic rights for Aboriginal men and women.

An example of ensuring the protection of people was the successful defence of a female client charged with hindering police in saying to a person being arrested, "you don't have to say anything". An important principle was maintained that words alone can not constitute hindering of police when the words are just explaining a persons legal rights.

The Criminal Section is committed to improve the legal representation and conditions of Aboriginal people with mental impairments or intellectual disabilities. Our service in partnership with Melbourne University Social Justice Institute, has undertaken a placement of a mental impairment support worker through the 'Unfitness to Plead and Indefinite Detention of Persons with Cognitive Impairments: Addressing the legal barriers and creating appropriate alternative supports in the community'.

Access to justice

The year saw a number of pivotal events occurring in the Northern Territory's legal landscape with the 40th anniversary of the Anunga Rules and the 10th anniversary of the NAAJA into an unified criminal legal service throughout the Top End. Justice Forster's judgment in R v Anunga (1976) 11 ALR 412, still resonates today with the overall vulnerability of our clients in respect of language, unfamiliarity with the legal process, disability and the emotions of fear and confusion in police questioning.

Our lawyers have attended training sessions provided by police and the Aboriginal Interpreter Service of the commendable police caution project of the recording of cautions into Aboriginal languages for suspects.

Our lawyers continue to achieve through their advocacy of successful rulings concerning Anunga principles in trials with instances of lawyers have not been contacted on behalf of persons in custody, the non use of interpreters and miscommunication occurring in understanding of the police caution, the nature or significance of the allegations.

Our service is always committed to advocating for use of technology to help clients' access justice. We have been utilising video conference facilities for clients appearing at the Supreme Court from remote regions for some criminal cases to assist people staying in their home country and reducing non appearances.

Our lawyers are always assisted in the inspirational and generous donation of lawyers of their time in providing continuing professional development to our team. Thanks to Peter O'Brien, Marty Aust, Jodi Truman and Mark Thomas.

The Darwin Criminal Section is committed to working productively with other key legal stakeholders in improving the functioning of legal service delivery to our clients and communities. Special thanks would go to Sue Cox and Sue Phoo of NTLAC in a MOU for the conflict referrals of matters and ensuring access for clients to alternative legal representation.

Our Managers also have good working relationships with their counterparts at the Office of DPP in working to improve court processes between our organisations and speedier access of justice to the public.

Cultural proficiency

In a memorable event the Ramingining Local Court allowed for a ceremony to occur during court proceedings for a NAAJA client in custody who returned to the community for Court. He was permitted to finish a ceremony dance outside the courthouse before the Judge, police, corrections and the whole of the community. At the conclusion of the ceremony his family came forward to present the Judge with a reference for our client. The importance of our client's cultural obligations and the positive feelings from all involved was a great example of the uniqueness of Northern Territory courts in Aboriginal communities.

Our team of lawyers and client service officers has also been working with Maka Gamarr the Galiwinku justice group in meetings with the Local Court Judge, calling for greater cultural input from the community to the Court and the important role of NAAJA lawyers in presenting these options.

Our staff is equally committed in being involved with the local Darwin Aboriginal community by attending the Open Day at Bagot community and visiting the Home painting art project that occurred.

Our team is assisted by the provision of a cadetship by the legal firm Ashurst and placement within the criminal team of Matthew Connop an undergraduate studying with Queensland University.

Aboriginal criminal lawyers have spoken to interested students for the Bilata Pathways Program on increasing the numbers of future Aboriginal law students and legal practitioners. A majority of lawyers from the Darwin and Katherine Criminal Sections attended the Second Language and the Law Conference in 2015 held at the Darwin Supreme Court on issues of interpreters, sign linguists and hearing loss.

The Darwin Criminal Section has 40% Aboriginal staff in a variety of positions in management, lawyers, secretarial and client service officers. The Criminal Section is making steady progress in meeting the Aboriginal Employment Policy goal of a 60% staffing by 2018.

Conclusion

On a personal indulgence, I would like to take the opportunity in my final Criminal Section report as the Managing Solicitor for the Darwin Criminal Section to express my pride in having led and worked with a fantastic team over the past 6 years. I have seen individuals and the section grow in strength, ability and commitment to provide one of the most dedicated and skilled criminal defense services in the Northern Territory for Aboriginal people. Out of the countless persons who all deserve thanks in making ours a truly wonderful team I would like to acknowledge specifically Jonathon Hunyor, Beth Wild, and Jayde Kellie in supporting me over these past years. With the passing of the baton to Beth Wild the Criminal Law Section has a talented criminal lawyer and great leader who will bring about an exciting new chapter for NAAJA.

DavidWoodroffe
Managing Criminal Solicitor

CIVIL LAW SERVICE REPORT

Philippa Martin
Managing Civil Solicitor

This financial year reduced funding and a restructure lead to some changes in focus in service delivery to our clients. Most significantly, while continuing to provide representation for our clients in our priority area of child protection, we were unable to continue providing family law services to clients. We have continued to seek renewed funding in this area. Changes in staff levels and funding uncertainty meant that we were only able to advertise 6 month solicitor positions.

Despite this we continued to attract a very high quality of applicants and thankfully, with other staff movements we have been able to extend the employment of those solicitors. The merger of the welfare rights team into the general civil team saw an improvement in staff professional development as each solicitor is now required to have a solid grounding in all the key civil areas of law. Finally, to provide more management support for legal and support staff in the Darwin office, we created the role of Deputy Manager from January 2016.

A number of external challenges arose for the team this year. There was an increased demand for representation in inquests, as well work on ongoing Supreme Court litigation for our four clients involved in the Don Dale gassing incident and the Racial Discrimination Act challenge to the Alcohol Protection Order legislation.

There were also significant changes in jurisdiction in tenancy and victims of crime appeals from the Local Court to the Northern Territory Civil and Administrative Tribunal jurisdiction and an increase in mandatory alcohol treatment matters. The fact that we were able to take on complex and demanding matters while continuing to provide our usual services in a changing legal landscape is a tribute to the strength of the civil team.

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

Children and young people

This year the civil team encouraged more referrals from the crime team to increase our assistance to young people caught up in the juvenile justice and care systems. It quickly became apparent that the immediate legal need for young people was in the area of complaints for children harmed in care - especially those harmed by state agencies such as police, Corrections staff and actions and omissions of the Department of Children and Families. We also worked with Ashurst on a Youth Justice Guide to deal with ethical and legal issues in working with and litigating on behalf of, young people.

Child protection

NAAJA advocates for a consistent and meaningful commitment to the Aboriginal child placement principle and where parents are unable to care for their children we actively seek out other family members who may be able to care for the child and ensure they remain close to their family and community. Our strategy in assisting parents and family members to apply for 'daily care and control' while the protection proceedings are on foot, is continuing to prove effective both for keeping the children with family in the short term and increasing their chances of staying with family rather than being placed in non Indigenous foster care in the long term.

For example this strategy has worked for a mother with a young baby, who, with the support of her mother and refuge and health workers was able to continue breastfeeding, retain care of her baby and then return to family in community. The Department of Children and Families, eventually withdrew their application for an order.

This strategy also worked for a 17 year old mother with an intellectual disability, herself in care, whose child was removed at birth. After the Court ordered that our client's aunt have daily care and control of the child we were able to negotiate consent orders with the aunt having parental responsibility for the child for 2 years.

Finally this strategy also worked for a grandmother living in a remote community even though the matter went to hearing. We initially obtained an order for daily care and control so that her granddaughter could live with her while the protection application was being decided. We then worked with the grandmother for over 8 months, advocating for her to have parental responsibility.

The Department was happy for the grandmother to care for her granddaughter but they wanted to keep parental responsibility to provide her with 'support'.

The Department also argued that that they were in a better position to monitor reunification with the mother and access with the father's family. In ordering that our client have sole parental responsibility for her granddaughter, the Judge relied on the fact that both parents had given their daughter to the grandmother to 'grow her up' and accepted NAAJA's submissions that this decision by the parents was consistent with the Aboriginal family model.

We observed that the Department was removing breastfeeding babies from their mothers, instead of providing support to the mother and where there was no urgent need for the child to be in care. As well as helping the mother retain daily care and control of the baby, we submitted complaints to the Children's Commissioner and the Health and Community Services Complaint's Commission (about Royal Darwin Hospital) about a lack of policies to support breastfeeding mothers.

Both Commissioners investigated and the Children's Commissioner notified us that the Chief Executive Officer of the Department of Children and Families recognised the important health and well being benefits of breastfeeding for newborns especially Indigenous babies and agreed to develop and entrench policies and procedures into Departmental practice, educate case managers, and take steps to support more regular contact between newborns and their mothers to enable ongoing breastfeeding if the child has been taken into care.

The Department and Royal Darwin Hospital have agreed to finalise policies as a result of the health care complaint but had not done so by the end of the financial year.

Centrelink issues

This year we continued our success in having Centrelink debts waived on the basis of our clients' 'special circumstances' and we also worked to increase our clients' access to the Disability Support Pension (DSP). We were successful in having two clients granted the DSP after appeals to the first tier of the Administrative Appeals Tribunal.

In one matter our client, a 64 year old man, had lived in a single men's homeless shelter since injuring himself at work and losing his job in early 2014. He had multiple medical conditions and was in constant pain.

We provided extra medical information, including a letter from his treating doctor addressing the DSP eligibility criteria and attended the hearing with him via videolink to the Brisbane AAT. Even though this client lived in Darwin had his Job Capacity Assessment over the phone and after the Tribunal hearing he told us that the Tribunal hearing was the first time he felt 'listened to'.

This work has highlighted systemic issues about access to the Disability Support Pension for those living in remote communities and we have raised this with the Commonwealth Ombudsman. We argued that the Job Capacity Assessment (JCA – which looks at whether and how much a person can work and which are necessary for the grant of the DSP), when conducted over the phone, by a person who is unlikely to have any appreciation about day to day life in a remote community, is unreliable.

For one client rejected twice for the DSP, we advocated for her to have an 'in person' assessment in her remote community, so the assessor could directly observe all the issues with her mobility and how that affected her day to day life in the context of her community where there are no sealed roads or foothpaths and no public transport. Following that assessment she was then granted the DSP. The Commonwealth Ombudsman is monitoring this issue.

Housing and tenancy

For clients living in Darwin and Katherine our focus in housing matters remains the prevention of homelessness and representing public tenants at risk of eviction. The Department of Housing is entitled to terminate peoples' tenancies when they are behind in rent. However, in many cases our clients fall 'behind' in their rent because they have failed to submit the forms to apply for an ongoing rental rebate and, because of that failure, their rent increases to 'market' rent.

CIVIL LAW SERVICE REPORT *(cont'd)*

When clients are only paying their rebated rent their 'debt' mounts up very quickly. Often we are able to resolve these matters (including those where termination proceedings have been commenced) by organising for our client to submit rebate forms and have the rebate approved and backdated. The debt may be waived in its entirety or we are able to negotiate a repayment arrangement for the reduced amount.

However in another matter a client approached us after the Tribunal had made an order for possession. We successfully appealed that decision to the second tier of the Northern Territory Civil and Administrative Tribunal (NTCAT). In deciding that it was not appropriate to terminate our client's tenancy, the Tribunal took into account our submissions that the arrears were not properly calculated.

In this case, there was a real prospect that our client's 'arrears' would be significantly reduced as a result of the consideration of her rebate application.

We were able to set a precedent in another NTCAT matter where the Tribunal found that one of the terms of the Department of Housing's lease was invalid. The term required that a tenant keep the premises in a 'neat and tidy' condition and we argued that this is inconsistent with the legislation which requires premises to be kept in a 'not unreasonably dirty' condition. To have this decision from the NTCAT is particularly useful as the Department had consistently disregarded our arguments on this point.

In remote areas we focus on 'healthy houses' assisting people to seek repairs to their homes. For example after one trip to Lajamanu and Kalkarindji we lodged 10 complaints and requests for repairs to the Department of Housing. Issues included emergency repairs for hot water services, stoves, and exposed electrical switches. Following our letters, repair works were issued for 9 of the 10 houses. We also help clients apply for transfers to reduce the impact of overcrowding.

One client, who lived in an overcrowded house in Yirrkala with 17 people, was also the primary carer for her adult daughter who has Downs Syndrome. She and her daughter lived in a tent out the front of the house. We worked with Yirrkala clinic to get support letters, assisted her to apply for housing in Nhulunbuy in September 2014, and outlined their needs for housing. This year in February she was finally allocated a house in Nhulunbuy.

Health complaints

Given many Aboriginal peoples' chronic health conditions and the serious communication barriers between health professionals and some of our clients, we prioritise health care complaints mainly through the Health and Community Services Commission (HCSCC). We find that a formal conciliation between our client and the health provider is often successful. Sometimes obtaining a full explanation about our client's condition and the treatment provided is beneficial and all that our client requires. In other matters health providers have offered compensation for our client's distress as a result of those failures in communication and other breaches of the Code of Health and Community Rights and Responsibilities.

Through helping our clients make complaints to the HCSCC we are also able to raise systemic issues such as access to medical services for prisoners. This year the HCSCC conducted an investigation into the circumstances of one of our clients who had repeatedly complained about pain to her wrist and shoulders did not see a specialist for more than two months and was then found to have a fractured wrist.

The HCSCC included our client's complaint in a report about the Prison Health Service, which was tabled in Parliament and detailed substantial failings in access to appropriate health care for prisoners. The report made comprehensive recommendations including that the Prison Health Service improve policies, practices and procedures to manage requests for medical assistance and follow up, and improve communication with prisoners, Corrections and external services.

Police accountability

This year we continued to settle claims against the police for false imprisonment and assault. Many of the false imprisonment arise as a result or police errors in arresting our clients on the basis of wrong information in their database. This is a long standing issue which we continue to raise with the Police Commissioner and the NT Ombudsman.

We also help clients make police complaints to the NT Ombudsman including in one matter, helped with a complaint on behalf of a girl who was not given access to legal advice, nor provided with an appropriate support person when she was arrested. Police also required her to participate in an interview and sign a statement against her will. As a result of our complaint Police apologised to our client and the officers involved received ' additional training'.

Raising complaints about systemic issues has also proved effective. We complained to the NT Ombudsman and the Chief Magistrate about the bail review process and our clients not getting an opportunity to talk to the Magistrate when applying for review of their police bail. As a result, the NT Ombudsman recommended that the Police amend the General Order on Bail.

The General Order was to include directions that the Police notify the Magistrate that the defendant is present, whether or not they are legally represented, and ensure that the accused person is able to hear what is said e.g. by placing the phone on loudspeaker. The Chief Magistrate also indicated that he would talk to Magistrates to ensure that those arrested get a proper opportunity to participate in their bail hearings.

Discrimination

Our discrimination practice grew this year with clients receiving confidential settlements in areas of disability, sexual orientation and transgender discrimination against NT government departments and schools after making complaints to the Australian Human Rights Commission (AHRC), the Federal Circuit Court and the NT Anti Discrimination Commission. Our clients seek compensation for themselves as well as commitments to changes to policy and procedure and increased training, to ensure that other people are less likely to receive the same treatment

For example we represented a 15 year old girl and her parents with their complaint to the AHRC. Our client was expelled from boarding school and her scholarship was cancelled. We claimed that her former school and scholarship provider discriminated against her on the basis of her sexual orientation when they expelled her. The complaint against the school resolved during the AHRC conciliation conference with our clients getting compensation including for financial loss and a statement of regret. In addition the school agreed to implement policies and procedures relating to discrimination and expulsion (one that includes adherence to principles of natural justice); discrimination and cultural awareness training to all school staff.

Consumer

Our clients seek help with a wide range of consumer issues – problems with mobile phones, credit cards and loans, insurance, car sales and repairs and 'dodgy' providers who prey on vulnerable Indigenous people. For those who are in financial hardship, we routinely negotiate debt waivers either directly with the creditor or through a complaint to an industry ombudsman such as the Financial Ombudsman Service or the Telecommunications Industry Ombudsman.

In other matters we raise issues of failures by the lender to properly assess our client's financial circumstances and their capacity to repay the loan without hardship. We continued to make complaints about the unconscionable conduct of some consumer lease providers and also complained about photography companies who sign our clients up to expensive photography products and deductions from their Centrelink income. In one matter, our client who only wanted several small photos, entered a plan for $4,345 for 11 photo products, paying $197 per fortnight from her Aged Pension. We helped her get a full refund.

Refunds and waivers are important for our individual clients but we make complaints to the relevant regulator to work for a systemic impact. This year we helped clients prepare statements to support the Australian Competition and Consumer Commission's investigations and Federal Court actions against photography company Expression Sessions and 'Angel Digital' and its Director Jackson Anni - a rogue trader travelling around Aboriginal communities selling tablets at vastly inflated prices and setting up online bank accounts for our clients which he could access.

Coronial Inquests

This year the civil and crime solicitors worked together to represent families in a number of significant inquests. We represented the mother of Mr King

CIVIL LAW SERVICE REPORT *(cont'd)*

who passed away at the Katherine Hotel after two crowd controllers restrained him on the ground and sat on his back for seven minutes. The Coroner, in finding that that the conduct of the crowd controllers caused Mr King's death, also described one of the bouncers as a 'thug'. He also found that the training provided to crowd controllers was inadequate.

Kumanjayi Langdon was the first person to die in custody under the Northern Territory's 'paperless arrest' laws. He had come to Darwin for medical treatment but was taken into custody suspected of having been drinking. He died three hours later of heart failure. NAAJA represented the family at the inquest after which the Coroner made strong comments recommending that the legislation should be repealed. He found that the laws were 'irreconcilable' with the findings of the 1991 Royal Commission into Aboriginal Deaths in Custody which recommended police powers of arrest be used as a last resort.

The Coroner also held an inquest into the death of Maddy, a 17 year old girl, who committed suicide while in care. We represented Maddy's family. The Coroner heard evidence about Maddy's personal history, the reasons she was in care and her long standing mental health issues. In his findings he reported on a number of the Department of Children and Families' failures to coordinate Maddy's care and treatment for her mental illness and to plan her transition from care to independent living. In the end the Coroner found that despite all of those failures, none of them contributed to her decision to commit suicide.

Employment law and workers rights

We saw a steady increase in employment law matters and were successful in negotiating good settlements (compensation and a statement of service) for clients in unfair dismissal claims through the Fair Work Commission. In one matter our client got her job back. In another matter, Ashurst helped draft a letter for a client who was terminated. He originally thought that he had not been paid for his last two weeks of work. However, after obtaining his employment file, it was evident that the employer had improperly stood him down and he was entitled to termination and redundancy pay worth months rather than weeks of his salary.

The rights to workers compensation of those who 'work for the dole' in schemes such as CDEP, RJCP and now CDP, has long been a source of confusion. After receiving pro bono advice we found that some workers under the old CDEP scheme were entitled to workers compensation. On this basis we settled our client's claim for a work place injury she received in 2014. We also complained to the Commonwealth Ombudsman about the lack of accessible information about workers rights under the various schemes as well as the fact that now those who work for the dole are excluded from any workers compensation legislation. While there is access to some compensation, the predominantly Indigenous workers on these programs receive significantly less compensation, especially for permanent impairments, than do other injured workers. The Commonwealth Ombudsman found that the basis for the exclusion was "reasonable". However it also found that there were some deficiencies which affected workers rights, such as RJCP providers failing to conduct risk assessments and educate participants on their rights if they are injured at work. It was also unclear the extent to which the Department of Prime Minister and Cabinet ensures that providers comply with their workplace health and safety obligations. The Ombudsman promised to monitor these issues with the new CDP program.

Compensation - Victims of crime compensation appeals

- Membership of the Steering Committee on the Review of Alcohol Mandatory Treatment legislation;
- Presenting at the Indigenous Complaint handling forums run by the Commonwealth Ombudsman at Canberra and Darwin highlighting the positive outcomes we have achieved by collaborating with government departments to identify and resolve systemic issues;
- Giving evidence at the hearing of the Senate Inquiry into violence, abuse and neglect against people with disability in institutional and residential settings;
- Presenting at the Aboriginal Medical Services Alliance of the NT 'Out of Home Care Forum' in Katherine;

- Preparing a comprehensive issues paper on housing issues in the NT which formed the basis of our contributions to KPM review of housing in the NT and the Department of Housing' 'Draft Housing Strategy';
- Leading the legal sector's response to drafts of Territory Housing policies on Domestic Violence, the Three Strikes Policy, Income and Assets, Eligibility, Entitlement and Transfers;
- Submission on the Guardianship of Adults Bill on changes to the guardianship regime in the NT;
- Staff in the civil team provided updates to chapters for the new edition of the online Law Handbook Complaints, Adult Guardianship, Insurance, Employment and Government Housing Assistance (public housing);
- Providing input into the development of the new health referral pathways process so that doctors and other health practitioners can refer people for mandatory rehabilitation;
- Continuing to advocate about the unfair and possibly discriminatory impact of the new Community Development Program (work for the dole) scheme on our clients through contributions to the National Welfare Rights Network submission and the preparation of a separate NAAJA submission;
- Presenting papers at national conferences including at the National Association of Community Legal Centres conference in Melbourne - on our work with breastfeeding mothers in child protection matters and on administrative decision making in particular Department of Housing -and at the Financial Counselling Australia conference in Adelaide - on deceased estates and superannuation.

Conclusion

It is a privilege to lead the civil law team in their consistent and dedicated work for our clients both individually and systemically. I am inspired by their efforts and proud of their achievements in providing a high quality and culturally sensitive service to Aboriginal people.

Philippa Martin
Managing Civil Solicitor

LAW & JUSTICE PROJECTS REPORT

Shahleena Musk
Manager, Law & Justice Projects

The Law & Justice Projects Section comprises a diverse range of projects aimed at making the justice system fairer for Aboriginal people, improving access to justice, and reducing reoffending of Aboriginal people leaving custody.

These projects include Community Legal Education (including for Night Patrol services and in relation to the Royal Commission into Institutional Child Sexual Abuse and Constitutional Recognition) and Parole legal advocacy.

We continue to work collaboratively with Government and non-Government agencies through a range of networks, including Aboriginal Peak Organisations of the NT (APONT), the National Aboriginal and Torres Strait Islander Legal Services (NATSILS), NT Legal Assistance Forum (NTLAF) and the Making Justice Work (MJW) coalition, to identify and constructively address systemic issues in the justice system.

Our dedicated team has showcased what a strong, proud Aboriginal community-controlled organisation can achieve in providing high quality, holistic justice services for Aboriginal people in the Top End.

NAAJA's Law & Justice Projects Section underwent some significant changes in the last year both in terms of projects within our portfolio and also movements of staff.

Our team unfortunately lost Jared Sharp to the Criminal Law Section, and in his place we were able to second Shahleena Musk as the new Law & Justice Projects Manager. Shahleena's local experience and specialisation in youth justice will assist NAAJA's work with the Royal Commission and review into youth justice in the Northern Territory.

In addition to movement across offices and projects, Throughcare has now branched out as a stand alone section. We have been fortunate to welcome back Thomas Quayle into the newly created position of Manager in our Palmerston Office.

Assisting Aboriginal people and communities to engage with the legal system

Solicitor, Law & Justice Projects

NAAJA's Solicitor, Law & Justice, John Rawnsley, provides dedicated parole advocacy for our clients and is the only specialised service of its kind in the Territory. For many prisoners with parole periods the possibility of parole presents as a pathway for staged and conditional release to the community, as distinct from straight release at full time with no conditions.

A staged approach allows for risk factors connected to offending behaviors to be supervised and more effectively managed. In the Northern Territory Aboriginal people face enormous challenges obtaining parole. This includes the exclusion of natural justice from the parole process.

In the last 12 months, our Solicitor, Law & Justice Projects has made numerous submissions to the Parole Board that have assisted our clients to have a voice in the decision making process. Importantly, our involvement has made the difference for some clients achieving parole, and has ensured a more accountable and transparent administrative system.

Our work includes the more complex parole matters including mental health and youth detainee matters. Our Solicitor, Law & Justice Projects has also helped develop and facilitate prison-based community legal education, and has been involved in prison-based civil clinics.

In 2016 our Solicitor, Law & Justice Projects has worked collaboratively to develop the Bilata Legal Pathways Program to encourage greater involvement of Aboriginal people in legal studies and the legal profession. In addition he has worked collaboratively to establish Winkiku Rrumbangi NT Indigenous Lawyers Aboriginal Corporation as a body to represent Indigenous lawyers and law students in the NT.

Bilata Legal Pathways Program

John Rawnsley and James Parfitt, both Indigenous and long term NAAJA employees, noticed a small percentage of practicing lawyers in the Northern Territory were Indigenous (approx 2%). In the hopes of addressing this under representation and encouraging more Indigenous peoples to pursue a career in law, the Bilata Legal Pathways Program came to fruition. The objective of the program was to identify prospective Indigenous law students, to link them with members of

the legal profession, to provide support and guidance on their legal journey. Following a number of meetings with key legal stakeholders, a reference group was established.

Since the commencement of the Bilata Legal Pathways Program, there have been three program days for the 36 participants. Some highlights have included a visit to the Supreme Court, guest speaker's from the legal profession, education sessions and more recently a women's only event on the grounds of the CDU.

Winkiku Rrumbangi NT Indigenous Lawyers Aboriginal Corporation

Following on from the success of Bilata and recognising a gap within the legal profession for Indigenous lawyers, a number of Indigenous legal staff from NAAJA including David Woodroffe, John Rawnsley and Mark Munnich determined to create a representative body. The group is now incorporated as Winkiku Rrumbangi NT Indigenous Lawyers Corporation. Mr David Woodroffe is the President. 3 other Indigenous lawyers are Directors. The group meets monthly and has liaised with similar groups interstate. Membership is open to Indigenous lawyers and law students however Associate Membership will be open to persons supporting the objects of the organisation and the group will encourage broader involvement and input so it is inclusive.

A recent example of the positive influence the corporation provides to Indigenous law students was through Jasmine Onus who works at the NLC, facilitating scholarships for 3 CDU law students Bilata participants to attend the Native Title Conference recently held in Darwin.

The Peer Panel

Peer Panel is a diversionary project that NAAJA is piloting, based on the Youth Courts in the USA and focusing on youth at schools whose behaviour constitutes low level offending or breaches of school rules. The purpose of the project is to provide an alternative to current responses which have often included suspension from school and/or involvement in the criminal justice system, and to improve community safety. The project is guided by restorative justice principles.

The Peer Panel Co-ordinator, Olivia Campbell, commenced in September 2015 and a Steering Committee was established soon after ensuring regular consultation. The Peer Panel was developed, refined and implemented in Sanderson Middle School and Palmerston Senior College. Evaluation of The Peer Panel is ongoing and feedback from the students and participating schools to date is overwhelmingly positive.

Quite a number of successful hearings have been heard at both Palmerston Senior College and Sanderson Middle School with participants completing their outcomes by the due date. The Peer Panel convenes as a Moot Peer Panel hearing in the event that no cases are referred to the Panel.

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

NAAJA's Community Legal Education

NAAJA's Community Legal Education team deliver innovative, culturally appropriate, high quality legal education (CLE) for Top End Aboriginal Territorians. Our experience over many years has confirmed that one-off or short-term CLE programs will not be effective for Aboriginal people with limited English, literacy and numeracy skills, who are often unfamiliar with Western legal concepts and terminology, and have markedly different world views.

We have a unique approach to CLE in that we employ a Participatory Action Research approach to all of our CLE work in remote communities. Both our urban and remote legal education sessions are informed by principles of adult and Aboriginal learning styles and two-way learning exchanges.

CLE in Remote Communities

The vast majority of our clients live in regional and remote parts of the Top End. For most, English is their third or fourth language. Our approach in remote communities entails working collaboratively with community members in identifying local needs, delivering CLE tailored to these needs and designing and delivering CLE with the purpose of building capacity. This approach promotes high participation rates, enhances community safety outcomes by taking a community

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

development approach to legal education and training that empowers the communities with which we work. This enables community members to become agents of change in their local community and active participants in the justice system.

This year, we regularly visited 10 communities and 2 regional centres. We delivered a total of 449 CLE sessions to community members from 29 communities and regional centres.

We work with Elders and community leaders in several remote communities to build their knowledge of the law and their capacity to convey messages about the law to community members. We also assist elders to provide information to courts about offenders and offending through Elders' reference letters. These letters give the court a fuller picture of the context to offending, and allow the Elders to convey their views on how to better address and prevent crime in their communities. For the first time, the CLE team expanded our work to support the civil team as well, drafting a letter of support with community Elders in regards to a child protection matter.

We have worked with Law and Justice groups in Lajamanu, Maningrida, Wurrumiyanga, Galiwinku and Ngukurr. These groups provide leadership on community safety issues, allows Elders to meaningfully engage with the criminal justice system, and enables Aboriginal Law and Western Law to work together through reference writing and meetings with magistrates.

Promoting Best Practice CLE

In the last twelve months, NAAJA's reputation as a specialist legal education provider for Aboriginal people has continued to grow. We work closely with the legal education sector, and encourage best-practice approaches to legal education involving Aboriginal people. Our team presented 4 sessions at the Northern Territory CLE conference, including on the learning from the Community Law Stories Project.

In August 2015, the CLE team collaborated with the Indigenous Hip Hop Projects ('IHHP') to create three legal education music videos and two short films across three locations in the Top End – Lajamanu, Maningrida and the Don Dale Youth Detention Centre in Darwin. The NAAJA/IHHP project explored the key themes of Respect, Law and Culture and sought to create social change through empowering Indigenous people to better understand the justice system. Each stage of the project focused on fundamental legal rights and responsibilities with the view to break the cycle of violence, reduce rates of recidivism and decrease contact of Indigenous people with the criminal justice system.

The project employed a strengths-based, culturally-appropriate, creative approach to produce legal resources by young people, for young people, with the support of Elders and emerging leaders. The project adopted a participatory action research approach, incorporating adult and Aboriginal learning principles, in delivering legal education. Creating legal resources by young people, for young people, and using music and dance to convey legal messages was an innovative approach aimed to create resources that would resonate with both young and Indigenous audiences.

The CLE Team collaborated with the Aboriginal Resource Development Service (ARDS) to co-deliver 8 workshops and community meetings about family violence, entirely in Yolngu Matha, in Ramingining and Galiwinku. ARDS is an Indigenous cross-cultural and education service and delivers language based resources and education across northeast Arnhem Land. Within these workshops, the participants discussed common ground between Yolngu and Balanda (non-Aboriginal) law concepts relating to domestic and family violence.

Night Patrol Legal Project

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

We conducted training to Night Patrol teams from Ramingining, Gunbalanya, Lajamanu, Kalkarindji, Wadeye, Palumpa, Peppimenarti, Maningrida, Wurrumiyanga, Nhulunbuy, Gunyangara, Yirrkala,

Borroloola, Katherine, Ngukurr, Belyuen, Batchelor, Milikapiti, Bulman, Mataranka, Minyerri, Yarralin, Timber Creek, Beswick and Barunga. Topics included the Night Patrol Operational Framework, role of Night Patrol/police/community in promoting community safety, domestic violence and domestic violence orders, self defence, defence of another, duty of care, false imprisonment, mandatory reporting, child protection, age of consent, assault and weapons, pornography and the law, cyberbullying, criminal process, bail, warrants, sentencing, convictions and criminal records, Centrelink laws, tenancy, discrimination, consumer law, coronial inquests, mandatory rehabilitation, alcohol protection orders, police powers of arrest, police complaints, fines and the Royal Commission into Institutional Response to Child Sexual Abuse.

A key focus of the Night Patrol Legal Project has been encouraging networking and collaboration between Night Patrollers and other service providers and Elders. For example, we conducted a joint training with Night Patrol and the Women's Safe house in Gunbalanya, as well as several joint trainings with the Nhulunbuy, Gunyangara and Yirrkala Night Patrol teams and the Nhulunbuy Sobering Up Shelter. We also facilitated a meeting between the Maningrida Night Patrol team and the Burnawarra Law and Justice Group.

Each of these activities enhance the capacity of Night Patrollers to improve community safety, build on their local connections with other services, Elders and their community, and promotes Night Patrollers as leaders within their communities.

Youth - focused Legal Education

The CLE team delivered a large number of CLE sessions to young people, on topics including respectful relationships and domestic violence, cyberbullying, sexting, criminal complicity, interacting well with police, and criminal process (such as court process, bail and sentencing). This year, we delivered sessions to young people at Don Dale Youth Detention Centre, at schools and Clontarf and Stars Academies in both urban and remote locations, youth centres and at the Midnight Basketball competition in Darwin.

The CLE team and the Clontarf Academy jointly organised the third annual Careers in the Law day, aimed at increasing Indigenous youth's knowledge of the law and promoting different opportunities to work in the law. The forty participants had the opportunity to discuss career pathways with guest speakers including representatives from Larakia Nation Night Patrol, Northern Land Council, Aboriginal Arts Protection Authority and the Environmental Defenders Office, as well as politicians. There were a range of activities available to the students, including a mock court hearing in the Supreme Court and a debate in Chamber in Parliament.

Leading justice reform

NAAJA provides a strong voice for Aboriginal people on policy and law reform issues. Our written submissions are evidence-based and solutions-focused. Some of our significant submissions in the past year include to the Standing Committee on Community Affairs Inquiry into the Indefinite Detention of People with Cognitive and Psychiatric Impairment in Australia; to the Senate Finance and Public Administration Legislation Committee, Social Security Legislation Amendment (Community Development Program) Bill 2015; joint submission with CAALAS to the National Children's Commissioner on the Optional Protocol to the Convention Against Torture (OPCAT) in the context of Youth Detention Centres; Issues Paper and Response to the Northern Territory Housing Strategy Consultation Draft; to the NT Government Inquiry into Housing Repairs and Maintenance on Town Camps; to the NT Government review of Correctional Services; joint submission with CAALAS to NT Government proposed amendments to the Police Administration Bill 2016 and our ongoing policy input into the Review of Youth Detention in the Northern Territory.

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, various government departments including NT Police, Correctional Services, Children and Families and other key stakeholders to ensure systemic issues can be addressed as informally and proactively as possible.

In the last 2 years youth justice has been a particular area of focus. The tear-gassing of six youths in August 2014 became a pivotal event

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

highlighting chronic issues within a youth detention system which appeared to be in a state of crisis. Over the following period NAAJA has continued to advocate our concerns regarding the treatment of young people in detention, including calls for improved staff training, investment in more therapeutic services and programs, individualised case management plans and treatment, as well as the need for a purpose-built youth detention facility.

NAAJA has also led efforts to redress the increasing over-incarceration of Indigenous peoples, including through support for culturally strengthening therapeutic processes and the removal of harsh ineffective laws including mandatory sentencing, paperless arrests regime, alcohol protection orders and mandatory treatment orders. Despite a raft of 'tough on crime' initiatives, crime rates are increasing, not decreasing. Between 2010 and 2014 the Northern Territory imprisonment rate grew from 663 prisoners per 100,000 adult population, to 830 prisoners per 100,000 adult population. In June 2015 it grew further to 885 prisoners per 100,000 adult population. NT continues to have the highest imprisonment rate of any state or territory and almost 200 prisoners higher than the US thus making it one of the highest in the world.

NAAJA are deeply concerned for the future incarceration trajectory, as such it is imperative that the focus shifts to justice reinvestment and initiatives that will turn the tide. NAAJA continues to call for Aboriginal-specific, culturally strengthening justice programs. The NT is the only jurisdiction without any Aboriginal-specific justice programs. There is an urgent need for Elders to be involved in sentencing proceedings, for more detailed pre-sentencing reports that focus on community, family, historical and personal trauma, and more therapeutic alternatives to prison. NAAJA's support for law and justice groups in several remote communities demonstrates the tangible community safety benefits that are possible where Aboriginal people are empowered to take an active role in the justice system.

The dismantling of the SMART Court and Community Courts some years ago, has ensured that the Northern Territory is the only jurisdiction without any therapeutic jurisprudence processes. In the absence of any specialised trauma informed services, NAAJA is working with the Healing Foundation and local Indigenous health providers to develop an innovative trauma informed program to help youth within detention. We will provide a holistic, health-based approach, to deal with issues underpinning offending and hopefully divert clients from the justice system and into treatment.

NAAJA continues to actively support the Aboriginal Peak Organisations of the NT (APONT) and Making Justice Works (MJW) in contributing to advocacy on law and justice issues impacting our clients and wider Territory community.

Shahleena Musk
Manager, Law & Justice Projects

KATHERINE OFFICE REPORT

Stephen Karpeles
Regional Managing Solicitor

Over the past 10 years in the Northern Territory the number of lodgments of youth matters in the criminal court has increased by over 200%. This concerning trend is no more evident than in the Katherine region, where our youth listings have doubled in the past 2 years! This is particularly dramatic when compared to Darwin and Alice Springs whose listings during that same time frame have remained effectively static. So the fact that the national spotlight is now shining squarely on the treatment of young people in detention in the Northern Territory is timely.

While NAAJA have known and raised these issues for too long, it is with relief that these failures will now be examined fully and transparently through the Royal Commission. The need for greater attention on the factors that contribute to youth offending and our treatment of youths once in the criminal justice system in Top End has never been more urgent.

In response to the increase in youth coming before the court we now have a second dedicated youth justice lawyer in the Katherine office. Our clients have also been fortunate to have Local Court Judge Oliver sitting in Katherine. She is without peer for knowledge, experience, and passion in the youth justice space. Many of our youth clients come from upbringings of neglect, domestic violence and substance abuse and experience constant trauma.

Their complex needs are going unmet in this region because of a lack of service to support them. Notwithstanding the excellent work done by the few services that are here, they cannot on their own stem the tide. Without better crisis accommodation, mental health services, rehabilitation camps (like the excellent "Bushmob" program), educational and bail support programs, the youth listings in Katherine will continue to increase. NAAJA, along with a number of other concerned members of the community, have recognised this and are actively looking at ways to better support youths and divert them from the criminal justice system in Katherine.

NTCOSS and NAAJA, with funding from the NT Law Society, jointly commissioned a report by researcher, Fiona Allison, into the feasibility of justice reinvestment in Katherine. Her comprehensive report indicated overwhelming support for the concept here. Whilst the current rate of incarceration of Katherine youths is not particularly high, the level of concern in the community regarding their offending is. It is also clear to us that many youths who fail diversion go on to commit serious crimes as adults. We are looking to the Justice Reinvestment model in Bourke and believe this can and should be replicated in the Katherine region. Funding appears to be the only barrier at this point but we remain hopeful that justice reinvestment might form part of the recommendations to come out of the Royal Commission.

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

High quality legal services

We continue to provide high quality representation for our Katherine clients in all matters ranging from Supreme Court trials, to Local Court pleas. This year we represented a client in a murder trial in the Darwin Supreme Court; the first such trial to be run out of the Katherine office in a number of years. The client was found guilty by a jury, who did not accept that she was defending herself at the time of stabbing the deceased.

Sadly she is now another example of the unjust mandatory non-parole period of 20 years for the crime of murder. Had she forgone her defence of self defence and pleaded guilty to manslaughter on those facts she might have expected a sentence which saw her eligible for parole after approximately 5 years. Instead, she will be in prison for at least another 18 years, the Judge's sentencing discretion completely circumscribed. NAAJA and CAALAS continue to agitate for change on this issue of grave concern.

This year counsel from Katherine appeared for the family of the deceased in two coronial inquests. One involved the death of a man caused by positional asphyxia after he was restrained on the ground by 3 security guards, one on his back, one holding his feet, and one holding his head in a headlock for a number of minutes.

Notwithstanding that two of the guards were acquitted of negligent manslaughter after a Supreme Court trial, the coroner accepted our submissions and made findings that the conduct of those two guards caused this man's death, and that the training of security guards in the

KATHERINE OFFICE REPORT *(cont'd)*

Northern Territory in relation to positional asphyxia was deficient. The second inquest examined the tragic suicide of a young Katherine girl while she was in the care of the Department of Child and Family Services ("DCF"). The coroner accepted a number of our recommendations and made findings that DCF had failed this girl in many ways. Yet despite accepting the litany of failures, the Coroner was not prepared to accept that they contributed to her death.

In an important decision for those clients who live in the 'long grass' we represented a man in the Local Court charged with unlawful possession of an offensive weapon, namely a knife. He was homeless at the time of being arrested by police for being in possession of a knife. The Local Court Judge accepted our argument that in those circumstances of homelessness, which are unfortunately common to many of our clients, possession of a knife in public was not an offence.

Access to justice

I would like to thank the Supreme Court for continuing to sit regularly in Katherine to sentence our clients, in particular Justice Southwood who held a sentencing forum while here, and Additional Judge Riley, a repeat visitor. The sentencing hearings for those clients in Katherine bear a stark contrast to those in Darwin. In Katherine, our clients are usually supported by large groups of family, who are often able to contribute to the submissions made on behalf of the clients. In the latter, the distance and cost of getting to and from Darwin and cost of accommodation is a barrier too great for these families, leaving our clients all but alone during their sentencing hearings.

We understand that construction of a Supreme Court in Katherine might commence as early as next year. This will allow jury trials to take place here and more regular sittings, speeding up the process of justice. We would certainly welcome this development for our clients and believe they would be better served by a jury more likely to contain their peers who can draw on their knowledge of the region.

We were pleased to see the commencement of the Mataranka circuit this year, after lobbying by our office. The court sits in this community 6 times a year and has already lead to a significant reduction in the number of warrants for non-appearances for client from Mataranka and the surrounding communities. The lure of the lunch time sausage sizzle no doubt assists in ensuring a good turn out to each sitting.

We have continued to ensure our lawyers are spending as much time as possible in remote communities. We have also tried overlap our trips with the community legal education ("CLE") team. When this has occurred the benefits have been noticeable and include a greater awareness in the community of the court and increased attendance, and a greater involvement for Elders in the sentencing process.

Where possible our lawyers have assisted in delivering community legal education in these communities in combination with the CLE team. I expect this will be reported in more detail in the report of Shahleena Musk, but I want to thank her and her team for this invaluable assistance. Unfortunately due to a continued lack of funding, the CLE team has had to reduce the number of trips to remote communities which will directly impact on court attendance, engagement and understanding of the criminal justice system in those communities, and the involvement of the community in the sentencing process.

Unfortunately not all developments this year have increased access to justice for our clients. Since re-housing prisoners in the $1.8 billion "Super prison" in Holtze, the Government has continued to refuse to provide a bus service to the prison. This policy has created a significant barrier for families of our clients to visit and support their loved ones in prison.

Of even greater concern has been the decision by the Department of Corrections to severely limit the circumstances in which they repatriate our clients upon their release from prison. This has had a particularly obvious impact on those prisoners from the Katherine region, who, when released are often left impecunious and a long way from home. We hope this abysmal policy will be reviewed by the new Territory Labor government.

For the past 6 months the Katherine Local Court has been left without a permanent summary prosecutor. The response of the DPP has been to staff the position from Darwin, sending down prosecutors for week long stints. The unfamiliarity of these prosecutors with the files and the lack of preparation of those files has lead to numerous adjournments of

hearings. This has lead to a significant backlog of hearings, meaning that those clients who have pleaded not guilty are waiting longer for their day in court. Unfortunately for some, this has meant longer periods of remand. No doubt the delay also weighs heavily on victims. Historically the summary prosecutor position in Katherine has been filled by a single prosecutor but the workload is simply too great for a single prosecutor. We hope in the future proper funding will enable the retention of two permanent prosecutors in Katherine.

It has also been unfortunate to see the difficulties experienced by the Aboriginal Interpreter Service over the past year to retain and provide interpreters for our clients. We have seen a significant increase in the number of requests for interpreters that have not been met and we hope that this trend is reversed in the coming year. For those clients who require an interpreter, the inability to access one delays the resolution of their matters.

Cultural proficiency

This year, our Senior Client Service Officer, Natasha Chong, was recognised for her outstanding service to Aboriginal and Torres Strait Islander people, by receiving a national award. Natasha's phenomenal cultural knowledge and connections to the Aboriginal community in Katherine are some of the reasons why our office is able to offer such culturally competent service to clients and set us apart from other service providers in the region. In further recognition of her tireless work and passion for addressing the injustice faced by her people, she was invited to give a key note speech at the recent annual Women of the World festival in Katherine.

This year we have continued our successful 'Elder's Stories' Program'. The program involves Elders from our region coming in to the office and telling their stories to our staff, increasing our cultural awareness and our engagement with the community.

Many of our staff attended the Kalkaringi 50th Anniversary Freedom Day Festival in August to volunteer on stalls, conduct legal health checks, participate in the law forum and enjoy the celebrations. It was a privilege to be part of such a momentous event.

As part of our on-going drive to increase and improve our use of interpreters we have worked closely with the Aboriginal Interpreter Service in Katherine to set up a mock court. This has come about largely through Local Court Judge Oliver generously giving up her time to preside over the mock court scenarios. Her feedback has been important for the development of both our lawyers and the interpreters who have participated.

Conclusion

2015/2016 has been another excellent year in the Katherine office. I thank and congratulate our talented, devoted and passionate staff for their continuing hard work They are an inspiring bunch.

Stephen Karpeles
Regional Managing Solicitor

Indigenous Prisoner Throughcare report

Thomas Quayle and Samantha Taylor-Hunt
Throughcare Manager and Co-ordinator

What a busy and exciting year it has been for the NAAJA Throughcare Program. With separation from the Law & Justice Projects Section of NAAJA, expansion of the program to include two new positions focussed on domestic violence and the employment of Manager Thomas Quayle now reporting directly to our CEO, our team has been through some substantial changes.

Significant benefits of these changes and of introducing a Throughcare Manager position is NAAJA's ability to employ a social worker dedicated to the further development and delivery of quality throughcare service provision to our clients.

The employment of a social worker / manager demonstrates NAAJA's recognition that the work of the Throughcare Team is social rather than legal in nature. It is important work best lead by an appropriately qualified professional with the ability to enhance practice standards, support staff in meeting their training needs and guide case workers.

In saying this, knowledge of the legal system and collaborating with NAAJA's legal sections is essential to ensure our clients are provided with a comprehensive ' whole of NAAJA' service. Accordingly, having a Manager who is trained both in Social Work and the Law is ideal. Mr Quayle is a social worker with qualifications in law. He brings an in depth understanding of the NAAJA Throughcare Program and the issues our clients face, as well as directly relevant social work experience.

Intensive Throughcare

NAAJA's Palmerston based case managers provide culturally appropriate intensive support and case management for clients six months prior to their release and continuing post-release, emphasising client empowerment and individual responsibility.

Palmerston-based case managers support clients with achieving their case management plan. This includes: developing insight into their offending, getting back to their homes (which can include taking clients back to remote communities), assisting clients to report to Community Corrections, attending medical appointments, assistance with enrolling in educational or counselling programs, applying for housing, gaining employment, identification, opening a bank account or obtaining a drivers licence.

Our approach aims to assist our clients in the early, and often stressful, times immediately following release from custody while also working to empower our clients by reducing the intensity of support as they become more able to independently navigate "life on the outside" for themselves.

Additionally, we provide a youth specific service to clients exiting Don Dale Juvenile Detention Centre and work closely with the Department of Children and Families as well as other agencies supporting young people at this difficult time.

Since commencement in February 2010, the Throughcare intensive case management team has case managed 714 clients. Only 93 (approx. 13%) clients have returned to prison whilst under the support of our Palmerston based Throughcare workers. This continues to compare favourably with the Northern Territory recidivism rate of 52%, notwithstanding that the measures are not directly comparable.

Prison-based Throughcare

NAAJA's Prison-based Throughcare team aim to empower clients to develop insight into their offending behaviour and proactively plan for their release to parole. Our work includes engaging a variety of services, families and communities in relation to the parole process and working with Community Corrections Parole Officers to develop plans which are realistic, supportive and safe for our clients and the wider community.

It remains significant that NAAJA's Prison-based Throughcare team provide post-release support to a small number of high needs clients to ensure their smooth transition back into the community and completion of parole orders. The road to achieving parole can be long and difficult for some clients and the rapport and trust developed through these lengthier parole processes can be invaluable to that person successfully completing parole.

Without NAAJA Prison based support and advocacy, this group has the highest likelihood of reconnecting with the justice system for many reasons including but not limited to serious mental health diagnosis, lengthy periods of incarceration leading to institutionalization and the need for a more intensive reintegration plan.

This client group have often spent many years in custody and without our support would be at high risk of quickly returning to prison for either breaching orders, or reoffending. We will continue to provide this vital support to help our clients satisfactorily complete their parole periods.

Thomas Quayle and Samantha Taylor-Hunt
Throughcare Manager and Co-ordinator

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.

Human Resource 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 Law

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

Law & Justice Projects

Provides innovative law and justice programs in:

- Community Legal Education
- Night Patrol Community Legal Education

KATHERINE OFFICE

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

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

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

PALMERSTON OFFICE

The Palmerston office delivers Ind igenous Prisoner Throughcare Services.

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 2016 the following staff were employed by NAAJA:

EXECUTIVE	
CEO	Priscilla Collins
Principal Legal Officer	Jonathon Hunyor
Executive Finance Officer	Steve Rossingh
Executive Assistant	Kerry Keightley
Administration Assistant	Allirra Petterson
Receptionist	Rhiannon Pearson
FINANCE	
Accounts Payable/Payroll Officer	Ridwan Kazi
HUMAN RESOURCE SERVICES	
Human Resource Manager	Natalie Kelada
LAW & JUSTICE PROJECTS	
Law & Justice Projects Manager	Shahleena Musk
Administration Officer	Angie Torr
CLE Co-ordinator	Andreea Lachz
Community Legal Educator	Alexandria Jones
	James Parfitt
	Mark Munnich
Recognise Community Legal Educator	Kelly Raison
Peer Panel Co-ordinator	Olivia Campbell
INDIGENOUS PRISONER THROUGHCARE SERVICES	
Throughcare Co-ordinator	Samantha Taylor-Hunt
Office Manager	Alana Sampson
Throughcare Administration Officer	Kahlisha Rioli
Throughcare Case Manager	Lana Miller
	Matthew McCormack
	Amanda Cox
Prison - Based Throughcare	Lavina Murray
Support Officer	Rachael Glaister
Law & Justice Projects Solicitor	John Rawnsley
Social Work Cadet	Caitlin Carne
CRIMINAL LAW PRACTICE	
Managing Solicitor	David Woodroffe
Deputy Managing Solicitor	Beth Wild & Marty Aust
Practice Manager	Juliet Hardy
Criminal Solicitors	Giles O'Brien-Hartcher
	Franky Bain
	Beth Morrisroe
	Kate McCrossin
	Kate Bulling
	Grainne Marsden
	Jared Sharp
	Paul Morgan
	Rory Pettit
	Crystal Triggs
	Bronwen Robertson
	Travis Jackson
	Patrick Coleridge
	Rachel Gregory
Senior Criminal Secretary	Sasha Greenoff
Senior Client Service Officer	Harold Dewis
Client Service Officers	Travis Carroll
	Telisha Kotzur
	Robert Hale
	Charles McAdam
Indigenous Youth Justice Worker	Terry Byrnes
Secretaries	Jayde Kellie
	Ruth Brigden

NAAJA STAFFING *(cont'd)*

	Kacie Winsley
	Lena Thorne
	Rachel Ponter
	Jessica Wells
Indigenous Cadet	Matthew Connop
Client Support Worker	Philip Carroll

CIVIL LAW PRACTICE

Managing Solicitor	Philippa Martin
Deputy Managing Civil Solicitor	Lauren Walker
Senior Civil Solicitors	Jessica Trappel
	Melissa Chung
Civil Solicitors	Claire Deane
	Matthew Derrig
	Amy Williams
	Joanna Laidler
	Claire McKenzie
	Phoebe Riordon
	Diana Tang
Practice Manager	Martina Whistler
Legal Secretary	Vivienne Floyd
Client Service Officers	Darryal Dockery
	Leah Dowler
	Shaun Wilson

KATHERINE OFFICE

Office Co-ordinator	Anne Manfong
Regional Managing Solicitor	Stephen Karpeles
Criminal Solicitors	Paul Broughton
	Jonathan Cooper
	Daniel Thomas
	Rebecca Plummer
	Amala Ramarathinam
Criminal Legal Secretaries	Carol Manfong
	Simone Hayes
Client Service Officers	Natasha Chong
	Pamela Norris
Senior Civil Solicitor	Siobhan Mackay
Civil Solicitors	Rachana Rajan
	Bri Bell
	Maggie McGowan
	Harley Dannatt
Civil Secretaries	Keeley Ah Chin
	Kiarna Murray
	Malama Talitimu-Higgins
Receptionist	Barbara Manfong

VOLUNTEERS

NAAJA has been fortunate to have the services of some 45 volunteers for 2015/2016 including law students, legal practitioners, high school students, work place students, and others. Volunteers provide valuable assistance to NAAJA and we greatly appreciate their contribution to our work.

Volunteers also gain valuable experience they could not receive in any other institution or agency. They assist lawyers with case law research, prepare submissions and policy documents on a variety of subjects and generally have the chance to be closely involved in the work we do.

Volunteers often have an opportunity to travel to Bush Courts to witness the administration of justice in remote communities and gain first hand knowledge of the issues facing many Aboriginal people in the Top End.

PERFORMANCE

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

Statistics of Matters

(Darwin, Katherine & Nhulunbuy)

CRIMINAL											
YEAR	**2006**	**2007**	**2008**	**2009**	**2010**	**2011**	**2012**	**2013**	**2014**	**2015**	**2016**
DUTYWORK	1,571	1,262	1,364	1,754	1,146	1,672	2,035	2,505	2,855	2,965	2,280
CASEWORK	3,428	3,740	3,648	4,580	5,142	4,745	5,205	5,577	6,378	6,124	6,019
ADVICE	15	13	136	68	62	352	635	781	863	950	1,016
TOTAL CRIMINAL	**5,014**	**5,015**	**5,148**	**6,402**	**6,350**	**6,769**	**7,875**	**8,618**	**10,096**	**10,039**	**9,315**

CIVIL/FAMILY											
YEAR	**2006**	**2007**	**2008**	**2009**	**2010**	**2011**	**2012**	**2013**	**2014**	**2015**	**2016**
CASEWORK	622	548	517	525	579	562	515	598	982	1,169	844
ADVICE	1,333	765	1,646	1,335	1,510	2,113	2,551	2,843	2,844	3,040	2,374
TOTAL CIVIL/FAMILY	**1,955**	**1,313**	**2,163**	**1,860**	**2,089**	**2,675**	**3,066**	**3,437**	**3,826**	**4,209**	**3,218**

Statistics by Office

(Darwin, Katherine & Nhulunbuy) 2014/2015

	DUTYWORK	CASEWORK	ADVICE	TOTAL
Civil				
Darwin	1	903	1,679	**2,583**
Katherine	1	265	1,349	**1,615**
Nhulunbuy		1	12	**13**
TOTAL	**2**	**1,169**	**3,040**	**4,211**
Criminal				
Darwin	1,861	4,498	552	**6,911**
Katherine	999	1,326	377	**2,702**
Nhulunbuy	105	300	21	**426**
TOTAL	**2,965**	**6,124**	**950**	**10,039**

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 01 July 2015 - 30 June 2020.

Financial Statements

For the Year Ended 30 June 2016

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General Information

Directors

The following Directors were in office at 30 June 2016:

Name	Position	Appointed	Resigned
Hannah Roe	Secretary/Director	2 Feb 2009	-
Colleen Rosas	Public Officer/Director	17 April 2010	-
Joel McLennon	Director	17 April 2010	-
Banambi Wurrungmurra	Director	18 July 2013	-
Norman George	Director	1 Feb 2010	-
Natalie Ellis	Director	2 Feb 2009	-
Ruby Stanley	Director	2 Feb 2009	-
Vernon Paiullo	Chairperson/Director	2 Feb 2009	-
Francis Hayes	Director	18 Sep 2013	-
Tony Wurramarba	Director	2 Feb 2009	-
Ilona Wilson	Director	2 Feb 2012	-
Michael Peterson	Deputy Chairperson/Director	2 Aug 2012	-

Directors have been in office since the start of the financial year to the date of this report unless otherwise stated.

Registered office and principal place of business

Head Office
61 Smith Street
GPO Box 1064
Darwin 0801

Bankers

Commonwealth Bank of Australia
67A Smith Street
Darwin Northern Territory 0800

Auditors

Moit Partners
Chartered Accountants
Level 2, 9 Cavenagh Street
Darwin Northern Territory 0800

Directors' Report

1. Director Information

Hannah Roe – Secretary

Qualifications: Bachelor of Laws with Honours from the Northern Territory University

Experience: 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 line 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 practice in the Supreme Court of the Northern Territory in 2004 and is currently working for the Office of the Registrar of Indigenous Corporations (ORIC)

Colleen Rosas – Public Officer

Experience:

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 McLennon

Experience:

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.

Banambi Wurrungmurra

Experience:

Banambi was born in Yirrkala and attended the local mission school. He later attended the Brisbane Theological College undertaking a 3 year Youth Leadership Course with the goal of teaching and training younger people to excel in sport.
Banambi moved on to Melbourne to follow his dream of playing in the then VFL and joined the Geelong Football Club. Banambi played part of the season in "B" Grade being coached by the famous Polly Farmer but a family tragedy intervened back in his home community so he returned to Yirrkala for good.
Banambi has worked in a number of organisations including the Chief Ministers Department, Department of Aboriginal Affairs, Laynhapuy Homelands, Miwatj Health Aboriginal Corporation, ATSIC, YBE, Rio Tinto and the Shire President of East Arnhem Shire Council.
Banambi has also held a number of Community Board and Director positions on YBE, Batchelor Institute, Nairnbay Mawa Mala, Laynhapuy Homelands, Miwatj Legal Service and AMSANT.

Norman George
Experience:

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

Natalie Ellis
Experience:

Natalie's Aboriginal origins are with the Dalabon people from the Barang 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, prisoner's rehabilitation, mental health and support programs that promote stronger families. Natalie also believes that Indigenous people in the NT are under-represented in the Higher Education system and that this must be addressed if Indigenous self-determination is to be realised.

Ruby Stanley
Experience:

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 socialising with family and friends.

Vernon Patullo - Chairperson
Experience

Vernon is a senior member of the Kungarakan clan from the Finniss 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 Mwatj 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.

Francis Hayes
Experience:

Francis is an ex-Serviceman who served in the Army overseas with 8 R.A.R. as a National Serviceman. He is retired now and a pensioner but he still keeps active by helping out in other areas. He is one of the Aboriginal Directors on the Wuth Wurlinjang Aboriginal Health Service Organisation.
He is also a volunteer and mentor at the Strongbala Male Health Program.
He helps by providing assistance and advice in any way that he can in health, culture, healing and tradition.
His family are very close and important to him especially his grandchildren. His mother was a Ngalakan woman born on the banks of Roper Bar (Roper River). Her mother was the great leader and speaker Mundululu Senior T.O. for the Ngalakan Tribe. His father came from the desert in Central Australia Kaytilj, Lyndja and Arrenta.

Tony Wurramarba
Experience

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 member 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.

Ilona Wilson
Experience:

Ilona is from North West Queensland and is of Aboriginal descent. Ilona lives in Alyangula, Groote Eylandt and works for the Anindilyakwa Land Council as Executive Officer of the Anindilyakwa Education and Training Board, where her role 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. Ilona has previously served 18 years with the Australian Government in the Northern Territory in the education and employment sector.

Michael Petterson
Experience:

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 our people receive appropriate service delivery.

2. Directors meetings

Name	Number eligible to attend	Number attended
Hannah Roe	7	7
Colleen Rosas	7	6
Joel McLennon	7	6
Barambi Wurrungurra	7	4
Norman George	7	6
Natalie Ellis	7	6
Ruby Stanley	7	6
Vernon Palullo	7	7
Francis Hayes	7	7
Tony Wurramarba	7	4
Dora Wasir	7	6
Michael Petterson	7	7

3. Role of the board

The Board is responsible for the overall corporate governance of North Australian Aboriginal Justice Agency Limited ("NAAJA" or the "Company"), including setting strategic direction; approving and monitoring capital expenditure; setting remuneration, appointing, removing and creating succession policies for Directors and senior Executives; establishing and monitoring the achievement of management's goals and ensuring the integrity of risk management, internal control, legal compliance and management information systems.

The Board is also responsible for approving and monitoring financial and other reporting requirements. The Board has delegated responsibility for the operation and administration of NAAJA to the Chief Executive Officer and senior Executives. Responsibilities are delineated by formal authority delegations.

4. Principal activities

The principal activities of North Australian Aboriginal Justice Agency Limited (NAAJA) during the financial year were the provision of legal services to the Aboriginal and Torres Strait Islander population residing in the northern areas of the Northern Territory. No significant change in the nature of these activities occurred during the year.

5. Review and results of operations

The operating loss for the year ended 30 June 2016 amounted to $33,046 (2015: profit $79,610).

6. Proceedings on behalf of the Company

NAAJA had no court proceedings issued against it nor did it commence any proceedings during the reporting year.

No person has applied for leave of Court to bring proceedings on behalf of NAAJA or intervene in any proceedings to which the Company is a party for the purpose of taking responsibility on behalf of NAAJA for all or any of those proceedings.

7. Members guarantee

North Australian Aboriginal Justice Agency Limited is incorporated under the *Corporations Act 2001* and is a Company limited by guarantee. In the event of, and for the purpose of winding up of the Company, the amount capable of being called up from each members and any person or association who ceased to be a member in the year prior to the winding up is limited to $ 10, subject to the provisions of the Company's constitution.

At 30 June 2016 the collective liability of members was $ 120 (2015: $ 120).

8. Auditor's independence declaration

The Lead auditor's independence declaration is set out on page 31 and forms part of the Directors' report for the financial year ended 30 June 2016.

Signed in accordance with a resolution of the Board of Directors:

Hannah Roe

Norman George

Directors- North Australia Aboriginal Justice Agency

Dated at Darwin this 25th day of October 2016

North Australian Aboriginal Justice Agency Limited

Annual Financial Statements for the Year Ended 30 June 2016

The Statement of Profit or Loss and Other Comprehensive Income is to be read in conjunction with the attached notes.

Statement of Profit or Loss and Other Comprehensive Income
For the year ended 30 June 2016

	Note	2016 $'000	2015 $'000
Revenue	3	11,297	12,155
Other income	3	178	111
Employee benefits expense	4	(8,248)	(8,793)
Depreciation and amortisation expense		(313)	(320)
Finance costs		(125)	(216)
Repairs, maintenance and vehicle expenses		(343)	(300)
Rental expense		(76)	(139)
Professional fees	4	(130)	(78)
Service delivery expenses	4	(1,622)	(1,657)
Insurance		(175)	(174)
Administration expense		(184)	(258)
Other expenses		(293)	(251)
Profit / (Loss) before income tax		(33)	80
Income tax expense		-	-
Profit / (Loss) for the year		(33)	80

There was no other comprehensive income during 2016 and 2015.

North Australian Aboriginal Justice Agency Limited

Annual Financial Statements for the Year Ended 30 June 2016

The Statement of Financial Position is to be read in conjunction with the attached notes.

Statement of Financial Position
As at 30 June 2016

	Note	2016 $'000	2015 $'000
Assets			
Current assets			
Cash and cash equivalents	5	2,309	2,083
Trade and other receivables	6	69	221
Other assets	7	175	237
Total current assets		**2,553**	**2,541**
Non-current assets			
Property, plant and equipment	8	4,834	5,014
Total non-current assets		**4,834**	**5,014**
Total assets		**7,387**	**7,555**
Liabilities			
Current liabilities			
Trade and other payables	9	605	926
Borrowings	11	169	161
Employee provisions	12	638	649
Other liabilities	10	1,040	686
Total current liabilities		**2,452**	**2,422**
Non-current liabilities			
Borrowings	11	1,779	1,949
Employee provisions	12	344	339
Total non-current liabilities		**2,124**	**2,288**
Total liabilities		**4,575**	**4,710**
Net assets		**2,812**	**2,845**
Equity			
Retained earnings		2,812	2,845
Total equity		**2,812**	**2,845**

North Australian Aboriginal Justice Agency Limited

Annual Financial Statements for the Year Ended 30 June 2016

The Statement of Changes in Equity is to be read in conjunction with the attached notes.

Statement of Changes in Equity
For the year ended 30 June 2016

	Retained earnings	Total
	$'000	$'000
Balance at 1 July 2014	2,765	2,765
Profit for the year	80	80
Balance at 30 June 2015	**2,845**	**2,845**
Balance at 1 July 2015	2,845	2,845
Loss for the year	(33)	(33)
Balance at 30 June 2016	**2,812**	**2,812**

North Australian Aboriginal Justice Agency Limited

Annual Financial Statements for the Year Ended 30 June 2016

The Statement of Cash Flows is to be read in conjunction with the attached notes.

Statement of Cash Flows
For the year ended 30 June 2016

	Note	2016 $'000	2015 $'000
Cash flows from operating activities			
Receipt of grants		11,471	12,236
Other receipts		368	178
Cash payments to suppliers and employees		(11,290)	(11,369)
Interest received		41	86
Finance costs		(123)	(212)
Net cash generated from operating activities		**467**	**919**
Cash flows from investing activities			
Proceeds from sale of property, plant and equipment		101	21
Payment for property, plant and equipment		(182)	(286)
Net cash used in investing activities		**(81)**	**(265)**
Cash flows from financing activities			
Repayment of borrowings		(161)	(118)
Net cash generated by/(used in) financing activities		**(161)**	**(118)**
Net increase / (decrease) in cash and cash equivalents		226	536
Cash and cash equivalents at 1 July 2015		2,083	1,547
Cash and cash equivalents at 30 June 2016	*5*	**2,309**	**2,083**

Notes to the Financial Statements

1. General Information

The financial report covers North Australian Aboriginal Justice Agency Limited ('NAAJA') as an individual Company. NAAJA is a Company limited by guarantee, incorporated and domiciled in Australia.

NAAJA's registered office is 61 Smith Street, Darwin, NT 0800.

2. Summary of significant accounting policies

Basis of preparation

NAAJA applies Australian Accounting Standards – Reduced Disclosure Requirements as set out in AASB 1053: *Application of Tiers of Australian Accounting Standards* and AASB 2010-2 *Amendments to Australian Accounting Standards arising from Reduced Disclosure Requirements*.

The financial statements are general purpose financial statements that have been prepared in accordance with Australian Accounting Standards – Reduced Disclosure Requirements, the *Corporations Act 2001* and the *Australian Charities and Not-for-profits Commission Act 2012*. NAAJA is a not-for-profit Company for the purpose of preparing the financial statements.

Australian Account Standards set out accounting policies that the AASB has concluded would result in financial statements containing relevant and reliable information about transactions, events and conditions. Material accounting policies adopted in the preparation of these financial statements are presented below and have been consistently applied unless stated otherwise.

The financial statements, except for the cash flow information, have been prepared on an accruals basis and are based on historical costs, modified, where applicable, by the measurement at fair value of selected non-current assets, financial assets and financial liabilities.

The financial statements are presented in Australian dollars, which is NAAJA's functional currency. The amounts presented in the financial statements have been rounded to the nearest thousand dollars unless otherwise specified.

The financial statements for the year ended 30 June 2016 were approved and authorised for issue by the Board of NAAJA on 25 October 2016.

Application of new and revised Accounting Standards

New and revised standards that are effective for these financial statements
No accounting standard has been adopted earlier than the application date as stated in the standard. The following new revised standards, amended standards or interpretations have been adopted in the current year and have only affected the presentation and disclosure of these financial statements. Their adoption has not had any significant impact on the amounts in these financial statements.

Future Australian Accounting Standard Requirements
The following new standards/revised standards/interpretations/amending standards were issued by the Australian Accounting Standards Board prior to the sign-off date. The financial impact on Health Network NT for future reporting periods is not yet determinable at this stage.

			Operative date
AASB 9	Financial Instruments - December 2014		1 Jan 2017
AASB 15	Revenue from Contracts with Customers (Principal)	December 2014	1 Jan 2017
AASB 16	Leases		1 Jan 2017

Accounting policies

(a) Revenue

Grant revenue

Non-reciprocal grant revenue is recognised in profit or loss when the Company obtains control of the grant and it is probable that the economic benefits gained from the grant will flow to the Company and the amount of the grant can be measured reliably.

If conditions are attached to the grant which must be satisfied before it is eligible to receive the contribution, the recognition of the grant as revenue will be deferred until those conditions are satisfied.

When grant revenue is received whereby the Company incurs an obligation to deliver economic value directly back to the contributor, this is considered a reciprocal transaction and the grant revenue is recognised in the statement of financial position as a liability until the service has been delivered to the contributor, otherwise the grant is recognised as income on receipt.

The Company receives non-reciprocal contributions of assets from the government and other parties for zero or a nominal value. These assets are recognised at fair value on the date of acquisition in the statement of financial position, with a corresponding amount of income recognised in profit or loss.

Service revenue

Revenue from the rendering of a service is recognised upon the delivery of the service to the customers.

Rental income

Rental income from operating leases is recognised on a straight-line basis over the term of the relevant lease.

Donations revenue

Donations are recognised as revenue when received.

Interest revenue

Interest revenue is recognised using the effective interest method, which for floating rate financial assets is the rate inherent in the instrument.

All revenue is stated net of the amount of goods and services tax.

(b) Property, plant and equipment

Property, plant and equipment

Property, plant and equipment are measured on the cost basis and therefore carried at cost less accumulated depreciation and any accumulated impairment losses. In the event the carrying amount of property, plant and equipment is greater than its estimated recoverable amount, the carrying amount is written down immediately to its estimated recoverable amount and impairment losses are recognised either in profit or loss or as a revaluation decrease if impairment losses relate to a revalued asset. A formal assessment of recoverable amount is made when impairment indicators are present (refer to Note 2(e) for details of impairment).

Property, plant and equipment that have been contributed at no cost, or for nominal cost, are valued and recognised at the fair value of the asset at the date it is acquired.

Depreciation

The depreciable amount of all fixed assets including buildings and capitalised lease assets but excluding freehold land, is depreciated on a straight line basis over the asset's useful life to the Company commencing from the time the asset is held ready for use. Leasehold improvements are depreciated over the shorter of either the unexpired period of the lease or the estimated useful lives of the improvements.

The depreciation rates used for each class of depreciable assets are:

Class of fixed assets	Depreciation rate
Buildings	2.5%
Furniture, fixtures and fittings	20%
Motor vehicles	20%
Office equipment	16 - 33%
Leasehold improvements	10%

The assets' residual values and useful lives are reviewed, and adjusted if appropriate, at the end of each reporting period.

Gains and losses on disposals are determined by comparing proceeds with the carrying amount. These gains or losses are recognised in profit or loss in the period in which they arise. When revalued assets are sold, amounts included in the revaluation surplus relating to that asset are transferred to retained earnings.

(c) Leases

Lease payments for operating leases, where substantially all the risks and benefits remain with the lessor, are recognised as expenses on a straight-line basis over the lease term.

(d) Financial instruments

Initial recognition and measurement

Financial assets and financial liabilities are recognised when the Company becomes a party to the contractual provisions to the instrument. For financial assets, this is equivalent to the date that the Company commits itself to either purchase or sell the asset (i.e. trade date accounting is adopted). Financial instruments are initially measured at fair value plus transaction costs, except where the instrument is classified 'at fair value through profit or loss' in which case transaction costs are recognised immediately as expenses in profit or loss.

Classification and subsequent measurement

Financial instruments are subsequently measured at: fair value, amortised cost using the effective interest method, or cost.

Amortised cost is calculated as the amount at which the financial asset or financial liability is measured at initial recognition less principal repayments and any reduction for impairment, and adjusted for any cumulative amortisation of the difference between that initial amount and the maturity amount calculated using the effective interest method.

The effective interest method is used to allocate interest income or interest expense over the relevant period and is equivalent to the rate that exactly discounts estimated future cash payments or receipts (including fees, transaction costs and other premiums or discounts) through the expected life (or when this cannot be reliably predicted, the contractual term) of the financial instrument to the net carrying amount of the financial asset or financial liability. Revisions to expected future net cash flows will necessitate an adjustment to the carrying amount with a consequential recognition of an income or expense item in profit or loss.

(i) Financial assets at fair value through profit or loss

Financial assets are classified at 'fair value through profit or loss' when they are held for trading for the purpose of short-term profit taking, derivatives not held for hedging purposes or when they are designated as such to avoid an accounting mismatch or to enable performance evaluation where a group of financial assets is managed by key management personnel on a fair value basis in accordance with a documented risk management or investment strategy. Such assets are subsequently measured at fair value with changes in carrying amount being included in profit or loss.

(ii) Loans and receivables

Loans and receivables are non-derivative financial assets with fixed or determinable payments that are not quoted in an active market and are subsequently measured at amortised cost. Gains or losses are recognised in profit or loss through the amortisation process and when the financial asset is derecognised.

(iii) Held to maturity investments

Held-to maturity investments are non-derivative financial assets that have fixed maturities and fixed or determinable payments, and it is the Company's intention to hold these investments to maturity. They are subsequently measured at amortised cost. Gains or losses are recognised in profit or loss through the amortisation process and when the financial asset is derecognised.

(iv) Available-for-sale investments

Available-for-sale investments are non-derivative financial assets that are either not capable of being classified into other categories of financial assets due to their nature or they are designated as such by management. They comprise investments in the equity of other entities where there is neither a fixed maturity nor fixed or determinable payments.

They are subsequently measured at fair value with any re-measurements other than impairment losses and foreign exchange gains and losses recognised in other comprehensive income. When the financial asset is derecognised the cumulative gain or loss pertaining to that asset previously recognised in other comprehensive income is reclassified into profit or loss.

Available-for-sale financial assets are classified as non-current assets when they are not expected to be sold within 12 months after the end of the reporting period. All other available-for-sale financial assets are classified as current assets.

(v) Financial liabilities

Non-derivative financial liabilities other than financial guarantees are subsequently measured at amortised cost. Gains or losses recognised in profit or loss through the amortisation process and when the financial liability is derecognised.

Impairment

At the end of each reporting period, the Company assess whether there is objective evidence that a financial asset has been impaired. A financial asset (or a group of financial assets) is deemed to be impaired if, and only if, there is objective evidence of impairment as a result of one or more events (a 'loss event') having occurred, which has an impact on the estimated future cash flows of the financial asset(s).

In the case of available-for-sale financial assets, a significant or prolonged decline in the market value of the instrument is considered to constitute a loss event. Impairment losses are recognised in profit or loss immediately. Also any cumulative decline in fair value previously recognised in other comprehensive income is reclassified to profit or loss at this point.

In the case of financial assets carried at amortised cost, loss events may include: indications that the debtors or a group of debtors are experiencing significant financial difficulty, default or delinquency in interest or principal payments; indications that they will enter bankruptcy or other financial reorganisation; and changes in arrears or economic conditions that correlate with defaults.

For financial assets carried at amortised cost (including loans and receivables), a separate allowance account is used to reduce the carrying amount of financial assets impaired by credit losses. After having taken all possible measures of recovery, if management establishes that the carrying amount cannot be recovered by any means, at that point the written off amounts are charged to the allowance account or the carrying amount of impaired financial assets is reduced directly if no impairment amount was previously recognised in the allowance account.

When the terms of financial assets that would otherwise have been past due or impaired have been renegotiated, the Company recognises the impairment for such financial assets by taking into account the original terms as if the terms have not been renegotiated so that the loss events that have occurred are duly considered.

Derecognition

Financial assets are derecognised when the contractual rights to receipt of cash flows expire or the asset is transferred to another party whereby the Company no longer has any significant continuing involvement in the risks and benefits associated with the asset. Financial liabilities are derecognised when the related obligations are discharged or cancelled, or have expired. The difference between the carrying amount of the financial liability, which is extinguished or transferred to another party, and the fair value of consideration paid, including the transfer of non-cash assets or liabilities assumed, is recognised in profit or loss.

(e) Impairment of assets

At the end of each reporting period, the Company assesses whether there is any indication that an asset may be impaired. If such an indication exists, an impairment test is carried out on the asset by comparing the recoverable amount of the asset, being the higher of the asset's fair value less costs of disposal and value in use, to the asset's carrying amount. Any excess of the asset's carrying amount over its recoverable amount is recognised immediately in profit or loss. Unless the asset is carried at a revalued amount in accordance with another Standard (e.g. in accordance with the revaluation model in AASB 116). Any impairment loss of a revalued asset is treated as a revaluation decrease in accordance with that other Standard.

Where it is not possible to estimate the recoverable amount of an individual asset, the Company estimates the recoverable amount of the cash-generating unit to which the asset belongs.

(f) Employee Benefits

Short-term employee benefits

Provision is made for the Company's obligation for short-term employee benefits. Short-term employee benefits are benefits (other than termination benefits) that are expected to be settled wholly within 12 months after the end of the annual reporting period in which the employees render the related service, including wages, salaries annual leave and sick leave. Short-term employee benefits are measured at the (undiscounted) amounts expected to be paid when the obligation is settled.

The Company's obligations for short term employee benefits such as wages, salaries, annual leave and sick leave are recognised as a part of current trade and other payables in the statement of financial position.

Other long-term benefits

The Company classifies employees' long service leave and sick leave entitlements as other long term employee benefits as they are not expected to be settled wholly within 12 months after the end of the annual reporting period in which the employees render the related service. Provision is made for the Company's obligation for other long term employee benefits, which are measured at the present value of the expected future payments to be made to employees. Expected future payments incorporate anticipated future wage and salary levels, durations of service and employee departures, and are discounted at rates determined by reference to market yields at the end of the reporting period on corporate bonds that have maturity dates that approximate the terms of the obligations. Upon the re-measurement of obligations for other long term employee benefits, the net change in the obligation is recognised in profit or loss classified under employee benefits expense.

The Company's obligations for long term employee benefits are presented as non current liabilities in its statement of financial position, except where the Company does not have an unconditional right to defer settlement for at least 12 months after the end of the reporting period, in which case the obligations are presented as current liabilities.

Retirement benefit obligations

Defined contribution superannuation benefits

All employees of the Company receive defined contribution superannuation entitlements, for which the Company pays the fixed superannuation guarantee contribution (currently 9.5% of the employee's average ordinary salary) to the employee's superannuation fund of choice. All contributions in respect of employees' defined contribution entitlements are recognised as an expense when they come payable. The Company's obligation with respect to employees' defined contribution entitlements is limited to its obligation for any unpaid superannuation guarantee contributions at the end of the reporting period. All obligations for unpaid superannuation guarantee contributions are measured at the (undiscounted) amounts expected to be paid when the obligation is settled and are presented as current liabilities in the Company's statement of financial position.

(g) Cash and cash equivalents

Cash and cash equivalents include cash on hand, deposits held at call with banks, other short term highly liquid investments with original maturities of three months or less, and bank overdrafts. Bank overdrafts are shown within short term borrowings in current liabilities on the statement of financial position.

(h) Goods and services tax (GST)

Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Taxation Office (ATO).

Receivables and payables are stated inclusive of the amount of GST receivable or payable. The net amount of GST recoverable from, or payable to, the ATO is included with other receivables or payables in the statement of financial position.

Cash flows are presented on gross basis. The GST components of cash flows arising from investing or financing activities which are recoverable from, or payable to, the ATO are presented as operating cash flows included in receipts from customers or payments to suppliers.

(i) Income Tax

No provision for income tax has been raised as the Company is exempt from income tax under Div 50 of the *Income Tax Assessment Act 1997*

(j) Provisions

Provisions are recognised when the Company has a legal or constructive obligation, as a result of past events, for which it is probable that an outflow of economic benefits will result and that outflow can be reliably measured. Provisions recognised represent the best estimate of the amounts required to settle the obligation at the end of the reporting period

(k) Comparative figures

Where required by Accounting Standards, comparative figures have been adjusted to conform with changes in presentation for the current year.

(l) Trade and other payables

Trade and other payables represent the liabilities for goods and services received by the Company during the reporting period that remain unpaid at the end of the reporting period. The balance is recognised as a current liability with the amounts normally paid within 30 days of recognition of the liability.

(m) Borrowings

Secured and unsecured loans have been obtained. While some loans are interest free, these have not been discounted to present values. Carrying amounts therefore represent amount expected to be repaid at settlement. Unsecured loans are considered to be repayable at call and therefore presented as current liabilities.

(n) Critical accounting estimates and judgements

The directors evaluate estimates and judgements incorporated into the financial statements based on historical knowledge and best available current information. Estimates assume a reasonable expectation of future events and are based on current trends and economic data obtained both externally and within the Company.

Key judgements

Employee benefits

For the purpose of measurement AASB 119 Employee Benefits (September 2011) defines obligations for short-term employee benefits as obligations expected to be settled wholly before 12 months after the end of the annual reporting period in which the employees render the related service. As the Company expects that most employees will not use all of their annual leave and sick leave entitlements in the same year in which they are earned or during the 12 month period this follows, the directors believe that obligations for long service leave and sick leave entitlements satisfy the definition of other long term employee benefits and therefore, are required to be measured at the present value of the expected future payments to be made to employees.

(o) Fair value of assets and liabilities

The Company measures some of its assets and liabilities at fair value on either a recurring or non-recurring basis, depending on the requirements of the applicable Accounting Standard.

"Fair value" is the price the Company would receive to sell an asset or would have to pay to transfer a liability in an orderly (i.e. unforced) transaction between independent, knowledgeable and willing market participants at the measurement date.

As fair value is a market-based measure, the closest equivalent observable market pricing information is used to determine fair value. Adjustments to market values may be made having regard to the characteristics of the specific asset or liability. The fair values of assets and liabilities that are not traded in an active market are determined using one or more valuation techniques. These valuation techniques maximise, to the extent possible, the use of observable market data

To the extent possible, market information is extracted from the principal market for the asset or liability (i.e. the market with the greatest volume and level of activity for the asset or liability). In the absence of such a market, market information is extracted from the most advantageous market available to the Company at the end of the reporting period (i.e. the market that maximises the receipts from the sale of the asset or minimises the payments made to transfer the liability, after taking into account transaction costs and transport costs).

For non-financial assets, the fair value measurement also takes into account a market participant's ability to use the asset in its highest and best use or to sell it to another market participant that would use the asset in its highest and best use.

The fair value of liabilities and the Company's own equity instruments (if any) may be valued, where there is no observable market price in relation to the transfer of such financial instrument, by reference to observable market information where such instruments are held as assets. Where this information is not available, other valuation techniques are adopted and where significant, are detailed in the respective note to the financial statements.

(p) Going concern

The financial report has been prepared on the going concern basis, which assumes that the Company will be able to realise its assets and discharge its liabilities in the normal course of business.

The ability of the Company to continue as a going concern is dependent on the continued funding from the Attorney General's Department and management of its financial performance, position and cash-flow. The Company is dependent on the Attorney General's Department for the majority of its revenue used to operate the business. At the date of this report, the Board of Directors has no reason to believe the Attorney General's Department will not continue to support the Company.

At the date of this report and having considered the above factors, the Directors are confident that the Company will be able to continue as a going concern. Notwithstanding this there is a material uncertainty whether the Company will continue as a going concern and, therefore, whether it will realise its assets and discharge its liabilities in the normal course of business.

The financial statements do not include adjustments relating to the recoverability and classification of recorded assets amounts or to the amounts and classification of liabilities that might be necessary should the Company not continue as a going concern.

3. Revenue	2016 $'000	2015 $'000
Grant revenue		
Government grants	11,118	11,869
Total grant revenue	**11,118**	**11,869**
Other revenue		
Service revenue	122	166
Donations	-	-
Interest revenue	41	86
Other revenue	17	34
Total other revenue	**180**	**286**
Total revenue	**11,297**	**12,155**
Other income		
Gain / (Loss) on disposal	52	11
Rental income	36	20
Other income	90	80
Total other income	**178**	**111**
Total revenue and other income	**11,475**	**12,266**

4. Expenses

	2016 $'000	2015 $'000
Professional fees		
- accountancy fees	11	42
- audit remuneration	26	30
- consultant fees	93	6
Total professional fees	**130**	**78**
Employee benefits expense		
- salaries and wages	7,322	7,686
- superannuation	714	790
- staff training	56	60
- other staff costs	156	257
Total employee benefits expense	**8,248**	**8,793**
Service delivery expenses		
- computer expenses	153	72
- bush courts	444	456
- brief outs	159	173
- client expenses	105	145
- materials	76	64
- memberships and practising certificates	94	78
- meetings	99	142
- telephone	139	163
- travel	353	364
Total service delivery expenses	**1,622**	**1,657**

5. Cash and cash equivalents

	2016 $'000	2015 $'000
Cash on hand	1	4
Cash at bank	306	588
Short-term bank deposits	2,002	1,491
Total cash and cash equivalents	**2,309**	**2,083**

The effective interest rate on short-term bank deposits was 1.32% (2015: 2.03%); these deposits are on call.

6. Trade and other receivables

Current		
Trade receivables	20	124
Provision for impairment	-	-
	20	124
Other receivables	49	97
Total current trade and other receivables	**69**	**221**

7. Other assets

Prepayments	175	237
Total other assets	**175**	**237**

8. Property, plant and equipment	2016 $'000	2015 $'000
Land		
Cost	30	30
Total land	**30**	**30**
Buildings		
Cost	4,888	4,888
Accumulated depreciation	(841)	(719)
Total buildings	**4,047**	**4,169**
Total land and buildings	**4,077**	**4,199**
Motor vehicles		
Cost	468	560
Accumulated depreciation	(282)	(316)
Total motor vehicles	**186**	**244**
Office equipment		
Cost	240	166
Accumulated depreciation	(88)	(60)
Total office equipment	**152**	**106**
Leasehold improvements		
Cost	695	672
Accumulated depreciation	(276)	(207)
Total leasehold improvements	**419**	**465**
Total plant and equipment	**757**	**815**
Total property, plant and equipment	**4,834**	**5,014**

9. Property, plant and equipment (cont.)

Movement in carrying amounts

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

	Land and buildings	Motor vehicles	Office Equip.	Lease Improve.	Total
	$'000	$'000	$'000	$'000	$'000
Cost					
Balance at 1 July 2015	4,918	560	166	672	6,316
Additions	-	85	74	23	182
Disposals	-	(177)	-	-	(177)
Transfers	-	-	-	-	-
Balance at 30 June 2016	**4,918**	**468**	**240**	**695**	**6,321**
Depreciation and impairment					
Balance at 1 July 2015	719	316	60	207	1,302
Disposals	-	(128)	-	-	(128)
Depreciation	122	94	28	69	313
Impairment loss	-	-	-	-	-
Balance at 30 June 2016	**841**	**282**	**88**	**276**	**1,487**
Carrying amount at the end of the year	**4,077**	**186**	**152**	**419**	**4,834**

9. Trade and other payables

	2016 $'000	2015 $'000
Current		
Trade payables	197	163
Accrued expenses	29	84
Payroll liabilities	344	640
GST liabilities / (receivable)	24	19
Other payables	11	20
Total trade and other payables	**605**	926

10. Other liabilities

Current		
Grants in advance	569	673
Unexpended grants	471	13
Total other liabilities	**1,040**	686

11. Borrowings

	2016 $'000	2015 $'000
Current		
Bank loans (i)	169	161
Total current borrowings	**169**	**161**
Non-current		
Bank loans (i)	1,780	1,949
Total non-current borrowings	**1,780**	**1,949**

(i) Secured by a first registered company charge by North Australian Aboriginal Justice Agency Limited over whole of its asset(s) and undertaking(s) including uncalled capital, and secured by a first registered mortgage over the non-residential real property located at 61 Smith Street Darwin NT 0800.

12. Provisions

Current		
Provision for annual leave	442	468
Provision for sick leave	113	109
Provision for long service leave	83	72
Total current provisions	**638**	**649**
Non-current		
Provision for sick leave	142	145
Provision for long service leave	202	194
Total non-current provisions	**344**	**339**

Analysis of provisions	**$'000**
Opening balance at 1 July 2015	988
Additional provisions raised during the year	548
Amount used	(554)
Balance at 30 June 2016	**982**

13. Commitments

	$'000
Operating lease commitments	
Minimum lease payments	
- within 12 months	72
- between 1 to 5 years	287
- after 5 years	-
Total operating lease commitments	**359**

14. Contingent liabilities and contingent assets

There are no contingent liabilities and contingent assets that have been incurred by the Company in relation to 2016 or 2015.

15. Events after the reporting date

No adjusting or significant non-adjusting events have occurred between the reporting date and the date of authorisation.

16. Related party transactions

The Company's related parties include its key management personnel. Key management personnel are the Directors of the Company.

	2016 $'000	2015 $'000
Key management personnel remuneration	898	1,068
Payments to Directors	36	48
Loans to related parties at year end	-	98
	934	1,214

17. Financial risk management

	2016 $'000	2015 $'000
Financial assets		
Cash and cash equivalents	2,309	2,083
Loans and receivables	69	221
Total financial assets	**2,378**	**2,304**
Financial liabilities		
Financial liabilities at amortised cost		
- trade and other liabilities	464	743
- borrowings	1,949	2,110
Total financial liabilities	**2,413**	**2,853**

18. Fair value measurements

The Company does not subsequently measure any assets or liabilities at fair value.

19. Members' Guarantee

The Company is incorporated under the *Corporations Act 2001* and is a company limited by guarantee. If the Company is wound up, the constitution states that each member is required to contribute a maximum of $ 10 each towards meeting any outstanding obligations of the Company. At 30 June 2016 the number of members was $120 (2015: $120).

20. Grants

Grants	Funding body	Income	Expenses	Surplus / (Deficit)
		$'000	$'000	$'000
Title				
Operational	Attorney-General's Department	8,531	(8,531)	-
Data Manual	Attorney- General's Department	3	(3)	-
Cadetships	Attorney- General's Department	24	(24)	-
	Amnesty International	8	(8)	-
Pilot Peer	Law Society Fidelity Fund	30	(30)	-
Hip Hop Project	Law Society Fidelity Fund	81	(82)	(1)
Unfitness to Plead	Melbourne University	6	(6)	-
	Oxfam	15	(15)	-
Social Worker Cadet		6	(6)	-
Night Patrol	Department of the Prime Minister & Cabinet	290	(291)	(1)
Throughcare	Department of the Prime Minister & Cabinet	1,075	(1,077)	(2)
SLA	Department of the Prime Minister & Cabinet	1,357	(1,357)	-
Self-generated		49	(326)	(277)
Total		**11,475**	**(11,756)**	**(281)**

Reconciliation of total grant income to deficit for the year	**$'000**
Total grant deficit	(281)
Add:	
Mortgage repayments allowed by AG as expense but in accordance with Accounting Standards, treated as reduction of loan in NAAJA accounts	162
Vehicle expensed in AGD Operational Grant	57
Vehicle expensed in PM&C Throughcare Grant	29
Loss for the year	**(33)**

Directors' Declaration

In the opinion of the directors of North Australian Aboriginal Justice Agency Limited (NAAJA):

1. The financial statements and notes set out on pages 9 to 29, are in accordance with the *Corporations Act 2001* and the *Australian Charities and Not for Profits Commission Act 2012*, including:

   a. Giving a true and fair view of its financial position as at 30 June 2016 and of its performance, for the financial year ended on that date; and

   b. complying with Australian Accounting Standards – Reduced Disclosure Requirements (including the Australian Accounting Interpretations), the *Corporations Regulations 2001* and the *Australian Charities and Not for Profits Commission Regulations 2013*; and

2. There are reasonable grounds to believe that North Australian Aboriginal Justice Agency will be able to pay its debts as and when they become due and payable.

Signed in accordance with a resolution of the Board of Directors.

Hannah Roe

Norman George

Directors- North Australia Aboriginal Justice Agency

Dated at Darwin this 25th day of October 2016

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chartered accountants

Auditor's Independence Declaration to the Directors of North Australian Aboriginal Justice Agency Limited

In relation to our audit of the financial statements of North Australian Aboriginal Justice Agency Limited for the financial year ended 30 June 2016, to the best of my knowledge and belief, there have been:

1. no contraventions of the auditor independence requirements of the Corporations Act 2001 and the *Australian Charities and Not-for-profits Commission Act 2012*; and

2. no contraventions of any applicable code of professional conduct in relation to the audit.

Merit Partners

Merit Partners

MunLi Chee

Partner

DARWIN

25 October 2016

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CHARTERED ACCOUNTANTS
AUSTRALIA + NEW ZEALAND

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Independent audit report to members of North Australian Aboriginal Justice Agency Limited

We have audited the accompanying general purpose financial report of North Australian Aboriginal Justice Agency Limited ("the Company"), which comprises the statement of financial position as at 30 June 2016, the statement of profit or loss and other comprehensive income, the statement of changes in equity and statement of cash flows for the year ended on that date, a summary of significant accounting policies, other explanatory notes and the directors' declaration.

The Directors' Responsibility for the Financial Report

The Directors of the Company are responsible for ensuring the financial report that gives a true and fair view in accordance with the Australian Accounting Standards (including the Australian Accounting Interpretations), the *Corporations Act 2001,* and the *Australian Charities and Not-for-profits Commission Act 2012 is prepared* and for ensuring that such internal control as the Directors determine is necessary to enable the preparation of the financial report that gives a true and fair view and is free from material misstatement, whether due to fraud or error, is in place.

Auditor's Responsibility

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

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

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

Independence

In conducting our audit we have met the independence requirements of the *Corporations Act 2001*.

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CHARTERED ACCOUNTANTS
AUSTRALIA + NEW ZEALAND

Opinion

In our opinion, the financial report of North Australian Aboriginal Justice Agency Limited is in accordance with the *Corporations Act 2001* and the *Australian Charities and Not-for-profits Commission Act 2012*, including

(a) giving a true and fair view of the financial position of North Australian Aboriginal Justice Agency Limited as at 30 June 2016 and of its performance for the year ended on that date, and

(b) complying with Australian Accounting Standards (including the Australian Accounting Interpretations) the *Corporations Regulations 2001*, and the *Australian Charities and Not-for-profits Commission Regulation 2012*

Merit Partners

Merit Partners

MunLi Chee
Partner

DARWIN

25 October 2016

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 2015/2016.

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

CONTACT US

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

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