



ANNUAL REPORT 2019-20

Just and equitable treatment
for Aboriginal communities



ALS

Aboriginal Legal Service (NSW/ACT) Limited



The Aboriginal Legal Service (NSW/ACT) Ltd acknowledges the Traditional Owners and Custodians of the lands on which we live, work and travel. We pay our respects to Elders both past and present and acknowledge the contribution and sacrifices our Elders have made to better our community and future.

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> A message from the Chairperson

Yawayi,

My name is Mark Davies and I am a proud Dunghutti man born in Armidale, living in Walcha. I was honoured to be elected as Chairperson of the Aboriginal Legal Service NSW/ACT during the 2019-20 financial year. I acknowledge the significant contributions of my predecessor Brendan Moyle, who continues to serve as a Director on the Board.

It has been a challenging year, with unprecedented bushfires leading into a global pandemic. When crisis hits, our communities often feel the hardest impacts and the worst effects. Our role as the ALS is to ensure no one is left behind, and to put justice at the heart of our recovery.

Responding to the COVID-19 pandemic created challenges for continuity of service, including a need to reduce face-to-face contact with the public in order to protect ALS staff and local communities. However, despite the disruption and rapid change, our staff have done an excellent job in maintaining essential services to our clients and communities during this time.



We have responded in a flexible and adaptive way, going above and beyond to champion the rights and needs of our clients and communities. The Board has been proud to see so many of our stakeholders, including the courts, making note of the ALS' continued professionalism and quality of service during this challenging period. We continue to monitor COVID-19 developments and will adjust service delivery as necessary to maximise our capacity to support our mob, while keeping everyone safe. At the time of writing, not a single Aboriginal or Torres Strait Islander person has died from COVID-19, and the number of our mob hospitalised with the virus has remained in the double digits – a major triumph for our communities and a testament to our ability to look after one another.

This financial year the ALS began providing legal support to Aboriginal people engaging with the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability. We are providing this service through Your Story Disability Legal Support, a joint initiative of National Legal Aid and National Aboriginal and Torres Strait Islander Legal Services (NATSILS), funded by the Commonwealth. The Disability Royal Commission was established in April 2019 in response to community concern about widespread reports of violence against, and the neglect, abuse and exploitation of, people with disability. We know that many

of our mob have a disability, and it is critical that they can share their stories and expose instances of mistreatment.

The year 2020 represents a very significant milestone for the ALS. It is the 50th anniversary since we opened our doors in Redfern in 1970, becoming the first Aboriginal legal service in Australia and the first free legal service (Aboriginal or non-Indigenous) in the country. While our anniversary plans have temporarily been put on hold due to the impact of the global pandemic, we look forward to sharing this significant milestone with our communities and stakeholders in the future, hopefully with face-to-face events occurring in 2021.

The ALS was born out of a protest movement and over the past year we have continued to play a strong and public role in advocacy, policy and law reform debates. This has included advocacy around raising the age of legal responsibility so that children as young as 10 can receive support in community rather than serving inappropriate prison sentences, and calling for the implementation of the Family Is Culture report's recommendations – to ensure that our kids remain connected to community and culture, instead of being forced into the quicksand of the criminal legal system. We have also supported the global Black Lives Matter movement and called for an end to the targeted over-policing of Aboriginal communities.

Late last year we launched a new website and internal digital platform, which has significantly expanded our capacity to communicate our advocacy agenda, particularly in light of the increasing reliance on online and mobile technology. We have

launched petitions focused on ending strip searches of kids and calling for early release of our brothers and sisters in custody during the pandemic.

I would like to thank my fellow directors for entrusting me with the role of Chairperson of the ALS and for their contributions throughout the year 2019-20. Director Louis Stanton stepped down this year, creating an opening on the Board within the Northern Region.

I also thank our committed staff and volunteers at the ALS. Our CEO, Karly Warner, has now been in the role for over 12 months and has worked tirelessly to navigate unforeseen challenges. On behalf of the Board, I also express sincere gratitude to the thousands of donors and supporters who have joined us recently in solidarity with the Black Lives Matter movement, as well as those deeply valued allies who have been with us for much longer.

I look forward to continuing to work with all of you to ensure the ALS goes from strength to strength, continuing to thrive as an essential community-controlled organisation for the next 50 years.

Mark Davies
Chairperson

> A message from the Chief Executive Officer

This year marks half a century since the Aboriginal Legal Service NSW/ACT began. From the humble shop-front in Redfern that opened in 1970, we have grown into a major legal service provider with more than 24 offices across NSW and the ACT, while still maintaining the grassroots, community-controlled values on which our movement was founded.

Fittingly, this year we continued our upward trend of helping more and more Aboriginal people, recording over 70,000 individual instances of legal assistance or advice – an incredible achievement against the backdrop of the bushfire and coronavirus crises.

Throughout the 2019-20 financial year the ALS continued to deliver critical, culturally safe legal services in criminal law, children's care and protection, and family law. We also delivered additional programs aimed at supporting community and ultimately reducing contact with the justice system, including support for our people to access bail, advocacy on behalf of vulnerable renters and tenants, and more. These services help defend our mob's rights in court, reduce the number of Aboriginal people going to prison, and support families to keep kids safe in community and culture.

I am proud of the way our staff have risen to the challenges of 2019-20, working day in and day out to ensure that communities in NSW and the ACT continue to be provided with culturally safe legal advice, support and representation. I acknowledge the work of our human resources and information technology teams over the past year in supporting our teams to rapidly adapt to a new mobile work environment; and of course all our teams, communities and stakeholders that prioritised the safety of one another,

while continuing to deliver critical services in a flexible way. Throughout the year we have experienced increased legal demand due to the bushfires and COVID-19 pandemic and received additional one-off funding support from the Commonwealth, ACT and NSW governments to help ensure our communities were supported when they needed it most.

In 2020 we have seen growing global attention to the Black Lives Matter movement, and in turn an increased focus on issues of racial injustice and systemic discrimination that Aboriginal communities face every day. The ALS is a crucial shield against police brutality, whether in the form of strip-searches forced on children or outright physical assaults. Throughout the year we developed a temporary legal advice hotline for Aboriginal people who may be attending peaceful protests across NSW and the ACT. We have also continued our strong advocacy to keep our people out of prison and at home in their communities – a particularly important issue during the coronavirus public health crisis. It is unacceptable that almost 30 years after the Royal Commission into Aboriginal Deaths in Custody, our people continue to be forced into the prison system at vastly disproportionate rates, and our communities continue to be forced to grieve the premature and unnecessary deaths of loved ones in custody.

I want to recognise the families who have experienced this immense loss and now campaign so that further precious lives will not be lost; and the grandmothers and other family members who fight for kids to stay in community and culture, rather than being stripped of their identity by the out-of-home care system. The advocacy of these staunch community members with lived experience is so powerful, and we are honoured to campaign alongside them.

Over the past year we ensured that the ALS is a prominent voice in advocacy, key policy and law reform debates. This has included advocacy around raising the age of legal responsibility and calling for the implementation of the Family Is Culture

report's recommendations – to ensure that our kids remain connected to community and culture, instead of being forced into the quicksand of the criminal legal system.

While we have all faced many challenges this year, we have also seen communities coming together – from cities to suburbs to towns – to demand an end to systemic racism and for greater resourcing of the services and support systems that we all need.

Last year the entire Aboriginal and Torres Strait Islander Legal Services (ATSILS) sector faced significant funding challenges, due to the Federal Government decision to abolish the Indigenous Legal Assistance Program and amalgamate funding for ATSILS under



the National Legal Assistance Partnership. The loss of specified funding for culturally safe, Aboriginal legal services was perceived as a major threat to our sector and our communities. Thankfully, after steadfast campaigning, the final National Legal Assistance Partnership agreement includes a number of wins for the ATSILS sector, including quarantining of funds for ATSILS, a five-year funding agreement and strong provisions around self-determination. We have also recently secured an additional three years of funding for our life-saving Custody Notification Service.

The ALS has also been able to provide legal support to Aboriginal and Torres Strait Islander people with a disability who are engaging with the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, through funding from the Commonwealth Attorney-General's Department. We also secured additional one-off funding from the NSW Government for our tenant advocacy services, enabling us to support community with their tenancy needs during the pandemic.

In the past 12 months, we have worked to identify alternative revenue streams – including through donations and philanthropic grants – to help our communities and the ALS pursue a self-determined agenda. This work has been supported by the launch of our new website, intranet and other digital platforms, and will continue to be a priority over the year ahead.

In the next year, we are aiming to finalise a new and reinvigorated strategic plan for the organisation that focuses on laying strong future foundations. I look forward to

working with all our stakeholders to ensure we achieve our organisational goals and continue to provide quality, culturally safe legal assistance to Aboriginal people.

I would like to take this opportunity to thank all involved in supporting our critical work: our Board Directors, Company members, staff, volunteers, donors and supporters – as well as the clients and communities who own the ALS and are at the heart of everything we do. I thank Nadine Miles, our Principal Legal Officer for her dedication to the ALS over the last year. I look forward to continuing to work with our Chairperson, Mark Davies; the ALS Board of Directors; and our dedicated staff in the year ahead to continue to fight for justice for community.

Karly Warner
Chief Executive Officer



While we have all faced many challenges this year, we have also seen communities coming together – from cities to suburbs to towns – to demand an end to systemic racism and for greater resourcing of the services and support systems that we all need.

We are a proud Aboriginal
community-controlled
organisation fighting for the
rights of our people.



> About us

The Aboriginal Legal Service (NSW/ACT) is an Aboriginal community-controlled organisation providing culturally safe legal advice and court representation, information and referral to Aboriginal and Torres Strait Islander people across NSW and the ACT. We are the peak body for Aboriginal legal services in these regions.

We support our mob every day through the following services:

- ▶ **Legal assistance** in criminal matters, children's care and protection, and family law (see pages 20-29)
- ▶ **Oversight of police custody** through the Custody Notification Service (see page 20)
- ▶ **Community programs in the ACT** (see pages 30-31)
- ▶ **Auspiced services** in tenant advocacy and justice reinvestment (see pages 32-37)
- ▶ **Partnered services** in legal support for participants in the Disability Royal Commission (see page 38)
- ▶ **Information and referral** in civil law

In addition to our critical front-line services, we provide vital leadership and advocacy for justice. We draft progressive policies that promote the rights of our people; provide information and guidance to politicians and government departments on how to best serve Aboriginal communities; and speak out in the media and public forums to bring attention to injustices and point the way to a fairer future.

This work is made possible by the tireless commitment of over 200 staff working across 24 offices, as well as dozens of generous volunteers, hundreds of incredible donors, and our valued partners and supporters.



Our vision

Just and equitable treatment for
Aboriginal people and communities

Our mission

To deliver quality and culturally appropriate
legal services that meet the needs and
aspirations of Aboriginal people and
communities across NSW and the ACT
and to be recognised as a leader in
this field across Australia

Our values

We are proudly Aboriginal

We acknowledge, honour and respect our
traditional values and cultural practices

We are community focused

We are fearless in our advocacy

We are accountable and ethical

We are making a difference to
create better futures

> Governance and leadership

The ALS is a public company limited by guarantee, led by an Aboriginal board and governed by the ALS Company. The Company consists of 30 Aboriginal people from NSW and the ACT. Company members are elected for three-year terms and facilitate communication between communities and the ALS.

The ALS Board comprises a body of 12 directors and two honorary director positions who are responsible for the strategic direction and jointly oversee the activities of the ALS. Ten company members from each region elect four board members from that region.

There are also two honorary board member positions (of which one was filled during the 2019-20 financial year). These members are not elected but have been invited by other members because of their significant

contribution to Aboriginal legal justice and advocacy for many years. An honorary board member usually has relevant business and legal experience and an understanding of issues relating to Aboriginal people in NSW and the ACT. They have no voting power at board meetings but can attend and participate in discussion.

The Company Secretary is also an office bearer of the company.



Meeting over Zoom during COVID-19

> Board of Directors

Directors sitting on the ALS Board during the 2019-20 financial year were:

Name	Role	Region
Mark Davies	Chair	Northern Region
Lorraine Wright	Deputy Chair	Western Region
Helen Brown	Director	Northern Region
Robert Carroll	Director	Western Region
Raymond Keed	Director	Western Region
Peta MacGillivray	Director	Central South Eastern Region
Keith Morgan	Director	Central South Eastern Region
Brendan Moyle	Director	Central South Eastern Region
Edward Pitt	Director	Northern Region
Bunja Smith	Director	Central South Eastern Region
Louis Stanton	Director (to June 2020)	Northern Region
Hewitt Whyman	Director	Western Region
Peter Stapleton	Honorary Director	

> Executive Management Team

Name	Role
Karly Warner	Chief Executive Officer
Janelle Clarke	Chief Operating Officer (to April 2020)
Nadine Miles	Principal Legal Officer



Above: ALS CEO and Board Directors at a meeting in late 2020

The Board and Executive Management Team gratefully acknowledge the following major funders of our work in 2019-20:

- > Australian Government
- > NSW Government
- > Legal Aid NSW
- > ACT Government

> **Highlights of 2019-20**

This year we:

- ▶ provided **70,186** instances of legal services (up 16% from last year)
- ▶ received **22,439** calls to the Custody Notification Service
- ▶ received positive feedback from **95%** of our clients
- ▶ established a specialist hotline to provide legal assistance to Aboriginal people attending **Black Lives Matter** protests
- ▶ increased our media and advocacy presence through the Black Lives Matter movement, drawing attention to Aboriginal deaths in custody and system reform
- ▶ received additional government funding to assist our communities through the consecutive emergencies of the Black Summer bushfires and COVID-19
- ▶ began a partnership with Legal Aid and NATSILS to form Your Story Disability Legal Support, helping Aboriginal participants in the Disability Royal Commission

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The ALS is an amazing legal service.

ALS client



Legal services provided in 2019-20

70,186 recorded legal assistance services provided, including:



22,439
calls to the Custody Notification Service (CNS)



45,611
services in criminal law



363
services in family law



1,640
services in civil law including
child protection matters

> A message from the Principal Legal Officer

The ALS provides legal assistance services to Aboriginal people dealing with the criminal justice system, and to a lesser extent, in the areas of children's care and protection and family law. We aim to deliver quality and culturally appropriate legal services for Aboriginal people and communities, working towards the ultimate vision of a just and equitable society.

While we are a legal service provider, our work requires much more than an understanding of the law. We are proud of the unique service provided that is informed by our clients' culture; the history of state discrimination and dispossession against Aboriginal peoples; and the continuing impacts of that history on social welfare today. As well as employing Aboriginal lawyers, our service model places Aboriginal



field officers alongside solicitors, ensuring that legal advice is always provided hand-in-hand with culturally informed support.

In NSW and the ACT – and across Australia – the criminal justice and child protection systems continue to disproportionately target Aboriginal and Torres Strait Islander peoples. The Aboriginal imprisonment rate in NSW is nearly 10 times the non-Aboriginal incarceration rate (Australian Bureau of Statistics 2020). Meanwhile, Aboriginal imprisonment in the ACT rose by 279% between 2009 and 2019 – more than any other state or territory (Productivity Commission 2020).

In NSW, the child protection system removes Aboriginal children from their homes at 9.5 times the rate of non-Indigenous children. Again, in the ACT, the figure is even worse; Indigenous children are 12.7 times over-represented in out-of-home care (Family Matters Report 2020). We see these statistics borne out in people's real-life stories every single day. While our clients may initially come forward with a small number of legal enquiries, a broader range of legal problems and intertwined social and economic issues often become apparent as we get to know them.

We work with Aboriginal women in custody whose children risk falling into the quicksand of the out-of-home care system; and we work with young people whose trauma

from growing up in that system manifests in contact with the criminal legal system as they grow older. These are just a couple of examples of how interconnected the various areas of our work can be; and how the over-representation of Aboriginal people in these arenas of disadvantage can multiply if effective intervention is not provided.

Thanks to the dedication and considerable talent of our staff, we have been able to intervene and prevent many Aboriginal women, men and children from becoming further caught up in these systems. This financial year we provided more than 70,000 discrete legal services to Aboriginal clients in NSW and the ACT – an increase of 16% from the previous year. This is a significant achievement given the impact of COVID-19, demonstrating our ability to provide ongoing services through the most uncertain of periods. This is the third year in a row where our output of legal services has considerably risen year-on-year.

Most services provided this year (as in previous years) were representation services, defined as requiring more than one court appearance. Our Custody Notification Service (CNS) was also in high demand, receiving more than 22,000 phone calls – up from 19,000 last financial year.

It is mandatory for police officers to notify us via this 24-hour hotline whenever an Aboriginal or Torres Strait Islander person is taken into custody within NSW and the ACT. This year we were pleased to receive Commonwealth funding to receive additional calls to the CNS, meaning we can now monitor and provide services for Aboriginal

and Torres Strait Islander people who are taken into protective custody (imprisonment for the stated reason of protecting the detainee from harm – often overnight lock-up in cases of public drunkenness). The CNS is a vital tool in providing oversight and direct support for Aboriginal people in custody, ultimately aiming to prevent further deaths behind bars or on police premises.

Lastly, I would like to acknowledge the commitment of our staff, pro-bono supporters, volunteers, partners and collaborators who have enabled us to help even more Aboriginal people in their dealings with the legal system this year. It is incredible to witness how much we can achieve with limited resources, and this success is a testament to the strength, resilience and dedication of our team.

Nadine Miles
Principal Legal Officer

> Criminal Law Practice

Our Criminal Law Practice saw a great deal of growth, change and development in the last year. Obviously, the global pandemic saw the practice change quite dramatically and quickly. The ability of all our staff to remain calm, dedicated and focused during such an upheaval is to be congratulated.

Our focus remained on seeing the release of Aboriginal and Torres Strait Islander people from custody. ALS solicitors commenced appearing in court from home and adapted to the many updates in the various jurisdictions. For example, our staff adapted to bail courts being held in regional hubs for a period.

Consequently, staff training this year has mostly taken place online. The ALS drew on the experience of our trial advocates and held weekly training via Zoom for our solicitor staff, including four sessions dedicated to the Children's Court jurisdiction. Our annual Rydal Conference for the western region solicitor staff was able to go ahead in early March just prior to the changes. We had hoped for a statewide conference this year and are disappointed it has not been able to go ahead due to COVID-19 restrictions.

Our dedicated team of over 90 solicitors, 35 administration officers and 22 field officers across 22 offices continue to provide advice, representation and assistance to the Aboriginal community.

We appear in Children's, Local, District and Supreme Courts across NSW. The number of people we have been able to assist continues to grow each year and the quality of our service continues to improve.

Custody Notification Service (CNS)

This financial year, we further developed and expanded the CNS to ensure a greater quality of service provided to First Nations people in police custody. Training was provided in relation to the Young Offenders Act and the Justice Advocacy Service.

The evidence given by Jeremy Styles, ALS Trial Advocate, at the Inquest into the Death of Rebecca Maher helped lead to an amendment to the legislation to ensure all First Nations people in custody, including those detained on the basis of intoxication, would be provided with the opportunity to speak with lawyers through the CNS.



Children's Criminal Law Practice

Our Children's Criminal Law Practice focused on policy, law reform and improving the quality of the service we provide to young people.

The ALS is focused on diverting young people away from the criminal justice system. To that end, we have been involved in a variety of campaigns including Raise the Age and the Young Offenders Act Review. The ALS worked with the Public Interest Advocacy Centre and Just Reinvest to push for a change to the age of legal responsibility, arguing children as young as 10 belong in classrooms and playgrounds, not prisons.

We were disappointed at the decision of the Council of Attorneys-General not to "raise the age", but will continue to work

with NATSILS and others on this extremely important issue, encouraging states and territories to enact local changes.

We have improved our service provided to young people through the Custody Notification Service (CNS) and worked towards our aim of seeing as few young Aboriginal children as possible fall into the quicksand of the criminal justice system.

We have ensured legal visits have continued and in fact, increased throughout COVID to protect the welfare of young people in custody. The ALS has worked closely with Youth Justice to receive regular updates in relation to the detention conditions for young people during COVID, most especially in relation to contact with family.



Trial Advocate Program and Early Appropriate Guilty Plea (EAGP) Practice

Our Trial Advocate Program continued to prove successful. ALS has been able to retain senior and experienced staff through career development into trial advocate roles. Those advocates are supported by a mentoring program run through the Public Defenders office. The success of the program has been most felt in client outcomes.

Our EAGP practice expanded again with more solicitor and administration staff retained, especially in our regional offices. This has allowed greater continuity and improved quality of representation. A career pathway into paralegal roles has been established for those field and administration staff looking to develop their skills.

Coronial Practice

The ALS Coronial Practice works with families of loved ones who died in custody or in a police operation. Sadly, the practice has expanded over the last year. The pandemic delayed a number of inquests which was particularly difficult for families. The ALS will appear in a number of inquests in late 2020 and 2021. We are hopeful for recommendations that go towards improving the healthcare provided to inmates and the practices and policies of Corrective Services NSW.

A notable matter of 2019 was the Inquest into the Death of Jordan Cruickshank. Jordan was 24 years old when he died of methylamphetamine toxicity that led to

heart failure. The inquest considered the issues surrounding the notification of Mr Cruickshank's death to his family.

The coroner was critical of the actions of police and recommended changes to the protocols regarding how next-of-kin are notified when an Aboriginal person dies and the importance of being able to view the deceased.

Appellate Practice

Our Appellate Practice was involved in several important cases this year including *Armidale Local Aboriginal Lands Council v Moran* [2020] NSWSC 442 and *Field v R* [2020] NSWCCA 105.

Armidale Local Aboriginal Lands Council v Moran [2020] NSWSC 442 involved a 57-year-old Aboriginal woman released despite her contempt in breach of orders. The contempt was breach of civil orders – and she was unrepresented in the criminal contempt proceedings. She had been sentenced to 14 days in custody. Jeremy Styles appeared in the proceedings where Ms Moran purged her contempt and was released from custody immediately. Because of this matter, work is being done with relevant stakeholders to ensure no one appears unrepresented in these proceedings in the future.

Field v R [2020] NSWCCA 105 involved a sentence appeal for an offence of grievous bodily harm with intent to cause grievous bodily harm. The appeal considered sentencing principles in relation to objective seriousness and whether conditional liberty is a circumstance of aggravation in this factual scenario. As a result of this decision, an appeal has been filed in the High Court.

We continue to develop our practice of strategic litigation to improve access to justice for Aboriginal people and ensure just outcomes.

Advocacy

The ALS participates in multiple groups and committees with the aims of improving access to justice for First Nations people. These include the Bail Act Monitoring Group, the NLAf over-representation Committee, the NLAf doli incapax Committee, the Law Society's Indigenous Issues Committee, the Children's Law Committee, the Criminal Law Committee, and the Ethics Committee.

We also participate in the Justice Advocacy Service working group, the Children's Court Advisory Group, The Youth Domestic and Family Violence Expert Advisory Group, Short Term Remand Committees and many, many more.

Our team of managers continue to do an incredible job of leading and guiding our criminal practice. I acknowledge the level of work from the two Deputies, Wes Burton (east) and Shaun Mortimer (west); the Children's Criminal Practice Manager, Keisha Hopgood; and the Managing Advocate, Jeremy Styles. Their strong leadership and depth of experience has allowed our practice to flourish.

I am incredibly proud of the ALS Criminal Law Practice. We continue to provide a high-quality service to the community. We are a strong and united team dedicated to professionalism.

Sarah Crellin

Principal Solicitor, Criminal Law Practice



> ACT Criminal Law Practice

It has been a unique and challenging year for the ACT legal practice that has also included some significant accomplishments and success. The outbreak of the COVID-19 pandemic proved to be particularly challenging for the ACT Criminal Law Practice.

The coronavirus led to significant changes in the operation of the courts and the way in which we provided our legal service. In keeping up with the ever-changing responses to COVID-19, there were numerous practice directions issued by the Chief Magistrates in each of the respective jurisdictions in which we appear. It was a credit to the ACT legal team that we were able to keep up with and adapt to these changing practice directions in both NSW and the ACT.

The main changes our office faced as a result of COVID-19 included the following:

- ▶ In response to the changing Court Practice Directions (of which there were about seven), we had to keep adapting to the requirements around both the solicitor's and the client's obligation to attend court in person.
- ▶ This in turn led to our solicitors and field officer having to spend a significant amount of time communicating the changing obligations to our clients.
- ▶ There was a period during the COVID-19 shut-down where clients were required to attend court appearances but only via phone or audio-visual link. This meant that additional time had to be spent ensuring our clients had access to either a phone or appropriate technology to enable them to appear.

- ▶ We were unable to go into the gaols to visit clients. This meant we were limited to either phone or video calls to obtain instructions from clients. Organising audio-visual meetings with clients through some of the gaols was difficult – particularly at short notice for urgent matters.
- ▶ Our ability to meet clients and take instructions in person at court was either limited or non-existent at times.

One of the biggest challenges the Canberra office faced during the COVID-19 period was a radical amendment to the Supreme Court Act taking away the absolute right of an accused to a jury trial. This meant, for example, that a person accused of murder could be forced to have their trial heard by a judge alone. This caused outrage amongst the local criminal law fraternity and the Canberra community at large, and was met with fierce opposition. As a result of legal challenges and lobbying at a legislative level, which the ALS was involved in, the legislation has now been repealed.

In further news in relation to legislative change, a recent successful appeal brought by the ALS to the ACT Supreme Court (KN v Frizzell [2020] ACTSC 217 “KN”) has now set the way for a change to the draconian application of the law around failing to appear for a court date in the ACT. Prior

to our appeal, the relevant legal principle adopted by the courts of the ACT (the “Ursino principle”) was that a custodial sentence should be the starting point for failing to appear at court unless there are extenuating circumstances. In KN, the court rejected this approach and said:

“

The statement in Ursino is not directly analogous to the properly much-criticised prescriptive phrase in Clark. Nevertheless, the phrase in Ursino should certainly not be interpreted in a manner that is inimical to, and inconsistent with, the individual sentencing discretion and instinctive synthesis. This must be so in respect of both young persons and adults. In the case of a young person, rehabilitation, perforce, must loom large in the sentencing equation, in accordance with both case law and statute.

This was an outstanding result for our Canberra legal team and for Western Region Trial Advocate Jonathon Cooper, who ran the appeal. The Canberra Criminal Law Committee are now relying upon this decision as part of their submissions for legislative amendment to the ‘failing to appear’ laws in the ACT.

We were pleased to announce that the ACT Government has made a further commitment to fund the ALS’ ACT Duty Lawyer scheme. We thank our junior lawyer Sam Lynch for his hard work and dedication in this role. Sam’s work has not gone un-noticed and it is a credit to his hard work that he has received

individual praise from the bench of the ACT Magistrates Court in relation to his work.

Further funding has also been confirmed for the Bail Support and Front-Up programs. Both of these programs provide invaluable support to the legal team and make a significant contribution to the success of our clients in being granted bail. We look forward to continuing our work with the Bail Support and Front-Up programs and continuing the great results this team-work has been producing.

Finally, this financial year saw the launch of the Drug Court and the Warrumbul Children’s Circle Sentencing Court. These are both diversionary therapeutic sentencing options that will no doubt be greatly beneficial to our clients as an alternative to the standard sentencing options.

We are now in the process of advising our clients about these alternative courts and we are already representing clients in both courts. So far the outcomes have been positive. We will continue to advise and support our clients who wish to be involved with these new alternative sentencing options.

Dean Rutherford
Managing Solicitor
ACT Criminal Law Practice

> Care and Protection and Family Law Practice

It has been a challenging year for the Child Protection and Family Law Practice but it continues to be a privilege for us all to listen to, learn from and advocate for Aboriginal children and families as they navigate the child protection and family law systems.

Of our team of 11 solicitors we have two Aboriginal solicitors, a fact of which we are immensely proud. Their resilience and deep commitment to the community embody what is best about the Aboriginal Legal Service. We have farewelled some incredibly talented solicitors who will be missed for their staunch advocacy and care for our clients.

This last year has seen Aboriginal children continue to be disproportionately over-represented in reporting, child removals and as a proportion of the population of children in out-of-home care in NSW.

In child protection and family law practice areas, demand for legal advice and representation has continued to vastly outstrip our resources and capacity.

The advent of COVID-19 and its associated restrictions have impacted adversely on the availability of early intervention services for vulnerable families. It has rendered it incredibly difficult for families whose children have been removed to engage with services, demonstrate positive change and successfully achieve restoration of their children to their care.

For children placed in out-of-home care, COVID-19 has resulted in the wide-spread suspension of supervised contact services, impacting on children having the opportunity to maintain meaningful contact with their families and communities.

As a welcome development, our child protection practice team has noted an

increase in the number of court matters where restoration of children is supported by the Department of Communities and Justice (DCJ). In such matters however, advocacy remains critical to ensuring proposed restoration plans are accompanied by adequate and culturally appropriate support to ensure families are not “set up to fail”. Our practice has facilitated numerous successful restorations of children to the care of their parents, and in other matters advocated strongly for culturally appropriate family placements to ensure children remain connected to family, community and culture.

We have noted an increase in the number of guardianship applications brought before the court. Whilst in some cases these orders appropriately remove the unnecessary intrusion of the state into the lives of Aboriginal families, our practice has encountered matters where guardianship orders are proposed in circumstances where children are not afforded contact with their families, and are dislocated from their culture. In these circumstances, the making of a guardianship order has the potential to sever a child’s connection to their family, community and culture.

Our lawyers continue to encounter matters in which a child’s Aboriginality is questioned and the Department of Communities and Justice seeks to formally de-identify the child. We wholeheartedly welcome the recent announcement of specific targets to reduce the number of Aboriginal children in out-of-home care under the Closing

The Gap initiative, however it is critical we remain vigilant in ensuring reductions are not achieved at the cost of children being de-identified or placed on guardianship orders, where such an order runs contrary to their best interests.

Our family law practice has prioritised matters involving family and domestic violence in an effort to assist those most vulnerable. Our family law practice serves Aboriginal and Torres Strait Islander families across NSW through telephone advice and information, as well as providing early intervention, support and representation in Sydney-based family law courts. The practice continues to provide quality family law

services through our busy telephone advice service. This offers clients an appointment with follow-up written advice, and ongoing mediation and court representation for clients with complex legal needs that traverse both the federal and state jurisdictions.

We identified a significant increase in requests for family law assistance due to domestic and family violence during COVID-19, and accordingly we focused on providing assistance to the Aboriginal women, men and children affected by this issue. We also facilitated assistance in the ADVO proceedings through the Women’s Domestic Violence Court Advocacy Service (WDVCAS).



We continue to be actively involved in the provision of community legal education as well as policy development and law reform.

In March 2020, we presented a paper on the importance of cultural planning for Aboriginal children, that was subsequently published in the “Children’s Law News”, a publication of the Children’s Court of NSW. We recently made submissions to the House Standing Committee on Social Policy and Legal Affairs’ Inquiry into Family, Domestic and Sexual Violence, based on our direct involvement with and representation of Aboriginal and Torres Strait Islander women,

men and children who are victim/-survivors of family, domestic and sexual violence (FDSV).

We lobbied for the development of partnerships with Aboriginal people and Aboriginal community controlled organisations to lead efforts to address and overcome the barriers felt by Aboriginal women and children in accessing the legal system for support in escaping FDSV. We also noted the resounding call from our communities that policy responses to FDSV must address the disproportionate risks faced by Aboriginal women, as well as the

complex systemic and structural oppression which deters them from accessing supports.

The latter half of 2019 saw the release of the Family is Culture report, a comprehensive independent review of Aboriginal children in out-of-home care led by Professor Megan Davis. It reveals ongoing structural and systemic failures in Aboriginal children’s experiences of the child protection system. Our practice is working closely with other relevant community legal and grassroots organisations to lobby for the full implementation of the review’s recommendations by the NSW Government.

We have continued to be involved in a range of working groups and committees positioning the ALS at the forefront of legislative and systems change, as we seek to secure better outcomes for Aboriginal children and their families.

Some of these include: the Guiding Principles Yarning Circle with Grandmothers Against Removals, the NSW Law Society Children’s Legal Issues Committee and Indigenous Issues Committee, the Children’s Court Advisory Committee, the Children’s Court Care and Protection Working Party, the Alternative Dispute Resolution Working Parties, stakeholder meetings for the Aboriginal and Torres Strait Islander families list, and Family Law Pathways Network meetings across the state.

The child protection and family law practice had the benefit of an Aboriginal field officer for the most part of the last year, who provided an invaluable service in assisting clients to overcome barriers to accessing the service systems associated with the child

protection and family law practice areas. Their work creates an opportunity for clients to achieve more positive outcomes.

The jurisdiction in which we work is complex. Staff are dealing with trauma and loss on a daily basis, which is both confronting and exhausting. This team provides a service in an environment of very few resources and at times, little recognition. It is an inspiring and dynamic group of individuals who make up an extraordinary team. It is my privilege to lead this team and I congratulate them on their achievements, both individually and collectively, over the previous 12 months.

Gemma Slack-Smith
Principal Solicitor
Care and Protection/Family Law



> ACT Programs

Our Canberra-based community justice programs Ngurrumbai Bail Support, Front-Up and Driver Licensing progressed well in the reporting period. We have received positive feedback this year from ACT Police, the courts and Legal Aid regarding our ACT programs and their ability to provide positive outcomes for all parties involved.

Understandably, COVID-19 has had an impact on our ability to access courts and clients. To mitigate this, program staff were provided with new laptops and IT support to work remotely. Alongside its many challenges, this period has presented an opportunity to improve our business processes, IT capacity and data collection systems.

COVID has also had a negative impact on the ability to provide community outreach and engagement. Our team considered the potential vulnerabilities of Aboriginal and Torres Strait Islander people and communities to the virus, and reduced face-to-face engagement to only critical initiatives that were required to assist clients in need.

Ngurrumbai Bail Support Program

The Ngurrumbai Bail Support Program has assisted a significant number of clients to receive the assistance they need by way of rehabilitation, medical care, mental health support, housing and other interventions. This has been aided by linkages from clients and their families to other networks, programs and services with which our staff have developed strong relationships. The long-term goal is for people to gain the assistance they need to avoid future interactions with the criminal justice system.

Front-Up

The Front-Up program is provided to support those with outstanding warrants or bail breaches to face the courts. Our support staff

negotiate on behalf of our clients to attend court and resolve these matters without being held in custody. If bail becomes an issue, the Front-Up program works closely with the Ngurrumbai Bail Support Program to create follow-through plans.

Driver Licensing Pilot Project

The Aboriginal and Torres Strait Islander Driver Licensing Pilot Project is a culturally relevant driver instruction, education and support program designed to increase licensing rates and improve road safety. We help Aboriginal and Torres Strait Islander learner drivers, jobseekers and people engaged with the criminal justice system from the ACT and greater region to obtain their license and avoid driving and criminal interactions for unlicensed driving. We do this through tailored, professional driving lessons and community-based support.

Changes to the requirements for ACT learner drivers enacted in 2020 mean that 110 hours of driving are needed to obtain their licence. With 122 offences recorded against Aboriginal and Torres Strait Islander people for unlicensed driving offences during the 2019-20 financial year, the statistics show that the Driver Licensing Pilot Project continues to be relevant and needed in the ACT community.

Trent Shepherd
Acting ACT Programs Manager



> **Greater Sydney Aboriginal Tenants Service (GSATS)**

This service delivers tenancy support to Aboriginal communities across the Sydney metropolitan region as well as the local government areas of Hawkesbury, Wyong, Gosford, Blue Mountains and Wollondilly.

We also support people experiencing homelessness by helping with their housing applications and providing support letters that reflect their needs for housing.

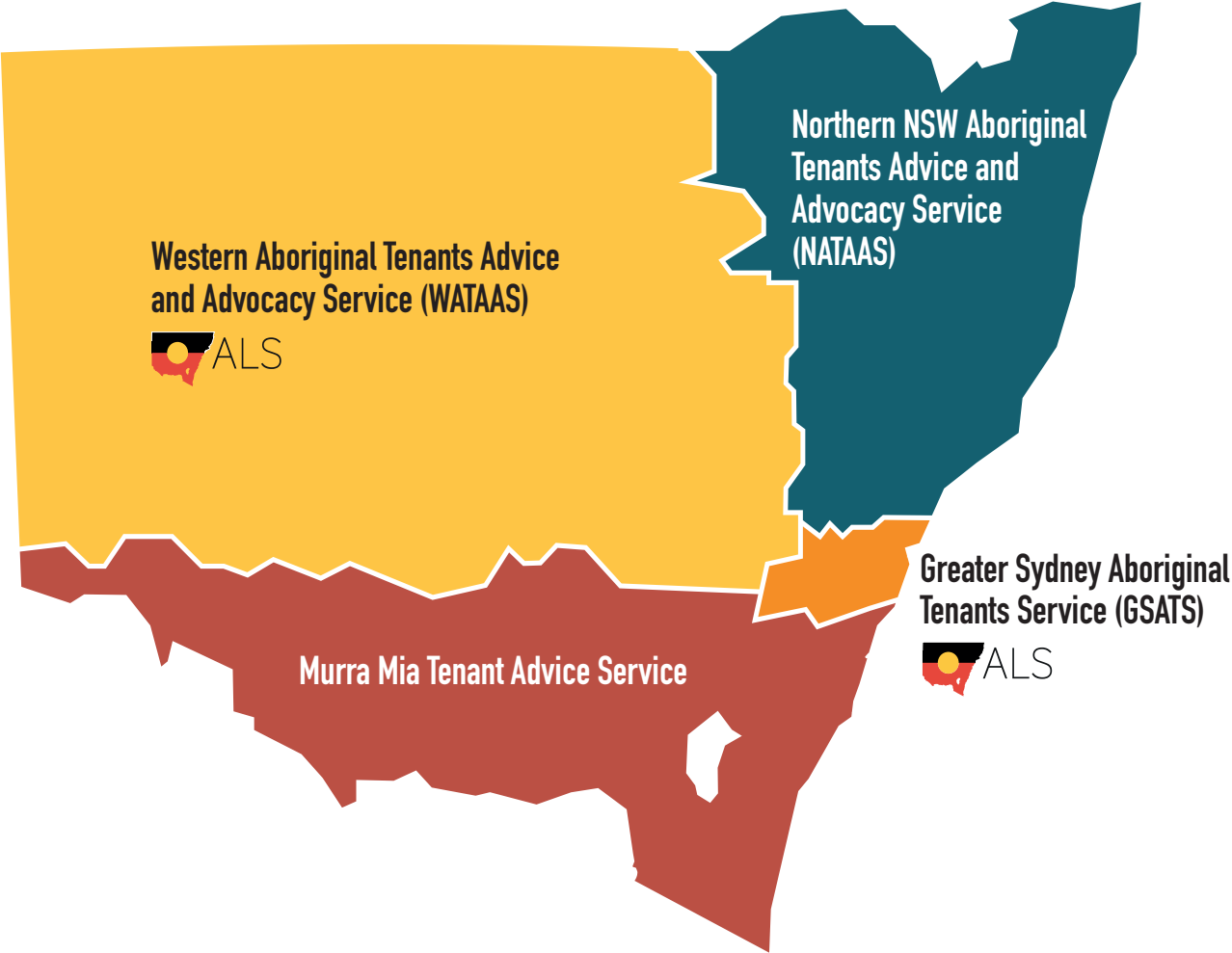
On 23 March 2020, the amended Residential Tenancies Act 2010 and the Residential Tenancies Regulations 2019 were implemented in NSW. Our GSATS staff underwent training and preparation to advise clients on these changes to the law. The changes include updated 'break fees' for new tenancy agreements if a tenant needs to exit a fixed-



term tenancy early, and new requirements regarding repairs to smoke alarms.

However, as the coronavirus became a major issue affecting NSW residents, more changes were made to tenancy law to afford protections to tenants impacted by this health and economic crisis. The COVID-19 pandemic has led to surging unemployment, meaning many tenants face difficulty in meeting rent obligations and costs for other essential needs. Our service has also unfortunately experienced a 'spike' in clients seeking assistance with housing matters as a result of family violence concerns.

The Residential Tenancies Amendment (COVID-19) 2020 introduced a moratorium period to protect tenants who were unable to pay rent during this period from being evicted. We have delivered advice to tenants on this. The eviction moratorium commenced on 15 April 2020 and during the first 60 days of the moratorium, landlords were restricted from giving a notice of termination to tenants or applying to the NSW Civil and Administrative Tribunal (NCAT) for a termination on the basis of rental arrears if the tenant's household suffered a 25% reduction in their weekly after-tax income. However, after the initial 60-day period ended, landlords were permitted to apply to NCAT to terminate tenancies of COVID-impacted tenants under certain circumstances (for example, if formal negotiations for rent reductions had failed).



The protections afforded under these new laws are limited, as they mostly apply only to 'COVID-19 impacted tenants' who are in breach of their tenancies due to rent arrears. Even then, evictions are still possible. However, there have been some other protections introduced, including the extension of notice periods for termination of tenancies on certain other grounds, and a six-month ban on listing tenants on a database if the proposed listing is for rent arrears of tenants financially impacted by COVID-19. The current moratorium period ends on 15 October 2020.

This year we have increased our number of partnerships with other community services, working collaboratively to provide

a holistic support base and help tenants sustain their tenancy. This has reduced the prevalence of evictions and provided Aboriginal tenants with long-term support with issues affecting their tenancy, such as domestic violence, mental ill-health, and ongoing financial difficulty.

We have also partnered with community organisations providing outreach to Aboriginal tenants' homes and in public tenants' forums, enabling us to engage with people individually to discuss their tenancy matters and inform them of their rights.

Susan Gibbs
Manager, GSATS

“

WATAAS is a crucial service across regional NSW where we cover a large portion of the state. Our tenant advocates travel great distances to reach Aboriginal clients.



Above: WATAAS staff and other agencies at a community day in Dubbo

> Western Aboriginal Tenants Advice and Advocacy Service (WATAAS)

WATAAS staff continued to service our community through the difficult ordeal that has impacted us all as a result of COVID-19. I am pleased to say that our team continued to support our clients during this ongoing and challenging period with dedication and passion.

Recently, WATAAS received an additional 12-month funding grant from the NSW Department of Fair Trading to support tenancy services due to the coronavirus outbreak. Thanks to this additional funding, we have created a new position for a Tenant Advocate Support Officer and used this opportunity to encourage professional development within WATAAS by appointing our current Administration Officer to this position for 12 months. This has allowed for another opportunity for a team member to join WATAAS as Administration Officer. This brings our team to a total of six staff members including one manager, three tenant advocates, one tenant advocate support and one administration officer.

Early this year, WATAAS participated in a yearly community event with one of our key stakeholders, Tenant Support Education Program (TSEP), over two days in two locations at Gilgandra and Lake Cargelligo. Both events saw great attendance from local community and services, including entertainment by comedian Kevin Kropinyeri and key speaker, sports legend Anthony Mundine. WATAAS was able to share information to promote our service to community in these regional areas.

WATAAS is a crucial service across regional NSW where we cover a large portion of the state. Our tenant advocates travel great distances to reach Aboriginal clients who are scheduled to appear before the NSW Civil & Administrations Tribunal (NCAT) for

hearings concerning their tenancy matters. In many cases, these tenants are at serious risk of losing their homes. Our tenant advocates provide a quality service to support clients and their families in regional areas and townships where local support services are limited, and where Aboriginal people may be unaware of their rights and responsibilities under the Residential Tenancies Act.

Unfortunately this past year WATAAS has seen an increase in domestic violence cases that have impacted our clients in their tenancies. We are grateful to work alongside many other services and organisations within our communities, where we can refer our clients for ongoing support. Thankfully with new amendments made to the Tenancy Act, tenants are enabled to end their tenancy immediately, without penalty, if they or their dependent child are in circumstances of domestic violence. This is crucial in empowering victim-survivors of domestic violence to escape from the perpetrator.

In the year ahead, the WATAAS team will continue to provide quality services to clients and strengthen relationships with key stakeholders. We will work together to bring about the best outcomes for our clients and empower our peoples.

Sandra McBride
Manager, WATAAS

> Just Reinvest NSW

Justice reinvestment involves the redirection of resources away from prisons to addressing the root causes of offending in communities. Just Reinvest NSW is a coalition of more than 20 organisations focused on addressing the over-representation of Aboriginal and Torres Strait Islander young people in custody through a justice reinvestment approach.

Just Reinvest NSW supports Aboriginal communities to explore and establish justice reinvestment initiatives, and advocates for systemic changes that build safer and stronger communities. We began in 2011 as a strategic initiative of the Aboriginal Legal Service NSW/ACT. Our small team are guided by an executive of both Aboriginal and non-Indigenous people, and supported by a network of champions, youth ambassadors and supporters across the corporate, government and for-purpose sectors.

Just Reinvest NSW collaborated with the Bourke community to support the establishment of Maranguka, the first major justice reinvestment initiative in Australia. We continue to support the important work of the Maranguka team in Bourke. We are also working closely with members of the Aboriginal communities in Mount Druitt

and Moree to explore whether a justice reinvestment approach is right for them. We use what we learn through working with communities to develop targeted strategies for positive policy changes which create strong communities and reduce interactions with the criminal justice system. Our current goal is increased resourcing and support for Aboriginal community-led justice reinvestment, so that communities are empowered to act collectively and make decisions about their priorities and about how services are provided in their communities.

What is justice reinvestment?

Justice reinvestment is not a 'program'. It is an evolving process that involves people in communities coming together to drive collaboration that creates lasting change. At the heart of justice reinvestment is the

idea that a safer society comes from building stronger communities, and that communities are best placed to identify which problems affect them the most and what strategies might address these issues.

Justice reinvestment is a way of working that is led by the community, informed by data and builds strategies to address issues at a local level. The aim is to redirect funding away from prisons and into communities that have high rates of contact with the criminal justice system, through both community-led initiatives and state-wide policy and legislative reform.

Areas of particular focus include improving service coordination and collaboration, and reducing the number of people imprisoned for minor offences. This includes finding impactful 'circuit breakers' that disrupt known pathways to prison, such as providing drivers' licence programs to reduce traffic offences and increase employment opportunities.

Our work in Moree and Mount Druitt

Along with continuing to support Maranguka, Just Reinvest NSW is now working in Moree and Mount Druitt to support local Aboriginal leadership and explore the potential for a justice reinvestment initiative.

Our focus is on bringing the voices, expertise and aspirations of young people to the forefront to direct change. Just Reinvest NSW Youth Ambassadors are playing important roles in our work, particularly in Mount Druitt. Consistent with our place-based and data-driven approach, both Moree and Mount Druitt are engaged and enlivened about the data snapshots we are developing with the communities. These will be used to develop local justice reinvestment community

strategies for change. Community leaders and young people have identified the need for a strong police-community partnership as a critical and urgent priority. What is needed now more than ever is a framework to listen to local leaders, build relationships and strengthen community resilience.

What impact can justice reinvestment make?

In 2013, the small town of Bourke in outback NSW became the first major site in Australia to implement an Aboriginal-led, place-based model of justice reinvestment through a collaboration between Maranguka, the Bourke Tribal Council and Just Reinvest NSW. Since 2017, Maranguka has achieved outcomes in areas such as:

- ▶ Family strength: including a 23% reduction in police-recorded rates of domestic violence
- ▶ Youth development: including a 31% increase in Year 12 retention, and
- ▶ Adult empowerment: including a 42% reduction in days spent in custody.

KPMG assessed that the impact of Maranguka's activities over the same period saved the NSW economy \$3.1 million via the justice system and broader local economy—five times Maranguka's operating costs.

With a focus on sustaining these outcomes, Maranguka is now working towards building a First Nations model of self-governance. The Maranguka Justice Reinvestment initiative was the recipient of the Best Large Grant Award from Philanthropy Australia in 2019.

Sarah Hopkins

Co-Chair, Just Reinvest NSW and Managing Solicitor - Justice Support Programs



Just Reinvest staff at a planning day



> Supporting people through the Disability Royal Commission

The Your Story Disability Legal Support (Your Story) team provides information, advice and support to people across Australia who want to engage with the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability.

The service is coordinated by the National Aboriginal and Torres Strait Islander Legal Services and National Legal Aid. The ALS provides this service for Aboriginal people across NSW and the ACT.

Since April 2020, we have had a mobile lawyer (national) and civil lawyer (NSW/ACT) working in the Your Story team at the ALS. Our small team have been working to provide advice about engaging with the Royal Commission, and assisting clients with submissions and other related civil matters. In this reporting period, our staff spoke with and presented to over 95 organisations about the Your Story service. They have also worked with their Legal Aid counterparts to establish a NSW and ACT network for all

the services funded to provide support to people engaging with the Royal Commission. This includes advocates, support workers, counsellors and peak bodies. The network is working together to improve access to services, create easy referral pathways, and to ensure that the public is receiving trauma-informed and culturally safe support.

We are hopeful that in the next year, COVID-19 permitting, we will be able to recommence in-person community engagement and education, reaching more clients across NSW and ACT.

Nadine Miles
Principal Legal Officer



> Co-operative Legal Service Delivery

The Cooperative Legal Service Delivery (CLSD) Program is a partnership between community organisations and legal service providers, including the ALS. These coalitions work collaboratively to identify and address unmet legal and related needs of vulnerable and disadvantaged people by making better referrals, devising new services and coordinating their efforts for maximum impact. This program is funded by Legal Aid NSW, which supports twelve regional CLSD groups across NSW. The ALS acts as regional coordinator for two of these groups: Central West and Moree.

Central West region

The Central West region covers the communities of Dubbo, Bourke, Brewarrina, Nyngan, Cobar, Walgett, Lightning Ridge, Coonamble, Coonabarabran, Wellington and the surrounding towns.

CLSD partners meet four times a year to decide on priorities and work on the regional justice plan. Our regional priorities are:

- ▶ Advocating for drug and alcohol rehabilitation services in the region
- ▶ Advocating for the establishment of a Youth Koori Court and Drug Court
- ▶ Providing services to help with fines and debt
- ▶ Improving access to legal services for our communities
- ▶ Coordinating legal outreach events

In order to take our advocacy to the next level, this year we built partnership members' skills in communicating our message and cultivating change. Partners participated in a workshop run by the Uniting Advocacy team to develop an advocacy strategy for our proposed drug and alcohol rehabilitation services. The skills learnt at this workshop will be transferred to many other areas we continue to advocate on. This year we held legal outreach events at Walgett, Lightning Ridge, Dubbo and Wellington. Sadly the annual Law Week events held in May at Bourke and Brewarrina were cancelled due to COVID-19. We look forward to resuming these events in 2021, with other locations thrown into the mix.

An ongoing challenge for our region is the high number of young people going to court. Effective and meaningful diversion for young people is required and remains a focus for this partnership. Domestic violence



related issues have also been identified as an emerging need. We have seen an increase in the number of no-contact orders being taken out by police, which significantly impacts parents' negotiations over contact with children and can be contrary to the wishes of the mother, who often wants the father to retain contact with the kids. The lack of services for male victims of domestic violence has additionally been identified as a gap in service provision.

In the year ahead, the partnership will monitor these issues. Exciting upcoming initiatives in our region include the creation of a new online domestic violence service directory for Dubbo. The success of the work being carried out in the Central West region is due to the commitment of partners who continue to show up and juggle competing demands in order to make things better for the people in our region.

Sharon Tomas
Central West Regional Coordinator
CLSD Program

Moree Region

I initially held the position of Regional Coordinator back in 2014 and recommenced the role again in May 2020. Many thanks to Shane Smith and Noeline Carr who held this position previously.

The Moree CLSD Program partnership meets four times per year. In 2019-20, we considered a wide range of emerging issues and collaborated to support our community through the additional challenges of COVID-19.

Fine debt continues to be a huge issue in this region, particularly among young people, who collectively have more than \$8,000 in fine debt within Moree alone. We advocate on our clients' behalf to reduce or eliminate this debt wherever possible, alongside providing community legal education about the available paths to manage debt. We worked with State Revenue to hold ongoing 'fines days', which bring community members face-to-face with revenue officers who are often able to assist by writing off old debts and renegotiating payment plans. We also support people to complete Work Development Orders in order to cancel their debt, and seek sponsors in communities of Moree, Mungindi and Boggabilla who can offer work placements for our clients to complete their hours.

Young people in Moree and surrounding areas have also been affected by onerous bail conditions, where we have increasingly seen bail refused or conditions attached which have nothing to do with the charges laid. We continue to advocate for those who are disadvantaged by this discrimination and to liaise with police and courts on this issue. The ALS has been collaborating with Just Reinvest NSW (a coalition of more than 20 organisations of which the ALS is a member – see pages 36-37) on a pilot Bail Project for Moree and Mount Druitt, which will continue to focus on keeping our people out of prison through bail arrangements.

Other key issues on our radar include ensuring people have legal representation for Apprehended Violence Orders (AVOs), securing birth certificates for newborns and children, reducing school suspensions, arranging transport to drug and alcohol rehabilitation services, providing services for victim-survivors and perpetrators alike, and supporting people through tenancy problems. The latter has included work with the police to build proper pathways for their involvement in tenancy negotiations, and to reduce landlord reliance on police to execute home evictions.

In the unique circumstances of 2020, we have also helped our community to navigate the changing coronavirus income supplements, and to access cross-border travel permits where needed.

As we move into the 2020-21 financial year, we aim to further promote the CLSD program to community and provide more community legal education so that people are aware of their rights and available services. We will continue to hold clinics in conjunction with the pro-bono partnership with law firm Gilbert + Tobin, who have generously helped our agencies to offer legal support in civil matters of wills, guardianships and power of attorney. We are also looking forward to the continuation of the fines days, which have achieved important outcomes so far. As Regional Coordinator for Moree CLSD I would like to take this opportunity to thank all partners involved in the program.

Yaluu,

Judy Duncan
Moree Regional Coordinator
CLSD Program

> Policy, advocacy and law reform

Throughout 2019-20, the ALS has been working to better coordinate and streamline our policy and advocacy work, in order to ensure that we are maximising our impact on law reform and amplifying the critical work of our teams on the ground through NSW and the ACT.

Some particular areas of focus have included:

- ▶ Ongoing advocacy to *#RaiseTheAge* of legal responsibility to at least 14 years
- ▶ Implementation of key recommendations from the 'Family is Culture' report
- ▶ Advocacy focused on ending the targeted policing of Aboriginal and Torres Strait Islander communities - including the impact of COVID-19 measures, strip-searches, bail compliance checks, and the Suspect Target Management Plan (STMP)
- ▶ Advocacy focused on ending the over-imprisonment of Aboriginal communities (including increased access to early intervention, diversion and bail)
- ▶ Support for the Black Lives Matter movement and the right to protest.

The ALS continues to work in partnership with broader alliances and advocacy coalitions to coordinate and increase the impact of our law reform, policy and advocacy efforts. This includes working with our national peak body the National Aboriginal and Torres Strait Islander Legal Services (NATSILS) and the NSW Coalition of Aboriginal Peak Organisations (CAPO), the NSW Legal Assistance Forum (NLAFF) and issue specific groups - such as the Raise the Age campaign working group.

As part of our broader policy and advocacy strategy, we also undertake regular engagement with government stakeholders and provide a range of formal policy submissions and feedback to government and parliamentary inquiries.

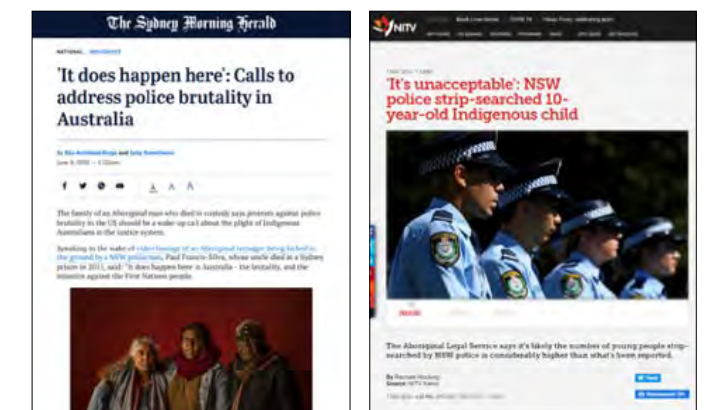


With the launch of a new website in November 2019, the ALS has become equipped with a strong digital infrastructure to build our public brand and support our advocacy and fundraising campaigns. In the past six months we have run a number of targeted campaign petitions and fundraising campaigns using these tools. This included a petition run by our staff member Makayla Reynolds focused on the impact of the COVID-19 pandemic on people in prisons: www.alsnswact.org.au/free_our_people.

In addition, over the past 12 months the ALS has also been focusing on developing a more targeted media and communications strategy - to help amplify our advocacy work, build our supporter base, and connect with and provide important resources and information to our communities. We are in the process of setting up a new media

monitoring service, which will enable us to better track the impact and reach of our media and communications work in the future. Combined with our new website, this will equip the ALS with a strong digital infrastructure to build our public brand and increase community engagement.

Shannon Longhurst
Policy and Communications Manager



Submissions

Some key submissions from the past 12 months include:

- ▶ Statutory review of the Inspector of Custodial Services Act 2012 (NSW) *January 2020*
- ▶ Statutory review of the Graffiti Control Act 2008 *January 2020*
- ▶ House of Representatives Inquiry on Education in Remote & Complex Environments *January 2020*

- ▶ Public Consultation into the Age of Criminal Responsibility *February 2020*
- ▶ NSW Inquiry Support for Children of Imprisoned Parents in NSW *February 2020*
- ▶ NSW Inquiry into the Protocol for Homeless People in Public Spaces *February 2020*
- ▶ NSW Young Offenders' Act Review Consultation *April 2020*

> A message from the People, Employment and Workplace Manager

The last quarter of the 2019-20 financial year was extremely busy for our team as they focused on building remote work strategies for the crisis response to COVID-19. During this period and beyond, we have been proactive in developing safe practices to allow our employees flexible work conditions as a result of the pandemic.

Working from home and utilising new technologies were unfamiliar practices to many organisations including the ALS. However, the Human Resources (HR) team has worked tirelessly with Information & Technology team members and management across the organisation to ensure our employees were provided with up-to-date technology and support to perform their duties in a safe work environment.

We also focused on supporting our staff wellbeing through this difficult time using technology to stay in touch as well as our Employee Assistance Program.



We continue to work in partnership with managers across the organisation to create an environment where our people can thrive and are enabled to deliver sustainable performance for our communities.

The ALS continues to make significant progress towards achieving several of our HR priorities, including:

- ▶ Revising position descriptions
- ▶ Revising employment application packages
- ▶ Training, mentoring and development
- ▶ Work health and safety

Supporting employees through robust technology

We continue to utilise our Human Resources Information Management System (HRIMS), a valuable tool enabling tight control of human resource functions and continual upskilling of staff and management.

There is a strong commitment across the organisation to retain our workforce and continuously improve conditions in the workplace. During the reporting period, we engaged a consultant to conduct an organisation-wide staff engagement survey, gauging the areas where we are performing well for our employees as well as opportunities for improvement. Participation was strong and the results from this anonymous survey will allow us to plan better workplace environments into the future.

We have been working with our HRIMS programmers to develop Training and Development and Performance Review modules within this system. These modules will assist us in identifying areas for training and development to meet our funding requirements, identify gaps and enhance our ability to deliver services to our employees and to the community. We have commenced training for managers on our online performance review and appraisal systems, working towards fully implementing these digital processes early in the next financial year.

The ALS intranet continues to improve internal communication across all offices throughout NSW and the ACT. The intranet is a great source for ALS policies, news, HR/Finance documentation and company updates.

Over the next 12 months we will be working towards an online onboarding process for all new employees, ensuring everyone is equipped to use our online systems from the beginning of their journey with the ALS.

Navigating COVID-19

The COVID-19 situation placed extra demands on HR. Early on we drafted a 'COVID Response Plan' and 'Working From Home Checklist and Guidelines' documents to ensure the safety of our employees. Later, we developed a 'Return to Work Checklist' and 'Return to Work Safety Guideline' to assist managers to set up a safe work environment. A COVID Workplace Committee was also established. It is made up of representatives from each region of the ALS who come together to identify and address any pandemic-related issues and questions as they arise.

In March 2020, the majority of employees working in offices in metropolitan areas commenced working from home a new and necessary initiative for the ALS during the pandemic.

We have focused on employees' health and safety, identifying vulnerable staff and supplying teams with the necessary tools to cope during this worrying period. Like many other organisations, the ALS scrambled to secure hand sanitiser and COVID-specific cleaning products.

HR have utilised our Employee Assistance Program service throughout this period as a wellbeing tool for our employees and management. This program allows employees to anonymously access counselling services, addressing such issues as working from home, loneliness, isolation and life pressures. The wellbeing of our employees has been paramount during 2020 and throughout the pandemic.

Recruitment

Although recruitment of new staff stalled during the period from March to June 2020 due to COVID-19, we have managed to recruit 48 positions throughout NSW and the ACT.

Recruitment processes were undertaken for a variety of roles including:

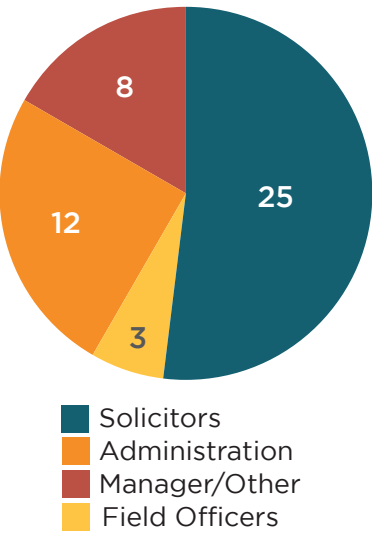
- ▶ Managers
- ▶ Solicitors (various grades)
- ▶ Field Officers
- ▶ Administration Officers
- ▶ Paralegals
- ▶ Client Service Officers (ACT Community Justice Programs)

- ▶ Tenant Advocates/Managers (GSATS/WATAAS)
- ▶ Community Engagement Officer (Just Reinvest)
- ▶ Operations Director (Just Reinvest)

An important part of the ALS strategic workforce planning involves recruiting and retaining staff at all levels, with a focus on meeting the challenges of delivering future business outcomes.

The following chart provides details on recruitment throughout the reporting period:

Recruitment 1 July 2019 - 30 June 2020



Equity and diversity

We currently employ a total of **217** employees and their breakdown is as follows:

ALS Staff Breakdown	
Female	67%
Male	33%
Aboriginal	45%
Non-Aboriginal	55%

Our previous year’s Workplace Gender Equity Report was well received, with ALS (NSW/ACT) being invited to apply for the prestigious and highly sought-after 2019-20 WGEA Employer of Choice for Gender Equality (EOCGE) citation.

The EOCGE citation recognises organisations leading the way in achieving improved gender equality outcomes in Australian workplaces. We hope that this year’s report meets similar success.

Work health and safety

The ALS Work Health and Safety Committee completed office inspection checklists for all offices in NSW and the ACT, with any concerns actioned.

Working from home checklists were required to be completed by employees during the COVID-19 period, and we worked with staff members to address any WHS issues in their home office.

We are currently working on a Training and Development Plan which includes management training, as well as training in work health and safety. Our aim is to support all employees to identify, assess, review and manage risks in a timely manner.

The Employee Assistance Program (EAP) continues to provide support to employees and their families. We have negotiated a new contract with LifeWorks for the next financial year’s EAP service.

Vikki McDonald
 People Employment and Workplace Manager



> Financials

STATEMENT OF FINANCIAL PERFORMANCE FOR THE YEAR ENDED 30 JUNE 2020	2020 \$	2019 \$
OPERATING ACTIVITIES		
INCOME		
Revenue from operations	25,426,442	23,691,844
Interest received	219,217	227,281
Profit on asset disposal	12,826	22,933
Donations and charitable funding	793,238	735,810
	26,451,723	24,677,868
EXPENSES		
Staffing and on-costs	17,891,722	16,145,386
Employee entitlement provisions	422,512	401,523
Depreciation and loss on asset disposal	70,886	104,652
Professional and travelling expenses	2,704,328	2,887,970
Other overheads	4,834,420	4,596,825
	25,923,868	24,136,356
SURPLUS/(-DEFICIT)	\$527,855	\$541,512
Grant funding income for capital purchases	0	0
NET SURPLUS including capital funding	\$527,855	\$541,512
Opening accumulated surplus/(-deficit)	2,800,568	2,259,056
ACCUMULATED SURPLUS/(-DEFICIT)	\$3,328,423	\$2,800,568

STATEMENT OF FINANCIAL POSITION AS AT 30 JUNE 2020	2020 \$	2019 \$
CURRENT ASSETS		
Cash	13,297,188	11,121,819
Receivables	153,804	558,957
Other current assets	444,140	446,663
	13,895,133	12,127,439
NON-CURRENT ASSETS		
Property, plant and equipment	1,765,382	1,776,923
TOTAL ASSETS	15,660,514	13,904,362
CURRENT LIABILITIES		
Creditors and borrowings	1,413,342	1,081,555
Payroll liabilities	162,967	115,211
Provisions	2,650,236	2,340,146
Other liabilities	3,913,611	3,487,369
	8,140,156	7,024,281
NON-CURRENT LIABILITIES		
Provisions	1,378,435	1,266,013
Other liabilities	0	0
	1,378,435	1,266,013
TOTAL LIABILITIES	9,518,591	8,290,294
NET ASSETS	\$6,141,923	\$5,614,068
MEMBER FUNDS		
Initial contribution for members	1,280,271	1,280,271
Assets reserve	1,533,228	1,533,228
Accumulated surplus/(-deficit)	3,328,424	2,800,569
NET MEMBER FUNDS	\$6,141,923	\$5,614,068

> Financials cont.

STATEMENT OF CASH FLOWS FOR THE YEAR ENDED 30 JUNE 2020	2020 \$	2019 \$
CASH FLOWS FROM OPERATING ACTIVITIES		
Receipts from operations	27,283,117	23,632,957
Payments to employees	-17,544,900	-15,868,153
Payments to suppliers	-7,516,330	-7,549,224
	<u>2,221,887</u>	<u>215,580</u>
CASH FLOWS FROM INVESTING ACTIVITIES		
Net proceeds from disposal of assets	12,826	22,933
Purchase of assets	-59,345	-23,230
	<u>-46,519</u>	<u>-297</u>
CASH SURPLUS/(DEFICIT)	<u>2,175,368</u>	<u>215,283</u>
Cash at the beginning of the year	11,121,819	10,906,536
Cash at the end of the year	\$13,297,187	\$11,121,819

RECONCILIATION OF CASH FLOWS FROM OPERATING ACTIVITIES	2020 \$	2019 \$
Net Surplus/(-deficit)	527,855	541,512
Add back:		
Depreciation	70,886	104,652
Provisions	422,512	401,523
Profit/loss on disposal of assets	<u>-12,826</u>	<u>-22,933</u>
	<u>1,008,427</u>	<u>1,024,754</u>
Change in working capital		
Decrease in receivables	405,153	-437,997
Increase in other current assets	2,523	63,742
Increase in creditors, accruals and payroll	379,543	59,963
Decrease in other current liabilities	426,241	-494,882
Cash from operating activities	\$2,221,887	\$215,580



> ALS offices

Our offices are open Monday to Friday, 9am-5pm.

Office	Address	Phone / Fax
Head Office (Haymarket)	<ul style="list-style-type: none"> PO Box 646 Surry Hills NSW 2010 Level 5, Suite 460 311-315 Castlereagh St Sydney NSW 2000 	Phone 02 9213 4100 Fax 02 9213 4101
Armidale	<ul style="list-style-type: none"> PO Box 708 Armidale NSW 2350 128A Dangar St Armidale NSW 2350 	Phone 02 6771 6000 Fax 02 6771 6001
Bathurst	<ul style="list-style-type: none"> PO Box 29 Bathurst NSW 2795 282 Howick St Bathurst NSW 2795 	Phone 02 6330 7900 Fax 02 6330 7901
Bourke	<ul style="list-style-type: none"> PO Box 285 Bourke NSW 2840 18 Richard St Bourke NSW 2840 	Phone 02 6870 8100 Fax 02 6870 8101
Broken Hill	<ul style="list-style-type: none"> PO Box 494 Broken Hill NSW 2880 35 Sulphide St Broken Hill NSW 2880 	Phone 02 8084 2300 Fax 02 8084 2301
Canberra	<ul style="list-style-type: none"> PO Box 434 Canberra ACT 2601 Level 7, CML Building 17-21 University Ave Canberra City ACT 2601 	Phone 02 6120 8800
Coffs Harbour	<ul style="list-style-type: none"> PO Box 2445 Coffs Harbour NSW 2450 203 Rose Ave Coffs Harbour NSW 2450 	Phone 02 6640 1400 Fax 02 6640 1410
Dubbo	<ul style="list-style-type: none"> PO Box 446 Dubbo NSW 2830 23-25 Carrington Ave Dubbo NSW 2830 	Phone 02 6841 6966 Fax 02 6841 6901

Office	Address	Phone / Fax
Griffith	<ul style="list-style-type: none"> PO Box 1374 Griffith NSW 2680 112 Yambil St Griffith NSW 2680 	Phone 02 6969 6800 Fax 02 6969 6801
Kempsey	<ul style="list-style-type: none"> PO Box 40 Kempsey NSW 2440 41 Belgrave St Kempsey NSW 2440 	Phone 02 6561 3200 Fax 02 6561 3201
Lismore	<ul style="list-style-type: none"> PO Box 671 Lismore NSW 2480 Suite 3, Level 4 29 Molesworth St Lismore NSW 2480 	Phone 02 6623 4400 Fax 02 6623 4401
Moree	<ul style="list-style-type: none"> PO Box 316 Moree NSW 2400 47 Auburn St Moree NSW 2400 	Phone 02 6757 8300 Fax 02 6752 8301
Moruya	<ul style="list-style-type: none"> PO Box 604 Moruya NSW 2537 8 Mirrabooka Ave Moruya NSW 2537 	Phone 02 4474 8600 Fax 02 4474 8601
Newcastle	<ul style="list-style-type: none"> PO Box 222 Newcastle NSW 2300 Level 4, 456-460 Hunter St Newcastle NSW 2300 	Phone 02 4914 6500 Fax 02 4926 6501 & 02 4926 6551
Nowra	<ul style="list-style-type: none"> PO Box 998 Nowra NSW 2541 89 Plunkett St Nowra NSW 2541 	Phone 02 4424 8900 Fax 02 4424 8901
Parramatta (Criminal Practice)	<ul style="list-style-type: none"> PO Box W37 Westfield Parramatta, NSW 2150 Level 8, 33 Argyle St Parramatta 2150 	Phone 02 8836 3400 Fax 02 8836 3499

> **ALS Offices Cont.**

Office	Address	Phone / Fax
Parramatta (Care and Protection/Family Law Practice)	<ul style="list-style-type: none">PO Box W37 Westfield Parramatta, NSW 2150Level 8, 33 Argyle St Parramatta 2150	Phone 02 8836 3444 Fax 02 8836 3449
Redfern	<ul style="list-style-type: none">PO Box 2257 Strawberry Hills, NSW 2012199 Regent St Redfern NSW 2016	Phone 02 8303 6600 Fax 02 8303 6601
Tamworth	<ul style="list-style-type: none">PO Box 1323 Tamworth NSW 234078-80 Brisbane St Tamworth NSW 2340	Phone 02 6763 9700 Fax 02 6763 9701
Wagga Wagga	<ul style="list-style-type: none">PO Box 5036 Wagga Wagga NSW 265019 Trail St Wagga Wagga NSW 2650	Phone 02 6932 7200 Fax 02 6932 7201
Walgett	<ul style="list-style-type: none">PO Box 311 Walgett NSW 283231 Fox St Walgett NSW 2832	Phone 02 6817 9200 Fax 02 6817 9201
Wollongong	<ul style="list-style-type: none">PO Box 191 Wollongong NSW 250063A Market St Wollongong NSW 2500	Phone 02 4276 7100 Fax 02 4225 7101

> **Auspiced and Partnered Services**

Office	Address	Phone / Fax
Greater Sydney Aboriginal Tenants Service (GSATS)	<ul style="list-style-type: none">PO Box 140 St Marys NSW 2760178 Queen St St Marys NSW 2760	Phone 02 9833 3314 Fax 02 9833 8754
Western Aboriginal Tenants Advice and Advocacy Service (WATAAS)	<ul style="list-style-type: none">PO Box 2025 Dubbo NSW 2830201 Brisbane St Dubbo NSW 2830	Phone 02 6881 5700 Fax 02 6881 5701
Maranguka Community Hub / Just Reinvest	<ul style="list-style-type: none">PO Box 24 Bourke NSW 284041B Mitchell St Bourke NSW 2840	Phone 02 5834 7900
Your Story Disability Legal Support	<ul style="list-style-type: none">PO Box K847 Haymarket NSW 1238 www.yourstorydisabilitylegal.org.au	Phone 1800 77 1800

Get in touch

-  Head office reception (02) 9213 4100
- LEGAL HELP** for police charges and court matters 1800 765 767
- LEGAL HELP** for children’s care, protection and family matters 1800 733 233
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