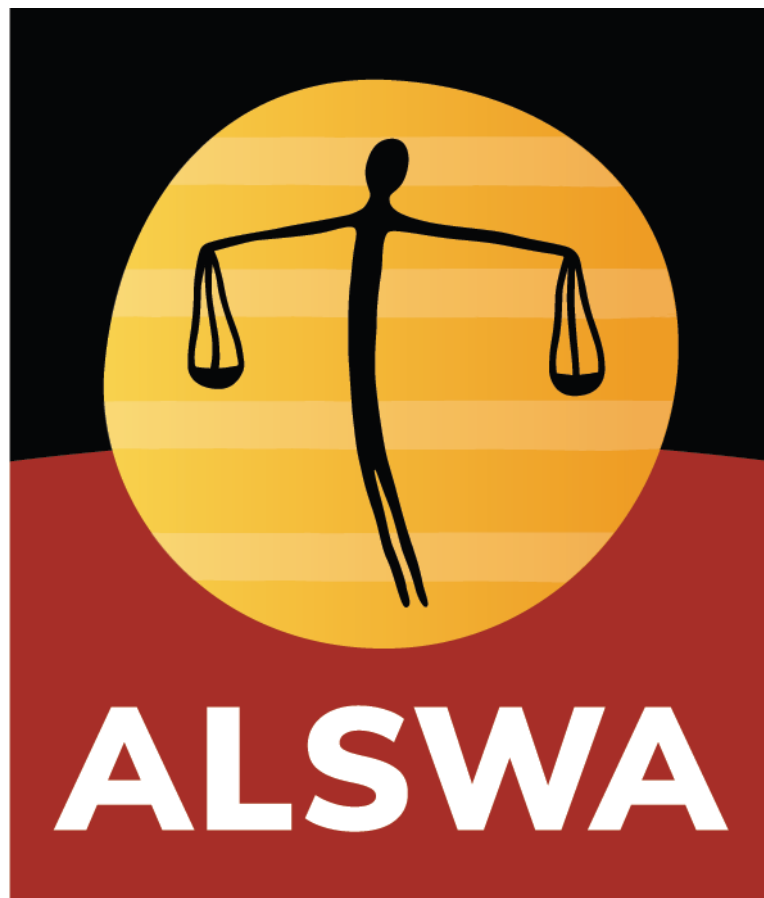


NOVEMBER 1, 2023



ALSWA
SUBMISSION – NLAP REVIEW

PREPARED BY ALSWA

PURPOSE OF THIS DOCUMENT

The Aboriginal Legal Service of WA (ALSWA) will provide input into the NLAP review and demonstrate through the provision of DATA and case study examples the need for increased funding for the ALSWA and the broader Aboriginal Legal Services sector within Australia.

Our contribution to the review will document and demonstrate that increased funding lends itself to increased outcomes and returns for community. Our contribution to the review will also:

- Benchmark against the normal (mainstream) caseload of a Lawyer versus ALSWA, workload and lawyer to secretary ratios, and administration.
- The positive outcomes that wrap-around services can have to reduce the impact on frontline legal services.

On a broader level the review will evaluate the extent to which the objective, outcomes, and outputs of the NLAP have been achieved and, the NLAP is efficient, effective, and appropriate in achieving its policy intent.

It will have a particular focus on:

- Holistic assessment of legal needs and all Commonwealth legal assistance funding.
- Evaluation of the effectiveness and challenges of service delivery model/s.
- Evaluation of data collection, systems, performance monitoring and reporting.

DEVELOPMENT OF THE ALSWA SUBMISSION

ALSWA engaged the services of an Aboriginal Engagement Consultant to conduct:

- An internal review focussing on Strengths, Weaknesses, Opportunities and Threats (SWOT).
- Develop the submission.
- Explore case studies that support future endeavours.

Further the document supports and aligns to the **National Agreement on Closing the Gap** such as (but not limited to):

1. Focus service delivery on people facing disadvantage.
2. Client centred and appropriate services.
3. Collaboration and integrated approaches.
4. Appropriately timed responses and preventative action.
5. Empowerment and resilience.
6. Continuous learning and improvement.

METHODOLOGY

Each division will need to provide specific information that points directly to the gaps existing in our current funding by way of Data and Case study examples.

- Wages – parity within the industry
- Regional cost of living pressure (accommodation, living expenses etc)
- Health and wellbeing of staff (HR safe working environment)
- Proper service delivery

It should be noted that an increase in funding will not only satisfy the current resource pressures but will also need to demonstrate improved service delivery outcomes.

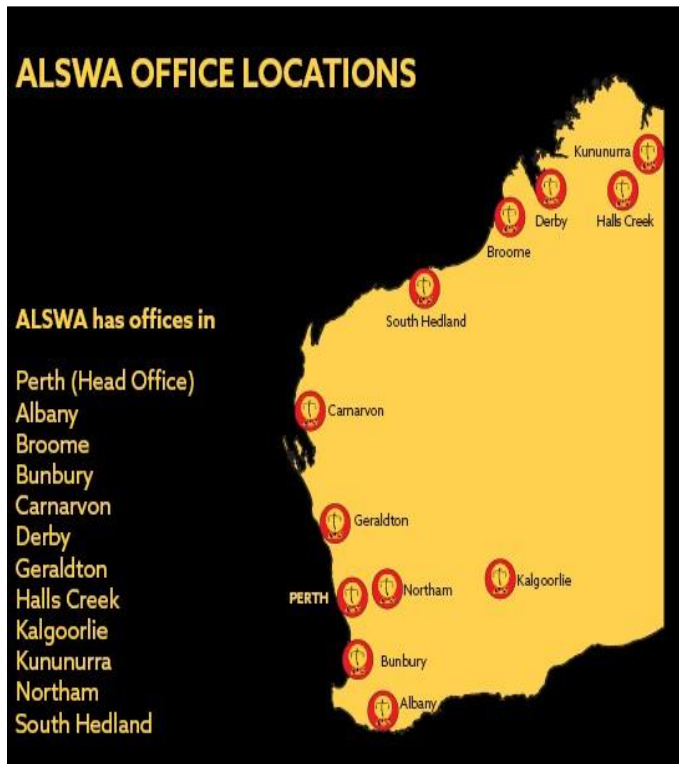
ABOUT ALSWA

The Aboriginal Legal Service of WA Limited (ALSWA) is a not-for-profit organisation that provides legal representation and support services for Aboriginal and Torres Strait Islander Peoples in Western Australia.

ALSWA plays a vital role within WA's justice system, working in collaboration and partnership with communities, key government and non-government partners to rectify legal policies and practices that impact adversely and disproportionately on the legal and human rights of WA's First Peoples.

LOCATIONS

The ALSWA is in WA.



GOVERNANCE

ALSWA is governed by a Board of Directors who are all Aboriginal. The cultural values of Care, Share and Respect form the foundation of ALSWA and underpin ALSWA's commitment to clients, families, and communities.

ALSWA's Executive Management Team is responsible for the day-to-day management of the organisation, its staff and twelve regional offices. Embracing a human rights-based approach, ALSWA's professional and culturally appropriate service delivery model ensures that Aboriginal and Torres Strait Islander peoples feel comfortable accessing the service, which has been recently nominated for a National Human Rights Award.

ALSWA is a public company limited by guarantee registered with the Australian Securities and Investment Commission. ALSWA is also a public benevolent

institution registered with the Australian Charities and Not-for-profits Commission. ALSWA remains indebted to the tireless work of the Justice Committee of the New Era Aboriginal Fellowship Inc during this time.

LEGAL SUPPORT AND REPRESENTATION

CIVIL LAW AND HUMAN RIGHTS LAW UNIT

The Civil Law and Human Rights Law Unit empowers the Aboriginal and Torres Strait Islander community by providing culturally secure legal advice and representation in:

- Coronial investigations and inquests.
- Racial discrimination (including complaints in relation to overt differential treatment based on race and the use of racial slurs).
- Police accountability (including complaints and/or civil action including personal injuries claims).
- Prisoners' rights (including complaints and/or civil action in relation to serious incidents of poor treatment and discrimination).
- Young people in the justice system.
- Government accountability (including complaints and/or civil action against the Public Transport Authority and other government agencies in relation to serious incidents of poor treatment and discrimination).
- False imprisonment (including claims for unlawful detention by police and prisons).
- The Civil Law and Human Rights Law Unit is Perth based, that provides a statewide service which includes outreach trips to regional areas on a regular basis.
- Clients with special or complex needs are given priority, especially whose situations prevent them from representing themselves and where unfairness or injustice to them would result in the event we did not assist.
- The Civil Law and Human Rights Law Unit also undertakes national and international human rights policy work and law reform.

CRIMINAL LAW – PERTH CRIMINAL LAW UNIT AND ALSWA

REGIONAL OFFICES

Lawyers and court officers in ALSWA's Perth Criminal Law Unit and in ALSWA's regional offices provide a comprehensive range of criminal law services to clients in the Magistrates Court, Children's Court, District Court, and Supreme Court.

Advice and representation are provided for every type of court matter, including remands, bail applications, sentencing hearings, pleas of not guilty, jury trials and appeals.

ALSWA lawyers and court officers also visit clients in metropolitan and regional prisons as well as Banksia Hill Detention Centre. ALSWA strives to provide a culturally secure legal service and where needed will inform courts of cultural matters and obligations, language and communication issues and customary law.

*ALSWA Court Officers are Aboriginal people who advise and act for Aboriginal and Torres Strait Islander Peoples in WA Courts under a certificate granted under section 48 of the Aboriginal Affairs Planning Authority Act 1972 (WA).

FAMILY LAW AND CHILD PROTECTION

ALSWA assists parents or family members in child protection matters. This could be when the Department of Communities is trying to remove a child or have already removed a child from a family. ALSWA can represent parents or family in the Children's Court when the Department of Communities asks the Court to make a protection order for a child or can assist at pre-birth meetings if the Department of Communities is thinking about how to protect the baby.

Assistance may also be provided in Family Court child parenting matters if capacity allows. ALSWA helps family members come to an agreement that is best for the child/children without going to the Family Court (where possible) and can provide referrals to mediation services.

LEGAL SERVICES PROVIDED BY ALSWA

Criminal Law - ALSWA provides services at the following courts:

- Magistrates and Children's Courts

East Kimberley:

- Kununurra
- Wyndham
- Halls Creek
- Balgo
- Warmun
- Kalumburu

West Kimberley:

- Broome
- Derby
- Fitzroy Crossing
- Bidyadanga
- Djaridjin
- Looma

Pilbara:

- South Hedland

- Karratha
- Newman
- Nullagine
- Marble Bar
- Jigalong

Goldfields:

- Kalgoorlie
- Leonora
- Laverton
- Warburton
- Warakurna
- Irrunytji
- Esperance

Murchison Gascoyne:

- Carnarvon
- Meekatharra
- Cue
- Mount Magnet
- Wiluna

Mid-West:

- Geraldton
- Mullewa

Wheatbelt:

- Northam
- Merredin
- Moora
- Southwest

Bunbury:

- Collie
- Harvey
- Narrogin

Great Southern:

- Albany
- Katanning
- Perth and metro
- Perth
- Armadale
- Stirling Gardens

District Court and Supreme Court:

- Perth

- Kununurra

- Broome

- South Hedland

- Karratha

- Carnarvon

- Geraldton

- Kalgoorlie

- Bunbury

- Albany

CRIMINAL LAW SERVICES PROVIDED BY ALSWA

ALSWA appears in all criminal law matters, including:

- Duty lawyer services.
- Sentencing hearings - pleas of guilty.
- Bail applications.
- Adjournments and remands.
- Contested hearings where the client pleads not guilty. ALSWA acts in all contested hearings in the above courts regardless of the likely sentence in the event of a finding of guilt, i.e., ALSWA will act where a client is charged disorderly conduct or stealing property less than \$1000 in value, even though a sentence of imprisonment cannot be imposed under the law and where the usual penalty is a

fine. This is in stark contrast to Legal Aid WA which applies a strict eligibility test to grants of aid for summary matters which means that it does not act for the vast majority of its clients who wish to plead not guilty and contest charges, i.e., this category of clients will self-represent if they cannot pay for a lawyer in private practice.

- District and Supreme Court sentencing hearings, bail applications and jury trials in all matters including serious assaults, sexual offences, robberies, and murder etc.
- Supreme Court and Court of Appeal appeals against conviction and/or sentence.

ALSWA lawyers appear as counsel in all of the above types of matters, ie in most matters ALSWA will actually appear as counsel and not brief a barrister. ALSWA is likely the only ATSIL in Australia where ALSWA lawyers will appear as counsel in, for example, a murder trial.

CARE AND PROTECTION

ALSWA provides care and protection services at Perth Children's Court and the courts listed under the heading Criminal Law, Magistrates and Children's Courts, subject to capacity.

CIVIL AND HUMAN RIGHTS LAW

ALSWA provides services in the following areas:

- Coronial investigations and inquests
- Racial discrimination
- Police complaints
- Civil litigation for negligence and personal injury (battery, assault and false imprisonment) (mainly against WAPOL, DoJ, PTA)
- Prisoners' rights – complaints, conditions etc
- Young people in the justice system - complaints, conditions
- Public Transport Authority complaints
- Guardianship and Administration
- Advocacy re the Public Trustee and Public Advocate

ALSWA lawyers appear as counsel in coronial inquests, including inquests into death in custody, in discrimination matters in the Australian Human Rights Commission and the Federal Court and in guardianship and administration matters in the State Administrative Tribunal.

RECRUITMENT, RETENTION AND WORKLOADS

In the face of seemingly ever-increasing police and prosecution resources, the workloads for ALSWA lawyers and court officers continue a relentless upward trajectory.

By way of a snapshot, in 2015 – 2016, the South Hedland ALSWA office had a caseload of 1148. By 2022 – 2023, the caseload had increased to 2,256. In 2015 – 2016, the Geraldton ALSWA office had a caseload of 1575, but by 2022 – 2022 it had increased to 2500. In 2015 – 2016, the Perth office had a case load of 9254. In 2022 – 2023, the caseload stood at 17,704.

In the face of these increasing workloads, ALSWA has experienced significant difficulty in relation to the recruitment of legal staff, especially in regional areas. In 2022 and 2023, ALSWA offices in Broome, South Hedland, Carnarvon, Geraldton, and Kalgoorlie have been the hardest hit.

The South Hedland and Kalgoorlie offices require at least four lawyers, but for lengthy periods over the last 12 months have had to get by with two lawyers only. The Geraldton office has been without a managing lawyer for most of the year. The Carnarvon office is usually staffed by two lawyers but at the time of writing this report it had none. Short staffed regional offices have been assisted by Perth based ALSWA Criminal Law Unit lawyers attending these offices on a rotational basis. Lawyers 'relieving' in regional offices often do so at short notice, which is often very disruptive to their personal and professional lives in Perth.

While ALS' interstate have closed offices, ceased services to multiple courts and frozen the intake of new clients in an attempt to deal with untenable workloads,

ALSWA has endeavoured to maintain existing service delivery in all areas of law and across all regions.

This, however, comes at considerable cost. To maintain service delivery, especially in the face of inadequate funding, staff salaries have historically been very low.

This is grossly unfair especially where ALSWA shoulders the lion's share of court commitments across the State.

Low salaries also impact ALSWA's ability to attract and retain staff in regional and remote areas where cost of living expenses have skyrocketed in recent times, along with a lack of affordable housing. Further, low salaries make ALSWA a far less attractive employer than other legal assistance sector providers. For example, ALSWA's remuneration package for restricted lawyers working in its South Hedland office is nearly \$42,000 less than that which is paid to their counterparts at Legal Aid WA.

CHALLENGES AND PRESSURES FACED BY ALSWA OFFICES IN REGIONAL AREAS

WEST KIMBERLEY

Broome Magistrates and Children's Court — has daily lists of between 35 to 100 accused and approximately 70 per cent of those are ALSWA clients.

Derby Magistrates and Children's Court – is a circuit court and has lists of between 35-90 accused and ALSWA acts for between 65 and 90 per cent of those people.

Fitzroy Crossing Magistrates and Children's Court – is a circuit court and has lists of between 45 to 70 and ALSWA act for approximately 75 per cent of those accused.

Bidyadanga, Dampier Peninsula and Looma Magistrates and Children's Courts – these are circuit courts and have lists of between 10 to 40 accused and ALSWA usually appears for all accused.

The Legal Aid WA Broome office services West Kimberley. In the Magistrates Court, Legal Aid WA lawyers conduct almost no contested hearings when an accused pleads not guilty. ALSWA can confidently say that Legal Aid WA lawyers in the West Kimberley average one Magistrates court trial a year.

By way of contrast, the Broome ALSWA lawyers, in the week commencing 16 October 2023 conducted in four (4) contested hearings all of which resulted in acquittals. One case would have resulted in mandatory imprisonment for a 21-year-old Aboriginal person with no prior convictions.

Over the past 10 years, ALSWA has not seen Legal Aid WA lawyers contest the admissibility of prosecution evidence in the Magistrates and Children's Courts. Legal Aid lawyers have not acted in any contested matters in the District Court, including voir dire, jury trials or contested fitness to stand trial hearings.

The impact on ALSWA Broome office of assisting clients in contested matters is considerable, involving the methodical reviewing of police evidence, taking instructions and proofing of some clients to give sworn evidence. This work will sometimes involve the use of interpreters in Aboriginal languages.

The importance of careful preparatory work is underscored by the fact that many Aboriginal people face burglary, breach restraining order, assault police and driving offences which attract mandatory terms of immediate imprisonment, i.e., a thorough evidential review is needed to give reasonable legal advice.

Further, it was only a couple of years ago that the majority of most court lists in the West Kimberley comprised relatively minor offending in the form of street drinking, drug possession, minor thefts and driving offences. In 2023, in a court list of say 80 accused, over 50% of matters are serious where a term of imprisonment is on the cards. It is therefore not easy to deal with most matters at a first court appearance based on a police charge sheet and a summary of the allegations.

The Broome ALSWA office is funded to employ five (5) lawyers, but currently only has three (3) lawyers. Recruitment is difficult especially when salaries paid to junior lawyers, especially restricted practice lawyers are so low. A restricted lawyer employed in ALSWA's Broome office is paid \$63,000 per annum and is paying \$460

per week to rent a small unit. With workloads so high, lawyers are working after hours and on weekends on a very regular basis. This leads to burn out, high staff turnover and young lawyers who do not want to return to work in a regional ALSWA office for fear that they will face the same stressors all over again. As well, it is impossible for young lawyers to save while on such low salaries.

The ALSWA Broome office employs several lawyers from Melbourne and Sydney. One lawyer with a partner and two young children made two trips to Melbourne to see family at a cost of \$13,000, which makes a huge dent on a low salary.

ALSWA IS MORE EFFICIENT

Between 14 and 16 October 2019 a Murchison Magistrates Court circuit took place. This involves the Carnarvon based Magistrate flying to Wiluna, Meekatharra, and Cue to conduct court sittings. These circuits are costly for all agencies with travel allowance and accommodation. ALSWA usually flies with the Magistrate on the plane.

The Court lists for each Court sitting were relatively short by WA standards; 5 accused were listed in Cue, 21 in Meekatharra and 9 in Wiluna.

ALSWA were not conflicted from acting for any of the accused listed over the three days, albeit two accused were non-Aboriginal.

LAWA from Carnarvon attended the circuit as well, but only appeared for two accused in Wiluna, five in Meekatharra and none in Cue.

ALSWA could easily have appeared for all accused over the three-day circuit. All LAWA needed to do was make the request and it would have been accommodated.

In addition, LAWA briefed a private lawyer from Geraldton (who flew from Geraldton to Meekatharra) for a hearing in relation to a restraining order. This lawyer could very arguably have attended to all LAWA matters during the circuit.

At the same time, there were no ALSWA or LAWA lawyers in Carnarvon during this time as the second lawyer in ALSWA's Carnarvon office was attending the Karratha Magistrates Court circuit.

KEEPING CHILDREN OUT OF CUSTODY

ALSWA attended the Onslow Magistrates Court circuit in early June 2019.

Due to resourcing issues, ALSWA does not usually service this Court, but Legal Aid WA (LAWA) does. ALSWA attended this circuit because an Aboriginal accused, who was a client of LAWA, had a hearing after pleading not guilty, but was refused a grant of aid by LAWA. Rather than leave the accused unrepresented, ALSWA offered to take LAWA's seat on the Magistrate's plane from Carnarvon to Onslow and act for the accused man and all other LAWA clients in the court list.

During the circuit sitting, ALSWA acted for twin Aboriginal boys aged 11 years. The boys were appearing in court in relation to charges of trespass, carried an article with intent to cause fear, criminal damage and stealing. The police prosecutor applied to revoke the boys' bail as they were already on bail for other (minor) charges. Both boys had been in trouble before, but their criminal histories were very limited.

The police officer who had charged the boys gave evidence that their mother was unsuitable to supervise them, that she was living in the grandmother's overcrowded two-bedroom house with four (4) other children and that the Onslow community was sick of the boys "running amok".

ALSWA vigorously opposed the application to revoke bail, citing the fact that the mother had attended court with the boys, that they were supported by their local school and that the charges were not of sufficient seriousness to justify revoking bail. The Magistrate revoked the boys' bail stating that the lack of suitable housing and inadequate supervision by the mother meant that the boys posed an unacceptable risk under the Bail Act of further offending and of not attending court in answer to their bail.

The boys were remanded in custody for two weeks.

The revocation of bail meant that the boys faced the prospect of being transported thousands of kilometres to Banksia Hill Detention Centre in Perth.

Onslow court sat late that day. The ALSWA lawyer contacted ALSWA's Perth Criminal Law Unit after hours to inform them of the revocation of bail.

The next morning an ALSWA Children's Court lawyer applied to list a new bail application before the President of the Children's Court in Perth. The application was heard at 2.15pm that day. The boys appeared on video link from Karratha Magistrates Court, having been transported 300 kilometres in police custody from Onslow. The boys were in Karratha awaiting being flown to Perth.

The President granted bail for both boys on the condition that the boys live at a bail hostel in South Hedland for the next couple of weeks.

The early intervention of the ALSWA Children's Court lawyer had the following effect:

1. The boys were released on bail after spending a night in police custody at Karratha police station which is totally ill equipped to house young children.
2. The boys avoided being removed from their family, country and culture and being transported to Perth.
3. The boys avoided a two-week remand in custody in circumstances where even if they pleaded guilty to the charges at a later date they would not have received a custodial sentence.
4. The boys avoided exposure to conditions at Banksia Hill Detention Centre.
5. The boys would not have received any visits from family in Banksia Hill Detention Centre (the family would not have had the means to travel the considerable distance from Onslow to Perth to see them) and it is ALSWA's experience that the separation from family, culture and country for young Aboriginal people from regional areas who are detained in Banksia Hill Detention Centre for the first time is inevitably acutely distressing.

PREVENTION AND CULTURALLY RESPONSIVE

The following case study highlights a prevention strategy delivered to an acutely vulnerable and disadvantaged client. Such clients are often consigned to the "too hard"

basket by other service providers, which exacerbates their risk of ongoing involvement in the criminal justice system and eventually imprisonment.

BJ is a traditional Aboriginal man originally from the remote Aboriginal desert community of Warburton, which is 800 kilometres northeast of Kalgoorlie. BJ has been a client of ALSWA's Kalgoorlie office since the early 1990s. BJ is a homeless illiterate alcoholic and well known to many people in Kalgoorlie. BJ is sadly a pathetic figure and is seen on a daily basis shuffling along the main street of Kalgoorlie in his filthy clothing, as well as sleeping in doorways. BJ is difficult to understand and often converses in a traditional Aboriginal language.

Unfortunately, BJ can also be at times verbally and physically abusive, including once running at an ALSWA lawyer with a massive boulder in his hands. Much of BJ's aggression, however, has been directed at the local banks in Kalgoorlie.

It was never properly understood what the real reason why BJ was so angry at all the banks, but it was long believed that the main reason for BJ's grievances was because he was trying to access money from his mother's deceased estate. ALSWA's Civil and Human Rights Law unit had previously assisted him in that respect.

As a result of his aggression (which included urinating on bank premises), restraining orders had been taken out banning BJ from all banks in Kalgoorlie.

Following a court appearance in April 2017, ALSWA staff were able to establish that BJ was not able to access Centrelink benefits because he had no bank account. BJ could not open a bank account because he did not have satisfactory proof of identity. Centrelink had tried to get other organisations in Kalgoorlie involved to help him and no one was willing or able to offer him assistance.

ALSWA staff helped BJ to obtain his birth certificate (the fee was waived) and then rang around the banks to see if anyone would be willing to help him.

The National Australia Bank said it would. An ALSWA court officer (who also speaks BJ's traditional Aboriginal language) went with BJ to the bank and helped BJ open a bank account. Centrelink then advised that it had deposited funds into BJ's new bank account.

This is all in circumstances where BJ had been living with no income whatsoever for the last five years, including, of course, income from Centrelink for the past five years. BJ was elated with the help provided by ALSWA.

The assistance provided has been a most effective prevention strategy as BJ has complied with the restraining orders and there has been no repetition of anti-social offending by BJ since he has been receiving Centrelink payments.

CULTURALLY SECURE TO ENGAGE DEEPLY WITH ABORIGINAL COMMUNITIES

ALSWA has developed a close working relationship with the Kanyirninpa Jukurrpa (KJ) Martu Rangers Men's and Women's Leadership groups, comprising senior Martu men and women from the Western Desert. An important focus of the relationship is the provision of culturally appropriate early intervention and prevention strategies as both Leadership groups have been expressed profound concerns about the ever-increasing numbers of Martu being imprisoned. Self-evidently, it is often too late to endeavour to educate Martu about legal issues when they have already been charged by police, pleaded guilty, have relevant prior convictions and are facing a term of imprisonment. The underlying theme of the relationship is to engage and empower Martu outside an often very stressful circuit court setting so that real learnings can be achieved which reduce the rate of Martu imprisonment.

To further this objective, ALSWA lawyers attended a four-day camp in 2019, run by the KJ Martu Leadership Program, at Yulpu, which is deep in Martu country, not far from the Parnngurr community, in the Western Desert. The camp was attended by over 100 Martu people, including elders, ALSWA lawyers, the Pilbara based Magistrate, WA Police, and staff from Roebourne Regional Prison.

The camp involved an unprecedented opportunity for Martu to explore on country with key stakeholders in the justice system new early intervention and prevention strategies aimed at achieving better outcomes for Martu and reducing the number of Martu being imprisoned.

CLE sessions were conducted by ALSWA in relation to driving offences, extraordinary driver's licences, police relations and complaints, the court system, compliance with court and parole orders and domestic violence laws, including how to obtain and comply with a restraining order.

ALSWA CLEANS UP THE MESS MADE BY NON ABORIGINAL PRIVATE LAWYERS

JSK was charged with two charges of sexual penetration without consent of a child under 13 years of age. JSK was 10 years and 7 months at the time of the allegations. The complainant was 8 years of age and a friend of JSK. JSK would often play at the complainant's house and was known by the whole family.

It was alleged that JSK and the complainant were playing in bushland close to JSK's house when JSK asked the complainant for sex and when he said "no" he held a pocket knife to the complainant's head and said "if you don't have sex with me, I'll kill you". JSK was then alleged to have pushed the complainant onto his knees, pulled his and the complainant's pants down and penetrated the complainant's anus with his penis and then walked away.

JSK and the complainant continued to play with each other after the incident. The matter was brought to the attention of Police after the complainant's older brother overheard JSK and the complainant joking about having sex with each other. JSK was arrested and interviewed by Police for almost two hours. As this case took place before the commencement of the CNS, JSK was not able to speak to a lawyer prior to the interview commencing.

JSK said he understood the caution but was unable to explain it in his own words. During the interview he was able to deny all allegations until the very end of the interview.

At the very end of the interview the Interviewing Officer puts allegations of a sexual nature to JSK. JSK does not answer. He puts his jumper over his mouth and tries to hide. He denies the allegations. He says the complainant lies. He is then asked why the complainant would lie. JSK says because he always steals coke and then blames his brother. He then tells officers about times the complainant has stolen lollies, drinks and ice-creams from the shops.

Another separate complaint is then put to JSK, where it is alleged JSK made a sexual gesture. JSK says he was dared to do it by another girl. JSK is asked what does the gesture mean and he says "silly", "nasty" and "bad". When asked if he knew the gesture was is sexual, he says "I don't know".

After this the Interviewing Officer asks JSK if he was dared to have sex with the complainant and he answers "yes", although he does not remember what he did.

At the end of the interview, it was unclear to what exactly JSK had admitted to doing.

The maximum penalty for the charge of sexual penetration without consent of a child under 13 years of age is 14 years imprisonment. On conviction, JSK would also be on the sex offenders register for seven and a half years.

JSK initially instructed a private lawyer to act who received a grant of legal aid from the Legal Aid WA.

JSK pleaded guilty to the charges at only his second court appearance. The matter was adjourned for sentence and a psychological report was ordered by the court.

At the sentencing hearing, the psychological report raised the issue of criminal capacity, i.e., doli incapax, under s29 of the Criminal Code as well as an issue as to whether JSK was fit to enter a plea, stating:

“JSK is not capable of understanding the Court process, does not have the capacity to understand the right to remain silent in a Police interview and to conceptualise when such an offence as he has committed is illegally or morally wrong”.

The report also noted that JSK absolutely denied the offending.

In the face of all this the private lawyer maintained that JSK had capacity and that the plea of guilty had been properly entered and that the matter should proceed to sentence. The Magistrate was deeply concerned about the efficacy of the plea and the matter was adjourned again. In the meantime, ALSWA was instructed to act.

At the next appearance ALSWA foreshadowed a change of plea application.

At the following court appearance, doli incapax assessment was before the court, stating:

“There are multiple reasons to doubt his capacity to comprehend the wrongfulness of his charges at the time that they are alleged to have occurred”.

A psychiatric report also found:

“JSK had no understanding why the charges were serious and confirmed that he did not know at the time that he was doing anything unlawful, apart from carry the knife.”

I also agree with the opinion expressed in the Doli Incapax Assessment that JSK did not know at the time of the offence he should not do the act”.

On the application of ALSWA, the DPP then discontinued both charges.

EARLY INTERVENTION

ALSWA assisted a 15 year old boy who was the respondent in a restraining order application made by a student from his school. There had been a history of arguments and physical altercations between the pair. The boy and the applicant

agreed to participate in mediation which was attended by the school principal and their parents. During the mediation both agreed to modify their behaviour and to consult a specific teacher in the event of a possible conflict in order to avoid an escalation in any incidents. The applicant then withdrew the application for the restraining order.

ADVOCATING FOR THE POWERLESS – ACTING FOR FAMILY IN CORONIAL INQUESTS

ALSWA acted for the son (HC) of AQ at the Coronial Inquest into AQ's death.

AQ perished in a house fire in Kalgoorlie.

At the time of her death AQ was being managed as a voluntary patient by the Kalgoorlie Community Mental Health Service, although she had been an involuntary patient in the past. The deceased had a long history of schizophrenia disorder with frequent relapses, compounded by a substance abuse problem.

On 25 July 2014 AQ argued with HC and left his home. Later that afternoon HC went to AQ's home to check on her. HC found she was acting strangely, could not talk properly and was shaking. HC attempted to convince AQ that she should go to hospital, but he was unsuccessful.

HC then contacted Kalgoorlie police requesting that they transport AQ to Kalgoorlie hospital because her mental health was deteriorating. Police had previously transported AQ to hospital at her son's request in these circumstances. HC's concerns about AQ's health and his request that police take her to hospital were ignored by police. The police did not speak to AQ directly in refusing to assist.

HC also alerted AQ's mental health team of her mental state, with the same result. AQ died in the fire at her home that night or the next morning.

HC has been a long-term client of ALSWA, has an extensive record of prior convictions, had many previous unpleasant interactions with Kalgoorlie police and has had his own mental health issues. It is hard not to think that the concerns raised by him were dismissed because of who he was and his past.

A WA police internal investigation found that police responded poorly to HC's request for help and that had officers chosen to speak to AQ directly they may well have deemed her in need of a mental health assessment, which could have prevented her taking the course of action that led to her death. Further, the investigation found that, although that the officers' actions did not cause the death, "their failure to respond adequately to her son's cry for help may have contributed to her demise."

Kalgoorlie Hospital also initiated an inquiry into its response to the requests to assist AQ. Some of the recommendations from the investigation were:

1. To develop and implement a communication process for Mental Health Inpatient Service staff to escalate concerns about community-based clients of the Community Mental Health Service; and
2. All at risk patients who are known to decompensate quickly are to have a Crisis Management Plan developed and discussed with key stakeholders including the relatives.

The coroner in her findings broadly agreed with the findings of both investigations but noted that the failings of the police response to the requests made by AQ's son "was a missed opportunity to help them to obtain appropriate medical treatment for AQ which might have saved her life".

She concluded her findings with the sobering reminder:

However, I do make the observation that this sad case should be a reminder to police officers and hospital staff, particularly in regional areas, that all efforts should be made to communicate effectively with people seeking their help, without prejudgment, so that they fully understand the situation and what assistance is being sought.

KEEPING CHILDREN AWAY FROM OUT OF HOME CARE

ALSWA acted for the father of a young child who was in prison. His young child was in foster care with non-Aboriginal carers. The child's mother was non-Aboriginal and did not seek to participate in the proceedings. The father sought to have his child cared for by Aboriginal family members.

The father was illiterate and incapable of appropriately representing himself in legal proceedings of this type.

One of ALSWA's Family Law Unit lawyers, who is also Aboriginal, identified that the child's interests would be best served by the child being in the care of his paternal grandparents.

The Department of Child Protection and Family Support were contacted by ALSWA and undertook an assessment of the grandparents as to their suitability to care for the child. The assessment concluded that the grandparents were ineligible to become Departmental carers as the grandfather had a prior criminal conviction which would preclude him from obtaining a Working with Children clearance.

ALSWA organised for independent legal representation for the paternal grandmother. The paternal grandmother lacked the skills to act and advocate on her behalf. The grandmother then made an application to the Perth Children's Court for the child to live with her. The application was supported by ALSWA as the lawyers for the child's father. After hearing the submissions made on behalf of the paternal grandmother and the father, the Department of Child Protection and Family Support withdrew from the proceedings, indicating its consent to any orders made by the Court directing that the child be placed with the grandmother.

UNMET NON-LEGAL NEEDS

Currently we are unable to provide legal assistance with:

- Tenancy – notice of eviction.
- Centrelink
- Wills and Estates
- Guardianship and administration.
- Mental Health
- Criminal Injury Compensation
- Credit and debt.
- Child protection (outside of Perth CBD).
- Regional reach – not able to fully service demand.
- Licensing – assist with extraordinary licenses.
- Licensing – assist with bans lifted.

TOP 3 - 5 IMPACTS ON OUR CLIENTS, DRAWS THEM INTO THE JUSTICE SYSTEM

1. Over Policing
2. Disadvantage & Poverty
3. Punitive Bail Laws
4. Mandatory Sentencing
5. Homelessness
6. Age of 'criminal responsibility.'

CLOSING THE GAP INITIATIVES THROUGH IDENTIFIED SERVICES:

BAIL SUPPORT SERVICE (BSS) AND PRISON IN-REACH PROGRAM (PIR)

The objective of this program is to reduce avoidable remand by providing eligible clients earlier access to bail through the provision of bail support and prison in-reach legal services and supporting accused persons to comply with bail conditions and undertakings. The BSS/PIR operates in Perth for clients who are appearing in the Perth Magistrates Court. The BSS/PIR commenced in April 2020 in Perth and in November 2020 in Broome.

COMMUNITY LEGAL EDUCATION (CLE)

ALSWA strives to advance the legal rights of Aboriginal and Torres Strait Islander Peoples through its delivery of Community Legal Education (CLE) in Perth and regional WA. ALSWA welcomes enquiries about opportunities to participate in CLE activities.

LAW MATTERS RADIO PROGRAM

Since 2010 ALSWA has produced and presented the fortnightly 'Law Matters' radio program, broadcast through Perth's 100.9FM Noongar Radio and the National Indigenous Radio Service (NIRS).

MEDIA AND PUBLIC RELATIONS

ALSWA plays an active role in advocating and speaking out about the complex issues facing Aboriginal and Torres Strait Islander Peoples within the justice system. ALSWA services are widely promoted to ensure that community members have easy

access to important legal information. This includes promotion on ALSWA's website, Facebook Page, radio program and other networks.

Media Enquiries should be directed to ALSWA's Media and PR Manager within the Community Engagement Unit and contact details can be found on the ALSWA website.

CUSTODY NOTIFICATION SERVICE

CNS is a 24-hour phone service for Aboriginal and Torres Strait Islander people in WA who are detained by WA Police at a police facility. The CNS commenced operations in October 2019.

WA Police phone the CNS and speak with a rostered CNS lawyer and/or support worker, who then undertakes a thorough welfare check and provides legal advice (if relevant) to the person in custody. The aim of the CNS is to reduce the number of preventable deaths in custody and deliver better justice outcomes for WA's Aboriginal community.

WORK AND DEVELOPMENT PERMIT (WDP) SERVICE

ALSWA, the Department of Justice and Legal Aid WA is working in partnership to operate the WDP Scheme which was established to help people who are having trouble paying court fines, due to hardship. Under a WDP, an eligible client can undertake approved activities under the supervision of a sponsor, to reduce or even clear the amount owed. ALSWA's WDP Service can assist clients by linking them with an approved sponsor and providing advice about the status of their outstanding fines. Community-based organisations wishing to support the scheme can also seek support and advice from the WDP Service.

YOUTH ENGAGEMENT PROGRAM (YEP)

ALSWA's Youth Engagement Program Diversion Officers can assist young people who are appearing in the Perth Children's Court by providing support and referrals to enable young people to comply with court orders and improve their wellbeing.

The types of assistance include accommodation, education/training, substance abuse, health, family issues, Centrelink and ID, transport, and support for youth justice related appointments.

CASE STUDIES

ALSWA - Youth Engagement Program (YEP)

The metropolitan Youth Engagement Program (YEP-M) has been operating for over seven years and is currently funded by the WA Department of Justice (DoJ) until December 2024. YEP was expanded to the West Kimberley (YEP-WK) in early 2021 and is funded under the Kimberley Juvenile Justice Strategy (DoJ) until November 2024. On the back of the success of YEP-M and YEP-WK, the National Indigenous Australians Agency provided funding to ALSWA in November 2022 to establish the YEP in two new sites. YEP-East Kimberley (based in Kununurra) commenced in March 2023 and YEP-Halls Creek commenced in July 2023. These two new sites are funded until December 2024.

YEP provides holistic, culturally-secure, individualized and flexible support to ALSWA clients appearing in the Perth, Broome, Derby, Kununurra, Wyndham and Halls Creek Children's Courts. Across all sites, YEP is funded to employ 12 staff including a statewide YEP Manager and YEP Administrative Assistant. As at 11 October 2023, YEP employs 11 staff (91% Aboriginal staff). YEP provides a range of services including mentoring; court support; advocacy; referrals to external services; case management; transport assistance; support at appointments with various external agencies including Youth Justice Services; accommodation assistance; assistance to reengage in education and/or training; support to attend medical appointments and check-ups; practical help (such as obtaining birth certificates, Medicare cards, bank accounts and Centrelink payments) and participation in cultural and recreational activities. Many participants have successfully completed their youth justice/court orders and reengaged in education/training and/or other prosocial activities.

It is ALSWA's understanding that YEP-M will be evaluated by Western Australian Office of Crime Statistics (WASCAR) and Research at some stage. YEP-WK is currently being evaluated/reviewed as part of the evaluation of the Kimberley Juvenile Justice Strategy.

It is our understanding that ALSWA may be required to tender for YEP at the end of the current grant agreement as part of the general commissioning process for programs funded by Youth Justice Services within DoJ.

FEEDBACK FROM CLIENTS

The feedback below includes comments made directly by clients to staff, comments made by clients in a client survey form and observations by staff:

- *'[My diversion officer] made me feel comfortable'.*
- *'Thank you for your help, you are the first person who has ever helped me'.*
- A client thanked the YEP Manager for the support she provided after the manager took the girl out on country to visit a gorge. The manager had been working from a regional site for staff training for several weeks and reported that this was the first time she had seen the girl smile. Several weeks later, when the Manager was visiting that site again, the client saw at a petrol station. The client ran straight over the car and gave the manager a big hug.
- *'You are the only one that has ever listened to me'.*
- *'Thank you, you were always there for me, and you are my inspiration'.*
- A client sent a text to his YEP diversion officer writing *'thanks so much to you and [other diversion officer] for taking me every week to report, I really appreciate it I couldn't have done it without u guys, it was nice meeting you and [other diversion officer]'.*

- YEP, supported a young Aboriginal boy many years ago to attend a construction course. The client engaged well in the course while he was participating in YEP. Some years later, his YEP diversion officer ran into him and he came up to the diversion officer to say that he was now working FIFO and earning good money. The past client told his diversion officer that without his help he wouldn't be in the position he is in today. The man gave his diversion officer a hug and thanked him.

- YEP, helped a boy who was in essence looking after himself in the community. One day when YEP was helping him at Centrelink, the boy started crying and said that his diversion officer was the only person who had cared about him and *'stuck around'.*

FEEDBACK FROM MAGISTRATES

During a court hearing in 2018, a Perth Magistrate questioned:

-
- *'Is the Youth Engagement Program still funded to continue, because that's one of the concerns that the court has, is that it's a fantastic program and it should be receiving significant and ongoing maintained funding'.*

Following the sentencing of a YEP client who received a dismissal under s 67 of the *Young Offenders Act*, the Magistrate said to the client 'you should get down on your knees and thank [the YEP diversion officer] from the bottom of your heart' for this result.

Another Magistrate provided positive feedback about YEP West Kimberley and BSS Broome by email:

- *'[From what I have seen so far the Bail Support Service, and the Youth Engagement Programme are integral to assisting people from going into or remaining in custody for extended periods of time and that YEP is clearly filling a gap in support to some of the most difficult youth cases in the community'.*

This magistrate further observed that if funding ceased for either of these programs 'we would see custodial numbers rise rapidly and the opportunity to break some of the cycles of youth offending seriously diminish'.

YEP - CASE STUDY (METRO)

A 17-year-old Aboriginal boy with no criminal history was referred to YEP by his lawyer. He was residing with his grandparents and the lawyer recognised that the family needed significant support. This client participated in YEP for a 12-month period. At the time of his referral, the boy had entered a plea of guilty to one charge of 'with intent to harm, did an act causing bodily harm'. He was listed for sentencing two weeks later.

Initially, YEP transported the boy to Youth Justice Services (YJS) for the preparation of his pre-sentence report. Following the imposition of a six-month Intensive Youth Supervision Order, YEP transported the boy to YJS for his post-sentence supervision meeting. At this meeting it was agreed that YEP would focus on NDIS, education, and recreation. Throughout his court order, YEP provided regular reminders to the boy and transported him to YJS on 10 occasions. Significantly, the boy's YEP diversion officer advocated on his behalf when he was unwell or unable to attend reporting due to a death in the family. The boy completed his order successfully.

YEP, also provided considerable assistance in relation to the boy's education and NDIS. YEP, progressed his application for NDIS funding including obtaining the necessary consent and signature from his parents. YEP, attended a planning meeting with the boy and his grandmother and referred him to a service for support coordination. YEP, facilitated a meeting with this agency. The boy's diversion officer transported him to an alternative education program for an enrolment meeting and he commenced attending school soon after. He attended regularly for the remainder the school year; two YEP staff attended a NAIDOC assembly at the school where the boy received an award for his participation and achievements in the course.

YEP, also assisted the boy with obtaining a birth certificate, Centrelink, bank account, tax file number, his own Medicare card, and a mobile phone. YEP, provided the family with food boxes and donated gifts.

The following year, the family was facing eviction. YEP, assisted the family with multiple referrals, including referrals to accommodation providers and community legal centres (with expertise in tenancy matters). YEP, liaised frequently with the Department of Communities and the various service providers who were trying to assist the family. YEP, closed its file once it was confirmed that a community legal centre was assisting the family on an ongoing basis.

Throughout the 12-month period, YEP had over 200 contacts with the client, family, and external agencies. As of 5 October 2023, the boy has not been charged with any further offences since he commenced participation in YEP three years earlier.

CUSTODY NOTIFICATION SERVICE

The ALSWA Custody Notification Service (CNS) has been operating since 2 October 2019. The CNS is funded jointly by the Commonwealth Government (National Indigenous Australians Agency) and the Western Australian Government (Department of Justice). The CNS is a phone service operating 24 hours per day 7 days per week every day of the year for Aboriginal people in Western Australia who are detained by WA Police in a police facility. WA Police are required to phone the CNS every time an Aboriginal person is arrested or apprehended and detained in a police facility throughout the state, irrespective of the reason. This applies to both children and

adults. The police are required to provide the CNS with certain details and provide the person detained with an opportunity to speak to a CNS staff member.

The CNS provides a holistic wellbeing check to reduce preventable deaths in custody and related harm. The CNS undertakes a wellbeing check with a focus on immediate safety and health needs. In addition, the CNS provides legal information and advice to address immediate legal needs. This includes, where possible, referrals to legal assistance providers (including ALSWA) and external programs and services. The CNS has a mix of full-time, part-time, and casual staff including a managing lawyer, lawyers and Aboriginal support workers.

During the period 1 July 2022 to 30 June 2023, the CNS received 33,350 notifications from WA Police. This represents a significant increase in notifications from the previous year. Furthermore, in the first half of 2023, CNS received an average of 700 notifications per week compared to an average of 589 in the second half of 2022. Because funding has remained static, this increase has placed additional pressure on staff. Nonetheless, the CNS made 13,508 referrals to other services for Aboriginal people detained in police custody including internal referrals to ALSWA legal units and support services. The CNS is currently funded until 30 June 2024.

CNS CASE STUDY

An Aboriginal woman in her early forties was arrested one evening on two warrants and transported to a police station. Because she was arrested on warrants, she was required to be detained overnight in police custody before appearing in court the next morning. The police told the CNS Support Worker, who received the notification, that the woman was 'a bit aggressive, but calming down'.

The Support Worker spoke to the woman and commenced a health and welfare check and found the woman was upset. The woman told the Support Worker she had already been to court for the warrants three days earlier and had self-presented to police and handed herself in prior to that court appearance. With the woman's consent, the Support Worker checked the woman's court history on e-Courts and found a record of the woman appearing in a weekend court where both warrants had been cancelled and the woman bailed to a future date.

The Support Worker asked the woman to put a police officer on the phone. The Support Worker then relayed the information to the officer and requested that it be brought to the attention of the Sergeant and argued that the woman should be released as soon as possible. The Support Worker followed up and confirmed that the woman was released from the police station less than 30 minutes later. The woman spent just under an hour in police custody; however, if the CNS had not intervened it is likely she would have remained in police custody overnight.

BAIL SUPPORT SERVICE/PRISON IN-REACH LEGAL SERVICE

The metropolitan Bail Support Service (BSS) and Prison In-Reach Service (PIR) commenced in April 2020 and the Broome Bail Support Service (Broome BSS) commenced in November 2020. These programs are funded by the WA Department of Justice until June 2025. The overall objective of BSS/PIR is to reduce avoidable remand by providing earlier access to bail to suitable applicants through the provision of bail support and prison in-reach legal services, and by supporting accused persons to comply with bail conditions and undertakings.

These staff work closely together to ensure that clients are released from custody as early as possible and to support clients to maintain compliance with their bail conditions. Referrals to other support services and programs are undertaken when appropriate. The close working relationship between the bail support workers and the lawyers means that potential legal issues can be resolved proactively and early (e.g., BSS identify that a client is in breach of their bail conditions because they have moved address and PIR can early list to vary bail conditions before the client is arrested by police).

ALSWA identified that BSS clients who have been engaging well prior to sentencing are then exited and gains achieved to date are disrupted. ALSWA intends to demonstrate the importance of providing ongoing support post-sentence. ALSWA understands that the BSS/PIR will be evaluated by the WASCAR before the grant expires.

WORK AND DEVELOPMENT PERMIT (WDP) SERVICE

The Work and Development Permit Scheme (WDP Scheme) commenced on 29 September 2020. The ALSWA WDP Service is part of the partnership between the

Department of Justice, ALSWA and Legal Aid WA to deliver on the WDP Scheme. The WDP Scheme is designed to assist people experiencing hardship to reduce or clear their unpaid court fines through completing approved activities under the supervision of an approved sponsor.

From 1 July 2022 to 30 June 2023, the WDP Service assisted 480 clients with fines-related issues and liaised with at least 180 approved sponsors or potential sponsors including other stakeholders related to the WDP Scheme. Clients have been provided with individual fines analysis and support including advocacy services and legal advice; payment plans; Fines Expiation Orders; and WDP options. The WDP Service made 210 client referrals to WDP sponsors during this period. The WDP Service has also met regularly with the scheme's partners including attending regular WDP Scheme Governance Group and Operational Group meetings. Further, the WDP Service has provided a strong focus on education and promotion across a range of internal and external networks and service providers.

As of 30 June 2023, the WDP Service employed one program manager and two Aboriginal support workers based in Perth. From 2023/24, the WDP Service also operates from the ALSWA Broome office to provide a priority focus on the West Kimberley (as agreed with DoJ). ALSWA has received funding to employ two new staff in Broome. These positions are jointly funded by the WDP Service and BSS/PIR in order to work towards increasing the number of approved sponsors in the West Kimberley as well as increasing access to Work and Development Permits (and other measures to address unpaid fines/infringements) for Aboriginal and Torres Strait Islander people in the West Kimberley. An Aboriginal female support worker commenced in one of these positions in October 2023.

FAMILY AND DOMESTIC VIOLENCE HUBS

In 2021, ALSWA entered into an agreement with Hope Community Services Limited (Hope) to provide a paralegal for the Mara Pirni Healing Place in Kalgoorlie. This hub is operated by Hope in partnership with Wanslea Family Services, Ngunyntju Tjitji Pirni (NTP), One Tree Community Services and ALSWA.

The ALSWA paralegal provides legal information to clients at the hub including warm referrals to appropriate legal assistance providers as well as undertaking community legal education. The ALSWA paralegal has also provided CLE to hub staff and other agencies.

In 2023, ALSWA entered into an agreement with Hope to provide a lawyer for the new Armadale Family and Domestic Violence Hub. The new Armadale hub is operated by Hope in partnership with Yorgum Healing Services, Ngala, Ishar Multicultural Women's Health Services, Women's Legal Service, Marmum Mia-Mia Aboriginal Corporation, 360 Health, Ruah Community Services and ALSWA. The new Hub will provide victim-survivors with access to services and supports in a single, accessible location, as well as providing off-site services for perpetrators and young people. The lawyer commenced in October 2023.

CULTURALLY SECURE SERVICES (HOLISTIC):

Research has shown strong cultural identity as a factor associated with resilience and demonstrates the importance of culture as a means through which Aboriginal people can overcome disadvantage.

Strong cultural identity and connection is increasingly being linked to better outcomes in:

- Education
- Justice
- Health and wellbeing
- Employment
- Being a positive point of difference for economic activity

Where traditional cultural practices and structures have broken down, re-establishing these among the broader community can have a direct effect on children and young people's community connections and sense of wellbeing. It is essential that organisations and agencies understand the cultural context in which they are working, and ensure their programs and services are built upon elements that strengthen cultural identity, connection and leadership capacity amongst the Aboriginal people and children accessing them.

Holistic service provision improves legal outcomes (e.g., less severe penalties, less breaches of bail and less breaches of court orders) but also improves rehabilitation (reduced reoffending) and various social outcomes (increased education, training, and employment, improved physical and mental health, increased stability with accommodation and finances, increased access to specialist services such as NDIS and trauma counselling, reduced AOD etc).

WHAT DOES NOT WORK:

Working in isolation:

- A collaboration across key agencies is required to address underlying and interconnected issues that contribute to Aboriginal and Torres Strait Islander people encountering the Police, DoJ and the courts for example “over-policing.”
- Many organisations have not trained non-Aboriginal staff to work in a culturally safe and proficient way.

It is essential that organisations and agencies understand the cultural context in which they are working, and ensure their programs and services are built upon elements that strengthen cultural identity and connection.

Participation by community stakeholders allows for valuable relationship development and information sharing between key stakeholders and supports community members and service providers to work together, respectfully and in an integrated way, to develop solutions for the challenges in their own community.

WHAT DO YOU THINK WOULD DECREASE DEMAND FOR LEGAL SERVICES?

Aboriginal Legal Services maintain contact with clients when they first enter the Justices system i.e., when first charged with an offence.

The initial contact normally occurs through either one of or a combination of the below including:

- Custody Notification Service.
- Prior to first court appearance.

- Support with bail assistance.
- Whilst being held in a remand facility.
- Repeat offenders.

For some individuals this could be a short amount of time i.e., first offence and the nature of the offence. However, for others this may be a much longer period. COVID has impacted the time that many clients are currently spending within remand facilities, awaiting court appearances. The impact on courts including staffing, that has occurred through COVID continues to have a detrimental effect on many clients being unable to spend time outside of the confinement of a 'cell.' This has continued to have a negative effect on the mental health of our clients and their ability to maintain a healthy lifestyle and mindset.

Importantly, culturally secure solutions emerge from practice and on the ground experience. Without sufficient resources for advocacy and law reform activities, the unique perspective and expertise of Aboriginal Legal Services is potentially lost or underutilised. Aboriginal Legal Services work with clients and their intersection with the legal system every day – increasing the capacity of Aboriginal Legal Services to contribute to law reform in a meaningful and sustained manner will increase the effectiveness of the legal system for Aboriginal and Torres Strait Islander people and for the broader community resulting in decreased demand for legal services.

WHAT "SAVINGS" OPPORTUNITIES CAN YOU IDENTIFY?

A cost benefit analyses needs to be undertaken to identify savings from:

- Reducing the number of clients being held in remand – in many cases for long periods.
- Reduced incarceration rates will provide the most savings.
- Onerous reporting requirements, many individual acquittal reports, requiring individual audit acquittal is time consuming and expensive. If possible, a single overarching grant and reporting process and single acquittal would be time and cost saving.
- Updated database and technology to allow better onscreen communication for client briefs, court appearances etc, assist in reducing the travel time and costs to

attend clients in regional locations. Lawyer travel time and associated cost is a significant operation expense.

WORKFORCE DEVELOPMENT STRATEGY - STAFFING INFORMATION

- - Refer to Appendix 1