

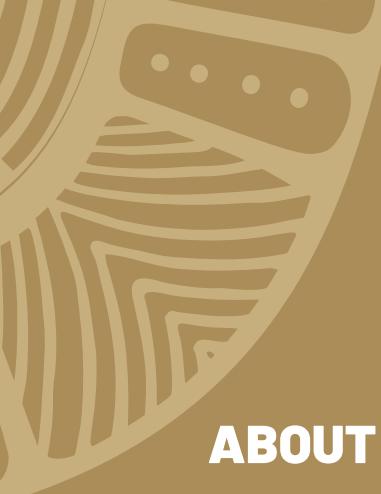
**Victorian Aboriginal Legal Service  
Annual Report  
2021-2022**





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## **ABOUT US**

Established in 1973, the Victorian Aboriginal Legal Service (VALS) is Victoria's only dedicated legal and support service for Aboriginal and Torres Strait Islander people. We strive to:

- Promote social justice for Aboriginal and Torres Strait Islander peoples;
- Promote the right of Aboriginal and Torres Strait Islander peoples to empowerment, identity and culture;
- Ensure that Aboriginal and Torres Strait Islander peoples enjoy their rights, are aware of their responsibilities under the law and have access to appropriate advice, assistance and representation;
- Reduce the disproportionate involvement of Aboriginal and Torres Strait Islander peoples in the criminal justice system; and
- Promote the review of legislation and other practices which discriminate against Aboriginal and Torres Strait Islander peoples.

We were established by Aboriginal people for Aboriginal people to address the gross over-representation of Aboriginal people in custody and to reduce Aboriginal deaths in custody. 49 years may have passed but both issues persist as overwhelming problems that affect Aboriginal and Torres Strait Islander people in Victoria, with impacts that affect our communities and cross generations.

We are primarily funded through the National Legal Assistance Partnership (NLAP), with some additional funding made available through partners including the Victorian Government, Victorian Legal Aid, Oak Foundation, and many individuals who want to see improved justice and equality for Aboriginal and Torres Strait Islander people.

Over time, VALS has expanded its services for Aboriginal and Torres Strait people. In 2021/2022, our practice areas include criminal law, family law, civil and human rights law, a dedicated youth justice service (Balit Ngulu) and a specialist litigation unit, unique amongst Aboriginal and Torres Strait Islander legal services nationally

As part of delivering culturally safe and accessible legal assistance, VALS provides a range of other key supports for Aboriginal and Torres Strait Islander communities in Victoria. This includes a 24/7 Custody Notification Service, a transitional housing support program for women with complex needs leaving custody (Baggarrook), 1:1 client service and family support officers and community legal education to equip Aboriginal people with the knowledge and skills to confidently self-advocate for their rights. And we keep developing with plans to do much more.







## ABOUT THE ART

**Artist:** Dixon Patten Jnr (Bitja)

**Tribes:** Gunnai, Yorta Yorta, Gunditjmara, Dhudhuroa, Djab Wurrung, Wemba Wemba, Barapa Barapa, Wiradjuri, Yuin, Wadi Wadi, Wodi Wodi, Monero.

The artwork depicts a person balancing the 'Scales of Justice'; highlighting the cultural burdens we have inherited from failed colonial systems. We often have to walk in two worlds and adapting to a world that has rarely adapted to us. The result of this means First Nations people are marginalised as systemic laws and policies don't implement or provide cultural reference, safety or reflection.

Surrounding the person is a meeting circle and outreached hands; representing community supporting and holding space for the person's emotional, mental, physical and spiritual needs. The healing stones represent ones healing journey and the gum leaves represent our growth; which comes when we are connected to our community and culture.

The pathways represent our diverse and unique journeys, we all are untangling historical inheritance; but we can navigate it with support, love, guidance and connection.

## CHAIRPERSON STATEMENT

On behalf of the VALS Board I am pleased to present to you our 2021-22 Annual Report. 2021-22 was a year of growth for many parts of VALS.

It was great to relaunch Balit Ngulu, our legal practice for Aboriginal and/or Torres Strait Islander children who have come into contact with the criminal legal system. Balit Ngulu now has staff in our Preston and Shepparton offices. The staff at Balit Ngulu have already made a big impact in the lives of several children by getting them out of custody and helping to connect them to the services they need. This is a really important service, and we hope Balit Ngulu will be able to support more children, in more communities, very soon.

We were also able to establish a new office in Warrnambool to support the South-West Barwon region. It is the first time in many years that VALS has had an office in the region and the community have been incredibly welcoming to our new staff in the Warrnambool office. The Board are committed to ensuring we open more offices across Victoria so that we can deliver services in community.

The Wirraway Specialist Litigation Practice has continued their vital work of supporting the families of Aboriginal and/or Torres Strait Islander people who have died in custody through coronial processes. The team has also been doing important work on police misconduct and the rights of people in prison or police custody. It is a tribute to everyone involved that the Practice has built a strong reputation in just a few years.

There has also been new capacity developed across the other areas of VALS that means we can now support clients on a greater range of issues.

2021-22 also presented challenges. Punitive laws implemented over the last decade and court backlogs created by COVID pandemic have put a strain on our resources, particularly in the Criminal Legal Practice. The Board and the CEO are united in working towards having the resources to be able to support every Aboriginal and/or Torres Strait Islander person in Victoria who wants help from VALS.

I have had the honour of being on the VALS Board for over 30 years now, serving as Chairperson for the last 15 years. My work is made much easier by having the support of a wonderful Board and dedicated CEO and Deputy CEO.

I would like to thank my fellow Board members for their efforts over the year. Pam Aplin, Amanda Dunstall, Larry Kanoa, Cienan Muir, Herb Patten, and Crystal McKinnon have continued to make invaluable contributions and it has been great to have Luke Martin and Erin Rose as new members.

Our CEO, Nerita Waight, has continued her hard work and fearless advocacy in pursuing the vision and goals of VALS. Nerita's leadership and passion are invaluable, and I know that VALS will continue to grow thanks to her efforts. Nerita's work has been complimented throughout the year by George Selvanera, who served as Acting CEO and is now Deputy CEO.

A huge thank you to all of VALS' staff from the Board. You should all take great pride in the impact you have on the lives of Aboriginal and/or Torres Strait Islander people across Victoria.

Des Morgan  
Chairperson



# CEO STATEMENT

VALS exists to ensure that all Aboriginal and/or Torres Strait Islander people in Victoria enjoy and exercise their legal rights and have access to holistic, culturally safe, and high-quality legal assistance and representation.

I am very grateful to all the staff at VALS for the amazing work they did during 2021-2022. Your passion and dedication to supporting our people and communities are invaluable and never waver despite the challenges you all confronted from the continuing COVID-19 pandemic, workforce shortages, increasing demand and changing court environments.

We have made a lot of progress towards expanding our service and influencing systemic reforms that will empower our communities and end the over-policing and over-incarceration of our people. Some of these will have an immediate effect. However, mostly our wins in the systemic reform space and to expand into regional Victoria will take more time to help decrease contact between our communities and the justice system

There are many challenges for us to address as we head into our 50-year anniversary in 2023. Some of these challenges are new such as the resulting effects of the pandemic, and others are systems and issues, we have faced for 30 years or more. Demand for our services, driven by punitive law changes and court backlogs exacerbated by the COVID-19 pandemic, continues to strain our modest resources whilst we also seek to combat aggressive law and order changes that have contributed to increasing contact between our communities and the justice system.

Over the course of the year, we were able to secure extra funding for a range of services, including funding for new offices, funding to establish a dedicated service to support clients at the Mental Health Tribunal, and funding to provide the Lotjpa legal service in partnership with Victorian Legal Aid (VLA). Lotjpa will provide legal advice to Aboriginal and/or Torres Strait Islander people participating in the Yoo-rrook Justice Commission and ensure that our community are adequately supported in the truth-telling process.

We will continue to look for further funding opportunities in the new financial year. I want every Aboriginal and/or Torres Strait Islander person in Victoria to be able to access support from VALS if they want it. This means we need to continue to expand our office locations so that we are closer to the communities we serve. It also means that we will continue to seek funding to ensure we have enough staff to meet the demand for our services.

We need to fix Victoria's broken bail laws. They are destroying our families and communities. Aboriginal women are the fastest growing demographic in Victoria's prisons. Many of them have been denied bail on charges that would not lead to a prison sentence if they were convicted. About half of the Aboriginal children in youth prisons have been denied bail. They are charged with petty offending.

Through 2021/22, our lawyers continued their important work in supporting our clients to get the best outcomes possible. We have been able to get bail for many clients where they otherwise may have been held on remand. We have also been leading the campaign to have these punitive bail laws changed. We have raised our bail advocacy in multiple inquiry submissions, meetings with Ministers, Members of Parliament, and department staff, a social media campaign and an online petition.

We will be working hard to ensure that the new Parliament will deliver systemic reform of the bail laws after the 2022 Victorian election. Keeping our people out of prison is vital. The Royal Commission into Aboriginal Deaths in Custody said that bail must be accessible for our people, and it is time for Victoria to deliver on this recommendation.

Raising the age of criminal responsibility remains an ongoing priority for VALS. In Victoria, children as young as 10 years old can be put in prison. Our children are far more likely to be put in prison than non-Aboriginal children. Prisons do not heal our children. Raising the age of criminal responsibility needs to happen immediately. Every day that Victoria continues to allow children as young as 10 to be imprisoned and criminalised. This means more of our children will have their futures stolen from them. We will work to make sure that Victoria raises the age of criminal responsibility to at least 14 years and the age of detention to at least 16 years. The relaunching of Balit Ngulu has enabled us to do a lot of good work to keep Aboriginal and/or Torres Strait Islander children out of prison. We actively participate in campaigns at the national and state level and will continue to do so until this reform is achieved.

Across police and prison institutions in Victoria, we continue to see reports of abuse, corruption, and systemic and interpersonal racism. We know that our people are more likely to be subjected to mistreatment by these institutions. We want police to be accountable. We want prisons to be accountable. The Wirraway Specialist Litigation Practice has been doing critical work to increase prison and police accountability.

including intervening on a case in the Supreme Court about the use of strip-searches and urine tests in prisons. Evidence shows that these practices are often misused in prisons and do not serve their stated purpose. Our people are more likely to be subjected to these practices and it is important that we are able to advocate on their behalf in cases like this.

In the new financial year, we will continue to advocate for independent detention oversight and the establishment of a new independent body to investigate all police complaints. We have already done a lot of work on these issues, including the development of policy and research briefs, fact sheets and webinars. These reforms will bring much needed accountability to institutions that have inflicted so much harm and trauma on our people.

I want to see an end to the expansion of prisons in Victoria and a commitment to a target to reduce the prison population to zero. Victoria should view every person that is put in prison as a collective failure of society. Prisons do not heal people. They are violent and corrupt places. They are unaffordable and drain money out of communities for no benefit. They entrench cycles of poverty and criminalisation, While we are working towards this future, it is vital that VALS continues our work to reduce the harm that prisons and police custody inflict on our people. Through our Community Justice Program, and particularly the Custody Notification Service, we have countless examples of instances where our people were denied access to healthcare in custodial settings, and we have had to demand they get that care.

Our people deserve culturally safe healthcare in prison and other custodial settings that is at least equivalent to what they could access in the community. A lack of access to culturally safe healthcare in prisons contributes to the preventable deaths in custody of Aboriginal and/or Torres Strait Islander people. Aboriginal Community Controlled Health Services should be funded to provide care to our people in prison.

Our children deserve to be safe and have the support they need to live a good life, connected to culture, community, and Country. Most of our children never come into contact with the legal system, but we know that there are common themes in the stories of those that do. These children have been failed by society many times before they reach the criminal legal system. Failed by the Child Protection System, failed by the health and education systems, and failed by the housing system.

Supporting Aboriginal and/or Torres Strait Islander children is core to the work of VALS. Governments continue to fail our children. The supports that our children and their families need exist, they just need the funding to support every child that needs them. We are working hard to make sure Government delivers the resources our communities need to provide this support.

A huge thanks to the amazing VALS Board whose leadership and guidance are invaluable. Together they have an extraordinary breadth and depth of knowledge that they are always willing to share. It is an honour to work with them to ensure VALS is delivering for our communities.

And thank you to George Selvanera for being Acting CEO while I was on maternity leave during 2021/22. George did a great job in progressing the work of VALS, strengthening many key relationships and delivering important projects. George is now Deputy CEO, reflecting his role in contributing to the advancement of our organisation, its business, its partnerships and its future.

We have a lot of work to do in 2022/23. The Aboriginal and/or Torres Strait Islander people we work for expect a lot of us and deserve our best. I am proud to lead the fantastic team at VALS and I know that we will not shy away from continuing to bring the truth to light and supporting our communities to access justice.

Nerita Waight  
CEO



# BOARD OF DIRECTORS

## **Des Morgan** Chairperson

Des is a Yorta man from the Murray/Goulburn river area of Victoria/NSW. He has been an active member of the Aboriginal community since 1984, having served on various local and state organisations, Boards of Management Inc, Legal Service, Aborigines Advancement League, VACSL, VALEAI. He also served a six year period as an ATSIC Regional Councilor and past Chair of NGERNDA (Echuca) for several years and a member of Yorta Nations Aboriginal Corporation.

## **Pam Aplin** Secretary

Deputy Executive Officer, Victorian Aboriginal Community Services Association Limited. Completed Diploma of Frontline Management with Swinburne Governance Training.

## **Larry Kanoa** Treasurer

Larry has been actively involved in Aboriginal affairs since 1983. During this time, he has represented the Aboriginal community at local, state and national forums. These include BADAC, RAJAC, AJF, VAEAI, VAAL, VALS and ATSIC. He is also a past employee

## **Amanda Dunstall** Director

Amanda is a Gunditjmara woman who is currently undertaking a Bachelor of Social work. Amanda has previously worked for VACCA, VALS and Victoria Police. Amanda is currently employed with VACSL. Amanda has through her tireless work shown her passionate about social justice for Koorie people.

## **Luke Martin** Director

Luke is a community solicitor who is studying medicine. Luke is a Member of the Clinical Council, South Eastern Primary Health Network and has extensive governance experience and as an Aboriginal congressman, advisor, lecture and negotiator. Luke was a co-founder and former head of the Indigenous Health Research Unit, Indigenous Health Translation Unit, University of Melbourne, Monash University, Victorian Institute of Forensic Medicine.

## **Erin Rose** Director

Erin Rose is the Budj Bim World Heritage Executive Officer at Gunditj Mirring Traditional Owners Aboriginal Corporation. Erin has extensive professional experience in the delivery of Aboriginal community engagement programs and within the Victorian justice system. This includes in program management and within Corrections Victoria.



**Cienan Muir**  
Director

Cienan is a Yorta and Ngarrindjeri man and an advocate for ensuring our young people have the voice and the opportunity to make the changes they want to see in the future



**Herb Patten**  
Director

Herb is a respected Aboriginal Elder within the community who has connections to Gunai/Kurnai, Yorta Yorta and Wiradjuri people. Herb has successfully completed a Diploma in Aboriginal Arts and is a musician and master player of the gum leaf.

**Crystal McKinnon**  
Director

Dr Crystal McKinnon is Vice Chancellor's Indigenous Research Fellow, Social and Global Studies Centre, RMIT University. Crystal is an extensively published academic and expert speaker and presenter on subjects related to Indigenous People's civil rights, sovereignty and experiences of the criminal legal system. Crystal is a member of various academic bodies and is involved in academic administration, university governance and wider participation in the Boards of various not-for-profit organisations.



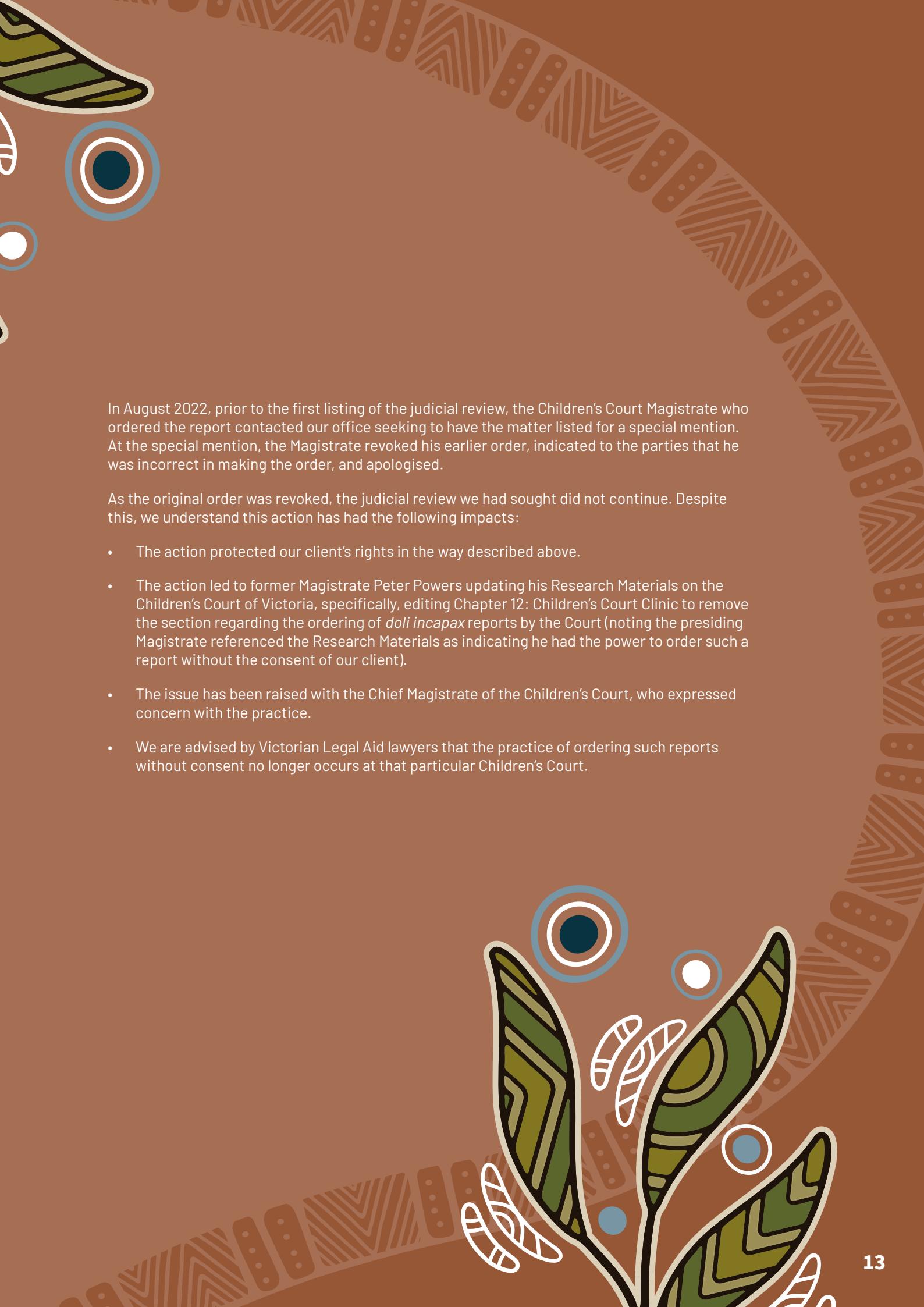
## SPOTLIGHT ON VALS

VALS represented a 13 year old who resides in out of home care in Barwon South West. The young person was charged on multiple occasions, since first being charged in February 2021. In December 2021, 11 briefs were withdrawn by Prosecution following a concession that they would be unable to rebut the presumption of *doli incapax* (the idea that a child is not responsible for a criminal offence unless the Prosecution can prove they knew their behaviour was seriously wrong). This followed VALS providing a psychological report indicating the young person lacked that capacity i.e., that he was *doli incapax*. Following this, Victoria Police charged our client with further offending. We again sought for Prosecution to evidence proof on the issue of *doli incapax*, noting we had a recent report indicating as such.

In April 2022, the Prosecution sought an order from the Children's Court for the Children's Court Clinic to complete a psychological report to address the issue of *doli incapax*. We objected to this course of action and provided submissions as to why the Magistrate did not have this power. Despite our objection, the presiding Magistrate ordered the report. We sought judicial review of this decision because:

- The presiding Magistrate did not have the power to order a Children's Court Clinic report addressing *doli incapax* without the consent of the accused
- The proceedings would clarify whether Children's Court Criminal Division Magistrates have the power to order such a report
- It was becoming commonplace for Magistrates to order such reports without consent of the accused, especially at this particular Court
- Such reports infringe against the right against self-incrimination, as it may require the accused to engage in an assessment that may assist the Prosecution in proving an element of their case, contrary to section 25(2)(k) of the Charter of Human Rights and Responsibilities and article 14(3)(g) of the International Covenant on Civil and Political Rights.
- Such reports are not in the best interest of the child and so contrary to the purpose of the Children, Youth and Families Act
- Such reports may criminalise the actions of children under the age of 14 and therefore lead to a greater representation of young people in the criminal justice system.

With the assistance of external counsel, the Balit Principal Managing Lawyer (PML) and Criminal Law solicitor, we initiated judicial review of this decision in the Supreme Court of Victoria.



In August 2022, prior to the first listing of the judicial review, the Children's Court Magistrate who ordered the report contacted our office seeking to have the matter listed for a special mention. At the special mention, the Magistrate revoked his earlier order, indicated to the parties that he was incorrect in making the order, and apologised.

As the original order was revoked, the judicial review we had sought did not continue. Despite this, we understand this action has had the following impacts:

- The action protected our client's rights in the way described above.
- The action led to former Magistrate Peter Powers updating his Research Materials on the Children's Court of Victoria, specifically, editing Chapter 12: Children's Court Clinic to remove the section regarding the ordering of *doli incapax* reports by the Court (noting the presiding Magistrate referenced the Research Materials as indicating he had the power to order such a report without the consent of our client).
- The issue has been raised with the Chief Magistrate of the Children's Court, who expressed concern with the practice.
- We are advised by Victorian Legal Aid lawyers that the practice of ordering such reports without consent no longer occurs at that particular Children's Court.

# LEGAL PRACTICE



# **ABORIGINAL FAMILIES PRACTICE**

## **Summary of Highlights and Achievements**

- Successful proposal under the Health Justice Partnership program to fund a full-time lawyer and client service officer (CSO) to assist vulnerable women transitioning from prison requiring advice and legal assistance for family violence protection. Many of these women are victims of family violence who, facing few options upon release, often return to live with the perpetrator.
- Practice team numbers are down, and recruitment remains problematic. To mitigate this, the Practice has instituted quarterly whole of practice workshops to identify and implement more efficient procedures. The resulting saving in resources and time has meant that, even with fewer lawyers, Aboriginal Families Practice has largely maintained State-wide coverage for legal assistance, with approximately 350 matters worked on every month.
- With open market recruitment post COVID recruitment difficulties, the Aboriginal Families Practice has developed an internal career pathway model; employing administrative staff who are in the advanced stages of completing the requirements to become admitted as a solicitor. This model has three main advantages. Firstly, recruitment for administrative staff is straightforward, with a greater number of candidates available. Secondly, as these staff receive the same mentoring opportunities as our junior lawyers, they are 'service ready' upon admission. And thirdly, we are offering employment with a real career path.

## **Staffing and Structural Changes**

The Practice has seen less volatility in remuneration-based staff movements, compared to 2019/20. Nevertheless, the Practice lost five employees in 2020/21. Recruitment of family lawyers remains very challenging, and so the Practice has adapted by only employing administration staff who are completing the requirements for admission as a solicitor. Once they are admitted, these administration staff are progressing into vacant solicitor positions within the Practice.

Administration staff are given the same training opportunities, including court shadowing, document drafting and client engagement, as junior lawyers in the team. They are well versed in VALS systems, procedures and policies and so do not require high levels of training upon commencement as a solicitor; saving time and ensuring they can focus on immediate client assistance.

Internal career progression of this sort has made the Aboriginal Families Practice an employer of choice, rather than a career stepping stone.

## **Capacity Building**

The Practice continues to build individual solicitor capacity. Grace Franzese moved into the position of senior lawyer on 30 June 2022, prior to acting in that capacity during the PML's acting period as Director. Since that time, Grace has had exposure in the PML role and is undertaking further training including in practice management and to gain accreditation as an independent children's lawyer. As positions fill, Grace's role will evolve into a more training focused one, while retaining oversight of complex matters.

Through quarterly Practice workshops held every 3 months. the Aboriginal Families Practice has:

- Rationalised intake procedures to remove duplicate processing.
- Implemented electronic file closure; removing the paper-based process that was both cumbersome and duplicitous.
- Improving the reliability and accuracy of the client records management system, including activating template letters which prefill client data.
- Standardised written legal information which can be provided without the need for a solicitor appointment.

As numerical capacity increases, less experienced lawyers will gain greater exposure to more complex matters and through mentoring and support eventually run their own contested matters.

In the immediate term, the Practice has strengthened negotiation skills for its solicitors, resulting in an increase in negotiated settlements. This represents significantly better outcomes for our clients and has meant that very few matters proceed to trial.

## **Discrete Program Funding**

The Practice currently has discrete funding contracts for the following:

- Family Violence Lawyer: in conjunction with the Bagarook program, the scheme aims to provide family violence information and legal assistance to vulnerable women transitioning out of prison. Many of these women are family violence victims, with little option but to return to the home of the perpetrator.
- Early Resolution Scheme: this scheme aims to negotiate a pre court resolution to family violence applications. Unfortunately, the funding became uncertain post June 2022; with a current extension to December 2022.
- Child Protection Lawyers for Mildura and Gippsland funded by Victorian Legal Aid
- Family Lawyer Melbourne funded by Victorian Legal Aid
- Orange Door Pilot Program

## **Advocacy**

In 2020/21, the Practice also engages in strategic advocacy to promote system change that benefits Aboriginal and Torres Strait Islander communities. This includes participation in:

- Advisory Panel: Children, Youth and Families Act (Child Protection) Amendment Bill
- Early Resolution Scheme Working Group
- Early Resolution Scheme Steering Committee
- Victoria Legal Aid Community of Practice in Family Law
- Joint Proposal re State Practice direction to keep the majority of matters on line
- Cross Border Access to Justice working group.

## CASE STUDY

VALS acted for a client with mental health needs and had been abusing crystal methamphetamine and alcohol. A family violence incident had occurred, and Police attended the family home where the client, their partner and two children resided.

A protection application by emergency care was made by Child Protection, further to their assessment that the two very young children were at an unacceptable risk of harm. The client was excluded from the family home and an Interim Intervention Order was also made.

The client was unwilling to seek help due to discomfort with what had occurred. The client displayed very heightened emotions and was frustrated during interactions with VALS. The client lacked insight into their behaviour and how damaging it could be to the children.

Since the removal of the children, VALS contacted the client regularly. VALS reiterated advice to the client to equip them with knowledge of requirements and about strategies for how they might improve their case. Our advice to this point was that if the client did not make positive changes to address the protective concerns there would be limited progress. The client had legal representation throughout the matter.

After months of limited client contact with their children and the case being at a standstill, the client engaged in an intense 16-week rehabilitative program at an ACCO. Our client worked extremely hard to address anger problems which arose from poor mental health and substance abuse. The client left the program positively and continued to engage with services.

The client addressed the protective concerns of Child Protection. After many assessments and negotiations, our client returned home to live with their partner and children. The client indicated that they were now fully present at home and had gained insight into how their behaviour impacted the children and how determined they were to break the cycle. They stated that without VALS support they would not be in this position.

# CRIMINAL LAW PRACTICE

## Summary of Highlights and Achievements

- A powerful and potent Aboriginal Community Justice Report (ACJR) was instrumental in successfully rebutting a presumption of the imposition of a custodial sentence in the County Koori Court.
- The secondment partnership and close relationship with Victorian Legal Aid (VLA) was expanded with three senior lawyers now seconded to our team and a PML seconded to VLA to manage their indictable practice for 6-months.
- Increased VLA Panel Membership which enhances VALS ability to undertake and supervise legally aided clients.
- The Criminal Law Practice became the service of choice for training the sector on representing and advocating for Aboriginal people in the criminal justice system.
- The team worked closely with the Wirraway Practice in the Coronial Inquest into the death of Veronica Nelson, with our Principal Managing Lawyer (PML) being part of the expert conclave on bail and custody.
- Completed all outstanding COVID-19 administration tasks.

The Criminal Law Practice continued to achieve great outcomes for our clients and the community, providing culturally safe legal representation, expertise in the Koori Courts and access to representation regardless of location or matter type. The team is cohesive, committed, and passionate about providing a voice for our clients. With a team comparable in size to a small, suburban VLA office, the VALS Criminal Law Practice cover great distances, predominantly working remotely to provide actual, in-court representation in every court in Victoria. By October 2022, the team comprise nine criminal lawyers (including the PML 1 senior lawyer and 7 lawyers), three secondees from VLA (including one managing lawyer and two senior lawyers), two paralegals and three legal secretaries.

## Among our priorities for the last 12 months have been:

- Raising our profile and presence in the regional courts as we all emerge from COVID-19 lockdowns, by attending our allocated court days regardless of whether we have an existing client requiring representation or not.
- As courts return to in-person events, Criminal Law Practice is providing extra training and mentorship to new lawyers who had practised almost exclusively during COVID-19 and in online courts.
- As much as possible, sending the same lawyer to the same court for each appearance.
- Increasing applications for grants of aid from VLA by applying whenever a client is eligible.
- Avoiding briefing out Koori Courts in the Magistrates' and County Courts.
- Implementing a short-term freeze on new clients to ensure our service is effective and remains within our lawyers' capacity to provide that service to a high standard.

Our indictable crime practice continues to grow in number and complexity. There are currently more than 30 indictable matters with several Supreme Court matters. This demonstrates an increasing community confidence in VALS.

The Court continues to prioritise resolving the significant backlog of matters in the Magistrates Court arising from COVID-19. This has significantly impacted VALS service delivery as we work hard to keep within the courts' timeframes. Compounding this, we have a small and relatively junior team, there are fewer members of the Victorian Bar willing to pick up regional summary crime work, and there are commonly waits of 6+ months for expert reports such as forensic psychological reports. In response to this, the VALS PML has been meeting with the Magistrates' Court each month to improve understanding between the judiciary and VALS as to the current demands on our service.

With a largely junior team, we have also been focusing on building their skills and knowledge by focusing on professional development and court room advocacy.

## **Client Freeze**

In response to an excessive demand for our service a three-month client freeze was initiated. During that time, the Criminal Law Practice reduced file numbers for lawyers to a manageable level that reflects their skills and experiences. Throughout the freeze, we warmly referred 180+ individual clients to alternative criminal legal services to ensure our clients continued to receive good quality legal representation. A staged reopening in the regions will occur in early 2022/23, with a view to reopen in metropolitan Melbourne in November 2022.

The need for a client freeze was exacerbated by the Court significantly reducing the number of matters that can be heard on WebEx (remotely) i.e., requiring our lawyers and clients to attend courts in person. After two years of COVID-19 and largely remote appearances, this has been a significant transition for our staff. Given the Criminal Law Practice services the entire state of Victoria and its 51 Magistrates' Courts we are travelling a lot, and many of our solicitors are in courts, on their own, for the first time in their careers. This places a burden on our more senior staff to be available for mentorship and to travel with less experienced staff when required. This in turn affects the availability of lawyers to be present around the state. In response we are building stronger relationships with regional VLA offices and Community Legal Centres (CLCs) around the state to assist our lawyers and clients.

## **Consultations**

The Criminal Law Practice had formal input into the proposed offensive behaviour offences; the new affirmative consent laws and sex offences; the decriminalisation of public drunkenness; and a review of adjourned undertakings, otherwise known as good behaviour bonds.

Perhaps of greatest consequence, we provided our expertise and input into VLA's revised bail guideline that ensures funding for first remand bail application for First Nations peoples regardless of merit. This is a significant change for the sector which sees a move away from a merits assessment when funding a bail application to an instructions-based assessment; the model VALS has always used and advocates for.



## CASE STUDY

### DPP v Virgil Tirris [2022] VCC 1575

County Koori Court

The client was charged with trafficking in a drug of dependence, a category 2 offence which attracts a presumptive custodial sentence. In sentencing, the Judge observed that it was a serious example of commercial trafficking given the quantity possessed.

The client's plea was heard in the County Koori Court and an Aboriginal Community Justice Report (ACJR) was prepared and submitted. The ACJR outlined a childhood marked by significant traumatic and dysfunction.

The Judge observed "*that ACJRs provide a wider lens that brings perspective on the collective experiences of the individual, family, and community. They provide a relevant history of colonisation and its impacts, as well as an outline of contemporary interventions, circumstances, policies and laws and their impacts on Aboriginal communities.*"(para 127) The Judge accepted the intergenerational trauma was relevant to the client's circumstances and criminality.

The Judge found that substantial and compelling reasons existed for an exceptional and rare departure from a mandatory sentence of imprisonment. Rather, our client was sentenced to a Community Corrections Order. The decision has not been appealed by the Crown.

This outcome would not have been achievable without the expertise and culturally safe practices of our senior lawyer and proud Bundjalung woman, Ms Emily Yates; the strength and veracity of the ACJR; and the County Koori Court.

# CIVIL AND HUMAN RIGHTS LAW

## Summary of Highlights and Achievements

- Advancing the Aged Pension test case in the Federal Court. The Age Pension test case aims to recognise how Aboriginal and Torres Strait Islander people are disadvantaged by reduced life expectancy in access to the aged pension in Australia. The hearing is due to be set down in early 2023.
- Securing funding for and setting up a Mental Health Law Clinic which is now operational.
- \$633,436.03 of debts waived, compensation awarded and infringements revoked for Aboriginal and/or Torres Strait Islander clients.
- VALS continued work in the community sector disaster response, including extensive outreach in the Gippsland area.
- VALS and Victorian Legal Aid (VLA), agreeing to establish Lotjpa, the independent legal service for the Yoo-rrook Justice Commission. Lotjpa will assist Aboriginal people engage with the Yoo-rrook Justice Commission and provide wrap-around legal assistance to them.

The Civil and Human Rights Practice assists clients in tenancy, discrimination, employment, coronial matters including inquests, personal safety intervention orders, working with children check matters, the Disability Royal Commission (DRC)(through Your Story), institutional abuse matters with the Melbourne Response, infringements, consumer, credit and debt (through an integrated partnership with Consumer Action Law Centre (CALC).

In 2021/22, the Civil and Human Rights Practice has secured:

- \$259,945.47 waiver of debts;
- \$272,075.10 infringements revocation;
- \$101,415.46 damages or compensation mainly in discrimination, consumer and unfair dismissal matters;

The Practice has assisted 42 clients with advice and assistance to engage with the DRC (The work with the DRC is wrapping up this year); 34 clients with tenancy matters, saving many from homelessness; and 813 clients via information service, legal advice and referrals.

The Civil and Human Rights Practice has continued to grow its inquest Practice. The Practice has acted in two inquests in 2021/22, with two further inquests scheduled for later this year. The Civil and Human Rights Practice has continued to build its relationship with the Koori Engagement Team at the Coroners' Court which has been hugely invaluable to our clients.

The integrated project with CALC has been in place for some time with outreach events also taking place in Shepparton. The Civil and Human Rights Practice hopes to secure further funding for the project beyond June 2023.

With the collapse of the Youpla (Aboriginal Community Benefit Fund), VALS has been part of the 'Save Sorry Business Campaign' which successfully campaigned for emergency relief for the victims who had signed up to funeral insurance policies in the collapsed company. The Civil and Human Rights Practice will continue to fight for a fully funded compensation scheme for all our community who have been impacted. The Civil and Human Rights Practice has also assisted many community members to lodge their Stolen Generation Redress Scheme applications. We are pleased to start to see clients receive their payments.

The Civil and Human Rights Practice internship arrangement with ANU and Melbourne University Public Interest Law Clinic has continued with up to five students each semester coming to VALS to learn and assist the team. The team has also greatly benefited from secondment arrangements with DLA Piper and MinterEllison and from pro bono support from Maurice Blackburn, MinterEllison, (who run the VOCAT clinic), King and Wood Mallesons, DLA Piper, Corrs Chambers Westgarth, Gilbert & Tobin, Ashurst and Holding Redlich.

In 2021/22, the Civil and Human Rights Practice comprises a Principal Managing Lawyer, two senior lawyers, four lawyers and paralegal and secretarial assistance. Anna Potter who has assisted Aboriginal clients with disabilities to engage with the DRC will become the third senior lawyer in the team from July 2022, where she will run the Mental Health Practice. Madison Lawry has also progressed from Civil Law secretary role to lawyer, after completing her training.



## CASE STUDY

During Christmas 2021, our young client was refused entry at a bar in Melbourne. Our client was with four non-Indigenous friends who had been enjoying drinks together. Our client's friends were allowed in, whilst our client was turned away by security for being drunk. Our client does not drink alcohol. He was completely sober. He was certain that he had been racially profiled.

He said that he wanted VALS to assist because he did not want this to happen to another young Aboriginal man. VALS took witness statements with a view to making a discrimination complaint at the Victorian Equal Opportunity and Human Rights Commission (VEOHRC) and the Victorian Civil and Administrative Tribunal (VCAT) if necessary.

Our civil lawyers wrote to the owners of the bar to demand an apology, cultural safety training by a First Nations controlled provider, and a sum of money in recognition of the humiliation suffered by our client. After a lengthy negotiation, the Civil and Human Rights Practice secured an agreement without having to go to VEOHRC or hearing at VCAT.

Our client received a written apology and a payment of \$3,500. The bar owners agreed to cultural safety training for all client facing staff. This included security staff who are contractors.

The bar owners and staff recently completed the training with VACCHO. The owner said that all Australians should do this training. The bar owner said he had learned a lot from working with us.

# **WIRRAWAY**

## **- SPECIALIST LEGAL AND LITIGATION PRACTICE**

### **Summary of Highlights and Achievements**

- The Wirraway Practice represented Uncle Percy Lovett, the joint-senior next of kin of Veronica Marie Nelson, in the coronial inquest into her passing. This was heard from April-May 2022. The coronial inquest was one of the broadest inquests into a death in custody in Victoria. This included examining issues of systemic racism, prison healthcare, policing and bail laws. VALS played a leading role in this Inquest. For instance, providing the Court with expert reports on systemic racism, bail laws and from leading gastroenterologists and GPs. The Wirraway Practice supported Uncle Percy Lovett to attend the Inquest each day and supported him advocate for his partner, Veronica.
- The Wirraway Practice represented VALS as an intervenor in the seminal prisoners' rights and Charter case of Thompson v Minogue. This was heard in the Victorian Court of Appeal. That case established that certain routine strip-searches in prison were unlawful. The Wirraway Practice briefed Yuin barrister Tim Goodwin in this matter and was praised for its work by the Court and other parties.
- The Wirraway Practice maintains strong collaborative relationships with the Commissioner for Children and Young People, Victorian Ombudsman, Koori Engagement Unit of the Coroner's Court of Victoria, Victoria Legal Aid, Flemington Kensington Community Legal Centre, Robinson Gill, and other organisations working in the areas of police and prison accountability.
- The Wirraway Practice maintains strong relationships with the Coroners Court and is the first port of call for the families of Aboriginal and Torres Strait Islander people who have passed away in police or prison custody. The Practice currently acts for the following families in Coronial Investigations into Aboriginal deaths in custody: Michael Suckling, Ms Calgaret, Phillip Pierson and Clinton Austin. The Wirraway Practice is also working with the Civil and Human Rights Practice on the following Coronial Inquests: Narisha Cash and XY (an Aboriginal young person under a Care by Secretary Order).
- The Wirraway Practice currently represents over 80 clients in police and prison accountability matters.

The Wirraway Practice has continued to develop expertise in providing culturally appropriate and holistic representation of clients in all police and prison accountability matters. This includes coronial Inquests into Aboriginal deaths in custody, civil litigation where harm has been caused by Victoria Police and Corrections Victoria, and criminal matters defended on the basis of police illegality.

The Wirraway Practice has also developed several systemic projects, in areas of importance to our clients. These include in the areas of prison healthcare, the criminalisation of children in residential care, the treatment of persons in prison, and police accountability.

The Wirraway Practice also serves as internal counsel for VALS' legal practice teams. This includes providing expert advice and assistance to lawyers in coronial inquests, civil litigation and matters relating to police powers and prisoner's rights.

Our team currently consists of one Practice Managing Lawyer Sarah Schwartz, one Lawyer (Custodial Health) and two Paralegals. We are currently recruiting for three positions, one Senior Lawyer / Advocate, one Lawyer-Senior Lawyer (Coronial) and one Lawyer-Senior Lawyer (Community Outreach).

## **Systemic projects**

One systemic project is a partnership with the Balit Ngulu team about the criminalisation of children in residential care and implementation of the Framework to Reduce the Criminalisation of Young People in Care. Within this project, we have represented several children in residential care who are criminalised and targeted by Victoria Police. We have represented these clients in criminal matters, civil litigation, and in broader advocacy with the signatories of the Framework.

Another systemic project is about the healthcare rights of people in prison. Failings or inadequacies in the prison healthcare system are a leading cause of Aboriginal deaths in custody. The ongoing inquest into the death of Veronica Nelson is a devastating example of the link between inadequate prison healthcare and Aboriginal deaths in custody.

This project is in its initial stages. The Wirraway Practice is developing community legal education (CLE) sessions with the VALS Community Justice Program team to enable regular CLE sessions and to take on and provide legal casework assistance to Aboriginal people clients at two prisons, Dame Phyllis Frost Centre and Margoneet. The longer-term project aims are to build on the casework to engage in broader advocacy on behalf of our clients in custody. We will also identify opportunities for strategic litigation and advocacy through our casework. The initial casework stage is important, as we hope for all advocacy on prison healthcare to be grounded in the lived experience of our clients in custody.

## **Plans for the next financial year**

The Wirraway Practice is currently in the final stages of developing a partnership with the law firm, Allens Arthur Robinson, for the secondment of Allens lawyers to VALS to work on civil litigation matters, and Freedom of Information (FOI) litigation matters, involving Victoria Police. This partnership will help Wirraway to expand our police accountability practice.

The Wirraway Practice is also:

- developing CLE materials on police powers and prisoner's rights to roll out to other Aboriginal Community Controlled Organisations and communities.
- working with Melbourne Law School and the Indigenous Law and Justice Hub to develop pathways for the Hub and students to support our work on prison healthcare.

After the Wirraway Practice has finalised recruitment of current vacancies, we expect to grow our expertise and positioning as the leading strategic and casework service for Aboriginal and Torres Strait Islander people in the areas of police and prison accountability.

# BALIT NGULU

## Summary of Highlights and Achievements

- Re-establishing a Balit Ngulu youth justice service that offers culturally safe legal assistance to Aboriginal children and young people in the Melbourne metropolitan and greater Shepparton areas from August 2021.
- The service was fully operational with fitting out of office spaces in Melbourne and Shepparton and the successful recruitment and on-boarding of lawyers, Aboriginal youth support officers and legal secretaries.
- The Minister for Youth Justice Natalie Hutchins MP formally launched Balit Ngulu in September 2021 with more than 170 people participating in the online launch event.
- The Balit Ngulu team assisted 30 young people (12 female, 18 male).

## Background to Balit Ngulu

From 2017 to 2018, VALS established and ran a dedicated Aboriginal children's legal service, Balit Ngulu, to contribute to how Aboriginal children and young people 'move in and out of the child protection and youth justice systems with patchy or little legal representation'. VALS established this as a distinct service to overcome the potential for conflict of interest. The Balit Ngulu service model brought together specialist and dedicated youth legal services with a youth support officer (YSO) to provide culturally safe, trauma-informed, holistic support and case management.

The Department of Justice and Community Safety (DJCS) funded VALS to establish a new service for young people in 2021/22, which is currently funded to June 2024. This is a key pillar of Wirkara Kulpa, the Aboriginal Youth Justice Strategy 2022–2032 (Goal 3.2 My first contact with the justice system is my last). Balit Ngulu 2.0 has a narrower focus than the original service. Balit Ngulu is focused on youth justice services for Aboriginal young people resident in the Melbourne metropolitan and greater Shepparton areas. Young people have support from dedicated youth justice lawyers and YSOs.

## A new Balit Ngulu

Notwithstanding COVID-19 pressures, VALS established a fully operational service by August 2021, with the Minister officially launching the program in September 2021. In the period to 30 June 2022, 30 young people were assisted with 68 matters. 34 of these matters resulted in recorded outcomes, including the withdrawal of charges in 14 matters, diversion in 2 matters, discharge of 2 matters, dismissal of 1 matter and a caution in 1 matter.

The Balit Ngulu team works tirelessly to provide a holistic and therapeutic legal service for clients. The Balit Ngulu team has a unique ability to provide a more intensive and expansive legal service than traditional legal assistance. This includes a continuing assessment of clients' legal and non-legal needs (i.e., the underlying needs which give rise to offending behaviours). This includes facilitating access to wide-ranging support for young people to address the causes of offending. For instance, strengthening cultural connection and addressing mental ill health, financial stress, drug and alcohol misuse, trauma and family violence and a lack of suitable housing. The Balit Ngulu team also identifies other legal needs of young people and refers them for relevant legal assistance.

As well as establishing strong relationships with young people, Balit Ngulu lawyers and YSOs build close connections with their families and wider community and support network. This strengthens the trusting relationship between the client, lawyer, YSO and other supports; it serves as a protective factor in the client's lives.

### **Key strategic priorities for Balit Ngulu moving into 2022/23**

The primary strategic priorities for developing Balit Ngulu are:

- making the case for all Aboriginal children and young people across Victoria having access to Balit Ngulu rather than just those in greater Shepparton and metropolitan Melbourne; and
- making the case for young people having one lawyer that can address the continuum of the young person's legal needs, supported by an Aboriginal YSO. This includes addressing legal needs spanning the youth justice, child protection, family law and civil law domains. This is consistent with best practice and recommendations of the Commission for Children and Young People, the Children's Court and Sentencing Advisory Council research into Crossover Kids (2019 and 2020).
- VALS is hopeful to make progress on these strategic priorities in 2022/23.



## CASE STUDY

A young client living in residential care was violently arrested. This included the use of a choke hold by police, for very minor offending. This led to multiple charges including for resisting arrest and assaulting a police officer. The case raises significant concerns about how the State discharges its corporate parenting responsibility to children removed from their families and about Victoria Police (VicPol) methods. Balit Ngulu defended the charges on grounds of unlawful police conduct.

Pandemic restrictions caused a lot of disruption and unnecessary delays; so that despite this incident occurring in November 2020, the brief was not served on VALS until March 2021. After several unsuccessful attempts to resolve the matter with Prosecution, the matter was booked for a contested hearing. The delays meant that the hearing was scheduled for February 2022.

Further to persistent advocacy from Balit Ngulu and Wirraway (the specialist litigation team at VALS), VicPol withdrew all assault and resist arrest charges against police - 15 in total, at a Special Mention in January 2022 - less than a month before the hearing. Note that this is the second incident VALS have successfully had withdrawn.

The Balit Ngulu team has represented this young person for other offending that post-dates the incidents described above. Through a consolidated plea of 12 matters, the matter was finalised by way of a good behaviour bond.

Through regular engagement with the young person, Balit Ngulu is working to encourage and support the young person to explore alternative school options, obtain employment, and engage in pro-social activities.

An example of work by a Balit Ngulu client that the Judge referred to very positively in his summing up: Balit Ngulu client Grant Andrews has grasped the opportunity provided through his engagement with Balit Ngulu and successfully reconnected with their family and culture. Grant now enjoys painting with his pop and has consented to the sharing of this piece.



# COMMUNITY JUSTICE PROGRAMS

The Community Justice Program (CJP) is core to the delivery of culturally safe legal assistance for our community at VALS. The CJP is constantly evolving, not the least of which is with changes at the top. Our long serving State-wide CJP Leader Lee-Anne Carter moved on in July 2022, with Charmain Anton promoted to the role, having previously served as the regional team leader and a specialist family violence client service officer.



## **REGIONAL CLIENT SERVICE OFFICERS AND FAMILY SUPPORT OFFICERS – CSOS AND FSOS**

With new Swan Hill and Warrnambool offices opening in 2021/22, we have had CSOs operate in 2021/22 from offices in Bairnsdale, Ballarat, Mildura, Shepparton, Swan Hill and Warrnambool.

In 2022/23, VALS will open a new office in Bendigo and move from Bairnsdale to another office in the Gippsland region. We are hopeful that we will also establish new offices in the western part of Melbourne. We aim to have more CSOs on the ground in community to assist community members have their legal needs met.

Our CSOs are key connectors for our clients and local communities to VALS legal assistance. CSOs assist clients to attend court, arrange legal representation, advocate on the client's behalf, and assist them in their communications with lawyers and to understand court processes and orders. This support is invaluable to those who often attend court and/or need legal assistance which is often a traumatising and triggering experience for our community. Due to COVID restrictions, CSOs adapted to working from home and finding other ways to engage with community requiring assistance. This included undertaking welfare checks on clients; completing community referrals to VALS; following up with solicitors on behalf of clients (they have experienced high numbers of criminal and family matters); contacting clients via telephone and conducting letter drops to VALS clients; and participating in meetings such as with VicPol, courts and Covid-19 meetings online.

In addition to our CSOs, FSOs have been appointed to provide 1:1 whole family assistance to families affected by family violence. One FSO works alongside regional clients and the other FSO works alongside metropolitan clients. The FSOs support the whole family gain access to relevant supports for individual family members and to address, where safe to do so, the underlying challenges within the family dynamics. They also assist clients affected by family violence more confidently navigate processes associated with their legal matter. A key theme of 2021/22 is the referral of more children aged 11 to 17 years. These children are presenting with multiple and complex needs. This includes self-harming, mental health and intellectual disabilities/cognitive difficulties.



## CASE STUDY

We received a referral for a male aged 14 years. He was at risk of an Intervention Order (IVO) sought by his mum, further to increasingly challenging behaviours and deteriorating relationship after mum had entered a new relationship. The young male was presenting with drug and alcohol issues, failing to attend school, risky behaviours and violence towards his mum and step-dad. He had been placed with carers by Child Protection but absconded from that placement. There was a whereabouts warrant put out for him.

The VALS FSO (previously known as FV-CSO) built a trusting relationship with the young male. The worker identified that he wanted to go and live with his dad outside of Victoria. The worker assisted him to contact his dad and attended and advocated for him at care plan meetings. This included enabling him to go and live with his dad and taking up drug and alcohol counselling. The FSO also facilitated therapy to repair the relationship between mum and our client.

He is doing well. He is living with his dad and enrolled back into school. He is seeing a counsellor through Head Space and back to playing football. He is also having regular phone contact with his mum and younger siblings.

## CUSTODY NOTIFICATION SERVICE (CNS)

The CNS is a 24/7, 365 days service. VALS Client Notification Officers (CNO's) are the first contact between a community member in police custody and VALS. We are generally notified within an hour of the Aboriginal and/or Torres Strait Islander person coming into custody. CNOs conduct welfare checks and arrange legal advice, wherever required. VALS criminal solicitors are on hand to assist at whatever time of the day or night to provide immediate legal assistance.

CNOs processed 11,836 individual notifications from VicPol regarding Aboriginal people in custody in 2021/22. Average notifications were 32.42 per day. CNOs undertook 70,089 client contact calls (an average of nearly 6 calls per person). This included ongoing welfare checks, making referrals, liaising with VicPol and custody staff, arranging legal advice and liaising with family members. Key themes from our work in 2021/22 are:

- Too many Aboriginal people do not get access to appropriate medical care while in custody.
- Mental health and/or cognitive impairments are disproportionately represented amongst mob in police custody. Too often, this can result in worse outcomes for our community as these needs are not sufficiently recognised and taken account of.
- As a result of COVID lockdown rules in the community and within custodial settings, there has been even greater vulnerability and mental ill health amongst mob in custody. To help mitigate this, the CNS extended welfare checks to prisons and remand centres. Another consequence has been that CNOs have been identifying more compromised abilities for people to meet bail conditions when released. As a result, more vulnerable community members are returning to custody because of bail breaches that are not related to offending that presents any risk to community safety.
- CNOs work closely with Courts Victoria, Court Integrated Services Program, Bail and Remand Centre (BaRC) and Victorian Legal Aid (VLA) to provide extra help to those in custody during court "shut down periods" and for anyone having to attend court after hours. This has improved mutual understanding of our different roles. It has also allowed necessary, tailored help for those in custody, when they are often at their most vulnerable and anxious. For instance, this has equipped VLA with knowledge of issues facing each person who attended court which they have been able to share with Magistrates. For instance, this has led to the adjournment of some matters to enable further assessments to occur. This has been particularly important for clients needing Forensicare assessments.

## **CASE STUDY: CNO and CSOs working together to support our clients**

The CNO contacted a male aged 49 years, who was taken into custody after a raid on his house. He informed the CNO that he had type 2 diabetes. He also advised the CNO that he did not trust the Police and so was not taking medication provided at the Police Station.

The CSO visited the client in police custody and spoke to him about needing to take his medication. With the client's permission, the CSO went to his house and retrieved his medication which included his name and the original medication box from the chemist. The CSO then returned to the Police Station and ensured the client had his medication and something to eat. Our client and his family were very happy with the CSO support.

## **VICTORIA POLICE E-REFERRAL (V-PER)**

Further to VicPol interactions with our community, the VALS V-PER officer assists community members with non-custody issues who have been referred for extra assistance by VicPol. V-PER notifications are consented referrals during non-crisis incidents. There are sometimes referrals from community organisations. The V-PER officer provides culturally safe and holistic support to clients at what is often a highly emotional time. This includes close work with other ACCOs and community organisations to ensure that the client is safe, supported and cared for. In 2021/22, the V-PER program received 249 referrals, of which 187 were from VicPol and 36 from community organisations. About 10% are not assisted due to various factors such as incorrect contact details provided, the person is not Indigenous and/or decide not to engage with support services. Mostly assistance is brokered and referrals are made in relation to mental health, alcohol and substance misuse, homelessness and housing and for therapeutic counselling. This includes grief counselling.

## **BAGGAROOK PROGRAM**

The Baggarook program is an intensive support program for women transitioning from custody that are at high risk of homelessness. Based on initial pilot work, VALS made improvements to the Baggarook service delivery model in partnership with Aboriginal Housing Victoria (AHV) and Corrections Victoria in 2021/22. Corrections Victoria refers potential participants, AHV provides the transitional housing inclusive of tenancy management and VALS has support workers on site Monday to Friday to equip participants with greater coping skills, self-sufficiency and facilitate their longer term independence. This includes to address the underlying reasons for criminal offending. In addition to 1:1 information, advice and assistance, support workers help broker access to other relevant support. This includes to move into suitable, long-term accommodation.

VALS support workers offered in-person and remote support throughout the COVID restrictions; a period where women had seriously limited access to other support services. Support workers have dealt with incidents arising between the women and/or associated with them and successfully maintained relationships with the women throughout. This speaks to the excellent relationship building skills of our support workers. The support workers work to craft great and fun opportunities for the women too. For instance, collecting Christmas toys for the women for their children and extended families, hosting a Christmas lunch, mending one of the participant's clothes so that she could then head down the street and buy some new clothes and conducting a weaving workshop. Our participants expressed their gratitude for the support they received during the COVID lockdowns and at Christmas to ensure that they have what they needed.

Key achievements in 2021/22 include:

- One of our previous participants is now working full time with The Torch and making great progress in all areas of her life.
- All of our 2021 participants have moved into suitable, long-term accommodation.
- One participant recently commented that she was extremely grateful for the assistance in seeking an intervention order on her behalf, as she does not believe she could have done it herself

## **COMMUNITY LEGAL EDUCATION**

The VALS Community Legal Education Program (CLE) provides legal information sessions to community across Victoria. The CLE Program also attends community events with the Justice Bus.

The COVID pandemic required our CLE program and CLE Project Officer to change the way that VALS provides and engages community in CLE, with more online sessions made available and embedding legal information sessions within events hosted by partner organisations. We also conducted outreach sessions where VALS solicitors meet with the community and talk face-to-face with the solicitor about their own legal matter or to seek information more generally. Community members and solicitors enjoy these sessions as they are informal, and people can enjoy a lunch and learn more about each other. It's a great way for solicitors to see and feel the hardships facing Aboriginal regional communities and to hear stories that are important to their understanding when helping Aboriginal people.

VALS is also always looking for extra funding opportunities to innovative and expand our CLE to build knowledge amongst our communities about their rights and ways to exercise these rights. We had success in securing new funding to help deliver specific projects.

Amongst various topics that were covered in our CLE sessions in 2021/22 were:

- Know your rights (stop and search, questioning, ID requests or fingerprints/photographs and personal information)
- Consumer matters (mobile phone issues, rent to buy (Pay day loans)
- Managing debt- prevention of mental stress, triggers for family violence and damaging credit history
- Funeral insurance
- Family law sessions including Child Protection and grandparents' access to grandchildren
- Police complaints
- Discrimination, Disability complaints
- Wills, Powers of Attorney and Guardianship providing information on changes in these area
- Social media and cyber bulling- lateral violence in Community
- Youth- Dealing with police and your rights, discrimination within schools and respectful relationships. The latter included advising around community safety and how to use social media in everyday life.

## **DISASTER RELIEF PROGRAM**

The VALS CJP secured funding to create resources and materials for community when dealing with natural disasters. VALS employed a Program Coordinator and Civil Lawyer to deliver the Disaster Relief project. The project provides advice and acts for Aboriginal and/or Torres Strait Islander clients and communities affected by disasters. Support to address family violence related needs is a core component of this program.

Due to COVID lockdowns, staff were restricted in their ability to conduct outreach. However, they built relationships with stakeholders and improved referral pathways. This includes through attending working groups, meetings with stakeholders and making changes to the VALS Disaster Legal Help Check.

## ABORIGINAL COMMUNITY JUSTICE REPORTS PROJECT

With Australian Research Council funding, VALS is facilitating Aboriginal Community Justice Reports in partnership with the Australasian Institute of Judicial Administration, University of Technology Sydney and Griffith University. The Five Bridges Aboriginal and Torres Strait Islander Community Justice Group is also operating this project in Queensland.

Aboriginal Community Justice Reports will be prepared about 20 individuals to assist judicial officers in sentencing decisions. The Project aims to reduce the overincarceration of Aboriginal and Torres Strait Islander people and improve sentencing processes and outcomes for Aboriginal and/or Torres Strait Islander defendants. The Reports include a more holistic account of individual circumstances, including as these relate to a person's community, culture and strengths. As pre-sentence, community written reports, these aim to identify possible underlying drivers of the individual's offending. In particular, those that relate to the impacts of trauma and colonisation uniquely experienced as an Aboriginal person. In this way, the Report provides a further voice to the offender, their family and community, and thus greater involvement in, and engagement with the justice system. More information regarding suitability of this project can be found on VALS website.



# ABORIGINAL COMMUNITY JUSTICE PANELS

VALS auspices the Aboriginal Community Justice Panels (ACJP) which involves providing a range of corporate services assistance. The ACJP is currently an unincorporated body that mostly involves Aboriginal volunteers across 13 parts of Victoria helping fellow community members in police custody.

The ACJP was established in 1988 in response to the Royal Commission into Aboriginal Deaths in Custody. The ACJP operates 24 hours a day, seven days a week, supported by local volunteers who provide cultural and practical support to Aboriginal persons who are taken into custody to ensure their safety. The majority of ACJP activity is undertaken after hours when other services are not open.

The VALS Custody Notification Service (CNS) staff and ACJP members work closely together to ensure the safety of those in custody. As occurs with the CNS, VicPol are required to notify the ACJP when an Aboriginal person is taken into custody. The ACJP volunteer attends the police station and conducts a welfare check to ensure the person in custody is safe, that relevant medical information is shared, and that families are notified of the person's whereabouts. At times, an Aboriginal person in custody can be released into the care of the ACJP volunteer who will ensure they continue to be safe in the days following release. This support can continue for some weeks depending on the person's circumstances.

Aligned with the principle of self-determination, the ACJP is a service run by the Aboriginal community for the Aboriginal community, and in conjunction with its core service of ensuring safety and welfare in custody, is involved in other culturally safe crime-prevention and early intervention strategies across Victoria. These strategies include working to improve the relationship between the local police and Aboriginal community. The ACJP also participate in a range of consultative and advisory mechanisms to inform service design and justice practices and outcomes for Aboriginal and Torres Strait Islander people. This includes the Aboriginal Justice Forum, Aboriginal Justice Caucus, Justice Collaborative working groups, Regional Aboriginal Justice Advisory Committees, Local Aboriginal Justice Action Groups, Indigenous Family Violence Regional Advisory Groups and Family Violence Police Protocols.

There are currently 13 ACJPs across Victoria. Each main site covers police stations that are within the following localities:

- Shepparton
- Echuca
- Swan Hill
- Robinvale
- Mildura
- Horsham
- Portland/Heywood/ Hamilton

Although the initial contact point when Aboriginal people are arrested continues to remain a vital focus, ACJPs have been involved in a range of other activities. This includes:

- Follow-up support with families and persons who may have contact with VicPol
- School holiday program support, positive alcohol, drug and violence free children's activities
- Crisis and emergency/welfare relief
- Support for drug and alcohol-free sporting events and
- Attending various community justice related meetings

The ACJP is currently in the process of reviewing and expanding their site locations. For instance, the ACJP is involved in work exploring pilots related to the decriminalisation of public intoxication.

# POLICY, COMMUNICATIONS AND STRATEGY



## THE TEAM

Throughout 2021/22, the Policy, Communications and Strategy team (Policy team) continued to build VALS' reputation as a strong voice for systemic reforms that will empower Aboriginal and/or Torres Strait Islander peoples.

The Policy team collaborates with staff from across VALS to ensure the voice of our clients and the community is at the heart of our work. This includes government and stakeholder meetings, policy papers and factsheets, policy and law reform submissions, media and digital platforms, webinars, and briefings.

The Policy team's work has ensured that VALS is leading reform efforts to fix Victoria's broken bail laws, raise the age of criminal responsibility, implement independent detention oversight and independent police oversight, end prison expansion, and create a better future for Aboriginal and/or Torres Strait Islander children.

## A STRONG VOICE

The Policy team held dozens of meetings with Members of Parliament (MPs) throughout the year. At these meetings, we briefed MPs on key reform priorities such as fixing Victoria's broken bail laws that have resulted in record levels of Aboriginal people in custody (who have not been found guilty of any offence) and independent police oversight. The Policy team has strengthened VALS' relationships with many MPs who are increasingly advocates for reform.

The Policy team have substantially developed VALS' digital platforms. For instance, we had substantial growth in our email list, followers, and engagement across our social media platforms, hosted several webinars, and have better utilised the website for our advocacy work. This includes launching our first petition hosted on the VALS website. Developing VALS' digital platforms has helped improve the reach and impact of our advocacy work, strengthened VALS' reputation, and driven an increase in online donations.

The Policy team has helped VALS gain important media attention for key issues and assisted clients to speak to the media in an empowering way.

## **EXPERT RESPECTED ADVICE**

The Policy team has undertaken significant work in advising the Victorian Government and Parliament on much-needed justice reforms, including through public and confidential processes. This includes preparing and presenting substantial submissions to the Inquiry into Victoria's Criminal Justice System, the Government's Systemic Review of Police Oversight, the Mental Health and Wellbeing Act 2022, the Inquiry into implementation of the United Nations Declaration of the Rights of Indigenous Peoples in Australia and the development of Victoria's Anti-Racism Strategy.

The Policy Team published policy papers on *Addressing Coercive Control Without Criminalisation, Fixing Victoria's Broken Bail Laws, and Reforming Police Oversight in Victoria*. The Policy team published factsheets on Aboriginal Self-Determination, Ending Aboriginal Deaths in Custody, Systemic Racism, Decriminalisation of Public Intoxication, Age Pension Test Case, and VALS Intervention in Court of Appeal Strip Searching and Urine Testing Case. The team also produced submissions for many more inquiries and briefed governments on key issues.

This work has helped secure VALS' reputation for delivering high-quality policy research that reflects the experience of our clients and the needs of our communities. Having a strong reputation has helped VALS gain greater influence with the sector and government.

## **SUPPORTING THE REST OF THE ORGANISATION**

A core function of the Policy team is supporting the rest of VALS with their work. For instance, helping lawyers write policy recommendations for submissions to coronial inquests and assisting them with media management strategy for their clients. We have provided design work and promotion for several public events. We also help promote recruitment opportunities at VALS

## **NEXT STEPS**

In the coming year, the Policy team will dedicate more resources to proactive work on priority issues for VALS and the community. A proactive approach allows us to set the reform agenda on priority issues and so enable us to have greater impact.

The Policy team is also working on ways to better support clients to self-advocate. Amplifying the voice of our clients and empowering them is at the forefront of all our efforts and is a priority for continuous improvement.

## **WHAT WE DID?**

- 16 Government submissions and policy papers
- 22 Media Releases
- 7 webinars and podcasts on our new YouTube site
- 5 Community Newsletters
- 4300, Facebook likes, 4700 Twitter followers, 3250 Instagram followers, 1200 LinkedIn followers

# **EXECUTIVE AND CORPORATE SERVICES (E&CS)**



It has been a big year for E&CS as we moved in and out of COVID restrictions, met the challenge of COVID on productivity and staff and client health and wellbeing, a very challenging labour market and advanced VALS strategic priorities in key areas of people, place, partnerships and policy.

A major area of work was initiating and negotiating a VALS Enterprise Agreement (EA) 2022. This occurred over a 10-month period and as anyone involved in these processes can attest, it is not for the faint hearted! We were delighted that in July 2022, 92% of VALS staff voted in favour of the EA 2022. The Fair Work Commission has since ratified the EA and E&CS and Finance have implemented the EA. The new EA assists position VALS more competitively in the labour market, with particularly significant increases to pay for our community staff and lawyers. Building on existing beneficial terms and conditions, we also agreed 5 extra days paid leave each year, paid family violence leave and extra paid compassionate leave for staff with significant travel needs to exercise that leave.

The EA negotiation offered a framework for developing and agreeing a new bespoke classification system for VALS. This affords significantly more opportunities for progression and consistency in classification decisions. This work enabled VALS to improve our HR records management. I am indebted to the work of everyone and particularly call out Catherine Cunanan, VALS HR and Workforce Development Coordinator, for her invaluable work upgrading our HR records management.

We were successful in securing Aboriginal Workforce Development Fund funding to facilitate a much more comprehensive and strategic approach to workforce development. As well as having a far more interesting and diverse training offer, this has facilitated investment in volunteer coordination and staff health and wellbeing. Our volunteer coordinator, the amazing Dayle Jones, hit the ground running in pursuing a more systematic approach to the attraction, recruitment, induction/onboarding and support for volunteers. We had 90+ volunteers with VALS from November 2021 who contributed more than 7,000 hours. As well as expanding our service capacity, investing in a volunteering has aided our talent attraction strategy. By 30 June 2022, seven of the new volunteers had gained paid employment at VALS. We are sourcing new volunteers for our Criminal Law Team (first time in years), Aboriginal Families team (first time ever) and our new Client Feedback Program (CFP). The CFP incorporates engagement with clients about:

- Self-reported changes in life circumstances that the client attributes to VALS program assistance e.g., housing situation has improved, feel safer in the community.
- Their experience of, and satisfaction with VALS legal and community assistance.

**We are delighted that 96% of our clients would recommend VALS to other people, 91% knew where to get help if they have another legal problem in the future and of the 40% who felt that cultural or personal needs were important to them, 95% felt these needs were met by VALS.**

These types of statistics are generated through the Quality & Accreditation Team led by Tash McGregor. Tash has overseen the systematic improvement in VALS data administration, management and reporting. This includes integrating whole new service areas that E&CS have enabled within an integrated reporting framework. For example, our community support programs and Balit Ngulu have been integrated within our Client Management System. The latter occurred further to the successful recruitment of staff and operationalisation on time of Balit Ngulu, a dedicated youth justice service. Balit Ngulu was launched in September 2021 by the Minister for Youth Justice. E&CS is also actively involved in developing proposals for expanding the service state-wide and to include more holistic legal assistance for Aboriginal young people.

We overhauled our approach to workplace health and safety through 2021/22. This includes whole-organisation governance, the development and implementation of new policies and investment in training, external supervision and an on-site counsellor to help staff develop positive coping strategies and mitigate risks of vicarious trauma. Our approach to workplace health and safety was independently assessed and rated 91.38% (excellent). This is especially important given a rapidly evolving VALS property portfolio.

Through 2021/22, we closed and opened new offices in Ballarat and Mildura. We also opened new offices in Swan Hill and Warrnambool. We closed an office in Morwell and are looking to establish a more fit-for-purpose office within the Gippsland region in 2022/23. We were also successful in negotiating funding for upgrading audio-visual equipment and camera security systems at regional offices and for new and ongoing funds for a new Bendigo office from 2022/23. Our Bendigo office will serve the Loddon region and locate more legal assistance where Aboriginal people live (place based services)- a key strategic aim of VALS. After all, more than 50% of all Aboriginal and Torres Strait Islander people live outside metropolitan Melbourne even if Government funding has favoured Melbourne where most non-Indigenous people in Victoria reside. It is a matter of basic equity and crucial to early intervention goals that Aboriginal Victorians have access to the same services where they live too.

E&CS coordinated the 2021 AGM and is delighted that VALS has a full complement of Board members for the first time in several years, following the AGM that took place in December 2021. Not only do we have a full Board; we had an election as there were more nominees for Board roles than available places. We welcomed Erin Rose and Luke Martin as new to the VALS Board, along with returning members Pam Aplin and Cieran Muir. We also arranged for Board members to participate in accredited Board governance training in February 2022 (which also delivers on a Strategic Plan priority).

E&CS has a primary responsibility for enabling the key services for our clients. It is a continuous work in progress and priorities for 2022/23 include:

- Improving staff recruitment and retention.
- Implementing organisational changes, such as CJP leadership reorganisation, abolition of the role of director of legal services and operationalising new programs such as an expanded Balit Ngulu and an expanded place-based service model across Victoria.
- Upgrading our information and communications technology infrastructure which has not been good enough particularly for non-metropolitan offices and to enable more modern telephony systems.
- Equipping senior staff with greater know-how in managing and developing performance and less experienced staff.
- Advancing whole-organisation strategic planning.



# **FINANCIAL REPORT FOR THE YEAR ENDED 30 JUNE 2022**



## **DIRECTORS' REPORT**

Your Directors present this report, together with the audited financial statements of the South Eastern Australian Aboriginal Service Limited for the year ended 30<sup>th</sup> June 2022.

### **DIRECTORS**

The names of the Directors in Office at any time during or since the end of the year are:

Desmond Morgan (Chairperson)	Pam Aplin	Amanda Dunstall
Larry Kanoa	Herb Patten	Cienan Muir
Crystal McKinnon	Luke Martin (09/12/2021)	
Erin Rose (09/12/2021)		

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

The following person held the position of company secretary at the end of the financial year: Pam Aplin.

### **OBJECTIVES**

Meet the legal needs of the Aboriginal and/or Torres Strait Islander community in Victoria through legal services:

- Undertake related Services which may help Aboriginal and Torres Strait Islander people;
- Run VALS Legal Services effectively, efficiently and strategically; and
- Work co-operatively and collaboratively with other organisations for the benefit of clients.

### **STRATEGY FOR ACHIEVING OBJECTIVES**

Provide high quality legal representation to every Aboriginal and/or Torres Strait Islander person who seeks our assistance and fits the criteria for Service – in relation to Civil, Criminal and Family Law matters:

- work with key people such as members of the Aboriginal and/or Torres Strait Islander community, ministers, Government departments and Government committees through submissions, face to face meetings and hearings, on current and proposed legislation and policy and conduct proactive advocacy;
- make sure that our staff feel valued, supported and well informed through regular staff meetings, training, study assistance, policies that encourage work-life balance, mentoring opportunities and induction programs; and
- work with a range of mainstream and Aboriginal and/or Torres Strait Islander controlled organisations, with a focus on ensuring clients receive holistic support and assistance as required.

## **PRINCIPAL ACTIVITIES**

Deliver a 24 hour, 7 days a week legal service to the Victorian Aboriginal and/or Torres Strait Islander community and promote social justice, policy/law reform and community legal education.

## **PERFORMANCE MEASURES**

Provide highly efficient legal and related services consistent with contractual obligations, legal professional, practical and ethical obligations and the relative needs of individual clients.

## **SURPLUS/(DEFICIT)**

For the year, the entity earned a net surplus of \$191,164 after a depreciation charge of \$374,858.

## **SIGNIFICANT CHANGES**

No other significant changes in the company's state of affairs occurred during the financial year.

## **AFTER BALANCE DATE EVENTS**

A matter has continued to evolve since 30 June 2022 that has significantly affected, or may significantly affect:

- (a) the entity's operations in future financial years, or
- (b) the results of those operations in future financial years, or
- (c) the entity's state of affairs in future financial years.

NATSILS was Auspiced by SEAAJSL, as of 01<sup>st</sup> July 2022 this Auspice arrangement moves to North Australia Aboriginal Justice Association (NAAJA). Assets and liabilities will be moved to NAAJA early in 2022/23

## **FUTURE DEVELOPMENTS AND RESULTS**

Likely developments in the operations of the company in future financial years and the expected results of these developments have not been included in this report as the inclusion of such information is likely to result in unreasonable prejudice to the economic entity.

## **OPTIONS**

No options over issued shares or interest in the company were granted during or since the end of the financial year and there were no options outstanding at the date of this report.

## **INFORMATION ON DIRECTORS**

### **Des Morgan: Chairperson**

Des is a Yorta man from the Murray/Goulburn river area of Victoria/NSW. He has been an active member of the Aboriginal community since 1984, having served on various local and state organisations, Boards of Management Inc, Legal Service, Aborigines Advancement League, VACSL, VALEAI. He also served a six year period as an ATSIC Regional Councilor and past Chair of NGERNDA (Echuca) for several years and a member of Yorta Nations Aboriginal Corporation.

### **Pam Aplin: Director**

Deputy Executive Officer, Victorian Aboriginal Community Services Association Limited. Completed Diploma of Frontline Management with Swinburne Governance Training.

### **Amanda Dunstall: Director**

Amanda is a Gunditjmara woman who is currently undertaking a Bachelor of Social work. Amanda has previously worked for VACCA, VALS and Victoria Police. Amanda is currently employed with VACSL. Amanda has through her tireless work shown her passionate about social justice for Koorie people.

### **Larry Kanoa: Director**

Larry has been actively involved in Aboriginal affairs since 1983. During this time, he has represented the Aboriginal community at local, state and national forums. These include BADAC, RAJAC, AJF, VAEAI, VAAL, VALS and ATSIC. He is also a past employee of VALS.

### **Cienan Muir: Director**

Cienan is a Yorta and Ngarrindjeri man and an advocate for ensuring our young people have the voice and the opportunity to make the changes they want to see in the future

### **Herb Patten: Director**

Herb is a respected Aboriginal Elder within the community who has connections to Gunai/Kurnai, Yorta Yorta and Wiradjuri people. Herb has successfully completed a Diploma in Aboriginal Arts and is a musician and master player of the gum leaf.

### **Crystal McKinnon: Director**

Dr Crystal McKinnon is Vice Chancellor's Indigenous Research Fellow, Social and Global Studies Centre, RMIT University. Crystal is an extensively published academic and expert speaker and presenter on subjects related to Indigenous People's civil rights, sovereignty and experiences of the criminal legal system. Crystal is a member of various academic bodies and is involved in academic administration, university governance and wider participation in the Boards of various not-for-profit organisations.

### **Luke Martin: Director**

Luke is a community solicitor who is studying medicine. Luke is a Member of the Clinical Council, South Eastern Primary Health Network and has extensive governance experience and as an Aboriginal congressman, advisor, lecture and negotiator. Luke was a co-founder and former head of the Indigenous Health Research Unit, Indigenous Health Translation Unit, University of Melbourne, Monash University, Victorian Institute of Forensic Medicine.

**Erin Rose: Director**

Erin Rose is the Budj Bim World Heritage Executive Officer at Gunditj Mirring Traditional Owners Aboriginal Corporation. Erin has extensive professional experience in the delivery of Aboriginal community engagement programs and within the Victorian justice system. This includes in program management and within Corrections Victoria.

**MEETING OF DIRECTORS**

During the financial year, four meetings were held. Attendances were:

	No. of eligible to attend	No. attended
Desmond Morgan	4	4
Pam Aplin	4	1
Amanda Dunstall	4	3
Larry Kanoa	4	1
Cienan Muir	4	4
Herb Patten	4	0
Crystal McKinnon	4	4
Luke Martin	2	2
Erin Rose	2	1

**INDEMNIFYING OFFICERS OR AUDITOR**

No indemnities have been given or insurance premiums paid, during or since the end of the financial period, for any person who is or has been an officer or auditor of the company.

**PROCEEDINGS ON BEHALF OF THE ENTITY**

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

The entity was not a party of any such proceedings during the year.

**SOUTH EAST AUSTRALIAN ABORIGINAL JUSTICE SERVICES  
LIMITED**

**AUDITORS INDEPENDENCE DECLARATION**

The auditor's independence declaration for this financial year has been received and can be found on the following page of this report

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

Signed at Preston on the 31 Day of October 2022

 \_\_\_\_\_ Director

 \_\_\_\_\_ Director

TOWARDS A VISION SHARED



**Collins & Co  
Audit Pty Ltd**

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Footscray VIC 3011  
Australia  
Phone (03) 9680 1000  
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**AUDITOR'S INDEPENDENCE DECLARATION  
TO THE DIRECTORS OF  
SOUTH EAST AUSTRALIAN ABORIGINAL JUSTICE SERVICES LIMITED  
A.B.N. 45 926 675 900**

I declare that to the best of my knowledge and belief, in relation to the audit for the financial year ended 30 June 2022 there have been:

- i. no contraventions of the auditor independence requirements of the *Australian Charities and Not for Profits Commission Act 2012* in relation to the audit; and
- ii. No contravention of any applicable code of professional conduct in relation to the audit.

**Frederik Ryk Ludolf Eksteen CA  
ASIC Auditor Registration Number 421448**

**Collins & Co Audit Pty Ltd  
127 Paisley Street  
FOOTSCRAY VIC 3011**

Dated this 2nd day of December 2022

Liability limited by a scheme approved under Professional Standards Legislation  
ABN 33 614 161 796

**SOUTH EAST AUSTRALIAN ABORIGINAL JUSTICE SERVICES LIMITED**

**STATEMENT OF PROFIT OR LOSS AND OTHER COMPREHENSIVE INCOME  
FOR THE YEAR ENDED 30 JUNE 2022**

	<b>Note</b>	<b>30 June 2022</b>	<b>30 June 2021</b>
<b>Revenue including Government Grants</b>	<b>2</b>	<b>12,766,001</b>	<b>11,165,968</b>
Auditors' remuneration	3	17,800	15,000
Depreciation and amortisation expenses		374,858	315,930
Employee benefits expenses		8,767,033	6,895,734
Outside briefs		96,045	56,560
Other expenses		3,286,651	3,086,356
Finance costs – interest		32,450	10,638
<b>Total Expenditure</b>		<b>12,574,837</b>	<b>10,380,218</b>
Surplus / (Deficit) before income tax		191,164	785,750
Income Tax		-	-
Surplus/ (Deficit) after income tax		191,164	785,750
Other comprehensive income		-	-
<b>Total comprehensive income for the year attributable to members of the entity</b>		<b>191,164</b>	<b>785,750</b>

No income Tax is payable by the Entity.

As members have no right to share in profit, no earnings per share information is presented.

The above statement should be read in conjunction with the attached notes to the financial statements and the audit report.

**SOUTH EAST AUSTRALIAN ABORIGINAL JUSTICE SERVICES LIMITED**

**STATEMENT OF FINANCIAL POSITION  
AS AT 30 JUNE 2022**

	Note	30 June 2022	30 June 2021
		\$	\$
<b>CURRENT ASSETS</b>			
Cash and cash equivalents	5	27,339,867	13,591,608
Trade and other receivables	6	546,432	3,298,021
Other current assets	7	<u>163,139</u>	<u>76,648</u>
<b>TOTAL CURRENT ASSETS</b>		<u>28,049,438</u>	<u>16,966,277</u>
<b>NON-CURRENT ASSETS</b>			
Property, plant and equipment	8	<u>7,000,383</u>	<u>6,364,857</u>
<b>TOTAL NON-CURRENT ASSETS</b>		<u>7,000,383</u>	<u>6,364,857</u>
<b>TOTAL ASSETS</b>		<u>35,049,821</u>	<u>23,331,134</u>
<b>CURRENT LIABILITIES</b>			
Trade and other payables		1,477,091	1,094,393
Grant income carried forward	10	21,737,020	11,161,916
Other borrowings	13	97,941	79,596
Short-term provisions payable	9	<u>750,143</u>	<u>679,550</u>
<b>TOTAL CURRENT LIABILITIES</b>		<u>24,062,195</u>	<u>13,015,455</u>
<b>NON-CURRENT LIABILITIES</b>			
Other long-term borrowings	13	506,712	76,519
Long-term provisions payable	9	594,921	544,331
Long-term contingency provision	14	<u>181,973</u>	<u>181,973</u>
<b>TOTAL NON-CURRENT LIABILITIES</b>		<u>1,283,606</u>	<u>802,823</u>
<b>TOTAL LIABILITIES</b>		<u>25,345,801</u>	<u>13,818,278</u>
<b>NET ASSETS</b>		<u>9,704,020</u>	<u>9,512,856</u>
<b>MEMBERS EQUITY</b>			
Reserves	11	6	6
Accumulated funds		<u>9,704,014</u>	<u>9,512,850</u>
<b>TOTAL MEMBERS EQUITY</b>		<u>9,704,020</u>	<u>9,512,856</u>

The above statement should be read in conjunction with the attached notes to the financial statements and the audit report.

**SOUTH EAST AUSTRALIAN ABORIGINAL JUSTICE SERVICES LIMITED**

**STATEMENT OF CHANGES IN EQUITY  
FOR THE YEAR ENDED 30 JUNE 2022**

	Share capital \$	Accumulated funds \$	Reserves \$	Total \$
<b>Balance at 1 July 2020</b>	-	8,727,100	6	8,727,106
Surplus attributable to the company for the year ended 30 June 2021		785,750	-	785,750
<b>Balance at 30 June 2021</b>	-	9,512,850	6	9,512,856
Surplus attributable to the company for the year ended 30 June 2022	-	191,164	-	191,164
<b>Balance at 30 June 2022</b>	-	9,704,014	6	9,704,020

The above statement should be read in conjunction with the attached notes to the financial statements and the audit report.

**STATEMENT OF CASH FLOWS**  
**FOR THE YEAR ENDED 30 JUNE 2022**

	Note	30 June 2022	30 June 2021
		\$	\$
<b><u>CASH FLOW FROM OPERATING ACTIVITIES</u></b>			
Receipts of government grants		27,393,706	13,668,383
Legal costs recovered		39,357	94,031
Other income		575,931	473,534
Donations		261,388	482,668
Interest received		80,924	126,488
Payments to suppliers, employees & disbursements		(13,617,811)	(10,909,691)
<b>Net cash generated from (used in) operating activities</b>	<b>12</b>	<b>14,733,495</b>	<b>3,935,413</b>
<b><u>CASH FLOWS FROM INVESTING ACTIVITIES</u></b>			
Sale of property, plant & equipment		97,494	-
Purchase of property, plant & equipment		(1,082,730)	(115,116)
<b>Net cash generated from (used in) investing activities</b>		<b>(985,236)</b>	<b>(115,116)</b>
<b>Net Increase (decrease) in cash held</b>		<b>13,748,259</b>	<b>3,820,297</b>
Cash at the beginning of the financial period		13,591,608	9,771,311
<b>Cash at the end of the financial period</b>	<b>5</b>	<b>27,339,867</b>	<b>13,591,608</b>

The above statement should be read in conjunction with the attached notes to the financial statements and the audit report.

## **SOUTH EAST AUSTRALIAN ABORIGINAL JUSTICE SERVICES LIMITED**

### **NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2022**

The financial statements cover South East Aboriginal Justice Services Limited (SEAAJSL) as an individual entity. It is a company incorporated and domiciled in Australia.

#### **1. Summary of Significant Accounting Policies**

##### **Basis of Preparation**

The general purpose financial statements have been prepared in accordance with the Australian Charities and Not-for-profits Commission Act 2012 and Australian Accounting Standards and Interpretations of the Australian Accounting Standards Board. The Entity is a not-for-profit entity for financial reporting purposes under Australian Accounting Standards.

Material accounting policies adopted in the preparation of these financial statements are presented below and have been consistently applied unless otherwise stated.

##### **Reporting basis and conventions**

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

##### **Accounting Policies**

###### **Revenue recognition**

Revenue is recognised when it is probable that the economic benefit will flow to the entity and the revenue can be reliably measured. Revenue is measured at the fair value of the consideration received or receivable.

When the entity receives operating grant revenue, it assesses whether the contract is enforceable and has sufficiently specific performance obligations in accordance to AASB 15.

When both these conditions are satisfied, the Entity:

- identifies each performance obligation relating to the grant
- recognises a contract liability for its obligations under the agreement
- recognises revenue as it satisfies its performance obligations.

When the entity receives a capital grant, it recognises a liability for the excess of the initial carrying amount of the financial asset received over any related amounts (being contributions by owners, lease liability, financial instruments, provisions, revenue or contract liability arising from a contract with a customer) recognised under other Australian Accounting Standards.

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

Interest income is recognised using the effective interest method.

All revenue is stated net of the amount of Goods and Services Tax (GST)

## **SOUTH EAST AUSTRALIAN ABORIGINAL JUSTICE SERVICES LIMITED**

### **NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2022**

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Cash flows are presented in the cash flow statement on a gross basis, except for the GST component of investing and financing activities, which are disclosed as operating cash flows.

#### **Comparative Figures**

In accordance with the Accounting Standards, comparative figures from the previous audited financial report for year ended 30 June 2022 are provided where appropriate.

#### **Critical Accounting Estimates and Judgments**

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

#### **Key estimates - Impairment**

The entity assesses impairment at each reporting date by evaluating conditions specific to the entity that may lead to impairment of assets. Where an impairment trigger exists, the recoverable amount of the asset is determined. Value-in-use calculations performed in assessing recoverable amounts incorporate a number of key estimates.

No impairment has been recognised in respect of this reporting period.

#### **Income Taxation**

The entity is endorsed by the Australian Charities and Not-for-profits Commission as a Public Benevolent Institution. Therefore no income tax is payable by the entity.

#### **Property, Plant and Equipment**

The entity has chosen to adapt the Cost Model under paragraph 30 of AASB 116 therefore property, plant and equipment is maintained at cost in the accounts less accumulated depreciation.

#### **Property**

Freehold land is reported at cost.

#### **Leased Assets**

For any new contracts entered on or after 1 July 2019, the Company considers whether a contract is, or contains a lease. A lease is defined as 'a contract, or part of a contract, that conveys the right to use an asset (the underlying asset) for a period in exchange for consideration'. To apply this definition the Company assesses whether the contract meets three key evaluations which are whether:

- the contract contains an identified asset, which is either explicitly identified in the contract or implicitly specified by being identified at the time the asset is made available to the Company
- the Company has the right to obtain substantially all the economic benefits from use of the identified asset throughout the period of use, considering its rights within the defined scope of the contract
- the Company has the right to direct the use of the identified asset throughout the period of use.

The Company assess whether it has the right to direct 'how and for what purpose' the asset is used throughout the period of use.

**SOUTH EAST AUSTRALIAN ABORIGINAL JUSTICE SERVICES LIMITED**

**NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 30 JUNE 2022**

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**Leased Assets**

For any new lease type contracts, the entity considers whether a contract is, or contains a lease.

A lease is defined as 'a contract, or part of a contract, that conveys the right to use an asset (the underlying asset) for a period in exchange for consideration'. To apply this definition the entity assesses whether the contract meets three key evaluations which are whether:

- the contract contains an identified asset, which is either explicitly identified in the contract or implicitly specified by being identified at the time the asset is made available to the entity
- the entity has the right to obtain substantially all the economic benefits from use of the identified asset throughout the period of use, considering its rights within the defined scope of the contract
- the entity has the right to direct the use of the identified asset throughout the period of use.

The entity assess whether it has the right to direct 'how and for what purpose' the asset is used throughout the period of use.

Initially, the lease liability is measured at the present value of the lease payments still to be paid at commencement date. The lease payments are discounted at the interest rate implicit in the lease. If this rate cannot be readily determined, the Entity uses the incremental borrowing rate. Initially, the lease liability is measured at the present value of the lease payments still to be paid at commencement date. The lease payments are discounted at the interest rate implicit in the lease. If this rate cannot be readily determined, the Entity uses the incremental borrowing rate.

Lease payments included in the measurement of the lease liability are as follows:

- fixed lease payments less any lease incentives;
- variable lease payments that depend on an index or rate, initially measured using the index or rate at the commencement date;
- the amount expected to be payable by the lessee under residual value guarantees;
- the exercise price of purchase options, if the lessee is reasonably certain to exercise the options;
- lease payments under extension options if lessee is reasonably certain to exercise the options; and
- payments of penalties for terminating the lease, if the lease term reflects the exercise of an option to terminate the lease

The right-of-use assets comprise the initial measurement of the corresponding lease liability as mentioned above, any lease payments made at or before the commencement date as well as any initial direct costs. The subsequent measurement of the right-of-use assets is at cost less accumulated amortisation and impairment losses.

Right-of-use assets are depreciated over the lease term or useful life of the underlying asset whichever is the shortest. Where a lease transfers ownership of the underlying asset or the cost of the right-of-use asset reflects that the Entity anticipates to exercise a purchase option, the specific asset is depreciated over the useful life of the underlying asset.

**Financial Instruments**

**Recognition, initial measurement and derecognition**

**Initial recognition and measurement**

Financial assets and financial liabilities are recognised when the Entity becomes a party to the contractual provisions to the instrument. For financial assets, this is the date that the Entity commits itself to either the purchase or sale of the asset (i.e. trade date accounting is adopted).

Financial instruments (except for trade receivables) are initially measured at fair value plus transaction costs, except where the instrument is classified "at fair value through profit or loss", in which case transaction costs are expensed to profit or loss immediately. Where available, quoted prices in an active market are used to determine fair value. In other circumstances, valuation techniques are adopted.

**NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 30 JUNE 2022**

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**Financial Instruments**

**Classification and subsequent measurement of financial assets**

Trade receivables that do not contain a significant financing component are measured at the transaction price, all financial assets are initially measured at fair value adjusted for transaction costs.

For the purpose of subsequent measurement, financial assets other than those designated and effective as hedging instruments are classified into the following categories upon initial recognition:

- amortised cost
- fair value through profit or loss (FVPL)
- equity instruments at fair value through other comprehensive income (FVOCI)

Classifications are determined by both,

- The entities business model for managing the financial asset
- The contractual cash flow characteristics of the financial assets

**Financial assets at amortised cost**

Financial assets are measured at amortised cost if the assets meet the following conditions (and are not designated as FVPL):

- they are held within a business model whose objective is to hold the financial assets and collect its contractual cash flows
- the contractual terms of the financial assets give rise to cash flows that are solely payments of principal and interest on the principal amount outstanding .

After initial recognition, these are measured at amortised cost using the effective interest method. Discounting is omitted where the effect of discounting is immaterial. The Entity's cash and cash equivalents, trade and most other receivables fall into this category of financial instruments as well as long-term deposit.

**Financial assets at fair value through profit or loss (FVPL)**

Financial assets that are held within a different business model other than 'hold to collect' or 'hold to collect and sell' are categorised at fair value through profit and loss. Further, irrespective of business model financial assets whose contractual cash flows are not solely payments of principal and interest are accounted for at FVPL. All derivative financial instruments fall into this category, except for those designated and effective as hedging instruments.

**Financial liabilities**

Non derivative financial liabilities, such as trade and other payables, are initially measured at fair value, and, where applicable, adjusted for transaction costs.

Subsequently, financial liabilities are measured at amortised cost using the effective interest method except for derivatives and financial liabilities designated at FVPL, which are carried subsequently at fair value with gains or losses recognised in profit or loss.

**Derivative instruments**

Derivative instruments are measured at fair value. Gains and losses arising from changes in fair value are taken to the income statement unless they are designated as hedges.

**Impairment**

Under AASB 9, impairment requirements use more forward looking information to recognise expected credit losses - the 'expected credit losses (ECL) model'. Instruments within the scope of the new requirements include loans and other debt-type financial assets measured at amortised cost and trade receivables.

The Entity considers a broader range of information when assessing credit risk and measuring expected credit losses, including past events, current conditions, reasonable and supportable forecasts that affect the expected collectability of the future cash flows of the instrument.

## **SOUTH EAST AUSTRALIAN ABORIGINAL JUSTICE SERVICES LIMITED**

### **NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2022**

#### **Impairment of Assets**

At the end of each reporting period, the entity reviews the carrying amounts of its tangible and intangible assets to determine whether there is any indication that those assets have been impaired. If such an indication exists, the recoverable amount of the asset, being the higher of the asset's fair value less costs of disposal and value in use, is compared to the asset's carrying amount. Any excess of the asset's carrying amount over its recoverable amount is recognised in profit or loss.

Where the assets are not held primarily for their ability to generate net cash inflows – that is, they are specialised assets held for continuing use of their service capacity – the recoverable amounts are expected to be materially the same as fair value.

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

Where an impairment loss on a revalued individual asset is identified, this is recognised against the revaluation surplus in respect of the same class of asset to the extent that the impairment loss does not exceed the amount in the revaluation surplus for that class of asset.

#### **Employee Provisions**

##### **Short-term employee provisions**

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

##### **Other long-term employee provisions**

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

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

#### **Cash and Cash Equivalents**

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

#### **Goods and Services Tax (GST)**

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

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

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

## **SOUTH EAST AUSTRALIAN ABORIGINAL JUSTICE SERVICES LIMITED**

### **NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2022**

#### **Provisions**

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

#### **Unspent Grant Funds**

Unspent Grant Funds available as revenue or liable to be returned to the grant provider in the following year are recognised as a current liability in the balance sheet. They are not treated as an operating surplus or profit.

#### **Current and non-current classification**

Assets and liabilities are presented in the statement of financial position based on current and non-current classification. An asset is classified as current when: it is either expected to be realised or intended to be sold or consumed in the entity's normal operating cycle; it is held primarily for the purpose of trading; it is expected to be realised within 12 months after the reporting period; or the asset is cash or cash equivalent unless restricted from being exchanged or used to settle a liability for at least 12 months after the reporting period. All other assets are classified as non-current.

A liability is classified as current when: it is either expected to be settled in the company's normal operating cycle; it is held primarily for the purpose of trading; it is due to be settled within 12 months after the reporting period; or there is no unconditional right to defer the settlement of the liability for at least 12 months after the reporting period. All other liabilities are classified as non-current.

#### **Comparative Figures**

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

When the Entity retrospectively applies an accounting policy, makes a retrospective restatement or reclassifies items in its financial statements, a third statement of financial position as at the beginning of the preceding period, in addition to the minimum comparative financial statements, must be disclosed.

#### **Critical Accounting Estimates and Judgments**

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

#### **Key estimates - Impairment**

The entity assesses impairment at each reporting date by evaluating conditions specific to the entity that may lead to impairment of assets. Where an impairment trigger exists, the recoverable amount of the asset is determined. Value-in-use calculations performed in assessing recoverable amounts incorporate a number of key estimates.

No impairment has been recognised in respect of this reporting period.

**SOUTH EAST AUSTRALIAN ABORIGINAL JUSTICE SERVICES LIMITED**

**NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 30 JUNE 2022**

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**New, revised or amending Accounting Standards and Interpretations adopted**

The entity has adopted all of the new, revised or amending Accounting Standards and interpretations issued by the Australian Accounting Standards Board ('AASB') that are mandatory for the current reporting period.

Any new, revised or amending Accounting Standards or Interpretations that are not yet mandatory have not been early adopted.

**SOUTH EAST AUSTRALIAN ABORIGINAL JUSTICE SERVICES LIMITED**

**NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 30 JUNE 2022**

**New Accounting Standards for Application in Future Periods**

The AASB has issued new and amended accounting standards and interpretations that have mandatory application for future accounting periods. The entity has decided against early adoption of these standards.

<b>2 Revenue</b>	<b>30 June 2022</b>	<b>30 June 2021</b>
	\$	\$
<b>Operating Activities</b>		
Grant income		
<u>Attorney General Department</u>		
VALS	2,993,273	5,438,000
NATSILS	308,831	304,200
NATSILS - Legal Advisory Service - Disability	1,451,160	1,441,926
NATSILS - Justice Policy Partnership	<u>800,000</u>	-
	<u>5,553,264</u>	<u>7,184,126</u>
<u>NIAA</u>		
	<u>-</u>	<u>1,205,000</u>
	<u>-</u>	<u>1,205,000</u>
<u>VIC Department of Justice and Community Safety</u>	<u>6,579,395</u>	<u>5,497,027</u>
<u>VIC Other Departments</u>	<u>3,750,667</u>	<u>917,295</u>
	<u>10,330,062</u>	<u>6,414,322</u>
- plus unspent grants brought forward	11,161,916	6,951,037
- less fund balance disbursed/transferred	-	(2,163,583)
- plus grants received in advance	6,556,113	1,611,857
- less unspent grants carried to future period	<u>(21,737,020)</u>	<u>(11,161,916)</u>
	<u>(4,018,991)</u>	<u>(4,762,605)</u>
<b>Grant income</b>	<b>11,864,335</b>	<b>10,040,843</b>
Legal aid income	35,779	59,601
Legal costs recovered	<u>-</u>	<u>25,882</u>
<b>Total revenue from operating activities</b>	<b><u>11,900,114</u></b>	<b><u>10,126,327</u></b>
<b>Other Revenue</b>		
- Other income	523,574	430,485
- donations	261,388	482,668
- interest received	80,924	126,488
<b>Total other revenue</b>	<b>865,886</b>	<b>1,039,641</b>
<b>Total revenue</b>	<b><u>12,766,001</u></b>	<b><u>11,165,968</u></b>

**SOUTH EAST AUSTRALIAN ABORIGINAL JUSTICE SERVICES LIMITED**

**NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 30 JUNE 2022**

	<b>30 June 2022</b>	<b>30 June 2021</b>
<b>3 Remuneration of Auditor</b>	\$	\$
During the financial year the following fees were paid or payable for services provided by:		
<b>Frederik R. L. Eksteen</b>		
Auditing of the financial statements and acquittals	17,800	15,000
Other services	-	-
	<hr/>	<hr/>
<b>4 Revenue and Expense items</b>		
<b>Bad and doubtful debts</b>		
There were no bad debts provisions made for the reporting period (2021: \$Nil).		
<b>Operating Lease expenses</b>		
Operating lease, contracted lease payments	126,169	81,219
	<hr/>	<hr/>
<b>5 Cash and Cash Equivalents</b>		
<b>Reconciliation of cash</b>		
Cash at the end of the financial period as shown in the cash flow statement is reconciled to the related items in the statement of financial position as follows:		
<b>Current Assets</b>		
Cash on Hand	122	122
<b>Cash at Bank</b>		
Recurrent	468,167	813,894
Term Deposit	21,000,000	-
Cash Management	5,835,578	12,742,592
Trust Account Funds	36,000	35,000
	<hr/>	<hr/>
	<b>27,339,867</b>	<b>13,591,608</b>

**SOUTH EAST AUSTRALIAN ABORIGINAL JUSTICE SERVICES LIMITED**

**NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 30 JUNE 2022**

<b>6 Trade and Other Receivables</b>	<b>30 June</b>	<b>30 June</b>
	<b>2022</b>	<b>2021</b>
	\$	\$
<b>Current</b>		
Trade Debtors	378,381	2,970,913
Less: Provision for Impairment of receivables	-	-
Other receivables	<u>168,051</u>	<u>327,108</u>
	<u><u>546,432</u></u>	<u><u>3,298,021</u></u>

**Credit risk – Trade and Other Receivables**

The entity does not have any material credit risk to any single receivable or group of receivables.

The following table details the entity's trade and other receivables exposed to credit risk with aging analysis and impairment provided for thereon. Amounts are considered as "past due" when the debt has not been settled within the terms and conditions agreed between the entity and the debtor party. A provision for impairment is assessed as mentioned above.

An assessment has been made that both debts within trading terms and debts that have not been impaired will be received.

There are no financial assets that would have been impaired or past due, had they not been renegotiated.

	<b>Total</b>	<b>Within</b>	<b>Past due but</b>	<b>Past due but</b>	<b>Past due but</b>
		<b>trading</b>	<b>not impaired</b>	<b>not impaired</b>	<b>not impaired</b>
		<b>terms</b>	<b>&lt;30days</b>	<b>31-90 days</b>	<b>&gt;90 days</b>
		\$	\$	\$	\$
<b>2022</b>					
Trade and term receivables	378,381	248,306	130,075	-	0
Other receivables	168,051	168,051	-	-	-
<b>Total</b>	<b>546,432</b>	<b>416,357</b>	<b>130,075</b>	-	<b>0</b>
<b>2021</b>					
Trade and term receivables	2,970,913	2,523,907	27,500	-	419,506
Other receivables	327,108	327,108	-	-	-
<b>Total</b>	<b>3,298,021</b>	<b>2,851,015</b>	<b>27,500</b>	-	<b>419,506</b>

**SOUTH EAST AUSTRALIAN ABORIGINAL JUSTICE SERVICES LIMITED**

**NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 30 JUNE 2022**

**7 Other Current Assets**

	<b>30 June 2022</b>	<b>30 June 2021</b>
	\$	\$
<b>Current</b>		
Prepayments	163,139	76,648
	<b>163,139</b>	<b>76,648</b>

**8 Property, Plant and Equipment**

	<b>30 June 2022</b>	<b>30 June 2021</b>
	\$	\$
<b>Land</b>		
- at cost	4,117,566	4,117,566
	<b>4,117,566</b>	<b>4,117,566</b>
<b>Total Land</b>		
	<b>4,117,566</b>	<b>4,117,566</b>
<b>Buildings</b>		
- At cost	1,885,805	1,794,602
Less: Accumulated depreciation	(408,240)	(361,615)
	<b>1,477,565</b>	<b>1,432,987</b>
<b>Total Buildings</b>		
	<b>1,477,565</b>	<b>1,432,987</b>
<b>Total Land and Buildings</b>		
	<b>5,595,131</b>	<b>5,550,553</b>
Motor Vehicles at cost	536,496	498,929
Less: Accumulated depreciation	(186,627)	(212,336)
	<b>349,869</b>	<b>286,593</b>
<b>Total Motor Vehicles</b>		
	<b>349,869</b>	<b>286,593</b>
Office Furniture and Equipment at cost	240,352	193,254
Less: Accumulated depreciation	(155,402)	(138,296)
	<b>84,950</b>	<b>54,958</b>
<b>Total Furniture &amp; Equipment</b>		
	<b>84,950</b>	<b>54,958</b>
Plant & Equipment – at cost	506,774	437,443
Less: Accumulated depreciation	(298,573)	(253,695)
	<b>208,201</b>	<b>183,748</b>
<b>Total Plant &amp; Equipment</b>		
	<b>208,201</b>	<b>183,748</b>
Computer equipment at cost	620,373	502,211
Less Accumulated depreciation	(434,618)	(356,623)
	<b>185,755</b>	<b>145,588</b>
<b>Total Computer equipment</b>		
	<b>185,755</b>	<b>145,588</b>
Right-of-use Asset at cost	733,127	273,891.00
Less Accumulated depreciation	(156,650)	(130,474)
	<b>576,477</b>	<b>143,417</b>
<b>Total Computer equipment</b>		
	<b>576,477</b>	<b>143,417</b>
<b>Total Property, Plant and Equipment</b>		
	<b>7,000,383</b>	<b>6,364,857</b>

**SOUTH EAST AUSTRALIAN ABORIGINAL JUSTICE SERVICES LIMITED**

**NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 30 JUNE 2022**

Movement in carrying amounts for each class of property, plants and equipment :

	Land	Building	Motor Vehicle	Furniture & Fittings	Plant & Equipment	Computer Equipment	Right-of-use Asset	TOTAL
<b>Carrying amount at 30 June 2020</b>	<b>4,117,566</b>	<b>1,477,858</b>	<b>389,997</b>	<b>89,026</b>	<b>172,922</b>	<b>224,457</b>	<b>230,106</b>	<b>6,701,932</b>
New Acquisition	-	-	-	-	58,271	30,227	26,618	115,116
Disposal/Traded	-	-	(37,267)	(20,838)	(14,618)	(27,927)	(35,611)	(136,261)
Depreciation	-	(44,871)	(66,137)	(13,230)	(32,827)	(81,169)	(77,696)	(315,930)
<b>Carrying amount at 30 June 2021</b>	<b>4,117,566</b>	<b>1,432,987</b>	<b>286,593</b>	<b>54,958</b>	<b>183,748</b>	<b>145,588</b>	<b>143,417</b>	<b>6,364,857</b>
New Acquisition	-	91,204	183,285	47,098	69,330	124,064	567,749	1,082,730
Disposal/Traded	-	-	(53,835)	-	-	(5,902)	(12,609)	(72,346)
Depreciation	-	(46,626)	(66,174)	(17,106)	(44,877)	(77,995)	(122,080)	(374,858)
<b>Carrying amount at 30 June 2022</b>	<b>4,117,566</b>	<b>1,477,565</b>	<b>349,869</b>	<b>84,950</b>	<b>208,201</b>	<b>185,755</b>	<b>576,477</b>	<b>7,000,383</b>

9	<b>Provisions Payable</b>	<b>30 June</b>	
		<b>2022</b>	<b>2021</b>
	<b>Short Term Provisions Payable</b>	\$	\$
	Employee Entitlements – Annual Leave	606,739	538,938
	Employee Entitlements – Long Service Leave	111,629	140,612
	Employee Entitlements – Other Entitlements	31,775	-
	<b>Employee Benefits – Current</b>	<b>750,143</b>	<b>679,550</b>
	<b>Employee Benefits – Non current</b>		
	Employee Entitlements – Long Service Leave	77,417	57,444
	Employee Entitlements – Sick Leave	517,504	486,887
	Employee Entitlements – Other Entitlement	-	-
	<b>Employee Benefits – Non current</b>	<b>594,921</b>	<b>544,331</b>
	<b>Total provisions payable</b>	<b>1,345,064</b>	<b>1,223,881</b>
	Opening balance	1,223,881	1,138,501
	Net provisions raised/(reduced) during year	121,183	85,380
	<b>Balance at end of period</b>	<b>1,345,064</b>	<b>1,223,881</b>

**SOUTH EAST AUSTRALIAN ABORIGINAL JUSTICE SERVICES LIMITED**

**NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 30 JUNE 2022**

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	<b>30 June 2022</b>	<b>30 June 2021</b>
	\$	\$
<b>10 Financial Liabilities</b>		
<b>Current - Short term financial liabilities</b>		
Grant funds unspent	21,737,020	11,161,916
	<b>21,737,020</b>	<b>11,161,916</b>
<b>11 Issued Capital and Reserve</b>		
<b>Statutory Reserve</b>	<b>6</b>	<b>6</b>
<b>12 Cash Flow Information</b>		
<b>Reconciliation of Cash Flow from Operations with Surplus/(Deficit) after Income Tax</b>		
	<b>30 June 2022</b>	<b>30 June 2021</b>
Surplus /(Deficit) after income tax	191,164	785,750
Non-cash flows in profit after tax		
Depreciation & Amortization	374,858	315,930
(Gain) / Loss on Disposal of property, plant & equipment	(37,756)	100,648
Increase / (Decrease) in provisions	569,723	(231)
Increase/(Decrease) in Grant carried forward	10,575,104	4,210,879
Changes in assets and liabilities,		
Decrease/(Increase) in receivables	2,751,589.00	(1,906,200)
Increase / (Decrease) in payables & accruals	382,695	436,968
(Increase) / Decrease in prepayments	(86,491)	(43,942)
Disposal of Right of Use Asset	12,609	35,611
<b>Cash flow from operations</b>	<b>14,733,495</b>	<b>3,935,413</b>

**SOUTH EAST AUSTRALIAN ABORIGINAL JUSTICE SERVICES LIMITED**

**NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 30 JUNE 2022**

13	<b>Lease Liabilities</b>	30 June 2022	30 June 2021
		\$	\$
	<b>Current</b>		
	Lease liability - leased premises	97,941	79,596
		<u>97,941</u>	<u>79,596</u>
	<b>Non-current</b>		
	Lease liability - leased premises	506,712	76,519
		<u>506,712</u>	<u>76,519</u>

**Capital Expenditure commitments**

Capital Expenditure commitments contracted for:

- Plant & Equipment purchases
- Capital Expenditure projects

Payable

- no longer than 1 year
- longer than 1 year but not longer than 5 years
- greater than 5 years

**14 Contingent Liabilities & Contingent Assets**

Commonwealth Government for Caveat on property	181,973	181,973
Estimates of the potential financial effect of contingent liabilities that may become payable are:	-	-
	<u>181,973</u>	<u>181,973</u>

Indemnity to Attorney-General's Department (AGD)

SEAAJS, under the AGD acceptance of grant offer terms and conditions, has agreed that AGD will not be liable for any debts incurred or obligations undertaken by the grantee "SEAAJS" and that SEAAJS indemnifies AGD against liability for actions, proceedings, claims, costs and expenses which it may suffer, incur or sustain in connection with, or arising in any way whatsoever out of making the Grant to the Grantee, or out of the Grantee carrying out, failing to carry out or departing from Grant Conditions. This indemnity establishes a contingent liability by SEAAJS to AGD should any matter mentioned arise.

No other Contingent Liabilities or Assets exist.

**SOUTH EAST AUSTRALIAN ABORIGINAL JUSTICE SERVICES LIMITED**

**NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 30 JUNE 2022**

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**15 Events After the Balance Sheet Date**

30/06/2022

The Victorian Aboriginal Legal Service was contracted by the Commonwealth Attorney Generals Department (AGD) to Auspice NATSILS and it's associated programs, this arrangement ceased on the 30/06/2022.

As at 1 July 2022 the delivery of these services will be through North Australian Aboriginal Justice Agency (NAAJA).

The net assets held for NATSILS and it's associated programs will be transferred to NAAJA.

	<b>30 June 2022</b>
	\$
<b>Financial assets</b>	
Net Assets held	1,214,753
<b>Total financial assets</b>	<b>1,214,753</b>

Apart from the above items, there have been no material non-adjusting events after the reporting date, nor has any information been received about conditions at reporting date that have not been included in this report, except for the events reported under note 14.

**SOUTH EAST AUSTRALIAN ABORIGINAL JUSTICE SERVICES LIMITED**

**NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 30 JUNE 2022**

**16 Economic Dependence**

The entity is economically dependent on Commonwealth and State Government departments for Grant Funding. If funds are not spent in accordance with Grant Conditions the departments can suspend future grants or reclaim all or part of the grant(s).

**17 Financial Risk Management**

The entity's financial instruments consist mainly of deposits with banks, local money market instruments, short-term investments, accounts receivable and payable, loans and borrowings and mortgages.

The totals for each category of financial instruments, measured in accordance with AASB 9 is as follows:-

	<b>30 June 2022</b> \$	<b>30 June 2021</b> \$
<b>Financial assets</b>		
Cash and cash equivalents	27,339,867	13,591,608
Trade and Other Receivables	546,432	3,298,021
<b>Total financial assets</b>	<b>27,886,299</b>	<b>16,889,629</b>
 <b>Financial liabilities</b>		
Financial liabilities at amortised cost		
- Trade and other payables	1,477,091	1,094,393
- Lease liabilities	604,653	156,115
<b>Total financial liabilities</b>	<b>2,081,744</b>	<b>1,250,508</b>

**SOUTH EAST AUSTRALIAN ABORIGINAL JUSTICE SERVICES LIMITED**

**NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 30 JUNE 2022**

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**Financial risk management policies**

The directors' overall risk management strategy is to assist the entity in meeting its financial targets, whilst minimising potential adverse effects on financial performance. Risk management policies are approved and reviewed by the Board of Directors on a regular basis. These include credit risk policies and future cash flow requirements.

The entity does not have any derivative instruments at the end of the reporting period.

**Specific Financial Risk Exposures and Management**

The entity is not exposed to any financial risk such as credit risk, liquidity risk and interest rate risk, due to its safe and sound ratio of assets over liabilities.

**(a) Credit risk**

Credit risk is the risk that parties that owe money do not pay it.

The maximum exposure to credit risk, excluding the value of any collateral or other security, at balance date to recognised financial assets, is the carrying amount, net of any provisions for impairment of those assets, as disclosed in the statement of financial position and notes to the financial statements.

The entity does not have any significant concentration of credit risk exposure to any single, or group, of counter-parties under financial instruments entered into by the entity. A profile of credit risk appears above under the Note 6 on 'Trade and Other Receivables'.

**(b) Liquidity risk**

Liquidity risk arises due the possibility that the entity might encounter difficulty in settling its own debts or other liabilities. The entity manages this risk by managing credit risk on amounts owed to it, monitoring forecast cash flows and ensuring that adequate unutilised borrowing facilities are maintained.

**SOUTH EAST AUSTRALIAN ABORIGINAL JUSTICE SERVICES LIMITED**

**NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 30 JUNE 2022**

**Financial liability and financial asset maturity analysis**

	Within 1 year		1 to 5 years		Over 5 years		Total	
	2022	2021	2022	2021	2022	2021	2022	2021
	\$	\$	\$	\$	\$	\$	\$	\$
<b>Financial liabilities due for payment</b>								
Trade and other payables (excluding employee benefit provisions and deferred income)	1,477,091	1,094,393	-	-	-	-	1,477,091	1,094,393
Lease liabilities	604,653	156,115	-	-	-	-	604,653	156,115
<b>Total expected outflows</b>	<b>2,081,744</b>	<b>1,250,508</b>	-	-	-	-	<b>2,081,744</b>	<b>1,250,508</b>
<b>Financial assets cash flows realisable</b>								
Cash and cash equivalents	27,339,867	13,591,608	-	-	-	-	27,339,867	13,591,608
Trade and other receivables	546,432	3,298,021	-	-	-	-	546,432	3,298,021
<b>Total anticipated inflows</b>	<b>27,886,299</b>	<b>16,889,629</b>	-	-	-	-	<b>27,886,299</b>	<b>16,889,629</b>
Net inflow (outflow) on financial instruments	25,804,555	15,639,121					25,804,555	15,639,121

**(c) Market Risk**

**Interest rate risk**

Exposure to interest rate risk arises whereby future changes in interest rates will affect future cash flows or the fair value of financial assets and liabilities.

## **SOUTH EAST AUSTRALIAN ABORIGINAL JUSTICE SERVICES LIMITED**

### **NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2022**

#### **Price Risk**

Price risk relates to the risk that the fair value or future cash flows of a financial instrument will fluctuate because of changes in their market price.

#### **(d) Foreign currency risk**

The entity is not exposed to fluctuations in foreign currency.

#### **Net Fair Values**

The net fair values of listed investments have been valued at the quoted market bid price at balance date adjusted for transaction costs expected to be incurred. For other assets and other liabilities the net fair value approximates their carrying value. No financial assets and financial liabilities are readily traded on organised markets in standardized form other than listed investments.

The differences between fair values and carrying values of financial instruments with fixed interest rates are due to the change in discount rates being applied by the market to those instruments since their initial recognition by the entity. Most of these instruments which are carried at amortised cost (e.g. trade receivables, payables) are to be held until maturity and therefore their current net fair values bear little relevance to the entity.

As appropriate the net fair values and carrying amounts of financial assets and financial liabilities are disclosed in the Statement of Financial Position and in the notes to the financial statements.

**SOUTH EAST AUSTRALIAN ABORIGINAL JUSTICE SERVICES LIMITED**

**NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 30 JUNE 2022**

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**SOUTH EAST AUSTRALIAN ABORIGINAL JUSTICE SERVICES LIMITED**

**NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 30 JUNE 2022**

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**18 Key Management Personnel Compensation**

	<b>30 June 2022</b>	<b>30 June 2021</b>
	\$	\$
The total of remuneration paid to key management personnel ( KMP) of the entity during the period is as follows	1,036,527	624,399
Short-term employee benefits	117,008	105,947
Post-employment benefits	-	-
Other long-term benefits	149,946	96,074
Termination benefits	-	-

**19 Related Party Transactions**

There were no transactions with related parties during the current and previous financial year. There were no trade receivables from or trade payables to related parties at the current and previous reporting date.

**20 Registered Office**

The registered office of the entity and the principal place of business is:

273 High Street  
Preston, Victoria, 3072

**SOUTH EAST AUSTRALIAN ABORIGINAL JUSTICE SERVICES LIMITED**

**DIRECTORS' DECLARATION**

The Board of Directors' of South East Australian Aboriginal Justice Services Limited declare that in the directors opinion:

*a* ) The financial statements and notes for the year ended 30 June 2022 satisfy the requirements of the Corporations Act 2001 and the Australian Charities and Not-for-profits Commission Act 2012.

*b* ) There are reasonable grounds to believe that the Entity is able to pay all of its debts as and when they become due and payable.

This statement is made in accordance with the Corporations Act and the subsection 60.15(2) of the Australian Charities and Not-for-profits Commission Regulation 2013.

Dated on: 31 October 2022

  
\_\_\_\_\_  
Director

  
\_\_\_\_\_  
Director

TOWARDS A VISION SHARED



**Collins & Co  
Audit Pty Ltd**

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**SOUTH EAST AUSTRALIAN ABORIGINAL JUSTICE SERVICES LIMITED  
A.B.N. 45 926 675 900  
INDEPENDENT AUDITOR'S REPORT TO THE MEMBERS**

***Opinion***

I have audited the accompanying financial report of South East Australian Aboriginal Justice Services Limited (the company), which comprises the statement of financial position as at 30 June 2022, and the statement of comprehensive income, statement of changes in equity and statement of cash flows for the year ended on that date, notes comprising a summary of significant accounting policies and other explanatory information and the statement by the Board of Directors.

In my opinion, the accompanying financial report of South East Australian Aboriginal Justice Services Limited is in accordance with Division 60 of the ACNC Act 2012, including:

- i. giving a true and fair view of the company's financial position as at 30 June 2022 and of its performance and cash flows for the year ended on 30 June 2022; and
- ii. complying with Australian Accounting Standards and Division 60 of the Australian Charities and Not-for-profits Commission Regulation 2013.

***Basis of Opinion***

I conducted my audit in accordance with Australian Auditing Standards. My responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Report section of my report. I am independent of the Company in accordance with the auditor independence requirements of the ACNC Act 2012 and the ethical requirements of the Accounting Professional and Ethical Standards Board's APES 110 Code of Ethics for Professional Accountants (the Code) that are relevant to my audit of the financial report in Australia. I have also fulfilled our other ethical responsibilities in accordance with the Code.

I confirm that the independence declaration required by the ACNC Act 2012, which has been given to the directors of the Company would be on the same terms if given to the directors as at the time of this auditor's report.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

**Responsibilities of Management and Those Charged with Governance for the Financial Report**

Management is responsible for the preparation and fair presentation of the financial report in accordance with Australian Accounting Standards, and for such internal control as management determines is necessary to enable the preparation of the financial report that is free from material misstatement, whether due to fraud or error.

In preparing the financial report, management is responsible for assessing the Corporation's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless management either intends to liquidate the Entity or to cease operations, or has no realistic alternative but to do so.

Those charged with governance are responsible for overseeing the Corporation's financial reporting process.

TOWARDS A VISION SHARED



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***Auditor's Responsibilities for the Audit of the Financial Report***

My objectives are to obtain reasonable assurance about whether the financial report as a whole is free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance but is not a guarantee that an audit conducted in accordance with Australian Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of the financial report.

As part of an audit in accordance with Australian Auditing Standards, I exercise professional judgement and maintain professional scepticism throughout the audit. I also:

- Identify and assess the risks of material misstatement of the financial report, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the registered entity's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the responsible entities.
- Conclude on the appropriateness of the responsible entities use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the registered entity's ability to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in my auditor's report to the related disclosures in the financial report or, if such disclosures are inadequate, to modify my opinion. My conclusions are based on the audit evidence obtained up to the date of my auditor's report. However, future events or conditions may cause the registered entity to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial report, including the disclosures, and whether the financial report represents the underlying transactions and events in a manner that achieves fair presentation.

I communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal controls that I identify during my audit.

**Frederik Ryk Ludolf Eksteen CA**  
**ASIC Auditor Registration Number 421448**

**Collins & Co Audit Pty Ltd, 127 Paisley Street, FOOTSCRAY VIC 3011**

**Dated this 2nd day of December 2022**

Liability limited by a scheme approved under Professional Standards Legislation  
ABN 33 614 161 796





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