



NACLC

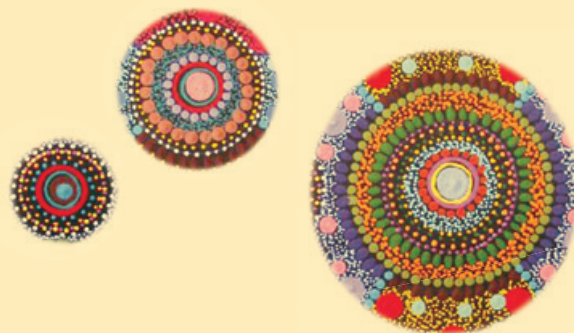
ABORIGINAL
AND TORRES
STRAIT ISLANDER
EMPLOYMENT
STRATEGY
2017–2019

NACLCL acknowledges the traditional owners of the lands across Australia and particularly the Gadigal people of the Eora Nation, traditional owners of the land on which the NACLCL office is situated.

We pay deep respect to Elders past and present.

NACLCL acknowledges the cover artwork 'Untitled' by Jillary Lynch from Keringke Arts which is situated in the community of Ltyentye Apurte in the Northern Territory.

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Introduction

The National Association of Community Legal Centres (NACLC) vision for reconciliation is an Australia where:

- recognition of the history, identity, cultures and rights of Aboriginal and Torres Strait Islander peoples is universally affirmed
- there is formal recognition of Aboriginal and Torres Strait Islander peoples in the Constitution and in other ways chosen by Aboriginal and Torres Strait Islander people, including for example treaty or treaties
- there is genuine and positive engagement by all levels of government with Aboriginal and Torres Strait Islander peoples, communities and organisations
- Aboriginal and Torres Strait Islander peoples design or co-design, manage and deliver programs and policies that affect them and their communities to overcome barriers and achieve outcomes and ensure access to justice

NACLC seeks to lead our sector in working towards such an Australia. We recognise the role and accept the responsibility NACLC can and should have in advancing and respecting the rights of Aboriginal and Torres Strait Islander peoples and accept them by:

- being guided by the experiences and perspectives of Aboriginal and Torres Strait Islander peoples
- demonstrating and living reconciliation in our organisational culture, attitudes, structures, policies and activities
- proactively undertaking and supporting advocacy and initiatives that promote and advance the rights of Aboriginal and Torres Strait Islander peoples and communities
- strengthening and maintaining collaborative partnerships with Aboriginal and Torres Strait Islander community-controlled organisations, and
- supporting our members and community legal centres to provide Aboriginal and Torres Strait Islander people with equitable access to culturally safe legal services

As one element of NACLC's commitment to giving practical effect to these commitments as an organisation, NACLC has developed this Aboriginal and Torres Strait Islander Employment Strategy.

Strategy Purpose and Focus

This Strategy outlines the commitments that NACLC makes in order to increase its employment of Aboriginal and/or Torres Strait Islander employees, and to ensure NACLC has a culturally safe and appropriate work environment more broadly.

This Strategy also aims to encourage and support CLCs to make similar commitments to the culturally appropriate recruitment and retention of Aboriginal and Torres Strait Islander employees and provide an example upon which CLCs might model their own Aboriginal and Torres Strait Islander Employment Strategies.

The focus areas of the Strategy are:

1. Creating a culturally safe and appropriate work environment and work practices
2. Increased recruitment of Aboriginal and Torres Strait Islander employees
3. Supporting, developing and retaining Aboriginal and Torres Strait Islander employees at NACLC
4. Leading and supporting centres to create culturally safe work environments and recruit, support and retain Aboriginal and Torres Strait Islander employees

Note, the term 'employee' is used broadly throughout this Strategy, many of the actions could also apply to volunteers, governing body members, contractors and sub-contractors, consultants and similar.

Importantly, this Strategy is not intended to be an exhaustive overview of all NACLC's actions or work in this area and should be read together with documents such as NACLC's Strategic Plan, Reconciliation Action Plan (RAP) 2017-2019, and Office Workplan.

Background

NACLC acknowledges the severe and multiple forms of discrimination and disadvantaged faced by Aboriginal and Torres Strait Islander people across Australia broadly, in accessing justice and in employment.

As a peak body, NACLC works closely in partnership with a range of Aboriginal and Torres Strait Islander people and organisations with the aim of achieving access to justice and the promotion and protection of the rights of Aboriginal and Torres Strait Islander people and communities.

Community legal centres, as not for profit community-based organisations that provide free and accessible legal and related services to disadvantaged people, also work closely with Aboriginal and Torres Strait Islander people and organisations, both as partners and as clients. For example, the 2015 NACLC Census of CLCs in Australia revealed that 15.3% of CLC clients, on average, identified as an Aboriginal and/or Torres Strait Islander person.

In order to inform and improve this work and engagement, it is vital that NACLC and CLCs have culturally safe and appropriate working environments and practices. A key element of this is employing Aboriginal and Torres Strait Islander people, recognising the unique skills, perspectives and contributions that Aboriginal and Torres Strait Islander people can make to centres and NACLC.

There are a number of NACLC and sector initiatives designed to target and improve the cultural safety and appropriateness of service delivery to and engagement with Aboriginal and Torres Strait Islander people and clients. However, by way of example, the 2015 Census also revealed that only 68.6% of CLCs reported that their employees undertake cultural awareness training, only 16.5% of CLCs have at least one Aboriginal and/or Torres Strait Islander identified position, and only 2.5% of CLCs have developed and implemented a RAP.

This is why the focuses of this Strategy are on NACLC increasing its employment of Aboriginal and Torres Strait Islander employees and ensuring it has culturally safe and appropriate work environment and practices, and leading and supporting centres to do the same.

Other legal assistance services

Many Family Violence Prevention Legal Services (FVPLS) and Aboriginal and Torres Strait Islander Legal Services (ATSILS) now come under the NACLC umbrella. NACLC firmly believes and recognises that community-controlled organisations, such as FVPLS and ATSILS are the most appropriate organisations to provide legal services to Aboriginal and Torres Strait Islander people and should be the primary legal assistance service providers.

However, where those services are not able to provide assistance to Aboriginal and Torres Strait Islander people (for example due to conflicts of interest or unavailability of services), or where clients prefer to use a non-community controlled service, CLCs often fill that gap, and they must be able to do so in a culturally safe and appropriate way.

Development of the Strategy

This is NACLC's second Aboriginal and Torres Strait Islander Employment Strategy. NACLC produced its first 'Indigenous Employment Strategy' in 2009 (the 2009 Strategy). The 2009 Strategy was developed following a resolution at the 2007 National Conference of CLCs that NACLC develop a strategy and programs to further facilitate the inclusion of Aboriginal and Torres Strait Islander peoples in the legal profession, and particularly in CLCs.

The 2009 Strategy was developed using a confidential consultative process that identified key issues in attracting, recruiting and retaining Aboriginal and Torres Strait Islander employees in CLCs. A sample of CLC managers was consulted through online questionnaires and a sample of CLC Aboriginal and Torres Strait Islander managers and other employees was also consulted through telephone consultations.

The 2009 principles and best practice guidelines primarily reflected questionnaire responses, and were also influenced by researching successful strategies developed in other sectors. Observations were compiled into the recommended practice guidelines for CLCs.

As part of a broader project that NALCLC is undertaking, which involves further supporting CLCs in the attraction and retention of Aboriginal and Torres Strait Islander employees, NALCLC has now revised its 2009 Indigenous Employment Strategy. This revision has involved considering NALCLC's current Strategic Plan and Reconciliation Action Plan (RAP), as well as a review of good practice guidelines and principles across the legal assistance and related sectors.

In developing this Strategy, NALCLC also consulted with its Aboriginal and Torres Strait Islander Board and Advisory Council members,

the Aboriginal and Torres Strait Islander Women's Network, members of the NALCLC RAP Working Group, NALCLC employees and others across the sector.

Acknowledgements

NALCLC acknowledges the particular contributions of the following people and groups in developing and providing feedback on the Strategy: National Aboriginal and Torres Strait Islander Women's Network; Bobbi Murray; Zac Armytage; Kiri Libbesson; and Amanda Alford.

NACLC Aboriginal and Torres Strait Islander Employment Strategy

Principles

The following principles will guide NACLC's actions. NACLC:

- begins from a position of respect for Aboriginal and Torres Strait Islander peoples, organisations and communities
- will be guided by the experiences and perspectives of Aboriginal and Torres Strait Islander peoples, including by demonstrating respect for Aboriginal and Torres Strait Islander forms of knowledge and ways of learning
- is committed to demonstrating and living reconciliation in our organisational culture, attitudes, structures, policies and activities
- recognises, values and respects the diversity of Aboriginal and Torres Strait Islander cultures, language, knowledge, experiences, histories and geographical locations
- recognises the unique skills and perspectives Aboriginal and Torres Strait Islander employees bring, particularly in enabling access to justice for Aboriginal and Torres Strait Islander clients

Focus Areas

The focus areas of the Strategy are as follows:

- *Creating a culturally safe and appropriate work environment:* by having a culturally sensitive and inclusive physical environment; as well as culturally aware and competent volunteers, employees, Advisory Council and Board
- *Recruitment:* including increasing available opportunities; advertising in appropriate media; attracting Aboriginal and Torres Strait Islander applicants; and having appropriate selection panels
- *Supporting, developing and retaining Aboriginal and Torres Strait Islander employees* for example, through appropriate induction processes and materials; culturally sensitive employment conditions; providing mentoring, support, and professional & academic development internally and externally; and pathways for promotion and advancement.

NACLC recognises the importance of reviewing and adapting the focus areas and particular actions in this Strategy to ensure they remain the most appropriate focus of the Strategy and evaluating the success of the practical implementation of these actions.

The following section provides detail as to some of the actions NACLC plans to take in each focus area.

FOCUS 1: Creating a culturally safe and appropriate work environment and work practices at NACLCL

NACLCL is committed to embedding cultural safety in NACLCL work culture and processes and the broader work environment.

Overarching

- Develop, implement and review NACLCL's RAP, particularly those actions and measurable targets most relevant to this Strategy

Cultural awareness and respect

- Review and update NACLCL policies, procedures and materials to ensure they are culturally safe and appropriate, in consultation with Aboriginal and Torres Strait Islander stakeholders
- Develop and implement a cultural awareness training strategy for employees that considers the cultural learning needs of employee across NACLCL and various ways cultural learning can be provided, as well as requiring and providing the opportunity for all employees to attend regular cultural awareness training.
- Work to ensure NACLCL and its employees understand the significance of and observe cultural protocols that recognise Aboriginal and Torres Strait Islander people as the traditional custodians of the land on which NACLCL works, including Welcome to Country and Acknowledgement of Country
- Encourage employees to attend and be involved in important Aboriginal and Torres Strait Islander events and days of significance (for example, National Reconciliation Week and NAIDOC Week).
- NACLCL and its employees use culturally safe and inclusive language in all NACLCL communications
- NACLCL encourages respectful, voluntary, two-way conversations between Aboriginal and Torres Strait Islander and other employees about all cultural backgrounds and expectations

Culturally inclusive and sensitive physical environment

NACLCL strives to have a culturally appropriate workplace in a physical sense, so as to create a positive environment for Aboriginal and Torres Strait Islander employees as well as other members of the sector with whom NACLCL engages, including through:

- NACLCL's office space represents and symbolises NACLCL's appreciation and respect for Aboriginal and Torres Strait Islander cultures by physically placing posters, a map and other art that celebrate its appreciation of Aboriginal and Torres Strait Islander cultures and its commitment to Aboriginal and Torres Strait Islander social justice issues.
- NACLCL actively considering other ways in which it can ensure that its office space is culturally safe and appropriate, including through consultation with Aboriginal and Torres Strait Islander staff members and the Aboriginal and Torres Strait Islander Women's Network
- NACLCL recognises the importance of and commits to ensuring culturally safe and appropriate meeting/event arrangements and places. For example, NACLCL recognises that outside or open meetings can be more culturally accessible to Aboriginal and Torres Strait Islander people, and is open to the use of outdoor meeting spaces where appropriate.

FOCUS 2: Recruitment

NACLCL commits to employing at least one Aboriginal and/or Torres Strait Islander employee over the course of this Strategy.

In addition:

Increasing opportunities

- Expand the range of employment opportunities for Aboriginal and Torres Strait Islander people within NACLCL, including by:
 - considering the Strategic Plan and Office Workplan and identify areas of work most appropriately done by or in partnership with Aboriginal and/or Torres Strait Islander employees
 - consider the employment of Aboriginal and Torres Strait Islander consultants and experts for consultancy and project work where possible
 - identifying and pursuing possible sustainable funding to recruit Aboriginal and Torres Strait Islander employees (but also acknowledging that employment of Aboriginal and Torres Strait Islander people should not be dependent on specific or identified funding)
- Investigate opportunities for Aboriginal and Torres Strait Islander student and volunteer engagement with NACLCL, including by:
 - Investigating possible internship programs, including Aurora and the Federal Government's Indigenous Cadetship Support program
 - Investigating possible volunteer opportunities for Aboriginal and Torres Strait Islander peoples in NACLCL's work and events

Advertising and attraction

- Ensure job descriptions are designed to attract a wide pool of suitable applicants and do not disadvantage Aboriginal and Torres Strait Islander people
- Advertise and promote job opportunities through Aboriginal and Torres Strait Islander media, communities, education and other institutions and services
- Ensure all job advertisements include the statement "Aboriginal and Torres Strait Islander people are encouraged to apply for this position"
- Promote NACLCL and CLCs as employers of choice for Aboriginal and Torres Strait Islander people, including by engaging existing Aboriginal and Torres Strait Islander employees in promoting the benefits of a career in CLCs
- Promote NACLCL's RAP and this Strategy during recruitment, as well as on NACLCL's website.

Selection committees

- In recruitment for all targeted or identified roles, and where there is an Aboriginal and/or Torres Strait Islander candidate, have an Aboriginal and/or Torres Strait Islander person on the selection panel
- In recruitment for other roles, have an Aboriginal and/or Torres Strait Islander person on the selection panel, or at a minimum ensure that there is someone on the panel with cultural competency with regards to the recruitment of Aboriginal and/or Torres Strait Islander people
- Where there is an Aboriginal and/or Torres Strait Islander applicant for a particular position, offer an Aboriginal or Torres Strait Islander point of contact from within NACLCL or the sector
- Be flexible about application periods and recruitment practices, and be prepared to allow for appropriate adjustments to be provided to Aboriginal and Torres Strait Islander applicants during the recruitment process
- Ensure that those involved in and responsible for hiring employees have an understanding of cultural differences and additional considerations that may need to be given to create an inclusive recruitment process for Aboriginal and Torres Strait Islander applicants, and that applicants are supported prior to interviews as required.

FOCUS 3: Supporting, developing and retaining Aboriginal and Torres Strait Islander employees at NACLCL

Orientation and induction

- Develop and review induction process and materials for employees and Board and Advisory Council members that should consider the perspective of Aboriginal and Torres Strait Islander people and ensure inclusion of information in relation to NACLCL's RAP, relevant NACLCL policies and resources, relevant networks, people within the sector, and this Strategy.

Employment contracts and conditions

- Ensure that existing and new employees understand that NACLCL recognises that Aboriginal and Torres Strait Islander people are experts in their communities and strive to remunerate these unique qualities accordingly.

Consistent with the NACLCL Enterprise Agreement 2016-2020:

- Promote the use of flexible work practices to assist Aboriginal and Torres Strait Islander volunteers, Board Members and employees to balance work and cultural issues and commitments.
- As part of reviewing NACLCL's internal policies and procedures to ensure they create a culturally safe and appropriate workplace, ensure they reflect key relevant provisions in the Enterprise Agreement, including in relation to flexible work arrangements, cultural/ceremonial leave, lateral/community violence and similar.

Retention

- Build on learnings from the experience and advice of NACLCL Aboriginal and Torres Strait Islander employees to inform employment strategies and professional learning opportunities, including striving to understand reasons for Aboriginal and Torres Strait Islander employees leaving and remaining at NACLCL
- Provide informal and culturally sensitive buddy and/or mentoring arrangements for Aboriginal and Torres Strait Islander employees from NACLCL or within the sector
- Encourage Aboriginal and Torres Strait Islander employees to become part of relevant Aboriginal and Torres Strait Islander Networks (for example, the Aboriginal and Torres Strait Islander Women's Network)
- Promote stories of successful Aboriginal and Torres Strait Islander people who have held long term or multiple roles in the sector.

Development

- Invest in developing the capability of Aboriginal and Torres Strait Islander employees through the provision of support to progress their careers at the same rate as their non-Aboriginal and Torres Strait Islander colleagues, and have equitable opportunities to demonstrate their suitability for promotion.
- Develop employment and career pathways for Aboriginal and Torres Strait Islander employees through training and professional learning and development.
- Empower Aboriginal and Torres Strait Islander employees in NACLCL organisational decision-making processes where possible and appropriate
- Identify, jointly with employees, capacity development opportunities for Aboriginal and Torres Strait Islander employees to participate in the delivery of cultural awareness and related training
- Provide mentoring and other support for Aboriginal and Torres Strait Islander employees applying for promotion or reclassification
- Ensure access to opportunities to act in roles where other employees are on leave are fair and transparent.

Support

Aboriginal and Torres Strait Islander employees, like all employees, are valuable and must be supported, encouraged and empowered in their roles, with the importance of their work recognised in an ongoing and meaningful way.

While these actions may apply equally to all employees, they are included below because supervisors should give additional thought and consideration to these when supervising and working with for Aboriginal and Torres Strait Islander employees:

- Supervisors should be flexible to the specific needs of Aboriginal and Torres Strait Islander employees, while still respecting professional boundaries
- NACLCL recognises that, on occasions, Aboriginal and Torres Strait Islander employees may experience cultural obligations that impact on work
- Supervisors should keep an open door policy and a safe and encouraging environment for one-on-one discussions, and should regularly check in with employees to ensure their care and wellbeing. Supervisors should also be understanding of cultural differences, such as communication and privacy and the possible impacts of shame.
- Additional support should be provided for workers in identified and targeted roles or roles with high community contact, such as recognising that fulfilling workload responsibilities that involve Aboriginal and Torres Strait Islander clients may be time and resource intensive.
- Aboriginal and Torres Strait Islander employees may feel overwhelmed by being the only Aboriginal and/or Torres Strait Islander person in the organisation and therefore seen as the only 'go to' person for queries relating to cultural safety and appropriateness
- Aboriginal and Torres Strait Islander people are required to wear many hats and often perform multiple roles which may mean that the distinction between 'work' and personal discussions and activities is unclear. Supervisors should be aware of and discuss ways to appropriately manage these issues, and work with Aboriginal and Torres Strait Islander employees to manage community expectations. NACLCL will develop resources designed to support employees and supervisors manage some of the challenges and tensions arising from these issues.

NACLCL will also consider alternative and/or additional supervisory arrangements and processes for Aboriginal and Torres Strait Islander employees, including for example peer reciprocal supervision among colleagues and external supervision.

FOCUS 4: Leading and supporting centres to create culturally safe work environments and recruit, support and retain Aboriginal and Torres Strait Islander employees

General

- Distribute and promote this Strategy and NACLCL's RAP to the sector, including providing updates on implementation progress
- Collect data on Aboriginal and Torres Strait Islander employees and management at NACLCL and in centres, for example through the National Census
- Consider collaborating with members, networks and centres on joint events, initiatives and projects relevant to this Strategy
- Develop and distribute guidance materials to centres on improving accessibility and cultural appropriateness of frontline service delivery for Aboriginal and Torres Strait Islander peoples; and creating a good work environment for Aboriginal and Torres Strait Islander employees, including in relation to recruitments, support and retention.

National Accreditation Standards

- Promote the importance of and develop resources and guidance and provide ongoing support to centres to implement the requirements of the Cultural Safety Standard under the National Accreditation Scheme for CLCs

Networks

- Continue to support the Aboriginal and Torres Strait Islander Women's Network and its Convenors, including in relation to issues relevant to this Strategy
- Explore options for a buddy/mentoring network across the sector and/or between Aboriginal and Torres Strait Islander employees working at NACLCL and in the sector.

Monitoring and Evaluation

NACLCL is committed to pursuing the focus areas and actions outlined in this Strategy in a practical and meaningful way and to ongoing monitoring and evaluation of the Strategy and consulting with Aboriginal and Torres Strait Islander employees and Networks about ways to improve the Strategy and its implementation.

Monitoring

The NACLCL Executive (CEO, Director Policy Advocacy and Director Sector Sustainability) should regularly discuss the principles, practical implementation, and effectiveness of this Strategy with employees, including in particular with Aboriginal and/or Torres Strait Islander students, volunteers, Board members and/or employees during their induction, at regular intervals during their employment, and also upon their departure from NACLCL.

Feedback should be openly accepted and welcomed by NACLCL and discussed with a view to upholding the Strategy principles and focus areas.

The implementation of the Strategy will be included on the agenda for Board meetings for discussion and monitoring.

Evaluation

The success of this Strategy may be partly gauged by an increase in recruitment and retention levels of Aboriginal and Torres Strait Islander employees at NACLCL (from none in the main office and seven at **knowmore**), as well as increased levels of satisfaction and support as reported by any Aboriginal and Torres Strait Islander employees at NACLCL.

In addition, NACLCL will:

- Monitor levels of cultural awareness training being undertaken by NACLCL employees
- Consider an annual survey or similar of Aboriginal and Torres Strait Islander employees in centres to inform work under this Strategy
- Request exiting Aboriginal and Torres Strait Islander NACLCL employees to complete an exit questionnaire or undertake an exit interview about job satisfaction, as part of monitoring and evaluating progress under this Strategy, or areas for improvement.

Evaluation reports on NACLCL's performance under this Employment Strategy will be submitted annually to the NACLCL Board and the Strategy will be reviewed annually to take into account feedback, suggestions, and observations.

Review

This Strategy will be reviewed annually by the NACLCL Executive and a new Strategy developed no later than 2019.

APPENDIX 1: Background Information

NACLC

The National Association of Community Legal Centres (NACLC) is the national peak body representing and providing services and support to community legal centres (CLCs) in Australia. NACLC's members are the state and territory associations of CLCs, which in turn represent around 190 community legal services in various metropolitan, regional, rural and remote locations. Some Family Violence Prevention Legal Services and Aboriginal and Torres Strait Islander Legal Services are members of state and territory CLC associations and so also come under the NACLC umbrella.

As at November 2016, NACLC employs 62 people in total—16 people in its main office and 42 people at **knowmore**, which is a project of NACLC established to provide assistance to people engaging with the Royal Commission into Institutional Child Sex Abuse. NACLC employs 7 Aboriginal and/or Torres Strait Islander people at knowmore and none in the main office.

Vision, Mission and Strategic Objectives

NACLC's vision is to realise rights, fairness and equality for everyone. NACLC's mission is to lead, connect and sustain CLCs to realise rights, fairness and equality for everyone. NACLC's relevant strategic objectives include to:

- **Strive for equitable access to justice and the promotion and protection of human rights**, including to proactively undertake and support advocacy and initiatives that promote and advance appropriate recognition of the unique place and value of Aboriginal and Torres Strait Islander peoples and communities and partner with Aboriginal and Torres Strait Islander peoples to protect their human rights in ways of their choosing
- **Proactively identify the sustainability needs of CLCs in collaboration with the sector and through other evidence, and drive initiatives to sustain healthy, viable legal assistance organisations and maximise ongoing service availability**
- **Advance the interests of CLCs and their clients, disadvantaged and marginalised people in Australia, by developing, maintaining and strengthening mutually beneficial collaborations with CLCs and with other key partners**, including by strengthening and maintaining collaborative partnerships with our legal assistance partners, in particular with National Aboriginal and Torres Strait Islander Legal Services (NATSILS) and the National Family Violence Prevention Legal Services Forum (NFVPLS) and their members and searching out and investing in opportunities to work in partnership with Aboriginal and Torres Strait Islander peoples and organisations
- **Guide the operation and oversee the wind-down of knowmore, supporting its clients and staff and preserving and building on its legacy**, and
- **Build a sustainable future for NACLC, modelling good practices**, including being guided by the experiences and perspectives of Aboriginal and Torres Strait Islander peoples.



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