

Victorian Aboriginal Legal Service Co-operative Ltd

Newsletter June 2004



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News about Staff

Congratulations to Brad Boon and his partner, Belinda Briggs, who are the proud parents of a son, Moroka (Valley in the sky in Kurnai language) Manarra (Thunder in Yorta Yorta language) Boon, born on 24 May 2004 and weighing seven pounds twelve. We extend our congratulations to Wayne Bell, Client Service Officer in the Heywood Region, for receiving a Community Partnership Award on 26 May 2004. We extend our thanks to Kristy Heuston-Latta and Bree Lovett, two year ten Koorie students who did work experience at VALS this month.

Proposal to Tender Out Legal Services for Indigenous Australians

Minister Amanda Vanstone (Minister of Immigration, Multicultural and Indigenous Affairs) announced on 30 June 2004 that the Government received useful feedback in response to the 'Exposure Draft of a Request for Tender for the Purchase of Legal Services for Indigenous Australians'. She also stated that there is merit in the idea of "tenders being released in stages progressively around Australia, rather than a simultaneous approach". The tendering process will commence during the first half of the coming financial year.

Not all States will be tendered out at once, which means the bottom line is still the same: no service is guaranteed funding beyond 31 December 2004. VALS argues that the above announcements perpetuate the uncertainty VALS and other services are currently experiencing. Such uncertainty does not promote good governance, and instead adversely affects service effectiveness. In a climate of uncertainty Aboriginal and Torres Strait Islander Legal Services (ATSILS) experience difficulty in retaining and recruiting staff.

In an interview with radio station 8KIN FM on 20 May 2004, Minister Vanstone said that ATSILS that are doing a good job "should expect" to win the tender and ATSILS that are not doing a good job "shouldn't expect to win the tender". The response of VALS to this is: "*If that is the case why tender out all services? Why haven't the service providers who are not doing a good job been told and given the opportunity to improve?*"

We urgently seek your support to have the decision to tender out legal services for Indigenous Australians reversed. We request that you express your concerns about the tender proposal in writing to Prime Minister Howard, the Honourable Amanda Vanstone and the Honourable Philip Ruddock (Attorney-General). VALS has produced a 'proforma letter' that calls for the proposal to stop, which you need only date and sign. Please ring VALS, or refer to the VALS website, for a copy of the 'proforma letter'.

Good News

VALS would like to draw attention to the work of staff at Robinvale Murray River CDEP Co-operative Ltd. Staff at the Co-operative have challenged the proposal to tender out legal services for Indigenous Australians by writing letters to politicians and starting a petition.

VALS would like to draw attention to the joint media release of Senator Kerry O'Brien (Shadow Minister for Reconciliation and Indigenous Affairs) and Senator Nicola Roxon (Shadow Attorney-General), released on 11 June 2004. The Senators called on the Government to immediately scrap the tender process, "give existing service providers some certainty, and start again with a proper and meaningful consultation process on how to deliver the best legal services to Aboriginal and Torres Strait Islander communities".

'Indigenous Legal Services in Crisis?' Conference

On 16 and 17 June 2004, VALS staff attended the 'Indigenous Legal Services in Crisis?' Conference in Sydney. The future of specialist Indigenous Legal Services was discussed and the conference was a useful exercise.

Implementation Review of Recommendations – Royal Commission into Aboriginal Deaths in Custody

VALS is in the process of drafting a submission to the Implementation Review Team of the Recommendations of the Royal Commission into Aboriginal Deaths in Custody (RCIADIC 1991). VALS will argue in the submission that:

- The proposal to tender out legal services for Indigenous Australians is not in line with the RCIADIC recommendations that are aimed at keeping Indigenous Australians out of jail.
- The proposed abolition of the Aboriginal and Torres Strait Islander Commission (ATSIC) is not in line with the RCIADIC recommendations that are aimed at promoting self-determination.

The Proposed Abolition of the Aboriginal and Torres Strait Islander Commission

On 27 May 2004, the Aboriginal and Torres Strait Islander Amendment Bill 2004 (the Bill), which abolishes the Aboriginal and Torres Strait Islander Commission (ATSIC), was introduced into Federal Parliament. On 16 June 2004, the establishment of a 'Senate Select Committee on the Administration of Indigenous Affairs' was announced. The inquiry is expected to report to the Senate by 31 October 2004, which means Parliament is unlikely to pass the Bill this year.

VALS is concerned that the Federal Government is attempting to strip ATSIC of its responsibilities before legislation to abolish the organisation is passed. On 24 June 2004, the Government stripped ATSIC Commissioners of personal staff and ATSIC Commissioners are now seeking the assistance of volunteers. More than one billion dollars, of former ATSIC/Aboriginal and Torres Strait Islander Services (ATSIS) programs, has been transferred to mainstream Australian Government agencies. On 1 July 2004, some one thousand, three hundred staff commenced work in their new mainstream Government Departments.

Damages for Assault by Police

In March 2004, Mike Zaccaro (Civil Lawyer) acted for a young Koorie male, allegedly assaulted by police in 2000. On 31 May 2004, His Honour Judge Campbell, handed down a Judgment in favour of the client, awarding him seventy one thousand dollars in Damages. The Judge found against the three Defendants (police officers) and apportioned part of the liability to the State of Victoria. VALS is waiting for His Honour to hand down Orders regarding Costs. Mike Zaccaro advises that people with complaints against police should contact him immediately, rather than let time lapse. It is also important to keep a diary of events, see a doctor immediately after any alleged assault and have photos taken of the injuries. The client, who was awarded damages, had a strong case because he followed such Advice.

Rise in the number of Indigenous juveniles appearing at Moe Children's Court – Call for a Children's Koori Court

VALS is aware of a high number of Indigenous juveniles appearing at Moe Children's Court on criminal charges. Between June 2003 and June 2004, there were one hundred and seven matters heard at Moe Children's Court. In contrast, there were seventy matters heard at Melbourne Children's Court and thirty six matters heard at Mildura Children's Court. VALS collected the previous statistics to advocate for the establishment of a Koori Court, with a Children's Division, in Gippsland. The Department of Justice plans to establish additional Koori Courts given the success of pilot Koori Courts in Broadmeadows, Shepparton and Warnambool.

Indigenous Women's Justice Forum

VALS held an Indigenous Women's Justice Forum at the Central Gippsland Aboriginal Health and Housing Co-operative on 4 June 2004. Members of the forum addressed issues surrounding the Child Protection System. For further details, see the minutes of the forum on the VALS website.

Proposed Reforms to the Children and Young Person's Act 1989

The Department of Human Services (DHS) plan to reform the Victorian Children and Family Service System. VALS staff were involved in consultation on the 'Court Leadership Group' on 1 and 16 June 2004, which involved discussion of amendments to the Children and Young Person's Act 1989 to improve the child protection system. The DHS is in the process of appointing a person to undertake consultation with the Indigenous community, which VALS will be involved in. The DHS plan to release a discussion paper about the proposed reforms in July 2004 and release legislation in 2005.

'Home Truths' Conference

A VALS paper, titled 'Intervention in Sexual Assault and Domestic Violence experienced by Indigenous Australians' has been accepted to be presented at the Victorian Centres Against Sexual Assault Inc 'Home Truths Conference: Stop Sexual Assault And Domestic Violence - A National Challenge'. The conference will take place on 15-17 September 2004 at Sheraton Towers, Southgate, Melbourne. Go to the following website to

download a registration form: www.casa.org.au.

Education Campaign in Regional Areas

VALS is in discussion with Victorian service providers to visit regional areas on a regular basis as part of an education campaign geared towards Indigenous Australians. The Indigenous community will be educated about the services provided by: the Victorian Aboriginal Legal Service, Equal Opportunity Commission of Victoria, Consumer Affairs Victoria, Dispute Settlement Centre, Ombudsman Office and Energy and Water Ombudsman Office. The joint education venture of the previous agencies is an exciting new initiative, and stay tuned for further developments.

Up coming Events: NAIDOC Week (4-11 July) 2004

VALS takes this opportunity to promote NAIDOC (National Aboriginal Islander Day Observance Committee) Week 2004, a time of mourning. For event information refer to the following website: <http://www.naidocvic.com> or contact VALS.

New Website: Aboriginal Family Violence Prevention & Legal Service

The Aboriginal Family Violence Prevention & Legal Service has launched a website, which can be found at: <http://www.fvpls.org/>.

Research Topics

In the month of June, VALS staff drafted the following submissions which are available on the VALS website:

- VALS submission to the Commonwealth Attorney-General's Department: Response to 'Indigenous Justice Discussion Paper'.
- VALS submission to the Scrutiny of Acts and Regulations Committee: Response to 'Discrimination in the Law Inquiry'.
- VALS Submission to the Victorian Parliament Law Reform Committee: Response to 'Warrant Powers and Procedures Inquiry'.
- VALS and National Aboriginal and Torres Strait Islander Legal Services Secretariat Joint Submission to the Joint Committee of Public Account and Audit: Response to 'Indigenous Law and Justice Inquiry'.

Contact Details

If you require further information about the contents of this newsletter, please ring VALS on (03) 9419 3888, email VALS at the following address: vals@vals.org.au or go to the VALS website: www.vals.org.au. Previous VALS Newsletters are available on the website. If you wish to subscribe to the mailing list of the VALS Newsletter, please contact Greta Jubb, Research Officer.