



Victorian Aboriginal Legal Service Co-operative Newsletter February 2004

PO Box Fitzroy Vic 3065 vals@vals.org.au
24 Hour Legal Service 1800 064 865 or 9419 3888

VALE: Dr Mary Atkinson

VALS notes with regret the passing of the very respected community Elder, Dr Mary Atkinson. Mary had a long and dedicated involvement in Aboriginal affairs, not only in Victoria, but in the national arena also. Her involvement included the areas of education and legal services. Mary's involvement with VALS was long and extensive. She was a Director in 1976, 1977, 1978, 1979, 1980, 1981, 1985, 1987, 1988 and 1989. She was a tireless and dedicated champion for Aboriginal rights and will be sadly missed by the Koorie community. We extend our deepest sympathies to Aunt Mary's family. May she rest in peace and we thank her for her contributions.

Staffing Updates

VALS would like to welcome our new Legal Secretary Supervisor Shelley Lillyst. Shelley is a Gunditjmara woman from the Heywood/Portland region. Shelley first worked at VALS in 1997 as a trainee for six months and then for another six months as Management Secretary. Welcome also to Greta Jubb who is the new Research Officer. Greta previously worked at VALS as a Legal Secretary while she was completing her law degree at Melbourne Uni.

VALS would like to say thank you and farewell this month to Criminal Law Solicitors Tim Whitehead and Justin Wheelahan and Research Officer Emma Moss. Tim is leaving Melbourne to work at Hastings law firm David Gibbs and Associates. Justin is leaving VALS to be admitted to the bar and Emma Moss is completing her last year of law at La Trobe Uni. Best of luck to all of them.

Appeal to the Supreme Court

Shortly before leaving VALS for the tropical weather of Darwin, criminal solicitor Kimberly Bott made a successful appeal to the Supreme Court on behalf of one of VALS clients. The client had appeared before the Moe Children's Court charged with offensive behaviour under the *Crimes Act 1958*. The offensive behaviour in question was chroming. Initially Magistrate Dugdale found that the act of chroming was offensive and found the client guilty. VALS appealed the conviction on the grounds that chroming does not constitute an offensive act but is a health issue. The appeal was allowed by Supreme Court Judge Nathan. It is notable that the original conviction by the Magistrate was directly at odds with the new "chroming" legislation in which the aim is not to criminalise chroming. These new laws were introduced via an amendment Act called the *Drugs, Poisons and Controlled Substances (Volatile Substances) Act 2003*.

ATSI Exhibition

An exhibition of leading female Indigenous artists is currently on display at the Melbourne Town Hall. The exhibition titled *If Only You Knew ...* looks at and responds to the City of Melbourne's Art and Heritage Collection. The Art and Heritage collection is a 6000 strong

collection of paintings, photographs, sculptures and other artistic forms which documents Melbourne city from a social and historical perspective. *If Only You Knew...* is the first exhibition that looks at the Art and Heritage Collection from an Indigenous perspective. The four artists Destiny Deacon, Fiona Foley, Julie Gough and Dianne Jones have taken different elements from the collection and explored them from their own experiences as Indigenous women.

The exhibition is on display at the City Gallery on the ground floor of the Melbourne Town Hall until Sunday 28 March.

Crime Prevention Victoria Options Paper On the Wrong Track

VALS is concerned with a recent options paper published by Crime Prevention Victoria which proposes greater power for local councils to create dry areas. VALS does not support any proposal which advocates giving local councils the power to make the process of declaring dry areas faster and less open to community input. In VALS 2004 submission to Crime Prevention Victoria we argued that "there are significant issues about creating more dry areas. These issues include the probability that these laws will be disproportionately used on homeless people, young people and Indigenous people and the diversion of valuable police time into policing less important areas of work".

While the *Crime Prevention Victoria Options Paper* acknowledges the possible discriminatory use of such powers the discussion needs to be widened to consider possible alternatives to dry areas. VALS is not convinced that liquor license conditions are monitored or enforced to the extent required. VALS believes that better training and crowd control policies at entertainment venues are higher priorities than increasing the number of dry areas. The recent unfortunate death of David Hookes has drawn attention to lack of progress in implementing better training standards for crowd control staff.

VALS believes that the *Royal Commission into Aboriginal Deaths in Custody (RCIADIC)* recommendations about decriminalising public drunkenness, ensuring non custodial care and establishing treatment centres should be implemented (Recommendations 79 and 80). A number of other states have already done this.

The *RCIADIC* also recommended that issues relating to public drinking should be the subject of negotiation between police, local government bodies and representative Aboriginal organisations, including Aboriginal legal services with a view to producing a generally acceptable plan (Recommendation 84).

The Crime Prevention Victoria report also proposes that local government should have the power to compel people, other than licensees, to be involved in Accords (these are agreements between licensees which attempt to achieve better practice). One feature of Accords is that police provide regular feedback about problems to licensees. According to the *Victorian Parliamentary Drugs and Crime Prevention Committee Public Drunkenness Inquiry (2001)* one of the problems with Accords is lack of support from licensees. These problems are likely to extend to other stake holders. Liquor Control Victoria already have power to compel licensees to operate in line with Accords so it is problematic that local government should be given a policing role over other stake holders.