

Victorian Aboriginal Legal Service Co-operative Ltd

Quarterly Newsletter: October-December 2009



24 Hour Legal Service
6 Alexandra Parade or PO Box 218
Fitzroy Vic 3065
1800 064 865 or 9419 3888
vals@vals.org.au
www.vals.org.au

Staff Notifications

VALS extends a farewell to Criminal Law Solicitor, Simon Kenny. VALS would also like to welcome Criminal Law Solicitor Harna Chandra and Administrative Assistant, Aaron Scafi.

Community Legal Education

VALS' Community Legal Education Officer, Loretta O'Neill, is continuing to work on the *Deadly Life Lessons – DVD Project*. The Project is progressing well and two out of the three DVDs have been completed. The project is a peer education project created by youth and for youth, that includes messages around legal rights and responsibilities (i.e. train travel and driving) and consumer rights (i.e. shopping and car loans). Keep an ear out for advertisements about VALS on 3KND radio station (1503AM) that Loretta has also organised.

VALS Website Redevelopment

We are pleased to announce that the VALS website is currently being updated. New and recent submission and publication work is being updated at www.vals.org.au and will be available to download in the coming weeks.

Fines Days (Grampians Region)

The Grampians Regional Aboriginal Justice Advisory Committee (RAJAC), Sheriffs Office, VALS, and the local Aboriginal Co-operative in the Grampians Regions organised "Fines Days" where community members received assistance sorting out their outstanding fines that they had gathered over the years. A BBQ lunch was also provided for the people who attended. People could either service their fines by way of payment plans or completing a Community Based Order (CBO).

Over a 6 month period the Sheriffs Office visited Aboriginal Cooperatives in Horsham (Goolum Goolum), Ballarat (BADAC) and Stawell (Budja Budja) and Halls Gap and resulted in the contact with 28 Koori people, actioning 144 warrants and orders worth \$46,728.30. This was a good result and these sessions are looking to run every 3 or 4 months.

This could not have been achieved without all involved, notably the outstanding efforts of Chris Harrison, Jon Kanoa, VALS Client Service Officer, and Brendan Edwards as well as Andrew Wright and Bill Hider from the Sheriffs Office. These people strived to make members of the Aboriginal and Torres Strait Islander community feel comfortable and sense that a weight had been lifted off their shoulders because they had addressed their outstanding fines. For people around the Grampians Region, please keep an eye out in VALS' Newsletters and community flyers for the next session in your area.

[Rights Yarn Up](#)

October 2009 marked the beginning of the Indigenous Newsletter of the Victorian Equal Opportunity and Human Rights Commission, *Rights Yarn Up*. This bi-monthly newsletter is a new way for letting organizations and individuals and communities know about the things that have been happening at the Commission as well as ways in which the Commission can be of help by way of advice and complaints services they provide.

If you are interested in being added to their mailing list or would like to contribute something to *Rights Yarn Up* contact: Taryn: 03 9281 7112; taryn.lee@veohrc.vic.gov.au or Holly: 03 9281 7113; holly.ireland@veohrc.vic.gov.au

[Appointment of Aboriginal and Torres Strait Islander Social Justice Commissioner](#)

Attorney-General, Robert McClelland, announced on the 15th December 2009 that Mr Mick Gooda has been appointed to the Australian Human Rights Commission as the Aboriginal and Torres Strait Islander Social Justice Commissioner.

Currently the CEO of the Cooperative Research Centre for Aboriginal Health, Mr Gooda is also a board member of the Centre for Rural and Remote Mental Health Queensland and was previously a member of the Western Australian Premier's Advisory Council on Racial Discrimination. Mr Gooda's appointment will commence on 1st February 2010 for a period of five years

[Summary Offences and Control of Weapons Acts Amendment Act 2009](#)

Despite VALS and other community organisations calling for the *Summary Offences and Control of Weapons Acts Amendment Bill 2009* (Vic) to be referred to a Parliamentary Committee to investigate its full impacts prior to being passed, the Bill was rushed through the Upper House of Parliament (assented to 15th December 2009) with the support of the Victorian Premier and Opposition Leader.

The Act introduces new 'move on' powers which will enable police to order anyone to move away from public spaces even if they haven't committed a crime. This is in addition to conducting random searches including strip searches. Powers that enable police to force people to 'move on' if they *think* that they *may* breach the peace in the future dangerously engages a pre-crime law enforcement strategy and is clearly discriminatory.

In Queensland, similar powers have created a huge spike in minor charges being laid and courts as a result experiencing a flood of cases resulting from 'move on' laws. The Queensland Crime and Misconduct Commission are reviewing the laws as it becomes clear that these laws are being applied unfairly to marginalised groups such as the homeless, Aboriginal and Torres Strait Islander communities and youth. A similar examination of laws is also currently being undertaken in NSW and also in Western Australia where similar proposed legislation has been sent for investigation by an Upper House Committee due to the public uproar about the impact of proposed invasive powers on the community.

[Symposium on Indigenous Birth Registration and Birth Certificates,](#)

VALS CEO, Frank Guivarra, gave a presentation titled *Potential Legal Solutions* at the Castan Centre for Human Rights Law symposium on Indigenous Birth Registration and Birth Certificates on 1st December 2009. In this presentation, it was highlighted that proof of identity is problematic for the Aboriginal and Torres Strait Islander community and without an adequate birth registration system,

Aboriginal and Torres Strait Islander peoples are in effect refugees in their own country without proof of who they are. This in turn contributes to an identity crisis within the Aboriginal and Torres Strait Islander community.

Also discussed was Aboriginal and Torres Strait Islander people's fear of authority to the extent they do not want their details to be on any formal systems. For instance, for similar reasons some Aboriginal and Torres Strait Islander peoples are not registered on the electoral roll. Some people also have a sense that it is too difficult to trace their birth certificates, especially those affected by policies that lead to Stolen Generations. Others may prefer to have nothing to do with Victoria Police, even though if they live in the country the only way to get a birth certificate by post is to have a Police Officer formally certify their identity documents. This may be compounded by a fear being reported to Child Protection for not having registered a child's birth yet.

Also to be considered is the experience of hidden costs in making an application for a birth certificate that are above the fee (i.e. taking time off work and travel). Furthermore, people of low socio-economic status are less likely to have multiple forms of identity that are easier for people of higher socio-economic status to provide. For instance, a homeless person does not have proof of residential address, or person living in poverty may not have a passport.

VALS argues that the Births, Deaths and Marriages Registration Act 1996 (Vic) could be simplified by:

- Making birth registration/obtaining a birth certificate a one step process, not a two step process.
- Not requiring a fee for birth certificates.
- Reducing the requirements for identification documentation. There is a precedent for this in relation to the 2009 bushfires.
- Facilitating registration rather than penalizing non-registration.
- Following the confirmation of Aboriginality process (signed document bearing the seal of an Aboriginal organisation).
- Decentralising registration of births.

No Dots Down Here...The Voice of Koori Artists

The first edition of the new newsletter 'No Dots Down Here...The Voice of Koorie Artists' is here. This newsletter is the result of a key recommendation to come out of the Koorie Heritage Trust's inaugural statewide visual artists gathering ground (Wumen Balit Jindiwiraback) earlier this year. Each newsletter contains artist profiles, essays, submissions, upcoming exhibitions, funding rounds, gatherings, letters to the editor and more.

The first edition includes a piece based on Bronwyn Bancroft who had given a presentation of her experiences with arts law and copyright called 'Don't get ripped off: know your rights' at the Wumen Balit Jindiwiraback statewide Koorie Artists gathering ground. In her presentation, Bancroft described her experience of being ripped off and going to court.

The copyright act protects your work. You create something. Its yours morally and intellectually as well as culturally...you've got to look after your family. You've got to look after the integrity of the past...Vis Copy serves a fantastic role in actually being able to go out and argue your case. I'm currently sitting on the board of another organisation called

Copyright and Licensing...make sure you that you protect your children's rights, your grandchild's rights, through your art.¹

Share the Spirit Festival 2010

Songlines' *Share the Spirit Festival* takes place each year on Australia Day – otherwise known as “Survival Day” – on **January 26th**. This event is created for all Australians to come together and acknowledge, pay respects to, and celebrate the hundreds of Indigenous cultures around Australia and her seas. This acknowledgement and celebration is done through music, dance and story to show that people from all cultures and backgrounds live on the same land and see the one sky.²

The Treasury Gardens will come alive in 2010 with the line-up including Dan Sultan, Deline Briscoe, Tjimba and the Yung Warriors, Djopla McKenzie, ACES Choir with Lou Bennett and Joe Geia, Lou Bennett and the Sweet Cheeks, Lee Morgan and The Charcoal Club. There will also be Aboriginal dancers performing throughout the day. The 2010 festival will also feature a youth stage that will have dance and music workshops as well as face painting, story telling and a jumping castle. Share the Spirit 2010 will host a variety of international food stalls, community organisation stalls and the Koorie Market – where Indigenous artists and designers can sell their wares

Department of Justice Community Grants Program

Funding is now open for Frontline and Small Grants funding under the *Victorian Aboriginal Justice Agreement* (AJA) community grants program to enable communities to deliver local and regional responses to justice-related problems.

Frontline Funding Applications (for selected areas)

Funding (applications for amounts of up to \$25,000 will be considered) for Frontline Youth Initiative and Community Initiative Program for select areas within Victoria is now available. Applications will only be accepted from Victorian incorporated Koori community organisations and/or community organisations in which both the majority of members and directors are Koori, in local government areas within the Grampians, Southern Metropolitan and Eastern Metropolitan regions, as well as selected local government areas within the Barwon South West, Hume and North Western Metropolitan regions.

Small Grants Program

The Small Grants Program has been established to help Koori community organisations and cooperatives to implement one-off projects to assist in diverting Kooris from the youth and criminal justice system such as: cultural, educational, musical or dance programs; excursions or camps; sport and recreation, etc.

Applications must be endorsed by the Regional Aboriginal Justice Advisory Committee before being submitted to the Koori Justice Unit. **Deadline for Frontline and Small Grants funding: Monday 1st March 2010.** For more information or an application form, contact the Koori Justice Unit: (03) 8684 1766 or visit www.justice.vic.gov.au.

1 No Dots Down Here (2009) 'Bronwyn Bancroft' No Dots Down Here 1st Edition, p. 3-4

2 Songlines Aboriginal Music Corporation (2009) 'Share the Sprit Festival 2010' Media Release

VALS' 4th Quarter Submissions

October

- 'Entertaining the Possibility of Using a Restorative Justice Response Regarding Adult Sexual Violence in Aboriginal and Torres Strait Islander Communities' (completed by University of Melbourne Intern, John Shouldice).

November

- Submission to the Scrutiny of Acts and Regulations Committee in response to the *Summary Offences and Control of Weapons Acts Amendment Bill 2009*.
- Submission to the Federal House of Representatives - Standing Committee on Family, Community, Housing in response to Inquiry into the Impact of Violence on Young Australians.
- Submission to the Drug and Crime Prevention Committee in response to 'Inquiry into strategies to reduce crime against the person in Victoria'.

December

- Presentation by Frank Guivarra at the Castan Centre for Human Rights Law Symposium on Indigenous Birth Registration and Birth Certificates, titled 'Potential Legal Solutions'.
- Submission to the National Justice Chief Executive Officers' Group and the Department of Justice in response to 'Diversion and Support of Mentally Ill Offenders: a Framework for Best Practice' – Consultation Draft.
- Submission to the Access to Justice Division - Attorney-General's Department in response to 'A Strategic Framework for Access to Justice in the Federal Civil Justice System'.

Dates of Note

26 January Survival Day/Australia Day

13 February Anniversary of National Apology to Stolen Generations

8 March Labour Day, International Women's Day

21 March International Day of the Elimination of Racial Discrimination

If you have any questions regarding this newsletter or would like a copy of any of the submission materials mentioned (not currently available through our website as it is under construction) please contact Louise Hicks (Research Officer) on 9419 3888 or via email: lhicks@vals.org.au.