

Victorian Aboriginal Legal Service Co-operative Ltd

Newsletter January-February 2006



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Vacancy – Criminal Law Position (Bairnsdale)

VALS is seeking a Criminal Law Solicitor for the Bairnsdale office. For details please contact Lance Zampaglione on 9419 3888 or lzampaglione@vals.org.au.

Happy New Year

VALS wishes everyone a Happy New Year.

About VALS

The Victorian Aboriginal Legal Service Co-operative Limited (VALS) was established in 1972 to cater specifically for the needs of Indigenous Australian people. VALS was established to address the over-representation of Indigenous Australians within the Justice System. The Commonwealth Attorney-General's Department has a policy of tendering out the provision of legal services to Indigenous Australians. VALS was successful in its tender bid and was awarded a three year contract to provide legal services to Indigenous Australians from 1 July 2005 to 30 June 2008.

VALS is a legal service for Indigenous Australians in Victoria ((Metropolitan and Regional areas). VALS is managed by an Indigenous Australians Board of Directors who are elected by the Indigenous Australian community. VALS provides almost 90% of legal aid to Indigenous Australians and provides assistance at over 70 courts across Victoria. Whenever an Aboriginal or Torres Strait Islander person is taken into custody VALS is notified by Victoria Police.

VALS contains a:

- Legal Practice Unit made up of Criminal Law and Family Law solicitors and a Civil law solicitor;
- Client Service Officer Unit made up of 4 metropolitan and 6 regionally based Client Service Officers.
- A Training, Planning and Development Unit made up by Research Officers and Community Legal Education Officers.

Tendering out Indigenous Australian Legal Services Update

On 23 January 2006 it was announced by Attorney-General Philip Ruddock that the Aboriginal Legal Rights Movement Incorporated is the successful tenderer for the provision of legal aid services to Indigenous Australians in South Australia. VALS offers congratulations to the Aboriginal Legal Rights Movement Incorporated.

A Request for Tender was released in New South Wales and Tasmania and the tender closes on Friday 24th February 2006.

Staff Update

VALS welcomes Scott Ashley to the position of Criminal Law Solicitor. Scott has worked in a private criminal practice in the western suburbs for the past year and prior to that worked for a Community Legal Centre for two years. VALS farewells Brad Boon who left the role of Client Service Officer in January 2006 and is now working at the Victorian Aboriginal Community Services Association Limited (VACSAL). VALS welcomes Justin Dowling back to the position of Client Service Officer. Justin has three years experience in the role of Client Service Officer.

Youth Diversion Pilot

In 2003 VALS produced a paper titled: 'Police Cautioning of Indigenous Juvenile Offenders in Victoria'. VALS argued that that Indigenous Australian youth are less likely to be cautioned by police than non-Indigenous Australian youth. VALS found that "the level of under-utilisation of cautioning of Indigenous Australian young people is in the order of 10-15% when you focus on people who have had no prior police contact". Findings such as this led to the Aboriginal Justice Forum forming a Steering Committee to develop the Police Cautioning and Youth Diversion Pilot Project and the Committee decided to establish pilot sites at Morwell and Mildura. VALS has employed a Youth Diversion Project Worker, Nicole Bluett-Boyd for the project. The Project Worker will develop the Youth Diversion Pilot which aims to improve the effectiveness of diversion of Indigenous Australian juveniles from the Criminal Justice System. The work involves, amongst other things, liaising with Indigenous Australians to develop the Pilot.

Criminal Law Update

VALS represented a thirteen year old male in Mildura who had been charged with Aggravated Burglary and Theft from residential premises. At the Contest Mention, VALS noted that there was insufficient evidence to proceed with the charges. The case against the young boy was on the basis that he had been caught on a high fence at the front of a property. It was alleged that \$80.00 had been stolen from just inside the door. The Police refused to withdraw the charges and VALS proceeded to a Full Hearing at Mildura Children's Court. The matter ran for two days and the Magistrate found there was insufficient evidence and awarded costs against the Police.

Submissions

VALS sent a submission to the Human Rights Consultation Committee in response to the 'Rights, Responsibilities and Respect: The Report of the Human Rights Consultation Com-

mittee in response to the 'Rights, Responsibilities and Respect: The Report of the Human Rights Consultation Committee' (Report). VALS is critical of the Report as it does not contain a recognition of the right to self-determination, or economic, social and cultural rights.

VALS sent a submission to the Victorian Law Reform Commission in response to the 'Review of the Bail Act Consultation Paper'. VALS argued that the impact of the Bail Act 1977 on Indigenous Australians is negative. The basis for decisions relating to bail should be the seriousness of the offence/nature rather than socio-economic or cultural biases.

Waiver of Fees for Fines (31 May 2006 deadline so ACT NOW)

The State Government is waving some fees and costs on outstanding fines. This means that some people do not have to pay some fees or costs and only have to pay a reduced fine. To find out if you are eligible to have your fees and costs waived call 9200 8222 or go to www.fines.vic.gov.au.

If you have an existing payment plan and you continue to make your regular payment the fees and costs will be automatically deducted.

If you do not have an existing payment plan then you need to Act before 31 May 2006. The waiver offer ends on 31 May 2006 so ACT NOW. To take up this offer you need to pay your reduced fine by doing one of the following things:

- pay the reduced amount in full;
- arrange an installment payment plan;
- arrange for an extension of time to pay.

If you do not do one of these things before 31 May 2005 then your fees and costs will not be waived and you will have to pay them in full. Act NOW!!!

ALS will provide information about a future Community meeting about this issue at a later date.

Aboriginal Justice Agreement Mk 2

The original Aboriginal Justice Agreement (AJA), signed in 2000 by the Victorian Government and members of the Indigenous Australian community, is being revised. The AJA records the commitment of the State Government and Indigenous Australians to work in partnership to address justice related issues that Indigenous Australians face. An outcome of the AJA is the establishment of the Koori Courts. Chief Executive Officer, Frank Guivarra, represents VALS at all meetings relating to development of AJA Mk 2. The AJA Mk 2 is expected to be tabled at the next meeting of the Aboriginal Justice Forum on 10th March 2006.

Neighbourhood Justice Centre

VALS' staff attended a meeting about the Neighbourhood Justice Centre (NJC) that is to be opened in 2007 in Collingwood (Corner of Wellington and Perry Streets). The NJC will contain: a Court that will hear various matters (ie: criminal or civil litigation etc), a mediation space and a space for service providers (ie: legal services).

UPCOMING EVENTS

Victim's consultations

The Victim Support Agency (VSA) will be holding information sessions for the Indigenous Australian community about the VSA and victim's rights. VSA is organising the information sessions with the Regional Aboriginal Justice Advisory Council and the information sessions will take place in April, May and June 2006. Future VALS newsletters will contain the details of the information sessions. The telephone number of the VSA is 1800 819 817

Contact Details

If you require information about the contents of this newsletter or wish to subscribe to the mailing list, please contact VALS. Previous newsletters are available on the VALS website.