

Victorian Aboriginal Legal Service Co-operative Ltd

Quarterly Newsletter: April - June 2010



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Staff Update

VALS welcomes Steve Bowden in the position of Client Service Officer (CSO) for the Sunraysia Region.

Community Legal Education

The Research, Planning and Development Unit has continued its partnership with Northland Secondary College in producing a DVD and a booklet for youth discussing rights and responsibilities around:

- “hoon” driving offences and other traffic offences;
- security guards in shopping centres and other shopping rights such as those relating to refunds and bag searches; and
- public transport offences focusing on graffiti on trains, travelling without tickets and rights with ticket inspectors and police.

The project is ongoing as filming continues. The launch for the DVD is aimed for next quarter. VALS will be releasing further information closer to the date.

Debt Clinic

VALS has partnered with the Public Law Interest Clearinghouse (PILCH) to deliver the **Koori Debt and Credit Clinic Project**. The project involves lawyers travelling to 4 regions, on a pro bono basis, to provide legal advice on debt and credit. The clinic also involves information sessions and local service providers.

It is hoped that the clinic will lead to the following outcomes for Aboriginal and Torres Strait Islander peoples in regional and rural Victoria: the resolution of credit and debt problems; enhanced legal literacy, particularly with respect to credit and debt law; and reduced legal and financial discrimination and exploitation. The first clinic was held on 19th May 2010 in Shepparton. A summary of the outputs from the day are below:

- 7 lawyers attended the clinic and took instructions from 21 clients. Of those clients, only 2 were women. The majority were social security recipients.
- The legal issues encountered included: infringements (parking, speeding, unregistered vehicle); Centrelink debts; Utilities debts; and issues with credit reporting agencies.
- The value of the debts ranged from a few hundred dollars to thousands of dollars.
- Legal conflicts arose in only a couple of matters and were easily resolved by passing matters to a new lawyer.
- 2 financial counselors (from Goulburn Valley Health Service) attended for the whole day and were a very valuable additional resource for clients and lawyers. Other service providers who attended included: My Moola; Rumbalara Aboriginal Co-operative; Consumer Affairs Victoria;

Centrelink; the Lodden Campaspe CLC (outreach); and the Academy of Sport Health and Education (ASHE).

Police Cautioning and Koori Youth Diversion Program Shepparton Launch

The 16th June 2010 saw the official launch of the Police Cautioning and Koori Youth Diversion Program in Shepparton. Focusing on Koori youth diversion from the justice system, the program aims to prevent young people getting a police record and puts in place follow-up to a caution from police such as linking individuals to programs and services. The program has been in operation since 2006 in several areas. For further information on this program, please contact Nicole Bluett-Boyd (03) 9419 3888, nicole@vals.org.au.

Do You Know Someone With an Interesting Yarn to Tell?

VALS and the Victorian Equal Opportunity and Human Rights Commission (VEOHRC) are looking for people to share their stories as part of a 2011 calendar. We want to hear inspirational stories from the Aboriginal and Torres Strait Islander community about survival, health, culture, identity, family, discrimination, human rights, justice and anything else! We're looking for people you know in the community who may have never had a chance to tell their story.

We want to showcase the diversity, strength and pride that exists within our community in Victoria! If you would like to nominate anyone, or yourself, for the project, please get in touch with:

VALS: Loretta O'Neil (03) 9419 3888 loneil@vals.org.au
VEOHRC: Holly Charles Ireland (03) 9032 3454 holly.ireland@veohrc.vic.gov.au

VALS Website Redevelopment

The VALS website is still in the process of 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 months.

Tarwirri

Tarwirri - the Indigenous Law Students & Lawyers Association of Victoria – hosted an afternoon tea at VALS during Law Week (21st May). This was an opportunity for networking between the staff and members of the two organisations.

First Aboriginal woman elected to the United Nations Permanent Forum on Indigenous Issues

Nominated by the Australian Government, Ms Megan Davis is the first Aboriginal woman to be elected into the Permanent Forum on Indigenous Issues (the pre-eminent United Nations body on Indigenous matters) and will serve as an independent expert. It is also the first time the Australian Government has nominated an Indigenous person to a UN body.

A leading expert on Aboriginal and Torres Strait Islander legal rights and international law, Ms Davis is the Director of the Indigenous Law Centre at the University of New South Wales and has been active in

the United Nations as an advocate for Aboriginal and Torres Strait Islander rights, particularly for women.

Men Wanted to Help Stop Family Violence

Men play a vital role in stopping family violence, and often the first step for Victorian men on their journey to consider and learn non-violent ways of behaving is a call to the Men's Referral Service. Working to prevent family violence is the prime reason men choose to volunteer for the Men's Referral Service. The Telephone Counsellor role with the Men's Referral Service is an opportunity for men to make a much needed difference in working towards a safer world.

The Men's Referral Service is recruiting volunteers for the next nationally accredited Telephone Counselling training course. All men interested in taking up the challenge and becoming volunteers are encouraged to apply. Details about of the training program, experiences of telephone counselling work, and potential career pathways in this rapidly growing field can be obtained by contacting: David Field, Manager, Men's Referral Service: (03) 9428 3536, davidf@ntv.net.au

Competition

The Victorian Electoral Commission (VEC) **Aboriginal Engagement Program** invites Victorian Aboriginal students Year 8 to 12 to 12 and who are enrolled in Secondary School to join an essay competition on the theme: WHY IS IT IMPORTANT TO VOTE?

The VEC will provide the winner the latest computer laptop 4GB of RAM, a 500GB hard disk drive, DVD burner, webcam, wireless connectivity running Windows 7 Home Premium as well as Microsoft 2007 Office Home & Student which includes Word, Excel, PowerPoint and OneNote along with a year's subscription to Symantec anti-virus and a major trophy worth over \$1,500. All entries receive a Certificate of Participation.

The competition deadline is **1st October** 2010. Competition guidelines and further information can be access via the VEC website: www.vec.vic.gov.au/aboriginal or contact Daryl Nayler, Aboriginal Engagement Officer, via email: daryl.nayler@vec.vic.gov.au.

Cyber Racism Summit

On 27th April 2010, the Australian Human Rights Commission and Internet Industry Association hosted a one day Summit to start a conversation about the issue of cyber-racism. Attending groups included representatives from federal government agencies, internet service providers, social networking companies, NGOs, academics, social changers and young people.

Nine themes emerged during the Summit were:

1. While all recognise the positive power of the Internet, it is clear that it can be used inappropriately to convey racist messages which can do harm. This is an important human rights issue and community issue.
2. While cyber-safety is now on the radar of a wide range of groups in our community, *cyber-racism* has gathered less attention. The challenge is to both incorporate cyber-racism within cyber-safety strategies and develop new initiatives focussing on cyber-racism itself.

3. There is a need to better recognise, showcase and share the strategies and initiatives which are already working and find ways to adapt and grow them.
4. Any strategy to address cyber-racism should include a wide range of measures to reach and empower different categories of people involved in cyber-racism (including instigators of racism, participants in racist online groups, observers to those webpages and people harmed by the racism).
5. Traditional regulatory responses alone will not solve the issue of cyber-racism - the problem is too big and fast moving for regulation to be effective.
6. One of the most powerful ways to start addressing cyber-racism is to harness the positive potential of the Internet, social media and social marketing to educate the community about racism and empower them to participate in positive social change.
7. Any strategy to address cyber-racism needs to focus on young people - the biggest users of Internet tools. Within that strategy there is a need to find ways to empower young people to create their own solutions.
8. There is a need for better communication and co-operation amongst all the parties who engage in this space - including amongst those groups who participated in the Summit.
9. There are gaps in the research around cyber-racism, and most definitely gaps in understanding about the issue of cyber-racism.¹

An initial action will be the publication of a summary of safety tools and options available to users of the most popular social media sites, which is currently being compiled by the Internet Industry Association. This summary information will complement and reinforce the safety features popular social media sites have in place.

NAIDOC Week 2010: 4-11th July

The 2010 National Aborigines and Islanders Day Observance Committee (NAIDOC) theme is 'Unsung Heroes - Closing the Gap by Leading Their Way'. 'Unsung heroes' recognises the part played by the quiet achievers, past and present, in the Aboriginal and Torres Strait Islander community. The theme asserts Aboriginal and Torres Strait Islander ownership of 'closing the gap'. The gaps that need to be closed include gaps between Aboriginal and Torres Strait Islander and non-Aboriginal and Torres Strait Islanders and gaps in knowledge and understanding.

The 2010 National NAIDOC Awards are now open for nominations. Each year the awards provide the opportunity for Aboriginal and Torres Strait Islander people to be recognised for the difference they make in the lives of others. Information on how to nominate can be found at www.naidoc.org.au/NAIDOC-awards/nomination.aspx. Categories for the NAIDOC awards include:

- Person of the Year;
- Elder of the Year (Male and Female);
- Apprentice of the Year;
- Artist of the Year;
- Lifetime Achievement Award;
- Scholar of the Year;
- Sportsperson of the Year;
- Youth of the Year;
- Caring for Country Award.

¹ Australian Human Rights Commission (2010) 'Communiqué from the Cyber-racism Summit' *e-news* 30th April.

The annual National NAIDOC Poster Competition is also now open for entries from the Aboriginal and Torres Strait Islander community. Artwork must be based on this year's theme 'Unsung Heroes - Closing the Gap by Leading Their Way' and will be reproduced on the 2010 National NAIDOC poster. Further information about the poster competition can be found at:

www.naidoc.org.au/forms/NAIDOC10_PosterCompForm_online_FINAL.pdf. Event history, awards, and event details can be found at www.naidoc.org.au.

School Based Traineeships available across Victoria in ANZ branches for young Indigenous people.

AFL Sports Ready (AFLSR) are working in some areas across Victoria to bring great opportunities to young Aboriginal and Torres Strait Islander peoples. Traineeships are a great way for students to receive an income, learn new skills and open doors to a great career while completing high school. While **completing year 11 & 12 studies**, school based trainees:

- work at least one day a week in an ANZ branch;
- earn money while learning new skills;
- achieve a National Certificate II qualifications in Business;
- are supported by ANZ staff and an Indigenous Mentor through AFL Sports Ready; and
- can take on career opportunities with ANZ or other careers and study opportunities at the end of their Traineeship.

Applications close 30 July 2010. Year 10 Indigenous students - express interest now!! For more information on these great opportunities, for if you would like an information session at your school / youth group / community organization etc, contact: Jade Colgan, National Special Projects Officer - Indigenous Employment at AFL Sports Ready: 0427 776 142 or jade.colgan@aflsportsready.com.au .

New Access to Justice Website Launched

On 16th May 2010, Attorney-General, Robert McClelland, launched a new website as part of a package of measures to improve access to justice in the community. 'Increasingly, the experience of ordinary Australians dealing with the justice system is marked by confusion and complexity. People often don't understand legal events, what to do or where to seek assistance, while many are excluded because information is complicated or simply difficult to find,' Mr McClelland said.²

The new website, located at www.accesstojustice.gov.au will provide all Australians with access to information about legal assistance and related services in their local area including their nearest Legal Aid office, Family Relationship Centre, and Dispute Resolution Service.

Policing Just Outcomes Project

The Policing Just Outcomes Project is employing a range of innovative social research approaches to examine the way that Victoria Police respond to victim/survivors and reports of Sexual Assault and develop ways to inform and improve this response. The Project is funded by a Linkage Grant from the Australian Research Council and is being undertaken by Edith Cowan University, in partnership with Victoria Police and in collaboration with the University of Melbourne. The main goals of the project are:

² Attorney-General Robert McClelland (2010) *Launch of new access to justice website* Media release, 16th May.

- To improve understanding of the incidence, nature and dynamics of sexual assault in Victoria, police responses to it, and the outcomes these responses generate.
- To identify and understand the factors and dilemmas that influence the decisions made by adult victims of sexual assault on whether or not to report the offence/s to police.
- To inform and improve Victoria Police responses to victim/survivors of sexual assault and the ways that Victoria Police manage the reporting of sexual assault
- To identify and develop ways for the criminal justice system to better respond to and manage reports of sexual assault

The project will examine the decision making of victim/survivors in regard to reporting a sexual offence to police, and the experience of reporting a sexual offence for those who have chosen to report to police.

The Policing Just Outcomes in Adult Sexual Assault **Survey is now available**. Women and Men in Victoria, 18 years of age and over, who at any time in their life have experienced sexual assault and either have or have not reported it to police in Victoria are welcome to complete the survey. To undertake the survey please visit www.policingjustoutcomes.org/onlineurvey/. For more information, see www.policingjustoutcomes.org/

Report on the operation of the Charter of Human Rights and Responsibilities

The Victorian Equal Opportunity and Human Rights Commission (VEOHRC) is required to provide the Attorney-General with an annual report on the operation of the Charter of Human Rights and Responsibilities (“the Charter”) which the Attorney-General is then required to table the report in Parliament. The Report demonstrates that people are better off with the Charter.

The report reveals that the Charter has been successfully used by the community, legal advocates and government as a tool to help resolve challenging issues such as the government’s move to extend disability assistance to people with Autism Spectrum Disorders, and the Bushfire Royal Commission’s decision to hear directly from victims about their experiences.

In 2009, VEOHRC pursued three initiatives and themes relevant to the four-year review of the Charter to take place in 2011: women's rights; the right to self-determination; and economic, social and cultural rights (ESC rights). Three occasional papers canvassing these themes were released in April. The Charter report, summary report and occasional papers are all available to download from our website at www.humanrightscommission.vic.gov.au/publications/charter%20reports/

The 2010 Charter Report will provide a community perspective on the first three years of operation of the Charter. VEOHRC’s commitment to reflect a comprehensive community perspective in the 2010 Charter Report requires a new consultation process to be developed and implemented. VEOHRC will undertake targeted consultation relating to self-determination and economic, social and cultural rights and will also explore issues related to the possible integration into the Charter of rights under the *Convention on the Rights of Persons with Disabilities*.

The Commission is in the process of preparing to embark on these various consultations with the Victorian community. Details of these consultations and information on how to get involved will be published via the VEOHRC website: www.humanrightscommission.vic.gov.au/Home.asp

VALS' 2nd Quarter 2010 Submissions

April

- Review of Victoria's Child Protection Legislative Arrangements. Submission to the Victorian Law Reform Commission.
- A National Quality Framework to support quality services for people experiencing homelessness. Submission to the homelessness working group, Department of Families, Housing, Community Services and Indigenous Affairs, (FaHCSIA) Discussion paper 2010.

May

- Guardianship and Administration Law Review Victoria: Submission to the Victorian Law Reform Commission's *Guardianship Information Paper*.

June

- Submission to the Parliament of Victoria, Drugs and Crime Prevention Committee for the inquiry into the impact of drug-related offending on female prisoner numbers.
- Submission to the Australian Law Reform Commission and the New South Wales Law Reform Commission's 'Family Violence: Improving Legal Frameworks' consultation paper.
- Submission to the Department of Justice Hate Crime Review: a review of identity motivated hate crime consultation issues paper.
- Submission to the Welfare Payments Reform Branch, Commonwealth Government, in response to the policy outlines for new model of income management.

Next Quarter Dates of Note

JULY

4th-11th NAIDOC Week
27th-29th Victorian Parliament sitting

AUGUST

2nd-8th National Homeless Persons' Week: www.homelessnessaustralia.org.au
4th National Aboriginal and Islander Children's Day: www.snaicc.asn.au
9th International Day of the World's Indigenous people: www.un.org/depts/dhl/indigenous/
10th-12th Victorian Parliament sitting
12th International Youth Day: www.un.org/esa/socdev/unyin/iyouthday.htm
31st Victorian Parliament sitting

SEPTEMBER

1st-2nd Victorian Parliament sitting
5th Father's Day
21st International Day of Peace: www.internationaldayofpeace.org/

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 at lhicks@vals.org.au.