



Victorian Aboriginal Legal Service Newsletter

April 1999

Community Legal Education Project

Koori women and families.

Mandy Johnston

Coordinator Community Legal Education Unit

The Community Legal Education Unit has been established as a sub section of the Research, Planning and Development Unit of VALS. It has been granted funding by ATSIC for initial 12 month period staffed by 2 Project Workers; Kelly Koumalatsos and Shea Rotumah and myself as Co-ordinator.

A specific focus of the Unit is addressing the legal and legal aid related needs of Victorian Indigenous women, their families and communities. Since our inception in December 1998, we have been busily consulting peak Koori Community bodies, Koori specific and mainstream agencies in order to identify key issues and needs. Prime areas of focus for the units initial operations are women's legal business with a holistic approach to women's issues including; financial matters, family violence, young people and their relationship with the police and how to complain due to

Continued page 2

Koori Consultant Required for the Indigenous Women's Legal Needs Project. Contact Antoinette Gentile or Robin Inglis at VALS on 9419 3888 if you know of anyone suitable or are personally interested in the position.

INSIDE THIS ISSUE

- 1** Community Legal Education Project.
- 1** Intoxication as a Defense- Law Reform push.
- 2** Indigenous Women's Project
- 2** Message from VALS' Acting CEO

Intoxication as a defense

Parliamentary Inquiry into Criminal Liability for self Induced intoxication

Robin Inglis

Executive Officer, Research, Planning and Development Unit

Imagine a scenario where a person gets blind drunk and ends up charged with seriously assaulting another person. Later in court the defense argues that the person charged was too drunk to know what they were doing. In legal terms; that they were too intoxicated to form an intention to harm another person A case like this was heard in the Canberra Magistrates Court some time ago involving a Rugby player who used this type of a defense in regard to a serious assault he had committed. He was found 'not guilty'.

Some Federal politicians then called for legal changes to prevent such a defense being used. The Federal Government's *Model Criminal Code*, is an attempt to standardize the law and sentencing in each state and argues that the law needs to be changed to stop intoxication being used as a defense. The fact is however that in such cases such defenses rarely work. Tom Munro, (Executive Officer, Legal Practice) said "*In the 11 years he had worked at VALS I am unaware of the defense being used*". Anecdotal evidence from police and lawyers indicates that the defense of intoxication is rarely used. The only systematic study made of this type of legal defense was done in the mid 1980's by the then Victorian Law Commission which concluded that there were only a handful of cases where this type of defense was successfully used.

The Victorian Aboriginal Legal Service made a submission to the Victorian Parliamentary Law Reform Committee in January 1999. VALS argued that the law did not need to be changed. The low number of cases where a court accepts intoxication as a defense against

VALS Newsletter April 1999

Community Legal Education Unit continued from page 1
 unjust treatment. Our unit hopes to develop a complimentary Men's Legal Business program in the not too distant future. So what have we achieved to date?

Project worker Shea Rotumah has written and run a play specifically targeting Koori youth in schools. The play encourages active participation from its audience and deals with issues surrounding drugs, underage drinking and strategies for dealing competently with the police. To date there has been positive feedback from participants and teaching staff alike.

We have drafted and developed culturally appropriate pamphlets to distribute across the Victorian Indigenous community concerning 'Police and Young People', 'Appealing against Centrelink', 'Family violence' and 'Women's Legal business'. We will be publishing further pamphlets as the need arises after greater consultation with the community. The Education Unit has prepared programs and hit the radio waves on radio 3KND broadcasting on 90.7FM. Some of the topics discussed have been; family law matters, domestic violence, dealing with the Department of Human services, the 'Rights to Silence' and that of discrimination.

We are slowly getting about the state in an effort to meet the various indigenous communities and organisations. Please do not hesitate to contact us should you wish for us to visit your agency. We would welcome any ideas or suggestions that you may have.

Indigenous Women's Project Koori Women Families and Communities Service Improvement Strategy.

The project commenced in late 1998. Briefing sessions with a number of Koori specific and mainstream services occurred. There was strong support for the project. Thanks to Charmaine Clark for the work she has done on the project. The needs study stage of the project is next on the agenda.

**A Koori consultant is required for this project.
 (See Advertisement on page 1).**

Intoxication as a defense.....continued from page 1

a criminal charge indicates that decision-makers are already cautious about accepting intoxication as a defense.

The proposals to abolish intoxication as a defense would reduce the discretion that the courts currently have in such matters. The Service also made a verbal submission to the Law Reform Committee in late March in an attempt to prevent this kind of law change which can only marginalize the Victorian Aboriginal Community further.

The service also argued against proposals to create a new offence of committing a dangerous act while intoxicated. VALS believe a new offence would be likely to increase the imprisonment rate generally and for Koori people in particular.

Message from VALS', Acting CEO

Antoinette Gentile

It is with regret that VALS announced the departure of the former CEO, James Christian in late January 1999. James commenced employment with VALS in February 1996. I am sure all of you would agree that James made a significant and valuable contribution to the improvement of the availability of access and service delivery to the community whilst he was here. His tireless commitment, long working hours and dedication to VALS during the course of his employment are to be commended. As a result of his consistent hard work VALS is recognized by other Aboriginal Legal Services as the "best practice" model. He certainly left us in good order with a number of developments that are designed to extend and build upon our service to the communities' legal needs.

James has now taken up a senior position at the NSW Aboriginal Housing Office in Parramatta. On behalf of the Board of Directors, Management and Staff of VALS, we wish him the very best and extend to him our gratitude for his exemplary service to VALS over the last 3 years. His shoes will definitely be hard to fill.

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