



# Victorian Aboriginal Legal Service Newsletter

December 2000

PO Box 218 Fitzroy Victoria 3065 Phone 9419 3888 fax 9419 6024

## Most recent VALS Pamphlet helps parents and Guardians assist Children before the Law.

**Catie Pitman**

**(Community Legal Education Project Worker)**

Our recently published pamphlet "*Parents and Guardians - How to Support Your Child at the Police Station and in Court*" was launched in Shepparton on October 6th by Her Honor Judge Jennifer Coate, President of the Children's Court of Victoria.

About forty people attended a community gathering for the launch at the Goulburn Valley CDEP Business and Learning Centre. The Judge spoke about her commitment to finding ways to make the Children's Court responsive to the Koori community. She said that the pamphlet was particularly important as it emphasises the difference it can make if parents and family are present at Court with their child. Their presence can show the magistrate that the child has support, and that there is somewhere for that young person to go when they leave the court.

The Judge explained that the Children's Court is looking for ways to help a child change their offending behavior. At this point of the launch, a community member suggested that when young Koories have to face up to their Elders, they are more likely to apologise and then improve their bad behavior. The Judge said she would be looking into how she can support this idea and how it can be incorporated within the Children's Court.

The pamphlet also says parents' presence at the police station can even help improve the child's chances of getting fair treatment by police, and possibly avoid them being locked up. It advises parents who are angry with their child in trouble to "stay cool", and to make sure they are there with their child, at the police station or the Court.

Cont P2

## Vacancies

### CHIEF EXECUTIVE OFFICER VALS

The position of Chief Executive Officer is currently vacant at VALS.

Applicants must address the selection criteria which may be obtained from Antoinette Gentile on: (03) 9419 3888.

Applications close Monday, 01 January 2001.

### CLIENT SERVICE OFFICER (Head Office)

The Victorian Aboriginal Legal Service Co-operative LTD seeks to employ a Client Service Officer (CSO) to be based at the Head Office in Fitzroy to provide service to the Melbourne metropolitan area.

The position involves being periodically rostered 'on call', after hours, as VALS provides a 24 hour on call service. The Salary is in accordance with VALS/ASU Enterprise Agreement Ranging from \$32,708 to \$38,800) **The** position is an identified Aboriginal position and requires a current Victorian driving license.

**Inquiries can be made to** Ms Antoinette Gentile (Acting Chief Executive Officer) (03) 9419 3888.

Information packages may be obtained by calling the VALS Receptionist on (03) 9419 3888. Applications will be accepted by facsimile on: (03) 9419 6024.

### VALS Xmas/New-Year Closure

**The Victorian Aboriginal Legal Service wishes to advise that it will close for the Xmas/New-Year break at 1.00pm on Friday 22/12/2000 and reopen at 9.00am on Tuesday 2/1/2001.**

**During this time VALS normal 24-hour, on call arrangements will continue to operate.**

**The Board of Directors, Management and Staff at VALS, wish you a Merry Xmas and a Happy New Year.**

Cont from p.1

### **Community Legal Education Pamphlet**

The CDEP students put on a great barbecue lunch while community members had the opportunity to speak to the Judge informally about their own personal issues in relation to children and the Court. From the way people chatted together and stayed, it seemed that there was plenty of good contact made.

### **Sentencing Changes Home Detention**

Home detention uses electronic bracelets, drug tests and visits to the home to ensure compliance of offenders. It is supposed to be an alternative to imprisonment. A pilot is planned in Victoria. The Legislation will be considered next year. A NSW State Government Select Committee on The Increase in Prisoner Population received evidence that says Home Detention leads to more people being gaoled. Some Magistrates use Home Detention in circumstances where they would previously have used a Community Based Order. Some groups have argued that an expansion of Community Based order programs would be a better alternative

### **Koori Courts**

This is a popular idea but nobody seems sure exactly what it will mean in Victoria. There is general agreement that it will be based on the SA model.

According to the Aboriginal Legal Rights Movement in Adelaide the Aboriginal court is an initiative of one magistrate in Port Adelaide. It is popular because it is run by a well respected magistrate, who sits down from the bench across a table from the other participants. He sits with an Aboriginal person who is an expert on what services are available and what diversion options are available in the community. This person advises the magistrate prior to a sentence being decided. It is not used for heavy offences and no one has been gaoled on the last count. There is no evaluation of any sort other than the fact that anecdotally people think it's good.



### **“Victims of a Crime to get Lump Sum Financial Payment”.**

**Michele Joseph Zaccaro (Civil lawyer)**

As from the 1 January 2001 any person that has been a Victim of a serious crime committed after 1 July 2000 can make a claim for a lump sum financial payment. This payment is in addition to other assistance already available under the current Act. The level of lump sum payment to be paid depends on the serious nature of the act of violence. The Act of violence fitting within a category, and the applicant showing that he/she experienced or suffered any adverse effect as a direct result of the act of violence or suffered any injury as a direct result of the act of violence. The amount varies between \$100.00 and \$7,500.00, and the tribunal may award financial assistance even though the assailant was not charged, is unknown or is not convicted of the act of violence. In some cases, family members and others that may be able to make a claim for a financial payment. A financial lump sum payment is in addition to claims for loss of income, medical bills, hospital, ambulance, psychiatric treatment, medicine etc.

The essentials to keep in mind if you are injured are:

1. report the injury to the police and make a formal complaint and statement, and likewise any witness to corroborate your claim;
2. see your doctor, counselor, psychiatrist, lawyer immediately after the injury, and take photos of the injury if physical [medical and psychiatric evidence is vital to establish, substantiate a claim and the level of lump sum payment for “pain and suffering”];
3. lodge a Claim with your local Magistrates Court immediately don't delay;
4. keep copies of all Statements made to police, bills, receipts for medicine etc., keep details of loss of income, sick leave taken if working prior to the injury;
5. contact your lawyer for advice and assistance as soon as possible after the injury;
6. acting promptly protects your rights, and assists those that you want help from to help you.

**This legal service is your service so contact VALS for advice.**

### **Welcome to New Staff**

**Sherree Alberts Pevitt** who worked at VALS from 1995-98 has rejoined us as a Legal Secretary.

**Julie Mason** who used to work for ATSIC has joined us as our Senior Legal Secretary

**Shaun Ginsbourg** has been employed as a new VALS solicitor. Shaun used to work in private practice.

**Graeme Davis** who resigned from VALS early in the year to move to Gippsland has rejoined us and working part-time at VALS regional office in Bairnsdale .

**Justin Wheelahan** who was a Legal studies student studying his articles at the Leo Cussens Institute and who completed a 3-week work placement with VALS, recently completed his studies. Justin has been admitted as a barrister and solicitor and is currently employed at VALS Fitzroy, assisting clients with criminal law matters.