

Victorian Aboriginal Legal Service Co-operative Ltd

Quarterly Newsletter

July-September 2009



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Staff Notifications

VALS extends a **farewell** to the following staff:

- Joshua Smith (Criminal Law Solicitor) - now Executive Officer - Eastern Regional Aboriginal Justice Advisory Committee;
- Ingrid Giles (Criminal Law Solicitor) who is now studying overseas;
- Lionel Bamblett (Administration Support);
- Henry Button and Ashlee Rogers (Client Service Officers).

VALS extends a **welcome** to the following staff:

- Marlene Dixon (Criminal law solicitor);
- Nichola Rose and Vicki Shaw (Legal Secretaries);
- Josephine O'Neill (Client Service Officer);
- Rachel O'Brien (ATSILS Communication and Research Officer).

About VALS

Do you **NEED LEGAL ADVICE?**

Do **YOU NEED LEGAL REPRESENTATION IN COURT?**

Then you **NEED** to **CALL.....**

The Victorian Aboriginal Legal Service which can help you in the following matters:

Criminal Law

- Summary and indictable offences;

Family Law

- Family matters (not property matters);
- Department of Human Services disputes;
- Intervention orders-applicant or respondent;

Civil Law Matters

- Police complaints;
- Help with wills;

- Discrimination;
- Victims of crime assistance;
- Traffic (accidents);
- Coroners inquests;
- Difficulties in dealing with Government;
- Debt;
- Prisoner rights;
- General assistance completing forms.

Koori Justice Award

VALS [congratulates](#) Client Service Officer Wayne ‘Swisha’ Bell for two awards received at the South-West regional Indigenous Community Justice Awards as part of the Regional Aboriginal Justice Advisory Committee.

Recognised for his [many years of service](#) to Koorie Justice, Swisha received the Adult Award and the Cultural Innovation Award for his development of a cultural awareness day to be run in the Barwon South-West region.

John Bell – Executive Officer - Barwon South-West RAJAC said Swisha ‘received the award for his years of service and the volunteer time he gives to the community. He was nominated for the work he does above the call of duty’.

Cultural Awareness Tour

A cultural awareness tour came about through discussions between CSO Wayne Bell and Senior Court Registrar Michael Bolte. The journey began with a dinner in Warrnambool. In attendance were Koori Court Elder Aunty Laura Bell, Koori Court Respected Person Daryl Rose, Elder Uncle Stewart Lovett, Jason Walker from the Gundijtmirring Native Title Group, and the Barwon South-West court staff



CSO Wayne “Swisha” Bell

The group were met on the 30th July at the Indigenous protected area at Tyrendarra, proceeding to the Lake Condah mission, where guest speakers spoke to the group of about 28 court workers. After the mission visit they travelled to the lake for dinner and a cultural talk, then onto Mt Eccles, or Budja Bim (the traditional title).

The group learned about the days on the mission and how the Aboriginal ancestors were forced to live and what rules they had to live by. At the lake, the whole group was fascinated by the way the ancestors forged channels in order to have fish all year round, how the stone houses were constructed, and how life before settlement was relaxed and the first people were so content.

The organisers found the court staff to be very [respectful](#) to all who spoke and were very interested in the times before and after settlement. The tour establishes the positive work between VALS and the courts in the Barwon South-west region. It is hoped that the hopes will [continue](#) every 2 years or so.

Deadly Life Lessons DVD Project

The project “Deadly Life Lessons Project – Part B” is a **partnership** between the Victorian Aboriginal Legal Service Co-operative Limited [VALS], Indigenous Consumers Unit of Consumer Affairs Victoria [CAV], Northland Secondary College, Victoria Police and Connex Trains. It is funded by the Attorney-General’s Department [Cth] as a Community Legal Education pilot project. The project aims to convey information to Aboriginal and Torres Strait Islander Youth about legal and consumer issues that may effect them, their rights and responsibilities.

A professional filmmaker has been engaged to work with students from Northland Secondary College to make the following three films each of approximately ten minute duration:

Wheels which is about traffic matters and buying a car from a car yard.

Train Fare Evasion which is about the consequences of fare evasion, purchasing liquor under age, defacing public property and abusive language.

Shopping which explores legal issues regarding returning an item and refunds and security guards.

Part A of the “Deadly Life Lessons Project” involved a partnership of VALS, CAV and the Ilbijerri Aboriginal and Torres Strait Islander Theatre Company to present three short plays regarding the above topics to students at Northland Secondary College.

Building on this, Part B involves the students from Northlands adapting the theatre scripts to make a DVD. The students, both Aboriginal and Torres Strait Islander and non-Aboriginal and Torres Strait Islander, have re-written the scripts. The scripts are currently being filmed by the students who also have roles as actors in the DVD and will edit it. Mr Ken Lay Deputy Commissioner – Road Policing of Victoria Police will make the concluding comments to the DVD.

Law Handbook Online

The Fitzroy Legal Service’s Law Handbook Online was launched at the State Library of Victoria, 24th June 2009. Originally conceived as an in-house guide for lawyers dealing with property law, the first publication of *The Law Handbook* was produced by the Fitzroy Legal Service in 1977.

In the years since, this publication has grown into a 1000 page book that claims to be the most comprehensive do-it-yourself guide to the law in Victoria. *The Law Handbook* is now **freely** available on the internet as a comprehensive and plain English legal resource. The online version of The Handbook can be accessed via www.lawhandbook.org.au/.

Aboriginal English in the Courts

With the help of a grant from the Victorian Law Foundation, VALS was able to review and **reprint** its *Aboriginal English in the Courts Kit* publication. An information session was held about the Kit at the Koorie Heritage Trust on the 13th July 2009.

The electronic version of the updated Aboriginal English in the Courts Kit is not currently available on the VALS website as the website is under reconstruction. It can, however be downloaded from the Federation of Community Legal Centres Website at the following address:

www.communitylaw.org.au/intranet/cb_pages/news/aboriginal_english.php

NAIDOC Week 2009

The theme of this year's NAIDOC week was 'Honouring our Elders, Nurturing our Youth'.

NAIDOC Week Indigenous Person of the Year Announcement

Author, academic and Aboriginal and Torres Strait Islander Affairs advocate Professor Larissa Behrendt was named Indigenous Person of the Year at a NAIDOC Week Ball in Brisbane.

Wulgunggo Ngalu Learning Place a winner

Wulgunggo Ngalu Learning Place has been recognised for outstanding work and achievements with young Aboriginal and Torres Strait Islander males by the Justice Department at an awards ceremony in Bairnsdale.

Manager of the Centre, Shaun Braybrook, was also awarded the regional Justice Department **Award** for his contribution to assisting young Aboriginal and Torres Strait Islander males find their place in communities.

Repatriation of Remains to be Made Easier

The process of repatriation of Aboriginal and Torres Strait Islander People's remains will undergo an overhaul.

Indigenous Affairs Minister, Jenny Macklin, used the end of NAIDOC Week to announce **plans** to introduce a International Repatriation Advisory Committee will be appointed in September 2009.

More than 1000 Aboriginal and Torres Strait Islander ancestral remains are held in museums around the world and it is hoped the new system will 'return the spirits to their land, restore a sense of peace ... and help in the healing', Ms Macklin said.

Prison Operator Responsible for Inmate's Death

Victorian Coroner Audrey Jamieson found that private prison operator GSL contributed to the death of an inmate who died of an asthma attack after pressing a prison intercom button that did not work.

A prisoner was found dead in his cell on 26th November 2005 where police found the note "Asthma attack. Buzzed for help. No Response."

GSL has also been criticised by a West Australian Coroner over the death of Aboriginal Elder who died of heatstroke after being transported for almost 400 kilometres in the back of

a van with no air conditioning.

3rd Quarter Submissions

July

- Submission to Victoria Law Reform Commission's Surveillance in Public Places Consultation Paper.
- Response to the Standing Committee of Attorneys-General Working Group on Indigenous Issues: "National Indigenous Law and Justice Framework 2009-2015".

August

- Supporting Young People in Police Interviews – response to Victorian Law Reform Commission Background Paper.
- Submission in response to the House of Representatives Standing Committee on Family, Community, Housing and Youth's 'Inquiry into homelessness legislation'
- VALS' Submission in Response to Yarra City Council's Draft Local Law No.8 [2009] *Consumption of Liquor in Public Places* – sent 17 September 2009. VALS subsequently appeared at a City of Yarra Committee meeting to talk about the submission.

It was argued that VALS has concerns about Local Law 8 regardless of what form or what time it is to apply. VALS is on the record in numerous submissions and media releases as advocating the:

- Decriminalisation of public drunkenness;
- Implementation of the Royal Commission into Aboriginal Deaths in Custody recommendations relating to public drunkenness. In particular, the reason given by the State Government for not decriminalising public drunkenness (ie: absence of sobering up centres) is not legitimate. VALS calls for the Government to fund an appropriate number of culturally appropriate sobering up centres and to decriminalise public drunkenness.
- Treatment of public drinking as a public health issue.

The proposed Local Law 8 is problematic for the following reasons that will be extrapolated further:

- There is evidence of the potential negative results of Local law 8.
- There is no evidence that Local Law 8 is effective.

Conflict of Interest Project

VALS has received funding from the Attorney-General's Department (Cth) on behalf of Aboriginal and Torres Strait Islander Legal Services (ATSILS). VALS' Research Officer, Louise Hicks, has been taken 'off-line' to conduct Stage 1 of the *ATSILS Conflict of Interest Project*. The purpose of the research is to collect information relevant to ATSILS, Aboriginal Family Violence Prevention and Legal Services (AFVPLS) and Community Legal Centres (CLC) in dealing with Conflict of Interest situations.

Stage 2 involves analysing the information collated with the aim of providing advice to ATSILS about how conflict of interest, and perceived conflict of interest, principles are applied to persons of Aboriginal and Torres Strait Islander descent. The rationale of the project is

to collect information relevant to ATSILS, Aboriginal Family Violence Prevention and Legal Services (AFVPLS) and Community Legal Centres (CLC) in dealing with Conflict of Interest situations.

Stage 2 involves analysing the information collated with the aim of providing advice to ATSILS about how conflict of interest, and perceived conflict of interest, principles are applied to persons of Aboriginal and Torres Strait Islander descent. The rationale of the project is that ATSILS, AFVPLS and CLCs require assistance in navigating the intersection between legal and cultural considerations involved in application of Conflict of Interest principles to legal problems experienced by Aboriginal and Torres Strait Islander communities.