

Victorian Aboriginal Legal Service Co-operative Ltd

Newsletter July 2004



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Staff Update

VALS thanks Melissa Morgan for her contribution to the Indigenous Women's Justice Forum during her time as Indigenous Women's Justice Forum Project Worker (May 2003 - July 2004). Melissa has taken a position at the Victorian Aboriginal Community Controlled Health Organisation. VALS welcomes Diane Jones to the position of Word Processor - Legal.

Tendering Out Legal Services for Indigenous Australians

In a media release dated 28 July 2004 Mr Ruddock (Attorney-General) announced that the tendering process of legal services for Indigenous Australians will start in Victoria and Western Australia, followed by Queensland. VALS still questions the motivation behind initiating the tender process in States where there is one service provider of legal services for Indigenous Australians. The Government has claimed that the economic benefits of tendering are cost savings from amalgamating services in States with *more* than one service provider.

The successful tenderers in Victorian and Western Australia will commence operations from 1 July 2005. The tender process will commence in other States and the Northern Territory after 1 July 2005. Independent assistance will be provided to Indigenous organisations who wish to tender in order to establish a level playing field. VALS will receive ongoing funding until the tender is rolled out in Victoria.

The Government has considered comments made about the tender proposal and the tender will proceed with different policies to those proposed in March 2004. VALS acknowledges that the Commonwealth Government has gone some way to recognizing the importance of Aboriginal and Torres Strait Islander Legal Services (ATSILS).

The tender process will proceed on the following basis:

- Criminal law matters will not be number three on the priority list of cases where assistance is available as "service priorities that address Indigenous incarceration will be maintained". People with a criminal record will be eligible for legal aid.
- It will no longer be policy to only have ATSILS where there is no Legal Aid Office.
- Means testing will be introduced.
- Prospective tenderers will be required to respond "to a range of criteria including their ability to provide Indigenous leadership and culturally sensitive legal services".

VALS argues that elements of the revised tender process outlined above are unclear. VALS

calls for the Government to be transparent about the revised policy on the tender proposal. VALS is concerned that the Government is using the need to maintain the probity of the tender process as an opportunity to alter policy without explanation or consultation.

Proposed Abolition of the Aboriginal and Torres Strait Islander Commission

As of 1 July 2004, the Aboriginal and Torres Strait Islander Commission became known as the Office of Indigenous Policy Coordination Centre. VALS is drafting a submission to the Select Committee on the Administration of Indigenous Affairs (Committee). The Committee will report by 31 October 2004.

Damages for Assault by Police

As previously reported in the June Newsletter, on 31 May 2004 His Honour Judge Campbell handed down a Judgment in favour of a VALS client assaulted by police, Awarding him \$71,000.00 Damages. The VALS client is now entitled to \$89,463.00 Damages, as the Judge Awarded Interest. The Judge found against three Defendant Police Officers and apportioned part of the liability to the State of Victoria. On 23 July 2004, the Judge handed down a Judgment in favour of the VALS client who made an Application for Costs on 18 June 2004. The Judge awarded Costs against all Defendants jointly and severally which will be a substantial amount, and this amount will be recycled to be used for future VALS clients. VALS will not charge the client for services performed.

Success of NAIDOC Week

VALS wishes to highlight the success of NAIDOC (National Aboriginal Islander Day Observance Committee) Week 2004 (4-11 July 2004), 'A Time of Mourning'.



Indigenous Women's Justice Forum

VALS held an Indigenous Women's Justice Forum at the Victorian Aboriginal Community Services Association on 14 July 2004. Members of the Forum discussed proposed amendments to the Crimes (Family Violence) Act (1987) and the Children and Young Person's Act (1989). For further details see the Forum Minutes on the VALS website.

Events VALS Staff Attended

VALS Staff attended a Human Rights Forum ('Indigenous People: Recognition and Reconciliation – Where to From Here?') on 14 July, organized by the Equal Opportunity Commission of Victoria. The attitude at the Forum towards the proposal to tender out legal services

for Indigenous Australians was one of dislike and frustration.

VALS staff attended a lecture by Liz Curran (La Trobe University) titled 'Issues Around the World in Legal Aid' on 6 July 2004. Curran noted that the Australian Legal Aid system is unique. Australians have the benefit of a Legal Aid system comprised of a mixture of private practitioners and Legal Aid service providers. However, there is an increasing number of private practitioners withdrawing from the Legal Aid system.

Education Campaign in Regional Areas: Keys for Community

VALS is meeting with Victorian service providers to discuss plans to visit regional areas on a regular basis as part of an education campaign geared towards Indigenous Australians. On 12 July 2004, Victorian service providers presented a power point presentation about their service to one another. The aim of the presentation was to train service providers about the services available in Victoria. The power point presentation will also be shown to members of the Indigenous community when service providers visit regional areas. On 27 July 2004, Victorian service providers met to discuss a title for the education campaign in regional areas. The campaign will be known as: 'Keys for Community: Opening the Door to Your Rights'.

Education Workshop in Echuca

On 23 July 2004, Loretta O'Neil (Education Worker) and David Atkinson (Shepparton Client Service Officer) took part in a successful Education Workshop in Echuca, organised by Consumer Affairs Victoria. The Workshop involved:

- Encouraging and empowering the Indigenous community to use the services provided by service agencies.
- Members of the Indigenous community completing a 'Responsible serving of Alcohol' Certificate.

Youth Referral and Independent Person Program

The Chief Executive Officer is a member of the Youth Referral and Independent Person Program (YRIPP) Steering Committee which is devising pilot projects oriented towards recruiting and training Independent Persons. Are you interested in assisting Koorie Youth during a police interview? If so, contact VALS for further information. VALS is producing the Koorie specific component of the YRIPP Independent Person Training Manual.

Contact Details

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