



# Victorian Aboriginal Legal Service Newsletter

June 1999

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## Community Legal Education Unit

*Statewide visits to Koori communities*

**Mandy Johnston**

**Coordinator Community Legal Education Project**

The Community Legal Education Unit has completed its first tour around Victoria. To date we have visited Heywood, Horsham Ballarat, Shepparton, Mildura, Robinvale, Swan Hill, Bairnsdale and Morwell with Echuca and Bendigo. Lakes Entrance is next on our list.

Shea Rotumah has had success with his role-play "Koories Coppers and Crime" in his work with young people. On most occasions, Police Officers have been present and this has allowed for some positive discussions. Kelly Koumalatsos has spent the greater part of her time working with women talking about women's legal business, family and community. As we are nearly half way through the project, it is time to review what has taken place to date and further refine our products for specific community needs. It has been very interesting to observe the differences between communities. Hopefully we will be able to incorporate these differences into our return trip to each community.

At long last we are pleased to announce that our series of legal information pamphlets are back from the printer and ready for distribution. If you have not yet received copies of "Young People and Police", "Women's Legal Business" "Family Violence" and "Your Rights When Dealing With Centrelink", please contact us here at VALS and speak to any member of the Legal Education Team and we will get the pamphlets to you.

Two Aboriginal Women's Legal Business forums were held at the Victorian Aboriginal Health Service in recent weeks. The aim of the conference is to facilitate discussion around the issues affecting women, children and community and then to look at what the law says and how women can better utilise it for their specific purposes.

## Koori Lawyer at VALS

*So What's an Article Clerk?*

**Sophia Bryant**  
Student/Volunteer

Paula King commenced her article clerkship at the Victorian Aboriginal Legal Service in January. An Article Clerk, is a bit like being a lawyer on P plates. After graduating from University, would be lawyers have to do a further 'trainee' period. This involves either working under the supervision of a lawyer who has at least 5 years legal experience or alternatively, completing a 6-month course at a training institution.

Prior to her article clerkship, Paula completed seven years at Melbourne University; She graduated with a Bachelor of Arts/Law. In order to study she moved from Bendigo to the college residence at the University. Paula gained a cadetship with the Department of Employment, Education, Training and Youth Affairs, which financed her living and studying expenses. Paula was inspired to study law, partly, as she had witnessed the less than satisfactory way in which Koories were treated within the courts and by police. Her goal was to complete study and work within a community legal service, as corporate law did not appeal. Paula recalls the pride she felt at her graduation ceremony, being the only Koori out of 300 graduates. Paula hopes that the number of Koori solicitors will increase.

Paula is currently working in criminal law and will later undertake a rotation in civil and family law. She has found working at VALS to be both positive and challenging. Her responsibilities include following up people on remand, briefing barristers, interviewing clients and providing legal advice over the phone. Paula finds instructing barristers to be rewarding, and was recently involved in a criminal trial in Bairnsdale. Paula looks forward to representing clients in court and aspires to sit on tribunals.

## Koorie and Jungais - Research Report

Copies of this report commissioned by the Victorian Aboriginal Legal Service are available from our Melbourne office at a cost of \$15.00. This report identifies Victorian Aboriginal people (Koories) and Police (Jungais) attitudes to a range of policing issues.



## Police Lockups problem

*Delays in transferring prisoners causes concerns*

**Chris Dunk**  
Research Officer VALS

VALS recently discovered a situation where a prisoner had been held in police 3-day lockups for twenty-three days. The Police Association has notified Amnesty International about their concerns in relation to the use of Police Lockups as jails.

Lockups do not have provision for exercise and are more likely than prisons to be the location of deaths in custody.

VALS is seeking clarification of the number of prisoners held, how long they are being detained and when the department of Corrective services take responsibility for those people

## Have You Been Assaulted

*Know Your Rights Regarding Assault*

**Shea Rotomah**  
Project Officer  
Community Legal Education Unit

"Victims of Crime" Legislation says that if you have been assaulted you can claim for medical expenses, loss of income, counseling, chemist and other reasonable expenses connected to rehabilitation. In order to make a claim a person must have reported the matter to police. If you want advice as to your rights regarding this type of matter call VALS solicitor Michele Zaccaro for advice as to how to make a claim.

## Melbourne City Council Local Laws

*Proposed City laws threaten rights*

VALS have written to the Melbourne City Council expressing concern at their new local laws. The role of Council Officers in preventing drinking, begging and other activities that overlap with a police role are a concern. The Council also gives its Officers the power to penalise behaviour which interfered with the amenity of the area or behaviour that 'causes personal discomfort'. The approach taken by the Council differs significantly from that taken by Port Phillip Council and appears to ignore some of the policy directions of the Royal Commission into Black Deaths in Custody.



## CEO's Message

**Antoinette Gentile**  
Acting CEO Victorian Aboriginal Legal Service

VALS hosted a Reconciliation Week event in the shape of an afternoon tea attended by 'Justice System organisations'.

Approximately 40 people attended representing the Victoria Police, Aboriginal Affairs Victoria, the Law Institute, Victoria Legal Aid, Liberty Victoria and representatives from both specialist and generalist Community Legal Centres. We would like to convey our thanks to all who attended and especially to Gillian Wilks at the Federation of Community Legal Centers who sparked the idea of the event.

## Rights to Silence should stay

*Parliamentary Committee recommends Rights to Silence should remain*

A person suspected of committing a crime usually have the right not to answer questions other than giving their name and address. If they are charged and taken to court they have the right to remain silent. These rights are based on a 12<sup>th</sup> Century English law and are often called the 'Right to Silence'. In 1998 the Victorian Government set up an Inquiry to consider taking away this right.

The Right to Silence inquiry involved parliamentarians visiting the United Kingdom, a public discussion paper, and public hearings. The final report published in March said that changing the Rights to Silence would be inconsistent with fundamental principles and community standard of fairness...and threaten the vulnerable.

If the Right to Silence were to be altered there would be a range of groups at risk including Aboriginal Australians. The report stated that Aboriginal people would be disadvantaged as a result of; the historical relationship between the Aboriginal community and the police which makes indigenous people fearful of the police, lower literacy levels and the tendency of some people to agree with persons in authority. The report rejected the United Kingdom's Model, (Criminal Justice and Public Order Act 1994 UK), that substantially reduced the Right to Silence. VALS Executive officer Tom Munro and VALS solicitor Daniel McGlone together with a number of volunteers, produced a very detailed written submission for the Committee of inquiry in 1998. Hopefully the Victorian Government will note the Committees advice.