

# Victorian Aboriginal Legal Service Co-operative Ltd

## Newsletter May-July 2007



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### Staff

VALS congratulates Joel Orenstein and partner on the arrival of their baby. VALS welcomes Clint Lingard to replace Mike Zacarro, Civil Lawyer, who is currently on long service leave. VALS welcomes senior family lawyers Samantha Dwyer and Susannah Portelli, seconded from VLA. We also welcome new criminal lawyers, Justin Willee and Lauren Macaulay.

### Stolen Generation

VALS welcomes the outcome in the South Australian Supreme Court that the South Australian Government pay Bruce Trevorrow more than \$500,000.00 for pain and suffering caused by the removal from his family as a child. VALS argues that a Stolen Generations Tribunal should be established.

### Community Legal Education

#### “Healthy Recipes for Justice” Calendar

VALS in partnership with the Victorian Aboriginal Health Service has produced a ‘Healthy Recipes for Justice Calendar’. The calendar contains healthy recipes together with useful legal and health tips. The calendar was launched at the Victorian Aboriginal Health Service on 22<sup>nd</sup> June 2007. The calendar was funded by the Commonwealth Attorney-Generals Department and to order a copy contact Loretta O’Neill (Community Legal Education Officer).

### Outreach

Loretta O’Neill does outreach to community organisations educating the Indigenous Australian community about their legal rights. You can catch Loretta at the following places in metropolitan Melbourne and for further information contact Loretta:

- Windarra Club (Broadeadows);
- Maya Living Free Healing Centre (Thornbury);
- Our Rainbow Place (St Kilda);
- Parkies Billabong (Collingwood).

The calendar "Health Recipes for Justice" is being warmly received at places where Loretta distributes it, such as Gippsland, Drouin, Sale, Bairnsdale, Lake Tyers and Orbost as part of the 'Koories Know your Rights' project with other agencies.

### **Young People's Positive Stories Project 2007 – 2008**

Events in the Northern region for young people 10-25 years of age can be showcased on DVD as part of the 'Young People's Positive Stories Project 2007 – 2008' to be launched in Youth Week in 2008. Each agency putting forward an event will pay \$250.00 toward the cost of the material and the RYAN project will also contribute \$250.00. Nominations close 31<sup>st</sup> August 2007 and for further information contact Karen Hagen (9381 1133 or [karen.hagen@anglicarevic.org.au](mailto:karen.hagen@anglicarevic.org.au)).

### **Good News Stories**

VALS welcomes the publication by the Victorian Aboriginal Community Controlled Health Organisation of good news stories in 'Communities Working for Health and Wellbeing: Success Stories from the Aboriginal Community Controlled Health Sector in Victoria'. It is useful to publicise positive messages about Indigenous Australians in light of the commonality of negative messages in the media lately.

### **Northern Territory – Emergency response to child abuse in the Indigenous Australian community**

VALS has produced two media releases in response to the Federal Government's emergency response to child abuse in the Indigenous Australian community of the Northern Territory. The titles of the media releases are 'Mr Howard listen to us, work with us' (27 June 2007) and 'We say it again- Listen to us, Work with us!' (8 August 2007). The following points are made in the media releases:

- VALS is welcoming of the Government's commitment to do something about abuse because this means that Indigenous Australian's message that something more needs to be done about abuse has finally been heard. However, at the same time VALS is concerned that the Government's proposal to attempt to address the issue ignores the Indigenous Australian voice.
- VALS is not calling for a talk-fest. Suggestions by the Government that consultation, discussion and co-operation are negative, or backward looking, fly in the face of common sense.
- The Government suggests a 'tough' response to sexual abuse is appropriate when in actual fact a smart and sustained approach is required.
- Honest acknowledgement by the Government of the effort of Indigenous Australians to address problems, and a commitment to work in partnership with Indigenous Australians, is essential to any successful plan to better protect children.
- We disagree that a racially based withholding of Government benefits to parents irrespective of any wrong doing can be justified legally or morally. Punitive sanctions should be a last resort, based on a verifiable behaviour or omission (not skin colour or community membership) and be appealable.

Measures to improve child protection need not include changes to land ownership or the permit system. Changes to land ownership and the permit system, temporary or otherwise, are more likely to reduce community safety than increase it. The Government has not explained the rationale for such changes which suggests that they are peripheral to the child safety objectives at best and a significant handicap at worst.

## **Crime and Violence Prevention Awards Nominations Open**

The Crime and Violence Prevention Awards 2006-07 nominations close on 31 August 2007. For further information contact the Crime and Violence Prevention Unit on (03) 8684 1723 or by email at [crime.prevention@justice.vic.gov.au](mailto:crime.prevention@justice.vic.gov.au).

## **Research**

### **1967 Referendum**

The 40<sup>th</sup> anniversary of the 1967 Referendum occurred in May 2007. There were many events to commemorate the anniversary. Many Indigenous Australians who attended these events expressed the sentiment 'I am 40 today as I was not recognised as a citizen between when I was born and 1967'.

Before the 1967 Aborigines were classified under the Flora and Fauna Act. The Australian public overwhelmingly voted in favor of the Referendum. The passing of the Referendum resulted in the Constitution being changed making it possible for the Commonwealth to make laws for Indigenous Australians and for Indigenous Australians to be included in the census.

Much of the discussion about the Referendum has focussed on the question: how far have we come in the last 40 years? The general sentiment at commemorative events was that those involved in the referendum campaign are to be congratulated, but in 2007 the referendum has not met expectations of delivering justice for Indigenous Australians.

### **Public Drunkenness**

VALS argues that public drunkenness should be decriminalised because public drunkenness is a public health issue, not a criminal justice issue. VALS produced a media release titled 'Decriminalising Public Drunkenness Is Well Overdue' in May. VALS noted that in 1991, the far reaching Royal Commission into Aboriginal Deaths in Custody (RCIADIC) handed down its findings that Indigenous Australians were dying in custody at an appallingly high rate, well out of proportion to non-Indigenous Australians. 67% of the Aboriginal deaths in custody investigated were related to arrests for public drunkenness. As a direct response to this, the RCIADIC recommended that public drunkenness be decriminalised across all Australian jurisdictions. 16 years later it is still an offence to be drunk in a public place in Victoria, not for being drunk and disorderly, abusive or disruptive, but simply being drunk in public. Decriminalising public drunkenness is well overdue.

### **Housing**

VALS provided a submission to Federal Minister for Families, Community Services and

Indigenous Affairs , Mal Brough, in response to the ‘Living in the Sunburnt Country: Indigenous Housing – Findings of the Review of the Community Housing and Infrastructure Programme Final Report.

VALS argued that:

- VALS welcomes the Commonwealth Government’s commitment to increase housing provision to Indigenous Australian people in remote areas. However, the fact that Commonwealth funding to achieve this is to be redirected from urban and rural Indigenous Australian programs ignores the scale of Indigenous Australian housing need.
- Mainstreaming services for urban and regional Indigenous Australians is flawed. There is a need for both Indigenous Australian specific services and mainstream services, not one or the other. Victorian Government research indicates that two thirds of Indigenous Australians would prefer to use an Indigenous Australian service.
- The voting public deserves to know the whole story about Indigenous Australian disadvantage. Almost three quarters of Indigenous Australians (74%) are now resident in major cities or regional areas. We should not reinforce that myth that 'real' Indigenous Australian people only live in remote areas.

### **Contact Details**

If you require information about the contents of this newsletter or wish to subscribe to the mailing list, please contact VALS on 093 9419 3888. Previous newsletters are available on the VALS website: [www.vals.org.au](http://www.vals.org.au).