

Victorian Aboriginal Legal Service Co-operative Ltd

Newsletter Quarter 2/2009



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Staff Announcements

VALS welcomes some new members to the team including two new Client Service Officers (CSOs) Leslie Bamblett and Ashlee Rodgers. We also welcome Leah Tolley, seconded from Victoria Legal Aid to the Family Law Section. Congratulations to Civil Law Solicitor Chris Howse and family on the birth of his daughter.¹

Funding Success

A successful funding application to the Victoria Law Foundation has allowed for the review and reprint of the *Aboriginal English in the Courts Kit*. The kits have been printed and are now being assembled in anticipation of an information session that will be held at the Koorie Heritage Trust on 13th July. Please refer to the invite for this event at the end of the newsletter. If you wish to attend, please RSVP as soon as possible to ensure appropriate catering.

Community Legal Education

VALS partnered with Consumer Affairs Victoria – Indigenous Consumers Unit, Ilbijerri Aboriginal and Torres Strait Islander Theatre Co-operative and Northland Secondary College to produce the “*Deadly Life Lessons Project*”.

Funded by Kildonan Uniting Care, this project was delivered at Northland Secondary College in the form of three plays performed by Ilbijerri and some of the students and contained legal and consumer information.

¹ Note regarding the previous newsletter: some may have received a copy of the newsletter with incorrect information stating a new staff member was taking the role of Administration Officer. This is not the case. Lance Zampaglione is still in the Administration Officer role.

The plays were performed to 70 junior and senior high school students over two days in April 2009 with the following content:

- hoon driving laws;
- consumer rights in shopping situations; and
- laws around train travel (i.e. fare evasion and graffiti).

Between performances a panel of experts from Consumer Affairs Victoria, Job Watch, Sherriff’s Office, Connex, and VALS answered questions and delivered additional related information. As a follow-up to the plays, there will be a partnered ‘DVD Project’ where the students will re-write the scripts and be involved in the cast and crew of the film.

Information Sessions

VALS has also been running some information sessions to answer community organisation workers’ questions about what we do and issues of concern in the sector more broadly. The visitors spoke to solicitors, CSOs, Community Legal Education Officer and research staff.

The Youth Substance Abuse Service (YSAS) organised a VALS information session for drug and alcohol workers. MacKillop Family Services organised a VALS information session for staff of Family Relationship Centres. VALS also visited people who work with families in the Pakenham area to provide information about VALS and this was facilitated by Berwick Family Relationship Centre.

Some of the information VALS relays at these information sessions is as follows:

- The establishment of VALS in 1972 to address the over-representation of Aboriginal and Torres Strait Islanders within the Justice System;
- How VALS is managed, directed and organised;

- How VALS services Aboriginal and Torres Strait Islander communities in metropolitan and regional areas; and
- The roles of various staff²

The Community Education Unit is thankful to those staff who participated in the information sessions and who are always willing to give advice on written material. The community benefits from having their legal questions answered and are always grateful for the extra knowledge they receive from these sessions.

Victorian Equal Opportunity and Human Rights Commission (VEOHRC) Outreach at VALS

The VEOHRC helps people resolve complaints of discrimination, sexual harassment and racial and religious vilification by offering a conciliation service that is confidential, impartial and free.

To assist the VEOHRC to work effectively with the Victorian Indigenous community the VEOHRC has two Indigenous Australian staff members. Taryn Lee, Indigenous Education and Complaints Officer and Holly Ireland, Indigenous Community Engagement Officer. A part of their role is to provide information and advice to the Indigenous Australian community about discrimination, sexual harassment and racial or religious vilification. Other aspects of the roles are:

- To liaise with the Victorian Indigenous community and the VEOHRC on issues affecting Indigenous Australians;
- To provide advice and support to the VEOHRC and its staff, to ensure that services, products and processes within the VEOHRC are culturally appropriate and accessible to the Indigenous Australian community;
- To develop and implement education programs and strategies for Indigenous Australian communities of equal opportunity laws, human rights and role of the VEOHRC.

Outreach has been occurring at VALS and VEOHRC staff are available to assist in the drafting of statements of complaint on behalf of clients free of

² of a of a Client Service Officer (CSO) for example, who helps with clients understanding; visits police stations and prisons, may attend police interviews with young persons, aids communication between clients and solicitors; and checks client wellbeing.

charge. They can also provide information and advice relating to the Equal Opportunity Act 1995 and Racial and Religious Tolerance Act 2001. Future dates for which VEOHRC will be at VALS on a Wednesday from 1-5pm are: 15th July; 19th August, 16th September; 21st October; 18th November; and 16th December.

If you feel like you would benefit from hearing more about VEOHRC or wish to discuss local concerns, Taryn and Holly are available to visit your community on request on 9281 7112 or via email taryn.lee@veohrc.vic.gov.au

Reconciliation Victoria Closure

It was confirmed by the CEO of Reconciliation Victoria, Frank Hytten, on 14th May 2009 that the Victorian Government would cease funding Reconciliation Victoria.

Despite the Brumby Government's public commitment last year to 'closing the gap' in Aboriginal and Torres Strait Islander disadvantage, it appears the Brumby Government is now uncommitted when it comes to the highly difficult and complex task of addressing cultural misunderstanding and racial divides in the Victorian population.

As stated by Mr. Hytten, 'If we don't close the gap in our relationships we will never close the gap in health outcomes'.³ It has also been confirmed that Aboriginal Affairs Victoria (AAV) offered interim funding to Reconciliation Victoria on the condition that the organisation merge with Stolen Generations Victoria over the next two years. After consideration of the offer, Reconciliation Victoria decided to decline.

As Reconciliation Victoria Co-Chair, Vicki Clarke stated: 'This offer is unacceptable...to use money allocated for Aboriginal services to do the work of reconciliation will undermine the relationships Reconciliation Victoria has with the Victorian Aboriginal Community. This is an offer made with the full understanding that we can do nothing but refuse it'.⁴

³ Email correspondence, 14th May 2009

⁴ Reconciliation Victoria 28 May 2009 Media Release *Brumby's False Solution Unacceptable* [online] <http://www.reconciliationvic.org.au/> [accessed 2 June 2009].

With confirmation that the Victorian Government will not fund Reconciliation Victoria, the Board of Reconciliation Victoria will be forced to close the office in late June. This is despite the Brumby Government receiving letters from Indigenous leaders, community, reconciliation groups and various Aboriginal and Torres Strait Islander and mainstream organisations.

Reconciliation Victoria is still asking for support and are requesting letters of support or calls to be made directly to Premier John Brumby expressing your support.

By mail:
Office of the Premier
1 Treasury Place
Melbourne VIC 3000

By telephone, email and fax:
Ph: (03) 9651 5000
Fax: (03) 9651 5054
Email: premier@dpc.vic.gov.au

If you have any questions Reconciliation Victoria welcomes your query:

Phone: (03) 9662 1645
Fax: (03) 9654 0319
Web: www.reconciliationvic.org.au

New National Aboriginal and Torres Strait Islander Representative Body

Late last year the Australian Government invited Aboriginal and Torres Strait Islander Social Justice Commissioner, Mr. Tom Calma, to convene an independent Steering Committee to develop a preferred model for a national representative body for Aboriginal and Torres Strait Islander peoples. By July 2009, the Steering Committee is required to:

- Present a preferred model for a new representative body for Aboriginal and Torres Strait Islander peoples to the Australian Government;
- Make recommendations about the establishment of and interim body to begin from August 2009; and

- Ensure strong community support for the preferred model.

Have Your Say!

The Steering Committee encourages all Aboriginal and Torres Strait Islander people, communities, organisations and peak bodies to share their ideas about what the new body should look like, and what it will do and how it will work. To share your personal, community or organisation view on the body's objectives and principles, roles and functions, representation, structure, relationship with Government and Parliament and funding, you can make a submission using an online form for which the closing date is **24th June 2009**. Written submissions should be sent to:

Email indigenousrebody@fahcsia.gov.au

Fax 02 6264 5069

Post National Representative Body Unit
Department of Families, Housing,
Community Services and Indigenous Affairs
P O Box 7576
Canberra Business Centre ACT 2610

For further information about the Steering Committee, questions of interest, and the consultation process itself, please refer to the website below:

www.humanrights.gov.au/social_justice/rebody/

Koori Justice Unit

The Indigenous Issues Unit within the Department of Justice had been retitled the Koori Justice Unit (KJU). This change comes as it is felt that 'Koori Justice Unit' more correctly and appropriately reflects the community that the Department is serving. This is consistent with an earlier request from the Aboriginal Justice Forum's Koori Caucus and coincides with the 10th Anniversary of the Indigenous Issues Unit establishment, 1st June 1999.

Aboriginal Wages Scheme to Reconsider Rejected Claims

The Sydney Morning Herald recently reported that it will be easier for thousands of people to win back millions in wages "stolen" from them while working under Aboriginal protection acts a generation ago after NSW agreed to review cases.

In the final days of the Aboriginal Trust Fund Repayment Scheme it was decided to extend the program until June 30th 2010, though applications for compensation must be received by May 31 this year (as noted in our previous newsletter).

Under the extension, all applications rejected so far will be reviewed, claims with no records will be rechecked and any payment of less than \$11,000 will be topped up to that amount. Further, oral and non documentary evidence will now be allowed. Lawyers for claimants say 60 per cent of claims have been rejected because much of the evidence, held by government agencies, was lost.⁵

Prisoner Access to Medicare

Prisoners should have access to Medicare, a leading public health body says.⁶ The Public Health Association of Australia recently urged the Rudd Government to inject more funds into the provision of health services for prisoners requesting early intervention and post-release services for prisoners, as well as giving them access to taxpayer funded medical services through Medicare.

'They currently lose their right to Medicare on entry to prison. Incarceration provides an important, but underutilised, public health opportunity to access this highly disadvantaged group, commence treatment, and improve health outcomes for the community', the association's CEO Michael Moore said.

'Indigenous people make up almost one-quarter of the total prison population, which is an increase from 14 per cent in 1992...Young indigenous people are 21 times more likely to be in detention than their

⁵ Gibson J (2009) 'Aboriginal Wages Scheme to Reconsider Rejected Claims' *The Sydney Morning Herald* 8th April 2009.

⁶ This and the following information under this heading was sourced from Australian Associated Press (AAP) *Prisoners should have access to Medicare: health group* 7th April 2009.

non- indigenous counterparts...These statistics are staggering considering that Aboriginal and Torres Strait Islander peoples make up only 2.5 per cent of the total Australian population," Mr. Moore said.

Amnesty International Australia Congratulates Government.

Amnesty International Australia has congratulated the Government for its strong and unequivocal endorsement of the United Nations Declaration on the Rights of Indigenous Peoples, and urged it to continue to take positive steps on Indigenous rights.

The historic statement in support of the United Nations Declaration on the Rights of Indigenous Peoples was delivered by Jenny Macklin, Federal Minister for Families, Housing, Community Services and Indigenous Affairs, at Parliament House in Canberra on 3rd April 2009.

The Declaration reaffirms the rights of all Indigenous peoples including rights to security, consultation, participation in decision-making and freedom from discrimination. It outlines that particular attention should be paid to the rights and special needs of Indigenous elders, women, youth, children and persons with disabilities in its implementation.⁷

Victorian Bid to Speed Native Title Claims

Described by the Government as one of the biggest shake-ups to native title since the Mabo judgement 17 years ago, the Victorian Government believes the State could settle all outstanding native title claims in ten years under a new agreement to negotiate deals out of court.⁸

Not only is this move expected to save millions of dollars in legal costs, but the change allows Aboriginal communities to negotiate their native title claims directly with the Government instead of going through the Federal Court.

⁷ Amnesty International Australia, 3rd April 2009 as at www.amnesty.org.au/news/comments/20737/

⁸ Bennett J (2009) 'Victorian bid to speed native title claims' *ABC News* [online] www.abc.net.au/news/stories/2009/06/04/2589406.htm?section=justin [posted 4th June 2009].

“The framework means we can be proactive in driving an outcome that is in the best interests of the traditional owners, the government and the community rather than be reactive to Federal Court processes and demands” Attorney-General Rob Hulls said.⁹

Enforcement Operations Koori Strategy

The implementation of the Enforcement Operations Koori Strategy represents Enforcement Operations commitment to contributing to the wider justice system response to addressing the over-representation of Koories in the criminal justice system.¹⁰

Enforcement Operations vision is to develop a new way of engaging with the Koori population to assist in meeting their infringement obligations as early as possible (i.e. fines). VALS engaged in discussions with the Sherriff’s Office and Koori Justice Workers Workshop and Information Session for North West Metro Region on Friday 3rd April 2009.

The Koori Court Manager is supportive of raising Koori Court staff’s understanding of Sherriff’s Office role and function. Other key staff members are also being identified as possible beneficiaries of a better understanding of the Sherriff’s Office purpose of assisting community in approaching and dealing with the Sherriff’s Office. This will possibly include VALS Client Service Officers.

Information sessions are in the process of being organised and are hoped to be held across a wide range of community organisations. For further information see www.justice.vic.gov.au or contact Project Manager, Damien Loizou via phone: 9947 1515 or email: damien.loizou@justice.vic.gov.au or Project Officer, Jason Bux via phone: 9947 1516 or email: jason.bux@justice.vic.gov.au

⁹ As sighted in ‘Vic title claims to settle out of court’ *The Age* 4th June 2009 [online] news.theage.com.au/breaking-news-national/vic-title-claims-to-settle-out-of-court-20090604-bwnp.html [accessed 9th June 2009].

¹⁰ Department of Justice, Victoria (2008) *Enforcement Operations Koori Strategy 2008-2010* Melbourne: State Government Victoria

Elizabeth Hoffman Tribute

VALS would like to acknowledge the recent passing of Elizabeth Hoffman. Involved in the establishment of Aboriginal organisations such as the Elizabeth Hoffman House (a women’s shelter dealing with sufferers of family violence), the memory and legacy of this pioneering woman will remain.

2nd Quarter Submissions

April

- Submission to Victoria Department of Justice in response to ‘Review of the non-family violence intervention order system: Discussion paper February 2009’.

May

- Submission to the Victoria Sentencing Advisory Council in response to ‘Maximum penalties for sexual penetration with a child under 16 – Consultation Paper’.
- Submission to the Standing Committee on Legal and Constitutional Affairs in response to the Inquiry into Access to Justice .
- ‘Exploring culturally appropriate dispute resolution for Aboriginal and Torres Strait Islander peoples’ - sent to the National Alternative Dispute Resolution Advisory Council (NADRAC).

June

- Aboriginal and Torres Strait Islander Legal Services (ATSILS) joint National Human Rights Consultation Submission.
- Submission in response to the Sentencing Advisory Council’s ‘Driving While Disqualified or Suspended Report 2009’.
- We are currently working on submissions to be completed by the end of the quarter including the Victorian Law Reform Commissions review of surveillance in public places, and a response to the Courts and Tribunal Department’s (Department of Justice) consideration of a Koori Family Violence List (Court List) Pilot.

Dates of Note

5-12th July	NAIDOC Week
4th August	National Aboriginal and Islander Children's Day (NAICD)
9th August	International Day of the World's Indigenous Peoples.
12th August	International Youth Day
21st September	International Day of Peace

If you have any questions regarding this newsletter or would like a copy of any of the submission materials mentioned (not currently available through our website as it is under construction) please contact Louise Hicks (Research Officer) on 9419 3888 or via email: lhicks@vals.org.au.

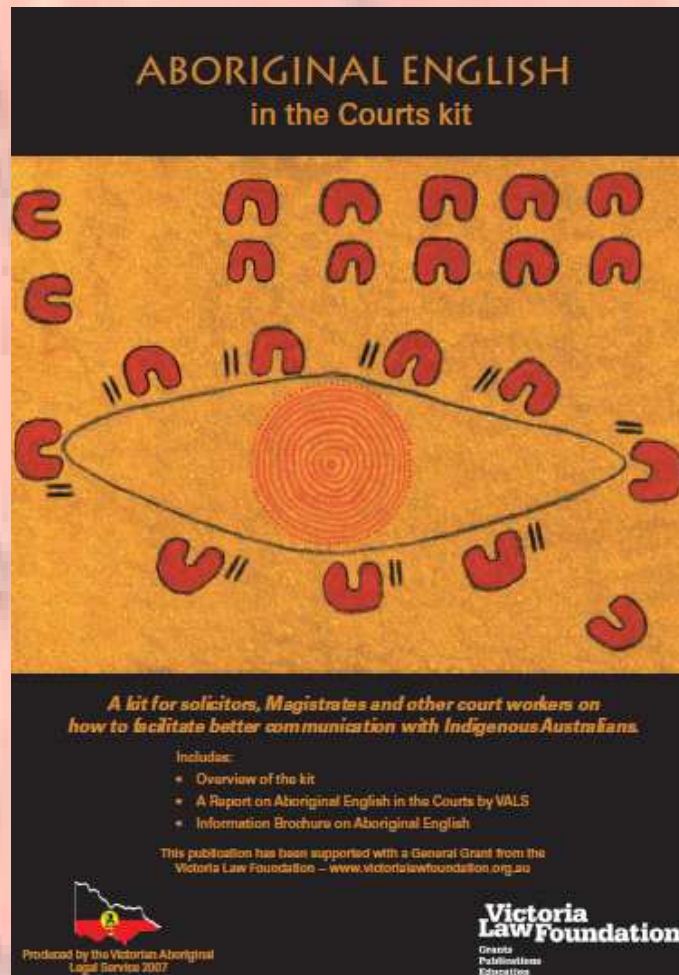


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You are invited to the information session for the

‘ABORIGINAL ENGLISH IN THE COURTS’ KIT



13th July 2009
Koorie Heritage Trust
295 King Street, Melbourne
Education Room
3:30-4:30 pm

The Kit provides information about communication with Indigenous Australians. It outlines some of the important language features of Aboriginal English. The Kit has been produced for Judges, Magistrates, Barristers, Solicitors and other Court Workers.

RSVP to Greta Clarke by 1st July 2008: gclarke@vals.org.au or 9419 3888