

Victorian Aboriginal Legal Service Co-operative Ltd Newsletter March 2005



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Staffing update

VALS welcomes Helen Webber to the position of Legal Secretary. VALS thanks Shelley Lillyst for her contribution to VALS as Legal Secretary. Shelley is now working in the Indigenous Unit at Australia Catholic University whilst studying teaching.

Tender Update: VALS' Successful Application to provide legal services to Indigenous Australians

It was announced on 1 April 2005 that the Victorian Aboriginal Legal Service Co-operative Limited (VALS) is the first organisation to be awarded the tender to provide legal services for Indigenous Australians. VALS welcomes this announcement. According to VALS Chief Executive Officer, Frank Guivarra, the success reflects the efforts of staff and Board and the support VALS enjoyed from Indigenous Australian organizations and other legal aid providers.

Photo 1: photo 1: Lorraine (Bunta) Patten (Director/Secretary), Frank Guivarra (Chief Executive Officer), Ray Ahmat (Director/Chairperson) and Phillip Ruddock (Attorney General).



Photo 2: Phillip Ruddock and Frank Guivarra.

On 1 July 2005 VALS will begin to provide legal services pursuant to a three year contract. There will be some differences in the services provided by VALS from this date, such as means testing will be introduced. It is VALS' intention to produce an information sheet about means testing to inform the Indigenous Australian community about what means testing involves. If possible, VALS will hold a community meeting about means testing prior to 1 July 2005.

The Honourable Phillip Ruddock, visited VALS on Friday 1 April 2005 to offer congratulations about the tender bid and sign a contract. In a media release



dated the same day Ruddock said “...the Victorian Aboriginal Legal Service has shown a comprehensive understanding and insight into delivering legal services to the indigenous population in Victoria.”

The release dates for the request for tenders in the remaining States and Territories are as follows:



Photo 3: Lorraine (Bunta) Patten, Ray Ahmat, Phillip Ruddock, Frank Guivarra and Des Morgan (Director).

- Northern Territory and South Australia: to be released 2 August 2005, contracts to commence on 1 February 2006;
- New South Wales and Tasmania: to be released 28 January 2006, contracts commencing on 1 July 2006.

The request for tender for Queensland has been released and closes on 6 April 2005 with the new contracts expected to commence on 1 July 2005. The process has already been completed in Western Australia, and the results are expected to be announced shortly.

Indigenous Women’s Justice Forum

VALS successfully held an Indigenous Women’s Justice Forum (IWJF) on 22 March 2005. The IWJF was a success with over one hundred people attending. Indigenous and non-Indigenous men and women gathered to discuss the topic of family violence in acknowledgment of the fact that family violence is a family issue. VALS will produce a report that will contain recommendations from the IWJF which will be placed on the website shortly. Please see listed below some recommendations that were raised:



- More services for men should be made available.
- Healing *Centres* should be made available, not Healing *Services*.

The continuance of the IWJF is pursuant to funding and VALS is in the process of seeking continued funding for the IWJF. Thank you to all who contributed to the IWJF and attended on the day.



Victorian Law Reform Commission Review of Family Violence Laws Consultation Paper

In March 2005 VALS drafted a submission in response to the Victorian Law Reform Commission Review of Family Violence Laws Consultation Paper (Consultation Paper). VALS' major criticism of the Consultation Paper is that the recommendations within it are dominated by the notion of 'enhancing' the criminal justice system approach to family violence at the expense of alternative approaches to family violence.

VALS argues the objective of family violence laws should be to enhance family safety. VALS is critical of the way the concept of safety is framed in the Consultation Paper. The Consultation Paper does not reflect an efficient balance between an accountability and agency approach to family violence.

The Consultation Paper frames safety in terms of the criminal justice system holding perpetrators of family violence accountable, such as a pro-prosecution approach. The Indigenous Australian community acknowledges the power of the criminal justice system to hold people accountable and does not advocate the decriminalization of family violence. However, it is arguable that more space should be created for alternative frameworks of safety, name an agency approach (except in extreme circumstances such as risk of serious physical violence). An agency approach involves concepts of restorative justice and empowering victims to make a choice between the criminal justice system and alternatives responses to family violence (ie: safe accommodation, counseling, community education, prevention and diversion).

The Department of Human Services' Proposed Amendments to the Child Protection System

VALS sent a letter to the Honourable John Thwaites (MP), who is Chair of the Social Development Committee of Cabinet, in March 2005 in relation to proposed amendments to the Child Protection system.

VALS called for the removal of mandatory permanency timelines which will lead to more children being removed from more birth parents faster. VALS believes that the use of mandatory time frames for permanency planning is contrary to the best interests of children. In some cases the time limits will be too short and in other cases they will be too long. Other states of Australia which have had detailed independent reviews of their Child protection system, such as Queensland, have not found mandatory permanency timelines necessary. In America a similar approach to what is proposed in Victoria has proven unsuccessful.

VALS noted that Indigenous Australian organizations have been told that mandatory permanency time frames will not apply to Indigenous Australian children. VALS is concerned that by having two apparently different standards it will only be a matter of time before the more formalistic time limit approach will be used on Indigenous Australian children as well.

VALS called for a more balanced approach to meeting child development needs and the need for independent oversight of the Department of Human Services (DHS) via a Chil-

dren's Commissioner. VALS argues that DHS has interpreted 'child development needs' as a green light for faster removal of children as a result of mandatory timelines for permanency. In contrast, the DHS has paid remarkably little attention to what obligations child development theories (ie children's need for stability) may have on the Government for better resourcing child protection, alternative care and prevention programs. VALS believes that often a lack of relevant and accessible services to assist parents has caused delays and contributed to children's needs being inadequately met by DHS. To attribute long delays in achieving stability for children to the Court or Children and Young Person's Act 1989, without recognizing the very significant contribution of the DHS, is another example of the unbalanced view of the situation by DHS.

Community Legal Education

VALS took part in the Share the Knowledge: Koorie Jobs Training and Education Fair in March 2005 in Drouin. Mainstream and Indigenous organisations manned stalls and distributed information about their services to Indigenous Australians. For more photos visit the VALS website. If you would like VALS educational staff to visit your organisation or a event you are planning please contact VALS.

VALS took part in Keys for Community: Opening the Door to your Rights on 8 and 9 March 2004. VALS visited Portland and Warrnambool with the following organisations: Consumer Affairs Victoria, Office of the Public Advocate, Energy and Water Ombudsman, Ombudsman Victoria and Dispute Settlement Centre. VALS was encouraged by the attendance by the Indigenous Australian community, especially by respected members of the community who will pass the information on to other members of the community. The above organisations informed Indigenous Australians about the services they provide by using case scenarios.

Contact Details

If you require information about the contents of this newsletter or wish to subscribe to the mailing list, please contact VALS. Previous newsletters are available on the VALS website.