

Victorian Aboriginal Legal Service Co-operative Ltd

Newsletter: August - September 2004



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Staffing Update

VALS would like to welcome Karen Boon who commenced work as a Client Service Officer in Morwell in August 2004. VALS would also like to welcome Tessa Theocharous who commenced work as a Criminal Law Solicitor on 27 September 2004.

VALS would like to thank the following staff who left during the month of August: Urfa Masood (Criminal Law Solicitor), Cath Divine (Family Law Solicitor) and Jenny Clark (Executive Officer - Legal Practice). Both Jenny and Urfa are doing the Bar Readers Course to become Barristers. VALS would also like to thank Meenal Kashyap who completed a three week placement at VALS as part of her Diploma of Practical Training at the Leo Cussen Institute.

Tendering Out Legal Services For Indigenous Australians

The Attorney General, Phillip Ruddock, announced in a media release on 31 August 2004 that the Request for Tender will be released in Victoria and Western Australia during November 2004. In the meantime, Aboriginal and Torres Strait Islander Legal Services (ATSILS) are left playing a waiting game. Ruddock also announced that the selection process will be completed before the request for tenders is released for Queensland in March 2004.

The Australian Labor Party announced in a media release on 9 September 2004 that Labor will scrap the tender process if elected on 9 October 2004. The Greens and the Democrats do not support the tender also. The Liberal Party continues to support the tender, a 5.5% cut to funding of ATSILS as of June 2005 and a new, yet to be released, Funding Allocation Method which will rearrange the allocation of funds to ATSILS in the various States and Territories. It is unclear which States and Territories will be winners and losers in terms of funding.

Law Institute of Victoria Biennial Criminal Law Conference 2004 (10-12 September 2004)

Mr Frank Guivarra (CEO) presented a paper at the Law Institute of Victoria Biennial Criminal Law Conference on 12 September 2004. The paper, 'Indigenous Law and Justice: New Challenges', addresses current State and Commonwealth Government policy that directly impacts VALS' and ATSILS' capacity to assist the Indigenous Australian community.

The following recommendations made in the paper were unanimously endorsed at the Conference:

Recommendation 1:

In recognition of the high needs of Indigenous Australian communities and the important role of Indigenous organisations and staff in providing appropriate services and better linking Government Departments to communities that: a collaborative and consultative approach be adopted by Government as a first principle. The views of Indigenous Australians must be sought and as far as possible acted on. Approaches such as tendering, privatising and mainstreaming should only be considered if collaborative approaches to service improvement fail.

Recommendation 2

That there be a three year program of funding increases which: reduces the current salary gap between Indigenous legal service funding and Legal Aid Commission funding, replaces the Fringe Benefits Supplementation funding which is about to cease, reduces State inequities and increases the funds available to remote areas, civil law assistance, family law assistance, women's access to services, community education and prevention strategies.

Recommendation 3

It is vital that funded services are able to provide a range of types of services (eg: individual prevention and policy). The power to decide the mix and changes to that mix needs to be delegated to and addressed by Indigenous Australian communities in the particular State and organisation.

Recommendation 4

If it is determined that tendering is to go ahead this should only occur after three issues are investigated:

- (a) Policy changes to ATSILS are discussed, analysed, and finalised (the tender proposal contains a number of new policies some of which have been rejected already and some of which have not been previously discussed). The discussion of these new proposals should include some modelling of their impact and input from Indigenous Australian community organisations.
- (b) A cost effectiveness analysis should be done on whether building on the existing service structure or abolishing it and starting again is preferable.
- (c) There should be a cost benefit analysis of using a tender versus a benchmarking process.

National Community Legal Centres Conference

Robin Inglis (Executive Officer - Research, Planning & Development) attended the National Community Legal Centres Conference: 'Justice Hijacked'. He presented a paper about organizational planning with Rachna Muddagouri (Fitzroy Legal Service). One of the conference key note speakers was Sharon Payne, CEO of Northern Australian Aboriginal Legal Aid Service.

It was resolved at the General Meeting of the National Association of Community Legal Centres to write to Attorney General, Phillip Ruddock, urging him to release the new policies relating to ATSILS prior to releasing the Final Request for Tender to allow some ability for people to comment on the new policies.

Constitution (Recognition of Aboriginal People) Bill Exposure Draft 2004

On 29 July 2004, VALS sent a submission to Aboriginal Affairs Victoria responding to the

State Government's Constitution (Recognition of Aboriginal People) Bill Exposure Draft (Bill) 2004. VALS argued that:

- The Bill does not go far enough, but is positive in that it at least provides some Constitutional recognition of Indigenous Australians.
- The Bill should include a commitment by State Government to consider the impact of new legislation or policy on Indigenous Victorians at the beginning of the policy or legislation devising process.

The debate on the Bill has been adjourned until 5 October 2004, which is when the Legislative Assembly next sits. If the Bill is passed it will then go to the Legislative Council. VALS needs your support to convince the Government that the impact of policy and legislation on Indigenous people needs to be 'wired' in to the work of Government at the beginning of any new work, rather than 'grafted' on at the end.

VALS has drafted a proforma letter addressed to Premier Steve Bracks that summarises arguments made in the VALS submission. The proforma letter and VALS submission are available on the VALS website.

Threats to Elizabeth Hoffman House

Elizabeth Hoffman House (EHH) provides emergency accommodation to Indigenous women and children fleeing family violence [Domestic Violence Crisis Centre (DVCC)]. EHH also provides accommodation for Indigenous women who are homeless and do not meet the DVCC criteria [Aboriginal Women's Homeless Centre (AWHC)].

The AWHC has been operating since 2001 and is under threat due to a lack of State Government funding. It is a concern that funding from the Victorian Homeless Strategy is not being used to fund programs that will actually address the issue of homelessness, but is instead being used to continue consultations with homeless people. EHH met with Ministers Garbutt, Broad and Jennings on 6 October 2004.

The AWHC provides an invaluable service to the Indigenous community as it works successfully and is much needed in the Indigenous community. It is essential that the Indigenous community rally to support the continuation of the AWHC. You can do this by accessing from the VALS website a proforma letter VALS has drafted in support of EHH.

Child Protection Review Proposals are a Concern

The State Government is attempting to rush through major changes to the Child Protection system. VALS will seek more time for analysis, discussion and community consultation from the Department of Human Services (DHS).

The new system makes the assumption that if a child is in out-of-home care they are subject to instability and their development will be affected. The new system proposes rigid time lines to determine when a child should be shifted into permanent care. To underline a commitment to getting children into permanent placements faster it is proposed that Child Protection seek to identify who the permanent carer will be if/when the DHS plan fails so that "permanency planning" starts from day one.

If a child is in the age range of zero to two, and they have spent twelve months in alterna-

tive care, then DHS will be entitled to move to a permanent care model. VALS has already received complaints about DHS removing children from hospitals as soon as they are born. You can't get much earlier intervention than that.

DHS also plan to outsource some of its mandatory reporting obligations, although the plan is not described in these terms. The DHS describes their plan as developing an intake function to assist access to secondary services.

It appears that DHS wants Community organizations to deal with the thousands of notifications it gets which it does not proceed with. DHS has proposed several different models. One w model would involve a range of steps, investigative procedures and discussions with third parties prior to there being any contact with the parent whose child is suspected of being at risk. Another feature of the new system will be new accountability requirements and changes to privacy laws to enable the DHS access to any information collected by Community organisations.

Youth Referral and Independent Person Program

The law requires that an adult be present during formal police questioning of a young person under 17 years. When a parent or guardian is unavailable, an independent adult is required, known as an Independent Person. The key role of Youth Referral and Independent Person Program (YRIPP) volunteers is to attend local police stations as an Independent Person in interviews between police and young people under 17, and to refer young people to appropriate health and welfare services using program protocols.

YRIPP will soon be commencing the next round of training for volunteers. VALS is developing the Koorie specific element of the training package. If you are interested in becoming an Independent Person contact a Local Co-ordinator in one of the following five pilot program areas:

- Dandenong - Rebecca Wolstenholme (9793 1993) (training commences 14 October);
- Shepparton - Paul Teusner (5831 6157);
- Darebin - Debbie Brown (9489 6321 / 9489 6276);
- Maribyrnong / Brimbank - Liz Coleman (9689 8444);
- Hume - Sharon Murphy (9302 3911).

Contact Details

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