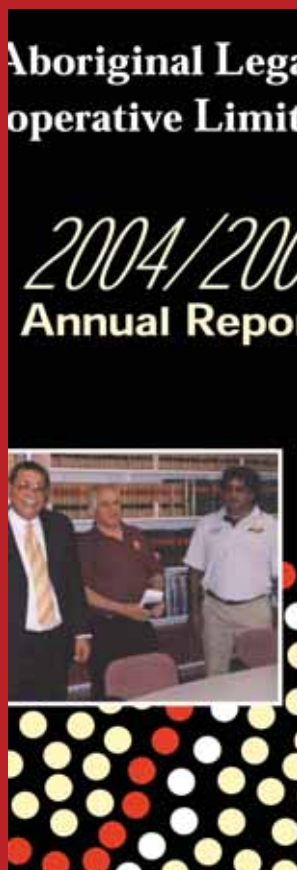


VALS, 40 years of service

VICTORIAN ABORIGINAL LEGAL SERVICE ANNUAL REPORT



2012-2013



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ABOUT US

It is now 40 years since the Victorian Aboriginal Legal Service Co-operative Limited (VALS) was established in 1973 to ensure Aboriginal and Torres Strait Islander Victorians enjoy their legal rights, are aware of their responsibilities under the law, and have access to appropriate legal representation in courts.

VALS is the only Victorian organisation funded by the Australian Government under the Aboriginal and Torres Strait Islander Legal Services program.

VALS provides advice and representation to thousands of Aboriginal Victorians each year by:

- Providing legal advice, assistance and representation in areas of criminal, civil and family law
- Providing community legal education to increase the communities' knowledge of their rights and obligations before the law
- Promoting law reform to address the disadvantage suffered by the Aboriginal people and communities within the legal and justice systems
- Providing policy analysis and advice on measures to improve justice outcomes, including reducing the rate of imprisonment of Aboriginal people
- Advocating for the rights of Aboriginal people in contact with the justice system
- Building public awareness and understanding of issues confronting Aboriginal people and communities within the legal and justice system.

The effectiveness of VALS' operations is built on a philosophy of taking services to the people and actively seeking out problems rather than waiting for clients to approach the Service. For example, there is a longstanding protocol with Victoria Police that whenever an Aboriginal or Torres Strait Islander person is taken into custody the Victorian Aboriginal Legal Service is notified.

VALS takes a preventative approach to issues faced by the Aboriginal and Torres Strait Islander community and is actively involved in community development, policy development, prevention and diversion and law reform to attempt to address systemic issues.

Our criminal, civil and family legal officers are based in our Melbourne office but service all areas of the state.

Aboriginal client service officers provide a bridge between the client and the legal system. They are based centrally in our Melbourne office and regionally in Bairnsdale, Ballarat, Heywood, Mildura, Morwell, Shepparton and Swan Hill.

Community legal education officers offer a variety of events to Aboriginal communities to ensure that people know what services are available and are aware of their rights and obligations.

Client services are available 24 hours a day seven days a week.



CHAIRPERSON'S REPORT

This year marks VALS' 40th birthday and it is with pride that on behalf of the VALS' Board I present to you our 2012-13 annual report.

It has been a big year for VALS. We have provided advice, information and casework assistance to nearly 12,000 people, which was a record number.

Members of the VALS' Board are committed to reducing the rate of contact Aboriginal people have with the justice system and importantly reducing the over-representation of Aboriginal people in Victorian prisons.

VALS is fortunate that it has a hard working and skilled workforce that is dedicated to ensuring that Aboriginal people are treated equitably before the law. Their willingness to go beyond their normal course of duties is a big part of why VALS is able to meet the needs of so many Aboriginal Victorians. We take this opportunity to express our appreciation of their efforts.

However the continued growth of Aboriginal people coming into contact with the justice system is of deep concern.

It is now over 20 years since the landmark Royal Commission into Aboriginal Deaths in Custody. While much good work has occurred in Victoria since then, over-representation of Aboriginal people in the justice system remains stubbornly high.

Sadly, in the past year Victoria has led the nation in the proportional increase in the imprisonment rate of Aboriginal and Torres Strait Islanders. To put it bluntly, the increase of **15% is far too high**, and comes at a time when jurisdictions such as Tasmania and the Australian Capital Territory have recorded decreases.

Our mob are the ones that really feel the impact of a 'tough on crime' regime. That is why VALS will continue to pursue an agenda that is respectful of human rights. We need to shift investment away from building more prisons to investing in people and communities, so that Aboriginal Victorians receive the education and training, and health, welfare and social support they need to lead productive lives within their families and communities.

Prevention, diversion and rehabilitation make good economic and social sense.

The Board and I recognise the continuing good work and achievements of staff, volunteers and management.

In closing, I thank my fellow Board members for their commitment to ensuring that VALS continues to take a leading role in Aboriginal justice in Victoria.

DES MORGAN
CHAIRPERSON



CHIEF EXECUTIVE OFFICER'S REPORT

This year has been a challenging one for VALS and our clients. We are deeply concerned that rates of imprisonment are on the rise and that the number of 10 to 14 year old kids coming into contact with the justice system has risen sharply.

It is issues such as these that were the impetus for the establishment of VALS 40 years ago this year, and while there has been undoubted progress there is still far too much to be done.

We are continuing to focus our efforts on ensuring that our clients are provided with the best possible legal services and that we effectively advocate on behalf of individuals who are treated unjustly before the law. We are also determined that the systemic issues facing our people are tackled.

While there are many cases that cause us deep concern, two in particular this year involved systemic failure that impacted on the most basic human rights of our clients.

The first was the case of the 16 year old Aboriginal boy, under the protection of the Department of Human Services, who was transferred from Parkville Youth Justice Centre to Port Phillip Prison where he spent nearly four months in solitary confinement in the Charlotte maximum security unit. We believe that holding children in adult prisons is against the UN Convention on the Rights of the Child. However until Victorian legislation is changed to ensure that such practices stop, we were pleased to be able to work with the Victorian Equal Opportunity and Human Rights Commission and the Department of Human Services to increase the checks and balances that are in place when transfers occur. We are looking forward to working in a similar way with Corrections Victoria.

The second was the way Police, Bail Justices and Courts' staff handled the case of a young Swan Hill mother. In response to our concerns, which included inappropriate charges and misapplication of the Bail Act, the Department of Justice initiated an independent review under the conduct of a retired Judge and processes are now in place to address the shortcomings identified through the review.

On a more positive note we are pleased that the Federal Government recognised the funding pressures that Aboriginal Legal Services are experiencing as demand for their services continue to grow. Our funding has been increased in the civil law area and funding has also been provided from 2013-14 for the life of the Royal Commission into Institutional Responses into Child Sexual Abuse, to support Aboriginal people likely to be impacted by the work of the Commission.

Similarly the Victorian Department of Justice has provided us with additional funding in the areas of Koorie Courts, Community Justice Panels and for a Local Justice Worker in the western metropolitan area. With these programs we are able to take steps towards developing the integrated community support that our clients need if their contact with the justice system is to be reduced.



CHIEF EXECUTIVE OFFICER'S REPORT

The strength of Aboriginal organisations lies in their connectedness to and ownership by their communities. We deeply appreciate the ongoing support we receive from Victoria's Aboriginal people and communities. We also appreciate the willingness of other Aboriginal organisations to work in partnership to achieve a collective response to the complex issues facing our people.

In the past year the partnership forums hosted by the Victorian Government, particularly the Aboriginal Justice Forum, the Department of Human Services Aboriginal Signatories Group and the Indigenous Family Violence Partnership Forum have increasingly shown that more can be achieved when productive partnerships are established. Trust built through a shared vision is at the heart of the success of these partnerships.

Like our Chair, I would like to sincerely thank our Board, our staff and our volunteers for their professionalism, hard work and commitment.

I look forward to working with them all in the following year as we enter into a process to develop a strategic plan that will shape our work over the next five to ten years.

WAYNE MUIR

CHIEF EXECUTIVE OFFICER



VALS' BOARD

Des Morgan : Chairperson

Des is a Yorta Yorta man from the Murray/Goulburn river area of Victoria/NSW. He has been an active member of the Aboriginal community since 1984, having served on various local and state organisations, Boards of Management, the Victorian Aboriginal Legal Service, Aborigines Advancement League, VACSAL and VAEAL. He also served a six year period as an ATSIC Regional Councillor and past Chair of Njernda Aboriginal Corporation (Echuca) for several years and is a member of the Yorta Yorta Nations Aboriginal Corporation.

Alfred Bamblett: Deputy Chair

Dr Alf Bamblett is an Elder and Leader of the Victorian Aboriginal Community and the Executive Officer at the Victorian Aboriginal Community Services Association Limited (VACSAL). For over twenty years through key policy making and management roles, Alf has held a number of Executive positions and has been instrumental in shaping many Aboriginal Community Organisations in Victoria.

Deidre King: Treasurer

Deidre is a Gunditjmara Women who is currently employed as CEO of the Aboriginal Community Elders Services (ACES). Deidre was previously employed at the Aborigines Advancement League for 17 years and has worked at the Victorian Aboriginal Child Care Agency (VACCA). Deidre is also currently on the Board of VACCA and the Victorian Aboriginal Community Services Association Ltd (VACSAL), and has completed Governance Training and an Advanced Diploma in Business Management.

Lorraine (Bunta) Patten: Secretary

Lorraine is a Gunditjmara woman. She has been involved in Koori affairs for many years. She has been a VALS Board member in the past and was the Manager of the Gladys Nicholls Hostel in Northcote. She is the Chair of the Weeroona Aboriginal Cemetery in Greenvale. She was also an ATSIC Regional Councillor for 5 years.

Leigh Saunders: Director

Leigh Saunders is a proud Bangerang and Yorta Yorta man. He grew up in Shepparton/Mooroopna, later moving to Melbourne to complete VCE. Leigh worked for a number of years with the Victorian Aboriginal Child Care Agency (VACCA) before moving over to the Victorian Aboriginal Community Services Association Ltd (VACSAL) as a Project Officer for the Aboriginal Gambling Awareness Service (VAGAS). Leigh is currently the Manager of the Bert Williams Aboriginal Youth Support Services at VACSAL.

Terrie Stewart: Director

Terrie has been involved with VALS for over 15 years. She has held positions within VALS such as Financial Counsellor, Office Manager, Client Service Officer and Team Leader. Terrie has also held positions at the Bert Williams Centre as a Youth Support worker and for the past 10 years has held the position of Koori Court Officer at the Broadmeadows Koori Court. She has been actively involved in criminal justice and currently employed at the County Court of Victoria as the County Koori Court Coordinator.

Amanda Dunstall: Director

Amanda is a Gunditjmara woman who is currently undertaking a bachelor of Social Work. Amanda has previously worked for VACCA, VALS and Victoria Police. Amanda is currently employed with VACSAL. Amanda has through her tireless work shown she is passionate about social justice for Koori people.



2012 – 2013 HIGHLIGHTS

VALS' advocacy on behalf of the 16 year old boy in Parkville Youth Justice Centre who was moved to an adult prison and the young Swan Hill mother whose case was mishandled in a number of areas with implications for Police, Bail Justices and Courts Staff, resulted in review and changes to current practices.

Community Legal Centre Accreditation VALS has been working through the process of achieving National Association of Community Legal Centre accreditation. Our recent audit has indicated we have achieved the required standard and will shortly be able to display the accreditation logo on our publications. We are the first Aboriginal Legal Service to achieve this accreditation.

Aboriginal Community Justice Panels – VALS has signed an agreement with the Department of Justice to administer the 14 Aboriginal Community Justice Panels across Victoria. The ACJP Program is a grass roots, community owned and controlled volunteer based program.

Youth days – The Department of Justice's Frontline Program has provided funds to deliver youth community legal education events in Swan Hill, Bairnsdale and Dandenong. Each project will run for 12 months. Young people will form a committee which will identify, develop, implement and monitor a community development based project in their local area.

The Commonwealth Attorney General provided funding increase for additional **family lawyer** in April 2013.

Under VACCA's leadership, key Victorian Aboriginal organisations formed a coalition to ensure an integrated and coordinated response to the **Royal Commission into Institutional Responses to Child Sexual Abuse** and in particular to ensure Aboriginal Victorians are aware of the Commission and receive support if they wish to make a statement or appear before the Commission.

1973 marks VALS' **40th birthday** and we have interviewed many of the people involved in VALS to create an oral history of our 40 years.

For **NAIDOC** day 2012 VALS hosted a Trivia day and provided a shared lunch which members of the community attended and enjoyed. The Trivia questions were based on Aboriginal History, Art, Sport and Music where it was a great opportunity for everyone to learn more about Aboriginal Culture and history.

VALS was a member of the advisory group to the **Sentencing Advisory Council report on Sentencing Outcomes for Koori and Non-Koori Adult Offenders** in the Magistrates' Court of Victoria. Wayne Muir, CEO of VALS received significant media interest following release of the report, when he called for more attention to be given to police practices, particularly over-policing.



2012 – 2013 HIGHLIGHTS

Koori Courts project – The Department of Justice funded VALS to support service delivery to Koori Courts. Koori Courts are a community driven court with a therapeutic focus, addressing the underlying issues of offending behavior by engaging community Elders and respected persons in the court process. To prepare a defendant to appear in Koori Court takes four times as long as a guilty plea in a mainstream court. However, with the focus of the court being to divert the defendant out of the justice system and produce better outcomes for the community, it is worth the time and effort of this service to continue to support people to appear. VALS is grateful the State Government recognizes the value of this work and has demonstrated a commitment to it.

Local Justice Worker – VALS was successful in bidding for funding to employ three part time local justice workers, in the Western suburbs of Melbourne, Dandenong and Heidelberg. Local Justice Workers work with Corrections Victoria to develop culturally responsive and appropriate community based work for people on community based orders, provide support to people to assist them in completing community based orders, and work with the Sheriff's office to assist people in managing outstanding fines and warrants. This funding is for three years.

VALS is a member of the **Human Services Aboriginal Signatories Group** which worked with the Department to develop the Human Services Aboriginal Strategic Framework which was launched in June 2013.

VALS is a member of the **National Congress Justice Working Group** which developed the National Justice Policy and made a submission to the Justice Reinvestment Senate Inquiry.

This year VALS opened over the **Christmas/New Year** period (excluding public holidays). Fifty participants came to and enjoyed our open day which included children's activities, musical performance by Peter Rotumah, door prizes and a BBQ. This is the first time VALS has opened during this period and our first effort we believe was a success, with the majority of people not leaving until around 2pm. The Christmas New Year period is often a difficult time for community members and having an organisation open helps provide some relief and provides an agency available to call on and to attend.



VALS CLIENTS

Law Type	Activity	2012 Q3	2012 Q4	2013 Q1	2013 Q2	TOTAL
Civil	Advice Only	61	3	57	12	133
Civil	Casework	22	2	22	8	54
Criminal	Advice Only	14	22	21	3	60
Criminal	Advice/Information	2057	1983	2110	1961	8111
Criminal	Casework	706	678	695	751	2830
Criminal	Duty Work	23	8	12	8	51
Family	Advice Only	47	45	48	33	173
Family	Casework	22	55	74	53	204
TOTALS		2952	2796	3039	2829	11616

VALS Casework by Gender by Quarter Trend Report

Law Type	Gender	2012 Q3	2012 Q4	2013 Q1	2013 Q2	Total
Civil	F	12	2	15	4	33
Civil	M	10		7	4	21
Criminal	F	184	192	181	199	756
Criminal	M	518	477	509	550	2054
Family	F	11	26	36	27	100
Family	M	10	29	38	26	64
Total		745	726	786	810	3028

Regional breakdown

Arrests by Region: 1 July 2012 to 30 June 2013

VALS Region	Count
Unknown	764
Barwon S-W	457
East Gippsland	500
Grampians	428
Hume	1417
Metropolitan	2915
Sunraysia	836
Swan Hill	255
West Gippsland	478
Total	8050

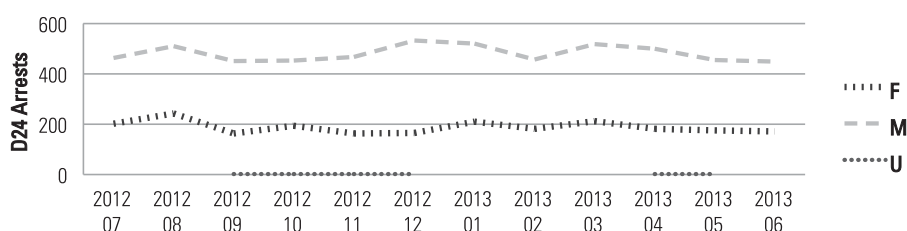


Regional breakdown

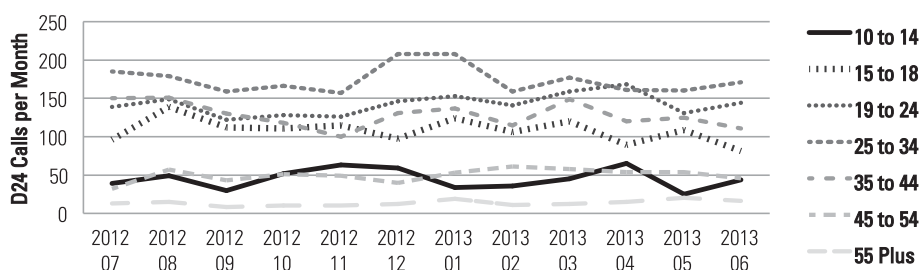
Calls when Aboriginal and Torres Strait Islanders are arrested by Month by Top 20 Police Stations 1 July 2012 to 30 June 2013

Attendance Location	Total	Attendance Location	Total
MILDURA POLICE STATION	755	GEELONG POLICE STATION	138
SHEPPARTON POLICE STATION	539	WARRNAMBOOL POLICE STATION	135
BENDIGO POLICE STATION	309	HEIDELBERG POLICE STATION	129
BAIRNSDALE POLICE STATION	298	WODONGA POLICE STATION	126
SWAN HILL POLICE STATION	246	MOE POLICE STATION	117
FITZROY POLICE STATION	196	DANDENONG POLICE STATION	115
MORWELL POLICE STATION	190	ST. KILDA POLICE STATION	114
ECHUCA POLICE STATION	168	MELBOURNE CUSTODY CENTRE	112
MELBOURNE EAST POLICE STATION	166	PRESTON POLICE STATION	103
BALLARAT POLICE STATION	151	LAKES ENTRANCE POLICE STATION	101
Total 4208			

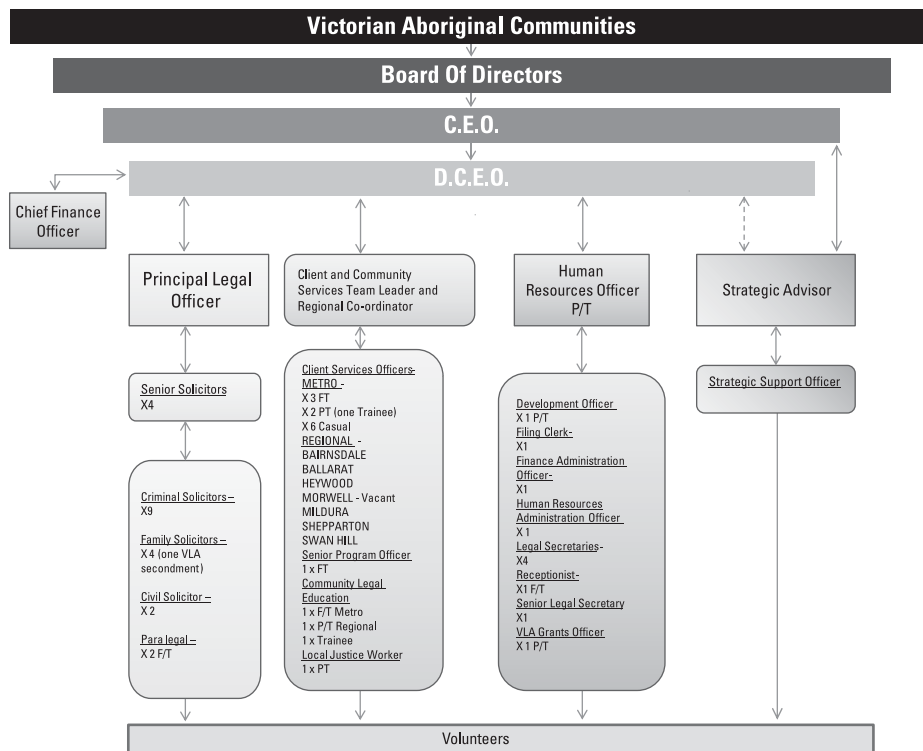
Arrests by Month by Gender 1 July 2012 to 30 June 2013



Arrests by Age Range by Month 1 July 2012 to 30 June 2013



VALS ORGANISATION STRUCTURE



Chief Executive Officer Wayne Muir

Deputy Chief Executive Officer Annette Vickery

Principal Legal Officer Jill Prior

Criminal Law Solicitors Paul Pitsaras, Elena Pappas, Elisa Dickenson, Martin Ha, Karen Chibert, Raj Bhattacharya, Alex Squarci, Ali Besiroglu, Rose Cameron, Katerina Kappos, Laura Heffes, Kathryn McGregor, Russell Marks, Farah Bahinali (para legal).

Civil Law Solicitors Sophia Blosfeld, Kristy Parker, Farah Bahinali (para legal)

Family Law Solicitors Dale Gerner, Denis Barry, Leah Tolley (VLA)

Administration Officer Lance Zampaglione, Kayla Ketchell

Receptionist Michelle O'Neill

Legal Secretary Vicki Shaw, Catherine Godony, Jenny Donnet, Nichola Rose

Development Officer Linda Roberts

Chief Financial Officer Sam Firouzian

Client Service Officers

Metropolitan Gary Bamblett Samuel Gentile Michael Graham Margrette LeValle

Regional Wayne Bell (Heywood) Lyn Morgan (Bairnsdale) Brad Boon (Shepparton)

Martin Peterson (Mildura) Janice Muir (Swan Hill) Danny Ilsley (Ballarat)

Weekend On Call Jarrod Hughes, Kylie Arlidge, Susan Arnall, Isaiah Banu, Evajo Edwards, Helen Christensen

Complex Needs Program Officer Lee-Anne Carter

Strategy and Policy Jenny Samms, Jerome Cubillo



LEGAL SERVICES

The past 12 months in Victoria have seen many changes in the legal landscape. In some instances these have been policy driven and in others have arisen as a direct response to community perceptions about the way in which the justice system operates and the extent to which that operation is effective in protecting the community.

Criminal Law Section

The Criminal Law Section is now comprised of Pakeri Ruska (para legal), Ali Besiroglu, Raj Bhattacharya, Rose Cameron, Karen Chibert, Elisa Dickenson, Katerina Kappos, Kathryn McGregor, Russell Marks with Martin Ha, Elena Pappas (maternity leave) and Paul Pitsaras as Senior Solicitors. Alexandra Squarci replaces Elena Pappas whilst on leave.

The criminal team assisted clients in almost 3000 ongoing caseworks over the year. These cases ranged in complexity from minor summary matters to serious indictable and trial work. The casework undertaken fell within the jurisdictions of the Children's, Magistrate's, County and Supreme courts as well as the Koori Courts sitting in the Children's, Magistrates and more recently the County Court jurisdictions.

The guideline changes with Victoria Legal Aid and the government focus on law and order regimes have both created challenges for VALS.

The past 12 months have seen a drastic redistribution of legal aid services within mainstream legal aid. These changes have meant fewer accused persons are eligible for the services of Victoria Legal Aid (VLA). This has impacted on the way in which matters are run through courts and the capacity for VLA to represent contested matters and 'minor' criminal matters. There are greater numbers of self-represented persons before the Magistrates courts and our lawyers say they are receiving greater numbers of enquiries from people unable to access VLA services. This has an impact on resourcing even if the ultimate decision is one of referral due to eligibility issues.

The last 12 months have also seen the realisation of sentencing reforms which, to some degree have been driven by public response to high profile cases, cast in such a way to invoke community outcry to a system seen to be 'too soft' and endangering the safety of members of the public.

The level of crisis in the prison system cannot be underestimated. Every prison and holding facility in Victoria is overflowing. Beds are full. Some prisons are utilising camp bed dorm style lodgings to deal with the lack of beds. At present, there are cases every day in the Magistrates Courts around the state where prisoners are not being transported to court for appearances. The court is being advised during the day of the scheduled appearance that prisoners awaiting sentence, or for other appearance matters will not be transported to court due to capacity issues. Costs awards are being sought against Corrections and in some cases against the Chief Commissioner of Police.



LEGAL SERVICES

Prisoners are being moved from police station to custody centre to remand centre in what has been termed “musical cells” by custody staff. The ramifications of this dangerous and now daily practice are that prisoners are unaccounted for externally and family and legal practitioners are unable to locate them. We have grave concerns for the mental and physical well being of prisoners being detained under this regime. The cracks are showing and it is only a matter of time before someone suffers actual harm.

The prisons in Victoria are now beyond capacity. The recent changes to Bail legislation and Parole Board decisions mean fewer prisoners are being released or granted bail, sentenced prisoners are being refused parole when eligible and those subject to parole or bail are being breached more readily. The Victorian Government has been open about its mandate to lock more people up for longer and the commitment in dollars to prisons has been effected. Our concern is that therapeutic sentencing and community sentences are likely to come second to actual terms of imprisonment.

Civil Law Section

The Civil law section at VALS has seen a welcome tripling in size following recognition of vast unmet need in the community. The VALS’ civil section now welcomes Farah Banihali (Paralegal), Sophia Blosfelds and Kristy Fisher. Together the section is working to build capacity across the state and creating new alliances with external service providers to enhance the practice and referral pathways for Aboriginal and Torres Strait Islander clients. The reach of civil law practice is great and the ongoing challenge is to target critical areas of legal assistance – working in collaboration with external specialist service providers, to allow clients to deal with a vast array of civil concerns.

The changes to sentencing will result in greater numbers of civil enquiries arising in the custodial setting. Already health services provided to sentenced prisoners are inefficient. The suggestion that human rights are being compromised in custody is real and the potential for harm or death in custody cannot be underestimated.

Family Law Section

The Family law section welcomed additional funding to assist in the service provision across the state. The section is now led by Dale Gerner (senior family lawyer) who works alongside Denis Barry and our newest recruit Janelle Cooper. Leah Tolley remains an invaluable team member seconded from Victoria Legal Aid. The family law section has experienced an increase in child protection numbers of over 17% per annum. The impact is that greater numbers of Aboriginal and Torres Strait Islander families are subject to Department of Human Services intervention. These numbers need to be considered in the context of the changes to VLA funding guidelines and the increased number of women in the criminal justice system – as well as greater and greater numbers of clients in custody.



LEGAL SERVICES

The vast increases in the numbers of Aboriginal and Torres Strait Islander peoples in custody will highlight the interconnected 'areas' of law that civil, family and criminal address. The impact of the law and order regime in this state will not be limited in impact to the criminal law. As soon as an individual is incarcerated they will suffer in terms of income, housing, employment, health, family. These issues will arise in custody and will trail behind them upon release in a system already unable to cope with the level of holistic rehabilitative support required to transition back to community.

Client Response

We welcome client feedback in relation to our Service. We receive this feedback regularly and each response helps us to identify areas of concern and acknowledge the hard work and compassion of the legal practitioners. Some of these comments include:

'(The practitioner) knew what she was doing. We won the case easy'.

'You are the best and very smart people not selfish. Thank you to you my team'.

'The Service was prompt, on the ball and extremely reliable, sensitive and compassionate'.

'My son felt very comfortable with (legal practitioner). Without this service he would have lost his licence for a longer period or even gone to jail. Your great lawyers are contributing to closing the health gap'.

'Everyone involved was lovely and appreciated (legal practitioner) for his representation very much'.

'(legal practitioner) was very thorough with her research and got the results I was after. Excellent representation'.

'I am very impressed and thankful to have a great lawyer'.

'We were very happy with your services'.

'Couldn't have been any better. I have nothing to complain about. Thank you Victorian Aboriginal Legal Service'.

'(legal practitioner) was very professional with dealing with my case and was very happy to explain things I didn't understand'.

'(legal practitioner) did a very good job as my lawyer. He was very attentive and explained everything in great detail to ensure I understood and took the time to communicate with me regarding my case'.

The lawyers and para legals are extremely grateful for the dedicated and hard-working administrative support team. Without them the file work and representation would be compromised. They do an amazing job under stressful circumstances.



LEGAL SERVICES

Further Collaborations

VALS continues to assist law graduates to fulfil their requisite practical legal training. Placements for Leo Cussen Institute and College of Law allow for real education of incumbent lawyers who are provided an opportunity to work within a committed team of practitioners across a broad cross-section of practice and across a variety of jurisdictions.

VALS continues to participate in training for the Victoria Police prosecutions staff, Bail Justices refreshing or admitting to the Office of honorary justice, Department of Human Services, Victoria Legal Aid and a number of community organisations.

VALS' lawyers have presented papers for Monash University Just Leadership Program, Law and Criminology Schools at University of Melbourne, Latrobe University as well as presentations for the Access to Justice Conference and human rights film festival.

Collaborations with stakeholders are strong and include Victoria Legal Aid, Victorian Legal Assistance Forum (VLAF), Centre for Human Rights of Imprisoned People (CHRIP), Flat Out, Aboriginal Family Violence Prevention & Legal Service (FVPLS), Office of Honorary Justice (HJO), and Tarwirri - the Indigenous Law Students and Lawyers Association of Victoria.

The effects of changes to the justice system have been felt with staggering force. The push-back against therapeutic jurisprudence and justice reinvestment is overwhelming in the face of saturated media campaigns of high-profile offending. The legislative reforms in terms of sentencing have been reinforced in their impact now by a justified mind-set of incarceration for 'protection of the community'. The way that the media reports these issues has allowed governments to legitimise the dehumanising of those charged with criminal offences. This makes the decision to lock people up more often and for longer much more palatable. The inhumane custody conditions experienced by our clients, most of whom are the most vulnerable people in our community, become understandable in the community's mind and there is little sympathy for the cry for greater care and resources to be afforded to these at-risk members of our community.

The past year has set the stage for increasing pressure on the justice system and the strain on resources for those funded to respond. It seems the year ahead will call upon the resolve of all of us who work with those most marginalised and at-risk members of the community. The challenges that present in this area cannot be underestimated as the task of re-humanising commences.

Jill Prior

Principal Legal Officer



CLIENT AND COMMUNITY SERVICES

Client Service Officer Program

The Client Service Officer Program is a community based frontline program focussed on ensuring the health and wellbeing of people in custody. Support for the client in custody can include ensuring they obtain legal advice prior to any interview to be conducted by the police, and maintaining contact with the client, referring them to appropriate services for support and assisting them in preparing to attend court if they choose to have a VALS' solicitor represent them.

The D24 system is a crucial part of our work. Under this system every time the police arrest an Aboriginal person they must notify VALS. This practice is longstanding in Victoria and was also one of the recommendations of the Royal Commission into Aboriginal Deaths in Custody. It means that all Aboriginal people who are arrested are informed of their rights and offered legal representation. The D24 service is statewide and operates 24 hours a day seven days a week.

D24 notices have increased by twenty percent over the past 12 months. Each D24 notice requires initial contact with the client and then a degree of follow up dependent on the client's circumstances and the complexity of the matters they are charged with. Each D24 notice on average takes three follow up contacts with police, the client, the client's family and support services. This then equates to approximately 27,000 calls in the last 12 months for 9,000 D24 notices. Metropolitan CSOs take the initial call and then work closely with regional CSOs to ensure all clients receive a consistent seamless service from VALS.

In addition to this work, CSOs attend court to support solicitors and clients, and work with clients pre and post court to support them in accessing services.

Community Legal Education

The Community Legal Education Program has delivered a number of community legal education events across the State.

VALS received specific funding for a part time CLE officer in Shepparton to work with Aboriginal communities in and around Shepparton, regarding Income Management. Our approach was to create a pro active, early intervention series of community information events where community members could access support services which would assist them in protecting themselves against being involuntarily referred onto Income Management. Five events took place between January 2013 and August 2013. Feedback and evaluation of the events has been that they were well received by the community, provided positive steps for people wanting to protect themselves and their families financially and those conversations with community will continue even though the project itself has been finalised.



CLIENT AND COMMUNITY SERVICES

VALS also received specific funding from the Department of Justice to deliver three youth days in Swan Hill, Bairnsdale and Dandenong. Planning with communities is well underway to deliver these programs in a way that will best meet the needs of our people. A key feature of this project is that they are youth driven and co-ordinated by a local young person. These will be paid positions and we also hope will offer some accredited training. The youth day sessions will be delivered later in 2013-14.

In addition, VALS has attended a number of co-operatives and community organisations to deliver specific community legal education in relation to wills, debt management, and civil and criminal law and will be producing materials on wills.

Local Justice Worker

The Local Justice Worker Program is funded by the Department of Justice and operates in a number of cities and towns across Victoria. Local Justice Workers act as one key point of contact between local Koori communities and Justice agencies.

VALS hosts the Local Justice Worker for the Western suburbs who is actively involved in the Regional Aboriginal Justice Advisory Committee, the Indigenous Family Violence Regional Action Group and attends VALS' listing days in Werribee and Sunshine Magistrates Courts. This program is essential to support people on community based dispositions to meet the requirements of their order, and reduce further charges through breaches. In addition, this program works with Justice stakeholders to build culturally responsive and appropriate community based work opportunities, so Aboriginal community members can participate in their community and contribute in a positive and meaningful way while they complete their orders. VALS will employ two more workers in Heidelberg and Dandenong in the 2013-14 financial year. The program is funded for three years.

Annette Vickery

Deputy CEO



STRATEGY AND POLICY

In 2012-13 VALS took a significant advocacy role and prepared submissions in a number of areas important to improving justice outcomes for Aboriginal Victorians, including:

Field Contact Policy and Cross Cultural Training – review by Victoria

Police. VALS welcomed the opportunity to provide a submission to this review. In our submission we argued that police should use field contact reports and stop and search powers sparingly and with discretion, introduce transparent and accountable processes, including a receipting policy, recognise the criminogenic impact of racial profiling and establish a community reference group to advise police on field contact practices. We also argued that all parts of VicPol should introduce fundamental reforms to ensure the organisation is culturally aware and inclusive of Aboriginal people and other minority groups. We look forward to the outcomes of this review later in 2013.

Women's diversion project – VEOHRC. VALS has been actively involved in this project which aims to understand the impact that prison has on Koori women, their children, their family and the community. Around 30% of VALS clients are women and we are very concerned about their over-representation in prison, and in particular in remand. The highest proportion of unsentenced prisoners in the system is female Aboriginal prisoners, yet less than 15% of Aboriginal women on remand ultimately receive custodial sentences.

Comparing Sentencing Outcomes for Koori and Non-Koori Adult Offenders in the Magistrates' Court of Victoria – report by the Sentencing Advisory Council.

VALS was a member of the reference group that advised the research on this report. The report found that Aboriginal offenders sentenced in the Magistrate's Court were more likely to receive a term of imprisonment than an order supervised in the community and that they were more likely to have problems with drug and alcohol use, poor education and employment histories, contact with the child protection system, to have been held in youth detention centres or in adult prisons and to have breached previous orders. The report found that the disadvantage experienced by Aboriginal people had a major influence on their likelihood of having contact with the justice system. There was significant media interest in comments by Wayne Muir, CEO of VALS following release of the report, where he called for more attention to be given to police practices, particularly over-policing.

Commonwealth Government pre-budget submission. VALS prepared a detailed submission which argued for improved funding given the very high growth rate of the Victorian Aboriginal population, the pressure on existing criminal law services and the need for more civil and family services. We also argued that a more rational funding formula was needed to guide future funding decisions. We were pleased that the Attorney General provided additional funding both for a civil lawyer and to support VALS work with people impacted by the Royal Commission into Institutional Responses to Child Sexual Abuse.



STRATEGY AND POLICY

Service sector reform. While VALS' core funding comes from the Commonwealth Government, the Victorian Government is also providing increasing levels of funding particularly for community programs. The Victorian Government has initiated work on service sector reform to improve how government and the community sector work together to improve the lives of vulnerable and disadvantaged Victorians. VALS is concerned that the community sector is flexible, agile and closely connected to the communities each organisation serves, while also remaining financially viable. Aboriginal Community Controlled Organisations have a special role in the community sector and are a vital part of the overall service mix.

Significant VALS' submissions are on our website.

Protecting the rights of individuals

Earlier in this report we mentioned the cases of the 16 year old boy in Parkville Youth Justice Centre who was moved to an adult prison and the young Swan Hill mother whose case was mishandled in a number of areas with implications for Police, Bail Justices and Courts Staff.

VALS takes a strong advocacy role where we believe that there have been contraventions of a person's rights and where injustice occurs. We do this for two reasons; firstly the individual deserves to be treated justly before the law, and secondly pursuit of these cases can result in system reform so that other people do not experience the same injustices.

This aspect of our work is of the highest priority and will continue in the future.

Strong and Constructive Partnerships:

VALS endeavours to take an influential and constructive role in its relationships with Government, the community sector, the law and justice system and other Aboriginal legal services. We attend a number of partnership forums including:

The Aboriginal Justice Forum which includes representatives of Government, Courts and Police and the Aboriginal community and meets approximately four times a year to oversee implementation of the Aboriginal Justice Agreement phase 3 and to resolve issues that arise in Aboriginal people's interaction with the justice system.

The Indigenous Family Violence Partnership Forum which also has Government and community members who oversee implementation of the 10-year plan to address family violence in the Koori community.

The Human Services Aboriginal Signatories Group brings together Aboriginal Community Controlled Organisations who have signed the Human Services Aboriginal Strategic Framework 2013–2015. These organisations are the Department's Aboriginal partners in the planning and monitoring of the Framework, and also in the identification of emerging issues and strategic directions in human services.



STRATEGY AND POLICY

The National Aboriginal and Torres Strait Islanders Legal Services is the peak organisation for Australia's Aboriginal Legal Services. It provides a national voice for Aboriginal and Torres Strait Islander Legal Services and law and justice reform in Australia.

Royal Commission into Institutional Responses to Child Sexual Abuse – Under VACCA's leadership, key Victorian Aboriginal organisations have formed a coalition to ensure an integrated and coordinated response to the Royal Commission and in particular to ensure Aboriginal Victorians are aware of the Commission and receive support if they wish to make a statement or appear before the Commission. VALS will work with this group through the life of the Commission.

Administrative Arrangements

A new unit was established early in 2013 to provide strategic support and direction to VALS. The unit focuses on supporting VALS to influence positive change and lead justice reform through advocacy, policy advice and analysis, and identification of issues arising through VALS' work with Aboriginal clients and communities.

Work has commenced on the development of a strategic plan to take VALS forward over the next five to ten years. This plan is expected to be completed by the end of 2013 and will provide a more strategic and focussed approach to VALS' work and support operational planning and reporting. To ensure that VALS is focussed on the needs of its current and future clients, the views of external stakeholders will inform development of the plan.

Jenny Samms and Jerome Cubillo



FINANCIAL & CORPORATE SERVICES UNIT REPORT

The Financial & Corporate Services Unit is responsible for maintaining the financial framework and structure which supports all operational areas of VALS. This involves ensuring that VALS meets its statutory obligations and maintains a reliable system of internal controls which is designed to reasonably ensure that all transactions are authorised in accordance with approved management procedures, and all transactions are properly recorded, and the assets of VALS are safeguarded.

VALS principal cost is staff salaries, with other major expenses being outside briefs, motor vehicle running, travel and telephone costs. Taken together, these expenses account for 82% of the recurrent funding provided to VALS by the Commonwealth Attorney General's Department in 2012/13. A full analysis of Income and Expenditure is provided in the Annual Financial Statements.

Reports are provided by means of quarterly Financial Reports to the Board of Directors, half yearly to Attorney General's Department and Annual Reports to Members. Each one is provided with various analyses according to their needs and statutory obligations.

VALS is primarily funded by Attorney-General's Department on a quarterly grant payment in advance. Payments are made only if satisfactory Financial Reports have been submitted in accordance with VALS' Program Funding Agreement. There are additional terms and conditions that require VALS to undertake a range of accountability procedures. During the past financial year VALS received additional funds for specific projects, and these are accounted for separately.

The Department of Justice funded support for Koori Courts and the Commonwealth Department of Families, Housing, Community Services and Indigenous Affairs provided funding for Emergency Relief to those in need of financial assistance. Assistance is only provided after an assessment process of each application.

There is a tiny surplus of \$3,584 after a total depreciation of \$128,422 for the year ended 30th June 2013. No other significant changes in the Co-operatives' state of affairs occurred during the financial year.

The Balance Sheet shows strong stability of VALS position as at 30th June 2013 with a ratio of 4.8 in the value of total assets over total liabilities. The capital expenditure was modest during the year, and it is anticipated that this will remain the same during 2013/14.

Sam Firouzian
Chief Financial Officer



**VICTORIAN ABORIGINAL LEGAL SERVICE
CO-OPERATIVE LIMITED**

**STATEMENT OF FINANCIAL POSITION
FOR THE YEAR ENDED 30 June 2013**

	2013	2012
	\$	\$
CURRENT ASSETS		
Cash and cash equivalents	253,037	71,064
Trade and other receivables	3,500	15,913
Other current assets	4,354	5,033
	260,891	92,010
NON-CURRENT ASSETS		
Property, plant and equipment	6,501,460	6,530,594
	6,501,460	6,530,594
TOTAL ASSETS	6,762,351	6,622,604
CURRENT LIABILITIES		
Trade and other payables	632,282	720,673
Grant income carried forward	201,115	12,000
Short-term provisions payable	351,794	321,576
Provision for refurbishment		
	1,185,191	1,054,249
NON-CURRENT LIABILITIES		
Long-term provisions payable	178,197	172,976
	178,197	172,976
TOTAL LIABILITIES	1,363,388	1,227,225
NET ASSETS	5,398,963	5,395,379
MEMBERS EQUITY		
Members Share Capital	354	354
Reserves	6	6
Retained earnings	5,398,603	5,395,019
	5,398,963	5,395,379
TOTAL MEMBERS EQUITY	5,398,963	5,395,379



**VICTORIAN ABORIGINAL LEGAL SERVICE
CO-OPERATIVE LIMITED**

**NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE 2013**

	2013	2012
	\$	\$
18 Income		
Grants		
Attorney-General's Department	3,916,807	3,682,592
Other C'wealth & State Govt.Dept.	352,164	35,625
Transfer from Last year Current Liability	12,000	143,870
Less fund transferred/disbursed	0	(27,410)
	4,280,971	3,834,677
Other Income		
Members Subscriptions	18	35
Bank Interest	22,901	107,180
Reimbursements Received	129,650	44,276
Legal Costs Recovered	23,544	34,820
Legal Aid	91,822	83,962
Donations	6,500	5,000
Profit/-Loss on sale of non-current assets	0	0
	274,435	275,273
TOTAL INCOME	4,555,406	4,109,950
19 Expenditure	2013	2012
	\$	\$
Salaries	2,638,753	2,351,238
Superannuation	214,276	197,199
Workcover	7,457	8,580
Annual Leave Accrual Expense	16,484	26,033
Long Service Leave Accrual Expense	13,764	24,060
Sick Leave Accrual Provision	12,207	(62,466)
Fringe Benefits Tax	14,742	10,585
Motor Vehicles - Fuel	49,206	53,468
Motor Vehicles - Leases & Repairs	76,364	108,000
Repairs & Maintenance - Buildings	19,620	8,842
Repairs & Maintenance - Plant	17,104	6,407
Repairs & Maintenance - Computers	18,533	22,798
<i>cont'd...</i>		

**VICTORIAN ABORIGINAL LEGAL SERVICE
CO-OPERATIVE LIMITED**

**NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE 2013**

	2013	2012
19 Expenditure (cont'd)	\$	\$
Depreciation - Furniture, Plant & Equip	29,749	99,607
Depreciation - Motor Vehicles	44,511	30,437
Depreciation - Buildings	54,162	42,081
Audit Fees	9,950	10,430
Equipment Hire	6,871	4,254
Outside Briefs	248,170	509,963
Expensive Indigenous Legal Cases	73,332	23,440
Bank Charges	6,767	2,582
Cleaning	37,111	40,999
Insurance	37,371	48,121
Directors Meeting Expenses	1,873	1,755
Other Meeting Expenses	94,310	34,403
Postage	14,593	17,406
Rates	4,581	10,174
Rent	72,759	59,369
Telephone	92,117	87,854
Staff Training	22,987	41,198
Library Expense	5,962	21,321
Security	7,100	7,833
Storage	4,587	6,972
Staff Amenities	1,626	3,620
Recruitment Advertising	11,801	2,571
Practicing Certificates	8,037	3,701
Subscriptions	11,401	15,282
Emergency Relief	18,986	10,251
Sundries, minor equip & special projects	42,401	58,551
Electricity & Gas	19,944	36,850
Printing & Stationery	35,704	47,370
Travel	233,435	204,948
Current Liability Carried Forward	201,115	12,000
TOTAL EXPENSES	4,551,822	4,250,087
Operating Surplus/-Deficit Before Income Tax	3,584	(140,137)





9th September 2013

Mr Wayne Muir
Chief Executive Officer
Victorian Aboriginal Legal Service Co-op Ltd.
273 High Street
PRESTON VIC 3072

Management Letter for year ended 30th June 2013

Dear Wayne,

My recent audit of your organization found your financial controls to be satisfactory to be relied upon for my audit opinion. Also the financial position of your organization is satisfactory to repay any surplus Grant funds or to complete the approved activities with available funds.

My audit found your supporting documentation and internal controls very reliable. This year my audit did not recognise any suggestions for improvements to internal control.

The organization is meeting its statutory obligation of lodging and paying its BAS statements and PAYG obligation on time.

Yours sincerely

ERIC TOWNSEND
E TOWNSEND & CO

E. Townsend & Co. Eric Townsend Chartered Accountant A.B.N. 25 737 874 189
Liability limited by a scheme approved under Professional Standards Legislation
15 Taylor Street, Ashburton, Vic 3147. Telephone: (03) 9886 0767 Email: eric@erictownsend.com.au





VICTORIAN
ABORIGINAL
LEGAL SERVICE

first year of operation — 1973



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