

# CHAIRPERSON'S REPORT

During the 2011-2012 financial year, VALS has continued to provide advice and representation to thousands of Aboriginal and Torres Strait Islander peoples in the State of Victoria.

VALS' services consist of criminal, family and civil law. More specifically these services are:

## **Criminal Law:**

- Summary and indictable offences;
- Most Driving offences;

## **Family Law:**

- Family matters (not property matters);
- Department of Human Services disputes;
- Intervention orders- applicant or respondent;
- General assistance completing forms.

## **Civil Law:**

- Police matters;
- Help with wills;
- Discrimination;
- Victims of crime assistance;
- motor car accidents;
- Coroners inquests;
- Difficulties in dealing with Government;
- Debt;
- Stolen wages;
- Prisoner rights;
- General assistance completing forms.

VALS' statistics indicate the level of use of VALS by members of the Aboriginal and Torres Strait Islander community and the invaluable contribution VALS makes to the cause for justice.

Members of VALS' Board have been active in the 2011-2012 financial year in the area of justice. VALS has been operating since the early 1970s and a plaque was erected in 2008 by the City of Yarra at the first location of VALS to commemorate the importance of the Victorian Aboriginal Legal Service in the Fitzroy area, I mention this as VALS will be complete a history project in the coming year covering the last forty years of our proud and strong history of seeking justice for our people.. Over the years as an organisation VALS has learnt many lessons about how best to provide a legal service to members of the Aboriginal and Torres Strait Islander community. Perhaps the hardest lesson has been about the continuing over-representation of Aboriginal and Torres Strait Islander peoples in the criminal justice system and the continuation of problems that contribute to this. To this end VALS is continuing to try to influence public policy, raise human rights issues and directly or indirectly participate or support prevention and diversion initiatives.

**Des Morgan**  
**Chairperson**

## **CHIEF EXECUTIVE OFFICER'S REPORT**

VALS provides specialist legal, and legal aid related assistance to Aboriginal and Torres Strait Islander people in the State of Victoria. VALS does not simply provide basic legal advice and representation in Court, but empowers clients and promotes social justice for our community. VALS takes a holistic approach to the problems faced by clients and endeavours to assist them in accessing the support of other agencies, both Government and non-Government.

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 diversio and law reform to attempt to address systemic issues. VALS' aims to provide high quality assistance consistent with VALS' obligations under the Funding Agreement with the Attorney-General's Department (Cth). VALS is obliged to comply with legal professional practice standards, ethical obligations and to meet the relative needs of individual clients. VALS continues to receive low risk ratings from the Commonwealth Attorney Generals Department (AGD) clearly indicating their satisfaction in our service delivery and accountability.

The issue of inadequate funding of Aboriginal and Torres Strait Islander Legal Services is an ongoing, for which we continue to advocate about, and attempt to increase the ways in which we improve our revenue base.

VALS advocates for funding to also be provided for programs that prevent Aboriginal or Torres Strait Islander peoples entering or becoming entrenched in the criminal justice system. VALS argues that prevention is cost effective as opposed to incarceration.

Prevention is essential given the ongoing and increasing over-representation of Aboriginal and Torres Strait Islander peoples in the criminal justice system. This raises issues for the Aboriginal and Torres Strait Islander and non-Indigenous Australian community at large.

I wish to thank Victoria Legal Aid for seconding a family lawyer to VALS for another year and to thank all staff for their continued efforts in what can be at times a very difficult area to work. The future will be full of challenges and I have every confidence that we as an organisation will rise to meet these and our commitment to assist our community and stakeholders.

**Wayne Muir**  
**Chief Executive Officer**

## DIRECTORS PROFILE

### **Alfred Bamblett:** Director

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.

### **Desmond Morgan:** Chairman

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 Inc, Legal Service, Aborigines Advancement League, VACSAL, VALEAI. He also served a six year period as an ATSIC Regional Councilor and past Chair of NGERNDA (Echuca) for several years and a member of Yorta Yorta Nations Aboriginal Corporation.

### **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.

### **Deidre King:** Director

Deidre is currently employed as the CEO of Aboriginal Community Elder Service. She has previously acted in the CEO position at VACCA and is currently on the Board of VACSAL.

### **Leigh Saunders:** Director

Leigh Saunders is a proud Bangerang and Yorta Yorta man. He grew up in Mooroopna, later moving to Melbourne to complete VCE. Leigh worked for a number of years with Victorian Aboriginal Child Care Agency as the Koorie Cultural Placement and Support Worker before moving over to VACSAL as the project officer for Aboriginal Gambling Awareness Service.

### **Terrie Stewart:** Director

Terrie has been involved with VALS for over 15 years. She has held positions within VALS such as Financial Counsellor, Officer Manager, Client Service Officer and Team Leader. Terrie has also held positions at the Bert Williams Centre as a Youth Support worker. She has been actively involved in the criminal justice and currently employed as the Aboriginal Justice Officer with the Koorie court at Broadmeadows magistrate court.

## CLIENT SERVICE OFFICER REPORT



VALS presently have six full time regional Client Service Officers; three Metropolitan Client Service Officers; Regional Coordinator and an Executive Officer for Client Service Officers program. VALS introduced casual weekend Client Service Officers. This provides an opportunity for University students or community members with training to work over the weekends and to gain extra skills and income. This program of weekend staff has assisted during busy weekend and holiday periods.

VALS is proud to acknowledge the dedication and hard work of Wayne Bell; Client Service Officer who received the Order of Australia medal in January this year. Wayne (Swisher) has worked tirelessly for the past 18 years with VALS. VALS are proud of this amazing achievement and the modesty of Wayne's acceptance of this award. Whilst Wayne seen his role as "just doing what he gets paid to do." It is much more, going that extra step or mile as it may is an integral part of a Client Service Officer who is committed to supporting clients and their communities to improve legal outcomes and experiences for the Koorie community. Congratulations!

I wish to thank all staff who has made valuable contributions to the Client Service Officers program. An important focus has been on skilling staff up to better support clients; community and the criminal justice system. VALS Client Service Officers have been provided with great training and professional development opportunities this year. Each staff member commenced a Certificate 4 in National Indigenous Legal Advocacy with Queensland University with some staff achieving Diplomas.

Other Professional Development training undertaken by the Client Service Officers included; Senior Level First Aid; Adaptive Leadership program; DHS Presentation Skills Training; Certificate IV in Legal Studies and Management Focus Workshop. Client Service officers attended RAJAC and LAJAC meetings, Arbias Training to deal with clients with Acquired Brain Injuries; Koori Court Reference group meetings; CJP meetings; VACSAL events; Cultural Awareness Training; AJF forum; 3rd Annual National Conference on Australian Prison Issues; VACRO AGM; Standing Firm against Family Violence Campaign (AAL); Billabong BBQ; Aboriginal Women's Collective Pink Ribbon Breakfast; Frankston Koori Kitchen Tea; VALS Policy and Procedure training; VEOHRC Indigenous Women's Rights Public Lecture; Corrections Victoria Stakeholder Forum; VACRO project and throughcare support; Community Legal Education Conference in Darwin; Information session on the new transit Protective Security Officers (PSOs); Koori Prisoner Mental Health and Cognitive Function Study Advisory Group and ATSI Family Links program – Gurwidj Neighbourhood House.

VALS Client Service Officers have furthermore been provided training from the Victorian Equal Opportunity and Human Rights Commission in relation to the Victorian Charter of Human Rights and Responsibilities; covering the Age; Racial; Sex and Disability Acts. Staff was trained in providing information and assisting clients when they wish to make a complaint. The Client Service Officers have continued to provide training to both Bail Justices and the Youth Referral Independent Person's Program (YRIPP). This training is important in the role of educating and providing information when dealing with clients who have bail hearings at the police station or young people in custody who need assistance and support. The Client Service Officers continue to work alongside the Community Justice Panel (CJP) members to ensure that clients are supporting after hours and in regional areas.

These opportunities; training and professional development means Client Service Officers are better equipped in supporting; dealing with and assisting clients; community and legal professionals. Thank you to all Client Service Officers (CSOs) for their contribution over the 2012-2011 financial year.

**Lee-Anne Carter (Executive Officer - Client Service Program)**



### **Danny Ilsley – Ballarat CSO**

I had a client about 12 months ago, couldn't get to court, looking at drink driving/driving without a license/cannabis in his system as well, also crashed the car into a fence on a main road, had been done previously on drink driving charges, so he was very nervous about going to jail, I told I'd organise transport for him on court day, also told him to go see a drug and alcohol councillor before he goes to court. I arranged for him to be taken to his counseling sessions, 2-3 times, told him to get a letter from his councillor explaining that he has been going to see him on a regular basis, also got a couple of reference letters for him from the co-op, people who know him well, he also started a building apprenticeship course. Then arranged for him to be picked up and taken to court for his hearing,

he went from going to jail, to having to pay for the damages he did, copped a fine as well, and still went to counselling after court and still does building.



### **Lyn Morgan – Bairnsdale CSO**

My rewarding experience was this year a young lad from Orbost, (19 years old but would pass for a 16 year old), very polite had no history and then committed a crime that was a bit over the top and out of character, but anyhow the Magistrate took into account all what he had in front of him and gave this lad a Community Corrections Order. Well with this he just could not comply having many visits from me & Corrections Worker, the order was then breached (plus the Corrections Team felt the same way as me, they were there in every way they could to try and get him through this), anyway to cut the chase I finally got him to agree to try the Learning

Place Program at Wulgunggo Ngalu, I arranged for him to be transported there and advised he could contact if needed. The client attended and is happy and did well as expected, I felt so good for this lad as he has had a very sad family life and really is a very caring young man. Still to this day I have contact with him as he is still going through a rough patch.



### **Wayne Bell – Heywood CSO**

With pretty ordinary sentencing from magistrates in Koori court in the Portland/Hamilton and Warrnambool areas, magistrates asked me why no offenders were having matters listed in koori court for a period of over 4 months, I indicated to some magistrates that the koori court was stale, out of date, and the sentencing needed to be more therapeutically, and be seen in assisting offenders who had particular issues with the likes of drug, alcohol, domestic violence, all types of abuse, homelessness, a whole wide range of issues, I then asked a few clients if they wanted to attend koori court, which they did, all results have been excellent, one

male was imprisoned, and now with the regions koori kids court, we are able to have a positive effect on youth who come into contact with the criminal justice system, magistrates seem to take more interest in an offender now, and recently, some penalties are assisting offenders. Some police prosecutors have also taken the new direction, and are more supportive within the process of the koori courts. VALS made a change this change also has more Aboriginal organizations attending courts to support offenders.

### **Marty Peterson– Mildura CSO**

An important part of the CSO role is supporting clients attending court and providing assistance to solicitors. I organise material and emergency relief and/or travel and deal with accommodation issues as they arise. VALS sometimes has conflicts of interest. In these situations I ensure that the person who VALS can't represent still has legal representation. This is important for both clients to feel that there is no breach of confidentiality; both clients are looked after. I organise another solicitor to look after that person. I think it is important that you have to go the extra mile to get other law firms to look after clients in this situation.



### **Brad Boon– Shepparton CSO**

I have been working with a 21 year old Koori girl, who has had a long history of substance abuse issues; in DHS care and suffered significant personal losses. She is disconnected from her 'real father' and has been exposed to domestic violence; which has contributed to her substance issues. She was facing numerous offences ranging from theft, burglary, unlicensed driving and serious assault charges. Due to her transient lifestyle she has failed to attend court and had outstanding warrants. Her family issues led her to be homeless at which time she was due to go to court in another location and had no way of getting there. She came to me for assistance. I was able to contact court and have the matter adjourned and helped her find some suitable accommodation. I organized legal representation

for her; however I found out later that there was a conflict of interest. The client was advised and contacted me distressed about having no one represent her at court. In order to ensure the client made court I arranged for her to be driven to another town so she could attend and arranged for a solicitor to represent her in court. Her matters were adjourned to Koori court, where she was given an undertaking while she is in rehab in Melbourne for her drug and alcohol issues. The magistrate decided to give her an opportunity to participate in programs. This client has now left rehab; getting home support and counselling and has with some assistance been able to make healthier lifestyle choices.



### **Gary Bamblett– Metro CSO**

I got a call from a solicitor, regarding a client who needed some emergency accommodation to get bail, after making a few calls to the local hostels we didn't have much luck with the hostels were booked out, so I asked can I put him on the hostel's waiting list. After a couple of hours later waiting not knowing if any were going to pull through and time ticking, we got a call back and there was an available room for the client. So I booked him in, VALS assisted with emergency relief for a few days and the Magistrate granted him bail. Magistrate requested a CSO to support the client and arrange transport to a Drug and Alcohol Rehabilitation program. This

meant the client was given bail as the Magistrate felt comfortable that the client would attend with the assistance we provide as CSO's. I have enjoyed having the opportunity to participate in various training programs this year including working towards getting my Diploma in Legal Services and Advocacy.



### **Samuel Gentile– Metro CSO**

As a Client Service Officer our role varies in the support and assistance we provide clients. We assist clients in court; help organise accommodation and provide some emergency assistance for clients. We support and arrange legal representation, whether the person is a VALS client or not. We contact clients weekly prior to them having to go to court to remind them of which court they need to attend and who will be looking after their legal matters. Recently I attended court and arranged transport for the client to get to a Rehabilitation facility upon their release. The Magistrate requested a CSO to support the client and arrange transport to a Drug and Alcohol Rehabilitation program. This meant the client was given bail as the Magistrate felt comfortable that the client would attend with the assistance we provide as CSO's. I have enjoyed having the opportunity to participate in various training programs this year including working towards getting my Diploma in Legal Services and Advocacy.



### **Jan Muir– Swan Hill CSO**

Defining the moment of a successful moment in my role is not easy to identify as we have a holistic approach to representing our community members when going to court. In our area we have a very good working relationship with our local ACLO, Koorie Court Officer, Aboriginal Community Justice Panel (CJP) and Local Aboriginal Justice Advisory (LAJAC) officer and recently with the new justice worker at the Swan Hill Health Service. We are presently working to improve communication and working towards a better partnership. Family law matters and child protection will always be ongoing legal issues for Swan Hill Aboriginal community however, more recently we have had an increase in intervention orders such as parents versus child as well as family feuding matters. These sometimes spill over into criminal charges. Our community has formed a Koorie Justice network to work through community justice issues together. In this team approach Swan Hill is fortunate to have had exceptionally hard working and dedicated solicitors which make my role as client service officer manageable. In closing thank you for the opportunity and look forward to an excellent and productive year.

## **STAFF**

### **Chief Executive Officer**

Wayne Muir

### **Deputy Chief Executive Officer**

Annette Vickery

### **Special Projects Officer**

Gregory Chandler  
Amanda Dunstall\*

### **Legal Practice Unit**

#### **Executive Officer**

Jill Prior

#### **Criminal Law Solicitors**

Lauren Macaulay\*  
Paul Pitsaras  
Elena Pappas  
Elisa Dickenson  
Miles Browne\*  
Martin Ha  
Ariella Gild\*  
C'Zarke Maza\*  
Karen Chibert  
Raj Bhattacharya  
Tallace Bissett  
Ali Besiroglu (paralegal)  
Laurie Parker\*

#### **Civil Law Solicitor**

Chris Howse

#### **Family Law Solicitors**

Samantha Dwyer\*  
Denis Barry  
Leah Tolley (VLA)

### **Administration**

#### **Personal Assistant to CEO**

Jenny Logan

#### **Filing Clerk**

Teresa Hofilena

#### **Administration Officer**

Lance Zampaglione

#### **Receptionist**

Tarneen Onus William  
Susan Arnall (part time)

### **Legal Secretaries**

Licia Arimatea  
Nichola Rose  
Vicki Shaw  
Farah Banihali

### **Financial & Corporate Services**

#### **Executive Officer**

Sam Firouzian

### **Client Service Officer Unit**

#### **Metropolitan**

#### **Executive Officer**

Lee-Anne Carter  
Gary Bamblett  
Samuel Gentile  
Shaune Austin

#### **Regional**

Wayne Bell (Heywood)  
Lyn Morgan (Bairnsdale)  
Brad Boon (Shepparton)  
Martin Peterson (Mildura)  
Anthony Kirby\* (Swan Hill)  
Janice Muir (Swan Hill)  
Danny Ilsley (Ballarat)  
Karen Boon\* (Morwell)

#### **Weekend On Call**

Helen Christensen  
Jarrod Hughes  
Leigh Pridham  
Margaret Salmon  
Aaron Scafi\*  
Elva Richards\*  
Tyson Lovett Murray  
Coen Brown\*

### **Community Legal Education and Research**

#### **Executive Officer**

Greta Clarke (maternity leave)  
Louise Hicks (acting EO)  
Loretta O'Neill  
Crystal McKinnon  
Donna Storey

## IN REVIEW

This last 12 months the Legal Practice at VALS has seen many changes. The changes have presented in terms of location, size, team and reach of service. What is also looming are the imminent changes around the criminal justice system in this state and the obvious impact of those changes on the rights of our clients.

In January 2012 VALS packed everything up and moved 6 km north to Preston. What had been our home for many many years – in Alexandra Parade Fitzroy – quickly became a distant memory and the new spacious and accessible premises at High Street Preston began its incarnation as the VALS base.

The organisation settled in well and set about continuing the service delivery across the state – in numbers greater than ever before in VALS history.

With greater roll outs of Koori Courts throughout the state in the Children's jurisdiction, and the obvious increase in client numbers – the need for additional criminal solicitors became inevitable.

### Criminal Law Section

The Criminal Law Section is now comprised of Ali Besiroglu (para-legal), Raj Bhattacharya, Tallace Bissett, Shifrah Blustein, Rose Cameron, Karen Chibert, Elisa Dickenson, Katerina Kappos, Kathryn McGregor, Russell Marks (solicitors) with Martin Ha, Elena Pappas and Paul Pitsaras as Senior Solicitors.

This team manages the state's criminal section – allocating both regional and metropolitan courts to individual solicitors. This is a new and young team that is settling well with the assistance of the senior practitioners – each of whom have significant experience as solicitors and long-standing ties to the organisation.

The challenges presenting over the past 12 months have been great. There are greater powers available to police and greater numbers of arrests with the introduction of protective services officers to train stations in selected areas.

The capacity to charge, and frequency of police contact, has meant that our attention is squarely turned to the law and order regime of the current government. Amendments to sentencing legislation has left courts with limited options to sentence people by way of suspended sentences and has removed the availability of sentencing by way of intensive corrections orders.

The clear message is one that flies in the face of the RCIADIC to imprison as a last resort. The flow on impact from this is that more people are being held in remand facilities – which are full. And more people are receiving custodial sentences – prisons often doubling up or building new units to accommodate numbers in inadequate facilities.

The answer has not been to review sentencing practices, nor to review the often appalling conditions in which those in custody are held, but to build new prisons – to house greater numbers of people. The outlook is grim indeed.

One must question the culture of imprisonment and detention that has become a norm in Victoria. It is within that context that decisions are made that fly in the face of our obligations to care for those in custody and in particular our youth. It is now widely publicised and appropriately critiqued that there have been 3 children detained in adult custody in Port Phillip Prison in recent months. Only after widespread agitation from this organisation was our client finally transferred to a more appropriate facility. This decision is one that ought to give rise to immediate government response and an investigation into the practice and its frequency.

In the meanwhile, our criminal lawyers continue to pursue the best outcomes for our clients and regularly participate in outreach programs with the Women's prison, Parkville Youth Justice Centre and the Billabong neighbourhood program in Collingwood.

The Criminal Law section has been assisted by ongoing criminal law secondments from Victoria Legal Aid – and we thank Charles Watson and Jen Black for their contributions to the team. We look forward to such valuable exchanges in the future.

## **Civil Law Section**

Our civil law section farewells Chris Howse from the position. He worked with the community for over 4 years – tirelessly and with great results for clients in relation to matters ranging from Victims of crime – often poorly accessed by the ATSI community in Victoria – to coronial enquiries. VALS wishes him well for the future.

The civil section awaits the impact of the Income Management scheme – rolled out in sites in Victoria, NSW, South Australia and Queensland. There has been widespread criticism of this legislation as individual Centrelink benefits are sanctioned to ‘manage income’ of clients with involvement with child protection or in receipt of newstart allowance. There are significant concerns around the rights of individuals subject to this scheme and we, along with our sister organisations in other states, await the impact on our clients who will be affected.

Our service also has a number of coronial enquiries before the courts – dealing with the inadequacies of mental health facilities and level of care afforded some of the most vulnerable members of our community, as well as those affected by the policies and actions of the Department of Human Services.

VALS enjoys renewed collaboration with Victoria Legal Aid, DLA Piper and other pro bono firms to assist with the protection of the rights of our clients. VALS has recently enjoyed the first of a series of outreach appointments at VALS by our colleagues at the civil section of Victoria Legal Aid. This has been a great help to the practice and we look forward to the future collaboration.

## **Family Law Section**

The family law section has seen the departure of Samantha Dwyer from her role. We wish her well for her future endeavours and enjoy the ongoing secondment of Leah Tolley from Victoria Legal Aid in this role. Alongside her is Denis Barry who manages our crucial child protection service. We welcome Rebekah Bessant to the section – a previous graduate placement returning now to VALS as a solicitor in the role of family lawyer.

Family Law continues to grow its outreach program – taking in services to Dandenong, Shepparton, Dame Phyllis Frost Prison and Billabong community outreach. We hope to increase the capacity of the family law section to provide legal advice and representation to both regional and metropolitan Victoria over the coming year.

## **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:

‘Everyone involved was lovely and appreciated (the practitioners) for their representation. Thank you’

‘(The practitioner) was so helpful. I would like to thank him so much for all his help and thank you so much’.

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

‘(The practitioner) was very thorough with her research and got the result I was after. Excellent representation’.

‘My son felt very comfortable with (the 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’.

‘It was more than extremely good’.

‘The service with (the practitioner) was prompt, on the ball and extremely reliable. He was sensitive and compassionate and made my 15 year old son feel supported in his time of trials’.

‘God where do I begin, you all helped me so much and used your heads rather than as normal, (others) would drag it on to get more money for themselves’.

## **Further Collaborations**

VALS has welcomed ongoing collaborations with Leo Cussen Institute – taking a number of Law graduates to complete their practical legal training component at this Service. We have also assisted students from the College of Law and secondary school work experience placements – providing an invaluable experience and learning at this crucial time in their studies.

VALS lawyers have presented papers at Monash, LaTrobe and Melbourne Universities and have been called upon to participate in training in community as well as through associated organisations such as the Department of Justice and YRIPP.

It is a sad necessity that this Service requires greater and greater numbers of solicitors to assist in the protection of rights of Aboriginal and Torres Strait Islander peoples in Victoria. Whilst we continually adapt practice and capacity to do so – it is in the light of draconian legislative amendments and the steady and stark stripping of human rights on an ever-increasing level. This trend does not look to slow down when we see crises in funding to housing, mental health services, education and justice.

VALS is poised to take up those challenges and will not acquiesce to the law and order rhetoric that continues to flow from Spring Street. We feel well positioned to respond in order that the lessons of the past are remembered and the rights of individuals remain the sharp focus of our work and the measure of our humanity.

**Jill Prior**  
**Principal Legal Officer**

# **COMMUNITY LEGAL EDUCATION, ADVOCACY & RESEARCH UNIT (CLEAR)**

## **General**

The CLEAR Unit is currently looking at ways to expand our capabilities, capacity and resourcing. We are doing some unit strategic planning and looking into funding opportunities, the recruitment of skilled volunteers, better engagement and utilisation of expertise across the organisation and proactively engaging media outlets/contacts, government ministers, advisors and departmental staff, etc. While these efforts are going some way towards the CLEAR Unit clarifying its direction and purpose to effectively target our attention and efforts.

## **Local History Grant**

The CLEAR Unit was successful in an application to the Public Record Office Victoria for a Local History Grant of \$12,000. Before the project begins, it would be useful for the Board to give guidance on the following:

- a) The nature and scope of the project: VALS has a wonderful history and this project should be geared towards celebrating the victories/heroes of the organisation? The Board should retain oversight of content which is included towards the publication stage of the project.
- b) The size of the project: While \$12,000 will help begin the collection and consolidation of VALS' history, this funding alone could be limiting depending on what size and form the Board wants the project to take. For example, if we were to engage a qualified historian, preferably a local member of the Victorian Koorie community, to research and write up findings, this alone could attract a cost potentially in excess of the current funding. Additionally, if we are to engage someone who also collected and recorded oral history from relevant parties, there would be travel and production costs which the existing grant money can't cover. VALS will continue to investigate ways of adding additional external resources to this project.

## **VALS' 40th Anniversary**

VALS have been receiving enquiries from community and organisations within the sector regarding VALS 40th anniversary early next year. We will be seeking the Board's input into how this occasion could be marked and think it is a great opportunity to coincide with our local history project.

## **Staffing**

The following staffing remains unchanged since the last report to the Board: Crystal McKinnon (Research Officer), Loretta O'Neill (Community Legal Education Officer), and Louise Hicks (Acting Executive Officer).

Belinda Briggs was hired into the part-time Community Legal Education role to specifically assist the community for the introduction of the Place Based Income Management pilot for the Greater Shepparton region. This role is currently being transitioned to a new worker to begin running regular outreach sessions.

Donna Storey has been hired into the new role of Development Officer to assist VALS grow its program and fundraising capacity. Her activities are outlined below.

## Community Legal Education (CLE)

CLE activities include:

- A youth day based on the theme of 'Rights, Responsibilities and Relationships' which focused on street rights and contact with police and sexting/texting, cyber safety etc ran this passing June. Our primary partner for the day was the Northern Metropolitan RAJAC, with other partners including the Sheriff's Office and Consumer Affairs Victoria. The event was well attended and evaluated by attendees. We are using the recorded feedback from attendees to modify our CLE delivery and to apply for additional funding to wider audience within the Aboriginal community in the regions.
- VALS staff from various units of the organisation recently began regular visits to Dame Phyllis Frost Women's Prison. This has already begun forging better relationships with VALS and the Aboriginal Family Violence Prevention Legal Service (who we initially visited with), the prison staff and the prisoners. We have also picked up some work with women coming forward with serious civil complaints. This is an especially important initiative at VALS as we do not have a prisoner through care program.
- Establishment of a formal referral pathway, a dedicated Koori intake worker and the possibility of dedicated VALS/Victorian Equal Opportunity and Human Rights Commission clinic days at VALS has also been established to assist people with discrimination concerns and claims.
- Pre-recorded and replayed 'Talkin Law' program with a VALS solicitor as well as sporadic radio spots on a range of issues (attended by solicitors and/or other staff).
- Wills sessions
- Regular outreach visits to services, groups and organisations across the state.

## Policy and Law Reform Income management

VALS recently met with the Victorian Department of Human Services (Indigenous Outcomes Branch) regarding the Victorian Government's participation in the Child Protection measure of Place Based Income Management. The Department communicated that the Government recently decided the following:

- State housing authorities will not be referring people to income management; and
- DHS Child Protection will only make a referral to income management if the following criteria are satisfied:
  1. A report to child protection must be substantiated (+/- care and protection order);
  2. Concern for the child must be related to financial mismanagement;
  3. Financial counselling must be considered or previously attempted; and
  4. Consent must be given and can consent for participation can be withdrawn at any time

Victoria DHS is currently in the process of drafting practice advice for staff with a particular view to ensuring that child protection referrals for income management occur only with the informed consent of the client. The Department has acknowledged our concern around the gaining of genuine, non coercive consent and has extended the opportunity for VALS to propose a model that we think would assist DHS staff ensuring genuine consent is sought and given by clients. It is most likely that DHS will only be in a position to make referrals around September/October. We are scheduled to meet with their Senior Policy Officer at the end of July.

We also met with Joe Burke (Deputy Chief of Staff to Kim Carr, Federal Minister for Human Services) along with other Federal Department Human Services staff on 19 July to speak about our client's interactions with Centrelink.

VALS is meeting regularly with a number of stakeholders on this issue, including:

- Koori Policy Network (members include VALS, VACCA, VACSAL, VAEAI, AFVPLS, VACCHO)
- Victorian Equal Opportunity and Human Rights Commission (Indigenous Education Officer and Acting Commissioner)
- Social Security Rights Victoria
- Victoria Legal Aid (Civil Law Division and Community Legal Education Unit)
- Various Community Legal Centres (i.e. Goulburn Valley)
- Koori Women Mean Business
- Greater Shepparton Working Group (operated out of FamilyCare)
- Aboriginal and Torres Strait Islander Legal Services

Other stakeholders/partnerships in this space include:

- Minter Ellison (pro bono)
- Victorian Legal Assistance Forum (VLAF)

We have uploaded information to the website and sent out some email information alerts and are currently working on pamphlets and fact sheets for dissemination to the community as tools for the local CLE activities.

## **Infringements**

VALS is concerned about imprisonment and non-appeal rights in relation to infringements. The law as it stands means that people before the courts for unpaid fines are more likely than not to be dealt with by an IIL (imprisonment in lieu) order. These orders take the outstanding fines and set up instalments which, if missed, invoke an imprisonment warrant. These orders are unable to be appealed. Victoria Legal Aid (VLA) has run two cases to the Supreme Court on these points. VALS assists many clients in these matters and has sought ways to challenge the legislation. We recently sought a re-hearing for a single mother of five who had an IIL order imposed in her absence. VALS ran the application on the basis that the court is unable to order a term of imprisonment in the absence of the accused. A positive outcome for the client was achieved.

We understand this to be a widespread problem and contacted the Victorian Law Reform Commission (VLRC) to see if they had plans to launch a reference into this area. They have been intending to for some time however earlier in the year the Department of Justice advised that changes to the law were "imminent". There being no sign of such changes we are working informally with VLA, VLRC, The Federation of Community Legal Centres and the Department of Justice Infringements Standing Advisory Committee to continue to apply pressure.

## **Adult Parole Framework Review**

The Sentencing Advisory Council's report recommendations on the review of the Adult Parole Framework are generally positive however a strong stance on the need for procedural fairness safeguards was lacking. The Council noted that the absence of procedural fairness has not only implications for the offender but also for victims and the broader community due to an inaccessible system that inspires little community confidence, therefore contributing to fear and distrust and in turn affects community safety. The Council concluded that while the rules of procedural fairness are vitally important in promoting high-quality and fair decisions, they share the concerns of 'some stakeholders' that repealing s69(2) of the Corrections Act 1986 (which states that the APB is not bound by the rules of natural justice) could have 'unintended consequences' and therefore did not recommend such a repeal.

VALS was the only submission to the Council that demonstrated knowledge of the fact that support persons are available at the Chair's discretion for prisoners with special needs. The Council concluded that the Adult Parole Board has not been successful in communicating the availability of this support which is especially critical in where no legal representatives are available to assist prisoners/parolees at parole hearings (especially where those with intellectual disability, ABI, poor English or Aboriginal and Torres Strait Islander status require assistance to understand the parole process).

VALS remains concerned at the lack of procedural safeguards around, and level of discretion of, Community Corrections Officers in breach parole situations when they result in a person being placed back into custody. Victorian Government has not formally responded to the Council's report.

## **Review of the Aboriginal Justice Agreement**

The Aboriginal Justice Agreement 2 (AJA2) is currently under review in preparation for AJA3 drafting. VALS made a submission to the Department of Justice that while the AJA1 and AJA2 have made positive changes to relationships between government departments and community, we are concerned that the AJA is losing sight of its overall objective which is to implement the RCIADIC recommendations at the state level. The AJA2 evaluation currently reviews the success of current programs, but fails to, in our opinion, measure programs and other actions against the RCIADIC.

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<sup>1</sup> The Victorian ABP not bound by the rules of natural justice and has an exemption until 27 December 2013 from complying with the requirements of the Victorian Charter

<sup>2</sup> Such as time delays, insufficient resources to comply, increased formality/more legalistic, Board increasingly risk adverse etc.

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## **Spent Convictions**

Victoria now remains as the only Australian jurisdiction without a spent convictions scheme. VALS participated in the Victorian Department of Justice consultation in the SA model spent convictions Bill a few years ago. Since then, SA (which at the time of our submission was the only other jurisdiction without a scheme) has brought in spent convictions legislation. VALS has written to the Attorney-General inquiring as to the status of a Bill for Victoria.

## **Sentencing**

### **Minimum Sentencing**

Introduction of minimum sentencing legislation for adults for offence of 'gross violence' is still on the horizon. No Bill before parliament. Department of Justice advises that the Bill is still being drafted. Government is consulting and considering further the application of minimum sentencing as it could apply to juveniles, but for the time being a decision on this front has been 'deferred'.

## **Community Corrections Orders**

Various Community Based Orders (CBO) have now been replaced with one Community Corrections Order (CCO). With the removal of home detention and the imminent removal of suspended sentencing options for all criminal offences, the sentencing regime in Victoria is in the order of fine, CCO, imprisonment. There are a number of core conditions that must be attached to the order and a certain number of additional conditions which are optional. Early data shows that the courts are most heavily utilising the curfew and court monitoring conditions (the court now has the option of requiring the offender to come back to report before the court throughout as part of their order).

## **Police Contact**

Recent VALS data reveals a sharp increase in the number of 10-14 year olds coming into contact with police. Recent Department of Justice data reveals increasing contact with police and lowering rates of cautions for Aboriginal and Torres Strait Islander peoples when compared with non-Aboriginal and Torres Strait Islander peoples. This trend is most obviously present in the Northern Metropolitan region.

Our knowledge of police complaints does not reflect police complaint data. At a recent Aboriginal Justice Forum, Victoria Police acknowledged that their data doesn't reflect incidents warranting complaints. The Victorian Equal Opportunity and Human Rights Commission is working with VALS to encourage complaints to them so that they can look into starting their own investigation.

## **Protective Services Officers (PSOs)**

PSOs (armed officers at train stations with police-like powers) are now at 7 metropolitan stations. While there is limited data on their operations thus far, there are some recorded incidents of use of force involving fare evasion. There have also been reports of conflict between ticket inspectors and Victoria Police when dealing with certain behaviours at train stations. VALS is acting for a young man at the centre of such an incident which resulted in him being charged.

Your Rights On Track is a campaign operating out of Youth Law and the Federation of Community Legal Centres (VALS partners with both organisations) that is designed specifically to advocate to and for people, especially youth, in contact with PSOs. They have reported that case studies of young people's interactions with PSOs have started coming to light. Contact is in the main resulting in increased infringements being issued to young people for fare evasion and for sitting on bikes while waiting for a train (and being fined for 'riding' a bike in the train station).

### **Other:**

- First meeting with Cunneen and Allison (JCU) re: civil family law needs project
- Signed ARC Linkage Project (Monash) Financial dispossession: A History Indigenous Peoples and Stolen Wages in Victoria.
- Signed ARC Linkage Project agreement (Monash) for 'Closing the Gap on Birth Registrations'
- Received AILR special edition marking 20(21) years since RCIADIC report. Yet to be disseminated to government/police etc.
- Met with Allen Consulting Group regarding National Partnership Agreement.

### **Other VIYAC**

The VIYAC Community Spirit Police Award ceremony (to be hosted at VALS) was cancelled due to no nominations being made. VIYAC is looking into why this occurred and the best way to move forward.

### **External training**

We are supporting our Client Service Officers in their training package delivered as part of the Youth Referral and Independent Person Program (volunteers who sit in on police interviews with young people where a parent or guardian isn't available) and we are currently assisting our solicitors in putting together materials for Bail Justice training.

### **Data**

The CLEAR Unit consider VALS client data to be of critical importance in terms of identifying areas of client need, the nature and extent of client interaction with various areas of the justice system, informing the policy and law reform priorities and the evidence with which to base advocacy in this space, and clarifying the work that VALS does. We believe that ready access to VALS data is vital to prioritising our work, but also assisting us in proactively responding to the needs of community as opposed to relying on inquiries and terms of reference launched at the desire of government where we can reactively respond with our reform agenda. VALS data can be used to identify areas of client need and organisational concern which affect separate units of the organisation, but can also be used to bring units across the organisation together to work towards common goals (and could help inform processes such as strategic planning).

Currently our data can only be accurately obtained through requests to our IT database host, Finrea, and to our knowledge can only be provided through a sole member of their senior staff. We consider this to be inefficient and a risk as we currently do not have control or good ownership of our data. VALS is therefore working with all VALS Units and Finrea to make data reports available to VALS staff at their leisure at the click of a button, with more specialised and complicated data requests for the time being obtained through individual requests to Finrea. Our medium-long term goal is to train VALS staff to be able to increasingly drive the database themselves.

## **Media**

We have had some good media interest around issues regarding the rollout of income management. We have presented general information and some of our policy positions on Koori Radio, ABC Goulburn Murray (following Jenny Macklin), Social Affairs Correspondent for The Age and Sydney Morning Herald (have provided quotes but have thus far been editorialised out. We have been invited to work with him on future stories in this area) and local online news.

We have also found Twitter to be a useful tool to engage media on the income management issue. We have asked direct questions to ABC and SBS, for example, requesting an explanation as to why the passing of the Stronger Futures and related legislation had not received any media attention by their media outlets. They responded directly to the VALS account and journalists and politicians are increasingly following us on Twitter.

## **Upcoming Birth registration**

Victorian Law Reform Commission (VLRC) has released a Terms of Reference for a review with regard to Birth Registration and Birth Certificates. The purpose of the review is to examine to process of birth registration and certificates to consider whether they are efficient, effective and accessible to Aboriginal and CALD backgrounds. This is being done with regard to the Castan Centre for Human Rights research (Monash ARC grant mentioned above). VALS has done work in this space previously and has been asked by the VLRC to participate in this reference. Consultation papers and sessions will occur August – October with submissions due to close in November.

## **Constitutional Recognition**

Our previously scheduled Constitutional Recognition Community Form, organised in partnership with the Koori Policy Network (KPN), was cancelled due do a death in the community a few days prior. The KPN is now looking at a future date and funding opportunities to support this endeavour.

## **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 83% of the recurrent funding provided to VALS by the Commonwealth Attorney General's Department in 2011/12. 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 six monthly 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 Vic Law Foundation granted for the Empowering Community Project and Public Record Office of Vic granted for VALS History Project and those reports are included in the Annual Financial Statements. The Commonwealth Department of Families, Housing, Community Services and Indigenous Affairs provide funding to VALS for Emergency Relief to those in need of financial assistance. Assistance is only provided after an assessment process of each application.

Due to the purchase of new building and the fit-out assets, the total depreciation for the year has increased by \$90,347. This is a non-cash funded expense, and has significantly contributed to the overall loss of \$140,137 for the year ended 30th June 2012. No other significant changes in the Co-operative's state of affairs occurred during the financial year.

The Balance Sheet shows strong stability of VALS position as at 30th June 2012 with a ratio of 5.4 in the value of total assets over total liabilities. Other than purchase of new office, capital expenditure was modest during the year, and it is anticipated that this will remain the same during 2012/13.

**Sam Firouzian**  
**Chief Financial Officer**

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

**STATEMENT OF FINANCIAL POSITION  
FOR THE YEAR ENDED 30 JUNE 2012**

	Note	2012 \$	2011 \$
<b>CURRENT ASSETS</b>			
<i>Cash and cash equivalents</i>	5	71,064	6,269,205
<i>Trade and other receivables</i>	6	15,913	3,780
<i>Other current assets</i>	7	5,033	19,182
<b>TOTAL CURRENT ASSETS</b>		<u>92,010</u>	<u>6,292,167</u>
<b>NON-CURRENT ASSETS</b>			
<i>Property, plant and equipment</i>	8	6,530,594	967,182
<b>TOTAL NON-CURRENT ASSETS</b>		<u>6,530,594</u>	<u>967,182</u>
<b>TOTAL ASSETS</b>		<u>6,622,604</u>	<u>7,259,349</u>
<b>CURRENT LIABILITIES</b>			
<i>Trade and other payables</i>		720,673	841,981
<i>Grant income carried forward</i>	10	12,000	143,870
<i>Short-term provisions payable</i>	9	321,576	259,792
<i>Provision for refurbishment</i>		0	185,000
<b>TOTAL CURRENT LIABILITIES</b>		<u>1,054,249</u>	<u>1,430,643</u>
<b>NON-CURRENT LIABILITIES</b>			
<i>Long-term provisions payable</i>	9	172,976	293,194
<b>TOTAL NON-CURRENT LIABILITIES</b>		<u>172,976</u>	<u>293,194</u>
<b>TOTAL LIABILITIES</b>		<u>1,227,225</u>	<u>1,723,837</u>
<b>NET ASSETS</b>		<u>5,395,379</u>	<u>5,535,512</u>
<b>MEMBERS EQUITY</b>			
<i>Members Share Capital</i>	11	354	350
<i>Reserves</i>	11	6	6
<i>Retained earnings</i>		5,395,019	5,535,156
<b>TOTAL MEMBERS EQUITY</b>		<u>5,395,379</u>	<u>5,535,512</u>

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

**NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 30 JUNE 2012**

	2012	2011
	\$	\$
<b>18 Income</b>		
<b>Grants</b>		
<i>Attorney-General's</i>	3,682,592	3,614,763
<i>Other C'wealth &amp; State Govt.Dept.</i>	35,625	15,234
<i>Transfer from Last year Current Liability</i>	143,870	1,074,342
<i>Less fund transferred/disbursed</i>	(27,410)	(617,302)
	3,834,677	4,087,037
<b>Other Income</b>		
<i>Members Subscriptions</i>	35	32
<i>Bank Interest</i>	107,180	304,780
<i>Reimbursements Received</i>	44,276	15,962
<i>Legal Costs Recovered</i>	34,820	30,009
<i>Legal Aid</i>	83,962	83,184
<i>Donations</i>	5,000	6,900
<i>Profit/-Loss on sale of non-current</i>	0	0
	275,273	440,867
<b>TOTAL INCOME</b>	4,109,950	4,527,904
<b>19 Expenditure</b>	2012	2011
	\$	\$
<i>Salaries</i>	2,351,238	2,142,339
<i>Superannuation</i>	197,199	181,835
<i>Workcover</i>	8,580	15,789
<i>Annual Leave Accrual</i>	26,033	22,674
<i>Long Service Leave Accrual Expense</i>	24,060	(5,097)
<i>Sick Leave Accrual Provision</i>	(62,466)	(3,532)
<i>Fringe Benefits Tax</i>	10,585	15,400
<i>Motor Vehicles - Fuel</i>	53,468	46,358
<i>Motor Vehicles - Leases &amp; Repairs</i>	108,000	142,452
<i>Repairs &amp; Maintenance - Buildings</i>	8,842	32,672
<i>Repairs &amp; Maintenance - Plant</i>	6,407	8,816
<i>Repairs &amp; Maintenance - Computers</i>	22,798	21,059
<i>cont'd...</i>		

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

**NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 30 JUNE 2012**

	<b>2012</b>	<b>2011</b>
	<b>\$</b>	<b>\$</b>
<b>19 Expenditure (cont'd)</b>		
<i>Depreciation - Furniture, Plant &amp; Equip</i>	99,607	38,487
<i>Depreciation - Motor Vehicles</i>	30,437	24,633
<i>Depreciation - Buildings</i>	42,081	18,658
<i>Audit Fees</i>	10,430	9,600
<i>Equipment Hire</i>	4,254	6,539
<i>Outside Briefs</i>	509,963	432,957
<i>Expensive Indigenous Legal Cases</i>	23,440	103,915
<i>Bank Charges</i>	2,582	2,018
<i>Cleaning</i>	40,999	35,735
<i>Insurance</i>	48,121	25,790
<i>Directors Meeting Expenses</i>	1,755	1,360
<i>Other Meeting Expenses</i>	34,403	37,883
<i>Postage</i>	17,406	14,196
<i>Rates</i>	10,174	12,873
<i>Rent</i>	59,369	57,169
<i>Telephone</i>	87,854	75,447
<i>Staff Training</i>	41,198	6,752
<i>Library Expense</i>	21,321	20,500
<i>Security</i>	7,833	7,226
<i>Storage</i>	6,972	7,291
<i>Staff Amenities</i>	3,620	7,305
<i>Recruitment Advertising</i>	2,571	13,557
<i>Practicing Certificates</i>	3,701	4,660
<i>Subscriptions</i>	15,282	11,397
<i>Emergency Relief</i>	10,251	15,045
<i>Sundries &amp; Special Projects</i>	58,551	255,885
<i>Electricity &amp; Gas</i>	36,850	18,874
<i>Printing &amp; Stationery</i>	47,370	31,315
<i>Travel</i>	204,948	246,796
<i>Current Liability Carried Forward</i>	12,000	143,870
 <b>TOTAL EXPENSES</b>	<b>4,250,087</b>	<b>4,308,498</b>
 <i>Operating Surplus/-Deficit Before Income Tax</i>	<i>(140,137)</i>	<i>219,406</i>

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

**DIRECTORS' DECLARATION**

The Board of Directors' of Victorian Aboriginal Legal Service Co-operative Limited declare that the financial statements and notes:

1. accord with the Co-operatives Act 1996;
2. comply with Australian Accounting Standards; and
3. give a true and fair view of the financial position of the co-operative as at 30 June 2012 and of the performance for the year ended on that date of the cooperative.

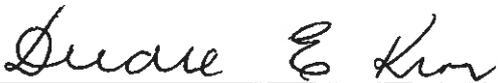
In the directors' opinion there are reasonable grounds to believe that the Co-operative will be able to pay its debts as and when they become due and payable.

This statement is made in accordance with a resolution of the Board of Directors and signed on behalf of the Directors by:

**Dated on: 14th day of September 2012**



Director



Director

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

**INDEPENDENT AUDITOR'S REPORT  
TO THE MEMBERS OF VICTORIAN ABORIGINAL LEGAL SERVICE  
CO-OPERATIVE LIMITED**

**Report on the Financial Statements**

I have audited the accompanying financial statements of Victorian Aboriginal Legal Service Co-operative Limited which comprises the Statement of Financial Position as at 30 June 2012, and the Statement of Comprehensive Income, statement of changes in equity and statement of cash flows for the year ended on that date, a summary of significant accounting policies and other explanatory notes and the director's declaration.

**Director's Responsibility for the Financial Statements**

The directors of the co-operative are responsible for the preparation and fair presentation of the financial statements in accordance with Australian Accounting Standards (including the Australian Accounting Interpretations) and the Corporations Act 2001. This responsibility includes establishing and maintaining internal control relevant to the preparation and fair presentation of the financial statements that are free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

**Auditors' Responsibility**

My responsibility is to express an opinion on the financial statements based on my audit. I conducted my audit in accordance with Australian Auditing Standards. These Auditing Standards require that I comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditors' judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditors consider internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the director, as well as evaluating the overall presentation of the financial statements.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

**Independence**

In conducting my audit, I have complied with the independence requirements of the Corporations Act 2001. I confirm that the independence declaration required by the Corporations Act 2001, provided to your directors and included in the financial statements, would be in the same terms if provided to the director as at the date of this auditors' report.

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

**Auditors' Opinion**

In my opinion:

1. The accompanying financial statements, being the statement of comprehensive income, statement of financial position, statement of cash flows, statement of changes in equity and notes to the financial statements are properly drawn up in accordance with the provisions of the Co-operatives Act 1996 including:

(a) giving a true and fair view of:

- the state of affairs of the co-operative as at 30th June 2012 and the results and cash flows of the Co-operative for year ended on that date; and

- the other matters required by Section 238 of the Co-operatives Act 1996 to be dealt with in the financial statements; and

(b) complying with the Australian Accounting Standards and the Cooperatives Regulations 1997.

2. The accounting records and other supporting records and the registers required to be kept by the Co-operative under the Act, have been properly kept in accordance with the provisions of that Act.

3. I have been given all information, explanations and assistance for the conduct of the audit.

**Dated at Frankston, 14th day of September 2012**



**Eric Townsend ACA**

Registered Auditor 8400

35 Mereweather Avenue  
FRANKSTON Vic 3199  
Phone: 9781 4666