

Victorian Aboriginal Legal Service Co-operative Ltd

Newsletter Jan-Feb 2007



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Staff Update

VALS congratulates Zion Walker-Nthenda on her pregnancy. VALS congratulates Greta Clarke (formerly Jubb) on her marriage.

Board of Directors Update

VALS extends condolences to Director Deidre King who lost her house in a fire. If you also experience the personal hardship of having your principal place of residence affected by a disaster or emergency, or where an evacuation has been required, you can receive assistance from the Department of Human Services (DHS). The DHS makes the following grants available: emergency, temporary living expenses and re-establishment.

Civil Law Update

An Indigenous Australian man has commenced a County Court Writ for damages against the State of Victoria and 5 police officers for the injuries received during his arrest during 2004. VALS is acting for him and being assisted by the Aboriginal Legal Service [NSW/ACT] Limited.

Criminal Law Update

In January a VALS' client received a good result. The client was found not guilty due to self defence. The context of the case was that the client was the only person charged out of 8 people and he was the only Aboriginal person in the group.

Community Legal Education Update

VALS Community Legal Education Officer, Loretta O'Neill and other VALS' staff, attended the Yalukit Wilam Ngargee: People Place Gathering on 3rd February. This is a Koorie event involving Koori artists and information stalls. Some VALS' solicitors were available to provide legal assistance. Loretta also attended the St Kilda Festival on 10 February 2007.



Left to Right: Robin Inglis (Executive Officer- Research, Planning and Development Unit, Loretta O'Neill (Community Legal Education Worker).

Research Update: Graffiti Prevention Bill Exposure Draft 2007

VALS has prepared a submission in response to the Graffiti Prevention Bill Exposure Draft 2007. VALS is critical of the dominant zero tolerance methodology in the Bill. For instance, the Bill extends the scope of police searches of young people, introduces higher penalties, shifts the focus from people who do graffiti to people who *might* do graffiti and redefines all young people who chrome as offenders. More punitive sentencing disproportionately affects people on low incomes, early school leavers, people with mental health problems and Indigenous Australians.

The Exposure Draft provides no evidence to suggest that any objectives, such as reduce the incidence of graffiti in Victoria, will be achieved and in fact there is considerable evidence to the contrary. VALS argues that evidence shows that more punitive sentences have no effect or negligible effect on crime rates and recidivism. Also, "Research into public opinion and sentencing consistently finds that the more information that is provided to respondents the less punitive are their responses..." (Frieberg, Pg 80, 2001). Failure to provide more information about this issue in the Exposure Draft can be seen as encouragement to adopt a more punitive approach to graffiti. VALS also identifies failure to learn from the Queensland experience of zero tolerance in 1997, resulting in the incidence of graffiti remaining the same, if not worse than that in comparable jurisdictions in 2003.

VALS believe the Exposure Draft proposal is poorly thought through and relies on false assumptions. The proposed Exposure Draft is not supported by VALS.

Death in Custody

VALS welcomes the decision to lay manslaughter charges against Senior Sergeant Hurley for the death of an Indigenous Australian in custody. However, the road to this outcome was rocky and VALS expresses concern over this. For instance, despite the Queensland Coroner finding that the Senior Sergeant landed the blows which killed Mr. Doomadgee on Palm Island in 2004 the Director of Public Prosecutions declined to prosecute on the basis of insufficient evidence. It was only after the Queensland Government sought independent advice from former NSW Chief Justice Sir Laurence Street that a prosecution resulted. VALS argues that Aboriginal deaths in custody should be taken seriously and the recommendations of the Royal Commission into Aboriginal Deaths in Custody (1991) be implemented Australia-wide.

NAIDOC Award and Poster Competition

To nominate someone for a NAIDOC award (entries close 18 April 2007), or to enter the Poster Competition (entries close 30 March 2007), visit www.naidoc.org.au and download the relevant forms.

Contact Details

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