

# Victorian Aboriginal Legal Service Co-operative Ltd

## Newsletter April 2005



24 Hour Legal Service  
6 Alexandra Parade or PO Box 218  
Fitzroy Vic 3065  
1800 064 865 or 9419 3888  
vals@vals.org.au  
www.vals.org.au

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### Staffing Update

VALS thanks Justin Downing for his contribution as Client Service Officer in the metropolitan region for three years and VALS welcomes Henry Button to the position of Client Service Officer in the metropolitan region.

### Update: Tendering of legal services for Indigenous Australians

It was announced on 1 April 2005 that the Victorian Aboriginal Legal Service Co-operative Limited (VALS) won the tender to provide legal services for Indigenous Australians in the State of Victoria. Please stay tuned for the following before 1 July 2005 when VALS' contract with the Attorney-General's Department to provide legal services for Indigenous Australians comes into effect:

- Information Sheet about means testing to inform the Indigenous Australian community about what means testing involves.
- Community meeting about means testing.

Congratulations to the Aboriginal Legal Service of Western Australia on winning the tender to provide legal services for Indigenous Australians in Western Australia, which was announced on 14 April 2005.

### Civil Law: Unsuccessful Outcome of Case against a Tattooist for perpetrating Discrimination.

VALS did not receive a favourable Decision on 15 April 2005 in a test case that was presented before the Victorian Civil and Administrative Tribunal (VCAT) Anti-Discrimination List on 15 February 2005.

The case related to a complaint against a tattooist business that refused to provide a tattoo service to an Indigenous Australian on the grounds that he was HIV positive and disclosed his condition to a tattooist. The case revolved around the interpretation of Section 80(1)(a) of the Equal Opportunity Act 1995 which states that "...a person may discriminate against another person on the basis of impairment or physical features if discrimination is reasonably necessary to protect the health or safety of any person or the public generally..." VALS was unsuccessful in its argument that the tattooist acted in a discriminatory manner on the basis of impairment in refusing to provide a service. His Honour Justice Stuart Morris found that the complaint was not proven and ordered that the complaint be dismissed.

VALS has received advice from the Barrister briefed in the matter not to appeal the VCAT decision.

VALS Civil Law Solicitor, Mike Zaccaro, is concerned by the VCAT decision. The facts of the case highlight the lack of legislation to control the tattoo industry, and other cosmetic industries, for the protection of service providers and the public. Legislation should be enacted that is similar to the Department of Human Services Guidelines for Personal Care and Body Art Industries (Guidelines).

The Guidelines provide guidance on registration, training in first aid and safety precautions (wearing of rubber gloves, safety glasses etc). It appears that practice and the VCAT finding is out of step with the guidelines. Local Government is responsible for ensuring compliance with the guidelines and the quality of local Government monitoring is questionable. The guidelines appear to operate on the premise that the industry involves risk and therefore the same precautions should be taken whether or not a client has a medical condition or not. In contrast, the VCAT finding suggests that a tattooist may refuse to provide a service to a client who discloses a medical condition and VALS argues that this may act as a disincentive for clients to declare their medical condition. It is preferable that the guidelines are followed for the protection of both the service provider and client, rather than services be denied allegedly on a discriminatory basis. A client is placed at risk if a tattooist does not comply with the guidelines and has a medical condition that is not disclosed as the client cannot make an informed decision whether to accept the services of a tattooist.

### **Family Violence - Training on Intervention Orders**

Training on the Magistrates' Court (Family Violence) Act 2004 which came into effect on 1 April 2005 is available to Community Legal Centre staff. Training is also available to workers outside Community Legal Centres who will be placed on a waiting list and can attend subject to capacity. The details are as follows:

- When: 25 May from 1.30pm to 3.30pm.
- Where: Federation of Community Legal Centres (FCLC) at Suite 11, 1st Floor, 54 Victoria St (Trades Hall) Carlton South.

For further information contact Sarah Nicholson (FCLC Policy Officer) on 9654 2204.

## **COMMUNITY LEGAL EDUCATION**

### **Share the Knowledge Day**

VALS Community Legal Education Officer, Loretta O'Neill, attended *Share the Knowledge Day* on 24 February 2005 in Drouin. The next *Share the Knowledge Day* is in Morwell on 20 May 2005. *Share the Knowledge Day* is an opportunity to find out information about service providers. For further information contact Loretta O'Neill on 9419 3888.

**(Karen Boon, Morwell Client Service Officer and Loretta O'Neill, Community Legal Education Officer)**



## **Job Fairs**

VALS Community Legal Education Officer attended the Portland and Warranambool Job Fairs on 28 April 2005. Job Fairs, hosted by the Department of Justice, provide a good opportunity to find out about employment or career paths. Details of further Job Fairs are as follows.

- **Ballarat:** 25th May 2005 from 10.00am to 2.30pm at Ballarat Learning Exchange, 36 Camp Street.
- **Shepparton:** 1st June 2005 from 10.00am to 2.00pm at Eastbank Centre, Welsford St, Shepparton.
- **Mildura:** 8th June 2005 from 10.00am to 2.00pm at Mildura KODE.

For further information contact Traci McCormick on 9651 7435 or send an email to [Traci.McCormick@justice.vic.gov.au](mailto:Traci.McCormick@justice.vic.gov.au).

## **RESEARCH**

VALS sent a submission to the Department of Employment and Work Place Relations in response to the: *CDEP Discussion Paper 20005 – Building on Success* on 8 April 2005. The submission is available at [www.vals.org.au](http://www.vals.org.au).

VALS staff contributed to a submission that was sent to the Equal Opportunity Commission of Victoria in April 2005. The submission calls for a review of systemic discrimination against women in the prison system. For further information ring the following media contacts: Jiselle Hanna (Federation of Community Legal Centres) on 0411 054 859 or Kate Colvin (Victoria Council of Social Service) on 0418 103 292.

## **Contact Details**

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