

# Victorian Aboriginal Legal Service Co-operative Ltd

## Newsletter June 2005



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### Staff Update

VALS thanks Ray Clarke for his contribution to VALS. Ray left the position of Client Service Officer in the Mildura region in June 2005.

### Income and Assets Assessment (Means Test)

The Commonwealth Government requires VALS to means test clients and on 1 July 2005 VALS will introduce an Income and Assets Assessment. This is despite the Government piloting the means testing of clients of Aboriginal and Torres Strait Islander Legal Services (ATSILS) and finding that means testing of ATSILS clients is not cost effective.

VALS will ask people who are seeking legal casework assistance questions about their financial situation. VALS will assess the answers to the questions and decide if:

- A person's income and assets are low enough that they should qualify for free casework assistance
- A person should make a financial contribution to VALS for the assistance they receive from VALS.
- The level of a person's income and assets are too high for them to receive any case work assistance from VALS.

All potential clients are required to fill out Form A (Short Assessment Form). Form A asks three simple questions and if a person answers **yes** to any of the three questions they will pass the means test. If a person's gross (total including tax) personal income is less than \$46,000.00, they receive CDEP or Centrelink payments, or are under 18 years of age they will be eligible for free casework assistance and do not have to fill out Form B (Long Assessment Form). Only people who answer **no** to all of the three questions in Form A are required to complete Form B.

Form B asks more detailed questions about a person's financial situation (ie: income, assets and expenditure) and the financial situation of 'other people' (ie: family, friends etc) who may be able to help pay their legal fees. Form B asks questions about regular payments (ie: payments that a person makes or receives routinely, such as weekly, fortnightly or monthly payments). Form B asks questions about occasional payments (ie: one-off payments that a person makes or receives, such as a compensation payment or a lottery win) that are irregular and cannot be predicted.

## **Indigenous Legal Services Announced For Queensland**

On 10 June 2005 Attorney-General Philip Ruddock announced the two successful tenderers for the provision of legal services for Indigenous Australians in Queensland. VALS congratulates the Aboriginal and Torres Strait Islander Corporation (QEA) for Legal Services, which has been awarded the contract for the Southern zone. VALS also congratulate Townsville Aboriginal and Torres Strait Islander Community Legal Services which won the contract for the Northern zone.

## **Research, Planning and Development Unit**

VALS received a letter from the Commonwealth Attorney-General's Department on 28 June 2005 advising that VALS' application for continued funding for the Research, Planning and Development Unit (Unit) had been approved. VALS welcomes this continued funding and thanks members of the Unit who have continued their work under trying circumstances.

## **Civil Law: Discrimination in schools**

VALS is aware of an incident where a ten year old Indigenous Australian boy had a knife held to his throat by a fellow student at a school. Neither the school, nor the Department of Education, handled the matter appropriately, the school describing the incident in a newsletter as a practical joke gone wrong. On 23 June 2005 a Mediation Conference occurred at the Victorian Civil and Administrative Tribunal in relation to this matter. The VALS client, VALS Civil Law Solicitor (Mike Zaccaro) School, Barrister (Maureen Daly), Principal and Vice Principal of the school and Education Officer (Department of Education and Training) were in attendance. VALS is pleased to announce that the Complaints were settled on favourable terms. The terms of the settlement are confidential.

## **Won Wron: Indigenous Adult Residential Diversion Program**

In 2004, Corrections Victoria announced plans to develop an Indigenous Adult Residential Diversion Program (Residential Centre) at Mount Teneriffe. Some members of the local community, Indigenous Australian and non-Indigenous Australian, expressed opposition to the planned location of the Residential Centre. As a result, Corrections Victoria announced in April 2005 that the Residential Centre will be developed at the former Won Wron prison site. Up to 20 Indigenous Australian men will be accommodated on a voluntary basis at the Residential Centre at any one time, where they will receive rehabilitative support while working, training and learning life skills. On 29 June 2005 rumblings became apparent in a local paper that the Yarram community is not happy about the proposed Residential Centre at Won Wron, so watch this space.

## **Family Violence Court**

The Family Violence Court (FVC), a Division of the Magistrates' Court of Victoria, opened on 14 June 2005 in Heidelberg and on 15 June 2005 in Ballarat. The FVC specialises in hearing family violence cases. The FVC can order that a perpetrator of family violence undergo the Mandated Men's Behavioural Change Program.

In principle, the FVC has the potential to serve the needs of the Indigenous Australian com-

munity. However, VALS has been disappointed with the progress of the Department of Justice (DOJ) and the Magistrates' Court in responding to the needs of Indigenous Australians who will use the FVC. Having said this, we acknowledge that recent events have been positive, such as the Department of Justice agreeing to provide an Indigenous Australian specific publication about the FVC.

VALS past criticisms of the FVC have been that:

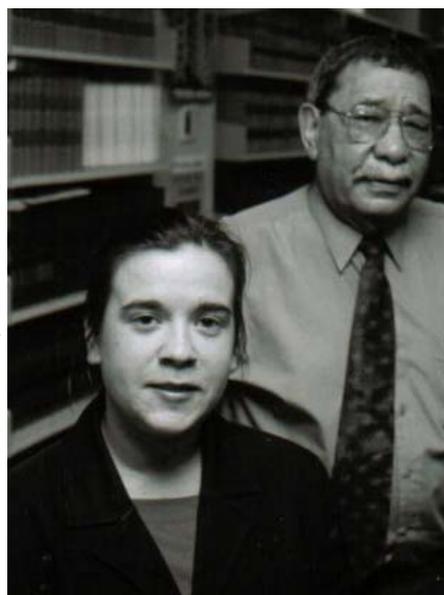
- The FVC has been conceptualised as a mainstream pilot with no Indigenous Australian specific resourcing.
- The FVC is likely to place increased burden on the limited services assisting Indigenous Australians experiencing family violence that are already over-burdened. In particular, there is a lack of specific Indigenous Australian men's services.
- The Regional Aboriginal Justice Advisory Committees, nor the broader Indigenous Australian community, were consulted on the FVC. The Indigenous Australian community took the initiative to engage with the DOJ in relation to the Training Needs Analysis Report rather than the other way around.
- The tight time deadlines surrounding the FVC have meant that Indigenous Australian's attempts to influence the FVC prior to the Court opening or immediately after its opening have been undermined.

VALS will continue to engage with the DOJ and Magistrates' Court to ensure that Indigenous Australians' experience of the FVC is positive.

### **Aboriginal Justice Agreement 'Indigenous Community Justice Awards'**

27 May 2005 the Aboriginal Justice Agreement 'Indigenous Community Justice Awards' were awarded. A photographic exhibition of initiatives in justice was unveiled at the Awards Ceremony and the VALS Indigenous Women's Justice Forum (IWJF) was featured in the exhibition.

**Photo displayed at exhibition: Frank Guivarra (Chief Executive Officer) Greta Jubb (Research Officer) who were involved in the IWJF in March 2005.**



Congratulations to the following recipients of awards:

Indigenous Australian	Non-Indigenous Australian
<ul style="list-style-type: none"> <li>• Koori Court Elders Warrnambool Koori Court;</li> <li>• Madge Siely;</li> <li>• Larry Kanoa;</li> <li>• Gary Watkins;</li> <li>• Lillian Pettit;</li> <li>• Lyn Killeen and Rodney Monahan;</li> <li>• Aaron Clark;</li> <li>• Alf Bamblett;</li> <li>• Uncle Colin Walker;</li> <li>• Andrew Jackomos.</li> </ul>	<ul style="list-style-type: none"> <li>• Sergeant Phillip Maxsted of Victoria Police;</li> <li>• Bob Stephenson;</li> <li>• Josephine Coad;</li> <li>• Dallas Terlich;</li> <li>• Chris Tsivoglov;</li> <li>• Sergeant Greg Chandler;</li> <li>• Magistrate Ann Collins.</li> </ul>

## **UPCOMING EVENTS**

### **Human Rights Consultation**

The Victorian Government is engaged in a consultation process on the topics of human rights protection mechanisms. VALS has organised a meeting to discuss how to protect the rights of Indigenous Australians in Victoria and all are welcome to attend. The details are as follows:

- When: 10 August 2005 from 10.30am to 1.30pm. Please come at 10.30 to register and have some morning tea. The meeting will officially start at 11.00am.
- Where: Aborigines Advancement League (2 Watt Street, Thornbury).

Featuring:

Frank Guivarra (VALS Chief Executive Officer) and Larissa Behrendt (Aboriginal lawyer from Sydney who was involved in the ACT human rights consultation process).

Please RSVP to Greta Jubb on 9419 3888 by Thursday 4 August 2005.

### **Victorian Indigenous Youth Advisory Council**

The Victorian Indigenous Youth Advisory Council (VIYAC) is calling for Regional Representatives for 2005. VIYAC will facilitate the voice of young Indigenous Victorians on issues that affect them, through a Statewide youth committee. Please contact Jade Colgan, State Coordinator on (03) 9612 8919 or [viyac@yacvic.org.au](mailto:viyac@yacvic.org.au). Entries close late July/early August 2005.

### **Consultation on Indigenous Representation:**

From 1 July 2005 ATSIC Regional Councils will cease to exist and there will be no formal representative structure for Indigenous Australians in Victoria. A State Government working party led by Troy Austin, former Victorian ATSIC Commissioner, is conducting consultations on developing a new Indigenous Australian representative model. The consultations commenced on 14 June and will finish on 8 September 2005. In July 2005 the following areas will be visited: Sale, Morwell, Portland, Heywood, Warrnambool, Horsham, Geelong, Ballarat. For more information contact Troy Austin on 9208 3261 or 0408 569 508 or Darren Smith on 9208 3247.

### **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.