

Victorian Aboriginal Legal Service Co-operative Ltd

Newsletter May 2005



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Staff Update

VALS wishes to thank Samantha Brown for her contribution to servicing our clients and wish her luck for the future. Samantha was a Criminal Law Solicitor for the Hume region for two and a half years. Samantha is moving to the United States of America.

Means Testing

As you may be aware, the Attorney-General's Department tendered out legal services for Indigenous Australians and the Victorian Aboriginal Legal Service (VALS) was successful in this process, being awarded a three year contract on 1 April 2005. The contract comes into effect on 1 July 2005 and with that some changes will occur to VALS, including the introduction of means testing of clients.

Legal Aid Funding by the Commonwealth Government

VALS welcomes the announcement that the Commonwealth Government will provide \$599 million to Legal Aid Commissions across Australia over the next four years. However, VALS is concerned that funding will increase by 3% in Victoria only. This means funding will return to the amount provided in 1991 only. Also, it is unfortunate that the restriction still applies that Commonwealth money can only be spent on Commonwealth law matters.

VALS is concerned that inadequate funding formulas have meant that funding has remained static in Victoria since 1998. In contrast, over the last five years the Commonwealth has increased funding nationally to legal aid by 45%. Over the last five years the Commonwealth has increased funding by 73% in New South Wales, by 58% in Western Australian and by 35% in South Australia.

Koori Court

The Koori Court is a specialist Division of the Magistrates' Court and located at Broadmeadows, Shepparton and Warrnambool. The Koori Court was created in 2002 and sentences Indigenous Australians Defendants who have pleaded guilty. The Koori Court provides an informal atmosphere, such as all parties are seated at a table. The Koori Court is culturally sensitive and meaningful to Koori Defendants as the Indigenous Australian community, such as Koori Elders or Respected Persons, are involved in the

Koori Court. The Koori Court Evaluation Report will be released shortly. There is anecdotal evidence about the success of the Koori Court in reducing re-offending rates amongst the Indigenous Australian community.

The Koori Court is being rolled out in Mildura. Between 20 April and 22 April 2005 VALS Criminal Law Solicitor, Jill Prior, attended cultural awareness training, a forum and a Reference Group meeting in preparation for the Mildura Koori Court. Jill also attended Moot Koori Courts which involved holding practice Koori Court hearings. Myra Grinta has been appointed Aboriginal Justice Officer (commencing 8 July 2005). The Attorney General will launch the Mildura Koori Court on Tuesday 12 July 2005 and the first sitting will be on Wednesday 13 July 2005.

On 22 April 2005 a documentary on Victoria's Koori Courts, in particular

Broadmeadows Koori Court, was aired on ABC Message Stick. The documentary featured interviews with VALS Chief Executive Officer, Frank Guivarra and Jill Prior. For further information go to <http://www.abc.net.au/message>.

Law Week

VALS took part in Law Week (15-21 May 2005) celebrations. On 20 May 2005 approximately thirty people attended VALS for an afternoon tea. The afternoon tea was a success and a great networking opportunity. The people who attended ranged from Indigenous Australian law students, Magistrates, Koori Court Elders, Barristers, Solicitors and members of Victoria Police, Community Legal Centres and Government and non-Government agencies. Stay tuned for future networking opportunities organised by VALS.



Daniel Briggs (Indigenous Unit Court Services Department of Justice) with Mutual Respect Painting displayed at Shepparton Koori Court.



Clockwise starting at centre: Des Morgan (VALS Board Member), The Honourable Dan Muling (Deputy Chief Magistrate), Mildura Police Officer, Daniel Briggs, Myra Grinta (Mildura Koori Court-Aboriginal Justice Officer) and Terrie Stewart (Broadmeadows Koori Court – Aboriginal Justice Officer),

Civil Law: Discrimination in Schools

VALS Civil Law Solicitor, Mike Zaccaro, has noticed a trend where Koorie students are being discriminated against, bullied, assaulted, and victimised in schools, particularly in country areas. Mike has two cases presently before the Victorian Civil and Administrative Tribunal for determination which involve these issues. Mike argues that the handling, by schools and the Department of Education and Training, of allegations of discrimination, bullying, assaults, and victimisation is unsatisfactory. Victimisation and bullying at schools potentially leads to assaults (criminal acts) or self-defence. Unfortunately, self-defence in response to actions of a protagonist has been and is being misinterpreted by school staff. As a result victims of bullying are being suspended, expelled, treated less favourably or their allegations are being dismissed. The Equal Opportunity Act (1995) is not being enforced in schools to protect students and permit students to attain their full academic potential.

Indigenous Australian students have rights and remedies at law and it is essential for parents of distressed students to seek legal advice from VALS as soon as possible rather than confront school staff directly. Often it appears that when parents approach school staff in a distressed or aggressive manner unnecessary complications arise. For instance, parents are banned from the school grounds, charged with trespassing and often have no choice but to withdraw their child or children from the school.

Family Violence Court

The Family Violence Court is opening on 15 June 2005 at Heidelberg and Ballarat Magistrates' Court. On 2 May 2005 members of the Indigenous Australian community met with Maria Dimopolous, a consultant engaged by the Department of Justice to perform a Training Needs Analysis for the Family Violence Courts. Community members raised the issue that Indigenous Australians have not been consulted on the training needs of Family Violence Court staff and officials. It was also argued that there is need for cultural awareness training and a need to involve Indigenous Australians in this process. Such arguments were also raised in VALS response to the Training Needs Analysis Report sent to the Department of Justice on 20 May 2005.

There will be information sessions on the Family Violence Court that target services, advocates and community organisations working with Indigenous Australians in June 2005. The details are as follows:

- **Ballarat:** 9 June 2005 from 2.00pm to 3.30pm at Ballarat Magistrates' Court (100 Grenville Street South, Ballarat).
- **Heidelberg:** 10 June 2005 from 2.00pm to 3.30pm at Heidelberg Magistrates' Court (Jika Street Heidelberg).

To RSVP or request further information contact Sue Finucane on 9603 9483 or sue.finucane@justice.vic.gov.au. VALS urges members of the Indigenous Australian community to attend the above meetings. It is important to attend the meetings as this is the first opportunity to find out about the Family Violence Courts. Also, there has been limited consultation with the Indigenous Australians community on the Family Violence Courts and there will be some opportunity to voice your opinions.

EVENTS

- Reconciliation Week was from 26 May 2005 to 31 May 2005. National Sorry Day was from 2005 known as the National Day of Healing and took place on Thursday 26

2005. The name change came in recognition of the fact that the current Government will not give an apology to Indigenous Australians and addressing healing needs are a priority in order to achieve reconciliation. For information about events during Reconciliation Week go to <http://www.reconciliationvic.org.au> or call Greta Jubb (Research Officer).

- The Mabo Day Concert will take place on Friday 3 June from 7.00pm to 12.00am. The concert is in the new Ballroom at Trades Hall, cnr Victoria and Lygon Streets.

Office of Police Integrity

Brett Cunningham was appointed to the role of Aboriginal Liaison Officer for the Office of Police Integrity in April 2005. Brett was formerly the Aboriginal Liaison Officer for the Ombudsman Victoria. The Office of Police Integrity (OPI) was created in November 2004. OPI investigates police conduct, police corruption, police policies and procedures. OPI is completely separate from and independent of Victoria Police. Brett's contact details have not changed, so if you have a complaint against police or require any further information you can ring Brett on (03) 9613 6238 or 0439 080 747.

Community Legal Education

There will be *Keys for Community – Opening the Door to your Rights* (Keys for Community) sessions at Wodonga and Mooroopna in June 2005. The aim of Keys for Community is to provide information to and empower the community without causing information overload. It is also to visit communities on a regular basis in order to develop a relationship with them. The agencies involved in Keys for Community are as follows: Victorian Aboriginal Legal Service, Office of the Public Advocate, Energy and Water Ombudsman, Victorian Ombudsman, Consumer Affairs Victoria, and Dispute Settlement Centre

Listed below are tentative dates for sessions in June 2005:

- Thursday 16 June 2005: Mungabareena Aboriginal Corporation, Wodonga.
- Friday 17 June: Rumbalara Aboriginal Co-operative, Mooroopna.

To confirm that the visits are going ahead on these days or to request further information contact Loretta O'Neill (Community Legal Education Officer).

Research

On 3 May VALS sent a submission to Crime Prevention Victoria in response to: 'A Good Night for All'- Options for Improving Safety and Amenity in Inner City Entertainment Precincts Discussion Paper (2005). VALS argued that the proposed dispersal powers of police to move people on who are perceived to be anti-social could disproportionately impact Indigenous Australians.

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.