



Victorian Aboriginal Legal Service

Newsletter March 2003

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Return of the Newsletter

Yes, after a long absence, the VALS newsletter is back! It will come out at the beginning of every month. To include any notices in the newsletter, please contact Kate Hairsine on 9419 3888 or send to khairsine@vals.org.au

VALS Welcomes New Staff

Sharon Barnes is the Indigenous Women's Justice Forum Co-ordinator, a new position funded by the Department of Justice.

VALS has recently employed criminal solicitors for the Melbourne office, Urfa Masood and Samantha Brown.

Lauren Harris is returning as the Family Law Secretary.

Rycille Davis is currently organising the Annual General Meeting.

Best Wishes to Departing Staff

We wish to thank the following departing staff for the time and enthusiasm that they put into VALS - Clayton Ison, the Client Service Officer in Swan Hill; Beccy Pattinson, the Criminal Solicitor in Bairnsdale; and Greta Jubb, Legal Secretary, Melbourne.

Indigenous Women's Justice Forum

The IWJ forums provide a space for Indigenous women to explore justice issues affecting them such as family violence and access to adequate legal representation. The aim of the IWJ Forum is to link information about programs and services across communities and organisations. It also provides the opportunity to develop Indigenous community-controlled strategies to help resolve issues affecting women and their families. The Forum is an ongoing project with an Indigenous co-ordinator, Sharon Barnes. Four Forums will be held in 2003, with the first one being held on 12 March at Victorian Aboriginal Community Services Association Limited (VACSAL) from 9.30-2.00. Contact Sharon if you are interested in attending.

Be Strong. Use Your Rights Workshops

In 2002, the Shepparton Aboriginal Community together with the Community Legal Education Unit at VALS developed a kit *Be Strong. Use Your Rights*. The kit is about the options available to Indigenous people for making complaints about services, products and abuses such as racial discrimination. Jan Muir and Catie Pitman will be holding workshops around the kit in the community and schools throughout 2003. The kit was launched in Shepparton last year. The Metro launch is on 5 March at Namalaata Education Centre, 144 Westgarth St, Northcote at 12 noon. All are welcome.

Broadmeadows Koori Court Opens

The first metropolitan Koori Court opens in Broadmeadows on 4 March.

Stolen Generations Update

In October 2002, NSW woman Valerie Linlow became the first member of the Stolen Generation to receive compensation for the physical and sexual abuse she suffered after she was removed from her family. The compensation was awarded by the NSW Victim's Compensation Tribunal.

Canada Spends \$1.7 Billion on Indian Residential Schools, Cultural & Language Issues

Together with other organisations, VALS was invited to meet two Canadians who were visiting to find out how Stolen Generation issues were being dealt with in this country. They commented that many of the people they met were not very optimistic about Australia's progress in responding to recommendations in the "Bringing Them Home" report.

Similar to the situation in Australia, many Canadian Indigenous children were removed from their parents and families, and not allowed to speak their language, or practice their culture.

In 1991, the Canada government held a Royal Commission on Aboriginal Peoples. As a result of the Royal Commission, the Canadian government has started funding reconciliation and social healing services to the tune of about \$1.7 billion (Canadian).

Reparations (compensation) legislation has been implemented, and the court setting made less formal so that Indigenous people are not disadvantaged when they seek compensation. The Canadian government is also consulting with the indigenous community about how to help promote Indigenous language and culture. According to the two Canadians, the 1.7 billion expenditure had not all happened at once; the Indigenous people had to go through a lengthy process of trying to sensitise government bureaucrats. People also needed lots of time to tell their stories.

Police Cautioning in Victoria

Police statistic reveals that Indigenous young people are cautioned less than non-Indigenous young people. VALS has submitted a report called *Koori Young People, Diversion & Police Cautioning* to the Regional Aboriginal Justice Advisory Committee (RAJAC). The report outlines ways in which the cautioning process can be improved to allow more Indigenous young people to be diverted from the criminal justice system.

Sentencing & Corrections Issues

Prison populations the world over are generally increasing. This is also the case in Australia, where the prison population has increased by 50% in the last 10 years.

**Prison population rates
(per 100, 000 people)**

Country	1992	2002
United States	505	686*
Russia	487	628
Australia	81	151
England & Wales	90	135**
Finland	65	70

* Highest in the world

**Highest rate in Europe

In 1991, the Royal Commission into Deaths in Custody recommended that prison should be used as a last resort for Indigenous offenders. Despite this recommendation, the percentage of Indigenous prisoners has increase from 14% to 20% of the total prison population over the last decade.

Western Australia

W.A. currently has the highest Indigenous imprisonment rate in Australia. Yet recently the State government reduced its Indigenous prison population by 18%. This has been brought about by courts dismissing more charges, increased juvenile bail accommodation facilities, and greater use of suspended sentences and community orders and administrative changes. In an effort to further reduce imprisonment levels, the State government is currently introducing legislation which will see community orders and other alternatives used in place of sentences under 6 months.

Mandatory Sentencing laws are still in place in W.A. (they were abolished in the Northern Territory when the Labour government came to power in October 2001). 80% of juvenile offenders imprisoned under the Mandatory Sentencing laws are Indigenous. W.A.'s Labour government currently has no plans to dismantle Mandatory Sentencing.

Victoria

The Bracks government is attempting for the third time to introduce home detention. Home detention is where the home becomes the prison. The offender is fitted with an electronic security bracelet, and must stay at home 24 hours a day. An officer has the right to enter and search the home any time of the day and night.

Home detention does not make the community safer. If it is safe for a person under home detention to share a house with their family or friends, then it is also safe for this person to go out in the community. There is no evidence that the people who get home detention would otherwise go to jail. In NSW, 25% of women on home detention had no prior criminal record. In Victoria, these same women would be entitled to community based options.

Turning people's homes into prisons has a serious psychological impact on every adult and child in the house. Families should not be forced to cover up problems they are experiencing such as family violence because they don't want to risk their family member going to prison. A home should be a place of safety and privacy, not a prison.

For more information, contact Victorian Federation of Community Legal Centres on (03) 9391 2244, or 9363 1811.