

Victorian Aboriginal Legal Service Indigenous Women's Justice Forum

Minutes: Friday 26th March 2004 at VACCSAL

Present: Whitney Solomon (Reichstein Foundation), Traci McCormack (Dispute Settlement Centre), Linda Bamblett (VACCSAL), Paola Morabito-Tang (EOCV), Joanne Fletcher (Women's Legal Service), Anita Mobourne (Centrelink), Faye Boglis (Centrelink), Brett Cunningham & Poppy Fotiadis (Ombudsman Office), Barbara Wilson (Reichstein Foundation), Vicki Heal (Northern Family Violence Prevention Centre), Janice (Elizabeth Hoffmann House)

Apologise: Jan Muir (DHS Task Force), Antoinette Braybrook and Nerida Sutherland (Aboriginal Family Violence Prevention & Legal Service), Marie Murfet (Consumer Affairs – Indigenous, Unit), Catie Pitman (VACCHO), Melanie Fraser (Office of the Health Services Commissioner)

Chair: Melissa Morgan

Start: 10.10am - Round Table Introduction

Brett Cunningham and Poppy Fotiadis – Victoria Ombudsman Office

Brett started at the Ombudsman Office in May last year; he is the Aboriginal Investigation Officer. He investigates complaints about police, local council, state government department and statutory authorities. He has travelled to country regions and liaised with co-operative, police and community at a grassroots level.

Linda Bamblett asked Brett if he was involved with the Merritt case to which Brett stated that he only investigate when a complaint comes through Ethical Standards Department (ESD), the police can investigate but the Ombudsman's office will review that investigation. There was no official complaint; it came about from the media attention. He then suggested that the complainant call his office direct, young people are vulnerable and as soon as ESD take over the complainant seems to drop off the system due to the lack of faith they have in the system.

Poppy then went on to say that police often place more charges on a person who makes a complaint so she suggested that they ring their office first so they can investigate a complaint as 'informal' to avoid this.

Paola informed us that you can make a representative complaint; you don't have to do it on your own.

Poppy said that if it is an individual police member you can still make the complaint to Brett so that there is a record of the officer and when the Ombudsman has several complaints on that person they will take it to ESD e.g. 20 different complaints about a Senior Sargent at Reservoir police station.

Paola asked if there was a time limit to complaints in which Poppy replied that there was a one year limit but that does not mean that you still cannot complain as to do so with as much detail as possible so that the Ombudsman can see if it is consistent behaviour. As we said before we do not activate the complaint on the system because of the chance of

more charges being laid on the complainant. She also said it gives their solicitor time to negotiate the charges with the police.

Linda asked about the broader issues such as cautioning; Poppy then went on to say VALS wrote a policy paper on this issue and it was printed in the Ombudsman's Annual Report. She said the police need to take a look at their training especially verbal communication, handcuffing as it was totally out of date. She also stated that there was a big need for cross-cultural training.

Linda raised the point of Security Guards and Bouncers (Crowd Controllers) harassing people in public places. To which Brett informed us that they did not handle these complaints as there is a governing body called the Private Agents Registry which are police.

Poppy bought up the issue of youth hanging in public spaces saying that they are often harassed by police and SG/CCO as the owners don't want them hanging around but want them to buy from their business.

Poaloo then told us HEREOC QLD conference did not have Victoria on the agenda and that councils are enforcing by-laws for sober / dry areas in the city district when they know that Indigenous people drink in these places. Then they send SG/CCO's around to deal with them.

The issue of CJP was bought up but Melissa cut it short and said that Kate Buckeridge was coming in to discuss them as well as other thing.

Melissa showed the participants a copy of the Bill Barker book titled 'Getting the Government to Listen – A guide to International Human Rights System for Indigenous Australian' she informed them that VALS had some copies and that if anyone was interested to tell her and she will forward a copy.

A five minute break was called.

Claire Grealy – Urbis JHD National Framework for Sexual Assault Prevention Indigenous Focus Group

Claire Grealy is a consultant from Urbis Key Young which is a social planning / policy firm. Claire and her colleagues were asked to put together National Framework to Combat Sexual Assault (NICSA). The initiative aims to prevent and reduce sexual assault through the sharing of best practice across jurisdictions and agencies, the establishment of comprehensive evidence based to inform further policy development, and the promotion of community awareness.

There will be 23 meeting around the Nation in which the IWJF was asked to participate in a focus group for Indigenous Consultation. Information channels are face to face discussions, email, meeting, networks, forums and committee such as RAJAC.

Context of the discussion will be based on the literature found which provides the following picture of sexual assault experienced by Indigenous women.

- Rates of sexual assault of Aboriginal women was 251 in 100,000 compared to 101 in every 100,000 of NSW women as a whole.
- Statistical data highlights that Indigenous people experience significantly higher levels of violence as victims, witnesses and perpetrators, than the non-Indigenous population.
- Aboriginal women are more than 45 times more likely to be a victim of domestic violence than non Aboriginal people.
- Indigenous people are 8.1 times more likely to be homicide victims than non-Indigenous people.

- Violence as a cause of hospitalisation for young people between the ages of 15 and 24 is recorded at a rate of 2.7 times higher for non-Indigenous males, and 15 times higher for Indigenous than non-Indigenous women.

Claire then asked the participants to split into three groups to discuss Points of Intervention: Where to focus. She mentioned that there are 3 options in which they will focus their efforts; Primary prevention, Secondary prevention and Tertiary prevention. Claire wanted to gather our thoughts on what are the messages that could be delivered to men and women, who should they be targeted at and who could be the champion leaders in these messages. We then brought the discussion back to the group.

Given the time frame we were not able to complete the whole discussion paper but Claire was interested in feedback on a later date if anyone wanted to add to their comments. I am unable to record the conversation as it will be published at a later date.

5 minute break was called.

Aunty Joy Murphy, Dr Mark Rose and Antoinette Gentile – Victorian Implementation Review of the Recommendations from the Royal Commission into Aboriginal Deaths in custody Final Report 1991.

Aunty Joy started off with paying her respects to the elders and land owners.

Aunty Joy explained that she is a co-chair of the review with Mark and Antoinette is the primary staff member. They have 6 months funding to complete the review which will be handed in on 30th June 2004.

She also stated that there are 339 recommendations to be reviewed state-wide, consulting with individuals, community groups, and government and community organisations. The Attorney-General wrote a letter for them so that visiting government departments they had an open door policy to overcome barriers which would usually make it difficult to access areas and information, this has been very beneficial.

They have set up an 1800 number for people who wish to make additional comments or just to listen to the recommendation. This number will be available to people in prisons, along with a CD Rom containing the discussion paper.

They have visited prisons including the Dame Phyllis Frost Centre in which we had a discussion but that I cannot record it in these minutes as it is not for public eyes as of yet. What I can say is that Aunty Joy Murphy encouraged the women at forum to visit the prisons or even to become an Aboriginal Official Prison Visitor.

There was mention of a HEREOC Forum on Post Release on the 28th April 10am – 2pm and if interested in attending contact Paola or Jeanette on 9281 7111 or 9281 9709.

Julie Phillips – Anti Discrimination Community Working Group

This working group came about because of a complaint lodged 2 years ago by Julie and the inadequacies in working through the system. She would like to see a change as the process is far from perfect and very frustrating for a person making a complaint she also stated that the system in its current state was not culturally appropriate.

Paola agreed that the system is far from perfect and informed us that the position of an Indigenous worker within the EOCV was a difficult one as they were there for advice and referral only. They encouraged their clients to use their rights and then have to hand them over to a non-Indigenous worker which leads the complainant to get lost in the system. A complaint is put in and lodged, then investigated and usually the outcome is mediation which is a disadvantage to the Indigenous community, therefore she recommends community based mediation.

Julie's complaint will be going to VCAT in June it was suggested that community turn up for support and rally together to voice their dissatisfaction. She also encouraged community to attend the local anti discrimination working group so that pressure can be put on the EOCV so that changes can be made and future complaints will be resolved fairly and the Indigenous community don't get lost in the system. Attached is some minutes of the working group and I encourage all community members to attend these meetings.

Kate Buckeridge – Victoria Police Aboriginal Advisory Unit

Kate has been the manager of the unit for 18 months and has 4 staff members; the unit was partly set up by need and the Royal Commission. The AVU has had the same funding for 15 years.

Bits and pieces happening at the moment such as Aboriginal Community Liaison Officer (ACLO) which are sworn members whose job it will be to network with the community, there will be 40 around Victoria. They have received a stack of proposals keen to start the Community Justice Panels (CJP) they have advertised a review of the CJP in the Koori Mail. They are also seeking funding for a call out Register, VALS has asked for an audit in the delay of notifications.

Victoria Police have an Aboriginal Policy reference group in which Frank Guivarra (VALS CEO) sits on. Victoria Police are looking to community every step of the way especially after the Redfern incident. Another issue being looked into is capsicum spray as it seems to be used more on Indigenous people i.e. in Mildura 20% of everybody that is sprayed is Indigenous but they do not make up 20% of the population.

There is re-structuring currently taking place at Victoria Police and the department they work within which should take place shortly.

For information on any contact Kate Buckeridge on 9247 5246.