



# Victorian Aboriginal Legal Service Incorporated

## Newsletter January 2004

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### Happy New Year

VALS would like to wish everyone a Happy New Year and we look forward to the challenges of 2004.

### Staffing Updates

Bradley Boon replaces Catie Pitman as the new Community Legal Education officer. Brad is a Kurnai man from Moe, who has lived in Melbourne since 1995. Since 2001, Brad has been employed at VALS as a Client Service Officer. Previously, he worked for Telstra as a Communications Officer and as a Mental Health worker at the Victorian Aboriginal Health Service. Brad studies music part-time at Kangan TAFE, as well as doing the Koori Leadership course with VACSAL and RMIT. In his spare time, Brad is the drummer in the band *The Grenadines*.

This month VALS farewells Kimberley Bott who started at VALS in November 2001 as a Criminal Solicitor based in Melbourne and says that she thoroughly enjoyed her time at VALS. Kim has resigned and is escaping to Darwin. Her enthusiasm and dedication will be greatly missed.

### Defences to Homicide Submission

VALS recently made a submission to the Victorian Law Reform Commission regarding their *Defences to Homicide Options Paper*. After attending a series of workshops and round table meetings VALS concluded that the defences of provocation and self defence should be retained. The defence of provocation recognises a hierarchy of culpability in killing. Abolishing provocation would have a negative effect on Aboriginal people who are over represented in the criminal justice system. This over representation can be understood in the context of Aboriginal disadvantage. VALS advocated that self defence be retained as it currently exists in Victoria. The test is simple and broad in scope and for this reason it works effectively. There is concern that women who kill violent partners to protect their lives and the lives of their children are currently not able, or have great difficulty, establishing self defence as a defence to murder. VALS had no objections to minor changes to the law that increase women's access to the defence.

### Protecting Children Submission

The Department of Human Services is currently seeking submissions on their *Protecting Children Report* which looks at the current *Children and Young Person's Act* and possible reforms that might be made to this Act; specifically in relation to children at high risk of harm. VALS is currently preparing a submission.

### Chroming – Legislative Changes

Recent Victorian legislation allows a police officer to apprehend and detain a young person who has used a volatile substance and is likely to cause immediate serious bodily harm either to themselves or to someone else. A volatile substance includes a plastic solvent, glue, cleaning agent, nail polish remover and other volatile products derived from petroleum, paint thinner, lacquer thinner, aerosol propellant or anaesthetic gas. The law, which doesn't commence until July 2004, will apply to young people under the age of 18 years.

The police will be obliged to release the young person into the care of a suitable person, such as a parent, guardian or other family member who is able to take care of the young person. The member of the police will not be able to interview or question a person who is apprehended and detained under this provision in relation to any offence or alleged offence. The young person must not be detained in a police gaol or police cell or lock up.

A member of the police will also have the power to search a young person under 18 years in relation to the use of volatile substances. The police member will need to have reasonable grounds for suspecting that the young person has a volatile substance, or an item used to inhale a volatile substance, and is inhaling or will inhale a volatile substance. The police member will also be able to search anything in the young person's possession in these circumstances. VALS has raised concerns about the search powers being misused. VALS was also concerned with limiting the time that young people may be held at the police station and advocated that the service must be notified if an Indigenous person has been taken into police care.

### **Indigenous Women's Justice Forum**

The IWJF was held at VACSAL on the 3<sup>rd</sup> of December. Items on the Agenda included an update of the Women's Safety Strategy, and information about the new Koori Court in Warrnambool. The meeting was well attended by individuals from a diverse range of services.

### **Education News**

Loretta O'Neill and Bradley Boon in the education unit have been busy delivering the *Be Strong. Use Your Rights* Kit to regional and metropolitan Indigenous organisations. They have also been visiting mainstream organisation so that workers are better equipped to help the Koori community. They are developing a VALS poster as well as a Be Strong information poster for the Morwell and Bairnsdale areas. Loretta and Bradley are looking forward to the New Year with new ideas to help our Koori community be more aware of their rights.

### **New Indigenous Gathering Place for the Western Suburbs**

The Indigenous Gathering Place opened last month. Located at the rear of the Maribyrnong Library (200 Rosamond Rd), the gathering place will provide a range of services to Indigenous people in the west, including cultural projects, family and youth programs, drug and alcohol services, community care, and medical and mental health programs. The centre is open from 9 – 5 Mondays to Fridays, and can be contacted on 9318 7855.

### **Family Violence Taskforce**

Last month, Melissa Morgan and Loretta O'Neill from VALS met with the Western Suburbs Indigenous Gathering Place Association, the Western Legal Action Group and the Family Violence Taskforce to discuss strategies and ideas for a report of recommendations which will be released by the Family Violence Taskforce in February.

Missed out on previous newsletters? Look them up on the VALS website at [www.vals.org.au](http://www.vals.org.au) under news.