



Victorian Aboriginal Legal Service Co-operative Limited



Annual Report
2003/2004

The front cover Artwork is by Ramptha Lexie Edwards 'Murray Cod' (2003) Ramptha is an Elder. As a descendent of the Yorta Yorta clan she lived on the Cummeragunja Mission as a young girl. On the banks of the Murray River, Ramptha, also known as Lexie, fished with her mother Theresa for "Old Man Murray Cod" amongst the River Red Gums of the Barmah Forest: the biggest forest of its kind in the world.

Theresa (who passed away in 1993) was a well-known fisherwoman of the cod in the Barmah Forest area. She handed on her fishing skills to Ramptha, who in turn handed them down to her daughter Angie.

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ABBREVIATIONS

ATSIC: Aboriginal and Torres Strait Islander Commission

ATSILS: Aboriginal and Torres Strait Islander Legal Services

ATSIS: Aboriginal and Torres Strait Islander Services

CEO: Chief Executive Officer

CJP: Community Justice Panel

CSO: Client Service Officer

NAILSS: National Aboriginal and Torres Strait Islander Legal Services Secretariat

VACSAL: Victorian Aboriginal Community Services Association Limited

VAEAI: Victorian Aboriginal Education Association Incorporated

VALS: Victorian Aboriginal Legal Service Co-operative Limited



CHAIRPERSON'S REPORT

The 2003-2004 year commenced with the news that the Victorian Aboriginal Legal Service Co-Operative Ltd (VALS) was only to receive six months funding rather than the previous years twelve months funding. After a decade of no real funding increase to Aboriginal and Torres Strait Islander Legal Services (ATSILS) the decision to provide only six months funding creates uncertainty for existing staff, increases the likelihood that staff will leave and increases the difficulty of recruiting new staff.

This six month funding policy has undermined the capacity of ATSILS to deliver quality services.

The reason for the six month funding decision was that after seven years of uncertainty about tendering out ATSILS a decision had been made to tender out the services.

The Royal Commission into Aboriginal Deaths in Custody recommended in 1991 that ATSILS should be funded on a three yearly basis. In 2003 it is a sorry state of affairs that we are moving backwards from twelve month funding to six month funding.

Further bad news for ATSILS was the non-provision of funding to the National Aboriginal and Torres Strait Islander Legal Services Secretariat (NAILSS). This is a backward step. The loss of this body reduces the capacity of ATSILS to influence Government policy and to learn from each other.

In October 2003, the Board appointed Frank Guivarra to the position of Chief Executive Officer. Frank has a long history as a Board member and Chairperson of VALS. He has been involved with NAILSS and was recently elected Chairman. He has

also represented NAILSS at Human Rights Working Groups and Forums in Geneva, New York and South Africa.

The Australian National Office of Audit review of Aboriginal and Torres Strait Islander Services (ATSIS) and the Law and Justice Program was released in late 2003. This report highlighted the major deficiencies in the management of the program by ATSIS, including criticism of how ATSIS was implementing tendering. ATSIS ignored these criticisms and in March 2004 released an Exposure Draft of the Tender. VALS has made submissions and lobbied other stakeholders to attempt to secure changes to the policy proposals contained in the Exposure Draft. Some of these matters are taken up in more detail in the Chief Executive Officers (CEO) report.

As the year progressed the Commonwealth Government's plan to dismantle the Aboriginal and Torres Strait Islander Commission (ATSIC) was revealed and as of June 30th 2004 the announcement of the staged tendering out of Aboriginal Legal Services was confirmed.

In light of these major threats to the capacity of VALS to deliver services VALS has continued to provide a service across Victoria on a 24/7 basis. I want to thank all the other Board Members and the staff for continuing to ensure that we meet the needs of the Indigenous Australian community in a challenging funding and policy climate.

Ray Ahmat (Chairperson)

BOARD OF DIRECTORS

Raymond Ahmat: Chairperson

Originally from Queensland, Ray has been involved in Aboriginal Affairs since coming to Victoria. He first spent two and a half years with Ngwala Willumbong in the Drug and Rehabilitation Program before moving to VALS where he spent a year as a Client Service Officer for the Shepparton area. He is Executive Manager of Rumbalara Aboriginal Co-operative where he manages the youth and community programs.

Alfred Bamblett: Director

Alf Bamblett is an Elder and leader of the Victorian Aboriginal Community and the Executive Officer at the Victorian Aboriginal Community Services Association Limited (VACSAL). For over twenty years through key policy making and management roles, Alf has held a number of Executive positions and has been instrumental in shaping many Aboriginal Community Organisations in Victoria.

Robert Pearce: Director

Robert has lived in Bairnsdale for thirty seven years. He has four daughters and twenty grandchildren. Robert has been involved in Community Development for thirty years. He is a founding member of the Gippsland East Gippsland Aboriginal Co-operative (GEGAC) which is now 33 years old. He was on the Binjirru Regional Council and with ATSI from 1993-1996.

Terrie Stewart: Director

Terrie has been involved with VALS for over ten years and actively involved in the criminal justice area for over ten years. She has held positions within VALS such as Financial Counsellor, Officer Manager, Client Service Officer and Client Service Officer Team Leader. Terrie has also held positions at the Bert Williams Centre as a Youth Support Worker and

Koorie Support Worker at Parkville Youth Residential Centre and Melbourne Juvenile Justice Centre. Terrie is currently employed as the Aboriginal Justice Worker at the Broadmeadows Koori Court.

Desmond Morgan: Director

Desmond is a Yorta Yorta man from the Murray/Goulburn river area of Victoria/NSW. He has been an active member of the Aboriginal community since 1984, having served on various local and State organisations, Boards of Management, including VALS, Aborigines Advancement League, VACSAL and, Victorian Aboriginal Education Association Incorporated. He also served a six year period as an ATSI Regional Councillor, been Chair of Njernda Cooperative (Echuca) for several years and served as a member of Yorta Yorta Nations Aboriginal Corporation.

Lorraine (Bunta) Patten: Secretary

Lorraine is a Gunditjmara woman. She has been involved in Aboriginal Affairs for many years. She has been a VALS Board member in the past and was the Manager of the Gladys Nicholls Hostel in Northcote. She is the Chair of the Weeroona Aboriginal Cemetery in Greenvale. She was also an ATSI Regional Councillor for 5 years.

Deidre King: Director

Deidre is a Gunditjmara woman. She is currently employed as Program Manager at the Aborigines Advancement League Incorporated. She has a wide range of experience and involvement in Koorie community affairs. She is a current Director of VACSAL, Victorian Aboriginal Child Care Agency, Melwest CDEP and a member of the Northern & Western Metropolitan Family Violence Action Group as well as Chairperson of the HACC Metropolitan Network.

CHIEF EXECUTIVE OFFICER'S REPORT

The past year was one of significant challenge for VALS. As the Chairperson has reported VALS was put on six monthly funding pending the introduction of a competitive tendering regime. By late in December 2003 there was still no formal notice of continued funding. In March 2004 an Exposure Draft tender was circulated. This was accompanied by a travelling road show from ATSI to explain the Exposure Draft. The road show consisted of powerpoint presentations of things that were already circulated in the Exposure Draft and a refusal to answer questions. The questions were taken "on board" and answers were eventually provided on a website.

The Australian National Office of Audit Report on the Law and Justice Program administration was released late in 2003. This Report acknowledges that demand for legal services is increasing and quoted estimates of between \$12 million and \$25 million as the funds required to properly fund services. The criticisms of ATSI included: lack of strategic and business plans, failure to implement multi-year funding, use of outside consultants unnecessarily, lack of training of staff, lack of clarity about the relationships and functions of Regional Offices in relation to the National Office and lack of use of performance data.

The decision to move the Head Office twice in three years between Canberra and Sydney and back was also criticized as it led to significant staff losses. Aspects of the ATSI plan to tender out legal services also received criticism.

The Exposure Draft released in 2004 included a number of significant policy changes by ATSI. The Exposure Draft highlighted that education, prevention, policy, law reform and test cases were no longer part of what the Government was prepared to fund. Case work, advice and information were the only services the Government proposed to fund under the tender. "Means Testing" was to be introduced in spite of pilot studies which indicated that it was not cost effective within ATSI. Clients who had previously been charged with a criminal offence could be refused a service, criminal law matters were down graded in the new priorities for assistance and regional and remote communities were to be prioritised. The Exposure Draft also set cultural appropriateness criteria which could be achieved without having any Indigenous Australian staff or management. The basis for these policy shifts was not explained, however there has clearly been a strong reliance on the mainstreaming of service provision and an attempt to cost shift to the State Governments. Interestingly ATSI secretary, Wayne Gibbons, revealed that there was never any cost benefit analysis performed to indicate what

tendering out ATSI could be expected to achieve.

VALS made a detailed submission in relation to the Exposure Draft which was submitted in April 2004. VALS also informed other legal aid providers, the State Government and the Indigenous Australian community about concerns in relation to the proposed changes. In drafting our submission we sought help via the Public Interest Law Clearing House from a private law firm Arnold Bloch Leibler.

In 2004 The State Government made a commitment to a detailed review of the extent to which the Royal Commission into Aboriginal Deaths in Custody recommendations have been implemented. This is a valuable review and will provide a benchmark for Victoria and set a national precedent which other States will hopefully follow.

VALS continued to provide Community Legal Education and policy submissions during 2003-2004. Topics included the Volatile Substances Inquiry and the protocols which resulted from this legislation and the Commonwealth Government's proposed mandatory presumption of joint custody in Family law matters. Submissions are available at the website: www.vals.org.au.

The Indigenous Women's Justice Forum Project has continued successfully and the research around diversion of young people has led to a commitment by the State Government to fund two pilot projects.

VALS continues to enjoy support from Victoria Legal Aid via the secondment of a family law solicitor to VALS.

VALS had a significant win in 2004 for a young man who had been assaulted by a number of police. He received over \$80,000 in damages and costs were awarded to VALS. This matter took four years to reach a final result and highlights how the police policy of never negotiating on these matters adds enormous costs and delay for people seeking justice.

The pace of Government policy change in relation to ATSI and the dismantling of, or withdrawal of funding from Aboriginal organisations and ATSI, creates a difficult environment in which to plan. I congratulate the staff for their commitment and hard work.

Frank E. Guivarra
Chief Executive Officer

CLIENT SERVICE OFFICERS

The Client Support Unit is staffed by ten Client Service Officers (CSOs), six of whom are based in non metropolitan offices and the other four staff at the Fitzroy office.

The Metropolitan CSOs are on an on-call roster which operates after-hours, weekends and Public Holidays and respond to notifications from Victoria Police (E*Justice Notifications) of Aboriginal and Torres Strait Islander persons detained in custody.

In total more than 70% of VALS Client Service Officer work is delivered to rural based clients.

In 2003 VALS welcomed back Rosemary Lovett to the role of Client Service Officer and welcomed a new Client Service Office for Swan Hill, Wayne Walsh.

In 2003 Wayne Bell (Heywood Client Service Officer) won a Community Partnership award and a Centenary Medal Award which was presented by David Hawker. In 2004 Wayne Bell received a Community Partnership Award. In 2003 John Bell was appointed to the Metropolitan Regional Youth Aboriginal Advisory Council.

During the year several Client Service Officers were involved in Regional Aboriginal Justice Advisory Committees around Victoria. Client Service Officers are to be congratulated for their hard work during a challenging year.

Frank E. Guivarra
Chief Executive Officer

STAFF

Chief Executive Officer

Frank E Guivarra

Corporate and Financial Services Unit

Executive Officer – Sam Firouzian

Legal Practice

Executive Officer – Jenny Clark

Criminal Section

Kimberly Bott (until January 2004)

Graeme Davis

Justin Wheelahan (until February 2004)

Urfa Masood

David Podger

Tim Whitehead (until February 2004)

Samantha Brown

John Sutton

Francis Hill (Bairnsdale)

Jill Prior

Civil Section

Michele Zaccaro

Family Law Section

Lorne Clements (until April 2004)

Dennis Barry

Leah Billeam

Cath Devine

Client Support Unit

Metropolitan

John Bell (until April 2004)

Bradley Boon (until December 2003 and recommenced in May 2004)

Justin Downing

Rosemary Lovett

Melissa Morgan (until July 2003)

Regional

Wayne Bell (Heywood)

Ray Clarke (Mildura)

Willie Pepper (Morwell)

David Atkinson (Shepparton)

Wayne Walsh (Swan Hill)

Lyn Morgan (Bairnsdale)

Rosemary Lovett

Legal Secretaries

Michelle Tapp - since resigned

Lauren Harris (Until August 03)

Shelley Lillyst

Burnetta Corbett – since resigned

Raylene Hibbins (Bairnsdale)

Filing Clerk

Teresa Hofilena

Receptionist

Gary Bamblett

Research, Planning and Development Unit

Executive Officer-Robin Inglis

Research Officer

Kate Hairsine (until December 2003)

Emma Moss (until February 2004)

Greta Jubb

Community Justice Unit

Project Officer:

Catie Pitman (until October 2003)

Loretta O'Neill

Brad Boon (until May 2004)

Indigenous Women's Justice Forum

Project Officer – Melissa Morgan

Auditor

Eric Townsend

E Townsend & Co

Chartered Accountant

Administration

Administration Officer –

Lance Zampaglione

Support

Samuel Gentile

STAFF

1. David Atkinson (Shepparton Client Service Officer)

I am a descendent of the Bangarang Tribe and I proud to be an Aboriginal man and of who I am. I have been working in this position as a Client Service Officer for six years now and I still enjoy what I do. I also was on the board at the Rumbalara Co-operative as a Director for one year and then as a Chairperson for another year, which in itself was a whole new experience for me. I liaise with clients in court in Shepparton, Echuca, Bendigo, Benalla, Wangaratta, Seymour, Cobram, and Wodonga. I network with Corrections Victoria, Victorian Police, Rumbalara, Centrelink, Juvenile Justice, Sheriff Office and Community Justice Panel (CJP).



2. Wayne Bell (Heywood Client Service Officer)

I have been employed for over ten and a half years with the VALS and has been a member of the Aboriginal (CJP) for more than 12 years. I am a member of the Regional Aboriginal Justice Agreement Committee, both Barwon South – West and Grampians region. I am a member of South – West Koori Court Reference Group. I attend Courts in Portland, Warrnambool, Colac, Geelong, Ballarat, Maryborough, Ararat, St. Arnaud, Stawell, Horsham, Nhil and Hamilton. I liaise with Corrections Victoria, Victoria Police, Drug and Alcohol workers, Prisons, Police cells, Juvenile Justice, Sheriff's Offices, etc.



3. Bradley Boon (Melbourne Client Service Officer)

I am a proud Kurnai man, born and bred in Gippsland. I moved to Melbourne in 1995 where I worked for Telstra for 3 1/2 years, Victorian Indigenous Australian Health Service as Adult Mental Health Worker for 1 1/2 years and VALS as a Client Service Officer for the past four years. Being a part of a large family has not only made me proud and passionate about my family, culture and work but has made me realise that the path I have chosen is not just a job any more but an important part of my life, which affects me personally when dealing with the community. I see myself as not only contributing to the Victorian Aboriginal Legal Service but to the local Victorian Indigenous Australian community itself.



4. Lyn Morgan (Bairnsdale Client Service Officer)

I am an Aboriginal woman. I have been employed with VALS for over 11 years. Before this I was employed with the Education Department for four years, prior to that I was a nurse at the local hospital for 14 years. This position as a CSO is the most challenging one of all. I must admit that over the past 11 years the knowledge I have gained is unbelievable – knowing the local community has been a big advantage – they are all like family.



5. Rosemary Lovett (Melbourne Client Service Officer)

I am a Gunditjmara woman. Apart from a short break of three years working in the Indigenous Australian community I have been at VALS since 1989. I enjoy work as a Client Service Officer. Outside of my work at VALS I assist in community sport. I find helping my community is rewarding work.



6. Justin Downing (Melbourne Client Service Officer)

I am a Aboriginal man proud of my Yorta Yorta heritage. I was born and raised in Melbourne. I have previously worked at the Aboriginal Health Service on the Young Peoples Project. This position required me to interview young Koori children in and around metropolitan Melbourne on issues that they're confronted with today, such as peer group pressure, drug & alcohol issues etc. I have been employed with VALS as a Client Service Officer for 2 1/2 years. I get great satisfaction in helping my community in the justice system and raising awareness for all the young Aboriginal children growing up in Victoria.



7. Ray Clarke (Mildura Client Service Officer)

I am originally from Balranald, NSW but I grew up in Mildura. I am a proud Muti Muti man. I started work as a CSO 12 years ago and am responsible for liaising with clients throughout the Loddon-Mallee region as well as with the Sunraysia Courts. I have also been a member of the Aboriginal Housing Board for the last ten years and am involved with



STAFF

Warrakoo Station, which was set up ten years ago as an alternate to jail in our region. I enjoy working within the local community and interacting with the local Indigenous Australians.

**8. Wayne Walsh
(Swan Hill Client Service Officer)**

I was born and raised in Swan Hill. I belong to the local Wamba Wamba community. After completing my VCE I studied at the University of Melbourne and I graduated in 2003 with a Bachelor of Arts degree in the area of criminology. Since then I have worked for the VALS. I believe I contribute to VALS by providing local knowledge of local Koori people and their culture in the Swan Hill area. My work experience has highlighted that local knowledge is essential to providing a legal service to local Koori people.



**9. Willie Pepper
(Morwell Client Service Officer)**



**10. John Bell
(Melbourne Client Service Officer)**



**11. Gary Bamblett
(Receptionist)**



**12. Teresa Hofilena
(Filing Clerk)**



**13. Michelle Tapp
(Secretary)**



**14. Lance Zampaglione
(Administration Officer)**



**15. Graeme Davis
(Criminal Law Solicitor, Melbourne)**



**16. Leah Billeam
(Family Law Solicitor, Melbourne)**



**17. Francis Hill
(Solicitor, Bairnsdale)**



**18. Michele Zaccaro
(Civil Law Solicitor, Melbourne)**



**19. Melissa Morgan
(Indigenous Women's Justice Project Worker)**



LEGAL PRACTICE REPORT

Staff

During the financial year June 2003 to June 2004 we saw the departure of three Criminal Law Solicitors: Kimberley Bott, Justin Wheelahan and Tim Whitehead. Lorne Clements, Family Law Solicitor, also departed. We have appointed staff to fill the vacancies mentioned above.

Criminal Law Section

The Criminal Law Solicitors are:

1. Jenny Clark (Executive Officer of Legal Practice);
2. Urfa Masood;
3. Samantha Brown;
4. Jillian Prior (commencing March 2004);
5. John Sutton (commencing March 2004);
6. David Podger (commencing 5 April 2004);
7. Graeme Davis;
8. Francis Hill (Bairnsdale).

Urfa Masood handles West Gippsland Region (Moe); Graeme Davis is responsible for Swan Hill Region; Samantha Brown handles the Hume Region; Jillian Prior is responsible for the Murray River Region (Mildura and Robinvale region) and John Sutton handles the Western District. The Metropolitan courts are shared by all staff.

Family Law Section

1. Denis Barry;
2. Leah Billeam;
3. Cath Devine (commencing May 2004).

We are fortunate to continue to receive the support of Victoria Legal Aid through the secondment of Leah Billeam to the family law section.

Civil Law Section

The Civil Law staff is unchanged, as Michele Zaccaro remains the Civil Solicitor.

Key Developments and Achievements

Koorie Court

Koorie Court recently commenced in the Warrnambool region.

Identified Trend

VALS is aware of a high number of Indigenous Australian juveniles appearing at Moe Children's

Court on criminal charges. Between June 2003 and June 2004, there were one hundred and seven matters heard at Moe Children's Court. In contrast, there were seventy matters heard at Melbourne Children's Court and thirty six matters heard at Mildura Children's Court. VALS collected the previous statistics to advocate for the establishment of a Koori Court, with a Children's Division, in Gippsland. The Department of Justice plans to establish additional Koori Courts given the success of pilot Koori Courts in Broadmeadows, Shepparton and Warrnambool.

Significant Cases

Kimberly Bott made a successful appeal to the Supreme Court on behalf of one of VALS clients. The client had appeared before the Moe Children's Court charged with offensive behaviour under the Crimes Act 1958. The offensive behaviour in question was chroming. Initially Magistrate Dugdale found that chroming constituted the criminal offence of offensive behaviour and found the client guilty. VALS decided to challenge the decision because we believed the decision was wrong in law, and because it was contrary to the intention of legislation to address the problem of young people abusing volatile substances without making it a criminal offence (Drugs, Poisons and Controlled Substances (Volatile Substances) Act 2003). VALS appealed the conviction on the grounds that chroming does not constitute an offensive act but is a health issue. The appeal was allowed by Supreme Court Judge Nathan.

In March 2004, Mike Zaccaro (Civil Lawyer) acted for a young Koorie male, allegedly assaulted by police in 2000. The test case against the State of Victoria and three police officers was heard in the County Court of Victoria and spanned eight days. The case has implications about the interpretation of legislation covering the liability of the State of Victoria for actions carried out by members of the police force and the liability of Victoria Police members personally. On 31 May 2004, His Honour Judge Campbell, handed down a judgment in favour of the client, awarding him seventy one thousand dollars in Damages. The Judge found against the three Defendants (police officers) and apportioned part of the liability to the State of Victoria. Ultimately the client received \$89,463 in damages and the VALS received costs (these came to light in August 2004).

RESEARCH, PLANNING AND DEVELOPMENT UNIT REPORT

The Research Planning and Development Unit provides information, advice, referral and support and advocates for improved laws, legal system operation, diversion and prevention strategies. Additionally the Unit has a number of organisational support roles in relation to preparation of funding submissions, library, information technology and file management.

In 2003 the Commonwealth Government received a report from the Office of Evaluation and Audit (ATSIC) which highlighted the enormous stress and relative under funding of ATSILS. The 2003-2004 year has been one where rather than assist ATSILS with funding and policy change the Government has made the situation worse with six months funding blocks, and the introduction of a tendering policy. This has been a challenging year for the Research Planning and Development Unit (unit). On top of the normal range of policy changes the draft tender document introduced some significant changes to what ATSILS do.

From a policy perspective the Commonwealth Government appeared to ignore the fact that ATSILS were the major provider of legal aid services to Indigenous Australians and instead assumed that they were a small afterthought useful only in remote areas.

Dropping education, policy and law reform from the services to be purchased by ATSILS was another backward step. This is perhaps understandable if you want to recast ATSILS in the image of a private law firm and encourage private law firms to tender for the work. Community Legal Centres are not cast into this sort of strait jacket.

The support that VALS received from other legal aid providers and other organizations in opposing the tender of ATSILS and opposing the policies which accompanied the tender was very gratifying.

Highlights of the 2003-2004 year

The Unit has continued to work with Koorie communities via its Community Justice Project work, Indigenous Women's Justice Forum Project and liaison with VALS Client Service officers and legal staff.

The service has made a number of submissions to State and Commonwealth Government and these are listed below.

The service is also involved in Federation of Community Legal Centre committees, the Ministerial Round Table on Juvenile Justice and the Criminal Justice Coalition. VALS is involved in the Group Conferencing Committee and on Committees associated with the Victorian Aboriginal Justice Agreement.

VALS has proposed a joint regional education pilot with several Government agencies such as the Ombudsman's Office and Dispute Settlement Centre.

Our submission on mandatory presumption of joint residence was supported by several other Statewide Aboriginal services, including the Aboriginal women's refuge Elizabeth Hoffman House.

Key Tasks of the Unit

- Provide information to the Chief Executive Officer and Board about Government policy and programs.
- Provide information to the public, including media and human service organisations about VALS and issues affecting Koories.
- Provide Community Legal Education to Koorie community members.
- Do research about policy changes and issues affecting the Koorie community.
- Create files and maintain and improve the VALS database.
- Coordinate information technology planning and maintenance.
- Library maintenance including updating all legal loose leaf services.
- Represent VALS service at meetings with Government Departments and other organisations
- Contribute to VALS ongoing activities and development via assistance with funding submissions and training issues.
- Provide quarterly reports to ATSIC on the service's activities.

Staff



Participants of Morwell Indigenous Women's Justice Forum on 4 June 2004

Thanks to all the staff who worked in the Unit. Teresa Hofilena has been at VALS for eight years and coordinates the filing and data entry area. She continues to deal with an ever increasing volume of files. In 2003-2004 plans to destroy old files were implemented to stage one.

In 2003 Catie Pitman left the Community Legal Education Unit. Her hard work has provided an excellent basis for continuing success. Welcome to Loretta O'Neill and Brad Boon who have joined the Community Legal Education Unit. Brad departed the Unit in 2004 to return to the role of Client Service Officer. Melissa Morgan, the Indigenous Women's Justice Project Worker has continued her work. A workshop at Morwell, about concerns that Department of Human Services were taking children from their mothers as soon as they were born, was well attended. Thanks to research officer Kate Hairsine and Emma Moss for the excellent work they did prior to their departure. Greta Jubb is the new research officer. Her skill and enthusiasm have made a vital contribution to the unit during a very busy period.

Submissions

2003

- * VALS Submission to Parliamentary Inquiry into Joint Residence: Response to 'Family Law Amendment (Joint Residency Bill) 2003'(2003)
- * VALS Submission to Senate Legal and Constitutional Committee: Response to Inquiry into Legal Aid and Access to Justice (2003)
- * VALS Submission to Victorian Law Reform Commission: Response to Inquiry into Defences to Homicide (2003)

2004

VALS & Arnold Bloch Leibler Joint Submission - Response to Exposure Draft of a Request of Tender for the purchase of Legal Services for Indigenous Australians (2004)

- * VALS Submission to the Senate Legal and Constitutional References Committee Inquiry into Legal Aid and Access to Justice (2004)
- * VALS and National Aboriginal and Torres Strait Islander Legal Services Secretariat Joint Submission to the Joint Committee of Public Account and Audit - Response to 'Indigenous Law and Justice Inquiry'(2004)
- * VALS Submission to Attorney-General's Department: Response to Indigenous Justice Discussion Paper (2004)
- * VALS Submission to the Senate Legal and Constitutional Committee: Response to Inquiry into 'Disability Discrimination Amendment Bill (Cth) 2003' (2004)
- * VALS Submission to the Department of Human Services: Response to 'Protecting Children - The Child Protection Outcomes Project' (2004)
- * VALS Submission to Scrutiny of Acts and Regulations Committee: Response to 'Discrimination in the Law' Inquiry (2004)
- * VALS Submission to the Royal Commission into Aboriginal Deaths in Custody Implementation Review Team: Response to the Victorian Implementation Review Discussion Paper (2004)
- * VALS Submission to the Victorian Parliament Law Reform Committee: Response to the 'Warrant Powers and Procedures Inquiry' (May 2004)
- * VALS Submission to the Department of Justice: Response to the Family Violence Court and Behaviour Change Counselling Program - Draft Legislation (2004)
- * VALS Submission to Aboriginal Affairs Victoria: Response to the Constitutional (Recognition of Aboriginal People) Bill Exposure Draft (2004)



Participants of the Melbourne Indigenous Women's Justice Forum on 26 March 2004

**Executive Officer-Robin Inglis
Research, Planning and Development Unit**

FINANCE & CORPORATE SERVICES UNIT

The Corporate & Financial Services Unit is responsible for maintaining the financial framework and structure which supports all operational areas of VALS. This involves ensuring that VALS meets its statutory obligations and maintains a reliable system of internal controls which is designed to reasonably ensure that all transactions are authorised in accordance with approved management procedures, and all transactions are properly recorded, and the assets of VALS are safeguarded.

VALS principal cost is staff salaries, with other major expenses being outside briefs, motor vehicle running, telephone and travel. Taken together these expenses account for 96% of the recurrent funding provided to VALS by ATSIC and later ATSI in 2003/04. A full analysis of Income and Expenditure is provided in the Annual Financial Statements.

Reports are provided by means of monthly Financial Reports to the Board of Directors, quarterly reports to ATSIC/ATSI and Annual Reports to Members. Each one is provided with various analyses according to their needs and statutory obligations.

VALS is primarily funded by ATSIC/ATSI by means of quarterly grant payment in advance. Payments are made only if satisfactory Financial Reports have been

submitted in accordance with VALS' Program Funding Agreement. There are additional terms and conditions that require VALS to undertake a range of accountability procedures. During the past financial year VALS received additional funds for specific projects, and these are accounted for separately.

The Commonwealth Government provides funding to VALS for Emergency Relief to those in need of financial or food assistance. Assistance is only provided after an assessment process of each application.

There has been no change in accounting procedures during the year

VALS budgets for break-even and endeavours to end the year just under budget in order to protect the capital base of the organisation and to ensure that we have sufficient funds to meet the needs of unplanned events.

The Balance Sheet shows a strong stable position as at 30 June 2004 with a ratio of 2.02 in the value of current assets over current liabilities. Capital expenditure was modest during the year, and it is anticipated that this will remain the same during 2004/2005.



VICTORIAN ABORIGINAL LEGAL SERVICE CO-OPERATIVE LTD
 ANNUAL REPORT 2003 - 2004
 CONSOLIDATED
 STATEMENT OF FINANCIAL PERFORMANCE
 FOR THE YEAR ENDED 30 JUNE 2004

INCOME	2004 \$	2003 \$
Grants		
Atsis	2,515,698	2,339,172
Other	80,428	30,818
Transfer from Last year Current Liability	140,549	384,200
	2,736,675	2,754,190
Other Income		
Member Subscriptions	56	55
Bank Interest	44,708	35,756
Reimbursements Received	6,005	6,960
Legal Costs Recovered	73,272	28,253
Legal Aid Reimbursed	35,268	50,658
Donations	3,445	4,550
Profit/-Loss on sale of Non-current Assets	(2,573)	150
	160,181	126,382
Sum of Income	2,896,856	2,880,572

VICTORIAN ABORIGINAL LEGAL SERVICE CO-OPERATIVE LTD
ANNUAL REPORT 2003 - 2004
CONSOLIDATED
STATEMENT OF FINANCIAL PERFORMANCE
FOR THE YEAR ENDED 30 JUNE 2004

EXPENDITURE	2004 \$	2003 \$
Salaries	1,373,566	1,372,889
Superannuation	124,563	119,683
Workcover	21,405	15,701
Annual Leave Accrual Expense	16,857	129
Long Service Leave Accrual Expense	(2,232)	4,393
Motor Vehicles - Fuel	36,058	39,950
Motor Vehicles - Leases & Repairs	71,108	96,953
Repairs & Maintenance - Buildings	6,162	2,451
Repairs & Maintenance - Plant	1,946	1,021
Repairs & Maintenance - Computers	3,807	8,941
Depreciation - Furn Fittings & Equip	48,763	37,171
Depreciation - Motor Vehicles	18,924	24,058
Depreciation - Buildings	18,657	18,657
Audit Fees	9,250	9,250
Equipment hire	8,082	13,477
Outside Briefs	386,807	367,592
Test Case-Mathew Charles	146,300	-
Bank Charges	1,748	1,344
Cleaning	26,017	23,805
Insurance	20,178	19,798
Annual General Meeting Expenses	4,376	7,772
Directors Meeting Expenses	1,349	1,410
Other Meeting Expenses	3,183	2,596
Postage	14,277	11,431
Rates	10,691	10,198
Rent	21,801	36,357
Telephone	89,272	84,495
Staff Training	970	2,822
Library Expenses	13,177	14,920
Security	8,227	7,788
Storage	3,845	3,613
Staff Amenities	3,908	3,383
Recruitment Advertising	1,276	13,030
Fringe Benefit Tax	9,194	4,600
Practicing Certificates	3,559	5,821
Subscriptions	5,139	7,010
Food Vouchers	150	360
Legal Fees	1,386	2,500
Sundries	74,328	57,377
Electricity & Gas	14,015	14,264
Printing & Stationery	27,144	34,203
Travel	90,406	91,192
Current Liability Carried Forward	117,206	140,549
Sum of Expenditure	<u>2,856,845</u>	<u>2,734,954</u>
OPERATING SURPLUS/-DEFICIT BEFORE INCOME TAX	<u>40,011</u>	<u>145,618</u>

VICTORIAN ABORIGINAL LEGAL SERVICE CO-OPERATIVE LTD
ANNUAL REPORT 2003 - 2004
CONSOLIDATED
STATEMENT OF FINANCIAL POSITION
FOR THE YEAR ENDED 30 JUNE 2004

	Note	2004 \$	2003 \$
CURRENT ASSETS			
Cash	15	1,169,074	908,739
Receivables	4	1,149	37,227
Prepayments		18,442	22,230
TOTAL CURRENT ASSETS		<u>1,188,665</u>	<u>968,196</u>
NON-CURRENT ASSETS			
Property, Plant & Equipment	5	1,075,638	1,111,807
TOTAL NON-CURRENT ASSETS		<u>1,075,638</u>	<u>1,111,807</u>
TOTAL ASSETS		<u>2,264,303</u>	<u>2,080,003</u>
CURRENT LIABILITIES			
Payable & Accruals		297,881	144,875
Provisions	6	174,160	159,534
Unspent Grant Funds	7	117,206	140,549
TOTAL CURRENT LIABILITIES		<u>589,247</u>	<u>444,958</u>
TOTAL LIABILITIES		<u>589,247</u>	<u>444,958</u>
NET ASSETS		<u>1,675,056</u>	<u>1,635,045</u>
MEMBERS FUNDS			
Members Share Capital	8	304	304
Reserves	9	6	6
Retained Surplus		1,674,746	1,634,735
TOTAL MEMBERS FUNDS		<u>1,675,056</u>	<u>1,635,045</u>

VICTORIAN ABORIGINAL LEGAL SERVICE CO-OPERATIVE LIMITED

DECLARATION OF DIRECTORS

The Board of Directors of the Victorian Aboriginal Legal Service Co-operative Limited declares that the financial statements and notes:

- (a) accord with the Co-operatives Act 1996
- (b) comply with Australian Accounting Standards, and
- (c) present fairly the financial position of the Co-operative as at 30 JUNE 2003 and the results of its operations and its cash flows for the year ended on that date.

In the Directors opinion there are reasonable grounds to believe that the Co-operative will be able to pay its debts as and when they become due and payable.

Signed on behalf of the Board at Fitzroy this ~~2nd~~ day of ~~.....~~ *Sept* 2004


.....
DIRECTOR


.....
DIRECTOR

**VICTORIAN ABORIGINAL LEGAL SERVICE
CO OPERATIVE LIMITED**

AUDITOR'S REPORT

To the Members,

In my opinion the accompanying financial statements, on pages 1 to 34, being Statement of Financial Performance, Statement of Financial Position, Cash Flows Statement and notes to the accounts are properly drawn up in accordance with the provisions of the Co-operatives Act 1996, including:

- a) giving a true and fair view of:
 - (i) The state of affairs of the Co-operative at 30th June, 2004 and of the results, and cash flows of the Co-operative for the year ended on that date, and
 - (ii) The other matters required by Section 238 of the Co-operatives Act 1996 to be dealt with in the financial statements; and
- b) complying with applicable Accounting Standards and other mandatory professional reporting requirements.

The accounting records and other records, and the registers required by the Act to be kept by the Co-operative have been properly kept in accordance with the provisions of that Act.

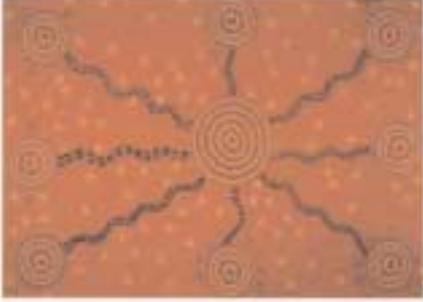
I have been given all information, explanations and assistance necessary for the conduct of the audit.

Dated at...Frankstonthis24thday of.....September.....2004


.....

Eric Townsend
REGISTERED COMPANY AUDITOR (Reg.No. 8400)
E. Townsend & Co.
Suite 4/Level 1
405 Nepean Highway, Frankston, Vic., 3199.
Telephone : (03)781 4666

VALS
VICTORIAN ABORIGINAL
LEGAL SERVICE
CO-OPERATIVE LIMITED



CONFLICT OF INTEREST

GUILTY PLEAS

FEMALE CLIENTS



Artwork by Dawn Christian (nee Murray)

CONTACT VALS 24 HR SERVICE
PH: 9419 3888 TOLL FREE PH: 1800 064 865

VALS FACTS

WILL VALS REPRESENT ALL KOORIES IN LEGAL MATTERS ?

YES, BUT VALS CANNOT ACT FOR TWO KOORIES IF THEY ARE INVOLVED IN THE SAME CASE. THIS IS CALLED 'CONFLICT OF INTEREST' BUT WE WILL FIND HELP FROM OTHER LEGAL REPRESENTATION FOR THE PERSON WHO DID NOT COME TO US FIRST.

DOES VALS ONLY ACT IN GUILTY PLEA MATTERS?

NO, VALS REPRESENTS ALL KOORIES THAT COME WITH IN OUR POLICY GUIDELINES. WE DO "NOT GUILTY" PLEAS IF THERE IS A CHANCE OF WINNING.

IS IT TRUE THAT VALS ONLY REPRESENTS MALE CLIENTS?

NO, VALS PROVIDES A SERVICES FOR ALL THE KOORI COMMUNITY.

FOR EXAMPLE

- OVER 50% OF CLIENTS IN FAMILY AND CIVIL MATTERS ARE FEMALE
- OVER 25% OF CLIENTS IN CRIMINAL MATTERS ARE FEMALE

IF WE CANNOT REPRESENT YOU BECAUSE OF CONFLICT OF INTEREST THEN WE WILL FIND OTHER LEGAL REPRESENTATION FOR YOU.

VALS FACTS

A pamphlet available from VALS. Other pamphlets available: Fines; Koori Court; Solicitor Appointments; Police Interviews and Young People and Police.



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