

Minutes

VLAF Aboriginal Torres Strait Islander Working Group

Date	Tuesday 22 November 2016	
Time	10am – 11:30am	
Location	FDRS – Avoca Room 338 Latrobe St. Melbourne	
Attendees	Annette Vickery Victorian Aboriginal Legal Service (Chair) Daniel Nguyen Indigenous Law Students & Lawyers Association of Victoria - Tarwirri Adrienne Walters Human Rights Law Centre (will attend in place of Ruth Barson) Meena Singh Victoria Legal Aid Christa Momot and Lisa Harrison Woor-Dungin Sam Cooper Law Institute of Victoria	
Apologies	Katie Fraser Federation of Community Legal Centres (Vic) Inc Patrick Warner Justice Connect Jenna Davey-Burns Aboriginal Family Violence Prevention and Legal Service Clara Bradley Law Institute of Victoria Wayne Muir Victorian Aboriginal Legal Service Emma Fox The Victorian Bar Emily Buchanan Fitzroy Legal Service Laura Heffes Justice Connect	
1. Welcome and Acknowledgement of Country		
VALS continuing on as Chair but still maintain joint partnership with AFVPLS and Tarwirri		
2. Minutes of previous meeting held on 23 August 2016		
<i>Discussion of minutes approval and publishing on VLAF website</i>		
Correction to notes – VLA update – pilot is 2 years, not 3. Plan to make them permanent if possible		
Minutes accepted.		
Minutes will be circulated for approval and members provided with a response date. If members do not respond by that date with adjustments, silence will be taken as approval. The exception is the chair, who must respond and verify the contents of the minutes as accurate. The minutes will then be published in the public domain.		
3. Scoping the sector		
VLA		
VLA review of child protection services, consultation paper available on website for review so any feedback from WG members would be welcomed.		
What specific work is needed to represent Aboriginal children and parents given 20% are in home care?		
VLA presence in Mildura, will be focussed on family and civil law. Set up will include Aboriginal community engagement officer, to be recruited for early next year. Manager, 2 Lawyers place ACE officer, co-locating with sunraysia community health. Also ACE		

officers for Melbourne and Gippsland to be (hopefully) announced by year end.

Woor-Dungin

Interviewing Aboriginal people who have experienced discrimination – Uncle Larry Walsh referred to police referring to his early crim record which would have been when he was 4 years old. Looking in to this. A number of cases have come up and looking in to whether these early charges impact on police views of people appearing before court.

Recently registered with Crim check so that records can be accessed directly rather than through the police. First thing that clients are asking for is their criminal record.

LIV

Spent conviction submission – opinions welcomed from the WG

From RAP perspective – wanting to start consultation process for the RAP to be formally approved in Jan/Feb of next year.

HRLC

Adrienne has joined as senior lawyer in the Indigenous Rights Unit (IRU), and will focus on laws and policies that undermine equal realisation of economic, social and cultural rights by Aboriginal people. This will complement the IRU's ongoing work on Indigenous over-incarceration and will take the same approach in terms of partnering with Aboriginal organisations and looking to add value to the work that they do.

HRLC has partnered with VALS to challenge the transfer of youths from Parkville Youth Detention facility to Barwon adult max security prison. An urgent injunction was sought last night and the case is now listed for trial next Wednesday 30 November. It was noted by Annette that educational facilities that are available at Parkville aren't available at Barwon and that this inhibits rehabilitation efforts.

HRLC also working on over-representation of Indigenous women in prison report – hoping to launch early next year. There have been consultations with a number of organisations and academics. FVPLS have kindly offered to review a draft of the report and provide feedback.

Annette asked if HRLC has a RAP. HRLC does not have one but has been active in taking steps to ensure that the organisation is a culturally competent and safe organisation, for example, full day Aboriginal cultural awareness training and a commitment to do this annually, and looking at representation in governance structures. In addition, the HRLC's work in Indigenous rights is founded in deep and respectful collaboration and partnership with Aboriginal and Torres Strait Islander organisations.

The UN special rapporteur on racism – Melbourne NGO roundtable on 30 November. HRLC looking to use this as opportunity to release a joint public statement with a number of Aboriginal, ethnic and human rights organisations in support of s 18C and the AHRC.

Tarwirri

More effort made over last couple of months to make use of stakeholders and networks and looking at partnerships outside of metro borders. Indigenous engagement often heads to NT, FNQ etc. when there is still a need more locally. Vic focus. Hoping to better facilitate this in new year

Law week activities – grant received to support this. Looking to hold discussions early Jan. Focus of the grant to provide content around indigenous issues including hosting a panel re. royal commissions and their roles with community, also looking at mock trials in Koori Court, also 3-4 activities specifically focused toward indigenous community eg. Sisters day out. Looking to push regional areas in the new year. Opportunity for support from commercial firms for things outside of the legal area, more engagement with community etc needs to be explored.

Cultural awareness training for pro bonos – hoping this will link commercials and communities. Mapping to identify what is missing eg. Awareness and responsiveness around service delivery. NSW legal aid have had a suite of programs that may be of reference for Vic.

Woor-Dungin are keen to work with Tarwirri

VALS also put through cultural awareness training on a yearly basis.

Should be consideration of Aboriginal representation of CLC Boards -participation at every layer.

VALS

Work with DHHS over advocacy where dept. identifies family at risk, VALS position is that children are assigned advocates.

Recently teamed up with HRLC around Aboriginal people in prisons.

Cultural capabilities of the judiciary which has been raised as an issue by community – working out how to progress this in systematic way.

4. Criminal Record Discrimination Project update

Background of Woor-Dungin

Woor-Dungin formed in 2006 by Aboriginal women to help Aboriginal Community Controlled Organisations (ACCO) to access philanthropic funds directly. Woor-Dungin works in partnership with Aboriginal organisations, offering help on their own terms to establish strong, evidence-based programs, source philanthropic funds and pro bono support.

The flagship program is the Aboriginal Partnerships Program. Woor-Dungin partners with a small number of ACCOs for three-year blocks of concentrated support, with the option to renew the partnership for further blocks. The program involves developing work plans with the ACCOs to address the key needs that they identify, and providing practical support, advice, and access to training and resources to help them achieve their strategic goals.

Woor-Dungin’s work with partner organisations directly drives the development of strategic projects, including:

- Maarni Aboriginal Women’s Leadership Program – a capacity building and mentoring program
- Respectful Relationships – a program targeted at the philanthropic sector to facilitate positive and respectful relationships between ACCOs and philanthropy
- Aboriginal community worker support pilot – a program designed for ACCO staff and board members to address turnover and burnout to support them to stay in their role.

Criminal Records Discrimination Project

The CRD Project began in response to concerns about access to employment raised by Woor-Dungin’s partner organisations. The second biggest barrier identified was actual and perceived discrimination on the basis of a criminal record. This issue affects indigenous Victorians particularly given their over-representation in the criminal justice system.

The strategic direction of the project is set by an Advisory committee, which currently includes 56 organisations, including Aboriginal community members, ACCOs, VALS, VLA, as well as key academic researchers in the field.

The project is focussing on:

- documenting this discrimination through interviewing Aboriginal people and writing up case studies based on their experiences (led by Case Study Working Group);
- clarifying the existing legal position in Victoria and educating indigenous Victorians about the law as it stands by producing and disseminating plain-

<p>language fact sheets; and</p> <ul style="list-style-type: none"> • advocating for law reform in two key areas (lead by Law Reform Working Group) <ul style="list-style-type: none"> • The introduction of a spent convictions scheme in Victoria (Vic is the only state without one) • Amendment to the Equal Opportunity Act to add 'irrelevant criminal record' to the list of protected characteristics <p>The case studies, three of which have been written up so far, will be included in a law reform submission to be tabled at the Aboriginal Justice Forum sometime in 2017. The project team has interviewed a number of others, with more planned for the new year. The aim is for the case studies to document a variety of experiences, including people who have disengaged from employment for fear of being discriminated against based on their record.</p> <p>The fact sheets have been launched in Melbourne and in Hastings, and a series of further rural launches at Woor-Dungin's partner ACCOs are planned for 2017.</p> <p>Before bringing the submission to the Aboriginal Justice Forum Woor-Dungin will host a consultation/s with relevant stakeholders including legal bodies, employment agencies and ACCOs, to find out what kind of spent conviction scheme indigenous people want for Victoria.</p> <p>The group discussed:</p> <ul style="list-style-type: none"> - the importance of advocating for change based on increasing social and economic participation (to counter law and order focus); - Piggy-backing CRD Project indigenous consultation onto the next VLAF ATSI working group meeting, proposed to be held at VALS in February 2017; - Including job service providers in the consultation – as anecdotal evidence suggests they aren't putting forward people with a criminal record for jobs; and <p>Issues with Vic Department of Justice recruitment policies screening out not only people with a criminal record but even those who associate with someone who has committed an offence. Given overrepresentation of indigenous people in criminal justice system this disproportionately impacts on indigenous people.</p>	<p>Action Christa to email link to CRD Project fact sheets to be uploaded on WG members' websites or distributed in e-news</p> <ul style="list-style-type: none"> - LIV Law News - HRLC Bulletin - VALS website <p>Christa to email VLAF members invitation to participate in the CRD Project Law Reform Working Group – Next Meeting 8 Dec 2:30pm</p>
<p>5. Access to Justice review report</p> <p>Strongly suggesting to gov to not accept the recommendations as they stand. Will continue to advocate to gov that Aboriginal legal services are separate for a reason and should remain that way. Pushback to DJR on this.</p> <p>Self-determination. Aboriginal services maintaining separate identity from NPLAS, VLA, CLCs, etc.</p> <p>Supportive of no wrong door approach but these aren't reflected through the recommendations.</p>	
<p>6. Other business</p> <p>VLA Noting that there is a lot of policy work and activity happening in the sector, with limited resources, what role can WG play in keeping people up to date and provide coordination support to each other to keep on top.</p> <p>Next meeting? Proposing Tuesday 21 February for meeting 1, 2017 – suggestion for FVPLS to host the next meeting subject to their agreement. Moving the WG around each of the ACCOs</p>	