



Law Matters

Aboriginal Legal Service of WA

Law Matters

March 2010



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State Government offers Ward family interim payment

The Aboriginal Legal Service of WA (ALSWA) welcomes the WA Government's offer of a \$200,000.00 interim ex-gratia payment to the family of the late Mr. Ward. "I am relieved that this offer has been made. Mr. Ward was a highly respected Elder and his tragic death on the 27th of January 2008 was avoidable. Whilst it has been a lengthy and at times frustrating process seeking this payment from the

Government, our main concern has been for the family of Mr. Ward" said John Bedford, ALSWA Acting CEO. "Whilst this offer is welcomed, I hope that we don't have to endure the same delays and frustrations with the State Government over the decision to make a final, complete and satisfactory ex-gratia payment" said Mr. Bedford. "The blame game from the government



John Bedford at the DICWC Ward Rally in Perth this month

involving criticism of ALSWA for the delay must cease. ALSWA has sought an ex-gratia payment on behalf of Mr. Ward's family since July 2009, following the Coroner's Findings being handed down" said Mr. Bedford.

National Symposium on Racism held in Perth

Inspirational speakers gathered in Perth this month for a National Symposium on Racism, held at Murdoch University on 19-20 March. **Full Story page 5**



Speakers at the 'Re-visiting Racism' conference included (Back Row L-R) Mr. Viv Ahmun, Professor Kevin Dunn, Mr. Maurice Agale, Professor Sylvester J Gates Jr, Professor Andrew Jakubowicz, Front Row L-R: Mr. Abeselom Nega, Ms Yvonne Henderson, Dr. Casta Tangaraza, Ms. Jane Elliott, Ms. Tammy Solonec *Photo by Wayne Rochat courtesy of Murdoch University

UN Report by Special Rapporteur released

During his Australian visit last year, the Special Rapporteur Professor S James Anaya gained an invaluable insight into the disadvantage faced by Indigenous peoples in this country. This month, a Report with his observations on the situation of Aboriginal and Torres Strait Islander peoples in Australia has been released. "We welcome the observations of Professor Anaya, whose findings will ensure that the plight of our people remains prominent internationally. Whilst the Aboriginal Legal Service of WA (ALSWA) is reminded on a daily basis of the injustice faced by our people, it is reassuring to know that these observations are also evident internationally" said Mr. John Bedford ALSWA Executive Officer and Acting CEO.

ALSWA, with the National Native Title Council hosted a series of community forums at ALSWA's Perth head office to co-incide with the Perth visit (18 August 2009), resulting in face to face communication between the Special Rapporteur and Indigenous community and organisation representatives. The forum gave Prof Anaya an overview of issues facing our people in WA and it was also here that he gained an insight into the tragic death in custody of respected Elder Mr. Ward.



Following his visit, the UN independent expert noted: "Having suffered a history of oppression and racial discrimination, including dispossession of lands and social and cultural upheaval, Aboriginal and Torres Strait Islander peoples endure severe disadvantage compared with non-Indigenous Australians".

Mr. Bedford is pleased that the administration of justice was one of the key areas of disadvantage referred to by the Special Rapporteur because "... it is organisations such as ALSWA that expressed concerns about this issue". The UN report which is available at www.un.org.au also highlights:

**The high rate of deaths in custody which was "... exemplified by the disturbing case in Western Australia of the death of (Mr). Ward while being transported in police custody." The Special Rapporteur recommends the Government take further action "to ensure the recommendations of the Royal Commission into Deaths in Custody (RCIADIC) are being fully implemented";*

**The Stolen Generations, land and natural resources, disadvantage and the government's response, cross-cutting concerns regarding government programs, observations on the Northern Territory Emergency Response in Australia, and makes various conclusions and recommendations;*

**The "alarmingly high levels of incarceration of Aboriginal and Torres Strait Islander people," and recommends the Government "take immediate and concrete steps to address the disproportionate number of Aboriginal and Torres Strait Islanders, especially juveniles and women, in custody."*

The Special Rapporteur recommended that additional funds "should be immediately provided to community-controlled legal services to achieve, at minimum, parity with mainstream legal aid services. In particular, culturally- appropriate legal services should be available to all Aboriginal and Torres Strait Islander peoples, including those living in remote areas, and interpreters should be guaranteed in criminal proceedings and, where necessary for a fair hearing, in civil matters."

Mr. Bedford welcomed these comments. "We have been advocating for a more equitable justice system for our people for many years, and our increasing workload continues despite receiving absolutely no financial assistance from the WA State Government" he said.

Pictured above with the Special Rapporteur last year are Marlene Jackamara, Michelle Scott, Helen Corbett, Suresh Rajan, Murray Yarran, Ben Taylor, Ramdas Sankaran, Dot Henry, Brian Wyatt, Marianne Mackay & Michael Blurton.

Perth suffers another death in custody



Tragically, there was a death in custody in Perth during March. "This is a tragedy that no family should ever have to go through. It is apparent that something has gone seriously wrong and we'll do what is necessary to seek answers on behalf of

this young man's family" said Mr. John Bedford, ALSWA Acting CEO. "It's extremely disturbing that a young man with a serious medical condition was discharged from hospital back into police care at the Perth Watchhouse,

and has died. A Coronial Inquiry will be conducted into this matter, and we want to be assured that authorities conduct a proper and timely investigation that has a comprehensive, objective and transparent process" said Mr. Bedford.

Celebrating 21 years at ALSWA



Margaret Stephens

Congratulations to ALSWA Civil Unit Secretary Margaret Stephens who recently celebrated her 21st year of working with the Aboriginal Legal Service of WA.

"I originally saw an advertisement for a three month temporary position, applied for it and got the job. I worked for Raj Choudree who was the Principal Legal Officer at that time. In this position I also liaised with the Executive Committee members. They were

very nice people but sadly some of them are no longer with us. I have held the position of Senior Secretary and have also assisted in training new staff and have worked in the Criminal, Family Law and (former) Land and Heritage units.

When Margaret started work with ALSWA on 6th February 1989, there was a typing pool, "so the secretaries did whatever work came in". "I worked on the Stolen Generation

project; 'Telling Our Story' and 'Bringing Them Home' with Tony Buti (a former ALSWA lawyer) when it first began in 1994-95" Margaret has worked in ALSWA's Civil Unit since 2000.

"I have enjoyed my time with ALSWA and met many wonderful people over the years. It's good to have a chat with clients that I knew in the early days when we haven't spoken for a long time. I would say I have a good relationship with our clients."



4-11 JULY 2010 **Unsung Heroes**
Closing the Gap by
Leading Their Way

NAIDOC Week 4th to 11th July 2010

Nominations are now open for the 2010 National NAIDOC Awards and this year sees the introduction of a new category called the 'Caring for Country Award'. Nominations close on Friday 30 April 2010.

The annual National NAIDOC Poster Competition is also open and calling for entries from Aboriginal and Torres Strait Islander people. Entries close on Tuesday 6th April 2010. For entry and nomination forms and more information see the official website at www.naidoc.org.au

PROFILE: Kim Axford - Solicitor

Having graduated with her Bachelor of Laws from Murdoch University in 2005, solicitor Kim Axford joined the Civil Unit at the Aboriginal Legal Service of WA (ALSWA) eighteen months ago.

"I wanted to work in an environment where I could do something to be able to assist other Aboriginal people" said Kim, whose cultural ties are with the the Gidja and Gooniyandi peoples from the

Fitzroy/Halls Creek areas of the Kimberley region.

Prior to commencing with ALSWA, Kim worked with the National Native Title Tribunal, following many years working with the State Director of Public Prosecutions (DPP). It was here that she first developed an interest in law and made the decision to embark upon studies and a legal career.

"There are many good

parts to my work and I particularly like it when we get a good outcome for a much deserved client. I also work with a great group of people which makes work so much more enjoyable".

To others considering a legal career, Kim's advice is: "Make sure it is what you want to do, and be prepared to work a lot of hours. It can be very rewarding as long as you consider the work you are doing is something you enjoy".



Kim Axford

"Prisoner transport unacceptable" says ALSWA as prisoner collapses in van

The Aboriginal Legal Service of WA (ALSWA) is shocked that an Aboriginal prisoner attending a family funeral earlier this month ended up in Royal Perth Hospital due to being transported in a vehicle with faulty air-conditioning. "I was horrified to hear that Mr. Yarran collapsed in the back of a prison vehicle whilst in the care of prison officers and was hospitalised overnight as a result. This could have very easily had a more tragic outcome when you consider that Perth's temperature's on the day (12th March) soared above forty degrees" said Mr. John Bedford, ALSWA Executive Officer and Acting CEO.

"Surely the past few years and investigations into the tragic and unnecessary death of respected Elder Mr. Ward in the back of a vehicle have had *some* impact on current transport practices. ALSWA will follow up on this matter with the Department of Corrective Services to determine how such a situation has arisen. We intend to make a complaint about this incident and seriously hope that something so potentially life threatening never occurs again" said Mr. Bedford.

ALSWA Executive Committee meets in Perth

ALSWA's Executive Committee members held their first meeting for 2010 in Perth during March.

Comprising 16 representatives from throughout WA, the Committee Members bring a wealth of experience to their roles and ensure that the views of our people are represented across the state.

We'll bring you more information on our Executive Committee in our next edition of Law Matters.

For more information on your locally elected representatives, see ALSWA's website at:

www.als.org.au

Revisiting Racism Conference Perth, WA 19-20 March 2010

Inspirational local, national and international speakers gathered recently at Murdoch University for a National Anti-Racism Symposium (19-20 March).

The Aboriginal Legal Service of WA (ALSWA) was approached at the end of last year to be an organising partner with Murdoch University, the Ethnic Communities Council of WA and the Federation of African Communities Council for the 'Revisiting Racism: Anti-Racism Leadership and Practice'.

The aim of the conference was to revisit experiences, engage in discussions about racism, share ideas and exchange models of best practice and leadership to

improve mutual understanding between different communities and develop practical solutions to advance the fight against racism in Australia. ALSWA played a vital role through ensuring that local Indigenous voices were included in the program. The 'Voices' Plenary Session commenced following a moving Welcome to Country by respected Elder Dr. Noel Nannup with panellists and their topics including:

Ms Daisy Tjuparntarri Ward and Ms Belle Davidson, Ngaanyatjarra Community Liaison, speaking about (*Aboriginal Deaths in Custody and ongoing injustice*);

Tammy Solonec, ALSWA Law & Advocacy Unit Managing Solicitor (*Legal Distinctions between direct discrimination, indirect discrimination and racial vilification*);

Mr Kim Collard, Director of Kooya Consultancy (*Reflections on Racism in Education*);

Mr Maurice Agale, Noongar Radio and RTRFM Presenter and Notre Dame Law Student (*Labelling and stereotyping of Aboriginal peoples*).

ALSWA was also successful in applying for funding from the Department of Indigenous Affairs (DIA) to sponsor several Aboriginal community participants to attend the conference.

Overall the Conference was a great success and ALSWA is proud to have had the opportunity to ensure that the voices of our people were heard in this important debate about the ongoing effects and experiences of racism.

For more info check out Murdoch University's website



Left L-R:
Mr. Abeselom Nega,
Ms Tammy Solonec
and Dr. Casta
Tangaraza
Right L-R: Ms Belle
Davidson, Ms Daisy
Tjuparntarri Ward,
Mr. Kim Collard and
Mr. Maurice Agale



L-R: Tammy Solonec, Kim Collard, Ms Belle Davidson, Ms. Daisy Tjuparntarri Ward, Dr. Noel Nannup

POSITIONS VACANT

PRISONER SUPPORT SOCIAL WORKER

Aboriginal Legal Service of WA (ALSWA)
(Perth)

This is a newly created ALSWA position

**Applications for the position of
ALSWA Prisoner Support Social Worker
close on 30 April 2010**

CHIEF EXECUTIVE OFFICER
WA Aboriginal Family Violence
Prevention Legal Service (FVPLS)
(Perth)

**Applications for the position of
FVPLS CEO
close on 13th April 2010**

**For more information and to obtain the Duty Statement/Selection Criteria
for either of the above positions please contact**

RONNIE MEADE
ALSWA Personnel Officer / Human Resources
08 9265 6609



The Aboriginal Legal Service of WA has 18 offices Statewide

Perth (Head Office), Albany, Broome, Bunbury, Carnarvon, Derby - Fitzroy Crossing -
Geraldton - Halls Creek - Kalgoorlie - Kununurra - Laverton - Meekatharra -
Newman - Northam - Roebourne - South Hedland - Warburton

For legal advice or assistance phone ALSWA (Freecall within WA) on 1800 019 900

**To find out more about your legal rights and to keep up to date with Aboriginal News
from around the country check out our website at www.als.org.au**



ALSWA closure over EASTER



The Aboriginal Legal Service of WA (ALSWA) will:

CLOSE at 2.30 pm on
Thursday 1st April 2010
- and -

RE-OPEN at 8.30 am on
Tuesday 6th April 2010.

If you need **URGENT** legal advice relating to a criminal law matter during the Easter long weekend please phone our **After Hours Officer** on **08 9265 6644**.

We wish our staff and our community a safe and happy Easter...