



## Law Matters

Aboriginal Legal Service of Western Australia (Inc)

AUTUMN/WINTER 2014

### MEET OUR COURT OFFICERS



Court Officers from ALSWA's fifteen statewide offices were in Perth recently to attend statewide training. Our Court Officers play a vital role within our Communities and the court system and provide ALSWA with invaluable knowledge and skills through their work with Aboriginal and Torres Strait Islander community members requiring legal support and representation from ALSWA. (See page 9 for names)

### ABORIGINAL LEGAL SERVICE OF WA - WE'RE TURNING 40!

The Aboriginal Legal Service of WA will celebrate its 40th Anniversary in November this year!

To mark this significant milestone, a Gala Dinner will be held in Perth on Friday 7th November 2014.

"We are so proud of our achievements over this time and there are many people who have shared in the ALSWA journey over the years" said ALSWA CEO Dennis Eggington.

Tickets for this event are now on sale and it promises to be a great night to mark this wonderful occasion.

Not only will there be guests speakers, but also some of this State's best performers to entertain the 300 plus audience throughout the evening.

**Full Details on the back page of this newsletter.**



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6-13 July  
**2014**

**SERVING COUNTRY –  
CENTENARY & BEYOND**

## CELEBRATING NAIDOC WEEK WITH ALSWA STALLS

NAIDOC Week celebrations in Perth were fantastic with so many events happening throughout the week. ALSWA staff enjoyed running stalls at the Official Perth NAIDOC Week Opening Ceremony and events at Armadale, Mirrabooka and Ashfield.

“NAIDOC Week is such an important time on our calendar, and it’s vital that our organisation is part of such significant events to ensure that our information and services provided can be accessed not just through our offices, but through community networks also” said ALSWA CEO Dennis Eggington. “Well done and thanks to our staff who ensured ALSWA’s presence at events”.



*Clockwise from Top L-R: Darlene Summers (ALSWA Court Officer), Suzanne Randall (ALSWA Field Officer), Phoenix and April Randall, Helen McCartney (ALSWA Records Manager), Roy Blurton (ALSWA Court Officer) Jodi Hoffmann (ALSWA Media Officer), Alana Dooley, Jacinta Ricketts (ALSWA Legal Officer), Sarouche Razi and Nicholas Snare (ALSWA Lawyers) at ALSWA Stalls during NAIDOC Week.*





### MESSAGE FROM THE CEO DENNIS EGGINGTON

This year the Aboriginal Legal Service of WA will celebrate our 40th anniversary. We have achieved so much during this time and can be truly proud of our achievements and unique contribution to the justice system in this state.

Tables are filling up fast so if you want to share in the celebrations of this significant event, check out the back page of this newsletter because it promises to be a wonderful night for all. Whilst the Federal

Budget delivered a blow to many Aboriginal service providers around the country, we must all stand strong and proud in the knowledge that our work is vital in making a difference in the lives of our people, through providing quality and Culturally suitable services.

For regular listeners of our fortnightly 'Law Matters' radio program on 6NME Noongar Radio in Perth, we are proud to announce that as of 1st July 2014, this

program is also heard nationally through the National Indigenous Radio Service (NIRS).

Great to have our Countrymen and women tuning in across the country to gain a greater insight into the issues facing our people within the justice system in W.A.



### NAIDOC WEEK FOCUS ON ABC RADIO

During NAIDOC Week ALSWA CEO Adjunct Professor Dennis Eggington, Professor Colleen Hayward, Head of Kurungkurl Katitjin Centre for Indigenous Australian Education and Research at Edith Cowan University and Ted Wilkes, Associate Professor at Curtin University and Prime Ministerial appointment

to the Australian National Council on Drugs were guests on 720 ABC Perth. Chatting candidly about life outside of work, the significance of NAIDOC and future aspirations, audiences gained a greater insight into these three very public people and Ted also performed live from his 'No More Yonga' CD.



*L-R Ted Wilkes, Colleen Hayward and Dennis Eggington at the Perth Studios of the ABC during NAIDOC Week*

### ABORIGINAL LEGAL SERVICE OF WA (INC) SPECIAL GENERAL MEETING

**Friday 1st August 2014 at 3.30 pm at ALSWA at 7 Aberdeen Street Perth**

*In accordance with Motion 05-2014 passed by the Executive Committee of the Association on 28 May 2014 Copies of the Motion and Agenda of the Meeting may be obtained from all ALSWA offices upon request. More information at [www.als.org.au](http://www.als.org.au) or by phoning ALSWA on Freecall 1800 019 900*



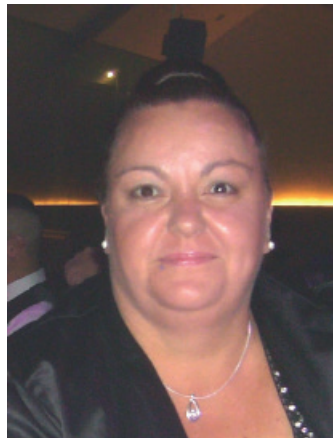
### NAIDOC PERTH BALL 2014



The NAIDOC Perth Ball provided a fantastic finale to NAIDOC Week and some of ALSWA's staff, with partners, attended to share in the celebrations.

With performances by Urban Youth Crew, Wesley College Dancers, The Merindas, The Dulcitones, Jonathon Ford & The Baldja Boys, Troy Cassar-Daley, and DJ Zeke, there was

non-stop entertainment throughout the evening at the Perth Convention Centre.



6-13 July  
**2014**

**SERVING COUNTRY –  
CENTENARY & BEYOND**

**THE HOST CITY FOR 2015 NAIDOC  
CELEBRATIONS IS ADELAIDE!**



*Clockwise from top: ALSWA CEO Dennis Eggington with wife Louella and Troy Cassar-Daley, ALSWA President Michael Blurton and ALSWA Staff members which included Alex Walters, Kelly Custodio, Sarouche Razi, Jodi Hoffmann, Margaret Stephens and Suzanne Randall.*



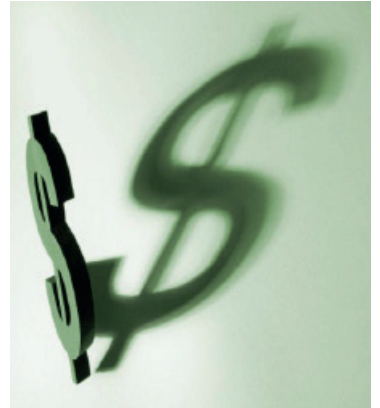
### FEDERAL BUDGET UPDATE

The Federal Budget handed down by the Abbott Government in May this year announced that 13.4 million dollars would be slashed from Aboriginal legal services across the country. ALSWA CEO Dennis Eggington says the cuts will definitely affect vital front line services.

“Our workload is already stretched and further cuts will add even more pressure. Spending millions of dollars to boost police infrastructure and build more prisons in remote communities is not the answer. The long term solution is Justice Reinvestment because it is an approach that

achieves results” said Mr. Eggington.

ALSWA is part of the National Aboriginal and Torres Strait Islander Legal Services (NATSILS) body, all of whom remain in regular contact to ensure that dialogue on the proposed funding cuts remains a priority for all concerned.



### SORRY DAY PERTH

The Bringing The Home Committee and assisting agencies must be commended for their incredible efforts and commitment to ensuring that our Stolen Generations are remembered and honoured through Sorry Day commemorations. ALSWA CEO Dennis

Eggington was honoured to take part in Sorry Day activities at the Perth event which was held at Wellington Square in East Perth and included stalls, guest speakers, entertainment and the planting of native hibiscus, the national Sorry Day flower.



*Photo source: [bringingthemhomewa.com](http://bringingthemhomewa.com) Check out this website for more Sorry Day information/photos*

### UPDATE ON HOTEL'S RACIST SIGN

The Licencee of the Denver City Hotel and three Equal Opportunity Commission (EOC) complainants are currently in the middle of confidential negotiations to settle complaints of racial discrimination lodged

after the complainants were refused service at the hotel in early March.

ALSWA is in the middle of confidential negotiations in the Australian Human Rights Commission (AHRC) to settle complaints of racial discrimination lodged against the Shire of

Coolgardie for what ALSWA believed to be racist comments and views held and communicated by the Shire and its President in the Shire's 29 April 2014 meeting minutes and in subsequent comments made in the media by Shire President in May.





THE 2011 CENSUS INDICATED THAT 9592 PEOPLE IN WESTERN AUSTRALIA ARE HOMELESS. ADVOCACY GROUPS CLAIM THIS IS AN UNDERESTIMATE AND THE ACTUAL FIGURE IN 2012 WAS AS HIGH AS 13400 ON ANY GIVEN NIGHT

### HOMELESSNESS AND THE LAW

Homelessness and the Law was the topic of a Panel Discussion that took place at the Supreme Court of Western Australia in May.

Organised by the Law Society of WA, the diverse panellists were ALSWA Civil Unit lawyer Sarouche Razi, Justice Hall, Ian Carter, CEO of Anglicare WA, Ann Margret Walsh, Principle Solicitor of the Street Law Centre and

Lawrence Panaia, Acting Assistant Commissioner for Judicial Services, WA Police.

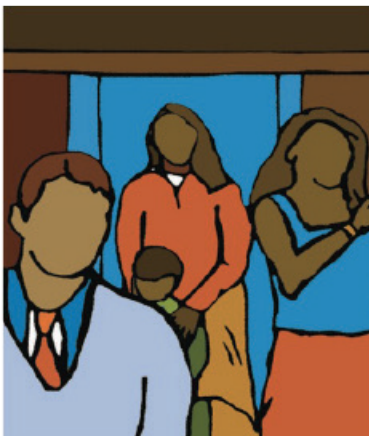
“My contribution was specifically in relation to Prohibited Behaviour Orders and the overwhelmingly negative impact it was having on homeless people. It was also a great opportunity for ALSWA to express to the community the significant work that we

have done to fight the draconian measures on a case by case basis and highlight the great work that ALSWA has done in this area” said Sarouche. Other issues discussed included move on orders, prohibited behaviour orders, access to justice for homeless people, tenancy law reform, the criminal justice system’s interaction with homeless victims and homeless offenders.



*The Hon Justice Stephen Hall, Supreme Court WA, Ian Carter, CEO of Anglicare WA, Sarouche Razi, Senior Solicitor, Aboriginal Legal Service of Western Australia, Matthew Keogh, Senior Vice President, The Law Society of Western Australia (Chair), Lawrence Panaia, Acting Assistant Commissioner for Judicial Services, WA Police, Ann-Margaret Walsh, Principle Solicitor, Street Law Centre (Photo Courtesy Law Society of Western Australia)*

### ROYAL COMMISSION - ALSWA CAN ASSIST



If you are an Aboriginal or Torres Strait Islander person and you, or someone you know, has experienced child sexual abuse in an institution, you may wish to find out more about the Royal Commission Into Institutional Responses

to Child Sexual Abuse. The Aboriginal Legal Service of WA (ALSWA) can assist you with your enquiries. Our Field Officer, Suzanne Randall is available to answer any questions you have about this, so please feel welcome to contact

your local **ALSWA office** or phone our **Freecall number from anywhere in WA on 1800 019 900**. More information can also be found on our website at [www.als.org.au](http://www.als.org.au) The website for the Royal Commission is **[www.childabuseroyalcommission.gov.au](http://www.childabuseroyalcommission.gov.au)**



## ARE YOU ALREADY STUDYING OR INTERESTED IN STUDYING LAW?

ALSWA Family Law Unit lawyer Jonathon Reid (*pictured at right*) will join other panellists for a discussion and networking event for Aboriginal and Torres Strait Islander law students and students interested in studying law.

This event is presented by The Law Society of WA in association with The University of WA and will take place on Monday 1st September 2014 at Shenton House, Hackett Drive Entrance 2, Crawley (from 4.30 to 6.30pm). Other panellists include

Krista McMeeken, Ben Wyatt, Tammy Solonec and Douglas D'Antoine.

**Bookings are essential and more information is available by phoning Gabrielle Garratt UWA's School of Indigenous Studies 08 6488 2467.**



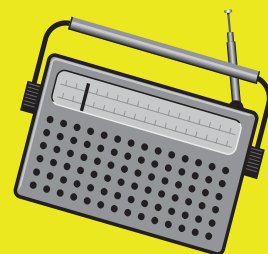
## LAW MATTERS

Keeping you informed about legal matters, the justice system and human rights in WA

*Tune into 6NME Noongar Radio 100.9 FM alternate Wednesdays and National Indigenous Radio Service alternate Tuesdays*

**More information at [www.als.org.au](http://www.als.org.au)**

*'Law Matters' - proudly produced and presented by the Aboriginal Legal Service of WA*



## WHERE TO FIND YOUR LOCAL ABORIGINAL LEGAL SERVICE OF WA OFFICE

*ALSWA - Striving for Justice for almost forty years*

**Head Office at 7 Aberdeen Street Perth WA 6000**

With country offices located at Albany, Broome, Bunbury, Carnarvon, Fitzroy Crossing, Geraldton, Halls Creek, Kalgoorlie, Kununurra, Meekatharra, Newman, Northam, Roebourne, South Hedland

**WA FREECALL 1800 019 900 WEBSITE [www.als.org.au](http://www.als.org.au)**



### ALSWA STAFF VISIT DUMBARTUNG

When Dumbartung's Robert and Selina Eggington were invited to ALSWA earlier this year to talk about their work and involvement in John Pilger's latest film 'Utopia' ALSWA staff gained a greater insight into many of the issues facing our people which were highlighted in the film. The Dumbartung Aboriginal Corporation works tirelessly to

empower the healing of our people's lives and communities through cultural initiatives that strengthen the spiritual identity and create a sense of belonging.

Their tireless efforts, projects and advocacy have played a vital role in the lives of many people over the decades.

ALSWA staff were also

fortunate to be taken on a tour of the Kyana Gallery on the Clontarf Grounds where Robert and Selina spoke about the significance of the Gallery in Western Australia's history and the contributions made by many of our people over the years. ALSWA is grateful for the time given to our staff and the 'must see' visit was valued by all.



*Pictured at Dumbartung L-R are Kelly Custodio, Julie Waud, Hayley O'Hara, Suzanne Randall, Darlene Summers, Kate Hatvani, Dennis 'Sorgi' Eggington, Selina Eggington, Robert Eggington and Jodi Hoffmann*

### GABRIEL PATRICK - REST IN PEACE



We were saddened to hear of the passing of Gabriel Patrick who spent over 18 years with the Aboriginal Legal Service of WA. During this time, he made many staff and community friendships before retiring in 2006.

"Gabriel, originally from Sri Lanka, was a wonderful person who helped so many people during his time at ALSWA. He had a great sense of humour and worked tirelessly to help out our clients and stand up for the rights of our people. Our thoughts are with Ruth and his family and friends.

We will always remember Gabriel fondly and miss him dearly, he was a valued and loved member of our team" said ALSWA CEO Dennis Eggington.



## FAMILY LAW MANAGING SOLICITOR FAREWELLS ALSWA

After ten years with ALSWA, Family Law Unit Managing Solicitor Mary Chape (*on right*) has decided to move on. She will be greatly missed by staff and clients. Extremely proud of studying law with three children, Mary was admitted the day before her 39<sup>th</sup> birthday.

"When I started at ALSWA I spent the first three days in Perth as part of an 'orientation' before packing up my belongings and flying to Broome with my cat the same week, arriving on the Friday and stating in the Broome office on the Monday" said Mary.

As Broome's Managing Solicitor, Mary thoroughly enjoyed working in the regions, having previously worked for Legal Aid in South Hedland.

"I remember driving from Derby to Fitzroy Crossing in 2007 and, on arrival, found a text message advising that I had become a grandma. I was prancing around outside the police station/courtroom yelling "I'm a grandma!" I cannot choose from all the

other memories associated with working with ALSWA, but conversely, my most frightening memory was driving in the dark from Broome to Derby, through torrential rain and thunder and lightning, with a cyclone hovering off the coast of Derby" said Mary, who returned to Perth as ALSWA's Family Law Managing Solicitor in 2007.

"People represented by ALSWA are often at a severe disadvantage with a huge power imbalance. This applies when dealing with child protection authorities and with well funded non Indigenous parties. Our lawyers assist the courts and minimise the ongoing costs of the justice system by providing appropriate legal advice, liaising with other lawyers and parties and making sure the Courts have the full story. I like the fact that we can help people through difficult times in their lives. I feel I have achieved if someone walks out of the office feeling better than when they walked in. Child Protection and Family

Court legislation provide for special factors to be taken into account when dealing with Aboriginal and Torres Strait Islander children and it's our duty to ensure that the evidence for these factors is put before the Courts and that the judicial officer gives it the proper attention when making a decision. Many people do not realise that people who are not represented or not fairly treated in the Family Courts or child protection system, sometimes go on to appear in the criminal law system, due to their frustration" said Mary. While the decision to leave ALSWA wasn't an easy one, Mary is looking forward to spending more time with her grandchildren and visiting her daughter and family in LA. She will also attend the biennial National Family Law Conference in Sydney in October, start a part-time private practice in family law, child protection law, minor criminal law, and simple wills and probate after leaving ALSWA in August.



**I keep this saying  
on my desk:**

*"God grant me the  
Serenity to accept the  
things I cannot  
change;*

*Courage to change  
the things I can;*

*and Wisdom to know  
the difference."*

*Mary Chape...*

## PHOTO NAMES (ALSWA Court Officers, front page)

**Back Row:** Steven Carter, Peter Brandy, Mark Little **Middle Row:** Murray Stubbs, Cedric Wyatt, Mark Radovanovic, Sylvia Crombie, Roy Blurton, Dennis Eggington (Sorgi), Darlene Summers, Margaret Ugle, Kevin Blurton, Suzanne Randall Charmaine Tullock -Taylor **Front Row:** Julie Waud, Elvis Stokes, John Green, Stephanie Mippy **Not Present:** Sarah Johns, Viv Blurton, Sandra Collard, Veronica Randall



### CONGRATULATIONS AADS ON TURNING 25!

**CONGRATULATIONS!**

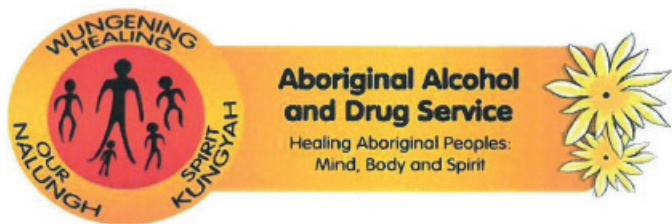
Congratulations to Daniel Morrison and the team at the Aboriginal Alcohol and Drug Service (AADS) who recently celebrated their 25th Anniversary.

ALSWA was proud to sponsor this significant

event and share in the celebrations at AADS' Gala Dinner, which was held at Fraser's Kings Park Restaurant - State Reception Centre on 7 July 2014.

"Our organisations do such a fantastic job

through providing much needed services for our Community members. ALSWA commends AADS for their achievements over the past 25 years, and looks forward to the next 25" said ALSWA CEO Dennis Eggington.



Attending the AADS Celebrations from ALSWA were (L-R) Sarouche Razi, Dennis Eggington, Angela Bromfield, Margaret Stephens and Sue Nicholls

### CELEBRATING TOGETHER - A poem by Community member Jerry Maher

*Come hold my hand and sit with me  
Let's celebrate together this beautiful country  
This is yours and mine you see  
Let's celebrate together happily and free  
We love this country that we share  
With all walks of life because we care  
Maybe in time you will understand  
Why we cry and fight for this great land  
I shared my thoughts with many and found  
Celebrating together can pull anything down  
So that's the think I wish to see  
Both of us fighting for recognition you and me*

*You know what's so strange right here right now  
You can change your ways and here is how  
Just look at me for what I am  
You will see I have feelings I know you can  
So one last thing you all should know  
I am proud of my country and my heritage so  
Both of us together, yes you and I  
Let's go celebrate together and this is why  
This country belongs to you and me  
We both live as one happy and free  
So just before you go good mate  
Give me your hand yeah let's all celebrate.*



### KIDS SAFE IN CULTURE, NOT IN CARE

A Forum held in Perth during June brought together key players in Western Australia's child welfare sector and community representatives to look at local solutions to address the soaring number of Aboriginal and Torres Strait Islander children in out-of-home care.

Held at the University Club in Nedlands, the forum was part of a national initiative, titled *Family Matters - Kids Safe in Culture, not in Care*, undertaken by SNAICC in partnership with other agencies, in Perth being Yorganop and WA Council of Social Service.

The Perth forum looked at the factors that contribute to Aboriginal and Torres Strait Islander children in

Western Australia representing 49 percent of all children in out-of-home care, while comprising only 5 percent of the state's child population.

Another issue explored at the forum was ensuring children in out-of-home care remained connected to family, community and culture.

In Western Australia, 57 percent of Aboriginal and Torres Strait Islander children in care are placed with their Indigenous relatives/kin or another Indigenous carer.

Like all other states and territories, Western Australia is guided by the Aboriginal and Torres Strait Islander Child Placement Principle when making decisions on child removals.

The principle, which lists a preferred order for placing children and promotes Aboriginal and Torres Strait Islander participation in decision making, is embedded in the state's Children and Community Services Act (2004).

However, in Western Australia, Aboriginal and Torres Strait Islander agency involvement is not required in placement decisions or judicial decision making.

*The Secretariat of National Aboriginal and Islander Child Care (SNAICC) is the national non government peak body in Australia representing the interests of Aboriginal and Torres Strait Islander children and families.*



Above: ALSWA CEO Dennis Eggington speaking at the Forum, and Below (L-R) Frank Hytten CEO SNAICC, Emma White A/Director General Department for Child Protection and Family Support, Virginia Dingo Manager Yorganop, Dennis Eggington CEO ALS, Jaqueline McGowan Jones Executive Director Department for Education, Jim Morrison Co-chair Stolen Generations and Irina Cattalini CEO WACOSS.





40TH ANNIVERSARY GALA DINNER

# INVITATION



THE **ABORIGINAL LEGAL SERVICE OF WESTERN AUSTRALIA (INC)**  
WILL CELEBRATE ITS 40<sup>TH</sup> ANNIVERSARY WITH A

## GALA DINNER

FRIDAY 7 NOVEMBER 2014  
ASTRAL BALLROOM, CROWN PERTH  
GREAT EASTERN HIGHWAY, BURSWOOD

6.30 PM TO 12.00 MIDNIGHT

### FEATURING

WELCOME TO COUNTRY BY BARRY MCGUIRE

MC's NARELDA JACOBS AND JIM MORRISON

### PERFORMANCES BY

DENNIS SIMMONS DIDGERIDOO PLAYING  
GYA NGOOP KEEINYARRA DANCE GROUP  
URBAN YOUTH CREW  
THE MERINDAS  
THE YABU BAND

### FORMAL DRESS

**TICKETS \$150.00 EACH**

### BOOK ONLINE AT

<https://events.travelctm.com/events/ALS40/>

OR PHONE EVENT TRAVEL MANAGEMENT ON 08 9389 6232

*TICKETS ON SALE UNTIL 5 SEPTEMBER 2014*