

Law Matters



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Inaugural Walk for Justice

ALSWA CEO Dennis Eggington was one of the Ambassadors taking part in the inaugural Law Access *Walk for Justice*, held in Perth on 17th May. The walk, opened by WA Chief Justice the Hon Wayne Martin AC saw participants raising funds for the new charity, Law Access, which matches those in need of legal assistance but unable to pay, with a lawyer to assist on a

pro bono basis. So far, \$26,289.55 has been raised by 191 fundraisers. "I'm proud to be involved in this event because I'm aware of the need for access to justice for *all* people, not just those who can afford it. I'm fully aware that it's not only Aboriginal people who are disadvantaged. Because ALSWA is also assisted through pro bono assistance, it's

rewarding to be able to give back, by supporting Law Access" said Mr. Eggington.

Law Access Director Maria Saraceni said, "The Law Access pro bono referral service operates as a safety-net for those needing legal assistance".

Since June 2015 Law Access has received nearly 400 applications for pro bono assistance and has made over 135 pro bono referrals.



Corrective Services Minister Visits ALSWA

The Department of Corrective Services Commissioner James McMahon met with ALSWA in March. As the Commissioner, he

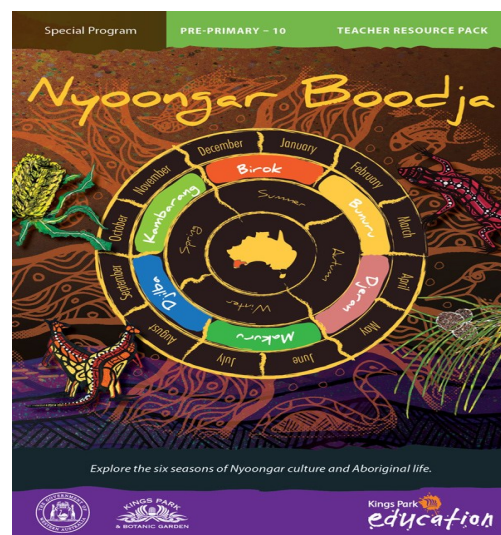
administers the Prisons Act 1981, young Offenders Act 1994 and the Sentence Administration Act 2003. He is pictured

with Assistant Director, Reconciliation Fiona Emmett and Dennis Eggington, Victoria Williams and Peter Collins from ALSWA.



It's Djerun Season

This is the April/May edition of the Law Matters newsletter which means that it's Djerun Season. There are six different seasons in the Nyoongar Seasonal Calendar. April and May are known as Djerun, the equivalent season to Autumn, which signifies the beginning of cooler weather.



Front Cover: Ms Jessica Bayley, Law Access Lawyer, Hon. Wayne Martin AC. WA Chief Justice, Hon. Justice Antony Siopis, Federal Court of Australia, ALSWA CEO Dennis Eggington, Mr John Corker, CEO Australian Pro Bono Centre, Mrs Elizabeth Needham, Law Society of WA President, Hon. Justice Stephen Thackray, Chief Judge Family Court of WA, Mr Rupert Johnson, Associate Dean Law, School of Business and Law, Edith Cowan University, Hon. Justice Robert Mazza, Supreme Court of WA, Professor Doug Hodgson, Dean of Law, UNDA Fremantle Campus, University of Notre Dame Ms Maria Saraceni, Director, Law Access, Ms Alex Lee-Arney, Law Access law student volunteer.

Royal Commission into Aboriginal Deaths in Custody - 25 Years On

On the eve of the 25th anniversary of the Royal Commission into Aboriginal Deaths in Custody (RCIADIC), the WA Government was urged to adopt justice targets to address the State's appalling rates of Aboriginal peoples' overimprisonment.

ALSWA CEO Dennis Eggington, said that the primary recommendation of the RCIADIC was that governments must reduce the rates at which Aboriginal people are locked up. "Western Australia's justice system is at a crisis point. It perpetuates inequality and

injustice – which is exactly the opposite of what it is intended to do," said Mr. Eggington.

Nationally Aboriginal imprisonment rates have doubled since the Royal Commission and WA is the worst performing jurisdiction, with the Aboriginal imprisonment rate being close to 70 percent higher than the national imprisonment rate.

The Human Rights Law Centre's Senior Lawyer, Ruth Barson (on right) said that governments should be held to account for this injustice by

adopting Justice Targets, measurable goals to reduce Aboriginal imprisonment rates. "Justice Targets will ensure governments commit to and publicly report against efforts to reduce Aboriginal peoples' over-imprisonment. They will help to ensure governments can't just continue to turn a blind eye to this crisis," said Ms Barson.

In WA Aboriginal people are 17 times more likely to be locked up than non-Aboriginal people. Whilst Aboriginal people represent approximately 3% of the general



Ruth Barson, Human Rights Law Centre

population, close to 40% of WA's prison population is Aboriginal.

In March, the WA Coroner examined the tragic death in police custody of Ms Dhu, a 22 year-old woman, who was locked up in a South Hedland police station for failing to pay her fines. She died three days later. Carol Roe, grandmother of Ms Dhu, said that having her granddaughter die such an inhuman death has caused her and her family immeasurable grief.



L-R Speaking on ALSWA's Law Matters radio program on Noongar Radio, ALSWA lawyers Alice Barter, Paul Gazia and CEO Dennis Eggington discuss the tragic passing of Ms. Dhu and the subsequent Coronial Inquest which ended on 24th March 2016

Mixed Emotions for ALSWA Following Budget



The Executive Committee of the Aboriginal Legal Service of WA met in Perth recently to discuss the future operations of ALSWA following the welcomed news that funding has been assured for the next four years. The Board bring a wealth of experience to their roles which will ensure that ALSWA in in safe and progressive hands which will further advance the organisation and the vital work done within the justice system in WA

through ALSWA's 13 statewide offices. "We're elated that the Commonwealth Department of the Attorney General has recognised our worth and renewed funding for a further four years" said ALSWA CEO Dennis Eggington, but added that like many other community legal providers, ALSWA still faced impending cuts, which would total approximately \$800,000.

"Until recently, we didn't know if our funding would extend beyond 30

June this year, so of course it is great news that we can continue with business as usual. Any future cuts though will obviously have dire consequences on our service delivery and the tragedy of that is that Aboriginal and Torres Strait Islander people will be the biggest losers" said Mr. Eggington.

**Western Australia imprisons Aboriginal people at 17 times the rate of non-Aboriginal people.*



L-R Justyne Eades ALSWA Acting PA to the CEO, John Poroch ALSWA Acting Accountant, Kathy Watson (West Kimberley Region, Secretary), Glen Colbung (South West Region, Vice President), Jim Lewis (East Kimberley Region, Treasurer), Donald Abdullah (Goldfields Region) Paul Baron (Murchison Gascoyne Region), John Bedford (ALSWA Executive Officer), Michael Blurton (Central Region, President), Dennis Eggington (ALSWA CEO) and Peter Collins (ALSWA Director Legal Services) (*Not present: Preston Thomas (Central Desert Region)

Report Finds Racial Prejudice and Discrimination Still Prominent

The recently released *State of Reconciliation in Australia* report, found that while the nation has developed a strong foundation for reconciliation, there are still significant challenges that remain. Launched by Reconciliation Australia, the report measures the progress towards reconciliation in race

relations, equality and equity, institutional integrity, unity and historical acceptance.

Native Title, Closing the Gap, the National Apology and the progress towards constitutional recognition of First Australians were cited as significant milestones.

However, while it displayed that 86%

believed the relationship between Aboriginal and Torres Strait Islander peoples was important, it also found that Indigenous people still experience high levels of racial prejudice and discrimination, and that the trust between Indigenous and non-Indigenous Australians remains unacceptably low.



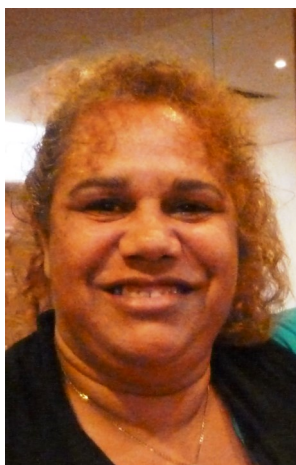
**READ FULL REPORT ON THE STATE OF RECONCILIATION
IN AUSTRALIA AT www.reconciliation.org.au**

2016 NAIDOC Poster Competition Winner Announced

Lani Balzan, a proud Wiradjuri Aboriginal woman from NSW, is this year's winner of the prestigious National NAIDOC Poster Competition. As the winner, Ms Balzan will have her artwork, titled: *Songlines Tie All Aboriginal People Together* displayed on the 2016 National NAIDOC Poster and receive a \$5,000 cash prize. The poster will be distributed across the country to promote NAIDOC Week 2016, which runs from 3-10 July. Artists entering the competition were asked to submit an artwork which represented their interpretation of this year's NAIDOC theme - *Songlines – The living narrative of our nation*. While more than 100 outstanding entries were received, the Committee was unanimous in its selection of Ms Balzan's artwork.



Meekatharra Court Officer's Efforts Commended by WA Police



The wording on the Certificate says it all: *In recognition of the assistance given to Western Australia Police in the apprehension and restraining of a violent offender at the risk of their own safety.*

Stephanie Mippy, (on left) ALSWA's Meekatharra Court Officer has been awarded a Certificate of Appreciation in recognition of her assistance given to WA Police in the apprehension and restraining of an offender. Stephanie is a greatly respected Community and staff member in this area and her Cultural knowledge and understanding about our people played a key role in this event.



She approached the offender sensitively and spoke with him in calm tones and gained not only the compliance of the man, but the respect of both him and the police involved - a

great outcome for all. We're very proud of Stephanie's work and her long-term commitment to her role with ALSWA and the needs of our community members.

Free Monthly Noongar Family History Sessions



Want to find out more about your family? Interested in browsing photos and resources about Aboriginal history in WA? Then head along to the monthly sessions at the State Library of WA. More info on 9427 3111.

New CEO for Secretariat of National Aboriginal and Islander Child Care (SNAICC)

SNAICC are the national non government peak body in Australia representing the interest of Aboriginal and Torres Strait Islander children and families. NSW Yuin man Gerry Moore, former CEO of Aboriginal Legal Services NSW/ACT was

appointed as SNAICC's new CEO in February this year. Mr. Moore and SNAICC Deputy CEO Emma Sydenham, were in Perth recently and took the opportunity to visit ALSWA to discuss SNAICC's important work.



Come along to this year's Sorry Day commemoration event on Thursday May 26th at Wellington Square, East Perth 9:45am-1:45pm.

The event is open for the public:

Opening formalities - 10:00am-10:40am

Cultural learning, sharing, healing activities and lunch- 10.40am -12.15pm

Sand mural performance, presentation- 12:15pm - 1:00pm

Smoking ceremony - 1:00pm – 1:45pm

We encourage you to come for any part of the formalities.

This year's Sorry Day event will be exciting, engaging & meaningful to the whole community. We look forward to you being a part of this day.

SORRY DAY

Thursday May 26th



Photography Packages - Beware of Scams

Scams come in all forms, from door to door, to phone, to email and internet. ALSWA is currently looking into a spate of reports where people have signed up for Photographic Packages, but have

either not received their photos, or have been charged excessive amounts of money. All consumers have rights under Australian consumer law, and if you, or anyone you know,

have signed up for a photo package that has not delivered what it promised, or has charged a lot more than you expected, please call ALSWA lawyer Alex Walters on WA Freecall 1800 019 900.



Tragic Case of 'Baby Charlie'

The death of 10 month old Charles Derschow Mullaley, 'Baby Charlie' in March 2013 is a tragedy that left his family and community heartbroken.

Coupled with this heartache, is the knowledge that family members were not afforded the urgent and committed response and respect that they deserved from members of WA's police force. Disturbingly, there are many parallels between their treatment, and other tragic cases involving Aboriginal people, in more recent times, that of the late Ms. Dhu. ALSWA has worked alongside the family of Baby Charlie since his death, and on their behalf, lodged a complaint about their treatment with the Corruption and Crime Commission (CCC). This Report was

tabled in Parliament on 21st April 2016, and stated in part: *Critically, there were a number of points where vital information was not sought, obtained, recorded or passed on by police officers both in Broome and at the Police Operations Centre in Perth. Decisions regarding action to be taken were made without regard to key pieces of information which meant that the search for Charlie did not begin in earnest until several hours after his disappearance was reported. "Failures by individual officers on the night ... contributed to a delayed and ineffective response. "The police officers "failed to deal with Ms Mullaley as the victim of an assault...They failed to establish who assaulted her. Their failures later impacted on the*

actions of police who attended subsequently..."

ALSWA Civil/Human Rights Unit Managing Solicitor Paul Gazia is alarmed at the generalisations and stereotypical views displayed by some police officers, in the handling of this sensitive case. "This is a clear case of the police dismissing cries for help from extremely vulnerable people, due to their own preconceptions" said Mr. Gazia. He is also concerned that members of the Broome police force should have followed WA Police policy relating to a Missing Person, however, decided not to take the complaint seriously. The Mission of the WA Police is to 'enhance the quality of life and well-being of all people in Western Australia by contributing to making our State a safe and secure place'.

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Justyne Eades Sights Firmly set on Legal Career

Justyne Eades is an Albany born Noongar woman, whose family originate from the Great Southern region, particularly Gnowangerup and Mt Barker. She spent her early years in the city before returning to the country and attending schools in Gnowangerup, Katanning and Mt Barker, coming back to Perth in her mid-teens to finish school. Having spent the past ten years working within the legal field in Perth, Justyne joined the team at ALSWA in March this year, taking on the role of Acting Personal Assistant (PA) to the CEO. "I've worked within the justice system for most of my career and commenced a Law Degree at Murdoch University in 2014. I wanted to work with ALSWA because I knew it would afford me valuable skills

and knowledge that would further complement my studies and career." Before working with ALSWA, Justyne worked for the Yamatji Marpa Aboriginal Corp, a Native Title representation body for the Pilbara and Gascoyne regions. Justyne's career shows no sign of slowing down, and since commencing work as a 16 year old a decade ago through a Business Administration traineeship with the Department of the Attorney General, she stayed within the department for nine years, working in a diversity of roles including PA to a

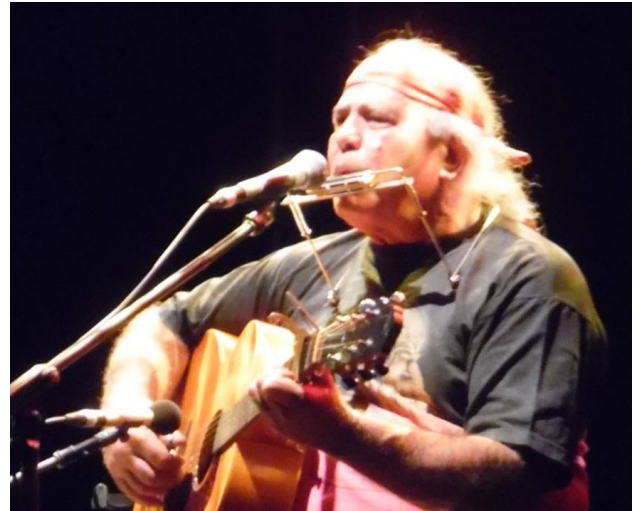
Court and Tribunal Services Director, a Sheriff of WA, Director of High Courts, whilst also doing project work for a Supreme Court judge.

"I'm really enjoying my work at ALSWA and in the future I hope to finish my Law Degree, one day becoming a Criminal Lawyer providing services for fellow Aboriginal people. As an Aboriginal woman, family is most important to me and I hope I can be a positive role model for my family, in particular my two young daughters, and teach them that with hard work anything is possible.



Kev Carmody Back In Perth

PIAF, the Perth International Arts Festival saw Kev Carmody perform to a thrilled crowd at Chevron Gardens. It's been a few years between visits so it was wonderful to have the ever respectful and talented Queensland performer back in WA.



A.O. Neville Office New Law School

The former office of Chief Protector of 'Aborigines' Auber Octavius Neville has been launched as the new city based premises for the Curtin Law School. Rejuvenated as a place of learning, the historical building at 57 Murray Street will

ensure that all studying there are aware of the history of our people in WA and AO Neville's oppressive and controlling implementation of policies under the 1905 Act which led to the forced removal of so many people. Opened by

Chief Justice Wayne Martin, ALSWA CEO Dennis Eggington also spoke at the event: "I'm very pleased that this building will be used for good not evil and am confident that the past life of this building will transform into an exciting and innovative learning environment" he said.



Professor Paul Fairall (Foundation Dean of the Curtin Law School), Professor Deborah Terry (Curtin Vice-Chancellor), ALSWA CEO Dennis Eggington and WA Chief Justice the Hon Wayne Martin



Tribute Swim for Nikki Raises Over \$50,000 for Breast Cancer

Nikki Dwyer-Hager was loved by all who knew her. She was a strong, beautiful young woman, who lost her battle with cancer aged 32 during 2015. A former Human Rights Lawyer with ALSWA, she married Tony Hager,

a lawyer from ALSWA's Criminal Unit, and the two have a son, Humphrey. Nikki was the inspiration for Tony and some friends (*below*) to get together and take part in the Rottnest Swim in honour of Nikki and

to raise much needed funds for the Breast Cancer Network of Australia. Their efforts raised over \$50,000 and brought much needed public attention to Breast Cancer. Congratulations on an amazing effort!



Tragic Case of Baby Charlie

Continued from Page 9

With that in mind, it's unacceptable that we still see frequent negative stereotyping of Aboriginal people, which continues to have a huge impact upon the safety of those Aboriginal people, who also deserve to be protected" said Mr. Gazia. "A clear example of this is when Shift Supervisor Sergeant Darren Connor alleged that Mr Mullaley, baby Charlie's grandfather, smelt of alcohol and appeared to be heavily affected by liquor or drugs. "Mr. Mullaley has not drunk alcohol for thirty years" said Mr. Gazia, adding that a Managerial Notice was served on Sgt Connor after police found that he failed to provide reasonable leadership to staff in this matter. ALSWA CEO Dennis Eggington said that systemic racism was still rife throughout the country. "It's extremely sad that in this day and age, our people are not afforded the same human rights as our non-Indigenous counterparts. The suffering that this family has had to endure is beyond imagination. Their strength has got them through an ordeal which no family should ever have to face. I am pleased that the CCC Report has been concluded, however, remain deeply saddened in the knowledge that nothing can ever bring back 'Baby Charlie' to those who loved him most".



Aboriginal Legal Service of WA Inc

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ALSWA Offices in

- Albany
- Broome
- Bunbury
- Carnarvon
- Fitzroy Crossing
- Geraldton
- Halls Creek
- Kalgoorlie
- Kununurra
- Meekatharra
- Northam
- Perth
- South Hedland

Check out our Website!

Missed one of our radio programs? Want to know your legal rights, or just keen to find out more about the Aboriginal Legal Service of Western

Australia, which has been operating for over forty years.

All this and more can be found on our website at www.als.org.au

The Law Matters newsletter is produced by the Aboriginal Legal Service of WA and all information is correct at the time of print.



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