



Law Matters

Aboriginal Legal Service of Western Australia (Inc)

WINTER 2012

Stolen Wages Application Deadline: 6 September 2012

Like their brothers and sisters throughout the country, hundreds of Aboriginal people in WA had their wages stolen by successive governments. The wealth of Australia today is due in large to the efforts of many of these people, who are still to reap the rewards of their toil.

On 6 March this year, the WA State Government announced that it would pay 'eligible Aboriginal people, who were subjected to State-sanctioned financial controls, an ex gratia reparation payment of up to \$2,000'. Sadly, this announcement has

come too late for many people whose wages were withheld under past legislative schemes, however, for those who wish to apply for an ex gratia reparation payment, the Aboriginal Legal Service of WA (ALSWA) is available to assist.

"It saddens me to think that so many of our people have missed out on not only their wages, but also any acknowledgement of their hard work and efforts that have contributed to the prosperity of this country" said Dennis Eggington ALSWA CEO. Mr. Eggington

said that ALSWA has an extensive list of people's names whose wages were withheld.

"I would urge anyone who feels they may be eligible for this payment to come forward so that ALSWA can assist with the application process. We anticipate large numbers and are grateful that our stolen wages work during this process will be assisted by Legal Aid WA and an alliance of national law firms, including Clayton Utz, Ashurst, Allens and Corrs, acting on a pro bono basis". ALSWA looks forward to hearing from anyone who may be entitled to this payment

from the State Government. Eligible Aboriginal people will have been born before 1958 and had wages withheld between 1905 and 1972.

Applications close on 6th September 2012. More information is available from ALSWA on WA Freecall 1800 019 900 or via email at stolenwages@als.org.au



ALSWA Welcomes new Staff Members

ALSWA welcomes all new staff who have started work at the Aboriginal Legal Service of WA in recent months. The Court Officer Unit has also expanded and Darlene Summers, Roy Blurton and Sarah Johns (pictured on right) are each looking forward to their new roles as Court Officers in Perth, a role that is unique to the Aboriginal Legal Service of WA.



Inside this issue: NAIDOC WEEK COVERAGE

STOLEN WAGES	1
CONGRATULATIONS TO PROFESSOR KIM SCOTT	2
SIR RONALD WILSON LECTURE BY ALSWA CEO	3
UN PERMANENT FORUM ON INDIGENOUS ISSUES	4
ALSWA HISTORY BOOK WINS AWARD	5
ATSILS EMPLOYEES OF THE YEAR ANNOUNCED	7
LOTTERYWEST SUPPORTS ALSWA	11

NAIDOC Week 1 - 8 July 2012: Message from ALSWA CEO



1-8 JULY 2012

SPirit of the
TENT EMBASSY:
40 YEARS ON

On behalf of the Aboriginal Legal Service of WA (ALSWA) I would like to wish our Community members a wonderful NAIDOC Week as we share in the celebrations with our brothers and sisters around the country.

2012 has been such a significant year as we have reflected upon this year's NAIDOC theme: Spirit of the Tent Embassy - 40 years on'.

I was fortunate to be in Canberra for the anniversary of this historical event and our commitment and solidarity remains as strong now, as it was forty years ago.

For me, NAIDOC Week provides the ideal opportunity to get together with our mob and stay strong as we share our stories, our friendship, our sense of community and our pride. I will be in

Tasmania during NAIDOC Week this year attending the National Congress of Australia's First Peoples meeting, but I will be thinking of our mob back home here in WA. To our dedicated staff, our Community members and our brothers and sisters on the inside, stay strong and know that we have survived and we have so much to proud of.

In Unity

Dennis Eggington

ALSWA congratulates Kim Scott on inaugural Award



*Kim Scott with ALSWA CEO
Dennis Eggington*

ALSWA invited Professor Kim Scott to attend an afternoon tea with staff members recently, so that ALSWA could find out more about Kim's work in both literature and education. Recently announced as the inaugural Western

Australian of the Year, Kim also won the Indigenous Award and was a finalist for the Arts and Culture Award. "We wanted to personally congratulate Kim on his many achievements and let him know that we are extremely proud of him"

said ALSWA CEO Dennis Eggington.

"It was wonderful for our staff to meet with Kim as he candidly shared anecdotes and spoke of his own journey in life and literature" *Kim is also a dual winner of the prestigious Miles Franklin Literary Award.*



*L-R ALSWA's Wayne Nannup, Darlene Summers, Wendy Rea-Young,
Dennis Eggington, Kim Scott and Claire Barrett*

The ALSWA historical mural which features on the front cover of this newsletter was created by Central Institute of Technology and David Wirrpanda Foundation 'Solid Futures' students with artist Peter Farmer in 2010.



*Law Matters Newsletter Winter 2012
produced by ALSWA/ Jodi Hoffmann*

Happy NAIDOC Week!



The Opening Ceremony of 2012 NAIDOC Perth celebrations was attended by thousands of people who enjoyed the event at Wellington Square. There was plenty of entertainment and activities on offer and ALSWA welcomed the opportunity to set up a stall on the day. Community events are a great way to promote the services that ALSWA provides, and to distribute promotional giveaways. The ALSWA team in Perth also attended other NAIDOC events during the week to set up a stall including Armadale, Mirrabooka and Ashfield NAIDOC celebrations. Congratulations to organisers on setting up a great event and to all NAIDOC Perth Award recipients. A comprehensive list of Perth Award winners can be viewed on the NAIDOC Perth website at www.naidocperth.org/ and it's great news that Perth has been announced as the host city for National NAIDOC Week in 2013.

More 2012 NAIDOC coverage on pages 8 - 9



Photos from top: Perth ALSWA's Helen McCartney and Nick Snare at ALSWA's stall at the 2012 Opening Ceremony in Perth, singing sensation Troy Cassar-Daley performs at the Opening Ceremony, Miss NAIDOC Perth for 2012 Rachel Visser

Dennis Eggington to present 2012 Sir Ronald Wilson Lecture

ALSWA CEO Adjunct Professor Dennis Eggington will present the 2012 Sir Ronald Wilson Lecture in Perth:

THE SHACKLES OF JUSTICE:
The Impact of the British/Australian Legal System on Aboriginal West Australians from Colonisation to the Present

The lecture will take place on Wednesday 8th August 2012 from 4.30 to 5.30 pm at Central Park Lecture Theatre, Central Park Building at 152–158 St. Georges Terrace Perth.

Registrations are essential and can be made by email or phone to 08 9221 8705 or schools@lawsocietywa.asn.au



Adjunct Professor Dennis Eggington

ALSWA Lawyer attends UN Permanent Forum on Indigenous Issues (New York)



On behalf of the Aboriginal Legal Service of WA (ALSWA) lawyer Madge Mukund (pictured on left) attended and participated in the 11th session of the annual United Nations Permanent Forum on Indigenous Issues ('UNPFII'), held in New York from 7 to 18 May 2012. Here's some of Madge's Report:

The UNPFII is a body created under the umbrella of the UN's economic and social council (ECOSOC) conceptualised in 1992. The forum is presided over by 16 members, 8 from Government and 8 Indigenous peoples. This year, Australia's Megan Davis, was elected UNPFII Rapporteur. The UNPFII affords Indigenous persons the opportunity to participate in specialised UN meetings, report on their experiences and hold member states to account for their obligations under the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

The UNPFII takes the format of a two-week meeting with a 'theme' for central discussion in alternate years. In between, a 'review year', allows reflection on previous theme outcomes. The theme of the 2012 Forum was *'The Doctrine of Discovery: its enduring impact on Indigenous peoples and the right to redress for past conquests'*, with a focus on articles 28 and 37 of the UNDRIP.

Building on the experience of Australian Aboriginal and Torres Strait Islander Legal Services (ATSILS), ALSWA capitalised on this year's theme to raise awareness at the 11th session of Stolen Generations and Stolen Wages in Australia, which are intrinsically linked with the concepts of the Doctrine of Discovery and 'Redress' for past wrongs. I drafted and submitted 2 joint interventions, supported and endorsed by the National ATSILS body, on behalf of ALSWA raising these issues during the discussion on the Doctrine and the discussion on future work of the Forum. The 'future work' intervention made only one recommendation: ***That the UNPFII examine and incorporate the effects of decolonisation on Indigenous peoples in the future work and agenda(s) of the Forum and, specifically, incorporate themes of Stolen Generations and Stolen Wages for discussion within future Agendas of the Forum under the umbrella topic of decolonisation.***

The theme of decolonisation was supported and spoken to by the Pacific Caucus at the UNPFII when granted speaking time during the 'Future work' agenda item. Time for speaking to an intervention is extremely valuable as speakers are only afforded a very short time-frame (3 minutes) to present their take on an issue, outline its relevance in a domestic context and propose recommendations to the UNPFII and member states. We are awaiting the final report of the UNPFII secretariat to determine whether decolonisation will be the chosen theme and whether our submissions make it onto future Forum agendas. It is hoped that the final Report will evidence the hard work of the Australian Indigenous Peoples' Organisation and all members of the Australian delegation in its content. On a personal note, having a tangible input into and effect on the outcomes of the UNPFII was extremely rewarding. I felt that I was able to put ALSWA's 'voice' forward and raise awareness, not only through lodging interventions, but also by talking to Indigenous peoples from around the world about ALSWA's experiences and priorities. Importantly, I also learned a great deal about the plight of Indigenous people and customs across the globe through cross-cultural conversations, side events and receptions hosted by Indigenous groups and consulates, which were held during our lunchtimes and evenings. It was, without question, one of the best and most memorable experiences of my life. I am grateful to ALSWA for funding my attendance, assisted by a funding grant from King Wood Mallesons.

Madge Mukund

Madge Mukund is pictured below with other members of the Australian Delegation



ALSWA History book receives Award

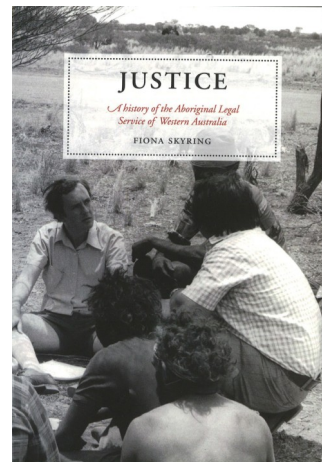
"Justice: A History of the Aboriginal Legal Service of WA" by Dr. Fiona Skyring has been awarded the 2012 Margaret Medcalf Award during a recent ceremony at the State Library of WA.

'Justice' explores the forty year history of ALSWA providing an invaluable insight into the important role played by ALSWA within the State's justice system. Culture and the Arts Minister John Day, who presented the Award to Dr. Skyring, described the book as a powerful work and a compelling read. "This book makes a significant contribution to increasing our understanding of the changes in criminal justice and policing, and to attitudes about racial discrimination and land rights that have

occurred in recent times in WA". Dr. Skyring was honoured to accept the Award, which acknowledges the importance of 'Justice' and the research efforts undertaken to produce such an important historical book. ALSWA Executive Officer Mr. John Bedford attended the Awards Ceremony and was delighted that the book had been acknowledged with this Award. "There have been so many people involved with ALSWA over the past forty years, and we are thrilled that their stories can now be shared with wider audiences, to provide a greater understanding and insight into the unique role played by ALSWA in this state's justice system".

ALSWA congratulates Dr. Fiona Skyring for

her research efforts in writing '*Justice: A History of the Aboriginal Legal Service of WA*' and acknowledges all who have shared their stories to enable future generations to gain an insight into the beginnings of ALSWA and its ongoing importance today. *See page 10 for book launch.



From top: *Justice*' book cover, Author Bill Marwick, '*Justice*' Author Dr. Fiona Skyring, Hon. John Day MLA Min for Culture and Arts, Margaret Medcalf, Author Jeremy Martens, ALSWA's Jodi Hoffmann, John Bedford & Bronagh Quinn with Dr Fiona Skyring.

Students craft beautiful woodburnt table for ALSWA



This plaque commemorates the talking table designed by the 2011 dandi design team (C.I.T/D.W.F.) for the Aboriginal Legal Service of WA

A beautiful 2.7 metre long marri woodburnt table now proudly adorns the conference room at ALSWA's Perth Head Office. The table was commissioned by ALSWA and created by students from the Central Institute of Technology/David Wirrpanda Foundation 'Solid Futures' program in late 2011. ALSWA gratefully acknowledges all involved in this project and the table features prominently in the ALSWA boardroom.



MEET OUR NEW COURT OFFICERS



SARAH JOHNS is looking forward to her future work with the legal service. Commencing with ALSWA in June 2012 she has been inspired to work within the justice system to increase her knowledge of the Law and to help to “assist our people with respect and compassion as we all deserve”.

A proud mother, Sarah spent her younger years in both Perth and Northam and also has family members who have previously worked at ALSWA. “I think it’s important to have access to great support from services and my own family help me to become someone and to be a good role model”. Sarah has previously worked in

clerical and administrative roles and also completed her Certificate II Sport and Recreation Traineeship with the Department of Sport and Recreation and Business Studies through TAFE. “I also did my high school work experience here many years ago and thought this job is interesting and would be a good challenge for me”.



ROY BLURTON is originally from Bunbury, and has joined the Court Officer Unit based at ALSWA’s Head Office in Perth. Having recently completed high school, 18 year old Roy is no stranger to the ALSWA. His father and brother Kevin and Viv Blurton are long standing Court Officers

with the legal service and greatly respected for their commitment to ALSWA. “I wanted to become a Court Officer because I have seen the work that my father and brother do and I thought it was a really interesting field of work to get into. Family is really important to me and most Aboriginal

people have a strong bond with their family and that also applies to me as my family is great”. Starting with ALSWA in June 2012, Roy previously worked at Bunbury’s Coastal Water Dive, and now looks forward to his new role assisting people who require ALSWA’s services.



DARLENE SUMMERS originally commenced work with ALSWA in 2010 as a Prisoner Support Worker. Raised in Perth, she has extensive experience working in education and customer service with Aboriginal and non-Aboriginal organisations and government departments.

“I wanted to become a Court Officer because it is such an interesting role. I think this role is important to me as an Aboriginal person because I will be able to provide some assistance to other Aboriginal people that come into contact with the legal and court system. During my time with ALSWA, I

hope to gain a lot of valuable skills and experience in the legal field”.

ALSWA Court Officers play a very important and valued role throughout ALSWA’s statewide offices, and ALSWA Management welcomes our new Court Officers to the ALSWA team.

2012 ATSILS Employee of the Year - Dual winners



Congratulations to the dual recipients of the 2012 Trevor Christian Aboriginal and Torres Strait Islander Legal Services (ATSILS) 'Employee of the Year' Award.

This year there were two winners - Maxine Carlton from the Central Australian Aboriginal

Legal Aid (CAALAS) in the Northern Territory and Chris Charles from the Aboriginal Legal Rights Movement (ALRM) in South Australia.

Presentation of the Awards took place during a recent ATSILS meeting held in Adelaide.



These annual Awards were initiated in 2008 by the Commonwealth Attorney-General's Department and recognise the outstanding contribution made by an individual ATSILS staff member.

Top photo L-R: Award recipient Maxine Carlton, Rose Benyon from the Office of the Attorney General and Award recipient Chris Charles

Pictured on left: ATSILS representatives pictured during the meeting in Adelaide

Colin's Colonial Cringe: ALSWA Comment on proposed 'Elizabeth Quay' name

Premier Colin Barnett's decision to name the Perth foreshore redevelopment Elizabeth Quay reeks of colonial cringe.

The fact that this decision was made in secret, without any consultation with his fellow Western Australians also demonstrates great arrogance.

The Premier excuses such secrecy by citing the need to follow royal protocol in seeking permission from Britain to name one of Australia's iconic natural wonders.

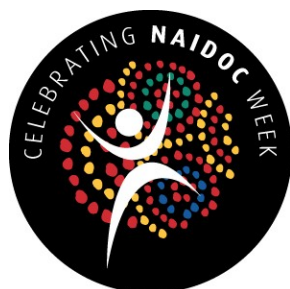
Had the Premier extended the same courtesy to the Nyoongar People he would have been informed

that this spiritually significant natural feature has had a name for tens of thousands of years. Derbarl Yerrigan existed long before any British royal reign and will still exist thousands of years following.

It is far bigger than any individual and to have

offensive.

Perhaps the Premier's forelock tugging will result in a knighthood, however it would be more appropriate for the Queen to name her latest lap dog, Colin the Corgi.



1-8 JULY 2012

SPIRIT OF THE
TENT EMBASSY:
40 YEARS ON

Broome celebrates NAIDOC Week in 2012

ALSWA staff in Broome also shared in the celebration of NAIDOC Week by attending the Broome Courthouse NAIDOC event.

Community Justice Services gathered to reunite in the celebration of NAIDOC and share information about local services provided in and around the Broome region.

There was plenty of promotional materials available for community members and organisations and ALSWA's stall ensured that people had access to information about the services provided by the Aboriginal Legal Service of WA.

Also on offer throughout the day was rides for the children, a BBQ,

sausage sizzle and local bush tucker.

ALSWA has fifteen offices throughout Western Australia and the Broome office is located at:

**2/7 Napier Tce
Broome**

**Phone 08 9192 1189
or Toll Free on
1800 351 067**



Above:

Cassie Riley enjoys the day with her son Riley Austin Moore

Right:

Kathy Watson, who has been ALSWA's Executive Committee President since April 2012 with ALSWA Broome Court Officer Margie Ugle



Above: ALSWA Broome Court Officer Margie Ugle, Secretary Cassie Riley, Managing Solicitor Ben White, Solicitor Taimil Taylor and Solicitor Christina Beissmann





1-8 JULY 2012

SPIRIT OF THE
TENT EMBASSY:
40 YEARS ON

Perth announced as Host City for NAIDOC 2013

Perth has been announced as the Host City for National NAIDOC celebrations next year in 2013.

Each year a different city hosts this significant week as we celebrate NAIDOC Week throughout the country. This year saw Hobart host NAIDOC Week and as part of the National NAIDOC Ball

and Awards Ceremony, twelve outstanding Aboriginal and Torres Strait Islander people were honoured with a national NAIDOC Award.

Award recipients included Maureen Kelly from Western Australia who was a joint recipient of the Female Elder of the Year Award with Margaret Lawton

from Queensland, Bunna Lawrie from South Australia received the Lifetime Achievement Award and David Wirrpanda from Victoria was announced as the Person of the Year. A full list of national NAIDOC winners is available on the national NAIDOC website at www.naidoc.org.au/

2012 NAIDOC celebrations at Ashfield and Mirrabooka in Perth

Huge crowds turned out for the NAIDOC celebrations at the Herb Graham Recreation Centre in Mirrabooka and at the Ashfield Reserve. These two events are always a great day out and well attended and organisers do a fantastic job in setting up these NAIDOC Week events each year.

ALSWA staff enjoyed participating in numerous events throughout the week and the warm weather ensured that there were plenty of people out and about sharing in the NAIDOC celebrations.



Clockwise from top: ALSWA's Sarah Johns and Darlene Summers at Ashfield, ALSWA's Ashfield stall with Darlene Summers, Roy Blurton, Sorgi Eggington, Shayla Eggington, Sarah Johns, Jack Calyun and sons Elijah and Jack, Chef Mark Olive (aka 'The Black Olive') with Ashfield event M.C. Daniel Morrison



Aboriginal Legal Service of WA “Justice” book launched in Perth

Aboriginal Elders, the High Court Chief Justice, magistrates and other members of both the Indigenous and legal fraternities gathered at the historically significant Aboriginal Advancement Council building in February 2012 to mark a powerful and defining period of civil rights struggle within Western Australia.

The group assembled for the much anticipated launch of a new book which sheds light upon one of the greatest stories never told. “*Justice - A History of the Aboriginal Legal Service of Western Australia*” explores the forty year history of the Aboriginal Legal Service of WA (ALSWA) and was launched following a Nyoongar Welcome by Elder Janet Hayden.

The book is a tale of two peoples, black and white, and one legal system which actively oppressed Indigenous peoples through a legal process which espoused that all were equal in the eyes of the law. As Dr. Fiona Skyring, respected historian and author forensically uncovers, some were more equal than others.

Using first hand accounts from both Indigenous and non-

Indigenous people who were in the eye of the storm, ‘Justice’ puts a human face upon the human rights struggle and powerfully demonstrates how an impersonal and discriminatory legal system attempted to crush human rights and Indigenous aspirations.

Adjunct Professor Dennis Eggington, ALSWA CEO believes the book provides an invaluable insight into the vital role that ALSWA has played within the state’s justice system. “Those early years of our service came at a time of great social change and there are so many people who have made an enormous contribution to advancing the rights of our people during these decades. I am pleased that the history of our important service has now been told. Sadly, many more Indigenous Western Australians still feel the sting of this state’s gable as they are continually sent to jail, but this book will provide readers with a



greater insight into the struggles faced by our people in striving for justice throughout this state” he said.

Using facts, figures and insightful conversations with key players, Dr. Skyring paints a comprehensive picture of the civil rights struggle of Indigenous people and their non-Indigenous supporters to establish a legal service for the most oppressed members of this state. The book is compulsory reading for any lawyer, police officer, journalist or academic who strives to understand the lasting legacy of past policies and practices on Indigenous peoples within W.A.

The list of people interviewed for the book reads like a roll call of this state’s most prominent individuals, from Indigenous human

high profile members of the legal fraternity.

The very fact that a service which was born from the lack of legal representation for Indigenous peoples forty years ago is now invited to the table at the United Nations, demonstrates the influence, experience and commitment of hundreds of Western Australians over many years.

Dr. Skyring’s book is an unflinching, sometimes painful but ultimately crucial addition to Western Australia’s past and present. It will force many to re-examine their assumptions about a legal system which still locks up and locks out too many Indigenous Western Australians. ‘Justice’ is a book that had to be written, it is also a book that needs to be read. **Available at good bookstores or enquiries to ALSWA or UWA Publishing.*



Photos from top: Guest speakers The Hon Robert French AC Chief Justice of the High Court of Australia (who officially launched the book), ‘Justice’ author Dr Fiona Skyring, ALSWA CEO Adjunct Professor Dennis Eggington, Lorraine Whitby ALSWA Executive Committee President at the time of the book launch, MC Jim Morrison, Group photo of some attending the launch

Lotterywest supports ALSWA offices in WA



Tina Ward ALSWA Accountant



ALSWA Head Office Conference Room



ALSWA CEO Dennis Eggington presents the Hon Peter Collier with a copy of ALSWA's history book 'Justice' during the event

Community members, clients, staff and visitors of the Aboriginal Legal Service of WA (ALSWA) are about to benefit from a major revamp of the ALSWA's 15 offices throughout the state.

The long overdue changes have been funded by Lotterywest and during a special function at ALSWA's Perth Head Office in April 2012 ALSWA was presented with the grant by Minister for Indigenous Affairs the Hon Peter Collier.

Cramped conditions and tired and outdated fittings and equipment are currently being replaced, which will assist in providing a more welcoming and conducive environment for people, many of whom often visit the service under stressful circumstances if requiring support or representation from

ALSWA's legal team.

Various research undertaken indicates the impact the built environment can have on clients of any service.

"Whilst our staff consistently demonstrate a high level of professional skills, this needs to be supported by a built environment which tangibly demonstrates the high value in which our staff, clients and visitors are held. As an organisation we are committed to placing our clients at ease and with the provision of a Lotterywest grant we are now in a better position to do this" said Adjunct Professor Dennis Eggington, Chief Executive Officer of ALSWA.

The Perth Head Office already boasts an impressive array of artwork which Indigenous the space

and to now be able to enhance the area with more appropriate fittings, ALSWA will be able to work even more effectively.

Apart from providing high level legal advice, support and advocacy, ALSWA's Perth boardroom also hosts numerous meetings for community groups and organisations who are also committed to improving the legal, social, health and human rights outcomes for Indigenous peoples.

"For ALSWA to now be able to offer a comfortable and up to date environment for a diverse range of individuals, community groups and organisations means we can become a focal point for high quality consultation, discussion and most importantly outcomes for our people" said Mr. Eggington.

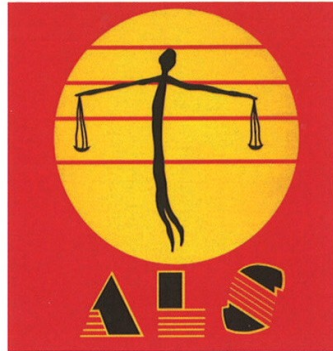


Above left: ALSWA Information Technology Manager Peter Coole, The Hon Peter Collier WA Minister for Indigenous Affairs and ALSWA CEO Dennis Eggington look on as Michael Blurton ALSWA Executive Committee Vice President addresses the crowd.
Above right: The Hon Peter Collier, Michael Blurton ALSWA Executive Committee Vice President, ALSWA CEO Dennis Eggington
*See page 5 for more information on the woodburnt table which features in the photos above.

ALSWA

STOLEN WAGES

ABORIGINAL LEGAL SERVICE OF WA (INC)



WERE YOUR WAGES STOLEN?



**Did the WA Government
keep any of your wages before 1972?**

If so, call the Aboriginal Legal Service of WA Info Line on

Freecall 1800 019 900

or email stolenwages@als.org.au

Please contact ALSWA for more information

about Stolen Wages before 6 September 2012

ABORIGINAL LEGAL SERVICE OF WA (INC)

*Striving for Justice for Aboriginal and Torres Strait
Islander peoples in Western Australia*

ABORIGINAL LEGAL SERVICE OF WESTERN AUSTRALIA

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