



# ***Your Legal Rights***

Special Edition

Edition 4, Dec. 2005

## *Message*

From the CEO  
Neil E Gillespie

Welcome to our final publication of "***Your Legal Rights***" for the year 2005. I wish all members and staff of the Association a Merry Christmas and a Happy New Year.

I am pleased to report that the Aboriginal Legal Rights Movement Inc. held its Annual General Meeting on the 30<sup>th</sup> of November 2005 at the Parks Community Centre. At the AGM, I reported a number of significant achievements and successes for the last financial year. These are listed in the Annual Report and briefly summarised below.

- 1) Our financial results to 30th June 2005 show a surplus of \$642,699 and our total equity position has increased to \$2,678,633.
- 2) Our performance on the Law & Justice Program as reported to the Commonwealth Attorney General's shows significant service delivery statistics and clearly demonstrates the high service levels provided by ALRM across the State.
- 3) ALRM's Strategic Plan was launched at the AGM with copies distributed and I confirm there is a summary contained in the Annual Report.
- 4) Copies of the Annual Report can be accessed by contacting Sapna Dogra at ALRM on 8113 3700 or free call no. 1800 643 222.
- 5) I am pleased to report that ALRM has tendered for the Aboriginal Legal Aid in South Australia in response to a Request for Tender by the Commonwealth Attorney General's Department. At the time of the publication, ALRM has not been advised as to the outcome of the Tender although I am confident we will be successful.
- 6) Our finance reporting system has been completely revised to accommodate the needs of both the Board and Management and importantly our funding Agencies.
- 7) It is with pride that I confirm that our Chairperson Ms Barbara Wingard and our Vice Chair Mr Frank Lampard have been appointed as Commissioners of the Environment, Resources and Development Court. The appointments signify the professional image that ALRM is commanding within the Justice system and is an indication of the high calibre of ALRM's Board membership.
- 8) I am pleased to report that there have been a number of significant achievements by the Native Title Unit. I refer members to the Annual Report and draw members' attention to the Statewide ILUA maintable report and the recent DeRose Hill success.

9) ALRM was the architect in updating the 2005 ***Prisoners' Handbook*** and I acknowledge the significant contribution by Chris Charles our General Counsel.

10) Still on Mr Charles I am delighted to report that under the auspices of the Law Society of SA, ALRM's Mr Charles edited and facilitated the publication of the book titled "***Effects of Petrol Sniffing***".

ALRM continues to pursue an agenda for Aboriginal people to access justice. In this regard I have been seeking the assistance of the Social Inclusion Board with a view to change the State Government's continued discriminatory policy of not exempting ALRM for court filing and transcript fees. ALRM has also called upon the Premier to initiate a parliamentary inquiry into the lack of independence and potential for conflicts of interest in the operations of the Police Complaints Authority. Our concern is that the PCA is too close to the Police and must be completely independent and transparent. It is my opinion that this is not the case at present.

I have also called on the Premier to fund ALRM in a similar manner to the way the State funds mainstream legal aid. Members are aware that our funding has been effectively static since 1997 and in real terms our funding has been reduced by almost 30%. Whilst ALRM is most grateful to the Commonwealth in funding our services, it is apparent the Commonwealth expects the State to contribute to our operational costs. I can confirm that previous attempts have been made to the State to assist in our funding, and it is now time that ALRM became more pressured in its demands for additional funds so that we are in a position to provide expanded services to other sections of the community.

I take this opportunity to thank the Board for their success in achieving excellence in Governance and the staff in superior client service, which in my mind is unmatched elsewhere in the country.

The Board, staff and Senior Management Team give me the confidence to continue to pursue justice and equity for Aboriginal people of SA in increasingly "unjust" environment.



## Aboriginal people excluded from entering Nightclubs in Hindley Street Adelaide

A prejudice issue is affecting Aboriginal people in Hindley Street in the city and is currently being considered by Aboriginal Legal Rights Movement Inc. in consultation with the owner of the Basement nightclub and SAPOL.

It has been reported to ALRM that some nightclubs are excluding Aboriginal people from entering their premises simply because they are Aboriginal. This decision by some nightclub owners is discriminating in its basic form and this behaviour has been brought to the attention of the Equal Opportunities Commissioner and the Liquor Licensing Commissioner. ALRM's Manager Field Operations, Allan Wanganeen and his staff have been working with the proprietor of one night club with a view to assisting in matters affecting the treatment of Aboriginal people in the Hindley Street precinct. ALRM is pursuing the matter and will report the developments in a future article in "*Your Legal Rights*".

## Social Day for Aboriginal People who are 45 years and older or who are frail or elderly

If you are looking to meet up with old friends or to make new ones, come and enjoy yourself with us on Wednesdays, at **Holden Hill Community Centre**, 82 Valiant Road, Holden Hill, we are offering a range of entertainment and you *will be encouraged* by interesting activities.

***Transport, morning tea and lunch will be provided.***

For details contact:  
Leona on 8397 7215  
(City of Tea Tree Gully)

## Financial Counselling is available at ALRM's Adelaide Office.

This service is provided free of charge.  
Financial counselling services are confidential.  
Please ring Margaret Gipson on  
free call no. 1800 643 222

## For your own safety A message from The Australian Red Cross Blood Service

A few months ago in a movie theatre in Melbourne a person sat on something that was poking out of one of the seats. When she got up to see what it was she found a needle sticking out of the seat with a note attached saying "You have just been infected by HIV". The disease control Centre in Melbourne reports many similar incidents have occurred in many other Australian cities recently. All tested needles were HIV Positive.

The Centre also reports that needles have been found in the cash dispensers in ATMs. We ask everyone to use extreme caution when faced with this kind of situation. All public chairs/seats should be inspected with vigilance and caution before use. 17 people have been tested positive in the Western suburbs alone in the last 2 months!!! A careful visual inspection should be enough.

## Suicide Prevention Program

There is a new Suicide Prevention program for Nunga young men between 14 yrs and 24 yrs at risk of suicide, and their families. "No One Walks Alone" is a hands on program that offers counselling, support and education free of charge and is based at the Lower Murray Nungas Club in Murray Bridge.



### "No One Walks Alone"

offers counselling, support and education to Young Nunga Men at risk of Suicide and their families across Ngarrindjeri Country

This is a free service and all counselling and support is confidential

For further information please contact Grahame "Bonny" Gibson Project Coordinator  
Aboriginal Young Male Suicide Prevention Project

on 040 7470 157, 08 8532 5322  
**(Lower Murray Nunga's Club)**  
or email [bonny@lmnc.com.au](mailto:bonny@lmnc.com.au)

## The Effects Of Dry Areas On Aboriginal Populations In Large Towns And Cities

By Chris J Charles  
(General Counsel ALRM)

### What the Royal Commission said

The Royal Commission into Aboriginal Deaths in Custody considered that dry areas could be useful for individual communities and that a dry area on a community, at the request of the community could achieve good results in terms of minimising harm and adverse effects of excessive alcohol consumption.

That kind of limited Dry Area, at the request of an Aboriginal community is a different proposition from a dry area under the Liquor Licensing legislation which would cover a whole town or city, and which could have a discriminatory effect on Aboriginal people.

### Evaluation of Dry Areas

Much evaluation work has been done on the effects of dry areas on towns and cities, most particularly with the dry area which covers the central business district of Adelaide. In general terms it has been discovered that:

1. Dry areas that cover a town or city as a whole tend to operate in such a way as to single out Aboriginal people since it is mostly Aboriginal people that drink and socialise in public places.
2. That such dry areas have the effect of lowering crime rates in the central business district of the towns and cities concerned but at a high a price in terms of
  - Civil liberties, particularly for Aboriginal citizens whose social life in communicating and interacting with peers in a public place is disrupted by dry areas.
  - Limiting access to services
  - Creating a false image of Australian towns and cities in the minds of tourists. The plight of Aboriginal people in terms of health, welfare, effects of dispossession etc are "swept under the carpet"-because Aboriginal people are no longer visible in public places
  - Undoing the effects of the wise decision of the Parliament in 1984 to decriminalise the old summary offence of being drunk in a public place.

Dry areas have the effect of further marginalising Aboriginal people and forcing them to drink on the edges of town where their access to services in terms of legal aid, health, housing, social welfare, mental health services and policing services is much more difficult to deliver. It must be remembered that those who do drink in public places tend to be people who suffer from chronic illnesses and are marginalised from family and other social ties. They are the very people who need services which are made much harder to deliver.

### Lack of Consensus with Aboriginal Communities & People

At the same time, such dry area laws that cover towns and cities and which adversely impact Aboriginal populations, have never historically been created by a political consensus which includes *all* of the Aboriginal people and communities affected. It is that imposition of dry areas by civic authorities in the towns and cities, and approved by state government which gives rise to resentment and feelings of discrimination in the minds of Aboriginal people.

Too often Government takes heed of civic authorities' demands for extensive and expanding dry areas before adequate planning has taken place for the rehabilitation services and other infrastructure needs of the Aboriginal communities affected.

The displacement of Aboriginal people that then occurs and distress within the Aboriginal community that results, seems to be an acceptable risk for Government.

Although the State government wants to put in services for the Aboriginal community as a response to these very criticisms, the record in terms of actual infrastructure and real gains for the Aboriginal communities in South Australia is questionable. It will be monitored by ALRM and other interested parties and continue to be reported in this Journal.

### **DO YOU HAVE A MATTER BEFORE THE COURT AND USE DRUGS?**

**If so.....**

**You may be eligible for free drug treatment as part of the  
court process**

**For more information ring:  
8204 8614**

### **PILOT**

**COURT  
ASSESSMENT  
REFERAL  
DRUG  
SCHEME**

## Under the motto “Prevention is better than cure”

ALRM's primary role is to provide Legal Service provision to the Aboriginal people in South Australia. Families, individuals and the community suffer when one has to go through the legal process of getting things corrected. Often one wonders, that the episode or the crime could have been prevented had there been an awareness to avoid the act that led to a negative outcome. Keeping that in mind, we are incorporating crime preventative measures in our School Visit Program. Endeavours will be made to include mentoring elements that will divert attention towards accomplishing higher studies, finding a job and to achieve goals by participating and contributing towards a healthy social structure.

ALRM's vision is to pursue social justice and well being for Aboriginal peoples of South Australia.

The Information and Monitoring Unit is already networking with the organisations that are helping towards improving the social structure of the community and by providing the relevant help for the positive outcomes.

For crime prevention, a partnership with SAPOL is also being built to achieve this goal.

### How to pay an overdue court fine (Even if you can't afford to pay it now).

For more information please ring Courts Administration Authority on Court Fine Hotline 1800 659 538.

### Do you require Confirmation of Aboriginality?

If anyone from the community needs their "Confirmation of Aboriginality" approved by the Board, they need to submit the form to the Chief Executive's Office. The forms can be obtained from Debbie Crkovnik. Please ring on 1800 643 222 or visit our website on [www.alrm.org.au](http://www.alrm.org.au) to get the form.

## Work experience students and/or study assignments:

There has been a significant increase in requests from School and University students to visit ALRM and understand its roles and functions. Students from SA, as well as from interstate, on request, were provided with information regarding the justice system and the service provision by ALRM to the Nunga community. During the last quarter the schools that participated are Adelaide High, Ross Smith Secondary, and Salisbury High. 14 students from Christian Brother College accompanied by their teacher also visited ALRM in September 2005.

During their weeklong stay in ALRM, work experience students gain knowledge how ALRM operates. They are given an opportunity to visit the Adelaide Remand Centre, as well as the various Courts relevant to the criminal and civil matters. All visits are supervised by a Field Officer and/or a lawyer

The other students who were provided information in regard to their School Projects were a Year 12 student from Marryattville High School, Students from Flinders University and Mercedes College. Information was also provided to secondary students from Victoria, a Social worker from Flinder's Uni, and a year 12 student of Mary Mackillop College.

Most students expressed their interest in Legal studies.

## ALRM FIELD OFFICERS

Aboriginal Legal Rights Movement Field Officers are here to help you if you need legal assistance. They are your first point of contact with ALRM.

You can contact a Field Officer 24 hours a day, seven days a week, so you won't be alone in your trouble. They will listen to your questions, and find ways for you to get the help and information you need.

## ALRM Recognised by the Australian Army

The Defence Reserves Support Council recently awarded ALRM with a Commemorative Plaque for ALRM's past support of Caption Phil Southam's overseas postings in Bougainville and East Timor.

ALRM now has a freecall number for clients 1800 643 222. The number is available from fixed phone lines or from mobile phones within South Australia.

## COURTS ABORIGINAL REFERENCE GROUP (CARG)

A Courts Aboriginal Reference Group (CARG) has been formed to advise the Courts Administration Authority (CAA) and South Australian Courts on issues affecting Aboriginal people.

Some of the issues to be discussed include the committee's Terms of Reference, Open Discussion Session, Aboriginal Young Offenders/Family Conferencing; the Judicial and Aboriginal Community meeting held at the Parks Community Centre on 3 November 2005 and Acknowledgement of Country (Traditional Custodians).

CARG consists of the following representatives of Aboriginal groups, members of the Judiciary and management of the CAA.

Justice John Sulan - (Chairperson) Supreme Court,  
 Kelvyn Prescott - Chief Magistrate,  
 Chris Vass - Magistrates Court,  
 Judge Chivell - District Court,  
 Gary Thompson - State Courts Administrator,  
 Barbara Wingard - Chairperson Aboriginal Legal Rights Movement Inc,  
 Frank Lampard, Director - Aboriginal Prisoners & Offenders Support Services,  
 Cheryl Axleby, Manager - Metropolitan Aboriginal Youth Team  
 Georgina Williams - Council for Aboriginal Elders,  
 Rex Tjami, Director - Anangu Pitjantjatjara Yankunytjatjara Council.,  
 Lindsay Wyatt, Grannies Group,  
 Tauto Sansbury - Community member,  
 Kerry Rogers, Indigenous Paralegal Community Worker - Women's Legal Service Aboriginal Women's Sub-Committee  
 Debra Axleby - Courts Aboriginal Initiatives Policy Officer

Please contact Debra Axleby, Aboriginal Initiatives Policy Officer, Courts Administration Authority if you have any queries on (08) 8226 0114.



Photo:

Debra Axleby, Gary Thompson, Barbara Wingard, Judge Chivell, Frank Lampard, Kerry Rogers, Cheryl Axleby, Lindsay Wyatt, Justice Sulan

MISSING FROM THE PHOTO ARE:-

Kelvyn Prescott, Chris Vass,  
 Georgina Williams, Rex Tjami,  
 Tauto Sansbury

If clients are picked up after hours on call out and bailed they need to advise the **ALRM Field Officer** that attends the police station that they request to be represented by the ALRM Solicitors at their next court hearing.

### Communicating Through Interpreters

Multicultural SA has produced a Video/DVD "*Communicating through Interpreters*" that highlights the importance of working with professionally accredited interpreters when interviewing clients of culturally and linguistically diverse backgrounds. The Video/DVD can be used as a training tool in a group situation or by individuals as a reference guide.

For further information please contact:  
 Colleen Wright on 8226 1941,  
[wright.colleen@saugov.sa.gov.au](mailto:wright.colleen@saugov.sa.gov.au); OR

Con Fouten on 8226 1998  
[fouten.con@saugov.sa.gov.au](mailto:fouten.con@saugov.sa.gov.au)

## Nunga sports to wrap up 2005

### Kaurna Eagles Sports & Social Association (KESSA) (Allan Wanganeen, President)

The Kaurna Eagles Sports & Social Association (KESSA) would like to thank Garry Storkey the CEO of HomeStart for sponsoring the Kaurna Eagles football teams in the South Australian Amateur Football League for the past two seasons and the coming 2006 football season.

The sponsorship helped both A & B grade teams from the Adelaide and Metropolitan areas of Adelaide and also enabled 12 young players from the York Peninsular area, namely the Point Pearce Community. This initiative continues into the 2006 football season.

KESSA would also like to thank other sponsors, Kinship Program, ASK employment, Kumangka, CDEP, APOSS, Remax, BJ Consultancy, Sobriety, Nunkin Warrin Yunti, Indigenous College of Education & Research & others that might have contributed in some way. Without sponsors and support staff we would not be able to field teams to participate.

We would welcome any new sponsors, support staff and members. The Club's Plan is setting up and promoting juniors and other sports under our umbrella.

I would also like to take this opportunity to thank the committee members, players, coaches, support staff & volunteers.

The club is based at Mawson Lakes on the corner of Main North Road & Mawson Lakes Boulevard. Training will commence the second week in January at the Mawson Lakes oval.

To be part of Kaurna Eagles please contact President Allan Wanganeen on 8113 3777 or 0419 832 221



Photo: Allan Wanganeen presenting the appreciation certificate and team photos to the HomeStart CEO Gary Storkey along with Doug Rogers

### Women's Netball

Charmaine Wilson, Field Officer, would like to thank all for kind donations and sponsorship that helped the young girls go to the carnival at **Port Augusta**.

The girls were aged between **12** and **23**, and were the **Kaurna Eagles Netball Team**.

Games were played against Mallee Park, Kooniba, (which we won) Coober Pedy, Weena Blue and Raukkan being the last game. "Our girls played an excellent game, the second to youngest of the girls Misty Sparrow was picked one of the best players against Raukkan. Although, the players from the opponent team were experienced, Misty did an excellent job".

That is the first time of the carnival that very young girls have played and we hope that the team will go a long way in future carnivals, The girls found the experience very rewarding. Emma Flannagan won our best & fairest for the Carnival.

The girls are working towards competing at Ceduna next year.

Kaurna Gold won the cup this year and they were very impressed with Kaurna Eagles. We were also very proud.



Photos: Kaurna Eagles Netball Team

## Nunga Home Loan by HomeStart

HomeStart Finance is offering free information sessions about the Nunga Home Loan for any Aboriginal or Torres Strait Islander employees who would like to attend.

HomeStart is committed to helping South Australians achieve the goal of owning a home, and the Nunga Loan was created especially to assist more Aboriginal and Torres Strait Islander people into home ownership.

These information sessions outline what the HomeStart Nunga Loan is all about. They run for approximately 30 minutes and can be held at your premises or at another location if so desired.

The sessions are free of charge –For more information please email Peter Carratt at [pcarratt@homestart.com.au](mailto:pcarratt@homestart.com.au) or call on 8210 0529 or call Darran Magill on 8210 0527

## Aboriginal Visitors Scheme

Aboriginal Visitors Scheme (AVS) is looking for more Aboriginal people within all areas as far as Mid North region Port Pirie, Port Augusta and Whyalla, Riverland and Adelaide metropolitan. AVS provides care, comfort and support to Aboriginal people whilst they are in police custody.

The Police stations cells covered by AVS are Port Adelaide, City Watch House, Elizabeth, Holden Hill, and River land (Berri).

The Aboriginal Visitors Scheme is a means of reducing the likelihood of deaths in police custody. It is an Aboriginal-controlled program involving the Aboriginal community and Police. Aboriginal Visitors are rostered to the following police stations, Adelaide, Elizabeth, Holden Hill, Port Adelaide, Sturt, Christies Beach, Kadina, Murray Bridge, Mid North Port Pirie, Port Augusta and Whyalla.

Visitors make sure detainees are not alone and that they are treated properly. The visitor will observe conditions and ensure the duty of care obligations are undertaken by the police. If a detainee has any concerns or problems, they are able to discuss them with the visitor.

Aboriginal Visitor Scheme needs you. Are you community minded and want to help people? We are looking to recruit more visitors. Visitors are paid for their time attending to a detainee and are reimbursed for kilometres travelled.

For further information please contact John Carbine, AVS Manager on our Adelaide office on (08) 8113 3777.

## Aboriginal health and well-being

ALRM was recently invited to attend the Aboriginal Health Research Expo on the 24<sup>th</sup> of November 2005 at Flinders University. The Expo was organised by the Flinders Aboriginal Health Research Unit (FAHRU) to bring government, non-government, community organizations & policy makers together to network and be informed about the research partnerships between the Cooperative Research Centre for Aboriginal Health (CRCAH) and Flinders University Aboriginal health researchers. Research is based on the definition of health as:

"health is not just the physical well-being of an individual, but the social, emotional, and cultural well-being of the whole community in which each individual is able to achieve their full potential as a human being thereby bringing about the total well-being of their community". ... (NAHS1989).

Research around Aboriginal health at Flinders is focused in the following areas:

- Social and emotional well-being
- Health services and systems
- Workforce development
- Social determinants of health
- Appropriate research methodologies
- Complex chronic conditions
- Injury and violence
- Infectious disease and consequences
- Health indicators and trends

The Health Expo broadened our knowledge on the health issues that affect the Aboriginal people and emphasized the importance of building collaborative partnerships to truly make a difference. Showcasing successful partnerships, in particular, listening to Aboriginal researchers tell their stories was very rewarding. Early prevention is the key to success.

ALRM aims to keep the Nunga community informed of successful research that leads to improved health outcomes for Aboriginal people.

For more information, contact FAHRU on: 82015890

If you don't learn to laugh at troubles,  
you won't have anything to laugh at when  
you grow old



## Aboriginal Legal Rights Movement Inc.

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Ceduna 5690  
Phone: (08) 8625 2200

### PORT AUGUSTA

12 Church St. Port Augusta 5700  
Phone: (08) 8642 4366

### PORT LINCOLN

PLACC Offices  
30 Ravendale Road  
Port Lincoln 5606  
Or

PO Box 800 Port Lincoln 5606  
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Executive Officer, Parry Agius

### Designed, developed and edited by

Sapna Dogra, Coordinator,  
Information Monitoring Unit

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and  
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Adelaide

"We acknowledge the support  
of both the Australian  
Government and State  
Government in the production  
of this Newsletter"

## ALRM AGM

ALRM held its Annual General meeting on 30th November 2005 at the Parks Community Centre Adelaide.

Following the Agenda, Minutes of the last Annual General Meeting were confirmed.

Chairperson and the CEO presented their report.

Reports of the Auditors and the finance were also presented.

Auditors for the next year were also appointed.

**Below are some of the pictures from the AGM 2005.**



Below: ALRM Board Members  
during June and October 2005  
Board meetings in Adelaide.



## CONTRIBUTING TO "YOUR LEGAL RIGHTS"

Any contributions to 'Your Legal Rights'  
is coordinated by **Sapna Dogra**.

Feedback and new ideas are welcome,  
along with names/addresses of people  
who do not currently receive the news-  
letter, but would like to receive it.

Our next issue is due in March 2006

Please contact (08) 8113 3777

Or email: [sapnad@alm.org.au](mailto:sapnad@alm.org.au)

