

**Aboriginal Legal Rights  
Movement**



**June 2020 Edition**

# **Justice without Prejudice News**

[www.alrm.org.au](http://www.alrm.org.au)

We acknowledge this land as the traditional lands of the Kurna people and that we respect their spiritual relationship with their country. We also acknowledge the Kurna people as the custodians of the greater Adelaide region and that their cultural and heritage beliefs are still as important to the living Kurna people today. We also pay respects to the cultural authority of Aboriginal people visiting/attending from other areas of South Australia/Australia.



Welcome to the June 2020 edition of the Aboriginal Legal Rights Movement (ALRM) Justice without Prejudice news update.

ALRM acknowledges staff, clients and community for supporting each other through some challenging times over the past few months such as the international and national news coverage of Black Lives Matter movements and the COVID-19 impacts on our daily routines.

COVID-19 has tested ALRM with its health restrictions but we have persevered and adapted under the state's health advice. Our unreserved dedication to our mob remains priority 1 and ensuring continuous service delivery has been paramount.

There have been significant events occurred in the last few months, none so more than the Black Lives Matter movement. ALRM continues the fight to defend the rights of our people – the Aboriginal people of South Australia.

In this edition.

- Law & Justice Update - Criminal Section
- Black Lives Matter
- ALRM Planning Day
- Know your Legal Rights with motor cars
- Staff achievements, farewells and new recruits
- Merchandise for community events & ALRM products for sale
- Feedback
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**Do you know your Legal Rights?**

## Law and Justice News – Criminal Section

As of 1st July 2020, the Criminal Section has instigated strict monitoring and provision of service delivery regarding clients charged with a Criminal Offence who appear before the Law Courts of South Australia.

Due to the unprecedented high number of clients and corresponding matters, the ALRM Criminal Lawyers and Administrative Staff are at their capacity with service provision. Funding restrictions prohibit employment of additional Lawyers or Staff.

The following procedures were implemented as of 1/3/2020:

1. Pursuant to the Australian Solicitor Conduct Rules, as adopted by the Law Society of SA on 25/7/2011, if ALRM has previously acted for complainants or witnesses the matter will be immediately referred to Legal Services Commission (LSC) or a Private Lawyer. ALRM Lawyers cannot and will not act on initial Bail Application or first appearance in Court.
2. ALRM will not accept or act for clients who have / had private lawyers or LSC previously acting. That is, if clients terminate their current lawyer's instructions ALRM will not act even if asked to do so.
3. If matters do not carry a term of imprisonment then we will not act and will refer client to LSC, Community Legal Organisation or another relevant Legal body.
4. No new clients / files to be taken on unless we are currently acting for the client with an ongoing matter. That is, all new clients seeking ALRM representation are to be referred to LSC or a Private Lawyer as determined by Client. The exception to this rule is Aboriginal People from remote communities.

The above measures will be assessed and evaluated on 31/12/2020.

This decision was based on many factors as outlined in a Report to the Executive of the Board dated February 2020.

# Law and Justice News – Criminal Section

## Harsh Legislative Changes

Harsh legislative changes are continuous challenges; of particular concern are the amendments to the Bail Act creating a “prescribed applicant”.

**Bail Applications: Are You Eligible? Are You a Prescribed Applicant?**

When arrested, police may release you on bail to appear before the court later. An arrested person has a presumption in favour of being granted bail and it is up to the bail authority to show why you should not be released rather than you showing why you should be.

If you are a prescribed applicant, you will not be eligible for police bail and you will need to make an application to the court. You must satisfy the court that special circumstances exist to release you. If the court is not satisfied you will be refused bail and will be remanded in custody until your later court appearance.

If you commit offences of a certain nature, the presumption is removed, and you will be a prescribed applicant.

These offences include (not limited to):

- a breach of an intervention order
- offences involving firearms
- certain breaches of bail which relate to the physical protection of a victim
- attempting to escape a police pursuit or engaging in a pursuit

What is a special circumstance?

There is no specific definition as the Supreme Court has said each circumstance should be interpreted widely. There is no single answer to the question, each application will be considered on its own merits. We have continuously challenged this definition in the Supreme Court through the mechanism of Bail Reviews.

Second, as a result of legislative changes, the number of clients now appearing in the Higher Courts, in particular the District Court, has increased substantially over the last few years. It is a trend that is likely to continue, with the State Government increasing penalties for a number of criminal offences, so that they must be dealt with in the District or Supreme Courts. Example of this is the “Choking and strangulation Charge” and “Assaulting Emergency Worker” (this includes Police, Ambulance Workers etc original).

Legislative changes have also necessitated providing representation to an increasing number of Clients appearing in the Supreme Court pursuant to the Criminal Law (High Risk Offenders) Act 2015. These heinous laws allow the South Australian Supreme Court to make orders for supervision of “high risk offenders” that extend beyond the expiry of any term of imprisonment or parole period. Under the Act, both serious sexual offenders and serious violent offenders will be considered “high risk offenders”.

Further, we are represented clients facing applications for indefinite detention. These applications will potentially mean that people will be locked up until too frail to offend. The legislation is terrifying and of concern since the information used to determine this is not governed by the Evidence Act.

We have also maintained a strong emphasis on assisting clients with Parole applications and Parole Breaches.

## Black Lives Matter

The truth is the police's role as first responders is often harmful or fatal for our people. We must hold police, prisons and authorities accountable and criminally liable for our deaths, future and historic. We must also end the perverse conflict of interest that arises when authorities like police and corrections officers investigate themselves.

The truth is we live oppressed by our racist legal system. Low-level offences like public drunkenness contribute to our mass imprisonment and deaths. All low-level offences that are used to target and over-police our people must be repealed.

The truth is that we are more likely to die in custody because we are over-imprisoned. Despite being only 2% of the population, we are 28% of the adult prison population, no right-thinking person can allow this to continue.

Instead of building prisons we need to build futures by providing excellent public hospitals, schools, and homes. Experiencing homelessness is a key contributor to our people being criminalised, social housing waiting lists can be decades long. We need to strengthen our income support systems, provide culturally safe support for our people, particularly our women fleeing family violence, and provide strong healing programs that connect our people back to country and culture.

Excerpt from The Guardian 29 June 2020 We need to go beyond empty gestures if we're going to end Aboriginal deaths in custody written for the by CEO Cheryl Axleby for ALRM in Adelaide & Nerita Waight who is the CEO of the Victorian Aboriginal Legal Service. Both women are co-chair of the National Aboriginal and Torres Strait Islander Legal Services (NATSILS).

An article in The Advertiser written by Cheryl Axleby CEO ALRM on 25 June 2020

# Law change can help save black lives



CHERYL AXLEBY

THE videos we have seen on social media of young Aboriginal families being aggressively arrested by police are nothing new for our people.

But they make it harder for police to hide from problems which exist.

I can tell you first-hand that Aboriginal Legal Rights Movement lawyers receive thousands of calls for legal assistance. These include complaints about police misconduct and racial bias.

This must end. And the only way it will is with transparent, independent oversight and accountability. Heavy-handed policing is dangerous for everyone in the community.

It results in injuries to the person being arrested but also to police. The law allows police to only use the minimum force necessary to safely apprehend an individual.

South Australian Police Commissioner Grant Stevens and Police Minister Corey Wingard should be listening to the community they serve.

They should be implementing reforms immediately to make police and prison cells safer places for Aboriginal people, and to address racism within the force.

Thousands of people joined the Black Lives Matter rallies in SA protesting the appalling number of Aboriginal deaths in custody and calling for real action and accountability.

Legislation has just been introduced into State Parliament that could see the establishment of an Aboriginal custody notification service in

SA. This would mean that every time an Aboriginal person is arrested and taken into custody, a lawyer is contacted to assist.

This was a key recommendation of the 1991 Royal Commission into Aboriginal Deaths in Custody which still

hasn't been implemented. Will SA Police and the Police Minister get behind this crucial scheme that will save Aboriginal lives? Having clear, transparent oversight of the police is good for all of us.

## Having clear, transparent oversight of the police is good for all of us

It increases community confidence and should provide police with the reassurance that complaints or allegations will be handled independently and at arm's length. That's why we are calling for the Govern-

ment to legislate for independent investigations of deaths in custody and the resourcing of independent police oversight bodies to respond to any complaints or concerns about police misconduct in SA.

These reforms should not be controversial. They are sim-

ple measures to ensure Aboriginal people are given access to a lawyer if they are taken into custody, and to make sure police are doing the right thing by our community.

**NARUNGA WOMAN CHERYL AXLEBY IS ABORIGINAL LEGAL RIGHTS MOVEMENT CHIEF EXECUTIVE**  
**TOMORROW: POLICE ASSOCIATION PRESIDENT MARK CARROLL ON HOW SA POLICE IS SUPPORTING ABORIGINAL COMMUNITIES**

## Justice without Prejudice

ALRM staff and community members participated in the 6000 thousand strong crowd in attendance at the Black Lives Matter event held at Tarndanyangga square in Adelaide on Saturday June 6, 2020.



## ALRM Planning Day

The Board and Leadership team participated in a 3 day planning workshop at Tauondi College facilitated by Teri Whiting from Giant4 Business Solutions.

ALRM has had to overcome some challenging times with COVID-19 health restrictions affecting staffs ability to work from the office and maintain robust service delivery with our key stakeholders, clients and community members.

The review and planning workshop created many great ideas and discussions about ALRM moving forward.



## Know Your Legal Rights when driving a Motor car



### Hey, you mob! Drive safe, drive careful – true!

ALRM promotes responsible and safe driving. Make sure your car is safe and roadworthy.

If the Police pull you over you must provide:

- Your driver's licence
- your personal details i.e. your full name, date of birth and address;
- the identity of the driver of the motor vehicle; car registration details

We know a lot of our mob have had many problems with motor cars. Please remember the simple hints below to keep you safe.

- Do not drink and drive
- Do not drug and drive
- Do not talk or text on the phone and drive
- Do not overcrowd the car
- Buckle up your seatbelt and ensure our little one's are properly secured and fastened in the car with baby seats etc.
- Drive to the speed limit
- Drive in a respectful and courteous way
- Follow the road rules
- Be patient and drive carefully
- Pull over to the side of the road if you need to do something, don't do anything while driving that may take your attention off the road
- Always give way to pedestrians
- If you are in an accident – always stop and render assistance.
- Swap details with the driver of the other car if you are involved in an accident with another car
- Never flee the scene of an accident, if someone is hurt ring 000 immediately and ask for Police, Ambulance or Fire

**Ring ALRM for Legal advice FRECALL 1800 643 222**

## ALRM Staff Achievements!

Josie Jones is ALRM's longest serving staff member. Amazing commitment Josie – Congratulations!



### Senior Legal Secretary

I am from Thevenard South Australia and I am from the Kokatha Clan. I have attached a photo of my family. On my mother's side we have five generation of females. (Quite unique) I started work in Ceduna ALRM in September of 1988. I have worked as a Receptionist/Typist, Field Officer/Office Administrator and Secretary in the Ceduna Office.

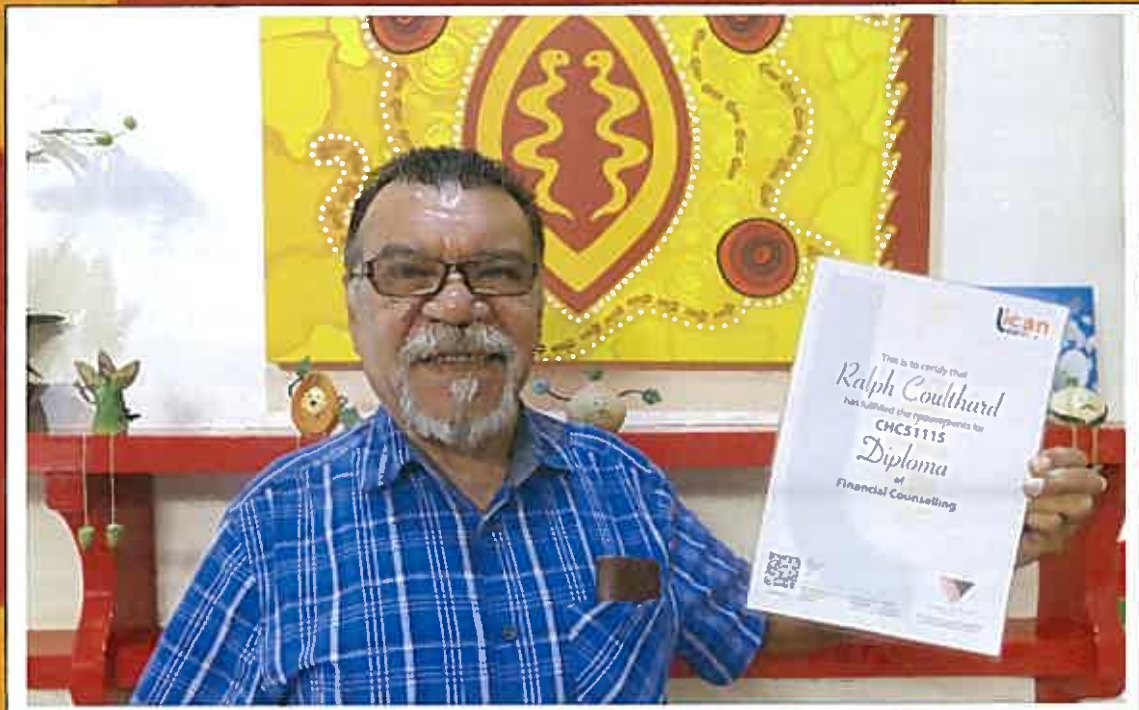
In the Adelaide I commenced working in approximately 2003. I have worked in Finance Section, Civil Section and Criminal Section.

My hobbies/interest would be baking, fishing, camping and travelling.



5 generations of Josie Family (Back row left to right) Randy, Josie, Charlee, Bonny, Jallarah & Zoe (Front row left to right) Skiyaah, Verna & Laiken

## Congratulations Ralph Coulthard



Congratulations Ralph from ALRM Pt Augusta on achieving your Diploma in Financial Counselling

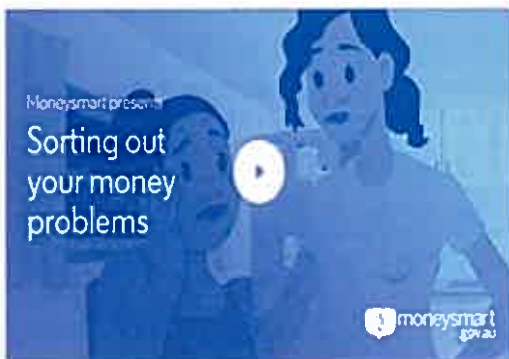
### Financial Counselling Information

"Ring us to have a yarn on money worries on 8113 3777 Adelaide or Pt Augusta 8113 3788

Open Monday to Friday

Free & Confidential telephone counselling during COVID-19

Information and resources on managing money for Aboriginal and Torres Strait Islander peoples.



Video playlist: Managing money for your mob

How to manage money and sort out money problems with Lee Williams and mentoring

Check out Moneysmart website for information: [www.moneysmart.gov.au](http://www.moneysmart.gov.au)

ALRM can help you with:

- Budgeting
- Fines
- Bills

Help is only a phone call away.

**FREECALL 1800 643 222**

## **ALRM staff discuss working from Home during COVID-19 health restrictions**



"It's been very challenging operating under COVID-19 restrictions. However, I have tried to keep the same routine at home that I have at work to maintain my schedule"

"I've had to think outside the square more to navigate the challenges of no face to face contact"

"Keeping the connection with my work mob is important while being isolated"

"I have a highly vulnerable son with disabilities, and have to do my best to protect him from COVID-19"

"I have set up a temporary workspace in my front room, overlooking the front yard and the road. I get to see people walking past all day, as we are staying at home for the duration of the pandemic"

"I am handling all my work via phone and email. This includes client's matters, Police notifications of arrest, file management, and remote supervision of the Field Office team"

"I've learnt Zoom communications"

"It's been challenging not having the regular communication with staff that is taken for granted when I'm in the office"

## Staff Movements



An amazing artwork designed and painted by Mado Nimanis – ALRM secretary (pictured) for Phil Edwards retirement.

Phil Edwards commenced employment with ALRM on 2/1/2007.

Phil was initially based at Port Augusta office and provided legal representation to the Ceduna Community. Phil then moved to the Adelaide office and was based at Elizabeth Magistrates Court and for many years the Youth Court. Most recent he was in the role of Major Indictable Lawyer/ Junior Counsellor.

We would like to thank Phil and extend our appreciation wishes as we bid him farewell. Phil has been a treasured employee of ALRM. Employees like Phil are the epitome of professionalism. We Thank Phil for bringing his best to work every single day.

Farewell to Phil. His hard work and dedication were an important part of our ALRM team. As he turns the page in life's story, we join in wishing him every success in all his future endeavours.



## Staff Movements continued.



Justine Sampson (Receptionist pictured above). Off to work for the Women's and Children's Hospital. Good luck Justine!



Peter Tucker (PCP caseworker above). Off to work for the State Government. All the best Peter!



Hi my name is Kiara Blackwell (pictured above) and I am a strong, Independent and proud Narrunga/Tongan woman. I am currently working as a Receptionist Secretary at Aboriginal Legal Rights Movement

I have previously worked at Aboriginal Lands Trust and most recently City of Marion Council in administration and HR roles.

I am really looking forward to learning and developing my skills at Aboriginal Legal Rights. The staff have made me feel very welcome and i am grateful for the opportunity to work within the Aboriginal organisation and contributing to their good work in our community.



Thanks Simon Perrie (above) for his work in both the Civil Section and more recently the Criminal Section.

Simon fought the good fight for all clients at Port Adelaide Magistrates Court. We are very thankful and appreciative.

Congratulations Simon on your new job. While we will miss you and have fond memories of working with you, we wish you well and hope you attain the success you deserve.

## Staff movements continued.



Georgia Hogg (Pictured above)

As ALRM's newest solicitor, I unfortunately cannot regale you all with stories of my legal success. I can however tell you a little bit about myself.

I was born and raised in Adelaide, but I have family in both Port Augusta and the South East coast.

I was a ballerina for 14 years, and I even trained with the Australian Ballet for a summer, but I retired to study law at university. You can still find me on the dance floor, but only after a few beers.

I turned to law because I have always loved other people's stories (which also explains how much I love reading) wherever I am, there is always a book nearby, and I am always looking for new suggestions.

I have specialised in criminal law early on in my journey towards being a legal practitioner, I have done work in the past with Crown prosecutions and shadowed the criminal barristers at Len King Chambers. I am thrilled to now be working as a defence lawyer with ALRM. Being able to use my voice to advocate for our clients is an absolute privilege.

Please say hello if you see me around. I love a good chat, and making new friends!



Hello, My Name is Lahn Mickan (Pictured above) and I am the Senior Aboriginal Field Officer in the Port Lincoln office. I am a proud Wirangu woman from the Far West Coast – Ceduna. I have been very fortunate to work with ALRM in various roles for 6yrs and 7mths.

The roles I have undertaken include; Civil field officer/ Admin Support, Financial Counselling, Aboriginal Field officer and most recently the Senior Aboriginal Field Officer role. I have held positions in both the Ceduna and Port Lincoln offices.

Being able to work for my community and assist my mob navigate the legal system is my sole drive for being an Aboriginal Field Officer, being the voice of our community when their voices aren't being heard in the justice system is the battle we lead and continue to lead.

Outside of work, I currently sit as a Vice Chairperson on the Family Violence Legal Service Aboriginal Corporation Board. I have held many Chair, Co-Chair and Secretary Roles for various Aboriginal Organisations in Ceduna over the last 10years.

My Hobbies/interests include Netball, Basketball, Football and most importantly my Family and Community.

## ALRM welcomes our new staff members



Hi, my name is Trent Richards, I have recently started working for ALRM as a caseworker in the prisoner care program, and I am enjoying it so far.

I am a proud Ngarrindjeri man.

I have been doing security for 11yrs

I was a mentor for Incompro because I wanted to help kids in care. Now I get to help my people when they are released try to get back on their feet working with ALRM.



My name is Clifford Wilson; I am 25 years of age. My family represent the Ngarrindjeri, Kurna, Narungga, Ngadjuri and Arrernte people.

My previous work history has been mostly within the Education department working as a Student Support Officer (SSO) and teaching the Kurna language to student's years 4-9, I have also previously worked for Metropolitan Aboriginal Youth & Family Services (MAYFS) as a Restorative Engagement Worker working with troubled indigenous youth apart of the Yunga Nunga program. I enjoy working at ALRM as it holds new challenges each day and gives me a chance to expand my knowledge within the justice system and gives me the opportunity to work within my community and help my people wherever and however I can.



Katja Daly (pictured above). I hold a Bachelor of Laws & Bachelor of International Development from the University of Adelaide. I have recently returned from completing my Practical Legal Training at the North Australian Aboriginal Justice Agency in Alice Springs. I am so excited to join the ALRM team as a Criminal Law Clerk and for this entire new chapter will bring!



Staff from the Aboriginal Services Division in Adelaide.

**ALRM promotional products handed out by ALRM staff during community events**



**ALRM carry bags**



**ALRM – Hi five! & Lanyards**



**ALRM Hat**



**ALRM – Justice without Prejudice  
Wristbands**



**ALRM Glass cleaning  
cloth**



**ALRM Key ring with additional  
light**



**ALRM Justice without Prejudice shirts. For sale \$ 20**



**ALRM Beanie for sale \$ 20**

**Aboriginal Legal  
Rights Movement**



**Know your Legal  
Rights**

# **Justice without Prejudice News**

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**FREECALL**

# **1800 643 222**

**ALRM always welcomes feedback from our  
community members. Please send suggestions to  
[info@alm.org.au](mailto:info@alm.org.au)**

