

# Aboriginal Family Violence Prevention & Legal Service Victoria

30<sup>th</sup> April 2009

Committee Secretary  
Senate Standing Committee on Legal and Constitutional Affairs  
Department of the Senate  
PO Box 6100  
Parliament House  
Canberra ACT 2600  
Australia

Dear Committee,

Submission to Inquiry into Access to Justice – FVPLS Victoria

This submission relates primarily to term of reference 'g. the ability of Indigenous people to access justice'.

FVPLS Victoria is funded to provide legal and associated services to victims of family violence and sexual assault the majority of whom are women and children. The submission focuses primarily on this group.

## Introduction

Indigenous women and children continue to experience unacceptable levels of disadvantage in law and justice outcomes across Australia. High rates of family violence in particular, where women and children are the majority as victims/survivors has serious and broad ranging impact. Aboriginal and Torres Strait Islander women are 10 times more likely to die from assault than non Indigenous women.<sup>1</sup>

United Nations committees have raised concerns about inadequate access to justice for Indigenous people in Australia and specifically about the human rights of Indigenous women. The Attorney General's Department has itself acknowledged the ongoing disadvantage Indigenous women experience but systemic problems continue.

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Dedicated law and policy development, combined with strategic planning for strengthened legal service provision that reflects Indigenous diversity is likely to contribute to improved responses. But, for meaningful advancement to occur, Indigenous women must be supported to develop and drive necessary change, through appropriate, cross-government engagement, resourcing and flexibility

### **FVPLS Victoria**

The Aboriginal Family Violence Prevention and Legal Service Victoria 'FVPLS Victoria' is one of 31 FVPLS units funded by the Commonwealth Attorney General's Department ('AGD') to provide legal assistance, counselling and prevention activities to Indigenous victims/survivors of family violence and sexual assault in rural and remote Australia. FVPLS Victoria's priority areas of legal assistance are family law, family violence law, child protection and victim's assistance. No FVPLS program funding is currently directed to urban areas. The program whilst not women and children specific, by its nature comprises a significant component of AGD legal service funding directed toward Indigenous women and children.

FVPLS Victoria has regional offices in Mildura, Warrnambool and Bairnsdale funded through the Commonwealth FVPLS program. The program also funds a community education worker for rural areas but not urban areas. The FVPLS Victoria 'Sisters Day Out' program for Koori women is funded by both commonwealth and state government to ensure urban and regional coverage.

To maintain a Melbourne office and in an attempt to meet the high demand for legal and support services to Indigenous victims/survivors in the Melbourne metropolitan region, alternative limited term funding has been obtained through Victoria Legal Aid, Department of Justice Victoria and other sources. Funding for a program manager and two short term policy positions - one a Koori family violence police protocols project - has also been sourced outside of the FVPLS program, including through philanthropy.

Until the FVPLS Units were established in Australia from 1998, there was an absence of dedicated services for Indigenous victims/survivors of family violence and sexual assault whom we know to be women and children in the main. The Australian Law Reform Commission in its 'Justice for Women' enquiry in 1994 identified Indigenous women as the most disadvantaged in the legal system.<sup>ii</sup> Funding for FVPLS Units have developed slowly and whilst there are now 31 units funded in rural and remote Australia it remains critical that increased funding be allocated to the program to better resource existing units and to further expand geographic coverage including urban areas. The need for funding of policy development and law reform activity both for the FVPLS Units and for Indigenous women's law and justice generally is acute.

### **Indigenous women and children as victims/survivors of family violence and sexual assault – what the statistics tell us**

Whilst reliable statistical data for Indigenous family violence is lacking and underreporting significant,<sup>iii</sup> it is clear that Indigenous women and children are vastly overrepresented as victims/survivors of family violence and sexual assault. It is also evident that family violence and sexual assault impacts upon a range of law and justice outcomes including women's incarceration levels and child protection interventions.

The most recent statistical report released in Victoria details as a key finding that... 'the vast majority of Indigenous victims of family violence were female over the age of 20 years'<sup>iv</sup> with Victoria police data indicating the rate of domestic violence related assault against Indigenous females as nearly five times as high as the rate of the total female population.<sup>v</sup> A 2006 report found 41% of Indigenous women's hospitalisations were a result of spouse/domestic partner violence, compared with 7% for Indigenous males<sup>vi</sup>. Indigenous females experienced 38 times the rate of hospitalization for assaults and spouse/domestic partner inflicted assaults as other females<sup>vii</sup>. Children also experience high rates of victimization. In Victoria the rate of Indigenous children on care and protection orders in 2006 was 56.4 compared to 4.6 for non Indigenous children (approximately 11 times higher)<sup>viii</sup> and family violence is reported as a significant characteristic in all child protection notifications in Victoria<sup>ix</sup>.

Indigenous children and women's experience of family violence is clearly implicated in them becoming involved in the criminal justice system. Indigenous young women are vastly overrepresented in juvenile detention<sup>x</sup> and in 2008 the imprisonment rate for Indigenous adult females in Victoria was almost 15 times higher than for non Indigenous females<sup>xi</sup>. Between 2002 and 2006, the imprisonment rate increased by 34.0 per cent for Indigenous women and by 21.6 per cent for Indigenous men<sup>xii</sup>.

We know that the majority of Indigenous women in prison indicate they are survivors of family violence or sexual assault with a survey of Indigenous women prisoners in NSW finding that over 70% of prisoners had been sexually assaulted or suffered other types of abuse as children, and 44% reporting that they had been sexually assaulted as adults<sup>xiii</sup>.

### **Law and Justice responses to date**

In addition to the above statistical snapshot, poor Indigenous accessibility and cultural sensitivity within key areas of the legal system remain. Access to dedicated Indigenous legal and associated supports for Indigenous women and children are restricted through inadequate and narrow policy approaches. Attention to Indigenous women's law and justice policy development within government has been inadequate.

The Commonwealth Attorney General's Department in late 2007 released a draft National Indigenous Law and Justice Strategy. In relation to Indigenous women it contains the following..... *Over 10 years*

ago Indigenous women were found to be the most legally disadvantaged group in Australia, according to an Australian Law Reform Commission report. Despite many improvements, such as the introduction of specific legal services for Indigenous women, significant disadvantages still exist. The focus of recommendations of the Royal Commission into Aboriginal Deaths in Custody (RCIADIC) related to improving justice outcomes for men, who comprise the overwhelming majority of Indigenous detainees, offenders and prisoners..... Services to Indigenous women need to be targeted, culturally sensitive and more work needs to be done on assessing unmet needs'.

It is understood that a framework document built upon this draft was to be completed through a working group of the Standing Committee of Attorneys General. Whilst the focus upon Indigenous women in the draft document is encouraging it is critical that a strategic implementation plan informed and driven by Indigenous women is vigorously pursued. It is essential that Indigenous women are positioned in key law and justice decision making, policy and advisory roles.

#### **Access to justice for Indigenous people – the human rights context**

Human rights of Indigenous people and specifically, Indigenous women and children are protected in a number of human rights instruments to which Australia is a party. Access to justice is integral to these protections. Despite this, significant disadvantage in key law and justice areas as described above continue and require urgent attention by government.

Victoria has adopted a *Human Rights and Responsibilities Charter* which recognises the special importance of human rights for the Aboriginal people of Victoria and which contains provisions which may be relied upon to advance law and justice outcomes for Indigenous women and children.<sup>xiv</sup> The ACT has a *Human Rights Act*<sup>xv</sup> and a consultation process is currently underway to determine how Australia can best protect and promote human rights nationally.

Article 22(2) of the United Nations *Declaration on the Rights of Indigenous Peoples 2007* recently endorsed by Australia provides that

States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous elders, women and children enjoy the full protection and guarantees against all forms of violence and discrimination.

The UN Human Rights Committee's recent report on Australia's compliance with the *International Covenant on Civil and Political Rights* expresses concern at the high levels of violence against Indigenous women and calls for strengthened efforts toward its elimination.<sup>xvi</sup> It further states that the NT Emergency Response is inconsistent with provisions of the Covenant, was adopted without adequate Indigenous consultation and must be redesigned.<sup>xvii</sup> The Committee urges measures to improve access to the justice system for Indigenous people which it finds to be inadequate.<sup>xviii</sup>

The Human Rights Committee also noted that not all recommendations of the 'Bringing Them Home' report have been implemented and recommends that Australia... should adopt a comprehensive

national mechanism to ensure that adequate reparation, including compensation, is provided to the victims of the Stolen Generations policies.<sup>xix</sup>

In a welcome development, Australia has recently ratified the optional protocol of the Convention on the *Elimination of Discrimination Against Women* ('CEDAW'). This means that Australian women who have experienced discrimination can now take their complaints directly to the UN (provided that all domestic remedies have been exhausted). The 2006 concluding comments of the CEDAW committee for Australia expressed concern at the ongoing inequalities suffered by Indigenous women, 'whose enjoyment of human rights remains unsatisfactory in many areas' and recommended that Australia 'adopt and implement targeted measures, including temporary special measures... to improve indigenous women's enjoyment of their human rights in all sectors'.<sup>xx</sup>

Australia's compliance with the CEDAW convention is also due to be reviewed. Australia must comply with its obligations under these human rights instruments in taking further steps to improve access to justice for the Indigenous community.

### **Improving law and justice outcomes**

Special measures are clearly required to advance law and justice outcomes for Indigenous women in Australia but must be strategically developed within a national, state and territory framework and most importantly must be informed and driven by Indigenous women. Imposed measures are inappropriate.

Channels for government engagement with Indigenous women are needed to ensure advice and recommendation can translate into on the ground change. The new Indigenous Representative Body and national Indigenous law and justice advisory body provide opportunity for dedicated structures to be developed.

The following are some proposals directed toward on-the-ground improvement in law and justice outcomes. They are not intended as exhaustive and are made in the context of broader community initiatives underway.

#### **i) A national Indigenous women's law and justice advocacy body**

Following RCIADIC much law reform and policy development focus has been on issues related to Indigenous men. There are no existing structures at the national or state levels that specifically focus on policy development or on provision of channels for advocacy and government engagement for Indigenous women's law and justice issues.

A national Indigenous women's law and justice advocacy body would provide an Indigenous forum of focus and engagement for issues of high priority for Indigenous women. Improved access to justice would be one priority.

Given responsibility for many law and justice issues rest with state and territory governments and also given high levels of diversity amongst Indigenous communities, funding for state and territory policy bases to support a national body would be critical to its effective sustainability. Collaboration between commonwealth and state and territory governments, primarily through the Standing Committee of Attorneys General and COAG should support this.

The United Nations Human Rights Committee in its recent concluding observations on Australia's compliance with the ICCPR has also expressed concern that 'indigenous peoples are not sufficiently consulted in the decision-making process with respect to issues affecting their rights'.<sup>xxi</sup> A national Indigenous women's law and justice advocacy body will ensure developments in Indigenous women's law and justice are driven by Indigenous women.

### **ii) Policy /law reform funding within the FVPLS program**

FVPLS Victoria is overwhelmed with requests for input into policy development and law reform on issues critical to our client group. Capacity to contribute and to take initiative has been limited because within the national FVPLS program there is currently no core funding for policy development/law reform activity. Only short term project funding from the Legal Services Board has enabled a policy focus within FVPLS Victoria, including the production of this submission. In the area of Indigenous law and justice in particular, it is critical that Indigenous organizations are supported to translate on the ground experience and learning into culturally appropriate legal and policy reform to in turn produce on the ground change.

Advocating for improved Indigenous accessibility, cultural respect and accountability across key areas of the legal system relevant to Indigenous women and children as victims/survivors is a prime example.

### **iii) Improved Indigenous accessibility within the legal system**

Given the reluctance of Indigenous people to access the legal system due to experiences of racism and discrimination it is critical that proactive steps are taken to break down barriers and to improve accessibility including for Indigenous women.

Courts and Tribunals should set up Indigenous advisory committees/procedures to ensure processes and supports available are accessible and culturally sensitive. The Family Court and Federal Magistrates Court for example could benefit from Indigenous advisory committees at both the national and state and territory levels. FVPLS Victoria has experienced Indigenous cultural insensitivity in both jurisdictions. Available statistics indicate Indigenous access to these courts to be low.<sup>xxii</sup> In some situations of family violence access to these courts to resolve safe arrangements for children is the most appropriate recourse.

In relation to recent changes to the family law system and emphasis on Family Dispute Resolution FVPLS Victoria is concerned to ensure that this does not become a further barrier to Indigenous women

accessing legal assistance and support in situations of family violence due to a reluctance to attend mainstream Family Relationships Centres or other FDR services. We are also concerned that women may be reluctant to disclose family violence and sexual assault in these environments. This may in turn lead to dispute resolution proceeding inappropriately.

The entry point for the Indigenous community into the family law system, particularly given the high levels of family violence and reluctance to access mainstream services, should be available through Indigenous services, including the FVPLS program and ATSILS. Referral protocols and pathways between Indigenous and mainstream services should be developed and more dedicated Indigenous programs should be available.

Given the vast overrepresentation of Indigenous children in child protection systems in Australia, often involving family violence, attention is required for improved access to legal assistance and to legal policy development. Further systemic and procedural change within the legal system is required. Processes for independent monitoring and oversight of culturally appropriate law and justice responses to Indigenous children in the state and territory care and protection systems ought also be considered.

The initiative of the Victims of Crime Assistance Tribunal ('VOCAT') and Department of Justice Victoria provides a positive leadership example in relation to development and implementation of processes to improve Indigenous accessibility for victims/survivors. A Koori list was established within VOCAT in 2006 which incorporates a range of strategies to improve Indigenous accessibility. Indigenous applications to VOCAT have increased significantly since the list commenced.<sup>xxiii</sup> FVPLS Victoria has had significant involvement with this project.

There are of course many other areas of the justice system requiring legal and policy reform. Proposals which effect Indigenous women, particularly in the family violence and sexual assault areas, but also more broadly, must be developed in conjunction with Indigenous women. Without funding for dedicated law and justice policy activity as proposed, this is unlikely to occur in a meaningful way.

#### **iv) A strategic approach to legal services for Indigenous women**

Legal problems arising as a result of family violence and sexual assault in particular, are regularly complex and often compounded by the personal hardships of the victim/survivor. Combined with broader approaches, culturally appropriate and targeted legal and support services are integral to advancing the human rights and safety of Indigenous women and children. The experience of FVPLS Victoria is that Indigenous women will access legal services as victims/survivors where there is confidence in a culturally safe and trusted environment.

Strategic development of Indigenous women's legal services across Australia which recognizes state and territory Indigenous diversity has been lacking but is required. The role of the FVPLS program, the Aboriginal and Torres Strait Islander Legal Services (ATSILS) and the Indigenous Women's Project funding should be clarified and refined to ensure optimum outcomes for Indigenous women.

In 2005 the Commonwealth Joint Committee of Public Accounts and Audit, in its inquiry into Access of Indigenous Australians to Law and Justice Services expressed concern 'at the myriad of programs and services that provide legal services to Indigenous women'<sup>xxiv</sup>. It recommended that the Indigenous Women's Project (IWP) funding be incorporated into the FVPLS program.<sup>xxv</sup> This has never occurred. Indigenous women in Victoria have had no access to IWP funding since 2001.

It is the view of FVPLS Victoria that additional funding to support Indigenous women and children who are victims/survivors of family violence and sexual assault should be utilized to strengthen the FVPLS program across the country. Issues of safety, confidentiality, perceived and actual conflict of interest and lack of holistic support services ( as are available through the FVPLS program) mean that the ATSILS are not the most appropriate organisations to be the primary providers or auspices of services for Indigenous victim/survivors. Actual and perceived independence of the FVPLS units is critical to optimum accessibility.

The Commonwealth Joint Committee of Public Accounts and Audit, in its inquiry into Access of Indigenous Australians to Law and Justice Services referred to above made specific reference to conflicts of interest encountered by ATSILS including in provision of legal services to Indigenous women in family related disputes.<sup>xxvi</sup>

There will of course be instances where victims/survivors prefer to access an ATSIL for various reasons; however improved resourcing and support for the FVPLS program to increase its accessibility as the primary provider of services for Indigenous victims/survivors would appear to be in the best interests of Indigenous women and children and also be sound policy.

Provision of other types of legal services for Indigenous women where conflicts arise also requires strategic consideration, however, it is in the family violence/sexual assault/family law and child protection areas where priority attention and provision of dedicated Indigenous legal service options is critical.

#### **v) Extending the FVPLS program including to urban areas**

A key element in strengthening legal services for Indigenous women is extending FVPLS Services to urban areas to meet state and territory diversity. Indigenous women experiencing family violence are often on the move so geographic flexibility in service provision is critical.

The 2005 Joint Committee of Public Accounts and Audit in its report - Access of Indigenous Australians to Law and Justice Services state...

*... 'If FVPLS's are to be considered as major Indigenous specific providers of family violence prevention, family and civil services, these services should not be confined to regional and remote Australia but*



rather, like ATSILS, be located in all areas of significant need.<sup>xxxvii</sup> The report recommends - 'That the Attorney-General's Department acknowledge that urban Indigenous populations also require family violence, family and civil law services and locate Family Violence Prevention and Legal Services accordingly.'<sup>xxxviii</sup>

According to 2006 ABS census data, approximately 48% of Victoria's Indigenous community live in metropolitan Melbourne. Other states with a relatively high proportion of Indigenous people living in major cities included South Australia (48% of the total state Indigenous usual residence count), and New South Wales (42%). Indigenous Regions with the largest populations were Sydney (41,800), Brisbane (41,400) and Coffs Harbour (40,000). The 2006 census indicated that..., 'As in previous censuses high Indigenous population growth occurred in more urbanised locations'.<sup>xxxix</sup>

In 2004 the inner Melbourne locality of Darebin was amongst the top 5 locations for Indigenous family violence in Victoria based on police data and three Melbourne metropolitan locations were in the top 5 based on SAAP data.<sup>xxx</sup>

We understand the policy of not funding FVPLS services in urban areas to be based upon the premise that Indigenous victims/survivors in urban areas have access to a broader range of mainstream services and that funding priorities rest with rural/remote locations. However restricting funding to limited rural/remote geographic areas significantly weakens the FVPLS program as a whole and discriminates against Indigenous women and children in urban areas who are impacted by family violence and sexual assault. Clearly, funding is required in rural/remote locations, particularly where there are large Indigenous communities,<sup>xxxi</sup> but to ensure equality before the law and optimum legal services for Indigenous women in Australia, the FVPLS program must be extended.

In the experience of FVPLS Victoria, Indigenous women are on the whole reluctant to access mainstream services in relation to family violence and sexual assault. Disclosure of these issues outside of a culturally safe environment is unlikely. This has been reinforced by the experience of the Sisters Day Out well being workshops for Koori women delivered by FVPLS Victoria in conjunction with urban and regional communities over the last 18 months. Culturally sensitive awareness raising accompanied by legal and other supports has encouraged disclosure and follow through which would not have otherwise occurred.<sup>xxxii</sup>

The Victorian Aboriginal Legal Service and other ATSILS across Australia, with their significant and important focus on criminal defence work are not always accessible to Indigenous women and children in urban areas as detailed above. Indigenous women experiencing family violence or sexual assault must be assured of the right to access culturally sensitive, safe and confidential legal assistance regardless of their location and independent to the service which the perpetrator, their family or friends may access.

The FVPLS program itself is likely to be strengthened through the extension of funding to urban locations. It would enhance the capacity of FVPLS programs in all states and territories by creating a stronger infrastructure to support the rural/remote units as well as provide services to Indigenous

victims/survivors in urban areas. Within this, capacity to further develop expertise in relevant areas of law would be enhanced. A stronger state or territory base for the FVPLS units would also strengthen capacity for law reform, policy development and other prevention and education activity.

The FVPLS program if extended, could take a key role in provision of family law services, particularly where family violence precludes alternative dispute resolution. FVPLS Victoria has had a dedicated family lawyer seconded from Victoria Legal Aid for 18 months servicing metropolitan Melbourne and regional areas. Access to family law assistance in family violence situations, has gradually increased as a result of on the ground community education leading to a willingness of Indigenous women to seek support in an environment of trust.

Given the vast overrepresentation of Indigenous children in child protection systems in Australia, often involving family violence, improved access to specialist legal assistance and legal policy development is key. Women and children as the majority of victims/survivors of family violence and as carers, require access to legal assistance early where child protection issues arise. This is another significant area of legal work for the FVPLS program. Strengthening and broadening of the program would facilitate further capacity and expertise.

#### **vi) Counselling/healing services**

High levels of family violence and sexual assault both as adults and children contribute to psychological distress amongst Indigenous women and compound the ongoing impact of trauma resulting from systemic racism and discrimination. The FVPLS program nationally includes some funding for counselling and sexual assault services but again this is not available in urban areas. Dedicated programs offering culturally appropriate and accessible counselling/healing options for Indigenous women and children are required Australia wide.

#### **vii) Indigenous women prisoners as survivors of family violence and sexual assault**

The majority of Indigenous women in prison are survivors of family violence and or sexual assault and many women enter prison with psychiatric/psychological ill health.<sup>xxxiii</sup> Increasing accessibility to legal, counselling/healing, support and advocacy services to Indigenous women victims/survivors through the FVPLS program may also help prevent the increasing numbers of Indigenous women entering the criminal justice and prison systems.

Improved funding for Indigenous services dedicated to support of Indigenous women in the criminal justice system and pre and post prison release is also required. Culturally appropriate alternatives to prison for Indigenous women must be developed.

The Commonwealth AGD has acknowledged little research and policy development has been dedicated to Indigenous women in the prison system.<sup>xxxiv</sup> Funding for this work focused upon underlying issues and alternatives to prison is needed. A national Indigenous women's law and advocacy body if established could assume leadership on this and other legal issues.

**viii) Indigenous representation in key law and justice positions**

It is essential that Indigenous people have key positions within the law and justice system at both commonwealth and state and territory levels. Measures should be taken to ensure Indigenous women in particular, are employed in decision making, policy and advisory positions. Governments should take all possible measures to support Indigenous women to take up roles in the judiciary, magistracy and broader legal system. In some circumstances mentoring arrangements may be required to build Indigenous women's capacity and experience. Commitment to additional funding for key positions will be needed to implement such mentoring arrangements.

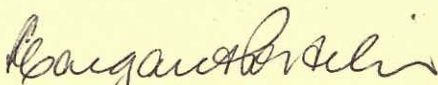
**ix) Improved funding arrangements between Commonwealth and State governments**

Improved access to justice for Indigenous women and children requires cooperation between state and commonwealth governments. While the FVPLS program and Indigenous Legal Services are funded by the Commonwealth many law and justice issues rest with state and territory governments. A collaborative approach for example through SCAG or COAG would be of great benefit in improving Indigenous law and justice outcomes.

FVPLS services across Australia are currently subject to 12 month service agreements. Three year funding agreements to facilitate long term planning and certainty should be implemented as soon as possible.

In conclusion a co-operative cross government framework must be developed without delay within which law and justice outcomes for Indigenous women are progressed through strategic policy development and legal and associated service provision which recognizes Indigenous diversity. Rather than government imposed measures, Indigenous women must be positioned to drive change at the national, state, territory and local levels, supported by meaningful government funding, engagement and flexibility.

Yours faithfully,



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FVPLS Victoria

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- <sup>i</sup> AIHW: Al-Yaman F, Van Doeland M, and Wallis M. 2006 Family Violence Amongst ATSI people p66
- <sup>ii</sup> Australian Law Reform Commission Report 69 Equality Before the Law : Justice for Women 1994 para 5.24
- <sup>iii</sup> Cripps, Kylie Indigenous family violence: A statistical challenge Injury,Int. Care Injured (2008) 39S5, S25-35
- <sup>iv</sup> Measuring Family Violence in Victoria' Victorian Family Violence Database (Volume 3) Seven year trend analysis 1999 – 2006 Victorian Government Department of Justice Executive Summary p1
- <sup>v</sup> SCRGSP (Steering Committee for the Review of Government Service Provision) 2007.Overcoming Indigenous Disadvantage: Key Indicators 2007 Productivity Commission Canberra p113
- <sup>vi</sup> AIHW: Al-Yaman F, Van Doeland M, and Wallis M. 2006 Family Violence Amongst ATSI people p54
- <sup>vii</sup> Ibid p55
- <sup>viii</sup> Australian Bureau of Statistics 4704.0 The Health and Welfare of Australia's Aboriginal and Torres Strait Islander Peoples 2008 Child Protection p3
- <sup>ix</sup> [www.childrenscourt.vic.gov.au](http://www.childrenscourt.vic.gov.au) Research Materials Family Division – General by Magistrate Peter Power Last updated 28 February 2009
- <sup>x</sup> Taylor, Natalie Juveniles in Detention in Australia, 1981-2006 Australian Institute of Criminology Technical and Background Paper No. 26 2007 p30
- <sup>xi</sup> Australian Bureau of Statistics June Quarter 2008 Corrective Services 4512.0 pp13 &15
- <sup>xii</sup> SCRGSP (Steering Committee for the Review of Government Service Provision) 2007.Overcoming Indigenous Disadvantage: Key Indicators 2007 Productivity Commission Canberra p121
- <sup>xiii</sup> Speak Out Speak Strong – Researching the needs of Aboriginal Women in Custody Rowena Lawrie Aboriginal Justice Advisory Council [2003] AILR 29
- <sup>xiv</sup> *Charter of Human Rights and Responsibilities Act 2006 (Vic).*
- <sup>xv</sup> *Human Rights Act 2004 (ACT).*
- <sup>xvi</sup> CCPR/C/AUS/CO/5, Concluding Observations of the Human Rights Committee Australia Ninety-fifth session Geneva Advanced unedited version 2 April 2009, para 17.
- <sup>xvii</sup> Ibid, para 14.
- <sup>xviii</sup> Ibid, para 25.
- <sup>xix</sup> Ibid, para 15

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<sup>xx</sup> Concluding comments of the Committee on the Elimination of Discrimination Against Women Thirty-fourth session CEDAW/C/AUL/CO/5 3 February 2006, para 31.

<sup>xxi</sup> CCPR/C/AUS/CO/5, Concluding Observations of the Human Rights Committee Australia Ninety-fifth session Geneva Advanced unedited version 2 April 2009

<sup>xxii</sup> Family Court of Australia National Support Office Statistical Services Unit run on 4/9/08

<sup>xxiii</sup> VOCAT Koori List Forum Melbourne 30 March 2009 Presentation by Magistrate Wakeling

<sup>xxiv</sup> Report 403 Access of Indigenous Australians to Law and Justice Services Joint Committee of Public Accounts June 2005 Canberra para 5.45 p67

<sup>xxv</sup> Report 403 Access of Indigenous Australians to Law and Justice Services Joint Committee of Public Accounts June 2005 Canberra Recommendation 13 p67

<sup>xxvi</sup> Ibid p27,p35

<sup>xxvii</sup> Ibid para 3.86 p38

<sup>xxviii</sup> Ibid Recommendation 4

<sup>xxix</sup> Australian Bureau of Statistics 47055.0 Population Distribution Aboriginal and Torres Strait Islander Australians 2006 <http://www.abs.gov.au/AUSSTATS/abs@.nsf/Lookup/4705.0Main+Features12006?OpenDocument>

<sup>xxx</sup> Clare Joseph, Frank Morgan, Anna Ferrante and Harry Blagg Expansion of Family Violence Prevention Legal Service Program Report Crime Research Centre University of W.A December 2004 Table 7 p26

<sup>xxxi</sup> ABS 2006 census data indicates that 81% of the Indigenous population counted in the Northern Territory and 41% in Western Australia lived in Remote/Very Remote areas

<sup>xxxii</sup> Evaluation of the Sisters Day Out Program of the FVPLS Victoria September 2008

<sup>xxxiii</sup> Social Justice Report 2002 Chapter 5 Indigenous women and corrections : A landscape of risk

Ending family violence and abuse in Aboriginal and Torres Strait Islander communities Key Issues An overview paper of research and findings by the Human Rights and Equal Opportunity Commission, 2001- 2006 pp12&13 Prepared by the Aboriginal and Torres Strait Islander Social Justice Commissioner, June 2006

<sup>xxxiv</sup> Australian Government Attorney-General's Department Consultative Draft National Indigenous Law and Justice Strategy 2007 p9