

2 September 2004

C43

**Submission No. 40**

Mr Glenn Worthington  
Inquiry Secretary  
Indigenous Law and Justice Inquiry  
Joint Committee of Public Accounts and Audit  
Parliament House  
CANBERRA ACT 2600

Dear Mr Worthington

**Indigenous Law and Justice Inquiry**

The Law Society of South Australia took two questions on notice from the Committee when it took evidence in Adelaide on 19<sup>th</sup> August 2004.

**1. INDIGENOUS SOUTH AUSTRALIAN WOMEN AND HOMICIDE**

The first related to the number of indigenous women who were the victims of murder/homicide in South Australia in recent years.

Please find attached copy tables from the National Homicide Monitoring Program (NHMP) Annual Reports for 2000-2001, 2001-2002 and 2002-2003, headed "Percentage of Victims by Racial Appearance".

It should be noted that the NHMP's Annual Reports state:

*"With regards to the race of the victim, police records are indicative only. In some cases this may be no more than a subjective assessment by police." (NHMP Annual Report 2001-2002 page 14).*

*"Racial appearance is an important demographic variable for consideration in identifying the risk of victimisation. Police records are the key source of ethnicity data for the NHMP however, these are only indicative of the racial appearance of the victim and in most cases this is based on a subjective assessment by police. Caution should therefore be exercised in the interpretation of data in relation to racial appearance." (NHMP Annual Report 2002-2003 page 12).*

The attached tables show, for South Australia:

- In 2000-2001, 10 females were the victims of homicide - none of that 10 were indigenous.
- In 2001-2002, 14 females were the victims of homicide - 7.1% of that total were indigenous women, ie one victim was an indigenous female.
- In 2002-2003, 10 females were homicide victims - none of that 10 were indigenous.

## **2. RIGHT TO PRACTISE FOLLOWING ADMISSION**

A copy of Rule No. 3 of the Legal Practitioners Education and Admission Council (LPEAC) Rules 2004 is attached. Sections 14C and 17A of the South Australian *Legal Practitioners Act 1981* vest rule making function or power in LPEAC.

Rule 3.1(a) requires a continuous period of two years full-time employment as an employed practitioner following the first issue to him or her of a practising certificate before a practitioner or entitled to practise as a sole practitioner.

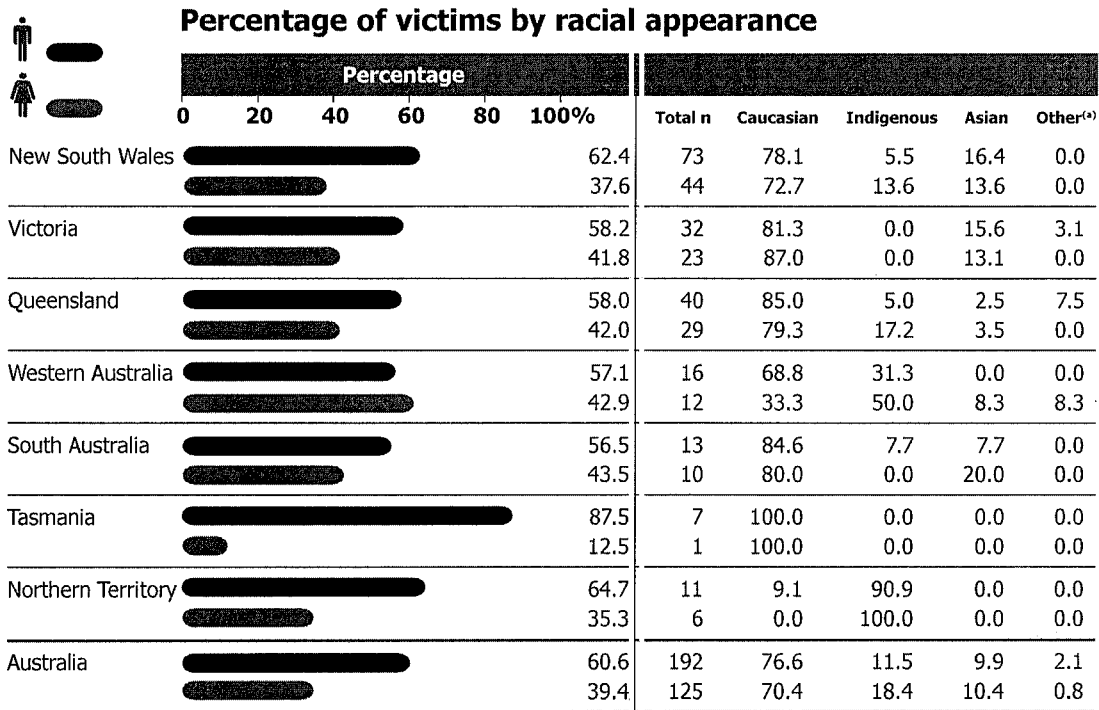
Please advise if the Committee would like any further information or clarification.

Yours faithfully



Peter Haskett  
**MEMBER OF COUNCIL AND EXECUTIVE**

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(a) Other includes: Maori/Pacific Islander, and other.

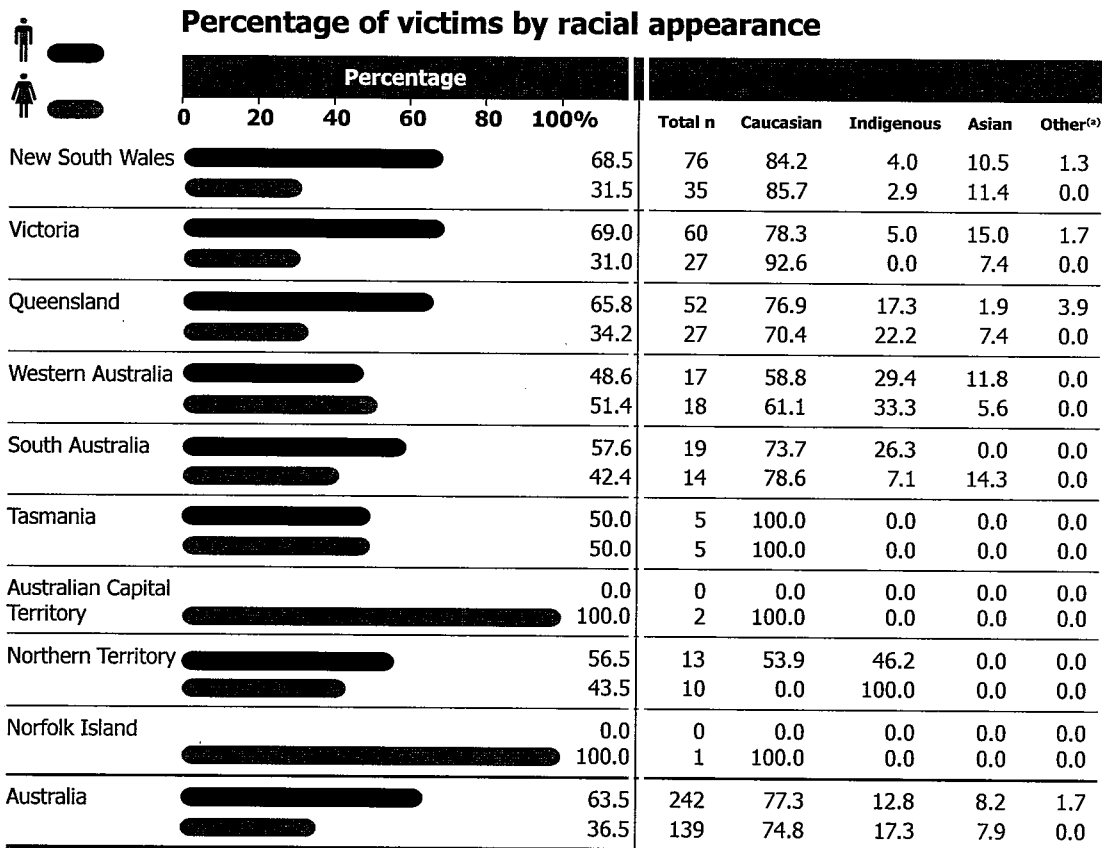
Source: Australian Institute of Criminology, NHMP 2000–2001 [computer file]

### Percentage of victims by marital status\*

	Never married		Married/ de facto		Separated/ divorced		Widowed	
	M	F	M	F	M	F	M	F
New South Wales	65.2	28.2	23.2	46.2	10.2	23.1	1.5	2.6
Victoria	45.2	30.4	41.9	47.8	12.9	13.1	0.0	8.7
Queensland	56.8	37.5	35.1	50.0	5.4	8.3	2.7	4.2
Western Australia	57.1	16.7	14.3	66.7	21.4	16.7	7.1	0.0
South Australia	38.5	22.2	38.5	33.3	23.1	22.1	0.0	22.2
Tasmania	28.6	0.0	14.3	0.0	28.6	100.0	28.6	0.0
Northern Territory	27.3	16.7	72.7	83.3	0.0	0.0	0.0	0.0
Australia	53.9	28.1	31.9	50.0	11.5	16.7	2.8	5.3

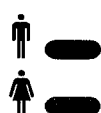
\* Excludes 21 victims who were aged less than 15 years.

Source: Australian Institute of Criminology, NHMP 2000–2001 [computer file]



(a) Other includes: Maori/Pacific Islander, and other.

Source: Australian Institute of Criminology, NHMP 2001-2002 [computer file]



### Victims by racial appearance

	Percentage					Total n	Caucasian	Indigenous	Asian	Other (a)	
	0	20	40	60	80						100%
New South Wales						74	78	81	5	9	5
Wales						26	27	78	7	11	4
Victoria						68	47	81	0	19	0
						32	22	86	0	14	0
Queensland						70	49	71	22	6	0
						30	21	71	14	10	5
Western Australia						66	21	62	29	5	5
Australia						34	11	55	36	0	9
South Australia						55	12	75	17	0	8
						45	10	90	0	10	0
Tasmania						33	2	100	0	0	0
						67	4	100	0	0	0
Australian Capital Territory						33	1	100	0	0	0
						67	2	100	0	0	0
Northern Territory						41	7	14	86	0	0
						59	10	10	70	20	0
Australia						67	217	75	13	9	3
						33	107	72	15	10	3

(a) Includes Maori/Pacific Islander and other

Source: Australian Institute of Criminology, NHMP 2002–2003 [computer file]

### Victims with a prior criminal history

	Percentage	Number
Males	62	134
Females	35	37
Persons	53	171

Source: Australian Institute of Criminology, NHMP 2002–2003 [computer file]

### 3. RIGHT TO PRACTISE FOLLOWING ADMISSION

3.1 A local applicant admitted to practise in this State shall not be entitled to practise as a sole practitioner until he or she has completed in this State or in another State or Territory:

(a) a continuous period of two years full-time employment as an employed practitioner following the first issue to him or her of a practising certificate;

or

(b) in the case of an applicant for admission who offers as evidence of satisfaction of the practical requirements for admission the completion of no less than twelve months service in articles of clerkship in this State, a continuous period of eighteen months full-time employment as an employed practitioner.

3.2 For the purposes of this rule-

(a) a local applicant may accumulate periods of practice as an employed practitioner in more than one State or Territory where he or she is entitled to practise;

(b) the Council may, in its discretion, permit discontinuous periods of employment to be accumulated.

### 4. OVERSEAS APPLICANTS

4.1 A person who holds qualifications obtained outside Australia which are recognised as qualifying him or her to be admitted to practise in an overseas jurisdiction, including New Zealand, but who is not admitted to practise in that jurisdiction, may apply to the Board for a direction as to what further, if any,