

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S DEPARTMENT

Group 2

Program 1.3

Question No. 41

Senator Boyce asked the following question at the hearing on 12 February 2013:

Senator BOYCE: My question will hopefully segway on from Senator Rhiannon's. What involvement does the Standing Council on Law and Justice have in the implementation of the national plan to reduce violence against women and children?

Mr Wilkins: I think we will have to take that on notice. Attorney-General Roxon raised this with the Attorneys-General last time they met. My recollection is that there was general agreement to take this forward. I think all the attorneys were a bit concerned that the response that officers had come up with and put up to the attorneys was a bit anodyne.

Senator BOYCE: Could you explain what you mean by that.

Mr Wilkins: That it was not firm enough and did not have enough concrete action involved in it. So it was taken away and we are having another look at redoing the collected government response of all the states and territories of the Commonwealth.

Senator BOYCE: Responding to the Attorney-General's request?

Mr Wilkins: No; responding to the report and bringing it back, presumably at the next Standing Council on Law and Justice. Are you talking about the Australian Law Reform Commission report?

Senator BOYCE: No; I am talking about the National Plan to Reduce Violence against Women and their Children, which grew out of a working group.

Mr Wilkins: Sorry; I am talking about the Australian Law Reform Commission and New South Wales Law Reform Commission joint report on domestic violence. So I may have taken you at cross-purposes. I am sorry about that.

The answer to the honourable senator's question is as follows:

- a) Under the *National Plan to Reduce Violence Against Women and their Children*, Strategy 5.3, the Commonwealth, States and Territories agreed to consider the recommendations of the Australian Law Reform Commission Report 114 and the New South Wales Law Reform Commission Report 128 *Family Violence – a National Legal Response* (“ALRC 114/NSWLRC 128”)
- b) The development of a National Response (for recommendations which cross over both Commonwealth and State/Territory responsibilities) to ALRC 114/NSWLRC 128 is being progressed through the Standing Council on Law and Justice (SCLJ).
- c) The National Response to ALRC 114/NSWLRC 128 is on the SCLJ agenda for April 2013.

- d) On 10 December 2010, the SCLJ noted the public release of ALRC 114/NSWLRC 128 and agreed that officers would examine the report's recommendations and advise Ministers about the desirability of a national response.
- e) On 22 July 2011, SCLJ agreed to form an officer level working group that would develop a national response in relation to those recommendations that jointly affect the Commonwealth and States and Territories (and report to Ministers).
- f) At that meeting, it was also agreed that States and Territories will assess ALRC 114/NSWLRC 128 as it applies to their own jurisdictions in respect of criminal procedure, evidence, criminal law and child protection generally.