

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

**Group 2**

**Program 1.3**

**Question No. 42**

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

**Senator BOYCE:** I do not know whether you will be able to answer this. The Advocacy for Inclusion organisation, based here in Canberra, recently did an audit of women with disabilities that they advocate for. It found that, for 25 per cent of those living in group homes whom they advocate for, it is as a result of violence and that, for 30 per cent of all their clients who are women with disabilities, their cases involve sexual violence and exploitation. One of their great concerns is that the current definition of domestic violence in most states does not recognise the situation of people living in group homes. Has that been brought to the attention of the standing committee or any of the working groups?

**Mr Wilkins:** I am not aware of it as an issue.

**Ms Rainsford:** The ALRC report that Mr Wilkins mentioned contained 186 recommendations. Some of those related only to state jurisdictions. Some were only Commonwealth, and then there was a group which required a collaborative response, and it is that latter group which is currently being dealt with on the Standing Council on Law and Justice agenda. The question of the definition used in state laws around the definition is in that category, which is—

**Senator BOYCE:** In the collaborative category?

**Ms Rainsford:** No, they would be in the category that is the responsibility of the states and, therefore, not being progressed under the group of recommendations currently being considered by the standing council.

**Senator BOYCE:** Is it possible, on notice, to get a copy of which recommendations fall into which category? Can that be done?

**Ms Rainsford:** Yes, we can take that on notice.

**Senator BOYCE:** Thank you.

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

In relation to the Australian Law Reform Commission Report 114 and New South Wales Law Reform Commission Report 128 *Family Violence – A National Legal Response*, there are 186 recommendations.

- 97 have been identified as being recommendations that need to be responded to by States and Territories only (as they relate only to State and Territory issues);
- 22 have been identified as being recommendations that need to be responded to only by the Commonwealth (as they relate only to Commonwealth issues);
- 24 are being jointly responded to by the Commonwealth and State and Territory via the Standing Council on Law and Justice (SCLJ) as they have been identified as being relevant to all jointly;
- 9 are being jointly responded to by the Commonwealth and State and Territory via a National Justice Chief Executive Officer's (NJCEO) project which is looking at collaboration between the family law and child protection systems

- 34 are recommendations that have been identified as being relevant to both the Commonwealth and the States and Territories but which are appropriate to being responded to by each jurisdiction individually.

Recommendations	Jurisdiction responsible
5-1, 5-2, 5-3, 5-4, 5-5, 6-1, 6-2, 6-3, 7-1, 7-2, 7-4, 7-5, 7-6, 9-1, 9-2, 9-3, 9-4, 9-5, 10-1, 10-2, 10-3, 11-1, 11-2, 11-3, 11-4, 11-5, 11-6, 11-7, 11-8, 11-9, 11-10, 11-11, 11-12, 11-13, 12-1, 12-3, 12-4, 12-6, 12-7, 12-9, 12-10, 13-3, 14-1, 14-2, 14-5, 16-1, 16-2, 16-6, 16-7, 16-10, 16-11, 16-12, 16-13, 18-1, 18-2, 18-3, 18-4, 18-5, 20-1, 20-2, 20-3, 20-4, 20-5, 20-6, 20-7, 23-1, 23-2, 23-3, 23-4, 23-5, 23-8, 23-9, 23-10, 23-11, 23-12, 25-1, 25-3, 25-7, 25-8, 25-9, 26-4, 27-10, 27-12, 28-3, 29-5, 30-3, 30-6, 30-7, 30-11, 30-12, 30-13, 31-6, 32-1, 32-2, 32-3, 32-4, 32-5	States & Territories Only (97)
6-4, 7-3, 16-4, 17-1, 17-2, 17-3, 17-4, 17-6, 21-1, 21-2, 21-3, 21-4, 21-5, 22-1, 22-2, 22-3, 22-4, 22-5, 23-7, 30-1, 30-2, 30-8	Commonwealth Only (22)
8-1, 8-2, 12-5, 12-8, 13-1, 14-3, 14-4, 16-3, 16-5, 16-8, 16-9, 17-5, 26-1, 29-1, 29-4, 30-15, 30-16, 30-18, 30-19 31-1, 31-2, 31-3, 31-4, 31-5	Joint Commonwealth & State & Territory (24)(via SCLJ)
19-1, 19-2, 19-3, 19-4, 19-5, 23-13, 30-4, 30-5, 30-17	Joint Commonwealth & State and territory (via NJCEOs) "Collaboration Project" (9)
12-2, 13-2, 23-6, 25-2, 25-4, 25-5, 25-6, 26-2, 26-3, 26-5, 26-6, 26-7, 26-8, 27-1, 27-2, 27-3, 27-4, 27-5, 27-6, 27-7, 27-8, 27-9, 27-11, 27-13, 28-1, 28-2, 28-4, 28-5, 28-6, 29-2, 29-3, 30-9, 30-10, 30-14	All jurisdictions individually (34)