

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

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Question No. 41

Senator Evans asked the following question at the hearing on 31 October 2006:

Regarding the community legal education and victim support measures announced at the June intergovernmental summit on family violence and child abuse in Indigenous communities and agreed to at COAG:

- (a) Please provide an overview of implementation on these initiatives to date.
- (b) How much funding has been allocated by the Commonwealth to the community legal education initiative?
- (c) How much funding has been allocated to victims/witness support?
- (d) What sorts of activities will be supported by these initiative? e.g. will funding be allocated to community legal centres to run education programs? What about the victim/witness support?
- (e) How will the funding be allocated? e.g. on the basis of competitive grants? If not, how will it be allocated?

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

(a) The Australian Government is implementing a number of initiatives in line with the community legal education and victim support measures announced at the Intergovernmental Summit on Violence and Child Abuse in Indigenous Communities on 26 June 2006, and agreed to at the Council of Australian Governments meeting on 14 July 2006.

A community legal education proposal is being developed.

In relation to victim support, the Australian Government has introduced legislative amendments and, in bilateral discussions, encouraged State and Territory governments to make similar amendments to their legislation.

The Australian Government has introduced the Crimes Amendment (Bail and Sentencing) Bill 2006 to amend the *Crimes Act 1914* to ensure that a bail authority:

- 1) must take into consideration the potential impact on victims and potential witnesses of granting bail
- 2) must take into consideration the fact that victims or potential witnesses are located in remote communities when considering that potential impact, and
- 3) must not take into consideration any form of customary law or cultural practice as a reason for excusing, justifying, authorising, requiring or lessening the seriousness of—or aggravating the seriousness of—the alleged criminal behaviour.

The Bill was passed by the Senate on 8 November 2006.

The Australian Government is encouraging State and Territory governments, in ongoing bilateral discussions, to amend bail provisions to ensure adequate protection for victims and witnesses, particularly in remote communities.

State and Territory governments are also being asked to identify and provide extra funding for legal services support for victims, including the provision of safe houses using existing infrastructure where appropriate.

(b) Costings have not been finalised, but it is anticipated that approximately \$4 million will be allocated over four years for the community legal education initiative.

(c) In the 2004–05 Budget the Australian Government provided \$22.7 million over four years to expand the Family Violence Prevention Legal Services (FVPLS) program from 13 to 26 units. In the 2006–07 Budget, \$23.6 million was allocated over four years to further expand the FVPLS program from 26 to 31 units, provide funding for front-end prevention, and expand the ability of the units to offer more family and civil law services. The Department of Families, Community Services and Indigenous Affairs (FaCSIA) has allocated \$6 million from its Family Violence Partnership Program for the purposes of the Safe Places and Support Groups measure over 2006-07 and 2007-08.

(d) The community legal education proposal will ensure Indigenous Australians understand their legal and human rights and responsibilities, including that customary law and cultural practices cannot override legal and human rights. This initiative is intended to inform Indigenous Australians about how to access a range of services and help individuals to build effective relationships with law enforcement and support agencies. Indigenous Australians will be encouraged and supported to speak out against violence and abuse, including to report and give evidence where appropriate, through structured mentoring of elders and community leaders and engagement with women and youth. The current funding allocation will enable the proposal to be rolled out in 15 locations across Australia. Bilateral negotiations with State and Territory governments is occurring to expand the roll-out of the proposal in each jurisdiction.

The FVPLS units provide culturally appropriate assistance to Aboriginal and Torres Strait Islander adults and children who are victims of family violence, including sexual abuse. Additional support to victims will be provided through five new FVPLS units in high need rural and remote areas in Australia, to be established during 2006–07. The staff of each FVPLS unit is to be expanded to include a civil lawyer. Funding will also be provided for a new Early Intervention and Prevention Program which will fund initiatives that intervene in the cycle of family violence and sexual assault, promoting changes in behaviour and attitudes of individuals and the community.

FaCSIA's Family Violence Partnership Program supports projects and initiatives that aim to develop a sustainable reduction in, and prevention of, Indigenous family violence and child abuse through the enhancement of existing, or establishment of new services/initiatives, in partnership with States and Territories throughout Australia.

(e) The funding for new FVPLS units and the Early Intervention and Prevention Program will be allocated on the basis of an open call for applications.

It has not yet been determined how funding will be allocated to implement the community legal education initiative.