



ALS

Aboriginal Legal Service (NSW/ACT) Limited

ABN: 93 118 431 066

31 July 2017

Ms Erin Gough
Policy Manager
Law Reform and Sentencing Council Secretariat

Via email: sentencingcouncil@justice.nsw.gov.au

Dear Ms Gough

Thank you for your email of 6 June 2017 inviting the ALS to comment on the Terms of Reference of the review into victims' involvement in the sentencing process.

ALS is a community managed organisation that delivers legal services, including representation, to Aboriginal and Torres Strait Islander people. The ALS finds the Terms of Reference in their current state to be comprehensive, however asks the Sentencing Council to consider including specific reference to Aboriginal and Torres Strait Islander victims.

We base our request on the overrepresentation of Aboriginal people in, and the need for culturally sensitive approaches to assist Aboriginal victims through, the criminal justice system. ALS' clients are overrepresented as both victims and defendants in the criminal justice system, with women and children especially vulnerable as victims of domestic violence.

The Australian Institute of Criminology identifies Aboriginal women as 5 times more likely to experience physical violence than other Australian women (Women's Experiences of Male Violence, 2004) and 5 times more likely to be victims of homicide with 55% of these homicides relating to family violence (National Homicide Monitoring Program annual report 2013, 20). Additionally, the Australian Productivity Commission finds Aboriginal women to be 35 times more likely of hospitalisation following a family violence related assault (Overcoming Indigenous Disadvantage: Key Indicators 2011, 30).

Aboriginal children also face greater risks of harm. The Australian Institute of Health and Welfare indicates that Aboriginal children are 8 times more likely than non-Aboriginal children to be the subject of substantial abuse or neglect (Indigenous Child Safety 2014, vi). Further, domestic violence largely contributes to children being removed from their families and the Australian Institute of Health and Welfare finds that Aboriginal children are 9 times more likely to be subject to care and protection orders and 10 times more likely to be in out of home care (Child Protection Australia 2012, viii).

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In addition, assisting Aboriginal victims through the criminal justice system requires a culturally sensitive approach (Aboriginal Deaths in Custody, 1991). The Women's Domestic Violence Court Advocacy Service NSW identifies that such an approach would both empower Aboriginal women to access the legal framework relating to domestic violence and affirm the NSW Government's commitment to the Charter of Victim's Rights (Policy Position Paper 2013, 1).

Thank you for considering our submission.

Yours sincerely,
Aboriginal Legal Service (NSW/ACT) Limited

A handwritten signature in blue ink, appearing to read 'Nadine Miles', with a long horizontal flourish extending to the left.

Nadine Miles
Chief Legal Officer