THE LAW



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2 September 2004

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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 19th 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).

124 WAYMOUTH STREET, ADELAIDE, SOUTH AUSTRALIA, 5000 GPO BOX 2066. ADELAIDE, SOUTH AUSTRALIA, 5001, DX 333 TELEPHONE (08) 8229 0222, FACSIMILE (08) 8231 1929 HOMEPAGE: www.issa.asn.au EMAIL: email@issa.asn.au 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

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Peter Haskett MEMBER OF COUNCIL AND EXECUTIVE

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ф	Percentage of victims by facial appearance												
Å			Pe	rcentag	ge								
T C	Ò	20	40	60	80	100%	Total n	Caucasian	Indigenous	Asian	Other ^(a)		
New South Wales	6					62.4	73	78.1	5.5	16.4	0.0		
						37.6	44	72.7	13.6	13.6	0.0		
Victoria						58.2	32	81.3	0.0	15.6	3.1		
						41.8	23	87.0	0.0	13.1	0.0		
Queensland						58.0	40	85.0	5.0	2.5	7.5		
						42.0	29	79,3	17.2	3.5	0.0		
Western Australia						57.1	16	68.8	31.3	0.0	0.0		
						42.9	12	33.3	50.0	8.3	8.3		
South Australia						56.5	13	84.6	7.7	7.7	0.0		
						43.5	10	80.0	0.0	20.0	0.0		
Tasmania						87.5	7	100.0	0.0	0.0	0.0		
)				12.5	1	100.0	0.0	0.0	0.0		
Northern Territor						64.7	11	9.1	90.9	0.0	0.0		
		n sa sa	ð			35.3	6	0.0	100.0	0.0	0.0		
Australia						60.6	192	76.6	11.5	9.9	2.1		
						39.4	125	70.4	18.4	10.4	0.8		

Percentage of victims by racial appearance

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

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

		Never married		ried/ facto		rated/ orced	Widowed		
	М	F	М	F	М	F	М	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	

Percentage of victims by marital status*

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

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



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	0 20	4	0	60	80	100%	Total n	Caucasian	Indigenous	Asian	Other ^(a)	
New South Wales						68.5	76	84.2	4.0	10.5	1.3	
						31.5	35	85.7	2.9	11.4	0.0	
Victoria						69.0	60	78.3	5.0	15.0	1.7	
						31.0	27	92.6	0.0	7.4	0.0	
Queensland						65.8	52	76.9	17.3	1.9	3.9	
· · · · · · · · · · · · · · · · · · ·						34.2	27	70.4	22.2	7.4	0.0	
Western Australia						48.6	17	58.8	29.4	11.8	0.0	
		in e C				51.4	18	61.1	33.3	5.6	0.0	
South Australia						57.6	19	73.7	26.3	0.0	0.0	
)			42.4	14	78.6	7.1	14.3	0.0	
Tasmania						50.0	5	100.0	0.0	0.0	0.0	
.						50.0	5	100.0	0.0	0.0	0.0	
Australian Capital						0.0	0	0.0	0.0	0.0	0.0	
Territory					8.13.5 -	100.0	2	100.0	0.0	0.0	0.0	
Northern Territory						56.5	13	53.9	46.2	0.0	0.0	
						43.5	10	0.0	100.0	0.0	0.0	
Norfolk Island						0.0	0	0.0	0.0	0.0	0.0	
	C				i saidhs	100.0	1	100.0	0.0	0.0	0.0	
Australia						63.5	242	77.3	12.8	8.2	1.7	
						36.5	139	74.8	17.3	7.9	0.0	

Percentage of victims by racial appearance

2001–2002 NHMP FINDINGS

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(a) Other includes: Maori/Pacific Islander, and other. Source: Australian Institute of Criminology, NHMP 2001–2002 [computer file]



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Victims by racial appearance

Å			Pe	rcentag	je						
T C	ō	20	40	60	80	100%	Total n	Caucasian	Indigenous	Asian	Other (a)
New South						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						66	21	62	29	5	5
Australia						34	11	55	36	0	9
South Australia				D		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						33	1	100	0	0	0
Capital Territory						67	2	100	0	0	0
Northern						41	7	14	86	0	0
Territory						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 Females	62 35	134 37
Persons	53	171

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



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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,

Engrossed 20 March 2003

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