

# Memorandum

**To: Presidents – Constituent Bodies  
CEOs – Constituent Bodies  
Section Chair – Family Law Section  
Committee Chairs – Indigenous Legal Issues Committee, Indigenous  
Incarceration Working Group, National Criminal Law Committee, National  
Human Rights Committee, Access to Justice Committee**

**From: James Popple, Chief Executive Officer**

**Date: 20 September 2022**

## Inquiry into missing and murdered First Nations women and children

### Action Request

Input is requested by **COB Monday 17 October 2022** for a Law Council submission to the Senate Legal and Constitutional Affairs References Committee (**the committee**) in response to its inquiry into missing and murdered First Nations women and children (**the inquiry**).

### Key Issues

The Law Council would be grateful to receive views from constituent bodies, committees and sections on any of the following Terms of Reference, noting that (c), (d), (e) and (f) are likely most relevant to its auspices:

- a) the number of First Nations women and children who are missing and murdered;
- b) the current and historical practices, including resources, to investigating the deaths and missing person reports of First Nations women and children in each jurisdiction compared to non-First Nations women and children;
- c) the institutional legislation, policies and practices implemented in response to all forms of violence experienced by First Nations women and children;
- d) the systemic causes of all forms of violence, including sexual violence, against First Nations women and children, including underlying social, economic, cultural, institutional and historical causes contributing to the ongoing violence and particular vulnerabilities of First Nations women and children;
- e) the policies, practices and support services that have been effective in reducing violence and increasing safety of First Nations women and children, including self-determined strategies and initiatives;
- f) the identification of concrete and effective actions that can be taken to remove systemic causes of violence and to increase the safety of First Nations women and children;
- g) the ways in which missing and murdered First Nations women and children and their families can be honoured and commemorated; and
- h) any other related matters.

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Noting that this is a potentially broad-ranging inquiry, the Law Council anticipates focusing particularly on law reform, access to justice, and justice system responses in its submission.

From time to time, the Law Council receives input from legal practitioners that refers to specific, unreported cases or the situations of specific clients within the community, intended as practical illustrations of the challenges faced by persons in contact with Australia's legal systems. Noting the sensitive nature of the present inquiry, contributing stakeholders are asked to be mindful of the fact that the Law Council will not publish such material where it judges there to be a risk of identifying the persons involved without their express consent, and prefers hypothetical or consolidated examples over specific examples, however deidentified. This is also in accordance with the notes on the inquiry [homepage](#).

## Background

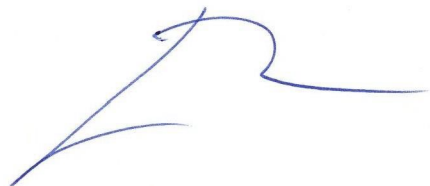
The inquiry was re-referred to the 47<sup>th</sup> Parliament on 4 August 2022, following the dissolution of the 46<sup>th</sup> Parliament, which had referred an inquiry into missing and murdered First Nations women and children to the committee on 25 November 2021. The original inquiry arose from a vote on a motion tabled by Senator Dorinda Cox of the Australian Greens. The Law Council is not aware of submissions being provided for the purposes of the previous inquiry.

In responding to the present inquiry, the Law Council will draw upon its previous work including its submission dated 28 February 2022 on the [National Plan to End Violence against Women and Children 2022–2032](#), specifically from page 13 onwards, and the 'Aboriginal and Torres Strait Islander People' and 'People who Experience Family Violence' chapters of its [Justice Project Final Report](#).

The Law Council also notes the particular relevance of the 21 April 2022 annual thematic report of the Special Rapporteur on violence against women and girls, its causes and consequences, titled [Violence against indigenous women and girls](#), as well as other international human rights reports on the status of the rights of indigenous peoples [including in Australia](#).

## Contact

Please contact Ms Claire Paton, Policy Lawyer, on 02 6246 3711 or at [claire.paton@lawcouncil.asn.au](mailto:claire.paton@lawcouncil.asn.au), in the first instance for further information or to provide input.



**James Popple**  
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