



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

SELECT COMMITTEE ON ESTIMATES 2022-2023

Mr James Milligan MLA (Chair), Mr Andrew Braddock MLA (Deputy Chair),
Dr Marisa Paterson MLA

ANSWER TO QUESTION ON NOTICE

ELIZABETH KIKKERT MLA: To ask the Minister for Police and Emergency Services:

Ref: Budget Outlook, p. 80; Budget Statement G, p. 2

In relation to: Interview Friends program

1. When did the ACT Government cease funding the Aboriginal Legal Service (ALS) to provide an Interview Friends program?
2. Why was the decision taken to stop funding ALS to provide this service?
3. Given that this budget speaks of 're-establishing the Interview Friends program' (Budget Outlook, p. 180) and 'introducing First Nations interview friends who will attend police interviews to ensure people feel safe and understand the process' (Budget Statement G, p. 2), is it correct to say that for a period of time, the ACT did not have an Interview Friends program?
 - a. If so, for how long was such a program not operational?
 - b. If not, can the minister please explain what exactly is meant by 're-establishing' and 'introducing' an Interview Friends program as a 'new initiative'?
4. How much funding will go to the re-established Interview Friends program in this budget (by year), who will be providing the program, and when will the program be operational?
5. In detail, how will the new Interview Friends program operate?
6. What will be the differences (if any) between the introduced/re-established Interview Friends program and the Interview Friends program that was formerly provided by ALS?
7. How will the introduced/re-established Interview Friends program improve the situation for Indigenous people facing police interviews/interrogation in comparison to the situation in 2021–2022?
8. Given that the *Crimes (Forensic Procedures) Act* mandates that Aboriginal and Torres Strait Islander suspects have access to interview friends, precisely how has the ACT Government been meeting this legal responsibility between when this service was no longer provided by ALS and the re-establishment/introduction of an Interview Friends program?

Mick Gentleman MLA: The answer to the Member's question is as follows: –

This matter falls within the responsibilities of the Attorney-General. I have consulted with the Attorney and can advise:

1. As part of the Community Justice Partnership programs, the ACT Government funded the Aboriginal Legal Service (ALS) to coordinate a list of community volunteers as interview friends available to Aboriginal and Torres Strait Islander people brought into police custody (referred to as the ACT Interview Friends Volunteer Scheme). The ALS was funded for this initiative from 2015 to 2019. Prior to this a volunteer scheme was run by the Aboriginal Justice Centre and the Justice and Community Safety Directorate.

2. In 2018-19, the ACT Government undertook an open tender process for the Community Justice Partnership programs and the funding arrangement with the ALS for the ACT Interview Friends Volunteer Scheme was not renewed.

As the ALS provide culturally appropriate support for those in custody through the Custody Notification Service and legal assistance (including the ACT funded Duty Lawyer), and a legal representative can also be an interview friend, the Interview Friends Volunteer Scheme was not continued. Funding was prioritised for other programs to achieve similar support objectives in other parts of the justice system - including Front Up, Ngurrambai Bail Support and Galambany Circle Sentencing Court Support.

ACT Policing also recognise the important protections and support afforded by interview friend arrangements.

It is mandatory for ACT Policing to offer a suspect an interview friend where that suspect identifies as Aboriginal or Torres Strait Islander – there are various specific legal requirements ACT Policing must follow (incl Crimes Act 1914 (Cth)).

ACT Policing's 'Suspect Interview Plan' sets out scripting and procedural requirements to be followed by ACT Policing officers, so that interviews with suspects satisfy these legal requirements. The Interview Plan expressly prompts officers to ask the person being interviewed whether they identify as Aboriginal or Torres Strait Islander.

ACT Policing offers interview friend support once a person under arrest has self-identified as Aboriginal or Torres Strait Islander. ACT Policing then also notifies Aboriginal Legal Service (ALS) for appropriate follow up support and legal representation.

An interview friend is a person who supports the interview subject by accompanying them while the interview is occurring and to provide assistance, and can be someone of the interview subject's choice (including chosen from a volunteer list) or a legal representative if the person does not have an alternative person (of their choice) to provide interview friend support.

3. See response to Q2.
4. The 2022-23 Budget provided \$6.487 million over two years to support a range of programs to address the overrepresentation of Aboriginal and Torres Strait Islander people in the justice system. Included in this initiative is funding to trial a more intensive interview friend program, with an initial focus on those in police custody. The program design will build on previous and existing volunteer models as well as work with Aboriginal and Torres Strait Islander people, with an aim of improving cultural and personal supports for people who are engaging with the justice system.
5. An enhanced interview friend program was one of a number of initiatives proposed by the Aboriginal and Torres Strait Islander Community at the Roundtable consultations on

overrepresentation. The detail of implementing the program will be determined in partnership with the Community to reflect their views on an effective support model to supplement existing processes in place.

6. See response to Q5
7. The new initiative will supplement existing processes to provide interview friend support – and will be a further option available to the person in custody, reflecting the views of the Community on an effective support model to supplement existing processes in place.
8. See response to Q2.

Approved for circulation to the Select Committee on Estimates 2022-2023

Signature:



Date:

20/8/2022

By the Minister for Police and Emergency Services, Mick Gentleman MLA