



COMMUNIQUÉ

Council of Attorneys-General

28 June 2019

A meeting of the Council of Attorneys-General (CAG) was held on 28 June 2019 in Adelaide, South Australia. All jurisdictions were represented by Ministers or Senior Officials, with the exception of New Zealand.

The meeting was chaired by the Hon Vickie Chapman MP, Attorney-General, South Australia.

SUMMARY OF DECISIONS

National Plan to Respond to the Abuse of Older Australians – Implementation Plan and Progress

Participants:

- (a) endorsed the Implementation Plan to support the National Plan to Respond to the Abuse of Older Australians; and
- (b) noted progress with discussions in relation to information and awareness raising; research and data priorities; reform of enduring power of attorney laws and the development of a proof of concept national register of enduring instruments.

Implementation Update on Child Abuse Royal Commission

Participants noted that all Australian governments are continuing to work together to progress the implementation of the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission) requiring national consistency and coordination. The website www.childabuseroyalcommissionresponse.gov.au includes the annual progress reports of all Australian governments.

Industrial Manslaughter Offences

Participants noted the Government's response to the 2018 Senate inquiry report, *They never came home - the framework surrounding the prevention, investigation and prosecution of industrial deaths in Australia*.

Strengthening Criminal Trespass Laws to Protect Agricultural Premises

Participants agreed on the importance of addressing trespass on farms and agricultural premises and undertook to consider options to strengthen trespass and related laws, and several jurisdictions have noted they have already acted.

Reform to Test for Admissibility of Tendency and Coincidence Evidence in Criminal Proceedings

Uniform Evidence Law CAG members:

- (a) Noted the proposals to reform the admissibility of tendency and coincidence evidence in criminal proceedings;
- (b) Agreed to the Working Group instructing the Australasian Parliamentary Counsel's Committee (PCC) to draft a model bill to implement the reform proposals;
- (c) Agreed to the Working Group consulting with key stakeholders on the draft model bill; and
- (d) Agreed for the model bill to be brought back to the next CAG for final approval.

Age of Criminal Responsibility

Participants noted the update on the work of the Age of Criminal Responsibility Working Group.

Review of Classification Guidelines

Participants agreed that the Australian Government will coordinate a public consultation process on reviewing the Guidelines for the Classification of Computer Games and the Guidelines for the Classification of Films to ensure they reflect contemporary Australian community values. Ministers agreed that the Australian Government will develop a new set of Guidelines for the Classification of Computer Games and Guidelines for the Classification of Films, and if necessary, an amended National Classification Code, to be brought forward at a later CAG meeting.

Legal Assistance

Attorneys-General recognised the importance of legal assistance services in promoting social cohesion and ensuring vulnerable Australians are afforded access to justice. Participants are committed to finalising future funding arrangements for legal assistance services and updating the *National Strategic Framework for Legal Assistance*, in partnership and well in advance of its expiry on 30 June 2020.

Unbundling of Legal Services

Participants noted the work of the Unbundled Legal Services Working Group.

Family violence

Participants noted work underway to improve responses to family violence, including measures to:

- increase the family safety competency of professionals in the family violence and family law systems;
- assess the merits of expanding the exercise of family law jurisdiction by state and territory courts; and
- improve information sharing between the family law, child protection and domestic violence systems, including by co-locating state and territory child protection and other officials in family court registries.

Optional Protocol to the Convention Against Torture, and Other Cruel, Inhuman or Degrading Treatment or Punishment – Presentation from the Commonwealth Ombudsman

Participants noted the presentation from the Commonwealth Ombudsman, Michael Manthorpe PSM on the findings of his baseline assessment.

Counter-Terrorism Model Referral of Power Legislation

Participants noted that the Australian Government and the states and territories will continue work towards settling the text of referral of power legislation to clarify support for the high risk terrorist offenders (HRTTO) scheme in the *Criminal Code* (Cth) and to support a new Commonwealth terrorism hoax offence. The Commonwealth will work with New South Wales to provide a way forward.

Deaf Jurors

Participants agreed to discuss ways to address the legal and operational barriers to deaf people participating on juries in Commonwealth, state and territory jurisdictions.

Confessional Privilege

Participants:

- a) agreed to establish a Working Group, to be led by NSW, to consider the Royal Commission's recommendations to exclude the application of confessional privilege as it applies to laws requiring the reporting of child abuse; and
- b) noted that the Working Group will report back to CAG out-of-session in 3 months.