



## COMMUNIQUÉ

### Council of Attorneys-General 1 December 2017

A meeting of the Council of Attorneys-General was held on 1 December 2017 in Sydney, New South Wales. All Australian jurisdictions were represented, with six Attorneys-General and Ministers for Justice in attendance. Queensland Senior Officials observed the meeting while the results of the Queensland election are finalised.

The meeting was chaired by the Hon Mark Speakman MP, Attorney-General, New South Wales.

#### **SUMMARY OF DECISIONS**

##### **New Council arrangements and Terms of Reference**

Participants discussed the new Council arrangements and agreed to the Terms of Reference and Operating Procedures to progress a range of priorities in 2017-18.

##### **Post-sentence preventative detention of high risk terrorist offenders**

Participants noted the continued work by the Australian Government, States and Territories to implement the High Risk Terrorist Offenders scheme. States agreed to progress decisions on referral bills in the first half of 2018.

##### **Treatment of people unfit to plead or found not guilty by reason of mental impairment**

Participants agreed to defer the consideration of the *National Statement of Principles Relating to Persons Unfit to Plead or Found Not Guilty by Reason of Cognitive or Mental Health Impairment* to the next meeting in mid-2018.

## **Elder Abuse**

Participants agreed to extend the term of the current cross-jurisdictional Working Group considering the recommendations of the Australian Law Reform Commission's *Elder Abuse – A National Legal Response*, and to further consider progress against the Commission's recommendations at their second meeting in 2018.

Participants agreed to support the Australian Government in its establishment of a national elder abuse knowledge hub, as part of a practical national approach to raising awareness of elder abuse among older people and the community, and training frontline workers and professionals.

## **Optional Protocol to the Convention Against Torture**

In view of Australia's upcoming ratification of the Optional Protocol to the Convention Against Torture (OPCAT) in December 2017, participants supported the ongoing negotiations between jurisdictions in regards to the Inter-governmental Agreement on OPCAT implementation including costs.

## **Review of suppression order regimes**

Participants:

- (a) noted the Australian Government's intention to complete a stocktake of the suppression order regimes operating across Australia
- (b) noted the Australian Government's intention to undertake a review of the operation of suppression order regimes operating across the federal courts
- (c) agreed that the Australian Government will keep the Council of Attorneys-General apprised on suggestions for further work.

## **Working with Children Checks**

Participants noted progress and next steps for considering the Royal Commission into Institutional Responses to Child Sexual Abuse's recommendations from its Working with Children Checks Reports.

## **Mutual recognition of supervision orders for high risk offenders**

Participants agreed that release of high risk offenders is a threat to community safety. In recognition of this, they agreed to establish a working group (led by South Australia and New South Wales) to consider the development of a scheme for national recognition of high risk offender supervision orders.

**Greater admissibility of tendency and coincidence evidence in criminal proceedings:  
establishment of working group**

Participants:

- (a) noted Recommendations 44-51 of the Royal Commission into Institutional Responses to Child Sexual Abuse in its Criminal Justice Report in relation to the admissibility of tendency and coincidence evidence
- (b) agreed to refer the test for admissibility in the Uniform Evidence Law to a Working Group including representatives from uniform evidence and other interested jurisdictions, led by NSW, which will report back to the Council of Attorneys-General with a reform proposal in the second half of 2018.

**National Partnership Agreement on Legal Assistance Services 2015-20**

Participants noted that a review of the *National Partnership Agreement on Legal Assistance Services 2015-20* will commence shortly and is scheduled to be completed by December 2018.

All participants recognised the importance of an efficient and effective legal assistance sector, which is critical to a well-functioning justice system.