



COMMUNIQUÉ

Council of Attorneys-General

8 June 2018

A meeting of the Council of Attorneys-General was held on 8 June 2018 in Perth, Western Australia. All Australian jurisdictions were represented, with eight Attorneys-General and Ministers for Justice in attendance.

The meeting was chaired by the Hon John Quigley MLA, Attorney General, Western Australia.

SUMMARY OF DECISIONS

Counter-Terrorism Referrals of Power

Participants agreed that the Commonwealth and the states will enact model referral of power legislation to clarify support for the high risk terrorist offenders scheme (HRTTO) in Division 105A of the *Criminal Code*, subject to jurisdictions agreeing to a form of referral.

Participants also agreed that the Commonwealth will, if required, seek a referral of power to support a new Commonwealth terrorism hoax offence, after provision by the Commonwealth of a draft for a potential offence for consideration.

Elder Abuse – Register of Enduring Powers and National Plan

Participants noted work underway to develop the National Plan on Elder Abuse. Participants agreed to identify possible options for harmonisation of enduring powers of attorney, in particular financial powers.

Family Law Reform

Participants noted the update from the Australian Attorney-General on the Australian Government's proposed reforms of the federal courts to deliver improved outcomes for families accessing the family law system.

Participants also noted the update on the Australian Law Reform Commission's comprehensive review of the family law system and welcomed the ALRC's consideration of potential opportunities to facilitate collaboration, coordination and integration between the family law system, and state and territory family violence and child protection systems.

Measures to improve responses to family violence

Participants noted the work underway to develop:

- a) an information sharing regime for the sharing of court orders, judgments, transcripts and other relevant documentation between the family law, family violence and child protection systems;
- b) legislative and other measures to expand the family law parenting and property jurisdiction of state and territory magistrates courts;
- c) guiding principles for the protection of vulnerable witnesses in family violence and family law proceedings; and
- d) options to ensure that breaches of family law personal protection injunctions can be enforced by state and territory police.

Participants agreed that the Working Group continue to progress this work and report back later in 2018.

National Principles on treatment of people unfit to plead or found not guilty by reason of mental impairment

Participants noted the draft *National Statement of Principles Relating to Persons Unfit to Plead or Found Not Guilty By Reason of Cognitive or Mental Health Impairment* and agreed to consider them at the next Council meeting.

Child Abuse Royal Commission – update on implementation of recommendations and National Redress Scheme

Participants noted the role of the Child Abuse Royal Commission Implementation Taskforce in the Australian Attorney-General's Department and the interjurisdictional meeting group to progress the implementation of the Royal Commission recommendations, along with the significant progress that has been made toward establishing the National Redress Scheme for institutional child sexual abuse from 1 July 2018.

Participants also noted that all governments have committed to respond to the Royal Commission's recommendations within 6 months of the Final Report.

A National Approach to Organised Crime

Participants agreed that organised crime is a serious and pervasive threat to the community. In recognition of this, participants agreed to have regard to the statement of guiding principles when developing legislative responses to combat organised crime.

Review of the Model Defamation Provisions

Participants agreed to reconvene the Defamation Working Party to consider the findings and recommendations of the statutory review of the *Defamation Act 2005 (NSW)*, with a view to developing any required amendments to the Model Defamation Provisions for Council of Attorneys-General consideration and endorsement. NSW agreed to lead this process.

Review of the NPA on Legal Assistance Services (2015-2020)

Participants noted the progress of the Review of the National Partnership Agreement on Legal Assistance Services 2015-2020. The Review of the NPA is scheduled to be completed by approximately December 2018 and its outcomes will inform future arrangements for legal assistance services from 1 July 2020.

Community Legal Services Sector – funding certainty

Participants agreed that funding certainty for organisations funded under the Women's Safety Package is critical for continued service delivery and noted the evaluation of the national pilot program is due for completion in August 2018.

Other Business

Participants discussed privileges relating to religious confessions in the context of a Royal Commission recommendation and agreed that further work would be done on this topic.