

Standing Committee of Attorneys-General

July 2010

Out of Session Decisions

As a result of the cancellation of the July meeting in Perth, Western Australia, due to the calling of the Federal Election, Ministers made a number of decisions out of session.

Summary of Out of Session Decisions

DNA Evidence

Ministers considered the increase in the use of DNA evidence in criminal trials and the need to ensure all participants in the criminal justice system fully understand it. Ministers endorsed the terms of reference of the DNA Evidence Working Group to inquire into, consider and report to Ministers on the use and interpretation of DNA evidence and monitor the development of national forensic standards. The ACT Attorney General endorsed the terms of reference with the following qualifications: (i) *Standards of proof*: any examination of standards of proof should be restricted to measures to assist juror understanding of how DNA evidence should be related to the requisite standard of proof; (ii) *Judicial education*: the terms of reference should be amended to specifically authorise the working group to consider the role of judicial education in promoting justice in criminal proceedings involving DNA evidence.

International justice assistance: international pro bono work and coordination under Australia's Framework for Law and Justice Engagement with the Pacific

Ministers agreed that:

- (a) the Commonwealth, States and Territories will work together to improve the coordination of law and justice assistance to Pacific island countries, consistent with *Australia's Framework for Law and Justice Engagement with the Pacific*
- (b) the Commonwealth, States and Territories will continue to encourage and support international pro bono legal work, and
- (c) the NJCEOs Group will be used as the contact group to identify opportunities for greater cooperation, coordination and information sharing between jurisdictions in relation to law and justice initiatives in the Pacific, including international pro bono legal work.

National scheme for domestic and family violence orders

Ministers have provided in-principle agreement to the development of a national recognition scheme for domestic and family violence orders.

Commercial Arbitration

Ministers agreed to conduct further consultation on section 27D of the model Commercial Arbitration Bill 2010.

With the exception of the Queensland Attorney-General, Ministers also agreed these further consultations should occur independently from the implementation of the model Bill in each jurisdiction, and should not delay such implementation.

SCAG Annual Report 2009-2010

Ministers agreed to publicly release the SCAG Annual Report for the 2009-2010 financial year.

Accession to the UNIDROIT Wills Convention

Ministers agreed to implement legislation in each State and Territory to allow Australia to accede to the UNIDROIT *Convention Providing a Uniform Law on the Form of an International Will 1973*.