SCAG outcomes include audit of deaths in custody recommendations

A summit to audit actions taken on recommendations of the Royal Commissions Aboriginal Deaths in Custody will be held in Alice Springs later this year.

The National Aboriginal Advisory Committee’s Alf Bamblett proposed a summit to audit the States and Territories responses to the recommendations and to look at best practice around the country.

Attorney General Dr Peter Toyne said the call for the summit received bi-partisan support at the Standing Council of Attorneys-General held in Melbourne last week.

"There was widespread recognition of the need to check progress being made on implementing the recommendations of the Aboriginal Deaths in Custody Report.

"The report was handed down a decade ago and it is important to ensure we remain vigilant about preventing any further harm to Aboriginal people arising out of any inappropriate practices in our justice system.

"Attorneys-General were also supportive of the Northern Territory’s suggestion to hold the summit in Alice Springs, given the centre’s links to Indigenous culture."

The Standing Council of Attorneys-General also looked at issues of legal aid funding and reviewing the legal principle of double jeopardy.

"All state and Territory Attorneys-General passed a resolutions calling for the Commonwealth to reform the current legal aid arrangements," Dr Toyne said.

Resolutions included calls for the Commonwealth to:

- restore legal aid funding to pre-1997 levels and that responsibility for the determination of legal aid guidelines and funding within jurisdictions be returned to the legal aid commissions
- remove the requirement that funds be expended for only Commonwealth matters
- remove the proposed new Commonwealth legal aid guideline which would require lawyers acting for legally assisted persons in ‘national security’ cases to obtain security clearances before they receive an assignment of a grant of legal aid assistance - a proposal viewed by all State and Territory Attorneys-General to be discriminatory and undermining of the independence of the judicial system.

The Bill would require the Commission to seek Federal Government approval before intervening in court cases with human rights implications.

The AHREOC has intervened in 35 court cases with human rights implications including the Tampa case.

State and Territory Attorneys-General also determined to review the long-standing legal principle of double jeopardy with the matter referred to a Model Criminal Code Officer Committee to develop options.

Dr Toyne said the mood from Attorneys was some change to the principle should be considered but to proceed carefully as the double jeopardy principle was a very old and important protection in our legal system.

"There was unanimous reluctance to see an 800 year arrangement abandoned but were open to very limited amendments if the expert committee could argue the case for them."

**Background**

Between October 1987 and November 1990, the Royal Commission into Aboriginal Deaths in Custody investigated the deaths of ninety-nine Aboriginal persons in police and prison custody which occurred during the nine years and five months period covered by the Letters Patent of the Royal Commission. [CLICK HERE](#)