



COMMUNIQUÉ

Law, Crime and Community Safety Council

19 May 2017

The first meeting of the Law, Crime and Community Safety Council for 2017 was held on 19 May 2017 in Melbourne, Victoria. Ministers from New Zealand, the Commonwealth and each state and territory with portfolio responsibility for law and justice, police and emergency management were in attendance, as was a representative of the Australian Local Government Association.

The meeting was chaired by Senator the Hon George Brandis QC, Commonwealth Attorney-General, and the Hon Michael Keenan MP, Commonwealth Minister for Justice and Minister Assisting the Prime Minister for Counter-Terrorism.

SUMMARY OF DECISIONS

Meeting of Attorneys-General

Attorneys-General acknowledged the significant contribution of the Hon Vanessa Goodwin MLC, as Tasmanian Attorney-General, to the Council and recorded their deep gratitude for her service.

Optional Protocol to the Convention Against Torture

Ministers noted the Commonwealth's intention to ratify OPCAT by December 2017, and noted that jurisdictions will use their best endeavours to settle a model for ratification and implementation of OPCAT (including settling yet to be agreed resourcing implications) by the end of September 2017.

Protecting the rights of older Australians

Ministers noted the establishment of the Working Group on Protecting the Rights of Older Australians to promote collaboration between the Commonwealth, state and territory governments, to address the serious problem of abuse against older Australians.

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

Ministers:

- a) **considered** the draft *National Statement of Principles Relating to Persons Unfit to Plead or Found Not Guilty by Reason of Cognitive or Mental Health Impairment*, which will be made available on the Commonwealth Attorney-General's Department website for each jurisdiction to determine how to best use and implement this resource, noting that they are non-binding and a best practice guide for jurisdictions
- b) **agreed** to take the draft statement of national principles to their respective Cabinets prior to the next LCCSC meeting, with a view to arriving at nationally consistent best practice principles, and
- c) **agreed** to consider the national principles, together with any proposed amendments arising from consideration by their Cabinet processes, at the next meeting of the LCCSC.

Commonwealth redress scheme for survivors of institutional child sexual abuse

Ministers **noted** the brief by the Commonwealth Minister for Social Services, the Hon Christian Porter MP, on the establishment of the Commonwealth Redress Scheme, including the update on proposed Scheme design and opting-in arrangements for states, territories and non-government institutions.

Members **agreed** for this item to return to the LCCSC for further discussion at its second meeting for 2017, and that there would be a meeting of responsible Ministers held in or about July 2017.

Post sentence preventative detention of high risk terrorist offenders

Ministers:

- d) **noted** that a final draft state template referral Bill to amend the existing referral legislation (to make clear that the referrals extend to the post-sentence preventative detention scheme) will be settled in July 2017 for consideration by Attorneys-General
- e) **agreed** states should (subject to the approval of their Cabinets and their respective parliamentary timetables) seek to enact those amendments as a matter of urgency, and before the end of 2017
- f) **agreed** the amended referral legislation (subject to the approval of their Cabinets) should provide sufficient flexibility so that any necessary amendments to the post-sentence detention scheme that are consistent with the agreed objects of the scheme can be made quickly, and

- g) **noted** arrangements on the provision of housing for terrorist offenders subject to continuing or interim detention orders are currently being developed.

Productivity Commission report into Access to Justice Arrangements

Ministers:

- a) **noted** the paper which was put forward for 2016-17 Priority Action 7(c): 'consider recommendations arising from the Productivity Commission's report into Access to Justice Arrangements'
- b) **noted** the work being progressed under the separate LCCSC agenda item relating to family violence, which relates to recommendation 24.3 (addressing issues caused by the constitutional division of jurisdiction in family law, child protection and family violence)
- c) **noted** the work being explored by the National Justice and Policing Senior Officers Group for Victoria's Assuring professional competence project, which relates to recommendation 7.1 (reviewing the status of the three stages of legal education, university, practical legal training and continuing professional development)
- d) **agreed** to include the following recommendations of the Productivity Commission on the agenda of the LCCSC
- i. to develop uniform rules to deal with unbundled legal services (rec 19.1), with Victoria as the lead jurisdiction
 - ii. to consider options for consistent data collection and establishing a civil justice data clearinghouse to coordinate data collection from multiple civil justice

- stakeholders (recs 25.2 and 25.3), with New South Wales as the lead jurisdiction, and
- iii. to consider options for establishing a Civil Justice Evaluation Advisory Committee to advise on priority areas for quantitative research and evaluation in the civil justice system (rec 25.4), with New South Wales as the lead jurisdiction.

Proposed amendments to the *Evidence Act 2001 (TAS)* for consideration in other jurisdictions

Ministers noted Tasmania's intention to amend the *Evidence Act 2001 (Tas)* to provide that the issue of concoction, collusion or suggestion is not relevant to the admissibility of tendency and coincidence evidence under section 97 and 98 of the *Evidence Act 2001 (Tas)*.

Joint Meeting of Attorneys-General, Justice and Police Ministers

National security update

Attorneys-General and Ministers received an update from the Commonwealth Attorney-General, the Deputy Director-General of Security and the Commissioner of the Australian Federal Police on current national security issues.

The Attorney-General's Department provided an update to Attorneys-General and Ministers on countering violent extremism programs administered by the Department.

Family Violence

Attorneys-General and Ministers agreed to establish a working group of justice officials to develop measures to improve the interaction

between the federal family law, and state child protection and family violence systems.

Topics for the family violence working group to consider include:

- information sharing between the family law, family violence, and child protection systems
- risk identification and assessment in the justice system
- proposed amendments to the Family Law Act contained in the Exposure Draft of the Family Law Amendment (Family Violence and Other Measures) Bill 2017
- legislative and other protections for vulnerable witnesses in family law and family violence matters, and
- improving family violence competency for professionals working in the family law and family violence systems.

National Outcome Standards for Perpetrator interventions

Attorneys-General and Ministers agreed to the Commonwealth working with all jurisdictions to commence reporting on the National Outcome Standards for Perpetrator Interventions in 2017.

Technology-facilitated abuse

Attorneys-General and Ministers agreed to the National statement of principles relating to the criminalisation of the non-consensual sharing of intimate images.

Harmful digital communications

Attorneys-General and Ministers noted the work of LCCSC jurisdictions to address harmful digital communications and agreed that further consideration of how the legislative settings and complaint mechanisms work from an operational perspective be continued through the National Cybercrime Working Group.

Measures concerning child sexual offenders

Ministers agreed to address gaps identified by the working group in the registration of Commonwealth sex offences where these exist in some jurisdictions' sex offender registration laws as soon as practicable.

Ministers further agreed to ensure that Commonwealth sex offenders can be captured under state and territory legislation relating to post-sentence detention or supervision as soon as practicable.

A proposal seeking to explore enhancements to facilitate online reporting by registered offenders directly to the Australian National Child Offender Register is being considered through the governance processes of the Australian Criminal Intelligence Commission.

Ministers also agreed to the Commonwealth, states and territories continuing to work together on proposals to implement travel restrictions for child sex offenders, including by exploring options that would enable the denial of passports to Australian citizens listed on a state or territory child sex offender register.

National Facial Biometric Matching Capability (NFBMC)

Ministers noted the Commonwealth's offer to establish a facial recognition system on behalf of state and territory road agencies to make available driver licence images via the NFBMC, and agreed to continue to work towards an Intergovernmental Agreement on Identity Matching Services to outline the terms of state and territory participation in the capability.

National Domestic Violence Order (DVO) Scheme

Ministers agreed to working towards commencing the National DVO Scheme on 25 November 2017.

Meeting of Justice and Police Ministers

National cooperative scheme on unexplained wealth

Ministers noted the significant work undertaken by the Commonwealth, New South Wales, Western Australia, South Australia, the Australian Capital Territory and the Northern Territory through an officials level Working Group to develop details for a national cooperative scheme on unexplained wealth.

Participating jurisdictions (except Western Australia) agree to have all required approvals in place ahead of the next LCCSC meeting in late 2017, to facilitate signature of the Intergovernmental Agreement at that meeting.

Ministers also noted that the Commonwealth welcomes participation in the scheme by other jurisdictions in order to enhance national collaboration to target criminal wealth.

New National Plan to Combat Cybercrime

Ministers agreed to develop a new National Plan to Combat Cybercrime to ensure a strong national approach to tackling the increasing risks to business and individuals posed by cybercrime.

Firearms amnesty

Ministers noted an update on preparations for the upcoming national firearms amnesty.

Desktop review of firearms manufacturing offences

Ministers considered the desktop review of firearms manufacturing offences and New South Wales will develop potential model legislation.

Australian Criminal Intelligence Management Strategy 2017-2020

Ministers endorsed the Australian Criminal Intelligence Management Strategy 2017–2020 as drafted by the National Criminal Intelligence Capability Committee and endorsed by the ACIC Board.

Revised Australia New Zealand Policing Advisory Agency (ANZPAA) Memorandum of Understanding

Ministers approved a revised ANZPAA Memorandum of Understanding reflecting a change of governance from the LCCSC to the ANZPAA Board of Management.

Meeting of Emergency Management Ministers

Sendai Framework for Disaster Risk Reduction 2015-2030

Ministers noted Australia's commitment to the implementation of the Sendai Framework for *Disaster Risk Reduction 2015-2030* (the Sendai Framework) and agreed this was in the national interest.

Ministers agreed to pursue the implementation of the Sendai Framework as a national priority through the LCCSC.

Overview of incidents and disasters: 2016-17

The Ministers noted the insights in the overview of incidents and disasters 2016-17 to date report.

Catastrophic planning – Capability roadmap

Ministers endorsed (except Queensland) a program to implement Phase 1 of the Catastrophic Disasters-Capability Road Map –priority Actions. This programs focus is based on planning for a disaster that could overwhelm our technical, non-technical, social and governance systems, resources and strategic decision making. This work will progress our thinking and capability to manage the consequences of such a catastrophe.

National Fire Danger Ratings System

Ministers noted the update of progress of the National Fire Danger Ratings System Program.

Disaster funding reforms

Ministers noted the progress in developing new arrangements, and agreed to continue participating in testing the new approach to funding states and territories for the reconstruction of essential public assets based on upfront damage assessment and, where applicable, benchmark pricing.

LCCSC priority actions for 2016-17

Attorneys-General and Ministers noted progress against the Council’s priority actions for 2016–17 and agreed to priority actions for 2017–18.