



COMMUNIQUÉ

Law, Crime and Community Safety Council, 21 October 2016

The second meeting of the Law, Crime and Community Safety Council for 2016 was held on 21 October 2016 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, or their representatives, were in attendance, as was a representative of the Australian Local Government Association. The meeting was chaired by the Hon George Brandis QC, Commonwealth Attorney-General (Meeting of Attorneys-General) and the Hon Michael Keenan MP (Meeting of Police and Justice Ministers and the Meeting of Emergency Management Ministers).

SUMMARY OF DECISIONS

Meeting of Attorneys-General

Protecting the rights of older Australians

Attorneys-General agreed to establish a working group to discuss current activities to combat elder abuse in jurisdictions, consider potential national approaches, and consider the findings and recommendations of the Australian Law Reform Commission Inquiry, *Protecting the Rights of Older Australians from Abuse*.

Optional Protocol to the Convention Against Torture

Attorneys-General noted ongoing work towards a decision on ratification of the *Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*.

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

Attorneys-General noted progress on the *National Statement of Principles Relating to Persons Unfit to Plead or Found Not Guilty by Reason of Cognitive or Mental Health Impairment* (National Principles) and agreed to consider the National Principles at their next meeting.

Attorneys-General noted the outcomes to date of the Working Group on the treatment of people unfit to plead or found not guilty by reason of mental impairment (Working Group) on collecting and collating existing data on fitness to stand trial, the defence of mental impairment and interstate forensic transfers. Attorneys agreed that the Working Group continue to analyse that data and report back at to LCCSC at its first meeting of 2017 with any subsequent proposals to improve data collection frameworks and forensic transfer processes.

Royal Commission into Family Violence—Expansion of resourcing for family violence legal services

Attorneys-General noted that Recommendation 69 from Victorian Royal Commission into Family Violence called for an expansion of resourcing for legal services to address the current under-representation by and over-burdening of duty lawyer services in family violence matters. Attorneys agreed that additional resources for legal services to provide legal assistance (including duty lawyer services) from Commonwealth, State and Territory Governments in family violence matters are required.

Suicide Reporting in the Coronial Jurisdiction

Attorneys-General acknowledged the work done by the National Coronial Information System in consulting on a legislative proposal arising from the Coronial Council of Victoria's report, *Suicide Reporting in the Coronial Jurisdiction* (June 2014).

National security update

Attorneys-General 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.

Post sentence preventative detention for high risk terrorist offenders—Reference of powers

Attorneys-General agreed that States and Territories should (subject to the approval of their Cabinets):

- (a) amend their referral legislation to make it clear that the referrals extend to the proposed post-sentence preventative detention regime; and
- (b) enact these amendments as a matter of urgency.

Options to address serious invasion of privacy

Attorneys-General discussed the desirability of a nationally uniform approach to a statutory cause of action for serious invasions of privacy and noted that New South Wales will convene a Working Group, to which other jurisdictions may choose to contribute, to consider the matter further. The Commonwealth noted that it does not support the creation of a statutory tort for serious invasion of privacy.

Meeting of Police and Justice Ministers

National Firearms Agreement

Ministers supported the National Firearms Agreement. Ministers supported the further consideration of the categorisation of lever action shotguns.

Measures to deal with illegal firearms

Ministers noted the dangers posed by illegal firearms and agreed to a national firearms amnesty.

Options to improve the national consistency of precursor controls

Ministers:

- (a) agreed that all states and territories will implement nationally consistent minimum precursor controls, including harmonised schedules of precursor chemicals and equipment, through legislative change in each jurisdiction;
- (b) agreed to establish a national electronic end user declaration system, which will give law enforcement agencies access to real-time information about precursor sales; and
- (c) agreed to strengthen information-sharing and cooperation between border and law enforcement agencies about importations of high-risk precursor chemicals.

Response to the panel on unexplained wealth

Ministers:

- (a) noted the significant work undertaken by the Commonwealth, New South Wales, South Australia, Victoria, Western 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;

- (b) noted that the Commonwealth encourages jurisdictions participating in development of the scheme to finalise the details of the scheme and to sign the Intergovernmental Agreement on Unexplained Wealth to support the scheme as a matter of priority; and
- (c) noted that the Commonwealth welcomes participation in the scheme by other jurisdictions in order to enhance national collaboration to target criminal wealth.

Measures concerning child sexual offenders

Ministers agreed to form a Working Group of senior justice and police officials to examine emerging operational and legislative issues and approaches in relation to child sexual offenders across jurisdictions.

Technology facilitated abuse—Response to COAG

Ministers agreed to provide the Progress Report Technology-Facilitated Abuse to the Council of Australian Governments and noted that the Commonwealth is continuing consultations with States and Territories on options to address the non-consensual sharing of intimate images and will provide advice to the Council out-of-session.

National Outcome Standards for Perpetrator Interventions—Proposed indicators and reporting plan

Ministers agreed to refine the performance indicators to support the implementation of the National Outcome Standards for Perpetrator Interventions and confirm available data sources by mid-2017.

Governance arrangements for Ministerial forum on drugs and alcohol

Ministers:

- (a) noted the Council of Australian Governments' decision to establish a Ministerial Drug and Alcohol Forum to oversee the development and implementation of Australia's national drug policy framework;
- (b) agreed to establish a National Drug Strategy Committee (NDSC), consisting of senior health and law and justice officials, which will report to the Forum; and
- (c) agreed to abolish the existing Intergovernmental Committee on Drugs once the NDSC is established and refer outstanding items of work to the NDSC for consideration and action.

New South Wales commercial explosives amnesty program

Ministers noted the NSW proposal to run a three month state-wide Commercial Explosives Amnesty Program.

Implementation of the National Domestic Violence Order Scheme

Ministers:

- (a) agreed to work towards a single national commencement date for the National Domestic Violence Order Scheme; and
- (b) agreed to develop a national communications campaign to support the implementation of the Scheme.

Meeting of Emergency Management Ministers

Disaster funding reforms

Ministers agreed to continue cooperating and participating in the testing of new arrangements for funding States and Territories for the reconstruction of essential public assets based on upfront damage assessment and, where applicable, pre-determined pricing.

Preparations for the 2016–17 Summer season

Ministers noted preparations for the 2016-17 Summer season.

Strategic directions for fire and emergency services in Australia and New Zealand 2017–2021

Ministers:

- (a) endorsed the *Strategic directions for fire and emergency services in Australia and New Zealand 2017-2021* (Strategic Directions) promoting a common approach across States, Territories and New Zealand, engaging Australasian Fire and Emergency Service Authorities Council agencies, high level officials and Ministers;
- (b) noted that the Strategic Directions inform, clarify the intent and identify the action required to create a shared vision and joint commitment, noting implementation is dependent on jurisdictional strategies and mandates; and
- (c) noted that it is intended the Strategic Directions will become a public document for general reference and shaping of future strategy.

Australia-New Zealand Emergency Management Committee Governance Review

Ministers endorsed the update to the governance arrangements for the Australia-New Zealand Emergency Management Committee.

Catastrophic disasters: Capability Roadmap

Ministers noted work underway to better understand the limitations of national fire and emergency services capabilities in preparing for, responding to and recovering from severe to catastrophic disasters.

COAG review of relief and recovery payments

Ministers noted the finalisation of the resolutions from the 2012 Council of Australian Governments' Standing Committee on Police and Emergency Management's *Review of Commonwealth, State and Territory Relief and Recovery Payments*, through the development of the National Monitoring and Evaluation Framework for Disaster Recovery Programs and the National Impact Assessment Framework, assessing the severity of disaster impact in the immediate aftermath of an event.