

Communiqué
Standing Committee of Attorneys-General

10 December 2010

The second meeting of the Standing Committee of Attorneys-General (SCAG) for 2010 was held today in Canberra. The Commonwealth, State and Territory Attorneys-General, the Commonwealth Minister for Home Affairs and the New Zealand Minister of Justice were in attendance.

Summary of Decisions

R18+ Computer Games

Ministers considered further work done to analyse community and expert views, including:

- (a) a national telephone poll conducted during November which provided Ministers with additional community feedback from a random sample of Australians from all States and Territories
- (b) a literature review of research exploring links between computer games and violent behaviour
- (c) a study of parity between computer game classifications internationally
- (d) a panel discussion between representatives in the fields of computer games, psychology and classification, and
- (e) advice from the Classification Board on the operation of the current MA 15+ classification and options for an R 18+ classification.

Ministers:

- (a) will consider draft guidelines to be developed for classification of games at their next meeting, including a possible R18+ classification, taking into account concerns raised by Ministers relating to the difference in nature of film and games; and the interactivity of games; and that there will continue to be a refused classification category, and
- (b) do not support the dilution of the refused classification category.

The Operation of the National Classification Scheme

Ministers agreed on the need to reform the National Classification Scheme to accommodate and better anticipate technological and other developments. Ministers agreed to the Commonwealth referring the matter to the Australian Law Reform Commission.

Review of RC (Refused Classification) Classification

Ministers agreed that the broad review of the National Classification Scheme would include consideration of the classification categories, including the content of the RC (Refused Classification) classification, for films, computer games and publications.

Classification of Mobile Phone Applications & Online Games

Ministers considered the difficulties raised by industry and the Classification Board relating to the classification of online computer games including mobile phone applications that are games and asked officers to urgently develop alternative options for an interim solution.

Use of Restricted Material in Research

Ministers endorsed model provisions that allow access to restricted material (including material classified RC 'Refused Classification') for legitimate academic research and educational purposes in specified and limited circumstances on the basis that it is a matter for each jurisdiction to decide whether or not to introduce the provisions. Ministers also agreed that this item would be removed from the agenda.

Judicial Pensions

Ministers:

- (a) noted that existing legislation already provides significant consequences for judicial officers who are convicted of serious offences committed while in office
- (b) agreed that it is not necessary or desirable to pursue model legislation to allow pension and superannuation entitlements to be removed from

former judicial officers who are convicted of serious offences committed after leaving judicial office

(c) agreed to remove this item from the SCAG agenda.

National Legal Profession – COAG Reform Proposals

Ministers noted that the public consultation period for the COAG National Legal Profession Reform project concluded on 13 August 2010, with a total of 162 submissions received and approximately 65 meetings held with stakeholders. Ministers noted the final draft of the Legal Profession National Law Bill, which the project Taskforce has presented to COAG, along with a draft set of Rules, a final Regulation Impact Statement and an inter-governmental agreement, for endorsement at the first COAG meeting in 2011.

Western Australia and South Australia noted their position is to reserve their decision and not agree to the proposed scheme at this time and this decision should be reported to COAG.

Queensland noted its concerns about funding arrangements and that this should be reported to COAG.

Victoria supported in principle the desirability of a national legal profession but reserved its position on the details of the model to be placed before COAG at this time.

Ministers agreed that work should be undertaken to identify and cost the potential savings to each jurisdiction.

Ministers agreed to ask COAG to release the Legal Profession National Law Bill and National Rules publicly after consideration by the COAG Business Regulation and Competition Working Group.

Cyber Crime

Ministers noted the progress of the National Cyber Crime Working Group in developing a national response to cyber crime.

Organised Crime

Ministers:

- (a) agreed to measures to enhance cooperation in targeting the proceeds of organised criminal groups
- (b) agreed to arrangements to ensure a coordinated national response to organised crime, including a national plan to respond to organised crime threats
- (c) noted that NSW asked for consideration to be given to the priority of victims rights, as NSW and some other jurisdictions' legislation provides that certain proceeds of crime automatically be paid into the Victims Compensation Fund.

Organised Crime: High Court Decision, *the State of South Australia v Totani & Anor*

Ministers noted the High Court decision in *The State of South Australia v Totani & Anor*.

Australian and New South Wales Law Reform Commissions' Report on Family Violence

Ministers noted the public release of the Australian Law Reform Commission and NSW Law Reform Commission Report "Family Violence – a National Response".

Ministers also agreed that officers would examine the Report's recommendations and advise Ministers about the desirability of a national approach.

Harmonisation Forum

Ministers agreed to hold a harmonisation forum in 2011, to be hosted by the Commonwealth, to identify and pursue initiatives for supporting COAG to achieve its micro-economic reform agenda.

Evidence – Journalist Shield Laws

Ministers discussed recent developments on journalist shield laws.

Prosecution of People Smugglers

Ministers discussed the prosecution of people smugglers in the States and Territories.

Laws Relating to Cults

Ministers discussed the laws applicable to the regulation of cults.

Fine Enforcement – Data Matching and Information Sharing

Ministers discussed the possibility of increased cooperation, including data matching and information sharing, to improve the level of fine enforcement.

Suppression Orders – Internet Sites

Ministers discussed the application of the model suppression order laws to social networking websites.

Coverage of Commonwealth and State and Territory Criminal Offences

Ministers discussed the coverage of Commonwealth, State and Territory criminal laws.

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