

Communiqué

Standing Council on Law and Justice

18 November 2011

The inaugural meeting of the Standing Council on Law and Justice (SCLJ) was held on 18 November 2011 in Launceston, Tasmania. The Tasmanian Attorney-General chaired the meeting. The Commonwealth, State and Territory Attorneys-General and the Commonwealth Minister for Home Affairs and Justice were in attendance.

The New Zealand Minister of Justice was not present at the meeting. The New Zealand Minister of Justice was represented by the Chief Executive of the New Zealand Ministry of Justice.

The Norfolk Island Crown Counsel also attended the meeting as an observer.

Summary of Decisions

House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs Report *Doing Time – Time for Doing: Indigenous Youth in the Criminal Justice System*

Ministers:

- (a) considered the recommendations of the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs report *Doing Time – Time for Doing: Indigenous Youth in the Criminal Justice System* (Doing Time)
- (b) discussed key issues outlined by the Commonwealth concerning its response to the Doing Time report.

Organised Crime

(a) Implementation of the National Organised Crime Response Plan

Ministers agreed:

- (a) to 12 priority measures under the National Organised Crime Response Plan (OCRCP)
- (b) to oversee implementation of National OCRCP measures relevant to their law and justice responsibilities.

(b) Legislative update

Ministers noted:

- (a) the importance of comprehensive legislative approaches to combating organised crime across Australia and the need for a coordinated approach to the exchange of information on organised criminal activity
- (b) the continuing developments in jurisdictions regarding legislation aimed at combating serious and organised crime and the benefits of collaborating to develop effective responses
- (c) that Commonwealth, State and Territory Solicitors-General will meet in Hobart in November 2011 to discuss potential legislative responses for combating serious and organised crime
- (d) that the Senior Officers Group on Organised Crime report to the next SCLJ with advice on opportunities for collaborating to enhance the effectiveness and consistency of existing legislative responses.

Microeconomic reform – business consultation arrangements

Ministers approved formal business consultation arrangements to apply, where appropriate, in relation to SCLJ projects with a microeconomic reform aspect.

Change of name

Ministers agreed to consider implementing a best-practice approach to the change of name process in order to minimise abuse of the system, and agreed to remove this project from the agenda.

DNA evidence

Ministers noted the final report of the DNA Evidence Working Group in relation to the use of DNA evidence in criminal proceedings. Ministers agreed that the Working Group will work with the Australia New Zealand Policing Advisory Agency and the National Institute of Forensic Science in conjunction with Standards Australia on the development of Forensic Science Standards.

Match-fixing in sport

As part of the commitment under the National Policy on Match-Fixing and Sport to pursue a comprehensive approach to criminal offences in relation to match fixing, Attorneys-General have agreed to a set of match-fixing behaviours that legislative arrangements in each State and Territory should cover. These behaviours describe, for example, the scope of match-fixing conduct to be covered and the extent to which the use of inside information is criminalised. Ministers discussed a proposal to introduce specific match-fixing offences to cover the agreed behaviours, and the maximum penalties that should apply, including a maximum of 10 years imprisonment, where offences are already not in place. Ministers noted that match-fixing can involve potential gains or losses in the millions of dollars. Ministers agreed to take these proposals to their respective Cabinets to seek approval from their Governments.

National Action Plan to Reduce Violence Against Women and their Children: DVO register

Ministers noted the draft model DVO recognition legislation and committed to finalise and implement the legislation as soon as possible.

Tort law – proportionate liability

Ministers agreed that model proportionate liability provisions, which were released for public comment in September 2011, be reviewed in light of submissions received from stakeholders.

Anti-bullying legislation (Brodie's Law)

Ministers noted the importance of finding effective means of dealing with all forms of bullying whether in the workplace, school yard, sporting club, cyberspace or elsewhere. Ministers noted the introduction of *Brodie's Law* in Victoria.

Dangerous dogs legislation

Ministers noted Victoria's legislative reform and that Queensland will introduce a specific draft provision to deal with dangerous dogs, which would complement its existing criminal code provisions. Ministers noted that the Commonwealth Department of Agriculture, Fisheries and Forestry is currently reviewing the import policy for dogs and cats.

Synthetic drugs

Ministers discussed the emerging issue of synthetic drugs and noted that Police Ministers are examining options for a nationally consistent response to synthetic cannabinoids. Ministers agreed to consider options for a national response to the emerging issue of synthetic drugs at their next meeting.

Offences for bushfire arson

Ministers discussed progress in considering the possible implementation of offences for bushfire arson causing death or serious harm.

Suppression orders – mutual recognition and court discretion

Ministers noted that South Australia, Western Australia and Victoria will further consider the suppression orders model bill, including court discretion and mutual recognition of orders, and will report back to SCLJ.

Standing Council on Law and Justice Communiqué

Summary of Out of Session Decisions

Standing Council on Law and Justice – Terms of Reference

Ministers noted the SCLJ Terms of Reference as approved by the Council of Australian Governments (COAG).

Criminal appeals legislation

Ministers noted the outcome of the consultation on the Discussion Paper on the harmonisation of criminal appeals legislation and have removed this item from the agenda.

Criminal cases review

Ministers noted the inter-jurisdictional comparison of mechanisms for criminal cases review.

Cybercrime: national online reporting facility

Ministers noted that a report has been prepared into the feasibility of a national online reporting facility for cybercrime for consideration by the National Cybercrime Working Group.

Prohibition on the publication of the names of children in criminal proceedings

Ministers noted that some jurisdictions have recently reviewed and amended their provisions prohibiting the publication of the names of children in criminal proceedings and do not consider that further reforms are necessary at this time. Accordingly, Ministers agreed to remove this project from the agenda.