

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S DEPARTMENT

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Question No. 27

Senator Barnett asked the following question at the hearing on 24 May 2007:

Proposed amendments to the *Classification Act* to deal with material advocating terrorist acts: Can you advise the Committee why the Attorney-General perceived the States to be dilatory and can you name those States?

The answer to the honourable senator's question is as follows:

Having fully explored the possibility of sedition offences with the DPP and the AFP, on 6 June 2006 the Attorney-General wrote to Censorship Ministers about putting the issue onto the SCAG agenda. At the SCAG meeting of 27 July 2006, the Attorney-General sought Censorship Ministers' views on an initial proposal to amend the *Classification (Publications, Films and Computer Games) Act 1995* to require the Classification Board to refuse classification to publications submitted by law enforcement authorities and containing depictions and descriptions that advocate terrorist acts. Ministers did not agree with the proposal but agreed that officers should do further work on the issue and report back.

Commonwealth officers negotiated with all State and Territory officers from that time in an attempt to settle an agreed paper for Ministers' consideration – seeking input after the July 2006 Ministers' meeting, at the 26 September 2006 officers' meeting, and again after that meeting. A number of jurisdictions continued to express the view that amendments to the laws were not required. Some jurisdictions raised issues that the paper had already addressed. The Commonwealth officers reworked the paper several times in attempts to address concerns of jurisdictions, to the extent that these were articulated. Officers were not able to reach agreement on an officers' paper at the 1 March 2007 Censorship officers' meeting and a Commonwealth-only paper was ultimately produced for Ministers' consideration at their April 2007 meeting.

At this meeting, SCAG (Censorship) Ministers considered the Commonwealth proposal to amend the *Classification (Publications, Films and Computer Games) Act 1995* to require material that advocates acts of terrorism to be refused classification. SCAG (Censorship) Ministers did not agree with the Commonwealth proposal but agreed officers should report back on amendments to Code (and guidelines if necessary) that could be made to ensure that material that advocates terrorist acts is adequately captured. Some Ministers repeated concerns about the threshold of whether or not there was a gap in existing coverage.

The States' disagreement with the Commonwealth's position was confirmed at the 7 June 2007 officers' meeting. Agreement of all Ministers is required for amendments to the Code and guidelines.