

## SECTION 5

### OTHER MATTERS REQUIRING ATTENTION

<b>National Security and Criminal Justice Group .....</b>	<b>100</b>
Criminal Justice .....	101
Emergency Management.....	103
National Security .....	105
<b>Civil Justice and Legal Services Group .....</b>	<b>108</b>
Access to Justice.....	109
Appointments .....	110
Classification .....	110
Improving and Modernising Legislation.....	111
International Law .....	111
Native Title .....	112
Protection of Rights .....	113

**OTHER MATTERS REQUIRING ATTENTION**  
**NATIONAL SECURITY AND CRIMINAL JUSTICE GROUP**  
**DEPUTY SECRETARY: MILES JORDANA**

**Criminal Justice**

**Emergency Management**

**National Security**

**CRIMINAL JUSTICE**

**Civil Maritime Capability Plan**

The Civil Maritime Capability Plan has been developed in consultation with other Australian Government agencies and informs future decisions on long term civil maritime security capability from a whole-of-government perspective. The Plan synchronises civil and defence planning for achieving civil maritime security outcomes. Because detail of the plan is classified, please refer to the Customs and Border Protection IGB for comprehensive detail.

**Cyber Crime**

Cyber crime has been identified by the Australian Security Intelligence Organisation and the Australian Crime Commission as a significant threat to national security and the Attorney-General's Department is leading whole-of-government efforts to improve Australia's response, including through the Standing Committee of Attorneys-General (SCAG) and the Government response to the House of Representatives Communication Committee's report on cyber crime, which is due to be tabled by the end of September.

Under the auspices of SCAG, the Department is working with the States and Territories on a range of cyber crime

[REDACTED]

Comment [b196]: s47C

**Organised Crime**

[REDACTED]

Comment [b197]: s47C

**Legislative Reform to Enhance Cooperation in Extradition and Mutual Assistance Criminal Matters**

The Extradition and Mutual Assistance in Criminal Matters Legislation Amendment Bill would significantly enhance Australia's international crime cooperation framework by reducing delays in current processes and enabling Australia to cooperate more effectively with other countries in fighting transnational and domestic crime. An exposure draft of the Bill was released for public consultation in July 2009.

[REDACTED]

Comment [b198]: s37C

Further information on Bills can be found in the **Priority/Time Critical Legislation** brief.

**Registration of Alternative Remittance Dealers (Combating the Financing of People Smuggling and Other Measures Bill)**

The Department is developing proposed amendments to the AML/CTF Act to strengthen the regulatory regime for remittance dealers for introduction in the next sitting of parliament. The

Section 5 – Other Matters Requiring Attention

Department is undertaking public consultation on this enhanced regulation that will help protect against criminal infiltration of the remittance sector, including by those seeking to facilitate the funding of people smuggling and other serious and transnational crimes. Further information on Bills can be found in the **Priority/Time Critical Legislation** brief. See also Policy Implementation Strategy **Enhanced Regulation of the Remittance Sector**.

**Second Tranche of Anti-Money Laundering and Counter-Terrorism Financing (AML/CTF) Reforms**

The Department is considering the implementation of the second tranche of AML/CTF reform

[REDACTED] This will address a current significant gap in the anti-money laundering regime that is being exploited by serious and organised crime.

Comment [b199]: s47C

**CrimTrac**

The Department is working to establish CrimTrac under its own legislation, which will address the potential for conflict that exists under the current CrimTrac Inter-Governmental Agreement in relation to the roles of the Minister, CrimTrac Board of Management and Chief Executive Officer, and will be seeking Ministerial agreement on a preferred governance model shortly.

CrimTrac's exemption from the Cost Recovery Guidelines expires on 14 January 2011. We propose to prepare a Cabinet Submission to settle the long term arrangements for CrimTrac's funding model.

The Department is conducting a recruitment process for the position of the CrimTrac CEO (which will be vacant from 21 January 2011) and will be in a position to provide advice on suitable candidates for the Minister's decision by October 2010. Refer to **Appointments** in Overview of Ministerial Responsibilities for detail on all significant upcoming appointments.

**Formation of A Commonwealth Firearms Advisory Body**

The Commonwealth Firearms Advisory Council (CFAC) was announced on 16 July 2010, replacing the Sporting Shooters and Firearms Advisory Council. A number of groups have expressed concern about the membership of the new Council. The Department will be seeking direction on the future activities of the CFAC, including its composition and a date for the inaugural meeting, if appropriate.

**Frederick Martens**

In 2006, Frederick Martens was convicted of child sex tourism offences. Mr Martens's conviction was quashed in November 2009. [REDACTED]

Comment [b200]: s47F

The matter has attracted considerable media attention, as the judgment quashing Mr Martens's conviction was critical of the Commonwealth Director of Public Prosecutions and the Australian Federal Police. [REDACTED]

Comment [b201]: s42

[REDACTED]

Comment [b202]: s33(1)(a)(iii)

[REDACTED]

Comment [b203]: s33(1)(a)(iii)

[REDACTED]

Comment [b204]: s33(1)(a)(iii)

### National Identity Security Strategy

Work to develop and implement the Strategy in 2005-09 has achieved some important outcomes (including the establishment of the Document Verification Service) and addressed vulnerabilities to Australia's identity security. The progress that has been achieved to date provides a firm foundation for taking the Strategy forward.

[REDACTED]

Comment [b205]: s47C

### National Youth Policing Model

The National Youth Policing Model was agreed by all jurisdictions on 2 July 2010. Formal consultation has commenced with senior officer groups responsible for dealing with matters relating to education, health, disability, Aboriginal and Torres Strait Islanders, youth affairs and drugs to assess opportunities for engagement on initiatives under the Model. Consult States and Territories through MCPEMP-SOG on current and proposed youth policing initiatives under the Model.

[REDACTED]

Comment [b206]: s33(1)(a)(iii) and s33(1)(b)

## EMERGENCY MANAGEMENT

### Crisis Coordination Centre

*NOTE – This brief should be read in conjunction with the Hot Issues **Parliament House Briefing Room Brief**.*

In line with the recommendations of the Homeland and Border Security Review, the Crisis Coordination Centre will be established through the National Crisis Coordination Capability Program. The Crisis Coordination Centre will centralise information across the Australian government during a crisis to support decision making in the Parliament House Briefing Room and to connect relevant Australian Government and jurisdictional agencies. The facility will be established in the Edmund Barton Building alongside the Australian Federal Police Operations Centre and is scheduled for activation early 2011.

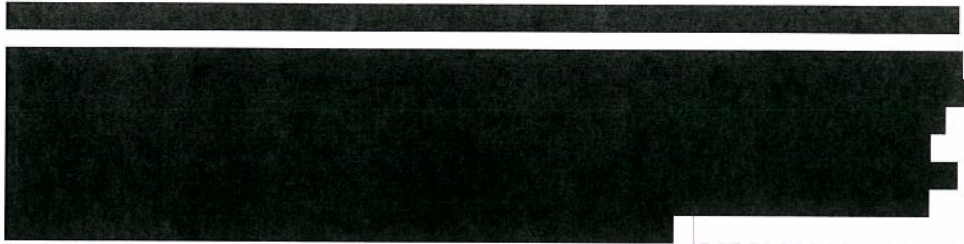
### Emergency management framework and climate change

On 20 November 2009, the Ministerial Council for Police and Emergency Management – Emergency Management endorsed a Climate Change Adaptation Action Plan.

This plan guides the efforts of the emergency management sector to enhance Australia's disaster resilience in the face of climate change. The Commonwealth will continue to work through the Ministerial Council for Police and Emergency Management – Emergency Management to progress the implementation of the Climate Change Adaptation Plan.

### Emergency service organisations' interoperability and harmonisation

This principle underpins a significant percentage of the national security activity undertaken at the Commonwealth level. Examples include: the development of the Common Alerting Protocol for emergency warnings, the implementation of a national strategy for the reduction of bushfire arson, the National Registration and Inquiry System and the COAG-approved National Framework to Improve Government Radiocommunications Interoperability. AGD will work with jurisdictional partners to develop an appropriate approach; possibly including the conduct of a national risk assessment to identify priorities for harmonisation.



Comment [b207]: s47B

### **National Action Plan to Reduce Bushfire Arson**

The National Action Plan to Reduce Bushfire Arson has been approved by MCPEMP and MCPEMEM. Action items are currently being implemented. The development of a national strategy for the reduction of bushfire arson will be in draft form by mid-September 2010. The first national training activity for bushfire arson investigators will be piloted in the first quarter 2011.

### **National Disaster Resilience Framework**

On 20 November 2009, the Ministerial Council for Police and Emergency Management – Emergency Management (MCPEMEM) endorsed a National Disaster Resilience Framework, which sets clear principles to guide the efforts of the emergency management community in fostering disaster resilience in Australia. MCPEMEM agreed that the National Disaster Resilience Framework would be used for the development of a whole-of-government strategy for disaster resilience in 2010.

On 7 December 2009, the Council of Australian Governments (COAG) agreed to adopt a whole-of-nation resilience-based approach to disaster management which recognises that a national, coordinated and cooperative effort is required to enhance Australia's capacity to withstand and recover from emergencies and disasters. This agreement recognises that disaster resilience is a shared responsibility for individuals, households, businesses and communities, as well as for governments.

### **National Disaster Resilience Program**

Commonwealth funding for natural disaster mitigation is delivered through a National Partnership Agreement which allows for each State and Territory to target funding in accordance with their risk profile on natural disasters.

The role of the Attorney-General is to consider and approve implementation plans from States and Territories. There are implementation plans awaiting approval. The Commonwealth has no direct management of projects, but retains visibility of them.

### **Natural Disaster Relief and Recovery Arrangements**

Through the Natural Disaster Relief and Recovery Arrangements (NDRRA) the Australian Government provides partial reimbursement (50 – 75% of actual expenditure) to the States and Territories for their expenditure on relief and recovery measures following natural disasters. On 9 June 2010, the Australian Government agreed, as an interim arrangement pending longer term review, to the inclusion of terrorist incidents as eligible events under the NDRRA. The Arrangements give due recognition to Constitutional roles and responsibilities, and are administered in accordance with the terms and conditions outlined in the 'NDRRA Ministerial Determination 2007' - a Determination of the Attorney-General.

These Arrangements recognise that the States/Territories are best placed to administer assistance and determine the type and level of assistance to be provided to disaster victims. The Arrangements are automatically triggered when State/Territory expenditure exceeds \$240,000. No declaration is required to activate the NDRRA. Relief measures eligible for reimbursement under the NDRRA include: personal hardship and distress assistance; restoration or replacement of essential public assets; concessional interest rate loans to

## Section 5 – Other Matters Requiring Attention

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small businesses, primary producers, voluntary non-profit bodies and needy individuals; and certain counter disaster operations.

In severe events further assistance can be made available by agreement between the Prime Minister and the affected State/Territory First Minister. In 2009-10 the Australian Government reimbursed jurisdictions \$112 million and estimates for 2010-11 are approximately \$600 million.

### **Natural Disaster Risk Framework**

The Australian Government has been working with States and Territories to develop a nationally consistent approach to data collection through the Ministerial Council for Police and Emergency Management –Emergency Management (MCPPEM) and its subsidiary officials' groups.

The Australian Government will continue to work with States and Territories through the Ministerial Council for Police and Emergency Management –Emergency Management (MCPPEM). The development of a nationally consistent approach will be incorporated into the work plans of the relevant sub-committees of the National Emergency Management Committee.

### **National Leadership during disasters or emergencies**

The Australian Government continues to support the States and Territories response to disasters in accordance with the Australian Emergency Management Arrangements. A new program of pre-season operational briefing is being implemented for jurisdictions in accordance with recommendations of the VBRC (see Hot Issues **Commonwealth Response to Victorian Bushfires Royal Commission Report**).

## NATIONAL SECURITY

### **Air Security Officer Agreements**

Australia has a number of existing Air Security Officer (ASO) arrangements in place.

The continuation and ongoing development of the ASO program was endorsed by the Federal Audit of Police Capabilities (Beale). The ASO Program is a component of Australia's counter-terrorism efforts and provides an additional layer of aviation security. ASO deployments are risk-based and adaptable to changing security threats.

Australia is seeking to expand the number of countries with which it has ASO deployment arrangements.

### **Aviation Security Bill**

The Aviation Crimes and Policing Legislation Amendment Bill 2010 proposes amendments to three Acts - the *Crimes (Aviation) Act 1991*, the *Commonwealth Places (Application of Laws) Act 1970* (COPAL Act) and the *Australian Federal Police Act 1979* (AFP Act). It has not been debated in either chamber and the Senate Legal and Constitutional Affairs Committee's inquiry was suspended during caretaker. The Bill would need to be reintroduced when Parliament reconvenes.

The Bill would insert new offences and increase penalties for existing offences in the *Crimes (Aviation) Act*, and rectify technical anomalies in the COPAL Act and AFP Act that impact upon the powers of AFP members to investigate offences committed at certain airports. Further information on Bills can be found in the **Priority/Time Critical Legislation** brief.

### **Counter Terrorism Control Centre**

The Counter Terrorism Control Centre's role in focusing counter terrorism efforts is ongoing. Please refer to the ASIO Incoming Government Brief.

### **Critical Infrastructure Protection**

The Attorney-General launched the Australian Government's Critical Infrastructure Resilience Strategy on 30 June 2010. The Strategy's aim is the continued operation of critical infrastructure in the face of all hazards, and includes an organisational resilience element. AGD is leading the implementation of the Strategy, in partnership with a number of Australian Government agencies, States and Territories, and businesses. Implementation will include the delivery of a range of initiatives as outlined in the Strategy.

### **Cybercrime Convention**

On 30 April 2010, the Attorney-General and Minister for Foreign Affairs announced Australia's intention to accede to the Council of Europe Convention on Cybercrime. The Convention is the only binding international treaty on cybercrime. It serves as a guide for nations in developing comprehensive legislation on cybercrime and provides a framework for international cooperation.

Australia is currently in a good position to comply with the majority of obligations under the Cybercrime Convention. The Department has been progressing legislative amendments to enable Australia to accede to the Convention, including amendments to both the *Mutual Assistance in Criminal Matters Act 1987* and the *Telecommunications (Interception and Access) Act 1979* to:

- enable Australian law enforcement to preserve telecommunications data to assist in the investigation of cybercrime
- facilitate access to stored communications for foreign law enforcement purposes, and
- enable the efficient sharing of such information.

Further information on Bills can be found in the **Priority/Time Critical Legislation** brief.

### **Developing a Framework for National Biometric Interoperability**

There is a pressing need to develop a national framework to apply to Commonwealth and State/Territory agencies to ensure biometric interoperability for a range of key government strategies, including national security, law enforcement, border protection and service delivery reform. The recent referral of the draft *Privacy Amendment Bill 2010: Privacy principles* to a Senate Committee on 24 June 2010, provides greater clarity on the privacy framework to apply to biometrics, with the result that developing the biometrics interoperability framework can be progressed without delay.

### **National Security Legislation Amendment Bill and Parliamentary Joint Committee on Law Enforcement Bill**

The National Security Legislation Amendment Bill implements the Government's responses to a number of independent and bipartisan reviews of national security and counter-terrorism legislation. The Parliamentary Joint Committee on Law Enforcement Bill establishes the Parliamentary Joint Committee on Law Enforcement, which will replace the Parliamentary Joint Committee on the Australian Crime Commission. The Senate Legal and Constitutional Affairs Committee conducted an inquiry into, and released a report on, the Bills. The Bills had not passed at the time the election was called and will need to be re-introduced. Further information on Bills can be found in the **Priority/Time Critical Legislation** brief.

### **Single Security Vetting Service**

The creation of a single security vetting agency within the Department of Defence was announced by the Australian Government on 1 December 2009.

The new Australian Government Security Vetting Agency, to be located in the Department of Defence, will commence operation on 1 October 2010. The Australian Security Vetting Service located in AGD will cease, and staff will transfer to Defence from 1 October.



**Telecommunications Interception and Intelligence Services Legislation Amendment Bill 2010**

*The Telecommunications Interception and Intelligence Services Legislation Amendment Bill 2010*, introduced in the Winter sittings of Parliament, facilitates greater cooperation, assistance and information sharing within Australia's law enforcement and national security communities. The Bill lapsed when Parliament was prorogued.

The Department will be seeking approval to reintroduce the Bill in the 2010 Spring sittings.

**OTHER MATTERS REQUIRING ATTENTION**

**CIVIL JUSTICE AND LEGAL SERVICES**

**DEPUTY SECRETARY: ELIZABETH KELLY**

**Access to Justice**

**Appointments**

**Classification**

**Improving and Modernising Legislation**

**International Law**

**Native Title**

**Protection of Rights**

## ACCESS TO JUSTICE

### Dealing with Family Violence and Child Protection in the Family Law System

There are several initiatives underway at both the Commonwealth and State and Territory levels to improve collaboration between the Federal Family Courts and the State and Territory child welfare authorities, including approval by the National Justice CEOs group in July 2010 for the development of a discussion paper identifying national initiatives to improve collaboration.

Recent reviews and research indicate that more needs to be done to help protect and support families who have experienced or are at risk of violence within the family law system. We have been developing responses to these reports, including the development of a multidisciplinary training package, pilots for legally assisted family dispute resolution and strengthening the family law system's legislative response to family violence and child abuse by drafting legislative amendments to the *Family Law Act 1975*, for Cabinet's consideration before a public consultation process is undertaken. The ALRC is also due to report in September on their Family violence inquiry and has a new reference on how a range of other federal laws support victims of family violence.

### Ethiopia-Australia Intercountry Adoption Program

There are a number of decisions relating to the ongoing viability of the Ethiopian program that will require your consideration including the appointment of a replacement Ethiopian-based representative and approval to work with new partner orphanage/s. The program does not currently have an operational orphanage which means no new adoptions can occur.

[REDACTED] Separate briefing on these issues will be provided at an appropriate time.

Comment [b208]: s33(1)(a)(iii)

### Family Dispute Resolution – Strategies to Keep More Families out of Court

The former Government announced proposals to extend the requirement to attend family dispute resolution before attending court beyond parenting cases to include property and spousal maintenance disputes and to expand arbitration under the Family Law Act to include children's matters. [REDACTED]

[REDACTED] We will provide further briefing on options in relation to this issue.

Comment [b209]: s33(1)(a)(iii)

### Laws of discovery and judicial exchange

A reference was made to the Australian Law Reform Commission on the laws of Discovery in May 2010 – the ALRC is asked to identify law reform options to improve the practical operation and effectiveness of discovery of documents. Following consideration by SCAG legislation has been passed to facilitate one-way exchange of Federal Court judges to state Supreme Courts. ALRC is due to report on discovery by 31 March 2011. Further legislation is required to allow Family Court judges to participate in judicial exchange scheme, and AGD is working with States to begin exchange process.

### National Legal Assistance Advisory Body

The Government announced the establishment of the National Legal Assistance Advisory Body in May 2010 in response to a recommendation of the *Strategic Framework for Access to Justice in the Civil Justice System*. The Department has prepared a shortlist of nominees, and appointments will need to be made in the coming weeks to enable the Advisory Body to commence its work. As outlined in the policy statement *A Secure and Fair Australia*, the Advisory Body will have an independent Chair, which may require additional funding for appropriate remuneration.

### National Legal Profession Reform Issues

COAG has asked the National Legal Profession Reform Taskforce to produce draft national legal profession legislation by the end of the year. There was a legislative package out for consultation until 13 August 2010.

Key stakeholders (including the Attorneys-General) and the media have raised concerns about the composition of the proposed National Board, the proposed role of SCAG and the funding of the reform. At a meeting of Attorneys-General (other than the Commonwealth Attorney and the Attorney-General for Queensland) SCAG addressed several of the key issues in the Reform. The Taskforce is reconsidering these issues in light of submissions received during consultation and is expected to provide an interim Report on the key issues to SCAG, the Consultative Group and the public in late September. The Taskforce is on track to report to COAG with the required package by the end of the year.

### Reform of Marriage Celebrants Program

Reforms to the Marriage Celebrants Program, and related marriage policy, are being considered to improve the Program and allow greater efficiencies in the way the program is administered. The Department will provide you with separate briefing on reform options.

### Regulations on Court and Tribunal Fees

The Department will brief you on a 2010 Budget decision to offset spending on legal assistance services through a change to court and tribunal fees. [REDACTED]

[REDACTED] These would come into force on 1 November 2010, and follow initial changes to fees that commenced on 1 July 2010.

Comment [b210]: s47C

## APPOINTMENTS

Refer to **Appointments** in Overview of Ministerial Responsibilities for detail on all significant upcoming appointments.

### Upcoming Appointments and General Issues Around Appointments

There are a number of upcoming appointments to statutory, judicial and advisory bodies that will require your early attention. The Department will provide you with separate briefings on these at the appropriate time. Public notices appeared in newspapers on 10, 16 and 17 July for appointments to the Family Court in Queensland and the Federal Magistrates Court in Newcastle. Advisory panels, comprising the relevant head of court, former judicial officers and senior departmental officers, have been convened to consider potential candidates.

Comment [b211]: s47C

## CLASSIFICATION

### R 18+ Classification for Computer Games

On 7 May 2010, SCAG Ministers agreed that the Commonwealth would progress eight areas of work to further analyse community and expert views with regard to whether there should be an R 18+ classification for computer games, and report back at the 4-5 November 2010 SCAG meeting.

Work includes further targeted research into community views to determine their consistency with the December 2009 public consultation and community assessment panels to provide feedback on community standards.

Agreement will be sought on proposed options to carry out this work.

## IMPROVING AND MODERNISING LEGISLATION

### Bankruptcy system understanding

A review of aspects of the *Bankruptcy Act 1966* being conducted by the Attorney-General's Department is likely to recommend [REDACTED]

[REDACTED] ITSA is currently implementing an online debt management tool which will enable debtors to receive advice on the best options for their particular circumstances. The Attorney-General's Department will seek approval for public consultation on the review of the Bankruptcy Act as soon as possible after the election.

Comment [b212]: s47C

### Civil Dispute Resolution Bill

On 16 June 2010 the Civil Dispute Resolution Bill was introduced into the House of Representatives. A decision will need to be made about whether to introduce the Bill. The Bill, based on recommendations from the 2009 NADRAC *Resolve to Resolve* report, encourages the resolution of disputes outside of the courts and seeks to improve access to justice by focussing on the early resolution of disputes.

### Government Response to the Senate Legal and Constitutional Affairs References Committee Report on 'Australia's Judicial System and the Role of Judges'

The report's 16 recommendations include: the establishment of a federal judicial commission to handle complaints, assist in consistent sentencing and enhance judicial education; part-time working arrangements for judicial officers; a nationally consistent retirement age; and enhanced transparency in appointments to federal courts. The Government has not yet responded to this report.

### ITSA Cost Recovery

The Insolvency and Trustee Service Australia (which regulates the personal insolvency system) is implementing new cost recovery measures in order to offset additional funding it received in the 2010-11 Budget. The first of the cost recovery measures is due to commence on 1 October 2010 and consultation will need to start as soon as possible after the election.

## INTERNATIONAL LAW

### Arbitration Reforms

Significant amendments to the *International Arbitration Act 1974* received Royal Assent on 6 July 2010. Regulations under the amended Act to prescribe authorities able to appoint arbitrators have been drafted. There are also a number of minor amendments which would be desirable if drafting resources are available. You will be briefed on these issues. [REDACTED]

Comment [b213]: s33(1)(a)(iii)

### Australia's Preparations for its Universal Periodic Review Appearance in 2011

Australia is due to be reviewed under the United Nations Human Rights Council's Universal Periodic Review (UPR) mechanism on 27 January 2011, with Australia's National Report due on 18 October 2010. The Attorney-General's Department is the lead agency in preparing for Australia's first UPR and the Attorney-General may be approached to head the Australian delegation.

### Implementation of Australia's framework for law and justice in the Pacific

The Framework was launched publicly by the Attorney-General and Parliamentary Secretary for International Development Assistance on 15 June 2010. Immediately following the launch, the Secretary of this Department chaired a roundtable meeting with key stakeholders

## Section 5 – Other Matters Requiring Attention

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to commence discussions on practical implementation of the Framework. AGD and AusAID are working with all sectors through a high level steering group to improve strategic leadership and coordination of Australia's engagement in the Pacific law and justice sector. We are also working collaboratively with Pacific Island countries through forums such as the Pacific Islands Law Officers' Network to identify and pursue priority projects under the auspices of the Framework.

### **International Pro Bono Advisory Group**

The International Pro Bono Advisory Group has identified key priorities and mechanisms for developing international pro bono work including publicising international opportunities, supporting practitioners, and promoting links between providers, governments and NGO's.

In support of these strategies, the Group has launched a new website portal, endorsed a statement of principles to promote best practice and commenced development of evaluation template documents to help share lessons learnt.

The Advisory Group meets twice a year and will continue to explore opportunities to promote better awareness of its work. AusAID will also need to inform the Advisory Group about development assistance priorities and provide information about aid effectiveness to help it prioritise requests for assistance, and determine how best to address them.

### **Optional Protocol to the Convention against Torture**

Australia signed the Optional Protocol on 19 May 2009. The objective of the Optional Protocol is to provide for a system of regular visits to places of detention by the United Nations Subcommittee on Prevention of Torture and also by a national preventive body which is required to be set up or maintained by the State Party.

Consultation with the States and Territories on the steps required to progress towards ratification in 2011 has commenced. Letters sent to all First Ministers in July 2010 indicated that the Commonwealth would convene an officer-level working group meeting to achieve agreement on these issues in September 2010.

### **Response to Request from the United Nations Human Rights Committee for Information on Follow-Up to Concluding Observations**

Following Australia's appearance before the UN Human Rights Committee in March 2009 regarding its latest periodic report under the International Covenant on Civil and Political Rights, the Committee issued its Concluding Observations in early April 2009 and requested a response to four of the recommendations – concerning counter terrorism, the Northern Territory Emergency Response, violence against women, and immigration – within one year. The response is now overdue and will require the Attorney-General's clearance after the election.

### **Trade Measures Review Officer**

The Trade Measures Review Officer submitted to the previous Minister for Home Affairs a report in regard to a dumping notice imposed on silicone emulsion concrete admixtures from the United States of America on 16 July 2010. This report was returned due to the caretaker period and will be resubmitted for your consideration.

On 24 August 2010, the Trade Measures Review Officer also reversed a termination decision in relation to a particular company exporting aluminium extrusions to Australia. This matter will now be further considered by Customs and Border Protection.

<b>NATIVE TITLE</b>
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### **Confirming a Native Title Ministers' Meeting Date**

The Native Title Ministers' Meeting, comprising all relevant Commonwealth, State and Territory Ministers, is the ministerial council which endorses national native title policy

## Section 5 – Other Matters Requiring Attention

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developed by the intergovernmental Joint Working Group on Indigenous Land Settlements (JWILS). States rotate hosting the meetings and the Attorney-General's Department is the Secretariat for the Joint Working Group.

Following the election, the Government will need to confirm the date for the next meeting which will consider progress and next steps of the Joint Working Group, including consideration of JWILS recommendations for Ministers against its 2009-10 Terms of Reference on improving the governance of benefits provided under native title settlement agreements.

### Native Title Agreements Discussion Paper

When the election was called, the Department and FaHCSIA suspended consultations on the discussion paper "Leading practice agreements: maximising outcomes from native title benefits", which canvasses proposals to improve native title agreement-making and benefits management. If the Government wanted to progress the measures as a matter of priority, and in order to have a bill ready for introduction in the Autumn 2011 sittings (including Cabinet consideration in November), authorisation to recommence the consultations would be required immediately.

### Native Title - legislation

Reintroduction of the Government's Native Title Amendment Bill (No.2) 2009 would provide a new process in the *Native Title Act 1993* for the construction of public housing, infrastructure and facilities on Indigenous-held land which may be subject to native title.

Introduction of a new Bill to amend the *Aboriginal and Torres Strait Islander Act 2005* would confirm a role for the Indigenous Land Corporation in supporting native title settlements.

[REDACTED] The application for funding is being assessed in accordance with Indigenous Test Case Guidelines. The Wild Rivers Act regulates activities in wild river areas.

Comment [b214]: s47C

The challenge seeks to declare the Queensland Act invalid on the basis that it is inconsistent with the *Racial Discrimination Act*, the *Native Title Act* and *Constitution*. In June 2010, the Senate passed the Wild Rivers' (Environmental Management) Bill, which requires agreement of traditional owners to the development of native title land in wild river areas. The Bill was not considered by the House of Representatives before the election was called.

Further information on Bills can be found in the **Priority/Time Critical Legislation** brief.

### Native Title Financial Assistance to States

[REDACTED] (original offer made by Prime Minister Keating in 1994, and reaffirmed by Prime Minister Howard on several occasions). However, no jurisdictions ever entered into an agreement with the Commonwealth to formalise the offer. The Government will need to consider its approach to contributing to State and Territory native title compensation and settlement costs.

Comment [b215]: s47C

## PROTECTION OF RIGHTS

### Australia's Human Rights Framework

Australia's Human Rights Framework was launched on 21 April 2010 by Attorney-General McClelland. It arises from the Government's National Human Rights Consultation conducted from December 2008 to September 2009. The Framework comprises legislated and non-legislated measures. The key 'legislated measures' are (a) a requirement that all new legislation be accompanied by a 'statement of compatibility' with human rights and (b) the establishment of a Parliamentary Joint Committee with powers including the power to inquire

## Section 5 – Other Matters Requiring Attention

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into new legislation. The Bills to establish these measures have lapsed and consideration should be given to whether to re-introduce them; and to amend the commencement date for statements from early 2011 to mid-2011 to enable better implementation.

### **Strengthening community safety for Indigenous Australians**

The Department will continue work to improve the community safety outcomes of Indigenous Australians by:

- working with PM&C and FaHCSIA in the development of an Aboriginal and Torres Strait Islander Safe Communities strategy;
- developing an Indigenous Justice Target for SCAG;
- facilitating endorsement of proposals agreed at the Roundtable on Indigenous community safety;
- evaluating a number of Indigenous justice initiatives under the National Indigenous Law and Justice Framework; and
- working with the Australian Crime Commission's National Indigenous Intelligence Task Force as it gathers intelligence on child abuse and violence in Indigenous communities. The 2010-11 Budget committed funding of \$6.2 million over 2 years for the Task Force.

FaHCSIA is the lead agency in the development of coordinated service delivery to Indigenous Australians. Where relevant, AGD contributes to this work.

### **Supporting the National Indigenous Intelligence Task Force**

Since its inception in mid 2006, the NIITF has enhanced national understanding of the nature and extent of child abuse and violence and other criminal activity in Indigenous communities by providing intelligence-based advice to key stakeholders.

Over the next two years, the Task Force will continue to provide intelligence on the nature of the environment within which Indigenous violence or child abuse offences are committed, including offending related to the supply of illicit substances or involving abuse of power in Indigenous communities. The Task Force will produce a range of operational and strategic products and will work closely with key government and non-government stakeholders in order to enhance understanding about these issues.

### **Sex Discrimination Amendment Bill 2010**

The Bill would strengthen protections against sexual harassment and discrimination on the grounds of family responsibilities, include breastfeeding as a separate ground of discrimination and ensure the *Sex Discrimination Act 1984* provides equal coverage for men and women. The Bill seeks to implement eight recommendations of the Senate Committee inquiry into the Sex Discrimination Act, five of which were not supported by the Coalition Senators on the Committee. The ALP Policy 'Equality for Women' includes a commitment to proceed with these amendments, either through a standalone Bill or as part of the project to consolidate anti-discrimination laws. Consideration should be given to whether the amendments should be reintroduced for progression ahead of the consolidated anti-discrimination laws.

### **Bath Inquiry into Northern Territory Child Protection System**





Section 5 – Other Matters Requiring Attention

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Comment [b216]: s47C

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