

Senate Legal and Constitutional Affairs References Committee

Attorney-General's Department

Hearing date: 25 July 2023

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Paul Scarr asked the following question:

CHAIR: Thank you, Senator Waters. I have some questions. I want to pursue the question that Senator Waters raised in relation to what the police ministers are doing. This is especially given the evidence we heard earlier today from Ms Iles in particular in terms of her terrible experience interacting with law enforcement agencies in two states. It has certainly underlined in my mind the importance of our police ministers at all levels engaging in looking at their own systems and processes. The submission is heavily weighted towards other aspects of the legal system, or justice system. I note that on page 13 there's a reference to providing a further \$4.1 million over four years from 2022 to 2023 to the Attorney-General's Department to enhance law enforcement responses. In particular, that seems to be channelled towards the development and delivery of a national training package, so it's to be commended. I'm happy for you to take this on notice. The residual concern I have is what the police ministers are doing. Obviously, the remit and responsibilities of the Attorney at a federal level includes the Australian Federal Police. It does beg the question in my mind, given the importance of the law enforcement agencies, what is happening in that space. I'm happy for you to take that on notice. I want to underline the importance of the issues Senator Waters raised in term of the thinking of this committee. I will ask you to take that on notice, Ms Bogaart, and provide a fulsome response.

Ms Bogaart: I'm happy to take it on notice. I note that the Police Ministers Council, which has only met once so far—it has recently been established—has agreed to a standing agenda item on domestic, family and sexual violence for future meetings. So it is certainly something that they will be considering. We can propose that agenda items on issues like this are there.

CHAIR: So from my perspective, it's incredibly important that those ministers are aware of the issues that we are hearing in the context of this forum and no doubt are being ventilated in other forums so they understand the importance of this issue and the concerns in the community. On notice, your response could perhaps deal with that concern.

Ms Bogaart: Yes. There will be opportunities through the ALRC inquiry, which is specifically being asked to look at police responses to then generate any recommendations or issues that come out of that and take that into police ministers forums. Of course, it will be a matter for the police ministers to agree on the agendas. There are things in train.

The response to the question is as follows:

The Police Ministers Council is chaired by the Australian Attorney-General and comprises police ministers from every state and territory and New Zealand, totalling 10 representatives. The purpose of the Police Ministers Council is to create a forum of coordination and collaboration to improve policy outcomes and ensure the safety and security of Australian and New Zealand citizens. The Terms of Reference for the Police Ministers Council lists domestic, family and sexual violence as one of its priorities for 2023/24.

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Nita Green asked the following question:

Senator GREEN: Okay. Your submission mentioned that the Australian Institute of Criminology is conducting a national review of sexual assault legislation. I think you've said it was to be published in July. What is the progress on that? What are some of the key takeaways from that review?

Ms Zezovska: There has been a slight delay with that report. It's currently out for comment with the working group as well as stakeholders across the Commonwealth agencies, including the Commonwealth Director of Public Prosecutions and the Australian Federal Police.

Comments are due by 4 August for that interim report. That is the literature review as well as the comparative legislative analysis of all state and territory and Commonwealth laws. There will be a final report released later in the year that will be complemented by the findings from the AIC survey of victims and survivors as well as some consultations with legal experts.

Senator GREEN: So the comments are due back on 4 August. When will the report be published?

Ms Zezovska: I will have to take that on notice from the AIC peer review process perspective. They have confirmed that they would like to provide the committee with a confidential copy before that is concluded.

Senator GREEN: Our committee?

Ms Zezovska: Yes.

The response to the question is as follows:

The Australian Institute of Criminology's (AIC) national review of sexual assault and child sexual abuse legislation in Australia is in its final stages. The interim report, which contains a literature review and comparative legislative analysis of all state and territory and Commonwealth laws, was provided to the Standing Council of Attorneys-General officials-level National Working Group on Criminal Justice Responses to Sexual Assault and relevant Commonwealth agencies for feedback in early August 2023.

Once stakeholder feedback is incorporated, which is intended to be complete by the end of August, the AIC will provide the Senate Legal and Constitutional Affairs References Committee (the Committee) with factual information from the national comparative legislative analysis. .

The final report, which will include findings from the interim report and other elements of the review such as consultation with victims and survivors and their advocates, is intended to be published in December 2023, subject to editing processes.