

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

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Question No. 26

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

Proposed amendments to the *Classification Act* to deal with material advocating terrorist acts: The Attorney-General raised this issue on commercial radio in July 2005, please provide a chronology of the events regarding the amendments.

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

19 July 2005 – The Attorney-General was interviewed by Ray Hadley on Sydney Radio 2GB regarding alleged sale of books inciting terrorism, sedition laws and the classification process.

Between August and December 2005 – The AFP examined eight publications and one film and determined that no offences had been committed.

14 December 2005 – The AFP provided the material to the Classification Board for assessment. The Board classified the film 'PG' and the publications 'Unrestricted' on 22-23 December 2005.

February 2006 – The AFP consulted with the DPP. The AFP then examined the material against the recently amended sedition laws.

18 May 2006 – The Attorney-General requested advice from the DPP.

2 June 2006 – The DPP provided advice to the Attorney-General.

5 June 2006 – The Attorney-General applied to the Classification Review Board for review of the classifications of the eight publications and one film.

6 June 2006 – The Attorney-General wrote to Censorship Ministers about putting the issue on the SCAG agenda for the July meeting.

10 July 2006 – The Classification Review Board classified two publications RC (Refused Classification), six publications 'Unrestricted' and the film 'PG'.

27 July 2006 – The Attorney-General sought SCAG (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 that contain depictions and descriptions that advocate terrorist acts. Ministers agreed that officers should do further work on the issue and report back to Ministers.

Between July 2006 and April 2007 – Commonwealth officers negotiated with all State and Territory officers in an attempt to settle for Ministers' consideration an agreed paper on a proposal to amend the Classification Act. Officers were not able to reach agreement at the 26 September 2006 or the 1 March 2007 Censorship officers' meeting and a Commonwealth-only paper was ultimately produced for Ministers' consideration at their 13 April 2007 meeting.

13 April 2007 – The SCAG (Censorship) Ministers did not agree with the Commonwealth proposal to amend the Classification Act to require material that advocates acts of terrorism be refused classification but instead agreed that officers should report back on amendments to the National Classification Code (and guidelines for publications and for films and computer games if necessary).

20 April 2007 – The Attorney-General wrote to Censorship Ministers seeking their agreement to release for public consultation a Discussion Paper on proposed changes.

2 May 2007 – The Discussion Paper on a proposal to amend the Code and guidelines to capture material that advocates terrorist acts was released and posted on the Attorney-General's Department's website for submissions by 29 May.

7 June 2007 – The SCAG (Censorship) officers discussed the proposal and submissions on the Discussion Paper.

19 June 2007 – The Attorney-General wrote to Censorship Ministers with a modified proposal to amend the Code and guidelines and requesting that agreement be reached at the July SCAG meeting.

21 June – The Attorney-General introduced a Bill to Parliament to amend the Classification Act in the same way as the Code / guidelines proposals. This was done with the intention of being in a position to get passage in the Spring sittings if States and Territories are unable to reach agreement on amendments to the Code and guidelines.