

# SPECIAL MEETING OF THE COUNCIL OF AUSTRALIAN GOVERNMENTS ON COUNTER-TERRORISM

CANBERRA — 5 OCTOBER 2017

## COMMUNIQUÉ

At today's special meeting of the Council of Australian Governments on counter-terrorism (CT COAG), leaders agreed a package of legislative and practical measures that will further strengthen our nationally consistent approach to countering the evolving terrorist threat and help **make Australians safer**.

All leaders acknowledged that **the terrorist threat in Australia remains elevated**, and Australia and Australians are viewed as targets by people who want to do us harm. With the scale and tempo of the threat evolving, so too must our response. Leaders affirmed that we must get this right because the lives of Australians are at risk.

### Adopting a nationally consistent approach

Terrorism is a threat we must combat together. Jurisdictional boundaries do not deter terrorists, so they should never limit our efforts to stop them.

A nationally consistent approach to preventing and responding to terrorist threats underpins Australia's national security in a complex and evolving threat environment. **Close cooperation and interoperability between Commonwealth and state agencies is critical to Australia's ability to counter terrorism**. It is the bedrock of our national counter-terrorism effort. And by strengthening legal frameworks, implementing new practices and programs and improving information sharing, we are better equipping our security and law enforcement agencies, strengthening protections for public places, and preventing radicalisation and violent extremism.

Today, leaders recommitted to Australia's nationally consistent approach. They emphasised the importance of interoperability across the spectrum of counter-terrorism efforts by signing an updated **Intergovernmental Agreement on National Counter-Terrorism Arrangements** and noting a strengthened **National Counter-Terrorism Plan**.

Leaders agreed to establish a **National Facial Biometric Matching Capability** and signed an Intergovernmental Agreement on Identity Matching Services. This will help to protect Australians by **making it easier for security and law enforcement agencies to identify people who are suspects or victims of terrorist or other criminal activity**, and prevent the use of fake or stolen identities — which is a key enabler of terrorism and other serious crime. Under the Agreement, agencies in all jurisdictions will be able to use new face matching services to access passport, visa, citizenship and driver licence images — **while maintaining robust privacy safeguards**.

### Better equipping our agencies

Our security and law enforcement agencies are among the best in the world. To support national consistency and interoperability — and **boost the powers and effectiveness of our security and law enforcement agencies** — leaders agreed to a range of legislative measures.

In the current terrorist threat environment, plots develop quickly and there is often little time to detect and disrupt plots. Our Joint Counter-Terrorism Teams (JCTTs) in every jurisdiction, made up of state and territory and Commonwealth law enforcement and ASIO, are national assets in our fight against terrorism. They often need to make arrests very soon after becoming aware of a threat and this relies on the

interoperability and consistency of our pre-charge legislation. To this end, leaders agreed to the **enhancement of the existing Commonwealth pre-charge detention regime** under Part 1C of the *Crimes Act 1914*.

At their last meeting, leaders agreed to ensure there will be a presumption that neither bail nor parole will be granted to those persons who have demonstrated support for, or have links to, terrorist activity. Today, leaders agreed that legislation implementing the 9 June COAG decision will be underpinned by nationally consistent principles to ensure there is a **presumption against bail and parole in agreed circumstances** across Australia.

Corrections information is critical to JCTT submissions to the Commonwealth Attorney-General on parole decisions for terrorism offenders. In June, leaders agreed to **better integrate security-cleared state and territory corrections staff with JCTTs** to improve information-sharing. Leaders noted that, since June, JCTTs across the country have implemented this agreement.

It is important that our laws allow intervention at the early stages of preparations for a terrorist act. Leaders agreed the Commonwealth will develop a **new Commonwealth offence** that will allow law enforcement agencies to intervene when an individual is in **possession of instructional terrorist material**, with appropriate safeguards. This will help to alleviate the impact of material that provides practical guidance for terrorist attacks onshore. To deter terrorism hoaxes, which have the potential to cause significant alarm and serious disruption to the community, and divert valuable law enforcement and emergency services, the Commonwealth will develop a **terrorism hoax offence**. This will ensure that the potentially broad nature of terrorism hoaxes is criminalised in all jurisdictions.

As the Prime Minister announced in July 2017, the Commonwealth is working with states and territories on measures to **increase practical counter-terrorism cooperation between the Australian Defence Force (ADF) and state and territory police**. State and territory police will continue their vital role as primary responders to terrorist attacks within their jurisdictions. The new measures will make it easier for the ADF to provide assistance in the event of a terrorist incident, including through increased liaison, training, joint exercises and removing constraints to calling in the ADF.

### **Protecting our public places**

With recent attacks overseas, along with the successful disruption of the aviation plot in Sydney, leaders agreed it is vital we focus our efforts on **making our public places and the aviation sector as secure as possible** from terrorist attack. Leaders are committed to implementing the most robust and thorough protective security plans we can. Our success will rely on close cooperation with the community and owners and operators of crowded places.

Leaders welcomed the launch in August of Australia's **Strategy for Protecting Crowded Places from Terrorism**. They emphasised the importance of making crowded places more resilient to terrorist attacks in order to protect the lives of people working in, using and visiting them. Now it is important for all stakeholders to implement the measures outlined in the Strategy as soon as possible.

Following the disrupted terrorist plot in July — and to keep ahead of the evolving threat — the Commonwealth has worked with major airports and airlines to **strengthen Australia's aviation security nationally**. Leaders noted work already underway for more stringent checks for people, vehicles and goods accessing restricted areas of airports; enhanced training for screening staff; and increased screening at international mail gateways and air cargo facilities. The Commonwealth is also exploring additional measures to mitigate vulnerabilities in the aviation sector, including air cargo and international mail.

To further protect the public, leaders agreed to **expand the phone-based national Emergency Alert warning system** to make it available for use during a national security incident. By agreeing to this, leaders are better equipping agencies to communicate with the public during a terrorist incident, including encouraging people to move away from areas where they may be at risk.

### **Preventing radicalisation and violent extremism**

Leaders reaffirmed today that our most effective defence against terrorism is to **prevent radicalisation and the progression to violent extremism**. As outlined in the Australian Counter-Terrorism Strategy, there is no single factor that makes someone vulnerable to radicalisation; this is a complex and individual process. Leaders agreed we must use all tools available to give ourselves the best chance of identifying those who are vulnerable to radicalisation, and provide them and their communities with the assistance and support they require to divert them from radicalisation.

In response to the *Lindt Coronial Inquiry* and the Commonwealth Counter-Terrorism Coordinator's *2016 Review of Lessons Learned from Recent Terrorist Attacks Overseas*, leaders agreed to pursue **a national approach to assessing and managing fixated threats**.

Our priority is to identify and prevent Australians from radicalising to violence as early as possible. The first phase of this national approach, already completed, sets the foundation for interoperability and consistency between the Commonwealth and state fixated threat assessment practices.

Today, leaders agreed a further three phases, to be completed over the coming years, which will build on this work to deliver nationally consistent support and treatment referral frameworks. To **prevent people from falling between the cracks**, leaders committed to improving information sharing to identify individuals who pose a genuine threat to security, including through possible legislative reform.

Leaders noted that the risk posed by violent extremism in Australian corrections systems is relatively small, but is likely to grow. Steps have been taken through the High Risk Terrorist Offenders scheme to mitigate against offenders that pose an unacceptable risk to the community by keeping them detained even after their sentences have been completed. In addition, leaders noted the need to ensure that **effective programs are available to identify, manage and rehabilitate high-risk offenders within prisons**, including in the juvenile justice system.

Leaders were updated on the range of **countering violent extremism work** being done across the country and emphasised that cooperation between security agencies, community and faith-based groups is essential to countering extremist ideology.

The package of measures agreed today will ensure the nation has a comprehensive response to the terrorist threat and leaders committed to work together to **keep Australians safe**.