

COUNTRY REPORT— AUSTRALIA

**PACIFIC ISLANDS LAW OFFICERS' NETWORK
MEETING**

RAROTONGA

DECEMBER 2007

Introduction	3
I Regional engagement.....	3
AFP presence in the region.....	3
Australia’s involvement in the Solomon Islands under the Regional Assistance Mission to the Solomon Islands—RAMSI.....	5
PNG Enhanced Cooperation Program — ECP.....	6
Anti-Money Laundering Assistance Team — AMLAT	7
Pacific Legal Knowledge Program.....	8
Overseas judicial assistance	8
Australian Government overseas aid.....	9
The South Pacific Precursor Control Forum	11
Twinning of Law Libraries Program.....	12
Legislative drafting services.....	13
Counter-Terrorism capacity building workshops.....	13
Asia Pacific Forum of Human Rights Institutions	14
II International legal cooperation	14
Aviation Law	14
Extradition and mutual assistance reviews.....	15
International criminal justice cooperation treaties	15
III Criminal justice developments	15
Criminal Law issues	16
People trafficking	17
Identity security.....	18
Counter-terrorism	19
IV Civil justice developments	19
Native Title.....	20
Australian Government Northern Territory Emergency Response.....	21
Personal property securities.....	22
Legislative drafting developments	23
Intellectual property.....	23
UN Disabilities Convention	24
Private international law.....	24
Privacy legislation	25
GLOSSARY OF TERMS	26

Introduction

There have been some significant changes to Australia's law and justice policies in 2007. This report provides an update for PILON members on the major achievements in Australia's law and justice and policy developments since the 25th Pacific Islands Law Officers' Meeting held in Kiribati in February 2007. This report is written by reference to the previous report, which is available on the internet at www.pilonsec.org. The report is divided into the following four categories:

- I. Regional engagement
- II. International legal cooperation
- III. Criminal justice developments, and
- IV. Civil justice developments.

I Regional engagement

The Australian Government remains committed to assisting the Pacific region achieve stability and good governance. The Australian Attorney-General's Department, the Australian Federal Police (AFP) and AusAID have continued to use a whole of government approach to engaging with the region, and are working closely on key law and justice issues. This section provides an update on some key Australian initiatives in the Pacific.

AFP presence in the region

Pacific Transnational Crime Network

The Pacific Transnational Crime Network continues to provide proactive, transnational criminal intelligence and investigative capability to law enforcement agencies in the Pacific region. However, following the military coup in Fiji in December 2006, it became increasingly difficult for the Pacific Transnational Crime Coordination Centre (PTCCC), located in Suva, to undertake effective business operations. This came about largely because there was a lack of confidence on the part of Pacific police commissioners to provide resources, including human resources, to the Centre due to the ongoing security situation in Fiji.

The PTCCC Board of Management, at its meeting in Wellington New Zealand in October 2007, ratified its earlier decision to relocate the PTCCC to Apia, Samoa. The relocated PTCCC is now operational.

Despite the situation with the PTCCC, the operations of the Transnational Crime Units (TCUs) have been largely unaffected. The Micronesia regional TCU, which is to be established in Pohnpei in the Federated States of Micronesia (FSM), is now expected to be operational in mid January 2008.

Law Enforcement Cooperation Program

The Law Enforcement Cooperation Program (LECP) and its partner law enforcement agencies have continued to expand and provide support to the International Network.

During 2007, LECP facilitated the delivery of Disaster Victim Identification training in Vanuatu. This training was to be extended and provided to the Fiji Police Force, but due to the military

coup it was placed on hold. Australia will continue to monitor developments in Fiji and will review assistance to the Fiji Police Force accordingly.

In 2007, LECP funded a Criminal Investigation Management System train the trainer program for one staff member from each of the TCU's. In May 2007, LECP funded a Law Enforcement Intelligence Program for members of the Micronesia TCU and plans to deliver surveillance training to Papua New Guinea (PNG) TCU team members in 2008.

Computer Based Training Centres

In March 2006, Computer Based Training (CBT) Centres opened in Fiji, Samoa, the Solomon Islands, Tonga and Vanuatu. In 2006-2007 the AFP was granted Pacific Governance Support Program funding by AusAID, to establish and develop CBT Centres in the Cook Islands and Kiribati. The Cook Islands Centre will open in December 2007, and the Kiribati Centre is planned to open in 2008. The CBT program is a joint initiative between the AFP and the United Nations Office on Drugs and Crime.

Tonga

A joint AFP/New Zealand Police scoping mission to identify future programs to assist in capacity building of the Tonga Police Force was conducted between 5 and 17 February 2007. The Australian and New Zealand Governments received the formal response from the Government of Tonga to the mission assessment on 13 July 2007.

An Australian and New Zealand delegation conducted a follow-up mission to Nuku'alofa on 22 and 23 August 2007. Outcomes of the mission included a tripartite agreement to proceed with the recruitment of a Tongan Police Force Commander which, when completed, will trigger a broader program of assistance to be known as the Tonga Police Development Program.

In the interim, and before the Commander is in place, a package of immediate assistance will proceed including training, minor infrastructure assistance, legal and policy advice and the establishment of arrangements for the program.

Future Directions in Pacific Policing Strategy

The 35th Pacific Island Chiefs of Police (PICP) Conference directed the PICP Secretariat to develop a Future Directions in Pacific Policing (FDIPP) framework paper for presentation at the 36th PICP Conference in September 2007. A PICP Project Team comprising AFP and New Zealand Police, supported by project members from PNG, Palau and Kiribati, developed the new framework which effectively replaces the PICP Strategic Plan 2004-2007.

The FDIPP was presented and endorsed by the PICP at its annual meeting in September 2007. It is envisaged that the outcomes identified during FDIPP's development and how they will be addressed by stakeholders will be drawn upon to replace programs currently delivered by the Pacific Regional Policing Initiative.

Papua New Guinea

In 2006, a revised policing component of the PNG Enhanced Cooperation Program was approved by the Government of Australia for ten Australian police to deploy to Port Moresby and ten to Bougainville. The PNG Government acceptance of this offer remains outstanding.

Vanuatu

The Vanuatu Police Force Capacity Building Project is a five year \$28 million initiative which commenced in February 2006. It aims to assist the Government of Vanuatu to implement its own police reform agenda and includes the provision of training, workforce renewal, police advice, infrastructure and equipment, with a focus on enhancing community safety and crime prevention. The project is funded by AusAID and delivered by the AFP.

The AFP is contributing nine full time advisors to the program. Support during 2007 included provision of a Crime Prevention and Community Safety Advisor, who is a member of the Fiji Police.

The second (project funded) Vanuatu Police Force recruit course in 11 years was completed on 22 November 2007.

Nauru

The AFP has three members deployed as part of the AusAID-funded Nauru Police Force Reform Program. The program contributes to the whole of Government assistance package to Nauru, established through a Memorandum of Understanding between the Governments of Australia and Nauru. AFP members deployed to Nauru under this program include a Police Commissioner, Senior Police Advisor and a Protection officer.

Australia's involvement in the Solomon Islands under the Regional Assistance Mission to the Solomon Islands—RAMSI

RAMSI has been recognised as an outstanding example of regional cooperation in the Solomon Islands. It continues to make progress across all the areas of its mandate – law and justice, economic governance and the machinery of government. RAMSI personnel are deployed from all Pacific Islands Forum countries. RAMSI continues to enjoy overwhelming public support. The second annual People's Survey, an independent nationwide survey of Solomon Islanders' opinions, found that 90 per cent of Solomon Islanders want RAMSI to stay.

Leaders at the October Forum Leaders' Meeting provided a strong reaffirmation of RAMSI and outlined a way forward to re-engage the Solomon Islands Government on RAMSI issues. This follows the 2006 Leaders' Meeting which established, at Solomon Islands Government's request, a review of RAMSI. The final review report strongly endorsed RAMSI's work and legal underpinning in the *Facilitation of International Assistance Act 2003* (Solomon Islands). However, in August 2007, the Solomon Islands Parliament decided to undertake its own review of the Act.

The overall security situation has remained quiet over the last year with no major security incidents and no report of any gun-related crime. Despite this, according to this year's Peoples' Survey, 80 per cent of Solomon Islanders fear a return of violence if RAMSI was to leave soon.

The Participating Police Force continued its primary role of building the capacity of the Solomon Islands Police Force (SIPF), which included the progression of management, investigatory, training and ethical standards systems. Crime control was addressed through the establishment of a National Crime Prevention Council; village-based Crime Prevention Committees; introduction of targeted patrolling in crowd situations and crime hot spots; and the recommencement of bicycle and foot patrols around Honiara. Of significance is the increased confidence in the community to report incidents to police. This reflects the SIPF's progressive assumption of more responsibility for core functions. Policing in the provinces has also

improved as a result of provincial training courses subjects including domestic violence, gender equity and discrimination.

RAMSI's corrections objective is closely aligned to the Solomon Islands Prison Service (SIPS) mission and there is evidence of progress on all the objectives within the control of SIPS. RAMSI's continued support to the prison service is provided through a range of activities, including institutional and individual capacity development. The mission has engaged advisers to support SIPS in key areas, including human management of juveniles, professional standards and intelligence. Security enhancements at Rove Central Prison in Honiara are underway and new provincial prisons in Auki and Gizo are planned.

RAMSI is also working with SIPS to ensure prisons in the Solomon Islands comply with the United Nations Standard Minimum Rules for the Treatment of Prisoners, which the Rove Central Prison is now judged to be meeting. A key achievement in this area has been the adoption of the *Correctional Services Act 2007*. The Act promotes prisoner rights and has a strong focus on prisoner rehabilitation and community engagement. This is complemented by the development of a Prisoner Rehabilitation Framework. The Act was passed by the Solomon Islands Parliament in August 2007 and is expected to be in force in early 2008.

Approximately 50 per cent of the tension-related trials have now been completed. The remaining trials are expected to be completed by the end of 2008, resulting in average remand times being reduced by more than half, from about 24 months to just over nine months. Local government lawyers are making more court appearances and a graduate lawyer program has been developed which provides a two-year program for 12 law graduates initially to enter the government legal service. This is expected to rise to 20 annually.

RAMSI will continue to focus on developing the capacity of Solomon Islanders and their institutions to ensure the long-term sustainability of the mission's work. Enhanced communication and coordination between RAMSI, Solomon Islands Government and the Pacific Islands Forum will hopefully ensure greater stakeholder engagement, which is necessary for the continued maintenance of gains and further progress.

PNG Enhanced Cooperation Program — ECP

Under the ECP a number of Australian officials continue to work alongside PNG officials in the public administration and justice systems. These positions have been capacity building through performing a mentoring and advising role within the PNG government offices.

Unfortunately, issues surrounding the appointment of a Solicitor-General have resulted in the appointment not being made to date. However, in light of the progress made by the past and current deployees, the Australian Attorney-General's Department is hoping to increase the number of deployees in the law and justice sector early in 2008. There are currently four ECP officials working in that sector. It is intended that two of the new deployees will be replacing vacant positions and six additional deployees will fill new positions.

ECP deployees seconded to the PNG Department of Justice and Attorney-General have been working to assist Department officials to implement the recommendations stemming from the *White Paper on Law and Justice in Papua New Guinea*, recently launched by the PNG Minister for Justice. This includes participating on working groups tasked with establishing the new Government Law Office, which will replace the Office of State Solicitor and the Office of the Solicitor General, and the restructure of the Department of Justice and Attorney General including the Legal Policy Unit.

ECP prosecutors have been working to develop a number of guides and manuals to improve the effectiveness of the Public Prosecutors Office. These include a comparative sentencing schedule, prosecution checklist and a leadership code manual of comparative sentences which are being used by PNG courts to promote consistency in sentencing and a draft Proceeds of Crime Prosecution Manual.

From March to August 2007, ECP prosecution lawyers appeared in three Supreme Court Appeal hearings, prosecuted 11 trials, one Leadership Tribunal hearing, and one Judicial Review application.

The Continuing Legal Education program has proven to be very effective in encouraging knowledge sharing, developing confidence of prosecutors and in encouraging questioning and discussion. ECP prosecutors have also conducted a number of successful training workshops on leadership.

Placement of additional ECP employees is expected to greatly enhance the work of the program in 2008.

Anti-Money Laundering Assistance Team — AMLAT

AMLAT has continued to provide bilateral and regional assistance to countries in the Pacific to develop systems to combat money laundering and terrorist financing. Since February 2007, AMLAT has:

- continued to provide assistance to establish and strengthen financial intelligence units (FIUs) in PNG, Nauru, Kiribati, the FSM, the Solomon Islands, Tuvalu and Tonga
- provided all FIUs in the region with access to the World Check database
- developed a prosecutor pairing program that involves a prosecutor from the Pacific being placed within a Criminal Assets Branch in the Commonwealth Director of Public Prosecutions for two months to be mentored and gain practical experience in taking proceeds of crime action.
- provided law enforcement mentoring to the Cook Islands FIU and Financial Supervisory Commission on a particular case, in conjunction with the Pacific Anti-Money Laundering Program (PALP)
- hosted the Director of the Fiji FIU for a two month placement, as part of the Pacific Islands Scholarships for Governance Program
- co-hosted a sub-regional judicial workshop with PALP in May in Palau for judicial officers from six northern Pacific countries, focussing on the proceeds of crime
- co-presented a workshop for FIUs and Transnational Crime Units with the Australian Federal Police in June in Sydney
- co-presented a regional workshop for law enforcement and FIU officers with PALP in July in Samoa, focussing on the investigation of financial crimes, money laundering and terrorist financing
- hosted a follow-up workshop for judicial officers from PNG, Vanuatu, and the Solomon Islands in November in PNG, and
- participated in two ongoing projects with the Oceania Customs Organisation and PALP on border currency reporting and trade based money laundering.

In June AMLAT also established an office at the Pacific Islands Forum Secretariat in Suva, Fiji, where the AMLAT Coordinator and one Law Enforcement Adviser are based.

Over the next six months, AMLAT has a number of activities planned. These include further assistance to FIUs in the region, including bilateral support and a third regional workshop, assistance to the Solomon Islands FIU to plan and host its annual national anti-money laundering workshop, provision of mentoring support for prosecutors in Nauru, provision of in-country law enforcement training in Cook Islands and PNG, and continued work on the implementation of border currency reporting in the region, focussing initially on Fiji and the Solomon Islands.

AMLAT remains keen to work together with Pacific island countries to identify and address gaps in anti-money laundering and counter financing of terrorism systems.

Pacific Legal Knowledge Program

The Pacific Legal Knowledge Program (PLKP) has continued in 2007. In April 2007 an International Crime Cooperation workshop was run by the Australian Attorney-General's Department in Samoa. The workshop brought together police officers, prosecutors and central agency legal officers from across the Pacific and aimed to enhance their capacity to initiate and respond to proceeds of crime, extradition and mutual assistance matters. It also facilitated communication and relationships between agencies, both domestically and internationally. Another International Crime Cooperation workshop is planned for April 2008 in Brisbane.

In 2007 the Attorney-Generals' Department developed the Legislative Drafting Pairing Program as part of the PLKP. The program involves a Pacific Island drafter undertaking a placement with the Office of Legislative Drafting and Publishing in the Attorney-General's Department. The purpose of the placement is to improve the drafter's knowledge and capacity in drafting, through practical experience, training and mentoring. The Attorney-General's Department funds travel, accommodation and living expenses while the legislative drafter takes part in the program. An officer of the Attorney General's Office of Samoa was the first to take part in the Pairing Program, spending 10 weeks in the Department from June to August in 2007. Assistance to the Attorney General's Office of Samoa was also provided as part of the program, with two Attorney-General's Department officers travelling to Samoa in October to install hardware to enable the electronic searching of legal documents, assisting with the creation of templates for legislative drafting, and providing legislative drafting assistance.

A second pairing program is planned for 2008. Nominations for participation in the program are currently being sought.

Overseas judicial assistance

Australian courts continue to provide assistance to the Pacific, with current and former judges holding commissions in courts of Pacific countries. Assistance is also provided through workshops, judicial training, and other activities aimed at judicial development.

Judges' commissions in the Pacific

Current Judge of the High Court or Federal Court	Overseas commission
The Hon Michael Kirby (High Court)	Solomon Islands
The Hon Robert French (Federal Court)	Supreme Court of Fiji - non-resident semi-permanent Judge
The Hon Michael Moore (Federal Court)	Tonga Court of Appeal - Judge
The Hon Mark Weinberg (Federal Court)	Supreme Court of Fiji - non-resident Judge

Retired Australian Federal Court and High Court judges hold or have held commissions in jurisdictions in the Pacific, including former Federal Court Justices Burchett (Tonga), Sheppard (Fiji), Davies (Fiji) and von Doussa (Vanuatu and Fiji) and former High Court Justice Toohey (Fiji and Kiribati), former Chief Justices of the High Court, Chief Justice Mason (Fiji and Solomon Islands), and Chief Justice Brennan (Fiji).

Federal Court of Australia assistance in the Pacific

The Federal Court has been involved in judicial development, education and support programs in the South Pacific region since September 2005. Currently, the Federal Court is involved in the jointly funded AusAID and NZAID five year Pacific Judicial Development Program, which works with 15 Pacific island countries on a number of judicial and court assistance activities.

Activities conducted as part of the program include:

- Judicial orientation training in Kiribati and Nauru
- Educators training workshop in FSM and Marshall Islands
- Translation of benchbooks in Kiribati and Tuvalu
- Assisted dispute resolution workshops in Samoa and the FSM
- Decision-making workshops for judicial officers in the Cook Islands, Samoa and FSM
- Court and judicial administration diagnostic work in Kiribati and Niue
- Strategic planning for the Supreme Court of Tonga
- Regional Judicial Leadership Workshop
- Regional National Coordinators Workshop

The Federal Court has also provided assistance to Tonga through the Pacific Governance Support Program. As a result of this program, the Supreme Court of Tonga has succeeded in reducing its backlog and implementing an effective system of case management. The Federal Court has also worked with the Tongan judiciary to improve and promote Tonga's system of court-annexed mediation.

Australian Government overseas aid

Australia's investment to improve law and justice in the Pacific continues through AusAID's support to both regional and bilateral development work in the sector. AusAID supports policing projects at the regional level through the Pacific Regional Policing Initiative and bilaterally in Samoa, Tonga (under development), Vanuatu and Solomon Islands.

AusAID is taking a more integrated approach to law and justice by supporting the broader sector through the Pacific Judicial Development Program, the Pacific Legal Information Institute and bilateral law and justice programs in Solomon Islands (as part of RAMSI), Samoa (under

development with the Government of Samoa) and Vanuatu. Australia provides \$30 million in assistance to the Papua New Guinea government's law and justice sectoral program. Additionally, Australia is engaged in an innovative Community Justice Program in Fiji that targets justice needs at the local level. The World Bank and AusAID are currently in the process of expanding their 'Justice for the Poor' program, which will improve integration between formal and informal approaches at the community level through both bilateral and regional projects in the Pacific and East Asia.

The small grants scheme of AusAID's Law and Justice Program is also funding the inaugural Samoa Law Society and Judiciary Workshop/Seminar to be held from 12-14 December 2007. The Workshop is designed to be a step towards establishing a continuing legal education program for private and public sector lawyers in Samoa. The Workshop will be attended by the Attorney-General of Samoa, members of the Samoan judiciary and public and private sector lawyers. The Attorney-General's Department will present papers and field questions on private international law and copyright law and attend the duration of the Workshop

Combating Corruption

Corruption continues to be a major impediment to economic growth, poverty reduction and aid effectiveness in the Asia-Pacific region. Corruption also has a disproportionate impact on the poor. Because of the strong connection between corruption and poverty, Australian Overseas Development Assistance will focus more on helping our regional partners fight corruption.

The previous Australian Government launched a whole-of-government Anti-Corruption for Development Policy in March 2007. AusAID coordinated the development of the policy with contributions from the Attorney-General's Department and the Australian Federal Police among other Australian Government agencies. The policy focuses on three mutually reinforcing elements:

- Building constituencies for anti-corruption reform: working with leaders and institutions in partner countries to foster good leadership and working with coalitions and communities to increase demand for anti-corruption reforms
- Reducing opportunities for corruption: working to improve public financial management and procurement systems, as well as support for developing effective legal and regulatory frameworks so that corrupt activities are more difficult to undertake, and more easily identified and prosecuted, and
- Changing incentives for corrupt behaviour: supporting the development of both positive and negative incentives to discourage leaders, public officials and those in the private sector from engaging in corruption. These include strengthening investigation and prosecution capabilities as well as developing merit and performance systems within the public service.

Australia is providing \$16.7 million this year, through the Anti-Corruption for Development Policy, to support high priority anti-corruption work in Indonesia, the Philippines, East Timor, Papua New Guinea, the Solomon Islands and Vanuatu. The funds are being invested in activities that help partner countries to build constituencies for anti-corruption reform, to reduce opportunities for corruption, and to change incentives for corrupt behaviour. In East Timor, Australia will support law and justice oversight institutions and non-Governmental organisations working in the justice sector. In PNG, Australia will assist in strengthening audit and

accountability systems. This work will include detailed analyses, planning and small-scale anti-corruption activities, which will lay the foundations for more long-term programs.

This anti-corruption work will build on existing support for good governance, comprising an estimated quarter of all Overseas Development Assistance this year.

Separately to the Overseas Development Assistance, Australia provides direct training and assistance to improve governance in the Pacific. This includes:

- financial investigation training and the identification and seizure of the proceeds of crime
- developing law and justice leadership capacity in the Solomon Islands, Timor-Leste, Nauru, Tonga and Vanuatu
- supporting improved public management in Vanuatu, Samoa, Kiribati, Tuvalu, Solomon Islands and Papua new Guinea
- supporting accountability and oversight institutions in a number of Pacific countries, and
- the development of Pacific Financial Intelligence capability and IT.

Australia also supports key regional and global anti-corruption initiatives including a regional partnership with Transparency International, the Asian Development Bank—Organisation for Economic Co-operation and Development (OECD) Anti-Corruption Initiative for Asia-Pacific, APEC, the implementation of the United Nations Convention Against Corruption and the OECD Anti-Bribery Convention.

The South Pacific Precursor Control Forum

The Attorney-General's Department has conducted two successful meetings of the South Pacific Precursor Control Forum. The forum was established to raise awareness of the risks associated with the diversion of licit chemicals, such as pseudoephedrine, into the manufacture of Amphetamine Type Stimulants (ATS) such as crystal methamphetamine.

The first meeting was held in Sydney on 28 February and 1 March 2007, and was attended by 25 officials from 10 Pacific island countries. The meeting provided a vehicle to: initiate regional discussion on ATS and their precursor chemicals; raise awareness of chemicals susceptible to diversion into ATS; discuss the financial drivers of drugs and precursor chemicals; and identify the importance of industry engagement.

Members highlighted and agreed to:

- the importance of developing a regional response to address local regulatory control, border controls, international cooperation and law enforcement capacity
- the development of a Regional Strategic Plan to respond to ATS and precursor controls, and
- adopt the proposed South Pacific Precursor Control Forum Terms of Reference and resolutions to progress the forum's work in the short and longer term.

Building on the success of the first meeting, the second meeting was co-chaired by the New Zealand Police and held in Auckland from 28-29 August 2007.

Members agreed to the proposed framework for development of the Regional Strategic Plan. Members also commented on a draft Regional Strategic Plan and agreed that the key issues to be

canvassed in the plan will include awareness raising, information management, ATS and precursor chemicals legislation and regulations, technical assistance, and capacity building.

To inform the forum the Australian Institute of Criminology, in conjunction with the Australian Customs Service and the Attorney-General's Department, undertook a research project that identified the nature and extent of manufacture, use, trade and regulation of precursor chemicals in the Pacific.

The forum has also provided training and awareness raising materials to support member countries consideration of this issue.

It is expected that the next South Pacific Precursor Control Forum meeting will be held in mid 2008.

Twining of Law Libraries Program

In 2007 the Information Services Branch of the Attorney-General's Department agreed to take on the role of coordinator of the Pacific Law Libraries Twining Program. As such the Lionel Murphy Library provides information, guidelines and assistance to the 23 Australian Government agencies that are 'twinned' with 14 agencies and libraries within the Pacific law and justice sector. This program provides assistance with library materials, legal research, skills transfer and training.

The program including a yearly scholarship funded by the Australian Law Librarian's Association for a Pacific Law Library staff member to spend time in an Australian Law library and attend the association's annual conference. This year's scholarship winner was a Vanuatu Supreme Court librarian who was able to spend time with her 'twinned' library at the Federal Court in Sydney, planning for the rebuilding of the library collection after the destruction, by fire, of the Supreme Court in Vanuatu in June 2007. The twinning program is also assisting in gaining donations of legal materials to restock the Supreme Court library.

To provide support to the Attorney-General's Department's own 'twinned' agencies, staff from the Information Services Branch travelled to Samoa and Tonga in April 2007 to conduct basic computer, internet and electronic legal research training. The training was held over one week in each jurisdiction and was delivered to both public and private legal sector staff, including legal professionals, judiciary, para-professionals, court staff and law enforcement officers with a total of approximately 200 attendees.

An assessment of the IT infrastructure, networks and the feasibility of internet-based systems for improving the management and sustainability of legal information within the twinned agencies was also undertaken. A number of the recommendations from the assessment have since been implemented by the Attorney-General's Office of Samoa.

In December 2007 senior staff from Information Services Branch will travel to Samoa and Tonga and meet with both Attorneys General to discuss the assistance planned for 2008 under the AusAID Pacific Governance Support Program. This will include further training in legal research skills and document software and assistance with the rebuilding of information resources in the Crown Law Office in Tonga.

The Federal Court also contributes to the Pacific Twinned Libraries program by supporting the court libraries in Kiribati, Tonga and Vanuatu with biannual shipments of updating material and

also provides funding for shipping costs for material donated by other law libraries to be sent to the libraries with which they are twinned. This year the Federal Court is assisting the Vanuatu Supreme Court to re-establish the library collection destroyed when the building was burned down. AusAID has provided additional funding specifically to enable the purchase of new textbooks in addition to donated material.

Legislative drafting services

The Office of Legislative Drafting and Publishing (OLDP) within the Attorney-General's Department is funded to draft Commonwealth regulations, proclamations and rules of court. The OLDP undertakes other drafting work and training—including for PILON members—subject to workload and funding.

Over the last year, OLDP has undertaken several projects in support of the Action Plan for Sustainable Legislative Drafting Capacity Building endorsed by Pacific legal drafters and stakeholders in November 2007. These projects fall into two broad categories:

- General support for capability-building initiatives: OLDP is helping to establish a South Pacific Drafting Network. We are also interested in assisting the University of the South Pacific (USP) with its proposed legislative drafting course in December 2007 but are currently waiting for USP to confirm what assistance it requires.
- Targeted support for individual Pacific drafters and drafting offices under the PLKP Legislative Drafting Pairing Program.

OLDP is now seeking ongoing funding to enable the provision of more timely and strategic assistance. If granted, this assistance would be used to continue and expand the above activities; provide drafters for projects that are beyond the capacity of local drafting offices; and support PacLII/AustLII to work with individual nations to build a comprehensive online repository of key legal documents.

Counter-Terrorism capacity building workshops

From 20-27 November 2007, the Regional Legal Assistance Unit of the Attorney-General's Department conducted two counter-terrorism capacity building workshops for countries in the Asia-Pacific Region. The workshops were co-hosted by the Government of the Republic of Indonesia, and were held at the Jakarta Centre for Law Enforcement Cooperation in Semarang, Indonesia.

Workshop on International Cooperation in Counter-Terrorism

The Workshop on International Cooperation in Counter-Terrorism (ICCT Workshop) was from 20–22 November 2007. It was attended by over 60 legal and law enforcement officers from Brunei Darussalam, Cambodia, Indonesia, Laos, Malaysia, Philippines, Singapore, Thailand, Vietnam, China, India, Pakistan, Papua New Guinea, Vanuatu and East Timor.

The ICCT Workshop focussed on key aspects of international legal cooperation. These activities were designed to build participants' capacity to cooperate at a police-to-police level and effectively make and receive requests for mutual legal assistance and extradition.

Sub-Regional Workshop on the Implementation of International Counter-Terrorism Instruments

At the Sub-Regional Ministerial Meeting on Counter-Terrorism in March 2007, Ministers agreed that Australia would hold a workshop in late 2007 on the ratification and implementation of international conventions and protocols relating to terrorism.

The Sub-Regional Workshop on Implementation of International Counter-Terrorism Instruments (Sub-Regional Workshop) was held from 26-27 November 2007. It involved participants from each of the sub-regional countries (Indonesia, Malaysia, Singapore, the Philippines and Thailand) and technical experts from the United States, Japan and relevant international organisations.

Asia Pacific Forum of Human Rights Institutions

The Human Rights and Equal Opportunity Commission, Australia's national human rights institution, hosted the 12th Annual Meeting of the Asia Pacific Forum of Human Rights Institutions in Sydney, Australia from 24-27 September 2007.

This year's meeting brought together 150 representatives from national human rights institutions, regional governments, non-government organisations and the United Nations (UN) to discuss some of the critical human rights issues facing the region.

The human rights situation in Myanmar, lack of independence of the Fiji Human Rights Commission, and the role of national human rights institutions in protecting and promoting the rights of people with disabilities through the newly-adopted UN Convention on the Rights of Persons with Disabilities, were among the key issues discussed.

The meeting agreed to establish a disability 'focal point' in each national human rights institution and to communicate regularly to discuss progress in protecting, promoting and monitoring the rights of people with disabilities.

Members at the meeting discussed regional cooperation activities and noted the progress of the national human rights institutions of Indonesia, Malaysia, Philippines and Thailand toward the establishment of an Association of South East Asian Nations mechanism on human rights. The institutions from Afghanistan, Jordan, Palestine and Qatar expressed their interest in exploring a similar sub-regional cooperation mechanism.

II International legal cooperation

This section of the report provides an update on developments in aviation law, the ongoing review of Australia's extradition and mutual assistance laws, international criminal justice cooperation treaties, and the international criminal court

Aviation Law

Australia has been involved in a process to update the aviation security conventions. In July 2007, Australia participated in an International Civil Aviation Organization (ICAO) Legal Subcommittee which was asked to prepare draft instruments addressing the new and emerging threats to civil aviation. The proposal for the new instruments arose out of recommendations from an ICAO Secretariat Study Group earlier this year concerning gaps in the current aviation

security instruments. Australia was represented on the study group and also prepared the Rapporteur's Report for the subcommittee.

The subcommittee developed draft protocols to the Montreal and Hague Conventions. In the protocol to the Montreal Convention it is proposed to include new offences concerning use of an aircraft to cause death, serious bodily injury and serious damage, the release of biological, chemical and nuclear material from an aircraft, and the use of such material against or on board an aircraft to cause death, serious bodily injury and serious damage. In both protocols, it is proposed that a number of new ancillary offences be included as well as provisions updating both Conventions in line with recent UN counter-terrorism conventions. In the protocol to the Hague Convention, it is proposed that the primary offence be redrafted to apply to aircraft in service.

Extradition and mutual assistance reviews

Australia's Country Report for 2006 noted that Australia was conducting major policy reviews of its international extradition and mutual assistance in criminal matters arrangements. In February 2007, the previous Australian Government announced that following these reviews it would develop possible legislative amendments to the *Extradition Act 1988* and the *Mutual Assistance in Criminal Matters Act 1987* to strengthen Australia's ability to combat transnational crime. The proposals for change are intended to expand the range of law enforcement tools available to assist foreign countries in response to requests for mutual assistance and reduce delays in the extradition process.

International criminal justice cooperation treaties

Australia considers having effective arrangements in place for criminal justice cooperation between countries to be a high priority. In the past year, Australia signed treaties with the United Arab Emirates on extradition and mutual assistance and with the People's Republic of China on extradition and the transfer of prisoners. In addition, Australia and Hong Kong signed a Protocol amending the existing extradition treaty to provide for more expedient extradition arrangements between our countries. These treaties will come into effect when both countries have completed their respective domestic processes for entry into force. For Australia, this involves tabling the treaties in Parliament, review by a parliamentary committee and the making of regulations. Australia's mutual assistance treaty with the People's Republic of China and transfer of prisoners treaty with Hong Kong became operational in 2007.

Supporting ratification of the International Criminal Court

In August 2007, Australia hosted a regional seminar to promote accession to the Rome Statute of the International Criminal Court (ICC). The ICC Prosecutor, Mr Moreno-Ocampo, as well as 70 officials from the Asia-Pacific region, including Ministers and senior officials, attended the seminar.

III Criminal justice developments

This section of the report provides an update on a range of criminal justice developments. This includes developments in the criminal law, legislation to tackle people trafficking and an update

of the counter terrorism and identity security strategies that have helped make Australia a safer place.

Criminal Law issues

Model Criminal Law

The Model Criminal Law Officers Committee is a committee of Commonwealth, State and Territory criminal law experts that develops discussion papers and reports on reform of areas of criminal law at the request of the Standing Committee of Attorneys-General.

Identity Crime

In April 2007, the committee released a discussion paper on identity crime, containing a proposal for the enactment by all jurisdictions of specific identity crime offences and a proposal for courts to be able to issue a certificate to a victim of identity crime to assist them in re-establishing their credit history. The Committee is currently working on the final report.

Drink Spiking

In August 2007, the committee released its 'Final Report on Drink and Food Spiking'. The report identified a gap in the current law where no further crime, such as injury or sexual assault, actually occurs. This involves the conduct of spiking of the drink or food of another with alcohol or a drug which impairs the senses or understanding of the person who might reasonably be expected to object to the consumption in the circumstances. The committee was of the view that this conduct should be criminalised, because spiking with drugs and alcohol can have serious consequences for the health and safety of the victim.

The final report recommends a model spiking offence to pick up this gap in the law. The model offence makes it illegal for a person to spike another person's drink or food with the intention of causing the victim to become intoxicated or to affect the senses, mental faculties or faculties of perception and understanding of the victim. The prosecution would not have to prove any intent to commit a further offence against the victim. The maximum penalty would be two years imprisonment.

Interjurisdictional DNA matching

The National Criminal Investigation DNA Database was established by the Commonwealth CrimTrac agency in 2000 to conduct bulk DNA matching. The database enables DNA profiles from various jurisdictions to be uploaded and matched against all other profiles on the database.

On 28 June 2007, a Ministerial Arrangement was signed between the Commonwealth and the States and Territories of Australia to facilitate the sharing of DNA profiles across jurisdictions. This arrangement was designed to remove the need for Australian jurisdictions to have bilateral agreements. The Commonwealth and most States and Territories are now matching DNA data.

A number of links from unresolved serious crimes have been generated within the database and are being progressed between the jurisdictions. As a result, the cross matching of data has already greatly reduced the ability of offenders to avoid justice by simply moving interstate.

People trafficking

Domestic Measures

Australia ratified the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime* in 2005. Australia has a Whole of Government Anti-Trafficking Strategy which includes a focus on regional cooperation.

In the May 2007 Federal Budget the previous Australian Government announced additional funding of \$38.3 million for anti-trafficking measures over the next four years. The funding is aimed at increasing Australia's capacity to prevent, detect, investigate and prosecute people traffickers and support victims of people trafficking, including funding for:

- a three-phase Victims of Trafficking Support Programme managed by the Office for Women
- AFP's Transnational Sexual Exploitation and Trafficking Teams
- three Senior Migration Compliance (Trafficking) positions in Asia
- the Commonwealth Director of Public Prosecutions to prosecute trafficking-related matters and develop strategies for the education and training of staff, and management of victims of trafficking
- the Attorney-General's Department to coordinate, monitor and report on the Strategy, and manage the ongoing Communication Awareness Strategy, and
- the Australian Institute of Criminology to undertake research in Australia and the Asia-Pacific region on trends in people trafficking.

Regional Cooperation

The Bali Process

Regionally, Australia is a co-chair, and participating member country, of the *Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime*. The Bali Process brings participants together to work on practical measures to help combat people smuggling, trafficking in persons and related transnational crimes in the Asia-Pacific region and beyond.

In 2007 Australia, through the Bali process network, has:

- assisted Palau's anti-trafficking measures by providing international sentencing information to assist judicial officers to determine appropriate sentences in a successful trafficking prosecution¹
- attended the 'Enabling electronic authentication of travel document information' workshop in New Zealand, and
- offered funding to facilitate the attendance of four Bali Process Pacific Island countries (Palau, Tonga, PNG and Samoa) at the recent United Nations Regional Workshop for the Global Initiative to Fight Human Trafficking (UNGIFT). Palau and Tonga were able to attend.

The UNGIFT regional workshop provided an opportunity for countries in the region to collaborate and share information, experience and technical expertise to assist in combating

¹ Palau successfully prosecuted two people for domestic people trafficking offences. Palau's domestic legislation is based on model legislation drafted through the Bali Process. Both defendants received 20 years imprisonment and a USD50,000 fine.

people trafficking. It included a presentation on the Bali process to promote its activities in the region.

Following the regional workshops, the UNGIFT initiative will culminate in an international forum in Vienna scheduled for February 2008. Australia is planning a Bali Process side event to the Vienna forum to collaborate on practical measures to combat trafficking.

Aid

Australia has supported a number of aid projects in the South East Asia region that focus on regional cooperation and aim to reduce the number of trafficking victims, and improve the protection, recovery and reintegration of those who have been trafficked.

UNODC

This year Australia met with UN Office on Drugs and Crime representatives – including the UNODC Director of Operations – regarding the increased scope of the UNODC’s mandate beyond drugs and into transnational organised crime issues in the region. Australia advocated for UNODC to have greater engagement in the Pacific. Australia has said to UNODC in consultations that if UNODC is to have greater involvement then it needs to work through established mechanisms such as the Pacific Island Forum and PILON.

Identity security

Identity security is an important issue in Australia. On 13 April 2007, the Council of Australian Governments (COAG) endorsed an Intergovernmental Agreement on the National Identity Security Strategy (the Strategy). The agreement provides a national framework to strengthen Australia’s identity management processes and details a forward work program. The Strategy has six key elements, which are under development:

- Registration and enrolment framework
- Security standards for proof of identity documents
- Document Verification Service (DVS)
- Integrity of identity data
- Authentication standards
- Biometric interoperability

At its meeting of 13 April 2007, COAG also noted reports on the progress to date on these six elements. The reports contain guidance on current best practice approaches to the establishment and maintenance of high integrity identity security systems, and in particular put forward ‘gold standard’ approaches to enrolment, security features for proof of identity documents, and electronic authentication.

In August 2007, the previous Australian Government adopted the reports to COAG as reference documents for its agencies and departments. Copies of the Intergovernmental Agreement and reports are available on the website of the Attorney-General’s Department at www.ag.gov.au.

The national DVS is a key component of the Strategy. The Attorney-General’s Department is continuing its work on the development and staged implementation of the DVS. As part of the first stage, the DVS is now available to verify Australian Government-issued Citizenship Certificates and passports. In the next stages, the DVS will also be available to verify other

Australian Government-issued documents, such as visas, and key State and Territory government-issued documents, such as driver licences and birth certificates.

Counter-terrorism

Australia's counter-terrorism arrangements involve State and Territory Governments and most law enforcement, security, intelligence, emergency management and justice agencies. Its activities focus on prevention, preparedness, response and recovery mechanisms, as well as better communication and decision-making matrixes.

2007-2008 Federal Budget

In the 2007-2008 Budget, the Government launched the *Strengthening National Security* package which will provide \$702 million over four years to strengthen Australia's national security capabilities and address enduring and emerging threats.

Recent counter-terrorism legislation

Since PILOM met in February 2007, the Australian parliament has enacted the following legislation in response to terrorism:

- the *Law and Justice Legislation Amendment (Marking of Plastic Explosives) Act 2006* commenced on 25 August 2007. The Act implements the obligations under the Marplex Convention and aims to deter the misuse by terrorists of plastic explosives, by requiring that a detection agent be incorporated into the manufacture of the plastic explosive.
- the *Telecommunications (Interception and Access) Amendment Act 2007* commenced on 28 September 2007. The Act establishes overarching legislation to regulate access to all forms of telecommunications data specific to national security and law enforcement purposes.

Listing of terrorist organisations

Since February 2007, Australia has re-listed fourteen organisations as terrorist organisations under the Criminal Code as the Attorney-General continued to be satisfied on reasonable grounds that the organisations are directly or indirectly engaged in preparing, planning, assisting in or fostering the doing of a terrorist act (whether or not the terrorist act has occurred or will occur). The re-listings ensure that the offence provisions under the Criminal Code continue to apply to these organisations.

Legislative reviews

On 20 September 2007 the Parliamentary Joint Committee on Intelligence and Security tabled its report on its review of the operation, effectiveness and implications of the terrorist organisation listing offences under the Criminal Code. The Government is currently considering the recommendations made by the Committee.

IV Civil justice developments

This section of the report outlines the significant developments in the area of civil justice. These include changes to native title law, the introduction of the Australian Government Northern Territory Emergency Response, and developments in personal property security, legislative drafting standards, intellectual property (IP) and private international law.

Native Title

Legislative developments

Native title is recognised and protected by the Commonwealth *Native Title Act 1993*. In September 2005 the previous Australian Government announced a package of coordinated measures to improve the performance of the native title system. The reforms are designed to ensure the native title system delivers better and more expeditious outcomes for all parties. The reforms do not affect the fundamental principles of native title.

As part of the reform package, the *Native Title Amendment (Technical Amendments) Act 2007* and the *Native Title Amendment Act 2007* were passed by the Australian Parliament earlier this year.

Judicial developments

The number of determinations resolving native title claims continues to increase. As at 12 November 2007, there had been 107 registered determinations of native title of which 72 recognised native title over all or part of the determination area. There still remains some 525 claimant applications to be resolved.

This year has seen the continued development of native title jurisprudence. Decisions handed down this year by the Federal Court confirm that only non-exclusive native title rights can be recognised in the sea, native title does not exist over Darwin and that the claim for compensation for the extinguishment of native title at Yulara in central Australia failed because the Court was not satisfied that the persons seeking compensation were the native title holders.

On 15 November 2007, the High Court heard an appeal challenging the power of the Northern Territory Government to compulsorily acquire native title. The appeal raised issues about the operation of lands acquisition regimes around the country and the Australian, New South Wales and Western Australian Governments intervened in the proceeding. Judgment is reserved and is not expected to be handed down until next year.

Home ownership and economic development

The Australian Government recognises the opportunities offered by indigenous held land (both through native title and statutory land rights schemes) to increase the economic independence of indigenous individuals and families. One way to leverage greater benefits from communally-held indigenous land is to enable the creation of individual interests in the land, which can be used for home ownership and business development purposes. The Australian Government has taken steps to enable this in the Northern Territory through amendments to the *Aboriginal Land Rights (Northern Territory) Act 1976*. The amendments to that Act do not affect native title rights and interests. Native title holders can obtain individual interests in native title land through negotiating an Agreement.

In addition to legislative changes, the Government has developed a package of complementary measures to address barriers to indigenous home ownership. The package, the Home Ownership on Indigenous Land Programme, consists of three components: building additional houses in Indigenous communities specifically for purchase by individuals, subsidised loans and incentives to fund home purchases, and a money management programme for indigenous communities, including a matched savings grant to encourage saving for a home loan deposit.

The Australian Government is also undertaking consultation with Australian States to promote any necessary amendment of State land rights legislation to enable long term leases on Indigenous land.

Australian Government Northern Territory Emergency Response

On 21 June 2007 the previous Australian Government announced a range of immediate and broad-ranging measures to stabilise Aboriginal communities in the Northern Territory to ensure the protection of Aboriginal children from abuse. These measures address the significant child sexual abuse identified in the report of the Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Child Abuse 2007, *Little Children are Sacred*.

The Australian Government has committed \$1.3 billion for the first year of the five year long Northern Territory Emergency Response. Funds are being used to stabilise communities in prescribed areas. This is the first stage in a long term approach to improve the welfare of Aboriginal children and their families. The response measures include:

- promoting law and order
- improving child and family health
- enhancing education
- welfare reforms and increased employment
- supporting families, and
- housing and land reform.

Specific law and order measures are discussed below:

Increased police presence

Additional police have been deployed to ensure that law and order is re-established so that people feel safe from the threat of violence, and allegations of violence and sexual abuse can be readily investigated. They are also enforcing alcohol and pornography bans. The police operate under Northern Territory police command and have normal Northern Territory policing powers.

National Indigenous Intelligence Task Force

Additional resources have been provided to the Australian Crime Commission's National Indigenous Intelligence Task Force to enable broader intelligence collection and analysis of child abuse and violence in Indigenous communities.

Pornography bans

The possession and supply of pornography in prescribed area is banned. A range of penalties apply, with higher penalties for 'traffickers'. Police are able to seize or destroy prohibited material. Measures are now in place for all publicly funded computers to be checked for illegal material.

Alcohol restrictions

The sale, possession, transportation and consumption of alcohol is banned in prescribed areas. In the rest of the Northern Territory, a person must show photo identification, have their address recorded and is required to declare where the alcohol will be consumed if they purchase \$100 or more of take away alcohol or more than five litres of cask or flagon wine.

The Attorney-General's Department

The Australian Attorney-General's Department is working to expand three existing Indigenous programs – the Northern Territory Night Patrol Program, the Northern Territory Aboriginal

Interpreter Service and Legal Services for Indigenous Australians — to meet increased need in the Northern Territory.

Personal property securities

Australia is currently reforming its law on personal property securities. On 13 April 2007, the Commonwealth, States and Territories, through the COAG, agreed in principle to establish a national system for the registration of personal property securities. The council agreed that the national system will be implemented by Commonwealth legislation supported by a referral of legislative power by the States to the Commonwealth.

A personal property security is a security, created or evidenced by an agreement that secures payment or performance of an obligation, in property other than land or buildings and fixtures which are legally treated as forming part of the land.

In Australia there are currently more than 70 separate Acts that regulate personal property securities. At least 30 separate Commonwealth, State and Territory government departments and agencies administer these Acts. This has resulted in considerable inconsistency and complexity in personal property securities arrangements across Australia.

The reforms are therefore designed to create uniform rules and procedures to ensure increased certainty and consistency, and reduced complexity and costs.

Personal property securities reform offers the potential to reduce transaction costs for lenders, increase lenders' ability to more accurately match interest rates and fees with borrowers risk profiles, increase legal clarity as to the rights and obligations of both secured creditors and debtors and reduce barriers to entry into the financing sector.

The Australian Government is providing \$113.3 million over 5 years to build and implement the national system. This will be offset by revenue of \$62.9 million generated once the new national register is operational.

As part of the development of the legal policy that will underpin the national system, the Standing Committee of Attorneys-General has released three discussion papers on personal property securities reform for public comment.

The discussion papers deal with issues including registration, search, enforcement, extinguishment, insolvency and possessory security interests issues. There has been an encouraging response to the issues raised in the discussion papers from a wide range of stakeholders including the banking and finance industry, their professional advisers and academics. The responses to the discussion papers, and feedback from other stakeholder consultation, will feed into the development of the draft personal property securities legislation which is currently being prepared.

The legislation will be supported by an online register for registering and discovering security interests in personal property. The register will be available on a continuous basis for all users 24 hours a day seven days a week, and will enable users to interface with the register in real time.

We anticipate further consultation on the reforms within the next few months. This will give stakeholders a further opportunity to comment on this significant reform.

COAG has agreed that the new system should be operational in 2009.

Legislative drafting developments

At the July 2007 meeting of the Standing Committee of Attorneys-General (SCAG), Ministers endorsed the protocol on drafting national uniform legislation prepared by the Parliamentary Counsel's Committee.

The protocol takes into consideration the differences that exist between jurisdictions' drafting styles and sets out agreed drafting styles for model legislation where possible. Where it is not possible to have a uniform approach, the protocol requires the Parliamentary Counsel's Committee to highlight in the model laws the necessary local variations to the model laws that are required to maintain uniformity in policy outcomes.

Uniform Evidence Act

At the meeting in July 2007, SCAG endorsed the model Uniform Evidence Bill, with the exception of provisions for a confidential communications privilege. Adoption of the model provisions is a matter for each jurisdiction in Australia.

SCAG also requested the working group further consider a number of evidence issues and report their recommendations at a later meeting.

Intellectual property

The Australian Government has a multi-pronged IP enforcement strategy. In 2006 this strategy included a significant update of Australia's copyright laws to strengthen enforcement provisions. These included new measures providing for proceeds of crime remedies, on-the-spot fines and strengthened evidential presumptions for copyright crimes. These comprehensive legislative reforms have made Australia's legislation fully compliant with the World Intellectual Property Organization (WIPO) internet treaties which entered into force in Australia on 26 July 2007.

The AFP and the Commonwealth Director of Public Prosecutions have also been given \$12.4 million over the next two years to assist with improved enforcement. The AFP will receive \$8.3 million to strengthen its capacity to pursue serious and complex IP crime, particularly where organised or trans-national criminal elements are involved. The Commonwealth Director of Public Prosecutions will receive \$4.1 million for new prosecutors and training to enable the prosecution of IP crime and to finance the pursuit of proceeds of crime. There also continues to be a number of interdepartmental and stakeholder related advisory groups to improve information sharing on IP enforcement which contribute to the effectiveness of these new measures.

Finally, the trans-national nature of IP crime requires policies that promote international cooperation and solutions. Australia is very active in the international arena, with involvement in a number of multilateral fora including APEC, the World Trade Organisation TRIPS Council and WIPO. As host of APEC 2007, Australia has sought to promote greater regional cooperation and information sharing on IP enforcement through the APEC Intellectual Property Enforcement Group. A recent IP seminar hosted by PNG is evidence that IP issues are gaining a greater profile throughout the Pacific region.

UN Disabilities Convention

Australia was among the first nations to sign the UN Disabilities Convention on 30 March 2007 when it was opened for signature in New York. The signing of the Convention reinforces Australia's long-standing commitment to eliminate, as far as possible, discrimination against people with a disability.

The Australian Government has commenced the processes that will enable it to make an informed decision on whether or not to ratify the Convention. This involves a comprehensive review of Commonwealth, State and Territory legislation and a National Interest Analysis, which will examine:

- foreseeable economic, environmental, social and cultural effects of the Convention
- obligations imposed, and
- likely costs of domestic implementation.

It will also detail the consultation undertaken in the process of its preparation. The Australian Government will consider and respond to any recommendations made by that Committee and make its decision on ratification.

These processes, which involve extensive nationwide consultations, will ensure that Australia is in a position to comply with the Articles set out in the Convention.

Private international law

Regional Meeting on the Hague Conference on Private International Law

On 27-29 June 2007 the previous Australian Government and the Permanent Bureau of the Hague Conference on Private International Law jointly hosted a regional meeting in Sydney to consider the operation of the Hague Conference's legal cooperation Conventions and the Conventions relating to the protection and welfare of children, including those on child abduction and intercountry adoption. The meeting aimed to expose the countries in the Asia Pacific region to the work of the Hague Conference and to encourage interest in the various Conventions and to promote membership of the Hague Conference. Many of the countries in the Region are not signatories to any of the Hague Conventions or members of the Hague Conference.

The meeting was attended by over 120 delegates from 23 countries across the Asia-Pacific region. The feedback from the participants was uniformly positive and many delegates demonstrated genuine interest in future participation in the work of the Hague Conference. The meeting agreed to work to further international cooperation among States in the region and continue dialogue between officials in the region and the Hague Conference on its work and the operation of its Conventions.

Proposed Hague Convention on the International Recovery of Child Support and other Forms of Family Maintenance

The new Convention is being developed to address practical problems and shortcomings in the operation of the existing UN and Hague instruments. Hague Conference Special Commissions were held in April 2005, June 2006 and May 2007 to discuss the outcomes of previous meetings and advice from working groups formed to advise on particular aspects. A Diplomatic Session is being convened in November 2007 to settle the final text.

Hague Convention on Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters 1965

The Standing Committee of Attorneys-General (SCAG) established a working group of Commonwealth, State and Territory representatives to provide it with advice on the steps necessary to enable Australia to accede to this Convention. In July 2007 SCAG Ministers accepted the working group's advice on a model of implementation for the Convention in Australia. Consideration is currently being given to development of model Rules of Court and domestic legislation for implementation of the Convention.

Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection of Children

The Convention entered into force in Australia on 1 August 2003. The Convention is implemented through the *Family Law Act 1975* and the *Family Law (Child Protection Convention) Regulations 2003*. New South Wales, Queensland and Tasmania have also passed legislation implementing the Convention. The Commonwealth legislation is designed to govern relevant activities throughout Australia until States and Territories pass their own legislation. A conference of the Commonwealth, State and Territory Central Authorities will be held on 26-27 November 2007, to develop procedures for handling applications made under the Convention.

Privacy legislation

Australian Law Reform Commission privacy inquiry

The Australian Law Reform Commission (ALRC) is in the final stage of consultation for its review of the Commonwealth *Privacy Act 1988*. In September 2007, the ALRC outlined 301 proposals for reform to the Privacy and related Acts in *Discussion Paper 72: Review of Australian Privacy Law*. These proposals were informed by feedback and submissions on the two Issues Papers released at the end of 2006. The proposals suggest reform over a broad range of issues including uniformity of privacy principles, consistency in State and Commonwealth privacy laws including a statutory cause of action for invasion of privacy in the Privacy Act. The proposals are subject to further scrutiny and discussion during the consultation period to determine whether they are practical and appropriate. Feedback on the proposals is due by 7 December 2007. The Australian Government will consider the recommendations made by the ALRC when it delivers its final report, which is due by 31 March 2008.

GLOSSARY OF TERMS

AFP.....	Australian Federal Police
ALRC	Australian Law Reform Commission
AMLAT.....	Anti-Money Laundering Assistance Team
APEC.....	Asia Pacific Economic Cooperation
ATS	Amphetamine Type Stimulants
CBT.....	Computer Based Training
CDPP	Commonwealth Director of Public Prosecutions
COAG.....	Council of Australian Governments
DVS.....	Document Verification Service
ECP.....	Enhanced Cooperation Program
FDIPP	Future Directions in Pacific Policing
FIU	Financial Intelligence Unit
ICAO.....	International Civil Aviation Organization
ICC	International Criminal Court
IP	intellectual property
IPEG	Intellectual Property Enforcement Group
LECP.....	Law Enforcement Cooperation Program
NTER.....	Northern Territory Emergency Response
OECD.....	Organisation for Economic Co-operation and Development
OLDP	Office of Legislative Drafting and Publishing
PALP.....	Pacific Anti-Money Laundering Program
PCC	Parliamentary Counsel's Committee
PICP.....	Pacific Island Chiefs of Police
PIF.....	Pacific Islands Forum
PLKP.....	Pacific Legal Knowledge Program
PNG	Papua New Guinea
PTCCC	Pacific Transnational Crime Coordination Centre
RAMSI	Regional Assistance Mission to Solomon Islands
SCAG	Standing Committee of Attorneys-General
SIG.....	Solomon Islands Government
SIPF	Solomon Islands Police Force
SIPS	Solomon Islands Prison Service
TCU.....	Transnational Crime Units

TPDPTonga Police Development Program
TRIPS.....Trade Related Aspects of Intellectual Property Rights
UNGIFTUnited Nations Global Initiative to Fight Human Trafficking
UNODC.....United Nations Office on Drugs and Crime
WIPOWorld Intellectual Property Organization