



**SENATOR THE HON GEORGE BRANDIS QC
ATTORNEY-GENERAL
LEADER OF THE GOVERNMENT IN THE SENATE**

**STATEMENT ON NSW CORONER’S FINDINGS AND RECOMMENDATIONS
INTO THE LINDT CAFÉ SIEGE**

**SENATE LEGAL AND CONSTITUTIONAL AFFAIRS LEGISLATION
COMMITTEE**

24 MAY 2017

E&OE.....

As honourable Senators would be aware, this morning the New South Wales Coroner, Mr Michael Barnes, handed down the report of his inquest into the Lindt Café siege. The Commonwealth will carefully study this report and, as appropriate, respond to its recommendations insofar as they relate to Commonwealth agencies or other Commonwealth matters. It is not the purpose of this statement to be that considered response, which obviously will require careful consideration and more time to study Coroner Barnes’ recommendations than has been possible today. But I do want to indicate in a necessarily preliminary way, the steps already taken by the Government and in particular, by agencies within this portfolio to deal with matters of the kind that Coroner Barnes addresses.

It is appropriate at the outset to once again express all of our heartfelt sympathy to the families of the innocent victims, Katrina Dawson and Tori Johnson, on their tragic loss. We also acknowledge the profound impact of this event on those who survived the siege, and the role of the NSW Police who risked their lives to bring it to a conclusion. Our thoughts today are also of course with the victims of another horrific terrorist attack, that in Manchester yesterday.

Australia’s counter-terrorism environment has changed significantly since the Lindt Café siege. The national terrorism threat level remains at ‘Probable’ – reflecting credible intelligence that individuals or groups have developed both an intent and capability to conduct a terrorist attack in Australia. The Lindt Café Siege is one of four terror-related attacks Australia has experienced since September 2014. But it is important to emphasise that in that time, there have been 12 major counter-terrorism disruptions of attack planning in Australia. Due to the skill and expertise of our intelligence and policing agencies, 12 terrorist attacks on Australian soil have been averted since September 2014 and we should be profoundly grateful for the skill and expertise and courage of the men and women of ASIO,

the Australian Federal Police, the state and territory police and others who were able to save an unknown number of Australian lives.

Now the report of the coronial inquest makes 45 recommendations. Most of those recommendations deal with matters concerning the NSW Police and or the NSW Director of Public Prosecutions. However the Coroner does comment on the roles of three Commonwealth entities or agencies – the Australian Defence Force, the Australian Federal Police, and the Australian Security Intelligence Organisation. The Coroner does not make any findings adverse to any of those bodies, and acknowledges the support provided by Commonwealth agencies to respond to the siege. He also makes constructive recommendations in relation to them which the Government will study closely and as a matter of high priority, and which will be acted upon as appropriate.

Without pre-empting that further consideration, in relation to those recommendations that deal with the Attorney-General's Department and agencies within the portfolio, let me identify certain matters.

Recommendation 39 recommends that I, in consultation with the states and territories, review existing arrangements for information sharing between federal, state and territory agencies during terrorist events to determine whether those arrangements adequately facilitate the efficient identification and transfer of pertinent information between agencies. As part of its responsibility for overseeing operational CT arrangements between Australian law enforcement and intelligence agencies, the Australia-New Zealand Counter Terrorism Committee continually considers and facilitates the effectiveness of information sharing between those agencies. In particular, the ANZCTC has already facilitated the implementation of a classified national computer network to communicate sensitive counter terrorism information securely and effectively. In light of Recommendation 39 I will ask the Committee to consider whether any further improvements may be required in light of the Coroner's recommendation.

Recommendation 40 recommends that I liaise with ASIO to develop a policy to ensure that where correspondence is received by a government agency, minister or public office holder, from a non-government entity, and that correspondence is relevant to the security assessments of the author, the correspondence be referred to ASIO, and a Fixated Threat Assessment Centre. I can advise the Committee that, at my request, the Attorney-General's Department reviewed its correspondence handling procedures in cases where correspondence might raise national security concerns, and implemented those changes in 2015. The consequence of those changes is that such correspondence is now routinely referred to ASIO. In light of the Coroner's recommendation we will of course consider whether to extend such procedures more broadly across Government.

Recommendation 41 recommends that:

- The Commonwealth Attorney-General and ASIO confer with the Australian Psychological Society regarding the restrictions in clause A 5 2 of its Code of Ethics with respect to radicalisation, terrorism and politically motivated violence, and
- The Australian Psychological Society consider amending clause A 5 2 of its Code of Ethics to enable psychologists to report risks of a terrorist nature.

I can advise the Committee that the Commonwealth Counter Terrorism Coordinator with relevant agencies, including ASIO, has already engaged with the Australian Psychological Society and other stakeholders in the mental health sector on this issue. An outcome of that engagement has been an agreement that further work be done to improve information sharing to assist identifying at risk or radicalised individuals. Of course, Recommendation 41 is directed in part to the Australian Psychological Society and the Commonwealth cannot direct it.

In addition to these recommendations, as I said to the Committee this morning, we keep our legislation and capabilities under constant review to meet this evolving challenge. Much has already been done. Shortly after the siege, on 17 December 2014, the Australian and NSW governments commissioned an urgent joint review into the Martin Place siege. The Australian Government has implemented and continues to implement the recommendations from the Joint Review, which reported in February 2015. 11 of its recommendations have already been fully implemented. Those include:

- Recommendations that policing agencies have access to a National Firearms Interface, which provides a single record of each firearm in Australia detailing every event in its history – from importation or manufacture through to exportation or destruction.
- The Commonwealth, states and territories have reviewed and updated the National Firearms Agreement, now the single reference for firearms regulation in Australia, and agreed to hold a national firearms amnesty between July and September 2017.
- As part of our Countering Violent Extremism work, intervention arrangements are now in place across Australia to assist people who may be at risk of radicalisation to disengage from violence and reconnect with their families and communities.
- Legislation passed by the Parliament in November last year includes amendments to facilitate the monitoring of a person who is the subject of a control order, and to provide greater protection to national security information in control order proceedings.
- The Department of Immigration and Border Protection received funding in the 2016-17 Budget to deliver a new Visa Risk Assessment capability at a cost of \$99.2 million over four years. The capability will consolidate a wide range of immigration and border information in real time, enabling earlier identification of visa applicants who may pose a risk to national security and threat to the Australian community.

The Commonwealth has been actively reviewing counter terrorism arrangements to ensure that it is responding appropriately to the terrorist threat, including a Review of Australia's Counter-Terrorism Machinery in 2015. And as I discussed with Senator Wong this morning, we are currently awaiting the report of the L'Estrange Inquiry which is the latest periodic review of our intelligence community arrangements. As the Coroner noted, the Government is currently undertaking a Review of Defence Support to National Counter-Terrorism Arrangements, but that is a matter primarily for the Defence Minister, so I will not address it here. There are two other reviews currently underway:

- The Australia-New Zealand Counter-Terrorism Committee is currently completing its Triennial Review of Australia's Counter-Terrorism Arrangements, and
- As I've already just mentioned we soon expect to receive the report of the Independent Review of the Australian Intelligence Community, by Mr L'Estrange.

It's relevant to note that since August 2014, the Government has undertaken the most significant programme of national security legislation reform in a generation, delivering eight tranches of counter-terrorism and national security legislation, to ensure that our agencies have the powers they need to respond to the terrorism threat. Our Commonwealth, state and territory governments are working closely together to deal with this threat in a cooperative and collaborative manner. These measures include identifying and responding to the threat posed by lone actors, including assessing and managing fixated individuals who have an obsessional pre-occupation with a person or a perceived grievance, which may ultimately lead to violence. All jurisdictions are working together through the Australia-New Zealand Counter-Terrorism Committee to consider how our existing fixated threat assessment capabilities can inform a nationally consistent approach to identify and deal with those individuals. As part of this effort, it is important that we work together with health professionals, other frontline officials and the broader community to ensure early identification, assessment and management of individuals who pose a risk to the Australian community and themselves.

We already have robust arrangements in Australia to protect crowded places, including close cooperation between law enforcement agencies and the owners and operators of venues. Those arrangements include local governments. The public can be reassured that all law enforcement and intelligence agencies in Australia work tirelessly to ensure the safety of the community and in particular, the protection of the community when they participate in public events. But of course, there is always more work to do. The Government has committed, as a priority, to develop a national strategy for crowded places, including a consistent approach to assessing vulnerability. This work, led by ANZCTC, is being done through close cooperation with all Australian jurisdictions, local governments and owners and operators of crowded places drawing upon international best practice. Our counter-terrorism arrangements have contributed significantly to developing and enhancing counter-terrorism capability and coordination across all jurisdictions, including:

- Developing common operational doctrine to ensure consistent national responses to terrorism-related activity,
- Establishing training courses to develop additional professional staff with counter-terrorism qualifications across a range of specialist capabilities – over 40 courses are being run in 2017 alone, and
- Providing specialised equipment to achieve consistent and enhanced capability for states and territories to respond to and resolve terrorist incidents, including armoured tactical vehicles, and bomb disposal units.

The Government has continued to ensure that our police and security agencies are funded for the challenges they face. Since August of 2014, the Government has invested over \$1.5 billion to combat terrorism. The Government will also provide an additional \$321.4 million over four years from 2017-18 to the Australian Federal Police, to strengthen key capabilities and increase investigative resources including intelligence, covert surveillance, forensics and tactical response.

Mr Chairman, Australia faces national security challenges that continue to evolve. Even as ISIL suffers territorial losses in Syria and Iraq, we do not expect the threat to diminish in the foreseeable future. Our response to this has included our work to encourage increased cooperation on counter-terrorism throughout the South-East Asian region, in particular, through fora of the kind that I described this morning. We continue of course, to engage closely, crucially with our Five Eyes partners and with other nations as well.

Mr Chairman, Coroner Barnes' report provides another opportunity to review the events of the Lindt Café siege, to learn more lessons they have to teach us, and to act upon those lessons. As I said, the Government will carefully consider Mr Barnes' findings and recommendations and insofar as they concern the Commonwealth we will work cooperatively with the states and territories consistent with our already strong national arrangements to give effect to them.

I thank the Committee.