

LEGISLATIVE COUNCIL

TERRORISM (COMMUNITY PROTECTION) AMENDMENT BILL 2015

(Amendments and New Clauses to be proposed in Committee by Ms PENNICUIK)

1. Clause 5, page 3, after line 6 insert—
 - '(4) After section 9(1) of the Principal Act **insert**—
 - "(1A) The operation of electronic equipment by way of remote entry under subsection (1)(fa) does not include the addition, deletion or alteration of data, or the doing of anything that is likely to—
 - (a) materially interfere with, interrupt or obstruct a communication in transit, or the lawful use by other persons, of electronic equipment unless the doing of the thing is necessary to do one or more of the things specified in the warrant; or
 - (b) cause any other material loss or damage to other persons lawfully using electronic equipment.".'.
2. Clause 7, after line 20 insert—

"() Section 13F(6) of the Principal Act is **repealed**."
3. Clause 10, after line 21 insert—
 - '(3) After section 13W(10) of the Principal Act **insert**—
 - "(11) A person detained under a preventative detention order in a prison must not be held with a person convicted of a criminal offence.".'.
4. Clause 11, omit this clause.

NEW CLAUSES

5. Insert the following New Clause to follow clause 10—

'A Arrangement for detainee to be held in youth justice facility

After section 13WA(9) of the Principal Act **insert**—

 - "(10) A person detained under a preventative detention order in a youth justice facility must not be held with a person convicted of a criminal offence.".'.
6. Insert the following New Clause to follow clause 10—

'B Monitoring contact under section 13ZD or 13ZF

 - (1) For section 13ZG(1) of the Principal Act **substitute**—
 - "(1) The contact the person being detained has with another person under section 13ZD or 13ZF must not be monitored unless an order is made under subsection (1A).

- (1A) The Supreme Court, on the application of a police officer exercising authority under a preventative detention order, may make an order that the contact referred to in subsection (1) may take place only if it is conducted in such a way that the contact, and the content and meaning of the communication that takes place during the contact, can be effectively monitored by a police officer exercising authority under the order.
- (1B) The Supreme Court may only make an order under subsection (1A) if the Court is satisfied that there are reasonable grounds for the belief that any of the following things may occur without monitoring contact—
 - (a) interference with or harm to evidence of, or relating to, a serious offence;
 - (b) interference with or physical harm to a person;
 - (c) the alerting of a person who is suspected of having committed a serious offence but who has not been arrested for that offence;
 - (d) interference with the gathering of information about the commission, preparation or instigation of a terrorist act;
 - (e) greater difficulty preventing a terrorist act because a person is alerted;
 - (f) greater difficulty securing a person's apprehension for a terrorist act because a person is alerted."

(2) Section 13ZG(6) of the Principal Act is **repealed**.'

7. Insert the following New Clause to follow clause 10—

'C Annual report

In section 13ZR(2) of the Principal Act—

- (a) in paragraph (f), for "made." **substitute** "made;"
- (b) after paragraph (f) **insert**—
 - "(g) the number of persons in relation to whom a preventative detention order was made who were 16, 17 or 18 years of age at the time the order was made;
 - (h) the number of persons other than Australian citizens in relation to whom a preventative detention order was made;
 - (i) the number of persons in relation to whom a preventative detention order was made who, at the end of the period for which the person was detained under the order, were arrested.".'

8. Insert the following New Clause to follow clause 10—

'D Sunset provision

- (1) In section 13ZV(1) of the Principal Act, for "at the end of 10 years after the day on which section 4 of the **Terrorism (Community Protection) (Amendment) Act 2005** comes into operation" **substitute** "on 31 December 2018".
- (2) In section 13ZV(2) of the Principal Act, for "the end of 10 years after the day on which section 4 of the **Terrorism (Community Protection) (Amendment) Act 2005** comes into operation" **substitute** "31 December 2018".

9. Insert the following New Clauses to follow clause 12—

E Authorisation of special powers to protect essential services from a terrorist act

- (1) For section 21F(1) of the Principal Act **substitute**—

"(1) The Supreme Court, on the application of the Chief Commissioner of Police, may make an order authorising the exercise of special powers conferred by this Part."
- (2) In section 21F(2) of the Principal Act, for "relevant Minister may only recommend the making of an Order" **substitute** "Supreme Court may only make an order".
- (3) Section 21F(4) of the Principal Act is **repealed**.

F Duration of authorisation

In section 21I(3) of the Principal Act, for "the first anniversary of" **substitute** "60 days after".