

Counter-Terrorism and Other Legislation Amendment Bill 2015

Amendments during consideration in detail to be moved by

The Honourable the Minister for Police, Fire and Emergency Services and
Minister for Corrective Services

1 **After clause 12**

Page 10, after line 12—

insert—

12A Insertion of new pt 6A

After section 76—

insert—

Part 6A Reporting requirements

76A Application of part

This part applies if an application is made to the
issuing authority for a preventative detention
order for a person.

76B Commissioner to report to Minister

- (1) Within 3 months after the application is
made, the commissioner must—
 - (a) prepare a report under this section; and
 - (b) give the Minister a copy of the report.
- (2) The report must state—
 - (a) whether a preventative detention order
was made for the person on the
application; and
 - (b) if a preventative detention order was
made for the person—

- (i) whether the preventative detention order was an initial order or a final order; and
 - (ii) whether the person was taken into custody under the preventative detention order and, if so, how long the person was detained for under the order; and
 - (iii) if the commissioner is aware a complaint was made to the Crime and Corruption Commission or the ombudsman about the person's detention under the preventative detention order—particulars of the complaint; and
 - (iv) if the person brought a legal proceeding challenging the validity of the preventative detention order—whether the court decided the order was invalid; and
 - (v) any criminal offence with which the person has been charged since the preventative detention order was made; and
 - (vi) whether an application was made for a prohibited contact order in relation to the person's detention under the preventative detention order.
- (3) Also, the report may include any other information the commissioner considers appropriate.
- (4) If the application was made in connection with a terrorist emergency declared under the *Public Safety Preservation Act 1986*, the

report may form part of the commissioner's report about the terrorist emergency.

(5) In this section—

commissioner's report, about a terrorist emergency, means the report about the terrorist emergency the commissioner must give the Minister under the *Public Safety Preservation Act 1986*, section 8R.

Note—

See also the *Police Powers and Responsibilities Act 2000*, section 743 for the PIM's obligation to report to the Minister on the use of preventative detention orders and prohibited contact orders.

76C Minister to report to Parliament

(1) Within 6 months after the application is made, the Minister must—

- (a) prepare a report under this section; and
- (b) table a copy of the report in the Legislative Assembly.

(2) The report—

- (a) must include all the information in the report given to the Minister under section 76B; and
- (b) may include any other information the Minister considers appropriate.

(3) However, the report must not include information that could reasonably be expected to—

- (a) prejudice the investigation of a contravention or possible contravention of the law in a particular case; or
- (b) prejudice a prosecution or another matter before a court; or

- (c) prejudice the effectiveness of a lawful method or procedure for preventing, detecting, investigating or dealing with a contravention or possible contravention of the law; or
 - (d) enable the existence or identity of a confidential source of information, in relation to the enforcement or administration of the law, to be ascertained; or
 - (e) identify, or lead to the identification of, a person who has been, is being, or is to be, investigated for a contravention or possible contravention of the law; or
 - (f) endanger a person's life or physical safety.
- (4) If the application was made in connection with a terrorist emergency declared under the *Public Safety Preservation Act 1986*, the report may form part of the Minister's report about the terrorist emergency.
- (5) In this section—
- Minister's report***, about a terrorist emergency, means the report about the terrorist emergency the Minister must table in the Legislative Assembly under the *Public Safety Preservation Act 1986*, section 8S.

2 **Clause 14 (Insertion of new s 83A)**

Page 10, line 22, '4'—

omit, insert—

3 Clause 14 (Insertion of new s 83A)

Page 10, line 25, ‘5’—

omit, insert—

3

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Authorised by the Parliamentary Counsel