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**Crime and Corruption
Commission**

QUEENSLAND

Our Reference: AD-12-0212 /15/149214
Contact Officer: Ms Wendy Harris

6 October 2015

Research Director
Legal Affairs and Community Safety Committee
Parliament House
George Street
BRISBANE QLD 4000

Dear Ms Watson

**RE: COUNTER-TERRORISM AND OTHER LEGISLATION
AMENDMENT BILL 2015**

I refer to the letter from Mr Mark Furner MP, Chair of the Legal Affairs and Community Safety Committee (the Committee), to the Crime and Corruption Commission (CCC) dated 18 September 2015 inviting a written submission concerning the *Counter-Terrorism and Other Legislation Amendment Bill 2015* (the Bill).

The CCC has considered the Bill and our comments relate primarily to the amendments to the *Police Service Administration Act 1990* concerning Police Service Review Commissioners and to the proposed section 83A of the *Terrorism (Preventative Detention) Act 2005*.

The change proposed for the Police Service Review Commissioners is essentially a procedural one, moving the provisions from the regulations into the Act. There is little substantive change to a Commissioner's liability and protection from liability.

Although Police Service Review Commissioners are appointed under s. 9.2A *Police Service Administration Act 1990* they are paid and administered by the CCC. The CCC has undertaken to indemnify the Commissioners for civil liability arising from their official duties, including the legal costs of judicial reviews.

The CCC has no issue with this amendment, however we thought it appropriate to bring to your attention a legislative change relating to the Commissioners that we requested in the CCC's recent addendum submission to the Parliamentary Crime and Corruption Committee's 5 yearly review. The CCC has requested legislative change to align the civil liability and protections of CCC officers and Police Service Review Commissioners with the new (since March 2014) more comprehensive protections for other public sector employees and police officers (see s.26C of the *Public Service Act 2008* and s.10.5 of the *Police Service Administration Act 1990*).

In relation to the *Terrorism (Preventative Detention) Act 2005*, the CCC supports the proposed review section (section 83A) which provides for a review of the need for and effectiveness of the Act to be started by the Minister within 4 years of commencement of the revised Act and a report to be prepared and tabled within 5 years. No agency has been nominated to do that review.

While this is beyond the CCC's current research planning timeframe, the CCC has in the past conducted legislative reviews from ministerial referrals (most recently in relation to the *G20 Safety and Security Act 2013*) and may be able to conduct or undertake research to support this review.

Thank you for the opportunity to comment on the Bill. Should you wish to clarify any matters please contact [REDACTED] on [REDACTED] or email [REDACTED]

Yours sincerely

[REDACTED]

A J MacSporran QC
Chairman