

Second Reading

The Hon. MICHAEL VEITCH (Parliamentary Secretary) [9.36 p.m.], on behalf of the Hon. John Hatzistergos: I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

The Government is pleased to introduce the *Crimes Amendment (Terrorism) Bill 2010*.

This bill extends the operation of the sunset clause for the offence of being a member of a terrorist organisation contained in section 310L of the Crimes Act 1900.

The offence of being a member of a terrorist organisation was enacted in 2005 to ensure the constitutional validity of covert search warrants in NSW.

The sunset clause was included as the introduction of the offence was intended to be a temporary measure only pending the introduction by the Commonwealth of a national covert search warrant regime.

However the Commonwealth has not yet enacted a national regime and we are now in the position where the sunset clause will expire in just a few days on 13 September 2010, which would risk the validity of any covert search warrants issued to investigate terrorist organisations.

While the Commonwealth had a national regime under consideration, the review was not completed before the recent Federal election. Clearly, it is not now possible for a national scheme to be implemented before 13 September 2010.

The extension of the provision is essential as New South Wales cannot run the risk of being without these powers to properly investigate terrorist organisations.

The only amendment to the Crimes Act 1900 required to carry this into effect as contained in the bill is to omit 13 September 2010 as the date on which the terrorism membership offence is repealed and provide instead that the offence will be repealed on 13 September 2013.

This extension is timely as it coincides with the introduction of the *Terrorism (Police Powers) Amendment Bill 2010*, which the House has just this morning debated.

As the House has heard, that bill gives effect to recommendations made in a recent statutory review of the *Terrorism (Police Powers) Act 2002*, in which the covert search warrant powers are contained. The statutory review took into consideration the recommendations made by the Ombudsman in his 2008 review of the Act and the covert search warrant powers.

Without rehashing in detail the provisions of the statutory review, following consideration of the Ombudsman's review and submissions made, the review found the policy and objectives of the Act, including those surrounding covert search warrants, remain valid and made 15 recommendations to improve the operation of its provisions, all of which are being implemented, mostly by inclusion in the bill.

This review and the implementation of its recommendations provides particular comfort to members and the people of New South Wales that the extension of these powers is justified and that these powers do not unduly encroach upon civil liberties.

Indeed, as the House heard this morning, while no terrorist attack has taken place in Australia in the years since September 11, the terrorist threat remains a very real one.

Nothing demonstrates this more than the recent arrests made in NSW as part of Operation Pendennis, and the subsequent conviction of five men of conspiring to do an act in preparation for a terrorist attack.

These events continue to remind us that while unfortunate these powers are needed to ensure the safety and security of our people.

The NSW Government will write to the new Commonwealth Government, once appointed, to pursue the enactment of a national scheme. The extension of the sunset clause to 2013 will allow time for this to occur and for a national scheme to be enacted but will not enable the Commonwealth to defer its enactment past another election.

I commend the bill to the House.