

LEGISLATIVE COUNCIL

Terrorism (Police Powers) Amendment (Preventative Detention) Bill 2005

Schedule of the Government's amendments agreed to in Committee of the Whole on
1 December 2005 am

- No. 1 Page 8, Schedule 1 [1] (proposed section 26J). Insert after line 23:
- , and
- (e) a summary of the grounds on which the order is made.
- (2) To avoid doubt, subsection (1) (e) does not require information to be included in a summary if the disclosure of the information is likely to prejudice national security (within the meaning of the *National Security Information (Criminal and Civil Proceedings) Act 2004* of the Commonwealth).
- No. 2 Page 11, Schedule 1 [1] (proposed section 26N (4)), line 6. Omit “will assist in achieving”. Insert instead “is reasonably necessary to achieve”.
- No. 3 Page 11, Schedule 1 [1] (proposed section 26N). Insert after line 31:
- (8) The Supreme Court may refuse to make a prohibited contact order unless the police officer applying for the order gives the Court any further information that the Court requires concerning the facts and other grounds on which the police officer considers the order should be made.
- No. 4 Page 17, Schedule 1 [1] (proposed section 26X). Insert after line 19:
- (6) During any period that a subject under 18 years of age is not detained under an arrangement in force under this section, a police officer must not detain the subject together with persons who are 18 years or older unless the nominated senior police officer under section 26R considers that there are exceptional circumstances and approves of that detention.
- No. 5 Page 17, Schedule 1 [1] (proposed section 26Y (2)), lines 36-38. Omit all words on those lines. Insert instead:
- (c) the people that the person is entitled to contact under sections 26ZE and 26ZH and the restrictions that apply to any such contact, and
- No. 6 Page 18, Schedule 1 [1] (proposed section 26Z (2)), lines 36-38. Omit all words on those lines. Insert instead:

- (c) the people that the person is entitled to contact under sections 26ZE and 26ZH and the restrictions that apply to any such contact, and

No. 7 Page 19, Schedule 1 [1] (proposed section 26ZA (3)), line 39. Omit “physical”.

No. 8 Page 20, Schedule 1 [1], (proposed section 26ZB (1) and (2)), lines 7-16. Omit all words on those lines. Insert instead:

- (1) As soon as practicable after a person is first taken into custody under an interim preventative detention order, the police officer who is detaining the person under the order must give the person a copy of the order.

No. 9 Page 20, Schedule 1 [1], (proposed section 26ZB (5)), lines 25-31. Omit all words on those lines. Insert instead:

- (5) A person who is being detained under a preventative detention order may request a police officer who is detaining the person under the order to give a copy of the order to a lawyer acting for the person in relation to the order.

No. 10 Pages 20 and 21, Schedule 1 [1], (proposed section 26ZB (6), (7) and (8)), line 33 on page 20 to line 3 on page 21. Omit “or the summary” wherever occurring.

No. 11 Page 24, Schedule 1 [1], (proposed section 26ZG). Insert after line 17:

- (4) If the police officer who is detaining a person under a preventative detention order has reasonable grounds to believe that:

- (a) the person is unable, because of inadequate knowledge of the English language or a disability, to communicate with reasonable fluency in that language, and
- (b) the person may have difficulties in choosing or contacting a lawyer because of that inability,

the police officer must give the person reasonable assistance (including, if appropriate, by arranging for the assistance of an interpreter) to choose and contact a lawyer under subsection (1).

No. 12 Page 31, Schedule 1 [1], (proposed section 26ZO). Insert after line 13:

- (3) The Commissioner of Police is to ensure that the Ombudsman:
- (a) is duly notified of the making of a preventative detention order or prohibited contact order, and given a copy of any such order, and
 - (b) if a person is taken into custody under a preventative detention order - is duly notified that the person has been taken into custody, and
 - (c) if an order is revoked - is duly notified of the revocation.
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Examined

Chairman of Committees
