



New South Wales

Terrorism (Police Powers) Amendment Bill 2015

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.
This Bill is cognate with the *Bail Amendment Bill 2015*.

Overview of Bill

The object of this Bill is to amend the *Terrorism (Police Powers) Act 2002* (the **Principal Act**):

- (a) to extend the operation of the scheme in the Principal Act for preventative detention orders for a further 3 years, following the expiration of the current sunset period on 16 December 2015, and
- (b) to remove the authority of the Commissioner and staff of the New South Wales Crime Commission to exercise powers under covert search warrants under the Principal Act.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Schedule 1 **Amendment of Terrorism (Police Powers) Act 2002 No 115**

Part 2A of the Principal Act establishes a scheme for preventative detention orders that enables a person to be detained without charge for up to 2 weeks to prevent an imminent terrorist act or to preserve evidence of, or relating to, a terrorist act that has occurred. **Schedule 1 [1] and [2]** extend current provision for the sunset of Part 2A of the Principal Act on 16 December 2015, by a

further 3 years. Accordingly, the scheme for preventative detention orders (which includes prohibited contact orders) will continue to operate until the end of 16 December 2018. (This extension is consistent with the extension by the Commonwealth of the operation of its complementary scheme for preventative detention orders.)

Part 3 of the Principal Act establishes a scheme that enables the covert entry and search of premises, under the authority of a special covert search warrant, by specially authorised police officers or staff of the New South Wales Crime Commission for the purposes of responding to or preventing terrorist acts. **Schedule 1 [3]–[20]** have the effect of removing the powers of the Commissioner and staff of the New South Wales Crime Commission under that Part.

Schedule 1 [21] and [22] make consequential amendments.

Schedule 1 [23] enables savings and transitional regulations to be made as a consequence of the enactment of the proposed Act and any other Act that amends the Principal Act.

Schedule 2 Amendment of Terrorism (Police Powers) Regulation 2011

Schedule 2 amends the *Terrorism (Police Powers) Regulation 2011* as a consequence of the amendment made by Schedule 1 [5].