



Australian Capital Territory

Terrorism (Extraordinary Temporary Powers) Amendment Act 2011

A2011-39

Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Legislation amended	2
4 No preventative detention orders for children Section 11 (2) (b)	2
5 New section 11 (4)	3
6 Setting aside or amending preventative detention orders Section 31 (3), new note	3
7 Exercising authorised special powers—general provisions Section 78 (5) (b)	3
8 Section 78 (9)	3
9 Section 100	4
10 Expiry of Act etc Section 101 (1)	4



Australian Capital Territory

Terrorism (Extraordinary Temporary Powers) Amendment Act 2011

A2011-39

An Act to amend the *Terrorism (Extraordinary Temporary Powers) Act 2006*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 Name of Act

This Act is the *Terrorism (Extraordinary Temporary Powers) Amendment Act 2011*.

2 Commencement

This Act commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

3 Legislation amended

This Act amends the *Terrorism (Extraordinary Temporary Powers) Act 2006*.

**4 No preventative detention orders for children
Section 11 (2) (b)**

substitute

- (b) if, after making the inquiries, the police officer believes on reasonable grounds that the person is a child, the police officer must release the person from detention under the order as soon as practicable and, unless there is some other basis for detaining the child—
- (i) arrange for the child to be escorted by a police officer to the child's home; or
 - (ii) arrange for a person with parental responsibility for the child to collect the child from the place where the child is detained; or
 - (iii) release the child.

- (2A) If a police officer releases a child under subsection (2) (b) (iii), the police officer must tell the CYP director-general about the release as soon as practicable after the release.

5 New section 11 (4)

insert

- (4) In this section:

CYP director-general means the director-general responsible for the *Children and Young People Act 2008*.

person with parental responsibility, for a child—means a person who has parental responsibility for the child under the *Children and Young People Act 2008*, division 1.3.2.

6 Setting aside or amending preventative detention orders Section 31 (3), new note

insert

Note If the order is set aside, it ceases to have effect (see s 22 (2) (d) and s 30 (e)).

7 Exercising authorised special powers—general provisions Section 78 (5) (b)

omit

8 Section 78 (9)

after

must

insert

within a reasonable time

9 Section 100

substitute

100 Review of Act after 8 years of operation

The Minister must—

- (a) review the operation and effectiveness of this Act after it has been in operation for 8 years; and
- (b) present a report of the review to the Legislative Assembly before the end of the Act's 9th year of operation (19 November 2015).

**10 Expiry of Act etc
Section 101 (1)**

omit

5 years

substitute

10 years

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 30 June 2011.

2 Notification

Notified under the Legislation Act on 1 November 2011.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Terrorism (Extraordinary Temporary Powers) Amendment Bill 2011, which was passed by the Legislative Assembly on 18 October 2011.

Clerk of the Legislative Assembly

© Australian Capital Territory 2011