

2011

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Terrorism (Extraordinary Temporary Powers) Amendment Bill 2011

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Terrorism (Extraordinary Temporary Powers) Amendment Bill 2011

A Bill for

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

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

1 **1 Name of Act**

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

4 **2 Commencement**

5 This Act commences on the day after its notification day.

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

8 **3 Legislation amended**

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

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

13 *substitute*

14 (b) if, after making the inquiries, the police officer believes on
15 reasonable grounds that the person is a child, the police officer
16 must release the person from detention under the order as soon
17 as practicable and, unless there is some other basis for
18 detaining the child—

19 (i) arrange for the child to be escorted by a police officer to
20 the child's home; or

21 (ii) arrange for a person with parental responsibility for the
22 child to collect the child from the place where the child is
23 detained; or

24 (iii) release the child.

- 1 (2A) If a police officer releases a child under subsection (2) (b) (iii), the
2 police officer must tell the CYP director-general about the release as
3 soon as practicable after the release.

4 **5 New section 11 (4)**

5 *insert*

- 6 (4) In this section:

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

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

12 **6 Setting aside or amending preventative detention orders**
13 **Section 31 (3), new note**

14 *insert*

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

17 **7 Exercising authorised special powers—general**
18 **provisions**
19 **Section 78 (5) (b)**

20 *omit*

21 **8 Section 78 (9)**

22 *after*

23 must

24 *insert*

25 within a reasonable time

1 **9 Section 100**

2 *substitute*

3 **100 Review of Act after 8 years of operation**

4 The Minister must—

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

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

12 *omit*

13 5 years

14 *substitute*

15 10 years

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 2011.

2 Notification

Notified under the Legislation Act on 2011.

3 Republications of amended laws

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

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