

2022

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Attorney-General)

## Terrorism (Extraordinary Temporary Powers) Amendment Bill 2022

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Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

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# Terrorism (Extraordinary Temporary Powers) Amendment Bill 2022

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## A Bill for

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

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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 2022*.

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 New section 50A**  
12 *insert*

13 **50A Contact with diplomatic representative etc**  
14 (1) This section applies if a person detained under a preventative  
15 detention order is a national of a foreign country.  
16 (2) The person is entitled to have the nominated senior police officer tell  
17 a diplomatic or consular representative of the country about the  
18 person's detention as soon as practicable after the person is detained  
19 under the order.  
20 (3) As soon as possible after the person is detained under the order, the  
21 police officer detaining the person must tell the person about their  
22 entitlement under this section.  
23 (4) If the person requests that the diplomatic or consular representative  
24 be told about the person's detention, the nominated senior police  
25 officer must tell the representative about the detention as soon as  
26 practicable after receiving the request.

- 1 (5) In this section:
- 2 *national of a foreign country* means a person who is not an
- 3 Australian citizen or permanent resident.
- 4 *permanent resident* means—
- 5 (a) a person who holds a permanent visa under the *Migration*
- 6 *Act 1958* (Cwlth), section 30; or
- 7 (b) a New Zealand citizen who holds a special category visa under
- 8 the *Migration Act 1958* (Cwlth), section 32.

9 **5 Contact with lawyer etc**

10 **Section 52 (3), note**

- 11 *omit*
- 12 s 41 (2)
- 13 *substitute*
- 14 s 44 (2)

15 **6 Special contact rules for people with impaired**

16 **decision-making ability**

17 **Section 53 (5) (a)**

- 18 *substitute*
- 19 (a) 4 hours; or

**7 New section 53 (7) and (8)**

*insert*

- (7) The police officer detaining the person must take reasonable steps to assist the person in exercising the person's right to have contact with a person under subsection (2).
- (8) If the detained person is not entitled to have contact with another person under subsection (2) (b), because the other person is not acceptable to the police officer detaining the person, the police officer must—
- (a) tell the detained person the reason why the other person is not acceptable to the officer, unless this would result in the disclosure of information relating to a terrorist act; and
  - (b) give the detained person an opportunity to nominate another person under subsection (2) with whom the detained person wishes to have contact.

**8 Taking identification material  
Section 59 (2) (b)**

*substitute*

- (b) the police officer believes, on reasonable grounds, that it is necessary to take the material to—
- (i) confirm the person's identity as the person stated in the order; or
  - (ii) record any illness or injury that the person suffered while detained under the order.

1 **9 Using identification material**  
2 **Section 60 (1)**

3 *substitute*

- 4 (1) Identification material obtained under section 59 from a person  
5 detained under a preventative detention order must not be used by a  
6 person for a purpose other than—
- 7 (a) deciding whether the detained person is the person stated in the  
8 order; or
- 9 (b) for material taken under section 59 (2) (b) (ii)—in a complaint,  
10 an investigation or a proceeding that relates to the person's  
11 apprehension or detention.

12 **10 Section 100**

13 *substitute*

14 **100 Review of Act before expiry**

15 The Minister must—

- 16 (a) review the operation and effectiveness of this Act on or after  
17 18 November 2025; and
- 18 (b) present a report of the review to the Legislative Assembly not  
19 later than 19 November 2026.

20 **11 Expiry of Act etc**  
21 **Section 101 (1)**

22 *substitute*

- 23 (1) This Act expires on 19 November 2027.

1 **12 Dictionary, note 2**

2 *insert*

- 3 • Australian citizen
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### Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 5 May 2022.

**2 Notification**

Notified under the [Legislation Act](#) on 2022.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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