2022

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Terrorism (Extraordinary Temporary Powers) Amendment Bill 2022

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(Attorney-General)

Terrorism (Extraordinary Temporary Powers) Amendment Bill 2022

A Bill for

An Act to amend the [Terrorism (Extraordinary Temporary Powers) Act 2006](http://www.legislation.act.gov.au/a/2006-21%22%20%5Co%20%22A2006-21)

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 2022*.

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](http://www.legislation.act.gov.au/a/2001-14), s 75 (1)).

3 Legislation amended

This Act amends the [Terrorism (Extraordinary Temporary Powers) Act 2006](http://www.legislation.act.gov.au/a/2006-21).

4 New section 50A

insert

50A Contact with diplomatic representative etc

 (1) This section applies if a person detained under a preventative detention order is a national of a foreign country.

 (2) The person is entitled to have the nominated senior police officer tell a diplomatic or consular representative of the country about the person’s detention as soon as practicable after the person is detained under the order.

 (3) As soon as possible after the person is detained under the order, the police officer detaining the person must tell the person about their entitlement under this section.

 (4) If the person requests that the diplomatic or consular representative be told about the person’s detention, the nominated senior police officer must tell the representative about the detention as soon as practicable after receiving the request.

 (5) In this section:

national of a foreign country means a person who is not an Australian citizen or permanent resident.

permanent resident means—

 (a) a person who holds a permanent visa under the [Migration Act 1958](https://www.legislation.gov.au/Series/C1958A00062) (Cwlth), section 30; or

 (b) a New Zealand citizen who holds a special category visa under the [Migration Act 1958](https://www.legislation.gov.au/Series/C1958A00062) (Cwlth), section 32.

5 Contact with lawyer etc
Section 52 (3), note

omit

s 41 (2)

substitute

s 44 (2)

6 Special contact rules for people with impaired decision‑making ability
Section 53 (5) (a)

substitute

 (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.

9 Using identification material
Section 60 (1)

substitute

 (1) Identification material obtained under section 59 from a person detained under a preventative detention order must not be used by a person for a purpose other than—

 (a) deciding whether the detained person is the person stated in the order; or

 (b) for material taken under section 59 (2) (b) (ii)—in a complaint, an investigation or a proceeding that relates to the person’s apprehension or detention.

10 Section 100

substitute

100 Review of Act before expiry

The Minister must—

 (a) review the operation and effectiveness of this Act on or after 18 November 2025; and

 (b) present a report of the review to the Legislative Assembly not later than 19 November 2026.

11 Expiry of Act etc
Section 101 (1)

substitute

 (1) This Act expires on 19 November 2027.

12 Dictionary, note 2

insert

 Australian citizen

Endnotes

1 Presentation speech

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

2 Notification

 Notified under the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14) 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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