

Queensland



**TERRORISM (COMMUNITY
SAFETY) AMENDMENT BILL
2004**

Queensland



TERRORISM (COMMUNITY SAFETY) AMENDMENT BILL 2004

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2004

A BILL

FOR

**An Act to amend particular Acts to increase community safety, and for
other purposes**

The Parliament of Queensland enacts— 1

PART 1—PRELIMINARY 2

Clause 1 Short title 3

This Act may be cited as the *Terrorism (Community Safety) Amendment Act 2004*. 4
5

Clause 2 Commencement 6

This Act commences on a day to be fixed by proclamation. 7

PART 2—AMENDMENT OF CRIME AND 8

MISCONDUCT ACT 2001 9

Clause 3 Act amended in pt 2 10

This part amends the *Crime and Misconduct Act 2001*. 11

Clause 4 Insertion of new ch 1, pt 4, div 5 12

Chapter 1, part 4, after division 4— 13

insert— 14

‘Division 5—Terrorist acts 15

‘22A Meaning of “terrorist act” 16

‘(1) An action is a “terrorist act” if— 17

(a) it does any of the following— 18

(i) causes serious harm that is physical harm to a person; 19

(ii) causes serious damage to property; 20

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(iii) causes a person's death;	1
(iv) endangers the life of someone other than the person taking the action;	2 3
(v) creates a serious risk to the health or safety of the public or a section of the public;	4 5
(vi) seriously interferes with, seriously disrupts, or destroys an electronic system; and	6 7
(b) it is done with the intention of advancing a political, religious or ideological cause; and	8 9
(c) it is done with the intention of—	10
(i) coercing, or influencing by intimidation, the government of the Commonwealth, a State or a foreign country, or of part of a State or a foreign country; or	11 12 13
(ii) intimidating the public or a section of the public.	14
‘(2) A threat of action is a “terrorist act” if—	15
(a) the threatened action is likely to do anything mentioned in subsection (1)(a)(i) to (vi); and	16 17
(b) the threat is made with the intentions mentioned in subsection (1)(b) and (c).	18 19
‘(3) However, an action or threat of action is not a “terrorist act” if the action or threatened action—	20 21
(a) is advocacy, protest, dissent or industrial action; and	22
(b) is not intended—	23
(i) to cause serious harm that is physical harm to a person; or	24
(ii) to cause a person's death; or	25
(iii) to endanger the life of a person, other than the person taking the action; or	26 27
(iv) to create a serious risk to the health or safety of the public or a section of the public.	28 29
‘(4) A reference in this section to a person or property is a reference to a person or property wherever situated, within or outside the State (including within or outside Australia).	30 31 32

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‘(5) In this section—	1
“ electronic system ” includes any of the following electronic systems—	2
(a) an information system;	3
(b) a telecommunications system;	4
(c) a financial system;	5
(d) a system used for the delivery of essential government services;	6
(e) a system used for, or by, an essential public utility;	7
(f) a system used for, or by, a transport system.	8
“ physical harm ” includes unconsciousness, pain, disfigurement, infection with a disease and physical contact with a person that the person might reasonably object to in the circumstances (whether or not the person was aware of it at the time).	9 10 11 12
“ public ” includes the public of another State or of a country other than Australia.	13 14
“ serious harm ” means harm, including the cumulative effect of any harm, that—	15 16
(a) endangers, or is likely to endanger, a person’s life; or	17
(b) is, or is likely to be, significant and longstanding.	18
“ threat ” includes a threat made by conduct, whether express or implied and whether conditional or unconditional.’.	19 20
Clause 5 Amendment of s 121 (Surveillance warrant applications)	21
(1) Section 121(5) to (7)—	22
<i>renumber</i> as section 121(6) to (8).	23
(2) Section 121—	24
<i>insert</i> —	25
‘(5) The place specified in the application (the “ relevant place ”) may be a public place and may be described by reference to a class of place.’.	26 27

Clause 6	Amendment of s 123 (Consideration of application for surveillance warrant)	1
		2
	(1) Section 123(b)(ii), ‘place’—	3
	<i>omit, insert—</i>	4
	‘relevant place’.	5
	(2) Section 123(d), after ‘the relevant person’—	6
	<i>insert—</i>	7
	‘or the relevant place’.	8
Clause 7	Amendment of s 124 (Issue of surveillance warrant)	9
	Section 124(1)—	10
	<i>omit, insert—</i>	11
	‘(1) After considering the application, the judge may issue a surveillance warrant for a period of not more than 30 days if satisfied there are reasonable grounds for believing—	12
		13
		14
	(a) the relevant person has been, is, or is likely to be, involved in the major crime or misconduct and is likely to be at the relevant place; or	15
		16
		17
	(b) evidence of the commission of the major crime or misconduct is likely to be obtained using a surveillance device at the relevant place.’.	18
		19
		20
Clause 8	Amendment of s 157 (Application of pt 8)	21
	(1) Section 157, after ‘misconduct investigation’—	22
	<i>insert—</i>	23
	‘or a crime investigation relating to terrorism’.	24
	(2) Section 157—	25
	<i>insert—</i>	26
	‘(2) In this section—	27
	“ terrorism ” includes something that is—	28

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- (a) preparatory to the commission of terrorism; or 1
- (b) undertaken to avoid detection of, or prosecution for, terrorism.’. 2

Clause 9 Amendment of s 160 (Consideration of application) 3

- Section 160(a), after ‘misconduct’— 4
- insert—* 5
- ‘or terrorism’. 6

Clause 10 Amendment of s 162 (What additional powers warrant must state) 7

- Section 162(b), after ‘misconduct’— 8
- insert—* 10
- ‘or terrorism’. 11

Clause 11 Amendment of s 165 (Powers under additional powers warrant) 12

- Section 165(1)(c)— 13
- omit, insert—* 14
- (c) power to require a person to give to the commission or officer 15
 - 1 or more sworn affidavits or statutory declarations relating to the 16
 - property of, financial transactions of, or movements of money or 17
 - other assets by— 18
 - (i) for a misconduct investigation—a person holding an 19
 - appointment in a unit of public administration or someone 20
 - associated with the person holding the appointment; or 21
 - (ii) for a crime investigation relating to terrorism—a person 22
 - being investigated or a suspected associate of the person 23
 - being investigated.’. 24

Clause 12 Amendment of sch 2 (Dictionary) 25

- (1) Schedule 2— 26
- insert—* 27

- ‘ **“relevant place”**, in relation to an application to a judge for a surveillance warrant, see section 121. 1
2
- “terrorism”** means criminal activity that involves a terrorist act. 3
- “terrorist act”** see section 22A.’. 4
- (2) Schedule 2, definition “major crime”, paragraph (d)— 5
omit, insert— 6
- ‘(d) terrorism; or 7
- (e) something that is— 8
- (i) preparatory to the commission of criminal paedophilia, 9
organised crime or terrorism; or 10
- (ii) undertaken to avoid detection of, or prosecution for, 11
criminal paedophilia, organised crime or terrorism.’. 12

PART 3—AMENDMENT OF CRIMINAL CODE 13

- Clause 13 Act amended in pt 3** 14
- This part amends the Criminal Code. 15
- Clause 14 Insertion of new s 469A** 16
- Before section 470— 17
insert— 18
- ‘469A Sabotage and threatening sabotage** 19
- ‘(1) A person who wilfully and unlawfully destroys or damages a public 20
facility with intent to cause— 21
- (a) major disruption to government functions; or 22
- (b) major disruption to the use of services by the public; or 23
- (c) major economic loss; 24
- is guilty of a crime. 25
- Maximum penalty—25 years imprisonment. 26

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‘(2) A person who threatens to commit sabotage is guilty of a crime.	1
Maximum penalty—14 years imprisonment.	2
‘(3) For subsection (2), a person threatens to commit sabotage if—	3
(a) the person threatens to unlawfully destroy or damage a public facility; and	4 5
(b) the threat is made with the intention of inducing in someone else a belief that the threat will be carried out; and	6 7
(c) if the threat were to be carried out, the threatened destruction or damage would be likely to cause—	8 9
(i) major disruption to government functions; or	10
(ii) major disruption to the use of services by the public; or	11
(iii) major economic loss.	12
‘(4) A person can not be prosecuted for an offence against subsection (1) or (2) without a Crown Law Officer’s consent.	13 14
‘(5) In this section—	15
“ damage ”, a public facility, includes disrupt the operation or use of the facility.	16 17
“ government entity ” means—	18
(a) the State; or	19
(b) a State instrumentality, agency, authority or entity; or	20
(c) a corporate entity established by an Act or that is of a description of a corporate entity provided for by an Act that, in either case, collects revenues or raises funds under the authority of an Act; or	21 22 23
(d) a government owned corporation; or	24
(e) another State, the Commonwealth, a local government or a local government of another State; or	25 26
(f) another entity performing a government function.	27
“ government functions ” means functions of the State, another State, the Commonwealth, a local government or a local government of another State.	28 29 30
“ public facility ” means any of the following, whether publicly or privately owned—	31 32

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- | | |
|-------------------------------------------------------------------------------------------------|--------|
| (a) premises or another place occupied by a government entity; | 1 |
| (b) a public infrastructure facility, including— | 2 |
| (i) infrastructure for a water or sewerage service; and | 3 |
| (ii) a facility for supplying energy or fuel to the public; and | 4 |
| (iii) a facility for a telecommunication system; and | 5 |
| (iv) roads, railways, equipment, vehicles and other infrastructure
for public transport; and | 6
7 |
| (v) other infrastructure for a community service; | 8 |
| (c) a public place.’. | 9 |

PART 4—AMENDMENT OF DISTRICT COURT OF QUEENSLAND ACT 1967	10 11
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|---------------------------------------------------------------------|----|
| Clause 15 Act amended in pt 4 | 12 |
| This part amends the <i>District Court of Queensland Act 1967</i> . | 13 |

- | | |
|--------------------------------------------------------------------------------------------------------------|----------|
| Clause 16 Amendment of s 61 (Limited criminal jurisdiction if maximum
penalty more than 14 years) | 14
15 |
| Section 61(2)(b), ‘or 469’— | 16 |
| <i>omit, insert—</i> | 17 |
| ‘, 469 or 469A’. | 18 |

PART 5—AMENDMENT OF FREEDOM OF INFORMATION ACT 1992	19 20
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|---------------------------------------------------------------|----|
| Clause 17 Act amended in pt 5 | 21 |
| This part amends the <i>Freedom of Information Act 1992</i> . | 22 |

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Clause 18	Amendment of s 32 (Deletion of exempt matter)	1
	Section 32(a), ‘37 or 42’—	2
	<i>omit, insert—</i>	3
	‘37, 42 or 42A’.	4
Clause 19	Amendment of s 35 (Information as to existence of certain documents)	5
	Section 35(1) and (2), ‘37 or 42’—	6
	<i>omit, insert—</i>	7
	‘37, 42 or 42A’.	8
Clause 20	Amendment of s 42 (Matter relating to law enforcement or public safety)	10
	Section 42(1)(g)—	11
	<i>insert—</i>	12
	<i>Example—</i>	13
	A safety report for a major hazard facility under the <i>Dangerous Goods Safety Management Act 2001</i> , section 47, may include exempt matter.’.	14
		15
		16
Clause 21	Insertion of new s 42A	17
	After section 42—	18
	<i>insert—</i>	19
	‘42A Matter relating to national or State security	20
	‘(1) Matter is exempt matter if its disclosure could reasonably be expected to damage the security of the Commonwealth or a State.	21
		22
	‘(2) For subsection (1), the matters relevant to the security of the Commonwealth include—	23
		24
	(a) matters relating to detecting, preventing or suppressing activities, whether within or outside Australia, that are subversive of, or hostile to, the interests of the Commonwealth or a country allied or associated with the Commonwealth; and	25
		26
		27
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- (b) the security of a communications system or cryptographic system of the Commonwealth or another country used for—
- (i) the defence of the Commonwealth or a country allied or associated with the Commonwealth; or
- (ii) the conduct of the international relations of the Commonwealth.

‘(3) For subsection (1), the matters relevant to the security of a State include matters relating to detecting, preventing or suppressing activities, whether within or outside the State, that are subversive of, or hostile to, the interests of the State.’

‘(4) A certificate signed by the Minister stating that specified matter would, if it existed, be exempt matter mentioned in subsection (1) establishes, subject to part 5,¹ that, if the matter exists, it is exempt matter under this section.’

- Clause 22 Amendment of s 71 (Functions of commissioner)**
- Section 71(2), ‘37 or 42’—
- omit, insert—*
- ‘37, 42 or 42A’.
- Clause 23 Amendment of s 84 (Review of Minister’s certificates)**
- Section 84(1), ‘37 or 42’—
- omit, insert—*
- ‘37, 42 or 42A’.
- Clause 24 Amendment of s 87 (Commissioner to ensure non-disclosure of certain matter)**
- Section 87(3), ‘37 or 42’—
- omit, insert—*
- ‘37, 42 or 42A’.

¹ Part 5 (External review of decisions)

Clause 25	Amendment of s 90 (Delegation)	1
	Section 90, ‘37 or 42’—	2
	<i>omit, insert—</i>	3
	‘37, 42 or 42A’.	4
Clause 26	Insertion of new pt 8	5
	After part 7—	6
	<i>insert—</i>	7
	‘PART 8—TRANSITIONAL PROVISION FOR	8
	TERRORISM (COMMUNITY SAFETY) AMENDMENT	9
	ACT 2004	10
	‘111 Matter relating to national or State security	11
	‘Section 42A applies in relation to an application under this Act for	12
	access to a document, or for the review of a decision under this Act about	13
	access to a document, whether the application was made before or after the	14
	commencement of that section.’.	15
	PART 6—AMENDMENT OF POLICE POWERS AND	16
	RESPONSIBILITIES ACT 2000	17
Clause 27	Act amended in pt 6	18
	This part amends the <i>Police Powers and Responsibilities Act 2000</i> .	19
Clause 28	Amendment of s 124 (Surveillance warrant applications)	20
	(1) Section 124(5) to (7)—	21
	<i>renumber</i> as section 124(6) to (8).	22
	(2) Section 124—	23
	<i>insert—</i>	24

	‘(5) The place stated in the application (the “ relevant place ”) may be a public place and may be described by reference to a class of place.’.	1 2
Clause 29	Amendment of s 126 (Consideration of application for surveillance warrant)	3 4
	(1) Section 126(b)(ii), ‘place’—	5
	<i>omit, insert—</i>	6
	‘relevant place’.	7
	(2) Section 126(d), after ‘the relevant person’—	8
	<i>insert—</i>	9
	‘or the relevant place’.	10
Clause 30	Amendment of s 127 (Issue of surveillance warrant)	11
	(1) Section 127(2) and (3)—	12
	<i>renumber</i> as section 127(3) and (4).	13
	(2) Section 127(1)—	14
	<i>omit, insert—</i>	15
	‘(1) After considering the application, the judge may issue a surveillance warrant for a period of not more than 30 days if satisfied there are reasonable grounds for believing—	16 17 18
	(a) the relevant person has been, is, or is likely to be, involved in the commission of an indictable offence and is likely to be at the relevant place; or	19 20 21
	(b) evidence of the commission of an indictable offence is likely to be obtained using a surveillance device at the relevant place.	22 23
	‘(2) The warrant may authorise the use of a class A surveillance device only if the offence is a serious indictable offence.’.	24 25
	(3) Section 127(4) (as renumbered), example, ‘ <i>subsection 3(b)</i> ’—	26
	<i>omit, insert—</i>	27
	‘ <i>subsection 4(b)</i> ’.	28

Clause 31	Amendment of s 128 (What surveillance warrant must state)	1
	Section 128(f), ‘section 127(3)’—	2
	<i>omit, insert—</i>	3
	‘section 127(4)’.	4
Clause 32	Insertion of new s 147A	5
	Chapter 4, part 2, division 6, before section 148—	6
	<i>insert—</i>	7
	‘147A Meaning of “terrorist act” and “terrorism” for div 6	8
	‘(1) An action is a “terrorist act” if—	9
	(a) it does any of the following—	10
	(i) causes serious harm that is physical harm to a person;	11
	(ii) causes serious damage to property;	12
	(iii) causes a person’s death;	13
	(iv) endangers the life of someone other than the person taking the action;	14
	(v) creates a serious risk to the health or safety of the public or a section of the public;	16
	(vi) seriously interferes with, seriously disrupts, or destroys an electronic system; and	17
	(b) it is done with the intention of advancing a political, religious or ideological cause; and	20
	(c) it is done with the intention of—	22
	(i) coercing, or influencing by intimidation, the government of the Commonwealth, a State or a foreign country, or of part of a State or a foreign country; or	23
	(ii) intimidating the public or a section of the public.	24
	‘(2) A threat of action is a “terrorist act” if—	25
	(a) the threatened action is likely to do anything mentioned in subsection (1)(a)(i) to (vi); and	26
	(b) the threat is made with the intentions mentioned in subsection (1)(b) and (c).	27
		28
		29
		30
		31

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-
- ‘(3) However, an action or threat of action is not a **“terrorist act”** if the action or threatened action—
- (a) is advocacy, protest, dissent or industrial action; and
 - (b) is not intended—
 - (i) to cause serious harm that is physical harm to a person; or
 - (ii) to cause a person’s death; or
 - (iii) to endanger the life of a person, other than the person taking the action; or
 - (iv) to create a serious risk to the health or safety of the public or a section of the public.
- ‘(4) **“Terrorism”** is—
- (a) criminal activity that involves a terrorist act; or
 - (b) something that is—
 - (i) preparatory to the commission of criminal activity that involves a terrorist act; or
 - (ii) undertaken to avoid detection of, or prosecution for, criminal activity that involves a terrorist act.
- ‘(5) A reference in this section to a person or property is a reference to a person or property wherever situated, within or outside the State (including within or outside Australia).
- ‘(6) In this section—
- “electronic system”** includes any of the following electronic systems—
- (a) an information system;
 - (b) a telecommunications system;
 - (c) a financial system;
 - (d) a system used for the delivery of essential government services;
 - (e) a system used for, or by, an essential public utility;
 - (f) a system used for, or by, a transport system.
- “physical harm”** includes unconsciousness, pain, disfigurement, infection with a disease and physical contact with a person that the person might reasonably object to in the circumstances (whether or not the person was aware of it at the time).

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“**public**” includes the public of another State or of a country other than Australia. 1
2

“**serious harm**” means harm, including the cumulative effect of any harm, that— 3
4

(a) endangers, or is likely to endanger, a person’s life; or 5

(b) is, or is likely to be, significant and longstanding. 6

“**threat**” includes a threat made by conduct, whether express or implied and whether conditional or unconditional.’. 7
8

Clause 33 Amendment of s 148 (Covert search warrant applications) 9

(1) Section 148(1), after ‘organised crime’— 10

insert— 11

‘or terrorism’. 12

(2) Section 148(2)(b), after ‘organised crime’— 13

insert— 14

‘or terrorism’. 15

Clause 34 Amendment of s 150 (Consideration of application) 16

Section 150(a) and (b), after ‘offence’— 17

insert— 18

‘or terrorism’. 19

Clause 35 Amendment of s 151 (Issue of covert search warrant) 20

Section 151(1), ‘there is, in or on a place, evidence of organised crime.’— 21
22

omit, insert— 23

‘evidence of organised crime or terrorism— 24

(a) is at the place; or 25

(b) is likely to be taken to the place within the next 72 hours.’. 26

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Clause 36	Amendment of s 152 (What covert search warrant must state)	1
	Section 152(b), after ‘issued’—	2
	<i>insert—</i>	3
	‘or details of the terrorism for which the warrant was issued’.	4
Clause 37	Amendment of s 155 (Powers under covert search warrant)	5
	Section 155(e) and (f), after ‘warrant’—	6
	<i>insert—</i>	7
	‘or terrorism’.	8
Clause 38	Amendment of sch 4 (Dictionary)	9
	Schedule 4—	10
	<i>insert—</i>	11
	‘ “relevant place” , in relation to an application to a judge for a surveillance warrant, see section 124.	12
		13
	“terrorism” , for chapter 4, part 2, division 6, see section 147A(4).	14
	“terrorist act” , for chapter 4, part 2, division 6, see section 147A.’	15
	PART 7—AMENDMENT OF POLICE SERVICE ADMINISTRATION ACT 1990	16
		17
Clause 39	Act amended in pt 7	18
	This part amends the <i>Police Service Administration Act 1990</i> .	19
Clause 40	Insertion of new s 5.17	20
	Part 5, after section 5.16—	21
	<i>insert—</i>	22

‘5.17 Authorisation of non-State police officers	1
‘(1) This section applies if the commissioner reasonably believes—	2
(a) a terrorist act has been committed or there is an imminent threat of a terrorist act; and	3 4
(b) the help of a non-State police officer is urgently needed to enable the Queensland Police Service to continue to perform its functions effectively while responding to the terrorist act or threat; and	5 6 7 8
(c) it is impracticable in the circumstances to appoint the officer as a special constable.	9 10
‘(2) The commissioner may authorise the non-State police officer to exercise the powers of a police officer under the <i>Police Powers and Responsibilities Act 2000</i> (the “Police Act”).	11 12 13
‘(3) The authorisation must name the non-State police officer.	14
‘(4) The authorisation—	15
(a) may be limited to stated powers; and	16
(b) may be limited to a stated time; and	17
(c) may be given on conditions.	18
‘(5) The authorisation may be given orally or in writing but, if given orally, must be put in writing as soon as reasonably practicable.	19 20
‘(6) A failure to put the authorisation in writing does not invalidate the authorisation or anything done under the authorisation.	21 22
‘(7) While the authorisation is in force, the non-State police officer may exercise the powers only—	23 24
(a) in accordance with the authorisation; and	25
(b) subject to the directions of the commissioner or another State police officer.	26 27
‘(8) The Police Act applies to the non-State police officer, in relation to the exercise of the powers, as if the officer were a State police officer.	28 29
‘(9) The commissioner must ensure that, as soon as practicable after the authorisation is given, the non-State police officer is given an appropriate explanation of the officer’s powers and responsibilities under the Police Act.	30 31 32 33

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- ‘(10) Part 10 applies to the non-State police officer as if the officer were a State police officer. 1
2
- ‘(11) The commissioner must revoke the authorisation as soon as the commissioner is satisfied the non-State police officer’s help is no longer needed. 3
4
5
- ‘(12) The revocation may be made orally or in writing but, if made orally, must be put in writing as soon as reasonably practicable. 6
7
- ‘(13) A failure to put the revocation in writing does not invalidate the revocation. 8
9
- ‘(14) The commissioner may only delegate the commissioner’s authorisation power to a State police officer of the rank of at least assistant commissioner. 10
11
12
- ‘(15) The commissioner must include, in the annual report for a financial year, the following information about any authorisations made under this section during the financial year relating to a terrorist act or threat— 13
14
15
- (a) the nature of the act or threat; 16
 - (b) the number of non-State police officers authorised and the police force or service of which they were members; 17
18
 - (c) when the authorisations started and ended; 19
 - (d) the functions performed by the officers; 20
 - (e) the results of the authorisations, including benefits and problems. 21
- ‘(16) This section does not purport to confer a duty on a federal police officer to perform a function, or to exercise a power, if the conferral of the duty would be beyond the legislative power of the Parliament of the State. 22
23
24
- ‘(17) In this section— 25
- “**authorisation power**” means the power to give or revoke an authorisation under this section. 26
27
- “**federal police officer**” means a member of the Australian Federal Police. 28
- “**non-State police officer**” means a police officer of a police force or service of another State or a federal police officer. 29
30
- “**State police officer**” means a police officer of the Queensland Police Service. 31
32
- “**terrorist act**” see the *Police Powers and Responsibilities Act 2000*, section 147A.’. 33
34

PART 8—AMENDMENT OF WEAPONS ACT 1990

- Clause 41 Act amended in pt 8** 2
 This part amends the *Weapons Act 1990*. 3

- Clause 42 Amendment of s 2 (Application of Act)** 4
 Section 2(1)(b), after ‘such member’— 5
insert— 6
 ‘or when performing a function for the Queensland Police Service at the 7
 request of the commissioner of the Queensland Police Service’. 8

**PART 9—AMENDMENT OF WITNESS PROTECTION
ACT 2000**

- Clause 43 Act amended in pt 9** 11
 This part amends the *Witness Protection Act 2000*. 12

- Clause 44 Replacement of pt 3 hdg (Protecting identity of protected
witnesses and former protected witnesses)** 13
 Part 3, heading— 14
omit, insert— 16
‘PART 3—PROTECTING IDENTITIES’. 17

- Clause 45 Insertion of new s 20A** 18
 After section 20— 19
insert— 20

‘20A New identity for witness protection officer

‘(1) The chairperson may authorise a witness protection officer to use a new identity if the chairperson is satisfied the use is reasonably necessary—

- (a) for the proper administration of the program; or
- (b) to ensure the officer’s safety while administering the program.

‘(2) If the chairperson gives an authorisation under subsection (1), the chairperson may, in the way the chairperson considers appropriate, require a person responsible for issuing an identity document—

- (a) to issue a document that is reasonably necessary—
 - (i) to allow the officer to establish a new identity; or
 - (ii) to otherwise protect the officer; or
 - (iii) to restore the officer’s former identity; and
- (b) to make any necessary entry in a record kept by the person relating to identity documents issued by the person.

‘(3) The person must comply with the requirement.

‘(4) Also, if the chairperson gives an authorisation under subsection (1), section 20 applies as if a reference to a protected witness were a reference to the officer.

‘(5) This section has effect despite any other Act or law.’

Clause 46 Amendment of s 36 (Offence of disclosures about protected witnesses)

(1) Section 36, heading, after ‘**witnesses**’—

insert—

‘**or officers**’.

(2) Section 36(1)—

omit, insert—

‘(1) This section applies to the disclosure of information about any of the following persons (a “**relevant person**”)—

- (a) a person who is, or has been, included in the witness protection program;

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- (b) a witness protection officer for whom an authorisation has been given under section 20A(1).’
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