



Queensland

# Counter-Terrorism and Other Legislation Amendment Bill 2015





## Queensland

# Counter-Terrorism and Other Legislation Amendment Bill 2015

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# 2015

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## A Bill

for

***An Act to amend the *Fire and Emergency Services Act 1990*, the *Police Service Administration Act 1990*, the *Public Safety Preservation Act 1986*, the *Terrorism (Preventative Detention) Act 2005* and the *Weapons Act 1990* for particular purposes***

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[s 1]

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**The Parliament of Queensland enacts—** 1

**Part 1 Preliminary** 2

**Clause 1 Short title** 3

This Act may be cited as the *Counter-Terrorism and Other  
Legislation Amendment Act 2015*. 4  
5

**Clause 2 Commencement** 6

Section 6 commences on a day to be fixed by proclamation. 7

**Part 2 Amendment of Fire and  
Emergency Services Act 1990** 8  
9

**Clause 3 Act amended** 10

This part amends the *Fire and Emergency Services Act 1990*. 11

**Clause 4 Amendment of sch 6 (Dictionary)** 12

Schedule 6, definition *occupier*— 13

*omit, insert*— 14

*occupier*, of premises, means— 15

(a) the owner, lessee or person apparently in  
charge of the premises; or 16  
17

(b) a person who has the care, management or  
supervision of the premises or who is  
conducting a business at the premises. 18  
19  
20

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<b>Part 3</b>	<b>Amendment of Police Service Administration Act 1990</b>	1 2
<b>Clause 5</b>	<b>Act amended</b>	3
	This part amends the <i>Police Service Administration Act 1990</i> .	4
<b>Clause 6</b>	<b>Insertion of new ss 9.7 and 9.8</b>	5
	After section 9.6—	6
	<i>insert—</i>	7
	<b>9.7 Protection from liability of commissioners for police service reviews</b>	8 9
	(1) This section applies to each of the following (a <i>protected person</i> )—	10 11
	(a) a commissioner for police service reviews;	12
	(b) a person acting at the direction of a commissioner for police service reviews.	13 14
	(2) A protected person is not liable to an action, suit or proceeding for an act done or omitted to be done by the person in good faith and without negligence in the exercise or purported exercise of a function or power conferred by this part.	15 16 17 18 19
	<b>9.8 Other protection from liability for a review</b>	20
	(1) A person does not incur civil liability for engaging, or for the result of engaging, in any of the following conduct in good faith and without negligence—	21 22 23 24
	(a) applying for or otherwise being involved in a review of a decision under this part;	25 26
	(b) giving oral, written or other matter to a commissioner for police service reviews, or a person acting at the direction of a	27 28 29

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	commissioner for police service reviews, for a review of a decision under this part.	1 2
(2)	In this section—	3
	<i>civil claim</i> , in relation to conduct or the result of engaging in conduct—	4 5
(a)	means a claim based in tort, contract or another form of action in relation to the conduct or result, including, for example, breach of statutory duty or defamation; and	6 7 8 9
(b)	for a fatal injury, includes a claim for the deceased’s dependants or estate.	10 11
	<i>civil liability</i> , in relation to a person, means liability of any type for the payment of an amount by the person because of a civil claim.	12 13 14
<b>Clause 7</b>	<b>Insertion of new pt 11, div 8</b>	15
	Part 11—	16
	<i>insert—</i>	17
	<b>Division 8</b>	18
	<b>Transitional provision for Counter-Terrorism and Other Legislation Amendment Act 2015</b>	19 20 21
	<b>11.16 Approved agency and law enforcement agency during interim period</b>	22 23
(1)	The immigration and border protection department is taken, during the interim period, to have been—	24 25 26
(a)	an approved agency under part 10, division 1A; and	27 28
(b)	a law enforcement agency under part 10, division 1A.	29 30
(2)	In this section—	31



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<i>immigration and border protection department</i>	1
means the Commonwealth department in which	2
the following laws are administered—	3
(a) the <i>Australian Border Force Act 2015</i>	4
(Cwlth);	5
(b) the <i>Customs Act 1901</i> (Cwlth), other than	6
parts XVB and XVC;	7
(c) the <i>Migration Act 1958</i> (Cwlth).	8
<i>interim period</i> means the period starting on 1	9
July 2015 and ending on the commencement of	10
the <i>Police Legislation Amendment Regulation</i>	11
(No. 1) 2015.	12

<b>Part 4</b>	<b>Amendment of Public Safety Preservation Act 1986</b>	13
		14

<b>Clause 8</b>	<b>Act amended</b>	15
	This part amends the <i>Public Safety Preservation Act 1986</i> .	16

<b>Clause 9</b>	<b>Insertion of new s 3A</b>	17
	After section 3—	18
	<i>insert—</i>	19
	<b>3A Extraterritorial application of Act</b>	20
	(1) This Act applies both within and outside Queensland.	21
		22
	(2) This Act applies outside Queensland to the full extent of the extraterritorial legislative power of the Parliament.	23
		24
		25
	(3) A commissioned officer may make a declaration under section 5 that an emergency situation	26
		27

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- exists, in respect of an area within or outside Queensland, if the officer is satisfied on reasonable grounds that an emergency situation has arisen or is likely to arise in Queensland. 1  
2  
3  
4
- (4) The commissioner or deputy commissioner may, under section 8A— 5  
6
- (a) appoint a police officer to be a terrorist emergency commander if the commissioner or deputy commissioner is satisfied on reasonable grounds that— 7  
8  
9  
10
- (i) an emergency situation has arisen or is likely to arise in Queensland; and 11  
12
- (ii) the emergency situation results from or may result from, or may lead to, 1 or more terrorist acts at 1 or more terrorist emergency sites within or outside Queensland; or 13  
14  
15  
16  
17
- (b) appoint a terrorist emergency forward commander for a terrorist emergency site within or outside Queensland. 18  
19  
20
- (5) A power relating to an emergency situation, terrorist emergency or CBR emergency may be exercised in relation to an entity, place or thing within or outside Queensland. 21  
22  
23  
24
- (6) A declaration under section 8G of an area surrounding a moving activity— 25  
26
- (a) may be made even if the area is outside Queensland at the time of the declaration; and 27  
28  
29
- (b) is not affected if the area moves outside Queensland while the declaration is in effect. 30  
31  
32
- (7) Subsections (3) to (6) do not limit subsection (2). 33

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<b>Part 5</b>	<b>Amendment of Terrorism (Preventative Detention) Act 2005</b>	1 2 3
<b>Clause 10</b>	<b>Act amended</b>	4
	This part amends the <i>Terrorism (Preventative Detention) Act 2005</i> .	5 6
<b>Clause 11</b>	<b>Replacement of s 6 (Extraterritoriality of terrorist act no barrier)</b>	7 8
	Section 6—	9
	<i>omit, insert—</i>	10
	<b>6 Extraterritorial application of Act</b>	11
	(1) This Act applies—	12
	(a) within Queensland; and	13
	(b) in the adjacent area for Queensland.	14
	(2) The powers and functions conferred under this Act in relation to a terrorist act or suspected terrorist act may be exercised whether the terrorist act or suspected terrorist act has been, is being, or is likely to be committed in Queensland or outside Queensland.	15 16 17 18 19 20
	(3) In this section—	21
	<i>adjacent area</i> , for Queensland, has the meaning given under the <i>Crimes at Sea Act 2001</i> , schedule, clause 14.	22 23 24
<b>Clause 12</b>	<b>Amendment of s 41 (Power to enter premises)</b>	25
	(1) Section 41(2), ‘house’—	26
	<i>omit.</i>	27
	(2) Section 41(3)—	28

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<i>omit, insert—</i>	1
(3) In this section—	2
<i>boat</i> see the <i>Police Powers and Responsibilities Act 2000</i> , schedule 6.	3 4
<i>dwelling—</i>	5
(a) includes a vehicle, or a room in a hotel, motel, boarding house or club, in which people ordinarily retire for the night; but	6 7 8
(b) for a dwelling that is a boat—does not include an external deck of the boat.	9 10
<i>premises</i> see the <i>Police Powers and Responsibilities Act 2000</i> , schedule 6.	11 12

<b>Clause 13</b>	<b>Amendment of s 83 (Sunset provision)</b>	13
	Section 83(1), ‘10’—	14
	<i>omit, insert—</i>	15
	20	16
<b>Clause 14</b>	<b>Insertion of new s 83A</b>	17
	After section 83—	18
	<i>insert—</i>	19
	<b>83A Review of Act</b>	20
	The Minister must—	21
	(a) within 4 years after the commencement, start a review of the need for, and effectiveness of, this Act; and	22 23 24
	(b) within 5 years after the commencement—	25
	(i) cause a report to be prepared on the outcome of the review; and	26 27
	(ii) table the report in the Legislative Assembly.	28 29

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<b>Part 6</b>	<b>Amendment of Weapons Act 1990</b>	1 2
<b>Clause 15</b>	<b>Act amended</b>	3
	This part amends the <i>Weapons Act 1990</i> .	4
<b>Clause 16</b>	<b>Amendment of s 2 (Application of Act)</b>	5
	(1) Section 2(1)(c)—	6
	<i>omit, insert—</i>	7
	(c) who is an officer of Customs in the Australian Border Force in relation to the person’s possession or use of a weapon when performing the duties of an officer; or	8 9 10 11
	(2) Section 2(9)—	12
	<i>insert—</i>	13
	<i>Australian Border Force</i> see the <i>Australian Border Force Act 2015</i> (Cwlth), section 4(1).	14 15
	<i>officer of Customs</i> see the <i>Customs Act 1901</i> (Cwlth), section 4(1).	16 17
<b>Clause 17</b>	<b>Insertion of new pt 8, div 6</b>	18
	Part 8—	19
	<i>insert—</i>	20

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<b>Division 6</b>	<b>Transitional provision for Counter-Terrorism and Other Legislation Amendment Act 2015</b>	1 2 3 4
<b>192 Declaration about officers of Customs during interim period</b>		5 6
(1)	This section applies to a person who was an officer of Customs in the Australian Border Force during the interim period or a part of the interim period.	7 8 9 10
(2)	This Act is taken not to have applied to the person in relation to the person's possession or use of a weapon when performing the duties of an officer during the interim period or the part of the interim period.	11 12 13 14 15
(3)	In this section—	16
	<i>Australian Border Force</i> see the <i>Australian Border Force Act 2015</i> (Cwlth), section 4(1).	17 18
	<i>interim period</i> means the period starting on 1 July 2015 and ending on the commencement.	19 20
	<i>officer of Customs</i> see the <i>Customs Act 1901</i> (Cwlth), section 4(1).	21 22