

Terrorism (Preventative Detention) Bill 2005

Explanatory Notes for Amendments to be moved during consideration in detail by the Honourable Peter Beattie MP

Title of the Bill

Terrorism (Preventative Detention) Bill 2005

Objectives of the Amendments

The Amendments are proposed in order to correct address technical and drafting matters in the Bill and to clarify the operation of certain provisions of the Bill.

Achievement of the Objectives

The amendments are all of a technical nature, and simply ensure that the existing objectives of the Bill are met.

Alternative Ways of Achieving Policy Objectives

There are no other viable alternatives that would achieve the policy objectives of the proposed amendments.

Estimated Cost for Government Implementation

There are no additional administrative costs to government of implementing the proposed amendments.

Consistency with Fundamental Legislative Principles

The amendments have no effect on fundamental legislative principles.

Consultation

The Queensland Police Service, the Department of Justice and Attorney-General and the Office of the Queensland Parliamentary Counsel have been consulted in relation to the amendments.

NOTES ON PROVISIONS

Amendments 1, 1A and 2 (amending clause 7: Issuing authority)

Amendments 1, 1A and 2 insert into clause 7 the manner in which the judges or retired judges are to be appointed as issuing authorities under the Bill. This makes the Bill more consistent with the process under the Anti-Terrorism Bill (No. 2) 2005 (Cth) which proposes to insert division 105 of the Commonwealth Criminal Code.

Amendment 3 (amending clause 17: Issuing authority may make initial order)

This amendment is a drafting correction.

Amendment 4 (amending clause 47: Effect of initial order to be explained to person detained)

Amendment 4 amends clause 47(2)(e)(ii) of the Bill to provide that the complaint need not be confined to treatment by a police officer in connection with the person's detention under the order, but may relate to treatment by any other person against whom the ombudsman or the crime and misconduct commission, as the case may be, has jurisdiction to hear complaints.

Amendment 5 (amending clause 48: Effect of final order to be explained to person detained)

Amendment 5 amends subclause 48(2)(d)(ii) to provide that the complaint need not be confined to treatment by a police officer in connection with the person's detention under the order, but may relate to treatment by any other person against whom the ombudsman or the crime and misconduct commission, as the case may be, has jurisdiction to hear complaints.

Amendment 6 (amending clause 51: Copy of preventative detention order and summary of grounds)

This amendment corrects a drafting error.

Amendment 7 (amending clause 56: Contacting family members etc.)

The amendment corrects a drafting error.

Amendment 8 (amending clause 58: Contacting lawyer)

This amendment clarifies that the complaint need not be confined to treatment by a police officer in connection with the person's detention under the order, but may relate to treatment by any other person against whom the ombudsman or the crime and misconduct commission, as the case may be, has jurisdiction to hear complaints.

Amendments 9 and 10 (amending clause 64: Lawyer)

Amendment 9 amends subparagraph 64(d)(iii) to provide that the complaint need not be confined to treatment by a police officer in connection with the person's detention under the order, but may relate to treatment by any other person against whom the ombudsman or the crime and misconduct commission, as the case may be, has jurisdiction to hear complaints.

Clause 10 inserts a note after subparagraph 64(d)(iv) which clarifies that the categories of exceptions listed in subparagraphs 64(d)(i)-(iv) include disclosures made to another lawyer in the course of briefing that lawyer in connection with the matters set out in subparagraphs 64(d)(i)-(iv).

Amendment 11 (amending clause 65: Parent/guardian)

Amendment 11 amends subparagraph 65(e)(i) to provide that the complaint need not be confined to treatment by a police officer in connection with the person's detention under the order, but may relate to treatment by any other person against whom the ombudsman or the crime and misconduct commission, as the case may be, has jurisdiction to hear complaints.

Amendment 12 (amending clause 67: Disclosure recipient)

This amendment corrects a drafting error.

Amendments 13 and 14 (amending the Schedule)

These proposed amendments to the dictionary clarify the definitions *corrective services facility*, *senior police officer*, *superintendent* and *chief superintendent*.