



PARLIAMENT of AUSTRALIA

MEDIA RELEASE

PARLIAMENTARY JOINT COMMITTEE ON INTELLIGENCE AND SECURITY

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Police counter-terrorism powers under review

The Parliamentary Joint Committee on Intelligence and Security has today launched two new inquiries into the operation, effectiveness and implications of certain counter-terrorism laws.

Review of police stop, search and seizure powers, control orders and preventative detention orders

The Committee will review:

- the **stop, search and seizure powers** provided for under Division 3A of Part IAA of the *Crimes Act 1914*,
- the **control order** regime provided for under Division 104 of the *Criminal Code*, and
- the **preventative detention order** regime provided for under Division 105 of the *Criminal Code*.

Written submissions addressing the three provisions are invited to be provided by **Friday, 22 September 2017**.

Review of the 'declared area' provisions

The Committee also will review the provisions under sections 119.2 and 119.3 of the *Criminal Code* that make it an offence for a person to enter, or remain in, a 'declared area' in a foreign country.

Written submissions addressing the 'declared area' provisions are invited to be provided by **Friday, 6 October 2017**.

The Committee Chair, Mr Andrew Hastie MP, said that "The Committee wants to ensure the counter-terrorism powers available to Australian authorities are as effective as possible for dealing with the current threat, while at the same time protecting individual rights and liberties".

"The Committee will also examine how the control order regime interacts with the continuing detention order regime for high risk terrorist offenders that passed through the Parliament in December 2016."

Public hearings for both inquiries will be held later in 2017. Further information, including how to make a submission, is available on the Committee's [website](#).

Media enquiries: Chair, Mr Andrew Hastie MP (Canning, WA) on 08 9534 8044 (Electorate Office) or 02 6277 4223 (Parliament House)

For background: Committee Secretariat on 02 6277 2360 or email pjcis@aph.gov.au



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Background to the reviews

The Committee is required under section 29 of the *Intelligence Services Act 2001* to review each of the four pieces of legislation by 7 March 2018, prior to their sunset on 7 September 2018.

The Independent National Security Legislation Monitor (INSLM), Dr James Renwick SC, is also reviewing the legislation. Dr Renwick's report is due to be provided to the Prime Minister by 7 September 2017, and will be taken into account in the Committee's inquiries.

Stop, search and seizure powers – Division 3A of Part IAA of the *Crimes Act 1914* enables police officers to stop and search a person in a Commonwealth place, and seize items found in that search, if the officer suspects on reasonable grounds that the person might have just committed, might be committing or might be about to commit, a terrorist act; or if the person is in a prescribed security zone.

Control orders – issued under Division 104 of the *Criminal Code*, persons subject to a control order may be prevented from being in certain areas or leaving Australia, communicating or associating with certain people, owning or using certain things, carrying out certain activities, or accessing certain forms of technology. A control order may also require a person to remain at specified premises, wear a tracking device, report to someone at a certain time and place, and allow themselves to be photographed and fingerprinted.

Preventative detention orders (PDOs) – issued under Division 105 of the *Criminal Code*, PDOs may be used either where there is a threat of an imminent terrorist attack and the order might help prevent it, or immediately after a terrorist act if it is likely vital evidence will be lost. A person may be detained by police for up to 48 hours under the Commonwealth PDO regime. Similar regimes under state and territory laws allow for detention for up to 14 days.

'Declared area' provisions – Under Section 119.2 of the *Criminal Code*, it is an offence for a person to enter, or remain in, an area in a foreign country that has been declared by the Foreign Affairs Minister under section 119.3 of the Code. The offence is punishable by up to ten years' imprisonment. There are a number of exceptions to the offence, including where the sole purpose for entering or remaining in a declared area is providing aid of a humanitarian nature, visiting family members, performing official duties, working as a professional journalist, or serving in the armed forces of a foreign country. To date, two areas have been declared by the Minister: al-Raqqa province in Syria and Mosul district in Iraq.