

TERRORISM (PREVENTATIVE DETENTION) AMENDMENT BILL 2007

Receipt and First Reading

Bill received from the Assembly; and, on motion by **Hon Jon Ford (Minister for Regional Development)**, read a first time.

Second Reading

HON JON FORD (Mining and Pastoral - Minister for Regional Development) [10.03 pm]: I move -

That the bill be now read a second time.

At a special Council of Australian Governments meeting held on 27 September 2005 to consider national counterterrorism issues, state and territory leaders agreed that a strengthening of Australia's counterterrorism laws was warranted. An agreement was reached to amend the commonwealth Criminal Code Act 1995 to include provision for measures such as control orders and preventative detention to improve Australia's capability to prevent terrorist acts and to prosecute perpetrators of such acts when they occur. Due to constitutional constraints on the commonwealth, it was also agreed that the states and territories would enact legislation to allow for certain counterterrorism measures, including preventative detention for up to 14 days.

In 2006, the Western Australian Parliament passed the Terrorism (Preventative Detention) Bill 2005, which became an act in 2006, thereby enacting this state's response to the COAG agreement. Separate to the preventative detention powers contained in the commonwealth Criminal Code Act, the Australian Security Intelligence Organisation has significant questioning powers with respect to the investigation of suspected terrorist activities under the Australian Security Intelligence Organisation Act 1979. ASIO's powers of questioning and detention in relation to suspected terrorism may either require a person to appear before a prescribed authority for questioning, or authorise a person to be taken into custody immediately by a police officer, brought before a prescribed authority for questioning and detained by a police officer. The federal Parliament enacted ASIO's questioning and detention powers in 2002, subject to review by the Parliamentary Joint Committee on Intelligence and Security. The committee conducted its review in late 2005, and as a result of that review, ASIO's questioning powers were recast through the ASIO Legislation Amendment Act 2006, which came into effect in late 2006.

The Terrorism (Preventative Detention) Act 2006 contains a number of cross-references to the provisions of the Australian Security Intelligence Organisation Act 1979, as they were prior to the enactment of the ASIO Legislation Amendment Act 2006. They refer to the ability to release a person who is in preventative detention into the custody of ASIO for the purpose of exercising its questioning powers. In their current form, these cross-references are to outdated provisions of the ASIO act, and therefore could give rise to uncertainty about the capacity of ASIO to exercise its questioning powers. To avoid any doubt about the ability of ASIO to take into its custody a person who is in preventative detention under the Terrorism (Preventative Detention) Act 2006, it is necessary to amend the act to refer to the updated provisions of the Australian Security Intelligence Organisation Act 1979. The bill before the house today will achieve that by making housekeeping amendments to the Terrorism (Preventative Detention) Act 2006.

I commend the bill to the house.

Debate adjourned, pursuant to standing orders.