

TERRORISM (PREVENTATIVE DETENTION) AMENDMENT BILL 2016

Receipt and First Reading

Bill received from the Assembly; and, on motion by **Hon Peter Collier (Leader of the House)** on behalf of the Attorney General, read a first time.

Second Reading

HON PETER COLLIER (North Metropolitan — Leader of the House) [5.24 pm]: On behalf of the Attorney General, I move —

That the bill be now read a second time.

This bill amends section 60 of the Terrorism (Preventative Detention) Act 2006 to extend the temporary detention powers for a further 10 years to 22 September 2026 to ensure that police officers can respond to, prevent and investigate potential terror threats in the community. The preventive detention powers of the act are based on part 5.3 of the commonwealth Criminal Code, which relies on referred legislative power from the states. As a result, the preventive detention legislation is similar to legislation enacted in other jurisdictions and somewhat bound by national guidelines.

Under the Western Australian legislation, police officers are able to detain and search a person 16 years of age or older, prohibit contact between a detained person and specified others, obtain personal details of certain people, enter and search any place the officers reasonably suspect may harbour a target person, and/or seize things found that have been used to commit a terrorist act or may provide evidence of the commission of a terrorist act.

The act also allows for the issue of multiple preventive detention orders. However, the aggregated period of actual detention cannot exceed 14 days.

Oversight of the powers conferred under the act is provided via a timely review of the orders before the General Division of the Supreme Court and a quarterly report tabled by the minister before each house of Parliament within 14 sitting days after the report is complete.

Separate provisions are set down for the review of the treatment of persons in detention, including special contact rules for people under 18 or incapable of managing their own affairs, the searching of people, and the disclosure of confidential information. Without an extension of the expiry date of the act, WA Police will not be able to apply for a preventive detention order or prohibited contact order after 22 September 2016. Fortunately, WA Police has not had to use these powers in Western Australia, but we cannot be assured that they will not be required in the future. National counterterrorism activities within Australia increased sharply in September 2014, with properties raided in Sydney, Melbourne and Brisbane. The rise of the Islamic State of Iraq and the Levant—ISIL—also prompted national and international concern and, in September 2014, the outgoing director general of the Australian Security Intelligence Organisation, David Irvine, raised the Australian terrorism alert to high.

Counterterrorism activities and terrorist raids in New South Wales and Victoria have prompted the use of preventive detention legislation in those jurisdictions. In September 2014, the Australian Federal Police confirmed that three preventive detention orders had been issued for the first time under New South Wales legislation following raids on properties in Sydney that month. In June 2015, Victoria issued its first preventive detention order in response to counterterrorism raids conducted earlier that year. The gravity of these powers demands regular review of the operation and effectiveness of the act and reconsideration of the legislation. Reviews of the act will continue to be conducted three yearly in accordance with section 59(2)(b) of the act.

The recent tragic events in Brussels are still fresh in our minds. Terrorism strikes at the heart of communities around the world and impacts upon the freedoms we have sought for so long to obtain. We all have to strive to make sure that terrorism becomes an unlikely possibility rather than a probability. Collectively, we, the elected representatives of our community, have a duty to do what we can as legislators to ensure that our law enforcement officials have all the necessary means available to them to prevent and respond to terrorism threats and attacks.

Pursuant to standing order 126(1) I advise that this bill is not a uniform legislation bill. It does not ratify or give effect to an intergovernmental or multilateral agreement to which the government of the state is a party. Nor does this bill, by reason of its subject matter, introduce a uniform scheme or uniform laws throughout the commonwealth.

I commend the bill to the house and I table the explanatory memorandum.

[See paper 4389.]

Debate adjourned, pursuant to standing orders.