1. The *Public Safety Preservation Act 1986* (PSPA) and the *Terrorism (Preventative Detention) Act 2005* (TPDA) provide powers for the Queensland Police Service (QPS) to deal with terrorist incidents occurring in, or affecting Queensland. Since September 2014, nationally, there has been a significant escalation of terrorist related activity with four terrorist acts having been committed, a further twelve imminent attacks disrupted and, as a result of 27 separate counter-terrorism operations, 62 persons have been charged.
2. The Counter-Terrorism and Other Legislation Amendment Bill 2017 will enhance the QPS ability to rapidly and effectively respond to terrorist and other critical incidents which create a significant risk to the lives and safety of Queenslanders and to prevent or minimise the harm they may cause. The Bill will achieve the following:
* enhancing terrorist emergency powers, including the power to search an electronic device, require passwords and access information to facilitate the search, immediately copy evidence found on the devices and use biometric information to rapidly establish or confirm a person’s identity;
* adopting a consistent approach for police to respond to terrorism and significant emergency incidents involving hostages, armed offenders or the use of improvised explosive devices; and
* enabling a smoother transition from an emergency situation to a terrorist emergency upon establishing the incident is terrorism related.
1. The Bill also enhances public safety by enabling a commissioned officer to authorise police to use surveillance devices during declared emergencies or the use of tracking devices in taking high risk persons into custody so as to minimise serious risk to life or safety. It also clarifies that an existing device can be used as a surveillance device.
2. The Bill further enhances the ability of police to rapidly respond to critical incidents by devolving the ability to declare an emergency situation under the PSPA to senior front line officers, clarifying that emergency situation declarations may be made for moving activities and amending the TPDA by:
* replacing the ‘imminence test’ for the issue of a Preventative Detention Order (PDO) with a threshold test that focuses on the capability of a person to commit a terrorist act, and that could occur, within the next 14 days;
* amending the threshold to enter premises to search for persons the subject of a PDO from ‘believes’ to ‘suspects’ on reasonable grounds they are at the premises; and
* removing time restrictions on entering dwellings to take persons into custody.
1. The Bill amends the PSPA and the *Police Powers and Responsibilities Act 2000* to provide specialist police with the power to destroy explosives where they are found when it is not safe to transport or store the explosive.
2. The Bill also repeals the now defunct *Queensland Police Welfare Club Act 1970*.
3. Cabinet approved the introduction of the Counter-Terrorism and Other Legislation Amendment Bill 2017 into the Legislative Assembly.
4. *Attachments*
* [Counter-Terrorism and Other Legislation Amendment Bill 2017](Attachments/Bill.pdf)
* [Explanatory Notes](Attachments/ExNotes.pdf); [Erratum to Explanatory Notes](Attachments/ExNotesErratum.pdf)