



New South Wales

# Terrorism (Police Powers) Amendment Act 2015 No 45

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New South Wales

# **Terrorism (Police Powers) Amendment Act 2015 No 45**

Act No 45, 2015

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An Act to amend the *Terrorism (Police Powers) Act 2002* and the *Terrorism (Police Powers) Regulation 2011* in relation to the schemes for preventative detention orders and covert search warrants. [Assented to 5 November 2015]

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**The Legislature of New South Wales enacts:**

**1 Name of Act**

This Act is the *Terrorism (Police Powers) Amendment Act 2015*.

**2 Commencement**

This Act commences on the date of assent to this Act.

## **Schedule 1      Amendment of Terrorism (Police Powers) Act 2002 No 115**

- [1]    **Section 26ZS Sunset provision**  
Omit “10 years after the day on which this Part commences” from section 26ZS (1).  
Insert instead “16 December 2018”.
- [2]    **Section 26ZS (2)**  
Omit “the end of 10 years after the day on which this Part commences”.  
Insert instead “16 December 2018”.
- [3]    **Section 27A Definitions**  
Omit the definitions of *Crime Commissioner* and *eligible staff member of the Crime Commission* from section 27A (1).
- [4]    **Section 27D Who may be authorised to apply for a covert search warrant**  
Omit section 27D (2).
- [5]    **Section 27F Delegation of Crime Commissioner’s power to give authorisation**  
Omit the section.
- [6]    **Sections 27G and 27I (1)**  
Omit “, or an eligible staff member of the Crime Commission,” wherever occurring.
- [7]    **Section 27G Power to apply for covert search warrant**  
Omit “or staff member”.
- [8]    **Section 27O Powers conferred by covert search warrant**  
Omit section 27O (2). Insert instead:  
    (2)    A reference in this section to an eligible person, in relation to a warrant, is a reference to an eligible police officer if the applicant for the warrant was an eligible police officer.
- [9]    **Section 27S Report to eligible Judge on execution of warrant**  
Omit “, staff member of the New South Wales Crime Commission” wherever occurring in section 27S (1) (c) (iii) and (3) (d).
- [10]    **Section 27S (5)**  
Omit “or the Crime Commissioner”.
- [11]    **Section 27U Notice to occupiers of execution of covert search warrant**  
Omit “, staff members of the New South Wales Crime Commission” from section 27U (2) (f).
- [12]    **Section 27U (11)**  
Omit “or another eligible staff member of the Crime Commission (if the person was such a staff member)”.

- [13] Section 27U (11) (b)**  
Omit “or eligible staff member of the Crime Commission (as the case may be)”.
- [14] Section 27ZA Publication of documents**  
Omit “the New South Wales Crime Commission,” from section 27ZA (2) (b).
- [15] Section 27ZB Annual report to be given to Attorney General and Police Minister**  
Omit section 27ZB (1). Insert instead:  
(1) The Commissioner of Police must report annually on the exercise of powers under this Part by eligible police officers.
- [16] Section 27ZB (3) (h)**  
Omit “or eligible staff members of the Crime Commission”.
- [17] Section 27ZB (3) (k)**  
Omit “or an eligible staff member of the Crime Commission”.
- [18] Section 27ZB (4) and (5)**  
Omit the subsections. Insert instead:  
(4) The report may be combined with any other annual report of the NSW Police Force.  
(5) The report is to be tabled in each House of Parliament as soon as practicable after it is received by the Attorney General.
- [19] Section 27ZC Monitoring by Ombudsman**  
Omit “, the Crime Commissioner and members of staff of the New South Wales Crime Commission” from section 27ZC (1).
- [20] Section 27ZC (2)**  
Omit “, the Crime Commissioner”.
- [21] Section 29A Ministerial arrangements for things seized in connection with extra-territorial offences**  
Omit “or (if the things have been seized by a member of staff of the New South Wales Crime Commission) the Commissioner for the New South Wales Crime Commission” from section 29A (a) (ii).
- [22] Section 36 Review of Act**  
Omit section 36 (1A). Insert instead:  
(1A) For the purpose of the review, the Minister may require the Commissioner of Police to provide information about the exercise of functions in respect of covert search warrants under this Act by members of the NSW Police Force.
- [23] Schedule 2 Savings and transitional provisions**  
Insert at the end of clause 1 (1):  
any other Act that amends this Act

## **Schedule 2      Amendment of Terrorism (Police Powers) Regulation 2011**

### **Clause 4 Delegation of powers to give authorisation**

Omit clause 4 (2).

[Second reading speech made in—  
Legislative Assembly on 20 October 2015  
Legislative Council on 27 October 2015]