



New South Wales

Terrorism (High Risk Offenders) Amendment Regulation 2018

under the

Terrorism (High Risk Offenders) Act 2017

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Terrorism (High Risk Offenders) Act 2017*.

MARK SPEAKMAN, MP
Attorney General

Explanatory note

The object of this Regulation is to make provision with respect to the following matters under the *Terrorism (High Risk Offenders) Act 2017*:

- (a) ensuring that the Attorney General may require the provision of information to determine whether to make an application to the Supreme Court for a declaration that a person is a convicted NSW terrorist offender, a convicted NSW underlying terrorism offender or a convicted NSW terrorism activity offender,
- (b) expanding the class of persons who can be compelled to provide that information so as to include the heads of certain health service organisations,
- (c) prescribing persons who are qualified to be independent third party representatives of eligible offenders in terrorism intelligence applications.

This Regulation is made under the *Terrorism (High Risk Offenders) Act 2017*, including sections 58 (1), 60 (6) and 74 (the general regulation-making power).

Terrorism (High Risk Offenders) Amendment Regulation 2018

under the

Terrorism (High Risk Offenders) Act 2017

1 Name of Regulation

This Regulation is the *Terrorism (High Risk Offenders) Amendment Regulation 2018*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of Terrorism (High Risk Offenders) Regulation 2018

[1] Clause 6 Prescribed circumstances

Omit “an order under Part 2 or 3” from clause 6 (1) (a) (i).

Insert instead “a declaration under section 12, or an order under Part 2 or 3,”.

[2] Clause 6 (2)

Insert after item 29:

- 30 a chief executive of a statutory health organisation within the meaning of the *Health Services Act 1997*
- 31 a licensee within the meaning of the *Private Health Facilities Act 2007*
- 32 a chief executive officer, within the meaning of the *Public Health Act 2010*, of a public hospital

[3] Clause 10

Insert after clause 9:

10 Independent third party representatives

A person is qualified to provide independent and impartial representation for eligible offenders for the purposes of section 60 of the Act if:

- (a) the person is a retired judicial officer, or is qualified to be appointed as a judicial officer, of any Australian jurisdiction, and
- (b) the Supreme Court is satisfied that the person understands any requirements imposed by or under a law of New South Wales or the Commonwealth with respect to accessing, storing, handling and destroying the terrorism intelligence concerned, and
- (c) the Supreme Court is satisfied that the person will maintain the confidentiality of the terrorism intelligence concerned, and
- (d) the person takes reasonable steps to avoid any conflict of interest (real or apparent) in connection with the exercise of the functions of an independent third party representative, and
- (e) the person has been given a security clearance at an appropriate level by the Commonwealth (but only if the Supreme Court so requires).