



New South Wales

# **Terrorism (Police Powers) Amendment (Preventative Detention Orders) Bill 2007**

## **Explanatory note**

This explanatory note relates to this Bill as introduced into Parliament.

## **Overview of Bill**

This Bill amends the *Terrorism (Police Powers) Act 2002* in relation to the detention in a correctional or juvenile detention centre of a person subject to a preventative detention order under that Act. Section 26X of that Act currently provides for an arrangement to be made by relevant authorities for that detention and authorises the regulations to exclude the application to any such person of any provisions of the legislation relating to detention in a correctional or juvenile detention centre. The object of this Bill is to make it clear that the provisions of that legislation apply to any such person, except to the extent that any such provision:

- (a) is inconsistent with a requirement of that Act or the arrangement made for the person's detention, or
- (b) entitles a person to visit the person or entitles the person to communicate with another person (because that Act makes detailed provision for such matters),  
or
- (c) is excluded by the regulations.

## Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on the date of assent to the proposed Act.

**Clause 3** is a formal provision that gives effect to the amendment to the *Terrorism (Police Powers) Act 2002* set out in Schedule 1.

**Clause 4** provides for the repeal of the proposed Act after the amendment made by the proposed Act has commenced.

## Schedule 1      Amendment

The Schedule sets out the amendment to section 26X of the *Terrorism (Police Powers) Act 2002* outlined above.

First print



New South Wales

# Terrorism (Police Powers) Amendment (Preventative Detention Orders) Bill 2007

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# **Terrorism (Police Powers) Amendment (Preventative Detention Orders) Bill 2007**

No. , 2007

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## **A Bill for**

An Act to amend the *Terrorism (Police Powers) Act 2002* in relation to the detention in a correctional or juvenile detention centre of a person subject to a preventative detention order under that Act.

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|  |          |
|--|----------|
| <b>The Legislature of New South Wales enacts:</b>  | 1        |
| <b>1 Name of Act</b>   | 2        |
| This Act is the <i>Terrorism (Police Powers) Amendment (Preventative Detention Orders) Act 2007</i> .  | 3<br>4   |
| <b>2 Commencement</b>  | 5        |
| This Act commences on the date of assent to this Act.  | 6        |
| <b>3 Amendment of Terrorism (Police Powers) Act 2002 No 115</b>  | 7        |
| The <i>Terrorism (Police Powers) Act 2002</i> is amended as set out in Schedule 1.   | 8<br>9   |
| <b>4 Repeal of Act</b>   | 10       |
| (1) This Act is repealed on the day following the day on which this Act commences.   | 11<br>12 |
| (2) The repeal of this Act does not, because of the operation of section 30 of the <i>Interpretation Act 1987</i> , affect any amendment made by this Act. | 13<br>14 |

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|                    |   |   |
|--------------------|---|---|
| <b>Schedule 1</b>  | <b>Amendment</b>  | 1                                       |
|                    | (Section 3)   | 2                                       |
| <b>Section 26X</b> | <b>Arrangement for detainee to be held in prison</b>  | 3                                       |
|                    | Insert after section 26X (2):   | 4                                       |
| (2A)               | The provisions of or made under the <i>Crimes (Administration of Sentences) Act 1999</i> or the <i>Children (Detention Centres) Act 1987</i> (as the case requires) apply to the subject when detained under an arrangement in force under this section in the same way as they apply to an inmate (within the meaning of the <i>Crimes (Administration of Sentences) Act 1999</i> ) or a detainee (within the meaning of the <i>Children (Detention Centres) Act 1987</i> ), except to the extent that any such provision: | 5<br>6<br>7<br>8<br>9<br>10<br>11<br>12 |
|                    | (a) is inconsistent with a requirement of this Part or the arrangement, or  | 13<br>14                                |
|                    | (b) entitles a person to visit the subject or entitles the subject to communicate with another person (unless this Part also confers the entitlement), or   | 15<br>16<br>17                          |
|                    | (c) is excluded under subsection (3).   | 18                                      |