



PARLIAMENT of AUSTRALIA

MEDIA RELEASE

Parliamentary Joint Committee on Intelligence and Security

Review of the 'declared area' provisions

Review of police stop, search and seizure powers, the control order regime and the preventative detention order regime

Issue date: 1 March 2018

Statutory review of counter-terrorism laws

The Parliamentary Joint Committee on Intelligence and Security has today tabled two reports on the operation, effectiveness and implications of several pieces of counter-terrorism legislation.

- the **stop, search and seizure powers** under Division 3A of Part IAA of the *Crimes Act 1914*,
- the **control order regime** in Division 104 of the *Criminal Code*,
- the **preventative detention order** regime in Division 105 of the *Criminal Code*, and
- the **'declared area' provisions** in sections 119.2 and 119.3 of the *Criminal Code* that.

The Committee recommended that each of the laws be continued, with a sunset clause taking effect after three years and a further Committee review to take place prior to the sunset date.

The Chair of the Committee, Mr Andrew Hastie MP, said "These laws provide the authorities with a range of tools to respond to the serious terrorism threat that Australia has faced in recent years. Following their comprehensive review, the Committee was convinced that each of the laws remains necessary in the current environment."

In its [report](#) on police stop, search and seizure powers, the control order regime and the preventative detention order regime, the Committee recommended:

- increased reporting requirements in relation to the stop, search and seizure powers, and providing an ongoing oversight role for the Committee,
- providing greater clarity in relation to control order confirmation proceedings, enabling interim control orders to be amended on application, and providing for extended supervision orders to be issued as an alternative to continuing detention orders.
- extending to seven days, subject to legal advice regarding any constitutional concerns, the minimum time between an interim and a confirmation hearing for a control order, and
- requiring the Australian Federal Police to notify the Committee as soon as practicable after a preventative detention order is made, and to brief the Committee if requested.

In its [report](#) on the 'declared area' provisions, which make it an offence for a person to enter, or remain in, declared areas of a foreign country, the Committee recommended:

- increased transparency in relation to the non-legislative factors that are considered in order to guide and prioritise the selection of areas to be declared,
- providing that the Minister for Foreign Affairs may revoke a declaration at any time, taking into account security advice from relevant agencies, and
- empowering the Committee to review and report back to the Parliament on a declaration at its discretion, at any time.



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Copies of each report are available on the Committee's website: www.aph.gov.au/pjcis.

The Committee's reviews were required, under section 29(1) of the *Intelligence Services Act 2001*, to be conducted by 7 March 2018. The Committee has also completed a review of the questioning and detention powers in Division 3 of Part III of the *Australian Security Intelligence Organisation Act 1979*. The Committee expects to finalise its report on this review shortly.

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