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PARLIAMENTARY JOINT COMMITTEE ON INTELLIGENCE AND SECURITY

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High risk terrorists to face post-sentence preventative detention

The Parliamentary Joint Committee on Intelligence and Security today presented its advisory report on the Criminal Code Amendment (High Risk Terrorist Offenders) Bill 2016.

The Bill provides for the continued detention of high risk terrorist offenders who are found by a Court to present an unacceptable risk to the community at the end of their prison sentence.

In its bipartisan report, the Committee recommended that the Bill be passed by Parliament and made 23 additional recommendations aimed at narrowing the scope of the Bill's application, clarifying operation of the regime and strengthening the reporting and oversight mechanisms.

The Committee's recommendations include:

- limiting the scope of the continuing detention order regime to exclude offenders convicted of treason and publishing recruitment advertisements,
- extending the time available to the Attorney-General to make an application for a continuing detention order from six months to 12 months prior to the end of an offender's sentence, and
- introducing a 10 year sunset clause, which is to be preceded by mandatory reviews of the legislation by the Independent National Security Legislation Monitor (INSLM) and the Parliamentary Joint Committee on Intelligence and Security (PJCIS).

The Committee was specifically asked to consider the interaction of the proposed continuing detention order regime with control orders. The Committee has recommended that the Criminal Code be amended to make it explicit that a control order can be applied for and obtained while an individual is in prison, but that the controls imposed by that order would not apply until the person is released. Further consideration of the interaction between the two regimes, and any proposed improvements, will be considered during the mandatory reviews of the control order regime by INSLM and PJCIS to be completed in 2017 and 2018 respectively.

The Committee's report recognises that considerable work will be required following passage of the Bill to implement the regime. For this reason, the Committee has recommended that a clear implementation plan be provided to the Committee prior to the passage of the Bill. This plan is to be followed by a report from the Attorney-General on any outstanding implementation matters by 30 June 2017.



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Chair of the Committee, Mr Michael Sukkar MP, said that the Bill demonstrated the importance of updating Australia's counter-terrorism framework to protect the Australian community. 'Where a terrorist offender continues to present an unacceptable risk to the community, it is appropriate that—subject to strict safeguards and oversight—a Court be able to issue an order for that offender to be detained beyond the end of their sentence', Mr Sukkar said.

The full report can be accessed via the Committee's website at <http://www.aph.gov.au/pjcis>.

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