



Queensland

Counter-Terrorism and Other Legislation Amendment Act 2016

Act No. 42 of 2016

An Act to amend the Corrective Services Act 2006, the Police Powers and Responsibilities Act 2000, the Public Safety Preservation Act 1986 and the Terrorism (Preventative Detention) Act 2005 for particular purposes

[Assented to 29 August 2016]



Queensland

Counter-Terrorism and Other Legislation Amendment Act 2016

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The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Counter-Terrorism and Other Legislation Amendment Act 2016*.

Part 2 Amendment of Corrective Services Act 2006

2 Act amended

This part amends the *Corrective Services Act 2006*.

3 Amendment of s 10 (Record of prisoner's details)

(1) Section 10(2)—

omit, insert—

(2) For the identification of a prisoner, a corrective services officer may collect and store the prisoner's biometric information, including by way of a biometric identification system.

(2) Section 10(3), 'photos and prints'—

omit, insert—

prisoner's biometric information, and any data about the biometric information stored in a biometric identification system,

(3) Section 10(4), 'photos or prints'—

omit, insert—

[s 4]

prisoner's biometric information, and any data about the biometric information stored in a biometric identification system,

4 Amendment of s 27 (Change of name)

(1) Section 27(1), from 'under' to 'Act 2003.'—

omit, insert—

under—

- (a) the *Births, Deaths and Marriages Registration Act 2003*; or
- (b) an equivalent law of another State providing for the registration of a change to the person's name.

(2) Section 27(3), 'subsection (1)'—

omit, insert—

subsection (1)(a)

5 Replacement of s 57 (Medical examination)

Section 57—

omit, insert—

57 Health examination

If a safety order is made for a prisoner, a doctor or nurse must examine the prisoner for any health concerns—

- (a) as soon as practicable after the order is made; and
- (b) subsequently, at intervals of not more than 7 days (to the greatest practicable extent) for the duration of the order.

6 Replacement of s 64 (Medical examination)

Section 64—

omit, insert—

64 Health examination

If a maximum security order is made for a prisoner, a doctor or nurse must examine the prisoner for any health concerns—

- (a) as soon as practicable after the order takes effect; and
- (b) subsequently, at intervals of not more than 28 days (to the greatest practicable extent) for the duration of the order; and
- (c) as soon as practicable after the order ceases to have effect.

7 Replacement of s 65C (Medical examination)

Section 65C—

omit, insert—

65C Health examination

If a COSO is made for a prisoner, a doctor or nurse must examine the prisoner for any health concerns—

- (a) as soon as practicable after the COSO takes effect; and
- (b) subsequently, at intervals of not more than 28 days (to the greatest practicable extent) for the duration of the COSO; and
- (c) if the COSO is cancelled—as soon as practicable after the COSO ceases to have effect.

[s 8]

8 Amendment of s 71 (Reconsidering decision)

(1) Section 71(1)(a), from ‘other than’—

omit, insert—

other than a preliminary transfer or a transfer for the purposes of the prisoner’s initial placement; and

(2) Section 71(6)—

insert—

initial placement, of a prisoner who is sentenced to a period of imprisonment, means the placement of the prisoner at—

- (a) if a preliminary transfer of the prisoner has been made—the corrective services facility to which the prisoner is transferred following the preliminary transfer; or
- (b) otherwise—the corrective services facility to which the prisoner is transferred after first being admitted to a corrective services facility on sentencing.

preliminary transfer means the transfer on sentencing of a prisoner who is detained on remand for an offence, if the transfer is for the purposes of assessing and determining an appropriate corrective services facility for the prisoner’s initial placement.

9 Amendment of s 121 (Separate confinement)

Section 121(3)—

omit, insert—

- (3) A doctor or nurse must examine the prisoner for any health concerns as soon as practicable after—
 - (a) the order takes effect; and
 - (b) the order ceases to have effect.

10 Amendment of s 160 (Identification of visitor)

Section 160(2), ‘identification procedures’—

omit, insert—

identification system procedures

11 Amendment of s 162 (Proof of identity)

(1) Section 162(1)—

omit, insert—

(1) The chief executive may keep a visitor’s biometric information given to a corrective services facility as proof of the visitor’s identity, and any data about the visitor’s biometric information stored in a biometric identification system.

(2) Section 162(2), ‘an identifying particular obtained under subsection (1)’—

omit, insert—

the visitor’s biometric information, and any data about the biometric information stored in a biometric identification system,

12 Amendment of sch 4 (Dictionary)

Schedule 4—

insert—

biometric identification system means an electronic system used to collect and store data about an individual’s biometric information in a way that enables the data to be used to identify the individual.

biometric information, for an individual, means the following information—

(a) a photograph of the individual;

15 Amendment of s 289 (Order authorising creation of birth certificate for assumed identity under corresponding authority)

(1) Section 289—

insert—

(1A) Also, the chief executive officer of an intelligence agency may apply to the Supreme Court for an order (also a *birth certificate approval*) authorising a named intelligence officer of the agency to create a birth certificate for an assumed identity under a corresponding authority.

(2) Section 289(2), after ‘law enforcement officer’—

insert—

, intelligence officer

(3) Section 289(1A) to (4)—

renumber as section 289(2) to (5).

16 Amendment of s 290 (Giving effect to birth certificate approval)

Section 290, after ‘law enforcement officer’—

insert—

or intelligence officer

17 Amendment of s 291 (Destruction of birth certificate created under s 290)

Section 291(2), ‘for whom’—

omit, insert—

or intelligence agency for which

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18 Amendment of s 299 (Indemnity for issuing agency and officers in relation to creation of birth certificates)

Section 299(2), ‘to whom’—

omit, insert—

or intelligence agency to which

19 Amendment of sch 6 (Dictionary)

(1) Schedule 6—

insert—

intelligence agency, for chapter 12, see section 280.

intelligence officer, for chapter 12, see section 280.

(2) Schedule 6, definition *chief executive officer*—

insert—

(e) for a law enforcement agency under a corresponding law, for chapter 12—see section 280; or

(f) for an intelligence agency, for chapter 12—see section 280.

Part 4 Amendment of Public Safety Preservation Act 1986

20 Act amended

This part amends the *Public Safety Preservation Act 1986*.

Note—

See also the amendments in schedule 1.

[s 24]

- (a) that an emergency situation has been declared to exist; and
 - (b) the nature of the emergency situation; and
 - (c) the date and time the emergency situation was declared to exist; and
 - (d) the area in respect of which the emergency situation exists.
- (2) Section 5(4), ‘certificate issued pursuant to subsection (2)’—
omit, insert—
emergency situation certificate
- (3) Section 5(5)—
omit, insert—
(5) The commissioner must keep the emergency situation certificate for at least 6 years.

24 Amendment of s 7 (Power to delegate)

- (1) Section 7, heading—
omit, insert—
7 Delegation of power for particular periods
- (2) Section 7(3), from ‘function’—
omit, insert—
function to—
- (a) issue an emergency situation certificate; or
 - (b) make a note under section 5(4) on an emergency situation certificate.

25 Insertion of new s 7A

After section 7—
insert—

7A Delegation of power to require information

- (1) The emergency commander may delegate the power conferred under section 8AE to an appropriately qualified police officer, including the power to subdelegate that power to another appropriately qualified police officer.
- (2) For each delegation, the emergency commander must attach to the emergency situation certificate a copy of each written instrument mentioned in the *Acts Interpretation Act 1954*, section 27A(3) and a statement outlining any revocation of the delegation.
- (3) Without limiting the *Acts Interpretation Act 1954*, section 27A, if a delegation is in force at the end of the declaration of the emergency situation, the delegation ends.

26 Insertion of new pt 2, div 2, hdg

After section 7A, as inserted by this Act—

insert—

Division 2 Powers for area in which emergency situation exists

27 Amendment of s 8 (Powers of emergency commander)

Section 8, heading—

omit, insert—

8 General powers

28 Insertion of new pt 2, div 3

Part 2, after section 8—

insert—

Division 3 Power to require information

Subdivision 1 Preliminary

8AA Definitions for division

In this division—

authorised person, for an information matter, see section 8AB.

disclosure notice see section 8AL(2).

disclosure recipient see section 8AD.

employer, of a person, means the person who employs the person or by whom the person is engaged.

give, in relation to information, includes carry out a procedure to generate the information.

information includes a document.

information matter means—

- (a) the fact an information requirement is made of a person; or
- (b) the nature of the information sought under an information requirement that is made of a person.

information requirement see section 8AE(3).

manager, of a person, means a person who is employed or engaged by the same entity as the person and who manages or supervises the person's work.

relevant officer see section 8AL(4).

unauthorised person, for an information matter, see section 8AC.

work-related information, for a person of whom an information requirement is made, means information that is held, or is to be collected, by an entity by which the person is employed or engaged.

8AB Meaning of *authorised person*

An ***authorised person***, for an information matter, is—

- (a) a person who has been given a disclosure notice authorising the disclosure of the information matter to the person; or

Note—

See subdivision 4 for the giving of disclosure notices.

- (b) a police officer to whom an information matter must, or may, be disclosed under this Act.

8AC Meaning of *unauthorised person*

An ***unauthorised person***, for an information matter, is a person other than an authorised person for the information matter.

Note—

See subdivision 3 for the restrictions on disclosing an information matter to an unauthorised person.

8AD Meaning of *disclosure recipient*

- (1) A ***disclosure recipient*** is a person to whom an information matter is disclosed.
- (2) For subsection (1), it does not matter whether the disclosure of the information matter to the person—

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- (a) is made by a person of whom an information requirement is made or another disclosure recipient; or
- (b) is made lawfully or otherwise.

Note—

A disclosure recipient may be an authorised person, or an unauthorised person, for the information matter that is disclosed to the disclosure recipient.

- (3) However, a person to whom an information matter is disclosed is not a *disclosure recipient* if the disclosure is made to the person—
 - (a) because the person is a police officer mentioned in any of the following sections—
 - (i) section 8AE(2);
 - (ii) section 8AF(3), definition *relevant matters*, paragraph (h) or (i);
 - (iii) section 8AN(3), definition *relevant matters*, paragraph (j) or (k); or
 - (b) for the purpose of receiving or investigating a complaint to a State police officer or the Crime and Corruption Commission.

Subdivision 2 Information requirements

8AE Making of information requirement

- (1) This section applies if, during the period of an emergency situation, the emergency commander is satisfied on reasonable grounds that—
 - (a) a person may be able to give information that is necessary to manage or resolve the emergency situation; and

Examples of persons who may be able to give information that is necessary to manage or resolve the emergency situation—

- a designated person under the *Hospital and Health Boards Act 2011*, part 7
 - a person who is responsible for a biometric identification system
- (b) it is not practicable, in the circumstances of the emergency situation, to obtain the information from the person other than under this subdivision.
- (2) The emergency commander or a police officer acting on the emergency commander's instructions may require the person to give the information to—
- (a) the emergency commander or police officer; or
 - (b) another police officer, who may be described by name or by reference to an officer performing a stated function.
- (3) A requirement under subsection (2) is an ***information requirement***.
- (4) An information requirement—
- (a) must be made by written notice; or
 - (b) if it is not reasonably practicable in the circumstances to give written notice—may be made orally, but must be confirmed in writing as soon as reasonably practicable after it is made.

Example—

Because the information is required urgently, the police officer does not have time to return to the station to complete a written notice.

- (5) An information requirement may require the person to give the information—

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- (a) either—
- (i) if it would be reasonable in the circumstances to require the person to give the information immediately—immediately; or
- (ii) otherwise—by a stated reasonable time and in a stated reasonable way; or

Examples of a reasonable way in which the information may be required to be given—

- telephoning a stated telephone number to give the information by telephone
- emailing a document to a stated email address

- (b) by attending at a stated reasonable time and place to answer questions or produce documents.
- (6) Also, an information requirement may require the person to give the information on an ongoing basis during the period of the emergency situation.
- (7) However, the emergency commander or police officer may not under this section require the person to give the information if the emergency commander or police officer reasonably suspects the person has committed an indictable offence that is directly related to the emergency situation.

Note—

See the *Police Powers and Responsibilities Act 2000* for the powers to question a person suspected of having committed an indictable offence.

- (8) For information that is included in an electronic document, compliance with the information requirement requires—
- (a) the giving of a clear image or written version of the electronic document; or

- (b) the giving of the information in a format that is able to be accessed by the emergency commander or police officer.

Example—

giving a digital file of CCTV footage that is able to be played on a computer

- (9) If the information requirement is current at the end of the declaration of the emergency situation, the information requirement ends.
- (10) In this section—

electronic document means a document of a type under the *Acts Interpretation Act 1954*, schedule 1, definition *document*, paragraph (c).

8AF Person to be informed of relevant matters

- (1) If an information requirement is made of a person by written notice, the notice must state the relevant matters.
- (2) If an information requirement is made of a person orally, the emergency commander or a police officer acting on the emergency commander's instructions must, when making the requirement of the person, tell the person the relevant matters.
- (3) In this section—
- relevant matters*, in relation to an information requirement that is made of a person, means each of the following—
- (a) an emergency situation has been declared to exist;
- (b) it is an offence for the person not to comply with the information requirement unless the person has a reasonable excuse;
- (c) it is a reasonable excuse for the person not to give the information if—

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- (i) for an individual—giving the information might tend to incriminate the individual or expose the individual to a penalty; or
 - (ii) the information is the subject of legal professional privilege;
- (d) it is an offence for the person to give information the person knows is false or misleading in a material particular unless, when giving information in a document, the person—
- (i) tells the police officer to whom the information is given, to the best of the person's ability, how the document is false or misleading; and
 - (ii) if the person has, or can reasonably obtain, the correct information—gives the correct information;
- (e) it is an offence for the person to disclose an information matter to an unauthorised person for the information matter unless the person has a reasonable excuse;
- (f) the maximum penalty for committing an offence in relation to the information requirement, with and without a circumstance of aggravation;
- (g) the name, rank, registered number and station of the emergency commander or police officer making the information requirement;
- (h) the contact details of a police officer who may be contacted about the information requirement;

Examples of a police officer who may be contacted about the information requirement—

- a stated police officer

- a police officer performing a stated function
- (i) if the person wishes to disclose an information matter to another person, the person may ask the emergency commander or police officer, or the police officer mentioned in paragraph (h), to give the other person a disclosure notice authorising the disclosure of the information matter to the other person for a stated purpose;
- (j) a police officer may give the person a written notice under section 8AK, including by email from a Queensland Police Service email account, stating that the person is no longer prohibited from disclosing an information matter to other persons;
- (k) if, during the period of the emergency situation, the person is not given a notice mentioned in paragraph (j), a police officer will inform the person when the emergency situation has ended.

8AG Offence to contravene information requirement

- (1) A person of whom an information requirement is made must comply with the information requirement unless the person has a reasonable excuse.

Maximum penalty—40 penalty units or 1 year's imprisonment.

- (2) It is a reasonable excuse for the person not to give the information if—
- (a) for an individual—giving the information might tend to incriminate the individual or expose the individual to a penalty; or
 - (b) the information is the subject of legal professional privilege.

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- (3) Subsection (2) does not limit what is a reasonable excuse.
- (4) It is a defence to a prosecution for an offence against subsection (1) for the person to prove the person—
 - (a) could not reasonably comply with the information requirement within the period stated in the requirement; and
 - (b) took reasonable steps to comply with the information requirement; and
 - (c) gave the information sought under the information requirement as soon as practicable after the period for compliance stated in the requirement.
- (5) Subsection (1) applies despite any requirement to maintain confidentiality or other restriction on giving the information, whether imposed under an Act or a rule of law, unless the Act expressly overrides this section.

Note—

See section 8AQ for the person's protection from liability for giving the information.

- (6) A person commits a crime if the person commits an offence against subsection (1) in circumstances where the person—
 - (a) intends to—
 - (i) seriously endanger the health or safety of any person; or
 - (ii) cause serious damage to property; or
 - (iii) cause serious pollution of the environment; or
 - (iv) seriously prejudice the effective management or resolution of the emergency situation; or

- (b) knows that, or is reckless as to whether, the person's noncompliance with the information requirement is likely to—
- (i) seriously endanger the health or safety of any person; or
 - (ii) cause serious damage to property; or
 - (iii) cause serious pollution of the environment; or
 - (iv) seriously prejudice the effective management or resolution of the emergency situation.

Maximum penalty—10 years imprisonment.

8A Offence to give false or misleading information

- (1) A person of whom an information requirement is made must not give the nominated officer information the person knows is false or misleading in a material particular.

Maximum penalty—40 penalty units or 1 year's imprisonment.

- (2) Subsection (1) does not apply to a person if the person, when giving information in a document—
- (a) tells the nominated officer, to the best of the person's ability, how the document is false or misleading; and
 - (b) if the person has, or can reasonably obtain, the correct information—gives the correct information.
- (3) A person commits a crime if the person commits an offence against subsection (1) in circumstances where the person—
- (a) intends to—

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- (i) seriously endanger the health or safety of any person; or
 - (ii) cause serious damage to property; or
 - (iii) cause serious pollution of the environment; or
 - (iv) seriously prejudice the effective management or resolution of the emergency situation; or
- (b) knows that, or is reckless as to whether, giving the false or misleading information is likely to—
- (i) seriously endanger the health or safety of any person; or
 - (ii) cause serious damage to property; or
 - (iii) cause serious pollution of the environment; or
 - (iv) seriously prejudice the effective management or resolution of the emergency situation.

Maximum penalty—10 years imprisonment.

- (4) In this section—

nominated officer, in relation to a person of whom an information requirement is made, means the police officer to whom the person is required to give the information under the information requirement.

Note—

See section 8AE(2) for the police officers to whom a person may be required to give the information under an information requirement.

Subdivision 3 Restrictions on disclosing information matter to unauthorised persons

8AI Offence for person to disclose information matter to unauthorised person

- (1) During the period of an emergency situation, a person of whom an information requirement has been made must not, without reasonable excuse, disclose an information matter to an unauthorised person for the information matter.

Maximum penalty—40 penalty units or 1 year's imprisonment.

- (2) However, the person does not commit an offence against subsection (1) if—
- (a) the person has been given a notice under section 8AK in relation to the information matter; or
 - (b) the disclosure is made for the purpose of making a complaint to a State police officer or the Crime and Corruption Commission.
- (3) A person commits a crime if the person commits an offence against subsection (1) in circumstances where the person—
- (a) intends to—
 - (i) seriously endanger the health or safety of any person; or
 - (ii) cause serious damage to property; or
 - (iii) cause serious pollution of the environment; or
 - (iv) seriously prejudice the effective management or resolution of the emergency situation; or

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- (b) knows that, or is reckless as to whether, the disclosure of the information matter is likely to—
 - (i) seriously endanger the health or safety of any person; or
 - (ii) cause serious damage to property; or
 - (iii) cause serious pollution of the environment; or
 - (iv) seriously prejudice the effective management or resolution of the emergency situation.

Maximum penalty—10 years imprisonment.

8AJ Offence for disclosure recipient to disclose information matter to unauthorised person

- (1) During the period of an emergency situation, a disclosure recipient must not, without reasonable excuse—
 - (a) if the disclosure recipient is an authorised person for an information matter—disclose the information matter to an unauthorised person for the information matter; or
 - (b) if the disclosure recipient is an unauthorised person for an information matter—disclose the information matter to another unauthorised person for the information matter, knowing that, or being reckless as to whether, the person to whom the disclosure is made is an unauthorised person.

Maximum penalty—40 penalty units or 1 year's imprisonment.

- (2) However, the disclosure recipient does not commit an offence against subsection (1) if—

- (a) the disclosure recipient has been given a notice under section 8AK in relation to the information matter; or
 - (b) the disclosure is made for the purpose of making a complaint to a State police officer or the Crime and Corruption Commission.
- (3) Also, the disclosure recipient does not commit an offence against subsection (1)(a) by disclosing to a person of whom an information requirement has been made—
- (a) the fact the information requirement has been made of the person; or
 - (b) the nature of the information sought under the information requirement.
- (4) A disclosure recipient commits a crime if the disclosure recipient commits an offence against subsection (1) in circumstances where the disclosure recipient—
- (a) intends to—
 - (i) seriously endanger the health or safety of any person; or
 - (ii) cause serious damage to property; or
 - (iii) cause serious pollution of the environment; or
 - (iv) seriously prejudice the effective management or resolution of the emergency situation; or
 - (b) knows that, or is reckless as to whether, the disclosure of the information matter is likely to—
 - (i) seriously endanger the health or safety of any person; or
 - (ii) cause serious damage to property; or

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(iii) cause serious pollution of the environment; or

(iv) seriously prejudice the effective management or resolution of the emergency situation.

Maximum penalty—10 years imprisonment.

8AK Notice that person released from prohibition on disclosing information matter

- (1) This section applies if, at any time during the period of an emergency situation, the emergency commander reasonably considers it will not prejudice the effective management or resolution of the emergency situation if—
 - (a) a person of whom an information requirement is made discloses an information matter; or
 - (b) a person who is a disclosure recipient discloses an information matter.
- (2) The emergency commander or a police officer acting on the emergency commander's instructions may give the person a written notice stating that the person is no longer prohibited from disclosing the information matter to other persons.

Note—

Section 8AI or 8AJ applies to the person if the person has not been given a notice under this section.

- (3) The written notice may be given to the person—
 - (a) by email, but only if it is sent from a Queensland Police Service email account; or
 - (b) in a written notice making an information requirement of the person; or

- (c) in another appropriate way.

Subdivision 4 Disclosure notices

8AL Request for disclosure notice to be given

- (1) This section applies to a person who—
 - (a) is either—
 - (i) a person of whom an information requirement is made; or
 - (ii) a disclosure recipient; and
 - (b) during the period of an emergency situation, wishes to disclose an information matter to another person; and
 - (c) has not been given a notice under section 8AK in relation to the information matter.
- (2) The person may ask a relevant officer to give a stated person a notice (a *disclosure notice*) authorising the disclosure of the information matter to the stated person for a stated purpose.
- (3) The stated purpose must be—
 - (a) for disclosure by a person of whom an information requirement is made—
 - (i) to obtain the help of the other person in order to comply with the information requirement; or
 - (ii) if the information requirement concerns work-related information for the person—to inform the employer, or a manager, of the person that the information requirement has been made of the person; or

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- (iii) to seek legal advice in relation to the information requirement, including about an offence against this division; or
- (b) for disclosure by a disclosure recipient—
 - (i) to obtain the help of the other person in order to help the person of whom the information requirement is made comply with the information requirement; or
 - (ii) if the information requirement concerns work-related information for the person of whom it is made and the disclosure recipient is a manager of the person—to inform the employer, or a manager, of the disclosure recipient that the information requirement has been made of the person; or
 - (iii) to seek legal advice in relation to the information requirement, including about an offence against this division.
- (4) In this section—
 - relevant officer* means—
 - (a) the emergency commander; or
 - (b) a police officer acting on the emergency commander’s instructions; or
 - (c) if the request under subsection (2) is made by a person of whom an information requirement is made—a police officer mentioned in section 8AF(3), definition *relevant matters*, paragraph (h) whose contact details have been given to the person; or
 - (d) if the request under subsection (2) is made by a disclosure recipient who is an

authorised person for the information matter—a police officer mentioned in section 8AN(3), definition *relevant matters* paragraph (j) whose contact details have been given to the disclosure recipient.

8AM Obligation to give, or to refuse to give, disclosure notice

- (1) This section applies if a request is made under section 8AL to a relevant officer to give a stated person a disclosure notice.
- (2) The relevant officer must give the stated person a disclosure notice unless the officer reasonably suspects that giving the notice might prejudice the effective management or resolution of the emergency situation.
- (3) The disclosure notice may be given in writing or orally.
- (4) The giving of the disclosure notice does not affect the time by which the person of whom the information requirement is made must comply with the information requirement.

Example—

An information requirement is made of a person and, under section 8AE(5)(a)(i), requires the person to give the information immediately. The person asks for a disclosure notice to be given to the person's lawyer to seek legal advice in relation to the information requirement. The obligation under subsection (2) for the relevant officer to give the person's lawyer a disclosure notice does not affect the person's obligation under section 8AG to comply with the information requirement by giving the information immediately.

- (5) If the relevant officer reasonably suspects that giving the stated person a disclosure notice might prejudice the effective management or resolution of the emergency situation, the officer must decide to refuse the request.

8AN Person to be informed of relevant matters

- (1) If a disclosure notice is given in writing, the notice must state the relevant matters.
- (2) If a disclosure notice is given orally, the relevant officer must, when giving the notice, tell the person to whom it is given the relevant matters.

- (3) In this section—

relevant matters, in relation to a disclosure notice given to a person (the *stated person*), means each of the following—

- (a) an emergency situation has been declared to exist;
- (b) an information requirement has been made of the person mentioned in section 8AL(1)(a)(i);
- (c) it is an offence for the person of whom the information requirement is made not to comply with the information requirement unless the person has a reasonable excuse;
- (d) it is an offence for the person of whom the information requirement is made to give information the person knows is false or misleading in a material particular unless, when giving information in a document, the person—
 - (i) tells the police officer to whom the information is given, to the best of the person's ability, how the document is false or misleading; and
 - (ii) if the person has, or can reasonably obtain, the correct information—gives the correct information;
- (e) it is an offence for the person of whom the information requirement is made to disclose an information matter to an unauthorised

person for the information matter unless the person has a reasonable excuse;

- (f) the person of whom the information requirement is made, or a disclosure recipient, has been authorised to disclose an information matter to the stated person for the purpose of—
 - (i) either—
 - (A) for disclosure by the person of whom the information requirement is made—obtaining the help of the stated person in order to comply with the information requirement; or
 - (B) for disclosure by a disclosure recipient—obtaining the help of the stated person in order to help the person of whom the information requirement is made comply with the information requirement; or
 - (ii) informing the stated person, as the employer, or a manager, of the person of whom the information requirement is made, or of the disclosure recipient, that the information requirement has been made and concerns work-related information for the person of whom it is made; or
 - (iii) seeking legal advice in relation to the information requirement, including about an offence against this division;
- (g) it is an offence for the stated person to disclose the information matter to an unauthorised person for the information matter unless the stated person has a reasonable excuse;

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- (h) the maximum penalty for disclosing the information matter to an unauthorised person for the information matter, with and without a circumstance of aggravation;
- (i) the name, rank, registered number and station of the police officer giving the disclosure notice;
- (j) the contact details of a police officer who may be contacted about the information requirement or disclosure notice;

Examples of a police officer who may be contacted about the information requirement or disclosure notice—

- a stated police officer
 - a police officer performing a stated function
- (k) if the stated person wishes to disclose the information matter to another person, the stated person may ask the emergency commander, the police officer giving the disclosure notice or the police officer mentioned in paragraph (j) to give the other person a disclosure notice authorising the disclosure of the information matter to the other person for a stated purpose;
 - (l) a police officer may give the stated person a written notice under section 8AK, including by email from a Queensland Police Service email account, stating that the person is no longer prohibited from disclosing the information matter to other persons;
 - (m) if, during the period of the emergency situation, the person is not given a notice mentioned in paragraph (l), a police officer will inform the stated person when the emergency situation has ended.

8AO Procedure if disclosure notice is given

- (1) If a disclosure notice is given under section 8AM(2), the relevant officer must—
 - (a) if the notice is given in writing—give a copy of the notice to the person who requested the giving of the notice; or
 - (b) if the notice is given orally—tell the person who requested the giving of the notice that the notice has been given.
- (2) Also, the relevant officer must, as soon as reasonably practicable after the disclosure notice is given, make a written record under subsection (3) or (4).
- (3) If the disclosure notice is given in writing, the written record must state—
 - (a) the date and time the notice is given; and
 - (b) the date and time a copy of the notice is given to the person who requested the giving of the notice.
- (4) If the disclosure notice is given orally, the written record must state—
 - (a) the name of the person to whom the notice is given; and
 - (b) the date and time the notice is given; and
 - (c) the date and time the person who requested the giving of the notice is told the notice has been given.

8AP Procedure if disclosure notice is refused

- (1) This section applies if a relevant officer decides under section 8AM(5) to refuse a person's request to give a stated person a disclosure notice.
- (2) As soon as reasonably practicable after making

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the decision, the relevant officer must—

- (a) inform the person who made the request that—
 - (i) the request is refused; and
 - (ii) if the stated purpose of the request was a purpose mentioned in section 8AL(3)(a)(iii) or (b)(iii)—the person may ask that a disclosure notice authorising the disclosure of the information matter be given to another stated person for that purpose; and
- (b) make a written record of—
 - (i) the decision to refuse the request; and
 - (ii) the date and time of the decision; and
 - (iii) the grounds forming the basis of the suspicion mentioned in section 8AM(5).
- (3) The information required to be given under subsection (2)(a) may be given orally or in writing.

Subdivision 5 Other matters

8AQ Protection from liability for giving information

- (1) This section applies to a person who, acting honestly and without negligence, gives information under an information requirement that is made of the person.
- (2) This section also applies to a person if—
 - (a) the person, acting honestly and without negligence, gives information to—

- (i) a person of whom an information requirement is made to help the person comply with the requirement; or
 - (ii) a disclosure recipient to help the disclosure recipient help a person of whom an information requirement is made comply with the requirement; and
- (b) when the information is given—
 - (i) the person is an authorised person for an information matter relating to the person of whom the information requirement is made; or
 - (ii) the person to whom the information is given has been given a notice under section 8AK.
- (3) The person is not liable, civilly, criminally or under an administrative process, for giving the information.
- (4) Also, merely because the person gives the information, the person can not be held to have—
 - (a) breached any code of professional etiquette or ethics; or
 - (b) departed from accepted standards of professional conduct.
- (5) Without limiting subsections (3) and (4)—
 - (a) in a proceeding for defamation, the person has a defence of absolute privilege for publishing the information; and
 - (b) if the person would otherwise be required to maintain confidentiality about the information under an Act, oath or rule of law or practice, the person—

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- (i) does not contravene the Act, oath or rule of law or practice by giving the information; and
- (ii) is not liable to disciplinary action for giving the information.

8AR Persons to be informed that emergency situation has ended

- (1) As soon as practicable after the declaration of an emergency situation ends, the emergency commander must ensure each relevant person is informed that—
 - (a) the emergency situation has ended; and
 - (b) the relevant person is no longer prohibited from disclosing an information matter to other persons.
- (2) Subsection (1) does not apply if, during the period of the emergency situation, the relevant person has been given a notice under section 8AK.
- (3) In this section—

relevant person means—

 - (a) a person of whom an information requirement was made during the period of the emergency situation; or
 - (b) a person to whom a disclosure notice was given during the period of the emergency situation.

29 Insertion of new s 8BA

After section 8B—

insert—

8BA Appointment of TERC commander

- (1) This section applies if—
 - (a) a terrorist emergency has been declared under section 8G(1); and
 - (b) the terrorist emergency commander is satisfied on reasonable grounds that it is or may be necessary to establish a terrorist emergency reception centre outside the declared area.
- (2) The terrorist emergency commander may appoint an appropriately qualified police officer to be the TERC commander for the terrorist emergency.

30 Amendment of s 8C (Function of terrorist emergency commander)

- (1) Section 8C, heading, after ‘Function’—

insert—

and powers
- (2) Section 8C(2)—

omit, insert—

 - (2) The terrorist emergency commander may give directions to—
 - (a) a terrorist emergency forward commander about the performance of functions and the exercise of powers under this Act by the terrorist emergency forward commander; or
 - (b) a TERC commander about the performance of functions and the exercise of powers under this Act by the TERC commander.
- (3) Section 8C(3), after ‘forward commander’—

insert—

or TERC commander

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(4) Section 8C(4)—

omit, insert—

(4) The terrorist emergency commander has all the powers of a terrorist emergency forward commander and a TERC commander and, for that purpose—

- (a) a reference in this Act to a terrorist emergency forward commander includes a reference to the terrorist emergency commander; and
- (b) a reference in this Act to a TERC commander includes a reference to the terrorist emergency commander.

31 Amendment of s 8E (Function of terrorist emergency forward commander)

(1) Section 8E, heading, after ‘Function’—

insert—

and powers

(2) Section 8E(2), from ‘part 2’—

omit, insert—

section 7A and part 2, divisions 2 and 3.

(3) Section 8E(3)—

omit, insert—

(2A) For subsection (2), in section 7A and part 2, divisions 2 and 3—

- (a) a reference to the emergency situation certificate includes a reference to the terrorist emergency certificate; and
- (b) a reference to an emergency situation includes a reference to a terrorist emergency; and

-
- (c) a reference to the emergency commander includes a reference to the terrorist emergency forward commander.
- (3) For the purpose of the powers of a police officer acting on the terrorist emergency forward commander's instructions, a reference in part 2, division 2 or 3 to a police officer acting on the emergency commander's instructions includes a reference to a police officer acting on the terrorist emergency forward commander's instructions.
- (4) Section 8E(4), 'and (3)'—
omit, insert—
to (4)
- (5) Section 8E(2A) to (5)—
renumber as section 8E(3) to (6).

32 Insertion of new ss 8FA and 8FB

Part 2A, division 1, subdivision 1—

insert—

8FA Function and powers of TERC commander

- (1) The TERC commander appointed for a terrorist emergency is responsible for—
- (a) the management and control of each declared evacuation area declared by the TERC commander under section 8GA; and
- (b) if a terrorist emergency reception centre is established in a declared evacuation area—the reception, identification and assessment of persons at the centre.
- (2) The TERC commander has, for the commander's function in relation to a terrorist emergency, the powers an emergency commander has for an emergency situation under section 7A and part 2,

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divisions 2 and 3.

- (3) For subsection (2), in section 7A and part 2, divisions 2 and 3—
 - (a) a reference to the emergency situation certificate includes a reference to the terrorist emergency evacuation certificate; and
 - (b) a reference to an emergency situation includes a reference to a terrorist emergency; and
 - (c) a reference to the emergency commander includes a reference to the TERC commander.
- (4) For the purpose of the powers of a police officer acting on the TERC commander's instructions, a reference in part 2, division 2 or 3 to a police officer acting on the emergency commander's instructions includes a reference to a police officer acting on the TERC commander's instructions.
- (5) Subsections (2) to (4) do not limit other powers of the TERC commander or of a police officer acting on the TERC commander's instructions.
- (6) However, the powers conferred under this section are subject to section 8PB.

8FB TERC commander's power to delegate

- (1) This section applies only for a period for which the TERC commander is not acting as the TERC commander.
- (2) The TERC commander may delegate the commander's functions under this Act, including the power to subdelegate functions, to an appropriately qualified police officer.

- (3) The power to delegate does not include the power to delegate the function to issue a terrorist emergency evacuation certificate under section 8GA(4).
- (4) For each delegation, the TERC commander must attach to the terrorist emergency evacuation certificate a copy of a written instrument mentioned in the *Acts Interpretation Act 1954*, section 27A(3) and a statement outlining any revocation of the delegation.
- (5) Without limiting the *Acts Interpretation Act 1954*, section 27A, if a delegation is in force at the end of the terrorist emergency, the delegation ends.
- (6) In this section—
functions includes powers.

33 Replacement of pt 2A, div 1, sdiv 2, hdg (Declaration)

Part 2A, division 1, subdivision 2, heading—

omit, insert—

Subdivision 2 Declarations

34 Amendment of s 8G (Terrorist emergency may be declared)

- (1) Section 8G(3), example—

omit, insert—

Examples—

- an area within a stated distance of a stated moving motor vehicle or vessel
- an area within a stated distance of a stated person who is on foot, in a moving motor vehicle or vessel or moving in another way

- (2) Section 8G(5), from ‘by’—

omit, insert—

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by—

- (a) amending their description on the terrorist emergency certificate; and
- (b) noting the date and time of the amendment on the terrorist emergency certificate.

(3) Section 8G(9), ‘either’—

omit, insert—

any

(4) Section 8G(9)—

insert—

- (c) a regulation made under section 8HA extends the period of the declaration.

35 Insertion of new s 8GA

After section 8G—

insert—

8GA Evacuation areas may be declared

- (1) This section applies if, during the period of a terrorist emergency, the TERC commander appointed for the emergency is satisfied on reasonable grounds that the terrorist emergency powers are necessary to manage and control—
 - (a) the evacuation of persons from a declared area; or
 - (b) the reception, identification and assessment of persons at a terrorist emergency reception centre established outside a declared area.
- (2) The TERC commander may declare 1 or more of the following (each a ***declared evacuation area***) for the terrorist emergency—
 - (a) a stated area, outside a declared area, in which a terrorist emergency reception centre

has been, or is to be, established for the terrorist emergency;

- (b) if persons evacuate from a declared area to a place other than the terrorist emergency reception centre—a stated area, outside the declared area, that includes the place to which the persons evacuate;
- (c) a stated area that includes the route for the evacuation of persons from a declared area, or a declared evacuation area mentioned in paragraph (b), to the terrorist emergency reception centre;
- (d) a vehicle used to transport persons from a declared area, or a declared evacuation area mentioned in paragraph (b), to the terrorist emergency reception centre and a stated area surrounding the vehicle.

Examples—

- a bus with a stated registration number and an area within a stated distance of the bus
 - a stated vessel and an area within a stated distance of the vessel
- (3) A stated area for subsection (2)(a) to (d) must be the smallest area reasonably necessary to effectively manage—
 - (a) the evacuation of persons from a declared area or declared evacuation area; or
 - (b) the reception, identification and assessment of persons at the terrorist emergency reception centre or other place to which the persons evacuate.
 - (4) As soon as practicable after making a declaration under subsection (2), the TERC commander must issue a certificate (a ***terrorist emergency evacuation certificate***) signed by the commander stating—

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- (a) each declared evacuation area; and
 - (b) the date and time the declaration was made.
- (5) The TERC commander may at any time change a declared evacuation area by—
- (a) amending its description on the terrorist emergency evacuation certificate; and
 - (b) noting the date and time of the amendment on the terrorist emergency evacuation certificate.
- (6) Unless the TERC commander ends a declaration made under subsection (2) sooner, the declaration ends when the declaration of the terrorist emergency ends.
- (7) In this section—
- vehicle* includes vessel, aircraft or railway rolling stock.

36 Replacement of s 8H (Extension of terrorist emergency beyond 7 days to a maximum of 14 days)

Section 8H—

omit, insert—

8H Extension of terrorist emergency beyond 7 days

- (1) This section applies if the Minister and the Premier are satisfied, in relation to a terrorist emergency, that it is necessary for police officers to continue to exercise terrorist emergency powers beyond the current period of the terrorist emergency to protect—
- (a) life or health at serious risk; or
 - (b) critical infrastructure.
- (2) Before the current period of the terrorist emergency ends, the Minister and the Premier

may extend the period of the terrorist emergency by 1 or more periods of not more than 7 days each.

- (3) However, an extension may not be made under subsection (2) if the total period of the terrorist emergency, including the extension and each other extension already made under this section or section 8HA, would be more than 28 days.

8HA Extension of terrorist emergency beyond 28 days

- (1) A regulation may extend, or further extend, the period of a terrorist emergency.
- (2) A regulation made under this section commences on the day it is made whether or not it is notified on that day.
- (3) Also, a regulation made under this section—
- (a) must state the period, of not more than 14 days, by which the terrorist emergency is extended; and
- (b) expires at the end of the stated period unless it is sooner repealed or expires under section 8I(3).
- (4) Subsection (2) applies despite the *Statutory Instruments Act 1992*, section 32.

37 Amendment of s 8I (Relevant person must end terrorist emergency in particular circumstances)

- (1) Section 8I(1)—

omit, insert—

- (1) A relevant person must end the terrorist emergency as soon as the relevant person is satisfied it is no longer necessary for police officers to continue to exercise terrorist emergency powers to protect—

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- (a) life or health at serious risk; or
- (b) critical infrastructure.

(2) Section 8I(3)—

renumber as section 8I(4).

(3) Section 8I—

insert—

- (3) A regulation made under section 8HA expires when the terrorist emergency ends.

38 Replacement of s 8J (Dealing with the terrorist emergency certificate at the end of the emergency)

Section 8J—

omit, insert—

8J Dealing with certificates at end of terrorist emergency

- (1) This section applies when a terrorist emergency ends.
- (2) The terrorist emergency forward commander must note the date and time of the ending on the terrorist emergency certificate.
- (3) The commissioner must keep the terrorist emergency certificate and any terrorist emergency evacuation certificate for at least 6 years after the ending of the terrorist emergency.

39 Amendment of pt 2A, div 2, sdiv 1, hdg (Terrorist emergency officer powers)

Part 2A, division 2, subdivision 1, heading, after 'powers'—

insert—

for declared areas

40 Replacement of s 8L (Grounds for exercise of power)

Section 8L—

omit, insert—

8L Grounds for exercise of power

- (1) A terrorist emergency officer may exercise a terrorist emergency power under section 8M only if the officer is satisfied that giving a person a direction under that section is necessary—
 - (a) for the safety of the person or another person; or
 - (b) to effectively manage the evacuation of the person to a declared evacuation area; or
 - (c) to effectively receive, identify or assess the person; or
 - (d) otherwise to effectively deal with the terrorist emergency.
- (2) A terrorist emergency officer may exercise a terrorist emergency power under a section other than section 8M only if the officer is satisfied the exercise of the power is necessary to effectively deal with the terrorist emergency.
- (3) Also, a terrorist emergency officer may exercise a terrorist emergency power only during the period of the terrorist emergency.
- (4) A terrorist emergency officer exercising a terrorist emergency power may use the force that is reasonably necessary.

41 Replacement of s 8M (Power to control movement of persons)

Section 8M—

omit, insert—

8M Power to control movement of persons

- (1) This section applies to a person—
 - (a) who is in a declared area; or
 - (b) who a terrorist emergency officer reasonably suspects is about to enter a declared area.
- (2) A terrorist emergency officer may direct the person—
 - (a) not to enter the declared area or a stated place in the declared area; or
 - (b) to go to, or stay at or in, a stated place in the declared area; or
 - (c) to go to, and stay at or in, a stated declared evacuation area.
- (3) When the relevant commander is satisfied a direction given under subsection (2) is no longer reasonably necessary for a purpose mentioned in section 8L(1), the commander must ensure the direction is withdrawn.
- (4) A person given 1 or more directions under subsection (2) is not, for that reason only, under arrest or in the custody of a police officer for the purposes of the *Police Powers and Responsibilities Act 2000*.
- (5) A direction given under subsection (2) is not an enforcement act for the purposes of the *Police Powers and Responsibilities Act 2000*.
- (6) In this section—

relevant commander means—

 - (a) for a direction given under subsection (2)(a) or (b)—the terrorist emergency forward commander; or

- (b) for a direction given under subsection (2)(c)—the TERC commander.

42 Amendment of s 8N (Power to search a person without a warrant)

- (1) Section 8N(1), after ‘may’—

insert—

, without a warrant,

- (2) Section 8N(1), ‘just’—

omit, insert—

recently

- (3) Section 8N(2)—

omit, insert—

- (2) The terrorist emergency officer may seize all or part of a thing if the officer reasonably suspects—

(a) the thing may provide evidence of the commission of an offence; or

(b) the person may use the thing to cause harm to the person or someone else.

43 Amendment of s 8O (Power to require name and address)

- (1) Section 8O, ‘and address’—

omit, insert—

, address and date of birth

- (2) Section 8O(1), ‘just’—

omit, insert—

recently

- (3) Section 8O(2), ‘or address’—

omit, insert—

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, address and date of birth

44 Insertion of new s 8P

Part 2A, division 2, subdivision 1—

insert—

8P Power to search vehicle without warrant

- (1) A terrorist emergency officer may, without a warrant, do any of the following if a vehicle is about to enter or is in, or the officer reasonably suspects the vehicle has recently left, a declared area for the terrorist emergency—
 - (a) stop the vehicle;
 - (b) detain the vehicle and the occupants of the vehicle;
 - (c) search the vehicle and anything in it for anything relevant to the terrorist emergency.
- (2) The terrorist emergency officer may seize all or part of a thing if the officer reasonably suspects—
 - (a) the thing may provide evidence of the commission of an offence; or
 - (b) a person may use the thing to cause harm to the person or someone else.
- (3) The *Police Powers and Responsibilities Act 2000*, chapter 20 applies as if anything done under subsection (1) or (2) were done under that Act.
- (4) Nothing done under this section is an enforcement act under the *Police Powers and Responsibilities Act 2000*.
- (5) In this section—

vehicle includes vessel, aircraft or railway rolling stock.

45 Insertion of new pt 2A, div 2, sdiv 1A

Part 2A, division 2—

insert—

Subdivision 1A Terrorist emergency officer powers for declared evacuation areas

8PA Definition for subdivision

In this subdivision—

terrorist emergency officer means—

- (a) the TERC commander; or
- (b) a police officer acting on the TERC commander's instructions.

8PB Grounds for exercise of power

- (1) A terrorist emergency officer may exercise a terrorist emergency power under section 8PC only if the officer is satisfied that giving a person a direction under that section is necessary—
 - (a) for the safety of the person or another person; or
 - (b) to effectively manage the evacuation of the person to a declared evacuation area; or
 - (c) to effectively receive, identify or assess the person; or
 - (d) otherwise to effectively deal with the terrorist emergency.
- (2) A terrorist emergency officer may exercise a terrorist emergency power under a section other than section 8PC only if the officer is satisfied the exercise of the power is necessary to effectively deal with the terrorist emergency.

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- (3) Also, a terrorist emergency officer may exercise a terrorist emergency power only during the period of the terrorist emergency.
- (4) A terrorist emergency officer exercising a terrorist emergency power may use the force that is reasonably necessary.

8PC Power to control movement of persons

- (1) This section applies to a person—
 - (a) who is in a declared evacuation area; or
 - (b) who a terrorist emergency officer reasonably suspects is about to enter a declared evacuation area.
- (2) A terrorist emergency officer may direct the person—
 - (a) not to enter the declared evacuation area or a stated place in the declared evacuation area; or
 - (b) to go to, or stay at or in, a stated place in the declared evacuation area; or
 - (c) to go to, and stay at or in, another stated declared evacuation area.
- (3) When the TERC commander is satisfied a direction given under subsection (2) is no longer reasonably necessary for a purpose mentioned in section 8PB(1), the commander must ensure the direction is withdrawn.
- (4) A person given 1 or more directions under subsection (2) is not, for that reason only, under arrest or in the custody of a police officer for the purposes of the *Police Powers and Responsibilities Act 2000*.
- (5) A direction given under subsection (2) is not an enforcement act under the *Police Powers and*

Responsibilities Act 2000.

8PD Application of particular provisions to terrorist emergency officer

Sections 8N to 8P apply to a terrorist emergency officer as if—

- (a) a reference in the sections to a terrorist emergency officer were a reference to a terrorist emergency officer under this subdivision; and
- (b) a reference in the sections to a declared area were a reference to a declared evacuation area.

46 Amendment of s 8Q (Power to direct officers of government agencies)

- (1) Section 8Q(1), ‘or a deputy commissioner’—

omit.

- (2) Section 8Q(3), after ‘declared areas’—

insert—

or declared evacuation areas

- (3) Section 8Q(5)—

omit, insert—

- (5) The government agency must be consulted before the direction is given, unless it is not practicable to consult the agency because compliance with the direction—

- (a) is required urgently; or
- (b) is necessary for the safety of the officer to whom the direction is given or someone else.

- (4) Section 8Q(9)—

[s 47]

renumber as section 8Q(10).

(5) Section 8Q—

insert—

(9) This section does not limit the powers a terrorist emergency commander or terrorist emergency officer has under this or another Act.

Example of powers that are not limited by this section—

the powers under section 8 to give a person a resource surrender direction, resource operator direction or help direction

47 Amendment of s 8R (Report to Minister)

(1) Section 8R(1), ‘6’—

omit, insert—

3

(2) Section 8R(2)(a)(iv), ‘8F’—

omit, insert—

7A, 8F or 8FB

48 Amendment of s 14 (Extension of CBR emergency beyond 7 days)

Section 14(5), ‘Subsections (2) and (4) apply’—

omit, insert—

Subsection (2) applies

49 Amendment of s 18 (Powers of CBRE commander)

(1) Section 18(1), notes 1 to 3—

omit, insert—

Notes—

1 Under section 11(2), the CBRE commander may give directions relating to the circumstances in

which emergency responders or public service officers may exercise powers under another Act.

- 2 The CBRE commander also has powers to give directions under section 17(2).

- (2) Section 18(2), ‘8’—

omit, insert—

7A or part 2, division 2 or 3

50 Amendment of s 43 (Reports)

Section 43(2)(a)(v), ‘19(4)’—

omit, insert—

7A or 19(5)

51 Amendment of s 43D (Multiple appointments)

- (1) Section 43D(1), after ‘than’—

insert—

1

- (2) Section 43D(2), definition *commander*, paragraph (d)—

omit, insert—

(d) TERC commander;

(e) CBRE commander.

52 Amendment of s 44 (Protection of employment rights)

Section 44(6), definition *relevant direction*, ‘or part’—

omit, insert—

, 2A or

[s 53]

53 Amendment of s 46 (Compensation for use of, damage to or destruction of property)

(1) Section 46(1)(a)(i)—

omit, insert—

(i) is surrendered under a resource surrender direction given under part 2, 2A or 3; or

(2) Section 46(3)(b)—

renumber as section 46(3)(c).

(3) Section 46(3)—

insert—

(b) for a claim relating to a terrorist emergency—28 days after the day the terrorist emergency ends; or

54 Amendment of s 47 (Protection from liability)

Section 47(2), definition *official*—

insert—

(i) a terrorist emergency commander; or

(j) a terrorist emergency forward commander;
or

(k) a TERC commander; or

(l) the commissioner to the extent the commissioner exercises the powers of a person mentioned in paragraph (i), (j) or (k);
or

(m) the deputy commissioner to the extent the deputy commissioner exercises the powers of a person mentioned in paragraph (i), (j) or (k); or

(n) a police officer acting on the instructions of a person mentioned in paragraph (f), (i), (j), (k), (l) or (m); or

-
- (o) a police officer mentioned in section 8AF(3), definition *relevant matters*, paragraph (h) or 8AN(3), definition *relevant matters*, paragraph (j).

55 Insertion of new ss 47A and 47B

After section 47—

insert—

47A Proceedings for offences

- (1) An offence against this Act, other than against section 8AG(6), 8AH(3), 8AI(3) or 8AJ(4), is a summary offence.

Note—

An offence against section 8AG(6), 8AH(3), 8AI(3) or 8AJ(4) is a crime.

- (2) Despite the *Justices Act 1886*, section 52(1), a proceeding for an offence against section 8AG(1), 8AH(1), 8AI(1) or 8AJ(1) may be started within 2 years after the matter of complaint arose if—
- (a) in relation to the matter of complaint—
- (i) for a proceeding for an offence against section 8AG(1)—a proceeding was previously started for an offence against section 8AG(6); or
 - (ii) for a proceeding for an offence against section 8AH(1)—a proceeding was previously started for an offence against section 8AH(3); or
 - (iii) for a proceeding for an offence against section 8AI(1)—a proceeding was previously started for an offence against section 8AI(3); or
 - (iv) for a proceeding for an offence against section 8AJ(1)—a proceeding was

[s 56]

previously started for an offence against section 8AJ(4); and

- (b) the proceeding has been discontinued, or is to be discontinued, by the Attorney-General or the director of public prosecutions.

47B Use of information obtained under Act

- (1) Any information obtained under this Act, including, for example, information obtained under an information requirement under part 2, division 3 may be recorded, retained or used for the purpose of performing any function of the police service.
- (2) Subsection (1) applies despite any provision of an Act that restricts the recording, retention or use of the information, unless the Act expressly overrides this section.

Notes—

- 1 For the functions of the police service, see the *Police Service Administration Act 1990*, section 2.3.
- 2 For the restrictions on the disclosure of information by State police officers and other persons, see the *Police Service Administration Act 1990*, section 10.1.

56 Amendment of s 48 (Evidentiary provisions)

- (1) Section 48(a), after ‘emergency commander,’—

insert—

the terrorist emergency commander, the terrorist emergency forward commander, the TERC commander,

- (2) Section 48(d) to (h)—
renumber as section 48(f) to (j).
- (3) Section 48—

insert—

- (d) a document purporting to be a copy of a terrorist emergency certificate signed by a terrorist emergency forward commander under section 8G(4) is, on being produced in the proceeding, evidence of that certificate and of the matters stated in the certificate;
- (e) a document purporting to be a copy of a terrorist emergency evacuation certificate signed by a TERC commander under section 8GA(4) is, on being produced in the proceeding, evidence of that certificate and of the matters stated in the certificate;

57 Amendment of s 50 (Powers unaffected by failure to comply with formal provision)

Section 50(b), from ‘sections’—

omit, insert—

section 8AE(4)(b), 8G(4) and (6) to (8), 8GA(4) or 8J;

58 Amendment of schedule (Dictionary)

- (1) Schedule, definitions *terrorist emergency officer* and *terrorist emergency powers*—

omit.

- (2) Schedule—

insert—

authorised person, for an information matter, for part 2, division 3, see section 8AB.

critical infrastructure means a physical facility, supply chain, information technology or communication network, if the destruction of or damage to the facility, chain, technology or

[s 58]

network, or its unavailability for an extended period, would—

- (a) put at risk public health, safety or confidence in Queensland or elsewhere in Australia; or
- (b) have a significant impact on the economic wellbeing of the State, another State or the Commonwealth; or
- (c) impede the continuity of government or the provision of government services in Queensland or elsewhere in Australia; or
- (d) affect national security.

declared evacuation area see section 8GA(2).

disclosure notice, for part 2, division 3, see section 8AL(2).

disclosure recipient, for part 2, division 3, see section 8AD.

emergency situation certificate see section 5(2).

employer, of a person, for part 2, division 3, see section 8AA.

give, in relation to information, for part 2, division 3, see section 8AA.

information, for part 2, division 3, see section 8AA.

information matter, for part 2, division 3, see section 8AA.

information requirement, for part 2, division 3, see section 8AE(3).

manager, of a person, for part 2, division 3, see section 8AA.

period, of an emergency situation, means the period—

- (a) starting when the emergency situation is declared to exist under section 5(1); and
- (b) ending when the declaration is revoked under section 5(3).

relevant officer, for part 2, division 3, see section 8AL(4).

TERC commander means a person appointed as a TERC commander under section 8BA(2).

Note—

TERC commander stands for terrorist emergency reception centre commander.

terrorist emergency commander means a person appointed as a terrorist emergency commander under section 8A(2).

terrorist emergency evacuation certificate see section 8GA(4).

terrorist emergency forward commander means a person appointed as a terrorist emergency forward commander under section 8A(4) or 8B.

terrorist emergency officer—

- (a) for part 2A, division 2, subdivision 1—see section 8K; or
- (b) for part 2A, division 2, subdivision 1A—see section 8PA.

terrorist emergency powers means the powers conferred under part 2A for a terrorist emergency on—

- (a) the terrorist emergency forward commander or a police officer acting on the commander's instructions; or

Note—

See section 8E(2) to (4) and part 2A, division 2, subdivision 1.

[s 58]

- (b) the TERC commander or a police officer acting on the commander's instructions.

Note—

See section 8FA(2) to (4) and part 2A, division 2, subdivision 1A.

terrorist emergency reception centre means a place used, or to be used, to receive, identify and assess a person who—

- (a) is or may be a victim of, or witness to, a terrorist act; or
(b) has evacuated, or may need to evacuate, from a place that is, or is close to, a terrorist emergency site.

unauthorised person, for an information matter, for part 2, division 3, see section 8AC.

work-related information, for a person of whom an information requirement is made, for part 2, division 3, see section 8AA.

- (3) Schedule, definition *emergency situation*, paragraph (g), after 'accident'—

insert—

or incident

- (4) Schedule, definition *emergency situation*, before 'includes'—

insert—

and

- (5) Schedule, definition *emergency situation*, '(f) which'—

omit, insert—

(g) that

Part 5 **Amendment of Terrorism (Preventative Detention) Act 2005**

59 **Act amended**

This part amends the *Terrorism (Preventative Detention) Act 2005*.

60 **Amendment of s 14 (General provisions that apply if the PIM must be notified about an application to the issuing authority)**

(1) Section 14—

insert—

(2A) However, subsection (2)(a) does not apply if—

(a) the application is for an initial order; and

(b) because section 79(4)(a) or 79A(2) applies to the applicant, the applicant does not prepare the written application required under section 15.

(2) Section 14(4), ‘subsection (3)’—

omit, insert—

subsection (4)

(3) Section 14(2A) to (4)—

renumber as section 14(3) to (5).

61 **Amendment of s 15 (Application for initial order)**

Section 15—

insert—

(6) This section is subject to sections 79 and 79A.

[s 62]

62 Amendment of s 17 (Issuing authority may make initial order)

(1) Section 17(4)—

omit, insert—

(4) The order—

- (a) must be in writing; and
- (b) may include, as an attachment, a photo that is sufficient, whether by itself or together with a description mentioned in subsection (6)(a)(ii), to identify the person for whom the order is made.

(2) Section 17(6)(a)—

omit, insert—

(a) 1 or more of the following—

- (i) the name of the person for whom the order is made;
- (ii) if the applicant does not know the name of the person for whom the order is made—a description, consisting of 1 or more of the following, that is sufficient, whether by itself or together with any photo included in the order as an attachment, to identify the person for whom the order is made—
 - (A) part of the person’s name;
 - (B) an alias or nickname of the person;
 - (C) a physical description of the person;
- (iii) if the order includes, as an attachment, a photo of the person for whom the order is made—that the photo included

in the order is a photo of the person for whom the order is made; and

63 Amendment of s 25 (Issuing authority may make final order)

(1) Section 25(5)—

omit, insert—

(5) The order—

- (a) must be in writing; and
- (b) may include, as an attachment, a photo that is sufficient, whether by itself or together with a description mentioned in subsection (7)(a)(ii), to identify the person for whom the order is made.

(2) Section 25(7)(a)—

omit, insert—

- (a) 1 or more of the following—
 - (i) the name of the person for whom the order is made;
 - (ii) if the applicant does not know the name of the person for whom the order is made—a description, consisting of 1 or more of the following, that is sufficient, whether by itself or together with any photo included in the order as an attachment, to identify the person for whom the order is made—
 - (A) part of the person's name;
 - (B) an alias or nickname of the person;
 - (C) a physical description of the person;

[s 64]

- (iii) if the order includes, as an attachment, a photo of the person for whom the order is made—that the photo included in the order is a photo of the person for whom the order is made; and

64 Amendment of s 40 (Requirement to provide name etc.)

Section 40(1)—

omit, insert—

- (1) A police officer may ask a person to state the person’s name, address or date of birth if—
 - (a) the officer suspects on reasonable grounds that the person is the subject of a preventative detention order; or
 - (b) the person has been taken into custody and is being detained under a preventative detention order; or
 - (c) the officer believes on reasonable grounds that the person may be able to help the police officer in executing a preventative detention order and the officer does not know the person’s name, address or date of birth.

65 Amendment of s 53 (Restrictions on questioning detained person)

- (1) Section 53(1)(a), after ‘stated in’—

insert—

, or described by,

- (2) Section 53(1)(b) and (c)—
renumber as section 53(1)(c) and (d).
- (3) Section 53(1)—

insert—

(b) if the person is the person described by the order—finding out the person’s identity; or

(4) Section 53(4)(a)(i), after ‘stated in’—

insert—

, or described by,

(5) Section 53(4)(a)(ii)—

renumber as section 53(4)(a)(iii).

(6) Section 53(4)(a)—

insert—

(ii) if the person is the person described by the order—finding out the person’s identity; or

66 Amendment of s 69 (Taking identifying particulars)

(1) Section 69(1), note—

omit, insert—

Notes—

- 1 This section will not apply to a person if the person is released from detention under the order, even though the order may still be in force for the person.
- 2 A contravention of this subsection may be an offence under section 54.

(2) Section 69(2)(b), from ‘purpose of’—

omit, insert—

purpose of—

- (i) confirming the person’s identity as the person stated in, or described by, the order; or
- (ii) if the person is the person described by the order—finding out the person’s identity.

[s 67]

67 Amendment of s 70 (Use of identifying particulars)

Section 70(2), from ‘find out’ to ‘order.’—

omit, insert—

find out—

- (a) whether the person is the person stated in, or described by, the order; or
- (b) if the person is the person described by the order—the person’s identity.

68 Replacement of s 79 (Obtaining orders by telephone or similar facility)

Section 79—

omit, insert—

79 Electronic application in particular circumstances

- (1) This section applies in relation to an application to the issuing authority for a preventative detention order or prohibited contact order.
- (2) A police officer may apply for the order by phone, fax, email, videoconferencing, radio or another form of electronic communication if it is reasonably necessary to apply in that way because of—
 - (a) urgent circumstances; or
 - (b) other special circumstances, including, for example, the police officer’s remote location.
- (3) Before applying for the order in a way mentioned in subsection (2), the applicant must prepare—
 - (a) if the application is for an initial order—the written application required under section 15; or

- (b) if the application is for a final order—the written application required under section 22; or
 - (c) if the application is for a prohibited contact order—the written application required under section 32 or 33.
- (4) However, if the application is for an initial order and is made in a way mentioned in subsection (2) because of urgent circumstances—
- (a) the applicant need not comply with subsection (3)(a); but
 - (b) if the applicant does not comply with subsection (3)(a), the applicant must, when making the application, state each matter that would be required to be stated if the application were made in writing.

79A Oral application for initial order in urgent circumstances

- (1) This section applies in relation to an application to the issuing authority for an initial order.
- (2) A police officer may apply for the order orally in person, and without preparing the written application required under section 15, if it is reasonably necessary to apply in that way because of urgent circumstances.
- (3) In making the application, the police officer must state each matter that would be required to be stated if the application were made in writing.

79B Recording of particular applications for initial order

- (1) This section applies in relation to the following applications to the issuing authority for an initial order—

[s 69]

- (a) an application made under section 79 if section 79(4)(b) applies to the applicant;
 - (b) an application made under section 79A.
- (2) The issuing authority must—
- (a) make an audio or visual recording of the application or direct the applicant to make an audio or visual recording of the application; or
 - (b) as soon as reasonably practicable after the application has been made, make a written record of the application or direct the applicant to make a written record of the application.

79C Additional procedure if electronic application

If the issuing authority makes an order under section 79, the issuing authority must—

- (a) if there is a reasonably practicable way of immediately giving a copy of the order to the police officer, including, for example, by sending a copy by fax or email—immediately give a copy of the order to the police officer; or
- (b) otherwise—tell the police officer the terms of the order.

69 Amendment of schedule (Dictionary)

Schedule—

insert—

described, by a preventative detention order, means described by either or both of the following—

- (a) a description mentioned in section 17(6)(a)(ii) or 25(7)(a)(ii) that is stated in the order;
- (b) a photo included in the order as an attachment.

Part 6 **Other amendments of Public Safety Preservation Act 1986**

70 **Act amended**

Schedule 1 amends the *Public Safety Preservation Act 1986*.

Schedule 1 Other amendments of Public Safety Preservation Act 1986

section 70

1 Particular references to time and date

Each of the following sections is amended by omitting ‘time and date’ and inserting ‘date and time’—

- section 5(4)
- section 8G(4)(c)
- section 8I(2)(b)
- section 12(5)

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