

LEGISLATIVE COUNCIL

Terrorism and Other Legislation Amendment Bill 2025

Second Print

Proposed amendments

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- No. 1 **Public assembly restriction declarations—period for which declarations have effect**
Page 17, Schedule 6[2], proposed Part 2, Division 3A, line 16. Omit “Police.” Insert instead “Police (a *terrorist act response declaration*).”
- No. 2 **Public assembly restriction declarations—information that must be included in declarations**
Page 17, Schedule 6[2], proposed section 23B. Insert after line 33—
(3A) The public assembly restriction declaration must—
(a) include details of the authorisation or declaration referred to in subsection (1) to which the declaration relates, and
(b) specify which of the grounds referred to in subsection (3)(b) the Commissioner or Deputy Commissioner is satisfied exists for making the declaration.
- No. 3 **Public assembly restriction declarations—period for which declarations have effect [to be moved with No. 5]**
Page 17, Schedule 6[2], proposed section 23B, lines 34–40. Omit all words on the lines. Insert instead—
(4) A public assembly restriction declaration ends on the day that is 14 days after the day on which the declaration was made unless the declaration—
(i) ceases to have effect under section 23F(3)(b), or
(ii) is sooner revoked under section 23G.
(5) Despite subsection (4), a public assembly restriction declaration made in connection with a terrorist act response declaration ends on the day on which the terrorist act response declaration is revoked.
- No. 4 **Public assembly restriction declarations—period for which declarations have effect [only to be moved if No. 5 is negatived]**
Page 17, Schedule 6[2], proposed section 23B, lines 34–40. Omit all words on the lines. Insert instead—
(4) A public assembly restriction declaration ends on the day that is 14 days after the day on which the declaration was made unless the declaration—
(i) is extended under section 23C, or
(ii) ceases to have effect under section 23F(3)(b), or

(iii) is sooner revoked under section 23G.

- (5) Despite subsection (4), a public assembly restriction declaration made in connection with a terrorist act response declaration ends on the day on which the terrorist act response declaration is revoked.

No. 5 **Public assembly restriction declarations—no extension of declarations**

Page 18, Schedule 6[2], proposed section 23C, lines 1–11. Omit all words on the lines.

No. 6 **Public assembly restriction declarations—extension of declarations on application to Court [only to be moved if No. 5 is negatived]**

Page 18, Schedule 6[2], proposed section 23C, lines 1–11. Omit all words on the lines. Insert instead—

23C Extensions of public assembly restriction declaration

- (1) The Commissioner of Police or a Deputy Commissioner of Police may, with the concurrence of the Police Minister, apply to a Court for an order to extend a public assembly restriction declaration for a period of not more than 14 days if the Commissioner or Deputy Commissioner is satisfied the declaration continues to be necessary on one or more of the grounds referred to in section 23B(3)(b).
- (2) The Commissioner of Police or Deputy Commissioner may make more than one application under subsection (1) in relation to the same public assembly restriction declaration.
- (3) The Court may make the order only if—
 - (a) the Court is satisfied that the public assembly restriction declaration continues to be necessary on one or more of the grounds referred to in section 23B(3)(b), and
 - (b) making the order will not result in the total period for which the declaration is in force being more than 90 days.
- (4) The Court must decide the application with the greatest expedition possible to ensure that the continuation of the public assembly restriction declaration is not unreasonably extended by reason of the decision of the Court being delayed.
- (5) The decision of a Court on an application under this section is final and is not subject to appeal.
- (6) In this section—
Court means the Supreme Court or District Court.

No. 7 **Public assembly restriction declarations—extension of declarations on application to Court [to be moved with No. 5]**

Page 18, Schedule 6[2], proposed section 23E, line 20. Omit “, extensions”.

No. 8 **Public assembly restriction declarations—extension of declarations on application to Court [to be moved with No. 5]**

Page 18, Schedule 6[2], proposed section 23E(1), line 22. Omit “an extension or”. Insert instead “a”

No. 9 **Public assembly restriction declarations—extension of declarations on application to Court [to be moved with No. 5]**

Page 18, Schedule 6[2], proposed section 23E(1), line 24. Omit “, extension”.

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- No. 10 **Public assembly restriction declarations—extension of declarations on application to Court [to be moved with No. 5]**
Page 18, Schedule 6[2], proposed section 23E(2), lines 28–31. Omit all words on the lines. Insert instead—
- (2) However, failure to publish a public assembly restriction declaration or a variation of a public assembly restriction declaration under subsection (1) does not affect the validity of the declaration or variation.
- No. 11 **Public assembly restriction declarations—extension of declarations on application to Court [to be moved with No. 5]**
Page 18, Schedule 6[2], proposed section 23F(1), line 34. Omit “, extended”.
- No. 12 **Public assembly restriction declarations—extension of declarations on application to Court [to be moved with No. 5]**
Page 18, Schedule 6[2], proposed section 23F(2), line 35. Omit “, extended”.
- No. 13 **Public assembly restriction declarations—extension of declarations on application to Court [to be moved with No. 5]**
Page 18, Schedule 6[2], proposed section 23F(2), line 37. Omit “, extended”.
- No. 14 **Public assembly restriction declarations—extension of declarations on application to Court [to be moved with No. 5]**
Page 18, Schedule 6[2], proposed section 23F(3), line 38. Omit “, extended”.
- No. 15 **Public assembly restriction declarations—extension of declarations on application to Court [to be moved with No. 5]**
Page 18, Schedule 6[2], proposed section 23F(3)(a) and (b), lines 40–47. Omit all words on the lines. Insert instead—
- (a) the Commissioner of Police or Deputy Commissioner of Police making or varying the declaration must ensure the Police Minister is notified of the making or variation of the declaration as soon as the Police Minister is able to be contacted, and
- (b) the declaration, or the variation of the declaration, ceases to have effect if the Police Minister has not confirmed the declaration or variation within 48 hours after the declaration or variation was made.
- No. 16 **Public assembly restriction declarations—extension of declarations on application to Court [to be moved with No. 5]**
Page 19, Schedule 6[3], line 18. Omit “and any extension of the declarations”.
- No. 17 **Statutory review of provisions about public assembly restriction declarations**
Page 19, Schedule 6[4], proposed section 36A(1), line 22. Omit “Minister”. Insert instead “Portfolio Committee No 5”.
- No. 18 **Statutory review of provisions about public assembly restriction declarations**
Page 19, Schedule 6[4], proposed section 36A(2) and (3), lines 26–29. Omit all words on the lines. Insert instead—
- (2) The review must be undertaken as soon as practicable after the period of 6 months from the commencement of the division.
- (3) A report on the outcome of the review must be tabled in each House of Parliament within 12 months after the commencement of the division.
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