

House of Representatives

Supplementary Order Paper

Tuesday, 6 November 2007

Terrorism Suppression Amendment Bill

Proposed amendments

Keith Locke, in Committee, to move the following amendments:

New clause 5A

To insert the following new clause after clause 5 (after line 11 on page 6):

5A Terrorist act defined

Section 5(3)(d) is amended by omitting “, if likely to endanger human life” and substituting “with the intention of endangering human life”.

Clause 6

To omit this clause (lines 12 to 19 on page 6).

Clause 7

To omit this clause (lines 20 and 21 on page 6).

Clause 12

To omit this clause (lines 5 to 10 on page 8).

New clauses 16A and 16B

To insert the following new clauses after clause 16 (after line 38 on page 9):

16A Interim designation as terrorist or associated entity

Section 20 is amended by repealing subsection (4) and substituting the following subsection:

- “(4) Before designating an entity as a terrorist or associated entity under this section, the Prime Minister must, in considering the proposed designation,—
- “(a) consider fully the provisions of the International Covenant on Civil and Political Rights; and
 - “(b) consult with the Attorney-General and the Minister of Foreign Affairs and Trade.”

16B Final designation as terrorist or associated entity

Section 22 is amended by repealing subsection (4) and substituting the following subsection:

- “(4) Before designating an entity as a terrorist or associated entity under this section, the Prime Minister must, in considering the proposed designation,—
- “(a) consider fully the provisions of the International Covenant on Civil and Political Rights; and
 - “(b) consult with the Attorney-General.”

Clause 20

To omit this clause (lines 22 and 23 on page 10).

Clause 21

To omit this clause (line 24 on page 10 to line 10 on page 11).

Clause 39

To omit this clause (lines 16 and 17 on page 16) and substitute the following new clause:

39 New heading and section 70 substituted

The heading above section 70 and section 70 are repealed and the following new heading and new section substituted:

“Review of this Act

“70 Review of operation of this Act

- “(1) The House of Representatives must, as soon as practicable after 1 December 2008, refer to a select committee for consideration the following matters:
- “(a) the operation of this Act since 1 December 2005;
 - “(b) whether this Act should be retained or repealed;
 - “(c) if this Act should be retained, whether any amendments to its provisions are necessary or desirable.
- “(2) The select committee to which those matters are referred must report its view on them to the House of Representatives on or before 1 December 2009.”

Explanatory note

This Supplementary Order Paper amends the Terrorism Suppression Amendment Bill as follows:

New Clause 5A relating to the definition of a **terrorist act** requires serious disruption of an infrastructure facility to be caught by the definition only when this disruption is with an intent to endanger human life. This is to prevent the definition also catching non-violent disruptive protest.

Clause 6 is omitted. This clause creates a general offence of committing a terrorist act, which is punishable by up to life imprisonment.

Clause 7 is omitted, as it repeals section 8(2) of the principal Act, which provides that it will not be an offence to collect funds intending that they be

used, or knowing that they are to be used, for the purpose of advocating democratic government or the protection of human rights.

Clause 12 is omitted. This clause amends the *mens rea* requirement for the crime of participation in a terrorist group to one of recklessness rather than requiring knowledge of the terrorist nature of the group.

New clauses 16A and 16B amend sections 20 and 22 of the principal Act to provide that during all processes for terrorist designations full consideration is given to the International Covenant on Civil and Political Rights.

Clause 20 is omitted. This clause repeals section 31 of the principal Act, which relates to the treatment of information from the United Nations Security Council about entities involved in terrorist acts. The omission of clause 20 retains the original section 31 whereby “evidence to the contrary” can be taken into consideration when it conflicts with Security Council evidence.

Clause 21 is omitted, as it repeals sections 35 to 37 of the principal Act, which relate to the consideration by the High Court of applications to renew final designations as terrorist or associated entities, and substitutes a new section that empowers the Prime Minister to renew designations without reference to the High Court.

Clause 39 is omitted and another clause substituted. As it stands, this clause repeals the statutory requirement in section 70 of the principal Act for the House to refer to a select committee a review of certain provisions of that Act. The Foreign Affairs, Defence and Trade Committee presented its report under this section on 1 December 2005. Proposed *new clause 39* on this Supplementary Order Paper sets out a statutory requirement for a further select committee review, this time of the operation of the whole Act, not only certain provisions, to report by 1 December 2009. The date of 1 December 2005 has been proposed as the starting date for the period covered by the further review, because that was the date the select committee reported on the previous review of provisions of the Act (see proposed new section 70(1)(a)).
