



Queensland

Counter-Terrorism and Other Legislation Amendment Bill 2017



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2017

A Bill

for

An Act to amend the *Police Powers and Responsibilities Act 2000*, the *Public Safety Preservation Act 1986* and the *Terrorism (Preventative Detention) Act 2005* for particular purposes, and to repeal the *Queensland Police Welfare Club Act 1970*

[s 1]

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Counter-Terrorism and Other
Legislation Amendment Act 2017*. 4
5

**Part 2 Amendment of Police Powers
and Responsibilities Act 2000** 6
7

Clause 2 Act amended 8

This part amends the *Police Powers and Responsibilities Act
2000*. 9
10

Note— 11

See also the amendments in schedule 1. 12

Clause 3 Amendment of ch 13, hdg (Surveillance device warrants) 13

Chapter 13, heading, ‘device warrants’— 14

omit, insert— 15

devices 16

Clause 4 Amendment of s 321 (Purposes of ch 13) 17

(1) Section 321, after paragraph (a)— 18

insert— 19

(aa) to enable senior officers of the police service 20

to authorise the installation, use, 21

maintenance and retrieval of tracking 22

	devices in this jurisdiction in circumstances	1
	in which taking a person into custody may	2
	pose a serious risk to the safety of the person	3
	or another person; and	4
	(ab) to enable warrants to be obtained for the	5
	retrieval of surveillance devices installed	6
	under a tracking device authorisation or the	7
	<i>Public Safety Preservation Act 1986</i> ; and	8
(2)	Section 321(aa) to (d)—	9
	<i>renumber</i> as section 321(b) to (f).	10
Clause 5	Amendment of s 322 (Definitions for ch 13)	11
(1)	Section 322, definitions <i>emergency authorisation</i> , <i>premises</i> ,	12
	<i>retrieval warrant</i> and <i>surveillance device warrant</i> —	13
	<i>omit</i> .	14
(2)	Section 322—	15
	<i>insert</i> —	16
	<i>place</i> does not include a vehicle.	17
	<i>premises</i> —	18
	(a) includes a place; and	19
	(b) for parts 2, 3 and 5—includes premises or a	20
	place outside this jurisdiction; and	21
	(c) does not include a vehicle.	22
(3)	Section 322, definition <i>tracking device</i> , from ‘person’—	23
	<i>omit, insert</i> —	24
	person, vehicle or object.	25
Clause 6	Insertion of new s 324A	26
	After section 324—	27
	<i>insert</i> —	28

[s 7]

324A References to installation of surveillance device

In this chapter, a reference to the installation of a surveillance device includes a reference to doing anything to or in relation to a device to enable it to be used as a surveillance device.

Examples of things that may be done to or in relation to a device—

- installing hardware or software on the device
- connecting the device to another device using a wireless connection

Clause 7 Amendment of s 325 (Relationship to other laws and matters)

(1) Section 325—

insert—

(2A) However, a tracking device authorisation may authorise the installation, use, maintenance or retrieval of a tracking device and related enhancement equipment in this jurisdiction only.

(2) Section 325(2A) to (8)—

renumber as section 325(3) to (9).

Clause 8 Amendment of s 331 (What must a surveillance device warrant contain)

Section 331(1)(b)(vi) and (vii)—

omit, insert—

(vi) if the warrant authorises the use of an optical surveillance device in a dwelling, other than a device that is portable or already in the dwelling—the parts of the dwelling in which the device may be installed; and

	(vii) if the warrant authorises the use of a surveillance device in or on a vehicle, object or class of vehicle or object—the vehicle, object or class of vehicle or object in or on which the use of the surveillance device is authorised; and	1 2 3 4 5 6
Clause 9	Amendment of s 332 (What a surveillance device warrant authorises)	7 8
	(1) Section 332(1)(b), ‘object or class of object’— <i>omit, insert—</i> vehicle, object or class of vehicle or object	9 10 11
	(2) Section 332(2)(a)(ii)— <i>omit, insert—</i> (ii) the entry onto the stated premises, or other premises adjoining or providing access to the stated premises, for any of the purposes mentioned in subparagraph (i) or subsection (4); and	12 13 14 15 16 17 18
	(3) Section 332(2)(b)(i), from ‘stated object’— <i>omit, insert—</i> stated vehicle or object, or a vehicle or object of the stated class; and	19 20 21 22
	(4) Section 332(2)(b)(ii)— <i>omit, insert—</i> (ii) the entry onto any premises where the stated vehicle or object, or a vehicle or object of the stated class, is reasonably believed to be or is likely to be, or other premises adjoining or providing access to those premises, for any of the purposes mentioned in subparagraph (i) or subsection (4); and	23 24 25 26 27 28 29 30 31

[s 9]

- (iii) the entry into the stated vehicle, a vehicle of the stated class, or a vehicle in which the stated object or an object of the stated class is reasonably believed to be or is likely to be, for any of the purposes mentioned in subparagraph (i) or subsection (4); and
- (5) Section 332(2)(c)(ii), ‘subsection (3)’—
omit, insert—
subsection (4)
- (6) Section 332—
insert—
(2A) However, a surveillance device warrant of a kind mentioned in subsection (1)(a) does not authorise covert entry to a building on premises adjoining or providing access to the stated premises, unless the warrant specifically authorises the covert entry.
- (7) Section 332(3), ‘Each surveillance’—
omit, insert—
A surveillance
- (8) Section 332(3)(a), from ‘for example’—
omit, insert—
including, for example—
(i) inspecting and photographing the internal layout of premises; and
(ii) finding out whether or not there is a device on premises that could be used as a surveillance device and the location of the device; and
(iii) finding a way to connect to, or transmit from, a device on premises that could be used as a surveillance device; and

(9) Section 332(3)(d)—	1
<i>omit, insert—</i>	2
(d) the temporary removal of a vehicle or object from premises for the purpose of the installation, maintenance or retrieval of the surveillance device or enhancement equipment and the return of the vehicle or object to the premises; and	3 4 5 6 7 8
(10) Section 332(3)(f) and (g)—	9
<i>omit, insert—</i>	10
(f) the connection of the surveillance device or enhancement equipment to an electricity supply system and the use of electricity from that system to operate the device or equipment; and	11 12 13 14 15
(g) the connection of the surveillance device or enhancement equipment to an object or system that may be used to transmit information in any form and the use of that object or system in relation to the operation of the device or equipment.	16 17 18 19 20 21
(11) Section 332(6), ‘This section applies’—	22
<i>omit, insert—</i>	23
Subsections (2) and (4) apply	24
(12) Section 332(2A) to (6)—	25
<i>renumber</i> as section 332(3) to (7).	26
Clause 10 Insertion of new s 332A	27
After section 332—	28
<i>insert—</i>	29

[s 11]

332A Surveillance device warrant authorises use of existing device	1
	2
(1) This section applies to a surveillance device warrant of a kind mentioned in section 332(1)(a), (b) or (c) that authorises the use of a stated kind of surveillance device on premises, or in or on a vehicle, object or class of vehicle or object.	3
	4
	5
	6
	7
(2) The surveillance device warrant also authorises the use of a device (an <i>existing device</i>) that is on the premises, or in or on the vehicle or object, or a vehicle or object of the class, as a surveillance device of the stated kind.	8
	9
	10
	11
	12
<i>Example of an existing device—</i>	13
a security camera	14
(3) This section applies whether or not it is necessary to do anything to or in relation to the existing device to enable it to be used as a surveillance device.	15
	16
	17
	18

Clause 11	Amendment of s 336 (Application for retrieval warrant)	19
(1)	Section 336(1)(a)—	20
	<i>omit, insert—</i>	21
	(a) that was lawfully installed on premises, or in or on a vehicle or object, under—	22
		23
	(i) a surveillance device warrant; or	24
	(ii) a tracking device authorisation; or	25
	(iii) a surveillance device authorisation under the <i>Public Safety Preservation Act 1986</i> ; and	26
		27
		28
(2)	Section 336(1)(b), ‘object’—	29
	<i>omit, insert—</i>	30
	vehicle or object	31

Clause 12	Amendment of s 339 (What must a retrieval warrant contain)	1
	Section 339(1)(b)(iv), ‘premises’—	2
	<i>omit, insert—</i>	3
	premises, vehicle	4
Clause 13	Amendment of s 340 (What a retrieval warrant authorises)	5
	(1) Section 340(1)(d), ‘an object’—	6
	<i>omit, insert—</i>	7
	a vehicle or object	8
	(2) Section 340(1)(d), ‘the object’—	9
	<i>omit, insert—</i>	10
	the vehicle or object	11
Clause 14	Insertion of new s 343A	12
	After section 343—	13
	<i>insert—</i>	14
	343A Emergency authorisation authorises use of existing device	15
	(1) This section applies to an emergency authorisation that authorises the use of a stated kind of surveillance device on premises, or in or on a vehicle, object or class of vehicle or object.	16
	(2) The emergency authorisation also authorises the use of a device (an <i>existing device</i>) that is on the premises, or in or on the vehicle or object, or a vehicle or object of the class, as a surveillance device of that kind.	17
	<i>Example of an existing device—</i>	18
	a security camera	19
	(3) This section applies—	20
		21
		22
		23
		24
		25
		26
		27
		28
		29

[s 15]

	(a) whether or not it is necessary to do anything to or in relation to the existing device to enable it to be used as a surveillance device; and	1 2 3 4
	(b) subject to any conditions of the emergency authorisation.	5 6
Clause 15	Insertion of new ch 13, pt 3A	7
	Chapter 13—	8
	<i>insert—</i>	9
	Part 3A	
	Tracking device authorisations	10 11
	348A Power to give tracking device authorisation	12
	(1) A senior officer of the police service may authorise a police officer to use a tracking device for a stated period (the <i>authorisation period</i>) to find or monitor the geographical location of a person if—	13 14 15 16 17
	(a) the person is to be taken into custody; and	18
	(b) the senior officer is satisfied on reasonable grounds that—	19 20
	(i) taking the person into custody may pose a serious risk to the safety of the person or another person; and	21 22 23
	(ii) the use of a tracking device will help in taking the person into custody at a time or location that minimises the risk.	24 25 26
	(2) An authorisation given under subsection (1) is a <i>tracking device authorisation</i> .	27 28
	(3) The authorisation period for a tracking device authorisation must not be longer than 48 hours after the authorisation is given.	29 30 31

-
- (4) Section 332(1) to (5) applies to a tracking device authorisation as if a reference in the subsections to a surveillance device warrant were a reference to a tracking device authorisation. 1
2
3
4
- (5) However— 5
- (a) section 332(2) and (4) applies to a tracking device authorisation subject to any conditions of the authorisation; and 6
7
8
- (b) a tracking device authorisation must not authorise entry into a dwelling— 9
10
- (i) to install a tracking device or enhancement equipment in the dwelling; or 11
12
13
- (ii) to retrieve a tracking device or enhancement equipment from the dwelling. 14
15
16
- (6) A tracking device authorisation authorises the use of the tracking device stated in the authorisation and any enhancement equipment for the purpose of retrieving the device and equipment. 17
18
19
20
- 348B Tracking device authorisation authorises use of existing device** 21
22
- (1) This section applies to a tracking device authorisation that authorises the use of a tracking device on premises, or in or on a vehicle, object or class of vehicle or object. 23
24
25
26
- (2) The tracking device authorisation also authorises the use of a device (an *existing device*) that is on the premises, or in or on the vehicle or object, or a vehicle or object of the class, as a tracking device. 27
28
29
30
31
- (3) This section applies— 32

[s 15]

- (a) whether or not it is necessary to do anything 1
to or in relation to the existing device to 2
enable it to be used as a tracking device; and 3
- (b) subject to any conditions of the tracking 4
device authorisation. 5

348C Record of tracking device authorisation 6

As soon as reasonably practicable after a tracking 7
device authorisation is given, the senior officer of 8
the police service who gave the authorisation 9
must make a written record stating— 10

- (a) the date and time the authorisation was 11
given; and 12
- (b) the grounds for giving the authorisation. 13

348D When tracking device authorisation ends 14

(1) A tracking device authorisation ends when the 15
first of the following happens— 16

- (a) the person to whom the authorisation relates 17
is taken into custody; 18
- (b) the authorisation period for the authorisation 19
ends or, if the authorisation period is 20
extended under section 348E, the period as 21
extended ends. 22

(2) If a tracking device authorisation ends under 23
subsection (1), the authorisation stops having 24
effect other than to the extent it authorises— 25

- (a) the retrieval of the tracking device and any 26
enhancement equipment; and 27
- (b) the use of the tracking device and any 28
enhancement equipment for the purpose of 29
retrieving the device and equipment. 30

(3) However, after a tracking device authorisation 31

ends, a police officer may exercise a power 1
mentioned in subsection (2) only if a senior 2
officer of the police service approves the exercise. 3
(4) This section does not stop a police officer from 4
retrieving a tracking device and any enhancement 5
equipment from premises if the presence of the 6
police officer on the premises is not an offence. 7

348E Extension of tracking device authorisation 8

- (1) Before a tracking device authorisation ends, a 9
senior officer of the police service may extend the 10
authorisation period for the authorisation, if the 11
officer is satisfied on reasonable grounds of the 12
matters mentioned in section 348A(1)(b). 13
(2) The authorisation period may be extended more 14
than once, but must not be extended by more than 15
48 hours each time. 16
(3) As soon as reasonably practicable after extending 17
the authorisation period, the senior officer of the 18
police service must make a written record 19
stating— 20
(a) the date and time the extension was given; 21
and 22
(b) the length of the extension; and 23
(c) the grounds for the extension. 24

Clause 16 **Amendment of s 352 (Prohibition on communication or 25
publication of protected information)** 26
Section 352(4)— 27
omit. 28

[s 17]

Clause 17	Amendment of s 353 (Permitted use of protected information)	1 2
(1)	Section 353(1)—	3
	<i>insert—</i>	4
	(i) the making of a decision whether or not to apply for a relevant order;	5 6
	(j) the making of, or deciding, an application for a relevant order;	7 8
	(k) the making of a decision whether or not to apply for an extension or further extension of a relevant order;	9 10 11
	(l) the making of, or deciding, an application for an extension or further extension of a relevant order;	12 13 14
	(m) the making of a decision whether or not to apply for the revocation of a relevant order;	15 16
	(n) the making of, or deciding, an application for the revocation of a relevant order;	17 18
	(o) a proceeding about varying or revoking a relevant order;	19 20
	(p) the investigation or prosecution of an offence under a provision of a corresponding preventative detention law that corresponds to a provision of the <i>Terrorism (Preventative Detention) Act 2005</i> mentioned in schedule 3.	21 22 23 24 25 26
(2)	Section 353(2), ‘Subsection (1)(a), (b) and (c)’—	27
	<i>omit, insert—</i>	28
	Subsection (1)(a) to (c) and (i) to (p)	29
(3)	Section 353—	30
	<i>insert—</i>	31
	(3A) Also, subsection (2) does not apply to the use or communication of protected information for a	32 33

purpose mentioned in subsection (1)(i) to (l) relating to—	1 2
(a) an initial order under the <i>Terrorism (Preventative Detention) Act 2005</i> ; or	3 4
(b) an order in the nature of an order mentioned in paragraph (a) made under a corresponding preventative detention law.	5 6 7
(4) Section 353(3A) and (4)— <i>renumber</i> as section 353(4) and (5).	8 9
(5) Section 353— <i>insert</i> —	10 11
(6) In this section—	12
<i>corresponding preventative detention law</i> means a corresponding law, as defined under the <i>Terrorism (Preventative Detention) Act 2005</i> , schedule.	13 14 15 16
<i>relevant order</i> means—	17
(a) a preventative detention order under the <i>Terrorism (Preventative Detention) Act 2005</i> ; or	18 19 20
(b) a prohibited contact order under the <i>Terrorism (Preventative Detention) Act 2005</i> ; or	21 22 23
(c) an order in the nature of an order mentioned in paragraph (a) or (b) made under—	24 25
(i) a corresponding preventative detention law; or	26 27
(ii) the Criminal Code of the Commonwealth, division 104.	28 29

[s 18]

Clause 18	Amendment of s 354 (Dealing with records obtained by use of surveillance devices)	1 2
(1)	Section 354, heading, ‘records’— <i>omit, insert—</i>	3 4
	records and reports	5
(2)	Section 354(1)— <i>omit, insert—</i>	6 7
(1)	This section applies to a record or report obtained by use of a surveillance device by a law enforcement officer of a law enforcement agency under—	8 9 10 11
(a)	a warrant; or	12
(b)	an emergency authorisation; or	13
(c)	a corresponding warrant; or	14
(d)	a corresponding emergency authorisation; or	15
(e)	a tracking device authorisation.	16
(1A)	The chief executive of the law enforcement agency must—	17 18
(a)	ensure the record or report is kept in a secure place that is not accessible to people who are not entitled to access or deal with the record or report; and	19 20 21 22
(b)	ensure the record or report is destroyed if satisfied the record or report is not likely to be required in connection with a purpose mentioned in section 352(3) or 353(1).	23 24 25 26
(3)	Section 354(2) and (3), ‘Subsection (1)’— <i>omit, insert—</i>	27 28
	Subsection (2)	29
(4)	Section 354(1A) to (3)— <i>renumber</i> as section 354(2) to (4).	30 31

Clause 19	Amendment of s 358 (Annual reports)	1
	(1) Section 358(1)—	2
	<i>insert—</i>	3
	(ga) for the police service—	4
	(i) the number of tracking device authorisations given to police officers during that year; and	5 6 7
	(ii) the number of tracking device authorisations for which the authorisation period was extended under section 348E during that year; and	8 9 10 11 12
	(iii) for each tracking device authorisation given during that year, a statement about whether or not the use of the tracking device helped in minimising the risk mentioned in section 348A(1)(b)(i);	13 14 15 16 17 18
	(2) Section 358(1)(ga) and (h)—	19
	<i>renumber</i> as section 358(1)(h) and (i).	20
Clause 20	Amendment of s 359 (Keeping documents connected with warrants and emergency authorisations)	21 22
	(1) Section 359, heading, ‘emergency’—	23
	<i>omit.</i>	24
	(2) Section 359—	25
	<i>insert—</i>	26
	(h) for the police service—each record made under section 348C or 348E(3).	27 28

[s 21]

Clause 21	Replacement of s 361 (Register of warrants and emergency authorisations)	1 2
	Section 361—	3
	<i>omit, insert—</i>	4
	361 Register of warrants and authorisations	5
	(1) The CCC chairperson must keep a register of warrants and emergency authorisations.	6 7
	(2) The commissioner must keep a register of warrants, emergency authorisations and tracking device authorisations.	8 9 10
	(3) A register kept under subsection (1) or (2) must be or form part of the register of covert acts kept under chapter 21, part 2, division 2.	11 12 13
Clause 22	Amendment of s 667 (Application of s div 3)	14
	Section 667(f)—	15
	<i>omit, insert—</i>	16
	(f) the exercise of powers under this Act under—	17 18
	(i) a surveillance device warrant; or	19
	(ii) a retrieval warrant; or	20
	(iii) an emergency authorisation; or	21
	(iv) a tracking device authorisation; or	22
	(v) an authority for a controlled operation;	23
Clause 23	Insertion of new s 669A	24
	After section 669—	25
	<i>insert—</i>	26

669A Information to be included in register for tracking device authorisations	1
	2
The following information about tracking device authorisations must be recorded in the register—	3
	4
(a) the date and time the authorisation was given;	5
	6
(b) the name of the senior officer of the police service who gave the authorisation;	7
	8
(c) the grounds on which the authorisation was given;	9
	10
(d) if the authorisation period for the authorisation was extended—	11
	12
(i) the date and time the extension was given; and	13
	14
(ii) the name of the senior officer of the police service who gave the extension; and	15
	16
	17
(iii) the grounds on which the extension was given.	18
	19

Clause 24	Amendment of s 677 (Application of div 3)	20
	Section 677(2), definition <i>enforcement act</i> , ‘or emergency authorisation’—	21
		22
	<i>omit, insert—</i>	23
	, emergency authorisation or tracking device authorisation	24
		25

Clause 25	Insertion of new ch 21, pt 3, div 4A	26
	Chapter 21, part 3—	27
	<i>insert—</i>	28
	Division 4A	
	Dealing with explosives	29

[s 25]

715A Commissioner may authorise police officers to destroy explosives	1 2
The commissioner may authorise a police officer to destroy relevant things that are explosives, if the police officer—	3 4 5
(a) has the necessary experience or expertise to be able to destroy explosives; or	6 7
(b) has satisfactorily completed a course of training about the destruction of explosives approved by the commissioner.	8 9 10
715B Destruction of explosives	11
(1) This section applies in relation to a relevant thing that is an explosive.	12 13
(2) An approved officer may destroy the explosive where it is found or move it, or arrange for it to be moved, to another place where it can safely be destroyed, if—	14 15 16 17
(a) the approved officer is satisfied it is not reasonably practicable to take the explosive to a property point or to keep it at a police station; or	18 19 20 21
(b) it may be dangerous to take the explosive to a property point or to keep it at a police station.	22 23 24
(3) Before destroying the explosive, a police officer must, if reasonably practicable, photograph the explosive where it is found.	25 26 27
(4) This section applies even though a proceeding for an offence in which the explosive may be relevant has not been started or, if started, has not been decided.	28 29 30 31
(5) However, this section does not apply if a declaration has been made under the <i>Public Safety Preservation Act 1986</i> , section 5, 8G or 12 in	32 33 34

	relation to the explosive.	1
Clause 26	Insertion of new s 724A	2
	Chapter 21, part 3, division 9—	3
	<i>insert—</i>	4
	724A Evidentiary provision about explosives	5
	A certificate signed by the commissioner and	6
	stating that a stated police officer was on a stated	7
	day an approved officer is evidence of what it	8
	states, unless the contrary is proved.	9
Clause 27	Amendment of sch 6 (Dictionary)	10
(1)	Schedule 6, definitions <i>chapter 13 application, emergency</i>	11
	<i>authorisation, explosive, place, retrieval warrant and</i>	12
	<i>surveillance device warrant—</i>	13
	<i>omit.</i>	14
(2)	Schedule 6—	15
	<i>insert—</i>	16
	<i>approved officer</i> means a police officer	17
	authorised under section 715A to destroy	18
	explosives.	19
	<i>authorisation period</i> , for a tracking device	20
	authorisation, see section 348A(1).	21
	<i>chapter 13 application</i> means an application	22
	under chapter 13 for—	23
	(a) a surveillance device warrant; or	24
	(b) a variation or extension of a surveillance	25
	device warrant; or	26
	(c) a retrieval warrant; or	27
	(d) an emergency authorisation; or	28

[s 27]

- (e) approval of the use of a surveillance device under an emergency authorisation. 1
2
- emergency authorisation** means an emergency authorisation given under section 343. 3
4
- explosive**— 5
- (a) generally, has the meaning given in the *Explosives Act 1999*, schedule 2; and 6
7
- (b) for chapter 21, part 3, includes a thing that an approved officer reasonably believes is an explosive. 8
9
10
- place**— 11
- (a) generally, includes— 12
- (i) premises; and 13
- (ii) vacant land; and 14
- (iii) a vehicle; and 15
- (iv) a place in Queensland waters; and 16
- (v) a place held under 2 or more titles or by 2 or more owners; and 17
18
- (b) for chapter 13, see section 322. 19
- retrieval warrant** means a warrant issued under chapter 13, part 2, division 3. 20
21
- surveillance device warrant** means a warrant issued under chapter 13, part 2, division 2 or section 347(2). 22
23
24
- tracking device authorisation** see section 348A(2). 25
26
- (3) Schedule 6, definition *covert act*, paragraph (b)— 27
- insert*— 28
- (vii) an emergency authorisation; or 29
- (viii) a tracking device authorisation; or 30
- (4) Schedule 6, definition *covert act*— 31

[s 30]

Clause 30	Amendment of s 5 (Declaration of emergency situation)	1
(1)	Section 5(1), ‘commissioned officer’—	2
	<i>omit, insert—</i>	3
	senior officer	4
(2)	Section 5—	5
	<i>insert—</i>	6
(1A)	Without limiting subsection (1), the specified area may be any description of area surrounding a moving activity.	7 8 9
	<i>Examples—</i>	10
	• an area within a stated distance of a stated moving motor vehicle or vessel	11 12
	• 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	13 14 15
(3)	Section 5(3) and (4), ‘commissioned officer of the same or more senior rank’—	16 17
	<i>omit, insert—</i>	18
	senior officer	19
(4)	Section 5(1A) to (5)—	20
	<i>renumber</i> as section 5(2) to (6).	21
Clause 31	Amendment of s 6 (Effect of declaration under Disaster Management Act 2003)	22 23
	Section 6, from ‘by a commissioned officer’—	24
	<i>omit, insert—</i>	25
	by another senior officer, unless the emergency commander or other senior officer believes on reasonable grounds that it is necessary for the declaration under section 5 to remain in force.	26 27 28 29

Clause 32	Amendment of s 7 (Delegation of power for particular periods)	1 2
	Section 7(3)(b), ‘section 5(4)’—	3
	<i>omit, insert—</i>	4
	section 5(5), 8AT(b) or 8AW(2)(a)	5
Clause 33	Amendment of s 8 (General powers)	6
	Section 8(1)—	7
	<i>insert—</i>	8
	(j) destroy an explosive that is found in the area specified in respect of the emergency situation.	9 10 11
Clause 34	Insertion of new s 8AAA	12
	Part 2, division 2—	13
	<i>insert—</i>	14
	8AAA Requirements for destruction of explosives	15
	(1) Subsection (2) applies if the destruction of an explosive under section 8(1)(j) by the emergency commander or another police officer is likely to cause structural damage to a building.	16 17 18 19
	(2) Before destroying the explosive, the emergency commander or police officer must obtain the approval of a State police officer of at least the rank of assistant commissioner, if it is reasonably practicable to do so.	20 21 22 23 24
	(3) Subsection (4) applies if—	25
	(a) the emergency commander or another police officer destroys an explosive under section 8(1)(j) without approval under subsection (2); and	26 27 28 29

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	(b) the destruction causes structural damage to a building.	1 2
	(4) The emergency commander or police officer must, as soon as reasonably practicable, inform a State police officer of at least the rank of assistant commissioner of the destruction and the structural damage.	3 4 5 6 7
Clause 35	Insertion of new pt 2, div 4	8
	Part 2—	9
	<i>insert—</i>	10
	Division 4 Extraordinary emergency powers	11 12
	Subdivision 1 Authorising exercise of extraordinary emergency powers	13 14 15
	8AS Power to authorise exercise of extraordinary emergency powers	16 17
	(1) This section applies if—	18
	(a) an emergency situation has, under section 5, been declared to exist in respect of a specified area; and	19 20 21
	(b) a terrorist emergency has not, under section 8G, been declared to exist in relation to the emergency situation; and	22 23 24
	(c) the emergency commander is satisfied on reasonable grounds that the emergency situation involves or may involve—	25 26 27
	(i) an explosive; or	28

-
- (ii) a person's life or safety being seriously endangered by an act of another person; and
- Examples for subparagraph (ii)—*
- the person is being held hostage by the other person
 - the other person has a weapon and is close to or has access to the person
- (d) the emergency commander is satisfied on reasonable grounds that the exercise of 1 or more particular extraordinary emergency powers is necessary to effectively deal with the emergency situation because of the scale or complexity of the situation.
- Examples of complex emergency situations—*
- 1 A number of people have been wounded by a weapon in a crowded public place and it is not known who used the weapon.
 - 2 An explosion has occurred inside a public building and there are reports that further explosives have been placed at the main exits from the building.
- (2) The emergency commander may authorise the exercise, under this subdivision, of stated extraordinary emergency powers in a stated area (the **authorisation area**) within the area specified for the emergency situation.
- (3) The exercise of the stated extraordinary emergency powers is subject to section 8AZ.
- (4) The authorisation area must be the smallest area reasonably necessary to effectively deal with the emergency situation.
- (5) Without limiting subsection (2), an authorisation area may be any description of area surrounding a moving activity.

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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

8AT Steps after giving extraordinary emergency authorisation

As soon as reasonably practicable after giving an extraordinary emergency authorisation for an emergency situation, the emergency commander must—

- (a) ensure that a State police officer of at least the rank of assistant commissioner is informed that the authorisation has been given; and
- (b) note the following matters on the emergency situation certificate for the emergency situation—
 - (i) that the authorisation has been given;
 - (ii) the date and time the authorisation was given;
 - (iii) the authorisation area;
 - (iv) the extraordinary emergency powers that may be exercised;
 - (v) the circumstances relevant to the giving of the authorisation.

8AU Changes to extraordinary emergency authorisation

The emergency commander may, at any time, change the authorisation area, or the circumstances relevant to the giving of the

-
- extraordinary emergency authorisation, by— 1
- (a) amending the description of the area or 2
circumstances on the emergency situation 3
certificate; and 4
- (b) noting the date and time of the amendment 5
on the emergency situation certificate. 6

**8AV When extraordinary emergency authorisation 7
ends 8**

- An extraordinary emergency authorisation for an 9
emergency situation ends when the first of the 10
following happens— 11
- (a) the authorisation is revoked by the 12
emergency commander; 13
- (b) the declaration made under section 5 for the 14
emergency situation is revoked; 15
- (c) a declaration is made under section 8G that 16
a terrorist emergency exists in relation to the 17
emergency situation. 18

**8AW When extraordinary emergency authorisation 19
must be revoked 20**

- (1) The emergency commander must revoke an 21
extraordinary emergency authorisation for an 22
emergency situation if satisfied that the exercise 23
of each of the extraordinary emergency powers 24
stated in the authorisation is no longer necessary 25
to effectively deal with the emergency situation. 26
- (2) If the emergency commander revokes the 27
extraordinary emergency authorisation, the 28
emergency commander must as soon as 29
reasonably practicable— 30

[s 35]

- (a) note the date and time of the revocation on the emergency situation certificate for the emergency situation; and
- (b) inform police officers of the revocation.

8AX Effect if extraordinary emergency authorisation ends because of terrorist emergency

- (1) This section applies if an extraordinary emergency authorisation for an emergency situation ends under section 8AV(c) because a terrorist emergency has been declared to exist for the emergency situation.
- (2) A direction given, or requirement made, in relation to the emergency situation and mentioned in column 1 of the following table continues in effect for the terrorist emergency as if—
 - (a) the direction were given, or the requirement were made, by a terrorist emergency officer in relation to the terrorist emergency under the section mentioned opposite in column 2 of the following table; and
 - (b) the declared area for the terrorist emergency includes the authorisation area, if it does not already do so.

Column 1 Direction or requirement	Column 2 Section
a direction given under section 8AZA(2)	section 8M(2)
a requirement made under section 8AZC(2)	section 8O(1)
a requirement made under section 8AZC(3)	section 8O(2)

Column 1 Direction or requirement	Column 2 Section
a requirement made under section 8AZE(2)	section 8PAB(2)
(3) Subsection (4) applies if—	1
(a) an emergency situation officer is exercising a power under section 8AZB(2) in relation to a person when the terrorist emergency is declared to exist; and	2 3 4 5
(b) the declared area for the terrorist emergency does not include the authorisation area.	6 7
(4) The emergency situation officer may—	8
(a) continue to exercise the power; and	9
(b) if the extraordinary emergency authorisation authorises the exercise of a power under section 8AZB(3) or 8AZE(2) or (6)—exercise the power in relation to the person as if the extraordinary emergency authorisation were still in effect.	10 11 12 13 14 15
(5) A thing seized under section 8AZB(3) in relation to the emergency situation is taken to have been seized under section 8N(3) in relation to the terrorist emergency.	16 17 18 19
(6) A thing seized under section 8AZE(6) in relation to the emergency situation is taken to have been seized under section 8PAB(6) in relation to the terrorist emergency.	20 21 22 23
(7) A person's biometric information taken and kept under section 8AZD in relation to the emergency situation is taken to have been taken and kept under section 8PAA in relation to the terrorist emergency.	24 25 26 27 28

[s 35]

Subdivision 2 Exercise of extraordinary emergency powers 1
2

8AY Application of subdivision 3

This subdivision applies if an extraordinary emergency authorisation is in effect for an emergency situation. 4
5
6

8AZ Grounds for exercise of power 7

- (1) An emergency situation officer may exercise an extraordinary emergency power stated in the extraordinary emergency authorisation only if— 8
9
10
- (a) for a power under section 8AZA(2)—the officer is satisfied that giving a person a direction under that section is necessary— 11
12
13
- (i) for the safety of the person or another person; or 14
15
- (ii) to effectively manage the evacuation of the person; or 16
17
- (iii) to effectively receive, identify or assess the person; or 18
19
- (iv) otherwise, to effectively deal with the emergency situation; or 20
21
- (b) for a power under a section other than section 8AZA(2)—the officer is satisfied the exercise of the power is necessary to effectively deal with the emergency situation. 22
23
24
25
26
- (2) An emergency situation officer exercising an extraordinary emergency power may use the force that is reasonably necessary. 27
28
29

8AZA Power to control movement of persons	1
(1) This section applies to a person who is in the authorisation area.	2 3
(2) An emergency situation officer may direct the person—	4 5
(a) not to enter a stated place in the authorisation area; or	6 7
(b) to go to, or stay at or in, a stated place in the authorisation area.	8 9
(3) When an emergency situation officer is satisfied a direction given under subsection (2) is no longer reasonably necessary for a purpose mentioned in section 8AZ(1)(a), the officer must ensure the direction is withdrawn.	10 11 12 13 14
(4) A person given a direction under subsection (2) is not, for that reason only, under arrest or in the custody of a police officer for the purposes of the <i>Police Powers and Responsibilities Act 2000</i> .	15 16 17 18
(5) A direction given under subsection (2) is not an enforcement act under the <i>Police Powers and Responsibilities Act 2000</i> .	19 20 21
8AZB Power to search a person without a warrant	22
(1) This section applies to a person who is in the authorisation area.	23 24
(2) An emergency situation officer may, without a warrant, stop, detain and search the person, and anything in the person's possession, for anything relevant to the emergency situation.	25 26 27 28
<i>Examples of things that may be searched—</i>	29
laptop, mobile phone	30
(3) The emergency situation officer may seize all or part of a thing if the officer reasonably suspects—	31 32

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- (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 another person.
- (4) The *Police Powers and Responsibilities Act 2000*, chapter 20, applies as if anything done under subsection (2) or (3) were done under that Act.
- (5) Nothing done under this section, other than the search mentioned in subsection (6), is an enforcement act under the *Police Powers and Responsibilities Act 2000*.
- (6) A search of a person involving the removal of the person's clothing, other than outer clothing, is an enforcement act under the *Police Powers and Responsibilities Act 2000*.
- 8AZC Power to require name, address and date of birth**
- (1) This section applies to a person who is in the authorisation area.
- (2) An emergency situation officer may require the person to state the person's correct name, address and date of birth.
- (3) Also, an emergency situation officer may require the person to give evidence of the correctness of the stated name, address and date of birth if, in the circumstances, it would be reasonable to expect the person—
- (a) to be in possession of evidence of the correctness of the stated name, address and date of birth; or
- (b) to otherwise be able to give the evidence.

8AZD Power to collect biometric information	1
(1) This section applies to a person who is in the authorisation area.	2 3
(2) An emergency situation officer may take and keep a photograph of the person for the purpose of identifying the person.	4 5 6
(3) Subsection (4) applies if—	7
(a) the person has not complied with a requirement under section 8AZC(2); or	8 9
(b) the person has not given evidence of the correctness of the name, address or date of birth stated by the person; or	10 11 12
(c) an emergency situation officer reasonably suspects that—	13 14
(i) the name, address or date of birth stated by the person is false; or	15 16
(ii) evidence given by the person of the correctness of the name, address or date of birth stated by the person is false.	17 18 19 20
(4) An emergency situation officer may, for the purpose of identifying the person or confirming the person’s identity—	21 22 23
(a) electronically take and keep the person’s fingerprints; and	24 25
(b) use a biometric system to compare the person’s biometric information with other biometric information stored in the system.	26 27 28
(5) Subsection (6) applies if the commissioner is satisfied that a person’s biometric information taken under this section—	29 30 31
(a) is no longer required for the investigation or prosecution of an offence relating to an emergency; and	32 33 34

[s 35]

(b) is no longer required for an inquiry or 1
inquest, or proposed inquiry or inquest, in 2
relation to an emergency, including, for 3
example, a commission of inquiry or an 4
investigation under the *Coroners Act 2003*. 5

(6) The commissioner must take reasonable steps to 6
destroy the biometric information, and any data 7
about the biometric information, held by the 8
Queensland Police Service. 9

8AZE Power to require access information 10

(1) This section applies if— 11

(a) under section 8AZB, a storage device is 12
being searched or has been seized; and 13

(b) information stored on the storage device is 14
accessible, or can be read, only by using 15
access information; and 16

(c) an emergency situation officer reasonably 17
suspects that a person knows, has or is able 18
to provide the access information. 19

(2) An emergency situation officer may require the 20
person to give the officer— 21

(a) the access information; and 22

(b) any other information or help that is 23
necessary to access or read information 24
stored on the storage device. 25

(3) When making the requirement, the emergency 26
situation officer must inform the person that the 27
person must comply with the requirement even 28
though complying might tend to incriminate the 29
person or expose the person to a penalty. 30

(4) The person must comply with the requirement 31
unless the person has a reasonable excuse. 32

Maximum penalty—40 penalty units or 1 year's 33

-
- imprisonment. 1
- (5) It is not a reasonable excuse to fail to comply with 2
the requirement that complying might tend to 3
incriminate the person or expose the person to a 4
penalty. 5
- (6) If the storage device is being searched under 6
section 8AZB(2) and the person does not comply 7
with the requirement, an emergency situation 8
officer may seize the storage device. 9
- (7) The *Police Powers and Responsibilities Act 2000*, 10
chapter 20 applies as if anything done under 11
subsection (6) were done under that Act. 12
- (8) Nothing done under subsection (6) is an 13
enforcement act under the *Police Powers and 14
Responsibilities Act 2000*. 15
- 8AZF What power to search or seize a storage 16
device includes 17**
- Without limiting sections 8AZB and 8AZE(6), 18
the power under those sections to search or seize 19
a thing that is a storage device includes a power to 20
do any of the following— 21
- (a) use the storage device to gain access to 22
information stored on the device; 23
- (b) examine information stored on the storage 24
device to find out whether the information 25
may be relevant to an emergency; 26
- (c) use another device to make a copy of 27
information stored on the storage device, or 28
send the information to a device for the 29
purpose of copying the information, if the 30
information may be— 31
- (i) relevant to an emergency; or 32
- (ii) evidence of an offence; 33

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- (d) use the storage device to send a copy of information stored on the storage device to a person if—
 - (i) the information may be relevant to an emergency; and
 - (ii) the information is sent to the person for the purpose of managing or resolving the emergency.

Subdivision 3 Reporting

8AZG Report to Minister

- (1) The commissioner must give the Minister a report about the exercise of extraordinary emergency powers under an extraordinary emergency authorisation within 3 months after the authorisation ends.
- (2) The report—
 - (a) must state the following—
 - (i) the nature of the emergency situation for which the extraordinary emergency authorisation was given;
 - (ii) when and why the extraordinary emergency authorisation was given;
 - (iii) if the extraordinary emergency authorisation was revoked—when it was revoked;
 - (iv) the extraordinary emergency powers that were exercised and why and how they were exercised;
 - (v) whether or not a terrorist emergency was declared to exist in relation to the emergency situation; and

-
- (b) may include anything else the commissioner
considers appropriate. 1
2
- (3) If a terrorist emergency was declared to exist in
relation to the emergency situation, the report
may form part of the report about the terrorist
emergency under section 8R. 3
4
5
6
- 8AZH Tabling of report in Legislative Assembly** 7
- (1) The Minister must table in the Legislative
Assembly a report about the exercise of
extraordinary emergency powers under an
extraordinary emergency authorisation within 6
months after the authorisation ends. 8
9
10
11
12
- (2) The report— 13
- (a) must state the matters mentioned in section
8AZG(2)(a); and 14
15
- (b) may include anything else the Minister
considers appropriate. 16
17
- (3) However, the report is not required to include
information that could reasonably be expected— 18
19
- (a) to prejudice the investigation of a
contravention or possible contravention of
the law; or 20
21
22
- (b) to enable the existence or identity of a
confidential source of information, in
relation to the enforcement or
administration of the law, to be ascertained;
or 23
24
25
26
27
- (c) to endanger a person's life or physical
safety; or 28
29
- (d) to prejudice the effectiveness of a lawful
method or procedure for preventing,
detecting, investigating or dealing with a 30
31
32

[s 36]

	contravention or possible contravention of the law; or	1 2
	(e) to prejudice the maintenance or enforcement of a lawful method or procedure for protecting public safety; or	3 4 5
	(f) to prejudice national security.	6
	(4) If a terrorist emergency was declared to exist in relation to the emergency situation for which the extraordinary emergency authorisation was given, the report may form part of the report about the terrorist emergency under section 8S.	7 8 9 10 11
Clause 36	Amendment of s 8N (Power to search a person without a warrant)	12 13
	(1) Section 8N(1)—	14
	<i>omit, insert—</i>	15
	(1) This section applies to a person—	16
	(a) who is in the declared area for a terrorist emergency; or	17 18
	(b) who is about to enter the declared area for a terrorist emergency; or	19 20
	(c) who a terrorist emergency officer reasonably suspects has recently left the declared area for a terrorist emergency.	21 22 23
	(1A) A terrorist emergency officer may, without a warrant, stop, detain and search the person, and anything in the person’s possession, for anything relevant to the terrorist emergency.	24 25 26 27
	<i>Examples of things that may be searched—</i>	28
	laptop, mobile phone	29
	(2) Section 8N(3), ‘subsection (1) or (2)’—	30
	<i>omit, insert—</i>	31

-
- subsection (2) or (3) 1
- (3) Section 8N(4), ‘subsection (5)’— 2
omit, insert— 3
subsection (6) 4
- (4) Section 8N(1A) to (5)— 5
renumber as section 8N(2) to (6). 6

- Clause 37 Insertion of new ss 8PAA–8PAC** 7
- Part 2A, division 2, subdivision 1— 8
insert— 9
- 8PAA Power to collect biometric information** 10
- (1) This section applies to a person— 11
- (a) who is in the declared area for a terrorist 12
emergency; or 13
- (b) who is about to enter the declared area for a 14
terrorist emergency; or 15
- (c) who a terrorist emergency officer 16
reasonably suspects has recently left the 17
declared area for a terrorist emergency. 18
- (2) A terrorist emergency officer may take and keep a 19
photograph of the person for the purpose of 20
identifying the person. 21
- (3) Subsection (4) applies if— 22
- (a) the person has not complied with a 23
requirement under section 8O(1); or 24
- (b) the person has not given evidence of the 25
correctness of the name, address or date of 26
birth stated by the person; or 27
- (c) a terrorist emergency officer reasonably 28
suspects that— 29

[s 37]

- (i) the name, address or date of birth stated by the person is false; or
 - (ii) evidence given by the person of the correctness of the name, address or date of birth stated by the person is false.
- (4) A terrorist emergency officer may, for the purpose of identifying the person or confirming the person's identity—
 - (a) electronically take and keep the person's fingerprints; and
 - (b) use a biometric system to compare the person's biometric information with other biometric information stored in the system.
- (5) Subsection (6) applies if the commissioner is satisfied a person's biometric information taken under this section—
 - (a) is no longer required for the investigation or prosecution of an offence relating to an emergency; and
 - (b) is no longer required for an inquiry or inquest, or proposed inquiry or inquest, in relation to an emergency, including, for example, a commission of inquiry or an investigation under the *Coroners Act 2003*.
- (6) The commissioner must take reasonable steps to destroy the biometric information, and any data about the biometric information, held by the Queensland Police Service.

8PAB Power to require access information

- (1) This section applies if—
 - (a) under section 8N or 8P, a storage device is being searched or has been seized; and

-
- (b) information stored on the storage device is accessible, or can be read, only by using access information; and
- (c) a terrorist emergency officer reasonably suspects that a person knows, has or is able to provide the access information.
- (2) A terrorist emergency officer may require the person to give the officer—
- (a) the access information; and
- (b) any other information or help that is necessary to access or read information stored on the storage device.
- (3) When making the requirement, the terrorist emergency officer must inform the person that the person must comply with the requirement even though complying might tend to incriminate the person or expose the person to a penalty.
- (4) The person must comply with the requirement unless the person has a reasonable excuse.
- Maximum penalty—40 penalty units or 1 year’s imprisonment.
- (5) It is not a reasonable excuse to fail to comply with the requirement that complying might tend to incriminate the person or expose the person to a penalty.
- (6) If the storage device is being searched under section 8N(2) or 8P(1)(c) and the person does not comply with the requirement, a terrorist emergency officer may seize the device.
- (7) The *Police Powers and Responsibilities Act 2000*, chapter 20 applies as if anything done under subsection (6) were done under that Act.
- (8) Nothing done under subsection (6) is an enforcement act under the *Police Powers and Responsibilities Act 2000*.

[s 38]

8PAC What power to search or seize a storage device includes	1
	2
Without limiting sections 8N, 8P and 8PAB(6), the power under those sections to search or seize a thing that is a storage device includes a power to do any of the following—	3
	4
	5
	6
(a) use the storage device to gain access to information stored on the device;	7
	8
(b) examine information stored on the storage device to find out whether the information may be relevant to an emergency;	9
	10
	11
(c) use another device to make a copy of information stored on the storage device, or send the information to a device for the purpose of copying the information, if the information may be—	12
	13
	14
	15
	16
(i) relevant to an emergency; or	17
(ii) evidence of an offence;	18
(d) use the storage device to send a copy of information stored on the device to a person if—	19
	20
	21
(i) the information may be relevant to an emergency; and	22
	23
(ii) the information is sent to the other person for the purpose of managing or resolving the emergency.	24
	25
	26

Clause 38	Amendment of s 8PD (Application of particular provisions to terrorist emergency officer)	27
		28
	Section 8PD, ‘Sections 8N to 8P’—	29
	<i>omit, insert</i> —	30
	Sections 8N to 8PAC	31

Clause 39	Insertion of new pt 3B	1
	After section 43D—	2
	<i>insert—</i>	3
	Part 3B	
	Surveillance devices	4
	43E Power to authorise use of surveillance device	5
	(1) This section applies if a commissioned officer reasonably suspects that—	6 7
	(a) an emergency (the <i>relevant emergency</i>) involves, may involve or may lead to a serious risk to the life, health or safety of a person; and	8 9 10 11
	(b) the use of a surveillance device will help to reduce the risk.	12 13
	(2) The commissioned officer may authorise a police officer to use a surveillance device, in the emergency area and during the period of the relevant emergency, to assess and monitor the risk.	14 15 16 17 18
	(3) An authorisation given under subsection (2) is a <i>surveillance device authorisation</i> .	19 20
	(4) The <i>Police Powers and Responsibilities Act 2000</i> , section 332(1) to (5) applies to a surveillance device authorisation as if a reference in the subsections to a surveillance device warrant were a reference to a surveillance device authorisation.	21 22 23 24 25
	(5) However, section 332(2) and (4) of that Act applies to a surveillance device authorisation subject to any conditions of the authorisation.	26 27 28
	(6) A surveillance device authorisation authorises the use of the surveillance device stated in the authorisation and any enhancement equipment for the purpose of retrieving the device and equipment.	29 30 31 32 33

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- (7) This section does not stop a police officer from— 1
- (a) using an optical surveillance device in a 2
place where the presence of the police 3
officer is not an offence; or 4
- (b) using a listening device, in a place where the 5
presence of the police officer is not an 6
offence, to overhear, record, monitor or 7
listen to a conversation, if the use is not an 8
offence against the *Invasion of Privacy Act* 9
1971, section 43(1). 10
- (8) In this section— 11
- emergency area*** means— 12
- (a) if the relevant emergency is an emergency 13
situation that has been declared to exist— 14
the area specified for the emergency 15
situation; or 16
- (b) if the relevant emergency is a terrorist 17
emergency—the declared area for the 18
terrorist emergency; or 19
- (c) if the relevant emergency is a CBR 20
emergency—an area that is or may be 21
affected by a CBR substance involved in the 22
CBR emergency. 23
- listening device*** see the *Police Powers and* 24
Responsibilities Act 2000, schedule 6. 25
- optical surveillance device*** see the *Police Powers* 26
and Responsibilities Act 2000, section 322. 27

**43F Surveillance device authorisation authorises 28
use of existing device 29**

- (1) This section applies to a surveillance device 30
authorisation that authorises the use of a 31
surveillance device on premises, or in or on a 32
vehicle, object or class of vehicle or object. 33

-
- (2) The surveillance device authorisation also authorises the use of a device (an *existing device*) that is on the premises, or in or on the vehicle or object, or a vehicle or object of the class, as a surveillance device. 1
2
3
4
5
- Example of an existing device—* 6
a security camera 7
- (3) This section applies— 8
- (a) whether or not it is necessary to do anything to or in relation to the existing device to enable it to be used as a surveillance device; and 9
10
11
12
- (b) subject to any conditions of the surveillance device authorisation. 13
14

43G When surveillance device authorisation ends 15

- (1) A surveillance device authorisation for a relevant emergency ends— 16
17
- (a) if a commissioned officer revokes the authorisation—when it is revoked; or 18
19
- (b) if paragraph (a) does not apply and more than 1 emergency was declared to exist in relation to the situation to which the relevant emergency relates—when the last declaration ends; or 20
21
22
23
24
- (c) if paragraphs (a) and (b) do not apply—when the declaration for the relevant emergency ends. 25
26
27
- (2) If a surveillance device authorisation ends under subsection (1), the authorisation stops having effect other than to the extent it authorises— 28
29
30
- (a) the retrieval of the surveillance device and any enhancement equipment; and 31
32

[s 39]

- (b) the use of the surveillance device and any enhancement equipment for the purpose of retrieving the device and equipment. 1
2
3
- (3) However, after a surveillance device authorisation ends— 4
5
- (a) covert entry to a building in order to retrieve a surveillance device or any enhancement equipment is not authorised; and 6
7
8
- Note—* 9
- For retrieval warrants for surveillance devices and enhancement equipment lawfully installed under a surveillance device authorisation, see the *Police Powers and Responsibilities Act 2000*, chapter 13, part 2, division 3. 10
11
12
13
14
- (b) a police officer may exercise a power mentioned in subsection (2) only if a commissioned officer approves the exercise. 15
16
17
- (4) This section does not stop a police officer from retrieving a surveillance device and any enhancement equipment from premises if the presence of the police officer on the premises is not an offence. 18
19
20
21
22
- 43H When surveillance device authorisation must be revoked** 23
24
- A commissioned officer must revoke a surveillance device authorisation if the officer is satisfied that the use of a surveillance device is no longer needed to help reduce the risk mentioned in section 43E(1)(a). 25
26
27
28
29
- 43I Report about surveillance device authorisations** 30
31
- (1) Within 3 months after the end of each financial year, the commissioner must give the Minister a report stating the number of surveillance device 32
33
34

	authorisations given during the financial year.	1
(2)	The Minister must table a copy of the report in the Legislative Assembly within 14 sitting days after the Minister receives the report.	2 3 4
	43J Register of surveillance device authorisations	5
(1)	The commissioner must keep a register of surveillance device authorisations.	6 7
(2)	The register must record the following information for each surveillance device authorisation—	8 9 10
(a)	the date and time the authorisation was given;	11 12
(b)	the name of the commissioned officer who gave the authorisation;	13 14
(c)	the grounds on which the authorisation was given.	15 16
Clause 40	Insertion of new s 47C	17
	After section 47B—	18
	<i>insert—</i>	19
	47C Use of particular evidence in proceedings	20
(1)	This section applies if—	21
(a)	a person complied with a requirement under section 8AZE or 8PAB to provide access information in relation to information stored on a storage device; and	22 23 24 25
(b)	particular information (the <i>prescribed information</i>) stored on the storage device was accessible, or could be read, only by using the access information; and	26 27 28 29

[s 41]

	(c) a criminal proceeding is started in relation to the person; and	1 2
	(d) the criminal proceeding does not relate to—	3
	(i) an emergency situation that, under section 5, was declared to exist; or	4 5
	(ii) a terrorist emergency.	6
	(2) The prescribed information is not admissible in evidence against the person in the criminal proceeding, unless the proceeding relates to—	7 8 9
	(a) an indictable offence for which the maximum penalty is at least 7 years imprisonment; or	10 11 12
	(b) an offence against the Criminal Code, section 218B.	13 14
	(3) This section applies despite section 47B.	15
Clause 41	Amendment of s 50 (Powers unaffected by failure to comply with formal provision)	16 17
	Section 50(a) and (b)—	18
	<i>omit, insert—</i>	19
	(a) for an emergency situation declared to exist under section 5—section 5(3), 8AAA(2) or (4), 8AE(4)(b), 8AT or 8AW(2);	20 21 22
	(b) for a terrorist emergency—section 8AAA(2) or (4), 8AE(4)(b), 8G(4) or (6) to (8), 8GA(4) or 8J;	23 24 25
Clause 42	Amendment of schedule (Dictionary)	26
	(1) Schedule—	27
	<i>insert—</i>	28
	<i>access information</i> means information or a thing that is necessary for a person to access or read	29 30

information stored on a storage device.	1
<i>Example—</i>	2
a fingerprint that is necessary to access information protected by a fingerprint lock	3 4
address , for parts 2 and 2A, means current place of residence.	5 6
authorisation area see section 8AS(2).	7
biometric information , for a person, means—	8
(a) a photograph of the person; or	9
(b) the person’s fingerprints.	10
biometric system means an electronic system—	11
(a) provided or maintained by a State or the Commonwealth; and	12 13
(b) used to collect and store data about a person’s biometric information in a way that enables the data to be used to identify the person.	14 15 16 17
destroy , biometric information or data about biometric information, includes—	18 19
(a) delete an electronic copy of the information or data; and	20 21
(b) end the way in which the information or data may be accessed electronically.	22 23
device see the <i>Police Powers and Responsibilities Act 2000</i> , section 322.	24 25
emergency , other than for part 3, means—	26
(a) an emergency situation that, under section 5, has been declared to exist; or	27 28
(b) a terrorist emergency; or	29
(c) a CBR emergency declared under section 12.	30 31
emergency situation officer means—	32

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- (a) the emergency commander; or 1
- (b) a police officer acting on the emergency 2
commander's instructions. 3
- enhancement equipment** see the *Police Powers 4
and Responsibilities Act 2000*, section 322. 5
- explosive**, for part 2, division 2, includes a thing 6
that a police officer reasonably believes is an 7
explosive. 8
- extraordinary emergency authorisation** means 9
an authorisation given under section 8AS(2). 10
- extraordinary emergency power** means the 11
power of an emergency situation officer under— 12
- (a) section 8AZA(2); or 13
- (b) section 8AZB(2) or (3); or 14
- (c) section 8AZC(2) or (3); or 15
- (d) section 8AZD(2) or (4); or 16
- (e) section 8AZE(2) or (6). 17
- reasonably believes** means believes on grounds 18
that are reasonable in the circumstances. 19
- relevant emergency** see section 43E(1)(a). 20
- senior officer** means— 21
- (a) a commissioned officer; or 22
- (b) a police officer of the rank of senior 23
sergeant who has been approved by the 24
commissioner as having the qualifications, 25
experience or standing appropriate to make 26
or revoke a declaration under section 5. 27
- storage device** means a device on which 28
information may be stored electronically, 29
including, for example, a computer or a smart 30
phone. 31
- stored**, on a storage device, includes accessible 32

	through the device.	1
	<i>surveillance device</i> see the <i>Police Powers and Responsibilities Act 2000</i> , section 322.	2 3
	<i>surveillance device authorisation</i> see section 43E(3).	4 5
	<i>use</i> , of a surveillance device, see the <i>Police Powers and Responsibilities Act 2000</i> , section 322.	6 7 8
(2)	Schedule, definition <i>emergency situation</i> , paragraph (e), 'device'—	9 10
	<i>omit</i> .	11
Part 4	Amendment of Terrorism (Preventative Detention) Act 2005	12 13 14
Clause 43	Act amended	15
	This part amends the <i>Terrorism (Preventative Detention) Act 2005</i> .	16 17
Clause 44	Amendment of s 3 (Object)	18
	Section 3(a)—	19
	<i>omit, insert</i> —	20
	(a) prevent a terrorist act that is capable of being carried out, and could occur, in the near future from occurring; or	21 22 23
Clause 45	Amendment of s 8 (Basis for applying for, and making, a preventative detention order)	24 25
	Section 8(4)—	26
	<i>omit, insert</i> —	27

[s 46]

	(4) For subsection (3), the police officer or issuing authority must be satisfied there are reasonable grounds to suspect a terrorist act is capable of being carried out, and could occur, within the next 14 days.	1 2 3 4 5
Clause 46	Amendment of s 41 (Power to enter premises)	6
	(1) Section 41(1), ‘Subject to subsection (2), if—’— <i>omit, insert—</i> If—	7 8 9
	(2) Section 41(1)(b), ‘believes’— <i>omit, insert—</i> suspects	10 11 12
	(3) Section 41(2) and (3)— <i>omit, insert—</i> (2) In this section— <i>premises</i> see the <i>Police Powers and Responsibilities Act 2000</i> , schedule 6.	13 14 15 16 17
	Part 5 Other amendments	18
Clause 47	Acts amended Schedule 1 amends the Acts it mentions.	19 20
	Part 6 Repeal	21
Clause 48	Repeal The Queensland Police Welfare Club Act 1970, assented to on 16 April 1970, is repealed.	22 23 24

Schedule 1	Other amendments	1
	section 47	2
	Police Powers and Responsibilities Act 2000	3
1	Section 357(4)(b)(vii) and (5)(a), ‘object’—	4
	<i>omit, insert—</i>	5
	vehicle or object	6
2	Section 360(f), ‘section 354(1)(b)’—	7
	<i>omit, insert—</i>	8
	section 354(2)(b)	9
	Public Safety Preservation Act 1986	10
1	Section 80(2), ‘police officer’—	11
	<i>omit, insert—</i>	12
	terrorist emergency officer	13
2	Section 80(3)—	14
	<i>omit.</i>	15
3	Section 18(1)(b), after ‘situation’—	16
	<i>insert—</i>	17
	under section 7A or part 2, division 2 or 3	18

Schedule 1

4	Schedule, definition <i>emergency situation certificate</i>, 'section 5(2)'—	1
	<i>omit, insert—</i>	2
	section 5(3)	3
		4
5	Schedule, definition <i>period</i>, paragraph (b), 'section 5(3)'—	5
	<i>omit, insert—</i>	6
	section 5(4)	7
		8

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