



Shane Rattenbury MLA

Attorney-General
Minister for Consumer Affairs
Minister for Water, Energy and Emissions Reduction
Minister for Gaming

Member for Kurrajong

Our ref: SUB22/11766

Mr Peter Cain MLA

Chair

Standing Committee on Justice and Community Safety (Legislative Scrutiny Role)

ACT Legislative Assembly

GPO Box 1020

CANBERRA ACT 2601

Dear Mr Cain *Peter*

I write to advise the Standing Committee on Justice and Community Safety (Legislative Scrutiny Role) of possible Government amendments to the Terrorism (Extraordinary Temporary Powers) Amendment Bill 2022 (the Bill).

The Government amendments address comments and concerns raised by the Committee in its Scrutiny Report of 19 May 2022, as well as a comment received from a stakeholder in a submission to the inquiry into the Bill.

The first Government amendment will introduce record-keeping requirements to the amendments in the Bill amending section 53 of the Act, to require police officers to make a written record of the reasons why an officer refused contact between a detained person with impaired decision-making ability and another person.

In response to the Scrutiny Committee's comments on the amendment in the Bill to allow officers to take identification material to record an injury or illness, the Government amendments would make it mandatory for officers to make a written record of an injury or illness and take a photograph or video recording where the injury or illness is able to be recorded, where an officer believes on reasonable grounds a detained person has suffered an injury or illness. As making this requirement mandatory may limit a detained person's human rights, including the right to privacy and right to humane treatment, additional safeguards are included in the Government amendments to reduce these limitations on a person's human rights.

ACT Legislative Assembly London Circuit, GPO Box 1020, Canberra ACT 2601



+61 2 6205 0005



rattenbury@act.gov.au



@ShaneRattenbury



shanerattenburymla



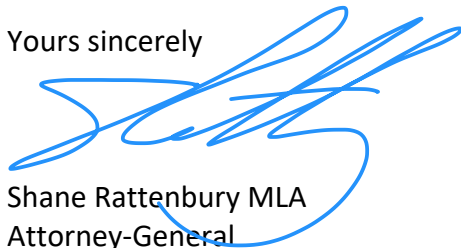
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These include providing detained persons with a right to request a copy of the photograph or video recording of their injury or illness, allowing detained persons to request an officer of a particular sex take the photograph or video recording, ensuring detained persons are afforded reasonable privacy when taking the photograph or video recording and ensuring the taking of the photograph or video recording does not involve the removal of more clothing or more visual inspection than is necessary to take the photograph or video.

Finally, the amendment stipulating how identification material taken to record an injury or illness may be used in the Bill will be narrowed so that the material may only be used in a complaint, investigation or proceeding that relates to the injury or illness suffered by the person while detained under a preventative detention order. This Government amendment will ensure this material cannot be used for any other reason, including, for example, a different prosecution.

I enclose the draft Government amendments and the Supplementary Explanatory Statement for consideration by the Committee which include further details on the Government amendments.

Yours sincerely



Shane Rattenbury MLA
Attorney-General

27 July 2022

Encl.