



# SAFEGUARDING AGAINST THE TERRORISM THREAT

**Targeted Prevention and Stronger  
Laws to Keep Queenslanders Safe**

**A Tim Nicholls-led Liberal National Government will implement a wide-ranging counter-terrorism strategy to ensure we leave no stone unturned in reducing the risk of and safeguarding against a terrorist incident in Queensland.**

## The Problem

**Thankfully, Queensland has never experienced an identified terrorism incident, but we must remain vigilant in guarding against possible threats against our citizens and our way of life.**

Australia's current national terrorism threat level is at probable. According to national security advice, credible intelligence, assessed by security agencies, indicates that individuals or groups continue to possess the intent and capability to conduct a terrorist attack in Australia. International terrorist groups have proven adept at using their extremist ideology to motivate "lone wolves" or small groups to use violence in their home countries.

**We can't take for granted the freedoms we enjoy.**

**The last Queensland Government counter-terrorism strategy was released in 2013 and needs to be updated based on the current threat levels and international environment.**

## Our Record

**The LNP demonstrated our strong commitment to keeping Queenslanders safe with our record of investment in law enforcement agencies, tougher laws that put community safety first and co-ordinated law enforcement activities in government.**

This included an additional 1100 additional frontline police officers over four years, the \$500 million government wireless network to improve communications and the development and release of our counter-terrorism strategy.

We also successfully hosted the 2014 G20 summit in Brisbane, widely acclaimed for the safety and security of international dignitaries and other guests and minimal protest disruption.

## Our Real Plan

**A Tim Nicholls-led LNP Government will introduce stronger laws to protect the community and targeted prevention to re-double our efforts in the fight against terrorism.**

Our wide-ranging counter-terrorism plan to safeguard against local threats involves updating the Queensland (Government) Counter-Terrorism strategy as well as:

- 1. Strengthening Bail Laws** to include a presumption against bail for someone charged with a terrorism-related offence, or who is known to have terrorist links.
- 2. Strengthening Parole** to remove the presumption against parole for an offender charged with a terrorist offence, convicted of a terrorist offence or subject to a terrorist notification.
- 3. Giving Police More Powers** to prevent an attack by increasing the maximum time allowed under a preventative detention order from 14 days to 28 days.
- 4. Greater Leadership** by appointing a dedicated Minister for Counter-Terrorism to focus on policy development, strategic planning and enhancing our capacity to detect, prevent and respond to an incident

This is part of our plan to provide safe and liveable communities as we Build a Better Queensland.

# SAFEGUARDING AGAINST THE TERRORISM THREAT

## Frequently Asked Questions

### What are preventative detention orders?

Currently, the police can detain people under preventative detention orders (PDO) only:

- where there is a threat of an imminent terrorist attack and the order might help prevent it, or
- immediately after a terrorist act if it is likely vital evidence will be lost.

A person can be detained for a maximum of:

- 48 hours under Commonwealth law
- 14 days under state and territory laws
- 14 days under a combination of Commonwealth and state and territory regimes.

A PDO may be made where the issuing authority is satisfied there are reasonable grounds to suspect that the person:

- will engage in a terrorist act, or
- possesses a thing that is connected with the preparation for, or the engagement of a person in, a terrorist act, or
- has done an act in preparation for, or in planning, a terrorist act, and
- making the order would substantially assist in preventing a terrorist act occurring, and
- detaining the person for the period for which the person is to be detained under the order is reasonably necessary for the purpose of substantially assisting in preventing a terrorist act occurring, and
- the suspected terrorist act must be imminent and, in any event, be expected to occur at some time in the next 14 days.

A PDO may also be issued where the issuing authority is satisfied on reasonable grounds that:

- A terrorist attack has occurred in the last 28 days, and
- It is necessary to detain the person to preserve evidence in Queensland or elsewhere of, or relating to the terrorist act, and
- Detaining the person for the period for which the person is to be detained under the order is reasonably necessary for the purpose of preserving the evidence.

### What are a person's rights under a PDO?

A person detained under a PDO has the right to:

- be treated humanely and not be subjected to cruel,

inhuman or degrading treatment

- contact a lawyer
- contact family members and employers to let them know they are safe
- not be questioned
- have a copy of the preventative detention order, which contains a summary of the reasons for making the order
- an interpreter if they have difficulty with English.

Children aged under 16 cannot be detained. Someone at least 16 but under 18 can be detained but must be detained separately from adults. They can have a parent or guardian visit them while they are detained.

The issuing authority for a final order is a judge or retired judge appointed by the Minister.

### Have they been used in Queensland before?

Despite being in place for more than 10 years, they have never been used in Queensland.

### What levels of preventative detention exist in other states and countries?

States and territories have enacted their own legislation allowing for the detention of a person for up to 14 days. No state prescribes for a period longer than 14 days.<sup>3</sup>

The new Queensland approach under this policy provides for orders to be granted up to 28 days, rather than 14 days – which would be an Australian first.

Britain's terror laws allow for pre-charge detention of up to 28 days. Britain does have one of the longest detention without charge periods in the western world. Since the detention period was raised from 14 to 28 days in 2006 in London, five people have been held for 26 days.

### What is the purpose of a PDO?

Despite never being used in Queensland, the advice from Queensland Police is that it remains a valuable tool for police to respond to an imminent or recent terrorist attack.

### Why extend the maximum length of a PDO from 14 days to 28 days?

Given the complexities of the legal process, with relevant appeal rights, it is considered that extending the maximum length of a PDO would give the police more flexibility in their ability to keep Queenslanders safe and prevent an attack on our soil, while allowing for rigorous court processes to be completed.