

## FACT SHEET

### ***Terrorism Legislation (Extension) Bill 2025***

The Bill amends the *Police Powers (Public Safety) Act 2005* (Public Safety Act) and the *Terrorism (Preventative Detention) Act 2005* (Preventative Detention Act) to extend their operation for a period of 10 years to 31 December 2035.

Following the 11 September 2001 attacks on the World Trade Centre and Pentagon in the United States and the 2002 Bali Bombings, Australian states and territories signed the Intergovernmental Agreement on Counter-Terrorism Laws.

This led to the introduction of state-based counter terrorism legislation to include expansion of police powers in certain circumstances and a preventative detention regime. As a result, the Public Safety Act and the Preventative Detention Act were introduced in Tasmania in 2005.

The Public Safety Act provides police officers with necessary powers to ensure the safety of the public where there is a potential terrorist threat to a significant event or essential infrastructure, or where a terrorist act has occurred. Following a grant of authorisation, police officers can stop, search and question people, search vehicles and seize and detain things.

The Preventative Detention Act provides for an authorised person to seek the detention of a person for up to 14 days in order to prevent an imminent terrorist act occurring or preserve evidence of, or relating to, a recent terrorist act. The introduction of the regime on a national basis was to create consistency in relation to the powers available to security agencies and ensure there were no vulnerabilities in the ability of any jurisdiction to protect its community against terrorist acts.

Neither the Public Safety nor Preventative Detention Act have been utilised. In other jurisdictions, 3 preventative detention orders were issued in New South Wales in 2014 and one in Victoria in 2015.

The Acts contain appropriate safeguards, for example the Public Safety Act requires approval of the Premier and in some cases the Supreme Court to exercise the range of powers. The Preventative Detention Act restricts multiple preventative detention orders being made and provides that a detainee may apply to the Supreme Court for revocation or variation of an order. A preventative detention order cannot be made in relation to a person who is under 16 years of age and a person detained is entitled to contact the Ombudsman and a lawyer to obtain legal advice. A person detained under a preventative detention order must be treated with humanity and respect for human dignity and must not be subjected to cruel, inhuman or degrading treatment.

Both Acts were set to expire in 2015, on the tenth anniversary of the day of commencement. The Acts include a sunset clause to ensure they will be subject to Parliamentary scrutiny should they be remade. This is because of the extraordinary measures and powers provided for in the Acts. They depart from the usual warrant-based authorisation requirements, and therefore Governments around Australia have mandated they be reviewed regularly.

Due to the serious and ongoing terrorist threat faced by Australia, both Acts were extended to 31 December 2025 by the *Terrorism Legislation (Miscellaneous Amendments) Act 2015*.

In August 2024, Australia's terror threat was raised from "possible" to "probable" (a greater than 50% chance of an onshore attack or attack planning). The threat had been downgraded in 2022 but a rise of extremism across the political and ideological spectrum caused the upgrade.

As terrorism and violent extremism around the world endure, it is important that Tasmania's security framework remains in place. The Public Safety Act and Preventative Detention Act provide Tasmania Police and other authorised police officers with the necessary powers to respond to terrorist acts or potential terrorist acts.

The Bill will preserve national consistency, which is important to enable Australia's police and law enforcement, intelligence and prosecution agencies to prevent terrorist acts occurring and investigate and prosecute those who commit acts of terrorism or who seek to commit such acts.