



Counter-Terrorism Legislation Amendment (Sunsetting Review and Other Measures) Act 2021

No. 88, 2021

**An Act to amend the law relating to
counter-terrorism, and for related purposes**

Note: An electronic version of this Act is available on the Federal Register of Legislation
(<https://www.legislation.gov.au/>)

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No. 88, 2021

An Act to amend the law relating to counter-terrorism, and for related purposes

[Assented to 2 September 2021]

The Parliament of Australia enacts:

1 Short title

This Act is the *Counter-Terrorism Legislation Amendment
(Sunsetting Review and Other Measures) Act 2021*.

No. 88, 2021

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Other Measures) Act 2021*

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2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this Act	The day after this Act receives the Royal Assent.	3 September 2021

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments

Part 1—Declared areas in foreign countries

Criminal Code Act 1995

1 Subsection 119.2(6) of the *Criminal Code*

Omit “7 September 2021”, substitute “7 September 2024”.

Intelligence Services Act 2001

2 At the end of subparagraph 29(1)(bb)(ii)

Add “and”.

3 Subparagraph 29(1)(bb)(iii)

Repeal the subparagraph.

4 Before paragraph 29(1)(bba)

Insert:

(bbaa) if the Committee resolves to do so—to review, by 7 January 2024, the operation, effectiveness and proportionality of sections 119.2 and 119.3 of the *Criminal Code* (which provide for declared areas in relation to foreign incursion and recruitment); and

Part 2—Control orders

Criminal Code Act 1995

5 Subsections 104.32(1) and (2) of the *Criminal Code*

Omit “7 September 2021”, substitute “7 December 2022”.

Part 3—Preventative detention orders

Criminal Code Act 1995

6 Subsections 105.53(1) and (2) of the *Criminal Code*

Omit “7 September 2021”, substitute “7 December 2022”.

Part 4—Stop, search and seizure powers

Crimes Act 1914

7 Subsections 3UK(1), (2) and (3)

Omit “7 September 2021”, substitute “7 December 2022”.

Part 5—Review of Division 105A of the Criminal Code

Independent National Security Legislation Monitor Act 2010

8 Subparagraph 6(1)(a)(ia)

Repeal the subparagraph.

9 Subsection 6(1C)

Repeal the subsection, substitute:

- (1C) The Independent National Security Legislation Monitor must:
- (a) review the operation, effectiveness and implications of Division 105A of the *Criminal Code* and any other provision of that Code as far as it relates to that Division; and
 - (b) complete the review as soon as practicable after 7 December 2021.

*[Minister's second reading speech made in—
Senate on 4 August 2021
House of Representatives on 23 August 2021]*

(91/21)

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