

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

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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

[*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*.

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Note: This table relates only to the provisions of this Act as originally enacted.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Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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)