

29 March 2018

Dr Rebecca Denning  
Director, Policy and Research  
Crime and Corruption Commission  
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By email: [TPDAreview@ccc.qld.gov.au](mailto:TPDAreview@ccc.qld.gov.au)

Dear Dr Denning

### **Submission to the Review of the *Terrorism (Preventative Detention) Act 2005***

Thank you for your letter of 2 March 2018 inviting me to make a submission about the Crime and Corruption Commission's Review of the Terrorism (Preventative Detention) Act ('the TPDA'). Please find below my response to certain of the questions supplied with your letter of invitation.

#### **Scope of preventative detention orders**

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2. In Queensland, the subject of a PDO must be at least 16 years of age. Is 16 an appropriate age, or should it be increased or decreased? Why?

In light of changes in other Australian jurisdictions and COAG's goal of uniformity, I expect that Queensland will ultimately legislate to enable PDOs to be made against children who are 14 and 15 years of age. That being the case, I submit that the additional safeguards identified by Victoria's Expert Panel on Terrorism and Violent Extremism<sup>1</sup> should be appropriately adapted for inclusion in Queensland legislation. My view is that these additional safeguards should also apply to children aged 16 and 17. I note that the *Ombudsman Act 2001* equips this Office with the powers to undertake the tasks that the Expert Panel recommends that the Commission for Children and Young People should perform in relation to Victorian children subject to PDOs.

#### **Safeguards against abuse**

- ...
2. Are there any safeguards that should be removed or amended?

Given the extraordinarily intrusive nature of PDOs and the secrecy which attaches to them it is vital that all safeguards, including external oversight, be retained.

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<sup>1</sup> Expert Panel on Terrorism and Violent Extremism Prevention and Response Powers, *Report 2*, 6.2.2 Additional safeguards to apply to detained minors, p.101.  
[https://www.vic.gov.au/system/user\\_files/Documents/CounterTerrorism/Expert%20Panel%20on%20Terrorism%20-%20report%202.pdf](https://www.vic.gov.au/system/user_files/Documents/CounterTerrorism/Expert%20Panel%20on%20Terrorism%20-%20report%202.pdf).

Please do not hesitate to contact me or [REDACTED], General Counsel, on [REDACTED] or [REDACTED] if you would like to discuss this submission.

Yours sincerely

[REDACTED]

Phil Clarke  
Queensland Ombudsman