



information
and privacy
commission
new south wales

Enquiries: Kathryn Luis
Telephone: [REDACTED]
Our reference: IPC17/A000690

Mr Paul Miller
Deputy Secretary
Department of Justice
Locked Bag 5111
Parramatta NSW 2124

By email to: policy@justice.nsw.gov.au

Dear Mr Miller

Statutory Review of the Terrorism (Police Powers) Act 2002

Thank you for your letter received 11 October 2017, inviting me to make a submission to the review of the *Terrorism (Police Powers) Act 2002* (the Act).

The Act confers special powers on police officers to respond to terrorist activity and terrorist attacks. Section 36 of the Act requires the Attorney General to undertake the review in order to determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing those objectives.

Former NSW Privacy Commissioners have expressed their strong views about the need for proper safeguards, supervision and oversight for the operation of the Act. These protections remain imperative in light of the significant powers conveyed on police officers by the Act.

I note the recommendations made in the NSW Ombudsman's report of March 2017: *Preventative detention and covert search warrants: Review of Parts 2A and 3 of the Terrorism (Police Powers) Act 2002*. In particular, Recommendation 3 of that reports is that the Act should be amended so that the Law Enforcement Conduct Commission is required to keep under scrutiny the exercise of powers by police under Part 2AA of the Act in identical terms to its functions under Part 2A and Part 3.

I support the NSW Ombudsman's recommendation that the Law Enforcement Conduct Commission exercise an ongoing role in scrutinising the exercise of the Part 2AA of the Act in addition to its function in scrutinizing Part 2A and Part 3.

Please do not hesitate to contact me if you have any questions about this letter. My direct line is [REDACTED]. Alternatively your officers are welcome to contact Kathryn Luis, Senior Project Officer, on [REDACTED] or by email to [REDACTED]

Yours sincerely

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Samantha Gavel
Privacy Commissioner

9.11.2017