

House of Representatives

Supplementary Order Paper

Wednesday, 11 December 2019

Terrorism Suppression (Control Orders) Bill

Proposed amendment

Hon Mark Mitchell, in Committee, to move the following amendment:

Clause 21A

After *clause 21* (page 13, after line 8), insert:

21A Detainment of relevant person

- (1) The Police may detain a relevant person on their return to New Zealand, or within 6 months of the relevant person's return to New Zealand,—
 - (a) for the purposes of—
 - (i) having a control order served on the relevant person; and
 - (ii) ensuring that any requirements the control order imposes are complied with; or
 - (b) if a control order is not in place at the time of the relevant person's return to New Zealand, for the purpose of ensuring the relevant person is held in custody until the High Court has had time to issue a control order.
- (2) The Police may detain the relevant person under **subsection (1)** for a period that—
 - (a) is no longer than is reasonably necessary in the circumstances to—
 - (i) serve the control order on the relevant person; and
 - (ii) ensure the relevant person's compliance with the control order and any requirements; and

- (b) in any case is no longer than 72 hours.
- (3) The Police may use reasonable force that may be necessary to detain a relevant person under **subsection (1)**.

Explanatory note

This Supplementary Order Paper amends the Terrorism Suppression (Control Orders) Bill by including a new provision which allows for the Police to detain returnees. The Bill as introduced allows for a control order to be applied and in place both before and after the returnee arrives to New Zealand. National proposes the Police be able to detain the returnee on arrival at the New Zealand border, for a maximum of 72 hours, to ensure the returnee is managed from the time they arrive in the country. This means, if the control order has been confirmed in advance, that control order is able to be served and compliance with any requirements can be ensured, including taking identifying particulars and enabling electronic monitoring.

In the event a control order has not yet been applied for, it allows for an application for a control order and for the conditions to be set while the returnee is in custody. This amendment will protect New Zealanders and keep them safe from harm by not allowing a returnee who has been involved in terror-related activity overseas to walk freely when they arrive at the border.