

House of Representatives

Supplementary Order Paper

Wednesday, 11 December 2019

Terrorism Suppression (Control Orders) Bill

Proposed amendments

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

Clause 16

Replace *clause 16* and the *cross-heading above clause 16* (page 9, line 21 to page 10, line 41) with:

Mandatory requirements and examples of discretionary requirements

16 Mandatory requirements

- (1) Requirements that a control order imposes on a relevant person must—
 - (a) require the relevant person to reside at a specified address agreed between the relevant person and the Police (or as otherwise specified by the court) and to remain at that address between specified times each day, or on specified days (*see also section 17*):
 - (b) require the relevant person to report to specified constables at specified times and places (for example, meeting a constable twice a week):
 - (c) require that the relevant person allow themselves to be photographed and provide other identifying particulars:
 - (d) require that the relevant person submits to electronic monitoring of compliance with the requirements of the control order concerned and does not tamper with, or damage, or do any-

thing to interfere with the functioning of the electronic monitoring device (*see also* **section 18**).

- (2) In this section, **identifying particulars** has the same meaning as in section 32(5) of the Policing Act 2008.

16A Examples of discretionary requirements

Requirements that a control order imposes on a relevant person may—

- (a) prohibit or restrict the relevant person from being in or at specified areas or places (for example, international ports, gun clubs, or specified residences) without Police escort:
- (b) prohibit or restrict the relevant person from leaving New Zealand or possessing passports, or other international travel documents of any kind, issued by any country:
- (c) prohibit or restrict the relevant person from communicating or associating with specified individuals, or a specified class of individuals (for example, individuals identified as being at risk of radicalisation, or individuals identified as posing a risk of further radicalising the relevant person):
- (d) prohibit or restrict the relevant person from disclosing or receiving specified information or otherwise dealing with specified classes of information (for example, means or methods of carrying out terrorism):
- (e) prohibit or restrict the relevant person from accessing or using, in any setting (for example, in a place of paid or voluntary work or of study), specified forms of telecommunication or other technology (whether the devices or facilities concerned are public or private) including the Internet (for example, prohibiting the relevant person from accessing the Internet except on devices known to the Police):
- (f) prohibit or restrict the relevant person from possessing or using specified articles or substances (for example, possessing terrorist propaganda material or possessing domestic chemicals above a certain quantity):
- (g) prohibit or restrict the relevant person from carrying out specified activities, including in respect of their work, occupation, or recreational activities:
- (h) prohibit or restrict the relevant person from holding accounts, possessing certain financial instruments, or using specified financial services:

- (i) prohibit or restrict the relevant person from transacting in property (for example, property over a certain value or transactions involving certain people):
- (j) require the relevant person to facilitate reasonable access by the Police or their agents to premises, equipment, or information if that access is necessary for monitoring compliance with the requirements stated in the order (for example, facilitating access to search the relevant person’s residence, electronic devices, or financial accounts):
- (k) require that the relevant person undertake alcohol and drug assessments, and rehabilitative or reintegrative needs assessments:
- (l) require that the relevant person, if they have given and not withdrawn their informed consent to do so, engage with specified rehabilitative services (for example, alcohol and drug treatment services) (*see also section 19*).

Clause 17

In *clause 17*, replace “**section 16(j)**” (page 11, line 3) with “**section 16(a)**”.

Clause 18

Delete *clause 18* (page 11, lines 6 to 12).

Clause 19

In *clause 19(1)*, replace “**section 16(p)**” (page 11, line 16) with “**section 16A(l)**”.

Explanatory note

This Supplementary Order Paper amends the Terrorism Suppression (Control Orders) Bill by amending the language of the Bill so the examples of requirements become stronger, to better reflect the true intent of Parliament in preventing harm from terrorism.

The Bill as introduced contains 9 examples of prohibition or restrictions the court may impose as part of a control order, as well as 7 examples of other requirements. While *clause 8* does note the examples are only illustrative of the provisions to which they relate and that they are not limited, National believes the language around examples of requirements should be stronger to better reflect the intent of Parliament in passing this law.

We believe they should be split into mandatory requirements and examples of discretionary requirements. This would require the court to impose electronic monitoring, the taking of identifying particulars, and the requirement to reside at a specific address, as well as any other requirements the court may direct. The obligations on returnees subject to a control order need to be stronger, as the point of a control order is to monitor those who pose a dangerous risk to New Zealander’s safety, and if the

returnee can be excused from the most basic of monitoring, it defeats the purpose of having them in place.