



# **Control Orders and Preventative Detention Orders**

Annual Report  
2016-2017

ISBN: 978-1-925593-01-3 (Print)  
ISBN: 978-1-925593-02-0 (Online)

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# Control Orders

## Annual Report 2016–17

The Attorney-General is required under section 104.29 of the *Criminal Code* to provide a report in respect of control orders during the year ending on 30 June 2017.

The provisions of this section of the legislation require the report to include:

- a) (i) the number of ordinary interim control orders made
- (ii) the number of urgent interim control orders made by electronic means
- (iii) the number of urgent interim control orders made in person
- b) the number of interim control orders that the AFP elected not to confirm
- c) the number of control orders confirmed at the confirmation hearing
- d) the number of control orders declared void at the confirmation hearing
- e) the number of control orders revoked at the confirmation hearing or upon application by the subject or the AFP Commissioner
- f) the number of control orders varied at the confirmation hearing or upon application by the subject or the AFP Commissioner
- g) particulars of:
  - (i) any complaints relating to control orders made or referred to the Commonwealth Ombudsman
  - (ii) any information given under section 40SA of the *Australian Federal Police Act 1979* that related to control orders and raised an AFP conduct or practices issue
- h) the number of monitoring warrants issued in relation to individuals subject to a control order
- i) the number of monitoring warrants executed in relation to individuals subject to a control order
- j) the report prepared by the Commonwealth Ombudsman detailing the results of any inspections of AFP records in relation to monitoring warrants
- k) for control orders relating to people who are 14 to 17 years of age – the matters referred to in (a) to (j) in so far as those matters specifically relate to those control orders

## Control Orders 2016–17

|        |   |                |
|--------|---|----------------|
| a) (i) | Interim control orders made                     | 0              |
| (ii)   | Urgent interim control orders made– electronic  | 0              |
| (iii)  | Urgent interim control orders made – in person  | 0              |
| b)     | Interim control orders – not elected to confirm | 0              |
| c)     | Control orders confirmed                        | 1 <sup>1</sup> |
| d)     | Control orders declared void                    | 0              |
| e)     | Control orders revoked                          | 0              |

<sup>1</sup> The Federal Circuit Court confirmed and varied a control order on 8 July 2016. The confirmed control order was in force until 11 September 2016, which is 12 months after 10 September 2015, the date on which the Interim Control Order was made.

|               |   |                |
|---------------|---|----------------|
| <b>f)</b>     | Control orders varied                                   | 1 <sup>2</sup> |
| <b>g) (i)</b> | Complaints to Commonwealth Ombudsman                    | 0              |
| <b>(ii)</b>   | Information given under AFP Act raising issues          | 0              |
| <b>h)</b>     | Number of monitoring warrants issued                    | 0              |
| <b>i)</b>     | Number of monitoring warrants executed                  | 0              |
| <b>j)</b>     | Reports prepared by the Commonwealth Ombudsman          | 0              |
| <b>k)</b>     | Control orders relating to people 14 to 17 years of age | 0              |

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<sup>2</sup> This was the same control order referred to in footnote 1 that was confirmed and varied on 8 July 2016.

# Preventative Detention Orders

## Annual Report 2016-17

The Attorney-General is required by section 105.47 of the *Criminal Code* to provide a report in respect of preventative detention orders during the year ending on 30 June 2017.

The provisions of this section of the legislation require the report to include:

- a) the number of initial preventative detention orders made
- b) the number of continued preventative detentions orders made
- c) (i) whether a person was taken into custody under each order  
(ii) if so how long the person was detained for
- d) particulars of:
  - (i) any complaints in relation to the detention of a person under a preventative detention order made or referred to the Commonwealth Ombudsman
  - (ii) any information given under section 40SA of the *Australian Federal Police Act 1979* during the year that related to the detention of a person under a preventative detention order and raised an AFP conduct or practices issue
- e) the number of prohibited contact orders made
- f) the number of preventative detention orders or prohibited contact orders that a court has found not to have been validly made or that the Administrative Appeals Tribunal has declared to be void

## Preventative Detention Orders 2016-17

|        |  |   |
|--------|--|---|
| a)     | Initial preventative detention orders made     | 0 |
| b)     | Continued preventative detention orders made   | 0 |
| c) (i) | Persons taken into custody under each order    | 0 |
| (ii)   | Detention period                               | 0 |
| d) (i) | Complaints to Commonwealth Ombudsman           | 0 |
| (ii)   | Information given under AFP Act raising issues | 0 |
| e)     | Prohibited contact order made                  | 0 |
| f)     | Orders declared invalid or void                | 0 |