

No. 22 of 2024.

Counter-Terrorism Act 2024.

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No. of 2024.

AN ACT

entitled

Counter-Terrorism Act 2024,

Being an Act -

- (a) to make provision for maintaining the internal security of Papua New Guinea by providing measures to combat terrorism and terrorist activities; and
 - (b) to repeal the *Internal Security Act 1993*; and
- for related purposes,

MADE by the National Parliament to come into operation in accordance with a notice in the National Gazette by the Head of State, acting with, and in accordance with, the advice of the Minister.

PART I. - PRELIMINARY.

1. COMPLIANCE WITH CONSTITUTIONAL REQUIREMENTS.

(1) This Act, to the extent that it regulates or restricts a right or freedom referred to in Subdivision III.3.C of the *Constitution*, namely -

- (a) the liberty of the person conferred by Section 42; and
 - (b) freedom from arbitrary search and entry conferred by Section 44; and
 - (c) freedom of conscience, thought and religion conferred by Section 45; and
 - (d) freedom of expression conferred by Section 46; and
 - (e) freedom of assembly and association conferred by Section 47; and
 - (f) freedom of employment conferred by Section 48; and
 - (g) right to privacy conferred by Section 49; and
 - (h) right to freedom of information conferred by Section 51; and
 - (i) right to freedom of movement conferred by Section 52; and
 - (j) protection from unjust deprivation of property conferred by Section 53,
- of the *Constitution*, is a law that is made in compliance with Section 38 of the *Constitution*, taking into account the National Goals and Directive Principles and the Basic Social Obligations, for the purpose of giving effect to the public interest in public safety, public order and public welfare.

(2) For the purposes of Section 41 of the *Organic Law on Provincial Governments and Local-level Governments*, it is declared that this Act relates to a matter of national interest.

2. INTERPRETATION.

In this Act, unless the contrary intention applies -

“arms” includes -

- (a) firearm within the meaning of the *Firearms Act* (Chapter 310) and ammunition for such firearm; and
- (b) a bomb within the meaning of the *Firearms Act* (Chapter 310); and
- (c) a machine gun within the meaning of the *Firearms Act* (Chapter 310) and ammunition for such machine gun; and
- (d) an offensive weapon within the meaning of *Summary Offences Act* (Chapter 264); and

- (e) an explosive within the meaning of the *Explosives Act (Adopted)* (Chapter 309);
- “authorised officer” means a person authorised to perform functions and powers under this Act, and includes a member of the Papua New Guinea Defence Force and a person appointed under Section 7;
- “Commissioner of Police” means the Commissioner of Police appointed under Section 9 of the *Police Act 1998*;
- “conveyance” means a vehicle, vessel, aircraft or any other conveyance capable of being used to convey persons;
- “counter-terrorist operation” means any planned action by Counter-Terrorism Joint Security Task Force, for the purpose of preventing, responding to, or investigating an act of terrorism;
- “critical infrastructure” means any facility, infrastructure, place, property, asset or system whose operation is considered essential to the security, economy, health or safety of a community or the Nation, and includes -
- (a) a facility, infrastructure or system used to generate or distribute electricity; and
 - (b) a facility, infrastructure or system used to generate or distribute water; and
 - (c) a facility, infrastructure or system used to generate or transport oil, fuel or gas; and
 - (d) a facility, infrastructure or system used or operated by a telecommunications provider; and
 - (e) a facility, infrastructure or system used by or in connection with a licensed financial service; and
 - (f) a facility, infrastructure or system used by or in connection with a disciplined force or Governmental body; and
 - (g) an airport or harbour; and
 - (h) a road, bridge or other public thoroughfare; and
 - (i) a hospital or health care facility; and
 - (j) a school or educational facility;
- “defence force” means the Papua New Guinea Defence Force established under Section 188(1)(c) of the *Constitution* as a State Service;
- “disciplined force” has the same meaning under Section 207 of the *Constitution*;
- “exemption permit” means an exemption permit issued under Section 35;
- “financial institution” means any person who carries on the business of banking or the business of lending money, or otherwise providing financial services, and includes an authorised institution as defined by the *Banks and Financial Institutions Act 2000*;
- “Government” means the Government of the Independent State of Papua New Guinea, and includes local-level governments, governmental bodies, the Police Force, the Defence Force and the Correctional Service;
- “governmental body” has the meaning given by Schedule 1.2 of the *Constitution*;
- “organisation” means any two or more persons or any association, party, group, club or group of persons, by whatever name known, whether or not incorporated or registered under any law, or a group or groups of people identifiable by a shared custom, ethnicity, or place of residence;
- “personal harm” means an act that -
- (a) involves violence against a person; or
 - (b) endangers a person’s life, other than that of the person committing the action; or
 - (c) creates a risk to the health or safety of the public or a section of the public;
- “Police Force” means the Police Force established under Section 188(1)(b) of the *Constitution* as a State Service;
- “premises” includes -
- (a) any place; and
 - (b) any vehicle, vessel or aircraft; and

(c) any tent or movable structure;

“prohibited area” means an area declared to be a prohibited area under Section 32;

“property” includes property wherever situated and whether real or personal, heritable or movable, and things in action and other intangible or incorporeal property;

“proscribed organisation” means an organisation declared to be a proscribed organisation under Section 28;

“public place” includes -

(a) a place to which free access is permitted to members of the public with the express or implied consent of the owner or occupier of the place; and

(b) a place to which members of the public are admitted on payment of money while members of the public are present or are permitted to have access to the place; and

(c) a road, street, bridge, footway, footpath, court, alley, passage or thoroughfare to which members of the public are allowed, notwithstanding that the same may be, or be formed on, private property; and

(d) an aerodrome, whether enclosed or otherwise; and

(e) a conveyance carrying fare paying passengers; and

(f) any school building or land or premises used in connection with any school;

“serious property damage” means an act that -

(a) involves significant damage to property; or

(b) is designed to interfere with or to disrupt any critical infrastructure;

“surveillance device” means -

(a) a device capable of being used to overhear, record, monitor, or listen to a conversation or words spoken to or by any person in conversation, excluding devices used to correct a hearing impairment; and

(b) a device that can be used to record visually or observe a particular area or place; and

(c) a device capable of being used to determine the geographical location of a person or object; and

(d) a device or program that is capable of being used to record or monitor the input into or output from an information system or a system of communication and includes enhancement equipment in relation to the surveillance device;

“telecommunications provider” means any person or entity that provides telephony, radio, internet, messaging or other communications services in Papua New Guinea, whether or not that person or entity is present in Papua New Guinea;

“terrorism” means an act or threat of personal harm or serious property damage undertaken for the purpose of -

(a) advancing a political, religious or ideological cause; or

(b) influencing government action or policy; or

(c) creating fear or a serious risk to the health or safety of the public or any section of the public; or

(d) intimidating the public or any section of the public; or

(e) affecting a group or groups of persons identifiable by a shared custom, ethnicity or place of residence.

PART II. - COUNTER-TERRORISM JOINT SECURITY TASK FORCE.

3. ESTABLISHMENT OF THE COUNTER-TERRORISM JOINT SECURITY TASK FORCE.

(1) The Counter-Terrorism Joint Security Task Force is hereby established.

- (2) The Counter-Terrorism Joint Security Task Force comprises of -
 - (a) the Commissioner of Police as the commander of the Task Force; and
 - (b) two deputy commanders being a senior member of the Police Force and a senior member of the Papua New Guinea Defence Force; and
 - (c) senior members of the Police Force nominated by the Commissioner of Police; and
 - (d) senior members of the Papua New Guinea Defence Force nominated by the Chief of Defence Force; and
 - (e) such other members as may be appointed by the Commissioner of Police.

4. FUNCTIONS OF THE COUNTER-TERRORISM JOINT SECURITY TASK FORCE.

- (1) The functions of the Counter-Terrorism Joint Security Task Force are -
 - (a) to assess, detect and coordinate response to the threat of terrorism in Papua New Guinea; and
 - (b) to plan, prepare and recommend counter-terrorist operations; and
 - (c) to provide strategic advice regarding terrorism and recommend prevention and response to terrorism; and
 - (d) to have such other functions as are necessary or incidental to fulfilling its purpose.

(2) The Counter-Terrorism Joint Security Task Force shall carry out its functions subject to the directions of the Commissioner of Police.

5. POWER OF THE COUNTER-TERRORISM JOINT SECURITY TASK FORCE.

The Counter-Terrorism Joint Security Task Force has the power to do all things convenient or necessary to be done for, or in connection with, the performance of its functions under this Act.

6. AID TO CIVIL POWER BY THE DEFENCE FORCE.

(1) For the avoidance of doubt, where a member of the Defence Force undertakes counter-terrorist operations under this Act, such assistance shall be provided in accordance with the *Constitution* and the *Defence Act* (Chapter 74).

(2) A member of the Papua New Guinea Defence Force assisting under this section shall exercise powers subject to Subsection (1) in accordance with the command-and-control structure of the Papua New Guinea Defence Force.

7. AUTHORISED OFFICERS.

(1) The Minister may, upon advice of the Commissioner of Police, determine a person, group of persons, or class of persons to be an authorised officer for the purposes of this Act.

(2) For the avoidance of doubt, nothing in this section requires a person to hold a specific qualification, status, nationality, or office to be appointed an authorised officer for the purpose of this Act.

(3) The Minister may impose such conditions or limitations on the determination of a person, group of persons, or class of persons as an authorised officer as the Minister considers appropriate, including -

- (a) the purposes or circumstances in which the person, group of persons, or class of persons may act as an authorised officer; and
- (b) the period during which the determination is in effect; and
- (c) any other matter the Minister considers necessary or desirable for the effective administration of this Act.

(4) The Minister may, at any time, vary or revoke any determination made under this section.

(5) The variation or revocation of a determination under this section does not affect the validity of anything done under the determination before its variation or revocation.

8. DIRECTIONS BY THE COMMISSIONER OF POLICE.

(1) The Commissioner of Police may give directions to an authorised officer in relation to exercising powers under this Act, either generally or in relation to a particular matter.

(2) An authorised officer who, without reasonable excuse, fails to comply with a direction under this section, commits an offence.

Penalty: Imprisonment for a term not exceeding 5 years.

9. PROTECTION FOR ACTIONS OR OMISSIONS.

A member of the Police Force, a member of the Counter-Terrorism Joint Security Task Force, or an authorised officer shall not be held criminally or civilly liable for any action or omission taken in the performance of his duties under this Act or in accordance with a lawful direction under this Act.

10. REASONABLE USE OF FORCE.

(1) A member of the Police Force or an authorised officer may use such force as is reasonable and necessary to perform their functions or exercise their powers under this Act.

(2) The provisions of the *Defence Act* (Chapter 74) apply to members of the Defence Force carrying out the functions or exercising powers for the purpose of counter-terrorist operations under this Act.

PART III. - POWERS OF INVESTIGATION.

11. POWER TO ARREST AND DETAIN.

(1) Powers of arrest and detention under this section are, in addition to and not in derogation of the powers of arrest and detention under the *Arrest Act* (Chapter 339) or any other Act.

(2) A member of the Police Force or an authorised officer may, without warrant, arrest a person whom he suspects on reasonable grounds -

- (a) is about to commit; or
- (b) is committing; or
- (c) has committed,

an offence under this Act.

12. POWER TO STOP AND SEARCH.

(1) Powers of search and seizure under this section are, in addition to and not in derogation of the powers of search and seizure under the *Search Act* (Chapter 341) or any other Act.

(2) Where a member of the Police Force or an authorised officer has reasonable grounds to suspect that a person has in his possession anything connected with an offence under this Act, he may in any public place and without warrant -

- (a) stop the person for a reasonable period of time; and
- (b) search the person or the clothing that is being worn by, or property in the immediate control of, that person; and
- (c) seize anything that he suspects on reasonable grounds to be connected with an offence.

13. POWER OF SEARCH OF CONVEYANCE, PLACE OR PREMISES.

(1) Where a member of the Police Force or an authorised officer has reasonable grounds to suspect that a person is liable to arrest in connection with an offence under this Act, he may -

- (a) enter and search a conveyance, place or premises; and
- (b) seize any evidence within that conveyance, place or premises that he suspects on reasonable grounds to be connected with an offence.

(2) Where a member of the Police Force or an authorised officer has reasonable grounds to suspect that any evidence relating to an offence against this Act is within any place, he may -

- (a) enter and search a conveyance, place or premises; and
- (b) seize any evidence within that conveyance, place or premises that he suspects on reasonable grounds to be connected with an offence.

(3) A person who hinders, obstructs or impedes a member of the Police Force or an authorised officer in the execution of their duties under this section, commits an offence.

Penalty: A fine not exceeding K50,000.00 or imprisonment for a term not exceeding 20 years, or both.

14. SURVEILLANCE DEVICE AUTHORISATION BY ATTORNEY-GENERAL.

(1) The Attorney-General may issue a surveillance device authorisation for the use of a surveillance device by a member of the Police Force or an authorised officer if, upon information of a commissioned officer of the Police Force, he -

- (a) reasonably suspects that an offence against this Act has been committed, is being committed or is likely to be committed; and
- (b) reasonably considers that the use of a surveillance device may afford evidence of an offence against this Act.

(2) Subject to Subsection (1), a surveillance device authorisation issued by the Attorney-General may authorise the use of a surveillance device -

- (a) in a specified place or premises; and
- (b) in or on a specified object or class of object; and
- (c) in respect of the conversations, activities or locations of a specified person or a person whose identity is unknown; and
- (d) in respect of combination of Paragraphs (a), (b) and (c).

(3) A surveillance device authorisation may be given orally or in writing, and must state -

- (a) the time and date the authorisation commences; and
- (b) identify the use to which the authorisation relates; and
- (c) the period for which the authorisation has effect, being a period of not more than 90 days, commencing on the date the authorisation commences.

(4) An oral authorisation must be recorded in writing, and signed by the Attorney-General as soon as practicable after it commences.

(5) A surveillance device authorisation issued by the Attorney-General authorises, in a specified place or premises referred to in Subsection (2)(a), the following:

- (a) installation, use and maintenance of a surveillance device; and
- (b) entry by force if necessary, onto the premises and onto other premises adjoining or providing access to the premises for the purposes referred to in Paragraph (a) or Subsection (8).

(6) A surveillance device authorisation issued by the Attorney-General authorises, in or on a specified object or class of object referred to in Subsection (2)(b), the following:

- (a) installation, use and maintenance of a surveillance device in or on the specified object or an object of the specified class; and
- (b) entry, by force if necessary, onto any premises where the object, or an object of the class, is reasonably believed to be or is likely to be, and onto other premises adjoining or providing access to those premises, for any of the purposes referred to in Paragraph (a) or Subsection (8).

(7) A surveillance device authorisation issued by the Attorney-General authorises, in respect of the conversations, activities or locations of a specified person or a person whose identity is unknown referred to in Subsection (2)(c), the following:

- (a) installation, use and maintenance of a surveillance device on premises where the person is reasonably believed to be or likely to be; and
- (b) entry by force if necessary, onto the premises, or other premises adjoining or providing access to those premises, for any of the purposes referred to in Paragraph (a) or Subsection (8).

(8) Each surveillance device authorisation further authorises a member of the Police Force or an authorised officer -

- (a) to retrieve the surveillance device; and
- (b) to install, use, maintain and retrieve the enhancement equipment in relation to the surveillance device; and
- (c) to temporarily remove an object or vehicle from premises to install, maintain or retrieve the surveillance device or enhancement equipment and to return the object or vehicle to the premises; and
- (d) to break open anything to install, maintain or retrieve the surveillance device or enhancement equipment; and
- (e) to connect the surveillance device or enhancement equipment to any source of electricity and to use electricity from that source to operate the device or equipment; and
- (f) to connect the surveillance device or enhancement equipment to any object or system that may be used to transmit information in any form and to use that object or system in connection with the operation of the device or equipment; and
- (g) to receive assistance or technical expertise in connection with the installation, use, maintenance or retrieval of the surveillance device or enhancement equipment; and
- (h) to do anything reasonably necessary to conceal the fact that anything has been done in relation to the installation, use, maintenance or retrieval of a surveillance device or enhancement equipment under the authorisation.

(9) The expiry of a surveillance device authorisation under this section shall not prevent the issuance of a further surveillance device authorisation by the Attorney-General.

(10) A person who publishes or communicates, whether directly or indirectly, information in relation to a surveillance device authorisation issued under this section while the surveillance device authorisation is in effect commits an offence.

Penalty: A fine not exceeding K50,000.00 or imprisonment for a term not exceeding 20 years, or both.

(11) In proceedings for an offence against Subsection (10), it is a defence if the person communicates the information -

- (a) to a legal practitioner for the purpose of obtaining legal advice or representation; or
- (b) to a Court in connection with proceedings in any criminal jurisdiction; or
- (c) to a member of the Police Force, an authorised officer or the Attorney-General, in connection with the execution of duties under this Act; or
- (d) as otherwise authorised by the Commissioner of Police.

15. SURVEILLANCE DEVICE AUTHORISATION BY COMMISSIONER OF POLICE.

(1) The Commissioner of Police may issue a surveillance device authorisation for the use of a surveillance device by a member of the Police Force or an authorised officer if, upon information of a commissioned officer of the Police Force, he -

- (a) reasonably suspects that an offence against this Act has been committed, is being committed or is likely to be committed; and
- (b) reasonably considers that the use of a surveillance device may afford evidence of an offence against this Act; and
- (c) reasonably considers it impractical or imprudent for the authorisation to be sought from the Attorney-General.

(2) Subject to Subsection (1), a surveillance device authorisation issued by the Commissioner of Police authorises the use of a surveillance device -

- (a) in a specified place or premises; and
- (b) in or on a specified object or class of object; and
- (c) in respect of the conversations, activities or locations of a specified person or a person whose identity is unknown; and
- (d) in any combination of Paragraphs (a), (b) and (c).

(3) A surveillance device authorisation may be given orally or in writing, and must state -

- (a) the time and date the authorisation commences; and
- (b) identify the use to which the authorisation relates; and
- (c) the period for which the authorisation has effect, being a period of not more than 30 days, commencing on the date the authorisation commences.

(4) An oral authorisation must be recorded in writing, and signed by the Commissioner of Police as soon as practicable after it commences.

(5) A surveillance device authorisation issued by the Commissioner of Police authorises, in a specified place or premises referred to in Subsection (2)(a), the following:

- (a) installation, use and maintenance of a surveillance device; and
- (b) entry by force if necessary onto the premises, and onto other premises adjoining or providing access to the premises for the purposes referred to in Paragraph (a) or Subsection (8).

(6) A surveillance device authorisation issued by the Commissioner of Police authorises, in or on a specified object or class of object referred to in Subsection (2)(b), the following:

- (a) installation, use and maintenance of a surveillance device in or on the specified object or an object of the specified class; and

- (b) entry, by force if necessary, onto any premises where the object, or an object of the class, is reasonably believed to be or is likely to be, and onto other premises adjoining or providing access to those premises, for any of the purposes referred to in Paragraph (a) or Subsection (8).

(7) A surveillance device authorisation issued by the Commissioner of Police authorises, in respect of the conversations, activities or locations of a specified person or a person whose identity is unknown referred to in Subsection (2)(c), the following:

- (a) installation, use and maintenance of a surveillance device on premises where the person is reasonably believed to be or likely to be; and
- (b) entry by force if necessary, onto the premises, or other premises adjoining or providing access to those premises, for any of the purposes referred to in Paragraph (a) or Subsection (8).

(8) Each surveillance device authorisation further authorises a member of the Police Force or an authorised officer -

- (a) to retrieve the surveillance device; and
- (b) to install, use, maintain and retrieve enhancement equipment in relation to the surveillance device; and
- (c) to temporarily remove an object or vehicle from premises to install, maintain or retrieve the surveillance device or enhancement equipment and the return of the object or vehicle to the premises; and
- (d) to break open anything to install, maintain or retrieve surveillance device or enhancement equipment; and
- (e) to connect the surveillance device or enhancement equipment to any source of electricity and to use the electricity from that source to operate the device or equipment; and
- (f) to connect the surveillance device or enhancement equipment to any object or system that may be used to transmit information in any form and to use that object or system in connection with the operation of the device or equipment; and
- (g) to receive assistance or technical expertise in connection with the installation, use, maintenance or retrieval of the surveillance device or enhancement equipment; and
- (h) to do anything reasonably necessary to conceal the fact that everything has been done in relation to the installation, use, maintenance or retrieval of a surveillance device or enhancement equipment under the authorisation.

(9) The expiry of a surveillance device authorisation issued under this section shall not prevent the application for a surveillance device authorisation to the Attorney-General in accordance with Section 14.

(10) A person who publishes or communicates, whether directly or indirectly, information in relation to a surveillance device authorisation issued under this section while the surveillance device authorisation is in effect commits an offence.

Penalty: A fine not exceeding K50,000.00 or imprisonment for a term not exceeding 20 years, or both.

(11) In proceedings for an offence against Subsection (10), it is a defence if the person communicates the information -

- (a) to a legal practitioner for the purpose of obtaining legal advice or representation; or
- (b) to a Court in connection with proceedings in any criminal jurisdiction; or

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- (c) to a member of the Police Force, an authorised officer or the Attorney-General, in connection with the execution of duties under this Act; or
- (d) as otherwise authorised by the Commissioner of Police.

16. ACCESS TO INFORMATION.

(1) For the purposes of preventing or responding to an offence against this Act, the Commissioner of Police may -

- (a) summon any person whose evidence is likely to be material to the prevention or response to an offence against this Act; and
- (b) require any person to provide such information as the Commissioner of Police considers it likely to be material to the prevention or response to an offence against this Act; and
- (c) require any person to produce documents in his possession or subject to his control.

(2) For the purpose of achieving the outcomes of Subsection (1), a member of the Police Force or authorised officer may -

- (a) take into custody, for a reasonable period of time, a person referred to in Subsection (1); and
- (b) convey the person to a location with communications facilities suitable for the provision of information and documents as is required of the person under Subsection (1).

(3) A person who publishes or communicates, whether directly or indirectly, information in relation to a summons or requirement to provide information or documents under Subsection (1), commits an offence.

Penalty: A fine not exceeding K50,000.00 or imprisonment for a term not exceeding 20 years, or both.

(4) In the proceedings for an offence against Subsection (3), it is a defence if the person communicates the information -

- (a) to a legal practitioner for the purpose of obtaining legal advice or representation; or
- (b) to a Court in connection with proceedings in any criminal jurisdiction; or
- (c) to a member of the Police Force or an authorised officer in connection with the execution of duties under this Act; or
- (d) as otherwise authorised by the Commissioner of Police.

17. DIRECTION TO A TELECOMMUNICATIONS PROVIDER OR FINANCIAL INSTITUTION.

(1) The Commissioner of Police may direct a telecommunications provider or financial institution, or employee of the telecommunications provider or financial institution to provide such assistance as he considers reasonably necessary to prevent or respond to an offence against this Act.

(2) Notwithstanding any provision of any other law, a telecommunications provider or financial institution must comply with any direction given by the Commissioner of Police under this section.

(3) A telecommunications provider which, without reasonable excuse, fails to comply with a direction under this section, commits an offence.

Penalty: A fine of not less than K5,000,000.00.

(4) An employee of a telecommunications provider or financial institution, who, without reasonable excuse, fails to comply with a direction under this section, commits an offence.

Penalty: Imprisonment for a term not exceeding 5 years.

18. DIRECTION TO GOVERNMENTAL BODIES.

(1) The Commissioner of Police may direct a governmental body, or an employee of a governmental body to provide such assistance as he considers reasonably necessary to prevent or respond to an offence against this Act.

(2) Notwithstanding any provision of any other law, an employee of a governmental body must comply with any direction given by the Commissioner of Police under this section.

(3) An employee of a governmental body who, without reasonable excuse, fails to comply with a direction under this section, commits an offence.

Penalty: Imprisonment for a period not exceeding 5 years.

19. REPORT TO THE NATIONAL EXECUTIVE COUNCIL.

(1) The Commissioner of Police shall report annually to the National Executive Council on the use of powers under Sections 14, 15, 16, 17 and 18.

(2) A report under this section shall be provided in writing, and shall include the number of times a power has been used in the preceding 12 months, the outcomes of its use, and the number of criminal prosecutions connected with the matter.

PART IV. - OFFENCES AND PENALTIES.

20. ACT OF TERRORISM.

A person who commits an act of terrorism, is guilty of an offence.

Penalty: Imprisonment for a minimum term of 50 years and a maximum of life imprisonment.

21. WEAPONS TRAINING FOR TERRORISM.

(1) A person who, in connection with an act of terrorism, provides instruction or training in the making or use of -

- (a) a firearm; and
- (b) ammunition; and
- (c) an explosive or explosive device; and
- (d) a chemical, radiological, biological or nuclear weapon; and
- (e) any other weapon or arms,

commits an offence.

Penalty: Imprisonment for a minimum term of 50 years and a maximum of life imprisonment.

(2) A person who, in connection with an act of terrorism, receives instruction or training in the making or use of -

- (a) a firearm; and
- (b) ammunition; and
- (c) an explosive or explosive device; and

- (d) a chemical, radiological, biological or nuclear weapon; and
 - (e) any other weapon or arms,
- commits an offence.

Penalty: Imprisonment for a minimum term of 50 years and a maximum of life imprisonment.

- (3) A person who invites another person to receive instruction or training and that act of receiving instruction or training would constitute an offence under Subsection (2), commits an offence.

Penalty: Imprisonment for a minimum term of 50 years and a maximum of life imprisonment.

- (4) For the purpose of this section -
- (a) a reference to the provision of instruction includes a reference to making it available either generally or to one or more specific persons; and
 - (b) an invitation to receive instruction or training may be either general or addressed to one or more specific persons.

22. DIRECTING TERRORISM.

A person who directs, at any level, the activities of an organisation which is concerned in the commission of an act of terrorism, commits an offence.

Penalty: Imprisonment for a minimum term of 50 years and a maximum of life imprisonment.

23. INCITING TERRORISM.

- (1) A person who incites another person to commit an act of terrorism, commits an offence.

Penalty: Imprisonment for a minimum term of 50 years and a maximum of life imprisonment.

- (2) For the purposes of this section, it is not necessary to prove that the person who was incited was known to the inciter.

24. POSSESSION OF ARTICLES FOR THE PURPOSE OF TERRORISM.

A person who, without reasonable excuse, has in his possession, an article that is reasonably suspected to be connected with the commission, preparation or instigation of an act of terrorism, commits an offence.

Penalty: Imprisonment for a minimum term of 50 years and a maximum of life imprisonment.

25. ELICITING, PUBLISHING OR COMMUNICATING INFORMATION ABOUT MEMBERS OF DISCIPLINED FORCES, ETC.

A person who -

- (a) elicits or attempts to elicit information which is likely to be useful to a person committing or preparing an act of terrorism, about a person who is or has been -
 - (i) a member of the Police Force; or
 - (ii) a member of the Defence Force; or
 - (iii) a member of the Correctional Service; or

- (iv) an authorised officer; or
- (b) publishes or communicates any such information without lawful excuse, commits an offence.

Penalty: Imprisonment for a minimum term of 20 years and a maximum of life imprisonment.

26. FUNDING TERRORISM.

- (1) A person who -
 - (a) invites another to provide money or other property; and
 - (b) intends that money or other property should be used, or has reasonable cause to suspect that it may be used, in connection with terrorism,commits an offence.

Penalty: (a) In the case of a natural person, imprisonment for life; and
(b) In the case of a body corporate, a fine of K1,000,000.00.

- (2) A person who -
 - (a) receives money or other property; and
 - (b) intends that it should be used, or has reasonable cause to suspect that it may be used, in connection with terrorism,commits an offence.

Penalty: (a) In the case of a natural person, imprisonment for life; and
(b) In the case of a body corporate, a fine of K1,000,000.00.

- (3) A person who -
 - (a) provides money or other property; and
 - (b) knows or has reasonable cause to suspect that the money or other property may be used in connection with terrorism,commits an offence.

Penalty: (a) In the case of a natural person, imprisonment for life; and
(b) In the case of a body corporate, a fine of K1,000,000.00.

(4) In this section, a reference to the provision of money or other property is a reference to money or other property being given, lent or otherwise made available, whether or not for consideration.

(5) This section does not apply where the provision of money or other property is expressly authorised by the Commissioner of Police.

27. CAUSING HARM TO MEMBERS OF DISCIPLINED FORCES OR AUTHORISED OFFICERS.

- (1) A person who discharges a weapon at, assaults or wounds a member of the Police Force or an authorised officer while in the execution of his duties under this Act, commits an offence.

Penalty: Imprisonment for a minimum term of 50 years and a maximum of life imprisonment.

(2) A member of the Police Force or an authorised officer may use such force as is reasonable and necessary to defend themselves or another person from action which would constitute an offence under this section.

PART V. - PROSCRIBED ORGANISATIONS.

28. DECLARATION OF PROSCRIBED ORGANISATION.

(1) Where the Head of State, acting on advice of the National Executive Council, is of the opinion that an organisation -

- (a) is engaged in, or is likely or about to be engaged in terrorism; or
- (b) is promoting or encouraging, or is likely or about to promote or encourage, terrorism,

the Head of State may declare the organisation to be a proscribed organisation.

(2) A declaration under Subsection (1) shall be -

- (a) published in the National Gazette; and
- (b) published in a newspaper circulating throughout the country; and
- (c) broadcast on the National Broadcasting Corporation broadcast service; and
- (d) further publicised by notices posted in prominent places in the country in general and in any part of the country in which the proscribed organisation is known to exist.

(3) As soon as practicable after the making of a declaration under Subsection (1), the Prime Minister shall send to the Speaker for tabling in the Parliament at its next sitting, a copy of the declaration and a statement of the reasons for it and the declaration is subject to revocation by decision of the Parliament.

29. APPEAL AGAINST DECLARATION OF PROSCRIBED ORGANISATION.

(1) A person aggrieved by a declaration of a proscribed organisation under Section 28 may, within 28 days of the declaration, forward a written notice of appeal against the decision, stating the reasons for the appeal, to the Minister.

(2) The Minister shall submit the appeal to the National Executive Council, and the Head of State, acting on advice, shall confirm or revoke the declaration.

(3) The Minister shall advise the appellant of the decision under Subsection (2).

30. MEMBERSHIP, SUPPORT AND MEETINGS OF PROSCRIBED ORGANISATION.

(1) Subject to Subsection (2), a person who -

- (a) belongs or professes to belong to a proscribed organisation; or
- (b) aids, assists or supports whether financially or otherwise a proscribed organisation; or
- (c) solicits or invites aid, assistance or support whether financial or otherwise for a proscribed organisation; or
- (d) arranges or assists in the arrangement or management of, or addresses, any meeting of two or more persons (whether or not it is a meeting to which the public are admitted) knowing that the meeting is -
 - (i) to support; or
 - (ii) to further the activities of; or

(iii) to be addressed by a person belonging to or professing to belong to, a proscribed organisation, commits an offence.

Penalty: A fine not exceeding K50,000.00 or imprisonment for a term not exceeding 20 years, or both.

(2) It is a defence to a charge of an offence under Subsection (1)(a) if the person charged shows that he became a member of the proscribed organisation by force or undue influence applied on him.

(3) For the purposes of Subsection (1)(b), an appeal under Section 29 against a declaration of a proscribed organisation, does not constitute aiding, assisting or supporting the proscribed organisation.

31. DISPLAY OF SUPPORT IN PUBLIC.

A person who in a public place -

- (a) joins or participates in a procession; or
- (b) wears any item of dress; or
- (c) wears, carries or displays any article, of such a kind or in such a way or in such circumstances,

as to arouse reasonable apprehension that he is a member or supporter of a proscribed organisation, commits an offence.

Penalty: A fine not exceeding K50,000.00 or imprisonment for a term not exceeding 20 years, or both.

PART VI. - PROHIBITED AREAS.

32. DECLARATION OF PROHIBITED AREA.

(1) Where the Head of State, acting on advice of the National Executive Council, is of the opinion that there is likely to be an act of terrorism in any area of the country, he may, declare that area to be a prohibited area for such period, not exceeding three months, as is specified in the declaration.

- (2) A declaration under Subsection (1) shall be -
- (a) published in the National Gazette; and
 - (b) published in a newspaper circulating throughout the country; and
 - (c) broadcast on the National Broadcasting Corporation broadcast service; and
 - (d) further publicised by notices posted in prominent places in the country in general and in particular in the vicinity of the prohibited area.

(3) A declaration under Subsection (1), may exempt from the provisions of the declaration, any person who is normally a resident within the prohibited area.

(4) As soon as practicable after a declaration under Subsection (1) has been made, the Prime Minister shall send to the Speaker for tabling in the Parliament at its next sitting a copy of the declaration, and a statement of the reasons for it and the declaration is subject to revocation by decision of the Parliament.

(5) On the expiry of a declaration under Subsection (1), the Head of State, acting on advice, may make a further declaration or series of declarations relating to the same area and the provisions of Subsections (2), (3) and (4) shall apply to such further declaration or declarations.

33. EFFECT OF DECLARATION OF PROHIBITED AREA.

Where an area has been declared under Section 32 to be a prohibited area, no person, unless exempted under Section 34, shall be present within the prohibited area during the period the declaration remains in force.

34. PERSONS EXEMPTED FROM DECLARATION.

A declaration under Section 32 shall not apply to -

- (a) the Head of State; or
- (b) a member of the Police Force while on duty or going to or returning from duty; or
- (c) a member of the Defence Force while on duty or going to or returning from duty; or
- (d) an authorised officer while on duty or going to or returning from duty; or
- (e) a member of the Fire Service while on duty or going to or returning from duty; or
- (f) a medical practitioner, nurse or ambulance driver dealing with or attending to an urgent medical case; or
- (g) a person to whom an exemption permit has been issued under Section 35 and who is in compliance with any conditions of the exemption permit.

35. EXEMPTION PERMITS.

(1) A person who considers that he has a valid reason for being granted an exemption from the declaration of a prohibited area, may apply in the prescribed manner to the Commissioner of Police for an exemption permit.

(2) The Commissioner of Police shall consider the application under Subsection (1), and may issue an exemption permit in the prescribed form to the applicant.

(3) An exemption permit may contain restrictions as to times, parts of the prohibited area and periods within which it is valid.

36. OFFENCES RELATING TO A PROHIBITED AREA.

A person who, not being a person exempted under Section 34, enters or is present in a prohibited area contrary to the terms of a declaration in relation to that prohibited area, commits an offence.

Penalty: A fine not exceeding K50,000.00 or imprisonment for a term not exceeding 20 years, or both.

PART VII. - MISCELLANEOUS.

37. FORFEITURE.

Where a Court convicts a person of an offence under this Act, the Court may, in addition to imposing the penalty set out in that section, order the forfeiture to the State of any money, conveyance, vehicle, ship, aircraft or property which the Court considers had been used or was intended to be used for the purposes of terrorism.

38. FORFEITED GOODS.

Any money, conveyance, vehicle, ship, aircraft or property ordered by a Court to be forfeited under this Act become the property of the State and shall be dealt with or disposed of in accordance with the directions of the Minister.

39. REGULATIONS.

The Head of State, acting on advice, may make Regulations not inconsistent with this Act, prescribing all matters that by this Act are required or permitted to be prescribed or that are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

40. REPEAL.

(1) The *Internal Security Act 1993* is hereby repealed.

(2) A reference in any law or in any instrument to the *Internal Security Act 1993* or any of its provisions, shall on and after the coming into operation of this Act, unless the context otherwise requires, be read and construed as a reference to this Act or to the corresponding provisions of this Act.

41. SAVINGS AND TRANSITIONAL.

(1) The regulations made under the *Internal Security Act 1993*, to the extent that it is consistent with this Act, is saved and continues to operate as if it was made under this Act, until such time it is replaced by subsequent regulations made under this Act.

(2) All directives, directions or other entitlements granted under the *Internal Security Act 1993* shall continue in full force and effect on the coming into operation of this Act.

(3) All assets, rights, obligations and liabilities which, immediately before the coming into operation of this Act, were owned or held by the State or any person against the State, under the *Internal Security Act 1993*, on the coming into operation of this Act, continue as assets, rights and liabilities of the State under this Act without the need for any conveyance, transfer, assignment or assurance.

42. ACTIONS, NOT TO ABATE.

Where immediately before the coming into operation of this Act, an action, proceeding or decision was made or instituted, or is pending by or against a person under the *Internal Security Act 1993*, such an action, proceeding or decision shall be considered to be validly made under this Act, and may be continued, prosecuted or enforced as if validly made or instituted under this Act.

I hereby certify that the above is a fair print of the *Counter-Terrorism Act 2024* which has been made by the National Parliament.

Acting Clerk of the National Parliament.

I hereby certify that the *Counter-Terrorism Act 2024* was made by the National Parliament on 28 November by an absolute majority in accordance with the Constitution.

Acting Speaker of the National Parliament.