



Australian Government
Department of Home Affairs

Control Orders, Preventative Detention Orders, Continuing Detention Orders, Extended Supervision Orders and Powers in relation to Terrorist Acts and Terrorism Offences

Annual Report 2024-25

OFFICIAL

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Control orders and monitoring warrants

In accordance with section 104.29 of the *Criminal Code Act 1995* (Criminal Code), the Australian Federal Police (AFP) Minister is required to prepare a report about the operation of Division 104 (Control orders) of the Criminal Code, Division 5 (monitoring warrants) of Part IAAB of the *Crimes Act 1914* (Crimes Act), and the rest of Part IAAB to the extent that it relates to Division 5, during the year ending on 30 June 2025.

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

- a)
 - (i) the number of 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 a confirmation hearing
- d) the number of control orders declared void at a confirmation hearing
- e) the number of control orders revoked at a confirmation hearing or upon application by the subject or AFP Commissioner
- f) the number of control orders varied at a confirmation hearing or upon application by the subject or the AFP Commissioner
- g) Particulars of:
 - (i) any complaints made or referred to the Commonwealth Ombudsman that related to control orders
 - (ii) any information given under section 40SA of the *Australian Federal Police Act 1979* (AFP Act) that related to control orders and raised an AFP conduct or practices issue (within the meaning of that Act)
- h) the number of monitoring warrants issued in relation to a control order or a supervision order
- i) the number of monitoring warrants executed in relation to a control order or a supervision order
- j) the report prepared by the Commonwealth Ombudsman detailing the results of any inspections of AFP records in relation to monitoring warrants or monitoring of compliance with supervisory orders, and
- 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 and monitoring warrants 2024-25

Between 1 July 2024 and 30 June 2025, the following occurred:

a) (i) Interim control orders made	0
(ii) Urgent interim control orders issued – electronic	0
(iii) Urgent interim control orders issued – in person	0
b) Interim control orders – not elected to confirm	0
c) Control orders confirmed by the court	1
d) Control orders declared void	0
e) Control orders revoked	0
f) Control orders varied	0
g) (i) Complaints to Commonwealth Ombudsman	0
(ii) Information given under AFP Act raising issues	0
h) Number of monitoring warrants issued	3
i) Number of monitoring warrants executed	3
j) Reports prepared by the Commonwealth Ombudsman on monitoring warrants	0
k) Control orders relating to people 14 to 17 years of age	0

Commonwealth Ombudsman Report – Monitoring of Part 5.3 supervisory orders

Section 3ZZUB of the *Crimes Act 1914* (Cth) (the Crimes Act) provides that the Commonwealth Ombudsman (the Ombudsman) may inspect the records of the Australian Federal Police (AFP) to determine the extent of compliance with the provisions of Part IAAB of the Crimes Act, relating to monitoring warrants or monitoring of compliance with supervisory orders. In accordance with section 3ZZUH of the Crimes Act, the Ombudsman must prepare and give to the Minister a report on the results of any inspections under section 3ZZUB for the financial year 1 July 2024 to 30 June 2025 (the inspection period).

In accordance with subparagraph 104.29(2)(i) of the *Criminal Code Act 1995* (Cth) (the Criminal Code), the Ombudsman's report under subsection 3ZZUH(1) is included in this report, at **Attachment A**.

Report findings

The Ombudsman inspected the AFP's compliance with the monitoring of Part 5.3 of the Criminal Code supervisory orders at AFP headquarters in Barton on two occasions. Inspection 1 ran from 26 August to 13 September 2024, and Inspection 2 ran from 3 March to 21 March 2025.

- The Ombudsman reviewed warrants which were completed in the records period of 1 July 2023 to 30 June 2024.
- The Ombudsman inspected all 6 premises warrants issued under section 3ZZOA of the Crimes Act and both of the 2 person search warrants issued under section 3ZZOB of the Crimes Act completed over the period.
- The Ombudsman made 1 recommendation and 2 suggestions for improvement.

Under section 3ZZUH(2) of the Crimes Act the Ombudsman must include in its report to the Minister the number of contraventions by the AFP of the provisions of Part IAAB of the Crimes Act in relation to monitoring warrants. During the inspection period, the Ombudsman's office identified one contravention:

- The AFP did not notify the Ombudsman of the issue of one monitoring warrant within the 6 months as required by section 3ZZTE of the Crimes Act.

The Ombudsman's office did not identify nor was notified by the AFP of any further contraventions of the Crimes Act.

Inspection findings

a) Contraventions of section 3ZZTE(1) of the Act regarding the AFP's obligation to notify the Ombudsman within 6 months of a monitoring warrant being issued	1

Preventative detention orders

The AFP Minister is required by section 105.47 of the Criminal Code to provide a report about the operation of Division 105 (Preventative detention orders) of the Criminal Code during the year ending on 30 June 2025.

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 detention orders made
- c) whether a person was taken into custody under each order, and if so, how long the person was detained for
- d) particulars of:
 - (i) any complaints made or referred to the Commonwealth Ombudsman that related to the detention of a person under a preventative order
 - (ii) any information given under section 40SA of the AFP Act during the year that related to the detention of a person under a preventative detention order and raised an AFP conduct or practices issue (within the meaning of that Act)
- e) the number of prohibited contact orders made, and
- f) the number of preventative detention orders and 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 2024-25

Between 1 July 2024 and 30 June 2025, the following occurred:

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) If so, how long the person was detained for	0
d) (i) Complaints to Commonwealth Ombudsman	0
(ii) Information given under AFP Act raising issues	0
e) Prohibited contact orders made	0
f) Orders declared invalid or void	0

Continuing detention orders and extended supervision orders

The AFP Minister is required under section 105A.22 of the Criminal Code to provide a report about the operation of Division 105A (post-sentence orders) of the Criminal Code during the year ending on 30 June 2025. Division 105A provides the legal framework for two post-sentence orders: continuing detention orders and extended supervision orders.

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

- a) the number of applications for post sentence orders made during the year
- b) the number of applications for each kind of interim post-sentence order made during the year
- c) the number of each kind of post-sentence order made during the year
- d) the number of each kind of interim post-sentence order made during the year
- e) the number of applications for review of each kind of post-sentence order made by terrorist offenders during the year
- f) the number of applications for review of each kind of post-sentence order made by the AFP Minister, or a legal representative of the AFP Minister, during the year
- g) the number of each kind of post-sentence order affirmed during the year
- h) the number of each kind of post-sentence order varied during the year
- i) the number of post-sentence orders revoked during the year.

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

- a) the detention arrangements that applied during the year to terrorist offenders who were subject to a continuing detention order at any time during the year
- b) the rehabilitation or treatment programs that were made available during the year to terrorist offenders who were subject to a post-sentence order at any time during the year, and
- c) funding for the administration of Division 105A.

The Government provided \$130.1 million over two financial years from 2023-24 to strengthen Australia's arrangements for managing high risk terrorist offenders.

During the 2024-25 financial year, 3 convicted terrorist offenders were subject to extended supervision orders under the Australian Government's High Risk Terrorist Offender regime. There were no continuing detention orders in force.

Programs were made available to offenders subject to post-sentence orders, delivering a holistic approach to rehabilitation and reintegration by providing a combination of clinical and psychological support, social support, religious mentoring and family support.

Continuing detention orders 2024-25

Between 1 July 2024 and 30 June 2025, the following occurred:

a) Applications for continuing detention orders made	0
b) Applications for interim detention orders made	0
c) Continuing detention orders made	0
d) Interim detention orders made	0
e) Applications for review of continuing detention orders made by terrorist offenders	0
ea) Applications for review of continuing detention orders made by AFP Minister or their legal representative	0
f) Continuing detention orders affirmed	0
g) Continuing detention orders varied	0
h) Continuing detention orders revoked	0

Extended supervision orders 2024-25

Between 1 July 2024 and 30 June 2025, the following occurred:

a) Applications for extended supervision orders made	1
b) Applications for interim supervision orders made	4
c) Extended supervision orders made	1
d) Interim supervision orders made	4
e) Applications for review of extended supervision orders made by terrorist offenders	0
i. Extended supervision orders affirmed as a result of an application for review by a terrorist offender	0
ii. Extended supervision orders affirmed with variations as a result of an application for review by a terrorist offender	0
iii. Extended supervision orders revoked as a result of an application for review by a terrorist offender	0
f) Applications for review of extended supervision orders made by AFP Minister or their legal representative	1
i. Extended supervision orders affirmed as a result of an application made by the AFP Minister or their legal representative	0
ii. Extended supervision orders affirmed with variations as a result of an application made by the AFP Minister or their legal representative	1
iii. Extended supervisions orders revoked as a result of an application made by the AFP Minister or their legal representative	0
g) Application for variation of an extended supervision order made by terrorist offenders	0
i. Extended supervision orders varied	0
h) Application for variation of an extended supervision order made by the AFP Minister of their legal representatives	0
i. Extended supervision orders varied	0

Powers in relation to terrorist acts and terrorism offences

The AFP Minister is required under section 3UJB of the Crimes Act to provide a report in respect of powers exercised under Division 3A (Powers in relation to terrorist acts and terrorism offences) of Part 1AA of the Act in relation to terrorist acts and terrorism offences during the year ending on 30 June 2025.

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

- a) the number of instances when an AFP police officer or officers exercised a power to:
 - (i) seize terrorism related items or serious offence related items, and give a notice in relation to the seizure
 - (ii) enter a premises without a search warrant in order to prevent a thing from being used in connection with a terrorism offence because there is a serious and imminent threat to a person's life, health or safety, and give a notice in relation to the seizure
- b) the number of incidents when an AFP police officer or officers exercised a power to:
 - (i) require a person to provide their name and personal details, or
 - (ii) stop and search a person
- c) the number of applications made for declarations that Commonwealth places are prescribed security zones
- d) the number of declarations made that Commonwealth places are prescribed security zones
- e) the number of applications made by AFP police officers for post-entry warrants
- f) the number of post-entry warrants issued in response to applications made by AFP police officers, and
- g) the number of refusals to issue a post-entry warrants in response to applications made by AFP police officers.

Powers in relation to terrorist acts and terrorism offences 2024-25

Between 1 July 2024 and 30 June 2025, the following occurred:

a) (i) Instances items seized and notices given	0
(ii) Instances of entry onto premises without a warrant and notices given	0
b) (i) Incidents where a person was required to provide their name and personal information	0
(ii) Incidents where a person was stopped and searched	0
c) Applications made for declarations that Commonwealth places are prescribed security zones	0
d) Declarations made that Commonwealth places are prescribed security zones	0
e) Applications made for post-entry warrants	0
f) Post-entry warrants issued in relation to applications made by AFP police officers	0
g) Refusals to issue post-entry warrants in response to applications made by AFP police officers	0

Attachment A – Ombudsman’s Report in relation to the Monitoring of Part 5.3 Supervisory Orders

A2529628

19 November 2025

The Hon Tony Burke MP

The Minister for Home Affairs

Parliament House

CANBERRA ACT 2600

Dear Minister

Commonwealth Ombudsman’s report on inspections conducted under Part IAAB of the Crimes Act 1914 (Cth) – Monitoring of Part 5.3 Supervisory Orders and Part 9.10 Community Safety Supervision Orders

This letter constitutes my report to you under section 3ZZUH of the *Crimes Act 1914* (Cth) (the Crimes Act) for the financial year 1 July 2024 to 30 June 2025 (the inspection period).

This report provides the results of the inspections by my Office of the records of the Australian Federal Police (AFP) to determine compliance with the provisions of Part IAAB of the Crimes Act and Part IAABA of the Crimes Act. The provisions relate to the AFP’s powers to monitor a person subject to a supervisory order under Part 5.3 of the *Criminal Code Act 1995* (the Code) (supervisory orders) and monitoring under community safety supervision orders under Part 9.10 of the Code (community safety supervision orders). The AFP’s monitoring powers may be exercised by consent or under a warrant.

Under section 3ZZUB of the Crimes Act, the Ombudsman may inspect the records of the AFP to determine the extent of compliance with the provisions of Part IAAB (monitoring of compliance with supervisory orders) and Part IAABA (monitoring of compliance with community safety supervision orders) of the Crimes Act. Under section 3ZZUH of the Crimes Act, I must report to you on the results of any such inspection, including the number of contraventions of the Crimes Act.

Summary of the inspection under Part IAAB of the Crimes Act

We performed 2 inspections of the AFP’s use of monitoring powers:

- Inspection 1 which ran from 26 August 2024 to 13 September 2024 (the August 2024 inspection)
- Inspection 2 which ran from 3 March to 21 March 2025 (the March 2025 inspection)
- We reviewed warrants which were completed during the records period 1 July 2023 to 30 June 2024 (the records period).
- We inspected all 6 premises search warrants issued under section 3ZZOA of the Crimes Act and both of the 2 person search warrants issued under section 3ZZOB of the Crimes Act completed over the records period.
- We made **1 recommendation** and **2 suggestions** for improvement.

During the inspection period, my Office identified one contravention where the AFP did not notify the Ombudsman of the issue of a monitoring warrant within 6 months as required by section 3ZZTE of the Crimes Act. Further detail on this contravention is set out below.

Throughout the inspection period, my Office did not identify or was not notified by the AFP of any further contraventions of the Crimes Act.

Contraventions of the Crimes Act:

Failure to notify my Office of the issuing of a monitoring warrant

During our March 2025 inspection, we observed an instance where the AFP failed to notify my Office within 6 months of a Telecommunications Interception (TI) supervisory warrant issued under section 46 of the *Telecommunications (Interception and Access) Act 1979* (TIA Act). The AFP are required to do this under section 3ZZTE(1) of the Crimes Act.

My Office has made this finding across 3 previous inspection periods¹ and suggested the AFP ensure my Office is notified of any TI Supervisory Order (Part 5.3) warrant issued under section 46 of the TIA Act within 6 months of the warrant being issued. The AFP accepted this suggestion and advised my Office that upon being advised of the issue in March 2025, it verbally reminded staff of their obligations under the Crimes Act and updated its warrant checklists. In addition, it had also commenced system-based treatments to improve the notification process by June 2026.

Risks of non-compliance with the Crimes Act:

Not recording the grounds for searching a person during the execution of a premises warrant

During the August 2024 inspection my Office identified an instance where AFP members conducted a search of a person under section 3ZZKF(2)(b) of the Crimes Act, without recording if there were reasonable grounds for the search. It was also unclear from the records as to whether AFP members obtained informed consent to conduct the search. In this circumstance, the person subject to the search was not a contolee of the Part 5.3 Supervisory Order.

The same finding was raised by my officers in our 2019-20, 2020-21 and 2023-24 inspections where it was found AFP members conducted searches of people under section 3ZZKF(2)(b) of the Crimes Act, without recording if they had grounds to conduct the search or what type of search was undertaken. We acknowledge the AFP did not have sufficient time to implement remedial action in response to our recommendation from our March 2024 inspection and the search occurred prior to this recommendation being made to the AFP. However, it remains concerning that AFP members have continued to fail to record their grounds for performing searches.

As a result of the August 2024 inspection, I reiterated the recommendation I made from the inspection in March 2024 that the AFP ensure that the grounds established for the ordinary or frisk search are recorded for all non-consensual searches performed whilst executing a Part IAAB of the Crimes Act premises warrant. The AFP accepted the finding and stated that it had updated its guidance material and training to include privacy intrusions and reasonable grounds to conduct a frisk or ordinary search on a person who is not subject of the Part 5.3 Supervisory Order. However, as noted below, the AFP later advised that the updates to the AFP's Better Practice Guide (BPG) were subject to internal clearance, and it was anticipated to be made available to AFP staff by December 2025.

Insufficient action to update guidance materials

During our March 2025 inspection, my Office identified the AFP had not fully implemented my previous recommendation from the March 2024 inspection report through insufficient action to update the BPG.

Whilst the AFP had put some measures in place to support members in the execution of search powers until the guidance was updated, my Office remains concerned the AFP is not sufficiently supporting members in performing and recording legal searches of persons while executing premises warrants.

I recommended the AFP ensure that accepted recommendations in relation to the updating of Part 5.3 Crimes Act guidance materials are actioned in a timely manner and reflected within all guidance and instructional materials. The AFP accepted this recommendation and advised this governance material is expected to be completed and made available to staff by December 2025.

¹ See the inspection reports under 3ZZUH of the Crimes Act for the financial years 2020-21 (dated 5 November 2021), 2021-2022 (dated 12 September 2022) and 2023-24 (dated 1 November 2024).

Monitoring of compliance with community safety supervision orders under Part IAABA of the Crimes Act

Part IAABA of the Crimes Act came into effect on 8 December 2023. From that date to

30 June 2025 my Office was not notified of any warrants issued for the monitoring of Community Safety Supervision Orders. Consequently, we did not perform any inspection activity.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Iain Anderson', written over a horizontal line.

Iain Anderson

Commonwealth Ombudsman