1. The Justice Legislation (Links to Terrorist Activity) Amendment Bill 2018
(the Bill) ensures that there is a presumption that neither bail nor parole will be granted to those persons who have demonstrated support for, or have links to, terrorist activity.
2. The Bill:
* reverses the statutory presumption in favour of bail for any adult or child offender who has previously been convicted of a terrorism offence or who is, or has been, subject to a control order under the Commonwealth Criminal Code, limits the ability to grant bail to a court, and requires the court to be satisfied that there are exceptional circumstances to justify granting bail;
* ensures consideration is given to potential links to terrorist activity by any offender when a police officer or court is assessing whether there is an unacceptable risk for bail generally;
* requires a panel of at least 5 members of the parole board to be satisfied that exceptional circumstances exist to justify granting parole to an adult prisoner convicted of a terrorism offence at any time, subject to a control order under the Commonwealth Criminal Code, or who has carried out actions or made statements directed at supporting or advocating support for carrying out a terrorist act;
* requires a panel of at least five members of the parole board to be satisfied that exceptional circumstances exist to justify granting parole to an adult prisoner previously charged with, but not convicted of, a terrorism offence; previously subject of a control order; or where the board is satisfied a prisoner is or has been associated with a terrorist organisation, or a person who has promoted terrorism, upon the provision of a report by the commissioner of police to the parole board identifying that there is a reasonable likelihood that the prisoner may carry out a terrorist act;
* allows a sentencing court the discretion to fix a parole eligibility date rather than a date an adult offender is to be released on parole, if satisfied an offender has been convicted of a terrorism offence, is subject to a control order made under the Commonwealth Criminal Code, or has carried out actions or made statements directed at supporting or advocating support for the carrying out of a terrorist act;
* removes the discretion of a sentencing court to order a release date any earlier than after serving 70% of a period of detention for a child who has been found guilty of a terrorism offence, is the subject of a control order, or has carried out actions or made statements directed at supporting or advocating support for the carrying out of a terrorist act; and
* requires to be imposed on the supervised release of a child who has been found guilty of a terrorism offence, is the subject of a control order, or has carried out actions or made statements directed at supporting or advocating support for the carrying out of a terrorist act, conditions reasonably necessary to reduce the risk of the child carrying out a terrorist act or promoting terrorism.
1. Cabinet approved the introduction of the Justice Legislation (Links to Terrorist Activity) Amendment Bill 2018 into the Legislative Assembly.
2. *Attachments*
* [Justice Legislation (Links to Terrorist Activity) Amendment Bill 2018](Attachments/Bill.PDF)
* [Explanatory Notes](Attachments/ExNotes.PDF)