

DRAFT SECOND READING SPEECH

HON. ELISE ARCHER MP

Terrorism (Restrictions on Bail and Parole) Bill 2018

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Madam Speaker, this Bill is Tasmania's contribution to nationally consistent reforms to bail and parole laws designed to better protect the community from the threat of terrorism.

At the 9 June 2017 meeting of the Council of Australian Governments (COAG), first ministers agreed to ensure there will be a presumption that neither bail nor parole will be granted to those persons who have demonstrated support for, or have links to, terrorist activity.

A special meeting of COAG to review laws and practices directed at protecting Australians from violent extremism was held on 5 October 2017. At that meeting, first ministers agreed that the 9 June 2017 decision should be underpinned by nationally consistent principles to ensure there is a presumption against bail and parole in agreed circumstances across Australia.

The Australia-New Zealand Counter-Terrorism Committee (ANZCTC) subsequently developed nationally consistent principles in consultation with each Australian jurisdiction. Those principles are:

- Principle 1 – The presumption against bail and parole should apply to categories of persons who have demonstrated support for, or links to, terrorist activity.
- Principle 2 – High legal thresholds should be required to overcome the presumption against bail and parole.
- Principle 3 – The implementation of the presumption against bail and parole should draw on and support the effectiveness of the Joint Counter-Terrorism Team model.
- Principle 4 – Implementing a presumption against bail and parole should appropriately protect sensitive information.

Under the first principle, there was agreement that, at a minimum, the presumption against bail and parole should apply to those people who have been convicted of a terrorism offence, or who are the subject of a control order.

In addition, it was agreed that a further minimum standard should apply to those seeking parole, with the presumption against parole applying to people who have made statements or carried out activities supporting, or advocating support for, terrorist acts.

Several jurisdictions have already legislated to give effect to the principles developed by the ANZCTC, and it is likely that by the end of 2018 all jurisdictions will have introduced such legislation.

Tasmania's Bill will affect existing bail laws by amending the Bail Act 1994.

Existing Commonwealth legislation restricts bail for people charged with, or convicted of, certain Commonwealth terrorism offences.

Those existing laws affect the operation of bail in Tasmania, meaning that a person covered by those Commonwealth provisions cannot be granted bail unless exceptional circumstances exist to justify bail. That Commonwealth legislation does not cover the situation where bail is being determined for a person charged with an offence against a Tasmanian law.

This Bill provides that, where a person has a prior conviction for a terrorism offence, or where the person is subject to a control order, the person is not to be granted bail unless there are exceptional circumstances. In addition, only a judge or a magistrate will be able to grant bail to a person with a prior conviction for a terrorism offence, or a person who is subject to a control order.

This Bill also provides powers for police officers to arrest people with actual or suspected terrorist links who are on bail, and provides judges, magistrates and courts with procedural powers in relation to certain bail applications.

As well as the amendments to bail laws, the Bill amends the Corrections Act 1997 in relation to parole.

The Bill will limit parole for prisoners who have a conviction for a terrorism offence, who are subject to a control order, or who have promoted a terrorist act. The Parole Board must not release a prisoner who falls into one of those categories unless satisfied that there are exceptional circumstances.

There are also provisions in the Bill designed to ensure that relevant information in relation to a prisoner can be shared with the Parole Board. New subsection 72(1A) requires the Parole Board to notify the Commissioner of Police at least 7 days before the Board considers whether to release a prisoner on parole.

The Bill also provides that the Board can take into account certain relevant information provided by State, Territory or Commonwealth agencies or bodies.

There are also powers in the Bill for the Board to revoke the parole of a prisoner, and for police to arrest prisoners who are on parole, in certain circumstances. The Bill provides powers to restrict access to information and proceedings in relation to parole.

Madam Speaker, the Government is determined to do its part to protect the community from terrorism. This Bill, as part of similar reforms across the country, will play an important part in ensuring that Australians remain safe from terrorism.

I commend the Bill to the House.