

*I hereby certify that this PUBLIC BILL has finally passed the
Legislative Assembly of Queensland.*

*Legislative Assembly Chamber,
Brisbane,*

The Clerk of the Parliament.

11 April 2014

In the name and on behalf of the Queen, I assent to this Bill.

Paul de Jersey

Government House,

Brisbane,

11 April 2019



Queensland

No. 10 of 2019

A BILL for

An Act to amend the Bail Act 1980, the Corrective Services Act 2006, the Penalties and Sentences Act 1992 and the Youth Justice Act 1992 for particular purposes



Queensland

Justice Legislation (Links to Terrorist Activity) Amendment Bill 2019

Contents

		Page
Part 1	Preliminary	
1	Short title	6
Part 2	Amendment of Bail Act 1980	
2	Act amended	6
3	Amendment of s 6 (Definitions)	6
4	Amendment of s 7 (Power of police officer to grant bail)	7
5	Amendment of s 13 (When only the Supreme Court may grant bail)	8
6	Amendment of s 14 (Release of persons apprehended on making deposit of money as security for appearance)	8
7	Amendment of s 14A (Magistrates Courts may grant cash bail or permit to go at large)	8
8	Amendment of s 16 (Refusal of bail)	9
9	Insertion of new s 16A	10
	16A Refusal of bail for defendants convicted of terrorism offences or subject to Commonwealth control orders	10
10	Insertion of new s 47	11
	47 Transitional provision for Justice Legislation (Links to Terrorist Activity) Amendment Act 2019	12
Part 3	Amendment of Corrective Services Act 2006	
11	Act amended	12
12	Amendment of s 193 (Decision of parole board)	12
13	Insertion of new ss 193B–193E	13
	193B Deciding applications for parole orders made by prisoners with links to terrorism	13
	193C Deferring decision to obtain information about terrorism links	14
	193D Parole board may ask commissioner for reports about prisoners' links to terrorism	15

Contents

	193E	Reports about prisoners' links to terrorism	15
14		Amendment of s 205 (Amendment, suspension or cancellation)	17
15		Amendment of s 208A (Request for immediate suspension of parole order)	17
16		Amendment of s 208B (Parole board or prescribed board member may suspend parole order and issue warrant)	17
17		Amendment of s 234 (Meetings about particular matters relating to parole orders)	18
18		Insertion of new s 247A	18
	247A	When a person promotes terrorism	18
19		Insertion of new ch 7A, pt 13	19
	Part 13	Transitional provisions for Justice Legislation (Links to Terrorist Activity) Amendment Act 2019	
	490W	Definition for part	19
	490X	Existing applications for parole orders or applications under s 490R	19
	490Y	Application of particular provisions to parole orders	20
20		Amendment of sch 4 (Dictionary)	20
Part 4	Amendment of Penalties and Sentences Act 1992		
21		Act amended	22
22		Amendment of s 160 (Definitions for div 3)	22
23		Amendment of s 160B (Sentence of 3 years or less and not a serious violent offence or sexual offence)	22
24		Insertion of new pt 14, div 20	24
	Division 20	Transitional provision for Justice Legislation (Links to Terrorist Activity) Amendment Act 2019	
	255	Application of s 160B to sentencing offenders after commencement	25
Part 5	Amendment of Youth Justice Act 1992		
25		Act amended	25
26		Amendment of s 48 (Decisions about bail and related matters)	25
27		Insertion of new s 48A	27
	48A	Releasing children found guilty of terrorism offences or subject to Commonwealth control orders	27
28		Amendment of s 50 (Dealing with a child if court can not be promptly constituted)	28
29		Insertion of new s 226A	28
	226A	When a child has promoted terrorism	28
30		Amendment of s 227 (Release of child after service of period of	

	detention)	29
31	Amendment of s 228 (Chief executive's supervised release order)	29
32	Insertion of new s 228A	30
	228A Supervised release orders for children with links to terrorism	30
33	Insertion of new pt 11, div 17	31
	Division 17 Transitional provisions for Justice Legislation (Links to Terrorist Activity) Amendment Act 2019	
	393 Definition for division	31
	394 Application of particular provisions to decisions about release made on or after commencement	31
	395 Application of particular provisions to sentencing children after commencement	32
34	Amendment of sch 4 (Dictionary)	32
Part 6	Other amendments	
35	Legislation amended	33
Schedule 1	Other amendments	34
	Bail Act 1980	34
	Youth Justice Act 1992	35

2019

A Bill

for

An Act to amend the *Bail Act 1980*, the *Corrective Services Act 2006*, the *Penalties and Sentences Act 1992* and the *Youth Justice Act 1992* for particular purposes

[s 1]

The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Justice Legislation (Links to Terrorist Activity) Amendment Act 2019*.

Part 2 Amendment of Bail Act 1980

2 Act amended

This part amends the *Bail Act 1980*.

Note—

See also the amendments in schedule 1.

3 Amendment of s 6 (Definitions)

Section 6—

insert—

Commonwealth control order means a control order as defined in the Criminal Code (Cwlth), section 100.1(1).

terrorism offence means—

- (a) a terrorism offence under the *Crimes Act 1914* (Cwlth); or
- (b) an offence against the repealed *Crimes (Foreign Incursions and Recruitment) Act 1978* (Cwlth), sections 6 to 9; or

- (c) an offence against the *Terrorism (Community Protection) Act 2003* (Vic), section 4B; or
- (d) an offence against the *Crimes Act 1900* (NSW), section 310J; or
- (e) an offence against the *Criminal Law Consolidation Act 1935* (SA), section 83CA; or
- (f) another offence against a provision of a law of the Commonwealth or another State if the provision—
 - (i) is prescribed by regulation; and
 - (ii) is in relation to an activity that involves a terrorist act, or is preparatory to the carrying out of an activity that involves a terrorist act.

terrorist act see the *Police Powers and Responsibilities Act 2000*, section 211.

4 Amendment of s 7 (Power of police officer to grant bail)

- (1) Section 7(2), after ‘granted bail’—
insert—
by the officer
- (2) Section 7(2), note 1, from ‘only’—
omit, insert—
only particular courts may grant a person bail.
- (3) Section 7(3), after ‘granted bail’—
insert—
by the officer

[s 5]

5 Amendment of s 13 (When only the Supreme Court may grant bail)

(1) Section 13, heading, from ‘only’—

omit, insert—

only particular courts may grant bail

(2) Section 13—

insert—

(2) Only a court may grant bail to a person who—

(a) has previously been convicted of a terrorism offence; or

(b) is or has been the subject of a Commonwealth control order.

(3) For subsection (2)—

convicted, of an offence, means found guilty of the offence by a court, on a plea of guilty or otherwise, whether or not a conviction is recorded.

court does not include a justice or justices.

6 Amendment of s 14 (Release of persons apprehended on making deposit of money as security for appearance)

Section 14(1A)—

insert—

Notes—

1 See also section 13 for when only particular courts may grant a person bail.

2 See also section 16 for when a police officer must refuse to grant bail.

7 Amendment of s 14A (Magistrates Courts may grant cash bail or permit to go at large)

(1) Section 14A(1)—

insert—

Notes—

- 1 See also sections 16 and 16A for when a court must refuse to grant bail.
- 2 See also the *Youth Justice Act 1992*, sections 48 and 48A for when a child must not be released from custody.

(2) Section 14A—

insert—

- (1A) However, the Magistrates Court must not permit the defendant to go at large without bail under subsection (1)(b) if bail must be refused under section 16A.

Note—

See also the *Youth Justice Act 1992*, sections 48 and 48A for when a child must not be released from custody.

8 Amendment of s 16 (Refusal of bail)

(1) Section 16, heading, after ‘bail’—

insert—

generally

(2) Section 16(2)—

insert—

- (g) any promotion by the defendant of terrorism;
- (h) any association the defendant has or has had with—
 - (i) a terrorist organisation within the meaning of the Criminal Code (Cwlth), section 102.1(1); or
 - (ii) a person who has promoted terrorism.

(3) Section 16—

[s 9]

insert—

(2B) For subsection (2)(g) and (h)(ii), a person has promoted terrorism if the person has—

- (a) carried out an activity to support the carrying out of a terrorist act; or
- (b) made a statement in support of the carrying out of a terrorist act; or
- (c) carried out an activity, or made a statement, to advocate the carrying out of a terrorist act or support for the carrying out of a terrorist act.

(2C) To remove any doubt, it is declared that a reference in subsection (2B) to a terrorist act—

- (a) includes a terrorist act that has not happened; and
- (b) is not limited to a specific terrorist act.

(4) Section 16(3)(b), ‘section 13’—

omit, insert—

section 13(1)

(5) Section 16(3)—

insert—

Note—

See also section 16A(6).

9 Insertion of new s 16A

After section 16—

insert—

16A Refusal of bail for defendants convicted of terrorism offences or subject to Commonwealth control orders

(1) This section applies in relation to a defendant if—

- (a) the defendant—
 - (i) has previously been convicted of a terrorism offence; or
 - (ii) is or has been the subject of a Commonwealth control order; and
 - (b) the defendant is an adult.
- (2) Despite any other provision of this Act, a court must refuse to grant bail to the defendant unless the court is satisfied exceptional circumstances exist to justify granting bail.
 - (3) In considering whether exceptional circumstances exist to justify granting bail to the defendant, the court may have regard to any relevant matter.
 - (4) If the court grants bail to the defendant, the order granting bail must state the reasons for the decision.
 - (5) This section does not affect the operation of section 16(1).
 - (6) If the defendant is charged with an offence mentioned in section 16(3)(a) to (g), section 16(3) does not apply in relation to the defendant.
 - (7) In this section—

convicted, of an offence, means found guilty of the offence by a court, on a plea of guilty or otherwise, whether or not a conviction is recorded.

10 Insertion of new s 47

After section 46—

insert—

[s 11]

47 Transitional provision for Justice Legislation (Links to Terrorist Activity) Amendment Act 2019

- (1) This Act, as amended by the *Justice Legislation (Links to Terrorist Activity) Amendment Act 2019*, applies in relation to a decision made by a court or police officer on or after the commencement about whether to grant bail to a person or otherwise release the person from custody.
- (2) For subsection (1), it is irrelevant whether the offence in relation to which the decision is made happened, or the proceeding for the offence was started, before or after the commencement.

Part 3 Amendment of Corrective Services Act 2006

11 Act amended

This part amends the *Corrective Services Act 2006*.

12 Amendment of s 193 (Decision of parole board)

- (1) Section 193(2)—

insert—

Note—

See also section 193C(1).

- (2) Section 193(3)—

insert—

Note—

See also section 193C(2).

13 Insertion of new ss 193B–193E

After section 193A—

insert—

193B Deciding applications for parole orders made by prisoners with links to terrorism

- (1) This section applies in relation to a prisoner’s application for a parole order if—
 - (a) the prisoner has, at any time, been convicted of a terrorism offence; or
 - (b) the prisoner is the subject of a Commonwealth control order; or
 - (c) the parole board is satisfied the prisoner has promoted terrorism; or
 - (d) a report in relation to the prisoner given by the commissioner under section 193E states there is a reasonable likelihood the prisoner may carry out a terrorist act and any of the following apply—
 - (i) the prisoner has been charged with, but not convicted of, a terrorism offence;
 - (ii) the prisoner has been the subject of a Commonwealth control order;
 - (iii) the parole board is satisfied the prisoner is or has been associated with a terrorist organisation, or with a person who has promoted terrorism.

Note—

For when a person promotes terrorism, see section 247A.

- (2) The parole board must refuse to grant the application under section 193(1) unless the board is satisfied exceptional circumstances exist to justify granting the application.
- (3) In considering whether exceptional circumstances

[s 13]

exist to justify granting the application, the parole board may have regard to any relevant matter.

- (4) In considering a matter mentioned in subsection (1)(c) or (d)(iii), the parole board may have regard to—
 - (a) a report in relation to the matter given by the commissioner under section 193E; and
 - (b) any other information the board considers relevant.
- (5) If the parole board decides to grant the application, the board must give the prisoner written reasons for the decision.

Note—

See also section 193(5)(a).

- (6) To remove any doubt, it is declared that—
 - (a) this section does not limit or otherwise affect the power of the parole board to refuse the application under section 193(1); and
 - (b) a decision under subsection (2) that exceptional circumstances exist to justify granting the application is not a decision for section 194(1)(a) that exceptional circumstances exist in relation to the prisoner.

193C Deferring decision to obtain information about terrorism links

- (1) The parole board may defer making a decision on a prisoner's application for a parole order to obtain information the board considers necessary to determine whether section 193B applies in relation to the application.
- (2) Despite section 193(3), if the parole board defers making a decision under subsection (1), the board

must decide the application within 200 days after receiving the application.

193D Parole board may ask commissioner for reports about prisoners' links to terrorism

The parole board may, by written notice given to the commissioner, ask the commissioner to give the board, for use under this division or division 5, a report in relation to any of the following matters—

- (a) whether a prisoner has, at any time, been convicted of or charged with a terrorism offence;
- (b) whether a prisoner is or has been the subject of a Commonwealth control order;
- (c) any promotion by a prisoner of terrorism;
- (d) the likelihood of a prisoner carrying out a terrorist act;
- (e) any association a prisoner has or has had with—
 - (i) a terrorist organisation; or
 - (ii) a person who has promoted terrorism.

Note—

For when a person promotes terrorism, see section 247A.

193E Reports about prisoners' links to terrorism

- (1) The commissioner must comply with a request made under section 193D by giving the parole board a written report in relation to the matters the subject of the request.
- (2) However, subsection (1) applies only to the extent information in relation to the matters—

[s 13]

- (a) is in the commissioner's possession; or
- (b) can be accessed by the commissioner through an arrangement with—
 - (i) a law enforcement agency; or
 - (ii) the Australian Security Intelligence Organisation under the *Australian Security Intelligence Organisation Act 1979* (Cwlth); or
 - (iii) an immigration and border protection department.
- (3) Also, the commissioner is not required to give information in relation to a matter mentioned in section 193D(c), (d) or (e) if—
 - (a) the information is information mentioned in the *Police Powers and Responsibilities Act 2000*, section 803(2)(a) to (e) and the commissioner is satisfied that withholding the information will not adversely affect public safety; or
 - (b) the commissioner accessed the information through an arrangement mentioned in subsection (2)(b) and the arrangement prevents the commissioner from disclosing the information to the parole board.
- (4) If the report is in relation to a matter mentioned in section 193D(a), the information in the report may include a reference to, or a disclosure of, a conviction mentioned in the *Criminal Law (Rehabilitation of Offenders) Act 1986*, section 6.
- (5) If the request is in relation to a prisoner's application for a parole order—
 - (a) the notice given under section 193D must state the day the parole board proposes to hear the application (the *proposed hearing day*); and

(b) the commissioner must give the report to the parole board at least 28 days before the proposed hearing day.

(6) In this section—

immigration and border protection department means a Commonwealth department in which any of the following laws is administered—

- (a) the *Australian Border Force Act 2015* (Cwlth);
- (b) the *Customs Act 1901* (Cwlth), other than parts XVB and XVC;
- (c) the *Migration Act 1958* (Cwlth).

14 Amendment of s 205 (Amendment, suspension or cancellation)

Section 205(2)—

insert—

(d) suspend or cancel a parole order if the board reasonably believes the prisoner subject to the parole order poses a risk of carrying out a terrorist act.

15 Amendment of s 208A (Request for immediate suspension of parole order)

Section 208A(1)—

insert—

(e) poses a risk of carrying out a terrorist act.

16 Amendment of s 208B (Parole board or prescribed board member may suspend parole order and issue warrant)

Section 208B(2)—

insert—

[s 17]

- (e) poses a risk of carrying out a terrorist act.

17 Amendment of s 234 (Meetings about particular matters relating to parole orders)

Section 234(7), definition *prescribed prisoner*—

insert—

- (c) a prisoner who has, at any time, been convicted of a terrorism offence; or
- (d) a prisoner the subject of a Commonwealth control order; or
- (e) a prisoner about whom the parole board has information that indicates—
 - (i) the prisoner may have promoted terrorism; or

Note—

For when a person promotes terrorism, see section 247A.

- (ii) there is a risk the prisoner may carry out a terrorist act.

18 Insertion of new s 247A

After section 247—

insert—

247A When a person promotes terrorism

- (1) For this chapter, a person promotes terrorism if the person—
 - (a) carries out an activity to support the carrying out of a terrorist act; or
 - (b) makes a statement in support of the carrying out of a terrorist act; or

- (c) carries out an activity, or makes a statement, to advocate the carrying out of a terrorist act or support for the carrying out of a terrorist act.
- (2) To remove any doubt, it is declared that a reference in subsection (1) to a terrorist act—
 - (a) includes a terrorist act that has not happened; and
 - (b) is not limited to a specific terrorist act.

19 Insertion of new ch 7A, pt 13

Chapter 7A—

insert—

Part 13 **Transitional provisions for Justice Legislation (Links to Terrorist Activity) Amendment Act 2019**

490W Definition for part

In this part—

amending Act means the *Justice Legislation (Links to Terrorist Activity) Amendment Act 2019*.

490X Existing applications for parole orders or applications under s 490R

Sections 193B to 193E, 234 and 247A and schedule 4, as amended or inserted by the amending Act, apply in relation to the following applications—

[s 20]

- (a) an application under section 176, 180 or 490R(4) made to the parole board, but not decided, before the commencement;
- (b) an application mentioned in section 490R(1) that has not been decided before the commencement.

490Y Application of particular provisions to parole orders

The following provisions, as amended or inserted by the amending Act, apply in relation to a parole order whether made before or after the commencement—

- (a) section 193D;
- (b) section 193E;
- (c) section 205;
- (d) section 208A;
- (e) section 208B;
- (f) section 234;
- (g) section 247A;
- (h) schedule 4.

20 Amendment of sch 4 (Dictionary)

- (1) Schedule 4, definition *conviction*—
omit.
- (2) Schedule 4—
insert—

Commonwealth control order means a control order as defined in the Criminal Code (Cwlth), section 100.1(1).

conviction, for a prescribed provision, means a

finding of guilt, or the acceptance of a plea of guilty, by a court, whether or not a conviction is recorded.

prescribed provision means—

- (a) section 193B; or
- (b) section 193D; or
- (c) section 234(7), definition *prescribed prisoner*; or
- (d) definition *criminal history*.

terrorism offence means—

- (a) a terrorism offence under the *Crimes Act 1914* (Cwlth); or
- (b) an offence against the repealed *Crimes (Foreign Incursions and Recruitment) Act 1978* (Cwlth), sections 6 to 9; or
- (c) an offence against the *Terrorism (Community Protection) Act 2003* (Vic), section 4B; or
- (d) an offence against the *Crimes Act 1900* (NSW), section 310J; or
- (e) an offence against the *Criminal Law Consolidation Act 1935* (SA), section 83CA; or
- (f) another offence against a provision of a law of the Commonwealth or another State if the provision—
 - (i) is prescribed by regulation; and
 - (ii) is in relation to an activity that involves a terrorist act, or is preparatory to the carrying out of an activity that involves a terrorist act.

terrorist act see the *Police Powers and Responsibilities Act 2000*, section 211.

-
- (i) carried out an activity to support the carrying out of a terrorist act; or
 - (ii) made a statement in support of the carrying out of a terrorist act; or
 - (iii) carried out an activity, or made a statement, to advocate the carrying out of a terrorist act or support for the carrying out of a terrorist act.

(3B) To remove any doubt, it is declared that a reference in subsection (4)(c) to a terrorist act—

- (a) includes a terrorist act that has not happened; and
- (b) is not limited to a specific terrorist act.

(2) Section 160B(4), ‘subsection (2) or (3)’—

omit, insert—

subsection (2), (3) or (4)

(3) Section 160B(5), ‘subsections (2) and (3)’—

omit, insert—

subsections (2), (3) and (4)

(4) Section 160B(5), ‘subsection (6)’—

omit, insert—

subsection (8)

(5) Section 160B(5)(b) and (6), ‘subsection (2) or (3)’—

omit, insert—

subsection (2), (3) or (4)

(6) Section 160B(7)—

insert—

Commonwealth control order means a control order as defined in the Criminal Code (Cwlth), section 100.1(1).

[s 24]

terrorism offence means—

- (a) a terrorism offence under the *Crimes Act 1914* (Cwlth); or
- (b) an offence against the repealed *Crimes (Foreign Incursions and Recruitment) Act 1978* (Cwlth), sections 6 to 9; or
- (c) an offence against the *Terrorism (Community Protection) Act 2003* (Vic), section 4B; or
- (d) an offence against the *Crimes Act 1900* (NSW), section 310J; or
- (e) an offence against the *Criminal Law Consolidation Act 1935* (SA), section 83CA; or
- (f) another offence against a provision of a law of the Commonwealth or another State if the provision—
 - (i) is prescribed by regulation; and
 - (ii) is in relation to an activity that involves a terrorist act, or is preparatory to the carrying out of an activity that involves a terrorist act.

terrorist act see the *Police Powers and Responsibilities Act 2000*, section 211.

- (7) Section 160B(3A) to (7)—
renumber as section 160B(4) to (9).

24 Insertion of new pt 14, div 20

Part 14—

insert—

Division 20 Transitional provision for Justice Legislation (Links

[s 26]

- (dc) any association the child has or has had with a terrorist organisation, or with a person who has promoted terrorism, that the court or officer is satisfied was entered into by the child for the purpose of supporting the organisation or person—
 - (i) in the carrying out of a terrorist act; or
 - (ii) in promoting terrorism;
- (3) Section 48(3)(da) to (e)—
renumber as section 48(3)(e) to (h).
- (4) Section 48—
insert—
 - (3B) For subsection (3)(f) and (g), a person or organisation promotes terrorism if the person or organisation—
 - (a) carries out an activity to support the carrying out of a terrorist act; or
 - (b) makes a statement in support of the carrying out of a terrorist act; or
 - (c) carries out an activity, or makes a statement, to advocate the carrying out of a terrorist act or support for the carrying out of a terrorist act.
 - (3C) To remove any doubt, it is declared that a reference in subsection (3)(g) or (5) to a terrorist act—
 - (a) includes a terrorist act that has not happened; and
 - (b) is not limited to a specific terrorist act.
- (5) Section 48(7A), ‘subsection (3)(da)’—
omit, insert—
subsection (3)(e)

(6) Section 48(8)—

insert—

terrorist organisation see the Criminal Code (Cwlth), section 102.1(1).

(7) Section 48(3A) to (8)—

renumber as section 48(4) to (12).

27 Insertion of new s 48A

After section 48—

insert—

48A Releasing children found guilty of terrorism offences or subject to Commonwealth control orders

- (1) This section applies in relation to a child in custody in connection with a charge of an offence if the child—
 - (a) has previously been found guilty of a terrorism offence; or
 - (b) is or has been the subject of a Commonwealth control order.
- (2) Despite any other provision of this Act or the *Bail Act 1980*, a court must not release the child from custody unless the court is satisfied exceptional circumstances exist to justify releasing the child.
- (3) In considering whether exceptional circumstances exist to justify releasing the child, the court may have regard to any relevant matter.
- (4) If the court releases the child, the order releasing the child must state the reasons for the decision.
- (5) This section does not affect the operation of section 48(8) or (10).

[s 28]

28 Amendment of s 50 (Dealing with a child if court can not be promptly constituted)

(1) Section 50—

insert—

(3A) Also—

(a) subsection (2) applies subject to section 48;
and

(b) a police officer may not, under subsection
(2)(a), release the child—

(i) has previously been found guilty of a
terrorism offence; or

(ii) is or has been the subject of a
Commonwealth control order; and

(c) subsection (2)(b) applies subject to the *Bail Act 1980*, section 13.

(2) Section 50(5), ‘subsection (4)’—

omit, insert—

subsection (5)

(3) Section 50(6)—

omit.

(4) Section 50(3A) to (5)—

renumber as section 50(4) to (6).

29 Insertion of new s 226A

Before section 227—

insert—

226A When a child has promoted terrorism

(1) For this subdivision, a child has promoted
terrorism if the child—

- (a) carried out an activity to support the carrying out of a terrorist act; or
 - (b) made a statement in support of the carrying out of a terrorist act; or
 - (c) carried out an activity, or made a statement, to advocate the carrying out of a terrorist act or support for the carrying out of a terrorist act.
- (2) To remove any doubt, it is declared that a reference in subsection (1) to a terrorist act—
- (a) includes a terrorist act that has not happened; and
 - (b) is not limited to a specific terrorist act.

30 Amendment of s 227 (Release of child after service of period of detention)

(1) Section 227—

insert—

- (2A) However, a court may not make an order under subsection (2) if—
- (a) the child has, at any time, been found guilty of a terrorism offence; or
 - (b) the child is the subject of a Commonwealth control order; or
 - (c) the court is satisfied the child has promoted terrorism.

(2) Section 227(2A) and (3)—

renumber as section 227(3) and (4).

31 Amendment of s 228 (Chief executive's supervised release order)

(1) Section 228(2), 'section 227(3)'—

[s 32]

omit, insert—

section 227(4)

- (2) Section 228(3)(b), ‘the conditions’—

omit, insert—

a condition of the supervised release order

32 Insertion of new s 228A

After section 228—

insert—

228A Supervised release orders for children with links to terrorism

- (1) This section applies in relation to a supervised release order for a child if—
- (a) the child has, at any time, been found guilty of a terrorism offence; or
 - (b) the child is the subject of a Commonwealth control order; or
 - (c) the chief executive is satisfied the child has promoted terrorism.
- (2) The chief executive must impose any conditions on the supervised release order the chief executive considers are reasonably necessary and appropriate to reduce the risk of the child—
- (a) carrying out a terrorist act; or
 - (b) promoting terrorism.

Examples of conditions that may be imposed—

- a condition that prohibits the child from being at a stated place
- a condition that prohibits the child from communicating with a stated person
- a condition that imposes a curfew on the child

- (3) This section does not limit or otherwise affect the

power of the chief executive to impose a condition on the supervised release order under section 228(3)(a).

- (4) Failure to comply with subsection (2) does not affect the validity of the supervised release order.

33 Insertion of new pt 11, div 17

Part 11—

insert—

Division 17 Transitional provisions for Justice Legislation (Links to Terrorist Activity) Amendment Act 2019

393 Definition for division

In this division—

amending Act means the *Justice Legislation (Links to Terrorist Activity) Amendment Act 2019*.

394 Application of particular provisions to decisions about release made on or after commencement

- (1) Sections 48, 48A and 50 and schedule 4, as amended or inserted by the amending Act, apply in relation to a decision made by a court or police officer on or after the commencement about whether to grant bail to a child or otherwise release the child from custody.
- (2) For subsection (1), it is irrelevant whether the offence in relation to which the decision is made happened, or the proceeding for the offence was started, before or after the commencement.

[s 34]

395 Application of particular provisions to sentencing children after commencement

Sections 226A and 227 and schedule 4, as amended or inserted by the amending Act, apply in relation to the sentencing of a child after the commencement whether the offence or conviction happened before or after the commencement.

34 Amendment of sch 4 (Dictionary)

Schedule 4—

insert—

Commonwealth control order means a control order as defined in the Criminal Code (Cwlth), section 100.1(1).

terrorism offence means—

- (a) a terrorism offence under the *Crimes Act 1914* (Cwlth); or
- (b) an offence against the repealed *Crimes (Foreign Incursions and Recruitment) Act 1978* (Cwlth), sections 6 to 9; or
- (c) an offence against the *Terrorism (Community Protection) Act 2003* (Vic), section 4B; or
- (d) an offence against the *Crimes Act 1900* (NSW), section 310J; or
- (e) an offence against the *Criminal Law Consolidation Act 1935* (SA), section 83CA; or
- (f) another offence against a provision of a law of the Commonwealth or another State if the provision—
 - (i) is prescribed by regulation; and

- (ii) is in relation to an activity that involves a terrorist act, or is preparatory to the carrying out of an activity that involves a terrorist act.

terrorist act see the *Police Powers and Responsibilities Act 2000*, section 211.

Part 6 Other amendments

35 Legislation amended

Schedule 1 amends the legislation it mentions.

Schedule 1 Other amendments

section 35

Bail Act 1980

1 Section 19B(7), ‘sections 13, 16 and 17(1A)’—

omit, insert—

sections 13, 16, 16A and 17(1A)

2 Section 19B(7), ‘section 48’—

omit, insert—

sections 48 and 48A

3 Section 19C(6), ‘sections 16 and 17(1A)’—

omit, insert—

sections 16, 16A and 17(1A)

4 Section 19C(6), ‘section 48’—

omit, insert—

sections 48 and 48A

5 Section 20(3B), ‘section 13’—

omit, insert—

section 13(1)

Youth Justice Act 1992

1 Section 59(3), 'section 13'—

omit, insert—

section 13(1)

2 Sections 289(c)(i) and 301A(1)(b)(i), 'section 48(3)(da)'—

omit, insert—

section 48(3)(e)

© State of Queensland 2019