




Speech By  
**Corrine McMillan**

**MEMBER FOR MANSFIELD**

---

Record of Proceedings, 28 March 2019

### **JUSTICE LEGISLATION (LINKS TO TERRORIST ACTIVITY) AMENDMENT BILL**

 **Ms McMILLAN** (Mansfield—ALP) (12.09 pm): I rise today to make a contribution to the Justice Legislation (Links to Terrorist Activity) Amendment Bill, which is currently before the House. I make specific reference to the amendments to the Bail Act 1980 and the Youth Justice Act 1992 that reverse the statutory presumption in favour of bail for any adult or child offender who has previously been convicted of a terrorism offence or subject to a Commonwealth control order.

The legal effect of these amendments imposes a higher threshold test where only courts have the power to grant bail and require the offender to prove that exceptional circumstances existed in order to be granted bail. This approach contrasts with the Bail Act's current expectation of bail prior to conviction where the courts will assess what satisfies exceptional circumstances based on a case-by-case basis considering all relevant facts in the circumstances.

These amendments aim to respond to the elevated terrorist threat that exists within Australia and the rest of the world. It is no secret that the large-scale damage caused by terrorist attacks is irreparable to a community and the people affected. In particular, these reforms reflect the agreement of the Council of Australian Governments in June 2017, which outlines that there will be a presumption that bail will not be granted to those persons who have demonstrated support for terrorist activity. Both the COAG agreement and this bill before the House aim to ensure that the penal consequences for these offenders are proportionate to the risks that such terrorist links pose to our community.

These strict consequences are evident in the insertion of the new section 47 to the Bail Act which provides for retrospective jurisdiction. Therefore, it is irrelevant if the date of the offence or proceeding for the offence occurred before the commencement of the bill's provisions. The amendments will still apply. Furthermore, the bill provides a wide definition of 'terrorism offence' to capture a broad range of terrorism related offences under Commonwealth and other state laws.

Despite these seemingly harsh amendments, the provisions in this bill are carefully constructed only to apply to terrorist related activities. In addition to this, all existing procedural safeguards as well as review mechanisms will be retained after the implementation of this bill. That is to say, an alleged offender's right to appeal a decision to refuse bail will be retained.

This bill represents the Palaszczuk government's continuing commitment to public safety. We take a comprehensive approach: outreach and early intervention where appropriate, strong laws to give police the power to take necessary action and a continuing commitment to minimise gun violence. Strong and effective gun laws go hand in hand with our comprehensive approach to tackling terrorism, because we have seen too many examples of the devastation that can be caused with easy access to higher powered weapons. The immediate and necessary response to terrorist activities requires a unified approach from all Australian states and territories. The introduction of this legislation will align Queensland with the majority of other Australian jurisdictions. I commend this bill to the House.