

Ms Caitlin Collins; Mr David Scaife; Mr Simon Millman; Dr Jags Krishnan; Ms Jodie Hanns; Ms Mia Davies;  
Ms Alison Kent; Ms Hannah Beazley; Mr Kevin Michel; Ms Cassandra Rowe; Ms Christine Tonkin; Mrs L.A.  
Munday; Mr John Quigley

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## SENTENCING LEGISLATION AMENDMENT (PERSONS LINKED TO TERRORISM) BILL 2021

### *Second Reading*

Resumed from 18 August.

**MS C.M. COLLINS (Hillarys)** [5.12 pm]: I rise to speak on the Sentencing Legislation Amendment (Persons Linked to Terrorism) Bill 2021. This bill was born out of a 2017 COAG agreement that stipulated that all Australian jurisdictions should adopt a nationally consistent approach to mitigating the risks of terrorism. The bill before the house specifically relates to tightening parole laws when it comes to persons linked to terrorism and it will put Western Australia in line with the other jurisdictions.

My prepared remarks for this bill have been somewhat pre-empted by the awful terrorist incident that occurred in New Zealand a few weeks ago. We have also seen a terror attack just a few days ago in the United Kingdom where a member of Parliament was stabbed to death. Early investigations have revealed a potential motivation linked to Islamist extremism. The suspect, however, though on an official counterterrorist scheme, was never formally a subject of interest to security agencies. I will focus more on the New Zealand attack from a few weeks ago. This attack is a prescient example of why this kind of legislation before the house today is needed.

On Friday, 3 September, an unhinged and radicalised individual violently stabbed seven innocent shoppers in a supermarket before being shot by a police officer. This pointless and violent act alone should stand as testament to what can occur if we cease to be vigilant about allowing any form of extremist ideology to flourish unchecked in our society. Tragically, and importantly, the terrorist in question had recently been released on bail. He had been on the police's radar for several years and was considered a threat to public safety. This man was under almost constant surveillance due to the numerous public declarations of his intentions to commit violent acts, as well as having a long, documented history of postings expressing his support for ISIS. It is worth noting, though, that the Crown had attempted to charge him under the Terrorism Suppression Act 2002 last year, but a High Court judge ruled that preparing a terrorist attack was not in itself an offence under New Zealand legislation. As such, he was simply released under a supervision order. Therefore, it is vitally important to understand that the reason the judge was forced to release this obviously threatening individual was simply that New Zealand does not have any specific laws that cover extremist behavioural patterns of this kind. On the contrary, after a number of similar incidents, both here in Australia and abroad, Australia has quite robust laws designed to prevent acts of terrorism. This bill is simply one other tool designed to provide an additional safety net to prevent exactly those types of legislative shortcomings and events that we have unfortunately witnessed in New Zealand.

It is a sad fact that for the last seven years Australia has been high on the global list of countries deemed as being at probable terrorist risk. These risks are constantly evolving with the challenge of both religious and ideological extremism. Two Australian examples that highlight the need for this bill are the well-known case of the 2014 siege at the Lindt Café in Sydney by an offender who was on bail facing sexual assault charges and accessory to murder, and the 2017 terrorist attack in Brighton, Victoria, which was perpetrated by an offender who was on parole while serving a sentence for home invasion.

In recent years, in conjunction with the threat of Sunni Islamic extremism, we have seen a much more diverse, radicalised environment. We have seen a revival of old groupings such as incels or sovereign citizens, but it is the growth of right-wing extremism that has become a major concern for security agencies around the world and so, too, for the Australian Security Intelligence Organisation. This includes the rise of white nationalist groups that are both anti-democratic and pro-violence. Indeed, the 2019 Christchurch attack continues to be drawn on as inspiration by some of these right-wing extremists around the world. The COVID-19 pandemic has been used by issue-motivated extremists to promote their ideologies, and, in turn, as more people are online, these messages have spread more widely than in the past.

I will talk briefly about the different parts of this bill. The bill represents WA's second stage of implementing the COAG agreement and accords with the four principles agreed to in 2017. The first point is that given the devastating effects these acts of terrorism can have across our community, one of the primary purposes of this bill is to create a presumption against early release. Justification for applying this presumption is dictated by, first, the degree of risk posed to the community should the person be released and, second, the nature and seriousness of the current links to terrorism and terrorism-related activities. Therefore, the bill will mandate that these important background factors must be given full consideration as part of an exceptional reasons test before any decisions are made regarding suitability for early release.

The second point is that in order for an offender to be classified under the definition of "a person with links to terrorism", they must be subject to a set of codified terrorism-related charges, orders or convictions as defined in

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the bill. If the offender has in fact made such statements, promoted support for, or indeed carried out, terrorist acts, then under this bill they would become the subject of a Commissioner of Police report.

The third point is that the purpose of creating this Commissioner of Police report is that it will offer a comprehensive risk mitigation summary of all behavioural indicators of potential and actual criminal acts that should be taken into consideration in the assessment process when the offender's request for parole is presented to the Prisoners Review Board or the Supervised Release Review Board. Clauses 17 and 34 of the bill will introduce provisions for the immediate cancellation of a previously granted early release order, should the subject of the order become subject to any of the terrorism-related charges or activities defined in the bill.

The fourth point is that, historically, the full and open sharing of information between various intelligence, security and police agencies has sometimes not occurred. In part, this was caused by a wide gap in information-collection techniques and the scope of operations of the various security and law enforcement agencies, such as the Australian Security Intelligence Organisation, the Australian Secret Intelligence Service and the Australian Federal Police. The bill will introduce new and robust confidentiality provisions to protect "terrorist intelligence information" that may be contained within the Commissioner of Police report. In part, the bill will achieve this by restricting who will view the police commissioner's report in its entirety to the appointed chairman of the review board.

Further protective measures will be achieved by amendments to the Criminal Procedure Act 2004 to ensure that prosecutors are made aware of, and adhere to, the same strict non-disclosure requirements by strengthening guarantees of "sensitive information" protection. The bill will therefore open up information exchange pathways between security agencies and police. For too long, both technical and policy barriers have often limited the sharing of information between agencies. Had they been viewed on a more holistic level, they could have provided useful insights into areas of mutual security interest. We therefore need to encourage this broad shift from a need-to-know mindset to a need-to-share mindset among the agencies dealing with counterterrorism. As an example of this need for interdepartmental information sharing, I will mention the insurrection at the U.S. Capitol on 6 January. Hundreds of participants in this violent insurrection were released on bail, pending trial, on the basis that their criminality was no more than relatively small acts of trespass, damage to property, or minor assaults. However, information shared by other intelligence agencies soon unearthed far deeper connections to organised extremist organisations, indicating there were far more dangerous and insidious agendas at play.

There is no doubt that some people might see this bill as eroding our freedoms or civil liberties, but we must acknowledge that the added risk of recidivism when it comes to persons linked with terrorism puts the whole of society at risk. I therefore applaud the basic intent of this bill as it seeks to offer police and the judiciary a range of legislative tools to minimise the possibility and ease with which a criminal with links to terrorism can revert to repeat offences, thus protecting the whole of the Australian public. However, if convicted terrorism-related prisoners are to serve their sentences in full, we must also offer some sort of deradicalisation program that will give these people a pathway back to an alternative non-extremist life.

Having grown up in a household in which my Northern Irish mum would frequently recount what it was like living through "the Troubles", marked by bombings and sniper attacks, I developed a really strong interest in wanting to understand more about what drove people to extremism and, ultimately, to commit acts of violence. I went on to write my honours thesis on combating Islamic radicalisation through strengthening the democratic process in Indonesia—it was specifically focused on that country. One of my findings was that the pathway to radicalisation in the Indonesian context does not occur in a spontaneous vacuum but, rather, through total immersion in the ideology—that is, in a like-minded community. In the case of Indonesia, this indoctrination and radicalisation occurred in hundreds of religious boarding schools where students were deliberately isolated from any outside influences, contrary to the ideology that was being promoted. It was apparent that a major part of the focus on deradicalisation was to ensure that convicted terrorists do not simply return to the same environments upon release.

In the Australian context, we are confronted with the very real possibility of a convicted criminal with links to terrorism being paroled or finishing their sentence and then simply returning to the same toxic environment where they became radicalised. However, unlike the Indonesian example, modern-day radicalisation occurs when an individual simply has access to the internet with the click of a mouse, which gives them access to a far greater global community. We must therefore accept that some form of structured deradicalisation program, or resources, should be considered to offset the reach of extremism. One state that does this well is New South Wales. Its program, called PRISM—the proactive integrated support model—is delivered by Corrective Services NSW. This is aimed ultimately at inmates who have a terrorism-related conviction or have been identified as at risk of radicalisation. The program provides social and psychological support structures to offer alternative lifestyle choices to try to dissuade prisoners from re-engaging in past behaviour patterns. I think we need a program like this in all states to encourage proactive disengagement.

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To conclude, as we all witnessed in the recent tragic incidents in New Zealand and the UK, terrorism is a serious issue that can strike anywhere and impacts everyone in the community. This legislation will simply fine-tune the parole assessment criteria for convicted criminals who are associated, directly or indirectly, with terrorist agendas. I commend this bill to the house.

**MR D.A.E. SCAIFE (Cockburn)** [5.27 pm]: It is a privilege to rise today to speak on the Sentencing Legislation Amendment (Persons Linked to Terrorism) Bill 2021. It is particularly a privilege to follow the member for Hillarys who has done a very detailed analysis of the clauses of the bill and who clearly has a great knowledge and a deep passion for deradicalisation and for ensuring that we deal with the threat of terrorism in a responsible and proactive way.

This bill arises from discussions at a Council of Australian Governments meeting and provides for a presumption against the early release of prisoners or young offenders who are linked to terrorism. The bill provides that there must be exceptional circumstances to justify the early release of these offenders and that must be guided by a consideration of the degree of risk presented by the person and the nature and seriousness of his or her links to terrorism. The impetus for this bill, of course, is the increasing number of terrorism-related incidents in Australia and the resistance of those who engage in terrorism to change their views. The member for Hillarys, quite rightly, outlined the recent history of terrorism-related incidents in Australia and New Zealand. I would like to use my contribution today to reflect on some other incidents, particularly to echo the member for Hillarys' concerns about the rise of right-wing extremism. I would like to say at the outset that terrorism and violence in all its forms should be condemned. We are all very familiar with the threat of Islamic terrorism, which has been a feature of the political conversation and the national security threat environment for my entire adult life. I would like to acknowledge the murder of British Conservative MP Sir David Amess on Friday while he was conducting a constituency surgery. Early investigations have linked the assailant to Islamic terrorism, and I express my deepest condolences to Sir David's family, friends, colleagues and constituents.

There are obvious echoes in that case to the murder of the British Labour member of Parliament Jo Cox at a constituency surgery five years ago. In that case, the assailant was motivated by white supremacism and Neo-Nazism. It is clear from these cases that violent extremism is a clear and present threat to democracies around the world. Whatever opinion members of the public may have about particular members of Parliament, the reality is that members of Parliament give up much of their private lives to advocate for and serve their local communities, and any attack on a member of Parliament is an attack on every member of the community. We should all stand against such attacks. I intend to stand against extremism and violence during my political career, however long or short it may be, and I have a message for those who seek to silence people through terrorist acts: I will not be bullied by thugs and violent extremists who have no legitimate place in our democracy.

Although Islamic extremism remains the largest threat to Australia, in recent times we have seen a significant rise in right-wing extremism, white supremacism and Neo-Nazism. The threat posed by such groups has been clearly articulated by the Australian Security Intelligence Organisation and the Australian Federal Police. I would like to draw the chamber's attention to some submissions that were made to the commonwealth Parliament's inquiry into extremist movements and radicalism in Australia. ASIO made a submission to the inquiry and it is dated 16 February 2021. In that submission ASIO says —

- ... The extreme right-wing has been in ASIO's sights for many decades.
- ... Extreme right-wing groups are more organised, sophisticated and security conscious than before.
- ... The threat from extreme right-wing groups and individuals in Australia has increased, and ASIO continues to see more people drawn to and adopting extreme right-wing ideologies. The 2019 Christchurch attack continues to be drawn on for inspiration by right-wing extremists, both in Australia and internationally.
- ... Overall Islamic extremism still comprises most of ASIO's counter-terrorism workload. However, the threat from the extreme right-wing has grown.

That is echoed by comments made by the Australian Federal Police in its submission to the same inquiry. This submission from the Australian Federal Police was made in February 2021 and said —

- ... This threat —

Meaning extreme right-wing groups —

is growing, as demonstrated by the 2019 attack on Christchurch, New Zealand and as forecast by the Director-General of Security in the 2020 Annual ASIO Threat Assessment.

Later in the submission, the AFP goes on to say —

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... The AFP believes the rapid growth and globalisation of XRW groups comes from the increasing move to an online environment and ability to connect internationally with like-minded individuals and small groups online including through social media, encrypted communications and across dark web platforms.

It is clear from these submissions that our security agencies consider the risk posed by right-wing extremists to be increasing and that it is a very serious threat to our national security.

Right-wing extremism comes in many forms. Fundamentally, it is premised on racism, misogyny and a form of ultranationalism. It is an ugly and disturbing form of extremism that is unfortunately taking root in our country, and we must present a unified front against right-wing extremism. In this respect, I would like to note the incredibly unhelpful commentary run early last year by the former federal Minister for Home Affairs, Hon Peter Dutton, MP, who was fundamentally resistant in his role to call out right-wing extremists in explicit terms. I quote here from an article on *The Guardian* website entitled “Dutton says ‘leftwing lunatics’ must be dealt with as Asio warns of far-right threat” published on 25 February 2020. Mr Dutton is quoted in the article —

“If somebody is going to cause harm to Australians, I just don’t care whether they’re on the far right, far left, somewhere in between, they will be dealt with,” the home affairs minister said. “And if the proliferation of information into the hands of rightwing lunatics or leftwing lunatics is leading to a threat in our country, then my responsibility is to make sure our agencies are dealing with it and they are.”

Later, the article states —

Asked by the ABC to clarify whether when he referred to leftwing terrorism he meant Islamist groups, Dutton said: “Yes, I do and anybody in between.”

The article later says —

But Dutton told the ABC: “You can use leftwing to describe everybody from the left to the right.

“I said today, I don’t care where people are on the spectrum, if they pose a threat to our country and want to do harm to Australians, then they are in our sights.”

Hon Peter Dutton, MP, is just engaging in blatant and unhelpful false equivalence. He is deliberately conflating left-wing extremism with Islamic extremism without explaining in any way whatsoever what the connection is between the two, and, indeed, there is no connection. Our security agencies make it quite clear that Islamic extremist groups can be motivated by far-left and far-right ideologies. He is essentially trying to mislead the public into believing that there is some kind of equivalent threat from left-wing extremism in this country, and his comments were not only unhelpful, but also contrary to the advice from his own agency. I take the chamber back to the submission made by ASIO earlier this year to the commonwealth Parliament’s inquiry, in which ASIO said —

... Left-wing extremism is not currently prominent in Australia, although there are several overseas groups who attract individuals adhering to an extreme left-wing ideology.

It is absurd that we once had a federal home affairs minister who was unhelpfully engaging in that false equivalence on this issue. My message to people like Hon Peter Dutton, MP, and the like is: get on board with the fight against extremism and do not be afraid to call it out in all its forms. I believe that people on the centre-right of politics have a particular responsibility to call out right-wing extremism and to make sure that that type of extremism is rooted out of their backyard.

I would now like to touch on an issue that weighs very heavily on me, because in the fight against terrorism, and particularly the fight against right-wing extremism, this year marks a very sobering anniversary. Ten years ago, on 22 July 2011, 600 members of the youth wing of the Norwegian Labour Party were gathered on the island of Utøya for their annual summer camp. Each of those young people was present at Utøya on that day because they wanted to learn about and participate in the political process because they shared the ideals of democratic socialism. At about 5.00 pm on that day, Anders Breivik boarded a ferry to Utøya. Over the next hour and a half, Breivik stalked the island, murdering 69 young people and injuring a further 110. The brutality of Breivik’s attack cannot be overstated. Having detonated a bomb outside a government building earlier that day, Breivik travelled to Utøya dressed as a police officer and presented himself as conducting a security check in the wake of the bombing. He gathered dozens of young people, members of Norwegian young Labour, around him before he drew his weapons and fired indiscriminately into the crowd. In the ensuing chaos, Breivik shot teenagers in the water who were attempting to swim to safety. He found victims who were pretending to be dead and shot them until they were dead. Dozens of people cowered in caves and camp buildings as Breivik searched for further victims and systematically murdered those he found. Breivik targeted Utøya on that day because of the political views of the young people attending Norwegian Young Labour’s summer camp. In his various writings, he expressed ultranationalist and xenophobic

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views. He considered leftists and cultural Marxists to be the enemy and denigrated Muslims and women in foul terms. At the time of the attack, I was 22 and soon to be president of WA Young Labor. I was, and remain, horrified that young people who shared my political views were massacred solely because they held those views. That day will weigh heavily on me for the rest of my life.

I pay tribute to those murdered on Utøya on 22 July 2011. I extend my sympathies to their families and friends. I recognise the survivors and their trauma and I express my solidarity with the Norwegian Labour Party and share their pain. In Norway, there is a phrase to remember the events of 22 July 2011. I am grateful to the Speaker for giving me permission to read the phrase into *Hansard* in the original Norwegian. The phrase is “Aldri tie, aldri glemme”. It means “Never be silent, never forget.” I will never be silent and I will never forget.

The massacre at Utøya was the canary in the coalmine in respect of the rising of violent right-wing extremism, yet 10 years on we are yet to effectively deal with it. We were painfully reminded of that by the attack on a mosque in Christchurch on 15 March 2019, carried out by a white supremacist and alt-right extremist. I am calling on governments to take decisive action to deal with the threat of right-wing extremism. There is no time for politics or weasel words on this issue. There never has been. I know that this bill will go some way towards dealing with terrorism, including right-wing extremism. However, there is always more we can do to educate, to deradicalise and to prevent our friends, families and neighbours from falling into the traps of misinformation and extremism. On that note, I commend the bill to the house.

**MR S.A. MILLMAN (Mount Lawley — Parliamentary Secretary)** [5.41 pm]: I also rise to make a contribution to this debate on the Sentencing Legislation Amendment (Persons Linked to Terrorism) Bill 2021, and I do so very mindful of the contributions that have been made by my friend the member for Cockburn. He and the member for Hillarys both picked up a theme that I was hoping to explore in some detail in the time I have to make my contribution, and that is the risk posed to our community by the rise of right-wing extremism and right-wing terrorism.

The fortieth Parliament spent a fair bit of time debating legislation related to this and I was impressed by the contributions that were made to that debate by then opposition members. I was particularly impressed by a contribution that was made by the member for Armadale, who is now an honourable minister. The debate on the previous legislation took place in 2019 and at the time the member for Armadale quoted an op-ed piece from 5 August 2019 in *The New York Times*. The member for Armadale said —

I refer to an article from The New York Times by Michelle Goldberg titled “Trump Is a White Nationalist Who Inspires Terrorism”. Those are pretty strong words. The by-line is “Don’t pretend his teleprompter speech changes anything ... It states —

A decade ago, Daryl Johnson, then a senior terrorism analyst at the Department of Homeland Security, wrote a report about the growing danger of right-wing extremism in America. Citing economic dislocation, the election of the first African-American president and fury about immigration, he concluded that “the threat posed by lone wolves and small terrorist cells is more pronounced than in past years.”

When the report leaked, conservative political figures sputtered with outrage, indignant that their ideology was being linked to terrorism. The report warned, correctly, that right-wing radicals would try to recruit disgruntled military veterans, which conservatives saw as a slur on the troops. Homeland Security, cowed —

By the attacks from the Republican establishment —

withdrew the document. In May 2009, Johnson’s unit, the domestic terrorism team, was disbanded, and he left government the following year.

Johnson was prescient, though only up to a point. He expected right-wing militancy to escalate throughout Barack Obama’s administration, but to subside if a Republican followed him. Ordinarily, the far-right turns to terrorism when it feels powerless; the Oklahoma City bombing happened during Bill Clinton’s presidency, and all assassinations of abortion providers in the United States have taken place during Democratic administrations. During Republican presidencies, paranoid right-wing demagoguery tends to recede, and with it, right-wing violence.

But that pattern doesn’t hold when the president himself is a paranoid right-wing demagogue.

“The fact that they’re still operating at a high level during a Republican administration goes against all the trending I’ve seen in 40 years,” Johnson told me. Donald Trump has kept the far right excited and agitated. “He is basically the fuel that’s been poured onto a fire,” said Johnson.

This past weekend, that fire appeared to rage out of control ...

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The article refers to another mass murder in America that occurred as a result of its very lax gun laws. The quote continues —

A manifesto he reportedly wrote echoed Trump’s language about an immigrant “invasion” and Democratic support for “open borders.” It even included the words “send them back.” He told investigators he wanted to kill as many Mexicans as he could.

I pause there to reflect on the contribution of the member for Hillarys, who spoke about the Christchurch massacre, and the member for Cockburn, who spoke about the massacre in Norway. The article then quotes President Trump —

“In one voice, our nation must condemn racism, bigotry and white supremacy.”

Everyone who remembers seeing that saw the deadpan monosyllabic way in which Trump presented that, clearly not believing the language that his advisers had told him to distil. The article states —

He read these words robotically from a teleprompter, much as he did after the racist riot in Charlottesville, Va., in 2017, when, under pressure, he said, “Racism is evil and those who cause violence in its name are criminals and thugs.”

Remember, members, that whilst he said that initially, it was only a couple of days later, when talking about Charlottesville, that he said there were very fine people amongst the Neo-Nazis. What I am trying to distil from the coverage of the Trump presidency is the fact that he was giving licence to this far-right animosity and this hate-filled and anger-filled ideology.

When we listened to the member for Cockburn’s erudite critique of the former federal Minister for Home Affairs Peter Dutton just now, we realise that this is exactly the sort of behaviour that should be called out and criticised. I commend the member for Cockburn for his contribution, because Trump then facilitated—this is echoed in what has happened in the UK just this week—the attack on US democracy with the storming of the Congress on 6 January 2021.

Everyone in this chamber is an adherent to a strong belief in democracy. We are all democrats. We all believe in the foundation principle of our civil society in Western Australia, and we will all condemn terrorism. But when we see the Republicans in the United States quavering and equivocating when it comes to calling out what happened on 6 January, and when we see the populism and the demagoguery of Trump taking hold of that political party, that sounds an incredible warning bell for all of us. It shows exactly why the member for Cockburn was right to condemn Peter Dutton, because if we do not call out that sort of false equivalence, it gives those who perpetuate this violent extremist behaviour a licence to continue.

The onus, therefore, is not only on us as members of Parliament to say that there exists this right-wing extremism and that Neo-Nazism and Neo-Fascism is coming into play, as identified by the Australian Security Intelligence Organisation, as the member for Hillarys said. It also behoves members of centre-right political parties to take steps to distance themselves from any behaviour and activity that gives confidence to these elements in our community.

That is why I have been so disappointed to see the response from members of the Liberal and National Parties on the eastern seaboard—I make it absolutely clear that I am not talking about anybody in the Western Australian Legislative Assembly—to the latest lightning rod for these right-wing extremists and Neo-Nazis. I am talking, as all members will be aware, about the anti-vax rallies. When right-wing commentators describe a bunch of 25 to 40-year-old angry, violent men storming a union office in Melbourne as a union protest, despite the fact that these people were attacking a union office, we know that those conservative commentators are giving cover to these people who are advancing this radical, racist, terrorist ideology. This was not a union protest. They attacked a union office, so, if anything, this was an anti-union protest. Yet conservative political commentators are calling it a union protest in order to try to engage in exactly the same false equivalence that Peter Dutton engaged in.

I am throwing down the challenge. The challenge is for members of the right-wing political establishment to say, “We are still democrats, we still believe in democracy, we still believe in the Constitution, we still believe in freedom of association and freedom of speech, and we still believe that people should be able to go about their business in an open and fair way”; otherwise, they will fall into the same category as Donald Trump and Ted Cruz and the people in the Republican Party who have lost sight of the greater good and the noble aims upon which the United States was founded. I am worried that conservative commentators and conservative politicians in Australia are going to go down the same route. I have spoken previously of the likes of Craig Kelly. He has lost his place in the Liberal–National Party, and more is the benefit for it. He is not on his own, unfortunately.

I want to talk about One Nation Senator Malcolm Roberts and his challenge in the Supreme Court. New South Wales Supreme Court Justice Robert Beech-Jones, who is currently hearing challenges by One Nation Senator Malcolm Roberts, has complained of being inundated with emails from anti-vaccination groups and has warned that people who do so risk interfering with the administration of justice and that anyone who encourages this to happen is

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equally encouraging the interference in the administration of justice. What I do not understand about right-wing politicians who say that they are for freedom and democracy and who laud the contribution of the Anzacs to the defence of our nation is how, on the one hand, they can say and do all those things but, on the other hand, they can endorse attacks on our democratic institutions like Parliament and our legal institutions like the Supreme Court to the extent that a Supreme Court judge has to be moved to make comments like this on the public record.

The member for Mulgoa in the New South Wales Parliament, Tanya Davies, a Liberal MP, has been labelled a “nutter” by her own party after submitting a private member’s bill opposing the vaccine mandate. If members want that reference, it is from an article in *The Australian* titled “NSW Liberal MP emails colleagues to say government ‘failed’ on coronavirus response”. She recently boasted of being labelled “dangerous” by the opposition as an achievement. This is a member of the New South Wales Liberal Party. We saw this with the Young Nationals in New South Wales, where Nazis were recruited into the National Party. Happily, the organs of the National Party in New South Wales identified this threat and were able to exclude those people. These right-wing extremists see their way into the mainstream as being through the conservative political establishment and conservative political parties, and people like Tanya Davies end up being members of the state Parliament in New South Wales.

I want to talk now about the anti-vaxxers and the conspiracy theorists and about Jack McGuire. Members might be aware of Jack McGuire. He is the Red Union’s director. Jack McGuire has set up the Red Union in order to attempt to recruit ordinary workers who are scared and fearful about the vaccination program. They are using this as a front. Jack McGuire is a Liberal–National Party member and he has refused to take responsibility for a social media post that was shared on Facebook by a nurse, and I quote —

“It’s not even a vaccine, it’s not preventing the spread of illness, it’s not preventing you from getting sick, it’s not a vaccine,” she said. “We should not even be using this word ... I’d prefer to use the term ‘experimental biological agent’ because that’s closer to the truth.”

The Red Union is claiming that nurses from Victoria and New South Wales are flocking to join its association and it is adding more than 200 members a day. It is using this fear campaign in order to drive opposition to appropriate and sensible public health contributions.

Josh Roose, who is a Victorian journalist, wrote an article for the ABC on 22 September titled “‘It’s almost like grooming’: How anti-vaxxers, conspiracy theorists and the far-right came together over COVID”. He said —

Far-right nationalists, anti-vaxxers, libertarians and conspiracy theorists have come together over COVID, and capitalised on the anger and uncertainty simmering in some sections of the community.

...

It’s important to see what’s occurring with these protests as part of a continuum —

I think the member for Hillarys mentioned this —

rather than a series of unrelated incidents ...

...

These movements thrive on anxiety, anger, a sense of alienation, a distrust in government and institutions ...

...

This is particularly the case among young men who are increasingly attracted to right wing nationalism and make up the majority of protesters.

Earlier I discussed the protests that were held outside the union office in Victoria —

Victoria Police Commissioner Shane Patton has said the majority of protesters at the Saturday protest were men aged 25–40, who came with violent intent.

...

The far right has really sought to mobilise frustrated people and push them more toward right-wing narratives, particularly white nationalist narratives.

This is the irony of the Red Union movement, because on the right wing of politics there is a strong historical animosity toward trade unions, as the vanguard of the political left, by the far right. It would be disingenuous to view the far right as unintelligent thugs. They have learnt from the history of national socialism, Nazism, and they are appropriating Fascism and the union movement and the preconditions for its rise. Members can see with this constellation of factors that is taking place in Victoria that the far right is working hard to undermine legitimate unions such as the Australian Nursing Federation, the Australian Education Union and the New South Wales Teachers Federation, which are actually working with their members and with government to try to progress the vaccination of the community, which benefits the whole community.

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The far right, supported by some in the conservative commentariat and in the Liberal–National Party, is advancing this narrative that does nothing except undermine the public health and community safety of people on the eastern seaboard. We in Western Australia need to be careful of these elements seeping into the Western Australian political context. What we have seen in the United Kingdom, the United States and New Zealand, and what we are now seeing in Queensland, New South Wales and Victoria, is an incredible utilisation. I have always thought that we on the left are on the side of hope and those on the right are on the side of fear. When we think about Barack Obama’s speeches in the lead-up to the presidential election in 2008, we know that he articulated that better than anybody else. We have always been optimistic about what we can do as a community, rather than shivering in the cold and being isolated and individualistic. These groups are trading on fear and anxiety and they are using that as the lightning rod to recruit people into their movement.

With legislation like this, it is imperative that we reflect on what the Australian Security Intelligence Organisation said in its recent report to the commonwealth government.

[Member’s time extended.]

**Mr S.A. MILLMAN:** In February this year, ASIO provided a submission to the federal parliamentary inquiry into extremist movements and radicalism in Australia. The report indicates —

3. The national terrorism threat level remains at **PROBABLE**. That is, credible intelligence indicates individuals and groups have an intention and capability to conduct a terrorist attack in Australia.

Other members have already mentioned this, so I will be very quick. Although threats to Australia’s national security in recent years have predominantly been shaped by the groups Islamic State of Iraq and the Levant and al-Qaeda, the submission also acknowledges a different kind of extremism—the threat of right-wing extremism. The report states —

12. Extreme right-wing groups are more organised, sophisticated and security conscious than before.
13. The threat from extreme right-wing groups and individuals in Australia has increased, and ASIO continues to see more people drawn to and adopting extreme right-wing ideologies.
14. ... In 2020:
  - a. a right-wing extremist charged under Commonwealth terrorism laws in 2016 was found guilty of terrorism offences ...
  - b. for the first time, a right-wing extremist was prevented from travelling offshore to fight on a foreign battlefield, due to a passport cancellation ...
  - c. Australia’s second terrorism threat relating to individuals with an extreme right-wing ideology was disrupted.

As ASIO explains, and this is the point that I have been trying to make in my contribution —

26. COVID-19 has exacerbated a range of anti-government, anti-5G, anti-vaccination and pro-conspiracy narratives raising public awareness of different issue motivated groups ...

We are, sadly, following the path that has been well worn in the United States. So much of the narrative that is being advanced is tested on people in America and then sold into the Australian community through social media and the internet. ASIO continues —

- a. IMGs encompass a range of highly personalised beliefs that drive people to respond—typically in protest—to a given cause, event or development and can unite either temporarily or long-term.

It also states —

... extreme right-wing groups and individuals have seized on COVID-19, believing it reinforces the narratives and conspiracies at the core of their ideologies. They see the pandemic as proof of the failure of globalisation, multiculturalism, and democracy, —

Things that we stand for, believe in and support —

and confirmation that societal collapse and a ‘race war’ are inevitable.

In the last minute that I have, when I reflect on the community that I represent—I said this in the very first contribution I made after I was elected in 2017—the people of Mount Lawley are survivors of apartheid in South Africa and the Holocaust from World War II and they know firsthand the danger that race-based ideologies present to the community. They would support this legislation, and that is why I have such great pride in standing up to also support



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this legislation. I think it will make an important contribution to both the community of Mount Lawley and the people of Western Australia generally. That is why I commend this bill to the house.

*Sitting suspended from 6.00 to 7.00 pm*

**DR J. KRISHNAN (Riverton)** [7.00 pm]: I rise to commend to the house the Sentencing Legislation Amendment (Persons Linked to Terrorism) Bill 2021. During my inaugural speech, I spoke in this house about my experience with the London bombing. I do not mind repeating that story.

On 7 July 2005, I was travelling from East London to South West London, where I was working. When I got out of the station at Wimbledon, I realised the behaviour amongst the people around Wimbledon was very unusual. It took a few minutes for me to gather what had happened. It was about eight minutes after I had crossed central London that the bombs had gone off. Had I been eight minutes late, I would not be standing before you today, Madam Acting Speaker. That is how close the call was. A total of 56 people lost their lives that day, including the four suicide bombers. The four of them intended to kill themselves, but the 52 other people who died did not. They were innocent commuters on the tube and the bus who lost their lives to terrorism. Another 784 people were injured in that incident.

One of the biggest blessings we have as human beings is the ability to forget things. If we did not have that ability, I would still be living in that moment. I would be miserable, even when interacting with anybody. However, when it comes to the act of committing the crime of terrorism, it is not about forgetting; it is about remembering. It is about a person keeping the skills they gain when they intentionally train over years and they get brainwashed to the extent that they are willing to give their life to commit a crime. Such intense training and the intention of causing damage to someone else should not be taken for granted. An easy exit out of sentencing is not something that we, as lawmakers, should accept.

This bill is about making it more difficult for such people to be released early so that they cannot easily recommit an offence that has already caused damage to people in the community. This bill creates a presumption against early release by mandating the exceptional reasons test. The degree of risk posed to the community and the nature and seriousness of the terrorism links of the person who is convicted should be taken into consideration before any release from their sentence. This bill will incorporate the Commissioner of Police's report, which then makes the decision-making process for the Prisoners Review Board or the Supervised Release Review Board more robust. It will be easier for them to make a sensible decision to prevent any disaster in the community. The commissioner's report will be crucial for the board in making a decision about whether they will let out a particular person.

The bill also enables the immediate cancellation of early release orders for charges related to defined terrorism links. This bill also takes confidentiality into consideration, which can be key information for terrorist groups to penetrate further or act further and take alternative routes if they know their path is closed. Terrorist intelligence information is critical and it needs to be protected. This bill is about protecting that crucial information. How does this bill protect such critical information? It makes amendments to the Criminal Procedure Act 2004 and the Freedom of Information Act 1992. With these amendments, intelligence information will be protected. This bill proposes that when information is shared by the Commissioner of Police, only the chairperson of the board will have access to that information so not too many people will have access to critical information, which decreases the chances of it being leaked or getting into the wrong hands. It will protect and keep safe sensitive information, which is critical, by implementing these procedures and making these amendments to the acts so that those acts cannot be used as loopholes to access information.

The new confidentiality provisions will increase confidence in information-sharing between Australian intelligence and law enforcement agencies. That confidence, again, will be critical for action to be taken in time to prevent a big disaster from happening. A small mistake is sufficient to cause bigger damage. We are debating the Sentencing Legislation Amendment (Persons Linked to Terrorism) Bill 2021, which seeks to provide the authorities with early intervention powers. We hope that we have bipartisan support to pass this bill. According to the 2017 COAG agreement, all other Australian jurisdictions have passed these changes. We are the last jurisdiction to pass these changes—better late than never—to protect our people, which is our duty.

I will refer to some statistics. Since 2001, 88 people have been convicted of terrorism-related offences. Of these, 48 are currently serving custodial sentences and 35 are currently before the courts. Since Australia's national threat level was raised to "probable" in 2014, 139 people have been charged as a result of 69 counterterrorism-related operations in Australia. Authorities have responded to nine domestic terrorist attacks and there have been 21 major counterterrorism disruption operations in relation to potential or imminent attacks planned within Australia. Since September 2014, 21 Federal Court of Australia control orders have been issued. All this has happened and the numbers have significantly gone up. Since the escalation, the situation in Australia is not good.

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It is hard to follow the excellent teacher and the couple of lawyers who spoke before me; I am a GP. They spoke a lot about Islamic terrorism. Irrespective of a person's race, religion, colour and country of origin, terrorism is terrorism whoever commits it. Standing against terrorism is not only the duty of lawmakers; it is every citizen's duty to contribute by tipping off the authorities and acting early in a timely fashion to prevent damage to their fellow citizens. According to statistics, only one adult has been charged with terrorism offences in Western Australia. That matter is currently before the courts. This bill will ensure that, like in other states, Western Australia strengthens the nationally consistent approach to address and prevent the evolving terrorist risk.

I thank you for this opportunity, Madam Acting Speaker (Mrs L.A. Munday). I commend the bill to the house and I hope it passes with an overwhelming majority.

**MS J.L. HANNS (Collie–Preston)** [7.12 pm]: I rise this evening also in support of the Sentencing Legislation Amendment (Persons Linked to Terrorism) Bill 2021. As the member for Riverton just outlined, this bill will bring a nationally consistent approach to dealing with persons who have demonstrated support for, or have links to, terrorist activity. Importantly, this bill seeks to mandate that exceptional reasons must be shown before a person with links to terrorism is granted an early release order or paroled. The exceptional reasons will be tested by assessing two key factors: firstly, the degree of risk posed to the community should the person be released and, secondly, the nature and seriousness of the current links to terrorism and terrorist-related activity. They are two very important things to consider when we look at people who are facing charges or in prison for terrorism-related activity.

I will start by speaking about my understanding of terrorism. Originally, my concept of terrorism was that it happened in far-off places. It was something I saw on television that occurred in other countries and, as I grew older, other states in Australia. Terrorism did not have an impact on me, the people I knew or the people that I loved. I was born in 1972. Through my mother's recollections, I have a vague recollection of the Munich Olympics and the terrorist attack that occurred during the summer Olympic program. Eight members of a Palestinian terrorist group called Black September took six Israeli Olympic coaches and five Israeli athletes hostages. Those killed in the terrorist attack were the 11 Israeli hostages, a West German police officer and five members of Black September.

There was news coverage of the attack during coverage of the Olympics. This event deeply impacted my mother. She held me as a six-month-old baby in her arms as she watched the events unfold. I am not sure how many members of the chamber have personal recollections of this event; certainly, I did not as a six-month-old, but I know that it impacted my mother terribly. With these events happening around the world, she was concerned about the world she had brought me into. However, at that point, terrorism was a faraway issue. She thought it was very, very tragic, but it gave her some comfort to know that it was far away from her home in Yarloop.

The second example of terrorist activity that I will talk about this evening is September 11. People of my generation often ask two defining "Where were you when?" questions. Often the first one is: where were you when Princess Diana passed away in 1997? I am sure that all of us remember where we were at that time if, in fact, they are old enough to recall it—I am. The second is when the World Trade Center Twin Towers were struck in 2001, which is what the global community collectively refers to as 9/11. I remember calling my mother. I had been marking some student work reasonably late at night. I flicked on the TV to see what was happening. I think I was hoping to tune into *Rove Live*. I saw images on television of the Twin Towers being struck by planes. I am sure all members remember that. I have collected newspaper clippings of these images. At the time I thought that I had turned on some strange horror movie, so I flicked over to the next channel—and the next and the next—but the images remained the same. I remember calling my mum—I woke her up—and saying, "Turn on the TV. There's something happening in New York." She said, "Which channel?" I told her that it did not matter because it was on every channel.

This year marks the twentieth anniversary of the terrorist attacks on 11 September 2001. We can all remember the day that four hijacked planes crashed into either the ground or buildings in New York, including the World Trade Center. This tragedy killed almost 3 000 people from more than 80 countries. Australians were among those killed. The terrorists were militant Islamic extremists from al-Qaeda. These are all terms that we have become familiar with.

I want to talk a bit about the impact that this event had on the students I was teaching at the time. I was a social studies teacher at Kwinana Senior High School, which is now called Gilmore College. The school, and the area, was particularly multicultural with a lot of Malaysian Muslim students in attendance. During the days and weeks that followed 9/11, many Muslim students not only at our school but also in the wider community were targeted because they were Muslim. The only thing they had in common with the al-Qaeda extremists was that they practised a religion that was commonly known as Islam, but they practised a very different form of that religion. The students were not militant Islamic extremists and they were not terrorists. As I said, they were from Malaysia, not the Middle East, but they were subjected to some of the most disgraceful racism I have experienced as an adult. The racism was directed at these students around their religion, their appearance and the clothing that they wore. One young man

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broke down recounting to me something that had happened to him in his part-time job at McDonald's. He was a drive-through attendant. When some people turned up at the drive-through window to collect their food and realised that he was Muslim, they spat on him and called him a terrorist. I was horrified at what this young man told me, and realised that terrorism is not something that impacts on people only in far-off places; it impacts on people that I know and love, and it impacts on people in the here and now. That was in 2001; sadly, for young people, families and communities, terrorism still continues to impact on us.

I turn now to the Bali bombings of October 2002. Just after 11.00 pm on 12 October 2002, suicide bombers walked into Paddy's Bar and the Sari Club in Bali. They detonated the vests they were wearing and in doing so changed the lives of so many people. Two hundred and two victims died, 88 of whom were Australians; many local Balinese people were also killed. Those who survived have horrific memories and injuries as a result. I have had the pleasure of meeting three Aussies who survived the Bali bombings, and I want to pay tribute to these inspirational Australians this evening.

The first is Peter Hughes. His face was splashed across the media after the Bali bombings occurred, and was one of the first images we saw of that event. I remember him being interviewed in hospital and saying that he was okay, but he certainly was not; he was gravely ill. I was very pleased to see his rehabilitation in the months and years after the Bali bombings, and I was very pleased to meet him when he came to Collie Senior High School to talk to our year 12 graduating students about his experiences, the terrible events of that evening, and about building resilience and becoming a better person after some of the terrible things he experienced. I thank Peter and send him my warmest regards.

The second person I would like to talk about is Jason McCartney, the former AFL footballer. As I have mentioned in this chamber before, I am a dedicated West Coast Eagles fan. I have declared that; that is on the public record. No shame! However, my absolute admiration for Jason McCartney, who played for North Melbourne, came from his experiences in Bali. He was in Bali on a footy trip at the end of the 2002 season, and he received burns to 50 per cent of his body. His experiences were documented in one of my favourite books, *Jason McCartney: After Bali*. If members have not read it, I absolutely recommend they do. His AFL comeback was probably one of my favourite games I have ever seen. I was not there; I was at home, watching on TV. He kicked a goal and his team won as a result of the goal he kicked, and he retired at the end of the game. As I said, it was one of the best AFL games I have ever watched, and I have to say I was moved to tears. In 2005 I had the pleasure of meeting Jason McCartney at the Sydney–West Coast grand final, which West Coast lost. As I said, I am a football tragic! I ran into Jason McCartney, and I was very pleased to be able to stop him and tell him how much I loved his book and how much I looked up to him for the course of his life and what he had achieved in the face of massive adversity, being one of the victims of the Bali bombings. He was an incredibly humble man, and as I said, he survived against some very tough odds.

The third person I would like to talk about is a friend and work colleague who I will not name because she is a very private person, but she was caught up in the explosions that claimed lives and devastated families in Bali. My friend's recovery was made possible by the amazing Dr Fiona Wood. As many members will know, Dr Wood was the director of the Royal Perth Hospital burns unit at the time of the Bali bombings. She was brought up with the motto, "Not for Oneself, but for All". That is a motto that absolutely rings true for me. She has been declared a national living treasure, and she has had her portrait painted by Anh Do on his TV show, *Anh's Brush with Fame*. She honed her craft in a burns unit in a hospital in London, and her sense of duty to help others brought her to Australia. She married an Australian surgeon and became a trailblazer in medical research in Australia. She was one of Western Australia's first female plastic surgeons and the mother of six children. As many would know, Dr Wood developed spray-on skin technology and is a very proud part of Australian medical innovation in Western Australia. In October 2002 her life changed radically as a result of the Bali bombings. Of the 52 victims who were sent to Western Australia for treatment, 28 were treated by Dr Wood at Royal Perth Hospital. It was here that she treated my friend. My friend's story was recounted by Dr Wood on *Anh's Brush with Fame*. My friend at the time asked Dr Wood whether she would ever walk or run again. She was a very fit woman, who ran the New York Marathon, the Boston Marathon and other events like that; she put most of us to shame! Dr Wood encouraged her in her rehabilitation, and recounted the story that, several years later, my friend competed alongside Dr Wood at an Ironman event and actually beat Dr Wood's times in all the legs of the event, which is an incredible feat for someone who had suffered such horrific injuries.

In conclusion, since these events, terrorism has remained a significant threat to people in Australia and around the world. It is not, as my mum once thought, a far-removed tragedy, half a world away. It is a very real danger that, sadly, continues to affect lives all over the world. The threat of terrorism is ever-present. In February this year, the Australian Federal Police provided a submission to a federal parliamentary committee inquiry into extremist movements and radicalism in Australia. The AFP reinforced the need for ongoing vigilance around terrorism. The

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Sentencing Legislation Amendment (Persons Linked to Terrorism) Bill 2021 will help protect Australians against the threat of terrorist attacks.

Finally, I pay my respects to those killed or injured in the terrorist events I have spoken about this evening. I would like to also thank the many people who worked to keep Australia safe from terrorism, particularly the Australian Federal Police. I would also like to thank Dr Fiona Wood for her groundbreaking medical research and skills, which saved so many people, including my friend, after the Bali bombings. I commend this bill to the house.

**MS M.J. DAVIES (Central Wheatbelt — Leader of the Opposition)** [7.28 pm]: I rise on behalf of the opposition to contribute, albeit briefly, to the second reading debate on the Sentencing Legislation Amendment (Persons Linked to Terrorism) Bill 2021. From the outset I state that the opposition, of course, supports this legislation. It implements the Council of Australian Governments agreement regarding the presumption against granting early release orders. That agreement came about following a special COAG meeting on 5 October 2017. It was formulated shortly after a very tragic incident occurred in Melbourne, in which a man on parole who had been acquitted of a charge of conspiracy to commit a terrorist attack, murdered a receptionist and took another individual hostage. He injured three police officers and was eventually shot dead. Islamic State claimed responsibility for this attack and questions were then raised as to why the attacker was on parole at the time.

This bill amends the Sentence Administration Act 2003, the Young Offenders Act 1994, the Criminal Procedure Act 2004 and the Freedom of Information Act 1992. It finalises the implementation of that COAG agreement to adopt a nationally consistent approach to adopting a presumption against the granting of bail and early release orders in relation to terrorism. The primary aim is to minimise the risk of terrorism in the Western Australian community. I note that WA is the last jurisdiction in Australia to fully implement the COAG agreement.

Our state has approached it in two stages. We have already enacted legislation that prohibits the granting of bail to persons linked to terrorism. The bill we are now debating specifically represents the second stage and deals with early release orders, which include parole orders and re-entry release orders. Specifically, it creates a presumption against the early release of a person with links to terrorism unless there are exceptional reasons. This exceptional reasons test requires an assessment to be made as to the following considerations: the degree of risk proposed to the community should the person be released, and the nature and seriousness of current links to terrorism and terrorism-related activities. It also provides for the Commissioner of Police report, which is a report dealing with the aforementioned considerations. That report will be provided to a board that will be comprised solely of a chairperson. The report will be a mandatory requirement when considering the early release of a category 1 prisoner; however, a report may, but is not required to, be provided regarding a category 2 prisoner or any other prisoner. It also allows for the immediate cancellation of an early release order if a person becomes subject to a terrorism-related charge, order or conviction in other specified circumstances. It introduces new confidentiality provisions to protect terrorism intelligence information contained in the report. The purpose of those provisions is to facilitate the sharing of information between Australian intelligence and law enforcement agencies by reducing the number of people exposed to such information. It is important to recognise and note that the amendments will also apply to young offenders—that is, children between the ages of 10 and 18 years.

I think anyone who believes that there is no need or questions the requirement for this legislation needs to consider that we live in a world in which there are ever-present threats to our safety. It is important that we have a nationally consistent approach; certainly, this legislation brings us into line with every other state.

As I was reading through some of the information associated with this legislation, a number of articles came up. Of course, the director general of the Australian Security Intelligence Organisation, Mike Burgess, is called before the federal Parliament on occasion. In an article dated 29 April this year, the director general of ASIO, Mike Burgess, said that ideologically motivated terrorism now makes up 40 per cent of its counterterrorism work. He revealed during his presentation that ASIO believes that a terrorist attack is likely to happen in the next 12 months. An online Australian Associated Press article by Paul Karp, dated 29 April, states —

Law enforcement and counter-terrorism agencies gave evidence to the parliament's extremism inquiry on Thursday, spruiking the need for new powers and an increased budget to tackle both religiously motivated and the growing threat of what Asio now calls ideologically motivated extremism.

...

While Sunni Islamist terrorism is still rated the greatest threat, there is a growth in nationalist and racist ideologically motivated extremism, he said.

“We anticipate there will be a terrorist attack in the next 12 months, and it can come from either ideology,” Burgess said.

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He confirmed that ideologically motivated terrorism now makes up 40 per cent of ASIO's counterterrorism work and is a threat that will not diminish any time soon. It is sobering indeed to hear that from the director general of ASIO.

Certainly, it is incumbent on us as members of Parliament to be supportive of any legislation that we as a state can enact to ensure that those people who seek to keep us safe and to prevent some of the extraordinary and devastating impacts that have been spoken about in this chamber this evening both on Australian soil and also overseas. I have no doubt that when the legislation reaches the Legislative Council, where the shadow Attorney General is, there will be some more technical questions around the legislation. But, as I said, the opposition is supportive of the bill and its intent, and understands that this legislation, when it is passed, will bring us into line with every other state as a part of a nationally consistent approach that goes a great deal towards making sure that we give the people who keep us safe the tools that they need when they need them.

**MS A.E. KENT (Kalgoorlie)** [7.35 pm]: I rise today to talk to the Sentencing Legislation Amendment (Persons Linked to Terrorism) Bill 2021. In common law, terrorism is defined as an act or threat that is intended to advance a political, ideological or religious cause, and to coerce or intimidate an Australian or foreign government or the public or section of the public including foreign public. When most people think of terrorism today, they link it to current threats that have been in our world through the Taliban et cetera. But my familiarity with terrorism goes far back. In 1969, when I was a nine-year-old child in Wales, a period called "the Troubles" began. The Troubles was the name of a conflict in Northern Ireland that lasted about 30 years from the late 1960s to 1998. Although the Troubles mostly took place in Northern Ireland, at times violence spilled over into parts of the Republic of Ireland, England and mainland Europe. Simply, it was Protestant unionists who desired the province to remain part of the United Kingdom and Roman Catholic nationalists who wanted Northern Ireland to become part of the Republic of Ireland. Other major players in the conflict were the British Army, the Royal Ulster Constabulary and the Ulster Defence Regiment, whose avowed purpose was to play a peacekeeping role. The era was marked by street fighting, sensational bombings, sniper attacks, roadblocks and internment without trial, and 3 600 people were killed and more than 30 000 were wounded before a peaceful solution was effectively reached in 1998.

When I was researching this bill, I recalled an incident I saw on television in the UK when I was 11 years old. It is something that has stuck in my mind ever since, even though this memory is from almost 50 years ago. The day was 11 November 1971. Not many of my parliamentary colleagues will recognise why this date is significant, but on that day I was given a special treat to stay up to watch the Miss World pageant—trust me, that was regarded a treat in those days. I was not sent to bed immediately after it finished and on came the BBC News, which, of course, I started to watch, wanting to stay up a bit later. What an awful sight I saw. A 19-year-old girl was tied to a lamppost and tarred and feathered in Londonderry, while a group of about 80 women shrieked, "Soldier lover! Soldier lover!" Tarring and feathering became a popular form of punishment in Northern Ireland and was carried out by the IRA in the 1970s. Many of the victims were women accused of conducting sexual relations with members of the RUC or British soldiers. These terrified women had their heads shaved before being dragged and tied to a lamppost. Once tied up they had hot tar poured over their heads. This was followed by feathers being dumped over them, which would stick to the tar for days, acting as a reminder of their so-called crimes against their community. Many of the victims of tarring had signs placed around their neck to inform the community of their alleged crimes. This was the second incident within a three-day period in which a young Catholic woman had been punished for dating a soldier. A 20-year-old factory worker was seized at her home in Londonderry early in the morning the previous week by six women who blindfolded her and then shaved her head. She was warned that she would be shot or tarred and feathered the next time. Most of these young women had to leave the areas they lived in and never would return.

Fast-forward to 1976 when I was 16 and visited London's Ideal Home Show. This annual exhibition was a huge drawcard and many people visited each year. It was 20 March, and we had a great day. Exactly one week later, at the exact time and at the exact spot where I had been, a bomb went off. The two-pound bomb exploded in a litter bin at the top of an escalator inside the centre, which at the time was crowded with 20 000 people attending. As a result of that explosion, 85 people were injured, and four people lost limbs. One casualty, 79-year-old Rachel Hyams, died from her injuries 21 days later. Police said they had received no warning, but the *Sunday Mirror* in Manchester said it had received a call from the Irish Republican Army claiming responsibility. It was a turbulent and terrifying time to live in the United Kingdom and one I will never forget.

Unfortunately, the UK has had more than its share of terrorism incidents. Just last week, counterterrorism police in the UK declared the fatal stabbing of politician Sir David Amess an act of terrorism. According to a statement from Metropolitan Police at New Scotland Yard, the early investigation "has revealed a potential motivation linked to Islamist extremism". The politician was attacked during a regular constituency meeting in a residential area of Leigh-on-Sea, a seaside town 62 kilometres east of London. Violence against British politicians is rare, but in

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June 2016, Jo Cox was also fatally stabbed and shot in her northern England constituency. A far-right extremist was convicted of her murder.

Terrorism in the UK from 1970 to 2019 was responsible for 3 416 deaths. The majority of deaths between 1970 and 1990 were in Northern Ireland. The general trend from around the 1990s was a decrease, thankfully, in the number of people killed due to terrorism. However, between 2005 and 2017, a higher than average number of deaths due to terrorism was recorded. In 2005, there were 57 deaths related to terrorism, 56 of which occurred in London in the 7 July bombings. In 2017, three separate attacks resulted in multiple deaths: six at Westminster Bridge and palace; 23 at Manchester Arena; and 11 at London Bridge.

Terrorism, be it executed by a solo operator or an organised political outfit, can never be totally wiped out, but we need to make sure that the perpetrators are treated accordingly. The bill seeks to implement the 2017 Council of Australian Governments' agreement for a presumption against early release for persons with links to terrorism. This will be done by mandating that exceptional reasons be shown before a young offender or prisoner with links to terrorism is granted an early release order. To guide the exceptional reasons test, the bill introduces special considerations that will require an assessment of particular matters, such as the degree of risk posed to the community should the person be released; and the nature and seriousness of the person's current links to terrorism and terrorism-related activities.

This is a very important piece of legislation and I am pleased to commend this bill to the house.

**MS H.M. BEAZLEY (Victoria Park)** [7.43 pm]: Madam Speaker, I rise to speak in support of the Sentencing Legislation Amendment (Persons Linked to Terrorism) Bill 2021. This bill seeks to implement the agreement that was reached by the Council of Australian Governments four years ago for a presumption against early release—such as parole—for persons with links to terrorism. This bill is the second stage of Western Australia's implementation of this agreement. It will ensure that Western Australia, like other states, strengthens the nationally consistent approach to address and prevent the evolving terrorist risk. For some reason, I cannot speak properly this evening. I will try to remedy that quickly!

Sadly, we in this house, and across Western Australia and the nation, are all too familiar with the cases that provided the impetus for all the governments in our country to align on this issue. One of those cases occurred four years ago. On 5 June 2017 in Brighton, Victoria, a 29-year-old gunman, Yacqub Khayre, laid siege at a Melbourne hotel and killed his victim, a 36-year-old hotel receptionist, Nick Hao. At the time of the attack, Khayre was on parole after serving a sentence for home invasion offences. The offender had an extensive criminal history, including convictions for firearm offences, burglary, arson and recklessly causing injury. He had also been charged, and then acquitted by a jury, over a plot to attack the Holsworthy Army barracks in Sydney in 2009. Three of his co-accused in this crime were found guilty of planning the terrorist attack as payback for Australia's military action in the Middle East. At the 2017 siege in Brighton, Victoria, Khayre was killed by police after killing one person, having taken another hostage, and shooting three officers, who sustained non-life-threatening injuries during the final shootout.

In March this year, at an inquest into the Brighton siege, a recording was played of a 000 call made by the young woman Khayre had taken hostage. He had cable-tied, blindfolded and secured her against her will, and threatened to kill her. The transcript of this call, after she had wriggled her hands free enough to reach her phone while Khayre was out of the room, is heartbreaking. She survived, but I am certain remains deeply affected by the ordeal. This inquest heard that there had been a "distinct increase" in Khayre's viewing of online content related to extremist ideology and terrorism in the weeks before the siege. He had accessed articles about a shooting targeting Victorian police officers, as well as the Lindt Café siege; watched YouTube videos about ISIS, Daish, Al-Qaeda and the Caliphate; and had searched for "new anti-terror tactics". Khayre was a convicted criminal. He was out on parole, and he had increasingly known links to terrorism. He was exactly the sort of offender who will be targeted by this bill.

This brings me to the other Australian criminal case that motivated these national changes, the December 2014 siege at Lindt Café in Martin Place, Sydney, by an offender who was on bail facing charges of sexual assault and being an accessory to murder. In the week before Christmas 2014, a man entered the Martin Place Lindt Café. This cafe is situated on a main pedestrian thoroughfare in the very heart of Sydney. Armed with a shotgun and what he claimed to be a bomb, he sealed the doors and held 18 people hostage in the name of Islamic State. One of those people was the Lindt Café manager, Tori Johnson. Tori was the person whom the perpetrator, Man Monis, directed to call 000 and state that all those in the cafe had been taken hostage by an Islamic State operative armed with a gun and explosives. Over the next 16 and a half hours, authorities were unable to resolve the situation peacefully, although not for lack of trying. Thankfully, 12 of the 18 hostages were able to escape in four separate episodes. Tragically, at around 2.13 am, after entering the premises at 9.41 am the previous day and accosting Tori, Monis executed Tori. Police immediately stormed the cafe. In the firefight that followed, Monis was killed. Heartbreakingly, so too was Katrina Dawson, who was struck by fragments of a deflected police bullet or bullets. I quote from paragraph 10 of the report of the State Coroner of New South Wales, *Inquest into the deaths arising from the Lindt Café siege* —

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The police tactical officers who smashed their way into the café knew Monis was armed with a gun that he would almost certainly use against them. They suspected he was carrying a bomb that could kill everyone inside the café unless they could kill him before he could detonate it. The bravery of these officers inspires awe and is difficult to fully appreciate or accurately describe.

Further in the report, it states —

It is tragic that Tori Johnson had already been executed by the time they entered and that Katrina Dawson was fatally injured during the action. However, the hostages who were still in the café when Tori was killed probably owe their lives to the courage of those men.

I say these wrenching details because none of us wants to see this history repeat itself. This bill endeavours to help ensure that it does not because all of us who witnessed these episodes—the majority of us via news channels—were confronted with what terrorism at home looks like. They are scenes we are more used to seeing in what can feel like far-flung places across the globe, not here at home. It is very important for me to strongly state that extremism and terrorism come in many forms. Many counterterrorism experts have identified that the rise of right-wing extremism in Australia is likely our biggest current security and terrorist action threat.

Reflecting on this, in December last year, an inquiry into extremist movements and radicalism in Australia was referred to the federal government's Parliamentary Joint Committee on Intelligence and Security. This inquiry has a particular focus on right-wing extremism. Counterterrorism experts have welcomed this inquiry amid concerns that the pandemic has exacerbated the mobilisation of extremist groups. The pandemic has pushed an unprecedented number of people online. There is increased opportunity for these huge home-based audiences, also isolated by COVID-19, to be captured, exposed to and influenced by extremist propaganda.

ASIO's submission to this inquiry states that the national terrorism threat in Australia remains at "probable"; that is, credible intelligence indicates individuals and groups have an intention and capability to conduct a terrorist attack in Australia. It should be noted that Australia continues to be specifically mentioned in pro-ISIL propaganda. ASIO also pointed out that a number of terrorism offenders are scheduled for release from Australian prisons over the next five years. The enduring power of extremist ideology means some may re-engage in extremist activities. ASIO clearly pointed out in its submission that in addition to Islamic extremism, extreme right-wing extremism has been in its sights for decades. These right-wing groups are more organised, sophisticated and security conscious than ever before. ASIO was also clear in its submission that the threat of extreme right-wing groups and individuals in Australia has increased, with increasing numbers of people drawn to this ideology. It is hoped that this inquiry will address the changing nature of terror threats. I share this hope.

It is also important to note here that all other nations in our Five Eyes intelligence sharing alliance have prescribed right-wing extremist groups. This inquiry is a starting point in addressing the growing threat of right-wing extremism. Unfortunately in Australia, the threat of terrorism is ever present and, as such, we must be ever vigilant. This bill is one tool for that vigilance. It will create a presumption against early release by mandating that exceptional reasons be shown before a young offender or prisoner with links to terrorism is granted an early release order. This is known as the "exceptional reasons test". To guide the exceptional reasons test, the bill introduces special considerations that will require an assessment of particular matters such as the degree of risk posed to the community should the person be released and the nature and seriousness of the current links to terrorism and terrorism-related activities. A Commissioner of Police report may be provided for consideration by the Prisoners Review Board or Supervised Release Review Board for any prisoner or young offender, including for persons with links to terrorism. It can be argued that when an offender is not eligible for early release under the auspices of this bill, there is also greater incentive for them to engage in rehabilitation and treatment prior to the end of their sentence.

This bill will also enable the immediate cancellation of an early release order in the event of a prisoner or young offender becoming subject to defined terrorism-related charges, orders of conviction or convictions and in other specified circumstances. New confidentiality provisions are introduced in the bill to protect terrorist intelligence information that may be contained within the Commissioner of Police report. These new confidentiality provisions are important and they will increase confidence in information sharing between Australian intelligence and law enforcement agencies by reducing the number of people exposed to terrorist intelligence information and providing protections against disclosure that may impact current or ongoing national security investigations. This will improve our important intelligence gathering all round.

At its core, this bill is an opportunity to further protect members of the community from those who present an unacceptable risk of harm to them. It has balanced the individual rights and liberties of an offender with the responsibilities to protect community safety and does not diverge from the principles of finality in sentencing or proportionality in sentencing. I am of the belief that the broader community agrees that the preventive measures

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contained in this bill are necessary to keep the community safe, and I commend the Sentencing Legislation Amendment (Persons Linked to Terrorism) Bill 2021 to the house.

**MR K.J.J. MICHEL (Pilbara)** [7.55 pm]: I rise to speak today on the Sentencing Legislation Amendment (Persons Linked to Terrorism) Bill 2021, which will amend the Sentence Administration Act 2003, the Young Offenders Act 1994, the Criminal Procedure Act 2004 and the Freedom of Information Act 1992. This bill will implement the 2017 Council of Australian Governments agreement for the presumption against granting bail and early release orders to those in our community with established links to terrorist activities. This will be achieved through the bill mandating that early release orders can be granted to offenders or prisoners with links to terrorist activities in only the most exceptional circumstances. The circumstances of each case will be weighed and considered against the exceptional reasons test. To qualify as an exceptional reason, the test will consider such matters as the degree of risk posed to the community should the person be released, and the nature and seriousness of the current links to terrorism and terrorism-related activities.

The Attorney General introduced this bill to the house in August with a number of key features to ensure the effective function of the bill, including the definition of a young offender or prisoner as a person with links to terrorism for the purpose of the bill; the immediate cancellation of an early release order upon a prisoner or young offender becoming subject to terrorism-related charges; the introduction of a Commissioner of Police report to be presented to either the Prisoners Review Board or the Supervised Release Review Board to support decision-making by these bodies in relation to matters that constitute exceptional reasons; the introduction of new confidentiality provisions to ensure protection of terrorist intelligence information that may be considered within the Commissioner of Police report to limit any disclosure that may impinge upon current or ongoing national security investigations; and additional provisions to appropriately limit the disclosure of terrorist intelligence information in legal proceedings and parliamentary reporting requirements.

The introduction of this bill will mean that every Australian state legislature will have ratified the 2017 COAG agreement, which I believe demonstrates a nationally strong and consistent approach to responding to the threat of terrorism in our communities.

The threat of terrorism is something that has recently arisen in our communities, and since 2014, Australia's national threat level has been raised to "probable". Having a nationally strong and consistent approach to responding to this threat is imperative for the protection of our community, particularly our multicultural communities. The presumption against early release for persons with links to terrorism is a strong deterrent against terrorist activities. I would like to commend the Attorney General for introducing this legislation. On indulgence, I would also like to take a moment to thank our public servants and federal agencies who protect our community from the threat of terrorism. In the Pilbara, I am privileged to work very closely with the Pilbara Regiment, which is an infantry regiment of the Australian Army Reserve and one of the three regional force surveillance units employed in surveillance and reconnaissance of the remote areas of northern Australia. The regimental headquarters is garrisoned in Karratha, with elements of the regiment spread from Port Hedland to Geraldton over an area of 1.5 million square kilometres, one-sixth of the total landmass of Australia.

Recently, I represented the Premier and joined my colleague in the upper house the member for the Mining and Pastoral Region, Hon Peter Foster, who is in the chamber with us today, and hundreds of attendees to celebrate the consecration and presentation of the Queen's and regimental colours to the Pilbara Regiment on Friday evening. The colours were presented by His Excellency, Hon Kim Beazley, AC, Governor of Western Australia, on behalf of the Queen in a fantastic and historic ceremony in Dampier. When His Excellency, Hon Kim Beazley, was the Minister for Defence, he brought the Pilbara Regiment to the Pilbara. For members who are not aware, the colours bear the battle honours and badges granted to the unit to commemorate members past and present, and to acknowledge the campaigns that the regiment has been involved in. The ceremony was very special. I do not think I will ever get the chance to see such a historic event again in my lifetime. Thanks to Commanding Officer Lieutenant Colonel Damien Geary for inviting me to the celebrations. It was also great to catch up with Major Paul Garrioch and Lieutenant David L. Trench.

In conclusion, I would like to add that the bill before us this evening is a strong feature of the McGowan government's legislative agenda to keeping our communities safe. I commend the bill to the house.

**MS C.M. ROWE (Belmont)** [8.02 pm]: I rise tonight to make a contribution to the Sentencing Legislation Amendment (Persons Linked to Terrorism) Bill 2021. I wish to begin by acknowledging this really important bill that has come before this place and the work that has gone into it by the Attorney General and his very dedicated staff. It is timely that we consider this bill, given we recently recognised, sadly, the twentieth anniversary of the September 11 attacks in New York. For many, as other members have touched on, September 11 really shaped our modern perception of terrorism. It made it incredibly real for many of us here in this chamber. It was the first time



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that we encountered terrorism in a real way in our lives. As the member for Collie–Preston said in her contribution, for those of us who were old enough, it is one of those events that we all remember where we were when it happened.

I will talk briefly from a personal point of view. I had just turned 21 when the attack happened. I remember standing waiting for the train to go to university. The train station was packed but it was silent. This was before social media. Everybody who had stayed up the night before knew what was going on. For someone like me, I did not know. I glanced over at one of the other people waiting to get on the train and saw the newspaper. As soon as I could, I went and bought a newspaper. It was incredibly eerie. It was so quiet on the train. Everybody was consumed with reading the horrors of what had gone on in the United States. On that day, after my university lectures had completed, I went to work. I was working part time at an accounting firm. I will never forget going to the office that day. No work was done. All the staff on the whole floor of our building sat in absolute disbelief. We had the radios on and we listened to the final moments of some of those poor people in those buildings. That will stay with me. In many respects, I am really hopeful that it will stay with me. This is an important bill. Something like this affected so many people; it left such an indelible imprint on so many people's minds and really shifted, I think, culturally how we felt in our society. Certainly in Australia, we went from having a sense of being carefree and feeling safe in our community. That was disrupted and has not recovered since that day.

I would like to take a moment to reflect because it has been 20 years since that event. If we do not reflect and look back historically at these awful events, we run the risk of forgetting them and remembering how horrific they were. We really owe it to the people who lost their lives. On that day, a total of 2 977 people lost their lives. Two hundred of those people jumped from the burning towers. That was before the second plane hit. People may recall the image of what was subsequently called “the falling man”. A photograph of an unknown man—he was never identified—was on the cover of *Time* magazine after the attacks. He took his life when the first plane crashed into the World Trade Center. The photo shows him tumbling to the ground.

I have a transcript from an article that appeared in *The Guardian* headed “9/11 last calls reveal horror”. It covers some pretty horrific territory. A lot of it is from the first responders, some of the firefighters who were at the scene and the like. We really get a sense of the magnitude of the loss of life and the horror that was transpiring right before their eyes, because people were literally tumbling to the ground, plunging to their deaths. I will quote from the article. It is a recording of somebody calling 911 —

“I’ve got dozens of bodies, people just jumping from the top of the building on to ... in front of One World Trade,” says a male caller. “People. Bodies are just coming from out of the sky ... up top of the building.”

The female operator sounded pretty shocked and says, “Bodies?” I will not go on because it is pretty horrendous reading, quite frankly.

As I said, I think that is certainly something that all of us who lived through that time can remember vividly. In a way, given it has been 20 years, we need to remind ourselves that these things can happen, they do happen and they should never be allowed to happen again. As someone who has the privilege of being in this place, I really wish to take this opportunity to get on the record how strongly I feel about such legislation, which tries to take steps to ensure that we protect our community from such atrocities.

Just over a year after the September 11 terror attacks, we felt the impact of terror right on our doorstep, when we had the Bali bombings. Eighty-eight Australians were lost that night at two really popular nightspots. Last week, 12 October marked 19 years since that occurrence. Up until COVID-19, Bali has been somewhat of a second home for so many Western Australians, so I think we felt that attack very keenly. It was really shocking and I think we understandably felt very targeted. So many people carry with them the scars from that day, and will forever, particularly those who lost family and loved ones and, indeed, the survivors.

Then, in December 2014, we were all shocked when another terrifying, tragic incident happened right here on our own home soil. Other members have talked about the Lindt Café attack. A man went into the Lindt Café on Martin Place in Sydney and pointed a gun at the manager. He then locked the doors and shouted at those inside that it was a terrorist attack. Of course, that was something that stopped the whole nation. Again, we could not look away. Again, we were seeing this unfold, but this time it was on our own soil. Like September 11, it was all over our TV screens. We could not escape the visual of this happening. Of course, tragically, two hostages were killed in that siege.

When we think about these attacks, the frightening thing for most of us is that we realise that this could happen to anyone, anywhere. The victims and survivors of the three tragedies that I have just talked about were ordinary people doing ordinary things. They might have been going to the Lindt Café to meet family and friends, to drink coffee and eat chocolate. They were at popular nightspots, enjoying a drink and having a good time on holiday. In the United States, they were going to their workplace. These should have been ordinary events for ordinary people on an ordinary day. I think what really shocks us to our core is that feeling that this unspeakable type of tragic event can

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happen to anyone. This is not something that has happened during wartime or in a military sense. That is obviously the whole point of terror attacks.

I would like to reiterate, as other members have, that, personally, I think that there is absolutely no place in our society for terrorism. As other members have talked about, whether terrorism comes from right or left-wing extremism or people with strong ideological religious or political bents, there is no room in our community for it. I think the community expects that we as legislators take a very tough approach to terrorism, those who commit terrorist acts, and anyone who advocates for such people or assists or supports them or their networks in any way, shape or form.

I think that Prime Minister Jacinda Ardern described it perfectly in the aftermath of the recent terrorist attack, which I know the member for Hillarys talked about. The attack was in a supermarket in Auckland on 3 September and six people were stabbed. According to my notes, she said —

What happened today was despicable. It was hateful, it was wrong. It was carried out by an individual, not a faith, not a culture, not an ethnicity, but an individual person who was gripped by ideology that is not supported here by anyone or any community.

I think it is important that we keep that in mind as we discuss this bill. I think that is a very eloquent statement, beautifully said, by a really terrific leader. New Zealand has been touched by terrorist attacks; this was not the first. I was so touched to hear that response from her.

As the Attorney General outlined in his second reading speech, this bill means that exceptional reasons will need to be shown before a person with links to terrorism is granted the privilege of an early release from prison or detention. As I said, I think that the community expects that those people who have links with terrorism are subject to the highest level of scrutiny and oversight, and I expect that personally, as well. I think that this bill will certainly achieve that.

This bill will mean that exceptional reasons must be shown before a person with links to terrorism is granted an early release order, and there will be a thorough and proper assessment of any terrorism-related risks before someone who has shown support for or links to terrorist acts is given that early release. This bill will mean that particular things must be considered like the degree of risk posed to the community should the offender be released, and the nature and seriousness of their current links to terrorism and terrorism-related activities. Of course, those things should be considered before someone is granted an early release, and I absolutely support the inclusion of those measures within the bill. It makes sense that we would want to minimise terrorism within not only WA but also our broader community right across Australia. In addition, the bill will introduce a Commissioner of Police report, which will be a report to the Prisoners Review Board to support the decision-making. The bill will also enable the immediate cancellation of an early release order in the event of a prisoner or young offender becoming subject to defined terrorism-related charges, orders or convictions, and in other specified circumstances. New confidentiality provisions are introduced in the bill to reduce the number of people who have access to terrorist intelligence information, to protect against disclosure of information that may impact current or ongoing national security investigations.

I understand that all other Australian jurisdictions have legislated to give effect to the 2017 Council of Australian Governments agreement for a presumption against early release if a person is linked to terrorism. Each has taken a different approach to reform, having regard to their legislative frameworks. In WA, I understand that one adult has been charged with a terrorism offence as defined in the bill, and that person is currently before the courts.

We cannot afford to be complacent. There is a need for ongoing vigilance when the threat of terrorism is ever present. The community absolutely expects us to be making decisions to keep them safe, and I certainly feel as though this bill will do that. I commend this bill to the house.

**MS C.M. TONKIN (Churchlands)** [8.17 pm]: I, too, rise in support of the Sentencing Legislation Amendment (Persons Linked to Terrorism) Bill 2021. This bill will amend the Sentence Administration Act 2003, the Young Offenders Act 1994, the Criminal Procedure Act 2004 and the Freedom of Information Act 1992. Significantly, the bill implements the 2017 Council of Australian Governments agreement for a presumption against early release for persons with links to terrorism.

I remember precisely where I was on 7 July 2005, when the dreadful acts of terrorism were committed on the London Underground and bus system. I was working for the United Nations Development Programme in Colombo, Sri Lanka. I was supporting the effort to rebuild after the devastating impact of the South-East Asian tsunami. It was deeply offensive to me in this context that anyone could inflict such devastation on innocent people. I was dealing with the impact of a terrible natural disaster—an act of God—and I was hearing about a deliberate act of carnage. That memory is seared into my mind, as it is into the mind of the member for Riverton.

My first reaction to this bill was that we should never put someone in prison or detain them without them having hope of eventual release having served their time. I have a visceral reaction to the notion of locking someone up and throwing away the key. I dare say that this ingrained attitude may be genetic. My earliest ancestor to call Australia

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home was my great-great-grandfather Henry Mottram, who was transported to Western Australia as a convict in 1851. Henry was 26 years old when he arrived here, having been convicted in 1849. Henry Mottram's crime was serious: highway robbery with violence. However, he went on to live a productive life and to raise a family here in Western Australia. His life is evidence of the reality of rehabilitation.

How, then, is the potential of rehabilitating a serious criminal like Henry Mottram different from that of someone who is charged or sentenced for terrorism? To understand the need for this bill, it is necessary to understand the anatomy of terrorism. The notion of terrorism is that it is related to extremist ideology, but that is something that may or may not be in the eye of the beholder. One person's extremism is another one's justifiable perspective. What would be regarded as extremist at one time or in a particular context may be regarded as mainstream at another time or in another context.

One of my other ancestors, my great-grandfather, was a Fenian. His name was Patrick Thomas Brady and, as a young man, he migrated from Ireland to South Australia in the 1880s. He came from a family of "hedge teachers", who were regarded as the types to incite lawlessness and profligate adventure. These teachers often taught children in the open, sometimes beside hedgerows. This informal system of education of Catholic and Presbyterian children was necessary because of the impediments to their formal education imposed by the British. Patrick therefore grew up in a subversive culture and his Fenian ideology would have been regarded as extremist in Ireland by the British and likely in South Australia, too. I do not know whether he ever acted on his Fenian beliefs against the British. All I know is that Patrick and his siblings left County Cavan for the United States or Australia.

Coming to the present day, the federal member for Cowan, Anne Aly, recently observed that there has been an increase in extremist-fed ideologies around the world. This has related especially to COVID-19 conspiracies and anti-vaccination narratives, as well as to reactions to the Black Lives Matter movement. Significantly, we have seen the rise of right-wing extremism. This form of extremism has been defined by Dr Kristy Campion, lecturer of terrorism studies at the Australian Graduate School of Policing and Security, as encompassing a variety of ideologies, including fascism, national socialism or Nazism, and white supremacy. What these ideologies have in common are authoritarianism, being anti-democracy and nationalism. However, the peaceful expression of such ideologies is not terrorism and terrorism is not about holding extremist ideologies; it is about acting on them. As my good colleague the member for Burns Beach commented to me earlier, in broad terms terrorism may be the work of the mad, the bad and the sad. It takes many forms. It may be based on ideologically driven extreme views, it can be perpetrated by well-organised and resourced groups that share particular value systems, it may transcend national boundaries, or it can be the apparently deranged actions of loners.

In Australian law, a terrorist act is an act, or a threat to act, that meets both these criteria: it intends to coerce or influence the public or any government by intimidation to advance a political, religious or ideological cause. It also causes one or more of the following: death, serious harm or danger to a person; serious damage to property; a serious risk to the health or safety of the public; or serious interference with, disruption to, or destruction of critical infrastructure such as a telecommunications or electricity network. It is an offence to commit an act of terrorism; plan or prepare for a terrorist act; finance terrorism or a terrorist; provide or receive training connected with terrorist acts; possess things connected with terrorist acts; or collect or make documents likely to facilitate terrorist acts. A person may be convicted of an offence if they intended to commit one of these offences, or were reckless as to whether their actions would amount to one of these offences. A broad range of factors is taken into account in determining whether a terrorist act has been committed, but the law is fairly clear: terrorism involves action driven by ideology to influence, coerce or intimidate, and it involves violence.

To summarise, the holding of extreme ideologies, in itself, is not terrorism. Terrorism involves seeking to coerce, influence or intimidate others to advance a particular cause—political, religious or ideological. Coercing, influencing or intimidating others may be criminal but, unless it is driven by an ideology, it is not terrorism. What makes those convicted of terrorism offences more at risk of reoffending thereby necessitating the provisions of this bill? No matter how lacking in coherence the views that drive acts of terrorism may be, these are deeply ingrained attitudes or prejudices that are often psychologically enduring. I am sure my good colleague the member for Dawesville would have some thoughts on this. They are beliefs that have driven violent actions or intentions.

Deradicalisation is possible but not necessarily easily achieved. When those involved in terrorism have links to others who reinforce an extremist system of belief, the risk of recidivism is very high. So, it is unfortunately very necessary to enact this legislation. Terrorism is unlike other acts of violent criminal behaviour. The bill creates a presumption against early release by mandating that exceptional reasons be shown before a young offender or prisoner with links to terrorism is granted an early release order. This is known as the exceptional reasons test. There are safeguards in this bill. To guide the exceptional reasons test, the bill introduces special considerations that require an assessment of particular matters, such as the degree of risk posed to the community should the person be released; and the nature and seriousness of the current links to terrorism and terrorism-related activities. The bill

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provides for a Commissioner of Police report, which is a report to the Prisoners Review Board or Supervised Release Review Board, as the case may be, dealing with these special considerations. The bill also enables the immediate cancellation of an early release order in the event that a prisoner or young offender becomes subject to defined terrorism-related charges, orders or convictions and in other specified circumstances.

New confidentiality provisions are introduced in the bill to protect “terrorist intelligence information” that may be contained within the Commissioner of Police report. The new confidentiality provisions will increase confidence in information sharing between Australian intelligence and law enforcement agencies by reducing the number of people exposed to terrorist intelligence information and providing provisions against disclosure that may impact current or ongoing national security investigations. This is very necessary legislation and, notwithstanding my genetic aversion to it, I commend the bill to the house.

**MRS L.A. MUNDAY (Dawesville)** [8.30 pm]: I rise today to make a short contribution in support of the Sentencing Legislation Amendment (Persons Linked to Terrorism) Bill 2021. The bill implements the 2017 Council of Australian Governments agreement for the presumption against the early release of persons with links to terrorism and it creates the presumption against early release by mandating that exceptional reasons be shown before a young offender or prisoner with links to terrorism is granted an early release order. A Commissioner of Police report will be given to the Prisoners Review Board or the Supervised Release Review Board, as the case may be, to deal with any special considerations that may allow a person to be released. My contribution today is really a sliding doors moment. I am going to discuss the potential benefits of lives being saved by withdrawing any opportunity for early release to persons who are known to be linked to terrorist activity.

Firstly, I would like to define “terrorism” as cited by Krueger and Maleckova in 2003 as an act that is usually intended to influence an audience, with the intention of terrorists to cause fear and terror among a target audience rather than the harm caused to the immediate victims. Terrorists seek publicity to make their cause widely known. They usually work alone or in a minority group. Doing something so heinous as killing people grants them worldwide notoriety through social circles and the media. They see it as an opportunity or their duty to the cause and killing innocent people is just an inconsequential cost to highlighting their story or the story of their group. I did some peer review research and found a 2013 paper in which Campos and Gassebner confirm exactly this, that the objective of terrorism is to maximise media exposure so as to further the atmosphere of fear. The primary objective is to get the world’s attention. Terrorists use the media as the stage to push their agenda.

In a 2014 discussion paper, Michael Jetter wrote that suicide attacks receive significantly more media attention than non-suicide attacks and reasons that this could be why suicide attacks have been gaining popularity amongst terrorists and terrorist groups. In a 2003 research paper titled *The logic of suicide terrorism*, Hoffman writes that suicide bombings guarantee media coverage. In fact, he states that media coverage of an attack appears as a positive and statistically significant predictor of future incidents. He goes on to say that terrorists respond to incentives like any other human, which translates to increased media attention, and that is where they find their meaning. I am a psychologist who has spent a fair bit of time working on positive psychology. Part of what I do is to work with clients to find what their meaning is. We talk about how to create a meaningful life; indeed, one of the latest catchcries is “finding your why”. Paradoxically, when I was reading this bill, I wondered what makes a terrorist a terrorist and why this amendment should be passed so that people who are linked to terror activity should be refused parole or early release. What switch flicks in their head and makes it okay to kill people? Why do they choose innocent people who are just going about their day? What is it that makes them able to dehumanise people who are their neighbours in their community and use their lives as a pawn to push their agenda, irrespective of what that agenda may be? In my opinion, it all comes down to meaning.

One of the leading positive psychologists in Australia, of whom I am a huge fan, is Dr Michelle McQuaid. She often speaks about moving people from functioning to flourishing. When Michelle reflects on what meaning is and how to find our meaning, it is because every single one of us looks at four different points: cultivating belonging, living your purpose, telling your story and finding moments of transcendence. When I talk about each point, let us reflect on how we might consider what a potential terrorist considers meaningful to them.

The first point is to cultivate belonging. Each of us has a deep-seated need to feel understood, recognised and affirmed by others. When you belong, you feel that you are valued and cared for. In my opinion, radicalised groups are known to take any opportunity to engage people who are loners or disconnected from society and cannot or do not want to fit in. I imagine that a radical group wanting extra players or members would work particularly hard to create connection and meaning for a person by giving them a place or group to belong. Every single human who has ever existed needs connection. They need to be part of a community, whether that community is the Country Women’s Association, a local sporting team or a religious group; belonging is part of meaning.

The next point is to live your purpose. Having a sense of purpose is to feel that, in some way, what you are doing contributes to others or makes a positive difference in the world. A terrorist may align or connect with a group if they

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feel that their actions and existence will improve the status of the group. The positive difference in the world could be something like creating a scene—perhaps a scene great enough to draw the world’s attention—and this is when everyday people are sacrificed for what a radical group may see as the greater good. A terrorist’s personal values and strengths play to the values and strengths of their group. It is a legacy they can leave behind. They are living their purpose or, in some cases, they are prepared to die for their purpose—the promise of fame is worth dying for.

The third point is telling your story, which is about meaning. Your life is not just a list of random events; you can edit, interpret and retell your story in many different ways. Our personal story is generally a big part of the questions, “Why are we here now?”, “How did we get here?”, “What adversities did we overcome to get here?” and “What were our achievements?” A terrorist telling their story, which is usually one in which the world has let them down or rejected them somehow, gets to right the wrongs through the world media and feel some form of gratification. These people are the major consumers of their own propaganda. Coverage of their deeds gives them a sense of identity and power. They tell their story or leave suicide notes or manifestos or the group takes responsibility on behalf of the dead terrorist with a liberating ending. They find the good in their adversity. For example, the Quran explains that those who fight in the way of Allah and are killed will be given a great reward.

The final point in finding meaning through a positive psychology lens is finding moments of transcendence. Some people can find greatness in nature, such as going for a walk or sitting on a beach. Other people find meaning through prayer, meditation, looking at art or listening to music. These moments of transcendence can really leave you feeling humbled and inspired, but uplifted at the same time by putting you in touch with your mortality. You realise how tiny you are in the grand scheme of things whilst also connecting with something much bigger than yourself. This is how radicalised groups or people who feel slighted by life can find their moment of transcendence, whether that be in the act of killing people and waiting to be shot by police, the thrill of the chase or going in with the single-minded intention to die as a suicide bomber.

New Zealand Prime Minister Jacinda Ardern has it right when it comes to terrorism. After the 2019 terror attack in which a white supremacist killed 51 worshippers at a mosque in Christchurch, a newspaper commented —

... while she was working with the courts to release the man’s name, she was not intending to name him herself.

The newspaper quoted her as saying —

“No terrorist, whether alive or deceased, deserves their name to be shared for the infamy they were seeking.”

When it comes to terrorism, it is important that we remove any opportunity for a person to use the media as a platform to be heard about their cause and create meaning for them or their group. If the government or a media outlet refuses to name a terrorist, the terrorist has failed on the four points of what their meaning stands for. They will not get to cultivate belonging because we as a community will not hear the name of the individual or group that wants notoriety. They will not have lived their purpose, they will not get their story told and they will not reach their transcendence. To that, I restate and underline the importance of this bill. Removing the opportunity of parole or early release for a person known to align with a terrorist group will potentially cancel extra opportunities for that person to exit prison and reignite their desire to make a worldwide statement by killing innocent people for “their greater good”.

After the most recent terrorist attack in New Zealand last month, our hearts and thoughts were with the victims and their families. Without being privy to the full details, the person who was labelled an alleged terrorist was unable to be held in jail, so the police were following him 24/7 because he was seen as a real threat to the public. The man had previously appeared before the courts. A New Zealand newspaper article states —

Ardern said, “If we’d reached a threshold for him to be in prison, he would have been in prison ...

He was instead sentenced to one year’s supervision for possession of extremist material. The man was facing further charges of assault with intent to injure after attacking prison guards while he was on remand. We have to wonder, as a perfect sliding doors moment, what the outcome would have been had this person’s year of supervision been served in jail. The New Zealand police were hamstrung by the law, and their only resort was to watch this person 24/7 to try to prevent exactly what ended up occurring. I can only imagine their feelings of frustration and despair that, despite their absolute best and most heroic efforts, 69 seconds was all it took for this person to get into the shopping centre and stab at least six people. This also highlights the efficacy of Prime Minister Ardern’s decision to use the media like a tool against terrorism to ensure that any terrorist, if they survive their terrorist act, will be blackholed into nothingness, and that their action will not be seen as worthwhile or meaningful, or garner any airtime or recognition for their cause.

Just as a little side note before I finish, I emphasise the importance of language and of using words that are impactful in such situations. The term “lone wolf” needs to be changed. If we think about the term “lone wolf”, it suggests adjectives like “hunter”, “strong” or “loyal”—something that sits high in the animal kingdom. I think the term for

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lone terrorists should be changed to “lone sheep”, “worthless dog” or “pathetic lamb”—a bit like the change in terminology from “king hit” to “coward punch”, which was very effective.

In conclusion, I would like to thank the Attorney General and his staff for working on this amending legislation to close any sliding doors moments we can to keep terrorists away from the public and to eliminate their opportunities to create meaning by killing innocent people. I commend this bill to the house.

**MR J.R. QUIGLEY (Butler — Attorney General)** [8.41 pm] — in reply: I rise briefly to thank all members of the chamber for their contributions to the Sentencing Legislation Amendment (Persons Linked to Terrorism) Bill 2021. I shall not take long in closing the second reading debate because I think members have done a marvellous job in making the case, by reference to previous terrorist acts, that those linked with terrorism and motivated by terrorism are perhaps the least likely cohort of prisoners to respond to rehabilitative courses within the prison system, and at the end of their sentence still remain a potent and dangerous threat because of their misguided beliefs and loyalty to terrorist organisations.

I thank each member who has risen this afternoon and this evening to speak in support of this legislation which, as members have noted, completes the aspiration of the Council of Australian Governments to have a uniform law around Australia against the early release of those who have been convicted of terrorism-related offences, other than in exceptional circumstances. I particularly thank the Leader of the Opposition for her indication of the opposition’s total support for this bill and its passage through this chamber. That having been said, I note that there are a couple of minor technical amendments on the notice paper, put there by me on behalf of the government, so I will not seek leave to go to the third reading; we will move straight to consideration in detail to move those minor amendments.

Question put and passed.

Bill read a second time.

*Consideration in Detail*

**Clauses 1 to 3 put and passed.**

**Clause 4: Section 4 amended —**

**Mr J.R. QUIGLEY** — by leave: I move —

Page 5, line 20 — To delete “(d) or (f); or” and substitute —

(d), (e) or (g); or

Page 5, line 23 — To delete “(f) or (g);” and substitute —

(f), (g) or (h);

**Ms M.J. DAVIES:** My question is simple: can the Attorney General explain, firstly, why he is amending his own legislation, and, secondly, perhaps the detail relating to clause 4 as it is proposed to be amended?

**Mr J.R. QUIGLEY:** Certainly. A further careful reading of the bill in preparation for Parliament revealed an error in the numbering. Clause 4 inserts the definition of “terrorism offence” within the Sentence Administration Act 2003 to support the application of presumption against early release orders for prisoners with links to terrorism. The definition captures specific commonwealth terrorism offences. Proposed paragraph (h) of the definition provides a general provision to capture terrorism offences in a law of the commonwealth, another state, a territory or another country that substantially corresponds to a relevant listed commonwealth terrorism offence referred to in proposed paragraphs (a), (b), (c), (d) or (f). Proposed paragraph (i) of the definition also includes offences of attempting, inciting or conspiring to commit listed offences referred to in proposed paragraphs (a), (f) or (g). To provide consistency with the equivalent provisions of the Bail Act 1982, proposed paragraph (h) should apply to all offences listed in proposed paragraphs (a) to (e) or (g) of the definition, and proposed paragraph (i) should apply to proposed paragraphs (a) to (h). The definition was always intended to mirror the equivalent definition within the Bail Act 1982, but there was a small oversight in the drafting.

**Amendments put and passed.**

**Clause, as amended, put and passed.**

**Clauses 5 to 29 put and passed.**

**Clause 30: Section 3 amended —**

**Mr J.R. QUIGLEY** — by leave: I move —

Page 29, line 31 — To delete “(d) or (f); or” and substitute —

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(d), (e) or (g); or

Page 30, line 3 — To delete “(f) or (g);” and substitute —

(f), (g) or (h);

Before I am asked the question, I will give an explanation for moving these amendments. These amendments replicate the amendments to clause 4. Under clause 4 we brought in amendments to make it consistent with the wording of the Bail Act. That was an oversight. Once we picked that up, we realised that it needed to be done also in relation to the Young Offenders Act, so these amendments will make the clause consistent with the Young Offenders Act. Clause 30 inserts a definition of “terrorism offence” within the Young Offenders Act 1994 to support the application of a presumption against release orders for young offenders with links to terrorism. The definition captures specific commonwealth terrorism offences. Paragraph (h) of the definition of “terrorism offence” provides a general provision to capture terrorism offences in a law of the “Commonwealth, another State, a Territory or another country, that substantially corresponds to” the listed commonwealth terrorism offences referred to in paragraphs (a), (b), (c), (d) or (f). Paragraph (i) of the definition of “terrorism offence” also includes offences of “attempting, inciting or conspiring to commit” the listed offences in paragraphs (a) to (f) or (g). The definition is amended to mirror the Sentencing Administration Act 2003. Accordingly, paragraph (h) is amended to apply to all offences listed in paragraphs (a) to (e) or (g) of the definition; and paragraph (i) should apply to paragraphs (a) to (h). For those in the chamber closely following my explanation, the explanation is the same as it was for clause 4—virtually word for word—but we are dealing with the Young Offenders Act and not the Bail Act.

**Amendments put and passed.**

**Clause, as amended, put and passed.**

**Clauses 31 to 36 put and passed.**

**Clause 37: Section 157 amended —**

**Mr J.R. QUIGLEY:** I move —

Page 41, line 11 — To delete “16B” and substitute —

16B, 16C

The reason for this amendment is that section 157(1) of the Young Offenders Act 1994 provides that three members are required to be present during a meeting of the Supervised Release Review Board—otherwise known as the SSRB—to constitute a quorum. Clause 37 of the bill inserts proposed section 157(2) to provide that section 157(1) will not apply when a meeting of the Supervised Release Review Board is held to make decisions for the purposes of proposed section 16B, proposed section 142A, or part 8, division 2A, and the meeting must be constituted by the chairperson alone. Proposed section 16C of the bill additionally requires the Supervised Release Review Board to be constituted by the chairperson alone. As a result, section 157(1) of the Young Offenders Act should not apply to proposed section 16C. Proposed section 16C, therefore, should have been included within proposed section 157(2). The omission of the reference to proposed section 16C within proposed section 157(2) was an oversight.

**Amendment put and passed.**

**Clause, as amended, put and passed.**

**Clauses 38 to 45 put and passed.**

**Title put and passed.**

*House adjourned at 8.57 pm*

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