#### WESTERN AUSTRALIA

## LEGISLATIVE COUNCIL

## AMENDMENTS AND SCHEDULES

Supplementary Notice Paper No. 112 Issue No. 3

**TUESDAY, 19 MARCH 2019** 

# BAIL AMENDMENT (PERSONS LINKED TO TERRORISM) BILL 2018 [112-1]

When in committee on the Bail Amendment (Persons Linked to Terrorism) Bill 2018:

#### Clause 11

Hon Alison Xamon: To move -

1/11 Page 8, line 3 — To delete the line.

Hon Alison Xamon: To move -

2/11 Page 8, after line 6 — To insert:

(4) Despite subsections (1) and (2), the judicial officer must disclose terrorist intelligence information and information withdrawn under subsection (2) to the Attorney General.

**Hon Alison Xamon**: To move –

3/11 Page 8, after line 6 — To insert:

#### 66D. Annual report to include information about application of s. 66C

(1) The accountable authority, as defined in the *Financial Management Act 2006*, of the department of the Public Service principally assisting in the administration of this Act must, in each annual report submitted under the Financial Management Act 2006 Part 5, include information relating to action taken under section 66C(1) in proceedings on a case for bail in the financial year to which the annual report relates.

- (2) The information referred to in subsection (1) must, without disclosing terrorist intelligence information, specify
  - (a) the number of proceedings in which action was taken under section 66C(1); and
  - (b) in each of those proceedings whether the accused had access to the terrorist intelligence information received by the judicial officer and whether, and to what extent
    - (i) evidence by or on behalf of the accused was received; and
    - (ii) argument by or on behalf of the accused was heard.

#### **New Clause 11A**

Leader of the House representing the Attorney General: To move —

**6/NC11A** Page 8, after line 7 — To insert:

#### 11A. Section 67A inserted

After section 67 insert:

# 67A. Review of amendments made by *Bail Amendment (Persons Linked to Terrorism) Act 2019*

- (1) The Minister must review the operation and effectiveness of the amendments made to this Act by the *Bail Amendment (Persons Linked to Terrorism) Act 2019*, and prepare a report based on the review, as soon as practicable after the 3<sup>rd</sup> anniversary of the day on which the *Bail Amendment (Persons Linked to Terrorism) Act 2019* section 11A comes into operation.
- (2) The Minister must cause the report to be laid before each House of Parliament as soon as practicable after it is prepared, but not later than 12 months after the 3<sup>rd</sup> anniversary.

#### Clause 12

Hon Alison Xamon: To move -

5/12 Page 9, lines 22 to 25 — To delete the lines and insert:

- (d) in the case of a child
  - (i) consider the *Young Offenders Act 1994* section 6(d) as an objective of this Act with the safety of the community being an overriding objective; and
  - (ii) observe the *Young Offenders Act 1994* section 7(h) as a general principle with the safety of the community being an overriding principle.