

JURISDICTIONAL COMPARISON – PRESUMPTION AGAINST PAROLE

The following table presents an overview of how other Australian jurisdictions have implemented the presumption against parole applying to persons with **Category 1** links to terrorism. It does not attempt to provide an exhaustive explanation of the parole regimes in those jurisdictions.

Category 1 – A person who has been charged with, or convicted of a terrorism offence, is subject to a Commonwealth control order, or an interim or confirmed Commonwealth control order is being sought.

A detailed jurisdictional comparison in relation to a **Category 2** person (has made statements or carried out activities supporting, or advocating support for, terrorist acts) links to terrorism is provided in Annexure E.

		New South Wales	South Australia	Victoria	Tasmania	Queensland	Commonwealth	Proposal for WA
Parole Legislation		(1) <i>Crimes (Administration of Sentences) Act 1999</i> (NSW) (2) <i>Children (Detention Centres) Act 1987</i> (NSW)	<i>Correctional Services Act 1982</i> (SA) <i>Young Offenders Act 1993</i> (SA)	<i>Corrections Act 1986</i> (Vic) <i>Children Youth and Families Act 2005</i> (Vic)	<i>Corrections Act 1997</i> (Tas)	<i>Corrective Services Act 2006</i> (Qld) <i>Youth justice Act 1992</i> (Qld)	<i>Crimes Act 1914</i> (Cth)	<i>Sentence Administration Act 2003</i> (WA) <i>Young Offenders Act 1994</i> (WA)
Amending Act		(1) <i>Terrorism Legislation Amendment (Police Powers and Parole) Act 2017</i> (NSW) (2) <i>Parole Legislation Amendment Act 2017</i> (NSW)	<i>Statutes Amendment (Terror Suspect Detention) Act 2017</i> (SA)	<i>Justice Legislation Amendment (Terrorism) Act 2018</i> (Vic)	<i>Terrorism (Restrictions on Bail and Parole) Act 2018</i> (Tas)	<i>Justice Legislation (Links to Terrorist Activity) Amendment Act 2019</i> (Qld)	Counter-Terrorism Legislation Amendment (2019 Measures No. 1) Act 2019 (Cth)	NA
Commencement		(1) June 2017 (2) Different dates by proclamation 2018	February 2018	November 2018 Substantive terrorism parole provisions became fully operational in May 2019	December 2018	11 April 2019	12 December 2019	NA
CRITERIA THAT TRIGGER THE PRESUMPTION AGAINST PAROLE	Convicted of Commonwealth terrorism offences	✓ (see Annexure F)	✓ (see Annexure F)	✓ (see Annexure F)	✓ (see Annexure F)	✓ (see Annexure F)	✓ (see Annexure F)	✓ (see Annexure F – same as the definition in the <i>Bail Amendment (Persons Linked to Terrorism) Act 2019</i>)
	Convicted of other terrorism offence(s) • Offence expressly defined in Act? • Catch-all provision? • Regulations?	✓ Expressly defined: s. 310J <i>Crimes Act 1900</i> (NSW) (membership of terrorist organisation) No regulations or catch-all provision	✓ Prescribed by regulation only Prescribed offences within SA are as follows: • <i>Criminal Law Consolidation Act 1935</i> : ➢ Offence against section 83CA - Information for terrorist acts (possession of information) ➢ Any offence against Part 3D – Explosive devices. • <i>Summary Offences Act 1953</i> – Offence against section 37 – possession, production, or distribution of extremist material.	✓ Expressly defined: s. 4B <i>Terrorism (Community Protection) Act 2003</i> (Vic) (TCP Act) (providing documents or information facilitating terrorist acts) A provision of another State or Territory that corresponds to s. 4B of the TCP Act	✓ Prescribed by regulation only Prescribed offences are as follows: • <i>Crimes Act 1900</i> (NSW) – Offence under section 310J – Membership of terrorist organisation • <i>Terrorism (Community Protection) Act 2003</i> (Vic) – Offence under section 4B – Providing documents or information facilitating terrorist acts.	✓ Expressly defines the following offences: • s. 4B <i>Terrorism (Community Protection) Act 2003</i> (Vic) (TCP Act) (providing documents or information facilitating terrorist acts) • s. 310J <i>Crimes Act 1900</i> (NSW) (membership of terrorist organisation) • s. 83CA of the <i>Criminal Law Consolidation Act 1935</i> (SA) Prescribed by regulation (restricted to provisions of a law of the Commonwealth or another State and in relation	NA	✓ Catchall provision, when the acts constituting an offence are substantially the same as the Commonwealth terrorism offences. Proposal for WA will expressly cover convictions for attempting, inciting or conspiring to commit a terrorism offence.

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		<p>Prescribed offences within other States and Territories are as follows:</p> <ul style="list-style-type: none"> • <i>Crimes Act 1900</i> (NSW) – Offence against section 310J – Membership of terrorist organisation. 			to activity that involves a terrorist act, or is preparatory to the carrying out of an activity that involves a terrorist act).		
		<ul style="list-style-type: none"> • <i>Criminal Code Act 1983</i> (NT) – the following offences against schedule 1; <ul style="list-style-type: none"> ➤ Offence against section 51 – Membership of unlawful organisation - where the unlawful organisation to which the offence relates is a terrorist organisation ➤ Offence against section 53 - display of support for unlawful organisation - where the unlawful organisation to which the offence relates is a terrorist organisation ➤ Offence against section 54 – Terrorism ➤ Offence against section 55 – contribution towards acts of terrorism. • <i>Terrorism (Community Protection) Act 2003</i> (Vic) – Offence against section 4B – Providing documents or information facilitating terrorist acts. 					
Charged with a terrorism offence? <ul style="list-style-type: none"> • Applies to current and/or previous charge? • Applies to all or certain terrorism 	✓ Applies to Commonwealth terrorism offences (Annexure F) and s. 310J <i>Crimes Act 1900</i> (NSW)	✓ Current and previous charges	✓ Is charged with a terrorism or foreign incursion offence (defined)	NA	✓ Current charges	NA	✓ Only when proceedings for a charge have not concluded.

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offences?	(only when proceedings for a charge have not concluded)						
Subject of a Commonwealth Control Order? <ul style="list-style-type: none"> Applies to current and/or former Confirmed Control Order? Applies to current and/or former Interim Control Order? 	✓ Current Control Order (including Interim Control Order)	✓ Current / former Control Order (including Interim and Confirmed Control Orders)	✓ Current / former Control Order (including Interim Control Order)	✓ Current Control Order (including Interim Control Order)	✓ Current / former Control Order (including Interim and Confirmed Control Orders)	✓ Current Control Order (including Interim Control Order)	✓ Current Control Order (including Interim Control Order) Former Control Orders (10 years prior to commencement of the custodial term in relation to prisoners, and 4 years for young offenders)
Subject to a Preventative detention Order (PDO)? <ul style="list-style-type: none"> Applies to current and/or former PDO 	NA	NA	✓ Current / former PDO	NA	NA	NA	NA
“Category 2” links to terrorism	✓ (See Annexure E)	✓ (See Annexure E)	✓ (See Annexure E)	✓ (See Annexure E)	✓ (See Annexure E)	✓ (See Annexure E)	✓ (See Annexure E)
Other?	NA	NA	✓ Presumption against parole applies to: <ul style="list-style-type: none"> Detention orders; Prohibited contact orders; and An order under a corresponding preventative detention law. 	NA	NA	NA	NA
Decision making authority for the presumption against parole?	Adults – Parole Authority Children – the Children's Court	Adults – Presiding Member of the Board Children – Designated Member of the Training Centre Review Board	Adults – Serious Violent Offender or Sexual Offenders Division of the Board Children – Youth Parole Board	The Board	Adults – Parole Board Children – Chief Executive	Attorney General (Commonwealth)	Chairperson of the Prisoners Review Board, or Supervised Release Review Board (as the case requires)
Threshold test applied for the presumption against parole?	The relevant decision making authority must not make a parole order directing the release of a person who is known to be a terrorism related offender, unless:	Special circumstances	Different threshold tests apply depending on the nature of the links to terrorism. In the case of persons	Exceptional circumstances	Exceptional circumstances	Exceptional circumstances	Exceptional reasons Specific considerations guide the exceptional reasons test.

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ANNEXURE E: JURISDICTIONAL COMPARISON – PRESUMPTION AGAINST PAROLE – CATEGORY 2 LINKS TO TERRORISM

The following presents a detailed overview of how other Australian jurisdictions have implemented the presumption against parole applying to persons with 'Category 2' links to terrorism, being a person who has made statements or carried out activities supporting, or advocating support for, terrorist acts

	New South Wales	South Australia	Victoria	Tasmania	Queensland	Commonwealth	Proposal for WA
Parole Legislation	<i>Crimes (Administration of Sentences) Act 1999 (NSW)</i>	<i>Correctional Services Act 1982 (SA) and Police Act 1998</i>	<i>Corrections Act 1986 (Vic)</i>	<i>Corrections Act 1997 (Tas)</i>	<i>Corrective Services Act 2006 (Qld)</i>	<i>Crimes Act 1914 (Cth)</i>	<i>Sentence Administration Act 2003 (WA)</i> <i>Young Offenders Act 1994 (WA)</i>
Amending Act	<i>Terrorism Legislation Amendment (Police Powers and Parole) Act 2017 (NSW)</i>	<i>Statutes Amendment (Terror Suspect Detention) Act 2017 (SA)</i>	<i>Justice Legislation Amendment (Terrorism) Act 2018 (Vic)</i>	<i>Terrorism (Restrictions on Bail and Parole) Act 2018 (Tas)</i>	<i>Justice Legislation (Links to Terrorist Activity) Amendment Act 2019 (Qld)</i>	Counter-Terrorism Legislation Amendment (2019 Measures No. 1) Act 2019 (Cth)	NA
Category 2 links to terrorism that enliven the presumption against parole ➤ Association with terrorist organisation? ➤ Support (statements, activities)? ➤ Links or affiliations? ➤ Notification?	Terrorism related offender means: <ul style="list-style-type: none">Person who has any associations with a terrorist organisation (within the meaning of Division 102 of Part 5.3 of the Commonwealth <i>Criminal Code Act 1995</i> (Cth)); orPerson who is making or has previously made any statement (or is carrying out or has previously carried out any activity) advocating support for any terrorist act or violent extremism; orPerson who has or previously had any personal or business association or other affiliation with any person, group of persons or organisation that is or was advocating support for any terrorist act or violent extremism. These above categories are supported (but not limited) by the following deeming provisions: <ul style="list-style-type: none">Advocating support for a terrorist act or violent extremism includes (but is not limited to) any of the following:<ul style="list-style-type: none">i. making a pledge of	A person is a terror suspect if: <ul style="list-style-type: none">The offender is the subject of a <i>terrorism notification</i>.A terrorism notification may be issued relating to persons suspected of terrorist offences, or of supporting or otherwise being involved in terrorist offences, or of associating or being affiliated with such persons.	<ul style="list-style-type: none">The offender is the subject of <i>terrorism risk information</i>, which is an assessment by a specified entity that there is a risk that the person will commit a terrorism or foreign incursion offence, and the information relied on in making that assessment.Terrorism risk information may include (but is not restricted to):<ul style="list-style-type: none">i. information regarding the person having expressed support for: the doing of a terrorist act; or a terrorist organisation; or the provision or resources to a terrorist organisation; orii. information regarding the person having, or having had, an association with: another person or a group that has expressed support of the kind referred to in paragraph (i); or another person or a group that is directly or indirectly engaged in, preparing for, planning, assisting in or fostering the doing of a terrorist act; or a terrorist organisation.	<ul style="list-style-type: none">The prisoner has promoted a terrorist act. The following deeming provisions apply: <ul style="list-style-type: none">A reference to a prisoner promoting a terrorist act is a reference to the prisoner –<ul style="list-style-type: none">i. Engaging in, or inciting or assisting another person to engage in, a terrorist act; orii. Making statements supporting a terrorist act; oriii. Carrying out activities supporting a terrorist act; oriv. Advocating the carrying out of a terrorist act; orv. Advocating support for a terrorist act; orvi. Advocating the making of statements, or carrying out of activities, that support, or that advocate support for, a terrorist act.Terrorist act is defined to include a reference to –<ul style="list-style-type: none">i. A terrorist act that has occurred; andii. A terrorist act that has not occurred, that may not occur or that will not occur; andiii. A terrorist act that subsequently occurs; andiv. A terrorist act, whether or not the act is specifically or generally identified or is a type of terrorist act that	<ul style="list-style-type: none">The Parole Board is satisfied the prisoner has promoted terrorism; Or <ul style="list-style-type: none">The offender is the subject of a report given by the Commissioner of Police, which states there is a reasonable likelihood the prisoner may carry out a terrorist act <u>and</u> the Parole Board is satisfied that the prisoner is or has been associated with a terrorist organisation, or with a person who has promoted terrorism. The following deeming provisions apply: <ul style="list-style-type: none">A person promotes terrorism if the person –<ul style="list-style-type: none">i. Carries out an activity to support the carrying out of a terrorist act; orii. Makes a statement of support of the carrying out of a terrorist act; oriii. Carries out an activity, or makes a statement, to advocate the carrying out of terrorist act or support for the carrying out of a terrorist act.To remove any doubt, a reference to a terrorist act includes a terrorist	<ul style="list-style-type: none">A person who the Commonwealth Attorney-General (AG) is satisfied has made statements or carried out activities supporting, or advocating support for, terrorist acts. NB – In addition to a category 2 person, a person is also a person with links to terrorism if the person is subject to a Commissioner of Police report, and the Chairperson of the Prisoners Review Board /Supervised Release Review Board, having regard to the report, is satisfied has made statements, or carried out activities supporting or advocating support for terrorist acts.	

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	loyalty to a person, group of persons or organisation, or an ideology, that supports terrorist acts or violent extremism, ii. using or displaying images or symbols associated with a person, group of persons or organisation, or an ideology, that supports terrorist acts or violent extremism,			is specifically or generally identified.	act that has not happened, and is not limited to a specific act.		
	iii. making a threat of violence of a kind that is promoted by a person, group of persons or organisation, or an ideology, that supports terrorist acts or violent extremism, and • An association or other affiliation with a person, group of persons or organisation includes (but is not limited to) any of the following: i. networking or communicating with the person, group of persons or organisation, ii. using social media sites or any other websites to communicate with the person, group of persons or organisation.						
Information in support of alleged Category 2 links to terrorism: ➤ Agencies prescribed to provide submissions regarding Category 2 links? ➤ Restrictions to the sources of information the parole	• There is no restriction to the information that the Parole Authority may receive and take into account regarding Category 2 links to terrorism. • The legislation guides the Parole Authority in its decision-making to have regard to advice from the following agencies: The Parole Authority or a judicial member of the Parole Authority may	• Terrorism notifications may only be issued by a prescribed terrorism intelligence authority (designated by Regulation) or a police officer of or above the rank of inspector and in accordance with guidelines issues by the Commissioner. • A terrorism intelligence authority is entitled to be heard. The presiding member of the Board must invite a terrorism intelligence authority to make	• Specified entities may submit terrorism risk information to the Board: i. the Australian Crime Commission; and ii. Victoria Police; and iii. the Australian Federal Police; and iv. the Australian Security and Intelligence Organisation; and v. the Department of Justice and Regulation; and vi. the police force or police service of another State or a	• No restriction to the information that the Board may receive and take into account regarding Category 2 links to terrorism. • The legislation guides the Board in its decision-making to receive and take into account any information provided by a body or agency of Tasmania, another State, a Territory, or the Commonwealth.	• The Commissioner of Police may make a report (on their own motion) regarding a prisoner's links to terrorism; or • The Parole Board may request a report from the Commissioner of Police regarding a prisoner's links to terrorism. The Commissioner must comply with this request. • There is otherwise no	• Not specified by the legislation. • The Commonwealth Parole Office (CPO) supports the AG by coordinating information / reports from the relevant federal and state agencies. • Due to federal offenders being held in State and Territory prisons, the relevant State and Territory Corrective	• The Commissioner of Police (CoP) must report to the Chairperson regarding any terrorism-related risks / concerns in respect of an offender, or report a relevant s. 80.2C(1) charge / conviction.

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authority may consider in relation to Category 2 links?	have regard to advice received from the NSW Police Force or from any other public authority (whether of this or any other State or Territory or of the Commonwealth) established for law enforcement, security or anti-terrorist purposes.	submissions in relation to parole of a terror suspect.	<p>vii. Territory; and the Department of Home Affairs of the Commonwealth; and</p> <p>viii. each prescribed entity.</p> <ul style="list-style-type: none"> The Secretary of the Department of Justice and Regulation may also provide terrorist risk information in respect of a prisoner. 		restriction to the information that the Parole Board may receive and take into account regarding Category 2 links to terrorism.	<p>Service will prepare a pre-release report.</p> <ul style="list-style-type: none"> The CPO liaises with the State and Territory parole authorities in relation to persons convicted of both Commonwealth and state and territory offences). The Australian Federal Police and Joint Counter Terrorism Teams provide advice in respect of offenders charged with terrorism offences. <p>(Submission of Commonwealth Parole Office to the Independent National Security Legislation Monitor, 17 July 2018)</p>	
<p>Authority responsible for deciding that the information sufficiently demonstrates Category 2 links to terrorism</p> <p>➤ Parole authority has discretion / how the parole authority treats the information?</p> <p>➤ Prescribed agency undertakes the assessment with the parole authority bound to apply the presumption?</p>	<ul style="list-style-type: none"> The Parole Authority has discretion to decide that, based on the available information, a prisoner is a terrorism related offender. In exercising this discretion, the Parole Authority is to have regard to: <ul style="list-style-type: none"> i. any credible information it has on the risk that the offender may engage in, or incite or assist others to engage in, terrorist acts or violent extremism under the terms of the proposed parole order and in the future; and ii. have regard in particular to whether the nature of any associations or affiliation that the offender has with any persons or groups advocating support for terrorist acts or violent extremism gives rise to any such risk. 	<ul style="list-style-type: none"> The decision to make a terrorism notification is self-assessed by the terrorism intelligence authority in accordance with the Commissioner's guidelines. The Commissioner's guidelines are overseen by the Crime and Public Integrity Policy Committee of the Parliament of South Australia. 	<ul style="list-style-type: none"> If the Board receives terrorism risk information about an offender, before considering whether to release that person on parole, the Board must first determine whether it is satisfied that there is a risk that the person will commit a terrorism or foreign incursion offence (defined). The provision does not provide that the risk needs to be a substantial one to enliven the presumption against parole. In undertaking this assessment, the Board must not have regard to terrorism risk information regarding the prisoner having, or having had, an association with a person or group unless the Board is satisfied that the prisoner knew — <ul style="list-style-type: none"> i. that the person or group had expressed support for: the doing of a terrorist act; a terrorist organisation; or the provision of resources to a terrorist organisation; or ii. that the person or group 	<ul style="list-style-type: none"> The Board has discretion to decide that, based on the available information, the prisoner has promoted a terrorist act. 	<ul style="list-style-type: none"> The Parole Board has discretion to decide that, based on the available information, a prisoner has promoted terrorism, or there is a reasonable likelihood the prisoner may carry out a terrorist act and the prisoner is or has been associated with a terrorist organisation, or with a person who has promoted terrorism. In exercising this discretion, the Parole Board may have regard to: <ul style="list-style-type: none"> i. a report in relation to the matter given by the Commissioner of Police; and ii. any other information the Parole Board considers relevant. The Commissioner of Police must comply with a request made by the Parole Board for a report in relation to the matters that are the subject of the request. 	<ul style="list-style-type: none"> Commonwealth AG has discretion. 	<ul style="list-style-type: none"> The Chairperson of the Board / SRRB (as the case requires) has discretion to decide that, based on the CoP's report, a person has made statements or carried out activities supporting or advocating support for terrorist acts. The Chairperson may seek expert advice on this issue (subject to protections applying to the CoP's report).

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			<p>was directly or indirectly engaged in, preparing for, planning, assisting in or fostering the doing of a terrorist act; or</p> <p>iii. that the group was a terrorist organisation.</p> <ul style="list-style-type: none"> This ensures that only intentional associations and links to terrorism will enliven the presumption against parole. 				
<p>How the presumption against parole is applied to Category 2 links to terrorism</p> <p>➤ Test applied?</p>	<ul style="list-style-type: none"> The Parole Authority must not make a parole order directing the release of an offender who is known to be a terrorism related offender unless the Parole authority is satisfied that the offender: <ul style="list-style-type: none"> i. will not engage in, or incite or assist others to engage in, terrorist acts or violent extremism; and ii. the offender is otherwise eligible to be released on parole. 	<ul style="list-style-type: none"> Terrorism notification automatically enlivens the presumption against parole. Presiding member of the Board must invite submissions from a terrorism intelligence authority. The presiding member of the Board: <ul style="list-style-type: none"> i. must not confirm a decision of the Board to release a prisoner that is a terror suspect on parole unless the presiding member determines that there are special circumstances justifying the prisoner's release on parole; and ii. must not confirm any other decision of the Board relating to a terror suspect unless the presiding member is satisfied that the decision is appropriate in all the circumstances. 'Special circumstances' are not defined. 	<ul style="list-style-type: none"> If the Board considers that parole would ordinarily be granted, however it determines that (based on the above test) there is a risk that the person will commit a terrorism or foreign incursion offence, then the matter must be referred to the Serious Violent Offender or Sexual Offenders (SVOSO) Division of the Board. The SVOSO Division consists of the Chairperson of the Board, and one full-time or part-time member selected by the Chairperson, as well as any other members selected from time to time. The SVOSO Division is prevented from releasing the offender on parole unless it is satisfied there are compelling reasons justifying release on parole. 'Compelling reasons' are not defined. 	<ul style="list-style-type: none"> The Board must not release a prisoner on parole if the Board is satisfied that the prisoner has promoted a terrorist act. The Board may release the prisoner if it is satisfied that there are exceptional circumstances, and the offender is otherwise eligible to be released on parole. 'Exceptional circumstances' are not defined. 	<ul style="list-style-type: none"> If the Parole Board is satisfied of the above Category 2 links to terrorism, then the Parole Board must refuse to grant an application for parole unless satisfied exceptional circumstances exist to justify granting the application, and the offender is otherwise eligible for release on parole. 'Exceptional circumstances' are not defined. 	<ul style="list-style-type: none"> The Commonwealth AG must not make a parole order in relation to a relevant person unless satisfied that exceptional circumstances exist to justify making a parole order. 'Exceptional circumstances' is not defined / there are no specific considerations in the case of offenders aged 18 years and above. In relation to a person who is under 18 years of age, without limiting the matters the Commonwealth AG may have regard to, the Commonwealth AG must have regard to: <ul style="list-style-type: none"> The protection of the community as the paramount consideration; and The best interests of the person as a primary consideration. 	<ul style="list-style-type: none"> The Chairperson of the Board / SRRB (as the case requires) must not take release action, or make a release decision, or order a supervised release order, unless satisfied of exceptional reasons. Specific considerations will guide the exceptional reasons test, with the intent that the Chairperson has appropriate regard to the current nature of the links to terrorism and terrorism-related risk to the community.
<p>Information confidentiality protections?</p> <p>➤ Special protections for terrorism intelligence?</p> <p>➤ General protections to</p>	<ul style="list-style-type: none"> There is a general protection within the <i>Crimes (Administration of Sentences) Act 1999</i> (NSW) to maintain the confidentiality of certain information. A report, document, or part of the report or document, is not required 	<ul style="list-style-type: none"> Under the established terrorism notification scheme, information properly classified as 'terrorism intelligence', as determined by a terrorism intelligence authority, must not be disclosed to any person (except to the Attorney-General, a court or a person to whom a 	<ul style="list-style-type: none"> Section 23 of the <i>Terrorism (Community Protection) Act 2003</i> (Vic) (as amended by the <i>Justice Legislation Amendment (Terrorism) Act 2018</i> (Vic) provides a general protection of counter-terrorism intelligence in legal proceedings. 	<ul style="list-style-type: none"> Confidentiality protections apply to proceedings related to persons with links to terrorism. The Board may make any one or more of the following orders: <ul style="list-style-type: none"> i. that all or part of the proceedings are to be heard in private; 	<ul style="list-style-type: none"> Protection of terrorism intelligence is determined by the Commissioner of Police; with the effect that confidential terrorism intelligence is not required to be provided to the Parole Board. The requirement for the Commissioner to prepare 	<ul style="list-style-type: none"> Not specified in legislation. The Australian Government's Protective Security Policy Framework provides guidance on how to share and protect sensitive information. Given that it is the 	<ul style="list-style-type: none"> Protection of Commissioner of Police report containing terrorist intelligence information. The board must take all reasonable steps to maintain the confidentiality of a Commissioner of Police report that the Board is

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the confidentiality of parole proceedings.	<p>to be given to any person if, in the opinion of the judicial member of Parole Authority, its provision may:</p> <ol style="list-style-type: none"> adversely affect the security, discipline or good order of a correctional center; or endanger the person or any other person; or jeopardise the conduct of any lawful investigation, or prejudice the public interest; or adversely affect the supervision of any offender who has been released on parole; or disclose the contents of any offender's medical, psychiatric or psychological report. <ul style="list-style-type: none"> Information about the contents of a report or other document is also protected from release if, in the opinion of a judicial member: <ol style="list-style-type: none"> not providing the information to the person is necessary in the public interest; and that public interest outweighs any right to procedural fairness that may be denied by not providing the information. The Minister may access any document or report, regardless of the above. 	<p>terrorism intelligence authority authorises its disclosure).</p> <ul style="list-style-type: none"> The presiding member of the Board, when considering parole in relation to a terror suspect, is not required to provide any grounds of reasons to the person who is the subject of the determination. If the presiding member is absent, then the legislation provides that only a deputy presiding member may undertake the parole determination for terror suspects. 	<ul style="list-style-type: none"> The <i>Corrections Act 1986</i> (Vic) also provides general protections of certain information related to parole decisions and the management of offenders. 	<ol style="list-style-type: none"> that only persons, or members of a class of persons, specified by the Board may be present during all or part of the proceedings; that the publication of a report of all or part of the proceedings, or of any information that is disclosed in, or referred to in, all or part of the proceedings, is prohibited. <ul style="list-style-type: none"> In any proceedings before a court in relation to a decision by the Board, the court may make any one or more of the following orders: <ol style="list-style-type: none"> that all or part of the proceedings are to be heard in closed court; that only persons, or members of a class of persons, specified by the court may be present during all or part of the proceedings; that the publication of a report of all or part of any of the following is prohibited: <ul style="list-style-type: none"> the proceedings; any information that is disclosed in, or referred to in, all or part of the proceedings; any reasons given by the Board for a decision to which the proceedings relate; any earlier proceedings, in relation to the prisoner, in respect of parole. 	<p>a report, and the information included in that report, only applies to the extent information in relation to the matters:</p> <ol style="list-style-type: none"> is in the Commissioner's possession; or can be accessed by the Commissioner through the Joint Counter-Terrorism Team or other direct arrangement with a relevant law enforcement / intelligence agency. <p>(1) The Commissioner is not required to disclose information if the information could reasonably be expected to:</p> <ol style="list-style-type: none"> prejudice the investigation of a contravention or possible contravention of the law; or enable the existence or identify of a confidential source of information, in relation to the enforcement or administration of the law, to be ascertained; or endanger a person's life or physical safety; or prejudice the effectiveness of a lawful method or procedure for preventing, detecting, investigating or dealing with the contravention or possible contravention of the law; or prejudice the maintenance or enforcement of a lawful method or procedure for protecting public safety. 	<p>Commonwealth Attorney General making the parole decision, there are less practical barriers to sharing sensitive information related to these cases.</p> <ul style="list-style-type: none"> Where relevant decisions become the subject of judicial review proceedings, then the provisions of the <i>National Security Information Act 2004</i> (Cth) apply, providing for: <ol style="list-style-type: none"> Closed hearings; Storage and handling requirements; and Security clearances for legal representatives. 	<p>satisfied contains terrorist intelligence information, including –</p> <ol style="list-style-type: none"> Receiving a report or hearing an argument, or opinion, about the report in private and in the absence of any person other than a person whose presence the Board consents; and Except as provided in paragraph (i), prohibiting the publication of, or a reference to, the report; and Withholding any or all of the reasons for a decision. <ul style="list-style-type: none"> The Board may give the Commissioner's Report to the Attorney General, a court, or a person to who the Board authorises disclosure – however, before giving a report to a court, or person authorised by the Board, the Board must, in writing, notify the Commissioner of Police of the Board's intention to give the report. The Commissioner of Police will have the opportunity to withdraw the report if the Board is not satisfied the report contains terrorist intelligence information. In any legal proceeding relating to, or requiring the disclosure of, information included in a Commissioner of Police report that the court is satisfied is terrorist intelligence information, the court must – <ol style="list-style-type: none"> Dispense with the disclosure requirements in relation to the

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					(2) The Commissioner is not required to give information accessed through an above arrangement if the arrangement prevents the Commissioner from disclosing the information to the Parole Board.		<p>information if the court is satisfied that no miscarriage of justice will result; and</p> <p>ii. Ensure that such parts of the proceeding relating to the disclosure of the information are held in private; and</p>
							<p>iii. Make such orders as to the suppression of evidence given before the court that, in the court's opinion, will ensure that the information is not disclosed; and</p> <p>iv. Make orders prohibiting the publication of the information.</p> <ul style="list-style-type: none">• Before a court makes a determination regarding whether information is terrorist intelligence information, the court must give the Commissioner of Police the opportunity to be heard, or to make written submissions.