

LEGISLATIVE ASSEMBLY

Justice Legislation Amendment Bill 2019

First print

Proposed amendments

No. 1 **Membership of terrorist organisation**
Page 9, Schedule 1.6. Insert after line 9—

[2] **Part 6B**

Insert after Part 6A—

Part 6B Terrorism

310I Definitions

In this Part:

Commonwealth Criminal Code means the Criminal Code set out in the Schedule to the *Criminal Code Act 1995* of the Commonwealth.

terrorist organisation and *member of a terrorist organisation* have the meaning they are given by section 102.1 of the Commonwealth Criminal Code.

310J Membership of terrorist organisation

- (1) A person commits an offence if—
- (a) the person intentionally is a member of a terrorist organisation, and
 - (b) the organisation is a terrorist organisation, and
 - (c) the person knows the organisation is a terrorist organisation.

Maximum penalty: Imprisonment for 10 years.

- (2) Subsection (1) does not apply if the person proves that he or she took all reasonable steps to cease to be a member of the organisation as soon as practicable after the person knew that the organisation was a terrorist organisation.

310K Multiplicity of offences

If—

- (a) an act or omission is an offence against both this Part and the Commonwealth Criminal Code, and

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- (b) the offender has been punished for that offence under the Commonwealth Criminal Code,
the offender is not liable to be punished for the offence under this Part.

[3] Schedule 11 Savings, transitional and other provisions

Insert at the end of the Schedule, with appropriate Part and clause numbering—

Part Justice Legislation Amendment Act 2019

Re-enactment of Part 6B

- (1) Part 6B, as inserted by the amending Act, is taken to have commenced on 13 September 2019.
- (2) Accordingly, anything that would have constituted an offence against section 310J, as inserted by the amending Act, during the relevant period had that section been in force is taken to constitute an offence against the section.
- (3) In this clause—
amending Act means the *Justice Legislation Amendment Act 2019*.
relevant period means the period—
 - (a) commencing on 13 September 2019, and
 - (b) ending immediately before the day on which Part 6B is inserted by the amending Act.

No. 2 **Membership of terrorist organisation**

Part 9, Schedule 1.6, line 11. Omit “The proposed amendment”. Insert instead “Item [1] of the proposed amendments”.

No. 3 **Membership of terrorist organisation**

Page 9, Schedule 1.6. Insert after line 15—

Item [2] re-enacts Part 6B (Terrorism) of the *Crimes Act 1900*, which was repealed on 13 September 2019. Item [3] provides for the re-enacted Part to be taken to have commenced on the day of that repeal.