



Bail Amendment (Terrorism) Bill.

Second Reading

The Hon. JOHN HATZISTERGOS (Minister for Justice, and Minister Assisting the Premier on Citizenship) [5.52 p.m.]:
I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

The Government is pleased to introduce the BAIL AMENDMENT (TERRORISM) BILL 2004.

The threat of terrorism is a modern phenomena that governments everywhere must constantly monitor and address to ensure that all possible measures are taken to protect the community.

In 2002 Australian States and Territories including NSW referred power to the Commonwealth for terrorist matters, and as a result the Commonwealth enacted broad ranging terrorist offences in the Commonwealth *Criminal Code Act 1995*. These offences deal with every aspect of terrorist activity, including planning, training, membership, financing and organisation.

When persons are charged in NSW with these Commonwealth terrorist offences it is the NSW *Bail Act 1978* that is applied in any bail determinations.

On 13 May 2004 the Government announced a whole range of counter-terrorist measures including the amendment of the *Bail Act 1978* to create a presumption against bail for persons charged with Commonwealth terrorist offences.

This bill delivers the first stage of the counter-terrorism package and inserts into s. 8A of the *Bail Act* all the offences created under Divisions 101, 102 and 103 of the *Criminal Code* of the Commonwealth. Section 8A currently relates to the most serious of Commonwealth and State drug offences carrying high penalties of 20 years imprisonment to life imprisonment.

The Act will commence on assent and the presumption against bail will relate not only to any person charged with a terrorist offence after commencement but also to any review of bail under Part 6 of the *Bail Act*.

I commend the bill to the House.

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