

South Australia

Bail (Terror Suspects and Firearm Parts) Amendment Act 2024

An Act to amend the *Bail Act 1985*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Bail (Terror Suspects and Firearm Parts) Amendment Act 2024*.

2—Commencement

This Act comes into operation on a day to be fixed by proclamation.

Part 2—Amendment of *Bail Act 1985*

3—Amendment of section 3—Interpretation

Section 3(1)—after the definition of *firearm* insert:

firearm part has the same meaning as in the *Firearms Act 2015*;

4—Amendment of section 3B—Terror suspects

- (1) Section 3B(1)(a)—delete "offence; but" and substitute:
offence under a law of the Commonwealth; and
- (2) Section 3B(1)(b)(i)—delete subparagraph (i) and substitute:
 - (i) is charged with a terrorist offence; or
 - (ia) has previously been convicted of a terrorist offence or charged before a court with a terrorist offence; or
- (3) Section 3B(1), Note—after "terrorist offence" insert:
under a law of the Commonwealth
- (4) Section 3B(2)—delete subsection (2) and substitute:
 - (2) A person—
 - (a) is **charged** with a terrorist offence for the purposes of subsection (1)(b)(i) if the person is currently charged with a terrorist offence, whether that charge was laid by police or another law enforcement or prosecution authority; and
 - (b) has previously been **charged before a court** with a terrorist offence for the purposes of subsection (1)(b)(ia) if an information or other initiating process charging the person with the terrorist offence has previously been filed in a court.

5—Amendment of section 11—Conditions of bail

Section 11(1) and (1a)(b)—delete "part of a firearm" wherever occurring and substitute in each case:

firearm part

6—Amendment of section 11A—Bail authority may direct person to surrender firearm

Section 11A(1) and (4)—delete "part of a firearm" wherever occurring and substitute in each case:

firearm part

Schedule 1—Transitional provision

1—Transitional provision

The amendments to section 3B of the *Bail Act 1985* effected by this Act only apply in relation to a person taken into custody on a charge of an offence allegedly committed after the commencement of this Act.