



Rebekha Sharkie MP

Federal Member for Mayo



MEDIA RELEASE

No Special Treatment for Terrorists - Sharkie Moves to Close Terror Loophole

Federal Member for Mayo Rebekha Sharkie MP is pushing to ensure people found guilty of terrorist offences cannot avoid a conviction through a little-known provision of Commonwealth law.

Ms Sharkie sought to amend the *Counter-Terrorism Legislation Amendment Bill* to ensure courts cannot use section 19B of the *Crimes Act 1914* to dismiss a proven terrorist offence without recording a conviction.

Section 19B currently gives the Court discretion, in certain circumstances, to dismiss a charge after an offence has been proven and discharge the offender without proceeding to conviction.

Ms Sharkie believes this discretion should not be available to a person found guilty of an offence under Australia's counter-terrorism laws.

"A terrorist act is among the most serious offences. It can involve loss of life, serious harm, damage to property or a serious risk to public safety, and can carry a maximum penalty of life imprisonment," Ms Sharkie said.

"If a person is found guilty of a terrorist offence, Australians should expect that a conviction is recorded."

Ms Sharkie acknowledged that although it's unlikely an offence of such seriousness would have no conviction recorded, the current judicial discretion could enable this.

"The primary consideration must be the protection of the Australian community from criminal or other serious conduct.

"Without a conviction a person found guilty of terrorism could walk out of the court and into a job in a school, childcare, aged care or disability care, and nothing shows on their police record that they are a terrorist.

"Where the facts of a terrorist offence have been proven beyond reasonable doubt, I do not believe the law should allow that offence to effectively disappear from a person's criminal record," Ms Sharkie said.

"There are other offences at both a State and Commonwealth level that remove judicial discretion in the same way."

Please note, Ms Sharkie moved this amendment to the Bill, however the Government voted against the amendment during a Division (supported by the Opposition)

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