



Australian Capital Territory

Justice and Community Safety Legislation Amendment Act 2017

A2017-5

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Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

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Australian Capital Territory

Justice and Community Safety Legislation Amendment Act 2017

A2017-5

An Act to amend legislation about justice and community safety, and for other purposes

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 Name of Act

This Act is the *Justice and Community Safety Legislation Amendment Act 2017*.

2 Commencement

- (1) Schedule 1, part 1.8 ([Residential Tenancies Act 1997](#)), amendment 1.17 commences on the later of—
 - (a) the commencement of the [Residential Tenancies Legislation Amendment Act 2016](#), section 5; and
 - (b) the commencement of this Act, section 3.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).
- (2) Schedule 1, part 1.8 ([Residential Tenancies Act 1997](#)), amendment 1.18 commences on the later of—
 - (a) the commencement of the [Residential Tenancies Legislation Amendment Act 2016](#), section 24; and
 - (b) the commencement of this Act, section 3.
- (3) The remaining provisions commence on the 7th day after this Act's notification day.

3 Legislation amended

This Act amends the legislation mentioned in schedule 1.

Schedule 1 Legislation amended

(see s 3)

Part 1.1 Civil Unions Act 2012

[1.1] Section 27

substitute

27 Recognition of civil unions under corresponding laws

- (1) A corresponding law relationship is a civil union for territory law.
- (2) A relationship is a *corresponding law relationship* if it—
 - (a) complies with subsection (3); or
 - (b) is a relationship under a law of a State, external territory or foreign country prescribed by regulation.
- (3) A relationship complies with this subsection if—
 - (a) either—
 - (i) the people in the relationship may not marry each other under the *Marriage Act 1961* (Cwlth); or
 - (ii) the relationship is not recognised as a valid marriage under that Act; and
 - (b) it is registered or formally recognised under a law of a State, external territory or foreign country that provides for the registration or formal recognition of a relationship that meets the following requirements:
 - (i) it must be between 2 adults;
 - (ii) it must be entered into consensually;

- (iii) it must not be entered into by people who are in a prohibited relationship with each other;
- (iv) it must not be entered into by a person who is already married;
- (v) it must not be entered into by a person who is already in a relationship that is registered or formally recognised under that law.

Part 1.2 Coroners Act 1997

[1.2] Section 57 (5)

omit everything before paragraph (a), substitute

- (5) If the responsible Minister receives a report under subsection (4) that contains findings about any serious risks to public safety, the Minister must—

[1.3] New section 57 (5A)

insert

- (5A) If the report contains information that could reasonably identify a deceased person, before presenting the report, the responsible Minister may deidentify the information if the Minister considers it appropriate to do so, having regard to—
 - (a) the interests of the members of the immediate family of the deceased person; and
 - (b) the risk to public safety; and
 - (c) whether or not it is in the public interest.

Part 1.3 **Guardianship and Management of Property Act 1991**

[1.4] Section 8B (1) (d)

after

revokes

insert

or suspends

[1.5] Section 8B (1), note

substitute

Note The ACAT may revoke the enduring power of attorney, or part of it, under s 62 (2) (c), or suspend the enduring power of attorney, or part of it, under s 62 (2) (ca).

[1.6] Section 8B (2)

after

revoked

insert

or suspended

[1.7] New section 62 (2) (ca)

insert

(ca) suspend the enduring power of attorney, or part of it; or

[1.8] New section 62 (5)

insert

- (5) If the ACAT suspends an enduring power of attorney, the ACAT may appoint a guardian or manager for the person who was the principal for the power for the period of the suspension.

Part 1.4 Human Rights Act 2004

[1.9] Section 41

omit

Attorney-General

substitute

Minister

[1.10] Section 41 (3) (c)

omit

Attorney-General's

substitute

Minister's

[1.11] Dictionary, note 2

insert

- Minister (see s 162)

Part 1.5 **Human Rights Commission Act 2005**

[1.12] Section 27 (2) (b)

omit

Attorney-General

substitute

Minister

Part 1.6 **Information Privacy Act 2014**

[1.13] Section 21 (1) and (2)

substitute

- (1) A public sector agency must not enter into a government contract unless the contract contains appropriate contractual provisions requiring the contracted service provider, and any subcontractor for the contract, to comply with—
 - (a) the TPPs; or
 - (b) a TPP code that binds the agency; or
 - (c) a corresponding privacy law.
- (2) Also, a public sector agency must not enter into a government contract that authorises the contracted service provider, or any subcontractor for the contract, to do an act, or engage in a practice, that breaches a TPP, TPP Code or corresponding law that applies to the contract under the contractual provisions mentioned in subsection (1).

[1.14] Section 21 (4)

insert

corresponding privacy law means—

- (a) the *Privacy Act 1988* (Cwlth); or
- (b) a law of a State, external territory or foreign country prescribed by regulation.

Part 1.7 Juries Act 1967

[1.15] Schedule 2, part 2.1, item 1, column 2, third dot point

omit

[1.16] Schedule 2, part 2.2, new item 5A

insert

- 5A a person regularly employed by an airline in the capacity of operating crew

Part 1.8 Residential Tenancies Act 1997

[1.17] Section 8 (2), definition of *break lease clause*

omit

permitted

substitute

provided for

[1.18] Section 36 (c)

omit

or division 4.4

substitute

, division 4.4 or division 6.5A

Part 1.9 **Terrorism (Extraordinary
Temporary Powers) Act 2006**

[1.19] Section 98 (2) (d)

omit

the human rights commissioner has reported to the Attorney-General the results of a review under the [Human Rights Act 2004](#), section 41 (a)

substitute

the human rights commission has reported to the Minister the results of a review under the [Human Rights Act 2004](#), section 41 (1) (a)

[1.20] Dictionary, note 2

insert

- human rights commission

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 15 December 2016.

2 Notification

Notified under the [Legislation Act](#) on 23 February 2017.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Justice and Community Safety Legislation Amendment Bill 2017, which originated in the Legislative Assembly as the Justice and Community Safety Legislation Amendment Bill 2016 (No 3) and was passed by the Assembly on 14 February 2017.

Clerk of the Legislative Assembly

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