



Australian Capital Territory

Justice and Community Safety Legislation Amendment Act 2018

A2018-12

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Australian Capital Territory

Justice and Community Safety Legislation Amendment Act 2018

A2018-12

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:

Part 1 Preliminary

1 Name of Act

This Act is the *Justice and Community Safety Legislation Amendment Act 2018*.

2 Commencement

This Act commences on the 7th day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

3 Legislation amended

This Act amends the following legislation:

- [Civil Law \(Wrongs\) Act 2002](#)
- [Crimes Act 1900](#)
- [Crimes \(Restorative Justice\) Act 2004](#)
- [Family Violence Act 2016](#)
- [Heavy Vehicle National Law \(ACT\) Act 2013](#).

Part 2 Civil Law (Wrongs) Act 2002

4 Duration of scheme **Schedule 4, section 4.28 (6)**

substitute

- (6) To remove any doubt, an instrument under subsection (4) is effective to extend the period for which a scheme is in force even if the instrument is notified after the day the scheme ends.

Part 3 Crimes Act 1900

5 Special hearing Section 316 (3)

substitute

- (3) The Supreme Court must direct the ACAT to appoint a guardian with power to notify the court under subsection (2) (b) (ii) if the court is satisfied that—
- (a) there is no guardian who has power to do so; and
 - (b) the accused is incapable of making the election mentioned in subsection (2) (a) (i).

Part 4 **Crimes (Restorative Justice)
Act 2004**

6 **Quarterly reporting by director-general
Section 68 (2)**

omit

7 days

substitute

14 days

Part 5 Family Violence Act 2016

7 Applications and orders under repealed Act Section 199 (3)

substitute

- (3) However, part 9 (National recognition of FVOs) (other than division 9.6 (Application of pt 9—existing protection orders)) does not apply to a domestic violence order made under the [repealed Act](#).

Part 6 Heavy Vehicle National Law (ACT) Act 2013

8 Exclusion of Legislation Act Section 8 (2) (b)

substitute

- (b) a reference in the [Legislation Act](#), section 64 (1) (Presentation of subordinate laws and disallowable instruments) to—
- (i) ‘6 sitting days’ were a reference to ‘20 sitting days’; and
 - (ii) ‘notification day’ were a reference to ‘published’ as mentioned in the *Heavy Vehicle National Law (ACT)*, section 733 (1) (Publication of national regulations); and

9 New part 10

insert

Part 10 Validation

100 Validation of national regulation amendment regulations

- (1) The national regulations made for the *Heavy Vehicle National Law (ACT)* are taken to be amended by the amending regulations as if the amending regulations—
- (a) had been presented to the Legislative Assembly in accordance with the [Legislation Act](#), section 64 (1) (Presentation of subordinate laws and disallowable instruments); and
 - (b) had not been taken to be repealed under the [Legislation Act](#), section 64 (2).

(2) In this section:

amending regulations means—

- (a) the *Heavy Vehicle (General) National Amendment Regulation* (NSW); and
- (b) the *Heavy Vehicle National Amendment Regulation 2017* (NSW).

101 Expiry—pt 10

This part expires on the day it commences.

Note If a law validates something, the validating effect of the law does not end only because of the repeal of the law (see [Legislation Act](#), s 88 (1)).

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 22 March 2018.

2 Notification

Notified under the [Legislation Act](#) on 18 April 2018.

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 2018, which was passed by the Legislative Assembly on 10 April 2018.

Acting Clerk of the Legislative Assembly

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