

Australian Capital Territory

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Australian Capital Territory

Justice and Community Safety Legislation Amendment Act 2023 (No 2)

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 2023 (No 2)*.

2 Commencement

This Act commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), s 75 (1)).

3 Legislation amended

This Act amends the following legislation:

 [Associations Incorporation Act 1991](http://www.legislation.act.gov.au/a/1991-46)

 [Court Procedures Act 2004](http://www.legislation.act.gov.au/a/2004-59)

 [Crimes (Sentence Administration) Act 2005](http://www.legislation.act.gov.au/a/2005-59)

 [Crimes (Sentencing) Act 2005](http://www.legislation.act.gov.au/a/2005-58)

 [Gaming Machine Act 2004](http://www.legislation.act.gov.au/a/2004-34)

 [Land Titles (Unit Titles) Act 1970](http://www.legislation.act.gov.au/a/1970-32).

Note This Act also amends other legislation (see sch 1).

Part 2 Associations Incorporation Act 1991

4 Special resolutions
Section 70 (b)

omit

in person

substitute

personally

5 New section 70 (2)

insert

 (2) For this section, voting personally includes voting while taking part in a meeting conducted using a method of communication, or a combination of methods of communication, that allows a member taking part to hear or otherwise know what each other member taking part says without the members being in each other’s presence.

**Examples—methods of communication**

video conferencing software, instant messaging, telephone conferencing, in writing

6 New part 12

insert

Part 12 Validation

144 Validation of certain general meetings

 (1) This section applies to a general meeting held in accordance with section 70AA (General meetings—procedure during COVID-19 emergency) (repealed) after 29 September 2022 and before the commencement of this section.

 (2) Despite the general meeting being held other than during a COVID‑19 emergency—

 (a) the meeting is taken to have been validly held; and

 (b) any member who took part in the meeting is taken to have been present at the meeting; and

 (c) anything done, or purported to have been done at or in relation to the meeting, including any vote cast by a member mentioned in paragraph (b), is taken to be, and always have been, validly done as if section 70AA applied to the meeting.

145 Expiry—pt 12

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](http://www.legislation.act.gov.au/a/2001-14), s 88 (1)).

Part 3 Court Procedures Act 2004

7 Advisory committee
Section 11 (2) (d)

omit

principal registrar

substitute

chief executive officer

8 Part 2A heading

substitute

Part 2A Chief executive officer of courts

9 Section 11A heading

substitute

11A Appointment of chief executive officer

10 Section 11A (1)

omit

Principal Registrar and

11 Section 11A (1)

omit

(the principal registrar)

substitute

(the chief executive officer)

12 Section 11A (1), notes 1 and 2

substitute

Note For laws about appointments, see the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), pt 19.3.

13 Section 11A (2) and (3)

omit

principal registrar

substitute

chief executive officer

14 Section 11A (3), note

omit

15 Section 11A (4)

omit

principal registrar

substitute

chief executive officer

16 Section 11A (4), note

omit

17 Section 11B heading

substitute

11B Administrative functions of chief executive officer

18 Section 11B (1) and (2)

omit

principal registrar

substitute

chief executive officer

19 Section 11B (3)

omit

principal registrar’s

substitute

chief executive officer’s

20 Section 11B (3), note

omit

principal registrar

substitute

chief executive officer

21 Section 11BA heading

substitute

11BA Delegation by chief executive officer

22 Section 11BA

omit

principal registrar

substitute

chief executive officer

23 Section 11BA

omit

principal registrar’s

substitute

chief executive officer’s

24 Section 11BA, note

substitute

Note For laws about delegations, see the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), pt 19.4.

25 Leave of absence
Section 11BB

omit

principal registrar

substitute

chief executive officer

26 Section 11BC heading

substitute

11BC Chief executive officer must not do other work

27 Sections 11BC and 11BD

omit

principal registrar

substitute

chief executive officer

28 Section 11C heading

substitute

11C Ending chief executive officer’s appointment

29 Section 11C (1)

omit

principal registrar

substitute

chief executive officer

30 Section 11C (2), note

omit

31 Section 11D heading

substitute

11D Chief executive officer not to direct registrars in relation to court functions

32 Sections 11D and 11E

omit

principal registrar

substitute

chief executive officer

33 Dictionary, new definition of chief executive officer

insert

chief executive officer—see section 11A (1).

34 Dictionary, definition of principal registrar

omit

Part 4 Crimes (Sentence Administration) Act 2005

35 Parole order transfer—effect of registration under this Act
Section 168 (3)

substitute

 (3) If a parole order for a sentence of life imprisonment imposed on a person under a law of a State or another Territory was registered under section 167 before the commencement day—

 (a) the interstate nonparole period is taken to have been validly set by the appropriate ACT court as the nonparole period for the sentence despite any ACT law to the contrary; and

 (b) a primary sentence imposed on the person after the order was registered but before the commencement day is taken not to have resulted in the cancellation of the interstate nonparole period because of the operation of the [Crimes (Sentencing) Act 2005](http://www.legislation.act.gov.au/a/2005-58), section 66 (3).

36 New section 168 (6)

insert

 (6) In this section:

appropriate ACT court, in relation to a sentence imposed on a person under a law of a State or another Territory, means—

 (a) if the sentence was imposed by a court of summary jurisdiction or a court on appeal from a court of summary jurisdiction—the Magistrates Court; or

 (b) in any other case—the Supreme Court.

commencement day means the day the Justice and Community Safety Legislation Amendment Act 2023 (No 2), section 35 commences.

interstate nonparole period, for a sentence imposed on a person under a law of a State or another Territory, means the period (shorter than the sentence) for which the person is ineligible to be released on parole under a law of the State or other Territory.

primary sentence—see the [Crimes (Sentencing) Act 2005](http://www.legislation.act.gov.au/a/2005-58), section 66 (1) (b).

Part 5 Crimes (Sentencing) Act 2005

37 Application—pt 5.2
Section 64 (2), definition of excluded sentence of imprisonment, paragraph (f)

substitute

 (f) a sentence of life imprisonment, other than a sentence—

 (i) that was imposed by a court of a State or another Territory; and

 (ii) in relation to which a parole order is registered under the [Crimes (Sentence Administration) Act 2005](http://www.legislation.act.gov.au/a/2005-59), section 167 (Parole order transfer—registration); or

38 Nonparole periods—court to set
Section 65(5)

substitute

 (5) If the offender is subject to a sentence of life imprisonment, the court must not set a nonparole period for any sentence of imprisonment that is imposed on the offender unless—

 (a) the sentence of life imprisonment to which the offender is subject was imposed by a court of a State or another Territory; and

 (b) a parole order for the sentence of life imprisonment is registered under the [Crimes (Sentence Administration) Act 2005](http://www.legislation.act.gov.au/a/2005-59), section 167 (Parole order transfer—registration).

Part 6 Gaming Machine Act 2004

39 Voluntary surrender agreement
New section 10C (2A)

insert

 (2A) The term of each voluntary surrender agreement is extended until 1 April 2028, despite anything to the contrary in any agreement.

40 Offsets
Section 10H (1) (a) and (c)

omit

1 April 2026

substitute

1 April 2028

41 Section 10U

substitute

10U Expiry—pt 2A

 (1) This part expires on 1 April 2028.

 (2) However, section 10G and this subsection expire on 1 April 2024.

42 Review of gaming machine tax rebate
Section 179A (1)

omit

30 November 2023

substitute

31 March 2024

43 Section 179A (2)

omit

8 April 2024

substitute

30 June 2024

Part 7 Land Titles (Unit Titles) Act 1970

44 Relationship with Land Titles Act
New section 4 (3) (c)

before the notes, insert

 (c) a copy of an ACAT order.

45 Registration of final building damage orders
Section 20 (1) and note

omit

Magistrates Court

substitute

ACAT

46 Section 20 (1) and (2)

omit

an office copy

substitute

a copy

47 Appointment of administrator—registration
Section 28 and note

omit

Magistrates Court

substitute

ACAT

48 Section 28

omit

an office copy

substitute

a copy

49 Dictionary, note 2

omit

 Magistrates Court

substitute

 ACAT

Schedule 1 Consequential amendments

(see s 3)

Part 1.1 Freedom of Information Act 2016

[1.1] Dictionary, definition of principal officer, paragraph (b)

omit

principal registrar appointed under the [Court Procedures Act 2004](http://www.legislation.act.gov.au/a/2004-59), section 11A

substitute

chief executive officer appointed under the [Court Procedures Act 2004](http://www.legislation.act.gov.au/a/2004-59), section 11A (1)

Part 1.2 Road Transport (Driver Licensing) Regulation 2000

[1.2] Section 12 (10), definition of judicial officer

omit

principal registrar appointed under the [Court Procedures Act 2004](http://www.legislation.act.gov.au/a/2004-59), section 11A

substitute

chief executive officer appointed under the [Court Procedures Act 2004](http://www.legislation.act.gov.au/a/2004-59), section 11A (1)

Part 1.3 Territory Records Act 2002

[1.3] Section 8, definition of principal officer, paragraph (c)

omit

principal registrar appointed under the [Court Procedures Act 2004](http://www.legislation.act.gov.au/a/2004-59), section 11A

substitute

chief executive officer appointed under the [Court Procedures Act 2004](http://www.legislation.act.gov.au/a/2004-59), section 11A (1)

Endnotes

1 Presentation speech

 Presentation speech made in the Legislative Assembly on 11 May 2023.

2 Notification

 Notified under the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14) on 8 November 2023.

3 Republications of amended laws

 For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au/).

I certify that the above is a true copy of the Justice and Community Safety Legislation Amendment Bill 2023 (No 2), which originated in the Legislative Assembly as the Justice and Community Safety Legislation Amendment Bill 2023 and was passed by the Legislative Assembly on 31 October 2023.

Clerk of the Legislative Assembly

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