



Australian Capital Territory

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

A2023-42

Contents

	Page
Part 1	Preliminary
1	Name of Act 2
2	Commencement 2
3	Legislation amended 2
Part 2	Associations Incorporation Act 1991
4	Special resolutions Section 70 (b) 3
5	New section 70 (2) 3
6	New part 12 4

J2022-1237

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

Part 3		Court Procedures Act 2004	
7	Advisory committee		
	Section 11 (2) (d)		5
8	Part 2A heading		5
9	Section 11A heading		5
10	Section 11A (1)		5
11	Section 11A (1)		5
12	Section 11A (1), notes 1 and 2		6
13	Section 11A (2) and (3)		6
14	Section 11A (3), note		6
15	Section 11A (4)		6
16	Section 11A (4), note		6
17	Section 11B heading		6
18	Section 11B (1) and (2)		7
19	Section 11B (3)		7
20	Section 11B (3), note		7
21	Section 11BA heading		7
22	Section 11BA		8
23	Section 11BA		8
24	Section 11BA, note		8
25	Leave of absence		
	Section 11BB		8
26	Section 11BC heading		9
27	Sections 11BC and 11BD		9
28	Section 11C heading		9
29	Section 11C (1)		9
30	Section 11C (2), note		9
31	Section 11D heading		9
32	Sections 11D and 11E		10
33	Dictionary, new definition of <i>chief executive officer</i>		10
34	Dictionary, definition of <i>principal registrar</i>		10

	Page
Part 4	Crimes (Sentence Administration) Act 2005
35	Parole order transfer—effect of registration under this Act Section 168 (3) 11
36	New section 168 (6) 11
Part 5	Crimes (Sentencing) Act 2005
37	Application—pt 5.2 Section 64 (2), definition of <i>excluded sentence of imprisonment</i> , paragraph (f) 13
38	Nonparole periods—court to set Section 65(5) 13
Part 6	Gaming Machine Act 2004
39	Voluntary surrender agreement New section 10C (2A) 14
40	Offsets Section 10H (1) (a) and (c) 14
41	Section 10U 14
42	Review of gaming machine tax rebate Section 179A (1) 14
43	Section 179A (2) 15
Part 7	Land Titles (Unit Titles) Act 1970
44	Relationship with Land Titles Act New section 4 (3) (c) 16
45	Registration of final building damage orders Section 20 (1) and note 16
46	Section 20 (1) and (2) 16
47	Appointment of administrator—registration Section 28 and note 16
48	Section 28 17
49	Dictionary, note 2 17

Contents

		Page
Schedule 1	Consequential amendments	18
Part 1.1	Freedom of Information Act 2016	18
Part 1.2	Road Transport (Driver Licensing) Regulation 2000	18
Part 1.3	Territory Records Act 2002	19



Australian Capital Territory

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

A2023-42

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](#), s 75 (1)).

3 Legislation amended

This Act amends the following legislation:

- [Associations Incorporation Act 1991](#)
- [Court Procedures Act 2004](#)
- [Crimes \(Sentence Administration\) Act 2005](#)
- [Crimes \(Sentencing\) Act 2005](#)
- [Gaming Machine Act 2004](#)
- [Land Titles \(Unit Titles\) Act 1970](#).

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](#), 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](#), 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](#), pt 19.4.

**25 Leave of absence
Section 11BB**

omit

principal registrar

substitute

chief executive officer

26	Section 11BC heading
	<i>substitute</i>
11BC	Chief executive officer must not do other work
27	Sections 11BC and 11BD
	<i>omit</i>
	principal registrar
	<i>substitute</i>
	chief executive officer
28	Section 11C heading
	<i>substitute</i>
11C	Ending chief executive officer's appointment
29	Section 11C (1)
	<i>omit</i>
	principal registrar
	<i>substitute</i>
	chief executive officer
30	Section 11C (2), note
	<i>omit</i>
31	Section 11D heading
	<i>substitute</i>
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*, 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*, 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*, 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*, section 167 (Parole order transfer—registration).

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*, section 11A

substitute

chief executive officer appointed under the *Court Procedures Act 2004*, 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*, section 11A

substitute

chief executive officer appointed under the *Court Procedures Act 2004*, 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*, section 11A

substitute

chief executive officer appointed under the *Court Procedures Act 2004*, 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](#) on 8 November 2023.

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 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

© Australian Capital Territory 2023