



Australian Capital Territory

Justice and Community Safety Legislation Amendment Act 2024

A2024-49

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Australian Capital Territory

Justice and Community Safety Legislation Amendment Act 2024

A2024-49

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 2024*.

2 Commencement

- (1) Section 3 and parts 8 and 9 are taken to have commenced on the commencement of the *Human Rights (Complaints) Legislation Amendment Act 2023*, section 23.

Note The naming and commencement provisions are taken to have commenced on 11 June 2024 (see [Legislation Act](#), s 75 (2)).

- (2) Part 6 commences on the commencement of the *Crimes Legislation Amendment Act 2024*, section 14.
- (3) Part 10 is taken to have commenced on the commencement of the *Parentage (Surrogacy) Amendment Act 2024*, section 3.
- (4) The remaining provisions commence on the day after this Act's notification day.

3 Legislation amended

This Act amends the following legislation:

- *Civil Law (Wrongs) Act 2002*
- *Civil Law (Wrongs) Regulation 2003*
- *Corrections Management Act 2007*
- *Court Procedures Act 2004*
- *Crimes Act 1900*
- *Domestic Violence Agencies Act 1986*
- *Human Rights Act 2004*
- *Human Rights Commission Act 2005*

- *Parentage Act 2004*
- *Security Industry Act 2003*
- *Urban Forest Act 2023*.

Note This Act also amends the *Discrimination Act 1991* (see sch 1).

Part 2 Civil Law (Wrongs) Act 2002

4 Claimant may add later respondents Section 55 (2) (a)

substitute

(a) within the period (if any) prescribed by regulation; or

5 Section 55 (3) (b)

omit

time

substitute

period

6 Respondent may add someone else as contributor Section 57 (1)

omit

may, within the time prescribed by regulation, add

substitute

may add

7 Section 57 (2)

substitute

(2) However, the respondent may add someone else as a contributor only—

(a) within the period (if any) prescribed by regulation; or

(b) if the contributor and all parties to the claim agree; or

(c) if the court gives leave.

8 Section 57 (3)

omit 1st mention of

If

substitute

Also, if

9 Section 57 (5)

omit

time

substitute

period

Part 3

Civil Law (Wrongs) Regulation 2003

10 **Sections 7 and 8**

substitute

7 **Claimant adds later respondent—period to tell other respondents—Act, s 55 (3) (b)**

The period prescribed is 1 month after the day the claimant adds the later respondent.

8 **Respondent adds contributor—period to give copy of contribution notice to other parties—Act, s 57 (5)**

The period prescribed is 1 month after the day the respondent adds someone else as a contributor.

Part 4 Corrections Management Act 2007

11 Treatment of convicted and non-convicted detainees Section 44 (4) and example

substitute

- (4) Despite subsection (2), the director-general may give directions for different accommodation of a non-convicted detainee if the director-general is satisfied that it is reasonably necessary to do so—
- (a) to protect the safety of the detainee or anyone else; or
 - (b) in the best interests of the detainee.

Part 5 Court Procedures Act 2004

**12 Director-general, public advocate and Aboriginal and Torres Strait Islander children and young people commissioner etc may appear at proceedings
Section 74C (2) (e)**

omit

proceeding is against

substitute

hearing relates to

Part 6 Crimes Act 1900

13 Persistent sexual abuse of child or young person under special care Section 56 (3)

omit

unanimously

14 Section 56 (3), new note

insert

Note For circumstances in which a majority verdict is a sufficient verdict in a proceeding for an offence against s (1), see the [Juries Act 1967](#), s 38.

Part 7 **Domestic Violence Agencies Act 1986**

15 **Review of part Section 16Y (1)**

substitute

- (1) The Minister must review the operation of this part as soon as practicable after 31 March 2026.

16 **Section 16Y (3)**

substitute

- (3) This section expires on 31 March 2027.

Part 8 Human Rights Act 2004

17 Public authorities must act consistently with human rights Section 40B (1), note

after

a public authority

insert

, other than a public authority mentioned in section 40 (1) (e),

Part 9 Human Rights Commission Act 2005

18 Dictionary, definition of *person complained about*, paragraph (d) (ii)

omit

, (e)

19 Dictionary, definition of *public authority*, paragraph (b)

substitute

- (b) includes an entity for whom a declaration is in force under the [Human Rights Act 2004](#), section 40D (Other entities may choose to be subject to obligations of public authorities); but
- (c) does not include a public authority mentioned in the [Human Rights Act 2004](#), section 40 (1) (e).

Part 10 **Parentage Act 2004**

20	Counselling Section 28A (2)
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omit

Part 11 Security Industry Act 2003

21 New section 29AA

in division 3.7A, before section 29A, insert

29AA Disclosure of disqualifying offences

- (1) A licensee must notify the commissioner for fair trading, in writing, if the licensee is convicted or found guilty of an offence mentioned in section 21 (3) (General suitability criteria) during the term of the licence.
- (2) A licensee commits an offence if the licensee fails to give notice in accordance with subsection (1) within 14 days after the day the licensee becomes aware of the conviction or finding of guilt.

Maximum penalty: 20 penalty units.

- (3) An offence against this section is a strict liability offence.

Part 12 Urban Forest Act 2023

22 Application for approval of tree damaging etc activity Section 21 (1)

omit

leased

23 Definitions—sdiv 3.3.2 Section 34, definition of *decision-maker*

substitute

decision-maker, in relation to a protected tree that is proposed to be removed in accordance with a development approval, means the territory planning authority.

24 Decision on approval application—canopy contribution agreements Section 35 (3), note

substitute

Note The decision-maker in relation to a protected tree that is proposed to be removed in accordance with a development approval is the territory planning authority.

25 Section 35 (4) (b)

substitute

- (b) the approval relates to a public tree and an administrative unit has—
 - (i) approved the removal of the tree at the applicant’s cost; and
 - (ii) stated, in writing, that the tree would be removed by the administrative unit as part of an activity authorised under section 19; or

26 Dictionary, definition of *decision-maker*, paragraph (b)

substitute

- (b) for subdivision 3.3.2 (Approved activities—canopy contributions), in relation to a protected tree that is proposed to be removed in accordance with a development approval—see section 34.

Schedule 1 Discrimination Act 1991— Minor amendment

(see s 3)

[1.1] Section 32 (4)

omit

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 15 May 2024.

2 Notification

Notified under the [Legislation Act](#) on 17 September 2024.

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 2024, which was passed by the Legislative Assembly on 5 September 2024.

Clerk of the Legislative Assembly

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