



Australian Capital Territory

Justice and Community Safety Legislation Amendment Act 2025

A2025-2

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Australian Capital Territory

Justice and Community Safety Legislation Amendment Act 2025

A2025-2

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 2025*.

2 Commencement

- (1) This Act (other than sections 17, 20 and 22) 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)).

- (2) Sections 17, 20 and 22 commence 3 months after this Act's notification day.

3 Legislation amended

This Act amends the following legislation:

- [Fair Trading \(Australian Consumer Law\) Act 1992](#)
- [Gambling and Racing Control Act 1999](#)
- [Gaming Machine Act 2004](#)
- [Human Rights Commission Act 2005](#)
- [Official Visitor Act 2012](#)
- [Residential Tenancies Act 1997](#)
- [Retirement Villages Act 2012](#).

Part 2

Fair Trading (Australian Consumer Law) Act 1992

4 New section 65A

insert

65A Conduct by representatives

- (1) This section applies to a proceeding under this Act or the *Australian Consumer Law (ACT)* for conduct engaged in by a person.
- (2) If it is necessary to establish the state of mind of the person, it is sufficient to show that—
 - (a) a representative of the person engaged in the conduct within the scope of the representative's authority; and
 - (b) the representative had that state of mind.
- (3) The following conduct is taken to have been engaged in also by the person:
 - (a) conduct of a representative of the person within the scope of the representative's authority;
 - (b) conduct engaged in on behalf of the person by another person if—
 - (i) the other person engages in the conduct at the direction or with the consent or agreement (whether express or implied) of a representative of the person; and
 - (ii) the giving of the direction, consent or agreement is within the scope of the representative's authority.

- (4) An individual is not liable to be punished by imprisonment for an offence if—
- (a) subsection (2) or (3) applied in relation to the conviction on the basis that the individual was the person (other than a representative) mentioned in the subsection; and
 - (b) the individual would not have been convicted of the offence if the subsection had not been enacted.
- (5) In this section:
- authority* means actual or apparent authority.
- conduct* means an act or an omission to do an act.
- representative*, of a person—
- (a) means an employee or agent of the person; and
 - (b) if the person is a body corporate—includes a director of the body corporate.

5 Dictionary, note 2

insert

- individual

Part 3 Gambling and Racing Control Act 1999

6 Review of cap on number of authorisations Section 50A (1)

omit

1 May 2025

substitute

31 December 2026

7 Section 50A (2)

omit

1 May 2026

substitute

31 December 2027

Part 4 Gaming Machine Act 2004

8 Review of trading scheme Section 179 (1)

omit

1 May 2025

substitute

31 December 2026

9 Section 179 (2)

omit

1 May 2026

substitute

31 December 2027

Part 5 Human Rights Commission Act 2005

10 Human rights complaints Section 41D (4), definition of *relevant person*

substitute

relevant person, for a complaint under subsection (2) (a), means the person who would be a respondent if the complaint was a human rights complaint.

11 Commission's obligation to be prompt and efficient New section 45 (1A)

insert

(1A) Without limiting subsection (1), the commission may make any preliminary inquiry it considers necessary and appropriate to decide how to deal with a complaint.

12 Section 45 (2)

omit

In particular,

substitute

Without limiting subsection (1), in dealing with a complaint,

13 Section 45 (3)

omit everything before paragraph (a), substitute

The commission need not consider a complaint if satisfied that—

14 Section 45 (4)

omit

Also, the commission need not give notice under subsection (2) to the person complained of

substitute

The commission need not give notice to the respondent under subsection (2)

15 Section 45 (5) (b)

omit

that person

substitute

them

**16 Definitions—div 4.2B
Section 53F**

omit

17 New section 53IA

insert

53IA Referral of commission-initiated (retirement villages) matter

- (1) This section applies if a commission-initiated report is prepared under section 84 for a commission-initiated (retirement villages) consideration.
- (2) The commission may refer a commission-initiated (retirement villages) matter to the ACAT within 60 days after the report has been prepared.

(3) If the commission refers a commission-initiated (retirement villages) matter to the ACAT, the commission must give written notice of the referral to the respondent.

(4) In this section:

commission-initiated (retirement villages) consideration means a commission-initiated consideration that relates to a service provided by the operator of a retirement village under the [Retirement Villages Act 2012](#).

commission initiated (retirement villages) matter means a matter or complaint under commission-initiated (retirement villages) consideration that involves an act that is unlawful under the [Retirement Villages Act 2012](#).

18 Division 4.2C heading

substitute

Division 4.2C Occupancy dispute complaints to ACAT

19 Definitions—div 4.2C Section 53P

omit

20 New section 53SA

insert

53SA Referral of commission-initiated (occupancy dispute) matter

(1) This section applies if a commission-initiated report is prepared under section 84 for a commission-initiated (occupancy dispute) consideration.

- (2) The commission may refer a commission-initiated (occupancy dispute) matter to the ACAT within 60 days after the report has been prepared.
- (3) If the commission refers a commission-initiated (occupancy dispute) matter to the ACAT, the commission must give written notice of the referral to the respondent.
- (4) In this section:

commission-initiated (occupancy dispute) consideration means a commission-initiated consideration that relates to an occupancy dispute.

commission initiated (occupancy dispute) matter means a matter or complaint under commission-initiated (occupancy dispute) consideration that involves an act that is unlawful under the [Residential Tenancies Act 1997](#).

21 **Meaning of *person complained about*—div 4.2D** **Section 53Z**

omit

22 **New section 53ZBA**

insert

53ZBA **Referral of commission-initiated (conversion practice) matter**

- (1) This section applies if a commission-initiated report is prepared under section 84 for a commission-initiated (conversion practice) consideration.
- (2) The commission may refer a commission-initiated (conversion practice) matter to the ACAT within 60 days after the report has been prepared.

(3) If the commission refers a commission-initiated (conversion practice) matter to the ACAT, the commission must give written notice of the referral to the respondent.

(4) In this section:

commission-initiated (conversion practice) consideration means a commission-initiated consideration that relates to a sexuality or gender identity conversion practice.

commission initiated (conversion practice) matter means a matter or complaint under commission-initiated (conversion practice) consideration that involves an act that is unlawful under the [Sexuality and Gender Identity Conversion Practices Act 2020](#).

23 Section 71A

substitute

71A Commission may treat new entity as respondent

- (1) This section applies if the commission is considering a complaint, and is satisfied on reasonable grounds that—
 - (a) the complaint should have been made against an entity (the ***new entity***) other than the respondent; or
 - (b) the complaint could have been made by the complainant against an entity (also the ***new entity***) as well as the respondent.
- (2) The commission may, by written notice given to the complainant and the new entity, elect to treat the new entity as a respondent in the complaint.
- (3) If the commission elects to treat the new entity as a respondent in the complaint—
 - (a) the new entity is taken to be a respondent in the complaint for this Act and related Acts; and

- (b) the complaint is taken to have been made against the new entity at the time the commission elected to treat the new entity as a respondent.
- (4) Also, the commission must take reasonably practicable steps to ensure that the new entity is not disadvantaged only because the commission elected to treat the entity as a respondent in the complaint rather than waiting for a new complaint to be made about the entity.

24 **When complaints can be closed**
New section 78 (1) (h)

insert

- (h) the commission is satisfied, taking into account all the circumstances, that further consideration of the complaint is not justified.

25 **Final report**
Section 81 (1) and note

substitute

- (1) If the commission is satisfied the respondent has acted inconsistently with an applicable standard, the commission may make recommendations to the respondent in the final report.

26 **Closing discrimination complaints**
New section 82 (2) (aa)

insert

- (aa) the complaint has otherwise been resolved to the commission's satisfaction; or

27 New section 82 (2) (c)

insert

- (c) the complaint has been closed because the complainant, without good reason, failed to take reasonable steps to resolve the complaint.

**28 Closing retirement village complaints
New section 82A (2) (aa)**

insert

- (aa) the complaint has otherwise been resolved to the commission's satisfaction; or

29 New section 82A (2) (c)

insert

- (c) the complaint has been closed because the complainant, without good reason, failed to take reasonable steps to resolve the complaint.

**30 Closing occupancy dispute complaints
New section 82B (2) (aa)**

insert

- (aa) the complaint has otherwise been resolved to the commission's satisfaction; or

31 New section 82B (2) (c)

insert

- (c) the complaint has been closed because the complainant, without good reason, failed to take reasonable steps to resolve the complaint.

**32 Closing conversion practice complaints
New section 82C (2) (aa)**

insert

- (aa) the complaint has otherwise been resolved to the commission's satisfaction; or

33 New section 82C (2) (c)

insert

- (c) the complaint has been closed because the complainant, without good reason, failed to take reasonable steps to resolve the complaint.

**34 Third-party reports
Section 83 (6)**

omit last mention of

the person

substitute

them

35 New part 9*insert***Part 9 Transitional—Justice and
Community Safety Legislation
Amendment Act 2025****127 Meaning of *commencement day*—pt 9**

In this part:

commencement day means the day the *Justice and Community Safety Legislation Amendment Act 2025*, section 35 commences.

128 Person complained about taken to be respondent

A reference to a person complained about under a provision of this Act as in force immediately before the commencement day is, on and after the commencement day, taken to be a reference to a respondent.

129 Person complained about in complaint referred to ACAT not yet decided

- (1) This section applies if, before the commencement day—
 - (a) a complaint is referred to the ACAT; and
 - (b) the ACAT has not decided whether the person complained about committed an unlawful act.
- (2) A person complained about that is a party to the complaint is, on and after the commencement day, taken to be a respondent that is a party to the complaint.

130 Expiry—pt 9

This part expires 2 years after the commencement day.

Note A transitional provision is repealed on its expiry but continues to have effect after its repeal (see [Legislation Act](#), s 88).

36 Dictionary, definition of *person complained about*

omit

37 Dictionary, new definition of *respondent*

insert

respondent, complained about, means—

- (a) for a human rights complaint—if the public authority complained about is—
 - (i) an administrative unit, or a public servant employed in or appointed to an office in the administrative unit—the director-general of the administrative unit; or
 - (ii) a territory authority—the director-general of the administrative unit responsible for the provision of the Act that establishes the authority; or
 - (iii) a territory instrumentality, or a public employee employed by the instrumentality—the director-general of the administrative unit responsible for the provision of the Act that establishes the instrumentality; or
 - (iv) a Minister—the Minister; or
 - (v) a statutory office-holder, or public sector member employed by or providing services for the statutory office-holder—the statutory office holder; or
 - (vi) an entity mentioned in the [Human Rights Act 2004](#), section 40 (1) (g)—the entity; or

- (vii) an entity for whom a declaration is in force under the *Human Rights Act 2004*, section 40D—the entity; and
- (b) in relation to any other complaint made under this Act—the person or entity complained about.

Examples—person or entity complained about

- a grantor under an occupancy agreement
- a justice agency
- a provider of a sexuality or gender identity conversion practice
- a record keeper under the *Health Records (Privacy and Access) Act 1997*
- a service provider
- an operator of a retirement village

38 Dictionary, definition of *retirement village complaint*

substitute

retirement village complaint—see section 53G.

39 Further amendments, mentions of *person complained about*

omit

person complained about

substitute

respondent

in

- sections 45 and 46
- section 49
- section 52B
- section 53A
- sections 53BA to 53CA

- section 53E
- section 53H
- section 53J
- section 53M
- section 53R
- section 53T
- section 53ZA
- section 53ZC
- section 53ZE
- section 54
- section 57
- section 65
- section 80
- sections 82D and 83
- dictionary, definition of *party*

Part 6 Official Visitor Act 2012

40 **New section 24A**

insert

24A Protection from liability

- (1) An entitled person at a visitable place, or anyone else, who takes any of the following actions honestly and without recklessness does not incur civil or criminal liability only because of taking the action:
 - (a) making a complaint under section 22 to an official visitor;
 - (b) making a statement, or giving a document or information, as required or allowed under a territory law, to an official visitor.
- (2) Also, taking an action mentioned in subsection (1) honestly and without recklessness is not a breach of—
 - (a) confidence; or
 - (b) professional etiquette or ethics; or
 - (c) a rule of professional conduct.

41 **New section 25A**

insert

25A Information sharing between official visitors

- (1) An official visitor may give official visitor information to another official visitor (the *receiving official visitor*), and a receiving official visitor may use the information, if the information is necessary for the effective exercise of a function under this Act.

- (2) If a receiving official visitor uses official visitor information given to them under subsection (1)—
- (a) a secrecy requirement is taken to apply to the receiving official visitor in relation to the information; and
 - (b) the receiving official visitor is taken to be a person engaged in the administration of the law that contains the secrecy requirement.

- (3) In this section:

official visitor information means information disclosed to, or obtained by, an official visitor in the exercise of a function under this Act.

secrecy requirement means a prohibition on the disclosure of information that applies to an official visitor in relation to official visitor information, whether the prohibition is absolute or subject to stated exceptions or qualifications.

Part 7 Residential Tenancies Act 1997

42 Repayment of bond to former co-tenant—consecutive tenancy agreement New section 35BA (1) (ba)

insert

(ba) a bond is held in relation to the terminated agreement; and

43 Payment of bond by new co-tenant—consecutive tenancy agreement New section 35FA (1) (aa)

insert

(aa) a bond is held in relation to the residential tenancy agreement that terminates or is terminated; and

44 Definitions—div 4.3A Section 46C, definition of *notice of continuing tenancy*

substitute

notice of continuing tenancy—see section 46F (2) (a).

45 Section 46F*substitute***46F Co-tenancies—lessor to give notice to other co-tenants and Territory**

- (1) This section applies if a co-tenant gives a family violence termination notice to the lessor for a residential tenancy agreement.
- (2) The lessor must, within 7 days after the vacating day stated in the family violence termination notice—
 - (a) give each of the remaining co-tenants a notice (a ***notice of continuing tenancy***) about the matters mentioned in section 46G (2) to (5); and
 - (b) if a bond is held in relation to the agreement—tell the Territory—
 - (i) the name of the co-tenant; and
 - (ii) that the lessor has received a family violence termination notice from the co-tenant.
- (3) However, the lessor must not give any of the remaining co-tenants the notice of continuing tenancy until after—
 - (a) the vacating day; and
 - (b) if a bond is held in relation to the agreement—telling the Territory about the matters mentioned in subsection (2) (b).
- (4) The lessor must not give any of the remaining co-tenants a supporting document for the family violence termination notice.

**46 Co-tenancies—effect of serving family violence termination notice
Section 46G (4)**

omit

notice to vacate

substitute

notice of intention to vacate

47 Dictionary, definition of *notice of continuing tenancy*

omit

section 46F (2)

substitute

section 46F (2) (a)

Part 8 Retirement Villages Act 2012

48 Membership of residents committee New section 104 (1A)

insert

- (1A) For subsection (1), the 3 consecutive year period starts on the day the person starts performing the functions of the office.

49 New section 104 (6)

insert

- (6) In this section:

office, on a residents committee for a retirement village—

- (a) means a position on the committee with stated functions; and

Examples

president, treasurer, secretary

- (b) does not include the position of ordinary member.

50 Result of vote Schedule 1, section 1.4 (1) (a)

substitute

- (a) a person who holds an office on the residents committee for the village; or

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 4 December 2024.

2 Notification

Notified under the [Legislation Act](#) on 20 February 2025.

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 2025, which originated in the Legislative Assembly as the Justice and Community Safety Legislation Amendment Bill 2024 (No 2) and was passed by the Assembly on 4 February 2025.

Clerk of the Legislative Assembly

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