

2009

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Attorney-General)

# Justice and Community Safety Legislation Amendment Bill 2009 (No 4)

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## **Justice and Community Safety Legislation Amendment Bill 2009 (No 4)**

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### **A Bill for**

An Act to amend legislation about justice and community safety

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The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 **1 Name of Act**

2 This Act is the *Justice and Community Safety Legislation*  
3 *Amendment Act 2009 (No 4)*.

4 **2 Commencement**

5 (1) The following provisions commence on a day fixed by the Minister  
6 by written notice:

- 7 • schedule 1, part 1.5 (Security Industry Act 2003)  
8 • schedule 1, part 1.6 (Security Industry Regulation 2003)  
9 • schedule 1, part 1.7 (Trustee Companies Act 1947).

10 *Note 1* The naming and commencement provisions automatically commence on  
11 the notification day (see Legislation Act, s 75 (1)).

12 *Note 2* A single day or time may be fixed, or different days or times may be  
13 fixed, for the commencement of different provisions (see Legislation  
14 Act, s 77 (1)).

15 (2) The remaining provisions commence on the later of—

16 (a) the commencement of the *Justice and Community Safety*  
17 *Legislation Amendment Act 2009 (No 3)*, part 1.2 (ACT Civil  
18 and Administrative Tribunal (Transitional Provisions)  
19 Regulation 2009); and

20 (b) the day after this Act's notification day.

21 (3) If a provision of this Act has not commenced within 2 years  
22 beginning on its notification day, it automatically commences on the  
23 first day after that period.

24 (4) The Legislation Act, section 79 (Automatic commencement of  
25 postponed law) does not apply to this Act.

26 **3 Legislation amended**

27 This Act amends the legislation mentioned in schedule 1.

1 **Schedule 1**            **Legislation amended**

2 (see s 3)

3 **Part 1.1**                    **ACT Civil and Administrative**  
4                                    **Tribunal Act 2008**

5 **[1.1]            New section 115D**

6 *in part 9A, insert*

7 **115D            Territory entities to pay amounts to ACAT trust account**

8 (1) This section applies if—

9 (a) a territory entity makes an application to the ACAT in a  
10 quarter; and

11 (b) no filing fee is paid for the application because of the operation  
12 of the Legislation Act, section 121 (Binding effect of Acts).

13 (2) The territory entity must, at the end of the quarter, pay to the ACAT  
14 trust account an amount equal to the filing fee for the application.

15 (3) In this section:

16 *territory entity* includes—

17 (a) the Territory; or

18 (b) a Minister; or

19 (c) an administrative unit; or

20 (d) a territory instrumentality; or

21 (e) any other territory authority.

1 **[1.2] Divisions 30.2 to 30.7**

2 *omit*

3 **Part 1.2 ACT Civil and Administrative**  
4 **Tribunal (Transitional Provisions)**  
5 **Regulation 2009**

6 **[1.3] Section 67**

7 *omit*

8 **[1.4] Schedule 3**

9 *omit*

10 **[1.5] Schedule 4**

11 *omit*

12 **[1.6] Schedule 5**

13 *omit*

14 **Part 1.3 Legal Profession Act 2006**

15 **[1.7] New section 423A**

16 *insert*

17 **423A Restriction on publication of certain identifying material**  
18 **from application**

19 (1) A person must not publish an account or report of an application  
20 under this part if the account or report—

21 (a) discloses the identity of the person who is the subject of the  
22 complaint to which the application relates (the *person*  
23 *concerned*); or

- 1 (b) allows the identity of the person concerned to be worked out.
- 2 (2) However, the identity of the person concerned may be disclosed in  
3 an account or report of the application if—
- 4 (a) a final decision has been made that the person concerned is  
5 guilty of the conduct complained of; and
- 6 (b) either—
- 7 (i) the appeal period has ended and no appeal has been  
8 made; or
- 9 (ii) any appeal has been decided against the person  
10 concerned.
- 11 (3) In this section:
- 12 ***appeal*** means an appeal from a decision by the tribunal under the  
13 *ACT Civil and Administrative Tribunal Act 2008*, section 79.
- 14 ***appeal period*** means the period within which an appeal may be  
15 made.
- 16 *Note* See the *Court Procedures Rules 2006*, r 5052 (Appeals to Supreme  
17 Court—general powers) and r 5103 (Appeals to Supreme Court—time  
18 for filing notice of appeal).

## 1 **Part 1.4** **Magistrates Court Act 1930**

### 2 **[1.8] New section 266B**

3 *in part 4.2, insert*

#### 4 **266B Enforcement of ACT Civil and Administrative Tribunal** 5 **order—representation**

- 6 (1) This section applies if a person (the *first person*)—
- 7 (a) was represented in an application in the ACAT by someone  
8 else (the *second person*) under the *ACT Civil and*  
9 *Administrative Tribunal Act 2008*, section 30; and
- 10 (b) the ACAT made a money order or non-money order in favour  
11 of the first person; and
- 12 (c) the first person enforces the order in the Magistrates Court  
13 under the *Court Procedures Rules 2006*, part 2.18  
14 (Enforcement).
- 15 (2) The second person may represent the first person in the enforcement  
16 proceeding in the Magistrates Court.

## 17 **Part 1.5** **Security Industry Act 2003**

### 18 **[1.9] New section 21 (1) (a) (ia)**

19 *insert*

- 20 (ia) for an application for an employee licence—the applicant has  
21 obtained appropriate information from an employee  
22 organisation about workplace rights and responsibilities under  
23 Commonwealth and territory law relevant to people in the  
24 security industry; and

#### 25 **Examples—workplace rights and responsibilities**

- 26
  - minimum wages and conditions



- 1                   • employment agreements  
2                   • termination of employment agreements  
3                   • workplace safety

4                   *Note 1*    **Employee organisation**—see the dictionary.

5                   *Note 2*    An example is part of the Act, is not exhaustive and may extend,  
6                   but does not limit, the meaning of the provision in which it  
7                   appears (see Legislation Act, s 126 and s 132).

8    **[1.10] Dictionary, new definition of *employee organisation***

9                   *insert*

10                  **employee organisation** means an organisation of employees  
11                  registered under the *Fair Work (Registered Organisations) Act 2009*  
12                  (Cwlth).

13                  *Note*       A reference to a law (including a Cwlth Act) includes a reference to the  
14                  Act as originally made and as amended (see Legislation Act, s 102).

15    **Part 1.6**                                  **Security Industry Regulation**  
16    **2003**

17    **[1.11] New section 7B**

18                   *insert*

19    **7B**                    **Information to accompany employee licence**  
20                    **application—Act, s 17 (3) (b)**

21                   For an application for an employee licence—an application must be  
22                   accompanied by a certificate from an employee organisation  
23                   certifying that the information under the Act, section 21 (1) (a) (ia)  
24                   has been provided to the applicant.

1 **Part 1.7** **Trustee Companies Act 1947**

2 **[1.12] Section 3A**

3 *omit*

4 **[1.13] Section 18**

5 *omit*

6 **[1.14] Section 18A**

7 *omit*

8 **[1.15] Section 18B**

9 *omit*

10 **[1.16] Section 21**

11 *omit*

12 **[1.17] Section 22**

13 *omit*

14 **[1.18] Section 24**

15 *omit*

16 **[1.19] Section 25**

17 *omit*

18 **[1.20] Section 25A**

19 *omit*

20 **[1.21] Section 25B**

21 *omit*

1 **[1.22] Section 25C**

2 *omit*

3 **[1.23] Section 25D**

4 *omit*

5 **[1.24] Section 25E**

6 *omit*

7 **[1.25] Section 25F**

8 *omit*

9 **[1.26] Section 25G**

10 *omit*

11 **[1.27] Section 25H**

12 *omit*

13 **[1.28] Section 25I**

14 *omit*

15 **[1.29] Section 25J**

16 *omit*

17 **[1.30] Section 26**

18 *omit*

19 **[1.31] Section 27**

20 *omit*

21 **[1.32] Section 28**

22 *omit*

Amendment [1.33]

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- 1 **[1.33] Section 29**  
2 *omit*
- 3 **[1.34] Section 30**  
4 *omit*
- 5 **[1.35] Section 31**  
6 *omit*
- 7 **[1.36] Section 31A**  
8 *omit*
- 9 **[1.37] Section 31B**  
10 *omit*
- 11 **[1.38] Section 34**  
12 *omit*
- 13 **[1.39] Section 34A**  
14 *omit*
- 15 **[1.40] Section 36**  
16 *omit*
- 17 **[1.41] New section 37**  
18 *insert*
- 19 **37 Transitional—def *trustee company***  
20 (1) For this Act, a trustee company includes a company authorised  
21 under a law of a State or Territory to act as executor, administrator  
22 and trustee in the State or Territory immediately before  
23 1 January 2010.

- 1 (2) This section expires—  
2 (a) 12 months after the day it commences; or  
3 (b) if, before 12 months after the day it commences, another day is  
4 prescribed by regulation—on that day.

5 **[1.42] Schedule 1**

6 *omit*

7 **[1.43] Dictionary, definition of *trustee company***

8 *substitute*

9 *trustee company* means a company prescribed under the  
10 Corporations Act, section 601RAB.

11 *Note* A reference to a law (including a Cwlth Act) includes a reference to the  
12 Act as originally made and as amended (see Legislation Act, s 102).

13 **Part 1.8 Utilities Act 2000**

14 **[1.44] Section 45 (2)**

15 *substitute*

- 16 (2) The annual licence fee for a particular utility is the amount  
17 considered by ICRC to be a reasonable contribution towards the  
18 costs incurred, or expected to be incurred—  
19 (a) by the following in the exercise of functions, in the ACT or  
20 elsewhere, in relation to utility services:  
21 (i) ICRC;  
22 (ii) the chief executive under part 5 (Technical regulation) on  
23 behalf of the Territory; and  
24 (b) by the ACAT in hearing and deciding matters to which a utility  
25 is a party.

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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 2009.

**2 Notification**

Notified under the Legislation Act on 2009.

**3 Republications of amended laws**

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

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