

2010

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Attorney-General)

# Justice and Community Safety Legislation Amendment Bill 2010 (No 2)

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(Attorney-General)

## **Justice and Community Safety Legislation Amendment Bill 2010 (No 2)**

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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 2010 (No 2)*.

4 **2 Commencement**

5 (1) Section 3 and schedule 1, part 1.1 (ACT Civil and Administrative  
6 Tribunal Act 2008) commence on the day after this Act's  
7 notification day.

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

10 (2) The remaining provisions commence on the 28th day after this Act's  
11 notification day.

12 **3 Legislation amended**

13 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] Section 94 (2)**

6 *substitute*

7 (1A) Also, the Executive may appoint a person as a temporary  
8 presidential member of the tribunal.

9 (2) The Executive must not appoint a person under  
10 subsection (1) or (1A) unless the person is a lawyer and has been a  
11 lawyer for 5 years or more.

12 **[1.2] Section 96 (2)**

13 *substitute*

14 (1A) Also, the Attorney-General may appoint a person to the tribunal as a  
15 temporary senior member or temporary ordinary member.

16 (2) The Attorney-General must not appoint a person under  
17 subsection (1) or (1A) unless satisfied that the person has the  
18 experience or expertise to qualify the person to exercise the  
19 functions of a senior or ordinary member.

20 **[1.3] Section 96 (3)**

21 *omit*

22 appointment of senior and ordinary members

23 *substitute*

24 appointment of non-presidential members

1 **[1.4] Section 98 (1)**

2 *after*

3 presidential member

4 *insert*

5 under section 94 (1)

6 **[1.5] New section 98 (1A)**

7 *insert*

8 (1A) The appointment of a person as a temporary presidential member  
9 under section 94 (1A) is for the term, not longer than 12 months,  
10 stated in the appointment.

11 **[1.6] Section 98 (2)**

12 *after*

13 non-presidential member

14 *insert*

15 under section 96 (1)

16 **[1.7] New section 98 (2A)**

17 *before the note, insert*

18 (2A) The appointment of a person as a temporary non-presidential  
19 member under section 96 (1A) is for the term, not longer than  
20 12 months, stated in the appointment.

21 **[1.8] Section 101**

22 *omit*

1 **[1.9] Section 103 heading**

2 *substitute*

3 **103 Presidential members not to do other work**

4 **[1.10] Section 103**

5 *after*

6 presidential member

7 *insert*

8 appointed under section 94 (1)

9 **[1.11] Dictionary, definition of *non-presidential member***

10 *substitute*

11 *non-presidential member* means a senior member or ordinary  
12 member of the tribunal appointed under section 96 (1) or a  
13 temporary senior member or temporary ordinary member of the  
14 tribunal appointed under section 96 (1A).

15 **[1.12] Dictionary, definition of *presidential member***

16 *substitute*

17 *presidential member* means the general president, appeal president  
18 or another presidential member appointed under section 94 (1) or a  
19 temporary presidential member appointed under section 94 (1A).





1 **Part 1.4** **Cooperatives Act 2002**

2 **[1.17] Section 67 (1) (c)**

3 *substitute*

4 (c) the person becomes bankrupt or personally insolvent, unless  
5 the rules of the cooperative otherwise provide;

6 *Note* **Bankrupt or personally insolvent**—see the Legislation Act,  
7 dictionary, pt 1.

8 **[1.18] Dictionary, note 2**

9 *insert*

- 10
  - bankrupt or personally insolvent

11 **Part 1.5** **Corrections Management Act**  
12 **2007**

13 **[1.19] Section 61 (1) (c)**

14 *substitute*

15 (c) if the official visitor becomes bankrupt or personally insolvent;  
16 or

17 *Note* **Bankrupt or personally insolvent**—see the Legislation Act,  
18 dictionary, pt 1.

19 **[1.20] Dictionary, note 2**

20 *insert*

- 21
  - bankrupt or personally insolvent

1 **Part 1.6** **Crimes (Sentence**  
2 **Administration) Act 2005**

3 **[1.21] Section 178 (1) (c)**

4 *substitute*

5 (c) if the member becomes bankrupt or personally insolvent; or

6 *Note* **Bankrupt or personally insolvent**—see the Legislation Act,  
7 dictionary, pt 1.

8 **[1.22] Dictionary, note 2**

9 *insert*

- 10 • bankrupt or personally insolvent

11 **Part 1.7** **Director of Public Prosecutions**  
12 **Act 1990**

13 **[1.23] Section 28 (2) (a)**

14 *substitute*

15 (a) becomes bankrupt or personally insolvent; or

16 *Note* **Bankrupt or personally insolvent**—see the Legislation Act,  
17 dictionary, pt 1.

18 **[1.24] Dictionary, note 2**

19 *insert*

- 20 • bankrupt or personally insolvent

1 **Part 1.8** **Domestic Violence Agencies Act**  
2 **1986**

3 **[1.25] Section 8 (3) (c)**

4 *substitute*

5 (c) if the member becomes bankrupt or personally insolvent; or

6 *Note* **Bankrupt or personally insolvent**—see the Legislation Act,  
7 dictionary, pt 1.

8 **[1.26] Dictionary, note 2**

9 *insert*

- 10 • bankrupt or personally insolvent

11 **Part 1.9** **Guardianship and Management**  
12 **of Property Act 1991**

13 **[1.27] Section 10 (2) (c)**

14 *substitute*

15 (c) is bankrupt or personally insolvent (and, if so, has given  
16 particulars to the ACAT).

17 *Note* **Bankrupt or personally insolvent**—see the Legislation Act,  
18 dictionary, pt 1.

19 **[1.28] Dictionary, note 2**

20 *insert*

- 21 • bankrupt or personally insolvent



1 **Part 1.12** **Justices of the Peace Act 1989**

2 **[1.34] Section 3B (1) (a)**

3 *substitute*

4 (a) the person becomes bankrupt or personally insolvent; or

5 *Note* **Bankrupt or personally insolvent**—see the Legislation Act,  
6 dictionary, pt 1.

7 **Part 1.13** **Legal Aid Act 1977**

8 **[1.35] Section 52 (2) (a)**

9 *substitute*

10 (a) becomes bankrupt or personally insolvent; or

11 **[1.36] Section 60 (2) (a)**

12 *substitute*

13 (a) becomes bankrupt or personally insolvent; or

14 **[1.37] Section 78 (2) (a)**

15 *substitute*

16 (a) becomes bankrupt or personally insolvent; or

17 **[1.38] Dictionary, note 2**

18 *insert*

- 19
  - bankrupt or personally insolvent



- 1 (c) the court adjourns or postpones the hearing or further hearing;  
2 and  
3 (d) the defendant is told of the time and place of the adjourned or  
4 postponed hearing or further hearing; and  
5 (e) the defendant does not appear before the court at the adjourned  
6 or postponed hearing or further hearing.
- 7 (2) The court may issue a warrant for the arrest of the defendant and to  
8 bring the defendant before the court at the adjourned or postponed  
9 hearing or further hearing.

10 **112A Court may direct defendant to appear**

- 11 (1) This section applies if—  
12 (a) a summons is served on a defendant in relation to an  
13 information for an offence; and  
14 (b) in accordance with the summons—the defendant appears  
15 before the court represented by a lawyer; and  
16 (c) the defendant does not appear personally for the hearing; and  
17 (d) the information is substantiated by the oath of the informant or  
18 a witness.
- 19 (2) The court may at any time during the hearing—  
20 (a) adjourn the hearing; and  
21 (b) direct the defendant by written notice to attend personally  
22 before the court for any matter related to the hearing, at the  
23 time and place specified by the court.
- 24 (3) A notice under subsection (2) must be served in the same way as the  
25 service of a summons under section 41.

- 1            (4) If the defendant does not appear before the court in accordance with  
2            a notice under subsection (2), the court may issue a warrant for the  
3            arrest of the defendant and to bring the defendant before the court.

## 4            **Part 1.15                            Ombudsman Act 1989**

### 5            **[1.42]            Section 28 (6)**

6            *substitute*

- 7            (6) The Executive must remove the ombudsman from office if the  
8            ombudsman becomes bankrupt or personally insolvent.

9            *Note*        **Bankrupt or personally insolvent**—see the Legislation Act, dictionary,  
10            pt 1.

### 11            **[1.43]            Dictionary, note 2**

12            *insert*

- 13            • bankrupt or personally insolvent

## 14            **Part 1.16                            Powers of Attorney Act 2006**

### 15            **[1.44]            Section 14 (1) (b) and note**

16            *substitute*

- 17            (b) a person who is bankrupt or personally insolvent.

### 18            **[1.45]            Section 62 (1) (b)**

19            *substitute*

- 20            (b) the attorney becomes bankrupt or personally insolvent.

### 21            **[1.46]            Section 62 (2), note**

22            *omit*



1 **[1.47] Dictionary, note 2**

2 *insert*

- 3 • bankrupt or personally insolvent

4 **[1.48] Dictionary, definitions of *bankrupt* and *personal***  
5 ***insolvency agreement***

6 *omit*

7 **Part 1.17 Prostitution Act 1992**

8 **[1.49] Section 24**

9 *omit*

10 sexually transmitted disease

11 *substitute*

12 sexually transmissible infection

13 **[1.50] Section 25 heading**

14 *substitute*

15 **25 Providing or receiving commercial sexual services if**  
16 **infected**

17 **[1.51] Sections 25 and 26**

18 *omit*

19 sexually transmitted disease

20 *substitute*

21 sexually transmissible infection

1    **[1.52]    Section 32 (2) (g)**  
2            *omit*  
3            sexually transmitted diseases  
4            *substitute*  
5            sexually transmissible infections

6    **[1.53]    Schedule 2, item 7, column 3**  
7            *omit*  
8            sexually transmitted disease  
9            *substitute*  
10          sexually transmissible infection

11   **[1.54]    Dictionary, definition of *prophylactic***  
12          *omit*  
13          sexually transmitted disease  
14          *substitute*  
15          sexually transmissible infection

16   **[1.55]    Dictionary, definition of *sexually transmitted disease***  
17          *substitute*  
18          *sexually transmissible infection* means—  
19            (a) chancroid, chlamydial infection, donovanosis, gonorrhoea,  
20            HIV/AIDS, lymphogranuloma venereum or syphilis; or  
21            (b) an infection prescribed by regulation.

1 **Part 1.18 Public Advocate Act 2005**

2 **[1.56] Section 7 (1) (c)**

3 *substitute*

4 (c) if the person becomes bankrupt or personally insolvent; or

5 *Note* **Bankrupt or personally insolvent**—see the Legislation Act,  
6 dictionary, pt 1.

7 **[1.57] Dictionary, note 2**

8 *insert*

- 9 • bankrupt or personally insolvent

10 **Part 1.19 Public Trustee Act 1985**

11 **[1.58] Section 53 (2) (c)**

12 *substitute*

13 (c) if the member becomes bankrupt or personally insolvent; or

14 *Note* **Bankrupt or personally insolvent**—see the Legislation Act,  
15 dictionary, pt 1.

16 **[1.59] Dictionary, note 2**

17 *insert*

- 18 • bankrupt or personally insolvent

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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 2010.

**2 Notification**

Notified under the Legislation Act on 2010.

**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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