

2010

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

---

(As presented)

(Attorney-General)

# Justice and Community Safety Legislation Amendment Bill 2010 (No 3)

## Contents

---

	Page
1 Name of Act	2
2 Commencement	2
3 Legislation amended—schs 1–3	2
4 Legislation repealed	2
 <b>Schedule 1</b>	
<b>Amendments relating to repeal of consumer credit legislation</b>	<b>4</b>
<b>Part 1.1</b>	
<b>Civil Law (Property) Act 2006</b>	<b>4</b>
<b>Part 1.2</b>	
<b>Commercial Arbitration Act 1986</b>	<b>4</b>

---

J2010-246

Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

## Contents

---

		Page
<b>Part 1.3</b>	<b>Door-to-Door Trading Act 1991</b>	4
<b>Part 1.4</b>	<b>Fair Trading Act 1992</b>	5
<b>Part 1.5</b>	<b>Fair Trading (Consumer Affairs) Act 1973</b>	7
<b>Part 1.6</b>	<b>Fair Trading (Consumer Product Standards) Regulation 2009</b>	12
<b>Part 1.7</b>	<b>Firearms Act 1996</b>	12
<b>Part 1.8</b>	<b>Legislation Act 2001</b>	13
<b>Part 1.9</b>	<b>Payroll Tax Act 1987</b>	13
<b>Part 1.10</b>	<b>Sale of Motor Vehicles Act 1977</b>	14
<b>Part 1.11</b>	<b>Second-hand Dealers Regulation 2002</b>	14
<b>Schedule 2</b>	<b>Amendments relating to Evidence (Miscellaneous Provisions) Act 1991</b>	15
<b>Part 2.1</b>	<b>Children and Young People Act 2008</b>	15
<b>Part 2.2</b>	<b>Commercial Arbitration Act 1986</b>	15
<b>Part 2.3</b>	<b>Coroners Act 1997</b>	16
<b>Part 2.4</b>	<b>Corrections Management Act 2007</b>	16
<b>Part 2.5</b>	<b>Crimes (Forensic Procedures) Act 2000</b>	17
<b>Part 2.6</b>	<b>Crimes (Sentence Administration) Act 2005</b>	17
<b>Part 2.7</b>	<b>Domestic Violence and Protection Orders Regulation 2009</b>	18
<b>Part 2.8</b>	<b>Evidence (Miscellaneous Provisions) Act 1991</b>	19
<b>Part 2.9</b>	<b>Judicial Commissions Act 1994</b>	22
<b>Part 2.10</b>	<b>Magistrates Court Act 1930</b>	22
<b>Part 2.11</b>	<b>Royal Commissions Act 1991</b>	24

Contents

---

		Page
<b>Schedule 3</b>	<b>Other amendments</b>	25
<b>Part 3.1</b>	<b>Juries Act 1967</b>	25
<b>Part 3.2</b>	<b>Supreme Court Act 1933</b>	25



2010

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

---

(As presented)

(Attorney-General)

## **Justice and Community Safety Legislation Amendment Bill 2010 (No 3)**

---

### **A Bill for**

An Act to amend legislation about justice and community safety

---

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 3)*.

4 **2 Commencement**

5 (1) The following provisions commence on the day after this Act's  
6 notification day:

7 (a) section 3;

8 (b) section 4 (1) and (2);

9 (c) schedule 1.

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

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

14 **3 Legislation amended—schs 1–3**

15 This Act amends the legislation mentioned in schedules 1 to 3.

16 **4 Legislation repealed**

17 (1) The following legislation is repealed:

- 18 • *Consumer Credit (Administration) Act 1996* (A1996-41)
- 19 • *Consumer Credit (Administration) Regulation 1996*  
20 (SL1996-25)
- 21 • *Consumer Credit Act 1995* (A1995-18)
- 22 • *Consumer Credit Regulation 1996* (SL1996-24)
- 23 • *Credit Act 1985* (A1985-5)
- 24 • *Credit Regulation 1985* (SL1985-5).

- 1           (2) All other legislative instruments under the Acts mentioned in  
2           subsection (1) are repealed.
- 3           (3) The *Juries Fees Regulation 1968* (SL1968-3) is repealed.

1 **Schedule 1** Amendments relating to repeal  
2 of consumer credit legislation  
3 (see s 3)

4 **Part 1.1** Civil Law (Property) Act 2006

5 **[1.1] Section 5 (3)**

6 *omit*

7 **Part 1.2** Commercial Arbitration Act 1986

8 **[1.2] Section 4 (4)**

9 *omit*

10 **Part 1.3** Door-to-Door Trading Act 1991

11 **[1.3] Section 15 (2)**

12 *substitute*

13 (2) This section does not affect the operation of the National Credit  
14 Code in its application to a contract that is a tied loan contract  
15 within the meaning of that code.

16 **[1.4] Dictionary, note 2**

17 *insert*

- 18
  - National Credit Code



1 **Part 1.4** **Fair Trading Act 1992**

2 **[1.5] Section 28A (5), definition of *continuing credit contract***  
3 **and notes**

4 *substitute*

5 *continuing credit contract*—see the National Credit Code,  
6 section 204 (1).

7 *Note* The National Credit Code, s 204 (1) defines a *continuing credit*  
8 *contract* as a credit contract under which:

- 9 (a) multiple advances of credit are contemplated; and  
10 (b) the amount of available credit ordinarily increases as the amount  
11 of credit is reduced.

12 **[1.6] Section 51C**

13 *substitute*

14 **51C Definitions—pt 4A**

15 In this part:

16 *annual percentage rate*—see the code, section 204 (1).

17 *contract document*—see the code, section 204 (1).

18 *credit*—see the code, section 204 (1).

19 *credit contract*—see the code, section 204 (1).

20 *credit fees and charges*—see the code, section 204 (1).

21 **[1.7] Section 51D (3)**

22 *omit*

23 division 2

24 *substitute*

25 division 3

1 **[1.8] Section 51E (1)**

2 *omit*

3 section 15 (C)

4 *substitute*

5 section 17 (4)

6 **[1.9] Section 51E (2)**

7 *omit*

8 section 15 (E)

9 *substitute*

10 section 17 (6)

11 **[1.10] Section 51E (3)**

12 *omit*

13 section 14

14 *substitute*

15 section 16

16 **[1.11] Section 51E (4)**

17 *omit*

18 section 14 or section 15

19 *substitute*

20 section 16 or section 17

21 **[1.12] Dictionary, note 2**

22 *omit*

- 23
  - Consumer Credit (Australian Capital Territory) Code

1 **[1.13] Dictionary, note 2**

2 *insert*

- 3 • National Credit Code

4 **[1.14] Dictionary, definition of code**

5 *substitute*

6 *code* means the National Credit Code.

7 **Part 1.5 Fair Trading (Consumer Affairs)**  
8 **Act 1973**

9 **[1.15] Section 8 (2), definition of *consumer and trader***  
10 ***legislation*, paragraph (a)**

11 *omit*

12 **[1.16] Section 10 (1)**

13 *omit*

14 or the *Consumer Credit (Administration) Act 1996*

15 **[1.17] Section 11**

16 *omit*

17 or the *Consumer Credit (Administration) Act 1996*

1 **[1.18] New schedule 3**

2 *insert*

3 **Schedule 3 Consumer credit transitional**  
4 **provisions**

5 **3.1 Definitions—sch 3**

6 In this schedule:

7 *ASIC* means the Australian Securities and Investments Commission.

8 *national credit legislation* means—

9 (a) the *National Consumer Credit Protection Act 2009* (Cwlth);  
10 and

11 (b) the *National Consumer Credit Protection (Transitional and*  
12 *Consequential Provisions) Act 2009* (Cwlth).

13 *repealed credit legislation* means—

14 (a) the *Consumer Credit (Administration) Act 1996*; and

15 (b) the *Consumer Credit (Administration) Regulation 1996*; and

16 (c) the *Consumer Credit Act 1995*; and

17 (d) the *Consumer Credit Regulation 1996*; and

18 (e) the *Credit Act 1985*; and

19 (f) the *Credit Regulation 1985*.

20 **3.2 Transitional—financial counselling trust fund**

- 21 (1) The financial counselling trust fund established under the *Consumer*  
22 *Credit (Administration) Act 1996*, section 124 (the *trust fund*)  
23 continues in existence as if the repealed credit legislation had not  
24 been repealed.

- 1 (2) Amounts payable under the repealed credit legislation continue to be  
2 payable to the trust fund as if the repealed credit legislation had not  
3 been repealed.

4 **3.3 Transitional—provision of information and assistance to**  
5 **ASIC**

- 6 (1) The commissioner may, on his or her own initiative or at the request  
7 of ASIC—

8 (a) provide ASIC with the documents and other information in the  
9 possession or control of the commissioner that are reasonably  
10 required by ASIC in connection with the exercise of its  
11 functions under the national credit legislation; and

12 (b) provide ASIC with other assistance that is reasonably required  
13 by ASIC to exercise a function under the national credit  
14 legislation.

- 15 (2) This section applies despite any other territory law.

16 **3.4 Transitional—ASIC has particular functions**

17 (1) The Minister, or a person authorised in writing by the Minister, may  
18 enter into an agreement or arrangement with ASIC for the exercise  
19 of functions by ASIC as an agent of the Territory, even if those  
20 functions are or may be conferred on another person under a  
21 territory law.

22 (2) An agreement or arrangement of a kind mentioned in subsection (1)  
23 has effect despite any other territory law in relation to a function  
24 that is the subject of the agreement or arrangement.

25 *Note* The *National Consumer Credit Protection (Transitional and*  
26 *Consequential Provisions) Act 2009* (Cwlth), sch 1, pt 4,  
27 item 23 provides that ASIC has functions and powers in relation to  
28 appeal, review or enforcement proceedings that are expressed to be  
29 conferred on it by a law of a State or territory.

- 1     **3.5           Transitional—reference to repealed legislation**
- 2           (1) To the extent permitted or required by the context or subject matter,
- 3           a reference in another territory law to any of the repealed consumer
- 4           credit legislation is a reference to the national credit legislation.
- 5           (2) In this section:
- 6           *repealed consumer credit legislation* means—
- 7           (a) the *Consumer Credit (Administration) Act 1996*; and
- 8           (b) the *Consumer Credit (Administration) Regulation 1996*; and
- 9           (c) the *Consumer Credit Act 1995*; and
- 10          (d) the *Consumer Credit Regulation 1996*.
- 11     **3.6           Transitional—pre-credit code contracts**
- 12           (1) The repealed credit legislation continues to apply to pre-credit code
- 13           contracts as if the repealed credit legislation had not been repealed.
- 14           (2) In this section:
- 15           *pre-credit code contract* means a contract to which the repealed
- 16           pre-credit code legislation applied immediately before the repeal of
- 17           that legislation.
- 18           *repealed pre-credit code legislation* means—
- 19           (a) the *Credit Act 1985*; and
- 20           (b) the *Credit Regulation 1985*.
- 21     **3.7           Transitional—finance broking commissions**
- 22           (1) The repealed finance broking provisions continue to apply as if the
- 23           repealed credit legislation had not been repealed.
- 24           (2) This section expires on the Chapter 3 start day.

1 (3) In this section:

2 *Chapter 3 start day* has the same meaning as in the *National*  
3 *Consumer Credit Protection (Transitional and Consequential*  
4 *Provisions) Act 2009* (Cwlth), section 4.

5 *repealed finance broking provisions* means—

6 (a) the *Consumer Credit (Administration) Act 1996*, section 35;  
7 and

8 (b) the *Consumer Credit (Administration) Regulation 1996*,  
9 section 4.

### 10 **3.8 Transitional—regulations**

11 (1) A regulation may prescribe transitional matters necessary or  
12 convenient to be prescribed because of the repeal of the repealed  
13 credit legislation.

14 (2) A regulation may modify this schedule (including in relation to  
15 another territory law) to make provision in relation to anything that,  
16 in the Executive's opinion, is not, or is not adequately or  
17 appropriately, dealt with in this schedule.

18 (3) A regulation under subsection (2) has effect despite anything  
19 elsewhere in this Act.

### 20 **3.9 Expiry—sch 3**

21 (1) This schedule expires on 1 July 2013.

22 (2) This schedule is a law to which the Legislation Act, section 88  
23 (Repeal does not end effect of transitional laws etc) applies.

### 24 **[1.19] Dictionary, note 2**

25 *insert*

- 26
  - territory law

1 **Part 1.6** **Fair Trading (Consumer Product**  
2 **Standards) Regulation 2009**

3 **[1.20] Section 8 (a)**

4 *omit*

5 Consumer Credit (Australian Capital Territory) Code

6 *substitute*

7 National Credit Code

8 **[1.21] Dictionary, note 2**

9 *omit*

- 10
  - Consumer Credit (Australian Capital Territory) Code

11 **[1.22] Dictionary, note 2**

12 *insert*

- 13
  - National Credit Code

14 **Part 1.7** **Firearms Act 1996**

15 **[1.23] Section 13 (2), definition of *credit contract***

16 *substitute*

17 *credit*—see the National Credit Code, section 204 (1).

18 *credit contract* means a contract under which credit is or may be  
19 provided.

20 **[1.24] Dictionary, note 2**

21 *insert*

- 22
  - National Credit Code



1 **Part 1.8** **Legislation Act 2001**

2 **[1.25] Dictionary, part 1**

3 *omit the definitions of*

4 *Consumer Credit (Australian Capital Territory) Code*

5 *Consumer Credit (Australian Capital Territory) Regulations*

6 **[1.26] Dictionary, part 1, new definition of *National Credit Code***

7 *insert*

8 *National Credit Code*—see the *National Consumer Credit*  
9 *Protection Act 2009* (Cwlth), section 5.

10 **Part 1.9** **Payroll Tax Act 1987**

11 **[1.27] Section 4 (8), definition of *credit contract***

12 *substitute*

13 *credit contract*—see the National Credit Code, section 204 (1).

14 **[1.28] Section 4 (8), definition of *regulated contract***

15 *omit*

16 **[1.29] Section 4 (8), definition of *supply***

17 *omit*

18 or regulated contract

19 **[1.30] Dictionary, note 2**

20 *omit*

- 21
  - Consumer Credit (Australian Capital Territory) Code

1 **[1.31] Dictionary, note 2**

2 *insert*

- 3 • National Credit Code

4 **Part 1.10 Sale of Motor Vehicles Act 1977**

5 **[1.32] Section 25B (6)**

6 *substitute*

- 7 (6) The National Credit Code, section 135 does not apply to the  
8 termination of agreements under this section.

9 **[1.33] Dictionary, note 2**

10 *insert*

- 11 • National Credit Code

12 **Part 1.11 Second-hand Dealers**  
13 **Regulation 2002**

14 **[1.34] Dictionary, definition of *financial institution*,**  
15 **paragraph (b)**

16 *substitute*

- 17 (b) a credit provider, registered or licensed under the *National*  
18 *Consumer Credit Protection Act 2009* (Cwlth) or a  
19 corresponding law of an external Territory or New Zealand,  
20 that carries on the business of providing home loans.

1 **Schedule 2**            **Amendments relating to**  
2                                    **Evidence (Miscellaneous**  
3                                    **Provisions) Act 1991**

4 (see s 3)

5 **Part 2.1**                    **Children and Young People Act**  
6                                    **2008**

7 **[2.1] Section 335 (1) (a) and (b)**

8 *substitute*

9 (a) section 20 (1) (Territory courts may take evidence and  
10 submissions from participating States);

11 (b) section 32 (1) (Territory courts may take evidence and  
12 submissions from place other than participating State).

13 **Part 2.2**                    **Commercial Arbitration Act 1986**

14 **[2.2] Section 20A (1)**

15 *omit*

16 section 20 (1) (Territory courts may take evidence and submissions  
17 from outside ACT) or section 32 (1) (Use of link in proceedings)

18 *substitute*

19 section 20 (1) (Territory courts may take evidence and submissions  
20 from participating States) or section 32 (1) (Territory courts may  
21 take evidence and submissions from place other than participating  
22 State)

1 **Part 2.3 Coroners Act 1997**

2 **[2.3] Section 42A (1)**

3 *omit*

4 section 20 (1) (Territory courts may take evidence and submissions  
5 from outside ACT) or section 32 (1) (Use of link in proceedings)

6 *substitute*

7 section 20 (1) (Territory courts may take evidence and submissions  
8 from participating States) or section 32 (1) (Territory courts may  
9 take evidence and submissions from place other than participating  
10 State)

11 **Part 2.4 Corrections Management Act**  
12 **2007**

13 **[2.4] Section 203 (1) (a) and (b)**

14 *substitute*

15 (a) section 20 (1) (Territory courts may take evidence and  
16 submissions from participating States);

17 (b) section 32 (1) (Territory courts may take evidence and  
18 submissions from place other than participating State).

1 **Part 2.5** **Crimes (Forensic Procedures)**  
2 **Act 2000**

3 **[2.5] Section 38 (2) (a), note 2**

4 *substitute*

5 *Note 2* The *Evidence (Miscellaneous Provisions) Act 1991*, pt 3 applies  
6 in relation to the taking of evidence and making of submissions  
7 by audiovisual link or audio link from a State. See also the  
8 *Magistrates Court Act 1930*, s 311 (Appearance by audiovisual or  
9 audio links etc).

10 **Part 2.6** **Crimes (Sentence**  
11 **Administration) Act 2005**

12 **[2.6] Section 207 (1)**

13 *omit*

14 section 20 (Territory courts may take evidence and submissions  
15 from outside ACT) or section 32 (Use of link in proceedings)

16 *substitute*

17 section 20 (1) (Territory courts may take evidence and submissions  
18 from participating States) or section 32 (1) (Territory courts may  
19 take evidence and submissions from place other than participating  
20 State)

1 **Part 2.7** **Domestic Violence and**  
2 **Protection Orders Regulation**  
3 **2009**

4 **[2.7] Section 36**

5 *substitute*

6 **36 Evidence from place outside court**

7 If the Magistrates Court has given a direction under the *Evidence*  
8 (*Miscellaneous Provisions*) Act 1991, section 20 (1) (Territory  
9 courts may take evidence and submissions from participating States)  
10 or section 32 (1) (Territory courts may take evidence and  
11 submissions from place other than participating State), in relation to  
12 a person who is required to give evidence under a subpoena, the  
13 person satisfies the requirement by appearing and giving evidence in  
14 accordance with the direction.

15 **[2.8] Section 56 (3)**

16 *omit*

17 section 20 (1) (Territory courts may take evidence and submissions  
18 from outside ACT) or section 32 (1) (Use of link in proceedings)

19 *substitute*

20 section 20 (1) (Territory courts may take evidence and submissions  
21 from participating States) or section 32 (1) (Territory courts may  
22 take evidence and submissions from place other than participating  
23 State)

1 **Part 2.8** **Evidence (Miscellaneous**  
2 **Provisions) Act 1991**

3 **[2.9] Section 18**

4 *substitute*

5 **18 Operation of other Acts**

6 (1) This part is not intended to exclude or limit the operation of any  
7 territory law that makes provision for the taking of evidence or  
8 making of a submission in an external place for a proceeding in the  
9 ACT.

10 (2) In this section:

11 *external place* means a place within or outside the ACT but within  
12 Australia that is outside the courtroom or other place where the  
13 court is sitting.

14 **[2.10] Division 3.2 heading**

15 *substitute*

16 **Division 3.2 Use of audiovisual links or audio links**  
17 **with participating States in ACT**  
18 **proceedings**

19 **[2.11] Section 20 heading**

20 *substitute*

21 **20 Territory courts may take evidence and submissions from**  
22 **participating States**

1 **[2.12] Division 3.4**

2 *substitute*

3 **Division 3.4 Use of audiovisual links or audio links**  
4 **with places other than participating**  
5 **States in ACT proceedings**

6 **31 Application—div 3.4**

7 This division applies to any proceeding before a territory court.

8 **32 Territory courts may take evidence and submissions from**  
9 **place other than participating State**

10 (1) Subject to any Act or rules of court, a territory court may, on the  
11 application of a party to a proceeding before it or on its own  
12 initiative, direct that a person, whether or not a party to the  
13 proceeding, appear before, or give evidence or make a submission  
14 to, the court by audiovisual link or audio link from—

15 (a) a place in the ACT that is outside the courtroom or other place  
16 where the court is sitting; or

17 (b) a place outside the ACT but within Australia (other than a  
18 participating State).

19 *Note* The *Evidence and Procedure (New Zealand) Act 1994* (Cwlth), pt 4  
20 (Use of video links or telephones in Australian proceedings) and the  
21 *Court Procedures Rules 2006*, div 6.10.7 (Taking evidence from New  
22 Zealand by video link or telephone) apply to the taking of evidence and  
23 submissions by audiovisual links or audio links from New Zealand.

24 (2) The court may make the direction only if satisfied that—

25 (a) the necessary facilities are available or can reasonably be made  
26 available; and

27 (b) the evidence or submission can more conveniently be given or  
28 made from the place; and



1 (c) the making of the direction is not unfair to any party opposing  
2 the making of the direction.

3 (3) The court may at any time amend or revoke a direction made under  
4 this division, either on the application of a party to the proceeding or  
5 its own initiative.

6 (4) While a person is at a place giving evidence or making a  
7 submission, the place is taken for all purposes to be part of the court.

8 **[2.13] Section 36**

9 *omit*

10 section 20 (Territory courts may take evidence and submissions  
11 from outside ACT) or section 32 (Use of link in proceedings)

12 *substitute*

13 section 20 (1) (Territory courts may take evidence and submissions  
14 from participating States) or section 32 (1) (Territory courts may  
15 take evidence and submissions from place other than participating  
16 State)

17 **[2.14] Section 82 (4)**

18 *omit*

19 Subsections (1) and (2)

20 *substitute*

21 Subsections (2) and (3)

1 **Part 2.9** **Judicial Commissions Act 1994**

2 **[2.15] Section 43A (1)**

3 *omit*

4 section 18 (1) or section 30 (1)

5 *substitute*

6 section 20 (1) (Territory courts may take evidence and submissions  
7 from participating States) or section 32 (1) (Territory courts may  
8 take evidence and submissions from place other than participating  
9 State)

10 **Part 2.10** **Magistrates Court Act 1930**

11 **[2.16] Section 72B (1)**

12 *omit*

13 section 20 (Territory courts may take evidence and submissions  
14 from outside ACT) or section 32 (1) (Use of link in proceedings)

15 *substitute*

16 section 20 (1) (Territory courts may take evidence and submissions  
17 from participating States) or section 32 (1) (Territory courts may  
18 take evidence and submissions from place other than participating  
19 State)

1 **[2.17] Section 311 (1) (a)**

2 *omit*

3 section 20 (1) (Territory courts may take evidence and submissions  
4 from outside ACT)

5 *substitute*

6 section 20 (1) (Territory courts may take evidence and submissions  
7 from participating States) or section 32 (1) (Territory courts may  
8 take evidence and submissions from place other than participating  
9 State)

10 **[2.18] Section 316 (2) (a)**

11 *omit*

12 section 20 (1) (Territory courts may take evidence and submissions  
13 from outside ACT) or section 32 (1) (Use of link in proceedings)

14 *substitute*

15 section 20 (1) (Territory courts may take evidence and submissions  
16 from participating States) or section 32 (1) (Territory courts may  
17 take evidence and submissions from place other than participating  
18 State)

1 **Part 2.11** **Royal Commissions Act 1991**

2 **[2.19] Section 34A (1)**

3 *omit*

4 section 20 (1) (Territory courts may take evidence and submissions  
5 from outside ACT) or section 32 (1) (Use of link in proceedings)

6 *substitute*

7 section 20 (1) (Territory courts may take evidence and submissions  
8 from participating States) or section 32 (1) (Territory courts may  
9 take evidence and submissions from place other than participating  
10 State)

1 **Schedule 3**            **Other amendments**

2 (see s 3)

3 **Part 3.1**                **Juries Act 1967**

4 **[3.1]**            **Section 51**

5 *substitute*

6 **51**                **Payment of jurors**

7            (1) A person summoned or appointed to attend the Supreme Court to  
8            serve as a juror is entitled to be paid the amount determined by the  
9            Minister for the person's attendance at the court in accordance with  
10           the summons or appointment, whether or not the person serves as a  
11           juror.

12           (2) A determination is a disallowable instrument.

13           *Note*            A disallowable instrument must be notified, and presented to the  
14           Legislative Assembly, under the Legislation Act.

15 **Part 3.2**                **Supreme Court Act 1933**

16 **[3.2]**            **Section 68C (2) and (3)**

17 *substitute*

18           (2) The judgment in criminal proceedings tried by a judge alone must  
19           include the principles of law applied by the judge and the findings  
20           of fact on which the judge relied.

21           (3) In criminal proceedings tried by a judge alone, if a territory law  
22           requires a warning or direction to be given, or a comment to be  
23           made, to a jury in the proceedings, the judge must take the warning,  
24           direction or comment into account in considering his or her verdict.

- 1 (4) In this section:  
2 *territory law* includes the *Evidence Act 1995* (Cwlth).
- 

## 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).
-