

2012

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Justice and Community Safety Legislation Amendment Bill 2012 (No 2)

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Justice and Community Safety Legislation Amendment Bill 2012 (No 2)

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 2012 (No 2)*.

4 **2 Commencement**

5 This Act commences on the day after its notification day.

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

8 **3 Legislation amended—sch 1**

9 This Act amends the legislation mentioned in schedule 1.

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

2 (see s 3)

3 **Part 1.1** **Civil Law (Wrongs) Act 2002**

4 **[1.1] Schedule 4, section 4.4 heading**

5 *substitute*

6 **4.4 Preparation and approval of schemes**

7 **[1.2] Schedule 4, section 4.4 (3)**

8 *omit everything after*

9 association,

10 *substitute*

11 approve a scheme prepared under this section.

12 **[1.3] Schedule 4, section 4.5 (1)**

13 *omit*

14 recommending

15 *substitute*

16 approving

17 **[1.4] Schedule 4, section 4.7 (1)**

18 *omit*

19 recommending a scheme in relation to an occupational association

20 *substitute*

21 approving a scheme

1 **[1.5] Schedule 4, section 4.9 (1)**

2 *substitute*

3 (1) The council must submit a scheme approved by it to the Minister.

4 **[1.6] Schedule 4, section 4.9 (2)**

5 *omit*

6 may

7 *substitute*

8 must

9 **[1.7] Schedule 4, section 4.10 heading**

10 *substitute*

11 **4.10 Schemes are subject to disallowance**

12 **[1.8] Schedule 4, section 4.10 (1) and (2)**

13 *substitute*

14 (1) The Minister must—

15 (a) give notice of—

16 (i) the council’s approval of the scheme; or

17 (ii) for an interstate scheme—the approval of the scheme by
18 the appropriate council for the jurisdiction in which the
19 scheme was prepared; and

20 (b) include the approved scheme in the notice.

21 (2) A notice is a disallowable instrument.

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

1 **[1.9] Schedule 4, section 4.11 (1)**

2 *substitute*

3 (1) If the Minister gives notice under section 4.10 of the approval of a
4 scheme, the scheme commences—

5 (a) on the date or time (after the notice's notification day)
6 provided for in the notice; or

7 (b) if a date or time is not provided for in the notice—2 months
8 after the notice's notification day.

9 **[1.10] Schedule 4, section 4.12 (1)**

10 *omit*

11 approved by the Minister

12 *substitute*

13 included in a notice under section 4.10

14 **[1.11] Schedule 4, section 4.14 (6)**

15 *omit*

16 section 4.9

17 *substitute*

18 section 4.9 (2)

19 **[1.12] Schedule 4, section 4.14A (1)**

20 *omit*

21 approves

22 *substitute*

23 gives notice under section 4.10 in relation to

1 **[1.13] Schedule 4, section 4.14B (5)**

2 *omit*

3 to the extent that it provides for the submission of a scheme that
4 indicates an intention to operate as a scheme of another jurisdiction

5 **[1.14] Schedule 4, section 4.32 (1)**

6 *omit*

7 recommendation for

8 *substitute*

9 approval of

10 **[1.15] Schedule 4, section 4.37 (1) (a) (i)**

11 *substitute*

12 (i) giving notice of the approval of schemes, and their
13 amendment and revocation; and

14 **[1.16] Schedule 4, section 4.50 (1) (b)**

15 *omit*

16 recommendation

17 *substitute*

18 approval

1 **Part 1.2** **Emergencies Act 2004**

2 **[1.17] New section 122 (5) and (6)**

3 *before the examples, insert*

4 (5) A person may light, maintain or use a fire in the open air on
5 residential land for heating or to cook food or heat liquids if—

6 (a) the area around the place where the fire is to be lit, maintained
7 or used is cleared of flammable material for at least 3m in
8 every direction; and

9 (b) the fire is under the control of a responsible adult; and

10 (c) an adequate means of putting out the fire is available for use.

11 (6) In this section:

12 *residential land* means land leased for a residential purpose.

13 **[1.18] Section 123 (6)**

14 *substitute*

15 (6) This section does not affect—

16 (a) the duties of a person under the *Environment Protection*
17 *Act 1997*, section 22 (General environmental duty); or

18 (b) any obligation to hold an authorisation under that Act,
19 section 42 (Conducting prescribed classes of activities); or

20 (c) any other obligation under that Act.

1 **[1.23] New section 25A (4)**

2 *insert*

3 (4) In this section:

4 *superannuation fund* means a complying superannuation fund for
5 the *Income Tax Assessment Act 1997* (Cwlth).

6 **[1.24] Dictionary, note 2**

7 *insert*

- 8 • tribunal

9 **Part 1.5 Unit Titles (Management)**
10 **Act 2011**

11 **[1.25] Section 82 (2), new example**

12 *before the note, insert*

13 **Example**

14 An owners corporation for a units plan estimates that the expected sinking fund
15 expenditure for the 10-year period of its sinking fund plan is \$220 000. The
16 expenditure includes expenditure of \$10 000 for each year and a ‘one-off’ amount
17 of \$120 000 in the 8th year of the plan. The owners corporation approves a total
18 sinking fund amount of \$25 000 for each financial year of the plan to meet the
19 expected sinking fund expenditure and to provide for a balance of \$30 000 in the
20 fund (see s 72, def *total sinking fund amount*).

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

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 10 May 2012.

2 Notification

Notified under the Legislation Act on 2012.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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