2016

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Justice and Community Safety Legislation Amendment Bill 2016 (No 3)

Contents

			Page
1	Name o	f Act	2
2	Comme	ncement	2
3	Legislat	ion amended	2
Schedu	le 1	Legislation amended	3
Part 1.1		Civil Unions Act 2012	3
Part 1.2		Coroners Act 1997	4
Part 1.3		Guardianship and Management of Property Act 1991	5

J2016-495

Co	nt	en	Its

F	Page

Part 1.4	Human Rights Act 2004	6
Part 1.5	Human Rights Commission Act 2005	7
Part 1.6	Information Privacy Act 2014	7
Part 1.7	Juries Act 1967	8
Part 1.8	Residential Tenancies Act 1997	8
Part 1.9	Terrorism (Extraordinary Temporary Powers) Act 2006	9

contents 2 Justice and Community Safety Legislation Amendment Bill 2016 (No 3)

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(Attorney-General)

Justice and Community Safety Legislation Amendment Bill 2016 (No 3)

A Bill for

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:

J2016-495

1	1	Name of Act
2 3		This Act is the Justice and Community Safety Legislation Amendment Act 2016 (No 3).
4	2	Commencement
5 6	(1)	Schedule 1, part 1.8 (Residential Tenancies Act 1997), amendment 1.17 commences on the later of—
7 8		(a) the commencement of the <i>Residential Tenancies Legislation</i> <i>Amendment Act 2016</i> , section 5; and
9		(b) the commencement of this Act, section 3.
10 11		<i>Note</i> The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).
12 13	(2)	Schedule 1, part 1.8 (Residential Tenancies Act 1997), amendment 1.18 commences on the later of—
14 15		(a) the commencement of the <i>Residential Tenancies Legislation</i> <i>Amendment Act 2016</i> , section 24; and
16		(b) the commencement of this Act, section 3.
17 18	(3)	The remaining provisions commence on the 7th day after this Act's notification day.
19	3	Legislation amended
20		This Act amends the legislation mentioned in schedule 1.

Legislation amended **Schedule 1** 1

2 (see s 3)

Civil Unions Act 2012 Part 1.1 3

4	[1.1]	Section 27
5		substitute
6	27	Recognition of civil unions under corresponding laws
7	(1)	A corresponding law relationship is a civil union for territory law.
8	(2)	A relationship is a <i>corresponding law relationship</i> if it—
9		(a) complies with subsection (3); or
10 11		(b) is a relationship under a law of a State, external territory or foreign country prescribed by regulation.
12	(3)	A relationship complies with this subsection if—
13		(a) either—
14 15		(i) the people in the relationship may not marry each other under the <i>Marriage Act 1961</i> (Cwlth); or
16 17		(ii) the relationship is not recognised as a valid marriage under that Act; and
18 19 20 21		(b) it is registered or formally recognised under a law of a State, external territory or foreign country that provides for the registration or formal recognition of a relationship that meets the following requirements:
22		(i) it must be between 2 adults;
23		(ii) it must be entered into consensually;

Justice and Community Safety Legislation Amendment Bill 2016 (No 3)

page 3

Schedule 1	Legislation amended
Part 1.2	Coroners Act 1997
Amendment [1.2]	

1 2		(iii)	it must not be entered into by people who are in a prohibited relationship with each other;
3 4		(iv)	it must not be entered into by a person who is already married;
5 6 7		(v)	it must not be entered into by a person who is already in a relationship that is registered or formally recognised under that law.
8	Part 1.	2	Coroners Act 1997
9	[1.2]	Section \$	57 (5)
10		omit every	thing before paragraph (a), substitute
11 12 13	(5)	-	consible Minister receives a report under subsection (4) ins findings about any serious risks to public safety, the nust—
14	[1.3]	New sec	tion 57 (5A)
15		insert	
16 17 18 19	(5A)	deceased Minister n	ort contains information that could reasonably identify a person, before presenting the report, the responsible may deidentify the information if the Minister considers it e to do so, having regard to—
20 21		. ,	nterests of the members of the immediate family of the ased person; and
22		(b) the ri	sk to public safety; and
23		(c) whet	her or not it is in the public interest.

Part 1.3 **Guardianship and Management** 1 of Property Act 1991 2

3	[1.4]	Section 8B (1) (d)
4		after
5		revokes
6		insert
7		or suspends
8	[1.5]	Section 8B (1), note
9		substitute
10 11 12		<i>Note</i> The ACAT may revoke the enduring power of attorney, or part of it, under s 62 (2) (c), or suspend the enduring power of attorney, or part of it, under s 62 (2) (ca).
13	[1.6]	Section 8B (2)
13 14	[1.6]	Section 8B (2) after
	[1.6]	
14	[1.6]	after
14 15	[1.6]	after revoked
14 15 16	[1.6]	after revoked insert
14 15 16 17		after revoked insert or suspended

Justice and Community Safety Legislation Amendment Bill 2016 (No 3)

page 5

Schedule 1
Part 1.4Legislation amended
Human Rights Act 2004Amendment [1.8]

1	[1.8]	New section 62 (5)
2		insert
3 4 5	(5)	If the ACAT suspends an enduring power of attorney, the ACAT may appoint a guardian or manager for the person who was the principal for the power for the period of the suspension.
6	Part 1.	4 Human Rights Act 2004
7	[1.9]	Section 41
8		omit
9		Attorney-General
10		substitute
11		Minister
12	[1.10]	Section 41 (3) (c)
13		omit
14		Attorney-General's
15		substitute
16		Minister's
17	[1.11]	Dictionary, note 2
18		insert
19		• Minister (see s 162)

page 6

Human Rights Commission Part 1.5 1 Act 2005 2

- Section 27 (2) (b) [1.12] 3
 - omit

4

- Attorney-General 5
- substitute 6
- Minister 7

Part 1.6 **Information Privacy Act 2014** 8

9	[1.13]	Section 21 (1)
10		substitute
11	(1)	A public sector agency may enter into a government contract only if
12		the contract contains appropriate contractual measures to ensure that
13		the contracted service provider, and any subcontractor for the
14		contract, does not do an act or engage in a practice (a <i>contravening</i>
15		<i>act</i>), that breaches either of the following:
16		(a) a TPP, or a TPP code that binds the agency;
17		(b) a corresponding privacy law applicable to the contracted
18		service provider or any subcontractor.
19	[1.14]	Section 21 (4)
20		insert
21		corresponding privacy law means—
22		(a) the <i>Privacy Act 1988</i> (Cwlth); or
23		(b) a law of a State, external territory or foreign country prescribed
24		by regulation.

Justice and Community Safety Legislation Amendment Bill page 7 2016 (No 3)

Schedule 1Legislation amendedPart 1.7Juries Act 1967Amendment [1.15]

• Part 1.7 Juries Act 1967

2 [1.15] Schedule 2, part 2.1, item 1, column 2, third dot point

- 3 omit
- 4 [1.16] Schedule 2, part 2.2, new item 5A
- *insert* a person regularly employed by an airline in the capacity of operating crew

6 Part 1.8 Residential Tenancies Act 1997

7	[1.17]	Section 8 (2), definition of break lease clause
8		omit
9		permitted
10		substitute
11		provided for
12	[1.18]	Section 36 (c)
12 13	[1.18]	Section 36 (c) omit
	[1.18]	
13	[1.18]	omit
13 14	[1.18]	omit or division 4.4

page 8

Amendment [1.19]

Terrorism (Extraordinary Temporary Powers) Act 2006 **Part 1.9** 1 2

Section 98 (2) (d) [1.19] 3

4		omit		
5		the human rights commissioner has reported to the		
6		Attorney-General the results of a review under the Human Rights		
7		<i>Act 2004</i> , section 41 (a)		
8		substitute		
9		the human rights commission has reported to the Minister the results		
10		of a review under the <i>Human Rights Act 2004</i> , section 41 (1) (a)		
11	[1.20]	Dictionary, note 2		
12		insert		
13		human rights commission		

Justice and Community Safety Legislation Amendment Bill 2016 (No 3)

page 9

Endnotes

1	Presentation speech			
	Presentation speech made in the Legislative Assembly on 15 December 2016.			
2	Notification			
	Notified under the Legislation Act on	2016.		
3	Republications of amended laws			
	For the latest republication of amended laws, see www.legislation.act.gov.au.			

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page 10

Justice and Community Safety Legislation Amendment Bill 2016 (No 3)