

2018

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Attorney-General)

# Justice and Community Safety Legislation Amendment Bill 2018

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# **Justice and Community Safety Legislation Amendment Bill 2018**

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## **A Bill for**

An Act to amend legislation about justice and community safety, and for other purposes

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

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J2017-507

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

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Justice and Community Safety Legislation*  
4 *Amendment Act 2018*.

5 **2 Commencement**

6 This Act commences on the 7th day after its notification day.

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

9 **3 Legislation amended**

10 This Act amends the following legislation:

- 11 • [Civil Law \(Wrongs\) Act 2002](#)
- 12 • [Crimes Act 1900](#)
- 13 • [Crimes \(Restorative Justice\) Act 2004](#)
- 14 • [Family Violence Act 2016](#)
- 15 • [Heavy Vehicle National Law \(ACT\) Act 2013](#).

1 **Part 2** **Civil Law (Wrongs) Act 2002**

2 **4** **Duration of scheme**  
3 **Schedule 4, section 4.28 (6)**

4 *substitute*

5 (6) To remove any doubt, an instrument under subsection (4) is  
6 effective to extend the period for which a scheme is in force even if  
7 the instrument is notified after the day the scheme ends.

1 **Part 3 Crimes Act 1900**

2 **5 Special hearing**  
3 **Section 316 (3)**

4 *substitute*

5 (3) The Supreme Court must direct the ACAT to appoint a guardian  
6 with power to notify the court under subsection (2) (b) (ii) if the  
7 court is satisfied that—

8 (a) there is no guardian who has power to do so; and

9 (b) the accused is incapable of making the election mentioned in  
10 subsection (2) (a) (i).

1 **Part 4** **Crimes (Restorative Justice)**  
2 **Act 2004**

3 **6** **Quarterly reporting by director-general**  
4 **Section 68 (2)**

5 *omit*

6 *7 days*

7 *substitute*

8 *14 days*

1 **Part 5 Family Violence Act 2016**

2 **7 Applications and orders under repealed Act**  
3 **Section 199 (3)**

4 *substitute*

5 (3) However, part 9 (National recognition of FVOs) (other than  
6 division 9.6 (Application of pt 9—existing protection orders)) does  
7 not apply to a domestic violence order made under the [repealed Act](#).



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1 **Part 6** **Heavy Vehicle National Law**  
2 **(ACT) Act 2013**

3 **8 Exclusion of Legislation Act**  
4 **Section 8 (2) (b)**

5 *substitute*

- 6 (b) a reference in the [Legislation Act](#), section 64 (1) (Presentation  
7 of subordinate laws and disallowable instruments) to—  
8 (i) ‘6 sitting days’ were a reference to ‘20 sitting days’; and  
9 (ii) ‘notification day’ were a reference to ‘published’ as  
10 mentioned in the *Heavy Vehicle National Law (ACT)*,  
11 section 733 (1) (Publication of national regulations); and

12 **9 New part 10**

13 *insert*

14 **Part 10** **Validation**

15 **100 Validation of national regulation amendment regulations**

- 16 (1) The national regulations made for the *Heavy Vehicle National*  
17 *Law (ACT)* are taken to be amended by the amending regulations as  
18 if the amending regulations—  
19 (a) had been presented to the Legislative Assembly in accordance  
20 with the [Legislation Act](#), section 64 (1) (Presentation of  
21 subordinate laws and disallowable instruments); and  
22 (b) had not been taken to be repealed under the [Legislation Act](#),  
23 section 64 (2).

1 (2) In this section:

2 ***amending regulations*** means—

3 (a) the *Heavy Vehicle (General) National Amendment*  
4 *Regulation* (NSW); and

5 (b) the *Heavy Vehicle National Amendment*  
6 *Regulation 2017* (NSW).

7 **101 Expiry—pt 10**

8 This part expires on the day it commences.

9 *Note* If a law validates something, the validating effect of the law does not  
10 end only because of the repeal of the law (see [Legislation Act](#), s 88 (1)).

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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 22 March 2018.

**2 Notification**

Notified under the [Legislation Act](#) on 2018.

**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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