

2020

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Justice, Consumer Affairs and Road Safety)

Justice Legislation Amendment Bill 2020

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2020

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Justice, Consumer Affairs and Road Safety)

Justice Legislation Amendment Bill 2020

A Bill for

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

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

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Justice Legislation Amendment Act 2020*.

4 **2 Commencement**

5 (1) The following provisions commence on the 14th day after this Act's
6 notification day:

- 7 • section 35
- 8 • part 9 (Crimes (Sentencing) Act 2005)
- 9 • part 20 (Magistrates Court Act 1930)
- 10 • part 28 (Victims of Crime Act 1994).

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

13 (2) The following parts commence on the 7th day after this Act's
14 notification day:

- 15 • part 16 (Gaming Machine Act 2004)
- 16 • part 18 (Liquor Act 2010)
- 17 • part 19 (Liquor Regulation 2010).

18 (3) The following parts commence on the commencement of the *Unit
19 Titles Legislation Amendment Act 2020*, part 3:

- 20 • part 4 (Civil Law (Sale of Residential Property) Act 2003)
- 21 • part 5 (Civil Law (Sale of Residential Property) Regulation
22 2004).

23 (4) Part 23 (Residential Tenancies Act 1997) commences on the
24 commencement of the *Unit Titles Legislation Amendment Act 2020*,
25 part 10.

26 (5) Part 27 (Unit Titles (Management) Act 2011) commences on the
27 commencement of the *Unit Titles Legislation Amendment Act 2020*,
28 part 12.

- 1 (6) The following parts commence on a day fixed by the Minister by
2 written notice:
- 3 • part 2 (ACT Civil and Administrative Tribunal Act 2008)
 - 4 • part 3 (Agents Act 2003)
 - 5 • part 6 (Classification (Publications, Films and Computer Games)
6 (Enforcement) Act 1995)
 - 7 • part 7 (Court Procedures Act 2004)
 - 8 • part 13 (Fair Trading (Australian Consumer Law) Act 1992)
 - 9 • part 26 (Spent Convictions Act 2000).
- 10 *Note 1* A single day or time may be fixed, or different days or times may be
11 fixed, for the commencement of different provisions (see [Legislation Act](#),
12 s 77 (1)).
- 13 *Note 2* If a provision of parts 3, 7 and 26 has not commenced within 6 months
14 beginning on the notification day, it automatically commences on the first
15 day after that period (see [Legislation Act](#), s 79).
- 16 (7) If a provision of parts 2, 6 and 13 has not commenced within 12
17 months beginning on this Act's notification day, it automatically
18 commences on the first day after that period.
- 19 (8) The [Legislation Act](#), section 79 (Automatic commencement of
20 postponed law) does not apply to a provision mentioned in
21 subsection (7).
- 22 (9) The remaining provisions commence on the day after this Act's
23 notification day.

24 **3 Legislation amended**

25 This Act amends the following legislation:

- 26 • *ACT Civil and Administrative Tribunal Act 2008*
- 27 • *Agents Act 2003*
- 28 • *Civil Law (Sale of Residential Property) Act 2003*
- 29 • *Civil Law (Sale of Residential Property) Regulation 2004*

- 1 • *Classification (Publications, Films and Computer Games)*
- 2 *(Enforcement) Act 1995*
- 3 • *Court Procedures Act 2004*
- 4 • *Crimes (Sentence Administration) Act 2005*
- 5 • *Crimes (Sentencing) Act 2005*
- 6 • *Criminal Code 2002*
- 7 • *Discrimination Act 1991*
- 8 • *Domestic Animals Act 2000*
- 9 • *Fair Trading (Australian Consumer Law) Act 1992*
- 10 • *Fair Trading (Fuel Prices) Act 1993*
- 11 • *Fuels Rationing Act 2019*
- 12 • *Gaming Machine Act 2004*
- 13 • *Human Rights Commission Act 2005*
- 14 • *Liquor Act 2010*
- 15 • *Liquor Regulation 2010*
- 16 • *Magistrates Court Act 1930*
- 17 • *Magistrates Court (Domestic Animals Infringement Notices)*
- 18 *Regulation 2005*
- 19 • *Motor Accident Injuries Act 2019*
- 20 • *Residential Tenancies Act 1997*
- 21 • *Road Transport (Alcohol and Drugs) Act 1977*
- 22 • *Road Transport (Offences) Regulation 2005*
- 23 • *Spent Convictions Act 2000*
- 24 • *Unit Titles (Management) Act 2011*
- 25 • *Victims of Crime Act 1994.*

1 **Part 2** **ACT Civil and Administrative**
2 **Tribunal Act 2008**

3 **4** **New section 55B**

4 *insert*

5 **55B** **Consumer complaints—orders giving effect to**
6 **conciliation agreements**

- 7 (1) This section applies in relation to a conciliation agreement made
8 under the *Fair Trading (Australian Consumer Law) Act 1992*,
9 section 34I.
- 10 (2) On application by a party to the conciliation agreement, the tribunal
11 may make any order it considers appropriate to give effect to the
12 agreement.
- 13 (3) A decision of the tribunal to refuse to make an order under this section
14 does not affect the validity of the conciliation agreement.

1 **Part 3** **Agents Act 2003**

2 **5** **People disqualified from being licensed**
3 **Section 27 (1) (a) and note**

4 *substitute*

- 5 (a) for a licence other than a real estate agent's licence—has been
6 convicted of an ACT dishonesty offence or a non-ACT offence
7 that is similar in nature to an ACT dishonesty offence; or

8 *Note* A conviction does not include a spent conviction (see *Spent*
9 *Convictions Act 2000*, s 16 (c) (i)).

- 10 (aa) for a real estate agent's licence—is found unsuitable to be
11 licensed under section 27A; or

12 **6** **New section 27A**

13 *in division 3.2, insert*

14 **27A** **Suitability—real estate agents**

- 15 (1) This section applies to a person if the person has been convicted of a
16 relevant offence.
17 (2) The commissioner for fair trading may decide the person is unsuitable
18 to be licensed as a real estate agent.

19 *Note* A review of a decision to refuse to issue a licence to a person may include
20 a review of the commissioner's decision on the person's suitability (see
21 sch 1, item 2).

- 22 (3) In deciding whether a person is unsuitable to be licensed, the
23 commissioner for fair trading must have regard to the following
24 matters:

- 25 (a) when the offence was committed;
26 (b) the nature, seriousness and circumstances of the offence;

- 1 (c) whether the offence indicates the person may be a risk to
2 members of the public;
- 3 (d) the relevance of the offence to the person's duties as an agent;
- 4 (e) whether the offence was committed by the person in the course
5 of their duties as a real estate agent or salesperson;
- 6 (f) whether the ACAT has made an occupational discipline order in
7 relation to the person.

8 **7 People disqualified from being registered**

9 **Section 51 (1) (a) and note**

10 *substitute*

- 11 (a) for registration of a person other than as a real estate
12 salesperson—has been convicted of an ACT dishonesty offence
13 or a non-ACT offence that is similar in nature to an ACT
14 dishonesty offence; or

15 *Note* A conviction does not include a spent conviction (see *Spent*
16 *Convictions Act 2000*, s 16 (c) (i)).

- 17 (aa) for registration of a person as a real estate salesperson—is found
18 unsuitable to be licensed under section 51A; or

19 **8 New section 51A**

20 *in division 4.2, insert*

21 **51A Suitability—real estate salespeople**

- 22 (1) This section applies to a person if the person has been convicted of a
23 relevant offence.
- 24 (2) The commissioner for fair trading may decide the person is unsuitable
25 to be registered as a real estate salesperson.

26 *Note* A review of a decision to refuse to register an applicant may include a
27 review of the commissioner's decision on the applicant's suitability (see
28 sch 1, item 7).

- 1 (3) In deciding whether a person is unsuitable to be registered, the
2 commissioner for fair trading must have regard to the following
3 matters:
- 4 (a) when the offence was committed;
- 5 (b) the nature, seriousness and circumstances of the offence;
- 6 (c) whether the offence indicates the person may be a risk to
7 members of the public;
- 8 (d) the relevance of the offence to the person's duties as a
9 salesperson;
- 10 (e) whether the offence was committed by the person in the course
11 of their duties as a real estate agent or salesperson;
- 12 (f) whether the ACAT has made an occupational discipline order in
13 relation to the person.

14 **9 Dictionary, note 2**

15 *insert*

- 16 • in relation to
- 17 • territory law

18 **10 Dictionary, new definitions**

19 *insert*

20 ***ACT dishonesty offence*** means an offence against a territory law that
21 involves dishonesty.

22 ***non-ACT offence*** means an offence against a law other than a
23 territory law.

- 1 **relevant offence**—
- 2 (a) means—
- 3 (i) any of the following offences against a territory law:
- 4 (A) an offence involving dishonesty;
- 5 (B) an offence against the person;
- 6 (C) an offence involving violence;
- 7 (D) an offence against the [Criminal Code](#), chapter 6,
- 8 punishable by a maximum term of imprisonment of
- 9 3 years or more (a **serious drug offence**) or an
- 10 offence against a territory law previously in force
- 11 that is similar in nature to a serious drug offence; or
- 12 (ii) a sexual offence; and
- 13 (b) includes a non-ACT offence that is similar in nature to an
- 14 offence mentioned in paragraph (a) (i).
- 15 **sexual offence**—see the [Spent Convictions Act 2000](#), dictionary.

1 **Part 4** **Civil Law (Sale of Residential**
2 **Property) Act 2003**

3 **11** **Meaning of *required documents***
4 **Section 9 (1) (g) (iv)**

5 *omit*

6 drawings and plans demonstrating compliance with Australian
7 Standard AS 4299-1995 (Adaptable Housing)

8 *insert*

9 the documents prescribed by regulation

10 **12** **Meaning of *adaptable housing dwelling***
11 **Section 23A**

12 *omit*

13 **13** **Adaptable housing—advertising**
14 **Section 23B (1) (a)**

15 *omit*

16 a unit

17 *substitute*

18 premises

19 **14** **Section 23B (1) (b) and (c)**

20 *omit*

21 unit is

22 *substitute*

23 premises are

1 **15 New section 23B (3)**

2 *insert*

3 (3) In this section:

4 *premises*—see section 20.

5 **16 Dictionary, definition of *adaptable housing dwelling***

6 *substitute*

7 *adaptable housing dwelling* means a dwelling prescribed by
8 regulation.

1 **Part 5** **Civil Law (Sale of Residential**
2 **Property) Regulation 2004**

3 **17** **New section 6A**

4 *in part 2, insert*

5 **6A** **Adaptable housing dwelling—Act, dictionary, def**
6 ***adaptable housing dwelling***

7 A dwelling that complies with Australian Standard AS 4299-1995
8 (Adaptable Housing) is prescribed.

9 **18** **New section 10AA**

10 *after section 10, insert*

11 **10AA** **Required documents—Act, s 9 (1) (g) (iv)**

12 Drawings and plans demonstrating compliance with Australian
13 Standard AS 4299-1995 (Adaptable Housing) are prescribed.

1 **Part 6** **Classification (Publications,**
2 **Films and Computer Games)**
3 **(Enforcement) Act 1995**

4 **19** **Definitions—pt 6**
5 **Section 54A, new definition of *deal in***

6 *insert*

7 *deal in*, X 18+ films, means to do either or both of the following:

- 8 (a) copy X 18+ films;
9 (b) sell X 18+ films.

10 **20** **Section 54C**

11 *substitute*

12 **54C** **Application for X 18+ film licence**

13 A person may apply for a licence to deal in X 18+ films.

14 **21** **Grant or refusal of licence**
15 **Section 54E (1)**

16 *substitute*

- 17 (1) On application under section 54C, the commissioner must—
18 (a) grant a licence; or
19 (b) refuse to grant a licence.

20 **22** **Form of licence**
21 **Section 54F (b)**

22 *omit*

1	23	Renewal of licence
2		Section 54H (1), notes
3		<i>omit</i>
4	24	Change of activity under a licence
5		Section 54M
6		<i>omit</i>
7	25	Surrender of licence
8		Section 54P (1)
9		<i>omit</i>
10		stops selling or copying X 18+ films
11		<i>substitute</i>
12		stops dealing in X 18+ films
13	26	Approved forms—commissioner
14		Section 68
15		<i>omit</i>
16	27	Dictionary, new definition of <i>deal in</i>
17		<i>insert</i>
18		<i>deal in</i> , X 18+ films, for part 6 (X 18+ films)—see section 54A.

1 **Part 7** **Court Procedures Act 2004**

2 **28** **Remission, refund, deferral, waiver and exemption of fees**
3 **New section 15 (2) (c) (x)**

4 *insert*

5 (x) on an application mentioned in the *Spent Convictions Act 2000*,
6 section 14C; or

1 **Part 8** **Crimes (Sentence**
2 **Administration) Act 2005**

3 **29 Application—pt 3.1**
4 **New section 10 (1) (b) (ia)**

5 *before subsection (1) (b) (i), insert*

6 (ia) section 72 (Suspension or cancellation of intensive
7 correction order—recommittal to full-time detention);

8 **30 Definitions—ch 4**
9 **Section 23 (1), definition of *recommitted*, new paragraph**
10 **(aa)**

11 *before paragraph (a), insert*

12 (aa) section 72 (Suspension or cancellation of intensive correction
13 order—recommittal to full-time detention);

14 **31 Definitions—ch 5**
15 **Section 40, definition of *intensive correction order***

16 *substitute*

17 *intensive correction order—*

18 (a) see the *Crimes (Sentencing) Act 2005*, section 11; and

19 (b) if the term of the intensive correction order is extended under
20 section 80—includes the order as extended.

21 **32 New section 43A**

22 *in part 5.2, insert*

23 **43A Intensive correction order—end**

24 An intensive correction order for an offender ends—

25 (a) at the end of the term of the order; or

1 (b) if the order is cancelled earlier under part 5.6 (Supervising
2 intensive correction)—when the cancellation takes effect.

3 *Note* An *intensive correction order* includes the term of the order as extended
4 under s 80 (see s 40).

5 **33 Section 69 (4), new note**

6 *insert*

7 *Note* For when an intensive correction order ends, see s 43A.

8 **34 Section 80**

9 *substitute*

10 **80 Intensive correction orders—outstanding warrants—
11 extension of sentence**

12 (1) This section applies if a warrant is issued for an offender's arrest
13 under this chapter.

14 (2) This section also applies if a warrant is issued for an offender's arrest
15 under section 206 (2), because—

16 (a) the offender failed to appear before the board in accordance with
17 a notice under section 63 (Notice of inquiry—breach of
18 intensive correction order obligations); or

19 (b) a judicial member of the board considers that an offender will
20 not appear before the board in accordance with a notice under
21 section 63.

22 (3) For each period during which a warrant is outstanding and the
23 offender is not in custody (an *outstanding warrant period*)—

24 (a) the offender is taken not to perform their sentence by intensive
25 correction; and

26 (b) the term of the offender's intensive correction order, and the
27 term of the sentence, are automatically extended by the
28 outstanding warrant period.

- 1 (4) In this section:
2 *in custody* means—
3 (a) remanded in custody under a territory law or a law of the
4 Commonwealth or a State; or
5 (b) detained at a place under the *Mental Health Act 2015*.
6 *Note* *State* includes the Northern Territory (see [Legislation Act](#), dict, pt 1).

7 **35 Registrar to send penalty notice**
8 **Section 116C (2), new note**

- 9 *insert*
10 *Note* More than 1 penalty notice may be given to an offender as a result of a
11 conviction or order by the Supreme Court or Magistrates Court. For
12 example, a penalty notice may be given in relation to a fine payable under
13 a fine order under the *Crimes (Sentencing) Act 2005* in relation to the
14 conviction or order and another penalty notice may be given in relation
15 to a victims services levy imposed under the *Victims of Crime Act 1994*
16 in relation to the same conviction or order.

17 **36 Notice to victims for parole inquiry**
18 **Section 124 (1) (a) (i)**

- 19 *omit*
20 a written submission
21 *substitute*
22 a submission, orally or in writing,

23 **37 Section 124 (1) (a) (ii)**

- 24 *before*
25 in writing
26 *insert*
27 orally or

38 Section 124 (1) (b)

1 *omit*
2
3 in writing

39 New section 124 (1) (ba)

4 *insert*
5
6 (ba) a statement to the effect that a victim may ask the board not to
7 give the submission or concern to the offender or another
8 person;

9 *Note* For how the board is to handle information, see s 192.

40 Section 124 (2)

10 *omit*
11
12 make a written submission, or express concern, to the board in writing
13 *substitute*
14 make a submission, or express concern, to the board

**41 Parole applications—notice of hearing
Section 127 (3) (b)**

15 *omit*
16
17 documents
18
19 *substitute*
20 information

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25

42 Section 192

substitute

192 Confidentiality of board information

- (1) The board must ensure, as far as practicable, that board information given to an offender does not contain any of the following details about any victim of the offender:
- (a) the victim's home or business address;
 - (b) any email address for the victim;
 - (c) any contact phone or fax number for the victim.
- (2) The board must ensure, as far as practicable, that board information is not given to a person if a judicial member of the board considers there is a substantial risk that giving it to the person would—
- (a) adversely affect the security or good order and discipline of a correctional centre or a NSW correctional centre; or
 - (b) jeopardise the conduct of a lawful investigation; or
 - (c) endanger the person or anyone else; or
 - (d) otherwise prejudice the public interest.
- (3) In this section:
- board information***—
- (a) means information disclosed to, or obtained by, the board in the exercise of its functions; and
 - (b) includes—
 - (i) information disclosed or obtained orally or in writing; and
 - (ii) a document, or part of a document, under the control of the board.

1 *give*, information to a person, includes make the contents of a
2 document known to the person.

3 **Examples**

- 4 • read the document to the person
5 • show the document to the person

6 **43 Arrest of offender for board hearing**
7 **Section 206 (2), new note**

8 *insert*

9 *Note* An offender's intensive correction order and sentence are extended by the
10 period during which a warrant is outstanding under this section and the
11 offender is not in custody (see s 80).

12 **44 Custody of offender during board hearing adjournment**
13 **Section 210 (3) (a)**

14 *substitute*

15 (a) for a period not longer than is reasonably necessary, and in any
16 event not longer than 8 days for each adjournment, having
17 regard to—

- 18 (i) the purpose of the adjournment; and
19 (ii) the personal circumstances of the offender; and
20 (iii) the interests of justice; and

21 **45 New section 210 (5) to (7)**

22 *after the note, insert*

23 (5) If the offender is not in custody, the board may also issue a warrant
24 for the offender to be arrested and placed in the director-general's
25 custody.

Section 46

- 1 (6) The warrant must—
- 2 (a) be in writing signed by the judicial member or the secretary of
- 3 the board; and
- 4 (b) be directed to all police officers or a named police officer; and
- 5 (c) order the arrest of the offender.
- 6 (7) A police officer who arrests the offender under the warrant must
- 7 notify the board of the arrest as soon as practicable (but within
- 8 12 hours) after the arrest.

9 **46 Record of board hearings**

10 **Section 211 (2)**

11 *omit*

12 documents

13 *substitute*

14 information

15 **47 Section 212A**

16 *omit*

17 **48 Release on licence—notice of board inquiry**

18 **Section 291 (3)**

19 *omit*

20 documents

21 *substitute*

22 information

1 **Part 9** **Crimes (Sentencing) Act 2005**

2 **49** **Fines—orders to pay**
3 **Section 14 (5), note**

4 *omit*

1 **Part 10** **Criminal Code 2002**

2 **50** **Serious vilification**
3 **Section 750 (1) (c) (iv)**

4 *omit*

5 **51** **New section 750 (1) (c) (via)**

6 *insert*

7 (via) sex characteristics;

8 **52** **Section 750 (2), definition of *intersex status***

9 *omit*

10 **53** **Section 750 (2), new definition of *sex characteristics***

11 *insert*

12 *sex characteristics*—see the [Discrimination Act 1991](#), dictionary.

1 **Part 11** **Discrimination Act 1991**

2 **54 Protected attributes**
3 **Section 7 (1) (k)**

4 *omit*

5 **55 New section 7 (1) (va)**

6 *insert*

7 (va) sex characteristics;

8 **56 Unlawful vilification**
9 **Section 67A (1) (d)**

10 *omit*

11 **57 New section 67A (1) (fa)**

12 *insert*

13 (fa) sex characteristics;

14 **58 Dictionary, definition of *gender identity*, except note**

15 *substitute*

16 *gender identity* means the gender expression or gender-related
17 identity, appearance or mannerisms or other gender-related
18 characteristics of a person, with or without regard to the person's
19 designated sex at birth.

20 **59 Dictionary, definition of *intersex status***

21 *omit*

60 Dictionary, new definition of *sex characteristics*

insert

sex characteristics—

(a) means a person's physical features relating to sex; and

(b) includes—

(i) genitalia and other sexual and reproductive parts of the person's anatomy; and

(ii) the person's chromosomes, hormones and secondary physical features emerging as a result of puberty.

61 Dictionary, definition of *sexuality*

substitute

sexuality includes heterosexuality, homosexuality and bisexuality.

1 **Part 12** **Domestic Animals Act 2000**

2 **62** **Offences against Act—application of Criminal Code etc**
3 **Section 4A, note 1, dot point**

4 *omit*

- 5 • s 72K (Offence—selling and advertising requirements)

6 *substitute*

- 7 • s 72K (Offence—breeding, selling and advertising requirements)

8 **63** **Section 72K**

9 *substitute*

10 **72K** **Offence—breeding, selling and advertising requirements**

11 (1) A person commits an offence if the person—

- 12 (a) breeds a dog or cat; and
- 13 (b) does not hold a breeding licence.

14 Maximum penalty: 50 penalty units.

15 (2) A person commits an offence if the person—

- 16 (a) sells or gives away a dog or cat; and
- 17 (b) does not give the buyer or recipient of the dog or cat—
 - 18 (i) if the person holds a breeding licence—the person's
 - 19 breeding licence number; or
 - 20 (ii) in any other case—the person's rehoming identifier and the
 - 21 unique identifier from the dog or cat's microchip.

22 Maximum penalty: 50 penalty units.

- 1 (3) A person commits an offence if the person—
- 2 (a) publishes a statement that either—
- 3 (i) constitutes an invitation to buy or otherwise acquire a dog
- 4 or cat from the person; or
- 5 (ii) could reasonably be understood to constitute an invitation
- 6 to buy or otherwise acquire a dog or cat from the person;
- 7 and
- 8 (b) does not include in the publication—
- 9 (i) if the person holds a breeding licence—the person’s
- 10 breeding licence number; or
- 11 (ii) in any other case—the person’s rehoming identifier and
- 12 the unique identifier from the dog or cat’s microchip.

13 Maximum penalty: 10 penalty units.

14 (4) An offence against this section is a strict liability offence.

15 (5) In this section:

16 *rehoming identifier*, of a person, means—

- 17 (a) if a person has an identifier for rehoming a dog or cat under the
- 18 law of a State—the person’s identifier; or
- 19 (b) in any other case—either of the following:
- 20 (i) if the person has an ABN—the person’s ABN;
- 21 (ii) if the person does not have an ABN—the person’s name.

22 **64 Dictionary, new definition of *serious dog bite***

23 *insert*

24 *serious dog bite* means a wound from a single dog bite that has at

25 least 1 puncture deeper than half the length of the dog’s canine tooth,

26 with or without bruising or lacerations around the wound.

65 Dictionary, definition of *serious injury*

1

substitute

2

3

serious injury, to a person or animal, means either of the following:

4

(a) any injury (including the cumulative effect of more than 1 injury) that—

5

6

(i) endangers, or is likely to endanger, the person or animal's life; or

7

8

(ii) is, or is likely to be, a significant or longstanding injury;

9

(b) 1 or more serious dog bites.

1 **Part 13** **Fair Trading (Australian**
2 **Consumer Law) Act 1992**

3 **66** **New division 5.1A**

4 *insert*

5 **Division 5.1A** **Conciliation of consumer complaints**

6 **Subdivision 5.1A.1** **Preliminary**

7 **34A** **Application—div 5.1A**

8 This division applies in relation to a consumer complaint made by a
9 consumer to the commissioner if the value of the remedy sought in
10 relation to the complaint is not more than \$5 000.

11 **34B** **Definitions—div 5.1A**

12 In this division:

13 *acquire*—see the *Australian Consumer Law (ACT)*, section 2 (1).

14 *business* means a person in trade or commerce, a supplier, a
15 manufacturer or another person to whom the consumer legislation
16 applies.

17 *compulsory conciliation notice*—see section 34G.

18 *consumer*—

- 19 (a) in relation to the *Australian Consumer Law (ACT)*—see the
20 *Australian Consumer Law (ACT)*, section 2 (1); or
21 (b) in relation to any other consumer legislation—means a person
22 who acquires goods or services from a business for personal,
23 domestic or household use or consumption.

1 ***consumer complaint***—

2 (a) means a complaint by a consumer about a civil dispute with a
3 business in relation to consumer or fair trading issues and
4 practices; and

5 (b) includes a complaint by a consumer about a contravention of the
6 consumer legislation by the business.

7 ***consumer legislation*** means any of the following:

8 (a) the *Agents Act 2003*;

9 (b) the *Australian Consumer Law (ACT)*;

10 (c) the *Fair Trading (Motor Vehicle Repair Industry) Act 2010*;

11 (d) the *Pawnbrokers Act 1902*;

12 (e) the *Sale of Motor Vehicles Act 1977*;

13 (f) the *Second-hand Dealers Act 1906*.

14 ***party***, to a conciliation of a consumer complaint, means a person
15 mentioned in section 34E in relation to the complaint.

16 **34C Meaning of *conciliation*—div 5.1A**

17 (1) In this division, ***conciliation*** of a consumer complaint involves the
18 commissioner acting as an impartial third party to help the parties to
19 the conciliation to endeavour to resolve the matters raised by the
20 complaint by agreement.

21 (2) The parties to the conciliation decide the outcome of the conciliation,
22 usually with advice from the commissioner.

1 **Subdivision 5.1A.2 Conciliation**

2 **34D Conciliation**

3 The commissioner may conciliate a consumer complaint, or part of a
4 consumer complaint, if—

5 (a) the commissioner is satisfied that the matters raised by the
6 complaint, or part of the complaint, are appropriate for
7 conciliation; and

8 **Example**

9 A consumer complaint is not appropriate for conciliation if it is before the
10 ACAT or if the conduct complained about may constitute a criminal offence.

11 (b) the consumer who made the complaint agrees.

12 **34E Parties to conciliation**

13 The parties to a conciliation of a consumer complaint are the
14 consumer who made the complaint and the business that is the subject
15 of the complaint.

16 **34F Attendance at conciliation**

17 (1) A consumer who makes a consumer complaint must attend a
18 conciliation of the complaint unless—

19 (a) the consumer is a child or a person with disability, and another
20 person attends on behalf of the consumer; or

21 (b) the commissioner consents to another person attending the
22 conciliation on behalf of the consumer.

23 (2) The commissioner may agree to a person accompanying the
24 consumer at the conciliation.

- 1 (3) If a business receives a compulsory conciliation notice, the business
2 must attend the conciliation at the time and place mentioned in the
3 notice.
- 4 *Note* A business that contravenes s (3) is liable to a civil penalty of not more
5 than \$5 000 (see sdiv 5.1A.3).
- 6 (4) Subsection (3) does not apply to a business if it has a reasonable
7 excuse for not attending the conciliation at the time or place
8 mentioned in the notice.
- 9 *Note* A business has an evidential burden in relation to the matters mentioned
10 in s (4) (see s 34T).
- 11 (5) A party to a conciliation must not be represented by a lawyer unless—
12 (a) another party to the conciliation is a lawyer; or
13 (b) each party to the conciliation agrees; or
14 (c) the commissioner is satisfied that the party would be unfairly
15 disadvantaged if not represented by a lawyer.
- 16 (6) If the commissioner agrees, a person may attend a conciliation by
17 telephone or other electronic means.

18 **34G Compulsory conciliation notice**

- 19 (1) The commissioner may, by written notice (a *compulsory conciliation*
20 *notice*), require a business to attend a conciliation in relation to a
21 consumer complaint if—
22 (a) the business is the subject of the complaint; and
23 (b) the consumer who made the complaint agrees.
- 24 (2) The compulsory conciliation notice must state the time and place that
25 the business is required to attend the conciliation.

1 **34H Conduct of conciliation**

2 Conciliation is to be conducted in the way the commissioner decides.

3 **Examples**

- 4 1 the commissioner may decide that a consumer complaint is to be split and the
5 parts are to be conciliated separately
- 6 2 the commissioner may decide to conciliate a consumer complaint by holding
7 a conference with the parties

8 **34I Conciliated agreements**

- 9 (1) If a consumer complaint is resolved by agreement at conciliation, the
10 commissioner must help the parties to make a written record of the
11 agreement they have reached (the *conciliation agreement*).
- 12 (2) A conciliation agreement must be signed by each party to the
13 conciliation.
- 14 (3) The commissioner must give each party a copy of the conciliation
15 agreement.

16 *Note* The ACAT may make an order in accordance with a conciliation
17 agreement for a consumer complaint (see *ACT Civil and Administrative*
18 *Tribunal Act 2008*, s 55B).

19 **34J End of conciliation**

- 20 (1) Conciliation of a consumer complaint ends when—
- 21 (a) agreement is reached on the matters raised by the complaint and
22 the parties end the conciliation; or
- 23 (b) the parties agree to end the conciliation; or
- 24 (c) the consumer withdraws from the conciliation; or
- 25 (d) the commissioner is satisfied that the conciliation is unlikely to
26 be successful.

- 1 (2) When the conciliation ends, the commissioner must, as soon as
2 practicable, tell each party to the conciliation that it has ended and
3 why it has ended.

4 **34K Admissibility of evidence**

- 5 (1) This section applies to—
6 (a) a communication made between people attending a conciliation
7 (including the commissioner); and
8 (b) a document (whether delivered or not) that has been prepared in
9 relation to the conciliation.
10 (2) The *Evidence Act 2011*, section 131 (Exclusion of evidence of
11 settlement negotiations) applies to a communication or document to
12 which this section applies as if the communication or document were
13 a communication or document mentioned in that [Act](#), section 131 (1).

14 **Subdivision 5.1A.3 Civil penalties—business failing to attend**
15 **conciliation**

16 **34L Definitions—sdiv 5.1A.3**

17 In this subdivision:

18 *civil penalty order* means an order made by the Magistrates Court
19 under section 34M (3).

20 *civil penalty provision* means section 34F (3).

21 **34M Civil penalty orders**

- 22 (1) The commissioner may apply to the Magistrates Court for an order
23 that a business alleged to have contravened the civil penalty provision
24 pay the Territory a pecuniary penalty of not more than \$5 000.
25 (2) The commissioner must make the application within 6 years after the
26 alleged contravention.

- 1 (3) If the Magistrates Court is satisfied that the business has contravened
2 the civil penalty provision, the court may order the business to pay to
3 the Territory a pecuniary penalty of an amount the court determines
4 to be appropriate for the contravention.
- 5 (4) In determining an amount under subsection (3), the court must take
6 into account the following:
- 7 (a) the nature and circumstances that led to the contravention;
- 8 (b) the nature and extent of any loss suffered by the commissioner
9 because of the contravention;
- 10 (c) the size of the business;
- 11 (d) whether the business has previously contravened the civil
12 penalty provision and the circumstances of the previous
13 contravention;
- 14 **Examples—circumstances of previous contravention**
- 15 1 the number of previous contraventions by the business in relation to the
16 dispute being conciliated
- 17 2 the number of previous contraventions by the business in relation to
18 conciliations for other disputes
- 19 3 whether the circumstances of a previous contravention is similar to the
20 circumstances of the current contravention
- 21 (e) any other matter the court considers relevant.

22 **34N Civil enforcement of penalty**

23 A pecuniary penalty under a civil penalty order is a debt owing to the
24 Territory by the business in relation to whom the order is made.

25 *Note* An amount owing under a law may be recovered as a debt in a court of
26 competent jurisdiction or the ACAT (see [Legislation Act](#), s 177).

1 **34O Multiple contraventions of civil penalty provision**

2 (1) The Magistrates Court may make a single civil penalty order against
3 a business for multiple contraventions of a civil penalty provision if
4 proceedings for the contraventions are founded on the same facts, or
5 if the contraventions form, or are part of, a series of contraventions of
6 the same or a similar character.

7 (2) However, the penalty must not exceed the sum of the maximum
8 penalties that could be ordered if a separate penalty were ordered for
9 each contravention.

10 **34P Proceedings may be heard together**

11 The Magistrates Court may direct that 2 or more proceedings for civil
12 penalty orders are to be heard together.

13 **34Q Civil evidence and procedure rules for civil penalty**
14 **orders**

15 The Magistrates Court must apply the rules of evidence and
16 procedure for civil matters when hearing proceedings for a civil
17 penalty order.

18 **34R Civil penalty provisions—no fault element**

19 In proceedings for a civil penalty order against a business for a
20 contravention of a civil penalty provision, it is not necessary to prove
21 any fault element in relation to the contravention.

22 **Examples—fault element**

- 23 1 intention
24 2 knowledge
25 3 negligence
26 4 recklessness

1 **34S** **Civil penalty provisions—contravention by corporation**
2 **representative**

3 (1) If a civil penalty provision is contravened by a representative of a
4 corporation acting within the actual or apparent scope of the
5 representative's employment, or within the representative's actual or
6 apparent authority, the contravention must also be attributed to the
7 corporation.

8 (2) In this section:

9 *representative*, of a corporation, means an employee, agent or officer
10 of the corporation.

11 **34T** **Reasonable excuse—burden of proof**

12 If a business wishes to rely on section 34F (4) in a proceeding for a
13 civil penalty order, the business has an evidential burden in relation
14 to the matter.

15 **67** **Dictionary, note 2**

16 *insert*

- 17
 - lawyer

18 **68** **Dictionary, new definition of *acquire***

19 *insert*

20 *acquire*, for division 5.1A (Conciliation of consumer complaints)—
21 see section 34B.

69 Dictionary, definition of *business*

1
2 *substitute*

3 *business*—

4 (a) for this Act, other than division 5.1A—see the *Australian*
5 *Consumer Law (ACT)*, section 2 (1); and

6 (b) for division 5.1A (Conciliation of consumer complaints)—see
7 section 34B.

70 Dictionary, new definitions

8
9 *insert*

10 *civil penalty order*, for subdivision 5.1A.3 (Civil penalties—business
11 failing to attend conciliation)—see section 34L.

12 *civil penalty provision*, for division 5.1A.3 (Civil penalties—business
13 failing to attend conciliation)—see section 34L.

14 *compulsory conciliation notice*, for division 5.1A (Conciliation of
15 consumer complaints)—see section 34G.

16 *conciliation*, for division 5.1A (Conciliation of consumer
17 complaints)—see section 34C.

71 Dictionary, definition of *consumer*

18
19 *substitute*

20 *consumer*—

21 (a) for this Act, other than division 5.1A—see the *Australian*
22 *Consumer Law (ACT)*, section 2 (1); and

23 (b) for division 5.1A (Conciliation of consumer complaints)—see
24 section 34B.

1 **72 Dictionary, new definitions**

2 *insert*

3 *consumer complaint*, for division 5.1A (Conciliation of consumer
4 complaints)—see section 34B.

5 *consumer legislation*, for division 5.1A (Conciliation of consumer
6 complaints)—see section 34B.

7 *party*, for division 5.1A (Conciliation of consumer complaints)—see
8 section 34B.

1 **Part 14** **Fair Trading (Fuel Prices)**
2 **Act 1993**

3 **73** **New part 1 heading**

4 *insert*

5 **Part 1** **Preliminary**

6 **74** **New part 2 heading**

7 *after section 2A, insert*

8 **Part 2** **Determination of fuel prices**

9 **75** **Commissioner may make recommendation to Minister**
10 **Section 3 (2) (d)**

11 *omit*

12 Prices Surveillance Authority

13 *substitute*

14 Australian Competition and Consumer Commission

15 **76** **New section 3 (3)**

16 *insert*

17 (3) In this section:

18 *Australian Competition and Consumer Commission* means the
19 Australian Competition and Consumer Commission established
20 under the *Competition and Consumer Act 2010* (Cwlth), section 6AA.

- 1 **77** **Price display requirements**
2 **Section 5A (2), new definition of *discounted fuel price***
- 3 *insert*
- 4 *discounted fuel price*, of a specified fuel, means the price per unit of
5 measurement of the fuel payable on the sale of the fuel by retail after
6 any discount is applied.
- 7 **Examples—units of measurement of fuel**
- 8 1 for leaded petrol and unleaded petrol, the unit of measurement is a litre
9 2 for hydrogen, the unit of measurement is a kilogram
10 3 for electricity, the unit of measurement is a kilowatt hour

11 **78** **New part 3 heading etc**

12 *after section 7, insert*

13 **Part 3** **Regulated transfer of certain**
14 **fuels**

15 **7A** **Definitions—pt 3**

16 (1) In this part:

17 *fuel* means leaded petrol, unleaded petrol or distillate.

18 *regulated transfer* means a single consignment of a fuel that is—

19 (a) at least 2 000L; and

20 (b) delivered to or withdrawn from a place in the ACT under, or
21 because of, an agreement for the sale, purchase or exchange of
22 fuel.

23 (2) In this section:

24 *leaded petrol* means petrol other than unleaded petrol.

- 1 (ii) includes electricity; and
2 (b) for part 3 (Regulated transfer of certain fuels)—see
3 section 7A (1).

4 **83 Dictionary, definitions of *Prices Surveillance Authority*
5 and *regulated transfer***

6 *omit*

7 **84 Dictionary, definitions of *retail margin, retail price and*
8 *wholesale price***

9 *omit*

10 per litre

11 *substitute*

12 per unit of measurement of the fuel

1 **Part 15** **Fuels Rationing Act 2019**

2 **85** **Meaning of *fuel***
3 **Section 6 (1), definition of *fuel*, paragraph (d)**

4 *substitute*

5 (d) any other fuel manufactured for use in an internal combustion
6 engine; or

7 (da) hydrogen; or

8 **86** **Section 6 (1), definition of *fuel*, examples**

9 *substitute*

10 **Examples—par (a)**

- 11 • compressed natural gas
12 • liquefied natural gas

13 **Examples—par (b)**

- 14 • E10 petrol
15 • leaded petrol
16 • liquefied petroleum gas
17 • unleaded petrol

18 **Example—par (c)**

19 diesel

20 **Examples—par (d)**

- 21 • biodiesel
22 • ethanol fuel

1 **Part 16** **Gaming Machine Act 2004**

2 **87** **Cancellation of authorisation certificate because of**
3 **cancellation etc of general and on licences**
4 **Section 64 (2)**

5 *substitute*

6 (2) If the general licence or on licence ceases to be in force under the
7 *Liquor Act 2010*, the authorisation certificate is cancelled.

8 **88** **Rendering gaming machines inoperable on authorisation**
9 **certificate ceasing to be in force**
10 **Section 131 (a), note**

11 *substitute*

12 *Note* Section 64 (2) provides that a person's authorisation certificate for
13 premises is cancelled if the person's general or on licence for the
14 premises ceases to be in force.

1 **Part 17** **Human Rights Commission**
2 **Act 2005**

3 **89 Commission's obligation to be prompt and efficient**
4 **Section 45 (2) (d)**

5 *after*

6 discrimination complaint

7 *insert*

8 (other than a matter under commission-initiated consideration)

9 **90 Complainant's obligations in relation to complaint**
10 **Section 46, note 1**

11 *omit*

12 or (d)

13 **91 Referring complaints for conciliation**
14 **Section 51 (1), except note**

15 *substitute*

- 16 (1) The commission may, at any time, conciliate a complaint, or matter
17 that forms part of a complaint, if satisfied that the complaint or matter
18 is appropriate for conciliation.

19 **92 Section 53**

20 *substitute*

21 **53 Definitions—div 4.2A**

22 In this division:

23 *commission-initiated discrimination matter* means a matter or
24 complaint under commission-initiated consideration that involves an
25 unlawful act.

1

complaint—

2

(a) means a discrimination complaint; and

3

(b) includes a commission-initiated discrimination matter.

4

unlawful act means an unlawful act under the *Discrimination Act 1991*.

5

6

93 Section 53A heading

7

substitute

8

**53A Referral of discrimination complaints other than
commission-initiated discrimination matters**

9

10

94 New section 53A (3)

11

after the note, insert

12

(3) In this section:

13

complaint does not include a commission-initiated discrimination matter.

14

15

**95 Late application in exceptional circumstances
New section 53B (5)**

16

17

insert

18

(5) In this section:

19

complaint does not include a commission-initiated discrimination matter.

20

1	96	New section 53BA
2		<i>insert</i>
3	53BA	Referral of commission-initiated discrimination matters
4	(1)	This section applies if a commission-initiated report is prepared under
5		section 84 for a commission-initiated discrimination matter.
6	(2)	The commission may refer a commission-initiated discrimination
7		matter to the ACAT within 60 days after the report has been prepared.
8	(3)	If the commission refers a commission-initiated discrimination matter
9		to the ACAT, the commission must give written notice of the referral
10		to the person complained about.
11	97	Parties to ACAT proceeding on discrimination complaint
12		Section 53C, new note
13		<i>insert</i>
14	<i>Note</i>	The commission is the complainant in relation to a commission-initiated
15		consideration (see dict, def <i>complainant</i>).
16	98	Relationship between conciliation and consideration
17		Section 61
18		<i>omit</i>
19	99	Conciliated agreements
20		Section 62 (1)
21		<i>omit</i>
22		must
23		<i>substitute</i>
24		may

Section 100

- 1 **100 Section 62 (2)**
- 2 *substitute*
- 3 (2) If a conciliation agreement is made, each party must sign the
- 4 agreement.
- 5 **101 Power to ask for information, documents and other**
- 6 **things**
- 7 **Section 73 (4), note 2**
- 8 *omit*
- 9 s 78 (1) (d)
- 10 *substitute*
- 11 s 78 (1) (c)
- 12 **102 When complaints can be closed**
- 13 **Section 78 (1) (d)**
- 14 *omit*
- 15 in writing
- 16 **103 Expiry—vulnerable person complaint provisions**
- 17 **Section 105B (1) (f)**
- 18 *omit*
- 19 **104 Dictionary, new definition of *commission-initiated***
- 20 ***discrimination matter***
- 21 *insert*
- 22 *commission-initiated discrimination matter*, for division 4.2A
- 23 (Discrimination complaints to ACAT)—see section 53.

- 1 **105 Dictionary, definition of *complaint*, new paragraph (c)**
- 2 *insert*
- 3 (c) for division 4.2A (Discrimination complaints to ACAT)—see
- 4 section 53.

1 **Part 18** **Liquor Act 2010**

2 **106** **Licence—conditions**
3 **Section 31 (2) (b)**

4 *omit*

5 , renewed

6 **107** **Section 32**

7 *substitute*

8 **32** **Licence—period in force**

9 (1) A licence comes into force on the day it is issued.

10 (2) A licence continues in force until it is cancelled or surrendered.

11 **32A** **Licence—annual fee**

12 A licensee must pay to the commissioner the annual fee determined
13 for the licence.

14 *Note* A fee may be determined under s 227 for this provision.

15 **108** **Division 2.5 heading**

16 *substitute*

17 **Division 2.5** **Licences—amendment, transfer, etc**

18 **109** **Sections 42 and 43**

19 *omit*

1 **110 Offence—fail to return licence**
2 **Section 46 (1) (a)**

3 *substitute*

4 (a) ceases to be a licensee before the licence ends under section 32
5 (Licence—period in force); and

6 **111 What is *suitability information* about premises?**
7 **Section 78, note 2**

8 *substitute*

9 *Note 2* The commissioner must consider the suitability information for premises
10 when deciding to issue or amend a licence, or issue, amend or renew a
11 permit. The commissioner does not consider the suitability information
12 for premises when deciding an application to transfer a licence to
13 someone else (see s 41).

14 **112 Determination of fees**
15 **Section 227 (2)**

16 *omit*

17 **113 Section 227 (4)**

18 *omit*

19 **114 Regulation-making power**
20 **Section 229 (2) (b) (iii)**

21 *substitute*

22 (iii) the term of a permit;

115 **New part 24***insert***Part 24** **Validations and transitional****270** **Validation of fees**

- (1) This section applies to a fee, charge or other amount—
- (a) determined by the Minister, under section 227, for section 42 (Licence—application for renewal); and
 - (b) payable during the relevant period; and
 - (c) collected by the Territory in relation to continuing licences.
- (2) The fee, charge or other amount is taken to have been validly collected by the Territory in accordance with a determination properly—
- (a) made by the Minister under section 227, in relation to continuing licences; and
 - (b) notified under the [Legislation Act](#), section 61; and
 - (c) presented to the Legislative Assembly under the [Legislation Act](#), section 64 (1).

- (3) In this section:

continuing licence means a licence issued on or after 1 July 2017.

relevant period means the period beginning on 1 July 2017 and ending on the commencement of this part.

271 **Transitional—Liquor (Fees) Determination 2019**

The [Liquor \(Fees\) Determination 2019](#) (DI2019-159), schedule, item 501 is revoked.

1 **272 Expiry—pt 24**

2 This part expires on the day it commences.

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

5 **116 Reviewable decisions**
6 **Schedule 1, item 5**

7 *omit*

1 **Part 19** **Liquor Regulation 2010**

2 **117** **Licence form—Act, s 30 (1) (b) (vii)**
3 **Section 6 (1) (d)**

4 *omit*

5 **118** **Licence term—Act, s 32 (2)**
6 **Section 8**

7 *omit*

8 **119** **Licence maximum renewal period—Act, s 42 (1)**
9 **Section 12**

10 *omit*

11 **120** **Suitability of premises—cumulative impact**
12 **Section 15 (2) (c) and (d) and note**

13 *substitute*

14 (c) the number of incidents—

15 (i) reported on or after 1 July 2017 by existing licensed
16 premises and existing permitted premises near the
17 proposed premises; and

18 *Note* A licensee or permit holder must give the commissioner a
19 report about any incident that happens at premises—see the
20 [Act](#), s 131.

21 (ii) recorded before 1 July 2017 by existing licensed premises
22 and existing permitted premises near the proposed
23 premises in the incident registers of the premises;

1 **121 Section 15 (3)**

2 *substitute*

3 (3) In this section:

4 *incident register* means the incident register required under the [Act](#),
5 section 131, as in force immediately before 1 July 2017.

1 **Part 20** **Magistrates Court Act 1930**

2 **122** **Minute of decision and notice to defendant**
3 **Section 141 (2)**

4 *omit*

5 *must*

6 *substitute*

7 *may*

8 **123** **Section 141 (2), note**

9 *omit*

1 **Part 21** **Magistrates Court (Domestic**
2 **Animals Infringement Notices)**
3 **Regulation 2005**

4 **124 Domestic animals legislation infringement notice**
5 **offences and penalties**
6 **Schedule 1, part 1.1, items 40 and 41**

7 *substitute*

40	72K (1)	breeding dog or cat without licence	50	1 500
41	72K (2)	selling or giving away dog or cat without providing required information	50	1 500
41A	72K (3)	failing to include required information when publishing statement in relation to dog or cat	10	250

1 **Part 22** **Motor Accident Injuries Act 2019**

2 **125** **Meaning of *driving offence***
3 **Section 41, definition of *driving offence*, paragraph (c) (iii)**

4 *omit*

5 (Driver etc intoxicated)

6 *substitute*

7 (Use vehicle or animal on road under influence of alcohol or drug)

8 **126** **No entitlement—serious offences**
9 **Section 48 (7), definition of *serious offence*,**
10 **paragraph (b) (ix)**

11 *omit*

12 (Driver etc intoxicated)

13 *substitute*

14 (Use vehicle or animal on road under influence of alcohol or drug)

15 **127** **Section 48 (7), definition of *serious offence*, new**
16 **paragraph (b) (x)**

17 *insert*

18 (x) section 24A, if the offence relates to driving under the
19 influence of a drug;

1 **Part 23** **Residential Tenancies Act 1997**

2 **128 Adaptable housing—advertising**
3 **Section 11AAA (1) (a)**

4 *omit*

5 a unit

6 *substitute*

7 premises

8 **129 Section 11AAA (1) (b) and (c)**

9 *omit*

10 unit is

11 *substitute*

12 premises are

13 **130 New section 11AAA (3)**

14 *insert*

15 (3) In this section:

16 *adaptable housing dwelling*—see the *Civil Law (Sale of Residential*
17 *Property) Act 2003*, dictionary.

18 **131 Lessor's obligations**
19 **Section 12 (4), definitions of *adaptable housing dwelling***
20 **and *unit***

21 *omit*

1 **Part 24** **Road Transport (Alcohol and**
2 **Drugs) Act 1977**

3 **132** **Section 24A heading**

4 *substitute*

5 **24A** **Use vehicle or animal on road under influence of alcohol**
6 **or drug**

7 **133** **Section 24A (1)**

8 *after*

9 alcohol

10 *insert*

11 or a drug

1 **Part 25** **Road Transport (Offences)**
2 **Regulation 2005**

3 **134** **Short descriptions, penalties and demerit points**
4 **Schedule 1, part 1.3, item 18, column 3**

5 *after*

6 alcohol

7 *insert*

8 /drug

1 **Part 26** **Spent Convictions Act 2000**

2 **135** **New division 2.1 heading**

3 *insert*

4 **Division 2.1** **Spent convictions—general**

5 **136** **Which convictions can become spent?**
6 **Section 11 (2) (b)**

7 *substitute*

8 (b) a conviction for a sexual offence, other than a youth sexual
9 offence conviction;

10 **137** **When is a conviction spent?**
11 **Section 12 (1)**

12 *substitute*

13 (1) A conviction (other than a youth sexual offence conviction) is spent
14 on completion of the relevant crime-free period, unless it is earlier
15 spent under this section.

16 (1A) A youth sexual offence conviction is spent on the making of an order
17 under section 14F.

138 New division 2.2 etc

after section 14, insert

Division 2.2 Spent convictions—youth sexual offences**14A Meaning of youth sexual offence conviction—pt 2**

In this part:

youth sexual offence conviction means a conviction for a sexual offence—

- (a) where the person convicted was not dealt with as an adult in relation to the conviction; and
- (b) for which—
 - (i) a sentence of imprisonment of not longer than 6 months has been imposed; or
 - (ii) no sentence of imprisonment has been imposed.

14B Meaning of victim—div 2.2

(1) For this division, each of the following is a *victim* of an offender:

- (a) a person (a *primary victim*) who suffers harm because of an offence by the offender;
- (b) if a primary victim dies because of an offence by the offender—
a person who was financially or psychologically dependent on the primary victim immediately before the primary victim's death.

(2) In this section:

because of—see the *Crimes (Sentencing) Act 2005*, section 47.

harm—see the *Crimes (Sentencing) Act 2005*, section 47.

- 1 **14C** **Application for youth sexual offence conviction to be**
2 **spent**
- 3 (1) A person with a youth sexual offence conviction may, on or after
4 completion of the relevant crime-free period, apply to the court for an
5 order that the conviction is spent.
- 6 (2) An application must—
- 7 (a) be in writing; and
- 8 (b) state the following:
- 9 (i) the applicant's name, address and date of birth;
- 10 (ii) the applicant's name and address at the time of the
11 conviction;
- 12 (iii) to the extent known to the applicant, the date when and the
13 court where the applicant was convicted.
- 14 (3) In this section:
- 15 *court* means—
- 16 (a) if the applicant was convicted in the Supreme Court—the
17 Supreme Court; or
- 18 (b) if the applicant was convicted in the Magistrates Court, or does
19 not know which court they were convicted in—the Magistrates
20 Court.
- 21 **14D** **Chief police officer and DPP to be notified of application**
- 22 (1) The applicant must give written notice of the application to the chief
23 police officer and director of public prosecutions.
- 24 (2) The chief police officer and director of public prosecutions may make
25 submissions, orally or in writing, in relation to the application.

1 (3) Before deciding whether to make submissions, the director of public
2 prosecutions must—

3 (a) take reasonable steps to give notice of the application to the
4 victim of the offender; and

5 **Example**

6 notify Victim Support ACT of the application

7 (b) take into account any views expressed by the victim.

8 **14E Transfer of application to other courts**

9 (1) If an application made to the Magistrates Court relates to a conviction
10 by the Supreme Court, the Magistrates Court may transfer the
11 application to the Supreme Court.

12 (2) If an application made to the Supreme Court relates to a conviction
13 by the Magistrates Court, the Supreme Court may transfer the
14 application to the Magistrates Court.

15 (3) If the applicant is under 18 years old when an application is made, the
16 court to which the application is made may transfer the application to
17 the Children's Court.

18 **14F Order for spent youth sexual offence conviction**

19 (1) The court hearing an application may order that a youth sexual
20 offence conviction is spent if satisfied it is in the public interest to
21 make the order.

22 (2) In considering whether it is in the public interest to make an order,
23 the court must have regard to the following:

24 (a) the nature, circumstances and seriousness of the offence for
25 which the applicant was convicted;

26 (b) the length of the sentence imposed;

- 1 (c) the length of time since the offence was committed;
- 2 (d) any views of a victim of the offence;
- 3 (e) the circumstances of the applicant;
- 4 **Example**
- 5 whether the conviction restricts the applicant from engaging in a particular
- 6 trade
- 7 (f) any risk posed by the applicant to public safety if the order was
- 8 made.
- 9 (3) The hearing of the application may be conducted in open court or in
- 10 the absence of the public as the court directs, having regard to—
- 11 (a) the victim’s right to privacy; and
- 12 (b) whether the identity of the applicant was protected in relation to
- 13 the offence to which the application relates; and
- 14 (c) anything else the court considers relevant.

15 **Division 2.3 Spent convictions—revival**

16 **139 Dictionary, new definitions**

17 *insert*

18 *victim*, for division 2.2 (Spent convictions—youth sexual offences)—

19 see section 14B.

20 *youth sexual offence conviction*, for part 2 (Spent convictions)—see

21 section 14A.

1 **Part 27** **Unit Titles (Management)**
2 **Act 2011**

3 **140 Owners corporation must have bank account**
4 **Section 68 (1), new note**

5 *insert*

6 *Note 2* An owners corporation may open and maintain more than 1 account.
7 Words in the singular number include the plural (see [Legislation Act](#),
8 s 145 (b)).

9 **141 Requirements for notice of general meetings**
10 **Schedule 3, section 3.7 (2) (a)**

11 *substitute*

12 (a) a proxy form; and

13 *Note* If a form is approved under s 146 for this provision, the form must be
14 used.

15 **142 Proxy votes**
16 **Schedule 3, section 3.26 (1), new notes**

17 *insert*

18 *Note 1* If a form is approved under s 146 for this provision, the form must be
19 used.

20 *Note 2* Also, a proxy form must accompany the notice of general meeting (see
21 s 3.7 (2) (a)).

22 **143 Schedule 3, section 3.26 (2) and note**

23 *omit*

1 **Part 28** **Victims of Crime Act 1994**

2 **144** **Notice of levy**
3 **Section 25**

4 *omit*

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 18 June 2020.

2 Notification

Notified under the [Legislation Act](#) on 2020.

3 Republications of amended laws

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