

2023

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Attorney-General)

# Justice and Community Safety Legislation Amendment Bill 2023

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# Justice and Community Safety Legislation Amendment Bill 2023

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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:

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Justice and Community Safety Legislation Amendment*  
4 *Act 2023*.

5 **2 Commencement**

6 This Act commences on the 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 • [Court Procedures Act 2004](#)
- 12 • [Crimes \(Sentence Administration\) Act 2005](#)
- 13 • [Crimes \(Sentencing\) Act 2005](#)
- 14 • [Gaming Machine Act 2004](#)
- 15 • [Land Titles \(Unit Titles\) Act 1970](#).

16 *Note* This Act also amends other legislation (see sch 1).

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1 **Part 2** **Court Procedures Act 2004**

2 **4** **Advisory committee**  
3 **Section 11 (2) (d)**

4 *omit*

5 principal registrar

6 *substitute*

7 chief executive officer

8 **5** **Part 2A heading**

9 *substitute*

10 **Part 2A** **Chief executive officer of courts**

11 **6** **Section 11A heading**

12 *substitute*

13 **11A** **Appointment of chief executive officer**

14 **7** **Section 11A (1)**

15 *omit*

16 Principal Registrar and

17 **8** **Section 11A (1)**

18 *omit*

19 (the *principal registrar*)

20 *substitute*

21 (the *chief executive officer*)

1 **9 Section 11A (1), notes 1 and 2**

2 *substitute*

3 *Note* For laws about appointments, see the [Legislation Act](#), pt 19.3.

4 **10 Section 11A (2) and (3)**

5 *omit*

6 principal registrar

7 *substitute*

8 chief executive officer

9 **11 Section 11A (3), note**

10 *omit*

11 **12 Section 11A (4)**

12 *omit*

13 principal registrar

14 *substitute*

15 chief executive officer

16 **13 Section 11A (4), note**

17 *omit*

18 **14 Section 11B heading**

19 *substitute*

20 **11B Administrative functions of chief executive officer**



1 **15 Section 11B (1) and (2)**

2 *omit*

3 principal registrar

4 *substitute*

5 chief executive officer

6 **16 Section 11B (3)**

7 *omit*

8 principal registrar's

9 *substitute*

10 chief executive officer's

11 **17 Section 11B (3), note**

12 *omit*

13 principal registrar

14 *substitute*

15 chief executive officer

16 **18 Section 11BA heading**

17 *substitute*

18 **11BA Delegation by chief executive officer**

1 **19 Section 11BA**

2 *omit*

3 principal registrar

4 *substitute*

5 chief executive officer

6 **20 Section 11BA**

7 *omit*

8 principal registrar's

9 *substitute*

10 chief executive officer's

11 **21 Section 11BA, note**

12 *substitute*

13 *Note* For laws about delegations, see the [Legislation Act](#), pt 19.4.

14 **22 Leave of absence**  
15 **Section 11BB**

16 *omit*

17 principal registrar

18 *substitute*

19 chief executive officer

1	<b>23</b>	<b>Section 11BC heading</b>
2		<i>substitute</i>
3	<b>11BC</b>	<b>Chief executive officer must not do other work</b>
4	<b>24</b>	<b>Sections 11BC and 11BD</b>
5		<i>omit</i>
6		principal registrar
7		<i>substitute</i>
8		chief executive officer
9	<b>25</b>	<b>Section 11C heading</b>
10		<i>substitute</i>
11	<b>11C</b>	<b>Ending chief executive officer's appointment</b>
12	<b>26</b>	<b>Section 11C (1)</b>
13		<i>omit</i>
14		principal registrar
15		<i>substitute</i>
16		chief executive officer
17	<b>27</b>	<b>Section 11C (2), note</b>
18		<i>omit</i>

1	<b>28</b>	<b>Section 11D heading</b>
2		<i>substitute</i>
3	<b>11D</b>	<b>Chief executive officer not to direct registrars in relation</b>
4		<b>to court functions</b>
5	<b>29</b>	<b>Sections 11D and 11E</b>
6		<i>omit</i>
7		principal registrar
8		<i>substitute</i>
9		chief executive officer
10	<b>30</b>	<b>Dictionary, new definition of <i>chief executive officer</i></b>
11		<i>insert</i>
12		<i>chief executive officer</i> —see section 11A (1).
13	<b>31</b>	<b>Dictionary, definition of <i>principal registrar</i></b>
14		<i>omit</i>

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1 **Part 3** **Crimes (Sentence**  
2 **Administration) Act 2005**

3 **32 Parole order transfer—effect of registration under this**  
4 **Act**  
5 **Section 168 (3)**

6 *substitute*

- 7 (3) If a parole order for a sentence of life imprisonment imposed on a  
8 person under a law of a State or another Territory was registered  
9 under section 167 before the commencement day—
- 10 (a) the interstate nonparole period is taken to have been validly set  
11 by the appropriate ACT court as the nonparole period for the  
12 sentence despite any ACT law to the contrary; and
- 13 (b) a primary sentence imposed on the person after the order was  
14 registered but before the commencement day is taken not to have  
15 resulted in the cancellation of the interstate nonparole period  
16 because of the operation of the *Crimes (Sentencing) Act 2005*,  
17 section 66 (3).

18 **33 New section 168 (6)**

19 *insert*

- 20 (6) In this section:
- 21 ***appropriate ACT court***, in relation to a sentence imposed on a person  
22 under a law of a State or another Territory, means—
- 23 (a) if the sentence was imposed by a court of summary jurisdiction  
24 or a court on appeal from a court of summary jurisdiction—the  
25 Magistrates Court; or
- 26 (b) in any other case—the Supreme Court.

1            ***commencement day*** means the day the *Justice and Community Safety*  
2            *Legislation Amendment Act 2023*, section 32 commences.

3            ***interstate nonparole period***, for a sentence imposed on a person  
4            under a law of a State or another Territory, means the period (shorter  
5            than the sentence) for which the person is ineligible to be released on  
6            parole under a law of the State or other Territory.

7            ***primary sentence***—see the *Crimes (Sentencing) Act 2005*,  
8            section 66 (1) (b).

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## Part 4 Crimes (Sentencing) Act 2005

### 34 Application—pt 5.2 Section 64 (2), definition of *excluded sentence of imprisonment*, paragraph (f)

*substitute*

- (f) a sentence of life imprisonment, other than a sentence—
- (i) that was imposed by a court of a State or another Territory;  
and
  - (ii) in relation to which a parole order is registered under the *Crimes (Sentence Administration) Act 2005*, section 167 (Parole order transfer—registration); or

### 35 Nonparole periods—court to set Section 65(5)

*substitute*

- (5) If the offender is subject to a sentence of life imprisonment, the court must not set a nonparole period for any sentence of imprisonment that is imposed on the offender unless—
- (a) the sentence of life imprisonment to which the offender is subject was imposed by a court of a State or another Territory;  
and
  - (b) a parole order for the sentence of life imprisonment is registered under the *Crimes (Sentence Administration) Act 2005*, section 167 (Parole order transfer—registration).

1 **Part 5** **Gaming Machine Act 2004**

2 **36** **Voluntary surrender agreement**

3 **New section 10C (2A)**

4 *insert*

5 (2A) The term of each voluntary surrender agreement is extended until  
6 1 April 2028, despite anything to the contrary in any agreement.

7 **37** **Offsets**

8 **Section 10H (1) (a) and (c)**

9 *omit*

10 1 April 2026

11 *substitute*

12 1 April 2028

13 **38** **Section 10U**

14 *substitute*

15 **10U** **Expiry—pt 2A**

16 (1) This part expires on 1 April 2028.

17 (2) However, section 10G and this subsection expire on 1 April 2024.



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1 **Part 6** **Land Titles (Unit Titles) Act 1970**

2 **39 Relationship with Land Titles Act**  
3 **New section 4 (3) (c)**

4 *before the notes, insert*

5 (c) a copy of an ACAT order.

6 **40 Registration of final building damage orders**  
7 **Section 20 (1) and note**

8 *omit*

9 Magistrates Court

10 *substitute*

11 ACAT

12 **41 Section 20 (1) and (2)**

13 *omit*

14 an office copy

15 *substitute*

16 a copy

17 **42 Appointment of administrator—registration**  
18 **Section 28 and note**

19 *omit*

20 Magistrates Court

21 *substitute*

22 ACAT

- 1 **43 Section 28**
- 2 *omit*
- 3 an office copy
- 4 *substitute*
- 5 a copy
- 6 **44 Dictionary, note 2**
- 7 *omit*
- 8 • Magistrates Court
- 9 *substitute*
- 10 • ACAT

1 **Schedule 1**                    **Consequential amendments**

2 (see s 3)

3 **Part 1.1**                        **Freedom of Information Act 2016**

4 **[1.1]**                    **Dictionary, definition of *principal officer*, paragraph (b)**

5 *omit*

6 principal registrar appointed under the *Court Procedures Act 2004*,  
7 section 11A

8 *substitute*

9 chief executive officer appointed under the *Court Procedures*  
10 *Act 2004*, section 11A (1)

11 **Part 1.2**                        **Road Transport (Driver**  
12 **Licensing) Regulation 2000**

13 **[1.2]**                    **Section 12 (10), definition of *judicial officer***

14 *omit*

15 principal registrar appointed under the *Court Procedures Act 2004*,  
16 section 11A

17 *substitute*

18 chief executive officer appointed under the *Court Procedures*  
19 *Act 2004*, section 11A (1)

1 **Part 1.3 Territory Records Act 2002**

2 **[1.3] Section 8, definition of *principal officer*, paragraph (c)**

3 *omit*

4 principal registrar appointed under the *Court Procedures Act 2004*,  
5 section 11A

6 *substitute*

7 chief executive officer appointed under the *Court Procedures*  
8 *Act 2004*, section 11A (1)

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**Endnotes**

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 11 May 2023.

**2 Notification**

Notified under the [Legislation Act](#) on 2023.

**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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