

2024

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Justice and Community Safety Legislation Amendment Bill 2024

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J2023-1281

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Justice and Community Safety Legislation Amendment Bill 2024

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:

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Justice and Community Safety Legislation Amendment*
4 *Act 2024*.

5 **2 Commencement**

6 (1) This Act (other than parts 6 and 7) commences on the day after its
7 notification day.

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

10 (2) Parts 6 and 7 commence, or are taken to have commenced, on the
11 commencement of the [Human Rights \(Complaints\) Legislation](#)
12 [Amendment Act 2023](#), section 23.

13 **3 Legislation amended**

14 This Act amends the following legislation:

- 15 • [Civil Law \(Wrongs\) Act 2002](#)
- 16 • [Civil Law \(Wrongs\) Regulation 2003](#)
- 17 • [Court Procedures Act 2004](#)
- 18 • [Domestic Violence Agencies Act 1986](#)
- 19 • [Human Rights Act 2004](#)
- 20 • [Human Rights Commission Act 2005](#)
- 21 • [Security Industry Act 2003](#)
- 22 • [Urban Forest Act 2023](#).

23 *Note* This Act also amends the [Discrimination Act 1991](#) (see sch 1).

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

2 **4 Claimant may add later respondents**
3 **Section 55 (2) (a)**

4 *substitute*

5 (a) within the period (if any) prescribed by regulation; or

6 **5 Section 55 (3) (b)**

7 *omit*

8 time

9 *substitute*

10 period

11 **6 Respondent may add someone else as contributor**
12 **Section 57 (1)**

13 *omit*

14 may, within the time prescribed by regulation, add

15 *substitute*

16 may add

17 **7 Section 57 (2)**

18 *substitute*

19 (2) However, the respondent may add someone else as a contributor
20 only—

21 (a) within the period (if any) prescribed by regulation; or

22 (b) if the contributor and all parties to the claim agree; or

23 (c) if the court gives leave.

1 **8 Section 57 (3)**

2 *omit 1st mention of*

3 If

4 *substitute*

5 Also, if

6 **9 Section 57 (5)**

7 *omit*

8 time

9 *substitute*

10 period

1 **Part 3** **Civil Law (Wrongs)**
2 **Regulation 2003**

3 **10 Sections 7 and 8**

4 *substitute*

5 **7 Claimant adds later respondent—period to tell other**
6 **respondents—Act, s 55 (3) (b)**

7 The period prescribed is 1 month after the day the claimant adds the
8 later respondent.

9 **8 Respondent adds contributor—period to give copy of**
10 **contribution notice to other parties—Act, s 57 (5)**

11 The period prescribed is 1 month after the day the respondent adds
12 someone else as a contributor.

1 **Part 4** **Court Procedures Act 2004**

2 **11** **Director-general, public advocate and Aboriginal and**
3 **Torres Strait Islander children and young people**
4 **commissioner etc may appear at proceedings**
5 **Section 74C (2) (e)**

6 *omit*

7 proceeding is against

8 *substitute*

9 hearing relates to

1 **Part 5** **Domestic Violence Agencies**
2 **Act 1986**

3 **12** **Review of part**
4 **Section 16Y (1)**

5 *substitute*

- 6 (1) The Minister must review the operation of this part as soon as
7 practicable after 31 March 2026.

8 **13** **Section 16Y (3)**

9 *substitute*

- 10 (3) This section expires on 31 March 2027.

1 **Part 6** **Human Rights Act 2004**

2 **14** **Public authorities must act consistently with human**
3 **rights**
4 **Section 40B (1), note**

5 *after*

6 a public authority

7 *insert*

8 , other than a public authority mentioned in section 40 (1) (e),

1 **Part 7** **Human Rights Commission**
2 **Act 2005**

3 **15** **Dictionary, definition of *person complained about*,**
4 **paragraph (d) (ii)**

5 *omit*

6 , (e)

7 **16** **Dictionary, definition of *public authority*, paragraph (b)**

8 *substitute*

9 (b) includes an entity for whom a declaration is in force under the
10 [Human Rights Act 2004](#), section 40D (Other entities may choose
11 to be subject to obligations of public authorities); but

12 (c) does not include a public authority mentioned in the [Human](#)
13 [Rights Act 2004](#), section 40 (1) (e).

1 **Part 8** **Security Industry Act 2003**

2 **17** **New section 29AA**

3 *in division 3.7A, before section 29A, insert*

4 **29AA** **Disclosure of disqualifying offences**

5 (1) A licensee must notify the commissioner for fair trading, in writing,
6 if the licensee is convicted or found guilty of an offence mentioned in
7 section 21 (3) (General suitability criteria) during the term of the
8 licence.

9 (2) A licensee commits an offence if the licensee fails to give notice in
10 accordance with subsection (1) within 14 days after the day the
11 licensee becomes aware of the conviction or finding of guilt.

12 Maximum penalty: 20 penalty units.

13 (3) An offence against this section is a strict liability offence.

1 Part 9 Urban Forest Act 2023

2 18 Application for approval of tree damaging etc activity 3 Section 21 (1)

4 *omit*

5 leased

6 19 Definitions—sdiv 3.3.2 7 Section 34, definition of *decision-maker*

8 *substitute*

9 *decision-maker*, in relation to a protected tree that is proposed to be
10 removed in accordance with a development approval, means the
11 territory planning authority.

12 20 Decision on approval application—canopy contribution 13 agreements 14 Section 35 (3), note

15 *substitute*

16 *Note* The decision-maker in relation to a protected tree that is proposed to be
17 removed in accordance with a development approval is the territory
18 planning authority.

1 **21 Section 35 (4) (b)**

2 *substitute*

3 (b) the approval relates to a public tree and an administrative unit
4 has—

5 (i) approved the removal of the tree at the applicant’s cost;
6 and

7 (ii) stated, in writing, that the tree would be removed by the
8 administrative unit as part of an activity authorised under
9 section 19; or

10 **22 Dictionary, definition of *decision-maker*, paragraph (b)**

11 *substitute*

12 (b) for subdivision 3.3.2 (Approved activities—canopy
13 contributions), in relation to a protected tree that is proposed to
14 be removed in accordance with a development approval—see
15 section 34.

