

2024

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Attorney-General)

# Justice and Community Safety Legislation Amendment Bill 2024 (No 2)

## Contents

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		Page
<b>Part 1</b>	<b>Preliminary</b>	
1	Name of Act	2
2	Commencement	2
3	Legislation amended	2
<b>Part 2</b>	<b>Fair Trading (Australian Consumer Law) Act 1992</b>	
4	New section 65A	3
5	Dictionary, note 2	4

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

<b>Part 3</b>		<b>Human Rights Commission Act 2005</b>	
6	Human rights complaints		
	Section 41D (4), definition of <i>relevant person</i>		5
7	Commission's obligation to be prompt and efficient		
	New section 45 (1A)		5
8	Section 45 (2)		5
9	Section 45 (3)		5
10	Section 45 (4)		6
11	Section 45 (5) (b)		6
12	Definitions—div 4.2B		
	Section 53F		6
13	New section 53IA		6
14	Division 4.2C heading		7
15	Definitions—div 4.2C		
	Section 53P		7
16	New section 53SA		7
17	Meaning of <i>person complained about</i> —div 4.2D		
	Section 53Z		8
18	New section 53ZBA		8
19	Section 71A		9
20	When complaints can be closed		
	New section 78 (1) (h)		10
21	Final report		
	Section 81 (1) and note		10
22	Closing discrimination complaints		
	New section 82 (2) (aa)		10
23	New section 82 (2) (c)		11
24	Closing retirement village complaints		
	New section 82A (2) (aa)		11
25	New section 82A (2) (c)		11
26	Closing occupancy dispute complaints		
	New section 82B (2) (aa)		11
27	New section 82B (2) (c)		11
28	Closing conversion practice complaints		
	New section 82C (2) (aa)		12

	Page
29	New section 82C (2) (c) 12
30	Third-party reports Section 83 (6) 12
31	New part 9 13
32	Dictionary, definition of <i>person complained about</i> 14
33	Dictionary, new definition of <i>respondent</i> 14
34	Dictionary, definition of <i>retirement village complaint</i> 15
35	Further amendments, mentions of <i>person complained about</i> 15
<b>Part 4</b>	<b>Official Visitor Act 2012</b>
36	New section 24A 17
37	New section 25A 17
<b>Part 5</b>	<b>Residential Tenancies Act 1997</b>
38	Repayment of bond to former co-tenant—consecutive tenancy agreement New section 35BA (1) (ba) 19
39	Payment of bond by new co-tenant—consecutive tenancy agreement New section 35FA (1) (aa) 19
40	Definitions—div 4.3A Section 46C, definition of <i>notice of continuing tenancy</i> 19
41	Section 46F 19
42	Co-tenancies—effect of serving family violence termination notice Section 46G (4) 20
43	Dictionary, definition of <i>notice of continuing tenancy</i> 21
<b>Part 6</b>	<b>Retirement Villages Act 2012</b>
44	Membership of residents committee New section 104 (1A) 22
45	New section 104 (6) 22
46	Result of vote Schedule 1, section 1.4 (1) (a) 22



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(Attorney-General)

# Justice and Community Safety Legislation Amendment Bill 2024 (No 2)

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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 2024 (No 2)*.

5 **2 Commencement**

6 (1) This Act (other than sections 13, 16 and 18) commences on the  
7 7th day after its notification day.

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

10 (2) Sections 13, 16 and 18 commence 3 months after this Act's  
11 notification day.

12 **3 Legislation amended**

13 This Act amends the following legislation:

- 14 • [Fair Trading \(Australian Consumer Law\) Act 1992](#)
- 15 • [Human Rights Commission Act 2005](#)
- 16 • [Official Visitor Act 2012](#)
- 17 • [Residential Tenancies Act 1997](#)
- 18 • [Retirement Villages Act 2012](#).

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

3 **4** **New section 65A**

4 *insert*

5 **65A** **Conduct by representatives**

- 6 (1) This section applies to a proceeding under this Act or the *Australian*  
7 *Consumer Law (ACT)* for conduct engaged in by a person.
- 8 (2) If it is necessary to establish the state of mind of the person, it is  
9 sufficient to show that—
- 10 (a) a representative of the person engaged in the conduct within the  
11 scope of the representative's authority; and
- 12 (b) the representative had that state of mind.
- 13 (3) The following conduct is taken to have been engaged in also by the  
14 person:
- 15 (a) conduct of a representative of the person within the scope of the  
16 representative's authority;
- 17 (b) conduct engaged in on behalf of the person by another person  
18 if—
- 19 (i) the other person engages in the conduct at the direction or  
20 with the consent or agreement (whether express or  
21 implied) of a representative of the person; and
- 22 (ii) the giving of the direction, consent or agreement is within  
23 the scope of the representative's authority.

- 1 (4) An individual is not liable to be punished by imprisonment for an  
2 offence if—
- 3 (a) subsection (2) or (3) applied in relation to the conviction on the  
4 basis that the individual was the person (other than a  
5 representative) mentioned in the subsection; and
- 6 (b) the individual would not have been convicted of the offence if  
7 the subsection had not been enacted.
- 8 (5) In this section:
- 9 *authority* means actual or apparent authority.
- 10 *conduct* means an act or an omission to do an act.
- 11 *representative*, of a person—
- 12 (a) means an employee or agent of the person; and
- 13 (b) if the person is a body corporate—includes a director of the body  
14 corporate.

## 5 Dictionary, note 2

16 *insert*

- 17 • individual



---

1 **Part 3** **Human Rights Commission**  
2 **Act 2005**

3 **6 Human rights complaints**  
4 **Section 41D (4), definition of *relevant person***

5 *substitute*

6 *relevant person*, for a complaint under subsection (2) (a), means the  
7 person who would be a respondent if the complaint was a human  
8 rights complaint.

9 **7 Commission's obligation to be prompt and efficient**  
10 **New section 45 (1A)**

11 *insert*

12 (1A) Without limiting subsection (1), the commission may make any  
13 preliminary inquiry it considers necessary and appropriate to decide  
14 how to deal with a complaint.

15 **8 Section 45 (2)**

16 *omit*

17 In particular,

18 *substitute*

19 Without limiting subsection (1), in dealing with a complaint,

20 **9 Section 45 (3)**

21 *omit everything before paragraph (a), substitute*

22 The commission need not consider a complaint if satisfied that—

**10 Section 45 (4)**

2 *omit*

3 Also, the commission need not give notice under subsection (2) to the  
4 person complained of

5 *substitute*

6 The commission need not give notice to the respondent under  
7 subsection (2)

**11 Section 45 (5) (b)**

9 *omit*

10 that person

11 *substitute*

12 them

**12 Definitions—div 4.2B  
Section 53F**

15 *omit*

**13 New section 53IA**

17 *insert*

**18 53IA Referral of commission-initiated (retirement villages)  
19 matter**

20 (1) This section applies if a commission-initiated report is prepared under  
21 section 84 for a commission-initiated (retirement villages)  
22 consideration.

23 (2) The commission may refer a commission-initiated (retirement  
24 villages) matter to the ACAT within 60 days after the report has been  
25 prepared.

1 (3) If the commission refers a commission-initiated (retirement villages)  
2 matter to the ACAT, the commission must give written notice of the  
3 referral to the respondent.

4 (4) In this section:

5 *commission-initiated (retirement villages) consideration* means a  
6 commission-initiated consideration that relates to a service provided  
7 by the operator of a retirement village under the *Retirement Villages*  
8 *Act 2012*.

9 *commission initiated (retirement villages) matter* means a matter or  
10 complaint under commission-initiated (retirement villages)  
11 consideration that involves an act that is unlawful under the  
12 *Retirement Villages Act 2012*.

13 **14 Division 4.2C heading**

14 *substitute*

15 **Division 4.2C Occupancy dispute complaints to**  
16 **ACAT**

17 **15 Definitions—div 4.2C**  
18 **Section 53P**

19 *omit*

20 **16 New section 53SA**

21 *insert*

22 **53SA Referral of commission-initiated (occupancy dispute)**  
23 **matter**

24 (1) This section applies if a commission-initiated report is prepared under  
25 section 84 for a commission-initiated (occupancy dispute)  
26 consideration.

- 1 (2) The commission may refer a commission-initiated (occupancy  
2 dispute) matter to the ACAT within 60 days after the report has been  
3 prepared.
- 4 (3) If the commission refers a commission-initiated (occupancy dispute)  
5 matter to the ACAT, the commission must give written notice of the  
6 referral to the respondent.
- 7 (4) In this section:
- 8 *commission-initiated (occupancy dispute) consideration* means a  
9 commission-initiated consideration that relates to an occupancy  
10 dispute.
- 11 *commission initiated (occupancy dispute) matter* means a matter or  
12 complaint under commission-initiated (occupancy dispute)  
13 consideration that involves an act that is unlawful under the  
14 [Residential Tenancies Act 1997](#).

15 **17** **Meaning of *person complained about*—div 4.2D**  
16 **Section 53Z**

17 *omit*

18 **18** **New section 53ZBA**

19 *insert*

20 **53ZBA Referral of commission-initiated (conversion practice)**  
21 **matter**

- 22 (1) This section applies if a commission-initiated report is prepared under  
23 section 84 for a commission-initiated (conversion practice)  
24 consideration.
- 25 (2) The commission may refer a commission-initiated (conversion  
26 practice) matter to the ACAT within 60 days after the report has been  
27 prepared.

1 (3) If the commission refers a commission-initiated (conversion practice)  
2 matter to the ACAT, the commission must give written notice of the  
3 referral to the respondent.

4 (4) In this section:

5 *commission-initiated (conversion practice) consideration* means a  
6 commission-initiated consideration that relates to a sexuality or  
7 gender identity conversion practice.

8 *commission initiated (conversion practice) matter* means a matter or  
9 complaint under commission-initiated (conversion practice)  
10 consideration that involves an act that is unlawful under the *Sexuality  
11 and Gender Identity Conversion Practices Act 2020*.

## 12 **19 Section 71A**

13 *substitute*

### 14 **71A Commission may treat new entity as respondent**

15 (1) This section applies if the commission is considering a complaint, and  
16 is satisfied on reasonable grounds that—

17 (a) the complaint should have been made against an entity  
18 (the *new entity*) other than the respondent; or

19 (b) the complaint could have been made by the complainant against  
20 an entity (also the *new entity*) as well as the respondent.

21 (2) The commission may, by written notice given to the complainant and  
22 the new entity, elect to treat the new entity as a respondent in the  
23 complaint.

24 (3) If the commission elects to treat the new entity as a respondent in the  
25 complaint—

26 (a) the new entity is taken to be a respondent in the complaint for  
27 this Act and related Acts; and

1 (b) the complaint is taken to have been made against the new entity  
2 at the time the commission elected to treat the new entity as a  
3 respondent.

4 (4) Also, the commission must take reasonably practicable steps to  
5 ensure that the new entity is not disadvantaged only because the  
6 commission elected to treat the entity as a respondent in the complaint  
7 rather than waiting for a new complaint to be made about the entity.

8 **20 When complaints can be closed**  
9 **New section 78 (1) (h)**

10 *insert*

11 (h) the commission is satisfied, taking into account all the  
12 circumstances, that further consideration of the complaint is not  
13 justified.

14 **21 Final report**  
15 **Section 81 (1) and note**

16 *substitute*

17 (1) If the commission is satisfied the respondent has acted inconsistently  
18 with an applicable standard, the commission may make  
19 recommendations to the respondent in the final report.

20 **22 Closing discrimination complaints**  
21 **New section 82 (2) (aa)**

22 *insert*

23 (aa) the complaint has otherwise been resolved to the commission's  
24 satisfaction; or

**23 New section 82 (2) (c)**

1  
2 *insert*

3 (c) the complaint has been closed because the complainant, without  
4 good reason, failed to take reasonable steps to resolve the  
5 complaint.

**24 Closing retirement village complaints  
New section 82A (2) (aa)**

6  
7  
8 *insert*

9 (aa) the complaint has otherwise been resolved to the commission's  
10 satisfaction; or

**25 New section 82A (2) (c)**

11  
12 *insert*

13 (c) the complaint has been closed because the complainant, without  
14 good reason, failed to take reasonable steps to resolve the  
15 complaint.

**26 Closing occupancy dispute complaints  
New section 82B (2) (aa)**

16  
17  
18 *insert*

19 (aa) the complaint has otherwise been resolved to the commission's  
20 satisfaction; or

**27 New section 82B (2) (c)**

21  
22 *insert*

23 (c) the complaint has been closed because the complainant, without  
24 good reason, failed to take reasonable steps to resolve the  
25 complaint.

1 **28 Closing conversion practice complaints**  
2 **New section 82C (2) (aa)**

3 *insert*

4 (aa) the complaint has otherwise been resolved to the commission's  
5 satisfaction; or

6 **29 New section 82C (2) (c)**

7 *insert*

8 (c) the complaint has been closed because the complainant, without  
9 good reason, failed to take reasonable steps to resolve the  
10 complaint.

11 **30 Third-party reports**  
12 **Section 83 (6)**

13 *omit last mention of*

14 the person

15 *substitute*

16 them



1 **31 New part 9**

2 *insert*

3 **Part 9 Transitional—Justice and**  
4 **Community Safety Legislation**  
5 **Amendment Act 2024 (No 2)**

6 **127 Meaning of *commencement day*—pt 9**

7 In this part:

8 *commencement day* means the day the *Justice and Community Safety*  
9 *Legislation Amendment Act 2024 (No 2)*, section 31 commences.

10 **128 Person complained about taken to be respondent**

11 A reference to a person complained about under a provision of  
12 this Act as in force immediately before the commencement day is, on  
13 and after the commencement day, taken to be a reference to a  
14 respondent.

15 **129 Person complained about in complaint referred to ACAT**  
16 **not yet decided**

17 (1) This section applies if, before the commencement day—

18 (a) a complaint is referred to the ACAT; and

19 (b) the ACAT has not decided whether the person complained about  
20 committed an unlawful act.

21 (2) A person complained about that is a party to the complaint is, on and  
22 after the commencement day, taken to be a respondent that is a party  
23 to the complaint.

1 **130 Expiry—pt 9**

2 This part expires 2 years after the commencement day.

3 *Note* A transitional provision is repealed on its expiry but continues to have  
4 effect after its repeal (see [Legislation Act](#), s 88).5 **32 Dictionary, definition of *person complained about***6 *omit*7 **33 Dictionary, new definition of *respondent***8 *insert*9 ***respondent***, complained about, means—10 (a) for a human rights complaint—if the public authority  
11 complained about is—12 (i) an administrative unit, or a public servant employed in or  
13 appointed to an office in the administrative unit—  
14 the director-general of the administrative unit; or15 (ii) a territory authority—the director-general of the  
16 administrative unit responsible for the provision of the Act  
17 that establishes the authority; or18 (iii) a territory instrumentality, or a public employee employed  
19 by the instrumentality—the director-general of the  
20 administrative unit responsible for the provision of the Act  
21 that establishes the instrumentality; or

22 (iv) a Minister—the Minister; or

23 (v) a statutory office-holder, or public sector member  
24 employed by or providing services for the statutory  
25 office-holder—the statutory office holder; or

- 1 (vi) an entity mentioned in the *Human Rights Act 2004*,  
2 section 40 (1) (g)—the entity; or
- 3 (vii) an entity for whom a declaration is in force under the  
4 *Human Rights Act 2004*, section 40D—the entity; and
- 5 (b) in relation to any other complaint made under this Act—  
6 the person or entity complained about.
- 7 **Examples—person or entity complained about**
- 8 • a grantor under an occupancy agreement
  - 9 • a justice agency
  - 10 • a provider of a sexuality or gender identity conversion practice
  - 11 • a record keeper under the *Health Records (Privacy and Access)*  
12 *Act 1997*
  - 13 • a service provider
  - 14 • an operator of a retirement village

### 15 **34 Dictionary, definition of *retirement village complaint***

16 *substitute*

17 *retirement village complaint*—see section 53G.

### 18 **35 Further amendments, mentions of *person complained*** 19 ***about***

20 *omit*

21 person complained about

22 *substitute*

23 respondent

24 *in*

- 25 • sections 45 and 46
- 26 • section 49
- 27 • section 52B

- 1 • section 53A
- 2 • sections 53BA to 53CA
- 3 • section 53E
- 4 • section 53H
- 5 • section 53J
- 6 • section 53M
- 7 • section 53R
- 8 • section 53T
- 9 • section 53ZA
- 10 • section 53ZC
- 11 • section 53ZE
- 12 • section 54
- 13 • section 57
- 14 • section 65
- 15 • section 80
- 16 • sections 82D and 83
- 17 • dictionary, definition of *party*

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## 1 Part 4 Official Visitor Act 2012

### 2 36 New section 24A

3 *insert*

### 4 24A Protection from liability

- 5 (1) An entitled person at a visitable place, or anyone else, who takes any  
6 of the following actions honestly and without recklessness does not  
7 incur civil or criminal liability only because of taking the action:
- 8 (a) making a complaint under section 22 to an official visitor;
- 9 (b) making a statement, or giving a document or information, as  
10 required or allowed under a territory law, to an official visitor.
- 11 (2) Also, taking an action mentioned in subsection (1) honestly and  
12 without recklessness is not a breach of—
- 13 (a) confidence; or
- 14 (b) professional etiquette or ethics; or
- 15 (c) a rule of professional conduct.

### 16 37 New section 25A

17 *insert*

### 18 25A Information sharing between official visitors

- 19 (1) An official visitor may give official visitor information to another  
20 official visitor (the *receiving official visitor*), and a receiving official  
21 visitor may use the information, if the information is necessary for  
22 the effective exercise of a function under this Act.

- 1           (2) If a receiving official visitor uses official visitor information given to  
2           them under subsection (1)—
- 3           (a) a secrecy requirement is taken to apply to the receiving official  
4           visitor in relation to the information; and
- 5           (b) the receiving official visitor is taken to be a person engaged in  
6           the administration of the law that contains the secrecy  
7           requirement.
- 8           (3) In this section:
- 9           ***official visitor information*** means information disclosed to, or  
10          obtained by, an official visitor in the exercise of a function under  
11          this Act.
- 12          ***secrecy requirement*** means a prohibition on the disclosure of  
13          information that applies to an official visitor in relation to official  
14          visitor information, whether the prohibition is absolute or subject to  
15          stated exceptions or qualifications.

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## Part 5 Residential Tenancies Act 1997

### 38 Repayment of bond to former co-tenant—consecutive tenancy agreement New section 35BA (1) (ba)

*insert*

(ba) a bond is held in relation to the terminated agreement; and

### 39 Payment of bond by new co-tenant—consecutive tenancy agreement New section 35FA (1) (aa)

*insert*

(aa) a bond is held in relation to the residential tenancy agreement that terminates or is terminated; and

### 40 Definitions—div 4.3A Section 46C, definition of *notice of continuing tenancy*

*substitute*

*notice of continuing tenancy*—see section 46F (2) (a).

### 41 Section 46F

*substitute*

### 46F Co-tenancies—lessor to give notice to other co-tenants and Territory

- (1) This section applies if a co-tenant gives a family violence termination notice to the lessor for a residential tenancy agreement.

Section 42

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- 1 (2) The lessor must, within 7 days after the vacating day stated in the  
2 family violence termination notice—
- 3 (a) give each of the remaining co-tenants a notice (a *notice of*  
4 *continuing tenancy*) about the matters mentioned in  
5 section 46G (2) to (5); and
- 6 (b) if a bond is held in relation to the agreement—tell the  
7 Territory—
- 8 (i) the name of the co-tenant; and
- 9 (ii) that the lessor has received a family violence termination  
10 notice from the co-tenant.
- 11 (3) However, the lessor must not give any of the remaining co-tenants  
12 the notice of continuing tenancy until after—
- 13 (a) the vacating day; and
- 14 (b) if a bond is held in relation to the agreement—telling the  
15 Territory about the matters mentioned in subsection (2) (b).
- 16 (4) The lessor must not give any of the remaining co-tenants a supporting  
17 document for the family violence termination notice.

18 **42 Co-tenancies—effect of serving family violence**  
19 **termination notice**  
20 **Section 46G (4)**

- 21 *omit*
- 22 notice to vacate
- 23 *substitute*
- 24 notice of intention to vacate



1 **43 Dictionary, definition of *notice of continuing tenancy***

2 *omit*

3 section 46F (2)

4 *substitute*

5 section 46F (2) (a)

1 **Part 6** **Retirement Villages Act 2012**

2 **44** **Membership of residents committee**

3 **New section 104 (1A)**

4 *insert*

5 (1A) For subsection (1), the 3 consecutive year period starts on the day the  
6 person starts performing the functions of the office.

7 **45** **New section 104 (6)**

8 *insert*

9 (6) In this section:

10 *office*, on a residents committee for a retirement village—

11 (a) means a position on the committee with stated functions; and

12 **Examples**

13 president, treasurer, secretary

14 (b) does not include the position of ordinary member.

15 **46** **Result of vote**

16 **Schedule 1, section 1.4 (1) (a)**

17 *substitute*

18 (a) a person who holds an office on the residents committee for the  
19 village; or

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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 4 December 2024.

**2 Notification**

Notified under the [Legislation Act](#) on 2024.

**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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