

2026

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Attorney-General)

# Justice and Community Safety Legislation Amendment Bill 2026

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J2025-1587

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FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Attorney-General)

# **Justice and Community Safety Legislation Amendment Bill 2026**

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## **A Bill for**

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

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

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J2025-1587

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1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Justice and Community Safety Legislation Amendment*  
4 *Act 2026*.

5 **2 Commencement**

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

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

9 **3 Legislation amended**

10 This Act amends the following legislation:

- 11 • [Aboriginal and Torres Strait Islander Children and Young](#)  
12 [People Commissioner Act 2022](#)
- 13 • [Custodial Inspector Act 2017](#)
- 14 • [Electoral Act 1992](#)
- 15 • [Human Rights Commission Act 2005](#)
- 16 • [Inquiries Act 1991](#)
- 17 • [Oaths and Affirmations Act 1984](#)
- 18 • [Supreme Court Act 1933](#)
- 19 • [Unit Titles \(Management\) Act 2011](#).

20 **4 Legislation repealed**

21 The [Crimes \(Child Sex Offenders\) Amendment Act 2025](#) (A2025-4)  
22 is repealed.

1 **Part 2** **Aboriginal and Torres Strait**  
2 **Islander Children and Young**  
3 **People Commissioner Act 2022**

4 **5 Section 34**

5 *substitute*

6 **34 Information sharing**

- 7 (1) The commissioner may disclose to an information sharing entity any  
8 information that has been disclosed to, or obtained by, the  
9 commissioner in the exercise of a function under this Act, if—
- 10 (a) the commissioner is reasonably satisfied that the information is  
11 relevant to the exercise of the entity's functions; and
- 12 (b) if the information is personal information about an individual—  
13 the individual has given consent.
- 14 (2) However, the commissioner may disclose personal information about  
15 an individual to an information sharing entity without the individual's  
16 consent if the commissioner believes on reasonable grounds that the  
17 disclosure is necessary to ensure that—
- 18 (a) the commissioner and the information sharing entity are able to  
19 take a coordinated approach in relation to a matter affecting an  
20 Aboriginal or Torres Strait Islander child or young person; or
- 21 (b) effective advocacy is able to be undertaken for an Aboriginal or  
22 Torres Strait Islander child or young person.
- 23 (3) If an information sharing entity uses information disclosed to the  
24 entity under this section—
- 25 (a) a secrecy requirement is taken to apply to the entity in relation  
26 to the information; and

Section 5

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- 1 (b) the entity is taken to be a person engaged in the administration  
2 of the provision that contains the secrecy requirement.
- 3 (4) This section applies despite any other territory law.
- 4 (5) In this section:
- 5 **function**, of an information sharing entity, means—
- 6 (a) for a member of the human rights commission—a function of  
7 the member under the *Human Rights Commission Act 2005*; and
- 8 (b) for the custodial inspector—a function of the custodial inspector  
9 under the *Custodial Inspector Act 2017*; and
- 10 (c) for the NPM—a function of the NPM under the *Monitoring of*  
11 *Places of Detention (Optional Protocol to the Convention*  
12 *Against Torture) Act 2018*.
- 13 **information sharing entity** means—
- 14 (a) a member of the human rights commission; or
- 15 (b) the custodial inspector appointed under the *Custodial Inspector*  
16 *Act 2017*, section 9; or
- 17 (c) the NPM.
- 18 **NPM** means the ACT National Preventive Mechanism established  
19 under the *Monitoring of Places of Detention (Optional Protocol to*  
20 *the Convention Against Torture) Act 2018*, section 8C.
- 21 **secrecy requirement** means a prohibition on the disclosure of  
22 information that applies to the commissioner in relation to  
23 information disclosed to an information sharing entity, whether the  
24 prohibition is absolute or subject to stated exceptions or  
25 qualifications.

1 **Part 3 Custodial Inspector Act 2017**

2 **6 Cooperation with other entities**  
3 **New section 31 (1) (g)**

4 *insert*

5 (g) the commissioner appointed under the *Aboriginal and Torres*  
6 *Strait Islander Children and Young People Commissioner*  
7 *Act 2022*, section 10.

1 **Part 4** **Electoral Act 1992**

2 **7** **Regular disclosure of gifts**  
3 **Section 216B (2)**

4 *substitute*

- 5 (2) The financial representative of the entity must give the commissioner  
6 a return containing the information mentioned in section 216A (2)—
- 7 (a) not later than 7 days after the day the total amount received from  
8 the person reaches \$1 000; and
- 9 (b) if the person gives the entity an additional gift—not later than  
10 7 days after the day the entity receives the additional gift from  
11 the person.

12 **Example**

13 An entity receives a gift of \$1 000 from a person on 1 January, then receives another  
14 gift of \$100 from the person on 1 February. The financial representative of the entity  
15 must give the commissioner a return for the first gift by 8 January and must give  
16 the commissioner an additional return for the second gift by 8 February.

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1 **Part 5** **Human Rights Commission**  
2 **Act 2005**

3 **8 New section 53BAA**

4 *before section 53BA, insert*

5 **53BAA Leave of ACAT required to hear certain discrimination**  
6 **complaints**

- 7 (1) This section applies to a discrimination complaint if—
- 8 (a) the commission closes the complaint because it is satisfied of  
9 one of the reasons mentioned in section 78 (2) (c); and
- 10 (b) the commission gives the complainant a discrimination referral  
11 statement under section 82 (1); and
- 12 (c) either—
- 13 (i) the commission refers the complaint to the ACAT under  
14 section 53A; or
- 15 (ii) the complainant applies to the ACAT for the complaint to  
16 be heard under section 53B.
- 17 (2) The complaint may be heard by the ACAT only with the leave of the  
18 ACAT.

19 **9 New section 53IAA**

20 *before section 53IA, insert*

21 **53IAA Leave of ACAT required to hear certain retirement village**  
22 **complaints**

- 23 (1) This section applies to a retirement village complaint if—
- 24 (a) the commission closes the complaint because it is satisfied of  
25 one of the reasons mentioned in section 78 (2) (c); and

- 1 (b) the commission gives the complainant a retirement village  
2 referral statement under section 82A (1); and
- 3 (c) either—
- 4 (i) the commission refers the complaint to the ACAT under  
5 section 53H; or
- 6 (ii) the complainant applies to the ACAT for the complaint to  
7 be heard under section 53I.
- 8 (2) The complaint may be heard by the ACAT only with the leave of the  
9 ACAT.

## 10 **10 New section 53SAA**

11 *before section 53SA, insert*

### 12 **53SAA Leave of ACAT required to hear certain occupancy** 13 **dispute complaints**

- 14 (1) This section applies to an occupancy dispute complaint if—
- 15 (a) the commission closes the complaint because it is satisfied of  
16 one of the reasons mentioned in section 78 (2) (c); and
- 17 (b) the commission gives the complainant an occupancy dispute  
18 referral statement under section 82B (1); and
- 19 (c) either—
- 20 (i) the commission refers the complaint to the ACAT under  
21 section 53R; or
- 22 (ii) the complainant applies to the ACAT for the complaint to  
23 be heard under section 53S.
- 24 (2) The complaint may be heard by the ACAT only with the leave of the  
25 ACAT.

**11 New section 53ZBAA**

*before section 53ZBA, insert*

**53ZBAA Leave of ACAT required to hear certain conversion practice complaints**

- (1) This section applies to a conversion practice complaint if—
- (a) the commission closes the complaint because it is satisfied of one of the reasons mentioned in section 78 (2) (c); and
  - (b) the commission gives the complainant a conversion practice referral statement under section 82C (1); and
  - (c) either—
    - (i) the commission refers the complaint to the ACAT under section 53ZA; or
    - (ii) the complainant applies to the ACAT for the complaint to be heard under section 53ZB.
- (2) The complaint may be heard by the ACAT only with the leave of the ACAT.

**12 Discrimination referral statements  
Section 88, new note**

*insert*

*Note 2* If the commission closed the complaint because it was satisfied of one of the reasons mentioned in s 78 (2) (c), the complaint may be heard by the ACAT only with the leave of the ACAT (see s 53BAA).

1 **13 Retirement village referral statements**  
2 **Section 88A, new note**

3 *insert*

4 *Note 2* If the commission closed the complaint because it was satisfied of one of  
5 the reasons mentioned in s 78 (2) (c), the complaint may be heard by the  
6 ACAT only with the leave of the ACAT (see s 53IAA).

7 **14 Occupancy dispute referral statements**  
8 **Section 88B, new note**

9 *insert*

10 *Note 2* If the commission closed the complaint because it was satisfied of one of  
11 the reasons mentioned in s 78 (2) (c), the complaint may be heard by the  
12 ACAT only with the leave of the ACAT (see s 53SAA).

13 **15 Conversion practice referral statements**  
14 **Section 88C, new note**

15 *insert*

16 *Note 2* If the commission closed the complaint because it was satisfied of one of  
17 the reasons mentioned in s 78 (2) (c), the complaint may be heard by the  
18 ACAT only with the leave of the ACAT (see s 53ZBAA).

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## 1 Part 6 Inquiries Act 1991

### 2 16 Offences against Act—application of Criminal Code etc 3 Section 4, note 1

4 *omit*

5 an offence against this Act, s 36

6 *substitute*

7 all offences against this Act

### 8 17 Reports of boards 9 Section 14 (1), new note

10 *insert*

11 *Note* Confidentiality requirements apply under section 17 in relation to a  
12 report.

### 13 18 Section 17

14 *substitute*

### 15 17 Protection of information

16 (1) A person commits an offence if—

17 (a) the person is, or has been, an entrusted person; and

18 (b) the person obtained or generated information in the person's  
19 capacity as an entrusted person; and

20 (c) the information is protected information; and

21 (d) the person discloses, uses, or makes a record of, the protected  
22 information.

23 Maximum penalty: 50 penalty units, imprisonment for 1 year or both.

24 (2) Strict liability applies to subsection (1) (a).

- 1 (3) To remove any doubt, the fault element for subsection (1) (b) is  
2 recklessness.
- 3 (4) Subsection (1) does not apply if the disclosure, use or recording of  
4 the protected information is authorised under subsection (5).
- 5 *Note* The defendant has an evidential burden in relation to the matters  
6 mentioned in s (4) (see [Criminal Code](#), s 58).
- 7 (5) An entrusted person may disclose, use, or make a record of, protected  
8 information—
- 9 (a) in exercising, or assisting another person to exercise, a function  
10 under this Act; or
- 11 (b) if the information has already been made available to the public;  
12 or
- 13 (c) in a circumstance prescribed by regulation.
- 14 (6) In this section:
- 15 *entrusted person* means—
- 16 (a) a member; or
- 17 (b) a member of the staff of a board; or
- 18 (c) a lawyer assisting a board.
- 19 *protected information* means information obtained or generated by a  
20 person in exercising, or assisting another person to exercise,  
21 a function under this Act.

1 **19 Proposed adverse comments in reports**  
2 **Section 26A (2) (b) and (c)**

3 *substitute*

4 (b) state the period within which a submission may be made, or a  
5 statement given, in relation to the comment; and

6 (c) tell the entity that, if the board's report of the inquiry includes  
7 the comment, the report will also include a copy or summary of  
8 any submission the entity makes, or any statement the entity  
9 gives, within the time allowed under paragraph (b).

10 **20 Section 26A (3)**

11 *omit*

12 subsection (2) (c) must end not earlier than 14 days

13 *substitute*

14 subsection (2) (b) must end not earlier than 28 days

15 **21 New section 26A (6)**

16 *insert*

17 (6) Also, if the board does not include in the report of the inquiry a  
18 proposed comment in relation to which a notice under subsection (2)  
19 was given to an entity, then the report must not include any of the  
20 following:

21 (a) if the entity made a submission or gave a statement that relates  
22 to the comment—a copy or summary of the submission or  
23 statement;

24 (b) any other information that would disclose the fact that a notice  
25 was given to the entity under subsection (2) in relation to the  
26 comment.

1 **22** **Publication of published proceedings, reports and**  
2 **comments protected**  
3 **Section 38 (3)**

4 *substitute*

5 (3) A board of inquiry report is a public document for the *Civil Law*  
6 *(Wrongs) Act 2002*, section 138 (Defence for publication of public  
7 documents) if, and only if, the report is made public by the  
8 Chief Minister.

9 **23** **New section 38A**

10 *insert*

11 **38A** **Operation of Territory Records Act 2002**

12 For the *Territory Records Act 2002*, a board of inquiry is taken to  
13 include the following in addition to each member:

- 14 (a) a member of the staff of the board;  
15 (b) a lawyer assisting the board.

16 *Note* A board of inquiry is an agency for the *Territory Records Act 2002*.  
17 An agency has obligations under that Act relating to records management  
18 and protection of records (see that *Act*, divs 2.3 and 2.4).

1 **Part 7** **Oaths and Affirmations Act 1984**

2 **24** **Part 3 heading**

3 *substitute*

4 **Part 3** **Administration of oath or**  
5 **affirmation**

1 **Part 8** **Supreme Court Act 1933**

2 **25 Vexatious litigants**  
3 **Section 67A (2)**

4 *substitute*

5 (2) If the court is satisfied that a person has frequently instituted  
6 vexatious proceedings, the court may declare the person to be a  
7 vexatious litigant.

8 (2A) The court may make a declaration—

9 (a) on its own initiative; or

10 (b) on the application of—

11 (i) the Attorney-General; or

12 (ii) an aggrieved person.

1 **Part 9** **Unit Titles (Management)**  
2 **Act 2011**

3 **26** **Installation of sustainability and utility infrastructure on**  
4 **common property**  
5 **Section 23 (3), note**

6 *omit*

7 see s 20 (1)

8 *substitute*

9 see s 19 (1)

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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 7 May 2026.

**2 Notification**

Notified under the [Legislation Act](#) on 2026.

**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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