

**2008**

**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY**

**JUSTICE AND COMMUNITY SAFETY LEGISLATION AMENDMENT  
BILL 2008**

**EXPLANATORY STATEMENT**

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## JUSTICE AND COMMUNITY SAFETY LEGISLATION AMENDMENT BILL 2008

### Overview of Bill

The Justice and Community Safety Legislation Amendment Bill 2008 (the Bill) amends a number of laws administered by the ACT Department of Justice and Community Safety. The laws amended include the:

- *Administration and Probate Act 1929*
- *Court Procedures Act 2004*
- *Crimes (Restorative Justice) Act 2004*
- *Crimes (Sentencing) Act 2005*
- *Human Rights Commission Act 2005*
- *Magistrates Court Act 1930*
- *Ombudsman Act 1989*
- *Partnership Act 1963*
- *Residential Tenancies Act 1997*
- *Utilities Act 2000*
- *Victims of Crime (Financial Assistance) Act 1983.*

The proposed amendments are detailed below.

#### *Administration and Probate Act 1929*

Minor amendments have been made to sections 41A to 41D to remove inappropriate references to people who have died before, on or after 1 January 1966, which are now redundant.

A number of sections in Part 6 refer inconsistently to functions of the public trustee acting as executor. Accordingly, these terms have been replaced by the term 'function', which is defined in the *Legislation Act 2001* as including authority, duty and power.

#### *Court Procedures Act 2004*

Consequential amendments are required to the *Court Procedures Act 2004* as a result of the name change of the Essential Services Consumer Council to the Energy and Water Consumer Council.

#### *Crimes (Restorative Justice) Act 2004*

- *Police Powers to Refer Matters to Restorative Justice*

Section 22 of the Act is amended to allow all ACT Police Officers to refer matters to restorative justice, removing the need for the Chief Police Officer to personally refer every matter from the Australian Federal Police.

- *Appointment and Assignment of Convenors*

Currently, the Act allows the Chief Executive to appoint a non-lawyer as a convenor only if the Chief Executive is satisfied that the non-lawyer has received sufficient legal training to advise those who take part in restorative justice of their rights and duties at law and under the Act, and otherwise to exercise the functions of a convenor for the Act.

The requirement that a person must have sufficient legal training before appointment precludes appointment of otherwise suitable applicants who do not have legal training, but have relevant experience and are willing and capable of undertaking legal training, as required.

Accordingly, the Bill amends sections 39 and 40 to allow suitable applicants to have the opportunity to undertake the requisite training after appointment, but before being assigned to convene a conference. Before appointing a non-lawyer, under amended section 40(2)(b), the Chief Executive must ensure that the appointee has either completed sufficient legal training, or has the capacity to undertake sufficient legal training. Section 39(3) requires that the appointee must have completed the required legal training before the person is assigned to convene a conference under section 39(2). These amendments create opportunities for otherwise qualified applicants who have the capacity to undergo the requisite training, while maintaining the current standards of training and expertise required of staff working in the convenor role.

#### *Crimes (Sentencing) Act 2005*

Section 3 of the previous *Crimes (Sentencing) Regulation 2006*, which expired on 18 December 2007, modified the Act by inserting a new section 140A. The section was needed for transitional purposes. Accordingly, section 140A has been inserted into the Act.

#### *Human Rights Commission Act 2005*

A number of minor amendments have been made to the *Human Rights Commission Act 2005* to update the legislation to better reflect the operational requirements of the commission, and to clarify areas of uncertainty.

- *Objects of the Act (section 6)*

The objects have been restructured to emphasise that the main object of the Act is to promote the human rights and welfare of people living in the ACT and that this is achieved by the establishment of the Human Rights Commission.

- *Delegation of commissioners' functions*

Previously, sections 19BA, 21A, 23A, 25A and 27A allowed the commissioners to delegate their functions to commission staff members only, and did not allow for delegation to other commissioners. Given the collegiate

environment in which the commission operates, these sections have been amended to allow the commissioners to delegate their functions to other commissioners, for operational efficiency reasons.

- *Consistent use of the terms ‘act’ and ‘service’*

To avoid confusion, section 43(1) and a number of other sections have been amended to explicitly mention ‘services’ as well as ‘acts’.

- *Obligation to be prompt and efficient*

Section 45(2)(c) currently requires that the commission consider all complaints and notify persons complained about before the complaint is considered. This means that the commission is required to consider all complaints, and persons complained about have to be notified even of vexatious and unfounded complaints. To address this issue, the Bill inserts a new subsection 45(3) which provides that the commission need not consider a complaint in circumstances where the commission is satisfied that the complaint:

- is frivolous, vexatious or not made honestly; or
- lacks substance; or
- is to be referred to another statutory office-holder; or
- cannot be made by the complainant under the Act; or
- cannot otherwise be made under the Act; or
- the complainant has been given a reasonable explanation and the complaint needs no further action by the commission; or
- the matters raised by the complaint have been, or are being, dealt with by a court or tribunal or have been dealt with by the commission.

New subsection 45(4) gives the commission a discretion to not notify the person complained about, if the commission decides not to consider the complaint or to not consider the complaint further under subsection 45(3).

- *When complaints can be closed*

The Bill amends section 78(2) to require that the commission must close a complaint made to it if the complaint has been resolved. This amendment allows the commission to maintain statistics on the resolution of complaints. A further amendment has been made to section 78(2)(e), which currently states that the commission must close a complaint made to it if the complaint has been considered to the commission’s satisfaction. The word ‘considered’ has been replaced with the words ‘dealt with’, as this wording is a more accurate description of the process the commission undertakes.

- *Closing discrimination complaints*

Section 82 requires that the final report for discrimination complaints must contain a statement to the effect that the complainant may request the

commission to refer the complaint to the Discrimination Tribunal within 60 days, or after 60 days, the complainant may apply to the Discrimination Tribunal themselves. The exception to this requirement is where a conciliated agreement has been reached. This statement is required because the *Discrimination Act 1991* creates an enforceable right of a person not to be subject to acts of unlawful discrimination.

An almost identical statement, known as a discrimination referral statement (section 88) must be provided by the commission in certain circumstances, including where it has decided not to refer a complaint to conciliation (section 45(2)(d)) or where there has been unsuccessful conciliation of a discrimination matter (section 64).

In practice, the interaction between sections 82(1) and 88 can be confusing and potentially circular, and on a literal reading, may require a complaint to be closed twice, and a discrimination referral statement (or equivalent) to be issued twice. Accordingly, sections 82 and 88 have been amended to clarify the procedure surrounding the closure of discrimination complaints and to prevent the duplication of discrimination referral statements being issued.

- *Referral power*

The Health Services Commissioner had general referral powers under the now repealed *Community and Health Services Complaints Act 1993*, but these powers were not transferred to the existing Human Rights Commission Act (except for referrals to the health profession board as covered by section 92). A more general power to refer a matter which falls within the jurisdiction of another person or body has been inserted into the Act. This power is based on the referral power of the ACT Ombudsman under section 6A of the *Ombudsman Act 1989*.

#### *Magistrates Court Act 1930*

The Bill makes consequential amendments to the *Magistrates Court Act 1930* due to the name change of the Essential Services Consumer Council to the Energy and Water Consumer Council. Refer to the *Utilities Act 2000* amendments outlined below for further information on the name change.

#### *Ombudsman Act 1989*

The Bill makes consequential amendments to the *Ombudsman Act 1989* due to the name change of the Essential Services Consumer Council to the Energy and Water Consumer Council. Refer to the *Utilities Act 2000* amendments outlined below for further information on the name change.

#### *Partnership Act 1963*

In July 2007, the Federal Government enacted legislation to implement venture capital reforms, including the introduction of a new early stage venture capital limited partnership (ESVCLP) investment vehicle.

The ESVCLP initiative aims to stimulate early stage equity capital investment in relatively high-risk start-up and developing businesses. The key feature of the ESVCLP vehicle is that it offers tax-free returns to both overseas and resident investors where the ESVCLP makes eligible early stage investments, that is, investments into eligible entities with total assets of not more than \$50 million before the investment is made.

Only a limited partnership or an incorporated limited partnership (ILP) established under a law of a State or Territory is eligible to be registered as an ESVCLP under the *Venture Capital Act 2002* (Cth). ILPs are established under the *Partnership Act 1963* (the Act does not allow for the creation of limited partnerships). To enable an ILP registered under the Act to become an ESVCLP, the Bill makes consequential amendments to the partnership legislation to recognise the newly created investment vehicle. The amendments are technical, and involve inserting references to the ESVCLP vehicle where appropriate in the existing legislation.

### *Residential Tenancies Act 1997*

- *Specific Performance*

Division 4.4 of the *Residential Tenancies Act 1997* deals with the termination of a lease. Sections 47-49 deal with those circumstances in which a lessor may terminate a lease.

Section 49 gives the Residential Tenancies Tribunal (RTT) discretion to make a conditional order under section 42 that possession will only be granted if the tenant fails to satisfy a condition.

Section 42 has been interpreted by the RTT to apply to any situation, for example, breach of a right to quiet enjoyment. However, the ACT Supreme Court has held in *Devenport v Commissioner for Housing* [2007] ACTSC 30 that section 42 may only be used in rental arrears cases. This has left many lessors, in particular Housing ACT, with eviction and possession as their only apparent remedy when faced with breaches of a lease.

In response to this difficulty, section 48 has been amended so that the RTT has an explicit power to make a termination and possession order should there be a breach of a specific performance order made under section 104(b) (an order that obliges a party to fulfil their contractual obligations under the lease). This amendment provides parties and the RTT with additional options to an application for eviction. Where a tenant breaches an order for specific performance, the lessor would be obliged to return to court, but would only need to prove the breach in order to get relief, a lower standard of proof than if a standard eviction order was sought. This is expected to reduce the need for applications for eviction.

Section 42 has also been amended to provide that the power to make a conditional order under section 42 is expressly confined to rent arrear cases

(a conditional termination and possession order, the terminology used in *Devenport*). The Bill makes a number of consequential amendments resulting from the amendment to section 42 and the new terminology.

- *Hearing of consent matters*

The Bill amends section 112(4), which deals with the power of the president of the tribunal to appoint a member of the tribunal for particular hearings. The Act is unclear as to whether the president may delegate the hearing of 'consent' matters to other members of the tribunal for hearing. While the better view is that this is possible, the Bill makes this amendment to remove any doubt.

#### *Utilities Act 2000*

The Bill amends the *Utilities Act 2000* to rename the Essential Services Consumer Council as the Energy and Water Consumer Council. The name change will better inform consumers about what the Council does, which is dealing with energy and water complaints, not other essential services such as housing and communications. Also, the use of the term "Energy and Water" is more consistent with equivalent bodies in other states and territories. The Bill makes consequential amendments to other legislation including the *Court Procedures Act 2004*, *Magistrates Court Act 1930* and the *Ombudsman Act 1989*.

#### *Victims of Crime (Financial Assistance) Act 1983*

The Bill amends section 3, which contains a table of violent crimes for the purposes of the Act. The current table inadvertently omitted two offences of a distinctly violent nature: culpable driving (section 29 of the *Crimes Act 1900*) and sexual servitude offences (section 79 of the *Crimes Act 1900*). These offences have a strong element of violence, and have been included in the list of violent crimes in the Act.

## Clause Notes

**Clause 1 – Name of Act** – names the Act as the *Justice and Community Safety Legislation Amendment Act 2008*.

**Clause 2 - Commencement** – commences the Act on the 21<sup>st</sup> day after its notification day.

**Clause 3 - Legislation amended – sch 1** - notes that the legislation amended by this Act is listed in schedule 1.

**Schedule 1 – Legislation amended** – sets out the legislation amended by this Act.

### PART 1.1 – Administration and Probate Act 1929

**Amendment 1.1 – Section 41A (1)** – substitutes a new section 41A(1) by updating its structure and language to improve clarity. No changes are made to the substantive content of the section.

**Amendment 1.2 – Section 41B (1)** – amends section 41B(1) by updating the provision by omitting the words ‘person dying on or after 1 January 1966’ and substituting those words with the more appropriate words ‘deceased person’.

**Amendment 1.3 – Section 41B (2) and (3)** – removes sections 41B(2) and (3) as they are now redundant.

**Amendment 1.4 – Sections 41C (1) and (2) and 41D (1)** – amends sections 41C and 41D by updating the provisions by omitting the words ‘person who dies on or after 1 January 1966’ and substituting those words with the more appropriate words ‘deceased person’.

**Amendment 1.5 – Section 50(3)** – removes subsection (3) as it is now redundant.

**Amendment 1.6 – Section 87C (4)** – amends subsection (4) by omitting the words ‘powers and duties’ and substituting with ‘functions’. The term ‘function’ is defined in the *Legislation Act 2001* as including authority, duty and power.

**Amendment 1.7 – Section 87C (4), new note** – inserts a new note under subsection (4) which states ‘**Function** includes authority, duty and power (see *Legislation Act*, dict, pt 1).’

**Amendment 1.8 – Section 87C (7) and (9)** - amends subsections (7) and (9) by omitting the words ‘powers and duties’ and substituting with ‘functions’. The term ‘function’ is defined in the *Legislation Act 2001* as including authority, duty and power.



**Amendment 1.9 – Section 89 (1)** – amends subsection (1) by omitting the words ‘powers, rights, and obligations’ and substituting those words with the word ‘functions’. The term ‘function’ is defined in the *Legislation Act 2001* as including authority, duty and power.

**Amendment 1.10 – Section 89 (1), new note** – inserts a new note under subsection (1) which states ‘**Function** includes authority, duty and power (see Legislation Act, dict, pt 1).’

**Amendment 1.11 – Section 89 (2) (b)** – amends paragraph (2)(b) by omitting the words ‘rights and duties’ and substituting those words with the word ‘functions’.

**Amendment 1.12 – Section 91 (1)** – substitutes a new section 91(1) by updating its structure and language to improve clarity. No changes are made to the substantive content of the section. Also omits the words ‘powers, rights and duties’ and substitutes those words with the word ‘functions’.

**Amendment 1.13 – Section 91 (1), new note** – inserts a new note under subsection (1) which states ‘**Function** includes authority, duty and power (see Legislation Act, dict, pt 1).’

**Amendment 1.14 – Section 91 (2)** – amends subsection (2) by omitting the words ‘rights and obligations’ and substituting those words with the word ‘functions’.

## **PART 1.2 – Court Procedures Act 2004**

**Amendment 1.15 – Section 12, definition of *essential services consumer council*** – amends the definition of the essential services consumer council (the ESCC). The ESCC has changed its name to the energy and water consumer council to better inform consumers about the types of utility complaints the Council investigates.

**Amendment 1.16 – Section 12, definition of *tribunal*, paragraph (e)** – is a consequential amendment as a result of the name change of the essential services consumer council to the energy and water consumer council.

## **PART 1.3 – Crimes (Restorative Justice) Act 2004**

**Amendment 1.17 – Section 22, table 22, item 1, column 2** – amends table 22 to permit any ACT police officer, in addition to the Chief Police Officer, to refer an offence for restorative justice at the stage of the criminal justice process described in column 3 of the table 22.

**Amendment 1.18 – Section 37, new definition of *referring entity*** – amends section 37 by inserting a definition for ‘referring entity’ to reflect Parliamentary Counsel’s current drafting style.

**Amendment 1.19 – New section 39 (3)** – amends section 39 by inserting new subsection (3) which places a legal obligation on the chief executive to ensure that before a restorative justice conference commences, that the convenor has undertaken sufficient legal training to advise the participants of their rights and duties at law, and under the Act, and can otherwise exercise the functions of a convenor under the Act.

This amendment operates in conjunction with amendment 1.20 to allow a convenor to be appointed, if they have received or have the capacity to undertake the specified legal training, but must receive the specified legal training before being selected to convene a conference. The wording of section 40(2)(b) has been adopted for consistency.

**Amendment 1.20 – Section 40 (1), note 3** – omits note 3 which relates to certain Ministerial appointments which is now irrelevant because appointments under the section are made by the chief executive.

**Amendment 1.21 – Section 40 (2) (b)** – amends paragraph (b) by omitting the words ‘that the convenor has received’ and substituting the words ‘has or has the capacity to undertake’. This amendment operates in conjunction with amendment 1.18 to allow a convenor to be appointed if they have received or have the capacity to undertake the specified legal training, but must receive the specified legal training before being selected to convene a conference.

#### **PART 1.4 – Crimes (Sentencing) Act 2005**

**Amendment 1.22 – New section 140A** – inserts a new section 140A dealing with references to *charge* in section 140. New section 140A previously existed in Schedule 1 of the Crimes (Sentencing) Regulation 2006, which expired on 18 December 2007. The language used in previous section 140A has been updated to improve clarity.

#### **PART 1.5 – Human Rights Commission Act 2005**

**Amendment 1.23 – Section 6** – amends section 6 to clarify the objects of the Act. The amendment clarifies that the main object of the Act is to promote the human rights and welfare of people living in the ACT, and that this object is achieved by the establishment of the commission.

**Amendment 1.24 – Sections 19BA, 21A, 23A, 25A and 27A** – amends sections 19BA, 21A, 23A, 25A and 27A to permit commissioners to delegate their functions under the Act or another territory law to other commissioners.

**Amendment 1.25 – Section 43 (1)** – amends subsection (1) by inserting the words ‘or service’ after the words ‘an act’ to clarify that a complaint may be made about both an act or a service, consistent with the nature of the commission’s functions and other parts of the Act.

**Amendment 1.26 – Section 43 (1) (a)** – amends paragraph (a) by inserting the words ‘or service’ after the words ‘an act’ to clarify that a complaint may be

made about both an act or a service, consistent with the nature of the commission's functions and other parts of the Act.

**Amendment 1.27 – Section 45 (2) (c)** – amends paragraph (c) to reflect the substance of new sections 45(3) and (4).

**Amendment 1.28 – New section 45 (3) and (4)** – inserts new subsections (3) and (4) into section 45. New subsection (3) lists the types of complaints, which the commission need not consider. New subsection (4) provides that where the commission decides not to consider a complaint under new subsection (3), the commission need not notify the person complained of in the complaint under subsection (2).

**Amendment 1.29 – New section 47 (4)** – inserts a new subsection (4) into section 47 which permits the commission to refer a complaint to an appropriate statutory office-holder.

**Amendment 1.30 – Section 48 (1) (a)** – amends paragraph (a) by inserting the words 'or service' after the words 'an act', to clarify that the commission may initiate a consideration of either an act or service, consistent with the nature of the commission's functions and other parts of the Act.

**Amendment 1.31 – Section 48 (3) (b), example 1** – amends example 1 to be consistent with the use of the terms 'service' and 'act' throughout the rest of the Act.

**Amendment 1.32 – New section 53A** – inserts a new section 53A creating a power for the commission to refer a complaint to an appropriate statutory office-holder. New section 53A is based on section 53A of the *Ombudsman Act 1989*.

**Amendment 1.33 – Section 78 (2) (e)** – amends subsection (2) (when the commission must close a complaint) by amending paragraph (e) and inserting new paragraphs (f) and (g). Paragraph (e) is amended by substituting the words 'dealt with' for the word 'considered' to better reflect the Commission's processing of a complaint. New paragraph (f) requires the closure of a complaint when it has been referred to an appropriate statutory office-holder under new section 53A. New paragraph (g) requires the closure of a complaint if a complaint has been otherwise resolved. The combination of amended paragraph (e) and new paragraphs (f) and (g) gives greater certainty to circumstances in which the commission must close a complaint.

**Amendment 1.34 – Section 82 (1) and (2)** – amends subsection (1) to require that the final report in relation to a discrimination complaint must include a discrimination referral statement, and adds a note referring to the definition of 'discrimination referral statement' in section 88.

This amendment creates consistency within the Act by referring to discrimination referral statements as defined in section 88 and removes any

potential for circularity in the closing of discrimination complaints and the double issue of discrimination referral statements.

**Amendment 1.35 – Section 88** – amends section 88 to clarify that a discrimination referral statement is issued when the commission has closed the complaint. The amendment also inserts a note, stating that the commission must refer the complaint to the tribunal if the complainant asks it to refer the complaint within the 60-day period, as required under section 53. This amendment operates in conjunction with amendment 1.33 to prevent potential circularity and the double-issue of discrimination referral statements on the closure of discrimination complaints.

### **PART 1.6 – Magistrates Court Act 1930**

**Amendment 1.36 – Section 266 (b)** – amends subsection (b) by substituting a reference to the essential services consumer council whose name has changed to the energy and water consumer council.

### **PART 1.7 – Ombudsman Act 1989**

**Amendment 1.37 – Section 5 (2) (o)** – amends paragraph (o) by substituting a reference to the essential services consumer council whose name has changed to the energy and water consumer council.

**Amendment 1.38 – Section 6B (1) (c)** – amends paragraph (c) by substituting a reference to the essential services consumer council whose name has changed to the energy and water consumer council.

### **PART 1.8 – Partnership Act 1963**

**Amendment 1.39 – Section 57 (2) (a)** – amends paragraph (a) to enable an early stage venture capital limited partnership (ESVCLP) to register as an incorporated limited partnership (ILP). Also amends the note in paragraph (2)(a) to include a statement that an ESVCLP is an early stage venture capital limited partnership.

**Amendment 1.40 – Section 57 (2) (b)** – amends paragraph (b) to enable a partnership to apply for registration as an ILP where it is intended that the entity will be registered as an ESVCLP.

**Amendment 1.41 – Section 58 (3) (g)** – amends paragraph (g) to provide that an ESVCLP applying for registration as an ILP must provide a copy of a document proving its status as an ESVCLP.

**Amendment 1.42 – Section 58 (3) (h)** – amends paragraph (h) to require that an application for registration as an ILP of a partnership that intends to register as an ESVCLP must state its intention.

**Amendment 1.43 – Section 68 (4) (k)** – amends paragraph (k) to clarify that a limited partner in an ILP is not to be regarded as taking part in the

management of the partnership's business only because the limited partner or a person acting on behalf of the limited partner takes any action, or participates in any action taken by any other limited partner, for the purpose of registering or maintaining the registration of the partnership or a general partner in the partnership as an ESVCLP.

**Amendment 1.44 – Section 78 (1) (b) (i)** – amends subparagraph (i) so that the commissioner may give notice to an ILP which has stopped being an ESVCLP or where the ILP was incorporated on the basis that it intends to be an ESVCLP, but has not within two years become registered as an ESVCLP.

**Amendment 1.45 – Section 91 (1)** – amends subsection (1) to provide that an ILP which was incorporated on the basis that it intended to apply for registration of the partnership as an ESVCLP must, within one month after being registered, give the commissioner for fair trading a copy of a document proving its status as an ESVCLP.

**Amendment 1.46 – Section 91 (3) (a)** – amends paragraph (a) to provide that an ILP whose registration as an ESVCLP is revoked must give seven days notice of revocation to the commissioner for fair trading.

#### **PART 1.9 – Residential Tenancies Act 1997**

**Amendment 1.47 – Section 42 (1)** – amends subsection (1) to confirm that section 42 applies to a conditional termination and possession order, as decided in *Devenport v Commissioner for Housing [2007] ACTSC 30*. *Devenport* held that section 42 may only be used in rental arrears situations. A new note has been inserted, stating that a conditional termination and possession order is made under section 49(3) (failure to pay rent).

**Amendment 1.48 – Section 42A (1) (a)** – amends paragraph (a) to insert the term 'conditional termination and possession order', consistent with amended section 42(1).

**Amendment 1.49 – Section 42A (1) (c)** – amends paragraph (c) to omit the word 'enforcement' from the term 'enforcement condition', consistent with amended section 42(1).

**Amendment 1.50 – Section 42A (2) (b)** – amends paragraph (b) to insert the word 'conditional' before the words 'termination and possession order', consistent with amended section 42(1).

**Amendment 1.51 – Section 42B (4) (a) to (c)** – amends paragraphs (a) to (c) to insert the word 'conditional' before the words 'termination and possession order', consistent with amended section 42(1).

**Amendment 1.52 – Section 48 (1)** – amends subsection (1) by inserting a new paragraph (b). New paragraph (b) allows the tribunal, on application by a lessor, to make a termination and possession order if it has made an order under section 104(b) (an order requiring performance of a residential tenancy

agreement or occupancy agreement); and the tribunal is satisfied that the tenant has breached that order.

**Amendment 1.53 – Section 49 (3)** – amends subsection (3) by inserting after the words ‘the tribunal may order’ the words ‘(*conditional termination and possession order*)’, consistent with amended section 42(1).

**Amendment 1.54 – Section 102 (3)** – amends subsection (3) by replacing the words ‘termination and possession order subject to a condition precedent’ with the words ‘conditional termination and possession order’ consistent with amended section 42(1).

A new subsection (4) replaces an incorrect reference to section 42(1) with a reference to section 42A(2)(b) (Failure to comply with conditional order).

**Amendment 1.55 – Section 112 (4), note** – amends section (4) by inserting a new example where the president may appoint a tribunal member to hear a matter about which the parties consent. A new note is inserted to the effect that the president may appoint a member for the hearing of a particular class of matter. Another new note is inserted to the effect that the example is part of the Act but is not exhaustive. These amendments remove any doubt that the president may appoint a tribunal member to hear consent matters, without limiting the scope of subsection (4).

**Amendment 1.56 – Dictionary, new definition of *conditional termination and possession order*** – inserts a new definition into the dictionary, consistent with amended section 42(1).

**Amendment 1.57 – Dictionary, definition of *enforcement condition*** – omits the definition from the dictionary, consistent with amended section 42(1).

## **PART 1.10 – Utilities Act 2000**

**Amendment 1.58 – Part 11 heading** – amends the heading of Part 11 by substituting a reference to the essential services consumer council with a reference to the newly named energy and water consumer council.

**Amendment 1.59 – Section 169** – amends section 169 by substituting a reference to the essential services consumer council with a reference to the newly named energy and water consumer council.

**Amendment 1.60 – Section 254 (2)** – amends subsection (2) by substituting a reference to the essential services consumer council with a reference to the newly named energy and water consumer council.

**Amendment 1.61 – Dictionary, definition of *council*** – amends the dictionary definition of *council* by substituting a reference to the essential services consumer council with a reference to the newly named energy and water consumer council.

**PART 1.11 – Victims of Crime (Financial Assistance) Act 1983**

**Amendment 1.62 – Section 3, table 3, new item 8A** – inserts into table 3 a new *violent crime*, being culpable driving as defined under section 29 of the *Crimes Act 1900*.

**Amendment 1.63 – Section 3, table 3, new item 28** – inserts into table 2 a new *violent crime*, being sexual servitude offences as defined under section 79 of the *Crimes Act 1900*.