

2025

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

JUSTICE AND COMMUNITY SAFETY LEGISLATION AMENDMENT BILL 2025

**EXPLANATORY STATEMENT
and
HUMAN RIGHTS COMPATIBILITY STATEMENT
(*Human Rights Act 2004, s 37*)**

**Presented by
Tara Cheyne MLA
Attorney-General**

JUSTICE AND COMMUNITY SAFETY LEGISLATION AMENDMENT BILL 2025

The Bill is **not** a Significant Bill. Significant Bills are bills that have been assessed as likely to have significant engagement of human rights and require more detailed reasoning in relation to compatibility with the *Human Rights Act 2004*.

This explanatory statement relates to the *Justice and Community Safety Legislation Amendment Bill 2025* as presented to the Legislative Assembly. It has been prepared to assist the reader of the Bill and to help inform debate on it. It does not form part of the Bill and has not been endorsed by the Assembly. The statement is to be read in conjunction with the Bill. It is not, and is not meant to be, a comprehensive description of the Bill.

OVERVIEW OF THE BILL

The Bill is an omnibus bill which amends of the following legislation in the Attorney-General's portfolio:

- *Crimes Act 1900*
- *Fair Trading (Fuel Prices) Act 1993*
- *Fair Trading (Motor Vehicle Repair Industry) Act 2010*
- *Jurisdiction of Courts (Cross-Vesting) Act 1993*
- *Land Titles Act 1925*
- *Major Events Act 2014*
- *Second-hand dealers Regulation 2002*

It also amends legislation in the Minister for Gaming Reform's portfolio:

- *Gambling and Racing Control Act 1999*
- *Gaming Machine Act 2004*

The objective of the Bill is to continue to enhance the ACT's justice and community safety legislation, to ensure that it is of the highest standard. JACS Bills are an important part of maintaining and enhancing the standard of ACT law. They enable legislative amendments, which taken alone, would generally not be sufficiently important to justify separate legislation. However, the cumulative effects of the amendments can have a significant impact on the ACT statute book and the overall quality of ACT law.

When enacted, the Bill will help to improve the quality of the ACT's statute book by making it simpler, more consistent and more coherent, and will assist in keeping it up-to-date.

CONSULTATION ON THE PROPOSED APPROACH

As the Bill is an omnibus bill to provide for minor, non-controversial and technical legislative amendments, consultation on the Bill was conducted internally with ACT Government directorates only.

CONSISTENCY WITH HUMAN RIGHTS

The Bill does not engage any human rights under the *Human Rights Act 2004*. Therefore, a human rights proportionality analysis is not required.

Justice and Community Safety Legislation Amendment Bill 2025

Human Rights Act 2004 - Compatibility Statement

In accordance with section 37 of the *Human Rights Act 2004* I have examined the **Justice and Community Safety Legislation Amendment Bill 2025**. In my opinion, having regard to the Bill and the outline of the policy considerations and justification of any limitations on rights outlined in this explanatory statement, the Bill as presented to the Legislative Assembly **is** consistent with the *Human Rights Act 2004*.

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Tara Cheyne MLA
Attorney-General

CLAUSE NOTES

Clause 1 Name of Act

This clause provides that the name of the Act is the *Justice and Community Safety Legislation Amendment Act 2025*.

Clause 2 Commencement

This clause provides for the commencement of the Act. The Act commences 7 days after the day it is notified.

The note provides that naming and commencement provisions will automatically commence on the day the Act is notified.

Clause 3 Legislation amended

This clause gives effect to the amendments made by Schedule 1.

Schedule 1 Legislation amended

Schedule 1 contains amendments to the following pieces of legislation:

- *Crimes Act 1900*
- *Fair Trading (Fuel Prices) Act 1993*
- *Fair Trading (Motor Vehicle Repair Industry) Act 2010*
- *Gambling and Racing Control Act 1999*
- *Gaming Machine Act 2004*
- *Jurisdiction of Courts (Cross-Vesting) Act 1993*
- *Land Titles Act 1925*
- *Major Events Act 2014*
- *Second-hand dealers Regulation 2002*

Part 1.1 Crimes Act 1900

Clause [1.1] Section 7A, note 1, new dot points

This clause inserts two new dot points into Note 1 in section 7A of the *Crimes Act 1900*. Note 1 in Section 7A provides a list of offences to which other legislation applies, specifically Chapter 2 of the Criminal Code. The additional offences inserted into the list are:

- s 55A (Sexual intercourse with young person under special care)

- s 61A (Act of indecency with young person under special care)

Clause [1.2] Section 7A, new note

This clause inserts a new note into section 7A, providing that Chapter 2 of the Criminal Code applies to an offence mentioned in section 72AA (1) of the *Crimes Act* if Chapter 2 applied to the offence before the commencement of section 72AA (see also section 72AA (4) (b)).

Clause [1.3] Dictionary, definition of *public place*, paragraph (a)

This clause corrects a minor typographical error in the definition of public place, replacing ‘; or’ with ‘; and’.

Part 1.2 Fair Trading (Fuel Prices) Act 1993

Clause [1.4] Section 3 (2) (a)

This amendment updates a cross-reference. The *Prices Surveillance Act 1983* (Cwlth) was repealed by the *Trade Practices Legislation Amendment Act 2003* (Cwlth). The equivalent provision was then remade in the *Trade Practices Act 1974* (Cwlth), which was then renamed the *Competition and Consumer Act 2010* (Cwlth).

Clause [1.5] Section 3 (3)

This amendment updates a cross-reference. The former reference to section 6AA of the *Competition and Consumer Act 2010* (Cwlth) is replaced with a reference to section 6A of the same Act.

Clause [1.6] Section 4 (2)

This amendment updates a cross-reference. The *Prices Surveillance Act 1983* (Cwlth) was repealed by the *Trade Practices Legislation Amendment Act 2003* (Cwlth). The equivalent provision was then remade in the *Trade Practices Act 1974* (Cwlth), which was then renamed the *Competition and Consumer Act 2010* (Cwlth).

Over the course of the changes, references to the ‘relevant price’ were replaced with a reference to the actual price. In addition to changing the name of the legislation, the amendment substitutes the phrase ‘relevant price’ with ‘actual price’ to reflect these updates. The effect of the substitution is that the Minister shall not determine a wholesale price of a specified fuel that is greater than the actual price for fuel (if available) determined under the *Competition and Consumer Act 2010* (Cwlth) from time to time – the equivalent of the former provision.

Clause [1.7] Dictionary, definitions of *leaded petrol* and *unleaded petrol*

This amendment omits the redundant definitions of leaded petrol and unleaded petrol. The terms ‘leaded petrol’ and ‘unleaded petrol’ are defined in section 7A (2) of the *Fair Trading (Fuel Prices) Act 1993* and are only used in that section.

Part 1.3 Fair Trading (Motor Vehicle Repair Industry) Act 2010

Clause [1.8] Part 7 heading, note

This amendment corrects a cross reference. The reference in the note formerly referred to Division 3.2 of the *Fair Trading (Consumer Affairs) Act 1973*. However, the *Fair Trading (Consumer Affairs) Act 1973* was restructured and renamed as the *Fair Trading (Australian Consumer Law) Act 1992* in 2010. At the time, the reference to the *Fair Trading (Consumer Affairs) Act 1973* was updated, however, the Division reference was not likewise updated. This amendment updates the reference to Division 3.2 with the correct reference to Division 5.2.

Clause [1.9] Section 49 (2)

This section updates a cross-reference, because of amendments made by the *Trade Practices Amendment (Australian Consumer Law) Act (No, 2) 2010* (Cwlth). The former reference to the *Competition and Consumer Act 2010 (Cwlth), part 5 (Consumer protection), division 1AA (Country of origin representations)*, is replaced with the now correct reference to *Australian Consumer Law, part 5-3 (Country of origin representations)*.

Part 1.4 Gambling and Racing Control Act 1999

Clause [1.10] Section 51, definitions of *permit* and *quarantine permit*

This amendment omits redundant definitions of *permit* and *quarantine permit*. These terms are not used in the *Gambling and Racing Control Act 1999*.

Clause [1.11] Dictionary, definitions of *permit* and *quarantine permit*

This amendment is consequential to the amendment in Clause 1.10. The terms *permit* and *quarantine permit* were omitted from the *Gaming Machine Act 2004* by the *Gambling Legislation Amendment Act 2018* and are no longer used by the *Gambling and Racing Control Act 1999*. As such, they not longer need to be included in the Dictionary for the *Gambling and Racing Control Act 1999*.

Part 1.5 Gaming Machine Act 2004

Clause [1.12] Section 52A (4), definition of *casino licensee*

This amendment omits a redundant definition. The term casino licensee is defined in the *Gaming Machine Act 2004*, dictionary, and so does not need to be defined in section 52A.

Clause [1.13] Dictionary, new definitions

This amendment inserts four definitions that were inadvertently omitted by another Act. The definitions inserted are:

- **surrendered authorisation**, for division 2A.2 (Voluntary surrenders)—see section 10A.
- **voluntary surrender agreement**, for division 2A.2 (Voluntary surrenders)—see section 10C.
- **voluntary surrender day**, for a licensee, for division 2A.2 (Voluntary surrenders)—see section 10A.
- **voluntary surrender notice**, for division 2A.2 (Voluntary surrenders)—see section 10B.

Part 1.6 Jurisdiction of Courts (Cross-Vesting) Act 1993

Clause [1.14] Section 6 (2) (a)

This clause omits a redundant cross-reference. Paragraph (d) in the definition of special federal matter in section 3 (1) of the *Jurisdiction of Courts (Cross-vesting) Act 1987* (Cwlth) has been omitted.

Clause [1.15] Section 10 (b)

This clause updates section 10 (b) of the *Jurisdiction of Courts (Cross-Vesting) Act 1993* to reflect changes to the *Jurisdiction of Courts (Cross-Vesting) Act 1987* (Cwlth). The change will ensure consistency in the matters that can be transferred to the ACT Magistrates Court.

Clause [1.16] Further amendments, mentions of *shall*

This clause updates the language used in sections 5, 6, 7 and 11. Specifically, the use of the word 'shall' is replaced with the word 'must' in the above mentioned provisions.

This is a minor and technical amendment, aimed at increasing the readability and coherency of the ACT statute book.

Part 1.7 Land Titles Act 1925

Clause [1.17] Sections 99 etc

This amendment makes consequential amendments to a number of provisions in the *Land Titles Act 1925* which refer to the Family Court. The Family Court of Australia and Federal Circuit Court of Australia were restructured, and joined, as the Federal Circuit Court and Family Court of Australia (the FCFCOA). The FCFCOA has two divisions.

Sections 99, 104, 105, 106 and 128 of the *Land Titles Act 1925* refer to proceedings in the Family Court of Australia, and any other court with jurisdiction under the *Family Law Act 1975* (Cwlth).

This clause updates sections 99, 104, 105, 106, 128, to define a court to include any court with jurisdiction under the *Family Law Act 1975* (Cwlth), in line with the changed structure of the FCFCOA.

Part 1.8 **Major Events Act 2014**

Clause [1.18] **Section 62**

This clause corrects the reference to the organiser of an event. The clause replaces reference to a ‘venue organiser’ (which may be confusing, as it is not used elsewhere in the Act), with a reference to an ‘event organiser’, which is used elsewhere in the Act and so will reduce confusion.

Part 1.9 **Second-hand Dealers Regulation 2002**

Clause [1.19] **Dictionary, definition of *extract from the electoral roll***

This clause updates a reference to the Australian Electoral Office with the now correct reference to the Australian Electoral Commission.