



Australian Capital Territory

Justice and Community Safety Legislation Amendment Act 2009 (No 4)

A2009-54

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J2009-778

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au



Australian Capital Territory

Justice and Community Safety Legislation Amendment Act 2009 (No 4)

A2009-54

An Act to amend legislation about justice and community safety

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

1 Name of Act

This Act is the *Justice and Community Safety Legislation Amendment Act 2009 (No 4)*.

2 Commencement

- (1) Schedule 1, part 1.5 (Trustee Companies Act 1947) commences on a day fixed by the Minister by written notice.

Note 1 The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

Note 2 A single day or time may be fixed, or different days or times may be fixed, for the commencement of different provisions (see Legislation Act, s 77 (1)).

- (2) The remaining provisions commence on the later of—
- (a) the commencement of the *Justice and Community Safety Legislation Amendment Act 2009 (No 3)*, part 1.2 (ACT Civil and Administrative Tribunal (Transitional Provisions) Regulation 2009); and
 - (b) the day after this Act's notification day.
- (3) If a provision of this Act has not commenced within 2 years beginning on its notification day, it automatically commences on the first day after that period.
- (4) The Legislation Act, section 79 (Automatic commencement of postponed law) does not apply to this Act.

3 Legislation amended

This Act amends the legislation mentioned in schedule 1.

Schedule 1 Legislation amended

(see s 3)

Part 1.1 ACT Civil and Administrative Tribunal Act 2008

[1.1] New section 115D

in part 9A, insert

115D Territory entities to pay amounts to ACAT trust account

- (1) This section applies if—
 - (a) a territory entity makes an application to the ACAT in a quarter; and
 - (b) no filing fee is paid for the application because of the operation of the Legislation Act, section 121 (Binding effect of Acts).
- (2) The territory entity must, at the end of the quarter, pay to the ACAT trust account an amount equal to the filing fee for the application.
- (3) In this section:

territory entity includes—

 - (a) the Territory; or
 - (b) a Minister; or
 - (c) an administrative unit; or
 - (d) a territory instrumentality; or
 - (e) any other territory authority.

[1.2] Divisions 30.2 to 30.7

omit

**Part 1.2 ACT Civil and Administrative
Tribunal (Transitional Provisions)
Regulation 2009**

[1.3] Section 67

omit

[1.4] Schedule 3

omit

[1.5] Schedule 4

omit

[1.6] Schedule 5

omit

Part 1.3 Legal Profession Act 2006

[1.7] New section 423A

insert

**423A Restriction on publication of certain identifying material
from application**

- (1) A person must not publish an account or report of an application under this part if the account or report—
- (a) discloses the identity of the person who is the subject of the complaint to which the application relates (the *person concerned*); or

- (b) allows the identity of the person concerned to be worked out.
- (2) However, the identity of the person concerned may be disclosed in an account or report of the application if—
- (a) a final decision has been made that the person concerned is guilty of the conduct complained of; and
- (b) either—
- (i) the appeal period has ended and no appeal has been made; or
- (ii) any appeal has been decided against the person concerned.

- (3) In this section:

appeal means an appeal from a decision by the tribunal under the *ACT Civil and Administrative Tribunal Act 2008*, section 79.

appeal period means the period within which an appeal may be made.

Note See the *Court Procedures Rules 2006*, r 5052 (Appeals to Supreme Court—general powers) and r 5103 (Appeals to Supreme Court—time for filing notice of appeal).

Part 1.4 Magistrates Court Act 1930

[1.8] New section 266B

in part 4.2, insert

266B Enforcement of ACT Civil and Administrative Tribunal order—representation

- (1) This section applies if a person (the *first person*)—
 - (a) was represented in an application in the ACAT by someone else (the *second person*) under the *ACT Civil and Administrative Tribunal Act 2008*, section 30; and
 - (b) the ACAT made a money order or non-money order in favour of the first person; and
 - (c) the first person enforces the order in the Magistrates Court under the *Court Procedures Rules 2006*, part 2.18 (Enforcement).
- (2) The second person may represent the first person in the enforcement proceeding in the Magistrates Court.

Part 1.5 Trustee Companies Act 1947

[1.9] Section 3A

omit

[1.10] Section 18

omit

[1.11] Section 18A

omit

[1.12] Section 18B

omit

[1.13] Section 21

omit

[1.14] Section 22

omit

[1.15] Section 24

omit

[1.16] Section 25

omit

[1.17] Section 25A

omit

[1.18] Section 25B

omit

[1.19] Section 25C

omit

[1.20] Section 25D

omit

[1.21] Section 25E

omit

[1.22] Section 25F

omit

Amendment [1.23]

[1.23] Section 25G

omit

[1.24] Section 25H

omit

[1.25] Section 25I

omit

[1.26] Section 25J

omit

[1.27] Section 26

omit

[1.28] Section 27

omit

[1.29] Section 28

omit

[1.30] Section 29

omit

[1.31] Section 30

omit

[1.32] Section 31

omit

[1.33] Section 31A

omit

[1.34] Section 31B

omit

[1.35] Section 34

omit

[1.36] Section 34A

omit

[1.37] Section 36

omit

[1.38] New section 37

insert

37 Transitional—def *trustee company*

- (1) For this Act, a trustee company includes a company authorised under a law of a State or Territory to act as executor, administrator and trustee in the State or Territory immediately before 1 January 2010.
- (2) This section expires—
 - (a) 12 months after the day it commences; or
 - (b) if, before 12 months after the day it commences, another day is prescribed by regulation—on that day.

[1.39] Schedule 1

omit

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 19 November 2009.

2 Notification

Notified under the Legislation Act on 18 December 2009.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Justice and Community Safety Legislation Amendment Bill 2009 (No 4), which was passed by the Legislative Assembly on 8 December 2009.

Clerk of the Legislative Assembly

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