



Australian Capital Territory

# Justice and Community Safety Legislation Amendment Act 2011

A2011-16

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J2010-617

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

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Australian Capital Territory

# **Justice and Community Safety Legislation Amendment Act 2011**

**A2011-16**

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An Act to amend legislation about justice and community safety

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

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J2010-617

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

**1 Name of Act**

This Act is the *Justice and Community Safety Legislation Amendment Act 2011*.

**2 Commencement**

This Act 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)).

*Note 3* If a provision has not commenced within 6 months beginning on the notification day, it automatically commences on the first day after that period (see Legislation Act, s 79).

**3 Legislation amended—sch 1**

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]      Section 20 (1)**

*omit*

greater that \$10 000

*substitute*

greater than \$10 000

### **Part 1.2                      Associations Incorporation Act 1991**

#### **[1.2]      Section 93 (3) (e)**

*omit*

3

*substitute*

2

## Part 1.3                            Charitable Collections Act 2003

### [1.3]            New section 54 (1) (aa)

*insert*

- (aa) an investigator under the *Fair Trading (Australian Consumer Law) Act 1992*;

### [1.4]            New section 56 (7)

*insert*

- (7) In this section:

***identity card*** means—

- (a) for an authorised person mentioned in section 54 (1) (aa)—an identity card issued under the *Fair Trading (Australian Consumer Law) Act 1992*, section 37; or
- (b) for an authorised person appointed under section 54 (2)—a card issued under section 55.

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## **Part 1.4**                      **Classifications (Publications, Films and Computer Games) (Enforcement) Act 1995**

### **[1.5]      Section 54A, definition of *registrar***

*omit*

### **[1.6]      Sections 54B and 54BA**

*omit*

### **[1.7]      Section 54C, note 2**

*substitute*

*Note 2*    If a form is approved by the commissioner under s 68 (Approved forms—commissioner) for an application, the form must be used.

### **[1.8]      New section 54U (2)**

*after the notes, insert*

- (2) An investigator under the *Fair Trading (Australian Consumer Law) Act 1992* is also an inspector.

### **[1.9]      New section 54V (1A)**

*before section (1), insert*

- (1A) This section applies only to an inspector appointed under section 54U (1).

### **[1.10]     Dictionary, note 2**

*insert*

- commissioner for fair trading

**[1.11]      Dictionary, new definition of *commissioner***

*insert*

*commissioner* means the commissioner for fair trading.

**[1.12]      Dictionary, definition of *registrar***

*omit*

**[1.13]      Further amendments, mentions of *registrar***

*omit*

registrar

*substitute*

commissioner

*in*

- sections 54D and 54E
- sections 54H to 54Q
- sections 54YB to 54ZB
- section 68

## **Part 1.5                                  Fair Trading (Australian Consumer Law) Act 1992**

**[1.14]      Section 34 (2), definition of *consumer and trader  
legislation***

*substitute*

*consumer and trader legislation* means the following:

- (a) the fair trading legislation;
- (b) the *Classifications (Publications, Films and Computer Games) (Enforcement) Act 1995*;



- (c) the *Pawnbrokers Act 1902*;
- (d) the *Prostitution Act 1992*;
- (e) the *Sale of Motor Vehicles Act 1977*;
- (f) the *Second-hand Dealers Act 1906*;
- (g) the *Tobacco Act 1927*.

**[1.15] Section 36**

*substitute*

**36 Investigators**

- (1) The commissioner may appoint a person as an investigator for this Act, section 33 (1) (b), (c) or (d) (Functions of commissioner).

*Note 1* For the making of appointments (including acting appointments), see the Legislation Act, pt 19.3.

*Note 2* In particular, a person may be appointed for a particular provision of a law (see Legislation Act, s 7 (3)) and an appointment may be made by naming a person or nominating the occupant of a position (see Legislation Act, s 207).

- (2) An investigator may also exercise any other function given to the investigator under a territory law.

**[1.16] Dictionary, definition of *fair trading legislation*, new paragraph (da)**

*insert*

- (da) the *Fair Trading (Motor Vehicle Repair Industry) Act 2010*; or

**[1.17]      Dictionary, definition of *investigator***

*substitute*

*investigator* means the commissioner or a person appointed under section 36.

## **Part 1.6                      Hawkers Act 2003**

**[1.18]      Section 40 (1) (b)**

*substitute*

- (b) a roads and public places officer appointed under the *Roads and Public Places Act 1937*, section 2C (1);
- (ba) an investigator under the *Fair Trading (Australian Consumer Law) Act 1992*;

**[1.19]      New section 41 (1A)**

*before subsection (1), insert*

- (1A) This section applies only to an authorised person appointed under section 40 (2).

**[1.20]      Section 41 (1)**

*omit*

(other than a police officer or roads and public places officer)

**[1.21]      Section 41 (2) (a)**

*omit*

**[1.22] New section 42 (6)**

*insert*

(6) In this section:

*identity card* means—

- (a) for an authorised person mentioned in section 40 (1) (ba)—an identity card issued under the *Fair Trading (Australian Consumer Law) Act 1992*, section 37; or
- (b) for an authorised person appointed under section 40 (2)—a card issued under section 41.

## **Part 1.7 Prostitution Act 1992**

**[1.23] Division 2.2 heading**

*substitute*

### **Division 2.2 Register and notices**

**[1.24] Sections 9 and 10**

*omit*

**[1.25] Dictionary, note 2**

*insert*

- commissioner for fair trading

**[1.26] Dictionary, new definition of *commissioner***

*insert*

*commissioner* means the commissioner for fair trading.

**[1.27] Dictionary, definition of *registrar***

*omit*

**[1.28] Further amendments, mentions of *registrar***

*omit*

registrar

*substitute*

commissioner

*in*

- sections 11 to 14
- section 16
- section 30

## **Part 1.8                    Roads and Public Places Act 1937**

**[1.29] Section 2C heading**

*substitute*

**2C            Roads and public places officers**

**[1.30] New section 2C (2)**

*after the notes, insert*

- (2) Also, an investigator under the *Fair Trading (Australian Consumer Law) Act 1992* is a roads and public places officer.

**[1.31] Dictionary, definition of *roads and public places officer***

*substitute*

***roads and public places officer*** means a roads and public places officer under section 2C.

## **Part 1.9                      Sale of Motor Vehicles Act 1977**

### **[1.32]      Sections 5 and 5A**

*omit*

### **[1.33]      Section 5B (2) (a) and (b)**

*substitute*

- (a) the commissioner;
- (b) an investigator under the *Fair Trading (Australian Consumer Law) Act 1992*;

### **[1.34]      Section 5C**

*substitute*

#### **5C              Identity cards**

- (1) This section applies only to an inspector appointed under section 5B (1).
- (2) The chief executive must give each inspector an identity card that states the person's name and that the person is an inspector.
- (3) The identity card must show—
  - (a) a recent photograph of the person; and
  - (b) the card's date of issue and expiry.
- (4) A person commits an offence if—
  - (a) the person stops being an inspector; and
  - (b) the person does not return the identity card to the chief executive as soon as practicable, but no later than 7 days after the day the person stops being an inspector.

Maximum penalty: 1 penalty unit.

(5) An offence against this section is a strict liability offence.

**[1.35] Section 94**

*omit*

**[1.36] Dictionary, new definition of *commissioner***

*insert*

*commissioner* means the commissioner for fair trading.

**[1.37] Dictionary, definitions of *deputy registrar* and *registrar***

*omit*

**[1.38] Further amendments, mentions of *registrar***

*omit*

registrar

*substitute*

commissioner

*in*

- sections 6 to 6A
- sections 10 to 14
- sections 14C to 15
- section 20
- section 22
- section 24
- section 38
- sections 40 and 41
- sections 43 to 46
- section 49
- sections 60 to 63
- sections 71 to 74

- sections 88 to 89A
- section 93
- schedule 2, item 9, column 3
- schedule 2, item 13, column 3
- dictionary, definition of *register*

## **Part 1.10**                      **Smoke-Free Public Places Act 2003**

### **[1.39]      New section 10 (1) (aa)**

*insert*

- (aa) an investigator under the *Fair Trading (Australian Consumer Law) Act 1992*;

## **Part 1.11**                      **Tobacco Act 1927**

### **[1.40]      Part 5**

*omit*

### **[1.41]      New section 32 (2) (d)**

*insert*

- (d) an investigator under the *Fair Trading (Australian Consumer Law) Act 1992*.

### **[1.42]      New section 34 (1A)**

*before subsection (1), insert*

- (1A) This section applies only to an authorised person appointed under section 32 (1).

**[1.43]    Section 34 (1)**

*omit*

(other than a public health officer or police officer)

**[1.44]    Dictionary, new definition of *commissioner***

*insert*

*commissioner* means the commissioner for fair trading.

**[1.45]    Dictionary, definitions of *deputy registrar* and *registrar***

*omit*

**[1.46]    Further amendments, mentions of *registrar***

*omit*

registrar

*substitute*

commissioner

*in*

- section 32 (2) (a)
- sections 47 and 48
- sections 49A to 54
- sections 57 to 59
- section 65
- section 71



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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 31 March 2011.

**2 Notification**

Notified under the Legislation Act on 17 May 2011.

**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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I certify that the above is a true copy of the Justice and Community Safety Legislation Amendment Bill 2011, which was passed by the Legislative Assembly on 5 May 2011.

Clerk of the Legislative Assembly

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