



Australian Capital Territory

# Justice and Community Safety Legislation Amendment Act 2013 (No 4)

A2013-45

## Contents

---

		Page
1	Name of Act	2
2	Commencement	2
3	Legislation amended—sch 1	2
<b>Schedule 1</b>	<b>Legislation amended</b>	<b>3</b>
<b>Part 1.1</b>	<b>Coroners Act 1997</b>	<b>3</b>
<b>Part 1.2</b>	<b>Magistrates Court Act 1930</b>	<b>7</b>
<b>Part 1.3</b>	<b>Residential Tenancies Act 1997</b>	<b>8</b>
<b>Part 1.4</b>	<b>Road Transport (General) Act 1999</b>	<b>8</b>

---

J2013-170

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

Contents

---

	Page
<b>Part 1.5</b> <b>Victims of Crime Act 1994</b>	<b>9</b>



Australian Capital Territory

# **Justice and Community Safety Legislation Amendment Act 2013 (No 4)**

**A2013-45**

---

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 2013 (No 4)*.

**2 Commencement**

This Act commences on the day after its notification day.

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

**3 Legislation amended—sch 1**

This Act amends the legislation mentioned in schedule 1.

## Schedule 1      Legislation amended

(see s 3)

### Part 1.1      Coroners Act 1997

#### [1.1]      New section 11A

*in division 2.2, insert*

#### 11A      Coroner for matter not available

- (1) This section applies if a person who is a coroner constituting a court in a particular matter ceases to hold office as a coroner, or ceases to be available, before the coroner finishes dealing with the matter.
- (2) The Chief Coroner must arrange for another coroner to constitute the court in the matter.
- (3) The other coroner may deal with the matter as the other coroner considers appropriate.

**Example**

deal with the matter afresh

*Note*      An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

- (4) In this section:

***ceases to be available***—a person ***ceases to be available*** for a matter if the person is unable to act as a coroner in relation to the matter because of illness, absence or an inability or unwillingness to deal with the matter.

***matter*** includes a class of matters.

**[1.2]        New section 57 (3A)**

*insert*

- (3A) If the coroner reports to the Attorney-General under this section, the coroner must give a copy of the report to the responsible Minister.

**[1.3]        Section 57 (4) (a)**

*after 2nd mention of*

report

*insert*

*(the 6-month period)*

**[1.4]        Section 57 (4) (b)**

*omit*

Executive's

*substitute*

Attorney-General's and responsible Minister's

**[1.5]        New section 57 (5) and (6)**

*insert*

- (5) However, if the Attorney-General is of the opinion that it will not be reasonably practicable to comply with subsection (4) on a sitting day during the 6-month period—
- (a) the Attorney-General must give the report and response, and a copy for each member of the Legislative Assembly, to the Speaker before the end of the 6-month period; and

- (b) the report and response are taken for all purposes to have been presented to the Legislative Assembly on the day the Attorney-General gives them to the Speaker (the *report day*); and
  - (c) the Speaker must arrange for a copy of the report and response to be given to each member of the Legislative Assembly on the report day; and
  - (d) despite paragraph (b), the Speaker must present the report and response to the Legislative Assembly—
    - (i) on the next sitting day after the end of the 6-month period; or
    - (ii) if the next sitting day is the first meeting of the Legislative Assembly after a general election of members of the Assembly—on the second sitting day after the election.
- (6) In this section:

*responsible Minister* means the Minister responsible for the matter that is the subject of the inquest or inquiry to which a report under this section relates.

*Speaker* includes—

- (a) if the Speaker is unavailable—the Deputy Speaker; and
- (b) if both the Speaker and Deputy Speaker are unavailable—the clerk of the Legislative Assembly.

*unavailable*—the Speaker or Deputy Speaker is *unavailable* if—

- (a) he or she is absent from duty; or
- (b) there is a vacancy in the office of Speaker or Deputy Speaker.

**[1.6]      Part 9 heading**

*substitute*

**Part 9                      Witness expenses and other  
   amounts**

**[1.7]      Section 98**

*substitute*

**98              Witness expenses**

A coroner may allow a witness who gives evidence before the coroner, whether or not the witness was subpoenaed to attend, witness expenses assessed in accordance with the *Court Procedures Rules 2006*, schedule 4.

**[1.8]      Dictionary, note 2**

*insert*

- clerk
- Deputy Speaker
- sitting day
- Speaker



## Part 1.2 Magistrates Court Act 1930

### [1.9] New section 5A

*in part 2.1, insert*

#### 5A Magistrate for matter not available

- (1) This section applies if a person who is a magistrate constituting the court in a particular civil matter, ceases to hold office as a magistrate, or ceases to be available, before the magistrate finishes dealing with the matter.
- (2) The Chief Magistrate must arrange for another magistrate to constitute the court in the matter.
- (3) The other magistrate may deal with the matter as the other magistrate considers appropriate.

##### **Example**

deal with the matter afresh

*Note* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

- (4) In this section:

***ceases to be available***—a person ***ceases to be available*** for a matter if the person is unable to act as a magistrate in relation to the matter because of illness, absence or an inability or unwillingness to deal with the matter.

***matter*** includes a class of matters.

**[1.10]    Section 316 (6)**

*substitute*

- (6) However, the sound recording of any part of the following proceedings must not be erased unless a transcript of the record of that part of the proceeding has been prepared:
- (a) a proceeding in which a person charged with an indictable offence is committed to trial before the Supreme Court;
  - (b) a proceeding in which evidence is taken under a request mentioned in section 263 (Requests under conventions relating to legal proceedings in civil and commercial matters).

**Part 1.3                      Residential Tenancies Act 1997**

**[1.11]    Section 78 (3), note**

*omit*

\$50 000

*substitute*

\$250 000

**Part 1.4                      Road Transport (General)  
Act 1999**

**[1.12]    Section 44 (3) (b)**

*omit*

by

*substitute*

before

**[1.13] Section 44A (3) (b)**

*omit*

by

*substitute*

before

**[1.14] Section 84 (3) (b)**

*omit*

by

*substitute*

before

## **Part 1.5 Victims of Crime Act 1994**

**[1.15] Section 24 (2)**

*omit*

\$10

*substitute*

\$30

---

## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 8 August 2013.

**2 Notification**

Notified under the [Legislation Act](#) on 11 November 2013.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

---

I certify that the above is a true copy of the Justice and Community Safety Legislation Amendment Bill 2013 (No 4), which was passed by the Legislative Assembly on 31 October 2013.

Clerk of the Legislative Assembly

© Australian Capital Territory 2013