



Australian Capital Territory

Justice and Community Safety Legislation Amendment Act 2025 (No 3)

A2025-22

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Australian Capital Territory

Justice and Community Safety Legislation Amendment Act 2025 (No 3)

A2025-22

An Act to amend legislation about justice and community safety

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

Part 1 Preliminary

1 Name of Act

This Act is the *Justice and Community Safety Legislation Amendment Act 2025 (No 3)*.

2 Commencement

- (1) This Act (other than part 7 and schedule 1) 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)).

- (2) Part 7 commences 1 month after this Act's notification day.
- (3) Schedule 1 commences on the later of—
- (a) the commencement of the [Aged Care Act 2024](#) (Cwlth), section 7; and
 - (b) the commencement of this Act, section 3.

3 Legislation amended

This Act amends the following legislation:

- [Civil Law \(Sale of Residential Property\) Act 2003](#)
- [Crimes \(Sentencing\) Act 2005](#)
- [Discrimination Act 1991](#)
- [Guardianship and Management of Property Act 1991](#)
- [Information Privacy Act 2014](#)
- [Residential Tenancies Act 1997](#).

Note This Act also amends other legislation (see sch 1).

Part 2**Civil Law (Sale of Residential Property) Act 2003****4 Meaning of *required documents*
Section 9 (1) (k)**

substitute

- (k) if there is a regulated swimming pool on the premises covered by the proposed contract—the documents prescribed by regulation;

Note For a unit, documents about a regulated swimming pool on common property of the units plan may also be required in the unit title sale certificate under par (g) (i) (B).

Part 3 Crimes (Sentencing) Act 2005

5 Breach of treatment order—other than commission of offence **Section 80ZB (1) (a)**

before
confirming
insert
an order

6 Section 80ZB (1) (b)

omit
give
substitute
an order giving

7 Section 80ZB (1) (c)

before
amending
insert
an order

8 Section 80ZB (1) (d)

before
requiring
insert
an order

9 Section 80ZB (1) (e)

before
provisionally
insert
an order

10 Section 80ZB (1) (f) and (g)

before
cancelling
insert
an order

11 New section 80ZBA

insert

80ZBA Breach of treatment order—other than commission of offence—Magistrates Court may make temporary order

- (1) This section applies in relation to an offender subject to a treatment order if—
- (a) the offender has been arrested for breaching the treatment order obligations; and

Note The offender may be arrested under a warrant (see s 80ZJ) or without a warrant (see s 80ZK).
 - (b) the offender has not been brought before the Supreme Court in relation to the arrest; and

- (c) the earliest practicable time the offender can be brought before the Supreme Court—
 - (i) is not a day on which the Supreme Court is sitting; and
 - (ii) is a day on which a magistrate is sitting in relation to another proceeding before the Magistrates Court.
- (2) If the Magistrates Court is satisfied on the balance of probabilities that the offender has breached a condition of the treatment order, other than by the commission of an offence, the Magistrates Court may make 1 or more of the following orders:
 - (a) an order giving the offender a warning about the need to comply with the offender's treatment order obligations;
 - (b) an order requiring the offender to comply with 1 or more of the conditions mentioned in section 80ZB (1) (d), as additional conditions to those imposed by the Supreme Court;
 - (c) if the next day on which the Supreme Court is sitting is not more than 14 days after the day the Magistrates Court makes the order—an order temporarily cancelling the suspension of the sentence of imprisonment under the custodial part until the next day on which the Supreme Court is sitting.
- (3) If the Magistrates Court makes an order under subsection (2) (c), the order must state the next day on which the Supreme Court is sitting.
- (4) The Magistrates Court may make an order under this section on its own initiative or on application by—
 - (a) the offender; or
 - (b) the director of public prosecutions; or
 - (c) a member of the treatment and supervision team; or
 - (d) a person prescribed by regulation.

- (5) If the Magistrates Court makes an order under this section, the Magistrates Court must, as soon as practicable after the order is made, ensure that written notice of the order, together with a copy of the order, is given to—
- (a) the offender; and
 - (b) each member of the treatment order team; and
 - (c) any other person who the Magistrates Court considers should receive the notice.
- (6) Failure to comply with subsection (3) or (5) does not invalidate the treatment order.
- (7) If the Magistrates Court makes an order under subsection (2), the Supreme Court on the next day on which it is sitting—
- (a) must review the order; and
 - (b) for an order made under subsection (2) (a) or (b)—must confirm, amend or revoke the order.
- (8) Nothing in this section prevents the Supreme Court—
- (a) making an order under section 80ZB in relation to the offender's breach of the condition of their treatment order; or
 - (b) reviewing the offender's treatment order under section 80ZH.

Part 4 Discrimination Act 1991

12 Dictionary, definition of *irrelevant criminal record*, paragraph (f) and note

substitute

- (f) the person has an extinguished conviction, within the meaning of the *Spent Convictions Act 2000*, for the offence; or
- (g) the person has a spent conviction, within the meaning of the *Spent Convictions Act 2000*, for the offence, unless—
 - (i) the circumstances of the offence are directly relevant to the situation in which discrimination arises; and
 - (ii) the *Spent Convictions Act 2000*, section 16 does not apply to the person in the situation in which discrimination arises.

Note The *Spent Convictions Act 2000*, s 19 sets out the circumstances in which s 16 does not apply in relation to an application by a person.

Part 5 Guardianship and Management of Property Act 1991

13 Considerations affecting appointment Section 10 (2)

omit

on oath

14 New section 10 (2A)

after the note, insert

- (2A) For subsection (2), a person may inform the ACAT on oath or by statutory declaration.

15 Emergency removal of disabled persons Section 68 (4)

after

on oath

insert

or by statutory declaration

16 New section 74A

insert

74A Certain things done or omitted to be done not invalid

- (1) This section applies if, before the commencement day, a person gave the ACAT information by statutory declaration—
- (a) under section 10 (2) (Considerations affecting appointment); or
 - (b) in relation to an application made under section 68 (Emergency removal of disabled persons).

- (2) Anything done or omitted to be done by the ACAT on the basis of the information provided by statutory declaration is taken to have been validly done or omitted to be done.
- (3) This section expires on the commencement day.
- (4) In this section:

commencement day means the day this section commences.

Note A transitional provision is repealed on its expiry but continues to have effect after its repeal (see [Legislation Act](#), s 88).

Part 6 Information Privacy Act 2014

17 Dealing with privacy complaints New section 40 (2) (d) and (3)

insert

- (d) conciliation of the complaint, or part of the complaint, ends without agreement being reached.
- (3) In this section:
conciliation—see section 44A.

18 New section 41A

insert

41A Commissioner may conciliate privacy complaint

- (1) The information privacy commissioner may, at any time, conciliate a privacy complaint, or part of a complaint, if satisfied that the complaint or part of the complaint is appropriate for conciliation.
Note Conciliation is dealt with in div 6.3A.
- (2) The commissioner may continue to deal with a privacy complaint in another way while the commissioner is conciliating the complaint, or part of the complaint.
- (3) In this section:
conciliation—see section 44A.

19 New division 6.3A*insert***Division 6.3A Conciliation of privacy complaints****44A Definitions—div 6.3A**

In this division:

conciliation, of a privacy complaint, is a process in which—

- (a) the parties give willing and informed agreement to take part; and
- (b) the information privacy commissioner impartially helps the parties resolve some or all of the complaint; and
- (c) the parties decide the outcome, usually with advice from the commissioner.

conciliation agreement—see section 44E (1).

parties, to the conciliation of a privacy complaint, means the complainant and respondent in relation to the complaint.

44B Parties must attend conciliation

- (1) The parties to the conciliation of a privacy complaint must attend the conciliation.
- (2) A person commits an offence if—
 - (a) the person is a party to the conciliation; and
 - (b) the information privacy commissioner tells the person, in writing, to attend the conciliation at a stated time and place; and
 - (c) the person does not attend the conciliation at the stated time and place.

Maximum penalty: 50 penalty units.

- (3) Subsection (2) does not apply if the person has a reasonable excuse for not attending the conciliation at the stated time and place.

Note The defendant has an evidential burden in relation to the matters mentioned in s (3) (see [Criminal Code](#), s 58).

44C Attendance at conciliation—people other than parties

- (1) The information privacy commissioner may allow people other than parties to attend the conciliation if the commissioner considers that their attendance will help the conciliation.
- (2) However, neither party may be represented by anyone else in the conciliation unless the commissioner is satisfied that the representation is likely to substantially help the conciliation.
- (3) The information privacy commissioner may also, in writing, ask a person other than a party to attend the conciliation if satisfied that the person's attendance is likely to help the conciliation.

44D Conduct of conciliation

Conciliation is to be conducted in the way the information privacy commissioner decides.

Example

The commissioner may decide that a privacy complaint is to be split and the parts are to be conciliated separately.

44E Conciliated agreements

- (1) If a complaint is resolved by conciliation, the information privacy commissioner may help the parties make a written record (the *conciliation agreement*) of the agreement they have reached.
- (2) If a conciliation agreement is made—
- (a) each party to the agreement must sign the agreement; and
 - (b) the commissioner must give each party a copy of the conciliation agreement.

44F Use of conciliation agreement by commissioner

- (1) The information privacy commissioner may use information in a conciliation agreement, whether for dealing with the complaint to which the agreement relates or otherwise, only if the parties to the agreement agree to the use by the commissioner of the agreement, or the part of the agreement, containing the information.
- (2) An agreement to allow the commissioner to use a conciliation agreement, or part of a conciliation agreement, may be in the conciliation agreement or elsewhere.
- (3) If the parties agree to the use by the commissioner of the conciliation agreement, or a part of the agreement, the commissioner may use anything in the conciliation agreement, or the part of the agreement, as the commissioner considers appropriate.

44G End of conciliation

- (1) Conciliation of a privacy complaint ends if—
 - (a) agreement is reached on the matters being conciliated, whether or not a conciliation agreement is made, and the parties end the conciliation; or
 - (b) the parties agree to end the conciliation; or
 - (c) a party withdraws from the conciliation; or
 - (d) the information privacy commissioner is satisfied that the conciliation is unlikely to be successful.
- (2) If the conciliation ends, the commissioner must, as soon as practicable, tell the parties that the conciliation has ended and why it has ended.
- (3) If the conciliation ends because subsection (1) (a) applies, the information privacy commissioner may close the complaint.

44H Admissibility of evidence

- (1) This section—
 - (a) applies to—
 - (i) a communication made between people attending a conciliation (including the information privacy commissioner); and
 - (ii) a document (whether delivered or not) prepared in relation to the conciliation; but
 - (b) does not apply to a conciliation agreement, or part of a conciliation agreement, if the parties have agreed under section 44F to allow the commissioner to use the agreement or part of the agreement.
- (2) The *Evidence Act 2011*, section 131 (Exclusion of evidence of settlement negotiations) applies to the communication or document as if the communication or document were a communication or document mentioned in that *Act*, section 131 (1).

44I Conciliation attendees protected from civil liability

A person attending conciliation does not incur civil liability for an act done honestly and without recklessness at the conciliation.

20 Section 45

substitute

45 Commissioner must tell parties application may be made to court

- (1) This section applies if, after dealing with a privacy complaint, the information privacy commissioner is reasonably satisfied that the act or practice the subject of the complaint is an interference with the complainant's privacy.

- (2) However, this section does not apply if the complaint is resolved by conciliation, whether or not a conciliation agreement is made in relation to the complaint.
- (3) The commissioner must give written notice to the complainant and the respondent for the complaint telling them—
 - (a) that the commissioner is reasonably satisfied that the act or practice the subject of the complaint is an interference with the complainant's privacy; and
 - (b) that the complainant may apply to a court for an order.
- (4) In this section:

conciliation—see section 44A.

conciliation agreement—see section 44F (1).

21 Dictionary, new definitions

insert

conciliation, of a privacy complaint, for division 6.3A (Conciliation of privacy complaints)—see section 44A.

conciliation agreement, for division 6.3A (Conciliation of privacy complaints)—see section 44F (1).

parties, to the conciliation of a privacy complaint, for division 6.3A (Conciliation of privacy complaints)—see section 44A.

Part 7 Residential Tenancies Act 1997

22 Terms included in residential tenancy agreements Section 8 (1) (f)

omit

clause

substitute

clauses

23 Section 8 (4), definition of *posting termination clause*

substitute

posting termination clauses means the clauses in schedule 2, section 2.1.

24 Termination Section 36 (1) (p)

omit

25 Section 36 (2)

omit

26 Standard residential tenancy terms Schedule 1, clause 21 (1)

substitute

- 21 (1) Within 1 day of the tenant taking possession of the premises, the lessor must give the tenant—
- (a) 2 paper copies of a condition report completed by the lessor; or

- (b) if the tenant agrees—1 electronic copy of a condition report completed by the lessor, in a form that can be electronically edited by the tenant.

27 Schedule 1, clause 38 (2)

omit

ACAT's

substitute

the tribunal's

28 Schedule 1, clause 70 (a), note

omit

ACAT

substitute

tribunal

29 Schedule 1, clause 85 (3)

substitute

- (3) However, if the tenant does not vacate the premises on or before the date stated in the notice—
- (a) the notice is taken to be withdrawn; and
- (b) the tenancy continues.

30 Schedule 1, clause 86 (2), note

omit

ACAT

substitute

tribunal

31 Schedule 1, clause 89A (5)*substitute*

- (5) This clause does not apply to a residential tenancy agreement ended by the tenant under—
- (a) any of the following provisions of the Residential Tenancies Act:
 - (i) section 46A (Termination of agreement for aged care or social housing needs);
 - (ii) section 46B (Termination of fixed term agreement if premises for sale);
 - (iii) section 46D (Termination for family violence);
 - (iv) section 46G (Co-tenancies—effect of serving family violence termination notice);
 - (v) section 64AA (Termination—affected residential premises);
 - (vi) section 64AB (Termination—eligible impacted property); or
 - (b) a posting termination clause (if the agreement contains the posting termination clauses).

32 Schedule 1, clause 89A (6), new definition of *posting termination clause**insert*

posting termination clause means a clause in schedule 2, section 2.1.

33 Schedule 1, clause 96 (2)*before**under**insert**given***34 Schedule 1, clause 97 (1)***substitute*

- 97 (1) If the lessor gives a tenant a notice to vacate under clause 96, the tenant may vacate the premises at any time before the date stated in the lessor's notice to vacate provided the tenant gives the lessor—
- (a) at least 2 weeks notice of the tenant's intention to vacate; or
 - (b) in the last 2 weeks before the date stated in the lessor's notice to vacate—at least 4 days notice of the tenant's intention to vacate.

**35 Additional terms for certain residential tenancy agreements
Schedule 2, section 2.1***substitute***2.1 Posting termination clauses****Termination if lessor or lessor's domestic partner posted to ACT**

- 102 (1) If the lessor, or the lessor's domestic partner, is posted to the ACT in the course of their employment, the lessor may terminate the residential tenancy agreement by giving the tenant at least 8 weeks notice to vacate the premises.

- (2) A notice to vacate given under this clause must be accompanied by written evidence of the posting.

Example—evidence of posting

letter from employer confirming details of posting

- (3) If the lessor gives the tenant a notice to vacate under this clause, the tenant may vacate the premises at any time before the date stated in the lessor's notice to vacate provided the tenant gives the lessor—
- (a) at least 2 weeks notice of the tenant's intention to vacate; or
 - (b) in the last 2 weeks before the date stated in the lessor's notice to vacate—at least 4 days notice of the tenant's intention to vacate.
- (4) The residential tenancy agreement terminates on the day the tenant vacates the premises.

Note The break lease fee clause does not apply if a fixed term agreement is terminated by the tenant vacating the premises (see cl 89A).

Termination if tenant or tenant's domestic partner posted away from ACT

- 102A (1) If the tenant, or the tenant's domestic partner, is posted away from the ACT in the course of their employment, the tenant may terminate the residential tenancy agreement by giving the lessor at least 8 weeks notice of intention to vacate the premises.
- (2) A notice of intention to vacate given under this clause must be accompanied by written evidence of the posting.

Example—evidence of posting

letter from employer confirming details of posting

- (3) The residential tenancy agreement terminates—
- (a) 8 weeks after the day the notice of intention to vacate is received by the lessor; or
 - (b) if a later date is stated in the notice—on the stated date.
- (4) However, if the tenant does not vacate the premises on or before the date stated in the notice—
- (a) the notice is taken to be withdrawn; and
 - (b) the agreement continues.

Note The break lease fee clause does not apply if a fixed term agreement is terminated under this section (see cl 89A).

36 Schedule 2, clause 103 (3)

before

under

insert

given

37 Schedule 2, clause 103 (4)

omit everything before paragraph (a), substitute

- (4) If the lessor gives the tenant a notice to vacate under this clause, the tenant may vacate the premises at any time before the date stated in the lessor's notice to vacate provided the tenant gives the lessor—

38 Schedule 2, clause 103 (4) (b)*omit*

lessor's notice to vacate date

substitute

date stated in the lessor's notice to vacate

39 Schedule 2, clause 104 (5), example*omit*

ACAT

substitute

the tribunal's

40 Schedule 2, clause 104 (7) (b)*omit*

lessor's notice to vacate date

substitute

date stated in the lessor's notice to vacate

41 Schedule 2, clause 105 (5) (b)*omit*

lessor's notice to vacate date

substitute

date stated in the lessor's notice to vacate

42 Schedule 2, clause 106A (7) (b)*omit*

housing commissioner's notice to vacate date

substitute

date stated in the housing commissioner's notice to vacate

43 Schedule 2, clause 107 (3) (b)*omit*

housing commissioner's notice to vacate date

substitute

date stated in the housing commissioner's notice to vacate

44 Schedule 2, clause 111 (7) (b)*omit*

lessor's notice to vacate date

substitute

date stated in the lessor's notice to vacate

45 Schedule 2, clause 112 (4) (b)*omit*

lessor's notice to vacate date

substitute

date stated in the lessor's notice to vacate

46 Dictionary, new definition of *Residential Tenancies Act*

insert

Residential Tenancies Act, for schedule 1 (Standard residential tenancy terms)—see schedule 1, clause 1 (1).

47 Dictionary, definition of *tribunal*

substitute

tribunal, for schedule 1 (Standard residential tenancy terms) and schedule 2 (Additional terms for certain residential tenancy agreements), means the ACAT.

Schedule 1 Other amendments

(see s 3)

Part 1.1 Civil Law (Sale of Residential Property) Act 2003

[1.1] Section 20, definition of *premises*, paragraph (g)

substitute

- (g) a residential care home that is provided by a registered provider under the [Aged Care Act 2024](#) (Cwlth);

Part 1.2 Disability Services Act 1991

[1.2] Section 8B, definition of *visitable place*, paragraph (1) (b) (iii)

omit

residential aged care facility

substitute

residential care home

[1.3] Section 8B (2) (d)

omit

residential aged care facility

substitute

residential care home

[1.4] Section 8B (4), definition of *residential aged care facility*

substitute

residential care home means a residential care home under the [Aged Care Act 2024](#) (Cwlth).

Part 1.3 Medical Treatment (Health Directions) Act 2006

[1.5] New section 13 (3)

insert

(3) In this section:

day hospital means a facility where a person is admitted for surgical or medical treatment and discharged on the same day.

health care facility means a hospital, residential care home or residential disability care facility.

hospital means a public hospital, private hospital or day hospital.

residential care home means a residential care home under the [Aged Care Act 2024](#) (Cwlth).

residential disability care facility—

- (a) means a residential facility that provides disability care to people with disabilities; but
- (b) does not include a residential care home.

[1.6] Dictionary

omit the definitions of
day hospital
health care facility and note
hospital
residential aged care facility
residential care
residential disability care facility

Part 1.4 Powers of Attorney Act 2006

[1.7] Dictionary, definition of *health care facility*

omit
residential aged care facility
substitute
residential care home

[1.8] Dictionary, definitions of *residential aged care facility* and *residential care*

omit

[1.9] Dictionary, new definition of *residential care home*

insert
residential care home means a residential care home under the
[Aged Care Act 2024](#) (Cwlth).

[1.10] Dictionary, definition of *residential disability care facility*, paragraph (b)

omit

residential aged care facility

substitute

residential care home

Part 1.5 Residential Tenancies Act 1997

[1.11] Section 4 and notes

substitute

4 Application of Act

This Act does not apply in relation to—

- (a) accommodation provided by a registered provider under the [Aged Care Act 2024](#) (Cwlth); or
- (b) premises prescribed by regulation.

[1.12] Section 46A (1) (a)

substitute

- (a) a residential care home; or

[1.13] Section 46A (7)

substitute

- (7) In this section:

residential care home means a residential care home under the [Aged Care Act 2024](#) (Cwlth).

Part 1.6 Retirement Villages Act 2012

[1.14] Section 10 (1), definition of *retirement village*, paragraph (b) (i) and (ii)

substitute

- (i) a residential care home provided by a registered provider;

[1.15] Sections 17 and 18

omit

residential aged care facility

substitute

residential care home

[1.16] Section 22A (1) (a) and (b)

substitute

- (a) the village is a registered provider of a residential care home; or
- (b) residents of the village have priority access to a residential care home provided by a registered provider.

[1.17] Section 22A (2), note 2

substitute

Note 2 Section 10 (1), def *retirement village*, par (b) (i) excludes residential care homes from that definition.

[1.18] Section 22A (3) (b)

omit

residential aged care facility

substitute

residential care home

[1.19] Section 39 (1) (b) (ii)

substitute

- (ii) does not intend to enter into a residence contract because the prospective resident has been approved for access for, and intends to enter into, a residential care home; or

[1.20] Section 39 (7) (a), examples

substitute

Examples

- 1 statement from a hospital that the person is in hospital waiting for approval to access a residential care home
- 2 evidence that the person has been approved for access for, and intends to enter into, a residential care home

[1.21] Section 210 (5), example

omit

an aged care facility

substitute

a residential care home

[1.22] Dictionary, new definition of *registered provider*

insert

registered provider, of a residential care home, means the registered provider under the *Aged Care Act 2024* (Cwlth).

[1.23] Dictionary, definition of *residential aged care facility*

omit

[1.24] Dictionary, new definition of *residential care home*

insert

residential care home means a residential care home under the *Aged Care Act 2024* (Cwlth).

Part 1.7 Retirement Villages Regulation 2013

[1.25] Section 6A (b)

substitute

- (b) the main differences between a retirement village and a residential care home and how the services of the retirement village differ from those of a residential care home;

[1.26] Section 7 (1) (c) and (d)

substitute

- (c) information about whether the operator is a registered provider of a residential care home;
- (d) a statement of how the services of the retirement village differ from those of a residential care home;

[1.27] Transfers
Schedule 1, section 1.15 (3)

omit

in which residential care under the *Aged Care Act 1997* (Cwlth) is provided

substitute

that is a residential care home

[1.28] Schedule 1, section 1.15 (3) (b)

omit

an assessment for admission

substitute

approval for access

[1.29] Dictionary, note 2

insert

- registered provider

[1.30] Dictionary, note 2

omit

- residential aged care facility

substitute

- residential care home

Part 1.8 Working with Vulnerable People (Background Checking) Act 2011

[1.31] Section 12 (2) (i) (v)

omit

an approved provider under the [Aged Care Act 1997](#) (Cwlth)

substitute

a registered provider under the [Aged Care Act 2024](#) (Cwlth)

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 25 June 2025.

2 Notification

Notified under the [Legislation Act](#) on 12 September 2025.

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 2025 (No 3), which originated in the Legislative Assembly as the Justice and Community Safety Legislation Amendment Bill 2025 (No 2) and was passed by the Assembly on 4 September 2025.

Clerk of the Legislative Assembly

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