



Australian Capital Territory

Justice and Community Safety Legislation Amendment Act 2026 (No 2)

A2026-12

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Australian Capital Territory

Justice and Community Safety Legislation Amendment Act 2026 (No 2)

A2026-12

An Act to amend legislation about justice and community safety, and for other purposes

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 2026 (No 2)*.

2 Commencement

This Act commences on the 7th 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

This Act amends the following legislation:

- [Aboriginal and Torres Strait Islander Children and Young People Commissioner Act 2022](#)
- [Custodial Inspector Act 2017](#)
- [Electoral Act 1992](#)
- [Human Rights Commission Act 2005](#)
- [Inquiries Act 1991](#)
- [Oaths and Affirmations Act 1984](#)
- [Supreme Court Act 1933](#)
- [Unit Titles \(Management\) Act 2011](#).

4 Legislation repealed

The [Crimes \(Child Sex Offenders\) Amendment Act 2025 \(A2025-4\)](#) is repealed.

Part 2

Aboriginal and Torres Strait Islander Children and Young People Commissioner Act 2022

5 Section 34

substitute

34 Information sharing

- (1) The commissioner may disclose to an information sharing entity any information that has been disclosed to, or obtained by, the commissioner in the exercise of a function under this Act, if—
 - (a) the commissioner is reasonably satisfied that the information is relevant to the exercise of the entity's functions; and
 - (b) if the information is personal information about an individual—the individual has given consent.
- (2) However, the commissioner may disclose personal information about an individual to an information sharing entity without the individual's consent if the commissioner believes on reasonable grounds that the disclosure is necessary to ensure that—
 - (a) the commissioner and the information sharing entity are able to take a coordinated approach in relation to a matter affecting an Aboriginal or Torres Strait Islander child or young person; or
 - (b) effective advocacy is able to be undertaken for an Aboriginal or Torres Strait Islander child or young person.
- (3) If an information sharing entity uses information disclosed to the entity under this section—
 - (a) a secrecy requirement is taken to apply to the entity in relation to the information; and

- (b) the entity is taken to be a person engaged in the administration of the provision that contains the secrecy requirement.
- (4) This section applies despite any other territory law.
- (5) In this section:

function, of an information sharing entity, means—

- (a) for a member of the human rights commission—a function of the member under the *Human Rights Commission Act 2005*; and
- (b) for the custodial inspector—a function of the custodial inspector under the *Custodial Inspector Act 2017*; and
- (c) for the NPM—a function of the NPM under the *Monitoring of Places of Detention (Optional Protocol to the Convention Against Torture) Act 2018*.

information sharing entity means—

- (a) a member of the human rights commission; or
- (b) the custodial inspector appointed under the *Custodial Inspector Act 2017*, section 9; or
- (c) the NPM.

NPM means the ACT National Preventive Mechanism established under the *Monitoring of Places of Detention (Optional Protocol to the Convention Against Torture) Act 2018*, section 8C.

secrecy requirement means a prohibition on the disclosure of information that applies to the commissioner in relation to information disclosed to an information sharing entity, whether the prohibition is absolute or subject to stated exceptions or qualifications.

Part 3 Custodial Inspector Act 2017

6 Cooperation with other entities New section 31 (1) (g)

insert

- (g) the commissioner appointed under the *Aboriginal and Torres Strait Islander Children and Young People Commissioner Act 2022*, section 10.

Part 4 Electoral Act 1992

7 Regular disclosure of gifts Section 216B (2)

substitute

- (2) The financial representative of the entity must give the commissioner a return containing the information mentioned in section 216A (2)—
- (a) not later than 7 days after the day the total amount received from the person reaches \$1 000; and
 - (b) if the person gives the entity an additional gift—not later than 7 days after the day the entity receives the additional gift from the person.

Example

An entity receives a gift of \$1 000 from a person on 1 January, then receives another gift of \$100 from the person on 1 February. The financial representative of the entity must give the commissioner a return for the first gift by 8 January and must give the commissioner an additional return for the second gift by 8 February.

Part 5 Human Rights Commission Act 2005

8 New section 53BAA

before section 53BA, insert

53BAA Leave of ACAT required to hear certain discrimination complaints

- (1) This section applies to a discrimination complaint if—
 - (a) the commission closes the complaint because it is satisfied of one of the reasons mentioned in section 78 (2) (c); and
 - (b) the commission gives the complainant a discrimination referral statement under section 82 (1); and
 - (c) either—
 - (i) the commission refers the complaint to the ACAT under section 53A; or
 - (ii) the complainant applies to the ACAT for the complaint to be heard under section 53B.
- (2) The complaint may be heard by the ACAT only with the leave of the ACAT.

9 New section 53IAA

before section 53IA, insert

53IAA Leave of ACAT required to hear certain retirement village complaints

- (1) This section applies to a retirement village complaint if—
 - (a) the commission closes the complaint because it is satisfied of one of the reasons mentioned in section 78 (2) (c); and

- (b) the commission gives the complainant a retirement village referral statement under section 82A (1); and
- (c) either—
 - (i) the commission refers the complaint to the ACAT under section 53H; or
 - (ii) the complainant applies to the ACAT for the complaint to be heard under section 53I.
- (2) The complaint may be heard by the ACAT only with the leave of the ACAT.

10 New section 53SAA

before section 53SA, insert

53SAA Leave of ACAT required to hear certain occupancy dispute complaints

- (1) This section applies to an occupancy dispute complaint if—
 - (a) the commission closes the complaint because it is satisfied of one of the reasons mentioned in section 78 (2) (c); and
 - (b) the commission gives the complainant an occupancy dispute referral statement under section 82B (1); and
 - (c) either—
 - (i) the commission refers the complaint to the ACAT under section 53R; or
 - (ii) the complainant applies to the ACAT for the complaint to be heard under section 53S.
- (2) The complaint may be heard by the ACAT only with the leave of the ACAT.

11 New section 53ZBAA

before section 53ZBA, insert

53ZBAA Leave of ACAT required to hear certain conversion practice complaints

- (1) This section applies to a conversion practice complaint if—
 - (a) the commission closes the complaint because it is satisfied of one of the reasons mentioned in section 78 (2) (c); and
 - (b) the commission gives the complainant a conversion practice referral statement under section 82C (1); and
 - (c) either—
 - (i) the commission refers the complaint to the ACAT under section 53ZA; or
 - (ii) the complainant applies to the ACAT for the complaint to be heard under section 53ZB.
- (2) The complaint may be heard by the ACAT only with the leave of the ACAT.

**12 Discrimination referral statements
Section 88, new note**

insert

Note 2 If the commission closed the complaint because it was satisfied of one of the reasons mentioned in s 78 (2) (c), the complaint may be heard by the ACAT only with the leave of the ACAT (see s 53BAA).

**13 Retirement village referral statements
Section 88A, new note**

insert

Note 2 If the commission closed the complaint because it was satisfied of one of the reasons mentioned in s 78 (2) (c), the complaint may be heard by the ACAT only with the leave of the ACAT (see s 53IAA).

**14 Occupancy dispute referral statements
Section 88B, new note**

insert

Note 2 If the commission closed the complaint because it was satisfied of one of the reasons mentioned in s 78 (2) (c), the complaint may be heard by the ACAT only with the leave of the ACAT (see s 53SAA).

**15 Conversion practice referral statements
Section 88C, new note**

insert

Note 2 If the commission closed the complaint because it was satisfied of one of the reasons mentioned in s 78 (2) (c), the complaint may be heard by the ACAT only with the leave of the ACAT (see s 53ZBAA).

Part 6 Inquiries Act 1991

16 Offences against Act—application of Criminal Code etc Section 4, note 1

omit

an offence against this Act, s 36

substitute

all offences against this Act

17 Reports of boards Section 14 (1), new note

insert

Note Confidentiality requirements apply under section 17 in relation to a report.

18 Section 17

substitute

17 Protection of information

- (1) A person commits an offence if—
 - (a) the person is, or has been, an entrusted person; and
 - (b) the person obtained or generated information in the person's capacity as an entrusted person; and
 - (c) the information is protected information; and
 - (d) the person discloses, uses, or makes a record of, the protected information.

Maximum penalty: 50 penalty units, imprisonment for 1 year or both.

- (2) Strict liability applies to subsection (1) (a).

- (3) To remove any doubt, the fault element for subsection (1) (b) is recklessness.
- (4) Subsection (1) does not apply if the disclosure, use or recording of the protected information is authorised under subsection (5).

Note The defendant has an evidential burden in relation to the matters mentioned in s (4) (see [Criminal Code](#), s 58).

- (5) An entrusted person may disclose, use, or make a record of, protected information—
- (a) in exercising, or assisting another person to exercise, a function under this Act; or
 - (b) if the information has already been made available to the public; or
 - (c) in a circumstance prescribed by regulation.
- (6) In this section:
- entrusted person*** means—
- (a) a member; or
 - (b) a member of the staff of a board; or
 - (c) a lawyer assisting a board.

protected information means information obtained or generated by a person in exercising, or assisting another person to exercise, a function under this Act.

**19 Proposed adverse comments in reports
Section 26A (2) (b) and (c)**

substitute

- (b) state the period within which a submission may be made, or a statement given, in relation to the comment; and
- (c) tell the entity that, if the board's report of the inquiry includes the comment, the report will also include a copy or summary of any submission the entity makes, or any statement the entity gives, within the time allowed under paragraph (b).

20 Section 26A (3)

omit

subsection (2) (c) must end not earlier than 14 days

substitute

subsection (2) (b) must end not earlier than 28 days

21 New section 26A (6)

insert

- (6) Also, if the board does not include in the report of the inquiry a proposed comment in relation to which a notice under subsection (2) was given to an entity, then the report must not include any of the following:
 - (a) if the entity made a submission or gave a statement that relates to the comment—a copy or summary of the submission or statement;
 - (b) any other information that would disclose the fact that a notice was given to the entity under subsection (2) in relation to the comment.

22 **Publication of published proceedings, reports and comments protected**
Section 38 (3)

substitute

- (3) A board of inquiry report is a public document for the *Civil Law (Wrongs) Act 2002*, section 138 (Defence for publication of public documents) if, and only if, the report is made public by the Chief Minister.

23 **New section 38A**

insert

38A **Operation of Territory Records Act 2002**

For the *Territory Records Act 2002*, a board of inquiry is taken to include the following in addition to each member:

- (a) a member of the staff of the board;
- (b) a lawyer assisting the board.

Note A board of inquiry is an agency for the *Territory Records Act 2002*. An agency has obligations under that Act relating to records management and protection of records (see that *Act*, divs 2.3 and 2.4).

Part 7 **Oaths and Affirmations Act 1984**

24 **Part 3 heading**

substitute

Part 3 **Administration of oath or
affirmation**

Part 8 Supreme Court Act 1933

25 Vexatious litigants Section 67A (2)

substitute

- (2) If the court is satisfied that a person has frequently instituted vexatious proceedings, the court may declare the person to be a vexatious litigant.
- (2A) The court may make a declaration—
- (a) on its own initiative; or
 - (b) on the application of—
 - (i) the Attorney-General; or
 - (ii) an aggrieved person.

Part 9 **Unit Titles (Management)
Act 2011**

26 **Installation of sustainability and utility infrastructure on
common property
Section 23 (3), note**

omit

see s 20 (1)

substitute

see s 19 (1)

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 7 May 2026.

2 Notification

Notified under the [Legislation Act](#) on 19 June 2026.

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 2026 (No 2), which originated in the Legislative Assembly as the Justice and Community Safety Legislation Amendment Bill 2026 and was passed by the Assembly on 11 June 2026.

Clerk of the Legislative Assembly

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