



Australian Capital Territory

# Justice and Community Safety Legislation Amendment Act 2026

A2026-4

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Australian Capital Territory

# Justice and Community Safety Legislation Amendment Act 2026

**A2026-4**

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

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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*.

### 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:

- [ACT Civil and Administrative Tribunal Act 2008](#)
- [Crimes Act 1900](#)
- [Crimes \(Sentencing\) Act 2005](#)
- [Criminal Code 2002](#)
- [Discrimination Act 1991](#)
- [Domestic Relationships Act 1994](#)
- [Human Rights Commission Act 2005](#)
- [Legal Profession Act 2006](#)
- [Legislation Act 2001](#)
- [Major Events Act 2014](#)
- [Official Visitor Act 2012](#)
- [Wills Act 1968](#)
- [Working with Vulnerable People \(Background Checking\) Act 2011](#).

## Part 2

# ACT Civil and Administrative Tribunal Act 2008

### 4 Powers in relation to witnesses etc Section 41 (3)

*substitute*

- (3) The tribunal may give a party leave—
- (a) to inspect, or make a copy of, a document produced under a subpoena; or
  - (b) to inspect another thing produced under a subpoena.

## Part 3 Crimes Act 1900

### 5 **Meaning of *aggravated offence*—pt 2** **Section 9A, definition of *aggravated offence*, paragraph (a)**

*omit*

woman

*substitute*

person

### 6 **Section 15 (3), note etc**

*omit*

women

*substitute*

person

*in*

- section 15 (3), note
- section 19 (2), note
- section 20 (2), note
- section 21 (2), note
- section 23 (2), note
- section 24 (2), note
- section 29 (3), note

### 7 **Section 48A heading**

*substitute*

### 48A **Aggravated offences—pt 2 offences against pregnant person**

**8      Section 48A (2) (a) and (3)***omit*

woman

*substitute*

person

**9      Section 48B heading***substitute***48B      Alternative verdicts for aggravated offences—pt 2  
             offences against pregnant person****10      Aggravated offence may allege more than 1 factor of  
             aggravation  
             Section 434C (1), example***omit*

woman

*substitute*

person

**11      Section 434C (2), definition of *relevant factor of  
             aggravation*, paragraph (a)***omit*

women

*substitute*

person

## **12 Dictionary, definition of *actual bodily harm* etc**

*omit*

woman

*substitute*

person

*in*

- dictionary, definitions of  
*actual bodily harm*  
*aggravated offence*  
*grievous bodily harm*

## Part 4 Crimes (Sentencing) Act 2005

### 13 Sentencing—relevant considerations Section 33 (1) (g)

*omit*

a pregnant woman

*substitute*

pregnant

### 14 Section 33 (1) (g) (i)

*substitute*

- (i) whether the offender knew, or ought reasonably to have known, that the victim was pregnant; and

## Part 5 Criminal Code 2002

### **15 Serious vilification New section 750 (1) (c) (va)**

*insert*

(va) sex;

### **16 New section 750 (1) (c) (viii)**

*insert*

(viii) association (whether as a relative or otherwise) with a person who is, or a group of people who are, identified by reference to an attribute mentioned in subparagraphs (i) to (vii); and

### **17 Section 750 (2), definition of *threatening act*, paragraph (a)**

*omit*

subsection (1) (c) (i) to (vii)

*substitute*

subsection (1) (c) (i) to (viii)

## Part 6                      Discrimination Act 1991

### **18            Meaning of *potential pregnancy*** **Section 5A, definition of *potential pregnancy***

*omit*

woman

*substitute*

person

### **19            Unlawful vilification** **New section 67A (1) (ea)**

*insert*

(ea) sex;

### **20            New section 67A (1) (h)**

*insert*

- (h) association (whether as a relative or otherwise) with a person who is, or a group of people who are, identified by reference to an attribute mentioned in paragraphs (a) to (g).

### **21            Dictionary, definitions of *man* and *woman***

*omit*

## Part 7 Domestic Relationships Act 1994

### 22 How civil partnership is entered into Section 37D

*omit*

regardless of their sex,

## Part 8                      Human Rights Commission Act 2005

### **23                      Discrimination commissioner's functions Section 23 (2) (c)**

*omit*

men and women

*substitute*

all people

### **24                      Individual with more than 1 role Section 34 (3), example**

*omit*

### **25                      New section 44A**

*insert*

### **44A                    Amendment of complaint**

A complainant may, with leave of the commission, amend a complaint at any time.

### **26                      Victimisation etc Section 98 (1) (a) (i)**

*after*

made

*insert*

or amended

**27 New section 98 (2) (aa)**

*insert*

(aa) to amend, or not to amend, a complaint made under this Act; or

**28 Protection of others from liability  
Section 100A (1) (a)**

*after*

making

*insert*

or amendment

## Part 9                      Legal Profession Act 2006

### **29                      Summary conclusion of complaint procedure by fine etc Section 413 (3)**

*omit*

\$1 500

*substitute*

\$10 000

### **30                      Fines—Australian legal practitioners Section 427 (1) (a)**

*omit*

\$10 000

*substitute*

\$25 000

### **31                      New chapter 13**

*insert*

## Chapter 13                      Transitional—Justice and Community Safety Legislation Amendment Act 2026

### **626                      Increases in maximum fines**

- (1) An amendment made to this Act by the amending Act applies only in relation to a fine imposed on an Australian legal practitioner for conduct that happens, or is alleged to have happened, on or after the day the amending Act, part 9 commences.

(2) In this section:

***amending Act*** means the *Justice and Community Safety Legislation Amendment Act 2026*.

**627      Expiry—ch 13**

This chapter expires 2 years after the day it commences.

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

## Part 10                      Legislation Act 2001

<b>32</b>	<b>References to <i>domestic partner</i> and <i>domestic partnership</i> Section 169 (1), note</b>
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*omit*

<b>33</b>	<b>Section 169 (2)</b>
-----------	------------------------

*omit*

, whether of a different or the same sex,

## Part 11 Major Events Act 2014

### 34 Scanning, ordinary and frisk searches—requirements Section 19 (2)

*omit*

major

### 35 Offence—ban orders Section 24 (8), definition of *ban order offence*, paragraph (a) (i)

*substitute*

(i) section 13 (Offences—unauthorised entry to event venue);

### 36 Retention and return of certain prohibited items Section 61 (a) (ii)

*omit*

other prohibited item

*substitute*

other prohibited item surrendered or confiscated under section 15 or  
seized under section 50

### 37 Section 61 (c)

*omit*

prohibited item to which paragraph (a) does not apply

*substitute*

returnable item

## Part 12                      Official Visitor Act 2012

### **38                      Appointment Section 10 (3) (a) and (b)**

*substitute*

- (a) is a public servant; or
- (b) has an actual or perceived conflict of interest that would prevent the official visitor from properly carrying out the functions of an official visitor for the place.

### **39                      Section 10 (5), definition of *relevant interest***

*omit*

### **40                      Ending appointment Section 12 (3)**

*omit*

public employee

*substitute*

public servant

### **41                      New section 14B**

*insert*

### **14B                      Conflict of interest**

- (1) An official visitor must take all reasonable steps to avoid being placed in a position where a conflict of interest arises during the exercise of the official visitor's functions.

- (2) An official visitor must give written notice of the following to the official visitors board:
- (a) any paid employment the official visitor proposes to undertake;
  - (b) any activity the official visitor proposes to undertake that may give rise to a conflict of interest during the exercise of the official visitor's functions.

**42      New part 12***insert***Part 12                      Validation****63                      Validation of appointment of official visitor**

- (1) Clare Doube is taken to have been appointed as a corrections official visitor for the period beginning on 1 September 2023 and ending on the commencement of the *Official Visitor (Corrections Management) Appointment 2025 (No 1)* (DI2025-236).
- (2) Without limiting subsection (1), anything done, or purported to have been done, by Clare Doube during that period as a corrections official visitor is taken to be, and always have been, as valid as if the *Official Visitor (Corrections Management) Appointment 2023 (No 1)* (DI2023-222) had validly appointed Clare Doube as a corrections official visitor.
- (3) In this section:

*corrections official visitor* means an official visitor for a visitable place under the *Corrections Management Act 2007*.

**64      Expiry—pt 12**

This part expires on the day it commences.

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

## Part 13                      Wills Act 1968

### 43                      New section 33

*in part 4, insert*

#### 33                      Wills in possession of legal aid commission

- (1) This section applies to a will in the possession of the legal aid commission that was made with legal assistance provided by the legal aid commission.
- (2) The legal aid commission may—
  - (a) deposit the will with the public trustee and guardian; and
  - (b) give the public trustee and guardian identifying information about the will.
- (3) The legal aid commission must keep records of any will deposited with the public trustee and guardian, including the date it was deposited.
- (4) In this section:  
*identifying information*, about a will—see section 32 (4).

## Part 14 Working with Vulnerable People (Background Checking) Act 2011

### 44 Particular entities may give information to commissioner New section 63B (1A)

*insert*

- (1A) The National Authority may disclose to the commissioner a prohibition notice given under the Education and Care Services National Law.

*Note* See also the *Education and Care Services National Law (ACT)*, s 271 (6) (Disclosure of information to other authorities).

### 45 Section 63B (3), new definitions

*insert*

***Education and Care Services National Law*** means the Education and Care Services National Law set out in the *Education and Care Services National Law Act 2010* (Vic), schedule, as applying in any participating jurisdiction.

***National Authority***—see the *Education and Care Services National Law (ACT)*, section 5 (1).

*Note* The *Education and Care Services National Law (ACT) Act 2011*, s 6 applies the Education and Care Services National Law set out in the *Education and Care Services National Law Act 2010* (Vic), schedule as if it were an ACT law called the *Education and Care Services National Law (ACT)*.

**46      Schedule 3, part 3.2, item 3, column 3 etc***omit*

woman

*substitute*

person

*in*

- schedule 3, part 3.2, item 3, column 3
- schedule 3, part 3.2, item 6, column 3
- schedule 3, part 3.2, item 9, column 3
- schedule 3, part 3.2, item 12, column 3
- schedule 3, part 3.2, item 16, column 3
- schedule 3, part 3.2, item 19, column 3
- schedule 3, part 3.3, item 2, column 3
- schedule 3, part 3.3, item 7, column 3
- schedule 3, part 3.3, item 12, column 3
- schedule 3, part 3.3, item 15, column 3
- schedule 3, part 3.3, item 18, column 3
- schedule 3, part 3.3, item 21, column 3
- schedule 3, part 3.3, item 23, column 3

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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 2 December 2025.

**2 Notification**

Notified under the [Legislation Act](#) on 16 February 2026.

**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 2026, which originated in the Legislative Assembly as the Justice and Community Safety Legislation Amendment Bill 2025 (No 3) and was passed by the Assembly on 5 February 2026.

Clerk of the Legislative Assembly

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