



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

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*.

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

32 References to *domestic partner* and *domestic partnership*
Section 169 (1), note

omit

33 Section 169 (2)

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:

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

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.

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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