

2010

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Justice and Community Safety Legislation Amendment Bill 2010 (No 4)

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Justice and Community Safety Legislation Amendment Bill 2010 (No 4)

A Bill for

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 2010 (No 4)*.

2 Commencement

- (1) This Act (other than schedule 1, part 1.9 and part 1.10) 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)).

- (2) Schedule 1, part 1.9 and part 1.10 commence on a day fixed by the Minister by written notice.

Note 1 A single day or time may be fixed, or different days or times may be fixed, for the commencement of different provisions (see Legislation Act, s 77 (1)).

Note 2 If a provision has not commenced within 6 months beginning on the notification day, it automatically commences on the first day after that period (see Legislation Act, s 79).

3 Legislation amended—sch 1

This Act amends the legislation mentioned in schedule 1.

Schedule 1 Legislation amended

(see s 3)

Part 1.1 Crimes Act 1900

[1.1] Section 170

substitute

170 Meaning of *anabolic steroid*

In this part:

anabolic steroid includes—

- (a) a substance mentioned in schedule 1 and any—
 - (i) salt, active principle or derivative of the substance; or
 - (ii) stereoisomer of the substance; or
 - (iii) preparation or admixture containing any proportion of the substance; and
- (b) a salt of an active principle or derivative of a substance mentioned in schedule 1; and
- (c) a salt of a stereoisomer of a substance mentioned in schedule 1.

[1.2] New schedule 1

insert

Schedule 1 Anabolic steroids

(see s 170)

column 1 item	column 2 substance
1	Androisoxazole
2	Androsterone
3	Atamestane
4	Bolandiol
5	Bolasterone
6	Bolazine
7	Boldenone
8	Bolenol
9	Bolmantalate
10	Calusterone
11	Chlorandrostenolone
12	4-Chloromethandienone
13	Chloroxydienone
14	Chloroxymesterone (dehydrochloromethyltestosterone)
15	Clostebol
16	Danazol
17	Dihydrolone

column 1 item	column 2 substance
18	Dimethandrostanolone
19	Dimethazine
20	Drostanolone
21	Enestebol
22	Epitiostanol
23	Ethisterone
24	Ethyldienolone
25	Ethylloestrenol
26	Fluoxymesterone
27	Formebolone
28	Furazabol
29	Gestrinone
30	Hydroxystenozol
31	Mebolazine
32	Mepitiostane
33	Mesabolone
34	Mestanolone (androstanolone)
35	Mesterolone
36	Methandienone
37	Methandriol
38	Methandrostenolone
39	Methenolone
40	Methylclostebol

column 1 item	column 2 substance
41	Methyltestosterone
42	Methyltrienolone
43	Metribolone
44	Mibolerone
45	Nandrolone
46	Norandrosthenolone
47	Norbolethone
48	Norclostebol
49	Norethandrolone
50	Normethandrone
51	Ovandrotone
52	Oxabolone
53	Oxandrolone
54	Oxymesterone
55	Oxymetholone
56	Prasterone
57	Propetandrol
58	Quinbolone
59	Roxibolone
60	Silandrone
61	Stanolone
62	Stanozolol
63	Stenbolone

column 1 item	column 2 substance
64	Testolactone
65	Testosterone
66	Thiomesterone
67	Trenbolone
68	Trestolone
69	Anabolic and androgenic steroidal agents not mentioned elsewhere in this schedule

1 **Part 1.2** **Guardianship and Management**
2 **of Property Act 1991**

3 **[1.3] Section 74 (1)**
4 *omit*
5 this Act
6 *substitute*
7 section 72

1 **Part 1.3** **Human Rights Commission Act**
2 **2005**

3 **[1.4] New section 44 (3)**

4 *after the note, insert*

- 5 (3) Despite subsection (1) (a), a complaint may be made orally if the
6 commission is satisfied on reasonable grounds that exceptional
7 circumstances justify action without a written complaint.

8 **Example—exceptional circumstances**

9 Waiting until the complaint is put in writing would make action in response to the
10 complaint impossible or impractical.

11 **[1.5] Section 53A (1) (a) (i)**

12 *omit*

13 or section 64

14 **[1.6] Section 53B (1) (a)**

15 *omit*

16 , section 64

17 **[1.7] Section 64**

18 *omit*

19 **[1.8] New section 78 (1) (ea)**

20 *insert*

- 21 (ea) the commission considers that conciliation is unlikely to
22 succeed; or

1 **[1.9] New section 79 (3)**

2 *insert*

3 (3) The commission may, but need not, reopen a complaint if the
4 commission considers that it would be reasonable to do so—

5 (a) because of new information received about the complaint; or

6 (b) because of exceptional circumstances.

7 **Example—exceptional circumstances**

8 It appears to the commission that the original investigation was defective in some
9 way.

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

13 **Part 1.4 Land Titles Act 1925**

14 **[1.10] New section 50 (3A)**

15 *insert*

16 (3A) However, if a memorial is in relation to the surrender of a lease by
17 an owners corporation under the *Unit Titles Act 2001*, section 49A,
18 the registrar-general may dispense with the production of the
19 duplicate certificate of title if the owners corporation makes a
20 statutory declaration that—

21 (a) the certificate of title cannot be produced and why it cannot be
22 produced; and

23 (b) the requirements for the surrender of the lease under the
24 following have been met:

25 (i) the *Unit Titles Act 2001*, section 49A;

26 (ii) section 86.

1 **[1.11] New section 86 (3A)**

2 *insert*

3 (3A) If an owners corporation surrenders the lease on behalf of a lessee
4 under the *Unit Titles Act 2001*, section 49A, the endorsement or
5 memorandum of surrender must be—

6 (a) signed by the owners corporation; and

7 (b) accompanied by evidence of the resolution under the *Unit*
8 *Titles Act 2001*, section 109 authorising the surrender.

9 **Part 1.5 Legal Profession Act 2006**

10 **[1.12] Section 47 (3)**

11 *substitute*

12 (3) However, the licensing body—

13 (a) must not impose a condition on a barrister practising certificate
14 unless the bar council has agreed to or recommended the
15 condition; and

16 (b) must impose a condition on a barrister practising certificate if
17 the bar council has agreed to or recommended the condition.

18 **Part 1.6 Medicines, Poisons and**
19 **Therapeutic Goods Regulation**
20 **2008**

21 **[1.13] Chapter 31**

22 *omit*

23 **[1.14] Schedule 10**

24 *omit*

**Part 1.7 Personal Property Securities Act
2010**

[1.15] Schedule 3, new part 3.1A

before part 3.1, insert

Part 3.1A Cooperatives Act 2002

[3.1A] Section 270

omit

[3.1B] Schedule 3

omit

Part 1.8 Public Trustee Act 1985

[1.16] New section 23A

insert

23A Public trustee register

- (1) The public trustee may keep a register of legal records.
- (2) The public trustee may include other records or information on the register that the public trustee considers appropriate.
- (3) The register may be kept in any form, including electronically, that the public trustee considers appropriate.
- (4) The register may be kept in 1 or more parts, as the public trustee considers appropriate.
- (5) The public trustee may remove a legal record from the register if satisfied that the legal record no longer has any effect.

(6) In this section:

enduring power of attorney—see the *Powers of Attorney Act 2006*, section 8.

legal record means—

(a) a will that is—

(i) drawn by the public trustee; or

(ii) deposited with the public trustee; or

(b) an enduring power of attorney that—

(i) appoints the public trustee as attorney; or

(ii) is deposited with the public trustee.

Note The *Evidence Act 1995* (Cwlth), s 155 (Evidence of official records) applies to legal records kept on the register.

Part 1.9 Security Industry Act 2003

[1.17] Section 7 (1) (a) to (d)

substitute

(a) patrols, guards, watches or protects property (including cash in transit);

(b) guards with a firearm for cash in transit;

(c) guards with a firearm for protecting property;

(d) acts as a monitoring centre operator;

(da) guards with a dog;

(db) acts as a bodyguard;

(dc) acts as a security consultant;

(dd) acts as a crowd controller;

- 1 (de) sells security equipment;
2 (df) carries out surveys and inspections of security equipment;
3 (dg) gives advice about security equipment;
4 (dh) installs, maintains, monitors, repairs or services security
5 equipment;

6 **[1.18] Section 11 (1) and (2)**

7 *substitute*

- 8 (1) Under this Act, licences are divided into 5 classes: master licences,
9 employee licences, trainer licences, temporary licences and
10 temporary visitor licences.
11 (2) Employee licences and temporary visitor licences are further
12 divided into subclasses.

13 **[1.19] Section 12 (2)**

14 *omit*

15 or temporary licence

16 *substitute*

17 , a temporary licence or an employee temporary visitor licence

18 **[1.20] New section 13 (1) (aa) to (ad)**

19 *insert*

- 20 (aa) guard with a firearm for cash in transit;
21 (ab) guard with a firearm for protecting property;
22 (ac) act as a monitoring centre operator;
23 (ad) guard with a dog;

[1.21] Section 13 (1), new notes

insert

Note 1 A licence to guard with a firearm does not authorise the licensee to use a firearm (see s 16).

Note 2 A person must hold an appropriate ACT firearms licence to be eligible to be granted a licence to guard with a firearm (see s 24).

[1.22] New section 15A

insert

15A Temporary visitor licence

(1) A *temporary visitor licence* is a licence that authorises the licensee—

(a) to employ or provide people to carry on 1 or more of the security activities mentioned in subsection (3) for a special event (a *master temporary visitor licence*); or

(b) to carry on 1 or more of the security activities mentioned in subsection (3) for a special event (an *employee temporary visitor licence*).

Examples—special event

a sporting event, an entertainment event

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).

(2) However, a master temporary visitor licensee may only employ or provide a person to carry on a security activity for a special event if the person holds an employee licence, a trainer licence, a temporary licence or an employee temporary visitor licence.

(3) The following are security activities for a temporary visitor licence:

(a) patrol, guard, watch or protect property (including cash in transit);

- 1 (b) guard with a firearm for cash in transit;
2 (c) guard with a firearm for protecting property;
3 (d) act as a monitoring centre operator;
4 (e) guard with a dog;
5 (f) act as a bodyguard;
6 (g) act as a security consultant;
7 (h) act as a crowd controller;
8 (i) sell security equipment;
9 (j) carry out surveys and inspections of security equipment;
10 (k) give advice about security equipment;
11 (l) install, maintain, monitor, repair or service security equipment.

12 *Note 1* A licence to guard with a firearm does not authorise the licensee to use
13 a firearm (see s 16).

14 *Note 2* A person must hold an appropriate ACT firearms licence to be eligible
15 to be granted a licence to guard with a firearm (see s 24).

16 **[1.23] Section 17 (3)**

17 *omit everything before (a), substitute*

- 18 (3) The application, unless it is for a temporary visitor licence, must be
19 accompanied by—

20 **[1.24] Section 17 (4)**

21 *omit*

22 or trainer licence

23 *substitute*

24 , trainer licence or temporary visitor licence

- 1 **[1.25] Section 17 (4) (b)**
- 2 *after*
- 3 master licence
- 4 *insert*
- 5 or master temporary visitor licence
- 6 **[1.26] New section 17 (5)**
- 7 *insert*
- 8 (5) An application for a temporary visitor licence must be made no later
- 9 than 5 working days before the commencement of the special event
- 10 to which it relates.
- 11 **[1.27] Section 21 (1) (a) (i), note**
- 12 *omit*
- 13 and trainer
- 14 *substitute*
- 15 , trainer and employee temporary visitor
- 16 **[1.28] Section 21 (1) (a) (ii)**
- 17 *before*
- 18 the applicant
- 19 *insert*
- 20 for a licence other than a temporary visitor licence—

1 **[1.29] Section 21 (1) (a) (iia)**

2 *after*

3 (a),

4 *insert*

5 (aa), (ab), (ac), (ad)

6 **[1.30] New section 21 (1) (a) (v) and (vi)**

7 *insert*

8 (v) for a master temporary visitor licence—the applicant
9 holds a full licence (however described) under the law of
10 a State to employ or provide a person to carry on the
11 activity authorised under the licence; and

12 (vi) for an employee temporary visitor licence—the applicant
13 holds a full licence (however described) under the law of
14 a State to do the activity authorised under the licence; and

15 **[1.31] Section 21 (3), definition of *applicant*, paragraph (a)**

16 *after*

17 master licence

18 *insert*

19 or master temporary visitor licence

1 **[1.32] Section 24**

2 *substitute*

3 **24 Eligibility for employee, trainer and employee temporary**
4 **visitor licences**

5 (1) A person is eligible to hold an employee, trainer or employee
6 temporary visitor licence only if the person is an individual who—

7 (a) is employed by someone who holds a master licence or master
8 temporary visitor licence; or

9 (b) is self-employed and holds a master licence or master
10 temporary visitor licence.

11 (2) A person is eligible to hold an employee or employee temporary
12 visitor licence to guard with a firearm only if the person satisfies the
13 commissioner that he or she holds an appropriate ACT firearms
14 licence.

15 **[1.33] Section 25 (3) (b)**

16 *after*

17 employee licence

18 *insert*

19 or an employee temporary visitor licence

20 **[1.34] New section 29 (2)**

21 *insert*

22 (2) A temporary visitor licence is issued for the period (stated in the
23 licence) of the special event to which it relates.

- 1 **[1.35] Section 42 (1) (a)**
- 2 *after*
- 3 employee licence
- 4 *insert*
- 5 or an employee temporary visitor licence
- 6 **[1.36] New section 42 (1) (b) (ia) to (ic)**
- 7 *insert*
- 8 (ia) guard with a firearm for cash in transit;
- 9 (ib) guard with a firearm for protecting property;
- 10 (ic) guard with a dog;
- 11 **[1.37] Section 42 (2) (a)**
- 12 *after*
- 13 employee licence
- 14 *insert*
- 15 or an employee temporary visitor licence
- 16 **[1.38] New section 42 (2) (b) (ia)**
- 17 *before section 42 (2) (b) (i), insert*
- 18 (ia) act as a monitoring centre operator;
- 19 **[1.39] Section 45 (1)**
- 20 *after*
- 21 master licence
- 22 *insert*
- 23 or master temporary visitor licence

- 1 **[1.40] Section 46 (1)**
2 *after*
3 master licensees
4 *insert*
5 or master temporary visitor licensees

- 6 **[1.41] Section 52 (2) (g)**
7 *after*
8 master licences
9 *insert*
10 or master temporary visitor licences

- 11 **[1.42] New part 7**
12 *insert*

13 **Part 7** **Transitional—Justice and**
14 **Community Safety Legislation**
15 **Amendment Act 2010 (No 4)**

16 **70** **Transitional—training**

- 17 (1) This section applies to a person who—
18 (a) immediately before the commencement of this section, held an
19 employee licence; and
20 (b) did one or more of the following activities under the licence:
21 (i) guard with a firearm for cash in transit;
22 (ii) guard with a firearm for protecting property;
23 (iii) act as a monitoring centre operator;

- 1 (iv) guard with a dog; and
- 2 (c) within 2 years after the commencement of this section, applies
- 3 to the commissioner to vary the licence to have the subclass to
- 4 which the activity relates endorsed on the licence.
- 5 (2) For the application, the licensee may be taken to have experience
- 6 that is equivalent to satisfactory completion of a training course
- 7 prescribed by regulation for the subclass.

8 **71 Expiry—pt 7**

9 This part expires 3 years after the day it commences.

10 **[1.43] Dictionary, note 2**

11 *insert*

- 12 • working day

13 **[1.44] Dictionary, new definitions**

14 *insert*

15 *employee temporary visitor licence*—see section 15A.

16 *master temporary visitor licence*—see section 15A.

17 *temporary visitor licence*—see section 15A.

**Part 1.10 Security Industry Regulation
2003**

[1.45] Table 8, new items 1A to 1D

insert

1A	guard with a firearm for cash in transit (the Act, s 13 (1) (aa))	Certificate III in Security Operations with electives about— <ul style="list-style-type: none">• controlling security risk situations using firearms; and• controlling people using empty hand techniques; and• implementing cash in transit security procedures; and• undertaking cash in transit loading and unloading in an unsecured environment; and• testing and inspecting cash in transit security equipment Certificate in first aid (current)
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1B	guard with a firearm for protecting property (the Act, s 13 (1) (ab))	<p>Certificate III in Security Operations with electives about—</p> <ul style="list-style-type: none">• security risk situations using firearms; and• preparing and presenting evidence in court; and• controlling people using empty hand techniques; and• planning and conducting evacuations from premises; <p>Certificate in first aid (current)</p>
1C	act as a monitoring centre operator (the Act, s 13 (1) (ac))	<p>Statement of Attainment in Security Operations with electives about—</p> <ul style="list-style-type: none">• communicating effectively in the security industry; and• following workplace safety procedures in the security industry; and• working as part of a security team; and• providing security services to clients; and• monitoring electronic reporting facilities

1D	guard with a dog (the Act, s 13 (1) (ad))	Certificate II in Security Operations with electives about— <ul style="list-style-type: none">• control and accesses to and exit from premises; and• operating basic security equipment; and• patrolling premises; and• managing dogs for security functions; and• handling dogs for security patrol
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Part 1.11 Unclaimed Money Act 1950

[1.46] Section 2, note 1

substitute

Note 1 The dictionary at the end of this Act defines certain terms used in this Act, and includes references (*signpost definitions*) to other terms defined elsewhere in this Act.

For example, the signpost definition '*unclaimed amount*, for part 3 (Unclaimed amounts payable by companies)—see section 6 (2).' means that the term 'unclaimed amount' is defined in that section for part 3.

[1.47] Part 4

omit

1 **[1.48] New part 6**

2 *insert*

3 **Part 6 Transitional—Justice and**
4 **Community Safety Legislation**
5 **Amendment Act 2010 (No 4)**

6 **36 Transitional—payment of money to the Commissioner of**
7 **Taxation**

8 (1) This section applies to money which immediately before the
9 commencement of this section—

10 (a) had been received by the Minister under part 4; and

11 (b) had not been paid by the Minister under part 4.

12 (2) The Minister must pay the money to the Commissioner of Taxation
13 in accordance with the *Superannuation (Unclaimed Money and Lost*
14 *Members) Act 1999* (Cwlth).

15 **37 Expiry—pt 6**

16 This part expires 3 months after the day it commences.

17 **[1.49] Dictionary, definition of *approved deposit fund***

18 *omit*

19 **[1.50] Dictionary, definition of *Commonwealth Act***

20 *substitute*

21 *Commonwealth Act*, for part 5 (Unclaimed RSA money)—see
22 section 26.

- 1 **[1.51] Dictionary, definitions of *eligibility age, fund* and**
2 ***regulated superannuation fund***
3 *omit*
- 4 **[1.52] Dictionary, definition of *unclaimed amount***
5 *substitute*
6 *unclaimed amount*, for part 3 (Unclaimed amounts payable by
7 companies)—see section 6 (2).

8 **Part 1.12 Unit Titles Act 2001**

- 9 **[1.53] New section 49A**
10 *insert*

11 **49A Surrender of leases in units**

- 12 (1) This section applies if—
13 (a) the owners corporation of a units plan applies, or intends to
14 apply, under the *Planning and Development Act 2007*,
15 section 254, for the grant of a further lease of the units and
16 common property in the units plan; and
17 (b) an owner of a unit in the units plan has not surrendered the
18 lease of the owner's unit.
- 19 (2) The owners corporation may surrender the lease of the owner's unit
20 on behalf of the owner if—
21 (a) the owners corporation gives the owner 3 months written
22 notice of the surrender; and
23 *Note* For how documents may be served, see the Legislation Act,
24 pt 19.5.
25 (b) the owner does not give the owners corporation a written
26 objection to the surrender; and

- 1 (c) after the end of the 3-month notice period, the surrender is
2 authorised by an unopposed resolution.
- 3 (3) The owners corporation may also do anything on behalf of the
4 owner that is necessary to make the surrender effective.
- 5 **Example**
6 The owners corporation may deal with a mortgagee in relation to the unit to
7 obtain the mortgagee's consent to the surrender.
- 8 *Note* An example is part of the Act, is not exhaustive and may extend, but
9 does not limit, the meaning of the provision in which it appears (see
10 Legislation Act, s 126 and s 132).
-

Endnotes

1 **Presentation speech**

Presentation speech made in the Legislative Assembly on 2010.

2 **Notification**

Notified under the Legislation Act on 2010.

3 **Republications of amended laws**

For the latest republication of amended laws, see www.legislation.act.gov.au.
