

2013

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Justice and Community Safety Legislation Amendment Bill 2013 (No 4)

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(Attorney-General)

Justice and Community Safety Legislation Amendment Bill 2013 (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 **1 Name of Act**

2 This Act is the *Justice and Community Safety Legislation*
3 *Amendment Act 2013 (No 4)*.

4 **2 Commencement**

5 This Act commences on the day after its notification day.

6 *Note* The naming and commencement provisions automatically commence on
7 the notification day (see [Legislation Act](#), s 75 (1)).

8 **3 Legislation amended—sch 1**

9 This Act amends the legislation mentioned in schedule 1.

1 **Schedule 1** **Legislation amended**

2 (see s 3)

3 **Part 1.1** **Coroners Act 1997**

4 **[1.1] New section 11A**

5 *in division 2.2, insert*

6 **11A Coroner for matter not available**

- 7 (1) This section applies if a person who is a coroner constituting a court
8 in a particular matter ceases to hold office as a coroner, or ceases to
9 be available, before the coroner finishes dealing with the matter.
- 10 (2) The Chief Coroner must arrange for another coroner to constitute
11 the court in the matter.
- 12 (3) The other coroner may deal with the matter as the other coroner
13 considers appropriate.

14 **Example**

15 deal with the matter afresh

16 *Note* An example is part of the Act, is not exhaustive and may extend, but
17 does not limit, the meaning of the provision in which it appears (see
18 [Legislation Act](#), s 126 and s 132).

- 19 (4) In this section:

20 *ceases to be available*—a person *ceases to be available* for a matter
21 if the person is unable to act as a coroner in relation to the matter
22 because of illness, absence or an inability or unwillingness to deal
23 with the matter.

24 *matter* includes a class of matters.

1 **[1.2] New section 57 (3A)**

2 *insert*

3 (3A) If the coroner reports to the Attorney-General under this section, the
4 coroner must give a copy of the report to the responsible Minister.

5 **[1.3] Section 57 (4) (a)**

6 *after 2nd mention of*

7 report

8 *insert*

9 (the **6-month period**)

10 **[1.4] Section 57 (4) (b)**

11 *omit*

12 Executive's

13 *substitute*

14 Attorney-General's and responsible Minister's

15 **[1.5] New section 57 (5) and (6)**

16 *insert*

17 (5) However, if the Attorney-General is of the opinion that it will not be
18 reasonably practicable to comply with subsection (4) on a sitting
19 day during the 6-month period—

20 (a) the Attorney-General must give the report and response, and a
21 copy for each member of the Legislative Assembly, to the
22 Speaker before the end of the 6-month period; and

- 1 (b) the report and response are taken for all purposes to have been
2 presented to the Legislative Assembly on the day the
3 Attorney-General gives them to the Speaker (the *report day*);
4 and
- 5 (c) the Speaker must arrange for a copy of the report and response
6 to be given to each member of the Legislative Assembly on the
7 report day; and
- 8 (d) despite paragraph (b), the Speaker must present the report and
9 response to the Legislative Assembly—
- 10 (i) on the next sitting day after the end of the 6-month
11 period; or
- 12 (ii) if the next sitting day is the first meeting of the
13 Legislative Assembly after a general election of members
14 of the Assembly—on the second sitting day after the
15 election.
- 16 (6) In this section:
- 17 *responsible Minister* means the Minister responsible for the matter
18 that is the subject of the inquest or inquiry to which a report under
19 this section relates.
- 20 *Speaker* includes—
- 21 (a) if the Speaker is unavailable—the Deputy Speaker; and
- 22 (b) if both the Speaker and Deputy Speaker are unavailable—the
23 clerk of the Legislative Assembly.
- 24 *unavailable*—the Speaker or Deputy Speaker is *unavailable* if—
- 25 (a) he or she is absent from duty; or
- 26 (b) there is a vacancy in the office of Speaker or Deputy Speaker.

1 **[1.6] Part 9 heading**

2 *substitute*

3 **Part 9 Witness expenses and other**
4 **amounts**

5 **[1.7] Section 98**

6 *substitute*

7 **98 Witness expenses**

8 A coroner may allow a witness who gives evidence before the
9 coroner, whether or not the witness was subpoenaed to attend,
10 witness expenses assessed in accordance with the *Court Procedures*
11 *Rules 2006*, schedule 4.

12 **[1.8] Dictionary, note 2**

13 *insert*

- 14 • clerk
15 • Deputy Speaker
16 • sitting day
17 • Speaker

1 Part 1.2 Magistrates Court Act 1930

2 [1.9] New section 5A

3 *in part 2.1, insert*

4 5A Magistrate for matter not available

- 5 (1) This section applies if a person who is a magistrate constituting the
6 court in a particular civil matter, ceases to hold office as a
7 magistrate, or ceases to be available, before the magistrate finishes
8 dealing with the matter.
- 9 (2) The Chief Magistrate must arrange for another magistrate to
10 constitute the court in the matter.
- 11 (3) The other magistrate may deal with the matter as the other
12 magistrate considers appropriate.

13 Example

14 deal with the matter afresh

15 *Note* An example is part of the Act, is not exhaustive and may extend, but
16 does not limit, the meaning of the provision in which it appears (see
17 [Legislation Act](#), s 126 and s 132).

- 18 (4) In this section:

19 *ceases to be available*—a person *ceases to be available* for a matter
20 if the person is unable to act as a magistrate in relation to the matter
21 because of illness, absence or an inability or unwillingness to deal
22 with the matter.

23 *matter* includes a class of matters.

1 **[1.10] Section 316 (6)**

2 *substitute*

3 (6) However, the sound recording of any part of the following
4 proceedings must not be erased unless a transcript of the record of
5 that part of the proceeding has been prepared:

6 (a) a proceeding in which a person charged with an indictable
7 offence is committed to trial before the Supreme Court;

8 (b) a proceeding in which evidence is taken under a request
9 mentioned in section 263 (Requests under conventions relating
10 to legal proceedings in civil and commercial matters).

11 **Part 1.3 Residential Tenancies Act 1997**

12 **[1.11] Section 78 (3), note**

13 *omit*

14 \$50 000

15 *substitute*

16 \$250 000

17 **Part 1.4 Road Transport (General)**
18 **Act 1999**

19 **[1.12] Section 44 (3) (b)**

20 *omit*

21 by

22 *substitute*

23 before

1 **[1.13] Section 44A (3) (b)**

2 *omit*

3 by

4 *substitute*

5 before

6 **[1.14] Section 84 (3) (b)**

7 *omit*

8 by

9 *substitute*

10 before

11 **Part 1.5 Victims of Crime Act 1994**

12 **[1.15] Section 24 (2)**

13 *omit*

14 \$10

15 *substitute*

16 \$30

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 8 August 2013.

2 Notification

Notified under the [Legislation Act](#) on 2013.

3 Republications of amended laws

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

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