

2016

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Justice and Community Safety Legislation Amendment Bill 2016 (No 3)

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Justice and Community Safety Legislation Amendment Bill 2016 (No 3)

A Bill for

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:

1 **1 Name of Act**

2 This Act is the *Justice and Community Safety Legislation*
3 *Amendment Act 2016 (No 3)*.

4 **2 Commencement**

5 (1) Schedule 1, part 1.8 ([Residential Tenancies Act 1997](#)),
6 amendment 1.17 commences on the later of—

7 (a) the commencement of the *Residential Tenancies Legislation*
8 *Amendment Act 2016*, section 5; and

9 (b) the commencement of this Act, section 3.

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

12 (2) Schedule 1, part 1.8 ([Residential Tenancies Act 1997](#)),
13 amendment 1.18 commences on the later of—

14 (a) the commencement of the *Residential Tenancies Legislation*
15 *Amendment Act 2016*, section 24; and

16 (b) the commencement of this Act, section 3.

17 (3) The remaining provisions commence on the 7th day after this Act's
18 notification day.

19 **3 Legislation amended**

20 This Act amends the legislation mentioned in schedule 1.

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

2 (see s 3)

3 **Part 1.1** **Civil Unions Act 2012**

4 **[1.1] Section 27**

5 *substitute*

6 **27 Recognition of civil unions under corresponding laws**

- 7 (1) A corresponding law relationship is a civil union for territory law.
- 8 (2) A relationship is a *corresponding law relationship* if it—
- 9 (a) complies with subsection (3); or
- 10 (b) is a relationship under a law of a State, external territory or
- 11 foreign country prescribed by regulation.
- 12 (3) A relationship complies with this subsection if—
- 13 (a) either—
- 14 (i) the people in the relationship may not marry each other
- 15 under the *Marriage Act 1961* (Cwlth); or
- 16 (ii) the relationship is not recognised as a valid marriage
- 17 under that Act; and
- 18 (b) it is registered or formally recognised under a law of a State,
- 19 external territory or foreign country that provides for the
- 20 registration or formal recognition of a relationship that meets
- 21 the following requirements:
- 22 (i) it must be between 2 adults;
- 23 (ii) it must be entered into consensually;

1 **Part 1.3** **Guardianship and Management**
2 **of Property Act 1991**

3 **[1.4] Section 8B (1) (d)**

4 *after*
5 *revokes*
6 *insert*
7 *or suspends*

8 **[1.5] Section 8B (1), note**

9 *substitute*
10 *Note* The ACAT may revoke the enduring power of attorney, or part of it,
11 under s 62 (2) (c), or suspend the enduring power of attorney, or part of
12 it, under s 62 (2) (ca).

13 **[1.6] Section 8B (2)**

14 *after*
15 *revoked*
16 *insert*
17 *or suspended*

18 **[1.7] New section 62 (2) (ca)**

19 *insert*
20 (ca) suspend the enduring power of attorney, or part of it; or

1 **[1.8] New section 62 (5)**

2 *insert*

3 (5) If the ACAT suspends an enduring power of attorney, the ACAT
4 may appoint a guardian or manager for the person who was the
5 principal for the power for the period of the suspension.

6 **Part 1.4 Human Rights Act 2004**

7 **[1.9] Section 41**

8 *omit*

9 Attorney-General

10 *substitute*

11 Minister

12 **[1.10] Section 41 (3) (c)**

13 *omit*

14 Attorney-General's

15 *substitute*

16 Minister's

17 **[1.11] Dictionary, note 2**

18 *insert*

- 19 • Minister (see s 162)

1 **Part 1.5** **Human Rights Commission**
2 **Act 2005**

3 **[1.12] Section 27 (2) (b)**

4 *omit*

5 Attorney-General

6 *substitute*

7 Minister

8 **Part 1.6** **Information Privacy Act 2014**

9 **[1.13] Section 21 (1)**

10 *substitute*

11 (1) A public sector agency may enter into a government contract only if
12 the contract contains appropriate contractual measures to ensure that
13 the contracted service provider, and any subcontractor for the
14 contract, does not do an act or engage in a practice (a ***contravening***
15 ***act***), that breaches either of the following:

16 (a) a TPP, or a TPP code that binds the agency;

17 (b) a corresponding privacy law applicable to the contracted
18 service provider or any subcontractor.

19 **[1.14] Section 21 (4)**

20 *insert*

21 ***corresponding privacy law*** means—

22 (a) the *Privacy Act 1988* (Cwlth); or

23 (b) a law of a State, external territory or foreign country prescribed
24 by regulation.

1 **Part 1.9** **Terrorism (Extraordinary**
2 **Temporary Powers) Act 2006**

3 **[1.19] Section 98 (2) (d)**

4 *omit*

5 the human rights commissioner has reported to the
6 Attorney-General the results of a review under the *Human Rights*
7 *Act 2004*, section 41 (a)

8 *substitute*

9 the human rights commission has reported to the Minister the results
10 of a review under the *Human Rights Act 2004*, section 41 (1) (a)

11 **[1.20] Dictionary, note 2**

12 *insert*

- 13
 - human rights commission

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 15 December 2016.

2 Notification

Notified under the [Legislation Act](#) on 2016.

3 Republications of amended laws

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

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