

2025

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Justice and Community Safety Legislation Amendment Bill 2025 (No 3)

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2025

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Justice and Community Safety Legislation Amendment Bill 2025 (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 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Justice and Community Safety Legislation Amendment*
4 *Act 2025 (No 3)*.

5 **2 Commencement**

6 This Act commences on the 7th day after its notification day.

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

9 **3 Legislation amended**

10 This Act amends the following legislation:

- 11 • [ACT Civil and Administrative Tribunal Act 2008](#)
- 12 • [Crimes Act 1900](#)
- 13 • [Crimes \(Sentencing\) Act 2005](#)
- 14 • [Criminal Code 2002](#)
- 15 • [Discrimination Act 1991](#)
- 16 • [Domestic Relationships Act 1994](#)
- 17 • [Human Rights Commission Act 2005](#)
- 18 • [Legal Profession Act 2006](#)
- 19 • [Legislation Act 2001](#)
- 20 • [Major Events Act 2014](#)
- 21 • [Official Visitor Act 2012](#)
- 22 • [Wills Act 1968](#)
- 23 • [Working with Vulnerable People \(Background Checking\)](#)
24 [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.

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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**

1	8	Section 48A (2) (a) and (3)
2		<i>omit</i>
3		woman
4		<i>substitute</i>
5		person
6	9	Section 48B heading
7		<i>substitute</i>
8	48B	Alternative verdicts for aggravated offences—pt 2
9		offences against pregnant person
10	10	Aggravated offence may allege more than 1 factor of
11		aggravation
12		Section 434C (1), example
13		<i>omit</i>
14		woman
15		<i>substitute</i>
16		person
17	11	Section 434C (2), definition of <i>relevant factor of</i>
18		<i>aggravation</i>, paragraph (a)
19		<i>omit</i>
20		women
21		<i>substitute</i>
22		person

- 1 **12 Dictionary, definition of *actual bodily harm* etc**
- 2 *omit*
- 3 woman
- 4 *substitute*
- 5 person
- 6 *in*
- 7 • dictionary, definitions of
- 8 *actual bodily harm*
- 9 *aggravated offence*
- 10 *grievous bodily harm*

1 **Part 4** **Crimes (Sentencing) Act 2005**

2 **13** **Sentencing—relevant considerations**
3 **Section 33 (1) (g)**

4 *omit*

5 a pregnant woman

6 *substitute*

7 pregnant

8 **14** **Section 33 (1) (g) (i)**

9 *substitute*

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

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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

1 **Part 7 Domestic Relationships Act 1994**

2 **22 How civil partnership is entered into**
3 **Section 37D**

4 *omit*
5 regardless of their sex,

1 **Part 8** **Human Rights Commission**
2 **Act 2005**

3 **23** **Discrimination commissioner's functions**
4 **Section 23 (2) (c)**

5 *omit*

6 men and women

7 *substitute*

8 all people

9 **24** **Individual with more than 1 role**
10 **Section 34 (3), example**

11 *omit*

12 **25** **New section 44A**

13 *insert*

14 **44A** **Amendment of complaint**

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

17 **26** **Victimisation etc**
18 **Section 98 (1) (a) (i)**

19 *after*

20 made

21 *insert*

22 or amended

- 1 **27 New section 98 (2) (aa)**
- 2 *insert*
- 3 (aa) to amend, or not to amend, a complaint made under this Act; or
- 4 **28 Protection of others from liability**
- 5 **Section 100A (1) (a)**
- 6 *after*
- 7 making
- 8 *insert*
- 9 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 2025 (No 3)

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.

1 (2) In this section:

2 ***amending Act*** means the *Justice and Community Safety Legislation*
3 *Amendment Act 2025 (No 3)*.

4 **627 Expiry—ch 13**

5 This chapter expires 2 years after the day it commences.

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

1	Part 10	Legislation Act 2001
2	32	References to <i>domestic partner</i> and <i>domestic partnership</i>
3		Section 169 (1), note
4		<i>omit</i>
5	33	Section 169 (2)
6		<i>omit</i>
7		, whether of a different or the same sex,

1	Part 11	Major Events Act 2014
2	34	Scanning, ordinary and frisk searches—requirements
3		Section 19 (2)
4		<i>omit</i>
5		major
6	35	Offence—ban orders
7		Section 24 (8), definition of <i>ban order offence</i>,
8		paragraph (a) (i)
9		<i>substitute</i>
10		(i) section 13 (Offences—unauthorised entry to event venue);
11	36	Retention and return of certain prohibited items
12		Section 61 (a) (ii)
13		<i>omit</i>
14		other prohibited item
15		<i>substitute</i>
16		other prohibited item surrendered or confiscated under section 15 or
17		seized under section 50
18	37	Section 61 (c)
19		<i>omit</i>
20		prohibited item to which paragraph (a) does not apply
21		<i>substitute</i>
22		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.

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

7 **42 New part 12**

8 *insert*

9 **Part 12 Validation**

10 **63 Validation of appointment of official visitor**

- 11 (1) Clare Doube is taken to have been appointed as a corrections official
12 visitor for the period beginning on 1 September 2023 and ending on
13 the commencement of the *Official Visitor (Corrections Management)*
14 *Appointment 2025 (No 1)* (DI2025-236).
- 15 (2) Without limiting subsection (1), anything done, or purported to have
16 been done, by Clare Doube during that period as a corrections official
17 visitor is taken to be, and always have been, as valid as if the *Official*
18 *Visitor (Corrections Management) Appointment 2023 (No 1)*
19 (DI2023-222) had validly appointed Clare Doube as a corrections
20 official visitor.
- 21 (3) In this section:
- 22 *corrections official visitor* means an official visitor for a visitable
23 place under the *Corrections Management Act 2007*.

1 **64 Expiry—pt 12**

2 This part expires on the day it commences.

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

1 **Part 13** **Wills Act 1968**

2 **43** **New section 33**

3 *in part 4, insert*

4 **33** **Wills in possession of legal aid commission**

5 (1) This section applies to a will in the possession of the legal aid
6 commission that was made with legal assistance provided by the legal
7 aid commission.

8 (2) The legal aid commission may—

9 (a) deposit the will with the public trustee and guardian; and

10 (b) give the public trustee and guardian identifying information
11 about the will.

12 (3) The legal aid commission must keep records of any will deposited
13 with the public trustee and guardian, including the date it was
14 deposited.

15 (4) In this section:

16 *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)*.

1	46	Schedule 3, part 3.2, item 3, column 3 etc
2		<i>omit</i>
3		woman
4		<i>substitute</i>
5		person
6		<i>in</i>
7		• schedule 3, part 3.2, item 3, column 3
8		• schedule 3, part 3.2, item 6, column 3
9		• schedule 3, part 3.2, item 9, column 3
10		• schedule 3, part 3.2, item 12, column 3
11		• schedule 3, part 3.2, item 16, column 3
12		• schedule 3, part 3.2, item 19, column 3
13		• schedule 3, part 3.3, item 2, column 3
14		• schedule 3, part 3.3, item 7, column 3
15		• schedule 3, part 3.3, item 12, column 3
16		• schedule 3, part 3.3, item 15, column 3
17		• schedule 3, part 3.3, item 18, column 3
18		• schedule 3, part 3.3, item 21, column 3
19		• 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 2025.

3 Republications of amended laws

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

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